

providing a means of getting the money out to someone whose money is held back, and who cannot be paid.

Mr. HANSON (York-Sunbury): That is under section 6.

Mr. GARDINER: Yes. Personally I have no definite feeling in the matter. I am quite prepared to leave it in the hands of the committee. This suggestion comes from those who are in charge of administration. They say they have had moneys lying there for two years, and they want to know what they are to do with them. In their opinion this is a method of getting the money out to the renter, and the landlord has his rights in law to collect. In the first instance we have put ourselves in the position of collectors, and we say we are quite prepared to go on and collect, where it is admitted between the parties that there is a landlord and a renter. But where it is not admitted, the landlord will have to prove he has the right to collect.

Mr. MacNICOL: Neither the landlord nor the tenant would get anything out of it.

Mr. GARDINER: Possibly not. The renter will get the money, and the other fellow will claim it, if he thinks he is entitled to it.

Mr. MacNICOL: And the lawyers will get it all.

Mr. HANSON (York-Sunbury): Never mind the lawyers. I am approaching the matter only from the point of view of principle. I am not concerned at all with the personal end of the matter. I know a great many lawyers, but I do not think a good lawyer drafted this legislation, because he never would have put a minister of the crown in a position where he must exercise administrative, executive and judicial functions at one and the same time. That is not the theory of our government. It ought not to be, and certainly it is most repugnant to any theory of government set out under the American constitution. The greatest injustice might arise.

No doubt the minister would act on the advice of his administrative officers. He could not possibly make his own judicial decisions, unless he held hearings. I suggest that, on principle, the whole thing is wrong, and cannot be defended. I suggest that the minister leave it until Monday.

Mr. GARDINER: I do not remember of a single case coming before me in the two years the act has been administered. There is just one case where there are difficulties in getting a decision. Here are two landlords, and the officials say they have power to deal with only

[Mr. Gardiner.]

one. They go to them and say, "Here is the settlement you ought to make", and it has always been made.

Mr. HANSON (York-Sunbury): Then why put it in the bill?

Mr. GARDINER: But the authority is there. A man may read it and say, if he wanted to, "The minister could do this, if he wanted to, and we had better settle it." That is the way it is.

Mr. HANSON (York-Sunbury): That is not the way in which the courts hand out justice.

Mr. GARDINER: I am afraid, as was said, that if it were done in any other way neither would have anything when they were finished.

Mr. HANSON (York-Sunbury): As a rule, how big are the payments?

Mr. GARDINER: The average payment was only \$198, and a third of that would be the amount involved.

Mr. GRAHAM: I am sure all hon. members agree with the minister in his effort to get this bill through as quickly as possible. I suggest that the minister strike out of section 6 that portion—

Mr. GARDINER: If the hon. member will move what he wants struck out we will get it settled.

Mr. GRAHAM: I move that section 6 be amended by striking out the words, "on which shall be endorsed the tenant's acknowledgment that the applicant is his landlord." I suggest that the minister take up this matter with his legal advisers.

Mr. GARDINER: It has all been discussed. I am asking the hon. member to move the amendment and we will decide on it.

Mr. ROSS (Souris): Would this amendment permit the minister to clear up these overhanging balances?

Mr. GARDINER: I doubt it very much.

Mr. ROSS (Souris): They are small amounts, and I agree with the hon. member for Davenport that if you have to go to law, you will not have very much when you are through. I say that with all due respect to my legal friends. In many cases the interested party will not want to go to law. What we wish to do is arrive at some formula whereby the government can pay out these balances without any court action taking place. I doubt if there are many cases where the tenant would refuse to sign some acknowledgment.

Mr. GRAHAM: The section is not retroactive.