

Bill No. 21 of 1946.

A BILL TO AMEND THE MUNICIPAL HOSPITALS ACT

NOTE.

This Bill amends *The Municipal Hospitals Act*, chapter 185, R.S.A. 1942.

Section 17 of the Act which is amended by section 1 of the Bill deals with the poll for a hospital site, where the Board directs a vote to be taken. The amendment is intended to clarify the section by providing that the vote shall be advertised at the same time as and as part of the hospital scheme.

Section 2 of the Bill strikes out unnecessary words in section 18.

Section 3 of the Bill amends section 26 of the Act in several respects. Subsection (5) now provides that if "a majority which is less than two-thirds of those voting vote in favour of the scheme" the Board may borrow a sufficient sum to defray the expenses. The amendment strikes out the words "a majority which is" in order to make it clear that the Board will have this power where those voting in favour of the scheme do not constitute a majority but also provides that the borrowing shall be subject to the approval of the Minister. Subsection (6) of section 26 is struck out and substituted by a new subsection (6). The effect of the change is to make it clear that a scheme or amended scheme which has not received the approval of two-thirds of the voters may, with the approval of the Minister, be re-submitted in its original or amended form although less than a majority of the voters had voted in support of the original scheme. The new subsection (8) added to section 26 enables the Minister, even after a favourable vote on the scheme, to disestablish the district when the Board so requests before the district has commenced operating a hospital or providing hospital services for the ratepayers. There is no such power in the Act and circumstances may arise where it is necessary to proceed in this way.

Section 4 of the Bill amends section 27 of the Act by the addition of the words set out. That section authorizes the Minister, prior to the submission of an amended scheme to detach territory from the District. The amendment enables him to vary the number of Board members accordingly.

Section 5 of the Bill adds a new section 27a to the Act. A Board has difficulty sometimes in procuring a site for the hospital, either because an agreement as to price cannot be reached or the owner of the land desired as a site declines to sell. The provisions contained in the new section appear in

somewhat similar form in various Acts, such as *The Public Works Act*, *The Town and Village Act*, and *The Municipal District Act*. Provision is made for filing a plan of the land required, in the Land Titles Office which will vest title in the Board subject to payment of compensation. The Board is then required to serve notice on the owner of the compensation offered, and the owner, if dissatisfied with the offer, shall so state within thirty days and shall state the amount claimed, etc. The Board shall then consider the claim and notify the owner of its decision and if this is not acceptable, the claimant may have the matter brought to arbitration and the provisions of *The Arbitration Act* shall apply to the proceedings.

Section 28 of the Act, which is amended by section 6 of the Bill, deals with the proceedings after disallowance or rejection of a hospital scheme and in particular provides for the distribution among the contributing councils of the expenses of the Board in taking the vote on the scheme, etc. The amendment to subsection (1) by inserting the words "or after", cures an omission in the Act and enables the Board to take the necessary proceedings upon disestablishment of the district before or after a vote is taken. Subsection (3) of section 28 which is also amended provides for the continued existence of a Board, after disestablishment of a district to enable it to clear up the distribution of expenses. The amendment extends this provision to cases coming under the new subsection (8) of section 26, that is, where the district is disestablished after the voters have approved the scheme.

Section 58 of the Act deals with the dissolution of an operating district upon application by the Board and the contributing councils. The amendment made by section 7 of the Bill limits the right to make this application to districts which have been operating and providing hospital services for not less than six months.

Section 74 of the Act amended by section 8 of the Bill deals with cases where a minimum hospital tax is provided by a hospital scheme and provides that where a ratepayer is assessed in respect of more than one parcel of land in the hospital district, he can credit all the taxes on the minimum tax which shall be paid in the area of which he is a resident. The purpose of the amendment is to extend this privilege to ratepayers who do not reside in the hospital district who may select the area in which the minimum tax is to be paid and produce tax notices from other areas.

The Order in Council validated by section 9 of the Bill provided, subject to validation, for the amendments made by paragraphs (a) and (c) of section 3 of the Bill.

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. 21 of 1946.

An Act to amend The Municipal Hospitals Act.

(Assented to _____, 1946.)

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

1. *The Municipal Hospitals Act*, being chapter 185 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 17 by striking out the words "together with", where the same occur in the fourth line of subsection (1) thereof, and by substituting therefor the words "at the same time as and as part of".

2. The said Act is further amended as to section 18 by striking out the words "upon the scheme being ratified" where the same occur in the fourth line thereof.

3. The said Act is further amended as to section 26,—

- (a) by striking out the words "a majority which is" where the same occur in the first line of subsection (5) thereof;
- (b) by adding immediately after the word "may", where the same occurs in the third line of subsection (5) thereof, the words "with the approval of the Minister";
- (c) by striking out subsection (6) thereof and by substituting therefor the following:

"(6) If less than two-thirds of the voters voting thereon vote in favour of the scheme, the Provisional Board may, with the approval of the Minister, subject to subsection (7) re-submit the original scheme, or may submit a scheme amended in any particulars or particular, for the purpose of obtaining a ratification or rejection of the original or amended scheme."

- (d) by adding immediately after subsection (7) thereof the following new subsection:

"(8) In the event of the first or second poll for the purpose of obtaining the ratification or rejection of the original scheme or of an amended scheme resulting in the ratification of the original or amended scheme, the Minister may, on the request of the Board made before the hospital district has commenced operating a hospital or providing hos-

pital services for its ratepayers, disestablish the district, and the Board shall proceed under the provisions of section 28 of this Act.”

4. The said Act is further amended as to section 27 by adding immediately at the end thereof the words “and may vary the number of members of the Board accordingly”.

5. The said Act is further amended by adding immediately after section 27 thereof the following new section:

“27a.—(1) If after the ratification of a scheme, the Board desires to acquire land as a site for a hospital, and if it cannot acquire the land at a fair price by agreement with the owners or occupiers or other persons interested therein, or if for any reason other than a disagreement as to price, the last mentioned persons or any of them have refused or failed to enter into an agreement to transfer to the Board the land required for the site, the Board may acquire the same by expropriation in the manner hereinafter provided in the name and on behalf of the Board of the municipal hospital district, and for such purpose may by surveyors, engineers and workmen enter upon any land and survey the same.

“(2) Whenever the Board exercises the powers to expropriate, conferred by subsection (1), the Board shall deposit in the Land Titles Office for the land registration district within which the land is situate a description or descriptions thereof either by metes and bounds or by reference to the existing registered plan or both, or by reference to a new plan or plans of survey prepared by a land surveyor duly licensed for the Province of Alberta, which said description or plans or both shall be signed by the chairman and secretary of the Board, and upon such deposit having been made the land therein described shall thereupon become and remain vested in the Board subject to payment of the compensation to be paid as hereinafter provided, and the provisions of section 91 of *The Land Titles Act* shall, *mutatis mutandis*, thereupon apply.

“Provided, however, that the Board shall not be entitled to any mines or minerals whether solid, liquid or gaseous which may be found to exist within, upon or under any land vested in the Board under the provisions of this section unless the same are expressly purchased, and the title to any such mines or minerals shall in no wise be affected by the filing of any plans of survey as herein provided.

“(3) Upon the filing in the Land Titles Office of the description or plans or both of any land taken pursuant to the provisions of this Act, the Board shall cause to be served by registered mail upon all persons shown by the records in the Land Titles Office to be interested in the land so taken a notice setting forth the compensation which the Board is prepared to pay for the land so taken.

“(4) If any person entitled to compensation for lands taken as aforesaid is dissatisfied with the amount offered

therefor, he shall within thirty days from the date of the mailing of the notice provided for in subsection (3) notify the Board in writing of his dissatisfaction and shall in such notice state the amount that he claims as compensation for the land taken together with a full statement of the facts in support of his claim, and in the event of no claim for increased compensation being received by the Board within the period, the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation mentioned in the notice referred to in subsection (3).

“(5) The Board shall consider every claim for increased compensation and shall notify the claimant of its decision in respect thereof by registered letter addressed to the claimant’s last known address.

“(6) The claimant if dissatisfied with the decision of the Board may within thirty days after being notified as aforesaid of the decision, give notice in writing to the Board which may be by registered letter that he will submit the claim to arbitration, and the claim shall thereupon be submitted to arbitration, and the arbitration shall be by two arbitrators, one to be appointed by the claimant and one by the Board, and the arbitration shall be governed in all respects by the provisions of *The Arbitration Act*.

“(7) When the amount of the compensation is claimed by two or more persons who are unable to agree as to a division thereof, the Board may pay the same to the Clerk of the Supreme Court whose office is nearest to the land affected, to be paid out to the parties interested in such proportions as may be ordered by a judge of the Supreme Court on application therefor.

6. The said Act is further amended as to section 28,—

- (a) by adding immediately after the word “before”, where the same occurs in subsection (1) thereof, the words “or after”;
- (b) by adding immediately after the word and figure “section 6”, where the same occur in subsection (3) thereof, the words and figures “or subsection (8) of section 26”.

7. The said Act is further amended as to section 58 by adding immediately after the word “district”, where the same occurs in the fifth line of subsection (1) thereof, the words “that has been operating as a Municipal Hospital District, and providing hospital services for its ratepayers for a period of not less than six months”.

8. The said Act is further amended as to section 74 by adding immediately after the word “resident”, where the same occurs in the seventh last line of subsection (1) thereof, the words “and where a ratepayer is not a resident of any included area but is assessed in respect of property situate in more than one included area, he may produce a tax notice

from the authority of any included area in which he is assessed to the authority of such other included area as he may select, and thereupon the secretary-treasurer of such selected included area shall abate the amount of the minimum tax in the same manner as if the ratepayer were a resident of the selected area”.

9. A certain Order in Council dated the 9th day of October, 1945, and intituled O.C. 1652-45, is hereby ratified, validated and confirmed and declared to have been in force at all times since the 1st day of June, 1945, until the coming into force of this Act.

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

THIRD SESSION
TENTH LEGISLATURE
10 GEORGE VI
1946

BILL

An Act to amend The Municipal
Hospitals Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A. Shnitka, King's Printer.
1946