

1998 BILL 34

Second Session, 24th Legislature, 47 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 34

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1998

MR. KLAPSTEIN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 34
Mr. Klapstein

BILL 34

1998

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1998

(Assented to _____, 1998)

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

Amends SA
1994 cM-26.1

1 The *Municipal Government Act* is amended by this Act.

**2 Section 8 is amended by adding the following after
clause (c):**

- (c.1) establish and specify the fees, rates, fares, tariffs or charges
that may be charged for the hire of taxis or limousines;

3 The following is added after section 27:

Forestry roads

27.1(1) In this section and sections 27.2 to 27.5,

- (a) “agreement holder” means the person who has
entered into an agreement with a municipality under
section 27.2;

- (b) “former forestry road” means a road within a
municipality that was formerly designated as a
forestry road by the Minister of Transportation and
Utilities pursuant to section 14 of the *Public
Highways Development Act*.

(2) No person may use a former forestry road for
commercial or industrial purposes unless the person is
authorized to use the road for a commercial or industrial
purpose under an agreement referred to in section 27.2.

(3) Nothing in this section prevents a person from using a
former forestry road for a purpose other than a commercial
or industrial purpose.

Explanatory Notes

- 1** Amends chapter M-26.1 of the Statutes of Alberta, 1994.
- 2** Setting taxi and limousine tariffs.
- 3** Establishes a municipal power to enter into former forestry road maintenance agreements.

Forestry road
agreement

27.2 A municipality may enter into an agreement with a person with respect to a former forestry road that

- (a) authorizes the person to use the road for commercial and industrial purposes,
- (b) authorizes the person
 - (i) to allow others to use the road for commercial or industrial purposes, and
 - (ii) to charge those others a fee for such use,
- (c) requires the person to maintain the road according to specifications or standards referred to in the agreement and to be responsible for capital improvements to the road, and
- (d) deals with any other matter concerning the road that the parties consider appropriate.

Fees charged
to other users

27.3(1) An agreement holder may not charge a person who uses a former forestry road for a commercial or industrial purpose an amount that exceeds a reasonable fee based on the increased maintenance and administrative costs of the agreement holder as a result of the person's use of the road.

(2) If there is a dispute concerning the amount of the reasonable fee, the matter must be referred to the Minister, and the Minister or a person selected by the Minister must determine the amount of the fee.

(3) The decision of the Minister or the person selected by the Minister is final and binding.

Failure to
maintain road

27.4(1) If the agreement holder does not maintain the former forestry road in accordance with the agreement and the municipality incurs costs in maintaining the road, the costs incurred by the municipality are an amount owing by the agreement holder to the municipality.

(2) An amount owing to a municipality under subsection (1) may be added to the municipality's tax roll on any property for which the agreement holder is the assessed person.

Unauthorized
commercial or
industrial use

27.5(1) A person who contravenes section 27.1(2) is liable to pay to the agreement holder, for each day that the contravention occurs, 5% of the agreement holder's cost of maintaining and adding capital improvements to the former

forestry road in the calendar year preceding the contravention.

(2) The agreement holder may collect the amount it is owed under subsection (1) by civil action for debt.

Existing
agreements

27.6 Where an order designating a road as a forestry road under section 14 of the *Public Highways Development Act* is repealed, any existing agreements made by the Minister of Transportation and Utilities in respect of the road are deemed to be agreements made by the municipality in which the road exists.

4 The following is added after section 47:

Utility Services Provided by Municipal Subsidiaries

Aqualta Inc.

47.1(1) Sections 43 to 47 apply in respect of a utility service provided by Aqualta Inc.

(2) Part 2 of the *Public Utilities Board Act* does not apply in respect of a public utility that

(a) is owned or operated by Aqualta Inc., and

(b) provides a utility service within the boundaries of the City of Edmonton.

(3) If there is a dispute between a regional services commission and Aqualta Inc. with respect to

(a) rates, tolls or charges for a service that is a public utility,

(b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or

(c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,

any party involved in the dispute may submit it to the Public Utilities Board, and the Public Utilities Board may issue an order on any terms and conditions that the Public Utilities Board considers appropriate.

4 Aqualta Inc.

5 Section 134 is amended by striking out “Minister” and substituting “Lieutenant Governor in Council”.

6 Section 135(4) is repealed and the following is substituted:

- (4) The Lieutenant Governor in Council may
- (a) authorize the council of the new municipal authority to impose an additional tax under Part 10 on the area of land to meet obligations under a borrowing made by the old municipal authority in respect of that area of land, or
 - (b) make any provision necessary to protect any rights that any person has in relation to the area of land.
- (4.1) The Minister may direct the transfer of assets and liabilities from one municipal authority to another.

7 Section 166 is repealed and the following is substituted:

Minister orders
by-election

- 166** If a vacancy must be filled by by-election under section 162 or 163 and a by-election is not held within 90 days after the vacancy occurs, the Minister may by order
- (a) set another date for the by-election;
 - (b) extend the time for filling that vacancy to the next general election;
 - (c) reduce the quorum for council;
 - (d) direct the chief administrative officer to conduct the by-election;
 - (e) take any other action the Minister considers necessary.

8 The following is added after section 185:

5 Section 134 presently reads:

134 If the liabilities of the dissolved municipality exceed its assets, the Minister may authorize the successor of the dissolved municipality to impose an additional tax under Part 10 on property located in the area of the dissolved municipality to pay for those excess liabilities.

6 Section 135(4) presently reads:

(4) The Minister may

- (a) authorize the council of the new municipal authority to impose an additional tax under Part 10 on the area of land to meet obligations under a borrowing made by the old municipal authority in respect of that area of land,*
- (b) make any provision necessary to protect any rights that any person has in relation to the area of land, or*
- (c) direct the transfer of assets and liabilities from one municipal authority to another.*

7 Section 166 presently reads:

166 If a vacancy must be filled under section 162 or 163 and the council is unable to or does not within a reasonable time hold a by-election to fill the vacancy, the Minister may by order direct the chief administrative officer to conduct a by-election to fill the vacancy.

8 Vote by secret ballot.

Secret ballot

185.1(1) Despite sections 185 and 197, at a meeting at which a council

(a) establishes a council committee or other body under section 145, or

(b) appoints a chief elected official under section 150,

a secret ballot must be held if requested by any councillor present at the meeting.

(2) A vote by secret ballot under subsection (1) must be confirmed by a resolution of council.

9 The following is added after section 205:

Performance
evaluation

205.1 A council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities under section 207.

10 Section 208 is amended

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

(o) the council is advised in writing of its legislative responsibilities under this Act.

(b) in subsection (2)

(i) by adding "and (o)" after "(1)(a) to (d)";

(ii) by striking out "delegated to it" and substituting "delegated to them".

11 Section 231(1) is repealed and the following is substituted:

Petition for
vote on
advertised
bylaws and
resolutions

231(1) Except for a bylaw under section 22 or a bylaw or resolution under Part 17, after a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.

9 Council must provide chief administrative officer with performance evaluation.

10 Section 208 presently reads in part:

208(1) The chief administrative officer must ensure that

(n) public auctions held to recover taxes are carried out in accordance with Part 10.

(2) Subsection (1)(a) to (d) apply to the chief administrative officer in respect of council committees that are carrying out powers, duties or functions delegated to it by the council.

11 Section 231(1) presently reads:

231(1) After a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, except a bylaw or resolution under Part 17, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.

12 Section 241(a)(ii) is amended by striking out “less than 5 years” and substituting “5 years or less”.

13 Section 257 is amended

- (a) in subsection (1) by striking out “does not exceed 5 years” and substituting “is 5 years or less”;**
- (b) by repealing subsection (3).**

14 Section 267 is repealed.

15 Section 284(1) is amended

12 Section 241(a)(ii) presently reads:

241 In this Part,

(a) "borrowing" means the borrowing of money and includes

(ii) a lease of capital property with a fixed term beyond 5 years or a fixed term of less than 5 years but with a right of renewal that would, if exercised, extend the original term beyond 5 years, and

13 Section 257 presently reads:

257(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing does not exceed 5 years.

(2) The expenditure for the capital property must be included in a budget.

(3) The amount to be borrowed, together with the unpaid principal of other borrowings made for the purpose of financing a capital property that have a term not exceeding 5 years, must not exceed 30% of the amount that the municipality estimates will be raised in taxes in the year that the borrowing is made.

(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

14 Section 267 presently reads:

267 A municipality may only lend money to a non-profit organization or guarantee a loan between a lender and a non-profit organization

(a) if the amount of the money lent or the loan that is guaranteed, together with

(b) the unpaid principal of other loans made to non-profit organizations and the unpaid principal of other loans of non-profit organizations that have been guaranteed,

do not exceed 30% of the amount that the municipality estimates will be raised in taxes in the year the loan or guarantee is made.

15 Section 284(1) presently reads in part:

(a) by adding the following after clause (f):

(f.1) “designated manufactured home” means a manufactured home, mobile home, modular home or travel trailer;

(b) in clause (j)(iii) by striking out “mobile unit” and substituting “designated manufactured home”;

(c) by repealing clauses (m) and (n) and substituting the following:

(m) “manufactured home” means any structure, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed the Canadian Standards Association standard CSA Z240 and that is used as a residence or for any other purpose;

(n) “manufactured home community” means a parcel of land that

(i) is designated in the land use bylaw of a municipality as a manufactured home community, and

(ii) includes at least 3 designated manufactured home sites that are rented or available for rent;

(n.1) “mobile home” means a structure that is designed to be towed or carried from place to place and that is used as a residence or for any other purpose, but that does not meet Canadian Standards Association standard CSA Z240;

(n.2) “modular home” means a home that is constructed from a number of pre-assembled units that are intended for delivery to and assembly at a residential site;

(d) in clause (q) by striking out “mobile unit” wherever it occurs and substituting “designated manufactured home”;

(e) by adding the following after clause (w):

(w.1) “travel trailer” means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a road;

16 Section 295 is amended by renumbering it as section 295(1) and by adding the following after subsection (1):

284(1) *In this Part and Parts 10, 11 and 12,*

(j) *“improvement” means*

(iii) *a mobile unit, and*

(m) *“mobile home park” means a parcel of land that*

(i) *is designated in the land use bylaw of a municipality as a mobile home park, and*

(ii) *includes at least 5 mobile unit sites that are rented or available for rent;*

(n) *“mobile unit” means a structure that is designed to be towed or carried from place to place and used as a residence or for any other purpose;*

(q) *“owner”, in respect of a mobile unit, means the owner of the mobile unit and not the person in lawful possession of it;*

16 Section 295 presently reads:

(2) An agency accredited under the *Safety Codes Act* must release, on request by the assessor, information or documents respecting a permit issued under the *Safety Codes Act*.

(3) An assessor may request information or documents under subsection (2) only in respect of a property within the municipality for which the assessor is preparing an assessment.

(4) No person may make a complaint under section 460 or, in the case of linear property, under section 492(1), about an assessment if the person has failed to provide the information requested under subsection (1) in respect of the assessment on or before February 15 of the year following the assessment year.

17 Section 298(1) is amended

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

(r) linear property forming part of a rural gas distribution system and gas conveyance pipelines situated in a rural municipality where that linear property is owned by a municipality or a rural gas co-operative association organized under the *Rural Utilities Act*, but not including gas conveyance pipelines owned by rural gas co-operative associations

(i) from the regulating and metering station to an industrial customer consuming more than 10 000 gigajoules of gas during any period that starts on November 1 in one year and ends on October 31 in the next year and that precedes the year in which the assessment for those pipelines is to be used for the purpose of imposing a tax under Part 10, or

(ii) that serve or deliver gas to

(A) a city, town, village, summer village or hamlet, or

(B) an urban service area as defined in an order creating a specialized municipality

that has a population of more than 500 people;

295 A person must provide, on request by the assessor, any information necessary for the assessor to prepare an assessment or determine if property is to be assessed.

17 Section 298(1) presently reads in part:

298(1) No assessment is to be prepared for the following property:

(r) linear property forming part of a rural gas distribution system where that gas distribution system is

(i) owned by a municipality or a rural gas co-operative association organized under the Rural Utilities Act, or

(ii) subject to a franchise area approval under the Rural Gas Act

but not including gas pipelines owned by rural gas co-operative associations

(iii) from the regulating and metering station to an industrial customer consuming more than 10 000 gigajoules of gas during any period that starts on November 1 in one year and ends on October 31 in the next year and that precedes the year in which the assessment for those pipelines is to be used for the purpose of imposing a tax under Part 10, or

(iv) that serve or deliver gas to

(A) a city, town, village, summer village or hamlet, or

(r.1) linear property forming part of a rural gas distribution system where that gas distribution system is subject to a franchise area approval under the *Gas Distribution Act*;

(b) by repealing clause (aa) and substituting the following:

(aa) designated manufactured homes held in storage and forming part of the inventory of a manufacturer of or dealer in designated manufactured homes;

(bb) travel trailers that are

(i) not connected to any utility services provided by a public utility, and

(ii) not attached or connected to any structure.

18 Section 304 is amended

(a) in subsection (1)

(i) in column 1 in clause (c) by striking out “a parcel of land and the improvements to it” and substituting “a parcel of land, an improvement or a parcel of land and the improvements to it”;

(ii) in column 2 by repealing clause (c) and substituting the following:

(c) the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;

(iii) by repealing clause (j) and substituting the following:

(B) an urban service area as defined in an order creating a specialized municipality

that has a population of more than 500 people;

(aa) mobile units

(i) held in storage and forming part of the inventory of a manufacturer or dealer of mobile units, or

(ii) intended for vacation use and licensed and equipped to travel on a public highway.

18 Section 304 presently reads in part:

304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

<i>Column 1</i> <i>Assessed property</i>	<i>Column 2</i> <i>Assessed person</i>
<i>(c) a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Alberta or Canada or a municipality;</i>	<i>(c) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder or, if the parcel of land and improvements that were the subject of a lease, licence or permit have been sold under an agreement for sale, the purchaser under that agreement;</i>
<i>(k) a mobile unit located on a parcel of land that is not owned by the owner of the mobile unit together with any other improvements located on the site that are owned or occupied by the person occupying the mobile unit.</i>	<i>(k) the owner of the mobile unit if the municipality passes a bylaw to that effect.</i>

- (j) a designated manufactured home on a site in a manufactured home community and any other improvements located on the site and owned or occupied by the person occupying the designated manufactured home;
- (j) the owner of
 - (i) the designated manufactured home, or
 - (ii) the manufactured home community if the municipality passes a bylaw to that effect;

(iv) in clause (k) by striking out “mobile unit” wherever it occurs and substituting “designated manufactured home”;

(b) in subsection (6) by striking out “and” at the end of clause (a) and adding the following after clause (b):

(c) must indicate the criteria used to designate the assessed person, and

(d) may apply to one or more manufactured home communities.

(c) in subsection (7) by striking out “mobile unit” wherever it occurs and substituting “designated manufactured home”.

19 Section 309(1)(d) is repealed and the following is substituted:

(d) the name and address of the designated officer with whom a complaint must be filed;

20 Section 313(2)(b) is repealed and the following is substituted:

(b) to all designated manufactured homes in the municipality.

21 Section 314 is amended by adding the following after subsection (2):

(6) A bylaw passed under subsection (1)(j)(ii)

(a) must be advertised, and

(b) has no effect until the beginning of the year commencing at least 12 months after the bylaw is passed.

(7) When a bylaw is passed under subsection (1)(j)(ii), the owner of the mobile unit is the assessed person for the purpose of making a complaint under section 460(1) relating to the mobile unit.

19 Section 309(1)(d) presently reads:

309(1) An assessment notice or an amended assessment notice must show the following:

(d) the address to which a complaint must be sent;

20 Section 313(2)(b) presently reads:

(2) A bylaw under subsection (1) must refer

(b) only to mobile units located in mobile home parks.

21 Supplementary assessment for a designated manufactured home.

(2.1) The assessor may prepare a supplementary assessment for a designated manufactured home that is moved into the municipality during the year in which it is to be taxed under Part 10 despite that the designated manufactured home will be taxed in that year by another municipality.

22 Section 317(e) is amended by adding “333.1 or” after “section”.

23 Section 326(b)(i) and (ii) are amended by striking out “section 362(c)” and substituting “section 362(1)(c)”.

24 The following is added after section 333:

Tax
agreements

333.1(1) The council of a municipality may make a tax agreement with an assessed person who occupies or manages

(a) the municipality’s property, including property under the direction, control and management of

(i) the municipality, or

22 Section 317(e) presently reads:

317 In this Division, “equalized assessment” means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects

(e) assessments of property in the municipality that is the subject of a tax agreement under section 360,

from the year preceding the year in which the equalized assessment is effective.

23 Section 326(b) presently reads:

326 In this Part,

(b) “student dormitory” means a housing unit

(i) that is used in connection with a purpose referred to in section 362(c), (d) or (e) or with a college incorporated under a private Act of the Legislature, and

(ii) the residents of which are students of a facility used in connection with a purpose referred to in section 362(c), (d) or (e) or with a college incorporated under a private Act of the Legislature,

but does not include a single family residence and the land attributable to that residence;

24 Tax agreements.

(ii) a non-profit organization that holds the property on behalf of the municipality,

or

(b) property for the purpose of operating a professional sports franchise.

(2) A tax agreement may provide that, instead of paying the taxes imposed under this Part and any other fees or charges payable to the municipality, the assessed person may make an annual payment to the municipality calculated under the agreement.

(3) A tax agreement under this section must provide that the municipality accepts payment of the amount calculated under the agreement in place of the taxes and other fees or charges specified in the agreement.

25 Section 334(1)(e) is repealed and the following is substituted:

(e) the name and address of the designated officer with whom a complaint must be filed;

26 Section 348(d)(ii) is amended by striking out “mobile unit in a mobile home park” and substituting “designated manufactured home in a manufactured home community”.

27 Section 354 is amended

(a) in subsection (4) by adding “unless subsection (5) applies” after “taxpayers”;

(b) by adding the following after subsection (4):

(5) If after sending out the tax notices the municipality discovers an error or omission that relates to the tax rates set by the property tax bylaw, the Minister may by order permit a municipality to revise the property tax bylaw and send out a revised tax notice.

25 Section 334(1)(e) presently reads:

334(1) A tax notice must show the following:

(e) the address to which a complaint must be sent;

26 Section 348(d)(ii) presently reads:

348 Taxes due to a municipality

(d) are a special lien

(ii) on goods, if the tax is a business tax, a well drilling equipment tax or a property tax imposed in respect of a mobile unit in a mobile home park.

27 Section 354(4) presently reads:

(4) The tax rates set by the property tax bylaw must not be amended after the municipality sends the tax notices to the taxpayers.

Special
provision of
property tax
bylaw

28 Section 357(1) is repealed and the following is substituted:

357(1) Despite anything in this Division, the property tax bylaw may specify a minimum amount payable as property tax.

(1.1) Despite section 353, a council may pass a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes.

29 Section 362 is amended

(a) by renumbering it as section 362(1);

(b) in subsection (1)

(i) by repealing clause (i);

(ii) in clause (n)

(A) by striking out “or” at the end of subclause (iii), by adding “or” at the end of subclause (iv) and by adding the following after subclause (iv):

(v) held by and used in connection with a society as defined in the *Agricultural Societies Act* or with a community association as defined in the regulations,

(B) by adding “and conditions” after “qualifications” and by adding “and that meets the qualifications and conditions” after “described”;

(iii) by adding the following after clause (o):

(p) a municipal seed cleaning plant constructed under an agreement authorized by section 11 of the *Agricultural Service Board Act*, to the extent of $\frac{2}{3}$ of the assessment prepared under Part 9 for the plant, but not including the land attributable to the plant.

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

(2) Except for properties described in subsection (1)(n)(i), (ii) or (iv), a council may by bylaw make any property that is exempt from taxation under subsection (1)(n) subject to

28 Section 357(1) presently reads:

357(1) Despite anything in this Division, the property tax bylaw

- (a) may specify a minimum amount payable as property tax, and*
- (b) may require taxes imposed in respect of mobile units located in mobile home parks to be paid by instalments, without the consent of the taxpayers.*

29 Section 362(n) presently reads:

362 The following are exempt from taxation under this Division:

- (n) property that is*
 - (i) owned by a municipality and held by a non-profit organization in an official capacity on behalf of the municipality,*
 - (ii) held by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,*
 - (iii) used for a charitable or benevolent purpose that is for the benefit of the general public, and owned by*
 - (A) the Crown in right of Alberta or Canada, a municipality or any other body that is exempt from taxation under this Division and held by a non-profit organization, or*
 - (B) by a non-profit organization,*
- or*
- (iv) held by a non-profit organization and used to provide senior citizens with lodge accommodation as defined in the Alberta Housing Act,*

and that meets the qualifications in the regulations and any other property that is described in the regulations;

Special
provision of
property tax
bylaw

28 Section 357(1) is repealed and the following is substituted:

357(1) Despite anything in this Division, the property tax bylaw may specify a minimum amount payable as property tax.

(1.1) Despite section 353, a council may pass a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes.

29 Section 362 is amended

(a) by renumbering it as section 362(1);

(b) in subsection (1)

(i) by repealing clause (i);

(ii) in clause (n)

(A) by striking out “or” at the end of subclause (iii), by adding “or” at the end of subclause (iv) and by adding the following after subclause (iv):

(v) held by and used in connection with a society as defined in the *Agricultural Societies Act* or with a community association as defined in the regulations,

(B) by adding “and conditions” after “qualifications” and by adding “and that meets the qualifications and conditions” after “described”;

(iii) by adding the following after clause (o):

(p) a municipal seed cleaning plant constructed under an agreement authorized by section 11 of the *Agricultural Service Board Act*, to the extent of $\frac{2}{3}$ of the assessment prepared under Part 9 for the plant, but not including the land attributable to the plant.

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

(2) Except for properties described in subsection (1)(n)(i), (ii) or (iv), a council may by bylaw make any property that is exempt from taxation under subsection (1)(n) subject to

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- (a) may specify a minimum amount payable as property tax, and*
- (b) may require taxes imposed in respect of mobile units located in mobile home parks to be paid by instalments, without the consent of the taxpayers.*

29 Section 362(n) presently reads:

362 The following are exempt from taxation under this Division:

- (n) property that is*
 - (i) owned by a municipality and held by a non-profit organization in an official capacity on behalf of the municipality,*
 - (ii) held by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,*
 - (iii) used for a charitable or benevolent purpose that is for the benefit of the general public, and owned by*
 - (A) the Crown in right of Alberta or Canada, a municipality or any other body that is exempt from taxation under this Division and held by a non-profit organization, or*
 - (B) by a non-profit organization,*
- or*
- (iv) held by a non-profit organization and used to provide senior citizens with lodge accommodation as defined in the Alberta Housing Act,*

and that meets the qualifications in the regulations and any other property that is described in the regulations;

taxation under this Division to any extent the council considers appropriate.

(3) A council proposing to pass a bylaw under subsection (2) must notify any person or group that will be affected of the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until one year after it is passed.

30 Section 365(2) is amended by striking out “section 362(n)(ii) and (iii) in respect of which a liquor licence” and substituting “section 362(1)(n) in respect of which a licence”.

31 Section 368(4) is amended by striking out “mobile unit” and substituting “designated manufactured home”.

32 Section 370 is amended

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

(c) describing other property that is exempt from taxation pursuant to section 362(1)(n), and respecting the qualifications and conditions required for the purposes of section 362(1)(n);

(b) in clause (d) by striking out “liquor”;

(c) by adding the following after clause (d):

(e) defining a community association for the purposes of this Act.

33 The following is added after section 374:

30 Section 365(2) presently reads:

(2) Despite subsection (1), property listed in section 362(n)(ii) and (iii) in respect of which a liquor licence that is specified in the regulations has been issued is exempt from taxation under this Division.

31 Section 368(4) presently reads:

- (4) When a mobile unit is moved out of a municipality,*
- (a) it becomes exempt from taxation by that municipality when it is moved, and*
 - (b) it becomes taxable by another municipality when it is located in that other municipality.*

32 Section 370(c) and (d) presently read:

- 370 The Minister may make regulations*
- (c) respecting the qualifications required for the purposes of section 362(n) and describing other property that is exempt from taxation pursuant to section 362(n);*
 - (d) specifying liquor licences for the purposes of section 365(2).*

33 Assessment not required.

Assessment
not required

374.1 Despite section 374(1)(a), a municipality is not required to prepare an assessment for any business in a class of business that is exempt from taxation under the business tax bylaw.

34 Section 375 is amended by adding the following after clause (c):

- (d) a business operated by a non-profit organization on property that is exempt from taxation under section 362(1)(n).

35 Section 410(c.1) is amended by striking out “expenses incurred” and substituting “all expenses incurred by the Government of Alberta”.

36 The following is added after section 416(2):

(2.1) When a parcel of land shown on a tax arrears list is land described in section 304(1)(c) in respect of another municipality, or in section 304(1)(d) or (e), the municipality may send a notice to any person who holds the parcel or a portion of it under a lease, licence or permit from the assessed person to pay the rent, licence fees or permit fees, as the case may be, to the municipality as they become due until the tax arrears have been paid.

(2.2) Not less than 14 days before a municipality sends a notice under subsection (2.1), it must send a notice to the

34 Section 375 presently reads:

375 The following are exempt from taxation under this Division:

- (a) a business operated by the Crown;*
- (b) an airport operated by a regional airports authority created under section 5(2) of the Regional Airports Authorities Act;*
- (c) property*
 - (i) owned by a municipality and used solely for the operation of an airport by the municipality, or*
 - (ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee.*

35 Section 410(c.1) presently reads:

410 In this Division,

- (c.1) “remedial costs” means expenses incurred to perform work under an environmental protection order or an enforcement order issued under the Environmental Protection and Enhancement Act;*

36 Collection of rents to pay tax arrears.

assessed person advising the person of the municipality's intention to proceed under subsection (2.1).

(2.3) Where a parcel of land described in section 304(1)(c) is held under a lease, licence or permit from the Crown in right of Alberta,

- (a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence or permit, as the case may be, and
- (b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) that are held by the Crown.

37 Section 423(1) is amended by striking out “and” at the end of clause (c) and by adding the following after clause (d):

- (e) a notice of lien filed pursuant to section 36 of the *Rural Utilities Act*, and
- (f) a notice of lien filed pursuant to section 15 of the *Rural Electrification Loan Act*.

38 Section 424(3) is amended by striking out “and” at the end of clause (c) and by adding the following after clause (d):

- (e) a notice of lien filed pursuant to section 36 of the *Rural Utilities Act*, and
- (f) a notice of lien filed pursuant to section 15 of the *Rural Electrification Loan Act*.

37 Section 423(1) presently reads:

423(1) A person who purchases a parcel of land at a public auction acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,*
- (b) irrigation or drainage debentures,*
- (c) registered easements and instruments registered pursuant to section 72 of the Land Titles Act, and*
- (d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act.*

38 Section 424(3) presently reads:

(3) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,*
- (b) irrigation or drainage debentures,*
- (c) registered easements and instruments registered pursuant to section 72 of the Land Titles Act, and*
- (d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act.*

39 Section 428.2(4) is amended by striking out “and” at the end of clause (c) and by adding the following after clause (d):

- (e) a notice of lien filed pursuant to section 36 of the *Rural Utilities Act*, and
- (f) a notice of lien filed pursuant to section 15 of the *Rural Electrification Loan Act*.

40 The following is added after section 436:

**Division 8.1
Recovery of Taxes Related to
Designated Manufactured Homes**

Interpretation

436.01 In this Division,

- (a) “financing change statement” means a financing change statement as defined in the *Personal Property Security Act*;
- (b) “financing statement” means a financing statement as defined in the *Personal Property Security Act*;
- (c) “register”, except where the context otherwise requires, means to register by means of a financing statement in the Registry in accordance with the *Personal Property Security Act* and the regulations made under that Act;
- (d) “Registry” means the Personal Property Registry;
- (e) “reserve bid” means the minimum price at which a municipality is willing to sell a designated manufactured home at a public auction;
- (f) “security interest” means a security interest as defined in the *Personal Property Security Act*;
- (g) “tax” means a property tax imposed in respect of property referred to in section 304(1)(j)(i) or (k);

39 Section 428.2(4) presently reads:

(4) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

- (a) encumbrances arising from claims of the Crown in right of Canada,*
- (b) irrigation or drainage debentures,*
- (c) registered easements and instruments registered pursuant to section 72 of the Land Titles Act, and*
- (d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act.*

40 Recovery of taxes related to designated manufactured homes.

Methods of
recovering
taxes in
arrears

- (h) “tax arrears list” means a tax arrears list prepared by a municipality under section 436.03(1)(a);
- (i) “tax recovery lien” means a charge to secure the amount of taxes owing to a municipality in respect of a designated manufactured home.

436.02(1) A municipality may attempt to recover tax arrears in respect of a designated manufactured home

- (a) in accordance with this Division, or
 - (b) subject to subsection (2), in accordance with Division 9 or with any other Act or common law right.
- (2) A municipality may start an action under subsection (1)(b) at any time before
- (a) the designated manufactured home is sold at a public auction under section 436.09, or
 - (b) the designated manufactured home is disposed of in accordance with section 436.15(a),

whichever occurs first.

Tax arrears list

436.03(1) A municipality must annually, not later than March 31,

- (a) prepare a tax arrears list that shows the designated manufactured homes in the municipality in respect of which there are tax arrears for more than one year, and that may also show the designated manufactured homes in the municipality in respect of which there are tax arrears for less than one year,
 - (b) register a tax recovery lien against each designated manufactured home shown on the tax arrears list, and
 - (c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.
- (2) A municipality must not register a tax recovery lien against a designated manufactured home in respect of which there exists a tax recovery lien registered from previous years unless that lien has first been discharged.
- (3) If a subsequent tax recovery lien is registered in error, it is deemed to be of no effect.

(4) The municipality must give written notice to the owner of each designated manufactured home shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home.

(5) The municipality must give written notice to the owner of each manufactured home community containing one or more designated manufactured homes shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home or homes.

Costs of
recovery

436.04(1) A municipality is responsible for the payment of the costs it incurs in carrying out the measures referred to in section 436.03, but it may add the costs to the tax roll in respect of the designated manufactured home shown on the tax arrears list.

(2) No person shall register a financing change statement to discharge the registration of a tax recovery lien against a designated manufactured home without the authorization of the municipality in whose favour the lien is registered.

(3) If a tax recovery lien is discharged in error, the municipality may, within 30 days of the discharge and without any administration fee charged by the Government of Alberta, re-register the tax recovery lien, which has the same effect as if the original tax recovery lien had not been discharged.

Removal of
designated
manufactured
home or
improvements

436.05 When a tax recovery lien has been registered against a designated manufactured home, no person shall remove from the site the designated manufactured home or any other improvements located on the site for which the owner of the designated manufactured home is also liable to pay the taxes, unless the municipality that registered the lien consents.

Right to pay
tax arrears

436.06(1) When a tax recovery lien has been registered against a designated manufactured home, any person may pay the tax arrears in respect of that designated manufactured home.

(2) On payment of the tax arrears under subsection (1), the municipality must register a financing change statement to discharge the registration of the tax recovery lien.

(3) A person may exercise the right under subsection (1) at any time before

(a) the designated manufactured home is sold at a public auction under section 436.09, or

- (b) the designated manufactured home is disposed of in accordance with section 436.15(a).

Right to collect
rent to pay tax
arrears

436.07(1) When a tax recovery lien has been registered against a designated manufactured home, the municipality may send a written notice to any person who rents or leases the designated manufactured home from the owner of the designated manufactured home, requiring that person to pay the rent or lease payments, as the case may be, to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the designated manufactured home advising the owner of the municipality's intention to proceed under subsection (1).

(3) The municipality must send a copy of the notice under subsection (2) to the owner of the manufactured home community where the designated manufactured home is located.

(4) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

Warning of
sale

436.08(1) Not later than August 1 of the year following preparation of the tax arrears list, the municipality must, in respect of each designated manufactured home shown on the tax arrears list, send a written notice to

- (a) the owner of the designated manufactured home,
- (b) the owner of the manufactured home community where the designated manufactured home is located, and
- (c) each person who has a security interest in or a lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home.

(2) The notice must state that if the tax arrears in respect of the designated manufactured home are not paid before March 31 in the next year, the municipality will offer the designated manufactured home for sale at a public auction.

(3) The notice under subsection (1) must be sent to the address shown on the records of the Registry for each person referred to in subsection (1)(c).

Offer of
designated
manufactured
home for sale

436.09(1) Each municipality must offer for sale at a public auction any designated manufactured home shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 436.08(2) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a designated manufactured home in respect of which the municipality has started an action under section 436.02(2) to recover the tax arrears before the date of the public auction.

(4) The municipality may enter into an agreement with the owner of a designated manufactured home shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the designated manufactured home need not be offered for sale under subsection (1) until

(a) the agreement has expired, or

(b) the owner of the designated manufactured home breaches the agreement,

whichever occurs first.

Reserve bid
and conditions
for sale

436.1 The council must set for each designated manufactured home to be offered for sale at a public auction,

(a) a reserve bid that is as close as reasonably possible to the market value of the designated manufactured home, and

(b) any conditions that apply to the sale.

Right to
possession

436.11(1) From the date on which a designated manufactured home is offered for sale at a public auction, the municipality is entitled to possession of the designated manufactured home.

(2) For the purposes of obtaining possession of a designated manufactured home, a designated officer may enter the designated manufactured home and take possession of it for and in the name of the municipality, and if in so doing the designated officer encounters resistance, the municipality may apply by originating notice to the Court of Queen's Bench for an order for possession of the designated manufactured home.

Advertisement
of public
auction

436.12(1) The municipality must advertise the public auction in at least one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 30 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each designated manufactured home to be offered for sale.

(3) Not less than 4 weeks before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1) to each person referred to in section 436.08(1).

Adjournment
of auction

436.13(1) The municipality may adjourn the holding of a public auction to any date within 2 months after the advertised date.

(2) If a public auction is adjourned, the municipality must

(a) post a notice in a place that is accessible to the public during regular business hours showing the new date on which the auction is to be held, and

(b) send a copy of the notice to each person referred to in section 436.08(1).

(3) If a public auction is cancelled as a result of the payment of the tax arrears, the municipality must

(a) post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled, and

(b) send a copy of the notice to each person referred to in section 436.08(1).

Unencumber-
ed ownership

436.14(1) A person who purchases a designated manufactured home at a public auction or pursuant to section 436.15(a) acquires the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges and other encumbrances are, as regard the purchaser, deemed performed.

(2) When a person purchases a designated manufactured home at a public auction or pursuant to section 436.15(a), the municipality must, in respect of any security interest in

or lien, writ, charge or other encumbrance against the designated manufactured home that exists on the date of sale as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or

(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) does not apply to a registration for which the purchaser is named as a debtor in a registered financing statement.

(4) Subsection (2) operates despite section 67.1 of the *Personal Property Security Act*.

(5) A designated manufactured home is sold at a public auction when the person who is acting as the auctioneer declares the designated manufactured home sold.

Right to sell or
dispose of
designated
manufactured
home

436.15 If a designated manufactured home is not sold at a public auction under section 436.09, the municipality may

(a) dispose of it

(i) by selling it at a price that is as close as reasonably possible to the market value of the designated manufactured home, or

(ii) by depositing in the account referred to in section 436.17(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the designated manufactured home under subclause (i),

or

(b) grant a lease in respect of it.

Payment of
tax arrears

436.16(1) If the tax arrears in respect of a designated manufactured home are paid before the municipality disposes of it under section 436.15(a) or while the designated manufactured home is being leased under section 436.15(b), the municipality must return the designated manufactured home to its owner.

(2) Before returning the designated manufactured home to its owner under subsection (1), the municipality must send a written notice

- (a) to each person referred to in section 436.08(1), and
- (b) if the municipality has leased the designated manufactured home under section 436.15(b), to the person leasing it.

(3) The notice must state that

- (a) the designated manufactured home will be returned to the owner after 30 days from the date of the notice, and
- (b) despite any provision to the contrary in a lease agreement in respect of the designated manufactured home, the lease expires 30 days after the date of the notice.

(4) Subsection (3) applies despite anything contained in the *Residential Tenancies Act*.

Separate
account for
sale proceeds

436.17(1) The money paid for a designated manufactured home at a public auction or pursuant to section 436.15(a)

- (a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of designated manufactured homes under this Division, and
- (b) must be paid out in accordance with this section and section 436.18.

(2) Money paid to a municipality as rent under a lease granted under section 436.15(b) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 436.18.

(3) The following must be paid first and in the following order:

- (a) the tax arrears in respect of the designated manufactured home;
- (b) any lawful expenses of the municipality in respect of the designated manufactured home;
- (c) an administration fee of 5% of the amount deposited in respect of the designated manufactured home pursuant to subsection (1), payable to the municipality.

(4) If there is any money remaining after payment of the tax arrears and costs listed in subsection (3), the municipality must notify the previous owner of the designated manufactured home that there is money remaining.

(5) If the municipality is satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality may pay the money remaining after the payments under subsection (3) to the previous owner of the designated manufactured home.

(6) If the municipality is not satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality must notify the previous owner that an application may be made under section 436.18 to recover all or part of the money.

Distribution of
surplus sale
proceeds

436.18(1) A person may apply by originating notice to the Court of Queen's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 436.17(1).

(2) An application under this section must be made within 5 years after

- (a) the date of the public auction, if the designated manufactured home was sold at a public auction, or
- (b) the date of a sale under section 436.15(a), if the designated manufactured home was sold under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

Payment of
undistributed
money to
municipality

436.19 If no application is made under section 436.18 within the 5-year period referred to in section 436.18, the municipality may, for any purpose, use the money deposited in accordance with section 436.17 that remains undistributed.

Transfer to
municipality
after 10 years

436.2(1) Despite anything in this Division, where a designated manufactured home has been offered for sale but not sold at a public auction and the municipality has not disposed of it under section 436.15(a) within 10 years following the date of the public auction,

- (a) sections 436.16, 436.17 and 436.18 cease to apply with respect to that designated manufactured home, and
- (b) the municipality becomes the owner of the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges or encumbrances are, as regards the municipality, deemed performed.

(2) When the municipality becomes the owner of a designated manufactured home under subsection (1), the municipality may, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

- (a) to amend the collateral description in the registration to exclude the designated manufactured home, or
- (b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) operates despite section 67.1 of the *Personal Property Security Act*.

Prohibited
bidding and
buying

436.21(1) When a municipality holds a public auction under section 436.09 or a sale under section 436.15(a), the auctioneer, the councillors, the chief administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any designated manufactured home offered for sale unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a designated manufactured home of which the municipality wishes to become the owner.

Manufactured
home moved
to another
municipality

436.22 If, after tax recovery proceedings affecting a designated manufactured home are started under this Division, the designated manufactured home is moved to another municipality or its site becomes part of another municipality,

- (a) the proceedings must be continued by that other municipality as if the designated manufactured home had always been included in it, and
- (b) the other municipality must pay to the municipality that commenced the proceedings, to the extent that the other municipality receives sufficient money to do so, the costs incurred by the original municipality in connection with the tax recovery proceedings.

Regulations

436.23 The Minister may make regulations

- (a) respecting the rights and obligations of a municipality in relation to its possession of a designated manufactured home under this Division;
- (b) respecting any other matter related to the recovery of taxes under this Division that the Minister considers necessary to carry out the intent of this Division.

Reporting requirements

436.24(1) Unless a municipality passes a bylaw to the contrary, the owner of a manufactured home community must provide monthly reports to the chief administrative officer or a designated officer of the municipality regarding

- (a) the ownership of all designated manufactured homes in the manufactured home community, including the serial numbers of the designated manufactured homes, and
- (b) the movement of all designated manufactured homes in and out of the manufactured home community.

(2) Despite subsection (1), a municipality may pass a bylaw requiring the owner of the manufactured home community to provide the reports required under subsection (1) to the municipality on the dates specified by the municipality, but not more than once a month.

41 Section 451 is amended by striking out “mobile unit in a mobile home park” and substituting “designated manufactured home in a manufactured home community”.

42 Section 454 is amended

- (a) in subsection (2)(a) by adding “unless subsection (2.1) applies” after “board”;

41 Section 451 presently reads:

451 Part 10 of the Civil Enforcement Act does not apply to a mobile unit in a mobile home park that has been seized under a distress warrant.

42 Section 454 presently reads:

(b) by adding the following after subsection (2):

(2.1) Subject to the conditions prescribed by the regulations, the council may appoint an assessment review board consisting of only one member.

43 Section 461(1) is amended by striking out “sent to” and substituting “filed with the designated officer at”.

44 Section 462 is amended by renumbering it as section 462(1) and adding the following after subsection (1):

(2) The notice period required under subsection (1)(b) may be reduced with the consent of all the persons who are to be notified under that subsection.

45 Section 467(1)(a) is amended by adding “or that does not comply with section 460(7)” after “time”.

46 Section 469(1) is amended by striking out “462(b)” and substituting “462(1)(b)”.

47 The following is added after section 484:

454(1) A council may by bylaw at any time, but must on receiving a complaint under section 461, establish one or more assessment review boards.

(2) The council must

- (a) appoint a minimum of 3 members to each assessment review board,*
- (b) prescribe the term of office of each member and the manner in which vacancies are to be filled, and*
- (c) prescribe the remuneration and expenses, if any, payable to each member.*

(3) The members of each assessment review board must choose a presiding officer from among themselves.

43 Section 461(1) presently reads:

461(1) A complaint must be sent to the address shown on the assessment or tax notice, not later than the date shown on that notice.

44 Section 462 presently reads:

462 If the complaint is to be heard by an assessment review board, the designated officer must

- (a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and*
- (b) at least 14 days before the hearing, notify the municipality, the complainant and any assessed person other than the complainant who is affected by the complaint of the date, time and location of the hearing.*

45 Section 467(1)(a) presently reads:

467(1) An assessment review board may make any of the following decisions:

- (a) dismiss a complaint that was not made within the proper time;*

46 Consequential to amendment to section 462.

47 Minister may make regulations.

Regulations

484.1 The Minister may make regulations

- (a) respecting the conditions under which a council may appoint an assessment review board consisting of only one member;
- (b) respecting the procedures and functions of assessment review boards;
- (c) respecting the jurisdiction of assessment review boards;
- (d) respecting the authority of assessment review boards to hear complaints and the manner in which the boards are to hear complaints;
- (e) respecting any other matter relating to assessment review boards.

48 Section 487 is amended

- (a) in subsection (1) by adding** “unless subsection (1.1) applies” **after** “panel of the Board”;
- (b) by adding the following after subsection (1):**

(1.1) Subject to the conditions prescribed by the regulations, the administrator may select one member of the Board to sit as a panel of the Board.

49 Section 491(1) is amended by striking out “and must be sent to” **and substituting** “and must be filed with”.

48 Section 487(1) presently reads:

487(1) The administrator must select any 3 or more members of the Board to sit as a panel of the Board.

49 Section 491(1) presently reads:

491(1) Any matter that is to be dealt with by a hearing before the Board must be in the form of a written statement and must be sent to the administrator within the following periods:

- (a) for a complaint about an assessment for linear property, not later than the date shown on the assessment notice;*
- (b) for an appeal relating to the amount of an equalized assessment, not later than December 1 of the year in which the equalized assessment is prepared;*
- (c) for an appeal from the decision of an assessment review, not later than 30 days after the decision is sent to the complainant.*

50 Section 492 is amended by adding the following after subsection (1):

(1.1) Any of the following may make a complaint about an assessment for linear property:

- (a) an assessed person;
- (b) a municipality, if the complaint relates to property that is within the boundaries of the municipality.

51 Section 494 is amended by renumbering it as section 494(1) and adding the following after subsection (1):

(2) The notice period required under subsection (1)(b) may be reduced with the consent of all of the persons who are to be notified under that subsection.

52 Section 505 is amended by striking out “494(b)” and substituting “494(1)(b)”.

53 The following is added after section 527:

Regulations

527.1(1) The Minister may make regulations respecting the conditions under which the administrator may appoint one member of the Board to sit as a panel of the Board.

(2) Despite any other provision in this Part, the Minister may, with respect to the Board’s jurisdiction to hear appeals from decisions of assessment review boards under section 488(1)(c), make regulations respecting

- (a) the procedures and functions of the Board;
- (b) the Board’s authority to hear appeals and the manner in which the Board is to hear appeals;
- (c) any remedies the Board may grant;
- (d) any other matter relating to the Board.

50 Persons who may make a complaint about a linear assessment.

51 Section 494 presently reads:

494 If a matter is to be heard by the Board, the administrator must

- (a) within 30 days after receiving a written statement under section 491(1), provide the municipality with a copy of the statement, and*
- (b) at least 14 days before the hearing, notify the municipality, the person who sent the written statement to the administrator and any assessed person who is affected by the matter to be heard of the date, time and location of the hearing.*

52 Consequential to amendment to section 494.

53 Minister may make regulations.

54 Section 553(1) is amended by adding the following after clause (g):

- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;

55 Section 557 is amended by striking out “or” at the end of clause (b), adding “, or” at the end of clause (c) and adding the following after clause (c):

- (d) section 436.05,

56 The following is added after section 602.38:

Providing
Minister with
copies and
information

602.381(1) The Minister may direct a commission to provide

- (a) a copy of any document in its possession, or
- (b) any information or statistics respecting the commission,

to the Minister within the time specified by the Minister.

(2) A commission must comply with a direction of the Minister under this section and provide the copy, information or statistics to the Minister without charge.

(3) This section does not apply to documents prepared or information acquired by a commission that is subject to any type of legal privilege, including solicitor-client privilege.

57 Section 664 is amended

- (a) in subsection (2) by striking out “easement, a caveat” and substituting “easement for the protection and enhancement of the environment, an easement”;
- (b) in subsection (3)
 - (i) by striking out “must”;

54 Unpaid costs for snow and ice removal may be added to the tax roll of a parcel of land.

55 Section 557 presently reads in part:

557 A person who contravenes or does not comply with

(c) an order under section 545, 546, 551 or 567

or who obstructs or hinders any person in the exercise or performance of his powers under Part 17 or the regulations under Part 17, is guilty of an offence.

56 Providing Minister with copies and information.

57 Section 664 presently reads:

664(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

(a) a swamp, gully, ravine, coulee or natural drainage course,

(ii) in clause (a) by adding “must” before “identify” and striking out “and”;

(iii) in clause (b) by adding “must” before “require” and adding “, whether or not the municipality has an interest in land that would be benefitted by the easement” after “municipality”;

(iv) by adding the following after clause (b):

(c) runs with the land on any disposition of the land,

(d) constitutes an interest in land in the municipality, and

(e) may be enforced by the municipality.

(c) by adding the following after subsection (3):

(4) An environmental reserve easement does not lapse by reason only of

(a) non-enforcement of it,

(b) the use of the land that is the subject of the easement for a purpose that is inconsistent with the purposes of the easement, or

(c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the easement.

(5) When an easement is presented for registration under subsection (2), the Registrar must endorse a memorandum of the environmental reserve easement on any certificate of title relating to the land.

(6) Despite section 52(3) of the *Land Titles Act*, an easement registered under subsection (2) may be removed only pursuant to section 658(3.1).

(7) An environmental reserve easement is deemed to be a condition or covenant for the purposes of section 52(3) and (5) of the *Land Titles Act*.

(8) Subject to subsection (7), this section applies despite section 52 of the *Land Titles Act*.

(9) A caveat registered under this section prior to the coming into force of subsections (4) to (8) is deemed to be

- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or*
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of*
 - (i) preventing pollution, or*
 - (ii) providing public access to and beside the bed and shore.*
- (2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement, a caveat may be registered against the land in favour of the municipality at a land titles office.*
- (3) The environmental reserve easement must*
 - (a) identify which part of the parcel of land the easement applies to, and*
 - (b) require that land that is subject to the easement remain in a natural state as if it were owned by the municipality.*

an environmental reserve easement registered under this section.

58 Section 694 is amended by adding the following after subsection (5):

(5.1) If the Natural Resources Conservation Board, Energy Resources Conservation Board or Alberta Energy and Utilities Board grants a licence, permit, approval or other authorization that refers to environmental or physical limitations with respect to the development of land, and regulations are made under section 618(4) with respect to the development of that land, the Lieutenant Governor in Council may make regulations

(a) requiring the developer to apply to the Registrar to register a caveat against the land subject to the limitation referred to in the licence, permit, approval or other authorization, and

(b) respecting the contents of the caveat.

(5.2) When a caveat is presented for registration under subsection (5.1), the Registrar must endorse a memorandum referring to the licence, permit, approval or other authorization on any certificate of title for land to which the limitations described in subsection (5.1) apply.

(5.3) A caveat that is registered pursuant to a regulation under subsection (5.1)(a) runs with the land.

(5.4) Sections 136 and 137 of the *Land Titles Act* do not apply to a caveat referred to in subsections (5.1), (5.2), (5.3) and (5.5).

(5.5) Section 8 of the *Canmore Undermining Review Regulation* (AR 114/97) is validated and is deemed to have been made under this section.

(5.6) The Lieutenant Governor in Council may make regulations respecting the exemption of The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore from liability with respect to the development of designated land, as defined in the *Canmore Undermining Review Regulation* (AR 114/97), by persons other than The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing

58 Section 694 presently reads:

694(1) The Lieutenant Governor in Council may make regulations

- (a) respecting applications for the subdivision and development of land;*
- (b) respecting subdivision and development standards and requirements;*
- (c) respecting the information to be contained in a subdivision authority's notice of a decision;*
- (d) respecting the additional municipal reserve, school reserve or municipal and school reserve that a subdivision authority may require to be provided under this Part;*
- (e) respecting the records to be kept by a subdivision authority and development authority;*
- (f) prescribing the conditions that a subdivision authority and a development authority are permitted to impose when granting subdivision or development approval in addition to those conditions permitted to be imposed under this Part;*
- (g) conferring or imposing, with or without conditions, any power or duty under the regulations to the Minister, the Municipal Government Board, a subdivision authority or a development authority;*
- (h) setting out distances for the purpose of section 678(2)(a);*
- (i) authorizing the Minister or his delegate to order either generally or specifically that all or part of the regulations under this subsection do not apply to all or part of Alberta.*

(2) A regulation under subsection (1)

- (a) may be called a subdivision and development regulation,*
- (b) may apply generally or specifically in Alberta, and*

duties for organizations established by The Town of Canmore.

(5.7) The *Canmore Undermining Exemption from Liability Regulation* (AR 113/97) is validated, is not repealed in accordance with section 603(2) and is deemed to have been made under this section.

59 Section 738 is repealed and the following is substituted:

Freedom of
Information
and Protection
of Privacy Act

738 On the coming into force of section 1(1)(p)(vi) of the *Freedom of Information and Protection of Privacy Act* as it relates to local public bodies that are local government bodies referred to in section 98(5)(a) of that Act,

(a) section 197(2) is repealed and the following is substituted:

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.

(b) the heading “Access to Information” preceding section 216 and sections 216,

- (c) *operates notwithstanding any other regulation or bylaw pursuant to this Part.*
- (3) *The Regulations Act does not apply to orders under subsection (1)(i).*
- (4) *The Lieutenant Governor in Council may make regulations governing the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically.*
- (5) *The Lieutenant Governor in Council may make regulations directing a municipality, with or without conditions, to amend its statutory plans and land use bylaw.*
- (6) *The Lieutenant Governor in Council may make regulations*
 - (a) *by which municipalities may define land in the vicinity of an airport for purposes of this section,*
 - (b) *prescribing how municipalities are to manage the use and development of land in the vicinity of an airport, and*
 - (c) *respecting the control, use and development of land in the vicinity of an airport.*
- (7) *A regulation under subsection (6)*
 - (a) *may be called a general airport vicinity protection area regulation, and*
 - (b) *may apply generally or specifically in Alberta.*

59 Section 738 presently reads:

738 On the coming into force of section 1(1)(p)(vi) of the Freedom of Information and Protection of Privacy Act

- (a) *the heading "Access to Information" preceding section 216 of this Act and sections 216 to 218, 299 to 301 and 561 of this Act are repealed, and*
- (b) *section 197(2) of this Act is amended by striking out "categories of information referred to in section 217(2)" and substituting "exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act".*

(NOTE: Section 1(1)(p)(vi) of the Freedom of Information and Protection of Privacy Act proclaimed in force with respect to educational bodies referred to in section

217(1), (2), (4) and (5), 218 and 561 are repealed;

(c) section 217(3) is amended by striking out “subsection (2)” and substituting “Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*”;

(d) the following is added after section 301:

Relationship to
Freedom of
Information
and Protection
of Privacy Act

301.1 Sections 299 to 301 prevail despite the *Freedom of Information and Protection of Privacy Act*.

60 The following regulations are repealed:

- (a) the *Aqualta Inc. Regulation* (AR 120/97);**
- (b) the *Chinchaga Regulation* (AR 178/97);**
- (c) the *Tax Agreement Regulation* (AR 147/97).**

61 The *Safety Codes Act* is amended in section 26(5) by adding “or any other” after “this”.

62(1) Sections 17(a), 18(a)(i) and (ii), 23, 29(a), (b)(i) and (ii) and (c), 30, 32, 33 and 34 are deemed to have come into force on December 31, 1997.

(2) Sections 22 and 24 are deemed to have come into force on January 1, 1998.

(3) Section 29(b)(iii) is deemed to have come into force on June 18, 1997.

(4) Sections 40 and 55 come into force on January 1, 1999.

98(3)(e), (f) and (g) of that Act September 1, 1998, with respect to educational bodies referred to in section 98(a), (b), (c) and (d) of that Act January 4, 1999, with respect to health care bodies referred to in section 98(4) of that Act October 1, 1998 and with respect to local government bodies referred to in section 98(5) of that Act October 1, 1999.)

60 Repeal of regulations passed under section 603 of the Act.

61 Consequential amendment.

62 Coming into force.