

1974 Bill 40

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

The Alberta-British Columbia Boundary Act, 1974

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

BILL 40

1974

THE ALBERTA-BRITISH COLUMBIA BOUNDARY ACT, 1974

(Assented to _____, 1974)

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

1. In this Act

- (a) "boundary" means the boundary-line between the Province of Alberta and the Province of British Columbia as established under section 2;
- (b) "conventional boundary-line" means those portions of the boundary marked on the ground by survey monuments and shown on the map-sheets by a series of straight lines connecting the survey monuments;
- (c) "map-sheets" means the surveys or maps entitled "Boundary between Alberta and British Columbia" on deposit in the office of the Director of Surveys of Alberta and includes
 - (i) Part I containing sheets 1 to 16A surveyed between 1913 and 1916,
 - (ii) Part II containing sheets 17 to 29B surveyed between 1917 and 1921,
 - (iii) Part III containing sheets 29 to 54 surveyed between 1918 and 1924 indicating the boundary from the international border of the United States of America on the 49th parallel of north latitude northerly to a point on the 120th meridian of west longitude in or about latitude north 57 degrees, 26 minutes and 40.25 seconds, and
 - (iv) Part IV containing sheets 55 to 66 surveyed between 1950 and 1953 indicating the remainder of the boundary;
- (d) "Minister" means that member of the Executive Council charged with the administration of this Act;
- (e) "sinuous boundary-line" means those portions of the boundary indicated on the map-sheets by a series of broken lines.

Explanatory Notes

General. This Act replaces the existing Act of 1955 to bring about a more precise boundary in order to obviate possible future problems in development in areas abutting the boundary.

I. Definitions.

2. If the Legislature of the Province of British Columbia also consents thereto with respect to that province, the Legislature of Alberta hereby consents to the Parliament of Canada declaring the boundary, whether or not it increases, diminishes, or otherwise alters the territory of the Province of Alberta, to consist of the sinuous boundary-line and the conventional boundary-line as determined from time to time in accordance with this Act.

3. The Minister, on behalf of the Government of Alberta, may enter into an agreement with the Government of British Columbia to provide for the re-establishment, restoration or maintenance of survey monuments and other physical evidence of the boundary.

4. The Lieutenant Governor in Council may appoint a boundary commissioner who has the power and duty, in co-operation with a similar commissioner from the Government of British Columbia and from the Government of Canada,

- (a) to carry out any agreement entered into under section 3,
- (b) subject to the approval of the Lieutenant Governor in Council, to enter into an agreement on behalf of the Government of Alberta, with the Government of British Columbia to provide for the conversion of all or part of the sinuous boundary-line to a conventional boundary-line, and
- (c) to do every act and exercise every power necessary or proper for the purpose of settling any boundary problem or dispute arising under section 5.

5. Any problem or dispute affecting the boundary, other than one that may be settled pursuant to an agreement under section 3, shall be referred to the boundary commissioners referred to in section 4.

6. (1) All or any part of the sinuous boundary-line indicated on the map-sheets shall cease to be part of the boundary if

- (a) the boundary commissioners referred to in section 4 unanimously agree that a portion of the sinuous boundary-line be resurveyed and, in that case, that resurveyed portion, when approved by the commissioners and confirmed by the Lieutenant Governor in Council, shall be deemed to be a conventional boundary-line, or

2. Consent to federal establishment of boundary.

3. Survey monuments.

4. Boundary commissioner.

5. Boundary disputes.

6. Conversion of sinuous boundary-line to a conventional boundary-line.

- (b) where a problem or a dispute respecting the actual location of the boundary along a sinuous boundary-line is submitted to the boundary commissioners under section 5, the boundary as determined by the majority decision of the boundary commissioners shall, subject to confirmation by the Lieutenant Governor in Council, be deemed to be a conventional boundary-line,

and the conventional boundary-line so determined shall replace the relevant portion of the sinuous boundary-line.

(2) When a sinuous boundary-line is replaced by a conventional boundary-line under subsection (1), the Minister shall supplement or revise the map-sheets to properly reflect the conversion and shall cause a copy of the supplemented or revised map-sheet to be deposited in the office of the Director of Surveys of Alberta.

(3) The registrar of titles of the land registration district in which the titles to the land affected by this Act are registered shall make all necessary amendments to the register and to his records generally.

7. (1) If the Legislature of the Province of British Columbia makes a similar declaration with respect to that province, the Legislature of the Province of Alberta hereby declares that an agreement of the boundary commissioners under section 6 is, when approved by the Lieutenant Governor in Council, final and binding on the Government of Alberta.

(2) An agreement of the boundary commissioners under section 6, when approved by the Lieutenant Governor in Council, has the force of law to the extent that the agreement converts the sinuous boundary-line, or part of it, to a conventional boundary-line.

8. Notwithstanding any other provision of this Act or any agreement entered into pursuant to this Act, the Government of Canada shall not be bound or liable to pay any costs, except such costs as that Government may incur in respect of boundary inspections and meetings of the commission, in respect of this Act or any agreement.

9. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent herewith.

10. *The Alberta-British Columbia Boundary Maintenance Act, The British Columbia-Alberta Boundary Act, 1931 and The British Columbia-Alberta Boundary Act, 1955* are repealed.

11. This Act comes into force on a date or dates to be fixed by Proclamation.

7. Effect of agreement.

8. No federal costs.

9. Regulations and orders.

10. This Bill will repeal chapter 2, Statutes of Alberta, 1964, chapter 6, Statutes of Alberta, 1931 and chapter 8, Statutes of Alberta, 1955.