

1995 BILL 217

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 217

LAW OF PROPERTY AMENDMENT ACT, 1995

MR. RENNER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 217
Mr. Renner

BILL 217

1995

LAW OF PROPERTY AMENDMENT ACT, 1995

(Assented to , 1995)

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

- 1 The Law of Property Act is amended by this Act.*
- 2 The following is added after section 40:*

Place of
commencement
and trial of action

40.1(1) Every action for foreclosure, sale under a mortgage, specific performance of a contract related to land or for the possession of land shall be commenced and tried and all related proceedings shall be heard in the judicial district in which the land is situated.

(2) When there is more than one judicial district in which an action may be commenced under subsection (1) then the action may be commenced in any one of those judicial districts.

(3) Any provision in a mortgage, agreement for sale or other document which allows for an action for foreclosure, sale under a mortgage, specific performance of a contract related to land or for the possession of land to be commenced or tried in a location other than that prescribed in this section is against public policy and void.

Explanatory Notes

- 1 Amends chapter L-8 of the Statutes of Alberta 1985.

(4) Notwithstanding subsection (1), after an action to which this section applies is commenced, a party to that action may apply to the Court to have all proceedings in the action transferred to the office of the clerk of another judicial district.

(5) If the Court grants an order pursuant to an application under subsection (4) then all further proceedings in the action shall take place in that other judicial district.

(6) Notwithstanding subsection (1), the parties to an action may by agreement filed with the office of the clerk of the Court in which the action was commenced, agree to transfer the action to another judicial district after which all further proceedings shall take place in that other judicial district.

(7) When an order is granted under subsection (5) or an agreement is filed under subsection (6) the clerk of the judicial district in which the action was commenced shall transfer the court file to the office of clerk of the judicial district stipulated in the order or agreement.

3 Section 2 applies with respect to an action commenced on or after the date this Act comes into force.

4 This Act comes into force on Proclamation.

