

2016 Bill 23

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 23**

**MISCELLANEOUS STATUTES  
AMENDMENT ACT, 2016**

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THE MINISTER OF INFRASTRUCTURE

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 23

2016

### MISCELLANEOUS STATUTES AMENDMENT ACT, 2016

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

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

#### **Business Corporations Act**

**Amends RSA 2000 cB-9**

**1(1)** The *Business Corporations Act* is amended by this  
section.

**(2)** The heading to Division 1 of Part 6 is repealed.

**(3)** The heading to Part 7 is repealed and the following is  
substituted:

#### **Part 7 Trust Indentures**

**(4)** The heading to Division 1 of Part 7 is repealed.

**(5)** Section 81(1) and (2) are amended by striking out  
“Division” and substituting “Part”.

## Explanatory Notes

### Business Corporations Act

1(1) Amends chapter B-9 of the Revised Statutes of Alberta 2000.

(2) Part 6, Division 1 heading presently reads:

*Division 1*  
*Interpretation and General*

(3) Part 7 heading presently reads:

*Part 7*  
*Corporate Borrowing*

(4) Part 7, Division 1 heading presently reads:

*Division 1*  
*Trust Indentures*

(5) Section 81 presently reads:

*81(1) In this Division,*

**(6) Section 114(3) is amended by striking out “, other than directors of a corporation referred to in section 105(4),”.**

**(7) Section 115(2) is amended by striking out “, other than a corporation referred to in section 105(4),”.**

- (a) *“event of default” means an event specified in a trust indenture on the occurrence of which*
- (i) *a security interest constituted by the trust indenture becomes enforceable, or*
  - (ii) *the principal, interest and other money payable under the trust indenture become or may be declared to be payable before maturity,*

*but the event is not an event of default until all conditions prescribed by the trust indenture in connection with that event for the giving of notice or the lapse of time or otherwise have been satisfied;*

- (b) *“trustee” means any person appointed as trustee under the terms of a trust indenture to which a corporation is a party and includes any successor trustee;*
- (c) *“trust indenture” means any deed, indenture or other instrument, including any supplement or amendment to it, made by a corporation after its incorporation or continuance under this Act, under which the corporation issues debt obligations and in which a person is appointed as trustee for the holders of the debt obligations issued under it.*

*(2) This Division applies to a trust indenture only if the debt obligations issued or to be issued under the trust indenture are part of a distribution to the public.*

(6) Section 114(3) presently reads:

*(3) Directors, other than directors of a corporation referred to in section 105(4), shall not transact business at a meeting of directors unless at least 1/4 of the directors present are resident Canadians.*

(7) Section 115(2) presently reads:

*(2) If the directors of a corporation, other than a corporation referred to in section 105(4), appoint a committee of directors, at least 1/4 of the members of the committee must be resident Canadians.*

**(8) Section 268(3) is repealed.**

**(9) The following is added after section 268:**

**Certificate of status**

**268.1** On the payment of the prescribed fee, the Registrar may issue a certificate stating that, according to the Registrar's records, the body corporate named in the certificate

- (a) is or is not an existing corporation on the date of issue of the certificate, or
- (b) was or was not an existing corporation on the day or during the period specified in the certificate.

**Chartered Professional Accountants Act**

**Amends SA 2014 cC-10.2**

**2(1) The *Chartered Professional Accountants Act* is amended by this section.**

**(2) Section 136 is amended by striking out "*Commissioners for Oaths Act*" and substituting "*Notaries and Commissioners Act*".**

**Condominium Property Act**

**Amends RSA 2000 cC-22**

**3(1) The *Condominium Property Act* is amended by this section.**

(8) Section 268(3) presently reads:

*(3) On the payment of the prescribed fee, the Registrar may issue a certificate stating that, according to the Registrar's records, the body corporate named in the certificate*

*(a) is or is not an existing corporation on the date of issue of the certificate, or*

*(b) was or was not an existing corporation on the day or during the period specified in the certificate.*

(9) Certificate of status.

### **Chartered Professional Accountants Act**

**2(1)** Amends chapter C-10.2 of the Statutes of Alberta, 2014.

(2) Updates reference to name of Act.

### **Condominium Property Act**

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

**(2) Section 24 is repealed and the following is substituted:**

**Implied easements and restrictions**

**24(1)** Easements or restrictions implied or created by this Act or the bylaws take effect and are enforceable

- (a) without any memorial or notification on that part of the register constituting titles to the dominant or servient tenements, and
- (b) without any express indication of those tenements.

**(2)** All ancillary rights and obligations reasonably necessary to make easements effective apply in respect of easements implied by this Act, including the right of an owner of a dominant tenement to enter a servient tenement and replace, renew or restore any thing that the dominant tenement is entitled to benefit from.

**Right of entry**

**24.1(1)** Except as otherwise permitted in this section, no person may enter a unit under section 24(2) without the consent of the owner of the unit or of an adult person lawfully on the premises that comprise the unit.

**(2)** A person may enter a unit under section 24(2) without consent or notice if that person has reasonable grounds to believe that an emergency requires that person to enter the premises to replace, renew or restore any thing that the dominant tenement is entitled to benefit from.

**(3)** Subject to subsection (4), a person may enter a unit under section 24(2) without consent but after notice to the owner or person in possession of the unit to replace, renew or restore any thing that the dominant tenement is entitled to benefit from.

**(4)** A person is not entitled to enter a unit under subsection (3) unless

- (a) the notice is served on the owner of the unit or an adult person in possession of the unit at least 24 hours before the time of entry,
- (b) the entry is made on a day that is not



(2) Section 24 presently reads:

*24(1) Easements or restrictions implied or created by this Act or the bylaws take effect and are enforceable*

*(a) without any memorial or notification on that part of the register constituting titles to the dominant or servient tenements, and*

*(b) without any express indication of those tenements.*

*(2) All ancillary rights and obligations reasonably necessary to make easements effective apply in respect of easements implied by this Act, including the right of an owner of a dominant tenement to enter a servient tenement and replace, renew or restore any thing that the dominant tenement is entitled to benefit from.*

*(3) Except as otherwise permitted in this section, no person may enter a unit under subsection (2) without the consent of the owner of the unit or of an adult person lawfully on the premises that comprise the unit.*

*(4) A person may enter a unit under subsection (2) without consent or notice if that person has reasonable grounds to believe that an emergency requires that person to enter the premises to replace, renew or restore any thing that the dominant tenement is entitled to benefit from.*

*(5) Subject to subsection (6), a person may enter a unit under subsection (2) without consent but after notice to the owner or person in possession of the unit to replace, renew or restore any thing that the dominant tenement is entitled to benefit from.*

*(6) A person is not entitled to enter a unit under subsection (5) unless*

*(a) the notice is served on the owner of the unit or an adult person in possession of the unit at least 24 hours before the time of entry,*

*(b) the entry is made on a day that is not*

*(i) a holiday, except that the person may enter on a Sunday if the day of religious worship of the adult person in possession of the unit is not Sunday and that adult person*

- (i) a holiday, except that the person may enter on a Sunday if the day of religious worship of the adult person in possession of the unit is not Sunday and that adult person has provided to the person wishing to enter the unit a written notice of that adult person's day of religious worship, or
- (ii) the day of religious worship of the adult person in possession of the unit if that day is not Sunday and that person has provided to the person wishing to enter the unit a written notice of that day,

and

- (c) the entry is between 8 a.m. and 8 p.m.

**(5)** A notice under subsection (3) must

- (a) be in writing,
- (b) state the reason for the entry, and
- (c) name a date and time of entry that comply with subsection (4).

### **Condominium Property Amendment Act, 2014**

**Amends SA 2014 c10**

**4(1) The *Condominium Property Amendment Act, 2014* is amended by this section.**

**(2) Section 20 is amended in the new section 29(1) by striking out "to 50% of the units" and substituting "to units representing 50% of unit factors".**

*has provided to the person wishing to enter the unit a written notice of that adult person's day of religious worship, or*

*(ii) the day of religious worship of the adult person in possession of the unit if that day is not Sunday and that person has provided to the person wishing to enter the unit a written notice of that day,*

*and*

*(c) the entry is between 8 a.m. and 8 p.m.*

*(7) A notice under subsection (5) must*

*(a) be in writing,*

*(b) state the reason for the entry, and*

*(c) name a date and time of entry that comply with subsection (6).*

#### **Condominium Property Amendment Act, 2014**

**4(1)** Amends chapter 10 of the Statutes of Alberta, 2014.

(2) Section 20 presently reads in part:

*20 Section 29 is repealed and the following is substituted:*

##### *Convening of meeting to elect first board*

*29(1) When a developer registers a condominium plan, the developer shall within 90 days from the day that the certificates of title to 50% of the units have been issued in the name of the purchasers convene a meeting of the corporation at which a board must be elected.*

## **Conflicts of Interest Act**

**Amends RSA 2000 cC-23**

**5(1) The *Conflicts of Interest Act* is amended by this section.**

**(2) Section 28(1) and (2) are amended by striking out “section 25(7)” and substituting “section 25(12)”.**

**(3) Section 47(2) is amended**

- (a) in clause (b) by striking out “section 31(1)” and substituting “section 23.1”;**
- (b) in clause (c) by striking out “section 32.1(1)” and substituting “section 23.7”.**

## Conflicts of Interest Act

**5(1)** Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Section 28 presently reads in part:

*28(1) On receiving a report from the Ethics Commissioner under section 25(7), the Speaker of the Legislative Assembly shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.*

*(2) If the Legislative Assembly is not sitting when the Ethics Commissioner reports the Ethics Commissioner's findings to the Speaker of the Legislative Assembly under section 25(7), the Speaker shall make copies of the report available to the public.*

(3) Section 47 presently reads in part:

*(2) Notwithstanding subsection (1), the Ethics Commissioner shall retain records*

*(a) of a Member that are in the Ethics Commissioner's custody or control for a period of at least 2 years after the Member ceases to be a Member,*

*(b) of a former Minister that are in the Ethics Commissioner's custody or control for a period of at least 2 years after the period referred to in section 31(1) in respect of the former Minister has expired, and*

*(c) of a former political staff member that are in the Ethics Commissioner's custody or control for a period of at least 2 years after the period referred to in section 32.1(1) in respect of the former political staff member has expired.*

## Fair Trading Act

Amends RSA 2000 cF-2

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

**(2)** Section 54(1) is amended by adding “access to” after “obtained”.

**(3)** Section 152(3) is repealed.

**(4)** Part 16 is repealed.

## Health Care Protection Act

Amends RSA 2000 cH-1

**7(1)** The *Health Care Protection Act* is amended by this section.

**(2)** Section 29(r)(ii) is amended by striking out “the *Medical Profession Act*” and substituting “Schedule 21 of the *Health Professions Act*”.

## Health Information Act

Amends RSA 2000 H-5

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

**(2)** Section 35(1)(s) is amended by striking out “Triplicate Prescription Program” and substituting “Physician Prescribing Practices Program or any program to monitor prescribing practices that replaces it”.

### **Fair Trading Act**

**6(1)** Amends chapter F-2 of the Revised Statutes of Alberta 2000.

(2) Section 54(1) presently reads:

*54(1) No loan broker may charge or collect a fee for assisting a person to obtain personal or business credit until the person has obtained the credit, unless the fee*

*(a) is paid directly to the loan broker by a credit grantor or lender for a referral of business, or*

*(b) is for the purpose of obtaining a lease or leasing arrangements.*

(3) Section 152(3) presently reads:

*(3) The Director must maintain a public record of all undertakings entered into under this section.*

(4) Repeals transitional provisions.

### **Health Care Protection Act**

**7(1)** Amends chapter H-1 of the Revised Statutes of Alberta 2000.

(2) Updates reference to name of Act.

### **Health Information Act**

**8(1)** Amends chapter H-5 of the Revised Statutes of Alberta 2000.

(2) Section 35 presently reads in part:

*35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information*

**(3) Section 41(1) is amended by striking out “or (4)” and substituting “, (4) or (5)”.**

**(4) Section 56.1(c) is amended by striking out “profesional” and substituting “professional”.**

**(5) Section 56.3(3)(b) is amended by striking out “disclosure of the health information” and substituting “making the information accessible”.**



(s) *to the College of Physicians and Surgeons of Alberta for the purpose of administering the Triplicate Prescription Program.*

(3) Section 41(1) presently reads:

*41(1) Subject to subsection (1.1), a custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1) or (4) must make a note of the following information:*

- (a) the name of the person to whom the custodian discloses the information;*
- (b) the date and purpose of the disclosure;*
- (c) a description of the information disclosed.*

(4) Section 56.1(c) presently reads:

*56.1 In this Part,*

- (c) “prescribed health information” means health information about an individual that is of a class or type prescribed by the regulations that a regulated health professional or an authorized custodian may or must make accessible to authorized custodians via the Alberta EHR;*

(5) Section 56.3(3) presently reads:

*(3) Before giving a direction under subsection (2), the Minister must*

- (a) consult with the health professional body referred to in subsection (2)(b),*
- (b) prepare a privacy impact assessment describing how disclosure of the health information may affect the privacy of the individual who is the subject of the information and submit the privacy impact assessment to the Commissioner for review and comment, and*
- (c) consider the comments of the Commissioner, if any, made in response to the privacy impact assessment.*

## Historical Resources Act

Amends RSA 2000 cH-9

**9(1)** The *Historical Resources Act* is amended by this section.

**(2)** Section 38(3) is amended by adding “and one of the directors as vice-chair of the board” **after** “chair of the board”.

## Insurance Act

Amends RSA 2000 cI-3

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

**(2)** Section 44 is amended

**(a)** in subsection (2)(a) and (b) by striking out “financial year” and substituting “calendar year”;

**(b)** in subsection (3)(b) and (c) by striking out “financial year” and substituting “calendar year”.

## Lobbyists Act

Amends SA 2007 cL-20.5

**11(1)** The *Lobbyists Act* is amended by this section.

**(2)** Section 6 is amended

### **Historical Resources Act**

**9(1)** Amends chapter H-9 of the Revised Statutes of Alberta 2000.

(2) Section 38(3) presently reads:

*(3) The Lieutenant Governor in Council may designate one of the directors as chair of the board.*

### **Insurance Act**

**10(1)** Amends chapter I-3 of the Revised Statutes of Alberta 2000.

(2) Section 44 presently reads in part:

*(2) The annual return must be filed*

*(a) in the case of a provincial company that is limited by the Minister to the reinsurance of risks, within 105 days after the end of the financial year in respect of which the return is prepared, or*

*(b) in the case of any other provincial company, within 60 days after the end of the financial year in respect of which the return is prepared.*

*(3) The annual return must*

*(b) set out the assets, liabilities, receipts and expenditures of the company for the financial year and be audited in a manner that is satisfactory to the Minister,*

*(c) set out particulars of the business done in Alberta during the financial year.*

### **Lobbyists Act**

**11(1)** Amends chapter L-20.5 of the Statutes of Alberta, 2007.

(2) Section 6 presently reads:

- (a) by renumbering the subsection immediately preceding subsection (5) as subsection (4.2);**
- (b) in subsection (4.2) by striking out “Subsections (3) and (4)” and substituting “Subsections (3), (3.1), (4) and (4.1)”;**
- (c) in subsection (5) by striking out “subsection (3) or (4)” and substituting “subsection (3), (3.1), (4) or (4.1)”.**

*6(1) In this section, “contract for providing paid advice” means an agreement or other arrangement under which a person directly or indirectly receives or is to receive payment for providing advice to the Government or a prescribed Provincial entity.*

*(2) For the purpose of this section, payment does not include reasonable remuneration received for serving on a board, commission, council or other similar body established by or under the authority of an enactment on which there are at least 2 other members who represent other organizations or interests.*

*(3) No person shall lobby if that person holds a contract for providing paid advice.*

*(3.1) No person shall lobby in respect of a subject-matter if a person associated with that person holds a contract for providing paid advice on the same subject-matter.*

*(4) No person shall enter into a contract for providing paid advice if that person lobbies.*

*(4.1) No person shall enter into a contract for providing paid advice in respect of a subject-matter if a person associated with that person lobbies on the same subject-matter.*

*(4.1) Subsections (3) and (4) apply regardless of how many hours the person’s lobbying or duty to lobby on behalf of an organization together with the lobbying or the duty to lobby of other persons in the organization amounts to annually.*

*(5) The Ethics Commissioner may exempt a person from the application of subsection (3) or (4) but only if the Ethics Commissioner is of the opinion that it would be in the public interest to do so.*

*(6) The Ethics Commissioner may impose terms and conditions on any exemption given.*

*(7) The Ethics Commissioner must provide reasons for giving an exemption and must ensure that information relating to the exemption, including any terms and conditions imposed, and the reasons for giving the exemption are entered into the registry.*

*(8) If on the coming into force of this subsection a person lobbies*

## **Mines and Minerals Act**

**Amends RSA 2000 cM-17**

**12(1) The *Mines and Minerals Act* is amended by this section.**

**(2) Section 45(1) is amended**

- (a) by striking out** “and the breach by its nature is not capable of being remedied”;
- (b) in clause (a) by adding** “and the breach by its nature is not capable of being remedied” **after** “agreement”.

**(3) Section 98(2)(a) is amended by striking out** “date on which the application is served” **and substituting** “date on which the notice is served”.

*and holds a contract for providing paid advice, the person must, within 60 days of the coming into force of this subsection,*

- (a) cease to hold the contract, or*
- (b) cease to lobby.*

### **Mines and Minerals Act**

**12(1)** Amends chapter M-17 of the Revised Statutes of Alberta 2000.

(2) Section 45(1) presently reads:

*45(1) The Minister may cancel an agreement and the breach by its nature is not capable of being remedied if*

- (a) there is a breach of any condition contained in the agreement,*
- (b) the lessee has not complied with a notice given under this Act with respect to the agreement or with a notice given under the agreement, or*
- (c) subject to subsection (2), the lessee has not complied with
  - (i) this Act or the regulations in relation to the agreement,*
  - (ii) a covenant under the agreement, or*
  - (iii) a condition contained in the agreement, where the default in complying with the condition is by its nature capable of being remedied.**

(3) Section 98(2)(a) presently reads:

- (2) A person within any of the classes enumerated in subsection (3) may
  - (a) serve on the secured party under a registered security notice a notice directing that person to commence an application in the Court of Queen's Bench, returnable within 60 days after the date on which the application is served, for an order**

### **Mobile Home Sites Tenancies Act**

**Amends RSA 2000 cM-20**

**13(1) The *Mobile Home Sites Tenancies Act* is amended by this section.**

**(2) Section 60 is amended**

- (a) in subsection (1) by striking out “, by registered mail or by certified mail” and substituting “or by registered mail”;**
- (b) in subsection (2) by striking out “or certified mail”.**

### **Personal Property Security Act**

**Amends RSA 2000 cP-7**

**14(1) The *Personal Property Security Act* is amended by this section.**

**(2) Section 10(3) and (4) are amended by striking out “subsection (1)(b)” and substituting “subsection (1)(d)”.**



*substantiating the security interest that is the subject of the registered security notice either*

- (i) in its entirety, or*
- (ii) in relation to any specified agreement or agreements to which it applies,*

### **Mobile Home Sites Tenancies Act**

**13(1)** Amends chapter M-20 of the Revised Statutes of Alberta 2000.

(2) Section 60 presently reads in part:

*60(1) Subject to subsections (3), (4) and (5), a notice, order or document under this Act shall be served personally, by registered mail or by certified mail.*

*(2) For the purpose of service by registered mail or certified mail,*

- (a) a tenant's address is the address of the mobile home site rented by the tenant, and*
- (b) a landlord's address is the address at which rent is payable or the address in the notice served or posted under section 20.*

### **Personal Property Security Act**

**14(1)** Amends chapter P-7 of the Revised Statutes of Alberta 2000.

(2) Section 10 presently reads in part:

*(3) A description is inadequate for the purposes of subsection (1)(b) if it describes the collateral as consumer goods or equipment without further reference to the kind of collateral.*

*(4) A description of collateral as inventory is adequate for the purposes of subsection (1)(b) only while it is held by the debtor as inventory.*

### **Provincial Court Act**

**Amends RSA 2000 cP-31**

**15(1) The *Provincial Court Act* is amended by this section.**

**(2) Section 22(c)(i) is amended by adding “, specialized municipality” after “municipal district”.**

### **Regulations Act**

**Amends RSA 2000 cR-14**

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

**(2) Section 1(1)(b) is amended by adding “specialized municipality,” after “improvement district,”.**

### **Residential Tenancies Act**

**Amends SA 2004 cR-17.1**

**17(1) The *Residential Tenancies Act* is amended by this section.**

### **Provincial Court Act**

**15(1)** Amends chapter P-31 of the Revised Statutes of Alberta 2000.

(2) Section 22 presently reads in part:

*22 In this Part,*

(c) *“local authority” means*

(i) *a city, town, village, summer village, municipal district or Metis settlement,*

(ii) *the Minister responsible for the Municipal Government Act, in the case of an improvement district, or*

(iii) *the Minister responsible for the Special Areas Act, in the case of a special area;*

### **Regulations Act**

**16(1)** Amends chapter R-14 of the Revised Statutes of Alberta 2000.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

(a) *“file” means file with the registrar in the manner prescribed in section 2;*

(b) *“local authority” means a city, town, village, municipal district, improvement district, Metis settlement, health region under the Regional Health Authorities Act, irrigation district, drainage district, special area, school division or school district;*

### **Residential Tenancies Act**

**17(1)** Amends chapter R-17.1 of the Statutes of Alberta, 2004.

**(2) Section 46(1)(a) is amended by striking out “, registered or certified mail” and substituting “mail or registered mail”.**

**(3) Section 57 is amended**

- (a) in subsection (1) by striking out “, by registered mail or by certified mail” and substituting “or by registered mail”;**
- (b) in subsection (2) by striking out “or certified mail”;**
- (c) in subsection (5) by striking out “, by registered mail or by certified mail” and substituting “or by registered mail”.**

### **Statutes Amendment Act, 2015**

**Amends SA 2015 c12**

**18(1) The *Statutes Amendment Act, 2015* is amended by this section.**

**(2) Section 6 is amended**

- (a) in subsection (2)**
  - (i) in clause (b)**
    - (A) by striking out “after clause (a.1)” and substituting “after clause (a.2)”;**

(2) Section 46(1)(a) presently reads:

*46(1) In this section,*

*(a) “deliver” means to deliver by personal service or send by regular, registered or certified mail;*

(3) Section 57 presently reads in part:

*57(1) Subject to this section, a notice, order or document under this Act must be served personally, by registered mail or by certified mail.*

*(2) For the purpose of service by registered mail or certified mail,*

*(a) a tenant’s address is the address of the residential premises rented by the tenant, and*

*(b) a landlord’s address is the address at which rent is payable or the address in the notice of landlord served or posted under section 18 or 47(2).*

*(5) If a landlord is unable to effect service on a tenant or a person referred to in section 33 or 36 by any means referred to in subsections (1) to (4) or if a tenant is unable to effect service on the landlord personally, by registered mail or by certified mail, the landlord or tenant may effect service of the notice, order or document by sending it by electronic means that will result in a printed copy of the notice, order or document being received by an electronic device that is situated in the residential premises or at the landlord’s address, as the case may be.*

### **Statutes Amendment Act, 2015**

**18(1)** Amends chapter 12 of the Statutes of Alberta, 2015.

(2) Section 6 presently reads in part:

*(2) Section 1 is amended*

*(a) by renumbering clause (a) as clause (a.2) and by adding the following before clause (a.2):*

**(B) by renumbering the new clause (a.2) as clause (a.21);**

**(ii) in clause (c) in the new clause (d.1)(i) by adding “, specialized municipality” after “municipal district”;**

**(b) in subsection (14) in the new section 61(1) by striking out “order a clerk not to file a particular document” and substituting “order a clerk not to accept a particular document for filing”.**

- (a) *“binding judicial dispute resolution proceeding” means a binding judicial dispute resolution proceeding referred to in section 64.1;*
- (a.1) *“claim” includes a third party claim unless the context requires otherwise;*
- (b) *by adding the following after clause (a.1):*
  - (a.2) *“defendant” means a person against whom a remedy is sought in a claim or counterclaim filed under Part 4;*
  - (a.3) *“electronic” has the same meaning as in the Electronic Transactions Act;*
  - (a.4) *“hearing” includes an application, proceeding or trial before the Court under Part 4;*
- (c) *by adding the following before clause (e):*
  - (d.1) *“local authority” means*
    - (i) *a city, town, village, summer village, municipal district or Metis settlement,*
    - (ii) *the Minister responsible for the Municipal Government Act, in the case of an improvement district, or*
    - (iii) *the Minister responsible for the Special Areas Act, in the case of a special area;*

(14) *Section 61 is repealed and the following is substituted:*

*Refusal to file documents*

*61(1) The Court may, if it considers it proper to do so, order a clerk not to file a particular document.*

*(2) An order made under subsection (1) does not prejudice the right of a person to proceed in any other manner permitted by law.*

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>