

1994 BILL 35

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 35

## SENIORS BENEFIT ACT

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THE MINISTER OF COMMUNITY DEVELOPMENT

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 35

1994

### SENIORS BENEFIT 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) “beneficiary” means a person who receives a benefit under this Act;
- (b) “benefit” means a benefit authorized to be paid under this Act;
- (c) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act.

Eligibility for benefits	<b>2</b> In accordance with the regulations the Minister may pay a benefit in the amount determined in accordance with the regulations to every person who is eligible under the regulations.
Appeal	<b>3</b> A person who is refused a benefit or wishes to appeal the amount of a benefit may appeal in accordance with the regulations.
Alienation of benefits prohibited	<b>4(1)</b> A benefit may not be assigned or given as security.  <b>(2)</b> A transaction that purports to assign or give as security a benefit is void.
Recovery of benefits	<b>5(1)</b> A person who has received a benefit to which the person is not entitled must, as soon as possible, return the amount of the benefit to the Minister.  <b>(2)</b> If a person has received a benefit to which the person is not entitled, the amount of that benefit may be recovered as a debt due to Her Majesty in proceedings commenced <ul style="list-style-type: none"> <li><b>(a)</b> at any time, when that person made a wilful misrepresentation or committed fraud for the purpose of receiving the benefit, or</li> <li><b>(b)</b> when clause (a) does not apply, within 6 years of the receipt of the benefit.</li> </ul> <b>(3)</b> If a person is or subsequently becomes a beneficiary, an amount described in subsection (1) may, in accordance with the regulations, be deducted and retained out of any benefit payable to that person.  <b>(4)</b> If a person has received money under the <i>Senior Citizens Benefits Act</i> or the <i>Property Tax Reduction Act</i> to which the person is not entitled and if that person is or subsequently becomes a beneficiary, the amount of that money may, in accordance with the regulations, be deducted and retained out of any benefit payable to that person.
Regulations	<b>6</b> The Lieutenant Governor in Council may make regulations <ul style="list-style-type: none"> <li><b>(a)</b> respecting eligibility for receipt of a benefit;</li> <li><b>(b)</b> respecting the amount of a benefit that may be paid to a beneficiary;</li> <li><b>(c)</b> respecting how benefits are paid under this Act;</li> </ul>

- (d) respecting appeals under section 3;
- (e) respecting deductions under section 5;
- (f) respecting the payment of a benefit to another person on behalf of a beneficiary and how a benefit paid to such a person is to be used on behalf of the beneficiary and be accounted for;
- (g) respecting the provision of information about a person to the Minister of Health or a person who administers the *Health Insurance Premiums Act*, for the purposes of administering section 4 of that Act.

### **Consequential, Repeal and Commencement Provisions**

RSA 1980  
cA-24

#### **7 *The Alberta Health Care Insurance Act is amended***

(a) in section 13 by adding the following after subsection (4):

(4.1) The Minister or a person employed in the administration of this Act and authorized by the Minister may provide information, other than information related to health services, about a person, but the information may only be provided in connection with the administration of the *Seniors Benefit Act*.

(b) by repealing section 28.

RSA 1980  
cA-31

#### **8 *The Alberta Income Tax Act is amended in section 10 by repealing subsections (17) and (18) and substituting the following:***

(17) The following definitions apply for the purposes of subsection (16):

(a) “farm land” means farm land as defined in the *Municipal Taxation Act*, but does not include land owned by a corporation other than

(i) a corporation, all the shareholders of which are members of the same immediate family, or

(ii) an association as defined in the *Co-operative Associations Act* or a co-operative association incorporated by an Act of the Parliament of Canada;

(b) “mobile unit licence fee” means a licence fee imposed in respect of a mobile unit pursuant to the

*Municipal Government Act or the Improvement Districts Act;*

(c) “municipal taxes” means,

- (i) with reference to a residence, vacant residential land or farm land, taxes levied on land or improvements or both by a local authority in any year for municipal, school and other purposes or any of them, but does not include special frontage assessments or special local benefit assessments referred to in the *Municipal Taxation Act*, or
- (ii) with reference to a mobile unit that is not taxed under the *Municipal Taxation Act*, the mobile unit licence fee imposed by a local authority in any year in respect of that residence,

and includes the amount of the property education tax reduction under the *Property Tax Reduction Act*;

(d) “residence” means

- (i) any building or part of it designed, intended or used for residential occupancy by one family,
- (ii) every part of a residence as defined in subclause (i) consisting of one or more rooms and which is separately rented for residential occupancy, or
- (iii) every part of a building consisting of one or more rooms and which is designed for or used for separate residential occupancy,

and includes leased land on which an owner occupied residence is located, but does not include a building or part of it used for other than residential purposes, and for the purpose of this definition, a mobile unit is deemed to be a building;

(e) “vacant residential land” means land

- (i) that is used for purposes ancillary to a residence or is not used for any purpose, and
- (ii) that is designated under a land use by-law and subdivided for residential or country residential use.

SA 1991  
cC-22.1

**9** *The Conflicts of Interest Act is amended in section 16(4)*

- (a) in clause (f) by striking out "Senior Citizens Benefits Act" and substituting "Seniors Benefit Act";*
- (b) in clause (j) by striking out "and homeowner refunds under that Act to homeowners who are 65 years of age or older".*

RSA 1980  
cH-5

**10** *The Health Insurance Premiums Act is amended by repealing section 4 and substituting the following:*

Exemption

**4(1)** If a registrant or the registrant's spouse is receiving a benefit under the *Seniors Benefit Act*, the registrant is not liable for the payment of premiums on behalf of the registrant, the registrant's spouse or the registrant's dependants.

**(2)** Subsection (1) does not apply to premiums that have become due or become due during a period of time when the registrant or the registrant's spouse is not receiving a benefit under the *Seniors Benefit Act*.

RSA 1980  
cM-31

**11** *The Municipal Taxation Act is amended*

- (a) in section 93(1)(g) by striking out "subject to the Property Tax Reduction Act,";*
- (b) in section 96(6) by repealing clause (c) and substituting the following:*
  - (c)** "vacant residential land" means land
    - (i)** that is used for purposes ancillary to a residence or is not used for any purpose, and
    - (ii)** that is designated under a land use by-law and subdivided for residential or country residential use.

RSA 1980  
cP-19

**12(1)** *The Property Tax Reduction Act is amended by this section.*

**(2)** *Section 3 is amended*

- (a) in subsection (1)*
  - (i) by repealing clauses (b) and (c);*

(ii) *by repealing clause (f) and substituting the following:*

(f) "municipal taxes" means,

- (i) with reference to a residence, vacant residential land or farm land, taxes levied on land or improvements or both by a local authority in any year for municipal, school and other purposes or any of them, or
- (ii) with reference to a mobile unit that is not taxed under the *Municipal Taxation Act*, the mobile unit licence fee imposed by a local authority in any year in respect of that residence;

(iii) *by repealing clauses (h) and (i);*

(b) *by repealing subsections (2) and (3).*

(3) *Division 1 of Part 1 is repealed and the following is substituted:*

#### **Division 1 Property Tax Reduction Grants**

Application	<b>4</b> This Division applies only in respect of 1994.
Authorization to make grants	<b>5</b> The Minister may make property tax reduction grants in accordance with the regulations.
Reimbursement of municipality	<b>6(1)</b> Where the regulations provide that the municipality is to credit the amount of the property tax reduction grant against an owner's municipal taxes or to pay the amount of the grant to an owner, the Minister shall reimburse each municipality for grants so credited or paid.  <b>(2)</b> The Minister may advance money to a municipality for the purposes of subsection (1).
Deferral of payment of taxes	<b>7(1)</b> Where a property tax reduction grant is credited against an owner's municipal taxes, the owner may apply to the clerk to have the obligation to pay all of or a portion of the remaining taxes that is prescribed in the regulations deferred until December 31, 1994.  <b>(2)</b> The receipt of a properly completed application under subsection (1) operates to defer the obligation to pay the prescribed amount of taxes to December 31, 1994 without any interest or penalty and despite any requirement for a

resolution of council under the *Municipal Taxation Act* or any other Act and despite any municipal by-law.

(3) Where an owner whose tax payment has been deferred under this section fails to pay the deferred amount by December 31, 1994, all interest and penalties on the unpaid amount under the authority of the *Municipal Taxation Act* shall be calculated and are payable as if the deferral had never been granted.

(4) *Section 16(1)(a) is amended by striking out "homeowner refund" and substituting "property tax reduction grant".*

(5) *Section 20.1(1)(a) is amended by striking out "homeowner refund" and substituting "property tax reduction grant".*

(6) *Section 22(1)(a) and (b) are amended by striking out "property education tax reduction, homeowner refund" and substituting "property tax reduction grant".*

(7) *Section 24 is amended*

*(a) by repealing clauses (e) and (f) and substituting the following:*

*(e) determining the amount of a property tax reduction grant;*

*(b) in clause (h) by striking out "homeowner refunds,";*

*(c) in clause (i) by striking out "property education tax reductions, homeowner refunds" and substituting "property tax reduction grants, deferrals of taxes under section 7(1)";*

*(d) by adding the following after clause (i):*

*(i.1) prescribing the amount of municipal taxes on which the obligation to pay is deferred for the purposes of section 7(1);*

*(i.2) authorizing the Minister to pay fees to municipalities for processing applications under this Act and governing the amounts of those fees;*

*(e) by repealing clause (l);*

*(f) in clause (m) by striking out "property education tax reduction or a homeowner refund" and substituting "property tax reduction grant" and by striking out "reduction or refund" and substituting "grant";*



*(g) by repealing clauses (n), (o) and (o.1) and substituting the following:*

*(n) governing eligibility for property tax reduction grants, senior citizen renter assistance grants and widow renter assistance grants;*

*(h) in clause (q) by striking out "homeowner refund" and substituting "property tax reduction grant";*

*(i) in clause (r) by striking out "homeowner refund" and substituting "property tax reduction grant";*

*(j) by repealing clause (t) and substituting the following:*

*(t) governing the reporting by clerks of the amounts credited as property tax reduction grants and governing the manner of reimbursement by the Minister;*

SA 1988  
cS-3.1

**13** *The School Act is amended in section 2.1(7) by striking out "Property Tax Reduction Act".*

SA 1993  
cW-7.5

**14** *The Widows' Pension Act is amended in section 6(3)(a) by striking out "Senior Citizens Benefits Act" and substituting "Seniors Benefit Act".*

Repeal

**15(1)** *The Senior Citizens Benefits Act is repealed.*

**(2)** *The Property Tax Reduction Act is repealed on Proclamation.*

Coming into  
force

**16** *This Act comes into force on Proclamation.*