

2011 Bill 205

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Fourth Session, 27th Legislature, 60 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 205**

**MUNICIPAL GOVERNMENT (DELAYED CONSTRUCTION)  
AMENDMENT ACT, 2011**

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MR. TAYLOR

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 205*  
*Mr. Taylor*

## **BILL 205**

2011

### **MUNICIPAL GOVERNMENT (DELAYED CONSTRUCTION) 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 cM-26**

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

**2 Section 541 is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):**

- (a) “development” means a development as defined in section 616;

**3 Section 546 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** If, in the opinion of a designated officer, a significant delay has occurred in the construction of a development, the designated officer may by written order

- (a) require the owner of a structure that is a part of, or built in furtherance of, the development to

## Explanatory Notes

**1** Amends chapter M-26 of the Revised Statutes of Alberta 2000.

**2** Section 541 presently reads:

*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.*

**3** Section 546 presently reads:

*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*

- (i) improve the appearance of the structure in the manner specified, or
    - (ii) remove or demolish the structure and level the site;
  - (b) require the owner of land that contains an excavation or hole that is a part of, or built in furtherance of, the development to fill in the excavation or hole and level the site.
- (b) in subsection (2) by striking out “The order” and substituting “An order under this section”.**

**4 Section 546.1(1) is amended by striking out “dangerous”.**

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

*(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order*

- (a) *require the owner of the structure to*
  - (i) *eliminate the danger to public safety in the manner specified, or*
  - (ii) *remove or demolish the structure and level the site;*
- (b) *require the owner of the land that contains the excavation or hole to*
  - (i) *eliminate the danger to public safety in the manner specified, or*
  - (ii) *fill in the excavation or hole and level the site;*
- (c) *require the owner of the property that is in an unsightly condition to*
  - (i) *improve the appearance of the property in the manner specified, or*
  - (ii) *if the property is a structure, remove or demolish the structure and level the site.*

*(2) The order may*

- (a) *state a time within which the person must comply with the order;*
- (b) *state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.*

#### **4** Section 546.1(1) presently reads:

*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.*

**5 Section 550(1) is amended by adding** “or the significant delay in the construction of a development” **after** “property”.

**6 This Act comes into force on Proclamation.**

**5** Section 550(1) presently reads:

*550(1) A municipality may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property if*

- (a) the municipality has given a written order under section 546,*
- (b) the order contains a statement referred to in section 546(2)(b),*
- (c) the person to whom the order is directed has not complied with the order within the time specified in the order, and*
- (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.*

**6** Coming into force.

# Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL