

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Third Session – Thirteenth Legislature
35th Day

Friday, April 3, 1959

The House met at 2:30 o'clock p.m.

SECOND READINGS

LAND TITLES ACT

Moved by the Hon. Mr. Walker:

That Bill No. 108 – An Act to amend The Land Titles Act, be now read the second time.

Hon. R.A. Walker (Attorney General): Mr. Speaker, the only principle involved in this bill is one altering the procedure for appeals against decisions of Registrars of Land Titles offices.

As the present Act stands, any person who disagrees with a registrar to the proper interpretation of the law in connection with registration of a document, has the right to appeal to the Master of Titles and then has the right to appeal from there to the courts.

It is proposed to eliminate the second step – that is, the appeal to the Master of Titles – and to provide some time, after the appeal from the registrar to the court, for the Master of Titles to review the decision of the local registrar with a view to considering whether or not the decision ought to be amended in compliance with the claim of the appellant.

This recommendation, I may say, is the result of a submission by the Law Society through the Law Reform Committee, and it was aimed to simplify procedure dealing with decisions of registrars in Land Titles offices.

Any other principles involved I think can be quite adequately dealt with in Committee of the Whole. Therefore, Mr. Speaker, I move that this Bill be now read a second time.

The motion for second reading was agreed to and the Bill referred to a Committee of the Whole at the next sitting.

ATTACHMENT OF DEBTS

Moved by the Hon. Mr. Walker:

That Bill No. 109 – An Act to amend The Attachment of Debts Act, be now read the second time.

Hon. R.A. Walker (Attorney General): Mr. Speaker, The Attachment of Debts Act by which garnishee proceedings are taken, also applies to claims by a wife for alimony or maintenance against her husband. The Act provides in a general way that the wife holding a judgment or order against her husband may file a notice of attachment with the husband's employer, and any money that is then held by the employer and owing to the husband must be paid into court, or paid to the account of the wife.

This means, of course, that the wife, in order to attach her husband's salary must file the notice with the employer in accordance with the form set out in The Attachment of Debts Act; that is, she must file the claim within a few days of the time at which the money is due to the husband, or the employee. It means, also, that she must file a notice every month if he is paid by the month, or every week, if he is paid by the week, a separate notice of attachment for each week. This almost defeats the convenience and easy operation of the Act for the benefit of wives who are entitled to alimony or maintenance.

It is proposed by this Bill to provide that a different form of attachment notice shall be used in the case of alimony or maintenance claims, and this notice shall be binding indefinitely, unless it is withdrawn or unless it is cancelled by an order of the court. It means that a the order will remain binding throughout the entire time that the husband is employed by that same employer.

This, we feel, may make it easier for deserted wives or divorced wives who have an order against their husbands for maintenance or alimony, to recover under that order. Much complaint comes to the Government that this Act is really not of very much use to wives as it presently stands. We hope that by this method they will be better able to receive what the court has ordered they are entitled to.

With these few remarks, Mr. Speaker, I move second reading of this Bill.

The motion for second reading was agreed to, and the Bill referred to a Committee of the Whole at the next sitting.

COMPANIES WINDING UP ACT

Moved by the Hon. Mr. Walker:

That Bill No. 110 – An Act to amend The Companies Winding Up Act, be now read the second time.

Hon. Mr. Walker (Attorney General): Mr. Speaker, The Companies Winding Up Act is an Act which permits creditors or shareholders under certain circumstances to apply to the courts to have a company put into receivership and wound up, with the assets divided among the shareholders and creditors. Due to what I believe is a deficiency in the wording of the section this right did not, or was not, enjoyed by shareholders who had paid up their shares in full, but only applied to shareholders who still had some of their capital contributions unpaid.

There seems to be no reasons why a shareholder who has paid up his shares in full ought to be in a different position from a shareholder who has paid only a certain part of the contribution that he is obligated to make to the capital of the company, because, if a shareholder who has not paid for his shares in full has the right to apply to the courts on the grounds that he may be called upon to contribute the rest of his capital, then the same right ought to extend to the person who has contributed his capital, and who may be running the risk or losing it as the result of the activities of the company.

This section proposed to remove that discrimination in regard to the shareholders.

I move second reading of this Bill, Mr. Speaker.

The motion for second reading was agreed to, and the Bill referred to a Committee of the Whole at the next sitting.

COMMUNITY PLANNING ACT

Moved by the Hon. Mr. McIntosh:

That Bill No. 111 – An Act to amend The Community Planning Act, 1957, be now read the second time.

Hon. L.F. McIntosh (Minister of Municipal Affairs): Mr. Speaker, Bill No. 111 is An Act to amend The Community Planning Act. There are practically no new principles associated with the proposed amendment, but I think I would like to make this statement – that community planning, zoning and land use are comparatively new to many of our communities in the province of Saskatchewan, and there is a substantial increased interest being taken in planning. Consequently, there appear to

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be some sections that require, in the opinion of those who are now making use of The Community Planning Act, a greater measure of clarification.

There is also the question of interim development control. That is, during the period of time when a community planning commission that is set up by an urban community, or even a rural community, are finalizing their over-all plans, there is provision made for interim development pending the finalizing of the plan, and it is felt advisable to clarify that section dealing with that interim development. I think we can all appreciate that has become more apparent, particularly if the length of time to finalize an over-all plan is disadvantageous to the establishment of certain types of businesses or industries in the general area. The provisions are made to clarify interim development control.

Then trailer camps, or trailer homes, are also becoming more pronounced in recent years, and it was felt, by those who are interested in the Act, that provision should be made whereby control over the location of trailer camps within a zoning area should be left to the council, to decide on the location.

I think probably the principal change here is to limit land use authorization. That has been suggested on two counts. One, is you get into a community where there is a boom on, such as potash development, oil or gas development, those communities may wish to make use, temporarily, of certain land for the benefit of those who are there on a temporary basis. The second and probably the more important, is in connection with the South Saskatchewan River Development. It is anticipated that there will be moving into the rural areas the site of the dam, people who are associated with the construction of the dam, and also people who might wish to serve those who are associated with the construction of the dam, and it is going to become necessary to exercise some control over the setting up of those types of services and those types of communities. This will probably be on a temporary basis. It may only last a few years in some cases; in other cases it may last eight or ten years, but it will be essential and important that there be limits put on the use of land under The Community Planning Act for purposes such as I have mentioned.

With those remarks, Mr. Speaker, I move second reading of this Bill.

Mr. McDonald: Who has control now of trailer camps and trailer courts?

Hon. Mr. McIntosh: The municipalities has it now. In other words, the municipality has the power, be it a city or town or village or rural municipality, to designate an area in which a trailer camp should be set up. They also have the power to set up a municipal trailer camp. But a community might be setting out an area for zoning purposes, and in the interim development they wish the right to control the location of a trailer camp in the general area.

Mr. Coderre: Mr. Speaker, may I ask a further question of the Minister. What application has this Act to communities which may be situated within resort areas or near resort areas, where there has been quite a bit of development going on and so on.

Hon. Mr. McIntosh: That is a very interesting question. We find a number of summer resorts where cottages have sprung up on undivided land. In other words, to a large extent they have squatted there, with the permission, of course, of the owner; but the land has not be subdivided. We are hoping, and moving towards asking, that the land be subdivided at the summer resorts to enable the municipality to exercise control, under The Community Planning Act over the development of those areas. At the present time we have about four or five summer resorts under review. The municipality in which they are located has jurisdiction over the planning, and they would probably ask The Community Planning Branch to assist them in the laying out of the plan as set out under The Community Planning Act.

The motion for second reading was agreed to, and the Bill referred to a Committee of the Whole at the next sitting.

The Assembly adjourned at 9:55 o'clock p.m., on motion of the Hon. Mr. Fines.