1999 BILL 14

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 14

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1999

MR. KLAPSTEIN

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

Bill 14
Mr. Klapstein

BILL 14

1999

MUNICIPAL GOVERNMENT AMENDMENT ACT

(Assented to

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

Amends SA 1994 cM-26.1

1 The *Municipal Government Act* is amended by

2 Section 1(1) is amended

(a) in clause (n) by striking out "section 284 **substituting** "section 284(1)(r)";

(b) in clause (y) by adding the following after su (ix):

(x) residential and commercial street lighting;

Explanatory Notes

1 Amends chapter M-26.1 of the Statutes of Alberta, 1994.

2 Section 1(1)(n) and (y) presently read:

1(1) In this Act,

(n) "market value" means the amount that a property, as defined in section 284(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

(y) "public utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

(i) water or steam;

(ii) sewage disposal;

(iii) public transportation operated by or on behalf of the municipality;

(iv) irrigation;

(v) drainage;

(vi) fuel;

(vii) electric power;

(viii) heat;

(ix) waste management;

3 Section 27.4(2) is repealed.

4 Section 54 is repealed and the following is sub

Providing services in other areas

54 A municipality may provide any service or th provides in all or part of the municipality

(a) in another municipal authority with the agr the other municipal authority, and

(b) in a part of a province adjoining Alberta agreement of the authority from that provir jurisdiction includes the provision of the s thing in that part of the province.

5 Section 72(1) is amended

(a) by striking out "and" **at the end of clause (a**

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

(a.1) in the case of land located in a province Alberta, the local government withi boundaries the land is located consents in the acquisition, and

6 The following is added before section 113:

Mediation

112.1 In this Division, "mediation" in resp annexation means a process involving a neutral mediator who assists the initiating municipal aut the one or more municipal authorities from whic is to be annexed, and any other person brought ir agreement of those municipal authorities, to reach mutually acceptable settlement of the matter by s negotiations, facilitating communication and ident issues and interests of the participants.

7 Section 117 is amended by renumbering it as 117(1) and by adding the following after subsectio

and includes the thing that is provided for public consumption, benefit, convenience or use;

3 Section 27.4(2) presently reads:

(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.

4 Section 54 presently reads:

54 A municipality may provide any service or thing that it provides in all or part of the municipality in another municipal authority with the agreement of the other municipal authority.

5 Section 72(1) presently reads:

72(1) A municipality may acquire an estate or interest in land outside its boundaries only if

(a) the council of the municipal authority in whose boundaries the land is located consents in writing to the acquisition or, in the case of a municipal authority that is an improvement district or special area, the Minister consents in writing to the acquisition, and

(b) after the written consent is given, the council that wishes to acquire the estate or interest in the land authorizes the acquisition.

6 Defines mediation.

7 Section 117 presently reads:

117 The municipal authorities from which the land is to be annexed must, on receipt of the notice under section 116, meet with the

(2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed must, during the negotiations, attempt to use mediation to resolve those matters.

8 Section 118(1) is amended by adding the following after clause (a):

(a.1) if there were matters on which there was no agreement, a description of the attempts to use mediation and, if mediation did not occur, the reasons for this,

9 Sections 6 to 8 do not apply in respect of annexations initiated before those sections come into force.

10 Section 284(1) is amended

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

(d) "assessor" means a person who has the qualifications set out in the regulations and

(i) is designated by the Minister to carry out the duties and responsibilities of an assessor under this Act, or

(ii) is appointed by a municipality to the position of designated officer to carry out the duties and responsibilities of an assessor under this Act,

and includes any person to whom those duties and responsibilities are delegated by the person referred to in subclause (i) or (ii);

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

(p) "operator", in respect of linear property, means

(i) for linear property described in clause (k)(iii)

initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

8 Section 118 presently reads:

118(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

(a) a list of the matters agreed on and those on which there is no agreement between the municipal authorities,

(b) a description of the public consultation processes involved in the negotiations, and

(c) a summary of the views expressed during the public consultation processes.

9 Transitional provision.

10 Section 284(1)(d) and (p) presently read:

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

(d) "assessor" means

(i) a person designated by the Minister, or

(ii) a person appointed by a municipality to the position of designated officer

to carry out the duties and responsibilities of an assessor under this Act, and includes any person to whom those duties and responsibilities are delegated by the person referred to in subclause (i) or (ii);

(p) "operator", in respect of linear property, means

(i) the owner of the linear property,

(ii) a person who has applied in writing to and been approved by the Minister as an operator of linear property,

(iii) for linear property described in clause (k)(iii)(A) or (B), the permittee or licensee as those terms are defined in the Pipeline Act, or

(A) the permittee or licensee, as those terms are defined in the *Pipeline Act*,

(B) the licensee, as defined in the *Oil and Gas Conservation Act*, or

(C) the person who has applied in writing to and been approved by the Minister as the operator,

or, where paragraphs (A), (B) and (C) do not apply, the owner, and

(ii) for other linear property,

(A) the owner, or

(B) the person who has applied in writing to and been approved by the Minister as the operator;

11 Section 292 is amended by repealing subsections (2), (3) and (4) and substituting the following:

(2) Each assessment must reflect

(a) the valuation standard set out in the regulations for linear property, and

(b) the specifications and characteristics of the linear property on October 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the linear property, as contained in

(i) the records of the Alberta Energy and Utilities Board, or

(ii) the report requested by the assessor under subsection (3).

(3) If the assessor considers it necessary, the assessor may request the operator of linear property to provide a report relating to that property setting out the information requested by the assessor.

(4) On receiving a request under subsection (3), the operator must provide the report not later than December 31.

(5) If the operator does not provide the report in accordance with subsection (4), the assessor must prepare the assessment

(iv) for linear property described in clause (k)(iii)(C) or (D), the operator of a battery as that phrase is defined in the regulations under the Oil and Gas Conservation Act;

11 Section 292 presently reads in part:

(2) Each assessment must reflect the valuation standard set out in the regulations for linear property.

(3) Each assessment must be based on a report provided by December 31 to the Minister by the operator of the linear property, showing

(a) the specifications and characteristics of the linear property on October 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the linear property,

(b) the legal descriptions of the parcels of land occupied by the linear property, where appropriate,

(c) the address to which assessment notices may be sent, and

(d) any other information requested by the Minister.

(4) If an operator of linear property does not provide the report required by subsection (3), the assessor must prepare the assessment using whatever information is available about the linear property.

using whatever information is available about the linear property.

12 Section 298(2) is amended by striking out "subsection (1)(r)(iii)" **and substituting** "subsection (1)(r)(i)".

13 Section 304(1)(f) is repealed and the following is substituted:

(f) property held under a lease, licence or permit for (i) working any minerals in or under the land referred to in the lease, licence or permit or in or under land in the vicinity of that land, (ii) drilling for oil, salt or natural gas, or (iii) operating a well for oil, salt or natural gas;	(f) the person who uses the property for the purpose indicated;

14 Section 326(a) is amended

(a) by repealing subclause (iv) and substituting the following:

(iv) the requisition of ambulance districts under the *Ambulance Services Act*, or

(b) by repealing subclause (v) and substituting the following:

(v) the amount required to be paid to a management body under section 7 of the *Alberta Housing Act*;

12 Section 298(2) presently reads:

(2) In subsection (1)(r)(iii), "industrial customer" means a customer that operates a factory, plant, works or industrial process related to manufacturing and processing.

13 Section 304(1)(f) presently reads:

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.

Column 1 *Assessed property*	*Column 2* *Assessed person*
(f) improvements to land held under a lease, licence or permit for *(i) working any minerals in or under the land or in or under land in the vicinity of it,* *(ii) drilling for oil, salt or natural gas, or* *(iii) operating a well for oil, salt or natural gas;*	*(f) the person who uses the improvements for the purpose indicated;*

14 Section 326(a) presently reads:

326 In this Part,

(a) "requisition" means

(i) repealed 1995 c24 s45,

(ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 158 of the School Act that is raised by imposing a rate referred to in section 158 of the School Act,

(iii) any part of the requisition of school boards under Part 6, Division 3 of the School Act,

15 Section 354(3.1) is amended by striking out "The" **and substituting** "Despite subsection (3), the".

16 Section 360 is amended by adding the following after subsection (4):

(4.1) If a tax agreement with the operator of a public utility that transports electricity by way of a transmission system, an electric distribution system, or both, provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is

(a) gr, or

(b) gr + (qu.ns x vpu),

where:

"gr" is the gross revenue received by the public utility under its distribution tariff for the year;

"qu.ns" is the quantity of electricity in respect of which system access service, distribution access service, or both, were provided during the year by means of the transmission system, the electric distribution system, or both, of the provider of the public utility;

"vpu" is the deemed value per unit quantity of electricity determined by the Alberta Energy and Utilities Board for that year for the electricity in respect of which system access service, distribution access service, or both, were so provided.

(4.2) In subsection (4.1), "distribution access service", "electric distribution system", "electricity", "system access service" and "transmission system" have the meanings given to them in the *Electric Utilities Act*.

17 Section 362(3) is amended by adding ", in writing," **after** "notify".

(iv) the requisition of hospital districts under the Hospitals Act, health regions under the Regional Health Authorities Act or ambulance districts under the Ambulance Services Act, or

(v) the amount required to be paid to a foundation under section 11.2 of the Senior Citizens Housing Act;

15 Section 354(3.1) presently reads:

(3.1) The tax rate set for the class referred to in section 297(1)(d) to raise the revenue required under section 353(2)(a) must be equal to the tax rate set for the class referred to in section 297(1)(b) to raise revenue for that purpose.

16 New subsections added to enable municipalities to tax the value of electricity being transported by a public utility under a tax agreement made under subsection (1).

17 Section 362(3) presently reads:

18 Section 363(3) is amended by adding ", in writing," **after** "notify".

19 Section 374(1) is amended

(a) in clause (b) by adding the following after subclause (i):

(i.1) assessment based on a percentage of the net annual rental value of the premises;

(b) in clause (c) by adding the following after subclause (i):

(i.1) for the assessment method referred to in clause (b)(i.1), the percentage of the net annual rental value;

(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.

18 Section 363(3) presently reads:

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

19 Section 374(1) presently reads:

374(1) The business tax bylaw must

(a) require assessments of businesses operating in the municipality to be prepared and recorded on a business assessment roll;

(b) specify one or more of the following methods of assessment as the method or methods to be used to prepare the assessments:

(i) assessment based on a percentage of the gross annual rental value of the premises;

(ii) assessment based on storage capacity of the premises occupied for the purposes of the business;

(iii) assessment based on floor space, being the area of all of the floors in a building and the area outside the building that are occupied for the purposes of that business;

(iv) assessment based on a percentage of the assessment prepared under Part 9 for the premises occupied for the purposes of the business;

(c) specify the basis on which a business tax may be imposed by prescribing the following:

(i) for the assessment method referred to in clause (b)(i), the percentage of the gross annual rental value;

(ii) for the assessment method referred to in clause (b)(ii), the dollar rate per unit of storage capacity;

(iii) for the assessment method referred to in clause (b)(iii), the dollar rate per unit of floor space;

(iv) for the assessment method referred to in clause (b)(iv), the percentage of the assessment;

(d) establish a procedure for pro-rating and rebating business taxes.

20 Section 387 is amended by striking out "parcel of land" **and substituting** "property".

21 Section 403 is amended by adding the following after subsection (2):

(3) If, after a local improvement tax rate has been set, it is discovered that the actual cost of the local improvement is higher than the estimated cost on which the local improvement tax rate is based, the council may revise, once only over the life of the local improvement, the rate with respect to future years so that the local improvement tax bylaw will raise sufficient revenue to pay the actual cost of the local improvement.

22 Section 423(1) is amended by striking out "and" **at the end of clause (e), adding** "and" **at the end of clause (f) and adding the following after clause (f):**

(g) liens registered pursuant to section 15 of the *Rural Electrification Long Term Financing Act.*

20 Section 387 presently reads:

387 The person liable to pay the tax imposed in accordance with a special tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.

21 Section 403 presently reads:

403(1) If, after a local improvement tax rate has been set, the council

(a) receives financial assistance from the Crown in right of Canada or Alberta or from other sources that is greater than the amount estimated when the local improvement tax rate was set, or

(b) refinances the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

the council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following a complaint under Part 11 or an appeal under Part 12 that is sufficient to reduce or increase the revenue raised by the local improvement tax bylaw in any year by more than 5%, the council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.

22 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,

(d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act,

(e) a notice of lien filed pursuant to section 36 of the Rural Utilities Act, and

23 Section 424(3) is amended by striking out "and" **at the end of clause (e), adding** "and" **at the end of clause (f) and adding the following after clause (f):**

(g) liens registered pursuant to section 15 of the *Rural Electrification Long Term Financing Act.*

24 Section 428.2(4) is amended by striking out "and" **at the end of clause (e), adding** "and" **at the end of clause (f) and adding the following after clause (f):**

(g) liens registered pursuant to section 15 of the *Rural Electrification Long Term Financing Act.*

25 Section 436.08(1) is amended by striking out "of the year".

(f) a notice of lien filed pursuant to section 15 of the Rural Electrification Loan Act.

23 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,

(d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act,

(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.

24 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,

(d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act,

(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.

25 Section 436.08(1) presently reads in part:

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

26 Section 460 is amended

(a) in subsection (2) by adding "and must be accompanied by the fee set by the council under section 481(1), if any" **after** "writing";

(b) by adding the following after subsection (8):

(8.1) Despite subsection (8), where a local improvement tax rate has been revised under section 403(3), a complaint may be made about the revised local improvement tax whether or not a complaint was made about the tax within the year after it was first imposed.

(8.2) A complaint under subsection (8.1) must be made within one year after the local improvement tax rate is revised.

27 Section 481 is amended

(a) in subsection (1) by striking out "The" **and substituting** "Subject to the regulations made pursuant to section 484.1(f), the";

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

(3) If

(a) the assessment review board makes a decision that is not in favour of the complainant, and

(b) on appeal, the Municipal Government Board makes a decision in favour of the complainant,

the fees paid by the complainant under subsection (1) must be refunded.

28 Section 484.1 is amended by adding the following after clause (e):

(f) setting maximum amounts for any fees that a council may set pursuant to section 481(1).

26 Section 460 presently reads in part:

460(1) A person wishing to make a complaint about any assessment or tax must do so in accordance with this section.

(2) A complaint must be in writing.

(8) A complaint about a local improvement tax must be made within one year after it is first imposed.

27 Section 481 presently reads:

481(1) The council may set fees payable by persons wishing to make complaints or to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board's decisions and other documents.

(2) If the assessment review board makes a decision in favour of the complainant, the fees paid by the complainant under subsection (1) must be refunded.

28 Section 484.1 presently reads:

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;

29 The following is added before section 528:

Acting under statutory authority

527.2 Subject to this and any other enactment, a municipality is not liable for damage caused by any thing done or not done by the municipality under the authority of this or any other enactment.

30 Section 541 is repealed and the following is substituted:

Definitions

541 In this Division,

(a) "emergency" includes a situation in which there is imminent danger to public safety or of serious harm to property;

(b) "structure" means a structure as defined in section 284.

31 Section 546 is amended by adding the following before subsection (1):

Order to remedy dangers and unsightly property

546(0.1) In this section,

(a) "detrimental to the surrounding area" includes causing the decline of the market value of property in the surrounding area;

(b) "unsightly condition",

(i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and

(ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

32 Section 547(1) is repealed and the following is substituted:

Review by council

547(1) A person who receives a written order under section 545 or 546 may by written notice request council to review the order within

(a) 14 days of the date the order is received in the case of an order under section 545, and

(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.

29 Protection from liability for municipalities acting under statutory authority.

30 Section 541 presently reads:

541 In this Division, "structure" means a structure as defined in section 284.

31 Adds definition that establishes examples of property in an "unsightly condition" that is "detrimental to the surrounding area".

32 Section 547(1) presently reads:

547(1) A person who receives a written order under section 545 or 546 may request council to review the order by written notice within 14 days of the date the order is received, or such longer period as a bylaw specifies.

(b) 7 days of the date the order is received in the case of an order under section 546,

or any longer period as specified by bylaw.

33 Section 548 is amended

(a) in subsection (1) by striking out "within 30 days of the date the decision is served on the person";

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

(1.1) The appeal must be made,

(a) in the case of an appeal of an order under section 545, within 30 days of the date the decision under section 547 is served on the person affected by the decision, and

(b) in the case of an appeal of an order under section 546, within 15 days of the date the decision under section 547 is served on the person affected by the decision.

34 Section 553 is amended

(a) by repealing subsection (1)(d) and (e);

(b) in subsection (2) by adding "under subsection (1)" **after** "to the tax roll of a parcel of land".

33 Section 548(1) presently reads:

548(1) A person affected by the decision of a council under section 547 may appeal to the Court of Queen's Bench within 30 days of the date the decision is served on the person if

(a) the procedure required to be followed by this Act is not followed, or

(b) the decision is patently unreasonable.

34 Section 553(1)(d) and (e) and (2) presently read:

553(1) A council may add the following amounts to the tax roll of a parcel of land:

(d) unpaid expenses and costs referred to in section 550(3) relating to a dangerous structure, excavation or hole in respect of the parcel or unsightly property on the parcel that are owing by the owner of the parcel;

(e) unpaid expenses, costs and remuneration referred to in section 551(5) if the parcel's owner caused the emergency and the cause of the emergency was located on all or a part of the parcel;

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land, the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

35 The following is added after section 553:

Adding amounts owing to property tax roll

553.1(1) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the tax roll of any property for which the person is the assessed person:

(a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;

(b) an agreement holder referred to in section 27.4(1) who owes money to the municipality under section 27.4(1);

(c) a person who owes money to the municipality under section 550(3) or 551(5).

(2) Subject to section 659, when an amount is added to the tax roll of property under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the property in favour of the municipality from the date it was added to the tax roll.

Adding amounts owing to business tax roll

553.2(1) In this section, "business tax roll" means the portion of a municipality's tax roll for taxable businesses.

(2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the business tax roll against any business operated by the person:

(a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;

(b) a person who owes money to the municipality under section 550(3) or 551(5).

35 Allows for certain amounts owing to a municipality to be added to the municipality's tax roll for property and businesses.

(3) Subject to section 659, when an amount is added to the business tax roll under subsection (2) against a business, the amount is deemed for all purposes to be a tax imposed under Division 3 of Part 10 from the date it was added to the tax roll.

36 Section 557 is amended by adding the following after clause (a.5):

(a.6) section 436.24,

37 Section 566 is amended

(a) by renumbering it as section 566(1);

(b) in subsection (1) by striking out "A person who" **and substituting** "Subject to subsection (2), a person who";

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

(2) The minimum fine for a person who is found guilty of contravening or not complying with an order under section 546 or 551 is $300.

38 Section 602.11(b) is repealed and the following is substituted:

36 Section 557 presently reads:

557 A person who contravenes or does not comply with

(a) a provision of this Division,

(a.1) a provision of Part 17 or the regulations under Part 17,

(a.2) a land use bylaw as defined in Part 17,

(a.3) an order under section 645,

(a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,

(a.5) a decision of a subdivision and development appeal board or the Municipal Government Board under Part 17,

(b) a direction or order of the Minister,

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

(d) section 436.05,

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.

37 Section 566 presently reads:

566 A person who is found guilty of an offence under this Act is liable to a fine of not more than $10 000 or to imprisonment for not more than one year, or to both fine and imprisonment.

38 Section 602.11 presently reads:

602.11 A commission may provide its services

(b) outside the boundaries of its members with the approval of the Minister and

(i) the municipal authority within whose boundaries the services are to be provided, and

(ii) in the case of services to be provided in a part of a province adjoining Alberta, the authority from that province whose jurisdiction includes the provision of the services in that part of the province.

39 The following is added after section 602.12:

Acquisition of land in adjoining province

602.125(1) A commission may acquire an estate or interest in land in a province adjoining Alberta only if the local government within whose boundaries the land is located consents in writing to the acquisition.

(2) This section does not apply when a commission acquires an option on land in a province adjoining Alberta, but it does apply when the commission exercises the option.

40 Section 616 is amended by adding the following after clause (m):

(m.1) "mediation" means a process involving a neutral person as a mediator who assists the parties to a matter that may be appealed under this Part and any other person brought in with the agreement of the parties to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the parties;

41 Section 619 is amended

(a) in subsection (5) by striking out "by filing a notice of appeal with the Board." **and substituting the following:**

by filing with the Board

(a) a notice of appeal, and

(b) a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.

(a) within the boundaries of its members, and

(b) outside the boundaries of its members with the approval of

(i) the Minister, and

(ii) the municipal authority within whose boundaries the services are to be provided.

39 Condition for the acquisition of land in an adjoining province by a regional services commission.

40 Definition.

41 Section 619 presently reads in part:

(5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Municipal Government Board by filing a notice of appeal with the Board.

(6) The Municipal Government Board, on receiving a notice of appeal under subsection (5),

(a) must commence a hearing within 60 days of receiving the notice of appeal and give a written decision within 30 days of concluding the hearing, and

(b) in subsection (6) by adding "and statutory declaration" **after** "notice of appeal" **wherever it occurs.**

42 The following is added after section 651:

Restrictive covenant

651.1(1) In this section, "restrictive covenant" means a condition or covenant under which land, or any specified portion thereof, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is subject to the restrictive covenant, and

(ii) that was issued to the person who granted the restrictive covenant,

(b) has the same force and effect as if it had been a condition or covenant registered under section 52 of the *Land Titles Act*,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the *Land Titles Act* governing the lapsing of caveats.

Encroachment agreements

651.2(1) In this section, "encroachment agreement" means an agreement under which a municipality permits the encroachment onto a road that is under the direction, control and management of the municipality of improvements made on land that is adjoining that road.

(2) Despite the *Land Titles Act* or any other enactment, a municipality may register a caveat under the *Land Titles Act* in respect of any encroachment agreement entered into by the municipality with the registered owner of a parcel of

(b) is not required to notify or hear from any person other than the applicant and the municipality against whom the appeal is launched.

42 Provides for restrictive covenants and encroachment agreements to be registered under the Land Titles Act.

land that adjoins a road that is under the direction, control and management of the municipality.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is adjoining the road, and

(ii) that was issued to the person who entered into the encroachment agreement with the municipality,

(b) has the same force and effect as if it had been an encroachment agreement registered under section 72.3 of the *Land Titles Act*,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the *Land Titles Act* governing the lapsing of caveats.

43 Section 690 is amended

(a) in subsection (1)

(i) by adding ", if it is attempting or has attempted to use mediation to resolve the matter," **before** "appeal the matter to the Municipal";

(ii) in clauses (a) and (b) by adding "and statutory declaration described in subsection (2)" **after** "of appeal";

(b) in subsection (2) by striking out "the efforts it has made to resolve matters with the municipality that adopted it." **and substituting the following:**

provide a statutory declaration stating

(a) the reasons why mediation was not possible,

(b) that mediation was undertaken and the reasons why it was not successful, or

(c) that mediation is ongoing and that the appeal is being filed to preserve the right of appeal.

43 Section 690 presently reads:

690(1) If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it and if it has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, it may appeal the matter to the Municipal Government Board by

(a) filing a notice of appeal with the Board, and

(b) giving a copy of the notice of appeal to the adjacent municipality

within 30 days of the passing of the bylaw to adopt or amend a statutory plan or land use bylaw.

(2) When appealing a matter to the Municipal Government Board, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and the efforts it has made to resolve matters with the municipality that adopted it.

(3) A municipality, on receipt of a notice of appeal under subsection (1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of

(c) in subsection (3)

(i) by adding "and statutory declaration" **before** "under subsection (1)(b)";

(ii) by striking out "statement setting out the actions it has taken and the efforts it has made to resolve matters with that municipality." **and substituting** "statutory declaration stating

(a) the reasons why mediation was not possible, or

(b) that mediation was undertaken and the reasons why it was not successful.

(d) in subsection (4)

(i) by striking out "under this section" **and substituting** "and statutory declaration under subsection (1)(a)";

(ii) by adding "and statutory declaration under subsection (1)(a)" **before** "until the date";

(e) in subsection (5) by striking out "under this section" **and substituting** "and statutory declaration under subsection (1)(a)".

44 Section 691(1) is amended by striking out "under section 690" **and substituting** "and statutory declaration under section 690(1)(a)".

appeal a statement setting out the actions it has taken and the efforts it has made to resolve matters with that municipality.

(4) When the Municipal Government Board receives a notice of appeal under this section, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the Board receives the notice of appeal until the date it makes a decision under subsection (5).

(5) If the Municipal Government Board receives a notice of appeal under this section, it must decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

(a) dismiss the appeal if it decides that the provision is not detrimental, or

(b) order the adjacent municipality to amend or repeal the provision if it is of the opinion that the provision is detrimental.

(6) A provision with respect to which the Municipal Government Board has made a decision under subsection (5) is,

(a) if the Board has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan or bylaw is amended in accordance with the decision, and

(b) if the Board has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Board under this section.

(8) The Municipal Government Board's decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

44 Section 691(1) presently reads:

691(1) The Municipal Government Board, on receiving a notice of appeal under section 690, must

(a) commence a hearing within 60 days of receiving the notice of appeal or a later time to which all parties agree, and

(b) give a written decision within 30 days of concluding the hearing.

45 The following is added after section 719:

Agreements under Border Areas Act

719.1 An agreement made by a municipality under section 2 or 3 of the *Border Areas Act* that is in force immediately before the coming into force of this section is continued as if it was made under this Act, subject to any provision of this Act that affects it.

46 The following is added after section 739:

Repeal

739.1 The *Border Areas Act* is repealed.

47(1) Section 10(b) is deemed to have come into force on December 31, 1998.

(2) Section 13 comes into force on December 31, 1999.

GOVERNMENT AMENDMENT: April 12, 1999

AMENDMENTS TO BILL 14

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1999

The Bill is amended as follows:

A Section 29 is amended by striking out the proposed section 527.2 and substituting the following:

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527.2 Subject to this and any other enactment, a municipality is not liable for damage caused by any thing done or not done by the municipality in accordance with the authority of this or any other enactment unless the cause of action is negligence or any other tort.

B Section 47 is amended by adding the following after subsection (1):

(1.1) Section 10(a) comes into force on January 1, 2000.

GOVERNMENT AMENDMENT NO. 2: April 21, 1999

AMENDMENTS TO BILL 14

MUNICIPAL GOVERNMENT AMENDMENT ACT, 1999

The Bill is amended as follows:

A The following is added after section 31:

31.1 The following is added after section 546:

Caveat

546.1(1) A municipality may register a caveat under the *Land Titles Act* in respect of an order made under section 545 or 546 dealing with a dangerous structure, excavation or hole or unsightly property against the certificate of title for the land that is the subject of the order.

(2) If a municipality registers a caveat under subsection (1), the municipality must discharge the caveat when the order has been complied with or when the municipality has performed the actions or measures referred to in the order.