

2016 Bill 21

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 21**

## **MODERNIZED MUNICIPAL GOVERNMENT ACT**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 21

2016

### MODERNIZED MUNICIPAL GOVERNMENT ACT

(Assented to \_\_\_\_\_, 2016)

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 The following is added before the enacting clause:**

#### **Preamble**

WHEREAS Alberta's municipalities, governed by democratically elected officials, are established by the Province, and are empowered to provide responsible and accountable local governance in order to create and sustain safe and viable communities;

WHEREAS Alberta's municipalities play an important role in Alberta's economic, environmental and social prosperity today and in the future;

WHEREAS the Government of Alberta recognizes the importance of working together with Alberta's municipalities in a spirit of partnership to co-operatively and collaboratively advance the interests of Albertans generally; and

WHEREAS the Government of Alberta recognizes that Alberta's municipalities have varying interests and capacity levels that require flexible approaches to support local, intermunicipal and regional needs;

## **Explanatory Notes**

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

**3 The enacting clause is amended by adding “THEREFORE” before “HER MAJESTY”.**

**4 Section 1 is amended**

**(a) in subsection (1)**

**(i) in clause (f) by adding** “but does not include an assessment review board established under section 454 or a subdivision and development appeal board established under section 627” **after** “this Act”;

**(ii) by adding the following after clause (z):**

(z.1) “summer village residence” means a parcel of land having at least one building the whole or any part of which was designed or intended for, or is used as, a residence by one person or as a shared residence by 2 or more persons, whether on a permanent, seasonal or occasional basis;

**(iii) by adding the following after clause (bb):**

(bb.1) “water body” means

(i) a permanent and naturally occurring body of water, or

(ii) a naturally occurring river, stream, watercourse or lake;

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

**(2.1)** For the purposes of the definition of “summer village residence” in subsection (1)(z.1), “building” includes a manufactured home, mobile home, modular home or travel trailer but does not include a tent.

**3** Enacting clause presently reads:

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

**4** Section 1(1)(f) presently reads:

*1(1) In this Act,*

*(f) “council committee” means a committee, board or other  
body established by a council under this Act;*

**5 The following is added after section 2:**

**Indian reserves**

**2.1** No municipality, improvement district or special area constituted under the *Special Areas Act* includes land set apart as an Indian reserve within the meaning of the *Indian Act* (Canada).

**6 Section 3 is amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following after clause (c):**

- (d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

**7 Section 14(1)(d) is repealed and the following is substituted:**

- (d) a controlled corporation as defined in section 75.1.

**5** Indian reserves.

**6** Section 3 presently reads:

*3 The purposes of a municipality are*

- (a) to provide good government,*
- (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and*
- (c) to develop and maintain safe and viable communities.*

**7** Section 14(1) presently reads:

*14(1) In this section, “organization” means any of the following organizations in which the municipality is a member or has acquired shares:*

- (a) a society under the Societies Act;*
- (b) an association registered under Part 9 of the Companies Act;*
- (c) a corporation under the Business Corporations Act that is a charity or operates for non-profit purposes;*
- (d) a corporation that operates for the purpose of making a profit and that is controlled by one or more municipalities, if the control is in accordance with the regulations under section 73.*

**8 The heading preceding section 47.1 and section 47.1 are repealed.**

**9 Section 54 is repealed and the following is substituted:**

**Providing services in other areas**

**54** A municipality may provide outside its municipal boundaries any service or thing that it provides within its municipal boundaries



**8** The heading preceding section 47.1 and section 47.1 presently read:

*Utility Services Provided by  
Municipal Subsidiaries*

*EPCOR Water Services Inc.*

*47.1(1) Sections 43 to 47 apply in respect of a utility service provided by EPCOR Water Services Inc.*

*(2) Part 2 of the Public Utilities Act does not apply in respect of a public utility that*

- (a) is owned or operated by EPCOR Water Services Inc., and*
- (b) provides a utility service within the boundaries of the City of Edmonton.*

*(3) If there is a dispute between a regional services commission and EPCOR Water Services Inc. with respect to*

- (a) rates, tolls or charges for a service that is a public utility,*
- (b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or*
- (c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,*

*any party involved in the dispute may submit it to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.*

**9** Section 54 presently reads:

*54 A municipality may provide any service or thing that it provides in all or part of the municipality*

- (a) in another municipal authority with the agreement of the other municipal authority, and*

- (a) in another municipality, but only with the agreement of the other municipality, and
- (b) in any other location within or adjoining Alberta, but only with the agreement of the authority whose jurisdiction includes the provision of the service or thing at that location.

**10 Section 55(1)(b) is amended by striking out** “section 163 of the *School Act*” **and substituting** “section 179 of the *School Act*”.

**11 Section 60(1) is amended by striking out** “rivers, streams, watercourses, lakes and other natural bodies of water” **and substituting** “water bodies”.

**12 Section 73 is repealed.**

*(b) in a part of a province or territory adjoining Alberta with the agreement of the authority from that province or territory whose jurisdiction includes the provision of the service or thing in that part of the province or territory.*

**10** Section 55(1) presently reads:

*55(1) A municipality may enter into an agreement with*

*(a) another municipality, or*

*(b) a collecting board as defined in section 163 of the School Act,*

*to share grants paid under section 366 or taxes.*

**11** Section 60(1) presently reads:

*60(1) Subject to any other enactment, a municipality has the direction, control and management of the rivers, streams, watercourses, lakes and other natural bodies of water within the municipality, including the air space above and the ground below.*

**12** Section 73 presently reads:

*73(1) In this section, "corporation" means a corporation that operates for the purpose of making a profit.*

*(2) No municipality may, by itself or with other municipalities, control a corporation except in accordance with the regulations.*

*(3) The Minister may make regulations*

*(a) respecting information that must be provided to the Minister before a municipality or group of municipalities controls a corporation;*

**13 The following is added after section 75:**

**Division 9  
Controlled Corporations**

**Control of corporations**

**75.1(1)** In this Division,

- (a) “controlled corporation” means a corporation controlled by a municipality or a group of municipalities;
- (b) “corporation” means a corporation that operates for the purpose of making a profit.

**(2)** A municipality, by itself or with other municipalities, may establish and control, or obtain control of, a corporation only if

- (a) the council of the municipality passes a resolution authorizing the municipality to control the corporation by itself or with other municipalities, as the case may be, and
- (b) the purpose of the corporation is

- (b) providing that certain corporations may not be controlled by a municipality or group of municipalities unless the Minister's approval is obtained;*
  - (c) respecting terms and conditions that apply when a municipality or group of municipalities controls a corporation;*
  - (d) specifying or describing by reference the provisions of this or any other enactment that do not apply, or apply with modifications, to a corporation controlled by a municipality;*
  - (e) specifying or describing by reference any provisions that are to be added to or that are to replace the provisions of this or any other enactment in respect of a corporation controlled by a municipality.*
- (4) The regulations may apply to one corporation or one approval or may be general.*

**13** Division 9, Control of Corporations.

- (i) to carry on business solely for one or more of the purposes described in section 3, and
- (ii) to provide a service or benefit to residents of the municipality or group of municipalities that controls it.

**(3)** Before a council passes a resolution under subsection (2)(a), the council must

- (a) undertake a due diligence study that discloses
  - (i) any potential environmental, financial, labour or other liability risk in controlling the corporation, and
  - (ii) any other matter prescribed by the regulations,
- (b) consider a business plan that addresses the matters referred to in subsection (4), and
- (c) hold a public hearing in accordance with the regulations.

**(4)** The matters to be addressed in a business plan referred to in subsection (3)(b) include

- (a) the costs related to establishing and controlling or obtaining control of the corporation, as the case may be,
- (b) the value of any assets of the municipality or group of municipalities that are to be transferred to the corporation,
- (c) a cash flow projection for the next 3 years of the corporation's operation,
- (d) the corporation's financial statements and operating and capital budgets for the most recent 5 years, or if the corporation has existed for less than 5 years, the financial statements and operating and capital budgets for each year it has existed, and
- (e) any other information prescribed by the regulations.



**Financial statements and other reports**

**75.2(1)** The council of each municipality that controls a corporation must ensure that the controlled corporation submits to the council the annual financial statements referred to in section 279 and any other reports prescribed by the regulations.

**(2)** A council must make available for public inspection the annual financial statements and any other reports that it receives from a controlled corporation under subsection (1).

**Material change**

**75.3** If there is a material change to the business operations of a controlled corporation, the council of each municipality that controls the corporation must, in accordance with the regulations,

- (a) notify the residents of the municipality of the material change, and
- (b) provide an opportunity to residents of the municipality to make representations.

**Utility services provided by controlled corporation**

**75.4(1)** Part 2 of the *Public Utilities Act* does not apply in respect of a public utility that

- (a) is owned or operated by a controlled corporation, and
- (b) provides a utility service within the boundaries of a municipality or a group of municipalities that controls the corporation.

**(2)** If there is a dispute between a regional services commission and a controlled corporation that owns or operates a utility service with respect to

- (a) rates, tolls or charges for a service that is a public utility,
- (b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or
- (c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,





any party involved in the dispute may submit it to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.

(3) Sections 43 to 47, except section 45(3)(b), apply to a utility service provided by a controlled corporation.

(4) A controlled corporation shall not provide any utility services outside Alberta without the prior written approval of the Minister.

### **Regulations**

**75.5(1)** The Minister may make regulations

- (a) providing that certain types of corporations may not be controlled by a municipality or a group of municipalities without the Minister's approval;
- (b) respecting terms and conditions that apply when a municipality or a group of municipalities controls a corporation;
- (c) prescribing information to be included in a due diligence study for the purposes of section 75.1(3)(a)(ii) or in a business plan for the purposes of section 75.1(4)(e);
- (d) respecting public hearings to be held under section 75.1(3)(c), including, without limitation, the form and nature of information that must be made available to the public before a public hearing is held;
- (e) prescribing reports for the purposes of section 75.2(1);
- (f) respecting the manner in which a council must notify residents of the municipality of a material change to a controlled corporation;
- (g) respecting the timing, scope and methods of obtaining public input from residents of a municipality regarding a material change to a controlled corporation;
- (h) defining any term or expression that is used but not defined in this Division;



- (i) specifying or describing by reference the provisions of this or any other enactment that do not apply, or that apply with modifications, to a controlled corporation;
- (j) specifying or describing by reference any provisions that are to be added to or that are to replace the provisions of this Act or any other enactment in respect of a controlled corporation.

(2) Regulations made under subsection (1) may apply in respect of one or more controlled corporations or may apply generally.

**14 Section 130(2)(b) is amended by striking out** “a majority of the electors of the summer village” **and substituting** “a number of the electors of the summer village equal to at least 50% of the number of summer village residences in the summer village”.

**15 Section 153 is amended by adding the following after clause (a):**

- (a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

**14** Section 130(2) presently reads:

*(2) The Minister may undertake a viability review in respect of a municipality if*

- (a) the Minister receives a request for a viability review from the council of the municipality,*
- (b) the Minister receives a sufficient petition requesting a viability review from electors of the municipality numbering at least 30% of the municipality's population or, in the case of a summer village, a sufficient petition requesting the review from a majority of the electors of the summer village, or*
- (c) the Minister believes a viability review is warranted.*

**15** Section 153 presently reads:

*153 Councillors have the following duties:*

- (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;*
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;*
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;*

**16 The following is added after section 201:**

**Orientation training**

**201.1(1)** A municipality must, in accordance with the regulations, offer orientation training to each councillor within 90 days after the councillor has been elected.

**(2)** The following topics must be addressed in orientation training required under subsection (1):

- (a) role of municipalities in Alberta;
- (b) municipal organization and functions;
- (c) key municipal plans, policies and projects;
- (d) roles and responsibilities of council and councillors;
- (e) roles and responsibilities of the chief administrative officer and staff;
- (f) budgeting and financial administration;
- (g) public participation;
- (h) any other topic prescribed by the regulations.

**(3)** The Minister may make regulations respecting orientation training, including, without limitation, regulations

- (a) respecting the delivery of orientation training;
- (b) prescribing topics to be addressed in orientation training.

- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;*
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;*
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.*

**16** Orientation training.

(4) Notwithstanding subsection (1) but subject to subsection (5),

- (a) councillors elected in a general election in 2017 in respect of a summer village must be offered orientation training pursuant to subsection (1) by November 30, 2017, and
- (b) councillors elected in a general election in 2017 in respect of a municipality other than a summer village must be offered orientation training pursuant to subsection (1) by January 14, 2018.

(5) Subsection (4) does not apply to a municipality that has offered its councillors who are elected in a general election in 2017 orientation training that is equivalent to the orientation training required under subsection (1) before this section comes into force.

**17 Section 223(2)(b) is amended by striking out “10% of the electors of the summer village” and substituting “a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village”.**

**18 Section 232(2) is repealed and the following is substituted:**

(2) A petition requesting a new bylaw under Part 8, 9, 10, 17 or 17.2 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10, 17 or 17.2 has no effect.

**19 Section 241(d) is amended by striking out “corporation controlled by a municipality” and substituting “controlled corporation as defined in section 75.1”.**



**17** Section 223(2)(b) presently reads:

*(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,*

*(b) in the case of a summer village, by 10% of the electors of the summer village.*

**18** Section 232(2) presently reads:

*(2) A petition requesting a new bylaw under Part 8, 9, 10 or 17 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10 or 17 has no effect.*

**19** Section 241(d) presently reads:

*241 In this Part,*

*(d) “controlled corporation” means a corporation controlled by a municipality;*

**20 Section 250 is amended**

**(a) by adding the following after subsection (2):**

**(2.1)** Subsection (2) does not apply to a municipality's investment in a controlled corporation.

**(b) in subsection (3) by striking out** “and a municipality may not acquire shares of a corporation under subsection (2)(e) if the acquisition would allow the municipality to control the corporation”.

**21 Section 284 is amended**

**(a) in subsection (1)**

**(i) by repealing clause (d) and substituting the following:**

**20** Section 250 presently reads in part:

*250(1) In this section, “securities” includes bonds, debentures, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security.*

*(2) A municipality may only invest its money in the following:*

- (a) securities issued or guaranteed by
  - (i) the Crown in right of Canada or an agent of the Crown, or*
  - (ii) the Crown in right of a province or territory or an agent of a province or territory;**
- (b) securities of a municipality, school division, school district, hospital district, health region under the Regional Health Authorities Act or regional services commission in Alberta;*
- (c) securities that are issued or guaranteed by a bank, treasury branch, credit union or trust corporation;*
- (d) units in pooled funds of all or any of the investments described in clauses (a) to (c);*
- (e) shares of a corporation incorporated or continued under the Canada Business Corporations Act (Canada) or incorporated, continued or registered under the Business Corporations Act if the investment is approved by the Minister.*

*(3) The approval of the Minister under subsection (2)(e) may contain conditions and a municipality may not acquire shares of a corporation under subsection (2)(e) if the acquisition would allow the municipality to control the corporation.*

**21** Section 284 presently reads in part:

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

(d) “assessor” means

(i) the provincial assessor, or

(ii) a municipal assessor,

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

**(ii) by adding the following after clause (f):**

(f.01) “designated industrial property” means

(i) facilities regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board,

(ii) linear property,

(iii) property designated as a major plant by the regulations, and

(iv) any other property designated by the regulations;

**(iii) by repealing clause (g);**

**(iv) by repealing clause (k) and substituting the following:**

(k) “linear property” means

(i) electric power systems, which has the meaning given to that term in the regulations,

(ii) street lighting systems, which has the meaning given to that term in the regulations,

(iii) telecommunication systems, which has the meaning given to that term in the regulations,

(iv) pipelines, which has the meaning given to that term in the regulations,

(v) railway property, which has the meaning given to that term in the regulations, and

- (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);*
- (g) *“electric power system” means a system intended for or used in the generation, transmission, distribution or sale of electricity;*
- (k) *“linear property” means*
- (i) *electric power systems, including structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment, owned or operated by a person whose rates are controlled or set by the Alberta Utilities Commission or by a municipality or under the Small Power Research and Development Act, but not including land or buildings,*
  - (i.1) *street lighting systems, including structures, installations, fittings and equipment used to supply light, but not including land or buildings,*
  - (ii) *telecommunications systems, including*
    - (A) *cables, amplifiers, antennas and drop lines, and*
    - (B) *structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment,*

*intended for or used in the communication systems of cable distribution undertakings and telecommunication carriers that are subject to the regulatory authority of the Canadian Radio-television and Telecommunications Commission or any successor of the Commission, but not including*

(vi) wells, which has the meaning given to that term in the regulations;

**(v) by adding the following after clause (n.2):**

(n.3) “municipal assessment roll” means the assessment roll prepared by a municipality under section 302(1);

(n.4) “municipal assessor” means a municipal assessor appointed under section 284.2;

**(vi) by adding the following after clause (o):**

(o.1) “operational” has the meaning given to it in the regulations;

**(vii) by repealing clause (p) and substituting the following:**

(p) “operator” has the meaning given to it in the regulations;

**(viii) by adding the following after clause (r):**

(r.1) “provincial assessment roll” means the assessment roll prepared by the provincial assessor under section 302(2);

(r.2) “provincial assessor” means the provincial assessor designated under section 284.1;

**(ix) by repealing clauses (s), (t), (v) and (w);**

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

**(2.1)** For the purposes of subsection (1)(f.01)(i), a facility regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board includes all components of the facility, including any machinery and equipment, buildings and structures servicing or related to the facility and land on which the facility is located.

- (C) cables, structures, amplifiers, antennas or drop lines installed in and owned by the owner of a building to which telecommunications services are being supplied, or*
  - (D) land or buildings,*
- and*
- (iii) pipelines, including*
    - (A) any continuous string of pipe, including loops, by-passes, cleanouts, distribution meters, distribution regulators, remote telemetry units, valves, fittings and improvements used for the protection of pipelines intended for or used in gathering, distributing or transporting gas, oil, coal, salt, brine, wood or any combination, product or by-product of any of them, whether the string of pipe is used or not,*
    - (B) any pipe for the conveyance or disposal of water, steam, salt water, glycol, gas or any other substance intended for or used in the production of gas or oil, or both,*
    - (C) any pipe in a well intended for or used in*
      - (I) obtaining gas or oil, or both, or any other mineral,*
      - (II) injecting or disposing of water, steam, salt water, glycol, gas or any other substance to an underground formation,*
      - (III) supplying water for injection to an underground formation, or*
      - (IV) monitoring or observing performance of a pool, aquifer or an oil sands deposit,*
    - (D) well head installations or other improvements located at a well site intended for or used for any of the purposes described in paragraph (C) or for the protection of the well head installations,*





- (E) *the legal interest in the land that forms the site of wells used for any of the purposes described in paragraph (C) if it is by way of a lease, licence or permit from the Crown, and*
  - (E.1) *the legal interest in any land other than that referred to in paragraph (E) that forms the site of wells used for any of the purposes described in paragraph (C), if the municipality in which the land is located has prepared assessments in accordance with this Part that are to be used for the purpose of taxation in 1996 or a subsequent year,*
- but not including*
- (F) *the inlet valve or outlet valve or any installations, materials, devices, fittings, apparatus, appliances, machinery or equipment between those valves in*
    - (I) *any processing, refining, manufacturing, marketing, transmission line pumping, heating, treating, separating or storage facilities, or*
    - (II) *a regulating or metering station,*
- or*
- (G) *land or buildings;*
- (p) *“operator”, in respect of linear property, means*
- (i) *for linear property described in clause (k)(iii)*
    - (A) *the licensee, as 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,*

**22 The following is added after section 284:**

**Provincial assessor**

**284.1(1)** The Minister must designate a person having the qualifications set out in the regulations as the provincial assessor to carry out the functions, duties and powers of the provincial assessor under this Act.

**(2)** Subject to the regulations, the provincial assessor may delegate to any person any power or duty conferred or imposed on the provincial assessor by this Act.

- (A) *the owner, or*
- (B) *the person who has applied in writing to and been approved by the Minister as the operator;*
- (s) *“railway” means roadway and superstructure;*
- (t) *“roadway” means the continuous strip of land owned or occupied by a person as a right of way for trains, leading from place to place in Alberta, but not including*
  - (i) *land that is outside the right of way and owned or occupied by the corporation for station grounds or extra right of way for sidings, spur tracks, wyes or other trackage for trains, or*
  - (ii) *land within the right of way that is used by the corporation for purposes other than the operation of trains;*
- (v) *“superstructure” means*
  - (i) *the grading, ballast and improvements located on a right of way for trains and used for the operation of trains, and*
  - (ii) *the improvements that form part of a telecommunications system intended for or used in the operation of trains;*
- (w) *“telecommunications system” means a system intended for or used in the transmission, emission or reception of cable television or telecommunications, but not including radio communications intended for direct reception by the general public;*

**22** Provincial assessor and municipal assessor.

(3) The provincial assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the provincial assessor's functions, duties or powers under this Act or any other enactment.

**Municipal assessor**

**284.2(1)** A municipality must appoint a person having the qualifications set out in the regulations to carry out the functions, duties and powers of a municipal assessor under this Act.

(2) Subject to the regulations, a municipal assessor may delegate to any person any power or duty conferred or imposed on the municipal assessor by this Act.

(3) A municipal assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the municipal assessor's functions, duties or powers under this Act or any other enactment.

**23 Section 289 is amended**

(a) **by repealing subsection (1) and substituting the following:**

**Assessments for property other than designated industrial property**

**289(1)** Assessments for all property in a municipality, other than designated industrial property, must be prepared by the municipal assessor.

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

(2.1) If the provincial assessor and a municipal assessor assess the same property, the municipality in which the property is situated must rescind the municipal assessment and notify the assessed person.

(c) **by repealing subsections (3) and (4).**

**23** Section 289 presently reads:

*289(1) Assessments for all property in a municipality, other than linear property, must be prepared by the assessor appointed by the municipality.*

*(2) Each assessment must reflect*

*(a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and*

*(b) the valuation and other standards set out in the regulations for that property.*

*(3) Each assessment of a railway must be based on a report provided by December 31 to each municipality the railway runs through by the person that operates the railway, showing*

*(a) the amount of land in the municipality occupied by the railway for roadway, and*

**24 Section 291 is amended**

**(a) by repealing subsection (2) and substituting the following:**

**(2) No assessment is to be prepared**

- (a) for new linear property that is not operational on or before October 31,
- (b) for new improvements, other than designated industrial property improvements, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before December 31,
- (c) for new designated industrial property improvements, other than linear property, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before October 31,
- (d) for new improvements, other than designated industrial property improvements, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not operational on or before December 31, or
- (e) for new designated industrial property improvements, other than linear property, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (c), if the improvements referred to in clause (c) are not operational on or before October 31.

**(b) by repealing subsections (3) to (5).**

*(b) the amount of land in the municipality occupied by the railway for purposes other than roadway.*

*(4) If a person that operates a railway does not provide the report required by subsection (3), the assessor must prepare the assessment using whatever information is available about the railway.*

**24** Section 291 presently reads:

*291(1) Unless subsection (2) applies, an assessment must be prepared for an improvement whether or not it is complete or capable of being used for its intended purpose.*

*(2) No assessment is to be prepared*

*(a) for linear property that is under construction but not completed on or before October 31, unless it is capable of being used for the transmission of gas, oil or electricity,*

*(b) for new improvements that are intended to be used for or in connection with a manufacturing or processing operation and are not completed or in operation on or before December 31, or*

*(c) for new improvements that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not completed or in operation on or before December 31.*

*(3) For the purposes of subsection (2)(a),*

*(a) “capable of being used”, in respect of linear property, means having the physical capacity to transmit gas, oil or electricity whether or not*

*(i) there is any gas, oil or electricity to transmit, or*

*(ii) there are any facilities connected to the linear property for the sending or receiving of gas, oil or electricity;*

*(b) “construction”, in respect of linear property, means the building or installation, or both, of linear property, but does*

**25 Section 292 is amended**

- (a) **by repealing subsection (1) and substituting the following:**

**Assessments for designated industrial property**

**292(1)** Assessments for designated industrial property must be prepared by the provincial assessor.

- (b) **in subsection (2)**

(i) **in clause (a) by striking out “linear” and substituting “designated industrial”;**

- (ii) **by repealing clause (b) and substituting the following:**

(b) the specifications and characteristics of the designated industrial property as specified in the regulations.

- (c) **by adding the following after subsection (2):**

**(2.1)** The specifications and characteristics of the designated industrial property referred to in subsection (2)(b) must reflect

- (a) the records of the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board, as the case may be, on October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property, and
- (b) any other source of information that the provincial assessor considers relevant, as at October 31 of the year



*not include the commissioning, operation or use of linear property.*

*(4) For the purposes of subsection (3)(a), linear property that is a pipeline has the physical capacity to transmit gas or oil when pressure testing of the pipeline is successful.*

*(5) For the purposes of this section, linear property that is a pipeline must be assessed separately and not as a system of pipelines.*

**25** Section 292 presently reads:

*292(1) Assessments for linear property must be prepared by the assessor designated by the Minister.*

*(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*

*(i) as contained in the records of the Alberta Utilities Commission, the Energy Resources Conservation Board or the Alberta Energy Regulator 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, or*

*(ii) 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 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.*

prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property.

**(2.2)** Information received by the provincial assessor from the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board is deemed to be correct for the purposes of preparing assessments.

**(d) by repealing subsections (3), (4) and (5).**

**26 Section 293 is amended**

**(a) in subsection (1) by striking out “the assessor” and substituting “an assessor”;**

**(b) by repealing subsection (3) and substituting the following:**

**(3)** The municipal assessor must, in accordance with the regulations, provide the Minister or the provincial assessor with information that the Minister or the provincial assessor requires about property in the municipality.

**27 Section 295 is amended**

**(a) by repealing subsection (1) and substituting the following:**

**Duty to provide information**

**295(1)** A person must provide, on request by an assessor,

- (a) any information necessary for the assessor to prepare an assessment or to determine if property is to be assessed, and
- (b) any information prescribed or described in the regulations for the assessor to carry out the duties and responsibilities of an assessor under Parts 9 to 12 of this Act.

**(b) by repealing subsection (2) and substituting the following:**

*(5) If the operator does not provide the report in accordance with subsection (4) or the assessor has reasonable grounds to believe that the information provided in the report is inaccurate, the assessor must prepare the assessment using the most accurate information available about the linear property.*

**26** Section 293(1) and (3) presently read:

*293(1) In preparing an assessment, the assessor must, in a fair and equitable manner,*

*(a) apply the valuation and other standards set out in the regulations, and*

*(b) follow the procedures set out in the regulations.*

*(3) An assessor appointed by a municipality must, in accordance with the regulations, provide the Minister with information that the Minister requires about property in that municipality.*

**27** Section 295 presently reads:

*295(1) A person must provide, on request by the assessor, any information necessary for the assessor to prepare an assessment or determine if property is to be assessed.*

*(2) An agency accredited under the Safety Codes Act must release, on request by the assessor, information or documents respecting a permit issued under the Safety Codes Act.*

*(3) An assessor may request information or documents under subsection (2) only in respect of a property within the municipality for which the assessor is preparing an assessment.*

*(4) No person may make a complaint in the year following the assessment year under section 460 or, in the case of linear property, under section 492(1) about an assessment if the person has failed to provide the information requested under subsection (1) within 60 days from the date of the request.*

(2) The Alberta Safety Codes Authority or an agency accredited under the *Safety Codes Act* must release, on request by an assessor, information or documents respecting a permit issued under the *Safety Codes Act*.

(c) **in subsection (4) by striking out** “linear” **and substituting** “designated industrial”;

(d) **by adding the following after subsection (4):**

(5) Information collected under this section must be reported to the Minister on the Minister’s request.

**28 Section 296 is amended**

(a) **in subsection (1) by striking out** “An assessor described in section 284(d)(i)” **and substituting** “The provincial assessor”;

(b) **in subsection (2)(b) by striking out** “to assist the assessor in preparing an assessment or determining if property is to be assessed” **and substituting** “under section 294 or 295”.

**29 Section 297(2) is repealed and the following is substituted:**

(2) A council may by bylaw divide class 1 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to property in class 1.

(2.1) The assessor must assign the sub-classes prescribed by the regulations to property in class 2.

**28** Section 296 presently reads:

*296(1) An assessor described in section 284(d)(i) or a municipality may apply to the Court of Queen's Bench for an order under subsection (2) if any person*

- (a) refuses to allow or interferes with an entry or inspection by an assessor, or*
- (b) refuses to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed*

*(2) The Court may make an order*

- (a) restraining a person from preventing or interfering with an assessor's entry or inspection, or*
- (b) requiring a person to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed.*

**29** Section 297(2) presently reads:

*(2) A council may by bylaw*

- (a) divide class 1 into sub-classes on any basis it considers appropriate, and*
- (b) divide class 2 into the following sub-classes:*

**30 Section 299 is repealed and the following is substituted:**

**Access to municipal assessment record**

**299(1)** An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive information prescribed by the regulations that is in the municipal assessor's possession at the time of the request, showing how the municipal assessor prepared the assessment of that person's property.

**(2)** Subject to subsection (3) and the regulations, the municipality must comply with a request under subsection (1).

**(3)** A municipality is not obligated to respond to a request for information in respect of a property after a complaint is made under section 460 by the person assessed in respect of that property until the complaint has been heard and decided by an assessment review board.

**Access to provincial assessment record**

**299.1(1)** An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive information prescribed by the regulations in the provincial assessor's possession at the time of the request, showing how the provincial assessor prepared the assessment of that person's designated industrial property.

**(2)** Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

**(3)** The provincial assessor is not obligated to respond to a request for information in respect of designated industrial property after a complaint is made under section 492(1) by the person assessed in respect of that property until the complaint has been heard and decided by the Municipal Government Board.

- (i) *vacant non-residential;*
- (ii) *improved non-residential,*

*and if the council does so, the assessor may assign one or more sub-classes to a property.*

**30** Section 299 presently reads:

*299(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive sufficient information to show how the assessor prepared the assessment of that person's property.*

*(1.1) For the purposes of subsection (1), "sufficient information" in respect of a person's property must include*

- (a) all documents, records and other information in respect of that property that the assessor has in the assessor's possession or under the assessor's control,*
- (b) the key factors, components and variables of the valuation model applied in preparing the assessment of the property, and*
- (c) any other information prescribed or otherwise described in the regulations.*

*(2) The municipality must, in accordance with the regulations, comply with a request under subsection (1).*

**31 Section 300 is repealed and the following is substituted:**

**Access to summary of municipal assessment**

**300(1)** An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive a summary of the most recent assessment of any assessed property in the municipality of which the assessed person is not the owner.

**(2)** For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the municipal assessor's possession or under the municipal assessor's control at the time of the request:

- (a) a description of the parcel of land and any improvements, to identify the type and use of the property;
- (b) the size and measurements of the parcel of land;
- (c) the age and size or measurement of any improvements;
- (d) the key attributes of any improvements to the parcel of land;
- (e) the assessed value and any adjustments to the assessed value of the parcel of land;
- (f) any other information prescribed or otherwise described in the regulations.

**(3)** The municipality must, in accordance with the regulations, comply with a request under subsection (1) if it is satisfied that necessary confidentiality will not be breached.

**Access to summary of provincial assessment**

**300.1(1)** An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive a summary of the most recent assessment of any assessed designated industrial property of which the assessed person is not the owner or operator.

**(2)** For the purposes of subsection (1), a summary of the most recent assessment must include the following information that



**31** Section 300 presently reads:

*300(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive a summary of the assessment of any assessed property in the municipality.*

*(1.1) For the purposes of subsection (1), a summary of an assessment must include the following information that the assessor has in the assessor's possession or under the assessor's control:*

- (a) a description of the parcel of land and any improvements, to identify the type and use of the property;*
- (b) the size of the parcel of land;*
- (c) the age and size or measurement of any improvements;*
- (d) the key factors, components and variables of the valuation model applied in preparing the assessment of the property;*
- (e) any other information prescribed or otherwise described in the regulations.*

*(2) The municipality must, in accordance with the regulations, comply with a request under subsection (1) if it is satisfied that necessary confidentiality will not be breached.*

is in the provincial assessor's possession or under the provincial assessor's control at the time of the request:

- (a) a description of the designated industrial property;
- (b) the assessed value associated with the designated industrial property;
- (c) any other information prescribed or otherwise described in the regulations.

(3) The provincial assessor must, in accordance with the regulations, comply with a request under subsection (1) if the provincial assessor is satisfied that necessary confidentiality will not be breached.

**32 Section 301 is amended by renumbering it as section 301(1) and by adding the following after subsection (1):**

(2) The provincial assessor may provide information that is in the provincial assessor's possession about assessments if the provincial assessor is satisfied that necessary confidentiality will not be breached.

**33 Section 302 is repealed and the following is substituted:**

**Preparation of roll**

**302(1)** Each municipality must prepare annually, not later than February 28, an assessment roll for assessed property in the municipality other than designated industrial property.

(2) The provincial assessor must prepare annually, not later than February 28, an assessment roll for assessed designated industrial property.

(3) The provincial assessor must provide to each municipality a copy of that portion of the provincial assessment roll that relates to the designated industrial property situated in the municipality.

**32** Section 301 presently reads:

*301 A municipality may provide information in its possession about assessments if it is satisfied that necessary confidentiality will not be breached.*

**33** Section 302 presently reads:

*302(1) Each municipality must prepare annually, not later than February 28, an assessment roll for assessed property in the municipality other than linear property.*

*(2) The Minister must prepare annually, not later than February 28, an assessment roll for assessed linear property.*

**34 Section 303 is amended**

- (a) **by adding** “prepared by a municipality” **after** “assessment roll”;
- (b) **by repealing clause (g.1);**
- (c) **in clause (h) by adding** “fully or partially” **before** “exempt”;
- (d) **by adding the following after clause (h):**
  - (h.1) if a deferral of the collection of tax under section 364.1 is in effect for the property, a notation of that fact;
- (e) **in clause (i) by adding** “required” **before** “by the Minister”.

**35 The following is added after section 303:**

**Contents of provincial assessment roll**

**303.1** The provincial assessment roll must show, for each assessed designated industrial property, the following:

- (a) a description of the type of designated industrial property;
- (b) a description sufficient to identify the location of the designated industrial property;
- (c) the name and mailing address of the assessed person;
- (d) the assessment;
- (e) the assessment class or classes;
- (f) the liability code assigned by the provincial assessor, in the form and manner prescribed by the regulations;
- (g) whether the designated industrial property is assessable for public school purposes or separate school purposes, if notice has been given to the municipality under section 156 of the *School Act*;

**34** Section 303 presently reads in part:

*303 The assessment roll must show, for each assessed property, the following:*

- (g.1) if the property is linear property, the date the Minister declares the linear property assessment complete;*
- (h) if the property is exempt from taxation under Part 10, a notation of that fact;*
- (i) any other information considered appropriate by the municipality or by the Minister, as the case may be.*

**35** Contents of provincial assessment roll.

- (h) if the designated industrial property is exempt from taxation under Part 10, a notation of that fact;
- (i) any other information considered appropriate by the provincial assessor.

**36 Section 304 is amended**

**(a) by repealing subsection (3) and substituting the following:**

**(3)** A person who purchases property or in any other manner becomes liable to be shown on the assessment roll as an assessed person

- (a) must provide to the provincial assessor, in the case of designated industrial property, or
- (b) must provide to the municipality, in the case of property other than designated industrial property,

written notice of a mailing address to which notices under this Part and Part 10 may be sent.

**(b) by repealing subsection (5).**

**37 Section 305 is amended**

**(a) in subsection (3) by striking out “section 368” and substituting “section 364.1 or 368”;**

**(b) by adding the following after subsection (3):**

**(3.1)** If the collection of tax on property is deferred under section 364.1 or a deferral under that section is cancelled, the assessment roll must be corrected and an amended assessment notice must be prepared and sent to the assessed person.

**(c) by repealing subsections (5) and (6).**

**36** Section 304(3) and (5) presently read:

*(3) A person who purchases property or in any other manner becomes liable to be shown on the assessment roll as an assessed person*

*(a) must provide to the Minister, in the case of linear property,  
or*

*(b) must provide to the municipality, in the case of property other  
than linear property,*

*written notice of a mailing address to which notices under this Part  
and Part 10 may be sent.*

*(5) A bylaw passed under subsection (1)(j)(ii) on or after January 1,  
1996 and before May 24, 1996 has no effect.*

**37** Section 305 presently reads in part:

*(3) If exempt property becomes taxable or taxable property  
becomes exempt under section 368, the assessment roll must be  
corrected and an amended assessment notice must be prepared and  
sent to the assessed person.*

*(5) If a complaint has been made under section 460 or 488 about an  
assessed property, the assessor must not correct or change the  
assessment roll in respect of that property until a decision of an  
assessment review board or the Municipal Government Board, as  
the case may be, has been rendered or the complaint has been  
withdrawn.*

*(6) Despite subsection (5), subsection (1)(b) does not apply if the  
assessment roll is*

**38 Section 307 is amended by adding “municipal” before “assessment roll”.**

**39 Section 308 is amended**

- (a) in subsection (1)(a) by striking out “linear” and substituting “designated industrial”;**
- (b) by repealing subsection (2) and substituting the following:**
  - (2) The provincial assessor must annually**
    - (a) prepare assessment notices for all assessed designated industrial property shown on the provincial assessment roll,
    - (b) send the assessment notices to the assessed persons in accordance with the regulations, and
    - (c) send the municipality copies of the assessment notices.
- (c) by repealing subsections (3) and (5).**



- (a) *corrected as a result of a complaint being withdrawn by agreement between the complainant and the assessor, or*
- (b) *changed under section 477 or 517.*

**38** Section 307 presently reads:

*307 Any person may inspect the assessment roll during regular business hours on payment of the fee set by the council.*

**39** Section 308 presently reads:

*308(1) Each municipality must annually*

- (a) *prepare assessment notices for all assessed property, other than linear property, shown on the assessment roll referred to in section 302(1), and*
- (b) *send the assessment notices to the assessed persons in accordance with the regulations.*

*(2) The assessor designated by the Minister must annually*

- (a) *prepare assessment notices for all assessed linear property shown on the assessment roll referred to in section 302(2),*
- (b) *send the assessment notices to the assessed persons in accordance with the regulations, and*
- (c) *send the municipality copies of the assessment notices.*

*(3) The municipality must record on the assessment roll the information in the assessment notices sent to it under subsection (2)(c).*

*(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.*

*(5) When an assessment notice is combined with a tax notice under subsection (4) in respect of linear property, the combined notice must indicate that*

- (a) *an assessment review board has no jurisdiction to deal with complaints about assessments for linear property, and*

**40 Section 309 is repealed and the following is substituted:**

**Contents of assessment notice**

**309(1)** An assessment notice or an amended assessment notice must show the following:

- (a) the same information that is required to be shown on the assessment roll;
- (b) the date the assessment notice or amended assessment notice is sent to the assessed person;
- (c) the date by which a complaint must be made;
- (d) for an assessment of property other than designated industrial property, the name and address of the assessment review board where a complaint must be filed;
- (e) for an assessment of designated industrial property, information respecting how a complaint must be filed with the Municipal Government Board;
- (f) any other information considered appropriate by the municipality or the provincial assessor, as the case may be.

**(2)** The date shown under subsection (1)(c) must be 60 days after the assessment notice or amended assessment notice is sent to an assessed person.

**(3)** An assessment notice may include a number of assessed properties if the same person is the assessed person for all of them.

**41 Section 310(2)(b) is amended by striking out “assessor designated by the Minister” and substituting “provincial assessor”.**

- (b) *the Municipal Government Board has jurisdiction to hear complaints about assessments for linear property.*

**40** Section 309 presently reads:

*309(1) An assessment notice or an amended assessment notice must show the following:*

- (a) *the same information that is required to be shown on the assessment roll;*
  - (b) *the date the assessment notice or amended assessment notice is sent to the assessed person;*
  - (c) *the date by which a complaint must be made, which date must be 60 days after the assessment notice or amended assessment notice is sent to the assessed person;*
  - (d) *the name and address of the designated officer with whom a complaint must be filed;*
  - (e) *any other information considered appropriate by the municipality.*
- (2) An assessment notice may include a number of assessed properties if the same person is the assessed person for all of them.*

**41** Section 310(2) presently reads:

- (2) *If the mailing address of an assessed person is unknown,*

**42 Section 311 is amended**

- (a) by repealing subsection (3) and substituting the following:**

**(3)** The provincial assessor must publish in The Alberta Gazette a notice that the assessment notices in respect of designated industrial property have been sent.

- (b) in subsection (4) by striking out “linear” and substituting “designated industrial”.**

**43 Section 314 is amended**

- (a) in subsection (1)**

**(i) by adding “municipal” before “assessor”;**

**(ii) by striking out “completed or begin to operate” and substituting “operational”;**

- (b) in subsections (2) and (2.1) by adding “municipal” before “assessor”.**

- (a) *a copy of the assessment notice must be sent to the mailing address of the assessed property, and*
- (b) *if the mailing address of the property is also unknown, the assessment notice must be retained by the municipality or the assessor designated by the Minister, as the case may be, and is deemed to have been sent to the assessed person.*

**42** Section 311 presently reads in part:

- (3) *The assessor designated by the Minister must publish in The Alberta Gazette a notice that the assessment notices in respect of linear property have been sent.*
- (4) *All assessed persons are deemed as a result of the publication referred to in subsection (3) to have received their assessment notices in respect of linear property.*

**43** Section 314 presently reads in part:

*314(1) The assessor must prepare supplementary assessments for machinery and equipment used in manufacturing and processing if those improvements are completed or begin to operate in the year in which they are to be taxed under Part 10.*

*(2) The assessor must prepare supplementary assessments for other improvements if*

- (a) *they are completed in the year in which they are to be taxed under Part 10,*
- (b) *they are occupied during all or any part of the year in which they are to be taxed under Part 10, or*
- (c) *they are moved into the municipality during the year in which they are to be taxed under Part 10 and they will not be taxed in that year by another municipality.*

*(2.1) The assessor may prepare a supplementary assessment for a designated manufactured home that is moved into the municipality during the year in which it is to be taxed under Part 10 despite that*

**44 The following is added after section 314:**

**Supplementary assessment re designated industrial property**

**314.1(1)** Subject to the regulations, the provincial assessor must prepare supplementary assessments for new designated industrial property that becomes operational after October 31 of the year prior to the year in which the designated industrial property is to be taxed under Part 10.

(2) Supplementary assessments must reflect the valuation standard set out in the regulations for designated industrial property.

(3) Subject to the regulations, supplementary assessments for designated industrial property must be prorated to reflect only the number of months, including the whole of the first month, during which the property is operational.

(4) Despite subsections (1) to (3),

- (a) a supplementary assessment must be prepared only for designated industrial property that has not been previously assessed, and only when it becomes operational;
- (b) a supplementary assessment must not be prepared in respect of designated industrial property that ceases to operate during the tax year.

**45 Sections 315 and 316 are repealed and the following is substituted:**

**Supplementary assessment roll**

**315(1)** Before the end of the year in which supplementary assessments are prepared, the municipality must prepare a supplementary assessment roll.

*the designated manufactured home will be taxed in that year by another municipality.*

**44** Supplementary assessment re designated industrial property.

**45** Sections 315 and 316 presently read:

*315(1) Before the end of the year in which supplementary assessments are prepared, the municipality must prepare a supplementary assessment roll.*

*(2) A supplementary assessment roll must show, for each assessed improvement, the following:*

(2) Before the end of the year in which supplementary assessments are prepared, the provincial assessor must prepare a supplementary assessment roll for designated industrial property.

(3) A supplementary assessment roll must show, for each assessed improvement or designated industrial property, the following:

- (a) the same information that is required to be shown on the assessment roll;
- (b) in the case of an improvement, the date that the improvement
  - (i) was completed, occupied or moved into the municipality, or
  - (ii) became operational.

(4) Sections 304, 305, 306 and 307 apply in respect of a supplementary assessment roll.

(5) The provincial assessor must provide a copy of the supplementary assessment roll for designated industrial property to the municipality.

#### **Supplementary assessment notices**

**316(1)** Before the end of the year in which supplementary assessments are prepared other than for designated industrial property, the municipality must

- (a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll referred to in section 315(1), and
- (b) send the supplementary assessment notices to the assessed persons.

(2) Before the end of the year in which supplementary assessments for designated industrial property are prepared, the provincial assessor must

- (a) prepare supplementary assessment notices for all assessed designated industrial property shown on the



- (a) the same information that is required to be shown on the assessment roll;*
  - (b) the date that the improvement
    - (i) was completed, occupied or moved into the municipality, or*
    - (ii) began to operate.**
- (3) Sections 304, 305, 306 and 307 apply in respect of a supplementary assessment roll.*

*316(1) Before the end of the year in which supplementary assessments are prepared, the municipality must*

- (a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll, and*
- (b) send the supplementary assessment notices to the assessed persons.*

*(2) A supplementary assessment notice must show, for each assessed improvement, the following:*

- (a) the same information that is required to be shown on the supplementary assessment roll;*
- (b) the date the supplementary assessment notice is sent to the assessed person;*

supplementary assessment roll referred to in section 315(2),

- (b) send the supplementary assessment notices to the assessed persons in accordance with the regulations, and
- (c) send the municipality copies of the supplementary assessment notices.

**Contents of assessment notice**

**316.1(1)** A supplementary assessment notice must show, for each assessed improvement, the following:

- (a) the same information that is required to be shown on the supplementary assessment roll;
- (b) the date the supplementary assessment notice is sent to the assessed person;
- (c) the date by which a complaint must be made;
- (d) the address to which a complaint must be sent.

**(2)** The date shown under subsection (1)(c) must be

- (a) in the case of a supplementary assessment notice for designated industrial property referred to in section 316(2), 60 days after a copy of the supplementary assessment notice is sent to the municipality under section 316(2)(c), or
- (b) in any other case, 60 days after the supplementary assessment notice is sent to the assessed person.

**(3)** Sections 309(3), 310(1.1) and 312 apply in respect of supplementary assessment notices.

**46 Section 317 is amended**

- (a) by repealing clause (b);**
- (b) in clause (e) by striking out “section 333.1 or 360” and substituting “section 333.1, 360 or 364.1”.**

*(c) the date by which a complaint must be made, which date must be 60 days after the supplementary assessment notice is sent to the assessed person;*

*(d) the address to which a complaint must be sent.*

*(3) Sections 309(2), 310(1.1) and 312 apply in respect of supplementary assessment notices.*

**46** Section 317 presently reads:

*317 In this Division, “equalized assessment” means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects*

**47 Section 322 is amended**

**(a) in subsection (1)**

**(i) by repealing clause (b) and substituting the following:**

- (b) defining “electric power systems”, “facilities”, “farming operations”, “farm building”, “machinery and equipment”, “operational”, “operator”, “pipelines”, “railway property”, “street lighting systems”, “telecommunication systems” and “wells”;

**(ii) by adding the following after clause (d):**

- (d.1) respecting the delegation of the powers, duties and functions of the provincial assessor under section 284.1 or of a municipal assessor under section 284.2;
- (d.2) designating major plants and other property as designated industrial property;
- (d.3) respecting designated industrial property, including, without limitation, regulations respecting the

- (a) *assessments of property in the municipality that is taxable under Part 10,*
- (b) *assessments of property in the municipality in respect of which a grant may be paid by the Crown under section 366,*
- (c) *assessments of property in the municipality in respect of which a grant may be paid by the Crown in right of Canada under the Municipal Grants Act (Canada),*
- (d) *assessments of property in the municipality made taxable or exempt as a result of a council passing a bylaw under Part 10, except any property made taxable under section 363(1)(d), and*
- (e) *assessments of property in the municipality that is the subject of a tax agreement under section 333.1 or 360,*

*from the year preceding the year in which the equalized assessment is effective.*

**47** Additional regulation-making authority added.

specifications and characteristics of designated industrial property;

**(iii) by adding the following after clause (g):**

(g.01) prescribing sub-classes for the purposes of section 297(2.1);

**(iv) in clause (g.1) by striking out “sections 299(1.1)(c) and 300(1.1)(e)” and substituting “sections 295(1)(b), 299(1), 299.1(1), 300(2)(f) and 300.1(2)(c)”;**

**(v) by adding the following after clause (h.1):**

(h.2) respecting the providing of information to an assessor under section 295(1);

(h.3) respecting procedures and time-lines to be followed by a provincial assessor in dealing with a request for information under section 299.1 or a request for a summary of an assessment under section 300.1;

(h.4) respecting supplementary assessments;

(h.5) defining any term or expression that is used but not defined in this Part;

**(b) by adding the following after subsection (5):**

**(6)** In designating by regulation a major plant as designated industrial property, the Minister may include as a major plant any parcel of land, improvements or other property.

**(7)** The inclusion of property pursuant to subsection (6) is not invalid even if the property is used for residential or agricultural purposes, or is vacant.

**(8)** If an application is made to a court in respect of the validity of a regulation designating a major plant as designated industrial property,

(a) the application shall be limited to whether a specific parcel of land, improvement or other property for which the applicant is the assessed person is or is not all or a part of a major plant;



- (b) evidence of the inclusion of property pursuant to subsection (6) or of property not designated as a major plant pursuant to subsection (6) is not admissible to demonstrate the invalidity of the regulation or any part of it.

**48 Section 326(1)(a) is amended by striking out “or” at the end of subclause (iii), by adding “or” at the end of subclause (v) and by adding the following after subclause (v):**

- (vi) the amount required to recover the costs incurred for matters related to
  - (A) the assessment of designated industrial property, and
  - (B) any other matters related to the provincial assessor’s operations;

**49 Section 329 is amended by adding the following after clause (g):**

- (g.1) if any property in the municipality is the subject of a bylaw or agreement under section 364.1 to defer the collection of tax, a notation of the amount deferred and the taxation year or years to which the amount relates;

**50 Section 334(3) is amended by striking out “section 326(a)(ii)” and substituting “section 326(1)(a)(ii) or (vi)”.**



**48** Section 326(1)(a) presently reads:

*326(1) In this Part,*

- (a) “requisition” means*
  - (ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 174 of the School Act that is raised by imposing a rate referred to in section 174 of the School Act,*
  - (iii) any part of the requisition of school boards under Part 6, Division 3 of the School Act, or*
  - (v) the amount required to be paid to a management body under section 7 of the Alberta Housing Act;*

**49** Section 329 presently reads in part:

*329 The tax roll must show, for each taxable property or business, the following:*

- (g) if any property in the municipality is the subject of an agreement between the taxpayer and the municipality under section 347(1) relating to tax arrears, a notation of that fact;*

**50** Section 334(3) presently reads:

*(3) Despite subsection (2), a tax notice must show, separately from all other tax rates shown on the notice, the tax rates set by the property tax bylaw to raise the revenue to pay the requisitions referred to in section 326(a)(ii).*

**51 Section 350 is amended by striking out “and” at the end of clause (a), adding “and” at the end of clause (b) and adding the following after clause (b):**

- (c) the total amount of tax, if any, in respect of which collection is deferred under this Part.

**52 Section 354(3.1) is repealed and the following is substituted:**

**(3.1)** Despite subsection (3), the tax rate for the class referred to in section 297(1)(d) and the tax rate for the sub-classes referred to in section 297(2.1) must be set in accordance with the regulations.

**53 The following is added after section 357:**

**Tax rate for residential property**

**357.1** The tax rate to be imposed by a municipality on residential property or on any sub-class of residential property must be greater than zero.

**54 Section 358 is repealed.**

**55 The following is added before section 359:**

**Maximum tax ratio**

**358.1(1)** In this section,

- (a) “non-conforming municipality” means a municipality that has a tax ratio greater than 5:1 as calculated using the property tax rates set out in its most recently enacted

**51** Section 350 presently reads:

*350 On request, a designated officer must issue a tax certificate showing*

- (a) the amount of taxes imposed in the year in respect of the property or business specified on the certificate and the amount of taxes owing, and*
- (b) the total amount of tax arrears, if any.*

**52** Section 354(3.1) presently reads:

*(3.1) Despite subsection (3), 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.*

**53** Tax rate for residential property.

**54** Section 358 presently reads:

*358(1) The tax rate to be imposed on linear property must be uniform throughout a municipality.*

*(2) The tax rate to be imposed on linear property must be calculated in accordance with the procedure prescribed in the regulations.*

**55** Maximum tax ratio.

property tax bylaw as at the date this section comes into force;

- (b) “non-residential” means non-residential as defined in section 297(4);
- (c) “tax ratio”, in respect of a municipality, means the ratio of the highest non-residential tax rate set out in the municipality’s property tax bylaw for a year to the lowest residential tax rate set out in the municipality’s property tax bylaw for the same year.

(2) No municipality other than a non-conforming municipality shall in any year have a tax ratio greater than 5:1.

(3) A non-conforming municipality shall not in any year have a tax ratio that is greater than the tax ratio as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at the date this section comes into force.

(4) If in any year after the year in which this section comes into force a non-conforming municipality has a tax ratio that is less than the tax ratio it had in the previous year but greater than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio that is greater than that new tax ratio.

(5) If in any year after the year in which this section comes into force a non-conforming municipality has a tax ratio that is equal to or less than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio greater than 5:1.

(6) Where an order to annex land to a municipality contains provisions respecting the tax rate or rates that apply to the annexed land, the tax rate or rates shall not be considered for the purposes of determining the municipality’s tax ratio.

(7) For the purposes of this section,

- (a) the tax set out in a municipality’s property tax bylaw to raise revenue to be used toward the payment of
  - (i) the expenditures and transfers set out in the budget of the municipality, and
  - (ii) the requisitions,shall be considered to be separate tax rates, and
- (b) the tax rate for the requisitions shall not be considered for the purposes of determining the municipality’s tax ratio.



**56 The following is added after section 359.2:**

**Designated industrial property assessment requisitions**

**359.3(1)** In this section, “designated industrial property requisition” means a requisition referred to in section 326(1)(a)(vi).

(2) The Minister must set the property tax rate for the designated industrial property requisition.

(3) The property tax rate for the designated industrial property requisition must be the same for all designated industrial property.

**Cancellation, reduction, refund or deferral of taxes**

**359.4** If the Minister considers it equitable to do so, the Minister may, generally or with respect to a particular municipality, cancel or reduce the amount of a requisition payable under section 326(1)(a)(vi).

**57 The following is added after section 364:**

**Brownfield tax incentives**

**364.1(1)** In this section, “brownfield property” means property, other than designated industrial property, that

- (a) is a commercial or industrial property when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property, or was a commercial or industrial property at any earlier time, and
- (b) in the opinion of the council making the bylaw,
  - (i) is, or possibly is, contaminated,
  - (ii) is vacant, derelict or under-utilized, and
  - (iii) is suitable for development or redevelopment for the general benefit of the municipality when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property.

**56** Sections related to designated industrial property requisitions.

**57** Brownfield tax incentives.

**(2)** A council may by bylaw, for the purpose of encouraging development or redevelopment for the general benefit of the municipality, provide for

- (a) full or partial exemptions from taxation under this Division for brownfield properties, or
- (b) deferrals of the collection of tax under this Division on brownfield properties.

**(3)** A bylaw under subsection (2)

- (a) must identify the brownfield properties in respect of which an application may be made for a full or partial exemption or for a deferral,
- (b) may set criteria to be met for a brownfield property to qualify for an exemption or deferral,
- (c) must specify the taxation year or years for which the identified brownfield properties may qualify for an exemption or deferral, and
- (d) must specify any conditions the breach of which cancels an exemption or deferral and the taxation year or years to which the condition applies.

**(4)** Before giving second reading to a bylaw proposed to be made under subsection (2), a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

**(5)** An owner of brownfield property identified in a bylaw under subsection (2) may apply in the form and manner required by the municipality for an exemption or deferral in respect of the property.

**(6)** If after reviewing the application a designated officer of the municipality determines that the brownfield property meets the requirements of the bylaw for a full or partial exemption or for a deferral of the collection of tax under this Division, the designated officer may issue a certificate granting the exemption or deferral.

**(7)** The certificate must set out





- (a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the tax year in which the certificate is issued,
- (b) in the case of a partial exemption, the extent of the exemption, and
- (c) all criteria, conditions and taxation years specified in the bylaw in accordance with subsection (3).

**(8)** If at any time after an exemption or deferral is granted under a bylaw under this section a designated officer of the municipality determines that the property did not meet or has ceased to meet a criterion referred to in subsection (3)(b) or that a condition referred to in subsection (3)(d) has been breached, the designated officer must cancel the exemption or deferral for the taxation year or years in which the criterion was not met or to which the condition applies.

**(9)** Where a designated officer refuses to grant an exemption or deferral, a written notice of the refusal must be sent to the applicant stating the reasons for the refusal and the date by which any complaint must be made, which date must be 60 days after the written notice of refusal is sent.

**(10)** An exemption or deferral granted under a bylaw under this section remains valid, subject to subsection (8) and the criteria and conditions on which it was granted, regardless of whether the bylaw is subsequently amended or repealed or otherwise ceases to have effect.

**(11)** Despite subsections (2) to (10), a council may enter into an agreement with the owner of a brownfield property

- (a) exempting, either fully or partially, the brownfield property from taxation under this Division, or
- (b) deferring the collection of tax under this Division on the brownfield property.

**(12)** The agreement must specify

- (a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the one in which the agreement is entered into,



- (b) the conditions on which the exemption or deferral is granted, and
- (c) the consequences, rights and remedies arising in the event of any breach.

**(13)** Before voting on a resolution to enter into an agreement referred to in subsection (11), a council must hold a public hearing with respect to the proposed agreement in accordance with section 230 after giving notice of it in accordance with section 606.

**58 Section 365(1) is amended by striking out** “sections 351(1)(b) and 361 to 364” **and substituting** “sections 351(1)(b) and 361 to 364.1”.

**59 Section 369 is amended by adding the following after subsection (2):**

**(2.01)** A council may pass a bylaw authorizing it to impose a supplementary tax for designated industrial property only if it passes a bylaw authorizing it to impose a supplementary tax in respect of all other property in the municipality.

**60 Section 370 is amended**

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

(b.1) respecting the setting of tax rates referred to in section 354(3.1);

**(b) by adding the following after clause (c.1):**

(c.2) respecting designated industrial property assessment requisitions and designated industrial property

**58** Section 365 presently reads:

*365(1) Property that is licensed under the Gaming and Liquor Act is not exempt from taxation under this Division, despite sections 351(1)(b) and 361 to 364 and any other Act.*

*(2) Despite subsection (1), property listed in section 362(1)(n) in respect of which a licence that is specified in the regulations has been issued is exempt from taxation under this Division.*

**59** Section 369(2) and (2.1) presently read:

*(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its property tax bylaw as the supplementary tax rates to be imposed.*

*(2.1) Despite subsection (2), the tax rates required to raise the revenue to pay requisitions referred to in sections 192 and 194 of the School Act must not be applied as supplementary tax rates.*

**60** Additional regulation-making authority.

requisition tax bylaws, including, without limitation, regulations respecting the application of any provision of this Act, with or without modification, to a designated industrial property assessment requisition or a designated industrial property requisition tax bylaw, or both;

- (c.3) respecting tax exemptions and deferrals under section 364.1;

**61 Part 11, Division 1 is repealed and the following is substituted:**

**Division 1  
Establishment and Function of  
Assessment Review Boards**

**Interpretation**

**453(1)** In this Part,

- (a) “assessment notice” includes an amended assessment notice and a supplementary assessment notice;
- (b) “assessment roll” includes a supplementary assessment roll;
- (c) “chair” means the member of an assessment review board designated as chair under section 454.1(2), 454.2(2) or 455(2);
- (d) “clerk”, in respect of a local assessment review board or composite assessment review board having jurisdiction in one or more municipalities, means the designated officer appointed as clerk under section 456;
- (e) “composite assessment review board” means a composite assessment review board established by a council under section 454(b) or jointly established by 2 or more councils under section 455;
- (f) “local assessment review board” means a local assessment review board established by a council under section 454(a) or jointly established by 2 or more councils under section 455;

**61** Repeals and replaces Part 11, Division 1, Establishment and Function of Assessment Review Boards.

- (g) “provincial member” means a person appointed by the Minister under section 454.21(2);
- (h) “tax notice” includes a supplementary tax notice;
- (i) “tax roll” includes a supplementary tax roll.

(2) In this Part, a reference to an assessment review board

- (a) means a local assessment review board or a composite assessment review board, as the case requires, and
- (b) includes a panel of the board convened under section 454.11 or 454.21.

#### **Assessment review boards to be established**

**454** A council must by bylaw establish

- (a) a local assessment review board to hear complaints referred to in section 460.1(1), and
- (b) a composite assessment review board to hear complaints referred to in section 460.1(2).

#### **Appointment of members to local assessment review board**

**454.1(1)** A council must

- (a) appoint at least 3 persons as members of the local assessment review board,
- (b) prescribe the term of office of each member appointed under clause (a), and
- (c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the local assessment review board and must prescribe the chair’s term of office and the remuneration and expenses, if any, payable to the chair.

(3) The chair may delegate to any other member appointed under subsection (1) any of the powers, duties or functions of the chair.





**Panels of local assessment review board**

**454.11(1)** Where a hearing is to be held in respect of a complaint referred to in section 460.1(1), the chair of the local assessment review board must convene a panel of 3 of its members, only one of whom may be a councillor, to hear the complaint.

(2) Despite subsection (1),

- (a) a panel of a local assessment review board may, subject to any conditions prescribed by the regulations under section 484.1(c), consist of only one member appointed by the chair if that member is not a councillor, and
- (b) where the chair appoints 3 members to a panel of a local assessment review board that is jointly established under section 455, 2 of those members may be councillors if they are councillors for different establishing municipalities.

(3) Where a panel consists of 3 members, the panel members must choose a presiding officer from among themselves.

(4) Where a panel has only one member, that member is the presiding officer.

**Appointment of members to composite assessment review board**

**454.2(1)** A council must

- (a) appoint at least 2 persons as members of the composite assessment review board,
- (b) prescribe the term of office of each member appointed under clause (a), and
- (c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the composite assessment review board and must prescribe the chair's term of office and the remuneration and expenses, if any, payable to the chair.



(3) The chair may delegate to another member appointed under subsection (1) any of the powers, duties or functions of the chair.

#### **Panels of composite assessment review board**

**454.21(1)** Where a hearing is to be held in respect of a complaint referred to in section 460.1(2), the chair of the composite assessment review board must convene a panel to hear the complaint.

(2) The panel must consist of 2 members of the composite assessment review board, only one of whom may be a councillor, appointed by the chair and one provincial member appointed by the Minister in accordance with the regulations.

(3) Despite subsection (2),

(a) a panel of a composite assessment review board may, subject to any conditions prescribed by the regulations under section 484.1(d), consist of only the provincial member, and

(b) where the chair appoints 2 members to a panel of a composite assessment review board that is jointly established under section 455, both of those members may be councillors if they are councillors for different establishing municipalities.

(4) The provincial member is the presiding officer of every panel of a composite assessment review board.

#### **Qualifications of members**

**454.3** A member of an assessment review board may not participate in a hearing of the board unless the member is qualified as provided for in the regulations.

#### **Joint establishment of assessment review boards**

**455(1)** Two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board, or both, to have jurisdiction in their municipalities.

(2) Where an assessment review board is jointly established,

(a) the councils must jointly designate one of the board members as chair and must jointly prescribe the chair's



term of office and the remuneration and expenses, if any, payable to the chair, and

- (b) the chair may delegate any of the powers, duties or functions of the chair to another board member but not to the provincial member of a panel of the board.

#### **Clerk**

**456(1)** The council of a municipality must appoint a designated officer to act as the clerk of the assessment review boards having jurisdiction in the municipality.

(2) Where an assessment review board is jointly established, the councils must jointly appoint the clerk.

(3) The clerk must not be an assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under section 364.1.

(4) The council or councils appointing the clerk must prescribe the clerk's remuneration and duties.

#### **Replacement of panel members**

**457** In circumstances provided for by the regulations, the chair of an assessment review board may replace a member of a panel.

#### **Quorum**

**458(1)** Where a panel of a local assessment review board consists of 3 members, a quorum is 2 members.

(2) Where a panel of a composite assessment review board consists of 3 members, a quorum is 2 members, one of whom must be the provincial member.

#### **Decision**

**459** A decision of a panel of an assessment review board is the decision of the assessment review board.

#### **Complaints**

**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 the form prescribed in the regulations and must be accompanied with the fee set by the council under section 481(1), if any.

**(3)** A complaint may be made only by an assessed person or a taxpayer.

**(4)** A complaint may relate to any assessed property or business.

**(5)** A complaint may be about any of the following matters, as shown on an assessment or tax notice:

- (a) the description of a property or business;
- (b) the name and mailing address of an assessed person or taxpayer;
- (c) an assessment;
- (d) an assessment class;
- (e) an assessment sub-class;
- (f) the type of property;
- (g) the type of improvement;
- (h) school support;
- (i) whether the property is assessable;
- (j) whether the property or business is exempt from taxation under Part 10;
- (k) any extent to which the property is exempt from taxation under a bylaw under section 364.1;
- (l) whether the collection of tax on the property is deferred under a bylaw under section 364.1.

**(6)** A complaint may be made about a designated officer's refusal to grant an exemption or deferral under a bylaw under section 364.1.

**(7)** Despite subsection (5)(j), there is no right to make a complaint about an exemption or deferral given by agreement





under section 364.1(11) unless the agreement expressly provides for that right.

**(8)** There is no right to make a complaint about any tax rate.

**(9)** A complaint under subsection (5) must

- (a) indicate what information shown on an assessment notice or tax notice is incorrect,
- (b) explain in what respect that information is incorrect,
- (c) indicate what the correct information is, and
- (d) identify the requested assessed value, if the complaint relates to an assessment.

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

**(11)** Despite subsection (10), 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.

**(12)** A complaint under subsection (11) must be made within one year after the local improvement tax rate is revised.

**(13)** A complaint must include the mailing address of the complainant except where, in the case of a complaint under subsection (5), the correct mailing address of the complainant is shown on the assessment notice or tax notice.

**(14)** An assessment review board has no jurisdiction to deal with a complaint about designated industrial property or an amount prepared by the Minister under Part 9 as the equalized assessment for a municipality.

**Jurisdiction of assessment review boards**

**460.1(1)** A local assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on

- (a) an assessment notice for



(i) residential property with 3 or fewer dwelling units, or

(ii) farm land,

or

(b) a tax notice other than a property tax notice, business tax notice or improvement area tax notice.

**(2)** Subject to section 460(14), a composite assessment review board has jurisdiction to hear complaints about

(a) any matter referred to in section 460(5) that is shown on

(i) an assessment notice for property other than property described in subsection (1)(a), or

(ii) a business tax notice or an improvement tax notice,

or

(b) a designated officer's decision to refuse to grant an exemption or deferral under section 364.1.

**Address to which a complaint is sent**

**461(1)** A complaint must be filed with the assessment review board at the address shown on the assessment or tax notice for the property

(a) in the case of a complaint about a designated officer's decision to refuse to grant an exemption or deferral under section 364.1, not later than the date stated on the written notice of refusal under section 364.1(9), or

(b) in any other case, not later than the date shown on that notice under section 309(1)(c) or 316.1(1)(c).

**(2)** The applicable filing fee must be paid when a complaint is filed.

**(3)** On receiving a complaint, the clerk must set a date, time and location for a hearing before an assessment review board in accordance with the regulations.



**Notice of assessment review board hearing**

**462(1)** If a complaint is to be heard by a local assessment review board, the clerk must

- (a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and
- (b) within the time prescribed by the regulations, notify the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

**(2)** If a complaint is to be heard by a composite assessment review board, the clerk must

- (a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and
- (b) within the time prescribed by the regulations, notify the Minister, the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

**Absence from hearing**

**463** If any person who is given notice of the hearing does not attend, the assessment review board must proceed to deal with the complaint if

- (a) all persons required to be notified were given notice of the hearing, and
- (b) no request for a postponement or an adjournment was received by the board or, if a request was received, no postponement or adjournment was granted by the board.

**Proceedings before assessment review board**

**464(1)** Assessment review boards are not bound by the rules of evidence or any other law applicable to court proceedings and have power to determine the admissibility, relevance and weight of any evidence.

**(2)** Assessment review boards may require any person giving evidence before them to do so under oath.



(3) Members of assessment review boards, including provincial members of panels of composite assessment review boards, are commissioners for oaths while acting in their official capacities.

**Hearings open to public**

**464.1(1)** Subject to subsections (2) and (3), all hearings by an assessment review board are open to the public.

(2) If an assessment review board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the assessment review board may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before an assessment review board must be placed on the public record.

(5) An assessment review board may exclude a document from the public record

- (a) if the assessment review board is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and
- (b) the assessment review board considers that a person's interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

**Notice to attend or produce**

**465(1)** If, in the opinion of an assessment review board hearing a complaint,





- (a) the attendance of a person, or
- (b) the production of a document or thing,

is required for the purpose of the hearing, the board may, on application, cause a notice to be served on a person requiring a person to attend or to attend and produce the document or thing.

**(2)** An application under subsection (1) must be made in accordance with the regulations made under section 484.1(n.1).

**(3)** If a person fails or refuses to comply with a notice served under subsection (1), the assessment review board may apply to the Court of Queen's Bench and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

#### **Protection of witnesses**

**466** A witness may be examined under oath on anything relevant to a matter that is before an assessment review board and is not excused from answering any question on the ground that the answer might tend to

- (a) incriminate the witness,
- (b) subject the witness to punishment under this or any other Act, or
- (c) establish liability of the witness
  - (i) to a civil proceeding at the instance of the Crown or of any other person, or
  - (ii) to prosecution under any Act,

but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness in any civil proceedings or in any other proceedings under this or any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.



**62 The following is added after section 467:**

**Appeal to composite assessment review board**

**467.1** A complaint about a designated officer's decision to refuse to grant an exemption or deferral under section 364.1 is an appeal of the decision and a composite assessment review board may, after hearing the complaint, confirm the designated officer's decision or replace it with the board's decision.

**63 Section 469 is amended by striking out "designated officer appointed under section 455" and substituting "clerk".**

**64 Sections 470 and 470.1 are repealed and the following is substituted:**

**Judicial review**

**470(1)** Where a decision of an assessment review board is the subject of an application for judicial review, the application must be served and filed with the Court of Queen's Bench not more than 60 days after the date of the decision.

**(2)** Notice of an application for judicial review must be given to

- (a) the assessment review board that made the decision,
- (b) the complainant, other than an applicant for the judicial review,
- (c) an assessed person who is directly affected by the decision, other than the complainant,
- (d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and
- (e) the Minister.

**62** Appeal to composite assessment review board.

**63** Section 469 presently reads:

*469 The designated officer appointed under section 455 must, within 7 days after an assessment review board renders a decision, send the board's written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 462(1)(b) or (2)(b), as the case may be.*

**64** Sections 470 and 470.1 presently read:

*470(1) An appeal lies to the Court of Queen's Bench on a question of law or jurisdiction with respect to a decision of an assessment review board.*

*(2) Any of the following may appeal the decision of an assessment review board:*

- (a) the complainant;*
- (b) an assessed person, other than the complainant, who is affected by the decision;*
- (c) a municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
- (d) the assessor for a municipality referred to in clause (c).*

*(3) An application for permission to appeal must be filed with the Court of Queen's Bench within 30 days after the persons notified of the hearing receive the decision under section 469, and notice of the application for permission to appeal must be given to*

- (a) the assessment review board, and*

- (3) If an applicant for judicial review of an assessment review board decision makes a written request for materials to the assessment review board for the purposes of the application, the assessment review board must provide the materials requested within 14 days from the date on which the written request is served.
- (4) Within 30 days from the date that an application for judicial review is filed, the assessment review board whose decision is the subject of the application must forward to the clerk of the Court of Queen's Bench the certified record of proceedings prepared under Part 3 of the *Alberta Rules of Court*.
- (5) Documents excluded from the public record of a hearing by an assessment review board remain excluded from the public record on judicial review unless otherwise ordered by the Court of Queen's Bench.
- (6) No member of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, is liable for costs by reason of or in respect of a judicial review under this Act.

*(b) any other persons as the judge directs.*

*(4) If an applicant makes a written request for materials to the assessment review board for the purposes of the application for permission to appeal under subsection (3), the assessment review board must provide the materials requested within 14 days from the date on which the written request is served.*

*(5) On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant permission to appeal if the judge is of the opinion that the appeal involves a question of law or jurisdiction of sufficient importance to merit an appeal and has a reasonable chance of success.*

*(6) If a judge grants permission to appeal, the judge may*

- (a) direct which persons or other bodies must be named as respondents to the appeal,*
- (b) specify the question of law or the question of jurisdiction to be appealed, and*
- (c) make any order as to the costs of the application that the judge considers appropriate.*

*(7) On permission to appeal being granted by a judge, the appeal must proceed in accordance with the practice and procedure of the Court of Queen's Bench.*

*(8) Notice of the appeal must be given to the parties affected by the appeal and to the assessment review board.*

*(9) Within 30 days from the date that the permission to appeal is obtained, the assessment review board must forward to the clerk of the Court of Queen's Bench the transcript, if any, and the record of the hearing, its findings and reasons for the decision.*

*470.1(1) On the hearing of an appeal,*

- (a) no evidence other than the evidence that was submitted to the assessment review board may be admitted, but the Court of Queen's Bench may draw any inferences*
  - (i) that are not inconsistent with the facts expressly found by the assessment review board, and*

**65 Section 481(3)(b) is amended by striking out “appeal” and substituting “judicial review”.**

**66 Sections 483 and 484 are repealed and the following is substituted:**

**Decision admissible on judicial review**

**483** A copy of a decision of an assessment review board that is certified by the clerk as being a true copy of the original



(ii) *that are necessary for determining the question of law or the question of jurisdiction,*

*and*

(b) *the Court may confirm or cancel the decision.*

(2) *In the event that the Court of Queen's Bench cancels a decision, the Court must refer the matter back to the assessment review board, and the board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.*

(3) *No member of the assessment review board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Act.*

(4) *If the Court of Queen's Bench finds that the only ground for appeal established is a defect in form or a technical irregularity and that no substantial wrong or miscarriage of justice has occurred, the Court may deny the appeal, confirm the decision of the assessment review board despite the defect or irregularity, and order that the decision takes effect from the time and on the terms that the Court considers proper.*

**65** Section 481(3) presently reads:

(3) *If*

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

(b) *on appeal, the Court of Queen's Bench makes a decision in favour of the complainant,*

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

**66** Sections 483 and 484 presently read:

483 *A copy of a decision of an assessment review board that is certified by a designated officer as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the*

decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the clerk.

#### **Immunity**

**484** The members of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

#### **67 Section 484.1 is amended**

- (a) in clause (b) by striking out** “provincial members and acting provincial members to composite assessment review boards” **and substituting** “provincial members to panels of composite assessment review boards”;
- (b) in clauses (c) and (d) by striking out** “council may establish” **and substituting** “chair may convene a panel of”;
- (c) in clause (e) by striking out** “persons appointed as designated officers under section 455” **and substituting** “clerks”;
- (d) in clause (f) by striking out** “designated officer” **and substituting** “clerk”;
- (e) by adding the following after clause (h):**
  - (h.1) respecting the replacement of members of a panel of an assessment review board;
- (f) by adding the following after clause (i):**
  - (i.1) governing hearings held in private before an assessment review board;
  - (i.2) governing the excluding of documents from the public record by an assessment review board;
- (g) by adding the following after clause (n):**

*decision and is admissible in evidence without proof of the appointment or signature of the designated officer.*

*484 The members of an assessment review board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.*

**67** Section 484.1 presently reads in part:

*484.1 The Minister may make regulations*

- (b) respecting the appointment of provincial members and acting provincial members to composite assessment review boards;*
- (c) prescribing the conditions under which a council may establish a local assessment review board consisting of only one member;*
- (d) prescribing the conditions under which a council may establish a composite assessment review board consisting of only a provincial member;*
- (e) respecting the training and qualifications of members of assessment review boards and persons appointed as designated officers under section 455;*
- (f) respecting the setting by the designated officer of the date, time and location of a hearing before an assessment review board;*
- (p) respecting appeals under section 470;*

(n.1) respecting applications referred to in section 465(1);

**(h) by repealing clause (p) and substituting the following:**

(p) respecting applications for judicial review referred to in section 470;

**68 Section 485 is amended**

**(a) by repealing clause (a);**

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

(c) “chair” means the chair of the Board.

**69 Section 486 is amended**

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

**(1.1)** The Lieutenant Governor in Council shall designate one of the members to be the chair of the Board.

**(b) by repealing subsection (3);**

**(c) by repealing subsection (4) and substituting the following:**

**(4)** The chair may delegate to any person any of the powers, duties or functions of the chair.

**70 Section 487 is amended by striking out “administrator” wherever it occurs and substituting “chair”.**

**68** Section 485 presently reads:

*485 In this Part,*

- (a) “administrator” means the Deputy Minister;*
- (b) “Board” means the Municipal Government Board and includes any panel of the Municipal Government Board.*

**69** Section 486 presently reads:

*486(1) There is established a board to be known as the Municipal Government Board consisting of the persons appointed by the Lieutenant Governor in Council, on the recommendation of the Minister.*

*(2) The members of the Board are to be paid*

- (a) remuneration at the rates set by the Lieutenant Governor in Council, and*
- (b) reasonable travelling and living expenses while carrying out duties as members of the Board away from home,*

*in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.*

*(3) The administrator is the chair of the Board.*

*(4) The administrator may delegate to any person any of the powers, duties or functions of the administrator under this Part.*

**70** Section 487 presently reads:

*487(1) The administrator must select any 3 or more members of the Board to sit as a panel of the Board unless subsection (1.1) applies.*

**71 The following is added after section 487.1:**

**Directors and other staff**

**487.2** In accordance with the *Public Service Act*, there may be appointed a director, case managers, legal counsel and other staff required to carry out the business of the Board.

**72 Section 488 is amended**

**(a) in subsection (1)**

**(i) in clause (a) by striking out “linear” and substituting “designated industrial”;**

**(ii) by striking out “and” at the end of clause (i), by adding “and” at the end of clause (j) and by adding the following after clause (j):**

(k) to hear appeals pursuant to section 648.1.

**(b) in subsection (3) by striking out “(j)” and substituting “(k)”.**

**73 Section 488.1 is amended by renumbering it as section 488.1(1) and by adding the following after subsection (1):**

**(2)** The Board must not hear a complaint about any issue regarding the validity of a regulation or guideline under this Act as it relates to property.

*(1.1) Subject to the conditions prescribed by the regulations, the administrator may select one member of the Board to sit as a panel of the Board.*

*(2) The administrator may establish as many panels as the administrator considers necessary.*

*(3) The administrator may appoint a presiding officer for a panel but if the administrator does not do so, the members of a panel must choose a presiding officer from among themselves.*

**71** Provision authorizing the appointment of a director and other staff.

**72** Section 488(1)(a) and (3) presently read:

*488(1) The Board has jurisdiction*

*(a) to hear complaints about assessments for linear property,*

*(3) Sections 495 to 498, 501 to 504 and 507 apply when the Board holds a hearing to decide a dispute or hear an appeal referred to in subsection (1)(g) to (j).*

**73** Section 488.1 presently reads:

*488.1 The Board has no jurisdiction under section 488(1) to hear a complaint relating to an equalized assessment set by the Minister under Part 9 if the reason for the complaint is*

*(a) that the equalized assessment fails to reflect a loss in value where the loss in value has not been reflected in the assessments referred to in section 317,*

**74 Section 491 is amended**

**(a) in subsection (1)**

- (i) by striking out “Any matter” and substituting “A complaint about an assessment for designated industrial property or relating to the amount of an equalized assessment”;**
- (ii) by striking out “administrator” and substituting “chair”;**
- (iii) in clause (a) by striking out “linear” and substituting “designated industrial”;**

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

**(1.1)** The form referred to in subsection (1) must be accompanied with the fee, if any, set by regulation under section 527.1.

**(c) in subsection (3) by striking out “linear” and substituting “designated industrial”.**

**75 Section 492 is amended**

**(a) in subsection (1)**

- (i) by striking out “linear” wherever it occurs and substituting “designated industrial”;**



- (b) *that information provided to the Minister by a municipality in accordance with section 319(1) does not properly reflect the relationship between assessments and the value of property in the municipality for the year preceding the year in which the assessments were used for the purpose of imposing a tax under Part 10, or*
- (c) *that information relied on by the Minister pursuant to section 319(2) is incorrect.*

**74** Section 491(1) and (3) presently read:

*491(1) Any matter that is to be dealt with by a hearing before the Board must be in the form prescribed by the regulations and must be filed with the administrator within the following periods:*

- (a) *for a complaint about an assessment for linear property, not later than the date shown on the assessment notice;*
- (b) *for a complaint relating to the amount of an equalized assessment, not later than 30 days from the date the Minister sends the municipality the report described in section 320.*

*(3) In addition to the information described in subsection (2), in respect of a complaint about an assessment for linear property, the form referred to in subsection (1) must*

- (a) *indicate what information on an assessment notice is incorrect,*
- (b) *explain in what respect that information is incorrect,*
- (c) *indicate what the correct information is, and*
- (d) *identify the requested assessed value, if the complaint relates to an assessment.*

**75** Section 492 presently reads:

*492(1) A complaint about an assessment for linear property may be about any of the following matters, as shown on the assessment notice:*

**(ii) by adding the following after clause (c):**

(c.1) an assessment class;

**(b) in subsection (1.1) by striking out “linear” and substituting “designated industrial”.**

**76 Section 493 is amended**

**(a) in subsection (1) by striking out “administrator” and substituting “chair”;**

**(b) by repealing subsection (2) and substituting the following:**

(2) If the written statement relates to a complaint about an assessment for designated industrial property, the chair must advise the provincial assessor that the statement has been received.

**77 Section 494(1) is amended**

**(a) by striking out “administrator must” and substituting “chair must”;**

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

(b) within the time prescribed by the regulations, notify

- (a) *the description of any linear property;*
- (b) *the name and mailing address of an assessed person;*
- (c) *an assessment;*
- (d) *the type of improvement;*
- (e) *school support;*
- (f) *whether the linear property is assessable;*
- (g) *whether the linear property is exempt from taxation under Part 10.*

*(1.1) Any of the following may make a complaint about an assessment for linear property:*

- (a) *an assessed person;*
- (b) *a municipality, if the complaint relates to property that is within the boundaries of that municipality.*

**76** Section 493 presently reads:

*493(1) On receiving a written statement referred to in section 491(1), the administrator must set a date, time and location for a hearing before the Board in accordance with the regulations.*

*(2) If the written statement relates to a complaint about an assessment for linear property, the administrator must advise the Minister that the statement has been received.*

**77** Section 494(1) presently reads:

*494(1) If a matter is to be heard by the Board, the administrator must*

- (a) *within 30 days after receiving a written statement under section 491(1), provide the municipality with a copy of the statement, and*

- (i) the municipality,
- (ii) the person who sent the written statement to the chair,
- (iii) the provincial assessor, and
- (iv) any assessed person who is directly affected by the matter

of the date, time and location of the hearing.

**78 Section 499 is amended**

**(a) in subsection (1)**

**(i) in clause (a) by striking out “linear” and substituting “designated industrial”;**

**(ii) by adding the following after clause (c):**

(d) decide that a property is not designated industrial property and direct the municipality to appoint an assessor to assess the property.

**(b) in subsection (3)(a) by striking out “linear” and substituting “designated industrial”.**

**79 Sections 506 and 506.1 are repealed.**

- (b) *within the time prescribed by the regulations, notify the municipality, the person who sent the written statement to the administrator and any assessed person who is affected by the matter to be heard of the date, time and location of the hearing.*

**78** Section 499(1) and (3) presently read:

*499(1) On concluding a hearing, the Board may make any of the following decisions:*

- (a) *make a change with respect to any matter referred to in section 492(1), if the hearing relates to a complaint about an assessment for linear property;*
  - (b) *make a change to any equalized assessment, if the hearing relates to an equalized assessment;*
  - (c) *decide that no change to an equalized assessment or an assessment roll is required.*
- (3) *The Board must not alter*
- (a) *any assessment of linear property that has been prepared correctly in accordance with the regulations, and*
  - (b) *any equalized assessment that is fair and equitable, taking into consideration equalized assessments in similar municipalities.*

**79** Sections 506 and 506.1 presently read:

*506(1) An appeal lies to the Court of Queen's Bench on a question of law or jurisdiction with respect to a decision of the Board.*

- (2) *Any of the following may appeal the decision of the Board:*



- (a) *the complainant;*
  - (b) *an assessed person, other than the complainant, who is affected by the decision;*
  - (c) *a municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
  - (d) *the assessor for a municipality referred to in clause (c).*
- (3) *An application for permission to appeal must be filed with the Court of Queen's Bench within 30 days after the persons notified of the hearing receive the decision under section 505, and notice of the application for permission to appeal must be given to*
- (a) *the Board, and*
  - (b) *any other persons as the judge directs.*
- (4) *If an applicant makes a written request for materials to the Board for the purposes of the application for permission to appeal under subsection (3), the Board must provide the materials requested within 14 days from the date on which the written request is served.*
- (5) *On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant permission to appeal if the judge is of the opinion that the appeal involves a question of law or jurisdiction of sufficient importance to merit an appeal and has a reasonable chance of success.*
- (6) *If a judge grants permission to appeal, the judge may*
- (a) *direct which persons or other bodies must be named as respondents to the appeal,*
  - (b) *specify the question of law or the question of jurisdiction to be appealed, and*
  - (c) *make any order as to the costs of the application that the judge considers appropriate.*
- (7) *On permission to appeal being granted by a judge, the appeal must proceed in accordance with the practice and procedure of the Court of Queen's Bench.*





*(8) Notice of the appeal must be given to the parties affected by the appeal and to the Board.*

*(9) Within 30 days from the date that the permission to appeal is obtained, the Board must forward to the clerk of the Court of Queen's Bench the transcript, if any, and the record of the hearing, its findings and reasons for the decision.*

*506.1(1) On the hearing of an appeal,*

*(a) no evidence other than the evidence that was submitted to the Board may be admitted, but the Court of Queen's Bench may draw any inferences*

*(i) that are not inconsistent with the facts expressly found by the Board, and*

*(ii) that are necessary for determining the question of law or the question of jurisdiction,*

*and*

*(b) the Court may confirm or cancel the decision.*

*(2) In the event that the Court of Queen's Bench cancels a decision, the Court must refer the matter back to the Board, and the Board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.*

*(3) No member of the Board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Act.*

*(4) If the Court of Queen's Bench finds that the only ground for appeal established is a defect in form or a technical irregularity and that no substantial wrong or miscarriage of justice has occurred, the Court may deny the appeal, confirm the decision of the Board despite the defect or irregularity, and order that the decision takes effect from the time and on the terms that the Court considers proper.*

**80 The following is added after section 508:**

**Division 3  
Judicial Review of  
Board Decisions**

**Judicial review of Board decision**

**508.1(1)** Where a decision of the Board is the subject of an application for judicial review, the application must be served and filed with the Court of Queen's Bench not more than 60 days after the date of the decision.

**(2)** Notice of an application for judicial review of a decision referred to in subsection (1) must be given to

- (a) the Board,
- (b) all parties to the hearing before the Board, including any intervenors, other than an applicant for the judicial review,
- (c) any persons who are directly affected by the decision but were not parties or intervenors in the hearing before the Board, if the decision that is the subject of the judicial review relates to an assessment for designated industrial property,
- (d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and
- (e) the Minister.

**(3)** If an applicant for judicial review of a Board decision makes a written request for materials to the Board for the purposes of the application, the Board must provide the materials requested within 14 days from the date on which the written request is served.

**(4)** Within 30 days from the date that an application for judicial review is filed, the Board must forward to the clerk of the Court of Queen's Bench the certified record of proceedings prepared under Part 3 of the *Alberta Rules of Court*.

**80** Judicial review of Board decision.

(5) Documents excluded from the public record of a hearing by the Board remain excluded from the public record on judicial review unless otherwise ordered by the Court of Queen's Bench.

(6) No member of the Board is liable for costs by reason of or in respect of a judicial review under this Act.

**81 The following is added after section 525:**

**Hearings open to public**

**525.1(1)** Subject to subsections (2) and (3), all hearings are open to the public.

(2) If the Board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the Board may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before the Board must be placed on the public record.

(5) The Board may exclude a document from the public record

(a) if the Board is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and

(b) the Board considers that a person's interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

**81** Hearings open to public.

**82 Section 527.1 is amended**

**(a) in clause (a)**

**(i) by striking out “administrator” and substituting “chair”;**

**(ii) by striking out “administrator’s” and substituting “chair’s”;**

**(b) in clauses (b) and (d) by striking out “administrator” and substituting “chair”;**

**(c) by adding the following after clause (f):**

(f.1) governing hearings held in private before the Board;

(f.2) governing the excluding of documents from the public record by the Board;

**(d) by repealing clause (j) and substituting the following:**

(j) respecting applications for judicial review referred to in section 508.1;

**(e) in clause (k) by striking out “interveners” and substituting “intervenors”.**

**83 Section 571(1) is repealed and the following is substituted:**

**Inspection**

**571(1)** The Minister may require any matter connected with the management, administration or operation of any municipality or any assessment prepared under Part 9 to be inspected

(a) on the Minister’s initiative,

(b) on the request of the council of the municipality, or

(c) if the Minister receives a sufficient petition requesting the inspection that is signed,

**82** Section 527.1 presently reads in part:

*527.1 The Minister may make regulations*

- (a) respecting the training and qualifications of members of the Board and the administrator or the administrator's delegate;*
- (b) respecting the setting by the administrator of the date, time and location for a hearing before the Board;*
- (d) respecting the conditions under which the administrator may appoint one member of the Board to sit as a panel of the Board;*
- (j) respecting appeals under section 506;*
- (k) setting fees payable by complainants, or by parties, interveners or others who appear at hearings before the Board or at inquiries conducted by the Board, and for obtaining copies of the Board's decisions and other documents.*

**83** Section 571(1) presently reads:

*571(1) The Minister may require any matter connected with the management, administration or operation of any municipality or any assessment prepared under Part 9 to be inspected*

- (a) on the Minister's initiative, or*
- (b) on the request of the council of the municipality.*

- (i) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 20% of the population, and
- (ii) in the case of a summer village, by a number of electors of the summer village equal to at least 30% of the number of summer village residences in the summer village.

**(1.1)** For the purposes of subsection (1), the management, administration or operation of a municipality includes

- (a) the affairs of the municipality,
- (b) the conduct of a councillor or of an employee or agent of the municipality, and
- (c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or the person under the agreement.

**84 Section 572 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Inquiry**

**572(1)** The Minister may, on the Minister's initiative, order an inquiry described in subsection (2).

- (b) in subsection (6) by striking out** “and, if there was a petition under subsection (1)(a), to the representative of the petitioners”.



**84** Section 572(1) and (6) presently read:

*572(1) The Minister may order an inquiry described in subsection (2) if the Minister receives*

- (a) a sufficient petition requesting the inquiry that is signed,*
  - (i) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 20% of the population, and*
  - (ii) in the case of a summer village, by at least 20% of the electors of the summer village,*

*or*

- (b) a request for the inquiry from a council.*

*(6) The person or persons appointed to conduct an inquiry must report to the Minister and the council and, if there was a petition under subsection (1)(a), to the representative of the petitioners.*

**85 Section 574(1) is amended by adding “, an investigation by the Ombudsman” after “an inquiry under section 572”.**

**86 Section 602.02(2)(c) is amended by striking out “specify” and substituting “include provisions respecting”.**

**87 Section 608 is repealed and the following is substituted:**

**Sending documents**

**608(1)** Where this Act or a regulation or bylaw made under this Act requires a document to be sent to a person, the document may be sent by electronic means if

- (a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail address, website or other electronic address to the sender for that purpose, and
- (b) it is possible to make a copy of the document from the electronic transmission.

**(2)** In the absence of evidence to the contrary, a document sent by electronic means in accordance with subsection (1) is presumed to have been received 7 days after it was sent unless the regulations under subsection (4) provide otherwise.

**(3)** For greater certainty, a reference in this Act to a mailing address is to be interpreted as including an electronic address referred to in subsection (1)(a) if the requirements of subsection (1) are met.

**85** Section 574(1) presently reads:

*574(1) If, because of an inspection under section 571, an inquiry under section 572 or an audit under section 282, the Minister considers that a municipality is managed in an irregular, improper or improvident manner, the Minister may by order direct the council, the chief administrative officer or a designated officer of the municipality to take any action that the Minister considers proper in the circumstances.*

**86** Section 602.02(2)(c) presently reads:

*(2) The regulation establishing a commission must*

*(c) specify the services that a commission is authorized to provide.*

**87** Section 608 presently reads:

*608 Any document required by this or any other enactment or bylaw to be sent by a person may be sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means.*

(4) The Minister may make regulations respecting the circumstances in which the presumption in subsection (2) does not apply.

**88 Section 616 is amended**

**(a) by adding the following after clause (a.1):**

(a.11) “community recreation facilities” means municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities;

**(b) by adding the following after clause (a.2):**

(a.3) “conservation reserve” means the land designated as conservation reserve under Division 8;

**(c) in clause (e) by striking out “by a subdivision authority or a municipality”;**

**(d) by adding the following after clause (h):**

(h.1) “inclusionary housing” means the provision of dwelling units or land, or money in place of dwelling units or land, for the purpose of affordable housing as a condition of subdivision approval or of being issued a development permit;

(h.2) “inclusionary housing regulation” means a regulation made under section 694(1)(j);

**(e) by repealing clause (l) and substituting the following:**

(l) “land use policies” means the policies referred to in section 622;

**(f) in clause (z) by adding “, conservation reserve” after “environmental reserve”.**

**88** Section 616 presently reads in part:

*616 In this Part,*

- (e) “environmental reserve” means the land designated as environmental reserve by a subdivision authority or a municipality under Division 8;*
- (l) “land use policies” means policies established by the Lieutenant Governor in Council under Division 2;*
- (z) “reserve land” means environmental reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;*

**89 The following is added after section 618.1:**

**Bylaws binding**

**618.2** No bylaw is binding in respect of a matter governed by this Part unless that bylaw is passed in accordance with this Part.

**90 Section 622 is repealed and the following is substituted:**

**Land use policies**

**622(1)** Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies established under subsection (2) and any former land use policy.

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies and rescind former land use policies.

(3) If there is a conflict between a land use policy established under subsection (2) and an ALSA regional plan, the ALSA regional plan prevails.

(4) Former land use policies do not apply in any planning region within the meaning of the *Alberta Land Stewardship Act* in respect of which there is an ALSA regional plan.

(5) In this section, “former land use policy” means a land use policy that was established under section 622 as it read before the coming into force of this subsection and that has not been rescinded under subsection (2).

**91 Section 627(3) is repealed and the following is substituted:**

(3) Councillors from a single municipality may not form the majority of

- (a) a subdivision and development appeal board formed under subsection (1)(a) or (b), or

**89** Bylaws binding.

**90** Section 622 presently reads:

*622(1) The Lieutenant Governor in Council may by order, on the recommendation of the Minister, establish land use policies.*

*(2) The Regulations Act does not apply to an order under subsection (1).*

*(3) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies.*

*(4) Land use policies do not apply in any planning region within the meaning of the Alberta Land Stewardship Act in respect of which there is an ALSA regional plan.*

**91** Section 627(3) presently reads:

*(3) Despite section 146,*

*(a) in the case of a subdivision and development appeal board formed under subsection (1)(a), councillors may not form the*

- (b) a panel of a board hearing an appeal.

**92 Section 628(2) is amended**

- (a) in clauses (a) to (c) by striking out “committees” and substituting “panels”;
- (b) in clause (d) by striking out “committee” and substituting “panel”.

**93 The following is added after section 628:**

**Immunity**

**628.1(1)** The members of a subdivision and development appeal board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

**(2)** No member of a subdivision and development appeal board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Part.

**94 Section 631 is amended**

- (a) by repealing subsection (1) and substituting the following:



*majority of the board or the majority of the board or a committee hearing an appeal, and*

- (b) in the case of a subdivision and development appeal board formed under subsection (1)(b), the councillors from a single municipality may not form the majority of the board or of a committee hearing an appeal.*

**92** Section 628(2) presently reads:

*(2) A bylaw or agreement under section 627 may provide*

- (a) for the members of the subdivision and development appeal board to meet in committees,*
- (b) for 2 or more committees to meet simultaneously,*
- (c) that the committees have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and*
- (d) that a decision of a committee is a decision of the subdivision and development appeal board.*

**93** Immunity.

**94** Section 631 presently reads:

*631(1) Two or more councils may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those*

### **Intermunicipal development plans**

**631(1)** Two or more councils of municipalities that have common boundaries that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

**(1.1)** Despite subsection (1), the Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary.

**(1.2)** Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

**(b) by repealing subsection (2)(a) and substituting the following:**

- (a) must address
  - (i) the future land use within the area,
  - (ii) the manner of and the proposals for future development in the area,
  - (iii) the provision of transportation systems for the area, either generally or specifically,
  - (iv) proposals for the financing and programming of intermunicipal infrastructure for the area,
  - (v) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,
  - (vi) environmental matters within the area, either generally or specifically,

*areas of land lying within the boundaries of the municipalities as they consider necessary.*

*(2) An intermunicipal development plan*

*(a) may provide for*

- (i) the future land use within the area,*
- (ii) the manner of and the proposals for future development in the area, and*
- (iii) any other matter relating to the physical, social or economic development of the area that the councils consider necessary,*

*and*

*(b) must include*

- (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,*
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and*
- (iii) provisions relating to the administration of the plan.*

- (vii) the provision of intermunicipal services and facilities, either generally or specifically, and
- (viii) any other matter related to the physical, social or economic development of the area that the councils consider necessary,

and

**(c) by adding the following after subsection (2):**

**(3)** The council of a municipality that is required under this section to adopt an intermunicipal development plan must have an intermunicipal development plan that provides for all of the matters referred to in subsection (2) within 5 years from the date this subsection comes into force.

**(4)** Subject to the regulations, if municipalities that are required to create an intermunicipal development plan are not able to agree on a plan, sections 708.33 to 708.43 apply as if the intermunicipal development plan were an intermunicipal collaboration framework.

**95 Section 632 is amended**

**(a) by repealing subsections (1) and (2) and substituting the following:**

**Municipal development plans**

**632(1)** Every council of a municipality must by bylaw adopt a municipal development plan.

**(b) by adding the following before subsection (3):**

**(2.1)** Within 3 years after the coming into force of this subsection, a council of a municipality that does not have a municipal development plan must by bylaw adopt a municipal development plan.

**95** Section 632 presently reads in part:

*632(1) A council of a municipality with a population of 3500 or more must by bylaw adopt a municipal development plan.*

*(2) A council of a municipality with a population of less than 3500 may adopt a municipal development plan.*

**96 The following is added after section 638.1:**

**Listing and publishing of policies**

**638.2(1)** Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part

- (a) that have been approved by council by resolution or bylaw, or
- (b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

**(2)** The municipality must publish the following on the municipality's website:

- (a) the list of the policies referred to in subsection (1);
- (b) the policies described in subsection (1);
- (c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
- (d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

**(3)** A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

**(4)** This section applies on and after January 1, 2019.

**96** Listing and publishing of policies.

**97 Section 640(4) is amended**

- (a) **in clause (l)(ii) by striking out** “lake, river, stream or other body of water” **and substituting** “water body or man-made body of water”;
- (b) **by adding the following after clause (r):**
  - (s) standards and requirements for inclusionary housing in accordance with an inclusionary housing regulation.

**98 The following is added after section 640:**

**Alternative time periods for applications**

**640.1** The council of a city or of a specialized municipality prescribed in the regulations may, in a land use bylaw,

- (a) provide for an alternative period of time for the development authority to review the completeness of a development permit application under section 683.1(1),
- (b) provide for an alternative period of time for a development authority to make a decision on a development permit application under section 684,
- (c) provide for an alternative period of time for the subdivision authority to review the completeness of an application for subdivision approval under section 653.1, and
- (d) provide for an alternative period of time for the subdivision authority to make a decision on an application for subdivision under the subdivision and development regulations.

**99 Section 642(1) and (2) are repealed and the following is substituted:**

**Permitted and discretionary uses**

**642(1)** When a person applies for a development permit in respect of a development provided for by a land use bylaw



**97** Section 640(4)(1) presently reads in part:

*(4) Without restricting the generality of subsection (1), a land use bylaw may provide for one or more of the following matters, either generally or with respect to any district or part of a district established pursuant to subsection (2)(a):*

*(i) the development of buildings*

*(ii) on land adjacent to or within a specified distance of the bed and shore of any lake, river, stream or other body of water, or*

**98** Alternative time periods for applications.

**99** Section 642 presently reads in part:

*642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the*

pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

**100 Section 644 is amended by adding the following after subsection (2):**

(3) Subsection (1) does not apply to land designated by the municipality as conservation reserve.

*application otherwise conforms to the land use bylaw, issue a development permit with or without conditions as provided for in the land use bylaw.*

*(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may issue a development permit with or without conditions as provided for in the land use bylaw.*

**100** Section 644 presently reads:

*644(1) If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:*

- (a) acquire the land or require the land to be provided as reserve land;*
- (b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;*
- (c) amend the land use bylaw to designate the land for another use or intended use.*

*(2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection,*

- (a) acquires that land, or*
- (b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time.*

**101 Section 648 is amended**

**(a) in subsection (1) by striking out “subsection (2)” and substituting “subsections (2) and (2.1)”;**

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

**(2.1)** In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose:

- (a) new or expanded community recreation facilities;
- (b) new or expanded fire hall facilities;
- (c) new or expanded police station facilities;
- (d) new or expanded libraries.

**(2.2)** Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if, in respect of the land on which the off-site levy is being imposed,

- (a) no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed, and
- (b) at least 30% of the benefit of the purpose, as determined under the regulations, is anticipated to benefit the future occupants of the land on which the off-site levy is being imposed.

**(c) in subsection (4) by adding “or (2.1)” after “subsection (2)”;**

**(d) in subsection (5)(b) by adding “or (2.1)(a) to (d)” after “subsection (2)(a) to (c.1)”;**

**(e) by adding the following after subsection (7):**

**(8)** If, before the coming into force of this subsection, a fee or other charge was imposed on a developer by a municipality

**101** Section 648 presently reads:

*648(1) For the purposes referred to in subsection (2), a council may by bylaw*

- (a) provide for the imposition and payment of a levy, to be known as an "off-site levy", in respect of land that is to be developed or subdivided, and*
- (b) authorize an agreement to be entered into in respect of the payment of the levy.*

*(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:*

- (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;*
- (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;*
- (c) new or expanded storm sewer drainage facilities;*
- (c.1) new or expanded roads required for or impacted by a subdivision or development;*
- (d) land required for or in connection with any facilities described in clauses (a) to (c.1).*

*(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed*

- (a) to have been imposed pursuant to a bylaw under this section, and*
- (b) to have been validly imposed and collected*

*effective from the date the fee or charge was imposed.*

pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2.1), that fee or charge is deemed

- (a) to have been imposed pursuant to a bylaw under this section, and
- (b) to have been validly imposed and collected effective from the date the fee or charge was imposed.

**102 The following is added after section 648:**

**Appeal of off-site levy**

**648.1(1)** A person on whom an off-site levy is imposed under a bylaw referred to in section 648(1) for a purpose referred to in section 648(2.1), or any other person affected by the levy, may, subject to and in accordance with the regulations, appeal the imposition of the levy or the amount of the levy to the Municipal Government Board on any of the following grounds:

- (a) that the purpose for which the off-site levy was imposed is unlikely to benefit future occupants of the land on which the off-site levy is being imposed to the extent required by section 648(2.2)(b);
- (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when imposing an off-site levy for a purpose referred to in section 648(2.1) have not been complied with;
- (c) that the levy or any portion of it is not for the payment of the capital costs of the purposes, as set out in section 648(2.1);
- (d) that the calculation of the levy is incorrect;
- (e) that a levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

**(2)** After hearing the appeal, the Municipal Government Board may

**102** Appeal of off-site levy.

- (a) dismiss the appeal in whole or in part;
- (b) order the municipality to repeal or amend the bylaw in accordance with the Board's order;
- (c) repeal or amend the bylaw in the manner determined by the Board;
- (d) if the calculation of the off-site levy is incorrect, correct the calculation or order the municipality to correct the calculation in the manner determined by the Board.

**(3)** Where a bylaw amends the amount of an off-site levy, an appeal under this section may be brought only with respect to the amendment.

**103 Section 650(1) is amended by adding the following after clause (f):**

- (g) to provide for inclusionary housing in accordance with the land use bylaw and the inclusionary housing regulation.



**103** Section 650(1) presently reads:

*650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:*

- (a) to construct or pay for the construction of a road required to give access to the development;*
- (b) to construct or pay for the construction of
  - (i) a pedestrian walkway system to serve the development, or*
  - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,**

*or both;*

- (c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;*
- (d) to construct or pay for the construction of*

**104 Section 653 is amended**

**(a) by adding the following after subsection (2):**

**(2.1)** On receipt of an application, the subdivision authority must, in accordance with section 653.1, determine whether the application is complete.

**(b) by repealing subsections (3) and (4) and substituting the following:**

**(3)** On receipt of an acknowledgment under section 653.1(5) or (7) that the application for subdivision approval is complete, or if the application is deemed to be complete under section 653.1(4), the subdivision authority must

- (a) give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations, and
- (b) give notice of the application to owners of the land that is adjacent to the land that is the subject of the application.

**(c) in subsections (4.1), (4.2), (4.3) and (5) by striking out “subsection (4)” and substituting “subsection (3)(b)”.**

- (i) off-street or other parking facilities, and*
- (ii) loading and unloading facilities;*
- (e) to pay an off-site levy or redevelopment levy imposed by bylaw;*
- (f) to give security to ensure that the terms of the agreement under this section are carried out.*

**104** Section 653 presently reads:

*653(1) A person may apply to a subdivision authority for subdivision approval in accordance with the subdivision and development regulations by submitting to the subdivision authority a proposed plan of subdivision or other instrument that describes the subdivision.*

*(2) If a subdivision application includes a form on which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection, at a reasonable time, of the land that is the subject of the application and if the applicant signs a consent to the inspection, a notice of inspection is not required to be given under section 542(1).*

*(3) On receipt of an application for subdivision approval, the subdivision authority must give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations.*

*(4) On receipt of an application for subdivision approval, the subdivision authority must give notice of the application to owners of the land that is adjacent to the land that is the subject of the application.*

*(4.1) Despite subsection (4), a subdivision authority is not required to give notice to owners of adjacent lands if the land that is the subject of the application is contained within an area structure plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme.*

*(4.2) A notice under subsection (4) must be given by one of the following methods and may be given by more than one of the following methods:*



- (a) *mailing the notice to each owner of land that is adjacent to the land that is the subject of the application;*
  - (b) *posting the notice on the land that is the subject of the application;*
  - (c) *publishing a notice in a newspaper that has general circulation in the municipality that contains the land that is the subject of the application.*
- (4.3) *A notice under subsection (4) must include*
- (a) *the municipal address, if any, and the legal address of the parcel of land, and*
  - (b) *a map showing the location of the parcel of land.*
- (4.4) *For the purposes of this section,*
- (a) *“adjacent land” means land that is contiguous to the parcel of land that is being subdivided and includes*
    - (i) *land that would be contiguous if not for a highway, road, river or stream, and*
    - (ii) *any other land identified in the land use bylaw as adjacent land for the purpose of notification under this section;*
  - (b) *“conceptual scheme” means a conceptual scheme adopted by the municipality that*
    - (i) *relates a subdivision application to the future subdivision and development of adjacent areas, and*
    - (ii) *has been referred to the persons to whom the subdivision authority must send a copy of the complete application for subdivision pursuant to the subdivision and development regulations;*
  - (c) *“owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.*
- (5) *A notice under subsection (4) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.*

**105 The following is added after section 653:**

**Subdivision applications**

**653.1(1)** A subdivision authority must, within 20 days after the receipt of an application for subdivision approval under section 653(1), determine whether the application is complete.

(2) An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the subdivision authority or, if applicable, in accordance with the land use bylaw made pursuant to section 640.1(c).

(4) If the subdivision authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a subdivision authority determines that the application is complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the subdivision authority determines that the application is incomplete, the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the subdivision authority in order for the application to be considered complete.

*(6) A subdivision authority, when considering an application under this section,*

*(a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the subdivision and development regulations, and*

*(b) is not required to hold a hearing.*

**105** Subdivision applications.

(7) If the subdivision authority determines that the information and documents submitted under subsection (6) are complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the subdivision authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application.

(11) A decision of a subdivision authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
- (b) if an application for subdivision approval is refused, the reasons for the refusal.

**106 Section 654(1) is repealed and the following is substituted:**

**Approval of application**

**654(1)** A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,



**106** Section 654 presently reads:

*654(1) A subdivision authority must not approve an application for subdivision approval unless*

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,*

- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

**(1.1)** A decision of a subdivision authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
- (b) if an application for subdivision approval is refused, the reasons for the refusal.

**(1.2)** If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

**107 Section 655(1)(b) is amended by adding the following after subclause (vi):**

- (vii) to provide for inclusionary housing in accordance with the land use bylaw and the inclusionary housing regulation;

- (b) *the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,*
- (c) *the proposed subdivision complies with this Part and the regulations under this Part, and*
- (d) *all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.*

*(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,*

- (a) *the proposed subdivision would not*
  - (i) *unduly interfere with the amenities of the neighbourhood,*  
*or*
  - (ii) *materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

*and*

- (b) *the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.*

*(3) A subdivision authority may approve or refuse an application for subdivision approval.*

**107** Section 655(1) presently reads:

*655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:*

- (a) *any conditions to ensure that this Part and the statutory plans and land use bylaws and the regulations under this Part, and any applicable ALSA regional plan, affecting the land proposed to be subdivided are complied with;*
- (b) *a condition that the applicant enter into an agreement with the municipality to do any or all of the following:*

**108 Section 656 is amended by adding the following after subsection (3):**

**(4)** Section 640(5) does not apply in the case of an application that was deemed to be refused under section 653.1(8).

- (i) *to construct or pay for the construction of a road required to give access to the subdivision;*
- (ii) *to construct or pay for the construction of*
  - (A) *a pedestrian walkway system to serve the subdivision,*  
*or*
  - (B) *pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,*

*or both;*
- (iii) *to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;*
- (iv) *to construct or pay for the construction of*
  - (A) *off-street or other parking facilities, and*
  - (B) *loading and unloading facilities;*
- (v) *to pay an off-site levy or redevelopment levy imposed by bylaw;*
- (vi) *to give security to ensure that the terms of the agreement under this section are carried out.*

**108** Section 656 presently reads:

*656(1) A decision of a subdivision authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application.*

*(2) A decision of a subdivision authority must state*

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and*

**109 Section 658(4) is repealed and the following is substituted:**

(4) If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, is subject to Division 8.

**110 Section 661 is amended**

(a) **in clause (a) by striking out** “roads, public utilities and environmental reserve, and” **and substituting** “roads and public utilities,”;

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

(a.1) subject to section 663, to the Crown in right of Alberta or a municipality, land for environmental reserve, and

**111 The following is added after section 661:**

**Land for conservation reserve**

**661.1** The owner of a parcel of land that is the subject of a proposed subdivision must provide to a municipality land for conservation reserve as required by the subdivision authority pursuant to this Division.

**112 Section 664 is amended**

(a) **in subsection (1)**

*(b) if an application for subdivision approval is refused, the reasons for the refusal.*

*(3) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration, with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority's decision to refuse the application.*

**109** Section 658(4) presently reads:

*(4) If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, may be subject to the provisions of this Part respecting reserves.*

**110** Section 661 presently reads:

*661 The owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation,*

*(a) to the Crown in right of Alberta or a municipality, land for roads, public utilities and environmental reserve, and*

*(b) subject to section 663, to the Crown in right of Alberta, a municipality, one or more school boards or a municipality and one or more school boards, land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money,*

*as required by the subdivision authority pursuant to this Division.*

**111** Land for conservation reserve.

**112** Section 664 presently reads:

*664(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed*

(i) **by striking out** “section 663” **and substituting** “section 663 and subsection (2)”;

(ii) **by repealing clause (c) and substituting the following:**

(c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other water body.

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

**(1.1)** A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes:

- (a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved;
- (b) to prevent pollution of the land or of the bed and shore of an adjacent water body;
- (c) to ensure public access to and beside the bed and shore of a water body lying on or adjacent to the land;
- (d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

**(1.2)** For the purposes of subsection (1.1)(b) and (c), “bed and shore” means the natural bed and shore as determined under the *Surveys Act*.

**113 The following is added after section 664:**

**Agreement respecting environmental reserve**

**664.1(1)** In this section, “subdivision approval application” means an application under section 653 for approval to subdivide a parcel of land referred to in subsection (2).



*subdivision to provide part of that parcel of land as environmental reserve if it consists of*

- (a) a swamp, gully, ravine, coulee or natural drainage course,*
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or*
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of*
  - (i) preventing pollution, or*
  - (ii) providing public access to and beside the bed and shore.*

**113** Agreement respecting environmental reserve; conservation reserve.

(2) A municipality and an owner of a parcel of land may, before a subdivision approval application is made or after it is made but before it is decided, enter into a written agreement

- (a) providing that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, or
- (b) providing that the owner will be required to provide part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, and specifying the boundaries of that part.

(3) Where the agreement provides that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(4) Where the agreement specifies the boundaries of the part of the parcel of land that the owner will be required to provide to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any other part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(5) Subsections (3) and (4) do not apply on a subdivision approval application where either party to the agreement demonstrates that a material change affecting the parcel of land occurred after the agreement was made.

**Conservation reserve**

**664.2(1)** A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the municipality as conservation reserve if

- (a) in the opinion of the subdivision authority, the land has environmentally significant features,
- (b) the land is not land that could be required to be provided as environmental reserve,



(c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and

(d) the taking of the land as conservation reserve is consistent with the municipality's municipal development plan.

**(2)** Within 30 days after the Registrar issues a new certificate of title under section 665(2) for a conservation reserve, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.

**(3)** If the municipality and the landowner disagree on the market value of the land, the matter must be determined by the Land Compensation Board.

**114 Section 665 is amended**

**(a) in subsection (1) by adding “, conservation reserve” after “environmental reserve”;**

**(b) in subsection (2) by adding the following after clause (c):**

(c.1) conservation reserve, which must be identified by a number suffixed by the letters “CR”,

**(c) in subsection (3) by adding “, conservation reserve” after “environmental reserve”.**

**114** Section 665 presently reads:

*665(1) A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot.*

*(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of*

- (a) municipal reserve, which must be identified by a number suffixed by the letters "MR",*
- (b) public utility lot, which must be identified by a number suffixed by the letters "PUL",*
- (c) environmental reserve, which must be identified by a number suffixed by the letters "ER",*
- (d) school reserve, which must be identified by a number suffixed by the letters "SR",*

**115 Section 666 is amended**

- (a) in subsection (2) by striking out** “the land required to be provided as environmental reserve and the land made subject” **and substituting** “all land required to be provided as conservation reserve or environmental reserve or made subject”;
- (b) in subsection (3) by striking out** “the land required to be provided as environmental reserve and the land subject” **and substituting** “all land required to be provided as conservation reserve or environmental reserve or made subject”;
- (c) by adding the following after subsection (3):**

  - (3.1)** For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

(e) *municipal and school reserve, which must be identified by a number suffixed by the letters “MSR”, or*

(f) *a lot, which must be identified by a number.*

(3) *The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot under this section must be free of all encumbrances, as defined in the Land Titles Act.*

**115** Section 666 presently reads:

*666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision*

(a) *to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,*

(b) *to provide money in place of municipal reserve, school reserve or municipal and school reserve, or*

(c) *to provide any combination of land or money referred to in clauses (a) and (b).*

(2) *The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less the land required to be provided as environmental reserve and the land made subject to an environmental reserve easement.*

(3) *The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less the land required to be provided as environmental reserve and the land subject to an environmental reserve easement.*

(4) *When a combination of land and money is required to be provided, the sum of*

(a) *the percentage of land required under subsection (2), and*

**116 Section 672(3) and (5) are amended by striking out “school building envelope” wherever it occurs and substituting “school building footprint”.**

**117 The following is added after section 674:**

**No disposal of conservation reserve**

**674.1** A municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state.



- (b) the percentage of the appraised market value of the land required under subsection (3)*

*may not exceed 10% or a lesser percentage set out in the municipal development plan.*

**116** Section 672(3) and (5) presently read:

*(3) Despite subsection (2), the council of a municipality may by bylaw require the school building envelope of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building envelope is outlined, must*

- (a) issue a new certificate of title for the school building envelope with the designation of community services reserve, which must be identified by a number suffixed by the letters “CSR”, and*
- (b) issue a new certificate of title for the remaining land with the designation of municipal reserve, which must be identified in accordance with section 665(2)(a).*

*(5) In subsection (3), “school building envelope” means*

- (a) the portion of the reserve on which a school building and accompanying parking lot is situated, or*
- (b) if no school building is situated on the reserve, the area of land on which a school and accompanying parking lot would be located if they had been built as determined by the municipality.*

**117** No disposal of conservation reserve.

**118 Section 678 is amended**

**(a) by repealing subsection (2)(a) and substituting the following:**

- (a) with the Municipal Government Board
  - (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,
  - (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a water body, a sewage treatment or waste management facility or a historical site, or
  - (iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

**(b) in subsection (3) by striking out “5 days” and substituting “7 days”.**

**118** Section 678 presently reads in part:

*678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed*

- (a) by the applicant for the approval,*
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,*
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or*
- (d) by a school board with respect to*
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,*
  - (ii) the location of school reserve allocated to it, or*
  - (iii) the amount of school reserve or money in place of the reserve.*

*(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681*

- (a) with the Municipal Government Board if the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the Public Lands Act, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations, or*
- (b) in all other cases, with the subdivision and development appeal board.*

*(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 5 days from the date the decision is mailed.*

**119 Section 679 is amended by adding the following after subsection (3):**

**(3.1)** Subsections (1)(c), (d) and (f) and (2) do not apply to an appeal of the deemed refusal of an application under section 653.1(8).

**120 Section 680 is amended**

**(a) in subsection (2) by adding the following after clause (a.1):**

(a.2) must comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation;

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

**(2.1)** In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

**119** Section 679 presently reads:

*679(1) The board hearing an appeal under section 678 must give at least 5 days' written notice of the hearing to*

- (a) the applicant for subdivision approval,*
- (b) the subdivision authority that made the decision,*
- (c) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality,*
- (d) any school board to whom the application was referred, and*
- (f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.*

*(2) The board hearing an appeal under section 678 must give at least 5 days' notice of the hearing in accordance with subsection (3) to owners of land that is adjacent to land that is the subject of the application.*

*(3) A notice under subsection (2) must be given in accordance with section 653(4.2).*

*(4) For the purposes of this section, "adjacent land" and "owner" have the same meanings as in section 653.*

**120** Section 680 presently reads:

*680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than*

- (a) a person or entity that was notified pursuant to section 679(1), and*
- (b) each owner of adjacent land to the land that is the subject of the appeal,*

*or a person acting on any of those persons' behalf.*

*(1.1) For the purposes of subsection (1), "adjacent land" and "owner" have the same meanings as in section 653.*

**(2.2)** Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

**121** The heading preceding section 683 is repealed and the following is substituted:

**Development Permits**

**122** The following is added after section 683:

*(2) In determining an appeal, the board hearing the appeal*

- (a) must act in accordance with any applicable ALSA regional plan;*
- (a.1) must have regard to any statutory plan;*
- (b) must conform with the uses of land referred to in a land use bylaw;*
- (c) must be consistent with the land use policies;*
- (d) must have regard to but is not bound by the subdivision and development regulations;*
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;*
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.*

*(3) A subdivision and development appeal board hearing an appeal under section 678 must hold the hearing within 30 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.*

*(4) The Municipal Government Board hearing an appeal under section 678 must hold the hearing within 60 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.*

**121** The heading preceding section 683 presently reads:

*Development Appeals*

**122** Development applications.

### **Development applications**

**683.1(1)** A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use





bylaw that the application has been refused and the reason for the refusal.

**(10)** Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

**(11)** A decision of a development authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
- (b) if an application for a development permit is refused, the reasons for the refusal.

**123 Section 684 is repealed and the following is substituted:**

### **Development Appeals**

#### **Permit deemed refused**

**684(1)** The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

**(2)** A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

**(3)** If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

**(4)** Section 640(5) does not apply in the case of an application that was deemed to be refused under section 653.1(8) or 683.1(8).

**123** Section 684 presently reads:

*684 An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days after receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.*

**124 Section 685(3) is repealed and the following is substituted:**

**(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

**125 Section 686 is amended**

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

**(1.1)** For the purpose of subsection (1), the date of notification of an order or decision or the issuance of a development permit is deemed to be 7 days from the date the order or decision or the notice of the issuance of the development permit is mailed.

**(b) by adding the following after subsection (4):**

**(4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

**124** Section 685(3) presently reads:

*(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.*

**125** Section 686 presently reads:

*686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,*

- (a) in the case of an appeal made by a person referred to in section 685(1), after*
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or*
  - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,*

*or*

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.*

*(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.*

*(3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing*

- (a) to the appellant,*
- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and*

**126 Section 687(3) is amended by adding the following after clause (a):**

- (a.01) must comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation;

- (c) *to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.*
- (4) *The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including*
  - (a) *the application for the development permit, the decision and the notice of appeal, or*
  - (b) *the order under section 645.*
- (5) *In subsection (3), “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.*

**126** Section 687(3) presently reads:

- (3) *In determining an appeal, the subdivision and development appeal board*
  - (a) *must act in accordance with any applicable ALSA regional plan;*
  - (a.1) *must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;*
  - (b) *must have regard to but is not bound by the subdivision and development regulations;*
  - (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
  - (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
    - (i) *the proposed development would not*
      - (A) *unduly interfere with the amenities of the neighbourhood, or*

**127 Section 688(1) is amended**

**(a) by striking out “Despite section 506, an appeal” and substituting “An appeal”;**

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

- (b) a decision made by the Municipal Government Board
  - (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,
  - (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,
  - (ii) under section 678(2)(a) respecting a decision of a subdivision authority, or
  - (iv) under section 690 respecting an intermunicipal dispute.

**128 Section 694 is amended**

**(a) in subsection (1)**

**(i) by adding the following after clause (b):**

- (b.1) respecting the application of sections 708.33 to 708.43 for the purposes of section 631(4);
- (b.2) prescribing specialized municipalities for the purpose of section 640.1;



*(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

*and*

*(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

**127** Section 688(1) presently reads:

*688(1) Despite section 506, an appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to*

*(a) a decision of the subdivision and development appeal board,*  
*and*

*(b) the Municipal Government Board on a decision on an appeal under section 619, an intermunicipal dispute under Division 11 or a subdivision appeal under this Division.*

**128** Section 694(1)(h) and (4) presently read:

*694(1) The Lieutenant Governor in Council may make regulations*

*(h) setting out distances for the purpose of section 678(2)(a);*

*(4) The Lieutenant Governor in Council may make regulations*

*(a) governing the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;*

**(ii) by repealing clause (h) and substituting the following:**

- (h) prescribing distances for the purpose of section 678(2)(a)(ii);
- (h.1) defining “historical site” for the purpose of section 678(2)(a)(ii);
- (h.2) setting out circumstances for the purpose of section 678(2)(a)(iii);

**(iii) by adding the following after clause (i):**

- (j) respecting the provision of inclusionary housing, including, without limitation, regulations respecting
  - (i) standards for inclusionary housing;
  - (ii) the requirements and conditions under which a land use bylaw may require inclusionary housing as a condition of the applicant’s being issued a development permit or as a condition of the applicant’s receiving a subdivision approval;
  - (iii) the conditions when money in place of inclusionary housing is permitted and the purposes for which the money can be used;
  - (iv) the conditions or restrictions on the use of land provided for inclusionary housing;
  - (v) the responsibility for ongoing operations of the management of dwelling units provided for inclusionary housing;
  - (vi) the conditions for the sale or disposal of dwelling units or land provided for inclusionary housing;
  - (vii) respecting the ownership of dwelling units or land provided for inclusionary housing;
  - (viii) measures and any requirements to offset in whole or in part a requirement to provide inclusionary housing.

*(b) governing the principles and criteria that must be applied by a municipality when establishing an off-site levy.*

**(b) by repealing subsection (4) and substituting the following:**

- (4)** The Lieutenant Governor in Council may make regulations
- (a) respecting the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;
  - (b) respecting the principles and criteria that must be applied by a municipality when imposing an off-site levy;
  - (c) respecting the determination of the benefit, with respect to a purpose referred to in section 648(2.1), that is anticipated to benefit the future occupants of the land on which the off-site levy is being imposed;
  - (d) respecting appeals to the Municipal Government Board under section 648.1, including, without limitation,
    - (i) the filing of a notice of an appeal,
    - (ii) the time within which an appeal may be brought, and
    - (iii) the process and procedures of an appeal.

**129 Section 708.011 is repealed and the following is substituted:**

**Purpose**

**708.011** The purposes of this Part are

- (a) subject to clause (b), to enable 2 or more municipalities to initiate, on a voluntary basis, the establishment of a growth management board, and
- (b) to establish growth management boards for the Edmonton and Calgary regions

to provide for integrated and strategic planning for future growth in municipalities.

**129** Section 708.011 presently reads:

*708.011 The purpose of this Part is to enable 2 or more municipalities to initiate, on a voluntary basis, the establishment of a growth management board to provide for integrated and strategic planning for future growth in those municipalities.*

**130 Section 708.02 is amended**

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

**(1.1)** Despite subsection (1), the Lieutenant Governor in Council must by regulation establish a growth management board for both the Edmonton region and the Calgary region and determine the membership of each of those boards.

**(1.2)** For the purposes of subsection (1.1), the growth management board established under the *Capital Region Board Regulation* (AR 38/2012) is deemed to be a growth management board for the Edmonton region.

**(b) in subsection (2) by striking out “and” at the end of clause (b) and by adding the following after clause (c):**

- (d) require the growth management board to prepare a growth plan for the growth region,
- (e) specify the objectives of the growth plan,
- (f) specify the contents of the growth plan,
- (g) specify the timelines for completing the growth plan,
- (h) specify the form of the growth plan,
- (i) specify the desired effect of the growth plan,
- (j) specify regional services and the funding of those services, and
- (k) specify the process for establishing or amending the growth plan.

**(c) by repealing subsection (3)(f) to (l).**

**130** Section 708.02 presently reads:

*708.02(1) The Lieutenant Governor in Council, on the recommendation of the Minister on the request of 2 or more municipalities, may establish a growth management board in respect of those municipalities by regulation.*

*(2) The regulation establishing a growth management board must*

- (a) specify the name of the growth management board,*
- (b) designate the municipalities that are members of the growth management board, and*
- (c) designate all or part of the land lying within the boundaries of the participating municipalities as the growth region for the growth management board.*

*(3) The regulation establishing a growth management board may deal with one or more of the following matters:*

- (a) the appointment of persons to represent the participating municipalities;*
- (b) the appointment of the chair of the growth management board, including, if necessary, the appointment of an interim chair;*
- (c) the voting rights of the participating municipalities;*
- (d) the mandate of the growth management board;*
- (e) subject to this Part, the powers, duties and functions of
  - (i) the growth management board, and*
  - (ii) the representatives on the growth management board;**
- (f) requiring the growth management board to prepare a growth plan for the growth region;*
- (g) the objectives of a growth plan;*
- (h) the contents of a growth plan;*
- (i) the timelines for completing a growth plan;*

**131 The following is added after section 708.25:**

**Part 17.2  
Intermunicipal Collaboration**

**Definitions**

**708.26** In this Part,

- (a) “arbitrator” means a person who is chosen as an arbitrator under Division 3;
- (b) “framework” means an intermunicipal collaboration framework entered into between 2 or more municipalities in accordance with this Part, and includes any amendments to a framework.

**Purpose**

**708.27** The purpose of this Part is to require municipalities to develop an intermunicipal collaboration framework among 2 or more municipalities

- (a) to provide for the integrated and strategic planning, delivery and funding of intermunicipal services,
- (b) to steward scarce resources efficiently in providing local services, and
- (c) to ensure municipalities contribute funding to services that benefit their residents.



- (j) the form of a growth plan;*
- (k) the effect of a growth plan;*
- (l) the process for making amendments to a growth plan;*
- (m) the application of section 708.14 in respect of a participating municipality;*
- (n) any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Part.*

**131** Part 17.2, Intermunicipal Collaboration, added.

## **Division 1 Intermunicipal Collaboration Framework**

### **Framework is mandatory**

**708.28(1)** Subject to subsection (4), municipalities that have common boundaries must, within 2 years from the coming into force of this section, create a framework with each other.

(2) Municipalities that do not have common boundaries may be parties to a framework.

(3) A municipality may be a party to more than one framework.

(4) Despite subsection (1),

- (a) municipalities that are members of a growth management board are not required to create a framework with any other member of the same growth management board unless the Minister by order directs those municipalities to create a framework;
- (b) the Minister may by order exempt one or more municipalities from the requirement to create a framework.

(5) An order under subsection (4)(b) may contain terms or conditions that the Minister considers necessary.

### **Contents of framework**

**708.29(1)** A framework

- (a) must list
  - (i) the services being provided by each municipality,
  - (ii) the services being shared on an intermunicipal basis by the municipalities, and
  - (iii) the services in each municipality that are being provided by third parties by agreement with the municipality,

at the time the framework is created,



- (b) must identify
  - (i) which services are best provided on a municipal basis,
  - (ii) which services are best provided on an intermunicipal basis, and
  - (iii) which services are best provided by third parties by agreement with the municipalities,
- (c) for services to be provided on an intermunicipal basis, must outline how each service will be
  - (i) intermunicipally delivered, including which municipality will lead delivery of the service,
  - (ii) intermunicipally funded, and
  - (iii) discontinued by a municipality when replaced by an intermunicipal service,
- (d) must set the time frame for implementing services to be provided on an intermunicipal basis,
- (e) may contain any details required to implement services on an intermunicipal basis including details in respect of planning for, locating and developing infrastructure to support the services,
- (f) may contain
  - (i) provisions for the purposes of developing infrastructure for the common benefit of residents of the municipalities, and
  - (ii) any other provisions authorized by the regulations,
- (g) must meet the requirements of Division 4, and
- (h) must meet any other requirements established by the regulations.

**(2)** With respect to the requirements of subsection (1)(b), each framework must address services relating to



- (a) transportation,
- (b) water and wastewater,
- (c) solid waste,
- (d) emergency services,
- (e) recreation, and
- (f) any other services, where those services benefit residents in more than one of the municipalities that are parties to the framework.

(3) Nothing in this Part prevents a framework from enabling an intermunicipal service to be provided in only part of a municipality.

(4) No framework may contain a provision that conflicts or is inconsistent with a growth plan established under Part 17.1 or with an ALSA regional plan.

(5) The existence of a framework relating to a service constitutes agreement among the municipalities that are parties to the framework for the purposes of section 54.

#### **Relationship to intermunicipal development plan**

**708.3(1)** A framework is not complete for the purposes of section 708.29 unless the councils of the municipalities that are parties to the framework have also adopted an intermunicipal development plan under section 631 or an intermunicipal development plan is included as an appendix to the framework.

(2) Subsection (1) does not apply if the Minister has exempted one or more of the councils of the municipalities from the requirement to adopt an intermunicipal development plan pursuant to section 631(1.1).

(3) Despite section 631, to the extent that a matter is dealt with in a framework, the matter does not need to be included in an intermunicipal development plan.

#### **Conflict or inconsistency**

**708.31** If there is a conflict or inconsistency between a framework and an existing agreement between 2 or more



municipalities that are parties to that framework, the framework must address the conflict or inconsistency and, if necessary, alter or rescind the agreement.

**Term and review**

**708.32(1)** The municipalities that are parties to a framework must review the framework at least every 5 years after the framework is created, or within a shorter period of time as provided for in the framework.

(2) Where, during a review, the municipalities do not agree that the framework continues to serve the interests of the municipalities, the municipalities must create a replacement framework in accordance with this Part.

(3) Subsection (2) applies only to municipalities that are required under section 708.28(1) to create a framework.

**Division 2  
Framework Created  
by Agreement**

**Method of creating framework**

**708.33(1)** Municipalities must create a framework by adopting matching bylaws that contain the framework.

(2) An intermunicipal development plan created as part of a framework may be adopted by the same bylaw that adopts the framework if the requirements of section 692 are met with respect to that plan.

(3) In creating or reviewing a framework, the municipalities must negotiate in good faith.

(4) Once the municipalities have created a framework, the municipalities must ensure that a copy of it is filed with the Minister within 90 days of its creation.





## **Division 3 Arbitration**

### **Application**

**708.34** This Division applies to municipalities that are required under section 708.28(1) to create a framework where

- (a) the municipalities are not able to create the framework within the time required under section 708.28, or
- (b) when reviewing a framework under section 708.32, the municipalities do not agree that the framework continues to serve the interests of the municipalities and one of the municipalities provides written notice to the other municipalities and the Minister stating that the municipalities are not able to agree on the creation of a replacement framework.

### **Arbitration**

**708.35(1)** Where municipalities are subject to this Division, their dispute must be referred to an arbitrator in accordance with the regulations.

**(2)** The arbitrator must be chosen by the municipalities or, if they cannot agree, by the Minister.

**(3)** Any mediator who has assisted the municipalities in attempting to create a framework is eligible to be an arbitrator under this Division.

**(4)** Where municipalities for whom an arbitrator is appointed create a framework by agreement, the arbitration process ends.

### **Role of arbitrator**

**708.36(1)** Where a dispute is referred to an arbitrator under section 708.35, the arbitrator must, subject to the regulations, by order create a framework for those municipalities

- (a) in the case of an original framework, within 3 years from the coming into force of section 708.28, or
- (b) in the case of a replacement framework, within one year from the date the arbitrator is chosen.



**(2)** Despite subsection (1), an arbitrator may, as part of the arbitration process, attempt mediation with the municipalities, and

- (a) resolve the dispute and require the municipalities to complete the framework within a reasonable time, or
- (b) recommend an outline for a framework and give the municipalities a reasonable time to complete the framework.

**Role of municipality**

**708.37(1)** Where a dispute is referred to an arbitrator under section 708.35, each municipality must

- (a) provide to the arbitrator a report setting out what that municipality considers are the specific reasons why the municipalities are unable to create a framework, and
- (b) participate in the arbitration process in accordance with the regulations.

**(2)** Where a municipality fails to participate in the arbitration process, the arbitrator may

- (a) require the chief administrative officer of the municipality to produce any information required by the arbitrator, or
- (b) settle the dispute or create a framework without the participation of that municipality.

**Matters to be considered by arbitrator**

**708.38(1)** In resolving a dispute or creating a framework, an arbitrator must have regard to

- (a) the services and infrastructure provided for in other frameworks to which the municipalities are also parties,
- (b) consistency of services provided to residents in the municipalities,
- (c) equitable sharing of costs among municipalities,
- (d) environmental concerns within the municipalities,



(e) the public interest, and

(f) any other matters prescribed by the regulations.

(2) When creating a framework by order, an arbitrator shall not make an order that is inconsistent with the criteria established in the regulations.

**Creation of framework by arbitrator**

**708.39(1)** A framework created by an arbitrator must, subject to the regulations, comply with section 708.29.

(2) The parties to a framework created by an arbitrator may, by agreement, amend the framework.

(3) For greater clarity, Division 1, except section 708.28(1), applies to a framework created by an arbitrator.

**Municipalities must amend bylaws**

**708.4(1)** Where a framework is created by an arbitrator, the municipalities that are the parties to the framework must amend their bylaws to be consistent with the framework.

(2) A municipality may not amend, repeal or revise its bylaws to be inconsistent with a framework to which it is a party or an order of an arbitrator applicable to it.

**Costs of arbitrator**

**708.41(1)** Subject to an order of the arbitrator or an agreement by the parties, the costs of an arbitrator under this Part must be paid on a proportional basis by the municipalities that are to be parties to the framework as set out in subsection (2).

(2) Each municipality's proportion of the costs must be determined by dividing the amount of that municipality's equalized assessment by the sum of the equalized assessments of all of the municipalities' equalized assessments as set out in the most recent equalized assessment.

**Order must be filed**

**708.42** An order made by the arbitrator under section 708.36(1)(b) must be filed with the Minister within 7 days of being made.



**Measures to ensure compliance with frameworks**

**708.43(1)** If a municipality fails to amend its bylaws to be consistent with the framework as required by section 708.4(1) within the time required by the regulations, one of the other municipalities that are parties to the framework may apply to the Court of Queen's Bench for an order requiring that municipality to comply with section 708.4(1).

(2) If the Minister considers that a municipality has not complied with a framework, the Minister may take any necessary measures to ensure that the municipality complies with the framework.

(3) In subsection (2), all necessary measures includes, without limitation, an order by the Minister

- (a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;
- (b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) removing a suspension of bylaw-making authority, with or without conditions;
- (d) withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;
- (e) repealing, amending and making policies and procedures with respect to the municipality;
- (f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) requiring or prohibiting any other action as necessary to ensure that the municipality complies with the framework.





## **Division 4 Resolving Disputes Under Existing Framework**

### **Definitions**

**708.44** In this Division, “decision maker” means a person appointed to make decisions under a binding dispute resolution process referred to in section 708.45.

### **Binding dispute resolution process**

**708.45(1)** Every framework must contain provisions respecting a binding dispute resolution process that meets the requirements of the regulations for resolving disputes with respect to

- (a) the interpretation, implementation or application of the framework, and
- (b) any contravention or alleged contravention of the framework.

**(2)** If a framework does not contain one or more of the provisions required by subsection (1), the framework is deemed to contain the model provisions prescribed by the regulations respecting matter in respect of which the framework is silent.

### **Enforcement of decision maker’s orders**

**708.46** If a municipality fails to comply with an order of a decision maker, one of the other municipalities that are parties to the framework may apply to the Court of Queen’s Bench for an order directing the municipality to comply with the decision maker’s order or restraining any conduct found by the Court to be in contempt of the decision maker.

## **Division 5 General**

### **Regulations Act does not apply**

**708.47** The *Regulations Act* does not apply to a framework or order made under this Part.



**Jurisdiction of arbitrator**

**708.48(1)** In this section and section 708.49, “arbitrator” includes a decision maker under Division 4.

**(2)** An arbitrator acting under this Part may make a determination

- (a) on a matter of process,
- (b) on the arbitrator’s jurisdiction,
- (c) on a matter of law, and
- (d) on any other matter ancillary to a matter referred to the arbitrator.

**(3)** The arbitrator must make the findings and determinations the arbitrator determines to be necessary to decide the matters referred to the arbitrator.

**Limitation period**

**708.49** A person who wishes to have an order of the Minister or of an arbitrator under this Part declared invalid on any basis must make an application for judicial review within 60 days after the order is made.

**Arbitration Act**

**708.5** Except to the extent provided for in the regulations, the *Arbitration Act* does not apply to an arbitration conducted under this Part.

**Paramountcy of Part 17.2**

**708.51** In the event of a conflict or inconsistency between this Part and Parts 1, 2, 3, 5, 6, 7, 8 or 17, this Part prevails.

**Regulations**

**708.52** The Lieutenant Governor in Council may make regulations

- (a) respecting frameworks, including, without limitation, regulations respecting the provisions that must or may be included in a framework;
- (b) respecting the process to be followed to create, amend or cancel a framework;



- (c) respecting arbitration under Division 3, including, without limitation, regulations respecting
  - (i) the appointment of an arbitrator;
  - (ii) the circumstances under which an arbitrator must create a framework,
  - (iii) the powers, duties and functions of an arbitrator,
  - (iv) the practice and procedures of an arbitrator,
  - (v) the participation of municipalities in the arbitration process, and
  - (vi) the criteria to be considered by an arbitrator in making an order under section 708.38(2);
- (d) prescribing matters for the purposes of section 708.38(1)(f);
- (e) respecting the time within which municipalities that are parties to a framework must amend their bylaws to be consistent with the framework;
- (f) respecting the provisions required to be included in the binding dispute resolution process under Division 4, including, without limitation, regulations
  - (i) governing the dispute resolution process and the appointment of a decision maker,
  - (ii) respecting the powers, duties and functions of a decision maker,
  - (iii) respecting the practice and procedures of a decision maker,
  - (iv) respecting the orders that a decision maker may issue, including orders
    - (A) requiring an amendment to a framework,
    - (B) requiring a municipality to cease any activity that is inconsistent with the framework,



- (C) providing how a municipality's bylaws must be amended to be consistent with the framework,  
and
- (D) providing for an award, which may include interest,  
  
and
- (v) respecting the costs, fees and disbursements incurred in respect of the binding dispute resolution process and who bears those costs;
- (g) prescribing model provisions for the purposes of section 708.45(2);
- (h) respecting a subsequent action before a court following a decision of an arbitrator or decision maker;
- (i) defining any term or expression that is used in this Part but not defined in this Act;
- (j) respecting the extent, if any, to which the *Arbitration Act* applies to an arbitrator under this Part;
- (k) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

**132 In the following provisions “linear” is struck out wherever it occurs and “designated industrial” is substituted:**

section 285;  
 section 313(4);  
 section 359.1(2) and (4)(c);  
 section 359.2(2) and (4)(c);  
 section 500(1);  
 section 517(2);  
 section 594(1), (2) and (3).



**132** Replacing “linear” with “designated industrial”.

**Transitional — proceedings before assessment review board**

**133(1)** In this section, “former Division 1” means Division 1 of Part 11 of the *Municipal Government Act* as it read immediately before the coming into force of this section.

(2) Where on the coming into force of this section, a proceeding is before an assessment review board with respect to a complaint under the former Division 1, the proceeding must be concluded in accordance with the former Division 1 as if that Division had not been repealed.

**Transitional — appeals of certain decisions**

**134(1)** In this section,

- (a) “former section 470” means section 470 of the *Municipal Government Act* as it read at any time before the coming into force of this section;
- (b) “former section 506” means section 506 of the *Municipal Government Act* as it read at any time before the coming into force of this section.

(2) Where an application or appeal under the former section 470 or the former section 506 is before the Court when this section comes into force, the Court may, with the consent of all parties, if the Court considers it appropriate to do so, order that the application or appeal be dealt with as an application for judicial review.

(3) Where the Court makes an order under subsection (1) the Court may also make any other order or give any direction that the Court considers necessary or appropriate to facilitate the hearing of the matter as a judicial review.

**Transitional — regulations**

**135** The Lieutenant Governor in Council may make regulations providing for the transitional application of the amendments to the *Municipal Government Act* made by this Act.

**133** Transitional — proceedings before assessment review board.

**134** Transitional — appeals of certain decisions.

**135** Transitional — regulations.

**Amends RSA 2000 cO-8**

**136 The Ombudsman Act is amended**

**(a) in section 1**

**(i) in clause (b) by adding the following after subclause (i.3):**

- (i.4) when used in reference to a municipality other than an improvement district or special area, means the chief administrative officer of the municipality;
- (i.5) when used in reference to a municipality that is an improvement district, means the deputy minister of the Minister responsible for the *Municipal Government Act*;
- (i.6) when used in reference to a municipality that is a special area, means the chair of the Special Areas Board;

**(ii) by adding the following after clause (g):**

(g.1) “municipality” means

- (i) a municipality or improvement district formed under the *Municipal Government Act*, or
- (ii) a special area constituted under the *Special Areas Act*;

**(b) in sections 12(1) and (3)(c) and 16(1) and (4) by striking out “or professional organization” wherever it occurs and substituting “, professional organization or municipality”;**

**(c) in section 18**

**(i) in subsection (1) by striking out “or professional organization” wherever it occurs and substituting “, professional organization or municipality”;**

**(ii) in subsection (2)**

**(A) by striking out “or professional organization” and substituting “, professional organization or municipality”;**

**136** Amends chapter O-8 of the Revised Statutes of Alberta 2000. Sections 1, 12, 16, 18, 21, 21.1, 26 and 28 presently read in part:

*1 In this Act,*

*(b) “administrative head”*

*(i) when used in reference to an agency means the person designated by the Minister responsible for that agency to act as the head of that agency or, if a head is not so designated, the person who acts as the chief officer and is charged with the administration and operation of that agency,*

*12(1) Subject to subsection (2.1), it is the function and duty of the Ombudsman to investigate any decision or recommendation made, including any recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in the person’s or its personal capacity, in or by any department, agency or professional organization, or by any officer, employee or member of any department or agency in the exercise of any power or the performance of any function conferred on the officer, employee or member by any enactment.*

*(3) The powers and duties conferred on the Ombudsman by this Act may be exercised and performed notwithstanding any provision in any Act to the effect*

*(c) that no proceeding or decision of the person, department, agency or professional organization whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question.*

*16(1) Before investigating any matter under this Act, the Ombudsman shall inform the deputy minister of the department or the administrative head of the agency or professional organization affected, as the case may be, of the Ombudsman’s intention to make the investigation.*

*(4) If, during or after an investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department, agency or professional organization, the Ombudsman shall refer the matter to the deputy minister of the department or the administrative head of the agency or professional organization, as the case may be.*

- (B) **by striking out** “professional organization or person” **and substituting** “professional organization, municipality or person”;
  - (iii) **in subsection (3)(a) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (d) **in section 21**
- (i) **in subsections (3) and (4) by adding** “or municipality” **after** “professional organization” **wherever it occurs**;
  - (ii) **in subsection (5)**
    - (A) **by adding** “or municipality” **after** “of a professional organization”;
    - (B) **by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
  - (iii) **in subsection (6) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (e) **in section 21.1**
- (i) **in subsection (1)**
    - (A) **by striking out** “department, agency or professional organization” **and substituting** “department, agency, professional organization or municipality”;
    - (B) **in clause (a) by adding** “or municipality,” **after** “professional organization”;
  - (ii) **in subsection (3)(c) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (f) **in section 26(1) and (2) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (g) **in section 28**

*18(1) Subject to this section and section 19, the Ombudsman may require any person who in the Ombudsman's opinion is able to give any information relating to any matter being investigated by the Ombudsman*

- (a) to furnish the information to the Ombudsman, and*
- (b) to produce any document, paper or thing that in the Ombudsman's opinion relates to the matter being investigated and that may be in the possession or under the control of that person,*

*whether or not that person is an officer, employee or member of a department, agency or professional organization, and whether or not the document, paper or thing is in the custody or under the control of a department, agency or professional organization.*

*(2) When the Ombudsman requires the production of a document, paper or thing under subsection (1), the Ombudsman may require it to be produced at a place designated by the Ombudsman and may require that it be left in the Ombudsman's possession for the purposes of the Ombudsman's investigation but, on the request of the deputy minister of the department, the administrative head of the agency or professional organization or the person who produced the document, paper or thing, the Ombudsman shall return the document, paper or thing to the department, agency, professional organization or person as quickly as possible, and in any case not later than 48 hours after the receipt of the request, subject to the Ombudsman's right to require its production again in accordance with this section.*

*(3) The Ombudsman may summon before the Ombudsman and examine on oath*

- (a) any person who is an officer, employee or member of any department, agency or professional organization and who in the Ombudsman's opinion is able to give any information mentioned in subsection (1),*
- (b) any complainant, and*
- (c) any other person who in the Ombudsman's opinion is able to give any information mentioned in subsection (1),*

*and for that purpose may administer an oath.*

**(i) in subsection (2) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;

**(ii) in subsection (3)**

**(A) by adding the following after clause (c):**

(c.01) any municipality,

**(B) by adding** “municipality” **after** “agency, professional organization,”.



*21(3) If, when this section applies, the Ombudsman is of the opinion*

- (a) that the matter should be referred to the appropriate authority for further consideration,*
- (b) that the omission should be rectified,*
- (c) that the decision should be cancelled or varied,*
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered,*
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered,*
- (f) that reasons should have been given for the decision,*
- (g) that the matter should be reheard or reconsidered by the appropriate authority, or*
- (h) that any other steps should be taken,*

*the Ombudsman shall report that opinion and the Ombudsman's reasons for it to the appropriate Minister and to the department or agency concerned or to the administrative head of the professional organization concerned, and may make any recommendations the Ombudsman thinks fit, and in that case the Ombudsman may request the department, agency or administrative head of the professional organization to notify the Ombudsman within a specified time of the steps, if any, that it proposes to take to give effect to the Ombudsman's recommendations.*

*(5) If, within a reasonable time after the report is made to the appropriate Minister and the department or agency under subsection (3) or to the administrative head of a professional organization under subsection (3) and to the appropriate Minister under subsection (4), no action is taken that seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in the Ombudsman's discretion after considering the comments, if any, made by or on behalf of the department, agency or professional organization, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may afterwards make any report to the Legislature on the matter that the Ombudsman thinks fit.*



*(6) The Ombudsman shall attach to every report sent or made under subsection (5) a copy of any comments made by or on behalf of the department, agency or professional organization concerned.*

*21.1(1) On the recommendation of the Ombudsman under section 21(3), a department, agency or professional organization may*

- (a) rehear a matter or reconsider a decision or recommendation made by the department or agency or professional organization or an officer, employee or member of it, and*
- (b) quash, confirm or vary that decision or recommendation or any part of it.*

*(3) This section applies notwithstanding any provision in any Act to the effect that*

- (c) no proceeding or decision of the person, department, agency or professional organization whose decision, recommendation, act or omission it is may be challenged, reviewed, quashed or called in question.*

*26(1) For the purposes of this Act, the Ombudsman may at any time enter on any premises occupied by any department, agency or professional organization and inspect the premises and, subject to sections 18 and 19, carry out in those premises any investigation that is within the Ombudsman's jurisdiction.*

*(2) Before entering on any premises pursuant to subsection (1), the Ombudsman shall notify, as the case may require, the deputy minister of the department or the administrative head of the agency or professional organization that occupies the premises of the Ombudsman's intention to do so.*

*28(2) The Ombudsman may, from time to time, in the public interest or in the interests of any person, department, agency or professional organization, publish reports relating*

- (a) generally to the exercise of the Ombudsman's functions under this Act, or*
- (b) to any particular case investigated by the Ombudsman,*

*whether or not the matters to be dealt with in any such report have been the subject of a report to the Legislature.*

**Amends SA 2015 c8**

**137 The *Municipal Government Amendment Act, 2015* is amended**

- (a) in section 41(b) by striking out “after clause (g)” and substituting “before clause (h)”;**
- (b) by repealing section 59;**
- (c) by repealing section 70.**

*(3) The Ombudsman shall not, in a report made under this section, express any opinion or make any comment that is adverse to*

- (a) any department or any officer or employee of a department,*
- (b) any agency or any officer, member or employee of an agency,*
- (c) any professional organization,*
- (c.1) any officer, employee or member of a health authority or person engaged by a health authority, or*
- (d) any other person or group of persons,*

*unless prior to making the report to the Legislature or publishing the report pursuant to subsection (2), as the case may be, the Ombudsman has given that department, agency, professional organization, officer, member, employee, person or group of persons an opportunity to know the nature of the opinion or comment and to make representations to the Ombudsman in respect of it either personally or by counsel.*

**137** Amends chapter 8 of the Statutes of Alberta, 2015. Sections 41(b), 59, 70 and 74 presently read:

*41 Section 284(1) is amended*

*(b) by adding the following after clause (g):*

*(g.1) “extended area network” has the meaning given to it in the regulations;*

*59 Section 608 is repealed and the following is substituted:*

*Sending documents*

*608(1) Where this Act or a regulation or bylaw made under this Act requires a document to be sent to a person, the document may be sent by electronic means if*

- (a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail address, website or other electronic address to the sender for that purpose, and*

**138(1) This Act, except sections 46(a), 55 and 96, come into force on Proclamation.**

**(2) Section 46(a) is deemed to have come into force on January 1, 2016.**

**(3) Section 55 is deemed to have come into force on the date the Bill to enact the *Modernized Municipal Government Act* received first reading.**

*(b) it is possible to make a copy of the document from the electronic transmission.*

*(2) A document sent by electronic means in accordance with subsection (1) is, in the absence of evidence to the contrary, presumed to have been received 7 days after it was sent.*

70 Section 654 is amended

*(a) by repealing subsection (1)(b) and substituting the following:*

*(b) the proposed subdivision conforms to the provisions of any statutory plan,*

*(b.1) subject to subsection (2), the proposed subdivision conforms to any land use bylaw that affects the land proposed to be subdivided,*

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

*(1.1) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.*

**138** Coming into force.

