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VERBATIM REPORT

Monday, March 5, 1973

SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: I would like to welcome to the galleries today thirty-three, Grade VI students from Curtis Elementary of St. John's, and their teacher, Mrs. Thoms. I understand that some parents are also with the children so I would indeed like to welcome you all here and trust that your visit is most interesting and indeed I welcome any other visitors in the galleries today as well.

PETITIONS

MR. F. B. ROWE: Mr. Speaker, I beg leave to present a petition on behalf of the residents of Castors River North and Castors River South in the District of St. Barbe North.

Sir, the essence or prayer of the petition is that the residents of Castors River North, Castors River South do not want to move out of those two particular communities. This petition, Sir, arises out of the fact that there seems to be some kind of confusion with respect to correspondence that the residents have received from the Federal Department of Public Works when they requested improvements to the fishing facilities and the wharf facilities in that community.

Sir, the impression left with them is that Castors River South and Castors River North are sending communities, and I believe when the provincial government were contacted in this respect, it was suggested that Castors River North and Castors River South were not sending communities.

Sir, the petition is signed by thirty-eight residents of these two small communities. Mr. Speaker, I ask that this petition be placed on the table of the House and referred to the department to which it relates.

On motion petition received.

NOTICE OF MOTIONS

MR. FRED B. ROWE: Mr. Speaker, I give notice that I will on tomorrow introduce the following resolution:

WHEREAS there is proliferation of university structures and services in the province because of the continuing expansion of the Main University Campus, the Summer School on Main Campus, Summer Schools off Campus, Regular Academic Year Courses off Campus, and E.T.V. Courses off Campus; and

WHEREAS there will be continued operation and expansion of the Extension Service of the University, the Adult Education Service, the College of Fisheries and Navigation, the College of Trades and Technology, and the Trades and Technical Schools; and

WHEREAS there will be Community and Regional Colleges established in the province; and

WHEREAS there is a great need for sound planning, articulation and co-ordination of all institutions of post-secondary education in the Province of Newfoundland and Labrador.

NOW THEREFORE BE IT RESOLVED that a Commission of Enquiry of six members be appointed to investigate into and make recommendations relating to the future direction of post-secondary education, so that all areas of the province will benefit to the maximum with a minimum of duplication and cost to the Province, and that the said Commission be required to report within three months of being established.

MR. SPEAKER: I accept the honourable members resolution. It appears to be in order. If it is not, I shall inform the House later in the afternoon.

HON. GORDON DAWE: (MINISTER OF MANPOWER & INDUSTRIAL RELATIONS): Mr. Speaker, I would like to ask leave of the House to table the Industrial Inquiry Commission Report on safety conditions and labour management relations at the ERCO Plant at Long Harbour.

MR. SPEAKER: Does the honourable member have leave to table the report?
(agreed)

HON. T. ALEXANDER HICKMAN: (MINISTER OF JUSTICE): I give notice that I will on tomorrow ask leave to introduce the following bills:

A bill, "An Act To Make Certain Provisions Respecting The Reorganization Of The Government And The Public Service Of The Province And Respecting Matters Connected Therewith Or Arising Therefrom."

A bill, "An Act Respecting Proceedings Against The Crown."

HON. HAROLD A COLLINS: (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING): Mr. Speaker, I give notice that on tomorrow I will introduce:

A bill, "An Act To Amend The St. John's Housing Corporation Act."

HON. JOSEPH ROUSSEAU: (MINISTER OF REHABILITATION & RECREATION): Mr. Speaker, I give notice that on tomorrow I will introduce;

A bill, "An Act Respecting The Welfare Of Neglected Adults."

HON. GORDON DAWE: (MINISTER OF MANPOWER & INDUSTRIAL RELATIONS): Mr. Speaker, I give notice that on tomorrow I will introduce;

A bill, "An Act Respecting The Protection Of Employees Wages."

MR. EDWARD ROBERTS: (LEADER OF THE OPPOSITION): On notice of motions, I do not have a motion to give but I wonder if Your Honour can advise me on what appears to be a mistake on the Order Paper. A motion offered by the gentleman from St. John's South has been given

precedent over motions standing in the name of the honourable gentleman for Bell Island, the gentleman for White Bay South, both of which I believe were on the Order Paper before. The gentleman for St. John's South has no precedent in this matter.

MR. SPEAKER: I take it under advisement. If it is incorrect, I shall change it on the next Order Paper.

Are there any other notices of motions.

ANSWERS TO QUESTIONS

HON. H. COLLINS (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING): Mr. Speaker, I have an answer to Question No. 40, in the name of the honourable member for St. Barbe North, on the Order Paper of February 26.

HON. C. W. DOODY (MINISTER OF INDUSTRIAL DEVELOPMENT): Mr. Speaker, I have the answer to Question No. 104, in the name of the honourable member for White Bay South, on the Order Paper of March 5, 1973. Tabled.

HON. T. A. HICKMAN: (MINISTER OF JUSTICE): Mr. Speaker, I have the answer to Question No. 105 on today's Order Paper, asked by the honourable member for White Bay South, the question: "What is the number of journeys involved in public business which he has made since January 18, 1972 to places outside of Canada showing for each journey; (a) the names of the countries visited," Boston in the United States of America. "(b) the dates of the journey" September 20 to 21, 1973."(c) the total cost to the government for hotel accommodation, meals, ground and air transportation, and other expenses?" \$70.00.

AN HON. MEMBER: Inaudible.

MR. HICKMAN: "Whether or not any members of his staff accompanied or other public servants accompanied him?" The answer is no, with the result the other three do not apply. "(e) the nature of the public business attended on the journey?" It was the American premiere of Rowdyman.

MR. F. B. ROWE: Mr. Speaker, I would like to address a question to the honourable Minister of Highways. Sir, I hate to bring this matter up again but once again the Great Northern Peninsula Highway is blocked. I was

wondering if the minister could inform the House as to whether or not there has been any possibility of getting some additional machinery, snow clearing machinery on to the Great Northern Peninsula?

HON. DR. T. FARRELL (MINISTER OF TRANSPORTATION AND COMMUNICATIONS): Mr. Speaker, you know on the Great Northern Peninsula right now heavy drifting over the weekend has occurred again and our plows are working, all available plows in that area at the present moment. We are doing everything in our power to open all the roads there. The plows are working, all available equipment is working. I will expect a report on this earlier in the day to see how conditions are at that time.

MR. F. B. ROWE: A supplementary question, has the minister received any information respecting the fact that some snow clearing equipment is not in fact working and that also periods of breakdown are experienced on the coast?

MR. FARRELL: As I have explained already earlier last week, under the conditions that are prevailing on the West Coast, Mr. Speaker, right now neither men nor machines can stand up to it at the present time. I cannot answer exactly the number of machines which may or may not be out of order right now but I will certainly undertake to obtain this information for him as soon as possible.

MR. NEARY: Mr. Speaker, last week the honourable Premier undertook to get me certain information concerning tenants who live in apartments that comes under the jurisdiction of the St. John's Housing Corporation. I wonder if the Premier now has that information?

HON. F. D. MOORES (PREMIER): No, I do not, Mr. Speaker.

MR. NEARY: I wonder, Mr. Speaker, if the Premier could indicate when he will make the information available?

MR. MOORES: I will try and get it as quickly as possible, Mr. Speaker.

MR. NEARY: Mr. Speaker, I would like to ask the Minister of Municipal

Affairs and Housing a question. Members may recall when we were doing supplementary supply that the minister said that he would table the copy of the Kostaszek Report on the Blackhead Road Urban Renewal Study last week. A week has now gone by, Sir, and we have not gotten the report yet. We managed to drag one out of the Minister of Labour today. Would the Minister of Municipal Affairs and Housing indicate when he is going to table the Kostaszek Report?

MR. COLLINS: Yes. Mr. Speaker, I was hoping to have copies this afternoon, but I can assure the honourable member they will be tabled tomorrow.

MR. ROWE, F.B. Mr. Speaker, I would like to address a question to the honourable Minister of Education, Sir, last week I asked the honourable minister if he could have an official of his department conduct an immediate survey of all school boards in the province in order to assess the conditions and difficulties being experienced in the operation of school buses in the province. He took the question as notice, Sir, I wonder if he has the answer yet?

HON. G. OTTENHEIMER (MINISTER OF EDUCATION): No, Mr. Speaker, I do not but I shall table it as soon as I do. I take it that the honourable gentleman realizes that it is quite a comprehensive question and one wishes to give a complete and accurate answer.

MR. F. B. ROWE: A supplementary question, Mr. Speaker, has the honourable minister started the survey, initiated the survey?

MR. OTTENHEIMER: Yes, the department certainly initiated an examination of service in the area indicated by the honourable gentleman.

MR. WINSOR: Mr. Speaker, before we get into Order of the Day, on Friday afternoon when I directed a question to the Minister of Justice at that time, in the absence of the Premier, requesting if he had received a request from the people of Fogo Island re the shortage of certain food commodities and oil etc.

I believe the honourable Premier has received a telegram from the joint councils of Fogo Island requesting that certain action be taken

regarding the icebreaker. However, Mr. Speaker, I am very happy now to inform the Premier rather than vice-a-versa, that the icebreaker is due in the area this afternoon and that problem should be resolved, if it has good luck getting in there.

MR. MOORES: Mr. Speaker, I am glad that the honourable member answered his question and the wire was replied to this morning with that information to be reported as well.

ORDERS OF THE DAY

On motion of the honourable Minister of Justice, a bill, "An Act To Establish An Electoral Districts Boundaries Commission To Report Upon The Delimitation Of The Province Into Districts For Which Members Shall Be Returned To The House Of Assembly," read a first time, ordered read a second time on tomorrow.

On motion of the honourable Minister of Justice, a bill, "An Act To Amend The Legislative Disabilities Act," read a first time, ordered read a second time on tomorrow.

On motion of the honourable Minister of Justice, a bill, "An Act Respecting The Establishment And Operation Of Public Parks By The St. John's Municipal Council," read a first time, ordered read a second time on tomorrow.

On motion of the honourable Minister of Justice, a bill, "An Act To Amend The Northern Labrador (Social Services And Rehabilitation) Act," read a first time, ordered read a second time on tomorrow.

On motion of the honourable Minister of Justice

A Bill, "An Act To Clarify The Manner In Which The Provisions Of The Statutes Amendment Act, 1971 And The Statutes Act, 1972 Are To Be Implemented," read a first time, ordered read a second time on tomorrow.

On motion of the honourable Minister of Justice

A Bill, "An Act Further To Amend The Agreement Ratified, Confirmed And Adopted By And Set Forth In The Schedule To The Commodore Mining Company Limited (Agreement) Act, 1968, And To Make Certain Statutory Provisions Relating To That Agreement," read a first time, ordered read a second time on tomorrow.

On motion of the honourable the Minister of Economic

Development A Bill, "An Act To Ratify, Confirm And Adopt An Agreement Made Between Newfoundland And Labrador Edison Company Limited With Shaheen Natural Resources Company, Inc. As Intervenor And To Make Provision Respecting Other Matters Concerned With The Agreement," read a first time, ordered read a second time on tomorrow.

On motion of the honourable the Minister of Mines,

Agriculture and Resources A Bill, "An Act To Establish The Newfoundland Crop Insurance Agency," read a first time, ordered read a second time on tomorrow.

On motion of the honourable Minister of Finance

A Bill, "An Act To Ratify, Confirm And Adopt An Indenture Made Between The Government, Newfoundland Forest Products Limited, Bowaters Canadian Corporation Limited, Bowaters Newfoundland Limited And Lundrigans Limited And An Agreement Between Government And Bowaters Newfoundland Limited And To Make Provision Respecting Matters Connected Therewith," read a first time, ordered read a second on tomorrow.

On motion of the honourable the Minister of Finance
A Bill, "An Act To Amend The Stephenville Linerboard Mill
(Agreement) Act, 1972," read a first time, ordered read a second
time on tomorrow.

On motion of the honourable the Minister of Finance
A Bill, "An Act To Amend The Tobacco Tax Act," read a first
time, ordered read a second time on tomorrow.

Motion second reading of a Bill, "An Act Further To
Amend The Department Of Education And Youth Act."

MR. OTTENHEIMER: Mr. Speaker, this of course is one of a series
of bills which the government has presented before the House
dealing with the realignment of certain functions and in general
restructuring.

This particular bill is not one which makes any really
radical changes, in my opinion, as most honourable members are
aware. In 1968 and 1969, legislation was passed substantially
reorganizing the Department of Education as a result of the
Warren Commission Report and as a result of general dialogue and
discussion on educational matters, structure, organization
which resulted from the publication of that report. So some
very major reorganization or surgery was performed in 1968 and 1969

as I recall, The legislation was passed unanimously in the
House I recall. It was. For that reason, the restructuring with
respect to this particular department is not radical.

Essentially the name of the department would be changed,
from Education and Youth, to Education. There will be provision
for two assistant deputy ministers, one for general responsibility
in vocational and technical area, one for general responsibility
in academic or day school system. But I say generally, because I
wish to point out that there must be much more liaison in
co-ordination of these two aspects of development of our

MR. OTTENHEIMER: human resource than perhaps has been in the past. Obviously the intent there is for a co-operative effort.

Another provision is the inclusion of the College of Fisheries, Navigation, Marine Engineering and Electronics which was since its creation administered through the Department of Economic Development but will now be administered and the liaison will be with the Department of Education. I would say the other point of any importance would be that the youth and recreation activities would be transferred to a new department, the Department of Rehabilitation and Recreation.

I should point out, in saying this, that physical education as part of the curriculum within schools is not affected. This is in the general area of community recreation which will now become the responsibility of a Department of Rehabilitation and Recreation, it does not affect the curricular physical education in our schools. Those are, I think, the basic results which will come from the enactment of the bill. As I say, it is not really very radical because a great deal of reorganization was done with the approval of both sides of the House just a few years back. It changes the name. It makes provision for two assistant deputy ministers instead of one associate. The College of Fisheries is included within the ambit of jurisdiction of the Department of Education. Youth and recreation activities, in the community area not the school area, will become the function of the new department.

MR. F. ROWE: Mr. Speaker, my colleagues and I see very little objection to this particular bill. The honourable minister suggests that most of the restructuring and reorganization of that department had been done a few years ago. I think the idea of having two assistant deputy ministers instead of one associate deputy minister, one responsible for vocational education and

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one responsible for academic education, is certainly a good idea
and I commend the minister for bringing in this particular
amendment. I also

think, Sir, that the inclusion of the College of Fisheries and Navigation is certainly a sensible idea, including it within the Department of Education. Sir, really there is very little change here. They have dropped the youth and recreation section except for physical education as it pertains to a part of the curriculum of the schools.

I would like the minister when he gets an opportunity, Mr. Speaker, to explain the purpose and the significance of section (13) on page seven, that is sections 36(1)a and b. There is a change there and I would like when the hon. minister gets an opportunity if he would explain the significance and the purpose of these couple of changes Sir, other than that I can see very little to object to in this particular bill and I give it full support.

MR. SPEAKER: If the hon. minister speak, now he closes the debate.

MR. OTTENHEIMER: Mr. Speaker, I am not sure if the hon. Minister of Municipal Affairs is rising to speak or rising to sit.

MR. COLLINS: (Inaudible).

MR. OTTENHEIMER: A very fortunate man. Mr. Speaker, I thank the hon. member for St. Barbe North for his views. I also feel that this approach with two assistant deputy ministers will assist in giving more specialized attention where it is necessary. With the College of Fisheries coming under the ambit of the department, I think that will assist us as well in developing a co-ordinated approach to, if you wish, human resource development, because the College of Fisheries and the other institutions which were formerly with the Department of Education, still are, and the College of Trades and Technology, District Vocational Schools, they all deal with manpower students as well as the students who are benefiting from provincial allowances.

Before the House met actually the hon. gentleman was kind enough to indicate to me his interest in section 13 of the bill which

when passed would repeal section 36 of the former legislation and I have the former legislation here. It is identical except 4(b), in other words the former legislation has a 36(1) and (2) and this one will have a 1(a) and (b) and 2 and done that way because of the inclusion of (b). (b) is the only new thing added, which states that if an action is to be taken against an officer, servant or agent of the department, where previously one condition only had to be fulfilled and that is the delivery to him of notice, now there is a second condition and that is for the purpose only of providing the government and the minister with information that similar notice would also go to the Department of Education. So that is the only change there. Otherwise it is totally the same in substance.

I move second reading.

On motion, bill read a second time, ordered referred to a committee of the whole House presently, by leave.

MR. HICKMAN: Mr. Speaker, may I have leave of the House to give a notice that I omitted to give at the time for notice? This notice is on behalf of the hon. the Minister of Finance. That I will on tomorrow ask the House to resolve itself into a committee of the whole to consider certain Resolutions for the Granting of Interim Supply to Her Majesty.

Motion, second reading of a bill, "An Act Respecting Tenancies Of Residential Premises."

MR. HICKEY: Mr. Speaker, the legislation governing tenant landlord relations up to the present time are as follows: The Judicature Act, 1952; the Rent Restrictions Act, 1952; the Rent Restrictions Amendment Act, 1954, and the Tenants Recovery of Possession Act, 1952. This legislation, Mr. Speaker, that we have presently is out of tune with the times. The present Rent Restrictions Act was and still is a highly unsuitable set of rules that benefit neither the landlord nor the tenant. The bill I

am describing today represents a year or more of study and consultation by my officials with the people to whom the legislation will cover namely the landlord and the tenants. It is probably one of the best pieces of legislation in North America. Certainly some of the sections in it, Mr. Speaker, I am not even sure if they are covered in the legislation in other jurisdictions.

The bill, Mr. Speaker, will give rights which were formerly denied to tenants. My officials estimate that fifty per cent of our urban people live in rented properties. The sum figures, Mr. Speaker, are very interesting and point out the need for the kind of legislation that I have the pleasure and privilege to introduce today. At the end of 1971 there were 2,772 rental units in housing complexes in St. John's. Apartments in private homes in St. John's rose to 8,650 in 1971. There have been increases in the number of apartments both in the public and private sectors since. Mr. Speaker, it is precisely because this bill touches the very lives of so many of our people that the full application of the collective wisdom of this House is required.

The bill, Mr. Speaker, is designed to give the maximum protection to both the landlord and the tenant. It defines sets of obligations applicable to both parties. In more specific terms the act provides for the following functions: rent regulation is governed by provisos concerning notice. The landlord must give a tenant three months notice of rent increases and the tenant may have recourse to bodies established by the bill if he wish to contest the increase. The boards established will rule on the tenants application thus regulating the rents. The matter of security deposit, Mr. Speaker, which has been a contentious issue for quite a long time is covered in this bill. It provides that the deposits may not exceed fifty per cent of the monthly rental. Interest in the amount of six per cent per annum must be paid on all deposits and the deposits of course must be kept in trust by the landlord and at the termination

of any tenancy the deposit must with interest be returned to the tenant unless the landlord can show just cause to retain the deposit, in such instances where damage is visible or where a landlord wishes to make a claim on account of damages.

The termination process of the tenancy is also covered, Mr. Speaker. The landlord must give three months notice to quit while the tenant must give one months notice. These notices must be given in writing. The matter of subletting is also covered in the bill. A tenant should have the right to sublet and the landlord may not withhold his consent without a just reason or a just cause.

A matter of great concern, Mr. Speaker, in recent years, especially since the coming into being of apartment building, is the matter of locking devices which are very often used as a means to evict tenants from apartments. This bill prevents such actions on the part of the landlord. In the past, Mr. Speaker, the landlord had only to change the lock on a door when the tenant went to work or went out. The tenant came back to find that

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they could not get into their apartment despite the fact that their personal belongings and furniture, items of this kind were there. An eviction of a certain type was forced on a tenant by use of this most unjust and unreasonable act. This can no longer be done and the provisions are set out in this bill to prevent it.

A matter of interest to members of the House particularly Mr. Speaker and all other people seeking elected office, is that there is a section in the bill which provides for the entrance, on the part of the landlord, of candidates in elections to enter upon the property. The tenant, however, does have the right to prevent any such candidate from going any further than in the building, in the case of an apartment building. At least the tenants rights are protected in this particular area.

Mr. Speaker, the privacy of the tenant from the landlord is also assured in the bill. A landlord may enter only during daylight hours, with the consent of the tenant. A landlord has an obligation to repair premises where necessary and the tenant has a recourse to a third party to assure his rights under this clause. The tenant must be provided with a written copy of the lease or any such agreement in the place of a lease, otherwise the tenant is not required to pay the rent.

Mr. Speaker, retaliatory evictions are covered in this bill and this is probably another very important, possibly one of the most important sections as it applies to this city in particular. In the past, if a tenant complained about the conditions under which he or she were living, complained about any increase in rents, the landlord gave notice to the tenant and considered the tenant an undesirable tenant, issued notice either for the purpose solely to increase rents or to attract someone to the property who would accept whatever treatment they were given. In other words, Mr. Speaker, any person who made a legitimate complaint to a

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landlord in the past, a complaint within reason, be it to repair, to provide normal services or indeed complained about an increase in rent, in too many instances this person was classed by the landlord as an undesirable and subsequently was issued notice to quit. Mr. Speaker, with regard to that particular clause, this day has not come too soon, in fact this kind of legislation is long overdue.

The bill provides for the establishment of regional tenancies boards to rule on application of landlords and tenants and this is provided in the bill. It is the intention, Mr. Speaker, to set up boards in at least five areas of the province where the same service and hopefully the same good service would be available to all our people and not served by one board which is the case at the moment under the present Rent Restrictions Act. Too often, Mr. Speaker, it is physically impossible for the board to give any kind of decent service to the general public. The people in Labrador, Mr. Speaker, in particular, who are so far removed from St. John's, presently their only recourse is to make a complaint to the Rent Control Board. That board already bogged down with requests have to travel to Labrador to hear the case. There have been instances, Mr. Speaker, where months and months have gone by without a decision. We have experienced it just in the past month, such a situation. The clause in the bill removes that situation by providing for the establishment of boards in areas of the province, which will be done.

Mr. Speaker, I have outlined some of the major provisions of the bill, which this House will debate. It would be rather naive of me to suggest or to pretend that there is no room for improvement in the present legislation. There are a number of areas which are not covered in the bill. They are not covered for obvious reasons. We are taking a bold step as it is, in going from the present legislation to the one I am

introducing today. There will be room for improvement in this bill but we need some time, we need some experience in the bill that I am introducing today.

The clear-cut indication for the need of this kind of legislation, Mr. Speaker, is the recent application of Omega Investments for a rent increase. Presently the legislation is such that a rental increase is given to the tenants and they can do little or nothing about it until the board gets the time to hear the case and make a decision as to whether or not the increase is a just one or not or whether it is justified. In that particular instance, Mr. Speaker, I think it is worthy to mention today that because of the new approach to landlord/tenant relations, of this government particularly and my own officials, an agreement had been reached between Omega Investments and the Tenants Association, on Friday of last week, and agreed and signed - you might say settled outside of the board, although the board had made a decision and I, as minister, had passed it on. There were a number of other problems which were involved. I am happy and proud to say that we have set a precedent in bringing the landlord and the tenants association together in that an agreement had been reached. I do not hesitate at this time to commend Omega Investments for their interest in the entire situation with regard to their apartment buildings and their willingness to meet with the Tenants Association and to iron out an agreement wherein they are going to provide adequate services, maintain the buildings and certainly assist the Tenants Association to continue to function. This, in my opinion, is a very worthwhile precedent, Mr. Speaker.

As I indicated earlier, in too many instances a landlord, rather than encourage his tenants to care for his property or rather than encourage the kind of an association, such as a tenants association, usually in the past the tenants were met with a notice to quit whenever they attempted to get what they considered their rights. In too many instances, Mr. Speaker,

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the landlord looked upon this, this type of person, as a trouble maker. Such a landlord, Mr. Speaker, can only be classed or almost classed as being blind to what goes on about him. The landlord

stands to benefit more by a tenants association or by a tenant who is interested in the property that he or she is renting than possibly anybody else. How can a landlord expect a tenant to have regard and to care for his property if the landlord does not set the example by acknowledging that the tenant has certain rights which should be preserved and which should be recognized?

Mr. Speaker, there is a situation existing in this city today particularly which cannot be allowed to continue and it is one of the reasons why I am very proud today to introduce this legislation, because this will provide the opportunity for my department, for this government to do something about a situation which has been allowed to continue for much too long. I refer particularly to slum landlords and to landlords (I make no apology, Mr. Speaker, for making this remark) who fleece, literally fleece some of our tenants and who completely disregard even the most basic right of a tenant.

Some of the properties that our people are living in in this city for which they are required to pay high rents, most unreasonable rents in comparison with the property they are living in and in some instances, Mr. Speaker, too many instances, this government is forced to pay such rents, where landlords hold up a department of this government namely; the Department of Social Services, literally hold them up by demanding high rents because of the acute housing shortage. The tenant, the rights of the tenant have been completely ignored. It is a case, Mr. Speaker, where the landlord will just close in on a situation and get rich quickly at the expense, not only of the tenant, Mr. Speaker, but in the case where a department of government is involved, at the expense of the taxpayers of this province.

This government, Mr. Speaker, recognizes this. This is just another indication of the kind of legislation that this government offers to the people of this province. As I said earlier, it is years and years late. This kind of legislation should have come before this House a long, long time ago. My only advice to certain landlords in this province, particularly in this city, is that the day when they completely disregarded

the rights of the tenant is over, let them now take heed. The tenant do have rights and the rights of those people are going to be maintained at any cost, notwithstanding the fact, Mr. Speaker, that the landlord has rights and that his rights or her rights will be also maintained.

We are the first to agree that this situation is a two-way street. Wherever there is any indication that a landlord is prepared to improve the situation under which he is renting properties, he will get all the cooperation in the world from my department, but in situations such as we have seen in recent months, where the Department of Social Services are forced, literally forced to pay rents for properties which are not worth one quarter, nor one half of the rents we are paying, such landlords will feel this legislation and feel it in a very stiff way.

We will leave no stone unturned, Mr. Speaker, to seek out those people who have set themselves up with one aim in mind and that is to get whatever they can at the expense of the tenant who up to now has had little or no rights. Certainly they have had the rights, but they have not had them recognized by any legislation.

Mr. Speaker, the present legislation on the books cover only unfurnished apartments, partly furnished or furnished apartments were not covered. In too many instances this provided an opportunity for some landlords and there are classic examples of this, to place a few sticks of furniture in an apartment or a few rooms and to rent it at a ridiculous figure. There are cases right in this city again to demonstrate this, where two rooms with the use of a bathroom - a bathroom being used maybe by three other tenants, and a landlord charging anywhere from one hundred and thirty to one hundred and fifty dollars a month.

Mr. Speaker, this can only be classed as highway robbery and if this legislation did nothing else but put a stop to that, then certainly this can only be classed as a pretty important day for the tenants of this province. Under the new legislation, furnished and partly furnished apartments are covered. We will do our best to provide as good a service as possible to all of the people who have complaints

or who have reason to use this legislation. It should also be pointed out, Mr. Speaker, that when the boards are set up throughout the province, they will be under the jurisdiction of this department and the efforts will be co-ordinated by my department in St. John's. It should also be mentioned that this legislation, of course, when it passes is only as good as the people make it. In this connection, Mr. Speaker, we do not intend to just leave it on the books without our people being aware of the areas in which they are protected.

There is a section in this bill which indicates that people who are renting apartment complexes must post certain sections of this legislation in a conspicuous place so that the tenants are aware. We intend, Mr. Speaker, to do a public relations job on this legislation to make our people aware so that when they have any cause for complaint, they have any reason to complain, they will know how to go about it and what sections will cover them and what they can hope for.

Mr. Speaker, it is with a great deal of pleasure that I move second reading of this bill.

MR. W.N. ROWE: Mr. Speaker, first of all let me commend the honourable minister for bringing this legislation in at this time. It is the second time the bill in substantially the same form has been before this House. Last year I believe it was bill (No. 71) and at that time I made a few notes on the bill, so I hope when I am going through it I am not too far out of line, although I have tried to take into account, from a cursory reading in the last day or so, some of the changes which have come about in the present bill before the House, bill (No. 21). I believe some changes which took place I believe as a direct result or at least partially as a direct result of a conference which was held last summer or early last fall with tenants and landlords in the province.

This bill, Mr. Speaker, is good in principle and certainly we have little or no quarrel with the provisions contained in the bill. As we go through now in this debate on second reading and when we come to the committee stage of the bill, we shall be making certain comments,

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suggestions for improvement which the minister may or may not wish to incorporate into the final bill.

He is right when he say that you have to start somewhere. You cannot cover every eventuality, but we believe that there are one or two things which might be incorporated into this bill at this time.

and of course it is for the minister to make up his mind on that and perhaps we might have an amendment or two offered by one of his colleagues or by this side of the House when the bill goes through committee of the whole House.

This bill, Sir, would replace what amounts to the only existing legislation in the province governing rental accommodations, which was the Rent Restrictions Act. The Rent Restrictions Act was a carry over - it could not be called anything but that - merely a carry over from emergency controls legislation which were, of necessity, adopted during the second world war to take care, I believe - I was not too old at that time - of the crisis in rental accommodation owing to the influx of servicemen and that sort of thing. It was hopelessly outdated the day the war ended but it was carried on in the books and very little progress was made in the whole area of tenants and landlords legislation from that time.

I do not blame too much the previous administration for that because it is really only in the last few years, two or three years perhaps, that there has been a real national outcry in Canada and throughout the States and throughout other places in the world for some really good social legislation in the area of landlord and tenant.

That act anyway, Mr. Speaker, the Rent Restrictions Act, was designed to set maximum rentals or protect maximum rentals and the right of landlords to gain occupancy under specific conditions. There was no law which specifically dealt with the rights of landlord and tenants outside that. This Landlord and Tenant Act will set forth the law which applies to both the rights and obligations of the landlord and tenants. Previously the statutes and the common law did not recognize, really recognize tenants having definable legal rights. There were common law rules certainly which lawyers could resort to but they were pretty ill-defined and the legal rights of tenants were very ill-defined.

Of course, when you have that kind of a situation, the omission of rules and where you have ill-defined rules, it can only favour the landlord, it cannot favour the tenants, especially when the landlord is perhaps more affluent, more articulate, better organized than your average tenant. So, of necessity the legislation and the common laws rules can do nothing really but favour by omission or by ill-definition the rights of landlords.

Now, as I mentioned, the Landlord and Tenant Act or this bill which we have before us now, Mr. Speaker, follows on the heels of related legislation passed recently in other provinces of Canada. The principal features of our Newfoundland bill are, I believe, identical to those in the Nova Scotia Act and have certain characteristics and provisions which are similar to those found in Manitoba, B.C., Ontario and Alberta but there are - and this is to the minister's credit - there are significant differences from some of these provinces that I have mentioned.

For example; Ontario, at least last year, I do not know if they have changed it now but last year Ontario had no provisions, I believe, to regulate rental rates and rental increases. I do not know if they have changed that now. They probably have. This bill which the minister has brought in does have some sort of regulation for rental increase.

Sir, as I mentioned earlier, the reform of legislation governing rental accommodation can be traced significantly, I think, to the national rise and influence of various voluntary tenant organizations. Also, of course, many of the basic concepts in this bill and in other bills and in other acts in other provinces of Canada were proposed in the report of the Ontario Law Reform Commission.

I have made these points, Mr. Speaker, not to detract from anything the minister has done because of course he has taken the initiative and he has done something in this province but we should realize that there have been basic steps made, steps forward made by other provinces of Canada and that this province is now following

on the heels of that. Although the minister should be commended and congratulated for bringing that in, let us not think that we are now in the vanguard of legislation in Canada by any means. We are certainly not in the vanguard. We are not pioneers in this regard. We are as usual - being probably of necessity again - we usually follow along after the bigger provinces who have better facilities for making basic research into this type of a problem.

I have no hesitation in saying that this bill should be considered one of the progressive pieces of legislation in Newfoundland although it will remain to be seen whether it is going to be - I believe the quote is - "the most enlightened piece of legislation in all Canada" as the Minister of Municipal Affairs said some moments ago. I think there is need for improvement and *moments ago* I think some of the provinces of Canada have gone a little further than we have here, in setting out, setting the stage and setting out basic rights and responsibilities. Perhaps we can follow suit there as well.

Perhaps our position could best be summed up by saying, now that the minister has seized the bull by the horns and has brought this into the House, that as good as the legislation is, it perhaps does not go far enough.

Several criticisms made in a study by the Canadian Council on Social Development, for instance back in 1971, are not incorporated into this bill and I will mention one or two of those as I go along. However, any criticisms that we have on this side of the House, Mr. Speaker, should be taken as constructive criticisms. We think the bill in principle is a good one but there are certain things which we think could be improved. There are certain things left out which should have been improved now that the minister has this opportunity for wholesale restructuring of rental accommodation legislation.

The principle provisions of this bill, as tabled by the minister, are as follows:

In all leases now, that landlords and tenants enter into, there are certain statutory conditions or general rights and obligations on both part, of landlords and tenants.

There is requirement, as the minister has said, the requirement for considerable notice in writing by a landlord of proposed rental increases.

There is the requirement for generous and stipulated periods of notice by the tenant of an intention to vacate premises and for generally longer periods, as it should be, of notice by a landlord of an intention to terminate a tenancy unless the lease gives a longer period which the landlord must follow before terminating the lease.

There is, as the minister has mentioned, the creation of a Residential Tenancies Board on a regional basis which I think is probably a good thing although there should be some provision, I believe, for these boards to stay in close touch with each other so that there is not too much of a disparity between decisions made by the boards. These boards can review rents and investigate other landlord and tenant matters and of course, it is subject to an appeal to the courts, which is a good thing. I notice that the minister does not restrict it to the law or mixed fact in law. I believe there is a general appeal of a decision or from a decision of this board to a judge of the Supreme Court and then an appeal to the Court of Appeal, if need be.

There is also a limitation of amounts of security deposits that can be held by the landlord and sets out rules governing the use and the refund of this security deposit which was a defect in our previous legislation.

There is of course a requirement that the landlord supply the tenant with copies of the act and copies of the executed lease. Now I will have something else to say about that later on but as it stands now, Mr. Speaker, I think that that provision is useless as it is worded in the act and I will have a suggestion for the minister

in my further remarks.

Sir, one or two criticisms and comments I think that can be made of the bill at this stage;

The minister and the government have accepted the provisions of an Nova Scotia Act by and large and other recent provincial legislation without incorporating changes as a result of reviews of the practical effectiveness and experience under the operation of these acts. Perhaps the minister can answer that comment when he rises to close the debate. I wonder how much work his officials have done in the past few months, for example, subsequent to the original introduction of the bill into this House? How much work they have done in communicating with other provinces of Canada to see how these acts are working out in those jurisdictions? I am sure that in a period of a year or two that they have been in effect in other jurisdictions, perhaps there are some fundamental improvement which can be made in this present bill and I would like the minister to give us some assurance along those lines because we should not operate

in a vacuum here in Newfoundland. We should derive as much benefit from experiences of other provinces as we can. Perhaps the minister can assure us that they have been in constant contact throughout Canada and I hope he can.

Now the bill apparently does not apply to public housing units, by specific exclusion. Section (5) of the bill says: "Where any provisions of this Act conflict with any of the provisions of a lease granted to a tenant of residential premises that are administered by or for the Government of Canada or a province or a municipality or any agency thereof developed and financed under the National Housing Act, or any predecessor or successor, the provisions of the lease shall prevail." The provisions of the lease shall prevail as against the provisions of this Act.

Well that may be all right, I do not know, Mr. Speaker. I would like to hear some further comment by the minister on that point. I do not know why people who are living in public housing should be discriminated against in that regard. I believe we are falling in the same trap here as the previous administration fell into with regard to the taxation of publicly owned property, properties like Holiday Inn, for example, some harebrained notion that because it is publicly owned, therefore for some reason or other it should not be subject to the same rules and regulations as privately owned premises.

I do not follow that argument myself. I never did follow it. I do not follow it now. I do not follow it in respect to taxation and I do not follow it in respect of publicly owned housing, subsidized rental housing. I think that perhaps there is room for some input into public housing as a result of provisions in such a bill as this one before the House.

But the minister might have some good reasons for that. I realize that it is subsidized rental housing, I realize that

and that there is public money being spent. But perhaps there is room for regulation there as well. Perhaps the board, the Residential Tenancies Board should have some say over rent paid or increases in rent there as well. But the minister might have some good reason for that.

Also I would like the minister, if he can, to give us some indication as to whether this act covers other publicly owned rental accommodation, for example the St. John's Housing Corporation. Is it covered by this act? What about residences at the university, for example, which are really in the nature of apartments rather than boarding houses perhaps? Anyway he may be able to give us some idea as to whether this bill covers that sort of thing. What about persons living in Armed Forces housing units? For example, I believe there are some in Gander, the minister can give us some idea about that.

We had a recent altercation between a member of the Armed Forces and the Town Council of Gander concerning some problems which exist there. Does this bill cover people in that type of housing? If not, why not? Again perhaps the minister had some good reason for it beside the fact that again they are owned by the Crown, which in my estimation is not a valid reason per se, unless there are other considerations in addition to that.

What about homes for the aged, for example, where in some cases very high rents are paid. Some people at the Hoyles Home, for example, a lot of people at the Hoyles Home, several people in any event do not have their rents paid by the Department of Welfare or under any other agreement administered by the government and are paying out large sums of money. How much do they pay out, for example? \$600 in some cases. Are they to have their rents regulated by this act, or this proposed act? Perhaps the minister

can give us some ideas on that.

Again I think that there is room for that type of rental accommodation to be incorporated under this type of a bill. Also, Mr. Speaker, the effectiveness of this bill will depend to a large extent on the evolution of the Residential Tenancies Board, there is no doubt about that. As the minister himself said, it will depend on the people involved and the good will and effort which they put into it.

These boards are given a great responsibility and indeed considerable latitude under the act. The question that we can ask of course is, how are these boards going to tackle this job? Hopefully the individuals appointed will be appointed on some kind of a qualification basis. I will not get into the old accusation of partisan politicians being appointed to lucrative or fairly lucrative positions in such boards as this. But I do think that the minister should assure the House that any appointments made to these types of boards will be made on the basis of qualifications and that the individuals appointed will be a competent and aggressive persons who are not afraid of any vested interests, large, wealthy affluent, powerful landlords, for example, and that they will go at their job with a vengeance and with a view to seeing that justice and equity prevails. Hopefully the boards will not become an almost useless instrument like the board under the Rent Restrictions Act which developed all kinds of backlogs and which found itself, not because of any deficit in capability in the people concerned, found itself hamstrung and could not very well proceed to do what was right in many situations.

Hopefully the government will make some provision, Mr. Speaker, for these boards to have some administrative machinery, some professional staff that can do a lot of the groundwork for these boards, so that we do not have the situation where a board of several members, who really

do not have any background in a particular case, find themselves coming in for an hour's meeting or a day's meeting and confronted with a very awkward situation and forced to make decisions on the spur of the moment without really having all the necessary background information.

Also, another point, Mr. Speaker, which should be made, Although the act gives the board the powers to provide and disseminate information concerning rental practices, rights and remedies, yet the real onus still rests on the tenants to apprise themselves of the legal obligations and rights, particularly when he is a prospective tenant about to enter into a contractual arrangement, a lease with a landlord. Therefore, and this leads back to the point I have already made, perhaps some sort of a support system, some administrative machinery with appropriate government direction and funding are needed. Some public relations, as the minister mentioned, some public relations are needed, well before the act comes into effect. I guess the act will come into effect now, There is no provision for proclamation? Yes, a day to be proclaimed by the Lieutenant Governor-in-Council. There is a provision for proclamation.

So the minister should make sure, as he has already indicated he will do, should make sure that there is adequate publicity given to all of this so that landlords and tenants do know what their rights and obligations are. On this particular point, Mr. Speaker, you could probably refer to section 6 (1) of the bill which states that "landlords shall not, after the coming into force of this act, grant the lease or possession or occupancy of residential premises to a tenant unless he has, without cost to the tenant, provided the tenant with a copy or reproduction of this act. The penalty for not doing that is in 6 (3), "where a landlord fails to provide a copy or reproduction of this act in

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accordance with subsection 1, the tenant may give written notice to the landlord that he forthwith or on some specified future day, within three months, will quit and deliver up the premises to the landlord and the lease shall become void."

To me, Mr. Speaker, as I mentioned a bit earlier, that is a useless provision and provides no protection at all to a tenant. First of all there should be a stricter penalty on the landlord's part to provide a copy of this act, and secondly, and this is probably where the boards or the department, the minister himself, might come into the picture, perhaps there should be a provision right in the act whereby a landlord is required to give to the tenant a copy of some brochure or other, drawn up by the department, which does not have any legal efficacy, does not have any legal foundation but which is the considered opinion of experienced officials as to what the responsibilities and obligations are under this act, set out in simple terms. Of course, on it, it should state quite clearly that this is not the act and it does not have the legal force of the act, but here is the general idea and if they want to search further they can look at the act which the landlord has provided.

But to provide an act couched in legal terminology, to your average tenant who is not a lawyer, to me is absolutely useless, Mr. Speaker. What is your average tenant going to get out of this section 8 (1) "the doctrine of interesse termini is abolished," I would submit, Sir, that your

average tenant has not too much notion as to what exactly that provision is doing for him, nor would your average landlord. I think that the obligations, rights and responsibilities should be set out in an official fashion by a brochure printed by the department concerned and supplied to landlords on demand with a legal obligation on the landlord to make sure that each of his tenants receives a copy of such a brochure in order to make certain that they are getting a considered opinion as to the meaning of this act.

There is no doubt, Sir, that the act places or the bill before the House places a heavier burden on landlords, especially on those with units which are below standard or which are sort of borderline, hovering on the borderline of whether they are standard or below standard. These landlords must bring accommodations up to health and safety standards equally, to quote the act, "a good state of repair and fit for habitation." Now that is a good provision.

But the problem which arises and one which the minister has already put his finger on but which he did not go into, I would like to see him go into this problem, especially with his experience as Minister of Welfare. The problem that arises is this; what in fact will be the alternative accommodation for persons who are evicted from substandard homes, not evicted necessarily but are forced to leave substandard homes because the landlord cannot, has not or will not bring these accommodations up to good, decent standards? Are we now to be confronted in the future, as we have; more in the future than we have in the past, are we to be confronted with the situation of welfare clients, for example, occupying motels and this sort of thing? Hopefully not. At a huge expense to the public, not that they should not be entitled to motel accommodation but there must be some decent compromise in between there, Mr. Speaker.

The problem can be very simply stated. If you force landlords to do something which they are not prepared to do either, because there is no return on their investment, then they will not carry on the accommodation which they presently have. People who are presently living in bad, substandard

accommodation are left with no place whatsoever to go. I would submit that, as bad as the first case I put is, it is probably better than having no place at all. I do not know what the situation is there. There is obviously a great need on the part of the government, the federal government, the provincial government and municipal government to make certain as a result of this act coming into operation we do not see that kind of a situation happening.

I do not know what the answer is. The minister will probably give us some of his opinions when he rises to close the debate. But maybe the landlords, I have no sympathy for slum landlords, but perhaps landlords, slum or otherwise, should be given some reasonable time, I do not know if the minister has considered this, some reasonable time to implement these changes and perhaps the minister of the provincial government should approach CMHC and the federal government to make sure that some financial assistance is available to enable such landlords or any landlords for that matter to carry out necessary repairs and improvements with the help of CMHC funds.

I think that might be part of the answer to the problem but it is going to be a real problem. Something similar to the problem faced by corporations who are forced to put in improvements with regard to pollution control and find themselves in the situation that if they follow the letter of the law, the simple economics of the situation will not allow them to put in the pollution control, they have to close down. Therefore, of course, the federal government have made certain that there are some delays in the timetable, schedules and this sort of thing and in some cases give substantial help to industries in order to get in pollution controls. The same sort of thing obtains here, for somebody to do something which is not economic, and then they will not provide it at all, as bad as it might have been. Perhaps the minister can give us the benefit of his experience and the experience of his officials on that particular problem.

Of course, there is the wider problem of encouraging future investment in the apartment sector anyway and in other rental accommodation. I recall a recent statement, Mr. Speaker, by a builder who says it is far more rewarding to him to invest in shopping centre construction that carries longer leases, less maintenance requirements and requires much less equity than it is for him to get into the field of apartment buildings. Also certain construction groups, certain construction firms in Toronto, for example, I remember reading in the "Globe and Mail" back in I believe September of 1972, were construction groups themselves were subjected to a certain amount of irritation if not abuse from certain tenants' organizations.

Of course, all of this, without going into the merits, the rights and wrongs of it, all of this has had a tendency to make construction contractors, builders, landlords shy away from the rental accommodation market and to put their money into other types of buildings, shopping centres and this sort of thing. So the minister perhaps could devote a word or two to that problem as well.

The hope is the federal and provincial governments, by some loosening up of CMHC provisions, by putting an incentive on building good, fit-for-habitation type of accommodation, will encourage builders to get into the market, the rental accommodation market, so that we do not find ourselves having a beautiful set of laws on the books but very few premises and accommodations to which it would apply and of course the social disaster which would result from that problem arising.

There is another basic criticism I think which I will throw out for the minister's consideration, that is the administration did not follow what is becoming a very basic step by most governments and was certainly touted by this administration when it was in opposition and it was seeking election. This government did not follow the procedure of preparing this draft legislation and seeking the advice of interested parties and then redrafting the legislation. Now it is true that they brought an act into this House, a bill into this House, No. 77. Then they had a conference,

I believe back last April, which dealt with some of this. But I mean that was sort of haphazard, that was something which arose more or less without the government really willing it. Perhaps what the government should have done was to get the House to get a standing or select committee which could invite and call witnesses and go into this whole area. Instead -

AN HON. MEMBER: Inaudible.

MR. ROWE, W.N. Well I did not get that impression, the minister initiated the conference but it did not come out of the blue, Mr. Speaker.

AN HON. MEMBER: Inaudible.

MR. ROWE, W.N. But it did not come out of the blue. I think most of the initiative came from a group of young people who organized this conference. To a great extent, I believe they had, according to one of the clippings here, I was not there, I must admit -

AN HON. MEMBER: Inaudible.

MR. ROWE, W. N. All very beautiful clippings, the minister looks pretty good. But I understand from one of them that, (let me see if I can find it) the group was brought together by tenant intercommunications - is that the same one? A project sponsored by an opportunities for youth grant.

So the minister and the government did not really see the initiative here, which should be really commonplace by now. When legislation is being brought into the House on matters which affect a great number of people and there are emotional feelings on it and highly controversial, I think this government, like most other government across North America now, Canada, should take the step of drafting legislation, I believe, and submitting it, sort of send up a flyer, submit it to a select committee of the House and let a select committee invite witnesses and put out advertisements that hearings are going to be held and hear interested groups come up with proposals and make a list of recommendations back to this House, to the government, and the government then could then redraft its legislation.

Now as it happened they did have this conference, which is more or less, well maybe it is unkind to say, forced upon the government, Mr. Speaker,

I think that -

AN HON. MEMBER: Inaudible.

MR. ROWE, W.N. Pardon?

AN HON. MEMBER: Inaudible.

MR. ROWE, W.N. That is right, Mr. Speaker, we will get gate, which is what happened in this case. There was a demand and the government acceded to the demand. But I think the government itself should have taken the initiative to a greater extent.

Mr. Speaker, I have mentioned already section (6) of the bill. The minister was out of the House, but I just again mention it, that there should be perhaps something drawn up, some kind of a brochure drawn up to give to tenants, by the landlords, so the tenants will know basically what their

rights are. There are one or two other specific things which I would like to mention to the minister. I notice that in the bill there is no mention of nondiscrimination when landlords are giving out accommodation. This was raised in the very same conference which the minister now takes credit for. I believe the conference at that time proposed that a section be included in the act which would declare that sections (7) and (8) of the Newfoundland Human Right's Code of 1969 apply.

I do not think any harm can be done. The minister has something there on that perhaps and maybe we can hear his comments. I think if we are going to deal with landlords and tenants, tenancies of residential properties, that this is the place to put in something with regard to nondiscrimination against prospective tenants on grounds of colour, religion or any other reason.

Also, the Canada Council on Social Development report, which I have already referred to, makes the point that some legislation similar to this does not cover the possible requirement of a lease. That is a tenant falls behind in rental payments or fails to perform an obligation, all rents that is future committed by the lease over the term of the lease become due and payable. I do not think the minister has mentioned this in this particular bill, but it is something which you often see in leases - that if there is a substantial default by the tenant of any of the covenants in the lease, that all rents due and payable under the lease are then accelerated, become due and payable - all rents say, which are committed in the lease over a term of one year at say two hundred dollars a month, become due and payable.

I have not had any experience in going to court and testing this particular situation, but probably it has legal validity. Maybe there are other learned gentlemen on the other side who can give me some comments on that who have had experience in going to court on this particular provision in some leases. If it does have legal validity, then it is one of the most pernicious doctrines that can be

allowed. I think that perhaps for greater clarity this bill respecting tenancies of residential properties should have something in it regarding it.

Ontario, for example, I think has legislation which specifically outlaws this idea of accelerated rent, making rent which is committed under the lease become due and payable upon the breach of any covenant or condition or provision of the lease by the tenant.

There is also, Mr. Speaker, one or two other things that I might mention. The problem of over-holding tenants and the same report of the Canadian Council on Social Development refers to the lack of specific reference to the status, rights and obligations of over-holding tenants, that is those tenants whose leases have expired but still stay in the residence with or without the consent of landlords. I do not think there is quite enough in this act, in this proposed act, dealing with the question of over-holding tenants.

Nova Scotia, I believe, Sir, has a separate act dealing with this problem. Alberta, Manitoba, British Columbia and Ontario give landlords the right to claim compensation from tenants. Under their acts, I believe a new tenancy is not created unless the parties agree.

Quebec permits automatic renewal of a lease if a tenant has overstayed at least eight days without notice or without opposition from the landlord or the lessor. Perhaps the minister might give some consideration to incorporating something like that in the bill because it seems to be reasonable.

The question which arises is - without specific reference in our Newfoundland Law, what will be the rules governing over-holding tenants? Will they have no rights? Will they have the same rights as under the expired lease or will rights as set forth in this bill apply in cases where no written lease is in existence? In other words, will the basic terms of leases which have to be incorporated in all leases apply in cases of over-holding tenants?

It is not a big problem but it is a problem which could cause some difficulties in some situations. Since the minister is bringing this bill before the House for approval, perhaps he and his officials, in the time which elapses between now and Committee of the Whole on the matter, can bring in some possible amendments to the bill on those matters.

The same report, the Canadian Council on Social Development, makes the point that "none of the new pieces of legislation deal with restrictions on tenants of rental accommodation who have children." This, Mr. Speaker, remains a very basic problem for tenant groups and people who have children looking for apartments, looking for rental accommodations, as more and more apartment owners, certainly across Canada and perhaps here, more and more apartment owners are appearing to restrict tenants to those who have no children. Less maintenance, less noise, recreational facilities and all that kind of thing are the benefits to the landlord.

The Ontario Law Reform Commission noted also the conflict in single people being in rental accommodations and couples with families, the conflict and the life style between these two groups of people and thought there might be some provision for separating the two types of people, family accommodation and singles accommodation or married people with no children, in two groups or two types of rental accommodation, in that particular case the same problem arises as I mentioned earlier. Most landlords will try to go I think, Mr. Speaker, in the direction of having rental accommodation for either singles or couples with no children because of the fewer problems involved and perhaps also because they can perhaps charge more because of the relatively greater affluence of those couples or those single people. This is a problem as well.

The Ontario Law Reform Commission suggested that the problem is probably insoluble as far as the law is concerned and that the government could best change the situation by

the construction of more rental units in general, and perhaps by giving a premium to landlords and lessors who build units with multi-bedrooms, three or four bedrooms which would then of course have the effect of attracting families and families with children.

These are one or two suggestions that I have, Mr. Speaker. I have a few notes on some of the separate provisions of the bill, some of the clauses and as we go through the bill I will raise my suggestions and my criticisms or comments which I might have, at that time. I think that is all I have to say generally on the bill. Again I say that the minister is doing the right thing to bring this legislation in. I hope that he does take some cognizance of some of the things that I have mentioned as they are important and that perhaps between now and the time that the matter comes up for Committee of the Whole House discussion and third reading, that one of his colleagues might find it possible to move one or two amendments so that we can now do a job. I am not asking the minister to sort of launch forth into unknown territory, but certain things which we all know exist, certain problems which exist which can be cured now in this bill, perhaps he should give consideration to bringing them in at this time.

Of course, Mr. Speaker, I have no hesitation in supporting the bill on second reading.

MR. SPEAKER: The honourable member for Bell Island.

MR. NEARY: Thank you, Mr. Speaker. I must say that we are seeing some rather strange faces in the Chair these days. The other day we say the member for St. John's South, today, I do not know if coming events cast their shadows before them or not, Sir, I do not know if there have been any casualties in the ranks or not, I have not heard any news in the last forty-eight hours, but I am glad to see Your Honour in the Chair, Mr. Speaker, and I trust that you have a long and colourful career as Speaker of this House, or Deputy Speaker, or Assistant Deputy Speaker, or Assistant to the Assistant to the Assistant

Deputy Speaker.

Mr. Speaker, my honourable colleague here is a walking encyclopaedia on tenants rights as he is on so many other matters and I must say that he really stated the position of the opposition quite well. I do not think that any other member of the House could have done it as well as my honourable colleague and I congratulate him, I congratulate him for making such an excellent presentation, Sir.

My honourable colleague touched on number (5) and I am not going to speak at any length on this, Sir, I just want to deal with number (5), provision (5) of the bill, "exception for public housing." My colleague suggested

Mr. Neary:

that the minister in closing the debate might explain why public housing was left out and if it is the intention of the government to omit the St. John's Housing Corporation because I contend, Sir, that the St. John's Housing Corporation is probably about the worst landlord that we have in Newfoundland. It is an agency of the government, Sir.

The minister told us in introducing this bill, and I agree with it in principle, that increases down at Omega, increases were given to the tenants and they could do little or nothing about it, the minister said, (I think I am quoting him correctly) until the board made its decision. So the minister boasted about a new approach. Last week he told us there was an agreement reached between the Tenants Association and the Omega people. I do not know if the minister said it was a signed agreement. Is it a signed agreement? It is a signed agreement, the minister tells us. So he was quite happy about the fact that this had set a precedent bringing the landlord and the Tenants Association together. Well, Sir, I congratulate him for that. He says that this should be a good example for the future. Well I say yes to that too, that should be so, Sir, but I want to remind the hon. minister that he is a member of the St. John's Housing Corporation, his colleague the Minister of Municipal Affairs and Housing is Chairman of the St. John's Housing Authority and they too, Sir, announced an increase in rents recently. We had both ministers and the Premier on the radio and television and in the newspapers night and day, Sir, when Omega wanted a \$10.00 a month increase, we had these two ministers and the Premier and one or two other ministers bellyaching about it, criticizing it and rightly so, I agree with them but what I would like to know, Mr. Speaker, where were they when the St. John's Housing Corporation issued an ultimatum to the tenants who occupied their apartments that

they better pony up or get out? I forget how it was worded now, Sir. I had a copy of the document but I do not have it with me.

They were told to quit and deliver up the premises. That is how they got the news of their increase, Sir, but not a peep out of the hon. minister who only a couple of weeks before that was in the newspapers, Sir, coming to the rescue of the tenants down in the Omega Apartments. I think he did the right thing, and the Premier out complaining about Omega putting up the rents and the Chairman of the St. John's Housing Corporation, Mr. O'Leary, said no. St. John's Housing, although the rents were a little less in his apartments, he could not see that they were going to increase their rents because Omega was going to get an increase. The tenants partly won their battle down at Omega, Sir. They only partly won it. The increase was granted providing the company carried out certain improvements and recommendations which I understand they did. So they were granted a \$9.00 a month increase and they asked for \$10.00. That was not too bad, Sir. They got ninety per cent of what they wanted.

What about the poor tenants, Sir, in the St. John's Housing Corporation Apartments? Now, Mr. Speaker, I have no sympathy, no sympathy at all for the people that live down in Elizabeth Towers. They can bloody well afford to pay the increase in rent. The hon. Minister of Transportation and Communications, Sir, -

AN HON. MEMBER: What about the hon. the Leader of the Opposition?

MR. NEARY: The hon. Minister of Transportation and Communications, Sir, he can afford to pay the extra seven to ten per cent a month and the hon. Minister of Municipal Affairs and Housing, he can afford to pay it and the hon. Minister of Provincial Affairs can afford to pay it and the hon. Premier can afford to pay it and any other ministers who are living down there can afford to pay this rent.

AN HON. MEMBER: Can the Leader of the Opposition afford to pay it?

MR. NEARY: The Leader of the Opposition, if he is paying rent there,

he can afford to pay it. What about the poor little people, Sir, that are living in the apartments in Pleasantville and over here at Churchill Square and all the other apartments that come under the St. John's Housing Corporation? What about them, Sir? Did the minister go to battle for them? Did the Premier go to battle for them? No, Sir, right up to this very moment not a peep and the way they got the announcement of the increase, Sir, "Quit and deliver up the premises," in the envelope, and then the announcement of the increase, "You can stay providing you pay the increase." An ultimatum.

The minister is on that corporation, Sir. So I say that the government should practice what they preach and the minister should practice what he preaches. Will this new bill cover the St. John's Housing Corporation and the St. John's Housing Authority? It will not, Mr. Speaker, it will not. Somebody says it will but it will not. They can slide out from under it, Sir. Not only that I am told, Mr. Speaker, when these people that live in the apartments got their notification of quit and deliver up, a month's notice to get out. In some cases, Sir, they did not even have the courtesy to put the announcement of the increase in the envelope. They thought they were being thrown out. They discovered their mistake as they forgot to put the two documents in the same envelope and the next day they were told, "Oh, no, you do not have to leave providing you pay the increase." I am also told, Sir, and perhaps the minister can correct this impression when he closes the debate, that the St. John's Housing Corporation also in a very sneaky way have now done away with signing a lease for a year. It is on a month to month basis. So after a month, they can throw you out. That is another sneaky thing they did, Sir.

Now, Mr. Speaker, that is enough about the St. John's Housing Corporation. I would like to hear the minister's reaction to some of the things that I have said. The minister also said, Sir, that this is going to smarten up with the slum landlords. Well maybe it will

and I hope it does and he mentioned specifically those who are fleeing the people on social assistance. He also mentioned the shortage of apartments in St. John's, and houses. Well, Sir, I would like to read a section from the annual report of the Department of Social Services and Rehabilitation for the year ended March 31, 1972 signed by Thomas P. Hickey, Minister of Social Services and Rehabilitation, confirming what the hon. minister said about the desperate shortage of houses in this area. I am reading this for a very special reason, Sir, because the hon. minister submitted this report to the House and he should have read it. It is a report of his recent administration up here on Harvey Road and when I read it the hon. minister will see the significance of it. It is titled, "Housing." "Reference was made in a previous report regarding the chronic housing shortage in the St. John's Area and as the problem is becoming more acute and progressively worsening from day to day it is necessary to comment further. The problem is also growing in the Districts of Bay Bulls, Bell Island, Fermeuse and Long Pond because of fires, evictions and many houses being condemned as unfit for human habitation. At any given time as many as ten or twelve families are living in boarding houses and hotels." Living in boarding houses and hotels, Mr. Speaker, and do you remember the criticism of the previous administration about having to put people in hotels and boarding houses. "The situation is aggravated to some extent by the fact that many families who belong to other parts of the province come to St. John's because they claim they are unable to find accommodation in their own area. Not only are apartments and houses in short supply but the stage has now been reached where extreme difficulty is encountered in finding boarding houses to accommodate the people concerned. Most of the people affected have nothing but what they stand in and if and when housing is found

it follows that the basic items of household effects must be provided. I hope the hon. member for Port de Grave is getting the significance of this and the member for Bay de Verde with his snide remarks in this House the other day. All the members on the other side will get the significance of this, Sir, before too long. "It was suggested in the past that the problem could only be resolved by the mass injection of funds, by all levels of government, in a subsidized public housing programme. While private speculators in the St. John's Area have provided a number of apartment complexes during the past three or four years, the rates being charged for these units are beyond the financial reach of recipients of social assistance as well as the large number of families on marginal earnings." Well, Sir, I say, hear! hear! to that.

MR. HICKEY: What year does that cover, the report?

MR. NEARY: March 31, 1972, signed by the honourable minister.

MR. HICKEY: I was only responsible for that one.

MR. NEARY: That is right. This is the report of the regional administrator, Sir. I did not write the report. The minister signed it.

MR. HICKEY: I agree, I saw it.

MR. NEARY: That is right. You read it, I presume, and signed it. He will have to back it up in this House.

AN HON. MEMBER: And agreed with it.

MR. NEARY: And agreed with it. Sir, the point I am making here is this: the minister left the impression that this bill is going to be the be-all and cure-all of the slum landlord. Well, Sir, it may smarten them up a bit. That will be a good thing - slow but sure. But, Sir, I will say that it will not solve the problem of the shortage of houses in this city or in this province. You can smarten up landlords all you like, Sir, but it is not going to increase the number of apartments that are available for rent, for people in the low income and no income brackets. If this government really want to do something for people in these categories,

Mr. Neary.

they should follow the recommendations of the regional administrator over at Harvey Road, when he says that it is suggested (it was suggested in the past) that the problem can only be resolved by the mass injection of funds by all levels of government in a subsidized public housing programme. That is the only way, Sir, that you can solve the problem of people in the low income and no income brackets. You can make life a little more comfortable for them under this bill, of course, you can by putting the gears to the landlords and God only know it is about time, Sir. It is not going to solve the problem. I am sure the minister did not mean to leave the House with that impression.

Now, Sir, I will be anxious to hear what the minister has to say about the tenants living in apartments under the St. John's Housing Corporation. They are like the junior member for Harbour Main, Sir, they got shafted. They got shafted and nobody spoke on their behalf. They had to sit there and take it. The tenants living in apartments which belong to the St. John's Housing Corporation, "quit and deliver up the premises," that is what they were told. The minister is on the board. The Minister of Municipal Affairs and Housing is chairman, not chairman - no. What is his title?

MR. SPEAKER: Order please!

MR. NEARY: I would say that the minister owes these people an explanation. Why did all these ministers and the Premier take such a great interest in the Omega tenants when they were asked to pony up another ten dollars and completely ignore tenants who live in apartments that come under the jurisdiction of the St. John's Housing Corporation, which is administered by the government, in a creature of the government? Apart from that little

Mr. Neary.

interjection of a sour note, probably after what my honourable colleague had to say about this bill, Sir, I think it is a pretty good bill. It is like all other pieces of legislation, Sir, it will be very difficult for the ordinary layman to understand it, even though from now on he is going to be presented with a copy of it. When he signs the lease, he gets a copy of the bill presented to him. I wonder, Sir, if he will also be provided with legal aid to tell him about clause 8 (1), "The doctrine of interesse termini is abolished." Sir, I would like to know what that means. I am sure some little tenant going in over here on Anderson Avenue, Sir, will be glad to know that that doctrine of something or other is being abolished. I do not know what it is. Perhaps the honourable minister can tell us what it is? But all these people are going to be presented with an act, Sir.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Sure, tell me what it is.

MR. HICKEY: I canvassed all the lawyers in St. John's but they cannot tell me. I have come up with my own explanation for it. It seems that it is a doctrine wherein under this situation, if a person rents a piece of property, up to the time they move into the property, the landlord can hold them responsible; whereas now, they are responsible when the lease is signed now. They do not have to move in to be responsible. Under the old system, they were responsible only when they moved in and took possession of the premises.

MR. NEARY: That is very clear, Mr. Speaker. It is as clear as mud. I hope the honourable minister will be there every time there is a lease signed.

AN HON. MEMBER: Section 10.

MR. NEARY: Yes, I am coming to Section 10.

MR. HICKEY: Now there is a brochure like the honourable gentleman mentioned.

MR. NEARY: Every time that a lease is signed, the honourable minister will be there to explain section 8(1): "The doctrine of interesse termini is abolished." What about section 10, Sir, 'Frustration.' Remember the tenants are going to get this in their hands, Sir. This is one of the provisions of the bill, section 10: "The doctrine of frustration of contract applies to the relationship of landlord and tenant and The Frustrated Contracts Act, 1956 applies thereto." I wonder if the honourable minister would explain that one to me?

MR. HICKEY: It would take too long.

MR. NEARY: Is he just as frustrated as I am? My honourable colleague reminds me of section 12. I read this bill, Sir. I will tell you if I were signing a lease and somebody gave me a copy of this and I read it, I would almost be afraid to sign the lease, afraid that I might get some kind of a contagious disease. "Covenants concerning things related to the rented premises run with the land whether or not the things are in existence at the time of the demise." There it is. Well, Sir, I hope the minister will personally see to it that the tenants that are signing leases have explanations of all these. Perhaps the hon. member for St. John's East could clear up some of these matters. Otherwise, Sir, I will have to go down and look for legal aid, because I cannot afford to pay the high legal fees that are charged in this province for giving you that kind of advice, unless my colleague here has taken up the practice of law recently and will give me some free advice. Sir, these are some of the things I would like for the minister to clear up when he is closing the debate on this bill. Basically I think it is a pretty good bill, Sir. It is a good start. It does not go far enough. It does not include public housing.

It does not include the apartments that come under the jurisdiction of the St. John's Housing Corporation. They have to battle it out for themselves. Their member will not even get in there battling for them. Poor little member from Quigley's Line, over on Bell Island, has to come in - poor little member from Quigley's Line, Sir, has to come in and battle for them. Perhaps the honourable minister will tell us, when he is closing the debate. I have nothing else to say about the bill, Sir. Now he has his opportunity.

MR. SPEAKER: The hon. member for Bonavista South.

MR. MORGAN: Mr. Speaker, in speaking in support of this bill, I feel I have an obligation to do so based on the fact that during the past two years I have been actively involved in tenant/landlord relationships, mainly on behalf of the tenants with the Human Rights Association. I have done many investigations, on behalf of the Human Rights Association, in accommodations and housing accommodations, mainly in the St. John's Area. This legislation that we now have before the House of Assembly is long overdue because the Rent Restrictions Act is outdated. I welcome this new legislation.

Now my investigations into the accommodations, rented

MR. MORGAN: accommodations, mainly the furnished and nonfurnished accommodations in St. John's, I find that people in St. John's today right now are living in places unfit for human habitation, simply unfit for human habitation, unsanitary toilet facilities, walls caving in, leaky roofs, faulty heating equipment, fire hazards due to bad wiring and Mr. Speaker, the sad part of this is that there are at least 400 families today in St. John's living under these conditions. There are at least 300 families, to be exact the last survey showed 310 families living in accommodations without any cold water in their bathrooms or in their apartments. Utterly amazing in this day and age we find these people living under these conditions here in the City of St. John's.

The people living in these accommodations are mainly the lower income people and the people who are receiving assistance from the Department of Social Assistance. They are not all welfare recipients, there are also some lower income people out working and receiving very low salaries.

These people are referred to these places by rental agencies like the Newfoundland Rental Agency which is a private enterprise and also the St. John's Housing Corporation. The people who are on social assistance and lower income go to these rental agencies looking for accommodations and they refer them to these places. These places, which are unfit for human habitation, they refer them to these places by these agencies and it is shameful, it is ridiculous that when these people go to a company known as the Newfoundland Rental Agency here in St. John's, they are sent to these places in the older sections of St. John's and paying rents - they are not paying it in most cases, if they are on social assistance of course the government is paying the rents, but if they are in the

lower income bracket they are paying it themselves and they are paying it to these rental agencies who are acting as fronts for the slum landlords.

The rents are collected today in St. John's for many of these older accommodations in St. John's, the older section of St. John's. Rents are collected by the lawyers' offices and trust companies and by the rental agencies, one major one in particular, The Newfoundland Rental Agency.

In my survey, I would like to point out, there is no honourable member of this House who I can call a slum landlord, there is not. But, Mr. Speaker, there are some very prominent citizens of this city, I find it utterly disgraceful that these people who call themselves prominent citizens, who are so-called christian-minded people, go to church every Sunday, christian minded people who are taking advantage of these lower income people in the City of St. John's. It is disgraceful. I call it an exploitation of the poor. That is really what it is.

They go home every evening to their nice big plush homes, professional people - doctors, lawyers, dentists, they go down to the older sections of St. John's and they buy up all the so-called slum areas, they buy them for one reason, as a business venture and nothing else. They do not buy them for the sake of providing accommodations for these low income people, no they buy them strictly as business ventures and that is all they do it for. They forget them after that.

They do not do many repairs, in some cases none whatsoever. The sad part of it all is that the people who are renting these accommodations, talking about frustration, that is what really frustration is. These people who are paying rents to the Newfoundland Rental Agency on Water Street, a company down there where these so-called prominent citizens are hiding behind, they

are paying their rents to that rental agency and the people who are paying the rents are unable to find out who the landlord really is - absentee slum landlords.

I sincerely hope, Mr. Speaker, that this piece of legislation will put an end to this kind of exploitation of the poor. It is long overdue. I have walked into apartments in this city time and time again, through my investigation for the Human Rights Association, and I have seen families living in places, it is practically unbelievable, where they find children sleeping in bedrooms where the bed clothing is soaked, with leaky roofs, where there is no fire, no heating accommodation and no water. I found places like that which are owned by professional men in this city. Professional people, going home to their nice, big, beautiful, plush homes every night and laughing at the money they are making off these so-called slum areas, and they are slum areas.

Now I know that this piece of legislation is going to overcome this to an extent. If the lower income people have a direct lease or contract with the landlord, let them be covered with the landlord directly. But in cases with the welfare recipients, how are they going to force the landlords to do repairs to their accommodations they are living in? How are they going to do it? They are living as occupants of the accommodations but indirectly they are not the tenants because a tenant is a person who pays the rent and in this case the Department of Social Assistance is paying the rent. So how are the people living on welfare or social assistance, how are they going to force the landlords to make repairs to his accommodations? That is a very important question. To me it is, because for too long it has gone on, where we have seen this exploitation, and it must be stopped

but can this bill stop it? I certainly hope it can. Looking at one section of the bill, where it classes a tenant as an occupant of that accommodations and not the person who pays the rent. In that case, if the occupant knows the landlord and has a contract with the landlord, maybe he can force the landlord to make repairs. But if the person paying the rent has no contract, he obviously cannot force repairs to the accommodation. So there is a major question there with me on that point.

Now I would like to see, and the minister could consider this point, that the Department of Social Assistance, wherever they are paying the rents for welfare recipients, if they are paying for accommodations which they feel are not satisfactory that the department should withhold the rent. The Department of Social Assistance should withhold paying the rent to these landlords, whether they are absentee or otherwise, until the necessary repairs are carried out to these accommodations. That is the only way that this problem can be overcome. Because if the Department of Social Assistance can make sure these recipients will not be thrown on the street, not be evicted from the apartments, it means they will stay there without their rent being paid until the necessary repairs are carried out, leaky roofs, etc. That is one recommendation.

The other I would like to see covered under this bill is that the tenancies boards which are now going to replace the Rental Control Board, that that board should have a standard of minimum facilities for accommodations. In other words, there should be a minimum of facilities in any apartment, furnished or unfurnished. This means there should be bathroom facilities there, there should be heating and proper wiring, and these kind of things. If that were a firm regulation which could be controlled by these boards, it would

mean at least that the majority of the places could be improved to the point of classified, where now they are not fit for human habitation. Yet they should not be classified because they are really not fit for human habitation.

These are two points. The third point I would like to make is that there is no mention in the act about the boarding houses, room rentals. Some of the boarding houses here in St. John's leave much to be desired. If we are going to have some regulation controlling the accommodations for tenants, I think there should also be some control over the boarding houses or renting of rooms. I would like to see that included in this act or some other piece of legislation to cover the boarding houses to make sure they are inspected by the Department of Health and other departments accordingly.

The other point that the two speakers for the opposition made which was well taken with me and that is the act does state that the copies of the act will be made available by landlord to all tenants. I think it is very important that a simplified copy be made available because the act itself, I think that point is well taken that the act is very difficult to understand, especially by any person even the members of the House of Assembly.

So I think it is going to be very beneficial to the tenants if they have simplified, brochure type information on the act itself rather than copies of the act being available to tenants. That point I think is a very good point.

I think one major good point in this act is the fact that when a person makes a complaint and the complaint is received by the board that the rent will be held in trust by the board until a ruling is made by the board accordingly. I think that is a very good point. If a complaint is made that means the tenant will not be paying rent, he will be paying it but it will be held in trust until the decision is reached.

The other point regarding this act, which I would like to speak on, is leases. Some of the leases; this legislation cannot control what kind of a lease can be drawn up between a landlord and tenant. If a landlord draws up a lease and he gets a tenant to sign it and the tenant is unable to understand the terms of the lease in the beginning and he is not going to go to a lawyer and ask him to interpret the lease, in many cases he is not going to do that, he is just going to sign the lease.

There could be two very damaging points in that lease (1) there could be a clause known as the "confession of judgment clause." Which means that the tenant himself is guilty of any charge, without being proven guilty. The second point with regard to leases is known as the waiver liability clause, wherein in this case a tenant cannot sue the landlord

for personal damages even though the landlord is at fault. Now these two points in a lease can be very damaging to a tenant. So it does not protect the tenants rights in many cases, so this act is going to be,

as far as I can see, unable to control what terms and conditions will be set down in an actual lease.

AN HON. MEMBER: Inaudible.

MR. MORGAN: That is right there should be some kind of a universal standard lease which all landlords will use. But as it goes today there are numerous, they are all different. It is up to the discretion of the landlord in many cases because the tenant cannot call the shots because accommodations are so hard to find. You cannot find any accommodations. So if he finds accommodations and the landlord stipulates signing this lease, he will sign the lease. He has no choice, in many cases.

So these two points regarding leases I think should be presented by the minister.

So far most of the speakers have mentioned, except the minister I think mentioned this point, the others did not, that is this lease is not only going to cover the rights of a tenant. It has also got rights for landlords. Now all landlords are not bad. There are some good landlords in this city. I am a tenant and I have a good landlord. But the bad part is that the names of the good landlords are being ruined by these ruthless landlords and absentee landlords who are exploiting the poor in this city.

But a landlord also needs protection because in some cases I have seen accommodations and apartments where tenants have damaged the property of landlords. In some cases they just do not show any consideration at all. There is no consideration at all on the part of the tenant for the property of the landlord. For example, if he is an unreasonable tenant and he wants to get rid of, if he wishes, or he evicts him from his apartment for a good number of reasons, not just for the fact that he does not like the landlord

not any form of discrimination, because the tenant himself, in this case, is a bad tenant. He is damaging property etc. This is being done. The landlord needs protection himself and it is very costly on the part of the landlord in the past and still is to have these people, in most cases, taken to court, and court cost involved.

So, Mr. Speaker, the bill itself is, in my view, a good beginning. It is a good beginning and I sincerely hope that it will put an end to, as I have mentioned before, the exploitation of the poorer class people and it will give the rights to tenants and also landlords as they deserve it.

Thank you.

MR. COLLINS: Mr. Speaker, I cannot let the opportunity pass by without having a word on this particular bill because as honourable members will remember last year I introduced practically this bill which we are looking at today. Because of restructuring the responsibility for the Rent Restrictions Act now is with the Department of Provincial Affairs and Environment.

I could not help but be amused by the honourable member for White Bay South who is reading all my notes over there which I used last year at the various tenants association meetings, then criticizing us for not holding the meetings all in the same breath, out of different corners of the mouth, of course.

There were public hearings held in various places across the province.

AN HON. MEMBER: Inaudible.

MR. COLLINS: Not forced hearings at all, Mr. Speaker. The bill was presented in this House and given first reading and it was deliberately left at that stage so that they could be sent to the Tenants Association across Newfoundland, so it could be sent to the landlords across Newfoundland and so that it could be sent to all the people who might be interested in taking a look at the legislation because in our opinion it was a major step forward in terms of landlord/tenant relationships if you want. We are looking at an old Rent Restrictions Act which was brought into Newfoundland

to deal with the very high rents which were being charged to American soliders, I suppose, who were coming in here. Even though when we were on the opposite side of this House, with all of the complaints that we made about it and all of the requests we made to have this piece of legislation updated, that was never done. It was in our plank during the two elections campaigns that we would bring in this sort of a bill and we did do it and we did it quickly. It received the publicity which it should have received and a lot of people looked at it, a lot of people have made some recommendations to it. While I am sure that this is not perfect, I think that all honourable members must agree that it is one of the best pieces of legislation that we have seen and certainly a great improvement over the old Rent Restrictions Act.

Now there are going to be amendments to it. That is one of the reasons why we sit in this House - to amend legislation as the need arises. I have no doubt that there will be a need to amend this. I believe that it is more than a good start. I believe this embodies, as far as I can see, just about all of the better parts of the various pieces of legislation across the country. People down in my department at the time, particularly Clyde Bradbury who was very knowledgeable, studied all the legislation we could get our hands on. We attended various meetings across Canada, from British Columbia eastward. We have embodied into this what we consider it to be the best of all pieces of legislation and as I have said while it might not be perfect certainly it is a major step forward.

Most speakers have mentioned the statutory conditions of the bill, the legal rights and the obligations of both parties, the landlords and the tenants. I believe that one of the most important things mentioned here is the establishment of five or six, the minister can deal with this later, five or six residential tenants' boards, which means that we will have a board in Labrador, I presume. We will have a board on the South Coast. We will have boards in Central Newfoundland and Western Newfoundland who can deal with the problems of those places and deal

quickly, knowledgeably; certainly a great improvement over the Provincial Rent Control Board.

Some honourable member on the other side, Mr. Speaker, asked why is it that subsidized rental units do not come under this particular piece of legislation? I am not sure of this but I believe I am right when I say that the main reasons for it is because subsidized rental units are units which are constructed on a federal/provincial partnership basis, the rents are subsidized by the partnership and I do not believe that we could apply this particular piece of provincial legislation in that area because of the federal involvement. I am also of the opinion that it would be difficult to apply because the rents in subsidized rental units are geared or attached or determined by the income of the tenant. For instance, given a three bedroom house, a person might be living in that and paying as little as \$30.00 a month, whereas another person making more money and probably with lesser kids in the family and so on might be required to pay \$300.00 a month. So I fail to see how the rent restrictions or the new act now could apply in that particular case.

I believe that my colleague when he responds in a few minutes time will indicate that the St. John's Housing Corporation properties will become subject to the provisions of this act, I am not sure of that at the present time, but I believe that is the case.

With regard to the honourable member for Bell Island, his assertions about my being Chairman of the St. John's Housing Corporation, that is entirely false of course because I was Acting Chairman for two or three months early last year, I think it was May, June and July. I am not even a member of the corporation now, as the honourable member might not be aware of, but certainly not the chairman, not even a member.

I see no reason why those pieces of property should not come

under the jurisdiction of this particular piece of legislation and if it is not taken care of now possibly an amendment could do that as we move through, if it is to be the government's desire that that should be done.

MR. NEARY: (Inaudible).

MR. COLLINS: Well, I am responsible for the St. John's Housing Corporation, if you want to put it that way.

AN HON. MEMBER: (Inaudible).

MR. COLLINS: Those hon. gentlemen opposite they yell and bawl and scream and criticize, they had all the years in the world to bring in legislation like this but they did not do it. We brought it in today knowing full well that it was not going to be perfect. None of us are perfect but certainly goodness they can agree to agree with us and say that we are doing a good thing, this is a marvellous step forward and give us a hand in trying to improve it further.

MR. ROBERTS: I consider it lends some tone to the House. Mr. Speaker, I had not intended to get into this debate but the remarks of gentleman from Gander are so needlessly offensive that I feel I should say a word or two. I see the Minister (designate) of Industrial Development smiling and I think he and I are probably on the same wave length with respect to the remarks of the gentleman from Gander. Let me just say, Mr. Speaker, two or three things. First of all it is quite true to say that this legislation was not brought in in 1949 or in 1950 or in 1951 or 1952 or in 1961 or 1971, that is quite true and if the gentleman from Gander, the present Minister of Municipal Affairs, wish to blame any of us let him. I can say mea culpa and so forth. The only point the gentleman from Gander neglected to mention and he sometimes tries to be fair-minded but he seems to have forgotten that on this occasion -

MR. COLLINS: (Inaudible).

MR. ROBERTS: Mr. Speaker, I heard the hon. gentleman in silence. It may have been contemptuous silence on my part but I heard him in silence and let him be good enough to extend the same courtesy to me. As I was

saying, Sir, before I was so rudely interrupted by the gentleman from Gander. Oh, he is a gentleman and so is the gentleman from Green Bay. He is certainly not a lady.

MR. PECKFORD: (Inaudible).

MR. ROBERTS: Mr. Speaker, I assume the gentleman from Green Bay will follow the same rules as we have all been repeatedly and wisely asked to observe. As I was saying, the gentleman from Gander as a rule tries to be fair-minded but he seems to forget that today. He neglected to point out what is the most significant point about this legislation or one of the two. The first one is that it is good legislation. He said that, I say it and we have all said it, with no hesitation. It is good legislation and to whatever extent a minister should be commended for bringing it in, I so commend that minister. He also neglected to point out, Sir, that this is new legislation. I do not pretend to be an expert in the history of tenants rights and I certainly do not pretend to be an expert in the legal aspect of tenants rights. Like the gentleman from Bell Island I have no idea what interesse termini means or any of these doctrines. The doctrines of frustration with which I am familiar have little to do with the law. They may have a great deal to do with other things but not the law, Sir.

But the point is, and one does not have to be an expert to know this, that this legislation is new in Newfoundland just as it has been new across Canada. Within the past two or three years we have seen legislation of this sort enacted in almost every province but it is only within the past two or three years. The Landlord and Tenant Act of the Province of Ontario as it existed in the early 1960's when I went to law school there was about as archaic and as outmoded as the Rent Restrictions Act or the Common Law which was the law in Newfoundland and is still the law until this bill is passed and proclaimed. The Landlord and Tenant Act in Ontario was largely a

codification of common law, Mr. Speaker. Most of the other provinces were in the same position as was Newfoundland. They relied on the common law, not a very good defence particularly for the tenant but that is the way it was. I heard no voices including the voice of the hon. gentleman from Gander raised fifteen years ago or ten years ago or five years ago. He may have raised his voice within the past year or two. If he did I have no hesitation in commending him for it. He will find, now that he is in an administration, Mr. Speaker, that it is easier to raise one's voice in opposition than it is while in a ministry. In a ministry one functions as part of the ministry and what passes in cabinet or what suggestions are put forward and for one reason or another are not accepted, die. The gentleman from Fortune Bay has never quite realized that. He sports his hair shirt on occasion.

But the fact remains that this legislation was not brought in by the administration of which I was a part. I do not think it is quite fair of the hon. gentleman, it is not even unfair it is just offensive of him to try to make cheap partisan political capital out of this bill. If he wants to make cheap partisan political capital, may I suggest he return to his own district where there may be a warm welcome for him.

Now, Mr. Speaker, I was quite taken by what the hon. gentleman from Bonavista South said and I believe the hon. gentleman from Bell Island made essentially the same point. This is good legislation and it is as advanced as any there is in Canada. It may even be the most advanced. It will be the most advanced until another province passes a bill which will then become more advanced because legislation in one province builds upon another and our draftsman and the officials in this government, the officials in the civil service here look to other provinces and they take ideas and they take concepts and that is the way it should be. Why should we pretend that we are the fount of

all wisdom? We are a small province. We have a good public service but it is not that large. The Province of Ontario might have one hundred people expert in various aspects of landlord and tenant regulations and we may have two or three or five. Mr. Bradbury's name has been mentioned. He is a very estimable gentleman and very expert in this line of work. The Province of Ontario might be blessed with a dozen Mr. Bradburys. So, of course, we take the ideas and I am willing to bet almost everything in this bill has come from another province. I do not say that as a criticism but I think that is the normal and right and proper way.

The gentleman from Bonavista South has put his finger on a frightfully important point, Sir, when he says, as did the gentleman from Bell Island, that this bill will not solve the housing problem and if anybody listening, well the gentleman from Gander agrees with me that it will not. It will improve things. It will require landlords to upgrade accommodations. It will provide tenants with some rights in law developed far beyond the rights of a tenant of common law, and a common law tenant has very few rights, very few. It will protect people who need protection. I agree about the St. John's Housing Corporation being under this bill. That is common ground but I do not think the people who live in Elizabeth Towers need worry too much about protection as they are pretty capable of fighting for themselves. The Premier is able to fight for himself. My parents, who are tenants, I am not, I am not quite a free boarder but I am a short-term boarder in their apartment there, they are quite capable of standing up for themselves. The gentleman from Gander whom I believe is a tenant at the Tower - He is not. All right the gentleman from St. John's East Extern is a tenant at the Towers and he is quite capable of fighting for himself. The people who live in these complexes, Sir, are capable. If they do not have the ability within themselves or the knowledge they know how

to get a lawyer and they can afford to get a lawyer. It is the people who live in these houses downtown that the gentleman from Bonavista South mentioned these are people who do not know how to fight back and even if they do the cards are stacked against them because they find that they are up against lawyers, they are up against bailiffs.

The Newfoundland Rental Agency, well that is another story. They are running a legitimate business. I agree with the hon. gentleman. I do not particularly like it. It is not the sort of business I would like to be in but it is a legitimate business. The reason there is a Newfoundland Rental Agency or the reason we have these appalling accommodations is that in Newfoundland, and my colleagues and I within the government are equally guilty, it is true all across Canada, we have not accepted the basic facts that a person has the right to a house. We will provide them with medical care and the state pays the shots. We will provide them with education and the state pays the shots. We will provide them with a minimum of food and shelter but we will not accept the basic fact that people have a right to decent housing. We talk about it and every member of this House, Mr. Speaker, if he were to be asked would say truthfully and with conviction that of course people have the right to housing but we will not find the money and the society to make it work. I do not know what it would cost. It might cost \$300 million or \$400 million to provide the people of Newfoundland with adequate housing. This bill will not do it. This bill will not

do it at all. It may make it a little worse because the reason people live in these incredibly appalling conditions downtown and I do not pretend to be knowledgeable in them, I have seen some of them and they would just turn your stomach to think that people live in these but they live there because they have to, because there is nowhere else to go. I do not know what the waiting lists are, Mr. Speaker, at places such as the various low rental housing, the subsidized rental units around here. I suspect even with the point system (what? A year? Two years?) you have to wait until somebody moves out. I mean, they are filled quickly.

Do we not have more low rental housing than any city in Canada, per capita?

AN HONOURABLE MEMBER: Ten years.

MR. ROBERTS: Ten years is it? It cannot be ten. Well, it can be a long, long time. Seven or eight hundred people waiting. That is the problem this House really should be turning its attention to. It is not just St. John's. There are in this House a half dozen gentlemen who served as Minister of Welfare under one name or another. The gentleman from Bell Island, the gentleman from Fortune Bay, the gentleman from St. John's East Extern, I myself, the gentleman from Labrador West who has part of the responsibilities of the old department. Any of those people or any member anywhere in this province, Your Honour doubtless, has seen housing conditions that cannot be believed. Every member could stand and tell of a half dozen he knows of, people in his constituency, people he has met in his travels or in his work who are living in absolutely appalling conditions. That is the problem.

The Landlord and Tenant Act is good. It is great if you are living in Elizabeth Towers or you are living in Omega Apartments or the ones up here, Valley View or Hillside or Riverdale or whatever they are called. You know, it is great to have some legal protections. It may help to keep some landlords in line but, Mr. Speaker, it will

not solve the problems and I do not think that anybody in this House for one minute should think so. I think it is high time in Newfoundland we made an attack on these problems. I am talking of \$50,000,000 or \$100,000,000 a year. A lot of money! It may be impossibly large but if we can find \$80,000,000 for an oil refinery, Mr. Speaker, we could find \$20,000,000 for housing each year for four or five years. We could find that in Newfoundland. Put it on the public debt. Let it be on the public debt and let our children and our children's children pay for it but we would end these incredible conditions all over the province.

I do not know of an area in the province - there cannot be one of the forty-one separate constituencies that does not have in it case after case. The gentleman from Hermitage must know of many cases in his constituency that, as a man, must revolt him and as a Newfoundlander, to think that people live in these conditions because they must.

That is why they rent houses from the Newfoundland Rental Agency. The biggest renter of slum housing in Newfoundland, Mr. Speaker, the biggest renter, the biggest tenant of slum housing is this government, the Department of Social Services, the Department of Social Assistance. They have to. It is the only accommodation that can be got and one pays fifty or a hundred dollars a month. The gentleman from Bonavista South has probably looked at a hundred of them over the years. It is absolutely staggering that in 1973 we still have this sort of thing here. That is the problem.

The act, Sir, will do nothing. It may make it worse. There may be some landlords who say they will not live with this and they will get out of the business. Well, their property should just be taken from them on that basis, and given a dollar. That is obviously all they value it at. Give them a dollar as a peppercorn purchase price and then the state should fix it up.

Mr. Speaker, the only one or two other points I want to make. I think on both sides of the House there is agreement, for this bill to

be effective people must be informed about it. While it is laudatory and, as a lawyer, I suppose everybody should welcome the thought of a tenant being solemnly presented with the keys, with a copy of the bill, one in each hand - it is really going to be of no use to most of the tenants. I think the minister would agree with me on that point. The bill must be in legal form. It is statute law and all that sort of thing, but what is needed is a pamphlet - I will not suggest that George McLean do it but maybe he could be persuaded to do it - but a pamphlet or a publication of facts, sheet of some sort in precise and clear but not technical language, to a tenant. When he moves in he is given, sort of, his Bill of Rights, his charter to tell him what he does when the landlord cuts off the heat or what he does if the landlord jumps the rent or what he does if, as the St. John's Housing Corporation has done - they have changed all their yearly tenancies to month by month notices now which means - I do not know why they have done it. They have not said anything. They have not told anybody but they have said, "now we can flick you out on a month's notice."

Well, what does one do about it, if anything? These are questions that I submit are of concern to people living in these housing areas. I suggest also the minister might want, Mr. Speaker, to have a look at the possibility of the government aiding the Tenants' Association. The minister has made a bit of a point to go around to meetings with them and that is well and good. While the minister and I disagree on a lot of things, I will give him credit where I think credit is due. I think this is once where credit is due.

It might be an idea for the government to consider giving these people - I do not know if they need much money but if they do need some money for whatever their expenses are.

MR. COLLINS: Do you organize on a provincial basis?

MR. ROBERTS: No, it is very well to organize on a provincial basis but the general pattern of these, Mr. Speaker, is to organize on a

building or a complex basis.

MR. COLLINS: Inaudible.

MR. ROBERTS: Well, one could give so much a head or they could be on a municipal basis. Really, outside I suppose St. John's, Gander, Grand Falls, Corner Brook and maybe Happy Valley where you have a very transient population there are not terribly many areas where we have a lot of rented accommodations. Our proportion of rented units in Newfoundland, Mr. Speaker, must be the lowest of any provinces in Canada. It is not like Montreal where everybody moves on the first of May, the traditional moving day.

AN HONOURABLE MEMBER: Inaudible

MR. ROBERTS: Yes, the secretary of state in that department in Ottawa specializes in grants to people who stir up things. That is a good thing for government to do. I say that with fervor; much more so now than I did when I was in the government but I said it even then. The extension service at the university is the same way. I think it is a good use of public funds to stir people up. There is a French term which with deference to anybody who happens to speak French, Mr. Speaker, I will use "animateur sociale."

It is an inelegant phrase to dissent. Its is a (blank)disturber. The honourable gentlemen can fill in what they wish there. This is a good use of public funds because people do not know how to fight back, Mr. Speaker. Really they are on the bottom of the social ladder or the social economic ladder and they cannot see how they can get at the people on the top. The ballot is a useful weapon but it is a limited weapon. It only goes up every three or four years. The ballot is a matter of two choices. Life is not usually that simple. One has to make a choice, true but most of these issues are not the sort of things that can be decided in elections.

I think the minister might - I just put it forward as a suggestion - might consider groups like the Omega group, who are trying to organize on a citywide basis, I believe - or other groups so much a

head, so much an apartment at maybe a dollar an apartment, a year. It would not come to a lot of money but enough to enable them to retain some expert advise and to mail out publications and to do propaganda and the other things which groups such as this do.

Anyway, Mr. Speaker, I think it is a good bill. It is not as good as the bill will be when amendments come in in a year or two or three on the basis of experience. It is the first bill we ever had in Newfoundland. It is the first time in Newfoundland we ever dealt with this problem other than the common law. That puts us in the same position as other provinces. We are a year or two behind. I think Nova Scotia did theirs last year and Ontario was two or three years ago but that is normal. It is normal. We are not pioneers as a rule in Newfoundland. We have many problems more urgent than the problems of tenants. We have many problems in this province that are much more important than Landlord and Tenant Law. It is good to see it dealt with. We have no objection to the bill. We question some points and we put forward some suggestions.

I am quite willing to congratulate the ministers involved. There have been two of them. I do hope they will not be stubborn now. I do hope that when points come up in the weeks and months ahead that they will be open about them and say, "yes, that needs improvement and we will look at amendments for next year." It may take four or five or ten years to get a piece of statute law that really is workable. This one may or may not be workable. Well, I think that even in the debate today, Mr. Speaker, points have come up that - they are not defects but they are certainly points as to how the bill can be improved. Anyway, I think we will vote for it. I hope we have some questions in committee and we have some points in committee. We will vote for the bill and we will do so gladly.

MR. AYLMARD: Before the minister closes the debate on this bill, there are a couple of points that I would like to mention. First, I would like to associate myself with the previous speaker in really congratulating the government on this excellent piece of social legislation. I feel

that it is time certainly that the Rent Restrictions Act be repealed and as many member of this House has said in the debate, notice was given at previous sessions to have this act repealed, but for one reason or another we did not proceed to that stage. I think it is a very, very excellent idea to establish the rights of tenants and landlords, but with respect to the tenants rights, Mr. Speaker, I would say this, that there is really not much use to confer rights upon these individuals if they do not have the financial resources to enforce these rights. In this respect I would certainly like to see either the Department of Social Welfare or the Department of Justice or certainly some department of government take steps to see to it that when people have rights under acts similar to these, that they have the resources to enforce these rights.

In this respect, I think that this government should extend and expand legal aid and make financial resources available so that these tenants when they find themselves being jeopardized or their rights are affected, that they have some means whereby they can obtain the services of a lawyer and enforce their rights before these boards and in the courts. The majority of tenants who hope to benefit from this act are people who really, in a large number of cases cannot afford lawyers. I would certainly like to see financial resources made available to the Legal Aid Committee, to provide these legal services. It is just useless to talk about conferring rights unless the people have the means to enforce these rights.

As I said previously, unless they have in many cases legal assistance and advice, this legislation will be of no use to them. I think hand in hand with this should go an expanded assistance to legal aid to assist these tenants in obtaining lawyers.

There are several other points I would like to mention, but I am sure, Mr. Speaker, they can be dealt with in committee and I do not propose to prolong the debate, so, with these points I will

reserve my remarks for committee stage.

MR. SPEAKER: If the honourable minister speak now, he closes the debate.

MR. HICKEY: Mr. Speaker, there are a number of points that I would like to cover. Rather than take them in the order in which they were raised, I think I should deal with the particular ones in today's debate at least. One is with regard to the Newfoundland and Labrador Housing and the fact that this legislation does not cover that corporation.

I should point out to honourable gentlemen opposite as I am sure they are aware, having been in office, being quite familiar with that corporation, that that corporation is funded very heavily by the Federal Government, Newfoundland Housing and the Newfoundland Housing Authority and that before any policies or regulations or any acts are legislated or controls placed on those corporations, certainly the first thing that would have to be done would be to do it through the Federal Government. We would be in effect, legislating the people in Ottawa and that is hardly possible at this point in time at least.

With regard to the St. John's Housing, Housing Corporation, honourable members opposite are apparently unaware, at least my friend from Bell Island raised it, so he apparently is unaware of the fact that this legislation before the House does in effect cover the St. John's Housing Corporation or at least there is nothing in it that I can find to exclude it.

Mr. Speaker, the honourable gentleman mentions my involvement and my colleague's involvement, the Minister of Municipal Affairs and Housing, in the Omega application for a rental increase. Of course, he commends both of us for objecting to the increase. That is fine. It is also a fact, Mr. Speaker, that so far as I am concerned, I represent the area of Pleasantville, where a goodly number of those people reside

Anyone who would assume that I am in favour of a rental increase to those people, it is just a bit much, it is a bit hard to swallow indeed. One does not always get what one wants. It is not for me to say as to what is going to be done but the people in Pleasantville had the same recourse as the people anywhere else. I certainly intend to represent the people in Pleasantville as I did the people who reside at Torbay Road and represent them as forcefully and as well as I am capable of doing.

MR. NEARY: The damage is done.

MR. HICKEY: The damage was done, Mr. Speaker, with Omega too. It might be interesting for me to point out - the hon. Leader of the Opposition mentioned about giving funds to tenants' associations and the idea, basically, is a good one. They need some support from some one. To give the hon. gentleman from Bell Island some idea of how far we have progressed with Omega Investments Limited, who were at loggerheads with the Tenants Association, who had never gotten together before, as I said in opening the debate today, we set a precedent by bringing those people together. As a result, Mr. Speaker, that company, through the owner, Mr. Dobbin, agreed in my office only on Friday last to make available to the Tenants' Association an apartment, free of charge, with office space, free light, free heat, free long-distance phone calls and so on, also a commitment to meet, his company to meet with the Tenants' Association each and every month. Mr. Speaker, that to me is real progress.

With regard to the people who rent complexes such as Omega, I think it would pay the landlord to do the funding themselves in regards to tenants' associations. As I said earlier this afternoon, the people who will benefit mostly from a good responsible tenants' association is in fact the landlord. I think it is only fair, where the landlord can afford it and

there is not a great deal required, that the landlord provide some funds or in lieu of funds some benefits which this particular landlord has already led the way by doing so.

Another important aspect raised this afternoon, Mr. Speaker, that needs comment on is to the effect that this legislation will have on the overall housing situation in the province and particularly the city as it applies to slum housing. Honourable gentlemen opposite will recall or they should that I at no time in introducing this bill indicated in any way, shape or form that this bill was going to cure or even make a contribution to cure the housing shortage. This bill is clearly what the title indicates. It is to regulate rents. It is to provide a set of ground rules for landlord/tenant relations. That has nothing, Mr. Speaker, to do with the housing shortage. I am sure honourable gentlemen opposite will agree that a great number of the houses

in this city particularly that are unfit for habitation today could be rehabilitated, could be renovated and up to now and including today, Mr. Speaker, there is no law, there is no basic regulation or law to bring pressure to bear on those people who own those houses, to repair.

Mr. Speaker, if we do nothing else in this city but work with the landlords who own a lot of those slum houses and give them a reasonable amount of time, with the co-operation of the municipal council whose co-operation, I might add, we already have insofar as the building inspector is concerned, regarding inspections in connection with electrical facilities, electrical wiring and so on. If we do nothing else, Mr. Speaker, but improve the lot of the tenant in those areas then we have accomplished something which should in effect have been done long ago. This is really what I said this afternoon, hoping to do. I do not see how that in any way will create a crisis which will result in people being placed in hotels or motels. Contrary to that, Mr. Speaker, it will help to alleviate the situation we have already because there are homes in St. John's vacant that are unfit to live in and as I said earlier a department of this government almost daily are being held up for high rent. It is going to be too late when people are burnt to death and when it is traced directly as being due to faulty wiring or unhealthy and unsafe conditions.

This, Mr. Speaker, is what this legislation is all about. I fail to see how anybody can apply that and say that we are going to create a crisis in the housing field; we are not. Contrary to it, as I have said, we are going to improve the housing situation at least as it applies to the existing houses.

I can only agree with my friends opposite when they say that one of the real cures to the housing problem in St. John's and in fact throughout the province is for more units to be made available. This government, Mr. Speaker, is working very hard in that direction. We have not been idle in

that area. There have been units provided this year or during the past year, there will be more units this year. The government are doing everything it can to entice people to develop more housing and invest more money in the housing field.

It is hardly fair to condemn or criticize a piece of legislation when all that it is going to do is to improve the lot of the individual tenant and the landlord in a lot of instances and to ease the already aggravated situation that exists in the housing field.

Another area, Mr. Speaker, of concern is I think one of my friends opposite mentioned, tenant abuse, the abuse of the landlord's property. A clear cutting example of that is the Omega case where in effect in some instances the property was abused. As I pointed out earlier in this area, this legislation provides a two-way street, provides protection for the landlord as well as protecting the rights of the individual tenants.

Mr. Speaker, insofar as my involvement with Tenants' Associations,

my officials and I have tried to encourage Tenants' Associations, while at the same time attempting to always maintain a middle of the road position, because we must stay in that position if we are to represent both tenant and landlord.

As to any section of this act, or indeed the whole act being provided tenants, Mr. Speaker, it is already the intention of my officials to provide a brochure as suggested by my friend on the other side. No one is going to suggest that this act in its present form be given to tenants to peruse on their own.

Another matter which is under consideration, Mr. Speaker, is the matter of registry. I believe that anyone charging rent in this province should be registered in some central office, should be listed, so as to provide some kind of control over who is renting and who is not and to provide the opportunity for the tenant to, in a more efficient manner, make a complaint if in fact that tenant has one.

I believe, Mr. Speaker, that my friend from Bell Island mentioned the clause in relation to frustrated contracts.

MR. MARSHALL: I wonder if I might interrupt the honourable minister? Would the honourable minister like to adjourn the debate or is he about to close so that we can adjourn the House?

MR. HICKEY: All right, Mr. Speaker, there are a couple of points I want to cover, so I will adjourn the debate.

On motion, debate adjourned.

On motion, the House at its closing adjourned until tomorrow, Tuesday, March 6, 1973, at 3:00 p.m.