

Bill No. 83 of 1948.

A BILL TO AMEND THE LAND TITLES ACT.

NOTE.

This Bill amends *The Land Titles Act*.

Section 29 of the Act provides that no instrument shall be registered by a company until it produces proof to the Registrar that it is not in arrears for any tax or fee imposed under certain Provincial Acts. *The Corporations Taxation Act* is struck out of this list and *The Companies Act* is substituted. *The Corporations Taxation Act* is suspended for the duration of the Dominion-Provincial agreement. *The Companies Act* is added as it is desirable that a company be registered with the Registrar of Companies before it can own land.

Two new sections are added immediately after section 132. They make provision for a change of address for service in respect of a caveat to be filed with the Registrar.

Section 137 is amended to make reference to the change of address for service which is provided for by sections 132*a* and 132*b*.

Section 150 which refers to a "stipendary magistrate" is changed by making a reference instead to a "police magistrate".

Section 158 is struck out and a new section is substituted. This change is necessary by reason of the change in *The Dower Act, 1948*. The new section 158 provides that when a married person disposes of his homestead within the meaning of *The Dower Act, 1948*, without the consent of his spouse, the spouse shall have only the right of action for the recovery of damages from the Assurance Fund which is provided under *The Dower Act, 1948*, and shall not have any right of action under *The Land Titles Act*. However, the provisions of *The Land Titles Act* relating to actions against the Registrar apply except in so far as they are varied by the provisions of *The Dower Act, 1948*.

Section 163 is amended by striking out a reference to the old section 158.

Section 167 is amended by striking out paragraph (c). The limitation of actions section is now provided for in *The Dower Act, 1948*, itself.

Section 168 is amended to make reference to an action under *The Dower Act, 1948*.

A new Form 33A is added immediately after Form 33 in the Schedule. This form is the one to be used when filing a notice of change of address for service of a caveat.

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. 83 of 1948.

An Act to amend The Land Titles Act.

(Assented to _____, 1948.)

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

1. *The Land Titles Act*, being chapter 205 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 29 by striking out the words "*The Corporations Taxation Act*", where the same occur therein, and by substituting therefor the words "*The Companies Act*".

2. The said Act is further amended by adding immediately after section 132 thereof the following new sections:

"**132a.** Any caveator while the caveat remains in force may file or cause to be filed with the Registrar a notice of the change of address for service stated in the caveat, or in any previous notice of change of address for service.

"**132b.** Upon receipt of a notice of change of address for service in Form 33A in the Schedule or to the like effect, and his proper fee, the Registrar shall enter it in the day book and shall make a memorandum thereof setting forth in full the new address for service upon the caveat filed with the Registrar."

3. The said Act is further amended as to section 137 by adding immediately after the words "address stated in the caveat", where the same occur in subsection (1) thereof, the words "or if a notice of change of address for service has been filed with the Registrar then at or to the address stated in the last notice of change of address for service filed in the Land Titles Office".

4. The said Act is further amended as to section 150 by striking out the word "stipendiary", where the same occurs in subsection (1) thereof, and by substituting therefor the word "police".

5. The said Act is further amended as to section 158 by striking out the same and by substituting therefor the following:

"**158.**—(1) Where a married person disposes of his homestead within the meaning of *The Dower Act*, 1948,

without the consent of the spouse of such married person, contrary to the provisions of the said Act, the said spouse shall have such right of action for the recovery of damages from the Assurance Fund as may be provided pursuant to the provisions of *The Dower Act, 1948*, but shall not have any right of action for the recovery of damages from the Assurance Fund pursuant to this Act.

“(2) Subject to the provisions of subsection (1) in any such action brought by the spouse pursuant to the provisions of *The Dower Act, 1948*, such provisions of this Act as may be applicable relating to actions against the Registrar for the recovery of damages from the Assurance Fund shall apply except in so far as they may be varied by the provisions of *The Dower Act, 1948*.”.

6. The said Act is further amended as to section 163 by striking out the figures “158” where the same occur therein.

7. The said Act is further amended as to section 167 by striking out paragraph (c) thereof.

8. The said Act is further amended as to section 168 by adding immediately after the words “under this Act”, where the same occur in subsection (1) thereof, the words “or under *The Dower Act, 1948*,”.

9. The said Act is further amended as to the Schedule by adding immediately after Form 33 thereof the following new Form:

“FORM 33A
(Section 132a)

“NOTICE OF CHANGE OF ADDRESS FOR SERVICE.

“To the Registrar of the..... Alberta Land
Registration District:

“Take notice that I hereby change my address for service as stated in my caveat dated the..... day of....., 19....., and filed in the Land Titles Office for the..... Alberta Land Registration District on the..... day of....., 19....., as No..... affecting the lands described as follows:

and appoint.....
as my address for service.

“Dated at the..... of..... in the
Province of Alberta, this..... day of....., 19.....

.....
“(Signature of Caveator or his Agent.)”

10. This Act shall come into force on the first day of September, 1948.

No. 83

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act to amend The Land Titles Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.
