

1977 BILL 32

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 32

THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1977

MR. KING

First Reading

Second Reading

Third Reading

Bill 32
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THE MUNICIPAL GOVERNMENT AMENDMENT ACT, 1977

(Assented to , 1977)

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

1. The Municipal Government Act is hereby amended.

2. The following section is added after section 128.1:

128.2. (1) In this section “municipal housing company” means
a company limited by shares incorporated under *The Companies*
Act and having as its object the development, provision and
operation, or any of them, of housing and accommodation.

(2) A council, upon being authorized by by-law to do so,
may arrange for the incorporation of a municipal housing
company.

(3) Where a municipality incorporates a municipal housing
company, it shall own all the shares of that municipal housing
company.

(4) Notwithstanding the provisions of *The Companies Act*, a
municipal housing company

(a) shall apply all profits, if any, or other income of the
company to promoting the object of the company, and

(b) shall not pay

(i) any dividends, or

Explanatory Notes

1. This Bill will amend chapter 246 of the Revised Statutes of Alberta 1970.

2. Authority to operate municipal housing companies which will be eligible to receive money provided under sections 15 and 15.1 of the National Housing Act (Canada).

- (ii) subject to clause (a), any part of its income to or make it otherwise available for the personal benefit of any person.

(5) The memorandum of association of every municipal housing company shall provide that the company is one to which this section applies.

3. *The following section is added after section 212.1:*

212.2. The council may, where authorized by by-law to do so,

- (a) enter into agreements with another municipality, the Government of Alberta and the Government of Canada, or any of them, governing the preparation of transportation plans, urban development plans and land use plans, or any of them, as defined in the federal Act;
- (b) prepare financial plans referred to in section 4 of the federal Act;
- (c) make applications to the Canadian Transport Commission under the federal Act;
- (d) acquire, under section 127, land or any interest therein within the municipality or another municipality for the purposes of implementing the provisions of any plan referred to in this section;
- (e) make those expenditures as required to permit the council
 - (i) to develop and prepare plans referred to in this section,
 - (ii) to meet its obligations incurred under plans referred to in this section, and
 - (iii) to meet its obligations incurred under orders made by the Canadian Transport Commission under the federal Act.

(2) In this section “federal Act” means the *Railway Relocation and Crossings Act* (Canada) as amended from time to time.

4. *Section 224, subsection (2.1) is amended*

- (a) *as to clause (c), subclause (ii) by adding the words “character, conduct or” before the words “state of health”, and*

3. Relocation of railways.

4. Section 224, subsection (2.1), clauses (c) and (d) presently read:

- (b) *as to clause (d), subclause (ii) by adding the words “character, conduct or” before the words “state of health”.*

5. The Companies Act is amended

- (a) *as to section 2, subsection (6) by striking out the words “subsection (3.1)” and by substituting therefor the words “subsection (3.1) or (3.2)”, and*

- (b) *as to section 15 by adding after subsection (3.1) the following:*

(3.2) A municipal corporation by itself may, by subscribing its name to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, form an incorporated company limited by shares, the object of which shall be in accordance with section 128.2, subsection (1) of *The Municipal Government Act*.

- (c) *as to section 293, subsection (2) by striking out the words “subsection (3.1)” and by substituting therefor the words “subsection (3.1) or (3.2)”.*

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

(2.1) The council may

(c) refuse to issue a taxi driver's licence to any person or to renew a taxi driver's licence issued to any person pursuant to a by-law passed under this section

(i) where that person has a driving record which, in the opinion of the council, makes him unfit to operate a public conveyance, or

(ii) where the state of health of that person is such that he is, in the opinion of the council, unfit to drive a public conveyance;

(d) revoke or suspend a taxi driver's licence issued pursuant to a by-law passed under this section

(i) where the licensee acquires a driving record which, in the opinion of the council, makes him unfit to drive a public conveyance, or

(ii) where the state of health of the licensee is such that he is, in the opinion of the council, unfit to drive a public conveyance, or

(iii) where the licensee does not, in the opinion of the council, comply with the requirements of a by-law passed under this section.

5. Amends chapter 60 of the Revised Statutes of Alberta 1970. This amendment is consequential to the addition of section 128.2 of The Municipal Government Act as provided for in section 2 of this Bill. Section 2, subsection (6) and section 293 presently read:

(6) Where a company formed under section 15, subsection (3.1) or its shareholders or directors are empowered or required by a provision of this or any other Act to pass a resolution, the resolution is deemed to be passed if it is signed by the sole shareholder of the company, and any requirement to hold a meeting does not apply.

293. (1) A public company shall not carry on business with fewer than three members nor a private company with fewer than two members, and if at any time a company carries on business for more than six months with fewer than three members or two members, as the case may be, every person who is a member of the company during the time that it so carries on business after those six months, and is cognizant of the fact that it is so carrying on business, is severally liable for the payment of all the debts of the company contracted during that time, and may be sued for the same, without joinder in action of any other member.

(2) Subsection (1) does not apply to a company formed pursuant to section 15, subsection (3.1).