

Bill No. 56 of 1946.

A BILL TO AMEND THE ALBERTA MUNICIPAL
ASSESSMENT COMMISSION ACT

NOTE.

The amendments made by this Bill arise out of the appointment of the Alberta Assessment Commission under authority contained in section 8 of the Act. Since 1935 the Board of Public Utility Commissioners has acted as the Alberta Assessment Commission also under power contained in section 8.

The Order in Council appointing the Alberta Assessment Commission is attached to the Bill and provides that the Board of Public Utility Commissioners shall retain jurisdiction over certain appeals under *The Mineral Taxation Act* now pending before it.

Provision is made for an appeal to the Board of Public Utility Commissioners from the equalization of assessments made by the director of assessment and from any assessment which may be made by the director as the director is a member of the Alberta Assessment Commission.

The provisions of section 2 of the Bill provide for hearings of the Alberta Assessment Commission continuing before less than the full membership of the Commission and for a member taking part in a hearing though he was not present at the beginning, etc. These provisions also apply to the Board of Public Utility Commissioners in hearing appeals under section 18 and under *The Mineral Taxation Act* referred to above.

Section 3 enacts a new section 17 and sets out the case in which the appeal goes to the Alberta Assessment Commission.

Section 4 enacts a new section 18 and provides an appeal to the Board of Public Utility Commissioners in the cases already referred to.

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. 56 of 1946.

An Act to amend The Alberta Municipal Assessment
Commission 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 Alberta Municipal Assessment Commission Act*, being chapter 156 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 6 by striking out the word "commission", where the same occurs in subsection (5) thereof, and by substituting therefor the word "Board".

2. The said Act is further amended as to section 12 by adding immediately at the end thereof the following new subsections:

"(2) Where any hearing or investigation is or has heretofore been commenced before more than one member of the Commission, and a member or members is or are unable to attend on any day or date of such hearing or investigation for any reason whatsoever, the other member or members of the Commission shall nevertheless have power to continue such hearing or investigation in all respects as fully and effectively as if such hearing or investigation had been commenced before such member or members only and make such decision as he or they may deem proper.

"(3) In case a member or members of the Commission is or are unable to attend at such hearing or investigation as aforesaid, such member or members nevertheless shall have power and shall be qualified to resume his or their attendance at any time or from time to time at such hearing or investigation and take part therein until the termination thereof as fully and effectively as if he or they had been present continuously during such hearing or investigation, and any decision given by the Commission pursuant to subsection (2) or this subsection following upon the conclusion of such hearing or investigation, shall be valid and effective notwithstanding the absence from time to time of a member or members during such hearing or investigation.

"(4) Where any hearing or investigation is commenced before one member of the Commission, the other members or either of them shall nevertheless have power and shall be qualified to participate at any time or from time to time in such hearing or investigation until the conclusion thereof, and to participate in any decision of the Commission thereon

as fully and effectively as if he or they had been present during the whole of such hearing or investigation.

“(5) The provisions of this section shall apply to the Board of Public Utility Commissioners in hearing appeals under section 18 of this Act and in its capacity as the Alberta Assessment Commission in hearing appeals pending before it at the time of the passing of Order in Council No. 356-46 hereinafter referred to.”

3. The said Act is further amended as to section 17 by striking out the same and by substituting therefor the following:

“17.—(1) There shall be an appeal to the Commission from,—

“(a) the decision of the court of revision of any city, subject to the provisions of this Act, or of any town, village or municipal district, or the decision of the person or persons from time to time designated by the Minister as the person or persons to deal with complaints in any improvement district;

“(b) the assessment made by an assessor under the provisions of *The Mineral Taxation Act, 1945*;

“(c) the assessments in municipal districts pursuant to *The Wild Lands Tax Act*;

“(2) Before any appeal is heard pursuant to this section other than from the court of revision of any town, village or municipal district, or from the person or persons from time to time designated by the Minister as the person or persons to deal with complaints in improvement districts, there shall be deposited with the Commission the sum of three dollars in respect of each parcel or building or improvement to which the appeal relates, and in the event of the appeal being allowed, the sum deposited shall be returned to the depositor, otherwise, it shall be paid into and form part of the General Revenue Fund.”

4. The said Act is further amended as to section 18 by striking out the same and by substituting therefor the following:

“18.—(1) There shall be an appeal to the Board from all orders of the director made in relation to the equalization of assessments from any municipality and from any assessment made by the director.

“(2) In the case of any appeal from any order in relation to the equalization of assessments, any municipality, and in the case of improvement districts, the Minister, may appeal against such orders by giving notice to the Board in writing at any time within sixty days after the date of the sending out by the director of the notifications referred to in sections 6 and 7, and the Board shall fix a date and place for the hearing of the appeal and shall send a notice thereof to the appellant and director and any other municipality affected by the order appealed from; the date of hearing shall be not sooner than the tenth day after the date of mailing the

notice; and upon the date and at the place so fixed, or at any later date or any place fixed by the Board upon any adjournment, the Board shall proceed to hear and determine the appeal and shall notify the municipality or the Minister, as the case may be, of its decision.

“(3) In the case of an appeal from an assessment made by the director, the person desiring to appeal shall give notice to the Board in writing within twenty days after the date of sending out by the director, of notice of the assessment and thereafter the provisions of subsection (2) shall *mutatis mutandis* apply to the hearing of the appeal.

“(4) Subject as aforesaid, the rules and practice of the Board of Public Utility Commissioners as prescribed by and pursuant to *The Public Utilities Act*, shall apply to all appeals made under this section to the said Board.”

5. The said Act is further amended as to section 22 by striking out the word “Commission”, where the same occurs therein, and by substituting therefor the word “Board”.

6. The said Act is further amended as to section 23 by striking out the word “Commission”, where the same occurs therein, and by substituting therefor the word “Board”.

7. A certain order in council dated the 19th day of February, 1946 and intituled O.C. 356-46, which is set out as the Schedule to this Act, is hereby ratified, validated and confirmed.

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

SCHEDULE

O.C. 356-46

Approved and Ordered,

(Sgd.) J. C. BOWEN,
Lieutenant Governor.

, Edmonton, Tuesday, February 19th, 1946.

The Executive Council has had under consideration the report of the Honourable the Minister of Municipal Affairs, dated February 13th, 1946, stating that:

Whereas it is provided by subsection (1) of section 8 of *The Alberta Municipal Assessment Commission Act*, being chapter 156 of the Revised Statutes of Alberta, 1942, that the Lieutenant Governor in Council may appoint a Commission to be known as the Alberta Assessment Commission, which shall be composed of three persons appointed from

time to time, each of whom shall hold office during pleasure, and one of whom shall be the chairman and shall devote his whole time and attention to the duties of his office, and the others of whom shall devote so much of their time and attention as is prescribed from time to time by the Minister of Municipal Affairs; and

Whereas it was provided by subsection (2) of section 10 of *The Alberta Municipal Assessment Commission Act* then in force, that instead of appointing a Commission pursuant to subsection (1) of the said Section 10 of the said last mentioned Act, or for the purpose of replacing any Commission previously appointed pursuant to the provisions of the said section, the Lieutenant Governor in Council may from time to time appoint the Board of Public Utility Commissioners, and upon the making of any such appointment the Board so appointed shall, so long as that appointment continues, be the Alberta Assessment Commission and shall under the title of the Alberta Assessment Commission exercise all the duties, powers and functions imposed or conferred on the Alberta Assessment Commission by *The Alberta Municipal Assessment Commission Act* or any other Act, and that any previous appointment of a Commission made pursuant to said section 10 should be superseded; and

Whereas by Order in Council numbered 1312-35, dated the 14th day of November, 1935, the Board of Public Utility Commissioners was, pursuant to subsection (2) of section 10 of *The Alberta Municipal Assessment Commission Act* then in force appointed or designated as the Alberta Assessment Commission; and

Whereas it is deemed expedient to cancel the appointment of the Board of Public Utility Commissioners as the Alberta Assessment Commission as from the 1st day of March, 1946, except as to certain appeals against assessments which have been made and are now pending before the said Board as the Alberta Assessment Commission, and to appoint the Alberta Assessment Commission pursuant to subsection (1) of section 8 of *The Alberta Municipal Assessment Commission Act*, being chapter 156 of the Revised Statutes of Alberta, 1942;

Therefore, upon the recommendation of the Honourable the Minister of Municipal Affairs, the Executive Council advises,—

- (a) That, pursuant to the provisions of subsection (1) of section 8 of the last mentioned Act, the Alberta Assessment Commission, composed of James M. Forbes, Alexander R. Soutter and Walter M. Crockett, K.C., all of Edmonton in the Province of Alberta, be, and is hereby appointed, and that the said James M. Forbes shall be chairman of the said Commission;
- (b) That Order in Council numbered 1312-35, whereby the Board of Public Utility Commissioners was appointed as the Alberta Assessment Commission, be, and is hereby rescinded;

- (c) That, notwithstanding the rescinding of Order in Council numbered 1312-35 and the appointment of the Alberta Assessment Commission made by paragraph (a), the Board of Public Utility Commissioners as presently constituted in its capacity of the Alberta Assessment Commission shall continue to have exclusive jurisdiction under the title of the Alberta Assessment Commission to hear and determine all assessment appeals which have been lodged with it and which are still pending before it, and shall with respect to such appeals continue to have and exercise all the duties, powers and functions imposed or conferred on the Alberta Assessment Commission by *The Alberta Municipal Assessment Commission Act*, being chapter 156 of the Revised Statutes of Alberta, 1942, or any other Act;
- (d) That this Order in Council shall come into force on the First day of March, 1946.

(Sgd.) ERNEST C. MANNING,
Chairman.

THIRD SESSION
TENTH LEGISLATURE

10 GEORGE VI

1946

BILL

An Act to amend The Alberta Municipal Assessment Commission Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

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