

1994 BILL 34

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 34

ALBERTA HOUSING ACT

MRS. LAING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 34
Mrs. Laing

BILL 34

1994

ALBERTA HOUSING ACT

(Assented to , 1994)

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

Definitions

1 In this Act,

- (a) “Corporation” means the Alberta Social Housing Corporation;
- (b) “Deputy Minister” means the Deputy Minister of the Minister’s department appointed under the *Public Service Act*;
- (c) “federal Act” means the *National Housing Act (Canada)*;
- (d) “housing accommodation” means buildings or units in buildings that are suitable and adequate for human habitation, including services that may be provided to residents of the buildings or units because of their circumstances, and includes a lodge accommodation;
- (e) “lodge accommodation” means a home for the use of senior citizens who are not capable of maintaining or do not desire to maintain their own home, including services that may be provided to them because of their circumstances;
- (f) “management body” means a management body established by the Minister under section 5;

- (g) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (h) “municipality” means a city, town, new town, parks town, village, summer village, municipal district, county, improvement district, special area or Metis settlement, and includes a collecting board within the meaning of the *School Act*.

Purpose **2** The purpose of this Act is to enable the efficient provision of a basic level of housing accommodation for persons who because of financial, social or other circumstances require assistance to obtain or maintain housing accommodation.

Powers of Minister and Corporation **3(1)** To carry out the purpose of this Act, the Minister and the Corporation may, subject to this Act and the regulations,

- (a) provide advisory, financial and other support and resources to persons;
- (b) develop and support the development of housing accommodation;
- (c) enter into agreements with the government of another jurisdiction or any person;
- (d) do any other thing or exercise any power not referred to in clauses (a) to (c) that the Minister or the Corporation considers is necessary to be done or exercised.

(2) Where this Act or the regulations confer a power or authority or impose an obligation on the Corporation, the Minister may, with the approval of the Corporation, exercise that power or authority or carry out that obligation.

(3) The Minister may delegate to any person any power, authority or obligation conferred or imposed on the Minister or the Corporation under this Act or any other Act or regulation.

(4) Subsection (3) does not apply to any power or duty to make regulations as defined in the *Regulations Act*.

Financial assistance **4(1)** Subject to the regulations, the Minister may provide financial assistance in the form, to the persons and in the amounts that the Minister considers appropriate for any purpose that the Minister considers contributes to achieving the purpose of this Act.

(2) In addition to any applicable terms and conditions prescribed under the regulations, the Minister may make the provision of financial assistance under subsection (1) subject to any terms and conditions the Minister considers appropriate.

Management Bodies

Establishment
of
management
body

- 5(1)** The Minister may by order establish management bodies.
- (2) An existing corporation may be established as a management body.
- (3) An order under this section shall set out the following:
- (a) the name of the management body;
 - (b) the members of the management body;
 - (c) the number of persons comprising the board of the management body and the method of appointing or electing the members of the board;
 - (d) where the management body is to provide lodge accommodation, the municipalities that are liable to be requisitioned under section 7;
 - (e) a description of the housing accommodation, if any, that the management body is to operate and administer;
 - (f) without limiting section 6(1), a description of any other powers, functions or duties with respect to the provision of housing accommodation that the management body is to have and be subject to.
- (4) An order under this section may prescribe the fiscal year of the management body.
- (5) The Minister may not make an order under this section establishing a management body that is to have the power to requisition under section 7 unless a majority of the municipalities that are liable to be requisitioned have agreed to the number of persons comprising the board and the method of appointing or electing the members.
- (6) Notwithstanding subsection (5), the Minister may amend an order without the agreement of a majority of the municipalities that are liable to be requisitioned.

Powers and
duties of
management
body

6(1) A management body is a corporation and has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(2) An existing corporation that is established as a management body has for the purpose of exercising its powers and functions and carrying out its duties under this Act the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) A management body shall exercise its powers and functions and carry out its duties in accordance with

- (a) the order establishing it,
- (b) any agreement entered into under this Act, and
- (c) this Act and the regulations.

Requisitions

7(1) On or before April 30 in any year a management body that provides lodge accommodation may requisition those municipalities for which the management body provides lodge accommodation for

- (a) the amount of the management body's annual deficit for the previous fiscal year arising from the provision of lodge accommodation, and
- (b) any amounts necessary to establish or continue a reserve fund for the management body.

(2) The municipalities requisitioned under subsection (1) may determine the basis on which the total requisition is to be shared, and if the municipalities are unable to make such determination for any year, the total requisition for each year shall be shared on the basis of the proportion that the equalized assessment for each municipality in that year bears to the total of the equalized assessments for that year of all the municipalities requisitioned.

(3) If the Minister considers that a municipality that has not been requisitioned under subsection (1) should contribute to the deficit of the management body arising from the provision of lodge accommodation, the Minister may by order direct that the municipality be requisitioned under subsection (1).

(4) The management body shall supply a copy of its estimates and a copy of its calculation of the requisitioned amount to the municipality.

(5) A municipality shall pay to the management body the amount requisitioned within 90 days of the mailing of the notice by the management body.

(6) If after the 90-day period, the amount of the requisition or any portion of it remains unpaid, the municipality shall pay interest in accordance with the regulations to the management body on that unpaid amount, and that unpaid amount and the accrued interest are recoverable as a debt due to the management body.

Other
municipal
contributions

8(1) If a municipality agrees to contribute to the operating costs of any housing accommodation, other than lodge accommodation, provided by a management body, it shall make the contribution agreed to within 90 days of the mailing of the invoice by the management body.

(2) If after the 90-day period, the amount of the contribution or any portion of it remains unpaid, the municipality shall pay interest in accordance with the regulations to the management body on that unpaid amount, and that unpaid amount and the accrued interest are recoverable as a debt due to the management body.

(3) This section applies to agreements entered into either before or after this Act comes into force.

Inspectors

9(1) The Minister may appoint a person to inspect

- (a) the financial or administrative condition of a management body, or
- (b) any other matter connected with the management, administration or operation of a management body.

(2) In addition to the inspection under subsection (1), the Minister may order a special inspection of any management body

- (a) on the advice of the Deputy Minister,
- (b) on the request of the majority of the persons on the board of the management body, or
- (c) on the request of the majority of the residents of a housing accommodation operated under the authority of the management body.

(3) An inspector, for the purposes of a special inspection,

- (a) may require the attendance of any member of the board or officer or employee of the management body or any other person whose presence the inspector considers necessary during the course of the inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(4) When required to do so by an inspector, for the purposes of a special inspection,

(a) a member of the board and every officer and employee of a management body, and

(b) any other person

shall produce for examination and inspection all books, records and documents in that person's possession that are relevant to the purposes of the inspection.

(5) After the completion of an inspection under subsection (1) or (2), the inspector shall make a report to the Minister and shall provide a copy of the report to the board of the management body.

Bank accounts 10 A bank, an agency of a bank or any other financial institution carrying on business in Alberta shall, on request of the Minister, furnish the Minister with a statement showing the balance or condition of the accounts of any management body having an account with the bank, agency or institution, together with any particulars of the accounts that may be required.

Minister's power over management body 11(1) If, because of an inspection report under section 9 or for any other reason, the Minister determines that the affairs of a management body are being managed in an improper, irregular or improvident manner or without due regard for the health, safety and welfare of the residents of any housing accommodation under the authority of the management body, the Minister may direct the board of the management body, any member of the board or any officer or employee of the management body to take any action the Minister considers appropriate in the circumstances.

(2) If a direction under subsection (1) is not carried out to the satisfaction of the Minister, the Minister may by order do either or both of the following:

(a) appoint a comptroller to oversee the management of the affairs of the management body and may direct that no liability be incurred, no money be spent and no property be disposed of without the prior written approval of the comptroller until such time as the Minister otherwise directs;

- (b) dismiss all or any of the members of the board of the management body, or any member, officer or employee who failed to carry out the order.
- (3) If the Minister dismisses a board of a management body, the Minister may by the same or a subsequent order do either or both of the following:
- (a) make an order under section 5 for the appointment or election of a new board;
 - (b) appoint an official administrator to manage the affairs of the management body until a new board is appointed or elected.
- (4) An order under subsection (3)(b) may provide for the payment of remuneration and expenses to the official administrator and may provide that the remuneration and expenses are the responsibility of the management body.
- (5) An official administrator has all the powers and is subject to all the obligations of a management body under this Act.
- (6) An order or direction under subsection (1) or (2) takes effect on the service of a copy of it on the person to whom it is directed.
- (7) Service of an order or direction under subsection (1) or (2) may be carried out by personal service or by sending it by registered mail.
- (8) An order or direction under subsection (1) or (2) that is sent by registered mail is deemed to be served on the expiration of the 7th day after mailing.

Interim official administrator

12(1) In addition to the circumstances referred to in section 11(1), the Minister may appoint an official administrator to manage the affairs of a management body

- (a) during the time between the establishment of the management body under section 5 and the appointment or election of the first board under that section,
 - (b) during the time between the resignation of the entire board and the appointment or election of a new board, or
 - (c) during any time when for any reason there is not a quorum of members on the board.
- (2) Section 11(4) and (5) apply to an official administrator appointed under this section.

Dissolution of
management
body

13 Where the Minister rescinds an order establishing a management body, the order may contain any provisions the Minister considers necessary

- (a) to provide for the transfer or other disposal of the assets and property of the management body,
- (b) to provide for the satisfaction or assumption of the liabilities and obligations of the management body, and
- (c) to otherwise provide for the winding-up of the affairs of the management body.

Auditor

14(1) A management body shall appoint one or more auditors for the management body.

(2) No member of the board, officer, agent or employee of a management body is eligible to be the auditor of that management body.

(3) An auditor appointed by a management body is at all reasonable times and for any purpose related to an audit entitled to access to

- (a) the records of the management body, and
- (b) data processing equipment owned or leased by the management body.

(4) A member of the board and an officer, agent or employee of a management body shall give the auditor any information, reports or explanations the auditor considers necessary for the purpose of assisting the auditor in carrying out his duties as auditor.

(5) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

(6) The auditor must report to the board of the management body on the annual financial statements of the management body, and the report must include

- (a) a statement as to whether
 - (i) the auditor's examination was made in accordance with generally accepted auditing standards, and

- (ii) in the auditor's opinion, the annual financial statements fairly present the financial position of the management body, the results of its operations and the changes in its financial position for the year, in accordance with the disclosed basis of accounting;
- (b) the reasons for any reservation of opinion expressed by the auditor, and the effect of any deficiency on the financial statements;
- (c) any other comments related to the audit of the financial statements that the auditor considers appropriate.

(7) The auditor must report separately to the board of the management body any improper or unauthorized transaction or non-compliance with this or any other enactment that is noted during the course of an audit, and must also forward a copy of that report to the Minister.

(8) The Minister or the board of the management body may require any further examination and report from the auditor that the Minister or the board considers necessary.

Annual
financial
statements

15(1) A management body shall prepare annual financial statements for the management body for the immediately preceding fiscal year

- (a) in a form and manner acceptable to the Minister, and
- (b) in accordance with
 - (i) the generally accepted accounting principles recommended from time to time by the Canadian Institute of Chartered Accountants, and
 - (ii) any modification of the principles referred to in subclause (i) or any supplementary accounting standards or principles established by the Minister by regulation.

(2) A management body shall forward the annual financial statements, together with the auditor's report prepared under section 14, to

- (a) the Minister, and
- (b) all municipalities that the management body requisitioned for that fiscal year or that made contributions to the management body under section 8 for that fiscal year,

not later than 90 days after the end of the fiscal year to which the financial statement relates.

(3) Not later than 60 days after forwarding the financial statements to the Minister under subsection (2) the management body shall make them or a summary of them available to the public in a manner the board considers appropriate.

Reports and returns

16(1) The Minister may request a management body to provide to the Minister any reports, returns and other documents concerning the affairs of the management body that the Minister considers appropriate and in the form and manner required by the Minister or under the regulations.

(2) A management body shall comply with a request under subsection (1).

Alberta Social Housing Corporation

Alberta Mortgage and Housing Corporation continued

17(1) The Alberta Mortgage and Housing Corporation is continued as a body corporate with the name "Alberta Social Housing Corporation".

(2) The Corporation shall consist of the following members, who shall be its board of directors:

- (a) the Minister, who shall be the chair of the Corporation;
- (b) the Deputy Minister, who shall be the President of the Corporation;
- (c) an employee of the Treasury Department designated by the Provincial Treasurer;
- (d) the official of the Minister's department responsible for housing as appointed under the *Public Service Act*;
- (e) the senior financial officer of the Minister's department appointed in accordance with the *Financial Administration Act*;
- (f) any other members who are appointed by the Lieutenant Governor in Council to hold office during pleasure.

(3) A majority of the members of the board of the Corporation constitutes a quorum.

(4) At its meetings, the Corporation may exercise any of its powers by resolution except where some other mode of exercising the power is prescribed in this or any other Act.

Powers

18 The Corporation

- (a) shall carry out the duties and functions that are given to it under this Act or by the Lieutenant Governor in Council, and
- (b) may, subject to this Act, take any action or dispose of any assets as is necessary to discontinue its activities or operations that in the opinion of the Corporation no longer meet the purpose of this Act.

Supervision by Minister

19 The Corporation is, in the exercise of its duties and functions under this or any other Act, subject to the general supervision and direction of the Minister.

Agent of the Crown

20(1) The Corporation is for all purposes an agent of the Crown in right of Alberta and its powers may be exercised only as an agent of the Crown in right of Alberta.

(2) Any legal proceeding in respect of any right or obligation acquired or incurred by the Corporation on behalf of the Crown in right of Alberta, whether in its own name or in the name of the Crown in right of Alberta, may be brought or taken by or against the Corporation in the name of the Corporation.

Administrative services

21 The Minister may provide administrative and support services to the Corporation.

By-laws

22(1) The Corporation may make by-laws respecting

- (a) the calling of meetings of the Corporation and the conduct of business at them, and
- (b) the general conduct and operation of the Corporation.

(2) The *Regulations Act* does not apply to by-laws of the Corporation.

(3) A copy of a by-law of the Corporation certified under the seal of the Corporation as a true copy shall be admitted in evidence as prima facie proof of the proper making and of the contents of the by-law.

Fiscal year **23** The fiscal year of the Corporation shall be prescribed by the Lieutenant Governor in Council.

Auditor **24** The Auditor General is the Auditor of the Corporation.

Powers of Corporation **25(1)** The Corporation has the capacity and, subject to this Act and the regulations and to any order of the Lieutenant Governor in Council referred to in section 18, the rights, powers and privileges of a natural person.

(2) The Corporation may not

(a) appoint or hire employees, or

(b) pay remuneration or expenses to members of the board for services provided by those persons as members.

(3) The Corporation may not do any of the following without the prior consent of the Lieutenant Governor in Council:

(a) borrow money;

(b) sell or otherwise dispose of any notes, bonds, debentures or other securities issued for the purposes of clause (a);

(c) charge, pledge, hypothecate, deposit or deal with any of the securities referred to in clause (b) as collateral security;

(d) guarantee the repayment of loans.

(4) The Lieutenant Governor in Council's consent under subsection (3) may be given with respect to a particular transaction or on a general basis with respect to a class of transactions.

Depositor in CCITF **26** The Corporation may participate as a depositor in the Consolidated Cash Investment Trust Fund established under the *Financial Administration Act*.

Grants in lieu of taxes **27(1)** The Corporation may each year pay to any municipality within which any of the Corporation's real property is situated a grant not exceeding the amount that would be recoverable by the municipality if the property were subject to the property taxes of the municipality for that year.

(2) No municipality is entitled as of right to a grant under this section.

Federal borrowings and contributions

28(1) Subject to any terms and conditions imposed by the Lieutenant Governor in Council, the Corporation may, for the purposes of its duties and functions under this Act or the federal Act, borrow and receive contributions from Canada Mortgage and Housing Corporation.

(2) The Corporation may

- (a) receive contributions available under the federal Act, or
- (b) make contributions to projects undertaken pursuant to the federal Act.

Transfer of surplus

29 The Lieutenant Governor in Council may order that any surplus money of the Corporation be transferred to the General Revenue Fund.

Provincial guarantee

30(1) The repayment of

- (a) the principal and interest of any borrowing by the Corporation, and
- (b) the principal and interest of, and any premiums payable under, any notes, bonds, mortgages, debentures or other securities issued by the Corporation, whether issued before or after the coming into force of this subsection,

is guaranteed by the Government.

(2) The guarantee, in a form and manner that the Lieutenant Governor in Council approves, may

- (a) be endorsed on any notes, bonds, debentures or other securities issued by the Corporation, and
- (b) be signed on behalf of the Government by the Provincial Treasurer, the Deputy Provincial Treasurer or any other person that the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council on the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

Annual report **31** The Corporation shall annually, after the end of a fiscal year, prepare for inclusion in the Minister's report on the Department a report summarizing the Corporation's transactions and affairs during the preceding fiscal year, and setting forth any other information the Lieutenant Governor in Council may by order require.

Miscellaneous

Protection from liability **32(1)** No action for damages may be commenced against

- (a) a management body,
- (b) an employee within the meaning of the *Public Service Act* who is under the administration of the Minister,
- (c) a member of the board of the Corporation or an officer or agent of the Corporation, or
- (d) a member of a management body or an officer, employee or volunteer worker of a management body

for anything done or not done by that person in the performance or intended performance of functions or duties or the carrying out of powers under this Act or the *Alberta Mortgage and Housing Corporation Act*.

(2) Without limiting the generality of subsection (1), the carrying out of duties and the provision of services, as authorized by the board of the management body, by a person referred to in subsection (1)(d) in connection with the provision of housing accommodation under this Act are considered to be the performance of a function or duty or the carrying out of a power for the purposes of subsection (1).

(3) Subsection (1) is not a defence if

- (a) the cause of action is defamation, or
- (b) the person was dishonest, grossly negligent or guilty of wilful misconduct.

Fees **33** The Minister may charge fees in connection with any service, program or other thing done by or under the authority of the Minister under this Act.

Ministerial
regulations

34(1) The Minister may make regulations

- (a) respecting the type and amounts of financial assistance that may be provided under section 4(1), the purposes for which such financial assistance may be provided, the persons or classes of persons who are eligible for such financial assistance and the eligibility requirements of persons for such financial assistance;
- (b) respecting the manner or method of appointing or electing the members of a board of a management body;
- (c) respecting the management and operation of management bodies and the manner in which they are to exercise their powers and functions and carry out their duties, including without limitation, regulations
 - (i) requiring management bodies to prepare and submit to the Minister business plans and budget documents and respecting the form and content of those business plans and budget documents,
 - (ii) imposing terms and conditions on the exercise by management bodies of their powers and functions or the carrying out of their duties,
 - (iii) respecting the manner in which a management body's surplus of revenues over expenditures in a fiscal year is to be treated,
 - (iv) requiring management bodies to keep records and respecting the form and manner in which records must be kept and what they must contain, and
 - (v) requiring a management body to carry insurance, and respecting the nature and amount of insurance that it must carry;
- (d) governing the disqualification of persons as members of the board of a management body and the conduct of members of a board generally;
- (e) subject to section 5(4), prescribing or providing for the manner of prescribing the fiscal year of management bodies;
- (f) governing the settling of disputes between a management body and a municipality or between 2 management bodies with respect to matters arising under this Act;

- (g) prescribing supplementary standards or principles and modifications to generally accepted accounting principles for the purposes of section 15;
 - (h) prescribing the rate of interest or respecting the manner in which interest is calculated, for the purposes of sections 7(6) and 8(2);
 - (i) notwithstanding the *Residential Tenancies Act*, governing the provision of housing accommodation by management bodies including, without limitation, regulations
 - (i) respecting eligibility requirements of tenants in housing accommodation,
 - (ii) prescribing the rent and other charges or the manner of determining the rent or other charges that may be charged in respect of a tenancy in housing accommodation,
 - (iii) governing the termination of tenancies in housing accommodation,
 - (iv) governing other terms and conditions that apply to tenancy in housing accommodation,
 - (v) governing the inspection, maintenance and repair of property used in the provision of housing accommodation, and
 - (vi) respecting standards that must be met in the provision of housing accommodation;
 - (j) governing reports, returns and other documents referred to in section 14;
 - (k) providing that a member of a board of a management body who authorizes an expenditure on behalf of the board that is contrary to the regulations is personally liable to the management body, and governing the nature and extent of the liability;
 - (l) defining terms for the purposes of this Act and the regulations.
- (2) A regulation for the purpose of subsection (1) may adopt with necessary modifications provisions of the *Municipal Government Act* and the *Residential Tenancies Act* and regulations under those Acts.

Lieutenant
Governor in
Council
regulations

35(1) The Lieutenant Governor in Council may make regulations

- (a) prescribing additional activities that a management body may carry on and governing the manner in which it is to carry on those activities;
- (b) governing and restricting the activities that the Corporation may carry on and the manner in which it is to carry on those activities;
- (c) prescribing the conditions that must be met by applicants to render them eligible for a loan or guarantee from the Corporation;
- (d) prescribing the terms and conditions on which loans or guarantees are to be given;
- (e) prescribing the maximum total aggregate liability that the Corporation may incur as a guarantor;
- (f) prescribing the duties and obligations of a person to whom a loan is made or for whom a loan is guaranteed during the period that his indebtedness is outstanding;
- (g) prescribing the security to be given to the Corporation by applicants in consideration of a loan or guarantee;
- (h) prescribing the types or classes of lending institutions in respect of whose loans guarantees may be given;
- (i) governing the issuing by the Corporation of insurance policies for loans for the purpose of the provision of housing accommodation;
- (j) providing for any matter that is not provided for or is insufficiently provided for in this Act.

(2) A regulation made under subsection (1)(j) expires on the last day of the first session of the Legislature that commences after the regulation is made.

(3) A person who contravenes a regulation made under this section is guilty of an offence.

**Transitional, Consequential,
Repeal and Commencement**

Transitional -
Corporation

36(1) *Where, under any*

- (a) statute, regulation or order,*
- (b) agreement, guarantee or other document made or entered into before the coming into force of this Act, or*
- (c) mortgage, instrument or caveat registered under the Land Titles Act before the coming into force of this Act,*

any right, power, duty, liability or function was vested in or was to be exercised or performed by or on behalf of the Alberta Mortgage and Housing Corporation, that right, power, duty, liability or function is, after this Act comes into force, vested in and may be exercised or performed by or on behalf of the Alberta Social Housing Corporation.

(2) Without restricting the generality of subsection (1), the Alberta Social Housing Corporation is liable to repay advances, together with interest on them, made to the Alberta Mortgage and Housing Corporation under the Alberta Mortgage and Housing Corporation Act.

(3) *Where*

- (a) in any*
 - (i) statute, other than one amended in section 39, or regulation,*
 - (ii) order,*
 - (iii) resolution of the Assembly,*
 - (iv) agreement, guarantee or other document, and*
 - (v) mortgage, instrument or caveat registered or certificate of title kept under the Land Titles Act,*

a reference is made to the Alberta Mortgage and Housing Corporation, that reference is deemed to be a reference to the Alberta Social Housing Corporation;

- (b) under any mortgage, charge, encumbrance or other evidence of indebtedness or any agreement or obligation any money is owing to the Alberta Mortgage and Housing Corporation that money is deemed to be owing to the Alberta Social Housing Corporation;*

(c) *any proceedings have been commenced by or against the Alberta Mortgage and Housing Corporation, those proceedings may be continued or defended, as the case may be, by the Alberta Social Housing Corporation;*

(d) *in any enactment other than one amended in section 39 or in any order a reference is made to the Alberta Mortgage and Housing Corporation Act, that reference is deemed to be a reference, with all necessary modifications, to the Alberta Housing Act.*

(4) *The Alberta Mortgage and Housing Corporation Loan Regulation (Alta. Reg. 233/85) and the Loan Insurance Regulation (Alta. Reg. 351/83) are continued.*

Transitional -
housing
authorities

37(1) *A ministerial order under section 5 establishing a management body may repeal an order under section 42 of the Alberta Mortgage and Housing Corporation Act and may make any provisions the Minister considers necessary*

(a) *to provide for the transfer or other disposal of the assets and property of the housing authority;*

(b) *to provide for the satisfaction or assumption of liabilities and obligations of the housing authority;*

(c) *to otherwise provide for the winding-up of the affairs of the housing authority.*

(2) *Subject to subsection (1), a housing authority incorporated under section 42 of the Alberta Mortgage and Housing Corporation Act may continue to exercise its powers and functions and carry out its duties under that Act as if it had not been repealed.*

Transitional -
foundations

38(1) *A foundation constituted under section 9 of the Senior Citizens Housing Act is deemed to be a management body established under this Act and continues as such until it is replaced by another management body established under this Act, and any reference in an enactment, order, agreement or document to such a foundation shall be construed accordingly.*

(2) *Master agreements entered into under section 2 of the Senior Citizens Housing Act and agreements entered into under section 8 of that Act, together with any amendments to those agreements, are continued.*

(3) *Agreements entered into under section 12(2)(f) of the Senior Citizens Housing Act are continued.*

(4) When another management body established under this Act replaces a management body referred to in subsection (1), the order establishing the management body may contain any provisions the Minister considers necessary

(a) to provide for the transfer or other disposal of the assets and property of the management body,

(b) to provide for the satisfaction or assumption of the liabilities and obligations of the management body, and

(c) to otherwise provide for the winding-up of the affairs of the management body.

Consequential
amendments

39(1) The Conflicts of Interest Act is amended in the Schedule in Part 3 by striking out “Alberta Mortgage and Housing Corporation” and substituting “Alberta Social Housing Corporation”.

(2) The Consumer Credit Transactions Act is amended in section 5(a) by striking out “Alberta Mortgage and Housing Corporation” and substituting “Alberta Social Housing Corporation or its predecessor”.

(3) The Dependent Adults Act is amended by repealing section 1(h.1)(iv) and substituting the following:

(iv) lodge accommodation as defined in the Alberta Housing Act,

(4) The Election Act is amended by repealing section 1(t)(i) and substituting the following:

(i) a lodge accommodation as defined in the Alberta Housing Act, or

(5) The Financial Administration Act is amended in section 1(1)(n) by striking out “or a housing authority incorporated under section 42 of the Alberta Mortgage and Housing Corporation Act” and substituting “, a housing authority incorporated under section 42 of the Alberta Mortgage and Housing Corporation Act or a management body within the meaning of the Alberta Housing Act”.

(6) The Health Facilities Review Committee Act is amended in section 1

(a) in clause (b) by adding “or” at the end of subclause (ii.1), by striking out “or” at the end of subclause (iii) and by repealing subclause (iv);

(b) by repealing clause (d).

(7) *The Local Authorities Election Act is amended by repealing section 80 and substituting the following:*

Institutional
vote staff

80(1) For the purpose of taking the votes of any electors

- (a) who on election day are confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction or are resident in the local jurisdiction in lodge accommodation as defined in the *Alberta Housing Act*, and
- (b) who are unable to attend at the voting stations at which they are eligible to cast their votes,

the returning officer may appoint the number of deputies he considers necessary to take the votes of those persons.

(2) If an elected authority provides for the holding of an advance vote, the returning officer may appoint the number of deputies he considers necessary to take the votes on the day the advance vote is held of any residents of lodge accommodation that is located in the local jurisdiction.

(8) *The Municipal Government Act is amended in section 128*

(a) *by repealing subsections (1) and (2) and substituting the following:*

Public housing
project

128(1) A council may operate and maintain a public housing project and may delegate

- (a) to a housing authority established under section 42 of the *Alberta Mortgage and Housing Corporation Act* or a management body within the meaning of the *Alberta Housing Act*, or
- (b) when no housing authority or management body exists, to a municipal officer

the power to operate and maintain a public housing project, including the power to enter into leases.

(2) Subject to subsections (3) and (4), a council or any housing authority, management body or municipal officer operating and maintaining a public housing project under this section shall operate and maintain that project in such a manner that at least 10% of the space intended for living accommodation in that project is made available for leasing to senior citizens as defined in the *Alberta Housing Act*.

- (b) in subsection (3) by adding “, management body” after “housing authority”.
- (9) *The Municipal and Provincial Properties Valuation Act is amended*
- (a) in section 4(1)(b) by striking out “Alberta Mortgage and Housing Corporation” and substituting “Alberta Social Housing Corporation”;
- (b) in section 9 by striking out “Alberta Mortgage and Housing Corporation Act” and substituting “Alberta Housing Act”.
- (10) *The Municipal Taxation Act is amended by repealing section 24(1)(y) and substituting the following:*
- (y) land and improvements that are owned or operated by a management body or other organization that is regulated by the *Alberta Housing Act* and used chiefly for the purpose of providing living accommodation to senior citizens;
- (11) *The Public Service Employee Relations Act is amended in the Schedule in section 1(j) by adding “or management body within the meaning of the Alberta Housing Act” after “Act” .*
- (12) *The Residential Tenancies Act is amended in section 1(1)*
- (a) by repealing clause (g.1) and substituting the following:
- (g.1) “senior citizens lodge” means lodge accommodation as defined in the *Alberta Housing Act*;
- (b) in clause (g.2) by striking out “Alberta Mortgage and Housing Corporation Act” and substituting “Alberta Housing Act or its predecessor”.
- (13) *The School Act is amended in section 144(1) by striking out “Alberta Mortgage and Housing Corporation Act” and substituting “Alberta Housing Act” .*
- (14) *The Social Care Facilities Licensing Act is amended by repealing section 2(b) and substituting the following:*
- (b) lodge accommodation as defined in the *Alberta Housing Act*, or
- (15) *The Social Care Facilities Review Committee Act is amended in section 1(b) by adding “, a housing accommodation under the Alberta Housing Act” after “Health Facilities Review Committee Act” .*

Repeal **40** *The Alberta Mortgage and Housing Corporation Act is repealed.*

Repeal **41(1)** *The Senior Citizens Housing Act, except sections 3 to 8, is repealed.*

(2) *Sections 3 to 8 of the Senior Citizens Housing Act are repealed on Proclamation.*

Coming into force **42** *This Act comes into force on July 1, 1994.*