

1974 Bill 50

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 50

The Municipal Statutes Amendment Act, 1974

MR. DOAN

First Reading

Second Reading

Third Reading

Bill 50
Mr. Doan

BILL 50

1974

THE MUNICIPAL STATUTES AMENDMENT ACT, 1974

(Assented to _____, 1974)

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

The Municipal and Provincial Properties Valuation Act

1. *(1) The Municipal and Provincial Properties Valuation Act is amended by this section.*

(2) Section 3 is amended by striking out the word "or" at the end of clause (e) and by striking out clause (f).

(3) Section 4 is struck out and the following is substituted:

4. The assessor of every municipality shall prepare a valuation of all land and improvements within the municipality owned by the Crown in right of Alberta with the exception of

- (a) highways, streets, lanes, roadways and road allowances;
- (b) roadside camp and picnic grounds, provincial parks, historical sites, monuments and museums;
- (c) real property used for or in connection with universities or colleges or academic, trade, forestry or agricultural schools, other than buildings used for residential purposes and the lands used in connection therewith;
- (d) real property used for or in connection with hospitals or mental institutions;
- (e) sanitary and storm sewer systems;
- (f) public works reserves;
- (g) real property situated outside a city, town or village that is not
 - (i) used or actively occupied by the Crown, or
 - (ii) occupied under a lease, licence, permit or agreement for sale;
- (h) real property leased to or occupied by a person from whom the municipality may, by reason of his

Explanatory Notes

1. (1) This section will amend chapter 248 of the Revised Statutes of Alberta 1970.

(2) Section 3 provides for the valuation of municipally owned property with certain exceptions. This amendment will remove one of the exceptions — pollution control equipment.

(3) Section 4 is revised to provide for the valuation of residences under clause (c), to add clause (g) and to remove an exception for Crown owned pollution control equipment.

interest in the property, levy and collect a municipal tax;

- (i) property of The Alberta Government Telephones Commission to be valued by the Chief Provincial Assessor pursuant to section 6.

(4) Section 5, subsection (1) is amended by adding the following new clause after clause (a):

(a1) The Alberta Housing Corporation,

(5) Section 6, subsection (1) is amended

- (a) by striking out the word "October" and by substituting the word "December",*
- (b) by striking out the words "and used in the communication system of".*

(6) Section 7 is struck out and the following is substituted:

7. (1) All properties to be valued under sections 3, 4 and 5 shall be valued in a manner that is equitable and uniform with assessments of that and other kinds of property throughout the municipality.

(2) All properties to be valued under section 6 shall be valued in a manner that is equitable and uniform with assessments made under *The Electric Power and Pipe Line Assessment Act*.

(7) Section 8, subsection (1) is amended by striking out the word "October" and by substituting the word "December".

(8) Section 10 is amended by adding after the words "The Liquor Control Act," the words "The Alberta Housing Act,".

The Municipalities Assessment and Equalization Act

2. (1) The Municipalities Assessment and Equalization Act is amended by this section.

(2) Section 2 is amended

- (a) by striking out clause (f) and by substituting the following:*
- (f) "equalized assessment" means the assessment and valuation of rateable lands in a municipality adjusted as may be required in accordance with this Act and the regulations;

(4) Section 5, subsection (1), clause (a) presently reads:

5. (1) The assessor of every municipality that imposes a business tax shall, in accordance with the regulations, prepare a valuation for business assessment purposes in respect of any premises of

(a) The Alberta Liquor Control Board,
situated in the municipality.

(5) Section 6, subsection (1) presently reads:

6. (1) Not later than the 31st day of October in each year the Chief Provincial Assessor shall make or cause to be made on his behalf a valuation for each municipality of all installations, materials, devices, fittings, apparatus, appliances, equipment, machinery, ways and easements and structures, other than land and buildings, owned by and used in the communication system of the Alberta Government Telephones Commission.

(6) Section 7 presently reads:

7. (1) All properties to be valued under sections 3, 4, 5 and 6 shall be valued in a manner that is equitable and uniform with assessments of that and other kinds of property throughout the municipality.

(2) Without restricting the generality of subsection (1), where pursuant to any other Act, a particular type or class of property is to be assessed at a specified percentage of its fair actual value, then any property of that type or class that

(a) is exempt from assessment and taxation under any other Act,
but

(b) is to be valued under this Act,

shall, for the purposes of this Act, be valued at the same percentage of its fair actual value.

(7) Section 8, subsection (1) presently reads:

8. (1) The valuation required pursuant to section 3 or 4 shall be prepared not later than the 31st day of October in any year for the purposes of this Act in the next succeeding year.

(8) Section 10 presently reads:

10. The Lieutenant Governor in Council may provide that the valuation of any type or class or classes of property prepared pursuant to section 4, 5 or 6 shall be used as the value of that property for the purpose of grants to municipalities under The Crown Property Municipal Grants Act, The Liquor Control Act, the Alberta Government Telephones Act and The Treasury Branches Act.

2. (1) This section will amend chapter 252 of the Revised Statutes of Alberta 1970.

(2) Section 2 (f) and (j)(i) presently reads:

(f) "equalized assessment" means the assessment and valuation of rateable lands within a municipality adjusted as may be required in accordance with this Act and Alberta Regulation 34/66, as amended by Alberta Regulation 68/68;

(j) "rateable lands" means

(i) lands and improvements and special franchises that are assessed by a municipality,

(b) *as to clause (j) by adding at the end of subclause (i) the words "including improvements assessed pursuant to a by-law under section 8.1 of The Municipal Taxation Act,".*

(3) *Section 14 is amended*

(a) *as to subsection (1) by striking out the word "three" and by substituting the word "five",*

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

(2.1) The Lieutenant Governor in Council shall appoint one of the members as vice-chairman who shall, during the disability or absence of the chairman, act as chairman.

(4) *Section 16 is amended*

(a) *by striking out subsection (2),*

(b) *as to subsection (3) by striking out the words "a member" and by substituting the words "the vice-chairman".*

(5) *Section 18 is struck out and the following section is substituted:*

18. (1) In accordance with *The Public Service Act*, there may be appointed a secretary of the Board who may be a member of the Board and such other officers, inspectors and clerks as are required for the conduct of the business of the Board.

(2) Notwithstanding subsection (1) and for the purposes of carrying out the duties and exercising the powers imposed or conferred upon it pursuant to this Act, the Board may, subject to the approval of the Minister, avail itself of the services of any officer or other employee of the Department of Municipal Affairs.

(6) *The following new section is added after section 18:*

18.1 The Board, or any person authorized by it to make any inquiry or report, may do any or all of the following:

(a) enter upon and inspect any land or other property during daylight hours and upon reasonable notice to the occupant thereof;

(b) require the production of books, plans, papers and other documents in the possession, custody or control of an official of a municipality and relating to any assessment of rateable lands.

(7) *Section 21 is amended by adding the following new subsection after subsection (1):*

(3) Section 14 (1) presently reads:

14. (1) The Lieutenant Governor in Council may appoint a Board to be known as the Alberta Assessment Equalization Board, which shall be composed of three persons appointed from time to time by the Lieutenant Governor in Council, and each of whom may hold office during pleasure.

(4) Section 16 (2) and (3) presently reads:

(2) In the case of the disability or absence of the chairman, the member of the Board who has been longest in office, or where the members have been in office an equal length of time, the member first named in the order appointing them, may act in his place.

(3) When it appears that a member of the Board has acted in place of the chairman, it shall be conclusively presumed that he has so acted during the absence or disability of the chairman.

(5) Section 18 presently reads:

18. The Lieutenant Governor in Council may appoint a secretary to the Board, who may be a member of the Board, and such clerks and assistants as may be deemed necessary.

(6) Powers of inspection.

(7) Municipal assessor to provide information.

(1.1) The Board may at any time it considers necessary to so do, require the assessor of a municipality to provide to the Board such information relating to the assessment of property in his municipality and containing such details as may be prescribed by the Board.

(8) Section 29 is amended by adding the following new clause after clause (a):

- (a1) prescribing standards and methods to be used for the purpose of equalizing assessments under this Act,

The Municipal Tax Exemption Act

3. (1) The Municipal Tax Exemption Act is amended by this section.

(2) Section 4, subsection (1), clause (b) is amended by striking out the words "or other purpose to the" and by substituting the words "that is to the general".

(3) Section 11 is amended by striking out subsection (2) and by substituting the following subsections:

- (2) On an application under section 5,
 - (a) the Lieutenant Governor in Council may grant an exemption with respect to all or part of the property to which the application relates, subject to the provisions of section 12, and
 - (b) where or to the extent that an order of the Lieutenant Governor in Council is not made granting the exemption applied for, the exemption shall be deemed to be refused.

(2.1) On an application under section 8, subsection (1), clause (b),

- (a) the Lieutenant Governor in Council may rescind or vary the exemption to which the application relates, in whole or in part, and
- (b) where or to the extent that an order of the Lieutenant Governor in Council does not rescind or vary the exemption to which the application relates, the rescission or variation applied for shall be deemed to be refused.

(4) Section 12, subsection (2) is amended

- (a) as to clause (a) by striking out the words "and taxation",*
- (b) as to clause (b) by striking out the words "and taxation",*

(8) Section 29 (a) presently reads:

29. The Minister may make regulations
(a) approving forms for use under this Act,

3. (1) This section will amend chapter 250 of the Revised Statutes of Alberta 1970.

(2) Section 4 (1) presently reads:

4. (1) A non-profit organization that is liable to assessment and taxation by a municipality in respect of property
(a) owned by it or leased by it from the Crown, and
(b) used by it for any charitable, educational, religious, benevolent or welfare purpose or other purpose to the public advantage or benefit,
may apply, in accordance with this Act, to have that property declared to be exempt from assessment and taxation by the municipality.

(3) Section 11 (2) presently reads:

- (2) The Lieutenant Governor in Council may,
(a) with respect to an application under section 5,
(i) refuse to grant an exemption, or
(ii) grant an exemption with respect to all or part of the property to which the application relates,
or
(b) with respect to an application under section 8, subsection (1), clause (a),
(i) refuse to rescind or vary the exemption, or
(ii) rescind or vary the exemption in whole or in part,
subject to the provisions of section 12.

(4) Section 12 (2) presently reads:

- (2) An order under section 11 may provide for
(a) the complete exemption from assessment and taxation
(i) of an entire parcel of land, or of only a part of a parcel of land, either including or excluding any improvement thereon,
or
(ii) of an improvement excluding the land upon which it is situated,
or
(b) the partial exemption from assessment and taxation of property
(i) by fixing a value to be used for the property for assessment purposes, or
(ii) by fixing a rate by which the value of the property is to be reduced for assessment purposes,
or any combination of the foregoing.

(c) *by adding the word “or” at the end of clause (b) and by adding the following new clause after clause (b):*

(c) *the complete or partial exemption from taxation for any purpose specified in the order*

(i) *of an entire parcel of land, or of only part of a parcel of land, either including or excluding any improvement thereon, or*

(ii) *of an improvement excluding the land upon which it is situated,*

(5) Section 13 is amended by adding the following new subsection after subsection (1):

(1.1) Subsection (1) does not authorize a municipality to assess or tax any property otherwise exempt from assessment under section 25 of The Municipal Taxation Act.

The Municipal Taxation Act

(4) (1) The Municipal Taxation Act is amended by this section.

(2) Section 2 is amended

(a) as to clause 11 by adding after the words “in connection with” the words “the growing and actual sale of trees and shrubs for transplanting or”,

(b) as to clause 11.1 by adding after the words “in connection with” the words “the growing and actual sale of trees and shrubs for transplanting”,

(3) Section 17 is amended by striking out subsection (5) and substituting the following subsection:

(5) All property that is exempt from assessment under The Electric Power and Pipe Line Assessment Act and property exempt from assessment under section 25, subsection (1), clause 29 shall not be included in an assessment under subsection (2).

(4) Section 18, subsection (2), clause (a) is amended by adding after the words “to that person” the words “as if he were the owner of the land”.

(5) Section 24.1, subsection (1) is amended by striking out the word “grain,” and by substituting the words “cereal grain, forage seed or oil seed,”.

(5) Section 13 (1) presently reads:

13. (1) Notwithstanding sections 11 and 12, a municipality may, by by-law,

(a) assess land and improvements exempted from assessment and taxation, in whole or in part, under this Act or under a private Act, and

(b) levy a tax for all purposes referred to in section 93 of The Municipal Taxation Act except those set out in subsection (1), clauses (d), (f) and (g).

4. (1) This section will amend chapter 251 of the Revised Statutes of Alberta 1970.

(2) Section 2, clauses 11 and 11.1 presently read:

11. "farm buildings" means the residence and other improvements used in connection with the raising or production of crops, livestock or poultry or in connection with fur production or beekeeping and situated on farm land outside a city, town, new town, village or summer village;

11.1 "farm land" means land used in connection with the raising or production of crops, livestock or poultry or in connection with fur production or beekeeping consisting of one or more adjacent parcels operated as a unit

(i) by a person who derives from that activity thereon an income sufficient to provide a livelihood where the unit contains 20 acres or more or has been reduced to less than 20 acres by expropriation, or

(ii) by a person who derives from that activity thereon his principal income where the unit contains less than 20 acres, but does not include a parcel of land of less than one acre in extent;

(3) Section 17 (5) presently reads:

(5) Machinery, equipment or apparatus that is exempt from assessment under section 4, clauses (b), (c) and (d) of The Electric Power and Pipe Line Assessment Act shall not be included in a valuation under subsection (2).

Subsection (2) provides for the assessment of utility franchises.

(4) Section 18 (2) (a) presently 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 leasehold interest in the land so occupied by that person shall be assessed to that person, or

but the rate of assessment thereof shall not exceed the highest rate of assessment on agricultural land situated in the same municipality.

(5) Section 24.1 (1) presently reads:

24.1 (1) Notwithstanding the other provisions of this Act or the regulations, the assessor, in determining the assessment of an improvement used exclusively for the purpose of storing or handling grain, shall have regard to any loss in value incurred therein as a result of any or all of the following:

- (a) physical deterioration;
- (b) functional obsolescence;
- (c) economic obsolescence.

(6) *Section 25, subsection (1) is amended*

(a) *as to clause (2) by adding after the words "land and improvements" the words ", including water and sewer systems,"*,

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

3. school buildings and school lands owned by a school district or school division unless such buildings and lands are exclusively used for other than school purposes;

(c) *as to clause 5 by adding immediately before the words "land held by" the words "a parcel of",*

(d) *by striking out clause 6 and by substituting the following:*

6. a building or any part thereof

(i) situated on land held by or for the use of any religious body, and

(ii) which is chiefly used for divine service, public worship or religious education, but exclusive of any part of the building which is chiefly used for other purposes;

(e) *as to clause 19.1 by striking out the word "or" at the end of subclause (iii) and by striking out subclause (iv),*

(f) *by adding the following new clause after clause 28:*

29. the inlet valve and outlet valve and any installations, materials, devices, fittings, apparatus, appliances, pipe equipment and plant machinery between such valves in any regulating or metering station

(i) that is owned or operated by a municipality, or a rural gas co-operative association organized under *The Co-operative Associations Act*, or

(ii) that is part of a system that serves an urban community or a system where the majority of customers are rural gas consumers, as defined by the regulations.

(7) *Section 25, subsection (1) is amended by striking out clause 26 and by substituting the following:*

26. waterworks supply, distribution system and metering facilities used primarily for the purpose of providing a domestic water supply service when owned or operated by an individual or corporation;

(6) Section 25 (1), clauses 2, 3, 5, 6 and 19.1 (iv) presently read:

25. (1) The following property is exempt from assessment by a municipality, namely:
2. land and improvements
 - (i) owned by a municipality, or
 - (ii) held under lease, licence or permit from the Crown by a municipality;
 3. school buildings and lands owned and occupied by a school district or school division solely for the purpose of a school;
 5. land held by or for the use of any religious body and on which is situated a building chiefly used for divine service, public worship or religious education, if
 - (i) when situated in a city, town, new town, village or summer village, the land does not exceed one-half acre, and
 - (ii) when situated in any other municipality, the land does not exceed four acres,or such greater area as may be exempted by by-law;
 6. a building or any part thereof which is chiefly used for divine service, public worship or religious education, but exclusive of any part of the building which is chiefly used for other purposes;
 - 19.1 subject to section 26, subsection (1), clause 11, all property held by
 - (iv) The Alberta Universities Commission;

(7) Section 25 (1)/26 presently reads:

25. (1) The following property is exempt from assessment by a municipality, namely:
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.

(8) Section 26, subsection (1), clause 11 is amended by striking out the word “or” at the end of subclause (iii) and by striking out subclause (iv).

(9) Section 36, subsection (1) is amended by striking out the words “first day” and by substituting the words “15th day”.

(10) Section 41, subsection (1) is amended by striking out the words “first day” and by substituting the words “15th day”.

(11) Section 83 is amended by striking out subsection (1) and by substituting the following:

83. (1) Where a person carries on more than one class of business on the same premises the business tax shall be levied in accordance with the area occupied by each class of business.

(12) Section 93 is amended by striking out subsection (1.2) and by substituting the following:

(1.2) For the purpose of subsection (1.1) “residential property” includes

- (a) any building used for residential purposes only,
- (b) where there is a mixed use of a particular building, such portion of the building as is used for residential purposes,
- (c) the parcel of land forming the site of any such building or buildings or, where there is a mixed use of any such building or buildings, a proportionate amount of the parcel forming the site thereof (such proportionate amount to be calculated as the same percentage of the assessed value of the entire parcel as the assessed value of that portion of the building used for residential purposes is of the assessed value of the entire building), and
- (d) any other building situated on the same parcel of land, the use of which is directly ancillary to such residential use.

(13) Section 97, subsection (1) is amended by striking out the word “lineal” in clauses (a), (b) and (c) and by substituting the word “assessable”.

(14) Section 99, subsection (3), clause (b) is amended by striking out the word “lineal” and by substituting the word “assessable”.

(8) Section 26 (1), clause 11 (iv) presently reads:

26. (1) The following property is exempt from assessment unless a municipality, by by-law, authorizes an assessment to be made with respect to any or all of the undermentioned properties:

11. buildings owned by

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

(9) Section 36 (1) presently reads:

36. (1) Upon receipt of any return made by the assessor pursuant to section 35, the municipal secretary, or the assessor in the case of a city, shall prepare an assessment roll not later than the first day of January in the year following the year in which the assessment has been made.

(10) Section 41 (1) presently reads:

41. (1) Upon preparation of the assessment roll pursuant to section 36 and not later than the first day of January next following, the municipal secretary, or the assessor in the case of a city, shall cause to be published in one issue of a newspaper having general circulation in the municipality, a notice in the prescribed form that the assessment roll has been prepared.

(11) Section 83 (1) presently reads:

83. (1) No person shall be taxed in respect of the same premises under more than one class of business tax as fixed by the by-law, and where any person carried on more than one kind of business on the same premises the business tax shall be levied on the entire premises as if the entire premises were used for the kind of business that is the chief or principal business of the businesses so carried on by him in or on the premises.

(12) Section 93 (1.2) presently reads:

(1.2) For the purpose of subsection (1.1) "residential property" includes

- (a) any building used for residential purposes together with the land forming the site thereof, and
- (b) when there is a mixed use of a particular building, such portion of the building as is used for residential purposes together with a proportionate amount of the land forming the site thereof, and any other buildings located on the parcel as are directed ancillary to such residential use.

(13) Section 97 (1) (a), (b) and (c) presently reads:

97. (1) The municipality by by-law may impose and levy any or all of the following special taxes or charges in addition to any other taxes authorized by this Act:

- (a) annually against every lot fronting or abutting on any street, lane or public highway on or under which waterworks mains and services are located, a special waterworks tax of an amount not exceeding such amount per lineal foot of frontage as may be fixed by by-law;
- (b) annually against every lot fronting or abutting on any street, lane or public highway on or under which sewer mains and services are located, a special sewer tax of an amount not exceeding such amount per lineal foot of frontage as may be fixed by by-law;
- (c) annually against every lot fronting or abutting or adjoining on any boulevard within the municipality a special boulevard tax of an amount not exceeding such amount per lineal foot of frontage as may be fixed by by-law;

(14) Section 99 authorizes a maintenance tax calculated on lineal footage.

(15) *Section 149 is amended*

(a) *as to subsection (1)*

(i) *by adding the word "sanitary" before the word "sewer" and before the word "sewers" wherever they appear in clause (a),*

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

(c) *a storm sewer has been or is to be built to serve one or more parcels of an area where the storm drainage from that parcel or parcels will be of such a quantity that the existing storm sewers of the area cannot accommodate it although the existing storm sewers are sufficient to carry off the existing storm drainage of the area,*

(b) *as to subsection (2) by striking out the words "the new sewer or water main" and by substituting therefor the words "the new sanitary sewer or storm sewer or water main, as the case may be," and*

(c) *as to subsection (3) by striking out the words "one sewer or water main" and by substituting therefor the words "one sanitary sewer or one storm sewer or one water main, as the case may be".*

(16) *Subsections (5) and (7) shall be deemed to have been in force at all times on and after December 31, 1973.*

The Tax Recovery Act

5. (1) *The Tax Recovery Act is amended by this section.*

(2) *Section 29, subsection (2) is amended*

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

(a) *for a right of entry by an operator entitled to apply for a right of entry order under The Surface Rights Act, or*

(b) *by striking out the words "under The Right of Entry Arbitration Act" and by substituting the words "under The Surface Rights Act".*

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

(15) Section 149 presently reads:

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 development 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.

(2) Other parcels in the area that do not connect to the new sewer or watermain shall not be assessed or charged by reason of its existence until the owner requests connection and then shall be assessed and charged for the period of not more than 25 years or on a prepayment basis as the by-law provides.

(3) Nothing in this section shall be deemed to authorize any parcel to be charged in any year a charge for more than one sewer or water main.

5. (1) This section will amend chapter 360 of the Revised Statutes of Alberta 1970.

(2) Section 29 (2) presently reads:

(2) Either before or after final acquisition of a parcel, if an application is made to a municipality

- (a) for a right of entry by an operator entitled to apply for a right of entry to remove minerals under The Right of Entry Arbitration Act, or
- (b) for a right of way for a railway, pipe line, transmission line, pole line, conduit, irrigation or drainage ditch, or other similar purpose, by an applicant entitled to expropriate for such purpose under the provisions of any Act,

the municipality may grant a right of entry or right of way through the parcel to the same extent as the applicant would be entitled to acquire under The Right of Entry Arbitration Act or the Act authorizing the expropriation, as the case may be.

The amendment updates references to The Surface Rights Act that were omitted at the time of the enactment of that Act in 1972.