

2008 Bill 53

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 2008 (NO. 2)**

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 53

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2008

MISCELLANEOUS STATUTES AMENDMENT ACT, 2008 (NO. 2)

(Assented to , 2008)

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

Alberta Capital Finance Authority Act

Amends RSA 2000 cA-14.5

1 The *Alberta Capital Finance Authority Act* is amended in section 1(1)(e)(i) and (ii) by striking out “person” and substituting “non-profit corporation”.

Condominium Property Act

Amends RSA 2000 cC-22

2(1) The *Condominium Property Act* is amended by this section.

Explanatory Notes

Alberta Capital Finance Authority Act

1 Amends chapter A-14.5 of the Revised Statutes of Alberta 2000. Section 1(1)(e)(i) and (ii) presently read:

1(1) In this Act,

(e) “health authority” means

- (i) a person, other than a regional health authority, that owns an approved hospital under the Hospitals Act;*
- (ii) a person, other than a regional health authority, that owns a mental health hospital under the Hospitals Act;*

Condominium Property Act

2(1) Amends chapter C-22 of the Revised Statutes of Alberta 2000.

(2) Section 44(a) is amended by striking out “a unit” and substituting “the unit”.

(3) Section 58(1) is amended by striking out “an interest” and substituting “a registered interest”.

Cooperatives Act

Amends SA 2001 cC-28.1

3 The *Cooperatives Act* is amended in section 279(6) by striking out “corporation” and substituting “cooperative”.

Fair Trading Act

Amends RSA 2000 cF-2

4 The *Fair Trading Act* is amended in section 127(b)(ii) by striking out “section 151(5)” and substituting “section 151(3)”.

(2) Section 44(a) presently reads:

44 On the written request of an owner, purchaser or mortgagee of a unit the corporation shall, within 10 days after receiving that request, provide to the person making the request one or more of the following as requested by that person:

(a) a statement setting out the amount of any contributions due and payable in respect of a unit;

(3) Section 58(1) presently reads:

58(1) A corporation or a person having an interest in a unit may apply to the Court for appointment of an administrator.

Cooperatives Act

3 Amends chapter C-28.1 of the Statutes of Alberta, 2001.

Section 279(6) presently reads:

(6) If the application is in respect of a distributing corporation, the applicant must give the Executive Director notice of the application, and the Executive Director is entitled to appear and be heard in person or by counsel.

Fair Trading Act

4 Amends chapter F-2 of the Revised Statutes of Alberta 2000.

Section 127(b)(ii) presently reads:

127 The Director may refuse to issue or renew a licence, may cancel or suspend a licence and may impose terms and conditions on a licence for the following reasons:

(b) the applicant or licensee or any of its officers or employees

(ii) fails to comply with a direction of the Director under section 151(5),

Family Law Act

Amends SA 2003 cF-4.5

5 The *Family Law Act* is amended in section 12(2)

- (a) by striking out “who resides in Alberta”;
- (b) by adding “in Alberta” after “who is born”.

Government Organization Act

Amends RSA 2000 cG-10

6 The *Government Organization Act* is amended in Schedule 6 by adding the following:

First Nations Commercial and Industrial Development Act (Canada)

Implementation of FNCIDA

6(1) In this section, “FNCIDA” means the *First Nations Commercial and Industrial Development Act (Canada)*.

(2) If a regulation made under section 3 of FNCIDA specifies a provincial official by whom, or body by which, a power may be exercised or a duty must be performed and an agreement referred to in paragraph 5(b) of FNCIDA for the administration and enforcement of the regulation has been concluded, the provincial official or body has authority to exercise any power or perform any duty set out in the regulation to the extent provided for in the agreement.

First Nations Oil and Gas and Moneys Management Act (Canada)

Implementation of FNOGMMA

7(1) In this section,

- (a) “FNOGMMA” means the *First Nations Oil and Gas and Moneys Management Act (Canada)*;

Family Law Act

5 Amends chapter F-4.5 of the Statutes of Alberta, 2003. Section 12(2) presently reads:

(2) A genetic donor who resides in Alberta may apply to the court for an order declaring the genetic donor to be the mother of a child who is born to a gestational carrier.

Government Organization Act

6 Amends chapter G-10 of the Revised Statutes of Alberta 2000. Adding implementation of FNCIDA and FNOGMMMA to Schedule 6.

(b) “first nation oil and gas law” means a law made under section 35 of FNOGMMA.

(2) If a first nation oil and gas law specifies a provincial official by whom, or body by which, a power may be exercised or a duty must be performed and an agreement referred to in section 43 of FNOGMMA for the administration and enforcement of the first nation oil and gas law has been concluded, the provincial official or body has authority to exercise any power or perform any duty set out in the first nation oil and gas law to the extent provided for in the agreement.

Legal Profession Act

Amends RSA 2000 cL-8

7 The *Legal Profession Act* is amended by repealing section 38(2)(c) and substituting the following:

(c) the Chief Judge of the Provincial Court or any other judge of that Court,

Legal Profession Act

7 Amends chapter L-8 of the Revised Statutes of Alberta 2000.
Section 38(2)(c) presently reads:

(2) The Credentials and Education Committee, or the Executive Director acting in accordance with the guidelines of that Committee, may permit a person admitted as a student-at-law under section 40(1) to serve part of the period under articles with

- (a) the Chief Justice of Alberta or any other judge of the Court of Appeal,*
- (b) the Chief Justice of the Court of Queen's Bench or any other judge of that Court,*
- (c) the chief judge of the Provincial Court,*
- (d) the Chief Justice of Canada or any other judge of the Supreme Court of Canada,*
- (e) the Chief Justice of the Federal Court of Canada or any other judge of that Court, or*
- (f) the Chief Judge of the Tax Court of Canada or any other judge of that Court,*

Provincial Offences Procedure Act

Amends RSA 2000 cP-34

8 The *Provincial Offences Procedure Act* is amended by repealing section 1(k)(i) and (ii) and substituting the following:

- (i) a police officer under the *Police Act*, while the police officer is in the exercise or discharge of the police officer's powers or duties,
- (ii) a member of a police service under the *Police Act*, while the member is in the exercise or discharge of the member's powers or duties,

Real Estate Act

Amends RSA 2000 cR-5

9 The *Real Estate Act* is amended in section 84(2)(e) by striking out "any claim" and substituting "any judgment or claim".

Residential Tenancies Act

Amends SA 2004 cR-17.1

10 The *Residential Tenancies Act* is amended in section 31(13) by striking out "storage and disposition" and substituting "storage, disposition".

Provincial Offences Procedure Act

8 Amends chapter P-34 of the Revised Statutes of Alberta 2000.
Section 1(k)(i) and (ii) presently read:

1 In this Act,

(k) “peace officer” means

(i) a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member’s powers or duties,

(ii) a member of a municipal police service, while the member is in the exercise or discharge of the member’s powers or duties,

Real Estate Act

9 Amends chapter R-5 of the Revised Statutes of Alberta 2000.
Section 84(2)(e) presently reads:

(2) The Minister may make regulations

(e) prescribing the conditions to be met before any claim is paid from the Fund;

Residential Tenancies Act

10 Amends chapter R-17.1 of the Statutes of Alberta, 2004.
Section 31(13) presently reads:

(13) A landlord shall keep a record of the storage and disposition or sale of goods under this section including

(a) a description of the goods,

(b) the period for which and the location at which they were stored,

- (c) in a case where subsection (8) applies, the costs claimed by the landlord and the date on which the goods were returned to the tenant,*
- (d) where the goods are sold, the particulars of the sale, the amount claimed by the landlord under subsection (9) and the amount, if any, paid to the Minister under subsection (9), and*
- (e) where the goods are neither returned to the tenant nor sold, the manner in which they were disposed of.*

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
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