

No. 71

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

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## **BILL 71**

A Bill to amend The City Act

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HON. MR. HOOKE

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## Explanatory Note

**2. Section 21, subsection (3) reads:**

"(3) After the first election the number of aldermen may be increased by a by-law to be submitted to and approved by a majority of the electors voting thereon."

**3. (a)** 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.

**(b) Section 67, subsection (3) presently reads:**

"(3) In the case of a general assessment of all or any part of a city, fifty per cent of the cost of any assistance given pursuant to subsection (2) shall be borne by the Department of Municipal Affairs and the remaining cost constitutes a debt due to the Crown by the city and shall be paid by the city concerned upon submission of the account of the Department of Municipal Affairs."

**4. Section 76, subsection (3), clause (b) reads:**

"(3) If such appointment is made the auditor or firm of auditors, appointed by the council shall

.....

(b) supervise the work of the accounting staff,".

**5. Section 97, clause (i) presently reads:**

"97. The following persons are not eligible to be elected mayor or a member of the council or entitled to sit or vote therein,

.....

(1) a person who, at the time of nomination, is indebted to the city for taxes for more than two calendar years immediately preceding the year in which the election is held or who, having entered into any agreement for the consolidation of the arrears of taxes owing by him to the city, is at such time in default in the payment of any sums payable under the agreement, and"

# BILL

No. 71 of 1962

An Act to amend The City Act

(Assented to \_\_\_\_\_, 1962)

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

1. *The City Act*, being chapter 42 of the Revised Statutes, is hereby amended.

2. Section 21, subsection (3) is amended by striking out the words "After the first election the" and by substituting the word "The".

3. Section 67 is amended

(a) as to subsection (2)

(i) by striking out the words "Supervisor of Assessments" and by substituting the words "Chief Provincial Assessor",

(ii) by striking out the word "Supervisor's" and by substituting the words "Chief Provincial Assessor's",

(b) by striking out subsection (3) and by substituting the following:

(3) In the case of a general assessment of all or any part of a city, the cost of any assistance given pursuant to subsection (2) shall be computed in a manner approved by the Minister and an amount not exceeding seventy-five per cent of the computed cost shall constitute a debt due to the Crown by the city and shall be paid by the city concerned upon submission of the account of the Department of Municipal Affairs and the remaining percentage of the cost shall be borne by the Department of Municipal Affairs.

4. Section 76, subsection (3) is amended by striking out clause (b).

5. Section 97, clause (i) is amended by striking out the word "two" and by substituting the word "one".

6. A new clause would permit a councillor to buy or lease land from the city without disqualifying him from holding his seat, providing the sale or lease was awarded by tender and approved by the Local Authorities Board.

7. Section 99, subsection (1), clause (c) presently reads:

"99. (1) The persons qualified to vote for a mayor and aldermen at any election are all persons of the full age of twenty-one years .....

(c) whose names do not appear upon the last revised list of electors, but who are Canadian citizens or British subjects and have continuously resided in the city or in an area annexed to the city for a period of six consecutive months immediately preceding the first day of May and who continue to reside therein, if such persons take the oath or affirmation in Form 16 in the Schedule."

8. Section 102, subsection (5), clause (a) presently reads:

"(5) The council, by by-law, may prescribe regulations and forms governing the enumeration of the electors, and unless otherwise provided in the said by-law the enumeration shall be conducted as follows,

(a) on or before the last day of June in each year each enumerator shall visit each place of habitation in the area assigned to him and, in Form 1 in the Schedule, shall record the name and address of each person residing therein who is of the full age of twenty-one years, is a Canadian citizen or a British subject and has continuously resided in the city or in an area annexed to the city for a period of six months immediately preceding the first day of May in that year and has continued to reside therein, and"

**6.** Section 98, subsection (1) is amended

- (a) by striking out the word "or" at the end of clause (f) and by adding the word "or" at the end of clause (g),
- (b) by adding immediately after clause (g) the following new clause:
  - (h) of the purchase or lease of land or other property that the city has authority to sell or lease either under this Act or *The Tax Recovery Act* if
    - (i) an advertisement is made in one issue of a newspaper circulating in the city for two successive weeks to the effect that sealed tenders will be accepted for the sale or lease of the land or property at a specified time, place and date, which shall not be earlier than two weeks after the final publication of the notice,
    - (ii) the land or property is sold or leased to the highest bidder, and
    - (iii) the sale or lease is approved by the Local Authorities Board.

**7.** Section 99, subsection (1) is amended by striking out clause (c) and by substituting the following:

- (c) whose names do not appear upon the last revised list of electors but
  - (i) who are Canadian citizens or British subjects,
  - (ii) who have continuously resided in the city or in an area annexed to the city, for eleven consecutive months immediately preceding election day, and
  - (iii) who continue to reside therein, if such persons take the oath or affirmation in Form 16 in the Schedule.

**8.** Section 102, subsection (5) is amended by striking out clause (a) and by substituting the following:

- (a) on or before the last day of June in each year each enumerator shall visit each place of habitation in the area assigned to him and, in Form 1 in the Schedule, shall record the name and address of each person residing therein who
  - (i) is of the full age of twenty-one years,
  - (ii) is a Canadian citizen or British subject,
  - (iii) has continuously resided in the city or in an area annexed to the city during the period commencing eleven months immediately preceding the date of the next election and continuing to the date of enumeration,

and

**9.** Section 103, subsection (7) presently reads:

"(7) The city clerk shall also enter upon the list of electors the names, in alphabetical order, of all persons whose names do not already appear on the list, but who are Canadian citizens or British subjects of the full age of twenty-one years, and have continuously resided in the city, or in an area annexed to the city, for a period of six months immediately preceding the first day of May in that year, and whose names appear on the list prepared by the enumerators referred to in section 102."

**10.** Section 161, subsection (1) presently reads:

"161. (1) If a person whose name is not on the list of electors of the polling division in which he actually resides presents himself for the purpose of voting and claims he is entitled to vote by reason of his being a Canadian citizen or a British subject and of his having resided in the city or in an area annexed to the city continuously since the first day of November of the previous year, the deputy returning officer shall place such person's name upon the list and shall permit him to vote if he takes the oath or affirmation in Form 16 in the Schedule."

**11.** Section 324, clauses (l) and (m) presently read:

"324. The council, subject to the provisions of The Public Health Act and any regulations thereunder, may pass by-laws

- .....
- (l) prohibiting or restricting, controlling and regulating the placing or depositing of such rubbish as may be designated in the by-law upon any street or lane or in any park, public place or watercourse and compelling the removal of such rubbish by the party so placing or depositing the same and the placing of the same in the place ordered by the council either within or outside the city,
- (m) providing for the summary removal from any building or other erection or from any lot of such rubbish as may be designated in the by-law, or directing that any such rubbish shall be removed or otherwise dealt with by the owner, agent, lessee, occupier or other person designated in the by-law,"

**12.** Section 353a, which provides for the licensing of mobile homes, is amended. The present subsection (7) is a transitional provision that is no longer effective.

**9.** Section 103 is amended by striking out subsection (7) and by substituting the following:

(7) The city clerk shall also enter upon the list of electors the names, in alphabetical order, of all persons whose names do not already appear on the list but

- (a) who are Canadian citizens or British subjects of the full age of twenty-one years,
- (b) who have continuously resided in the city or in an area annexed to the city during the period commencing eleven months immediately preceding the date of the next election, and
- (c) whose names appear on the list prepared by the enumerators referred to in section 102.

**10.** Section 161 is amended by striking out subsection (1) and by substituting the following:

**161.** (1) If a person whose name is not on the list of electors of the polling division in which he actually resides presents himself for the purpose of voting and claims he is entitled to vote because

- (a) he is a Canadian citizen or British subject of the full age of twenty-one years, and
- (b) he has continuously resided in the city or in an area annexed to the city for eleven consecutive months immediately preceding election day,

the deputy returning officer shall place such person's name upon the list and permit him to vote if he takes the oath or affirmation in Form 16 in the Schedule.

**11.** Section 324 is amended

- (a) as to clause (l)
  - (i) by striking out the words "such rubbish as may be designated" and by substituting the words "refuse as defined",
  - (ii) by striking out the word "rubbish" and by substituting the word "refuse",
- (b) as to clause (m)
  - (i) by striking out the words "such rubbish as may be designated" and by substituting the words "refuse as defined",
  - (ii) by striking out the words "any such rubbish" and by substituting the words "any such refuse".

**12.** Section 353a is amended by striking out subsection (7) and by substituting the following:

(7) A licence fee payable pursuant to this section is collectible in the same manner as taxes levied by the city.

**13.** Section 457, subsection (1) presently reads:

"457. (1) Subject to the other provisions of this Act, and of The Electric Power Taxation Act, all property in any city, save and except only such property as is declared by this Act to be exempt from taxation is liable to assessment and taxation by the city."

**14.** Section 458, subsection (7) states:

"(7) Notwithstanding the other provisions of this section an improvement as described in subclause (iii) of clause (j1) of section 2, shall be assessed at thirty per cent of its fair actual value."

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

**16.** A cross-reference to another section is corrected.



**13.** Section 457, subsection (1) is amended by striking out the words "*The Electric Power Taxation Act*" and by substituting the words "*The Electric Power and Pipe Line Assessment Act*".

**14.** Section 458 is amended by adding the following new subsection:

(8) An improvement described in subclause (iii) of clause (71) of section 2, that also comes within the description in subclause (i) or (ii) of that clause, shall be assessed as if it only came within the description in subclause (iii).

**15.** The following new section is added immediately after section 458:

**459.** (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.

(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.

**16.** Section 461 is amended by striking out the figures "459" and by substituting the figures "458".

**17. Section 462, subsection (1) presently reads:**

"462. (1) For the better determining of the value of a building or other improvement for assessment purposes, it is hereby declared that the cost thereof is only one of the matters which shall be considered in this connection, and if it is found that a building or other improvement, either because of its condition as to repair or of its inappropriateness to its location or because of any other circumstances affecting its value increases the value of the land by less than the cost of the building or the cost of replacing it, such less sum shall be the amount of the assessment of the building".

**18. Section 465 presently reads:**

"465. (1) and (2) Repealed 1961, c. 13, s. 20.

(3) A city may enter into an agreement with the holder of a special franchise whereby the city accepts payment of an amount equal to a fixed percentage of the gross revenue of the special franchise, from such holder in lieu of assessing and taxing the lands, buildings, improvements, plants, machinery, equipment and apparatus belonging to the special franchise holder."

"Special franchise" is defined in section 2 of the Act.

**19. Section 467 presently reads:**

"467. The assessor shall calculate the value of all lands, buildings and improvements that are exempt from assessment and taxation and shall list such property upon the roll together with its value and shall indicate that it is exempt from assessment."

**20. Section 468a presently reads:**

"468a. Notwithstanding any other provisions of this Act improvements as described in subclause (iii) of clause (j1) of section 2, shall be assessed and depreciated annually."

**21. Section 474, subsection (1a) presently reads:**

"(1a) A pipe line that is used for the transmission of salt, or water and that is liable to assessment pursuant to this Act, whether it is situated on land that is exempt from assessment and taxation, or on land owned by a person other than the owner of the pipe line, or on land owned by the owner of the pipe line, shall be assessed as an improvement to the owner of the pipe line at sixty per cent of its fair actual value."

**22. See note to Clause 3 of this Bill.**

**17.** Section 462, subsection (1) is amended by striking out the words "assessment of the building" and by substituting the words "value of the building for assessment purposes".

**18.** Section 465 is struck out and the following section is substituted:

**465.** (1) 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.

(2) 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.

(3) This section shall not be construed so as to abrogate the conditions of any subsisting special franchise agreement.

(4) A city may enter into an agreement with the holder of a special franchise whereby the city accepts payment, of an amount equal to a fixed percentage of the gross revenue of the special franchise, from such holder in lieu of taxing the special franchise, lands, improvements, pipe lines, works and transmission lines, machinery, equipment and apparatus belonging to and used by the special franchise holder in the exercise of the special franchise.

**19.** Section 467 is struck out and the following section is substituted:

**467.** The assessor shall determine the value of all exempt land and improvements as if they were assessable under this Act and such property, together with its value, shall be listed upon the roll, clearly indicating that the property so valued is exempt from assessment and taxation.

**20.** Section 468*a* is amended by adding immediately after the word "annually" the words ", with the depreciation allowance not to exceed a maximum of fifty per cent so long as the property continues to be in use".

**21.** Section 474, subsection (1*a*) is amended by striking out the word "A" and by substituting the words and figures "Notwithstanding subsection (7) of section 458, a".

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**22.** Section 481, subsection (2) is amended by striking out the words "Supervisor of Assessments" and by substituting the words "Chief Provincial Assessor".

**23. Section 485, subsection (1) presently reads:**

"485. (1) If at any time it is discovered that any land, building or improvement that was assessable on the immediately preceding thirty-first day of December has not been assessed, or that the name of any person that should be entered upon the assessment roll is not entered, or that there is any error in any of the particulars contained in the roll, the council may direct the assessor to assess the property and thereafter to enter the same and the assessment thereof upon the roll or to enter the name of any such person upon the roll or to correct the error, and every such entry or correction shall be dated with the date on which it is made."

**24.** An assessor is authorized to enter upon and inspect property that is liable to assessment.

**25. Section 521, subsection (1), clause (d) and subsection (4), clause (c) presently read:**

"521. (1) The council shall, as soon as practicable in each year, prepare a detailed estimate in the prescribed form of the probable expenditures of the city for the year, and the estimate shall include the following:

.....

(c) such sums as may be required to meet the requisitions of any municipal hospital district, school district or school division, pursuant to The Alberta Hospitals Act, or The School Act, as the case may be;"

(4) The council shall, by by-law, authorize and levy upon the assessed value of all lands and improvements shown on the assessment roll, a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the expenditures as are estimated by the council or as are annually requisitioned upon the council, to produce the sums necessary to meet

.....

(d) the requisition by the board of any municipal hospital district,".

**26. Section 522 presently reads:**

"522. Notwithstanding the provisions of this or any other Act, the council, by by-law, may exempt from taxation all or such percentage of the assessment of improvements as described in subclause (iii) of clause (j1) of section 2, as it deems advisable."

**27.** Section 544, subsection (1) which lists the type of property that are exempt from taxation is amended to add a new exemption.

**28. Section 547, subsection (2) reads:**

"(2) The tax roll shall contain

(a) the name of each person liable to taxation,

(b) his residence, or place of business,

(c) the value of the land, buildings and improvements or premises wherein he carries on his business in respect of which he is liable to taxation,

(d) the sums for which that person is chargeable by way of taxes,

(e) the total arrears of taxes due, and

(f) the total amount for which he is liable."

**29. Section 548, subsection (1) presently reads:**

"548. (1) Every owner or purchaser of assessed land, buildings or improvements, and every person having a taxable interest in land, buildings or improvements, whether his name appears on the assessment roll or not, is liable to pay taxes upon the value assessed in the assessment roll at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest in the property."

**23.** Section 485, subsection (1) is amended by adding immediately after the word “improvement” the words “or a special franchise”.

**24.** Section 488 is amended by adding the following new subsection:

(5) A person who is the owner of property referred to in this section shall permit the assessor to inspect and examine the property at any time during the daytime.

**25.** Section 521 is amended

- (a) as to subsection (1), clause (c) by striking out the word “municipal”,
- (b) as to subsection (4)
  - (i) by striking out the words “lands and improvements” and by substituting the words “assessed property”,
  - (ii) by striking out the word “municipal” in clause (d).

**26.** Section 522 is amended by striking out the words “or any other”.

**27.** Section 544, subsection (1) is amended by adding immediately after clause (v) the following new clause:

- (w) 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.

**28.** Section 547, subsection (2) is amended by striking out clause (c) and by substituting the following:

- (c) the assessed value of land, buildings and improvements,
- (c1) the business tax assessment,
- (c2) the assessed value of a special franchise,
- (c3) the assessed value of property assessed under *The Electric Power and Pipe Line Assessment Act*,
- (c4) the assessment of property valued pursuant to *The Municipal and Provincial Properties Valuation Act*,

**29.** Section 548 is amended by striking out subsection (1) and by substituting the following:

**548.** (1) A person who is the owner, purchaser, conditional owner or operator of any assessed land, improvements, special franchise or property assessed under *The Electric Power and Pipe Line Assessment Act*, or any person carrying on a business liable to a business tax assess-

**30.** Powers of a council are extended to permit them to borrow the necessary funds for the construction of new traffic arteries and for the acquisition of land for extensions of public works without the approval of the proprietary electors.

**31.** Section 695 presently reads:

"695. (1) Except as otherwise provided by this Act, no action shall be brought by reason of the death of or any injury to any person or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the city, its officials, employees or agents, unless notice in writing of the accident and the cause thereof has been served upon the city clerk within sixty days of the happening of the accident, and any action for damages brought in respect thereof shall be commenced within one year after such right of action has arisen, otherwise the right of action is barred and extinguished.

(2) In the case of the death of any such person the want of notice is not a bar to the maintenance of the action, and in other cases the want or insufficiency of the notice hereby required is not a bar to the action if a court or judge considers there is reasonable excuse for the want of such notice or insufficiency thereof and that the city has not thereby been prejudiced materially in its defence.

(3) The provisions of this Act as to the time within which notice shall be given or action brought against the city apply to the premises of and activities conducted by any board, association or organization in cases where, if liability is imposed, payment thereof would be required directly or indirectly to be made by the city."

**32.** Section 742, subsection (1) reads:

"742. (1) The City of Edmonton continues to be bound by the provisions of The Edmonton-Strathcona Amalgamation Act as varied and amended at the date of the passing of this Act, and by all provisions of the Edmonton Charter granting special rights or privileges to the portion of the city south of the North Saskatchewan River."

**33.** Section 744 presently reads:

"744. The City of Lethbridge may continue to have and to exercise the power of

- (a) electing a council consisting of seven aldermen by a vote of the electors, which council at its first meeting following the general election in each year, may elect one of its number as mayor for the balance of the year or for the full year, as the case may be, in lieu of the procedure for the election of mayor and aldermen prescribed by this Act, and
- (b) completing the list of electors by a system of registration in lieu of enumeration in which case clause (c) of section 99, section 106, section 161, and subsections (5), (6) and (7) of section 178 do not apply."

**34.** Form 16 is amended to conform to the amendments to sections 99 and 161 of the Act.

ment shall pay taxes upon the assessed value thereof at the rates lawfully imposed thereon irrespective of the nature or amount of his interest in such land, improvements, business, special franchise or property assessed under *The Electric Power and Pipe Line Assessment Act*.

**30.** Section 646 is amended by adding immediately after subsection (2) the following subsections:

(2a) The extension, rehabilitation or improvement of a public work or paved street shall be deemed to include the construction of new traffic arteries including overpasses, underpasses, cloverleaves and flyovers.

(2b) The extension, rehabilitation or improvement of a public utility, sewer, sewerage works, paved street, concrete or bituminous walks, public buildings or other public works shall be deemed to include the acquisition of any necessary land.

**31.** Section 695 is amended

(a) as to subsection (1)

(i) by adding immediately after the words "shall be brought" the words "against a city, its officials, employees or agents",

(ii) by adding immediately before the words ", unless notice in writing" the words "acting in the course of their employment",

(b) as to subsection (2) by striking out the words "has not thereby been prejudiced materially in its defence" and by substituting the words ", its officials, employees or agents have not thereby been prejudiced materially in their defences",

(c) as to subsection (3) by adding immediately after the words "against the city" the words ", its officials, employees or agents acting in the course of their employment".

**32.** Section 742 is amended by adding the following new subsection:

(3) Notwithstanding subsection (1), the aldermen to be elected to the council of the city of Edmonton and the school trustees to be elected to the board of the Edmonton Public School District No. 7 and to the board of the Edmonton Roman Catholic Separate School District No. 7 in the year 1962 and in each year thereafter shall be nominated and elected to represent the city at large.

**33.** Section 744 is amended by striking out clause (a).

**34.** Form 16 in the Schedule is amended by striking out paragraph 2 and by substituting the following:

2. That you have continuously resided in, or in an area annexed to the city of \_\_\_\_\_ for eleven consecutive months immediately preceding this date;

**35. Commencement of Act.**



**35.** This Act comes into force on the day upon which it is assented to and upon so coming into force

- (a) sections 13, 14, 18, 21 and 27 shall be deemed to have been in force at all times on and after the thirty-first day of December, 1961, and
- (b) sections 25, 28 and 29 shall be deemed to have been in force at all times on and after the first day of January, 1962.

No. 71

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FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

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**BILL**

An Act to amend The City Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. HOOKE

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