

1975 Bill 34
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 34

THE DEPARTMENT OF HOUSING AND PUBLIC WORKS ACT

THE MINISTER OF HOUSING AND PUBLIC WORKS

First Reading

Second Reading

Third Reading

BILL 34

1975

(Second Session)

THE DEPARTMENT OF HOUSING AND PUBLIC WORKS ACT

(Assented to _____, 1975)

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

1. In this Act,

(a) “council” means

- (i) the council of a city, town, village, county or municipal district, or
- (ii) the board of administrators of a new town, or
- (iii) the Minister of Municipal Affairs in the case of an improvement district or special area;

(b) “housing” means any buildings or structures suitable and adequate for human habitation and which are primarily used for that purpose;

(c) “local authority” means a municipal corporation, or, in the case of an improvement district or special area, the Minister of Municipal Affairs;

(d) “Minister” means the Minister of Housing and Public Works;

(e) “municipality” means a city, town, village, county, municipal district, improvement district or special area.

PART 1

ADMINISTRATION

2. There shall be a department of the public service of the Province called the Department of Housing and Public Works over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Housing and Public Works.

3. In accordance with *The Public Service Act* there may be appointed a Deputy Minister of Housing and Public Works and such other employees as are required to conduct the business of the Department.

Explanatory Notes

General. This Bill will create the new Department of Housing and Public Works arising out of the recent Government reorganization.

1. Definitions.

2. Establishment of Department.

3. Staff.

4. (1) The Minister may from time to time engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration.

(2) A person whose services are engaged under this section may be paid such remuneration and expenses as the Minister may prescribe.

5. (1) The Minister may establish such boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chairman, vice-chairman and secretary, and
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may make rules of procedure, subject to the approval thereof by the Minister, governing the calling of its meetings and the conduct of business at its meetings.

(4) A board, committee or council established pursuant to this section may exercise such powers and shall perform such duties and functions, including the holding of public hearings, as the Minister may confer or impose upon it.

4. Services of experts.

5. Boards, committees and councils.

PART 2

HOUSING

6. The Minister may, on behalf of the Government of Alberta, enter into agreements relating to any matter pertaining to housing with the Government of Canada, the government of any province or territory of Canada, any agency of any of those governments, any local authority in Alberta or any other person.

7. (1) The Minister may acquire any estate or interest in land and any personal property in conjunction therewith

- (a) for the purpose of implementing or carrying out the provisions of any agreement or arrangement entered into under section 6, or
- (b) for the purpose of any housing program or development, or
- (c) for research into housing, or
- (d) for any other purpose in relation to a matter under the administration of the Minister.

(2) Land acquired under this section shall be under the administration of the Minister of Energy and Natural Resources unless an order of the Lieutenant Governor in Council specifies that it is under the administration of the Minister of Housing and Public Works or some other Minister.

8. The Minister may sell, lease or otherwise dispose of any estate or interest in land under his administration and any personal property acquired by him under this Part.

9. (1) The Minister may make grants if

- (a) he is authorized to do so by regulations under this section, and
- (b) moneys are appropriated by the Legislature for that purpose or the grant is authorized to be paid pursuant to a special warrant.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make grants;
- (b) prescribing the purposes for which grants may be made;
- (c) governing applications for grants;
- (d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;
- (e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for the grant;

6. Housing agreements.

7. Property acquisition.

8. Disposition of property.

9. Grants.

- (f) prescribing the conditions upon which a grant is made and requiring the repayment thereof to the Government if the conditions are not met;
- (g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (h) limiting the amount of any grant or class of grant that may be made;
- (i) authorizing the Minister to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;
- (j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;
- (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

10. (1) The Minister, when authorized by the regulations, may make loans for, or authorize the provision of guarantees by the Government of the repayment of principal and interest or principal or interest in respect of loans made for,

- (a) the cost of acquiring land for housing;
- (b) the cost of clearing or breaking land for housing;
- (c) the cost of sloping, levelling or otherwise preparing land in any way for housing;
- (d) the cost of improving or developing land in any way for housing;
- (e) the cost of designing, constructing, maintaining or improving housing;
- (f) the cost of providing sewer, water and other utilities in respect of housing;
- (g) the cost of landscaping or otherwise improving the appearance of housing;
- (h) any other purpose that the Minister considers proper, necessary or desirable in connection with or incidental to housing.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make loans or to authorize the provision of guarantees for the purposes mentioned in subsection (1);

10. Loans and guarantees.

- (b) prescribing the purposes for which loans may be made or guarantees given;
 - (c) governing applications for loans or guarantees;
 - (d) prescribing the persons or organizations or classes of persons or organizations eligible for loans or guarantees;
 - (e) specifying the conditions required to be met by any applicant for a loan or guarantee to render that person eligible for the loan or guarantee;
 - (f) prescribing the conditions upon which a loan is made or a guarantee is given and the duties and obligations of a person to whom a loan or guaranteed loan is made or given during the period that his indebtedness is outstanding;
 - (g) prescribing the class of security which may be given to the Government by applicants in consideration of a loan or guarantee;
 - (h) limiting the amount of any loan or guarantee or class of loan or guarantee that may be made or given;
 - (i) authorizing the Minister to delegate in writing to any employee or agency of the Government any duty, power or function respecting the making of any loan or the giving of any guarantee;
 - (j) requiring any person receiving a loan to account for the way in which the loan is spent in whole or in part;
 - (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the making of a loan or giving of a guarantee.
- (3) The Minister may authorize the payment by the Government to persons whose loans are guaranteed of bonuses for repayment thereof in such amounts as he may determine and may prescribe the conditions on which the bonuses may be paid.
- (4) A guarantee under this section
- (a) shall be in the form approved by the Provincial Treasurer, and
 - (b) may be executed on behalf of the Government by the Provincial Treasurer, the Deputy Provincial Treasurer or by any other person designated by an order of the Provincial Treasurer,
- and the signature on the guarantee by any person referred to in clause (b) is conclusive proof that the relevant provisions of this Act have been complied with.

PART 3
PUBLIC WORKS

11. (1) The Minister

- (a) has the administration
 - (i) of all real property acquired by him or to be held, used or occupied for public works, and
 - (ii) of all real property held, used or occupied for public works prior to the completion of construction of any building, structure or other improvement for public works purposes thereon;
- (b) may acquire and dispose of all real property referred to in clause (a) in accordance with this Act and *The Public Works Act*;
- (c) is responsible for the design, construction and demolition of all buildings, structures or other improvements required for purposes of public works.

(2) Notwithstanding subsection (1), clause (a), subclause (ii), where the construction of a public work is done by employees of the Department of Government Services under section 13, the Minister of Government Services has the administration of the real property held, used or occupied for the public work.

(3) The Minister may acquire, by purchase or expropriation, any estate or interest in land for the purpose of constructing any public works.

(4) When any real property referred to in subsection (1), clause (a), subclause (i) is no longer required by the Minister and when any construction referred to in subsection (1), clause (a), subclause (ii) is completed, the Minister shall so report to the Lieutenant Governor in Council, who may thereupon transfer the administration of the real property concerned to any other Minister of the Crown.

12. (1) Subject to the provisions of this section, the Minister may, with the approval of the Lieutenant Governor in Council, sell, lease or otherwise dispose of any estate or interest in land held by the Crown and under his administration or any improvements that are on or have been removed from that land.

(2) A sale of land or improvements under subsection (1) shall be made

- (a) following the submission of tenders or a public auction, and
- (b) only after the Minister has obtained two or more appraisals of the market value of the land or im-

11. Administration of public works.

12. Sale of land.

provements, at least one of which shall be obtained from an appraiser who is not an employee of the Government and carries on business as an appraiser.

- (3) Subsection (2), clause (a) does not apply
- (a) where, following the submission of tenders or at the public auction, no tenders or bids were received or the highest tender or bid received was insufficient in the opinion of the Minister, having regard to the market value of the land or improvements according to appraisals obtained by the Minister, or
 - (b) where the sale is made in exchange for other land or improvements and in the opinion of the Minister adequate compensation is obtained for the land or improvements sold by the Minister, or
 - (c) where the sale is made to
 - (i) a municipal corporation, the board of trustees of a school district or school division, the board of directors of an irrigation district, or the board of trustees of a drainage district, or
 - (ii) a university, college or other educational institution or the owner of a public hospital, or
 - (iii) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by moneys appropriated by the Legislature or the Parliament of Canada for the purposes of that corporation, or
 - (iv) a corporation to which Part 9 of *The Companies Act* applies, a corporation incorporated under *The Societies Act* or any other corporation incorporated for a purpose other than profit or gain, or
 - (v) any person in accordance with a trust in favour of that person, or
 - (vi) any person in accordance with an obligation in favour of that person and the sale is exempted from the operation of subsection (2), clause (a) by an order of the Lieutenant Governor in Council.

(4) Notwithstanding subsection (2), clause (b), a sale of lands or improvements under this section to a person referred to in subsection (3), clause (c) may be made for a nominal consideration or for a price less than their market value.

(5) A lease or disposition of a mine or mineral shall be made pursuant to *The Mines and Minerals Act*.

(6) The Lieutenant Governor in Council may transfer to the Crown in right of Canada the administration and control of land belonging to the Crown in right of Alberta and under the administration of the Minister.

13. The design, construction or demolition of a public work may be done either

- (a) by employees in the Department of Housing and Public Works, or
- (b) with the approval of the Minister of Housing and Public Works and the Minister of Government Services, by employees of the Department of Government Services, or
- (c) by any other person under contract or commission, where the Minister is of the opinion that
 - (i) from the nature of the work, it can be executed more expeditiously or economically in that manner, or
 - (ii) it is desirable or expedient to do so.

14. (1) The Minister shall establish and administer a stock advance fund for the Department of Housing and Public Works.

(2) The Provincial Treasurer, upon the requisition of the Minister, may make advances from the General Revenue Fund to the stock advance fund of such sums as the Minister may require to pay for machinery, equipment, stock or material required by the Department.

(3) The net amount of the advances at any time shall not exceed \$5,000,000.

15. (1) Where the machinery, equipment, stock or material is purchased for and delivered to a particular department, branch or service, the Minister may charge the value thereof to that department, branch or service.

(2) Where the machinery, equipment, stock or material is purchased out of the stock advance fund for use by one or more departments, branches or services, and the value thereof is charged to and retained by the stock advance fund, the Minister may charge a fair rent for its use to the department, branch or service by and for which it is used.

(3) Where machinery, equipment, stock or material held by the stock advance fund is no longer required, the Minister may sell or otherwise dispose of the same on such terms and conditions as the Minister considers proper.

13. Design, construction and demolition of public works.

14. Stock advance fund.

15. Charges for machinery, etc.

- (4) The amount of
 - (a) each charge made by the Minister under subsections (1) and (2), and
 - (b) the proceeds of a sale or disposition made under subsection (3),shall be credited in reduction of the amount of the advances made by the Provincial Treasurer to the stock advance fund.

16. (1) On or before June 15 in each year the Minister shall cause to be prepared and submitted to the Provincial Auditor for certification the operating account and the balance sheet covering operations of the stock advance fund for the immediately preceding fiscal year.

(2) The statements as certified by the Provincial Auditor shall be included in the public accounts for the year.

(3) The Lieutenant Governor in Council by order may transfer to the General Revenue Fund a profit arising from the operations for the year as shown by the statements certified by the Provincial Auditor.

(4) If a deficit has occurred, the amount of the deficit may be deducted from the profit of any succeeding fiscal year or years before the profit is transferred to the General Revenue Fund.

16. Annual statements to Provincial Auditor.

PART 4

GENERAL

17. The Minister may, on behalf of the Government of Alberta, enter into agreements with the Government of Canada, or any agency thereof, or with any person relating to the utilization of air space over any right of way for the construction of multiple housing or of public works.

18. (1) The Minister may enter into and carry out an agreement with any local authority providing for the laying out, construction or improvement of parks, public places, public swimming pools or other municipal public works that in the opinion of the Minister and of the council of the local authority are necessary or desirable.

(2) An agreement entered into under subsection (1) shall fix

- (a) the total cost of construction,
- (b) the period of construction,
- (c) the proportion of the cost to be provided by the Crown and the local authority, and
- (d) the terms upon which and the time or times when payments are to be made by the Crown for its part of the cost.

19. Where a new residential subdivision is approved under *The Planning Act* and the local authority for the municipality in which the subdivision is located

- (a) pays, out of its general revenue, for the extension of water and sewer and related facilities to the new residential subdivision, and for the water and sewer system within the new residential subdivision, and
- (b) does not charge the capital cost of the extension and of the system to the developer of the new subdivision or to the property owners in the new subdivision by requiring prepayment of local improvement taxes or by way of special taxes or levies authorized under *The Municipal Government Act* or *The Municipal Taxation Act*,

the Minister may enter into an agreement with the local authority to grant the local authority an amount not exceeding 50 per cent of the capital cost of the extension and system upon the terms and conditions provided in the agreement.

20. Every local authority, notwithstanding *The Municipal Government Act*, *The Municipal Taxation Act* or any

17. Air space agreements.

18. Agreements with local authorities.

19. Power to cost-share sewer and water systems for new residential subdivisions.

20. Power to enter into agreements.

other Act, may enter into and carry out an agreement under section 17, 18 or 19.

21. The Minister may delegate any of his powers, duties or functions under this Act to any officer or employee of the Department or to any agency of the Crown that is under the direction of the Minister.

21. Delegation of authority.

PART 5

CONSEQUENTIAL AND TRANSITIONAL

22. A reference to the Minister of Public Works, the Deputy Minister of Public Works or the Department of Public Works in any statutory provision not amended by this Act or *The Department of Government Services Act* or in any order, regulation, rule, by-law, certificate of title, agreement or other instrument, shall be deemed to be a reference, respectively, to the Minister of Housing and Public Works, the Deputy Minister of Housing and Public Works and the Department of Housing and Public Works.

23. The member of the Executive Council who, immediately prior to the commencement of this Act, holds office as, and is designated by the Lieutenant Governor as, the Minister of Housing and Public Works becomes the Minister of Housing and Public Works under this Act without the necessity of a further designation by the Lieutenant Governor, the issue of a new commission or the swearing of another oath of office.

24. *The words "Minister of Public Works" are struck out wherever they appear in the following enactments and the words "Minister of Housing and Public Works" are substituted therefor:*

The Drainage Districts Act, section 16, clause (b), sub-clause (i);

The Alberta Housing Act, section 38, subsection (2);

The Land Titles Act, section 94, subsection (2), clause (c);

The Public Works Act, section 2, clause (b);

The Water Resources Act, section 82, subsection (1).

25. *The Alberta - Saskatchewan Boundary Act is amended as to section 2 by striking out the words "Department of Public Works" and by substituting therefor the words "office of the Director of Surveys of Alberta".*

26. *The Alberta Housing Act is amended as to section 42 by striking out the word "Minister" and by substituting therefor the words "Minister of Municipal Affairs".*

27. *The Municipal Government Act is amended as to section 170, subsection (2) by striking out the words "Minister of Public Works" and by substituting therefor the words "Minister of Housing and Public Works or the Minister of Government Services, as the case may be,".*

22. Consequential.

23. Transitional amendment.

24. Consequential amendments.

25. Consequential amendments.

26. Consequential amendments.

27. Consequential amendments.

28. *The Railway Act is amended as to section 126, subsection (2), clause (a) by striking out the words “Minister and Department of Public Works” and by substituting therefor the words “Minister and Department of Housing and Public Works”.*

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

28. Consequential amendments.