

1969 Bill 85

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 85

**An Act to amend The Department of
Public Works Act**

THE MINISTER OF PUBLIC WORKS

First Reading

Second Reading

Third Reading

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

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An Act to amend The Department of
Public Works 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 Department of Public Works Act* is hereby
amended.

2. Section 6 is struck out and the following is substituted:

6. (1) Subject to the provisions of this section, the
Minister may, with the approval of the Lieutenant Gov-
ernor in Council, sell, lease or otherwise dispose of any
estate or interest in land held by the Crown under his
administration or any improvements that are on or have
been removed from such land.

(2) A sale of land or improvements under subsection (1)
shall be made

- (a) following the submission of tenders or a public
auction, and
- (b) only after the Minister has obtained two or more
appraisals of the market value of the land or im-
provements, at least one of which shall be obtained
from an appraiser who is not an employee of the
Government and carries on business as an appraiser.

(3) Subsection (2), clause (a) does not apply

- (a) where following the submission of tenders or at
the public auction, no tenders or bids were received
or the highest tender or bid received was insuf-
ficient in the opinion of the Minister, having regard
to the market value of the land or improvements
according to appraisals obtained by the Minister,
or
- (b) where the sale is made in exchange for other land
or improvements where in the opinion of the Min-
ister adequate compensation is obtained for the
land or improvements sold by the Minister, or

Explanatory Notes

1. This Bill amends chapter 79 of the Statutes of Alberta, 1965.

2. Section 6 presently reads:

6. (1) Where any real property is no longer required for or in connection with a public work, the property, with the approval of the Lieutenant Governor in Council,

(a) may be sold, leased or otherwise disposed of by the Minister to the Government of Canada or a municipality or the board of trustees of a school district or division, and

(b) where it is not disposed of pursuant to clause (a), may be sold, leased or otherwise disposed of by the Minister to any person but, where practicable, a sale, lease or other disposition pursuant to this clause shall be by tender or by public auction.

(2) (Repealed 1966, c. 85, s. 2)

(3) A lease or disposition of a mine or mineral shall be made pursuant to The Mines and Minerals Act, 1962.

The section is rewritten in considerably more detail so as to specify the practice used in dispositions of land held for public works. Also, under the new section a sale, etc., of land is not confined to the case where the land is no longer required for a public work, as for example, where a building is transferred to a Crown corporation which will continue to use the building for public or government purposes.

Subsection (6) is added as a reference to "sale, lease or disposition" is inappropriate in the case of transactions between a province and the federal government. It is the "administration and control" of the land that is transferred in these cases.

- (c) the sale is made to
 - (i) a municipal corporation, the board of trustees of a school district or school division, the board of directors of an irrigation district, or the board of trustees of a drainage district, or
 - (ii) a university, college or other educational institution or the owner of a public hospital, or
 - (iii) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by moneys appropriated by the Legislature or the Parliament of Canada for the purposes of that corporation, or a corporation to which Part IX of *The Companies Act* applies, or
 - (iv) a corporation incorporated under *The Societies Act* or any other corporation incorporated for a purpose other than profit or gain, or
 - (v) any other person, if the Minister is satisfied that the land or improvements will be used by that person for charitable purposes or the public benefit and not for the purpose of profit or gain.

(4) Notwithstanding subsection (1), clause (b), a sale of lands or improvements under this section to a person referred to in subsection (3), clause (c) may be made for a nominal consideration or for a price less than their market value.

(5) A lease or disposition of a mine or mineral shall be made pursuant to *The Mines and Minerals Act, 1962*.

(6) The Lieutenant Governor in Council may transfer to the Crown in right of Canada the administration and control of land belonging to the Crown in right of Alberta and under the administration of the Minister.

3. Section 12 is amended by striking out subsection (1) and by substituting the following:

12. (1) The Lieutenant Governor in Council may make regulations, either general in their application or special as applied to any particular case,

- (a) permitting, restricting or prohibiting the use by the public or by any persons
 - (i) of any path, land, passageway or driveway through lands belonging to the Crown and leading to or from any public work or building belonging to the Crown, whether or not the same has been dedicated or established as a public highway, and

3. Regulations—authority broadened. Section 12 (1) presently reads:

12. (1) The Minister may make regulations applicable to all or any designated public works within his jurisdiction governing the use of roads, streets, lanes, sidewalks and other ways thereon and, without restricting the generality of the foregoing, may make regulations.

- (a) controlling traffic and regulating the speed of vehicles thereon,
- (b) prohibiting the parking of vehicles thereon and permitting the parking of vehicles on any part thereof, under permit or otherwise, and prescribing the conditions, if any, to which the permits are subject and on which parking is otherwise permitted,
- (c) authorizing and providing for the seizing and removal of any vehicle parked or left thereon contrary to the regulations and for its retention until the expenses of seizure, removal and storage, if any, are paid, and
- (d) prescribing the circumstances under which and the times during which any of the regulations are or are not applicable.

- (ii) of the gardens, grounds or other areas appurtenant to or used in connection with any public work or building belonging to the Crown,
- (b) permitting, restricting, prohibiting or imposing conditions upon the use, manner of use, speed, direction of travel, stopping or parking of motor vehicles and other vehicles, skate boards, animals, or any other thing named in the regulations, upon any area referred to in clause (a), and
- (c) authorizing and providing for the seizing and removal of any motor vehicle or other vehicle parked or left in contravention of the regulations, and authorizing and providing for its retention until the expenses of seizure, removal and storage, if any, are paid.

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

