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THURSDAY, NOVEMBER 21, 1974

Afternoon Sitting

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Routine proceedings

THURSDAY, NOVEMBER 21, 1974

The House met at 2 p.m.

Prayers.

Mr. D.A. Anderson (Victoria): Mr. Speaker, as you know, there is a model parliament at the University of Victoria every year. It gives me great pleasure to introduce to the House today three members of the cabinet of the government of that model parliament who are in the gallery: David McPhee, Susan Hutchison and Pamela McDonald, all of the University of Victoria.

I'd add, Mr. Speaker, for your edification that they won 46 per cent of the vote at the University of Victoria, for better than the Liberals are capable of doing elsewhere in the province. (Laughter.) It's tremendously encouraging to introduce a Liberal premier to the Legislature.

Mr. H.D. Dent (Skeena): I would ask the House to join with me in welcoming a very good friend of mine, Professor Peter Andrews, from Trinity Western College, and a group of his students from his political science class.

Hon. R.A. Williams (Minister of Lands, Forests and Water Resources): Mr. Speaker, I'd ask the House to welcome a group of students from an institution in which I got much of my basic education, Templeton High School in Vancouver East.

Mr. R.H. McClelland (Langley): Mr. Speaker, I would also like to pass along a welcome to the students of Trinity Western College, which is in Fort Langley, which on Tuesday, of course, celebrated the 116th anniversary as the first capital of the first Crown colony of British Columbia. They also have a teacher with them, Mr. Andreas. We welcome them to Victoria.

Mr. E. Hall (Provincial Secretary): Mr. Speaker, I don't want to take up any time of question period about negotiations on the ferries, perhaps I might be permitted to make a short news item today. (Laughter.)

Mr. Speaker: The Hon. Minister wants to make a short news item. Shall leave be granted?

Leave granted.

Hon. Mr. Hall: I'd like to announce for everybody to know — and I think it's pretty newsy — that a tentative settlement has been arrived at in negotiations between the government and the ferry officers.

I'm assured by the bargaining people that all the strike issues are now dealt with. There are some issues still in dispute, but they are not sufficiently important to keep the strike notice going. So I think that our hopes we expressed on Monday were rewarded, and I'm very happy to be able to make that announcement.

Oral questions.

TENDERS ON MVB COMIC BOOK

Hon. R.M. Strachan (Minister of Transport and Communications): Yesterday the Member for Oak Bay (Mr. Wallace) asked me a question and a supplementary regarding the Motor Vehicle Branch comic book for children regarding bicycle safety.

He asked me: "Was the publication of that comic book put out to tender or competitive bid?" Then he said: "It

carries no notification that it was done by a union shop." He also asked me: "What was the usual practice in relation to the government's policy to employ union labour, and in this case was it a contravention of the usual policy?"

First of all, I want to say that there were 25,000 of them printed. They were printed by the Columbia Craftsmen, the same firm which prints the New Westminster newspaper **The Columbian**. It is a totally union shop. The union states that it does not place the bug on everything, and usually just on those publications which also carry the shop name.

The job went to Columbia Craftsmen because it is the only shop in the lower mainland which has the equipment for this type of printing. This was determined after discussion with other firms, including Evergreen Press. But as a general rule Foster, Young, Ross, Anthony & Associates, who have charge of the safety campaign, call for three bids on everything. In this case it was not possible to do so.

BAD GRAMMAR IN COMIC BOOK

Mr. G.S. Wallace (Oak Bay): Mr. Speaker, the fact is that in this publication the grammar and the spelling are just shocking. I wonder if the Minister in future will give a guarantee that at least perhaps some consultation with the Minister of Education (Hon. E.E. Dailly) might precede this kind of sleazy advertising.

Hon. Mr. Strachan: I assure you that I will check with the Minister of Education, but I would also ask you to listen to the pronunciation used by children.

Mr. Wallace: Well, you should try to make it better.

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Mr. H.W. Schroeder (Chilliwack): On the same subject, a question to the Minister of Education. Did this publication pass the textbook review committee before it was distributed in the schools? It definitely has not only spelling errors and grammatical errors; it has sexist overtones and it has the promotion of alcoholic consumption by using the terminology on the last page. I'm wondering whether or not it passed the review committee.

An. Hon. Member: Obviously not, I would think.

Hon. E.E. Dailly (Minister of Education): No, we don't go out and seek it. We have to be requested on a matter like that. We were not requested so, no, it did not go through.

Mrs. P.J. Jordan (North Okanagan): Could the Minister clarify whether interior printing companies were given an opportunity to bid on this particular job?

Hon. Mr. Strachan: Not that I know of.

Mrs. Jordan: Why not? A supplementary, Mr. Speaker. Could the Minister explain why not — why just his select few were given the opportunity?

Hon. Mr. Strachan: If you know of companies that can handle this kind of work, would you please submit the names of the companies?

Mrs. Jordan: Yes, there's one in Vernon. They do all the fliers for Super-Valu and Safeway. They are the most advanced printers in the province.

Hon. Mr. Strachan: I'm not talking about fliers for Super-Valu; I'm talking about this particular job.

FRAUD ALLEGED IN BCR PROJECT

Mr. G.B. Gardom (Vancouver–Point Grey): A question, Mr. Speaker, to the Minister Without Portfolio in

his capacity as a director of B.C. Rail. Mr. Minister, in view of the fact that one contractor has left the Dease Lake extension job, alleging fraud and conspiracy on the part of the railroad, and in view of the fact, Mr. Minister, that the estimated contract was $5.2 million and that it's now reached $11.3 million, with another estimated $8.5 million to finish — in other words, an increase from $5 million to $20 million — is the Minister prepared to inform the House that any other contractors are leaving the job or requesting revision of their contract, or bringing similar actions against the railway?

Hon. A.A. Nunweiler (Minister Without Portfolio): Mr. Speaker, I'd like to point out that management is very carefully reviewing the situation. There is a litigation going on, and I am not in a position to make any further comment in that regard at this time.

Mr. Speaker: May I point out to the Hon. Member, who is a lawyer, that it is one of the requirements in question period that you must not ask questions which might prejudice a pending trial in a court of law?

Mr. Gardom: I wasn't doing that in the slightest, Mr. Speaker, and you are well aware of that.

Mr. Speaker: Well, I am sure that the Hon. Member will observe that rule.

Mr. Gardom: Yes, I always will, Mr. Speaker.

A supplemental, Mr. Speaker. In view of the fact, Mr. Minister, that the Minty report was scathing of the accounting procedures and audit procedures of the railway, and in view of the fact that the auditors and the comptroller have pulled out, and in view of the fact of these lawsuits, is the Hon. Minister prepared to order a judicial inquiry into the accounting, estimating and bidding procedures of B.C. Railway?

Hon. Mr. Nunweiler: The matter is being considered, Mr. Speaker. We are all concerned about some of the comments made in the Minty report, which was published some time ago, on the practices of the British Columbia Railway. Certainly the matter is being reviewed.

ENVIRONMENTAL DAMAGE DUE TO BCR CONSTRUCTION

Mr. D.A. Anderson: A supplementary to the Minister of Recreation and Conservation. In view of the fact that this same extension has been claimed by the B.C. Wildlife Federation to be proceeding in total disregard for environment concerns, may I ask him whether his department is studying this matter or sending officers to the north so that more concern can be shown in the future for environmental damage taking place as a result of this construction?

Hon. J. Radford (Minister of Recreation and Conservation): Mr. Speaker, we are taking a close look at the situation. (Laughter.)

GOVERNMENT PLANS AND TAXES FOR REID SITE

Mr. N.R. Morrison (Victoria): My question is

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to the Minister of Public Works. Does the government have plans under development of immediate utilization of the property in Victoria inner harbour, formerly known as the Reid property?

Hon. W.L. Hartley (Minister of Public Works): The Department of Public Works has many undeveloped and incomplete plans for this city.

Mr. Morrison: Does the government pay full city taxes on that property or do they only pay 15 mills?

Hon. Mr. Hartley: To date no taxes have been paid.

INCREASE IN ICBC CLAIM COSTS

Mr. H.A. Curtis (Saanich and the Islands): To the Minister of Transport and Communications. Figures released earlier this week by ICBC stated that Autoplan claims for the month of October were 46,000. That's a significant increase over the average monthly claim rate stated by the Minister last month. I understand that the Minister has also said that the average claim settlement is about $400.

So in view of the statement by Mr. Bortnik and the Minister's own statements on claim figures, ICBC increase in claim costs over the monthly average in October could very well exceed $4 million.

I wonder if the Minister would therefore indicate if he wishes to revise his refutation earlier that ICBC will lose in excess of $30 million for this operating year.

Hon. Mr. Strachan: We'll wait until the end of the year.

Mr. Curtis: Well, surely with a very dramatic increase in claim costs in one month, Mr. Speaker, the Minister could give this House and the people of B.C. a better answer than that.

Mr. Speaker: I remind Members that it must be a question, not merely speeches or statements.

LIGHTER MOMENTS AT COMMUNITY RESOURCES BOARDS MEETINGS

Mr. McClelland: I'd like to address my question to the Minister of Human Resources, and welcome him back to the House after his absence.

I refer to the latest issue of Sources, the community resources board newsletter for October of 1974, in which they talk about a workshop in Ladysmith at which "…there were plenty of light moments. Mrs. Gloria Levi used up her entire repertoire of labour songs around the campfire Saturday night, with Joe Denofreo on the guitar." (Laughter.) I would just like to ask the Minister, Mr. Speaker, whether Mrs. Levi was charged for accommodation or whether all of this was offset under the entertainment account of the community resources boards.

Hon. N. Levi (Minister of Human Resources): Yes, I was in Ottawa. I'm glad that you missed me.

My wife came with me. Her expenses were covered by myself; we paid for her expenses. Her contribution was appreciated. We had a couple of very pleasant evenings.

Mr. McClelland: The paper goes on to say that the Department of Human Resources tried to save money by having three men and four women from the Kitsilano board share the same quarters. Such a "sexposé," if it were to hit the papers, would provide tantalizing reading. Maybe that's just the touch the community resources boards need for more public involvement.

Mr. Speaker, I wonder if the Minister would answer the question of whether his department is carrying out any other such money-saving programmes for such conferences and campfire gatherings.

Mr. Speaker: Remember, there are children in the gallery.

Hon. Mr. Levi: I am happy to see, after being away a week, that we have come to the more pressing matters that concern the community. We were not successful in getting them to share accommodation. (Laughter.) But we

will keep trying at such gatherings. (Laughter.)

PRIORITIES FOR ESTABLISHING COMMUNITY RESOURCES BOARDS

Mr. McClelland: This newsletter is paid for, I would assume, by taxpayers' money. This is the reason I brought up some of the questions. But it also says that….

Mr. Speaker: Are you making a speech or asking a question?

Mr. McClelland: I'm asking a question, Mr. Speaker — a supplementary.

Mr. Speaker: I see.

Mr. McClelland: But it also says that it will take at least a year of getting staff and establishing funding in order for these community resources

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boards to get established and to get off the ground.

Mr. Speaker: I take it you are making a speech.

Mr. McClelland: I'm reading from the report.

Mr. Speaker: Well, that doesn't constitute….

Mr. McClelland: Would the Minister agree with this set of priorities, Mr. Speaker: that it will take at least a year of spending money in order to get these community resource boards off the ground? Because if it is, Mr. Speaker, I would suggest that that is a waste of time….

Mr. Speaker: You are still making a speech. I wish the Hon. Member would observe the rules.

Mr. McClelland: I am asking about that set of priorities, Mr. Speaker.

Hon. Mr. Levi: I suggest, Mr. Speaker, that the Member read it closely and carefully, because that's not what it says there, We make reference to the four resources boards which are in Vancouver and which are off the ground and operating. The reference…deals with the difficulties of developing other boards and how long it takes. That particular conference dealt only with the operations in the Vancouver area, and they are partly in operation.

Mr. McClelland: Early 1975.

Hon. Mr. Levi: Yes, that's in about three or four months.

TABLING OF KELLY REPORT

Mr. G.F. Gibson (North Vancouver–Capilano): Also to the Minister of Human Resources. In debate back in April, the Minister undertook his willingness to consider the tabling of the so-called Kelly report. Now that an unofficial version has been circulated to Members, would the Minister be willing to do so now?

Hon. Mr. Levi: I'll table the report.

ABUSE OF LAND-USE CONTRACTS BY MUNICIPALITIES

Mr. Wallace: Mr. Speaker, could I ask the Minister of Housing, in light of his comments to a press conference yesterday, when the amendments that he mentions will be introduced to prevent the abuse by municipalities of land-use contract provisions?

Hon. L. Nicolson (Minister of Housing): If the Member would send over the article, I could perhaps comment on it.

Some Hon. Members: Oh, oh!

Mr. Wallace: Could I ask the Minister if he has consulted with the Union of B.C. Municipalities on the subject of possible obstruction and delays in building of residences in municipalities due to the municipalities abusing the provisions of the land-use contract section of the Municipal Act?

Hon. Mr. Nicolson: Mr. Speaker, it would be more appropriate just to talk with, perhaps, the Greater Vancouver Regional District. These abuses haven't reared their ugly head outside of the greater Vancouver area to any great extent. I'm not by any means casting aspersions on any of the outlying municipalities.

Interjections.

Mr. Wallace: Well, Mr. Speaker, has the Minister talked, then, with the representatives of the Greater Vancouver Regional District on this subject? Could he tell us what progress is being made? According to this press report in which he is quoted, he has stated that amendments will be required to correct the situation.

Mr. Speaker: You are not really supposed to be asking about newspaper items in question period.

Orders of the day.

Hon. E.E. Dailly (Minister of Education): Public bills and orders, Mr. Speaker. Committee on Bill 178.

STATUTE LAW AMENDMENT ACT, 1974 (No. 2)

The House in committee on Bill 178; Mr. Liden in the chair.

On section 1.

Mr. G.B. Gardom (Vancouver–Point Grey): Mr. Chairman, first of all, in speaking to this bill, I understand we are going to be referring to it section by section as has been the custom in this Legislature. Once again I would like to voice my personal complaint — and I think that of half of all the Members of the House — of the method of presentation of amendments that are still being carried on in this Legislature.

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I am, of course, referring particularly to this bill which in every case proves to be the most offensive of all.

Mr. Chairman: I want to remind the Member that you are supposed to be discussing section 1, not a procedural matter at this time.

Mr. G.F. Gibson (North Vancouver–Capilano): On second reading it was specifically said that could be done.

Mr. Gardom: Mr. Chairman, this has always been the custom here, even before you arrived, that we would be allowed some liberty in discussing this bill, because we don't get into it fully in second reading. I was denied that privilege in second reading and I intend to exercise it now.

Hon. Mr. Hall: No you weren't. You weren't here.

Mr. Gardom: Everybody is denied it in second reading; they have been ever since you've been in the House, Mr. Provincial Secretary, and you know it. Don't give me that sort of stuff.

Mr. Chairman: Order!

Hon. Mr. Hall: Mr. Chairman, point of order. I don't mind him being so critical about the way we handle business, but when the Member isn't in his seat when second reading is called…I don't think that's a fair comment.

Mr. Gardom: I'll tell you exactly why it's a fair comment, Mr. Minister: we received assurances from the government last year that this method of presentation of amendment would not continue. And I think it should not continue — it's in the interest of all Members in the House, government Members and opposition Members alike.

If the Hon. Provincial Secretary would harken back to the days when he was on the private bills…

Mr. Chairman: Order! I'd like to remind the Member that's the kind of discussion that is out of order.

Mr. Gardom: …committee, and he saw the method in which the City of Vancouver presented their amendments, there was some sense to it.

Mr. Chairman: Order!

Mr. Gardom: Very well, Mr. Chairman.

This is the point I wish to make: in a bill particularly such as this, when we're dealing with a multitude of amendments, it would be in the interest of all of the Members of the House if the existing section was printed on the other side of the page for comparison purposes, because half the books where we've got to find these things aren't even in the House, And you're going to tell me that's an efficient way to run a Legislature — it's a bunch of bananas, and you know it.

Hon. Mr. Hall: Mr. Chairman, I wonder if the Member, in his wisdom and experience, could now tell me which section he'd like printed on the left-hand side of the page of section 1.

Mr. Gardom: section 1 is the one exception. All right, that's the one exception. I say this: you have printed one of the sections here. But the Provincial Secretary remembers this discussion; we had last year, we had it the year before.

Mr. Chairman: Order! Will you please deal with section 1?

Mr. Gardom: Now, dealing with section 1 — I'm glad you brought me back to it, Mr. Chairman — there continue to be a number of people who have been seriously injured in this province, who have been without remedy, are still without remedy, and have not been able to collect their just claims or judgments for personal injuries arising out of hit-and-run motorist situations and non-insured situations. These individuals have literally been jockeyed back and forth, pingponged back and forth, between the Traffic Victims Indemnity Fund and the Insurance Corporation of British Columbia.

But, Mr. Chairman, I wish to make it abundantly clear that the amendment does not prove out to be an absolute remedy for these people at all, because once again we are in a permissive situation.

The position that was taken by the insurance corporation, up until the time this amendment comes into being, was that they didn't have any authority whatsoever to deal with these claims. That's point (1).

Point (2): The position taken by the Traffic Victims Indemnity Fund was that since the insurance companies were forced out of business by virtue of the legislation of this government, their final date was March 1, 1974, and they were not permitted to carry on business after that. So they have taken the position that they are not responsible

for any claims that came to their attention after March 1 of this year.

I said it before in this House, the Members have read about it and I've discussed it with government Members — three cabinet Ministers, as a matter of fact. We find today a minimum of 125 people, and I suppose that figure has increased, who are exactly in

this position. I would say there could be at least double or treble that by the time this thing eventually finds its own balance over a couple of years' period, because it's completely impossible to determine the final liability in these kinds of cases overnight.

You can have the situation of an individual, say a pedestrian, being run down by a motor vehicle, and that motor vehicle has a policy on it. Then it is alleged that the motor vehicle was stolen. So the pedestrian, who is seriously injured - broken a couple of legs, and is off work for a better part of a year — finds himself in a position of having to sue the person who is allegedly the driver, if they can find him. If they can't, they sue the owner, and as well go ahead and proceed against the Attorney-General because it's a hit-and-run situation.

That action may well have to go to trial, Mr. Chairman, to determine as to whether or not it was a stolen vehicle or whether it happened to be an insured vehicle. And that trial might not come into being for the better part of 18 months from today, so there is not going to be any prompt or immediate solution here.

I am glad the government has responded and has recognized the need to do something, but they have not done what these people wish, and which is the fair thing to do. This is supposed to be social legislation, and they've certainly not done that which I've requested.

The request is just this simple: let these people make their claims against the Insurance Corporation of British Columbia. Any claims that have arisen after March 1, 1974, let them go directly to ICBC. Any claims that have arisen prior to then, go to the Traffic Victims Indemnity Fund. It's just that simple.

But that's not what the bill says, because the bill says that the corporation is authorized to do this, but it is not compelled to do it.

So once again you could find the situation of this poor motorist who suffered the two broken legs, going through a trial, getting his judgment and then coming cap in hand to the TVIF, and cap in hand to the ICBC requesting payment of his judgment. And they could both say no. Then he's in the position of getting into another law suit.

The NDP have always claimed, Mr. Chairman, that this is social legislation. Well, if it's social legislation, let's make it social legislation.

I am not suggesting — and I wish to make this abundantly clear — that if the Department of the Attorney-General, which has the carriage of this matter under the hit-and-run situation, feels that it has a just claim against the Traffic Victims Indemnity Fund, then it can receive a subrogated right from the individual.

In other words, in the illustration I gave you, this man would be able to collect from ICBC. In the example I gave this House a few days ago, the paraplegic can collect from ICBC. Why should he have to wait around for two or three years to see that happen? It's wrong!

Very well, if the Insurance Corporation of British Columbia, with its enormous resources, feels that it has a just claim against the Traffic Victims Indemnity Fund, it can step into the shoes of the paraplegic and seek indemnity over. That is the fair thing to do.

I'm only asking…. I think the Provincial Secretary, who, I gather, has the carriage of this bill…I would like to move an amendment, but I would assume that he would take exception to it and say it's an impost against the Crown.

But if he just takes out those words — and it starts at the beginning — "The corporation is authorized to discharge…." Just take out the words "is authorized to" and put in the words "shall discharge." This in no way could constitute an estoppel vis-à-vis the Insurance Corporation of British Columbia going against the Traffic Victims Indemnity Fund for any amount that it could pay.

We've got to remember that we're only talking about a series of isolated cases, of claims that could approach, I suppose, $5 million or $6 million — and those that came to the notice of TVIF after March 1 of this year.

In fact, I feel most strongly that it's exceptionally unfair that you're going to have insured people having to come hat in hand to either ICBC or TVIF under these situations.

Again, I don't wish to be misunderstood: they have got to prove their claim; they have got to prove liability, and they've got to either have a settlement on the amount of the damages, or have the damages set by a judge and jury. But once one of those three alternatives has occasioned, at that point for God's sake see that these people are properly paid.

I think it would be on the conscience of every person in this House, in the two situations I've given you of the individual who is a paraplegic and a quadriplegic. Surely to goodness those poor people should have their money now. They have received the dodge from TVIF and ICBC since March 1 — from both sectors.

I can already see that the Minister of Transport and Communications (Hon. Mr. Strachan- is starting to get a little heat around his ears. I know the position that's been taken between ICBC and TVIF, and it may be a just one, and that's one that should be determined by the courts of the land. But please don't put the poor injured citizen in the position of having to take that kind of a case.

An. Hon. Member: Hear, hear.

Mr. D.E. Smith (North Peace River): Mr. Chairman, I spoke briefly on this particular section last evening before adjournment, and I'd like to

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continue with some of the remarks I wish to make on this particular section of this bill.

It would seem to me, in analyzing what has happened in the Province of British Columbia, both prior to the advent of the Insurance Corporation of British Columbia and ICBC…. Since that time we have two distinct and separate situations.

The general insurance industry many years ago — as a matter of fact, back in 1948 — recognized the fact that regardless of what the law might say, or what might be required of people in the way of insurance, there was always the possibility of people suffering injury as a result of an accident involving an uninsured vehicle.

We have the same situation today as we did then, Mr. Chairman, in that while we have a compulsory insurance programme in effect in the Province of British Columbia, not everyone takes their insurance out, and not everyone pays their driver's licence insurance. We have cases of something in the neighbourhood of 25,000 people estimated now to be without driver's licence insurance in the Province of British Columbia. That is why the general industry in 1948 recognized the problem and set up at that time an unsatisfied judgment fund. That fund was changed to some extent and amended in 1961, when it became the Traffic Victims' Indemnity Fund.

It's interesting to note that the charges for the operation of that fund were recovered — or were recovered up until the time it was terminated — by assessing the general insurance industry a proportionate assessment according to the amount of premium income they wrote on automobile insurance.

It was also a fact that since 1961 the agreement in effect between the Attorney-General, as the representative Minister of the Crown in the Province of British Columbia, and the Traffic Victims Indemnity Fund could be

terminated with one year's notice on the part of either, party. That has happened.

The industry, which was legislated out of existence in the Province of British Columbia by a decision of this government, notified the Attorney-General that as of November 10, 1973, they would no longer accept claims on the Traffic Victims Indemnity Fund that occurred on or after that date. They indicated that they would allow until March 1 of this year, 1974, for any claims to at least by filed.

Now, as suggested by the previous speaker, that does not mean that those claims will in any way be satisfied, because the case has to be proven. This could take anything from a few months to, I suppose, two years to finally go through all the litigation and the court process that's involved. It might take longer than that, but why, as was asked by the previous speaker, should the innocent victim be required to suffer what is really a result of a legal argument the Insurance Corporation of British Columbia and the Traffic Victims Indemnity Fund?

Certainly if there is a dispute, then that dispute, then that dispute should be solved between those two bodies, who are in a far better position financially to accept the responsibility or the decisions of a court case, if that's what it comes to, than the poor innocent victim who has suffered irreparable damage as a result of an accident with an uninsured vehicle, or as a result of a hit-and-run case where the driver was uninsured.

It would seem to me that the Insurance Corporation of British Columbia realized that they were in a vulnerable position at the time they introduced the legislation into the House. That is why, I suppose, the Minister in charge has conducted a vendetta against the Traffic Victims Indemnity Fund since that time, knowing that the corporation which the government set up would be vulnerable for claims that had not yet come before the court and been proven to the satisfaction of either the fund or the claimant. As a result, the Minister tried to shuffle all the responsibility of the then existing insurance companies in the Province of British Columbia into the court.

But they now no longer exist in the auto insurance field, not as a result of their own choice. They were legislated out of existence without any compensation, as a matter of fact.

There are an undetermined number of claims yet to come in. There may not be a large number, but let's say there are something over 100 anyway that are known right at the moment, and there may be more. These people should not be kept in suspense. They should not have to suffer the anxiety that's involved in not only trying to get a case properly to the court, but then wondering when a judgment was finally attained, who would pay their claim, if anyone. It's a pretty sorry situation for any individual to be involved in.

Certainly the Insurance Corporation of British Columbia had to know that they would be involved in this sort of a situation, the same as the private insurers were involved in problems of unsatisfied claims up until the time they terminated their service in the Province of British Columbia.

Therefore I feel that the section we're dealing with must be explicit. It should not be optional. It should be obligatory on the Insurance Corporation of British Columbia to take responsibility for any claims that are satisfactorily proved in court.

Therefore I would move, Mr. Chairman, that section 1 of the bill be amended in the following manner: In the first line thereof to add after the word "to" the words "and shall, " and to remove one word in the second line which would now not be required; that is, to remove the word "to" between the words "and" and "exercise". I move this amendment to section 1 of this particular Act.

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Mr. Chairman: I declare the amendment to be out of order in that it imposes a cost on a Crown agency, which is the same as imposing it on the Crown.

Mr. Smith: A point of order, Mr. Chairman. I contend, after having carefully looked at the particular section, that this does not impose an impost on the Crown. We have heard time and again on the floor of this House, in the presentation of the bill to set up an insurance corporation in British Columbia, that no taxpayers' funds, not one cent,

would be involved in any time in the operation of that corporation. Not one cent of taxpayer's money would be involved in the operation of that corporation.

An. Hon. Member: Who said that?

Mr. Smith: The Minister who introduced the bill.

That corporation was to be an autonomous body, separate and complete, and not one cent of taxpayers' money could be committed to that. So how could there be an impost on the Crown, Mr. Chairman, when there can be no money from the Crown go to the operation of that corporation, by the very word of the Minister who introduced the bill? It's separate and complete and autonomous and, if that is so, then the amendment must be in order, I contend.

Mr. Chairman: We've listened to your comment, but it's an obligation and a cost on the Crown agency and therefore out of order.

Mr. Smith: I challenge the Chairman's ruling.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, we have had an amendment presented that creates both an obligation and a cost to the Crown, and I've ruled it out of order. My ruling has been appealed.

Mr. Speaker: Thank you, Mr. Chairman. Shall the ruling of the Chair be sustained?

Interjections.

Mr. Smith: A point of order, Mr. Chairman.

I've challenged the ruling of the Chairman. Am I not permitted to give you any indication as to why I challenged the ruling before you put the question?

Mr. Speaker: Have you found anything in the standing orders that helps you?

Mr. Smith: Have you found anything in standing orders that says I'm not allowed to make a comment? (Laughter.)

Mr. Speaker: I understand that it's been the practice for many years, but I always like to ask in case I may have missed some rule. If you can find anything that is contrary to the practice of the House and to the practice of standing orders and to the practice of other jurisdictions, please let me know.

Mr. Smith: Well, as a learned Member of the House, Mr. Speaker, and the one who has control of the assembly, I would think that it's your position to tell me why I cannot speak to this particular subject before taking a vote.

Mr. Speaker: Has the Hon. Member read standing order 9?

I think I should read it very quickly: "Mr. Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House without debate." It's as simple as that.

I'm bound by the rules just as you are, although I always like a little debate; it keeps me alive. But I don't see how, in the face of standing order 9, I could invite debate on this question of an appeal to the House under this rule. Would you not agree with me on that?

Mr. Smith: Pardon me?

Mr. Speaker: Would you not agree with that?

Mr. Smith: I agree that it's your position to put the question to the House, but I do not agree that no debate or discussion can take place prior to the time that you put the question to the House?

Mr. Speaker: No, but it says that….

Mr. Smith: I think it's the position of the Speaker to invite, occasionally, the debate that took place, since he was not here when the House was in committee and has no knowledge of what took place in committee.

Mr. Speaker: I would assume that the practice might follow in committee that I always try to adopt: that there is a little invitation to debate, as a courtesy to the House, any point of order before a ruling is made. Now that may or may not happen in committee. But I do suggest that this is a proper time to discuss the matter — when the ruling is about to be made and before it's made, so everyone has the opportunity to put the citations that may apply to the situation. The House then understands what they are then voting on when they appeal the ruling to the

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House.

Mr. Smith: Well, could I suggest, Mr. Speaker, in order to conduct the affairs of the House in a proper manner, that perhaps discussion should take place with the Chairman of the House, because of this particular instance the amendment was ruled out of order without any discussion taking place prior to that ruling.

Mr. Speaker: Well, I think the proper….

Mr. Smith: Even if I were allowed to speak after….

Mr. Speaker: The proper case, then, would not be to discuss it with the House, which is merely required by the rule to sustain or reject, without debate, the Chairman's ruling.

Now I, of course, have not been informed of what has happened, and I can't really at. this stage under the rule, standing order 9, do so. All I can say is that which I have done: shall the ruling of the Chair be sustained? Now I will certainly discuss, out of here, with the Chairman of committee this whole question of the rulings, that occur, because I'm sure that that would help.

Mr. Smith: I think that we can certainly recall occasions in the past when the Chairman or the Speaker has invited people to express their opinion before he ruled either for or against an amendment.

Mr. Speaker: We're not here discussing that. But I agree with the Hon. Member that it's a good practice, even though it hasn't been observed in this House for the last 70 years that I know of. I do think that it's good practice; I will certainly discuss it with the Chairman.

In the meantime we have that ruling, and the House has sustained it.

Interjections.

Mr. Smith: Mr. Speaker, could you remain in the chair long enough to call a vote?

Mr. Speaker: I thought I did. I asked the question: shall the Chair be sustained?

Mr. Chairman's ruling sustained on the following division:

YEAS — 27

Hall	Dailly	Strachan

Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Dent	Levi
Lorimer	Williams, R.A.	King
Lea	Radford	Nicolson
Nunweiler	Skelly	Gabelmann
Lockstead	Rolston	Steves
Kelly	Webster	Lewis

NAYS — 16

Jordan	Smith	Bennett
Phillips	Chabot	Fraser
Richter	McClelland	Curtis
Morrison	Schroeder	Anderson, D.A.
Williams, L.A.	Gardom	Gibson
	Wallace	

The House in committee on Bill 178; Mr. Liden in the chair.

On section 1.

Mr. D.A. Anderson (Victoria): Mr. Chairman, a moment ago we voted on a procedural matter, namely the right of an opposition Member to suggest an amendment which might lay a charge upon the Crown.

There is no restriction whatsoever on a Minister of the Crown — the Minister, in particular, responsible for this bill - from putting in a similar amendment. As we have only voted on the procedural aspects of this we are, of course, entitled to plead with the Minister to recognize his responsibilities to the 125 or 130 people who have been injured — some of whom are paraplegics, others quadriplegic — who are unable, except through the process of law, to gain any redress.

They may receive some assistance under this legislation; they may not. That is not required. Some assistance is not required because, of course, the amendment simply makes it possible — it does not make it a requirement — of the ICBC authorities to pay assistance. It has been argued, quite correctly, that these people are themselves in no position really to fight the lawsuits which, in the case of at least the wife of one backbencher of the government, I believe, it took four years to get a cheque in respect to an injury which I believe dealt with a broken back. They are not in — the position to fight, as ICBC would be, with respect to the Traffic Victims Indemnity Fund members of previous years.

So therefore, I would plead at this time for the Minister or the Minister of Transport and Communications who has responsibility for ICBC to put in a type of amendment that the opposition was unable to do a few months ago.

I plead with them because, as has been mentioned before, these people have been injured through no fault of their own, through hit-and-run accidents and

things of that nature. They find themselves in this curious position essentially because of a technicality. It is a technicality created either by the insurance companies concerned or by the new ICBC. That's a legal matter which the Minister has admitted to be a legal matter which is not yet settled. They have, however, been put in this position

of being without claim because of actions of this Legislature in setting up ICBC and changing the law.

Whoever is legally responsible, whether the participating companies of the Traffic Victims Indemnity Fund or whether the authorities of ICBC, is something which could only be decided by the courts; it is something upon which we may have opinions but it is for the courts to decide. But in terms of the individuals concerned, the 125- to 130-odd people who are injured, who have suffered grievous injury, they themselves should be, we feel, protected in exactly the same way as they would have been protected by the Traffic Victims Indemnity Fund had we not brought in ICBC legislation in this Legislature.

It's quite clear that they are suffering in this way because of the workings of the law and the takeover of the automobile insurance industry. It may be that the fault lies with the private companies; it may be that it lies with ICBC. That point is irrelevant to the discussion we are putting forward today. The point we are putting forward is that there are 125 to 130 injured individuals who would not be in the position they are now without redress or without a right had it not been for the operations of this Legislature in introducing legislation.

Therefore, we plead with the government to put in the amendment which we ourselves are unable to do in accordance with the vote of the House.

We plead with the government to put in legislation which grants these people a right. If it so happens, Mr. Chairman, that ICBC indeed is not responsible, ICBC in turn can then, by the operation of this section, sue the private companies and regain the money. But at least let's put ICBC in the position of undertaking the responsibility for this group of 125 or 130 people.

This type of thing has been argued often before in this House. There was a celebrated occasion when a Member of this Legislature managed to ask the same question 67 times, and essentially the same point was being made. Show a little heart and get away from the legalisms. Allow the operation of the legislation in this situation, as in that, with a little compassion and a little understanding. Give these people the right to get satisfaction of their claims as a result of hit-and-run injuries so that they are not haunted by the possibility of lengthy lawsuits and perhaps ultimate losses years after the event.

It is not a major thing. If, indeed, the Traffic Victims Indemnity Fund is not liable, then I think it's pretty clear that ICBC should be. If, however, ICBC isn't liable and it is the Traffic Victims Indemnity Fund, well, let ICBC take up the lawsuit on behalf of this 125 to 130 people. They have legal counsel galore; they have millions of dollars behind them; they have the muscle in other areas of insurance operations to get after the private insurance companies. But to suggest that 125 or 130 individuals, some in wheelchairs, some still bedridden, are able to compete on the same basis as ICBC is ludicrous. We're back to the example of the elephant among the chickens.

So I would urge the government simply to look at this thing with a less legalistic, dogmatic, belligerent attitude, and recognize that we have a group of individuals who have no cause through no fault of their own, only through the operations of this Legislature in introducing ICBC legislation. Had we not had that legislation, the TVIF would still continue. We changed the rules.

Maybe it's the fault of the Traffic Victims Indemnity Fund; maybe it's ICBC. That is irrelevant. We changed the rules, thus wiping out their opportunity to collect. To put in legislation which simply says that the corporation is authorized to discharge and perform any duty or obligation is simply not good enough.

The government can put in the amendment. I urge them to do so. Put in an amendment that they shall have the obligation to discharge and perform any duty of the Traffic Victims Indemnity Fund.

Hon. R.M. Strachan (Minister of Transport and Communications): I've been listening to this discussion, naturally, with a great deal of interest. I listened to the Member say that some particular individual had to wait four years to get a cheque from a private insurance industry. We know that was the procedure in the past and it's our hope that we can improve considerably on that procedure. Certainly it is the intention to service the public much more rapidly than was the case in the past. Certainly ICBC accepts responsibility for all of the accidents that have occurred since they were brought into operation. We're not faced with that, and the claims are accepted and settled speedily.

Now, Mr. Chairman, the statement has been repeated…. I certainly want to help those people. Right now, ICBC hasn't got the authority to do it.

Mr. D.A. Anderson: Give it to them.

Hon. Mr. Strachan: Just a minute, listen to what I have to say. This gives ICBC the authority to do it which we didn't have until now. It's not a matter of getting a legal dodge from ICBC, as the Member for Vancouver–Point Grey (Mr. Gardom) said. ICBC didn't have the authority.

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I want to point out too, Mr. Chairman, that the statement has been repeated by a number of speakers from the opposition that because ICBC was set up, the Traffic Victims Indemnity Fund was cancelled. I want to draw the attention of the House to what actually happened.

On November 10, 1972, within weeks of this government taking office, before I had formulated even in any loose way what ICBC was or was not going to do, within weeks of us taking office, the private insurance industry served notice on the Attorney-General that one year from that date they would discontinue the operation of the Traffic Victims Indemnity Fund.

They were entitled to do that, but that was long before ICBC was thought up. Long before the legislation was introduced they gave that notice. So I want ;that to be clearly understood. It was not subsequent to this House taking legislative action that they gave notice. They gave notice before we even knew what action we were going to take. I want it clear that I had made no statement.

As a matter of fact, they sat in my office discussing the potential or what the future was and what they thought should be done, and didn't tell me they were going to do this. I think they did it the day they were talking to me or the day before they were talking to me — I can't remember. However, I want to make that point very clear. They did that right at the very beginning.

I want to draw attention to this other factor. These people of whom you're speaking — and I say this gives us the authority to do something for them — were not injured after March 1 of this year. They weren't injured after November 10 of last year. They were injured prior to November 10 of last year.

Interjection.

Hon. Mr. Strachan: They were injured prior to November 10, 1973.

Interjection.

Hon. Mr. Strachan: Just a minute now. What the Attorney-General did was to proclaim that section of the Motor-vehicle Act which then empowered and made it the responsibility of the government to take from motor-vehicle licence fees all of the claims that were made in these cases for accidents that happened after November 10. So we've already covered that field after they vacated the Traffic Victims Indemnity Fund November 10, 1973.

Interjection.

Hon. Mr. Strachan: I think that's the number o f the section, that's right. We took that responsibility.

These cases happened prior to November 10, 1973, when the Traffic Victims Indemnity Fund was still in operation. It just so happened that for one reason or another, the insurance companies arbitrarily decided that they would abrogate their responsibility unless they were notified prior to, I think, March 1 of this year.

The Member for North Peace River (Mr. Smith) correctly stated that under the private-industry premium system, every premium holder in the province contributed toward the Traffic Victims Indemnity Fund, and roughly about 3 per cent of the premium that every policy holder paid went to the Traffic Victims Indemnity Fund. The

private insurance industry collected the premiums right up to February 28 of this year. Yet they walked away from responsibilities that happened even before the expiry of the November 10th date.

I want the position in which we found ourselves to be very clearly understood. Despite the fact that they accumulated large reserves over the years out of the policy payments made by the people of the province, they walked away from this responsibility which was theirs.

There was another point I wanted to raise also with regard to that. The Traffic Victims Indemnity Fund, although they tell us that it no longer exists….

[Mr. Dent in the chair.]

Mr. Gardom: Are you going to accept these claims?

Hon. Mr. Strachan: It's not only still paying claims that happened but it's also still sending out claims against people and threatening them with cancellation of their driver's licence unless they made payments they were supposed to make. These are individuals who had been involved in an uninsured accident and the Traffic Victims Indemnity Fund had met, They are still sending out those threatening letters to collect money. Yet they are refusing to accept their responsibilities for moneys they actually collected and that happened while the Traffic Victims Indemnity Fund was still in operation.

I think the legislation before us authorizes…. The Member said it would probably put an additional $6 million load on ICBC this year. I think he used that figure of approximately $6 million. It certainly authorizes this and I have every intention of fulfilling the responsibilities of seeing to it that nobody in this province goes short because of the shortcomings of the private insurance industry.

Mr. Gardom: On that point, Mr. Minister,

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you've indicated to the House — if I'm reading you clearly, this is my interpretation of your remarks — that these people who are caught in this web of falling between the stool of ICBC and TVIF will receive payment of their claims by ICBC. Is that your position?

Hon. Mr. Strachan: I'm not accepting your position that they are caught in a web between the two. I'm saying that the private insurance industry has rejected its responsibility. I don't want the impression to go out among the public that these people are caught in some web between ICBC. The private insurance industry is repudiating its responsibility and this allows ICBC to accept that responsibility which has been repudiated in a most unfair way by the private insurance industry.

Mr. Gardom: With respect, he still didn't answer the question: is ICBC undertaking to pay these claims, yes or no?

Hon. Mr. Strachan: Every claim will be seriously looked at. No, I'm not going to give a carte blanche. That's why I don't want to accept that. I want to examine every case….

Interjections.

Hon. Mr. Strachan: This gives us the authority. I'm guaranteeing to you that we'll look at every single case and we'll fulfill our obligations.

Mr. Gardom: The point that the Hon. Minister is not facing up to is that there is not an obligation here. You're really taking the authority. This is what we're saying to you. Do the moral thing and accept if as an obligation. It doesn't in one whit hinder your opportunities or rights, if they do exist, to make a claim against the Traffic Victims Indemnity Fund for any amount of money that you pay an injured person.

But, Mr. Minister, you are aware of the correspondence that has been flowing back and forth between the Traffic Victims Indemnity Fund and the Insurance Corporation. I've received in the mail here a photocopy of a letter dated June 13, 1974, which appears to be from Mr. K.F.V. Malthouse, the manager of TVIF, to Mr. Bortnick. It essentially states what the Minister has informed the House, which I stated to the House earlier today. It says this:

> "As you know, November 9, 1972, the Traffic Victims Indemnity Fund gave notice in accordance with section 106(l) of the Motor Vehicle Act of its intention to cease making payments pursuant to section 105 of that Act."

I'm going to paraphrase it; it's rather long.

> "The fund remains liable under the legislation that existed at that time for all claims arising out of accidents occurring within the period of one year after the delivery of that notice. In the circumstances, that period expired at midnight on November 10, 1973, the cutoff date. The fund has continued to entertain claims arising out of accidents occurring before November 11, 1973, although not notified of such claims until varying dates thereafter."

So they are honouring their obligation up to that point. In your estimation, do you agree with that?

Continuing on with the letter:

> "However, as of March 1, 1974, the insurance companies formally transacting the business of automobile insurance in British Columbia, which together constituted the group of members of the Traffic Victims Indemnity Fund, were no longer licensed to carry on that business."

Which is a true statement; they were not.

> "As a consequence, the fund is unable to raise the funds necessary to meet any liabilities flowing from claims of which it had no notice prior to March 1, 1974."

Now, I understand that the government differs with that position, and that could well be a position that should be adjudicated. I'm not denying that right; you have that right under the amendment that you are proposing.

Carrying on with the letter:

> "In these circumstances, the insurance companies formally licensed to transact the business of automobile insurance in B.C. are prepared to be responsible for the amount of money required to satisfy all those claims arising out of accidents which occurred prior to the cutoff date of which the fund had notice."

In other words, prior to March 1, 1974. And then he says this:

> "I am instructed by the directors of the fund to inform you that with respect to all claims arising out of accidents which occurred prior to the cutoff date but of which the fund did not receive notice" — it's just a question of notice — "until February 28, 1974, the claimants or their representatives will be advised forthwith that their claims should be submitted to the Insurance Corporation of B.C. In accordance with the applicable provisions of the Automobile Insurance Act."

And this is what has happened with these people. They made their claim against the fund. The fund stated in letters to all of these claimants what I've mentioned here, and the people then presented their claims to the Insurance Corporation. The Insurance Corporation has taken the attitude throughout that there is no way it can acquire legal status, they

cannot give any undertakings with respect to the claim, and the matter is under consideration. This sort of correspondence has been passing back and forth across the Province of B.C. since June of 1974.

Now, I cannot understand, for example, a letter like this. Again I received a photocopy in. the mail, and it appears to be from Brian Weatherhead, claims centre manager, Insurance Corporation of B.C., dated November 26, 1973.

"The purpose of this letter is to advise you that, effective November 10, 1973, we officially assume control of the Traffic Victims Indemnity Fund and are now proceeding to investigate the above claim."

Well, that adjuster seemed to be of the opinion that it was the responsibility of the Insurance Corporation. But the whole point is this, Mr. Minister: the only thing that we're asking you to do on this side of the House — which would be the very thing that you'd be asking to do if you were on this side of the House too. And I can't understand it. The Hon. Second Member for Victoria (Mr. D.A. Anderson) talked about the incident of the Member for Coquitlam before he was Premier (Hon. Mr. Barrett). He asked 67 questions and was eventually dismissed from the House for being tedious and repetitious. He asked 67 questions of the former Attorney-General as to whether he would write a letter to an insurance company.

What I'm asking you to do is to pay these poor people. That's all I'm asking you to do. Take your rights against the TVIF if you feel they're there. Do the fair thing. Do the moral thing. Do the fair thing and do the moral thing. Do the ethical thing.

You say: "We're now giving ourselves the authority to do it."

I say: "Thank God for that." But make it more than the authority. Make it your responsibility. Every dime that you happen to pay any person after this March 1 cutoff date, they would subrogate to you. If you feel there's a valid claim against TVIF, you take it. You've taken over insurance in the Province of B.C.

What I'm talking about is something just like workers' compensation. Are you really and truly going to insist that the workmen under workers' compensation laws have now got to sue the employer and the Workers' Compensation Board for a just claim? Now come off it, Mr. Minister.

We have injured people. We have people who have not received payment of their claims since March, April, May, June, July, August, September, October, November. It's quite a few months and they're still waiting. They're saying: "What can we do?"

Since this matter has been raised by myself, I've received a number of letters. There are many pathetic cases. Do the job and pay these people. If you feel that you have rights against TVIF, you take them, but don't compel these poor people to go to court and get into a constitutional argument. It's just not fair to them. If you're accepting responsibility, say so. Give your undertaking to this House and put it in the bill. Make it clear. All you have to do is put the word "shall" in there.

Hon. Mr. Strachan: First of all, I think the Member is really being a little unfair when he tries to compare this situation with the one relating to the former Leader of the Opposition, now the Premier of the province. At that time the Leader of the Opposition was asking the Attorney-General to look into something, and he just refused to look into it or to write a letter, or to make any move of any kind on that particular sad case.

Here we are introducing legislation which allows the ICBC legally to accept that responsibility. At no time have I indicated even remotely that we would force people to go to court, or anything else. At no time have I given that indication.

I have said very clearly that I'm not here to accept without adjudication every claim placed before ICBC. That's what your amendment would do, It would force us to accept every claim without adjudication, and I'm not prepared to accept that responsibility. I think this is fair legislation. It gives us the opportunity to move…and, as you say, it gives us the right to recover through subrogation. You say they've been waiting quite a few months, I appreciate that, but ICBC had no authority to do it. This gives us the authority.

Mr. Gardom: Mr. Chairman, it's unfortunate that it has taken this long for the opposition to find out what the government's point of view. But with every respect, Mr. Minister, your reasoning is absolutely fallacious.

I am not suggesting for one minute that you would, as of right, have to immediately pay a claim. Say if the insurance corporation felt the claim was worth $10,000 — the claimant is seeking $35,000; this Act, or the suggested

amendment, does not mean that you'd have to pay $35,000, because, if you just read the first two lines, it's pretty clear that the corporation is authorized to discharge and perform any duty or obligation — any duty or obligation. You don't have a duty or obligation to pay a spurious claim.

I'm saying that the corporation "shall" discharge and perform any duty or obligation — shall perform any duty or obligation, and you still have the right to defend a spurious claim. It means a proven claim.

If there's a dispute, and there are always disputes, as to liability and as to quantum, as to amount of damages, then it goes before a court. But, Mr. Minister, to suggest to this House this afternoon the reason that you're not permitting this amendment, on

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the basis of fallacious thinking and fallacious reasoning, is just, with every respect, preposterous.

Maybe as a way to solve this in the best interests of these people, because I can see that the government is starting to get a bit heated about the thing, what we suggest is that we carry on, perhaps, with the rest of this bill and let this section remain so you can have a second look at the thing and do the proper job for these people.

Would you be prepared to pull this one section and take a second look? Mr. Minister, you are not aware of what the section…and I do know that you now are because you've read it, you've taken a look at it. And the reasoning you advanced to the House this afternoon is fallacious and spurious.

Mr. G.S. Wallace (Oak Bay): Mr. Chairman, I do think it's just a great pity that the Premier of this province is not here this afternoon, because mention has already been made of the event when the Premier was evicted from the House for pressing a point in a tedious and repetitious way.

The Minister is quite correct when he states that the then Attorney-General of the day refused to write a letter. That is correct. What the Minister didn't go on to say and tell the House, recall for the House, was that he essence of the point which the then Leader of the Opposition was making was that a widow was being deprived of any help under an insurance policy in which the coverage had technically expired a few days before her husband died as a result of the injury sustained in an accident. The then Leader of the Opposition, as a humanist, and as a man who, I believe, has the greatest respect for the individual and human need, was pleading with the government of that day: "Would you please get off your legal high horse and do something for this unfortunate widow?"

I even recall that the then Leader of the Opposition admitted that technically the clause of the insurance had expired — I can't remember by the exact number of days. But the essence of the argument that the then Leader of the Opposition was presenting was that he was asking the government of that day to see if they could do anything through the insurance company to consider this as an extremely sad example of human suffering as a result of an accident which, on a technicality, was resulting in no help being available to the widow.

Mr. Chairman, I have to say that if there is one theme that this socialist party has put forward consistently, and continues to put forward consistently, is its belief in helping the downtrodden, the disadvantaged — the people in this society who can't fight for themselves.

What are we talking about? We are talking about some paralyzed people who can't fight for themselves. That's the very kind of person that we're trying to get some help for today, and the absolute reversal of positions in this House really distresses me. I feel sure…. The Minister of Labour is shaking his head. I feel sure….

Hon. W.S. King (Minister of Labour): You're misrepresenting the facts.

Mr. Wallace: We're getting down to the facts. We're saying that there appears to be…. The Minister of Labour is getting a bit uptight. That's usually a sign that we're getting a little close to the bone.

Hon. Mr. King: When a Conservative gets passionate about the people, I begin to wonder.

Some Hon. Members: Oh, oh!

Mr. Chairman: Order, please. Would the Hon. Member for Oak Bay address the Chair, and would the other Hon. Members please not interrupt his speech?

Mr. Wallace: Mr. Chairman, it's my understanding from listening to this debate that the reason the Minister will not accept the amendment — the corporation "shall" discharge or perform any duty — is that the Minister has some concern about the degree to which he would be committing the payment of funds without possibly being able to recover those funds from the Traffic Indemnity Fund which was responsible in the first place.

I can sense that this is something which would give a Minister in any responsible position a degree of concern. But the fact of the matter is that the essential purpose of the opposition in debating this section in such detail is that we feel that there are certain injured and sick people in our communities who are not receiving what is their due. We're not trying to argue for or against who eventually should pay those expenses. We are only saying this: some 100-plus people in our society are being penalized through no fault of their own as a result of a car accident, and the costs of the consequences should be paid by one of two methods. The exact method will have to be determined in the course of time.

What we are not satisfied with is the fact that this bill, the language of this bill does not make it mandatory to ensure that, by one means or another, the injured party will receive the expenses which they are due.

At least I'm not…nor would I suggest that I understand the legalities involved, or the way in which the courts might interpret the validity of the one year's notice that was given, and the accidents between November 11 and March 1, 1974, and so on. I think this is all technicality which we are not trying to debate. What we are saying, and what I in

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particular was trying to say a moment ago, was that we're really dealing with an issue of human need of the very kind which the Premier of this province raised in this House some two years or more ago.

I have every confidence that if he were here today, he would recognize this very basic point we're trying to make — that surely these injured people must be given a total assurance that the money will be paid, and that the scrapping and the fighting, and any legal action which will decide who pays, is yet to be decided somewhere down the road.

All I would like to make very clear is that surely in this House this piece of legislation could be amended by the simple change of one or two words so that no matter who in the long run does pay the bills, the victimized citizens — and they are people who have neither resources nor the physical capacity to fight their own battles….

Interjection.

Mr. Wallace: As the Member says, some actually have obtained judgments and payments has not been made on the judgment. I feel it is rather sad, really. I can recall episodes in this House at other times also when the Premier of this province stood up and made very eloquent pleas for the government to help people in need. I can remember his eloquent plea for the workers at Sandringham Hospital.

I seconded a motion of the Premier's. As a Member of the government, a backbencher, I seconded a motion by the then Leader of the Opposition.

If the Minister of Labour (Hon. Mr. King) is wondering about my intentions or the actions of Conservatives, maybe he should look back in the records and find that I once seconded his leader's motion when I was a backbencher. So today's effort on behalf of this other group of people in need is not any first venture into this field, Mr. Minister.

I feel, and in fact I have every conviction, because I know the Minister of Transport and Communications (Hon. Mr. Strachan) fairly well as a result of several years in this House…. He's rocking back and forth in his chair and just wishing, really, that he could acceded to what we are asking, because in his heart — if I can use a hackneyed quotation — he knows we are right.

The world of politics being what it is, each of us on both sides of this House, sometimes lets our political fibre make the decision. But I know that that Minister is very human, well-meaning and in many ways a real humanitarian. I just say to you, Mr. Minister, through you, Mr. Chairman: let your heart rule your action today.

Hon. Mr. Strachan: This Member indicated that it was a reversal of attitude. If it was a reversal of attitude, this section wouldn't be before this House. This section would not be before this House unless I intended to act on it. I gave you the assurance that I would not push people through the courts. I'm giving you this assurance.

Interjection.

Hon. Mr. Strachan: Well, it isn't our responsibility. But this bill hadn't been introduced two weeks ago. It isn't our responsibility. It's the private insurance companies' responsibility.

Interjections.

Hon. Mr. Strachan: Just let me speak, please.

In this bill, both legally and personally, I'm telling you that we are accepting the responsibility for every just claim, and I will move immediately to have every claim adjudicated. Now what more can you want than that?

Without putting him through the courts, without anything else, it will be taken as an ordinary claim. I suppose we will have to decide where the money is going to come from. You said that it's $6 million which the private insurance companies are walking away from, but if it is $6 million, no matter what it is, I am accepting the responsibility without putting him through the courts. The bill is not, as I say, a reversal of attitude. It's here. We are accepting that responsibility. They will not be pushed through the courts. I will move immediately, as soon as this bill becomes law, this bill which gives ICBC the authority, to see that they accept that responsibility and take up these cases and adjudicate them.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee reports progress and asks leave to sit again.

Leave granted.

Hon. Mrs. Dailly: Committee on Bill 169, Mr. Speaker.

LANDLORD AND TENANT AMENDMENT ACT, 1974 (No. 2)

The House in committee on Bill 169; Mr. Dent in the chair.

On section 1.

Hon. L. Nicolson (Minister of Housing): Mr. Chairman, I move the amendment standing in the name of the Hon. Attorney-General (Hon. Mr. Macdonald) on the order paper. (See appendix.)

Amendment approved.

Section 1 as amended approved.

Sections 2 and 3 approved.

On section 4.

Mr. Gibson: Mr. Chairman, I'd like the Minister to explain why the change is being made in this section. The law currently reads — the law we passed back in the spring: "Where a landlord or a tenant breaches a condition or material covenant in a tenancy agreement and so on. The new section only refers to the case of when a landlord reaches a material covenant or condition of the tenancy agreement. I wonder if the Minister would explain why that section has been changed in that way.

Hon. Mr. Nicolson: There is a reference here to section 9(p) and we are clarifying this section with this wording.

Mr. Gibson: Well, Mr. Chairman, with respect, this isn't a clarification; it's a change. It's a change from an obligation on both the landlord and the tenant to being a single obligation on the landlord only. That is what I would like to have explained, Mr. Chairman.

Hon. Mr. Nicolson: The amendment adds, under section 9(p) that it also puts the onus on the tenant. It says: "the tenant has breached a reasonable condition or a reasonable material covenant of the tenancy agreement." So the onus is split, but it is still there.

Sections 4 and 5 approved.

On section 6.

Hon. Mr. Nicolson: Mr. Chairman, I move the amendment standing on the order paper. (See appendix.)

Amendment approved.

Section 6 as amended approved.

On section 7.

Hon. Mr. Nicolson: Mr. Chairman, I move the amendment standing on the order paper. (See appendix.)

Amendment approved.

Section 7 as amended approved.

On section 8.

Hon. Mr. Nicolson: Mr. Chairman, I move the amendment standing on the order paper. (See appendix.)

Amendment approved.

Section 8 as amended approved.

On section 9.

Hon. Mr. Nicolson: Mr. Chairman, I move the amendment standing on the order paper. (See appendix.)

Section 9 as amended approved.

On section 10.

Hon. L. Nicolson (Minister of Housing): Mr. Chairman, I ask leave to withdraw the amendments to section 10 standing in the name of the Attorney-General on the order paper. In their place, I move the amendments to section 10, in the hands of the Clerk — a copy of which has been distributed to the Members.

Amendments approved.

On section 10 as amended.

Mr. Gibson: Mr. Chairman, this is a very large section and, I think, worthy of some discussion.

It's, among other sections, the section that establishes something called a rent review commission, and at the same time, removes rental review provisions from this Act.

Now, there are a number of items worthy of debate, but I think we might start right at the beginning with section 24 of this new part 4, which notes that:

> "This hereby establishes, as an agent of the Crown, a legal person known as the Rent Review Commission, consisting of such number o f members as the Lieutenant-Governor-in-Council may appoint."

Such number of members as he may appoint, Mr. Chairman; no let or hindrance on the number of persons he may appoint.

This is another jobs-for-the boys section. Would the Hon. Minister be prepared to stand up and say that such number as the Lieutenant-Governor-in-Council may appoint would be less than 1,000? Would it be less than 100? Would it be less than 10? Will he give us a certificate of some kind as

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to the number?

Hon. Mr. Nicolson: It might be.

Mr. Gibson: Pardon?

Hon. Mr. Nicolson: Without limiting, I'm quite sure I could give assurances that it would be kept down to a very reasonable number. We're certainly not looking at hundreds or even tens of members, but something.

Mr. Gibson: Mr. Chairman, that's not good enough for me; therefore I move an amendment: that there be added at the end of what is now part 4, section 24(1) the words "not to exceed five", just to put some kind of limit on it.

Amendment negatived on the following division:

YEAS — 16

Jordan	Smith	Bennett
Phillips	Chabot	Fraser
Richter	McClelland	Curtis
Morrison	Schroeder	Anderson, D.A.
Williams, L.A.	Gardom	Gibson
	Wallace	

NAYS — 29

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Levi	Lorimer
Williams, R.A,	King	Lea
Young	Radford	Nicolson
Nunweiler	Skelly	Gabelmann
Lockstead	Gorst	Rolston
Steves	Kelly	Webster
Lewis		Liden

Mr. Gibson: Mr. Chairman, when you report to the Speaker, will you advise him that there was a vote taken in committee, and ask leave to have it recorded in the *Journals* of the House?

Mr. Chairman: Agreed.

Mr. Gibson: On section 10, being the new part 4, and under section 26 of the Landlord and Tenant Act: the commission "may appoint an inquiry officer and authorize him to investigate any matter or dispute within the jurisdiction of the commission…."

Mr. Chairman, I'm very confused as to what the jurisdiction of the Rental Review Commission is. It seems to have some minor advisory powers and perhaps some specific powers in terms of renovations in mobile homes. I wonder if the Minister could spell out to us just what this phrase "the jurisdiction of the commission" is intended to mean.

Hon. Mr. Nicolson: section 25 spells out the commission function:

> "… to conduct research or inquiries into any aspect of the rental of residential premises and to examine any factor affecting the determination or payment of rent; to report to the minister the results of any research or inquiry…; to perform other functions respecting rental of residential premises in the Province as the Lieutenant-Governor-in-Council may order."

So it could come by regulations as circumstances might arise. Additional responsibilities could be given to the commission.

Mr. Gibson: Well, this subsection (c), of course, is one of the things that puzzles me a little bit, Mr. Chairman. Might this subsection, for example, allow the Lieutenant-Governor-in-Council, without further reference to this Legislature, to give the so-called Rental Review Commission actual powers to undertake rental reviews?

Hon. Mr. Nicolson: Yes, actually that could be the case. I would also say that another function would be, of course, to do research into renovations, as they are covered in other sections.

Mr. Gibson: Mr. Chairman, if I may continue then, given the case that it might actually give the Rental Review Commission power to undertake rental review, does that mean that they would not be bound by the figure of 10.6 per cent, or does it mean that their review could only take place within the context of the 10.6 per cent provided for in section 27?

Hon. Mr. Nicolson: No, the 10.6 per cent figure cannot be changed except by another Act of the Legislature, except for the exemptions to exceed that amount which can be given in special cases.

Mr. Gibson: So, to summarize then: even if the Rental Review Commission were given rental review powers, it could not in any way rental review an amount higher than 10.6 per cent.

Hon. Mr. Nicolson: Lower than the 10.6.

Mr. Gibson: It could not lower the 10.6 per cent either, so it couldn't really have power to act as a Rental Review Commission under that amorphous

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subsection (c); that's what I'm trying to get at.

Mr. Wallace: I want to talk on somewhat the same terms on sections 25, or subsection 25 of part 4. Of course the reason, we feel, for this replacement for the interim legislation which we dealt with earlier on this year is that the essential purpose of rent review, in our opinion, has been totally removed from this bill.

In other words, 10.6 is not only maximum, it will likely become minimum — and no other figure is permissible. Worse than that, the meaning of the word review is completely stultified, because there is no review. You can put the rent up by 10.6 under the commission's functions of subsection 25, but if there's all the financial data in the world to prove that 10.6 won't cover the increased costs, there's no way in which the landlord can have that kind of situation reviewed.

So really, I don't feel that that was the purpose of this bill, Mr. Chairman. The terminology suggests, and we have had statements from the government, that the whole purpose of the bill was to provide justice to the tenant and a fair return to the landlord. We would submit that if you include in the bill a Rent Review Commission, surely the essential purpose of that section should be to provide access by landlords to rent review.

With that in mind, Mr. Chairman, I wish to move an amendment to section 25, by adding after subsection (c), the following subsection:

> "Notwithstanding section 27, to determine whether cost increases associated with the maintenance and operation of any residential premises justify a rent increase in excess of 10.6 per cent and, where such justification exists, to authorize, a rent increase which will yield that fair amount which the commission determines to be necessary for the continued proper maintenance and operation of the residential premises." I so move.

Mr. Chairman: I regretfully rule the amendment out of order on the grounds that it's contrary to the principle of the bill, as contained in section 27, limiting any increase to 10.6 per cent.

Mr. Wallace: Mr. Chairman, there is the provision which the Minister of Housing mentioned a minute ago regarding renovations, which is one way in which the increase can exceed the 10.6. It would seem to me that all this amendment is trying to do is to in a similar way enlarge the scope of the commission's function under subsection 25. If there's some section — as we've quoted already — regarding the 12 per cent per year increase for renovations, surely that in itself contravenes the principle included in section 27.

All my amendment is doing is to try to justify or interpret in a more valid way, I believe, the meaning of the words "rent review." If someone as a landlord can clearly demonstrate that their costs have increased….

Mr. Chairman: Order, please! The Hon. Member did use the words "enlarge the scope of the bill," and this is precisely the point of why it's out of order. If any amendment actually enlarges the scope of the bill, then it alters the principle of the bill.

Mr. Wallace: I am sorry, Mr. Chairman, I didn't mean it that way. I said that the section on the 12 per cent increase enlarges the principle included in section 27. All I'm doing is trying to enlarge the principle in subsection 25.

Mr. Chairman: I appreciate the arguments of the Member. However, I have made a ruling. If he wishes to pursue the matter, he may do so by challenging the ruling.

Mr. Wallace: Yes, I challenge the ruling, Mr. Chairman.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, while in committee on Bill 169, section 10, an amendment was moved by the Hon. Member for Oak Bay. I ruled that the amendment was out of order because it enlarged the scope of the bill and, therefore, affected the principle of the bill. My ruling was challenged.

Mr. Speaker: Thank you, Mr. Chairman.

The question is whether the ruling of the Chair shall be sustained?

Mr. Chairman's ruling sustained on the following division:

YEAS — 27

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Levi	Lorimer
Williams, R.A.	King	Lea
Young	Radford	Nicolson
Nunweiler	Skelly	Gabelmann
Lockstead	Gorst	Steves
Kelly	Webster	Lewis

NAYS — 16

Jordan Smith Bennett

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Phillips	Chabot	Fraser
Richter	McClelland	Curtis
Morrison	Schroeder	Anderson, D.A.
Williams, L.A.	Gardom	Gibson
	Wallace	

The House in committee on Bill 178; Mr. Dent in the chair.

Mr. Gibson: I'd appreciate your advice on a point of order in this section.

First of all, could I clarify if the amendment set out at the top of page 9 has been moved? I take it that it has since we're in section 10.

I would suggest to you, Mr. Chairman, that on the same grounds that the amendment just moved by the Hon. Member for Oak Bay (Mr. Wallace) was out of order, so too is this amendment. If the one offends against the principle of the bill or extends its scope, so equally does the other. This amendment purports to allow the commission on a class of dwelling to increase rent….

Mr. Chairman: Order, please! I would point out to the Hon. Member that this amendment has in fact been passed by the committee. But state your point of order.

Mr. Gibson: Mr. Chairman, the fact that it has been passed doesn't allow the passage of an amendment that's out of order according to the rules of this House.

Mr. Chairman: No objection was raised at the time. As far as the committee is concerned, it's out of our hands. We can only discuss the section as amended.

Mr. Gibson: Then I have to ask you to declare the section out of order. If the section contains something which itself is out of order, then the whole section must be out of order. So I would still bring the matter to the attention of the Chair on that same regard.

The proposal by the Hon. Member for Oak Bay was to make an exception to the provisions of 10.6 per cent in effect of 27.2 ….

Mr. Chairman: Order, please! I draw to the attention of the Hon. Member that if an objection is to be raised on a point of order, it has to be raised at the time. Now that the committee has passed judgment on it, we are now considering the section as amended….

Mr. Gibson: But, Mr. Chairman, the section is before us. I'm suggesting that if the section contains an item which is out of order, then clearly the section itself is out of order. And that section is before us and that's what we're considering.

Mr. Chairman: On the point of order raised by the Hon. Member for North Vancouver–Capilano, I would rule that the section is in order and does violate the principles of the bill.

Order, please! The Chair is expressing its opinion. If an Hon. Member wishes to challenge the Chair, then he may do so.

Mr. Gibson: Mr. Chairman, might I be permitted to speak briefly to that point of order?

Mr. Chairman: Yes, I would allow the Hon. Member to continue on his point of order.

Mr. Gibson: The House, of course, is master of its own business. It does strike me that it would be curious for the House within five minutes to express directly different opinions as to the orderliness of the same proposition. I think that would be some kind of a new low in our parliamentary procedure.

I might also suggest that standing order 9 applying to Mr. Speaker suggests that, "In explaining a point of order or practice, he shall state the standing order or authority applicable to the case." And naturally, standing order 71(l): "The standing orders of the House shall be observed in the select standing and special committee…." and the Committee of the Whole House.

Mr. Chairman, I would ask, therefore, that, following rule applicable to Mr. Speaker, you should state the standing order or authority applicable to this particular case, paying particular attention to the precedent established in this House five minutes ago, Mr. Chairman: On the point of order, I ruled and continued to rule that the section as amended is in order. I would state that, in my opinion, the amendment that was made to this section or the section as it is amended — the scope of the amendment was not as great and does not violate the principle in the same way that the amendment in the name of the Hon. Member for Oak Bay.

This is the opinion of the Chair. The Hon. Member may appeal the decision.

Mr. Wallace: Could I speak to the point of order as you've just responded, Mr. Chairman?

You said, if I heard you correctly, that this paragraph at the top of page 9 does not extend the scope as greatly as did my amendment. It seems to me that either you extend the scope or you don't extend the scope or the degree of extending the principle of this bill. You either extend the principle or you don't.

And if that was the grounds on which my

amendment was ruled out of order, I would submit, from your own words, Mr. Chairman, that you just admitted this paragraph on the top of section 9 does extend the scope of the bill by the amendment but not as greatly as my amendment did. It's like having gradations of wrong, Mr. Chairman. Some things are more wrong than others. Or everybody is equal, but some more equal than others.

With respect, Mr. Chairman, I have to say that your most recent comments of a moment ago admitted that this amendment on page 9 also enlarges the scope of the principle of the bill but not as greatly as my amendment. And if my amendment was out of order by a big bit, yours is out of order by a little bit.

Mr. Chairman: Order, please! I would make this final comment in regard to the Hon. Member for Oak Bay. The amendment proposed by the Hon. Member for Oak Bay (Mr. Wallace) affects one of the main principles of the bill, whereas the amendment as it was moved by the Hon. Attorney-General, brought in by the Minister of Housing (Hon. Mr. Nicolson), does not affect the main principle of the bill. It merely deals with this specific situation.

I have ruled. If any Member wishes to challenge the ruling, he may do so now.

Mr. Gibson: …may then move an amendment dealing with this specific situation, I'd like to have the law of this House clarified. Therefore, I appeal that decision.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman's ruling sustained on the following division:

YEAS — 25

Levi	Skelly	Brown
Williams, R.A.	Gabelmann	Sanford
King	Lockstead	D'Arcy
Lea	Gorst	Cummings
Young	Hall	Steves
Radford	Dailly	Kelly
Nicolson	Strachan	Webster
Nunweiler	Stupich	Lewis
	Hartley	

NAYS — 16

Jordan	Fraser	Anderson, D.A.
Smith	Richter	Williams, L.A.
Phillips	McClelland	Gibson
Bennett	Curtis	Gardom
Chabot	Morrison	Wallace
	Schroeder	

The House in Committee; Mr. Dent in the chair.

On section 10.

Mr. D.A. Anderson: Mr. Chairman, I'm delighted we've had a clarification on the rule here. Apparently, for a

while, we in the opposition thought that it was just a matter of degree in that the Member for Oak Bay's (Mr. Wallace) amendment was out of order because it went a little further than the Attorney-General's (Hon. Mr. Macdonald). But as you have made it perfectly clear, Mr. Chairman, perfectly clear that if you don't go as far as asking for everything, you can do what the Attorney-General did and take a. little, I would like to add an amendment so that after the words, "mobile home park" in line 1, page 9, we add in the words, "or apartment building." Because clearly — it rests on your ruling — since the Attorney-General's amendment is in order, it's perfectly clear that my modest little amendment will also be in order, as will all the other modest little amendments about to descend upon your unsuspecting head.

We feel this is particularly important if we can do exactly what the Attorney-General has done. If we can use the reasoning which you yourself put forward, Mr. Chairman, to defend the Attorney-General's desire to tamper with the principles of the bill, then surely we can in the same way, and as the Hon. Member for Oak Bay suggested, just a little, do exactly the same "just a little" that he did and add a word or two here and there. I'm sure now that you're consulting with the Clerks, who no doubt gave you excellent advice about the Attorney-General's amendment, you will realize that this amendment, and subsequent amendments about to come, are entirely in order.

Amendment negatived on the following division:

YEAS — 16

Jordan	Smith	Bennett
Phillips	Chabot	Fraser
Richter	McClelland	Curtis
Morrison	Schroeder	Anderson, D.A.
Williams, L.A.	Gardom	Gibson
	Wallace	

NAYS — 26

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Levi	Williams, R.A.
King	Lea	Young
Radford	Nicolson	Nunweiler
Skelly	Gabelmann	Lockstead

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Gorst	Steves	Kelly
Webster		Lewis

Mr. D.A. Anderson: Mr. Chairman, when you report to the Speaker, I would request that you report that a division took place, and ask to have it recorded in the *Journals* of the House.

On section 10 as amended.

Mr. D.A. Anderson: On section 10, Mr. Chairman, we have now taken away the possibility of rent review, except in the most extraordinarily limited case of the mobile home park. Therefore it is clear, Mr. Chairman, that

section 10, which is entitled "Rental Rates and Increases" — this is part (4) — where this is said: "There is hereby established as an agent of the Crown, a legal person known as the 'Rent Review Commission' consisting of such number of members as the Lieutenant-Governor-in-Council may appoint," is now redundant and misleading, and it would be wrong for us in this Legislature to label a commission of the government in a misleading way.

The Minister of Consumer Services (Hon. Ms. Young) would be hot after us, Mr. Chairman, giving us a hard time if we put in something which simply wasn't an accurate description of the product we are attempting to foist off on the public. Therefore, aware of the criticism to which we will all be subjected by that Minister, and aware of the trouble that people get into if you call a commission a Rent Review Commission when it cannot review rent, I would suggest that an amendment would be appropriate, and it should be to delete the word "review," because we cannot review rent with this commission. This was pointed out by your decision on the question of the principle of the bill when you rejected the amendment of the Hon. Member for Oak Bay (Mr. Wallace).

To be consistent, Mr. Chairman, you will be delighted to see this amendment, because it obviously will make your historical position a little more tenable when you, after all, ruled out an amendment which would have made rent review possible on the grounds that the bill, which has the words "rent review" in it, did no really have as its principle the question of rent review.

So I move that we delete the word "review" from that commission's name.

Mr. Wallace: I feel that a tremendous change of direction has occurred in this bill compared to the one we debated earlier. I don't want to repeat that debate, but we did quote from the Attorney-General (Hon. Mr. Macdonald), who at that time stated that in fact people who could establish by their records and financial records that their costs were a certain amount would always have this access.

Of course, this section of the bill is rather contradictory, because it implies by the title that a commitment made in the earlier bill would be continued by the mechanism of the "Rent Review Commission." Yet when we get into the bill and debate this section, as we have been doing this afternoon, it becomes quite clear that, in fact, there is no such thing as rent review, that it is really rent control that is inherent in this section of the bill. A control to the extent of a 10.6 maximum is all that is permissible. Anyone who might have absolutely valid data to show that their expenses and costs exceed 10.6 have no way whatever, under this section, of having their valid position, their valid financial position, reviewed.

We have had numerous statements from that side of the House that the government is very keen in this legislation to ensure a fair return for the owner of the property. Now it defeats me, Mr. Chairman, that the owner can have any hope of having a fair return even looked at if, in fact, he doesn't have any access to what is termed a Rent Review Commission.

I don't know how often, Mr. Chairman, we. hear Ministers in question period saying, when they are asked a question, that they will review the subject. That usually means that they'll look at the merits of the question and the data and material and the facts available, and then they will give a decision. I think that that is what the word "review" means, that you will take a second look, in depth, with all the information available to reach a certain conclusion. Now there is no way under this section that landlords, with possibly thoroughly legitimate facts and figures to back up their argument, can have these facts and figures reviewed.

While I certainly support the amendment to delete the word "review," I think it would be even better if we substituted — and I would suggest an amendment to the amendment — for the word "review" the word "control," the Rent Control Commission, because that is what, in effect, the 10.6 is doing; it is controlling rents. It is not reviewing rents.

If such an amendment to the amendment is in order, I would so move.

Mr. Chairman: Would the Hon. Member hand in his amendment which adds the words "and substitute the word 'control'?"

In regard to the proposed subamendment, the procedure will be that we will consider the amendment in the name of the Hon. Second Member for Victoria (Mr. D.A. Anderson) first, and then, should the amendment pass, we would entertain the amendment in the name of the Member for Oak Bay (Mr. Wallace).

Shall the amendment in the name of the Hon. Second Member for Victoria pass?

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Amendment negatived on the following division:

YEAS — 16

Jordan	Smith	Bennett
Phillips	Chabot	Fraser
Richter	McClelland	Curtis
Morrison	Schroeder	Anderson, D.A.
Williams, L.A.	Gardom	Gibson
	Wallace	

NAYS — 24

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Levi	Williams, R.A.
King	Lea	Young
Radford	Nicolson	Nunweiler
Gabelmann	Lockstead	Gorst
Kelly	Webster	Lewis

Mr. D.A. Anderson: Mr. Chairman, when you report to the Speaker, I would ask you to inform him that a vote took place and ask that it be recorded in the *Journals* of the House.

Mr. Chairman: Agreed.

On section 10 as amended.

Mr. Gibson: A question to the Minister, Mr. Chairman; at the top of page 6 there is a provision with respect to renovations: "A landlord may increase the annual rent on the residential premises by an amount not exceeding 12 per cent, or such other amount as may be prescribed by the regulations."

I'd like to ask the Minister why this flexibility is put in here.

Hon. Mr. Nicolson: Mr. Chairman, I'm not sure I understand the question.

Mr. Gibson: Mr. Chairman, the question was: at the top of page 6 there's a provision for flexibility, "The landlord may increase the annual rent by an amount not exceeding 12 per cent of the cost of the renovation, " but then it carries on to say, "or such other amount as may be prescribed by the regulations." I'm wondering about the reason for that flexibility.

Hon. Mr. Nicolson: Mr. Chairman, one of the reasons for requiring flexibility would be in the event of the

cost of borrowing money. Should that change, it might require some change in discretion.

Mr. Wallace: Mr. Chairman, that kind of response from the Minister just again confirms the kind of point I was trying to make. It appears the more and more we debate different sections of this bill, there's little bits of expansion of exceptions to the 10.6 here, there and everywhere in this bill. Yet when I tried to introduce an amendment, apparently that was out of order.

I just suggest that the Minister's answer points out the very fact that certain costs are not foreseeable. You can accurately estimate what certain costs will be, and he has answered the Member for Vancouver–Capilano (Mr. Gibson) by saying that this flexibility in this phrase which says, "increase the annual rent…by an amount not exceeding 12 per cent, or such other amount as may be prescribed by the regulations." The reason given for this flexibility is the fact that costs may rise by a degree which nobody can foresee at the present time, and that's exactly what my amendment was all about — to try and give the same flexibility to landlords in other situations.

This is, I think, the second or third expansion of the basic principle of the bill. I just say again that with the greatest respect, Mr. Chairman, it seems to be there's one rule in this House for the government amendments and a different rule for the opposition.

Hon. Mr. Nicolson: Mr. Chairman, I think it's been said by the Attorney-General before, and I would repeat it now, that the 10.6 is not engraved in stone. This is an interim measure. This has been stressed. Now there are many pieces of legislation,. for instance, which have to be renewed each year, yet they are institutions. This was the case with the homeowner grant, the elderly citizens renters' grant and such. In this case, while this is in legislation, as I said earlier, it would take an Act of the Legislature to change it. It is the intention of the Attorney-General to look at this and make a review.

The commission does have to have powers to make reviews because they will be part of the information process, part of the input, in determining how things should be changed when we try to work toward a more flexible, responsive situation. We haven't said that all situations are average, and it will be with the intention of getting toward a more satisfactory, more responsive situation as quickly as possible. But we feel that the commission should be part of that process, that they will be able to gather the information, and they should have powers to request very pertinent information, not just to accept information that's placed in front of them to try and make some point, or lobby some point.

Mr. Chairman: Order, please. In regard to the remarks by the Hon. Member for Oak Bay (Mr. Wallace) in regard to the rulings from the Chair, I

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would point out that the Chair makes the rulings on the basis of the principle of the bill, not anticipating any remarks that might be made by the Minister. These rulings are based on the judgment of the Chair in regard to the principle of the bill.

Mr. Wallace: In response to these remarks of yours, Mr. Chairman, do you think that in the light of the Minister's remarks you might reconsider your earlier decision?

Mr. Chairman: The Chair has made a ruling which has been sustained by the House and it is not in any way affected by the remarks of the Minister.

Mr. Wallace: Well, you just said a minute ago that your decision obviously couldn't anticipate remarks which the Minister has made, but the Minister, in making remarks on debate on this section, has really given contradictory evidence to the evidence you used when you were making your decision. I guess we don't want to waste any more time on that as the point's been made, but I do notice that the Minister said that we have to have review.

I'd like to ask the Minister a question. He said the 10.6 isn't engraved in stone as though it were something for the next hundred years and I'm delighted to hear that, but on the other hand, he did say that we need reviews. Am I to

understand that in this section — and I would like to phrase this most carefully — in this section is it then a fact that within the narrow restrictions of a building containing not more than one residential premise, that in fact the rent review commission can listen to the kind of pertinent facts and figures which the Minister referred to and recommend a rent increase in excess of 12 per cent?

Hon. Mr. Nicolson: No. There is a limitation on the 12 per cent.

Mr. Wallace: Well, what's the point of the review, then, or the provision to exceed 12 per cent? Are we to conclude that a review could be quite meaningless? If somebody comes up with the pertinent facts and figures, which you say would be reasonable, and his costs have gone up by 15 per cent, the review mechanism is no good, because if it's more than 12 per cent you needn't go before anybody — you're not going to get anything approved more than 12 per cent, no matter how valid your facts and figures. Which again points out the absolute futility of this rent review procedure.

I really feel that the Minister left the impression that there will be occasions when a review could result in validating the need for an increase in excess of 12 per cent. But the Minister says that the review commission cannot in fact do that, even though the figures indicate that it would be justified. Is that so?

Hon. Mr. Nicolson: It seems to me that the commission can also review the nature of the renovations — are these allowable; are these in fact renovations? Of course, this is a percentage of the total amount of the renovations that have taken place.

Mr. Gibson: I'm still puzzled. Under this section can the Rental Review Commission allow an increase in excess of 12 per cent of the cost of the renovations?

Hon. Mr. Nicolson: No, not unless the Lieutenant-Governor-in-Council were to make such a regulation.

Mr. Gibson: I see. So the Lieutenant-Governor-in-Council could make a regulation which would allow the commission to increase it by more than 12 per cent, but the commission can't do it itself.

Passing on to another section, Mr. Chairman, I would direct the Minister's attention to clause 29(a)(1) at the top of page 7, in anticipation of the possibility that he may here be doing something that he would rather not do.

This section provides for the giving of simultaneous notice with respect to rent increases under section 27 — that is the 10.6 — and section 28, which is the renovation, which is fine. But it also provides that having given notice under one of those sections only, he shall not thereafter give notice under the other section.

First of all, I would raise the question as to whether it's simply sloppy drafting that he shall not thereafter… does that mean forever or just for that year? That's the first question I raise.

The second and more fundamental question is the question of whether the Minister is not, by doing this, restricting renovations to a single period of the year. In other words, having given notice of, let's say, a 10.6 per cent rent increase, let's say, in November, then obviously, that landlord is not, by the provisions of this clause, able to give notice of renovation increases, under section 28, for a full year. That means that he is discouraged from making renovations for that full year, Indeed, it may be that he can never give such notice under what seems to me the sloppy drafting of this section. Would the Minister please comment on that?

Hon. Mr. Nicolson: The intention of this is that there not be two rent increases within a year, that the notice is given for the regular rent increase and if there's intention to apply under section 28, that it be done at the same time. This avoids having

unanticipated rent increases coming along at a later date. It is true that if he passes up the opportunity at that time, he would have to wait a year.

Mr. Gibson: Would the Minister not agree, then, that this will tend to very much bunch renovations in apartments in British Columbia?

Let me put this situation to him: let me suggest that there's an apartment that a tenant has been living in for some time and that the tenant doesn't leave voluntarily, because, Lord knows, he knows he can't find another apartment in British Columbia — but suppose he's transferred back east or something like that, and vacates the apartment in the middle of the year. Now under ordinary circumstances, the landlord would quite possibly wish to renovate this apartment before renting it to another tenant. This would not be unusual in the passage of tenancy from one person to another. The reasonable time to renovate is during that time of vacancy. Would this clause not give that landlord a strong incentive to simply re-rent the premises in exactly the same condition and thereafter probably not renovate them at all?

Hon. Mr. Nicolson: I think the Hon. Member makes a good point, but the thing I would stress is that this is interim legislation, that with a Rent Review Commission to receive the input — landlords' and tenants' — knowing the direction in which we are going, these things will be better served.

But at this point in time, this is, I think, the best course of action to take. We realize that there is an intent to make improvements. I think the Member has made a good point, but we can get ourselves into tremendous complications by trying to attempt these things without full input which we'll get from a full-time commission.

Mr. Gibson: Mr. Chairman, I'm glad that the Minister recognizes this as a defect in the bill. I suggest it's a serious defect and that he is condemning tenants who move into premises after the passage of this bill, before the passage of any new Act which might be any time — next year, next spring, next fall, who knows? — condemning those tenants to move into apartments that will not be renovated because of the provisions of this clause.

I would suggest to the Minister that the House might be very willing to suspend consideration of this bill for a while, while the Minister gives consideration to bringing in an amendment which could be quite a simple amendment to correct the defects in this particular clause. I think it's one which will work a good deal of injury on tenants.

Hon. Mr. Nicolson: Mr. Chairman, I would suggest that the types of improvements we have in mind would be things that would probably affect most of the building — things like bringing in a sprinkler system, improved fire escapes and amenities that would probably affect the entire building. I think the best time at which that could be tackled could be…. Simple painting or something like that, we consider to be regular maintenance of the building. I doubt if the commission would consider that as the type of renovation requiring such notice. That should be done as part of proper enjoyment of the residence.

Mr. Gibson: The renovations would still be bunched in a particular part of the year, if done at all. I just ask the Minister not to suggest that the opposition didn't warn them about this defect, because it's a bad one.

I will move on to another one: at the top of page 8, section 29(e)(b). I would ask the Minister if he would explain this provision.

Mr. Chairman: Is the Hon. Member referring to section 29(h)?

Mr. Gibson: The section at the top of page 8. My goodness, which copy of the bill am I on? Yes. This is the revised version of the bill, at the top of page 8: 29(e)(b), subsection (1)(b). What puzzles me about it, Mr. Chairman….

Hon. Mr. Nicolson: This provision was already passed in the old Act, and it's just an incorporation of the very same principle.

Mr. Gibson: I appreciate that, Mr. Chairman, but we're being asked to pass it again, and I'm asking what it means. You're suggesting here, I take it, that if there are to be extra people in a rental premises, the landlord may make extra charges, subject to the agreement of the tenant. Are you suggesting that the tenant is going to agree with

it? It seems to me a little bit of a redundant proposition.

Hon. Mr. Nicolson: The onus is on the landlord, I believe, to get that condition at the time that he lets this to the tenant — that in the event of an additional person moving in, he can make a charge.

Mr. Gibson: This doesn't say only at the time of new rental; it says "whenever rental increase is made." In other words, if you were living in particular premises and the landlord decided to raise your rent, are you suggesting that as a condition of allowing you to continue to stay there, he could put in a clause saying you have to pay extra if you moved another person into that apartment?

Hon. Mr. Nicolson: We see this operating mostly in the case of a first tenancy and not at the

time of review. I think you've made a good point. Do you have an amendment there?

Mr. Gibson: I'm sorry, I don't, Mr. Minister. It's such a complicated provision that I wanted to ascertain the meaning of it before suggesting anything of that kind. But I'd be willing to talk about a few other things if you wanted to draft one out.

Hon. Mr. Nicolson: I think we might.

Mr. Gibson: A couple of other things I was going to worry about, Mr. Chairman. One of them is later on in the Act, but in this particular section 1 would appreciate the guidance of the Chair here. What was section 29(g) with the provision for uncontrolled rents in the first five-year period? That is now, I take it, provided for on this mimeographed amendment that we have on our desk. The amendment section as rewritten seems to in effect exclude mobile home parks, but now reads as follows:

> "Where residential premises that are not in a mobile home park are first occupied under a tenancy agreement on or after January 1, 1974, the residential premises are not subject to section 27(2) for a period of five years following the date of the first tenancy agreement pertaining to the residential premises."

I have a point which I wanted to make to the Minister under this section — and I was really going to make in the form of a question but he'll understand what the point is. What kind of rent increase notice does he think is going to be given during the fourth year?

If things are going to be subject to control after that, obviously, landlords, when they arrive at the fourth year and have the chance to give their last unlimited notice, are going to boost the price of that apartment up an extraordinary amount, even paying the penalty of a few months of vacancy if they have to, in order that they can start their rent-control period from a high base.

I'm just asking the Minister if he foresees any difficulty in that regard under this section.

Hon. Mr. Nicolson: Well, I would think that landlords would probably try to get things up to a good market return within the five-year period. I would think they would programme it so there would not be a large dislocation.

I think there are problems even for landlords in a free market in unconscionable rent increases. I would hope that by that time we will have had time to improve the rental market somewhat. The question is somewhat hypothetical, although I can see the Member's concern. But people will be going into and occupying these new residences. I should think that by that time the supply should be sufficient in the market to stabilize. They would be asking a fair market value.

Mr. Gibson: Could I also ask the Minister to clarify, since this section reaches back to premises first occupied after January I of this year, whether that then removes the rental freeze on those premises which has been on since the second day of May this year? I assume it removes, in other words, the provisions of Bill 75 on those premises first occupied after January 1, 1974.

Hon. Mr. Nicolson: That will no longer be operative at the end of the year.

Mr. Gibson: Is it no longer operative as of right now once this bill is passed? Is it no longer operative once this bill is proclaimed?

Hon. Mr. Nicolson: Yes.

Mr. Chairman, with leave of the House, I would like to move an amendment to section 10.

Mr. Chairman: The amendment is in the name of the Hon. Minister to Bill 169, section 10: a proposed section 29E.

> "…by striking out paragraph (a) and (b) and adding after the words, 'where a landlord and tenant agree, at the time', the words, 'a tenancy agreement is entered into.'"

Does the committee understand the amendment? I'll repeat it again and I'll just read it verbatim:

> "In the proposed section 29E(l): by striking out paragraph (a) and (b) and adding after the words, 'where a landlord and tenant agree, at the time,' the words, 'a tenancy agreement is entered into.'"

Mr. Gibson: So the entire clause then reads, Mr. Chairman:

> "Notwithstanding anything in this part, where a landlord and tenant agree, at the time a tenancy agreement is entered into…"

Then what happens? Then we drop down to the words: "…that the landlord…."

Mr. Chairman: We move on to section 2.

MR. L.A. WILLIAMS (West Vancouver–Howe Sound): No, no. If The Minister would just look at his copy, you're only deleting those two lines (a) and (b), not the whole balance of subsection (1). Just those two lines.

Mr. Chairman: Does the Hon. Member for North Vancouver–Capilano understand the

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amendment?

Mr. Gibson: I think I do, Mr. Chairman.

Mr. Chairman: Just strike out the two lines:

> "(a) a tenancy agreement is entered into; or (b) a rental increase is made in accordance with section 27 or 28."

Hon. Mr. Nicolson: But the words of (a) are added.

Mr. Gibson: I think I understand it, Mr. Chairman. The question I would have is: would this make any provision, not for times in the future, but, since we are starting from day 1 now on this thing, would it make any provision for this possibility to be discussed at the time of the next increase? I'll have to be guided by the Minister on this because I don't recall exactly from the last Act. Alternatively, what are the provisions within the Act controlling total numbers of persons within a given premise? In other words, "unreasonable numbers."

Hon. Mr. Nicolson: I believe that there are none. This would make it possible at the time that tenancy is entered into. There would be no retroactive action taken in this.

Mr. R.H. McClelland (Langley): I'd just like to speak against that amendment. That really doesn't do anything. If I understand the essence, it's much worse than it was before. If I understood the concern of the Member

for North Vancouver–Capilano, it was over the agreement of the landlord and tenant in the case of additional people occupying these premises.

What you've done now, or what you'll do by this amendment…. That's fine once the tenancy agreement is entered into, but what about those people who are into tenancy agreements already and decide that two or three or four more people can move in with them. If they don't have a tenancy agreement which includes this provision, it's going to be very difficult for some landlords to get the tenant to agree at that time to enter into a new tenancy agreement. So you have no protection for that landlord.

Interjection.

Mr. McClelland: Well, yes, it would be against the law anyway, Mr. Chairman. So there's no protection for the landlord in that case and he has no way of charging any extra rent for additional occupancy in the suites.

Mr. Gibson: I would certainly agree with the Hon. Member for Langley in this regard.

I'm afraid that this amendment, Mr. Chairman, would make this section even worse. The landlord in the vast number of tenancy agreements now in force would just have no chance at all to even negotiate in respect of the addition of a substantial number of persons to the premises. At least he had some yearly chance to negotiate before the striking of section (b).

The question I was raising is whether the Minister honestly thought that if the landlord had to have the tenant's agreement, whether he ever thought that such agreement would be forthcoming. That was the question I was asking in the first instance, and I'm afraid this goes in the opposite direction.

Mr. L.A. Williams: I would urge that the Minister consider withdrawing the amendment. I direct his attention to deletion of the line (b) and suggest to him the situation that if a landlord were to renovate premises so as to make changes from a one-bedroom into a two-bedroom accommodation, it might be for the specific purpose of allowing additional individuals to be accommodated. He might very well do that renovation to qualify him to increase the rent under 28 and would then afford the opportunity for the landlord and tenant at that time to agree that the tenancy agreement should be enlarged to provide for different rent because there are going to be more people in the apartment.

If you take out what is in line (b), the rental increases made in accordance with 27 and 28, then you take away that possibility. I just think that it is never going to happen that a person would renovate under those circumstances.

As the member for Langley (Mr. McClelland) has pointed out, at the time a rental increase notice is given under section 27, there may have been changing circumstances since the last increase was given, and if the landlord and tenant agree that there should be a difference in the rate of increase, and the commission determines that there are additional persons permanently occupying the premises, then they should have that right as well.

Amendment approved on the following division:

YEAS — 24

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Levi	Williams, R.A.
King	Lea	Young
Radford	Nicolson	Nunweiler
Gabelmann	Lockstead	Gorst
Kelly	Webster	Lewis

NAYS — 15

Jordan	Smith	Phillips
Chabot	Fraser	Richter

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McClelland	Curtis	Morrison
Schroeder	Anderson, D.A.	Williams, L.A.
Gardom	Gibson	Wallace

Mr. L.A. Williams: Mr. Chairman, would you see that the division is recorded in the *Journals* of the House?

Mr. Chairman: Agreed.

Mr. L.A. Williams: As there will be no further amendments or discussions on the individual sections of part 4 as substituted by this Act, I wish to say that I am opposed to section 10(a) as amended. It takes away the rental review provisions that pre-existed.

The discussion that we have had this afternoon makes it quite clear that the provisions of new section 29(a) will make the right to a rental increase for renovations virtually meaningless. The amendment that was just passed has destroyed an effective opportunity for agreements between landlords and tenants as under new section 29(e), which would help to ease the burden of landlords and of tenants, and will discourage renovations of premises. I consider that section 10(a) is a retrograde step so far as landlord and tenant relations are concerned in this province.

Section 10 approved on the following division:

YEAS — 24

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Levi	Williams, R.A.
King	Lea	Young
Radford	Nicolson	Nunweiler
Gabelmann	Lockstead	Gorst
Kelly	Webster	Lewis

NAYS — 15

Jordan	Smith	Phillips
Chabot	Fraser	Richter
McClelland	Curtis	Morrison
Schroeder	Anderson, D.A.	Williams, L.A.
Gardom	Gibson	Wallace

Mr. L.A. Williams: When you report to the Speaker will you ask leave to record this division?

Mr. Chairman: Agreed.

On section 11.

Hon. Mr. Nicolson: I move the amendments standing in the name of the Attorney-General on the order paper.

Amendments approved.

Section 11 as amended approved.

Sections 12 to 21 inclusive approved.

Title approved.

Hon. Mr. Nicolson: Mr. Chairman, I move the committee rise and report the bill complete with amendments.

Motion approved.

The House resumed; Mr. Speaker in the chair.

Bill 169, Landlord and Tenant Act, 1974 (2), reported complete with amendments. Divisions order to be recorded in the *Journals* of the House.

Mr. Speaker: When shall the bill be considered as reported?

Hon. Mrs. Dailly: With the leave of the House now, Mr. Speaker.

Leave granted.

Bill 169, Landlord and Tenant Act, 1974 (2) read a third time and passed on the following division:

YEAS — 26

Hall	Dailly	Strachan
Nimsick	Stupich	Hartley
Brown	Sanford	D'Arcy
Cummings	Dent	Levi
Williams, R.A,	King	Lea
Young	Radford	Nicolson
Nunweiler	Skelly	Gabelmann
Lockstead	Gorst	Kelly
Webster		Lewis

NAYS — 16

Jordan	Smith	Bennett
Phillips	Chabot	Fraser
Richter	McClelland	Curtis
Morrison	Schroeder	Anderson, D.A.
Williams, L.A.	Gibson	Gardom
	Wallace	

Division ordered to be recorded in the *Journals* of the House.

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TIMBER PRODUCTS STABILIZATION ACT

Hon. R.A. Williams presents a message from His Honour the Lieutenant-Governor: amendments to Bill 171, intituled Timber Products Stabilization Act.

Hon. R.A. Williams: Mr. Speaker, I ask leave to move that the said message and the accompanying amendments to the same be referred to the committee of the House having in charge Bill 171.

Mr. Speaker: Shall leave be granted?

Interjection.

Mr. Speaker: I did ask for leave.

Interjection.

Mr. Speaker: I wonder if the Hon. Member is serious?

Interjection.

Mr. Speaker: I understand from the Hon. Member that he would refuse leave that the bill be referred to the Committee of the Whole House at this time. I think all that is required then, is that we proceed with the usual formula.

Actually, I think the policy has been, if I recall correctly, that the asking of leave is to avoid the formality of going into Committee of the Whole House to do it. Now if the Hon. Member wishes us to take that time rather than seeking leave to dispense with a formality, I'd be glad to oblige him, but we'll have to go about this in a more deliberate fashion.

Now, if you look at the drill for that, and I haven't looked at it for a long time (laughter)….

Interjections.

Mr. Speaker: No, it's what's called a Clerks' drill for Speakers.

An. Hon. Member: A fire drill (laughter).

Mr. Speaker: Fire drill, right! I understand what I am supposed to do is call the chairman of the committee to take the chair, then I vacate the chair and he takes the chair. He calls the committee to order and proceeds with consideration of the amendment and its being referred to Committee of the Whole House.

Hon. R.A. Williams: I could clarify this with a motion that the bill and the amendments thereto be referred to the committee forthwith.

Mr. Speaker: I think that would solve my problem, because I notice that the procedure is to move that the said message and the amendments accompanying the same be referred to an Committee of the Whole House forthwith. So I will accept that motion, which will allow me to dispense with the question of leave.

Motion approved.

TIMBER PRODUCTS STABILIZATION ACT

The House in committee on Bill 171; Mr. Dent in the chair.

Hon. R.A. Williams moves that the committee rise and recommend introduction of the amendments accompanying the bill.

Motion approved.

The House resumed; Mr. Speaker in the chair.

Mr. Chairman: Mr. Speaker, the committee reports recommending introduction of the amendments.

Hon. R.A. Williams moves that the report be adopted.

Motion approved.

Hon. R.A. Williams moves that the report be referred to the Committee of the Whole House having in charge Bill 171.

Motion approved.

Mr. Speaker: May I say to the Hon. Members that when we adopt a procedure by recommendation both of the committee on procedure and of the House, to go back to another is a difficult thing. If it's going to be standard practice to do this, we'll all have to back to that drill. It is not fair, I submit, to the Chair to do this. It's a bit of a fun thing, but usually it's a little tough on the staff.

Mr. Morrison: On a point of order, could you at some later point clarify that drill for us, because I believe it was out of order? There was no business done while we were in committee. Nothing was submitted to the committee.

Mr. Speaker: May I point out to the Hon. Member that there is a long-standing rule that any message matter has priority over any other business at any moment, and that it can be introduced?

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Mr. Morrison: I know that, that's not what I'm referring to….

Mr. Speaker: I see. Perhaps you could clarify it to me, I will be glad to consider anything I can do to help.

Presenting reports.

Hon. Mr. Levi tables a report.

Hon. Mr. Stupich files answers to questions in the name of the Hon. Minister of Finance.

Hon. Mrs. Dailly files an answer to question 235.

Hon. Mrs. Dailly moves adjournment of the House.

Motion approved.

The House adjourned at 5:43 p.m.

APPENDIX

169 The Hon. *A. B. Macdonald* to move, in Committee of the Whole on Bill (No. 169) intituled *Landlord and Tenant Amendment Act, 1974 (No. 2)*, to amend as follows:

Section 1:

(a) By deleting the word "and" at the end of paragraph (b).

(b) By adding the word "; and" at the end of paragraph (c) and the following as paragraph (d):

"(d) in the definition of 'security deposit' by striking out the words 'one month's rent' and substituting the words '1/2 of 1 month's rent'."

By adding after section 1, the following as section 1A:

"Amends s. 2.

"IA. section 2 is amended

"(a) by striking out the number '29' and substituting the number '29H'; and

"(b) by striking out the number '44' and substituting the number '44A'."

Section 6: By adding after section 6 the following as section 6A:

"Amends s. 18.

"6A. section 18 is amended

(a) in subsection (1)

(i) by striking out the words ", and not more than twenty days, "; and

(ii) by adding, after the words "payment of the rent", the words "and any arrears of rent";

"(b) in subsection (2) by striking out the words 'of rent'; and

"(c) in subsection (3),

(i) in paragraph (a) by striking out the words "of rent";

(ii) in paragraph (b) by striking out the words "the rent demanded, ";

(iii) by striking out the word "effective"; and

(iv) by striking out paragraphs (c) and (d) and substituting the following:

"(c) effective

(i) on the last day of the rental period in respect of which notice is given under subsection (1); or

(ii) on the fifth day after the date the notice of termination is given under this subsection, whichever is the later; or

"(d) where the tenancy is a weekly tenancy, effective on the fifth day after the date the notice of termination is given under this subsection."

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Section 7: By adding after paragraph (a), the following as paragraph (b):

"(b) in subsection (2), by adding after the words 'subsection (1)', the words 'or (1a)'."

Section 8: By deleting section 8 and substituting the following:

"Amends s. 22.

"8. section 22 is amended

"(a) in subsection (2) by striking out the word 'and' at the end of paragraph (a) and substituting the word 'or'; and

"(b) by adding the following after subsection (2) as subsection (2a):

"(2a) section 23 applies to a notice of termination given under subsection (2) (b)."

Section 9: By deleting the proposed paragraphs (o) and (p) and substituting the following:

"(o) the tenant has breached a reasonable condition or a reasonable material covenant of the tenancy agreement."

Section 10: In the proposed section 29G

(a) By striking out the words "This Part" in line 1 of the proposed section 29G (1), and substituting the words "Section 27 (2) ";

(b) By striking out the words "sections 27 (2), 28, and 29rc" in line 3 of the proposed section 29G (2) and substituting the words "section 27 (2)"; and

(c) By striking out the words "any or all of the provisions of this Part" in lines 2 and 3 of the proposed section 29G (4), and substituting the words "section 27 (2)".

By striking out the proposed section 29G (4) and substituting the following:

"(4) Upon the application of an owner of a mobile home park, the commission may set a rate of rent increase greater than that specified in section 27 (2) in respect of that park upon such terms and conditions as the commission specifies."

Section 11 : In the proposed section 3 7, by deleting subsection (1) and substituting the following:

"(1) A landlord shall not

"(a) impose a requirement that a security deposit be given except at the time the tenancy agreement is entered into; and

"(b) require or receive a security deposit in an amount exceeding the equivalent of 1/2 of I month's rent payable under the tenancy agreement."

In the proposed section 38 (2) (d) by adding after the word "then", the words "from December 1, 1974, ".

178 The Hon. *A. B. Macdonald* to move, in Committee of the Whole on Bill (No. 178) intituled *Statute Law Amendment Act, 1974 (No. 2)*, to amend as follows:

By renumbering section 2 as section 2 (1) and adding the following as subsection (2):

"(2) section 34 is amended by inserting after subsection (2), the following as subsection (2a):

"(2a) The Credit Union Reserve Board may, with the approval of the Minister, excuse a credit union from compliance with subsection (2), in whole or in part, and upon such terms and conditions as the Credit Union Reserve

Board may prescribe."

By adding after section 10 the following as section 1OA:

"S.B.C., 1973 (Second session), c. 137, s. 2.

"10A. section 2 of the Pacific North Coast Native cooperative Loan Act is amended by striking out the words 'from its members their fishing-boats,' and substituting the words 'and refit fishing and fish-packing boats,'."

Section 15, line 1: By striking out the words "of the Real Estate Act is amended" and substituting the words "and (b) of the Real Estate Act is amended in both paragraphs".

193 Mr. *Bennett* asked the Hon. the Minister of Finance the following questions:

1. Have any Government departments experienced "over-runs" with respect to expenditures approved by the Legislature for fiscal year 1974/75?

2. If the answer to No. 1 is yes, (a) what Government departments have experienced "over-runs" and (b) what is the amount of the "over-run" for each department up to October 31, 1974?

The Hon. *David Barrett* replied as follows:

"1. Yes.

"2. (a) and (b) Attorney-General, Coroners' inquests, $40,847; Education, night school grants, $70,012; Health, health agency grants, $41,486; Economic Development, shared programmes and grants, $1,767,497; Forests, fire suppression, $1,368,045; Municipal Affairs, transit services, $71,855; Provincial Secretary, Provincial Elections Act, $147,953, Public Inquiries Act, $362,773."

217 Mr. *McClelland* asked the Hon. the Minister of Finance the following question:

With respect to the Assessment Appeal Board: What has been the total remuneration paid to the Chairman and members of the Board from January 1, 1974, to the latest available date?

The Hon. *David Barrett* replied as follows:

"$61,380."

235 Mr. *Wallace* asked the Hon. the Minister of Education the following questions:

With respect to the financing of the public-school system-

1. What is the pupils per classroom ratio used by the Provincial Government in granting funds for school construction?

2. Is the ratio referred to in No. 1 the same as the target teacher-pupil ratio upon which efforts to change the current teacher-pupil ratio are based?

3. If the answer to No. 2 is no, then what is the reason for the discrepancy between the two ratios?

The Hon. Eileen E. Dailly replied as follows:

"1. The pupil per classroom ratio must be considered under three headings:

"*(a) New elementary schools and major additions to existing elementary schools* — With respect to these

projects there is no classroom ratio as such. A maximum square footage of the building is determined in accordance with the tabulation provided all school districts by the Department of Education. The Board may provide such classrooms, open area, or seminar space as it feels best suits its particular staffing policy.

"*(b) Existing elementary schools* — In existing elementary schools standard classrooms of approximately 800 square feet are rated at this time with an effective capacity of 32 pupils. In addition library and gymnasia are provided without any assignment of pupil capacity. A reduction of 20 pupils is applied to the pupil capacity of any school with respect to all approved special education programmes operating in that school. This situation is currently under review by the Department of Education with a view to finding a more equitable technique for the assessment of capacity of existing buildings, taking into account problems which include the inflexibility of former construction techniques, the large back-log of school construction projects, the falling enrolments in urban areas and increasing enrolments in rural areas, the necessity of replacement of older frame construction, and the lack of re-locatability in existing facilities.

"(c) In secondary schools the pupil capacity of each area varies with its nature. Standard classrooms have a pupil capacity of 30, shops of 20, community services laboratories of 24, and science laboratories of either f4 or 30, depending on their size. A school library, which in a 1,000-pupil school would be 2,500

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square feet plus work space, is assigned a pupil capacity of 30. Gymnasia are not included in the determination of pupil capacity. The operating capacity of the school is considered to be 90 per cent of the total arrived by the foregoing method.

"2. No.

"3. The two items are not directly comparable. The target pupil-teacher ratio announced was a reduction of 1.5 pupils per teacher in the overall pupil-teacher ratio of the Province, rather than a specific class size. This can be achieved through a number of methods including reduction of class size, provision of supportive teaching personnel, increasing the number of teachers in a team teaching situation, teacher librarians, etc."

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