

1969 Bill 35

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 35

**An Act to amend The Municipalities Assessment
and Equalization Act**

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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An Act to amend The Municipalities Assessment
and Equalization Act

(Assented to _____, 1969)

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

1. *The Municipalities Assessment and Equalization Act*
is hereby amended.

2. Section 2 is amended by striking out clause (e) and by
substituting the following:

(e) "equalized assessment" means the assessment and
valuation of rateable lands within a municipality
adjusted as may be required in accordance with
this Act and the regulations;

3. Section 6 is struck out.

4. Section 12 is struck out and the following is sub-
stituted:

12. (1) Notwithstanding any other Act, where the
Assessment Commissioner has certified to the Minister that
the assessment of all or any part of any municipality is
not in substantial conformity with the law or is not fair
and equitable either in general, having regard to any other
assessment, or in detail and that it is in the public interest
that there should be a new assessment, the Minister in his
discretion may

- (a) direct a new assessment to be made of all or any
part of a municipality,
- (b) give all necessary directions and make all necessary
provisions as to the manner and times in which all
proceedings and things directed or authorized by
any statute are to be done, and
- (c) if in his opinion the procedure prescribed by this
Act is inapplicable, prescribe other procedure which
shall include provisions for the hearing of com-
plaints against assessments and the hearing of
appeals.

1. This Bill amends chapter 61 of the Statutes of Alberta, 1957.

2. Section 2 (e) presently reads:

(e) "equalized assessment" means the valuation of rateable lands within a municipality established on a common basis as related to the valuation of the total rateable lands within all municipalities in the Province as determined on a similar basis;

3. Section 6 is removed to The Municipal Taxation Act as section 5a.

4. Section 12 presently reads:

12. (1) Notwithstanding any other Act, where the Commissioner has certified to the Minister that the assessment of all or any part of any municipality is not in substantial conformity with the law or is not fair and equitable either in general, having regard to any other assessment, or in detail, and that it is in the interest of the public that there should be a new assessment, the Minister may in his discretion by order

(a) direct a new assessment to be made of all or any part of the municipality, and

(b) Repealed, (1960, c. 72, s. 4)

(c) give all necessary directions and make all necessary provisions as to the manner and times in which all proceedings and things directed or authorized by any statute are to be done.

(2) If at any time, after making an order under this section, the Minister is of the opinion after due inquiry that the assessor of the municipality is incompetent or unsuitable, the Minister may order the council of the municipality to dismiss the assessor and the council shall immediately appoint another person to act in his stead.

(2) if at any time after making an order under this section, the Minister is of the opinion after due inquiry that the assessor of the municipality is incompetent or unsuitable, he may order the council of the municipality to dismiss the assessor and the council shall immediately appoint another person to act in his stead.

5. Section 13, subsection (1), clause (a) is amended by striking out the words "*The Assessment Act*" and by substituting the words "*The Municipal Taxation Act*".

6. Section 21 is amended

- (a) by striking out subsection (2),
- (b) as to subsection (4) by striking out the words "of a municipality".

7. Notwithstanding any order or judgment of a court to the contrary,

- (a) the equalized assessment heretofore determined for the year 1968, and
- (b) the Standards and Methods to be used for the purpose of Equalizing Assessments, filed as Alberta Regulation 34/66 as amended by Alberta Regulation 68/68,

are hereby declared to be valid and binding upon all municipalities to the same extent as if they had been made under *The Municipalities Assessment and Equalization Act* as amended by this Act.

8. This Act comes into force on the day upon which it is assented to and upon so coming into force sections 2 and 6 shall be deemed to have been in force at all times on and after December 31, 1968.

5. A statutory reference is up-dated.

6. Section 21 (2) and (4) presently read:

(2) The Board shall compare all the returns so made pursuant to this section for the purpose of equalizing assessments and valuations so that the assessments and valuations of all rateable lands will be upon a common basis and fair and equitable as between one another, and the Board shall confirm the same unless it appears to the Board that the assessment or valuation of the rateable lands in a municipality ought to be increased or decreased for the purpose of equalization in which case the Board shall vary the assessment or valuation by making such increase or decrease of the same as it thinks necessary and shall then confirm the assessment or valuation so varied.

(4) The Board in determining the equalized assessment of a municipality may take into consideration such factors as it may deem necessary and that, in the opinion of the Board, should be considered for any purpose of equalization.

7. Validation of 1968 equalized assessment and the regulations.