

1986 BILL Pr 15

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr 15

**BOARD OF TRUSTEES OF THE EDMONTON CANADIAN
NATIVE FRIENDSHIP CENTRE BUILDING AMENDMENT ACT, 1986**

MR. HERON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill Pr 15
Mr. Heron

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BOARD OF TRUSTEES OF THE EDMONTON CANADIAN NATIVE FRIENDSHIP CENTRE BUILDING AMENDMENT ACT, 1986

(Assented to , 1986)

WHEREAS the Board of Trustees of the Edmonton Canadian Native Friendship Centre Building was established by chapter 93 of the Statutes of Alberta, 1967 to facilitate the construction of a building in the City of Edmonton to provide facilities and services for the education and training of the Indian, Metis and Eskimo people; and

WHEREAS the Board is the registered owner of certain lands in the City of Edmonton currently leased to the Canadian Native Friendship Centre, and wishes to convey the lands and certain other assets to the Canadian Native Friendship Centre to further the interests of native peoples, after which the Board would be dissolved; and

WHEREAS the Canadian Native Friendship Centre is by its objects required to further the interests of native peoples; and

WHEREAS the Board and the Canadian Native Friendship Centre have by their petition prayed that it be enacted as herein set forth and it is expedient to grant the prayer of the petition;

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

1 The Board of Trustees of the Edmonton Canadian Native Friendship Centre Building Act is amended by this Act.

2 Section 2 is amended

(a) by adding the following after clause (b):

(b.1) "Court" means the Court of Queen's Bench;

Explanatory Notes

- 1** This Bill will amend chapter 93 of the Statutes of Alberta, 1967.
- 2** Adds three defined terms.

(b) *by adding the following after clause (c):*

(d) “interested persons” means any member of the Canadian Native Friendship Centre or any other person whom the Court recognizes as a proper applicant;

(e) “special resolution” means

(i) a resolution passed

(A) at a general meeting of which not less than 21 days’ notice specifying the intention to propose the resolution has been duly given, and

(B) by a majority of not less than 66% of the members of the Board, or

(ii) a resolution consented to in writing by all the members of the Board.

3 *The following is added after section 4:*

4.1(1) In this section and in sections 4.2, 4.3 and 4.4. “Building” means the Edmonton Canadian Native Friendship Centre Building.

(2) Notwithstanding section 4(1), the Corporation may at any time, upon special resolution of the Board and upon such terms and conditions, if any, as it deems proper and which are in accordance with subsection (6), transfer, sell, give or otherwise convey all of its rights, title and interest in the Building and in any and all other real and personal property owned by it to the Canadian Native Friendship Centre.

(3) The Board may register a caveat against the title of the Building setting out the terms and conditions to be imposed on the use of the Building, and title to the Building shall not thereafter be transferred or encumbered in any fashion whatsoever save subject to the terms and conditions stated in the said caveat.

(4) The terms and conditions stated in the caveat may be enforced against and shall be binding upon the registered owner of the Building from time to time.

(5) The Board may postpone or discharge the caveat as it deems fit but after dissolution of the Board the caveat may be discharged or postponed only upon Court order on application of any interested person.

3 Provides for new sections which authorize a caveat to be placed on the title to the Building restricting its use to the benefit of native people, the dissolution of the Board and the subsequent authority of the Court of Queen's Bench relating to the caveat.

(6) The terms and conditions of the caveat shall be reasonable terms and conditions restricting the use of the Building to the education, training, advancement or benefit of the aboriginal peoples, including the Indian, Inuit and Metis peoples.

4.2(1) The Board may at any time dissolve the Corporation by special resolution, such dissolution to take effect as of the date set forth in the resolution.

(2) Where the Board passes a resolution under subsection (1), the Chairman of the Board shall within 30 days of the passing of the resolution, cause a copy to be filed with the member of the Executive Council charged with legal issues relating to native affairs.

4.3 Where the Corporation has been dissolved and the terms and conditions imposed upon a conveyance of property under section 4.1 have been or are being breached, the Court may, upon application of any interested person, order compliance with such terms and conditions and make such other orders as the Court deems appropriate in the circumstances.

4.4(1) An application under section 4.1(5) or 4.3 shall be made by way of originating notice upon 3 clear days' notice to:

(a) the person to whom such property was originally conveyed by the Corporation,

(b) all persons who by the records of the proper Land Titles Office appear to have an interest in the Building, and

(c) such other persons as the Court may direct.

(2) The Court may dispense with service upon any person.

4 Section 7 is amended by adding the following after subsection (5):

(5.1) Where any of the appointments in section 6 have not or cannot be made, the Board may by resolution make the appointment.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

4 Enables the Board to make appointments to the Board that have not been made in accordance with the Act.