

1973 Bill ~~38~~

---

---

Second Session, 17th Legislature, 21 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 33**

**The Municipal Taxation Amendment Act, 1973**

---

---

DR. MCCRIMMON

---

---

First Reading .....

Second Reading .....

Third Reading .....

## BILL 33

1973

### THE MUNICIPAL TAXATION AMENDMENT ACT, 1973

(Assented to \_\_\_\_\_, 1973)

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

1. *The Municipal Taxation Act is hereby amended.*

2. *Section 3, subsection (2) is amended by striking out the words "those lands shall be assessed as if they were grazing lands" and by substituting the words "the leasehold interest of the person in those lands shall be assessed as if the lands were grazing lands owned by him".*

3. *Section 8.1 is amended*

(a) *as to subsection (2)*

(i) *by adding after the words "assessment of an improvement" the words ", or part thereof,"*

(ii) *by adding the word "or" at the end of clause (b) and by adding the following new clause after clause (b):*

(c) *is moved into the municipality during the taxation year and is not being taxed for that year by another municipality,*

(b) *as to subsection (7) by striking out clause (c) and by substituting the following:*

(c) *the court of revision shall determine complaints filed pursuant to this section not later than the first day of April in the following year;*

4. *Section 9, subsection (4) is amended by striking out clause (b) and by substituting the following:*

(b) *according to its residential use if it is occupied exclusively by the owner or purchaser or his spouse or dependants and is used exclusively for residential purposes and where clause (a) does not apply.*

## **Explanatory Notes**

**1. This Bill will amend chapter 251 of the Revised Statutes of Alberta 1970.**

**2. Section 3(2) reads:**

(2) In the case of land or an improvement that is exempt from taxation, other than Indian lands, the interest of a person who is

(a) a purchaser of the property under an agreement for sale, or

(b) an occupant of the property, or part thereof, under a lease, licence or permit,

is liable to assessment and taxation by the municipality and the interest of that person in the property shall be assessed in the same manner as if he were the owner of the property unless that person is himself exempt from taxation, except that when lands of an arable nature in a Crown grazing lease are restricted in use to grazing, those lands shall be assessed as if they were grazing lands.

**3. Section 8.1 (2) and (7)(c) read:**

(2) Where a supplementary assessment by-law is in force in a municipality, a supplementary assessment of an improvement may be made during a taxation year only where the improvement

(a) is completed in that year, or

(b) is wholly or partly occupied during all or any part of that year prior to its completion,

whether or not the improvement appears on the assessment roll at the time the supplementary assessment is made.

(7) Where an assessment slip is mailed in accordance with subsection (5), the supplementary assessment may be the subject of a complaint to the court of revision and an appeal to the Appeal Board as though it were an ordinary annual assessment, subject to the following:

(c) the court of revision shall determine a complaint within 30 days after the complaint was delivered to or received by the municipal secretary;

**4. Section 9 (4) reads:**

(4) Where an action taken pursuant to The Town and Rural Planning Act or The Planning Act has the effect of prescribing for a parcel of land used at the date of assessment for farming or residential purposes, some use other than its actual use, the assessor shall assess the parcel of land

(a) at the prescribed agricultural rates if the parcel qualifies as farm land, or

(b) according to its residential use if occupied exclusively by the owner or purchaser or his spouse or dependants as a place of residence and where clause (a) does not apply.

5. *Section 13, subsection (3) is amended by striking out the word "October" and by substituting the word "December".*

6. *Section 15 is struck out.*

7. *Section 18, subsection (2), clause (a) is amended by adding after the word "Crown," the words "the leasehold interest in".*

8. *Section 21 is amended by striking out the word "proprietor" wherever it occurs and by substituting the word "owner".*

9. *Section 23 is struck out and the following is substituted:*

**23.** Where any land or improvement owned by the Crown or a municipality is sold and the land or improvement thereupon becomes liable to assessment, then, notwithstanding anything in this or any other Act, a municipality may, in the year in which the land or improvement is sold,

- (a) assess the land or improvement in the name of the person to whom it was sold,
- (b) enter the assessment in the assessment roll,
- (c) mail an assessment slip to that person, and
- (d) levy a tax on the land or improvement for the year equal to that portion of the full tax for the year that the number of full calendar months of the year occurring after the sale bears to 12, the month in which the sale occurs not being counted.

10. *Section 25, subsection (1) is amended*

- (a) *by striking out clause 24,*
- (b) *by striking out clause 26 and by substituting the following:*

**26.** a water works supply, distribution system and metering facilities situated in a municipality and used for the purpose of providing a water supply service to the consumers of that municipality when owned and operated by an individual or body corporate

- (i) upon the expiry of the existing franchise agreement, or
- (ii) when an agreement approved by the Minister has been made as to the payment in lieu of taxes between the owner and the municipality

whichever occurs first;

**5. Section 13(3) reads:**

- (3) Notwithstanding section 11, where a new improvement
  - (a) intended to be used for manufacturing or processing purposes, or
  - (b) intended to be used in connection with a manufacturing or processing operation for the storage of the materials manufactured or processed,is not completed or in operation before the 31st day of October in any year, the improvement is exempt from assessment in that year.

**6. Section 15 authorizes a council to have single family dwellings assessed at a lesser level than that applicable to other classes of buildings.**

**7. Section 18(2)(a) reads:**

- (2) Where a person is in occupation of any part of the surface of a parcel of land under a lease, licence or permit from the owner of the parcel for any of the purposes specified in subsection (1),
  - (a) if the lease, licence or permit is held of the Crown, the land so occupied by that person shall be assessed to that person, or

**8. Section 21 reads:**

- 21. Where a spur track or railway siding or a part thereof is situated upon land that is not owned by the proprietor of the track or siding, the track or siding shall be assessed as an improvement to the proprietor of the track or siding.

**9. Section 23 reads:**

- 23. Where any land held under lease from the Crown is sold,
  - (a) if the interest of the lessee in the land was exempt from assessment and taxation pursuant to this Act,
  - (b) if the Crown, from the revenue received under the lease, was making payment in lieu of taxes to the municipality in which the land is situated, and
  - (c) if the municipality will receive no payment from the Crown in lieu of taxes for the year in which the land is sold,then, notwithstanding anything in this or any other Act the municipality may, in the year in which the land is sold,
  - (d) assess the land in the name of the purchaser,
  - (e) enter the assessment in the assessment roll,
  - (f) mail an assessment slip to the purchaser, and
  - (g) levy the full tax for the year on the land,unless the purchaser is himself exempt from taxation.

**10. Section 25, subsection (1), clauses 24 and 26 presently read:**

- 25. (1) The following property is exempt from assessment by a municipality, namely:
  - 24. any land or improvement
    - (i) used exclusively for the treatment or disposal of waste materials for the purpose of controlling or abating pollution of the water, soil or air, or
    - (ii) used chiefly for the treatment or disposal of waste materials for the purpose of controlling or abating pollution of the water, soil or air to the extent of its use for the control or abatement of such pollution, if the treatment or disposal facilities comply with the standards prescribed by or under any Act for the purpose of controlling water, soil or air pollution;
  - 26. a water works supply, distribution system and metering facilities used for the purpose of providing a water supply service to the consumers of a municipality when owned and operated by an individual or body corporate
    - (i) upon the expiry of the existing franchise agreement, or
    - (ii) when an agreement approved by the Minister has been made as to payment in lieu of taxes between the owner and the municipality,whichever occurs first.

(c) *by adding the following clauses after clause 26:*

27. land and improvements owned and operated by a non-profit organization while used exclusively for the purpose of providing living accommodation for elderly persons;

28. land and improvements owned by a foundation established under *The Senior Citizens Housing Act* or operated by a non-profit organization pursuant to section 15 of that Act, while used exclusively for the purpose of providing living accommodation for elderly persons.

11. *Section 26, subsection (1) is amended*

(a) *by striking out clauses 4 and 5,*

(b) *by striking out clause 11 and by substituting the following:*

11. buildings owned by

(i) the board of a university, or

(ii) the students' union of a university, or

(iii) the graduate students association of a university, or

(iv) The Alberta Universities Commission, and used for residential purposes and lands used in connection therewith.

12. *Section 37 is struck out.*

13. *Section 39, subsection (1) is amended by striking out the words "first day" and by substituting the words "31st day".*

14. *Section 90, subsection (1) is amended by adding after the words "supplementary business" the words "assessment and".*

15. *Section 93 is amended*

(a) *by adding the following subsection after subsection (1):*

(1.1) A council may, by by-law, provide for the classification of assessed property into two or more different classes on such basis as the council considers proper and, where it does so, the council, notwithstanding subsection (1), may, in authorizing the levy under that subsection, establish different rates of tax applicable to the different classes of assessed property.

**11.** Section 26 provides that the classes of property listed therein is exempt from location unless the council, by by-law otherwise directs. The property described in clauses 4 and 5 is senior citizen accommodation which by the preceding section of this Bill, is being made completely exempt. Clause 11 of section 26 is re-enacted to correct a typographical error.

**12.** This amendment will allow the full assessment of a recreational dwelling to be placed upon the assessment roll for taxation for all purposes excepting those taxes levied to meet a requisition pursuant to section 93, subsection (1), clause (g) of this Act.

**13.** Section 39(1) reads:

39. (1) Subject to the other provisions of this section, upon preparation of the assessment roll pursuant to section 36 and not later than the first day of January mentioned therein, the municipal secretary, or the assessor, shall mail an assessment slip in the prescribed form to every person whose name appears on the assessment roll.

**14.** Section 90 (1)(a) reads:

90. (1) The council, by by-law, may impose a supplementary business tax or a special licence fee or both

(a) upon each person who carries on any business for a temporary period or commences business after the final revision of the business assessment roll and whose name is not entered on such roll,

**15.** The new subsection (1.1) will enable a council to establish different mill rates applicable to different classes of property. The revision of subsection (3) becomes necessary due to the repeal of section 37 of the Act and the alternative provision whereunder recreational dwellings will be taxed on the full assessment thereof for all purposes other than taxes levied to meet the School Foundation Program requisition.

(b) *by striking out subsection (3) and by substituting the following:*

(3) Notwithstanding subsection (1), where in any year and not later than December 31, the owner of a single family dwelling certifies to the municipal secretary, in the prescribed form, that

(a) the dwelling has been used and will continue to be used exclusively for holiday or recreational purposes by the owner or his family in that year,

(b) the dwelling has not been occupied and will not be occupied by the owner or his family for more than 120 days in that year, and

(c) the owner has not received and will not be in receipt of revenue by way of rental for the use of the dwelling during that year,

such property is liable in the subsequent year to all other taxes except for those taxes levied to meet a requisition pursuant to subsection (1), clause (g).

(3.1) For the purpose of subsection (3) "single family dwelling" includes any other buildings located on the parcel and which are ancillary to use of the dwelling.

16. *Section 110, subsection (1) is amended by striking out clause (c1).*

17. *Section 115, subsection (1) is amended by striking out the words "8 per cent" and by substituting the words "10 per cent".*

18. *Section 149 is amended*

(a) *by striking out subsection (1) and by substituting the following:*

**149. (1) When**

(a) a sewer has been or is to be built to serve one or more parcels in an area where the development thereon will generate such a quantity of sewage that the existing sewers of the area cannot meet the need although the existing sewers can take care of the existing sewage requirements in the area, or

(b) a water main has been or is to be built to serve one or more parcels in an area where the de-



**16. Section 110 (1)(c) and (c1) read:**

110. (1) The municipal secretary shall either mail to each taxable person or deliver to an adult person at the residence or business office of the person taxed one notice during the year with respect to each parcel showing

- (c) the several rates of taxation for the current year,
- (c1) the amount of taxes payable with respect to each rate of taxation specified under clause (c),

**17. Section 115(1) reads:**

115. (1) The council, by by-law, may provide that in the event of any taxes remaining unpaid after the 31st day of December of the year for which they are levied there shall be added thereto by way of penalty an amount or amounts not exceeding an aggregate rate of 8 per cent in the next succeeding year and in each succeeding year thereafter so long as the taxes remain unpaid.

**18.** This amendment will permit the construction of new water mains in an area where new development would overtax the existing sewer or water mains capacity and provide for the levying of a charge against the new development for such construction.

velopment thereon will generate such a demand for water that the existing mains cannot meet the need although the existing mains can supply the requirements of the existing developments in the area,

the council, by by-law, may establish a charge for any parcel herein described for a period of not more than 25 years or may require that such sum be prepaid.

- (b) *as to subsection (2) by adding after the word "sewer" the words "or water main",*
- (c) *as to subsection (3) by adding after the word "sewer" the words "or water main".*

*19. The assessment of any property calculated in accordance with*

*(a) the 1959 Assessment Manual, First Edition, or*

*(b) the 1967 Assessment Manual, First Edition,*

*is hereby deemed to be and to always have been as valid as if those manuals had been established pursuant to section 6 of The Municipal Taxation Act as it reads on the coming into force of this Act.*

*20. (1) This Act, except section 15, clause (a) comes into force on the day upon which it is assented to and upon so coming into force*

*(a) section 10, clause (c), section 11, clause (a) and section 12 shall be deemed to have been in force at all times on and after December 31, 1972, and*

*(b) section 15, clause (b) shall be deemed to have been in force at all times on and after January 1, 1973.*

*(2) Section 15, clause (a) comes into force on January 1, 1974.*

**19.** In 1969, the legislation authorizing the assessment manuals was revised to remove doubts that there was proper legislative authority for all the rules contained in the manuals. This new provision is intended to remove doubts as to the validity of assessments made pursuant to those manuals in the past.