

1973 Bill 48

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 48

The Alberta Property Tax Reduction Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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BILL 48

1973

THE ALBERTA PROPERTY TAX REDUCTION ACT

(Assented to _____, 1973)

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

1. In this Act,

(a) "clerk" means

- (i) the city clerk, in the case of a city, or
- (ii) the secretary, in the case of a town, new town, village, municipal district or county, or
- (iii) the secretary appointed by the board of trustees of a school district, in the case of a school district situated in a national park, or
- (iv) the Deputy Minister of Municipal Affairs, in the case of an improvement district (other than an improvement district or part thereof situated in a national park and included in a school district) or a special area;

(b) "local authority" means

- (i) a city, town, new town, village, municipal district or county, or
- (ii) the board of trustees of a school district situated in a national park, or
- (iii) the Minister, in the case of an improvement district (other than an improvement district or part thereof situated in a national park and included in a school district) or a special area;

(c) "Minister" means the Minister of Municipal Affairs;

(d) "municipality" means a city, town, new town, village, municipal district, county, improvement district, special area or a school district situated in a national park.

2. This Act applies only with respect to 1973 and subsequent years.

Explanatory Note

General. This Bill implements the Alberta Property Tax Reduction Plan announced by the Government last January. The main features of the Bill are the following:

1. Part 1 deals with "Assistance to Individuals". It will provide for "homeowner education tax refunds" to owners of residential property and will both replace and increase the present homeowners tax discounts and senior citizens homeowner assistance grants.

Renter assistance grants, presently available only under The Senior Citizens Shelter Assistance Act, will now be available to all eligible renters of housing accommodation. The renter assistance grants will be graduated according to a formula that takes the renters taxable income into account, subject to a maximum of \$100.

2. Part 2 deals with "Assistance to Municipalities" and replaces the present Municipalities Assistance Act, with provisions for two types of grants, namely, municipal assistance grants and municipal incentive grants.

3. Part 3 is entitled "Provincial Support for Health and Social Services Programs" and provides for amendments to various Acts to reflect the Government's proposals to take over the full cost of the Hospitalization Benefits Plan and the health unit program and to increase its share in certain social services programs from 80% to 90%.

1. Definitions.

2. Application of Act.

PART 1
ASSISTANCE TO INDIVIDUALS

3. (1) In this Part,
- (a) “eligible mobile unit” means a mobile unit occupied in whole or in part as the normal place of residence by an owner thereof, whether in one or more municipalities, for a total of not less than 120 days during the year;
 - (b) “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;
 - (c) “homeowner education tax refund” or “homeowner refund” means a homeowner education tax refund made pursuant to this Part;
 - (d) “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;
 - (e) “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*;
 - (f) “municipal taxes” means
 - (i) with reference to an eligible residence, taxes levied on land or improvements or both by a local authority in any year for municipal,

3. Definitions for Part 1.

- 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 local authority in any year in respect of that eligible mobile unit;
- (g) “owner” means, with reference to an eligible residence,
- (i) an individual registered under *The Land Titles Act* as the owner of a fee simple estate or a life estate in land on which the residence is situated, or
 - (ii) an individual who is purchasing or has purchased or is otherwise acquiring or has acquired ownership of a fee simple estate or life estate in the land on which the residence is situated, or
 - (iii) an individual who is an occupier under a lease, licence or permit of Crown land on which the eligible residence is situated, or
 - (iv) an individual who owns an assessable and taxable eligible residence situated on land owned by someone other than the person owning the residence, or
 - (v) a member of a co-operative association who resides in the residence, where the association owns the residence and is incorporated under *The Co-operative Associations Act* or an Act of the Parliament of Canada for the purpose of carrying on a co-operative housing undertaking, or
 - (vi) an individual who occupies an eligible residence which is a farm building exempt from assessment and situated on land owned by another person, but only if the occupant of the farm building owns and farms other land whether in the same municipality or not, or
 - (vii) a person who is deemed to be an owner of an eligible residence by virtue of section 5,
- and, with reference to an eligible mobile unit, means an individual who is the owner or purchaser of the mobile unit or a person who is deemed to be the owner of the mobile unit by virtue of section 5;
- (h) “parcel” or “parcel of land” means a parcel as defined in *The Municipal Taxation Act*;
 - (i) “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;

(j) “renter” means an individual

- (i) who rents living accommodation for a period of not less than 120 days in any year as a normal place of residence in a building that is subject to the imposition of taxes to meet the Provincial school levy, or in a building in respect of which a grant in lieu of taxes, in an amount at least equivalent to the Provincial school levy, has been paid, 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 for a period of not less than 120 days in any year;

(k) “renter assistance” or “renter assistance grant” means a renter assistance grant made pursuant to this Part.

(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 in 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.

(4) For the purposes of this Part, two persons married to one another shall be deemed to be one person unless they are legally separated.

Division 1

Homeowner Education Tax Refund

Entitlement to Refund

4. (1) The owner of

- (a) an eligible residence upon which municipal taxes have been levied in any year,
- (b) an eligible residence that
 - (i) is a farm building exempt from assessment, but
 - (ii) is situated on land upon which municipal taxes have been levied in any year,

is entitled in respect of that year to a homeowner education tax refund in respect of that eligible residence, subject to and in accordance with this Part and the regulations.

(2) When a person becomes the owner of an eligible mobile unit in any year and either

- (a) has paid the full mobile unit licence fee for that year, or
- (b) has paid the mobile unit licence fee for the unexpired portion of that year, where the application for the licence was made after the first day of January of that year, or
- (c) has made an agreement with the local authority to pay the mobile unit licence fee in installments,

that person is entitled in respect of that year to a homeowner education tax refund in respect of that eligible mobile unit, subject to and in accordance with this Part and the regulations.

Eligibility

5. (1) Where

- (a) in any year a residence is or was unoccupied and not revenue-producing and the owner thereof was unable to occupy that residence for at least 120 days because he is or was
 - (i) a member of the Canadian Forces, or
 - (ii) resident in a senior citizens' home, correctional institution, nursing home, sanatorium or other institution, or

4. Entitlement to homeowner education tax refund.

5. Extended meaning of “owner”.

(iii) resident elsewhere because of infirmity or ill health,

or

(b) a residence is occupied by the spouse or a dependant of the owner for a period of not less than 120 days during a year,

the person who owns the residence shall be deemed to be the owner of an eligible residence for the purposes of this Part for that year.

(2) Where

(a) an eligible residence of a deceased or mentally incompetent person is being administered by his estate, or

(b) a building or part thereof forming part of the property of a deceased or mentally incompetent person being administered by his estate is occupied by a spouse or dependant of the deceased or mentally incompetent person in such a manner as would constitute it an eligible residence if it were owned by the spouse or dependant,

then, for the purposes of this Part, the estate of the deceased or mentally incompetent person shall be deemed to be the owner of an eligible residence.

(3) Where

(a) a private company, all of the shareholders of which are members of the same immediate family, is the owner of real property, and

(b) a building, or part thereof, forming part of that real property is occupied by one or more of the shareholders of that company in such a manner as would constitute it an eligible residence if it was owned by that or those shareholders,

then, for the purposes of this Part, the private company shall be deemed to be the owner of an eligible residence.

(4) Subsections (1), (2) and (3) apply, with the necessary modifications, to eligible mobile units and for that purpose

(a) a reference in those subsections to a residence, a building or real property shall be read as a reference to a mobile unit, and

(b) a reference in those subsections to an eligible residence shall be read as a reference to an eligible mobile unit.

6. (1) No person is entitled to more than one home-owner education tax refund for any year as the owner of an eligible residence, regardless of the number of eligible residences owned by that person in that year.

6. Avoidance of double grants.

(2) Not more than one homeowner education tax refund shall be paid in respect of the same eligible residence for the same year, regardless of changes of ownership of the eligible residence during that year.

(3) Where during a year two or more persons are

(a) co-owners of an eligible residence, and

(b) co-occupants of that eligible residence,

they are not entitled to more than one homeowner education tax refund between or among them with respect to that eligible residence for that year.

(4) Subsections (1), (2) and (3) apply to homeowner education tax refunds in respect of eligible mobile units and for that purpose a reference in those subsections to an eligible residence shall be read as a reference to an eligible mobile unit.

(5) A person who applies for or receives a homeowner education tax refund in respect of an eligible residence for any year is not entitled to apply for or receive a homeowner refund for the same year in respect of an eligible mobile unit.

(6) A person who applies for or receives a homeowner education tax refund in respect of an eligible mobile unit for any year is not entitled to apply for or receive a homeowner refund for the same year in respect of an eligible residence.

(7) No person is entitled to apply for or receive a homeowner education tax refund for any year if he has applied for or received a renter assistance grant in respect of the same year, except as otherwise provided by the regulations and to the extent permitted by the regulations.

Calculation of Homeowner Refund

7. (1) In this section and section 8,

(a) "allowable municipal taxes" means the amount of the municipal taxes that is determined in accordance with this section for the purposes of calculating the amount of a homeowner education tax refund under section 8;

(b) "allowable Provincial school levy" means the amount of the Provincial school levy that is determined in accordance with this section for the purposes of calculating the amount of a homeowner education tax refund under section 8.

(2) In any case where an eligible residence consists of a whole building and the owner thereof is also the owner of the land upon which the residence is situated,

7. Assessments to be used for the purpose of calculating the allowable municipal taxes and the allowable Provincial school levy, which in turn are used in section 8 to determine the amount of a homeowner education tax refund.

- (a) the allowable municipal taxes shall be the amount of the municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of the land, the eligible residence and ancillary residential improvements.

(3) In any case where an eligible residence consists of a whole building and the owner thereof is not the owner of the land upon which the residence is situated,

- (a) the allowable municipal taxes shall be the amount of the municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of the building only.

(4) In any case where the eligible residence consists of a part of a building and the owner thereof is not the owner of the land upon which the residence is situated,

- (a) the allowable municipal taxes shall be the amount of the municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of that part of the building which comprises the eligible residence.

(5) In any case where the eligible residence consists of a part of a building and the owner thereof is also the owner of the land upon which the residence is situated,

- (a) the allowable municipal taxes shall be the amount of the municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of that part of the building which comprises the eligible residence together with the proportion of the assessment of the land in the same ratio that the assessed value of the eligible residence bears to the assessed value of the whole building.

(6) In any case where the eligible residence consists of a farm building exempt from assessment and the owner thereof is also the owner of the land upon which the residence is situated,

- (a) the allowable municipal taxes shall be the amount of the municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of that land and to the assessment of any other land owned and farmed by the owner of that eligible residence.

(7) In any case where the eligible residence consists of a farm building exempt from assessment and the owner thereof is not the owner of the land upon which the residence is situated,

- (a) the allowable municipal taxes shall be the amount of municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of any other land owned and farmed by the owner of that eligible residence.

(8) In any case where a person is an owner of an eligible residence by virtue of section 3, subsection (1), clause (g), subclause (vi),

- (a) the allowable municipal taxes shall be the amount of the municipal taxes attributable to, and
- (b) the allowable Provincial school levy shall be the amount of the Provincial school levy attributable to,

the assessment of the other farm land which he farms and owns.

(9) An assessment referred to in subsections (2) to (8) may consist of or include a supplementary assessment made pursuant to a supplementary assessment by-law.

(10) The allowable municipal taxes with respect to an eligible mobile unit shall be the full amount of municipal taxes.

(11) The allowable Provincial school levy with respect to an eligible mobile unit shall be the full amount of the Provincial school levy.

8. (1) Subject to subsections (2) to (4), the homeowner education tax refund payable in any year to an owner of an eligible residence or eligible mobile unit shall be

- (a) in any case where the amount of the allowable municipal taxes is \$100 or less, an amount equal to the allowable municipal taxes for that year;
- (b) in the case where the amount of the allowable municipal taxes is greater than \$100 but the allowable Provincial school levy is less than \$100, the sum of \$100;
- (c) in the case where the allowable Provincial school levy is greater than \$100, an amount equal to the allowable Provincial school levy or \$216, whichever is the lesser.

8. Amounts of homeowner education tax refunds in respect of eligible residences and eligible mobile units.

(2) Where the owner or one of the owners of an eligible residence or eligible mobile unit was or became 65 years of age in any year, the homeowner education tax refund to the owner for that year shall be

- (a) in the case where the amount of the allowable municipal taxes is \$100 or less, an amount equal to the allowable municipal taxes for that year;
- (b) in the case where the amount of the allowable municipal taxes is greater than \$100 but the allowable Provincial school levy is less than \$100, the sum of \$100;
- (c) in the case where the allowable Provincial school levy is greater than \$100, an amount equal to the allowable Provincial school levy.

(3) Where the owner or one of the owners of an eligible residence or eligible mobile unit was in receipt of the Guaranteed Income Supplement to the Old Age Security Pension for any month of a year, the homeowner education tax refund to the owner for that year shall be

- (a) in the case where the amount of the allowable municipal taxes is \$150 or less, an amount equal to the allowable municipal taxes for that year;
- (b) in the case where the amount of the allowable municipal taxes is greater than \$150 but the allowable Provincial school levy is less than \$150, the sum of \$150;
- (c) in the case where the allowable Provincial school levy is greater than \$150, an amount equal to the allowable Provincial school levy.

(4) Where either or both of the following events have occurred in any year, namely,

- (a) the licence for the eligible mobile unit was issued with respect to a portion of that year, or
- (b) the eligible mobile unit had ceased to be occupied as a residence,

the homeowner education tax refund in respect of that eligible mobile unit shall be a portion of the full refund in the proportion that the number of the days the eligible mobile unit was occupied as a residence in that year bears to the total number of days in that year.

9. (1) Where an estate is deemed to be the owner of an eligible residence or eligible mobile unit by virtue of section 5, subsection (2) or (4),

- (a) section 8, subsection (2) applies to that owner in a year if
 - (i) the deceased person died in that year and was 65 years of age at the date of his death, or

9. Application of section 8, subsections (2) and (3) in special cases.

- (ii) the deceased would, if living, have been or would have become 65 years of age in that year, or
 - (iii) the mentally incompetent person was or became 65 years of age in that year;
- (b) section 8, subsection (3) applies to that owner in a year if
 - (i) the deceased person or his estate was entitled to the Guaranteed Income Supplement to the Old Age Security Pension for the month in which he died, or
 - (ii) the mentally incompetent person was in receipt of the Guaranteed Income Supplement to the Old Age Security Pension for any month of that year.
- (2) Where a private company is deemed to be the owner of an eligible residence or eligible mobile unit by virtue of section 5, subsection (3) or (4),
 - (a) section 8, subsection (2) applies to the company in a year if any of the shareholders was or became 65 years of age during that year and that shareholder occupied that eligible residence or eligible mobile unit as his normal place of residence for at least 120 days during that year;
 - (b) section 8, subsection (3) applies to the company in a year if any of the shareholders received the Guaranteed Income Supplement to the Old Age Security Pension for any month of that year and that shareholder occupied that eligible residence or eligible mobile unit as his normal place of residence for at least 120 days during that year.

Application for a Homeowner Refund

10. (1) An owner is not entitled to the homeowner education tax refund for any year unless he has filed an application in the prescribed form for the refund in accordance with this section.

- (2) An application for a homeowner education tax refund in respect of an eligible residence for any year
 - (a) may be made at any time after municipal taxes have been levied by the local authority in that year;
 - (b) shall be made not later than the close of business on the last business day of the local authority in the month of March in the following year;
 - (c) shall be filed with the clerk of the municipality in which the eligible residence is situated;
 - (d) notwithstanding clause (c), shall, in the case of a person who is an owner by virtue of section 3, sub-

10. Application for refund by an owner of an eligible residence or an eligible mobile unit.

section (1), clause (g), subclause (vi), be filed with the clerk of the municipality in which is situated the other land that the person farms and owns, if the land is not situated in the same municipality as the eligible residence.

(3) An application for a homeowner education tax refund in respect of an eligible mobile unit for any year

(a) may be made at any time after the owner has occupied the mobile unit as his normal place of residence for at least 120 days in that year but not later than the close of business on the last business day of the local authority in the month of March in the following year;

(b) shall be filed with the clerk of the municipality in which the applicant resides as of the date on which the application is filed.

(4) Where he considers it advisable a clerk may require that an application filed pursuant to this section be accompanied by documentary evidence that proves to his satisfaction that the applicant is entitled to the homeowner refund.

11. (1) Upon receipt of an application filed with him under section 10 and not sooner, a clerk

(a) shall determine whether or not the applicant is entitled to the homeowner education tax refund,

(b) if he determines that the applicant is entitled to the homeowner refund and if there are at that time outstanding municipal taxes then unpaid, he shall immediately credit the appropriate tax or licence account with the amount of the homeowner refund that is applicable but only to the extent of the outstanding municipal taxes then unpaid, and

(c) if he determines that the applicant is not entitled to the homeowner refund, shall, within such time after the date of receipt of the application as may be prescribed by the regulations, mail to the applicant the reasons for his determination.

(2) The determination of a clerk that an applicant for a homeowner refund is or is not entitled to the refund may be reversed 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 application for the homeowner refund, and the clerk shall amend his records accordingly.

11. Determination of entitlement to refund.

12. (1) The decision of the clerk pursuant to section 11 may be appealed to the Minister.

(2) The Minister shall advise the clerk of the municipality of the decision made pursuant to subsection (1).

Procedure respecting the Making of Homeowner Refunds

13. (1) Where an application is filed for a homeowner education tax refund in respect of an eligible mobile unit and at the time of filing the applicant has entered into an agreement with the local authority to pay the mobile unit licence fee in installments, the refund shall be made to the local authority which shall thereupon credit the owner's mobile unit licence fee account with an amount equal to the homeowner refund.

(2) Where an owner's mobile unit licence fee account has been credited with an amount pursuant to subsection (1) and subsequent to the time the application for the refund was accepted by the clerk the mobile unit ceases to be occupied as a residence or is removed from Alberta, the local authority shall refund to the Government an amount equal to a portion of the amount so credited in the proportion that

(a) the number of days remaining in the year after the eligible mobile unit ceased to be so occupied or is so removed from Alberta

bears to

(b) the number of days in the year, or, where the licence was issued for a portion of a year, the number of days in that portion, as the case may be.

(3) Where an owner's mobile unit licence fee account has been credited by a local authority with an amount pursuant to subsection (1) and subsequently the eligible mobile unit is removed to another municipality,

(a) the local authority having the account shall transfer an amount equal to a portion of the remaining credit to the local authority of the other municipality, and

(b) the amount to be transferred shall be calculated under subsection (2) as though the date of removal of the mobile unit to the other municipality were the date it ceased to be occupied or a residence, subject to and in accordance with the regulations.

14. (1) From time to time and not less than once a month, the clerk of each municipality shall prepare and deliver to the Minister a certified statement, in the form prescribed by the regulations and in accordance with the regulations, in which shall be stated the sum of the home-

12. Appeal to Minister from the clerk's decision.

13. Credits to mobile unit licence fee account where the fee is payable in installments.

14. Certified statements by clerk as to refunds.

owner refunds for a year for which applications have been accepted up to the time of the certification of the statement and which have not been included in any previous certified statement under this section in respect of that year.

(2) A certified statement referred to in subsection (1) shall show separately

- (a) the applications in respect of which an amount was credited to the tax or licence account of the owner pursuant to section 11, subsection (1), clause (b) and the amount did not exceed the amount of the outstanding municipal taxes then unpaid, and
- (b) all other applications.

15. Upon receipt of a certified statement delivered pursuant to section 14, the Minister shall

- (a) with respect to the applications referred to in section 14, subsection (2), clause (b), pay homeowner refunds to those owners of eligible residences and eligible mobile units who made those applications, and
- (b) in all other cases, pay to the local authority the total of homeowner refunds in respect of eligible residences and eligible mobile units, subject to the regulations.

15. Manner of paying homeowner refunds.

Division 2
Renter Assistance

16. A renter is entitled, in respect of each year in which he was a renter, to a renter assistance grant, subject to and in accordance with this Act and the regulations.

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

(2) No person is entitled to apply for or receive a renter assistance grant for any year if he has applied for or received a homeowner education tax refund in respect of the same year, except as otherwise provided by the regulations and to the extent permitted by the regulations.

18. (1) Except as provided in section 20 and subject to the regulations, the amount of a renter assistance grant payable to a renter for any year shall be the lesser of

- (a) the aggregate of the basic credit allowance plus 2 per cent of the rent paid by the renter with respect to that year, minus 1 per cent of the renter's taxable income under the *Income Tax Act* (Canada) for that year, or
- (b) the basic credit allowance.

(2) In subsection (1), "basic credit allowance" means

- (a) with reference to an individual who is the sole renter of a place of residence, the sum of \$100, or
- (b) with reference to an individual who, with one or more other persons either jointly or in common, is a renter of the same place of residence, the amount derived by dividing the sum of \$100 by the number of those renters, including that individual.

(3) Where section 20 applies to a renter, the renter may apply for a grant under that section instead of applying for a grant under this section.

19. In determining the amount of rent paid by a renter in a year for the purposes of section 18, the following rules apply:

- (a) the rent shall be calculated to exclude all payments on account of meals or board;
- (b) no renter shall claim rent in respect of more than one place of residence for the same period of time;
- (c) where a renter, instead of paying full rent for the occupation of a place of residence that he does not own, furnishes work or services to the owner or

16. Entitlement to renter assistance.

17. Avoidance of double grants.

18. Calculation of renter assistance grant.

19. Special rules to determine rent for the purposes of section 18.

lessee of that place, the value of the benefit that the renter receives from paying less than the full rent may be claimed by him as part of the rent he has paid, but the amount of such benefit may be included only to the extent that the benefit is included as part of the renter's income for the same taxation year computed for the purpose of determining the tax payable by him under Part I of the *Income Tax Act* (Canada);

- (d) where a married couple are the renters of the same place of residence, the taxable income to be used for the purposes of determining the amount of the renter assistance grant to them shall be the taxable income of the spouse whose taxable income is the greater.

20. (1) The amount of a renter assistance grant for a year to a person who was or became 65 years of age in that year shall be the sum of \$100.

(2) Where two individuals married to one another are jointly the renters of the same place of residence and only one of them was or became 65 years of age in a year, they shall both be deemed to have been 65 years of age during that year for the purposes of subsection (1).

21. A renter assistance grant

- (a) shall be applied for in the manner and at the times prescribed by the regulations;
- (b) shall be made in the manner prescribed by the regulations.

Division 3

General

22. All applications and other documentary evidence filed pursuant to this Part shall not be disposed of except as directed by the Minister.

23. (1) Every person who

- (a) files an application for a homeowner education tax refund or renter assistance grant under this Part knowing that he is not then entitled to receive the homeowner refund or renter assistance applied for, or
- (b) knowingly receives any homeowner refund or renter assistance that he is not entitled to receive, or

20. Renter assistance grants of \$100 to senior citizens 65 years of age or over.

21. Application for and manner of making renter assistance grants.

22. Retention of records.

23. Offences and penalties.

(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 \$500.

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

(3) A person who is convicted of an offence under this Part or the regulations is disqualified from receiving any further homeowner refund or renter assistance.

24. Expenditures by the Government under this Part shall be paid from moneys appropriated by the Legislature for the purposes of this Part.

25. The Lieutenant Governor in Council may make regulations

- (a) defining any expression used in this Part and not defined herein;
- (b) extending the time by which any of the provisions of this Part may be complied with;
- (c) specifying the form of and the manner of completing any declaration by an owner of an eligible residence or an eligible mobile unit 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, the Provincial Auditor or the Provincial Treasurer;
- (e) respecting the payment by the Minister of any amounts as homeowner Education tax refunds or renter assistance and directing to whom such amounts are to be or may be paid;
- (f) governing applications for homeowner refunds 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 under section 12;
- (h) prescribing any additional rules respecting the calculation of rent for the purposes of determining the amount of a renter assistance grant;
- (i) prescribing the manner in which renter assistance grants shall be applied for and made;
- (j) providing for any case in which a homeowner refund may be applied for and made in cases where

24. Appropriations.

25. Regulations.

the applicant is otherwise technically ineligible under this Part to receive the refund but where in the circumstances it is fair and reasonable and consistent with the other provisions of Division 1 to permit him to do so, but subject to any conditions or limitations that may be prescribed;

- (k) prescribing any additional rules regarding eligibility or ineligibility for homeowner refunds or renter assistance for the purpose only of preventing two or more refunds or grants in any year being paid to the same person or in respect of the same eligible residence or eligible mobile unit;
- (l) prescribing the circumstances under which a renter is ineligible to apply for a renter assistance grant;
- (m) prescribing any special rules considered necessary in cases where two or more individuals are the renters of the same place of residence;
- (n) prescribing the circumstances under which a person who has applied for or received a renter assistance grant in respect of any year may subsequently apply for and receive a homeowner refund in respect of the same year, and prescribing the extent of any additional grant that may be made;
- (o) prescribing the circumstances under which a person who has applied for or received a homeowner refund in respect of any year may subsequently apply for and receive a renter assistance grant in respect of the same year, and prescribing the extent of any additional grant that may be made;
- (p) governing transfers of credits under section 13, subsection (3);
- (q) providing for any proceeding, matter or thing for which express provision is not made in this Part or for which only partial provision is made;
- (r) respecting any other matter necessary or advisable to carry out effectively the purposes of this Part.

PART 2
ASSISTANCE TO MUNICIPALITIES

26. Grants paid to local authorities under this Part shall be of two classes, namely,

- (a) municipal assistance grants under section 29, and
- (b) municipal incentive grants under section 30.

27. (1) Grants made under this Part shall be paid by the Minister from moneys appropriated by the Legislature for the purposes of this Part.

(2) A grant under this Part shall be made

- (a) in the case of a grant for the benefit of an improvement district, by paying the money into the Improvement Districts Trust Account maintained by the Minister, or
- (b) in the case of a grant for the benefit of a special area, by paying the money into The Special Areas Trust Account maintained pursuant to section 8, clause 4 of *The Special Areas Act*.

28. (1) On or before the 31st day of January in each year, in the form prescribed by the Minister, each local authority (other than the Minister or a summer village) shall forward to the Deputy Minister of Municipal Affairs an affidavit of the clerk setting out the population and such other relevant information pertaining to the municipality as may be required by the Minister for the calculation of grants under this Part.

(2) The Deputy Minister of Municipal Affairs shall submit to the Minister in respect of each improvement district and special area the information required under subsection (1).

(3) The population figure referred to in subsection (1) shall be compiled either

- (a) by the taking of an actual census by the local authority subsequent to the latest population census under the *Statistics Act* (Canada), or
- (b) by the latest population census under that Act.

(4) Where any local authority fails to provide the information required under subsection (1), the Minister may for the purpose of this Part utilize such population and other information pertaining to the municipality as may be available to him.

(5) Where a local authority has been incorporated or established after the distribution of grants of the preceding year and before the calculation of the grants of the

26. Classes of grants.

27. Appropriations for grants.

28. Returns re population figures etc.

current year, the population of the municipality shall be determined in accordance with subsection (3), clause (a) or, in the case of counties, municipal districts, improvement districts or special areas, may be determined by the Minister in accordance with township populations as shown by the latest population census under the *Statistics Act* (Canada).

(6) The population figures and other relevant information applicable to the calculation of a grant under this Part are, at the discretion of the Minister, subject to adjustment in accordance with the addition or withdrawal of lands to or from the municipality and the Minister may require a local authority to submit a census return and any other relevant information prior to the 31st day of January next following the date on which the local authority received notice of the requirement.

(7) The population figures and other relevant facts that are to be used in calculating a grant to the City of Lloydminster shall be the figures applicable to that portion of the city within Alberta.

29. (1) In each year the Minister shall pay to local authorities municipal assistance grants in the amounts established in accordance with a method of computation prescribed pursuant to this section.

(2) The Minister may, for the purposes of determining municipal assistance grants, prescribe a method of computation which may be based on such factors as he considers necessary to establish in an equitable manner the need of each local authority for economic assistance, and without limiting the generality of the foregoing, the Minister in prescribing a method of computation may take into consideration the area, population, the assessments of land, buildings and improvements in the municipality, and such other factors as he considers relevant.

30. (1) The Minister may pay to a local authority in any year a municipal incentive grant in any case where the Minister is satisfied that

- (a) the local authority was required to pay a supplementary school requisition in the previous year, and
- (b) any increase in the general municipal expenditures of the local authority for the year is within the limits prescribed by the regulations.

(2) The Minister may, on the application of a local authority, waive a requirement in the regulations referred to in subsection (1), clause (b) in any case where the local authority shows that special circumstances exist or that the

29. Payment of municipal assistance grants.

30. Payment of municipal incentive grants.

grant is necessary to meet an extraordinarily high expenditure that will occur in that year only.

31. A municipal assistance grant or municipal incentive grant is unconditional as to its use by the local authority.

32. The Lieutenant Governor in Council may make regulations:

- (a) prescribing limits with respect to increases in general municipal expenditures for the purpose of section 30, subsection (1), clause (b);
- (b) governing any matter relating to the administration of this Part;
- (c) providing for any matter or thing considered necessary or advisable to facilitate the carrying out of the provisions of this Part.

31. Grants unconditional.

32. Regulations.

PART 3
PROVINCIAL SUPPORT OF
HEALTH AND SOCIAL SERVICES PROGRAMS

The Health Unit Act

33. (1) *The Health Unit Act is amended by this section.*

(2) *Section 2 is amended*

(a) *by striking out clause (b), and*

(b) *as to clause (h), by striking out the figure “50,000” and by substituting the figure “100,000”.*

(3) *Section 4, subsection (1) is amended by striking out the words “or any contributing council” and by substituting the words “or the council of any municipality wholly or partly within the area of a health unit”.*

(4) *Section 6 is amended by striking out the word “contributing” wherever it occurs in subsections (1) and (2).*

(5) *Section 15 is amended by striking out the words “first day of January of the year” and by substituting therefor the words “fifteenth day of August of the year immediately preceding the fiscal year to which the budget applies”.*

(6) *Section 16 is struck out and the following is substituted therefor:*

16. Where the Minister approves the budge of a board for a fiscal year he may, out of money appropriated by the Legislature for the purpose, pay grants to the board for general health unit services and dental services provided in that fiscal year.

(7) *Section 17 is struck out.*

(8) *Section 18 is amended*

(a) *as to subsection (2) by striking out the words “contributing councils and” and by substituting the words “each member of the board and the”, and*

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

(3) The board shall at the end of the fiscal year refund to the Minister the unexpended balance of the grants which are shown to be surplus by the audited financial statement.

(9) *Section 20 is struck out and the following is substituted therefor:*

33. (1) This section will amend chapter 168 of the Revised Statutes of Alberta 1970. The effect of the amendments is to relieve municipalities of the burden of contributing to the budgets of local health units and to make the Government of Alberta responsible for 100 per cent of the financing of health units.

(2) Clause (b) defines "contributing council", a term that will no longer be needed. Clause (h) defines "municipality" as including a city with a population not exceeding 50,000. The figure is changed to 100,000 to correspond with the new section 20 of the Act: see subsection (9) of this section.

(3) Section 4(1) allows a "contributing council" to request alterations to the area of a health unit.

(4) See note to subsection (2) of this section.

(5) Section 15 presently reads:

15. The board shall prepare a budget of its estimated expenses for each year and shall submit a copy to the Minister prior to the first day of January of the year.

(6) This amendment will provide for the grants that are paid to a health unit to be based upon a budget that has been approved by the Minister. The present section provides for payments based upon a statutory formula.

(7) Section 17 provides that the balance of the expenses of the health unit not covered by grants payable under the present section 16 are to be paid by the contributing council.

(8) (a) This amendment will remove the reference to "contributing council".

(b) Section 18 (3) presently reads:

(3) The board shall refund to the Department and to the contributing councils in proportion to the contribution made by each,

(a) that portion of the unexpended balance of the contributions for general health unit services that exceeds 10 per cent of the basic budget for the year for that service, and

(b) that portion of the unexpended balance of the contributions for dental services that exceeds 10 per cent of the basic budget for the year for that service,

as shown by the auditor's financial statement.

(9) This amendment will provide for the funding of public health services within a city.

20. (1) Where

- (a) the Minister is of the opinion that a satisfactory public health service is being provided within a city having a population in excess of 100,000,
 - (b) the local board of health of that city provides to the Minister an annual report showing the public health work undertaken within the city together with an audited financial statement showing the cost thereof, and
 - (c) the local board of health, prior to the fifteenth day of August of the year immediately preceding the fiscal year to which the budget applies, provides the Minister with an annual budget of its estimated expenses for the fiscal year, and
 - (d) the budget is approved by the Minister,
- the Minister may, out of money appropriated by the Legislature for the purpose, pay grants to the city for general health services and dental services.

(2) The books and accounts respecting the funds received by the city pursuant to this section shall be audited and a copy of the report of the auditor shall be sent to the Minister within 90 days after the end of the fiscal year in which the grants were made.

(3) The city shall at the end of the fiscal year refund to the Minister the unexpended balance of the grants which are shown to be surplus by the auditor's report.

(10) Section 25 is amended by striking out the words "or those of a contributing council".

(11) Section 27 is struck out and the following is substituted:

27. (1) A council may by resolution request the Lieutenant Governor in Council to withdraw its municipality from a health unit and shall send copies of the resolution to the Minister and to the councils of any other municipalities included in the health unit at least six months before the end of the fiscal year in which the resolution is made.

(2) Where the Minister receives a copy of a resolution under subsection (1), the Lieutenant Governor in Council shall give effect to the resolution by amending, rescinding or replacing the order establishing the health unit but the order shall be stated to come into effect at the end of the fiscal year of the health unit referred to in subsection (1).

(10) See note to subsection (2) of this section.

(11) Section 27 presently reads:

27. A contributing council may pass a resolution to withdraw its support from a health unit but

- (a) the withdrawal of the contributing council shall only take effect at the end of a fiscal year of the health unit, and
- (b) notice of the resolution shall be given to the Minister and to any other contributing councils participating in the operations of the health unit at least six months before the end of the fiscal year.

The Alberta Hospitals Act

34. (1) *The Alberta Hospitals Act is amended by this section.*

(2) *Section 2 is amended*

(a) *by striking out clause (f), and*

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

(j) “hospital district” means a general hospital district, and auxiliary hospital district, a general and auxiliary hospital district, a general hospital and nursing home district or a general and auxiliary hospital and nursing home district;

(3) *Section 8 is amended*

(a) *as to subsection (2), clause (c) by striking out the words “and operating”,*

(b) *by adding the following subsection after subsection (2):*

(2.1) A hospital district has no power to levy upon the included municipalities for any portion of its operating costs or any capital costs other than those kinds prescribed by the regulations notwithstanding anything in an order of the Lieutenant Governor in Council under this section.

(4) *Section 13 is amended by striking out the words “operating or”.*

(5) *Section 14 is amended by striking out clause (i) and by substituting the following:*

(i) prescribe the kinds of capital costs that may be included in requisitions by district boards on municipalities in any year and the method of determining the amounts of those capital costs;

(6) *Section 15 is amended*

(a) *by striking out the words “, operation and maintenance”, and*

(b) *as to clause (a) by striking out the words “, maintaining or operating”.*

(7) *Section 23, subsection (1), clause (a) is amended by striking out the words “, operation and maintenance”.*

(8) *Section 53 is amended by striking out the words “, the municipality”.*

(9) *Section 56 is struck out.*

(10) *Section 57, clause (f) is amended by striking out the word “, municipalities”.*

34. (1) This section amends chapter 174 of the Revised Statutes of Alberta 1970. The effect of the amendments is to relieve municipalities of the burden of paying requisitions of hospital district boards in respect of operating costs and to make the Government of Alberta responsible for 100 per cent of the financing of operating costs of hospital district boards.

(2) (a) The definition of "excess costs" is struck out as the expression is no longer used in the Act.

(b) The definition of "hospital district" is recast to reflect amendments to section 3 (1) in 1971.

(3) The amendment removes the power of a hospital district board to requisition an included municipality for money on the strength of an order in council that is inconsistent with the requisitioning powers given by the Act and the regulations.

(4) The amendment removes the power of a municipality to make contributions to a non-district hospital for operating costs.

(5) Section 14 (i) presently reads:

14. The Lieutenant Governor in Council may make regulations to carry out the intent of this Part and without restricting the generality of the foregoing may make regulations to

(i) prescribe the method of determining the amounts that may be requisitioned by district boards on municipalities in any year;

(6) The amendment removes the power of municipalities to make payments to hospital district boards to assist in the operation of its hospitals and the power to borrow money to meet requisitions by boards for operating costs.

(7) The amendment removes the power of a school district in a national park to levy taxes for the purposes of assisting a hospital district in the park to pay its operating costs.

(8) Section 53 presently reads:

53. Approved hospital operating costs shall be shared between the patients, the municipality and the Province on a basis which shall be set out in the regulations.

(9) Section 56 presently reads:

56. A municipality or a hospital district shall provide out of its general revenue and pay to the board of a hospital any portion of the operating or capital costs of that hospital in excess of the amount of such costs which has been approved and paid by the Commission,

(a) if that hospital is owned or operated by that municipality or by that hospital district, or

(b) to the extent provided by the terms of any contract made pursuant to this Act between that municipality or hospital district and the board of management of that hospital.

The section will be redundant by reason of other amendments to the Act in this Bill.

(10) Section 57(f) presently reads:

57. The Lieutenant Governor in Council may make regulations:

(f) prescribing the basis of sharing the operating costs of hospitals between patients, municipalities and the Commission, the amounts to be paid by patients for standard ward hospitalization and other services and the minimum procedures to be followed by hospitals in collecting such charges;

The Public Health Act

35. *The Public Health Act is amended by striking out sections 35 and 36.*

The Social Development Act

36. *(1) The Social Development Act is amended by this section.*

(2) Section 16, subsection (2) is amended by striking out the words “20 per cent” and by substituting the words “10 per cent”.

(3) Section 18 is amended by striking out the words “80 per cent” and by substituting the words “90 per cent”.

(4) Section 19, subsection (2) is amended by striking out the words “20 per cent” and by substituting the words “10 per cent”.

35. This section will amend chapter 294 of the Revised Statutes of Alberta 1970. Sections 35 and 36 presently read:

35. The Council of every city, town, village, county and municipal district shall in each year vote such sums as in the opinion of its local board are necessary for the carrying on of the work of the local boards of all health districts within its boundaries.

36. The Minister of Municipal Affairs, at the request of the Minister, shall, for the purpose of the carrying on of the work of the local board within an improvement district, expend out of the funds collected from such improvement district such sums of money as are necessary.

The effect of the amendments is that the Government of Alberta will bear 100% of the costs of local boards of health.

36. (1) This section will amend chapter 345 of the Revised Statutes of Alberta 1970.

The effect of the amendment is to increase the contributions of the Government of Alberta to municipalities from 80% to 90% in respect of the provision of social assistance.

(2) Section 16 allows the Minister to recover from a municipality 20% of any social allowances provided by the Government in cases where the municipality's responsibility to pay the allowances was in doubt but which the Minister later determines as being a liability of the municipality. The maximum recovery will now be 10% instead of 20%.

(3) See note to subsection (1). Section 18 is the main provision dealing with cost sharing of social assistance programs provided by municipalities.

(4) Section 19 deals with cases where the Government provides social allowances where the municipality refuses or fails to do so. Subsection (2) allows the Minister to recover 20% of the amount of the allowances provided by the Government. The recovery limit is reduced to 10%.

PART 4

CONSEQUENTIAL, REPEAL AND COMMENCEMENT

37. *The Homeowners Tax Discount Act is amended by striking out the words “the year 1966 and for subsequent years” and by substituting the words “the years 1966 to 1972”.*

38. *The Legislative Assembly Act is amended as to section 12, by striking out clause 16 and by substituting the following:*

16. applying for or receiving
 - (i) a discount in respect of municipal taxes or a mobile unit licence fee pursuant to *The Homeowners Tax Discount Act*, or
 - (ii) a homeowner assistance grant or renter assistance grant under *The Senior Citizens Shelter Assistance Act*, or
 - (iii) a homeowner education tax refund or renter assistance grant under Part 1 of *The Alberta Property Tax Reduction Act*, or

39. *Section 116.1 of The Municipal Taxation Act is amended*

- (a) *as to subsection (1) by deleting the words “homeowners tax discount under The Homeowners Tax Discount Act” and substituting therefor the words “homeowner education tax refund under The Alberta Property Tax Reduction Act”,*
- (b) *as to subsection (2), clause (a) by deleting the words “The Homeowners Tax Discount Act” and substituting therefor the words “The Alberta Property Tax Reduction Act”,*
- (c) *as to subsection (2), clause (c) by deleting the words “homeowners tax discount” and substituting therefor the words “homeowner education tax refund”.*

40. *The Senior Citizens Shelter Assistance Act is amended as to section 2 by striking out the words “1972 and subsequent years” and by substituting the words “the year 1972”.*

41. (1) *The Municipalities Assistance Act is repealed.*

(2) *An affidavit submitted to the Minister under section 4 of The Municipalities Assistance Act in respect of 1973 shall be deemed to have been submitted under section 28 of this Act.*

37. This section will amend chapter 170 of the Revised Statutes of Alberta 1970 so that the Act will not apply to municipal taxes for years subsequent to 1972. See also section 42 of this Bill.

38. This section will amend chapter 204 of the Revised Statutes of Alberta 1970. Section 12, clause 16 presently reads:

12. Nothing in this Act renders any person ineligible to be nominated for or elected as a member of the Legislative Assembly or disqualifies him from sitting or voting in the Legislative Assembly, by reason only of the person

16. applying for or receiving a municipal tax discount under The Homeowners Tax Discount Act, or

39. This section will amend chapter 251 of the Revised Statutes of Alberta 1970.

40. This section will amend chapter 86 of the Statutes of Alberta, 1972, in order to restrict its application to the year 1972. See also section 42 of this Bill.

41. This section will repeal chapter 253 of the Revised Statutes of Alberta 1970.

42. (1) *The Homeowners Tax Discount Act is repealed on a date to be fixed by Proclamation.*

(2) *The Senior Citizens Shelter Assistance Act is repealed on a date to be fixed by Proclamation.*

43. 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, 1973.

42. This section will allow for the repeal by Proclamation of chapter 170 of the Revised Statutes of Alberta 1970 and chapter 86 of the Statutes of Alberta, 1972 after the administrative work under those Acts has been completed.