

No. 44

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 44

A Bill to amend The Assessment Act, 1960

HON. MR. HOOKE

Explanatory Note

2. The title of the Supervisor of Assessments is being changed to the Chief Provincial Assessor and the references to him in the statutes are being changed accordingly.

3. Section 4, subsection (2) presently reads:

“(2) In the case of land that is exempt from assessment and taxation the interest of a person who is

- (a) a purchaser of the land under a bona fide agreement for sale, or
- (b) an occupant of the land under a lease, licence or permit, but not an occupant in possession in an official capacity on behalf of a person exempt from taxation,

is subject to assessment and taxation by the municipality unless that person is himself exempt from taxation.”.

4. This amendment is to provide tax relief to land developers who are holding land which has not yet been fully developed.

BILL

No. 44 of 1962

An Act to amend The Assessment Act, 1960

(Assented to _____, 1962)

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

1. *The Assessment Act, 1960*, being chapter 5 of the Statutes of Alberta, 1960, is hereby amended.

2. Section 2 is amended

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

(e1) "Chief Provincial Assessor" means the Chief Provincial Assessor appointed pursuant to *The Municipalities Assessment and Equalization Act*;

(b) by striking out clause (s).

3. Section 4 is amended by striking out subsection (2) and by substituting the following:

(2) In the case of land or an improvement that is exempt from assessment and taxation the interest of a person who is

(a) a purchaser of the land or improvement under a *bona fide* agreement for sale, or

(b) an occupant of the land or the improvement under a lease, licence or permit, but not an occupant in possession in an official capacity on behalf of a person exempt from taxation,

is subject to assessment and taxation by the municipality unless that person is himself exempt from taxation.

4. The following new section is added immediately after section 9:

9a. (1) An owner of land which is being held for the purpose of development as commercial, industrial, or residential property may apply to the council to have the assessed value of the land fixed for a specified period as hereinafter provided.

5. Section 10 presently reads:

"10. A pipe line that is used for the transmission of salt, or water and liable to assessment under this Act shall be assessed as an improvement to the person who owns the pipe line."

6. Assessment of special franchise.

(2) Notwithstanding anything in this or any other Act if the council is satisfied that the land is being held for development purposes it may by by-law, prescribe that the assessed value of the land, as shown on the assessment roll at the date of the application shall remain the assessment of the land

(a) for such period as may be prescribed in the by-law, not exceeding three years from the date of the application, or

(b) subject to subsection (3), until a building, structure or erection is commenced upon the land,

whichever first occurs.

(3) Where the land to which the by-law relates is subdivided

(a) at the time the by-law is passed, or

(b) during the period the by-law is in effect,

then, if any building, structure or erection is commenced upon any parcel or lot included in the subdivision, the by-law ceases to apply to that parcel or lot but continues to apply to the remainder of the parcels or lots in the subdivision.

(4) Notwithstanding any change in the ownership or any subdivision or re-subdivision of the land, where a by-law is passed pursuant to this section, the council may not thereafter pass any other by-law under this section that applies to all or any part of the land to which the by-law applies.

5. Section 10 is struck out and the following section is substituted:

10. Notwithstanding subsection (3) of section 7, a pipe line that is used for the transmission of salt or water and liable to assessment under this Act shall be assessed as an improvement to the person who owns the pipe line at sixty per cent of its fair actual value.

6. The following new section is added immediately after section 10:

10a. (1) In this section "special franchise" means every right, authority or permission, whether exclusive or otherwise, to construct, maintain or operate within a town or a village, and in, under, above, on or through or across a highway, road, street, lane, public place or public water within the jurisdiction of the town or the village, any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purpose of bridges, railways, tramways or for the purposes of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water or heat, light, power, transportation, telegraphic, telephonic or other service.

7. Authority is given to tax in the year in which it is sold, Crown land formerly held under lease.

8. Section 14, clauses (c) and (l) presently read:

"14. The following property is exempt from assessment and taxation by a municipality, namely:

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- (c) school buildings and lands owned and occupied by a school district or school division or county solely for the purpose of a school and not exceeding
 - (i) in the case of a town or village, four acres of land for each school, or where required and used for school purposes, such greater acreage as may be exempted by a by-law of the town or village, and
 - (ii) in the case of any other municipality, eight acres of land for each school, or, where required and used for school purposes, such greater acreage as may be exempted by a by-law of the municipality;
- (l) land together with any improvements thereon owned by a branch or local unit of the Canadian Legion, the British Empire Service League, the Army and Navy Veterans' Association, and any other organization of ex-servicemen from time to time approved by the Minister,
 - (i) if and so long as the property is used chiefly for the purpose of any such branch or local unit, and
 - (ii) if when situated in a town or village, the land does not exceed two acres in extent;"

9. Sections 18 and 19b read:

"18. Within five days of the passage of a by-law pursuant to section 16 or section 17, the secretary-treasurer of the town or village shall forward a certified copy of the by-law to the Supervisor of Assessments.

19b. Within five days of the passage of a by-law pursuant to section 19 or section 19a, the secretary-treasurer of the municipality shall forward a certified copy of the by-law to the Supervisor of Assessments."

(2) In addition to any assessment on land, improvements, pipe lines or works and transmission lines assessable under this Act or *The Electric Power and Pipe Line Assessment Act*, the holder of a special franchise is liable to assessment in respect of the franchise.

(3) A special franchise shall be assessed for purposes of taxation at the fair actual value of the machinery, equipment and apparatus used in the exercise of the franchise and not otherwise assessed.

7. The following new section is added immediately after section 13:

13a. Where any land held under lease from the Crown is sold,

- (a) if the interest of the lessee in the land was exempt from assessment and taxation pursuant to this Act,
- (b) if the Crown, from the revenue received under the lease, was making payment in lieu of taxes to the municipality in which the land is situated, and
- (c) if the municipality will receive no payment from the Crown in lieu of taxes for the year in which the land is sold,

then, notwithstanding anything in this or any other Act the municipality may, in the year in which the land is sold,

- (d) assess the land in the name of the purchaser,
- (e) enter the assessment in the assessment roll, and
- (f) levy the full tax for the year on the land,

unless the purchaser is himself exempt from taxation.

8. Section 14 is amended

- (a) by striking out the words "and taxation",
- (b) as to clause (c) by striking out the words "or county",
- (c) as to clause (l) by adding immediately after the word "owned" the words ", or held under lease from a municipality, or city or the Crown,"
- (d) by adding immediately after clause (u) the following:
 - (v) improvements or parts of an improvement constructed in conformity with standards recommended by the Government of Canada to provide protection from atomic fallout to the extent of one hundred dollars of assessed value for each occupant according to designed capacity.

9. Sections 18 and 19b are repealed.

10. Section 21, subsection (2) presently reads:

"(2) In a county, municipal district, improvement district or special area where a general assessment has not been ordered the assessor shall make his assessment by adopting the assessed values as shown on the assessment roll of the current year and by assessing not later than the thirty-first day of December all assessable property that does not appear on the assessment roll of the current year."

11. Section 22, subsection (1) presently reads:

"22. (1) Notwithstanding sections 19 and 21, the assessor shall re-assess, not later than the thirty-first day of December in each year,

- (a) all assessable machinery, equipment, appliances and other things described in subclause (iii) of clause (i) of section 2, and shall allow annual depreciation thereon,
- (b) all other assessable property the value of which is decreased by the destruction of an improvement thereon or by some cause other than fair wear and tear, and
- (c) all other assessable property the value of which is increased by the erection, completion or repair of an improvement thereon or by some other physical cause."

12. A new subsection is added to provide for the payment of a fee before the court of revision hears a complaint from a person who is not the owner or purchaser of the assessed property.

13. See note to Clause 2 of this Bill.

14. Commencement of Act.

10. Section 21 is amended by striking out subsection (2) and by substituting the following:

(2) In a county, municipal district, improvement district or special area where, pursuant to section 19, a by-law has been passed or an order has been issued, as the case may be, the assessor shall make his assessment by adopting those assessed values authorized by the by-law or the order and by assessing not later than the thirty-first day of December all assessable property for which a value has not been authorized by the by-law or order.

11. Section 22, subsection (1) is amended

- (a) by striking out the words and figures "sections 19 and" and by substituting the word "section",
- (b) as to clause (a) by adding immediately after the words "annual depreciation thereon" the words "not to exceed a maximum of fifty per cent so long as the property continues to be in use",
- (c) as to clause (c) by striking out the word "physical".

12. Section 37 is amended by adding the following new subsection:

(6) Before a complaint is heard pursuant to this section from a person who is not the owner or purchaser of the assessed property, there shall be deposited with the court of revision the sum of three dollars in respect of each parcel or improvement to which the complaint relates, and in the event of the complaint being allowed, the sum deposited shall be returned to the depositor, otherwise, it shall form part of the general revenue of the municipality.

13. Section 55, subsection (2) and section 63, subsections (1) and (3) are amended by striking out the words "Supervisor of Assessments" and by substituting the words "Chief Provincial Assessor".

14. This Act comes into force on the day upon which it is assented to and upon so coming into force sections 5, 6 and 8 shall be deemed to have been in force at all times on and after the thirty-first day of December, 1961.

No. 44

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Assessment
Act, 1960

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
