

**STANDING COMMITTEE ON
INTERGOVERNMENTAL AFFAIRS AND JUSTICE
Wednesday, April 14, 2010**

**MINUTE NO. 24
7:00 p.m. – Legislative Chamber**

1. **Present:** Warren Michelson in the Chair and Members Fred Bradshaw*, Greg Brkich, Wayne Elhard, Deb Higgins, Delbert Kirsch and Kim Trew.

Substituting Members

Fred Bradshaw for Michael Chisholm

Other Members

Pat Atkinson, Buckley Belanger, Doyle Vermette

2. It was moved by Mr. Brkich:

That the committee adopt the agenda as outlined in the meeting notice.

The question being put, it was agreed to.

3. The committee considered Bill No. 108 – The Cities Amendment Act, 2009.

The following Municipal Affairs Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Jeremy Harrison, Minister

Van Isman, Deputy Minister

John Edwards, Executive Director, Policy Development

Carla Bing-Wo, Senior Policy Analyst

4. The questions being put on clauses 1 to 28, they were agreed to.
5. During consideration of clause 29, it was moved by Mr. Elhard:

Clause 29 of the printed Bill

Strike out Clause 29 of the printed Bill and substitute the following:

“New section 347

29 Section 347 is repealed and the following substituted:

‘Service of documents

347(1) Except where otherwise provided in this Act, any notice, order or other document required by this Act or the regulations to be given or served may be served:

(a) personally;

(b) by registered mail to the last known address of the person being served;

(c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or

(d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the tenth business day after the date of its mailing.

(3) Notwithstanding subsection (2), if the city or other person serving a notice, order or document in accordance with clause (1)(b) has received a signed post office receipt card and:

(a) the delivery date shown on the signed post office receipt card is a date earlier than the tenth business day after the date of its mailing, the notice, order or document is deemed to have been served on the delivery date; or

(b) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the city or other person on a date earlier than the tenth day after the date of its mailing, the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is returned to the city or other person.

(4) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the business day after the date of its delivery or posting.

(5) If service cannot be effected in accordance with subsection (1):

(a) the notice, order or other document may be served by publishing it in two issues of a newspaper circulating in the city; and

(b) for the purposes of clause (a), the second publication must appear at least three business days before any action is taken with respect to the matter to which the notice, order or document relates.

(6) Except where otherwise provided in this Act, any notice, order or other document that is given or served by ordinary mail pursuant to this Act or the regulations is deemed to have been given or served on the tenth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date.

(7) No defect, error, omission or irregularity in the form or substance of a notice, order or other document, or in its service, transmission or receipt, invalidates an otherwise valid notice, order or document or any subsequent proceedings relating to the notice, order or document.

(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date”.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 29 as amended, it was agreed to.

6. The questions being put on clauses 30 to 32, they were agreed to.

7. It was moved by Mr. Elhard:

That the committee report Bill No. 108 – The Cities Amendment Act, 2009 – with amendment.

The question being put, it was agreed to.

8. The committee considered Bill No. 109 – The Municipalities Amendment Act, 2009.

The following Municipal Affairs Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Jeremy Harrison, Minister

Van Isman, Deputy Minister

John Edwards, Executive Director, Policy Development

Carla Bing-Wo, Senior Policy Analyst

9. The question being put on clause 1 to 30, it was agreed to.

10. During consideration of clause 31, it was moved by Mr. Elhard:

Clause 31 of the printed Bill

Strike out Clause 31 of the printed Bill and substitute the following:

“New section 390

31 Section 390 is repealed and the following substituted:

‘Service of documents

390(1) Except where otherwise provided in this Act, any notice, order or other document required by this Act or the regulations to be given or served may be served:

- (a) personally;
- (b) by registered mail to the last known address of the person being served;
- (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
- (d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the tenth business day after the date of its mailing.

(3) Notwithstanding subsection (2), if the municipality or other person serving a notice, order or document in accordance with clause (1)(b) has received a signed post office receipt card and:

- (a) the delivery date shown on the signed post office receipt card is a date earlier than the tenth business day after the date of its mailing, the notice, order or document is deemed to have been served on the delivery date; or
- (b) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the municipality or other person on a date earlier than the tenth day after the date of its mailing, the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is returned to the municipality or other person.

(4) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the business day after the date of its delivery or posting.

(5) If service cannot be effected in accordance with subsection (1):

- (a) the notice, order or other document may be served by publishing it in two issues of a newspaper; and
- (b) for the purposes of clause (a), the second publication must appear at least three business days before any action is taken with respect to the matter to which the notice, order or document relates.

(6) Except where otherwise provided in this Act, any notice, order or other document that is given or served by ordinary mail pursuant to this Act or the

regulations is deemed to have been given or served on the tenth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date.

(7) No defect, error, omission or irregularity in the form or substance of a notice, order or other document, or in its service, transmission or receipt, invalidates an otherwise valid notice, order or document or any subsequent proceedings relating to the notice, order or document.

(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date”.

A debate arising and the question being put on the amendment, it was agreed to.

The question being put on clause 31 as amended, it was agreed to.

11. The questions being put on clauses 32 to 34, they were agreed to.

12. It was moved by Mr. Brkich:

That the committee report Bill No. 109 – The Municipalities Amendment Act, 2009 – with amendment.

The question being put, it was agreed to.

13. The committee considered Bill No. 110 – The Northern Municipalities Act, 2009.

The following Municipal Affairs Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Jeremy Harrison, Minister

Van Isman, Deputy Minister

John Edwards, Executive Director, Policy Development

Carla Bing-Wo, Senior Policy Analyst

14. The questions being put on clauses 1 to 410, they were agreed to.

15. During consideration of clause 411, it was moved by Mr. Elhard:

Clause 411 of the printed Bill

Strike out Clause 411 of the printed Bill and substitute the following:

“Service of documents

411(1) Except where otherwise provided in this Act, any notice, order or other document required by this Act or the regulations to be given or served may be served:

- (a) personally;
- (b) by registered mail to the last known address of the person being served;
- (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
- (d) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.

(2) A notice, order or document served in accordance with clause (1)(b) is deemed to have been served on the tenth business day after the date of its mailing.

(3) Notwithstanding subsection (2), if the municipality or other person serving a notice, order or document in accordance with clause (1)(b) has received a signed post office receipt card and:

- (a) the delivery date shown on the signed post office receipt card is a date earlier than the tenth business day after the date of its mailing, the notice, order or document is deemed to have been served on the delivery date; or
- (b) the delivery date is not shown on the signed post office receipt card but the signed post office receipt card is returned to the municipality or other person on a date earlier than the tenth day after the date of its mailing, the notice, order or document is deemed to have been served on the day on which the signed post office receipt card is returned to the municipality or other person.

(4) A notice, order or document served in accordance with clause (1)(c) or (d) is deemed to have been served on the business day after the date of its delivery or posting.

(5) If service cannot be effected in accordance with subsection (1):

- (a) the notice, order or other document may be served by publishing it in two issues of a newspaper; and
- (b) for the purposes of clause (a), the second publication must appear at least three business days before any action is taken with respect to the matter to which the notice, order or document relates.

(6) Except where otherwise provided in this Act, any notice, order or other document that is given or served by ordinary mail pursuant to this Act or the regulations is deemed to have been given or served on the tenth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date.

(7) No defect, error, omission or irregularity in the form or substance of a notice, order or other document, or in its service, transmission or receipt, invalidates an otherwise valid notice, order or document or any subsequent proceedings relating to the notice, order or document.

(8) Notwithstanding subsections (2) and (6), if a notice, order or other document deals with an appeal, any dispute resolution or the collection of tax arrears and the notice, order or other document is given or served by registered or ordinary mail, the notice, order or other document is deemed to have been given or served on the fifth business day after the date of its mailing, unless the person to whom the notice, order or other document was sent establishes that, through no fault of his or her own, the person did not receive the notice, order or other document or received it at a later date”.

The question being put on the amendment, it was agreed to.

The question being put on clause 411 as amended, it was agreed to.

16. The questions being put on clauses 412 to 473, they were agreed to.

17. It was moved by Mr. Brkich:

That the committee report Bill No. 110 – The Northern Municipalities Act, 2009 – with amendment.

The question being put, it was agreed to.

18. The committee considered Bill No. 111 - The Northern Municipalities Consequential Amendments Act, 2009 / Loi de 2009 portant modifications corrélatives à la loi intitulée The Northern Municipalities Act, 2009.

The following Municipal Affairs Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Jeremy Harrison, Minister

Van Isman, Deputy Minister

John Edwards, Executive Director, Policy Development

Carla Bing-Wo, Senior Policy Analyst

19. The questions being put on clauses 1 to 5, they were agreed to.

20. It was moved by Mr. Brkich:

That the committee report Bill No. 111 - The Northern Municipalities Consequential Amendments Act, 2009 / Loi de 2009 portant modifications corrélatives à la loi intitulée The Northern Municipalities Act, 2009 – without amendment.

The question being put, it was agreed to.

21. It was moved by Mr. Bradshaw:

That this committee do now adjourn.

The question being put, it was agreed to.

22. The committee adjourned at 8:49 p.m. to the call of the Chair.

Kathy Burianyk
Committee Clerk

Warren Michelson
Committee Chair