

No. 110

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 110

A Bill to amend The Seizures Act

HON. MR. MANNING

Explanatory Note

1. The Seizures Act, R.S.A. 1955, c. 307, amended.

2. Section 14 deals with the sale of goods taken in execution by way of public auction. Subsection (1) is amended and subsections (2) and (3) are revised to permit sales to be made also by way of tender. Similarly, the changes made by clauses 4, 5 and 6 of this Bill add references to sales by tender to the present references to public auctions.

3. The new section 24a provides a procedure for obtaining possession of a mobile home under seizure.

BILL

No. 110 of 1964

An Act to amend The Seizures Act

(Assented to _____, 1964)

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

1. *The Seizures Act* is hereby amended.
2. Section 14 is amended
 - (a) by adding at the end of subsection (1) the words "or by tender",
 - (b) by striking out subsections (2) and (3) and by substituting the following:
 - (2) Notice of the public auction or sale by tender shall be sent by registered mail to the creditor and debtor at their respective last known post office addresses at least ten days prior to the public auction or sale by tender.
 - (3) A public notice describing the property to be sold and stating the day, time and place of the public auction or sale by tender
 - (a) shall be posted for a period of at least ten days prior to the auction or sale in the office of the sheriff and, if the sheriff so directs, in any other places in the locality of the place where the auction or sale is to be held, and
 - (b) if the sheriff so directs and in accordance with his directions, shall be advertised by publication in a newspaper circulating in the locality of the place where the auction or sale is to be held.
3. The following section is added after section 24:
 - 24a. (1) In this section "mobile home" means
 - (a) a vacation trailer or house trailer, or
 - (b) a structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for one or more persons.
 - (2) Where a mobile home is seized under a writ of execution or a distress warrant, if

4. See note to clause 2 of this Bill.

5. See note to clause 2 of this Bill.

6. See note to clause 2 of this Bill.

7. The present section 41 revised to increase the maximum fine from \$100 to \$500 and the maximum prison term from 3 months to 6 months, and also to provide for both fine and imprisonment.

- (a) the mobile home is occupied by the debtor or some other person, and
- (b) the occupant fails, upon demand, to deliver up possession of the mobile home,

the creditor, on notice of motion to the occupant, may apply to a judge who may make an order directing the occupant to deliver up possession of the mobile home.

(3) The order shall provide that, if the occupant fails to deliver up possession of the mobile home within the time specified in the order, the sheriff shall eject and remove the occupant together with all goods and chattels he may have in the mobile home and that if it is not possible otherwise to obtain possession the person charged with the execution of the order, either by himself or with the assistance of such persons as he may request, may break open the door of the mobile home.

- (4) Upon there being filed with the sheriff an affidavit
 - (a) showing service of the order upon the occupant, and
 - (b) stating that the occupant has failed to deliver up possession of the mobile home as required by the order,

the sheriff, or his bailiff shall, with such assistance as he may require, forthwith proceed to obtain possession of the mobile home as authorized by the order.

4. Section 29, subsection (5) is amended by adding after the word "bid" the words "or submit a tender, as the case may be,".

5. Section 30, subsection (1), clause (b) is amended by adding after the words "public auction" the words ", sale by tender".

6. Section 32 is amended

- (a) as to subsection (1)
 - (i) by adding after the words "by auction" the words "or tender",
 - (ii) by adding after the word "bids" in clauses (a) and (b) the words "or tenders",
- (b) as to subsection (2) by striking out the words "by auction".

7. Section 41 is struck out and the following is substituted:

41. A person who is under a duty to deliver to the sheriff any goods or chattels that have been seized by him, and who makes default in delivering the goods or chattels to the sheriff within a reasonable time after being required to do so by the sheriff, is guilty of an offence and liable on

§. Commencement of Act.

summary conviction to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term of not more than six months or to both fine and imprisonment.

8. This Act comes into force on the first day of July, 1964.

NO. 110

**FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964**

BILL

An Act to amend The Seizures Act

Received and read the

First time

Second time

Third time

HON. MR. MANNING
