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## CONTENTS

Thursday, October 31, 2002  
Afternoon Sitting

### Routine Proceedings

	<b>Page</b>
Introductions by Members.....	4209
Introduction and First Reading of Bills.....	4209
Lobbyists Registration Amendment Act, 2002 (Bill 72)	
Hon. G. Plant	
Statements (Standing Order 25B).....	4209
Kyoto accord	
B. Bennett	
BCcampus	
B. Belsey	
Home-based business in Nanaimo	
M. Hunter	
Oral Questions.....	4210
Pill splitting	
J. MacPhail	
Hon. C. Hansen	
Drug costs	
J. Kwan	
Hon. C. Hansen	
Internet access	
D. MacKay	
Hon. R. Thorpe	
Status of salmon stocks	
M. Hunter	
Hon. J. van Dongen	
Tabling Documents.....	4213
J. MacPhail	
Petitions.....	4213
D. MacKay	
W. Cobb	
Second Reading of Bills.....	4213
Residential Tenancy Act (Bill 70) ( <i>continued</i> )	
M. Hunter	
J. Bray	
D. Jarvis	
J. Kwan	
S. Orr	
K. Johnston	
I. Chong	
R. Hawes	
L. Mayencourt	
Hon. R. Coleman	
Manufactured Home Park Tenancy Act (Bill 71)	
Hon. R. Coleman	
J. Kwan	
M. Hunter	
Hon. R. Coleman	
Vital Statistics Amendment Act, 2002 (Bill 68)	
Hon. C. Hansen	

Royal Assent to Bills .....	4236
Business Corporations Act (Bill 47)	
Election Statutes Amendment Act, 2002 (Bill 59)	
Health Authorities Amendment Act, 2002 (Bill 60)	
Drinking Water Protection Amendment Act, 2002 (Bill 61)	
Miscellaneous Statutes Amendment Act (No. 3), 2002 (Bill 62)	
Workers Compensation Amendment Act (No. 2), 2002 (Bill 63)	
Human Rights Code Amendment Act, 2002 (Bill 64)	
Community Services Interim Authorities Act (Bill 65)	
Public Sector Employers Amendment Act, 2002 (Bill 66)	
Transportation Investment Act (Bill 67)	

THURSDAY, OCTOBER 31, 2002

The House met at 2:04 p.m.

### Introductions by Members

**L. Mayencourt:** Mr. Speaker, you may have noticed a few people in the hallways dressed in great costumes. There's a great sense of celebration in the air. Though many of you might think that's because of Halloween, it is, in fact, because it is the birthday today of the esteemed member for Burnaby-Willingdon, who is — or would have been — right there. Never mind, Mr. Speaker. We're going to move right on to tomorrow.

**An Hon. Member:** He's in disguise.

**L. Mayencourt:** He's in disguise today. That's right. We'll move on to tomorrow, which is All Saints' Day, November 1. Celebrating his birthday tomorrow is the very saintly member for North Vancouver-Seymour. Would you please make them both feel very, very happy for their birthdays. Thank you.

[1405]

**Hon. J. Reid:** Joining us today in the House is Andrew Frizzell. He lives near Horne Lake, which is near my community of Bowser. He is here studying at the University of Victoria on a Harvey Southam scholarship, taking a post-bachelor diploma in journalism. I'd ask that the House please make him welcome.

**I. Chong:** All of us here today would not be able to fully fulfil our jobs if it weren't for the support of our very able legislative assistants. I know a number of them are here, but I'd like to have the House welcome two in particular who are in the west wing of this building in room 201 — that is, one of my assistants, Janet Mackenzie, as well as Carla Perry, who I know are watching question period this afternoon. Would the House make them welcome.

### Introduction and First Reading of Bills

#### LOBBYISTS REGISTRATION AMENDMENT ACT, 2002

Hon. G. Plant presented a message from Her Honour the Lieutenant-Governor: a bill intituled Lobbyists Registration Amendment Act, 2002.

**Hon. G. Plant:** I move that the bill be introduced and read a first time now.

Motion approved.

**Hon. G. Plant:** I am pleased to introduce this minor amendment to the Lobbyists Registration Act. This bill contains a transitional provision that will close a loophole that would have allowed consultant lobbyists who are currently engaged in lobbying for a client to avoid

registration. The bill will require consultant lobbyists to register their existing retainers.

The bill also expands the power to make regulations to allow for different fees based on when a registration is filed or on the class of lobbyist. Every day and in every way, a more open, honest, accountable and transparent government for the people of British Columbia. Sorry, Mr. Speaker. I was carried away.

I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 72 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

### Statements (Standing Order 25B)

#### KYOTO ACCORD

**B. Bennett:** The federal government has told the international community that the Canadian Parliament will ratify the Kyoto protocol by the end of this year. I will not be asking my constituents in the East Kootenay to make the sacrifices required to support the government of Canada's unilateral implementation of this accord. Here are some reasons why. Have-not provinces, including B.C., will have to cope with the reduced equalization payments, because have provinces like Ontario and Alberta will not have their surpluses to share. Energy and manufacturing jobs will be encouraged to relocate in Kyoto-free U.S.A.

The Canadian manufacturers estimate that Kyoto could cost the Canadian economy as much as \$40 billion and kill 450,000 jobs in Canada. The federal government's best-case scenario is that B.C. would lose 11,000 jobs. That's 11,000 jobs from a province trying to fight its way back to fiscal and economic respectability.

In my region this unilateral implementation will seriously undermine our major employer, the five coalmines there, as they compete with Kyoto-free Australia and the U.S. It will also put at risk the \$250 million power plant investment in the Elk Valley, and it will put at risk the exciting potential for the development of coalbed methane. My constituents cannot understand why the government of Canada seems hell-bent on ratifying the Kyoto protocol without even attempting to answer British Columbia's questions about impact and fairness.

Can it be that our national government intends not to give B.C. credit for its already clean energy and vast forests? Canada should be a true federation where all provinces and territories work together to manage climate change in a way that is fair to all parts of this country and to all Canadians.

[1410]

#### BCCAMPUS

**B. Belsey:** It is my pleasure and excitement to rise today to speak about the BCcampus announcement

made yesterday by the Minister of Advanced Education. The BCcampus implementation steering committee, along with students, demonstrated to many of us some of the features that this new interactive learning tool has. To a dinosaur like myself, interactive anything on a computer seems a mystery. However, to the tens of thousands of people around this province, this new system will be a means of starting, continuing and, in some cases, completing an education.

Imagine if you were an LPN living in Stewart, B.C., and wanting to complete your baccalaureate. You would have to get leave, move to an area of a university and attend the necessary classes. When BCcampus is fully operational, they will be able to complete this degree in the comfort of their home. Or maybe you've taken time off to raise a family. After the kids are off to school or tucked in bed and things are quiet, you will have the ability to go on line and work towards completing a degree.

The potential that BCcampus offers is incredible and very accessible to most British Columbians wishing to pursue a post-secondary education. Seventy percent of the residents of British Columbia are currently on line and will, therefore, have access to BCcampus. In addition, the Premier, along with Minister Thorpe, is committed to provide high-speed Internet access to 80 percent of the people of this province by the year 2003. BCcampus is one more example of the government's commitment to our education system and to the students it serves.

#### HOME-BASED BUSINESS IN NANAIMO

**M. Hunter:** I'm always pleased to rise in the House to note the accomplishments of people and organizations in my part of the province. I'm doubly pleased when I'm able to mention accomplishments that show that this government's message that B.C. is open for business is being noted, copied and implemented by others. Earlier this week, in a national survey conducted by the Royal Bank Financial Group, Canada Post, the *Home Business Report* and Western Diversification Canada, the regional district of Nanaimo was selected as one of the three best areas in the country to establish a home-based business.

The Home-Based Business Friendly Community Award was based on the RDN's new bylaw which encourages home-based businesses and cuts red tape. We all know how important small and home-based business is to the economic recovery in British Columbia. I want to commend the regional district of Nanaimo for leading the way and for being recognized for creating an environment in which home-based businesses can grow in my riding.

**Mr. Speaker:** That concludes members' statements.

#### Oral Questions

#### PILL SPLITTING

**J. MacPhail:** I want to ask the Minister of Health Services about pill splitting. That's where a senior buys

a double dosage of her prescription at a lower cost and then cuts it in half to save money. Can the Minister of Health Services tell us whether he supports pill splitting as a means for seniors to save money on their prescriptions?

**Hon. C. Hansen:** I have a great deal of confidence in the pharmacists that serve us throughout British Columbia in communities of all sizes. I think it's vitally important that any patient that is trying to use a prescription in a way not prescribed should do that in consultation with their pharmacist, because they are indeed the experts when it comes to ensuring that people get the proper medications and the proper use of medications.

**Mr. Speaker:** The Leader of the Opposition has a supplementary question.

**J. MacPhail:** That wasn't actually the issue I was discussing.

Interjections.

**J. MacPhail:** Well, no, that's fair enough. Studies actually show that pill splitting can be an effective way of saving money on certain drugs without compromising health. I actually have a study from Stanford University. Their results show that in the U.S., seniors can actually save up to 33 percent for Lipitor — that's to treat high cholesterol — and 46 percent for Cardura, to treat hypertension. Those savings are as a result of pill splitting. Those studies also show that patients should only split pills after consulting their doctor. In eight weeks the government is going to move thousands of seniors off Pharmacare. That doesn't leave much time for seniors to find ways to cut their budgets.

Interjections.

**Mr. Speaker:** Order, please, hon. members. Order. Please proceed.

Interjections.

**Mr. Speaker:** Let us hear the question.

[1415]

**J. MacPhail:** Will the minister guarantee that the Medical Services Plan will compensate doctors who consult with seniors on pill splitting?

**Hon. C. Hansen:** I find it really sad that a member of this House who has served this House for more than ten years would engage in the kind of fearmongering that this member is engaged in. In British Columbia today 100 percent of seniors are covered under Pharmacare. After the changes are made, 100 percent of seniors will be covered under Pharmacare.

To answer the member's specific question, doctors today are compensated for the consultations that they do with their patients.

**Mr. Speaker:** The Leader of the Opposition has a further supplementary.

**J. MacPhail:** Well, we'll see come January 1, when this government implements income testing, how many seniors are no longer covered by Pharmacare. We'll see. We'll see. It'll be....

Interjections.

**Mr. Speaker:** Order, please. Order. The Leader of the Opposition has the floor. Let us hear the question.

**J. MacPhail:** There will be hundreds of thousands of seniors who will no longer have one cent of their drug coverage covered by Pharmacare come January 1. As a matter of...

Interjections.

**Mr. Speaker:** Order, please. Order.

**J. MacPhail:** ...helping these seniors who are on fixed income, splitting medications will become a financial necessity after January 1. Now the minister has rejected bulk purchasing of drugs to drive down the costs of Pharmacare. He refuses to expand reference-based pricing, and he refuses to release the secret Pharmacare options paper. The only thing that we know for sure is that thousands of seniors on fixed incomes are not going to have their drugs paid by Pharmacare come January 1.

Interjections.

**Mr. Speaker:** Order, please.

**J. MacPhail:** Those are actually....

Interjections.

**Mr. Speaker:** Order, please. Will the member now please put the question.

**J. MacPhail:** Right. This is actually a pill splitter. It costs \$10. Will the minister assure the House that MSP will cover the cost of a consultation on the use of pill splitters? Will he use his bulk purchasing power to provide them to seniors at a reduced cost?

**Hon. C. Hansen:** I believe that this member needs to be engaged in some better research. Today any consultation that a patient has with their doctor is covered, whether it's around how to appropriately use medications or any other reason why a British Columbian needs to go to a doctor.

The member mentioned the issue of purchasing medications. I have received some information since the member for Vancouver–Mount Pleasant raised this last week. Their facts were absolutely wrong. She talked about the cost of medications in Saskatchewan versus British Columbia. She said at the time that a drug, a generic drug called cimetidine, cost 87 cents in British Columbia compared to 7 cents in Saskatchewan. That is absolutely not true.

The cost of that medication in British Columbia is almost identical to the cost of the medication in Saskatchewan, if they had done their homework and realized that the facts that she was quoting were regarding a different product. She also at the time talked about a drug called naproxen, which she said cost 33 cents in British Columbia compared to 9 cents in Saskatchewan. That is not true. The cost of that medication in Saskatchewan is 9 cents. The cost of that medication in British Columbia is 9 cents. Quite frankly, they should be doing some better research and stop scaring seniors.

**Mr. Speaker:** The member for Vancouver–Mount Pleasant.

**J. Kwan:** Thank you, Mr. Speaker.

**An Hon. Member:** Why don't you just get up and admit that you made a mistake?

**J. MacPhail:** We didn't. We'll see who's right.

**Mr. Speaker:** Order, please, so that we may hear the question.

#### DRUG COSTS

**J. Kwan:** The issue that the Minister of Health Services misses completely.... The point is that it is the responsibility of the government to look for alternative ways to reduce the costs for health care and look into the pharmaceutical companies to see if costs could be reduced so that that would not be transferred to the patient and to the seniors.

[1420]

Mr. Speaker, no doubt the Minister of Health Services is well briefed on Dr. Robyn Tamblyn's study of the Quebec government's experiment with seniors and Pharmacare in the late 1990s. The Tamblyn study found that making seniors pay more for their medicines resulted in a dramatic decrease in the use of essential drugs by seniors, and it increased health problems. Can the Minister of Health Services tell this House if he's done any modelling to show his plan to cut seniors off Pharmacare will affect the health of seniors who cannot afford medicine prescribed by their doctors?

**Hon. C. Hansen:** Perhaps the member for Vancouver–Mount Pleasant should turn next to her and ask the member for Vancouver–Hastings that question, because the member beside her was the Minister of Health in the previous government when they jacked

up the price of medications for the lowest-income seniors by 60 percent in the mid-1990s.

Interjections.

**Mr. Speaker:** Hon. members, let us proceed with question period. The member for Vancouver–Mount Pleasant has a supplementary question.

**J. Kwan:** The fact is that this Minister of Health is going to be imposing an increase in cost for Pharmacare for many seniors in less than eight weeks. You know what? Seniors are going to be forced to make a decision. Do they buy medicine, or do they pay their rent, or do they eat the food that they need? Their health is going to be compromised.

No one will believe that this government's cynical plan to remove \$300 million from next year's budget by kicking seniors off Pharmacare won't have a negative impact on seniors' health.

Interjections.

**Mr. Speaker:** Order, please.

**J. Kwan:** When the Quebec government tried to off-load \$300 million from its budget, one in ten prescriptions written by doctors for seniors went unfilled. Will the minister today commit that he'll take personal responsibility for the impact that his changes will have on seniors in British Columbia, and will he agree to commission an independent study to follow and examine the impact of his reckless plans on seniors and their health?

**Hon. C. Hansen:** Again, I must say it is absolutely irresponsible for this member to be scaring seniors, saying they'll be cut off Pharmacare. There is no senior that will be cut off Pharmacare as a result of changes made by this government.

What our changes will do is address low-income British Columbians who today have impediments to getting the medications they need because of the high deductibles put in place for low-income British Columbians by that previous government.

Finally, Mr. Speaker, to answer her specific question about whether or not we will be studying this: we're way ahead of you. We have already put in place a contract with officials at the University of British Columbia to make sure that this transition is properly monitored using PharmaNet data, to make sure that no senior and no British Columbian is negatively impacted in terms of their ability — based on their ability to pay — to get the medications that they need.

Interjections.

**Mr. Speaker:** Order, please. Order, please.

#### INTERNET ACCESS

**D. MacKay:** My question is to the Minister of Competition, Science and Enterprise. I understand that the

member for Vancouver–Mount Pleasant stated yesterday that a number of rural communities across B.C., including Smithers, have no broadband Internet access. The member added that this would preclude these communities from accessing such services as the BCcampus long-distance learning initiative announced yesterday by the Minister of Advanced Education. To set the record straight...

Interjections.

**Mr. Speaker:** Can we have some order, please.

**D. MacKay:** ...Smithers does in fact have high-speed, broadband Internet access.

To the Minister of Competition, Science, and Enterprise: can he tell us what he is doing to bring the benefits of high-speed Internet access to other communities in British Columbia?

[1425]

**Hon. R. Thorpe:** Yes, Smithers and other communities along Highway 16 have high-speed Internet access. Next year 80 percent of British Columbians will have access to high-speed broadband.

It's our government's commitment and intention to work very hard to ensure that the remaining 20 percent of British Columbians also have access. Our ministry is working with the Premier's Technology Council and forging partnerships with first nations, communities, the private sector and the federal government to ensure that every effort is made to ensure that high-speed broadband is available to the last mile in British Columbia.

**Mr. Speaker:** The member for Bulkley Valley–Stikine has a supplementary question.

**D. MacKay:** We live in exciting times. Through advances in communications technology, many rural and remote communities across British Columbia now have the opportunity to access services that previously would not have been available to them locally. To the Minister of Competition, Science and Enterprise: what economic benefits will high-speed Internet access offer communities like the ones in my constituency of Bulkley Valley–Stikine?

**Hon. R. Thorpe:** High-speed broadband to communities throughout British Columbia, government services like e-education, e-health and the very exciting BCcampus program announced by the Minister of Advanced Education yesterday — these will be available to all British Columbians.

Interjections.

**Hon. R. Thorpe:** You may want to listen up over there. You just may want to listen up about economic opportunities in British Columbia, because high-speed broadband is going to open up opportunities for people

throughout all parts of British Columbia, giving them the opportunity to have jobs that you took away from them.

High-speed broadband is a commitment of our government, and we are going to deliver it to British Columbians in all parts of British Columbia.

#### STATUS OF SALMON STOCKS

**M. Hunter:** Last week the federal Committee on the Status of...

Interjections.

**Mr. Speaker:** Order, please. Order, please. Hon. member, we can't hear you.

**M. Hunter:** I can't hear you either, sir.

...Endangered Wildlife in Canada listed two stocks of sockeye salmon in British Columbia as endangered. These new listings, made without full scientific analysis, pose a further threat to all salmon fisheries in B.C., especially to the commercial fishery already devastated after management decisions in 2002 left \$40 million worth of product in the water.

Can the Minister of Agriculture, Food and Fisheries reassure every sector involved in B.C. salmon fisheries that he will work to ensure that the harvest of sockeye salmon remains a business, social and recreational opportunity in this province?

**Hon. J. van Dongen:** The province takes the listing of these two stocks very seriously. This is particularly concerning given the fact that DFO takes a very risk-averse approach to the management of the fishery and a particularly weak stock management strategy.

Based on this strategy, the impacts of this decision on our commercial and recreational fishery can be very serious. We intend to be involved in the discussion of recovery plans for these stocks, and we do commit to the commercial and recreational fishery that we will work hard with the federal minister to ensure that our fishing opportunities, our jobs and our economic activities are maintained in British Columbia.

[End of question period.]

#### Tabling Documents

**J. MacPhail:** I table the study from Stanford University.

**Mr. Speaker:** That requires leave. Shall leave be granted?

Leave granted.

#### Petitions

**D. MacKay:** I rise to table a petition. This petition is presented on behalf of 3,000 residents of Bulkley Val-

ley-Stikine urging the northern health authority to retain a full-time surgeon in Smithers.

**W. Cobb:** I rise to table a petition signed by over 2,700 residents of the 100 Mile House area requesting that the Minister of Health Services ensure that the funding for on-call physicians be fairly distributed throughout hospitals in rural B.C. and particularly 100 Mile House.

[1430]

#### Orders of the Day

**Hon. G. Collins:** I call continued second reading debate on Bill 70.

#### Second Reading of Bills

##### RESIDENTIAL TENANCY ACT

*(continued)*

**Mr. Speaker:** Second reading, Bill 70. We'll just take a moment while members make their way elsewhere.

Hon. members, please make your way quickly and quietly to your business so that we may get on with the debate.

**M. Hunter:** I am pleased to rise to speak on Bill 70, the Residential Tenancy Act. I believe this bill represents a significant and forward step in developing a workable relationship between those who invest in rental housing and those who live in it. It is a bill that sets out, perhaps for the first time in this province — maybe even for the first time in Canada — the obligations of tenants and landlords and the processes by which disputes amongst them will be resolved. I want to thank the Solicitor General for the extensive consultation process which he and his ministry pursued in developing this piece of progressive legislation.

Clearly, the issue of shelter and housing and the government's role in it is as crucial today as it has ever been. It's clear in our society that one of government's responsibilities is to adopt policies that will assure that affordable and adequate housing is available for those who do not wish to purchase their own.

As you know, I came from a society, from a country, where government took this responsibility for provision of housing much further than we have ever done in any part of Canada as far as I'm aware. Major public housing investment in Great Britain was a response to housing shortages after the world wars, when private capital was in short supply, and it was at those times that national and local governments stepped in to provide housing for those who simply could not afford it and to provide a housing stock when private capital could not afford to produce it either.

We've been fortunate in Canada and in B.C. to have avoided that council estate feature that was so much a part of the landscape in the United Kingdom. How have we done that? Well, we have encouraged private

investors in B.C. to build houses for rent. The return on investment that everyone needs, who is going to be building housing, has been encouraged over the years by a variety of things including tax measures. Tax shelters like the federal MURB plan of the 1970s were designed to encourage private sector rental housing stock, and they were very successful in their day in doing that. In British Columbia we have benefited from those tax measures, and we've benefited over the years from a climate that has seen people prepared to put their money into real estate investments for residential rental housing stock.

It's clear that over the last few years the balance between those who would invest and those who would rent has been out of kilter. This lack of balance shows in various ways. It shows in tight rental housing in some communities and lots of rental housing in others.

[1435]

This bill, in my view, goes a long way.... In fact, this bill does rebalance both the rights of tenants and of landlords as well as their interest in producing housing stock. It provides for clarity, very importantly, and fairness. Clarity is important because the last thing we need is to create obstacles, both to those who are building and to those who are renting private housing stock, to resolving disputes. Each side needs to know what its obligations are to the other. This bill obviously, very clearly in plain English, moves us a long, long way in that direction.

It addresses the issue of pets in rental housing, a subject on which I spoke some months ago in this House, in a way that provides a small incentive to landlords and investors. I guess time will tell whether that incentive is enough to encourage investment in a stock of rental housing that will permit renters — those who desire so — to keep pets.

I have concluded that while this bill starts to move us towards the encouragement of new investment, I also notice that it maintains limitations on rent increases, and I have some difficulty with that feature of this bill. I'm not convinced at this stage that evidence from other jurisdictions or, indeed, in our own jurisdiction supports the hypothesis that government interference in rent levels encourages private investment in housing, nor am I convinced that limitations on rent increases act in favour of the tenant. Certainly they might avoid short-term discomfort of higher costs, but in the longer term they don't solve anything.

Clearly, housing is not a monopoly business requiring state intervention. In fact, state intervention always disrupts supply and demand, and that is no less true in the supply of housing than in anything else. I believe that limitations on rent increases could well become a disincentive to the investment that we need to replenish, restore and create a stock of housing in communities around this province.

I appreciate that the bill attempts to introduce the concept of rent fairness in terms of its limitation mechanisms, but I am not at this stage convinced that it does that, and I simply wish to state at this point that I

will wish to address this issue further in committee stage.

**J. Bray:** I rise to strongly support Bill 70, the Residential Tenancy Act. This is a bill that's very important for my community of Victoria-Beacon Hill, which has a 0.5 percent vacancy rate, and over 63 percent of the residents are renters.

This is a bill that the Solicitor General knows — I've spoken to him before about it — is critical in my community. It's critical for the well-being of families, our economy and our environment. I am very pleased to see many of the issues that are important to my constituents are supported in Bill 70.

The first, of course, is the whole issue around plain language. There are few relationships that government involves itself in that are more contentious than that between landlord and tenant. When government provides a structure for that relationship that is confusing to all involved, it only makes that relationship more complicated and often unnecessarily so. I am very pleased that the Solicitor General has, in fact, met one of our government's commitments to bring forward a plain-language bill.

Another issue that is critical in my community, where there is such a low vacancy rate, is the issue of some landlords — not lots but some — who got into the practice of charging application fees for prospective tenants. That had an impact on people who were participating in the rental market. For those on low and fixed income, of course, that became a hardship that was completely unnecessary. I am very pleased that the Solicitor General has put an end to that practice in the act under section 15. I believe that is a tremendous benefit, especially in a tight rental market like we have here in Victoria.

Another major issue that I've heard from my constituents a lot is the issue around allowing pets in rental accommodations. I have also heard from those who manage and own buildings and homes that that was a potential concern for them as well. I am very pleased to see the Solicitor General find a balanced approach, respecting the rights and needs of both groups by allowing an additional damage deposit for those wishing to bring in pets.

I believe that as a first step to ensure that this becomes part of our community, this is an opportunity to encourage those who own properties and put up their capital and their risk for those properties to recognize that for many people having a pet is a critical part of their existence in our community — be those seniors or be those people with disabilities. The ability to have a pet within their rental accommodation is significant to their well-being, their health and their enjoyment of life.

[1440]

I believe this is an excellent opportunity to encourage landlords to participate in allowing more units to have rental properties in them, and I congratulate the Solicitor General for recognizing that.

I also believe one of the issues we hear a lot about is around damage deposits, especially when a tenancy has ended for whatever reason. I commend the Solicitor General for recognizing that the relationship between the landlord and the tenant covers all aspects of the rental agreement, including inspecting the unit upon entering into the agreement as well as inspecting it upon the termination of that agreement. I congratulate the Solicitor General. I support strongly the right responsibility of both parties to agree at the start as well as at the end. I think that's going to make a big difference to people who are renting and to ensuring fairness in the whole process with respect to that.

I also wish to just commend the recognition that if you allow people the freedom to actually engage in their relationship, the government can move out of it to the standpoint of allowing that relationship to exist and then ensure at the end that if there are problems, there are fair, balanced and understandable ways in which to resolve those differences.

The last piece I wish to specifically highlight that I'm pleased about is the Solicitor General's provisions around rent fairness. In an area with tight rental markets, of course, that's been a major concern for many constituents of mine. I believe he has found a way to ensure there's rent fairness that will ensure available spaces in the current market for constituents of mine but that also will allow for the encouragement of investment in new rental housing, be it in urban or non-urban areas, given that there is now more rent fairness.

I believe it is an excellent step at the provincial level in order to encourage more investment in rental housing and high-density rental housing. I certainly hope the federal government pays attention and also becomes more involved through their mechanisms to encourage this investment. I am very pleased that the Solicitor General has heard the concerns of people around the province and has addressed all of those in an incredibly balanced way in Bill 70, and I'm very pleased to be able to stand in support of this bill.

**D. Jarvis:** I rise to speak a few words on Bill 70, the Residential Tenancy Act. Just a few words that I think will be within reason as far as my House Leader goes.

It's a welcome bill. I have been, in and out over the years prior to being in this position as an MLA in North Vancouver, involved with housing, dealing a lot with rental housing as well. I've always found that the situation has come down to a process of conflict between the tenant and the landlord, and that, to me, has always been sort of an unnecessary situation, because it could always be done in a reasonable manner.

This present bill, I think, is somewhat, as I say, overdue, but the minister has done a good job, and it's been a long process that he has gone through. I can recall about a year and a half ago, two years ago, when I went to his office in a few situations that I had been called on by various constituents. I can honestly say the minister was concerned and said that the process he was going through would take into consideration the tenants' aspect of it and the landlords' aspect of it.

I think we should remember that the government really isn't responsible for all rental housing in this province, but the province has taken on the responsibility, in this case, to set up some basic ground rules that will be reasonable for both parties and will be handled in a reasonable manner. I know, in fact, that the minister has been working hard these last two years to make sure this is done. Also, I believe it was a commitment we made in our *New Era* document. As promised, all groups would be affected and not just one special group.

[1445]

It's easy to say that this bill.... I've had several calls on it already today from both aspects, pro and con. It would be safe to say at this time that the ministry has done a fairly equitable job in that sense, in that it's not a perfect bill. He doesn't intend it to be a perfect bill at this time, because the minister himself knows there will be changes as we go along. He has told me he will be amenable to making changes as we go along over the years to smooth out some of the things that have come forward which might be contentious or be hurtful in any way to either side, be they landlord or tenant.

With regard to the new tenancy act as a whole, it is something I feel is going to be of value to British Columbians. It will be a benefit in the sense that we can see there will be the possibility of new rental accommodation coming forward. It's along this line that I feel we're going to see a great benefit. We are sadly lacking in new rental housing, and it's a problem that pretty well has to be solved by the private sector of our province.

This bill will give them some solace. To be in the rental market up to now has been very tentative. I was in the rental market, and I'll tell you, it's really not quite worth it to be in the rental market when you've got a continual fight going on between your tenants and your landlord. This bill is here in front of us, and it's designed to affect the behaviour of all those involved.

There's another aspect that is probably high in anyone's mind at the moment, and that's the pet aspect. I love pets. In fact, I've had as many as 24 pets in my back yard at one time, when I was breeding — dogs, that is.

**An Hon. Member:** Sure.

**D. Jarvis:** And I'm a pet too.

**An Hon. Member:** I know.

**D. Jarvis:** Sometimes I hope I am.

In any event, dogs are in most cases the main question that's involved when it calls for pets to be in rental premises. There are approximately 460 Canadians who get bitten by dogs every year, and two die. An average of two Canadians a year die from dog bites. Now, that's not saying that all dogs bite, but that is just one point where I can say it's a matter of behaviour. Everyone feels that their pet is the best pet in town and that it

will never do anything wrong, but believe me, I've seen it happen. Pets are like their owners.

Interjection.

**D. Jarvis:** They're unpredictable. That's the word.

So no matter how wonderful you want to be with your pet or if you think the pet is so wonderful, there's always a problem that could arise. That problem usually arises when you leave your premises and the landlord goes in to do the final inspection, and the carpets or curtains or walls are damaged or whatever it may be. And people have strange pets. I myself even had a beaver as a pet one time, until I found him chewing on my bathroom doors at nighttime. Then we had to take him to the zoo — the children's zoo, that is.

[1450]

In any event, the pet situation is not specifically on one side of the pendulum in this case. It allows the owner to talk to the landlord, and the two of them can come to some kind of agreement where they could take a pet in or not take a pet in. Before, it was a no in all instances.

In the condominiums I was involved with, we had pets. We were allowed pets without question, provided the pet was small enough that you could carry it down the halls. They weren't allowed out into the halls on their own.

There's always some way you can come to an accommodation for this sort of situation. I think the minister has done a good job in putting forward the opportunity for the landlords and the tenants to get together and accept the fact of whether there's going to be pets or no pets.

In any event, again, I must say this bill is a type of bill that will make more rental housing available. The rules and regulations that are coming forward are such that they will be mild. They're easily discussed with the various parties. It will be an improvement on the plight of the tenants, for example, far more than the previous acts that had — or what some people would like to see — a very heavy-handed regulation put forward. This is not that case. That's why I feel that it's a compatible bill, with a relationship or an act as it should be.

It's not the end, as I said. The minister will adjust it as he goes along if he feels it's a situation that requires changing. On that basis, I feel no one side has a greater benefit than the other. It will be a great benefit to this province as a whole. On that basis, as I mentioned earlier, I will support this bill.

**Hon. R. Coleman:** Yes. I rise to close debate on....

**Mr. Speaker:** One moment, please. We're at second reading, Bill 70. The member for Vancouver–Mount Pleasant.

**J. Kwan:** It was my understanding there were at least two other members from the government side who wished to speak on this issue. In fact, just moments ago the member for Victoria–Hillside came into

the House and signalled to me that she was interested in speaking. Also, of course, the member for Vancouver–Fraserview suggested he would like to speak as well. He asked if I wanted to speak first or if he wanted to speak first. I said: "Please, by all means, go ahead and speak first."

I guess perhaps these two members have been silenced on the government side, and therefore they're unable to speak. Perhaps they're not able to speak because I know that the Government House Leader and the Whip....

**Mr. Speaker:** Hon. member, may we get on with second reading debate, please, on Bill 70.

**J. Kwan:** Absolutely. Relating to this bill, I just want to put it on record because I think that the minister, the Solicitor General, was actually trying to force the issue to see whether or not the other members would rise to speak. For some reason — I don't know what it is, Mr. Speaker — on second reading....

**Mr. Speaker:** Hon. member, we are at second reading of Bill 70. Whether other members get up to debate this bill is irrelevant. They may or they may not. Please continue.

**J. Kwan:** Well, yes. I was simply explaining to you...

**Mr. Speaker:** Please continue.

**J. Kwan:** ...what I understood the situation to be...

**Mr. Speaker:** Please continue with second reading.

**J. Kwan:** ...and what I was told by the members themselves, what they said the situation was going to be. Yet, as I say, it seems to me the Government House Leader can snap his fingers and actually control his members just like that. This is an important bill.

Interjections.

**Mr. Speaker:** Please continue.

[1455]

**J. Kwan:** It's an important bill. If members actually want to speak, they can rise up in the House and take their place. They don't have to heckle one of two opposition members when the opposition member rises in this House to speak. It befuddles me that when the opposition member rises up in this House to speak, all of a sudden the government MLAs find a voice. They have no voice all the other times before that, but when the opposition has the floor, then all of a sudden the MLA government members find a voice. They think, wow, they have something to say — maybe not necessarily about the bill. They simply want to use their usual intimidation tactic, perhaps, to silence the oppo-

sition. Perhaps that's the tactic the government members wish to accomplish.

This bill, as I began....

Interjections.

**J. Kwan:** If members want to rise up in this House, they can — by all means.

**Mr. Speaker:** Please continue.

**J. Kwan:** Rise up in the House if you wish to speak. Nobody else rose earlier.

It is an important bill. There's no doubt about it. Let's just look at some background information before I get into the details of the bill. First, in British Columbia there are approximately one million British Columbians who are renters. In Vancouver, the community where I come from, approximately 60 percent of the people who live there are renters. We know the ramifications of this bill are far and wide, impacting many, many people who need to secure safe, secure, affordable housing. Make no mistake about that. The Residential Tenancy Act impacts their everyday life.

I just want to share some of the statistics with members of this House, and I hope members will pay attention. One of the most recent statistics from Stats Canada shows that homeowners across Canada are now 70 times more wealthy than renters. The scenario is more likely, of course, in greater Vancouver, the most expensive housing region in the country, where rental affordability remains a constant challenge not just for the poor but, in fact, for most. These are stats from Statistics Canada.

Another piece of interesting information: rent increases in the greater Vancouver area averaged more than triple the rate of inflation over the last year. According to Canada Mortgage and Housing Corporation, the average apartment rent in Vancouver increased 3.8 percent from October 2000 to October 2001, compared to Statistics Canada's 1.2 percent rate of inflation for the same period. The CMHC information shows rent prices in the greater Vancouver area increased an average of 20 percent over the last decade. Renters, as I mentioned, are a significant portion of the citizenry of Vancouver — approximately a million of them across British Columbia.

I have further statistics to talk about and illustrate the greater income divide between renters and those who own property. The reason why this is important relative to this debate is that one of the key sections in this Residential Tenancy Act is that the government is allowing for greater rent increases with no stipulation whatsoever. Under the current act, before this act is adopted and voted on in this House, the rent increase is already a challenge for many British Columbians. Then landlords would actually have to, through an arbitration if challenged, demonstrate to the tenant that the rent increase was something they had incurred as a result of repairs or maintenance to the building or to the suite they rented or actual costs they have incurred

as a result of.... That's under the current act. Already, as it were, rent increases are causing a tremendous problem for many British Columbians. It's a huge issue of affordability.

[1500]

I will go into some details around that in a little while, about what this government is doing by opening up the door even further for rent increases and therefore creating even more difficulty for renters to find affordable, safe, secure housing and jeopardizing, I presume, many people in terms of their ability to have a home.

Many people say this: you're only one paycheque away from actually having a home. I've seen this happen, actually, in my own community, where people have lost their jobs, might have incurred an illness or dealt with traumas in their lives, and they find themselves on the street — homeless. I come across these stories far too often to count. In fact, I know there are people now who are out on the street sleeping on the sidewalk by the Woodwards Building, because they don't have safe, secure, affordable housing. Some of them have lost a job, suffered an illness, and they're now homeless.

Interjections.

**J. Kwan:** The Solicitor General and the member for North Vancouver–Seymour say: "Nobody is building housing." Well, you know what? Prior to this government's election, there used to be an affordable housing program in this province provided by the government. In fact, from 1993 until the last election, 7,500 units of affordable housing were either built, committed to or under construction.

Since that time this government, in one of their first acts when they became government, cancelled over 1,000 units of affordable housing. In fact, Mr. Speaker, do you know when they cancelled the affordable housing units? It was last year, approximately two years ago, in Affordable Housing Week that the minister responsible for housing announced the cancellation of over 1,000 units of affordable housing. You know what happened this year in Affordable Housing Week? This government, this minister responsible for housing, cancelled Affordable Housing Week altogether.

So the Solicitor General and the member for North Vancouver–Seymour are absolutely correct. Nobody is building affordable housing. The Liberal government walked away from building affordable housing, escalating the crisis around homelessness in the broader community, escalating the problems that we now see for people who are desperately in need of housing. Those are the facts.

That isn't all. This Liberal government also took away hard-fought money from the federal government that people have been lobbying for. Community groups have been lobbying for many years for the federal government to come back and spend money in building affordable housing. It was this government,

this minister responsible for housing under the Liberal government, who took that money away — \$90 million, approximately, of federal moneys — from building affordable housing. They put it into what they now call supportive housing for seniors, where they're evicting seniors from long-term and intermediate care facilities and supposedly putting them into these phantom units for the seniors that actually don't exist and evicting them from their homes. You know what? It's not an affordable housing strategy. It is hogwash when they say it is affordable housing, because it isn't. They're simply using that to do a health initiative, and health is related to housing. Make no mistake about it. But to evict seniors from their homes and then rob money that was fought for by the community from the federal government for housing purposes — dedicated for affordable, safe, secure housing purposes — and to take it away from them, and then for the government to say, "See? But we have a strategy on housing," is complete nonsense.

[1505]

October 7 was international tenants' rights day. From protests in the streets to leaky condos to unscrupulous building owners to a chronic shortage of rental housing, British Columbians are only too aware of the daily difficulties they face in housing themselves and their families.

October 7 marked international tenants day. Unfortunately, it was not a day for celebration. It is a sad reflection on our society when simply finding and maintaining affordable rental accommodation takes up so much of the energy and resources of B.C. families. It is a sad reflection on all of us that the poorest among us have to take to the streets in protest simply to get the Liberal government's attention to the pressing need for housing. It's a sad reflection that the basic right to housing is too often subsumed in the so-called right of landlords and developers to make exorbitant profits.

The member for North Vancouver–Seymour was heckling me earlier. He said, "Building affordable housing?" when I was commenting about the need to build affordable housing. He heckled me and said: "Big Brother." Somehow in this member's mind and I suspect in the Liberal government's mind, building affordable housing is deemed to be Big Brother. Making sure that people in our communities are not sleeping on the streets — for government to take on that responsibility and to take on the onus to say, "We must do everything we can to prevent that," is somehow Big Brother.

I beg to differ. The fact is that British Columbia is a rich province. Canada is a rich country. There is no excuse. There is no excuse whatsoever for us to find people sleeping under bridges — not for a province or a country as rich as ours. It only brings shame to the hearts of many, I think, who feel differently. Obviously, the member for North Vancouver–Seymour doesn't think that. I think he thinks it's okay for people to be sleeping on the streets. Perhaps that's the sentiment of this government as well. Perhaps that's why they cancelled over 1,000 units of housing, and perhaps

that's why there are no new initiatives on housing from this government.

For the last decade and more the federal government has abandoned its contribution to affordable housing. It would appear that social housing is no longer a priority for governments altogether. Residential tenancy offices established to help tenants deal with their housing needs have closed. Legal aid is no longer available to those who have no other recourse except to the courts. Reductions in social assistance mean that the poor and the working poor are paying more and more for shelter, meaning they have less and less to spend on other necessities.

In fact, the shelter rate for some people on income assistance has just been reduced by this Liberal government. Yet, as I go into this bill, we see provisions to allow for rent increases. At the same time, the poorest of the poor, through the Minister of Human Resources... He's cut the rental shelter component for some people on income assistance.

In B.C. the budget for social housing has been cut. Promised changes to the Residential Tenancy Act, first announced almost a year ago and now before us, are causing greater concern and uncertainty for tenants and advocates for tenants. Promised consultation with those most directly affected has not materialized. The vacancy rates continue to be at an all-time low. Rents continue to increase.

[1510]

Housing is the very foundation of a healthy community, a vibrant economy. Neighbourhoods provide us with security, jobs, a social contract and support. Affordable housing must be seen not as a privilege but as a right — a fundamental right. Because it is a right, we as the legislators have the obligation to ensure that none in our society are denied this basic need. To do so not only threatens the daily existence of far too many people but undermines our very ability as a community to prosper and for all to share in that prosperity.

The issues that I know the Solicitor General is very proud of with this act centre around plain language and centre around rent protection, as he calls it, which is really rent increase. In reality, when you strip away that so-called coded plain language, you find something else.

I think perhaps the best quote that sums up this legislation was in the media this morning. It said: "If there was a scorecard for landlords and tenants, landlords come out the winners." The act is called the Residential Tenancy Act. It's kind of strange that when you have a tenancy act and when you look at the changes government has proposed, it's the landlords who come out to be the winners. When you have over a million people in British Columbia who are renters, who depend on renting to have a home....

That's not all, though. Interestingly enough, even some landlords are unhappy about this piece of legislation. I'll talk more about that in the committee stage debate.

First of all, let's just go to section 43, which is the rent protection section. This section is essentially an

erosion of rent protection. That's the reality, although it does provide some certainty as to how much the landlord can raise the rent. It also permits the landlord to essentially play a game of catch-up if they have not raised the rent in the past three years.

Let me just first explore this.

Interjection.

**J. Kwan:** The Solicitor General says: "But it's not retroactive legislation." If you look at the explanatory notes, they say that if a landlord chooses in this year, when the legislation is enacted, not to increase the rent, next year the landlord can increase the rent for the prescribed amount, which is up to 5 percent, and cost of living — 3 to 5 percent plus cost of living.

Interjection.

**J. Kwan:** Let me just finish my point, and then I will address the heckling that the Solicitor General is....

**J. MacPhail:** Pretty defensive, isn't he?

**J. Kwan:** Very defensive. As I understand it, some of the backbench MLAs actually have problems with this, but I think they're being silenced because they're not allowed to speak on the matter.

Interjections.

**Mr. Speaker:** Order, please. Let us have order, and let us stay on second reading, the principles of Bill 70.

**J. Kwan:** On the bill, in the explanatory notes it says that if you don't increase your rent this year, you could cumulatively add the amount that you did not increase last year to the following year or the year after that. Renters could therefore find themselves facing an increase of some 20 percent all at once, and somehow this is listed under section 43, rent protection.

[1515]

Let me just also put this out. The Solicitor General says that the act doesn't say what the percentage is, in terms of the rent increase. Yesterday the Solicitor General told the media very clearly that the rent increases he would allow by regulation would be between 3 and 5 percent plus cost of living. That means rents could go up as high as 7 percent if the cost of living is 2 percent — and cumulatively each year over three years. If a landlord decides not to increase the rent in year one, a landlord could do so in year two or year three. If the cost of living is included up to the maximum of 5 percent and assuming the cost of living is 2 percent, it's 7 percent times 3. That's a 21 percent rent increase for any one person at any one time. That is the reality before this bill. That is what people could face.

That's not the worst part. By putting forward a limitation, if you will, of 5 percent plus cost of living for rent increase, you could potentially create a situation where landlords will simply increase the rent every

year by the prescribed amount and automatically just go to the maximum amount irrespective of what the actual costs might have been for the landlord in repair or maintenance or actual costs incurred. That will not have to be taken into consideration at all for the purposes of rent increase. It's a guaranteed 5 percent, plus cost of living, rent increase for the landlord every year. That's what this piece of legislation says under section 43.

I hate to raise conspiracy theories, but this policy change wasn't laid out clearly when the act was presented. I hate to imply that this government was being sneaky, but it does seem rather suspicious. The Solicitor General says it doesn't say that in the act. Even in the act, if you look at it, it doesn't say clearly — clearly — that one could accumulate their rent over three years for rent increases. It says it somehow in the explanatory notes, and then the minister says: "We'll pass regulation to let you know what the maximum amount is going to be, but it is going to be somewhere between 3 and 5 percent plus cost of living."

The press release stated:

"The new law will have a simpler formula to calculate rent increases. These will be set by regulation and will be limited to a small annual increase, initially in the range of 3 to 4 percent, plus a consumer price index adjustment. This will limit how much rents will be raised and protect tenants from unrestricted increases. Changes also give landlords more flexibility in the timing of rent increases. The old system encouraged landlords to raise rent every year because increases could not be carried over. Permitting landlords to carry forward allowable rent increases will give them flexibility in dealing with tenants while supporting a healthy rental market."

There's the word again: flexibility. It's sort of like saying: "I'm going to take education funding away and off-load it to the school trustees, but I've given you the flexibility to manage that." We hear this all the time — these buzzwords: flexibility, choice and access. It's quite simple. When the Liberal government says, "I'm giving you choice in access," do you know what it really means in the actual community? It means this: you have choice and access if you have the ability to pay. That's what I've been able to see so far from all of the government's policy. If you have the money and you have the ability to pay, then you have choice and access.

Flexibility means: "Don't blame me. I didn't cut that program; someone else did. Don't blame me. I didn't bring forward that user fee; the health authorities did. Don't blame me. I didn't increase your rent, even though I brought in legislation to allow for that up to a maximum of 5 percent plus cost of living. Don't blame me. It was somebody else. I didn't off-load that cost onto you, taxpayer. It was somebody else. Remember? I gave you a tax cut." That's what flexibility means for this government. It's off-loading it in another way, in a way that this government promised they wouldn't do but that they're doing now in every sphere. Now even in the private market we see those increased costs to an average person in British Columbia who happens to be a renter.

[1520]

The only clarification, of course, comes in the explanatory note on page 55 of the bill, which says:

"...introduces a rent control system that permits landlords to increase rent each 12 months in accordance with the regulations, and those regulations may also authorize landlords to impose simultaneous rent increases for up to three 12-month periods, in addition to the next 12-month period, if the landlord did not previously increase rent for those periods."

It just seems like the minister could not have been much clearer in presenting a change that could potentially mean as high as a 20 percent increase in one year for some renters, especially in introducing legislation that is supposed to be clear and easier to understand — so much for the plain language.

The media has actually caught on to this. In the *Province* today there was an article that stated:

"Tenants in B.C. can soon expect rent increases of about 5 percent a year. The Residential Tenancy Act, introduced in the House yesterday by Solicitor General Rich Coleman, allows cabinet to set the limits for what will be considered acceptable rent increases.

"Coleman told the *Province* that his plan is to pass a single, simple formula soon and keep it in place for the next several years. He said his plan is for landlords to be automatically allowed an increase of between 3 and 4 percent per year plus the annual inflation rate.

"With the cost-of-living increases currently running between 1.5 and 2.5 percent per year, that will translate into an increase of about 5 to 6 percent. 'It will bring some stability to the sector,' Coleman said."

The question is: stability for whom? Certainly not for some tenants, who could, in a worst-case scenario, rapidly find themselves priced right out of the rental market.

The bill also allows landlords to inspect premises monthly, which apparently the minister hopes will make it easier for them to discover illegal activities such as marijuana growing operations. It could also serve to give landlord free licence to inspect the units of seniors and young women on a monthly basis. Are they really going to be looking for grow ops?

Interjections.

**J. Kwan:** It's a valid question. Maybe members think it's funny. There are actually real-life circumstances where landlords abuse their power, and they go into someone's suite and actually harass the tenants.

There are actually real-life situations like that. Maybe the MLAs who are laughing should look into that. Maybe they should go out of their constituency offices and talk to real people. They may actually find out what the real world is like — not locked behind closed doors in their constituency offices because they're afraid to go out and talk to the public.

The fear that I have raised is shared by many renters. The unscrupulous landlords could use this new power as a tool for what could be perceived as harassment under any other circumstances. In my opinion, this new section interferes with law-abiding tenants' right to privacy in their homes and is open to abuse by landlords who want to harass the tenants. Single women who fear sexual harassment now could be fur-

ther exposed. This opens the door to harassment and penalizes all tenants for the actions of a few. If the intent of this section is to prevent grow ops, why are all tenants being penalized with the loss of their privacy?

I ask the members in this House how they would like it, if they are not a renter now, for someone to come into their home once a month just because they feel like it. They don't have to have a reason. They just want to check out and see what's going on in your living environment. How would that make you feel in terms of violation of privacy? I'd be a bit worried about it. Actually, some days, I'm sure, I'd be potentially embarrassed. I don't do my laundry every day. Some days I'm rushed, and there are perhaps things lying around that I don't want anybody to see. They can just walk into my home and take a look-see and see what's going on. I wouldn't want that.

[1525]

You know what? Tenants are now going to be exposed to this major invasion of their privacy. If it's funny for the members who were laughing earlier, who think: "Hey, you know what? That will never happen. Harassment doesn't take place." Are you kidding? That's like a joke. It is just so funny that the member would actually even raise it.

Let me tell you, a recent issue just came out. It was reported in the paper — in fact, in the member for Vancouver-Burrard's riding — on October 3 to 9, 2002, in the *WestEnder*. The headline of the article reads "Abusive Caretaker Must Go: Tenants." Just to quote a couple of lines from the article, "Tenants of the quickly-becoming-infamous English Bay Towers at 1750 Davie Street are looking for help. But it doesn't seem to be close at hand. Despite repeated letters to the police, city officials, provincial government reps, the residential tenancy office and the building's multiple owners, tenants say they are still dealing with an abusive and intimidating on-site caretaker...." And it actually names the caretaker.

It goes on to say that a former resident alleges the caretaker hugged and kissed her against her will after inspecting her bathroom. This is someone utilizing the auspices of inspection, which is what's being allowed here in this act. At least once a month, for no reason at all, a person can go in and inspect someone's suite, where tenants are being abused and harassed. There's actually a whole litany of tenants who made various complaints around intimidation and harassments, and you know, the tenants went to talk to the MLA, who happens to be the member for Vancouver-Burrard, on this issue.

Here's what the member had to say, and I'll actually quote exactly what the article says. The tenant says, "I've had so many conversations with...." And it says the name of the Liberal MLA for Vancouver-Burrard. "They say they can't intervene but can only work to change legislation." The member for Vancouver-Burrard says: "We'll work to change the legislation to prevent such harassment and occasions for such harassment."

What have we got? Under section 29(2), monthly inspections are now allowed. You can just go in there every month whenever you feel like it, if you are a landlord, to do inspections and expose tenants to further harassment and abuse as has been reported in the newspaper, the *WestEnder*. The member for Cariboo South says it's not true. I would encourage you to read the act, and you will find out what is true and what is not. Don't just read your government's news releases, because they don't tell you the truth, and that is absolutely right. You have to go right to the act and get through all this notion that supposedly this is plain language and actually read through it to see what it really means. When you do that, you will find a completely different story.

Despite all of these concerns, something even more troubling in the rent protection section is that the act states that the tenants can no longer dispute these annual rent increases at arbitration, even if they are living in substandard conditions and are desperately in need of repairs to the unit. Under the current system, as I mentioned earlier, tenants could appeal any rent increases to the arbitrator. Now they no longer have that right.

[J. Weisbeck in the chair.]

Previously, rent increases could only be matched by actual increases in costs to the landlord, whether they were repair and maintenance or whether they were actual cost in terms of licensing fees, insurance fees and the like. Now you don't have that opportunity. It's simply an automatic rent increase every year, up to 5 percent plus cost of living or cumulatively over three years, if you didn't get a rent increase in year one, to a cumulative rent increase of some 20 percent.

[1530]

Plain language. Let me just address that for one moment. The section I talked about — section 43, I think — illustrates the plain-language approach this government has taken. In fact, if you actually read the act, it's anything but plain language. The plain language of this act leaves a lot to be desired. It is, in some ways, more confusing than before. This legislation clearly, in my view, needs more work.

I'll give you another example: section 45(1). See if you can decipher this: "A tenant may end a periodic tenancy by giving their landlord notice to the end of the tenancy effective on a date that (a) is not earlier than one month after the date the landlord received the notice and (b) is the day before the day in the month, or in the other period on which the tenancy is based, that the rent is payable under the tenancy agreement." That's plain language for you.

**J. MacPhail:** That sounds like the Premier's office.

**J. Kwan:** Maybe it did come out of the Premier's communications shop, which he is masterminding in his office.

If you read this, you sit there.... I don't know how many degrees a person needs to have to try and decipher exactly what that said. Yet that's supposed to be plain language, according to the Solicitor General. That's right. It is as clear as mud. If this is plain language from this government, I hate to know what constitutes complex language.

I know from the media this morning that the landlords' group and tenants' groups are already finding that they are reading some sections of the act with very different interpretations. People read it, and they say, "God, I think it means this," and somebody says: "Well, I think it means that." How is that helpful in bringing forward a piece of legislation that's supposed to clarify and supposed to be in plain language? One example I cited clearly illustrates that nobody can understand what it actually says.

The inspection reports, section 24. The new act requires that the landlords and tenants fill out a move-in and move-out inspection report, but leaves it totally up to the landlord to decide when these inspections will take place. If a tenant can't make two arbitrarily set times for the inspection, they automatically forfeit their right to their deposit, whether or not they have done any damage. This means unscrupulous landlords will have an even more convenient way to rip off tenants of their security deposits. Of course, this will also cut down on the number of arbitrations, because tenants will now have no right to their own money, which if you happen to be a pet owner is now doubled. I'll go into that in a few moments.

How could it be that the government would bring in a piece of legislation that says if after two attempts to set a time to inspect your suite when you're leaving and you as a tenant are not available, you forfeit your damage deposit, irrespective of whether or not you have done damage to the suite at all? How is that fair? What if a landlord purposely picks time allocations that the landlord knows the tenant is not going to be available, might be working, might even work a night shift or weekend shifts or whatever the case may be? All of a sudden you can't set those times. Oh well, I guess you forfeited your damage deposit.

Somehow this is fair and somehow this benefits the million people who are renters in this province. This is notwithstanding that there are already a lot of unscrupulous landlords who don't, as a matter of practice, pay back the damage deposits to the tenants. There are many landlords who do that. They do that already, and they try to rip off the tenants already, as we know. Now it just gives them further reason and rationale to exercise their unscrupulous practices.

[1535]

Application fees are also another issue. The new act says the landlords can no longer ask for application fees. This is something tenants asked for, but there's nothing in the act about consequences for charging a fee or about enforcement of the section. Enforcement is a problem throughout the act. What good is a law if there are no consequences for breaking it?

You know what? The Solicitor General promised consultation. It is time to go back to the drawing board and introduce the act when it is ready and when they have done the real consultation.

Pets. Pet owners are clearly the losers in this new act. Not only has the act made it clear that landlords are able to discriminate against tenants with pets, but they could also charge pet owners more money by way of extra deposits. As we have seen from other sections, it will likely be more money that even model tenants will lose. This act is clearly a disappointment for the majority of British Columbians who are tenants and who want pet-friendly housing.

In the spring I introduced a bill, Bill M202, the Pets in Rental Housing Act. This bill really came about after a very active group called POWER.... They are people who have been advocating the recognition of pets and the benefits of pets for individuals in rental housing. They are, of course, extremely disappointed by this bill. I want to raise now some of the points I raised while tabling that bill. I can still hope some of this might resonate if not with the minister, then perhaps with some of the members on the back benches who may share these opinions.

It has been well documented that a significant segment of our society shares their lives with companion pets. A lot of families and children gain immense comfort from having a pet with them, particularly seniors. For many seniors, the sole source of companionship would be through the ownership of pets. For seniors, these pets make a great deal of difference. It has been acknowledged that having a pet can be a very positive change emotionally and physically for individuals who lack other human contact. Pets offer affection and companionship to people of all ages.

I'm a pet owner myself, and I think they ease social interaction and promote a sense of community for inner-city dwellers. In fact, that is absolutely true. I go to the park when I take my dog for a walk. There's a little dog park right by where I live, and when I go there, there are often other dog owners there as well. We all congregate, and we all chat about all kinds of things while our dogs play together. It is quite a way to build community and for me to get to know my neighbours, especially when I first moved to this area. I didn't know very many of my neighbours, and my pet actually introduced me to many of them.

The vast majority of pet owners are indeed responsible pet owners. In B.C., however, only 5 percent of people in the 548,000 rental premises currently own dogs, and 9 percent currently own cats. Over 20 pets per day are turned into the shelters by people who have given up trying to find a place to live that will accept pets. Of course, this is not only traumatic to the pet owners themselves but often to the children in families who are unable to secure housing that would allow for pets. They're unable to secure a home for themselves and their pets.

The SPCA also reports that the pets themselves suffer greatly from separation anxiety, and their health rapidly deteriorates while they're at the shelters. The

BCSPCA just released a poll that I think the minister might be interested in. Let me quote from their news release dated October 22:

"A recent poll conducted on behalf of the BCSPCA reveals that British Columbians want to see dramatically improved protection for pet owners under the Residential Tenancy Act, which is currently under review by the provincial government.

"While more than half of B.C. homeowners have pets, less than 5 percent of rental accommodation in the province allows companion animals. Every year, approximately 5,000 beautiful animals become homeless because their guardians can't find pet-friendly housing."

[1540]

This is from the general manager of community relations for the BCSPCA. Another quote from this individual: "This is extremely traumatic for both the animals and the families, and we believe that responsible pet guardians deserve better protection under the law." The poll conducted for the BCSPCA by McIntyre and Mustel Research indicates that a majority, 79 percent of British Columbia residents, are in favour of legislation that allows pet guardians the right to keep companion animals — i.e., a cat or a dog — in their rental units, provided they do not cause unreasonable noise or damage. The polling is clear. B.C. residents want pets in rental housing.

The minister wouldn't make changes that the majority of British Columbia residents want, that tenants' rights groups want and that pet owners want, which studies prove are highly beneficial in allowing pets in rental housing. I don't know if the minister is a pet owner, but even if he isn't, he should look at some of the studies of the health benefits pets could have for their owners. The health reasons for having pets have been studied and well documented by experts in the field. A renowned expert in the field of human-animal relations is the author Dr. Alan Beck, the director of the Centre for the Human-Animal Bond in the school of veterinary medicine. The centre was established to develop a comprehensive understanding of the relationship between people and their companion animals. The letter Dr. Beck wrote to the Pets of B.C. Residents, POWER, said: "It is well documented that people denied good human contact and interaction do not thrive well. One way people can be protected from the ravages of loneliness is animal companionship."

There have been many exhaustive studies done on the effects pets can have on our well-being. As an example, seniors who own dogs go to the doctor less often than those who do not. In a study of 100 medicare patients, even the most highly stressed dog owners in the study had 21 percent fewer physician contacts than non-dog owners. In another study the level of daily living activity of seniors who do not currently own pets deteriorates more than the average of people who currently own pets. Seniors who own pets cope better with stress that occurs in their daily life events without entering into the health care system. Pet owners have lower blood pressure. Pet owners also have a lower cholesterol level than non-pet owners. People with

diabetes have improved health because of pet ownership.

I know that for a fact. My father has diabetes, and we got the family a dog. The family dog has actually helped my father's health — regular exercise, getting out there. My mother is now retired and actually was in superb health before she retired. After a couple of years of retirement, she found her cholesterol was actually going up, so she, too, went and walked the dog with my dad twice a day minimum if not more sometimes, depending on the weather. Her health is improving. It's proven. It's not just my own story that I have to share; studies have illustrated that. My own story only goes to point out that I have experienced the positive effect of pets in my own family.

Companionship of pets also helps children in families adjust to serious illness and the death of a parent. A study has also been conducted to show the positive effects of pets. Pet owners feel less afraid of being a victim of a crime when walking with a dog or sharing a residence with a dog. Pet owners have minor health problems. They have better psychological well-being. They enable children to develop better nurturing behaviour than those who don't have pets. Pet owners have a higher one-on-one survival rate in terms of heart disease when that issue is looked into.

[1545]

Medication costs, as mentioned earlier, have also dropped. On average, it is a drop of from \$3.80 per patient to \$1.18 per patient. This was done in nursing home facilities in New York, Missouri and Texas. Pets in nursing homes increase social and verbal interactions. They also helped people who perhaps have heart diseases and decreased the possibility of heart attacks and the mortality rate by 3 percent. This may not seem like a lot, but in actual numbers this translates into 30,000 lives saved annually.

Pets, of course, decrease the feeling of loneliness and the feeling of isolation. They enhance children's self-esteem. They also enhance children's cognitive development. Children owning pets are more likely to be involved in activities such as sports, hobbies and clubs. Today, more and more, as we hear in the news and as new studies are indicating, children are getting overweight in the home because of lack of activities. Perhaps owning a pet will enable children to get out with more physical activities — walking the dog and therefore bringing better health to themselves.

People who have HIV and AIDS who have pets have shown that they experienced less depression and reduced stress. It also allowed them to better cope with their day-to-day living activities.

These studies have been done over the course of time, and they have demonstrated that pets are indeed beneficial to individuals — adults and children alike. It is across cultures. It is applicable to every heritage, nationality, ethnicity.

In situations where families are unable to have pets in their homes, in rental housing, they run into problems. It is particularly traumatic for people when they have to give up their pets as they relocate from one

home to another. It is traumatic both for the individual and for the pet itself.

There have been many organizations and individuals who have come out to call for a change in the Residential Tenancy Act to allow for pets. This of course enables individuals and families to have the right to own a pet in their home. That's not to say that there won't be problems. There are some irresponsible pet owners who create problems. However, we have to recognize that the majority of pet owners are responsible. Therefore, those responsible pet owners should not have their rights taken away from them or have their rights jeopardized because of the potential of irresponsible pet owners.

Many groups have come forward to support a change in the Residential Tenancy Act to allow for pets in rental housing. They include the Doris Day Animal League; the Persons with AIDS Society of B.C.; the BCGEU; the Canadian Council on Animal Care; the Humane Society of the United States; the Canadian Labour Congress; the Community Training and Resource Center of New York; the B.C. Federation of Labour; the B.C. Veterinary Medical Association; city of Vancouver, Animal Control; the David Suzuki Foundation; the district of Hudson's Hope; the Victoria Status of Women Action Group; the Canadian Breast Cancer Foundation; the Hospital Employees Union; Family Network of Deaf Children; the city of Toronto's Federation of Metro Tenants Association; city of New York; Vancouver Status of Women; CUPE B.C.; and the Ontario Legislative Assembly. I will bring some information to the House around the changes that Ontario brought about in this regard.

Other groups: the Coalition of Progressive Electors; the B.C. Young New Democrats; the B.C. Retired Teachers Association; the Multiple Sclerosis Society of Canada, B.C. division; Canada's Association for the Fifty-Plus; the British Columbia Association for Community Living; the Developmental Disabilities Association; the Society to Support Family Bonding and Healing, Vancouver Friends for Life Society, the Nisha Family and Children's Services Society; the Progressive Intercultural Community Services Society; the Royal Canadian Legion; the Second Mile Society; West End Seniors Network Society; the British Columbia Epilepsy Society; Physiotherapy Association of B.C.; the North Shore Disability Resource Centre; the Opportunities for the Disabled Foundation; YouthCo AIDS Society; Advancement of Minority Equality; Little Mountain Seniors Live Wires.

The list goes on, and there are many more. These are just some of the groups that have come forward to support a change in the legislation to enable pets to be in rental housing.

[1550]

Earlier I mentioned that Ontario has brought legislation forward for pets in rental accommodation. Pets of B.C. Residents, POWER, has had the opportunity to meet with many of the stakeholders to gain consensus on a change to the legislation. They have, as I mentioned, solicited a wide array of individuals and

groups to come forward to support and call for this change. In Ontario they have researched and found that in the last ten years since Ontario brought about such change, there have been no substantive complaints regarding this change in the residential tenancy regulations. Ontario had made amendments to their related acts to disallow the no-pet policies, and the legislation they brought in is known as the Fluffy law. It was introduced by the then-governing Liberal Party of Ontario.

In a recent letter of support to POWER, the Ontario Liberals, now the official opposition, still refer to it as an important matter. The Ontario NDP Housing critic also confirmed the success of the Fluffy law. I quote the NDP MPP from Ontario, Rosario Marchese, who wrote to POWER stating: "Over the past ten years Ontario tenants have been able to enjoy the family pet within their apartment unit, exactly the same way as homeowners do. The act is working very well in Ontario, and as Housing critic for the Ontario NDP, I have not heard of any complaints from petless residents. I am sure the residents of B.C. would benefit greatly if such an act were passed in B.C."

In the city of Toronto, St. Paul's councillor Michael Walker calls the Fluffy law a successful policy, adding that pets have an enormously positive impact on the lives of their owners.

In New York a similar law was also passed back in 1983. The influential Community Training and Resource Center in New York wrote to the support group POWER about their effort, stating that New York's pet law was introduced by city council to provide protection from widespread abuses by building owners.

The other jurisdictions that brought about this change have shown that the experiences have been positive. They have also shown that the problems people worry about in terms of complaints from non-pet owners, perhaps complaints from landlords, have actually not materialized. It brings, I think, a great opportunity to British Columbia to learn from this experience, to learn from the experts in the field and actually those who have medical health experience, those who have studied this issue, to understand the positive impacts of pets for individuals, for seniors and for children, especially now at a time when we have more challenges in the health care system, when we're looking for ways to reduce health care costs. It's been shown that pets can be positive in reducing health care costs for the taxpayers and for government as well.

I would urge the members to support a change in the bill that would actually advance pet owners who are renters to have access to housing, and not less, and not be penalized in such a way that they are now, under this bill, where they could actually incur more costs by way of a damage deposit. I know members from the government may well just say, "But there are allergy issues that non-pet owners might be faced with," and all of those kinds of concerns. You know what, Mr. Speaker? Those concerns could be easily worked out, and in other jurisdictions where these issues have come up, they have been worked out. In fact, as I put on the

record by many people who have brought in such legislation, they haven't experienced the problems or concerns that this government backbench MLA as well as the minister continuously raised as a way of saying why they cannot bring in such legislation.

Earlier this year I tabled the private member's bill, and I withdrew it at the end, because the Solicitor General said: "Don't worry. We are going to amend the Residential Tenancy Act. We are going to ensure that the issue is addressed." You know what, Mr. Speaker? Not only is the issue not addressed — in fact, far from the truth. In fact — and I'm paraphrasing — there was an article in today's newspaper from the people who actually met with the Solicitor General on this issue. At the time when the meeting took place, the individual who is advocating for changes in the Residential Tenancy Act to support pets in rental housing actually thought the Solicitor General perhaps might be listening and actually heard what was said. In fact, the individual gave a lot of information to the Solicitor General to read and to be informed on the issue.

[1555]

Lo and behold, with the introduction of this act, the comment that this individual made in the newspaper was that he now wonders whether or not the Solicitor General even listened or bothered to read the materials that were presented to him.

That's the reality of it. The issues before us are very significant. They impact many British Columbians in terms of what could happen in terms of increase in rents, in terms of intrusion into people's privacy, in terms of the so-called inspection section of the act. The issue is also raised that the plain language is far from plain. Nobody can actually understand it, if you go through some sections of the act to see what it really means.

The act itself, I think, as the Solicitor General had put out in terms of the rent increase portion, can be very misleading to the public, where in one year a person could actually face as high as 20 percent in increases in terms of rent. This is all being said in an environment where the government has closed residential tenancy offices. Even if you had complaints, it's now harder for landlords to file complaints at the residential tenancy branch, because offices have been closed.

The serious concerns from this government seem to me not to be addressed by this act. It seems to me that the promised consultation that was supposed to take place didn't take place. In fact, the tenancy groups, the advocacy groups I've spoken with, all said that the Solicitor General had promised them that before the act was introduced, they would get to see the act and would actually have a discussion on this and that there will be further consultation on it. You know what? It can't be further from the truth. None of that had actually materialized.

Does the Residential Tenancy Act meet the test of changes that need to be in place? The answer is simple: no, it doesn't.

I would like to close with this. It seems to me that if you are an investor, if you are a landlord and a landowner, then you have something to celebrate with this act. You're guaranteed an investment in the minimum of 5 percent plus cost of living every year while British Columbians would not be guaranteed an increase in their wages in the same amount every year.

What you'll see is that more and more people will find it more difficult to maintain their housing. I would suspect that more and more housing units may well see their condition deteriorate, with no or little recourse, but yet the rents are still going up. That's the challenge that renters will now face from unscrupulous landlords. That's the act the Liberal government's bringing in to further encourage bad practices by unscrupulous landlords in the rental place.

**Deputy Speaker:** Speaking to Bill 70, second reading, the member for Victoria-Hillside.

**S. Orr:** I want to just do a little bit of a rebuttal first of all. I was not muzzled, as I think it was said. I was waiting my turn to speak because I had some research, which I have now done.

[1600]

Secondly, I'm going to start by saying that everything I've listened to for the last — I don't know how long — hour, hour and a half, whatever.... We have talked about owners and landlords as unscrupulous building owners. I think that was the comment — unscrupulous building owners. I want to first of all say that as the MLA whose riding has probably got the lion's share of the rental housing market.... First of all, I'm going to stand up in support of this bill, and I'll tell you why. Ninety-nine percent of tenant and landlord relationships are good ones. They work well together, and they are not unscrupulous people. They are business people. They're people that in their day have built buildings that have housed the rental market. This act, as far as I'm concerned — and I have read it quite thoroughly — is reasonable. It's balanced, but most of all, it's understandable.

It is long overdue. The reason it's long overdue is this. In my region, in Victoria-Hillside, we have a critical shortage of housing, an absolutely critical shortage of rental units. We desperately need the private sector to come forward and start building again. We haven't seen a major boom in housing building in the rental market since the late 1970s or eighties. This is a huge investment for builders, and we need them. We desperately need the rental market.

What we need in Victoria-Hillside is for the private sector to build and to step up to the plate, because I need housing for the people in my riding who are referred to as the working poor. Personally, I would prefer to call them the working proud. This act will give landlords and potential builders in the housing market the confidence of a stable market, and hopefully, it will encourage them to build again.

The act also offers landlords, finally, the opportunity to revisit their policies on allowing pets. Now, as I

said before, for 99 percent of landlords and tenants, the relationships are good, but some owners were not willing to take pets because of potential damage, and I don't blame them. I am now a renter in Victoria-Hillside. I have a landlord. His business is a very good business, and he's a good landlord. I am renting in an area where there is a lot of lower cost, affordable housing. Now, finally, an owner can make the decision as to whether to take the pets themselves because they can now apply a damage deposit or a pet deposit. This has given them the tools to make that decision.

That is really important. Most pet owners are very reasonable, but as with everything else, you always get a few bad apples in the barrel. You're always going to get some tenants that are not going to be responsible, and having a pet is probably not a good thing for them. But a lot of pet owners are responsible, and a lot of landlords.... As I say, 99 percent of landlords are very reasonable people. They're going to be able to now sit down and negotiate with people and say: "Well, you know...." If they get some person along who has sold their home, like I did, and is renting an apartment, like I have done.... I had to send my cat up to my son in Tofino because I couldn't take it into the apartment, but now I could go to my landlord and say: "Well, this is just a small cat. Can I keep this cat, which is 18 years old? Here's the damage deposit." We would have had some negotiating tools. This is a good thing.

[1605]

The other thing that is very important is what I refer to as the in-and-out inspection. That is basically the start of the tenancy and then the termination of the tenancy. This is going to get rid of a lot of conflict between both the tenant and the landlord. Now they're both going to inspect the premises together, which is what should happen, and they're both going to inspect the premises when they leave. The other good thing, as far as the tenant goes, is that if the landlord does not give back the damage deposit within 15 days, they can double the damage deposit, which protects the tenant. This is also a good thing because this will make people get their damage deposits on time. Most renters need that damage deposit for the next rental they're going to go into, so they can use it for that damage deposit. That part of it is very important. It's a piece where I think, as I say, both tenants and landlords are protected.

When arbitration is necessary, from now on it will be much quicker. It will be dealt with much quicker. We have, I think I heard somebody say, 20,000 arbitrations outstanding. That is an enormous backlog, and this is not good for tenants.

I'm speaking at second reading. I have read it quite thoroughly. I don't have to go through the bill section by section. I think it's a good piece of legislation. I think it's certainly long overdue. I have to reiterate that where I think it's going to have the biggest impact is that finally builders and the private sector are going to say it's now worth building again.

We do have safe, affordable housing in the rental market that is not under either B.C. Housing or government housing. There are many, many good rentals

out there that are owned by the private sector. They do a very good job of servicing their tenants, taking care of their buildings and making sure there is affordable safe housing. Those same people that built those buildings in the seventies and eighties are prepared to build again. We just have to make sure we have some sort of a playing field they can work in.

I will not belabour what I have to say. I just wanted to make sure I made it very clear that I am very much in support of this. As an MLA that deals in social issues, poverty issues and issues pertaining to safe affordable housing, I really, really believe and — I know; I don't believe — I know this is going to enable us to move forward with more housing stock, and it does protect the tenant.

**K. Johnston:** I rise today to talk about the Residential Tenancy Act. First of all, I would like to commend some of the work done by the Solicitor General and others, certainly in terms of the consultation. I've heard today that this consultation on or talking about adjusting this act started about five years ago. I understand also that we had 1,500 submissions on this particular matter.

There was extended consultation between landlord and tenant groups. I think the key they talk about is balance and fairness. I think balance and fairness between tenant and landlord is probably one of the key driving issues of this rewrite.

I would like to just go through a couple of the things I think are really positive in terms of the act. On the item with regard to screening fees, I'm happy that is not going to be allowed anymore. It must have been a horrible thing to go around — it happened to my son, actually — and to have to pay a deposit just for the privilege, if you will, of looking at a unit. I think that was a practice that certainly was not conducive to any kind of fairness in the marketplace. I'm certainly delighted to see that's going to be dealt with.

Across Canada, I guess, there's a range of half a month to one year in terms of security deposits, so I was happy to see the half-month situation maintained.

Rent fairness is being debated a lot today in the House. I think the provisions of setting the annual percentages or a calculation and keeping a limit on it is, in fact, fair. I think it's a good thing.

[1610]

In terms of the joint inspections between tenants and landlords, that is something that certainly should cut down on, as was mentioned before, the 20,000 arbitrations and ensure that maybe there's a little more fairness on that side as well.

The member for Vancouver–Mount Pleasant talked a fair amount about housing stock and housing needs and the pressure on the housing market. I think with balance and fairness coming forward and the ability of people to actually invest in new housing stock, that will be a positive thing. Solutions need to be offered to the pressures of the lack of housing certainly in the Vancouver and Victoria areas. I know when I first came here to Victoria — I was elected, I guess, 16 months ago

— it was quite a challenge to find any kind of rental situation. I know that's existing in Vancouver as well.

I'm very supportive, generally, of most of the initiatives through the act. There's one particular place where I do have a bit of concern, and I guess I might want to phrase it as something like "pet paranoia." I know there's an awful lot of concern out there from a lot of landlords about this perception in my mind of extreme damage and things caused by the ownership of a pet, a companion animal. With respect to one of our members here today who talked about dog bites, saying two dog bites a year end up causing fatalities in British Columbia, I would suggest that human actions cause an awful lot more fatalities in this province than that.

Landlords — this is where we get back to the balancing act — certainly have the right to decide and should have the right to decide in a free market economy whether to allow pets. However, there has been great resistance, from what I can see, to allowing pets and companion animals. We have numbers, and they've been quoted earlier today, of 5 percent of rental units — this is from the SPCA — officially allowing dogs and 9 percent allowing cats. There needs to be an incentive for a landlord to open their mind, if you will, to the possibility of allowing pets and, I think, the positive nature of letting people have pets.

The half-month deposit thing I worked through my head last night. I was trying to figure out if there's a better way of doing this. Would this be an impediment to people, specifically seniors, who maybe couldn't afford half a month? Or would this give incentive to landlords to actually provide more units and make them available for people that own pets? I guess that's the question that's going to be answered through this in terms of the pet deposit. I know I'm not supposed to use the words "pet deposit," but that's what this is becoming known as.

Part of the problem is the vacancy rate. As I spoke about before, I couldn't find any statistics today, but I looked back in CMHC, November 2001 — about a year ago — and Vancouver had a vacancy rate at that point of about 1 percent. According to those figures, Victoria was about half a percent. I know there's a challenge there in terms of people trying to find the accommodations that would take pets, but I guess basically it's a landlord's market.

Just getting back to this perception that this major damage is done, when I talk this issue through with people, what I get back is this picture of this vicious dog ripping the heck out of every single apartment and everybody owning one of these. I just want to say that in the work.... I spoke on this in the spring. One of the things of investigating this is that it's just not the case in my mind and, I don't think, in reality.

Like I say, I was telling a story about when I first came to Victoria. I actually took on an apartment that, frankly, the person ahead of me.... I would rather have had an animal in there. They had to rip out carpets, strip down walls, fumigate and replace all the appli-

ances. I'm sure anybody could tell lots of stories about human tenants as well as on the pet side.

[1615]

I'm supportive of the pet lobby, if you will, or certainly pet organizations for a bunch of reasons. One of them is, in fact, that I've looked at the Ontario situation, and I've looked at the kind of results they've had over the last ten years. The statistics are there. Every single political party supports the initiative. Everybody that has had anything to do with it is positive about it. In fact, I think that having 1 percent complaints on 800,000 complaints a year that have to do with pets is itself evidence that the Ontario experience has worked to date.

There are other initiatives that could have been done, I suppose, to look at pet insurance and pet résumés. These are things where you have to get reference letters for your animals and provide them to the landlord. But I think the thing that drives me most on the pet side is the fact that the health benefits, which have been read out earlier today from one particular study, to our seniors, our children and our population as a whole are tremendous. Scientific evidence is before us regarding the benefits.

A study out of the University of Melbourne in Australia talked about tremendous health savings with regard to pet ownership and companion pets. They talked about the kind of savings in the neighbourhood of \$1.5 billion, because people visit the doctor less. People require fewer pharmaceuticals, and people are generally socially healthier. There is scientific evidence out there regarding promotion of health, beating stress, preventing and overcoming heart disease when one has a pet. Specifically, I look at the senior population, where companionship is a very critical thing. If you're forced to give up your animal because of the situation of where you live, it could have a very large detriment on your lifestyle.

Generally, I am hopeful there will be some way of actually quantifying and looking at whether this increase in pet deposit will have a positive effect and be able to be looked at, maybe after a period of a year or whatever, to see if this will actually incite them to make more rental units available, as I have been told it would from apartment owners.

Overall, on this particular issue I believe that there is tremendous benefit in having responsible pet owners as part of the rental pool, if you will. There are ways to protect the landlord's investment, and there are ways to make pet owners responsible. I hope that when this act is in fact brought forward and enacted in the spring, we could start quantifying and looking at this issue seriously in terms of the pet issue, because I think there's tremendous social benefit.

Certainly, I'm very supportive of the Residential Tenancy Act changes in whole, but I have just voiced my opinion and, I think, the opinion of many Vancouver constituents that I would represent with regard to section 18 and the issue of companion pets.

With that, I thank you very much for the opportunity to say those words.

**I. Chong:** I also rise this afternoon to speak to Bill 70, the Residential Tenancy Act. Like those before me, I'm pleased to offer my support for this legislation.

[1620]

When in opposition I heard from many constituents who had experienced frustration or confusion and sometimes both in dealing with the residential tenancy issues. The previous residential tenancy legislation has been the subject of many complaints from both landlords and tenants. The problems that were presented to me seemed rather obvious, and they always seemed to be an easy way to resolve them, but that never happened. I recall one particular instance when a landlord came to my office and sat down with some concerns he had in dealing with a tenant. We went over his issues, and I advised him of his rights. I showed him and shared with him what he was able to do as a landlord to enforce his rights, and I explained to him the processes and procedures he would need to follow. He left the office rather satisfied, having understood things a little better.

Surprisingly, the very next day another person came into my office, and it happened to be the tenant of the landlord who had come in to see me the day before. As MLAs, we're required to represent all our constituents in an equitable fashion, so I showed him, too, into my office and sat down with him. I heard his concerns, and I shared with him, as well, what his rights were, what the processes were and what procedures he would need to follow. He, too, left my office satisfied.

I was fortunate, because both parties for the same location came to my office, and I was able to see firsthand how the previous legislation did not work. I saw that no matter what, neither side was satisfied with the legislation the way it was. Neither side truly understood it, and both sides, in effect, felt they were being put through a rather arduous regulatory burden that did not need to be there.

With Bill 70, which was introduced yesterday by the Solicitor General, we will see some changes — positive changes. The first is that it puts the act into language that everyone can understand, and that means, hopefully, less requirement for people to come into an MLA's office just to ask for clarification on particular sections. I believe, too, that this new legislation provides protection for both landlords and tenants, because it ensures there is balance.

It reminds everyone that if you act responsibly and if you live up to your obligations, whether you are a landlord or a tenant, your rights will be protected. After all, right in section 5 it says that landlords and tenants may not avoid or contract out of this act. This means everyone must be a part of it, and there are obligations and responsibilities involved. With that, you will have your rights.

In another positive and good step, this bill also restructures the arbitration process, a process that should be fair and balanced but in the past did not serve landlords or tenants particularly well. That is not to say that arbitration and disputes could not be settled, but as

MLAs, we generally hear only from people who are encountering difficulty with legislation or with the regulations. Again, I have to say I heard from both landlords and tenants on that issue. By clarifying each party's rights, this legislation will do much to considerably reduce the number of disputes, resulting in fewer arbitrations and, hopefully, fewer costs to both landlords and tenants.

When you have a landlord or tenant who says they had an arbitration hearing and that it went relatively well — then they received their results, and then within two weeks there was an appeal, and then there was a further arbitration, and then another month would lapse and then another result and then another appeal — you begin to wonder exactly what was going on with a simple enough case, or one that appeared to be simple, that would carry on for six or sometimes eight months. People had long since moved on and actually wanted to get on with their lives, but someone on the other side continually appealed it, because the processes allowed for that without clarity. I don't think it served either party well. I had both landlords and tenants throw up their hands in despair.

[1625]

More importantly, I believe this legislation will begin to renew and rebuild the relationship and the trust that is so important between landlords and tenants. As I stated earlier, I've dealt with both sides, and I know my new colleagues, in their year and a half of being MLAs, have dealt with both landlords and tenants. We will always continue to do that. I did note there was disdain that each had for the other side. That did not need to be the case. Surely, when a home or an apartment or a unit was first rented out, both the landlord and tenant had to sit down and had to come to an understanding. They had to respect each other. They had to have been civil to have signed an agreement and exchanged whatever agreement they made. What happened? What caused such a deterioration when the tenant moved out or when a landlord requested that a tenant move out?

I believe it may have been caused, in part, by the confusion on how to resolve disputes, based on the previous act. As an MLA, many of the disputes I became aware of or involved with usually did concern the security deposit or, shall I say, the return of the security deposit. Landlords complained that the residence was not properly cleaned or that it was damaged. Tenants came to see me and, in fact, countered that the place was in even better condition than when they first rented it and first moved in.

You would think both parties would have gone to great lengths to ensure that a proper, fair and simple inspection would have taken care of all this. You would have thought both the landlord and the tenant would have come to some mutual agreement to say: "Let's make sure we both agree, because we both have something we have access to here, and that's the security deposit." You either, as a landlord, retain it or, as a tenant, wish to procure that back. You would hope a

simple process could have been put in place by both sides. Somehow that just didn't happen.

What this act now does — which I think is, again, an important measure in residential tenancy — is reminds everyone that there is a requirement to adhere to a move-in and a move-out inspection. This should, over time, ensure that appropriate sign-offs are gained, ensuring that there are fewer complaints and fewer arbitrations. This act also affirms the status quo that I think many were leery of. This affirms that the status quo of the security deposit will be maintained at the rate of one-half of one month's rent that is payable under the tenancy agreement.

On the issue of a tenancy agreement — again, another positive step. You would have thought that in the absence of a tenancy agreement, the Residential Tenancy Act would take place. Sometimes, as the saying goes, it goes without saying, but it goes better with saying. Once again, we have an act that does go better with saying or goes better with it being included. Should there not be a tenancy agreement that was duly authorized or signed, this act will in fact cover off some outstanding issues.

I've heard my colleagues before me speak very eloquently on the reasons why they're supporting it. I've also heard some concerns that are raised, which is very good. That's very healthy for debate in this House. I've heard the member of the opposition from Vancouver-Mount Pleasant raise some issues, as well, which I think, quite frankly, are unfounded. To suggest that landlords and tenants could not agree to a date to inspect a location is, I think, suggesting there isn't respect and fairness out there in the residential renting market.

[1630]

Usually when people move in or move out, there's a date set for when they're moving out, and there's usually a time frame in which you have to get out of your place. Usually it's the last day of the month. That's why all the moving vans are all over the place. I think it's pretty clear that if you're going to be moving out, you have to have this in-and-out inspection that takes place. That's the problem. It should have been that obvious, and it wasn't. This act will, again, ensure that.

I know I'm going to hear, as all of us are going to hear, some fearmongering from members of the opposition, but that's to be expected. That's part of their job, but it's really unfortunate to suggest there is not fairness and balance in this act. It's very unfortunate they are not willing to hear that landlords and tenants, for the most part, want to be able to resolve disputes and not go through an arduous process of arbitration. It would be very important for the members of the opposition to also listen to those very good landlords and those very good tenants who are out there. I know from experience they are there. There are those who were not satisfied with the act, so this is a step forward.

I am pleased with Bill 70. It's plain language. It streamlines process. It reduces unnecessary regulation. It brings a fair arbitration process, and so I support this piece of legislation as it fulfils yet another new-era commitment. By modernizing this act in plain lan-

guage so everyone can understand it, we will have a new era for residential tenancy in British Columbia.

**R. Hawes:** I rise today, too, to support this bill. But now, after listening to the member for Vancouver–Mount Pleasant, really, I'm compelled to stand. First, after listening to her fairly lengthy speech earlier, I'm drawn to the fact that it's really sad for someone to live their life seeing conspiracy in everything. That's what strikes me when I listen to this stuff. Everything is a conspiracy. Everybody is plotting against her and the people that she represents, and on and on. Then the selective victimization — it's always going to be the tenant who's victimized. There's nothing on the other side.

She talked a little bit about people who are only a pay-cheque away from being in the streets. In fact, some have lost their jobs and are on the streets now in front of Woodwards. That brings to my mind some stories on the other side, real stories, from my riding — and I'm sure others here have exactly the same stories — of young couples who have perhaps invested in a rental home and have wound up with a tenant who was running a grow operation, and they couldn't get them out. They destroyed the home, and they didn't have insurance to cover the damage. As a result, they not only lost the rental home, but they lost their own home. These are real things that have happened in this province. There are victims out there other than just tenants. There are bad tenants. It's important to put together a bill that has balance.

This bill has balance. When we look at the arbitration process that was in existence and continues in existence today, it is just fraught with time delay, and there are no spurious reasons.... Taking landlords to arbitration is frequently employed to get away from paying rent. I have constituents who have in 18 months of ownership of rental property collected rent for six and for a year fought through the arbitration process with tenants who just didn't want to pay and came to the arbitrator with reason after reason why they shouldn't have to pay and delay after delay. It's very, very difficult for these people, and that's driving investors away from the housing market.

This bill not only makes the process simpler but actually concentrates a lot on mediation. There's a strong message in this bill, and there will be a strong movement towards mediating these kinds of disputes between landlords and tenants before they get to arbitration, which only makes sense. Arbitration is a lengthy, costly procedure the way it sits in this province, and it's really, really unfair often to the people who own property. Sometimes it's unfair to tenants. It can go both ways.

[1635]

The reason we have these kinds of bills is to control the small percentage of disputes, the small percentage of renters who aren't good tenants, the small percentage of landlords who are bad landlords. The vast majority on both sides are fine, and the relationship between them doesn't ever require any kind of mediation, arbitration or anything else. They talk their problems out between them.

The problem has been that the legislation as it exists today evolved in a one-sided fashion and considered only one set of victims in these kinds of disputes. This legislation understands and brings to the forefront the other side. There are often two victims. Landlords are victims too. I listened to that member talk earlier...

Interjection.

**R. Hawes:** ...and I'm listening to the Leader of the Opposition. You know, using her words, after what I heard today, it was just outrageous. It was really outrageous, but it all came clear to me. The whole agenda of that other side came very clear to me as I listened to the speech earlier when she said that home prices have climbed because the government isn't building enough low-rental accommodation and that rent prices are skyrocketing because the government isn't building enough rental accommodation.

You know, the big deal here is that the private sector is really the one, through the reign of that last government for ten years.... They built a few hundred units a year over that ten years. The figure given earlier by the opposition was a million renters. Do you really think a couple of hundred units a year makes a huge dent? The dent comes from private sector investment. Private sector investment is the way you build a rental market and the way you control prices actually.

It might be revealing to the member opposite.... In fact, my colleague from Vancouver–Capilano might sit down with them, as he was a professor of economics at Harvard at one time — just a five-minute speech on economics and supply and demand to these people. Maybe they would start to understand that when you have more demand than you have supply, prices are going to go up, and you are going to have some problems. The government isn't going to be the saviour rolling in here; it's got to be private sector investment.

The previous government drove investors so hard out of this province that we went from first to last over a decade, and they're still talking in this kind of foolish language: "The government should be the one that is building all of the rental accommodation." That's just so, so silly that nobody could accept that. Surely the people who are sitting at home see through that kind of nonsense.

**J. MacPhail:** That's silly.

**R. Hawes:** It is totally silly, and I'm glad you agreed with that. It sounds like the Leader of the Opposition is now agreeing, and when the Leader does get to speak, I'm sure she will get up and repeat what she just said — that what her caucus colleague was saying was silly.

The private sector is the way to build a rental market and rental accommodation in this province, but you know, you can only do that when people are willing to take money out of their pockets and invest. That's something the opposition doesn't understand — the philosophy of investment. Investors in this country

can't be forced by the government to invest in what they don't wish to invest in.

Now, as a former banker I can tell you that even at the bank, when you weigh the request of a client, you look at the risks of the investment they want to make. If the government interferes strongly in a free market economy, the banks get very nervous and begin to withdraw support for the sectors in which people want to invest and soon don't invest in because of government interference. That's been going on for a long time in this province, and it's the kind of recommendations that we heard earlier today from the member for Vancouver–Mount Pleasant.

[1640]

She spoke about a poll, the McIntyre and Mustel poll. Seventy-nine percent want pets, provided they cause no nuisance or damage. I'm really surprised it's only 79 percent. Who wouldn't want that if there's no nuisance or damage? But how do you make sure there's no nuisance or damage? Do you wait until the pet has absolutely ripped the place apart and then try to go after the tenant who perhaps doesn't have any resources, who at that point has bankrupted the landlord? I mean, you can't put that kind of thing together. The bill that she put forward earlier, in the last session of the House — the pet bill, so overly simplistic and so impossible to deal with; silly, silly things like noxious odours, things like that that have no definition and cannot be enforced....

There isn't a simple answer. The simple answer is to find a way to have the investors in real estate voluntarily allow pets, and that's what this bill is trying to do. If it doesn't work, I'm sure that another look could be taken, but I can tell you that by trying to force landlords to do that which they don't wish to do, all we would be doing is forcing them out of the market. Then we would have either one of two choices: allow there to be far fewer rental openings or have the government step in and start building rental accommodation, which of course has always been the NDP way. Then we could start, perhaps, a rental office where we have rental managers hired. Soon we could have a doubling of the civil service, and perhaps we could have the BCGEU and the HEU and everybody else. They would be just celebrating all over the place, but the taxpayers, the people who had to pay for this, would be the only ones who wouldn't be celebrating.

This bill does bring tremendous balance. I'm really proud of the way this has been put together with a great deal of consultation. We heard from both sides: people who want pets and people who don't want pets forced upon them but would consider allowing pets in their rental accommodation if they felt they were financially protected. The big deal for that is that while the majority of pets are fine, there are the few that spoil it for the many. It's not the pets that are the problem; it's the pet owners. When you have an irresponsible pet owner that allows his pet to cause a lot of damage, the person who suffers isn't the tenant; it's the landlord. His friends who might be interested in investing and his family and everyone else pulls their investment out,

and again we're stuck with less rental accommodation. Well, of course that causes prices to go up, something I think that the opposition very clearly misses.

Interjection.

**R. Hawes:** I'm listening over here to what the Leader of the Opposition has to say.

I listened really closely to the problem with a monthly inspection. We have a huge problem in this province with grow operations. They're everywhere. All of us know that. Police forces all over this province are fighting with this. A lot of them are going into rental accommodation, and it's not the fault of the landlord. These things spring up just overnight, and they are big house destroyers. When you can't go in and inspect your investment on a timely basis, it doesn't take long for the mildew and the rot to set in. That's what happens in grow ops. The house is destroyed, and your insurance doesn't pay for it. So this allows a monthly inspection.

Now, the opposition member talks about landlords who are coming in to look at the washing and all kinds of.... The landlords are all a bunch of perverts in her view, and I don't happen to share that view. There are laws in this country that protect people. If the landlord comes in and is doing something that's illegal, there are remedies for that.

You know, I never heard that member say: "What about the landlord coming into inspect, and perhaps the tenant attacks the landlord?" Gosh, there might even be another side to that. The bottom line is that landlords, investors, have a right to inspect their property, especially if they feel that it might be being jeopardized. That's the only way they can protect their investment.

[1645]

The bottom line to me is that I don't see an army of perverts out there in the landlord community. These are, for the most part, hard-working, honest investors who simply want to protect their investment and want to do good things for our economy. These are people who invest. Unlike the opposition, on our side of the House we value investors. We believe that making a profit is actually healthy and reinvesting it in our province is actually a healthy thing to do.

I'm just guessing that the rental market in Alberta is probably a lot healthier than it is here because I'm sure that the millions and millions of dollars that escaped from here during the last ten years parked themselves in Calgary. A lot of those dollars found themselves in rental accommodation in Calgary or Edmonton or Regina or anywhere else but here, because that last government drove all that money out of here with bills and legislation like the previous legislation. We are now going to replace that with a bill that does bring balance and fairness.

We are protecting tenants. We're protecting tenants so they can feel secure and safe in their rental accommodation. At the same time, we are protecting landlords and making sure their investments are protected. We want landlords and property investors to know

that this is the safest place there is in this country to invest their money and that if you put your money into rental accommodation in this province, you will be protected. That's the message that has to go out. Without that message, we're going to have people sleeping in the streets, and we're going to have a shortage of rental accommodation.

After ten years of double costs on things like the Island Highway, fast ferries, Skeena Cellulose, the building in Surrey that they were going to house ICBC in and all of these financial boondoggles that drove our ability to invest in this province into the ground, we got a \$40 billion debt legacy from these people. We are now forced to clean up this mess, so we aren't able to do a lot of the things we would love to be able to do.

But I can tell you we are moving to better days. This bill will help us move to better days because private sector partners will return and help rebuild a rental market in this province that's going to make sure there is good, safe accommodation for those who need it.

I'm really proud of the way that the minister brought this bill forward. I'm really proud of the amount of consultation. I'm proud of the way he brought it to the GCC and allowed all of us to have considerable input. With that, I'll let the Leader of the Opposition stand up and tell us why the government should be the builder in this province rather than private sector.

**Deputy Speaker:** Member for Vancouver-Burrard speaking to Bill 70, second reading.

**L. Mayencourt:** I want to begin by referencing the comments from the member for Vancouver-Mount Pleasant in which she was quoting an article in the local newspaper in my riding, the *WestEnder*. It is a very excellent article. It's about a building that is in my riding, and it's a building that we've had a lot of trouble with. It's a building in which the manager allegedly has behaved inappropriately and made life miserable for a number of tenants in that building.

As this article tells the reader, my office has worked with tenants within that building to ensure they have an opportunity to solve those problems. As is quoted in the article, I'm not allowed to go down there and kick the landlord out of his building, but I can come here and change legislation to protect those tenants. That is precisely what we're doing here today with this bill.

The case of this particular building is very important, because there's clearly been an abuse of the landlord and tenant relationship. It's time for those kinds of problems to be resolved. I believe that this legislation here will address that.

[1650]

I have eight buildings in my riding... I've got probably one of the most densely populated ridings in the province. I think we have about 70,000 residents. Of that, quite a sizable number of those people are renters. I have right now eight buildings that my office is working with on a fairly regular basis for a variety of things. I just want to give an idea of some of the issues that

have come up: ongoing harassment of select tenants, refusal to comply with arbitrator's orders, landlord becoming litigious, lack of repairs, landlord not returning the security deposits, sexual harassment, lack of repairs, refusing to return the security deposit, problems getting repairs done, inappropriate behaviour of the manager, leaky pipes, lack of repairs, eviction of the tenants for renovations that never took place, ongoing problems with lack of repairs.

You know, there are some examples in my riding of landlords that aren't great, and there are examples in my riding of where we can do a better job. I believe that Bill 70 affords us that great opportunity.

Now, I must confess that I have a problem with Bill 70, and it is this. We're all here because of campaign promises that we made. Well, we're here because we believe in serving our communities. In the course of leading up to a campaign, we go out and talk to people. Many of the people in my riding asked me about pets in rentals.

I've always had a pet in my family. Many times as a renter, I've had a dog. I find that if you've got a good, responsible pet owner, they'll usually be a good, responsible tenant. If you've got a bad tenant, they're probably going to be a bad pet owner. One of the issues I have is that I promised my constituency I would do my utmost to make it possible for them to have pets in their rentals.

We've gone through a very, very exhaustive public consultation process with this bill, probably unprecedented, and had over 1,500 submissions from renters and landlords and what have you, and what came back is reflected in this bill. In many ways, it makes it simpler or easier or provides an incentive to landlords to allow people to have pets in their buildings, and that's a good thing. But I have a problem with one word — sorry, two words — and that's "prohibiting pets" under section 18.

I will have to work with the Solicitor General to find a way to resolve that, and I intend to do that. I am here because I really believe in serving my community and meeting the promises that I made to them, and I also want to do what's right for the people of British Columbia. We've gone out and consulted them, and this is the result that they've come back with.

I want to speak in favour of the bill and in particular to section 28, which provides tenants with reasonable privacy and freedom from unreasonable disturbance, and section 29, which restricts a landlord's right to enter the apartment. This particular section allows for a landlord to give 30 days' notice to enter an apartment. It is not my belief that landlords want to go in and do monthly inspections except in buildings or in tenancies where there are ongoing problems. Further to that, they have to have a good reason for it, and it has to be within regular business hours. I think those are good things that allow for a tenant and a landlord to meet both the needs of their responsibilities and their obligations and to observe their rights.

[H. Long in the chair.]

There's one other item on here, section 32, which talks about maintaining the building properly. These three sections really deal with the eight buildings that I have in my riding that are problems. It's this one which is the landlord's responsibility to repair and maintain the building that the tenant has an occupancy in.

[1655]

In this particular building, the one that was first mentioned by the member for Vancouver–Mount Pleasant, clearly they weren't maintaining it properly. There were problems with the pipes bursting. There were problems with the mailboxes being left open all the time. There were a number of issues with this building, and this particular bill deals with that.

The last thing I want to say about this for now, before we go to the committee stage of this, is the issue of enforcement under the act. I guess there are questions I have that I want to address with the Solicitor General in committee stage, and that has to do with what happens if a landlord does something here that they shouldn't do and what happens if a tenant does something under this agreement that they shouldn't do. There must be an enforcement mechanism. I'm not exactly sure how that works, and I'd like to address that with the minister.

With that, I would like to thank you very much, Mr. Speaker, for the great opportunity to come here and speak to this bill. I would also like to let the minister know that there are some sections of this that I intend to canvass him on, on behalf of tenants and tenants' organizations from my community. Thank you very much for this opportunity.

**Deputy Speaker:** The minister closes debate.

**Hon. R. Coleman:** I'm pleased to close debate on second reading of Bill 70. First of all, I think we should take aside some of the rhetoric said this afternoon and remember this: landlords are not all bad, tenants are not all bad, and people are not all bad. In actual fact, in the landlord-tenant relationships in this province there are a lot of good business relationships that take place.

The member for Vancouver–Mount Pleasant made some allegations that I have concerns about, because they should be corrected. One is that a landlord can go in once a month when she's doing her laundry and do an inspection. That's not true. The fact of the matter is that under the present act you can go in and do an inspection, but you have to give notice. In this act, you will have to give notice. There will be a requirement of 24 hours' notice for an inspection, so you can't just arrive at the door and think you're going to have an inspection.

One of the other issues that was brought up with regards to upkeep, demolition and what have you of buildings is, frankly, if we don't allow the industry to get reasonable rents for the product, the product will deteriorate and eventually go to demolition, and we'll just lose more rental product. That just means more people won't have a place to rent and live in. We have to recognize it as we go forward.

I look forward, frankly, to the questions and discussions in committee on the bill. I'm not going to go into the other allegations or comments made this afternoon. Frankly, I think we want to get on with another bill this afternoon, and we'll deal with a lot of the issues members brought up in the committee stage.

Hon. Speaker, I move second reading of Bill 70.

Second reading of Bill 70 approved on the following division:

[1700-1705]

YEAS — 41

Hogg	Halsey-Brandt	Whittred
Hansen	J. Reid	Bruce
van Dongen	Nettleton	Roddick
Lee	Thorpe	Plant
Collins	de Jong	Stephens
Neufeld	Coleman	Chong
Penner	Jarvis	Orr
Belsey	Bell	Mayencourt
Johnston	Bennett	Krueger
McMahon	Les	Bhullar
Bloy	Suffredine	Cobb
K. Stewart	Brice	Sultan
Hamilton	Sahota	Hawas
Manhas		Hunter

NAYS — 2

MacPhail Kwan

#### Point of Order

**L. Mayencourt:** I did not hear my name read in the yeas, and I wish to make sure that I was recorded.

**Deputy Speaker:** It'll be included in the record.

#### Debate Continued

**Hon. C. Hansen:** I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 70, Residential Tenancy Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

**Hon. C. Hansen:** I call second reading of Bill 71.

[1710]

#### MANUFACTURED HOME PARK TENANCY ACT

**Hon. R. Coleman:** I move the bill now be read a second time.

The Manufactured Home Park Tenancy Act was created out of the rewrite of the Residential Tenancy Act. A separate act was created to make it easier for manufactured home owners and park owners to understand their rights and obligations. A separate act also allows for the issues unique to this form of tenancy to be addressed, many of which will be discussed in committee on the bill.

Manufactured home park tenancies truly are unique, because the tenant usually owns their own home. What the tenant is renting is the site or the dirt on which the unit is set. During the rewrite project, we consulted with park owner groups and homeowner groups about their issues and concerns on how the residential tenancy legislation could best accommodate their needs. They told us they felt their issues should be contained in a separate act for better understanding. There are some important differences that reflect the unique nature of these tenancies.

The rent increase provisions for manufactured home park tenancy in this new act are the same as in the new Residential Tenancy Act. However, park owners will be permitted to increase rents on a base amount as set by regulation, and park owners will be allowed to carry that forward as in the other act. Under the existing act, park owners are required to give six months' notice of a rent increase. The new legislation reduces the notice period to three months, which is the same notice period as for conventional apartment tenancies.

Given the difficulty and the cost of moving a manufactured home out of a park, it is vitally important that homeowners be protected from high rent increases. Equally important is to ensure a healthy supply of manufactured home sites for new and existing manufactured home owners to locate their homes.

At this time, I would like everyone to understand, but particularly municipalities, that this is actually an affordable form of housing, a good form of housing. To not allow expansion of manufactured homes in your marketplace is actually detrimental to the affordable housing in your communities. I hope municipalities will look at the manufactured home park standards that were established by industry as far as being able to set down rules that could design parks that are good and livable for seniors and for manufactured home parks and the people that live in them. I think we need to expand this area of housing as part of our affordability.

On the issue of pets, there are some similarities, but there are differences between conventional residential tenancies and manufactured home parks. The biggest one is that the park owner may have the right to allow pets relative to how they will occupy areas on the grounds, but the actual ownership of the home occurs to the homeowner. We're going to work that out as we go through, and we'll not be allowing a pet deposit in the manufactured home parks. We'll work that through regulation so that it's fair to both parties.

The same principle also applies to security deposits. Right now manufactured home parks actually take security deposits like any other residential tenancy.

This act does not require a damage deposit for manufactured home parks. Those that have them will be grandfathered, but for those going in, it will not be required. We feel it is a different form of tenancy and doesn't require that level of security deposit.

However, we will allow, like we did in the Residential Tenancy Act, the ability to have card-key access and that sort of thing, up to \$100 for a deposit, to protect against those types of losses.

[Mr. Speaker in the chair.]

Security deposits being held by park owners under the existing act can be retained until the end of that particular tenancy. If the park owner does not return the security deposit at the end of the tenancy or apply for arbitration, the homeowner will be entitled to double the amount of the deposit.

As neither security deposits nor pet deposits will be permitted, park owners and homeowners will not be required to conduct move-in and move-out inspections. However, moving in and moving out does present some risks, so a bond will be required to be posted when a unit moves in or out of a park so that if damage occurs to sewer lines or power lines or what have you, there will be some protection for both parties.

Bill 71 allows park owners to evict tenants for illegal activities that have caused or are likely to cause damage to the park or affect the safety and well-being of the park owner or other tenants in the park. This is a similar clause to what we have in the Residential Tenancy Act, which goes to illegal activity and grow ops. This is, again, something that's been asked for by all parties involved in this particular aspect of the industry.

[1715]

There are a number of other issues in this act that we will deal with in debate. Many of them were covered in my second reading debate on Bill 70, so I'm not going to continue on with those. We will be working out how the park committees work and how those things can work for both landlord and tenant as we go forward in the tenancy acts. We recognize that not all of the issues of concern to park owners or homeowners have been fully addressed in the new act. We will continue to work with our manufactured home park stakeholder group to ensure that the residential tenancy system serves their needs. A separate Manufactured Home Park Tenancy Act and regulations will be the first step to that process.

I move that the bill be referred to the Committee of the Whole House to be considered at the next sitting of the House after today.

**J. Kwan:** Much of what is in this bill has been addressed in my comments on the Residential Tenancy Act that just received second reading. However, there remain issues that the minister's consultation process was not able to resolve to the satisfaction of those who live in manufactured home parks.

Those who reside in manufactured home parks are a special class of tenant, if you will. They rightfully

deserve their own act. It is unfortunate, however, that rather than recognize the special status of this class of tenants, with concerns and issues particular to the type of home ownership that they choose, the government has taken the easy way out and simply created the problems I have already identified with Bill 70.

In most cases, they own the home in which they live, but they do not own the land the home sits on. In other cases, they may rent the home while the site is rented by the homeowner as well. In the case of renters, they effectively have two landlords. This raises issues of subletting and the appropriate authority in power of the park owner and, as such, increases the potential for conflict between tenant and landlord — conflicts that this bill did little to avoid or solve.

As with Bill 57, Bill 71 upsets the balance of rights and interests between homeowners, tenants and landlords. Again, as we saw in relation to pets in rental accommodation, manufactured home park tenants are facing the same controls despite the fact that they are homeowners who pay local property taxes and must abide by local bylaws, including those affecting the control of pets. This bill fails to accommodate or recognize this fact.

In many cases, they have the ability to form park associations that can devise their own solutions to any number of mutual concerns, including pet ownership. The fact that these committees are discretionary too often means that the rules of the landlord prevail despite the wishes of those who live in the manufactured home park.

What this bill does not recognize and what this government does not want to recognize and fails to recognize is that tenants ought to have the same rights — equal rights to those of landlords. It doesn't have to be one or the other, but the government has consistently failed to address that issue in a fashion that is satisfactory.

The opposition does not support this bill, and the opposition will be voting against this bill on division.

**M. Hunter:** I know there are goblins and hobgoblins about, so I will be brief. I do want to speak on this bill, because like Bill 70, which was on the order paper earlier this afternoon, I think this bill represents a significant forward step in developing a balance of relationships between landlords and tenants.

An important part of this bill is that for the first time home park owners and their tenants do not have to wade through hundreds of pages of acts and regulations to find those parts that apply to them. This is a welcome development to clarify and make easier the definition of the relationship between owners and their tenants.

As the minister said, this is a unique form of tenancy that we are talking about under this bill. This bill sets out clearly the obligations of mobile home park owners and tenants and processes for resolving disputes. I think that's a good and welcome improvement.

[1720]

Many British Columbians have made the decision over a long number of years to invest in a mobile home as their place of residence. Mobile homes represent an

important part of our housing stock but only if there are parks in which they can be located on a more or less permanent basis. I have to express the same concern that I did in my remarks on Bill 70. I'm not convinced that rent increase limitation is an appropriate or effective means of encouraging investment in mobile home parks in B.C. or that it is the best means of protecting tenants' interests. At committee, I will also wish to express some concern about some technical issues that have to do with provisions in the bill about joint applications for arbitration and about the role of park committees. I do support this bill and will pursue the concerns I have identified at committee.

**Mr. Speaker:** On second reading of Bill 71, the Solicitor General closes debate.

**Hon. R. Coleman:** I just want to say a couple of quick remarks as we close debate on this. For ten years the previous government had an opportunity to deal with the pet issue and did not. At least we have gone somewhere to try and see something that may actually bring this thing to the foreground and do something about it.

We are prepared to try something. I think that's the right way to go. We're bringing rent fairness into the system. I think that's the right way to go. You know, the fact of the matter is that on manufactured homes, I really do believe that communities have to recognize that this is a viable form of affordable housing in communities, and we should try and attract more people to do this in communities.

The fact is that we could actually solve some of our seniors housing issues by having affordable units in manufactured home parks. If you do the numbers and run them, you know you can deliver that a lot cheaper than you can a one-bedroom condo for a senior and actually give them a better quality of life. Those are the things we had to look at, and the first step is to have an act where we can work with industry and tenants and communities to try and get to where we need to get with regulation that allows us to do something in manufactured home parks.

I move second reading.

Motion approved on division.

**Hon. R. Coleman:** I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 71, Manufactured Home Park Tenancy Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

**Hon. C. Hansen:** I was going to call second reading on Bill 68.

**Mr. Speaker:** Hon. members, the Lieutenant-Governor is on her way to the precinct, and she will be here momentarily. I would just ask that members re-

main in their seats. We'll ring the division bells when she is in the precinct.

Interjection.

**Mr. Speaker:** All right. Having said that, the Minister of Health Services has the floor.

**Hon. C. Hansen:** I know this will be quite brief. I call second reading on Bill 68.

VITAL STATISTICS  
AMENDMENT ACT, 2002

**Hon. C. Hansen:** I rise on behalf of my colleague the Minister of Health Planning to move that Bill 68 be read a second time now.

This bill makes minor amendments to the Vital Statistics Act and updates this legislation to reflect the current business practices and services of British Columbia's Vital Statistics Agency. It also makes clear our government's commitment to improve the delivery and management of health services and other related services across the province. Bill 68 aims to eliminate obsolete regulatory requirements. This will help streamline government operations and cut red tape for British Columbians accessing public services.

This bill is also another step forward to fulfilling our new-era commitment to cut the regulatory burden of our province by one-third within three years. This bill will remove references to titles and processes that are obsolete and will update legislation to reflect current business practices. Specifically, references to "director" will be changed to "chief executive officer," and references to "district registrar" will be replaced by "vital statistics registrar." These changes will ensure that legislation reflects current titles and the designation of the British Columbia Vital Statistics Agency as a special operating agency.

In addition, these amendments will allow hospitals to report births if the attending doctor or nurse is not available to sign birth notices. This will provide for more efficient and prompt recording of birth registrations and the issuance of birth certificates to newborn children in our province. Although this process existed in the past, it required the practitioner's signature, and these amendments will allow hospital administration to directly report new births to the provincial agency when the signature of the attending physician cannot be obtained in a timely manner.

[1725]

In making this improvement, this legislation recognizes the accuracy and integrity of hospital records while reducing delays. I am pleased to mention that these amendments will improve on the high quality and efficient services the Vital Statistics Agency offers. In fact, we offer the best turnaround times for issuing birth certificates of any province in Canada, usually within 48 hours of receiving the registration documents.

This legislation will build on our successes and modernize our system and our ability to provide high-

quality services to British Columbians. The amendments to the Vital Statistics Act facilitate the electronic collection of vital events data across the province and modernize the historical system of registration districts that was based on geographical boundaries. This bill no longer requires a district registrar to be responsible for receiving and manually recording vital events, as has happened in the past. Registration districts and boundaries that were created in 1913 for the purposes of geographical reporting are no longer necessary.

While regional Vital Statistics Agency offices, local government agent offices and private sector service providers will continue to assist the public with questions and completing forms or other paperwork, this legislation expedites the electronic collection of information. Since the 1980s, advances in technology and data processing have resulted in more efficient registration of vital events in British Columbia. Bill 68 reflects current practices and will no longer require schools to submit names and birthdates of their students.

Today public awareness of the registration process and the need for birth certificates for identification have made this requirement both unnecessary and redundant. Parents and hospitals today promptly record births at the time of birth rather than waiting until students enter the school system. Similarly, to reflect current practices, this bill removes the provision for churches to voluntarily file records of baptisms, marriages and burials. This is a practice that has not been used since the 1950s in this province.

Bill 68 also clarifies and provides more flexibility and alternatives for collecting and transmitting vital events information such as facsimiles and electronic mail. This legislation reflects how our services to British Columbians have improved over the years and reflects our efforts to improve efficiency in the collection and registration of vital events. This bill also ensures greater accuracy in data collection and registration processing and shifts the function from the historical district registrar level directly to the agency. It provides that the chief executive officer remains responsible for examining all documentation and making any corrections, if necessary.

Bill 68 is an important example of our government's commitment to improving the efficiency and accountability of services we provide to the public. In closing, let me say that these minor amendments will assist our government in its goal to improve the delivery and management of health and other related services in British Columbia.

It gives me great pleasure to move second reading.

Motion approved.

**Hon. C. Hansen:** I move that the bill be referred to Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 68, Vital Statistics Amendment Act, 2002, read a second time and referred to a Committee of the Whole

House for consideration at the next sitting of the House after today.

**Mr. Speaker:** Hon. members, we will take a recess for a few minutes, awaiting the arrival of Her Honour the Lieutenant-Governor.

The House recessed from 5:29 p.m. to 5:34 p.m.

[Mr. Speaker in the chair.]

### **Royal Assent to Bills**

Her Honour the Lieutenant-Governor entered the chamber and took her place in the chair.

[1735]

#### **Clerk of the House:**

Business Corporations Act  
Election Statutes Amendment Act, 2002  
Health Authorities Amendment Act, 2002  
Drinking Water Protection Amendment Act, 2002

Miscellaneous Statutes Amendment Act (No. 3), 2002

Workers Compensation Amendment Act (No. 2), 2002

Human Rights Code Amendment Act, 2002

Community Services Interim Authorities Act

Public Sector Employers Amendment Act, 2002

Transportation Investment Act

In Her Majesty's name, Her Honour the Lieutenant-Governor doth assent to these acts.

Her Honour the Lieutenant-Governor retired from the chamber.

[Mr. Speaker in the chair.]

Hon. R. Coleman moved adjournment of the House.

Motion approved.

The House adjourned at 5:36 p.m.