

Bill No. 77 of 1949.

A BILL TO AMEND THE ASSESSMENT ACT.

NOTE.

This Bill amends *The Assessment Act*, being chapter 157 of the Revised Statutes of Alberta, 1942.

Section 2 (b) which defines the term "assessor" is amended to refer to an assessor appointed under *The Alberta Municipal Assessment Commission Act*.

Section 2 (g) which defines the term "farm land" is struck out and a new definition is substituted. Farm land is defined as meaning a parcel of land used for farming purposes which is twenty acres or more in extent, or land which is used for farming purposes and which is less than twenty acres in extent if the owner or tenant derives his livelihood mainly from the actual cultivation of the land.

Section 2 (o) (i) is amended to broaden the definition of the term "parcel". The amendment brings within the definition a block which has not been subdivided into lots.

Section 4 is amended by striking out the reference to *The Soldiers Relief Act* which has been repealed in so far as its effect on this Act is concerned.

Section 5 which is the exemption section of the Act is amended. Paragraph (g) of subsection (1) is amended to make it clear that the exemption for land of an agricultural society only applies to land held for the use of the society. Paragraph (n) of subsection (1) which refers to *The Soldiers Relief Act* has been struck out. A new paragraph (tt) has been added immediately after paragraph (t) of subsection (1). This paragraph exempts from assessment all domestic animals including poultry, bees and fur-bearing animals whether kept upon farm lands or not. Paragraphs (u) and (z) of subsection (1) are each amended to make it clear that the exemptions to which they refer do not apply where the articles listed are held as stock-in-trade by a dealer.

Section 6 is struck out and a new section is substituted. The section has been redrafted for purposes of clarification and its meaning has not been altered very greatly. The numerous references which occur in the present section to assessment for business tax purposes have been omitted. The business tax to be imposed by towns and villages is now dealt with entirely in sections 20 and 21 and there is no necessity for reference to be made to it in section 6.

The new section is accordingly confined to assessment of real and personal property in collecting school districts.

Section 8 is struck out and a new section is substituted. The new section is similar to the existing one with certain changes. Under the new section personal property is liable to assessment for hospital purposes. The section also provides that personal property shall not be assessable until it has been in a municipality for sixty days or more. The amendment also provides that personal property shall not be assessed by more than one municipality in any one year. These changes arise from recommendations contained in the Report of the Royal Commission on Taxation. The deadline for the assessment of personal property is fixed as the first day of September, which is later than the period fixed for the assessment of real property and business. All provisions relating to the assessment of personal property are now contained within this one section.

Section 16 is repealed. This was a transitional section which has now served its purpose and there is accordingly no further need for its retention in the Act.

Section 17 is amended by the addition of a new subsection (2a). This new subsection enables the Minister to requisition the Director of Assessments to make a general assessment of all or any part of any improvement district.

Section 17 (4) is struck out and a new subsection is substituted. The changes in the roll referred to in the present subsection did not cover all possible changes. For example, the present subsection would not cover a reassessment made under the authority of section 5 (1) (b) of *The Alberta Municipal Assessment Commission Act*. The wording is altered to read "changes in the roll from year to year made in accordance with the provisions of this Act or *The Alberta Municipal Assessment Commission Act*," which covers every possible contingency.

Section 18 is struck out and a new section is substituted. The new section covers the present provisions with modifications and additions. In accordance with the recommendation of the Royal Commission on Taxation the section provides that the council of a town or village may requisition the Director of Assessments to make a general assessment of all lands, buildings and improvements in the town or village.

A new section 18a is added immediately after section 18 of the Act. This section makes it clear that the personal property assessment shall be made by the assessor appointed by the council and that the assessment will be made not later than the first day of September. The section refers back to section 8 under which the personal property assessment is made.

Section 19 is amended. The amendments make it clear that adopted assessments and annual assessments are to be

made by the assessor appointed by the council or by the Minister and not by the Director of Assessments. A proviso is added to paragraph (a) to make it clear that the personal property assessment may be made any time before September first. Paragraph (b), except for the proviso, is struck out and a new paragraph substituted. The new paragraph provides for the reassessment of lands, buildings and improvements where the value has been changed other than by fair wear and tear on the buildings and improvements.

Section 20 is struck out and a new section is substituted. The new section confines the business tax to towns and villages. The subsection imposing a business tax on fur farms has been deleted. The business tax has been made available for hospital purposes. All of these changes result from recommendations contained in the Judge Report.

Section 21 is amended in several particulars. In accordance with the recommendations contained in the Judge Report the business tax will no longer be levied in municipal districts and improvement districts. All references of this nature are accordingly struck out of the section. References to fur farming are deleted because fur farms are no longer subject to a business tax.

A new subsection (6b) has been added to section 21 providing for the imposition of a business tax for hospital purposes which is similar to the business tax provided for municipal and for school purposes.

Subsection (8) of section 21 is struck out and a new subsection substituted. The subsection has been reworded in order to make it clear that a business which has been carried on for more than thirty days shall be liable to payment of the full annual business tax.

Subsection (9) of section 21 is amended to make it clear that the business tax is abated only to the extent of a license fee payable to the town or village.

Subsections (11) and (15) of section 21 are each struck out as the business tax is no longer to be collected in improvement districts and municipal districts. Subsection (15) also provided for the off-set of a tax on improvements against a business tax. This off-set provision is confined to villages and does not apply to towns. There does not appear to be any reason why towns and villages should not be in the same position in this regard. The striking out of this provision is in accordance with the recommendation contained in the Judge Report and the similar section in *The Town and Village Act* is also being struck out.

Section 28 is struck out and a new section is substituted for purposes of clarification. The old section did not differentiate between a new and an adopted assessment and did not make adequate provision for the different procedures required in each case. The section has accordingly been redrafted. A new subsection (3) has been added which pro-

vides for alternative methods of giving notice of the preparation of the new assessment roll, namely, by the distribution of circulars to the ratepayers or by publication in a newspaper circulating in the district.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

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

BILL

No. 77 of 1949.

An Act to amend The Assessment Act.

(Assented to _____, 1949.)

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

1. *The Assessment Act*, being chapter 157 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2,—

- (a) by adding immediately after the words “the following Acts, namely,” where they occur in paragraph (b), the words “*The Alberta Municipal Assessment Commission Act*,”;
- (b) by striking out paragraph (g) and by substituting the following:
 - “(g) ‘Farm land’ means,—
 - “(i) any parcel of land which is used for farming purposes and which is twenty acres or more in extent;
 - “(ii) any parcel of land less than twenty acres in extent which is used for farming purposes by an owner or tenant who derives his livelihood mainly from the actual cultivation of such land;”;
- (c) by striking out clause (i) of paragraph (o), and by substituting the following:
 - “(i) any unsubdivided block or any lot, or any part of such block or lot in any area of land a plan of subdivision of which is registered in a land titles office;”.

2. The said Act is further amended as to section 4 by striking out the words “, *The Soldiers Relief Act*”.

3. The said Act is further amended as to section 5,—

- (a) by adding immediately after the word “land” where it occurs in paragraph (g) of subsection (1), the words “held by and for the use”;
- (b) by striking out paragraph (n) of subsection (1);
- (c) by adding immediately after paragraph (t) of subsection (1) the following new paragraph:

- “(tt) all domestic animals including all poultry, bees and fur-bearing animals, whether kept upon farm lands or not;”;
- (d) by striking out paragraph (u) of subsection (1), and by substituting the following:
 - “(u) household goods and effects of every kind including books and articles of wear and adornment, except where kept as stock-in-trade;”;
- (e) by striking out paragraph (z) of subsection (1), and by substituting the following:
 - “(z) all motor vehicles not held as stock-in-trade.”.

4. The said Act is further amended by striking out section 6 and by substituting the following:

“6.—(1) Property liable to assessment shall be assessed in the municipality in which the property is situate.

“(2) Where any property is situate in a school district which collects its own taxes, the assessment of the property in the town, village, municipal district or improvement district in which it is situate shall be the assessment thereof for the purposes of the school district.

“(3) In any year when the town, village, municipal district or improvement district in which a school district which collects its own taxes is situate in whole or in part has not imposed a personal property tax, the school district may proceed pursuant to section 8 to have an assessment made for that purpose, and shall forthwith forward a certified copy of the by-law to the secretary-treasurer of the municipality.

“(4) Every assessment to which this section relates shall be made by the assessor of the town, village, municipal district or improvement district within which the property assessed is situate, and the secretary-treasurer of the town, village, municipal district or improvement district shall immediately after the court of revision forward to the secretary-treasurer of the collecting school district a list of all such assessments.

“(5) The secretary-treasurer of any city, town, village, municipal district or improvement district within which any or any part of any school district which collects its own taxes is situate shall immediately after the final completion of the assessment roll in each year, forward to the secretary of the school district a copy of the assessment roll, in so far as it applies to the school district, and shall certify in writing under his hand the total assessed value of all property which is within the city, town, village, municipal district or improvement district, and within the school district, and which is liable to assessment and taxation pursuant to this or any other Act.

“(6) Notwithstanding any other provision of this Act, every school district which is situate within any National Park shall for the purposes of this Act be deemed to be a town and all the provisions of this Act relating to assess-

ment in towns, the holding of courts of revision and appeals from assessments, shall *mutatis mutandis* apply to every such school district.”.

5. The said Act is further amended by striking out section 8 and by substituting the following:

“8.—(1) The Minister by order in any year may direct that personal property in any improvement district named in the order shall be liable to assessment and taxation and any such order shall continue in force until amended or repealed by a subsequent order.

“(2) The board of a school district which collects its own taxes and the council of any municipality, may provide by by-law passed not later than the first day of May in any year, that in the said year all personal property within the school district or municipality, as the case may be, shall be liable to assessment and taxation.

“(3) The order of the Minister, or the by-law of the council shall specify that the personal property assessment shall be for municipal, hospital or school purposes, or for any one or more of them.

“(4) In the case of any municipality other than an improvement district, and in the case of a school district which collects its own taxes, every by-law and every amending by-law passed under the provisions of this section shall continue in force until amended or repealed, but no such by-law shall be amended or repealed except by a by-law passed at a regular meeting of the council or board in any year subsequent to the year in which the original by-law was passed, and prior to the first day of May in the subsequent year.

“(5) In any school district or municipality in which personal property is liable to assessment and taxation, it shall be assessed at its actual cash value as it would be appraised if taken in payment of a just debt.

“(6) Personal property other than stock-in-trade shall not be liable to assessment by any municipality or collecting school district until it has been situate within the said municipality or collecting school district for a period of not less than sixty days.

“(7) Where the owner of personal property has paid a tax levied in any year by any municipality in respect of that personal property he shall not become liable to assessment and taxation in that year by any other municipality in respect of that personal property.

“(8) Where the owner of personal property has been assessed and taxed by a collecting school district, the said owner of the said personal property shall not be liable to assessment and taxation with respect to that personal property by any municipality or other collecting school district for school purposes.

“(9) Where personal property consists of stock-in-trade the assessor may assess such personal property in the amount of the monthly average stock-in-trade kept on hand

during the twelve-month period immediately preceding the date of assessment, or in case the stock-in-trade was kept on hand for a lesser period than twelve months, then the monthly average stock-in-trade may be computed with respect to the actual period the stock-in-trade has been kept on hand and the person doing business with respect to the said stock-in-trade shall be bound to furnish the assessor with the information necessary for the purposes of determining the value.

“(10) When personal property becomes liable to assessment and taxation in any year under the provisions of this section, then it may be assessed and taxed at any time prior to the first day of September in that year.

“(11) Where a business tax is levied against any business by virtue of a by-law passed pursuant to sections 20 and 21, the stock-in-trade and other personal property used in connection with such business shall not be assessed or taxed pursuant to this section.”.

6. The said Act is further amended by striking out section 16.

7. The said Act is further amended as to section 17,—

(a) by adding immediately after subsection (2) the following new subsection:

“(2a) Notwithstanding the provisions of subsection (2), the Minister at any time may requisition the Director of Assessments to make a general assessment of all or any part of any improvement district and thereupon the assessor designated by the Director of Assessments shall assess every parcel of land subject to assessment and taxation in the improvement district or in the part thereof designated in the requisition.”;

(b) by striking out subsection (4) and by substituting the following:

“(4) The equalized assessed value of all rateable lands, as established in all municipal districts and improvement districts after any such general assessment, subject to changes in the roll from year to year made in accordance with the provisions of this Act or *The Alberta Municipal Assessment Commission Act*, shall be adopted as the assessment of such lands effective on the first day of January in every subsequent year until a new assessment has been directed by the Minister and equalized in accordance with the provisions of the aforementioned Acts.”.

8. The said Act is further amended by striking out section 18 and by substituting the following:

“18.—(1) In any year prior to the first day of April, the council of a town or village by resolution may requisition

the Director of Assessments to make a general assessment of all lands, buildings and improvements in the town or village.

“(2) The council of a town or village by resolution passed prior to the first day of April in any year may adopt the assessment of land including buildings and improvements made in the previous year as the assessment for the then current year, provided that no such resolution shall be passed in more than four consecutive years.

“(3) In the event of a resolution being passed pursuant to subsection (1) or subsection (2), the secretary-treasurer of the town or village shall immediately forward to the Director of Assessments a certified copy of such resolution.

“(4) The Director of Assessments upon receipt of a resolution containing a requisition for a general assessment may designate one or more assessors who shall assess every assessable parcel of land, including buildings and improvements, subject to assessment and taxation in the town or village, before the first day of July in that year.

“(5) When in any year the assessment of the previous year has not been adopted and an assessor has not been designated by the Director of Assessments, the assessor appointed by the council of a town or village shall as soon as may be but not later than the first day of July in that year, assess every assessable parcel of land including buildings and improvements subject to assessment and taxation in the town or village.”.

9. The said Act is further amended by adding immediately after section 18 the following new section:

“**18a.** The assessment of personal property liable to assessment and taxation shall be made by the assessor appointed by the council of a town, village or municipal district, or by the assessor appointed by the Minister in the case of an improvement district as soon as may be in every year but not later than the first day of September, subject to the provisions of section 8.”.

10. The said Act is further amended as to section 19,—

(a) by adding immediately after the words “the assessor” where they occur in paragraph (a), the words “appointed by the council or by the Minister”;

(b) by adding immediately at the end of paragraph (a) the following proviso:

“Provided that personal property may be assessed at any time prior to the first day of September if it becomes assessable under the provisions of section 8;”;

(c) by striking out all of paragraph (b) except the proviso thereto, and by substituting the following:

“(b) the assessor appointed by the council or by the Minister shall reassess not later than the first day of July each parcel the value of which has

changed due to physical causes other than fair wear and tear on the buildings and improvements,";

- (d) by striking out paragraph (c) and by substituting the following:

"(c) no assessment slip respecting land, buildings and improvements need be sent to any person whose name appears on the assessment roll of the previous year in respect thereof unless the assessment of his land, buildings and improvements is changed."

11. The said Act is further amended by striking out section 20 and by substituting the following:

"20.—(1) Subject to the other provisions of this Act, the council of any town or village at a regular meeting of the council held prior to the first day of May in any year may pass a by-law providing for the assessment of any trade, business or profession carried on within its area, and for the payment by any person carrying on a trade, business or profession of an annual tax upon the assessment thereof to be known as a business tax.

"(2) The by-law shall specify that the tax shall be levied for municipal, hospital or school purposes or any one or more of them."

12. The said Act is further amended as to section 21,—

- (a) by striking out the words "In every year not later than the first day of July, in any town, village, municipal district or collecting school district where a by-law has been passed, or in any improvement district where an order has been issued for the imposition of a business tax, the assessor shall assess all businesses which are by virtue of the by-law or order liable to assessment and taxation. The by-law or order may provide,—" where the same occur in subsection (2), and by substituting the words "Where a by-law has been passed for the imposition of a business tax the assessor appointed by the council shall, in every year not later than the first day of July, assess all businesses, trades and professions which are by virtue of the by-law liable to assessment and taxation. The by-law may provide,—";
- (b) by striking out paragraph (e) of subsection (2);
- (c) by striking out the words "or order" wherever they occur in subsections (3) and (4);
- (d) by striking out the word "municipality" where it occurs in subsection (6), and by substituting the words "town or village";
- (e) by striking out the words "by the municipality upon land in any school division or portion thereof or in any school district not in a school division situate within the municipality" where they occur in sub-

section (6a), and by substituting the words “by the town or village upon land situate within the town or village and included in any school division or portion thereof or in any school district or portion thereof not in a school division”;

- (f) by adding immediately after subsection (6a) the following new subsection:

“(6b) The business tax for hospital purposes payable in respect of any trade, business or profession which is not assessed on a rental basis shall be calculated and levied annually on the assessed value thereof at such rate or rates as may be specified in the by-law for the year in which the by-law was passed and in every year subsequent thereto at the rate or rates aforesaid, or at such rate or rates as may be specified in any amending by-law and in any particular case the rate shall not exceed the rate of the levy made for municipal hospital purposes by the town or village upon land situate within the town or village and included in any municipal hospital district or portion thereof.”;

- (g) by striking out subsections (7) and (8) and by substituting the following:

“(7) The business tax payable for municipal, school and hospital purposes or any of such purposes in respect of any trade, business or profession which is assessed on the rental basis shall be such percentage of the assessed value not in excess of a total of fifteen per cent as may be specified by the by-law, and such percentage may be varied as between any class or classes of trade, businesses or professions, and any other class or classes.

“(8) Any person who carries on any business, trade or profession within a town or village for more than thirty days in any year in respect of which business, trade or profession a business tax is payable, shall be liable for the payment of the full annual business tax in respect thereof.”;

- (h) by adding immediately after the words “fee is payable” where they occur in subsection (9) the words “to the town or village”;
- (i) by striking out the words “In the case of any municipality other than an improvement district and in the case of a collecting school district, every”, where they occur in subsection (10), and by substituting the word “Every”;
- (j) by striking out subsection (11);
- (k) by striking out subsection (15).

13. The said Act is further amended by striking out section 28 and by substituting the following:

“**28.**—(1) In the case of a municipal district where a new general assessment has been made under the provisions of

section 17, or a new assessment has been made under the provisions of section 55, and the roll has been duly prepared as required by section 26, as soon as may be after the preparation of the roll the secretary-treasurer shall post or cause to be posted a notice in the prescribed form in at least three widely separated and conspicuous places in each electoral division within the municipal district, and shall also publish the notice in one issue of a newspaper in general circulation in the municipal district.

“(2) In the case of a municipal district where the roll of the previous year is adopted under the provisions of subsection (4) of section 17, the secretary-treasurer shall as soon as may be after the adoption of the roll, post or cause to be posted a notice in the prescribed form in at least three widely separated and conspicuous places in each electoral division within the municipal district, and shall also publish the notice in one issue of a newspaper in general circulation in the municipal district.

“(3) In lieu of posting notices as required by subsections (1) and (2) the council of a municipal district may by resolution authorize the secretary-treasurer to cause the notice to be issued by either of the alternative methods provided by section 220a of *The Municipal District Act*.

“(4) In the case of a town or village where a complete new assessment has been made under the provisions of subsection (1) of section 18, as soon as may be after the preparation of the roll pursuant to section 26, the secretary-treasurer shall post a notice of the preparation of the roll in the prescribed form in five conspicuous places, and shall also publish the notice in a newspaper published in the town or village, or if there be no such newspaper, in a newspaper in general circulation therein.

“(5) In the case of a town or village where the assessment of the previous year has been adopted under the provisions of subsection (2) of section 18, the secretary-treasurer shall post a notice of the preparation of the roll in the prescribed form in five conspicuous places and shall also publish the notice in a newspaper published in the town or village, or if there be no such newspaper, in a newspaper in general circulation therein.”.

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

No. 77

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to amend The Assessment
Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
