

1987 BILL Pr 19

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr 19

CALGARY ASSESSMENT OF ANNEXED LANDS ACT, 1987

MR. STEWART

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill Pr 19
Mr. Stewart

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CALGARY ASSESSMENT OF ANNEXED LANDS ACT, 1987

(Assented to , 1987)

Preamble

WHEREAS the Local Authorities Board, under its Order No. 18101 varied Public Utilities Board Order No. 20027, as amended by Public Utilities Board Order No. 20407, and under its Order No. 18119 varied Public Utilities Board Order No. 25860; and

WHEREAS the Lieutenant Governor in Council issued Orders in Council No. 780/86 and No. 781/86 pursuant to section 21 of the *Municipal Government Act* which varied and approved as varied Local Authorities Board Orders No. 18101 and No. 18119; and

WHEREAS there is the possibility that the Courts of the Province of Alberta, could vary, vacate or refer back to the Local Authorities Board for further consideration and redetermination the Orders of the Local Authorities Board as varied by the Lieutenant Governor in Council; and

WHEREAS there is the further possibility that the Courts of the Province of Alberta could determine that under Public Utilities Board Orders No. 25860 and 20027, as amended by Public Utilities Board Order No. 20407, the 6-month time limitation for action against a municipality for return of money paid the municipality for taxes under section 30 of the *Tax Recovery Act* is contrary to Part 1 of Schedule B of the *Constitution Act, 1982*, the Canadian Charter of Rights and Freedoms; and

WHEREAS if the Orders of the Local Authorities Board as varied by the Lieutenant Governor in Council are varied or vacated and referred back to the Local Authorities Board for further consideration and redetermination, or if section 30 of the *Tax Recovery Act* is found contrary to the Canadian Charter of Rights and Freedoms, the City of Calgary taxpayers whose lands are protected by the conditions set out in the Public Utilities Board Orders No. 25860 and No. 20027 as amended by Public Utilities Board Order No. 20407 will have an unfair economic advantage over other citizens of the City of Calgary who pay full tax assessments, and the other citizens of the City of Calgary will be required to bear an unfair economic burden; and

WHEREAS in the interests of all the citizens of the City of Calgary 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:

Local
Authorities
Board Orders
No. 18101 and
No 18119
approved

1 The provisions of Local Authorities Board Orders No. 18101 and No. 18119 as varied by the Lieutenant Governor in Council and contained in the Schedule hereto are hereby approved and declared to be in full force and effect, and to be legal, valid, binding and incontestable upon the City of Calgary and upon the owners or those having any interest of any kind whatsoever in the lands annexed thereby, notwithstanding any informalities, irregularities or defects therein either in substance or form, or any informalities, irregularities or defects in the issuing or the varying of Local Authorities Board Orders No. 18101 and No. 18119, and these Orders shall not be questioned or reviewed administratively or in any court, and no order shall be made or process entered or proceedings taken administratively or in any court by way of appeal or otherwise to question or review such terms, provisions and conditions.

Effect of
approval

2 All assessments for the 1985 taxation year and all previous assessments thereto made by the City of Calgary on lands annexed to the City of Calgary under Public Utilities Board Order No. 25860 and Public Utilities Board Order No. 20027, as amended by Public Utilities Board Order No. 20407 are hereby quieted and made incontestable and shall not be questioned or reviewed administratively or in any court, and no order shall be made or process entered or proceedings taken administratively or in any court by way of appeal or otherwise to question or review such assessments unless proceedings were commenced to contest the assessment prior to December 31, 1985.

SCHEDULE

Local Authorities Board Order No. 18101 dated November 17, 1986 as varied by the Lieutenant Governor in Council under Order in Council No. 780/86 dated December 18, 1986, amending Public Utilities Board Order No. 20027 as amended by Public Utilities Board Order No. 20407.

Local Authorities Board Order No. 18119 dated December 1, 1986 as varied by the Lieutenant Governor in Council under Order in Council No. 781/86 dated December 18, 1986, amending Public Utilities Board Order No. 25860.