



# Yukon Legislative Assembly

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## HANSARD

Wednesday, November 8, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2017 Fall Sitting

**SPEAKER — Hon. Nils Clarke, MLA, Riverdale North**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North**

### CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

<b>Stacey Hassard</b>	Leader of the Official Opposition Pelly-Nisutlin	<b>Scott Kent</b>	Official Opposition House Leader Copperbelt South
<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Wade Istchenko</b>	Kluane	<b>Geraldine Van Bibber</b>	Porter Creek North

### THIRD PARTY

#### New Democratic Party

<b>Liz Hanson</b>	Leader of the Third Party Whitehorse Centre
<b>Kate White</b>	Third Party House Leader Takhini-Kopper King

### LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
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Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, November 8, 2017 — 1:00 p.m.**

**Speaker:** I will now call the House to order.  
We will proceed at this time with prayers.

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House that Motion No. 195, notice of which was given yesterday by the Member for Copperbelt North, has not been placed on today's Order Paper as the action requested in the motion has been taken.

**DAILY ROUTINE**

**Speaker:** We will proceed at this time with the Order Paper.  
Tributes.

**TRIBUTES**

**In recognition of National Skilled Trades and Technology Week**

**Hon. Ms. McPhee:** I rise today on behalf of our Yukon Liberal government in recognition of National Skilled Trades and Technology Week. In the first week of November each year, Skills Compétences Canada promotes careers in skilled trades and technology.

Last Friday, at the annual apprenticeship awards banquet, I had the privilege of celebrating with 39 tradespeople — most of them quite young — who had earned their journey person certificates. Of those, 32 had received interprovincial standards red seal endorsements, a nationally recognized credential. We recognized apprentices with awards of excellence for scoring 85 percent or better on their exams and presented other awards at that banquet as well.

Year after year, we see Yukoners shine in territorial, national and world skills events. Congratulations to David Lister, who recently competed in mechanical engineering CADD at the WorldSkills in Abu Dhabi and was quite successful. The success of these Yukoners is made possible by volunteers who lead skills clubs, host workshops, chaperone, coach, judge or serve as technical committee members.

Skills Canada Yukon hosts school presentations, hands-on workshops and other activities throughout the year to help inspire youth to consider trades as career opportunities. This week they are hosting hands-on workshops to pique students' curiosity at Eliza Van Bibber School in Pelly Crossing and Tantalus School in Carmacks.

Our government is pleased to partner with Skills Canada Yukon to support Yukoners to pursue trades and technology.

I would like to recognize our other partners as well. The Yukon Women in Trades and Technology hosts the Young Women Exploring Trades career fair and other popular activities. We also partner with Engineers Yukon, which helps

organize the bridge-building competition and robotics challenge annually, and we partner with Yukon College, which offers excellent facilities and skilled instructors.

Trades and technology jobs provide an excellent quality of life and a high standard of living. They are in high demand as workers of skilled trades and technology, and they make our community better. Yukon is fortunate to have supportive employers who invest time and money to train apprentices.

To all the people who promote careers in trades and technology, we thank them for their important work. They certainly work to help make Yukoners' lives better.

I would also take the opportunity to thank Tracy Erman, who is present with us here today. She is the executive director of Skills Canada Yukon.

*Applause*

**Ms. Van Bibber:** I rise in the House today on behalf of the Official Opposition to recognize November 5 to 11 as National Skilled Trades and Technology Week.

One of the age-old questions always asked of students is: What will you do when you grow up? It can be very confusing, especially with the array of possibilities for youth, so this question is sometimes not easily answered.

Every year, Skills Canada holds a week-long event to promote awareness around the many career opportunities in skills, trades and technology. During the week, the Yukon chapter of Skills Canada engages with business and political leaders to help focus media attention on the many activities offered in these fields. This information-packed week is dedicated to providing hands-on learning opportunities and conversations to get our young people interested in trades and technology and perhaps allow them to match their skills to something at which they will excel.

Our youth and those perhaps wishing to gain more trades and skills, or even change career paths, will benefit from hearing stories from the professionals and seeing their potential career paths being discussed in full. Skills Canada Yukon will be offering workshops and presentations in classrooms throughout the week on request. We hope there has been a great uptake on this wonderful opportunity for in-school presentations.

The trades wing at Yukon College is a bustling place as it trains students to become our next generation of tradespeople and this week can provide knowledge and information to those interested.

If you are interested in hearing more about the trades in general or one in particular, it is worth the time to get involved in activities and conversations this week.

*Applause*

**Ms. White:** On behalf of the Yukon NDP caucus, I stand to acknowledge National Skilled Trades and Technology Week 2017.

I remember a day in elementary school when we were visited by a person talking about our futures. We were told that smart kids went to university, kids of average intelligence went to college and everyone else could learn a trade. After

high school graduation, I was pondering what I wanted to do with my life. I went over to a friend's house and, while waiting, spoke to her father. At that time, John Allen owned Mallard Construction. I laid out my choices: Either I could apply to university to do something or go to culinary school. He helped make my decision this way: "Kate," he said, "I have two lawyers and two plumbers. Who do you think makes the most money?" "Obviously, the lawyers," I answered. "You are wrong. It is the plumbers. Go to trade school."

I am happy to share that I am a journeyman baker, Mr. Speaker. My trade opened doors for me, not only in Canada but internationally. I tried to do a quick count of the number of recognized trades in Canada and I can assure you that there are at least 56 of them, from automotive painters to boilermakers, millwrights to welders and legions of trades in between. You often hear the expression: "If you ate today, thank a farmer." Well, I think that can be expanded. If you opened a door, flushed a toilet or drove a car today, thank a tradesperson.

The world as we know it would not exist without tradespeople. Yukon has made leaps and bounds in the arena of skilled trades and technologies since I was young. Organizations like Skills Compétences Canada Yukon and Yukon Women in Trades and Technology have sprouted, grown and expanded. Through their outreach and hands-on approach, they are opening doors for Yukon youth toward exciting careers. Skills Compétences Canada Yukon premiered a promotional video at the territorial skills banquet earlier this year. It is called "Train Today, a Trade Tomorrow" and it had the room cheering. If you get a chance, you should really check it out because it is awesome.

In celebration of National Skilled Trades and Technology Week, Skills Canada Yukon is encouraging all Yukon students to participate in their video contest for a chance to win a \$250 gift card. Yukon Women in Trades and Technology are putting the finishing touches on their Young Women Exploring Trades Conference that runs on November 23 and 24.

This two-day trade extravaganza allows 120 young women from across Yukon to explore trades hands-on in businesses around Whitehorse. This year, I've been told, there are 123 young women registered, with participants from Whitehorse and, for the first time ever, six communities from outside of Whitehorse will also be participating.

For the first time in 2015, they partnered with local businesses and organizations to bring 102 high-school girls to 14 different business and job sites for hands-on, real-world learning. Most of the workshops were instructed by the businesses, which donated their shops, their employees, and their time to deliver their own programming. The business community has been awesome. Allowing young women to actually see the trades at work is an incredible opportunity. Mr. Speaker, all this hard work can come to realization at Yukon College, where they offer classes for seven ticketed trades and a handful of other trades-related courses.

Mr. Speaker, in Canada's future economy, the skilled trades are going to matter more than ever, and it's a good

thing that in Yukon, with the help of Skills Canada Yukon, Yukon Women in Trades and Technology, and of course, Yukon College, we're well on our way to that future.

*Applause*

### In recognition of World Town Planning Day

**Hon. Mr. Streicker:** I rise today to pay tribute to planners and to recognize World Town Planning Day, on behalf of all the members of this Legislature.

Mr. Speaker, several years ago, I was tasked with developing a climate change adaptation plan for the community of Whitehorse. I had the opportunity to sit alongside of the City of Whitehorse planners. These folks were thoughtful, dedicated and caring. By working with the public, they were trying to create a vision for what the city could look like and should look like in the future. It was hard work because Yukoners always have a diversity of views. Watching how hard they strove as public servants encouraged me to enter into municipal politics.

Mr. Speaker, I would just remind this Legislature and the public that October 19, 2018 is municipality elections.

Planners are forward-thinking individuals who work in both the public and private sectors. Planners work in many different fields, including land use and development, municipal and regional planning, urban design, economic development and more. Planners are responsible for the way our city looks and how our streets are laid out. Planners are responsible for creating neighbourhoods with the right mix of family and commercial lots, affordable units, parks, green spaces and more. Planners help make the way we live more vibrant, resilient and just livable — planners rock.

Across Canada, the recognition of World Town Planning Day is fuelling appreciation of the unique challenges and contemporary issues facing urban and rural communities. We know the unique challenges of rural communities very well here in the Yukon. For example, next week, I know there is a big community meeting to look at the Tagish local area plan and they're working at the same time on their habitat protection area for the Six Mile River.

Just one month ago, there was a great announcement from the Carcross-Tagish First Nation, the Ta'an Kwäch'än Council and the Kwanlin Dün First Nation that they're going to work together to plan beautiful Southern Lakes. I'm excited about that, Mr. Speaker.

Soon we will hear from the Supreme Court of Canada on the Peel decision. Here in the Yukon, we're looking forward to restarting the land use planning process in consultation with First Nations, communities and stakeholders. Planning lays the foundation for the economy and the environment, charting our way forward as a society. Planning allows us to shape our communities to be inclusive, safe, vibrant and sustainable.

Today, we are pleased to recognize the creativity, passion and compassion of Yukon's professional planners. I'll take the time to recognize many of the Yukon planning community who are here today.

For now, I would like to ask us to acknowledge Lesley Cabott, a long-time Yukoner who is currently the

president of the Planning Institute of British Columbia, which is the professional association for planners in Yukon and British Columbia.

*Applause*

**Speaker:** Introduction of visitors.

### INTRODUCTION OF VISITORS

**Ms. Hanson:** I would ask the Members of the Legislative Assembly to join me in welcoming to the Legislative Assembly Dave Brekke and Sally Wright, two members of Fair Vote Yukon, who over the years have been consistent in their coming to the Legislative Assembly to bear witness to important issues — in particular, to holding government to account when we make commitments on electoral reform.

*Applause*

**Hon. Mr. Streicker:** As I indicated, I would like to acknowledge some of the many planners who are here today from the Energy, Mines and Resources Land Planning branch. We have Renee Mayes, a constituent of mine, Roy Neilson and — I hope I pronounce this right — Tomoko Hagio. Regrettably, Jim Bell, Manon Moreau and Jerome McIntyre have meetings in the communities today, so are unable to attend.

Also we have: Krysti Horton from Park Planning; from my own Department of Community Services, we have Zoë Morrison; from the City of Whitehorse, we have Mike Gau, Mike Ellis and Mélodie Simard; and from the private sector, we have Barry Waite, Ian Robertson and Lesley Cabott.

*Applause*

**Speaker:** Are there any further introductions of visitors?

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

**Hon. Ms. McPhee:** I rise to give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2) of the *Human Rights Act*, does appoint Marius Curteanu and Roxanne Larouche to the Yukon Human Rights Panel of Adjudicators for a term of three years, effective immediately; and

THAT Michael Riseborough be reappointed to the Yukon Human Rights Panel of Adjudicators for a term of three years.

**Mr. Cathers:** I rise today to give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the memorandum of understanding between the Government of

Yukon and the Salvation Army regarding the new Centre of Hope facility.

I also give notice of the following motion:

THAT this House urges the Liberal government to disclose the full costs of design, printing, and mailing its report to Yukoners, as requested by the Official Opposition multiple times during this Fall Sitting.

**Ms. Hanson:** I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to:

(1) review the findings of the Northwest Territories mineral sector review and benchmarking following the 2014 Canada Northwest Territories devolution transfer agreement;

(2) commission an independent assessment of Yukon's mineral sector; and

(3) develop successor mining legislation in consultation with First Nations, industry and citizens as per the 2003 devolution transfer agreement.

**Speaker:** Are there any further notices of motions?

Is there a statement by a minister?

This then brings us to Question Period.

### QUESTION PERIOD

#### Question re: School curriculum

**Ms. Van Bibber:** In January of this year, the Minister of Education announced they would carry on with the previous government's commitment to develop a Yukon curriculum. In the news release, it was announced that K to 9 would be introduced this year and 10 to 12 next year.

Is the Department of Education on track to meet these milestones?

**Hon. Ms. McPhee:** I thank the member opposite for her question, to which the short answer is yes. The redesigned curriculum has begun being used in K to 9 grades in September, a couple of months ago here in the territory. It is on track at this time to begin in the higher grades in September 2018.

I will also just take a moment to draw attention to the fact that a visual representation of the redesigned curriculum was released yesterday and I hope that the member opposite and all members of this Legislative Assembly have or will soon have a chance to see that. It was worked on by local artists, by local youth groups and by local young artists to make what is a beautiful rendition — a visual representation of the redesigned curriculum — and it will exist in every school very quickly, hopefully in the next few months, so that all students, parents, teachers and administrators can appreciate it and participate in its beauty.

**Ms. Van Bibber:** In that same news release, public open houses were announced to present the curriculum and answer questions. Can the minister tell us how many open houses were held, how many people attended and what feedback about the new curriculum the department received at those public meetings?

**Hon. Ms. McPhee:** I appreciate again the question and the opportunity to speak about the redesigned curriculum here for the territory, the importance of our students and the importance of having our education system reflect Yukoners' points of view, Yukoners' lives, and First Nation ways of knowing and doing here in the territory.

The art piece I have mentioned earlier refers to living in Yukon, thriving in life and that is the key message.

I cannot provide the numbers that the member opposite has requested today, but I certainly will undertake to do that for her. We did receive feedback — just maybe one indicator — that might be helpful, again, with respect to the art project because I'm familiar with those numbers. The artist who shared stories and came up with the primary concept with respect to this art project, once it was undertaken, interviewed hundreds and hundreds of parents, teachers and people in the communities. She mentioned reviewing at least 485 written documents from participants in that process and she travelled with the Department of Education people when they were out working on the curriculum in the communities. So it is a significant number and I will get it for you.

**Ms. Van Bibber:** I thank the member for getting that back to me.

In the Education annual report, it was announced that an education advisory committee was formed in 2016 to advise on the curriculum. Can the minister tell us when the committee last met and where we can find minutes of these meetings? Were there any changes made to the curriculum as a result of the feedback from this committee, and will they be preparing an annual report?

**Hon. Ms. McPhee:** I appreciate the question and for the opportunity to speak about this.

I don't have minutes of a meeting. I will certainly endeavour to answer the specific questions that have been asked by the member opposite, but, with respect to the curriculum redesign, my recollection is that there was a committee of 40 individuals representing all aspects of stakeholders in education. System-wide assessments for numeracy and literacy were determined to be a key factor in the new curriculum, and changes were made as a result of those engagement processes with stakeholders and Education to determine how the BC curriculum — a relatively new curriculum for them — could be made appropriate for Yukon students to be taught in Yukon schools.

The focus and the core competencies are all based on the most recent and the most up-to-date education research, and the BC curriculum has been implemented a year before us, so we are learning as well as the department, educators and administrators from the lessons that they have learned as well.

I will undertake to answer your specific question, but thank you for the opportunity.

#### **Question re: Francophone high school**

**Mr. Kent:** In 2016, the previous government began work with the francophone school community on a functional plan for the new francophone high school. The 2016

Education annual report stated that this plan determined space requirements for the new school.

Can the Minister of Education tell us how many students the new school will accommodate, and how many students are currently enrolled in the francophone high school?

**Hon. Ms. McPhee:** Thank you for the question. I think you are asking how many high-school-aged children would be at the current school — if I understand that correctly. The most recent number that I have is 53.

With respect to the design of the French first language high school, it is still underway. There are still ongoing discussions with respect to that school, so I can't indicate the final numbers of occupancy or how many students that facility would accommodate at this time.

**Mr. Kent:** I'll revisit that Education annual report that the minister tabled because I believe it did say that the functional plan was completed and that space requirements were determined for the new school.

That same annual report also mentioned that a construction delivery method would be established for the new francophone high school here in Whitehorse. Obviously the location has been picked, with regard to the old F.H. Collins site.

Can the minister confirm for us that a design/build method will be employed, similar to what was used for the Whistle Bend continuing care facility and the new F.H. Collins Secondary School? When will this project be tendered? I didn't notice it on the tender forecast on Monday, or the updated tender forecast that appeared last night.

**Hon. Ms. McPhee:** As the member opposite is likely aware, the property where the old F.H. Collins school exists has been recently remediated with respect to environmental concerns that were a result of the old F.H. Collins school at the time. This government is completely committed to the French first language high school and the concept of that process, but we are, at this point, needing to make sure that this is the appropriate land. We have no reason to believe, at this point, that it hasn't been properly remediated, but testing is required.

As a result, the French first language high school is in the final stages of design. There are many details to work out. There may well be some delays with respect to the land issue that I have indicated. The concept is for design/build, but the tender date is, at least at this point, a bit uncertain as a result of the details I have given today.

**Mr. Kent:** It's my understanding that the conceptual design is underway and that the design/build has been chosen, so we're pleased the government is sticking with the design/build commitment, as was the case with the F.H. Collins Secondary School and projects like Whistle Bend continuing care as well.

The functional plan also established a preliminary project schedule and budget. As the minister mentioned and as we know, the schedule has been delayed due to contamination on the site and remediation work that has to be undertaken. The minister told us in the spring, before the delays were known, that this project would be done in late 2019.

Can she tell us what year the new school will be occupied and what the construction budget is for the building, given that the functional plan has been completed?

**Hon. Mr. Mostyn:** I thank the members opposite for their interest in the new French language high school. This is a project that I'm working with my colleague in Education very closely on. We have been working very hard on this project for several months.

There have been some challenges with this project. My colleague has noted the environmental problems that we've inherited on the site and we're dealing with that. We're hoping that the site has been remediated fully, but we're doing some more tests to figure that out, and that is going to have an impact, more than likely, on the actual execution of the school.

The member opposite has mentioned the design/build approach. We actually looked at that design/build approach when we first came into government and found that we were actually committed to that approach by the former government. We were looking at trying to change the way it was done, because we have learned some lessons from the F.H. Collins execution, but unfortunately, Mr. Speaker, we were committed. On the eve of the election, the members opposite signed a contract that we inherited, and we are now working within the constraints of that contract and trying to make the best of the deal that we were dealt.

We're working through this process. There's a lot of work still to do on this file, a lot of issues have cropped up — as my colleague has noted — and we're working through that.

#### **Question re: Hospital bed shortage**

**Ms. White:** When the Hospital Corporation appeared as witnesses in the Assembly this October, we heard that patients were being transferred to the Dawson City or Watson Lake community hospitals due to overcrowding in Whitehorse. We were told that up to four patients per month are being transferred for an average of three-to-six weeks. Last Friday the *Yukon News* reported on a family who has been affected by these transfers. Their 83-year-old husband, father and grandfather has been transferred to Watson Lake from Whitehorse. The family was visiting daily, but now are unable to, and there is no family or friends in Watson Lake to maintain contact. Does the minister believe it is acceptable to transfer a patient hours away from home, family and support networks, which are key elements to recovery?

**Hon. Ms. Frost:** I want to just maybe at this point make note of what I have raised before. Clearly the pressures at the hospital and to our continuing care and alternative care plans are not new. We are working diligently with the Hospital Corporation and with the care providers and working with our communities to ensure that the services are provided to the best of our abilities to ensure that all patients are given the highest care possible and working in collaboration with their physician.

Really, I think the relevance around this is not what I think about it, but it is really about the operation of the hospital being beyond its capacity right now. When the

demand for care exceeds the number of inpatient beds available, we do need to look at alternatives. That is done in collaboration with the health care professionals and the family physician. I understand that at times to accomplish this, transferring patients from the Whitehorse General Hospital to the Dawson City Community Hospital or to the Watson Lake Community Hospital is the most appropriate solution.

**Ms. White:** Nobody questions the medical care received at Yukon's three hospitals, but not having visits from family for over a month because of an administrative decision by the hospital is hard on patients and their family members. It is clear from the article and from statements from hospital representatives that these decisions are being made by the hospital without the consent of the patient or their family. In this particular case, family only learned of the transfer on the day that it was to happen. Patients and families must have an opportunity to participate in care plans and give consent for decisions that are being made. Will the minister direct the Hospital Corporation to require patients' consent before they are transferred?

**Hon. Ms. Frost:** The care of the patients is left with the physician and the health care providers. It is not an administrative decision that is made by the department. We have an agreement, and the agreement is to ensure that the best care is given. At this point, it is clearly not something that I will interfere or intervene in, as long as the patient is given the care that they require. I think bringing it back to the point that we have two community-based hospitals that are at 50-percent capacity, we are pressured to maximize the use of these hospitals — maximize services that are available within our health care continuum.

Right now, we have heard through the Committee of the Whole the report from the Hospital Corporation — the CEO and the chairperson — that we have exceeded that for many years at the Whitehorse General Hospital.

Collectively, we really need to start finding solutions and clearly that means working with the families, working with the communities and ensuring that the patients are happy and healthy where they are. Ultimately, we would like to ensure that home care is given with an expanded scope of care so that patients can remain at home and alternative care is provided in our communities.

**Ms. White:** What we didn't hear in that answer was patient consent prior to transfer.

When the Hospital Corporation decided to expand the emergency department, they were already aware of the bed pressures at the hospital and the number of long-term care patients residing there, yet no plans were made to increase the number of acute care beds available. We keep hearing that everything is being done to provide increased home care to individuals in order for people to age in place. Instead, we are witnessing people who with supports could age in place being transferred even farther from home and family. The hospital had an opportunity to address bed shortages and could have increased the number of acute care beds as part of the emergency department expansion. There is still space in the new expansion that does not have a clear usage plan.

Mr. Speaker, what is this minister doing to address the bed capacity at Whitehorse General Hospital besides transferring patients to Watson Lake or Dawson City and will they consider adding beds in the new unplanned spaces?

**Hon. Ms. Frost:** What are we doing? Like I said, we are working and looking at alternatives for providing services. The specific question that was asked earlier around consent — the consent clearly is required to move patients to ensure that the care is there at an alternative level of care. In most cases and in most circumstances, the patients who are at the hospital occupying the 16 beds have been identified and require alternative care. What we can do with the 16 alternative beds is to try to look outside — look at expanded home care, working with the home care team. The Hospital Corporation has worked quite nicely with the home care team and the commitment is there. I can say that in the last month, the home care team has found opportunities for replacements or alternatives to moving the patients back into their own homes or into alternative care and we are working toward that end.

The request — the client from one of the rural communities where the patient was transferred to one of our rural hospitals — we have offered the family support to visit the patient in Watson Lake.

#### **Question re: Student support services**

**Ms. Van Bibber:** In the spring, I asked the minister about the Department of Education's Student Support Services. She mentioned that it would be reviewed in the fall to ensure it was adequately resourced. The Student Support Services division provides supports such as speech and language pathology, school psychology, physical and occupational therapy and help for the visually impaired or the hearing-impaired. Every student and every child deserves equitable access to education and support by student services is critical to the future of our children.

The Education annual report states 27 percent of Yukon's 413 kindergarten children need classroom support and 30 percent need further investigation and that's just one grade.

Could the minister update us on this review and whether or not Student Support Services has enough resources to properly support all of our students?

**Hon. Ms. McPhee:** I thank the member opposite for the question. She has described very well the purposes and project-oriented work that is done by the Student Support Services in the Department of Education. We continue to work with schools and students and parents to ensure that all Yukon students have the resources they need to be successful at school.

We're committed to working with parents and teachers and other educational partners to ensure that students acquire the skills they need — the question earlier today with respect to the redesigned curriculum is a major piece of that puzzle — so that our students are happy and healthy, focused on lifelong learning, we hope, and are productive in the future.

With respect to the question about kindergarten students and the needs that are the focus of the annual report, the member opposite is correct again. What we know now and

what will be a focus of our government is that early learning is absolutely critical for student success — zero to three it is absolutely critical and, certainly as they become students in kindergarten, the focus must be paid to them very early.

**Ms. Van Bibber:** Regarding the Student Support Services division, I just had some questions on how quickly students can receive support. First, how long does it take a child who is referred to support services to get their assessment and, second, how long does it take a child to get the follow-up services and support they might need?

**Hon. Ms. McPhee:** The answer to the question that has been asked by the member opposite depends on the situation. It depends on the school; it depends on where the student is. Clearly, from my point of view, Student Support Services is tasked with prioritizing the responses that need to be given for individual students. Any students who — because of intellectual, communicative, behavioural, physical or mental exceptionalities — are in need of a special education program are absolutely entitled to receive that program outlined in an individual education plan.

Individual education plans are done as students come to the attention of Student Support Services, and an individual education plan is exactly that. It depends on the teachers and the administrators who are working with that student, the parents, and how those matters come to the attention of the department. Individual education plans, of course, have to change over time and adapt to the students' needs and requirements.

**Ms. Van Bibber:** In the spring, it was reported that the government had reduced the amount of education assistants by around 40. At the time, we asked the minister about this and she said there were 210 EAs. She went on to say — and I quote: "The number of EAs will be adjusted over the summer..." Could the minister update us on what the current number of EAs is this year?

**Hon. Ms. McPhee:** I appreciate the question and again for the opportunity to update this House on things that I have said earlier and adjustments that are made over time to respond to student need.

The education assistants have been reassessed over the summer and, as the school year has started, I don't have a final number for you, but I know that there have been adjustments. I will determine what that number is and return it to this House, but education assistants are assigned as sometimes one-on-one for particular students to meet their needs, sometimes to a classroom or to a group of students, or to a particular subject. Certainly there have been adjustments as youngsters have come into school — especially at the primary, kindergarten and grade 1 grades — when issues are determined and have to be responded to, sometimes with the assistance of an education assistant. Sometimes, as they leave school, the education assistants are adjusted, and that is an ongoing process.

I will undertake to get you the number, as we are in the middle of November, but I can assure you that has happened. The adjustments happened over the summer and certainly —



more importantly — happened once the students came to school in September.

**Question re: Hospital bed shortage**

**Ms. McLeod:** I would just like to follow up with the minister on the bed shortage at the Whitehorse hospital. The minister mentioned that aging in place and home care will be used to address the shortage.

Can the minister tell us how much money is being allocated to home care this year?

**Hon. Ms. Frost:** I am not, at this point, able to give the specific amount of what is allocated for home care this year.

Heading on the point of aging in place, we are committed to working with the public stakeholders and partners around aging in place, which means that each community will be involved in identifying various supports and services to Yukoners' needs. Certainly seniors are a priority for this government and it supports aging in place. It clearly must be a collaborative effort.

We are looking at addressing the broader spectrum of care, whether it be aging in place or hospital bed requirements — the pressures in our wellness facilities. I think we have said this frequently that we would work with rural Yukon to try to provide services very similar to what we're doing in Watson Lake, for example — working with the municipality and Liard First Nation — to address the pressures there — working with Ross River Dena Council, working with all of the communities in the Yukon to clearly address alternatives — looking at utilizing the facility in Dawson City, the McDonald Lodge, as an alternative. We are looking also at partnering with Yukon Housing to address the pressures.

**Ms. McLeod:** Still regarding home care and aging in place, can the minister tell us how many beds will be freed up at the hospital over the next year due to home care?

**Hon. Ms. Frost:** I am not going to venture to say how many. We have 16 beds that we heard were currently occupied and could be defined as needing alternative care elsewhere.

Our goal, my goal, is to ensure that the pressures in the hospital are reduced as much as possible. That means we work with our home care team, that means we work with Health and Social Services, and we work with the Hospital Corporation to find the solutions in our communities. It means we work with the families as well.

Alternatively, oftentimes we find that patients end up in the hospital because they're not able to stay in their home environment and, with some minor adjustments and some energy put into retrofitting their homes to allow them to stay at home, working with a longer term care plan with the patients' families — there's lots of room for improvement. Certainly I acknowledge that. I certainly acknowledge that we have a long way to go, but we've come a long way as well, building a foundation. We've spent a year doing that, we've spent a lot of time working with our partners, and my goal, my hope and my desire is that every person in Yukon is given the care that they need, at home, where they choose to age well.

**Ms. McLeod:** One thing further regarding the provision of home care and aging in place, can the minister provide a breakdown of how much of the home care budget will be used in communities outside of Whitehorse?

**Hon. Ms. Frost:** I'm not going to respond to that question. We will work with our Department of Health and Social Services. We'll work with the communities to ensure that we provide the care necessary, and the department, along with me and our partners, will determine the needs and the responsibilities there.

I am not sure if the member opposite heard the previous response to her question, but really I think it is about the partnerships. She is shaking her head over there. I am sure she doesn't agree with the approach of a broader, community-based collaborative care model, but that is exactly what we are doing. We are building a solid foundation with our partners looking at opportunities to expand our care and working with rural Yukon.

**Speaker:** The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 88

**Clerk:** Motion No. 88, standing in the name of Ms. McLeod.

**Speaker:** It is moved by the Member for Watson Lake: THAT this House urges the Government of Yukon to:

- (1) recognize that Watson Lake is the gateway to Yukon;
- (2) acknowledge that the Watson Lake Visitor Information Centre is at the end of its life cycle, is no longer meeting the needs of the tourism industry, and needs to be replaced; and

(3) continue discussions with the Town of Watson Lake, industry groups, and residents to develop a timeline for the replacement of the Watson Lake Visitor Information Centre.

(3) continue discussions with the Town of Watson Lake, industry groups, and residents to develop a timeline for the replacement of the Watson Lake Visitor Information Centre.

**Ms. McLeod:** It gives me great pleasure to rise today to speak to Motion No. 88. The motion urges the Government of Yukon to do three simple things: (1) recognize that Watson Lake is the gateway to Yukon; (2) acknowledge that the Watson Lake Visitor Information Centre is at the end of its life cycle as it is no longer meeting the needs of the tourism industry and needs to be replaced; and (3) continue discussions with the Town of Watson Lake, industry groups and residents to develop a timeline for the replacement of the Watson Lake Visitor Information Centre.

The first part of the motion, I think, is fairly self-evident. Watson Lake is the territory's gateway. It has always been this way, and much of our tourist traffic travels the Alaska Highway to visit Yukon. Of course, that traffic first passes through and visits Watson Lake.

The visitor information centre has a long history in Watson Lake, and the building itself wasn't always the visitor information centre. In fact, it has an interesting history. It started its life in the 1960s as the liquor store. Upstairs were the living accommodations for the liquor store operator, and when the municipal administration building was built in the 1970s, the liquor store relocated to the new building, along with the library.

The old liquor store became the youth centre, and that is what it was in 1977 when I arrived in Watson Lake.

As a youth centre, the program was called Creative Playgroup and started by Anne-Marie Secerbegovic, Jenny Skelton and Ms. Brown — I can't recall her first name off the top of my head. I'm happy to say that to this day, that program exists in Watson Lake and serves the parents there.

The visitor information centre, for those who don't know, lies within the backdrop of the Sign Post Forest right at the corner of the Alaska Highway and the Robert Campbell Highway. As I say, it has served Watson Lake for many years and the building has been added to over time, particularly around 1980, when the building became the visitor information centre. As a result, it is inefficient and not designed for its current purpose. It's not meeting current and up-to-date building codes and it's essentially at the end of its life.

The previous government had begun informal discussions with the community about the replacement of this facility. As part of this, citizens have been engaged in some preliminary discussions of what the next evolution would look like, how it will fit into the community and what the possible uses could be.

The community appreciated the opportunity to engage at this early stage and requested the department to have further discussions and agreement before hitting the drafting table. Early in this government's mandate, I asked the minister whether or not replacing Watson Lake's visitor information centre was still a priority for this government. The minister advised that she would consult with her department and get back to me. Eventually she did. The minister advised that this was an important feature in the tourism spectrum of services and would keep me posted on how this was going to move forward. I did not receive an answer, but I believe that the minister did write to the Town of Watson Lake to let them know that it was not really a priority for this government, but may still be considered in a five-year capital plan. That news was a bit disappointing to the community of Watson Lake. This is a very important building to the community and, as I stated earlier, Watson Lake is the gateway to the Yukon.

There have been many discussions around making this a flagship type of visitor information centre. By working with the Official Opposition and supporting this motion, the government could be making a statement that it will work with all parties and prioritize the community of Watson Lake.

We've heard the government's slogan "all communities matter". Today, they can show us how. The minister says that tourism is important to Yukon and its economy and certainly this is the case in Watson Lake too. Supporting this project in

Watson Lake would be very important to the local community.

I have to commend Watson Lake's new CAO Cam Lockwood for trying to move forward on some tourism initiatives in Watson Lake. It was important to the last government to work with the town to develop the current visitor information centre site along with the former Watson Lake Hotel site. This would be good for Watson Lake. According to the Yukon government website referring to Watson Lake, it serves as a major service area for tourism. If the government is not prepared to enter into discussions with the Town of Watson Lake for development, this puts the town at a disadvantage and that's a shame.

I think Watson Lake is worthy of encouraging and developing a tourism sector. I'm disappointed in the response we received from government so far on this topic, but I'm hopeful that they do support this motion today and make this a priority.

This motion asks the government to continue discussions with the Town of Watson Lake in order to work collaboratively with the community and develop a suitable timeline for the replacement of the visitor information centre — one that works for everyone, Mr. Speaker.

**Hon. Mr. Pillai:** Mr. Speaker, I rise to speak to Motion No. 88. The Government of Yukon recognizes that Watson Lake is the gateway to the Yukon via the Alaska Highway. It is the first community travellers reach once the Alaska Highway crosses into the Yukon. The regional hub and transportation centre is also the Yukon's third-largest community. What began as a fish camp and a small airstrip at Watson Lake boomed during the construction of the Alaska Highway. Today, the town still bustles with highway activity as thousands of travellers visit Watson Lake on their northern road trips.

I'm very happy to speak to this today and I thank individuals in Watson Lake who were fantastic hosts to myself and my colleagues on a series of visits over the last year, including the Liard First Nation, the mayor and council, or specific business people that we've had an opportunity to meet with. Certainly I always love going to Watson Lake and I've shared that with the Member for Watson Lake before. There are absolutely amazing assets in the community — summer and winter — that all Yukoners should take the opportunity to go and enjoy, whether it be the ski hill or whether it be time at Lucky Lake or time around the Sign Post Forest.

It's a friendly town that's used to greeting visitors with plenty of services and a variety of attractions. One such attraction is the Sign Post Forest. This iconic landmark started when a homesick US soldier working on the construction of the Alaska Highway in 1942 posted a sign in the direction of his hometown. Over the decades, visitors have added their own signs. Today, there are more than 90,000 signs from all over the world. We agree that Watson Lake is the gateway to the Yukon, but it is so much more than that. It is a community

where people live, where people earn a living and where people want to build their future.

That is why the Liberal government has committed to working together with a one-government approach to better understand and address community concerns. Several meetings have been held over the past 11 months between ministers and the town officials, Liard First Nation, residents and non-governmental organizations to discuss these issues. In fact, Ministers Frost, Streicker and Dendys were in Watson Lake meeting with Chief Morgan just days after his election.

### Speaker's statement

**Speaker:** Order, please. The Minister of Energy, Mines and Resources will refer to his colleagues by their portfolios.

**Hon. Mr. Pillai:** The Minister of Health and Social Services and I met again with chief and council, town officials, businesses and residents in August.

The Government of Yukon is committed to supporting a strong and growing economy and tourism sector. The visitor information centre plays an important role in achieving this goal. Yukon's six visitor information centres inform visitors about the wide range of things to do, activities to explore, and places to see within the community and around the territory. Knowledgeable staff play a critical role in engaging visitors, sharing exciting things for them to do and, ultimately, helping them make their experience in Yukon more memorable. This is so important, because we know that visitors who spend more time in a jurisdiction are likely to spend more money in the community. This benefits local businesses and supports increased economic growth for the territory.

We recognize that the Watson Lake Visitor Information Centre — VIC — is an aging facility. Repairs and upgrades to the current facility are complicated by the age of the building. We understand that the Watson Lake mayor and council, the Watson Lake Chamber of Commerce and the Watson Lake Historical Society are supportive of a new VIC. That's why a process to review options has begun.

Following this review, changes to the existing centre or planning for a new Watson Lake Visitor Information Centre will require community consultation. Visitor centres are often considered the heart of the community, sharing local knowledge and attractions with visitors. That's why it's so important that any recommendations from the review have community support. It is also important that any next steps are properly considered and are financially feasible through the commission of a business case. The government looks forward to the results of this review and exploring options with the community.

I can understand why this is an important issue for the community, as well as for the Member for Watson Lake. I'm sure that, over the last mandate of government, the member probably lobbied hard for this. Prior to the member's time in this Legislative Assembly, I know that this was also a hot topic in Mr. Fentie's time, when he was the MLA. This has been something the community has really seen as a priority for the people of Watson Lake.

We know the difference that visitor information centres can make in a community. In 2012-13, the Yukon visitor tracking program identified that 68 percent of summer visitors utilized visitor information centres as a resource during their trip to Yukon, and 93 percent of those visitors rated the quality of information they received as excellent.

We just recently launched the 2017-18 visitor exit survey to collect valuable information, such as visitor characteristics and behaviours, trip characteristics and visitor spending. The first stage of the survey will see interviewers talking to visitors at hotels, including in Watson Lake, and as they depart the Erik Nielsen Whitehorse International Airport this winter. The second stage will expand the project to include interviews with visitors driving out of the territory by road. We look forward to the results of this survey, compiling the research and reporting early in 2019.

We understand that the visitor information centre is a key part of tourism infrastructure in Watson Lake, but a new facility is not a cure-all to increase tourism in a community. We need to work together to create more tourism products and experiences in Watson Lake to keep visitors there longer and spending more money in town. This was part of the conversation we had with the town officials during our meeting in August. We agree that a new visitor information centre can be a jumping-off point for tourism development in the area. In fact, a great example of this is in Carcross, where the visitor information centre is an anchor tenant in the Carcross Commons. We agree that the tourism potential of Watson Lake is significant, but there are other economic and cultural opportunities in the community as well.

The government is committed to exploring all options with the local government, Liard First Nation, industry groups and residents of Watson Lake. That is why the Minister of Tourism and Culture and I have tasked our deputy ministers and colleagues, as needed, to move forward on community engagement, to assist community partners to build on economic opportunities in the Watson Lake area. I am pleased to advise that there is progress and work being done. We are excited by the potential of this work, which will be community-led, with the resources of this government to assist and to build local capacity.

We have had some great opportunities to understand the needs of the community. The interest in taking some of the assets is there — and in sharing the information about those assets so that more Yukoners are aware of it. So I appreciate this coming up as a topic today from the Member for Watson Lake.

The fact that we believe that all of the community coming together to lead this with government resources is why I would like to propose the following amendment to Motion No. 88.

#### *Amendment proposed*

**Hon. Mr. Pillai:** I move:

THAT Motion No. 88 be amended by deleting all words after the phrase "the gateway to Yukon"; and substituting the following for them: "and (2) move forward with discussions

involving the Town of Watson Lake, the Liard First Nation, industry partners and residents to collaborate on addressing aging infrastructure, such as the Watson Lake Visitor Information Centre, and developing services and initiatives that support strengthening the tourism industry and the economy of southeast Yukon”.

**Speaker:** I have had an opportunity to review the proposed amendment with Mr. Clerk and can advise that it is in order. There are a few minor drafting modifications that will be suggested just to make it consistent. Anyway, we will take a run at this.

It has been moved by the Minister of Energy, Mines and Resources:

THAT Motion No. 88 be amended by deleting all words after the phrase “the gateway to Yukon”; and substituting the following for them: “; and (2) move forward with discussions involving the Town of Watson Lake, the Liard First Nation, industry partners and residents to collaborate on addressing aging infrastructure, such as the Watson Lake Visitor Information Centre, and developing services and initiatives that support strengthening the tourism industry and the economy of southeast Yukon”.

**Hon. Mr. Pillai:** Concerning the amendment — I would like to touch on the amendment as it now reads, where this House urges the Government of Yukon to recognize Watson Lake “is” the gateway to the Yukon, and I think we’ve come to that collaborative point here — at least between myself and the Member for Watson Lake — and I certainly agree with that and would never debate that fact. To move forward with the discussions involving the Town of Watson Lake, the Liard First Nation, industry partners, and residents to collaborate on addressing aging infrastructure, such as the Watson Lake Visitors Interpretive Center, and developing services and initiatives that support strengthening the tourism industry and the economy of southeast Yukon — really what we’re getting at is that it’s a big conversation.

In our meetings with members from the municipality — if we go back to my notes from August 30 and just review them today, some of the things that were touched upon were a real focus on the marketing and the economic development, and continuing to work with the Minister of Highways and Public Works on some issues with a focus on tourism. But also understanding that there’s a real opportunity for some micro-retail adjacent to the Sign Post Forest and, as the Member for Watson Lake has touched upon, the old site of the Watson Lake Hotel. I believe that’s now in the hands of the municipality.

Also, just looking at some of the other issues, whether it be the old rodeo grounds — and I’ll let the member who would know that better than I do to speak to that — or Lucky Lake, which are just a number of items that could be used. Also there’s the trail infrastructure that’s there. It’s about taking all those things into consideration, but understanding and respecting the fact that the jumping-off point is very important.

Our government is committed to working with Watson Lake and all Yukon communities to build a sustainable and diverse regional economy. That is shown by the amount of time and respect that we’ve shown to all Yukon communities. All the MLAs here have spent a tremendous amount of time in each and every community and, going into the December season, booking significant time on the road in Yukon, meeting with municipalities, First Nation governments and development corporations to support and move forward a vision to build a sustainable and diverse Yukon.

Our focus is on promoting growth that respects the environment while also providing good jobs for Yukoners. There’s a lot of work that has been done and continues to be done in this region. The Government of Yukon assisted on a number of initiatives, including the hiring process for a local development officer and the development of a local business facade grant program. That’s a fantastic program. I hope, for those who have an opportunity and may be listening, or for the Member for Watson Lake, hopefully supporting businesses in Watson Lake to take that opportunity. It’s a great program of cost-sharing. I’ve seen it done in other smaller communities — truly that sort of face-lift, the pride that’s instilled in that process in a very short period of time can make massive changes in how you market your community and how communities are perceived. I think it’s a fantastic program.

Through the Department of Economic Development, our Regional Economic Development unit has offered to provide a community focus workshop on local economic development to the municipality. The department is also working collaboratively with the Town of Watson Lake to undertake a revitalization project on the Sign Post Forest, and the department is also planning to undertake a Yukon community economic development conference in Watson Lake in 2018. I’m excited about that for a number of reasons.

The Member for Pelly-Nisutlin — this goes back to some of his work when he was in municipal government. It’s taking that concept of trying to improve on sticky dollars and looking at some of the great work that was done specifically in Teslin, sharing that story with other municipalities. So being driven out of Teslin by some ideas there, but just ensuring — there weren’t enough hotel rooms to host everybody there. The member opposite would know; I think there were 18 rooms and we needed more rooms — but ensuring that southeast Yukon gets the economic impact from this conference at a time when it’s in the shoulder season.

So we’re looking forward to that and providing — people spending money on hotel rooms and food and other things, as we talk about how to enhance community economic development.

The Government of Yukon is keenly aware of the importance of the transportation link. That’s why the Government of Yukon has provided \$29,600 to the Watson Lake Chamber of Commerce through the strategic industries fund to examine economic opportunities around the Watson Lake Airport, another initiative we’re proud of here from the Yukon Liberal government. This study is focused on aviation in the community. The study is taking a three-pronged

approach and examines aviation market development, airport property development and the aviation tourism development. This project is wrapping up, so we also look forward to the results of that project.

Also, you will see from the amendment that the original motion, I think, was good. It hit upon the visitors centre and it hit on a number of stakeholders. What we've tried to do as a government is just ensure that upon spending time in any community, and specifically in Watson Lake, that we always have an opportunity to go and meet with the town and the mayor and council, the CAO and also the First Nation, as well as our staff, businesses, people and non-profits or NGOs that are doing the hard work.

I just felt upon review that, for a series of reasons, it would also be important to include Liard First Nation in the consultation, in the work and in the planning on this topic. I know a number of years ago when the previous MLA and at that time the Premier were in closed discussions that I was privy to about working with Liard First Nation in trying to come up with a new plan for the visitors centre, and I thought that theme should carry on.

In the meetings where I review my minutes here from August 30, really looking at tourism and working with the community is key and having the town and the First Nation. It's also about just ensuring that — I know that the members opposite would want me to make sure that I did my consultation, so I did take an opportunity today and had a great conversation with the Chief of Liard First Nation and explained that this motion was tabled today and made sure that if I had tabled an amendment, there would be a comfort level from the First Nation adding them on to this because I wouldn't want to do that without having a discussion with them, but certainly understanding I think that it's really important that, at least from our perspective in government, all of these players, and all of these important individual entities and groups are working together on this strategy — not leaving anybody out.

Some great points made by the chief today. He certainly understands and supports the perspective of his MLA when it comes to the visitors centre, but also takes into consideration maybe even work that was done by the MLA for Watson Lake — I'm not sure, I apologize, I didn't have a chance to review during her period of work at the municipal level. I don't know if it was during that or after, there was also pretty significant work that was done concerning an economic development strategy. I believe that report sits on the Town of Watson Lake website. Taking some of that work that was done into consideration into this work and seeing if it can't be — as the chief said, maybe take a look and revitalize some of that, but also taking into consideration some good things that were done in the past.

Another former member of this Assembly was a prominent business person and former Minister of Energy, Mines and Resources — Mr. Lang — and I think there was some work that was done previously concerning some tourism operations and it certainly turned into sticky dollars. There were lots of great ideas from the chief on this topic and he was

happy to support our adding the Liard First Nation to this amendment.

So I think that we have made it whole — it is a good strategy. I am sure the Member for Watson Lake — I didn't take the opportunity to call and speak with the individuals who were already on this motion. I'm sure that the member did. I just spoke to the ones who we added.

There is a lot going on in Watson Lake and we are all working with all Yukon communities to build a sustainable and diverse regional economy. I will leave it at that, Mr. Speaker, and thank you for giving me the opportunity to speak to this very important motion today from the Member for Watson Lake.

**Ms. Hanson:** I will rise briefly to speak to this amendment. I thank the Member for Watson Lake for bringing the original motion forward and the minister for the amendment.

I would agree that — because I had noted a matter that was missing, and I presumed it was an oversight by the Member for Watson Lake — with the exclusion of the Liard First Nation in any discussion of developing — which I would have thought would have been a much broader focus on a tourism strategy — which would include the reality of a visitor information centre.

The minister made a number of remarks though that I think I just wanted to comment on. The motion as amended, or the amendment that is before us for debate right now, is anodyne in the extreme. It is deliberately so. It is so nice and vague and it is just process. That's great. Eventually you will get somewhere, perhaps, but it doesn't talk about when or how and what you'll be doing as a government to move this forward.

I would remind the minister that when he is speaks about citing Carcross, and what a vibrant place it is now — I can tell you, Mr. Speaker, I have attended many, many conferences in the years leading up to that vibrant presence in that southern gateway to the Yukon, when one of the leading proponents — currently a deputy minister in your government — spoke eloquently time and time again about how you can't have more tourists coming through Carcross than ever touch Dawson City — but they stop for 15 minutes at maximum — until you have some infrastructure there, some social infrastructure. That actually means some basic infrastructure, like water and sewer, so that you can have toilets for tourists to use, let alone a functioning visitor information centre, which didn't actually have a functioning toilet for many years.

It does take investments by governments — and I use the word “governments” deliberately — but it does take a commitment and it does mean that government has to say that, we'll move forward with discussions. So moving forward with discussions really is probably anathema to any citizen. How long do you want us to discuss? How long will we hang here?

I've been travelling the highway to Watson Lake during my career for almost 40 years. The road has changed a lot. Watson Lake — over the years, I've kept saying to myself and to anybody who would listen: “What an amazing place.” From

the old historic airport out there — people knew the history of what has transpired, and the people and the events that occurred there, the multinational environment that existed during the war — if you look at the amazing history of the Liard and the Kaska First Nations in that region.

There's so much, to say nothing about the spectacular scenery and the siting of that town, but it needs some willingness to commit that we're going to get it done. We're going to start it and we're going to finish it, but simply to say "discussions" — that's disappointing.

We're not going to object to this amendment, Mr. Speaker, because at least it's something, but it's kind of disappointing that it's so vague and doesn't show any political will to the citizens of southeast Yukon that we're really serious about getting this done and that we'll do it, even within this mandate — even to have said discussions had to be completed within this mandate.

I got all the oblique references, Mr. Speaker, to the skulduggery and the other things that occurred over the last 15 or 16 years down there. They were not good — on behalf of some of the members past and others who he talked about — but that's not helpful. We're talking about the future. Here's an opportunity for this government to move forward in a positive way and say to the citizens of Watson Lake, who have felt so neglected, that it's time to move forward, and we'll do it, and we'll do it within a certain time frame.

**Ms. McLeod:** I should comment, I guess, on the method of amending motions. I'm sure it was just the other day when the government said, "Gosh, why didn't you just come to talk to us about this? Gosh, we're really down for an amendment." It's just striking me as pretty odd.

Anyway, carrying on — the government has seen fit to embellish the motion. How can you argue with it? It doesn't commit anybody to anything, which is the disappointing part. This is a classic example of maybe the minister not listening to people, not listening to the people of Watson Lake. The people of Watson Lake don't want to see this go on for another five years without having a discussion, and that's exactly what we're going to see happen here.

The minister has made a lot of comments about how many meetings he has had in Watson Lake, who he has met with and all these major discussions he has had, and I wonder if he could table the minutes from any of those meetings. With regard to his comment on the facade program, I wonder what the uptake is on that. The minister thought it was pretty well-received. I certainly have not heard any businesses talk about it, so maybe he could provide us with some information by way of a letter.

As I said, I can read this new motion and I say that we will have to go about this a different way, because the way this is coming forward from this government is that it commits them to nothing. They don't have to do anything. They don't have to be responsible for anything that they have said in that statement.

I just want to disagree with one thing that the Leader of the Third Party said about how neglected and downtrodden

southeast Yukon has been for a number of years. I have to tell you that is not the way people from southeast Yukon think. I just want to be very clear about that. I think that if a person lived there for many years, you might have a different concept of the way people think in southeast Yukon.

I am disappointed that the government has decided to do nothing. I mean, this will go beyond their mandate. It has now become a moot point, I guess. We will certainly support the amendment, for whatever it is worth.

**Speaker:** Is there any further debate on the amendment?

Are you prepared for the question on the amendment?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Ms. Frost:** Agree.

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Hon. Mr. Streicker:** Agree.

**Mr. Hutton:** Agree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Mr. Istchenko:** Disagree.

**Ms. Hanson:** Agree.

**Ms. White:** Agree.

**Clerk:** Mr. Speaker, the results are 15 yeas, one nay.

**Speaker:** The yeas have it. I declare the amendment carried.

*Amendment to Motion No. 88 agreed to*

**Speaker:** Is there any further debate on the main motion as amended?

**Mr. Istchenko:** I just have a short comment. It looks like the Watson Lake Visitor Information Centre will be aging in place.

**Speaker:** Very concise comments.

Is there any further debate on the motion as amended?

**Hon. Mr. Mostyn:** I'm happy to discuss issues important to Watson Lake this afternoon. Members in this House would be hard-pressed to assert that Watson Lake is anything other than a gateway to the Yukon. Road travel has, since the construction of the Alaska Highway, been a vital

link to the south. People would bounce and jostle up the Alaska Highway from BC in those early days and it was an adventure — a very long trip up a remote, rough, gravel road to Canada's fabled Yukon — and their first experience across the BC border would be the beautiful Town of Watson Lake. It was the Gateway to the Yukon then; it remains so today, Mr. Speaker.

I know Watson Lake relatively well — certainly not as well as the member opposite, but Watson Lake does know me. Several years ago, on my way home in my VW van, I blew a clutch, Mr. Speaker. Anyone who knows VW vans knows how rare breakdowns are, but there we were at the Liard River Hot Springs without a clutch. My sons were not very impressed. A number of campers at the site managed to mimic the scene from *Little Miss Sunshine*. We push-started the vehicle and popped it into gear and started up the road.

I was very glad that afternoon to meet Watson Lake, to get to Watson Lake. We gassed up there and faced the problem of how to get it started again. Fortunately, Mr. Speaker, there was a volleyball squad from Australia in town that afternoon. They push-started me, and off I went. We drove all the way to Whitehorse — I'm sure the members opposite will be happy to hear — that evening, and we even missed the red light on the southern edge of Johnson's Crossing bridge, which was under construction at the time. I was very worried we would hit a red light and be stuck again with no Australian volleyballers. Well, we made it through that and here we are today.

Over the years, through many trips up and down the highway in my van, I have spent a lot of time availing myself of the services in Watson Lake, the charming little town just across the border of Yukon, the gateway to the territory.

The issue before us this afternoon, Mr. Speaker, has to do with priorities, really. That is what it comes down to. Initially, the motion before us was focused on the visitor information centre, which is — let's be frank — well beyond its best-before date. It has been this way for years, as my colleague, the Economic Development minister has noted. This facility has been on the list of community refurbishment for years, since the community's halcyon years of Dennis Fentie's Yukon Party government.

This issue, however, was never tackled back then, and it was also on the radar during the member opposite's last mandate; again, unfortunately, no visitor information centre was delivered, despite unprecedented and historically large capital budgets. The member opposite is now bringing this long-standing priority to the Yukon Liberal government, and we're happy to hear it. We have been clear from the very beginning that all communities matter.

My colleagues, the Community Services minister, the Health and Social Services minister, the Economic Development minister and the Tourism and Culture minister have all visited Watson Lake in the past year. We have had meetings down there. It's a community with many needs. The visitor information centre is but one.

We have amended the motion before us to include, for one thing, the Liard First Nation. I'm sure the oversight was

unintended, and we're happy to have repaired that and bring them into this motion as a body that should be talked to and consulted when we actually set the priorities for the community. It's a very important change for our government, Mr. Speaker. Our First Nation partners and First Nation governments in the territory have to be included when we're planning for the communities. They have been omitted from these processes for far too long, so we're glad to have stepped in to help improve the Member for Watson Lake's motion to include the Liard First Nation in the consultation plan.

We have broadened the focus to allow proper planning for capital planning in the community, because we're grappling with a difficult financial situation, as we have heard from the independent Financial Advisory Panel. The previous government spent \$1.50 for every new dollar they collected.

When you do that over one year, it's a problem; when you do it over two, it's a bigger problem; after 10 years, it's a pretty big problem, and that's where we find ourselves today, Mr. Speaker. After 10 years of Yukon Party overspending, we have a problem, and Yukoners have demanded strong financial management —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Member for Watson Lake, on a point of order.

**Ms. McLeod:** I believe the member is speaking to matters other than those up for debate.

**Speaker:** Government House Leader, on the point of order.

**Hon. Ms. McPhee:** My submission is that, no, he's not. It's contextual. He's clearly explaining himself in relation to the motion that's on the floor of this House. He is discussing capital projects and the concept as it relates to this particular motion.

Thank you for your time.

**Speaker:** I am approaching having heard enough — but the Member for Lake Laberge, please.

**Mr. Cathers:** Just by way of reference, that would be Standing Order 19(b) that my colleague, the Member for Watson Lake, was calling the point of order on. As well, I think that the Minister of Highways and Public Works is well off the road, has hit the ditch and gone into the boonies on the other side.

#### Speaker's ruling

**Speaker:** In my view, there is no point of order, in that there is a nexus between the amended motion, which addresses the need to replace aging infrastructure, and, necessarily, that involves budgetary considerations. However, I would urge the Minister of Highways and Public Works to return to the gateway of Yukon as expeditiously as he possibly can.

**Hon. Mr. Mostyn:** As I was saying, we have been grappling with a very difficult financial situation. After 10 years of Yukon Party overspending — spending \$1.50 for

every new dollar they collected — Yukoners have grown tired of that. They want strong financial management and we're providing it. We have done it through the Financial Advisory Panel and other things.

But, to the point of the motion, Mr. Speaker, this changes how we do business in the territory. We can't just go off and spend money without regard for our finances. It's important that we actually start to consider what we're building and how we're building it and what the priorities of the communities are, because money doesn't grow on trees. We can't be continually drawing down our rainy-day fund or the reserves. It has been done in the past. It is not a practical solution. Yukoners don't want that anymore; they want a different approach.

So we're providing that approach. We're actually planning. We have to look at all of the options that a community may require. We can't waste the resources we have. They are few and far between. We need to plan better and make sure that we do things with a little bit more rigour and a little bit more triage. We have to make sure that we hit the high notes — the most important things in the community. The visitor information centre may be one of those things, but there may be other priorities that the community, the business community, the town council, the residents and the Liard First Nation think are important to the community. So we will endeavour to go back and talk with the community, find out what its priorities are, and then proceed from there.

I will say that our team — and I've mentioned our team before — is working very hard to deliver on our commitments, and one of our commitments is to make sure that all communities matter and that we have healthy, sustainable communities, and so those factors, those approaches, will be worked into our consultation and the approaches we take going forward, because the Yukon people have elected a government that shows strong financial management and that does what it says it will do. We have a very strong mandate and a plan going forward and we're going to follow that plan, Mr. Speaker. After consulting with the communities, with our stakeholders and with all manner of people, we will proceed with the priorities that are essential for the communities. All communities matter.

We are working every day to ensure that the foundation we are building in Yukon creates a thriving economy that benefits all Yukoners. We must move forward together, and this requires strong relationships built on trust and respect. These are things that we hold dear. We know that we are working on them all the time to foster. We will be meeting with First Nation leaders. I am meeting with First Nation leaders tomorrow. I know we are meeting with some very soon, and we are meeting with community leaders. All of these relationships will go into this community-building exercise that this Liberal government takes so very seriously.

It is time to go beyond bricks and mortar and to take a people-centred approach to wellness to ensure Yukoners thrive. While bricks and mortar are important and building new buildings is important, we have to make sure that we also invest in services for our communities. With scant, scarce

financial resources, with the hand we have been dealt, we have to be very careful about how we proceed with these things. When we build buildings, we are going to make sure that we actually figure out how much they cost to operate and what the ongoing costs of these structures are. This is something that is new. It is something that hasn't been done very well in the past. We have seen that with several capital projects that are currently under construction in Whitehorse — the health structures that did not have any consideration of the operation and maintenance of the actual staff needed to run those facilities. I won't go into the details, but I think we all know that this has been a problem, and it is a problem that we have to address going forward.

When we talk about working with communities, we have hired 11 mental wellness workers in our Yukon communities. These are important pieces of the puzzle when we are delivering services to communities. It is evidence that, when we are building capital projects, we also have to look at the services we are providing and make sure we balance these services and bricks and mortar capital projects carefully. That is why the motion has to be broader.

We are collaborating with NGOs and community partners to expand and enhance service and program delivery to meet the needs of Yukoners. We will be building more structures, more bricks and mortar facilities for the people of the territory. We will do so in a coordinated, transparent and collaborative fashion. We have to make sure that, when we do these things, the actual economy of the community is enhanced, and that is what we are going to do in Watson Lake.

I will be supporting this motion this afternoon. I think it is important. Watson Lake is an important community to the territory. It is a community that requires some attention. I think that the attention my colleagues have shown in building those relationships has been tremendous over the last eight months, and I commend them for it. I look forward to working with Watson Lake in the future.

**Speaker:** Is there any further debate on the main motion as amended?

Are you prepared for the question?

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** In my opinion, the yeas have it. I declare the motion, as amended, carried.

*Motion No. 88, as amended, agreed to*

#### **Motion No. 184**

**Clerk:** Motion No. 184, standing in the name of Ms. White.

**Speaker:** It is moved by the Member for Takhini-Kopper King:

THAT this House urges the Government of Yukon to respond to the needs expressed by mobile-homeowners through a petition and in response to a Yukon government survey by taking action to end evictions without cause in mobile home parks.



**Ms. White:** I thank my colleagues today for the opportunity to talk about something that is near and dear to me.

I just want to start by saying that in 2012, I debated the *Residential Landlord and Tenant Act* on behalf of the Official Opposition. It was me who spent hours and hours going through what was a very large legislation. I think the only one we've seen comparable was yesterday's *Legal Profession Act, 2017* as far as pages.

It's also important to note that when we were going through this legislation — when I was going through this legislation — in 2012, I didn't catch a glaring mistake. To be perfectly honest, if we looked back to the makeup of the Legislative Assembly in 2012, even had I attempted to propose amendments, which I was — let's just say we didn't make it to those lines before we got the guillotine clause. In 2012, this legislation came out and what I'm talking about today are problems that I see in that legislation.

I feel like everyone has driven through the riding of Takhini-Kopper King, but just to give people a bit more of an idea, I have the Prospector Trailer Park, which is off the Alaska Highway and it is actually divided into two parts — one parcel is separate and one parcel is attached to the pub and the gas station area. There are actually two owners there. I have the Takhini Mobile Home Park, which I think has about 188 units. I am also responsible for the Northland Trailer Park, which has 220 units.

I did not understand the full breadth of what we hadn't captured in the *Residential Landlord and Tenant Act* until I was first contacted by a mobile-homeowner in 2012 to let me know that they had just been given a \$50 per month pad rent increase. Today's motion isn't talking about the pad rent increases. That's a separate issue. I just want to draw attention to the fact that it wasn't until the summer after we passed that legislation that I started to see where the cracks were.

The one fundamental thing that also I think needs to be understood — and what I'm trying to correct at least — is the power and balance between the landlord and the tenants in a mobile home park.

Right now, under the legislation, a mobile-homeowner has the same rights and privileges as someone who rents an apartment or rents a house or rents another dwelling. They're not viewed differently. As you might imagine, there are some differences, one being that a mobile-homeowner owns the asset, so that would be the mobile home, and they rent the pad — they rent the piece of land that they sit on.

I didn't learn about mobile homes and the issues around mobile-homeownership in a vacuum; I actually was very much taken along on this journey by the mobile-homeowners not only in my riding, but the mobile-homeowners in the City of Whitehorse, because the City of Whitehorse is the only one with privately owned parks — although Faro has one, but it's owned by the municipality.

I stand to be corrected, because it gets hazy, but I believe it was in 2012 or 2013 that I circulated a petition and this was based on conversations with an organization that had been created in response to the increases. One thing I think is

important to know is that, especially in the world of increases, what happens is one park will increase the pad rent and the others will follow suit, so it's never done in isolation.

At the time, a mobile-homeowners association was created. They wanted to deal with two issues: that there was a difference between mobile-homeowners and renters; and that they wanted to implement a maximum annual increase for mobile home pad rent. At that point in time, Mr. Speaker, it's important to know that I didn't actually know a single person who owned a mobile home who had ever received an eviction notice.

When this petition was written out with the help of the Mobile Homeowners' Association — just to give the Assembly some perspective, it was actually me who took it around. So not only did I go to every door of every mobile home in my own riding, but I went to those in Copperbelt North and Porter Creek North as well. The reason for that is that the problem wasn't just within my riding; it was within that continuum of housing altogether.

For perspective, it took a couple of months — and not in a bad way, but in a really incredible way. That's when I started to understand that the issue was even bigger than what we were just trying to tackle with that. Mobile home parks are unique in their form of housing, Mr. Speaker. They are one of the most accessible ways to actually enter the home-ownership market. More important than that — and I think we saw that in the survey results — they're not just entry-level homes. These are homes where people are choosing to retire. One of the neat things about mobile homes — I'm sure everyone has been in one — is that they're on one level. It's one floor plan, so you don't have to deal with steps, unless it's to get in, so there are those things.

The other thing I wanted to highlight was the survey. I have to tell you that I am absolutely relieved that there were 262 respondents to the survey, because the previous member of Community Services, when we were almost at the deadline, had said that only 45 people had filled it out. Mr. Speaker, to give you an idea of how important I thought the survey was — although I have highlighted it multiple times that I did not appreciate the language it was written in; it was written in legalese and it was very hard to understand. I thought it was so important that the survey came out because, for me, it had felt like we finally got the government of the day to actually hear that there was an issue.

Then I went to every mobile home park and I left behind flyers with the link to how to get to the mobile home survey.

I would like to, at this point in time, acknowledge the Department of Community Services, especially the Yukon Residential Tenancies Office, which wasn't in place at that point, but they did actually send the survey to every mobile home. That was really important, but again, Mr. Speaker, the survey was not written in plain English and it asked questions like, "What other jurisdiction would you like us to look at?" I would also like to say that mobile-homeowners became really proficient in the language of their rights, and they knew that Nova Scotia was one to look toward.

Now, Mr. Speaker, the reason why some of this background is really important is because I didn't realize what evictions without cause could cause in the mobile-homeowner world. It's important that I say right now that what we saw at the Casa Loma was evictions with cause. That was very clear. There was going to be a revamping of that parcel of land, so those all fit within the parameters of what the legislation says. Right now, Mr. Speaker, the legislation actually allows any Yukon tenant to be evicted without reason, without cause.

So I just want to talk a little bit about the survey. There were 262 respondents and, just going from the summary, the demographics were lower income respondents. Most significant respondents were seniors, but it still had a fairly even spread of responses — 66 percent of the respondents earned less than \$70,000 per year, with 42 percent earning less than \$50,000 per year, and 21 percent refused to answer. Over 75 percent of mobile homes were households of one to two people.

There are some really interesting points. One of the questions was: "Would you be able to move your mobile home to another site if required?" This is really important — 5.34 percent said yes. They said yes, they could move their mobile home. This number is really important — 65.27 percent said no, they could not; 17.94 percent did not know if they could and 11.45 percent said it was not applicable.

"Mobile home" is a bit of a misnomer because we say the word "mobile" like they can be moved. I can tell you that in my very own riding, I have places that used to be travel trailers that have been built around and they are now permanent structures. Those are not movable. I can tell you that often the towing mechanism gets welded off so that it could have a flatter front so it is less dangerous. I can tell you that a lot of mobile homes are no longer mobile.

Another question said: "Do you feel mobile home park owners should be able to terminate a mobile home pad tenancy agreement without cause?" There is that question: "without cause". There was 6.87 percent who said yes, 85.5 percent said no and 7.63 percent did not know. I think that one thing that is important to look at right now is that out of the 262 respondents, 4.2 percent were mobile home park owners, 81.6 percent were mobile-homeowners, 3.8 percent were renting their mobile homes and 10.3 percent were other respondents. I just want to show the discrepancy — the difference between the 4.2 percent who own the parks and the 81.6 percent of people who own the mobile homes in the park.

Also in the survey — and this is an important one because it talks about the mobility of the home. It said: "How old is your home?" The three highest answers here were: between 21 and 30 years old was 20.19 percent; between 31 and 40 years old was 24.41 percent; and between 41 and 50 years old was 21.6 percent. I guess right now I can think about the fact that my duplex was built in 1958, so that would mean that some of these mobile homes would have been the very first homes in some cases out of army construction. Some of them almost predate mine.

There is this other question again: "Do you feel that a mobile home park owner should be able to terminate a mobile home pad tenancy agreement without cause?" This I think is very reflective of those numbers — the 4.2 percent of park owners and the 81.6 percent of mobile-homeowners. This is the answer yes to: "Do you think you should be able to terminate a mobile home pad tenancy agreement without cause?" — 3.76 percent; those who said no — 89.2 percent, and for those who did not know, it was 7.04 percent. Those numbers right there are pretty plain. It says that there is an issue that exists around it.

Mr. Speaker, again, I am a bit sheepish to say that up until yesterday — I spent two hours yesterday looking cross-jurisdictionally at landlord and tenant legislation across the country. I have asked myself since then why it took me until yesterday to take a look at what was happening across Canada, and today you will understand why I am bit sheepish about that.

As far as we can tell — and I had someone else look over the information because I didn't want to come in with guns blazing to say that I was confident — Yukon is the only jurisdiction in Canada that allows tenants to be evicted without cause in mobile home parks. Most jurisdictions, Mr. Speaker, actually forbid evictions without cause for all rental units. I would love to get behind this one more time, because I worked really hard on this in 2012 to try to include that in the legislation, but that is not what the topic is today.

Today I want to start with mobile-homeowners because, to the best of my knowledge, they are the most vulnerable in this situation, and that is for the evictions — especially evictions without cause. I lay out the age and condition and stuff, but for mobile-homeowners to be able to move — the stats from their survey said that over 70 percent of mobile-homeowners couldn't afford the cost of the move.

Mr. Speaker, I worked really closely with the folks at the Casa Loma. As a matter of fact, despite what the media said, it wasn't that they had just come out at the last minute. For more than a year, they worked behind the scenes with the City of Whitehorse. We worked with the Yukon Housing Corporation. We worked with everyone, trying to find a solution to what those homeowners could do. I can tell you that the very base cost — the smallest cost than anyone was ever quoted, and they paid more — was \$10,000.

Three of those units from Casa Loma in Porter Creek were moved to Lobird, which is in the Member for Copperbelt North's riding. That was phenomenal and, to fully credit the owner of the Lobird mobile home park, the owner made lots available. That was really with the incredible support of the City of Whitehorse because, as the owner said at one point in time, he had never seen the process go that quickly. So full credit where credit was due — something was done that had never been done in that timeline. But I want you to know that the quote that cost the least amount of money was \$10,000 and, in the end, it cost a lot more for each of them to move. To give you some perspective, three units from Casa Loma moved from the Casa Loma to Lobird, one moved out of town, and the rest were demolished.

Again, in that case of the Casa Loma, that was a valid eviction. They were given a year's notice and it was because the land was being changed, so that is different — there was cause there.

The one big thing we learned when that was happening was that there was a lack of available pads to rent. At that point in time, I had been contacted by the manager of the Takhini Mobile Home Park to say that they had been contacted by multiple people looking for a place to move a home. Within the City of Whitehorse, there wasn't space until those few spaces were made available. At the time, the minister who was responsible for Community Services when this first started said they could move out of town, possible to Grizzly Valley. Obviously that was not a feasible answer.

We have a majority of mobile-homeowners who just can't move. They physically can't move their houses. The cost is prohibitive, and if they can't move them, where do they go? Allowing evictions without cause creates a massive power imbalance. I'm not saying that if there is justification and there is cause, it shouldn't be allowed to go forward. What I'm saying is that there needs to be a reason and there needs to be a reason that is stated.

Mr. Speaker, I spent a lot of time working with a mobile-homeowner in the Benchmark Trailer Park. She had been given an eviction and she was given a reason, and that reason was that her trailer did not meet the aesthetic that the park was going for. She purchased siding, she purchased roofing materials and she got multiple contractors to come to her property to give her a quote for how to repair it. The issue with that one is that this was in the back of a lot and the embankment behind her house had caved in, and so the back end of her house was covered in dirt. In that slope, there were two power poles and there was one water main. Every contractor said, "Until that is stabilized by the park, we can't touch your house."

I want to give full credit to the woman, Cindy. She took it as far as she could; she took it to court. She did — she took it to court. I was so proud because this is someone who had been told that her biggest investment was done, and the reason that was given was because of the aesthetic. Mr. Speaker, we went to court. I sat there for the duration. When the decision came back — and I invite members to go find it, because I tried and I'm not the best in technology — the judge said, "Even if I rule in your favour because you've done everything and you were trying to fix this, it doesn't matter because, under legislation, you could receive an eviction notice — no matter if you do the repairs or not." That was that. If that doesn't highlight a power imbalance, then I don't know what really does.

If a tenant has a problem with a park owner — for example, under the *Residential Landlord and Tenant Act* — there are provisions now and it's fantastic. There are provisions that say, for example, that a landlord is responsible to make sure that drainage drains away from property.

Mr. Speaker, that might sound like a no-brainer, but I can tell you that, in mobile parks around Whitehorse, there are homeowners who have pallet systems because they get built

into bridges every spring and every thaw because every spring their property floods. It means that their skirting is covered in water; it means that the supports are covered in water; it means that their asset is being damaged by the landlord.

I tell them that we can address this, but part of the problem is: How do you address this in a way that maybe it won't come back on you, because we have evictions without cause? There are examples where I can tell you that there was a conflict with a neighbour, and I would think that a conflict with a neighbour could be resolved, and it resulted in an eviction. How does that even work?

If the landlord doesn't want to deal with the problem, the landlord is just able to evict the person. In the case of two neighbours disagreeing, that should be worked out. I live in a duplex in an area of duplexes. Let me tell you: my neighbour is very close. We have to work things out if there's an issue, but, in that situation, a landlord doesn't have to deal with a problem; they can just evict one of the units. Mr. Speaker, that's just not fair, and that's an example of the power imbalance. That can lead to many problems and it certainly doesn't help conflict resolution in the long run.

Mr. Speaker, ending evictions without cause doesn't mean a landlord can't evict anyone. I really want to talk about that for a second. I'm not saying that, if someone continuously doesn't pay their pad rent, if they are a bad and dangerous neighbour, if they disrespect the property — any legion of reasons, as long as they're justifiable reasons — they can't be evicted. Sometimes people are crappy people, and I don't disagree with that. You can be a crappy tenant; you should then have to deal with the consequences.

If we look across the country, no province allows for evictions without cause, and most of the acts list a series of circumstances where evictions can happen. Keeping in mind that a lot of the jurisdictions, like ours, are covered under the same *Residential Landlord and Tenant Act* — that they don't have separate ones, but Alberta does, and I'll talk about that.

Here, for example, we could say that maybe a family member was going to move a mobile home in, so then you could move someone out for that reason. The mobile home park was changing purposes, or a tenant continues to fail to pay, or a tenant breaks the laws, breaks the rental agreement or disturbs the peace — all these different things.

Saskatchewan lists reasons that go from (a) to (o), and they're each individual — and I'll talk about those, Mr. Speaker. There are plenty of reasons why a landlord can evict, and I totally agree as long as the landlord has a reasonable cause.

Again, I am sheepish that I didn't look across Canada until yesterday, but the fact that we are the only jurisdiction where a landlord can evict with no cause whatsoever is unfair to mobile-homeowners. There's a situation right now that's happening in an area on Vancouver Island called Thetis Lake. The reason I'm going to talk about Thetis Lake — and this is different. It's right in a provincial park. It's a family-run business. It has been, like, 49 years that it has been open and they are done. They want to retire and they have given a blanket eviction notice. I don't disagree. This one's okay.

I'm not saying that this is an example, but on Vancouver Island, if you use Google maps and it's even pretty close, you can see Thetis Lake and you can see a municipality called Langford. Right now, people are probably like: "Why are you talking about these two jurisdictions?" It is because, for the Thetis Lake mobile-homeowners, there is no recourse. There is nothing they can do. They have their one-year eviction notice and they're going to have to go.

The City of Langford might be my mobile home dream right now, because the City of Langford has actually put in a manufactured home park redevelopment policy. Keeping in mind that redevelopment is allowed — that would be allowed and that would be a reason — I'm just going to read two points from this. If anyone wants to take a look, it's called the City of Langford and it's the *Manufactured Home Park Redevelopment Policy*. Point 1(a) says: "That Council recognizes manufactured and modular home parks as an important source and supply of affordable housing in the City of Langford" — and then you go down to 1(d): "That approval of any application for the redevelopment of any manufactured home park site be subject to an comprehensive plan for compensation, to the satisfaction of Council, in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*, wherein payment of a value equivalent to the assessed value of the mobile home are provided to tenants whose manufactured homes cannot be relocated, or where a site for relocation cannot be found".

If we had this act, if we had the *Manufactured Home Park Redevelopment Policy* of the City of Langford — what happened in Casa Loma means that seven homeowners wouldn't have not been homeowners at the end of it. They would have been paid the assessed value of their homes, which would have meant that they wouldn't have just wrecked them and walked away; they would have had a chance.

This is an example, though. You're allowed — absolutely you can say that you don't want to be a mobile park owner anymore and you can to change it to something else. That's cause for eviction. That is cause.

Alberta is really fascinating because Alberta has a tenancy act, but they also have an act called the *Mobile Home Sites Tenancies Act*. This act actually talks about all things mobile home. It talks about termination. There are two forms of termination from a tenant's perspective or from a landlord's perspective. From a landlord's perspective, it says that, in the case of a landlord terminating a tenancy, they have to set out the reasons for which the tenancy is being terminated. There you go; it can only be terminated with cause. It's a big act. I just took out the part that talked about how it needed to be terminated with cause. So that's Alberta.

I was really trying to go across the country in a systematic way, but some sections of the acts were easier to print out and some were easy to cut and paste. I'm just going to put out a plug for the Yukon government website. It's very easy to read. Manitoba is quite challenging and so is Quebec, so, go Yukon legislation.

British Columbia actually has the *Manufactured Home Park Tenancy Act* and it's current as of October 25 of this year. They've just done a couple updates.

In chapter 77, it talks about termination, under "Landlord's notice: cause." "40(1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies: (a) the tenant is repeatedly late paying the rent; (b) there are an unreasonable number of occupants on the manufactured home site; (c) the tenant or a person permitted in the manufactured home park by the tenant has" — so this is if you have guests — "(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the manufactured home park."

It goes on. It lists a great number of things. I probably don't need to read it all into the record, but I would suggest if anyone is interested in the rights of mobile-homeowners, that they could look at British Columbia because in British Columbia, a landlord can't evict a mobile-homeowner without cause. They need cause to do it. There are a whole bunch of reasons. With reasons, as listed in legislation in British Columbia, the mobile-homeowner can be evicted.

I talked about Alberta so that's next in the map. Like I said, Manitoba's legislation is hard to read but they have *The Residential Tenancies Act*. In Manitoba, mobile-homeowners in parks — they're called land leases or mobile home parks — they're protected under *The Residential Tenancies Act*. Termination by a landlord in Manitoba can only happen with cause. For example, if you had a non-sufficient fund cheque for certain deposits, which could be the security deposit, or an increased pay in any way — so non-sufficient funds. They can be terminated for non-payment and then there are terminations for causes other than failure to pay, such as, for example, the tenant contravenes or fails to comply with provisions of the act. They list what you cannot do.

In Manitoba, you just can't be a jerk as a tenant and then you should be okay. With human decency, you should be okay in Manitoba. Some of the things in Manitoba where obviously you wouldn't be very popular with neighbours are if you weren't taking care or repairing damage to your unit, if you were disturbing others, if you were behaving in an unsafe fashion, and if you were doing unlawful activities — and then it goes on to list unlawful activities. In Manitoba, you can't be a drug dealer in your home and not face eviction, so I think that's fair.

We can move across to Ontario. Ontario is blanketed — mobile-homeowners are covered underneath their *Residential Tenancies Act* and it was last updated in 2006. Again, Mr. Deputy Speaker, in Ontario, you can only be evicted with cause. So for example, non-payment of rent, misrepresentation of income — so if I made it sound like I could afford my pad rental but really I can't and it comes out in the wash, there's a reason to evict me — and illegal acts. They list quite a few illegal acts: illegal drugs — possession, production, trafficking — all those things say that you're going to be a terrible mobile-homeowner in my park, so therefore those are my causes; also if you damage the property or if you damage other property.

Your termination for cause can be reasonable enjoyment. If you have a lot of repeated loud parties and you're making it harder for your neighbour to sleep, you're affecting their reasonable enjoyment; also if what you do impairs the safety of others, again if there are too many people. Ontario has a *Residential Tenancies Act*. You cannot be evicted in Ontario without cause.

We can go across to the Maritime provinces. Quebec's legislation was really hard to access, although I am sure members are aware that Quebec has incredibly generous provisions for tenants. In Quebec, you also cannot be evicted without cause, but I did not try to print it out because it was complicated to get to. It is one thing to know too that in Ontario they have a handy-dandy information sheet called "Mobile Home Parks and Land Lease Communities" and it is from the Landlord and Tenant Board. It sets out the rights and responsibilities of both the landlord and the mobile-homeowner within mobile home parks and land lease communities. That is really helpful.

We can go across toward the Maritimes. I am happy to say that some of the Maritime provinces actually follow the same thing. New Brunswick and Newfoundland both have residential tenancy acts. It is challenging, though, because there are provisions that say that if you are evicting a mobile-homeowner — the time extends, but you can be evicted. The landlord must give notice as well as valid reason in order for the tenancy to be terminated. So there you go — evictions only with cause. Some of the reasons for termination include: a family member moving in; major renovation work; building changes to commercial or recreational use. In addition, a landlord can end a periodic tenancy in the event that there are rental arrears, concerns involving conduct, damage to property and safety issues. In both New Brunswick and Newfoundland, they list the reasons. Again, anyone can take a look. It is called the *Residential Tenancies Act* and each province has one.

We move over to Prince Edward Island, and they have what is called the *Landlord and Tenant Act*. That covers both mobile-homeowners and other renters. They have no termination without cause. This is taken from their preamble: "Landlords may only terminate a rental agreement for specific reasons that are laid out in the legislation and cannot terminate simply because a fixed term rental agreement has come to an end." The thing that I would like you to take away from this is: "... may only terminate a rental agreement for specific reasons that are laid out in the legislation..." In addition, it lists the same things: interfering with quiet enjoyment; family member moving in — similar things.

I looked then to the territories. There are three of us. What do they do? I am going to be honest. I only went as far as the Northwest Territories because, at this point, I was about two hours in and I was starting to see — I wasn't having fun on the computer anymore. I also didn't really think that Nunavut would have private mobile home parks, based on their location. I stand to be corrected, but I only looked as far as Northwest Territories.

Northwest Territories has the *Residential Tenancies Act*. This is really fascinating. In the Northwest Territories, you can only terminate for cause, and the cause is limited. The act actually lists it out: "... repeatedly and unreasonably disturbed the landlord's or other tenant's possession or enjoyment of the residential complex." One of the challenges is that the act talks about residential tenancies, but it covers mobile home parks, so you would have to kind of figure out what that meant.

Obviously we're not in the same complex, but if I am repeatedly a jerk, then I would probably be disturbing the peace of others. Damage to a residence or rental complex, non-compliance with an owner or the rental officer to correct a breach of tenancy agreement, the frustration of a tenancy agreement, impairment of the safety of the landlord or others, and repeated failure to pay the full amount of rent on the date specified in a tenancy agreement. I forgot Saskatchewan. I knew I was missing a province, Mr. Deputy Chair — two of them, actually.

Saskatchewan — I tried to cut and paste this to make it easy for myself, but I can tell you it doesn't transfer very well, so I printed out the legislation. Saskatchewan is not as easy to read as Yukon. In Saskatchewan, they have the *The Residential Tenancies Act, 2006*, and the last time it was updated was in 2006. A landlord's notice to end tenancy: non-payment of rent, landlord's cause — they have a bunch of different causes: the tenant does not pay the security deposit within 30 days after the date it is required; the tenant is repeatedly late paying the rent; there are an unreasonable number of occupants in the rental unit; the tenant or person permitted on the residential property the tenant has — again, you can pretty much substitute that with being a jerk — the tenant or person permitted on the residential property has engaged in noxious, offensive or illegal activity. They list all the reasons in Saskatchewan. If you're not a good person on your pad in the mobile home park, then there will be consequences.

The same thing: there has to be notification. They can't just evict you without giving you the ability to correct it. In some of the legislation, when it talked about properties in need of major repairs, it said that once you notified the homeowner of those repairs, you had to give them an acceptable amount of time to rectify the situation.

I feel that it would be reasonable if I was given a year, because let's keep in mind that an entire outer renovation is not going to be done in 90 days, especially if the finances aren't in order. A lot of them talked about how major renovations could take up to a year. If I made no effort and I had no communication with my landlord in that time and I did not say that I was having problems, or I had no interest in doing that, then absolutely an eviction should stand. But if, like the woman at the Benchmark Trailer Park, they had the opportunity to fix what was wrong, then that eviction should be pulled out.

One of the Maritime provinces I didn't talk about — and this is my favourite for mobile homes, because Nova Scotia doesn't have rent control, but they have pad rent control, but

that's not what we're talking about right now. In Nova Scotia, the landlord has to give notice about why. The same thing, if they become unsafe — to be perfectly honest, it's a lot of the same thing, like if you are not behaving respectfully in Nova Scotia in a mobile home park, you can also face eviction. In Nova Scotia, it's actually under the *Residential Tenancies Act*.

What I learned when I went across the country yesterday is that we are alone right now in our ability to evict mobile-homeowners from mobile home parks without cause. Mr. Deputy Speaker, if you're asking yourself why this is relevant today, it's because I'm being contacted — I don't want to say on a really regular basis, but I have been called, and I am assisting people to go through the process at the Residential Tenancies Office, but that doesn't stop the process.

The minister has said before that mobile-homeowners are protected under the act and they can't be evicted in December, January and February — but they can still be forced to move their home, and if that home is unmoveable, what happens then?

We might say it doesn't cost as much as a standard stand-alone house, but if that was my home and I was being told I was going to have to walk away from it because it physically couldn't be moved, then I would be at a loss and that's what happens when people come to see me.

My concern is that, if we look at other jurisdictions across the country — so whether it's a residential tenancies act or whether it's like Alberta and it's a *Mobile Home Sites Tenancies Act*, or British Columbia — what is absolutely clear is that Yukon is the only jurisdiction where you allow mobile-homeowners to be evicted without cause.

I am fascinated to hear what the government has to say. I would like to see an end of evictions without cause. I would like to see a couple of other things fixed in the act, to be perfectly honest, around mobile-homeowners, but I thought what I would do is I would split it up, because I know for some people that the idea of rent control — even if it was only pad rent control — is unpalatable. What I'm talking about today is really, in my mind, easy to understand. A mobile-homeowner should only be evicted if there is cause, and causes can be spelled out. That is important.

Mr. Deputy Speaker, I look forward to hearing what the Minister of Community Services has to say. I'm hoping that the Member for Copperbelt North will weigh in, as will the Member for Porter Creek North. One of the reasons why I am inviting my colleague, who also represent mobile home parks and mobile-homeowners is that I would like to hear what they have to say about it because, in this Chamber, I would suggest that the three of us know more mobile-homeowners than anybody. I'm even going to put the challenge out that I probably know more mobile-homeowners than anyone in the Chamber because I have knocked on every door.

What I would really like to see is an end to evictions without cause for mobile-homeowners. I thank the Assembly for the time and I realize I talked lots about residential tenancies acts and I talked about a lot of other things, but I think it's really important that we acknowledge right now that,

across the country, we are the only jurisdiction that allows the eviction of a mobile-homeowner to happen without cause.

I thank you and I look forward to the debate.

**Hon. Mr. Streicker:** I'm rising to speak to Motion No. 184, but I would like to begin by acknowledging the Member for Takhini-Kopper King. I thank her very much for her diligence and her advocacy around mobile homes. Like her, I spent last night and this morning researching other jurisdictions and trying to do a comparison, and so I'll weigh in on that topic.

I will also acknowledge that the Member for Takhini-Kopper King has met with the Member for Porter Creek North and the Member for Copperbelt North to discuss mobile homes because those three ridings within the City of Whitehorse have mobile homes on them. I appreciate that, while there might be differences of opinion, there is a shared understanding or situation with mobile homes, mobile-homeowners, and mobile home park owners. I will continue to acknowledge that many of the points and concerns raised by the member for Takhini-Kopper King — and hopefully we'll hear from others as well — there are issues out there and it is important to address them.

I believe the member said — well, I'll have to check the Blues afterward just to be sure, but it was about rights and privileges. What I would say is that, within the act, there are differences between mobile homes and sort of a normal rental situation, and some of those were highlighted by the member opposite. It is important to note those differences, and important to understand them or consider them as we think about whether we would change the act and support this motion. So let me read through some of what I prepared and then I will return to addressing directly the member opposite's points.

I would like to begin by giving some background on the unique way mobile home tenancies operate. I know that the Member for Takhini-Kopper King and others are very well-versed on this, but still it's important, as she noted, that, when we stand up in this Legislature, we provide some of this context.

In most mobile home parks, mobile-homeowners do not own the land on which their home sits. As the land is owned by the mobile home park owner, that owner is also responsible to provide specific services and maintenance of the park infrastructure and common areas. By its very nature, the relationship between a mobile-homeowner and their landlord is going to be a long-term relationship. Because of this, it is important that both make ongoing efforts to maintain successful outcomes and prevent problems from arising. These tenancies, like others in the Yukon, are governed by the *Residential Landlord and Tenant Act*, which came into force in January 2016. The member opposite discussed how she has been working on this issue since 2012; however, the act came into force last year.

The legislation was designed to balance the rights of landlords and tenants and to provide a regulatory framework that is clear enough for both landlords and tenants to use and

understand. The legislation also provides specific provisions that recognize the distinction between mobile home tenancies, as I noted, in mobile home parks and more traditional rental situations, such as an apartment or detached house.

As I have stated in this Legislature on several occasions, mobile homes represent a unique place on the housing spectrum, notably as one of the most affordable opportunities for home ownership. I note, along with the Minister responsible for Yukon Housing Corporation, that mobile homes are an important sector of the range of housing in the territory.

Let me just break for a second and acknowledge as well the comments by the Member for Takhini-Kopper King when she talked about there being many seniors who own mobile homes. When I first arrived here in the territory, my mother-in-law lived in one of the member opposite's mobile home parks and I spent quite a bit of time helping my mother-in-law to upkeep her mobile home. I fully acknowledge this situation, and I still am working to try to make sure that her home remains barrier free. The point is well-taken that these are typically one-level dwellings — just with steps up is the one issue.

The legislation spells out the specific rights and responsibilities for both landlords and tenants. Written tenancy agreements, mandatory condition inspections, standard terms and specific fees that are allowed or not allowed are all set out. The *Residential Landlord and Tenant Act* and regulations also brought in Yukon's first minimum rental standards to ensure rental housing in the Yukon is safe and habitable.

The minimum rental standards cover important safety and occupancy issues, including building condition, fire safety, ventilation and pest control. These specific requirements create clear expectations and safety requirements for rental housing in Yukon, including mobile home pads and mobile homes that are rented out by the mobile-homeowner.

In responding to this motion, I would like to point out that the *Residential Landlord and Tenant Act* does include several provisions specific to providing additional protection for mobile-homeowners. I would like to speak a little bit to how these unique provisions operate.

To begin with, the purchase and sale of mobile homes have protections built into the *Residential Landlord and Tenant Act*. Specifically, mobile home park owners are barred from interfering with the sale of a mobile home by its owner or charging any fee associated with this process. This is designed to ensure that mobile-homeowners can sell their property on the market without reasonable interference.

Let me talk now about ending tenancy, which is the main point of the motion that the Member for Takhini-Kopper King has put before us. In Yukon, all landlords may end tenancies with cause. In fact, tenants can end tenancy with cause. Causes include such things as non-payment of rent, multiple violations of the tenancy agreement, or repeatedly interfering with the rights of other tenants or neighbours to the quiet enjoyment of their home.

Both landlords and tenants may also end tenancies without cause. This means that no significant violation of the agreement is required for either party to end the tenancy. Without-cause notice provisions are not new. They were maintained from the previous legislation in order to strike a balance so that the flexibility for tenants and landlords to manage and make decisions about their tenancy and property are met.

I will acknowledge that, in the cross-jurisdictional look, without cause is not — I'm going to come back and clarify that point.

I will say it's not in other jurisdictions, but I will hold a caveat around that. Notice provisions are in place to make sure that tenants are given a longer period of time to find alternative accommodation, as needed. For example, for regular rental situations — meaning not mobile homes — the notice for a without-cause ending of tenancy situation is two months. With respect to mobile homes, mobile home parks are specifically required to provide 12 clear months of notice to end a tenancy without cause and, in addition, these notices cannot take effect during the months of December, January or February. So "without cause" exists both for mobile homes and not for mobile homes, although the situation for mobile homes is a longer notice period, with no ending of tenancy or eviction during the winter months. Both tenants and landlords can end tenancy and there are different ways to do so.

Under the act in the Yukon, there are three ways to end tenancy. First of all, with cause — and the member opposite went over this quite a bit. All I would note to that is that the notice period for with cause can be extended when there is a dispute, and there is a dispute resolution process through the Residential Tenancies Office.

"Without cause" is 12 months' notice required by the landlord, and "change in use" is 18 months' notice required. The Member for Takhini-Kopper King referenced the Casa Loma when that park closed down as being with cause. I think that fell under the old act, and I think it would have been classified as without cause at that time. Under the new act, it would be classified as a change of use. That notice requires 18 months. As the members noted, that isn't what we're trying to address today.

Let me talk a little bit about dispute resolution, because I think that's important for understanding the system that we have in place here. Most disputes received by the Residential Tenancies Office regarding mobile homes involve the mobile home park giving notice to end a mobile home tenancy with cause. These notices are often given by the landlord after an extended period of underpayment, of nonpayment of mobile home pad rent or a significant violation of the tenancy agreement. When issues arise between landlords and tenants that they cannot resolve, the Residential Tenancies Office is empowered to potentially mediate in order to reach an agreement and, if necessary, issue binding decisions to help parties reach a resolution with respect to the mobile home tenancies. If either the landlord or tenant is unwilling to enter settlement discussion, a binding order is issued based on the facts of the case.

Mr. Speaker, since opening in January 2016, the Residential Tenancies Office has handled more than 4,000 inquiries, including those related to the unique tenancy issue of mobile homes. That number is not just for mobile homes, of course; it's for all inquiries they've received, although I did ask the office whether they have had any disputes regarding without-cause end of tenancy for mobile homes, and the answer was no. I'm going to try to have a direct conversation with the member opposite, because she has suggested that there has been quite a few. The office said to me the number is zero.

Without-cause notice — both landlords and tenants may also end tenancies without cause. So both sides may do so for mobile homes and general rental agreements. It is 12 months' notice as I noted. This means that no significant violation of the agreement is required for either party to end the tenancy without cause. Notice provisions are not new, as I stated before, and the notice provisions are in place to make sure that tenants are given a longer period of time to find alternative accommodation, as needed.

With respect to mobile homes, mobile home parks are specifically required to provide 12 clear months of notice and, as I stated, not during the winter months. Many jurisdictions have timelines for this type of notice and it ranges from one to eight months. Yukon's without-cause notice provision for mobile home tenancies of 12 months is one of the longest notice timelines in Canada. I will try to tie that point back when we talk about this comparison of multiple jurisdictions.

The Residential Tenancies Office has had inquiries with respect to without-cause notice for mobile homes — inquiries — they have not had parties file for dispute resolution on this issue. So a without-cause notice to end tenancy for mobile homes has not had dispute resolution.

I will leave the change of use, which is 18 months. I think the member opposite discussed it very plainly. When a park is seeking to end being a mobile home park — she also raised some very valid concerns and are ones I have raised with the City of Whitehorse — if that were to happen, how can and should we respond.

Let's talk about other jurisdictions for a moment. Other provinces and territories in Canada do not have the ability for tenancy to end without cause. They only have with-cause notice; however, the causes listed include many items that would be covered under the Yukon's without-cause end of tenancy. The member opposite, when she discussed the list for each jurisdiction, noted many other provisions under those jurisdictions, which they would consider to be with cause. So there is a difference between the provisions under the Yukon's act about what is listed with cause and what is listed in all of these other jurisdictions with cause.

There are numerous reasons for landlords and mobile home tenancy with cause: significant breach of tenancy agreement; nonpayment of rent; abandonment of mobile home; change of use in mobile home site, which is the 18-months' notice here; safety issues with the mobile home; mobile home fails to meet housing standards; interference with rights of mobile-homeowners; repairs to infrastructure

and land; mobile-homeowners violating city bylaws; and fixed-term tenancy ending — those are all here in the Yukon.

In other jurisdictions, Mr. Deputy Speaker — for example, in Alberta, Northwest Territories, PEI and Quebec — it's that a relative wants to move in. In Alberta, changes to utilities on-site need the site to be vacant. In Alberta again, it's that the boundaries of the site are to be altered or the site is to be eliminated. So if the site is to be eliminated, it is with cause; also change to land use, site to be converted to condominium, tenant has unreasonable amount of occupants, and tenant disturbs everyday enjoyment of other tenants.

The point that I will eventually arrive at is that if you want to remove the without-cause clause of the legislation, what you need to do is go back and consider the with-cause clause.

As the member opposite pointed out to us — for example, she was discussing Saskatchewan having an (a) to (o), which I think is 15 criteria. I am not sure if it was Alberta or Saskatchewan, but one of them was about enjoyment. Some of those issues that may arise are very subjective. In effect, in talking with the department, the point that they raised for me is that the with-cause stipulations in other jurisdictions are effectively the without-cause ones here. The challenge in other jurisdictions, for example with British Columbia under with cause is that it is broader in its scope than ours and, at the same time, the notice is one month. In trying to judge across jurisdictions and understand these differences, it is not so evident to me which is the ideal jurisdiction we should hold up as our best practice.

A key component in preventing issues from arising related to mobile homes is educating the public on how owning a mobile home offers a different story from a condominium or a traditional home, and this assists people in making well-informed decisions before the purchase of a mobile home, and informs parties on their lawful property rights and responsibilities in maintaining mobile home pad rental relationships in other mobile home parks.

Effectively, in other jurisdictions, they have a wider array of issues which can fit under the with-cause section of their legislation. What this means is that the legislation is not just a clause that is without cause or with cause. What I am suggesting is that if we were to just go and remove the without-cause clause, what we would need to do is test the whole of the act and get the balance right. It is a balance of all of these clauses working together and creating a system that is fair to both mobile homes and other types of tenancies — a balance between mobile-homeowners and mobile park owners.

We do not support the approach to remove the without-cause clause for mobile homes using this motion. We are happy to continue to work with mobile-homeowners, mobile park owners, the housing action plan, municipalities and the members opposite to seek fair, equitable and innovative solutions.

On May 30 of this year, I received a letter from the Member for Takhini-Kopper King and the Member for Porter Creek North where they requested a couple of things. They



asked that I examine the Nova Scotia legislation, which has rent control, and I am happy to do that. In fact, we have been working to do cross-jurisdictional work on this and I will share those results with the members when we receive them — or this Legislature.

In that letter, they asked that we remove the end of tenancy without cause. For the reasons that I stated today, while we will continue to work with mobile-homeowners and mobile park owners, where we are unable to support the motion as it stands is: If we were going to remove the without-cause sections for mobile homes, we would need to expand the with-cause sections as other jurisdictions have done and as the Member for Takhini-Kopper King has noted. We would need to see how this balances out with other rental situations.

Again, I wish to thank the Member for Takhini-Kopper King for her thoughtful words. I look forward to hearing from the Member for Porter Creek North and to learn if the members of the Official Opposition are in favour of removing without-cause clauses and rent control.

**Ms. Van Bibber:** I rise today to speak on Motion No. 184, presented by the Member for Takhini-Kopper King.

As has been stated in both presentations today, mobile homes are seen as an entry level and are a reasonable way to enter the housing market, especially since the price of homes has become out of reach for many, many people. For some new families or couples, single people and — as we have heard the stats — seniors, an owned mobile home provides a safe place, a roof and a place to call your own.

Some buy a mobile home as an investment and a way to enter the rental market and provide space for others, but no matter the circumstances, there are expenses and consequences. Just as when you rent or own a piece of property anywhere, there is property tax, electricity and, of course, in the case of mobile home parks, pad rent.

The concern raised by the Member for Takhini-Kopper King is that there is no protection for owners or renters from both rent increases, which we're not speaking about today, or eviction without cause. The mobile-homeowner has to be given three months' notice of a rent increase; however, there is no cap on that increase. It's reasonable to say that there are going to be financial burdens.

Today, the suggestion is that legislation be brought in specifically for mobile-homeowners who reside in parks to include an eviction without-cause clause. It must be said into the equation that mobile park owners also have concerns and have to be listened to as well. This is a business transaction that has occurred and perhaps there needs to be more knowledge and education around this transaction. When a person buys a home in a mobile park, they understand they are paid pad rent for the land. However, there is no guarantee that the land will always be there to rent. As I understand, park owners have obligations to ensure the roads are well-maintained, drainage is taken care of and the care of the infrastructure leading to the mobile home is sound.

In a perfect world, the two — park owners and mobile-homeowners — would live happily ever after. But there are

also good and bad owners on both sides of the equation and, people being people, there are always going to be differences.

There is a fear that this legislation — if we put it in place and cap a free market — will cause a reaction by park owners to close and use their land for other purposes, such as we saw at the Casa Loma. This would leave an enormous amount of mobile-homeowners with a different, but huge problem — where to go? Their asset has become a huge liability.

Many mobile homes have aged to a point that they simply are not up to code or they are unable to be moved. This is unfortunate, and we have seen it happen again in recent years.

I want to mention the importance of education around these transactions of buying a mobile home in a park. I would like to see more information about possible scenarios being provided to new owners upon buying mobile homes. They should be aware of the potential issues that may arise for them, just as with condo owners. They should also be aware of the issue in the history of their homes or whether or not, in a worst-case scenario, they would be able to relocate their investment.

As the Member for Takhini-Kopper King has stated, various regions across the country have legislation in place to tackle the problems she has stated with eviction without cause. I have several mobile home parks, as has been mentioned, in the riding of Porter Creek North and I am aware of many of the situations that have been brought forward. There are arguments to be heard and considered on both sides, from mobile home renters and the park owners, and to please everyone in this situation is definitely challenging.

Eviction with cause is fairly straightforward. If you don't pay your rent, you're involved in illegal acts, you've created a situation that could harm other tenants or, as the member said, you're just a plain bad person, you can be evicted.

Eviction without cause is not so black and white. The park owner doesn't need to state a reason. It could escalate into a very bad and difficult situation. As previously mentioned, there are situations where a park owner just wants to convert the land and use it for something else. Due to our need to keep people housed, let's continue to work toward a compromise and do as much as we can to ensure people are protected.

I would like to convey our support for this motion, as brought forward by the Member for Takhini-Kopper King, and I would like to do so under the assumption that this government will take a balanced approach when working on the situations involving mobile homes.

I would also like to see all issues resolved easily, as that is my nature, but there's probably no easy remedy. I agree that there should be some action taken in situations that result in eviction without cause, but to also be wary about lumping everyone into the same category, needing that list of causes, as situations vary greatly and should be considered separately.

So thank you to the Member for Takhini-Kopper King for bringing this motion for us to discuss and debate today. We will be supporting it.

**Speaker:** Is there any further debate on the motion?

If the member now speaks, she will close debate.  
Does any other member wish to be heard?

**Ms. White:** Thank you, Mr. Speaker. I would like to thank my colleague from Porter Creek North. The people who were in this Chamber in previous years would understand that having the Yukon Party agree with me on mobile-homeowners — it took me four years to get them to admit that it was a different continuum of housing than merely renting an apartment. So to have that endorsement today I feel like I am making leaps and bounds, and I will take that as a partial win.

There are some things I just really want to clarify. I have participated in the dispute resolution process through the tenancies office. I have helped tenants go through that. That process is done via telephone; it's not face-to-face and it's not in a moderated situation at the same table; it's via telephone.

Mr. Speaker, I can tell you, as a person who doesn't talk on the phone, that will never be my primary form of communication. If I was dealing with an eviction or with a problem with my landlord, to have to do it through a telephone would be problematic for me.

I don't disagree with the change in use. I acknowledge the Minister of Community Services that the Casa Loma was a change in use. That was fine. It's also important to note that, although this legislation, originally the *Residential Landlord and Tenant Act*, passed in 2012, it took four years before it was enacted, so it was four more years under the previous legislation that did not have any securities or guarantees, including rental standards.

Four years is too long for the current government — I'm just going to flag that. If we pass legislation in this Chamber and it takes four years for it to come into force, then we will talk about it as it happens.

I understand the challenges the Minister of Community Services highlighted and, ideally, in all the discussions I have ever had about mobile-homeowners, they require separate — much more separate than what is in the legislation right now. Maybe the minister is not aware, but there have been eviction notices for 14 days within mobile home parks. There have been things that don't match the legislation or the laws.

I can also say that I have brought forward tenancy agreements that have been required to be signed within mobile home parks that, after the minister's very own department looked at them, clauses were recognized as not being lawful, but that office didn't have the ability to tell the park, to reach out to the park to say these don't meet the law.

Mobile-homeowners signing those tenancy agreements — if they didn't come to me and say, I don't think this is right — they don't know that there are clauses in there that can't be enforced, because according to the law, your agreement with your landlord is binding. That's the binding agreement that you're signing, even though some of those things don't meet the legislation.

I appreciate that the Minister of Community Services said that the legislation protects park owners from hindering the sale of a mobile home. I can tell the minister right now that, as we speak right now, this is happening. This is happening in

parks in Whitehorse. As a matter of fact, there's one going to dispute resolution for this reason. This does happen.

Mr. Speaker, really what I wanted to do — and I mean in an ideal world, and I prepared myself that I was not going to win this one — in an ideal world, what I would like is for mobile-homeowners to be treated with the respect they deserve. Right now, under the current legislation, whether it means to do it or not — because legislation doesn't see colour, it doesn't see race, it doesn't see gender, it doesn't see all those things — there is a division, and mobile-homeowners are suffering because of how they are regarded in the legislation. Even though it doesn't mean to do it — because legislation is not mean-spirited — this is what is happening.

I would invite the Yukon Liberal government to take a look at that legislation. What we debated in 2012, in practice in 2017, doesn't work as flawlessly as maybe there was hope that it would. Mobile-homeowners deserve more security than they have right now.

Mr. Speaker, I thank my colleagues on this side of the House because, a couple of years ago, had you told me that we would be on the same side of this issue, I could have been knocked over. I thank the Minister of Community Services for his thoughts. I look forward to having more discussions off of the floor about this because they are happening right now. I thank my colleagues for the time and I look forward to the day when mobile-homeowners have all of the rights and privileges that they deserve.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Disagree.

**Hon. Ms. McPhee:** Disagree.

**Hon. Mr. Pillai:** Disagree.

**Hon. Ms. Frost:** Disagree.

**Mr. Gallina:** Disagree.

**Mr. Adel:** Disagree.

**Hon. Mr. Mostyn:** Disagree.

**Hon. Mr. Streicker:** Disagree.

**Mr. Hutton:** Disagree, with regret.

**Mr. Kent:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Hanson:** Agree.

**Ms. White:** Agree.

**Clerk:** Mr. Speaker, the results are seven yea, nine nay.

**Speaker:** The nays have it. I declare the motion defeated.

*Motion No. 184 negatived*

### Motion for the Production of Papers No. 1

**Clerk:** Motion for the Production of Papers No. 1, standing in the name of Ms. McLeod.

**Speaker:** It is moved by the Member for Watson Lake:

THAT this House do issue an order for the return of the Yukon Hospital Corporation's budget request to the Government of Yukon for the 2017-18 fiscal year, with a detailed breakdown of cost pressures the Yukon Hospital Corporation is facing, but not limited to:

(1) increased cost of chemotherapy drugs and increased number of chemotherapy patients;

(2) increased volume of patients and services required at the medical imaging and laboratory services programs of Whitehorse General Hospital;

(3) increased costs due to higher staffing requirements resulting from the emergency room expansion of Whitehorse General Hospital;

(4) increased staffing costs resulting from Whitehorse General Hospital operating at close to 100-percent bed occupancy, rather than at 75-percent bed occupancy on which the hospital's funding is based;

(5) increased costs to meet the needs of patients at the Watson Lake Community Hospital; and

(6) increased costs to meet the needs of patients at the Dawson City Community Hospital.

**Ms. McLeod:** I appreciate this opportunity to speak to my motion for the production of papers.

What is at the core of this motion is for all legislators in this Assembly to be provided with all of the information about the current state of the situation at the hospital in Whitehorse. Over this past weekend, we saw the new president of the Yukon Medical Association say that there is a bed shortage in the hospital, that there are many beds being occupied by Yukoners needing continuing care services, and that, although the new Whistle Bend place will help alleviate this problem, it's still a year off. In fact, it will not be fully opened until 2020.

The urgency of the situation has also been highlighted by the Hospital Corporation. Last month the chair of the Hospital Corporation told us — and I quote: "... the average occupancy at Whitehorse General this past year was 96 percent. This means that more than half of the time, we did not have the beds to meet the demand." Also, according the chief of medical staff's report, the occupancy is sometimes getting as high as 118 percent. So there is an urgency, but so far we do not have a full understanding of how big an issue this is. We know there are increased cost pressures on the hospital, as there are every year. However, we believe that the government is not giving the Hospital Corporation enough to meet these pressures.

The Minister of Health and Social Services confirmed in this House on May 15 that the Hospital Corporation asked for \$5.2 million more than they received from the government. Just to repeat that: on May 15, the minister confirmed that the Hospital Corporation has \$5.2 million less in this year's budget than they requested. The Hospital Corporation's

request would have been based on what they see as costs and increased pressures in providing health care to Yukoners. Of course, these pressures include such things as the increased cost of chemotherapy drugs and also the increased number of persons receiving chemotherapy. Of course, when the chair and CEO appeared in this Assembly, they said that the cost of chemotherapy had roughly doubled compared to three years ago. The pressures also include an increased volume of patients and services required for imaging and lab services and, of course, increased costs due to the increased occupancy at the hospital.

This motion is about openness and transparency. We would like to see what that additional \$5.2 million that the Hospital Corporation asked for — what it was, what was it for? Obviously we are very concerned about the government underfunding the Hospital Corporation by such a significant amount, and we would like more information on why that money was requested. Maybe the government had a valid reason to not give this funding to the hospital but, right now, we do not know because that information has not been shared with us.

By having access to these documents, all MLAs in this House have a better understanding of what the hospital's current needs are. This information would allow us to have an informed discussion about how we can work together to meet the needs of Yukoners and their families because, at the end of the day, we should all be focused on the patient. Those who rely on our hospitals deserve to have us work together on this.

I leave it there. I hope the government agrees that the sharing of information about how much funding the hospital needs is ultimately in the best interests of Yukoners.

**Speaker:** Introduction of visitors outside of the time provided for in the Order Paper.

### INTRODUCTION OF VISITORS

**Hon. Mr. Pillai:** I would like the House to welcome two individuals from Riverdale who are here visiting with us today — Mr. Mike Gallant, a teacher at Vanier School, and Finn Gallant, taking in the activity as well. It's good to see you guys here and thanks for coming out and taking part in this great form of democracy here today.

*Applause*

**Hon. Ms. Frost:** The motion presented by the Member for Watson Lake is an important one. This government believes in openness and transparency, especially when it comes to the finances of the Government of Yukon, which is supported by hard-working taxpayers. We have been working hard to increase efficiencies and effectiveness of our spending and have taken the time we have had to assess the needs of Yukoners thoroughly.

The original budget requested from the Yukon Hospital Corporation was based on a three-year spending time frame because of the increased financial pressures seen in our Yukon hospitals and in hospitals across the country. We decided to take a step back and develop a funding agreement for one

year, taking the necessary time needed to reassess spending practices. We have indicated to the hospital that we remain open to discussing additional funding with them as needs arise. As I said before, this gives us the opportunity to reassess our spending and come up with more core cost-efficient deliverables that meet Yukoners' needs.

Mr. Speaker, members of this House are all aware of the government's financial situation, so it should come as no surprise that money is not being handed out as freely as in the past. I am pleased to say that we have worked very collaboratively with the Yukon Hospital Corporation and, as they stated when they attended the House last month, they are able to work within the funding envelope they have received.

We have taken the time to assess the pressures seen by the hospital and are currently working to alleviate each and every one. Many of the pressures at the hospital are rooted elsewhere. For example, we have beds at the hospital taken up by patients who would be better suited in a long-term care facility or at home, where they can age in place. These issues have been years in the making. Decisions around long-term bed construction should have been made years ago, and they were not.

The pinch we are in now is a direct result of that lack of planning. We can address some of these pressures outside the hospital budget, Mr. Speaker, and we are working diligently to do so. With increased support to home care, we are able to manage core complex care needs at home, thereby reducing the stress of the hospital beds for alternative levels of patient care.

We have increased funding for home care in the 2017-18 budget, and I noted in my media scrum that \$771,000 was allocated for expanded home care. This funding is also supporting a community review process, which includes a conversation with home care clients and other community stakeholders about home care services and the opportunities for creative partnerships to support people to remain in their homes.

The additional funding for home care included temporary personnel costs for continuing care programs within the Whitehorse General Hospital so as to engage patients and not place all of their care and engagement on the nurses.

We had originally set a goal of trying to repatriate two patients a month, and we have been able to move four patients a month out of acute care and into more appropriate care models in a facility or at home with supports. That is a successful model; it's a model that demonstrates collaboration and cooperation, and it demonstrates that we are doing our part in working with the hospital to alleviate the pressures.

I will note that the motion today sheds some light into the way the previous government budgeted. The thinking seemed to be to receive a request from a department or a corporation and say yes. This isn't the kind of thinking that we want. We want to look more at the deficits. We want to look at where we are as a government and take a one-government approach to addressing some of the challenges.

The focus of the debate today is whether the House should order the return of documents mentioned in the motion

or not. This is an easy solution to the request being made. At this point in time, I would like to table the Hospital Corporation's three-year funding agreement proposal. This is the budget request to the Government of Yukon for the 2017-18 year referred to in the motion itself and is the only formal request that this government received from the Hospital Corporation in preparation for the 2017-18 budget. This was received from the CEO of the Hospital Corporation. This fulfills the request being made to the government and renders the motion before us moot.

With that, I move that debate on this motion now be adjourned. I do have the documents here for distribution.

**Speaker:** The minister has moved that debate on this motion be adjourned.

Are you agreed?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Ms. Frost:** Agree.

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Hon. Mr. Streicker:** Agree.

**Mr. Hutton:** Agree.

**Mr. Kent:** Disagree.

**Ms. Van Bibber:** Disagree.

**Mr. Cathers:** Disagree.

**Ms. McLeod:** Disagree.

**Mr. Istchenko:** Disagree.

**Ms. Hanson:** Agree.

**Ms. White:** Agree.

**Clerk:** Mr. Speaker, the results are 11 yeas, five nays.

**Speaker:** The yeas have it. The motion to adjourn debate is carried.

*Motion to adjourn debate on Motion for the Production of Papers No. 1 agreed to*

### Motion No. 132

**Clerk:** Motion No. 132, standing in the name of Ms. Hanson.

**Speaker:** It is moved by the Leader of the Third Party:

THAT this House urges the Yukon government to review and modernize the *Coroners Act* including considering a medical model as is used in most provinces and territories in Canada.

**Ms. Hanson:** I'm happy to be standing today to speak to Motion No. 132. I sort of pause a bit because I think the

motion that was brought forward by my colleague, the Member for Takhini-Kopper King, and this motion itself are clear evidence that New Democrats are nothing if not optimistic and hopeful.

I say that because I think it is common knowledge that the current legislation that we have in the Yukon with respect to the coroners and coroners function is very old. It dates back, I think, to 1976 or so, so it's more than 40 years. It's clear, based on the experience of anybody who has looked at it and/or had anything to do with issues associated with the operations of that act, that it needs to be reviewed and modernized.

The reason I preface my comments about the optimism is that, despite the fact that the New Democratic Party has attempted before and has urged the Yukon government to review and modernize the *Coroners Act*, it hasn't been done. I will just cite what we are looking for and why we think this is so important.

On October 29, 2012, the New Democratic Party urged the House to review — and I have kept this motion before us today really brief, without going into the kinds of detail we went into before — thinking that if we just take a broad view, with the language being kept general, then we might not run into some of the issues we ran into, for example, with the debate around the issue of the *Residential Landlord and Tenant Act* and its application or the consequences of the way it's constructed with respect to the pad rentals for mobile-homeowners.

I will be speaking to each of the elements of the previous motions, but I just wanted to let you know that what we had asked for in 2012 — just a little over five years ago — was for the government to review and modernize the *Coroners Act*, and we were a bit more prescriptive then. We asked the government to examine legislative models used elsewhere in Canada, such as the fatality inquiries act in some jurisdictions and the medical model in the provinces of Alberta, Manitoba, Ontario, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador, which require coroners to be physicians. We asked that we consider a model for the Yukon where the medical examiner or chief coroner investigating a fatality is, or has access to, the professional expertise of a pathologist with training or experience in forensic pathology.

We asked the government to consider a model for the Yukon where the independence of the coroner or medical examiner to investigate and determine circumstance and cause of death and the ability to make recommendations helpful in preventing similar deaths in future is assured. We suggested that the government consider a model for the Yukon where officials presiding over a coroner's inquest or fatality inquiry were trained in law. We asked those things because they don't exist. That is not the law as it is today in the Yukon.

On November 27, 2013, we came back to the Legislative Assembly and, again — because you can imagine what the outcome of the first motion was — said that we urged the Minister of Justice in this case — I would just preface this, Mr. Speaker by saying that oftentimes the subject matter of motions that we bring before the Legislative Assembly arise

out of experience, the experience of working with citizens who have encountered really serious impediments or roadblocks to being able to participate actively in matters of importance to them and, in fact, of importance to the community. That was the circumstance around November 2013. We had asked the Minister of Justice at that time to enact regulations prior to March 2014, pursuant to the *Coroners Act* — section 36 — to establish transparent and accountable rules of procedure for the conduct of a coroner's inquest that would provide for: the right of a family of the deceased to have legal standing and attend at an inquest; the right of family members of the deceased to have legal representation at an inquest; the right of family members of the deceased and/or their legal counsel to call witnesses and examine or cross-examine all of the witnesses called; and the timely disclosure of evidence to family members of the deceased and/or their legal counsel. That is a real-life scenario, Mr. Speaker, that affected the members of families of the deceased. The family members trying to ascertain the cause of death were not provided with any of that.

As I said, this is not the first time that we have brought this motion forward — that we need to review and modernize the *Coroners Act* and to look, as we have heard today. When you do cross-jurisdictional scans, you can learn something and you can see what is appropriate or not. We are not simply restricting it to suggesting that you just do a cross-jurisdictional scan.

The *Coroners Act*, the coroner — the office of the coroner, the chief coroner and the coroners throughout the territory — and the act and the regulations that govern these positions are important to every community in the Yukon. Currently it is the act that lays out the requirements for an inquest, but currently those requirements are very, very narrow. In the Yukon, the death of a prisoner in a prison, jail or lock-up, or in the custody of the RCMP or a peace officer, are the only defined requirements for a coroner's inquest. That's it — that's it, Mr. Speaker.

Now there are sections about inquests involving mining accidents, but it only lays out if there is an inquest who needs to be notified and the jury members, et cetera — how that is going to be structured — but it's not clear how they jump to the conclusion that there would be a mining inquest because they're not a prisoner and the only one that says you have got to have one is a prisoner.

Considering how often the chief coroner and community coroners are expected to attend to a death in Whitehorse or community, clarity of the legislation and the regulations are important, but also having those regulations current is really important as well. It needs to be in the legislation how to proceed with a public inquest — coroner's juries, witnesses, procedures and follow-up. There needs to be talk about procedures when there is not an inquest.

As the New Democratic Party, over the last five or six years, we have unfortunately had to become familiar with judgments and inquiries and coroner's reports. It took us a long time to be able to access those. Finally in 2013 the chief coroner and the Department of Justice announced that they

would be posting online the judgments of inquiry — and I quote: “The process of posting Judgements of Inquiry and Inquests began August 2, 2013, therefore, only documents from that date forward will be posted here. For information on Judgements of Inquiry and Inquests prior to August 2, 2013, please contact the Chief Coroner.” We have done that — actually sat and gone through them manually.

Since that time in 2013, 40 judgments of inquiry were posted, but unfortunately, since November 2016, there has been nothing posted. There were 11 judgments of inquiry posted in 2014, there were seven posted in 2015, there were nine posted in 2016 up until November, but nothing since. I point this out because these reports are important. They provide answers to questions that the public has a right to ask and a right to have the information. It is part of that whole openness and accountability of our government.

I may have misspoken — I meant to say there were 17 posted in 2015, then down to nine in 2016. So we’re not clear, and we haven’t been able to find out. We can’t get an answer to why these would no longer be posted.

You know, Mr. Speaker, it’s the job of the chief coroner to make recommendations when appropriate. When looking through the judgments of inquiry that we have done over the years, we found that there were recommendations to a variety of departments across the government, and recommendations to the City of Whitehorse. We know that, under our legislation as it is now, the coroner does not have the power to enforce or follow up on these recommendations.

I can only imagine, if you’ve presided over one of these, Mr. Speaker — there’s a death, and you have made recommendations. You have found that there could have been a way to prevent that death, but you don’t have any way to follow up in law or regulation. I can’t imagine how that feels. To be clear, that doesn’t happen every time, but every instance has to have an impact.

We’ve heard in this current government from — unfortunately, we, Yukon, along with others, appear to be implicated in the fentanyl opioid crisis, and we’ve heard that there are delays in drug screening, or reports of the drug screening, from individuals who we think have died of fentanyl or opioid overdoses. That also makes the job of the chief coroner difficult. That’s why, in our motion that we talked about in 2012, we talked about having access to pathology.

We know, Mr. Speaker, that the given stats of five or seven with respect to opioid deaths in Yukon do not reflect reality, but it’s inappropriate for us to say how many more because we don’t have the factual data. That makes it very difficult for this government or any agencies of it to do real planning, to develop the proper responses. So the regulations for legislation are important, but when we look at the regulations that accompany the *Coroners Act* of 1976, Mr. Speaker, there are six pages. We basically find a job description of what the chief coroner must do, how much coroners — not including the chief coroner — jurors, witnesses and interpreters are remunerated, and that’s it. We do see some references to shorthand books, tape recordings —

that certainly dates the legislation and the regulations. I don’t know the last time I saw anybody doing shorthand — not very often.

If we look, Mr. Speaker, at other jurisdictions and what are the duties and responsibilities of this position, as legislated and given effect through regulations, there are a number of options, and we think that it’s worthy to look at them. In Alberta, the Office of the Chief Medical Examiner provides responsive front-line death investigation and death certification services. In Alberta, that Office of the Chief Medical Examiner investigates cases of people who die in Alberta from homicidal violence, from suicide, from an accident, unexpectedly when apparently in good health, when unattended by a physician, while in the care of the government — that’s in a mental health or correctional facility — in circumstances considered suspicious from medical assistance.

In Alberta, not only do they post their reports, but they have now implemented a new online system that will publicly track fatality inquiry recommendations and responses to them to improve accountability and to try to help prevent future deaths. That’s an important objective, don’t you think, Mr. Speaker?

In BC, we see that the Coroners Service is also responsible for the investigation of all child deaths — a child being a person under the age of 19 years in BC. It’s mandatory; that’s not here. Manitoba’s chief medical examiner may call an inquest if they feel the general public will benefit from the information being made public during a hearing. In Ontario, together the chief coroner and the chief forensic pathologist provide dual leadership for Ontario’s death investigations system, which strives to provide services of high calibre. I could go on. We did this earlier this afternoon with other jurisdictions.

We could look at which jurisdictions use the chief medical examiner model, who reports on what deaths, what deaths are investigated by the coroner or examiner, when an inquest can be called — these are all questions that a modern act should be able to answer.

In some jurisdictions, it’s an absolute that there has to be an inquest when the death of a child in the care of government occurs. There’s a right to know that the government, when it’s acting as parent and if a child dies in their care — there’s an accountability there. These are important, not just for the New Democratic Party — we raise these because they’re important to all Yukoners.

We focus on this motion again, on considering a medical model, because we believe that it’s time to update and join the 21<sup>st</sup> century when it comes to this important piece of legislation. We want to empower a coroner or a medical examiner. We believe this is to the benefit of all the Yukon public. There’s a saying that the role of the coroner is speaking for the dead to protect the living. That’s a pretty powerful statement, Mr. Speaker — speaking for the dead to protect the living.

It would not be necessary, we don’t think, that every community coroner be a medical examiner, but we do feel that

those criteria should apply to the top job. We know that autopsies are not done here, so we're not talking about the coroner having that function. We know that they are done Outside.

We truly believe that this whole act and the regulations need to be reviewed. The chief coroner and community coroners need to be consulted. There needs to be consultation involvement with the medical community, with the public, with the RCMP, with the chief medical officer and others. There needs to be authority, as we look to the future, in terms of the scope of the *Coroners Act*, given to this position to follow up on recommendations, and the power to ensure that they are followed up on. Otherwise the hard work put into these inquests, the hard work and the emotional toll — when we talk about deaths, it is not blaming; it is about learning from the deaths so that we can see them prevented in the future.

We need to avoid the ignoring of recommendations that have been thought through carefully by jurors who have been asked to do so, so that reports cannot be ignored. I cannot imagine how it feels — I do, actually, but not in the dire way that I have seen as a result of a couple of the coroner's inquests that we have participated in as members of this Assembly, at the request of family. I cannot imagine how that coroner feels when they see their hard work and dedication ignored, when they are trying to ensure that those circumstances — no other family goes through some of those situations.

What we are asking is that the *Coroners Act* be reviewed; that we look at the notion of a medical examiner, or that the chief coroner investigating a fatality is or has access to the professional expertise of a pathologist with training or experience in forensic pathology. We think it is important to reiterate the independence of the coroner to investigate and to determine the circumstance and cause of death; that they have the ability to make recommendations helpful in preventing similar deaths in the future; that has to be assured; and that officials presiding over a coroner's inquest or fatality inquiry are trained in law.

Thank you, Mr. Speaker. We do look forward hopefully to the support of other members of this Legislative Assembly for this motion.

**Hon. Ms. McPhee:** May I comment on the notion from the member opposite that the Third Party remains optimistic? I am very pleased that they do and also very pleased that they have brought forward this motion today. I have no ability whatsoever to respond or even hazard a guess or explain why this would not have been a priority in the past — or for past governments — knowing the age of this piece of legislation and how drastically outdated it is.

I appreciate very much from the Leader of the Third Party the review of the previous motions in 2012 and 2013. I also understand that they were more specific, especially in 2013, dealing with the standing issues of a particular matter, but the one in 2012 about consideration for a medical model, independence, legal persons presiding over inquests and

access to proper pathology experts, seemed to me to be more than reasonable.

I am hoping we will get to a vote on this today, so I am not going to spend an extraordinary amount of time talking about the current piece of legislation. I think the review that has been given by the Leader of the Third Party was concise and also pointed out a number of the issues. I will make some comments with respect to this going forward without a detailed review of the current legislation.

The Yukon *Coroners Act* is in fact outdated, both in technology and in process. The act is based on the coroners ordinance of 1958 with minor amendments that were made in 1972, 1984, 1996 and 1994. There were some other regulation changes. I noted one most recently in 2014 to raise the remuneration for community coroners by a very minor amount. With respect to changes to the act — not since 1994 — and certainly the first part of the first iteration of this act was in 1972.

The technology supporting investigation has improved over the years and across Canada — it seems a bit obvious to say that but I think it's important to do so — and these improvements are reflected in current practice, but our act has not been updated. There are many administrative anachronisms in the legislation, such as referring to stenographers recording evidence. I think maybe that was the reference that was made earlier to notetaking or tape recording. Those are important things, obviously, that need to be updated. It's important, both administratively and in practice and technology.

There has been a debate both nationally and locally on the best way to investigate unexpected death. The principles of independence, impartiality, credibility and efficiency of the coroner service have been identified as important — I would say critical, in my view. Issues have been raised on the scope of the evidence that should be included, the medical and legal expertise of the coroner and what's required, and who should call an inquest and on what grounds. Local inquests have given rise to scrutiny of the way that inquests are conducted, including a judicial review of one inquest, which resulted in a verdict being quashed.

The central issue that will decide the government's direction on amendments to the Yukon *Coroners Act* and regulations will be examining the relative merit of the medical examiner model of investigation versus a more traditional coroner model. A comparison is required.

Some provinces — my notes say four of them — use the medical model or a medical examiner model, and that the remaining ones, with the exception of Saskatchewan, use a more traditional coroners model, but I could be corrected on that. Saskatchewan has developed what might be known as a bit of a hybrid model or a variation on those two models. I think the important thing here is to indicate that the decisions have to be based on the individual needs and the choices of that jurisdiction. There are ways to do that. There is not one box or the other.

The two models differ in use in various ways, but to summarize here, with the use of forensic pathologists: the

frequency and methods of calling inquests, the legal qualifications of personnel who conduct inquests, and the use of coroners juries — just to name a few.

The appointment and the tenure of a chief coroner doesn't change, depending on the model chosen, although one requires that person to be called a chief coroner, and the differentiation of a medical examiner model — that person is a medical examiner.

The medical examiner, just for clarity, is usually — I think it has been said already — a forensic pathologist themselves, or certainly a medical doctor in all cases.

There are a number of issues that will need to be reviewed with respect to — it won't simply be necessary to do a review of other pieces of legislation, although they will be a very helpful guide in Canada, many of them having been modernized since ours has. But some of the hot topics and the things that must be addressed — one will be the model choice, of course, issues around the notifications of death, who can do that and how, and issues around the investigation methods. Often our coroner model has the assistance of peace officers in the Yukon — usually RCMP — but clearly there would be some cases in which that would be a conflict, so there have to be options for that.

The inquest, as has been noted earlier in the debate of this motion, is a key factor — how, where, who, standing and how that happens. We would, of course, be interested in knowing and determining the views of those who have acted as chief coroner most recently here in the territory and of our current chief coroner as well as our community coroners so that we can understand the day-to-day realities that they face.

With respect to the verdict and recommendations — again, that has been noted and I won't take the time to do that today because I want this matter to be able to come to a vote so the optimism of our friends across the way will be well-deserved.

The chief coroner also has identified a variety of administrative and process-related issues that require updating to reflect advances in technology or current practices. Most of these affect the efficiency or the efficacy of the Coroner's Service operations and some affect the degree of discretion accorded to the chief coroner. There is also the need to provide definitions within the legislation and a number of forms need to be prescribed for the associated regulations.

It maybe won't surprise anyone here after the exercise yesterday that I think definitions in legislation — although I, of course, don't draft legislation — are critically important, so that there is less misunderstanding and there is the availability of people to know what it's about.

I asked about this piece of legislation very early on in my mandate as the Minister of Justice because I have had some experience working with this legislation and was, as expressed here today, concerned that it is simply not a tool that is useful to the chief coroner of the Yukon Territory. We need to give individuals — especially individuals who do very difficult jobs like a chief coroner or any of our community coroners — the tools with which to do their work. This is a toolbox that is truly at this stage in the game not helpful to them. At every

turn, there are questions. At every turn, there are uncertainties. We need to help them and make that a modern document. I asked very early in my mandate about that.

In addition to that, I was approached some time ago by the Member for Kluane, and I was very pleased when he did so, with a story, a tale and a situation of a family who had difficulty when they had to deal with the Coroner's Service — not with the coroner themselves, but with the set-up, frankly, of the morgue, and the place in which they were to attend to identify and see their loved one. I appreciated that and I was back in touch with him almost immediately. I went to visit it so that I would know what we were dealing with and worked with the acting chief coroner at that time, as well as with the Department of Justice officials, and made some significant changes to that location. Actually, department officials returned with another family member — not the one that the Member for Kluane brought to my attention, but yet another family member who had a difficult experience. They returned to that location and were very pleased with the changes. I mention this only because there are a lot of things — some things — that we can definitely do that are outside this scope of legislation to make this service more accountable and make the experience of having to deal with the chief coroner, or any coroner here in the territory, as palatable as it can be for family members because we know how difficult that will be for them.

I very much appreciated that being brought to my attention and we have made some changes. We still have on our work plan some future changes about considering the location and whether it is adequate or whether some additional changes need to be made. Certainly, equipment was updated, the aesthetics of the rooms were updated and the experience was entirely for the purposes of making it better for families.

That being said, I could say lots more about that. Our government will, of course, be supporting — if I haven't hinted — this motion. I very much appreciate it because the work has been already started. I will end by saying that it is a priority for me. I cannot tell you where it is on the legislative agenda, but it is a priority for me. I have asked that the work begin so that ultimately we might be able to fit it into the legislative agenda when things change in a few years out because that is the way it works and priorities change. It may have been sooner. We had, as an example, something like cannabis come along, which has changed the spring agenda from what it was maybe seven or 10 months ago.

That being said, I will commit that it is a priority for me. We need a Yukon solution for this piece of legislation. We need a piece of legislation that is modern, responsive, comprehensive and knowable for the public because, ultimately, it is the public who, on not the best day, week or month of their lives, will come in contact with the coroner or with a community coroner and with the services that they can provide. We need to help them with the tools to that in an excellent way.

**Mr. Cathers:** In rising to speak to this motion, I would note that the Official Opposition will be supporting it, but in fact we would rather be supporting it with amendments. The



Leader of the Third Party, in bringing forward this motion, in focusing on considering a medical model — while we don't disagree with that, the fixation the Leader of the Third Party and the Minister of Justice have on the legislation is focused on the wrong area.

The primary need we have been trying to get the government's attention to since the spring is an understanding that there needs to be more systemic supports for the coroner and the community coroners. We have asked the government to review and consider whether a second full-time coroner is necessary. My colleague, the Member for Watson Lake, has written to the minister on more than one occasion expressing concern about the inability of the coroner system here to work well across the border in Lower Post and vice versa. We have mentioned the need for more critical incident stress management, better systemic support, and more resources for the coroner's office and, while the minister and the Leader of the NDP are focused on the legislation, we're focused on the people.

There is value in looking at this legislation, but focusing on just what happens after the fact in a post mortem is not the best way as a territory. If the Liberal government really believes in the one-government approach they espouse believing in, they should be looking at a better system of supports for our first responders in communities. We have mentioned to the government — and unfortunately our request fell on deaf ears — that the presumptive legislation for post-traumatic stress disorder should be expanded to include people, including community coroners, victim services workers, et cetera.

Unfortunately, rather than receiving those constructive suggestions and listening to them and listening to the 99 percent of Yukoners who commented on the government's legislation who told them it didn't go far enough, they have dismissed that and, in this area, focused just on the legislation, rather than on the need to modernize the system and take additional steps.

We have brought forward our suggestions. We know the government has heard others they have not listened to, but our belief is that government primarily needs to do more to focus on keeping people healthy and alive and on providing the supports to our staff and first responders, including community coroners and the coroner's office in Whitehorse as well.

We would encourage government to listen to those requests and, in moving forward with this motion, to recognize that the legislation is an important part, but only one part of what the Yukon should be doing to strengthen this system.

I would also note that the Minister of Justice made reference to having legislation that's modern and responsive. I would point out that it would be nice to see legislation that is more responsive but, on the topic of responsiveness, the government has certainly not been very responsive to our requests and our suggestions for increased support in this area.

When we talk about the need to keep people healthy and alive, an important part of that is the hospital funding. We saw

the government fail to be accountable to Yukoners and the Official Opposition for over the six months that it took the government to respond to a reasonable request for more information about what the hospital had requested for resources.

That is important in Yukon communities, including in Whitehorse but also within the community of Dawson City and within Watson Lake. If the hospital doesn't have adequate resources, then our health care system is not as strong as it should be to help people when they need it.

Again, just in the interest of expediting debate in this Assembly — I'm not sure how many other speakers wish to speak in this area. Again, we have brought forward constructive suggestions, based on what we've heard from Yukoners. We have told government how we have heard from Yukoners that these pressures have increased over the past year since the government has been in office, not due to actions of the government — there, of course, have not been many actions of the government; there has been a lot of inaction — but the cause of the increased pressure on the Coroner's Service, on Victim Services, on the RCMP that we have been raising with the government for months and months and months is due to issues such as the increase in homicides. The spike within the recent year is certainly a dramatic increase in the pressure that homicides place on the people who need to respond to them, whether they be the RCMP, whether it's EMS in Whitehorse, rural EMS or coroner staff — having to deal with homicides and a spike in homicides places more pressure on every one of those affected agencies and branches.

The increase, as well, in deaths due to fentanyl is another area that has increased the pressures on the RCMP, on Victim Services workers, on coroners and other first responders.

What we're disappointed with is that the government — while accepting the request from the NDP to take a look at the legislation — has not listened to us telling them the fact for months and months that, due to the spike in homicides, deaths due to fentanyl, as well as increases in the drug trade overall, that all of those recent spikes have placed increased pressure on the people who have to respond and deal with these difficult situations.

So again, Mr. Speaker, in wrapping up my remarks, I would note that I wrote to the minister months ago suggesting a need to look at increased support. My colleague, the Member for Watson Lake, has raised a number of issues with the minister about enhancing the supports for community coroners within her riding of Watson Lake, and the government has been very slow to act on these matters, and that has been disappointing for us.

I've laid out the reasons why some of these increases have occurred in the past year since this government took office. Again, I'm not blaming them for the increase in drug trafficking or homicides or fentanyl use, but simply noting the fact that these are new emerging pressures that have occurred since we left office, so they can't simply play the blame game and say, "Well, you should have done more when you were in office."

This government has utterly failed to take the necessary action to respond to the increased pressures that have occurred, and our request for them to do so has, unfortunately, fallen on deaf ears.

Because of the time of day, we will not be proposing an amendment to the motion, but I would note that, in terms of responsiveness as a government, demonstrated earlier today, taking over six months to respond to a perfectly reasonable request for information, and only responding to it when facing the prospect of an order from this Legislative Assembly, is very disappointing for the government and I would urge them to step up their game.

**Speaker:** Is there any further debate on the motion?  
Are you prepared for the question?  
*Motion No. 132 agreed to*

**Hon. Ms. McPhee:** Seeing the time, I move that this House do now adjourn.

**Speaker:** It has been moved by the Government House Leader that the House do now adjourn.  
*Motion agreed to*

**Speaker:** This House now stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:27 p.m.*

**The following documents were filed November 8, 2017:**

34-2-26

Letter of expectation, letter re (dated January 17, 2014) from Hon. Doug Graham, Minister of Health and Social Services, to Craig Tuton, Chairman of the Board, Yukon Hospital Corporation (Frost)

34-2-27

Letter of expectation, letter re (dated March 29, 2017) from Hon. Pauline Frost, Minister of Health and Social Services, to Brian Gillen, Chairman of the Board, Yukon Hospital Corporation (Frost)

34-2-28

*Yukon Hospital Corporation 3 Year Funding Agreement Proposal — April 1, 2017 to March 31, 2020 (Frost)*