

No. 124

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

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## **BILL 124**

A Bill to amend The Land Titles Act

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HON. MR. MANNING

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## **Explanatory Note**

**1. The Land Titles Act, R.S.A. 1955, chapter 170, amended.**

**2. Section 49a presently reads:**

"49a. Every instrument affecting registered lands shall disclose the surname, at least one Christian name and an address, giving the municipal number and the street or avenue, if any, of each party to the instrument."

This section is rewritten primarily to make it clear that the requirements as to name and address are administrative only and do not affect the validity of documents that are registered. The requirements regarding names and addresses in writs of execution are already dealt with in section 128(8) of the Act and thus are excluded from section 49a.

**3. Section 91 presently reads:**

"91. (1) The registration in the land titles office of a plan of subdivision of land vests, in the municipality in which the land is situated, title free of all encumbrances to all lands shown on the plan, pursuant to The Planning Act and the regulations thereunder, as public utility rights of way and reserves.

# BILL

No. 124 of 1964

An Act to amend The Land Titles Act

(Assented to \_\_\_\_\_, 1964)

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

1. *The Land Titles Act* is hereby amended.

2. Section 49a is struck out and the following is substituted:

**49a.** Where any document other than a copy of a writ of execution is presented to the Registrar for registration and does not disclose, in respect of any person who is a party to the document, whether or not he signed it, or who issued or is affected by the document,

(a) his surname and at least one given name in full, in the case of a natural person, and

(b) an address giving the municipal number and the street or avenue, if any, or an address that is in the opinion of the Registrar sufficient for the purpose of giving notice by mail to that person,

the Registrar may refuse registration of the document until either the document is changed to contain the information required by him or there is furnished to him a memorandum by or on behalf of the person presenting the document for registration setting out the information required by the Registrar.

3. Section 91 is struck out and the following is substituted:

**91.** (1) The registration under this Act of a plan of subdivision of land vests, in the municipality in which the land is situated or the Crown in the case of land in an improvement district or special area, title free of encumbrances to all lands that are provided as public utility parcels and reserves pursuant to section 24 of *The Planning Act* and shown on the plan to be public utility parcels or reserves, as the case may be.

(2) Upon the filing of an original or amended or substituted plan of subdivision of land, the Registrar shall cancel from the original and duplicate certificates of title to the land, those areas shown on the plan as taken for public roadways, public utility rights of way and reserves and shall issue to the municipality in which the land is situated a certificate of title to the reserve but in the case of lands taken for public roadways and public utility rights of way, no certificate of title need be issued.

(3) A municipality does not acquire title to the mines and minerals in any land vested in it pursuant to subsection (1) and the title to such mines and minerals remains vested in the owner thereof at the time of the subdivision.

(4) Where the boundaries of a municipality are altered so that a reserve or utility right of way is no longer within the municipality, that municipality shall transfer the reserve to the municipality in which the reserve is then situated and the utility right of way vests in the other municipality without further action, upon the alteration of the boundary."

Section 91 was re-enacted in 1963 as one of the consequential amendments of The Planning Act. It is rewritten here, firstly, to change the references to "public utility rights of way" to "public utility parcels" to conform to the equivalent change being made to section 24 of The Planning Act at the present Session; secondly, as to subsection (1), to make specific reference to section 24 of The Planning Act; thirdly, to include the references to the Crown where improvements and special areas are involved; fourthly, as to subsection (2), to make it mandatory that titles issue for public utility parcels and that no titles issue for public roadways, where at present it is optional; and fifthly, as to subsection (4) to require that upon alteration of a municipal boundary, the title to public utility parcels will be transferred, where at present there is no requirement to transfer them.

#### 4. Commencement of Act.

(2) Upon the filing of an original or amended or substituted plan of subdivision of land, the Registrar

(a) shall cancel from the original and duplicate certificates of title to the land those lands shown on the plan as public roadways, public utility parcels and reserves, and

(b) shall issue a certificate of title for each public utility parcel and reserve to the municipality in which the land is situated or to the Crown in the case of land in an improvement district or special area, and

(c) shall not issue a certificate of title in respect of a public roadway.

(3) Subsection (1) does not operate to vest in the Crown or a municipality title to the mines and minerals in any public utility parcels or reserves.

(4) Where the boundaries of a municipality are altered so that

(a) a public utility parcel or reserve formerly in that municipality is then within another municipality or an improvement district or special area, or

(b) a public utility parcel or reserve formerly within an improvement district or special area is then within a municipality,

the registered owner of the public utility parcel or reserve shall transfer it to the municipality within which it is situated, or, where it is within an improvement district or special area, to the Crown.

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

No. 124

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FIRST SESSION  
FIFTEENTH LEGISLATURE  
12 ELIZABETH II  
1964

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**BILL**

An Act to amend The Land Titles Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MANNING

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