

Bill No. 74 of 1952.

A BILL TO AMEND THE WATER, GAS, ELECTRIC
AND TELEPHONE COMPANIES ACT.

NOTE.

This Bill amends *The Water, Gas, Electric and Telephone Companies Act*, being chapter 260 of the Revised Statutes of Alberta, 1942.

There is no general statutory authority for expropriation of land in rural areas by electric power, gas, water or telephone companies, for rights-of-way for their pipes, wires, conduits and poles. In some instances the authority may be found in special provisions or special statutes dealing with a specific company or type of company. At present this Act authorizes expropriation by such companies only within a city, town or village. The Act is amended to permit expropriation of private rural land by such companies subject to the approval of the Minister of Public Works, and establishes the manner of expropriation and the method of settling disputes with respect to compensation for land or an interest in land taken by a company under the new provisions of this Act.

A new section 4a is added. It provides for entry upon private land by a company to make surveys and examinations for fixing the location of its proposed right-of-way. The lands the company may enter upon are those lying in the intended route of its mains, pipes, conductors and wires and outside a city, town or village.

A new section 10a permits a company to cut down trees or brush that obstruct the running of survey lines or endanger the equipment of the company.

The new section 11a provides that where a claim is made against a company for damages to growing things, or other damage, notice of the claim is to be given within such time, not later than sixty days in any event, as will permit the damage to be still apparent.

Section 12 is amended. This section now applies only in a city, town or village, and it is not intended that it should apply to expropriation in rural areas which is fully provided for in the new sections being added by this Bill. The purpose of this amendment is to make it clear that section 12 continues to apply only in cities, towns and villages.

Sections 26, 27, 28 and 29 are added. Section 26 provides that in certain cases a company may apply to the Minister for authority to expropriate land situate outside a city, town or village.

Section 27 provides that the Minister may issue an order authorizing a company to expropriate upon satisfying himself that the land or interest therein is necessary to the company, that it has tried all reasonable means to obtain the land, and that the application is reasonable and proper. Section 27 also provides that the land desired by the company shall vest in the company if, after receiving authority to expropriate, it files in the Land Titles Office a description of the land or a plan of survey signed by the company's president and countersigned by the Minister.

Section 28 provides that upon filing in the Land Titles Office, the company shall serve a notice upon the owner of the land and all persons shown to have an interest in the land. The notice shall advise the owner or other interested persons of the compensation which the company is prepared to pay. If a person interested in the land is dissatisfied he shall notify the company of his dissatisfaction, and give some particulars of his claim. If, however, no claim for increased compensation is made within the thirty day period, a person interested in land shall be deemed to be satisfied with the amount offered and be bound to accept the amount of compensation offered by the company.

Section 29 provides for arbitration under *The Arbitration Act* where a person interested in land gives notice of his dissatisfaction with the amount offered. The arbitrators fix the amount of compensation which they consider fair and reasonable and the company is required to pay that amount to the claimant.

This Bill comes into force upon assent.

KENNETH A. MCKENZIE,
Legislative Counsel.

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

BILL

No. 74 of 1952.

An Act to amend The Water, Gas, Electric and Telephone Companies Act.

(Assented to _____, 1952.)

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

1. *The Water, Gas, Electric and Telephone Companies Act*, being chapter 260 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following new section is added immediately after section 4: New section 4a

“**4a.** A company may enter, without consent, on Crown lands or private lands,— Right of entry

“(a) lying in the intended route of its mains, pipes, wires or conductors; and

“(b) situate outside a city, town or village; to make surveys and examination for fixing the location of its proposed right-of-way, works and undertakings, and for ascertaining and determining the description of the land it may require.”.

3. The following new section is added immediately after section 10: New section 10a

“**10a.** A company, subject to the provisions of section 11, may cut down any trees or brush that, in its opinion, obstruct the running of survey lines or endanger the conductors, wire or equipment of the company.”. Removal of obstructions

4. The following new section is added immediately after section 11: New section 11a

“**11a.** Where a claim is made against a company for damages to crops, gardens, shrubs, trees or other growing things, or other damage, notice of the claim shall be given in writing signed by the claimant within such time that the nature, character, extent and evidence of the damage may be apparent, and in any case not later than sixty days after the cause for complaint arose.”. Notice of claim for damages

5. Section 12 is amended by adding immediately after the words “private property” the words “within a city, town or village”. Section 12 amended

Section 25
amended

6. Section 25, subsection (1) is amended by striking out the words "or within ten miles within the municipality" and by substituting the words "a city, town or village".

New sections
26 to 29

7. The following new heading and sections are added immediately after section 25:

"Expropriation of Right-of-Way.

Company
may apply
to Minister

"26. (1) Where a company is unable to purchase, lease or otherwise acquire land or an interest in any land, situate outside the limits of a city, town or village, which the company requires for its mains, pipes, wire, conductors, poles or other devices to convey, transmit, supply or distribute its gas, water or electricity or its telephone or sewerage services, it may apply to the Minister for authority to expropriate.

Minister may
authorize
expropria-
tion

"(2) The Minister upon satisfying himself,—

"(a) that the land or the interest in land is necessary for the company's purposes; and

"(b) that the company has attempted by all reasonable means to conclude a satisfactory agreement with the landowner; and

"(c) that it is reasonable and proper to grant the company's application having regard to all the circumstances of the case;

may issue an order authorizing the company to expropriate such land or interest in land as the Minister may designate.

Filing and
vesting

"27. If after receiving authorization to expropriate, the company files in the Land Titles Office for the Land Registration District within which the land is situate,—

"(a) a description of the land by metes and bounds or by reference to existing registered plans or both; or

"(b) a new plan of survey of the land prepared by a land surveyor, duly licensed for the Province of Alberta;

which description or plan is signed by the president of the company and countersigned by the Minister, the land or interest therein shall vest in the company.

Compensa-
tion for land
expropriated

"28. (1) Upon the filing in the Land Titles Office of the description or plan of land taken pursuant to section 27, the company shall serve or cause to be served by registered mail upon,—

"(a) the owner of the land or the interest in land taken;

"(b) all persons shown by the records of the Land Titles Office to be interested in the land taken;

a notice setting forth the compensation which the company is prepared to pay for the lands, or the interest therein, so taken.

"(2) If a person entitled to compensation for land or the interest taken is dissatisfied with the amount of compensa-

tion offered, he shall notify the company in writing of his dissatisfaction within thirty days from the date of the mailing of the notice by the company and shall set out,—

“(a) the amount that he claims as compensation for the land or the interest taken;

“(b) a full statement of the facts in support of his claim.

“(3) In the event of no claim for increased compensation being received by the company within the thirty days, the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation offered by the company.

“**29.** (1) When the company and the claimant for increased compensation are unable to agree on the compensation to be paid, the company shall proceed to arbitration under the provisions of *The Arbitration Act*. Company to proceed to arbitration

“(2) The arbitration shall be by two arbitrators one to be appointed by the company and one by the claimant for increased compensation.

“(3) The arbitrators shall consider each case where the amount of compensation is disputed and shall fix the amount of compensation which in their opinion is fair and reasonable.

“(4) The company shall pay forthwith to the claimant the compensation fixed by the arbitrators.”. Company to pay compensation forthwith

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

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Water, Gas,
Electric and Telephone
Companies Act.

Received and read the

First time

Second time.....

Third time.....

HON. DR. ROBINSON.
