

2011 Bill 6

Fourth Session, 27th Legislature, 60 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

RULES OF COURT STATUTES AMENDMENT ACT, 2011

THE MINISTER OF JUSTICE AND
ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 6

BILL 6

2011

RULES OF COURT STATUTES AMENDMENT ACT, 2011

(Assented to , 2011)

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

Amends RSA 2000 cA-2

1(1) The *Administration of Estates Act* is amended by this section.

(2) Section 1(b) is amended by striking out “judicial district” and substituting “judicial centre”.

Amends RSA 2000 cB-7

2(1) The *Builders’ Lien Act* is amended by this section.

(2) Section 38(7)(a) is amended by striking out “under the seal of” and substituting “from”.

Explanatory Notes

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

(2) Section 1(b) presently reads:

1 In this Act,

(b) “clerk” means the clerk of the court for a judicial district;

2(1) Amends chapter B-7 of the Revised Statutes of Alberta 2000.

(2) Section 38(7) presently reads:

(7) On receiving

(a) a certificate under the seal of the clerk of the court stating that the proceeding for which a certificate of lis pendens was granted is discontinued, or

(b) a withdrawal of a certificate of lis pendens signed by the person on whose behalf the certificate was registered,

the Registrar shall cancel registration of the certificate of lis pendens.

Amends RSA 2000 cC-12

3(1) The *Child, Youth and Family Enhancement Act* is amended by this section.

(2) Section 124 is amended by striking out “a guardian ad litem or a next friend” and substituting “a litigation representative”.

Amends RSA 2000 cC-15

4(1) The *Civil Enforcement Act* is amended by this section.

(2) Section 106(3)(h) is amended by striking out “a writ of possession” and substituting “an order of possession”.

(3) The following is added after section 106:

Forms

106.1 The Minister may make regulations respecting forms for the purposes of this Act.

Amends SA 2001 cC-28.1

5(1) The *Cooperatives Act* is amended by this section.

(2) Section 400 is amended by striking out “a writ of possession” and substituting “an order of possession”.

3(1) Amends chapter C-12 of the Revised Statutes of Alberta 2000.

(2) Section 124 presently reads:

124 This Act is applicable to a parent or guardian even if that parent or guardian is under the age of 18 years notwithstanding that the parent or guardian does not have a guardian ad litem or a next friend, but the Court may appoint the Public Trustee or any other person to safeguard the parent's or guardian's interest in any proceeding before the Court.

4(1) Amends chapter C-15 of the Revised Statutes of Alberta 2000.

(2) Section 106(3)(h) presently reads:

(3) The Lieutenant Governor in Council may make regulations

(h) governing the enforcement of a writ of possession and the disposition of any personal property removed from a location or premises.

(3) Forms.

5(1) Amends chapter C-28.1 of the Statutes of Alberta, 2001.

(2) Section 400 presently reads:

400 A non-profit continuing housing cooperative must obtain a writ of possession under section 401 in order to regain possession of a member unit unless the member unit is vacant.

(3) Section 401(2)(b) and (3) are amended by striking out “a writ of possession” and substituting “an order of possession”.

Amends RSA 2000 cE-1

6(1) The *Election Act* is amended by this section.

(2) Section 186(1)(b) is repealed and the following is substituted:

- (b) shall within the time prescribed by section 185 be filed at the judicial centre located in the electoral division or, if there is none, at the judicial centre closest to the electoral division;

Amends RSA 2000 cE-11

7(1) The *Engineering, Geological and Geophysical Professions Act* is amended by this section.

(2) Section 96 is amended by striking out “by way of originating notice”.

(3) Section 401(2)(b) and (3) presently read:

(2) On application under this section, the Court may make an order

(b) directing that a writ of possession be issued,

(3) An application for a writ of possession must be served on the respondent at least 4 clear days before the day for the return of the application, and the application must contain

(a) a statement respecting the procedures for disputing the application, and

(b) a summary of the order requested if the application is not disputed.

6(1) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

(2) Section 186(1)(b) presently reads:

186(1) The petition

(b) shall within the time prescribed by section 185 be filed in the office of the clerk for the judicial district in which the electoral division or the largest part of it is situated;

7(1) Amends chapter E-11 of the Revised Statutes of Alberta 2000.

(2) Section 96 presently reads:

96 The Court, on application by ASET Council by way of originating notice, may grant an injunction enjoining any person from

(a) doing any act or thing that contravenes section 95.1(1), (2) or (5), or

(b) using a title or abbreviation referred to in section 95.1(3) contrary to a use permitted by a trademark referred to in section 95.1(3),

Amends RSA 2000 cE-13

8(1) The *Expropriation Act* is amended by this section.

(2) Section 65 is amended by striking out “a writ of possession” and substituting “an order of possession”.

Amends SA 2003 cF-4.5

9(1) The *Family Law Act* is amended by this section.

(2) Section 95(1)(b) and (2) are amended by striking out “a next friend or guardian ad litem” and substituting “a litigation representative”.

Amends RSA 2000 cF-8

10(1) The *Fatal Accidents Act* is amended by this section.

(2) Section 5(2) is amended

(a) by striking out “an administrator ad litem of” and substituting “a litigation representative for”;

(b) by striking out “the administrator ad litem” wherever it occurs and substituting “the litigation representative”;

notwithstanding any penalty that may be provided by this Act or under this Act in respect of that act, thing or use.

8(1) Amends chapter E-13 of the Revised Statutes of Alberta 2000.

(2) Section 65 presently reads:

65 If any resistance or opposition is made or is threatened to be made by any person to the expropriating authority, or to any authorized person acting for it, in exercising its rights in or over, or to enter on and take possession of, the land, the court may on application issue a writ of possession or any other order that may be necessary to enable the expropriating authority to exercise those rights.

9(1) Amends chapter F-4.5 of the Statutes of Alberta, 2003.

(2) Section 95 presently reads in part:

95(1) Subject to subsection (2), where a child is a party to an application under this Act, the application may be brought or defended

(a) by a guardian of the child in the name of the child, or

(b) by a next friend or guardian ad litem or any individual appointed by the court to act on behalf of the child.

(2) A child who is or has been a spouse or adult interdependent partner may make, conduct or defend an application under this Act without the intervention of a next friend or guardian ad litem.

10(1) Amends chapter F-8 of the Revised Statutes of Alberta 2000.

(2) Section 5(2) presently reads:

(2) If neither probate of the will of the deceased person mentioned in subsection (1) nor letters of administration of the person's estate have been granted in Alberta, a judge of the Court of Queen's Bench may, on the application of any party intending to bring or to continue an action under this section and on the terms and on the notice that the judge may direct, appoint an administrator ad litem

- (c) in clause (a) by striking out “an administrator” and substituting “a person”;
- (d) in clause (c) by striking out “the administrator’s” and substituting “the litigation representative’s”.

Amends SA 2008 c34

11(1) The *Health Professions Amendment Act, 2008* is amended by this section.

(2) Section 12 is amended in the new section 122.1(3)

- (a) in clause (a) by striking out “the sheriff of any judicial district” and substituting “a civil enforcement agency”;
- (b) in clause (b) by striking out “the sheriff” and substituting “the civil enforcement agency”.

of the estate of the deceased person, and on that appointment being made,

- (a) the administrator ad litem is an administrator against whom an action may be brought or continued under subsection (1) and by whom it may be defended,*
- (b) the administrator ad litem may take any steps that a defendant may take in an action, including third party proceedings and the bringing, by way of counterclaim, of any action that survives for the benefit of the estate of the deceased person, and*
- (c) a judgment in favour of or against the administrator ad litem in that action has the same effect as a judgment in favour of or against, as the case may be, the deceased person, but it has no effect whatsoever for or against the administrator ad litem in the administrator's personal capacity.*

11(1) Amends chapter 34 of the Statutes of Alberta, 2008.

(2) Section 12 presently reads:

12 The following is added after section 122:

Abandoned patient records

122.1(1) A council must adopt standards of practice that require each regulated member to make arrangements and put plans in place to ensure that the member's patient records are not abandoned within the meaning of the regulations.

(2) If a regulated member, or former member, of a college abandons the member's patient records, that college must ensure that the member's abandoned patient records are secured and managed in accordance with the regulations.

(3) The Court of Queen's Bench may make an order in accordance with the regulations

- (a) directing the sheriff of any judicial district in Alberta to seize, remove and place in the custody of a trustee abandoned patient records, or property containing abandoned patient records, and*

Amends RSA 2000 cl-11

12(1) The *Irrigation Districts Act* is amended by this section.

(2) Section 138(2) is repealed and the following is substituted:

(2) The application may be filed at a judicial centre in any judicial district in which the irrigation district is wholly or partly situated.

Amends RSA 2000 cJ-3

13(1) The *Jury Act* is amended by this section.

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

(a) “clerk” means the clerk of the Court for the judicial centre in the judicial district in which the Court is sitting;

Amends RSA 2000 cL-4

14(1) The *Land Titles Act* is amended by this section.

(2) Section 152(a) is amended by striking out “under seal of” and substituting “from”.

(b) *authorizing the sheriff to enter on land or premises or open any receptacle if there is reason to believe that abandoned patient records may be found on the land or premises or in the receptacle.*

12(1) Amends chapter I-11 of the Revised Statutes of Alberta 2000.

(2) Section 138(2) presently reads:

(2) *The application must be made in any judicial district in which the irrigation district is wholly or partly situated.*

13(1) Amends chapter J-3 of the Revised Statutes of Alberta 2000.

(2) Section 1(a) presently reads:

1 In this Act,

(a) *“clerk” means the clerk of the Court for the judicial centre at which the Court is sitting;*

14(1) Amends chapter L-4 of the Revised Statutes of Alberta 2000.

(2) Section 152(a) presently reads:

152 The Registrar shall cancel the registration of a certificate of lis pendens on receiving

(a) *a certificate under seal of the clerk of the court stating that the proceedings for which the certificate of lis pendens was granted are*

(i) *discontinued, or*

(ii) *dismissed and the time for commencing an appeal has expired and no appeal has been commenced, or if commenced, has been finally disposed of or discontinued,*

Amends RSA 2000 cL-8

15(1) The *Legal Profession Act* is amended by this section.

(2) Section 17(1) is amended by striking out “by by filing an application in the Court of Queen’s Bench to the Court of Queen’s Bench filed” **and substituting** “by filing an application in the Court of Queen’s Bench”.

Amends RSA 2000 cL-12

16(1) The *Limitations Act* is amended by this section.

(2) Section 5.1(6)(b), (7)(b)(ii), (8)(b)(ii) and (9)(e) are amended by striking out “next friend” **and substituting** “litigation representative”.

15(1) Amends chapter L-8 of the Revised Statutes of Alberta 2000.

(2) Section 17(1) presently reads:

17(1) A member may dispute the validity of an election of Benchers or the validity of the election of one or more of them by by filing an application in the Court of Queen's Bench to the Court of Queen's Bench filed not later than 10 days after the publication in The Alberta Gazette of the notice referred to in section 16.

16(1) Amends chapter L-12 of the Revised Statutes of Alberta 2000.

(2) Section 5.1 presently reads in part:

(6) After making the inquiries referred to in subsection (5)(a), the Public Trustee must do one of the following:

(b) with the consent of the claimant's guardian, deliver to the potential defendant a notice in the prescribed form stating that the Public Trustee intends to act as next friend of the minor in relation to the claim;

(7) On an application under subsection (5)(b), a judge may make an order

(b) doing all of the following:

(ii) authorizing and directing the Public Trustee to act as next friend of the minor;

(8) On an application under subsection (6)(c), a judge may make an order

(b) doing all of the following:

(ii) authorizing and directing the Public Trustee to act as next friend of the minor;

(9) On an application by the Public Trustee under subsection (5)(b) or (6)(c), a judge may consider

Amends RSA 2000 cL-21

17(1) The *Local Authorities Election Act* is amended by this section.

(2) Section 119 is amended by striking out “a motion” and substituting “an application”.

(3) Section 128(2) is amended by striking out “notice of motion” and substituting “application”.

- (e) *where the guardian or the minor is opposed to pursuing the claim, the apparent likelihood that the Public Trustee would be able to prosecute the claim effectively as next friend;*

17(1) Amends chapter L-21 of the Revised Statutes of Alberta 2000.

(2) Section 119 presently reads:

119 When on a motion in the nature of a quo warranto a question is raised relating to whether the candidate, elector or other person has been guilty of bribery or undue influence, oral evidence shall be used to prove the offence, and evidence by affidavit may not be used to prove the offence.

(3) Section 128(2) presently reads:

(2) The person raising the issue shall in the person's notice of motion set out the person's name in full, the person's place of residence and the interest, as a candidate, elector or otherwise, that the person has in the election and shall also state specifically under distinct heads

- (a) *all the grounds of objection to the validity of the election complained against,*
- (b) *if the person raising the issue claims that the person or any other person or persons should have been declared elected, the grounds in favour of the validity of the election of the person raising the issue or of the other person or persons,*
- (c) *the grounds of forfeiture or disqualification of the respondent,*
- (d) *if the person raising the issue claims that the result of the voting on the bylaw should be reversed, the grounds in support of that contention, and*
- (e) *if the person raising the issue makes any other claim, the grounds in support of that claim.*

(4) Section 147 is repealed and the following is substituted:

Regulations

147 The Minister may make regulations respecting the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part.

Amends RSA 2000 cM-1

18(1) The *Maintenance Enforcement Act* is amended by this section.

(2) Section 37 is amended by striking out “a guardian ad litem or a next friend” and substituting “a litigation representative”.

Amends SA 2004 cM-18.1

19(1) The *Minors' Property Act* is amended by this section.

(2) Section 4(1)(c) is amended by striking out “next friend” and substituting “litigation representative”.

(3) Section 16 is repealed.

(4) Section 147 presently reads:

147 The Lieutenant Governor in Council may make rules of court

- (a) regulating the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part, and*
- (b) respecting the practice generally*
 - (i) in hearing and determining the validity of elections in local authorities and of voting on bylaws and questions, or*
 - (ii) in hearing and determining the question of the right of any person to sit on an elected authority,*

and may fix a tariff of costs to be applicable to it.

18(1) Amends chapter M-1 of the Revised Statutes of Alberta 2000.

(2) Section 37 presently reads:

37 A minor may file a maintenance order with the Director or commence, conduct and defend a proceeding and initiate and complete steps for the enforcement of a maintenance order, notwithstanding that the minor does not have a guardian ad litem or a next friend.

19(1) Amends chapter M-18.1 of the Statutes of Alberta, 2004.

(2) Section 4(1)(c) presently reads:

4(1) In this section,

- (c) “representative” means the guardian or next friend of a minor who has a claim.*

(3) Section 16 presently reads:

16(1) In any proceeding relating to property in which a minor is or may be interested, the Court may, on application,

Amends RSA 2000 cM-20

20(1) The *Mobile Home Sites Tenancies Act* is amended by this section.

(2) Section 34(13) is amended by striking out “a writ of possession” and substituting “an order of possession”.

(3) Section 37(b) is repealed and the following is substituted:

- (b) shall include a statement to the effect that a civil enforcement agency has authority, after service of the order has been effected, to evict any occupant of the mobile home site, and

(4) The following is added after section 37:

Requirements respecting eviction

37.1 A civil enforcement agency has authority to evict an occupant from a mobile home site

- (a) only in accordance with an order for recovery of possession, and
- (b) unless the court orders otherwise, only after the civil enforcement agency is satisfied that
 - (i) the order has been served on the tenant or overholding tenant, and
 - (ii) an affidavit of service has been filed in the Court of Queen’s Bench by the person who has the order for recovery of possession.

(a) *with the consent of the Public Trustee, appoint the Public Trustee to be the minor's guardian ad litem, and*

(b) *specify the terms and conditions of the appointment.*

(2) *The Public Trustee is a minor's guardian ad litem in a proceeding only if appointed under subsection (1).*

20(1) Amends chapter M-20 of the Revised Statutes of Alberta 2000.

(2) Section 34(13) presently reads:

(13) This section does not apply to goods on a mobile home site against which a civil enforcement agency executes a writ of possession.

(3) Section 37(b) presently reads:

(b) shall state that if the order is not obeyed by the specified date or within the specified time, a writ of possession will issue without a further order, and

(4) Requirements respecting eviction.

(5) Section 38 is repealed and the following is substituted:

Notice of default required

38 If an order for recovery of possession of a mobile home site is stayed while payments are being made in accordance with the order granting the stay, the order for recovery of possession may not, unless the court orders otherwise, subsequently be enforced until notice of default is served on the tenant.

(6) Section 66(1) is amended

(a) in clause (a) by adding “, notices of default” after “inspection reports”;

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

- (a.1) prescribing the maximum period of time after a default within which a landlord may serve a tenant with a notice of default and the minimum period of notice that must be provided in the notice of default within which the tenant must vacate the mobile home site;

Amends RSA 2000 cM-22

21(1) The *Motor Vehicle Accident Claims Act* is amended by this section.

(2) Section 4(11) is repealed and the following is substituted:

(11) If the defendant is a minor, the Administrator may exercise the rights of and defend the action in the name of the minor without the appointment of a litigation representative.

Amends RSA 2000 cP-3

22(1) The *Partnership Act* is amended by this section.

(2) Section 39(2)(a) is amended by striking out “, next friend” and substituting “or litigation representative”.

(5) Section 38 presently reads:

38 If an order for recovery of possession of a mobile home site is not complied with by the specified date or within the specified time, the landlord is entitled, without a further order, to a writ of possession on filing an affidavit showing that the order has been served and has not been complied with.

(6) Section 66(1) presently reads in part:

66(1) The Minister may make regulations

- (a) establishing forms that may be used by landlords and tenants for leases, inspection reports and other documents under this Act;*
- (b) respecting the reasons that a landlord may terminate a periodic tenancy under Part 1;*

21(1) Amends chapter M-22 of the Revised Statutes of Alberta 2000.

(2) Section 4(11) presently reads:

(11) If the defendant is a minor, the Administrator may exercise the rights of and defend the action in the name of the defendant without the appointment of a guardian ad litem and may assert a counterclaim on behalf of the minor without a next friend.

22(1) Amends chapter P-3 of the Revised Statutes of Alberta 2000.

(2) Section 39(2) presently reads:

(2) In a case arising under subsection (1)(a), the application may be made

Amends RSA 2000 cP-31

23(1) The *Provincial Court Act* is amended by this section.

(2) Section 9.601 is repealed and the following is substituted:

Litigation representative

9.601 In any proceeding in which a minor is or may be interested, an individual may be appointed as the minor's litigation representative in accordance with the *Alberta Rules of Court* (AR 124/2010).

(3) Section 29(4)(b) is amended by striking out “in the judicial district in which” and substituting “at its place of business or activity in Alberta closest to where”.

Amends SA 2004 cP-44.1

24(1) The *Public Trustee Act* is amended by this section.

(2) Section 23(1)(a) and (b) are amended by striking out “next friend” and substituting “litigation representative”.

- (a) *on behalf of the partner alleged to be of permanently unsound mind by the partner's guardian, next friend or a person having a right to intervene, or*
- (b) *by any other partner.*

23(1) Amends chapter P-31 of the Revised Statutes of Alberta 2000.

(2) Section 9.601 presently reads:

9.601(1) A judge may appoint a guardian ad litem for a minor where it appears to be in the interests of the minor.

(2) The power to appoint a guardian ad litem under subsection (1) does not include the power to appoint the Public Trustee as guardian ad litem for a minor pursuant to an application under section 16 of the Minors' Property Act.

(3) Section 29(4)(b) presently reads:

(4) Service of a document on a corporation, other than a local authority, may be made

- (b) *by serving it on a manager, agent or officer of the corporation transacting business on behalf of the corporation in the judicial district in which the civil claim was issued, or*

24(1) Amends chapter P-44.1 of the Statutes of Alberta, 2004.

(2) Section 23 presently reads in part:

23(1) If a notice to proceed is delivered to the Public Trustee under section 5.1(3) of the Limitations Act,

- (a) *the Public Trustee must not act as next friend of the minor except in accordance with section 5.1(6)(b) of the Limitations Act or in accordance with an order of a judge under section 5.1(7)(b) or (8)(b) of the Limitations Act,*
- (b) *where the Public Trustee acts as next friend of a minor,*
 - (i) *the Public Trustee is entitled to be compensated for doing so out of money, if any, recovered for the minor, and*

Amends SA 2004 cR-17.1

25(1) The *Residential Tenancies Act* is amended by this section.

(2) Section 31(12) is amended by striking out “a writ of possession” and substituting “an order of possession”.

(3) Section 34(b) is repealed and the following is substituted:

- (b) shall include a statement to the effect that a civil enforcement agency has authority, after service of the order has been effected, to evict any occupant of the premises, and

(4) The following is added after section 34:

Requirements respecting eviction

34.1 A civil enforcement agency has authority to evict an occupant from residential premises

- (a) only in accordance with an order for recovery of possession, and
- (b) unless the court orders otherwise, only after the civil enforcement agency is satisfied that
 - (i) the order has been served on the tenant or overholding tenant or, where section 33 applies, the person living in the premises and the tenant, and
 - (ii) an affidavit of service has been filed in the Court of Queen’s Bench by the person who has the order for recovery of possession.

(5) Section 35 is repealed and the following is substituted:

Notice of default required

35 If an order for recovery of possession of premises is stayed while payments are being made in accordance with the order granting the stay, the order for recovery of possession may not,

(ii) *the amount of the Public Trustee's compensation is to be determined in accordance with the regulations,*

25(1) Amends chapter R-17.1 of the Statutes of Alberta, 2004.

(2) Section 31(12) presently reads:

(12) This section does not apply to goods on premises against which a civil enforcement agency executes a writ of possession.

(3) Section 34(b) presently reads:

34 An order for recovery of possession of residential premises

(b) shall state that if the order is not obeyed by the specified date or within the specified time, a writ of possession will issue without a further order, and

(4) Requirements respecting eviction.

(5) Section 35 presently reads:

35 If an order for recovery of possession of premises is not complied with by the specified date or within the specified time, the landlord is entitled, without a further order, to a writ of possession

unless the court orders otherwise, subsequently be enforced until notice of default is served on the tenant.

(6) Section 70(1) is amended

(a) in clause (a) by adding “, notices of default” after “inspection reports”;

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

(a.1) prescribing the maximum period of time after a default within which a landlord may serve a tenant with a notice of default and the minimum period of notice that must be provided in the notice of default within which the tenant must vacate the residential premises;

Amends SA 2009 c53

26(1) The *Rules of Court Statutes Amendment Act, 2009* is amended by this section.

(2) The following sections are repealed:

section 2(6);
section 20;
section 60;
section 102;
section 104(7)(b)(ii) and (8)(b).

Amends RSA 2000 cS-24

27(1) The *Surface Rights Act* is amended by this section.

(2) Section 33(2) is amended by striking out “a writ of possession issued on the order of” and substituting “an order of possession issued by”.

Amends RSA 2000 cS-27

28(1) The *Survival of Actions Act* is amended by this section.

on filing an affidavit showing that the order has been served and has not been complied with.

(6) Section 70(1) presently reads in part:

70(1) The Minister may make regulations

- (a) establishing forms that may be used by landlords and tenants for leases, inspection reports and other documents under this Act;*
- (b) prescribing the reasons for which a landlord may terminate a periodic tenancy under Part 1;*

26(1) Amends chapter 53 of the Statutes of Alberta, 2009.

(2) Repeal of sections of Act that are inoperative.

27(1) Amends chapter S-24 of the Revised Statutes of Alberta 2000.

(2) Section 33(2) presently reads:

(2) A right of entry order filed under subsection (1) may be enforced by a civil enforcement agency in the same manner as a writ of possession issued on the order of the Court of Queen's Bench.

28(1) Amends chapter S-27 of the Revised Statutes of Alberta 2000.

(2) Section 8 is amended

- (a) by striking out** “the administrator ad litem” **wherever it occurs and substituting** “the litigation representative”;
- (b) in subsection (1) by striking out** “an administrator ad litem of” **and substituting** “a litigation representative for”;
- (c) in subsection (2) by striking out** “An administrator ad litem” **and substituting** “A litigation representative”;
- (d) in subsection (3) by striking out** “the administrator ad litem’s” **and substituting** “the litigation representative’s”.

Amends SA 2008 cW-5.1

29(1) The *Weed Control Act* is amended by this section.

(2) Section 21(4)(b) is amended by striking out “judicial district” **and substituting** “judicial centre”.

Coming into force

30 This Act comes into force on Proclamation.

(2) Section 8 presently reads:

8(1) If a cause of action survives under this Act and there is no personal representative of the deceased person against whom the action may be brought or continued in Alberta, the Court of Queen's Bench

(a) on the application of a person entitled to bring or continue the action, and

(b) on any notice that the Court considers proper,

may appoint an administrator ad litem of the estate of the deceased person and the action may be brought or continued against the administrator ad litem and defended by the administrator ad litem.

(2) An administrator ad litem appointed under subsection (1) may take any steps that a defendant may take in an action, including third party proceedings and the bringing, by way of counterclaim, of any action that survives for the benefit of the estate of the deceased person.

(3) A judgment obtained by or against the administrator ad litem has the same effect as a judgment in favour of or against the deceased person or the deceased person's personal representative, as the case may be, but it has no effect for or against the administrator ad litem in the administrator ad litem's personal capacity.

29(1) Amends chapter W-5.1 of the Statutes of Alberta, 2008.

(2) Section 21(4)(b) presently reads:

(4) A local authority may recover the debt due from any person who is given a debt recovery notice in either or both of the following manners:

(a) in the same manner as property taxes against land to which the inspector's notice or local authority's notice relates;

(b) by filing a certificate with the clerk of the Court of Queen's Bench at any judicial district certifying the amount owing.

30 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
Stage	Date	Member	From	To
Stage	Date	Member	From	To
Stage	Date	Member	From	To