

Bill 29
Ms Graham

BILL 29

2003

LAW OF PROPERTY AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cL-7

1 The *Law of Property Act* is amended by this Act.

**2 Section 43 is amended by adding the following after
subsection (4):**

(4.1) Sections 40 and 41 and subsections (2) and (5) of this
section do not apply to a high-ratio mortgage, as defined in the
regulations,

- (a) given to secure a loan under the *National Housing Act*
(Canada), or
- (b) insured by an insurer licensed under the *Insurance Act* to
undertake mortgage insurance in Alberta.

(4.2) Subsection (4) applies to mortgages entered into before
the coming into force of this subsection and to the renewal of
those mortgages and subsection (4.1) applies to high-ratio
mortgages entered into after the coming into force of this
subsection and to the renewal of those mortgages.

**3 Section 44 is amended by adding the following after
subsection (4):**

(4.1) This section does not apply in respect of a high-ratio mortgage, as defined in the regulations,

- (a) given to secure a loan under the *National Housing Act* (Canada), or
- (b) insured by an insurer licensed under the *Insurance Act* to undertake mortgage insurance in Alberta.

(4.2) Subsection (4) applies to mortgages entered into before the coming into force of this subsection and to the renewal of those mortgages and subsection (4.1) applies to high-ratio mortgages entered into after the coming into force of this subsection and to the renewal of those mortgages.

4 The following is added after section 50:

Regulations

50.1 The Lieutenant Governor in Council may make regulations defining “high-ratio mortgages” for the purposes of sections 43(4.1) and (4.2) and 44(4.1) and (4.2).

5 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter L-7 of the Revised Statutes of Alberta 2000.

2 Section 43(4) presently reads:

(4) Sections 40 and 41 and subsections (2) and (5) of this section do not apply to a mortgage given to secure a loan under the National Housing Act (Canada) or the National Housing Act (Canada), RSC 1952 c188.

3 Section 44(4) presently reads:

(4) This section does not apply in respect of a mortgage given to secure a loan under the National Housing Act (Canada) or the National Housing Act (Canada), RSC 1952 c188.

4 Regulation-making power.

5 Coming into force.