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*Speaker: Honourable Derek Bennett, MHA*

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(Night Sitting)

The House resumed at 6:30 p.m.

**SPEAKER (Bennett):** Order, please!

We're going to get back to debate on Bill 68, An Act to Amend the Lands Act No. 2.

The hon. the Member for Exploits.

**P. FORSEY:** Thank you, Speaker.

It is certainly great to be able to get back to the debate on the Crown lands, Bill 68, to discuss and debate this important piece of legislation that really needs to be brought to the House of Assembly because we all know that there are individuals out there that's been asking for this for time and time again. We've been asking for it for a number of years.

Again, individuals have called us relaying stories of Crown lands through different situations that they've had, trying to acquire their homes and trying to acquire their land to sell, of course, to move on into different properties, or pass it off to other individuals in their families and that sort of stuff. So it's a piece of legislation that needs to be discussed and debated in the House of Assembly. We've been waiting a long, long time and certainly it's good to be able to stand here today and debate this Bill 68.

Speaker, there were a couple of points that I did miss when I was looking at the Auditor General's report. I did miss that right in the beginning of that report, the Auditor General, of course, mentioned that the government did not have a land system title and lacked a unified land system title. After all this time, the government still don't have a land system title.

Obviously we have the Registry of Deeds, we have the registry of titles and none of them seems to correspond with each other. We need one set of land titles to be in the registry so that can be followed from now on, that when we get down the road in another 50 years, we're not back to this 50-

year debate again, that we can't find documents, can't find deeds, can't find titles.

Certainly, the Auditor General saw that, and again that was unfortunately in the 2015 review to set up one. Not done, again, of course. Ten years later, now we're back to discuss it again, and we certainly need that done. The only thing is with that land title, there's a module there, mobile-friendly. In a specific case, the minister said there would be a new mobile-friendly online portal that will improve Crown lands application process.

It's fine to have an online portal, but we know what the situation is today of the outlying areas with regard to cellphones and service and all that sort of thing. We're talking about it every day of the services and online services, that we have to be able to utilize those online services. That's something else that the government will have to look at while putting in those application processes on the mobile-friendly online service is to make sure that everybody can utilize it, especially some of our seniors in our rural communities.

The seniors in our rural communities now, we know how much trouble they get into because they want to acquire their land. Now they're going to try to do it online. How much trouble is that going to create? Will this be a purely online service? Will the minister bring back counter service so that people can walk into those areas –

**SOME HON. MEMBERS:** Hear, hear!

**P. FORSEY:** – and get the information that they need? If we're going to help people get this done right, let's get it done right. Let's open up the services that people can walk in to, especially those seniors. Let's get in there so they can talk to somebody and be able to get the application done. That's all they want: I want to do this, but I don't know how to do it. I just don't know how to do it. They might not have the means to do it.

So can we provide the service to those people, especially in the offices to help those people, guide them through, make their application process a little bit easier instead of inflicting the pain on them and more pain that we've created to them over the past 50 years? Let's make things easier. Let's get at this. Let's do it right, especially that online service.

With that, that's another issue that's been brought to my attention. Again, the long wait times of approvals, that has always been a challenge, the long wait times. I know the minister says he wants to address it with a 30-day turnaround to each referral to the departments, which is good if that's adhered to and enforcement is done.

Again, I'll refer back to the Auditor General's report of the enforcement within Crown Lands. Enforcement was very challenging there. So having those situations dealt with within 30 days so that the minister can tout his 90-day turnaround, so that he can tout it, I'd like to see him be able to do that so we can get it done. Move this, streamline it, and get it done faster, with all the departments that he has to do, Service NL, the Department of Transportation, other departments that he has to go through.

There are six or seven departments that it has to go through that lands process. So streamlining that somehow, maybe it can be collaborated into a Crown Lands department to get this done. Maybe they can put some staff into that area, you know, restructure staff on that so that Crown Lands themselves can do it, rather than all the details that – especially Service NL. Service NL got a lot to deal with. Maybe there's something that can be done there.

Again, just help streamline the process of the applications, especially with all the applications that are going to be coming in within the next little while, especially if we expect to get it done within five years, you're going to have numerous amounts of applications that you're going to need done.

So to have the staff in place, the committees in place, the boards in place and all that, to get this done within five years, there's a lot of work to do.

So that's some of the things we wanted to look at. The five-year period, obviously, to get this done within five years, that's going to be a big challenge – big, big challenge. In the squatter's rights, 20 years from 10, we already discussed that. It will alleviate some of the pain. It will help get some through in a timely manner, probably, in order to prove that somebody has owned their land, that kind of stuff, to be able to go back in those communities and be able to show that they own their land. So that's going to be a little alleviation.

Quitclaim, again, what will the minister accept to – because it's going to be up to the minister, of course, if the land is Crown land or not, so what the minister's going to accept for a quitclaim; if he's going to accept the deeds, if he's going to accept long-standing occupancy, if he's going to accept the municipality's tax rolls and that sort of stuff. So what are specifics in the quitclaim, in regard to what he will accept.

Again, it's good to see that the minister and the government has finally accepted the challenge of getting in there and trying to do a little something with the Crown lands situation. Finally, they've adopted our PMR, I guess, and some of the 2015 review. I mean, back two years ago, we recognized these problems. We recognized these problems, fully. So much so that we put in a PMR and we asked for those solutions to be done back then.

We asked at the time: WHEREAS Crown Lands enforcement of the provision of the *Lands Act* abolishing squatters' rights against the Crown has created undue hardship for Newfoundlanders and Labradorians who honestly, and in good faith, have occupied their lands for years. We brought this in in a PMR back in 2023.

WHEREAS historical titles in Newfoundland and Labrador trace back centuries, and are relied upon by the public but not by the Crown. We said this back in 2023.

WHEREAS people have occupied their lands for generations based on informal title, without interference from the Crown – another issue. We brought all this forward.

WHEREAS people have strong local community's support for their claim of title and face opposition from the Crown Lands Division. We knew this back then, two years ago. We asked the government to do something about it. We knew that local supports from communities would help resolve some of this. They didn't act on it.

WHEREAS municipalities maintain comprehensive records of land ownerships and are not considered by the Crown in determining title claims. They didn't accept the municipal documents for a title claim.

We also said: WHEREAS applicants for the Crown lands access are frustrated by inordinately long waits of months and years of their applications to be resolved, even for the land that has gone unoccupied for a long time. Crown Lands ignored that. We knew there were challenges. We knew all of this back in 2023.

WHEREAS the policies and practices of the province's Crown Lands Division are impeding economic development in Newfoundland and Labrador and imposing high costs upon the public. Again, another issue that we brought up in our PMR back in 2023.

WHEREAS this issue of impacts potentially thousands of Newfoundlanders and Labradorians, many of whom may not even know it.

We knew that people had problems back then. People knew that they had problems back then. The only ones that didn't know they had problems back in 2023 was the

government, of course, and they challenged it.

**SOME HON. MEMBERS:** Hear, hear!

**P. FORSEY:** So we put in a resolution that this hon. House urge the government to move expeditiously to bring forward legislative amendments to ensure fair reconciliation of existing claims for people seeking title to the land they have occupied in good faith for generations and which is recognized within their communities, and to take steps, in the interim, to address Crown Land actions against occupied properties in the province.

We asked to bring this back in in 2023. There wasn't a thing done then. Actually, the government got up and said there was no problem, that PMR is no good. There are no problems. They got up and they knocked it down. Knocked it down, voted against it. Now he's going to bring in some examples of where he can try to make a difference of Crown Lands.

So we just stated some of the facts of what will happen, especially in that five years. Again, last year, 2024, almost the same PMR. Then they finally realized that we better get something done here. We better listen to not only the Opposition, we better start listening to the people of Newfoundland and Labrador. We know there are challenges out there. People have spoken. We hear it every day.

At that time, you listened to open lines – and still do. You listened to the open-line shows, you listened to the news, people are frustrated with the Crown lands system and it needs to be changed and needs to be done. But it needs to be done in a way that it's going to effectively, appropriately and adequately service the challenges that every individual faces. We need legislation, not policy – we need legislation done so that it fits every Newfoundlander and Labradorian and it fits the criteria of what we need to do in going ahead, going further so

that in five year's time – again, who knows what in five years' time, if there are going to be extensions. Somebody shows up in six years that when half-way through in the fifth year they started to get this done, but all of a sudden the fifth year is over, we're into half of the sixth year now, no b'y, too bad, five years are over. We're not accepting that application. Is that what happens? Is that where they're going to be challenged?

That is the sort of stuff that needs to be done and looked at. I'm glad to see that the government has finally recognized that we've seen those challenges, we've asked for those challenges through legislation. It took us two more years to get there. Every time we asked the former minister it was always stay tuned, stay tuned. Are we going to see it? Stay tuned. Will we see some legislation this fall? Stay tuned.

Anyway, we did stay tuned. We did stay tuned. We stay tuned to the people of Newfoundland and Labrador.

**SOME HON. MEMBERS:** Hear, hear!

**P. FORSEY:** We stayed tuned to the people that we knew that had challenges. That's why we brought this PMR forward once, that's why we brought this PMR forward twice, because we know there was challenges we need to fix. We need the legislation brought in.

I'm looking forward to the debate on this bill, Speaker, and we'll continue debate on this issue.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER:** The hon. the Opposition House Leader.

**B. PETTEN:** Thank you very much, Speaker.

It's always a pleasure to stand in this House and speak on any legislation. I believe Crown lands is probably one of the most talked about legislative pieces in quite some time. It's been kicked around this Legislature for a long, long time. There are questions that come up every sitting. The last number of years has been: When are you going to bring in the new legislation? In one form, yes, it's good to see government are making that move.

Now, whether we all agree with the changes that's in place, we will debate that and continue to debate that, and all my colleagues here will carry on the debate. There are a lot of concerns, as my colleague from Exploits has pointed out. I mean, him, along with my colleague from Bonavista, have probably been our two in-house Crown lands – I don't know if you'd call experts, but they've been pretty well briefed on it and they are very focused on it. They are the go-to people within our caucus that do a lot of heavy lifting in the Crown lands file.

But when you do a lot of this heavy lifting, you deal with a lot of families, you deal with a lot of people out there in all of our districts. More so probably even outside the metro area. When you get in rural Newfoundland, it's a huge issue. Crown lands comes up more often than not. I've witnessed that first-hand, going out off the Avalon, when doing some campaigning. You think you're going to hear the hot-button topic of today, the cost-of-living issues and that.

Yet, ironically – and it was good. For me, it was anyway. My colleagues from rural Newfoundland told me that it was a big issue. But when I knocked on doors in those areas, it was a big issue because in Newfoundland, we haven't got a mandatory land registry. We've been operating this way for hundreds of years and it was you can build your house here and this other son can build a house there, or they can build their house here, and then it went down through generations. That was your garden

you planted, you farmed, you cut wood, you cut hay, you had a barn. Never any questions.

As time went on, as more and more development approached – back in the time when there was not a lot of development, municipalities were a lot of small towns, small LSDs, no one really paid attention. Nobody understood. It was never an issue. No one went to Crown Lands; they just went and built their house.

As time went on and we evolved into where we are now, that became more of an issue. That's when lawyers got involved. That's when we got into title searches. I know if you were to ask my father, who's been dead for 30 years, if you were to ask him about a title search, he would not know what you were talking about.

Someone used to go out to lands and registry and try to look something up, these search companies, and that wasn't a big thing. Lawyers used to try to figure out stuff themselves but there was no real, I guess, requirement.

I go back in Crown lands a long time because back in 2011 to 2013, I worked with the former minister responsible for Crown lands. I used to always say, I had a pile of files on your desk and the pile never got any lower than that and they were all Crown lands issues. They were all important issues. Every day, you went in, you dealt with a new file, but you never moved those files. You just moved them around sometimes because they're so complicated – every one of them were so complicated.

This issue comes to me every time. It was out in your district, Speaker, and you may know who I'm talking about but I'll leave it at that, but there was a developer out there and he did a big development, nice homes and he sold all the homes. When he sold all the homes, a few years later somebody decided they were going to sell their home, but as things progressed and where they

were a decade ago – I see you nodding your head – they went to a lawyer, the homeowner did, and they went to sell their land and lo and behold they went to do a title search and when the title search came back, you don't own the land your house is on and this is what it's going to cost you because it's Crown land.

The developer didn't own a portion of the land that went through the centre of the development. Half the homes were fine; there was a portion of homes that wasn't fine. So the Crown were imposing themselves – and I was working with the minister of the day, boxed in by legislation. Crown Lands is very prescriptive. You couldn't move off the legislation. So this person was coming in, at the time, and pleading with the current minister of the day, how do we get around this.

That case in particular, over time, was one of the most eyeopeners for me. But as time went on, I heard story after story after story after story of similar issues, similar concerns. The most recent one that got a lot of air play and I think it played a big role in getting this legislation probably fast-tracked because it should have been done years ago, obviously, was the Diamond case.

That was a heart-wrenching story. You have a senior couple and they were told they didn't own the property. They lived there for 60 years, I think, it was. It hit everybody, everyone heard their story and it registered, but the Diamond story epitomized the problems with Crown land throughout the entire province.

Those cases I mentioned out in the Lewisporte area, right through the province, we all experienced it. I've seen it in my district; on a smaller level obviously, because where CBS has been more developed over the years and with proper planning, a lot of these things have not happened. People are more aware, I guess, and it's more (inaudible) and it's less land. There's a lot less land. I tell everyone

there's not a lot of Crown land in my district. We used to be always agricultural land, and there is even less agricultural land than what it used to be, but that's what the community is built on.

Again, it's not a CBS problem, but it's a huge problem throughout. So when you get legislation such as this and they adjust – one issue I have is possession of your land on this '57 to '77 – there was a time when it was called an amnesty, I believe. They called it this amnesty period. It was that period of time, to claim possession, you had to have continuous use of the land from '57 to '77.

So you go to get land straightened up, they'll want an affidavit. You've got to find somebody who was alive at that period of time. Forget about this move they had to '67, that period of time, so say it's 1970. Now you've got to look at that is 54 years ago. When you're five years old or 10 years old, you do not know who owns the land or you don't know what someone's farming; you're more interested in being out playing ball and a game of street hockey with your friends. I know I was.

You're probably 20 years old before you have any real affiliation or understanding of who owns what, and most times you probably don't know then, but you may know. That gets you to '74 – I'm going from 1970, now. That brings you to at least a 74-year-old where you can say that such-and-such and such-and-such used this land, and their family used it, and what have you. That's required in an affidavit.

You see the problem they're coming up with now. Lifespans are lifespans. That's Mother Nature. We can't deal with that; we can't fix that. I went through a similar problem three years ago. There's a gentleman that's 86 in our community, and when he passes on, there's going to be a big void in the Foxtrap area of Conception Bay South. I tell you now, he used to go-to a person for a lot of lawyers that come up looking at land

ownership and clearing up titles in that area. He does have a great memory. He lived in the community, he lived on the land and he knows the area. When he goes, I don't know where else people will go.

That's a real problem. I've talked to people around the community about that, and I've referred them to this person, he's the go-to, and he's good. So now you've moved that '57 to '67, but you've moved the post by 10 years. So now you've got to find a 76-year-old. Why?

I guess the question I'm asking – and I haven't had nowhere near into the legislation and the debate that my two colleagues have from Bonavista and Exploits, nowhere near it. But we've all been affected by Crown lands issues and I've had a personal experience with it, I spent almost three years in Crown lands with the former minister and these issues were there then. But they're not going away.

One of the many things that I used to talk to many constituents about is that period of time. I wondered, why are we not going to do away with '77? We have to come up with a better plan. You have to remove that barrier. That's a huge barrier. That barrier is not changing. So to move from '57 to '67, to me, it looks nice. It looks like we've dealt with it but you're not dealing with nothing. Why do you have to have that at '77? Why do we still have 1977 there? I don't understand it.

What I'm starting to piece together – and I've been reading here this evening and I probably should have been reading them for a while. As you can tell, it's full disclosure; I don't hide behind anything. Five years, why do we have five years on quitclaim? One thing before, previously, we had this cut off at '77 but there was no deadline on quitclaim. You could go and apply for quitclaim down the road. Why is the five-year window there? Why not expand that? You could call it in a court case or someone could be sick. It could mean lack of

understanding. There are a whole variety of issues that could go on to cause that to go outside. So after five years, you have to go, I'm done. I'm no longer entitled to this land. Five years is up, you're done and it's over.

Personally speaking, I think that's really unfair. A lot of these areas, when you go out around rural Newfoundland, a lot of seniors, a lot of older families, it could be estates. I think it's unfair and I don't get, whatever government is in, how that five-year window helps anybody. It's not fair to the public because really the Crown land belongs to the people of this province. It doesn't belong to any government. It belongs to me and you and everyone out there. It's our land. I keep saying this – and it's fair and it should be said. Government administers, government looks after Crown lands for the people of this province. It's our land. Everything in this province is ours. Everything in this House we are standing in now is ours.

**SOME HON. MEMBERS:** Hear, hear!

**B. PETTEN:** The question I ask is, why do we seem like we're punishing our own people for whatever variety of reasons? You can give me a hundred reasons why you should do that in the first five years. Probably the vast majority of people will, when the legislation passes, rush to get it done in that five years. I assume they will and so they probably should, but not everyone will. When the five-year window is up, the door shuts, it's over, no longer, end of story.

I guess my question is – and the minister will get up at the end of debate and I'm sure there'll be lots of time in Committee. I'd like to hear the minister give an explanation of that, that makes sense to the Diamonds in Bonavista and every other family around this province. That's what they really require. That's what they look for. In simple terms, why do you only have a five-year window?

Speaker, in section 39 of the legislation, something else interestingly jumps out. It's under Certificate of minister. It says: The minister may issue a certificate stating that the lands are (a) Crown Lands, where – this is an important point – in the opinion of the minister – just think about that – the lands are Crown lands; or (b) not Crown lands, where – and get this one – in the opinion of the minister, the lands are not Crown lands.

Just think about that. I don't care what party is in power when this legislation comes in now. It could be the PC Party there in a few years' time. It could be the one in a few months' time. We don't know. The voters know that. But, still, what minister has that right? That's unfettered powers.

Why isn't that in the Cabinet? Why isn't the Lieutenant-Governor in Council, the LGIC, responsible to do that? Why does the minister have that unfettered authority? I guess, when you go back, people talk about the Crown lands and the market value: Oh, the minister can give you that. That's too pricy. They've got that quoted for \$10,000 an acre. I'm going up to see the minister.

When I was there, the minister had no control. It was legislated. Market value rules. Hopefully it still do. I haven't got to that part of the bill. I'll get through there in Committee. That should stay there. Market value has to be there. It's the people's land. No minister of government should cut deals on the price of Crown land. I hope that stays in place and it's the way it should be.

To go back and the point I'm trying to make, the minister is one of 520,000 or 530,000 – I don't know what number our population is anymore because that can change day to day but it's 500,000 plus. He's one of us right now today, and it could be a female one of us. Right now, today, it's him. Why does he have that ability to decide if any one of the rest of the population's land is Crown and or not?

That's all I'm reading. I know there are all kinds of stuff going to come up in regulations but, ultimately, the minister has that power. I would hazard to guess you go right throughout government and find me where else – and it's something as important as the Crown lands and the land your house is on, which is a huge investment, the biggest investment you'll make in your life for most people and the minister has the ability to say that's Crown land or that's not Crown land.

I'm not being facetious. I'm trying to be as sincere and genuine about this as possible because when I saw this, I was like, wow. The question then was, where else does this apply? Who decided this? Are we going a step forward or are we going a step back? Now, back at the time when we were at the Colonial Building, when Richard Squires was there, I could see something like that being put in place because that's the way things were then. But not 2024, not this day and age. That's not progressive legislation, Speaker, having a clause in there like that. To me, I find that offensive. I think anyone should find that offensive.

So to go with your cap in hand, knock on the minister's door and lay your papers down in front of him – you go back in time – and let him determine if that's Crown land or not. If he says it's not Crown land, put your cap on your head and walk out. If he determines it is Crown land, you better get it done before five years is up or you won't get it.

To me, it's offensive, it's wrong, it needs to be changed, and hopefully through the good debate in this House and hopefully through Committee, we'll probably get around to getting that changed. Hopefully government will find it that it should be changed.

Speaker, in 2015 there was a review done in Crown lands, and I scanned the review. I think there were lots of problems with that review. That review had lots of issues,

probably worse issues than what we're seeing now.

So almost 10 years later – we're entering the 10th year – government decided after that collected dust forever and ever, to finally move ahead and do their own Crown lands legislation. I might add it's this side of the House that done a lot of the debate on Crown lands. We had two PMRs. Government couldn't go along with that. It's come time it's counterproductive in this House. We'll get up and debate a lot and we'll go through a lot of stuff in the House that can be valuable and sometimes it can't. But some of these debates get lost in the fact that it was bought in by that crowd.

In 2015 we had a review done – and I'm telling you, I'm not just standing behind that review for a second. There are problems with that review. There are parts of that review I don't agree with. But the problem I seen was when they come in – I was the shadow critic back in, I don't know, maybe 2016-2017. I remember getting up in the House here and asking questions about the 2015 review. Why haven't you implemented it? You're not going to implement every change.

There are parts of it that we would probably argue should have been changed back then, but why not move forward with it? Get it going. What's wrong with that? No, but it was brought in by this side. We're going to do things our way. So 10 years, almost, the clock ticks by almost a full 10 years, and we finally get the change. But that has collected dust. And again, I'm not sold on that review, but I do believe this is a fundamental problem sometimes with a lot of things in this House and the to and fro and the us and them mentality.

No one was going to look down on government for taking the 2015 review and making adjustments to it and make some fixes that we all probably could have agreed on and passed it through – nobody. But I guarantee you, the Diamonds would have

probably appreciated and all the other families out there would have appreciated that are left in this scenario.

**SOME HON. MEMBERS:** Hear, hear!

**B. PETTEN:** And this comes back to what I keep saying all the time, if anyone ever hears me say it in this House, I say it a lot of times, it is the people's. I don't say that for a cliché, I say that every opportunity I get. This \$10 billion that government manages every year and we try to hold government to account, it is the people's money, not their money. This is the people's land, not government's, not ours; it is the people's land.

It is incumbent upon me and it is incumbent upon all of us here and my colleagues in the NDP to do just that: to hold government to account, to ask those questions, to improve legislation. Because ultimately there will be no elections – in rural Newfoundland it is a big issue – but there are no elections or wars fought on Crown land – back in the day, it was – but you solve a lot of issues out there, you take a lot of stress off people but ultimately you will do us right. I have always said and I've always been by the guise and I was always taught that if you do right, Speaker, you'll never go wrong. Be honest, upfront and do right and people will appreciate it.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

The hon. Leader of the Third Party.

**J. DINN:** Thank you, Speaker.

Speaker, Bill 68 amends the *Lands Act* to remove barriers to apply for and secure property title to Crown lands. I guess, in some ways, it would suggest that it would simply the process. Well, the devil is always going to be in the details and just how that process translates from paper into an actual service.

I don't know, I made the mistake I guess when I was listening to debate earlier to check out the Land Use Atlas, and if I am reading it correctly and my colour blindness is not playing me false, it looks like the land I'm on is Crown land, in the middle of the city. So I don't know if I should be worried. I've been living there for 35 years and it seems now that I've got to wonder if indeed I do own it or not.

**AN HON. MEMBER:** (Inaudible) five years.

**J. DINN:** I've got five years, apparently.

But having said that, the question is, when I bought that house, that was 35 years ago, there was no Land Use Atlas and certainly no online Land Use Atlas. Even now, I've got to wonder, okay, is the online Land Use Atlas even accurate for that matter?

So there are already, I guess, some problems. If, as an individual – and this has been brought up by the Official Opposition – you're a person who may not have access to a computer, if you're not savvy enough with it, this is going to present other problems for them and you're going to depend on other people with that knowledge to intercede and do that work.

A few years – well, no, I should say a good 20 years ago, we went through the process to secure title of family land in Carbonear where the Dinns are from. I remember that process, the difficulty with it in terms of it, it was not once, but twice, two processes to obtain or to clarify ownership. Now, we had a Queen Victoria grant which clearly showed the property had been assigned to the Dinns who came at that time, but there was no clear indication or paper trail linkage to show how it ended up in our hands.

It was done once by my aunt and when it was passed over to the children, the siblings, then we went through the process yet again. It was a significant expense and a significant process. The question remains, of course, is whether what's being detailed

here is actually going to simplify it and make it more streamlined.

Background: All land in Newfoundland and Labrador is presumptively considered to be Crown land and the root title is in the indication of how the Crown became divested of a particular plot of land; hence, the Queen Victoria grant. Again, for landowners to have a legally recognized claim to their properties, they must be able to show good title, which consists of root title and an acceptable chain of title from the root to, or satisfactory proof of adverse possession from the root.

So the question is then, if all those measures are in place and somehow it's still considered a Crown land, is this another expense that land owners must go through?

In the past, many people settled and built on plots of land that they did not actually own, especially in rural areas. This especially becomes a problem when homeowners try to sell their properties since they cannot have good title and must go through the adverse possession channel to gain title. Again, that may not apply necessarily to the city, but certainly to people who live outside and look at the land that belonged to my family. That presents a significant challenge.

Currently, the act requires applicants to prove adverse possession for 20 years prior to January 1, 1977; however, as people age and older residents move away or die, adverse possession applicants are facing greater difficulties proving their claim.

Now, it's interesting, the Member for Conception Bay South raised a good point: What were you doing when you were 10 years old? I knew my grandparents Dinn out in Carbonear. I wasn't even aware that there was land further down that we owned. The piece I knew was where the house was. So even at that time, I would be a very poor, I guess, witness in trying to determine title.

Applicants often complain of long wait times for possessing claims, red tape and other barriers for timely settlement of good title. Now, as we see on this paper, it looks pretty simple, a lot more simple than what it is. The devil is going to be in the details. Will the times be any shorter? Will the barriers be removed? I think it would be a shock, certainly, for many people to find out that they do not own the land that they live on when they attempt to sell their homes. That's going to be a major hurdle. Who are they going to consult? Do they call the department? Do they call a lawyer? I would say for the most part, it's going to be a lawyer.

I remember when I bought my house where I live now from Louis Ferman. Louie and Grunia were survivors of Auschwitz and they spent a lot of their time in the war blowing up German railway tracks and so on and so forth. But I always remember when I met them, shook his hand and as far as he was concerned the deal was done and we had purchased the house. Of course, that's not the way we do it here. It came down to, there was a legal aspect of it. It would much simpler if we could have just settled on a handshake, but we all know the reality is, in any of this, there's going to be some legal implications and ramifications.

If you look at what this bill does, it amends the *Lands Act* to make it easier for applicants to prove adverse possession against the Crown by changing the required land possession period from the current 20 continuous years, immediately prior to January 1, 1977, to a period of 10 continuous years, immediately prior to January 1, 1977; it enables the provincial government to issue a certificate declaring it claims no interest in a parcel of land; it allows the minister the option to approve additional structures under section 7 of the *Lands Act*; it creates a regional appeal board to appeal decisions based on adverse possession; it extends legal protection from liability to those acting in good faith; more

flexibility for applicants by allowing the removal of time frames currently required under the act, namely for registering a plan, publishing information, paying the fees and apparently now, even when it comes to paying fees and returning the signed title document, the minister is going to be able to set the time frame.

So let's take a look at that: Enable the provincial government to issue a certificate declaring it claims no interest in a parcel of land. Well, just how simple will that process be? Many constituents call my office because they can't get access to the government department, trying to track down answers, even from Motor Registration it can be a significant challenge.

What's going to be involved in allowing the minister the option to approve additional structures related to shoreline reservations? How simple is that process going to be? The minute we talk about a regional appeals board, if I know anything about a board of any kind, this is going to be a significant process. This is not going to be a short process. There's going to be some time involved with that because we're going to want to make sure it's done right.

I've heard some of my colleagues from the Official Opposition speak about the fact that maybe this is not going to solve the problem the way it's laid out and maybe it isn't, as the devil will be in the details. Under this legislation, there are no proactive enforcement mechanisms for forcing people off land that they decide to squat, unknowing that they are occupying Crown land. Now the minister says, well, we're going to embrace that. We're not trying to do away with squatters' rights. But, I guess, how do we stop that from going forward?

This was a problem flagged by the Auditor General in her report on Crown lands in October 2024, Speaker. It was noted that the department did not enforce removal of illegal structures when its occupier did not

comply. In four examples, there's nothing to indicate the follow-up had been completed to see if the structure had been removed. Illegal occupancy of Crown lands continues to be an issue due to the lack of proactive monitoring, inspections and enforcements.

In the meantime, Speaker, government has brought in legislation to prohibit people from camping, loitering or anything else on government property. Yet, it seems here that this is still a problem. We'll remove homeless from the Colonial Building, but here, there's still nothing to enforce squatters and the whole issue of illegally squatting on land. So I don't know. Will this solve the problem?

As I said, I made the mistake, probably, of making use of the Land Use Atlas and if I'm reading it correctly, I've got my own problems to deal with. So the question becomes then, how accurate is the Land Use Atlas, especially if it can be clearly shown that there is clear title how this house ended up in my possession?

According to the Auditor General's report in October 2024, roughly 15,000 grants were absent from the records management system because they had not been digitized. What's the progress on that?

About 2,000 grants were also destroyed in the St. John's Great Fire of 1892. So how do we know which grants were destroyed? When will this digitization take place? How is this going to impact the progress and the enforcement of this act?

These inconsistencies have created a number of legal problems. According to one lawyer, the province claimed in court that a given property was located on Crown land, only to find out that the plot indeed had been granted based on unmapped documents. So I guess for me then – and this is the key piece because if it's online, if it's about simplifying the process, what are the plans to, first of all, solve these problems? Because if there are still 15,000

grants that have not been digitized, I'm wondering if indeed the land grants or the property titles or whatever else for my own place, have they been digitized? Where are they? Why is it that it's not showing that somehow that land is in the possession of someone else?

I notice there, and I heard my colleagues in the Official Opposition again speak of the power of the minister. It talks about, in section 23, the bill is meant to deal with the unmapped documents and so on and so forth. The new power of the minister to issue certificates for places like Downtown St. John's, which have been occupied for long times, stating that the government has no claim to them. But this only applies to obvious cases and is still up to the discretion of the minister.

Now, if you've talked to anyone who's applied for a vulnerable sector check or a certificate of conduct, they're not turned around in a week. You're lucky if they get turned around in a month sometimes. So I'm assuming here that there is a plan, because I'm assuming there's going to be an awful lot of people who are going to try to get this reconciled, how do we make sure that it's expedited and not get bogged down? Will we have enough people to deal with this, or is the minister going to be busy reading cases individually and approving them? I would suggest not. Each one of them is going to require some input, meetings and so on and so forth and research.

The bill also provides the minister with the ability to charge a sliding scale of fees based on income for granting Crown lands to residents. Will there be a minimum? Will there be a maximum? What are the guard rails there?

There are issues, no doubt about it. I understand the fact that it's meant to simplify, maybe to address a situation that – I don't know if it's particular to Newfoundland, Speaker, but I remember

talking to a lawyer years ago that Newfoundland was a little bit of an odd place in that a father might say to his son or daughter here's the deed to the property; it's now yours. So it was passed on that way, with no clear paper trail, and that's an issue.

But certainly I would be concerned then if indeed the property I thought I had been living on for the last 30-plus years indeed wasn't mine. I can't say I'm overly worried, but it's now something that I will check into to make sure, but this is the City of St. John's and records are probably a little bit easier to prove but my fear is that for seniors, people who are maybe wanting to move back to their family land and now are looking to go through this process, that it may not be as easy, as simple and as efficient as laid out in the legislation.

I certainly look forward to asking questions in Committee and to hearing the minister's response to these and other concerns that have been raised.

Thank you, Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** Thank you, Speaker.

I'm looking forward to having an opportunity to talk this evening, but not just about Crown lands, about a lifestyle. About the people of Newfoundland and Labrador and for all of us in this House of Assembly because I am sure Members opposite have lots of people that they know personally or that live in their districts that also have issues and concerns about Crown lands over the years.

I know when my folks bought their house in Placentia, they didn't buy it from government or a developer. They actually bought it from the church. So there's a long history in Newfoundland and Labrador of

ownership of land and who owned the land and how it developed and all of that.

But I go back to the point that Crown lands is probably the biggest asset that the Province of Newfoundland and Labrador has. We are the largest land owner in the Province of Newfoundland and Labrador. Think about that. Think about how much that Crown land is worth to the people of Newfoundland and Labrador and why it's so, so important for us to make decisions on allocations of Crown land and be sure about title of Crown land, because it impacts so many people and impacts the future of Newfoundland and Labrador. Whether that's in mining, whether that's in forestry, but it's critical that we make sure that we have a great Crown lands policy in place to do that.

What's really disappointing for me is the fact that we're here in this House and we're still debating and talking about revitalizing and redoing Crown lands legislation when we've had several opportunities to do this and it was not dealt with.

I heard the minister earlier in his speech talk about successive governments who didn't do it or didn't do what. Well, unfortunately, I would have to say to the minister, there are not too many people in this House who were actually in the position as minister of Crown Lands, responsible for Crown Lands in the last nine years who actually had a chance to do something and didn't do it. So we're here, back, and why? What happened because of that?

We can all talk about the legislation didn't get passed or we didn't get it through or we didn't get anything. But what it did was it significantly impacted the people of Newfoundland and Labrador who have been waiting and wondering, and the only one disputing their land claim is the Government of Newfoundland and Labrador.

When I think about all of these people around communities all over this province

who have reached out, I'm sure to all of us, and talked about the challenges they have to only find out when they go to sell their land that they don't own the land, or when they go to gift the land to another family member, they don't own the land. So all of these issues have happened on this government's watch. We have had ample opportunity; we were promised legislation in the last session of the House that never materialized, that never happened.

Again, you go back and ask yourself how long? And now we have legislation in front of us which is incomplete. It's a good start, but it's incomplete. We will have lots of changes or perhaps opportunity in Question Period to talk about it. A lot of my colleagues have brought forward concerns about this proposed legislation. Again, it all comes back to people of Newfoundland and Labrador and why has it taken us so long? Why were these changes not done sooner in this mandate? Why? That's a fundamental question that a lot of people who have spent thousands of dollars on legal fees, thousands of dollars and still don't have an answer to: Why? I don't think these people will get their answers from this legislation that's currently proposed.

**SOME HON. MEMBERS:** Hear, hear!

**T. WAKEHAM:** Speaker, I want to read into the record a PMR that was brought forward by the PC Party on Wednesday, May 3, 2023. I think it's important that we read it into the record, along with some others. We, at that time, had said: "WHEREAS Crown Lands' enforcement of the provision of the *Lands Act* abolishing squatters' rights against the Crown has created undue hardship for Newfoundlanders and Labradorians who honestly, and in good faith, have occupied and developed their lands; and

"WHEREAS historical titles in Newfoundland and Labrador trace back centuries, and are relied upon by the public but not by the Crown; and

“WHEREAS people have occupied their lands for generations based on informal title, without interference from the Crown; and

“WHEREAS people have strong local community support for their claims of title and face opposition only from the Crown Lands division; and

“WHEREAS municipalities maintain comprehensive records of land ownership which are not considered by the Crown in determining title claims; and

“WHEREAS applicants for Crown lands access are frustrated by inordinately long waits of months or years for their applications to be resolved, even for land which has long been occupied, and

“WHEREAS the policies and practices of the province’s Crown Lands Division are impeding economic development in Newfoundland and Labrador and imposing high costs upon the public; and

“WHEREAS this issue impacts potentially thousands of Newfoundlanders and Labradorians, many of whom may not yet know it.

“THEREFORE BE IT RESOLVED that this hon. House call urge the government to move expeditiously to bring forward legislative amendments to ensure fair reconciliation of existing claims for people seeking title to the land they have occupied in good faith for generations and which is recognized within their communities, and to take steps, in the interim, to address Crown Land actions against occupied properties in the province.”

**SOME HON. MEMBERS:** Hear, hear!

**T. WAKEHAM:** That was our PMR in May of 2023. May of 2023, we put forward this PMR to the House of Assembly. Here we are now, November 2024 and we’re talking finally about legislative changes. This

should have been done, could have been done and we ought to have it done for all those people out there who have been struggling with ownership brought on by the Crown.

But, again, we didn’t give up. We didn’t give up. We did this PMR in May of 2023 and we followed that up, because we didn’t get the responses that we ought to have gotten.

The people of the Province of Newfoundland and Labrador didn’t get the response that they needed. The government did not move forward with legislative changes that were needed, identified, that have been on the record for years now, nothing happened.

So in May of 2024, we brought forward a second PMR, again on behalf of the people of Newfoundland and Labrador. So it’s been the PC Party and other Members on this side who have taken up the fight for Newfoundlanders and Labradorians to rectify this situation with Crown lands and we will continue to do it.

**SOME HON. MEMBERS:** Hear, hear!

**T. WAKEHAM:** May 29, 2024, we again to move the following private Member’s resolution – a lot of it is the same, some of the words are different: WHEREAS Crown Lands’ enforcement of the provision of the *Lands Act* abolishing squatters’ rights against the Crown has created undue hardship for Newfoundlanders and Labradorians who honestly, and in good faith, have occupied and developed their lands. The same clause that we had read a year earlier. The same issues that we had talked about a year earlier, we still talked about them then.

WHEREAS historical titles in Newfoundland and Labrador trace back centuries and are relied upon by the public but not by the Crown; and

WHEREAS people have occupied their lands for generations based on informal title without interference from the Crown; and

WHEREAS some people have strong local community support for their claims of title and face opposition only from the Crown Lands Division – only from the Crown Lands Division. Imagine, we live in a province where the only one who's disputing the fact that you own your land is your own government. Not good enough, not good enough.

WHEREAS municipalities maintain comprehensive records of land ownership which are not considered by the Crown in determining title claims; and

WHEREAS applicants for Crown lands access are frustrated by inordinately long waits of months or years for their applications to be resolved, even for land which has long been occupied; and

WHEREAS the policies and practices of the province's Crown Lands Division are impeding economic development – impeding economic development – in Newfoundland and Labrador and imposing high costs upon the public; and

WHEREAS this issue impacts potentially thousands of Newfoundlanders and Labradorians, many of whom may not yet know it. Which is something that the hon. Leader of the NDP just talked about, just finding out that he may be in a situation where he doesn't even own the land his house is built on. How many more are out there that don't know about it?

THEREFORE BE IT RESOLVED that this hon. House urge the government to move expeditiously to bring forward legislative amendments to ensure fair reconciliation of existing claims for people seeking title to the land they have occupied in good faith for generations and which is recognized within their communities; and to take steps, in the

interim, to address Crown Lands actions against occupied properties in the province.

Again, '23-'24, we've been talking about Crown Lands for a long, long time. We've been bringing case after case, individual after individual and talking about the challenges that people of our province have been facing, and the need for this reform to have taken place. Yet, it did not happen. So we're here now, there's an opportunity to make legislative changes. We believe there are a lot more legislative changes that need to be made. But let's talk about why it's so important again to talk about Crown lands.

I just want to tell you one thing about an issue that happened in my district. That has to do with when the government entered into an arrangement and talked about windmills and talked about the access to Crown lands for windmills, and where they would have access to Crown lands in order to build wind turbines.

This small community, Mainland on the Port au Port Peninsula, many of the residents had grave concerns about this project. What made their concerns even more was the fact that when the actual map of the Crown lands that were going to be considered by the company came out – which supposedly was a map of Crown lands provided by the Crown Lands Division – included many of the houses in that community, many of the farms in that community and a lot of land.

Imagine waking up to the fact that yes, we're bringing in a new industry and we have all the concerns around the new industry itself. But, at the same time, it looks like they're going to be able to take your land and take your home. Because all of that was on the map. It was only after that it got adjusted, obviously. And good on it for getting adjusted.

But imagine that you face that and you're that person, and you wonder why people raise concerns. For a lot of people, that is a significant issue. When you've occupied

your land for so many years and you've worked the land and you've passed it down or your relative built on the same land. We have that history here in this Province of Newfoundland and Labrador so it's very, very, very important that when we change this legislation, we make sure that we protect that legacy, that we protect that history and that we protect the people of Newfoundland and Labrador who have lived on the property for years.

**SOME HON. MEMBERS:** Hear, hear!

**T. WAKEHAM:** I want to touch briefly on another reason why this is so important. That is the recent Auditor General's report on Crown Lands. The Auditor General's report reached a number of conclusions. I just want to talk about some of that and read from the Auditor General's report.

The conclusions of the Auditor General were: "We have serious concerns with the Department of Fisheries, Forestry and Agriculture's ability to effectively manage Crown lands' administration. Systemic issues may have encouraged the misuse of, or allowed for, the extended illegal occupation of Crown lands - which may have contributed to public safety risks, negative environmental impacts, strains on the province's court system, and affected the well-being of land owners.

"The foundation of Crown lands administration has been built on an inadequate lands registration system. Policies and procedures are significantly outdated, informal, or non-existent, and the Crown Lands Division has an incomplete inventory of lands records. Processes are notably inconsistent between regions and divisional oversight of those responsible for administration is informal. Key performance indicators and risk management processes were not formally documented or clearly defined, and reporting of performance at any level was ad hoc at best. These weaknesses may have led to opportunities for instances of fraud; conflicts of interest to

have influenced decision-making; and inhibited management's ability to assess how well it is meeting its objectives.

"The department had no formal policy, procedures, or guidance relating to complaints management, enforcement, and inspections. The department also did not effectively carry out its monitoring, inspection, or enforcement responsibilities. These responsibilities were poorly communicated in the department and minimal enforcement activities were performed during our audit; this may have contributed to the misuse of, or illegal occupation of, Crown lands."

That's a pretty damning conclusion that the Auditor General has reached on the Crown Lands Division. And, again, the question I have to ask is, why? Why weren't those issues addressed earlier on? Why are they still there today?

We have a minister responsible for Crown Lands who was there before, yet none of these issues had been addressed. Now, we find that ourselves – this is why this is so important, this legislation. I'm not sure that all of the recommendations in here will be addressed in this legislation, but it's a place to start. But it's very concerning because we need to be in a place where people can rely on our Crown Lands and rely on our legislation and rely on the fact that they are going to get it right.

One of the other things the Auditor General had to say was what we expected. So the Auditor General went on to say: "We expected the Department of Fisheries, Forestry and Agriculture to have a land titles system or mandatory land registration system, or a transition plan to implement one of these systems. We expected actions would have been taken, including working with other departments when necessary, to implement Crown lands related recommendations from the 2015 Lands Act Review and the 2021 Big Reset report.

“Like any other government department, we expected Fisheries, Forestry and Agriculture would have complete records of all Crown lands title transactions, including accurate mapping information.” I just spoke about Mainland and the issue of the mapping. “We also expected the department would have all title records entered into the records management system to help facilitate the administration of Crown lands, which would also improve the public’s ability to search for Crown land.”

So again, as my colleague had said earlier, we have the recommendations from the 2015 Lands Act Review, and here we are, nine years later, and the Auditor General says she would’ve expected that they would’ve been implemented, and they have not been implemented. Not by the current minister and not by the previous ministers since 2015.

That is a glaring omission in terms of what could have been done, what should have been done and perhaps why we’re still here talking about the need to change the legislation. It should have been done so that the couple in Springdale, who built their house on their father’s potato garden and now after 40 years, in getting ready to sell it, are told they don’t own the land, that it’s Crown land. Maybe if we had implemented the recommendations of the 2015 Lands Act Review, maybe that wouldn’t have happened. Maybe if we had implemented the recommendations of the 2021 Big Reset report, that wouldn’t have happened.

Again, that’s why I think it’s so critical important that we turn around and make sure that at the end of the day we bring in the best legislation possible we can. That’s why it’s so important when we go into Committee that we start talking about what we can do to make this legislation better, because that’s what it has to be, it has to improve the lives of Newfoundlanders and Labradorians, it has to make life better and we’re committed to do that.

**SOME HON. MEMBERS:** Hear, hear!

**T. WAKEHAM:** In saying that, that’s why I want to read one more piece from the AG’s report and that’s what she calls: Why It Matters. She goes on to say, “As the administrator of Crown lands, the Department of Fisheries, Forestry and Agriculture has the responsibility to manage Crown lands in a manner that best serves public interests.” So exactly what we have been saying here for years, this is not about us, it’s about the people of Newfoundland and Labrador and how do we best serve public interest, because that’s the responsibility of every Member of this House of Assembly to try and do that.

We don’t always agree at times about policy or about how we might do things, but the thing is, we ought to be doing it. If we want to make changes to it, in terms of legislation, we should do that. That’s why I am such a big fan of bringing in committees so that we can have legislative committees that will actually do this work for us.

**SOME HON. MEMBERS:** Hear, hear!

**T. WAKEHAM:** “Having an outdated, non-mandatory land registration system creates a disconnect between what the public understands Crown lands to be and what the government understands Crown lands to be; this means that individuals may not have individual title to land and not realize it until they attempt to sell that land.” And that is exactly what is happening in Newfoundland and Labrador.

My colleagues have told many stories about people all over this province who are being impacted by that very sentence, and I’m sure Members opposite have heard the same stories. It’s not limited to the districts that we represent. I’m sure the same issue happens in a lot of districts right across the province.

But that’s a scary thought: Individuals may not have legal title to the land and not

realize it until they attempt to sell that land. She goes on: "This can lead to unnecessary strains on Crown Lands Division administration, the court system, and" – most importantly – "the individuals involved." Because that, again, I keep going back to it, is what we're talking about.

Crown Lands could be this piece of legislation and all this paper and everything else that we talk about; ultimately, it's about impacting somebody's life. It's about impacting somebody's living. It's about where they've lived, where they grew up, how long they've lived on a piece of land and their ability to have that and know that it is theirs and will always be theirs. We need to simplify that process. That's exactly what we've been talking about: simplifying the process.

The Auditor General goes on to say, "The current land registration system, and the lack of complete or accurate records in the records management system, makes the public's ability to search the system ineffective. The process to search for records or apply for and obtain land title can be extremely cumbersome. Incomplete records and the lack of a land inventory system also presents significant challenges in adverse possession cases, commonly known as 'squatter's rights,' and for related enforcement activity."

Again, these statements by the Auditor General are about the concerns that she has raised about our whole Crown lands process and, certainly, expressing those concerns, not only on behalf of the people who work there, but also the people of Newfoundland and Labrador who rely on Crown lands to get their answers and to get the necessary information they need.

One of the other things that we talk about in this regulation is timeline flexibility. Throughout the legislation, it appears that prescribed timelines are being removed from the act and are being moved into policy. Officials in the briefing said this was

to give people flexibility and to allow Crown Lands to give extensions where there are good reasons to do so.

So we support giving individuals who are trying to apply for Crown lands some flexibility in extensions for circumstances which fall out of their control, but we don't support moving it to regulations. It should remain in legislation. We don't support giving the department of Crown Lands the ability to change timelines at their will. That is a dangerous road to go down.

We also don't support the department of Crown Lands having the ability to change their own timelines. So if they're not happy or falling behind, they can turn around and decide: Oh, well, I don't have to meet that timeline anymore, I'll set a new one. That shouldn't be left up to the department. That needs to be into the act, it should remain in legislation. That's where that needs to be.

We need to introduce legislation and be able to make sure that we don't need to try and say: If we can't meet the legislation. We ought to be able to say: This is good legislation and let's make sure that we put the mechanisms in place to get it done.

We heard earlier this week the issues with the Labour Relations Board and how we have legislation in place but they're not meeting it. Simply taking something out of legislation because you can't meet the timeline or you want to change the timeline or give you more flexibility to do it either, I don't think that should be considered. I think we ought to keep these timelines in legislation. So that's one of the things we all want to talk about.

We all know, of course, lots of instances where people have had to wait too long for action on their Crown lands. Again, based on the Auditor General's recommendations, I would suggest that the removal of timelines from legislation is not a good move and that needs to be changed. So I

would look forward to having a discussion on that particular topic.

The other one that really sticks out again is called minister certificates. The minister will be able to issue a certificate that says an area is or is not Crown lands. Again, we support the minister being able to decree that an area is not Crown land, but we have concern with the minister being able to decree that something is Crown land. Again, as my colleagues have raised this issue already, what happens if a determination is wrong and the Crown takes land from someone? What recourse does someone have?

Again, right now the Auditor General has said Crown Lands is in a mess, and the last thing we need to do is turn around and say that the minister will have the ultimate authority to decide on whether it's Crown land or not Crown land. I think that's going down a road that none of us would want to see. I don't think that that should be in the hands of any one individual, or a minister, as a standalone person to do that.

As I said earlier on, Crown lands are a huge resource for the Province of Newfoundland and Labrador. But to simply think that we could have a Minister of the Crown, no matter what government it is, being able to decree that something is Crown land, and then once that minister decrees that, what legal recourse does anyone have to try and change that? Again, does it need to be the minister's prerogative?

But that's a huge, huge concern that I have in this whole issue with this. This legislation being proposed, is it smoke and mirrors or does it really get to the issues? That's one of the challenges we had. So is it too little, too late? We have lots of concerns about the proposed legislation. We have lots of concerns about Crown lands and we have lots of concerns for the people of Newfoundland and Labrador who have already been through the court system, who

I'm not sure will see any benefit in their cases of this new legislation.

But had this legislation been introduced a year ago, or maybe two years ago, maybe some of those people wouldn't be out the tens of thousands of dollars that they're out now. Maybe they wouldn't have had that stress of knowing that they didn't have to worry about whether or not they were going to be able to sell their homes. Maybe they wouldn't have had to worry about whether or not they were going to be able to move into that seniors' cottage, because that's what they wanted to do. Maybe they wouldn't have to worry about whether or not they could afford to move closer to a hospital, because that's something else they needed to do.

All of those things could have been done without the extra cost to all these people, had we dealt with this in 2023, had we dealt with it earlier. But no, we did not. We failed. We failed the people of Newfoundland and Labrador by not getting this done sooner. It was promised in the last sitting of the House; it didn't happen. So we have it now and we have to make sure we get it right.

We're all going to get up and have a chance to speak to it. There are lots of things to be talked about, and then we'll have a real good chance to have communication. When it gets to the third, after second reading, and gets to Committee, we'll have a real opportunity to ask those tough questions and to look to see how we can improve this legislation so we can make it, once and for all, the legislation that people of Newfoundland and Labrador have been talking about, how much they need and what they want to make it better for them.

Speaker, with that, I'll take my seat.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER (Trimper):** Thank you.

The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Speaker.

I'm glad to have the opportunity to speak to Bill 68.

Speaker, this is a bill that's certainly been a long time coming. I was first elected here to the House of Assembly in 2011 and one of the consistent issues that I've heard raised in this House of Assembly over the past 12½ or 13 years has been the issue around Crown lands.

I know that it was an issue long before that, as well. Looking at it from, I suppose, a positive point of view, I will say that at least something is being done – at least something is being done, finally. That doesn't mean I don't have concerns. It doesn't mean I don't share the concerns of my colleague, the Leader of the Official Opposition and others because I do share some of those concerns.

I'm going to say I'm going to be optimistically hopeful that when we get to Committee of the Whole, I've got a feeling, in listening to my colleagues, that there are going to be some amendments coming forward and I look forward to seeing what those amendments are going to look like and if they're going to address some of the issues that I have and others have raised.

I do understand that the minister, when I believe he said, when he first started to speak, perfection cannot be the enemy of the good. I get that. Nothing is going to be perfect. No legislation – we should strive for perfection but the reality of it is that there will always be debate. There will always be differences of opinion as to whether any legislation totally hits the mark or if it doesn't.

One thing we know for sure that, as of today – and this is not just me saying this or feeling this way. It's not my colleague

saying this. It's not just people of the province – and I've heard from a lot of people throughout the province who have absolute frustration – is not the word – for Crown lands.

There has only been a couple of entities in my time here that's really, I suppose, been sort of a lightning rod for people. One was Nalcor. We certainly took the final step, yesterday, to abolish that, thank God. Let's put that behind us but, besides that, the entity that certainly you hear all the time, which is a real lightning rod for a lot of people in this province, is Crown lands. Now, I'll be the first to say that when it comes to my district and the people who I represent in Mount Pearl - Southlands, Crown lands is not the huge issue that it would be for many of my colleagues particularly in the rural parts of the province.

Most of the frustrations I've heard from citizens I represent in this province has not really been around the titles of land in terms of some of the issues with people living on land, finding out that they didn't own the land, that type of thing, it's more been around just someone applying to try to just get a piece of Crown land out around the bay somewhere to build a cabin up in some area, up in the woods or whatever, they want to build a cabin and the arduous process that they have to go through to try to accomplish that. The extremely long wait times that they've had to experience, the red tape, the fact that, according to them, you try to call to try to straighten something out and nobody answers the phone or you send an email and nobody responds to that email, those types of issues.

Of course, as the minister said, some of the issues with Crown lands may not just be on the land, it may be because they're dealing with issues with Transportation and Infrastructure, issues with the Department of Environment and so on, there are other departments, perhaps Municipal and Provincial Affairs, down the line, that adds to the red tape. But I can tell you when you

talk about Crown lands being part of the – quote, unquote – public service, a lot of people would tell you that they don't feel that they're getting good public service when it comes to dealing with Crown Lands.

Very similar to what I hear from people all the time with Motor Registration. Whereas, one time you could go in and you could get things straightened out and now it's very difficult to actually get in and talk to a real person and get your concerns addressed and so on. The push to do everything online, do everything online, which is fine if you have a computer, you're tech savvy, you have Internet connections in your community and all those other issues, it might be fine, but that doesn't work for everybody in this province, particularly a lot of seniors and there are a lot of areas in this province that are challenged when it comes to having the available Internet and so on to utilize technology. So a lot of what I would get would be those types of issues from people.

Now, I also get some people in my district as well, from time to time, that would have an issue similar to what my colleagues in the rural parts of the district would talk about. They're calling because it's family land that their mom and dad or something wanted, they're inheriting the land, they want to have a summer cabin in the old family homestead, out around the bay or whatever it might be, and they've run into some of those issues. But as a general rule, being in the St. John's metro area, I don't get the amount of calls and so on that some of my colleagues would.

But I do know it's a huge issue throughout the province. Certainly, if you're awake at all and you're listening to my colleague from Bonavista, you would know that he has raised this issue numerous times, issues around Crown land and some of the stories that you hear, where you have somebody who might have lived in their house for 50 years or whatever, perhaps they're a senior and they've reached a point where they

maybe need to move into the St. John's area to be closer to services because of health issues; maybe they're moving closer to their children, their grandchildren; maybe they are just not able to look after their home anymore for health reasons. They need to go into a personal care home or some other alternate living arrangement, whether it be in or around their community or whether it be in the metro area, wherever it might be, and they go to sell their property, lo and behold to find out that they don't even own the property that they've been living on for the last 50 years.

There is something terribly wrong with that picture. I don't care what the legislation says, I understand we're legislators and that's what we're here for, we're going to try to make some changes for the good, hopefully, but there is legislation and then there is the whole concept of right and wrong, social justice, if you will, natural law, what's right and what's wrong. And I can tell you, some of the stories that I've heard in here, some of the stories I've heard from people throughout the province – because I've had people, I'm sure we all do – I've had lots of people contact my office over the years that I spoke to, that didn't live in Mount Pearl, they lived all over the Island, actually, and have had those types of issues. It's frustrating and it's heartbreaking, it really is.

It's a real sin when you have a senior who worked their whole life, now they have to sell their property because, like I say, maybe they have health issues and they need to move closer to the hospitals or services. Then at that age, probably at 70-odd years old or whatever the case might be, thinking that they could sell their house, make the move, have a bit of money, bit of a nest egg or whatever along the way and then to run into these issues. Not only not be able to sell their house and the money that would be derived from it, but actually costing money in trying to fight our own government in court.

Just think about that, that's been said, fighting our own government in court over their land that they have been on for years.

I think everybody on both sides of the House, I think we would all agree that there is an injustice. Maybe that's a good word: injustice. There's an injustice.

**SOME HON. MEMBERS:** Hear, hear!

**P. LANE:** I would like to think we're all committed to solving that injustice.

With that said, as I indicated, I do applaud the minister for at least giving it a shot, at least doing something. Now, we could always argue that it could've been done 30 years ago, 20 years ago, 10 years ago, five years ago and so on, we could all make that argument, but the bottom line is it wasn't done. So now let's get it done, let's get it done right.

I can remember one of the reasons, actually, when the former minister of Fisheries, he was supposed to bring this legislation in, I think a year ago. First, it was stay tuned, it was stay tuned for the longest time. Then he was supposed to bring it in and when finally questioned on it he said: I make no apologies – because he's always talking about how he never apologizes for anything – when I bring this in, we want to get it right. That was what he said.

So in the spirit of getting it right, I would say that while this may be a start, if we are truly committed, as a Legislature and we want to take politics out of it totally and do what's right for the people of Newfoundland and Labrador, then I would say let's continue with our debate on second reading, but let's be open.

I say to the minister, to the government Members, please, let's be open to amendments, if they are reasonable amendments. If they are things that weren't thought of, if there were points raised here in this debate from this side that make

sense, they ring true, and maybe there was things that weren't thought of at the time or maybe now there's a different way of looking at it, if reasonable amendments come forward through Committee of the Whole, I ask government Members to please be open minded. Don't be afraid to adopt some amendments.

What we've seen in this House of Assembly over the years – and I'm not tagging this particular administration. I've seen it with the past one and the one before that, too, where if it wasn't our idea, we're not going to amend anything. All you were doing was political theatre, just being able to say, hey, we tried to make an amendment. But very, very rarely have I seen amendments pass through this House of Assembly. Anyone who's been here now a while, I'd say you can count on one hand or less the times that we've seen amendments that actually went through.

I believe, more often than not, the reason why they don't pass is not necessarily because they don't make sense, that they're not well thought out, that it wasn't an oversight, but the fact of the matter that the government of the day could not suck it up, could not say that's a good idea. Do you know what? We never thought of this. Do you know what? What that Member there says is actually making sense. Do you know what? This is actually going to strengthen legislation and, ultimately, we're all on the same side. We all agree we want to do it. We're all singing from the same hymn book.

So I really do ask the minister and the Members opposite that should amendments come forward – I don't have amendments and I haven't seen any amendments over here. But just listening to the debate, I'm hearing intuitively that there are some amendments or there are some that are going to be coming. I've got a feeling. If they make sense, I'll support them. If they don't make sense, by the way, I got no problem saying, on that amendment, I disagree with you – no problem. But I'll listen to them.

A couple of things that do come to mind – a lot of it has been raised already – but on this appeal board, I think it's a good idea. If we can have an appeal board that's going to speed these things up, that, to me, would seem to make sense, assuming that the people that are on the appeal board obviously are qualified and they understand what they're doing, and they're appointed properly and all that, I don't have an issue with it. But the only thing I would say, and this where the devil is in the details, this is where it all can sound great on the piece of legislation but regulations, policies and execution, that's where those things kick in whether it will be successful or it won't be successful.

You take an appeal board – I have a feeling that when this passes, in some form, you're going to be inundated with applications. There are going to be a lot of them. That's just a sense I get. So knowing that, what kind of resources are we going to have for this appeal board? Because I've dealt with appeal boards in the past in other venues, on other issues and a lot of times you have an appeal board and you might have three people on the appeal board and they'll say, okay, we're going to hear appeal X. Now, b'ys, anyone available for next week? I'm available. Oh gees, no b'y, I'm going to be out of town next week. Okay, how about the week after that? The week after that, b'y, I'm going to be going. What about the next week or the week after that? Such-and-such have that on the go.

So with these appeal boards, when you're trying to match schedules and stuff like that to get stuff done, you could be waiting two or three months before you can get all hands together to hear your appeal. That's just the kind of stuff that happens. Now if you said, because we know we're going to be inundated with this stuff, we're going to have this appeal board and it will be put in place and they're going to be working full-time for the next year or two years, however long it takes, Monday to Friday every single day, they're going to do an appeal Monday

morning and they're going to do another one Monday afternoon, another one Tuesday morning and another one Tuesday, but if we're going to be into, oh well, let's get three or four people, appoint them and they'll get together when their schedules get together to do one appeal here and one appeal there, my God, the people will be dead by the time they ever hear of their appeal.

So that's one thing that sort of jumps out at me. The concept is great, but unless you're going to have the resources and everything in place that this can be done in an expeditious manner, then it's not worth the paper it's written on. That would be a concern I would have.

Of course, we can have all the systems in place we want but, as was pointed out by the Leader of the Official Opposition in reading the Auditor General's report, it is no good to have systems if we have a land registration system that's useless, that's not managed properly and doesn't have all the updated information and so on. That's a huge job in itself, the registry.

So again, this all sounds great but if you don't have a proper registry, if you don't have proper mapping, if you don't have enough staff to do the job and so on, then everything that we're talking about here that looks good on paper but all it is really is smoke and mirrors.

I'm not suggesting that that's the minister's plan, that he wants it to be smoke and mirrors. I want to be optimistic and believe he really wants to fix this but, again, I've got to go back to the facts. Passing a bit of legislation on paper, unless you're going to back that up with appropriate regulations, policy, resources and a solid plan to execute – that's always the big one I see lacking all the time on different issues in this House: execution – a plan to execute it, then this is a waste of time.

I would hope that all of things are part of the plan, that there's an actual plan to execute. That involves policies, that involves regulations, that involves proper resourcing and that involves having a proper land registration system and all the staff and resources required to make this work. I hope that's part of it. I'm sure that's what the minister envisions. I can see he's nodding his head, agreeing with me, which is great. I appreciate that. That's definitely a big part of it.

Anyway, with that said, Mr. Speaker, I'm going to take my seat. As I said, I'm glad that the legislation has come forward. I support much-needed changes to the legislation. The devil will be in the details. There are concerns that I have that I share with my colleagues and I certainly hope that perhaps some amendments will be coming forward in Committee that I will consider and vote for accordingly.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER:** Thank you.

The hon. the Member for Grand Falls-Windsor - Buchans.

**C. TIBBS:** Thank you very much, Mr. Speaker.

It's a pleasure to stand in here, a little later in the evening, and discuss such an important topic to many people right across the province of Bill 68, which is our *Lands Act*. Like I say, it touches so many communities right across Newfoundland and Labrador which go back generations upon generations. The people of Newfoundland and Labrador deserve the best legislation that they can possibly get. There's no sense in bringing in a piece of legislation that's going to need to be revised later on down the road, next year, two years from now, three years from now if we take the time and get it right.

I'm very pleased to stand in here this evening and, no matter how late it takes, no matter how many days it takes, to ensure that we do get this right as we do work on behalf of the people of the province and that's why we're here tonight.

Quick story: When I was younger, about 10 or 11 years – and this is a true story and it just popped into my head in the past 10 minutes, some of those memories just pop up I guess – my dad bought land up in Blackhead on the other side of the harbour there. I remember he was taking myself and my brother and my two sisters and my mother up. He's proud of the land he bought, himself and a partner.

When we got up there and we got out and he looked at the survey and stuff like that, he was only too proud to do it once again, a couple of neighbours started to come around and started to have an argument with my dad and said, you know, so and so owns that land. My dad said, no, no, I bought this. This was Crown land and I bought it, sort of thing, and it started to get pretty heated. It got heated to the point, and I'll never forget it, where somebody threatened to go get their shotgun. I'll never forget those words. I'll never forget thinking to myself: Wow, a piece of land now is going to come to this extreme because there was confusion about who owned it at the time. That's what we're trying to clear up.

The older I got, sort of thing, I thought to myself: Newfoundland and Labrador, the greatest province in Canada. One of the greatest things about this province is our abundance of land and how majestic and how great our land actually is and how it can work for the people of the province, but it only does that if this confusion is cleared up.

Again, we've heard it before, it is a great start. Of course, it is, any legislation that comes in, it is a great start, but we need more beef in this. We need more resolution

because people are not going to be confident about this. They're just not. They're not.

Again, I appreciate the work that the minister's department has done on it, of course, we do, but there needs to be more to this because the resolutions are not going to be there in their entirety. There are going to be so many more questions at the end of this. We are going to get some answers, of course, but there are going to be still some questions at the end of it. We were hoping for a little bit more and, hopefully, we can get through the process and get a little bit more before this legislation actually passes.

I've heard it before around the Chamber tonight: hardships in Newfoundland and Labrador. We faced a lot of hardships throughout our generations, throughout our history, but, God, the past five and six years feels a little bit different, doesn't it? The hardships that Newfoundlanders and Labradorians have faced has taken on a different entity altogether, whether it be financial or sickness within their families, whatnot, and we see it.

When we look back – and the Member for Mount Pearl just said it – the fact that our own people in the province are having to fight their government for a piece of land that they may have been on for 50 years, I mean, it sounds absolutely ridiculous when you actually say it out loud. Nobody else has been fighting them for this land. I mean, that's a different situation altogether that needs to be addressed, but if somebody sat on a piece of land for so long, and on top of the rising prices and whatnot, inflation, food, travel, everything else, travel back and forth to Labrador, we heard earlier today, when you have to actually fight your government and then take on lawyers of tens of thousands of dollars, dipping into your pockets, that's not something that should be done.

We all know that the Government of Newfoundland and Labrador works for the

people. It's not the other way around. Now, listen, I know there are standards as well and we can't go outside the boundaries of those standards, but we need to make those standards work for the people; not work for us in the Opposition, not work for the governing party of the day, work for the people of the province. At the end of the day, that's what any piece of legislation should do, is work for the people of the province.

The Member for Mount Pearl - Southlands also said there could be possible amendments to this bill. Who knows, there might be. But I would go a step further and ask government why some of the rural MHAs probably weren't asked about their opinion. We have a lot of rural places on this side, that reside on this side, whether it be Bonavista, Terra Nova, Exploits, Green Bay, Placentia West - Bellevue, there are a lot of rural MHAs on this side that have a lot to say and there's not one person in this Chamber that has all the answers. There's not one bureaucrat outside this Chamber to have all the answers, not at all.

You know, growing up, when it came to a team effort and trying to get it right, I've always thought to myself, more heads around the table, the better. You never know what you're going to find out from a personal story or something that may have happened to a constituent along the way. Maybe that could have been added to this conversation, but it wasn't. Maybe it was an opportunity to do it.

I'm not green to this job by no means, it's been six years now, but I'll never get over that. I'll never get over why a bureaucrat or a minister can't reach out to the Member for Bonavista and say: What have you heard? What's the biggest problem when it comes to Crown lands out your way, or the Member for Exploits, who have been great champions on this, by the way, I think they deserve a round of applause, because they've been fighting on behalf of the people for quite some time now.

**SOME HON. MEMBERS:** Hear, hear!

**C. TIBBS:** But that's something that I could never understand.

I'd like to take a couple of minutes to just talk about a few specific things when it comes to Crown lands in my area. They may not be addressed in this legislation; they might be, but they may not be, so we can put a different lens on some of this.

I have a constituent that has a cabin, one of probably six cabins on Dowd Pond. It's this humungous lake in Central – absolutely humungous lake in Central. There's not a whole lot of cabins on it at all, but you can't get a vehicle in there. You need to go in by Side by Side or Ski-Doo, whatever it takes. I remember he came to me about five years ago and he said: Chris, I don't understand what this is, how they can ask me to do this? We talked about shoreline reservations as well, and I get why it's there, I get it, but sometimes we need to use common sense and common sense should override policy. I truly believe that.

They asked this man to move his cabin back four feet, pick up his cabin in this remote area and move it back four feet. We appealed it and we went after them, sort of thing, and no way would the department budge on that. Four feet, that's it. That's what they wanted to ask this man in 2020, at the height of COVID, everybody was hurting, and they wanted him to move his cabin back four feet.

I thought to myself: That makes no sense to me at all. There must be somebody within government that can say no. Again, it's a policy, but if it was a busy lake and whatnot, it had to do with nature, it had to do with waterline reservations. But, no, it didn't. It was just a policy that was written in black and white. He was four feet too close to the shoreline and he had to move his cabin and he had to pay for that. It just blew my mind that he had to do that.

When we talk about the resources within the department – and, of course, we're all very thankful for the department's work, there's no doubt about that – but they are under-resourced. They truly are. So I can't imagine what's going to happen after this. There's no doubt they need more resources and I hope that government sees that and puts more resources into it.

I have another constituent who had a cottage about 15 minutes east of Grand Falls-Windsor and he wanted to add on to that cottage, build more onto it. Economic growth, the hardware stores would have gotten money out of it and whatnot, and that's what he wanted to do.

The department wanted a measurement. They said we don't know how far you are away from the shoreline, so they wanted a measurement. So he said, okay, not a problem. Come in and measure it. I guarantee you I am the right distance from the shoreline with probably five or six feet to spare. Perfect. We waited a year to get somebody in there to measure that. That man could not pay for his Crown land because they wanted that measurement to be taken. We waited a year and nobody went in there.

So do you know what we did? Myself and Travis went in with a yard tape on video, measured it ourselves and sent that video in to the department. It wasn't good enough. Eventually it got sorted out.

Again, it's not a knock on the people that work in the department. It's a knock to whoever is under resourcing that department because obviously it's under-resourced. If somebody can't get in there for a year and let this man have his cabin, let this man do whatever additions he wants to do, that's an under-resourced department and we need to look at that moving forward if we're going to pass any legislation when it comes to this here.

I know it doesn't have anything to do with this right now, but I wanted to take a quick moment and just touch on agricultural land. Fred Card, up in Badger, is 82 years old. He had a piece of agricultural land for years, grew potatoes on it, sold them to the people in Badger and gave a lot of them away to the people in Badger. It was absolutely fantastic.

COVID hit. He had some sickness in his family. He didn't plant anything for two years – two years – and the Crown took it back. He begged and pleaded and said he was ready to plant again. Unfortunately, the Crown took it back. We appealed it, we went after it, we did everything we could and it was just a sin, at the end of the day. I felt so bad for him because that's all he wanted to do.

Right now that land is up there sitting barren. It makes no sense. We produce less than 10 per cent of our own food here and, unfortunately, Fred Card, his potatoes were taken away because he didn't grow anything for two years. Again, a policy in black and white that any human being can look at and say this does not make sense. We need to veto this. We need to change this. We need to do it on an individual basis, maybe. Nobody would have argued that. There's not one person in my district anyway – I don't think any person in Newfoundland and Labrador would have argued to let Fred Card have his land for his potatoes.

Something else that I don't see in here but maybe it's something that government can take a look at moving forward with legislation, and that's a disclosure for when people actually do buy Crown land. I'll bring it up now. Rocky Brook Bridge, just west of Gander, a lot of beautiful cottages in there, lots were sold. They had a roundabout way that would have taken about 40 minutes to get their cottage off the Trans-Canada Highway. People live there. It's not just cottages; that's their primary residence for a lot of people. Or they had the bridge, which

is right off the highway, right into the cottages. You're home and you're sat on your couch within five minutes.

The people using Rocky Brook Bridge depended on that bridge. When they bought that land they were told the bridge obviously is with the land, yadda, yadda. You can use it, 100 per cent. A couple of years later, fast-forward, Rocky Brook Bridge is deemed unsafe. You cannot use that bridge anymore and what's more, the government, we don't need it anymore now because we used it for forestry, so we're going to block it out. We're not going to do anything with it. We're not going to fix it. We're not going to repair it. We're not going to switch it out with a new bridge – nothing.

So what are they left with? That's exactly what they're left with now, a 45-minute drive right around the lake to get back to their cottages, when I believe a disclosure should have been made when you're buying Crown land. Our leader brought it up a couple of minutes ago about the wind turbines. Some people agree with them and some people don't agree with them, but in Exploits, down in New Bay, we are hearing tell of some people who may have bought land down there and cottages overlapping with the time government knew they were going to put the wind turbines down there and didn't disclose it. Some people love it; some people just don't like it. It doesn't mean it's right or wrong; it's just people's preferences. But maybe they should've been told about that before they were sold the Crown land.

That's just a disclosure issue that I want to bring up here today on behalf of the constituents of Central. I know we have a few of them out there and I just wanted to make sure that we got that out there.

The piece that says allow the minister to issue certificates saying what is and what is not Crown lands – and I can't wait to dig in a little bit deeper to that and see where it goes exactly. To me, that just seems very subjective. Anything with Crown lands

shouldn't be built on a subjective point of view. It should be an objective criterion for any Crown land, whether you're going to say it is Crown land or it isn't. I can't imagine in the future a decision is going to be made by any one person – and our leader once again just said it a couple of minutes ago – on whether that can be a piece of Crown land and this is not a piece of Crown land. One person to take that upon themselves is too subjective for my liking. And it's not to bring in any ministers, the value of themselves or what they may be thinking or their character by no means.

But the fact of the matter is one person up on the Northern Peninsula could be given Crown land or it be called Crown land and somebody in Placentia West - Bellevue could be told it's not Crown land. And it could be the exact same circumstances but why? At that point, we won't be able to question it anyway.

So any subjection in any legislation to be put on one minister without any clarification, it just doesn't sound right to me. It just doesn't sound right. Again, it's not calling into character of any minister by no means. It's just it's too subjective and you could really get into some grey areas that aren't going to work for a lot of people. Then what? We're back in the lawyer's office?

We can't do that to people. We need to treat people with the respect that they deserve. Again, Newfoundlanders and Labradorians, they've seen some hardships over the years, but we should not have to fight our own government to get a piece of land that we've been on for so long.

If this is indeed only for primary residency then what about the case where a long-standing family home is now used as a secondary residency? Again, we work for Newfoundlanders and Labradorians. How many people enjoy living in an urban area and on the weekend or on a holiday they go out to a rural area? It happens all over Newfoundland and Labrador. It's what

we've enjoyed for years. I remember being a kid and going out to Central, out down to New Bay, to the cabin down there, to my pop's cabin, having a great time. It was absolutely fantastic.

But, to me, that shouldn't have any bearing. If it's a secondary residence, it still shouldn't matter. It's still enjoyed by Newfoundlanders and Labradorians on the weekends, on holidays, whenever they get a free chance to do it. It's what we're known for. You see many people come to Newfoundland and Labrador – I have had friends lots of times and take them to the cabin for a weekend.

We want to make sure that it's not just the primaries, but the secondaries should be considered in that as well. They should be. It's no different. It's what we enjoy. Again, take that stress and aggravation off the plates of Newfoundlanders and Labradorians, for God sakes. There's enough on our plates now as it is. Our government should be working for us, and we look forward to that.

The maximum lot size – that's another one. I'm looking forward to Committee when we can question this. I look forward to the legitimate answers about why. Why some of this legislation is the way it is, and that's one of them. Because that's not a very big lot. What did we say earlier, it's a half-acre lot? That's not a big lot. What difference does it make if it's a half acre, if it's an acre? Are we running out of land in Newfoundland and Labrador? What difference does it make?

And again, we get back to Fred Card. Maybe it's somebody with a cottage that has quite a bit of land for agriculture. Maybe they've got a couple of animals, maybe they've got some potatoes – isn't this something that we should be promoting in Newfoundland and Labrador? Absolutely.

**SOME HON. MEMBERS:** Hear, hear!

**C. TIBBS:** We grow less than 10 per cent of our own food. If a fellow Newfoundlander

and Labradorian is going to step up to the plate and take it on to grow something in the ground, good organic food, well by God that's something that I want to support. They shouldn't be handcuffed by a lot size of half an acre. It just doesn't make sense. Let's start working for the people of Newfoundland and Labrador like we should be doing.

The appeal board will only apply to adverse possession. Why won't they hear appeals from the quitclaim process? Again, we would need more resources, there's no doubt about it. But there should be a way to appeal all of this, any of this, especially if we've already talked about it's going to be under the minister's discretion, very subjective discretion, whether he's going to say it's Crown land or if it's not Crown land. And if somebody doesn't have the ability to appeal the quitclaim, then that's going to be an issue as well.

Again, we get into a grey area where somebody is told: nope, you're done, that's our final decision and that's something that you're going to have to live with and there's no appeal for that. It just doesn't make sense.

We talk about the online portal – and I only have a minute left – listen, we've stood here over the years and talked about the Internet service in Newfoundland and Labrador, the cell service in Newfoundland and Labrador. Some people just aren't used to the online stuff yet. It is great for people that are on it. Listen, I am not saying get rid of it by no means, but don't let that be your primary outlet for people to get that service.

I think I heard somebody a little while ago say bring back the walk-in service, for God's sake. It is a sin. I have had people sit in my office and I try to navigate it for them over and over, but we should have a walk-in service for people to walk in and talk to somebody that really knows and can give them answers, not call a 1-800 number but talk to somebody one on one. That is the

best way of doing things. We need to make sure that those resources are there for all Newfoundlanders and Labradorians moving forward.

Speaker, I will take my seat, but I'll say it again, let's start working for the people of Newfoundland and Labrador, as we should.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER (Bennett):** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thank you, Speaker.

It is certainly a pleasure to get up and speak on Bill 68. There are certainly some issues in my district, for sure, regarding that.

The first thing I'll touch on is that people voted us all in here as 40 MHAs – 40 MHAs in here and we're all voted in. I'm sure when you ran for your district, you ran to hope to help the people in your district, to help them out and to do the best you can to help them out in their troubled areas.

As I said, 40 of us here; 22 make the decisions of what legislation is coming in, or I'd say there are three or four that are in on this at the most in MHAs involved in it, the rest sometimes are not involved. I did a chart there and I would think there are probably eight or nine that it doesn't affect, mostly in St. John's and there are places in Labrador, I spoke to the Member here as well, that it doesn't come up in her district. Everybody has different issues, but we're all voted in for the same reason, to help the people of Newfoundland and Labrador and we haven't got together and done that, in my mind.

Yes, when it comes along you can make some amendments when all that happens. If you don't come up with the idea, it doesn't get voted on. But everybody is here for the same reason, to make Newfoundland and Labrador better. That is something that we should be looking at, together, to be able to

sit down, as a Committee and make this legislation strong and robust. When you come in here and everybody can have a chance to speak on it, you wouldn't need to come in and make amendments on whatever other legislation we've done, and you'll be able to vote on it.

We're all voted here for the same reason, to make this province better, but we don't seem to get our input. We have stuff that we can offer to this legislation; unequivocally, we've got things we can offer on this legislation. We have two experts in our department, as far as I can see, when it comes to Crown lands, two fellows that know more than anybody when it comes to that, but we just don't seem to want to get there and include everybody in this whole legislation.

It happens every time. It's just so frustrating. I find it so frustrating; 40 people should come in here as a team, not as individuals trying to get something. We should come in as a team and make this better but it doesn't happen. It hasn't happened in the five or six years I have been here.

Now, I got a story here from a gentleman that lives in the Goulds. I gave it to the minister and he looked at it. I gave it to the previous ministers. So this minister has been in Crown Lands twice, there's another minister that's been here in the House that's been in Crown Lands twice and we're just getting legislation now.

So this gentleman, in 1974, bought a piece of land in the Goulds to build a house. There's a piece of land next to it, that over the years after he lived there, there was a sawmill on it. You can go back, I got pictures here, there's a sawmill that was on this piece of property. You can go back to the topographical maps and it shows that it's there in 1975 and '76, but that's not good enough for Crown Lands right now.

So he bought the land, built a house there and in 1992 they closed the sawmill and he

had an opportunity to buy this full piece of land. He couldn't afford to buy the full piece of land at the time. He bought one piece that cost \$18,000 and in the next year or subsequent years, he bought the second piece that cost him another \$10,000. That's in 1992, so the value of that land, I mean, absolutely has soared through the roof, obviously.

He did nothing with the land for 30 years that was next to him, but he owned the land. So, you know, for the next 30 years he left the lot vacant. He said it's there for skating rinks in the winter and horseshoe pits in the summer.

In 2021, a local contractor approached him and offered to buy it to build two homes there. That's when the trouble started.

It was time for him sell now; he's in his 70s. I went to his house last Friday and sat down with him. I'm going to get into the story, try to go back and forth, but I went to his house last Friday and we sat down and discussed it. I've spoke to him on many occasions on this. He's looking to retire and, at some point, not right now, he might think that he's going to go into a home and be able afford to go to a condo or whatever he's going to decide to do. It's something that he's looking at and this land is his out for when he retires, to be able to sell this.

**AN HON. MEMBER:** That's his nest egg.

**L. O'DRISCOLL:** That's his nest egg is right.

So he applied to the city of St. John's in 2022 for the necessary approvals and building documents as requested by the contractor. They were eventually granted. So the city of St. John's gave him the approval and granted him everything that he needed to get it done.

On the day of closing, the lawyers requested that two affidavits will be required to finalize the sale. This became impossible

as the requirement was that the person would have to have intimate knowledge of the property back in 1957. At this point he said, my lawyer suggested that I apply to Crown Lands to get a clear title. Now, he said, that's when his real trouble started. He did that.

This I did and waiting several months for a response from Crown Lands which claimed that I did not own the property and it was not fully occupied and in use such as farming for 1957 to '77, but a picture can show you that the mill was there.

So think back now, he paid \$28,000 for that land in 1992. He paid taxes on it from 1992, when the Goulds got amalgamated in 1992, because I texted him a little while ago asking him how long he paid. He paid taxes on it for 30 years. They gave him back his tax money last year, but only gave it back from 10 years that they had a record of. They couldn't go back any further than that so he lost 20 years of paying taxes.

So now when he goes to Crown Lands, he's looking for fair-market value and it was broken up into two pieces of land. Eventually, Crown Lands made it into one piece of land – and the minister knows, I gave him a copy last week and we had a fair discussion on it. Anyway, he was getting a letter and the minister did help me with that. He had to get a certain date. It was going to say November – I'm going to say the 20 or 21, or it might have been one day last week – he had to have this money in or he would have lost the land. It would have went back to the Crown. So he had to go in to the bank and take out his savings.

When it first started, it was \$94,300 that was a fair-market value for the land. So he was going in to do that. By the time all of this was done and it was amalgamated into one piece of land – and I'm sure if I missed this somewhere along the way, the gentleman when I speak to him tomorrow, he'll clarify it, if I make a mistake, I'm sure he will. But now after making it one piece of land and

was going to buy it, dealing with Crown Lands, when it all came back, the fair-market value now for the land is \$164,000.

**AN HON. MEMBER:** How many acres?

**L. O'DRISCOLL:** It's an acre of land.

So that's where it's to. It's an acre of land, a half acre each. Fair-market value for him is \$164,000 for that piece of land.

So now he was going to the bank last week to get this money out and had the money out. I happened to call him when he was standing in the line for the bank and the money was done, he was getting it out. So he had the money taken out of his investments. I said, hold on one second, we have some Crown Lands legislation coming through. We're not sure how its going to work but if you can hang on. He said, it's too late, I have that done. I said, well maybe you can go back to the bank tomorrow. I think, he was home at the time when I called him. I said, maybe you can go back tomorrow and they can reverse that. No, it's too late, it's taken out of his investments.

He did go back and reinvested the money. They put it in a GIC for 100 days which gives him the extension that the minister had granted to me right now that he could do that. But he'd only make so much money on that investment for the next 100 days.

So there's \$164,000 that he paid – \$28,000 for two pieces of land back in 1992 and they're going to charge him fair market value of \$164,000 today that he was going to retire on as his nest egg, as he said. Buying his own land back that he bought many years ago – and I'm not making this up. I'm after dealing with four ministers. I'm not making this story up. This is a true story. It's sad. It's just so sad to think about that.

Here we are that they can give him a fair market value when he calls in to Crown Lands in a week and we're trying to find out how much the land is worth up on

Kenmount Road and we can't find out. That's unbelievable.

**SOME HON. MEMBERS:** Hear, hear!

**L. O'DRISCOLL:** That is unbelievable. It's incredible that it can happen.

So here we are, he asked of that and this is where it stands for him today. Now, anybody in their right mind, in this House, should be able to sit down and get this legislation and let's get it done and let's get it done right for this gentleman.

Now my question would be, and we get into Committee, how can we help this gentleman? What would be the fair market value for this gentleman now? To me, they should grant him this land and let him walk on his way. That's what should happen.

**SOME HON. MEMBERS:** Hear, hear!

**L. O'DRISCOLL:** That's only \$28,000 that he paid back then. That's not counting the lawyer's fees and every time you go – if he went to go look at this land a couple of years ago, to go back to the city to get these grants that he's trying to get, he had to go get a new survey. Every time he got a new survey, well they don't come for free.

He told me he spent over \$100,000 on this bit of land and now they're going to ask him to pay \$164,000. That's incredible. We're in here discussing and debating this – and this report is done since 2015. We can't have these people – and I'm not saying this is easy to do. There's proof here and I'm after giving this to every minister since I came in here. I'm still dealing with it and, hopefully, at some point in time that the minister – and he's got it; he knows. I've certainly spoke to him on it and it's, hopefully, something that this gentleman should be able to be granted this land and let him move on his merry way. That's common sense as the Member for Grand Falls-Windsor - Buchans said, no question.

**SOME HON. MEMBERS:** Hear, hear!

**L. O'DRISCOLL:** There are so many things to touch on, Speaker. Where will I go this time? The Member for Mount Pearl - Southlands said about registrations. You go into Motor Vehicle Registration and not dealing with people. When COVID started, people stayed at home and they tried to do it online and do whatever. That's gone. These offices should be back, filled in. Crown Lands is especially one – when you want to find out something about Crown Lands, you should be able to go into an office and deal with somebody but you can't talk to somebody.

So this person is home, sitting down, waiting about their Crown land – I dealt with one up in Fermeuse a couple of weeks ago, and hopefully will be able to help her. The house is still sitting there that she's not in. She's living in a trailer and she's been on this land for 50 or 60 years, but she's not sure she owns it. I said, get two affidavits of the people in your community that can help you prove that this is yours. Let's help prove that this is yours.

I'm giving you real-life stories. That's where it's to. Like we said, the Motor Vehicle Registration, Crown Lands should be the same way. We should have people in the offices that we can speak to, to help solve our problems or at least answer the phone. That's one thing we need, is answering the phone. You call in, you're a week before they get back to you. You're sitting here waiting to get some of this stuff solved, and it's all time sensitive most times.

Now the minister has stretched that time-sensitive issue for a little while, so hopefully we'll be able to get some of this stuff solved, but that's not going to happen very quick. I mean, that's not going to happen very quick for sure. My parents live at home. I'm 58 years old. My parents were living in their house well before that. I look older than that, I know.

So they're in the house well over 60 years. I'm frightened to death to ask them – and I hope they're not watching. I hope my mother is not watching, for sure. I'm frightened to death to ask her if they own the house. Do they own the house? They were given that house from their relatives that were next door. They were given that house. I don't know if they own it. Do you know when we're going to find out? When they're dead and gone, and that's a sad thing to say. You're frightened to death. They don't need the stress to find out if they own it right now. We'll have to deal with it. We're not going to put it on them.

Now, that is the most wrong statement in the world. It's a wrong thing that you sit here and think about. It's just not right – totally not right.

You know, that's the kind of things that people go through in life. The land that I live on, I'm there 31 years. My father gave me that land, and my brother lives next to me and my daughter lives next to him right now on the same stretch of land. Where did he get the land? I got the land. Was it ever granted to him to give to me? I have no idea.

I know that when you go get it surveyed and when you do a mortgage on your house, yes, they register it as a mortgage. There's a registry for a mortgage on your house. That's not registered as land, Crown land, or registered as your property. It's registered as a mortgage. That really means nothing when it comes to Crown land. They can come in and claim that tomorrow if they want, if it was never granted to my father or whoever gave it to him.

So even though it is registered and it is surveyed, was it ever granted to him? I have no idea. All I know is I thought I had it surveyed, I had it registered, but it's only registered for a mortgage. So people have to understand that. Even though it's registered, that don't mean you own the land. It's registered for a mortgage. It's not

registered for Crown Lands. That's one thing that I'm leading to, is that we should have a registry set up in this province for Crown Lands so that when you buy your house, you should have a registry set up.

**SOME HON. MEMBERS:** Hear, hear!

**L. O'DRISCOLL:** These are some of the things that the minister, he's touching on all that stuff over there and I'm sure that he's trying his best to do something. I've been in here 5½, six years, and I've always said that since I came in here. There should be a registry set up that when you buy your house, that it is the first step – the first step. Then that goes away.

So imagine people today if there are people listening – if they are – if not, there are people that own their homes and the only time they find out is when somebody passes and the land is passed on to someone else. That's when they find out they don't own the land, and that is incredible. So if you're there 60 years – my parents are definitely there 60 years and the house is 100 years old. They don't know if they own it or not. I don't know if they own it or not and I'm certainly not going to ask the question again. I hope she's not listening, because that'd be another stress on her for sure.

**AN HON. MEMBER:** Phone will ring any minute now.

**L. O'DRISCOLL:** Yes, as soon as I leave here, she'd be calling me.

I agree with the minister, I've certainly dealt with a lot of Crown land issues here over the last five years. Really, I have to be truthful, I knew nothing about Crown lands until I started at this. I still ask my two Members that are here that know so much about it, because there's still a lot of information that you need to know when you're trying to iron this stuff out. But there are a lot of things.

Quieting of titles is something that's going to be very expensive for the people for sure. That is something that is going to cost a lot of money for people to do. There are going to be lawyers involved. I had a friend who used to work in Crown Lands. He's still working in another department in government, and he's a wizard when it comes to Crown Lands. I said, b'y, you have to get back in Crown Lands, because he's great at it. But he just hasn't had the opportunity. He didn't want to go out west when they moved the office out there. That's something else. But he is a wizard when it comes to this and he can answer all the questions; he knows a lot about it. Hopefully, that's something that, in time, he will be able to get. Because that's where his niche is. He really does enjoy it.

Like I said, I've been here five years, I've gone through five ministers since I've been here, in Crown Lands, Fisheries, Forestry and Agriculture. I have been through five ministers in TI as well. So a lot of these issues, you go around and around. As soon as they change in government, soon as they change your ministerial role, then we've basically got to start all over again to get our story out there. That's exactly what happens.

Now, I wouldn't expect that minister to know of the person I'm dealing with here in Goulds until I've given it to him. So I turn around, go get all the copies. I've done that copy at least four times, and I've had it in my briefcase since I started and I carry it around with me. Because it's very important that we get these stories out there and get them done.

But every time they change a minister, the work starts all over again for all MHAs. Not only on this side, I am sure there are Members on that side that have the same issues. I'm positive they do, there's no question. I'm looking at the Speaker and you're nodding your head. You certainly have the same issues. If you're in a rural community you have these issues, there's

no question, absolutely no question, and it's time consuming. Because of all the people here, I have one story that I can tell you that was finished and done since I've started that the person got his land. We had it here on a sheet of paper. Let me see if this is the one. Yes, this is the one here, and I've read it out before.

This gentleman owned Crown land in 1979 – I might be taking some of his information from him, but it was mine originally. Someone in the community complained at that time that it was church land. So this is one that was solved. Crown Lands sent out an investigator and after his investigation, he recommended that it was church land and it was recognized as such by Crown Lands. So the gentleman was reimbursed for his expenses and his survey costs. At this point, he was fed up with it and he just walked away from it, but he had a brother who applied for it.

He went to the Grand Falls archdiocese – I got it right that time – to buy the land. His aim was to build a cabin on it and eventually did. He said he requested it by the parish council of King's Cove that they agreed to sell it to them. So he purchased the land in 1992. Once he received the bill of sale from the council and the priest, he built the cabin.

A few years ago, he applied to have it registered and two lawyers from Clarendville handled the process. During the process, it appears that Crown Lands, once again, considered that this land is belonging to the Crown after all that time. After designating it to the church back in the '80s, they came back and said it was Crown land again.

It did get settled and it's one of those cases that I can sit here and say that there was a good ending to it, but that is one of the cases that happened to this gentleman in my area. It was over in the Bonavista area that he had the land, but he did get it ironed out.

It's something that we have to be looking at. This is people's money, their lives are in turmoil and we have to get this ironed out, and let's do it right. We have to get the legislation right. That is what we're all asking over here. There are so many loopholes in this.

Yes, we'll certainly want to have this part through that can take care of people through quit titles. Absolutely, we'd love to see that through and we want to see that done. As he said before, that will take some people off this list. Is it going to take care of everybody? No, but our job in here is to take care of everybody.

So we have to try to make this legislation foolproof. Let's get it done and let's get it through this Legislature here so that we can all be happy when it's done. It'll help every single person in the Province of Newfoundland and Labrador to make sure that it's done and it's done properly.

Thank you, Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Speaker.

In listening to my colleagues, especially from the more rural parts of the Island and with historic communities in their towns, the issues and stuff that faces Crown Lands, especially seniors living in houses. They thought they owned the land and they had title to it, then to find out later when they go and try to sell the house or they go and try to do something like that, many people don't even find out that the land wasn't theirs until they go to sell it, sell it to a family member or that. They are looking to move into some kind of retirement living or care and then they have the burden of this process of finding out that they no longer have the ability to do that and as well the related incurred costs.

Currently, the act requires to prove the adverse possession of 20 years prior to January 1, 1977; however, a lot of the older residents have moved away, passed away, adverse possession claimants face difficulties in proving their claims.

It's interesting that this is the situation, I know a relative of mine, his father is living out around the bay, out in Wesleyville, who was just recently diagnosed with Alzheimer's and they're looking at finding a way to move him into care. He finds out that the house that he's living in was never really on his land or he didn't think he owned the land because they found it didn't. He thought it was given to him by a relative many years ago to build a family home to raise his children in. Now they're currently going through the process of hiring lawyers to find good title and the chain of title for those kind of things, to try to get it.

This has been a multi-year project now. Unfortunately, for my relative, his father is in declining health. So it's becoming quite the cumbersome challenge to find out and get this straightened out so they can sell the home and be able to take care of that, so his father can have something when he goes into care.

We want to see these things. I look at my own family. My grandfather, when he left Labrador, he went back to a family piece of land around Centreville and the same thing. The land was owned by his grandfather who left it to him and then across the lane was land that was my great-grandfather's who ended up giving it to my dad who then gave it to all these people. It was a long-standing family piece of land that dated back to when they first came from England to settle in Bonavista Bay.

It became a huge quagmire of things and my grandfather spent the majority of his retired life trying to straighten all that out so that the land would be able to be divided up correctly for my father and my father's sisters. My grandfather wanted them all,

when they retired, to come back together out in Centreville.

So he spent the majority of his retired years working on that and another few pieces of land that was left in the family, to try to straighten that out and, unfortunately, he passed away in July. I'm sure he's still up there trying to fill out paperwork.

It was one of those things, you know, we had an interesting way that we settled this province. It was very hectic kind of settlement and then family passed land down to each other and things like that. Now we're faced with a problem that was done many years ago and no one had the forethought that anything was going to happen. Now, here we are in 2024 trying to modernize and trying to move it into a fair way.

At the same time, we never had the practices in place to do this and now we're faced with a challenge of how do we get great fairness out of the system and a fair appeals process, a fair way to do it. Many people don't realize they're caught up in this until they go to sell their home or pass it on to a relative who is in need of property or who they felt that the property should go to.

It's a long wait for processing claims, red tape, other barriers for timely settlement of good title. Some people don't have time. That's the hard part, you're challenged, especially seniors. They don't have the time to go through the entire process to find that – many people find out they don't own the land they live on when they attempt to sell the property. You know, lawyers have to ensure that all titles are in good standing before conveyance. This is where a lot of the problems and the process is discovered.

You want to make sure that we can do this, but at the same time these are seniors we're talking about. These are individuals with fixed incomes and little or no money to pay for a surveyor, to pay for a lawyer, to pay for the fees, to pay for the all the stuff.

They weren't expecting that. They thought their entire lives, their 60-plus years living on a piece of property, that it was theirs. These are the individuals that are hurt the most by this process.

Enable the province to issue a certificate declaring a claim is no longer an interested parcel of land. The minister has the option to approve additional structures under section 7. How do you simplify this? How would this work in the end for the quit title or things like that? It kind of just starts adding more to the problem it seems than it would actually the conveyance of trying to work with seniors to work with people around the communities. We're also asking people to find ways to clear up and to ease the process for individuals.

I know the minister mentioned, at some point, maybe there are no fees, just processing fees, but you have to look at the surveys and lawyers and the things that could possibly be involved. It's still a very expensive prospect for a senior.

Up my way, it is significantly different. We find, a lot of the process there, is that we were an organized community in Labrador West. Everything was laid out. If anyone's been to Labrador West, they'd understand. Almost every single house looks exactly alike. Every street is exactly the same width, the same length. It's very engineered and laid out. We didn't go through the same process but it's because we were incorporated not until the '60s, and a lot of the homes and stuff were divested from the mine in the '80s.

Then we look at how simplified everything in the process was then, and now you take that and translate it onto the Island and you realize how much different things were done, how it's even looked after, even to this day, how land operates with families and passing down and stuff like that. We have to take into consideration that a lot of the paperwork, a lot of the stuff, a lot of the transactions and things that were done, it's

all left to the memory of those who were still there, who were around before 1977. That knowledge and what happened and who was there is dwindling and leaving very quickly.

So we don't want it to be vague. We want to be able to try to extrapolate the situation from people who are living it and the seniors and stuff that have to find a way to get these titles done without the cost, the amount of burden that is possibly left to these seniors.

That's why I'm thinking about this. I still can picture my grandfather sitting at the table trying to figure out what to do with all that, where is his house and great-grandfather's house and the piece of land out back and all that, trying to straighten all that out between lawyers and surveyors and things like that for years. He ended up doing it, trying to figure out how to get that land done and it cost him a fortune. He spent most of his life at it. Like I said, he's probably up there now – he passed away in July – still doing paperwork for the Department of Crown Lands, trying to get it all straightened out.

Unfortunately, at the end of the day, it got straightened out eventually. But now it's left to Dad and it's left to Grandmother to make sure that everything is parcelled out correctly and trying to make sure that my aunts and my dad have the property that once belonged to my grandfather so they can build their retirement homes.

That's another thing that we take into consideration is a lot of these individuals – seniors and stuff – their goal in the end is to keep the family property and everything like that for the family that's out in Alberta and stuff that want to come home. Especially out around my grandfather's way, the hope is that everyone will come back from Alberta and the family land is still there and, hopefully, a retirement house will be built there, or take over the home that they live in or come back and take care of them.

Now we're finding out that they don't own the land or it's not done correctly, or the paperwork is not lining up or you have to track down someone who lived there in 1977 and remembered they always lived there and try to go through that. Then you have to hire lawyers and surveyors and go through that. Then, on top of that, like I said, you have the long wait times of processing claims, the red tape and other barriers for timely settlement of good title.

We hope that we can come up with some way that we can bring it in that it's an easier process. We can find a way to make sure that people who are caught up in a lot of this stuff that they had no idea that they were subject to it – they had no idea. They thought that, years ago, it was done. The proper paperwork was submitted or the titles were submitted, or that they somehow, when they transferred land between families or family members, that it was looked after. It was all done with good intention. It was all done in a way that we wouldn't have to worry too much about how they would manage. At the end of the day, it seems that seniors are the ones who are actually caught up in this the most.

Once again, up our way, it's a lot different because of just how things went. I think 90 per cent of the land in Labrador West is owned by a mining company of some sort or fashion, so it's a very much different process. But when it comes down to, I guess, some of the other things that are inside there, when you talk about the process of getting Crown land or the process of that, many of that is in either remote cottage or cottage country, trying to actually get that done.

A lot of people come to me, thinking I'm going to plan my retirement cottage or do something like that and the thing that becomes, I guess, people from Lab West mostly – I'm going to speak about it now since I have the opportunity – is just the processing time. It's the amount of time that they think, well, I'm going to go out now and

I'm going to get this piece of land or a spot next to my friend or something like that and try to go through the process to get it all worked out, so that they have a timely access to build that dream cottage. Either they're coming up on retirement or close to retirement and they want to have their place down by the river or down by the lake or even up somewhere on blueberry hill or something like that, and it just seems that they think, with all good intention, they're going to go do this, they have everything lined up to have a log kit come in or do something nice for themselves and just the time and time and time, the waiting to get it done.

I know another issue, too, is where they're going to draw for lots. They're thinking oh, this is going to be the year, there are a bunch of lots there and they're ready to go up for draw. No, not the year. They think again and, nope, not the year and, the year after, those lots that people are looking at never get drawn. These waits that people are finding in Crown lands is exceptional, and they are always having trouble like, who do I call? Who do I talk to?

The process seems to be very dragged out and delayed. People are just wanting to move on with life. They want to be able to have fair and easy access to the information and to know how to put an application and they expect them in 90 days, but in some cases for people who are waiting for the draw for lots, they've been waiting years.

That's unfortunate for many people who have their hopes up, that hopefully they get one, they have their plans made, and time and time again it doesn't come to fruition. A lot of these people are very frustrated with the way the system is and they don't find it fair. There's a lack of fairness in that, too. So I really hope that at some point, we can see these lots get drawn, we can see the application process streamlined, and that many people who are just trying to find a little slice of heaven have the opportunity to

get it in a timely manner, where it lines up with plans.

Life is fast-paced these days; many people are hoping that they can make their plans, they can have their cottage and enjoy it, and not feel the frustrations of waiting and trying to get through the ebbs and flows and tangles and whatnot of bureaucracy when it comes to Crown lands. I just want to put that in and hopefully that we can figure out ways to also streamline that process, while we talk about the much other pressing issues when it comes to adverse possession and settling a good claim and good title, and those things.

With that, Speaker, I take my seat.

**SPEAKER:** The hon. the Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Mr. Speaker.

I thought someone else was going to stand, so I just didn't want second reading to stop. That's all.

Mr. Speaker, I'm going to speak on this a little tiny bit, and I'm going to give a bit of background history on it also. I have to say, next to health care and sometimes roads, the greatest concern, the most calls I get, the most frustration, is Crown lands. Just for the record, and to be upfront, I was the minister for a year, back when we first started with government in 2016, and there were some great changes there.

I remember we changed the act and municipalities then could freeze land within their town for economic development and pay for it later. I remember putting out a lot of agricultural land, so that we can have economic development and food security, at the time. Starting the online application process was supposed to take place in 2018. I wasn't there at the time; it was quick.

There were some other initiatives. One of the things that I had at the time was talking about the changes that were supposed to come in 2017 that never came. I was part of the government for a while on it, I was the minister for a while and there were some positive changes. Whatever happened after that, I'm not here to criticize that, but whatever happened it just never materialized with Crown Lands.

One of the biggest frustrations – and I say to the minister, I said it to the former minister, I said to the former minister and I said it to the former minister – is you can't get to talk to anybody. Everybody here is talking about that. I can't get into the building. I cannot get into the building. I have to phone and make an appointment to get in to speak to somebody.

I tell you the frustrating part, and people don't understand this, I remember Motor Registration had appointments only. I remember this day out here, pouring down rain and there were seniors piled up, I even took chairs down from the fourth floor so seniors could sit, 40 and 50 people there. We fought and fought and we got it changed. Now there's an application process and a walk-in process and it's working perfectly.

I'll just give the minister a few examples, and the four other ministers who never understood this because they never had to deal with this, I know applications that they called and had an appointment to go over their application, when they went up, the person wasn't available for their application. It was delayed. They had to go back and make another appointment to meet one of the workers at Crown Lands. By the time they go their appointment, they got a letter of rejection because it was past the deadline. It is that bad.

I know the Members opposite are shaking their heads and saying no. Yes, it does happen. I know that's how serious it is. I can go through a lot of it, Mr. Speaker. These

are some of the frustrations on Crown Lands.

Another big frustration that people have is, there was in the legislation a 90-day deadline. Now let me explain the 90-day deadline. Part of the process was if you send an application out, say, to Mines and Energy, for example, at the time, if they didn't respond you assumed that everything was okay. But then what happened on many occasions is they didn't get a response back so they got to keep going back, keep going back, keep going back and sometimes you would never get a response. Therefore, the application would never get approved.

The referral process has to be tightened up. I can assure you that is one of the biggest concerns with that. I'll give you another example. There is no one in this Chamber who had more discussions – I only take two or three cases at a time now. There are about 15 that I got. I say, no, I'm only going to work on two or three at a time because that's how long it takes.

There was one in Corner Brook that was delayed, delayed, delayed. So I picked up the phone and I said: Why was this delayed? They said: We sent the referral out and we haven't got it. We'll wait another little while to get it back. This was after three months. I phoned again and they said: No, we never got the referrals. I said: Well, to hell with this. I picked up where the referral was sent. I said: Why aren't you responding to this referral? It wasn't even a government agency. He said: What are you talking about? I said: Well, the referral was sent. Here's the email. I sent him the email. He said: We never got it. They never got the referral for four months – never got it.

There's no tracking system on the referrals. There is supposed to be a tracking system on the referrals. You never got it back in a certain time, you go ahead and you assume it.

That's a big thing. I don't know if it's the change with the department moving up there. There were so many lost applications, you wouldn't believe it. You got your receipt that you paid for it, yet the application was lost and you had to reapply for another \$150. Unbelievable. Just unbelievable the amount of things that happened.

Another frustrating one, very frustrating, and I know some Members here in the Opposition spoke about this earlier, they were talking about when someone owned land back in 1930, 1940. I had four occasions that I can think of where it was rejected because they said we've got aerial shots where they're saying there was nothing there. I said: Okay, the aerial shots, when were they taken? You go through the process of when they were taken. Then you say, well, okay, that's not even the right piece of land. So then you ask them for the other aerial shot where the owners would say, no, no, no, here's where we had our house. Here's where we had our livestock.

Mr. Speaker, I know it's unbelievable but they would not show that aerial because it's going to show that they had the land. They wouldn't show the aerial where they were saying. They said, no, here's where the land was. They wouldn't show the aerial. Couldn't get the aerial; couldn't get it because it was going to prove they lived there.

That's the frustration. That's why people are so frustrated in this province with Crown Lands. It is so frustrating. There is no process that is used for everybody. When you read the Auditor General's report, Water Resources, they approves some; they reject the Crown Lands. They don't approve some Water Resources; they approve Crown Lands anyway. So it goes back and forth.

I know we're all talking about different cases here, there is no doubt about that. I have one where they're trying to get a cabin. I go there a lot myself. I bike a lot and I walk

there a lot. They rejected it because it was in a flood area. I'm looking at that, I'm walking. I went to Crown Lands on it and they said, no, because Water Resources – here is the other thing for the minister – has to approve it because it is a flood area. The map goes back, I guess, 1950, 1960, I guess, '40 or '50, the map.

So it went to Water Resources and they said we got no issue with it because we haven't any manpower to go out and check it, but there is a policy in Crown Lands that Crown Lands would go and check it. That's the policy. It is part of the policy, but they refused to go there; they refused to go out and look at it.

So when I went to Crown Lands, I sat down with them, and I said: Explain to me one thing, if this person is in a flood zone, which he's not, the application was not, because I ride the bike right by it and there is no flood zone, how did you approve those four? That must have been a mistake. So I said: You've got four approved along the lake and a fifth one approved right here and you're saying it's in a flood zone. Well, Water Resources won't approve it. I said: Well, you can go out. No, we're not going to go out.

The other problem with that is Water Resources, who I met with and got it in writing, said flood plane results are outdated, but you still can't get the land approved and there are cabins right straight, I ride by them. The one that applied just up there at the end, right on the lake, can't get it because this is a flood plane, which it's not.

You can't get anyone to listen to you or talk to you. You can't get them to follow the policy. Go out there and have a look. I even offered to drive out with them to bring them in to show them. They won't do it. They just won't.

That's the big issue I find with Crown Lands. A lot of it is, okay, we got our little office up

there, now let's stay here and let's work on it. I can go through numerous applications where you had to fight like cats and dogs to get it approved. Yet, you have to try to keep fighting for the constituents you work for.

Again, the Auditor General's report there were draft guidelines, referrals all done up in 2017. Why wasn't it followed through? I can't say – I'm not here to point any figures, but I know the draft guidelines were done up to start the process.

I'll just give you an example because, at the time, we brought this person in and they did an audit on Eastern Health. We said: Why don't you come up here and do an audit on Crown Lands? He actually did. Do you know one of the biggest reasons at that time why applications were not within the 90-day limit to be referred? Do you know why? When you're sitting at the Crown Lands office – and no one ever picked up on it; this person did. He sat there for two days. He went through the whole division in two days. The application comes in, you lay it down. Another one comes in, you lay it down. So after about a week when you take them all and pass them on, the one that put the first application in is three weeks behind already. Just something simple, and we got that changed. As you get them every day, they had to be stamped and dated every day.

So the process of the 90 days is when the referrals go out and if you don't get them back, if you say well, we haven't got the referrals, we can't do it, there has to be a way with the referrals that it has to be done.

Another thing – and I was a part of it. I'll be honest, I was part of the government when it happened. When they took the Crown Lands from Municipal Affairs and put them with Fisheries, Forestry and Agrifoods at the time, I was a part of it. I always thought it was too big to do it, but I was part of the government that did it, so I'll take part of the blame for that. I will.

When you have a department so big – and I'll use another example here where they're still piling on is Transportation and Infrastructure. That's a big department. That's a big, big, big department. When you have a department that size and you put another smaller division on it, what's going to be left out is the smaller division. It's part of the restructuring of government also, and I was a part of it. Not saying I agreed or disagreed, but I was a part of it. I think part of the issue was then when it became so big that it was hard to deal with it all and get the policy and that in place.

Also, I remember the remote cottage lots. Back in 2017, we started approving them. We did the referrals and we approved them. We had them ready to go with the online applications and they didn't go ahead. We had the referral process and it didn't go ahead.

Look at page 16 of the Auditor General's report, *Water Resources Act*, refused some, decision changed but couldn't get an associated permit to coincide with the change. They changed it, but they couldn't get a referral to say we changed it just by the word of mouth. So what happens then, good, bad or indifferent, is that I may get mine approved and my buddy next door won't get his approved and there is inconsistency with the process.

I can stand here for the next two, three hours and talk about different cases that would happen, and I'm still working on a lot of them. There was one thing, I'll say to the minister and the department. Here we have a change from 20 years down to 10 years. All the ones that I heard in this House, I don't know one, not one, that we're not going back further than the act says.

Most of the people, like they're saying your grandfather, we're talking back in the '40s, '30s, but this here don't apply. If you got to go back from 55, 10 years, you're going back to '45. There are so many in this province that your grandfather owned that

he gave to you, one of your sons. They split the land up, gave it to three or four of your sons. That was common, a little piece of paper.

So the problem with this piece of legislation is that instead of 20, you go back 10, but when you don't go back far enough. The other big issue with the Crown Lands application process is that before you would get affidavits that people say yes, sign it. Yes, they owned that land. They worked on that land. They were a part of that land. Do you know what is the easiest thing to say right now? Oh, they're getting a bit older and they probably can't remember that, so then you have to go to court.

I see it. I've been a part of it. I had one application where I got people to sign the affidavits and Crown Lands came back and said, no, not excepting it because we can't show anybody has owned it. So I went to his older person and I said, they don't believe it. They said: What? She's a bit of packrat; she started going through the files. She hauled out where five buildings were on the lot back in 1916. I included that with the application. I said: How about this? Oh my God, we weren't aware that there were buildings there before.

But this is what people have to go through. This is the issue that people have, the frustration people have is that they're honest people. They're trying to keep their house. They're trying to keep their land that their grandfather owned, that their father passed down to their sons, they've got their house on.

The one good thing in this piece of legislation is now they're saying Crown Lands could just sign off on it, if no one really wanted the land. I'll give you a good example. There's a place there in Curling, built probably in the 1900s, probably about 200 or 300 houses there. Two or three older ones now are moving on to sell their house. They said: You're on Crown land, by the way. What are you talking about? It's Crown

land. They said it was never signed over. It was only there in 1910, 1911, the church started.

**AN HON. MEMBER:** Not long enough.

**E. JOYCE:** Not long enough.

Then they've got to go back and try to prove that they've got the title from the church. But the land, that's one good thing in here, is that the City of Corner Brook now can say we have no effect to that.

Another big concern that a lot of people I know on the West Coast has – a lot – is Corner Brook Pulp and Paper, Kruger. I'll just give you an example. Corner Brook Pulp and Paper has a certain amount of rights. They had the timber rights signed over to them. A lot of the timber rights that they have on the land, there's no timber. Absolutely no timber.

So what they do – and I'll give you a good example. There was one that I was just dealing with it in Irishtown. It's a big lot, an open lot. The road is here. The lot is there – pushed there. They filled it in. So they went and applied to Crown Lands and they said no, we never got it referred from Kruger. Kruger came back and said, oh, by the way, you owe us \$1,500. But you don't own the land. Oh yes, we do. We own the land. If you want that land signed over, give us \$1,500. I went and said that's the minimum price we got.

Now if the province wants to exchange a bit of land later on to us, we'll turn this over to the province. So what they're using, they're using land that's in residential areas with no trees on it, absolutely none, either to get \$1,500 off a person, or force Crown Lands to give them more land somewhere else to cut timber. It's wrong – it's wrong. If they're going to use the land, I've got no problem with it. I think it's great.

But to force a resident of \$1,500 when you're driving along the road, you haul off,

they're saying oh, by the way, that's Crown lands. Back in 2001 or 2010, they turned it over, the rights of it, and now they're saying oh yeah, that's still ours. That's so frustrating for people – absolutely so frustrating.

I will say, on a positive note of it all, there are some great workers at Crown Lands. On a positive note, there are.

**SOME HON. MEMBERS:** Hear, hear!

**E. JOYCE:** But the biggest frustration for a lot of people is when you can't sit down face-to-face and discuss something about your application. Then, three weeks later, you get a letter back saying it's been rejected, and you can't speak to anybody and it's all over a technicality. Oh, by the way, another \$150 and you can reapply now, we've got the right information.

That's the problem. That is the problem. I can tell you horror stories. I can tell you it took me two years – two years – to prove an application wasn't the application that they were trying to approve. Finally, I sat down with a former minister in there: Oh my God, that's not even the right application. I've been telling you that for two years. And the poor people out there waiting couldn't get it – wrong application. I had the two of it in front of me, saying: Look, wrong application.

That's the frustration that people have got. So I'm hoping there are going to be some changes, I hope there are going to be some amendments made also, because there are a lot of amendments needed.

Thank you, Speaker.

**SPEAKER:** Order, please!

The Member's time has expired.

The hon. the Member for Bonavista.

**C. PARDY:** Thank you, Speaker.

In my short time, I'm just going to touch on a few issues and we'll have in Committee a chance to elaborate a little further on them. But what we all know now is that Crown Lands doesn't know what land they own. They have no idea. The onus now is on the residents in Newfoundland and Labrador to prove that they own the land. This is where we are. Crown Lands do not know what they own.

The minister had said at the start: Every premier wished to abolish squatters' rights. You know, I'd say the minister is probably correct. Every premier wanted to abolish squatters' rights. They fully realize that we've got the worst land registration system in the world – the worst.

We've got Crown Lands operating in one entity; we've got the Registry of Deeds, with a lot of inaccuracies which have been filed, but they're two separate worlds and they don't meet. There's not much crossover between those two systems. It's a nightmare for people to get clear title in Newfoundland and Labrador.

One thing the minister didn't mention: It wasn't every premier that was charging the amount that they're charging the residents of Newfoundland and Labrador now. That wasn't every premier. That happened in 1996 with then Liberal Premier Brian Tobin. He established market value going forward. That's where the change came.

The last time I spoke on Crown lands, many of you will remember, some Members took exception to it, I only repeated where someone told me that it was an example of bureaucratic theft, pulling money out of residents in Newfoundland and Labrador was Crown Lands. Remember, it didn't happen before '96. In 1996 was when the change occurred.

Let me tell you another Liberal change, and I use that now with respect, we had the current minister that when he was in his last day in Fisheries, Forestry and Agriculture,

he had a decree that you can't sell in municipalities tax arrears and count on now Crown Lands going to quit their title to that land. That was a game changer in rural Newfoundland.

You ask the council in Port Rexton, prior to the minister making that decree, back at that time, April 16 and that year and after that, who was going to be able to sell property knowing that the Crown Lands is going to be a player going forward and they're not going to dispossess themselves of that property: two situations.

Now, my colleague and friend from Mount Pearl - Southlands mentioned one situation of the Abbotts in Bloomfield. I just want to share this situation because it gives you a little idea of where we are on the Bonavista Peninsula. He is not in the historic Town of Bonavista; he was in Bloomfield. In Bloomfield, he found that he had to move closer to the Health Sciences Complex, so he is now in Southlands, in the Member's district.

But let me share with you the Abbott story. He built a house after buying land through a lawyer; through a lawyer under the standards of the day, and remember you're going to buy property, whatever the legal standards are of that day, you buy it. You register your title in the Registry of Deeds. You build your house and we have created a home. That's what happened in rural Newfoundland, we built homes.

But now we find, like the Abbotts discovered, not your home, because Crown Lands has got a title to that land. So here is this story in a nutshell. They bought the land in 1973; built a house on it; deed transaction prepared; registered at the Registry of Deeds in 1975. They bought additional land, one acre next to their house, in '77. Keep in mind, we've got that 20-year period, they're only just at the tail end of it.

They traced the land back over 40 years ago with proper title in their search. When

he had to move to Southlands and sell his property, the gentleman who's watching tonight from Bloomfield bought the house, but it was a shemozzle. It was a massive tangle.

What he found was Crown Lands determined that half of his house was on land that there was no dispute, but the other half of his house was on Crown land. The acre that he had bought adjacent to him, registered in the Registry of Deeds and conducted by lawyers with the legal standards of the day set by government, in part, and the Law Society, he lost that acre of land. But he had to move to Southlands and, in his words, he lost over \$50,000 in the sale of his home because Crown Lands intervened.

Now we're going to have amendments – and one thing the minister didn't speak a whole lot on when addressed us was the sliding scale that we're going to have to pay in Newfoundland and Labrador. The sliding scale of anybody who doesn't have the property in that 10-year period now. Outside of that, quite likely, they're going to have to pay the Crown for the land of which their house is on. It's quite likely.

It happened to the Abbotts. It happened to the Diamonds. It's happening now to Dustin Moody in Bonavista. It's happening to the Cullimores in Bonavista, even though with the certificates there might be some reprieve.

But let me tell you, in Bonavista, the minister rightly says that if you're on income support you don't pay a thing. You just pay your document prep fee, which we don't know what it is, but let's just say \$200. So if you're on income support, \$200, and now comes the survey. A survey in the Clarenville area, the latest one I know of, is about \$3,000. I'm not sure when you get to Bonavista and go down the peninsula what it's going to be, let's just say \$2,000, conservative figure. But that land, if someone makes \$25,000 or less –

remember, it's 5 per cent of the market value at \$40,000, let's just say \$40,000 as a measure – they're going to have to pay, plus HST included, \$4,830 for that land from this government, from the Crown.

Keep in mind, we all believe that nobody ought to squat and take our land; nobody ought to be allowed to do that and we should enforce it to the best of our ability. But what we're talking about is people that have been living on the land for 50-plus years – 50-plus years they've lived on the land. They've used lawyers, they've registered their title, they followed every rule of the land in this province, but now they're going to have to pay the Crown.

I would say in rural Newfoundland – I spoke on my petition earlier, we have communities in my district, like in Brooklyn and in Harcourt, I said to the minister, they refuse to waver the 115-metre sight lines. If anybody wanted to build in that community, they can't because they can't get access to the road because government has denied it.

The last bill we had, Municipal and Provincial Affairs, Bill 54, Crown Lands are not going to exercise and say we're going to dispossess that in arrears sales. That's going to cost rural Newfoundland. It's going to affect economic development.

Now in the last bill, those municipalities that use poll tax in Newfoundland and Labrador in my district, the four towns that use poll tax, now have to pivot to property tax. What we're going to do now is we're going to charge them \$86 a home for them to get assessed as to what tax they have to pay. We're going to pull out close to \$80,000 on the assessment alone for homes in the District of Bonavista in four small municipalities. That's where we are.

I would say the minister for rural affairs have a lot of work to do and this particular one is not going to help rural Newfoundland. The Member for St. John's Centre, he says he's on Crown Lands, but in the city of St. John's

it doesn't matter. I think they have a section in there 68 or 60-something, a section that Crown land is dispossessed in the city, it reverts to council. He hasn't got to worry about paying a cent for his land in metro St. John's. It doesn't happen. But rural Newfoundland, you're going to have to pay.

I mentioned before there are some in the District of Bonavista now is flashing back to the Sheriff of Nottingham and wondering if this is a replay of that. I would say, maybe the minister can say how much money he would estimate is going to be coming out of the District of Bonavista alone through the sales to Crown Lands for people who've been on the land for decades.

There's going to be a lot of money to come out of the District of Bonavista and the Abbots are an indication. The Diamonds are another example. We knocked it down to \$10,000 for the Diamonds. We're all aware of that story. We're all aware of that: Stage four cancer, need to sell their home to go into an apartment, a senior's unit and by golly Crown Lands stood in the way, but she still had to pay \$10,000 for land that she lived on for 40-plus years in Catalina.

So when someone uses the word "bureaucratic theft" – not I, I'm just saying and I can – if that's where it is and this person is pretty reputable on the Island in geomatics and teaching and surveying and so on, where we've got it.

I want to share with you, one, to give an example. Remember I said that in 1996, under Premier Brian Tobin, that's when the market value came in. That's where we were going to start to recoup some money from these land sales.

We had a parcel of land in Bonavista – and this is current, in fact it is still not settled before the courts, but just listen to this situation to give you an idea how tangly it is and how we're not going to settle it here. Clarence Hampton sold a parcel of land. He sold it in the '80s to two individuals. He sold

it to Dustin Ford and a gentleman by the name of Levi Warren. He sold it half each.

Levi Warren successfully quieted his title in the courts in 1993 and the courts said, you got the land. You got it. Crown Lands did not interfere. Remember, one block of land, half goes to Levi Warren; Crown says you're fine. But Dustin Ford on the other one, passed in 1996 when the market value came in and then Premier Brian Tobin decided that we're going to have market value on this land. When that came in, Crown Lands denied Dustin Ford from building on the land and said that was their land and, I guess, the item was that you would buy it at market value.

He's already paid for the land. The land was cleared before, the land from Clarence Hampton. This is where we are in our land situation in rural Newfoundland. That's not a pretty picture.

There is a difference between the urban and the rural and that's probably something that we need to have a good look at. What's fair is fair. I don't think you can go and pull out all the dollars that you're planning or what this is going to take out of the District of Bonavista, I really think that is unfair. That's wrong to pull out that much money out of there.

**SOME HON. MEMBERS:** Hear, hear!

**C. PARDY:** I just want to recap the Diamond situation. They've since moved, they've sold and they paid their \$10,000 to the Crown. She's moved on from it. Like I said, she was stage 4 and she moved on from that. But I do think that was a colossal injustice for that lady, her husband and for the family.

So when someone in Newfoundland and Labrador, and let's say the District of Bonavista, on the minister's sliding scale, which we haven't talked about yet but that will come in Committee I'm sure and he'll talk more about that, if you've got a

household income of \$50,000, you are going to pay \$10,580 for land that you've already bought.

If you were in rural Newfoundland and you already paid for land through the standards of the day, but now you've got to pay \$10,580 and that includes \$1,380 of HST, that's a lot of money. But if you make \$100,000 in rural Newfoundland, \$21,850 for that market value land at \$40,000.

I'll end with this. One thing that we bill in rural Newfoundland is we find that we've got more land than you would have in the city. If you have a sewage distribution field, well, you need more land than what you've got in the city. We've got it.

The minister puts in this document that the maximum lot size is 0.45, less than half an acre. You're not going to find too many outside of Trinity and Bonavista that got less than half an acre.

Now, rural Newfoundland, you're going to say the maximum lot size. So someone in rural Newfoundland is going to have to pay for their house but they're going to lose the rest of their property, what they've got, or they're going to buy it back from the Crown at the percentage of their household income of the market value of that property. Some of them have been on the property for 60 to 70 years. It may not have been continuous use but 60 to 70 years.

So I would say that is another injustice for rural Newfoundland that we wouldn't have in the metro area because that's usually what we have in the metro scene. So 0.45, I don't know who came up with that figure, but that mostly applying to rural Newfoundland and we're going to say that less than half an acre is the maximum that you're going to be entitled to.

I would say open, notorious, continuous, exclusive use, once. You've got trees on your property in rural Newfoundland, Crown

Lands is going to question you to say that that's not being used. That's not being used.

**SPEAKER:** The Member's time has expired.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER:** Seeing no other speakers, if the minister speaks now he'll close the debate.

The hon. the Minister of Fisheries, Forestry and Agriculture.

**G. BYRNE:** Thank you very much, Mr. Speaker.

I could not help but think that we've done something quite incredible with these amendments to this act because as I listened to the debate tonight, I heard the anthem of the evening being that there are irreconcilable problems that have never been tackled or solved and these are the issues that we must act upon immediately, I did not ever appreciate the work of the government quite so well as what I do now because these irreconcilable problems that have never been able to be solved are all contained in these amendments.

**SOME HON. MEMBERS:** Hear, hear!

**G. BYRNE:** That is the anthem of the evening because what I hear to be the anthem of the evening is that the perfect shall be the enemy of the good.

Repeatedly, what I have heard, the torment created by having land under your home not being recognized as yours, the ages and ages of torment of that, of the risk and frustration of the Crown claiming it, a valid, valid concern. Anyone who has read the bill and followed the dramatic redirected lands portfolio would know this is exactly central to what the government is establishing. The solution to the otherwise irreconcilable problem that has never been solved in 48 years.

This is what we are talking about, and when I say we, I clearly mean this side of the House. The Opposition wants to fly a false flag, a flag that is not being dealt with in this bill they would suggest. They want to rally to a clarion call, fight the government for the land of your home. The alternative to all of this is that they genuinely do not know that this is in the bill and this is in the policy, because what has never, ever been suggested ever before in any forum that I have ever been made aware of is the whole Primary Residence Property Title Program. It has never been suggested.

So if all the consultations that were taken place, all of these years about reformation of Crown Lands, I have not or at least I'm not aware of any point in time that this was an option that should have been considered. This is an option that comes exclusively from this side of the House.

Mr. Speaker, the Opposition raises on high the 2015 Lands Act Review as the proper road map for action. This is affirmed. The 2015 recommendations in the Lands Act Review is the proper way to proceed. I understand the difficult and tormenting position the hon. Members are in. Their blue-ribbon panel, endorsed by the PCs, calls on this Legislature, through the 2015 Lands Act Review, the blue-ribbon panel calls on this Legislature to squash squatters' rights, kill it, do not amend it, keep it at 20 years, do not amend squatters' rights, and as the title of the section 36 goes, abolish squatters' rights.

But it goes even further. The 2015 Lands Act Review says – the blue-ribbon panel endorsed by the PCs, which they heartily endorse – says, take Newfoundlanders and Labradorians to court to remove them from the land their home rests on. That's what you endorsed. That's what you endorsed tonight. This is something our government fundamentally rejects. We reject the PC panel. We reject the PC position. Their road map for Crown Lands leads people, applicants to a dead end.

So our road map, Mr. Speaker, is about streamlined applications, streamlined application process for regular applications; it's about better access to good title through easier squatter's rights, adverse possession. It's about an independent tribunal to hear those concerns if an applicant is not successful in evidence, or interpretation of evidence. It's about an ease of access through online application and developing shoreline reservations rules, which expands the ability to develop in the shoreline, it does not retract it, and something that I am particularly proud of, Mr. Speaker, which is a pathway for title for land beneath your home that otherwise you would not be able to receive, if we followed their endorsement of the 2015 Lands Act Review.

I want to address a few of the comments of the Leader of His Majesty's Loyal Opposition now, Mr. Speaker. I want to thank him for his comments because they serve me well. I want to thank him because the hon. Member took great exception to the removal, for example, of time frames, deadlines for certain things such as the paying of fees, supplying a survey to Crown Lands and other matters. He takes up the torch that these deadlines should remain frozen in law. That there is no option to be able to work outside of the law.

So with that said, the leader should talk to his own caucus Members, I would suggest. The Member, if he talked to his own caucus Members, would hear their stories of their constituents, of constituents who have missed deadlines and are now in a position to ask for relief which the law would not otherwise be able to grant.

So what we have done, we are taking them out of legislation so that there is the availability of relief. I see the hon. Member for Ferryland, who, I think, would agree with me that he wishes his leader would have spoken to him about this very matter, because that is exactly what has been said as to why these things should not be in

legislation. They should be available for address for the right reasons under the right circumstances, that's why we are taking them out of legislation.

Then there's the amendment that comes forward to comment on deadlines in the law. I will remind all of us of the word "shall." When something is written with the word "shall," there is no flexibility. That is what, when you invent something into law, you deliberately remove your flexibility. Some can argue that's not necessarily a great thing, we should have no flexibility, but the hon. Members from all sides of this House argue and argue quite vociferously there should be flexibility so I'll take the hon. Member for Ferryland and say to him, you should have a chat with your leader.

With that said, Mr. Speaker, outrage was expressed about the minister can declare land as Crown land. Support was offered for the minister clarifying what is not Crown land but what was included in this bill was outrage that the minister could actually declare what is Crown land.

Now, Mr. Speaker, two things about this, one, section 39 has been in place since 1991 and affords the minister that authority. This is not new. So anyone who took outrage to this particular element, clearly does not understand the bill and the previous Crown Lands act.

This has been in place for a very long time, because without this authority – and I'll just use this in a tongue-in-cheek example – if an individual were to make a claim, why would you want the minister to be able to say, no, this is Crown land. This is the Crown who owns this land, and I say this is a tongue-in-cheek example. If this were not in place and some individual were to say, I'd like to make a claim of the lawn outside of the Legislature, of this building. I guess we should just have to say, okay, I guess you're right, that the Crown will not declare that the lawn in front of this Legislature to be Crown land. So there is a reason why the Crown

would want to declare what is Crown and what is not Crown because it affords us the ability to protect Crown lands.

So with that said, I know that there was a bogeyman argument that this is the creeping hand of government moving in on the rights of the individual, but, no, this has been in the act for a very, very long time.

There was an argument that was made that the shoreline reservation deserves to be treated with flexibility to ensure actions are not taken by the Crown, which are not reasonable. I agree. That's why it's in this bill because, originally, in section 7 of the original bill, which has not been repealed, which is taken to be – I don't know what it is being taken to be but I can just say that if the argument was being made that it's ridiculous that shoreline reservations are not being acted upon and that we really need to act upon shoreline reservations. Allow me to just simply remind or at least inform all Members of this House that section 7 is, in its current form, being repealed. The previous section required or allowed only industrial structures to be allowed in the shoreline reservation, of whatever industrial structures are, but this act will now be written in such a way that the minister will have additional authorities to be able to do the right thing for the right reasons and allow certain flexibilities. I think this is a very good deal.

Five years to have it all done, Mr. Speaker, but there might be an error of omission or commission, I don't know, but five years to having it all done. Allow me to provide a little bit of a ladder here for the Opposition to climb down from their outrage on this one. Five years to file an application to include an application, an affidavit and a map. Five years is an onerous period of time to provide an application, three affidavits and a map. So what is likely to be able to be done in 60 months is probably just that.

What the error of omission may have been is that the entire process does not have to be concluded in 60 months. It's just that an application has to be received within the next 60 months. So in other words, you've got to put your application in by 2029 or 2030, somewhere around there, if I'm doing my math right. I think that could be achieved.

So with that said, we talked a little bit here tonight about the legal standard. There's been a lot of discussion about the legal standard, lawyer certified title. If a lawyer has certified title, it says the lawyer, in their opinion, believes that the possessor of the land meets the existing legal test of adverse possession. That's what a lawyer certificate says. The lawyer believes in his best professional advice that it meets the test of adverse possession. So take that legal certificate and apply for adverse possession. That's the value of a lawyer's certificate.

Now, do lawyers sometimes get it wrong? Yes, they do, because what is most contentious, and judges adjudicates this, is that a lawyer will often not accept another lawyer's certificate. The lawyer for the seller may say: I'm providing a lawyer's certificate that meets this test of section 36. But the lawyer for the buyer may say: I don't agree, I think your lawyer's certificate is invalid, that it's not complete. So the lawyer for the buyer may say: The seller really needs to go forward and get their adverse possession claim done.

So with that said, the avenue exists for those who are possessing property, that have bought property in good faith, two things exist: one, if they use the lawyer, they can get that lawyer's certificate to apply for adverse possession to get the land for free, just processing fees, that's what adverse possession does; or if they apply for adverse possession and cannot meet the test as determined by the officials, they can appeal it to the quasi-judicial independent review board, who, by the way, will be

guaranteed to be chaired by a member of the Newfoundland and Labrador bar, so a lawyer. Then if they fail to make that test, if it is their primary home and the law says it's been tested, adjudicated, the law says that they don't meet the test of adverse possession, they don't have good title through possession, they could still then use, as their primary home, the Primary Residence Property Title Program. Then they could get a quitclaim title.

So let me remind the hon. Members here they have advocated, Mr. Speaker, the 2015 road map is the road map to follow. The 2015 road map says – this is very important – before anyone can apply for section 36 squatters' rights, the 2015 road map says – the PC endorsed blue-ribbon panel road map says – that before you should even be allowed to apply for adverse possession, you must first engage the services of a lawyer – that's what it says – you must engage the services of a lawyer. You must have a legal survey produced, at a significant cost and this is before you actually know whether or not you're going to be successful or not.

So with that said, you've just spent money on a lawyer, money on a survey, you don't know if you're going to be successful or not, but you have to spend it. So then you find out whether or not you're going to be granted. The PC endorsed blue-ribbon panel then says we're not going to give you a grant. We'll only issue a quitclaim. So all of a sudden now, the actual good title of a grant has been removed.

Mr. Speaker, I will now take my place because I look forward to Committee of the Whole sometime in the very, very near future.

I have this to say, I have no issue with not taking one word of advice on most of this from His Majesty's Loyal Opposition.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**SPEAKER:** Is the House ready for the question?

The motion is that Bill 68 be now read a second time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**SPEAKER:** All those against, 'nay.'

Motion carried.

**CLERK (Hawley George):** A bill, An Act to Amend the Lands Act No. 2. (Bill 68)

**SPEAKER:** The bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole House?

**J. HOGAN:** Tomorrow.

**SPEAKER:** Tomorrow.

On motion, a bill, "An Act to Amend the Lands Act No. 2," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 68)

**SPEAKER:** The hon. the Government House Leader.

**J. HOGAN:** Thank you, Speaker.

In reference to An Act to Amend the Medical Act, 2011 No. 2, Bill 83, I move, seconded by the Deputy Government House Leader, that the amendments now be read a first time.

**SPEAKER:** It is moved and seconded that the amendments be now read a first time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**SPEAKER:** All those against, 'nay.'

Motion carried.

**CLERK:** First reading of the amendments.

**SPEAKER:** The hon. the Government House Leader.

**J. HOGAN:** Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that the amendments to Bill 83 be now read a second time.

**SPEAKER:** It is moved and seconded that the amendments be now read a second time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**SPEAKER:** All those against, 'nay.'

Motion carried.

**CLERK:** Second reading of the amendments.

On motion, amendments read a first and second time.

**SPEAKER:** The hon. the Government House Leader.

**J. HOGAN:** Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that this House do now adjourn.

**SPEAKER:** Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**SPEAKER:** All those against, 'nay.'

Motion carried.

This House do stand adjourned until 10 a.m. tomorrow.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.