

1972 Bill 101

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 101

The Senior Citizens Shelter Assistance Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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

BILL 101

1972

THE SENIOR CITIZENS SHELTER ASSISTANCE ACT

(Assented to _____, 1972)

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

1. (1) In this Act,
 - (a) "clerk" means the municipal secretary of a municipality or any other person designated to collect municipal taxes;
 - (b) "eligible mobile unit" means a mobile unit occupied in whole or in part as the normal place of residence by an owner thereof for a total of not less than 120 days during the year;
 - (c) "eligible residence" means a building or part thereof, occupied in whole or in part as the normal place of residence by an owner thereof for a total of not less than 120 days during the year, and
 - (i) where two or more persons are co-owners of one building and any self-contained part of the building
 - (A) is occupied by one of those owners, or
 - (B) is co-occupied by more than one of those owners,
to the exclusion of the other owners, each part of the building so occupied is an eligible residence, or
 - (ii) where two or more persons are co-owners of more than one building and any one of those buildings
 - (A) is occupied by one of those owners, or
 - (B) is co-occupied by more than one of those owners,
to the exclusion of the other owners, each of the buildings so occupied is an eligible residence;
 - (d) "homeowner assistance" or "homeowner assistance grant" means a payment or an abatement of municipal taxes made pursuant to section 4;

Explanatory Notes

General. The owner of a residential property may presently qualify for a provincial tax discount pursuant to The Homeowners Tax Discount Act. The maximum discount payable cannot exceed \$75 per year unless the owner receives the guaranteed income supplement to the Old Age Security Pension, in which case the tax discount payable shall not be in excess of \$150.

The purpose of this Bill is twofold and it will provide as follows:

- (a) Where the owner of a residential property or a mobile unit has attained the age of 65 years and is entitled to receive a tax discount pursuant to The Homeowners Tax Discount Act, such person may in lieu thereof apply under the proposed Act for an abatement in the taxes imposed against his property to the extent of that portion of the levy attributable to meet a requisition made by the Province upon a municipality in accordance with section 129 of The School Act.
- (b) Any person who has attained the age of 65 years and rents living accommodation in a taxable building or a mobile unit may apply for renter assistance in the amount of \$50.

I. Definitions.

- (e) “mobile unit” means any 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 use by one or more persons, but does not include a vacation trailer;
- (f) “mobile unit licence fee” means a licence fee imposed in respect of a mobile unit pursuant to *The Municipal Government Act* or *The Improvement Districts Act*;
- (g) “municipal taxes” means
 - (i) with reference to an eligible residence, taxes levied on land or improvements or both by a municipality in any year for municipal, school and other purposes or any of them, but does not include special frontage assessments or special local benefit assessments referred to in *The Municipal Taxation Act*, or
 - (ii) with reference to an eligible mobile unit, the mobile unit licence fee imposed by a municipality in any year in respect of that eligible mobile unit;
- (h) “municipality” includes any local authority or person authorized to levy and collect municipal taxes;
- (i) “owner” means, with reference to an eligible residence,
 - (i) a person registered under *The Land Titles Act* as the owner of a fee simple estate or a life estate in real property, or
 - (ii) a person who is purchasing or has purchased or is otherwise acquiring or has acquired ownership of real property in fee simple or for life, or
 - (iii) a person who is an occupier under a lease, licence or permit of Crown land that has a building thereon, or
 - (iv) a person who owns an assessable and taxable building situated on land owned by someone other than the person owning the building, and, with reference to an eligible mobile unit, means a person who is the owner or purchaser of the mobile unit;
- (j) “parcel” or “parcel of land” means a parcel as defined in *The Municipal Taxation Act*;
- (k) “Provincial school levy” means
 - (i) with reference to an eligible residence, that portion of the municipal taxes imposed on land or improvements or both in any year for the

purpose of meeting the requisition of the Province under section 129 of *The School Act* for that year, or

(ii) with reference to an eligible mobile unit, that portion of the mobile unit licence fee for any year, as determined pursuant to subsection (2), that is treated as being the Provincial school levy for that eligible mobile unit for that year;

(l) "renter" means a person

(i) who rents living accommodation as a normal place of residence in a building that is subject to the imposition of taxes to meet the Provincial school levy, or

(ii) who leases a mobile unit that is licensed under *The Municipal Government Act* or *The Improvement Districts Act* and occupies it as his normal place of residence;

(m) "renter assistance" or "renter assistance grant" means a grant made to a renter pursuant to section 6, subsection (1).

(2) The portion of a mobile unit licence fee for an eligible mobile unit that is to be treated as being the Provincial school levy with respect to that eligible mobile unit for any year shall be the amount calculated by multiplying the valuation of the eligible mobile unit as determined pursuant to Alberta Regulation 320/71

(a) by the depreciation factor for that eligible mobile unit determined by Alberta Regulation 320/71, and

(b) by the school mill rate.

(3) In subsection (2)

(a) "Alberta Regulation 320/71" means the "Regulation to Prescribe a Schedule for the Licensing of Mobile Units" made pursuant to *The Municipal Government Act* and filed as Alberta Regulation 320/71, as amended from time to time, or any regulation made in substitution therefor, and

(b) "school mill rate" means that portion of the mill rate of the municipality for the previous year fixed as the rate required to meet the requisition of the Province under section 129 of *The School Act*, or, where there was no mill rate for the previous year, that portion of the mill rate of the municipality for the current year fixed as the rate required to meet the requisition of the Province under section 129 of *The School Act* for the current year.

2. This Act applies only with respect to 1972 and subsequent years.

2. Act applies to 1972 and subsequent years.

- 3.** (1) A homeowner assistance grant may only be made in respect of an eligible residence or an eligible mobile unit
- (a) where the owner thereof or any one of the owners thereof is 65 years of age or over, or
 - (b) in the case of a private company eligible to apply for a Provincial tax discount under *The Homeowners Tax Discount Act* by virtue of section 4, subsection (4) of that Act, where at least one of the shareholders is 65 years of age or over.
- (2) A renter assistance grant may be made only
- (a) where the renter is 65 years of age or over, or
 - (b) in any case where two or more persons are liable for the payment of the rent for the living accommodation or where two or more persons are liable as lessees of the mobile unit, where any one of the renters is 65 years of age or over.

Homeowner Assistance

- 4.** (1) A person who is entitled to the Provincial tax discount under *The Homeowners Tax Discount Act* in any year to the extent provided for in section 5 of that Act may apply for and receive, in lieu thereof, a homeowner assistance grant in respect of the same eligible residence or eligible mobile unit, subject to and in accordance with this Act and the regulations.
- (2) The amount of a homeowner assistance grant for a year to an owner of an eligible residence shall be
- (a) in a case where an eligible residence consists of the whole of a building and the owner of the residence also is the owner of the parcel on which it is situated, an amount equal to the Provincial school levy imposed on the parcel and the improvements thereon;
 - (b) in a case where the eligible residence consists of the whole of a building but the owner of the residence is not the owner of the parcel on which it is situated, an amount equal to the Provincial school levy imposed on the eligible residence;
 - (c) in a case where the eligible residence consists of a farm building exempt from assessment, an amount equal to the Provincial school levy imposed on the parcel of land on which the eligible residence is situated;
 - (d) in a case where the eligible residence consists of a part of a building and whether or not the owner thereof is also the owner of the parcel on which it is situated, an amount equal to a part of the Provincial school levy imposed on the building in the proportion that the assessed value of the eligible

3. Assistance under this Bill is available only where all or any of the owners or renters are 65 years of age or over.

4. Application for homeowner assistance.

residence bears to the assessed value of the whole of the building.

(3) The amount of a homeowner assistance grant for a year to an owner of an eligible mobile unit, shall be an amount equal to the Provincial school levy for that eligible mobile unit.

(4) An application for homeowner assistance shall be made to the clerk to whom an application for a Provincial tax discount under *The Homeowners Tax Discount Act* would be made if the application under this section were an application under that Act.

(5) A homeowner assistance grant in respect of an eligible mobile unit may not be applied for or paid unless the mobile unit licence fee for that mobile unit is paid for the full 12 months of that year.

5. (1) Where a homeowner assistance payment is made in respect of an eligible residence or eligible mobile unit in any year,

- (a) no additional homeowner assistance grant may be made in respect of the same eligible residence or eligible mobile unit for the same year;
- (b) no Provincial tax discount may be paid under *The Homeowners Tax Discount Act* in respect of the same eligible residence or eligible mobile unit for that year;
- (c) no renter assistance grant may be made for that year to any person who is or was the owner or one of the owners of the eligible residence or eligible mobile unit.

(2) Where a Provincial tax discount has been credited or paid under *The Homeowners Tax Discount Act* in respect of an eligible residence or eligible mobile unit for a year and the owner thereof subsequently becomes entitled to a homeowner assistance grant for that year, the owner may apply for and receive the homeowner assistance grant in accordance with the regulations and subject to the conditions prescribed in the regulations if he refunds the amount of the Provincial tax discount credited or paid under *The Homeowners Tax Discount Act* in respect of the eligible residence or eligible mobile unit.

(3) Where a homeowner assistance grant is made in respect of any eligible residence or any eligible mobile unit for any year, any owner thereof, whether or not he was the person who actually received the homeowner assistance grant, is not eligible to apply for or receive a homeowner assistance grant or a Provincial tax discount for that year in respect of the same eligible residence or eligible mobile unit.

5. Ineligibility provisions to avoid double grants.

Renter Assistance

6. (1) A renter may apply in each year for a grant of \$50 in accordance with this Act and the regulations.

(2) An application for a renter assistance grant shall be made to the Department of Municipal Affairs.

(3) Where two or more persons are the renters of the same living accommodation or mobile unit, they shall be treated as one renter for the purposes of this Act and entitled to receive one renter assistance grant between them.

7. (1) No person is entitled to apply for or receive more than one renter assistance grant for any one year.

(2) A person who lawfully receives a renter assistance grant for any one year and who subsequently in that year becomes an owner of an eligible residence or eligible mobile unit, may, if he is eligible to do so, apply for and receive a homeowner assistance grant or a Provincial tax discount under *The Homeowners Tax Discount Act* in accordance with the regulations and subject to the conditions prescribed in the regulations, but the amount of the renter assistance grant shall be deducted from that homeowner assistance grant or Provincial tax discount.

General

8. (1) An application for homeowner assistance or renter assistance for any year

- (a) shall consist of a declaration in the form prescribed in the regulations and shall be completed and signed by the owner or one of the owners who is 65 years of age or over, or the renter or one of the renters who is 65 years of age or over, as the case may be,
- (b) may be made only after the municipal taxes have been levied by the municipality for that year, and
- (c) except as otherwise provided in the regulations, shall be filed before the close of business on the last business day of that year, or, in the case of homeowner assistance in respect of an eligible mobile unit, during the year in which the mobile unit licence is issued or during the next year.

(2) Where the clerk considers it advisable, he may require that a declaration filed be accompanied by documentary evidence that proves to his satisfaction that the declarant is entitled to homeowner assistance or renter assistance, as the case may be.

9. All declarations and other documentary evidence filed with a clerk pursuant to this Act shall not be disposed of by him except as directed by the Minister of Municipal Affairs.

6. Application for annual \$50 renter assistance grant.

7. Ineligibility provisions to avoid double grants.

8. Form of application and time of filing.

9. Retention of records.

10. Homeowner assistance grants and renter assistance grants are payable by the Government of Alberta as provided in this Act and as directed by the regulations.

11. (1) Upon receipt of an application for homeowner assistance and not sooner, a clerk

- (a) shall determine whether or not the applicant is entitled to homeowner assistance;
- (b) if he determines that the applicant is entitled to homeowner assistance in respect of an eligible residence, shall immediately credit the appropriate tax account with the amount of the homeowner assistance that is applicable;
- (c) if he determines that the applicant is entitled to homeowner assistance in respect of an eligible mobile unit, shall pay to the applicant the appropriate homeowner assistance grant;
- (d) if he determines that the applicant is not entitled to homeowner assistance shall, within such time after the date of receipt of the application as may be prescribed by regulations, mail to the applicant the reasons for his determination.

(2) The determination of the clerk as to whether an applicant is or is not entitled to homeowner assistance may be revised by the clerk in the event that he ascertains that his original determination was made

- (a) by mistake, or
- (b) as the result of the applicant having filed with him an incorrect declaration

and the clerk shall amend his records accordingly.

(3) A decision of a clerk pursuant to this section may be appealed to the Minister of Municipal Affairs in accordance with the regulations.

(4) The Minister of Municipal Affairs shall determine the appeal and advise the clerk of the municipality of his decision.

12. (1) Upon receipt of an application for renter assistance, the Minister

- (a) shall determine whether or not the applicant is entitled to the renter assistance grant applied for;
- (b) if he determines that the applicant is entitled thereto, shall pay a renter assistance grant to the applicant;
- (c) if he determines that the applicant is not entitled to a renter assistance grant, shall within such time after the date of receipt of the application as may

10. Grants payable by the Government of Alberta.

11. Determination as to eligibility for homeowner assistance.

12. Determination of eligibility for renter assistance.

be prescribed by the regulations, mail to the applicant the reasons for his determination.

(2) The determination of the Minister as to whether an applicant is or is not entitled to renter assistance may be revised by the Minister in the event that he ascertains that his original determination was made

(a) by mistake, or

(b) as the result of the applicant having filed with him an incorrect application,

and the Minister shall amend his records accordingly.

13. From time to time and not less than once a month, the clerk of each municipality shall prepare and deliver to the Minister of Municipal Affairs a certified statement, in the form prescribed by the regulations, in which shall be stated the sum of the homeowner assistance grants

(a) in respect of which applications have been accepted and approved, and

(b) which have been calculated by the clerk during the period of that year which has elapsed prior to the date of the certified statement and which commenced subsequent to the date of the determination and calculation of any homeowner assistance grants included in the sum stated on any previous certified statement for that year.

14. Upon receipt of a statement pursuant to section 13, the Minister of Municipal Affairs shall pay to the municipality the amount shown thereon as directed by the regulations out of the moneys appropriated by the Legislature for the purposes of this Act.

15. (1) Every person who

(a) files an application for homeowner assistance or renter assistance under this Act knowing that he is not then entitled to receive the homeowner assistance or renter assistance applied for, or

(b) knowingly receives only homeowner assistance or renter assistance that he is not entitled to receive, or

(c) knowingly aids or abets any other person in a contravention of clause (a) or (b),

is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

(2) A prosecution for an offence under this section may be commenced within three years of the commission of the offence but not thereafter.

13. Delivery by municipality of periodic statements.

14. Payments by Government to the municipality re homeowners assistance grants.

15. Offences and penalties.

(3) A person who is convicted of an offence under this section is disqualified from receiving any further homeowner assistance or renter assistance pursuant to this Act.

16. Where a person has received homeowner assistance or renter assistance that he is not entitled to receive, the amount of the homeowner assistance or the renter assistance may be recovered by the Crown in right of Alberta from him by an action in debt.

17. The Lieutenant Governor in Council may make regulations

- (a) defining any expression used in this Act and not defined herein;
- (b) extending the time in which any of the provisions of this Act may be complied with;
- (c) specifying the form of and the manner of completing any declaration by an owner of an eligible residence or a renter and specifying the form of the explanatory notes incidental thereto;
- (d) specifying the form of and the manner of completing any return or certified statement required by the Minister of Municipal Affairs, the Provincial Auditor or the Provincial Treasurer;
- (e) respecting the payment by the Minister of Municipal Affairs of any amounts as homeowner assistance or renter assistance and directing to whom such amounts are to be or may be paid;
- (f) governing applications for homeowner assistance or renter assistance and prescribing powers and duties of clerks and employees of the Department of Municipal Affairs in connection with such applications;
- (g) governing appeals to the Minister of Municipal Affairs under section 11;
- (h) prescribing any additional rules regarding eligibility or ineligibility for homeowner assistance or renter assistance for the purpose only of preventing two or more grants in any year being paid to the same person or in respect of the same eligible residence;
- (i) providing for any proceeding, matter or thing for which express provision is not made in this Act or for which only partial provision is made;
- (j) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

16. Action for recovery of grants unlawfully obtained.

17. Regulations.

18. Notwithstanding any other Act, this Act applies to that part of the City of Lloydminster lying within the Province of Alberta.

19. Section 116.1 of *The Municipal Taxation Act* applies with respect to a homeowner assistance grant made under this Act as if the reference in that section to a homeowners tax discount under *The Homeowners Tax Discount Act* included a reference to a homeowner assistance grant.

20. This Act comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after January 1, 1972.

18. Application of Act to Lloydminster.

19. Application of section 116.1 of The Municipal Taxation Act re tax discounts where an application is received for the Provincial homeowners tax discount.