

1975 Bill 223
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 223

PARENTS' LIABILITY ACT

MR. KUSHNER

First Reading

Second Reading

Third Reading

Bill 223
Mr. Kushner

BILL 223

1975

(Second Session)

PARENTS' LIABILITY 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) "Parent" means the father or mother or both, or the foster father or foster mother or both, or the guardian or guardians with whom a minor normally resides and includes a mother or father who is living apart from the spouse with whom a minor normally resides except where the living apart is pursuant to a decree of divorce or a separation order or agreement;
- (b) "Property" means real or personal property or both real and personal property;
- (c) "Owner" includes any person with a registerable interest in property.

2. Where a minor alone or with others wilfully or recklessly damages, destroys or removes the property of another without lawful excuse, an action shall lie against the parents of the minor who shall be jointly and severally liable to the owner or owners of the property in a civil action for damages in an amount not to exceed \$1,000.00 for each parent.

3. (1) In fixing the amount of damages to be assessed against any parent and any time period over which the damages may be ordered to be paid, the judge shall bear in mind the parent's assets, liabilities, income and necessary expenditures.

(2) A parent who is found to be liable for damages pursuant to this Act may make application to the Court for an order permitting him to provide goods or services in place of monetary damages. The judge shall thereupon hear

such evidence as he deems appropriate as to the possibility of the plaintiff being reasonably compensated by the receipt of goods or services from the parent in place of monetary damages and as to the ability of the parent to pay monetary damages, and shall make such order as he sees fit regarding the payment of damages in the form of money, goods or services or any combination thereof.

4. This Act shall in no way limit the liability of any person that may arise out of his negligence at common law or out of any other Act.

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