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Bill No. 76 *The Municipal Board Amendment Act*

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. I'm pleased tonight to enter into the debate on Bill No. 76, *An Act to amend The Municipal Board Act and to make related amendments to other Acts*.

And of course there seems to be many bills coming forward that are dealing specifically with the issue around boundary and boundary changes and annexations between RMs and municipalities. And this is one . . . In fact I was speaking earlier on a previous bill talking about the role of the Municipal Board and how it will be used as a vehicle to help resolve some of the issues. And in many ways this bill itself is that way of enabling it to be pretty constructive.

But we have some questions about that, and I'll take a minute here to review the minister's comments about the bill and what the implications are for it. Of course clearly this is done, and as they say it's done in a way to promote the provincial growth agenda. And of course we are very supportive of growth. We're not sure that the agenda that they put forward is as solid as one might expect, but we have what we have.

And we know there are challenges, and some of them very public in the newspapers between our large cities and the surrounding RMs, and it's been causing some real concerns. And we need to deal with that in a way that is constructive and fair and that people are heard, and actually that people are not taken advantage of, or different levels of government aren't sort of ganging up on smaller levels. That's not fair at all. But we think this may be a reasonable alternative. But we have some questions about this and we will have those questions when we get to committee. But I know there will be others who want to speak to that when the time comes.

But what they do is, the minister has talked about the amendments in this bill relate to the part of the annexation process after the application reaches the Municipal Board for a decision. So they talk about four processes that will help it. First it clarifies the board

secretary's ability to determine the completeness of the application and notify the applicants of deficiencies before it may be considered by the board. This will speed up the process and save the board's time for higher priority questions.

Now I just have to say, Mr. Speaker, that when I was reading through the bill I found this very interesting actually, if we can take a moment. Of course the board's secretary is someone that is of significance. And it's important that the work is complete and full and all the details are there and all the t's are crossed and i's are dotted. But I'm not sure. It seems to me to leave a lot of power in the hand of the secretary to say, this isn't good enough and that's done, you know. So it goes:

(1.1) Before an application mentioned in subsection (1) is reviewed by the board, the secretary of the board shall review the application to determine if, in the opinion of the secretary, it provides sufficient information and:

(a) if the secretary determines that the application provides sufficient information, refer the application to the board for review; or

(b) if the secretary determines that the application does not provide sufficient information, notify the applicant in writing of the deficiencies in the application and specify a period within which the deficiencies must be remedied.

(1.2) If, in the secretary's opinion, the deficiencies mentioned in clause (1.1)(b) have been remedied within the specified period, the secretary shall refer the application to the board for review.

(1.3) If the applicant does not remedy the deficiencies mentioned in clause (1.1)(b) to the satisfaction of the secretary within the specified period, the application is deemed to have been withdrawn by the applicant.

So that's a lot of power the secretary has there. It's a lot more than just saying, this is filled in and we're ready to go with it. Essentially that person is a real gatekeeper. And I'm not sure if that's been totally thought through. I would have some serious questions about that if . . . We sure hope every secretary is level-headed and fair and has all the good graces and will get all these forms filled out appropriately. But to me, it sure seems to create a situation where one person is the gatekeeper and the board may never hear of some. So that leaves me a little uneasy, the amount of power that person has, and so that we will definitely have some questions about.

So the second part that the minister has talked about is it ensures that the council . . . The bill will also ensure that councils undertake mediation to settle dispute if none has been attempted prior to the board's review and decision. That makes a lot of sense. The premise is of voluntary settlement, even with the assistance, but it is preferable to having the board impose a decision.

All right. And then it also talks about changes allow for the board to provide or approve portion or portions of the application, and this change is from the all-or-nothing approach

that was a problem before. Now you're allowed to have much more of a compromise solution where more parties are feeling ... And so we'll stop for a minute here and ... Anyways I won't take the phone call, Mr. Speaker. I'll continue with my . . . [inaudible interjections] . . . Mr. Speaker, we digress. And I will continue on to say that this is a good way to solve if you can have a compromise and not have a winner-take-all solution. That's very, very important. So that's good.

The other one, and I know my colleague from Regina Lakeview raised concerns about this, amendments are proposed to provide more flexibility in the appointment of alternate part-time members representing SARM or SUMA to sit on the panel that reviews and holds hearings regarding municipal boundary changes. Now it isn't so much that it's SARM or SUMA. I think that's fair enough. But what the question is, that if you're a full-time board member, you have to be appointed by the Executive Council and it would be advertised, whereas if you're a part-time board member, that is circumvented and you don't need to go through that kind of rigorous process. But it is the minister who has that power. So we have questions about that and whether that's appropriate or not. But that's one.

So other issues talk about the consultation process, as I said, the Executive Council. It talks a bit about the pension plan, that type of issue. But the real issues that are before us, and I think this is a real issue and I think that while this government may be trying to address this in this bill, the real issue becomes how do we deal with annexation in a logical, well-planned, -thought-out process here in Saskatchewan and how does that reflect our provincial interests.

And I've talked at length at other times when we've talked about municipal issues because we do have a stake in having strong, healthy, vibrant communities and strong, vibrant rural municipalities. I think that it's important that we can work together to get these issues ironed out and that when we know . . . And we do know that there will be annexation, and we do know our communities are growing. And if you have land and if RMs are close to cities and communities, then it's clear that at some point the resolution will have to be made that annexation will happen.

But there should be a process to make sure that's fair. And I think in many ways we try to do that prior to involving the Municipal Board, and if it does come to that, that there will be processes that are respectful and leave all parties feeling like they've had their day, that they've been able to make their case, and that the board has been able to hear them — that's only reasonable and fair — and that nobody's taking advantage of the situation either by unfair leverage of delay, delay, delay or just steamrolling ahead with it and not really taking into account the needs of all the parties involved.

And so I know that there's going to be lots of speeches on many of the bills tonight because we want to make sure we're getting to that point where we need to get to work on a lot of these things. And a few more of my colleagues will want to speak on Bill No. 76.

Those are my main concerns. We will be listening and paying close attention to this in

committee because we think community planning is essential. It's not just as simple as annexing land and allowing cities to grow or communities to grow without any foresight or any kind of plan. We need to make sure that we have good community plans. And that all fits together, fits together to make a great province, and a great province that will attract people to come and stay and move here.

So with that, Mr. Speaker, I would like to move adjournment of Bill No. 76, *An Act to amend The Municipal Board Act and to make related amendments to other Acts*. Thank you very much, Mr. Speaker.