

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
3:00 p.m. - 6:00 p.m.
TUESDAY, JUNE 9, 1981

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

It is with a great deal of regret that I advise members of this hon. House of the untimely passing of one of our legislative reporters from the Newfoundland and Labrador Press Gallery Association. I refer to the late Geoff Hunt, who passed away yesterday while in hospital. He was twenty-eight years of age. He was a very serious reporter who certainly had the respect of his peers and members of this hon. House. He had been working with newspapers for quite some time, formerly working with The Evening Telegram. He was at one time Newfoundland's correspondent for McLean's Magazine. While he attended Memorial University of Newfoundland, he served as Assistant Editor and Editor, Editor-in-Chief actually, of the Muse, the student newspaper at the university. And more recently he covered the House of Assembly as a freelance reporter for The Daily News until his illness forced him to discontinue around mid May month.

He will be sadly missed by his friends, colleagues, and indeed all of us who knew him, and I know that hon. members would want me to convey our deepest sympathy to his mother and family on their tragic loss.

The hon. President of the Council.

MR. MARSHALL: Mr. Speaker, in accordance with your very sympathetic remarks that you have made conveying the sympathy of all of the House, we would certainly like to be associated with it.

Mr. Hunt was well known to all of us. I think his untimely death came as a shock but at the same time, Mr. Speaker, I think it is a matter of a real memorial to the gentleman that despite the fact that he had an

MR. MARSHALL: illness and he had been ill for such a long period of time, he still managed to acquit his duties as a member of the press gallery and as a reporter right up to almost the last days of his life.

To his mother, Mrs. Cynthia Hunt, and to the members of his family, including, I might indicate, Mr. Speaker, his uncle, who is the present Judge of the District Court in Brigus, Rupert Bartlett, and a former member for Trinity South in the House of Assembly, I would certainly wish the government to be joined, and I know members of the Opposition, all members of the House, in our expression of sympathy for the untimely death of this very young person, as I say a very untimely death, and at the same time pay tribute to his courage and determination for the way in which he carried on, particularly in the latter months of his life in carrying on in the same normal manner and carrying on the same normal lifestyle.

MR. SPEAKER (Simms): The hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, on this side of the House we would like to also be identified with the remarks that you have made. There is no doubt that of all the people who have covered both sides of the House, I do not think I have ever heard anyone criticize Mr. Hunt as turning out anything other than first class reporting. It is unfortunate maybe some of these things are only said after somebody has

MR. STIRLING:

passed away, and I too want to join with the government on behalf of my colleagues on this side of the House in paying tribute to his spirit and courage because, while it may come as a shock, those of us who had a close connection with him knew that he was carrying on, with this disease, right up until the last minute. And, Mr. Speaker, he still was right to his last days a correspondent for McLeans and I had an interview with him on behalf of McLeans within the last ten days. So we certainly want to join with you in extending our sympathies and paying tribute to the kind of young man that Mr. Hunt was.

MR. SPEAKER (Simms): You have heard the motion. Those in favour 'Aye', contrary 'Nay', carried.

ORAL QUESTIONS

MR. SPEAKER: The hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, I have a question for the Minister of Health (Mr. House), and no doubt since yesterday he has now briefed himself on the situation. Would he like to inform the House on the situation that he has found now that he checked into the information of the serious situation involving nurses in this Province and in particular the situation that he found at the Janeway Hospital?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, I think, first of all, the statements implied in the question yesterday of emergency proportions, I think was alarmist. The situation is similar to what we have every year at about this time and usually there are not very many ways you can overcome that particular thing. I have checked with some of the hospitals and there are some shortages of specialized nursing. The one referred to is there were some problems with the reorganization at the Janeway with the fact that they did

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MR. HOUSE: have some reorganization with the opening of the new intensive care unit because before that intensive care and post-operative were one and the same unit. There is a shortage and they will be closing some but they will be looking after all the emergency situations. The same thing applies to one other hospital that I was in contact with recently, and

MR. HOUSE: I mentioned that one yesterday, that there is a shortage of nurses in the intensive care unit.

MR. STIRLING: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. the Leader of the Opposition.

MR. STIRLING: Mr. Speaker, maybe the Minister of Health can tell us at what point he feels he will have a serious situation in that the information which he has not given today is that one complete unit in the Janeway Hospital was closed down yesterday and another unit will be closed down either today or tomorrow, and it is very likely that the Janeway Hospital will have to go on an 'emergency only' service this Summer and that that situation is much worse than it has been for the last two or three years? Would the minister indicate how bad he feels it has to get before he will acknowledge that we have a serious nursing shortage in this Province and specifically as it concerns the Janeway Hospital?

MR. SPEAKER: The hon. the Minister of Health.

MR. HOUSE: Mr. Speaker, I have received a note from the Director of the hospital. He is saying it is similar to other years. He did give me the number of nurses who were out for various reasons, twelve on leave, and there are eighteen, I think, vacancies they are trying to fill and that was partly because of the reorganization. They are in the process of doing that, but they are expecting to not be able to fill their complement, not before September at least. That is their expectation. But they are saying that there is no emergency and that they will be able to carry on and give an excellent service. They are attuned to the kind of thing that happens because in the Summer it is a time when it is the holiday season and it is a time when there is not a lot of elective surgery going on.

MR. STIRLING: Mr. Speaker, a supplementary.

MR. SPEAKER (Simms): Supplementary, the hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, I have given the minister an opportunity to give us the full information and he is trying to create an impression in which this is normal and blamed on re-organization. Mr. Speaker, the truth of the matter is the re-organization is caused by the fact that they are missing thirty nurses - twelve on maternity leave and they are short eighteen - which caused them to have to close two units. And, Mr. Speaker, he is giving the impression that this happened last year. I tell the minister it did not happen last year -

MR. SPEAKER: Order, please!

The purpose of Question Period is not to provide information but to ask questions and I would ask the hon. Leader of the Opposition to ask his question.

The hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, I believe the purpose of Question Period is to try to get information and when a minister does not give information -

MR. SPEAKER: Order, please!

Comments after rulings are also out of order. The hon. Leader of the Opposition should have a question.

MR. STIRLING: Mr. Speaker, I have a question for the Minister of Health (Mr. House). Can he tell us at what point that he will consider the Janeway Child Health Centre as having a serious problem? When they can only accept emergency services! At what point does he think it will be an emergency situation?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, I suppose it would be an emergency when they cannot accept emergencies, but I am advised by the administrator that there is no emergency, that

MR. HOUSE: it is normal. I did say they were looking for eighteen people now and there were twelve on leave - I mentioned there were a number on leave. And it may not have been the same as it was last year because I would not assume that the same twelve were on maternity leave this year.

MR. STIRLING: No, but they did not close units last year.

MR. HOUSE: They did not close units last year because this year, as I mentioned about the re-organization, is the fact that the two units are separate - the intensive care unit and the post-operative unit are separate this year and they were one unit last year. So they could not close it last year.

Mr. Speaker, we are having a study with the Department of Health and the Nursing Association on the manpower problems and one of the things that we are finding is that, you know, it is not all adding up, there are a lot of people who are nurses who are not working. And we had, I think it was something like 9 per cent of one particular year who left the Province, I believe the year 1976, but we have a like number coming in from others, so there is not that much of a loss. The real problem though does come in the Summer. Last year practically every hospital closed some beds because there is not a lot of surgery going on in the Summer, particularly elective surgery. We had it happen in Goose Bay last year and, as I say, we did not close them down here because we did not have a lot of them open last year at the Janeway. So

MR. HOUSE: the information I got, and I got it on a note this morning from the administrator, is that emergencies are easily looked after, there is no problem of giving the necessary care there this year, and they are not expecting to be able to fully staff the hospital before September.

MR. STIRLING: A final supplementary.

MR. SPEAKER (Simms): A final supplementary, the hon. Leader of the Opposition.

MR. STIRLING: A final supplementary, Mr. Speaker. Would the minister table for the benefit of the House the information which he has currently received from other hospitals indicating severe shortages with nurses? Would he table for this House the up-to-date situation as it applies for the present time and for the balance of the Summer?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, the hospital boards do not necessarily advise the department of the information, and in a lot of cases the only information we get in that respect is when we go asking for it because they are responsible. I know, for instance, that one of the hospitals is currently trying to recruit outside of the Province. But I have no detailed up-to-date list of the problem as it pertains across the Province. We check with the occasional hospital to see what it is like. We did one, I think, in March of this year and circulated all of the hospitals and asked them what they anticipated in the coming year, and most of them at that particular time were saying that the situation was stable. That means there may have been a number of vacancies but that is reasonably normal. They did mention the

MR. HOUSE: intensive care unit was a bit of a problem. And the other situation was that they did not expect to have any other than normal problems this year.

Last year when I did the same thing, they had anticipated a number of closures during the Summer, but, of course, it did not materialize because there were a lot of part-time people who came back to work. And I would suspect that they may be getting the same thing this year.

But to answer the question, I have not got it to lay on the table because they are not required and they do not necessarily write and advise me of the situation.

MR. STIRLING: But you are the Minister of Health.

MR. SPEAKER (Simms): The hon. member for St. Mary's - The Capes.

MR. HANCOCK: A supplementary, Mr. Speaker. I would like to ask the minister could he inform this hon. House as to what is happening to all of our graduates from the Nursing School. Are they moving onto other provinces because of the

MR. D. HANCOCK: difference in wage scales in other provinces compared to this one or are we training enough student nurses to look after the needs of the hospitals in this Province?

MR. SPEAKER (Simms): The hon. the Minister of Health.

MR. W. HOUSE: Mr. Speaker, we have a capacity to train about 300 nurses per year and that is the number we take in in any one particular year. By the time the graduation rolls around you get an attrition rate; some years in some classes you might get as many as fifty who have gone by the way, so you are getting between 250 and 300 graduating per year.

We feel this is enough at the present time, although we are in the process of doing a study. We feel that this is enough because we have put a large number of nurses onstream in the last five years. For instance, the Health Sciences Complex came onstream in the last five years but that did not take away necessarily a lot of the nurses who are down at the Miller Centre. So you are adding. And we feel that if we put more places in now we may have an over supply fairly soon. There are a number leaving the Province. I cannot answer what the reasons are, but there is a number leaving every Province. For instance, there is a shortage of nurses now West of Quebec; they are 1,600 nurses short. There are 400 short in Atlantic Canada and Quebec.

So the answer is, yes, the nursing situation is that the nurses are very mobile as are doctors, as are all health care professionals. So I cannot answer your question, is it because of wages? I would suspect that is one factor, there is no question about it. But British Columbia, where the wages are the highest in Canada, has a severe shortage right now at the present time.

MR. SPEAKER (Simms):

The hon. member for St.

Barbe.

MR. T. BENNETT:

This question is directed

to the Minister of Health (Mr. House). Would the minister confirm or deny that trained personnel working for the Department of Health are being relieved from their jobs and, indeed, replaced by untrained or trainees from the Department of Social Services case load? Would the minister confirm or deny this?

MR. SPEAKER:

The hon. Minister of

Health.

MR. W. HOUSE:

Mr. Speaker, at this

particular point in time I cannot either confirm or deny it. The fact is I do not think there is anybody being displaced, particularly nurses, if that is what you are referring to, because at this time of the year that would not be the case. I do not know what Social Services are -

MR. BENNETT:

Nurses aides, I am talking about

nurses aides.

MR. W. HOUSE:

Well, I think there is some question

what qualifies as an aide. I can get that information for the House. There are two categories in nurses' aides, one category those who are trained and qualify vis-a-vis our vocational schools, and the others are persons who have worked without any training. There are cases where I think there is going to be a - I do not know if 'jurisdiction' is the right word, but whether they can qualify,

MR. HOUSE: whether the ones who are not trained can take the jobs that trained people want. So I will get the information on that because it is a little bit of a problem with the union and so on.

MR. BENNETT: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. the member for St. Barbe.

MR. BENNETT: If the minister would check with his colleague, Mr. Speaker, and if he needs specific evidence, further evidence, if the minister so desires I will certainly get the evidence for him. You can check with your colleague.

MR. SPEAKER: The hon. the Minister of Health.

MR. HOUSE: Mr. Speaker, these are the kinds of details that I would not necessarily have information on. If the hon. member has a specific case, certainly I will look into it and find out about it.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to direct a question to the hon. the Premier. It has to do with some very interesting news that I heard this morning - interesting and possibly disturbing in some aspects - and that is the fact that oil from the high Arctic is going to be brought down through the Northwest Passage and we are informed that the large tankers that will bring the oil down from the high Arctic will increase substantially the number of ships, oil tankers, that will be passing the shores of Newfoundland. I am sure it is something that we all have to watch very carefully, Mr. Speaker. I would like to ask the hon. the Premier if he is aware of this situation and, if so, would the hon. gentleman indicate to the House if there have been any discussions as to plans to take care of any emergency situation that might develop - although it seems to be a long way down the road,

MR. NEARY: nevertheless, it will be on top of us before we know what happened - if there are any plans to take care of any emergencies that might develop off the coast of Newfoundland as a result of the movement of these large tankers along our shores?

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, there was somebody from the federal Department of Transport, I think, on the radio this morning. He had some gentleman on talking about tanker traffic out of the Arctic down through the Straits and that there was some indication that some oil companies, or at least his bias was that the transportation should go that route. The panarctic group have done a lot of work in the Arctic islands and Dome is doing a fair amount of work now in the Beaufort Sea and MacKenzie Delta and in the Arctic itself. Imperial are involved up there and

PREMIER PECKFORD: a number of other companies are about to get involved. There is still a question of how you are going to deliver the oil and gas from those areas, especially the Arctic, because it is quite likely, I suppose, that the Beaufort Sea and MacKenzie Delta will either come by pipeline down the MacKenzie Delta or come across the pipeline to Alaska and come down the West Coast, depending upon what the various regulatory agencies agree on. As you know, the Berger Enquiry indicated and recommended that a ten year moratorium be put on the pipeline down the Delta. So we are looking I guess primarily at the Arctic Islands and the transport of oil and gas by LNG for gas and tanker for oil, or by pipeline. So have talked about the Hudson's Bay and coming down that way through Quebec. There has been no determination to my knowledge yet from any of the companies that they have finally decided on one route over another.

We have had over the last year, or two years, a number of discussions with various companies and with the federal government about the whole question of tanker traffic, the whole question of the transport of oil and gas from the Arctic and we have expressed some concerns about it. But the specifics have not been determined yet. But there seems to be now renewed interest in this kind of alternative transportation mode for the movement of oil and gas. And obviously I could echo with the hon. member for LaPoile (Mr. Neary) concern as it relates to that because there is a lot of environmental and marine related problems that could arise with any increase in that kind of traffic down our West Coast.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, as the hon. gentleman knows, the tankers will be passing over our most precious resource, namely the fishery, and with all the increased activity off our own shore and the number of tankers apparently will be quite a few because there are only certain times of the year that they can bring the tankers down, although they are looking at tankers now that can penetrate the ice and so forth, would the hon. gentleman indicate who will act as the watch dog? I mean, who in Newfoundland will? Will it be the Canadian Coast Guard, will it be the Provincial Department of the Environment? Who will develop the facilities to take care of an emergency off this Coast in the event that it should happen?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: In most cases there is some shared jurisdiction there between the two environmental departments, federally and provincially, as well as the Coast Guard. We have been kept fairly well informed by most of the oil industry and the oil and gas industry because of our involvement anyway. So we are pretty well clued in on that. Now the Petroleum Directorate has a fair amount of information on that, the Department of Environment would, so we have been fairly well on top of some of the proposals but up until now they have been mere proposals and tentative ways of moving the oil and gas. There has to be a fair amount of exploration done yet. Technology is developing very fast. A number of companies, including Dome and Pan Arctic, are looking at new designs. The Department of Development knows a fair amount on this score as well. And they have looked at a number of designs.

It might interest the hon. member to know that in that regard I guess one of the areas where a lot of information for technological breakthroughs will come

PREMIER PECKFORD:

is the work through Lake Melville that is going ahead right now. the work through the Department of Development, the MV Arctic and the Franklin, which have been in there over the last couple of years. so there is no question that you are going to see ships and tankers be developed that are going to be able to handle even those most difficult waters. But specifically, to answer the hon. member's concerns, it would be shared jurisdiction between the two levels of government. There has been a fair amount of work done by the Energy Department, the Department of Development and the Department of the Environment over the last while on it but there has been nothing specific as of yet.

MR. SPEAKER (Simms): A final supplementary. The hon. member for LaPoile, followed by the hon. member for Windsor-Buchans.

MR. NEARY: Does the hon. Premier feel now that it would be very worthwhile to reactivate the matter of storing oil for trans-shipment in Newfoundland? We have the capacity here, The hon. gentleman know of the proposal in connection with the abandoned Bell Island mine, for instance. Is it possible now that Newfoundland, in view of these huge tankers coming down from the high Arctic, that Newfoundland could become a large storage area for the crude that would be trans-shipped later on? is that possibility there now?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Well, first of all the hon. member should recognize that there was a difference between the oil storage that was being proposed for the Bell Island mines and this new development now in the Arctic and the difference was this: The United States of America made a decision that they wished to store, because of the OPEC crisis in the early 1970s, to store in strategic locations both on land, or on the Continental United

PREMIER PECKFORD: States, as well as offshore in friendly countries, oil in case there would be another threat and the taps turned off in the Middle East. So it was not oil to be used immediately, it was oil to be used in cases of a crisis or an emergency. The present circumstances are quite different, I may suggest, in that a lot of the oil and gas is going to be discovered is going to be wanted to be used immediately in refineries and petrochemical complexes around the world and around the Eastern seaboard, so that the situation is not exactly the same. However, if in fact there is a role to be played for strategic storage in addition to feeding the immediate needs of the Eastern seaboard, then we stand to be able to respond to that in a very good way and we have a lot of plans already developed on that score that I was very much a part of a number of years ago and I thank the hon. member for bringing it to my attention again.

MR. SPEAKER (Simms): The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, I have a question for the Minister of Forest Resources and Lands (Mr. Power), Mr. Speaker, and I was wondering if the minister would inform the House why it is that the loggers for Price (Nfld) - it is now the ninth of June - are not in the woods and the word in the area is that the Price (Nfld) loggers will not go back in the woods until the last of June? That is very peculiar in view of the fact that normally the woodlands operation is going now. Would the minister tell the House why it is that the Price (Nfld) employees have not been permitted to go back in the woods nor will be permitted before the end of June?

MR. SPEAKER (Simms): The hon. Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, I had meetings last week with Mr. Gillingham and members of the Loggers Union representatives, and I am also having meetings with Abitibi Price. There does not seem to be a major problem with the loggers not going back until the last of June. They were off earlier because of I assume, road conditions and other problems that the company was having relating to the wood supply, The union in their meetings with us last week expressed no great concern about that problem, and it was expected that they would return the third or fourth week of June, they would be going back to work. As I understand it, they are simply localized conditions that are not causing a major concern for the loggers.

MR. FLIGHT: A supplementary, Mr. Speaker.

MR. SPEAKER: A further supplementary, the hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, I cannot understand men not being allowed to work not causing major problems for the loggers. It is the loggers that the problem is being created for because they cannot work, you know.

But Price (Nfld.) also in recent days had private contractors cutting wood off Crown lands and that kind of thing, non-unionized people, private contractors supplying wood to the mill. Price (Nfld.) have pulled these people out of the woods and they cannot go back until June. Would the minister tell me why that particular thing has taken place?

MR. MOORES: What is the big mystery here, 'Charlie'.

MR. SPEAKER: The hon. Minister of Forest Resources and Lands.

MR. MOORES: What is the big mystery?

MR. POWER: Mr. Speaker, I assume it had something to do with the wood supply that Abitibi Price has on hand at this time of the year. It is possible, I know they were very active in getting wood cut earlier the year. The negotiations and discussions that we had the other day with Mr. Gillingham and the members of the Loggers Union related to the problem as it relates to private contractors cutting on Crown land and how in certain cases those persons had problems that were not being dealt with by the Union because they were not Union personnel, and that, of course, the Union wanted to see the ways of solving that given problem.

Again I can only assume, and I do not have any representation from either the Union or from Abitibi Price as to why they are off so long, only in the sense that it possibly relates to their wood storage.

MR. FLIGHT: A final supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A final supplementary, the hon. member for Windsor-Buchans.

MR. FLIGHT: I wonder if the minister would indicate - he seems to indicate that the reason the loggers are not back in the woods or the private contractors are not producing is because of an oversupply of wood - I wonder if the minister would indicate to the House that in the event Price (Nfld.) decided to move all the wood that they have lying around the woods to the mill, how long could they operate without putting any loggers back into the woods?

MR. SPEAKER: The hon. Minister of Forest, Resources, and Lands.

MR. POWER : Mr. Speaker, obviously that question is very difficult to answer. First of all you would have to get

MR. POWER: a very detailed account of how many cords of wood are lying around in the woods that is not in the main stream of getting to the Mill. You would have to find the requirements for any given day for Abitibi-Price and then you could deduce, I suppose, how many days the mill could run without actually having loggers in the woods. Abitibi-Price, in our management agreements that we have with them, we forced them to do a lot of harvesting on budworm killed timber, we forced them to harvest in a certain given manner. If on certain given weeks or months Abitibi-Price, because of over production in the forest have an oversupply on hand, then certainly it does not come within our parameters to force Abitibi-Price force or to have their loggers in the woods on any given day.

MR. HANCOCK:

Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for St. Mary's -
The Capes.

MR. HANCOCK: I yield, Mr. Speaker.

MR. SPEAKER: He wishes to yield.
The hon. member for Windsor -
Buchans.

MR. FLIGHT: Would the minister indicate whether
or not Price (Nfld.) has just finished recently a sacking
programme for cleaning up Red Indian Lake and various major
rivers that they use to drive wood to the mill? Would the
minister indicate whether or not he is satisfied with the
amount of wood cleaned up and with the amount of wood got
by the sack? Is he satisfied that Price (Nfld.) have indeed
picked up all the wood that should be picked up and delivered
to the mill? Is he satisfied with what has happened?

MR. SPEAKER: The hon. Minister of Forest
Resources and Land.

MR. POWER: Mr. Speaker, I have not seen the
actual details of the sacking programme that was done around
those lakes. I know in consultation with the Department of the
Environment and our Department of Forestry which, of course,
does the management of the forest resource, we have been
very actively and aggressively encouraging Abitibi-Price
and Bowaters to clean up the logs that they have lost around
the great lakes that they have where they bring harvested
wood down to the mills, and that they are doing that. Exactly
how much was cleaned up and what percentage of wood around
any given shore has been cleaned up, I have not seen that
report but if it is either in the Minister of Environment's
office (Mr. Andrews) or in mine I will certainly be glad
to find out and let the member know.

MR. SPEAKER: The hon. member for St. Mary's -
The Capes.

MR. HANCOCK: Thank you, Mr. Speaker.
I have a question for the Minister

MR. HANCOCK: Development (Mr. Windsor). I am wondering if the minister could inform this House whether or not the number of inquiries from tourists outside the Province is up or down this year?

MR. SPEAKER (Simms): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, I cannot give a detailed answer. I will get that information for the hon. member as to exactly how many inquiries we have had from outside. I will say that in the various tourist exhibitions and that that we have attended, we have had an extremely higher level of interest in Newfoundland, particularly as it relates to bus tours. As I announced some time ago, we were successful recently in signing up for next year a series of thirty-eight tours to the Province which will generate more than \$2 million in this Province. We have also had a tremendous amount of interest shown in specialist facilities such as hunting and fishing cabins, canoeing, tours and that sort of thing, particularly from West Germany and France, by the way.

MR. HANCOCK: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for St. Mary's - The Capes.

MR. HANCOCK: I wonder if the minister could inform the House whether or not their advertising programme has been cut back this year, or are they on the same par with last year or are they advertising in the upper part of Canada or in Canada and the States again this year the same as they were last year?

MR. SPEAKER: The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, we are doing less advertising in Central Canada this year than we were in previous years. We are concentrating more on the close markets of the Maritime Provinces and we are also going to put a lot of emphasis on a stay at home and see Newfoundland sort of affair. But there is less emphasis in Central Canada

MR. WINDSOR: and more emphasis on Eastern Canada and the Maritime Provinces and the New England States.

MR. SPEAKER (Simms): We have time for one quick question.
The hon. member for St. Mary's -
The Capes.

MR. HANCOCK: Does the minister feel this programme that he is bringing in now where he is going to the European market will increase or decrease the number of tourists coming into the Province this year? Your new programme of advertising, will it increase or decrease the number of tourists coming into the Province this year or are you only going to try it on an experimental basis?

MR. SPEAKER (Simms): The hon. the Minister of Development.

MR. WINDSOR: Mr. Speaker, last year we had an increase of about 1 per cent, which was somewhat better than other Maritime Provinces. The previous year we have had a record year. Last year we increased about 1 per cent whereas other Maritime Provinces showed either the same level or slightly lesser. We would predict this year we will have about a 3 per cent increase at least in the tourist industry in this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The time for Oral Questions has expired.

I wish to welcome to the gallery today, on behalf of all hon. members, a delegation from the town of Port aux Basques, Mayor Rod Keeping, Councillor Max Keeping, Town Manager Fred Cox, and Mr. Walter Compton with Canada Employment Service.

SOME HON. MEMBERS: Hear, hear!

ORDERS OF THE DAY

Motion, the hon. the Premier to introduce a bill, "An Act Respecting The Award Of Medals To Veterans Of The Province Who Volunteered To Serve In The British Imperial Forces During The Second World War," carried. (Bill No. 90).

On motion, Bill No. 90 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act Respecting An Increase Of Certain Pensions For Transferred Employees," carried. (Bill No. 77).

On motion, Bill No. 77 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Public Service (Pensions) Act," carried. (Bill No. 67).

On motion, Bill No. 67 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend Certain Taxation Statutes, 1981," carried. (Bill No. 95).

On motion, Bill No. 95 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Assignment Of Book Debts Act," carried. (Bill No. 97).

On motion, Bill No. 97 read a first time, ordered read a second time on tomorrow.

Motion, the hon. Minister of Justice to introduce a bill, "An Act To Amend The Registration Of Deeds Act", carried. (Bill No. 96)

On motion, Bill No. 96 read a first time, ordered read a second time on tomorrow.

Motion, the hon. Minister of Municipal Affairs to introduce a bill, "An Act To Amend The City Of St. John's Act", carried. (Bill No. 43)

On motion, Bill No. 43 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Municipal Affairs to introduce a bill, "An Act To Amend The Municipalities Act", carried. (Bill No. 44)

On motion, Bill No. 44 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Municipal Affairs to introduce a bill, "An Act To Amend The Municipal Elections Act", carried. (Bill No. 91)

On motion, Bill No. 91 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Municipal Affairs to introduce a bill, "An Act To Amend The City Of St. John's Loan Act, 1978", carried. (Bill No. 93)

On motion, Bill No. 93 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Municipal Affairs to introduce a bill, "An Act To Amend The St. John's Assessment Act", carried. (Bill No. 92)

On motion, Bill No. 92 read a first time ordered read a second time on tomorrow.

Motion, the hon. Minister of Mines and Energy to introduce a bill, "An Act To Amend The Mineral Act, 1976," carried. (Bill No. 94)

On motion, Bill No. 94 read a first time, ordered read a second time on tomorrow.

MR. MARSHALL: Order 60, Bill No. 88.

Motion, second reading of a bill, "An Act To Amend The Landlord And Tenant (Residential Tenancies) Act, 1973 (No. 2)." (Bill No. 88)

MR. SPEAKER (Simms): The hon. Minister of Justice.

MR. STIRLING: A point of order.

MR. SPEAKER: A point of order has been raised by the hon. Leader of the Opposition.

MR. STIRLING: I am having real difficulty following these famous new rules that were introduced. They have taken off the budget debate so it does not come back on at all. And then we were going to do -

MR. NEARY: Shocking! Shocking! Shocking!

MR. STIRLING: - concurrence debates and now we are back to legislation. Has the government given up on its rules altogether and saying, "We are going to decide on a day to say basis now on the order of business"? I mean, this great progressive government that brought in all of the rules to help business get through -

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: - do we now say that -

SOME HON. MEMBERS: No. No. No.

MR. SPEAKER: Order, please!

MR. STIRLING: - for whatever reasons those rules were brought in with such a great flourish they are now thrown in the garbage -

MR. SPEAKER: Order, please!

MR. STIRLING: - and that we are now going by the seat of the pants the way the government is doing and everything else that they are operating?

MR. SPEAKER (Simms): Order, please!

MR. MARSHALL: On that point -

MR. SPEAKER: There is no point of order, obviously, because the government has the right to determine the legislation. There is no breach of rules so there is no point of order.

MR. STIRLING: No, but they should not pretend that they -

MR. MARSHALL: I will answer the question if the hon. gentleman wants.

MR. SPEAKER: By leave?

SOME HON. MEMBERS: No.

MR. MARSHALL: Do you want me to answer the question?

SOME HON. MEMBERS: No.

MR. MARSHALL: Well, I rise on a point of privilege, Mr. Speaker.

MR. SPEAKER: The hon. President of the Council on a point of privilege.

MR. MARSHALL: The point of privilege -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: The point of privilege, Mr. Speaker, is that -

MR. HANCOCK: What a waste of time.

MR. SPEAKER: Order, please!

MR. MARSHALL: - is that the hon. gentleman is disrupting once again the order of the House. The fact of the matter is the rules of this House, Mr. Speaker, can only be changed in accordance with the House of Assembly Act.

PREMIER PECKFORD: That is right.

MR. MARSHALL: But the hon. gentleman does not know it because he has never been it and he will never be in it again, but the fact of the matter is that this is the government; the government determines the order of Business.

PREMIER PECKFORD: Hear, hear!

MR. MARSHALL: And the third thing is if the hon. gentleman wants to get up on smart aleck points of order like that - I informed him yesterday that we would get on this act, now if he is going to get up and he is going to degrade this House with these points of orders he will not get notice in the future of what the government intends to do by day to day.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please! While I did not allow any discussion on the point of order because there clearly was not one and again there clearly is no point of privilege.

MR. STIRLING: Mr. Speaker, on a point of clarification. This is a very serious matter -

MR. SPEAKER: Order, please! When the Speaker is standing hon. members should realize they should be seated. With respect to this point of privilege I rule clearly there is no prima facie case which is the role of the Speaker.

The hon. Minister of Justice.

MR. OTTENHEIMER: Thank you, Mr. Speaker.

This bill, "An Act To Amend Landlord and Tenant (Residential Tenancies) Act," accomplishes essentially three things,

MR. G. OTTENHEIMER: So I will outline what the three of them four. Five of the clauses are necessary in order to amend the Act because of a recent decision of the Supreme Court given down May 28th. I believe was the date you know, give or take a day, and the effect of that decision as far as Residential Tenancies Boards were concerned is that matters of eviction and compliance orders may only result from a superior court. In other words, a section ninety-six court, a court where judges are federally appointed.

MR. NEARY: That is nonsense.

MR. G. OTTENHEIMER: Is the hon. gentleman - I mean, I am not a member of the Supreme Court of Canada. That is what the Supreme Court of Canada said. There is no where to appeal the Supreme Court of Canada.

AN HON. MEMBER: Not yet.

MR. G. OTTENHEIMER: It was appealed. It was appealed from the Ontario Court of Appeal. There is no further to go. Unless the divinity is going to intervene in human affairs, there is nowhere else to go. That was the effect of the decision as far as landlord tenancies boards or residential tenancies boards - whatever they are called; in different provinces they are called different things. This is a matter which developed in Ontario and which decision obviously has effect across Canada. So the effect of it is for our Residential Tenancies Board, and indeed other provinces are going to have to review, and are, in fact, reviewing their legislation, but as far as our situation in this Province is concerned, the effect of that decision of the Supreme Court of Canada, which decided on an appeal from the Ontario Court of Appeal, was that matters of eviction and compliance orders are not within the jurisdiction of a provincially created residential tenancies board or indeed of a provincial court, but only of a what is technically called a

MR. G. OTTENHEIMER: superior court. So what we have done there in those clauses - and there is no change in substance but a change in identifying the jurisdiction - matters which before were directed to the Regional Tenancies Board in most cases, and in some cases provincial courts, are now directed to the district court.

As I said, there were three basic things that the bill does and that is one of them. That is, it makes amendments which are necessary because of a recent decision of the Supreme Court of Canada. That is the first thing it does.

The next thing it does - and I will come to the main impact of it later although obviously those alterations are absolutely necessary. If we did not bring in those amendments for all practical purposes our Residential Tenancies Board and the legislation and the protection we can give people would be emasculated, eviscerated. You know, those amendments are absolutely necessary as a result of that decision of the Supreme Court of Canada.

Then there is a clause, and that is the last clause in the bill, which puts in statutory form those

MR. OTTENHEIMER: matters which a residential tenancies board must take into consideration when setting a rent, because this did not affect the jurisdiction of residential tenancies boards in determining rents but only in determining matters of eviction and compliance orders, and it is without limiting it, without limiting the board to these matters, the board in setting the rent for a residential premises shall take into effect certain factors, and they are: "A fair and equitable return on investment, the current fair market value or reasonable operating costs and the quality of life and shelter." I do not think there is any way of explaining those any more succinctly than they are in the actual words of the proposed legislation. I point out that these are factors actually which were given in a Supreme Court judgement some time ago by Justice Noel Goodridge. These are factors which have been operative in the sense of being precedents in, you know, judge-made law, but which are now given a statutory reference. These are given a statutory reference through this amendment. That is the second thing the amendment does.

The third thing it does is covered in what is Clause 3 here, and that is to prohibit group evictions. So it prohibits group evictions; it also gives what I will call retroactive protection, that is for persons who are in possession as of May 30th or after and who may have received such notices. And we all know that there are some instances where this has happened. So it prohibits group evictions and it gives retroactive protection.

Now it further goes on to say that where the landlord can justify that he requires possession of a residential premise for one of three acts and that landlord has obtained all the necessary permits, the judge may make an order terminating the tenancy and evicting. Those three areas are: Number one, demolition of the building in question; number two, changing the use of a residential premise to some

MR. OTTENHEIMER: other use; and number three, making renovations of such a nature that vacancy is required. Those are the three which are specified there.

Then it goes on to say that in those cases the order may lie and will be operative three months thereafter. I will skip a bit because it is the logical place perhaps to put it in explaining the bill, but it is not where it is in the bill, and that is that in those instances where the court is satisfied that the eviction will cause undue hardship, the court, the judge, may extend that notice period up to six months. That is covered as well.

There is also a matter whereby if a landlord has had eviction notices served for one of these three purposes and does not in fact do what he has undertaken to do in terms of the demolition or the extensive renovations and the third one, changing the use, then he must within a year apply to the Residential Tenancies Board and obviously the purpose of that is so that he cannot evade the Residential Tenancies Board rent setting jurisdiction by what could be termed a devious tactic.

MR. CARTER: Would the minister permit a question?

MR. OTTENHEIMER: Yes.

MR. SPEAKER (Butt): The minister permits a question. The hon. the member for St. John's North.

MR. CARTER: Mr. Speaker, one of the questions I have for the minister is, if eviction and compliance are removed from the jurisdiction of the Residential Tenancies Board, what then is left for them besides the setting of rents?

MR. OTTENHEIMER: Well, the setting of rents is essentially what is left for them. You know, that then is essentially their duties. They are out of the area of

MR. OTTENHEIMER: evictions and out of the area of compliance orders but there are other matters there too. But their essential function is a hearing upon the raising of a complaint by a tenant and indeed by a landlord, you know, there can be complaints coming from landlords as well.

MR. OTTENHEIMER: But, you know, I certainly think Residential Tenancies Boards are necessary because you have to have the mechanism whereby these complaints can be heard in some impartial process to make a determination of these matters. These Residential Tenancies Boards I regard as quasi judicial kinds of boards.

Now within the group evictions we are thinking in terms of, you know, somebody owning ten or more units, either directly or indirectly. And we have given, if you wish, a two-pronged definition to group eviction; one, if you wish, precise and the other one in the area of judicial discretion because, you know, you can never cover every instance, and indeed I do not think it is a good idea for legislation to attempt to so do. I mean, you would have legislation one hundred pages long and you would never cover every particular configuration of circumstances. So we have a two-pronged definition, one where 50 per cent or more of the tenants receive notice to quit, or the landlord refuses to renew, that is, on a percentage basis, and the other in the area of judicial discretion, where one or more tenants of a landlord receive notice to quit, and it appears to a judge, having regard for the circumstances of the case, that the primary purpose of issuing the notices is to affect a group eviction. One could think of a circumstance there, for example, where fifteen people would get a notice, one a month over fifteen months. There is an area of judicial discretion there.

So essentially those are the three areas of change within the legislation. Five of the clauses required through the Supreme Court decision which in effect takes away or denies or says, never existed - henceforth, anyway, it does not exist - the jurisdiction in terms of eviction or compliance orders, this has to be exercised by the superior court, and in this case it will be the district court. Then

MR. OTTENHEIMER: giving statutory reference to those factors , not being exhaustive, which the Residential Tenancies Board are directed to take into account, and, thirdly, the prohibition of group evictions as I recently outlined.

MR. SPEAKER (Mr. Butt): The hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, one is given very little time actually to have a complete look at this particular piece of important legislation which is coming from the House, this particular bill, we got a copy of it yesterday and it was tabled in the House today. I can understand the speed which the government wants to put it through.

Mr. Speaker, I would like to point out though that this is not the original amendment, it is not the original bill that came before this House. The original bill, Mr. Speaker, is shown on the Order Paper as Bill No. 59, "An Act To Amend The Landlord (Residential Tenancies) Act". Now that particular bill was withdrawn and it was withdrawn because, Mr. Speaker, on the Opposition reading this particular bill it was discovered that the original piece of legislation was, I do not know for what reason, but made a major sweeping change in the landlord and tenancies law in this Province, in that it gave a tenant security of tenure. And the way the original piece of legislation was brought before the House, it meant that literally when you entered into a lease with a landlord and as long as you did not breach the lease or any of the conditions of the lease, and as long as you paid your rental on time every month, that you had security of tenure; in other words, a landlord could not get you out once you got in, once you got your foot in the door there was no way that a landlord in this Province could have gotten you out.

MR. THOMS: This was the original Bill No. 59. This was brought to the attention of the government and as a result, Mr. Speaker, we have now a bill coming before the House that essentially does what we all thought the amendment was going to do in the beginning. Well, I hope it does what it is trying to do here. But, Mr. Speaker, the Supreme Court decision saying that Residential Tenancies Boards did not have jurisdiction when it came to compliance orders, was really not the reason that the original Bill 59 was withdrawn and the new Bill 88 was brought in. The reason that the original bill was withdrawn and a new one brought in was because an ever alert Opposition in this House caught something in a bill that the government was attempting to pass through this House in the last thirteen minutes of a sitting one day. But, as I say, Mr. Speaker, with an alert Opposition this was picked up, our concerns were conveyed to the Minister of Justice (Mr. Ottenheimer) and to the President of the Council (Mr. Marshall) and as a result we have a new bill in.

MR. NEARY: Well done yourself! So you can claim an assist on that one.

MR. THOMS: We can certainly claim an assist on this bill.

MR. HANCOCK: You are not going to win a scoring title yet though.

MR. MARSHALL: It just shows this is a reasonable, listening government.

MR. THOMS: 'A reasonable, listening government!' I am surprised, Mr. Speaker, Someday I would love to find out why -

MR. NEARY: You were afraid it would affect your buddies too much.

MR. THOMS: - I would love to know why they changed their mind on the original piece of legislation -

MR. NEARY: Their buddies gave them the works.

MR. THOMS: - because the track record of this

MR. THOMS: government and the President of the Council (Mr. Marshall) has been that there is nothing good can come from this side of the House. Any suggestions we make automatically are disregarded on the other side of the House. So, Mr. Speaker, I have a funny feeling in my bones -

MR. HANCOCK: You have them freaking out over there.

MR. THOMS: - that maybe we have a few landlords on the other side of the House -

MR. HANCOCK: Hear, hear.

MR. THOMS: - or we have a few lawyers whose clients are landlords in this Province.

MR. HANCOCK: Now you are talking.

MR. THOMS: And there may, Mr. Speaker, apart from the alertness of the Opposition in picking this up originally, there may have been a bit of a lobby from the landlords in connection with the original bill that came before this House, and I have a feeling that they helped to have the original bill withdrawn and the new one brought in. Anyway, Mr. Speaker, enough for the reason why we are now debating Bill 88 instead of Bill 59.

The government has taken the opportunity now, having withdrawn the original bill, to transfer certain jurisdictions that the Residential Tenancies Board had now to the District Courts because, as I have said, the B.C. court in a ruling passed down very recently, decided that the Residential Tenancies Boards did not have the authority to grant compliance orders at all. So now what we are doing here is transferring that jurisdiction from the Residential Tenancies Board to the District Court.

There is one thing that this is going to do - the Minister of Justice (Mr. Ottenheimer) may not have had any problems - but certainly it is going to mean, I believe anyway, a greater expense to those who are forced into the position of having to take matters to the

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MR. THOMS:

District Court. I have a feeling
lawyers are going to charge more for appearing before the
District Court, which, by the way,

MR. THOMS: will shortly become Supreme Courts in this Province because there is a bill - I do not know if on the Order Paper but it is certainly coming on the Order Paper - to merge the Supreme Court and the District Courts in this Province. So that all the District Courts - the District Court that sits in Grand Bank, in Grand Falls, Corner Brook, and a new one being appointed in Labrador - they will all become Supreme Court judges and will have all the jurisdiction that our present Supreme Court has. I suppose there should be a certain saving because circuit courts, I assume once the merger takes place, will not be necessary, it will not be necessary for our Supreme Court, which sits in St. John's, to travel to Grand Falls, to travel to Corner Brook, Labrador or other places to hear cases outside the city of St. John's. So this bill transfers that jurisdiction to the District Courts and the reason, as I said, was because of the decision of the Supreme Court that was handed down very recently.

Mr. Speaker, the second part of it, the second part of it deals with what has become known because of one situation in the city of St. John's, and that is the situation at the Regency Towers, where all the tenants were served with eviction notices as an attempt to get around the Residential Tenancies Board. There was an attempt made by the landlord to avoid having to go to the Residential Tenancies Board. By evicting everybody and bringing in new tenants, he would not have to go to the board to ask for a rent increase, which I assume he figured he would not get, so therefore he gave everybody eviction notices, he was going to throw everybody out, and that way he could put new people in and not have to go to the Residential Tenancies Board. So this particular section of this legislation is brought in to prevent group evictions.

Mr. Speaker, as I said, this legislation

MR. THOMS: has only been tabled in the House today. I saw a copy for the first time yesterday. We were given copies by the minister. I had an opportunity to briefly look at it last night and there are some questions. I am not so sure after reading the legislation that it will in fact prevent the group evictions or whether or not an unfeeling landlord would be able to find a way around this particular legislation because group eviction is defined under this amendment, it is defined as 'a circumstance where fifty per cent or more of the tenants of a landlord receive notices.' My question to the minister - I hope the minister is listening in the Common Room - but my question to the minister, and I would like for him to address himself to it when he - I did not mean for the minister to come back; as long as he was listening, that is the thing.

MR. NEARY: He should be in his seat while we are debating his bill.

MR. THOMS: The question that I have, just in case you did not hear it, was the definition of a group eviction says the circumstance where fifty per cent or more of the tenants receive notices to quit. Okay? Am I to assume from that that if you give forty-nine per cent notices to quit that it does not apply?

MR. OTTENHEIMER: No, there is an 'or' in there. Right?

MR. THOMS: Yes, okay, but the 'or'. Are you referring to where the landlords refuse to renew?

MR. OTTENHEIMER: Or where one or more tenants receive notices to quit or refuse to renew and it appears to the judge having regard to the circumstances that the primary purpose is to effect a group eviction.

MR. THOMS: So in other words what you are saying is that

MR. THOMS:

you may give out five eviction notices, or ten eviction notices, or fifteen, or you may give out 5 per cent, 15 per cent, 20 per cent, or whatever, and a judge could rule that this was a group eviction and therefore illegal under this Act.

MR. OTTENHEIMER: That is correct.

MR. THOMS: Okay.

MR. OTTENHEIMER: That could be done by giving so many one month, so many another month, so many another month, so none of them in total, but all of them together or at a certain point, it would become obvious to the court. Right?

MR. THOMS: Yes, but at what point? And by the time it becomes obvious to the court -

MR. OTTENHEIMER: Some would have been.

MR. THOMS: - some would have been turfed out and so on. So this particular provision right now is not airtight. And I can appreciate the fact that the draftsmen in the department were working under pressure to get this thing in because of the Regency Towers situation, because this particular piece of legislation is retroactive to the 31st. of May. Whether eviction notices have or have not expired, this Act still takes care of those.

But while we are on the definition of group evictions, subsection (a) says: "The circumstance where fifty per cent or more of the tenants of a landlord receive notices to quit their residential premises". That is fine! But then, Mr. Speaker, it goes on to say: "Or the landlord refuses to renew their leases at or about the same time".

Now, Mr. Speaker, I guess I am getting to the - and I believe other people are -

MR. THOMS: we are getting to a point under governments - not just the administration or the government of this Province, but governments everywhere - where they seem to have taken, sat down and made a deliberate decision that only governments know what is good for the people. The people themselves have to be protected against themselves. I do not believe that and I hope that I will never see the day where I am forced to adopt that point of view.

And this particular section is the same sort of thing. In this session of the House we are going to be adopting legislation providing for compulsory use of seat belts. This legislation may be necessary, I have not really made up my mind yet. The one thing that bothers me about that is again a person's right is being infringed upon. And here in this particular piece of legislation we are assuming, Mr. Speaker, that two mature adults, reasonably intelligent people, should not be bound by a legally made contract.

Now, a lease is a contract.

A lease is no different from a contract which the hon. the member for Menihek (Mr. Walsh) would enter into to have his driveway paved. It is no different. There are laws now which protect the hon. member if he enters into such an agreement and there is a breach of that agreement. He has his remedies in law. I believe that if two mature adults, reasonable adults, enter into a contract, then I think that contract should be binding. I believe if that contract is broken, then the person against whom the contract is broken should have his normal remedies in the courts of this Province, of this land.

MR. THOMS: But what are we doing now in our legislation? It is not the first time it has come up. What are we doing? We are saying to two individuals, we are saying to a landlord and we are saying to a tenant, 'We do not care about the contract you have entered into. We are not going to recognize the lease.' And this is what is happening here. It says, 'or the landlord refuses to renew their leases at or about the same time.'

Now, I happen to believe - and I am a tenant, I have entered into a lease. I expect to have to abide by the terms and conditions in the lease. I do not expect the government of this Province to protect me, and I darn well, Mr. Speaker, do not want the government of this Province to protect me. And this again is what we find here. I cannot agree with it. I think it is coming to the point where an individual will not be able to do anything. I mean, we find, Mr. Speaker, our rights, our sacred rights in this Province in lots of cases - the Premier is very fond of talking about sacred rights. But I was absolutely amazed. I went a couple of days ago to pick up a salmon licence, a sports salmon licence. I can remember one time, as an ordinary resident of this Province, I could go on a river and catch a salmon without having to pay any fee. Last year for a family salmon licence in this Province I paid \$7.50. Two or three days ago, Mr. Speaker, I had to pay \$15.00. It has gone up 100 per cent since the salmon struck in last year. And today we hear from the Minister of Justice (Mr. Ottenheimer) there is an amendment coming in to the Registration of Deeds Act.

Mr. Speaker, we have the highest registration fees anywhere in Canada with the exception of Ontario. Again, the ordinary person in this Province is getting banged, whacked, whipped every time he turns around. You can register a deed in Nova Scotia for \$4 or \$5. That same deed here, it would be possible that it

MR. THOMS: would cost you \$1,500. Our registration fees go from \$5.50 for the registration of a document where the purchase price is less than \$500, up to \$1,500. And now there is going to be legislation brought in to increase those fees. An average three bedroom bungalow in the city of St. John's costs probably \$70,000. In order to register the deed in this Province, Mr. Speaker - and now, a \$70,000 house as a home is being purchased by the middle income family. I mean, the person who is making \$10,000 or \$15,000, Mr. Speaker, can forget about owning a home. Unless he wants to go out on Red Island where they have resettled and there is nobody living there any longer and he wants to purchase one of the homes that are left out there, then if he is making \$10,000 or \$15,000 a year there is no way that he can own a home in this Province. The \$70,000 house in St. John's today is a normal 1,000 square foot, three bedroom bungalow.

MR. THOMS: That is all it is, Mr. Speaker. And the person - the family with an income of \$20,000 or \$25,000 a year, they are beginning to feel the pinch. They are not going to be able to afford these houses once the term runs out on their mortgage today. But in order for you to purchase a \$70,000 house, with, let us say, a \$50,000 mortgage on that house, the government of this Province soaks that person \$144.50 plus \$104.50. You know what it costs, Mr. Speaker, to have those documents registered down on the ground floor of this building? You know what it costs? \$249.00. And all they are doing is recording. And now we hear today that this government is going to bring in legislation in this session of the House to raise that \$249. I do not know by how much, but I would suspect that when this legislation is passed the homebuyer will be paying about \$300 just to have his deed deposited with the Registry of Deeds, photocopied and sent back to him.

Mr. Speaker, it is gouging that is what it is. And when governments start gouging people then it is time that we stopped and took a look at it. Because that is exactly what is happening.

Mr. Speaker, at one time and still is, it was possible to have a deed to your house and not register it. Most laymen are confused with what registration does. Registration does not effect title whatsoever. What it does is puts third parties on caution, on warning. But now with people buying homes, and securing loans with mortgages, they are compelled to register their documents. So this \$249 is not paid by choice, they are forced to do it by the mortgage companies. And we, Mr. Speaker, are now going to start gouging these people for more. We already have, with the possible exception of Ontario, the highest registration rates in the country.

AN HON. MEMBER: That is not relevant.

MR. THOMS: It is relevant. It is relevant to the people of this Province who cannot afford \$249, or \$300. It is relevant to them. It is relevant to the people who call me. I mean, that is a full month's welfare payment in this Province. It is relevant to people who cannot afford it. It is not relevant to highly paid surveyors in this Province, highly paid surveyors. It may not be relevant to the member for Kilbride (Mr. Aylward). It may not be relevant to him.

AN HON. MEMBER: Well said. Well said.

MR. THOMS: But it is certainly relevant to those who have to pay it.

But, Mr. Speaker, here again, if I can get back - I did digress just a little but I think it has got to be said. And I think we have got to start thinking about the ordinary people, and maybe - there are people who ask me what the difference is between a Liberal and a Tory, and maybe it is, it is because we are concerned. A Liberal is concerned with the ordinary people, with the ordinary people.

MR. L. THOMS: And every time legislation comes before this House, comes before this House that gouges the ordinary people of this Province, it convinces me more and more, it tells me more and more why I am a Liberal and I am not a Tory. Because a Liberal would not be raising the registration fees in this Province, certainly no administration of which I was a part.

MR. STAGG: I have never been part of an administration.

MR. L. THOMS: No, but you are part of an administration now which is gouging an awful lot of your clients and an awful lot of your constituents and I will not hear your voice raised against it. I will not hear a voice on the other side of this House raised against it and silence means consent. If you do not speak out against it, then you are for the gouging that is going on.

MR. F. STAGG: (Inaudible) gouging you.

MR. L. THOMS: You are right.

Mr. Speaker, if I can get back. The point that I am trying to make is this: that I believe that if two individuals enter into a contract - in this case, the contract in the commercial world is called a lease - they should be bound by the terms and conditions of the lease. Why? I am not against the small person, no. I just happen to have a greater faith in the people than you do. I do not believe that the people have to be protected against themselves.

AN HON. MEMBER: (Inaudible),

MR. L. THOMS: Yes, and we are giving it to them. We are giving it to them, which I support. I support! I support this particular piece of legislation that is going to prevent - okay? - somebody from giving group evictions so they can circumvent the Landlord and Tenant Act. Okay, I am for that!

MR. L. THOMS: What I am against is the audacity - okay? - for governments to believe that in all cases they know what is best for the individual. You have a commercial lease; you are bound by the terms and conditions of that commercial lease. There is no provision here to have statutory conditions affecting commercial leases. But what this legislation - it is an insult to the people - what it is saying is-

AN HON. MEMBER: The people asked for it.

MR. L. THOMS: No, they did not ask for it. Nor Regency Towers did not ask for it, they asked for the first part of this. You see, you have not read the amendment! That is the problem, you have not read the amendment'. They asked for the first part. I asked for the first part and I believe that people in these circumstances have to have statutory protection. But we can go too far. And this is what this Act does, this is what this particular section does, it goes too far!

It also says 'I am not just going to protect you from group evictions, but I am going to say to you that you are not smart enough, you are not bright enough, you need the protection of the administration to save you from the other person you enter into a lease with.' And I resent that! I resent it! I resent it because this legislation affects me, it affects hon. members on the other side. This legislation says that the hon. Minister of Municipal Affairs (Mrs. Newhook) is not competent to enter into a lease with a landlord. It says that the member for St. John's Centre (Dr. McNicholas) is not competent to enter into a lease with a landlord. It says that the Minister of Justice (Mr. Ottenheimer) is not competent to enter into a lease with a landlord. If I have a lease for a year on the minister's house, when

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MR. L. THOMS:

that contract runs out the
minister should be able to get possession. The contract is

MR. THOMS: for a year. I mean, supposing I had -

MR. OTTENHEIMER: If there are twenty and the landlord refuses -

MR. THOMS: It does not say that here. It does not say if there are twenty. Okay?

MR. HANCOCK: In the new one it does.

MR. TOMS: It does not say if there are twenty in the new one, it just says leases. But, Mr. Speaker, that is something that is concerning- it is a concern to me how governments are encroaching. It seems to me, with every piece of legislation brought into the House, that we are encroaching on individual freedoms and it is time that we stopped and said, 'we are not going to protect you from yourselves, we are going to let you protect yourselves.' There are lots of people who believe and, as I said before, I have not made up my mind yet, but there are lots of people who believe that if a person is foolish enough to go out on the Trans-Canada and not use his safety belt and he gets killed, that should be his prerogative, that should be his right and it should not be taken away from him. Now, the biggest problem I have in a right like that, Mr. Speaker, is the enforceability of the thing. But there, again, a right is going to be taken away. Here we see rights taken away. Every time we turn around in Newfoundland we see rights being taken away and rights, in some cases, being taken away because we just cannot afford, we just cannot afford to exercise the rights that permits give, because of the cost of them.

Mr. Speaker, I would like the minister to address himself and to more fully explain whether or not, under the definition of group evictions, whether or not somebody can get around it under this particular piece of legislation?

Now, part (b) of that says that

MR. THOMS: The circumstance where one or more tenants of a landlord receive notices to quit or the landlord refuses to renew their leases." I think that is going to be of very little benefit really, very little benefit, because one person may not and, in most cases, would just resign himself to the fact that he cannot take on the big landlord. The Regency Towers matter got the attention of this administration because of the fact that there was a large number of them and there is force in numbers. Mr. Speaker, if I may go on, this legislation as well, in Section 5, Subsection 3 of Section 19 of the original act, is amended and where the landlord or the tenant now intends to commence an action they should give the other party a written notice that they intend to commence an action at least five days before the action is commenced. I suppose this is to take the place of a lawyer's letter or a letter from somebody. If we write a letter now involving a collection or something where a writ could be issued against it, we will send somebody a letter giving him ten days notice that unless the account is paid up court action is going to be commenced. But this five days - I fail to appreciate the real significance. This matter is now being transferred to the District Court. If I want to take an action today in the District Court against the Minister of Forest Resources and Lands (Mr. Power), all I have to do

MR. THOMS: is to go down, have a statement of claim and a writ of summons and go down and file it in the court. I do not have to give them any five day notice, I do not have to give them five minutes notice, I do not have to give them five seconds notice, I just go ahead and do it.

This particular section is a deviation from the normal practice before the District Court. I assume now that in my office downtown I will have a stereotype form and if we are going to take an action against somebody, that I will just fill in the blanks and send it off and where I would normally give ten days, because that is the normal practice in practicing law in this Province, I will now give five because that is all this act requires. I do not think it should be there at all. I do not think it means anything unless you are going to amend the District Court Act and the laws of this Province so that five days notice has to be given before any action is taken in the court. Why this particular one is singled out, I do not know.

Mr. Speaker, Section 20 of the amendment is a welcome addition -

MR. OTTENHEIMER: It is not Section 20. It is not Section 20.

MR. THOMS: Yes, I am referring to the 'setting of rents' - okay? - the factors to be considered.

MR. OTTENHEIMER: Oh, yes, sub. 20. Right.

MR. THOMS: Yes. - is a welcome addition to the legislation covering landlord and tenant in this Province. Under the amendment, and it reads thusly: "In setting the rent to be charged for residential premises, a board' - which is the Residential Tenancies Board - 'shall take into account the following factors: (a) a fair and equitable return on investment; (b) the current fair market value; (c) all reasonable operating expenses; and (d) the quality of life

MR. THOMS: and shelter, and, without limiting the generality of the foregoing, such other matters as the court may decide". That, Mr. Speaker, is essentially the decision of the Supreme Court of this Province in a judgment handed down by Mr. Justice Noel Goodridge, a decision that was supposed to be followed by the Landlord and Tenancies Board in their hearings. And I believe that all landlords welcome the fact that this is now incorporated in the landlord and tenancy law so that the board will have no choice but to take these factors into consideration. And there was a tendency to ignore this particular judgement but it is good to see that the minister has included this in this revised amendment to the act.

Mr. Speaker, I noted with interest the answer given by the Minister of Justice (Mr. Ottenheimer) a few days ago in the House in which he answered a question from my friend for the Strait of Belle Isle (Mr. Roberts) as to how much the Chairman of the Landlord and Tenancies Board will be paid. And we find that the Chairman of the Landlord and Tenancies Board is being paid the sum of \$15,000 a year, \$1,250 a month, \$15,000 a year.

Mr. Speaker, I just want to make sure we understand that this \$15,000 is paid to the Chairman of the Board whether he sits or not.

MR. CARTER: Who is the Chairman now?

MR. THOMS: The Chairman now is Mr. Puddester.
The newly appointed Chairman is Mr. Puddester, a lawyer

MR. THOMS: practicing here in St. John's who is a good choice for that position. He has acted as solicitor to the board for a number of years now and through that position knows the working of the board. But he is getting paid the sum of \$15,000 a year. Now, this is not an ordinary retainer, Mr. Speaker. If I were lucky enough to receive a retainer of \$15,000 a year in the practice of law, that would mean that the first 300 hours or so that I put in working on behalf of that client would be taken out of that \$15,000. But in this case it is not a retainer in that sense, because he gets \$15,000 over and above. He gets \$200 per day for every day he sits in addition to the \$15,000. Now, if he sits as much as the former Chairman of the Board sat, then there is going to be \$30,000 or \$40,000 a year to be paid to the Chairman of the Board.

MR. TULK: And no money for water and sewer projects.

MR. THOMS: And that is a good client, Mr. Speaker. There are not many of us who have very many clients who pay us \$30,000 or \$40,000 a year in legal fees. So that is a good client.

But I just wanted to point out, in case there is some misunderstanding from the answer that was tabled by the minister, lest there be some misunderstanding, that it is more than \$15,000 a year, and the \$15,000 a year is - I do not know what you would call it - a bonus? I suppose you could call it a bonus, Mr. Speaker, because he will presumably earn the \$200 a day or some portion thereof when he is sitting. So I can only assume that the \$15,000 is a bonus. Not a bad bonus. There are not too many baby bonuses in this Province - we would not be able to give that much in baby bonus.

MR. THOMS: Well, Mr. Speaker, one of the problems in the past, and again I hope the minister is listening, has been - and this is why I questioned the minister when he announced Mr. Puddister's appointment, because we now have a part-time Chairman of the Landlord and Tenants Board. I questioned the minister on that and he did not think, but one of the problems has been the fact that the chairman - and I hope the new Chief Electoral Officer is not going to hold against me what I am trying to say here. I am not trying to be offensive. I would not want to think that somewhere along the line my registration fee or deposit fee or whatever it is we pay before an election should get lost somewhere and I would be disqualified. I would hate to think something like that would happen.

AN HON. MEMBER: The nomination fee.

MR. THOMS: That is it, nomination fee.

AN HON. MEMBER: The one that I did not lose.

MR. THOMS: Yes. Now, one of the problems was that the previous chairman was not prepared to delegate responsibilities under the act, that he insisted on hearing every dispute that came before the board himself.

MR. THOMS: No matter how piddling or how small, or how big, the chairman had to hear himself. Now, this is one problem with the fact that a chairman, apart from the \$15,000 a year, is being paid \$200 a sitting. Because that is an incentive for a chairman to hear everything himself. It is a very important point I am making, Mr. Speaker. I hope the Minister of Justice (Mr. Ottenheimer) is listening. I would rather see a chairman being paid \$15,000 or \$20,000 as a flat fee. Because the \$200 a day is an incentive. And I am not talking about this particular chairman. But it is an incentive for a chairman, it is an incentive for him to hear and to sit and to hear all disputes coming before the board. But the Minister of Justice fully realizes that the Chairman of the Board does not have to hear all disputes. Under the present legislation, and I refer to the Landlord and Tenancies Act, an amendment that went through on February 22 nd., 1977, where section (3) of the original act was repealed and it was provided this way, "The Lieutenant-Governor in Council may appoint a Director of Landlord and Tenant relationships.

(2) The Director shall mediate disputes between landlords and tenants, inform landlord and tenants of provisions of the act" and so on. Now what happened, Mr. Speaker, was that the former chairman of the board would not delegate, would not permit the director, who is a fine individual, Clyde Bradbury, a fine individual, qualified, competent, to settle many of the disputes that came before the board. And I would like to see, if it has not already been done, a - I will call it a reminder. I do not want something going to the chairman, Mr. Speaker, that the Minister of Labour sent to the Chairman of the Labour Relations Board. I do not want that type of interference at all. But the provisions of this amendment where the director is given the authority to mediate disputes, this should mean that the

MR. THOMS: board will not have to meet to mediate disputes as often as they did under the previous chairman. But the fact that the chairman is paid \$200 a day, apart from the \$15,000 a year, is an incentive for the chairman to have meetings and to listen to all disputes no matter how small. Okay? And it also is an incentive to members of the board. Members of the board get paid. For every time they sit, they get paid. So any dispute that is not taken and mediated by the director means that the members of the Landlord and Tenancies Board can sit, hear the dispute, no matter how small it is, and get paid. So there is an incentive there for the board to hear disputes instead of the director.

I doubt if the director has heard any disputes since that amendment came in February 22nd., 1977. Because he

MR. THOMS: was not permitted. And I sincerely hope that the new Chairman of the Labour Relations Board and the Board permit the Director to hear these disputes. And the amendment does not say that the Director may mediate disputes between landlords and tenants, it says that the Director shall mediate disputes between landlords and tenants. But who in the past has been mediating the disputes? Not the Director, Mr. Speaker, not the Director -

AN HON. MEMBER: (Inaudible).

MR. THOMS: Okay, not the Director who is paid a set salary, but they are being mediated by the Board, by the Landlord and Tenancies Board. And why are they being mediated by the Landlord and Tenancies Board? Because every time they sit they get paid. So there is that very strong incentive called money. It is called money. The Minister of Finance (Dr. Collins) might know what I am talking about, For the Board and the Chairman, I do not know what the Board members are paid these days, Mr. Speaker, but the Chairman, as we know, is paid \$200. Apart from the bonus of \$15,000, he is paid \$200 a day. And that is a good incentive. I can tell the minister this, that there are very few lawyers in this town today making \$200 a day. So that if I were a lawyer practising in the city of St. John's and I had the Chairmanship of the Landlord and Tenancies Board, and I had \$15,000 - I cannot say retainer because it is not a retainer it is a \$15,000 bonus - and I was getting paid \$200 a day to sit and hear disputes between landlords and tenants, and we have thousands and thousands and thousands of tenants, and I do not doubt that we have thousands of landlords in this town, he does not need any other practice. That is enough for him.

So, Mr. Speaker, I would like to see

MR. THOMS: directions given by the minister to the Chairman, if they have not already been given, if they have not already been discussed, to give to the Director of the Landlord and Tenancies Board the, not give it to him, he has already got it. What I am saying is the Chairman of the Board permits the Director to do what he is compelled to do under the act. Because this is not permissive legislation, it is directive. It says, 'the Director shall mediate disputes'. It does not say 'the Director may mediate disputes'.

But as I said, it is one of the problems and it is going to be a bigger problem now with a lawyer with a busy practice as Chairman of the Board, unless the Chairman decides that he is going to make greater use of his director.

Mr. Speaker, there are so many things;

MR. THOMS: the whole Landlord and Tenancies Act should be given a thorough going over. There are a number of things that are still outstanding that should be looked at. Unfortunately my hour is running out and I am soon going to have to sit down.

We support what this legislation is doing. Nobody, no landlord should have the right to order mass evictions, group evictions to avoid having to appear before the Residential Tenancies Board. I hope that some of the things - I hope that with this particular piece of legislation landlords will not be able to squirm around it; and if they do, I think the minister should immediately again move to block any loopholes that might appear.

Because you can rest assured, Mr. Speaker, that this piece of legislation will be in the hands of the landlords. It is probably in the hands of the landlords now. And they have their lawyers downtown -

MR. OTTENHEIMER: Some of them are.

MR. THOMS: If I may just clue up with consent, Mr. Speaker - who are now looking for ways to avoid this particular piece of legislation we have now. You can rest assured that the landlords have their lawyers looking at this legislation trying to find some way to beat it.

I do not blame them for that. But for what this bill does, and for what it is attempting to cure, we support it 100 per cent. I have not had an opportunity, Mr. Speaker, to speak to the rest of my caucus, but I hope they will follow my lead in this and vote in support of the bill. I would just like to say that I would like to see less and less infringements, as

MR. THOMS: I pointed out. If this bill does not do the job, then I hope to see an immediate amendment that will. Thank you very much, Mr. Speaker.

MR. SPEAKER(Baird): The hon. the member for Carbonear.

MR. MOORES: Thank you, Mr. Speaker.
I just have a few remarks to make on this piece of legislation. Mr. Speaker, my opinion, personal opinion is that I consider this to be good, solid legislation. The principle of the bill, the intent of the bill, in my opinion, is acceptable. For too long now the landlords, particularly in this Province—and from my experiences with landlord and tenant relationships as a member of the House, I can say quite conclusively that in 90 per cent of the cases where there are any disputes involved, the landlord is usually the culprit. The landlord is either the culprit in actually initiating a non-concurrence, or a non-compliance with the act, or he is a culprit in that he is trying to manipulate the act and abusing the privileges of a tenant.

And I have had the unpleasant experience, maybe a dozen times in the last three or four years, to represent tenants who are constituents of mine in disputes with landlords, and in every case without exception, the landlord was at fault by a violation of this act, by abusing the privileges of a tenant, and by ignoring the human rights of a tenant, just simply not concerned with anything but money and his own cause, whether it was the protection of his property, or the protection of the rental payment.

And this piece of legislation, in one respect, in that it deals with mass evictions,

MR. MOORES: group evictions, is good legislation. It should never be permitted in this Province for any one person, not only in landlord/tenant relationships, but in any aspect of life, it should not be permissible for one person to arbitrarily affect the lives

MR. R. MOORES: of many, particularly adversely. And this legislation, I would hope, will prevent certain unscrupulous landlords in this city and in this Province, from abusing people by kicking them out on the street for their own purposes and furthering the continued lining of their pockets.

Now having said that, Mr. Speaker, there are some short-comings of landlord/tenant relationships in this Province. I had a lady in Carbonear just last year; she had been renting a two bedroom apartment from a landlord. The Department of Social Services was paying her rent, all of it in this case, and the Department of Social Services failed to pay that rent. And because of a complication of factors, the rent was not paid, it went a month in arrears. Without any further discussion whatever, the landlord served a notice to quit through his lawyer. And I called the Director of the Landlord Tenancies Board and he said, 'Boy, you have to put this complaint in writing'. And I said, 'It will take three days for the letter to get from Carbonear to St. John's and it will take you another three days to act on it, if you act on it at all, and then it will take another three days for the letter to get from St. John's to Carbonear. And if, and only if, the decision of your mediation is in favour of my constituent, will I then be able to convey that decision to the landlord or to the police or to a magistrate and have the notice to quit dissolved'. 'Now', I said, 'in the meantime what does a lady on social assistance with five youngsters, what does she do in ten or twelve days while you bureaucrats are working through your red tape?'

Now, there is no provision in existing legislation to deal with a matter of this nature, none whatever! If the landlord in the case of my constituent was found, and in fact was found, to be violating the Act, what action or penalty was taken against him? None! There was a

MR. R. MOORES:

reversal of the notice to

quit but there was no penalty against him. He did not have to pay punitive damages to my constituent, to the tenant who was adversely affected. He did not have to pay for her rent or her losses or the inconvenience or the trouble caused to the children in the ten or twelve day period. He got off Scot free! Scot free is how he got off! And he smiled at me when I said to him, 'Boy, look do you have any remorse about this? Do you get a kick out of placing adverse situations like this before people who cannot confront you?' And he smiled because in this case the landlord was a lawyer, a member of the Bar of this Province, a man who should have had better sense than to manipulate the legislation, the Landlord Tenancies legislation. But he did not have any better sense. So I threatened at that time, in no uncertain terms, that if he did not make some restitution to my constituent, that I would take it before the Law Society, then I would go public with it. I said, 'I will have a go at you one way or another'. And after a couple of days thinking about it he did make some restitution, I believe he deducted a few dollars from her rent, which the Department of Social Services paid anyway and they would not give it to her. So she did not get any financial restitution of any sort.

Now, Mr. Speaker, there are a number - I would not want anyone in this

MR. MOORES: House to misconstrue what I am saying. On either side of this House there should be no one directly or indirectly opposed to this legislation today. But that is not the point, if the government, through the Minister of Justice (Mr. Ottenheimer), can bring forth amendments to legislation of this nature within a few days or a week, then there is no reason why he cannot bring in substantive amendments to deal with things which we have been bringing up in this House virtually for years now that landlords have been getting away with. For example, last year I got up in this House and I spoke for a full half hour on a bill that would change the method of taxation in the City of St. John's from the rental system to the property tax system and for almost fifteen minutes in that speech I emphasized that there will be literally hundreds of thousands of dollars that will go into the coffers of landlords in this Province by a change from the rental system to the property tax system, hundreds of thousands of dollars. And is it going to go back to the tenants where it should go? Will the reduction in taxation, which in effect should be a reduction in rent, be afforded the tenants of this Province, particularly with some of these major rental people like the Omega, the Dobbin Enterprise and Garland Clarke and a few of these people who have hundreds and hundreds of apartments throughout the city and who are our major landlords in this Province? Hundreds of thousands - you wonder why these people live in big houses and go off to the Bahamas and Florida, sure with a windfall tax rip-off like that, which is aided and abetted by this government -

MR. HANCOCK: It is a wonder they come back home at all.

MR. MOORES: - it is a wonder they come back home at all. Why should they when they have the government to care for their investment and care for their profits? And the

MR. MOORES: Premier then talks about good, honest government for the ordinary Newfoundlander. Most tenants in this Province, ninety-nine per cent of the tenants in this Province are just ordinary Newfoundlanders, many of them on fixed income like social assistance recipients. And while we are on that topic, Mr. Speaker, of social assistance recipients, right now the major slum landlord in this Province is the Department of Social Services. If you saw some of the apartments that are rented out to the Department of Social Services, for social assistance recipients in this Province, Mr. Speaker, you would hang your head. I have been in them where there were no floors, no toilet and washing facilities, outhouses.

MR. HANCOCK: No stove.

MR. MOORES: And the cry of the Department of Social Services is 'Boy, what can you do. There is nothing available. We rely upon private developers to provide the apartments, the rentals'. And now the new policy: Just last night, Mr. Speaker, talking about landlord/tenant relations and the Department of Social Services as one of the major landlords in this Province, one of the major slum landlords, just last night I had an opportunity to interview a young girl from Carbonear, an unwed mother with two children. She had a dispute with her landlord and her landlord tossed her out into the street. She found another place to live, and when she went back to the Department of Social Services to get rent to pay for the new place that she found, they said, 'I am sorry, but the policy of the Department of Social Services has changed, we no longer provide rent for unwed mothers.' And you talk about landlords in this Province. It is alright that we introduced legislation to deal with private landlords, but how about some legislation to deal with public landlords such as the government of this Province and how they acquiesce, how they refuse on hundreds of occasions to apply the provisions of landlord

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MR. MOORES:

tenancies relationships in this Province, how they pay rent to landlords, landlords who have premises and accommodations not fit to live in and the social workers and the officials of the Department of Social Services turn their heads, they look askance and pretend that they never saw the conditions and that there is nothing they can do about it? And now I hear the City of St. John's is going to get into private housing. The City of St. John's, by the way, if nobody sees the irony of that, the City of St. John's is a corporate body, an animal of this Legislature. It is accountable to the Province of Newfoundland through the Minister of Municipal Affairs (Mrs Newhook). It cannot borrow and should not borrow without the approval of our government and now I understand they are getting into private housing. How come the Province, how come the Department of Social Services cannot get into private housing and borrow \$20 million or \$30 million and provide the appropriate and proper accommodations for social assistance recipients, rather than acquiescence, and slum landlordism?

I say, Mr. Speaker, if the Minister of Justice (Mr. Ottenheimer) can bring in amendments to this legislation quickly for people in St. John's -

MR. OTTENHEIMER: (Inaudible).

MR. MOORES: Of course, but it was initiated by a condition that existed at Regency Towers, is that correct?

MR. OTTENHEIMER: (Inaudible).

MR. MOORES: Of course. And I am saying to you that the number involved in slum landlordism, the social assistance recipients, is a greater number, I tell you, than Regency Towers. I think you should bring in controls on your own government, on your own colleague in the Department of Social Services.

MR. OTTENHEIMER: I can never find him.

MR. HANCOCK: Watch it now you are not in a very good mood today, you might punch him out again.

MR. MOORES: No, Mr. Speaker, I do not - as one of my colleagues said, this legislation does not go far enough and it certainly has the potential to go a lot further. Now, there were comments made this afternoon, if I recall, about the idea of contract law and how a lease, how an agreement between a landlord and a tenant should supersede the conditions of the Landlord Tenancies Act. Now, I tell you, Mr. Speaker, I do not care who said it, whether it was on that side or this side, that if the day comes when any agreement, any lease between a landlord and tenant can supersede the provisions of the Landlord Tenancies Act, then that is the day that I am going to have to reconsider my position in this party. Because there is no doubt about it - I recall last year when I was renting a house from one of the mucky-mucks here in St. John's, he had me sign a lease upon my word of God, it was a half an inch thick. There were at least six or seven typewritten pages and I needed the house quickly. I did not have time to fool around, I had to come in here to the House of Assembly and I had to sign the lease quickly and get on with it. And I signed the lease and then I took it immediately and threw it in the garbage, because my lease is the Landlord Tenancies Act. My lease is the Landlord Tenancies Act and I do not care what landlord wants to protect what or how he wants to protect his interests. As long as my interests are protected in this Act, then this Act should be supreme in landlord tenant relationships. And I tell you that the Landlord Tenancies Act in this Province is a good act in that respect. It changed completely, it reversed completely the role of the landlord and the tenant from what it was a few years ago when they could

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get away with murder, literally murder almost and abuse of tenants, to a situation right now where the tenant's rights and privileges are protected by legislation, protected in law. And it does not matter now what a landlord wants to say in his lease or what he wants to protect because notwithstanding, this act is supreme. That is the way it should be and I am glad to see that that is the way it is, notwithstanding comments to the contrary.

I am not quite happy, Mr. Speaker, with the section of the act which deals with 'where 50 per cent or more of the tenants of a landlord receive notices to quit'. I am not quite happy with that, I think it should be lower. I think it should be maybe 20 per cent, some figure that would represent better an attempt by the landlord to do indirectly what he cannot do directly. And sections (a) and (b) do not necessarily cover one or the other. Section (b) deals only where it can be proven by a District Court Judge that that is what the intent of the landlord is. What I am suggesting is that the arbitrary figure of 50 per cent be lowered to 20 per cent, because 50 per cent is quite a - you know, 49 per cent is not 50 per cent, and this legislation says 50 per cent.

MR. OTTENHEIMER:

Judicial discretion then.

MR. MOORES:

Yes, and I am not so sure that the minister might not want to just have another look at that and see if he cannot compromise a little with these positive, concrete criticisms of this legislation, meaningful, well-intentioned criticism that is meant to further protect the interests of the tenants and/or to a lesser degree, the landlords in this Province.

Now, the other important criticism that I wanted to make of this legislation, in fact gets right

MR. MOORES: to the heart of the principle of landlord/tenant legislation itself. When the Landlord/Tenancies Act, by another name, was introduced in this House, the intention of the legislation was to provide the tenant, particularly, who in many cases cannot afford to fight something in a court of law, to hire a lawyer and to fight what could be a legal battle for weeks or months, who could not afford to do that, the Landlord/Tenancies Act established a board, and that tenant could go to that board for virtually nothing, a small fee maybe - no, I do not even believe there is a small fee involved except the price of paper and a stamp - and he could bring a matter before the board and he could appear before that board himself and argue his case. I have been at some of these board hearings myself, and some people who go to these boards can darn well argue and are very well versed and very well learned about landlord/tenant legislation, etc.

Now, what we see here is a tenant, any individual tenant affected by a group eviction must go to a district court, he has no choice. Now, once you enter a court as opposed to a quasi-judicial committee or board or group of individuals, you enter into the formality of law, the formality of a courtroom, and unless you know law or you have been trained in law, you inevitably will end up making a fool of yourself in the formality of it. So now a tenant affected by this legislation must hire a lawyer or must make a fool of himself, one or the other. And now, any appearance by a lawyer in a court these days

MR. MOORES: is a minimum of \$200, if he never looks even sideways at you, he is going to charge you a minimum of \$200. And many of them see the person coming to them as ripe for the killing and it goes up as \$300 or \$400 or \$500 depending upon the delays involved, depending upon the adjournments, and the whole thing becomes a very expensive confrontation.

So what this legislation has done, either because it could not do otherwise or because they have not been able to do otherwise to date, is take a very fair, inexpensive method of dealing with a complaint of a landlord and tenant and they have turned it into a legal rigmarole that will cost hundreds and hundreds of dollars. And what tenant who is living from hand to mouth, just barely paying the rent every month, what tenant can afford it?

It would be so easy for the government of this Province who shares 50/50 the Legal Aid in this Province - around 50/50 is the cost sharing factor of Legal Aid - to send a directive as a result of this, to send a directive to the Legal Aid people and say, 'As a result of this you can now include, only where though there is insufficient -

MR. OTTENHEIMER: (Inaudible).

MR. MOORES: Right. And my understanding of the formula that they used for that is like the Attachment Bill that we brought in the other day, slightly out of touch with the times, slightly out of tune with the needs, the economic needs of the people.

I had occasion last year to take a young lady in a divorce proceeding and it ended with my talking to the Director of Legal Aid about a matter

MR. MOORES: which I did not want to talk to him about to begin with. I told him in no uncertain terms that I thought the formula which he was using was absurd. It was not designed to apply itself to the particular circumstances of an applicant. It had very confined, inflexible ways of dealing with people who, in many cases, could not afford to hire a lawyer, could not afford to give a percentage of their income to pay for that lawyer. And do you know something, talking about Legal Aid now, I do not think that was ever the intent of Legal Aid to enter into this formula racket. The intent was to establish whether a person could afford or not afford to pay for a lawyer and if they could not afford, then the lawyer was provided for them. Now you have 10 per cent, 20 per cent, 30 per cent and so on, and in many cases it is an arbitrary decision made by the Director of Legal Aid based upon incomplete, improperly supplied information by the applicant himself who does not know what to include, who does not know what not to include. Because, for instance, gross salary is not net salary etc. etc.

Mr. Speaker, I hope myself that the Minister of Justice (Mr. Ottenheimer) will take our criticisms, the Opposition's criticisms to heart. There have been no harsh words from this side today. We have been very courteous and complimentary. We have established unequivocally that the legislation, that the intent of the minister is good, is positive. And we have gone on to add that there are certain other steps that the minister should take in this legislation to improve it. And we have been saying some of them for years, quite frankly, not just today, I have been talking about some of them since 1973 or 1974, 1975. And I hope, Mr. Speaker, that the minister will take this session of constructive

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MR. MOORES: criticism to heart and undertake certain
actions according to.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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MR. SPEAKER (Baird): The hon. member for LaPoile.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: What a crowd of cheerleaders,
Mr. Speaker.

Mr. Speaker, first of all I want to congratulate the member for Carbonear (Mr. Moores) on an excellent speech. It was a brilliant, brilliant speech.

SOME HON. MEMBERS: Hear, hear!

MR. HOUSE: (Inaudible).

MR. NEARY: The hon. gentleman is master of the Queen's English. I beg your pardon? What is the -

MR. HOUSE: (Inaudible) rambling.

MR. NEARY: Too bad.

You know, Mr. Speaker, if I were the hon. gentleman, I would go out and try to remedy the nursing shortage in this Province which is causing all kinds of problems -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - causing all kinds of problems for the sick and the handicapped in this Province. If I were the hon. gentleman, now, I would not be snarky over there at all and I would not allow the bureaucrats to dictate to me. I would take the bull by the horns and try to do something about that.

MR. SPEAKER: Order, please! We are on Bill No. 18.

MR. NEARY: Mr. Speaker, I just want to again congratulate my colleague on an excellent speech and I also want to say, Mr. Speaker, that the Government House Leader (Mr. Marshall) switched his plans, changed his strategy. As hon. members know, the procedure that is being used in the House, since the House started sitting this year, was on

MR. NEARY: Monday and Tuesday there would be the Throne Speech debate, there would be the Budget debate and there would be Estimates and the Concurrence debates. That is what we were told by the Government House Leader, and on Wednesday we would have Private Members' Day and on Thursday and Friday, legislation. And that is the procedure that we have been following, so -

MR. HANCOCK: They announced that procedure.

MR. NEARY: That is right and I heard the President of the Council, the member for St. John's East (Mr. Marshall), on the airwaves bragging and boasting about the fact that this was going to be one of the most important sessions of the House of Assembly since Confederation and then told us why, told us why - and the Premier was on too about it. It is the House Leader now who organizes the business of the House, the strategy in the House, but the House Leader told the people of this Province that on Monday and Tuesday we would be doing the Throne Speech, we would be doing debates, we would be doing Estimates and the Concurrence debates and the Budget Speech. Then, today, they pulled another double-cross.

MR. HANCOCK: But he also said that Wednesday was the Opposition day.

MR. NEARY: Yes, well, Wednesday in every other jurisdiction is Opposition day except in this House, where it alternates back and forth. In every other jurisdiction Private Members' Day is considered to be Opposition day. But anyway, Mr. Speaker, so the government pulled a double-cross. They changed the procedure and we find ourselves today, when we thought we were going to be debating the Concurrence debate, we find ourselves debating the bill, "An Act To Amend The Landlord and Tenant (Residential Tenancies) Act, 1973", But I want to say for the benefit of the Government

MR. NEARY: House Leader (Mr. Marshall), that he may spring it on us today and we do not know from minute to minute, from hour to hour, what we will be debating in this House, but if the hon. gentleman thinks for a moment that it is going to speed up, that in some way in debating this bill today it is going to speed up the closing of the House, well, Mr. Speaker, he had better think again. Because I have here in front of me now a schedule, the House schedule for this side of the House whereby the caucus is broken down into two groups -

MR. HOUSE: What has that got to do with the bill?

MR. NEARY: It has all to do with the bill -
broken down

MR. NEARY: in two groups, nine in each group, and half will be away and the other half will be here for the whole Summer, take us right up to the Fall and up to Christmas.

MR. FLIGHT: One half will be (inaudible) and the other half will be -

AN HON. MEMBER: What?

MR. NEARY: That is right. And that is only just a start of the House schedule. This schedule takes us up to July 3rd.

MR. CARTER: On a point of order, Mr. Speaker.

MR. SPEAKER (Baird): On a point of order, the hon. the member for St. John's North.

MR. CARTER: The hon. member over there is waving some sort of document around. It could be anything. It could be his grocery list. But I do not think that - it has been carefully established in this House as a precedent that you cannot quote from something without tabling it, so I call upon the hon. member to table that document.

MR. NEARY: That is not a point of order, Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. the member for LaPoile.

MR. NEARY: In the first place, I did not quote from the document. But I will be glad to table the House schedule tomorrow. But I did not quote from it so I do not have to table it. It is not a point of order, Mr. Speaker.

Shall I be allowed to carry on with my few remarks?

MR. SPEAKER: To the point of order. As I understand it, it is an alleged schedule for the Summer. Whether it was or not I do not know, so there is no need of tabling it at present. The hon. the member may go ahead.

MR. NEARY: Anyway, Mr. Speaker, the point being that the introduction of this bill today - and this is the second time now this bill has been brought back -

MR. HOUSE: (Inaudible).

MR. NEARY: Did the Minister of Health (Mr. House) want to say something?

Mr. Speaker, the introduction of this bill will not speed up the closing of this House.

Now, Mr. Speaker, what about the bill? Well, as the member for Grand Bank (Mr. Thoms) indicated, this is the second time we have seen a bill in this House, a similar bill, this session. The government withdrew the original bill and brought in a watered-down version.

MR. HOUSE: They had to because of the court case.

MR. NEARY: They did not have to, Mr. Speaker. It has nothing to do with a court case, it has to do, I fear, with the landlords on the government benches, with the lawyers on the government benches or their buddies downtown who are landlords or who are practicing law. That is what it has to do with. I felt rather comfortable myself with the original bill, but I am sure that when my colleague, the member for Grand Bank (Mr. Thoms) pointed out the ramifications, the implications of that bill, that it did not take the President of the Council (Mr. Marshall) very long to make a decision to withdraw the bill.

MR. FLIGHT: He called a few of his buddies and said (inaudible) that is right.

MR. NEARY: So, Mr. Speaker, let nobody be under any illusions of why that bill was withdrawn and why we have this watered-down version of a bill to protect the tenants in the case of mass eviction - why we have this watered-down version before us today.

MR. NEARY: Now, Mr. Speaker, in my opinion, as good as this bill is, it is not going to do the job, it will not do the trick, that the lawyers will find a way to get around this bill. I am inclined to agree with my colleague, the member for Carbonear (Mr. Moores) that it is a piece of good legislation as far as it goes but it does not go far enough. So I cannot condemn this piece of legislation, I can only commend the minister for bringing it in.

MR. FLIGHT: But the House Leader (Mr. Marshall) cut the legs out from under him though on the first bill.

MR. NEARY: That is right. I can only compliment him for bringing in this bill and condemn him for allowing himself to be persuaded to change his mind, to withdraw the original bill, which I thought was quite adequate to take care of the situation.

MR. FLIGHT: - He caved into the House Leader.

MR. CARTER: They could not (inaudible).
MR. NEARY: Pardon?

MR. CARTER: They could not (inaudible).

MR. NEARY: They could not what? Why could they not?

MR. CARTER: Because of the Supreme Court (inaudible).

MR. NEARY: What does it have to do with the Supreme Court?

Mr. Speaker, I would gladly yield for the hon. gentleman to explain to me what it is he is talking about, provided I do not lose my opportunity to speak. Does the hon. gentleman want to get up and give me a lecture?

MR. SPEAKER (Baird): Order, please!

I would ask all members to address the Chair.

MR. NEARY: Mr. Speaker, if the hon. gentleman wants to get up and have a few words and explain to us what

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MR. NEARY: he means by the Supreme Court
decision, I would be very happy to take my seat for a few
minutes to allow him to make

MR. NEARY:

his point and then I will carry on with my speech. Does the hon. gentleman want to do that?

MR. CARTER:

(Inaudible).

MR. NEARY:

I beg your pardon?

MR. CARTER:

It is no good in trying to persuade me.

MR. NEARY:

It is not a matter of persuading anybody, Mr. Speaker, I am curious and anxious to hear what the hon. gentleman has to say on what I assume is a technical point, a legal point.

MR. THOMS:

It did not affect the principle of the bill a bit, the point did not affect the principle of the bill.

MR. NEARY:

The fact of the matter is, Mr. Speaker, the hon. gentleman is running a bluff. He does not know what he is talking about. And he has not got the courage to get up. He is afraid he might display his ignorance to this House and that is why the hon. gentleman will not take advantage of my invitation. The hon. gentleman is ignorant of the facts, as he usually is, and he does not know what he is talking about and he is afraid people might see how stupid he is.

And so, Mr. Speaker, in one way, again, this is the kind of a bill that I welcome. But I am disappointed that it does not go far enough. And, Mr. Speaker, I hope nobody in this House will ever make a statement that the Landlord and Tenancies Act in this Province is interfering with contracts that are made between individuals, between landlords and tenants. I hope nobody would ever make that kind of a statement. I hope nobody, in my party at least, would ever enunciate that philosophy. I hope nobody in this House would ever make a statement that everybody can protect themselves, that governments are interfering in people's lives too much, that we have too many regulations, that there is no need of

MR. NEARY: protecting us against ourselves.
I hope I never live long enough, at least to hear a Liberal make a statement like that. I can understand a Tory making that kind of a statement. But I hope, Mr. Speaker, that I will never live long enough to hear a Liberal make a statement that the -

AN HON. MEMBER: One did.

MR. NEARY: Who did?

MR. OTTENHEIMER: The hon. gentleman from Carbonear.

AN HON. MEMBER: The hon. gentleman lived long enough to hear the statement.

MR. NEARY: No, I cannot recall hearing that kind of a statement made but -

MR. FLIGHT: Who made the statement.

MR. AYLWARD: The hon. member for Carbonear.

MR. NEARY: Mr. Speaker, the hon. Minister of Justice (Mr. Ottenheimer) seems to be getting quite a chuckle out of this. But, Mr. Speaker, the Landlord Tenancies Act is a good Act, and it should not be tampered with.

MR. HOUSE: Tory legislation. Tory legislation.

MR. NEARY: I beg your pardon?

MR. HOUSE: P.C. legislation.

MR. NEARY: No, it is not P.C. legislation.

MR. CARTER: Go away, boy.

MR. NEARY: No, it is Liberal legislation, Liberal legislation. The Landlord Tenancies Act is a good act and it has been on the books for some time before that, by the way. Before the Landlord Tenancies Act there was the Rent Control Board. We had in this Province a Rent Control Board.

MR. CARTER: It was very weak.

MR. NEARY: Well, maybe it was weak but it served its purpose at the time. But I believe that people do need to be protected, Mr. Speaker, against the vultures, against the moneybags and against the money grabbers, the

MR. NEARY: landlords in this Province. People must be protected against them. They are ruthless. They will gouge, they would steal their grandmother's gold tooth if they could get away with it. They would gouge the tenants left, right and center. They show no mercy, Mr. Speaker, and they have the money to do it. They have the money to hire the lawyers. No problem for them to go downtown and hire a law firm to find the loopholes in the legislation to fight the tenants. The poor old tenants would not have a chance in the last several years with the way this Province has been progressing. If it were not for the Landlord and Tenant (Residential Tenancies) Act, they would not have a chance. And even though some people may think that the Chairman of the Board was acting like a dictator - I will tell you one thing he did - and I am not particularly fond of a lot of things that he did - but one thing that he did, he put the landlords in this Province in their place, I guarantee you, much to their chagrin.

MR. CARTER: Who did?

MR. NEARY: The Board Chairman, Mr. Whalen I think it was. He certainly put the landlords in this Province in their place and he is to be commended for that.

AN HON. MEMBER: A good man.

MR. NEARY: Well, I am not sure if he is a good man or not. I am only talking about one particular experience.

So, Mr. Speaker, I hope that nobody -
MR. HOUSE: The member for LaPoile (Mr. Neary) is going to run against you.

MR. NEARY: - I hope that nobody in this Province, at least nobody who supports this party or this side of the House, will ever advocate that The Landlord And Tenant (Residential Tenancies) Act is going too far, that it should be watered down, that it should be weakened in any way. It should be beefed up if anything.

MR. TULK: Slum landlords.

MR. NEARY: Pardon? No. It was the slum landlords that brought on a belt in the side of the gob for the President of the Council (Mr. Marshall).

MR. TULK: That is right. That is right.

MR. NEARY: So, Mr. Speaker, having disposed of that particular point, that was also made by the member for Carbonear (Mr. Moores), just to show the House the philosophy of this side of the House, that we believe in reforms, and we believe in legislation like The Residential Tenancies Act, we have no hesitation on this side of the House in supporting amendments to it if they are good amendments, if they will strengthen the act, if they will protect the individual, if they will protect the ordinary Newfoundlander. We have no hesitation at all -

MR. TULK: Right on, boy.

MR. NEARY: - in supporting that kind of legislation. And that is why we are supporting this bill, by the way, even though I do not think it goes far enough, I think, it is going to cause all kinds of headaches, that 50 per cent

MR. NEARY: that is mentioned in the act.
Mr. Speaker, there is one point though that I want to raise, that has not been raised in the debate so far, that has to do with amendments to The Landlord (Residential Tenancies) Act, and that is the coverage under the act or the exemption under the act of The Newfoundland and Labrador Housing Corporation, and the St. John's Housing Authority. As hon. members know, the Newfoundland and Labrador Housing Corporation, the St. John's Housing Corporation are exempt from this act. I do not know if my hon. friend was aware of that or not. But they are the biggest landlord in the Province. The biggest landlord in this Province by a long shot is the Newfoundland and Labrador Housing Corporation and the St. John's Housing Corporation.

MR. J. CARTER: They do a good job.

MR. NEARY: They do a good job. There are a lot of people who will disagree with the statement the hon. gentleman just made. And these people should be provided with the same opportunities and the same privileges as people who live in non-governmental apartments and houses.

AN HON. MEMBER: (Inaudible) gone to check.

MR. NEARY: The minister is going out to find out. Well, the minister knows the statement I made is true, that under this act The Newfoundland and Labrador Housing Corporation and The St. John's Housing Corporation are exempt and have been exempt for sometime.

AN HON. MEMBER: Why?

MR. NEARY: Why? I do not know. There is no justification for it.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: I think the Minister of Municipal Affairs (Mrs. Newhook) can confirm that. Is the

MR. NEARY: minister responsible for Housing now?

MR. TULK: No.

MR. NEARY: Who is responsible for Housing now?

MR. TULK: (Inaudible) Development up there.

MR. ROBERTS: That is this week.

AN HON. MEMBER: 'Windsor'.

MR. NEARY: Who? Oh!

AN HON. MEMBER: The member for Mount Pearl.

MR. NEARY: And so, Mr. Speaker, if they are still exempt, and I am pretty sure they are, then the government should look into that. The government should include them under The Residential Tenancies Act. Why should they be exempt? Why should people who live in apartments and houses owned by The Newfoundland and Labrador Housing and The St. John's Housing, why should they not have the same opportunity to protest increases in rent or protest changes that are being made or changes not made? Why should they not have the same privilege?

MR. OTTENHEIMER: If the hon. member will permit. I went to check on it. I was fairly sure, and I wanted to be 100 per cent sure. That exemption is no longer operative except in subsidized rentals where, of course, the rentals are subsidized anyway. But the others, they were exempt. That exemption is taken away for, let us say, economic rentals, but are exempt from subsidized rentals. The hon. member is right that for a period of time they were exempt.

MR. NEARY: Well, do I understand now from the minister that The Newfoundland and Labrador Housing per se is no longer exempt from The

MR. NEARY:

Residential Tenancies Act, only subsidized rental units.

MR. OTTENHEIMER: Correct.

MR. NEARY: Well, why would they be exempt?

Because they are cost-shared with the Government of Canada,
is that it?

MR. OTTENHEIMER: Yes, I think that is a federal/
provincial housing program and, also, of course, they are
subsidized fairly considerably anyway, because they are not
economic units in the sense of having to cover costs or
make money.

MR. MARSHALL: In relation to his salary.

MR. NEARY: Pardon?

MR. OTTENHEIMER: Related to a person's salary.

MR. MOORES: How does that (inaudible).

MR. NEARY: Well, I do not know. It baffles
me. I do not understand why they would be exempt even though
the cost of the rent is subsidized provincially and federally,
federal funding going into it. I do not see why - you know
I am not persuaded, I am not convinced why subsidized rental
units should be exempt from the Residential Tenancies Act.
If they have a beef why should they not be able to take
it to the Landlord Tenancies Board?
Why would they not be able to do it?

MR. OTTENHEIMER: Presumably the rents would be
significantly - whatever percentage - lower than, you know,
would be approved by a Board.

MR. NEARY: Yes, but it is not only rental
matters that are dealt with under this Board. There are
a number of other items: The condition of the apartment
and improvements

MR. ROBERTS: Notice to quit.

MR. NEARY: - notice to quit and inspections and all that sort of thing are all covered. I would suggest to the hon. minister that there is no real justification for exempting the Newfoundland and Labrador Housing subsidized rental apartment units from this Act. I think that it is the only point I wanted to make, Mr. Speaker. I am sure the hon. gentleman - if nobody on this side, perhaps the member for the Strait of Belle Isle (Mr. Roberts), who just took his seat, who is an expert on these matters, might care to say a few words, but I really believe, Mr. Speaker, that we should encourage this kind of legislation. It is forward legislation. I do not subscribe to the philosophy that the individuals do not need protection, that they are overprotected, that governments are going too far in trying to protect the individuals against themselves. I do not subscribe to that philosophy at all. As a matter of fact, I am just the opposite, just the reverse. I think in certain matters government is regulating people's lives too much, but when it comes to involving the moneybags, the power brokers, the hypocrites and the parasites in this country, then I am all for, Mr. Speaker, I am all for putting the gears to them. Just imagine, can you imagine, Mr. Speaker, can you imagine - I heard the member for the Strait of Belle Isle the other day, when we were talking about another act, he said could you imagine this act being taken away, this law being abolished, to garnishee people's wages, and then we have to go back to old law. Can you imagine the state, the chaos, the chaotic situation that would develop in this Province? Well, can anybody imagine what would happen if the Landlord and Tenant (Residential Tenancies) Act were abolished, what would happen?

AN HON. MEMBER: Chaos.

MR. NEARY: Mr. Speaker, I am sure if Your Honour could answer me, Your Honour would tell me what would happen. Not only would you have chaos but you would have the tenants in this Province, you would have them nailed to the cross by the moneybags, by the money grabbers. So, I hope, Mr. Speaker, I hope nobody in this House ever subscribes to that kind of philosophy.

We saw a situation develop - my hon. colleague, the member for Carbonear (Mr. Moores), expounded on this there when he was speaking in this debate - where a bill was rammed through this House by the government majority in brute force. The bill was rammed through the floor of the House changing the tax system in St. John's from the rental tax system to the capital value system and everybody knows, Mr. Speaker, that is going to be a bonanza for the landlords, it is going to be a bonanza for the landlords. Will they pass that on to the tenants who occupy their apartments?

AN HON. MEMBER: No way, no way!

MR. NEARY: No, Mr. Speaker, no, they will not.

MR. NEARY: As a matter of fact, they will extract more out of them if they can get it. And you would have the same thing if you wiped out the Landlord and Tenant -

MR. R. MOORES: It did not even stabilize rents.

MR. NEARY: No, it did not stabilize rents. As a matter of fact all, all it means; Mr. Speaker, is a bonanza for the landlords in this Province.

Now, what happened in this particular case here that brought on this bill? Well, Regency Towers down by the Boulevard there, down by Quidi Vidi; served notice on their tenants who occupy two room apartments, that they had to vacate their apartments by a certain date. I do not believe they gave notice to the people who lived in the one bedroom apartments, only to those in two bedrooms. Maybe they intended to give notice to the other ones a little later on. And these people were in a real quandary, Mr. Speaker. They did not know which way to turn because, as my hon. colleagues indicated again, there is such a desperate housing shortage, such a shortage of accommodations in this Province that these people were in a dilemma, they did not know what to do. I had at least a dozen phone calls from tenants in Regency Towers about that situation.

AN HON. MEMBER: Where is that?

MR. NEARY: Regency Towers.

AN HON. MEMBER: Who owns that?

MR. NEARY: I am not going to go into the ownership of Regency Towers but hon. gentlemen, all they have to do is check the share list and they know who the owners are.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Well, Mr. Richard Greene, Q.C. is the owner.

AN HON. MEMBER: You could not resist that, could you?

MR. NEARY: No, I could not resist it. It is not the first time that Mr. Greene's name has been trotted out on the floor of this Legislature.

AN HON. MEMBER: Did he have anything to do with the House?

MR. NEARY: He used to be the P.C. Party bagman at one time until they thought he was up to no good and then they got rid of him. Then they formed another trust company called Confederation Trust and then the Stanfield Trust. We have never been able to get to the bottom of that but that is another subject, Mr. Speaker. So this man served notice on his tenants that they had to get out of the apartment building. Obviously what he wanted to do - and he said he was selling it, and there was no more proof, Mr. Speaker, that he was going to sell that apartment building than Your Honour, if he told us tonight that he was going to sell it. It was mentioned in the letter to the occupants of the apartment that it was going to be sold. But he did not have a buyer. What he wanted to do was to root all these people out, many of them who were retired citizens, Mr. Speaker, retired, he wanted to root them all out, shove them out in the cold, put them out in the street so he could bring in a new crop of the oil barons that are coming into this Province and up the rent by a hundred or a couple of hundred dollars. That is what he wanted to do. He wanted to get in on the oil boom syndrome that we are passing through in this Province. He wanted to clear the apartment building, ordering everybody to quit get out! It did not make any difference where they had to go, get out in the cold, get out in the street. This gentleman wanted to get aboard the bandwagon. He wanted to up his rents. And that was the

MR. NEARY: reason why we have this legislation in the House today, that we are debating at the present time.

I only wish the legislation went a little further. I had no objection to the hon. gentleman sticking by the original legislation. I do not think the reason given is sufficient, Mr. Speaker, that the matter was - a decision of the Supreme Court is what changed the hon. gentleman's mind. I do not think it had anything to do with it. I do hope the legislation works. I have grave doubts about it. I think the lawyers now are at work downtown trying to find loopholes in this legislation. But I hope the minister, once it is passed, will be tough and not yield and not back away from the landlords in this Province, to give them their own way. I hope

MR. NEARY:

that the hon. gentleman will protect the tenants of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: Well, Mr. Speaker, it is five minutes of six and I do want to say a few words on the bill. Let me begin by asking my friends opposite is it their intention to call the bill again on Thursday to continue the second round of the debate?

AN HON. MEMBER: Yes.

MR. ROBERTS: Fine. Well, I will say a few words and then we can carry on on Thursday, Mr. Speaker.

Let me begin by saying, like many members of the House, perhaps, that all that I am - I can speak with perfect objectivity as I have never been a tenant, at least in this Province. I rented an apartment while I was at university. I have never been a landlord. I am a mortgagor but neither a landlord nor a tenant. And let me add to that by saying, as my friends from LaPoile (Mr. Neary) and Carbonear (Mr. Moores) and Grand Bank (Mr. Thoms) have said, that I support the legislation.

It is being brought in to remedy an obvious loophole in the act, a loophole in the act which has been exploited lawfully up until this point, but it will cease to be lawful when this bill becomes law, as it will. And in my view, it is proper to close the loophole. There is a loophole in the landlord and tenant legislation.

My friend from LaPoile in his usual effective way asked rhetorically what would happen if the landlord and tenant legislation were repealed in its entirety and he answered it, at least by implication. And I agree with him, it would be unthinkable to repeal this legislation.

MR. ROBERTS: The relationship of a landlord to a tenant is one that ought to be governed by the law of this land, by legislation by this Legislature and not left simply to common law. I think if common law - we should not fool ourselves, Mr. Speaker, there is no statute law, that does not mean there is no law. All it means is if there is no written statute law, the law instead stands in what the lawyers call case law, the precedents, the various cases which have come up and which have been decided by judges. On a matter of this sort I would far rather see the matter codified, and I think the Landlord and Tenant Act by and large, has worked fairly well. And I say that with all the assurance of one who is not only neither a landlord nor a tenant -

MR. CARTER: (Inaudible).

MR. ROBERTS: The gentleman from St. John's North is erupting himself again right here on the floor of the House. You would think, Sir, if he is not banned by the rules, at least good taste, if not morals, would prevent him from erupting himself publicly as he does so often. However, I am willing to engage in light-hearted banter with him. If he wants to play the 'tit' I will play the 'tat' and we will play 'tit for tat' because I only have one or two minutes before we shall ask to have the debate adjourned and then my learned friend from St. John's East, the Government House Leader (Mr. Marshall) will move the House to rise for the day. So rather than upset the normally dyspeptic member from St. John's North, upsetting his equanimity, his calm, reasoned and passionless approach to public affairs, particularly to the issues before the debate, if it is time, if I have killed sufficient time, I would ask that the debate be now adjourned and then we can pick it up on Thursday and there are some points that I wish to make. Because what I am going to say to the minister is that while I think the act is a significant -

MR. ROBERTS: the bill is a step forward and I certainly join my colleagues in supporting it, I fear that there are some parts in it which may create a disease worse than the cure -

MR. CARTER: (Inaudible).

MR. ROBERTS: - or a cure that is worse than the disease, I am sorry, and I want to - the hon. gentleman from St. John's North (Mr. Carter) has got the analogy muddled again. I want to make sure that the cure to the disease does not in itself create a worse state than when we began, and I think there is some fear in this.

Having said that, Mr. Speaker, I shall move the adjournment of the debate and we can take it from there on Thursday.

MR. SPEAKER (Simms): The hon. the member for the Strait of Belle Isle (Mr. Roberts) adjourns the debate.

The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, I move that the house at its rising do adjourn until tomorrow, Wednesday, at 3:00 P.M. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Wednesday, June 10, 1981 at 3:00 P.M.