

No. 98

3rd Session, 13th Legislature, Alberta
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BILL 98

A Bill respecting Mobile Homes and to Provide
Licences in Respect Thereof

HON. MR. HOOKE

EDMONTON, ALBERTA
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Explanatory Note

General. This Bill will enact a new Act which will provide a method of licensing house trailers in which persons live and make their homes. The licence fees will be distributed to the municipalities and school districts and divisions within which the trailers are located during a fiscal year. As a result of this proposed Act, such trailers will be exempt from municipal personal property taxes.

1. Title of Act.

2. Definitions of terms used.

BILL

No. 98 of 1957

An Act respecting Mobile Homes and to Provide
Licences in Respect Thereof

(Assented to _____, 1957)

HER 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 Mobile Homes Licens-
ing Act*".

2. In this Act,

- (a) "dealer" means any person who either as principal or agent buys or sells mobile homes in the course of business;
- (b) "inspector" means
 - (i) a police officer, or other person employed for the preservation and maintenance of the public peace, and
 - (ii) a person appointed as an inspector for the purposes of this Act;
- (c) "licence" means a licence issued pursuant to this Act;
- (d) "Minister" means the Minister of Municipal Affairs;
- (e) "mobile home" means any vacation trailer, house trailer or other similar portable accommodation that may be moved from one point to another by being towed, pulled or carried and that is constructed or manufactured to provide accommodation or domicile for one or more persons;
- (f) "municipality" means a city, town, new town, village, municipal district, county, improvement district, special area, metis improvement district or forest reserve;
- (g) "owner" includes a person renting a mobile home or having the exclusive use thereof under a rental agreement or otherwise or who domiciles himself, his family or any other person within a mobile home;
- (h) "permit" means a permit issued pursuant to this Act;
- (i) "person" includes a partnership or corporation;

3. Owners of mobile homes prohibited from using the mobile home to provide accommodation unless it is licensed under this Act or a permit issued therefor. But these prohibitions do not apply in cases of "vacation trailers".

4. Mobile homes exempted from assessment under municipal Acts.

- (j) "prescribed" means prescribed by the regulations;
- (k) "regulations" means regulations made under this Act;
- (l) "tourist" means a person who tours for pleasure within the Province for a period not exceeding three months in any year;
- (m) "tourist court"
 - (i) means any place of business that has accommodation for the parking and residential use of five or more mobile homes and the owner of which receives compensation for such accommodation, and
 - (ii) includes any place of business operated as a motel or hotel that normally offers, for rental, accommodation in a building or buildings and that in addition to this accommodation, offers facilities or accommodation to mobile homes or residential trailers;
- (n) "unit" means the chassis and running gear of a mobile home together with all appurtenances, built-in features and fixtures affixed thereto either within or without but does not include personal effects owned by the person or persons domiciled therein;
- (o) "vacation trailer" means a mobile home maintained exclusively for the purpose of providing temporary domicile for the owner while touring for pleasure or during vacation.

3. (1) The owner of a mobile home shall not himself use, occupy or authorize the use of the mobile home for the purpose of providing domicile for himself, his family or any other person or persons, in any municipality,

- (a) unless there is a subsisting licence in respect of that mobile home, or
- (b) until such time as a permit has been obtained in respect of that mobile home.

(2) A person shall not, within any municipality, occupy or domicile himself, his family or any other person or persons in any mobile home

- (a) upon which a subsisting licence is not displayed by means of a licence plate issued pursuant to this Act, or
- (b) in respect of which a subsisting permit issued pursuant to this Act is not prominently displayed.

(3) Notwithstanding any other provisions of this Act, a licence or permit is not required in respect of a vacation trailer occupied by a *bona fide* tourist.

4. (1) Mobile homes are exempt from assessment and taxation pursuant to *The Assessment Act* and *The City Act*.

(2) This section is applicable on and after the first day of January, 1957.

5. Exemptions to licensing provisions.

6. Applications for licences to be made to Minister of Municipal Affairs.

7. The Minister shall prescribe licence fee in accordance with the authorized schedule of fees, and issue a licence.

8. Permits may be issued in lieu of licences, which shall be one quarter of the cost of a licence.

5. (1) No licence or permit is required for any mobile home

- (a) the title to which is in the Crown in the right of Canada or in the right of the Province, or
- (b) that is owned by a municipality and used solely for municipal purposes.

(2) The Lieutenant Governor in Council may exempt from the requirements of this Act any mobile home that is

- (a) used as domicile either temporarily or permanently by any person or class of persons, or
- (b) used as domicile for a person or persons engaged in any type of operation or for any particular purpose.

(3) An exemption under subsection (2) may be authorized by general regulations or by special order in any particular case and may be total or partial and unconditional or conditional.

6. (1) Before a mobile home is occupied as a domicile in any municipality in any year the owner of the mobile home shall apply to the Minister for a licence.

(2) In respect of the mobile home for which the application is made the application shall state

- (a) the make, type, model, the dimensions, and the manufacturer's serial number, if any,
- (b) the name of the municipality wherein the mobile home is to be occupied as a domicile, together with a legal description of the proposed site, and
- (c) such other information as may be required by the Minister on the prescribed application form.

7. (1) Upon receipt of an application the Minister shall determine the annual licence fee for each mobile home.

(2) The licence fee determined under subsection (1) shall be in accordance with the schedule which may be authorized by the Lieutenant Governor in Council.

(3) Upon payment of the amount determined pursuant to subsection (2), the Minister shall issue a licence to the owner of the mobile home.

(4) A licence issued under or pursuant to this Act expires on the thirty-first day of March of each fiscal year in respect of which the licence is issued.

8. (1) Notwithstanding any other provision of this Act, the Minister, in his discretion, may issue a permit in lieu of a licence.

(2) A permit issued pursuant to subsection (1) has while valid, the same effect as a licence, and

- (a) shall be valid for a period stated on the face there-

9. When a licence is issued a licence plate shall be issued and displayed on the mobile home.

10. Relates to a licence plate when ownership of mobile home transferred.

of and not exceeding ninety days, but may be renewed once in any fiscal year for a further period not exceeding ninety days,

- (b) shall state on the face thereof
 - (i) the reason it was issued in lieu of a licence, and
 - (ii) the municipality or municipalities wherein the mobile home is to be located while occupied as a domicile,
- and
- (c) shall be prominently displayed upon the unit for which the permit was issued.

(3) An application for a permit shall be in such form as may be prescribed by the Minister.

(4) The fee payable for a permit or a renewal of a permit shall be twenty-five per cent of the full annual licence fee as calculated pursuant to section 7.

(5) When a licence is issued for a unit in the same fiscal year that a permit has been issued for that unit, the fees paid for the permit and a renewal of a permit shall be credited to the fees payable for the licence for such unit.

9. (1) A licence plate shall be issued by the Minister with each licence.

(2) The licence plate shall be attached in a conspicuous place to the rear of the mobile home for which it is issued.

(3) The licence plate shall not be transferred from one mobile home to another.

(4) Where a licence plate is lost or destroyed, the licensee may apply to the Minister for a replacement plate and every such application shall be accompanied by an affidavit setting forth such information as the Minister may require.

(5) Upon being satisfied of the loss or destruction of a licence plate and upon receipt of such fee as he may prescribe the Minister shall issue a replacement plate.

10. (1) Upon the transfer of ownership of a licensed mobile home, the licence plate issued in respect thereof may be reissued to the person to whom the ownership passes, upon compliance with the regulations and the payment of the prescribed fee, but the licence plate shall not be reissued in the name of the person to whom the ownership passes without the consent of the vendor.

(2) In the event of sale, or transfer of legal possession of a licensed mobile home, the licensee shall notify the Department of Municipal Affairs of the transfer within ten days thereof and shall furnish such information as may be required.

- (3) The licensee being the vendor or transferee,
 - (a) may make application to the Minister for a rebate or refund of a portion of the annual licence

11. Licences and licence plates are the property of the Province.

12. Makes provision for returns with regard to mobile homes located within municipalities and school areas during a fiscal year.

13. Provides how a mobile home is to be described in returns.

fee paid and is entitled to receive such credit, refund or rebate as may be represented by the unexpired portion of the licence, or such other amount as the Minister may authorize, and

- (b) may request the application of any credit obtained pursuant to clause (a) of this section on account of any licence fee due and payable with respect to any other unit subject to licence under this Act.
- (4) Notwithstanding any other provision of this section,
- (a) any *bona fide* dealer who acquires a licensed mobile home or who acts as an agent in the sale or transfer of a licensed mobile home shall forthwith take possession of the licence plate issued in respect of that unit and within a period of fourteen days make delivery of that licence plate to the Department of Municipal Affairs without compensation, and
 - (b) no licence registration or licence plate may be transferred to any person known to be a dealer in mobile homes.

11. (1) All licences and licence plates issued pursuant to this Act are at all times the property of the Crown, and may be cancelled, recalled or reclaimed by any peace officer or inspector of licences, upon demand by the Minister.

(2) No person shall mark, alter, deface or otherwise mar, damage or cause to be obscured any licence, permit or licence plate.

12. (1) The secretary-treasurer of each municipality, school district or school division shall keep and maintain a complete record in each fiscal year of the number of months each mobile home for which a licence has been issued at any time in that year, has been in such municipality, school district or school division in that year.

(2) On or before the thirtieth day of April in any year, the secretary-treasurer of a municipality and the secretary-treasurer of a school district or school division within such municipality shall submit jointly to the Minister, a return in such form as he may prescribe, showing the number of months a mobile home was in such municipality and school district or school division, as the case may be, during the previous fiscal year whether or not the mobile home was occupied as a domicile.

(3) Where a mobile home was located within a municipality but not situate within a school district or school division, the return required pursuant to subsection (2) shall be submitted only by the secretary-treasurer of the municipality.

13. For the purpose of section 12 reference to a mobile home shall be made by stating

- (a) the make or description of the mobile home,

14. Makes provision for the distribution of licence fees received under this Act and the shares for local authorities.

15. Makes provision for the sharing of permit fees between local authorities herein described.

- (b) the number of the licence plate displayed thereon,
and
- (c) the legal description of the site at which the mobile home was located.

14. (1) As soon as may be in each year the Minister shall assemble all information supplied to him in respect of each mobile home pursuant to section 12.

(2) In the case of a mobile home that was situated in both a municipality and school district or school division during the fiscal year, the Minister shall

- (a) in respect of the municipalities
 - (i) compute the number of months that a mobile home was in each municipality,
 - (ii) determine the total number of months a licensed mobile home was in all municipalities,
 - (iii) divide forty per cent of the amount of the licence fee paid in respect of each mobile home by the number of months that the mobile home was in all municipalities, and
 - (iv) pay to a municipality covered by the returns the amount arrived at by multiplying the result obtained pursuant to subclause (iii) by the number of months a mobile home was in that municipality,

and

- (b) in respect of the school districts or school divisions
 - (i) compute the number of months that a mobile home was in each school district or school division,
 - (ii) determine the total number of months that a licensed mobile home was in all school districts and all school divisions,
 - (iii) divide sixty per cent of the amount of the licence fee paid in respect of each mobile home by the number of months that the mobile home was in all school districts and school divisions,
 - and
 - (iv) pay to each school district or to each school division covered by the returns the amount arrived at by multiplying the result obtained pursuant to subclause (iii) by the number of months the mobile home was in that school district or school division, as the case may be.

(3) Where all of the returns submitted in respect of that mobile home show that the mobile home was not situated during the fiscal year within the boundaries of any school district or school division, the Minister shall pay the full amount of the licence fee collected in respect of each mobile home to the municipality or municipalities in which the mobile home was situated during the fiscal year.

15. (1) In respect of any mobile home for which a permit has been issued pursuant to section 8, the Minister

16. The officer to whom the shares are to be paid here provided for.

17. Authorizes the making of regulations.

18. Proprietors of trailer courts to keep records of mobile homes accommodated in trailer court, for purposes of this Act.

shall determine from the information supplied the identity of the school district or school division, if any, in which the mobile home was situated and in respect of that mobile home shall

- (a) pay forty per cent of the amount paid as permit fee or renewal fee to the municipality or municipalities named on the face of the permit, and
- (b) pay sixty per cent of the amount paid as permit fee or renewal fee to the school district or the school division, as the case may be.

(2) Where it is determined that the mobile home was not situated within a school district or school division while operating under authority of a permit the Minister shall pay the full amount calculated as permit fees and renewal fees to the municipality or municipalities named on the face of the permit.

(3) Where more than one municipality or school district or school division is entitled to a share of the payment of the permit fee paid in respect of any mobile home, the amount shall be divided equally among them.

(4) Where a permit or renewal fee has been credited to a licence fee pursuant to subsection (5) of section 8, such fee shall be deemed part of a licence fee.

16. An amount calculated pursuant to subsection (2) or (3) of section 15 shall be paid to

- (a) the city clerk in the case of a city,
- (b) the secretary-treasurer in the case of a new town, a town, village, municipal district or county,
- (c) the Minister of Municipal Affairs in the case of an improvement district or special area,
- (d) the Minister of Public Welfare in the case of a metis improvement district,
- (e) the Minister of Lands and Forests in the case of a forest reserve, or
- (f) the secretary-treasurer in the case of a school district or school division.

17. The Lieutenant Governor in Council, upon the recommendation of the Minister, may make regulations

- (a) governing matters relating to the administration of this Act,
- (b) establishing the scale of licence fees payable, and
- (c) providing for any matter or thing deemed necessary or advisable to facilitate the carrying out of the provisions of this Act according to their true intent.

18. A person who is a proprietor of a trailer court or his agent shall keep an accurate record of all mobile homes that occupy or are assigned space within the trailer court and shall record

19. Offences described and penalties prescribed.

20. Appointment and duties of inspectors.

21. Inspectors to be permitted to carry out duties under pain of penalties to those hindering them.

22. Further offences and penalties, but fees may still be collected.

- (a) the name of the owner of each mobile home together with his permanent address, if any,
- (b) the make, type, model and size of the mobile home, and
- (c) the number of the licence plate, if any, assigned to the mobile home pursuant to this Act.

19. A person

- (a) who gives false information in his application for a licence under this Act, or
- (b) who displays or permits to be displayed a licence plate upon a unit for which that licence plate was not issued,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding thirty days.

20. (1) The Minister may appoint persons as inspectors of mobile homes licences who shall have such duties as may be assigned to them by the Minister.

(2) Assessors, secretary-treasurers and assistant secretary-treasurers of municipalities and the secretary-treasurers or assistant secretary-treasurers of school districts or school divisions are *ex officio* inspectors of mobile homes licences under this Act.

(3) Any inspector of mobile homes licences may inspect mobile homes for the purpose of ascertaining whether or not a mobile home is duly licensed.

21. (1) Every person who is the owner or who has the control or management or who is in domicile within a mobile home shall permit an inspector to inspect or examine the mobile home at any reasonable time during the day and shall furnish such information as the inspector may require.

(2) A person

- (a) who fails to comply with the provisions of subsection (1), or
- (b) who knowingly makes a false statement to an inspector,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding thirty days.

22. (1) A person

- (a) who occupies or domiciles himself or any other person or persons either temporarily or permanently within a mobile home for which a licence is required and for which a licence has not been obtained, or

23. Prosecutions may be brought within two years of offence.

24. Permits refunding of fees in circumstances herein described.

25. Expenses to be met by appropriation of Department of Municipal Affairs.

- (b) who occupies or domiciles himself or any other person or persons either temporarily or permanently within a mobile home for which a licence is required and upon which a subsisting licence is not displayed,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding thirty days.

(2) When a person is convicted for an offence under clause (a) of subsection (1), the Minister may, from whatever information he has available, calculate the licence fee for the mobile home in respect of which the offence was committed and may collect the computed fee by action in any court of competent jurisdiction as a debt to the Crown, notwithstanding the imposition of any penalty imposed by the convicting magistrate or justice.

(3) A certificate purporting to be under the hand of the Minister, or his deputy, or such other person as the Minister may authorize to sign such certificates, and to the effect that the mobile home described in the certificate has or has not been licensed pursuant to this Act, is admissible in evidence as *prima facie* proof of such fact without any further proof being required as to the signature or official character of the person signing the certificate.

23. A prosecution for an offence under this Act may be commenced at any time within two years of the commission of an alleged offence.

24. The Minister may refund in whole or in part any moneys received by way of licence fee when,

- (a) the mobile home for which the licence fee was collected or received was not used as a domicile either temporarily or permanently during the licence year,
- (b) the licence fee or any part thereof was paid or received in error,
- (c) the mobile home for which a licence fee was collected or paid was not required to be licensed under or pursuant to this Act, or
- (d) the owner qualifies for a refund under any regulation or order made pursuant to this Act.

25. (1) The expenses of the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislative Assembly for the purposes of the Department of Municipal Affairs.

(2) Any surplus moneys from licence fees remaining with the Minister after the annual apportionment to municipalities pursuant to sections 15 and 16 shall be paid into the General Revenue Fund of the Province.

26. Metis improvement district and forest reserve to be dealt with as though a separate municipality.

27. Commencement date April 1st, 1957, except clause 4 which is expressed to be applicable from the first of the licensing year 1957.

26. For the purposes of this Act, land contained within a metis improvement district or a forest reserve shall be deemed not to be contained within any other municipality.

27. (1) This Act, except section 4, comes into force on the first day of April, 1957.

(2) Section 4 comes into force on the day upon which this Act is assented to.

No. 98

THIRD SESSION

THIRTEENTH LEGISLATURE

5 ELIZABETH II

1957

BILL

An Act respecting Mobile Homes
and to Provide Licences in
Respect Thereof

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
