



# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE**

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

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Mr. Doyle Vermette, Deputy Chair  
Cumberland

Mr. D.F. (Yogi) Huyghebaert  
Wood River

Mr. Rob Norris  
Saskatoon Greystone

Mr. Kevin Phillips  
Melfort

Mr. Warren Steinley  
Regina Walsh Acres

Mr. Corey Tochor  
Saskatoon Eastview

[The committee met at 15:00.]

**The Chair:** — Good afternoon and welcome to the Standing Committee on Intergovernmental Affairs and Justice. My name is Warren Michelson. I am the Chair of this committee. Along with me are other committee members — Doyle Vermette is the Deputy Chair — Yogi Huyghebaert, Rob Norris, Kevin Phillips, Warren Steinley, and Corey Tochor. This afternoon we have John Nilson who is substituting in for Mr. Vermette. And today we will be considering a number of bills, Bills 79, 57, 84, 68, and 56.

Before we get into the consideration for those bills, we have two documents that we will be tabling today. The document of 15/27, Minister of Government Relations responses to questions raised at the December 4th, 2012 meeting of the committee regarding outstanding sums of money for the PDAP [provincial disaster assistance program] program, dated April 29th, 2013. We also have a document IAJ 16/27: the Ministry of Parks, Culture and Sport responds to the questions raised at the April 25th, 2012 meeting of the committee regarding questions raised during consideration of Bill No. 63, *The Regional Parks Act, 2012*, dated April 29th, 2013.

If everyone is in agreement, we will proceed with the agenda as planned. We will now consider Bill No. 79, *The Representation Act, 2012*. We will start with clause 1, short title. We welcome Minister Wyant and his officials. Mr. Minister, if you have any opening remarks, you are welcome to make them now.

#### **Bill No. 79 — *The Representation Act, 2012***

##### **Clause 1**

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. I'll first start by introducing Darcy McGovern, director of legislative services branch, who will be here with me today.

Mr. Chair, I am pleased to be able to offer opening remarks concerning Bill 79, *The Representation Act, 2012*. Under *The Constituency Boundaries Act, 1993*, following the decennial census, a Constituency Boundaries Commission is to be struck to prepare a report on the establishment of constituencies for the province of Saskatchewan.

As the members of this committee are aware, the independent Constituency Boundaries Commission has completed its consultations and filed its final report. On November 5, 2012, the Legislative Assembly passed a resolution adopting the proposed boundaries in the report. *The Constituency Boundaries Act, 1993* further requires the Minister of Justice to introduce *The Representation Act, 2012* in the same session of the Legislative Assembly to establish the new provincial constituencies as directed by that resolution. Accordingly this bill will establish 61 new constituencies and fix the boundaries as recommended in the final report of the Constituency Boundaries Commission that was tabled in the Legislative Assembly and adopted by resolution of the Assembly on November 5, 2012.

It will set out the names of those constituencies, and it will provide that the Act will come into force on the day following

the day the twenty-seventh Legislative Assembly is dissolved. Thus the new boundaries will come into force upon the dissolution of the current Legislative Assembly, prior to the next provincial general election.

Mr. Chair, those are my opening remarks, and I welcome any questions that any committee members have with respect to Bill 79.

**The Chair:** — Thank you, Mr. Minister. We will now go on to questions. The Chair recognizes Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair, and good afternoon. This particular legislation is clearly quite straightforward in the drafting in the sense that it just incorporates the report which was adopted by the Assembly. And what we do have here though is a very clear record of all of the names of the constituencies, of existing ones and also the new constituencies. But for people who want to actually see the information about this, where the constituencies are, do they have to go to some other place to get that information?

**Hon. Mr. Wyant:** — Well as you know, Mr. Nilson, the report was tabled with the House. The easiest way for people to get access to this information at this present time is by access through the Internet to the commission boundaries, so the commission has it posted. And then once it's been passed by the House, it will be on the website of the . . . Chief Electoral Officer's website.

**Mr. Nilson:** — Thank you for that answer. That's what I expected. I assumed it also would be on the Legislative Assembly website in the sense that it relates to boundaries for the next election. But perhaps you can clarify whether it would be on the Legislative Assembly website right away or would it have to wait until after the next election?

**Mr. McGovern:** — Of course the Legislative Assembly website being independent from the government per se, we would have to talk to them about that. It's a tabled document. Ordinarily I don't think they scan and put up every document, but I think it's a fair point that we can follow up with the Legislative Assembly Service I guess is the . . . and to see if that's something that they could put up on their website as well.

**Mr. Nilson:** — Thank you. When Bill 36, which actually increased the number of legislators, was passed last year, the Canadian Taxpayers Federation was quite adamant in saying that it was a surprise Christmas gift to Saskatchewan people to add three more legislators. And we've obviously raised this point in a number of other situations. But is it possible for you to tell me how much more the extra legislators will cost the taxpayers of Saskatchewan as we implement this particular Bill 79?

**Hon. Mr. Wyant:** — Certainly. The annualized cost of each new MLA [Member of the Legislative Assembly] will be roughly \$225,000 or \$675,000 a year for the three new MLAs.

**Mr. Nilson:** — Thank you very much. That's roughly what I anticipated, so that's helpful to have that information. Will the budget for the changes that are being made here come out of the

justice budget or out of the legislature's budget or the Chief Electoral Officer? Where are the costs for implementing a bill like this registered on the books?

**Hon. Mr. Wyant:** — The cost will come out of the Legislative Assembly's budget. I did want to point out however that, as we've made a comment on in the past, these additional costs will be absorbed in the expenses of executive government. So while there will be an additional cost for these MLAs, there has been a reduction in expenses in a number of areas of executive government.

**Mr. Nilson:** — So what you're saying is the legislative branch will be picking up the cost, but the reduction will be in the executive branch. So does that mean that there'll be a transfer of \$675,000 from the executive branch to the legislative branch?

**Hon. Mr. Wyant:** — The comment that I was . . . What I was trying to get across was the overall cost to government will not increase by virtue of the additional three MLAs, but certainly the cost of these MLAs will be borne by the Legislative Assembly. It's not anticipated that there would be any transfer of any funds going back and forth between Legislative Assembly and executive government. But to make the point that in terms of the overall cost of government to the taxpayer, it's not anticipated that there will be any additional cost.

**Mr. Nilson:** — Well somebody's going to have to pay the \$675,000. So I'm assuming what you're saying is that when the 2015 budget is being passed in the spring of 2015 for 2015-16, it will have to incorporate extra money for the Legislative Assembly to deal with the fact that there are more constituencies both in the election, which will be electoral expenses, and also in the months that remain in that fiscal year.

**Hon. Mr. Wyant:** — Once the Act does come into force, of course there'll be three more MLAs that have to be accounted for. So I think the answer to the question is that those additional costs will be borne by the Legislative Assembly budget, and for the balance of the year, from the date of the election to the end of the fiscal year, and then going forward with the cost of \$225,000 a year.

**Mr. Nilson:** — Okay. Thank you. But it's clear obviously that there's \$675,000 more as it relates to the Legislative Assembly, and then obviously there'll be the extra expenses in the election, the next election, and subsequent elections that will have to be accounted for, and we don't really know what that number is right now. Are there any requirements for extra staff within the Ministry of Justice as it relates to this particular legislation?

**Hon. Mr. Wyant:** — No, there won't be.

**Mr. Nilson:** — Will there be any review of this legislation after the next election in light of some of the fairly dramatic changes made in Bill 36 last year that relate to how the constituencies are created? And here I'm referring to the fact that it will not include anybody who was under the age of 18 as of June 1st, 2011, when these boundaries were created. And what that effectively does in 2015, November — if that's when the election is — that it will have a whole number of people who are in their, almost in their middle 20s . . . I guess that'll be four . . . they'll be up to 22 years old, who haven't been included in

the calculation. So I'm wondering if there's any thought about taking another look at that in light of what happens as these boundaries are brought into place.

**Hon. Mr. Wyant:** — As I mentioned in my opening comments, *The Constituency Boundaries Act* is based on the decennial census. So that's certainly the best way to look at the . . . The constituency boundaries won't be looked at again presumably until after the next decennial census pursuant to the legislation.

I would point out that when the Constituency Boundaries Commission were doing their work, they did take into account potential growth areas, and that's why there was 5 per cent on either side of the number that was picked as the average. And so there is some room for growth, some room in that number with respect to the growth of any of those constituencies. But as with anything, certainly after the next election, they're willing to look at what the impact of that issue is after the next election. I think that's the simple answer to it.

[15:15]

**Mr. Nilson:** — Thank you for that answer. We'll I guess all be interested to see if there are any dramatic shifts or not, and I guess that's true of every election. Can you confirm the date of the next election?

**Mr. McGovern:** — To the member, the answer to that isn't quite as straightforward as it could be. As the member's aware, there was a provision that was passed that provided that, notwithstanding the fixed elections Act, if there was a federal writ period that was going to overlap with the provincial writ period, it could get pushed to the following April. So essentially we're looking at the first week of November in '15 or pushed over to in April in '16. I don't have the specific dates in front of me, but those can be easily calculated. It's in my other book, I think is the short answer.

**Mr. Nilson:** — Thank you for that answer. Have there been any discussions between the provincial government and the federal government or the provincial government and other provincial governments related to the election date, given that this is a problem or an issue in more than one province in Canada?

**Hon. Mr. Wyant:** — The issue has been raised with the federal government certainly by our province, I assume by other provinces as well whose elections will be in and around the same time. We don't have a decision from the federal government with respect to their election date at this point in time, that they're willing to change it.

**Mr. Nilson:** — Thank you. I guess that's the crux of the whole matter is whether the federal government will be making some adjustment. And I guess that's probably the most unlikely scenario, so obviously in Saskatchewan we need to prepare for the two contingencies that we have. And clearly this legislation will allow for that preparation to take place without much fuss once we pass it. And so I don't have any further questions on this legislation, and I appreciate the answers that you've given me. Thank you.

**The Chair:** — Thank you, Mr. Nilson. Are there any other questions or comments regarding Bill No. 79, *The*

*Representation Act, 2012*. Seeing none, we will proceed with the voting on this bill. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 7 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 79, *The Representation Act, 2012* without amendment. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried. I would ask a member to move that we report Bill No. 79, *The Representation Act, 2012* without amendment. Mr. Norris makes the motion. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you.

We will now continue on the consideration of bills. We will now consider Bill No. 57, *The Condominium Property Amendment Act, 2012*. We will start with clause 1, short title. Mr. Minister, if you have any opening comments, you are certainly welcome to make them now.

**Bill No. 57 — *The Condominium Property  
Amendment Act, 2012***

**Clause 1**

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Just to introduce our officials that are here today: Catherine Benning, senior Crown counsel from legislative services branch, Leslie Krug, registrar of titles, and Jim Boyd, controller of surveys. I am pleased to offer some opening remarks concerning Bill No. 57, *The Condominium Property Amendment Act, 2012*.

Mr. Chair, *The Condominium Property Amendment Act, 2012* affects various areas of the Act with a particular focus on four main areas. These include consumer protection, dispute resolution, condominium conversions, and insurance. The bill was prepared after extensive consultation with condominium owners, boards, developers, the Canadian Condominium Institute, lawyers, surveyors, insurers, property managers, municipalities, SAMA [Saskatchewan Assessment Management Agency], and government ministries.

Mr. Chair, the consumer protection amendments add several new protections for purchasers of new condominium units converted from apartments, including amendments to require a declaration from a developer describing the improvements to the common property that are promised as part of the conversion, a bond or a letter of credit to secure completion of those improvements, and a reserve fund study before any conversion units are sold.

Mr. Chair, this bill improves the dispute resolution mechanism in the Act by creating a new oppression remedy that may be used by owners who believe they are being treated unfairly or that the corporation is acting in an oppressive manner, and a new ability for an owner to seek the assistance of the courts if the corporation is not fulfilling its duties under the Act, such as failing to enforce its bylaws or failing to maintain the common property.

Mr. Chair, city officials had expressed concerns that the Act does not provide sufficient guidance on what factors should be considered by local authority when reviewing applications to convert existing apartments into condominium units. This is addressed by adding a new regulation-making authority to prescribe a rental vacancy rate that must be achieved in order for a conversion to be approved.

Mr. Chair, the last amendment that I'll note today is the new requirement for condominium corporation financial statements to be audited annually. The ministry will consult further on this issue in order to prepare regulations that will define under what circumstances a corporation may be exempt from this requirement. We will consider whether the graduated exemption system used in *The Non-profit Corporations Act* could be adopted for use in the condominium context.

Mr. Chair, with those opening remarks, I welcome any questions with respect to Bill 57.

**The Chair:** — Thank you, Mr. Minister, and welcome to the officials. I would ask the officials if they are answering any of the questions or helping to answer the questions, they would state their name for the purpose of Hansard. Are there any questions or comments? Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair, and thank you to the minister and your officials for being here to answer questions about this legislation. It's clear that condominiums are part of our community in so many different ways, so this law is very important for many people and sometimes even for people who don't own condominiums because some of the activities that are dealt with in this property law actually affect how communities work.

What I plan to do is ask just some general questions at the beginning, and Mr. Forbes is going to ask some questions. And then I'll try to go through the changes or the ideas that you've got, that you've put into this legislation, and try to understand which ones you've included and which ones you haven't included and why, just I think to help people understand where certain ideas that have shown up maybe haven't actually made it into the legislation.

But my first question relates to the fact that this is consumer protection legislation. And we heard quite clearly that a lot of the consumer protection issues within the Ministry of Justice have actually been moved to a separate agency. Will the consumer protection issues as it relates to condominiums be dealt with by that separate agency, or will they be dealt with by the Ministry of Justice?

**Hon. Mr. Wyant:** — The consumer protection items in the legislation will continue to be handled within the Ministry of

Justice.

**Mr. Nilson:** — Can you explain for the public where those issues will be handled and how a person who has a particular issue as it relates to condominiums can enter into the ministry to get answers to their particular problems?

**Hon. Mr. Wyant:** — We'll have Catherine Benning answer the question.

**Ms. Benning:** — Catherine Benning responding. Today most of the consumer protection issues that are raised by the public are dealt with within the Ministry of Justice and actually by me personally. And what will occur in the future is, through the Office of Public Registry Administration there will be a group of Justice employees who will be able to answer questions about consumer protection and the elements of the Act that apply to that area. And that will essentially continue as it has before.

**Mr. Nilson:** — So if I was a person who had a difficulty, I would go to the Ministry of Justice in the blue pages and look up the word condominium, and I would get the right phone number? Or what would be the . . . How would you enter into the system to get help?

**Ms. Benning:** — Exactly how the new office will be represented in the phone book I'm not sure of at this stage, but certainly by calling the Ministry of Justice and calling the deputy minister's office, the message will be forwarded on to the correct location within the ministry. And after several years of dealing with these issues, the condominium community knows who to contact.

**Mr. Nilson:** — Thank you for that. But I think it's just helpful to get on the record that this will be an area that will be dealt with by this new office. And we still have to look at the legislation that creates that new office, and we'll soon do that.

But practically, condominium issues are ones that have many iterations, if I can put it that way. They can be disputes between individuals that own condominiums, and between the board and an individual who owns a condominium. It can be between a municipality and the condominium corporation, and it can be just sort of general things that happen in the neighbourhood.

And so I know when I've looked at this legislation, you've tried to respond to a number of suggestions from all of these places that the minister listed in his opening remarks. And that's I think why we probably need to have a little longer conversation to understand where you've made the balanced decision in the legislation. So I appreciate that, and we'll go ahead.

I think what I'll do now is let Mr. Forbes ask some questions, and then we'll go back to a detailed look through the bill.

**Mr. Forbes:** — Thank you very much, and I appreciate the opportunity to ask some questions about this issue. It's one that's important to a lot of people in my riding because I probably have the most, I wouldn't be surprised if I have the most condos in the province because I represent downtown Saskatoon. And in fact I just got off the phone with somebody. I know they've been in correspondence with the Ministry of

Justice about issues, and I'll raise them in a minute.

But I do also want to thank the ministry. I had an intern a couple of years ago that was working on issues related to condo ownership, and the intern found the ministry very co-operative and helpful in terms of understanding the issues. And so I want to . . . It helped me really understand how the issue . . . how condos have come to be a big issue, especially since 2006.

The issue that my constituent had raised — and it was probably about, now it's going to be about three or four years ago actually — is the whole issue of non-resident owners or renters in the condo.

[15:30]

In fact I just was speaking to her. In her situation it's a condo that's a building that's, I would say, is probably fairly mature in that the owners . . . It's largely lived in by owners but it's . . . About 15 per cent now are renters. The big fear is, though, that a significant number of folks in the building are in their 80s and the potential for them to be staying there in the next few years is less and less. They may in fact be moving on to a different type of housing situations, and what will happen?

And so the fear in the building is that they'll have a third or even more of the properties actually be rented out. And they really get a sense of how that is different in terms of maybe a more co-operative, more like-minded lifestyle — you know the people in your building; you know they're there for a while, whereas opposed to tenants who . . . And the reason people are tenants is because they want to have that flexibility to be in a building for a while and then maybe move on. They're not looking for permanency that an ownership situation would be.

So I did see in your review of *The Condominium Property Act*, the discussion paper that came out in 2011, that you did raise that issue as a discussion piece. And I didn't see that translate into the bill. In fact the recommendation was that no amendment is recommended at this time.

But the issue was that condo corporations have expressed interest in being able to restrict or prevent rental of units within their development. Can you speak a little bit to that?

**Hon. Mr. Wyant:** — As you know, the section in the Act — section 44 specifically — prohibits condominium corporations from passing bylaws that restrict an owner's ability to rent their unit. When we went through this discussion — and we certainly had some very frank discussions with a lot of people — one of the concerns we have especially in the larger centres is if you were to restrict an owner's ability, that could have a tendency to reduce the amount of rental units available in a particular area. And as you know, the rental accommodations in the larger cities at least anyway, and further throughout the rest of the province, is becoming quite restricted.

So the other problem with it was that if you change the law in midstream to say that the condominium corporation then can pass a bylaw, that would be very . . . first of all it would be very difficult to take away certain owners' rights and their right to rent. So it would be a very, very difficult thing, I think, to move forward. I'm not sure if Catherine has anything to add to that

but, you know, one of the things that's very important is that we don't restrict the availability of rental accommodations in the cities.

When we were going through the condominium conversion, there was a time in Saskatoon . . . And you'll recall, Mr. Forbes, that there was a great number of condominium conversions that were happening in the city of Saskatoon. It was very important to us when I was a city councillor to ensure that there continued to be not only access to homeownership but that we didn't unduly restrict the amount of rental units available. And we were told at that time that the majority of these units were going to be used for rentals. So I think that's a very important consideration to make sure that we don't restrict the rental accommodations that are available in a city. And to change that midstream would be very, very difficult.

**Ms. Benning:** — The only thing that I think would be useful to add around that is when *The Condominium Property Act* was developed, there was the intention to give condominium unit owners the full basket of ownership rights that are the same as the ownership rights that a homeowner who owns a house on a separate piece of property had.

And homeowners have a basket of rights, and that includes the right to sell to whom they wish and to rent if they wish. And so if we were to allow condominium corporations to pass bylaws which restrict an owner's ability to rent — and usually that's done by saying only a certain percentage of the units are able to be rented within the development — that means that some condominium unit owners in a particular development may have the right to rent whereas other unit owners would have an incomplete basket of rights associated with their ownership. So it is consistent with the philosophy of land ownership to have the ability to rent as well as to sell.

**Mr. Forbes:** — Now in other jurisdictions . . . and I'm not totally familiar with the regulations, but you might be. Vancouver has done some work in this area because of the situation they see, and we see the situation where the government is doing a tax rebate to encourage rental properties, the development of new rental accommodations. But they're allowing for individual titles of those rental properties, so in a sense they're really talking about building condos. Which sort of gets away from the dedicated rental units, because that's what we're really lacking in this province is apartment complexes of rental units that are rental units, that are not potentially going to be condos in a couple of years. That's always a challenge. So I appreciate your argument about making sure that there is a pool of apartments that need to be rented out. That's for sure.

But these folks in this building feel like, gee, you know, when we bought this, you know, we didn't see what was going to happen. It's sort of like saying that . . . And I appreciate the full basket of land ownership. But you know, in a block, you buy a house in a neighbourhood and everybody's got a single detached house. And all of a sudden you see somebody buying three houses, which is appropriate. Now there are zoning bylaws, and the minister will know this better than I because he has experience at the urban level, but there is a point where you say, gee, it looks like we're getting somebody having more than one property. They're renting out three or four along a block.

It's changing a neighbourhood. Isn't there anything we can do?

And I appreciate the sense of, you know . . . We do appreciate land ownership, and that's the whole thing. But we do have zoning bylaws, cities can have zoning bylaws to prevent undue changes in neighbourhoods and they do come in after the fact. But I don't know what . . . What does Vancouver do about this, and what can we learn from Vancouver?

**Hon. Mr. Wyant:** — Yes. I guess I'll answer that by saying, you know, there's changing demographics in neighbourhoods just like there's changing demographics in condominiums. Renters in buildings are subject to the same rules and regulations in a particular building that everyone else is in. And those rules are there to protect, you know, they're to protect the kind of neighbourhood integrity. So it's, you know, issues like noise and those kinds of things are all dealt with within the rules.

So while I appreciate the fact that there's changing demographics in the building, demographics change through neighbourhoods as well. And I think, in a lot of respects, that's just the reality of the situation.

**Mr. Forbes:** — And I understand that. And the biggest concern this person had — and I understand this though, because you see that tenants would say, her concern was the fact that when it came to having AGMs [annual general meeting] and having people come out to volunteer for different positions, the owners will come out, because they have a vested interest in maintaining a good, healthy atmosphere in the building. Tenants, not so much. And I don't blame the tenants as well because that's not what they signed up for.

And so I appreciate where you're saying in terms of, this is not where we're going to go. But I do think that we do need to examine this more fully, because I do think condo, condominium lifestyles is an appropriate one, and it's a good one. But how can we make sure that it's fair to everybody in the building?

For example, I don't know, this would be lessons from Vancouver, other places, where we see these challenges. I mean it is interesting as we talk about housing strategies. We don't often think of condos as part of that housing strategy. We think of rental units. We think about houses or homes, but we don't think of what role condos play in that because . . . particularly for young people and seniors.

But I do think it's interesting that Vancouver is doing that, because they do see some real challenges and some real opportunities. So that's what I'm asking. Have you looked at what Vancouver does? Are there lessons there that we could learn?

**Hon. Mr. Wyant:** — I think it bears some examination to look to see what they're doing in British Columbia, Mr. Forbes. So I think that that's probably something that we can undertake, to have a look to see what's happening in British Columbia, to see whether or not anything that they're doing there can be instructive to what we'll eventually do or move forward with in Saskatchewan.

**Mr. Forbes:** — I very much appreciate that, because I know this piece of legislation is often under review because it's constantly changing and we can do more. And I mean there's new forms of housing where there's co-housing and intentional housing, that type of thing.

I do want to ask a specific question about in the bill, section 3(b) where it adds the following clause: "a short-term rental management pool." And what is that about and what does that allow and what does it change from what was in existence before?

**Ms. Benning:** — The term short-term rental management pool is intended to deal with situations where owners of units don't intend to occupy their unit personally, and enter into an agreement with a management company to rent out their unit for periods of less than a month. And this type of arrangement is becoming common in some of the resort areas where the unit is rented out on a daily or weekly basis similar to a hotel.

And so that definition has been added to the Act so that it is an element of the required disclosure that a developer has to give the purchaser of the unit, as well as if an existing unit owner is selling their unit. And if there are units in their development that are subject to that kind of arrangement, that the purchaser of the unit is aware of that going in so that they know that they're living more in a hotel arrangement than they are in an arrangement where you're dealing with long-term owner-occupiers or long-term tenants.

**Mr. Forbes:** — I appreciate that answer. And so then the whole building would be more or less that way as opposed to three or four units out of 20.

**Hon. Mr. Wyant:** — Well I'll answer it this way, Mr. Forbes. There are some situations, and I'll take Saskatoon as an example, where there have been some buildings where a number of units in a particular building have been purchased that are used in, you know, kind of a short-term pool arrangement in the same building where there are long-term tenants and long-term owners. So it would be fair I think that if somebody was purchasing a unit in that building that they were aware of what was happening within the building. So it's not typically an entire building. We've seen many situations where there are short-term rentals.

**Mr. Forbes:** — In the situation now as it exists, they can't do short-term rental arrangements.

**Hon. Mr. Wyant:** — Yes they can. There's nothing in the legislation that restricts anyone from purchasing a unit in a condominium and renting it out for very short periods of time. The intent of this amendment is so that, you know, if you go in and buy a unit, you'll know that there will be people coming and going.

**Mr. Forbes:** — I appreciate that. I think that's a good thing. I guess to my earlier point, this may be even more alarming to people. I know, in fact I just moved from one condo to another in the city here, and I understand that there was a condo that was sold to a company. And it speaks to your point about rental shortages. But it's going to be provided to workers, and that's just what it is which is a very big change to the building

because if you knew your neighbours across the street, across the hall were in fact there for a week, two days — who knows?

So this is why I think this whole issue about non-resident ownership is a complex one. I appreciate the fairness aspect but I do appreciate the fact that because of circumstances this is a big challenge for a lot of people and especially older people who thought they were buying into a place and they find out it's changed. And that was the other one but I don't think I'll belabour it because I know we've got things to cover.

There's the whole issue about age limits and human rights but that's also I think being addressed in Vancouver where the idea of senior condos . . . And they're working their way to that, you know. But I won't go into that right now because I know there are more questions. I appreciate your answers. Thank you very much.

[15:45]

**The Chair:** — Is there any other comments or questions regarding Bill No. 57, *The Condominium Property Amendment Act, 2012*? Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair. So now we'll get into some of my longer questions on this particular issue. I appreciate the answers around that particular question, or the questions that Mr. Forbes raised, because they fit in with the overall structure of the legislation, if I could put it that way.

And I guess the specific questions that I have will follow your review document that you wrote on July 25th, 2011. And I think it would be helpful for all of us just to have the answers in shorter form of how you chose which pieces to put in the legislation. And I think most of them are quite obvious but some of them aren't.

But let's start off with the first one. The issue that's identified by you is whether the condominium corporation board of directors' names and contact numbers are very easily accessible. And it looks as if there was a suggestion that you would figure out a way to do that. But I'm not quite sure I figured out how it works in the legislation. So perhaps you could explain your solution to that particular issue.

**Ms. Benning:** — The amendment to the duties of the board and the corporation have now been amended to include an annual filing with the director of corporations, and the specifics of what's required to be included in that annual filing will be specified in regulations. And so that should address that issue, but we anticipate that there will be further consultation required to determine exactly what elements will be required for the annual filing.

**Mr. Nilson:** — Thank you. So the intention is that people would have access to the names and contact information for the members of the board of directors, but it's not obvious in the legislation without you explaining it now, because it'll come in the regulations. Are there other particular issues that will be dealt with that way? Or maybe I should just go through the questions that are here. But practically the undertaking, I guess, of the minister is that this problem will be solved in the regulations and not in the Act, I guess.



**Ms. Benning:** — The amendments to the Act enable the issue to be resolved in the regulations, but it was deemed appropriate that the details of that annual filing be dealt with in the regulations following some additional consultation.

**Mr. Nilson:** — Okay. So we'll go through the specific issues that were raised in your consultation paper and then I think there may be some other questions we'll have at the end that relate to that.

I guess it's always an interesting challenge for legislators when the important kinds of things are delayed to later and we don't see the regulations at the time we're looking at the legislation. So I just make that as a general comment and you probably heard it as a legislative person or lawyer who's working on these issues over many years because . . . But I agree with you that perhaps the very specifics of it need to wait for the regulations so you can change it much more simply than in the legislation.

The next section in your proposal was around the kinds of information that the developer had to put into their package when the purchasers were looking to purchase a condominium. And I think that, you know, you listed seven areas where these additional pieces of information should be put into section 26 of the legislation. And the first one is the information around the short-term rental management pool which we've heard about.

The next one was a copy of the reserve fund study for development. And we know that that's really important because it often has details of the next five years of contributions you're going to have to make to make sure the building's still standing, and you can still live in your unit or use your unit.

And then name and contact information of the property manager, a copy of the developer's declaration or the developer's reservation, which is obviously a technical term in the Act, but it's obviously a statement of bona fides by the developer about a whole number of things.

And then a statement specifying any parts of the common property, common facilities, or service units that a unit owner is not entitled to use. And that's a bit of an interesting one but I can see . . . You may want to explain that.

And then also a statement that indicates where the unit has been converted from a previous use as an apartment, tenement, or flat.

And then finally, if there has been a construction of common property, common facilities and service units that's in progress or maybe future, there needs to be a very detailed description of what it's actually going to be so that a purchaser knows what's there.

Can you tell me which of these items are in the legislation, which items are going to be in the regulations, and then which items have dropped off the proposal?

**Ms. Benning:** — If you look at the amendments that are being made to section 26 of the Act that are found in section 15 of the bill, all of the items that you noted as stemming from the consultation paper are found there. In particular, in clause (c)

from section 26 is being amended to include the name and contact information for the property manager.

You've made reference to the short-term rental management pool for units within the corporation. And that's found in new (j.1).

A new clause (r) includes a statement that indicates whether the unit has been converted from a previous use as an apartment, tenement, flat, or other purpose.

A copy of the reserve fund study is found in (s).

Clause (t), a copy of the developer's declaration or developer's reservation, if one is required in the Act, needs to be provided.

Clause (u) deals with a statement specifying the parts of the common property, common facilities, or services units, if any, that the unit owner is not entitled to use.

And clause (v) deals with construction of the common property, common facilities, and services units where that construction is not yet complete, and a disclosure of the detailed expected amenities and the schedule for construction. And in the case of . . . This is actually one that wasn't included in the consultation paper that was raised through the consultation sessions.

In the case of a completed unit, a copy of the final inspection report by the local authority, detailing compliance with zoning requirements, building and fire code requirements.

And then additional items can be added by way of regulations.

**Mr. Nilson:** — Thank you for that explanation. And it shows then how this process worked. You used your original document from a couple of years ago and then added things that were reasonable suggestions. One of the items here, and I know, I think it comes up a little later in here but might as well ask this question now. I know the reserve fund study issue is really a crucial one for the value of a unit. And I think there's a suggestion that there be a bond or that there be some insurance for the person who actually prepares that document if there's a subsequent dispute. Has that been included in the legislation or is that something that wasn't included?

**Hon. Mr. Wyant:** — That's one that's going to be dealt with by way of regulation. We did certainly have some significant discussion about it and the potential liability that can arise by a faulty study being provided to an owner. But we will be dealing with that in regulation.

**Mr. Nilson:** — Is there any reason that it's being dealt with in regulation rather than in the Act, given the seriousness of it compared to some of the other things?

**Hon. Mr. Wyant:** — The regulations already contain the provisions for the qualifications for people that can do reserve fund studies so we felt it appropriate that it be just added to those regulations.

**Mr. Nilson:** — Okay. Well thank you for that, and we'll watch carefully in the regulations. I just know that it's often a source of litigation, especially in the Vancouver market with all of the

water issues and the rain issues that have been playing out over the last 10 or 20 years in Vancouver. So you know, it is one where . . . That's a start to put it in the regulations but it may be that this one actually maybe should be considered to be moved right into the Act to make it very, very clear.

Now I know the next section of items in your report were the kinds of information that should be provided to the new condominium board from the developer when the condominium board takes over. And you list in your report quite a number of documents. And perhaps you can explain rather than me asking them all individually, but I'll let you explain which ones you included in the legislation, where they were included in the legislation, and then which items have not been included. And this does relate I think also to a question around the audited financial statements and the cost of that.

**Ms. Benning:** — The amendments that we're talking about are amendments that are contained in section 9 of the bill which affect section 12 of *The Condominium Property Act*. So there are a number of new items that have been added to the list of items that need to be turned over by the developer to the condominium corporation when the corporation's administration will be taken over by an owner-elected board of directors. So the requirements, new requirements that are being added are manuals associated with the real and personal property that will be owned by the corporation that are contained in the common property and common facilities and services units of the corporation — obviously fairly important to have the manual for the boiler.

[16:00]

Then in addition to that, we've got new clauses (h) through (o) which include copies of all insurance policies that are obtained to cover losses to the common property, common facilities, services units, and units as required in the Act.

There is a new requirement for developers to provide a standard unit description for each type of unit shown on the plan. And that description has to be turned over to the condominium corporation at the turnover time, also all records of employees of the corporation because they may choose, rather than a contract situation with a property manager, they may choose to hire an employee more directly, a property manager. So they need to turn that over to the corporation.

Audited financial statements for the corporation for the period while the corporation was being operated by the developer. In the case of a plan that's dealing with conversion units, a copy of the reserve fund study. And the reason why it's only conversion units is the requirement for a reserve fund study for most new condominium corporations is to have that study prepared within three years of registration of the plan. But for condominiums that include conversions, we're dealing with an existing building, and the developer's required to say what things they're going to improve and to do the reserve fund study in advance of the sales so that the owners, the new owners understand what they're getting themselves into.

And (m), any plans or agreements relating to a short-term rental management pool for units within the corporation, so linking back to the earlier discussion that we had. A copy of all claims

and liens for the corporation and a summary of all outstanding payments owed to or by the corporation. So that's the list.

**Mr. Nilson:** — Thank you very much. And it's clear then that those last two items were added in the consultation to make sure that these particular liability issues could be dealt with and make sure there weren't any surprises in that world.

Now so then the next area that you go into in your consultation then and also, I'm sure, in the legislation are the duties of the condominium corporation board. And the one thing that looks like it's going to be added in this legislation is that there be audited financial statements of the condominium corporation unless the corporation passes a bylaw allowing unaudited financial statements. That was the discussion paper. How has that landed in the bill that we have here, in Bill No. 57?

**Hon. Mr. Wyant:** — We're requiring audited financial statements, although we will be providing some exceptions to that in the regulations. And that will be subject to some further consultation; there may be circumstances where they aren't required. But in the legislation they're required unless they'll be exempted by regulation.

**Mr. Nilson:** — Thank you for that. Can you give some examples of where there would be exemptions, and then also address the issue that I think some groups are concerned about, this extra cost of having the audited statements, especially in some fairly small condominium operations?

**Hon. Mr. Wyant:** — As I mentioned in my opening comments, you know, there's some potential for having a graduated system as set out, similar to what's set out in the non-profit business corporations Act. Things that might be taken into account are the number of units, the size of the reserve fund, the operating budget, those kinds of things. You can see a situation where there'd be a very small condominium with, you know, six units in it and it would be a financial burden perhaps for audited financial statements to be prepared in that particular case. But this will be all dealt with; we'll get through this through some further consultations and develop that model.

**Mr. Nilson:** — Thank you for that explanation. And that, I think, addresses some of the concerns that we had in that area. And clearly having the best information available for everybody is always the goal, so you start with that and then make some exceptions.

Now I guess the next issue that you raised in your paper is around having actual bylaws around maintaining the property. Would that be a way of describing it? And have you come with a solution to that in the legislation or is this something that will be in the regulations?

**Ms. Benning:** — There are a number of amendments that are being made to section 47 of *The Condominium Property Act* that give new bylaw-making authority to condominium corporations. One of them allows the condominium corporation to pass a bylaw to agree to maintain all or portions of a unit. And that was specifically identified through the consultation process of being an issue for bare land condominiums if they are developed as townhouse-style or row house condominiums.

Because under the Act today, everything that's contained on the, within the survey markers on the ground in a bare land unit is the responsibility of the individual unit owner. And that model doesn't recognize the sort of interconnected relationship between — from unit to unit — the buildings constructed on the various units in the case of row houses or townhouses. So this provision allows a condominium corporation to pass a bylaw agreeing to maintain certain portions of the units.

And it's anticipated that they'll agree to maintain, for example, the exteriors, the roofing, the common support walls, those types of things that under the current model would all be the responsibility of the individual unit owner and could potentially lead to being, you know, a variety of standards of repair and maintenance which wouldn't be beneficial to the development as a whole.

The other item that's in the bylaw-making authority is a specific authority to pass a bylaw to allow the condominium corporation to collect common expenses and reserve fund contributions for that new responsibility if they pass the bylaw to maintain a unit. So those are important elements that were brought up at every consultation session.

**Mr. Nilson:** — Thank you for that explanation. And I think it does respond to that concern that as the condominium corporations and their boards mature, they identify problems that need to be fixed.

As it relates to this area, there always is the issue of damage from one unit to the next unit where it's not the condominium corporation's liability that's an issue. It's the tenant above who leaves the water on in the bathtub, or there's some other maintenance issue in a unit beside you or above you or below you. And I'm not quite sure where I saw it, but I thought there was . . . there didn't seem to be a rule that every unit had to have appropriate insurance as part of their right to own the unit. Or have you dealt with that somewhere in the legislation?

**Ms. Benning:** — That was an issue that was posed in the paper as to whether or not there should be a requirement for each owner to carry owner's insurance. The interesting thing about that is in section 65 of the Act, which we've rewritten to better accommodate some of the other rules that have been added to the Act, currently requires the condominium corporation to carry insurance on common property, common facilities, services units, and units.

So there are a couple of things that are being managed through the new provisions in the bill, the first one being the division of responsibility for the condominium corporation's insurance to cover damage to a unit as compared to the owner's responsibility under their insurance policy. And the standard unit description is a new attribute to the Act which assists in determining where that line is.

So the standard unit description would describe the standard amenities that the developer provides as part of the unit. So for example, the standard might be laminate countertops and oak cupboards. But if the owner chose to improve that to ash cupboards and granite countertops, then that improvement and the cost of replacing damage to that improvement would be the owner's responsibility because the insurance for the corporation

would only cover what is up to the standard.

**Mr. Nilson:** — I appreciate that. So that's a replacement insurance. What about the liability issue from one unit to the next? Or maybe you've answered me already by saying it's part of that section, that that's the condominium corporation's responsibility. But the reason I asked that is I know that that often becomes a dispute.

So you have the standard unit definition which includes all of these physical things and actually the boundaries, I guess, if I can put it that way. And then if something happens that then causes a problem to your neighbour, is there a requirement that each unit holder have that kind of liability insurance?

**Ms. Benning:** — We had a specific consultation group with experts around condominium insurance, and this issue was discussed at great length there. And it was agreed amongst all participants that it would be inappropriate to force an individual unit owner to have insurance. And it goes back, in some cases, to some religious groups believing that insurance is a form of gambling and that they should not be engaging in insurance. So that decision to carry insurance by an individual unit owner is left to the decision of that individual unit owner. It's not mandated by the Act or by the bylaws.

**Mr. Nilson:** — So that was going to be my next question. So a condominium corporation cannot pass a bylaw requiring every member to have their own personal liability insurance to deal with these particular issues? Because it sounds like the remedy that you've given them is, well sue the unit holder. And if they can't pay you, then you'll seize their unit and sell it and then pay off the damages, which is probably not a normal solution to that particular problem.

**Ms. Benning:** — There is — and I'm just looking for the appropriate provision here — there is a provision in the new section 65 that deals with damage to another unit. Give me one moment and I will find that provision for you.

[16:15]

Take a look at section 65(6). It indicates that:

If the owner of a unit, or a person residing in the owner's unit with permission or knowledge of the owner, through an act or omission causes damage to a unit, the amount determined pursuant to subsection (7) may be added to the common expense payable by the owner of that unit.

So you can potentially be liable for the damage to the unit below if your tub overflows above.

**Mr. Nilson:** — Thank you for that. That is the specific answer to that question. I can imagine some other possible ones that would cause some trouble, but I think that actually deals with the most common issues in there, so I appreciate that.

Now I think when I go through your comments, we've talked about the conversion kind of changes that you have, and I know it was the previous legislation in 2009 where we dealt with a lot of the parking issues. And have there been any changes in this legislation to deal with issues that have arisen because of the

2009 amendments around parking? And if there have been, maybe you can just give me an overview.

**Ms. Benning:** — Parking is still a hot topic. Anybody involved in condos knows that. The amendments that were made a couple of years ago allowed for titled parking. What it didn't resolve is some of the process-related questions around the administration of parking and the ability to redesignate an existing parking space or parking unit to another owner. And this Act makes some tweaks to that which today the plan actually shows the designations of each parking unit and parking space, and that has resulted in a very cumbersome process to redesignate those. So that process is changing so that it's now all registration based on the titles. So that you can see immediately, by interest that's noted on title, what parking space or parking unit is designated to your residential unit. So that's an improvement that's happening through this bill.

**Mr. Nilson:** — Thank you. I'm assuming there'll probably be some problems with that too and obviously you can respond to them when they come because I agree that the parking issues are always ones that cause concerns.

Now in your proposals you deal with a number of issues around phased condominiums and you referred to some of that information earlier, so I'm not going to ask about that. And what you do talk about, you know, a bit here is around the descriptions of the units or of what you actually buy. And so the parking is one change where you're going to make it a change.

Are there other things that you're changing in sort of in the survey kind of information or the unit descriptions that are solving problems? Perhaps you could just give me a brief explanation of that, or Minister or Mr. Boyd.

**Ms. Benning:** — There's only a couple of changes associated with the survey. There is one change that makes it optional, at the controller's discretion, for the area to be shown associated with the services unit. Today, under the current provision in section 9, the area is required to be shown on the plan for every unit that appears on the plan. But recognizing that services units are different because they are likely to contain things such as elevators, hallways, stairwells, that kind of thing, that the calculation of the area may be very difficult and, quite frankly, not relevant to the purchase of a unit because those services units have to be owned by the corporation itself. They can't be owned by individuals.

**Mr. Nilson:** — Thank you for that explanation. Now the next area that you've had in your discussion paper related to some of the dispute resolution solutions. And perhaps you can just give us a brief outline of what came out of the consultation, and what actually made it into the Act. I think there are three areas that you outlined in your discussion.

**Hon. Mr. Wyant:** — There is a new dispute resolution provision contained in the legislation. There's an oppression remedy where the owner believes that the board or the corporation or the developer or another owner is acting in an oppressive manner. So that's been added. There's also where the owner or tenant or any other interested party believes that the corporation is failing to fulfill its duties under the Act. So there's reference ability to go to court to have those remedied.

There's also the ability of the condominium corporation, if it wishes, to seek under *The Small Claims Act* compensation from the owner or a tenant for damages caused by violations of the bylaw. And that's in addition to the existing power to seek a penalty of no more than \$500. So those are principally the changes that have been made.

**Mr. Nilson:** — Thank you very much. Then I also notice that there have been some changes made around the reserve fund and the common expense fund to make it I think easier for the condominium corporation to actually charge the individual owners for expenses that have arisen, and then that you set out the maximum interest rates. Is that something that's going to be in the Act or will that be in the regulation? And can you give us a bit of an idea where we'll fit on some of the interest rates, for example, compared to BC [British Columbia] or Alberta?

**Ms. Benning:** — In terms of the interest rates on unpaid contributions, whether it be reserve fund or common expense fund, the interest rate will be set by way of regulation. And we had lots of discussion about this issue at consultations about what the purpose of that interest was. Was it intended to be a deterrent or just to compensate the corporation from the lost income through the contributions?

And so the suggestions were varied, to say the least, from a choice of potentially having it as high as some of the credit card interest rates, to something far less than that and closer to the interest rate that you might receive on a line of credit, for example. And because that's going to be dealt with in the regulations, there's more consultation to be done on that. Other provinces generally do set a maximum. And they vary as widely as the opinions that were expressed in the consultations. So we need to find one that's right for the Saskatchewan environment.

**Mr. Nilson:** — Okay. Thank you. And so basically this will be a power put in the legislation to have that dealt with in the regulations because it's going to be ... obviously further discussion. Now I think the only other one that was a bit curious to me, and then I think I'm probably mostly done, relates to this tax enforcement over a parking spot.

Can you explain why? I mean what did you do with that whole issue? Is it in the legislation or is it going to be in the regulations? And what is the solution that you're proposing?

**Ms. Benning:** — This is a fairly technical amendment that's being made. This is sort of the interaction between the requirements to provide parking that exist under *The Condominium Property Act* and the ability for municipalities to enforce for unpaid municipal taxes. And with the new ability to have titled parking, additional complications were thrown into that mix.

So there are amendments that are being made that require that titled parking that has been designated to an individual residential unit can only be taken for unpaid municipal taxes along with the residential unit. And that's to ensure that the compliance with the requirement for titled parking continues on even through the tax enforcement process. And the other side of that, it allows the municipality to have one tax account for both those units, the residential unit and the designated parking unit. So it just marries those provisions together better than they

were in the current Act.

**Mr. Nilson:** — Okay. Well thank you for that explanation. And I guess the other side of that is that you can't separate the residential unit and the parking unit and sell just one piece of it. Or am I wrong about that?

**Ms. Benning:** — The current Act requires that there be one parking unit or parking space designated for each residential unit on a plan, unless the local authority has granted an exemption from that requirement. And that happens periodically in downtown situations where, you know, the parking isn't possible. But there is the potential for a parking unit. There are to be more parking units on a plan than are required to meet the requirement for one parking unit per residential unit. So there's the potential for parking units to be sold separately as long as that requirement for one parking unit or parking space per residential unit is continued to be complied with. And the land registry has lots of procedures in order to make sure that that requirement is complied with with every land transaction involving condos.

**Mr. Nilson:** — Okay. Well thank you for that explanation. I don't think I have any more questions, Mr. Chair. But it's been very helpful to get the explanations around the choices that you've made as you've come forward with these amendments. And I know there are a number of people who live *The Condominium Property Act* day and night and they'll be happy to have some of these explanations in *Hansard* so that they can look at them. So thank you very much for your help.

**The Chair:** — Thank you, Mr. Nilson. Is there any other questions or comments regarding Bill No. 57, *The Condominium Property Amendment Act, 2012*? Seeing none, we will proceed with the voting. There are 42 clauses. We will start with clause 1, short title. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to]

[Clauses 2 to 42 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 57, *The Condominium Property Amendment Act, 2012* without amendment. Is that agreed?

[16:30]

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 57, *The Condominium Property Amendment Act, 2012* without amendment.

**Mr. Phillips:** — I so move.

**The Chair:** — Mr. Phillips so moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you.

We will now consider Bill No. 84, *The Common Business Identifiers Act*. We will start with clause 1, short title. Mr. Minister, if you have opening comments, please proceed.

### Bill No. 84 — *The Common Business Identifiers Act*

#### Clause 1

**Hon. Mr. Wyant:** — Thanks, Mr. Chair. With me today is Catherine Benning, senior Crown counsel, legislative services branch; and Ardith Stephanson, director, online and enterprise services at ISC [Information Services Corporation of Saskatchewan].

Mr. Chair, I'm pleased to be able to offer opening remarks concerning Bill 84, *The Common Business Identifiers Act*. This bill facilitates the continued development of a future one-stop business service by establishing a secure database or what is referred to as the hub for sharing business information. The hub allows information to be shared between Canada Revenue Agency and designated government programs to facilitate the use of a common business identifier known as the business number.

The bill will allow interested government ministries, agencies, and municipalities to use the business number and the hub to share business information such as name, address, corporate directors with other participating agencies. Businesses will provide information and updates to one of the participating agencies and have that information shared with other participating agencies through the hub.

Mr. Chair, this bill is a significant step forward for the province toward its ultimate goal of providing a business-friendly environment and a one-stop business service. And with those opening remarks, Mr. Chair, I welcome any questions with respect to Bill 84.

**The Chair:** — Thank you, Mr. Minister. And if I could just remind your officials, if they would include their name with any answers, I'd appreciate it. Comments and questions. Mr. Nilson.

**Mr. Nilson:** — Yes. Thank you very much. And I just have a few questions on this. Can you explain how many other jurisdictions in our neighbourhood, if I can put it that way, in Western Canada have this program in place already, and sort of what the progress is? Because it's my understanding that this is a national plan to have the common business identifiers.

**Hon. Mr. Wyant:** — Thank you for the question. There's five other provinces that are existing partners with CRA [Canada Revenue Agency] and the business number program. There's other jurisdictions that aren't yet participating, and there's a variety of reasons for that. But at the present time, there's five provinces.

**Mr. Nilson:** — Could you name those five for the record please?

**Hon. Mr. Wyant:** — They are British Columbia, Manitoba, Ontario, Nova Scotia, and New Brunswick. And as I mentioned,

there's other jurisdictions that are currently considering. Newfoundland and Labrador, Alberta, Prince Edward Island are also investigating their participation.

**Mr. Nilson:** — Is there a cost to the provincial government to do this given that it's Canada Revenue Agency that you partner with? Or do they provide money to assist in this in that it helps them as well in their work?

**Hon. Mr. Wyant:** — There is a cost to the technical development and the ongoing work of the province. CRA pays its own cost with respect to the program.

**Mr. Nilson:** — Are there any grants that come from anybody? The reason I ask is I know that when British Columbia brought this in, they got Western Economic Development money to pay for their system, or pay for part of it.

**Hon. Mr. Wyant:** — Yes. The answer would be no.

**Mr. Nilson:** — Okay. Well that's too bad for us I guess. So do you have an idea of how much it is going to cost to implement this program?

**Hon. Mr. Wyant:** — To date, ISC has incurred approximately \$1.2 million for last spring's initial implementation and a smaller release this October. So there'll be further system development and project support.

There'll be an additional \$480,000 which is estimated to cover the expansion of entity types available to automatically receive the business number and completion of the work on the messaging systems with CRA.

**Mr. Nilson:** — So how does this . . . Will this whole program go to the new office of registries or will it stay with ISC, or what is the plan there?

**Hon. Mr. Wyant:** — Section 8 of the bill authorizes the minister to establish and manage the information system for the purposes of receiving and storing the information relating to the common business identifiers and the business entities.

Currently the government has an agreement with Canada, with CRA, for the use of the business number for business corporations registered in the corporate registry operated by ISC. There will be a new agreement, will be required with CRA to allow the expansion and the use of the business number for other corporation types and the sharing of this information with public bodies.

**Mr. Nilson:** — So my question though is, where? Where will this registry be? Will it be a separate one from the office of the registries? Will it be in the Ministry of the Economy? Or where is this actually going to be dealt with within the provincial system?

**Hon. Mr. Wyant:** — That will be subject to the further negotiation of the service agreements which it needs to happen. It's our expectation though that it will be housed within ISC.

**Mr. Nilson:** — So this whole program will be at ISC as opposed to in the office of registries that we talked about

before. Can you explain why there as opposed to the office of the registries?

**Ms. Benning:** — The Office of Public Registry Administration will continue to have responsibilities for the corporate registry which uses the business number. And the agreement with CRA will continue to be with the Government of Saskatchewan. So the Government of Saskatchewan will have to deal with the operational aspects of the common business identifier in the negotiations with ISC. And we anticipate that it will be there and supervised by the new office.

**Mr. Nilson:** — Okay. Thank you. That's what I was anticipating, but I wasn't sure given the previous answer. So what will the annual cost be? Or do you have any idea what the annual costs would be between the ministry and whichever contractor is used but most likely ISC?

**Hon. Mr. Wyant:** — The answer is approximately \$500,000.

**Mr. Nilson:** — Well that seems like a pretty reasonable price for what you're getting here, so that's . . . But we'll have to watch that obviously and see. How does this relate to non-profit corporations or charitable organizations? Will they be part of this system as well?

**Hon. Mr. Wyant:** — Today the business number program only applies to for-profit corporations. But there are plans to expand, extend the program to non-profit business corporations.

**Mr. Nilson:** — Okay. Thank you. Is any part of this program a part of a move towards harmonizing federal and provincial taxes?

**Hon. Mr. Wyant:** — No.

**Mr. Nilson:** — You're saying that very definitely, so I'm assuming that that's accurate. But that would be a question that arises in the public's mind when you bring these kinds of things together. So we'll obviously be watching fairly carefully as this moves forward on that particular issue.

The information that's created in this whole system will obviously be valuable for many purposes. Will it be owned jointly with the federal government? Because you have this common business identifier number . . . And possibly with other provinces, because this number, I assume, could also be used in those provinces where they have the same program. And are there any issues around IT [information technology] security as it relates to that?

**Hon. Mr. Wyant:** — It's a separate database. All of the information on the system will be owned by the Government of Saskatchewan. The only piece that won't be is the common business identifier number.

**Mr. Nilson:** — Okay. Thank you. And will the Saskatchewan revenue people have any better or greater access to information about corporations than they do now because of this program?

**Ms. Benning:** — The common business identifier program requires public bodies to enter into an agreement with the minister in order to opt in to the program and to be able to use

the common business identifier, a.k.a. [also known as] the CRA number.

So if the Ministry of Finance chooses to opt in to that program by entering into an agreement with the minister, then they would benefit from the information that can be shared through the hub and be able to use the business identifier, the common business identifier, in their dealings with particular businesses.

So there would then be any time, assuming they sign up, any time the business provided an update of address or directors or key business information to the corporate registry, it would then be automatically sent to all of the public bodies that sign up in an agreement with the minister.

**Mr. Nilson:** — Thank you. So that goes to my last question, that the purpose of this is to allow for a business to register using their business number or their business identifier number, business number, and then know that the information that's on that particular file is available right across government, and they don't have to fill out a form every time they deal with a different department.

**Hon. Mr. Wyant:** — That's correct.

[16:45]

**Mr. Nilson:** — Thank you very much. I appreciate the answers on this. And this looks to me like a good program, but once again there's more work to do. And we look forward to getting further reports on that. So thank you, Mr. Chair and committee, for a chance to ask some questions.

**The Chair:** — Thank you, Mr. Nilson. Is there any other comments, questions in regards to Bill 84? Seeing none, we will now commence with the voting on the clauses of Bill 84, *The Common Business Identifiers Act*, starting with short title. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 15 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill 84, *The Common Business Identifiers Act* without amendment. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 84, *The Common Business Identifiers Act* without amendment. Mr. Norris. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you.

We will now consider the bill. We'll now enter consideration of Bill No. 68, *The Justices of the Peace Amendment Act, 2012*. This is a bilingual bill. We will start with clause 1, the short

title. Mr. Minister, you may make your opening remarks at this time.

**Bill No. 68 — *The Justices of the Peace Amendment Act, 2012/Loi de 2012 modifiant la Loi de 1988 sur les juges de paix***

**Clause 1**

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. With me today we have Chris Hambleton, Crown counsel, legislative services branch; Linda Bogard, assistant deputy minister, court services; and Tom Irvine, Crown counsel, constitutional law branch.

I'm pleased to be able to offer opening remarks concerning Bill 68, *The Justices of the Peace Amendment Act, 2012*. Mr. Chair, the primary purpose of this bill is to introduce a new process for determining salaries and benefits for Saskatchewan's justices of the peace. Remuneration for Saskatchewan's JPs [Justice of the Peace] is currently set through the regulations and is on a fee-for-service basis for most tasks and on an hourly wage basis for more complex matters. The process is now inadequate given that the courts have ruled that the principle of judicial independence applies not only to judges but to justices of the peace.

One element of judicial independence is the guarantee of financial security to judicial officers such as JPs. Financial security embodies three requirements. Firstly, salaries can be maintained or changed only by recourse to an independent process. Secondly, no direct negotiations are permitted between judicial officers and the government. And finally, salaries must not fall below a minimum level.

The framework introduced through this bill achieves judicial independence by granting an independent commission the authority to review and make recommendations regarding salaries and pension benefits. In performing its role, the independent commission will accept submissions from both the Minister of Justice and Attorney General for the province and the Saskatchewan justice of the peace association. If required, the commission may also convene a hearing in order to hear oral submissions.

The annual salary for JPs will be established as a percentage of the annual salary of a Saskatchewan Provincial Court judge. This bill will also bring senior justices of the peace into the public employees pension plan. The independent commission will review and make recommendations regarding contributions to that plan by senior JPs and the government.

This bill also provides that the independent commission will conduct a subsequent review of JPs' salaries and pension benefits in 2018 and then every six years following 2018. Periodic reviews of these matters are required to meet the constitutional guarantee of independence. The Saskatchewan justice of the peace association has been consulted on the remuneration framework contained in this bill and supports this approach.

Lastly, Mr. Chair, I'll be asking that a proposed amendment be placed before and considered by this committee. This

amendment will provide that where the Chair of the Provincial Court Commission is unable to attend to his or her duties on a JP commission, the minister will appoint a substitute after obtaining the consent of the Saskatchewan justice of the peace association.

Mr. Chair, with those opening remarks, I welcome any questions with respect to Bill 68.

**The Chair:** — Thank you, Mr. Minister. And we've got some new officials. I would just remind them to state their name if they're answering any of the questions. Mr. Nilson, you've got the floor.

**Mr. Nilson:** — Thank you, Mr. Chair. This is a logical result of many years of discussion around the independence of the judiciary, so I understand what you're doing here. And I guess I got a lot of scars related to solving this particular problem, so I appreciate the solution. But can you explain to me roughly what the wage structure is right now? Like how much does a Justice of the Peace earn versus how much they'll receive when this legislation is in place?

**Ms. Bogard:** — Linda Bogard, assistant deputy minister of court services. At the present time, a number of our JPs are fee-for-service, and so for instance they would be paid a certain fee every time they performed a service and that a number of them it would be \$6 per service. We have other JPs who are paid an hourly wage for more complex matters such as JPs who conduct trials, and those JPs currently receive \$40 per hour. And those ones would be determining matters in traffic safety court for instance. A JP who hears and accepts guilty pleas and deals with other matters on the docket on behalf of a Provincial Court judge at a circuit location receives \$25 per hour. So those are the general fees that are paid right now.

**Mr. Nilson:** — And then the fees that they will get under this legislation will be a percentage of a Provincial Court judge's salary. Is that what I understood you to say? And so what, roughly what would that be? Is it like 1 per cent or 10 per cent? Or maybe that hasn't been established yet.

**Mr. Hambleton:** — Chris Hambleton, legislative services. It hasn't been established yet of course. That's the whole idea behind the bill, as you'll appreciate, is that it's a new independent process aside from executive government. So I wouldn't hazard to guess. That'll be the work of the commission at the end of 2013 is to determine what that percentage is.

Now in Manitoba and in Nova Scotia, this approach has been taken as well. So we do know that in Nova Scotia they landed at 40 per cent of the provincial court judges' salaries; Manitoba, 43. But that's as far as we could go really at this point to try and estimate what it will be.

**Mr. Nilson:** — Thank you for that information. That's exactly what I was wondering, and I'm sure probably the public is wondering too, what is the net effect of this legislation. So is there money in the budget for this year to cover this legislation and the negotiation? Or perhaps it won't take effect until the next budget year.

**Ms. Bogard:** — This matter was discussed as part of the 2013-14 budget at that time. Because it was uncertain as to what the salary would be, funding wasn't received in the budget at this point in time. Once the commission has had an opportunity to provide its recommendation and I guess the recommendations are approved, at that point in time the matter would go forward again.

**Mr. Nilson:** — Okay, thank you. That's a good answer. And if you end up with extensive negotiations and litigation, it might be a few years before you actually sort that out. I hope that isn't the case, and I'm sure it probably won't be. Will this require more staff within the Ministry of Justice to deal with this particular new process of setting the compensation for Justice of the Peace?

**Hon. Mr. Wyant:** — There'll be no additional staff required in the Ministry of Justice. The only additional costs of course will be any costs associated with the commission.

**Mr. Nilson:** — Is there any estimate of that cost? And will it be similar to the Provincial Court judges commission or perhaps an overlap of people involved?

**Hon. Mr. Wyant:** — It would be less than the costs associated with the Provincial Court Commission. There's only one commissioner, so the costs would be significantly less.

**Mr. Nilson:** — And I think my final question will be, is there a set term that will be negotiated each time? Or is that something that's going to be part of the negotiations?

**Hon. Mr. Wyant:** — It will be this year, 2018, and then every six years. And that's one year behind the commission that's established for the setting of the salaries for the Provincial Court judges.

**Mr. Nilson:** — Thank you for that information, and thank you for your explanation around this legislation. It looks logical to me. I don't have any problem with the amendment that you're proposing. And so, Mr. Chair, I think I'm concluding my remarks. And thank you very much to the minister and the officials for your help on this bill.

**The Chair:** — Thank you, Mr. Nilson, and Mr. Minister, and the officials. Seeing no other questions or comments on the floor, we will proceed with the voting of Bill No. 68, an Act to amend the Justice of the Peace. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clause 2 agreed to.]

### Clause 3

**The Chair:** — I recognize Mr. Steinley.

**Mr. Steinley:** — I move to amend clause 3. The amendment says:



Amend section 10.4 of *The Justices of the Peace Act, 1988*, as being enacted by Clause 3 of the printed Bill, by adding the following subsection after subsection (4):

“(5) Notwithstanding subsection 36(5) and (7) of *The Provincial Court Act, 1998*, if, six months before the date on which a commission is required to submit a report pursuant to subsection (1), (2) or (3), there is a vacancy on the commission or the commission is unable to perform its duties, the minister shall appoint a replacement commission after obtaining the consent of the association”.

**The Chair:** — Mr. Steinley has moved an amendment to clause 3. Do committee members agree with the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Agreed. Is clause 3 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 3 as amended agreed to.]

[Clauses 4 and 5 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 68, *The Justices of the Peace Amendment Act, 2012*. This is a bilingual bill. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 68, *The Justices of the Peace Amendment Act, 2012*, a bilingual bill, with amendments.

**Mr. Steinley:** — I so move.

**The Chair:** — Mr. Steinley has moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

We will now continue with our consideration of bills. We will now consider Bill No. 56, *The Court of Appeal Amendment Act, 2012*, another bilingual bill. We will start with clause 1, short title. Mr. Minister, we will welcome your opening remarks.

**Bill No. 56 — *The Court of Appeal Amendment Act, 2012*  
*Loi de 2012 modifiant la Loi de 2000 sur la Cour d'appel***

**Clause 1**

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. I'm pleased to welcome Linda Bogard, assistant deputy minister, Ministry of Justice; and Catherine Benning, senior Crown counsel from legislative services branch, who are joining me today. I'm pleased to offer an opening remark concerning Bill 56.

Mr. Chair, *The Court of Appeal Amendment Act, 2012* will allow Court of Appeal judges to participate in decisions for six months after leaving office in matters that they heard prior to leaving office. This will allow the court to more easily manage its work and prevent most rehearings caused by a judge who is leaving office. These amendments will bring Saskatchewan in line with most other Canadian jurisdictions which also allow judges of their appeal courts to participate in decisions for a period of time after leaving office. Mr. Chair, an amendment to the first reading bill will be proposed in order to correct a cross-reference.

Mr. Chair, with those opening remarks, I welcome any questions with respect to Bill 56.

[17:00]

**The Chair:** — Thank you, Mr. Minister. We will recognize Mr. Nilson for questions.

**Mr. Nilson:** — Thank you, Mr. Chair. And thank you, Mr. Minister, for that explanation. Is this an amendment that has come forward at the suggestion of the Court of Appeal in their deliberations around their own procedures?

**Hon. Mr. Wyant:** — There was certainly some consultation with the Chief Justice on this matter, so that's where the amendment has come from.

**Mr. Nilson:** — Are there any specific cases that have caused this matter to come forward now, or is it just something that was identified because other provinces have already made these changes?

**Hon. Mr. Wyant:** — There's no specific matters that this was intended to deal with. There have been rehearings in the past as a result of judges who have left either . . . or unexpectedly. This is really just an amendment to allow the court to, you know, better manage their cases. Currently what ends up happening is that the chief judge doesn't assign certain judges to hearings if he knows they're going to be leaving, which causes some management problems. So this just simply allows the judge to participate in the decision for six months after he leaves office.

**Mr. Nilson:** — Okay. My final question relates to that, in that when you were making your remarks about this legislation last November 6th, you indicated that they could hear matters until their departure. That must be just what you're referring to now, is that there was, when somebody announced they were going to leave, then all of a sudden they weren't included in the panels and so therefore didn't hear cases. This will allow them to actually keep working until they retire and then finish off those cases that they were involved with up until their retirement date. Is that accurate?

**Hon. Mr. Wyant:** — Yes. The intent here is that certainly not to . . . They can't be assigned to any new cases after they've retired, but they then participate in rendering the decisions on cases that they sat on prior to their retirement date.

**Mr. Nilson:** — Thank you very much. I don't have any problem with the proposed amendment that's going to be brought forward here, and I thank the minister and the officials

for their information on this particular bill. Thank you, Mr. Chair.

**The Chair:** — Thank you, Mr. Nilson. Are there any questions, comments, regarding Bill No. 56, *An Act to amend the Court of Appeal Act, 2000*?

Seeing none, we will proceed with the voting. Clause 1, short title. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

#### Clause 4

**The Chair:** — I recognize Mr. Steinley.

**Mr. Steinley:** — Mr. Chair, I move that clause 4 be amended:

Amend subsection 15(4) of *The Court of Appeal Act, 2000*, as being enacted by Clause 4 of the printed Bill, by striking out “subsection 16(1)” and substituting “section 16”.

**The Chair:** — Thank you, Mr. Steinley. Do the committee members agree with the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Is clause 4 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 4 as amended agreed to.]

[Clauses 5 and 6 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 56, *The Court of Appeal Amendment Act, 2012*, a bilingual bill. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. I would ask a member to move that we report Bill No. 56, *The Court of Appeal Amendment Act, 2012*, a bilingual bill with amendments. Mr. Tochor.

**Mr. Tochor:** — I so move.

**The Chair:** — Mr. Tochor so moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried.

Thank you, committee members. Mr. Minister, would you like to have some closing remarks?

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. I would just like to close by thanking my officials for all their work. Thanks to Mr. Nilson and Mr. Forbes for their questions, and thanks to you, Mr. Chair, and the rest of the committee for considering these bills. Thank you very much.

**The Chair:** — Thank you, Mr. Minister. And thank you to your officials as well, and thank you to the committee members.

I would ask a member to move a motion for adjournment.

**Mr. Phillips:** — So moved.

**The Chair:** — Mr. Phillips has moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. This meeting is adjourned. Thank you.

[The committee adjourned at 17:05.]