

Bill No. 60 of 1945.

A BILL TO AMEND THE PROVINCIAL LANDS ACT

NOTE.

Section 1 of this Bill adds a new subsection (3) to section 16 dealing with the residence and duties to be performed under an agricultural lease. The new subsection provides that the time during which a lessee is absent while he is enrolled as a member of the armed forces for active service or has been called up under *The Mobilization Act* and has served overseas and a further period of six months may be counted as residence under the lease, and that the time for other duties is extended accordingly.

Section 2 of the Bill provides that a certified veteran, after the lease has been in force for ten years, may receive title without payment of any purchase price.

Section 3 of the Bill amends section 38 which deals with grazing leases and provides a method of ascertaining the rental which is based on the production value of the land; instead of the rental now reserved in the lease.

Section 4 of the Bill introduces a new section 86a providing for the payment of an unearned increment tax upon the registration of assignments on the increase in value from time to time in the land lease or timber license, etc., sold or issued by the Crown. The tax is fixed at the rate of ten per cent of the increase and provisions are made for fixing the values of the property assigned and the increase in such value. Provision is also made for the Minister accepting in payment of the tax a share of a product or other interest. The tax is payable by the assignor and no assignment may be registered until the tax is paid. No tax is payable on the transmission of a lease, etc., the property of a deceased person or on any transfer of same from executors or administrators to the persons entitled to the property.

By section 5 of the Bill section 106 of the Act is struck out and a new section substituted. The new section makes it clear that where an assignment of a lease, etc., is registered and a substitutional lease is issued, the new lessee must execute it within one hundred and twenty days from its date.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 60 of 1945.

An Act to amend The Provincial Lands Act.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Provincial Lands Act*, being chapter 62 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 16 by adding immediately at the end thereof the following new subsection:

“(3) Notwithstanding any other provisions of this Act, the time during which a lessee is absent from the leased land while he is a member of the armed forces of His Majesty enrolled under any statute of the Parliament of Canada for active service, or enrolled for active service as a member of any other of His Majesty’s armed forces, or is a member of the armed forces of His Majesty registered under *The National Resources Mobilization Act* and engaged on active service overseas beyond the continent of North America, and also a period not exceeding three months after the discharge of the lessee from the armed forces, may be counted hereunder as though the lessee had performed the covenants and agreements as to residence contained in the lease, and the time stipulated hereunder or in the lease for the performance of other covenants and agreements shall be deemed to be extended accordingly.”

2. The said Act is further amended as to section 17 by adding immediately at the end thereof the following new subsection:

“(4) Where a lease held by any person certified by the Director, *The Veterans’ Land Act, 1942 (Canada)*, to be a veteran within the meaning of the said Act contains an agreement for the purchase of the land as provided by subsection (3), the Minister may, after the lease has been in force for at least ten years and is in good standing, issue a notification to the lessee without payment of the purchase price fixed by the lease or of any part thereof.”

3. The said Act is further amended as to section 38 by adding immediately at the end thereof the following new subsection:

“(5) Notwithstanding the terms and conditions of any lease now subsisting whether made by the Crown in the

right of the Dominion of Canada or the Crown in the right of the Province, the rental payable thereunder and under any lease hereafter made by the Crown in the right of the Province shall be such percentage as may be fixed from time to time by the Lieutenant Governor in Council, of the forage value of the lands included in the lease which value shall be fixed annually according to a formula prescribed by the Lieutenant Governor in Council who shall have regard to the carrying capacity of the land, the average gain in weight of cattle on grass, and the average sale price per pound in the Calgary Live Stock Market during the preceding calendar year, or such portion thereof as may be prescribed by the Lieutenant Governor in Council.”

4. The said Act is further amended by adding immediately after section 86 thereof, the following new section:

“**86a.**—(1) There shall be payable to the Minister upon the registration in the Department of any assignment of an agreement for sale of land, or of any lease, cultivation permit, license of occupation, timber license, permit to cut timber, or upon the consent of the Minister to a sub-lease of a lease or timber license, a tax at the rate of ten per centum on the increase in value at the time of such registration of the said land, lease, cultivation permit, license of occupation, timber license or permit to cut timber or the giving of consent to a sub-lease, over the last preceding value thereof excluding in all cases the cost of the improvements or development work actually made or done upon the land with respect to which the agreement for sale, lease, cultivation permit, license of occupation, timber license or permit to cut timber has been made.

“(2) Where the consideration for any assignment or sub-lease consists in whole or in part of a share of a product or of some other form of interest, the Minister may accept payment of the tax by delivery to him of the share of the product equivalent in value to the tax as and when payable to the assignor or sub-lessor, and he may accept a share in any other form of interest which in his opinion is equivalent to the tax, and for that purpose may require and accept an assignment from the assignor or sub-lessor of such portion of his interest as the Minister may deem proper.

“(3) The tax shall in each case be payable by the assignor or sub-lessor, and no assignment with respect to which any tax is payable hereunder shall be registered and no sub-lease shall be consented to until the tax has been paid.

“(4) The last preceding value for the purpose of subsection (1) shall be,—

“(a) in the case of the first assignment or the first sub-lease made after the grant from the Crown, a sum equal to the amount of the annual cash rental payable at the time of the tendering of the assignment for registration or the making of the sub-lease, together with the amount of the cash bonus paid by the lessee, licensee or permittee as the case may be,

at the time of the making of the lease, license or permit, with respect to which the assignment or sub-lease is executed;

“(b) in the case of any subsequent assignment or sub-lease, the sum fixed for the purposes of this Act as the value at the time of the registration of the last preceding assignment or the making of the last preceding sub-lease, or if no value was then fixed, the amount of the consideration paid with respect to the last preceding assignment or sub-lease to be ascertained in such manner as may be prescribed by the Minister;

“(c) in the case of the first assignment of an agreement for sale of land, the sale price stated in the agreement for sale, and in the case of a subsequent assignment, the value of the land without improvements ascertained in such manner as may be prescribed by the Minister.

“(5) Where a portion only of the interest of the assignor or sub-lessor is assigned or sublet, the last preceding value for the purposes of subsection (1) of the portion assigned or sublet, shall be deemed to be the proportionate part of the whole value that the portion assigned or sublet is of the whole interest of the assignor or sub-lessor, unless the claim is made that the portion assigned had a different value, in which case the real value shall be ascertained in such manner as may be prescribed by the Minister.

“(6) When any assignment is tendered for registration or any sub-lease for approval, it shall be accompanied by the oaths or affirmations of the assignor or sub-lessor and of the assignee or sub-lessee, as the case may be, each of which shall give a full description of the improvements on the property, if any, with their value and the dates upon which the improvements were placed upon the property or completed, and the actual amount paid or payable and other consideration, if any, paid or payable with respect to the assignment or sub-lease.

“(7) No tax shall be payable under this Act upon any transmission of the land, lease or other interest of a deceased person or upon any transfer or assignment from the executors or administrators of any such person to the devisee or devisees of such land, lease or other interest, or to the persons entitled thereto upon the distribution of the estate and any value ascertained upon the registration of any such transmission, transfer or assignment shall not be deemed to be a value ascertained for the purpose of this Act.”

5. The said Act is further amended as to section 106 by striking out the same and by substituting therefor the following:

“**106.** If any successful applicant for, or for the renewal of, a lease, license, permit or other instrument, or if a registered assignee of a lease, license, permit or other instrument or interest therein, fails to execute the lease, license,

permit, renewal, substitutional lease or other instrument, as the case may be, and return the same to the Department within one hundred and twenty days from its date, he shall forfeit any deposit made by him and all other moneys paid by him in respect of the land applied for and all rights to the lease, license, permit, renewal, or substitutional lease, as the case may be.”

6. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

An Act to amend The Provincial
Lands Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A. Shnitka, King's Printer
1945