

1968 Bill 51

First Session, 16th Legislature / 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

An Act to revise and consolidate The Alberta Housing Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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1968

An Act to revise and consolidate The Alberta Housing Act

(Assented to _____, 1968)

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

1. This Act may be cited as *The Alberta Housing Act, 1968*.
2. In this Act,
 - (a) "co-operative housing project" means a housing project built by a co-operative association incorporated under the laws of Canada or of Alberta;
 - (b) "Corporation" means the Central Mortgage and Housing Corporation established by the *Central Mortgage and Housing Corporation Act* (Canada);
 - (c) "family of low income" means a family that receives a total family income that, in the opinion of the Province, is insufficient to permit it to rent or purchase housing accommodation adequate for its needs at the current market rate in the area in which the family lives;
 - (d) "federal Act" means the *National Housing Act, 1954* (Canada) as amended from time to time;
 - (e) "land assembly project" means a project for the acquisition, servicing and developing of raw land for housing purposes and aimed at providing serviced land for sale or lease;
 - (f) "land development project" means a project for the acquisition, servicing and developing of land for housing and purposes incidental thereto aimed at providing serviced land for rent, lease or sale and includes the construction of housing units on the land to be disposed of by lease or sale in conjunction with the land or separate therefrom;
 - (g) "Minister" means the Minister of Municipal Affairs;
 - (h) "municipality" means a city, town, village, county, municipal district, improvement district or special area;

Explanatory Notes

General. The Bill will replace The Alberta Housing Act which is chapter 38 of the Statutes of Alberta, 1965. It incorporates amendments made to that Act by 1967, chapter 34 and includes a number of new provisions. The section references in the explanatory notes are to the equivalent provisions in the present Act.

2. Definitions. Present section 2—clause (f) is new.

- (i) "public housing project" means a project, together with the land on which it is situated, consisting of housing units in the form of detached, semi-detached, row housing, apartments, or of the hostel or dormitory type or any combination or form thereof undertaken to provide decent, safe and sanitary housing accommodation in compliance with standards approved by the Province for lease or sale to families or individuals of low income;

and other words have the same meaning they have in the federal Act.

Public Housing

- 3.** (1) The Province may enter into agreements with
 - (a) the Government of Canada,
 - (b) the Corporation,
 - (c) any municipality, and
 - (d) any housing authority established under section 4,or any combination of them to undertake joint projects of a type mentioned in the Part VI of the federal Act.
- (2) With the approval of the Province, a municipality may enter into agreements with
 - (a) the Government of Canada,
 - (b) the Corporation,
 - (c) the Province or any agency thereof, and
 - (d) any housing authority established under section 4,or any combination of them to undertake joint projects of a type mentioned in Part VI of the federal Act.
- 4.** (1) For the purpose of carrying out agreements entered into pursuant to section 3, the Lieutenant Governor in Council may, by order, incorporate housing authorities consisting of such number of persons as he determines.
- (2) The Lieutenant Governor in Council shall appoint the members of a housing authority to hold office during pleasure or for such term as he determines and shall designate one of them to be chairman and another to be vice-chairman.
- (3) The Lieutenant Governor in Council may vest in a housing authority such powers, functions and duties as he considers necessary or advisable to carry out any agreement, including the power to acquire, operate and maintain housing projects and housing accommodation.
- 5.** When it enters into an agreement with the Government of Canada under section 35A of the federal Act, the Province may,
 - (a) in respect of the capital cost, pay up to 25 per cent thereof or require the municipality to pay up to 10 per cent thereof, and

3. Agreements. Present section 3.

4. Incorporation of housing authorities. Present section 4.

5. Share of costs. See present section 5.

(b) in respect of the profits and losses, share in the same proportions as established under clause (a).

6. When it enters into an agreement with the Corporation under section 35E of the federal Act, the Province may pay up to 50 per cent of the annual operating losses or require the municipality to pay up to 10 per cent thereof.

7. (1) The Province may undertake, carry to completion, maintain, operate and lease or sell a public housing project or public housing accommodation.

(2) For the purposes of this section, the Province may

(a) acquire and develop land for public housing projects and public housing accommodation,

(b) construct public housing projects and public housing accommodation,

(c) acquire, improve and convert existing buildings for a public housing project or public housing accommodation, and

(d) enter into agreements for the development or management of public housing projects or public housing accommodation,

and may exercise any other power or do any other thing that may be required to be exercised or done for the purpose of a project.

8. (1) A municipality may, with the approval of the Province, undertake and carry to completion, maintain, operate and lease or sell a public housing project or public housing accommodation within the municipality.

(2) For the purposes of an approved project, a municipality may

(a) acquire and develop land for public housing projects and public housing accommodation,

(b) construct public housing projects and public housing accommodation,

(c) acquire, improve and convert existing buildings for a public housing project or public housing accommodation, and

(d) enter into agreements for the development or management of public housing projects or public housing accommodation,

and may exercise any other power or do any other thing that may be required to be exercised or done for the purpose of an approved project.

Land Assembly Projects

9. (1) The Province may undertake and carry to completion a land assembly project.

6. Operating losses. See present section 5a.

7. Public housing projects by Province. New.

8. Public housing projects by municipalities. See present section 6.

9. Land assembly by Province. New.

(2) For the purposes of this section, the Province may acquire, develop and sell or lease land.

(3) The Province may exercise any other power or do any other thing that may be required to be exercised or done for the purpose of a project.

10. (1) A municipality, with the approval of the Province, may undertake and carry to completion a land assembly project.

(2) For the purposes of an approved project, a municipality may acquire, develop and sell or lease land.

(3) A municipality may exercise any other power or do any other thing that may be required to be exercised or done for the purposes of an approved project.

Land Development Projects

11. (1) The Province may undertake and carry to completion a land development project.

(2) For the purposes of this section, the Province may

(a) acquire, assemble and develop land,

(b) lease sell or otherwise dispose of any land acquired, assembled or developed under a land development project,

(c) construct housing units of any form or type for lease or sale in conjunction with a land development project or separately therefrom, and

(d) enter into agreements,

and may exercise any other power or do any other thing that may be required to be exercised or done for the purposes of this section.

12. (1) A municipality, with the approval of the Province, may undertake and carry to completion a land development project.

(2) For the purposes of an approved project, a municipality may

(a) acquire, assemble and develop land,

(b) lease, sell or otherwise dispose of any land acquired, assembled or developed under a land development project,

(c) construct housing units of any form or type for lease or sale in conjunction with a land development project or separately therefrom, and

(d) enter into agreements,

and may exercise any other power or do any other thing that may be required to be exercised or done for the purposes of this section.

10. Land assembly by municipalities. See present section 6.

11. Land development by Province. New.

12. Land development by municipalities. New.

13. The Province, the Government of Canada, the Corporation, the Alberta Housing and Urban Renewal Corporation and a municipality, with the approval of the Province, may jointly or in any combination undertake projects mentioned in sections 9, 10, 11 and 12.

14. (1) A municipality may, by by-law, borrow such moneys as are necessary to enable it to develop and implement an approved project, and to secure the moneys borrowed

- (a) the municipality may issue debentures as provided in its governing municipal Act, or
- (b) the municipality may mortgage the land held for the project, in which case it need not issue debentures notwithstanding anything contained in its governing municipal Act.

(2) A municipality may appropriate moneys from the general revenue of the municipality to defray the municipality's portion of any annual expenses or losses incurred in the operating of an approved project.

Urban Renewal

15. (1) The Province may enter into agreements with the Corporation and with municipalities for the preparation of urban renewal schemes and for the carrying out of urban renewal schemes.

(2) With the approval of the Province, a municipality may enter into agreements with the Corporation and with the Province for the preparation of an urban renewal scheme and the carrying out of an urban renewal scheme.

16. (1) A municipality, with the approval of the Province, may prepare and carry out an urban renewal scheme for a blighted or substandard area of the municipality.

(2) Notwithstanding its governing municipal Act and *The Planning Act*, a municipality, for the purposes of carrying out an approved urban renewal scheme,

- (a) may acquire and clear, service and develop land within the urban renewal area,
- (b) may demolish, remove, replace, renovate, repair and maintain buildings and other improvements owned or acquired by it in the urban renewal area,
- (c) may sell, lease or otherwise alienate property in the urban renewal area,
- (d) may provide assistance by grant or loans to the owners of property in the urban renewal area for the renovation or repair of that property on such terms as to security and repayment as the municipality considers just,

13. Joint projects. New.

14. Municipal borrowing for project. See present section 7.

15. Urban renewal scheme. Present section 8.

16. Municipal powers under scheme. Present section 9.

- (e) may assist the relocation of persons dispossessed of housing accommodation by the scheme,
- (f) may, subject to section 17, establish and enforce minimum standards for existing property in the urban renewal area, and
- (g) may exercise any other power or do any act or thing that may be required to be exercised or done in order to carry out the urban renewal scheme.

17. (1) Sections 130 to 132 and 137 of *The Planning Act* apply, *mutatis mutandis*, with respect to clause (f) of subsection (2) of section 16.

(2) The by-law may

- (a) prescribe standards for the maintenance and occupancy of property and prohibit the use of property that does not conform to the prescribed standards, and
- (b) require property that does not conform to the prescribed standards to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings and structures and left in a graded and level condition.

(3) The by-law may provide that the municipal planning commission or the development control officer of the municipality may be authorized to act on behalf of the municipality in the administration of the by-law.

(4) The by-law is not enforceable with respect to property until notice has been sent by registered mail to or served on the assessed owner and all persons shown by the records of the land titles office to have an interest in the property and upon the occupant thereof, if any,

- (a) stating that the property does not comply with the standards prescribed in the by-law and
 - (i) that repairs are required to be made thereto, giving reasonable particulars of the repairs required to be made, or
 - (ii) that the land must be cleared and left in a graded and level condition,
- (b) stating the time within which the repairs are to be made or the clearing is to be done, which shall not be less than three months, and
- (c) stating that if the repair or clearance is not so done within the time specified, the municipality may carry out the repair or clearance and the cost of the work done may be levied against the property as a debt due to the municipality or charged against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

(5) A person entitled to notice under subsection (4) may, within 10 days of the receipt of the notice, appeal

17. Enforcement of housing standards. See present section 10.

- (a) to the development appeal board of the municipality, or
- (b) where no development appeal board is established, to the council.

(6) A person affected by a decision of a development appeal board under this section may, within 10 days after the receipt by him of the decision, appeal the decision to the council.

(7) The development appeal board or the council, as the case may be, shall hold a hearing of each appeal and in determining the appeal, it

- (a) may confirm, reverse or vary the decision appealed from, and
- (b) may grant an extension of not more than one year from the end of the time specified in the notice given under subsection (2) within which the repairs are to be made or the clearing is to be done,

but no extension shall be granted unless the development appeal board or the council is of the opinion that a refusal of the appeal would result in undue hardship and not more than two extensions may be granted in respect of any property.

18. (1) Pursuant to an agreement with a municipality or the Corporation, the Province may pay up to 50 per cent or require the municipality to bear up to two-fifths of the share that is not paid by the Corporation of

- (a) the cost of the preparation of an urban renewal scheme, including the cost of all economic, social and engineering research and planning necessary therefor, and
- (b) the costs of carrying out an urban renewal scheme, including the acquisition, clearing, demolition and disposition of lands and buildings and the installation of municipal services and works, other than public buildings, in the urban renewal area.

(2) Every agreement entered into with a municipality under this section shall provide that the municipality will pay the Province in the same proportion as that provided for in subsection (1) of the share that is not paid to the Corporation of

- (a) any moneys received by the municipality from the sale, lease or other disposition of land in the urban renewal area, and
- (b) the value, as determined in the manner provided in the agreement, of land in the urban renewal area retained by the municipality for public purposes.

19. (1) A municipality may, by by-law, borrow such moneys as are necessary to enable it to prepare and carry

18. Sharing costs of scheme. Present section 11.

19. Municipal borrowing for scheme. Present section 12.

out an urban renewal scheme and to secure the moneys borrowed

- (a) the municipality may issue debentures as provided in its governing municipal Act, or
- (b) the municipality may mortgage the lands in the urban renewal area that are held by it for the purposes of the scheme, in which case it need not issue debentures notwithstanding anything contained in its governing municipal Act.

(2) The Province may,

- (a) with the approval of, and
- (b) in the manner prescribed by,

the Lieutenant Governor in Council, guarantee any debentures issued by a municipality for its share of the cost of preparing and implementing an urban renewal scheme.

General

20. (1) Land may be acquired by a municipality under sections 8, 10, 12 and 16 by purchase, expropriation or otherwise and it may be acquired before it is actually needed for and in anticipation of any project or scheme mentioned in this Act.

(2) The powers mentioned in this section and sections 8, 10, 12 and 16 shall be exercised subject to such conditions and restrictions as the Lieutenant Governor in Council may prescribe.

(3) A municipality may delegate to a committee established by the council the authority to enter into (on behalf of the council) agreements for the acquisition by purchase of any land within an approved urban renewal area.

21. The Province may undertake, carry to completion or assist in the provision and administration of housing generally or for low income families and individuals, employees of the Province, students, senior citizens and welfare recipients.

22. (1) The Province may borrow from the Corporation for any of the purposes mentioned in this Act or the federal Act on such terms and conditions as the Lieutenant Governor in Council considers proper.

(2) A municipality, with the approval of the Province, may borrow from the Corporation for any of the purposes mentioned in this Act or the federal Act on such terms and conditions as the Lieutenant Governor in Council considers proper.

(3) The Province and a municipality, with the approval of the Province, may receive contributions available under section 35E of the federal Act.

20. Acquisition of land. Present section 13.

21. Provincial housing. New.

22. Borrowing from Corporation. Present section 14.

23. Where the Province enters into an agreement with the Government of Canada under section 35A of the federal Act and with a co-operative association to undertake a co-operative housing project, the Province may bear not more than 25 per cent of the capital costs of the project on such terms as to security and payment as the Lieutenant Governor in Council considers proper.

24. With respect to improvement districts and special areas, the Minister may exercise all the powers given a municipality by this Act.

25. (1) The Alberta Housing and Urban Renewal Corporation as heretofore constituted continues by that name as a corporation.

(2) The objects of the Alberta Housing and Urban Renewal Corporation are to carry out any of the duties and functions provided for by this Act and such other duties and functions related to any provincial program of housing or housing accommodation as may be assigned to it by the Lieutenant Governor in Council.

(3) The affairs of the Alberta Housing and Urban Renewal Corporation shall be conducted by a board of directors which shall consist of a chairman, vice-chairman and such other number of persons as is considered appropriate to be appointed by the Lieutenant Governor in Council to hold office during his pleasure.

26. (1) The Provincial Treasurer is hereby authorized to make,

(a) at the request of the Alberta Housing and Urban Renewal Corporation, and

(b) out of the moneys appropriated by the Legislature for the purposes of the Act,

advances of such sums as are required from time to time for the purpose of transacting the business of the Corporation.

(2) The Province may, with the approval of the Lieutenant Governor in Council, guarantee any debentures issued by the Alberta Housing and Urban Renewal Corporation.

(3) The Provincial Auditor, or his nominee, shall from time to time and at least once each year audit the receipts and expenditures of the Alberta Housing and Urban Renewal Corporation.

27. (1) In accordance with *The Public Service Act, 1962*, there may be appointed such employees as are requisite for the conduct of the business of the Alberta Housing and Urban Renewal Corporation.

(2) Subject to the approval of the Lieutenant Governor in Council, the Alberta Housing and Urban Renewal Cor-

23. Co-operative housing projects. Present section 15.

24. Improvement districts and special areas. Present section 16 (4)

25. Alberta Housing and Urban Renewal Corporation. See present section 16a (1, 2).

26. Finance. Present section 16a (3, 4).

27. Staff. Present section 16a (5) and new.

poration may from time to time appoint one or more experts or persons having special technical or other knowledge to inquire into and report in respect of any matter which the Alberta Housing and Urban Renewal Corporation considers necessary to have information for the proper carrying out of its duties under this Act.

(3) A person appointed by the Alberta Housing and Urban Renewal Corporation pursuant to subsection (2) shall be paid such remuneration as may be prescribed by the Lieutenant Governor in Council.

28. (1) The Alberta Housing and Urban Renewal Corporation may enter into any agreement to carry out the true intent and purpose of this Act.

(2) In addition to the powers vested in a corporation by section 14 of *The Interpretation Act, 1958*, the Alberta Housing and Urban Renewal Corporation may

- (a) acquire, hold and alienate real property,
- (b) borrow such moneys as are required for its purposes, and
- (c) to secure any moneys borrowed, issue debentures or mortgage any real property held for a housing project.

29. (1) Any agreement that may be entered into by the Province under this Act may be entered into by the Alberta Housing and Urban Renewal Corporation.

(2) Any approval that is to be given by the Province under this Act or the federal Act may be given by the Alberta Housing and Urban Renewal Corporation.

30. (1) The Lieutenant Governor in Council may make such regulations as he considers necessary or advisable for the purpose of

- (a) giving effect to this Act according to its true intent, and
- (b) supplying any deficiency in the provisions of this Act.

(2) The Lieutenant Governor in Council may

- (a) authorize a municipality to do, or
 - (b) prohibit a municipality from doing,
- any act or thing he considers expedient in order to avoid undue delay or other problems in the implementation or operation of any scheme or project authorized under this Act.

31. *The Alberta Housing Act*, being chapter 38 of the Statutes of Alberta, 1965 is hereby repealed.

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

28. General powers. See present section 16a (7) and new.

29. Alberta Housing and Urban Renewal Corporation to represent Province under the Act. See present section 16a (6).

30. Regulations. Present section 17.