

1996 BILL 13

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

REGISTRIES STATUTES AMENDMENT ACT, 1996

MR. SEVERTSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 13
Mr. Severtson

BILL 13

1996

REGISTRIES STATUTES AMENDMENT ACT, 1996

(Assented to , 1996)

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

Business Corporations Act

Amends SA
1981 cB-15

1(1) The Business Corporations Act is amended by this section.

(2) Section 1(t)(iii) is repealed and the following is substituted:

*(iii) a permanent resident within the meaning of the
Immigration Act (Canada) and ordinarily resident in
Canada;*

(3) Section 108 is amended

(a) by adding the following after subsection (1):

(1.1) Within 15 days after a director changes addresses,
the director or the corporation shall send to the Registrar a
notice in the prescribed form setting out the change, and
the Registrar shall file the notice.

*(b) in subsection (2) by striking out “to comply with subsection
(1)” and substituting “or a director, as the case may be, to
comply with this section”.*

*(4) Section 167(1) is amended by adding the following after clause
(g):*

Explanatory Notes

Business Corporations Act

1(1) Amends chapter B-15 of the Statutes of Alberta, 1981.

(2) Section 1(t)(iii) presently reads:

(t) "*resident Canadian*" means an individual who is

(iii) *a permanent resident within the meaning of the Immigration Act (Canada) and ordinarily resident in Canada, except a permanent resident who has been ordinarily resident in Canada for more than 1 year after the time at which he first became eligible to apply for Canadian citizenship;*

(3) Section 108 presently reads:

108(1) Within 15 days after a change is made among the directors, a corporation shall send to the Registrar a notice in prescribed form setting out the change and the Registrar shall file the notice.

(2) Any interested person, or the Registrar, may apply to the Court for an order to require a corporation to comply with subsection (1), and the Court may so order and make any further order it thinks fit.

(4) Section 167(1)(g) presently reads:

167(1) Subject to sections 170 and 171, the articles of a corporation may by special resolution be amended to

(g) divide a class of shares, whether issued or unissued, into series and fix the number of shares in each series and

(g.1) cancel a class or series of shares where there are no issued or outstanding shares of that class or series,

(5) *Section 175(2) is repealed.*

(6) *Section 247 is amended*

(a) *by adding the following after subsection (1):*

(1.1) Notwithstanding subsection (1), in the case of a notice of intent to dissolve a corporation, the notice may be sent by ordinary mail to the corporation addressed

(a) to its registered office, or

(b) to the post office box designated as its address for service by mail,

as shown in the last notice filed under section 19.

(b) *in subsection (2) by adding “or a notice sent by ordinary mail to the corporation in accordance with subsection (1.1)” after “subsection (1)(b)”.*

(7) *Section 263 is amended by repealing clause (a).*

(8) *The following is added after section 267:*

Alternate
method of
registration

267.1(1) This section applies only to an extra-provincial corporation that is incorporated in Canada.

(2) The Minister may make regulations

(a) respecting applications for registration of extra-provincial corporations;

(b) respecting the reinstatement of the registration of extra-provincial corporations;

the rights, privileges, restrictions and conditions of that series.

(5) Section 175(2) presently reads:

175(2) Subsection (1) does not apply if one or more of the corporations is a professional corporation.

(6) Section 247 presently reads:

247(1) A notice or document required or permitted to be sent to or served on a corporation may be

(a) delivered to its registered office, or

(b) sent by registered mail to

(i) its registered office, or

(ii) the post office box designated as its address for service by mail,

as shown in the last notice filed under section 19.

(2) A notice or document sent by registered mail to the corporation in accordance with subsection (1)(b) is deemed to be received or served at the time it would be delivered in the ordinary course of mail unless there are reasonable grounds for believing that the corporation did not receive the notice or document at that time or at all.

(7) Section 263(a) presently reads:

263 In this Part,

(a) "anniversary month", with reference to an extra-provincial corporation, means the month in each year that is the same as the month in which its certificate of registration was issued;

(8) Alternate method of registration.

- (c) respecting the furnishing of information to the Registrar regarding changes in the charter, head office or directors of extra-provincial corporations;
- (d) respecting the filing of instruments of amalgamation that relate to extra-provincial corporations;
- (e) respecting documentation to be issued by the Registrar in relation to matters governed by regulations made under this section;
- (f) exempting extra-provincial corporations from the operation of sections 267, 272(3), 276 and 277;
- (g) classifying or otherwise designating or specifying those extra-provincial corporations to which a regulation made under this section applies.

(9) *Section 279 is amended by repealing subsection (1) and substituting the following:*

Annual and
other returns

279(1) Every registered extra-provincial corporation shall, on or before a date set by the Minister, send to the Registrar an annual return in a form acceptable to the Registrar, and the Registrar shall file it.

(10) *The following is added after section 283:*

PART 21.1

OTHER EXTRA-PROVINCIAL LEGAL ENTITIES

Definition

283.1 In this Part, “extra-provincial legal entity” means an organization to which this Part applies.

Application of
Part

283.2 This Part applies to an organization that is formed in a jurisdiction other than Alberta and that

- (a) is recognized as a legal entity under the laws of that other jurisdiction,
- (b) does not qualify to be registered under this Act as an extra-provincial corporation, and
- (c) does not qualify to be registered under the *Partnership Act* as a partnership or a limited partnership.

(9) Section 279(1) presently reads:

279(1) A registered extra-provincial corporation shall, in each year on or before the last day of the month immediately following its anniversary month, send to the Registrar a return in prescribed form and the Registrar shall file it.

(10) Other extra-provincial legal entities.

Regulations

283.3 The Lieutenant Governor in Council may make regulations

- (a) providing for and governing the registration of extra-provincial legal entities under this Act;
- (b) prescribing which provisions, if any, of this Act apply to extra-provincial legal entities;
- (c) modifying any provision of this Act for the purposes of applying that provision to extra-provincial legal entities;
- (d) generally for the governing of extra-provincial legal entities with regard to those matters in respect of which corporations and extra-provincial corporations are governed under this Act.

(11) Subsections (3), (7) and (9) come into force on Proclamation.

Change of Name Act

Amends RSA
1980 cC-4

2(1) The Change of Name Act is amended by this section.

(2) Section 16 is repealed.

(3) Section 17(2)(a) is repealed.

(11) Coming into force.

Change of Name Act

2(1) Amends chapter C-4 of the Revised Statutes of Alberta 1980.

(2) Section 16 presently reads:

16(1) Every applicant for a change of a surname shall publish in one issue of The Alberta Gazette a notice in the prescribed form or to the like effect of the application stating the name of and proposed name of every person whose surname may be changed as a result of the application.

(2) The notice required under subsection (1) shall be published not more than 2 months prior to the date of receipt of the application in the office of the Director.

(3) The Court of Queen's Bench may dispense with the necessity of publishing notice of the application as required by subsection (1) if, in its opinion,

(a) the applicant would be unduly prejudiced or embarrassed by the publication,

(b) the change of surname applied for is of a minor character, or

(c) the applicant has been commonly known under the surname applied for.

(3) Section 17(2)(a) presently reads:

(4) *Section 18(2) is repealed and the following is substituted:*

(2) Notwithstanding subsection (1), the Director may, in his discretion, refuse registration of a proposed change of name if in the Director's opinion the proposed name might

- (a) reasonably cause confusion,
- (b) be a cause of embarrassment to any other person, or
- (c) be used in a manner that could defraud or mislead the public.

(5) *Section 21 is repealed and the following is substituted:*

Publication of
change of
name

21(1) The Director shall as soon as practicable publish a notice of the issuance of a certificate issued under section 18 in The Alberta Gazette.

(2) The Court of Queen's Bench may dispense with the necessity of publishing the notice if, in its opinion, the applicant would be unduly prejudiced or embarrassed or may be harmed by the publication.

(3) The Director may dispense with the necessity of publishing the notice if, in the opinion of the Director,

- (a) the change of name applied for is of a minor nature,
or
- (b) the applicant has been commonly known under the name applied for.

(6) *The following is added after section 26:*

Affidavits

26.1 The Director and the assistant director and any other person designated by the Minister may take the affidavit or statutory declaration of any person for the purposes of this Act.

(2) *Every applicant shall file with his application*

(a) *when the application includes an application for change of surname, a clipping from The Alberta Gazette in which the notice has been published pursuant to section 16(1), containing the notice of the intended application or a copy of an order made under section 16(3),*

(4) Section 18(2) presently reads:

(2) *Notwithstanding subsection (1), the Director may, in his discretion, refuse registration of a proposed change of name if in his opinion the proposed name is one that could be used in a manner that could defraud or mislead the public.*

(5) Section 21 presently reads:

21 *The Director shall cause notice of the issuance of a certificate issued under section 18 to be published forthwith in The Alberta Gazette, except when publication of notice of the application was dispensed with by an order under section 16.*

(6) Affidavits.

Companies Act

Amends RSA
1980 cC-20

3(1) The Companies Act is amended by this section.

(2) Section 270 is amended

(a) in subsection (1) by striking out “(6) and (7)” and substituting “(6), (7), (8) and (9)”;

(b) in subsection (3) by striking out “(6) and (7)” and substituting “(6), (7), (8) and (9)”;

(c) by repealing subsection (7) and substituting the following:

(7) Where a share of property or money referred to in subsection (6) is not claimed pursuant to subsection (6), that property or money vests in the Crown.

(8) When property or money referred to in subsection (6) vests in the Crown, the Public Trustee shall deliver or convey that property or pay that money to the Provincial Treasurer, as the case may be.

(9) Notwithstanding subsection (7), where at any time after property or money vests in the Crown under subsection (7) a person claims to be beneficially entitled to that property or money or a share of it and establishes that claim

(a) to the satisfaction of the Public Trustee, where the value of that person’s share of that property or money does not exceed \$7500, the Provincial Treasurer on notice from the Public Trustee shall return that share of the property or money to the Public Trustee to be delivered, conveyed or paid to that person, or

(b) to the satisfaction of the Minister of Justice and Attorney General, where the value of that person’s share of that property or money exceeds \$7500, the Provincial Treasurer on notice from the Minister of Justice and Attorney General shall return that share of the property or money to the Public Trustee to be delivered, conveyed or paid to that person.

Companies Act

3(1) Amends chapter C-20 of the Revised Statutes of Alberta 1980.

(2) Section 270 presently reads:

270(1) If a liquidator is unable to distribute the property of a company ratably among the members because, after reasonable inquiry,

(a) the identity of any member is unknown,

(b) the address of any member is unknown, or

(c) any member has failed to claim his share of the property within a reasonable time,

the liquidator shall deliver or convey to the Public Trustee that share of the property of the company belonging to the member to be held in trust for the member, and thereupon subsections (5), (6) and (7) apply thereto.

(2) A delivery or conveyance under subsection (1) is a distribution among the members according to their rights and interests for the purposes of section 257(1)(d).

(3) If the liquidator is unable to pay all the debts of the company because, after reasonable inquiry,

(a) the identity of a creditor is unknown, or

(b) the address of a creditor is unknown,

the liquidator shall pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor and thereupon subsections (6) and (7) apply thereto.

(4) A payment under subsection (3) is a payment in satisfaction of the debt for the purposes of section 257(1)(d).

(5) When the share of the property delivered or conveyed under subsection (1) is in a form other than money, the Public Trustee shall, within 20 years after the delivery of the conveyance, convert it into money.

(6) When a person beneficially entitled to the share of the property delivered or conveyed under subsection (1) or its equivalent in money, or the amount paid under subsection (3), claims it within 20 years after it is delivered, conveyed or paid, the Public Trustee shall deliver, convey or pay it to him.

Government Organization Act

Amends SA
1994 cG-8.5

4(1) The Government Organization Act is amended in Schedule 13 by this section.

(2) Section 9 is amended

(a) in subsection (1) by adding the following after clause (d):

- (e) notwithstanding any enactment, providing for and governing the receipt of information and documents by electronic means;
- (f) providing for the restriction of or the cancellation or suspension of registry services to persons who owe money or are in arrears with respect to the payment of fees for registry services that are payable or otherwise owing to the Government;
- (g) providing for forms to be used in respect of registries and the provision of registry services.

(b) by adding the following after subsection (5):

(6) Notwithstanding that an enactment under which a registry operates or otherwise carries out registry services provides for the establishment or use of forms under that enactment, the Minister may make regulations governing the forms to be used under that enactment, including regulations prescribing or otherwise providing for the forms to be used under that enactment.

(7) If a share of property or money to which subsection (6) refers is not claimed as provided in that subsection, it vests in the Crown, and if the person formerly beneficially entitled thereto at any time thereafter establishes to the satisfaction of

- (a) the Provincial Treasurer, in a case where the value of the share of property or the amount of money is \$2000 or less, or*
- (b) the Lieutenant Governor in Council, in a case where the value of the share of property or the amount of money is more than \$2000,*

the Provincial Treasurer shall, of his own volition in a case to which clause (a) applies, or on the order of the Lieutenant Governor in Council in a case to which clause (b) applies, return the property or money to the Public Trustee to be delivered, conveyed or paid to the person formerly beneficially entitled to it.

Government Organization Act

4(1) Amends chapter G-8.5 of the Statutes of Alberta, 1994.

(2) Section 9 of Schedule 13 presently reads:

9(1) The Minister may make regulations

- (a) respecting the holding and handling of money by registry agents;*
- (b) respecting the carrying out of registry services;*
- (c) respecting the provision of information;*
- (d) respecting the maximum and minimum amounts that may be charged by registry agents as service charges.*

(2) Where an enactment under which a registry operates provides for the carrying out of registry services, the Minister may, notwithstanding that enactment, make regulations for the purposes of facilitating the carrying out of those registry services using the facilities and services provided by registry agents.

(3) Notwithstanding any provision in an enactment under which a registry operates or otherwise carries out registry services, the Minister may with respect to the establishment or collection of any fees or charges under that enactment make regulations

- (a) prescribing any fees or charges to be paid with respect to registrations carried out under that enactment;*
- (b) prescribing any fees or charges, other than fees or charges referred to in clause (a), to be paid for the carrying out of registry services under or relating to that enactment.*

Land Titles Act

Amends RSA
1980 cL-5

5(1) The Land Titles Act is amended by this section.

*(2) The heading “**Registration Districts**” preceding section 2 and sections 2 and 3 are repealed.*

(4) Notwithstanding subsection (3), the Minister may charge any fees or charges, other than fees or charges referred to in subsection (3)(a), that the Minister considers appropriate for the carrying out of a registry service where a fee or charge is not prescribed under subsection (3)(b) for the carrying out of that registry service.

(5) If, with respect to the same matter,

(a) a fee or charge is established pursuant to an enactment, and

(b) a fee or charge is established or otherwise provided for under subsection (3) or (4),

the fee or charge referred to in clause (b) prevails over the fee or charge referred to in clause (a).

Land Titles Act

5(1) Amends chapter L-5 of the Revised Statutes of Alberta 1980.

(2) Sections 2 and 3 presently read:

Registration Districts

2(1) For the purposes of this Act there shall be in Alberta 2 land registration districts, respectively known and described as follows:

(a) "North Alberta Land Registration District", being composed of all that portion of Alberta lying to the north of the 9th correction line;

(b) "South Alberta Land Registration District", being composed of all that portion of Alberta lying to the south of the 9th correction line.

(2) An instrument or caveat shall be registered or filed, as the case may be, in the land registration district within which the land to which the instrument or caveat relates is situated unless otherwise authorized by regulation.

3(1) The Lieutenant Governor in Council may, from time to time by proclamation, as the settlement of the country and the exigencies of the public service require, constitute any other portion of Alberta a land registration district and declare by what local name it shall be known and designated, and may also change the boundaries of existing districts.

(2) When a new district has been constituted the Registrar or Registrars of the district or districts, from which the land comprised in the new district has been detached, shall furnish to the new district originals or certified copies of all registers, books or instruments, or of any certified copies of any registers, books or instruments in his office affecting land that was in his district but is within the new district, and all those originals or certified copies are, for all purposes, of the same force and effect when deposited in the office

(3) Section 4 is repealed and the following is substituted:

Land Titles Office

Land Titles
Office

4 An office known as a “Land Titles Office” shall be located at one or more locations as determined by the Minister responsible for this Act.

(4) Section 13 is amended by striking out “any registration district” and substituting “Alberta”.

(5) Section 16 is amended

(a) in subsection (1) by striking out “daily”;

(b) by adding the following after subsection (5):

(5.1) Notwithstanding subsections (2) and (5), instead of assigning a serial number to an instrument or caveat, the Registrar may identify the instrument or caveat by a means other than a serial number so long as that other means of identification allows for the determination of priority between mortgagees, transferees and others.

(c) in subsection (6) by striking out “daily”.

of the new district as if they had been originally registered, deposited, filed or kept in that district.

(3) After a new district has been constituted, until the time an office has been provided within the new district all documents affecting land within the new district may be filed, deposited, or registered in the office of the district from which the land affected was detached, and are, for all purposes, of the same force and effect as if filed, deposited, or registered in the office of the new district.

(3) Section 4 presently reads:

4(1) In each registration district at the place the Lieutenant Governor in Council determines there shall be an office to be called the "Land Titles Office".

(4) Section 13 presently reads:

13 The Inspector of Land Titles Offices, the Assistant Inspector of Land Titles Offices and any Registrar, Deputy Registrar, Assistant Deputy Registrar or clerk in any Land Titles Office shall not directly or indirectly act as the agent of any person investing money and taking securities on land within any registration district, advise, for any fee or reward or otherwise, on titles to land or practise as a conveyancer.

(5) Section 16 presently reads in part:

16(1) The Registrar shall keep a daily record which shall contain particulars of every instrument and caveat accepted by the Registrar for filing or registration.

(2) The Registrar shall cause each instrument or caveat received by him for filing or registration to be examined and if it is found to be complete and in the proper form and fit for filing or registration, the Registrar shall endorse on the instrument or caveat the serial number assigned to it and the date on which the serial number is assigned.

(5) For purposes of priority between mortgagees, transferees and others, the serial number assigned to the instrument or caveat shall determine the priority of the instrument or caveat filed or registered.

(6) Until the duplicate certificate of title for the land affected is produced to him so as to enable him to enter the proper memorandum on the duplicate certificate, unless required to do so by order of a court, the Registrar shall not receive or enter in the daily record any instrument except

(a) executions against land, builders' liens, easements and instruments referred to in section 72,

(b) transfers by a civil enforcement agency or municipal officer, or by order of a court,

(6) Section 30(3) is amended by striking out “of each registration district”.

(7) Section 32(1) is amended by striking out “of the registration district in which the land so granted is situated”.

(8) Section 38(1) is amended by striking out “of the registration district in which the land is situated”.

(9) Section 60 is repealed.

- (c) transfers on sales of land for taxes,*
- (d) tax arrears notifications and other notices and cancellations under the Mineral Taxation Act, and*
- (e) maps or plans that do not require to be registered, or certificates or orders of a court.*

(6) Section 30(3) presently reads:

(3) The Registrar of Companies, the Registrar as defined in the Business Corporations Act, the member of the Executive Council responsible for the administration of the Loan and Trust Corporations Act, the Superintendent of Insurance, the member of the Executive Council referred to in subsection (2)(d) and the Director of Agricultural Societies, as the case may be, shall notify the Registrars of each registration district forthwith, on any corporation for which they may have issued their respective certificates being dissolved or liquidated and dissolved or ceasing to be registered or licensed, that the certificate issued in respect of that corporation is invalid.

(7) Section 32(1) presently reads:

32(1) When any land is granted in Alberta by the Crown and the letters patent therefor have been forwarded from the office whence the letters patent are issued to the Registrar of the registration district in which the land so granted is situated, the Registrar shall retain the letters patent in his office, and a certificate of title, as provided by this Act, with any necessary qualifications shall be granted to the patentee.

(8) Section 38(1) presently reads:

38(1) The application to bring land under the operation of this Act shall be made in the prescribed form to the Registrar of the registration district in which the land is situated, shall be verified by the affidavit in the prescribed form of the applicant or someone on his behalf and shall be accompanied by

- (a) all deeds in possession of the applicant, if any,*
- (b) a certificate showing all registrations affecting the title down to the time when the application is filed, with copies of any registered documents the original whereof he is unable to produce, and*
- (c) a printed search result showing that no writ of enforcement has been registered in the Personal Property Registry against the applicant.*

(9) Section 60 presently reads:

60 The Registrar may register in the Land Titles Office of a registration district a certified copy of any instrument that has been

(10) Section 72.4 is amended

- (a) in subsection (1) by adding “in whole or in part” after “the registration”;*
- (b) in subsection (2) by adding “in whole or in part” after “of that instrument”.*

(11) Section 74(1) is amended by striking out “for the proper registration district”.

(12) Section 78(1) is amended by repealing clause (d) and substituting the following:

- (d) is certified in the form prescribed in the regulations under the *Surveys Act*.*

(13) Section 83(2) is repealed and the following is substituted:

(2) Notwithstanding subsection (1)(e), where

- (a) the area taken consists of a public highway, road, street or lane, and
- (b) a plan of survey referred to in subsection (1)(a) has been submitted for registration in respect of the area taken,

a certificate of title shall not be issued with respect to that area.

registered in the Land Titles Office of any other land registration district.

(10) Section 72.4 presently reads:

72.4(1) The Registrar shall cancel the registration of an easement, a restrictive covenant, a party wall agreement or an encroachment agreement on production of a discharge in the prescribed form signed by the registered owner of the dominant tenement.

(2) The Registrar may, on application by an owner of land that is affected by an instrument referred to in subsection (1), cancel the registration of that instrument if the Registrar is satisfied that the interest created by the instrument has expired through the passage of time in accordance with an express provision in the instrument.

(11) Section 74(1) presently reads:

74(1) Any person recovering against a registered owner of land a judgment declaring that the person recovering the judgment is entitled to the exclusive right to use the land or that he be quieted in the exclusive possession thereof, pursuant to the Limitation of Actions Act, may file a certified copy of the judgment in the Land Titles Office for the proper registration district.

(12) Section 78(1)(d) presently reads:

78(1) A plan of survey shall not be registered unless the plan of survey

(d) is certified in the prescribed form by the Alberta land surveyor who carried out the survey illustrated on the plan of survey.

(13) Section 83(2) presently reads:

(2) Notwithstanding subsection (1)(e), where the area taken consists of a public highway, road, street or lane, a certificate of title shall not be issued with respect to that area.

(14) Section 103 is amended by adding the following after subsection (3):

(4) Where a lease or demise required to be registered under this Act has been discharged before the term of the lease has expired, that discharge is deemed to have the same effect as if the lease had been surrendered.

(15) The following is added after section 113:

Standard form
mortgage

113.1(1) A person may apply to the Registrar to file a standard form mortgage with the Registrar.

(2) The standard form mortgage submitted for filing under subsection (1) must contain all the terms of the mortgage other than

- (a) the parties to the mortgage;
- (b) the legal description of the mortgaged land;
- (c) the amount secured under the mortgage;
- (d) the amount of the payments to be made under the mortgage;
- (e) the rate of interest on the mortgage;
- (f) the term of the mortgage;
- (g) the signatures to be executed on the mortgage;
- (h) any other matter as determined by the Registrar.

(14) Section 103 presently reads:

103(1) When a lease or demise required to be registered by this Act is intended to be surrendered and the surrender thereof is effected otherwise than through the operation of a surrender in law, the Registrar shall, on the production to him of the surrender in the prescribed form, make a memorandum of the surrender on the certificate of title in the register and on the duplicate certificate.

(2) When the memorandum has been so made, the estate or interest of the lessee in the land vests in the lessor or in the person in whom, having regard to intervening circumstances, if any, the land would have vested if the lease had never been executed.

(3) Notwithstanding subsection (1),

(a) a lessee of a lease that is mortgaged or encumbered shall not surrender the lease without the consent of the mortgagee or encumbrancee, and

(b) when a certificate of title has been issued for a leasehold estate, the Registrar shall not register a surrender of the lease unless the persons entitled to the benefit of any instruments or caveats registered against the certificate of title consent to the surrender.

(15) Standard form mortgage.

Use of
standard form
mortgage

(3) Once the Registrar considers that the form and terms of the standard form mortgage are acceptable, the Registrar

- (a) may file a copy of the standard form mortgage, and
- (b) on filing the standard form mortgage, shall advise the applicant of the filing.

(4) When a copy of a standard form mortgage is filed under subsection (3), the Registrar shall give the copy an identifying number or other identifying mark.

113.2(1) For the purposes of using a standard form mortgage the following applies:

- (a) the mortgage must set out
 - (i) the parties to the mortgage;
 - (ii) the address and postal code of the mortgagee;
 - (iii) the legal description of the mortgaged land;
 - (iv) the amount secured under the mortgage;
 - (v) the amount of the payments to be made under the mortgage;
 - (vi) the rate of interest on the mortgage;
 - (vii) the term of the mortgage;
 - (viii) any other matter as determined by the Registrar;
- (b) the mortgage must contain a statement that the mortgage consists of those terms and is subject to the terms contained in the standard form mortgage that was filed with the Registrar;
- (c) the mortgage must set out the identifying number or mark that was assigned to the standard form mortgage under section 113.1(4) that contains the terms referred to in clause (b);
- (d) the mortgagor must acknowledge on the mortgage
 - (i) that the mortgagor understands the nature of the statement referred to in clause (b),
 - (ii) that the mortgagor has been given a copy of those terms referred to in clause (b),

(iii) that the mortgagor is the registered owner of the land being mortgaged, and

(iv) that the mortgagor mortgages all of the mortgagor's estate and interest in the land for the purposes of securing the payment of the principal amount, interest and all other amounts secured by the mortgage;

(e) the mortgage must be dated and executed by the mortgagor, and if there is more than one mortgagor, by all the mortgagors, to the mortgage and witnessed if witnesses are required.

(2) A mortgage completed and executed under this section has the same force and effect as if the mortgage had set out the actual terms contained in the standard form mortgage filed with the Registrar under section 113.1.

(16) *The following is added after section 120:*

Joint tenancy

120.1 When

(a) an estate or interest in land for which a certificate of title has been granted is in the name of joint tenants, and

(b) a joint tenant of that estate or interest dies,

the Registrar, on application in writing accompanied by the duplicate certificate of title and any documentation and other information that is requested by or that is otherwise satisfactory to the Registrar, shall cancel the certificate of title and grant a new certificate of title in the name of the surviving joint tenant.

(17) *Section 122 is amended*

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

Writ of
enforcement

122(1) For the purposes of this section there shall be in Alberta 2 land registration districts, respectively known and described as follows:

(a) "North Alberta Land Registration District", being composed of all that portion of Alberta lying to the north of the 9th correction line;

(b) "South Alberta Land Registration District", being composed of all that portion of Alberta lying to the south of the 9th correction line.

(16) Provides for granting a new certificate of title in the name of the surviving joint tenant.

(17) Section 122(1) and (2.1) presently read:

122(1) The Registrar may register a writ of enforcement or other writ affecting land.

(2.1) Subsection (2)(b) does not apply where there is a material difference, within the meaning of section 24(3), between a name as it appears on a writ and the name as it appears on the instrument executed by the execution debtor

(1.1) The Registrar may register a writ of enforcement or other writ affecting land.

(b) in subsection (2.1) by striking out “execution debtor” and substituting “enforcement debtor”.

(18) Section 124 is amended

(a) in subsection (1)

(i) by striking out “for the land registration district in which his land is situated”;

(ii) by striking out “of the district”;

(b) in subsection (8) by striking out “of the land registration district in which the writ is filed”.

(19) The heading preceding section 128 is repealed and the following is substituted:

Changes of Name

(20) The following is added after section 128:

Changes of
name

128.1 When a person who is the owner of an interest in land

(a) changes a name pursuant to a statute in Alberta or legislation in another jurisdiction, and

(b) provides to the Registrar

(i) documentation that is satisfactory to the Registrar showing that the person’s name was changed under that statute or other legislation and setting forth that person’s name as changed, and

(ii) the duplicate certificate of title,

the Registrar may make a memorandum of the change of name on the appropriate certificate of title.

(21) Section 131(1) is amended by striking out “, his attorney or” and substituting “or the caveator’s”.

(18) Section 124(1) and (8) presently read:

124(1) A registered owner of land whose dealings therewith are made or proposed to be made subject by the Registrar to an instrument entered in the general register may make an affidavit in duplicate in the prescribed form or to the like effect, and file it in the Land Titles Office for the land registration district in which his land is situated, or may mail it to the Registrar of the district in a fully prepaid registered letter.

(8) A notice of any change of solicitors, in respect of a writ of enforcement against land, that is certified by the clerk of the court may be filed with the Registrar of the land registration district in which the writ is filed and on the notice being filed with the Registrar, the Registrar shall note the change in the general register.

(19) The heading presently reads:

Names of Married Persons

(20) Change of name.

(21) Section 131(1) presently reads:

131(1) Every caveat filed with the Registrar shall state the name and addition of the person by whom or on whose behalf it is filed

(22) *Section 135.1(1) is amended by striking out “, or by his attorney or agent where the caveat is signed by the attorney or agent,” and substituting “. or by the caveator’s agent where the caveat is signed by the agent.”.*

(23) *Section 136 is amended*

(a) by repealing subsection (1) and substituting the following:

Withdrawal of
caveat

136(1) Subject to subsection (2), a caveat may be withdrawn by the caveator or by the agent for the caveator who signed the caveat.

(b) in subsection (2)(d)

(i) by striking out “an attorney or agent” and substituting “an agent”;

(ii) by striking out “the attorney or agent” and substituting “the agent”.

(24) *Section 154(2) is repealed and the following is substituted:*

(2) The value of land for the purpose of this Act may be ascertained by the oath or affirmation of the transferee of the land or an agent of the transferee where the oath or affirmation is acceptable to the Registrar.

(25) *Section 170 is amended by adding the following after subsection (1):*

(1.1) Notwithstanding subsection (1), where a claim referred to in subsection (1) is for an amount not exceeding \$1000,

and, except in the case of a caveat filed by the Registrar as hereinafter provided, shall be signed by the caveator, his attorney or agent and shall state some address or place at which notices and proceedings relating to the caveat or the subject matter thereof may be served and the nature of the interest claimed and the grounds on which the claim is founded.

(22) Section 135.1(1) presently reads:

135.1(1) A caveat may be transferred by a caveator, or by his attorney or agent where the caveat is signed by the attorney or agent, and on registration of a transfer of the caveat the transferee has the same priority as if he were the original caveator.

(23) Section 136 presently reads:

136(1) Subject to subsection (2), the caveator or, if the caveat is signed by the caveator's attorney or agent, the attorney or agent may by notice in writing to the Registrar withdraw his caveat.

(2) In the case of a caveat in which

(a) the nature of the interest claimed is

(i) an easement,

(ii) a party wall agreement,

(iii) an encroachment agreement, or

(iv) a restrictive covenant running with or capable of being annexed to land,

and

(b) the dominant tenement is identified,

the caveat may be withdrawn only

(c) by the registered owner of the dominant tenement, or

(d) if the registered owner of the dominant tenement is the caveator and the caveat was signed by an attorney or agent, by the registered owner or the attorney or agent.

(24) Section 154(2) presently reads:

(2) The value of land for the purpose of this Act may be ascertained by the oaths or affirmations of the transferee or transferor of the land or of some other person on the behalf of either whom the Registrar believes to be acquainted with the value of the land and whose oath or affirmation he is willing to accept.

(25) Section 170(1) presently reads:

170(1) If a claim is or might be the subject of an action for damages against the Registrar as a nominal defendant under this Act or the Dower Act,

the Registrar may direct the payment of the claim together with a reasonable sum for costs incurred in the making of the claim.

(26) *Section 203 is amended by repealing clause (b).*

(27) *The following is added after section 205:*

Notice to
Crown

206 Where

- (a) the Registrar is required to give a notice to a person under this Act, and
- (b) the person to whom the notice is to be given is the Crown,

the Registrar may forego giving the notice to the Crown and the Crown is deemed to have been given the notice when the instrument or caveat for which the notice was to have been given is registered under this Act.

(28) *The following provisions are amended by striking out “daily”:*

section 1(j);
section 25(1);
section 132(2);
section 175(d).

(29) *The Builders' Lien Act is amended in section 25(1) by striking out “of the land registration district in which the land is situated”.*

- (a) *the Minister responsible for this Act, in the case of a claim for \$5000 or less, may direct the payment of the claim together with a reasonable sum for costs incurred in the making of the claim, and*
- (b) *the Lieutenant Governor in Council, in the case of a claim for more than \$5000, may, on the recommendation of the Minister responsible for this Act, direct the payment of the claim together with a reasonable sum for costs incurred in the making of the claim.*

(26) Section 203 presently reads:

203 The Lieutenant Governor in Council may make regulations

- (a) prescribing forms to be used under this Act;*
- (b) authorizing instruments and caveats, or either of them, to be registered or filed in a land registration district other than the one where the land in respect of which the instrument or caveat is prepared is situated;*
- (c) prescribing for the purposes of section 20(2) the period of time that must pass before the original of an instrument or caveat may be destroyed.*

(27) Notices to the Crown.

(28) Changes the reference from “daily record” to a reference to “record”.

(29) Amends chapter B-12 of the Revised Statutes of Alberta 1980. Section 25(1) presently reads:

25(1) A lien may be registered in the land titles office of the land registration district in which the land is situated by filing with the Registrar a statement of lien in the prescribed form.

(30) The Domestic Relations Act is amended in sections 20(a) and 37(1)(a) by striking out “in the land registration district where the registration is made” wherever it occurs.

(31) The Dower Act is amended in section 13(2)

(a) in clause (a) by striking out “of the land registration district in which the homestead disposed of is situated” and substituting “of Land Titles”;

(b) in clause (b) by striking out “Attorney General” and substituting “Minister of Justice and Attorney General”.

(32) The Drainage Districts Act is amended

(a) in section 1(o)

(i) by repealing subclause (i) and substituting the following:

(i) means a person, other than a mortgagee, lessee or encumbrancee, who appears by the records of the land titles office to have an interest in land, and

(30) Amends chapter D-37 of the Revised Statutes of Alberta 1980. Sections 20 and 37(1) presently read:

20 An order or judgment for alimony, whether interim or otherwise, may be registered in any land titles office, and the registration so long as the order or judgment remains in force,

- (a) binds the estate and interest of every description that the defendant has in any land in the land registration district where the registration is made, and*
- (b) operates thereon in the same manner and with the same effect as a registration of a charge by the defendant of a life annuity on the defendant's land.*

37(1) An order for maintenance or alimony may be registered in any land titles office and the registration, so long as the order remains in force,

- (a) binds the estate and interest of every description that the person ordered to pay maintenance or alimony has in any land in the land registration district where the registration is made, and*
- (b) operates on those estates or interests in the same manner and with the same effect as a registration of a charge by the person ordered to pay maintenance or alimony of a life annuity on the land of that person.*

(31) Amends chapter D-38 of the Revised Statutes of Alberta 1980. Section 13(2) presently reads:

(2) The originating notice shall be served

- (a) on the Registrar of the land registration district in which the homestead disposed of is situated, and*
- (b) on the Attorney General,*

30 days before the date on which the originating notice is returnable.

(32) Amends chapter D-39 of the Revised Statutes of Alberta 1980. Sections 1(o), 179(1), 182(5) and 183(5) presently read:

1 In this Act,

(o) "owner"

- (i) means a person who appears by the records of the land titles office of the land registration district in which the land is situated to have an interest in land in the district other than a mortgagee, lessee or encumbrancee, and*

- (ii) in subclause (ii)(B) by striking out “Minister of Transportation” and substituting “Minister of Transportation and Utilities”;*
- (b) in section 179(1) by striking out “for the land registration district within which the land lies”;*
- (c) in section 182(5) by striking out “of each land registration district in which any of the land named in the adjudication is situated”;*
- (d) in section 183(5) by striking out “of the land registration district in which the parcel is situated” and substituting “of Land Titles”.*

(ii) includes

- (A) a bona fide purchaser of land under written agreement for sale,
- (B) with respect to roads in an improvement district, the Minister of Transportation,
- (C) with respect to roads in a municipality other than an improvement district, the municipality, and
- (D) the municipality, where there is an agreement between the board and the municipality that the lands within a city, town, village or hamlet shall be deemed to be one parcel of land;

179(1) A notice of the time and place fixed for confirmation of the enforcement return shall be sent by registered mail by the treasurer of the district at least 20 days before the time fixed to each person who appears, by the records of the district and the land titles office for the land registration district within which the land lies, to have any interest in the land mentioned in the enforcement return and in respect of which confirmation is desired, and whose post office address is shown by the records or enforcement return.

182(5) A copy of the adjudication certified by the treasurer shall be forwarded by registered mail to the Registrar of Land Titles of each land registration district in which any of the land named in the adjudication is situated, and the Registrar shall

- (a) register the adjudication against the land and issue a certificate of title therefor under the Land Titles Act in the name of the board in respect of that land, or*
- (b) discharge the purchaser's caveat and all other encumbrances,*

as the case may be, and in either case the board obtains an estate in fee simple free from all other estates and from all liens, agreements for sale, mortgages and encumbrances of every nature and kind, other than those mentioned in subsection (3).

183(5) The council shall cause a copy of each direction given under this section to be sent to the Registrar of the land registration district in which the parcel is situated and on receipt of the direction the Registrar

- (a) shall register it together with the adjudication, but*
- (b) shall not register the adjudication as against the parcel to which the direction applies until he is directed to do so by the council.*

(33) The Expropriation Act is amended

- (a) in section 8(1) by striking out “for the registration district in which the land to be expropriated is situated”;*
- (b) in section 19(1) by striking out “for the land registration district in which the relevant land is situated”;*
- (c) in sections 23(4) and 62 by striking out “for the land registration district in which the land is situated” wherever it occurs.*

(34) The Historical Resources Act is amended

- (a) in section 21(1) by striking out “for the land registration district in which the Area is situated”;*
- (b) in section 25*
 - (i) in subsections (1) and (2) by striking out “of the land registration district in which the land is located” wherever it occurs;*
 - (ii) in subsection (6) by striking out “for the land registration district in which the land is located”.*

(33) Amends chapter E-16 of the Revised Statutes of Alberta 1980. Sections 8(1), 19(1), 23(4) and 62 presently read:

8(1) The expropriating authority shall file a notice of intention to expropriate in the land titles office for the registration district in which the land to be expropriated is situated.

19(1) The expropriating authority may register the certificate of approval in the land titles office for the land registration district in which the relevant land is situated and, subject to the Public Highways Development Act and the Municipal Government Act, registration vests in the expropriating authority the title to the land therein described as to the interest specified in the certificate.

23(4) The extension order executed under subsection (3) shall be registered in the land titles office for the land registration district in which the land is situated prior to the expiration of the 120-day period and shall be served forthwith on the persons who were served with the notice of intention and on any other person who has given notice of objection or has otherwise become a party to the inquiry.

62 When a fee simple estate in any land is held by any person and the land is not registered in a land titles office, the land may be expropriated by a deposit in the land titles office for the land registration district in which the land is situated of a certificate of approval and such certificates of title may be made in respect thereof by the Registrar of Land Titles as may be necessary to indicate the vesting in the expropriating authority of the land expropriated.

(34) Amends chapter H-8 of the Revised Statutes of Alberta 1980. Sections 21(1) and 25(1), (2) and (6) presently read:

21(1) If a Provincial Historic Area is established pursuant to section 20, the Minister shall file a notice to that effect together with a certified copy of the regulation with the Registrar of Land Titles for the land registration district in which the Area is situated, and the Registrar shall endorse a memorandum of the notice on each certificate of title pertaining to land within the Area.

25(1) A condition or covenant, relating to the preservation or restoration of any land or building, entered into by the owner of land and

(a) the Minister,

(b) the council of the municipality in which the land is located,

(c) the Foundation, or

(d) an historical organization that is approved by the Minister.

(35) The Income Support Recovery Act is amended in section 47(1)(a) by striking out “in the land registration district where the registration is made”.

(36) The Insurance Act is amended in section 183(4) by striking out “of any land registration district in which there is land owned by the company or land in which it has a registered interest” and substituting “, if the company owns land or has a registered interest in land located in Alberta”.

(37) The Interpretation Act is amended in section 25(1)(t.1) by striking out “and in relation to any particular land means the Registrar for the land registration district within which the land is situated”.

may be registered with the Registrar of Land Titles of the land registration district in which the land is located.

(2) When a condition or covenant under subsection (1) is presented for registration, the Registrar of Land Titles of the land registration district in which the land is located shall endorse a memorandum of the condition or covenant on any certificate of title relating to that land.

(6) If the Minister discharges or modifies a condition or covenant under subsection (5), he shall register a copy of the order with the Registrar of Land Titles for the land registration district in which the land is located and the Registrar of Land Titles shall endorse a memorandum discharging or modifying the condition or covenant on the certificate of title to the land.

(35) Amends chapter I-1.7 of the Revised Statutes of Alberta 1980. Section 47(1) presently reads:

47(1) An order or agreement may be registered in any land titles office and the registration so long as the order or agreement remains in force

(a) binds the estate and interest of every description that the person required to make a payment thereunder has in any land in the land registration district where the registration is made, and

(b) operates thereon in the same manner and with the same effect as a registration of a charge by the person required to make a payment thereunder of a life annuity on his land.

(36) Amends chapter I-5 of the Revised Statutes of Alberta 1980. Section 183(4) presently reads:

(4) A certificate by the Registrar of Companies showing the former name of the company and the new name may be filed in the land titles office of any land registration district in which there is land owned by the company or land in which it has a registered interest, and after the certificate is filed the Registrar of the land titles office shall accept for registration any transfer, mortgage, lease, assignment of mortgage or other instrument executed by the company in its new name, and shall deal with the land affected thereby in all respects as if the title or interest of the company had always been registered in its new name.

(37) Amends chapter I-7 of the Revised Statutes of Alberta 1980. Section 25(1)(t.1) presently reads:

25(1) In an enactment,

(t.1) "Registrar of Land Titles" means a Registrar within the meaning of the Land Titles Act and in relation to any particular land means the Registrar for the land registration district within which the land is situated;

(38) The Irrigation Act is amended

- (a) in section 58(3) by striking out “for the land registration district in which the land is situated”;*
- (b) in section 154(1) by striking out “land registration district within which the parcel or land lies” and substituting “Registrar of Land Titles”;*
- (c) in section 157(1) by striking out “of each land registration district in which any of the parcels or land named in the adjudication are situated”;*
- (d) in section 158(5) by striking out “of the land registration district in which the parcel is situated”;*
- (e) in section 192(3) by striking out “land registration district founded on an instrument referred to in subsection (1)” and substituting “land titles office”.*

(39) The Loan and Trust Corporations Act is amended in section 282(5) by striking out “in the land registration district in which the notice is registered”.

(38) Amends chapter I-11 of the Revised Statutes of Alberta 1980. Sections 58(3), 154(1), 157(1), 158(5) and 192(3) presently read:

58(3) The board may file with the Registrar of Land Titles for the land registration district in which the land is situated a certified copy of the resolution under subsection (2) designating the irrigable unit and shall notify the registered owner concerned of the resolution and the provisions of this section.

154(1) A notice of the time and place fixed for hearing the application for confirmation of the enforcement return shall be sent by registered mail by the manager at least 20 clear days before the time fixed to each person who appears, by the records of the board and the land registration district within which the parcel or land lies, to have an interest in a parcel or land shown in the enforcement return, and whose post office address is shown by those records or the enforcement return.

157(1) Not later than December 31 of the year in which the adjudication is made a copy of it certified by the manager shall be forwarded by registered mail to the Registrar of Land Titles of each land registration district in which any of the parcels or land named in the adjudication are situated, and the Registrar shall register the adjudication against the land affected by it.

158(5) The Council shall have a copy of each direction given under this section sent to the Registrar of Land Titles of the land registration district in which the parcel is situated and on receipt of the direction the Registrar, if he has not by that time registered the adjudication previously,

(a) shall register it together with the adjudication, but

(b) notwithstanding section 157, shall not register the adjudication against the parcel or land to which the direction applies until he is directed to do so by the Council.

192(3) The board may, after May 2, 1968, at its discretion file and maintain a caveat in the prescribed form in the land registration district founded on an instrument referred to in subsection (1).

(39) Amends chapter L-26.5 of the Statutes of Alberta, 1991. Section 282(5) presently reads:

(5) In any of the circumstances mentioned in subsection (1)(a), (b) or (c), the Minister may by any method that provides a written or printed copy notify the Registrar under the Land Titles Act that action is being or is about to be taken that may affect land belonging to the registered corporation or other person referred to in the notice, and the Registrar shall register the notice against the title to the land in the name of the registered corporation or person in the land registration district in which the notice is registered.

(40) The Matrimonial Property Act is amended

- (a) in section 22(1) by striking out “for the land registration district in which the property is situated”;*
- (b) in section 35(1) by striking out “for the land registration district in which land in which the other spouse has an interest is situated”.*

(41) The Public Trustee Act is amended

- (a) in section 9(3) by striking out “of the land registration district within which the land of the missing person is situated”;*
- (b) in section 11 by repealing subsection (5) and substituting the following:*
 - (5) If a mentally incompetent person owns real property in Alberta, the Public Trustee may file the certificate or a true copy of the certificate in the land titles office.**

(42) The Public Utilities Board Act is amended by repealing section 59(2) and substituting the following:

- (2) When so registered the order constitutes a lien and charge on any land or any interest in land that is held by the person ordered to pay the money to the same extent and in the same manner as the land would be bound by the registration of a writ of enforcement issued after judgment in the Court of Queen’s Bench.**

(40) Amends chapter M-9 of the Revised Statutes of Alberta 1980. Sections 22(1) and 35(1) presently read:

22(1) If an order is made under section 19 with respect to a matrimonial home and the matrimonial home or part of it is real property that

- (a) is owned by one or both of the spouses,*
- (b) is leased by one or both of the spouses for a term of more than 3 years, or*
- (c) is the subject of a life estate in favour of one or both of the spouses,*

the order may be registered with the Registrar of Land Titles for the land registration district in which the property is situated.

35(1) A spouse who commences proceedings under this Act may file a certificate of lis pendens with the Registrar of Land Titles for the land registration district in which land in which the other spouse has an interest is situated.

(41) Amends chapter P-36 of the Revised Statutes of Alberta 1980. Sections 9(3) and 11(5) presently read:

9(3) The Registrar of Land Titles of the land registration district within which the land of the missing person is situated

- (a) on production of an instrument effecting a disposition of land referred to in subsection (2), and*
- (b) on production of a copy of or a certified copy of the order referred to in subsection (2),*

shall deal with the instrument in the same manner as if the instrument were executed by the missing person.

11(5) The Public Trustee may file the certificate or a true copy of the certificate in the land titles office for the land registration district in which any of the real property of the mentally incompetent person is situated.

(42) Amends chapter P-37 of the Revised Statutes of Alberta 1980. Section 59(2) presently reads:

(2) When so registered the order constitutes a lien and charge on any land or interest therein that is

- (a) held by the person ordered to pay the money, and*
- (b) situated in the land registration district in which the office is situated,*

(43) The Public Works Act is amended by repealing section 28(1) and substituting the following:

Filing of plan

28(1) When a Public Works Development Area is created, the Minister shall file a copy of the order in council and a plan of the Public Works Development Area with

(a) the chief administrative officer of the municipality in which the Area is situated, and

(b) the Registrar of Land Titles.

and shall give notice of the creation of the Area and of this section to all owners of land in the Area.

(44) The Railway Act is amended

(a) by repealing section 76 and substituting the following:

Deposit of
plans, etc.

76 The plan, profile and book of reference when sanctioned shall be deposited in the office of the Minister and each plan shall be numbered consecutively in order of deposit, and the company shall also deposit copies thereof, certified as copies by the Minister, in the office of the Registrar of Land Titles.

(b) in section 77(3) by striking out “of the land registration district or districts in which the land is situated” and substituting “of Land Titles”;

(c) in section 78(1) by striking out “of a land registration district” and substituting “of Land Titles”;

(d) in section 108 by striking out “the land registration district in which the land lies” and substituting “Alberta”;

(e) in section 127(2)

(i) by repealing clause (a) and substituting the following:

(a) the company shall make a plan, profile and book of reference showing the proposed location of the branch line with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and shall deposit them with the Registrar of Land Titles;

(ii) by repealing clause (f) and substituting the following.

to the same extent and in the same manner as the land would be bound by the registration of a writ of enforcement issued after judgment in the Court of Queen's Bench.

(43) Amends chapter P-38 of the Revised Statutes of Alberta 1980. Section 28(1) presently reads:

28(1) When a Public Works Development Area is created, the Minister shall file a copy of the order in council and a plan of the Public Works Development Area with

(a) the chief administrative officer of the municipality, and

(b) the Registrar of Land Titles for the land registration district,

in which the Area is situated and shall give notice of the creation of the Area and of this section to all owners of land in the Area.

(44) Amends chapter R-4 of the Revised Statutes of Alberta 1980. Sections 76, 77(3), 78(1), 108, 127(2)(a) and (f) and 148(1) presently read:

76 The plan, profile and book of reference when sanctioned shall be deposited in the office of the Minister and each plan shall be numbered consecutively in order of deposit, and the company shall also deposit copies thereof, or of such parts thereof as relate to each land registration district through which the railway is to pass, certified as copies by the Minister, in the office of the Registrar for the land registration district or districts.

77(3) If it appears to the Minister that the omission, misstatement or error arose from mistake he may grant a certificate setting out the nature of the omission, misstatement or error and the correction allowed, and on deposit of the certificate in the office of the Minister and of copies thereof, certified as such by the Minister, with the Registrar of the land registration district or districts in which the land is situated, the plan, profile or book of reference shall be taken to be corrected in accordance therewith and the company may thereupon subject to this Act construct the railway in accordance with the correction.

78(1) The Registrar of a land registration district shall receive and preserve in his office all plans, profiles, books of reference, certified copies thereof and other documents required by this Act to be deposited with him and shall endorse thereon the day, hour and minute when they were deposited.

108 If the person on whom the notice to treat is required to be served is absent from the land registration district in which the land lies or is unknown an application for service by advertisement may be made to the court.

127(2) Before commencing to construct any such branch line the company shall on application obtain the authority of the Minister and comply with the following provisions:

(f) the company shall deposit with the Registrar of Land Titles copies, certified as such by the Minister, of the authority and of the papers and plans showing the changes directed by him.

(f) *in section 148(1) by striking out “for the land registration district in which the land to be expropriated is situated”.*

(45) The Religious Societies' Land Act is amended in section 3 by striking out “of the land registration district in which the land is situated”.

(46) The Special Areas Act is amended in section 8(1)(b) by striking out “of the land registration district in which the land affected by the order is situated”.

- (a) *the company shall make a plan, profile and book of reference showing the proposed location of the branch line with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and shall deposit them in the land registration district through which the branch line is to pass, or, if the branch line is to pass through more than one land registration district, shall deposit in each district the parts that relate thereto;*
- (f) *the company shall deposit in the land registry office of each land registration district through which the branch line is to pass copies, certified as such by the Minister, of the authority and of the papers and plans showing the changes directed by him.*

148(1) When

- (a) *the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufactory or other industry or business should have a siding or switch from a railway to the premises of the elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right of way for that purpose as set out in the by-law, and*
- (b) *the Board certifies that the building of the proposed siding or switch across the lands as set out in the by-law will be for the advantage or convenience of the public,*

the company, on the registration by the council of the by-law and certificate in the office of the Registrar of Land Titles for the land registration district in which the land to be expropriated is situated, possesses in respect of that land, the powers of expropriation conferred by this Act, but subject to the provisions of this Act with respect to compensation.

(45) Amends chapter R-14 of the Revised Statutes of Alberta 1980. Section 3 presently reads:

3 The trustees shall within 12 months after the execution of the transfer or deed of conveyance cause the title to the land described in the transfer or deed to be registered in the land titles office of the land registration district in which the land is situated; otherwise the deed or transfer is void.

(46) Amends chapter S-20 of the Revised Statutes of Alberta 1980. Section 8(1)(b) presently reads:

8(1) A copy of any order made under section 7(e)

- (b) *shall be filed in the land titles office of the land registration district in which the land affected by the order is situated, and*

(47) The Surface Rights Act is amended in section 37(1) and (2) by striking out “for the appropriate land registration district” wherever it occurs.

(48) The Surveys Act is amended

- (a) in sections 30(5) and 31(3) by striking out “for the registration district within which the surveyed land is situated” wherever it occurs;*
- (b) in section 38(1) by striking out “of the registration district within which the re-surveyed land is situated”;*
- (c) in section 41(1) by striking out “for the registration district in which the land is situated”;*
- (d) in section 43*
 - (i) in subsection (1) by striking out “in the registration district in which the land is situated,”;*
 - (ii) in subsection (3)(b) by striking out “for the land registration district in which the land is situated”.*

(47) Amends chapter S-27.1 of the Statutes of Alberta, 1983. Section 37 presently reads:

37(1) An order of the Board or a certified copy of it may be filed with the Registrar of Land Titles for the appropriate land registration district and, on payment of the proper fee, the Registrar shall register the order and endorse a memorandum of its registration on the certificate of title to the land affected.

(2) When a certificate of title to land is endorsed with a memorandum of the registration of an order of the Board and a notice is given to the Registrar of Land Titles for the appropriate land registration district by a member of the Board stating that no part of the land described in the certificate is, according to the records of the Board, affected by the order referred to in the memorandum, the notice may be registered by the Registrar without fee, and on registration the endorsement of the memorandum on the certificate of title shall be cancelled.

(48) Amends chapter S-29.1 of the Statutes of Alberta, 1987. Sections 30(5), 31(3), 38(1), 41(1) and 43(1) and (3) presently read:

30(5) The Director shall, forthwith after the confirmation under subsections (2) and (4), file 1 copy of the official plan with the Registrar for the registration district within which the surveyed land is situated.

31(3) The Director shall, forthwith after the confirmation under subsection (2), file 1 copy of the official plan with the Registrar for the registration district within which the surveyed land is situated.

38(1) The Director shall, forthwith after the confirmation under section 36(2), file 1 copy of the official plan of the re-survey with the Registrar of the registration district within which the re-surveyed land is situated.

41(1) If a surveyor does a survey for a plan that is required to be registered in the Land Titles Office for the registration district in which the land is situated, the surveyor shall

(a) mark the positions of the boundary lines to be established by placing monuments

(i) at every change of direction and the beginning and end of every curve, and

(ii) at every intersection of the boundary lines with every surveyed boundary of the parcels affected by the new survey.

and

(49) The Turner Valley Unit Operations Act is amended in section 17(1)(a) and (4) by striking out “of the South Alberta Land Registration District” wherever it occurs.

(50) The Water Resources Act is amended in section 18(3) by striking out “for the land registration district in which the affected land is situated”.

- (b) *make all measurements necessary to show the positions of the monuments placed and the boundary lines to be established, relative to the existing surveyed boundary lines of the parcels affected.*

43(1) Notwithstanding anything in this Act, a surveyor may, without placing the monuments required by section 41(1), submit a plan for registration at the Land Titles Office in the registration district in which the land is situated, if the survey meets the requirements established in the regulations.

(3) A surveyor who submits for registration a plan pursuant to subsection (1) shall, within 1 year from its registration or within a longer period of time specified by the Director,

- (a) place the monuments required by section 41(1) in accordance with the survey control markers and the co-ordinates shown on the plan, and*
- (b) file with the Registrar for the land registration district in which the land is situated proof under oath, in the prescribed form, of having done so.*

(49) Amends chapter T-12 of the Revised Statutes of Alberta 1980. Section 17(1) and (4) presently read:

17(1) A unit operation order and any amending order may be filed against the title to the oil and gas in the unit

- (a) with the Registrar of Land Titles of the South Alberta Land Registration District, or*
- (b) if the unit contains oil and gas that are the property of the Crown, with the Minister of Energy.*

(4) When a unit operation order or an amending order is rescinded, the Board shall send copies of the rescinding order to the Minister and the Registrar of Land Titles of the South Alberta Land Registration District, and, if the unit operation order or an amending order has been registered, the Minister or Registrar shall, without further fees, enter the rescinding order and do any other things necessary to give effect to the filing thereof.

(50) Amends chapter W-5 of the Revised Statutes of Alberta 1980. Section 18(3) presently reads:

(3) If it appears to the Minister from the application, plans or other information available to him

- (a) that land, other than land owned or occupied by the applicant, may or will be affected by the works,*
- (b) that it would place an undue burden on the applicant to require him to obtain any right of way in connection with the works, and*
- (c) that the registered owner and all other persons shown on the certificate of title to the land that may or will be*

(51) This section comes into force on Proclamation.

Marriage Act

Amends RSA
1980 cM-6

6 The Marriage Act is amended by repealing section 29(e).

Societies Act

Amends RSA
1980 cS-18

7(1) The Societies Act is amended by this section.

(2) Section 22 is amended by adding the following after subsection (2):

(3) Notwithstanding anything in this section, where there is a change

(a) in the membership of the officers or directors of a society, or

(b) in the name, address or occupation of an officer or director of a society,

the society shall, within 30 days from the day that the change occurs, give notice to the Registrar in a form acceptable to the Registrar setting out the change.

affected by the works as having an interest in the land have consented in writing to the construction, operation and maintenance of the works and to the registration in the Land Titles Office of a certificate issued in respect of the land pursuant to this subsection,

the Minister may grant an interim licence under subsection (1) and shall, on granting the interim licence, forthwith forward to the Registrar of Titles for the land registration district in which the affected land is situated a certificate signed by him

- (d) stating that the interim licence has been issued,*
- (e) stating the date of the interim licence and the name and address of the licensee.*
- (f) containing a description of the land on which the works will be located, and*
- (g) containing a description of the land that may or will be affected by the works*

(51) Coming into force.

Marriage Act

6 Amends chapter M-6 of the Revised Statutes of Alberta 1980. Section 29(e) presently reads:

29 The Minister may make regulations

- (e) authorizing every Indian agent in Alberta to act by virtue of his office as issuer of marriage licences for the Indians under his jurisdiction;*

Societies Act

7(1) Amends chapter S-18 of the Revised Statutes of Alberta 1980.

(2) Section 22 presently reads:

22(1) In this section, "anniversary month" means the month in each year that is the same as the month in which the certificate of incorporation of the society was issued.

(2) A society shall each year, on or before the last day of the month immediately following its anniversary month, make a return to the Registrar containing

- (a) the address of the registered office of the society,*
- (b) the full name, address and occupation of each officer and director of the society.*

Vital Statistics Act

Amends RSA
1980 cV-4

8(1) The Vital Statistics Act is amended by this section.

(2) Section 1(l) is repealed.

(3) Section 18(5) is amended by striking out “and countersigned by a medical examiner”.

(4) Section 49(m) is repealed.

- (c) any information respecting the members of the society that may be required by regulations under the Agricultural and Recreational Land Ownership Act and section 35 of the Citizenship Act (Canada) in the form and manner prescribed by those regulations, and*
- (d) the audited financial statement presented at the last annual general meeting of the society.*

Vital Statistics Act

8(1) Amends chapter V-4 of the Revised Statutes of Alberta 1980.

(2) Section 1(l) presently reads:

l In this Act,

- (l) "Indian" means an Indian within the meaning of the Indian Act (Canada), but does not include an enfranchised Indian;*

(3) Section 18(5) presently reads:

(5) When a death occurs outside Alberta and the burial or other disposition of the body is to take place in Alberta, a burial permit or any other document that is prescribed under the law of Alberta or country in which death occurs, signed by the district registrar or other proper officer and countersigned by a medical examiner, is sufficient authority for the burial or other disposition of the body.

(4) Section 49(m) presently reads:

49 The Minister may make regulations

- (m) authorizing every Indian agent in Alberta to act ex officio as district registrar for the Indians under his jurisdiction;*