

Bill No. 108 of 1954

**A BILL TO VALIDATE A CERTAIN AGREEMENT  
BETWEEN THE CITY OF CALGARY AND THE  
CANADIAN PACIFIC RAILWAY COMPANY**

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**NOTE**

This Bill enacts a new Act which will be known as "*The Calgary Taxing Agreement Act, 1954*".

In 1911 the City of Calgary granted perpetual tax exemption to the C.P.R. in respect of the Palliser Hotel. Later the city entered into certain agreements in regard to the Alberta Stock Yards, a subsidiary company of the railway company.

Because of the unique position of the railway company as far as taxation is concerned and because of these previous Agreements respecting taxation, the City of Calgary finds it expedient to negotiate tax agreements with the C.P.R. By such a method Calgary expects to increase the amounts annually received from the railway company.

*The City Act* does not contain any general provision regarding this unusual situation and this Act is desired by the City of Calgary to ratify, validate and confirm the desired taxing agreement with the C.P.R.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 108 of 1954

An Act to validate a Certain Agreement between the City of Calgary and the Canadian Pacific Railway Company

(Assented to , 1954)

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

1. This Act may be cited as *The Calgary Taxing Agreement Act, 1954*. Short title
2. In this Act, unless the context otherwise requires, Interpre-  
tation
  - (a) "City" means the City of Calgary;
  - (b) "Company" means Canadian Pacific Railway Company.
3. (1) That certain Agreement between the City and the Company dated the 2nd day of March, 1954, and set out in the Schedule to this Act, is ratified, validated and confirmed and declared to be legally binding upon each of the parties thereto. Agreement  
(2) Each of the parties to the said Agreement may do all acts and things necessary to carry out the Agreement notwithstanding any provisions to the contrary in any other agreement or in *The City Act*.  
(3) The provisions of the said Agreement set out in the Schedule to this Act shall be deemed to be expressly enacted in and form part of this Act.
4. If there is any conflict between this Act and *The City Act*, the provisions of this Act prevail. Conflict with  
City Act
5. This Act comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the 1st day of January, 1953. Coming into  
force

## SCHEDULE

This Agreement made on the 2nd day of March, A.D., 1954.

Between:

CANADIAN PACIFIC RAILWAY COMPANY,  
hereinafter called the "Company",

OF THE FIRST PART,

and

THE CITY OF CALGARY, a municipal corporation  
in the Province of Alberta, hereinafter called the  
"City",

OF THE SECOND PART.

Whereas the Parties hereto entered into an Agreement dated March 10, 1911 (hereinafter referred to as the "1911 Agreement") relating to an hotel to be constructed by the Company on its station grounds in the City of Calgary, which hotel has subsequently become known as the Hotel Palliser; and,

Whereas by the 1911 Agreement the Parties agreed, *inter alia*, that the Company should pay to the City an annual payment in lieu of municipal taxes on the Hotel Palliser, the land occupied thereby, its contents and business, thereby intending to settle a dispute between them as to the liability of the Company for such taxes; and

Whereas further disputes have arisen between the Parties hereto with respect to the liability of the Company for such taxes;

Now therefore this Agreement witnesseth that in consideration of the premises and mutual covenants herein contained, the Parties hereto covenant and agree as follows:

1. It is agreed that the 1911 Agreement insofar as it relates to annual payments in lieu of municipal taxes on the Hotel Palliser shall be suspended so long as payments are being made by the Company to the City pursuant to clauses 2 or 3 hereof.

2. For the purpose of assisting the City in its expenditures for fire and police protection in lieu of all assessments and taxes of whatsoever nature and kind that may be exigible from the Company by the City with respect to the Hotel Palliser, the Company agrees to pay to the City during the years 1953 to 1962 both inclusive, the sum of \$75.00 per annum for each revenue-producing bedroom in the Hotel Palliser.

3. After the year 1962 the payments to be made under clause 2 hereof may be continued or may be increased or decreased as the Parties may agree in writing. Failing such agreement prior to December 31, 1962 this Agreement shall

terminate on that date and thereafter the 1911 Agreement shall be revived and become effective in accordance with its terms.

4. All payments to be made by the Company hereunder shall be made on or before June 30th in each year provided that the payment for the year 1953, less the amount of \$10,000 heretofore paid, shall be made by the Company to the City within two months of the enactment of the statute referred to in Clause 5 hereof.

5 This Agreement is made subject to the approval of the Legislature of the Province of Alberta on or before the 30th day of April, 1954, and shall not bind the Parties unless or until it is ratified and confirmed by a Statute of the said Province enacted within the said time, but upon such ratification and confirmation being made, this Agreement shall be deemed to have been effective in accordance with the terms thereof.

In witness whereof the Parties hereto have caused their respective corporate seals to be hereunto affixed, attested by the hands of their respective proper officers in that behalf.

CANADIAN PACIFIC RAILWAY  
COMPANY

"E. A. LESLIE".

*Vice-President.*

"F. BRAMLEY".

*Secretary.*

THE CITY OF CALGARY

"D. H. MACKAY".

*Mayor.*

"J. M. MILLER".

*City Clerk.*

No. 108

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SECOND SESSION  
TWELFTH LEGISLATURE

3 ELIZABETH II

1954

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**BILL**

An Act to validate a Certain Agree-  
ment between the City of Calgary  
and the Canadian Pacific Railway  
Company

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. GERHART

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