

Third Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. James Teitsma
Constituency of Radisson

Vol. LXXV No. 9 - 6 p.m., Monday, April 19, 2021

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Monday, April 19, 2021

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. James Teitsma (Radisson)

VICE-CHAIRPERSON – Mr. Shannon Martin (McPhillips)

ATTENDANCE – 6 QUORUM – 4

Members of the Committee present:

Hon. Messrs. Johnson, Wharton

Messrs. Bushie, Martin, Teitsma, Wiebe

APPEARING:

Mr. Dougald Lamont, MLA for St. Boniface

Mr. Wab Kinew, MLA for Fort Rouge

PUBLIC PRESENTERS:

Bill 37 – The Planning Amendment and City of Winnipeg Charter Amendment Act

Mr. Ivan Normandeau, Association of Manitoba Bilingual Municipalities

Mr. Kam Blight, Association of Manitoba Municipalities

Mr. Stephen Kupfer, 5008735 Manitoba Ltd.

Mr. Marc Pittet, private citizen

Mr. Duane Nicol, City of Selkirk

Mr. Brian Bowman, City of Winnipeg

Mr. Lanny McInnes, Manitoba Home Builders' Association

Ms. Cheryl Christian, RM of West St. Paul

Mr. Brent Olynyk, private citizen

Ms. Cara Nichols, private citizen

Mr. John Mauseth, RM of Headingley

Mr. Michael Carruthers, private citizen

Mr. Allan Borger, Ladco Company Ltd.

Mr. Brad Erb, RM of Macdonald

Mr. Paul Bell, private citizen

Mr. Bryan Ward, Qualico

Ms. Sheila Mowat, RM of East St. Paul

Mr. Tim Comack, Ventura

Mr. Mark Olson, private citizen

Mr. Michael Lackmanec, RM of Cartier

Bill 25 – The Municipal Statutes Amendment Act

Mr. Marc Lemoine, private citizen

Mr. Sherwood Armbruster, private citizen

Bill 38 – The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)

Mr. Lanny McInnes, Manitoba Home Builders' Association

Bill 53 – The Municipal Statutes Amendment Act (2)

Ms. Dorothy Kleiber, private citizen

WRITTEN SUBMISSIONS:

Bill 25 – The Municipal Statutes Amendment Act

Denys Volkov, Association of Manitoba Municipalities

Bill 37 – The Planning Amendment and City of Winnipeg Charter Amendment Act

Trish Fraser, Municipality of North Cypress-Langford

Eleanor Link, private citizen

Bev Pike, private citizen

Bill 38 – The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)

Denys Volkov, Association of Manitoba Municipalities

Darryl Harrison, Winnipeg Construction Association

Bill 53 – The Municipal Statutes Amendment Act (2)

Denys Volkov, Association of Manitoba Municipalities

MATTERS UNDER CONSIDERATION:

Bill 25 – The Municipal Statutes Amendment Act

Bill 37 – The Planning Amendment and City of Winnipeg Charter Amendment Act

Bill 38 – The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)

Bill 53 – The Municipal Statutes Amendment Act (2)

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Clerk Assistant (Mr. Tim Abbott): Good evening. Would the Standing Committee on Social and Economic Development please come to order.

Welcome, everybody. Our first item of business is the election of a Chairperson.

Are there any nominations?

Mr. Shannon Martin (McPhillips): I would like to nominate Mr. Teitsma.

Clerk Assistant: Mr. Teitsma has been nominated.

Are there any other nominations?

Hearing none, Mr. Teitsma, please take the Chair.

Mr. Chairperson: Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

Hon. Derek Johnson (Minister of Municipal Relations): I'd like to nominate MLA Martin.

Mr. Chairperson: Mr. Martin has been nominated.

Are there any other nominations?

Hearing no other nominations, MLA Martin is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 25, The Municipal Statutes Amendment Act; Bill 37, The Planning Amendment and City of Winnipeg Charter Amendment Act; Bill 38, the building and electrical permitting act, various acts amended and permit dispute resolution act enacted; and Bill 53, the municipal statutes amendment act.

I'd like to inform all in attendance of the provision in our rules regarding the hour of adjournment. As a standing committee meeting to consider a bill, we must not sit past midnight to hear public presentations or to consider clause-by-clause of a bill except by unanimous consent of a—of the committee.

Written submissions from the following people have been received and distributed to all committee members: Dennis Volkov, the Association of Manitoba Municipalities, on Bill 38, same on Bill 25 and the same on Bill 53; Trish Fraser from the municipality of North Cypress-Langford, on Bill 37; Eleanor Link, private citizen, on Bill 37; and Bev Pike, private citizen, on Bill 37.

Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentation, with another five minutes allowed for questions from committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list.

We're just going to take 30 seconds for a moment to see if there's an—what we can do about the audio issue that we're experiencing with Zoom.

All right. This is just a quick test of our audio to make sure it's working well. Test one, two, three. All right. I'm told the audio is much better now, so I can continue.

As I was saying, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Also, if any presenter has any written materials for distribution to the committee, please send the file by email to the moderator, who will distribute it to all committee members.

I have three leave requests for the committee.

We have a presenter this evening who wishes to speak to—speak in French, Mr. Ivan Normandeau, who is No. 14 on the list for Bill 37 before us. Our usual practice is to allow presenters speaking in French to go first.

Is it the will of the committee to allow Mr. Normandeau to present first? *[Agreed]*

We have also received a request from Marc Lemoine and Sherwood Armbruster, who are No. 1 and 2 on the list for Bill 25 before us, that they be able to present together.

Is it the will of the committee to allow Mr. Lemoine and Mr. Armbruster to present together? *[Agreed]*

And the third leave request is actually from me, which is, in light of the long list of presenters for

Bill 37 and with the exception of Mr. Normandeau, who we've already noted—Mr. Ivan Normandeau, that is—that we consider the bills in the—the ones with the fewest presenters first.

So my proposed order is 25, 38, 53 and then 37. Is that agreed? *[Agreed]*

Very good. So we'll begin with the French presenter. Is that correct Mr. Clerk? Yes? Yes.

Mr. Martin: One last request, Mr. Chair, notwithstanding the French translation, if we could take those presenters—identified themselves out of town on the respective lists first. Oh, virtual, I forgot. I forgot it's virtual. Sorry.

Mr. Chairperson: All right. Thank you, Mr. Martin, for reminding us of how things used to be before we were all allowed to participate virtually. Now there's no preference given to out-of-town presenters because everybody presents virtually.

Bill 37—The Planning Amendment and City of Winnipeg Charter Amendment Act

Mr. Chairperson: So we will now begin with public presentations. And I will call on Mr. Ivan Normandeau. All right, and we're going to call on Mr. Ivan Normandeau and ask the moderator to invite him into the meeting.

I ask Mr. Normandeau if he could unmute himself and turn his video on.

* (18:10)

All right, and we'll—with apologies, Monsieur Normandeau, un moment s'il te plaît. *[One moment, please.]* We are just waiting for some earpieces for those of us who require translation services, I believe.

Floor comment: No problem. Thank you.

Mr. Chairperson: Yes, not all of us are fully bilingual.

Appreciate everybody's patience. We are still waiting the arrival of translation devices in the room and they're not quite here yet.

All right. Thank you all very much for your patience. Monsieur Normandeau, we are now ready to hear your presentation. Please proceed.

I believe—Monsieur Normandeau, I believe your mute may be on. We're not hearing you.

There we go. I can see you now, but still not having audio.

Monsieur Normandeau, if you can, sir? Monsieur Normandeau, we're not able to hear you quite yet. Are you able to try your audio one more time and just see if we can hear you?

Technology can be a wonderful thing, but today it is not. So—or, at least not in this instance.

So, Mr. Normandeau, we were able to hear you—we were able to hear you at one point but we don't seem to be able to hear you now. I'm not sure if there's anything that changed at your end? But perhaps try unmute yourself one more—*[interjection]* Oh, there you are. I can hear you.

Floor Comment: Okay, can I try now? Can you hear me in English?

Mr. Chairperson: I can, and I believe we have translation working shortly.

All right, so please go ahead. En français, s'il te plaît. *[In French, please.]*

Mr. Ivan Normandeau (Association of Manitoba Bilingual Municipalities): Mesdames et messieurs, les membres du comité permanent. Tout d'abord, au nom du conseil d'administration de l'Association des municipalités bilingues du Manitoba, l'AMBM, je vous remercie de m'accueillir pour vous présenter le point de vue du leadership municipal bilingue envers le Projet de loi 37 de la Province du Manitoba.

Depuis les années 1980, l'AMBM est la voix du leadership municipal bilingue dans la province du Manitoba. Notre association représente 15 gouvernements de proximité engagés à offrir des services de deux langues officielles à leur population. C'est comme ça que la Ville de Winnipeg et nos 14 autres membres en milieu rural contribuent activement au développement des communautés de deux langues officielles en situation minoritaire de la province.

L'AMBM est également propriétaire de deux filiales. D'abord, le conseil de développement économique du Manitoba bilingue du Manitoba, CDEM, qui est au service du développement économique et de l'entrepreneuriat depuis 1996. Puis, Éco-Ouest Canada, qui appuie les petites et moyennes municipalités dans la mise en place de stratégies en économie verte.

Tel que le communiqué de ma lettre du 4 juin 2020 à la ministre des relations de municipalités—à l'époque Madame Rochelle Squires—l'AMBM appuie les efforts de représentation menés par l'association des municipalités et la Ville de Winnipeg à l'égard de

ce projet de loi destiné à modifier la Loi sur l'aménagement du territoire et la Charte de la ville de Winnipeg.

Aujourd'hui, mes commentaires porteront spécifiquement sur le texte actuel du projet de la loi 37 et auront comme objectif d'obtenir plus de clarté sur certains points de ce même projet de loi. L'aménagement du territoire, c'est le fruit du travail combiné des gouvernements, en particulier le provincial et les municipalités. Deux ordres de gouvernement complémentaires qui jouent des rôles différents dans un processus complexe, en partenariat avec le secteur privé qui innove, qui prend des risques et qui génère de l'activité économique sur le territoire.

* (18:20)

L'AMBM a plusieurs préoccupations face à ce projet de loi. Tout comme vous, j'en suis certain, nos membres sont d'accord que le développement du territoire doit se faire de façon efficace, efficiente et cohérente. Mais nous croyons que la mise en place d'une telle loi ferait augmenter la bureaucratie et donc les coûts financiers et administratifs en conséquence.

Avec la pandémie de la COVID-19, plus que jamais, les projets du secteur privé et communautaire seront clés pour relancer notre économie, mais il faut être capable de garantir à nos collectivités que ces initiatives s'appuient sur des processus transparents et économiques.

Le gouvernement propose que les appels de décisions soient entendus devant la Commission municipale. L'AMBM et l'AMM proposent plutôt que les différends soient réglés au niveau local, municipal, pour trouver efficacement des solutions et arriver à certains accords. C'est le principe même de la subsidiarité en action.

Nous croyons que le mécanisme d'appel, tel que proposé par le gouvernement, aura de grandes implications. D'abord, il risque à discréditer la raison d'être de nos gouvernements locaux. Aussi, il est donc contraire au principe d'autodétermination de nos collectivités qui ont le droit d'agir sur leur propre développement économique, social et culturel. Après tout, les gouvernements de proximité sont les mieux placés pour trouver des solutions mutuellement gagnantes et jouer pleinement de leur rôle subsidiaire.

De plus, nous questionnons les ressources de la Commission municipale et sa connaissance des enjeux locaux dans nos municipalités. Nous craignons l'accumulation des délais dans le traitement d'appels. Je suis confiant que la Province souhaite réduire

l'accès—ne souhaite pas de réduire l'accès de notre population à se faire entendre et à participer activement à l'avenir de leur collectivité.

Dans le présent dossier, nous voulons aussi assurer à notre francophonie et à nos Métis francophones qu'ils pourront contribuer pleinement à la vie communautaire et économique, qu'ils pourront faire entendre leur voix facilement, efficacement dans la mise en place d'infrastructures répondant à leurs besoins et enjeux.

Nous sommes aussi préoccupés par le fait que le modèle proposé par le gouvernement ne prévoit aucun mécanisme de médiation, que son manque de clarté entraîne des demandes d'appels frivoles et l'absence de limites concernant l'ampleur des appels ouvre la porte aux abus.

En terminant, tout comme l'AMM, nous recommandons que le gouvernement du Manitoba inspire davantage les pratiques en vigueur dans les autres provinces et qu'il précise la portée à les paramètres des appels dans la législation plutôt que dans la réglementation.

En bref, à l'instar de l'AMM, l'AMBM vous recommande d'apporter les amendements suivants au Projet de loi 37 du gouvernement du Manitoba : exiger que toute personne déposant un appel indique la cause de l'appel dans le formulaire de dépôt; (2) limiter les motifs d'appel admissibles, pour agir en cohérence avec les lois des autres provinces; (3) limiter les appels à ceux qui sont déjà engagés dans le processus, comme c'est le cas en Ontario; (4) limiter d'envergure des décisions d'appel rendues par la Commission municipale afin que celle-ci ne puisse pas devenir un nouveau palier de gouvernement en rédigeant de nouveaux règlements ou en imposant de nouveaux coûts; (5) réduire les délais d'appel en inspirant des normes en vigueur dans les autres provinces; (6) imposer des mesures de responsabilisation à la Commission municipale dans le cas où des retards entourant l'audition ou la clôture des appels entraîneraient d'importants délais.

Et je me permets d'ajouter une septième recommandation : que la Province, dans la mise en œuvre du projet de la loi 37 et en partenariat avec les municipalités, s'engage à travailler en collaboration avec l'AMBM et les communautés de langues officielles de situations minoritaires en matière d'aménagement régional du territoire sur des objectifs et des intérêts communs, pour assurer le développement économique et communautaire continu.

En terminant, je tiens à souligner que le gouvernement provincial est pour nous un partenaire incontournable. Le gouvernement Pallister est réputé pour être pragmatique et adopter une approche basée sur le gros bon sens.

Pour tous ces raisons, je suis assuré que vous recevrez une grande considération des recommandations émises par l'AMBM et par notre grande alliée, l'AMM.

En vous souhaitant de fructueuses délibérations, je vous remercie pour votre attention.

Merci.

Translation

Ladies and gentlemen, members of the Standing Committee. First, on behalf of the Association of Manitoba Bilingual Municipalities, AMBM, thank you for allowing me the opportunity to present the perspective of our association's leadership in regards to Bill 37.

Since the 1980s, the AMBM has been the voice of bilingual municipal leadership in Manitoba. Our association represents 15 local governments committed to offering services in both official languages to their populations. This is how the City of Winnipeg and our other 14 rural members actively contribute to the development of official language minority communities in the province.

The AMBM also has two subsidiaries. First, the Economic Development Council for Manitoba Bilingual Municipalities, or CDEM, which has been helping with economic development and entrepreneurship since 1996; and second, Eco-West Canada, which supports small and medium municipalities in implementing green economy strategies.

As stated in my June 4, 2020, letter to the Minister of Municipal Relations—at that time, Ms. Rochelle Squires—the AMBM supports the advocacy efforts led by the Association of Manitoba Municipalities and the City of Winnipeg regarding this bill designed to amend The Planning Act and The City of Winnipeg Charter.

My comments today will deal specifically with the actual wording of Bill 37, as we seek to clarify some of its elements. Land use planning is the result of combined efforts by governments, specifically the provincial government and municipalities—two complementary levels of government with different responsibilities in a complex process—in partnership

with the private sector, which innovates, takes risks and generates economic activity in the region.

The AMBM has several concerns regarding this bill. As you surely do, our members agree that land-use planning must be done effectively, efficiently and coherently. However, we are of the opinion that the implementation of this bill would increase bureaucratic red tape, and thus increase financial and administrative costs.

In the context of the COVID-19 pandemic more than ever, private- and community-sector projects will be essential to restart our economy, but we must be able to guarantee to our communities that these initiatives are based on transparent and cost-effective processes.

The government proposes that objections be referred to the Municipal Board. The AMBM and AMM suggest that objections be settled at the local level, that is the municipality level, in order to efficiently find solutions and come to agreements. This is what the principle of subsidiarity is all about.

We believe that the objection process, as proposed by the government, will have significant impacts. First, it might undermine the fundamental purpose of our local governments. Second, it goes against the principle of self-determination for our communities, which have the right to direct their own economic, social and cultural development. After all, local governments are best positioned to find win-win solutions and fulfill their subsidiary responsibilities.

Additionally, we have doubts about the Municipal Board's resources and knowledge of local issues in our municipalities. We fear an accumulation of delays in the processing of objections. I trust the Province's intent is not to reduce access to this process for our residents, or their opportunities to participate actively in building the future of their communities.

On the current matter, we also want to assure our French-speaking residents and French-speaking Métis that they will be able to contribute actively to the community and economy, and to have their voices heard easily and efficiently in regards to the implementation of infrastructure designed to address their needs and issues.

We are also concerned that the model proposed by the government contains no mediation option, that its lack of clarity might give way to frivolous objections, and that the lack of safeguards regarding the scope of objections might leave the process open to abuse.

To conclude, along with the Association of Manitoba Municipalities, we recommend that the Government of Manitoba draw more inspiration from current practices in other provinces, and that the scope and limits of objections be specified in the legislation, rather than in the regulations.

To summarize, like the AMM, the AMBM recommends making the following changes to Bill 37: (1) requiring that any person filing an objection indicate the reason for objection in the filing form; (2) limiting valid reasons for objections, to insure consistency with legislation in other provinces; (3) limiting objections to stakeholders already involved in the process, as in Ontario; (4) limiting the scope of decisions made by the Municipal Board, in order to avoid the Board becoming another level of government writing new regulations or imposing new fees; (5) reducing objection deadlines, based on current standards in other provinces; (6) imposing accountability measures on the Municipal Board, in the event hearing delays and filing deadlines cause significant delays.

I will add a seventh recommendation: that, when implementing Bill 37 and partnering with municipalities, the Province commit to work together with the AMBM and minority-language communities on regional land use issues based on common objectives and interests, to ensure continued economic and community development.

In closing, I wish to emphasize that we consider the provincial government an essential partner. The Pallister government is known for being pragmatic and favouring a good old common sense approach.

For all these reasons, I know that you will give great consideration to the recommendations of the AMBM and our great ally, the AMM.

I wish you fruitful discussions and thank you for your attention.

Mr. Chairperson: Just letting our translation team catch up to you, Monsieur Normandeau.

Monsieur Normandeau, merci pour votre présentation.

Translation

Thank you for your presentation, Mr. Normandeau.

English

We'll now move on to questions. Questions from committee members?

Hon. Derek Johnson (Minister of Municipal Relations): I just want to thank you for taking the time to come out and present today. I definitely appreciate everything that the AMBM does. I don't know if you're familiar with my past, but I was on council in St. Laurent—RM of St. Laurent, which is one of your members. So I was on there for four years. So I'm—definitely know first-hand of all the help that you've done over the years in my home municipality.

So we kind of believe that Bill 37 aims to improve the efficiency and transparency and accountability of planning while also enhancing opportunities for economic growth in communities across the province. And I think, you know, as a government, we think this is critical to support responses and recovery efforts that, you know, as we begin to emerge from the challenges created by COVID-19 pandemic, but—anyway, thank you.

Thank you very much for your presentation, and we appreciate the time that you took out of your day to bring that forward to us here today.

Mr. Chairperson: Monsieur Normandeau, une réponse pour le ministre?

Translation

Mr. Normandeau, do you have a response for the minister?

Mr. Normandeau: Oui, merci beaucoup pour ta réponse. Puis certainement, nous voulons travailler ensemble avec la Province et on veut certainement être un allié avec—Merci.

Translation

Thank you very much for your response. We certainly want to work together with the Province, and we can certainly be an ally. Thank you.

Mr. Chairperson: Further questions?

Mr. Matt Wiebe (Concordia): Well, thank you very much, Mr. Normandeau, for your presentation this evening. I appreciate your advocacy on behalf of your members and bringing that particular point of view that you bring on behalf of them to the committee tonight.

I think you've echoed a lot of the concerns that I've heard thus far and I think you've set the tone for this evening and a lot of the things that we're going to hear from many of our presenters this evening; namely, about increased bureaucracy, a lag in the appeal process and many other concerns.

I especially take your point that the work that you do is to engage people in the democratic process; that's what your organization does. And so I take the point that you are, you know, as an organization trying to get people more engaged in democracy.

And yet here we have a bill that actually takes the democratic process away from those people that you're trying to represent. And, again, I think we're going to hear a lot of that from local municipalities who do their darndest to represent the ratepayers across Manitoba. So we're definitely listening to those concerns.

I just wanted to ask specifically about one of the items that you mentioned. You sort of had a long list of proposed amendments, and I think the first one—and I didn't quite catch exactly what you said—maybe you can spend a bit more time on it. It was with regards to the cost of those appeals. And maybe if you could just take a couple seconds to give us a little more information on that.

Mr. Normandeau: J'ai pas les coûts exacts. J'ai seulement peur que, avec tous les demandes, que les coûts vont augmenter pour non seulement les privés, mais aussi pour les membres de les communautés. Je crois qu'il va y avoir beaucoup de délais et les délais vont amener des coûts pour nos municipalités et pour—aussi pour nos membres, juste du public, qu'ils vont falloir payer pour des fois avoir des demandes qui devraient pas être là.

Translation

I do not have exact cost figures. I am just afraid that, with all the applications, costs might go up, not only for the private sector, but also for residents of the communities. I think there will be a lot of delays, and delays will mean costs for our municipalities and also for our residents, for the public. We will have to pay for some applications that should not be allowed.

Mr. Chairperson: Further questions? Mr. Wiebe—oh, no?

Mr. Wiebe: Just to thank the presenter.

Mr. Chairperson: All right, my apologies.

Further questions?

Mr. Dougald Lamont (St. Boniface): Oui, merci. Merci beaucoup pour votre présentation.

Je sais que ce n'est pas vraiment—ce projet de loi, ce n'est pas vraiment une réponse au pandémie, c'était quelque chose qui a été introduit avant la pandémie.

* (18:30)

Mais est-ce que l'AMBM a été consultée en avance? Parce que je sais que—ou quand on consultait avec le rapport de la trésorerie qui a été préparé? Quelle sorte de consultation est-ce que vous avez eue pour ce projet de loi?

Translation

Yes, Thank you. Thank you very much for your presentation.

I know that this bill is not really an answer to the pandemic; it was introduced before the pandemic.

But was the AMBM consulted in advance? Or was there consultation with the treasury's report having already been prepared? What type of consultation was done with you for that bill?

Mr. Normandeau: Je crois que nous n'avons eu aucune consultation.

Translation

I believe there was no consultation.

Mr. Chairperson: Further questions?

Mr. Lamont: Bien, merci beaucoup, Monsieur. Je veux seulement dire merci beaucoup Monsieur Normandeau. On apprécie beaucoup le travail acharné que vous faites à l'AMBM et aussi pour les amendements que vous avez introduits aujourd'hui. Merci bien.

Translation

Thank you very much, sir. I would just like to thank Mr. Normandeau. We really appreciate the tireless work you do at the AMBM and the changes that you proposed today. Thank you.

Mr. Chairperson: That's all the time we have for questions.

And, Monsieur Normandeau, merci pour votre présentation.

Translation

Mr. Normandeau, thank you for your presentation.

Bill 25—The Municipal Statutes Amendment Act

Mr. Chairperson: We'll now move to the next presenter, as previously agreed. That means we're going to go to our list from Bill 25, and Marc Lemoine and Sherwood Armbruster requested to present together, so I'll now call on both of them and ask the

moderator to invite them into the meeting, and I ask them to unmute themselves and turn their video on.

All right, I believe I can see you now. So you can go ahead with your presentation. You have up to 10 minutes.

Mr. Marc Lemoine (Private Citizen): Good evening, Mr. Chair, members of the committee.

My name is Marc Lemoine. I'm senior city clerk and senior election official with the City of Winnipeg. With me tonight is Sherwood Armbruster, who's our manager of elections. He's also the senior election official for many of the city's six school divisions.

Thank you for the opportunity to appear before you this evening on Bill 25. Thank you as well for the process you are going through. I do understand how difficult it'd be to amend and modernize legislation such as election-related rules that affect all municipalities with varying needs and varying sizes. So thank you for what you're doing for all Manitoba citizens.

As per our written submission, dated November 27th, 2020, we're here to speak strictly in regards to the changes to the elections process side of Bill 25, and also wish to note that we don't have any concerns with the legislative changes that are being proposed in the bill. We do have a campaign expenses bylaw for candidates in the City of Winnipeg, as well as policies prohibiting the use of municipal resources by existing elected officials during elections.

Incorporating those policies into our bylaw, as is contemplated by Bill 25, is something that we will be able to do for our 2022 election process.

We are here tonight to encourage you to consider expanding Bill 25 slightly to help modernize the election process in Manitoba in two specific areas.

Sherwood?

Mr. Sherwood Armbruster (Private Citizen): The first area deals with the vote-by-mail process or voting by a sealed-envelope ballot that is referred to in The Municipal Councils and School Boards Elections Act. And in speaking with other municipalities across Canada, many report that there's been a large increase in take-up of vote by mail since the pandemic, from a few hundred ballots coming in, in past elections, to many thousands in recent elections.

We do hope that the pandemic will be fully under control by October of 2022, and we also feel strongly

that there will continue to be an increased desire by voters to use the vote-by-mail option.

The current legislation restricts use of this option to those who expect to be away from a municipality on election day, along with a few other special cases. In the context of a pandemic, it can be expected that a significant number of voters will be unable to attend a polling station as they need to self-isolate or they may simply prefer, and reasonably prefer, to limit exposure by avoiding crowds and public places.

Citizen preferences in terms of public movement and interaction have shifted as a result of technology, a sign of change in the pandemic, and as such, we do believe that there will be demand for increased use of vote by mail well beyond the pandemic. As such, we respectfully request that as part of Bill 25, you amend section 95 of The Municipal Councils and School Boards Elections Act, and allow all voters to use the vote-by-sealed-envelope service, regardless of their reason.

Mr. Lemoine: The second request we have tonight is in regards to the election day itself. The City of Winnipeg Charter currently states that election day will be the fourth Wednesday of October every fourth year. The No. 1 citizen concern we have raised in regard to elections is the concern for children's safety as a result of having elections in schools. This includes the concern of having large numbers of citizens entering schools when children are present, as well as the concern of extra vehicle traffic created around schools by elections.

As a result of these concerns, for the last several years, we've undertaken all by-elections of council and school trustees on Saturdays. Having by-elections on Saturdays relieves the fears mentioned because children are not present. As well, turnout is increased for by-elections held on Saturdays versus those held during the week, as citizens tend to have more time available. Many citizens have a larger window of time available to them to vote, and this spreads out the flow of voting at election locations. Reduced lineups and swift voter processing makes for a more positive voter experience, and it is also easier to attract workers.

The Province of Manitoba did also recognize some of these same concerns for children's safety and changed The Elections Act recently to ensure that classes could be cancelled in schools where provincial elections are taking place.

Municipal elections on weekends are common in Canada, including in BC, where municipal elections

are on a third Saturday in October, and Quebec, where elections are on the first Sunday in November.

When we have raised this issue in the past, the response has been that we should not use schools for elections at all. While we no longer use schools for elections if at all possible, it is difficult to eliminate the use of schools completely, as they are one of the few gathering places in some neighbourhoods.

As such, we are respectfully requesting that as part of Bill 25, you amend section 19 of The City of Winnipeg Charter to change election day from the fourth Wednesday to either the fourth Saturday in October every four years or to a day specified by City of Winnipeg bylaw that is within seven days of the fourth Wednesday in October.

That concludes your presentation.

Our great thanks for the opportunity to speak to you tonight. And we do welcome any questions.

Mr. Chairperson: All right, thank you very much for your presentation.

We'll move on to questions.

Hon. Derek Johnson (Minister of Municipal Relations): Thank you very much for taking the time to come out today and present to us. Yes, there's some ideas there with Saturday and Sunday. Other provinces do it, and that is a consideration, for sure.

I would ask if you can, what other provinces? Are those the only two provinces that have weekend voting?

Mr. Chairperson: Mr. Lemoine and Mr. Armbruster.

Mr. Lemoine: Those are the two largest ones. Ontario and Alberta both take their municipal elections on Monday. When we've reached out to schools in the past about taking an in-service day, they said they would be open to considering that, should we get the election moved to either a Monday or a Friday. But they were unable to do so on a Wednesday. So if the weekend was unavailable to be changed to as election day, certainly a Monday or a Friday would be better than a Wednesday.

Mr. Chairperson: Further questions from members of the committee?

Mr. Matt Wiebe (Concordia): Thank you very much, Mr. Lemoine and Mr. Armbruster, for your presentation here.

I find this fascinating and an interesting proposal. I know—I think all progressive parties across North

America right now are looking at ways to engage people in voting and try to accommodate not only, as you said, this sort of new normal that we're in right now, but trying to anticipate where we might be. For you guys, I guess that's coming up sooner rather than later, so seems like this is a pretty pressing concern for you.

My first question, I guess—I'm going to ask two in one, just, if I don't get any extra time here. My first question is just about the consultation process. We do have The Municipal Statutes Amendment Act, you know, in front of us here, and it seems like a perfect opportunity to take advantage of the fact that we're trying to tweak this bill to make it more democratic.

And yet, you know, I hear a pretty good couple suggestions from you guys. I'm wondering if you were consulted and whether you were able to share this information before we arrived at the committee here this evening.

And my second question is just if you have any data on how those elections in those other provinces, how those—how that impacts voter turnout. If it's on a Saturday, if it's on a Sunday, maybe you can just talk a little bit about some of the information that you've gathered.

Mr. Chairperson: Mr. Lemoine and Mr. Armbruster.

Mr. Lemoine: I thank you for the questions, sir.

We did submit a written submission on November 27th, 2020, certainly, when we saw that the legislation was being proposed. So, did have the chance to submit that in writing at that point. I have not consulted with anyone there in regards to the actual bill today other than that.

In terms of a turnout, turnout varies quite a bit, even here in the city of Winnipeg, depending on what race is involved. Typically, if there's people like a new mayor or a new reeve being elected, turnout will tend to go up versus if an existing mayor or reeve is running again. So the turnout does tend to spread 'widely.'

In terms of our experience here at the City of Winnipeg, we have found and received a lot of good feedback from citizens indicating that Saturday elections were a lot easier for people to attend. Lots of different issues, right: the more time to attend, better parking availability, those type of things.

* (18:40)

In terms of other provinces, typically, as I say, the actual turnout varies up and down, so it's hard to tell.

Vancouver is, for example, always on a Saturday. The same with Montreal, always on a Sunday. So, hard to compare. Sometimes they're high; sometimes they're low, and it does vary like that right across the country.

Mr. Chairperson: Further questions?

Mr. Wiebe: I do just have one more question with regards to section 95 and just opening up the ability of people to vote by mail.

Can you just talk about exactly what the rules stipulate right now in terms of the City of Winnipeg elections and maybe compare that to the Province?

Because I know at the provincial level, we've worked with our elections folks to try to, you know, again, accommodate people and all the different ways that they want to participate in our democratic process.

Can you just talk about those two processes? Like, what are the differences right now in terms of what the City of Winnipeg can do and the Province of Manitoba?

Mr. Chairperson: Mr. Lemoine and Mr. Armbruster, you have 20 seconds to respond.

Mr. Armbruster: So the municipal council board of elections act, section 95, my understanding is it's very similar to provincial legislation and to other jurisdictions in that voting is restricted to persons with a disability and persons that are away.

So I would recommend the committee to look at all legislation in that regard.

But we are here speaking specifically to section 95, and I think opening it up would provide—facilitate voting for a much larger number of our citizens and voters and make their voting experience much more positive.

Mr. Chairperson: All right, thank you, Mr. Lemoine and Mr. Armbruster, for your presentation this evening and also for taking the time to answer questions from members of the committee.

Bill 38—The Building and Electrical Permitting Improvement Act (Various Acts Amended and Permit Dispute Resolution Act Enacted)

Mr. Chairperson: We're now going to move to our next presenter and our next bill. As previously agreed, that would be Bill 38.

And I'll call Larry [*phonetic*] McInnes from the Manitoba Home Builders' Association and ask the moderator to invite them into the meeting.

My apologies. I am misreading my—I think I need my reading glasses here; it's Lanny McInnes. I'd ask the moderator to invite them into the meeting and ask them to please unmute themselves and turn their video on.

All right, Lanny, okay, I think I can see you. Sorry for butchering your name there earlier. You're welcome to begin your presentation. You have up to 10 minutes.

Mr. Lanny McInnes (Manitoba Home Builders' Association): Thank you very much, Mr. Chair, and hopefully you can hear me.

Good evening, my name's Lanny McInnes. I'm the president and CEO of the Manitoba Home Builders' Association. The MHBA is a non-profit association representing Manitoba's residential construction industry. Thank you very much for the opportunity to speak with you this evening regarding Bill 38.

I'd like to begin by extending our thanks to Deputy Minister Gray and his departmental staff for our ongoing engagement regarding Bill 38 in the aspects of its eventual implementation. We really do appreciate the many opportunities that we've had to discuss the importance of this bill and, just as importantly, the steps needed to ensure its proper implementation.

I'd also like to extend our thanks to Mr. Joe Kasprick, a program manager, building codes, at Municipal Relations for the work that he's done with us on Bill 38.

The MHBA supports the provisions in schedule A of Bill 38, establishing a dispute resolution mechanism regarding building and electrical permits.

Inconsistent interpretations have led to disputes between contractors and municipalities over proper code implementation, and this new mechanism will help address these types of situations. We fully

support this approach and we look forward to working with the department to develop and implement this mechanism.

The MHBA also supports the provisions in schedule C of Bill 38, moving Manitoba to having one province-wide electric code rather than two: one for Winnipeg and then one for the rest of the province.

I would like to highlight for the committee one specific item in schedule B of Bill 38 and that is clause 3(2.1), deemed adoption of new codes and standards. The MHBA supports the timely adoption of new additions of the national building code and electrical code. We continue to call for both the sufficient period of time for industry to review the national code changes, followed by a sufficient period of time post-adoption to prepare for the proper implementation of the newly adopted codes.

Clause 3(2.1) provides a maximum of 24 months and then moves to a maximum of 18 months for the Province to review and adopt national code changes. In our view, this is a sufficient window for the Province and industry to properly review code changes.

Our recommendation is that this review period is followed by a minimum 12-month implementation period before the new code changes are fully implemented by the Province, and that allows industry to properly educate and properly prepare for the code implementation.

This time is needed to educate contractors and trades people on the code changes and to adjust building supply inventory that may be affected by the code changes.

The MHBA also continues to recommend that the Province of Manitoba adopt the 2015 National Building Code but maintain the current Manitoba amendments until a full review of the amendments has been completed.

This review should be co-ordinated with the provincial review of the proposed 2020 National Building Code changes so that any changes to the Manitoba amendments will be timed with the Manitoba adoption and implementation of the 2020 NBC changes.

This recommendation will allow for a more effective review of Manitoba's amendments to take place while also providing industry with adequate time to plan for any changes that the elimination of

any of the amendments may cause for residential construction.

We agree with the Treasury Board Secretariat review's findings that the current Manitoba amendment should once again be reviewed and that the amendments should be minimized. The review of the Manitoba amendments should be a proper and thorough review involving industry experts and it should be done prior to any changes to the current Manitoba amendments taking place.

It is important to minimize any unintended consequences that may arise by eliminating amendments without first properly examining the potential consequences.

We look forward to participating in this review process and we, again, offer our technical experts to assist in this process as well.

Thank you for your time this evening, and we look forward to the passage of Bill 38 and working with government officials on its implementation.

Thank you.

Mr. Chairperson: Thank you, Mr. McInnes, for your presentation.

We'll now move on to questions.

Hon. Derek Johnson (Minister of Municipal Relations): Well, thank you for taking the time for coming out today. We appreciate that and your kind words that you're in support of this.

I think a lot of the time is eaten up by red tape and different things. Currently, can you maybe explain a little bit of the issues, if there's any that you experience, where people go from, say, the city of Winnipeg to rural, where there's City of Winnipeg electrical codes and then switching over to Manitoba Hydro electrical codes. There's not tons of difference, but I guess there's probably some concerns from the Manitoba Home Builders' Association.

Can you just talk a few seconds on that?

Mr. McInnes: Yes. Our main concern there would be any inconsistencies or kind of discrepancies in terms of interpretation. Our members are, for the most part, used to this, but there are some cases where it can cause confusion. So we just feel that it would provide greater clarity and—on everyone's behalf to have one set of rules rather than two.

Mr. Chairperson: Further questions?

Mr. Matt Wiebe (Concordia): Thank you to the presenter, to Mr. McInnes. This is important to hear your voice and the representation of your membership here at the committee this evening. I think it's informative to all of us to understand some of the challenges that your members have in terms of interpreting the code, making sure that they're doing things correctly, and I appreciate the work that you do to help them to be compliant and to get the best results.

What I'm hearing from you here tonight, and maybe you can just correct me if I'm understanding this incorrectly, it sounds like there's still a lot of work that needs to be done with regards to Bill 38, and it sounds like there's a lot of work that you're willing to step in and help the government to execute correctly.

I guess I just want to ask about the process so far and sort of help me understand what role, exactly, you think that your organization and others can help in shaping the next steps for government in order to make sure that Bill 38, as it's implemented, is implemented in the way that works best for your members.

Mr. McInnes: Thank you very much for the question.

Our organization works very closely with both the former Office of the Fire Commissioner, now part of the Municipal Relations Department, along with the City of Winnipeg on code issues through our Technical Research Committee, and Mr. Kasprick from the department sits as a member of our Technical Research Committee, so we're in close and very frequent contact on any code issues, and when there are discrepancies in terms of interpretation, we do utilize that network to bring those questions forward and try and get clarity from the department on Manitoba code interpretation.

*(18:50)

Our Technical Research Committee provides the building science experts on the residential construction side of the industry, together as a group, to deal with building-science issues, code-compliance issues and reviewing of code changes, and it's a ready-made group that we've offered to work with the Province to view these things through that residential construction lens and provide our expertise and feedback.

Mr. Chairperson: Further questions?

Mr. Wiebe: So then, just in terms of the timing—I think that you had mentioned some concerns about that—can you just lay out specifically what you're

hoping when it comes to the timing on this particular bill and some of the issues you foresee there?

Mr. Chairperson: Mr. McInnes, you've got about 45 seconds.

Mr. McInnes: What we're asking for is an implementation period of—to follow the adoption of the code changes. So, Manitoba's reviewed the code changes, the Province—provincial government has adopted them.

What we're asking is for a time period—we think 12 months is reasonable—before they're fully implemented so that industry can prepare, make any adjustments or changes that they need to make and make sure contractors are educated to implement them, ready when they're full—you know, fully adopted and ready to be implemented by the Province.

Mr. Chairperson: All right, that takes us to the end of the time for this particular presenter. I thank you very much, Mr. McInnes, for your presentation and for the time that you took to make it and to also answer questions from members of the committee this evening.

We'll now call the next presenter, but first I have a written submission that we received on Bill 38. It's from Darryl Harrelson [*phonetic*], of—Harrison, of the Winnipeg Construction Association.

It is the—is it the will of the committee to have also this presentation appear in the Hansard transcript of this meeting? [*Agreed*]

Bill 53—The Municipal Statutes Amendment Act (2)

Mr. Chairperson: So continuing on, we'll now go to Bill 53 and the presenters there.

So I will call on Norman Rosenbaum and ask the moderator to invite him into the meeting.

It appears that Mr. Rosenbaum is not with us this evening, so we'll move to the next presenter.

I'll call on Dorothy Kleiber, and ask them to be invited into the meeting. And I should note that Mr. Norman Rosensbaum's [*phonetic*] name will be dropped to the end of the list of presenters.

So, Dorothy Kleiber, I can see you now, and thank you very much for coming out this evening. You have up to 10 minutes to make your presentation. Go ahead.

Ms. Dorothy Kleiber (Private Citizen): Good evening, members of the committee. I'm here today to speak about changes for Bill 53, and specifically

section 84.1.4 of The Municipal Act, which relates to voting for sanctions on the code of conduct legislation which was implemented November 1st, 2020.

Before I continue on, I will say that I am representing myself, and I am not representing any municipality.

I am not in favour of the change that councils with members fewer than seven should pass sanctions with only a majority vote. Section 84.1.4, as it is currently written, is a safeguard for those that constitute a minority on councils and protects them from bullying of the majority.

Current legislation calls for majority plus one for sanctions. Let me explain to you why this is so important. The intent of the legislation of the code of conduct is to promote appropriate behaviour and to encourage reconciliation and co-operation among members of council. Even if inappropriate behaviour takes place, legislation was meant to informally address issues and to mediate issues before unreconciled differences are moved to the investigative stage and possible sanctions.

This would seem to be a reasonable process, but that is not what always happens when the process is not followed, and councils are regularly split in their voting, such as 3-2. Then the code of conduct can be weaponized by the majority against the minority on council.

Here are some problems with the process that relates to the vote for sanctions; and first let me explain, if you're not familiar with the current process, which follows the flowchart of the complaint.

So this is the actual complaint process currently: if a councilor feels that another councilor has contravened the code, he or she must first seek informal resolution with the person they have—they feel has contravened the code. If the person is not receptive, then a complaint may be filed with the CAO. The complaint must be within 30 days of the violation unless it's—sexual harassment takes place. Then it is sent to a third party intake reviewer; the reviewer sends a report back to the council with a recommendation of dismissal or acceptance of the complaint. Even if the recommendation is dismissal, council can vote that the complaint be moved to mediation.

Additionally, if the complaint is accepted, it also moves to mediation. If one party refuses mediation, it then moves to investigation. At this stage, the complainant and the respondent are to jointly choose an

investigator, and if they cannot agree on an investigator, then the CAO may choose an investigator. Once the investigation is complete, outcomes of the investigation are voted on by council.

Throughout this entire process, any votes by council are passed by the majority. You can see that the process is geared towards to the majority on council. Let me talk about the inherent problems of this process and the necessity to maintain the vote as majority plus one.

Assume the person who is—who has a complaint filed against them is in the minority on council. While informal resolution must be sought at the beginning of the complaint, a CAO can accept the complaint and send it to the intake reviewer without informal resolution, even though this is not proper process. The complaint is sent to the intake reviewer and is returned to council to be dismissed because of lack of informal resolution. However, a majority on council can vote for the process to continue, despite the fact that the first step has not been followed. There is nothing that the respondent can do in this regard if they are not part of the majority.

Next, the complaint moves to mediation to try and resolve problems. If the complainant or the respondent refuse to mediate, the complaint moves to investigation—even if one party is willing, mediation is not considered. However, if the complainant seeks to be punitive and not be in a spirit of reconciliation, they will try to bypass mediation.

In the next step, the complainant and respondent must jointly choose the investigator. If the CAO is unbiased they should be asking both parties for the requests. However, if the one party refuses mediation, it leaves the CAO—who may or may not be unbiased—to choose an investigator. This is also problematic. What should happen is if the two parties cannot agree, a third unbiased party that is at arm's-length from the municipality should choose an investigator, rather than the CAO—someone like an intake reviewer. This allows an unbiased decision and allows the CAO to be free of allegations of bias.

Investigations can also be biased if the investigator relies on management for information. For example, if the investigator constantly refers to the CAO or staff for information and if the CAO or staff are biased, then the outcome will also be biased. The investigator should rely on the information they are given and balance their approach to witnesses. They

should interview witnesses from both sides of the complaint.

Nevertheless, once the investigation is complete, if the investigation finds the respondent has not contravened the code, no sanctions can be imposed. Conversely, if the investigation finds that respondent has contravened the code, sanctions may be—may take place.

Here's the problem: if proper process has not been followed, if there is reliance on staff who may be biased sources of information, if the complainant refuses to speak to the respondent or go to mediation and if the investigator relies on biased staff for information instead of looking at the evidence and a balanced approach to witnesses, then an improper and biased outcome has taken place.

* (19:00)

Therefore, the only safeguard a minority member on council has is the vote of majority plus one. If the Province wishes to be fair and provide proper justice for bullying, changes in the code of conduct process must take place.

I would like to point out some things that would benefit all municipalities.

Before a complaint is sent to an intake reviewer, the complainant must have informal resolution, as has been recommended and legislated. If the CAO does not follow the requirement, the intake reviewer should not even review the complaint without the step being completed. It should be sent back.

If the complaint is dismissed by an intake reviewer, the complaint should end. There should be no vote by council. The report should be accepted, the complaint dismissed. Reviewer is objective. Council may not be objective.

Mediation, other than sexual harassment, should be mandatory. At least an attempt should be made for reconciliation. If one party is willing to meet, then an attempt to mediate should be made. This can save an RM thousands of dollars.

When choosing an investigator, both parties should email the CAO and, if they do not agree, a third party at arm's-length from the RM, such as an intake reviewer, should choose the investigator. This allows an unbiased decision.

(5) Investigators should not rely on staff or biased information. They should review the information pro-

vided by the complainant and the respondent. If investigators wish to speak to witnesses, they should speak to all witnesses, not just the complainant's witnesses or just the respondent's witnesses.

(6) Upon completion of an investigation, every effort should be made to protect the privacy of both complainant and respondent. Municipalities should not broadcast details of the letters from intake reviewers or details of an investigation. If RMs have a resolution to sanction, it should be simple or without detail. The vote should be taken and that should be the end of the matter. Announcements on the RM website, emails to residents, articles in the local newspaper do not help promote a positive working environment and only add to the existing conflict on councils. If there are issues to remedy within council, they should be kept within council.

The code of conduct was not meant to be punitive or to be weaponized by the majority on councils. It was meant to reconcile differences and have councils work together for the good of the people they represent.

When good people make up the majority, then there is the potential that rules are followed and the code of conduct has a chance of working properly.

Mr. Chairperson: Ms. Kleiber, just a note there, you've got about 15 seconds left in your time.

Ms. Kleiber: However, when people use the code of conduct to attack others for a political agenda, then it does not work. It becomes a punitive process and the majority seeks to punish the minority.

I, along with other councillors who are in the minority in small rural municipalities are not in favour of the change that council members with fewer than seven should pass sanctions with only a majority vote. Section 84.1.4, as is currently written, acts as a safeguard for us and should remain as such.

I thank you for the opportunity to present my views to the committee.

Mr. Chairperson: All right, thank you, Ms. Kleiber, for your presentation.

We'll now move right into questions.

Hon. Derek Johnson (Minister of Municipal Relations): Yes, we definitely recognize that everybody, wherever they work, deserves both a respectful workplace and—as well as procedural fairness, I suppose, during any resolution process. So, you brought forward some good points for some consideration, and

thank you for taking the time to come out and present tonight. We appreciate and value your input.

Thank you.

Mr. Chairperson: Ms. Kleiber, any response to the minister?

Ms. Kleiber: No, I thank you for the time to do so and I hope that you consider my—the validity and the points of my presentation.

Thank you.

Mr. Chairperson: Further questions?

Mr. Matt Wiebe (Concordia): Ms. Kleiber, thank you so much for being here this evening and participating in the committee.

I take your points very seriously. It was certainly—have heard from a lot of different municipalities across the province and there have been—certainly been issues, as you've identified, and I've heard from them about those.

I think you've outlined your concerns very well and I do think that you're very passionate about that local democratic tradition. So, I appreciate that. I think that's what we're going to be talking about a lot here this evening, is respecting those folks put their names forward on ballots across this province and look to serve their communities. It sounds like you've done that well. So thank you very much for participating here tonight.

Mr. Chairperson: Ms. Kleiber, a response to the member?

Ms. Kleiber: I would say to the member thank you. I would also say that you will see a decrease of people running for council if the majority plus one is removed, because there's just no safeguard for people that are a minority on council.

So, if we want people to run that are good people on council and balance council views, we need to keep this in place.

Thank you.

Mr. Chairperson: All right. Any further questions from members of the committee?

Seeing none, Ms. Kleiber, I will thank you very much, on behalf of the committee, for the time you took to make your presentation this evening and for answering some of the questions from our committee members and interacting with them.

**Bill 37—The Planning Amendment and
City of Winnipeg Charter Amendment Act**
(Continued)

Mr. Chairperson: We'll now move on to the next presenter, which is getting back to Bill 37, and our first presenter there is Kam Blight from the Association of Manitoba Municipalities.

I'll now call on Kam and ask the moderator to invite them into the meeting, and I'll ask Mr. Blight to unmute himself and turn his video on.

A note for those of you who may have a copy of the presenter list, that there's a typographical error in his name. It should be spelled with a C—C—A—M—*[interjection]*

Oh, sorry; it should be spelled with a K—I have it correct. In some of them it was spelled with a C, and it's supposed to be spelled with a K, and I apologize for my misunderstanding there.

So, I'm assured that it has all been fixed up and it is correctly spelled now with the K. So you can now proceed, Mr. Blight, with your presentation. You have up to 10 minutes.

Mr. Kam Blight (Association of Manitoba Municipalities): Thank you, Mr. Chair. Good evening, everyone. On behalf of the Association of Manitoba Municipalities I would like to thank you for the opportunity to present municipal priorities related to Bill 37.

My presentation tonight will discuss our concerns related to this proposed legislation, as well as outline possible amendments to provide greater reassurance and clarity for our members.

To be absolutely clear, we do have some fundamental concerns about this bill, but before I get to them, I want to put these concerns in a larger context.

Manitoba municipalities are achieving landmark levels of growth. In fact, municipalities outside of Winnipeg contribute a full 35 per cent to Manitoba's total GDP, while boasting some of the fastest growing communities in Canada, as they've attracted large multinational developments and some of the largest residential growth in decades.

Thus, municipalities help fuel Manitoba's economy. We are partners in growth, and we know that the province already understands that. Manitoba municipalities are doing great work in approving private investments. The province said so right in the Throne Speech, where the government rightly took some

credit for delivering the fastest rate of growth in private capital investment in Canada.

But the right thing to do there is to share the credit, because local councils were on the front lines when it comes to approving major capital investments here in Manitoba.

For the most part, we've been saying yes to major investments. We've been saying yes to major growth projects, and we've been saying yes to major residential developments when and where it makes sense to do so. That is why this has been a difficult process for us.

Around the average local council table here in Manitoba, there's years or even decades of experience at balancing employment and industry, infrastructure, the environment, taxes and fees and other local priorities. Yet, our association and our member municipalities were not consulted by the original task force that led to bill 48, Bill 37's predecessor.

Prior to introduction of this legislation, we saw very little in the way of input from participants who would understand first-hand how it would play out in local communities. So, if it seems like the AMM is making last-minutes proposals to improve this legislation, it's because we are. We're trying to make up for lost time.

With that said, after Bill 37 was introduced, engagement with our association has increased, which we welcomed. We have also appreciated the opportunity to participate in the multi-stakeholder Bill 37 working group to bring forward and discuss municipal concerns. We wish to thank Minister Johnson for kick-starting this working group and supporting this initiative.

* (19:10)

We acknowledge Bill 37 does include some positive changes from bill 48. For example, the bill now includes a mandatory three-year review. That's positive. Municipalities now have a right to be consulted by the Minister of Municipal Relations before the creation of any additional regional planning regions. That's positive. However, there is still the risk of municipalities being forced into regions in the end.

While the proposed timelines to file an appeal are still slower than in any other province with a similar framework, there are at least some clear timelines for the Municipal Board to process an appeal. However, significant risks remain and, in fact, all we have to do

is look across our border to see how these risks may impact Manitobans if left unaddressed.

In Ontario, for instance, the government initially made appeals too easy and appeal boards too powerful, which lead to a massive backlog, with delays of 18 months or even two years to get to a hearing. At one point, the backlog reached 1,000 cases. Again, I repeat: 1,000 cases. The backlog has decreased somewhat, but it remains to this day.

Overall, waiting years for an appeal to run its course isn't streamlining development approvals, it's adding red tape and uncertainty. Giving applicants of developments the right to appeal without even requiring them to explain their grounds for appeal isn't streamlining development approvals, it encourages the fast-tracking of an appeal to circumvent local decisions made by democratically elected local councils. And giving the Municipal Board the power to override local decisions undermines the authority and autonomy of municipal officials.

So you can see why we are worried, but we're trying to be as constructive as we can in addressing these worries. That's why we are proposing specific amendments to Bill 37 to at least include some of the basic standards we see in other provincial planning statutes. I'm talking about standards that are designed to try to keep the process speedy, fair and, most of all, democratically respectful.

Our six amendments would: (1) require anyone filing an appeal to state their reason for appealing in the filing; (2) limit permissible grounds for appeal to be consistent with laws in other provinces; (3) limit appeals to those already engaged in the process; (4) limit the scope of appealed decisions so that the Municipal Board could not become a new level of government by writing its own laws or imposing new costs on taxpayers; (5) further reduce appeal timelines to come into line with other provincial standards; and (6) impose accountability measures on the Manitoba Municipal Board in the event that delays in hearing or closing appeals cause a backlog.

All six of these features are present in other provincial planning appeal statutes, but not in Manitoba's Bill 37.

In Alberta and Ontario, you're required to state why you are appealing right in your notice of appeal. In Saskatchewan, Nova Scotia, Ontario and Alberta, there are specific limits to why you can appeal. In Ontario, you can't appeal unless you've already been a part of the process. In Saskatchewan and Alberta,

appeal boards are limited in how much they can 'rewrite'—rewrite the law. Nova Scotia even specifies that appeal boards can't impose costs onto taxpayers to support a development—and rightfully so, since councils are supposed to be guarding the public purse.

These examples illustrate the need for clear parameters in the bill to guide the appeals process so appeals are a last resort, not the first step. Every other province that has specific guidelines on when appeals can happen has faster timelines than we do. So if our goal is to reduce red tape, why can't we reduce the timelines for appeals as well?

Additionally, Bill 37 states that each member municipality will have at least one representative on the capital regional planning board. It is essential that municipalities retain the sole authority to appoint individuals, including elected officials, at their discretion to serve on this board.

We've heard from the beginning the argument that bills 48 and 37 were simply a matter of copying best practices from other provinces. All we're asking your committee to do is to be consistent with that claim and add in the safeguards we see in other appeal laws in other provinces.

We don't want to be right about the risk that a backlog of appeals locks up critical developments in this province. But if we are right, and Ontario's experience suggests we could be, then the opportunity to fix that is right in front of us. Manitobans shouldn't have to potentially wait for a three-year review down the road when the provincial government could take steps now to mitigate this unnecessary risk. We respectfully hope that copying safeguards from legislation in other provinces can make it easier for you to take that opportunity while we can.

In closing, the AMM wishes to thank the Minister of Municipal Relations once again for making amendments to the first bill to help address several significant concerns on the regional-planning side, and we wish to thank all MLAs and legislative staff for your time as we all live and work through these challenging times.

Do you have any questions for me? I'll be more than happy to try and answer them.

Thank you very much.

Mr. Chairperson: Thank you, Mr. Blight, for your presentation.

We'll go straight into questions.

Hon. Derek Johnson (Minister of Municipal Relations): You suggested that 35 per cent of our GDP is outside, rurally—outside the city—and I thought it would be more than that, but I'll trust your stats on that.

But our GDP would increase \$17 million every day with getting some of this regulation out of the way and allow businesses to grow. Municipal tax base would increase by \$400,000 every day, and provincial revenues, of course would also go up if everything else goes up, and that's about \$1.7 million per day.

So I understand your concerns with the Municipal Board, and we're scheduled to clear that backlog that we inherited about—by the next assessment cycle. And I think we closed, if my numbers are right here, 73 per cent of its outstanding appeals. That's 1,790 appeals that we've closed. About five years ago there was about an eight-year wait for an appeal. So we're closing that gap quite quickly.

So, you know, some of your suggestions, great suggestions; they could be considered in the regulations, as well as amendments here tonight.

So you brought up some reducing timelines on appeal. Would you care to make any suggestions on a timeline that you think would be adequate?

Mr. Blight: You know, ultimately, we would like to see the decisions remain with the elected officials from the municipalities. You know, these are officials that are being held accountable by their citizens every four years, that elected them, ultimately, and we feel that these decisions should still be ultimately made by those elected officials.

Mr. Chairperson: Further questions?

Mr. Wab Kinew (Leader of the Official Opposition): Thank you, Mr. Chair, and also to you, Mr. Blight. Appreciate the commentary that you're making about the decision-making resting with the duly elected officials. And I know you've probably been talking to many duly elected officials in this whole process of engaging with the AMM membership. And I also wanted to acknowledge the proposed amendments that you brought forward here today.

I'm just wondering, could you maybe talk a bit about that engagement process and how it fed into the amendments that you're recommending here? Is it something that you came up with, like, at an executive table? Is this something you've been doing at your regional meetings? If you can just help shine some

light as to, you know, I guess, how grassroots are some of these proposals coming from?

Mr. Blight: Thank you very much for the question.

When AMM was, you know, given the opportunity to bring forward some of the concerns that they had with the proposed legislation, our staff was on top of it immediately and did a phenomenal job of doing their research, doing their homework and questioning some of the information that was being presented to them. It didn't take them long to look outside of our jurisdiction to look at best practices as to, you know, what has other jurisdictions done, so that we don't make the same mistakes as other jurisdictions.

* (19:20)

The CAO was across the province of Manitoba, put together an excellent working document which spoke about some of the issues and the challenges of bill 48 and Bill 37. And that was brought forward for councils and staff and, you know, different members to study and understand. And so that just brought forward more questions.

As we tour—every year, our AMM, we tour—the executive tours the province of Manitoba and the different municipalities. Already this year, I've toured and met with 50 different municipalities. And at basically every single meeting we have, Bill 37 comes up, and concerns with loss of local autonomy is there. This is one of the single biggest issues that gets raised at every single municipal visit, and it happened last year when the executive toured the province as well.

You know, I have to give full credit to our staff, who's worked very hard. You know, probably half of their time has been spent working on this bill and had—you know, they have had a good working relationship with the provincial government staff, bringing forward some of our concerns. We've had the opportunity to meet with the minister and the minister previous to Minister Johnson. And we've had some great discussions, but, you know, we just feel that, you know, we just have to give it our every effort in trying to get our last word in to—hopefully, we can see some changes and some final amendments here.

Mr. Chairperson: All right. Further questions? We only have 15 seconds.

Mr. Matt Wiebe (Concordia): Then maybe I'll just keep it very brief, to thank you, Mr. Blight, for all the work that you've done.

Of course, you know as an opposition this was one of the bills that we held up from the last session.

As you said, it was bill 48. And we—you know, I'm happy that we were able to give you the time to do the work to reach out to those grassroots.

I take your point about appeals. I think there's a big concern there. The minister's talking about clearing out a backlog five years later, and yet now we're talking about exponential amount more responsibility and potential for backlogs.

So, thank you for your work and we look forward to keeping this dialogue going.

Mr. Chairperson: All right. That was a fair bit more than 15 seconds, so unfortunately, no chance for a response, but I do thank you, Mr. Blight, for your time this evening, for coming out, making the presentation and for your continued work also with the government.

Now we'll move to the next presenter, and I'll call on Stephen Kupfer and ask the moderator to invite them into the meeting. Stephen Kupfer, I'll ask that you unmute yourself and turn your video on.

Stephen Kupfer, if you can unmute yourself and turn your video on—we don't quite see you yet.

Floor Comment: How's that? That working?

Mr. Chairperson: All right. I can hear you, but I don't see your video. I just see your name. So if it's possible to turn on your video, that would be appreciated.

Floor Comment: Yes. I—

Mr. Chairperson: It's usually in the bottom corner there of your screen. Bottom-left normally. Looks like a little video—there you are.

All right. Excellent. I see you, Stephen Kupfer. Welcome to the meeting. You have up to 10 minutes. Go ahead and start your presentation.

Mr. Stephen Kupfer (5008735 Manitoba Ltd.): Before I start, I just want to comment briefly on the last presenter. I understand that the association for Manitoba municipalities, they have to talk their book there of what they want to see, but taking away the decisions from the local authorities and this idea of taking away some local autonomy, I mean, it is the fundamental reason why this bill has to happen. And I'll just tell you my own story and my experience, and you can see why I have that opinion.

So I want to address the—Bill 37, specifically the provisions and the ability for an applicant, the way I understand it, to appeal a development agreement.

And the way I read this bill, it says that the municipality has to produce a development agreement within 90 days, and also that there are some grounds under which you can appeal your actual development agreement. So, the terms and conditions in that, and I would suggest that that has to be as broad as possible because the municipalities do not use a standard development agreement and they change the terms all the time—terms and conditions.

So, I'll just give you a little bit of background quickly on our story, our development here. We signed the development agreement in March of 2013 with the RM of West St. Paul, and our main parcel of property is from Main Street to the Red River. And just for perspective, we border the Shooters golf course on one side, so we're technically about 100 metres outside the northern city boundary on Main Street, so we're well inside the Perimeter, and, in fact, you wouldn't even know it was the RM of West St. Paul, because there's continuous development there.

Anyway, our river portion was zoned multi-family, and when we signed this development agreement, we did not have our river portion design concept for it. So, the front part of our property we were going to develop and this back part, which was zoned multi-family, we were going to develop at a later date.

And so within this development agreement there was a clause that said we needed to provide and if—just bear with me, I'll just read this—a detailed plan of development showing all structures to be constructed, including the number of dwelling units; how drainage, landscaping, protection of existing trees and vegetation, traffic flow including internal roadways, connection to a sewer system and water supply and flood-proofing are being dealt with, and—all of which must be to the satisfaction of the municipality. The municipality and the developer will enter into a supplemental development agreement dealing with all of the above.

So it's fairly straightforward that this is, you know, a development. You would do a site plan and an elevation and then you'd have your engineers do a servicing trial. So there's nothing unusual in what this is; this would be done within a couple months of when we're ready to proceed.

So what happened here was this original development agreement we signed covered all the infrastructure we needed for our development, so all of the roads, the curbs and gutters, the sewer, the water,

everything was covered under our development agreement. And, in fact, we brought all the servicing to this multi-family site, even though we weren't ready to develop it yet; we stubbed everything to this property because we were going to develop it in the future.

So, to be clear, we have a parcel here that's already zoned multi-family, it's serviced, everything is stubbed to the site, it's just bare land sitting there, and we want—and it's zoned multi-family and it's zoned for 179 units. And so we had everything ready to go and everything is done sort of ahead of time so that when we wanted to develop it, we just needed to meet these conditions of a supplemental development agreement.

So, in 2014, we decided we were going to do a townhouse development, and we had to get a subdivision approved; we had to get a supplemental development agreement done. This whole process took about two years. And it went fine, I guess.

At the end of a two-year—so now we're in about March 2016 and we had a development agreement ready to sign, and we've been billed about \$11,000 to date for the RM's cost for creating this development agreement. And the market had changed. There were some things in the development agreement we didn't like that created a lot of risk for us to proceed with the project, so we decided we were going to walk away from that concept and let it lapse—because the subdivision approval has a time limit and then it lapses. So we said, well, we're just going to lapse and we'll do something different.

So that was in—so that was basically five years ago. So the point I want to make here is that since that date, we have not been able to get a supplemental development agreement from the RM of West St. Paul. In five years, they have not been able to provide us a development agreement—five years—because we changed the concept.

So we went to a concept that was already approved; it's already allowed for in the zoning, and that's an apartment building. We said, why don't we just do an apartment building? We don't need any variances, we don't need any subdivision; we'll just design it—that meets all the zoning requirements.

We presented it to the RM, and in five years they have not produced a development agreement and we've been billed \$50,000 in legal fees from the RM, \$50,000 in legal fees. So we have no development agreement, we have giant legal bills that we paid, and they still cannot produce a development agreement for us, even though we had one five years ago that was

ready to sign; it just needed to be modified for a new design.

* (19:30)

So that gets to the point about having a timeline and some independence here—somebody outside of the RM who says, hey, you guys need to produce this development agreement.

But then I also want to talk about that the development agreement, you have to be able to have some independent review process if you get a development agreement that's not fair. And what happens here is there's no—there's a process in the RM now where you can—an independent person can request copies of development agreements.

So, we've got eight, nine, 10 development agreements up—have been done in the RM, so we know what clauses they give other developers. And the draft development agreement we've given is—we've been given by them is significantly more onerous and more punitive than what they give to everybody else. We haven't—and there's no appeal mechanism. So I want to say this and I want to make this clear, is that the RM—and the first speaker talked about local autonomy and things like that—the RM is the judge, jury and executioner here in this process.

And let me just give you an example here. So, with respect to development fees, in most of these developments—large developments—the RM offers to other developers and says, pay your fees, pay 50 per cent of your fees when you get a building permit and pay 50 per cent when you get an occupancy permit. So that seems fairly reasonable. And in our development agreement it says, pay 100 per cent of the fees when you sign the development agreement.

So, in our case, when—if we sign a development agreement, we have to write a cheque for \$1 million up front and our building is going to take two years plus to build, so that the terms are substantially more beneficial to somebody else. And it's not unusual, because we've seen a whole bunch of development agreements, but they've just decided to make us suffer, I guess—I don't know why, but to suffer.

Let me give you another example. We went through a draft development agreement they gave us with our lawyer and we pointed out 13 things—significant things—that were inconsistent with other development agreements that they're writing with other developers. And their response to our 13 things was no to everything. So everything we pointed out

and said, you know, here's three development agreements you just signed, and here's what you put in those ones, and here's the same clause and here's how you've changed it and make our agreement and our clause significantly more adverse than you're giving other developers.

Mr. Chairperson: Mr. Kupfer, just a note, you've got about 30 seconds remaining.

Mr. Kupfer: Okay.

I just want to point out one final thing in this development agreement. There's also a clause in there that says, oh, and if you sign this, you're agreeing to indemnify the RM for any actions they might have taken in giving—in leading up to this development agreement. So they can abuse you for five years and then the only way you can get this development signed is if you give them an indemnification that you have no recourse against them.

So, for all of those reasons, I am suggesting that Bill 37 has to have some teeth in it that takes away the ability for the RMs to abuse property owners.

Mr. Chairperson: Okay, thank you very much, Mr. Kupfer for your presentation.

We're going to go into questions, if that's okay? We've got five minutes for questions yet.

Mr. Johnson: Yes, well thank you for taking the time to come out and present tonight. It sounds like you spent your share of time on not just meetings like this but other meetings with municipalities trying to move your business plans forward. And it sounds like you've had your share of trouble, as well, and we kind of believe that the standardization will help with industry moving forward.

Bill 37, you know, I feel—we feel as government, is going to be the foundation of Manitoba moving forward, and the proposed legislation, it will improve efficiency, transparency and accountability of planning, while also enhancing opportunities for economic growth in communities across the the province.

You didn't quite have enough time to finish your story there. Go ahead, and I don't really have a question, but go ahead and maybe just finish it off there in the few moments that we have left.

Mr. Kupfer: Yes, I just wanted to mention, earlier you talked about the economic effect of some of the delays, I think, in the Treasury Board analysis. Our project, when complete, is probably \$40 million, something of that magnitude. And we've been—and

we've pointed out the tax effect and all these things to the RM, but it seems to fall on deaf ears.

This project, already zoned and ready to go, has been stalled for year after year. And I think if I could find a reason, I would say because the local politicians don't want the political backlash from residents, not, you know—this is NIMBYism. This is NIMBYism at its finest, where local residents complain about something, and so the politicians don't want to deal with it. And it's unfortunate, because we have all the zoning and all the property rights to do it. And we have to go through the RM, and the RM can block us, well, I guess, forever.

So, thank you. Thank you for allowing me to speak today.

Mr. Chairperson: Further questions?

Mr. Wiebe: Well, thank you, Mr. Kupfer, for joining us here this evening. I appreciate your perspective as a developer. I think it's important to hear your voice here and understand some of the frustrations you've had. And it certainly sounds like you've had some pretty significant frustrations.

You know, I can only imagine the amount of work that you've done to try to get this moving forward. And again, I've heard your concerns and your frustrations here this evening.

I guess some of the concerns that we have with Bill 37 is that there is an increased onus on municipalities to, you know, to do more paperwork, to go through more red tape. And I guess I'm hearing from you that you actually want to get rid of that red tape. You want things to move more quickly and more efficiently.

The other concern, of course, we have is that Bill 37 has no additional funding behind it. It doesn't actually, you know, give the Municipal Board any additional resources or funding. It doesn't actually help address some of the concerns that I think you're bringing forward here.

What I will say, though, is, you know, on the local representation front, I'm sitting here at committee and I've got your MLA right across the table from me. He's been listening in intently. I'm watching him following along the committee. And I think he's heard your concerns loud and clear.

So I hope that you take the opportunity to follow up with him, if you haven't already, and take some time to make sure that he's understanding your concerns, and make sure that he's able to fight for you,

because, really, that's what we're talking about here with Bill 37 is having that representation. And we feel that this bill does not do that.

So thanks for your time. I really appreciate you joining us this evening.

Mr. Chairperson: Mr. Kupfer, any response to Mr. Wiebe?

Mr. Kupfer: Well, thank you. I appreciate that.

I would say that every avenue we have tried—and we've tried them all that we can think of—nobody has the ability to compel the RM to do anything, and that's a flaw in the system. The flaw is the—everybody—you know, we've talked to the Ombudsman, we've talked to this, we've talked to that. We've talked to Municipal Affairs many times, and all people can say is that, well, they can encourage the RM to do something, but at the end it's the RM's decision.

And that's why I'm hoping Bill 37 takes some of that decision-making away to an independent body that can actually look at this and go, hey, this isn't right, and we need to change this.

So thank you again, and I hope it does pass.

Mr. Chairperson: All right. Thank you very much, Mr. Kupfer. That's all the time we have for questions for you.

We're going to move right on to our next presenter. So I will call Marc Pittet from the City of Winnipeg Public Service and ask the moderator to invite them into the meeting.

Marc Pittet, I ask that you unmute yourself and turn your video on.

Okay, I believe I can see you know. You have—you can go ahead with your presentation. You have up to 10 minutes.

Mr. Marc Pittet (Private Citizen): Thank you, Mr. Chair and members of the committee for providing me with the opportunity to speak to Bill 37.

My name is Marc Pittet. It's a Swiss name; tough, Mr. Chair, to pronounce. I'm the manager of real estate and land development at the City of Winnipeg and I'm here today representing our public service.

* (19:40)

It's my hope that all members of the committee are aware that on March 25th of this year, Winnipeg City Council, by a vote of 14-2, established a number of positions on the major elements of Bill 37. If not,

I can certainly provide a link to the Clerk—to the minutes as to what was approved as integral to the discussion this evening as you deliberate the contents of this bill.

With only 10 minutes allotted for me to present, I'll try not to focus on items that I know will be addressed by other presenters and His Worship Mayor Brian Bowman. As the committee is aware, Bill 37—formerly bill 48—was one of the byproducts of the planning, zoning and permitting, PZP, recommendations, as published in the June 11th, 2019 report from the Treasury Board Secretariat.

Recommendation 1 in the PZP report has led to the capital planning region being established by Bill 37. I will limit my comments on this, as I anticipate that a number of individuals and members of municipalities will speak to similar concerns, but in short, the City of Winnipeg is concerned that there are many unknowns, inasmuch as many of the details, including costs to the City, composition and mandate of the board, and whether or not there will be weighted voting are not explicitly laid out in the bill and will only be detailed in subsequent regulations.

With that said, I'd like to acknowledge Colleen Sklar at the WMR and her staff and consultants who have worked closely with our urban planning staff to ensure alignment between our development plan, which is better known as OurWinnipeg, which was recently tabled, and the draft Capital Region plan, also recently tabled.

Moving on, recommendation 2: the PZP report recommended that a quasi-judicial tribunal be created or the mandate of the Municipal Board be broadened and enhanced to allow it to hear a wide range of planning, zoning and permitting appeals across the province. The report also stated that the tribunal should be staffed by independent professionals, follow the best practices of a jurisdictional scan and operate on a cost-recovery basis funded through costs assessed against the unsuccessful party. This bill takes this recommendation much further. It also creates inequity, with only the applicants or owners being afforded the opportunity to appeal to the Municipal Board in certain circumstances.

The appeal mechanism that will be established is modelled on a much-maligned former Ontario municipal board model, or the OMB. The OMB model was universally criticized by municipalities and the public, and was ultimately replaced by the land planning advisory tribunal in 2017. When evaluating best practices for an appeal model, the province should

have looked to lessons learned in Ontario, not simply mirroring a failed model. Kam from the AMM touched on this in his presentation, and the AMM has provided—or, prepared, sorry, a summary of best practices and the shortcomings of the OMB and has presented the same on a number of occasions. I hope the committee has had the opportunity to review this important work.

On May 29th, 2020, when considering a report I'd written, Winnipeg City Council recommended that the Province in Manitoba consider amendments to the former bill 48 to (a) provide criteria for the Municipal Board to consider in adjudicating appeals, including whether an application is in compliance or non-compliance with local plans, policies and bylaws; and (b) maintaining the role and autonomy of local governments by providing them with an opportunity to revisit and make new decisions on land use applications based on the findings and—the Municipal Board made following an appeal. Neither of these council recommendations were addressed in Bill 37.

Another concern for the City of Winnipeg is the potential costs arising from appeals and how the Municipal Board will define reasonable costs under section 282.2(4). As written, the bill only provides for the board to make an order requiring the City of Winnipeg to pay some or all of the costs in an appeal with respect to failing to proceed. The direction provided in the PZP report specifically stated that costs should be assigned to the unsuccessful party, regardless of whom they may be, and that is not reflected in this bill.

I've also shared concerns with provincial staff with respect to the existing Municipal Board being historically underresourced. Provincial staff have advised that the Municipal Board will employ a case management approach and that frivolous appeals will be dealt with quickly, but the legislation as written does not provide for this. I will also note for the committee that hearings for two objections to amendments to the airport vicinity protection area that were referred to the Municipal Board for adjudication a year ago have yet to be convened.

With all that said, as a member of the recently established Bill 37 working group, I've had the opportunity to hear a presentation from and gotten to know Diane Stasiuk, the vice-chair of the Municipal Board. If the balance of the Municipal Board is as dedicated and knowledgeable as Ms. Stasiuk, this will—does alleviate some of my concerns, but it is imperative that the province provides her and her fellow board

members with the resources required to deal with what may be a significant increase in appeal hearings generated throughout the province.

Recommendation 3 in the PZP report was a direction to enact legislation to establish service standards for all levels of permitting and zoning applications across the province. New prescribed timelines for the processing of development applications are being established by Bill 37.

In my position at the City, I am intimately aware of the concerns raised by developers who I interact with daily in our city. It is baffling to me that in 2019, when the Treasury Board Secretariat was undertaking the PZP review, two of the major concerns with respect to delays that I was consistently hearing about from industry at that time were not even mentioned.

Specifically, these were delays with respect to receiving approvals from Manitoba Hydro and the Winnipeg Land Titles Office. Had fulsome consultation been done by the Treasury Board Secretariat, this would certainly have been raised as an issue. To be clear, the City of Winnipeg is supportive of ensuring that regulatory processes are predictable, consistent, timely and transparent. And I'll acknowledge that we can always improve.

The two files that were referenced as the impetus for the implementation of service timelines were the Parker Lands and former stadium site. The reality is that these were two outliers, and legislative changes should not be implemented solely on the basis of addressing exceptions to the norm. As I mentioned earlier, an application for the former stadium site has been held up by the Province at the Municipal Board for almost a year now.

It's very important to note that development applications in the City of Winnipeg are handled differently than in the rest of the province. In fact, it took a number of meetings to walk provincial planning staff through development applications that are unique to our City, like our development application subdivision rezoning, or DASZ process, wherein we combine a subdivision and rezoning into one development application to streamline the process, something that's not done in the rest of the province.

This committee should also be aware that if section 282.2(1) is adopted in its current form, the approval of some development applications will, in fact, take longer. For example, the City will be forced to eliminate concurrent processing of some of our

development applications if no provision to pause or extend time frames is included in the legislation or subsequent regulation.

The City will also be amending the process for determining when an application is deemed complete to ensure that all necessary materials have been received at the start of the process. This will result in increased front-end costs for applicants as submission requirements are bolstered. In our meetings with provincial staff, they have knowledge—they have acknowledged that they're aware of this impact.

A new change with Bill 37 that was not included in bill 48 is the inclusion of an objection provision in the charter under new section 236 that mirrors an existing provision in The Planning Act. Part of the rationale for this addition was to ensure consistency between the City of Winnipeg Charter and The Planning Act.

This brings me to the new section 235.1 that was not included in bill 48 but was added when Bill 37 was tabled, which reads as follows: No decision on an application made under this part may be delayed and no permit may be withheld pending the preparation or adoption of the secondary plan or an amendment to the secondary plan.

My first concern is with the fact that this change is unique to the City of Winnipeg, as a similar provision was not included in The Planning Act. This goes against the premise that the Province is seeking consistency province-wide. Our interpretation is that with the adoption of this section, the City of Winnipeg would be obligated to accept and process development applications prior to the preparation or adoption of the secondary plan, which is integral to establish the framework for orderly development prior to accepting and considering development applications and/or permit applications for a given area of the city.

Mr. Chairperson: Mr. Pittet, you have about 20 seconds remaining.

Mr. Pittet: This would defeat the purpose of the secondary plan which is widely considered a critical element in a comprehensive planning hierarchy. The City of Winnipeg respectfully requests that this section be deleted.

I'd like to take this opportunity to thank provincial planning staff, in particular, David Neufeld, Stephen Walker and Mike Tellier [*phonetic*] for the many collaborative meetings that we have had since bill 48 was tabled. Flow charts have been amended, corrected. Most of the many questions we had have

been answered and there have been some good changes made to the bill that probably could have been made had the City of Winnipeg been consulted in advance of the bill being tabled.

Sorry, I think my time's up.

Mr. Chairperson: All right.

Mr. Pittet: I do have about a minute left.

Mr. Chairperson: Well, maybe during question period you'll be—

An Honourable Member: Mr. Chair.

Mr. Chairperson: Yes, go ahead, Mr. Wiebe.

Mr. Wiebe: Thank you very much, Mr. Chair. Just maybe ask indulgence of the committee. I think this particular presenter is very knowledgeable and I'd like to hear maybe the rest of that presentation.

* (19:50)

Mr. Shannon Martin (McPhillips): I think it could be addressed during question period. We have a lot of individuals to go through. I think it's appropriate that we follow the rules as—to standardize for every individual.

Mr. Chairperson: All right. I still have to put the question, then.

Is it the will of the committee to allow this presenter an extra minute outside of his five minutes of question period?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

So we will move into question period, but I will just let Mr. Pittet know that he does have the opportunity to give fulsome responses over these next five minutes, and I should also apologize for my mispronunciation of his last name; I know a few things about that myself. And so we'll move right into question period.

Mr. Johnson: Well, thank you, Mr. Pittet, and thanks for your speed reading at the last little bit there, so I'm sure that you'll use these next five minutes to—with fulsome answers to continue your response.

I'm glad that you've had a great working relationship with the department and Mr. Neufeld and, of course, the working group and Colleen Sklar as well.

So I'll leave you with that, and I'll leave you with as much time as possible to continue on your response here.

Mr. Pittet: It's mostly positive—thank you, Mr. Chair.

I'd also like to acknowledge that Bill 37 includes a provision that will, for the first time, allow the City of Winnipeg to require a person to enter into a development agreement with the City as a condition of approval for a conditional use or variance consistent with what has already been allowed in the rest of the province.

The Province has also included a provision for the minister to undertake a comprehensive review of the amendments made by this act within three years of it coming into force. I look forward to continued participation on the Bill 37 working group, and my hope is that by working collaboratively we will all collectively strive to improve the approval process in the city of Winnipeg and the province of Manitoba.

Thanks for your time.

Mr. Chairperson: Thank you, Mr. Pittet.

Further questions?

Mr. Wiebe: Thank you, Mr. Pittet, for your presentation here this evening.

You've given us a very technical presentation, and it's very thorough. So I appreciate you giving this information. I look forward to looking back, quite frankly, through Hansard to make sure that I've, you know, grasped everything that you put on the floor here this evening, because I think you come to this with a real—obviously, an expertise.

But what I'm hearing from you is is that you're really trying to work with the Province in order to get this right. And I'm also hearing from you that that hasn't really happened to this point, and that's certainly a concern that we've heard from many folks.

You know, as you mentioned in your presentation, you know, this is a process that was essentially political in nature right from the get-go. Rather than working with our partners and reaching out to them, I know the Province is very heavy-handed, and so having a committee here tonight where we can actually hear your perspective and your concerns I think is important. I'm hoping the minister's listening. I'm hoping there's real opportunity for reflection, and we look forward to sort of diving a little bit more in depth with some of the concerns that you've brought

forward. I certainly hope we can bring those on your behalf here in the committee.

So just wanted to thank you for your time and appreciate your input.

Mr. Chairperson: Mr. Pittet, in response to Mr. Wiebe.

Mr. Pittet: No, I thank him for his comments and thank all the committee members for their diligence when considering this bill.

Mr. Chairperson: Further questions from members of the committee?

Seeing none, then we will move to the next presenter.

Mr. Pittet, I just wanted to thank you once again for appearing before committee. I'm glad you were able to complete your presentation and also answer some questions.

We'll now ask Duane Nicol from the City of Selkirk, and I'll call on him and ask him—the moderator to invite him into the meeting.

Duane Nicol, I'd ask that you unmute yourself and turn your video on.

All right, I think we have you in the meeting, but we don't have your video on yet, Duane. There we go.

Welcome to the committee meeting this evening. You are free to present. You have up to 10 minutes. Go ahead.

Mr. Duane Nicol (City of Selkirk): My name is Duane Nicol. I'm the chief administrator officer for the City of Selkirk. I'm presenting tonight on behalf of the city, as authorized by city council.

To begin, I want to thank the Manitoba government for its recognition that planning and planning processes in Manitoba can be improved. We support the government's intention to simplify and expediate processes and to encourage economic growth. That said, we do not believe that this is what Bill 37 does.

The City of Selkirk, like many municipalities, have grave concerns about the impacts Bill 37 will have on the democratic control local citizens have through their elected councils on the economic, environmental and social development of their community. This concern is even more acute for Selkirk, as we are one of the municipalities being subjugated to the new capital planning region under this bill.

With the limited time available, we will restrict our comments to three specific topics: Selkirk's strong desire to be—to not be part of the Capital Region; (2) limiting the scope of planning regions and ensuring their accountability to citizens; and (3) ensuring land use planning and development is determined locally for the benefit of citizens.

In a letter to former minister of Municipal Relations Rochelle Squires, Selkirk Council formally requested that Selkirk be removed from the list of municipalities named as a part of the creation of the Capital Region in then-bill 48. We noted that we are—that we're still listed in a sort of revised Bill 37. Tonight, Selkirk wishes to reiterate this request. We do not believe it is in the best interests of Selkirk residents to be included within a Capital Region and, moreover, we do not believe that there is a strong economic or cultural case for our inclusion.

As has been explained by provincial staff during the rollout of bill 48, the list of municipalities identified in the bill mirrors the list of municipalities named in The Capital Region Partnership Act. That is a sole justification provided for their inclusion. No analysis of data, no research into the appropriateness of the proposed boundaries, just inertia.

So one might ask, why were municipalities included in The Capital Region Partnership Act? This act simply mirrored the list of municipalities who had, for years, met periodically to talk about working together on matters of mutual interest. It was purely voluntary.

The boundaries of this region are completely based on the membership list of a voluntary working group established decades ago. To date, we have not seen any rationale, data driven arguments for why the boundaries should or must begin and end where they do. The proposed boundaries of the Capital Region are arbitrary.

For example, why is the village of Dunnottar, which is approximately 30—or, 63 kilometers away from Winnipeg, included in the region, but the city of Steinbach, which is only 52 kilometers away, not included?

Selkirk is sufficiently distinct from the RMs and towns surrounding Winnipeg. We are not a bedroom community of Winnipeg. We are a complete and independent urban centre, like the nearby cities of Portage la Prairie and Steinbach, neither of which are included within this region.

This is reinforced by the fact that Statistics Canada does not include Selkirk within the—

Winnipeg's census metropolitan area boundaries. There's not enough commuter traffic to justify our inclusion, nor is Selkirk sufficiently economically and socially integrated according to Stats Canada's guidelines.

Sixty-four per cent of Selkirk's labour force works in Selkirk. Less than a quarter of our labour force works in Winnipeg. In fact, 41 per cent more people travel to Selkirk from Winnipeg for work than the other way round.

To put that in context, Steinbach—who again is closer to Winnipeg and some municipalities included in the Capital Region, has 68 per cent of their labour force employed in Steinbach, essentially the same as Selkirk. Interestingly, the commuter traffic between Steinbach and Winnipeg is three times the entire workforce of Dunnottar, yet Dunnottar is included and Steinbach is not.

Our needs are different, and our community is not Winnipeg-focused. We provide our own sewer and water services. We have high-speed Internet from multiple providers. We have a nationally recognized accident management program and progressive vision for our land use. Selkirk is an employment centre and a service hub for the Interlake.

We do not find value in the work envisioned by the Winnipeg Metro Region. Our membership, in effect, would simply have our citizens paying for the development of services for—in other municipalities, for which we competently provide them. We are just not a fit.

Selkirk simply wants the same authority and responsibilities, and therefore the same empowerment to guide the development of our community, as our peer city, the city of Steinbach. Selkirk does not think it's appropriate to, nor does it want to be, included within the Capital Region. As such, we ask that our city be removed from this bill.

We also want to point out that while the legislation—this legislation offers municipalities the right to be consulted before being in—put into a planning region in the future, Bill 37 does not offer us that same right. It is inequitable treatment.

Next, I'll talk about limiting the scope of planning regions. Planning region organizations are provided significant powers in the legislation, effectively creating a second tier of local government through the—their power to levy fees against taxpayers through

their municipal government and their power to expropriate land—a power limited to authorities of the Crown.

* (20:00)

Despite these broad powers, there's little, if any, accountability to member municipalities, and absolutely no direct accountability to citizens. Planning regions' budgets should require ratification by member municipalities or, at the very least, public hearings prior to approval and an appeal process so that member municipalities can formally raise concerns with how the organizations are funded and expenses are being incurred. This will help ensure that the organizations are accountable to the public for the dollars that they spend.

Planning regions should not have the power of expropriation outside of the direct involvement and approval of the elected councils with whom the power of expropriation is already vested. The power to take privately owned land from a citizen should be restricted to those bodies directly accountable to the citizens through the ballot box. At the very least, regions should not have the ability to expropriate land for municipal governments.

Bill 37 does not articulate a clear and consistent process for regional plan approval. Both regional plans and district plans, for that matter, should require ratification by the municipalities that are impacted by them, or, at the very least, an appeal process should be provided to ensure that member municipalities have an opportunity to challenge plans that do not align with the community vision set by the elected representatives of the citizens impacted by the plan.

Bill 37 pushes vital organizational details for regional—for planning regions through regulations. Given the importance and the authority that these organizations will wield over member municipalities, the process for municipal representation of board structure should be defined in the legislation. Putting these items in the legislation ensures stability and surety and structure. Representation of a member municipality on a planning region board should be at the discretion of the democratically elected council.

Speak about the new powers of appeal to the Municipal Board. We are aware of the work AMM has put forth in this area of the bill and we are supportive of their recommendations should these new rights of appeal be enacted—included in the act. That said, we would prefer that these special powers of appeal be removed from the act, as their clear intent

is to remove the final authority of elected councils and transfer that power to unelected and unrepresentative tribunals.

Council makes land-use decisions taking into account the local, social, economic and environmental conditions. This can sometimes mean that council's decisions will be to limit or not approve a development. Make no mistake, councils want to see economic growth in their communities and they, therefore, do not make such decisions without due consideration.

But the fact of the matter is not all development is good development. The desire of a developer to make profits should not trump the desire of a community to be sustainable and healthy. The Municipal Board will never be able to make a more informed and community-focused decision than a local council. It is simply not possible. While there may be some cases of poor performance by some municipalities, removing democratic control of community development for all municipalities is a draconian measure and is—draconian response, rather, to exceptions to the norm.

This new process absolutely creates new—a need for new bureaucratic procedures and administrative demands for municipal government. It creates new costs for both the municipalities and the province. So, again, we ask that this process be dropped but, failing that, the recommendations of AMM are the least that could be done to mitigate our concerns.

Specifically, we'd like to emphasize our support for the recommendations that articulate and limit the growth of the grounds under which an appeal can be made, preventing frivolous appeals or abuses to the process which create delays, and limiting the decision scope of the Municipal Board to limit the potential of side-stepping municipal bylaw, creating new regulation or imposing new costs onto the municipality.

I thank you again for this opportunity to share our concerns.

Mr. Chairperson: Thank you, Mr. Nicol, for your presentation.

We'll move right into questions.

Mr. Johnson: Thank you, Mr. Nicol, for bringing forward your concerns, and I appreciate the time that you took today to voice those concerns.

And you've given us some things to 'consider'—consider and ponder throughout the bill, and we'll be having a look at that later tonight.

Thank you.

Mr. Chairperson: Mr. Nicol, any response to the minister?

Mr. Nicol: No, thank you.

Mr. Chairperson: Other questions from members of the committee? Mr. Wiebe? Mr. Kinew?

Mr. Kinew: Thanks for confusing me with my colleague. We often are mistaken for one another around the caucus table.

Thanks, also, to you, Mr. Nicol, for your presentation. You've certainly given us a lot to think about.

I think there's a lot the government's doing that is concerning to people in Selkirk with the news that the Industrial Power Users Group is concerned with the mismanagement of Manitoba Hydro and with the Gerdau steel plant being a part of that, I can see that there's probably a lot of people in Selkirk wondering what's going on with Hydro and how it's going to affect people's jobs there.

And I also take seriously the point that you're making in terms of the differentiation between Selkirk and the City of Winnipeg, and I think there's a lot of examples of how the government manages things differently for Selkirk than for Winnipeg.

For instance, you have a—sort of a regional hub hospital there in Selkirk. You have your own vaccine site with its own dedicated supply of vaccines right now. You're in a different health region and so you serve that Interlake Eastman area, and yet, as you point out, you are being lumped in with, you know, Winnipeg and the other municipalities from a different health region and with a different set of priorities.

So the examples I gave there are primarily maybe in the health sphere and the pandemic sphere, how Selkirk is sort of on its own, or not on its own but it's on a separate track from some of those other municipalities in the Capital Region.

I'm just wondering if maybe you can flesh that out and help us to understand like, you know, going forward into the future, if Bill 37 were to pass as is, how might the vision that Selkirk and the city leaders are setting for itself, how might that diverge from where Winnipeg is heading? And maybe, in the process, you

can kind of shed some light as to what the goals are, what the plan is for Selkirk, as a city.

Mr. Chairperson: Mr. Nichol, a response to Mr. Kinew?

Mr. Nicol: Big questions, for sure. I think the issue is historically Selkirk has been seen as that service area for the Interlake. We provide the health services, social services for—you know, a lot of regional offices are based out of Selkirk and delivering into the Interlake and into Eastman area.

So I think the issue for us is why we're not given the same consideration as the City of Steinbach, and I think it links back to that original, you know, hand up by Bud Oliver 20, 30, 25 years ago to participate in this voluntary group, and the only reason why we're listed is that participation so many years ago.

When you look at all of the economic indicators, when you look at the way our community is focused, it is not towards Winnipeg. And there's nothing wrong with that—the work of the Winnipeg metro area is fine. We support the general intention of that; however, we're just statistically very different and our vision is different for our community. We do want to be an urban centre and we're leaning into that work, and so you'll already see the investment into climate change adaptation into good infrastructure decisions.

We already provide jobs for—we have more jobs in Selkirk than we have labour force, and so we are a net exporter of work for our region. And I say our region—St. Andrews, St. Clements—we have thousands of people that come into Selkirk from those two communities every day to work. So, to look at us as sort of a bedroom community or focus that on shipping labour into Winnipeg is just not right. It's not represented in the statistics.

This—you know, we have our own transit system. We're just very fundamentally different than the rural municipalities; that where 50 per cent plus of the citizens get up and they drive into Winnipeg every day. You can live your life in Selkirk, have all your services met in Selkirk, work in Selkirk. That is not true for the other municipalities within the region outside of Winnipeg.

So we've—for those reasons we feel that we should not be included.

Mr. Chairperson: Further questions?

Mr. Wiebe, we've got 30 seconds.

Mr. Wiebe: Well, 30 seconds. I can't miss this opportunity to say hi to an old friend, to thank you, Mr. Nicol, for the work that you're doing out in Selkirk. I think yourself, the mayor and council—it's a testament to some of the amazing work that you've done.

I do have a question about, I guess, the response. It sounds like it's a pretty clear ask that you don't want to be included in Bill 37. Can—you tell us this was brought forward by the former minister of Municipal Affairs, by Ms. Squires—Minister Squires.

I'd just like to know, did you get a response from them about whether they would even consider your request?

Mr. Chairperson: Mr. Nicol, our time's up, but I'll allow you a brief response.

Mr. Nicol: We didn't get a direct response to that particular question. We did get a response letter, generally speaking about the opportunity to present our concerns going forward.

Mr. Chairperson: All right, thank you very much, Mr. Nicol, for your time this evening and for also answering the many questions from members of the committee.

We'll now move on to our next presenter, a familiar face, I'm sure, Mayor Brian Bowman from the City of Winnipeg Council. I'll call on Mayor Bowman and ask the moderator to invite them into the meeting, and Mayor Bowman, I'd ask that you unmute yourself and turn your video on.

All right, I think I see you there. Welcome, Mayor Bowman, to this meeting. It's good to see you. You have up to 10 minutes to make your initial presentation. Go ahead.

Mr. Brian Bowman (City of Winnipeg): Sounds good. Thank you very much, Mr. Chairperson and members of the committee. It's good to see you all here this evening.

Thanks for this opportunity to make a presentation regarding Bill 37, The Planning Amendment and City of Winnipeg Charter Amendment Act. And I'm grateful to be with you here on Treaty 1 territory, on the traditional homeland of the Métis nation.

* (20:10)

I'm also grateful to be here with so many colleagues and partners from the Province of Manitoba.

Mr. Chairperson, members of the committee, I believe that the bill is one of the most significant pieces of legislation that has come before the Manitoba Legislature in recent years. Why? Because it goes to the heart of what local governments do and it goes to heart of citizens' capacity to engage in the democratic process and help shape the communities in which they live.

Many of you have a background in local government, and so you know the work of municipalities matter to the people that we serve because, among other things, municipalities provide a forum for land-use planning in which people can expect to be heard.

As the order of government closest to the people, municipalities are vital to the health of our democracy. Those are the words of Dr. Kristin Good of Dalhousie University. She adds, municipalities are an integral part of the Canadian federation and Canada's constitutional design and they deserve to be protected as such.

Local governments can be a source of new ideas and energy if they're allowed a reasonable measure of autonomy. Those are the words of Dr. Bryan Schwartz of the University of Manitoba, arguing that, quote, respect for local government is one of the keys to revitalizing Manitoba.

So, how well does the bill reflect the needs—of these needs: the need to preserve the autonomy of local government and the need to ensure citizens have meaningful input into land-use decisions that are crucial to their future and the future of our community?

Well, the City of Winnipeg has real concerns about the bill, as do mayors and reeves and councillors and citizens across Manitoba. I'm here this evening to try to offer some constructive suggestions for improvement.

I believe—or appreciate the intent of the bill, which is to improve regional planning and to reduce duplication and unnecessary delays in planning, something that the City has done and continues to do.

I also appreciate the long-standing support expressed by members of the government caucus for municipalities and the stated belief, as expressed in the House in 2013 by MLA Blaine Pedersen, before he was a Cabinet minister, that the government of Manitoba should, quote, work co-operatively and respectfully with Manitoba municipalities, rather than in an adversarial and dictatorial fashion.

What I do not appreciate is the disrespect for municipalities, including the City of Winnipeg, that is inherent within the bill, as it was in its predecessor, bill 48. The bill codifies unaccountability by design and encroaches upon land-use and development powers that are the purview of municipalities. It's also problematic that many of the bill's details will be settled through regulations as opposed to legislation, and so we are not even in a position to address them today.

As the Association of Manitoba Municipalities has noted, problems with the bill include loss of local autonomy, subordination of citizens' needs and aspirations to those of developers, significantly increased municipal costs and the very real potential for increased red tape.

I'd like to encourage our provincial government to stop and listen, not just to the City of Winnipeg, but to municipalities, developers and residents across the province who have concerns with the bill. We should all work to solve problems in a proactive, collaborative way, whether by amendment of the bill or carefully crafting regulations or both, because, as a city, we support better regional planning, we support transparency and predictability in the planning process, but nothing could be worse than to see a bill intended to provide better planning fail to meet its objectives because of a lack of sufficient consultation, planning and transparency.

On March 25th, our city council voted nearly unanimously to support positions regarding the bill as recommended by our public service. Earlier today, I took the liberty of forwarding to all members of the Legislature that public service report, and I'll highlight some of these positions now.

There are concerns surrounding residents' complaints to the Municipal Board, and that is an issue that must be addressed. We're concerned as a council about financial barriers that may prevent residents from availing themselves of the Municipal Board, and we as a council are very concerned that residents do not have the same rights of appeal as developers.

The composition of the Municipal Board itself is problematic, giving unelected, less accountable officials a veto over democratically elected municipal councils. We also believe that the Municipal Board, as an appeal body, should operate in accordance with clear, agreed-upon criteria. Such criteria should include whether an application is in compliance or non-compliance with local plans, policies and bylaws. A simple yet effective yes-or-no analysis.

If there is to be effective adjudication, there must be standards, and these standards should be clearly codified in the bill. At present, none are. We suggest that the relationship between municipalities and the Municipal Board should be one of genuine partnership and collaboration. When the board issues a finding pursuant to an appeal, let the duly elected municipal officials revisit and make new decisions on land-use applications. Instead of a top-down imposition of rulings, let there be genuine, collaborative problem solving.

In terms of timelines and delays, something the bill intended to address, there is reason to believe that the bill will lead to longer, not shorter, approval times for development applications. Further discussion on timelines would be in the interest of all parties. We want to ensure they're—*are* fair, reasonable and predictable for all stakeholders. A process which doesn't set reasonable time frames can only lead to frustration and a loss of confidence in the system. Proper planning is essential to building a stronger, healthier and greener city of Winnipeg for future generations to enjoy.

In addition to a negative impact on appeals timing and new delays, elements of the bill create inequality compared to other municipalities, and between developers and residents. Section 253.1 of the bill says that secondary plans are not a precondition for development applications to proceed. This is very concerning because it seems to run counter to the purpose of having secondary plans.

Even more concerning is that this condition is being imposed on Winnipeg but not any other municipality in The Planning Act. The lack of accountability was reference earlier, but I'll be more explicit here. As currently constructed, Bill 37 represents an attack on local democracy. The bill provides greater right of appeal to developers than residents.

Local democracy will be eroded further if Bill 37 follows in the footsteps of Bill 64, where Winnipeg's representation on provincial education matters won't be proportional to its population. Bill 37 needs to ensure that Winnipeg's say on the Capital Region planning board is proportional to the amount of people who live in our cities or our province's capital, where most Manitobans live.

In both Bill 64 and Bill 37, we see a dangerous and reckless theme emerging that is taking final decision-making authority away from local democracy and shifting it into unelected, less accountable

bodies. Before Bill 37 is passed, let's do the work necessary to ensure we're clear about the issues related to cost sharing, revenue sharing and democratic accountability of the new capital planning region, because this is what our residents expect and deserve from their government. Let's not jump into a planning region without a plan.

We all want to see a land-use planning and dispute-resolution system that works for everyone. We also want to preserve a meaningful level of democracy and autonomy in our local government so that citizens can have a real say in their communities and the future of how their community is built.

If we're going to achieve this, we have to do our homework. We have to do it in partnership. The health of democratic institutions depends on this. What we need is truly a made-in-Manitoba solution, and I can assure you the City of Winnipeg wants to work with the Province, other municipalities, Indigenous communities and citizens to help improve Bill 37.

Changes of this magnitude warrant everyone's attention and everyone's best effort so we can build a better Winnipeg and Manitoba together.

Thanks very much for your time and the opportunity to share our concerns and hopes regarding this crucial piece of legislation.

Merci, miigwech.

Mr. Chairperson: Thank you, Mayor Bowman, for your presentation.

We'll move right into questions.

Mr. Johnson: Well, I'd like to thank His Worship for coming here tonight and making his opinion known. We've had lots of letters that have gone back and forth with your concerns, and we're definitely weighing them.

And we realize that you have, obviously, a very busy schedule, so, once again, I appreciate you taking the time out tonight to voice—bring your voice forward.

Thank you.

Mr. Chairperson: Mayor Bowman, any response to the minister?

* (20:20)

Mr. Bowman: Yes. Thanks very much, minister, and it's good to connect with you again.

You know, I'll just clarify: I mean, while I'm expressing my views, I'm also representing council, and so we had 14 members of council who supported the positions that are articulated in the materials that have been provided to you.

I hope and trust you and others have had a chance to fully review them in the recent months, but I'm always available to speak with any member of the Legislative Assembly on how we can work together to support local democracy and make improvements to help those that want to help build our economy, and we're certainly open and willing to do so.

Mr. Chairperson: All right. Further questions from members of the committee?

Mr. Kinew: Thank you, Mayor Bowman. I appreciate your presentation. It's not every day that we have the mayor of Winnipeg come and make a commentary in front of the committee, so I do take it very seriously. And I do put a lot of stock in the words that you've shared.

You know, I wish that there were more opportunities for dialogue between the City and the Province, not just at the committee stage of Bill 37 but perhaps much earlier on.

I'd also maybe read into your comments where you're talking about amendments, potentially; you're talking about regulation—but of course, the government could, at least theoretically, still withdraw Bill 37.

So, I assume that, you know, maybe abandoning the bill and returning to more consultation before moving ahead with any proposed changes might be an option that you'd prefer.

So, I'll leave that with you to pick up on if you like, but the question that I wanted to ask is: During your time in office, I've often heard you talk about building Winnipeg towards a city of a million people. With that sort of vision in mind, you know, the concerns that you've outlined tonight, how would that impact, how would that potentially interfere with Winnipeg reaching that sort of next level of its development and growth? *[interjection]*

Mr. Chairperson: Sorry. Mayor Bowman.

Mr. Bowman: Oh. Sorry. I appreciate the questions. I'll try to be succinct, just in the interest of time.

Yes. More dialogue and collaboration is always welcome. There has been dialogue. I wouldn't say it's been a collaborative process where we have felt our

input has been acted upon, and that's why I've taken, for me, at least, the unprecedented step of appearing before a legislative committee. I've never done this before, and in the middle of a pandemic to take time out to do this is something that was, unfortunately, required at this time.

You know, I guess, in terms of making amendments. You know, we're—that's what we're trying to do is to put forward thoughtful amendments that could improve the bill and make it stronger. And we've been demonstrating—and you can look at the number of people, tens of thousands of people have moved into Winnipeg in recent years.

The year before I was elected, I think our population was about 698,000 people; last year, we were at 767,000 and growing. So, tens of thousands of people are growing here. So we have a stake in making sure that development can occur, and we just want to make sure it's being done in an equitable and accountable way.

And, unfortunately, this bill misses the mark in removing so much power from democratically elected individuals and putting it in the hands of an unelected, less accountable body that Winnipeggers won't have the same degree of trust and confidence in.

Mr. Chairperson: Other questions from members of the committee?

Mr. Wiebe: Well, thank you very much, Mayor Bowman, for participation here this evening. This is a unique opportunity and, as you said, I think this speaks to just how important this piece of legislation is.

One of the things that we've certainly heard from yourself, we've heard from AMM and many of their members, is with regards to the composition of the capital planning board and how that's being left to regulation. In fact, there's a lot that's being left to regulation in this bill.

Can you maybe just talk—is there a specific number or a specific composition that the City of Winnipeg is looking for? In what way can the Province properly acknowledge the fact that the City of Winnipeg is obviously the most—is the biggest part of the capital planning region, and obviously would need to have representation that reflects that.

Mr. Chairperson: We are out of time, but I will allow you a brief response.

Mr. Bowman: Sure. And I'll be quick.

I mean, what we don't want to see is what's happened with Bill 64 in terms of the population that Winnipeg represents not being adequately respected. And I would go so far—I heard from some of my colleagues and peers from other communities. I would expect they would be given the same deference to ensure that the representation is reflective of the population and the demographics of the community that we serve.

So we haven't been, nor am I being prescriptive in how that's reflected, but just simply reflecting the fact the majority of Manitobans live in Winnipeg and, you know, this recovery from this pandemic, which we all want to see, is going to be driven through some of the big communities and smaller communities in our province, but majority of it's going to be driven through economic output in the city of Winnipeg and we want to be part of that, and we want to make sure any capital planning region adequately has the voice of Winnipeg residents reflected, based on our size.

And that's something that Winnipeggers, I believe, care about and would expect, and I would be surprised to learn that their voices were being diluted, if, in fact, that's what happens. I mean, that could be dealt with in the bill and we'd be more than happy to work with the provincial government, all MLAs, on sharing our views furthermore with that.

Mr. Chairperson: Okay. Thank you very much, Mayor Bowman.

We're out of time for you, but we do thank you for the unusual step for—by your own confession, of appearing before the Legislative committee and for also taking the time to answer our questions. Thank you.

Mr. Bowman: Thank you. Have a great night, everyone.

Mr. Chairperson: All right. And now we'll go to what should be a familiar face, familiar name, for the committee this evening, and I'll call on Lanny McInnes of the Manitoba Home Builders' Association and ask the moderator to invite them into this meeting.

And, Mr. McInnes, I ask that you unmute yourself and turn your video on. Is that you there already? Yes, there you are. All right, you can go ahead. You have up to 10 minutes for this presentation as well.

Mr. Lanny McInnes (Manitoba Home Builders' Association): Thank you very much, Mr. Chair, and good evening again. My name is Lanny McInnes. I'm President and CEO of the Manitoba Home Builders'

Association. I also serve as the managing director of the Urban Development Institute of Manitoba. UDI Manitoba is a non-profit association representing Manitoba's professional development industry.

So, thank you all again for the opportunity to speak to you regarding Bill 37.

Once again, I'd like to begin my comments by extending our thanks to the minister, Deputy Minister Gray and his departmental staff, for our ongoing engagement regarding Bill 37. We appreciate the opportunities that have been given to us to discuss the details of this important legislation, to share our questions and our perspectives and to discuss the need for the Capital Region to develop what we have called a plan for growth.

We thank them for engaging our industry as a partner and growing our Capital Region and our province. And I'd also like to thank the former minister, Minister Squires, for her leadership on this as well.

I'd like to highlight four main items in Bill 37 for the committee's attention. The first is the establishment of the capital planning region. UDI has called for the City of Winnipeg and the surrounding municipalities to establish a plan for growth, a strategic and co-ordinated plan for the sustainable growth and prosperity of the Capital Region for many years, and we fully support the establishment of the Capital Region and the development of the regional plan.

We would like to thank Collen Sklar and her team at the Winnipeg Metro Region for their leadership in developing Plan20-50, which is now in the public feedback stage of plan development.

UDI has been engaged with the WMR plan development team, and we look forward to continuing that work as the draft plan is reviewed and submitted to the province for further public review and, ultimately, for government approval.

One vital element to the success of Plan 25 will be the need for the capital planning region to develop and implement a strategic regional infrastructure plan. During our discussions with the Province with the WMR and with the City of Winnipeg, UDI has consistently identified the lack of a strategic regional infrastructure plan that is designed to facilitate economic development, trade and population growth as a critical component of developing a solid regional plan and solid planning documents for the City of Winnipeg and all Capital Region municipalities.

As a key stakeholder that can bring expertise to this process and as the largest provider of privately funded infrastructure in the province, our industry looks forward to partnering with government and the WMR to help facilitate the development and implementation of this much-needed infrastructure plan.

The second item is the expanded role which Bill 37 mandates for the Municipal Board. Our recommendation to the Province continues to be that with this expanded role, the Province must ensure that the Municipal Board has both the proper resources and the subject matter experts in place on the board to properly fulfill this expanded mandate.

* (20:30)

Establishing service standards is the third area we'd like to highlight for the committee. UDI Manitoba supports establishing service standards for municipalities. We would recommend that those—through the supporting regulations, that application requirements for municipalities be clearly outlined to help ensure that applications are not unnecessarily delayed from being accepted by municipalities through the request of additional and potentially irrelevant information as a way that a municipality can avoid starting the clock on an application.

And the final topic we'd like to highlight are the provisions in the bill which provide municipalities with the ability to attach development agreements to permits. We've raised our concerns with this provision with the department on a number of occasions. Essentially, no land in Manitoba will remain permit-ready if this provision remains in Bill 37.

We've discussed these specific provisions with both the City of Winnipeg and the City of Brandon. In those discussions, both municipalities had challenges articulating why they require such a broad tool. It's a fundamental principle that a property owner has a right to obtain a development permit or building permit from a municipality for any use of the owner's land that complies with its current zoning. The only conditions are that they submit a completed application and payment of the applicable fee. A municipality can be liable for the owner's losses if it wrongfully withholds a permit.

There are limited exceptions where a permit application is made after the municipality has taken steps to change its development plan bylaw, zoning bylaw or secondary-plan bylaw, and the development would not generally conform. That strikes a balance

between property rights and legitimate municipal planning goals.

Current legislation contemplates that a municipality may require development agreements, but only when land is being rezoned or subdivided, or in the case of a municipality other than the City of Winnipeg when a conditional use approval is required for the proposed use. Bill 37 in its current form would now allow a municipality to impose a condition that the owner be required to enter into a development agreement before the owner is issued a permit.

We share our concerns regarding these provisions with the department and we're therefore recommending that Bill 37 be amended to delete the clauses granting this broad power to municipalities. If our request is not agreeable to the Province, we would ask that the government hold off on proclaiming these specific clauses until the parameters on exactly how and when a municipality can utilize this tool are developed through the supporting regulations.

We commend the department for establishing a working group to assist with the development of the supporting regulations to Bill 37. From our perspective, having strong and clear regulations that support this bill will be essential in it properly being implemented.

We appreciate the opportunity to have representatives from our industry on this working group and we look forward to supporting and assisting the Province, the WMR and the municipalities as we develop and implement a plan to grow a stronger Capital Region.

On behalf of our collective members, thank you for considering our perspective on Bill 37 and our request to change the bill. We look forward to its passage, and I thank you all for your time this evening.

Thank you.

Mr. Chairperson: Thank you, Mr. McInnes, for your presentation.

We'll roll right into questions.

Mr. Johnson: Thank you, Mr. McInnes. And you mentioned a plan for growth, and I was just wondering if you could maybe comment on timelines and—or what we would call service standards, and knowing how long it would take to get permission for planning or for your application to be either approved or denied. Can you comment on the importance of these timelines or service standards?

Mr. McInnes: We feel that the establishment of service standards is important. We do, however, want to make sure that we're making government aware that in many cases much of the delays that some of our members experience actually comes prior to an application being submitted. And so we have flagged that as a concern that that could potentially be even more of the case.

And we want to take steps to make sure that municipalities aren't taking that step of making it even more onerous to prepare for a development application, and front-ending that so that they're avoiding to start the clock when it comes to the time frames that are being established.

Once the application goes into the process, it usually works fairly well. Obviously, there's some cases where it doesn't and for those—you know, for those cases, having a recourse that's proposed in Bill 37 certainly is a—seen as a positive avenue for those applications to move into that—onto the municipal board for adjudication.

Mr. Chairperson: Further questions for the member?

Mr. Wiebe: Mr. McInnes, thanks for sticking around and giving us your thoughts on Bill 37 as well.

You know, I got to say, I find this unbelievable that, you know, not only is this being—this bill being criticized from the municipal government level, but when we have representatives from industry, folks who just want to get to work and just want to help build this province, and they also have concerns, I'm wondering who did they consult; who did they even talk to about this bill, and how did they get it so wrong?

You know, after one year of delay, a chance to go back to the drawing board—you know, they threw this bill into the trash can and they started from scratch—they had that opportunity, but did they take advantage? Apparently not.

You know, the minister talks about service standards. Of course, you know, service standards when it comes to the municipalities which, as you rightfully point out, there's concerns there. But, of course, there's no service standards from the Municipal Board, which will be obviously overwhelmed, and without any more resources, not have an opportunity.

So, you know, maybe I don't have a question, I just—I cannot believe, Mr. McInnes, you know,

hearing from you—I think you have a valid set of concerns and yet, you know, we have a minister who is continuing through with bad legislation that was brought forward by Minister Squires, and now trying to jam it through the committee and jam it through the legislative process instead of just listening to folks. I guess it remains to be seen, but I do hope that we hear your concerns and that those are taken seriously.

Thank you for presenting here tonight.

Mr. Chairperson: Mr. McInnes, any response to Mr. Wiebe?

Mr. McInnes: Thank you for your comments.

We certainly have been very engaged with the department over the past year on this legislation. We've seen a number of our issues addressed and, really, we have one more outstanding one, which is around the ability for municipalities to enter into a development agreement at permit. And we're hoping that the government and the minister will be open to hearing our recommendations, and we'll bring them forward for the committee to consider this evening.

Mr. Chairperson: All right. Any further questions from members of the committee?

Seeing none, then we thank you very much, Mr. McInnes, for your presentation and for the time you took to answer questions, once again, before committee this evening.

We'll move on to the next presenter, which is Mayor Cheryl Christian, from the RM of West St. Paul. I'll now call on Mayor Christian and ask the moderator to invite them into the meeting.

Mayor Christian, I'd ask that you would unmute yourself and turn your video on.

All right, Mayor Christian, we can see you now, so welcome to the committee meeting this evening. You have up to 10 minutes to make your initial presentation. Go ahead.

Ms. Cheryl Christian (RM of West St. Paul): I want to begin by thanking this committee for making yourselves available to receive feedback on Bill 37. Bill 37 proposes many changes to The Planning Act that will have a significant impact on land-use planning in our municipalities.

I commend the provincial government on your commitment to regional planning and for making some very positive changes to the initial Bill 48. I also want to thank you for your ongoing consultation with

municipalities in the metropolitan region. I'm speaking to the committee this evening because I truly believe that you value the input of your municipal partners and that you want to ensure that our concerns are addressed for an effective regional planning board.

The RM of West St. Paul council, administration and staff are very concerned about the negative implications of Bill 37. Our municipality supports economic development and residential growth. Population growth in our community in recent years was 8.8 per cent, which is higher than the provincial average of 5.8 per cent and the national average of 5 per cent. West St. Paul values collaboration with our regional partners, but we also believe that the regional approach should respect the best practices, community strategic plans and autonomy of local decision-makers.

* (20:40)

I'm going to briefly speak on a number of key concerns West St. Paul council, staff and administration have raised with Bill 37, concerns that we believe should be addressed in the regulations or the bill to minimize the negative impact of the bill on our municipality. We take into consideration the impact to our staff, to residents, businesses and developers. There will be some overlap from some of the issues presented by previous speakers, and we have supported mayors and CAOs that have also raised similar concerns across the region.

The first concern relates to a possible loss of autonomy. In the current bill, the regional planning board composition is unclear. It does not clarify if the appointed 'boid'-board members are elected officials, if they can be municipal staff or community members. We believe this issue can easily be addressed and clarified in the regulations. Municipal council members and CAOs are most familiar with strategic plans, development goals for their own community and the region as well as resident concerns within our communities. We want to make sure all of those stakeholders are represented by having a member of council or CAO be appointed to the new regional board by resolution of their respective council. That is currently not clear.

A second issue for concern for our municipality is the increased financial costs. This will create hardship for small municipalities, in particular, with limited budgets. Costs related to this new regional planning board include unknown operating costs as part of board membership. We are concerned about the costs associated with Municipal Board appeal

hearings. Historically, each time the RM of West St. Paul has come before the Municipal Board for an appeal, it has cost our municipality a minimum of \$5,000, never mind the time it has taken our staff and legal to prepare.

With the new ability of applicants to appeal any planning decisions, conditions and development agreement, municipalities could be looking at costs in the thousands. Significant costs to the RM will be legal fees, time spent, staff hours. There are also significant costs associated with changing our zoning bylaws to align with the new regional plan. I would ask at this time that the provincial government consider providing municipalities with unlimited grants to help offset some of these costs that we will have to have to mitigate these challenges.

Another concern we have is in regard to the requirement that a written reason accompanying council decisions are provided around the land-use planning. The proposed bill requires written reasons accompanying certain decisions. Our municipality has been advised by our legal counsel that providing written explanations for council decisions creates legal risk for the municipality.

Councils include a number of decision-makers who have different reasons for voting to approve or reject an application. How will a reason be submitted with such a leadership structure? On my own council in particular, we have five council members who vote to approve or reject an application for very different reasons. How can we possibly provide the Municipal Board a reason why an application was refused when we don't know each of the individual council members' reasons?

We also have concerns regarding the types of planning decisions that are subject to appeal. The RM of West St. Paul does not believe all decisions should be open to appeal by applicants, particularly conditional-use and variance application. By their very nature, these planning applications are requests to allow uses that run counter to the established conditions outlined in our local zoning bylaws, which is to reflect the land-use designation identified in the regional plan. It is our belief that these applications should not be subject to appeal, as they run counter to the regional plan.

We also have concerns regarding appeals on development agreements and conditions specifically. Bill 37 permits appeals on many planning decisions, including development agreements. Development agreements are legal documents drawn up by lawyers.

These are something that we've been doing in West St. Paul for many years; they are standardized documents reviewed by our lawyers. As such, appeals to legal conditions should be challenged through the courts and appeals should be made by legal professionals, not the Municipal Board. This mechanism for appeal already exists. Conditions added by council can also be appealed through the courts. We do recognize the ability to appeal development agreement delays should be permitted, but not the content of the development agreements, as these are legal conditions developed by our legal.

Municipal Board concerns—finally, we have a number of Municipal Board concerns regarding the Municipal Board. What will be the makeup of the board? Will they have planning and legal knowledge to make informed and unbiased decisions? How are board members selected? How will the Municipal Board be able to handle the caseload to deal with all of these appeals?

It was our understanding that there's currently a backlog of over a year for appeals to the Municipal Board, and West St. Paul has had to wait to deal with appeals in our municipality. As a thriving community with significant growth and development, we don't want to see additional red tape and time delays.

During the technical briefings on this bill, municipalities were advised that Municipal Board decisions would not be—would be based strictly on policy. What does that mean for the role of residents and their voice in the appeal of local decision-making? Why should they even come to public hearings and speak about planning matters if the appeal process will not consider their concerns?

We support an appeal process, but a process that is timely and inclusive, democratic. The council, administration and staff of West St. Paul value a positive and collaborative working relationship with our neighbours and a shared commitment to regional planning. We believe our community is a leader in the region when it comes to residential growth, commercial development and infrastructure.

In recent years, our community has overseen multi-million-dollar potable water and waste-water projects. We have developed best practices to help promote growth in the region while at the same time balancing the need for transparency and resident input. We have encouraged developers to host community open houses to help create a shared vision for our community.

We fully support and commend the provincial government's focus on regional planning and economic growth. Some of the planning changes proposed in Bill 37 will have a significant negative impact on our community and the great work we have done to grow our local economy.

We hope the provincial government considers a number of small but significant changes to the proposed Bill 37, and we hope you add regulations to address many of these concerns. And we thank you in advance for taking your time to consider our request.

Thank you.

Mr. Chairperson: Thank you, Mayor Christian, for your presentation.

We'll move right into questions.

Mr. Johnson: Well, thank you, Mayor Christian, on your growth of 8.8 per cent; that's something to be proud of. And thank you for taking your time to come out tonight and voice some of your concerns. And, you know, we're here to listen tonight.

I just would like to say that, you know, one of your concerns was the Municipal Board and maybe the—their budgeting and stuff. We've increased—in the '21-22 budget, we've increased their budget by 42 per cent. So this, we anticipate, will more than alleviate any potential appeals backlog.

But, once again, thank you for taking time to come out tonight and voice your opinion and your wise words that you spoke tonight. And I'd like to thank you for coming.

Mr. Chairperson: Mayor Christian, any response to the minister?

Ms. Christian: I want to thank the minister. Since you've become minister, you've definitely made yourself available to hear those concerns, and we really appreciate that and respect that. And we just want to be able to continue to grow our municipality and do good things. So we're hoping for the support to continue to do that.

Thank you.

Mr. Chairperson: All right, questions from the committee?

Mr. Wiebe: Thank you very much, Mayor Christian, for coming here this evening to join us. There was a lot to digest in your presentation. I think you captured a lot of the concerns that folks have.

I heard you say right from the beginning, you know, some of the unknowns, some of the pieces that are—we're still waiting to learn more about in regulation. I think those are a major concern. I also hear you talk about the financial cost and the impact. I know you are a fast-growing, successful RM, and certainly these restrictions—or, sorry—these requirements under Bill 37 sound like they will have a significant financial cost for you.

I also just wanted to mention the, you know, the piece about the legal appeals process and how the courts really should be deciding some of those. I think that's an interesting piece I'm going to look into a little bit further.

You know, I said it earlier, but, you know, I have an opportunity now, again. Luckily, we have your MLA here sitting, joining the committee. Mr. Martin's joined the committee and he's been listening in intently. I'm sure he's going to want to make sure that he has further dialogue with you and takes these concerns that you have and directly communicates them to the minister to show just how important these are to his residents. So I encourage you to do that.

And thank you for your time here this evening and bringing these important points and concerns forward.

Mr. Chairperson: Mayor Christian, any response to Mr. Wiebe?

* (20:50)

Ms. Christian: Thank you so much, Mr. Wiebe, but absolutely we bring our concerns to our MLA and we're happy to bring all the concerns forward.

And thank you for your comments.

Mr. Chairperson: Other questions?

Hon. Jeff Wharton (Minister of Crown Services): Good evening, Ms. Christian—Mayor Christian. How are you? Good to see you again. Thank you for those comments.

Certainly as a member of the Interlake, driving by West St. Paul and a number of our northern communities, we see the development in those areas and it's great to see not only on the residential side but on the commercial side as well. So the Capital Region is definitely growing, and growing at the speed of light. So that's good to see.

I think just a comment and maybe just a quick response would be great with respect to having a uniform and clear process—you mentioned members of the public, ratepayers, local ratepayers coming to a

meeting or an appeal or a planning meeting and not really being clear of the process.

Would it be fair to say that a clear public process that would include the public council developers, if we had a document like that similar to what's in Bill 37, that people could come to a meeting and understand what really the overall game rules are, that it may help with mitigating some of those long appeal processes that go on and have gone on for decades?

Mr. Chairperson: Mayor Christian, up to a minute.

Ms. Christian: Thank you, Mr. Wharton.

Absolutely. We do our best to be educating residents at our level and sharing information about the process, the zoning bylaws, development plans, secondary plans. What I think is important is to make sure that they're included in that. So I'm hoping that if there's, you know, a process that has Municipal Board involvement and they're reviewing it, that our residents and community members and, really, all stakeholders feel that they have an opportunity to view that, to be part of it and speak to that.

So if there's going to be an appeal process, then it should really replicate judicial process, that there should be an opportunity for everyone to comment on that. If this is going to just be an appeal process for developers, that's not going to sit well with our community. And I think your government's wanting to move forward in a way that's open and transparent, too.

So if residents feel—our constituents—that they have a say and that they can attend that and be part of it, I think that's really going to go a long way to making sure that this process is open and transparent and democratic.

Mr. Chairperson: All right, thank you, Mayor Christian, for your presentation tonight and for your willingness to answer questions from members of the committee.

We're going to roll right into our next presenter. So, I'd call on Brent Olynyk and ask the moderator to invite him into the meeting.

Brent Olynyk, I hope I'm pronouncing your last name right, but I'll ask you to unmute yourself and turn your video on. All right, I think I can see you there.

You can go ahead with your presentation. You have up to 10 minutes. Go ahead.

Mr. Brent Olynyk (Private Citizen): Hi. Good evening to everyone tonight.

I like—I agree with Bill 37. I think that it's in the best interests of Manitobans to establish a clear, consistent framework for development, reviews and appeals.

First off, I'm going to give you some background on West St. Paul. Our population has increased by over 20 per cent from the last census; so you heard from the mayor of West St. Paul, about 8.8 per cent. That was our last census numbers. We're currently driving at a 20 per cent growth rate. We may be the highest in Manitoba in the next census. We've gone from 1,900 homes to over 2,300 homes. We currently have 3,000 approved lots/homes ready to move forward, including diversity ranging from single-family homes to multi-family apartment-style. I believe our population will double in the next 10 years. And if you drive on the north Perimeter as Mr. Wharton has—or Minister Wharton—you will see the commercial boom.

We have also been very successful in securing waste water from the City of Winnipeg and water from the Cartier co-op. So we know how regional co-operation works. We know how to work with partners. We know both the private sector and the community can be winners.

In Manitoba, West St. Paul is a model for economic success. I believe the bill may be weighted in favour of private developers. We have had amazing experiences with private partners, including our private-public partnership that allowed the RM to bring in water from the Cartier Regional Water Co-op. This was a very positive experience where a private partner shared in the cost.

However, we have also had negative experiences with developers that do not have the interest of a local community. Those are the developers that do not want to negotiate fair terms with the RM or pay their fair share for infrastructure. Those are the groups that will appeal to the Municipal Board.

The appeal process is of concern for a number of reasons: (1) a decision at the appeal level takes the decision-making out of the hands of the local politician. So, a decision made by municipal council can be overturned.

I'm especially concerned over an appeal on a conditional use. Local elected officials will be holding the bag while the decision that can cause impact to the community is made someone—by someone who does

not live in the community and may know nothing about the community. There will be no accountability for their decision, so at the Municipal Board level, they will walk out of the door, leaving the council to deal with the public.

So what I'm saying: if the Municipal Board makes a decision and the public isn't involved that night, they can leave and it's all over for them and my council has to deal with the public.

I think a good point the mayor of West St. Paul brought up was, if we have a hearing at our level, we could have upwards to 50 or 60 people speaking, and at the Municipal Board, nobody but the appealing party and the RM will be allowed to speak.

Number two: the cost will be prohibitive for a small municipality. We will need to be prepared and hire legal counsel. Our administration staff is small. We have nine administrative staff that include three managers. Resources have to be directed to an appeal. As the CAO, I will have to attend the board along with our planner.

Our last two municipal boards were very lengthy; one was a simple challenge to electrical boundaries and it was spread over three evenings. It should have taken a couple hours.

So, we've found in—historically for us, that the Municipal Board has sucked resources that were needed elsewhere for the RM. I think the Municipal Board needs members that are familiar in municipal affairs and planning.

And finally, appealing our development agreements would be devastating. We negotiate in good faith, keep the local community and the new development balanced. We've been very successful; we have negotiated approximately 40 development agreements in the last five years and we have a lot of homes on the go. We're very successful.

Backlog at the Municipal Board is high. I've heard tonight that we've had an over 40 per cent increase to funding. I believe the board has to put in—itself in position to do multiple hearings at the same time to keep up. At times, the board has been very backlogged—over a thousand appeals.

I speak from experience. I was once the director of the Board of Revision at the City of Winnipeg, seconded to successfully reduce a 25,000-appeal backlog. So I believe multiple hearings at multiple locations will have to take place to bring the current backlog down.

The legislation—we're to establish a regional planning authority in the Winnipeg Metro Region, create new rights of appeals on a wide range of local planning decisions, including expanding public appeals to the Municipal Board for rezoning applications in the City of Winnipeg and would prescribe timelines for municipalities to process planning applications across the province.

Plan20-50 will be a guiding force in the Winnipeg region. My concern here is with data that we're seeing coming out of Plan20-50 now, and I'll give you three examples about growth forecasts in the next 30 years.

One example that stood out to me was this group has forecast no growth in Selkirk to 2050. Actually, the growth on a high-end forecast was an increase of 33 people, one person per year for Selkirk.

Another neighbour of ours, East St. Paul, will have some decline between now and 2050, according to plan—to the plan. And in West St. Paul, the gurus of Plan20-50 have suggested that we will reach a number of 7,537 residents by 2050. By the end of 2021, we will be at 6,600 residents, and we have 3,000 units approved and ready to roll out.

And what I mean by ready to roll out is they've been approved at the council level; development agreements have been signed in short periods of time and I currently have hundreds of units that—basements are going in the ground, roads are billing—being built; just around the perimeter itself I've had private partners put over \$40 million into the ground—infrastructure including roads, hydro, drainage, water and sewer.

Thank you for the opportunity to speak tonight, and my support is certainly behind Bill 37, with some changes.

Mr. Chairperson: All right. Thank you, Mr. Olynyk, for your presentation.

We'll go straight into questions.

The honourable minister.

* (21:00)

Mr. Johnson: I'll just address you by Brent, if you don't mind, just for the chance of potentially butchering your last name, so I hope you don't mind that.

Just for a little bit of clarity though, private citizens can present and participate at the Municipal Board. They have limited time, just like you do here today, but they do have that voice.

The Municipal Board is scheduled to clear its backlog that we inherited by the next assessment cycle. Just from May of 2018 to December of 2020, we closed out 73 per cent of the outstanding appeals; that's 1,790 appeals. So, with the 42 per cent increase in the municipal budget—in this Municipal Board in this annual budget, we're hoping to obviously get that rate down to zero by the next assessment cycle.

So, just, if you can elaborate a little bit on the conditional use. You suggested that maybe this be amended in the bill. If you could just continue on that a little bit and then discuss that a little bit more.

Mr. Olynyk: Yes, the conditional use is where you'll find alterations to an application. So, if someone's in a zoning area that they don't meet, they get to come to apply for a conditional use.

For example, it may, you know, may be a commercial highway, where they want to do storage in the back lot behind the building and they have the opportunity to come and apply for a conditional use. This is an example I'll use. So, we could have a large number of the community local level. The sign is posted and local communities come out to talk about this conditional use. This is historic significance maybe in the community, in the area and, you know, I'd just have concerns on a conditional use that it will come to a board and they won't be able to take all the considerations into place.

So when you have local councils, they are able to be on the ground floor with citizens and talk to them on a regular basis. They know the history of community. And, you know what, at the Municipal Board, the last Municipal Board we had were—two of the members were from over 400 kilometers away from West St. Paul, so they had no local flavour for our community.

Mr. Chairperson: Further questions?

Mr. Wiebe: Well, thank you very much, Mr. Olynyk. It's really great to see you here at committee and to see you—I think we're wearing a little bit more professional attire than maybe the last time we chatted. So it's good to see you here.

I just wanted to thank you for your presentation here tonight because I do think you have a very specific point of view and a lot of knowledge around this. As somebody—you know, obviously, we've heard from some elected officials, and you're certainly no stranger to that world, as well, but coming from the CAO role, I think there's a lot to be said for your

perspective and take your concerns very seriously. I think there is room to improve this bill.

You know, the concern is that we're here at committee stage after a year of ability to consult and to make changes. So, hopefully, the members of the committee are listening. Hopefully, the minister is listening and we certainly took some notes and appreciate your perspective. And I'm sure we'll be seeing each other again very soon.

But appreciate you coming to the committee tonight.

Mr. Chairperson: Mr. Olynyk, a response for Mr. Wiebe?

Mr. Olynyk: Thank you, Mr. Wiebe, and it's been my pleasure coming to committee tonight and yes, I will see you in Grand Beach this summer, I'm sure.

Mr. Chairperson: Further question?

Mr. Lamont, you have about 30 seconds.

Mr. Dougald Lamont (St. Boniface): Yes, I just have a quick question.

Often we talk about, you know, the—when the point of view of the democratic input, if you've got people who are also property owners. Do you have a ballpark, when you talk about the development that the ballpark of the property that people own in West St. Paul that's been developed over the last few years?

Mr. Olynyk: Well, we have our development—what we're trying to do with our development is, we're an urban rural community, so we're trying to create some density in areas around the Perimeter and around Main Street. So, our future goals over the next 10 years will see about, I would say, between 15 and 20 per cent of our total community moving to a development stage.

And my concerns aren't necessarily all for West St. Paul because I believe we've set it up, and, you know, by doubling our population in the next 10 years, that we're going to be way more than halfway there to maybe what is a total buildout for our community. So we've been a little bit ahead of the curve with working with private partners, with making successes happening in a win-win situation. So—

Mr. Chairperson: All right. Sorry, Mr. Olynyk, but we're well over time, so I'm going to have to interrupt you there.

We got to get to the—we got a number of presenters before us, and I do want to give them all the chance to speak.

So, thank you very much for your time this evening and for the presentation and the willingness to answer questions.

Let's move to the next presenter, which is Cara Nichols, a planner. I'll now call on Cara Nichols and ask the moderator to invite them into the meeting, and I'd ask Cara Nichols if she could unmute herself and turn her video on.

I think I see you there now. Hello, welcome to the committee meeting. You have up to 10 minutes to make your presentation. Go ahead.

Ms. Cara Nichols (Private Citizen): Good evening, members of the legislative standing committee. My name is Cara Nichols, and I'm a municipal planner employed in Manitoba.

Bill 37 is a positive step in the right direction from the original bill 48. I understand that Bill 37 is based on best practices for land-use appeals. However, other successful provinces have provided detailed grounds for an appeal within the bill itself rather than through the regulation of legislation, which Manitoba plans to do.

To create more clarity for planners, developers and the Province, the parameters around grounds for appeal should be provided within Bill 37. There should also be some details provided in the bill around imposed timelines. For example, what marks the beginning of a 90-day turnaround time for a development agreement? Most municipalities would have a different answer to this question.

Mr. Vice-Chairperson in the Chair

There is a provision in The Municipal Board Act to appoint a technical adviser. Including a planner on the Municipal Board as an adviser could be advantageous. Someone who has worked in the municipal sector, understands the building permit process, and who has experience writing development agreements could bring some valuable expertise to the Municipal Board.

In conclusion, in order to proceed as a cohesive region that will attract global business, we should start the collaborative process at the legislative level. Bill 37 should be clear and provide detailed parameters to accelerate the process and prevent confusion.

Thank you for your time.

Mr. Vice-Chairperson: Thank you very much, Ms. Nichols.

Are there any questions on behalf of the member?

Mr. Johnson: Hi, Cara. Thank you for coming out tonight and putting your points of view on the record for Bill 37. And we will definitely take them into consideration, and we will talk to you soon, I guess.

Have you—I'm just trying to think. I think we've met before. I'm trying to place you. So my apologize—my apologies if I can't place you, but anyway, thank you for coming out tonight and presenting. That's it, thanks.

Mr. Vice-Chairperson: Ms. Nichols, do you have any comment back to the minister?

Ms. Nichols: No, just thank you very much for listening tonight.

Mr. Wiebe: Well, thank you very much, Ms. Nichols, for your time here this evening. I think it is important to hear your viewpoint.

As I said before, this bill is somewhat unique in the sense that we often hear a bill which, you know, maybe favours one side or another or has significant issues when it comes to one group over another, but what we're hearing this evening I think there are concerns from a lot of different folks, and so, you know, hearing from developers, hearing from folks who have a stake in this, I think is important, and I do think your voice is one of those that we want to listen to.

Just wondering—and maybe this will help jog the minister's memory—have you been—have you made a, you know, a formal request to meet with the minister? Have you written to the minister? Have you had any consultation whatsoever with the minister's office that maybe you could put on the record and give us a bit of context to the response and to the consultation that's taken place so far? *[interjection]*

Mr. Vice-Chairperson: Ms. Nichols, I just have to recognize you just for the purposes of the Hansard.

So, Ms. Nichols.

Ms. Nichols: No, I have not.

Mr. Vice-Chairperson: Are there any other questions from the committee?

* (21:10)

Mr. Johnson: Yes, a planner from East St. Paul; I have it now. I had to cheat and get my deputy minister's insight on that. So, anyway, thank you for presenting. Thank you for your time.

Mr. Vice-Chairperson: Thank you very much, Ms. Nichols.

Seeing no other questions, we'll move on with the next presenter. I will now call on John Mauseth, the mayor of the RM of Headingley, and ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on. Thank you very much.

Floor Comment: Hello.

Mr. Vice-Chairperson: I can hear you, John; I just can't see you yet.

Floor Comment: Might be a bit of a delay there, but I did hit the video.

Mr. Vice-Chairperson: We're just in a—don't worry, John. Like, we can hear you; we're just in a bit of a holding pattern as we try to sort out the video.

Floor Comment: Okay. Does that mean you'd like me to proceed, or do you want me to wait 'til you get the video?

Mr. Vice-Chairperson: If you can just give us a couple seconds, John, and I will give you a heads-up in warning.

Floor Comment: Sure.

Mr. Vice-Chairperson: John, you don't have anything covering your camera do you?

Floor Comment: I do not. Everything shows working at my end. Just a second here.

Mr. Vice-Chairperson: Oh, John, jeez. Looking better than ever.

Floor Comment: Thank you, Mr. Martin.

Mr. Vice-Chairperson: Well, all right. Anyway, John, I will ask you to please present, thank you.

Mr. John Mauseth (RM of Headingley): Okay. Good evening, Mr. Chair and committee members. My name is John Mauseth. I am the mayor of the RM of Headingley, and I'm representing our municipality here this evening.

I want to thank you for the opportunity to present the concerns of our municipality regarding Bill 37.

Just want to make a side note outside of my presentation is, as I present, one of the, you know, reasons for, I think, the municipal common concern of anonymity—or, autonomy, sorry—is West St. Paul's presentation. They're a very successful municipality, widely respected, including by the municipality of Headingley. But we have two totally different mindsets.

And so I'd like—with that I'd like to start by providing a quick overview of our community. Headingley was created in 1992 following secession from the City of Winnipeg. It has grown from a population of 1,575 to 3,579, according to the last census.

Our assessment has grown from \$53 million in 1994 to \$522 million in 2021, and today, we have one of the lowest, if not the lowest, municipal mill rates in the province at 6.4 mills. Our growth has been steady, thanks to the vision of our municipal councils and our residents. Our planning process has resulted in controlled growth in all sectors. All of our significant planning decisions have been made in consultation with our community, and at each election, one of the main issues is development control and the vision for our community. And our community is very engaged.

Bill 37 will lead to the adoption and implementation of the focus 2050 regional plan. Planning control will be effectively lost at the community level, which may result in significant change to the vision for our community. Our vision of a density of one to two lots per gross acre and controlled development will be replaced with the vision of the new capital region of a density in the order of nine lots per gross acre and with very limited control over the pace of development.

Bill 37 changes are significant, with a massive shift and the loss of local decision-making and control. The changes proposed come at a time when COVID-19 and the health and welfare of all citizens are at risk and foremost in people's minds. There is an obligation on the provincial government to carry out proper consultation, failing in which the result will be people believing they—that they have been taken advantage of by the provincial government at such a critical time.

Members of our council have spoken with local ratepayers who are, for the most part, unaware of the changes being proposed. Once informed about their impact, their reaction is strongly against, and the feedback has been that the lack of consultation by the provincial government appears deliberate to avoid

public scrutiny and take advantage of the pandemic crisis.

In regards to loss of autonomy, the changes will mean that most local decisions made concerning development plans, zoning bylaws, conditional uses and even conditions of development agreements may not—may now be made by the Municipal Board on appeal by the developer or property owner. As a result, council decisions following public input are now, in effect, meaningless, with the decisions to be made by an unelected Municipal Board who are appointed by the provincial government.

How can the Municipal Board know about and understand the local circumstances and conditions for every Manitoba municipality? Further, why is there no provision for appeals by objectors or, at minimum, a provision or—for inclusion of objectors in the Municipal Board appeal process?

For the 18 municipalities making up the Capital Region, local use—local land-use planning decisions will also now be dictated by the overarching regional plan, focus 2050, being prepared right now before Bill 37 is even law.

The regional plan mandates that its policies and rules must be implemented and followed by all 18 member municipalities with no development permitted that is inconsistent with it, including even develop permits. The only way to have the regional plan changed is at the regional planning board, where decisions are made by the 18 municipalities, not by council or the planning board members who are accountable to the community impacted by the decision.

Do not underestimate the impact of the land-use decisions being made by the Municipal Board that are not supported by the local council or community. The board's decisions will be seen as the provincial government's responsibility and interference with local decision-making.

Bill 37 will impose a requirement for regional plans and regional policies for infrastructure, services and facilities. The regional plan will dictate how and what municipal services are provided, the standards for municipal infrastructure and what and where municipal facilities should go. Should that not be a local decision?

In regards to increase in red tape and cost, changes that will result in enhancing and increasing the efficiency of the land-use planning system are welcomed and would be seen by everyone involved in

the land-use and development industry as a positive step.

The proposed changes contained in Bill 37, however, will not increase efficiency in the land-use decision-making system and instead will create a system where only the largest developers will be able to develop because of the costs involved in having to meet all of the upfront criteria that will now be in place to ensure the time limits set by the changes are met. Small- and medium-size local developers in the communities will be severely restricted.

Development applications will have to be vetted against the regional plan to determine compliance, as well as a local development plan. Proposals that do not conform with the plans will now require amendments to both. That process will be by two different organizations, each of which will require provincial government consent before a project can proceed.

Bill 37 will require municipalities to provide reasons for decisions. That's fine when a decision is unanimous, but what do you do when it's a split decision? This will create the opportunity for conflict within municipal councils when attempting to create language for the decision. This will likely delay decisions even further until that language can be worked out.

With the increase in the kinds of decisions that can be appealed to the Municipal Board, municipalities will be put in the additional expense of having to participate in and defend its decisions on appeal. Who's going to pay for these increased costs? Will it be the rest of the municipalities, property owners and taxpayers, or will it be all land-use developers at higher fees and levies?

Also, with the expected huge increase in appeal hearing and work for the municipality board, who will pay for the board's increased costs? The taxpayers of Manitoba as a whole?

In conclusion, Bill 37 will result in a huge change to the planning process in Manitoba. Local autonomy will be lost and, despite its intent, red tape and costs will be significantly increased. These changes are being made with limited consultation with the people affected by it most.

The working group advising the government on the legislative changes contain no elected municipal officials or planning practitioners from the regulatory side of the planning process. We are particularly concerned about the lack of any consultation whatsoever with our community, a community with a proven track

record of success in the delivery of planning services that meets the community vision and is delivered in a timely fashion. Why wasn't there an interest in looking at a process that is successful?

Finally, our ask is that you pause this important process to ensure that all aspects of the legislation are considered and reviewed by a broader cross section of representatives.

I want to thank you for your time this evening.

Mr. Vice-Chairperson: Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

Mr. Johnson: Yes, thanks. I just want to once again thank you for coming in and our local councils, our grassroots politicians and I just want to thank you for bringing your voice forward tonight. Thanks.

Mr. Vice-Chairperson: Mayor Mauseth, if you'd like to respond?

* (21:20)

Mr. Mauseth: No. I want to thank you, as well, for taking the time to hear our case tonight. Thank you.

Mr. Vice-Chairperson: Mr. Wiebe has a question for you.

Mr. Wiebe: Well, thank you very much, Mayor Mauseth, for coming here this evening. It's important to hear your voice and I appreciate your unique perspective that you bring on behalf of your rate-payers.

What I'm hearing from you is, you know, you have a specific vision for your town and for your development. It sounds like you've been pretty successful at doing what you do and you have the support of your electorate to do that. And what I'm hearing is that you feel like this is, you know, being imposed on you and that most important piece of consultation hasn't happened. So I take those comments very seriously.

I also appreciate you noting the fact that, you know, under, you know, COVID and all the additional pressures that municipalities are feeling these days, that a change that's as significant as this really doesn't help to spur development at a time when I think municipalities are looking for all the assistance they can get.

So, you know, I don't think I have a question, but I just wanted to thank you for your perspective. Like I

said, I think it's an important piece of the puzzle in trying to understand how this is going to impact each municipality in the region individually, and I think your perspective is very unique. So, it was good to hear that. Thank you.

Mr. Vice-Chairperson: Mr. Mauseth, I'm not sure if you would like to respond to Mr. Wiebe at all?

Mr. Mauseth: Sure. Really quickly. I just want to say that, you know, as I think Mayor Bowman alluded to earlier, we are in support of better regional planning, but, you know, we are elected by our residents and, you know, we need to make sure that their concerns and the vision of our community is met and Bill 37 does threaten that as it stands.

Mr. Vice-Chairperson: Mr. Lamont has a question?

Mr. Lamont: Look, I just wanted to say thank you, too, because I think you've done a fantastic job of articulating many of the issues, the very serious issues, with this bill, both in the way it treads on autonomy as—and doesn't really do what it sets out to do.

I guess—in my family—actually grew up in Headingley, though don't—anyway, but, near where Taylor Farm is, but—I even did some surveying.

But the other—I'm just wondering if you've had a chance—is this—I mean, obviously this was a broader concern—is this something you've been able to discuss with residents, and is there an interest in—a further interest in pausing this bill, because I think that that recommendation is probably one of the best I've heard.

Mr. Mauseth: Yes. I think that is our ask. I think there is a need for consultation with elected officials, planners and I mean, this is—I think Mayor Bowman alluded to it—this is a huge deal. This is a huge bill, and I think, given the importance of it, I think it's—I think we need to get it right the first time. Thank you.

Mr. Vice-Chairperson: Are there any other questions from the committee members?

All right, seeing none, just on a private note—John, I just want to say hello and it's nice seeing you virtually, and when rules apply, please be assured that I'll be out there for an after-council bevy like old times. So, I hope all is well. Thank you.

I will now call on Michael Carruthers and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Mr. Carruthers?

Mr. Michael Carruthers (Private Citizen): Hello.

Mr. Vice-Chairperson: You can please proceed with your presentation. Thank you very much.

Mr. Carruthers: Hi. Thank you very much.

My name is Michael Carruthers. I work in land development with Ladco Company Ltd. I'm also on the board of directors for the Manitoba Home Builders' Association and UDI Manitoba.

Thank you very much for the opportunity to present here today and for the ongoing public and industry engagement on this bill as well as with the Capital Region planning work being undertaken by the Winnipeg Metro Region.

There are a number of good, positive aspirational aspects of this legislation: regional planning; regional servicing; co-operation; streamlined development approval timelines; an appeal process for both public and developers; the object—or, sorry, the objective of enhancing economic opportunities and ensuring the Capital Region and Manitoba remain competitive is a critical importance for the future of our province.

I do have a couple of comments and concerns with the legislation that I would like to bring forward, items that could become unintended consequences if not adequately addressed.

First being service standards. I support the idea of the concept and the intent of consistent development approval timelines. 'Timelines' need to be clear, understandable and achievable. My concerns are not with the timelines—or, sorry, my concerns are with the timelines that are not being dealt with with this legislation, what I would refer to as pre-application and post-approval timelines. Unfortunately, there could be added times and costs to applicants.

Municipalities may end up front-loading application processes and require more information that could result in added time, costs and uncertainty before an application is even accepted. These could include things like prolonged pre-application processes, extended consultations, added traffic studies, added engineering studies and detailed design—project designs. This would result in proponents having to front-end these without even knowing if their application would be considered, let alone improved. Many worthy development projects won't even proceed to the application stage. There needs to be a very clear understanding of what constitutes a complete application.

A second timeline that is not being dealt with this legislation are what I referred to as post-approval timelines. These timelines are often longer than the approval process itself. These include the preparation of legal and servicing agreements, review and approval of servicing designs and plans, review—the review of and registration of legal plans at the Land Titles Office. These types of timelines can be extensive.

There will be expectations from many in the community that the development processes have been streamlined, only to find out that one piece of the process has been dealt with while another piece—and other pieces of the process remain the same.

Mr. Chairperson in the Chair

For instance, we were working on a development project in north Winnipeg. We started this process six years ago. We're now at the point where we're servicing the site, plans are being registered and hopefully, by the end of 2021, homes will be constructed. I am not certain how this legislation would shorten these timelines.

The second item that I'd like to briefly talk about are opportunities for municipalities to require development agreements on permits. You've heard from others here this evening, and you'll likely hear more as we carry on this evening, I'm not really sure what the issue is that that this portion of the legislation is trying to resolve.

In reality, the unintended consequence is that certain property rights may be taken away. Property owners should be assured that their rights—that the rights granted under existing bylaws, such as zoning bylaws, are respected. With this legislation, there certainly may be—some of these rights may certainly be diminished. Every permit application could be questioned, could be subject to administrative review. There are potential added costs of servicing or outright rejection, even though the use would be permitted under the existing bylaws.

Discussions that we have had with the City of Winnipeg and their staff would seem that—this—would seem to suggest that the City would like to have a tool to implement local area planning and pre-zoning, principally in infill areas. The City would be able to plan, service and pre-zone a redevelopment district and have a mechanism to collect funds, to cost-share infrastructure improvements to service the redevelopment area.

This makes sense, and I expect that it would garner broad support. However, that's not what the legislation contemplates. It seems to be too far open-ended and possibly open to abuse.

I would strongly recommend removing this portion of the legislation and work with the municipalities in the industry to come up with a workable solution. Alternatively, if that's not possible, then I would recommend that proclamation be delayed until this has been studied further and the inconsistencies, uncertainties and the kinks are all addressed by an amendment.

Thank you very much for your time. That would conclude my presentation, and I look forward to any questions.

Mr. Chairperson: Thank you very much for your presentation.

We'll roll right into questions.

* (21:30)

Mr. Johnson: Yes, thank you very much for your presentation. I would like to maybe get you to expand a little bit on the pre-application and the post-approval. Bill 37 is a great foundation that we can build upon and it kind of sounds like there's more work to do. But maybe you could elaborate on those two points, please, if you wouldn't mind.

Mr. Carruthers: Sure thing. The pre-application, what I refer to here is prior to a municipality, in particular the City of Winnipeg, accepting an application, the timeline for the approvals starts when the application is accepted. We're concerned that the city may add—put—or, increase upfront requirements for an application before they will consider an application being complete. Therefore, the timeline would not start until information that typically is not required, such as detailed engineering studies or a pre-application process or traffic studies.

Those types of items for many, and in particular smaller development projects, those types of items that the developer or property owner would not typically require submitting until they know their project has actually been approved. So that is a concern from the pre-application process.

Post-application items, we've talked about in the past with the city, and Marc Pittet actually had identified a few of them, a deal with the City of Winnipeg's preparation of legal service—or, legal agreements and of—and other types of easement agreements. Some of these agreements can take a

great deal of time to prepare, and they're not considered to be development agreements.

As—also, we have time constraints dealing with land titles review of development plans and the registration of plans. Sometimes these take—those processes themselves also take significant time. The latest project that we're working on, the approval was granted in January of 2020, and we will be going into land titles for planned registration later this month or early May. So it's been well over a year.

Now, granted, these projects that we're working on are sizeable, significant projects dealing with hundreds of acres, not small projects, but regardless, those are the types of processes and timelines that are not addressed in this legislation and are critical to developers.

Mr. Chairperson: All right, further questions from the committee?

Mr. Wiebe: Mr. Carruthers, thank you very much for your time this evening. Once again, I think you brought an important perspective here and given us all something to think about.

You know, again, I'm concerned that, you know, it sounds like there's a lot yet to be figured out with this bill that could really hamper or impede the industry from, you know, from doing the work that it needs to do, especially as we're trying to, you know, grow coming out of COVID and recover our economy. It sounds like there's some real concerns.

My question for you is on the—what you're calling the post-approval timelines—do you believe that within the bill as it stands right now—because as I said, there's a lot that is being left to regulation, there's a lot that still needs to be hammered out—do you believe that within the structure of the bill as it stands now, that there's a potential for your concerns to be addressed?

Mr. Carruthers: The post-application or post-approval process would be very—I think through legislation would be very difficult to amend and to actually shorten that timeline. It's—it needs to have co-operation and collaboration from all levels of government, from utility providers, from the land titles offices.

It's more of a need for an active involvement from all parties and pursuing the common interest and getting projects approved and in the ground as quick as possible. So I'm not—that is one that I'm not exactly certain how legislation could address.

But legislation could address—or, certainly regulation could address what the pre—or, sorry, what the application requirements are and would certainly go forward—or go a long ways of starting the process for when approvals would commence.

Mr. Chairperson: All right, thank you. I think that's about all the question—or, the time we have for questions. Mr. Carruthers, I thank you for your time and for your presentation this evening and for being willing to answer questions from members of the committee.

We'll go into the next presenter, and I'll call on Allan Borger and ask the moderator to invite Mr. Borger into the meeting.

And, Allan Borger, I'll ask that you unmute yourself and turn your video on. All right, I think I can see you now.

Mr. Borger, welcome to the—welcome to this committee meeting. You have up to 10 minutes to make your presentation. Go ahead.

Mr. Allan Borger (Ladco Company Ltd.): Good evening, Mr. Minister, members of the Legislature and the Legislative committee and other distinguished guests; there's certainly a lot of them here tuning in tonight.

My name is Allan Borger, president of Ladco. As most of you know, we are a diversified family business that's been active for over a century. As well, over the past 70 years, Ladco has been a pioneer in the land development business, having master-planned about 14 large and small communities, about 5,000 acres in Winnipeg—home to 21,000 families—and obviously a great deal of non-residential real estate.

I'd like to start by commending the government for bringing forward bills 48 and 49 and then Bill 37. I would also—I think the legislation is timely and critically important.

I'd also like to thank the minister for inviting me to serve on the working group, which brought together a diverse group of knowledgeable folks with a wealth of practical experience. I expect some of our recommendations will find their way into the proposed legislation or at least perhaps the regulations.

As I see it, the legislation can be broken down into three parts: governance, development agreements for development permits and regional planning.

First, governance. Bill 37 will create a more equitable and transparent system complete with appeals.

Frankly, over the many years our company has been blessed; we have great staff; we've been able to work with the different politicians and professionals and the different administrations and, ultimately, to get things done.

But we've had—we've certainly had our fair share of hair-raising experiences, some that cannot in any way be defended as due diligence or legitimate responses to bad proposals or bad developments. It would've been nice in these circumstances to know that there was some sort of remedy for at least some sort of review. So I think it's overdue, but it will be important to support the system with adequate resources.

Second, development agreements for development permits. I think the other guys have canvassed this. I think these provisions ought to be deleted at least until we can be confident that they will not apply to proposed developments that are consistent with existing zoning.

Finally, regional planning. The most important piece of the puzzle, I think. Timely and critically important because we are again reaching an inflection point similar to where we were back in 2001. Again, we must decide. We have enough economically serviceable ground in Winnipeg for about eight to 10 years. After that, it will run out and it will become very expensive to bring some of the other land on stream.

As well, I understand that some of the municipalities are in the same boat, facing the same types of issues with some of their infrastructure.

So we can either have a regional plan that drives logical, efficient, cost-effective and competitive real estate that considers and in fact optimizes the use of the existing and planned infrastructure, or we can leave things exactly the way they are with reasonable densities but scarcity and high costs in Winnipeg and with some pretty inefficient exurban sprawl in certain parts of the Capital Region. If we make that choice, we will drive up the cost of housing and the cost of doing business in the province.

I've worked on this file for about 30 years now. Exactly 20 years ago, back in 2001, I warned the government of the day that the recession in our industry was finally ending after 10 long years, that the market was changing, that we would be out of land in three to five years and that the results would be catastrophic. In fact, we did run out of land in 2007 in the south half of the city. Fortunately, the government

recognized the problem, collaborated with the city, industry and other stakeholders, and brought on the MHRC's land.

* (21:40)

As a result, by 2008, Waverley West, Sage Creek and Kildonan Green were all on-screen, and those developments were followed by Meadows West and Fraipont, also known as Bonavista today, which solved the problem for 25 years.

I bring this up to show that we've been here before, that these issues are very important and that the solutions must transcend politics.

Back in 2001, we were able to move quickly to bring on more land, to capture the population, business, assessment, GDP and tax revenues that would have otherwise been lost. But this time it will not be so easy. This time all of the Capital Region must participate; everyone's going to have to pull together to find the most creative solutions. And while it's going to be quite challenging, there are a number of good tools for you to consider.

For example, I often look to the old version of Plan Winnipeg for guidance. That document set out the criteria that helped determine what, where, when, how and why development should occur. Everything but who, because a decisions—the decision should be based on facts and principle.

Basically, six factors or criteria: first, you need a long-term, predictable supply for a balanced market. The planners usually want 20 or 30 years. Second: how much demand will there be? I'm not taking anything for granted, but if the planners, politicians, developers and market all do their job, then the goal should certainly be 1 million people.

Third: follow the pipe. Make the best use of the infrastructure. Fourth: pursue contiguous, not leap-frog, development. Fifth: build the highest density that the market will support, because all things being equal, it's the most efficient.

Now, just to pause, some folks think they can ignore the market and simply tell people where and how to live. Well, go ahead and try some of that with your own money. It won't work; people and industry will move.

And last: geographical, social and cultural issues must play a role.

Interestingly, one of the best tools—one that takes into consideration all of the different factors, at least

to an extent—is the cost-benefit study. Like the reports that were prepared by Ladco and the MHRC for Waverley West. These reports—these studies—work. Because they identify the municipal infrastructure and how much it will cost, and they consider the market, what the development will be worth to the municipality.

Some examples: there hasn't been any number talk yet, so I'm going to take a second here. The studies for Waverley West determine a net present value of a quarter billion dollars, or \$92,000 per developable acre. More recently, a study we did for 700 acres just south of the city's snow dump concluded that the development would be worth a \$120 million or \$165,000 per acre to the City.

So, the stakes are really high, and this can make a big difference, especially for government finance. These are big numbers and the decisions we make in the next couple of years will be more or less permanent.

Every time we make a good or bad decision, it affects the competitive position of the entire Capital Region, and every incremental dollar that can be created, that flows to a municipality because they've made the right decision? Well, that's one less dollar that doesn't have to be taken through some form of taxation and then transferred to the municipality to help with, say, infrastructure.

To be clear, I'm not advocating a financial analysis for every square inch, but we should keep the principles in mind when we're settling a Capital Region plan. In general, start with the infrastructure: water, waste water, pipes and pavements, primarily. Then, plan for some density: usually dwellings per gross acre.

Finally, ask yourself, will it sell? It makes absolutely no sense to create zoning—will probably not be used. But if the densities are too low, then it's really only good for large-lot, upper-end housing, an interesting niche, to be sure, but not where most of the market lives.

If the densities are too low, then we will sterilize wide swaths of ground, ground that would otherwise be developed, development that would otherwise provide a win-win for pretty much everyone.

Mr. Chairperson: Mr. Borger, you've got about 30 seconds.

Mr. Borger: So what's the next step? Please listen to the municipalities, working groups and others that

have suggested changes. Then make up your mind. Make any amendments you think are required, pass the legislation, but the devil will be in the details.

With respect to the regional plan, you must create an organizational structure that can be trusted to consider all of the evidence and make the best decisions, the best decisions for the Capital Region. The directors must look to the best interests of the Capital Region and they cannot be scared of NIMBY.

Thank you.

Mr. Chairperson: Thank you, Mr. Borger, for your presentation.

We'll roll right into questions.

Mr. Johnson: Thank you, Mr. Borger, and it's nice to see you again and—even though it's virtually, here today.

Floor Comment: I can't hear. What's going on?

Mr. Johnson: And I would like to thank you for all of your input that you've done for contributing to the growth of Manitoba. I'm sure we wouldn't be—

Mr. Chairperson: Mr. Borger, are you able to hear the minister?

Mr. Borger: I can hear you.

An Honourable Member: I can't hear him, either.

Mr. Chairperson: All right. Can we try the honourable minister one more time? Is his microphone not working? Okay, go ahead. Go ahead, Minister

Mr. Johnson: Okay, I think you should be able to hear me now. Perfect, good. Okay, so thank you for coming in again, Mr. Borger. Nice to meet you once again, even though it's virtually, here today.

I'd like to thank you for all the input you've done for the growth of Manitoba over the past—I won't hazard a guess of how many—decades, but quite a few I'm guessing, and your family and all the input that they've done over generations, I guess.

You mentioned eight to 10 years, we're going to hit a wall. I was hoping you could maybe elaborate that—on that in your answer and also maybe do some suggestions for density and explain a little bit more about follow the pipe. I understand where you're going with that. But maybe on those three points, if you could just expand on those for committee here, I think that'd be helpful.

Mr. Borger: Well, thank you. Sure. We're going to finish off the land that we're on now. It's no surprise

that we're doing that. We've all been following the pipe developers and the city, and so we're doing the land that's easiest, the low-hanging fruit. But in eight to 10 years, in order to pursue development, the net present values will be lower, most assuredly, because there will be greater costs one way or another.

In terms of the numbers, historically, Winnipeg densities were about four units per gross acre. That grew to about five after the 1990s, and maybe some of the planners will quibble with me, but I think it sits around eight or nine now, depending on the area, including single-family, duplexes, row house and condos and multi-family.

That should be the goal. That's where these dramatic net present values come from. That's where you're getting the biggest bang for the buck, and if we diverge from that, then, well, let's do it with our eyes wide open knowing that we are destroying value and ultimately compromising competitiveness and living standards, because for me, affordable housing and low costs of doing business is a competitive advantage that Manitoba must never give away.

Mr. Chairperson: Other questions for Mr. Borger?

Mr. Wiebe: Thank you very much, Mr. Borger, for your presentation here this evening. I think you've certainly given us something to think about. I appreciate the work that you do as spurring—helping to spur development. You know, this is something that, you know, as an opposition we've tried to be as clear as possible. We're obviously in favour of development when it makes sense, when all the parties are at the table and willing to and able to take part.

* (21:50)

Just earlier—well, I guess late last year but earlier in this session, we passed the Keystone development zone in Brandon, trying to bring together some municipalities there, to make sure that the development moves forward. And as you mentioned, of course, Waverley West, and many other communities brought on-stream by an NDP government. So I think there's a lot that we have in common with regards to that.

Now, you've said you've been part of the committee that's worked on this with the minister. We've heard quite a number of concerns, both from developers and from elected officials and organizations that represent those elected officials.

Can you comment on any of the concerns that you've heard here today, were—those concerns that

you heard throughout the process, and is there anything that you're looking to change with regards to this legislation?

Mr. Chairperson: Mr. Borger, a response, if you may, but only about 30 seconds. Thanks.

Mr. Borger: I think, for sure, that the legislation can be improved but it's an awfully good start for us, as a province, to be looking at this because you won't have the same time that we had when I went to see Minister Sale and said, look this is going to happen and he agreed with me, and he and Glen Murray moved heaven and earth to do it.

But this time it won't be so easy. We don't have the luxury of time. We have to get going and so, in that regard, it may not be perfect, but I honestly think we should try and move forward with this.

Mr. Chairperson: All right, thank you very much, Mr. Borger, for your presentation and for taking the time to be with us this evening, and answering some questions from the members of the committee.

We're going to go to the next presenter and I'll call on Brad Erb from the RM of Macdonald and ask the moderator to invite them into the meeting. And Brad Erb, I would ask that you unmute yourself and turn your video on.

All right, Brad Erb, I can see you now. You can start with your presentation. You have up to 10 minutes. Go ahead.

Mr. Brad Erb (RM of Macdonald): As you mentioned, I'm Brad Erb, reeve of the RM of Macdonald. I'm also an executive member of the Winnipeg Metro Region, but I want to make it clear that I'm representing the municipality today and not anyone from the Winnipeg—not the Winnipeg Metro Region itself.

So, thanks for allowing me some time to share my thoughts and concerns related to Bill 37. I'd like to talk specifically to two areas of the bill. First is related to the appeal process, as it pertains to conditional uses in development agreements. And secondly, there is the establishment of the capital planning region and the development of a regional plan.

First off, related to the appeal process, I think my concern has been articulated by a number of people and particularly by the first presenter. And we stand behind AMM's position on the appeal process. So, you know, Kam articulated that, but in a more specific sense, my concern's related to the written rationale for rejection of a conditional use application.

Each council member may have a differing view as to why they may have rejected an application based on their interpretation of the application measured against current land-use zoning. As well, one of the fears that we have in Macdonald is it may lead to ineffective use of finite municipal resources.

As an example, having some form of high-end water users as a conditional use within a certain zone may be reasonable but not unlimited. Is there still flexibility built into the plan to make a reasonable land-use decision based on best use of the infrastructure?

With regards to appeals related to development agreements, section 151, any terms and conditions included in a development agreement can be appealed to the Municipal Board as well as if a developer applies to amend the development agreement and council refuses to amend the existing development agreement, it can be appealed. There may be situations when a council, as part of good faith in negotiations, agrees to a clause in the development agreement because other wording was obtained, give and take, so to speak.

Can a developer now appeal an agreement both parties have signed off in good faith? We believe we have demonstrated good faith negotiations with our development partners in a timely manner and fear that this provision may lead to longer, less collaborative negotiations with the threat of appeal lingering. I'm hopeful that there's language around this issue that promotes good faith from all parties.

Secondly, I would like to present my comments related to the establishment of a capital planning region, development of a regional plan. As I mentioned in my introduction, I'm not only an elected official in the RM of MacDonald, but I've had the great pleasure of being a reeve for eight years and before that I served 12 years on council. I'm also an executive member of the Winnipeg Metro Region and been actively involved and served on the executive for the last eight years.

Serving as an executive member continues a legacy for our community. MacDonald's former reeve of more than 20 years and a person I have much respect for, Rodney Burns, was a founding member, with the 1998 mayors and Reeves, of the Capital Region, the precursor to today's Winnipeg Metro Region.

Along with Winnipeg Mayor Susan Thompson and other leaders of the day, these champions of

collaboration and partnership put forward a vision of a strong, co-ordinated and prosperous metro for all. They worked tirelessly. When I was afforded the opportunity eight years ago to join the organization, I saw it as continuing a path to formalize collaboration and co-operation and develop a plan for our growing metro region.

MacDonald is one of the fastest growing municipalities in the province—greater than 14 per cent population growth in the last census from 2011 to 2016. We have the second largest assessment amongst all rural municipalities in the province, and we are third lowest mill rate—my understanding—third lowest mill rate in the province as well, rate charged to our ratepayers.

I mention this because a question could be asked, why collaborate? Why think regionally? We are in an enviable position in MacDonald by most standards. But I believe, and our council believes, the whole can be greater than the sum of its parts. We know that successful regions co-ordinate their land use, plan for infrastructure and investment in services to increase quality of life, protect our environment, and drive our economic competitiveness. Long-term regional planning and collaboration is nothing new. We see this type of planning all across North America. In fact, the Winnipeg Metro Region is one of the last jurisdictions in Canada to develop and formalize a regional plan.

What we are doing in this draft plan is really moving us to the modern era. Our current journey toward a regional plan or draft Plan20-50 started in 2016 when we engaged economist Jeremy Heigh and top site selector Gregg Wassmansdorf to provide some insight on a way forward. These experts told us that the way we plan and invest now is expensive, fragmented and will leave our region uncompetitive and at disadvantage.

They also said we were missing current economic opportunities as surrounding regions who have done the hard work of organizing themselves are currently benefitting from

In 2019, Dr. Bob Murray reaffirmed Heigh's and Wassmansdorf's findings in his report, and I think we all are familiar with it for the benefit of all. He stated, organizing our land use and servicing were the first steps to getting our economic house in order.

Coming out of COVID, there has never been a more pressing time to get our economic house in order. Heigh's and Wassmansdorf's recommendations

does not diminish the importance, but, in fact, it increased.

With no shared vision and no formal mechanism to co-operate from, municipalities continue to plan in isolation from each other, fail to compete with other organized regions for economic development opportunities, contrary to what is recommended by experts, and this is expensive, has led to duplication and fragmentation.

In our region today we have 106 economic development plans and strategies, 57 fire halls, 28 waste disposal sites, 92 different land-use designations, and 169 recreation facilities, many in dire need of expensive upgrades.

I'm sure it's not a surprise to anyone here that many of our roads, bridges, water and waste-water infrastructure require significant investment, investments that we compete for today, all while recognizing the finite resources available to service these needs. With no formal mechanism or expectation to work together, our region's ad hoc voluntary collaboration has left us at a disadvantage.

With the first region being a metro 'formalination' members allow us to begin to plan and invest as a competitive jurisdiction that will allow us to use our competitive resources in the best way possible. Bill 37 supports a formalized establishment of regions. It sets the expectation to work together. To be effective we must have formal agreements and an established process.

Bill 37 also calls for the development of long-term regional land use and servicing plan with common parameters for how we will grow and work together over the long term. A blueprint available—collaborative co-ordinated region, exactly what Heigh and Wassmansdorf and others recommend we do.

* (22:00)

Winnipeg Metro Region has created the first draft of this plan, and, I reiterate, at this point, it's just a draft. This will be the first regional land use and servicing plan for the Winnipeg Metro Region, the establishment of the Winnipeg capital—working towards the establishment of the Winnipeg Capital Region in what is now known as the Winnipeg region.

The board and staff have been working tirelessly on this goal since 1998. It is important to note that—and I think many of my fellow colleagues within the Capital Region have reiterated that—that we are perfectly positioned to assume this important and

pivotal role as selected officials in finding a made-in-Manitoba solution.

In 2019, the Winnipeg Metro Region received a mandate from the Province of Manitoba to undertake unique, important responsibility co-ordinating the first long-term land use servicing plan, draft Plan20-50.

As board members, we've been active participants in this process since 2019 and we are amongst the hundreds of stakeholders that have been heard from in countless hours of developing and engaging to develop this plan. There is still an opportunity, I believe, to provide input at 2050.ca.

What we've learned thus far in a high-level sense, we've learned that by 2050 we will grow to 1.1 million people, that we are forecasted to need 140,000 jobs. Our region has an aging population that require planning, adjustment and foresight.

Metrics like these demonstrate clearly why we—why having a shared long-term plan is so important. Plan20-50 is a balanced leading-edge starting place that I believe will be foundational; it'll kick-start our economy and put Manitoba on the economic development map.

In closing, we need to co-ordinate our infrastructure and services regionally. We need to collaborate to compete on a global stage. We need to adopt draft Plan20-50 as a blue-print to develop a collaborative, co-ordinated region, and we need funding to—from the Province to organize and engage and do the necessary work to get this planning complete.

Thank you for your time.

Mr. Chairperson: Thank you very much, Mr. Erb, for your presentation.

We'll roll right into questions.

Mr. Johnson: Thank you, Mr. Erb, and if I understood you correctly, thank you for your 20 years of service for, you know, representing the front line. You're the grassroots of our politicians, as I mentioned earlier. So, thank you for your service.

It also goes to show the connection that you have with your community. I also appreciate you guys having the third lowest mill rate in Manitoba. It goes to show your fiscal responsibility.

If you could elaborate a little bit on the conditional use. You suggested that it be amended or taken out of there. Can you just elaborate a little bit

more on that and your concerns with it and how you'd—your suggestions for moving forward?

Mr. Erb: Yes, there are two particular things there. I think one was highlighted earlier—was the—if it's not a unanimous decision of council, how do we articulate, or the—what is the best way—or how can it be articulated, how the, I mean, the reasons for opposition were—to conditional use.

So that's one. The other one—and I—it's just something that we trade on, this, and I highlighted it—is if we have scarce resources—and I speak particularly to—in the RM of Macdonald, along McGillivray, we have constraints related to water use at this particular time without significant capital investment in infrastructure related to water production and the whole bit.

So the concern would be having conditional use and setting precedent for conditional use and using potentially all of our capacity in a regional or our municipal water system that is maybe not the best use of infrastructure.

So maybe one hotel could go there, but we don't need a series of them, because we just run out of the infrastructure to support that. So that is kind of our thoughts related to that.

Mr. Chairperson: Further questions?

Mr. Wiebe: Well, thank you very much, Mr. Erb, for your presentation here this evening. I think the perspective of the RM of Macdonald is important in this conversation because you are so closely tied to the larger metro region, and I appreciate that you wear that hat as well and that you sit on that—on the executive of the Winnipeg Metro Region and that you've been a proponent of it.

And I guess this is where I'm having a bit of a hard time understanding. You know, it sounds like you're a proponent of further integration and working towards that plan, and yet, you know, you come here—and I understand there's a separation between the hats that you wear but—you know, I hear concerns about the appeal process, that you echoed, of the AMM.

Can you help me understand this? You know, is this a concern that's shared by other members of the executive of the Winnipeg Metro Region? Is this something you've heard from other folks in that universe, as well? And, you know, what do you suggest if we've got this bill that obviously isn't meeting some of those concerns; what to—where to go next.

Mr. Erb: My comment would be I think those from the, you know, from the executive order or the rest of the Winnipeg Metro Region that had the opportunity here to probably present them—present and articulate their positions, we don't—we have never formally at the Winnipeg Metro Region, had a position, as it relates to the appeals and Bill 37 more—we've been more focused on because the regional plan itself—part of my view on the regional plan is the concept of autonomy. Of course, we all want to continue in autonomy. I'm no different in my municipality but I believe there are tools within a regional plan that'll allow for that and I think that that balance can be found.

Mr. Chairperson: Okay. Any further questions?

All right. I'm not seeing any further questions, so, Mr. Erb, I want to thank you for your time this evening and for answering the questions from committee and making your presentation.

We're going to roll right into the next presentation. We've already heard from Ivan Normandeau, so I will call on Paul Bell, and ask the moderator to invite them into the meeting. Paul Bell, I'd ask that you unmute yourself and turn your video on.

All right, I think I can see you there now. Welcome to the committee meeting this evening. You are free to go ahead and make your presentation with up to 10 minutes.

Mr. Paul Bell (Private Citizen): Hello and good evening. Thank you for the opportunity to come and speak to a standing committee this evening.

My name is Paul Bell and I am a registered professional planner with the Manitoba professional planning institute and a member of the Canadian Institute of Planners.

I am here tonight as a private resident of Winnipeg, though I am a practicing planner primarily in rural Manitoba, so most of my speaking points tonight will be geared towards the provincial Manitoba Planning Act and the amendments there for that act. And I am here to speak in opposition to the proposed Bill 37.

Well, there are certainly many welcome aspects of it, I'm going to focus on two separate issues relating to the proposed changes.

First, revolving appeals; they're being sent to Municipal Board and, as well, an aspect I find that is missing to the proposed changes and that is combined site development applications.

Bill 37 will be broadening the range of applications that can be appealed to Municipal Board, as well as the types of appeals that can be filed, such as instances where an application has not been brought forward within a specific time frame. An application is appealed to Manitoba Municipal Board; the board has the full authority to choose to approve or reject an application or recommend it there. This means that there are decisions being made, potentially without the input of local elected officials but also without local residents having an opportunity to provide input or even be notified.

In planning, local knowledge is a vital part of the decision-making process. It is how we determine what is in the public interest, that complicated and often messy synthesis of public opinion, public good and public need.

Effectively, a few rules being implemented through Bill 37. There are two sets of rules being created: a set of rules for the Municipal Board, which does not mandate that notification be sent to local residents; and those for municipalities, which requires a very specific notification process to residents, which, if violated, often winds up in court or having to repeat an appeal process or a public-hearing process, rather.

There is a solution to this problem and, simply put, for applications that are being sent to Municipal Board that have not yet had a public hearing before a municipal or city council, require that that Municipal Board hearing go through the same public-notification process as outlined in the Manitoba Planning Act. This means notices on the property or mail-outs to property owners within 300 feet of the property.

The process for public-hearing notification should not change, regardless if it is going to the Manitoba Municipal Board or to a local council. People have the right to be notified and to have a say in what's happening in their community.

* (22:10)

My second point I want to talk about tonight is the idea of—pardon me—before I get into that, relating to municipal boards, it might be time to consider a requirement that planning applications sent to the Municipal Board be reviewed by a registered professional planner as part of the technical team and technical assistance afforded to the Manitoba Municipal Board, especially for those applications that have not yet gone to a public hearing process. Under Bill 37, it is possible for applications to go

through Manitoba Municipal Board without a public hearing being held at the local level, which means that a planner may not even have had an opportunity to complete a report to council, much less the Municipal Board.

Planners bring a unique perspective and understanding to land development and the impacts it will have on the social and economic and environmental fabric of our communities. There is already provisions in The Municipal Board Act that state that technical staff may be appointed to assist in certain matters, and perhaps it's time to either broaden that or consider enacting that on a permanent basis, requiring that planners be involved in the Municipal Board processes involving planning applications.

The second area I wish to discuss tonight is the idea of combined site development applications. Now, we've heard a bit of mention of this already as this is a process that exists in Winnipeg that is not afforded to the rest of Manitoba. Bill 37 focuses on appeals as a means of improving development processes. I find this to be primarily a stick. And, certainly, appeals can be an important process of the development standards in ensuring a fair process has been gone through, but it's not a tool that should be used permanently or as the only tool available. There are other options such as combined site development applications.

So, right now in rural Manitoba, if you want to develop a piece of land, it might be required that you go through a rezoning process, subdivide the property and, if necessary, obtain variances and conditional-use approvals. Each of these steps requires a separate application, a separate decision from council, which means a separate resolution and, depending on the application, potentially separate public hearings, isolated from one another.

With the new appeals processes being introduced in the proposed changes, this also means that there can potentially be separate appeal hearings for each of these items being brought forward. That's a separate appeal for rezoning, a separate appeal for subdivisions, a separate appeal for conditional uses and then separate appeals for development agreements. And it should be noted that development agreements are different, do have some different requirements for items that can be included as part of zonings and subdivisions; they are not the same requirements.

As you can imagine, this creates a incredibly complicated set of procedures and decision-making processes where, depending how applications have been made, an application to rezone a property may

not include discussion of how the lots will be created as part of the subdivision process. And during those appeal processes and appeal hearings, you can't talk about the subdivision or appeal on a rezoning application.

This is a—councils are forced to navigate complicated legal procedures from the order in which decisions are made. Often, approval of an application is conditional on the approval of another application. It's a muddy, complicated, bureaucratic process that is often not even necessary and is far from transparent for the public. By including this for rural Manitoba, especially for those areas in which Plan20-50 is expecting and requiring higher density development, it will be imperative that we have better tools to implement development faster, more equitably and more transparently for the public.

Combined site development applications allow us to undergo the single process for rezoning subdivisions and other types of approvals. The City of Winnipeg already can do this, so why can't rural Manitoba, especially in places that are more denser, like the City of Selkirk, Steinbach, Portage la Prairie and the areas immediately surrounding Winnipeg?

Thank you. That concludes my comments for tonight. I do thank—again, thank you for the opportunity to present to the standing committee this evening.

Mr. Chairperson: Thank you very much, Mr. Bell.

We will roll right into questions.

Mr. Johnson: Yes, thank you for bringing your professional—I know you registered as a private citizen, but you do—you are a professional planner, so, thank you for your input on this.

The Municipal Board does have rules regarding advertising hearings in order to notify the public, so that's just one point I wanted to make.

But you talked about density, and I was just wondering—we had a few different opinions on density earlier tonight. I was wondering if you can elaborate on what, in your professional opinion, what density ranges do you think a new development should be considering?

Mr. Bell: Thank you for the question. I'll be honest. At this point in time, I don't feel it's appropriate for me to be commenting on density requirements in different areas. Winnipeg and areas surrounding Winnipeg are very diverse places, and a mix of density, it really ranges. So, I don't feel comfortable commenting on

this, especially without adequate information available to me.

But thank you for the question.

Mr. Chairperson: Further questions?

Mr. Wiebe: Well, thank you very much, Mr. Bell. I think your expertise is very valuable here this evening. I especially appreciated you sort of walking us through the real-world implications that you see, the additional red tape that this bill actually will create and some of the concerns that you have there, especially around appeals because, as you said in your presentation, it is a—it's a very heavy-handed—I think you called it a stick-type approach, and we've certainly heard that from other presenters that this is an appeal-first kind of piece of legislation. Really doesn't help move things forward, and, in fact, potentially just gums up the whole process.

So I do appreciate you giving your expertise here and helping us better understand as a planner what, you know, you see some of the pitfalls and how that'll actually play out in the real world.

So, no additional question, but thank you for your presentation this evening.

Mr. Chairperson: Mr. Bell, any response to Mr. Wiebe?

Mr. Bell: No response, but thank you again for the opportunity to present and thank you for your comments.

Mr. Chairperson: All right. Any further questions from members of the committee?

Seeing none, then we will proceed to the next presenter. I want to thank Mr. Bell for his time this evening and for answering the questions put to him.

I will now call on Bryan Ward from Qualico and ask the moderator to invite them into the meeting. And I'd ask Bryan Ward to unmute yourself and turn your video on.

All right, Mr. Ward, I believe I can see you now. You can begin with your presentation. You have up to 10 minutes.

Mr. Bryan Ward (Qualico): Yes, thank you to the committee for the opportunity to present to you this evening. As was said, my name is Bryan Ward. I'm the VP of Qualico Communities in Winnipeg, and so we're the land-development group, or arm, of Qualico, which is a Winnipeg-based, privately owned real estate company, and we are celebrating our 70th year

in operation this year. And we have been very fortunate over the years to develop a number of communities and continue to develop neighbourhoods in many of the metro-region municipalities and look forward to continuing that on.

This evening, I will keep my comments extremely brief as I'm—have the good fortune of being after a number of my colleagues, Lanny McInnes, Mr. Carruthers and Mr. Borger, who have all expressed comments and sentiments that are very much aligned with my own.

Before making very brief comments, I would like to thank the minister, Deputy Minister Gray, his department in particular, for all of their engagement efforts over the past many months that I've had the opportunity to participate in, both as a stakeholder and a developer, and as a representative of UDI.

Additionally, I did have the fortunate opportunity to participate in the Bill 37 working group on behalf of the Urban Development Institute. I do believe this was a very meaningful process where there were a number of issues that were raised to provide feedback to the government on this piece of legislation. And I do sincerely hope that that working group has the opportunity to continue providing that input to the government in the development of regulations if the legislation moves forward.

So, as I mentioned, I will keep it very brief, but as my colleagues have raised and as I support the position expressed by UDI, as well as number of the comments from Mr. Carruthers, moving towards a Capital Region plan along with the very important work for infrastructure planning for the future growth and strength of our region is incredibly important and it's an opportunity that we should capitalize on most certainly. Including amendments to address appeal processes and attach timelines is positive as well, and I do share some of the comments or concerns expressed by Mr. Carruthers about the service standards.

* (22:20)

While I think it's great to add service standards to application processes, I do share some of the concerns raised around clarity of ensuring that we understand what a complete application is, when the timeline starts and as Mike raised—or, Mr. Carruthers raised, some of the processes outside those in the legislation for service standards that do create challenges for us in the development industry—either ahead of this

application process or after, as Mike previously described.

I also share the concern raised related to adding the opportunity for development agreements on building permits, in particular—particularly with the lack of clarity on the specific situations where that's a tool that some municipalities feel would be useful.

And I would also request that those portions of the legislation be removed or not be proclaimed, so that they could be worked on further to identify those specific situations and ensure that the legislation is focused on them.

I think that is all I have this evening. I don't want to repeat, again, too much of the clear commentary provided by my colleagues, and I'd certainly be happy to answer any questions.

Mr. Chairperson: Thank you, Mr. Ward, for your presentation.

We'll roll right into questions.

Mr. Johnson: Yes. Thank you, Mr. Ward, and I'd like to thank you for your contribution in building Manitoba and moving it forward, of course, in the positive direction.

And I would also take this opportunity to pass on your thanks to the department—just moments ago he was here, he probably took a bio break, our deputy minister, Mr. Gray, and so I'll pass on those kind words for you.

And hopefully, we can move forward with maybe getting some clarity through regulation on this. It seems like that's a concern of a few people and should be addressed in the not-too-distant future.

So, thank you for presenting today.

Mr. Chairperson: Mr. Ward, any response to the minister?

Mr. Ward: Very briefly. Thank you for the opportunity, again, and yes, I did notice Deputy Minister Gray in the background.

The regulations, I think Mr. Borger mentioned it, the devil being in the details. The regulations will be extraordinarily important in making sure that the intended consequences of this legislation—to strengthen the region, to provide clarity, to streamline our development application process—that we do achieve those, and that we don't, you know, unfortunately create some unintended consequences—

some of the concerns that Mr. Carruthers and myself have raised.

And I look forward to the opportunity to participate in that very important process to implement the legislation, if it's passed.

Mr. Chairperson: Further questions from members of the committee?

Mr. Ian Bushie (Keewatinook): Thank you, Mr. Ward. Thank you for your presentation and also your colleagues, and I appreciate you sticking it out through a longer evening to be able to have your turn to be able to share some of your views.

And, we've had a number of presenters speak about Bill 37, I guess, previously known as bill 48, and most have spoken about potential improvement of Bill 37 over bill 48, but the consensus seems to be that there still needs—there's still a need for improvement to be made.

So I'm just wondering: In your opinion, do you feel that, because they've called on improvements from 48 to 37 and we're still calling on improvements, that it's still too early to bring this bill forward and there's still a lot of consultation to be done?

Mr. Ward: I think there have been many opinions expressed tonight with lots of good suggestions and lots of amendments raised by a number of municipalities as well as folks from the industry and other professionals, and I hope the committee gives due consideration to all of them and will move forward as the committee sees appropriate with its recommendations.

As Mr. Borger said, there's certainly room for improvement, but there are some critical steps that we need to make and keep moving forward as a region and as a province.

Mr. Chairperson: Further questions from members of the committee?

All right, then. I'm not seeing any, so Mr. Ward, I do want to thank you once again for your time and for the presentation you made this evening and also your contributions to our city and our province, and we'll roll forward to the next presenter.

I'll like to call Sheila Mowat, the CAO of the RM of East St. Paul, and ask the moderator to invite them into this meeting.

Ms. Mowat, I would ask that you unmute yourself and turn your audio on. I believe we can see you now.

Welcome to the committee meeting. Thanks for sticking with us into this late hour.

You have up to 10 minutes to make your presentation. Go ahead.

Ms. Sheila Mowat (RM of East. St. Paul): Thank you and good evening. I'm Sheila Mowat. I'm the CAO for the RM of East St. Paul and I'm presenting tonight on behalf of my municipal council.

The municipality of East St. Paul is eager to collaborate with the Province on a bill that will reduce the red tape on development and attract business to our province. We appreciate some of the positive changes in the newly updated Bill 37, originally bill 48, including the reduced timeline to submit an appeal from 90 days to 30 and a required review of Bill 37 in three years.

That being said, the municipality does not feel that the majority of our concerns from bill 48 have been addressed in the revised Bill 37. Bill 37 must outline more detailed parameters around process and timelines. The municipality would like to retain authority and autonomy. Council members have intimate knowledge of how their communities function and therefore should be considered an asset in the decision-making process.

The following is a list of East St. Paul concerns.

Parameters around appeals: Parameters around appeals should be provided within Bill 37 and not dealt with through the regulations of the legislation.

The following are the municipality's desired updates.

Grounds for appeal should be a detailed listing in the bill to prevent frivolous appeals for both the Province and the municipality.

Appeal timeline further reduced from 30 days to 14 days. Timelines should be imposed on the Province also, not just on the municipalities.

Items subject to appeal: The municipality would like to see fewer items subject to appeal, with the following removed: conditional use and development agreements. The municipality would like to continue focusing time and growth on attracting commercial development rather than appeals.

Associated costs: Municipalities will face additional costs from the Municipal Board appeal hearings. There is the cost to the municipality for staff to prepare and present at the hearings and associated legal costs. Currently, there is no compensation

contemplated for municipalities, only for developers. We request a remedy on compensation for municipalities.

Lack of autonomy: The Municipal Board being the only appeal body will result in a lack of local expertise and contextual understanding.

Reason for decision: The municipality would like this removed from Bill 37. Council does not want to have to be compelled to provide a reason for a decision when an application is denied. There can be various reasons for the rejection, as each elected member of council could have a different reason for doing so.

Imposed deadlines: Imposed deadlines on development agreements will be difficult for the municipality to meet. Many factors can cause delays, such as but not limited to, the applicant, staffing levels, lot grade drainage plans not meeting the approved standards for requiring many reviews by the municipal engineer.

Bill 37 should be updated to outline exactly when the 90 days begins. In our situation, this would be when the lot grade drainage plan meets the approved standards and has been reviewed, stamped and initialled—sorry—by our municipal engineer.

So, in conclusion, the municipality of East St. Paul is eager to collaborate with the Province on a bill that will reduce the red tape on development and attract business to the province. In order to proceed in a cohesive region that will attract global business, we should start the collaborative process at the legislative level. And we would like to see a bill that is clear and provides detailed parameters preventing confusion, further delays and undue costs for all the municipalities and the Province alike.

The municipality reinforces and supports the AMM amendments to Bill 37, which are based on lessons learned from other Canadian provinces.

Thank you for your time.

Mr. Chairperson: All right, thank you, Ms. Mowat, for your presentation.

We'll roll right into questions.

Mr. Johnson: Yes, thank you very much for presenting here tonight, Ms. Mowat, and I just wanted to touch base a little bit on the timelines of when it—when the clock starts and when it doesn't. You know, we're—we collaborate all the time and we'd like to,

obviously, continue that with yourself and your municipality and everybody else in the region.

* (22:30)

And we can probably address those issues through regulation, so we will definitely be reaching out in the future, if this bill passes today, to ensure that we have all those considerations in place.

So, that being said, thank you for serving in local government and thank you for your time here tonight.

Mr. Chairperson: Ms. Mowat, any response to the minister?

Ms. Mowat: I just wish to thank the minister for allowing me the opportunity to present tonight.

Mr. Chairperson: All right. Further questions.

Mr. Wiebe: Well, thank you very much, Ms. Mowat, for joining us here this evening. Once again, I think your comments echo very much the comments that we've heard from other elected officials, from other CAOs throughout the evening.

There are certainly a number of concerns that you've raised and I'm hoping the minister is listening. I'm hoping that this message is getting through. You know, once again, you're in luck because we have your MLA here at the table and I see him taking notes right now as we speak.

He's writing down furiously everything that you said and I think he's going to give the minister an earful as soon as he has an opportunity here in committee because, you know, if he's listening to the local concerns in his constituency and he's hearing them clearly here tonight, I hope that he would do that and bring those forward.

I just—I wanted to just point out very quickly, you had mentioned about service standards with regards to the provincial level. I think that's an important piece of this and something that we should look at. I hear the minister saying that, you know, potentially, this could be done in regulations, but this is one of the bills that we held up as an opposition. We gave the minister a year to actually go back to the drawing board and do some work.

Maybe I can just ask you, did you hear from the minister? Did you have consultations from the minister, asking what could be done better in this bill, before we came to committee tonight and do you have any faith in the—well, maybe that's a bridge too far. But I know others have expressed a concern that they

don't have the faith that some of their concerns will be reflected in regulation.

So I'll just leave it at the consultation piece. Have you had a chance to sit down with the minister and express these before this meeting here this evening?

Ms. Mowat: We did have an opportunity to write a letter to the previous minister and we did have an opportunity to have a virtual meeting with the previous minister as well, to be able to bring forward our concerns with the bill. So we have taken advantage of any opportunities that we have been given to present our case.

We've also worked with the AMM and made sure that we forwarded our concerns to them as well, and also collaborated with, you know, the other municipalities in the Capital Region to make sure that, you know, everybody had a chance to voice their concerns.

So anytime there has been an opportunity, we have ensured that we have taken advantage of it to bring forward our concerns.

Mr. Chairperson: All right, thank you, Ms. Mowat.

Any further questions from members of the committee?

Mr. Wharton: Good to see you again, Sheila. It's great.

I always said—when I was minister of Municipal Relations, I always said the hardest working member of the council is the CAO, so you've proven me right again. So, you are the hardest working member, and thanks for taking the time tonight to present on behalf of the council of the RM of East St. Paul.

And certainly, you know, we are a government that listens, as you very well know and, certainly, I know the minister and we take a whole-of-government approach and we are listening tonight, and I appreciate the comments that you put on the record. And as my colleagues have said, certainly, through the regulation process we are looking forward to that as we go forward to make sure that this process works well for all municipalities so we create a win-win throughout.

So, again, thank you for those—for your comments and look forward to working with you and your council in the future.

Mr. Chairperson: Ms. Mowat, you have up to 30 seconds to respond.

Ms. Mowat: I just wanted to wish—thank the minister and everyone for taking the time to hear us, and we do—we'll definitely take you up on your offer to work with you to bring forward our concerns and to work out, you know, a solution that works for everybody because we're all on the same page that we want to advance and have more economic development in our province.

We just want to make sure that everybody's on the same page.

Mr. Chairperson: All right, thank you very much, Ms. Mowat. That's all the time we have for questions for you. I want to thank you for taking the time to join with us, even at this late hour, and for making your presentation and answering all the questions.

We're going to move to the next presenter. So I'd like to call Michael Lackmanec, who is the CAO of RM Cartier, as ask the moderator to invite them into the meeting. And Michael Lackmanec—I'm probably saying that wrong, but I would like to ask you to unmute yourself and turn your video on.

I'm afraid we may have some technical difficulties with Mr. Lackmanec, so with the indulgence of the committee, if he does manage to join again soon, we'll get right back to him.

Oh, he's no longer on the call?

Okay, the direction from the clerk is that we should drop him to the bottom of the list, which isn't very far away. So I will drop Michael Lackmanec to the bottom of the list.

And we'll proceed to our next presenter, which is Christa Van Mitchell, private citizen. However, Christa Van Mitchell is not on either, so we will be dropping her name to the bottom of the list.

And then we'll proceed to the next presenter, which is Tim Comack. And Tim Comack, I want to ask the moderator to invite you into the meeting and then I'd ask that you would unmute yourself and turn your video on.

Excellent. There you are. Congratulations, you know, I think you won the presenter lottery by getting your timeslot moved up almost a half an hour in a mere 10 seconds there. But I'm glad you're ready to go, and you have up to 10 minutes to make your presentation. Go right ahead.

Mr. Tim Comack (Ventura): Good evening. I appreciate the opportunity to speak today and I want to thank you for giving—being given the opportunity

to be part of the Bill 37 working group and the Winnipeg Metro Region Plan20-50 planning consultation processes. In my opinion, these were gold-standard consultations and in-depth planning processes that far exceeded my expectations as a professional developer, and many of my colleagues as well. The provincial administrators that have led these processes need to be congratulated for having undertaken one of the most impressive consultation and collaboration processes many people have experienced.

As a developer, my company's one of the largest residential subdivision developers in the Winnipeg Metro Region outside the city, and most certainly one of the largest homebuilders and apartment developers within the region as a whole.

We build well over two to three hundred new homes each year, have four large communities under development, and also participate in midsize infill development and large-scale greenfield development—partner-developed. Our company has over 30 years of history building and developing in the Winnipeg Metro Region.

I'm a director of the Urban Development Institute, Parade of Homes committee member and technical advisory committee member for the City of Winnipeg's infill guidelines. I've got almost 16 years of experience in this industry and plan to be involved for at least another 30, so I'll see the Plan20-50 to its fruition, I hope.

The legislation is visionary, and, as a result, it's also controversial in nature. It creates accountability and ensures responsible and intelligent planning for growth takes place while we grow the Winnipeg Metro Region. This is something that we need to focus on as our infrastructure costs continue to climb and housing costs continue to follow. We fully support the establishment of the Winnipeg Metro Region and strongly believe that WMR Plan20-50 has been an exceptional outcome aligned with the Bill 37 legislation, a bill we believe is an important for our province. This bill will be instrumental to orderly and reliable investment within the region.

It's my opinion that this bill is only controversial because it ensures a sober second thought has applied how our province grows its most important economic region. But I do believe the sober sight should hardly ever be needed based on our current overall experience developing in the region, and, when needed, this bill will be an important tool to ensure policies are applied in a uniform and fair manner for

the applicant and for the local community; they, too, can appeal if they feel it's warranted.

As we grow over the next 30 years, we need to do so in a manner that makes sense for Manitobans as a whole, and that smart well-planned growth isn't hijacked or stalled when it's not in the best interest of our province or when decisions are being made that are not reflective of planning policies in place. This does happen.

This is especially true when developments are recommended for approval by the local approving authorities, provincial planning authorities and professional planners, yet denied at the political level. Generally speaking, each of the municipalities affected by this legislation are good-faith actors who approve applications in open, honest and fair manners. It's generally a very positive experience.

Now, there are some parts of this legislation that need to be considered more deeply. It's important that subdivisions, rezonings and conditional uses are able to be appealed; not two, not one, but all three. This begets conditional uses are often used as quasi-zoning tools in RMs without any zoning categories for townhouses, duplexes, bare-land condominiums, apartments, et cetera.

* (22:40)

There's many other reasons why conditional uses are important and should be able to be appealed. They, generally speaking, align with subdivision approvals and rezoning approvals as well.

Also, density targets must be set with a vision for what we want in the future. By Plan20-50's vision itself, we should be looking out 30 to 100 years. And not be opposed to using an incremental approach. We don't want to be leapfrogging over lower density as we move further outside the city to higher density. That doesn't make sense.

We need to follow the pipe and utilize existing infrastructure—roads, sewers, everything—with a focus for density closest to the city and the Winnipeg Metro Region's employment lands. It's important we end the discriminatory zoning practices that municipalities that—have abided by for generations, as we plan to grow intelligently.

We cannot grow in a manner that is exclusive to only one housing type or one exclusive price point for housing. I'd suggest the province takes it upon itself to align the building codes across the metro region and consider how uniform zoning bylaw could be brought

forward for consistency or at least for an example that municipalities can refer to.

Development agreements at building stage—you've heard a lot on this tonight. It should only be used to help facilitate infill development within the mature communities of Winnipeg, known as area one and two within the infill guidelines that the City of Winnipeg just put forward at standing policy this morning.

These development agreements should only be allowed if they align with clear and concise infrastructure studies within local area plans, and those should be part of those local area plans—infrastructure studies. Any house to be perceived as enabling a new de facto impact fee on all buildings being constructed in the city of Winnipeg. I think that was just struck down.

I do believe that this is—it could—dealt with during the creation of regulations for this bill and been amended as—in a framework or scope as it changes over time.

Processing requirements for applications of appeals, processes for decision-making, are integral to ensure that growth is managed according to bylaws, development plans, visionary documents like the Winnipeg Metro Region plan and development plan bylaws and policies.

This is integral to growth of the metro region, to ensure investment across the region's many municipal boundaries are consistent. Reliable and good faith processes can help the region flourish and good investment can follow.

With all that said, our experience building and developing in the Winnipeg Metro Region and surrounding Winnipeg—it's developing in Winnipeg and the surrounding Winnipeg Metro Region is generally a fantastic experience, often resulting in great investments and successful projects that benefit the communities we operate in.

We're blessed to be so lucky to have many great partners, professional relationships and positive business experiences with rural municipalities, surrounding Winnipeg and in Winnipeg as well. By far and large, the experiences are fair and the elected officials, alongside their administrators, are consummate professionals.

But not always. Sometimes things happen; politics sometimes get in the way.

This legislation will only serve to ensure that those experiences continue to be positive as the metro region experiences unprecedented growth. And, where conflict may exist, opportunities to right those wrongs—or at least be heard—are offered by the province.

I think that makes sense and I think this legislation in its format will encourage local decision-makers and stakeholders to undertake fair, open and transparent processes that align with development plans, Winnipeg Metro Region plan and local development policies.

And if that's the case, like I said, we shouldn't see many backlogs at the municipal boards. And if we do, then I think we have a larger problem at hand and we might have to review how this legislation is dealt with, as far as scope is concerned, at a future date.

It's my professional opinion that the instruments and tools created within this visionary legislation—legitimate and bona fide applications like this that get stalled out, won't be stalled out in the future; for open change will always cause controversy.

But if we ensure we plan for this coming growth and put the tools in place to ensure we encourage investment, we can overcome the controversy and ensure we protect our infrastructure investments while we grow methodically in the best interests of our province's most important economic engine.

The result will be that—a revving of this provincial economic engine and I believe we'll look back and see this as being one of the more pivotal pieces of legislation, especially when it comes to our economic recovery, after this pandemic.

Thank you.

Mr. Chairperson: Thank you, Mr. Comack, for your presentation.

We'll now roll right into questions.

Mr. Johnson: Yes. Well, thank you, Mr. Comack, Tim, for staying around so late tonight. We appreciate it and we appreciate your opinion on the bill.

And I guess I want to thank you and your family and your company for putting Manitoba where it is with all of your development you've done. I don't think we'd be sitting in the same place as a province without your and your colleagues' input. So, thank you for that.

There's three things that maybe I'll ask you to comment. First, thank you for calling it visionary

legislation. I'd like to thank my predecessor, of course, for—or multiple predecessors for working on this. But you mentioned density targets, so that's one thing I'll ask you to elaborate on.

And follow the pipe is another thing; not everybody understands the concept of using current infrastructure and stuff, so maybe I'll get you to elaborate on that a little bit.

And then I'm going to beat my colleague to the question of consultations, since he seems to be asking that tonight.

So I was hoping you could comment on those three things in the few minutes we have left.

Mr. Comack: So, from a density target perspective, it's important we understand that the industry is responding to a market need and so, from that perspective, we have to be able to provide a variety of housing styles and types across a spectrum of different people's housing life cycles and needs.

And that being, right now already in the Capital Region, areas like La Salle, Dugald, Stonewall, we're approving densities of 6.5 to 9.5 units per acre, on projects that I can very easily demonstrate and provide background information for. I've discussed these with the Province in the past.

So from that perspective, the idea that we're limiting East St. Paul, West St. Paul and Headingley to four units per acre but yet the urban centres further out—15 to 25 minutes—their minimum density targets are set at 4.8, something about that doesn't really align with me well.

And I don't think that we want to be in a position where 100 years from now, we look back and we've leapfrogged from the Perimeter outward over lower density to higher density, and I think that's an important thing to think about.

From the perspective of follow the pipe and infrastructure: take a look at your major thoroughfares, your major highways and your major roads and your employment centres and your employment lands. Wherever the infrastructure exists, that's where efficient growth should take place.

And that's in the best interest of the province as a whole, both your provincial budgeting, and as well, on top of that, every resident that we, you know, ultimately will see reside there. They should be closer to wherever it is they need to go.

Consultation. I've been involved in a lot of different committees, organizations, boards, charitable, non-charitable, et cetera and been involved in running a pretty large company for quite some time now. And I'd suggest to you that what they put forward, your administrators, Mr. Neufeld and his team, it was absolutely the gold standard for access, transparency, clarity, communication, consultation, collaboration, especially when you align it alongside the process that Colleen Sklar undertook for Winnipeg Metro Region plan.

That was exhaustive and, I mean, the different conferences that she set up and all the different workshops that people were involved in and a cross-sectional involvement of different groups and organizations, that the lens was just so wide. I find it hard to believe that anyone thinks that this wasn't a broad consultation. It's a bit disappointing to hear that because I actually have the opinion that it was gold standard.

Mr. Chairperson: All right.

Further questions from the committee?

Mr. Wiebe: Well, thank you very much, Mr. Comack, for your participation here this evening. I think having your expertise is helpful and your perspective is also helpful for us to understand.

I'm not sure if you were—had joined the committee earlier—and I've got to apologize because on the Zoom I can only see the presenter who's here, you know, in front of us. But early on in the evening, we heard from the City of Selkirk and they had some pretty significant concerns about being included in Bill 37 and being included in the—in what's being called the metro region.

Can you just maybe speak to that? Have you heard those same concerns either here this evening or before, maybe as part of your consultation work?

You talk about some of the boards that you've been on and some of the other working groups. Did you hear that concern and maybe can you speak to their inclusion and to Bill 37?

Mr. Chairperson: Mr. Comack, 45 seconds.

Mr. Comack: Those are very important parts of the Winnipeg Metro Region and those are large urban centres that, you know, for a big piece of many different industries, are the result of, you know, kind of the go-to location for various parts of that part of municipalities—Winnipeg Metro Region, sorry.

It only makes sense to include as many of the urban centres as you can that make sense within this plan as we plan the growth of the next, you know, 30-plus years and share across multiple boundaries different infrastructure: firetrucks, for example, garbage dump sites. It's a broader vision here than just housing.

* (22:50)

And so, from my end here, including as many of those urban centres as possible is important, intelligent and I'm surprised to hear that anybody resists being a part of this plan because it could drive the decisions that outside organizations make to locate in places like Selkirk, or places around Selkirk; and as a result it's important that the province ensures that that land is applied in a much larger boundary than I guess maybe they feel is warranted.

Mr. Chairperson: All right. Thank you very much, Mr. Comack, for your time tonight. That's all the time we have for questions. So I want to thank you for your presentation and for the robust answers you've given to some of the questions put to you.

I'm going to now call the last presenter on my list, Mark Olson. And I'd like to ask the moderator to admit Mr. Olson into the meeting and I'd ask Mark Olson if you could unmute yourself and turn your video on, please.

All right, I can see you there. You have the distinction of being our final presenter for this evening, at least until I do second call. And so, I just wanted to welcome you here and allow you to begin your presentation.

You have up to ten minutes. Go ahead.

Mr. Mark Olson (Private Citizen): Thank you for welcoming me and also thank you for all you're doing; all of you have—are playing a major role in this very important decision.

My name is Mark Olson and I am president of—president-CEO of Landstar Development Corporation. We've been in the land development business for 35 years and we're very proud of—to be able to create, you know, places for people to work, play and live. It's a great feeling of being a developer when you create something out of nothing and it's an exciting process, and sometimes very frustrating.

Bill 37 provides an avenue for fairness for the parties developing real estate. As a developer, I know better than to ask for some things I know I shouldn't get. However, it's the issues that are nearly certain that

we should have—that should happen that don't—which cause us untold pain.

I've listened to every party speaking tonight and no one seems to be not opposed to creating a better process for allowing fair—a fair process. Let me touch on a few of the comments that some of the people have made.

Earlier tonight, I heard Kam Bright [*phonetic*] from—I guess he's with the Association of Manitoba Municipalities, he's the president of that group. And he stated that the—that we should leave the decision-making to the RMs. Bill 37 addresses the problems that deal with that process.

All—anyone that develops real estate, all they want is to be treated fairly, respectfully and within a reasonable period of time, which, obviously, Bill 37 is aimed at.

He also stated that a similar bill in Ontario, at the outset, created 1,000 appeals. That statement to me proves that Bill 37 is needed desperately. It doesn't say why it shouldn't be enacted; it seems like a very good direction for solving problems.

Tonight I heard that Bill 37 disrespects RMs, stated by Mayor Bowman. This process in a capital region disrespects individual property owners' rights that—providing process for resolving solutions to issues that can't be resolved by the governing bodies and the developers themselves during that process.

Mayor Christian of West St. Paul stated that we should leave the concerns to DAs, to the courts, which I think most of us would understand that 40—four-to-five-year process with appeals and many hundreds of thousands of dollars in court costs and would fill the courts, from that perspective; or we'd have them full already, if that was a good process to use.

The mayor also wants CAOs to be the representatives on the board—and keep in mind that the CAOs do most of the discussion and involvement in the DAs. We need independent groups to hear this appeal, not the same people that couldn't work out at—couldn't work out the issues in the first place.

Brent Olynyk, the CAO from West St. Paul stated that developers aren't paying their share of development costs. Developers pay 100 per cent of the cost of developments; we pay for every bit of asphalt, road, concrete, lights, street signs, land, sewer pipes, water pipes, so that's not true. We pay our share and—matter of fact, we pay everything in that regards.

And our particular development in West St. Paul, the residents that lived on Drury had worn out the street by using it. We bought the land beside, it was undeveloped, and we replaced that road at no cost to them. And, you know, these are some of the benefits that developing real estates in communities can provide.

Appealing—also one of the issues I did hear is appealing a development agreement would have a problem with, you know, locals being able to put input. Well, locals have access to putting input in at the hearing; the original hearing. Now those comments can be forwarded by the RMs to the appeal hearing. So that's how they could get representation, that information could go forward to the appeal hearing.

Let me be brief to the committee. I know it's getting late and I actually want to get on with other things, too, seeing I've watched about 25 people say what they want. And I'll give you an example why Bill 37 is critical. The current system leaves no right to seek fairness. If you feel like you're being mistreated or clauses are not proper or misstated, there's no process to actually advance that even though, you know, you would think there would be some form appeal process. So Bill 37 is a great step in a right direction.

We received our zoning on our multi-family site in 2005, when the RM and the planning department created an R3 zoning category. There was—there's a significant story throughout many years after that, but since we have limited time, I'll jump to November of 2016, when we were ready to develop our project. It was a four-storey apartment block with surface parking.

We had attended a meeting with the RM's CAO with intent to advancing our development agreement and reviewing the site plan. This is in November of 2016. We knew our plan met all the requirements of all the approved R3 zoning without requiring any variances or any other further approvals, other than providing the information asked in the original development agreement that we had to provide.

We took—it took five months after that meeting for the RM to respond to us, and the RM asked for us to provide a number of drawings, which we did over the next few months. And, in 2017—November 2017, we received a first rough draft of the development agreement. At that same time, the RM—or, sorry, at the same time they were preparing a draft DA, the RM introduced a new parking bylaw, amending our

zoning designation; increasing it from one car to 1.5 cars per unit, even though we were ready to go. We were actually already at the—they introduce a bylaw that hadn't been enacted and inflicted it upon us, even though it hadn't been passed.

At the parking bylaw hearing, residents from the area, who actually fought our zoning in the original zoning, spoke up and said we need two cars per unit and with no professional backup as to why. Council jumped on it and gave it their second reading, to the amendment, and we effectively appealed that. You know, this, doubling our parking ratio from one car to two cars is no insignificant issue when you have limited land to actually deal with.

The appeal board rejected the RM's bylaw and we won our appeal. We re-approached the RM immediately with our—to get our DA finished. We came with a new plan that actually allowed us to go to 1.5 parking stalls per unit; sort of trying to work into an area where we could be, you know, working with the RM, who wanted additional parking. At the same time as we sent our revised plans, the RM put forward a new bylaw, after losing the last one, one month after that process; putting forward a new parking bylaw and that one was one—like I say—one month after being defeated on the appeal.

Council moved forward and actually approved—gave second and third reading at one meeting. And we objected, saying we wanted to appeal that process because of a new planning act that came in and we weren't able to actually make that appeal, even though we'd one month earlier, we'd appealed the same concept and won.

Just to be clear, we presented our plans to the RM and—for the development in November of 2016 and passed the bylaw in June of 2000—they passed the bylaw for parking in 2018. We were held up by this time, and we were—we asked them to grandfather us at that point and they refused to do it; 2019, August 13th, we asked council for a variance and as of yet, we have not received a decision in writing, if we have—if we got the variance.

* (23:00)

We were told that we didn't get it, but we never received any confirmation in writing at all, even though we made 10 requests for them to provide that information. The bylaw caused us to add underground parking, which was a \$2.8 million add for our building. We were going to go with, as I stated earlier, all-surface parking. This is when driverless cars are

simply years away from doing it and the City of Winnipeg is actually reducing parking ratios, not increasing them.

So, a significant increase of ratio from 1.1 to 1.81, which was the one that got approved, basically prohibits us from actually meeting our density, that the RMF transferred from one side of our development to the other while we co-operated with them. So once we got the development density on our site, they changed the parking ratio which didn't allow us to do that density.

Mr. Chairperson: Mr. Olson, you've got about 30 seconds.

Mr. Olson: Okay. So anyways, let me skip to the last part here. This is a \$40-million development. Bill 37 is a positive effect to providing balance in the discussion of development agreements.

And in closing, the—this doesn't mean that the Municipal Board will overturn every appeal, it just means that duty of fairness will be applied. I find it difficult to understand why anyone would oppose Bill 37.

Anyways, that's it. Open to questions.

Mr. Chairperson: Thank you, Mr. Olson, for your presentation and apparently, for being with the members of the committee all night long. So I suppose I can say that we appreciated your company, virtually.

We're going to roll right into questions and turn the floor over to the honourable minister.

Mr. Johnson: Yes, thank you, Mr. Olson and I'd like to thank Landstar, your company, and the years of investments that you've done in Winnipeg and Manitoba. I guess we're kind of fortunate you're the last one, you kind of gave us a Coles Notes, at the beginning of your statement all the way through.

So, you know, we've heard different words throughout the night, and consistent, timely, efficiency, transparency, accountability, modernizing, streamline; Mr. Comack just added visionary legislation. So, I think I'd like to add your comments of avenue for fairness, that seems to be words of wisdom.

I'm just wondering if you could elaborate on a few things, I guess, having density and different things, and I—just hoping you could maybe comment on leveraging of resources or economies of scale in your development and how this would potentially help with that, for you as a developer. *[interjection]*

Mr. Chairperson: Sorry, Mr. Olson, I have to recognize you first.

So, Mark Olson, go ahead.

Mr. Olson: Just to give you an idea, we spent \$6 million of our own money providing the resources inside the development, which are roads, infrastructure and that. When you—when we got our approvals, it was based on certain densities that we could do.

Those densities create value for the developer and help us pay for those improvements. So, when you lose the right to do density, that's a significant problem when you start planning. Keep in mind that this started in 2005 and now it's 2021 and we still don't have our development agreement even today.

So, yes, it's a very important—density is a good use of services with a higher density of people—I think obviously our world is headed that way.

Mr. Chairperson: All right. Further questions?

Mr. Wiebe: Well, thank you very much, Mr. Olson. I appreciate your time and joining us virtually. It looks a lot more comfortable where you are than it is here in the committee room, so I'm glad you didn't have to sit here all night and you could be somewhere a little more comfortable.

I appreciate what—your perspective here, I do appreciate where you're coming from and giving us a bit of a sense of some of the frustrations that you've seen in terms of, you know, the process at the local level. You know, as you've probably picked up on here this evening, we are very concerned about the overwhelming of the Municipal Board. You seem to have a little bit more confidence in the ability of that Municipal Board to handle a potential influx of new appeals.

My question is, is that, you know, one of the ideas that's been floated is that we're talking about having a service standard for municipalities to make sure that they don't get hung up at that part of the process. If there was to be a backlog or a glut of appeals that are happening at the Municipal Board and they weren't being seen in a timely fashion, do you think that having a service standard for the Municipal Board would also be helpful, to make sure that the process doesn't get hung up at either side?

Mr. Olson: It's a—thank you for the question. It is an issue that, you know, having a process that moves along quickly, considering the amount of money. I do believe that money spent in—on this part of our society

and approving and getting these appeals to go forward are basically very, very valuable to our society.

Keep in mind, if we had our zoning in 2005 and we applied in 2016, finally, to get our apartment block, if we would have had that done, we would have built it already, the property taxes would have been collected, people would have been living there and we would be reinvesting our money in our community and elsewhere. Instead, we're still sitting here waiting and suffering, waiting to get our final development agreement.

So, it's needed and we have to spend the money on that, things that create real serious money for our economy.

Mr. Chairperson: All right. Any further questions from members of the committee?

Seeing none, I want to thank you, Mr. Olson, for your time this evening and for being willing to present and stick with us all the way to the—close to the end, at least, and also answer the questions presented to you.

I'm now going—that's the end of the list of presenters that I have, so I'm going to go back and call for a second time a few presenters who were not here.

So, under Bill 53, Norman Rosenbaum apparently is still not with us, so his name will be removed from the list of presenters.

Then, Michael Lackmanec, CAO of the RM of Cartier, is apparently available, so I'd ask the moderator to invite them into this meeting and ask them to unmute themselves and turn their video on.

All right, I think we see you now. Welcome, Michael, to this meeting. I'm not going to butcher your last name any further than I already have. You have up to 10 minutes to make your presentation. Go ahead.

Mr. Michael Lackmanec (RM of Cartier): Yes, my name isn't exactly like Bond, James Bond, but thank you very much to the committee. We, the RM of Cartier, very much appreciates this opportunity to provide feedback.

I'm here representing the reeve and council and just as an FYI, following this presentation, we will provide this document to the moderator 255 for inclusion in the Hansard.

As a premise, increased collaboration and alignment between municipalities is a very noble objective and something we believe in. The premise has positive potential. However, we feel Bill 37 is complex, far-

reaching, and full of significant negative implications for a vast majority of stakeholders.

We consider Bill 37 to be flawed because of these negative impacts forced upon municipalities and they far exceed any nascent benefits. So, the RM welcomes the opportunity and the necessity, it feels, to work with all stakeholders to improve the contents of Bill 37. So the RM of Cartier challenges the Province, the committee, and all effective stakeholders to do better.

There are five core areas of concern for us within Bill 37 and these pillars of concern are grouped in the premise and governance of Bill 37, consultation and timeframes, autonomy and unknowns, consistency and reciprocity, and resources and administration.

We hope further significant changes to Bill 37 occur. However, should changes not occur, we would have to consider the option or means to leave the current collective if positive equitable benefits to our ratepayers do not exist.

So our ask is that, hopefully, we can pause Bill 37, conduct meaningful stakeholder consultation and improve the positive premises within the bill.

And, by the way, to all of the former presenters who've had bad experiences in land development, please, we welcome you and we'll make sure that any experiences you had in the past do not reflect what's going on in the future. The RM of Cartier is open for business and ready for opportunity.

So, with those buckets, the first one with regards to board composition, is that it's made by regulation and not quite defined the way we would hope it to be.

Also, the impetus for Bill 37 and the actual outcomes seem to be disconnected, as some of the speakers have pointed out before, with the planning, zoning and permitting in Manitoba. So there would be some significant financial implications and a loss of autonomy with some of those consequences, should Bill 37 go forward as structured.

* (23:10)

There's also voting structure, which is yet to be determined, and this can have deleterious effects on representation. So, without clarity, this will create hard-coded governance inequities. And so, without that clarity, we'll—we feel that we need to surround the how of the representation so it provides an opportunity for constructive and cogent feedback on governance. Right now that opportunity, we feel, doesn't exist.

Bureaucracy: Bill 37 actually creates an additional, unnecessary layer of bureaucracy. Many of the functions of the regional planning board are already capably dealt with by municipalities or planning districts. This questions the rationale for uploading these responsibilities to new layer of authority and presents the logical conclusion that this will create the eventual demise of local administration, perhaps even local reeves and councils and district 'pranning'-planning boards.

With regards to some of the mechanisms, they've been dealt with already tonight with regards to appeals. Applicants will now be able to appeal municipal council decisions to the regional board. Well, what we find troubling is that, for example, in the case of rezoning that has been appealed, council can only require a development agreement if the Municipal Board allows. Again, that ties the hands of municipal administration or a council's.

Subdivision applications: There are similar things with that, and it removes the local subject matter expertise from the decision-making processes and it affects their communities in which they live. Some of the costs—it can require the municipality to pay for some or all of the costs incurred by the municipal board to have the hearing and/or the applicant's, quote, unquote, reasonable costs. We don't yet know what reasonable costs are, so this lack of clarity could cause the dissipation of self-governance, autonomy. And that's worrisome to us.

Another bucket is consultation and timeframes. We do feel that the process to date has been suboptimal, and the method of consultation, the frequency of consultation and the timeframes allotted for feedback and the availability of information to stakeholders has been compressed and, in some cases, professionally discourteous.

There does seem to also be a horizons disconnect. When creating a capital planning region with—plan with a 30-year timeframe with these lasting consequences and major impacts, there are significant coordinations of mechanisms that require long-term planning; and as a result the process and postulations within Bill 37 seem to be rushed and a bit inadequate for the job at hand. For example, Edmonton's similar regional planning exercise took years of consultation.

And with that, the—I think it's important to note that the plan to get this going and then provide two years of opportunity for the region to come up with plans and policies—the content to manage within these timeframes is effectively unattainable. When you

look at major commercial-industrial development, protection of agricultural land, residential-land development, flood-protection measures, hazards, water facilities, et cetera, it should be evident that the complexity and indeterminate consequences of scope of Bill 37, combined with the inadequate consultation that we feel has occurred so far and the lack of knowns for those municipalities should immediately provide enough factual matter to pause the legislation and hopefully iteratively improve its premise, the mechanisms and the content within it.

And when it comes to some of the autonomy and unknowns, we feel there is, quote, unquote, favoured growth. All industrial growth will be directed, leaving many of the rural municipalities without an equitable playing field. And this could seriously hamper their growth, their future tax base, and where they—and how they move in the future, which creates haves and have-nots. And this could be multiplied and exacerbated by Bill 37.

So currently, with local autonomy and subject matter expertise, if a plan is considered inconsistent or not in alignment with the regional plan, the municipality cannot approve this if it were a development plan or secondary plan. So this effectively shreds the municipal autonomy and local subject matter expertise that's available in the local RMs.

When it comes to some of the other unknowns, Bill 37 is short on adequate, meaningful definitions. We look forward to some of those being put forth in a more meaningful way, which would help the clarity and understanding and the—definitely the buy in.

And then, reasonable costs—again, there's no definition surrounding that and that's, you know, a point of contention for many of the RMs, as you've heard.

With regards to consistency and reciprocity, many items have hard-coded responsibilities or service levels assigned to the municipal administrations but do not have the requisite reciprocal hard-coded responsibilities or service levels for other agencies or provincial government departments or applicants, either developers, planning consultants, et cetera.

So, would it not then also be required of these participants intertwined within the municipal administration to also have the same response times and service level agreements attached to their activities? And the capacity is a concern that's been brought up before with regards to the regional boards and how this would lengthen a burdened system already.

Reimbursements—this is something the board can require the municipality to pay for, and there should also be a similar provision where the Municipal Board can require the applicant to cover the cost of the municipality or planning district if the appeal itself is deemed unreasonable.

Mr. Chairperson: Just a quick time check. You've got about 30 seconds remaining.

Mr. Lackmanec: Okay. Thank you very much.

When it comes to resources administration, much of that has been covered with regards to the time and money, people and scope that's required to manage Bill 37. And so, what we would like to ensure is that we're all for all of these improvements, but we would like to ensure that the cost increases do not have an endless run to it. And there—right now, there is no limit or recourse or appeal mechanism for municipalities to assert their own fiscal determination with this model currently.

So, I would like to thank the members of the committee for this opportunity, and hopefully we can move forward in a constructive fashion to develop something that is lasting and effective.

Thank you.

Mr. Chairperson: Thank you, Mr. Lackmanec, for your presentation.

We'll roll right into questions.

Mr. Johnson: Thank you, Michael, and I guess being a CAO on—my former municipal hat on—you're the front lines of a lot of these, whether it's development plans or anything that comes forward, so we definitely value your opinion and I'd like to thank you for your presentation today.

Mr. Chairperson: Any response for the minister, Mr. Lackmanec?

Mr. Lackmanec: No, but just, thank you for the opportunity to hear myself and others with our concerns. Thank you.

Mr. Wiebe: Well, thank you very much, Mr. Lackmanec, for your presentation this evening. I also want to just thank you as, you know, a CAO who has a certain perspective coming here. I think you know exactly some of the burden that this is going put on your municipality, and also that you're coming as a representative of the elected officials in your RM.

And, I think that's one of the main themes that we've heard here tonight, is that, you know, if we want

to honour local democracy, if we want to, you know, show our appreciation for the work that you do as a CAO and all the members that put their name forward, then it's incumbent on us to listen to you and to listen to the concerns that you've brought forward.

Again, your concerns have been in lockstep with many others who have brought forward a number of concerns, and we are very worried that this, when rolled out, won't have the effect that, ultimately, that the Province is hoping that it will.

So, I think you have the best experience and I don't have a question, but I just wanted to thank you for your presentation and for your time here this evening.

Mr. Chairperson: Mr. Lackmanec, any response for Mr. Wiebe?

Mr. Lackmanec: No. Just, once again, thank you for opportunity and the forum to be heard.

Mr. Chairperson: Further questions?

Mr. Wharton: Thank you, Mr. Lackmanec, for your presentation as well. And as I'd said earlier to one of the CAOs on the call tonight, certainly great to see the real front lines of municipal councils—whether you've been there for two months or 30 years, you definitely play an active role and we appreciate that.

* (23:20)

Certainly looking forward to continued dialogue even after tonight through this great democratic process and appreciate all the input that you've provided as well, and we'll look forward to moving forward for the betterment of all Manitoba municipalities in the next process. So thank you for that.

Mr. Chairperson: Mr. Lackmanec, any response to Minister Wharton?

Mr. Lackmanec: Oh, just, we do look forward to dialogue, and while we do have concerns, we're really charged and we want to propel and move forward with the framework that's presented.

Mr. Chairperson: All right. Any further questions for this presenter?

All right. Well, then we thank you very much, Michael, for your presentation and for taking the time to present tonight and for sticking with it despite, perhaps, some technical difficulties when we got to you the first time. So thank you for that.

I will now continue with the other presenters to see if they may be available as well.

So, call on Christa Van Mitchell. I'm told Christa Van Mitchell is not available, and so her name, too, will be removed from the list of presenters.

And that concludes the list of presenters that I have before me.

* * *

Mr. Chairperson: So we've now come to the point where we consider clause-by-clause consideration of these bills. In what order does the committee wish to proceed?

An Honourable Member: Numerical.

Mr. Chairperson: Numerical has been proposed. That's agreeable to everybody? *[Agreed]*

**Bill 25—The Municipal Statutes
Amendment Act
(Continued)**

Mr. Chairperson: So now we will begin with clause-by-clause of Bill 25.

Does the minister responsible for Bill 25 have an opening statement?

Hon. Derek Johnson (Minister of Municipal Relations): Yes, first of all, I'd like to thank everyone that came out to present on all the bills tonight and not just this one.

This bill will amend eight acts to increase clarity, reduce red tape, improve efficiency, give municipalities fair say and create fairness between municipalities and property owners.

This bill will give voters in municipal elections the same assurances of those on provincial elections: that elected officials are using their position as incumbents fairly and not using taxpayer resources to influence voters.

Before the next municipal election, this bill will require each municipality by bylaw to put in place a municipal-election policy that must outline the municipality's restrictions on a candidate's use of municipal resources during an election campaign.

The municipal election policy will also be required to set advertising restrictions against any communication that might reasonably be seen as providing an electoral advantage to a registered candidate.

This bill removes the requirement for municipalities to update voters lists annually and simplifies the process to occur instead of the year of a—and

simplifies the process to occur instead of in the year of a general municipal election.

This bill will also make changes to make the election process more efficient and reduce red tape.

This bill will also allow municipalities to simply refund excess property taxes directly to ratepayers without paying any interest. Currently, municipalities are required to pay a fixed interest rate on any excess taxes which result from a successful appeal of a property's assessment.

The Municipal Board has streamlined processes resulting in shorter timelines to complete appeals. This means that the administrative burden associated with processing interest payments no longer merits its effort—this effort.

This bill removes interest on excess taxes and will restore balance to the appeal processes. Property owners are not required to pay interest when the assessed value of their property increases upon appeal.

This bill also strengthens provisions to the Winnipeg residents undergoing the tax-sale process by repealing requirement—the requirement for the City of Winnipeg to assign a tax-sale certificate to anyone with an interest in the property. Our government is aware that this assignment provision has been used by unscrupulous lenders against citizens and we are taking action.

Public libraries have been encouraged to develop regional partnerships, and most municipal public libraries are now a part of a regional library. This bill modernizes the legislation to reflect the current operating structures and ensure public libraries remain exempt from municipal taxation.

This bill also eliminates the need for municipalities to seek provincial approval to enter into a lease for durable goods like photocopiers, mail sorting and fax machines, graders or pickup trucks. These leases will no longer require municipal board approval.

This bill will provide discretionary authority for cities like Brandon, Thompson, Portage la Prairie and Flin Flon to determine their respective council compositions, similar to other municipalities.

We are proud to introduce these changes which respond to feedback from cities, municipalities, CEOs, elected officials and other municipal stakeholders. The Association of Manitoba Municipalities indicated broad support for the proposed

amendments, noting that the changes will reduce red tape and enhance municipal autonomy.

I want to thank everyone again for attending and express my gratitude to all those who submitted a letter of support.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Matt Wiebe (Concordia): Happy to put a few words on the record with regards to Bill 25, The Municipal Statutes Amendment Act.

This bill will allow some municipalities to determine their own council size, make other changes and attempts to make municipal elections fair. These are all, of course, laudable goals, but ones that feel hypocritical coming from a government that consistently disrespects municipal governments and, at the same time they're bringing Bill 32, which significantly weakens our provincial election rules.

Manitobans expect different levels of government to co-operate for the good of everyone in our province and to respect each other's authority. The Premier (Mr. Pallister) and his government have demonstrated through their actions that they would rather antagonize municipal governments rather than develop solutions with them collaboratively. They've cut municipal budgets and they've introduced bill after bill to undermine the authority of local government. If the Premier had a good relationship with those municipalities, he would be able to resolve these issues in some way rather than just trying to legislate whatever he wants.

Bill 32, as we know, waters down advertising restrictions and fixed-date election laws, giving the government an unfair advantage in future election campaigns. For a fixed-date election, the restriction period is shortened from 90 to 60 days and so—Bill 32—this government is free to do unlimited advertising of a budget or throne speech, right up to election day.

This means then that the government can now drop a budget or throne speech and immediately call an election, during which it can spend an unlimited amount of government money promoting the budget or throne speech. Once again, it's one rule for the Pallister government and another for Manitobans. During these challenging times, strong leadership is crucial for our collective success as a province.

Good leaders know how to work with others, even when they don't always agree. Perfect example of this,

of course, is this evening, when we had representatives from the City of Winnipeg bringing what we think are fairly reasonable requests and giving the opportunity to the minister to work with them to actually bring forward their concerns and make elections more democratic and hear their concerns.

So far, it sounds like the minister hasn't been open to that conversation. I do hope that will change as the process goes forward. But we appreciate their presentation here this evening.

I'd like to thank them, the presenters, and for everyone who has followed along with Bill 25. And I hope that the minister will then listen to those folks, start working collaboratively and try to actually work with our municipal partners, rather than just legislate more and more powers over them.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the member.

Now, during the consideration of a bill, the enacting clause and title are postponed until all other clauses have been considered in their proper order.

And if there's agreement from the committee, I, the Chair, will call clauses in blocks that conform to pages, with the understanding that we'll stop at any particular clause or clauses where the members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Clauses 1 through 3—pass; clauses 4 through 7—pass; clause 8—pass; clauses 9 through 11—pass; clause 12—pass; clauses 13 through 19—pass; clauses 20 through 23—pass.

* (23:30)

Shall clauses 24 through 27 pass?

Some Honourable Members: Pass

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Shall clause 24 pass?

Some Honourable Members: Pass

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Wiebe: Thank you very much, Mr. Chair, and I just thought maybe we could take an opportunity to pause at this moment.

As I mentioned in my opening comments, we did hear from the City of Winnipeg, from the Election Office and the City Clerk's Department with some suggestions for the minister, ways to potentially make elections in the City of Winnipeg more democratic.

You know, I think this is very much in lockstep with, as I said earlier in my comments, with some of the work that's being done not just here in Canada but around the world, looking at how we can actually strengthen our democracy it's—especially in spite of the pandemic and the challenges that that's put on our system of government.

So, what I heard was there was two recommendations from the City of Winnipeg. One was to look at the day of the week so that it might be a more participatory, and the other was around mail-in ballots.

I'm wondering if the minister could just maybe comment. Has he had a conversation with the City of Winnipeg? Are these ideas ideas that he's considered or would he be willing to consider them in the future?

Mr. Chairperson: Thank you, Mr. Wiebe.

Mr. Johnson: Yes, I think those would consider more consultation.

Mr. Wiebe: Well, I appreciate hearing that. It sounds like we have some consultation here this evening. That's kind of the point of the committee. I think we had some members present.

Maybe the minister could comment, you know, I see the date on the top of this letter is November 27th, 2020. Did the minister follow up with the City of Winnipeg to explore these ideas a little bit more in depth?

Mr. Johnson: Yes.

Mr. Wiebe: Okay. This minister's being especially coy this evening. I can assure him—he looks a little nervous over there—I can assure him this isn't a gotcha; we're just trying to figure out if this is something that potentially could, as I said, strengthen our democratic process.

So, he had a further conversation with the City of Winnipeg. Can he let us know why then, I guess, he didn't seek to amend his bill to add these considerations into the bill?

Mr. Johnson: We would need more consultations.

Mr. Wiebe: Okay, well, you know, it doesn't sound like the minister wants to have a conversation about

democracy. Maybe it's getting late. I—you know, I can give the minister a little bit of leeway here; he looks a little bushed. It was a big night for him and he had a lot of people giving him a hard time tonight. So maybe this is just a little bit too much to ask from the minister this evening.

But maybe I'll just finish off by saying, you know, I think these are considerations that I think we all need to look at, not just for the City of Winnipeg but for Elections Manitoba or provincial elections going forward. I think there's a lot of value to looking at ways we can make democracy stronger here in the province.

Thank you very much, Mr. Chair.

Mr. Chairperson: I thank you.

Seeing no further comments.

Clause 24—pass; clause 25—pass; clause 26—pass; clause 27—pass; clause 28—pass; clauses 29 through 31—pass; clauses 32 through 35—pass; clauses 36 through 39—pass; clause 40—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 37—The Planning Amendment and
City of Winnipeg Charter Amendment Act**
(Continued)

Mr. Chairperson: We will now proceed by clause—for clause-by-clause of Bill 37.

Does the minister responsible for Bill 37 have an opening statement?

Hon. Derek Johnson (Minister of Municipal Relations): Yes, it's my pleasure to provide opening remarks on the standing committee on Bill 37. And over the past year, my department officials and the previous minister and myself have had the opportunity to meet with municipal and industry stakeholders to provide information on the proposed legislation and receive their input.

I would like to take this opportunity to thank the numerous municipalities, including AMM and other stakeholders who participated in our information sessions, webinars and working meetings. Their advice has been invaluable to drafting this bill and also will help guide our plans to develop supporting regulations.

Bill 37 delivers on the government of Manitoba to—Manitoba's commitment to modernize and streamline the planning process. The bill is a priority for the government of Manitoba in setting the legislative

foundation to implement key planning recommendations from the June 2019 Treasury Board Secretariat report on planning, zoning and permitting.

Specifically, Bill 37 addresses gaps in Manitoba's regulatory framework by mandating regional approaches to planning starting with Manitoba's Capital Region, introducing timelines or service standards for planning, enabling appeals to the municipal board when all other attempts to resolve at the local level have not worked.

Bill 37 also includes changes to The Planning Act and the City of Winnipeg Charter in direct responses to stakeholder input. I am pleased to highlight some of these changes.

Stakeholders asked for greater clarity and 'transparency' around planning regions. Bill 37 includes important changes to address this. The powers of planning regions to acquire or dispose of property is limited to the purpose of implementing its regional plan. Planning region members must agree on a funding that will each contribute to the expenses of a region and the minister will only prescribe an amount if there is no agreement among these members.

Planning region boards must submit their budget to each member, municipality and the minister, and along with the minister must consult with potential member municipalities before establishing any future planning regions beyond the Winnipeg Capital Region that is specified in this bill.

Planning appeals are fundamental to an open and fair planning system and necessary for upholding transparent and accountable planning practices. Appeal mechanisms give applicants the ability to have a decision reconsidered at a last resort if an agreeable solution cannot be found.

The current Planning Act and the City of Winnipeg Charter already provide a number of opportunities for public participation that remain unchanged under Bill 37. The City of Winnipeg asks that residents in the city of Winnipeg impacted by a decision be provided the same right of appeal to the municipal board given to residents living in other municipalities.

The government listened and amended Bill 37 to give the public right to appeal zoning bylaws in the city of Winnipeg, making it consistent across Manitoba.

Stakeholders also raised the question of the capacity of the Municipal Board and our government

has committed to ensure it has the tools, processes and resources to deliver its responsibilities in a timely manner. Timelines on planning approval processes and the Manitoba Municipal Board increase consistency and will reduce red tape and unnecessary delays.

Stakeholders asked that the timeline for appeals be shortened to ensure the process is streamlined and the government is listening by shortening that appeal period.

The Manitoba government is committed to continue to directly engage with stakeholders as we look forward to developing regulations and guidelines to support the bill. For example, stakeholders are directly participating in discussions about future regulations that will guide the use of development agreements and also determine the structure and governance of the Capital Region planning board.

Questions have also been asked about how secondary plans can be used effectively without unduly delaying development. This government is listening to those concerns and is committed to do further work in this area with our partners.

In January of this year, I established a multi-stakeholder working group with representation from the Association of Manitoba Municipalities, City of Winnipeg, Urban Development Institute, the Manitoba professional planning institute, Winnipeg Metropolitan Region and other planning experts.

*(23:40)

The Bill 37 working group has been meeting regularly to provide feedback in advance to government on the implementation of Bill 37, including associated policies, regulations and training materials and potential future amendments.

Bill 37 also commits the Province to conduct a review of legislation within three years after it coming into force.

In conclusion, this bill will be—will ensure that local governments make timely and transparent decisions on private-sector capital investment opportunities in their communities.

Now, more than ever, it is crucial to support response and recovery efforts from the challenges created by the pandemic. Manitoba needs to catch up to other Canadian jurisdictions that have a mechanism in place, such as co-ordinated approaches to planning in the Capital Region, mandated timelines for planning decisions and independent appeal systems to help reduce delays to development.

I look forward to consideration of this important legislation by the committee and welcome and thank everyone for participating this evening.

Thank you.

Mr. Chairperson: We thank the minister.

Does the critic from the oppositional—official opposition have an opening statement?

Mr. Matt Wiebe (Concordia): Thank you for all the presenters who came out this evening.

You know, this is—this has got to be, in my time here in the Legislature, probably, you know, the bill that is the most half-baked that even, you know, across the board, every presenter could identify problems with. And, you know, I mean, often we have, you know, one side of an argument or the other side of an argument presented in a committee. In this case, we even had members of the minister's own Bill 37 working group saying that the bill is on the wrong track.

And it's incredible to me that even, you know, the most ardent proponents would say yes, but, and identify a number of problems.

I'll also just mention that every single elected official or representative of elected officials spoke against this bill and spoke to identify the many problems with it. This speaks to the fact that this government, once again, is bringing bill after bill that shows that they cannot work with others. They can't work with municipalities. In this case, can't even work with developers and other industry folks.

They have brought forward a bill that is so half-baked. And, you know, I give the minister some credit. I know it was dumped on him by the minister—Minister Squires in sort of a—the form that he's bringing it forward here, even after, as an official opposition, we delayed this bill and we gave the government a second chance. They were trying to bring this through and push it through during COVID, and we gave them an out. They had an opportunity to come back, consult, talk with our municipal leaders, and they still managed to get it wrong.

You know, we know that municipalities are struggling right now, during this pandemic, just to keep their heads above water. So we question the timing for this government to continue to push this bill to overhaul that city planning and create more uncertainty for both the industry and for those municipalities.

Bill 37 allows the provincial government, through the Municipal Board, to overrule local decision making. They will have the final say on key land use planning processes such as zoning, zoning amendments, secondary plans, secondary plan amendments, conditional approvals, subdivisions and development agreements. And we hear time and time again from elected officials and from industry alike saying that this is a potential bottleneck, that this is creating more red tape and potential for a backlog that the minister has no ability to deal with.

We also heard from the mayor of Winnipeg and others about concerns about the composition of the board, about how everything, it seems like, is being left in regulations. And for some reason, this minister doesn't want to just be open with Manitobans and tell them exactly what he's planning to do with those regulations. In every other jurisdiction that has similar legislation, it's laid out in the legislation and it allows everybody to have a say and those appeals to be front and centre.

Bill 37 will subordinate local democracy. Local decisions can be overturned and rights of appeal are given to developers but not to citizens, so this bill will mean that local municipalities will have a harder time doing things like protecting historical areas or fragile ecosystems or the encroachment of developers, for example. These changes will mean that local voices won't matter and that local won't be able to decide to do with their own land.

We also heard from the City of Selkirk, who is concerned that they're being included in the first place, and this is coming from elected officials in the city of Selkirk.

Of course, I also spent time travelling virtually, I guess, across the province, talking to municipalities and many were concerned about the overreach of the previous Bill 48. And while there was a change made there in that consultation is now necessary, the City of Selkirk gets roped into this without any ability to have their say.

Province is trying to take control away from municipalities and make it harder for them to refuse developers' proposals and it's an unprecedented power grab that prioritizes the wants of developers, the priorities of this government over the needs of—and desires of communities.

Manitobans want to keep the fair planning processes and local decision-making they've been accustomed to for years. This bill sets unrealistic

timelines for approval of planning and also appeals—as the AMM pointed out. Appeal first and clog up the system; that's the direction we're moving in.

All that to say—you know, Mr. Chair, as I said throughout the evening, we have, you know, members who represent some of these communities sitting on this committee tonight and they had an opportunity to go to Minister Squires and say this bill was wrong; and they didn't.

And now they have an opportunity to sit here and say the same to the current minister. He seems willing to just try and jam this through during a pandemic. He's going to keep moving forward but maybe they can speak up and speak up on behalf of their electorate.

We've been asked tonight to cancel the bill. We've been asked tonight to pause the bill. We've been asked tonight to delay proclamation. At this point, we'll take anything we can get, Mr. Chair. This is a bad bill, it's half-baked and the minister should go back to the drawing board, actually consult with these folks that have come here tonight, and try to bring a bill that actually moves the metro planning region forward.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the member.

It is—the hour is getting late, it's about 12 minutes to midnight at the moment. So I just want to remind members that the rules for this committee suggest that—have to adjourn at midnight unless there is unanimous consent to continue further. What's the will of the committee?

Mr. Wiebe: Can I just—maybe we can get that out of the way now. I've—I think informally, we've all sort of talked that we want to make sure that we deal with the bills here tonight. Maybe I can ask for leave that we continue to sit as a committee until the work of the committee is done here tonight.

Mr. Chairperson: The proposal is that we continue to sit as a committee until the work of the committee is done here tonight. What do the members have to say? *[Agreed]*

All right. Once again, during the consideration of a bill, the enacting clause and title are postponed until all other clauses have been considered in their proper order.

And also with agreement from the committee, the Chair—that's me—will call blocks of clauses that conform to pages, with the understanding that we'll

stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Agreed? *[Agreed]*

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 through 7—pass; clauses 8 through 12—pass; clauses 13 through 17—pass; clauses 18 and 19—pass.

Shall clauses 20 through 22 pass?

Some Honourable Members: Yes.

An Honourable Member: No.

Mr. Chairperson: Shall clause—I hear a no.

Clause 20—pass; clause 21—pass.

Shall clause 22 pass?

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Mr. Johnson: Yes, we would like to introduce a motion to reduce the time to file an appeal from 30 days to 14 days. This change would reduce delays issuing development permits and further streamline approval—*[interjection]* I have to read the motion first before I go through my comments on the motion?

* (23:50)

So, I move—do I need a seconder? *[interjection]*

So, I move

THAT Clause 22 of the Bill be amended

(a) in part of the proposed clause 82.1.(3)(a) before subclause (i), by striking out "60 days" and substituting "14 days"; and

(b) in the proposed clause 82.1.(3)(b), by striking out "90 days" and substituting "14 days".

Mr. Chairperson: The amendment is in order, the floor—*[interjection]*—oh.

It has been moved by Minister Johnson

THAT Clause 22 of the Bill be amended

(a) in the part of the proposed clause 82.1.(3)(a) before subclause (i), by striking out "60 days" and substituting "14 days"; and

(b) in the proposed clause 82.1.(3)(b), by striking out "90 days" and substituting "40 days—"14 days".

The amendment is in order.

The floor is open for questions

Mr. Wiebe: Yes, maybe I'll defer to the minister to explain what he's doing here.

Mr. Chairperson: Sorry. Very well. Minister Johnson, go ahead.

Mr. Johnson: Thanks. I'll start over because it's very brief in the essence of time.

So, we are introducing motions to reduce the time to file an appeal from 30 days to 14 days. This change would reduce delays in issuing development permits and further streamline the approval process without negative impacts.

It also—it is also expected that all parties will have made all efforts to resolve differences before this time begins and therefore a shorter timeline will not result in any missed opportunities to appeal.

Thank you.

Mr. Chairperson: We thank the minister.

Mr. Wiebe: Maybe the minister can just outline what provisions are that he's talking about that would force the parties to come together to resolve before they come to the appeal process.

Mr. Johnson: Yes, well, they have delegations and all sorts of different mechanisms for a developer to present to council prior to going to an appeal process.

Mr. Wiebe: So again, if the minister can just lay out exactly what steps a developer would have to take before they got to the appeal process.

Mr. Johnson: That is a long drawn-out step. As you heard here from the presenters tonight, that some of them have been years in the process of going through this before the appeal process.

Mr. Wiebe: So, you're saying they would still need to go through those years of appeals or years of process before they got to the appeal process? What does it matter changing it from 30 to 14 days then?

Mr. Johnson: And this was a requirement that the AMM brought forward because they want closure at the end of their decision, to know if it will be appealed they would want to know sooner than later. So this is an amendment that was suggested by AMM and we support them in this amendment.

Mr. Wiebe: So, again, I think the minister needs to be a little bit more clear about exactly the steps that a developer would have to take.

I guess the concern that, of course, we have, in addition to many others with regards to how this is going to play out. We've heard from the CAOs and some of the concerns they've had, is that this potentially favours those developers who would have the resources, have the knowledge, be able to meet that 14-day requirement.

What sorts of provisions are there for the average citizen to make representation to have a development reconsidered?

Mr. Johnson: Yes, as stated earlier, the citizens can present at Municipal Board, they have that right as well, along with other AMM—or other represents—representatives of the municipality; the public, in general, they can participate in the appeal process.

Mr. Wiebe: But now they only have the 14 days. So, I guess that's where my concern comes in.

If you are a developer, you would have all the resources and the ability to meet that requirement. If you're an average person, you maybe don't have the same resources.

So, you're saying the only place that they can go is the Municipal Board and that will now be only 14 days to make that appeal?

Mr. Johnson: No, that's not accurate. Through the whole planning process, the public has the right to present for all the decision-making opportunities that the municipality puts forward through planning, and those opportunities are there, but they're also there at the Municipal Board.

Mr. Wiebe: And at the Municipal Board, then, for individuals who—or, I guess, developers who want to bring forward—what are the steps exactly that they would have to go through?

I'm just concerned about this where you're saying it's, you know, well, they have all these—there's provisions in the bill that would bring these parties together to work something out. Exactly how would that process work?

Mr. Johnson: This is if all other provisions fail, they have to apply within 14 days to appeal the decision. So the hearing isn't in 14 days, the application to appeal would be within 14 days. And as I said, the municipalities, AMM, have proposed this so they can get closure on their decision.

Mr. Wiebe: Okay, I think I understand this. What I guess I'm trying to get at is exactly, at the Municipal

Board, what is the process to avoid it from being appealed?

So, you had talked about provisions that they—the parties have to go through to ensure that it doesn't get appealed. We've heard concerns all night from municipalities who are saying that there's going to be a rush to appeal because it's not set out in the legislation exactly what is necessary to trigger an appeal.

So if the decision goes the wrong way, what's to stop anybody from appealing immediately? And then, you know, 14 days, 30 days, 90 days, doesn't matter, it's still got to go through that process and potentially overwhelm that appeal process.

Mr. Johnson: As mentioned, we've increased the budget for the Municipal Board 42 per cent this year and in budget '21-22 so they'll have the resources to listen to the appeals.

Mr. Wiebe: Well, you know, I also heard the minister say tonight that he has a backlog that he's still working on after five years of being an elected official. So, I mean, it just, you know—I guess we can all just hope and pray that they're going to figure this out and maybe throw a couple extra bucks at it. It might clear out or be able to handle the increased workload.

But, you know, it still doesn't address the issue that AMM and every other elected official brought here tonight that this is an appeal first and—appeal-first process, which is not helpful to anybody.

So I appreciate that we're taking baby steps. Maybe the minister has some secret amendments that he's going to pull out of his back pocket at the last second here that will make it a little better. I see him flashing some papers over there. So hopefully it'll address some of these other concerns.

But I'm just, you know, I mean, this doesn't seem to get at the heart of the issue that we've heard from presenters here tonight.

Thanks very much, Mr. Chair.

Mr. Chairperson: All right.

Is the committee ready for the question on this amendment?

Some Honourable Members: Question.

Mr. Chairperson: I'm about to read the question for the committee, but I will—I'll advise you that you are allowed to dispense this particular reading.

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

Amendment—pass; clause 22 as amended—pass; clause 23—pass.

Shall clauses 24 through 26 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Shall clause 24 pass?

Some Honourable Members: No.

Mr. Chairperson: No.

Mr. Johnson: We would like this removed.

Mr. Chairperson: Okay.

All those in favour—oh, so I don't have to say that. I can just say clause 24 is accordingly defeated. And that's it.

And then, shall 25 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 25 is accordingly defeated.

Shall clause 26 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 26 is accordingly defeated.

Shall clauses 27 through 29 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Shall clause 27 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 27 is accordingly defeated.

Shall clause 28 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 28 is accordingly defeated.

Shall clause 29 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 29 is accordingly defeated.

* (00:00)

Clauses 30 through 34—pass; clauses 35 through 37—pass.

Shall clause 38 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 38—oh, now I have to give the—the honourable minister.

Mr. Johnson: I move

THAT Clause 38 of the Bill be amended

(a) in the proposed clause 149.1(2)(a), by striking out "major occupancy" and substituting "major development"; and

(b) in the proposed subsection 141—sorry, I'll start that over again—in the proposed subsection 149.1(3), by striking out "an occupancy to be a major occupancy" and substituting "a development to be a major development".

Mr. Chairperson: It has been moved by Minister Johnson

THAT Clause 38 of the Bill be amended

(a) in the proposed clause 149.1(2)(a), by striking out "major occupancy" and substituting "major development"; and

(b) in the proposed subsection 149.1(3), by striking out "an occupancy to be a major occupancy" and substituting "a development to be a major development".

The amendment is in order.

The floor is open for questions.

Mr. Johnson: This introduction, with the new terminology in the bill related to the use of development agreements at the permit stage—changing the regulation-making authority from major occupancy to major development—will allow greater flexibility to place limits and define this new power to ensure that it is used appropriately by municipalities.

Mr. Wiebe: Maybe the minister could just clarify exactly what's meant by occupancy in the unamended legislation?

Mr. Johnson: We're changing the regulation-making authority from major occupancy to major development.

Mr. Wiebe: Maybe I'll give the minister just a second to get some clarity and just want to get a definition of

the word, in the case of the bill, what was originally meant by occupancy.

And there's no rush to answer.

Mr. Johnson: It's—changing the regulation-making authority from major occupancy to major development will allow greater flexibility to place limits and define this new power to ensure it is used appropriately by the municipalities.

Mr. Wiebe: Okay. We might need a little bit of a reboot of the minister here, as—shut the system down and restart.

But it looks like maybe officials are jotting down some notes and might just help clarify for all of us.

Mr. Johnson: Occupancy is a term generally used for building codes. Major development is more clear in the development planning process.

Mr. Wiebe: Well, you now, maybe I won't belabour the point because maybe we can ask this offline, but I guess I'm just a little bit perplexed why occupancy would have been used in the original legislation, because it sounds like development was the original intent.

Mr. Johnson: Yes, occupancy is a term generally used for building codes and in this case, major development is more clear in the development process—in the planning process.

Mr. Wiebe: I'll leave it at that, Mr. Chair.

Mr. Chairperson: Oh, I appreciate that so much.

Any other members wish to comment? Good.

So, the amendment is still fresh in our minds.

Amendment—pass; clause 38 as amended—pass.

Shall clause 39 pass?

Some Honourable Members: No.

Mr. Johnson: I move

THAT Clause 39 of the Bill be amended in the proposed subsection 151.0.3(3) by striking out "30 days" wherever it occurs and substituting—it with—"14 days".

Apparently, I misread that, so I will re-read it. So, I move

THAT Clause 39 of the Bill be amended in the proposed subsection 151.0.3(3) by striking out "30 days" wherever it occurs and substituting "14 days".

Motion presented.

Mr. Chairperson: The amendment is in order.

The floor is open for questions.

Mr. Johnson: I think we've discussed this. It's a proposal brought forward by AMM, and we support it.

Mr. Wiebe: Well, I—you know, maybe I'll just put a quick word on the record, because I don't know how many amendments the minister is bringing. I think this speaks to, as I said earlier, just how half-baked this legislation is that here we are, trying to amend it.

My concern remains that we are making very small changes to a very flawed legislation, and making changes that the minister may not even be entirely clear on exactly what he's doing. So—but here we are, and I'll allow the vote to happen here on this amendment.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: Shall clause 39—sorry.

Amendment—pass; clause 39 as amended—pass; clauses 40 through 42—pass; clauses 43 and 44—pass; clauses 45 through 48—pass; clauses 49 through 52—pass; clause 53—pass; clauses 54 through 57—pass; clauses 58 through 60—pass.

Shall clauses 61 and 62 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Shall clause 61 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 61 is accordingly defeated.

Clause 62—pass; clause 63—pass; clause 64—pass.

Shall clauses 65 through 67 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Shall clause 65 pass?

Some Honourable Members: No.

Mr. Chairperson: Again, I hear a no.

Mr. Johnson: I move

THAT Clause 65 of the Bill be amended

(a) in the proposed clause 240.1.1(1)(a), by striking out "major occupancy" and substituting "major development"; and

(b) in the proposed subsection 240.1.1(3), by striking out "an occupancy to be a major occupancy" and substituting "a development to be a major development".

Motion presented.

Mr. Chairperson: The amendment is in order.

The floor is open for questions.

Mr. Johnson: I think it's—we've discussed this already, so it's just another part of the bill. So, we'll move forward with the vote, if the critic is okay with it.

* (00:10)

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass; clause 65 as amended—pass; clause 66—pass; clause 67—pass; clauses 68 and 69—pass; clauses 70 through 72—pass; clauses 73 and 74—pass.

Shall clauses 75 through 77 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Clause 75—pass; clause 76—pass.

Shall clause 77 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Johnson: I move

THAT Clause 77 of the Bill be amended

(a) in the proposed clause 282.1(1)(a), by adding "or" at the end of the subclause (i) and striking out subclause—is that 3 or (iii)? Okay by—striking out subclause (iii);

In the proposed subsection 282.1—oh, (b).

Let me just start this over again now that I got the gist of—the eye of it.

I move

THAT Clause 77 of the Bill be amended

(a) in the proposed clause 282.1(1)(a), by adding "or" at the end of the subclause (i) and striking out subclause (iii);

(b) in the proposed subsection 282.1(3), by striking out "30 days" and substituting "14 days";

(c) in the proposed subsection 282.1(10), by striking out "A decision" and substituting "Subject to section 495, a decision";

(d) in the proposed subsection 282.2(1), by striking out clause (c); and

(e) in the proposed subsection 282.2(3), by striking out "30 days" and substituting "14 days".

Mr. Chairperson: It has been moved by the Honourable Minister Johnson

THAT Clause 77 of the Bill be amended

(a) in the proposed clause 282.1(1)(a), by adding "or" at the end of subclause (i) and striking out subclause (iii);

(b) in the proposed subsection 282.1(3), by striking out "30 days" and substituting "14 days";

(c) in the proposed section 282.1(10)—sorry

(c) in the proposed subsection 282.1(10), by striking out "A decision" and substituting "Subject to section 495, a decision";

(d) in the proposed subsection—282 dot 1—dot 2 bracket 1—sorry

(d) in the proposed subsection 282.2(1), by striking out clause (c); and

(e) in the proposed section 282—d'oh boy—

(e) in the proposed subsection 282.2(3), by striking out "30 days" and substituting "14 days".

The amendment is in order.

The floor is open for questions. I thank you in advance for your patience.

Mr. Johnson: I think it's self-explanatory. Thank you.

Mr. Wiebe: Well, you know, I did get excited, Mr. Chair, because I think the block of sections we were considering, you know, might have actually led us to make some real changes with regards to the appeals, and here we are tinkering around the edges once again.

You know, I know the AMM has been pretty clear that they're asking for, you know, some specific grounds for appeals, having tighter timelines. I think this is what the minister is getting at now. But clear parameters are what's missing and, you know. So, I guess taking on one piece of the concerns while ignoring, you know, the reams of presenters that we had here tonight, it probably doesn't go far enough.

So I, you know, hope that the minister is able to take those concerns and go back to the drawing board one more time, because it sounds like he's willing to make changes here tonight because he recognizes just how bad this bill is. Maybe now that he's heard all these presenters, I think maybe he's going to start from scratch and really try to make a go at representing some of the concerns he heard here tonight.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass; clause 77 as amended—pass; clauses 78 and 79—pass; clauses 80 through 82—pass; clauses 83 through 86—pass; clauses 87 and 88—pass; clauses 89 through 91—pass; enacting clause—pass; title—pass; Bill, as amended, be reported.

That concludes consideration of Bill 37.

**Bill 38—The Building and
Electrical Permitting Improvement Act
(Various Acts Amended and
Permit Dispute Resolution Act Enacted)**

(Continued)

Mr. Chairperson: We will now move on to Bill 38.

Does the minister responsible for Bill 38 have an opening statement?

Hon. Derek Johnson (Minister of Municipal Relations): Apparently so.

First of all, I would like to thank everyone for coming out to present this bill tonight—to this bill tonight. It is an important bill that will establish a new permit dispute resolution act and amend the buildings and home—mobile homes act and The Manitoba Hydro Act, in order to create a process to hear appeals of permitting decisions and order related—and orders related to building and electrical codes, as well as for the establishment of service standards for permitting authorities in Manitoba.

The bill implements some key permitting recommendations made by the Treasury Board Secretariat and their Planning, Zoning and Permitting in Manitoba review published June 11th, 2019, by establishing avenues for technical appeals and service standards.

The recommendations were the result of extensive consultations conducted by Treasury Board Secretariat staff with a broad cross-section of affected stakeholders. Departmental staff conducted consultations in developing the proposed legislative changes and will consult further on the development of accompanying regulations.

The proposed changes will bring Manitoba in line with other Canadian jurisdictions, which already offer technical appeal mechanisms on code issues. This means that permit applicants and building owners aggrieved by code compliance decisions of building and electrical permitting authorities will have the ability to appeal a technical appeal to a technical adjudicator who will be appointed based on their extensive code experience.

Technical adjudicators' decisions will be made publicly available to serve as guidance to code users and enforcement bodies following best practices from other Canadian jurisdictions.

These proposed changes will ensure greater consistency, transparency and accountability of appeals across the province. The department will consult with stakeholders on regulation that will establish the hearing process and clarify how the adjudicator will assign costs for the dispute resolution hearing.

* (00:20)

The bill will also allow for the adoption of service standards that will require building and electrical permitting authorities to process permit applications and conduct inspections within time frames established by regulation. We agree with stakeholders that it is essential that any new processes do not delay growth projects in local communities. I look forward to further consulting with municipalities and other stakeholders on proposed timelines and other regulatory changes associated with this legislation.

Additionally, this bill will require that Manitoba adopt further versions of the national model construction codes within fixed time frames to improve harmonization with other jurisdictions and ensure Manitoba meets commitments under the Canada Free Trade Agreement. The bill will also ensure that there is only one electrical code for

Manitoba, ensuring consistent code application between the City of Winnipeg and the rest of the province.

Other changes to The Buildings and Mobile Homes Act will streamline administrative processes and allow for the modernization of mobile home requirements.

I would like to emphasize that these legislative changes will be brought into force by proclamation with the accompanying regulation changes that further consultation will be conducted on regulatory changes to complete the framework.

Thank you, Mr. Chairman.

Mr. Chairperson: We thank the minister.

Does the official opposition critic have an opening statement?

Mr. Matt Wiebe (Concordia): I do. Thank you very much, Mr. Chair.

Manitobans believe that public services need to be fairly and efficiently delivered. They also believe local authorities should be empowered in order to support that efficient service delivery. Unfortunately, Bill 38 uses a heavy-handed approach, rather than improving local decision-making, it once again overrides it.

The legislation establishes appeal of local permitting through the establishment of an appeal commission. However, it is nearly impossible for a commissioner to be removed except for cause. This is an unprecedented power given to a commissioner compared to any other agency in Manitoba, and the decisions of the commission are not subject to any further appeal according to section 12 of the act. We have serious questions about whether this would even withstand scrutiny by the courts.

Other jurisdictions take a more collaborative approach. For example, a local municipality might be encouraged to establish a citizens committee that provides an appeal of permitting disputes. Bill 38 does not do that, instead it relies on an adversarial review process that will cause more problems than it solves. Additionally, this bill implements a single adjudicator to oversee the code, meaning there is a much higher chance of them making mistakes.

This whole matter, Mr. Chair, has been politicized right from the start. This Pallister government brought forward an industry review that Mayor Bowman called, quote, a political review rather than

an arm's-length and extensive review. The review of planning, zoning and permitting in Manitoba was quickly conducted inside Treasury Board and not subject to an open or transparent process and not given the opportunity to be reviewed.

Manitobans deserve to have a government that promotes efficient and effective service delivery, but local governments need to be better engaged in resolving these disputes. Unfortunately, once again this didn't happen before the legislation was introduced. Mayor Bowman says he wasn't consulted on the land use planning legislation that we heard about and is before the Legislature.

Advocates in the disability community are also concerned that their issues are not being heard in the development of this legislation. So we encourage the minister to consult with them.

The changes outlined in this bill would require, according to the City of Winnipeg CAO, massive implementation efforts including process and IT redesign, and amendments to city bylaws. Given the Province's track record, it's highly unlikely that any additional funding would be provided to the City to pay for these regulatory changes.

We also heard from industry this evening as one of the presenters who simply asked for the implementation period to be extended so that industry had a chance to catch up. The suggestion I heard was 12 months. So if, you know, the minister was open to that I think that would be appropriate. Give the industry some time to make sure that they are on board and that they're able to implement this, especially during a time of COVID and a time when they are so very busy, just as a standard rule.

I'd like to thank the presenter and provide—thank him—thank them for providing their valuable input on this bill. I hope that the minister will then listen to those Manitobans, start working collaboratively, for a change, with municipal governments and with others, rather than legislating more and more powers over them.

Thank you very much, Mr. Chair.

Mr. Chairperson: We thank the member.

Now, during the consideration of this bill also, the enacting clauses and title will be postponed until other clauses have been considered in their proper order. Due to the size and structure of this bill, I'd like to propose the following order of consideration for the committee's consideration.

For your reference, we'll be providing copies of this outline for committee members—*[interjection]* or not, with the understanding that we can stop at any point, if you have any questions or you want to propose amendments.

I propose that we call the bill in the following order: schedule A, which is pages 3 through 12, called in blocks conforming to pages; schedule B, which is pages 13 through 27, called in blocks conforming to pages; schedule C, which is pages 28 through 33, called in blocks conforming to pages; and then the enacting clauses, pages one and two, and the bill title.

Is that agreed as an appropriate order of consideration for Bill 38? *[Agreed]*

So we will first consider schedule A, pages 3 through 12.

Clause 1—pass; clauses 2 and 3—pass; clauses 4 through 6—pass; clauses 7 through 9—pass; clause 10—pass; clauses 11 through 13—pass; clauses 14 through 16—pass; clause 17—pass; clauses 18 and 19—pass.

Now we'll consider schedule B, pages 13 through 27.

Clauses 1 through 4 of schedule B—pass; clause 5—pass; clauses 6 and 7—pass; clauses 8 and 9—pass; clause 10—pass; clause 11—pass; clauses 12 and 13—pass; clauses 14 through 16—pass; clauses 17 through 19—pass; clauses 20 and 21—pass; clauses 22 and 23—pass; clauses 24 through 26—pass; clauses 27 through 29—pass.

So, now we'll consider schedule C, pages 28 through 33.

Clauses 1 through 4 of schedule C—pass; clause 5—pass; clause 6—pass; clauses 7 and 8—pass;

Now we'll consider the enacting clauses on pages one and two.

Clauses 1 through 3—pass; clause 4—pass; title—pass; Bill be reported.

This concludes clause-by-clause consideration of Bill 38, leaving us with Bill 53.

Bill 53—The Municipal Statutes Amendment Act (2)

(Continued)

Mr. Chairperson: Does the minister responsible for Bill 53 have an opening statement?

Hon. Derek Johnson (Minister of Municipal Relations): Yes. I would like to make a couple of

opening remarks. I want to thank everyone that came out to present to this bill tonight and thank those who submitted letters in support.

This bill will modernize municipal operations, provide municipalities with increased flexibility and fair say and enhance the fairness of the code of conduct framework. The COVID-19 pandemic has fundamentally changed the way that governments operate, virtual meetings and flexible options for posting public notices have provided municipalities with the flexibility to engage residents in a new way.

Temporary submission orders over the last year have provided legislative authority for these practices. This bill proposes to incorporate some of these positive changes into legislation, building on the best practices and lessons learned throughout the pandemic.

This bill will modernize the definitions of meetings and public hearings by allowing the use of electronic communication platforms, such as Skype, GoToMeetings or conference calls. These amendments will ensure that public hearings and meetings held through electronic communication platforms provide a level of public participation equivalent to being physically present at the hearing.

* (00:30)

These proposed changes are intended to provide flexibility and facilitate public access to the decision-making process, but do not require the use of electronic communication technology. Individual municipalities, planning districts and municipal board—and the Municipal Board will have discretion to decide if they want to implement these communication methods.

The bill also provides municipalities and planning districts with flexible options for posting public notices. Amendments will allow notices to be posted on newspaper websites as an alternative to print version. The bill will also grant flexibility in situations where local newspaper is not available either in print or online by allowing notices to be posted in two conspicuous locations within the municipality.

These changes will empower municipalities to make decisions based on their local context and the needs of their residents.

We continue to recognize the importance of local newspapers in communities across Manitoba, particularly for ensuring open, transparent and accountable governance. That is why this bill

maintains the requirements for municipalities and planning districts to publish notices in local newspapers either in print or online. This addresses feedback from the Manitoba Community Newspaper Association that the Province received in 28 from the former bill 19, that was the planning amendment act, that requested requirements to publish notices in local newspapers remain in place.

These changes will ensure that public notices remain accessible and local newspapers continue to be trusted—a trusted source of information while modernizing the publishing of notices. We are committed to the vitality of the local media and—while enhancing access to government for all Manitobans.

This bill also proposes to allow a simple majority of council members to approve sanctions on councils of five or six members. Councils with seven or more members will still be required to meet the majority-plus-one requirement to underscore the seriousness of affirming code of conduct resolutions.

These changes proposed by this bill will allow the interested parties to recuse themselves on all councils, no matter the size and no matter who is party to the complaint. These changes will allow all votes to sanction council members on small councils of five or six members. This will enhance the 'procedional'—procedural fairness of the code of conduct resolution process and strengthen the transparency and accountability of all municipal councils.

This bill will apply to 53 small municipal councils in Manitoba. There will be no changes applied to other councils of seven or more.

I would like to thank our stakeholders such as the Manitoba Status of Women secretariat and the Association of Manitoba Municipalities for their important ongoing contributions to the code of conduct framework.

We are proud to introduce this legislation, which responds directly to feedback from our stakeholders and builds on lessons learned during this pandemic.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Matt Wiebe (Concordia): I'm happy to put a few words on the record with regards to Bill 53, The Municipal Statutes Amendment Act (2).

This bill amends the act to clarify that meetings and hearings may be held virtually, either in part or in whole. Obviously, this is a necessary step as we've proved here this evening by having virtual participation. I guess all of us could have been virtual if the need was there. So giving some flexibility to municipalities is a welcome change.

However, this bill also removes the mandatory requirement to publish a notice—public notices in Manitoba community newspapers. Though it could still be on the website, this does not support those who prefer the printed version, seniors and elders in Manitoba who rely on those print versions and communities who rely on those ways of communicating as well.

The language of the act currently states that the public notices are required for a public hearing at least twice in a newspaper or other publication that has general circulation within the municipality. Now this bill will allow for either newspaper publication or post a notice on the website of the newspaper.

This will be inaccessible to seniors and other folks in the community who do not have access to the Internet. And, as the minister noted, this was attempted in a different form before under—with Bill 19 and, certainly, we heard from the Community Newspaper Association on that.

Manitobans deserve to know about important changes that will affect their family. They must be aware of any public notice that affects their health, safety, or their community. Government has a responsibility to make public information accessible for all Manitobans. Instead, the Pallister government is attempting to bury government notices on obscure websites and make it harder for Manitobans to get the information they need. There's concern that Bill 53 will bury government notices rather than increase, quote, openness and ease of access, end quote, as they claim it will.

This government is choosing to end the centuries-old requirement to advertise when they are about to do something that affects citizens' rights, property and lives. This bill will affect the manner in which every Manitoban learn—how everyday Manitobans learn about everyday things such as changes to school board boundaries, environmental protection laws. Readers will see the notices that are delivered to their houses or published in a newspaper in a timely manner, and we want that to continue.

I'd like to thank the presenters this evening on Bill 53 and, hopefully, the minister will clarify as we go through the process here, some of the changes that are being made here.

Mr. Chairperson: We thank the member.

And during the consideration of this bill also, the enacting clause and title clause will be postponed until all other clauses have been considered in their proper order.

And, with agreement from the committee, I'll call clauses in blocks that conform to pages, with the understanding that we'll stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Clauses 1 and 2—pass; clauses 3 through 6—pass.

Shall clause 7 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Wiebe: I'd simply like to pause at this moment to get some clarification from the minister.

We had an opportunity at second reading of the bill, there was a question period in the Chamber where I was able to ask the minister very directly if this was going to be an and- or an or-situation when it comes to posting information and notices. I was assured by the minister at that time that this was an and-situation. In other words, that this just allowed for notices to go on the website in addition to the print, if available, and to give some flexibility to allow for those places where there just isn't a print version that would be widely distributed.

The minister, at that time, assured me that that was the intent of the bill and this very met very clearly in the same vein as the bill briefing that we had in his office, where I also brought this issue forward and he assured myself and other members that were present that this was, in fact, the case; that the plan was to have this in addition to, not in substitution of.

So, under section 421, subsection (b), subject to subsection 1.1, do one of the following, and that is

either publish the notice twice in the newspaper or post the notice prominently on the website of a newspaper.

Again, I think every member here recognizes the importance of local community newspapers, not just for, you know, for the economic growth of rural Manitoba but just to get the information out. As I said in my preamble, there's a whole lot of people who still rely very much on the print versions of those community newspapers, and we want to make sure that they don't miss those publications.

So, I'm just looking for some clarification, and potentially this could be an amendment that we bring forward and just clear this up, because I think the minister, as I said, was—in the bill briefing and in the House, seemed very clear that this was going to be an addition to rather than a substitute of.

And I can keep going because I see there's some frantic work being done, but I do hope this is a consideration that we can just come to an agreement on and we can move forward on.

Thank you, Mr. Chair.

* (00:40)

Mr. Johnson: Yes, he might be referring to subject—to section 1.1, do one of the following. But section 1.1 states if there's no local newspaper. So, I believe it still stands as stated.

Mr. Wiebe: Okay, well, I—it, you know, that doesn't seem to make too much sense to me, because it says specifically here publish the notice at least twice in a newspaper. But, you know, I—again, I'm going to, as I said during second reading and during the bill briefing, I'll take the minister at his word. And maybe we can meet, you know, a little bit offline to make sure we're all on the same page, because I know there's a number of members who are concerned about this as well.

And if it's simply that I'm reading the bill wrong or that there needs to be a small change, then, as I said, hopefully we can just move through that quickly.

Mr. Chairperson: All right.

Clause 7—pass; clauses 8 through 11—pass; clause 12—pass; clause 13 through 16—pass; clauses 17 and 18—pass; clauses 19 and 20—pass; clauses 21 through 24—pass; clause 25—pass; clause 26—pass; enacting clause—pass; title—pass. Bill be reported.

This concludes the matters that we have before us.

The hour being 12:43 p.m.—a.m., sorry, committee rise. Oh, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:43 a.m.

WRITTEN SUBMISSIONS

Re: Bill 25

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 25: The Municipal Statutes Amendment Act.

The AMM supports many of the proposed changes as outlined in Bill 25, including those reduce provincial red tape and grant municipalities more autonomy. For instance, we welcome the removal of the requirement for municipalities to obtain Municipal Board approval to enter into a lease of capital property other than real property as well as allowing the cities of Brandon, Thompson, Portage la Prairie and Flin Flon to set their Council size, which aligns practices among all other municipalities outside of Winnipeg. Moreover, measures that ease financial pressures on regional libraries will also benefit local communities.

In addition, the AMM supports the proposed elimination of the outdated requirement for municipalities to pay 4.75 per cent interest on excess taxes. As the current requirements are not in line with economic conditions and have not been reviewed since 1997, they have resulted in significant financial expenses for municipalities. Eliminating the interest rate will align with the approach taken by the Provinces of Alberta and Saskatchewan and therefore should benefit Manitoba municipalities.

Lastly, in consultation with the City of Winnipeg, the AMM proposes amending Bill 25 to apply the same change to Municipal Elections as was applied to Provincial Elections in 2017, that is require an in-service day be taken by schools used as voting places on municipal election days every fourth year. Alternatively, municipal election days could be potentially moved to the weekend when schools are empty. This option would not only reduce public safety concerns but also enhance customer service by allowing use of empty parking lots as well as the designation of additional accessible parking spots and

community locations that are walkable to be used. Having municipal elections on weekends is common in Canada—for example, all British Columbia municipal elections are held on Saturdays and all Quebec municipal elections are held on Sundays.

Thank you for the opportunity to provide these brief comments.

Sincerely,

Denys Volkov
Executive Director

Re: Bill 37

Municipality of North Cypress-Langford

Resolution #81—April 12, 2021

Be it resolved that council is opposed to Bill 37 as presented that the province has given first and second reading.

Moved by: R. Drayson Seconded by: D. Blair.

Carried: X Lost:

"Carried"

I, Trish Fraser, CAO of the Municipality of North Cypress-Langford, do hereby certify the above to be a true and correct copy of a resolution passed by the Council of the Municipality of North Cypress-Langford at their meeting on April 12, 2021.

Dated at Carberry this 19th day of April, 2021.

Trish Fraser
CAO

Re: Bill 53

Please accept this registration to make a written presentation on Bill 53, The Municipal Statutes Amendment Act

I ask the Committee's consent to include this written presentation in the Committee Hansard.

I am making this presentation as a private citizen who is an elected councillor in the RM of West St. Paul, Manitoba.

I am not representing the Rural Municipality of West St. Paul.

I am against replacing the current Approval of resolution

84.1 (4) To be approved, the number of members who must affirm the resolution to censure is the majority of all members, plus one

with the following amendment:

Approval of resolution to sanction

84.1(4) A resolution to sanction a member under a code of conduct must be affirmed under a code of conduct

(a) by a majority plus one of the members, for a council with seven or more members; or

(b) by a majority of members, for a council with fewer than seven members.

The present code of conduct by-law provided by Municipal Relations and adopted by a number of municipalities without amendments needs a period of review and assessment by Municipal Relations and councils prior to The Act being amended. Changes are needed to ensure fairness regarding process and implementation of process prior to the vote needed to impose sanctions being eased to a simple majority for councils with less than seven members.

Six code of conduct complaints have been made formally since November 26, 2020, in the municipality where I serve as a councillor member. We are a council of five. There have been four complainants and three respondents on Council. No member remains untouched by this process. No complaint was formally mediated. I speak for myself when I say experiences regarding code of conduct complaints have had an unhealthy, stressful and divisive effect on council.

I have observed several process issues and issues around the application of process with the present code of conduct mandated by the Province. I wish to bring these to the committee's attention.

This first example directly refers to the process used and the vote required to impose sanctions:

1. On March 25, 2021, a resolution to affirm an investigator's report and findings about a code of conduct complaint was carried 3-2. Following that, a resolution to sanction the respondent was made.

Prior to that second vote, the respondent referred to The Manitoba Municipal Act, and read out Section 84.1 (4). The respondent asked the Municipal Legislative Officer (MLO) to check The Act to confirm section 84.1(4). The MLO did not respond.

There was some debate about whether or not the municipal code of conduct addresses votes required to impose sanctions. The fact that The Act supersedes the authority of a municipal by-law was stated. This fact was not accepted.

The CAO called for the vote and declared the vote of 3-2 to impose sanctions Carried.

The CAO had chaired the In Camera and Rise and Report at the Mayor's request, despite the Deputy Mayor being in attendance and available to chair as per the Organizational and Procedural by-laws.

The following day an email blast was made to the community by the RM announcing the two resolutions, the recorded vote and the listing the sanctions. It concluded by saying legal and the Provincial Municipal Relations Officer were consulted and the vote of majority plus one was needed as in The Act. Therefore, there would be no sanctions imposed. The vote to affirm the investigator's report was affirmed.

Draft minutes recorded the resolution to impose sanctions. The vote on the resolution is recorded in the draft minutes as Defeated. The draft minutes were incorrect as anyone who attended the virtual meeting or watched the YouTube live recording of the meeting, or who watched the recording later, could verify. Draft minutes were approved by a vote of 3-2.

Please note that section 127(2) of the Municipal Act states:

The chief administrative officer must ensure that

(a) the minutes of every council meeting are made without note or comment.

There was a note included in the minutes below resolution which reads:

Resolution 2021-151 is defeated per section 84.1(4) of the Municipal Act, which states for a resolution to sanction a member to be approved, the number of members who must affirm the resolution is the majority of all members of council, plus one.

The Respondent was not contacted personally by anyone from the RM and informed about the status of the sanctions. A Regular Planning Meeting was scheduled within the seven-day sanction period.

2. A subsection of the municipal code of conduct by-law states that, "If either the complainant or the respondent do not agree to mediation..., the complaint must proceed to investigation." I do not see that the subsection requires Council to approve a resolution

going to investigation. However, in each case when an investigation was required, administration recommended and provided a resolution and that resolution was carried during Rise and Report. When this process was questioned the reply was that the RM was following a consistent process. Such a resolution and vote could be considered an unfair violation of privacy since it must take place in a public meeting and is recorded, with the respondent's name only, in the minutes.

3. Another subsection of the municipal code of conduct by-law states the complainant and respondent must jointly select an investigator. Nowhere does it say the parties are to select from the provincially approved list. There is no direction at this step as to how the parties choose an investigator. No mutual choice opportunities were provided.

4. If parties cannot agree or the chosen investigator is not available to start an investigation in 30 days, the CAO selects from a provincially approved list. The choice was made by the CAO when a complaint went to investigation.

5. The subsection (8.20 of the standardized complaint process) appears to indicate that a thirty-day window exists for an investigator to begin the investigation. Currently I am aware of a resolution to go to investigation made on February 25th and the respondent is still waiting on April 12 to be contacted, i.e., 45 days. Such a delay is not a reasonable or fair delay.

6. There are no criteria about who may serve as a witness in the code of conduct by-law. Complainants have consistently listed the CAO as a witness on complaint forms. The CAO is mandated to remain unbiased. It does not appear to be fair that a CAO or any Administrator agree to be listed as a witness as has been the case.

7. The Province has not provided criteria for what constitutes a legitimate informal attempt at resolution.

The Province has not identified a recommended process to be taken by complainants to inform a respondent that he or she has done something that a complainant finds offensive.

(a) Did the authors of the Council Members' Codes of Conduct envision In Camera meeting time as being appropriate for an attempt at informal resolution when no such item was on the agenda and when no other notification was provided to the respondent?

(b) Did the authors ever intend an attempt at informal resolution to come as a surprise to a respondent in front of the entire council and administrators?

(c) Did the authors envision an informal resolution be added to items for discussion during In Camera without the complainants following the municipal procedural by-law and so violating The Act and the municipal code of conduct themselves?

8. The Province has not provided criteria for what constitutes a fair and meaningful opportunity to respond to complainants during an attempt at informal resolution.

9. A subsection of the municipal code states that a council member may file a code of conduct complaint in an approved form with the CAO if:

An informal resolution of the complaint was initiated by the council member, but the complaint could not be resolved informally.

That step of the formal review process has not been implemented consistently at the municipal level. On January 14 council was warned by the third-party reviewer that three complaints had been received from the RM where no mandated informal resolution of the complaint was documented and consequently all three complaints were recommended for dismissal. Therefore, complaints were not screened to ensure informal resolution had taken place at the municipal level prior to the complaint being sent to the third-party reviewer. This is a fairness issue for the complainant and the respondent of a complaint.

On a subsequent complaint, the intake reviewer also warned that "the prescribed code of conduct complaint form, as developed by the Province of Manitoba, only contemplates the filing of a complaint by one member of Council. The complaint was filed by two members of Council and typically that would result in in our recommendation to dismiss. However, in this instance the allegations surround two pieces of documentary evidence and not an event being observed, perceived, or witnessed by more than one individual. In the future, code of conduct complaints filed by multiple members of council will be recommended to be dismissed." The decision by the intake reviewer points to inconsistency of process. To accept the complaint filed by two council members will not be consistent with future decisions. Therefore, the decision to accept the complaint was not fair to the respondent.

Regulations or guidelines regarding the limits of discretion for the intake reviewer have not been identified.

10. I have seen a respondent's copy of an Investigation Process Overview. This information was not marked confidential. Statements regarding process in the overview do not match with the process described in the Code of Conduct for Members of Council.

The code states that the investigator must provide the CAO, the complainant and the respondent with a report summarizing the findings of their investigation into contraventions of the code of conduct.

The Investigator's Overview states that a report summarizing the results and outlining the findings of the investigation will be provided to the CAO at the municipality. The complainant and the respondent will be informed of the findings of the investigation in accordance with the municipality's code of conduct by-Law.

The process described by the Investigator is inconsistent with the by-law. It appears that the investigator was unaware of the process in the code, i.e., the requirement to provide the complainant and the respondent with a copy of the investigator's report. This is another issue of fairness. Consistency of process is not being ensured.

The code is inconsistent or not specific regarding responsibility for recommending sanctions. One subsection states the investigator may recommend sanctions. Yet, a stated purpose for the by-law is to establish sanctions available to address code of conduct violations. Should the investigator be recommending sanctions from those established in the municipal by-law? Should Council have established sanctions prior to the approval of the by-law? The door is open for more inconsistencies.

11. There are no provisions to ensure that real proof is provided by complainants to support allegations against the respondent. Personal assumptions and suppositions cannot be considered proof.

12. There are no provisions to provide sanctions for complainants in the case that patently false allegations are made by complainants.

13. Confidentiality is not addressed in the code of conduct by-law. The interests of the complainant, the respondent and others who may be involved are not clearly protected. Whether decisions should be made at the Provincial level or the municipal level about

confidentiality needs clarification. The appropriateness of revealing the fact that an investigation is taking place, the allegations that have been made, the identity of the complainant and the respondent and when such information may be revealed needs clarification.

It is understood that when legislation and process are not followed at the local level and this is brought to the attention of council, each member of council should be included in instituting corrective measures.

I hope there will be efforts to assess and provide for consistency and fairness of process and process implementation for all parties prior to the vote needed to impose sanctions being eased to a simple majority for councils with less than seven members.

On November 26, 2020, the following motion was approved:

15.5 Council Members' Codes of Conduct By-Law Review

Res No: 2020-545

Moved By: Eleanor Link

Seconded By: Stan Parag

Whereas Municipal Relations has developed a sample code of conduct by-law which meets minimum requirements prescribed in the provincial Council Members' Code of Conduct Regulation;

And whereas the Association of Manitoba Municipalities recommends that Council strengthen the sample code of conduct by-law to meet the specific needs of the municipality;

And whereas the Council of the Rural Municipality of West St. Paul must complete mandatory provincial training on the Code of Conduct;

Now therefore be it resolved that the Council of the Rural Municipality of West St. Paul review By-Law 2020-10 as soon as possible following completion of mandatory training by all members of council in order to strengthen By-Law 2020-10 by incorporating appropriate sections of Policy ADM 2018-02, Council Members' Code of Conduct, and best practices that may be identified as meeting the municipality's needs.

Carried

This resolution has not been acted upon.

Thank you for your consideration of the need to review processes and the implementation of processes of the newly legislated code of conduct. I hope you agree that ensuring fairness for all council members is required before approving an amendment to ease the

vote to a simple majority from the current requirement in Subsection 84.1 (4).

Respectfully submitted,

Eleanor Link

Re: Bill 37

South Osborne Residents Group

We are writing to protest this bill that the Standing Committee votes on tonight. It is ill-conceived and will hurt Winnipeg by encouraging irresponsible developments.

Section 10.13(1) of the bill reads "The composition of a regional planning board is to be determined by regulation and is to include at least one director from each of the regional member municipalities." It would be better if the government legislated its intentions rather than pass this Bill and then present regulations once the legislation is in place. Here, the Province is not avoiding the appearance of corruption.

The Province says regulations allow them to make swifter changes in times of need but this really means the government can foster developers' damage and avoid accountability.

The biggest concern here is that the government has the power to appoint people who have decision-making powers that are now in the hands of elected municipal mayors/reeves/councillors. These appointments make citizen voting irrelevant.

The role of The Municipal Board is questionable. Section 77.1(8) reads "The order of the Municipal Board is final and not subject to appeal." The Municipal Board is often stacked with patronage appointments.

We ask you to discard this Bill. It will hurt Manitoba citizens' quality of life.

Bev Pike, Co-ordinator

Re: Bill 38

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 38: The Building and Electrical Permitting Improvement Act.

The AMM supports efforts to reduce red tape and streamline processes that benefit municipalities, particularly limiting the scope of possible appeals to code compliance. However, it is essential that any new processes do not delay growth projects in local communities and municipalities be consulted on customer service standards and timelines since they have yet to be determined.

Additionally, in regards to the proposed Permit Dispute Resolution process, the AMM encourages the Province of Manitoba to clarify how the adjudicator will assign costs for the dispute resolution hearing and how parties will be billed before this proposed legislation is enacted. As the process for calculating adjudicator costs has also not yet been determined, the AMM urges the Province of Manitoba to provide further clarification since provincially-appointed adjudicators will have authority to resolve disputes across the province. Without a clear framework, risks to the consistency and accuracy of decision-making may be created. Lastly, the AMM encourages the Province to allow for virtual hearings given the ongoing pandemic and desire to not create a scheduling backlog.

Thank you for the opportunity to provide these brief comments.

Sincerely,

Denys Volkov
Executive Director

Re: Bill 38

Winnipeg Construction Association

The Winnipeg Construction Association, established in 1904, represents the commercial construction industry in Manitoba. Our member firms include general contractors, sub-contractors, manufacturers, suppliers, financial institutions, lawyers, insurance and bonding companies and brokers. These members deliver \$2 billion worth of high-quality, cutting-edge industrial, commercial and institutional buildings for Manitoba annually.

The WCA has been proudly serving the ICI construction industry in Manitoba for over 115 years with an independent and reasoned approach to policy and government affairs. Our diverse membership base is our strength, delivering policy and advocacy priorities which are member driven and vetted, always with the focus to serve and promote the construction industry in Manitoba.

All policy advocacy positions are developed in consultation with our diverse membership directly and through our Government Relations Committee. Policy positions are then approved and endorsed through our Board of Directors to ensure WCA positions have an 'all of industry' perspective.

Bill 38—The Building and Electrical Permitting Improvement Act

The Winnipeg Construction Association is supportive of this bill in that it will create a framework for improvements in the permitting and inspection stage on the construction process. The development of the Permit Dispute Resolution Act and amendments to The Building Act and Manitoba Hydro Act create a framework for increased consistency in building codes, building code interpretation and permit and inspection performance standards.

It is clear these amendments are directed at increasing the efficiency of permits and inspections during the construction process. This is a worthwhile endeavor and we commend the provincial government for undertaking this initiative.

Permit Dispute Resolution Act—WCA is supports the ability to have a third party resolve disputes regarding code interpretation. One of the common concerns we have raised with the City of Winnipeg on many occasions has been the lack of a third party regarding the decisions of inspectors.

We view the development of a dispute resolution process as a way to building confidence in the inspection process and its outcomes. This bill creates the framework and much of the details will be developed in regulations. During the regulation development it must be recognized that dispute resolution can involve the interpretation of an alternative solution proposal by the designer to meet "objective standards" codes rather than prescriptive solutions.

The Building Act—WCA supports the changes made to The Building Act to ensure the automatic adoption of new building codes. Manitoba is currently embarrassingly behind in the adoption of the latest code and this amendment will guarantee future adoption. During this process it will be important that any existing 'Manitoba Amendments' to the National Building Code are carried over to avoid unforeseen circumstances.

Recommendation: Currently there is no industry body established to evaluate the current Manitoba amendments for their utility to the industry and

province. We recommend these amendments are reviewed prior to all amendments being automatically carried forward.

These amendments will also create a framework establishing performance standards for permit application notifications and decisions. This is potentially a major step forward to speed up the construction process in Manitoba. When a permit application is delayed for commercial businesses there is a significant cost to the business owners, employees and the Manitoba economy.

Manitoba Hydro Amendment Act—These amendments will also create the framework compelling Manitoba Hydro and City of Winnipeg to meet performance standards to conduct inspections and make decisions on electrical permits (details will be developed in regulations).

It will also require the City of Winnipeg to adopt the same electrical code as the rest of Manitoba. Both of these changes are positive for the industry.

Regulation Development

The new act and amendments within this bill create a framework to develop a more robust and predictable permitting and inspection system in Manitoba. However, much of the 'heavy lifting' will be done in the regulation development when the detailed specifications are determined (below is a list of the specific regulation issues to be developed).

Recommendation: We recommend that the regulation development is done in a proactive consultative manner with industry—including the Winnipeg Construction Association—prior to the release of draft regulations.

The Permit Dispute Resolution Act will require the development of regulations that will:

- (a) prescribe the information, documents and other things that must be contained in an application for a dispute resolution hearing;
- (b) prescribe the time period within which a dispute resolution hearing must be held after an application for a hearing is made;
- (c) outline the procedures at dispute resolution hearings;
- (d) prescribe the time period after a dispute resolution hearing within which an adjudicator must issue their order and written reasons;

(e) determine the cost of a dispute resolution hearing, which may be based on

(i) the type of dispute,

(ii) the manner in which a hearing is conducted or the duration of the hearing, or

(iii) the amount or scope of work that is the subject of the dispute;

(f) prescribe additional qualifications for adjudicators;

(g) define any word or expression used but not defined in this Act;

The changes to The Building Act will require the development of regulations that will:

(a) specify the time period within which an applicant must be notified as to whether an application for a building permit or occupancy permit is complete;

(b) specify the time period within which a decision on an application for a building permit or occupancy permit must be made;

(c) specify the time period within which inspections related to building permits or occupancy permits must be conducted;

(d) specify circumstances when the time periods set out in clauses (a) to (c) are suspended;

(e) specify circumstances in which a decision on an application for a building permit or occupancy permit or an inspection is not required within a prescribed time period.

The Manitoba Hydro Amendment Act will require the development of regulations that will:

(a) specify the time period within which an applicant must be notified as to whether an application for an electrical permit is complete;

(b) specify the time period within which a decision on an application for an electrical permit must be made;

(c) specify the time period within which inspections related to electrical permits must be conducted;

(d) specify circumstances when the time periods set out in clauses (a) to (c) are suspended;

(e) specify circumstances in which a decision on an application for an electrical permit or an inspection is not required within a prescribed time period.

Submitted by Darryl Harrison

Re: Bill 53

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 53: The Municipal Statutes Amendment Act (2).

As municipalities have remained on the frontlines delivering essential services throughout the entirety of the COVID-19 pandemic, local Councils have been responding to additional fiscal pressures and challenges impacting their communities. Since the pandemic has also identified opportunities to adopt new measures reflective of current realities, the AMM supports many of the proposed changes as outlined in Bill 53, including those that modernize current provisions related to public hearings and notices. The pandemic has certainly made it challenging for local

Councils to meet physically with residents, so options that allow flexibility and provide municipalities the opportunity to better connect and share information with their residents is appreciated. Amendments allowing virtual sittings of the Municipal Board are also welcomed given delays in scheduling hearings experienced by our members.

Additionally, the AMM welcomes the proposed changes that enable local Councils to more effectively address violations of municipal Codes of Conduct under Bill 2: The Municipal Amendment Act (Strengthening Codes of Conduct for Council Members).

The AMM takes the issues that were brought forward by our members that prompted this legislation very seriously, and thus we appreciate amendments that maintain Council autonomy and enable local officials to address Code of Conduct violations should they arise. Thank you for the opportunity to provide these brief comments.

Sincerely,

Denys Volkov
Executive Director

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.manitoba.ca/legislature/hansard/hansard.html>