

No. 63

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 63

A Bill to amend The Tax Recovery Act

HON. MR. HOOKE

Explanatory Note

2. The public auction for tax sale is advertised in the Gazette 40 days before the sale and notice sent at least 4 weeks before the sale to every ratepayer whose name appears on the roll in respect of a parcel so advertised. In the intervening periods many parcels are redeemed and it is considered unnecessary that the advertisement be sent to the persons whose property has been so redeemed. Section 11, subsection (3) presently reads:

"(3) Not less than four weeks before the date of the sale, the treasurer shall send, by registered mail, a copy of the advertisement appearing in The Alberta Gazette to every person whose name actually appears on the assessment roll as having any interest in any parcel set out in the advertisement."

3. This amendment simplifies the procedure in reviving title upon redemption, and would establish the revived title as it was before final acquisition but subject to any interests or encumbrances created by the municipality. Section 22 presently reads:

"22. (1) When at any time while a parcel that has not been finally acquired by the municipality remains unsold

(a) all taxes that are shown on the records of the treasurer as being due with respect to the parcel other than the taxes of the current year, and

(b) the prescribed costs,

are duly paid or discharged, the treasurer shall notify the Registrar of the proper land titles office to remove the tax recovery notification from the certificate of title of the parcel and the Registrar shall forthwith do so.

(2) When any parcel has been finally acquired by a municipality and the parcel or any portion thereof or any estate or interest therein has not for the time being been disposed of by the municipality, then, at any time within three years after the date of the final acquisition, the parcel or portion thereof or estate or interest therein may be redeemed by any person upon payment of

(a) all taxes shown on the records of the treasurer as being due with respect to the parcel other than the taxes of the current year, and

(b) the prescribed costs.

(3) Where the person who was, at the time of the final acquisition of the parcel, the owner or the purchaser of the parcel, or where the personal representative, son, daughter, widow, or widower of the person who was the owner or purchaser at the time of the final acquisition of the parcel, redeems the parcel or any portion thereof or any estate or interest therein under subsection (2), the treasurer shall, subject to the approval of the Minister, issue a new transfer to that person for the estate or interest of the municipality in the parcel.

(4) When

(a) the approval of the Minister under subsection (3) is not given, or

(b) the payment for redemption under subsection (2) is made by a person other than a person mentioned in subsection (3),

the treasurer shall so notify the Registrar of the proper land titles office and thereupon the Registrar shall cancel the certificate of title issued to the municipality and shall revive the certificate of title cancelled by the municipality's taking title after final acquisition.

(5) A certificate of title renewed pursuant to subsection (4) is subject to the same mortgage, charges and encumbrances to which it would have been subject had no certificate of title been issued to the municipality."

4. (a) The instruments mentioned in section 71(4) of The Land Titles Act and referred to here are not the principal instruments under section 71.

(c) New clause added. Subsection (6) reads:

"(6) Every certificate of title issued under this section gives to the person or municipality to whom it is issued an estate in fee simple in the parcel named therein, free from all encumbrances except

(a) encumbrances arising from claims of the Crown in the right of Canada,

(b) irrigation or drainage debentures,

(c) registered easements and instruments registered pursuant to subsection (4) of section 71, of The Land Titles Act, and

(d) in the case of a certificate of title issued to a municipality, the rights of any purchaser upon the instalment plan."

BILL

No. 63 of 1959

An Act to amend The Tax Recovery Act

(Assented to _____, 1959)

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

1. *The Tax Recovery Act*, being chapter 334 of the Revised Statutes, is hereby amended.

2. Section 11 is amended by striking out subsection (3) and by substituting the following:

(3) Not less than four weeks before the date of the sale, the treasurer shall send by registered mail to every person whose name actually appears on the assessment roll as having any interest in any parcel that was set out in the advertisement and that has not been redeemed, a copy of the advertisement that appeared in the Gazette but deleting therefrom all parcels that have been redeemed at the date of mailing the advertisement.

3. Section 22 is amended by striking out subsections (3) and (4) and by substituting the following:

(3) Where a parcel is redeemed pursuant to subsection (2), the title thereto is subject to any estate or interest, or mortgage or encumbrance created while the parcel was held by the municipality.

(4) Upon receipt of the payment for the redemption of the parcel, the treasurer shall notify the Registrar of the proper land titles office and thereupon the Registrar shall cancel the certificate of title issued to the municipality and shall revive the certificate of title that was cancelled upon the municipality taking title after final acquisition.

4. Section 23, subsection (6) is amended

(a) as to clause (c) by striking out the words and figure "subsection (4) of",

(b) by adding at the end of clause (d) the word "and",

(c) by adding immediately after clause (d) the following:

(e) registered orders of the Board of Arbitration under *The Right of Entry Arbitration Act*.

5. This Act comes into force on the day upon which it is assented to.

No. 63

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Tax Recovery
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
