

1972 Bill 107

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 107

The Public Lands Amendment Act, 1972 (No. 2)

THE MINISTER OF LANDS AND FORESTS

First Reading

Second Reading

Third Reading

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1972

THE PUBLIC LANDS AMENDMENT ACT, 1972 (No. 2)

(Assented to _____, 1972)

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

1. *The Public Lands Act is hereby amended.*

2. *The following section is added after section 21:*

21.1 (1) The Minister shall not sell public land pursuant to section 18, the regulations or an order of the Lieutenant Governor in Council, or issue a notification in favour of the purchaser for that land, if the purchaser or one of the purchasers is

- (a) a person who is not a Canadian citizen, or
- (b) a corporation that is not a Canadian corporation, or
- (c) a person or corporation acting as a trustee for a person who is not a Canadian citizen or for a corporation that is not a Canadian corporation.

(2) In the case of a sale of public land to which subsection (1) applies, a notification issued in respect of that land shall, when it is forwarded to the Registrar, be accompanied by a caveat stating, among other things, that the land is liable to be re-vested in the Crown in right of Alberta pursuant to this section in the event that the registered owner or one of the registered owners is

- (a) a person who is not a Canadian citizen, or
- (b) a corporation that is not a Canadian corporation, or
- (c) a person or corporation acting as a trustee for a person who is not a Canadian citizen or for a corporation that is not a Canadian corporation.

(3) A caveat under subsection (2) shall

- (a) be signed by the Minister, the Deputy Minister or the Director;
- (b) shall be in the form prescribed by the regulations;
- (c) shall be registered under *The Land Titles Act* as though it were a caveat authorized by that Act.

Explanatory Notes

1. This Bill will amend chapter 297 of the Revised Statutes of Alberta 1970.

2. The new section 21.1 will prohibit the sale of public land to individuals who are not Canadian citizens or corporations that are not 75 per cent controlled by Canadians. In the event that title subsequently becomes registered in the name of a person who is not a Canadian citizen or a corporation that is not 75 per cent Canadian controlled, the section provides for a procedure to have the land re-vested in the Crown.

(4) Where a caveat referred to in subsection (2) is registered against the title to any land, the Supreme Court of Alberta may, upon the application of the Minister by way of originating notice of motion, make an order vesting the title to that land in the Crown in right of Alberta if it is proved that the registered owner or one of the registered owners is

- (a) a person who is not a Canadian citizen, or
- (b) a corporation that is not a Canadian corporation, or
- (c) a person or corporation acting as a trustee for a person who is not a Canadian citizen or for a corporation that is not a Canadian corporation.

(5) Where, in the opinion of the Minister, the continuation of the registration of a caveat under this section is causing or is likely to cause hardship, the Minister may

- (a) in a particular case of a registered owner who is not a Canadian citizen or is not a Canadian corporation, execute a waiver of his right to make an application to the Supreme Court under subsection (4) so long as that person or corporation remains as the registered owner or one of the registered owners of the land, or
- (b) withdraw the caveat.

(6) This section does not apply where the purchaser has entered into an agreement under section 21.

(7) In this section

(a) "Canadian corporation" means

(i) in the case of a corporation with share capital, a corporation in which not less than 75 per cent of the equity shares are registered in the name of and beneficially owned by

(A) one or more Canadian citizens, or

(B) one or more corporations with share capital, if in each case not less than 75 per cent of its equity shares are registered in the name of and beneficially owned by Canadian citizens, or

(C) one or more corporations without share capital if in each case not less than 75 per cent of its members are Canadian citizens, or

(D) any combination of persons or corporations referred to in paragraphs (A), (B) and (C),

or

(ii) in the case of a corporation without share capital, a corporation in which not less than 75 per cent of the members are Canadian citizens;

(b) "equity share" means any share of any class of shares of a corporation carrying full or limited voting rights and any share of any class of shares of the corporation carrying voting rights by reason of a contingency that has occurred and is continuing.

3. Section 83, subsection (1), clause (c) is amended by striking out the words " or a British subject or declares in his application his intention to become a Canadian citizen".

4. (1) Section 101, subsection (1), clause (g) is amended by striking out the words "or British subject".

(2) Subsection (1) does not apply in the case of a homestead sale issued under The Public Lands Act before the commencement of this section.

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

3. Section 83(1)(c) presently reads:

83. (1) Every person who
(c) is a Canadian citizen or a British subject or declares in his application his intention to become a Canadian citizen,
may apply for a homestead sale unless he is ineligible to do so by reason of subsection (2).

4. Section 101(1)(g) presently reads:

101. (1) A notification may be issued for land contained in a homestead sale to a purchaser who
(g) is a Canadian citizen or British subject, and
Section 101(1) enumerates the requirements that are to be met by a purchaser under a homestead in order to obtain his title.