

2020 Bill 48

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 48

RED TAPE REDUCTION IMPLEMENTATION ACT, 2020 (NO. 2)

THE ASSOCIATE MINISTER OF RED TAPE REDUCTION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 48

BILL 48

2020

RED TAPE REDUCTION IMPLEMENTATION ACT, 2020 (NO. 2)

(Assented to , 2020)

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

Alberta Centennial Medal Act

Amends SA 2005 cA-14.8

**1(1) The *Alberta Centennial Medal Act* is amended by this
section.**

(2) Sections 3, 4, 4.1, 5 and 7 are repealed.

Explanatory Notes

Alberta Centennial Medal Act

1(1) Amends chapter A-14.8 of the Statutes of Alberta, 2005.

(2) Sections 3, 4, 4.1, 5 and 7 presently read:

3(1) Canadian citizens who are current or former long-term residents of Alberta are eligible to be awarded the Alberta Centennial Medal.

(2) The Alberta Centennial Medal shall not be awarded posthumously except in the case of a nominee who dies after being approved to be awarded the Alberta Centennial Medal pursuant to section 4(2).

4(1) The individuals and organizations designated in the regulations may nominate individuals to be awarded the Alberta Centennial Medal in accordance with the regulations.

(2) The Minister shall approve the individuals nominated under subsection (1) to be awarded the Alberta Centennial Medal.

Animal Health Act

Amends SA 2007 cA-40.2

2(1) The *Animal Health Act* is amended by this section.

(2) The heading preceding section 43 is repealed and the following is substituted:

Part 9 Licences

(3) Section 43(g) is repealed.

(3) The individuals and organizations designated in the regulations shall present the Alberta Centennial Medal and the certificate referred to in section 5 on behalf of the Government of Alberta to the individuals approved by the Minister.

4.1(1) Notwithstanding sections 3(1) and 4(1) and (2), the Minister may nominate other individuals the Minister considers deserving to be awarded the Alberta Centennial Medal.

(2) On the approval of the nominations in accordance with the regulations, the Minister shall award the individuals the Alberta Centennial Medal and shall present the Alberta Centennial Medal and the certificate referred to in section 5 on behalf of the Government of Alberta to the individuals.

5 Recipients of the Alberta Centennial Medal shall receive a certificate issued in accordance with the regulations.

7 The Minister may make regulations

- (a) designating individuals and organizations for the purposes of section 4;*
- (b) respecting the nomination of individuals;*
- (c) respecting certificates for the purposes of section 5.*

Animal Health Act

2(1) Amends chapter A-40.2 of the Statutes of Alberta, 2007.

(2) The heading preceding section 43 presently reads:

*Part 9
Licences and
Qualification Certificates*

(3) Section 43 presently reads in part:

(4) Section 43.2 is repealed.

(5) Section 43.5 is repealed.

43 In this Part,

- (g) *“qualification certificate” means a certificate authorizing an individual to provide advice on the use of an authorized medicine in accordance with labelled instructions;*

(4) Section 43.2 presently reads:

43.2 No holder of an outlet licence shall sell authorized medicine unless the holder has on duty or has available for consultation throughout regular business hours at least one person who holds a qualification certificate.

(5) Section 43.5 presently reads:

43.5(1) On application for a qualification certificate by a person in accordance with this Part and the regulations, the Minister may issue or refuse to issue a qualification certificate.

(2) Notwithstanding the Pharmacy and Drug Act and Schedule 7.1 to the Government Organization Act, a qualification certificate may be issued to a person other than

- (a) a pharmacist,*
- (b) a regulated member or other person authorized to sell medicine pursuant to regulations under the Health Professions Act, or*
- (c) a registered veterinarian or permit holder under the Veterinary Profession Act.*

(3) An application for a qualification certificate must be made to the Minister in a form prescribed in the regulations and must be accompanied with a qualification certificate fee in the amount prescribed in the regulations.

(4) The Minister may issue a qualification certificate under this section subject to any terms and conditions the Minister considers appropriate.

(5) A qualification certificate issued under this section is not transferable.

(6) Section 44(2) is repealed.

(7) Section 50(1)(a) is amended by striking out “or 43.5”.

(8) Section 64 is amended by striking out “and qualification certificates”.

(9) Section 67(1) is amended by striking out “section 43.2”.

(6) *The Minister may, in the Minister's discretion,*

(a) *refuse to issue or to renew a qualification certificate, or*

(b) *cancel or suspend a qualification certificate or vary the terms and conditions of a qualification certificate if the Minister is satisfied that the qualification certificate holder has contravened this Act or the regulations or the terms and conditions of the qualification certificate,*

and must provide a copy of the decision to the applicant or qualification certificate holder, as the case may be.

(6) Section 44(2) presently reads:

(2) If a qualification certificate has been suspended or cancelled under section 43.5 and no other individual with a qualification certificate is able to carry out the day-to-day activities for which the suspended or cancelled qualification certificate was issued, the area of the premises where authorized medicine is sold must be closed.

(7) Section 50(1) presently reads in part:

50(1) A person

(a) *whose licence or qualification certificate has been cancelled or suspended under section 43.4 or 43.5, and*

may apply to the Court of Queen's Bench for reinstatement of the licence or qualification certificate or removal of the suspension pending the determination of the appeal within 30 days after the person is notified of the cancellation or suspension.

(8) Section 64 presently reads:

64 The Minister may charge the fees provided for in the regulations for the issuing of licences and qualification certificates and for any other program or service provided for in the regulations.

(9) Section 67(1) presently reads in part:

(10) Section 69(1) is amended

- (a) by repealing clause (i);**
- (b) in clause (k) by striking out “licences, qualification certificates” and substituting “licences”;**
- (c) in clause (n) by striking out “licence applications, qualification certificate applications and appeals” and substituting “licence applications and appeals”;**
- (d) in clauses (r), (s) and (t) by striking out “authorized persons, licence holders and qualification certificate holders” and substituting “authorized persons and licence holders”.**

(11) Section 73 is repealed.

(12) The following provisions are amended by striking out “or qualification certificate” wherever it occurs:

67(1) A person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

section 43.2;

(10) Section 69(1) presently reads in part:

69(1) The Lieutenant Governor in Council may make regulations

- (i) respecting applications for qualification certificates, the issuing of qualification certificates, the term of qualification certificates and the terms and conditions of qualification certificates;*
- (k) prescribing fees that may be charged for licences, qualification certificates and other services or programs provided under this Act;*
- (n) prescribing forms, including forms for licence applications, qualification certificate applications and appeals;*
- (r) respecting the types of records to be kept, maintained and submitted under this Act by owners, authorized persons, licence holders and qualification certificate holders;*
- (s) respecting how records are to be kept, maintained and submitted by owners, authorized persons, licence holders and qualification certificate holders;*
- (t) respecting the period of time records must be kept by owners, authorized persons, licence holders and qualification certificate holders;*

(11) Section 73 presently reads:

73 A qualification certificate issued under the Livestock Diseases Act continues as a qualification certificate under this Act until it would have expired under the Livestock Diseases Act or is suspended or cancelled.

(12) Update terminology.

section 46(1)(c), (d), (e), (6)(a), (b), (c), (d) and (d.1);
section 50(1) and (4);
section 52(2)(o);
section 69(1)(j).

Child, Youth and Family Enhancement Act

Amends RSA 2000 cC-12

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

(2) Section 1 is amended by adding the following after subsection (5):

(6) For the purposes of this Act, subject to the regulations, an adult maintains or maintained their usual residence in Alberta if the adult has continuously resided in Alberta for at least 6 months or continuously resided in Alberta for at least 6 months immediately preceding the time the adult applied for an adoption order or placement, as the case may be.

(3) Section 58(1)(b) is amended by adding “, or a guardian of a child or grandchild of the adopted person” after “the adopted person”.

(4) Section 58.1 is repealed and the following is substituted:

Matters to be considered

58.1 A court and all persons who must exercise any authority or make any decision under this Act relating to the adoption of a child, including relating to the placement of a child, must do so in the best interests of the child, and must consider the following as well as any other relevant matter:

Child, Youth and Family Enhancement Act

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

(2) Section 1 presently reads in part:

(5) For the purposes of this Act, a child is in the custody of a director if

- (a) the child has been apprehended under section 19 and has not been returned to the custody of the child's guardian,*
- (b) the child is the subject of a custody order under section 21.1(2)(a) or an interim order for custody under section 21.1 or 26, or*
- (c) the child is the subject of a custody agreement.*

(3) Section 58(1)(b) presently reads:

58(1) In this Part,

- (b) "descendant", in respect of a deceased adopted person, means an adult child or adult grandchild of the adopted person;*

(4) Section 58.1 presently reads:

58.1 A Court and all persons who exercise any authority or make any decision under this Act relating to the adoption of a child must do so in the best interests of the child, and must consider the following as well as any other relevant matter:

- (a) there should be no unreasonable delay in making or implementing a decision respecting the child;
- (b) the importance of a positive relationship with a parent, and a secure place as a member of a family, in the child's development;
- (c) the importance of stability, permanence and continuity of care and relationships to the child's long-term safety and well-being;
- (d) in the case of an Indigenous child, the benefits to the child of a place where the child's Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved;
- (e) the mental, emotional, spiritual and physical needs of the child and the child's mental, emotional and physical stage of development;
- (f) if the child is capable of forming an opinion, the child's opinion should be taken into account;
- (g) the benefits to the child of lasting relationships with the people with whom the child is connected, including family, friends, caregivers and other significant individuals, including
 - (i) the benefits to the child of a placement within the child's extended family, or with persons who have a significant relationship with the child, and
 - (ii) the benefits to the child of a placement within or as close as possible to the child's home community;
- (h) the benefits to the child of a place where the child's familial, cultural, social, linguistic and spiritual heritage are valued as central to the child's safety, security and development;
- (i) the benefits to the child of connections with the child's culture and cultural communities and opportunities to form those connections;

- (a) the importance of a positive relationship with a parent, and a secure place as a member of a family, in the child's development;*
- (b) the benefits to the child of stability, permanence and continuity of care and relationships;*
- (c) the mental, emotional, spiritual and physical needs of the child and the child's mental, emotional and physical stage of development;*
- (d) the benefits to the child of maintaining, wherever possible, the child's familial, cultural, social, linguistic and spiritual heritage;*
- (e) the child's views and wishes, if they can be reasonably ascertained;*
- (f) the effects on the child of a delay in decision-making;*
- (g) in the case of an Indigenous child, the importance of respecting, supporting and preserving the child's Indigenous identity, culture, heritage, spirituality, language and traditions.*

- (j) the child's race, spiritual beliefs, colour, gender, gender identity, gender expression, age, ancestry, place of origin, family status, sexual orientation and any disability the child may have.

(5) Section 63(3) is amended by striking out “by a parent” and substituting “by a guardian”.

(6) Section 66(2) is amended by striking out “serve on” and substituting “provide to”.

(7) Section 74.1 is amended by adding the following after subsection (2):

- (3)** For the purposes of this section, a person may apply for an order of the Court by filing an originating application in the appropriate judicial centre.

(8) Sections 74.2 and 74.3 are repealed and the following is substituted:

Right to disclosure

- 74.2(1)** In this section, “parent” means a biological parent and an adoptive parent under a previous adoption order.

(5) Section 63(3) presently reads in part:

(3) An application for an adoption order in respect of a child whose step-parent is the applicant or a child who is placed by a parent directly in the custody of an applicant shall be filed with the Court and must be accompanied with the following documentation:

(6) Section 66(2) presently reads:

(2) The Minister shall serve on the applicant forthwith a copy of any report filed by the Minister under subsection (1).

(7) Section 74.1 presently reads:

74.1(1) The clerk of the Court must seal all documents possessed by the Court that relate to an adoption, and those documents are not available for inspection by any person except on order of the Court or with the consent in writing of the Minister.

(2) Despite the Freedom of Information and Protection of Privacy Act, the Minister must seal adoption orders, all documents required by section 63 of this Act to be filed in support of adoption applications, adopted children's original registrations of birth and other documents required to be sealed by the regulations that are in the possession of the Minister, and they are not available for inspection by any person except on order of the Court or pursuant to this Division.

(8) Sections 74.2 and 74.3 presently read:

74.2(1) In this section,

- (a) "adopted person" means a person who is adopted under an adoption order made prior to January 1, 2005;*
- (b) "parent" means a biological parent and an adoptive parent under a previous adoption order.*

(2) Subject to subsection (4), on receiving a written request from an adopted person who is 18 years of age or older, a descendant of a deceased adopted person, a parent of an adopted person or a sibling who is 18 years of age or older of an adopted person, the Minister may release to the person making the request the information, including personal information, in the orders, registrations and documents sealed under section 74.1(2).

(3) Subject to subsection (4), if a biological parent of an adopted person is deceased, on receiving a written request from a biological grandparent, aunt or uncle who is related to the deceased biological parent, the Minister may release to the person making the request the information, including personal information, in the orders, registrations and documents sealed under section 74.1(2).

(4) The Minister shall not accept a request under subsection (2) or (3) from a parent of an adopted person, a sibling of an adopted person or a biological grandparent, aunt or uncle of an adopted person unless the adopted person is 18 years and 6 months of age or older.

(5) Despite subsections (2) and (3) and subject to subsection (11), if an adopted person who is 18 years of age or older or a parent of the adopted person has, before the coming into force of this section and prior to the request under subsection (2) or (3), registered with the Minister a veto in a form satisfactory to the Minister prohibiting the release of personal information in the orders, registrations and documents sealed under section 74.1(2), the Minister shall not release the personal information unless the veto is revoked.

(6) Despite subsections (2) and (3) and subject to subsection (11), if a person adopted prior to January 1, 2005 who is 18 years of age or older or a parent of that adopted person has, within 6 months of the coming into force of this section and prior to the request under subsection (2) or (3), registered with the Minister a veto in a form satisfactory to the Minister prohibiting the release of personal information in the orders, registrations and documents sealed under section 74.1(2), the Minister shall not release the personal information unless the veto is revoked.

(2) Subject to subsection (3), on receiving a written request from an adopted person who is 18 years of age or older, a descendant of a deceased adopted person or a parent of an adopted person, the Minister may release to the person making the request the information in the orders, registrations and documents sealed under section 74.1(2) other than personal information about an individual who is neither the adopted person nor a parent of the adopted person.

(3) The Minister shall not accept a request under subsection (2) from a parent of an adopted person unless the adopted person is 18 years and 6 months of age or older.

(4) Despite subsection (2), if an adopted person who is 18 years of age or older or a parent of the adopted person has, prior to the date of the request under subsection (2), registered with the Minister a veto in a form satisfactory to the Minister prohibiting the release of personal information in the orders, registrations and documents sealed under section 74.1(2), the Minister shall not release the personal information unless the veto is revoked.

(5) A person who registers a veto under subsection (4) may revoke the veto by providing written notice of the revocation to the Minister.

(6) A veto registered under subsection (4) is revoked when the person who registered the veto is deceased.

(8) Despite subsection (2), if the Minister receives proof, satisfactory to the Minister, that all the parents of an adopted person are deceased, the Minister may release to the adopted person or a descendant of the adopted person all the personal information in the orders, registrations and documents sealed under section 74.1(2), including personal information about individuals who are neither the adopted person nor a parent.

(9) Despite subsection (2), if the Minister is satisfied, based on information provided to the Minister by the adoptive parents, that

- (a) the adopted person who is 18 years of age or older is not aware of the adoption, and*
- (b) the release of the personal information would be extremely detrimental to the adopted person,*

(7) Despite subsections (2) and (3) and subject to subsection (11), a person adopted prior to January 1, 2005 who is not 18 years of age or older on the coming into force of this section may, prior to the person becoming 18 years and 6 months of age or older and prior to the request under subsection (2) or (3), register with the Minister a veto in a form satisfactory to the Minister prohibiting the release of personal information in the orders, registrations and documents sealed under section 74.1(2) and, if the adopted person has done so, the Minister shall not release the personal information unless the veto is revoked.

(8) For greater certainty,

- (a) no adopted person or parent of an adopted person may register a veto under subsection (6) after 6 months have elapsed since the coming into force of this section, and
- (b) no adopted person may register a veto under subsection (7) after the person is 18 years and 6 months of age or older.

(9) A person who has registered a veto referred to in subsection (5), (6) or (7) may revoke the veto by providing written notice of the revocation to the Minister.

(10) A veto referred to in subsection (5), (6) or (7) is revoked when the person who registered the veto is deceased.

(11) Despite the registration of a veto referred to in subsection (5), (6) or (7), the Minister may release the information, including personal information, in the orders, registrations and documents sealed under section 74.1(2) to a person who has made a request under subsection (2) or (3) if the Minister is satisfied, based on the information that the person has supplied and other information available to the Minister, that the release of the information is appropriate.

(12) An adopted person, a parent or any person whose personal information may be in orders, registrations or documents sealed under section 74.1(2) may register a contact preference with the Minister that indicates the person's preferences concerning contact with a person who makes a request under subsection (2) or (3).

the Minister may deem that a veto has been registered under subsection (4) by that adopted person, in which case the Minister shall not release the personal information in the orders, registrations and documents sealed under section 74.1(2).

(10) A deemed veto under subsection (9) is revoked on the request of an adopted person who is 18 years of age or older.

74.3(1) In this section,

(a) “adopted person” means a person who is adopted under an adoption order made on or after January 1, 2005;

(b) “parent” means a biological parent and an adoptive parent under a previous adoption order.

(2) Subject to subsection (3), on receiving a written request from an adopted person who is 18 years of age or older, a descendant of a deceased adopted person or a parent of an adopted person, the Minister may release to the person making the request personal information in the orders, registrations and documents sealed under section 74.1(2).

(3) The Minister shall not accept a request under subsection (2) from a parent unless the adopted person is 18 years and 6 months of age or older.

(4) An adopted person, a parent or any person whose personal information may be in orders, registrations or documents sealed under section 74.1(2) may register a contact preference with the Minister that indicates the person’s preferences concerning contact with a person who makes a request under subsection (2).

(5) The Minister shall advise a person making a request under subsection (2) of any contact preference registered with respect to the requested information.

(13) The Minister shall advise a person making a request under subsection (2) or (3) of any contact preference registered with respect to the requested information.

(9) Section 74.4 is amended

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

General disclosure

74.4(1) If a child who is Indigenous is adopted under this Act or any predecessor to this Act, the Minister, on the request of the child, whether a minor or an adult, the child's guardian or a descendant of a deceased adoptee, at any time, may provide a copy of the original registration of birth of the child, identifying information about the child's biological parents and any other information sealed under section 74.1 that the Minister considers relevant to the Registrar under the *Indian Act* (Canada), a settlement council of a Metis settlement, a federal or provincial official responsible for providing benefits to persons of Inuit ancestry, or an organization for purposes relating to a First Nation Individual's, a Metis person's or an Inuit person's status, registration or rights.

- (b) in subsection (2)(a) by adding “or is 16 years of age or older and, in the opinion of the Minister, is living independently from the child's guardian” after “older”;**
- (c) in subsection (4) by striking out “and” at the end of clause (a) and by adding the following after clause (b):**
- (c)** to a Public Guardian or Trustee, a personal representative as defined by the *Estate Administration Act* or a lawyer who is representing an estate, for the purpose of confirming an adoption in order to settle an estate claim, and
 - (d)** to any person who applies to the Minister in writing for the information for the purpose of distributing money to the adoptee that is held in trust.
- (d) in subsection (5)(c) by adding “adult” before “sibling”;**
- (e) by repealing subsection (6);**

(9) Section 74.4 presently reads in part:

74.4(1) If a child who is Indigenous is adopted under this Act or any predecessor to this Act, the Minister, on the request of the child, whether a minor or an adult, or the child's guardian, at any time, may provide a copy of the original registration of birth of the child, identifying information about the child's biological parents and any other information sealed under section 74.1 that the Minister considers relevant to the Registrar under the Indian Act (Canada), a settlement council of a Metis settlement or a federal or provincial official responsible for providing benefits to persons of Inuit ancestry, for the purpose of facilitating an application for the child's Indigenous status and for execution of the child's rights as a person with Indigenous status.

(2) Despite section 74.1, on request the Minister may provide a copy, and the clerk of the Court may provide a certified copy, of an adoption order to

(a) the adopted person, if that person is 18 years of age or older,

(4) The Minister may disclose personal information sealed under section 74.1

(a) to the Director of Maintenance Enforcement for the purposes of administering the Maintenance Enforcement Act, and

(b) for use in a proceeding before a Court to which the Government of Alberta is a party.

(5) The Minister, on request, may release to an adopted person or the adopted person's

(c) sibling,

any information about one or more of those persons if the information does not disclose the identity of any of those persons.

(6) Only an adult sibling may make a request under subsection (5)(c).

(f) in subsection (7)

- (i) by striking out “a sibling of an adopted child” and substituting “a sibling, child, grandchild, great-grandchild, aunt, uncle or cousin of an adopted child”;**
- (ii) by striking out “adopted child or sibling” and substituting “person”;**

(g) by adding the following after subsection (7):

(8) If an adoptee or a birth relative of an adoptee has provided the Minister with written confirmation from a member of the College of Physicians and Surgeons of Alberta or an equivalent college, or any other category of person approved by the Minister, that the adoptee or birth relative has been diagnosed with a serious or life-threatening condition that is genetic or hereditary in nature, and that contact with or information from the biological family of the adoptee or, in the case of a birth relative, from the adoptee or adoptive parents is warranted and would be beneficial to the adoptee or birth relative of the adoptee, the Minister may access personal information held by the Minister’s department and may provide that information to the adoptee or birth relative.

(10) Section 75 is amended

(a) in subsection (1)

- (i) in clause (b) by striking out “and” at the end of subclause (iii) and by adding the following after subclause (iv):**

(v) a parent, by adoption, of a deceased adopted person, and

(vi) an adult sibling, by adoption, of a deceased adopted person;

- (ii) in clause (c)**

(A) by repealing subclause (i.1);

(7) If an adopted child or a sibling of an adopted child is in need of intervention, the Minister may release personal information in orders, registrations and documents sealed under section 74.1(1) to a director for the purposes of providing intervention services to that adopted child or sibling.

(10) Section 75 presently reads in part:

75(1) In this section,

(b) “adoptive applicant” means

(i) an adopted person who is 18 years of age or older,

(ii) an adopted child who is 16 years of age or older who is, in the opinion of the Minister, living independently from the child’s guardian,

(iii) an adopted child, where the application is made on the child’s behalf by the child’s guardian, and

(iv) a descendant of a deceased adopted person;

(c) “family applicant”, in respect of an adopted person, means any one or more of the following:

(B) by repealing subclause (iii) and substituting the following:

(iii) an adult related by blood to the adopted person;

(C) by repealing subclause (iv) and substituting the following:

(iv) an adult member of any band or Metis settlement of which the adopted person is a member or could become entitled to be a member;

(b) in subsection (2) by striking out “and shall specify in the application the name of the adopted person to whom the application relates”;

(c) in subsection (3)

(i) in clause (b) by striking out “it contains another application concerning the same adopted person” **and substituting** “it contains another application from an associated adoptive applicant or family applicant”;

(ii) in clause (d)(ii) by adding “or an adoptive applicant or family applicant in respect of an adopted person” **after** “adopted person”;

(d) in subsection (4) by striking out “or (ii)” **and substituting** “, (ii) or (iii)”;

(e) in subsection (5)

(i) by striking out “(iii) to (v)” **and substituting** “(iv) or (v)”;

(ii) in clause (c) by striking out “the applicant’s” **and substituting** “their”;

(f) by repealing subsection (7)(b) and substituting the following:

(b) the registry indicates that the adopted person or an adoptive applicant or family applicant of the adopted person is deceased, or

- (i.1) *a parent, by adoption, of an adopted person, if the adopted person is deceased;*
 - (iii) *an adult related by blood to the adopted person if the biological parents of the adopted person consent in writing to the application or if the Minister is satisfied that the biological parents of the adopted person*
 - (A) *are deceased,*
 - (B) *cannot be located, or*
 - (C) *are unable by reason of mental incapacity to consent to the application;*
 - (iv) *an adult member of any band or Metis settlement of which the adopted person is a member, if the biological parents of the adopted person consent in writing to the application or if the Minister is satisfied that the biological parents of the adopted person*
 - (A) *are deceased,*
 - (B) *cannot be located, or*
 - (C) *are unable by reason of mental incapacity to consent to the application;*
- (2) *An adoptive applicant or a family applicant who wishes to learn the other's identity may apply to the Minister in the form set by the Minister and shall specify in the application the name of the adopted person to whom the application relates.*
- (3) *The Minister*
- (b) *shall, on receiving an application made under subsection (2), examine the registry to determine if it contains another application concerning the same adopted person,*
 - (d) *shall include in the registry*
 - (ii) *the name of an adopted person who has died, if the Minister has been advised of the death.*

(11) Section 84(a) is amended by striking out “parent” and substituting “guardian”.

(12) Section 85(2)(c) is amended by striking out “application” and substituting “adoption”.

(13) The following is added after section 88:

Licence required

88.1 No person shall operate an adoption agency unless that person holds a subsisting licence issued by a director under this Act.

(14) Section 92(1)(b) is amended by striking out “recognized as a designated State under section 105” and substituting “that is a contracting party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption”.

(4) Where the Minister determines from examining the registry that applications from an adoptive applicant and from a family applicant within the meaning of subsection (1)(c)(i) or (ii) concern the same adopted person, the Minister shall make reasonable efforts to locate the applicants and,

(5) Where the Minister determines from examining the registry that applications from an adoptive applicant and from a family applicant within the meaning of subsection (1)(c)(iii) to (v) concern the same adopted person, the Minister

(c) shall inquire whether the adoptive applicant wishes to disclose the applicant's identity to the family applicant, and

(7) The Minister shall advise an applicant if

(b) the registry indicates that the adopted person is dead, or

(11) Section 84(a) presently reads:

84 No person other than the following shall place or facilitate the placement of a child for the purpose of an adoption:

(a) a parent of the child;

(12) Section 85(2)(c) presently reads:

(2) Subsection (1) does not apply to

(c) the publication of an announcement by an applicant in respect of the application, or

(13) Licence required.

(14) Section 92(1)(b) presently reads:

(15) Section 93 is amended

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

(2.1) For greater certainty, this Division does not apply to a guardianship order obtained in another State and the Central Authority for Alberta has no role with respect to an international guardianship order.

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

(4) For greater certainty, if a child is habitually resident in

- (a) a State that is not a designated State, or
- (b) Alberta, and the child has been, is being or is to be moved to a State that is not a designated State, this Division does not apply and an application for adoption relating to the child shall be dealt with in accordance with the regulations.

(16) Section 105 is repealed.

(17) Section 131(2) is amended by adding the following after clause (z):

- (z.1) specifying other circumstances in which an adult maintains or maintained their usual residence in Alberta for the purposes of this Act;

(18) This section has effect on January 1, 2021.

92(1) *In this Division,*

(b) *“designated State” means a State recognized as a designated State under section 105;*

(15) Section 93(3) presently reads:

(3) This Division ceases to apply to a child if the agreements described in section 100(1)(c) and (2)(c) have not been made before the child attains the age of 18 years.

(16) Section 105 presently reads:

105 The Minister may, by order, recognize States as designated States for the purposes of this Division.

(17) Section 131(2) presently reads in part:

(2) The Minister may make regulations

(z) respecting the contents of advertisements and other promotional material that may be used by licensed adoption agencies;

(18) Coming into force.

Fatality Inquiries Act

Amends RSA 2000 cF-9

4(1) The *Fatality Inquiries Act* is amended by this section.

(2) Section 15(1)(c) is amended by striking out “under section 37 of the *Post-secondary Learning Act*”.

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

(2) If on the expiry of the 7-day period referred to in subsection (1) the body remains unidentified, the Chief Medical Examiner shall arrange for the burial of the body.

Historical Resources Act

Amends RSA 2000 cH-9

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

(2) Section 1(j) is repealed.

Fatality Inquiries Act

4(1) Amends chapter F-9 of the Revised Statutes of Alberta 2000.

(2) Section 15(1) presently reads:

15(1) No person shall

- (a) cremate a body,*
- (b) ship or take a body from a place in Alberta to a place outside Alberta, or*
- (c) dissect a body or otherwise subject a body to study or research under section 37 of the Post-secondary Learning Act,*

until a medical examiner or an investigator authorized by a medical examiner issues a certificate stating that the medical examiner or investigator has examined the medical certificate of death.

(3) Section 18(2) presently reads:

(2) If on the expiry of the 7-day period referred to in subsection (1) the body remains unidentified, the Chief Medical Examiner shall notify the nearest comprehensive academic and research university and, if a demand is made under the Post-secondary Learning Act, deliver the body to a comprehensive academic and research university, or, if no demand is made, arrange for the burial of the body.

Historical Resources Act

5(1) Amends chapter H-9 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

(3) Section 16(b) is amended by striking out “Registered Historic Resources and”.

(4) Section 19 is repealed.

1 In this Act,

- (j) *“Registered Historic Resource” means an historic resource that is designated under section 19(1) as a Registered Historic Resource.*

(3) Section 16 presently reads in part:

16 The Minister may

- (b) *undertake programs of research into and documentation of matters relating to the heritage of Alberta and maintain records of Registered Historic Resources and Provincial Historic Resources;*

(4) Section 19 presently reads:

19(1) The Minister, after giving the owner 60 days' notice of the Minister's intention to do so, may by order designate any historic resource the preservation of which the Minister considers to be in the public interest, together with any land in or on which it is located and adjacent land that may be specified in the order, as a Registered Historic Resource.

(2) The Minister shall

- (a) *serve a copy of the order on the owner of the historic resource and the owner of any land that will be subject to the order,*
- (b) *publish a notice of the designation, including a description of the historic resource, in The Alberta Gazette, and*
- (c) *if the order relates to or includes any land, cause a certified copy of the order to be registered in the appropriate land titles office.*

(3) On the registration of a certified copy of the order in the appropriate land titles office, the Registrar of Land Titles shall endorse a memorandum of the registration on the certificate of title to any land affected by the order.

(4) An order under subsection (1) is effective

- (a) as against the owner of the historic resource and the owner of any land that is subject to the order, when the owner is served with a copy of the order or when the notice under subsection (2)(b) is published in The Alberta Gazette, whichever occurs first, and*
- (b) as against all other persons, when the notice under subsection (2)(b) is published in The Alberta Gazette.*

(5) Notwithstanding any other Act, no person shall

- (a) destroy, disturb, alter, restore or repair any historic resource or land that has been designated under this section, or*
- (b) remove an historic object from an historic resource that has been designated under this section*

until the expiration of 90 days from the date that notice of the person's proposed action is served on the Minister, unless the Minister sooner consents to the proposed action.

(6) On the service of a notice of intention under subsection (1), subsection (5) applies to the historic resource and land as if an order under subsection (1) had been made and was effective under subsection (4), until the time the Minister makes the order or revokes the notice of intention or until the expiry of 120 days from the receipt of the notice.

(7) Notwithstanding subsection (6), a person who has been served with a notice of intention under subsection (1) may apply to the Court of Queen's Bench for an order shortening the period of 120 days mentioned in subsection (6).

(8) If the Minister rescinds an order made under subsection (1), the Minister shall

- (a) serve a copy of the rescinding order on the owner of the historic resource and the owner of any land that is subject to the order,*
- (b) publish a notice of the rescinding order in The Alberta Gazette, and*

(5) Sections 21 and 33(1)(c) are amended by striking out “19 or”.

(6) Section 37(1)(a) is amended by striking out “a Registered Historic Resource or”.

(7) Section 49(1) is amended by striking out “as a Registered Historic Resource or”.

(c) *if the order under subsection (1) was registered against the certificate of title to any land, cause a certified copy of the rescinding order to be registered in the appropriate land titles office.*

(9) *On the registration of a certified copy of a rescinding order in the appropriate land titles office, the Registrar of Land Titles shall endorse a memorandum on the certificate of title to any land concerned cancelling the registration of the order under subsection (1).*

(5) Sections 21 and 33(1)(c) presently read:

21 A notice, order or other document under section 19 or 20 may be served by personal service or registered mail or in any other manner as the Court of Queen's Bench may direct.

33(1) Subject to subsection (2), no person shall transport any of the following out of Alberta without the written permission of the Minister:

(c) *historic resources that are the subject of an order under section 19 or 20.*

(6) Section 37(1) presently reads in part:

37(1) The Minister may authorize any person to enter at any reasonable hour and after notice to the owner or occupant

(a) *any land for the purpose of*

(i) *making surveys for, or*

(ii) *inspecting*

historic resources that the Minister has reason to believe may qualify as a Registered Historic Resource or a Provincial Historic Resource, or

(7) Section 49(1) presently reads:

(8) Section 51(1) is amended

- (a) by striking out** “Registered Historic Sites or”;
- (b) by striking out** “Provincial Historic Sites” **and substituting** “Provincial Historic Resources”.

(9) The following is added after section 53:

Registered Historic Resources — transitional

54(1) In this section, “Registered Historic Resource order” means an order made under

- (a) section 19(1) of this Act before the coming into force of this section,
- (b) section 15(1) of the *Historical Resources Act*, RSA 1980 cH-8,
- (c) section 17(1) of *The Alberta Historical Resources Act*, SA 1973 c5, or
- (d) section 17(1) of *The Alberta Heritage Act*, 1973, SA 1973 c5.

(2) Every Registered Historic Resource order in effect immediately before the coming into force of this section is rescinded.

49(1) When the Minister is of the opinion that a person is engaged in an activity that the Minister considers likely to result in damage to or destruction of an historic resource that could be designated as a Registered Historic Resource or as a Provincial Historic Resource, the Minister may issue an order called a “Temporary Stop Order” requiring that person to cease the activity or the portion of it that the Minister specifies in the Temporary Stop Order for a period not exceeding 15 days.

(8) Section 51(1) presently reads:

51(1) The Minister may make regulations exempting Registered Historic Sites or Provincial Historic Sites from the application of any provision contained in any building code that would otherwise be applicable pursuant to any Act, regulation or municipal bylaw when the enforcement of that provision would prevent or seriously hinder the preservation, restoration or use of all or any portion of the site or monument.

(9) Registered historic resources — transitional.

(3) Where, on the coming into force of this section, a certified copy of a Registered Historic Resource order is registered on the certificate of title to any land, the Registrar of Land Titles shall, as soon as practicable after the coming into force of this section, endorse a memorandum on the certificate of title cancelling the registration of that order.

(4) The Minister may maintain records of any historic resources that were the subject of a Registered Historic Resource order before the coming into force of this section.

Land and Property Rights Tribunal Act

Amends SA 2020 cL-2.3

6 The *Land and Property Rights Tribunal Act* as set out in the Schedule is enacted and may be cited as chapter L-2.3 of the Statutes of Alberta, 2020.

Land Titles Act

Amends RSA 2000 cL-4

7(1) The *Land Titles Act* is amended by this section.

(2) Section 1 is amended by adding the following after clause (r):

(r.1) “pending registration queue” means the queue of instruments and caveats to which section 14.1 applies that are awaiting the examination required under section 14(2);

(3) Section 8 is amended by striking out “shall” and substituting “may”.

(4) The following is added after section 14:

Pending registration queue

14.1(1) Subject to the regulations, this section applies to instruments and caveats affecting a parcel of land to which a land identification number has been assigned under section 51.

Land and Property Rights Tribunal Act

6 Enacts chapter L-2.3 of the Statutes of Alberta, 2020.

Land Titles Act

7(1) Amends chapter L-4 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(r) “owner” means a person entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy;

(3) Section 8 presently reads:

8 The Registrar shall have a seal of office.

(4) Pending registration queue.

- (2) The Registrar shall establish and maintain a pending registration queue.
- (3) The Registrar shall ensure that instruments and caveats are entered in the pending registration queue in an order acceptable to the Registrar.
- (4) Instruments and caveats in the pending registration queue must be examined and registered in accordance with section 14(2) in the order in which they are entered in the pending registration queue.
- (5) Notwithstanding subsection (4), the regulations may provide that instruments and caveats in the pending registration queue may be examined and registered in an order other than the order in which they are entered in the pending registration queue.
- (6) If an instrument or caveat in the pending registration queue is found to be incomplete, not in the proper form or not fit for registration, the Registrar may
- (a) return the instrument or caveat for correction, in which case the instrument or caveat shall,
 - (i) if it is returned to the Registrar within the time prescribed by the regulations, retain its place in the pending registration queue, or
 - (ii) if it is not returned to the Registrar within the time prescribed by the regulations, be removed from the pending registration queue,
 - or
 - (b) reject the instrument or caveat if, in the Registrar's opinion, it was submitted in bad faith or its defects are such that they cannot reasonably be corrected, in which case the instrument or caveat shall be removed from the pending registration queue.

(7) Where, under a court order or enactment, an instrument or caveat must be registered within a specific period of time, the requirements of the court order or enactment with respect to the timing of registration are deemed to have been satisfied when the instrument or caveat is entered in the pending registration queue, unless the instrument or caveat is later removed from the pending registration queue under subsection (6)(a)(ii) or (b).

(5) Section 17 is repealed and the following is substituted:

Search

17 When the Registrar receives a request for a search and the payment of the prescribed fee, and when the person requesting the search has fulfilled any conditions, criteria or qualifications prescribed by the regulations, the Registrar shall

- (a) provide the person with a search of the information contained in the register,
- (b) advise the person whether any instrument or caveat related to the search has been entered in the pending registration queue, and
- (c) if an instrument or caveat has been entered in the pending registration queue, advise the person of the date on which the instrument or caveat was entered.

(6) Sections 18 and 19 are repealed.

(5) Section 17 presently reads:

17 On receiving a request for a search and the payment of the prescribed fee and on the fulfilment of any conditions, criteria or qualifications prescribed by regulation, the Registrar shall furnish a search of the information contained in the register.

(6) Sections 18 and 19 presently read:

18(1) When a certificate of title in the register is torn, damaged, frayed, mutilated or is otherwise rendered unfit, in the opinion of the Registrar, for continued use, the Registrar may cause a photostatic negative to be made of the face of the certificate of title and a photostatic negative to be made of the reverse side of the certificate of title.

(2) The Registrar shall endorse and sign a memorandum on the reverse side of each photostatic negative stating the date on which the negative was made.

(3) The Registrar may remove the certificate of title from the register and shall replace it with the 2 photostatic negatives.

(4) The 2 negatives are deemed for all purposes of this Act to be the certificate of title and after the date on which they were made the Registrar shall record on them the particulars of each instrument,

(7) Section 20(1) is repealed and the following is substituted:

Substitute instrument or caveat

20(1) Where the Registrar is satisfied that an instrument or caveat has been destroyed, is lost or cannot be found, the Registrar may refer to the records kept in the Land Titles Office and create a substitute for or a copy of the instrument or caveat based on the information contained in those records.

(8) Section 37 is amended by striking out “as provided in this Act” and substituting “in accordance with the *Alberta Rules of Court*”.

dealing or other matter required to be registered or entered in the register by this Act and affecting the land included in the certificate of title.

(5) The 2 negatives are admissible in evidence in all cases and for all purposes for which the certificate of title would have been admissible, notwithstanding that the certificate of title has not been destroyed.

19(1) The Registrar shall, by any method the Registrar considers appropriate, keep a duplicate record of the following:

- (a) a certificate of title when it is removed from the register;*
- (b) a new certificate of title when it is issued;*
- (c) a certificate of title after a memorandum is endorsed on it;*
- (d) an instrument or caveat accepted for filing or registration, after the memorandum of the filing or registration has been entered on the certificate of title.*

(2) Where a duplicate record has been made of an instrument or caveat, the original instrument or caveat may be destroyed after any period of time that may be prescribed by regulation.

(7) Section 20(1) presently reads:

20(1) Where the Registrar is satisfied that an instrument or caveat has been destroyed, is lost or cannot be found, the Registrar may refer to

- (a) the records kept under section 19, and*
- (b) the other records kept in the Land Titles Office,*

and create a substitute for or a copy of the instrument or caveat based on the information contained in those records.

(8) Section 37 presently reads:

37 In all cases other than those provided for in section 36, the Registrar shall forthwith, having given the applicant a certificate of the filing of the applicant's application, transmit the application,

(9) Section 38 is repealed.

(10) Section 50 is amended

- (a) in subsection (1) by striking out “shall” and substituting “may”;**
- (b) by repealing subsection (3).**

(11) Section 113(3)(b) is amended by striking out “shall” and substituting “may”.

(12) Section 114(1)(a)(v) and (vi) and (d) are repealed.

with all evidence supplied, to a judge to be dealt with as provided in this Act.

(9) Section 38 presently reads:

38 The judge shall examine without delay all titles submitted to the judge, and for that purpose shall when necessary hear all persons interested and shall hear and consider the claims as against the applicant of any person who is in possession of the land, and the judge has all the powers for compelling the attendance of persons and the production of documents that usually appertain to courts of civil justice in civil actions brought in those courts.

(10) Section 50 presently reads in part:

50(1) The Registrar shall decide whether any instrument or caveat presented to the Registrar for registration is substantially in conformity with the proper prescribed form or not and may reject any instrument or caveat that the Registrar decides for any reason to be unfit for registration.

(3) The Registrar may reject any document submitted for filing or registration which is in the Registrar's opinion for any reason unsuitable to be duplicated pursuant to section 19.

(11) Section 113(3) presently reads in part:

(3) Once the Registrar considers that the form and terms of the standard form mortgage are acceptable, the Registrar

(b) on filing the standard form mortgage, shall advise the applicant of the filing.

(12) Section 114(1) presently reads in part:

114(1) For the purpose of using a standard form mortgage, the following applies:

(a) the mortgage must set out

(v) the amount of the instalments, if any, to be made under the mortgage;

(13) Section 151 is amended

- (a) by renumbering it as section 151(1);**
- (b) in subsection (1) by adding “at any time” after “may file a caveat”;**
- (c) by adding the following after subsection (1):**
 - (2)** Notwithstanding section 14.1, a caveat filed by the Registrar under subsection (1) must be registered as soon as it is filed.

(14) Section 162 is repealed and the following is substituted:

Execution or proof of execution

162(1) Subject to subsection (2), on being satisfied of the due execution of an instrument, the Registrar may authorize its registration notwithstanding that

- (a)** the execution is defective, or
- (b)** the proof of the execution is absent or defective.

- (vi) *the rate of interest on the mortgage;*
- (d) *the mortgagor must acknowledge on the mortgage*
 - (i) *that the mortgagor understands the nature of the statement referred to in clause (b),*
 - (ii) *that the mortgagor has been given a copy of those terms referred to in clause (b),*
 - (iii) *that the mortgagor is the registered owner of the land being mortgaged, and*
 - (iv) *that the mortgagor mortgages all of the mortgagor's estate and interest in the land for the purpose of securing the payment of the principal amount, interest and all other amounts secured by the mortgage;*

(13) Section 151 presently reads:

151 The Registrar may file a caveat on behalf of the Crown, or on behalf of any person who may be under any disability, to prohibit the transfer or dealing with any land belonging or supposed to belong to the Crown or to that person, and also to prohibit the dealing with any land in any case in which it appears to the Registrar that an error has been made in any certificate of title or other instrument, or for the prevention of any fraud or improper dealing.

(14) Section 162 presently reads:

162 On being satisfied of the due execution of an instrument, the court may authorize its registration, notwithstanding that the proof of the execution may be absent or defective.

(2) The Registrar may refer a matter arising under subsection (1) in respect of an instrument to the court and the court may authorize the registration of the instrument notwithstanding that

- (a) the execution is defective, or
- (b) the proof of the execution is absent or defective.

(15) Section 168 is amended by renumbering it as section 168(1) and adding the following after subsection (1):

(2) Subject to subsections (3) and (4), a person who has sustained loss or damage through the registration of an instrument or caveat in contravention of section 14.1(4) may bring an action against the Registrar for recovery of damages, unless the registration is made in accordance with the regulations referred to in section 14.1(5).

(3) Subsection (2) does not apply in respect of a caveat registered in accordance with section 151(2).

(4) No action lies against the Registrar in respect of any loss or damage sustained through a person's reliance on a description of an instrument or caveat entered in the pending registration queue unless the loss or damage was caused by an act or omission of the Registrar or an employee of the Registrar.

(16) Section 181 is amended by striking out "or" at the end of clause (h), adding "or" at the end of clause (i) and adding the following after clause (i):

- (j) for any other reason or in any other circumstances prescribed by the regulations.

(15) Section 168 presently reads:

168 Any person

- (a) who sustains loss or damage through an omission, mistake or misfeasance of the Registrar or an official in the Registrar's office in the execution of the Registrar's or official's duties, or*
- (b) who is deprived of any land or encumbrance or of an estate or interest in any land or encumbrance*
 - (i) through the bringing of it under this Act,*
 - (ii) by the registration of another person as owner of the land or encumbrance, or*
 - (iii) by an error, omission or misdescription in a certificate of title,*

and who by this Act is barred from bringing an action for the recovery of the land or encumbrance or interest in the land or encumbrance,

may bring an action against the Registrar for the recovery of damages.

(16) Section 181 presently reads in part:

181 The General Revenue Fund is not under any circumstances liable for compensation for loss, damage or deprivation

- (h) if the interest or right on which the claim is founded is derived from a subrogated claim, or*
- (i) if the person makes the claim on behalf of an insurer of the person.*

(17) Section 206 is amended by striking out “the court shall” and substituting “the court may”.

(18) Section 213 is amended

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

- (a.1) excluding instruments or caveats affecting a parcel of land to which a land identification number has been assigned from the application of section 14.1;
- (a.2) respecting the circumstances in which instruments and caveats may be examined and registered in an order other than the order in which they are entered in the pending registration queue;
- (a.3) prescribing the time within which an instrument or a caveat that has been returned for correction under section 14.1(6)(a) must be returned to the Registrar in order to retain its place in the pending registration queue;
- (a.4) respecting extensions of the time referred to in clause (a.3) and requests by applicants for such extensions;

(b) by repealing clause (b);

(c) by adding the following after clause (d.4):

(17) Section 206 presently reads:

206 Before making any order as aforesaid the court shall, if it seems requisite, cause notice of intention to do so to be properly advertised, and appoint a period of time within which any person interested may show cause why the order should not be made and, on so doing, the court may order the transfer of the land to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make any order in the premises that the court thinks just for the protection of the persons beneficially interested in the land or in the proceeds of it, and on the order being deposited with the Registrar, the Registrar shall make a memorandum of the order on the certificate of title, and on the memorandum being made the person or persons named in the order is the owner or are the owners of the land.

(18) Section 213 presently reads in part:

213 The Lieutenant Governor in Council may make regulations

- (a) prescribing forms to be used under this Act;*
- (b) prescribing for the purposes of section 19(2) the period of time that must pass before the original of an instrument or caveat may be destroyed;*
- (d.4) respecting powers, duties and functions of a certification authority;*

- (d.41) prescribing reasons for which or circumstances in which the General Revenue Fund is not liable for compensation for loss, damage or deprivation for the purposes of section 181;

(19) Section 214(1) is amended by striking out “shall” wherever it occurs and substituting “may”.

(20) This section comes into force on Proclamation.

Maintenance Enforcement Act

Amends RSA 2000 cM-1

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

(2) Section 7 is amended

(a) in subsection (1)

- (i) **by striking out** “Unless the creditor files with the court and the Director a notice in writing stating that the creditor does not wish to have the maintenance order enforced by the Director, every” **and substituting** “Every”;

- (ii) **in clause (a) by adding** “, if the order is filed with the Director by the creditor or the debtor,” **after** “through the Director”;

(b) in subsection (2) by striking out “Unless the creditor files with the Court of Queen’s Bench and the Director a notice in writing stating that the creditor does not wish to have the maintenance order enforced by the Director, every” **and substituting** “Every”.

(19) Section 214(1) presently reads:

214(1) The Lieutenant Governor in Council shall provide the necessary books, forms and other office requisites and shall make any regulations as are necessary to carry out this Act, and in cases unprovided for shall also make any regulations that to the Lieutenant Governor in Council appear necessary for giving effect to this Act, according to its true intent and purpose.

(20) Coming into force.

Maintenance Enforcement Act

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

(2) Section 7 presently reads in part:

7(1) Unless the creditor files with the court and the Director a notice in writing stating that the creditor does not wish to have the maintenance order enforced by the Director, every maintenance order made by a court in Alberta after December 31, 1986 shall

(a) state in the order that the amounts owing under the order shall be paid to the creditor through the Director unless the order is withdrawn from the office of the Director, and

(b) be filed with the Director by the clerk of the court that made the order, forthwith after it is filed with the clerk.

(2) Unless the creditor files with the Court of Queen's Bench and the Director a notice in writing stating that the creditor does not wish to have the maintenance order enforced by the Director, every maintenance order made by a court outside Alberta that is registered with the Court of Queen's Bench under the Reciprocal Enforcement of Maintenance Orders Act after December 31, 1986 or under the Interjurisdictional Support Orders Act shall be filed by

Modernized Municipal Government Act

Amends SA 2016 c24

9(1) The *Modernized Municipal Government Act* is amended by this section.

(2) Section 100(b) is repealed.

(3) Section 129 is amended by striking out “after clause (a)” and substituting “before clause (a.1)”.

Municipal Government Act

Amends RSA 2000 cM-26

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

(2) Section 488(1) is amended by adding the following after clause (i):

(i.1) to hear appeals from development permit decisions pursuant to section 685(2.1)(a),

(3) Section 616 is amended

the clerk of the Court of Queen's Bench with the Director forthwith after it is registered.

Modernized Municipal Government Act

9(1) Amends chapter 24 of the Statutes of Alberta, 2016.

(2) Section 100 presently reads:

100 Section 640(4) is amended

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

(s) standards and requirements for inclusionary housing in accordance with an inclusionary housing regulation.

(3) Section 129 presently reads:

129 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;

Municipal Government Act

10(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 488(1) presently reads in part:

488(1) The Board has jurisdiction

(i) to hear appeals from subdivision decisions pursuant to section 678(2)(a),

(3) Section 616 presently reads in part:

(a) by renumbering clause (a) as clause (a.01) and adding the following before clause (a.01):

- (a) “adjacent land” means land that is contiguous to a parcel of land that is being subdivided or redesignated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any other land identified in a land use bylaw as adjacent land for the purpose of notification under sections 653, 679, 680 and 692;

(b) in clause (l) by striking out “section 622” and substituting “section 618.4”;

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

- (r.2) “off-site levy” means a levy referred to in subsection 648(1.1)(a);

(d) in clause (hh) by striking out “by the Lieutenant Governor in Council”.

(4) Section 618 is amended by adding the following after subsection (2):

(2.1) This Part and the regulations and bylaws under this Part respecting development permits do not apply to a confined feeding operation or manure storage facility within the meaning of the *Agricultural Operation Practices Act* if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the *Agricultural Operation Practices Act*.

(5) Section 618.1 is repealed.

616 *In this Part,*

- (a) *“agricultural operation” means an agricultural operation as defined in the Agricultural Operation Practices Act;*
- (l) *“land use policies” means the policies referred to in section 622;*
- (r.1) *“non-profit”, in respect of a day care, senior citizens or special needs facility, means that the facility is owned or operated by a corporation or other entity established under a law of Canada or Alberta for a purpose other than to make a profit;*
- (hh) *“subdivision and development regulations” mean regulations made by the Lieutenant Governor in Council under section 694(1).*

(4) Section 618 presently reads in part:

- (2) *This Part and the regulations and bylaws under this Part do not apply to*
 - (a) *the geographic area of a Metis settlement, or*
 - (b) *a designated area of Crown land in a municipal district or specialized municipality.*

(5) Section 618.1 presently reads:

618.1 This Part and the regulations and bylaws under this Part respecting development permits do not apply to a confined feeding operation or manure storage facility within the meaning of the Agricultural Operation Practices Act if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the Agricultural Operation Practices Act.

(6) The following is added after section 618.2:

ALSA regional plans

618.3(1) Anything done by any of the following under a provision in this Part or a regulation under this Part must be done in accordance with any applicable ALSA regional plan:

- (a) a municipality;
- (b) a council;
- (c) a municipal planning commission;
- (d) a subdivision authority;
- (e) a development authority;
- (f) a subdivision and development appeal board;
- (g) the Municipal Government Board;
- (h) an entity to which authority is delegated under section 625(4).

(2) If there is a conflict or an inconsistency between anything that is done under a provision of this Part or a regulation under this Part and an applicable ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or the inconsistency.

Land use policies

618.4(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).

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

(7) Section 619(12) is repealed.

(6) ALSA regional plans; land use policies.

(7) Section 619(12) presently reads:

(8) Section 622 is repealed.

(9) Section 623 is repealed and the following is substituted:

Subdivision authority and development authority

623 A council must, by bylaw, provide for

- (a) a subdivision authority to exercise subdivision powers and duties on behalf of the municipality, and
- (b) subject to section 641, a development authority to exercise development powers and perform duties on behalf of the municipality.

(12) Despite any other provision of this section, every decision referred to or made and every instrument issued under this section must comply with any applicable ALSA regional plan.

(8) Section 622 presently reads:

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).

(9) Section 623 presently reads:

623(1) A council must by bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality.

(2) A subdivision authority may include one or more of the following:

- (a) any or all members of council;*
- (b) a designated officer;*
- (c) a municipal planning commission;*

(10) Section 624 is repealed.

(11) Section 625 is repealed and the following is substituted:

Planning authorities

625(1) The council of a municipality may, by bylaw,

- (a) establish a municipal planning commission, or
- (b) authorize the municipality to enter into an agreement with one or more municipalities to establish
 - (i) an intermunicipal planning commission, or
 - (ii) an intermunicipal service agency.

(2) An intermunicipal planning commission is deemed to be a municipal planning commission for the purposes of this Part.

(3) The bylaw establishing a municipal planning commission and the agreement establishing an intermunicipal planning commission must

- (a) provide for the applicable matters described in section 145(b),
- (b) prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and

(d) any other person or organization.

(10) Section 624 presently reads:

624(1) Subject to section 641, a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality.

(2) A development authority may include one or more of the following:

(a) a designated officer;

(b) a municipal planning commission;

(c) any other person or organization.

(11) Section 625 presently reads:

625 A council may by bylaw authorize the municipality to enter into an agreement

(a) with a regional services commission, or

(b) with one or more municipalities to establish an intermunicipal service agency

to which the municipality may delegate any of its subdivision authority or development authority powers, duties or functions.

(c) in the case of an intermunicipal planning commission, provide for its dissolution.

(4) The council of a municipality may make a bylaw authorizing a municipality to delegate, by agreement, any of its subdivision authority or development authority powers, duties or functions to

(a) a municipal planning commission,

(b) a regional services commission, or

(c) an intermunicipal service agency.

(12) Section 626 is repealed.

(13) Section 627 is amended by adding the following after subsection (4):

(5) A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do

(12) Section 626 presently reads:

626(1) A council may by bylaw establish a municipal planning commission and may by bylaw authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal planning commission.

(2) An intermunicipal planning commission is deemed to be a municipal planning commission for the purposes of this Part.

(3) If an intermunicipal planning commission or a municipal planning commission is established, the bylaw or agreement establishing it must

- (a) provide for the applicable matters described in section 145(b),*
- (b) prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and*
- (c) in the case of an intermunicipal planning commission, provide for its dissolution.*

(13) Section 627 presently reads in part:

(4) The following persons may not be appointed as members of a subdivision and development appeal board:

- (a) an employee of the municipality;*

so in accordance with the regulations made under section 627.3(b).

(14) Section 627.1 is repealed and the following is substituted:

Clerks

627.1(1) A council that establishes or authorizes the establishment of a subdivision and development appeal board, including an intermunicipal subdivision and development appeal board, must appoint or authorize the appointment of one or more clerks of the subdivision and development appeal board.

(2) A person appointed as a clerk of a subdivision and development appeal board may also hold an appointment under section 456 as a clerk of an assessment review board.

(3) No person is eligible for appointment as a clerk of a subdivision and development appeal board unless that person has successfully completed a training program in accordance with the regulations made under section 627.3(a).

(4) No subdivision authority or development authority is eligible for appointment under this section.

(15) Section 627.2 is repealed.

(16) Section 627.3 is amended

- (a) in clause (a) by striking out “section 627.1(4)” and substituting “section 627.1(3)”;**

- (b) *a person who carries out subdivision or development powers, duties and functions on behalf of the municipality;*
- (c) *a member of a municipal planning commission.*

(14) Section 627.1 presently reads:

627.1(1) A council that establishes a subdivision and development appeal board must appoint, and a council that authorizes the establishment of a subdivision and development appeal board must authorize the appointment of, one or more clerks of the subdivision and development appeal board.

(2) If the subdivision and development appeal board is an intermunicipal subdivision and development appeal board, the councils that authorize its establishment must appoint one or more clerks.

(3) A person appointed as a clerk of a subdivision and development appeal board may also hold an appointment under section 456 as a clerk of an assessment review board.

(4) No person is eligible for appointment as a clerk of a subdivision and development appeal board unless that person has successfully completed a training program in accordance with the regulations made under section 627.3(a).

(5) No subdivision authority or development authority is eligible for appointment under this section.

(15) Section 627.2 presently reads:

627.2 A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do so in accordance with the regulations made under section 627.3(b).

(16) Section 627.3 presently reads:

627.3 The Minister may make regulations

- (a) *respecting training programs for the purposes of section 627.1(4);*

(b) in clause (b) by striking out “section 627.2” and substituting “section 627(5)”.

(17) Section 628 is repealed.

(18) Section 630.2 is repealed.

(19) Section 632(4) is repealed.

(20) Section 633(3) is repealed.

(b) respecting qualifications for the purposes of section 627.2.

(17) Section 628 presently reads:

628(1) A bylaw or agreement under section 627 must

(a) provide for the applicable matters described in section 145(b), and

(b) prescribe the functions and duties of the subdivision and development appeal board.

(2) A bylaw or agreement under section 627 may provide

(a) for the members of the subdivision and development appeal board to meet in panels,

(b) for 2 or more panels to meet simultaneously,

(c) that the panels have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and

(d) that a decision of a panel is a decision of the subdivision and development appeal board.

(18) Section 630.2 presently reads:

630.2 A subdivision authority, a development authority, an entity to which authority is delegated under section 625, a municipal planning commission and a subdivision and development appeal board must each carry out its functions and exercise its jurisdiction in accordance with any applicable ALSA regional plan.

(19) Section 632(4) presently reads:

(4) A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.

(20) Section 633(3) presently reads:

(21) Section 634(2) is repealed.

(22) Section 636(1) is repealed and the following is substituted:

Statutory plan preparation

636(1) While preparing a statutory plan, a municipality must notify the following and provide a means for suggestions and representations to be made:

- (a) any members of the public who may be affected by the plan;
- (b) the school boards with jurisdiction in the area to which the plan preparation applies;
- (c) in the case of a municipal development plan,
 - (i) any adjacent municipalities,
 - (ii) the Indian band of any adjacent Indian reserve, and
 - (iii) any adjacent Metis settlement;
- (d) in the case of an area structure plan,
 - (i) where the land that is the subject of the plan is adjacent to another municipality, that municipality,

(3) An area structure plan must be consistent with

- (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and*
- (b) any municipal development plan.*

(21) Section 634(2) presently reads:

(2) An area redevelopment plan must be consistent with

- (a) any intermunicipal development plan in respect of land that is identified in both the area redevelopment plan and the intermunicipal development plan, and*
- (b) any municipal development plan.*

(22) Section 636(1) presently reads:

636(1) While preparing a statutory plan a municipality must

- (a) provide a means for any person who may be affected by it to make suggestions and representations,*
- (b) notify the public of the plan preparation process and of the means to make suggestions and representations referred to in clause (a),*
- (c) notify the school boards with jurisdiction in the area to which the plan preparation applies and provide opportunities to those authorities to make suggestions and representations,*
- (d) in the case of a municipal development plan, notify adjacent municipalities of the plan preparation and provide opportunities to those municipalities to make suggestions and representations,*
- (e) in the case of an area structure plan, where the land that is the subject of the plan is adjacent to another municipality, notify that municipality of the plan preparation and provide opportunities to that municipality to make suggestions and representations,*

- (ii) where the land that is the subject of the plan is within 1.6 kilometres of a provincial highway, the Minister responsible for the *Highways Development and Protection Act*, and
- (iii) where the land that is the subject of the plan is adjacent to an Indian reserve or Metis settlement, the Indian band or Metis settlement.

(23) Section 638 is repealed and the following is substituted:

Consistency of plans

638(1) A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.

(2) An area structure plan and an area redevelopment plan must be consistent with

- (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan or area redevelopment plan, as applicable, and the intermunicipal development plan, and
- (b) any municipal development plan.

(3) An intermunicipal development plan prevails to the extent of any conflict or inconsistency between

(f) *in the case of an area structure plan, where the land that is the subject of the plan is within 1.6 kilometres of a provincial highway, notify the Minister responsible for the Highways Development and Protection Act of the plan preparation and provide opportunities for the Minister to make suggestions and representations,*

(g) *in the case of a municipal development plan, notify*

(i) *the Indian band of any adjacent Indian reserve, or*

(ii) *any adjacent Metis settlement*

of the plan preparation and provide opportunities to that Indian band or Metis settlement to make suggestions and representations, and

(h) *in the case of an area structure plan, where the land that is the subject of the plan is adjacent to an Indian reserve or Metis settlement, notify the Indian band or Metis settlement of the plan preparation and provide opportunities for that Indian band or Metis settlement to make suggestions and representations.*

(23) Section 638 presently reads:

638(1) In the event of a conflict or inconsistency between

(a) *an intermunicipal development plan, and*

(b) *a municipal development plan, an area structure plan or an area redevelopment plan*

in respect of the development of the land to which the intermunicipal development plan and the municipal development plan, the area structure plan or the area redevelopment plan, as the case may be, apply, the intermunicipal development plan prevails to the extent of the conflict or inconsistency.

(2) *In the event of a conflict or inconsistency between*

(a) *a municipal development plan, and*

(b) *an area structure plan or an area redevelopment plan,*

- (a) a municipal development plan, an area structure plan or an area redevelopment plan, and
- (b) the intermunicipal development plan

in respect of the development of the land to which the conflicting or inconsistent plans apply.

(4) A municipal development plan prevails to the extent of any conflict or inconsistency between

- (a) an area structure plan or an area redevelopment plan, and
- (b) the municipal development plan.

(24) Section 638.1 is repealed.

(25) Section 638.2(4) is repealed.

(26) Section 639 is repealed.

(27) Section 639.1 is repealed.

the municipal development plan prevails to the extent of the conflict or inconsistency.

(24) Section 638.1 presently reads:

638.1 In the event of a conflict or inconsistency between

(a) a statutory plan or a land use bylaw, and

(b) an ALSA regional plan,

the ALSA regional plan prevails to the extent of the conflict or inconsistency.

(25) Section 638.2(4) presently reads:

(4) This section applies on and after January 1, 2019.

(26) Section 639 presently reads:

639 Every municipality must pass a land use bylaw.

(27) Section 639.1 presently reads:

639.1 In preparing a land use bylaw, a municipality must consider the protection of agricultural operations unless an ALSA regional plan requires agricultural operations to be protected or requires agricultural land or land for agricultural purposes to be protected, conserved or enhanced, in which case the municipality must comply with the ALSA regional plan.

(28) Section 640 is amended

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

Land use bylaw

640(1) Every municipality must pass a land use bylaw.

(1.1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality, including, without limitation, by

- (a) imposing design standards,
- (b) determining population density,
- (c) regulating the development of buildings,
- (d) providing for the protection of agricultural land, and
- (e) providing for any other matter council considers necessary to regulate land use within the municipality.

- (b) in subsection (3) by striking out “for the purposes of section 692” and substituting “for the purpose of notification under sections 653, 679, 680 and 692”;**

- (c) by repealing subsection (4);**

- (d) by adding the following after subsection (7):**

(8) Despite this section or any other provision of this Act, the authority to pass a land use bylaw does not include the authority to pass a bylaw in respect of the use of a building or part of a building for residential purposes that has the effect of distinguishing between any individuals on the basis of whether they are related or unrelated to each other.

(9) The Minister may by order direct a municipality to amend its land use bylaw in respect of the use of a building or part of a building for residential purposes if the land use bylaw has the effect of distinguishing between senior citizens on the basis of whether they are related or unrelated to each other.

(28) Section 640 presently reads in part:

640(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

(3) A l(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):

- (a) subdivision design standards;*
- (b) the ground area, floor area, height, size and location of buildings;*
- (c) the amount of land to be provided around or between buildings;*
- (d) the landscaping of land or buildings;*
- (e) the location, height and maintenance of fences and walls;*
- (f) the establishment and maintenance of
 - (i) off-street or other parking facilities, and*
 - (ii) loading and unloading facilities,*and any other similar matters;*
- (g) the design, character and appearance of buildings;*
- (h) the location and amount of access to lots from roads and ensuring that there is at least one means of access from each lot to a road;*
- (i) the lighting of land, buildings or other things;*
- (j) the enlargement, alteration, repair, removal or relocation of buildings;*
- (k) the excavation or filling in of land;*
- (l) the development of buildings
 - (i) on land subject to flooding or subsidence or that is low lying, marshy or unstable,**

(29) Section 640.1 is repealed.

- (ii) *on land adjacent to or within a specified distance of the bed and shore of any body of water, or*
- (iii) *subject to regulations made under section 693 or 694, within a specified area around an airport;*
- (m) *the construction, placement or use of billboards, signboards or other advertising devices of any kind, and if they are permitted at all, governing their height, size and character;*
- (n) *the removal, repair or renovation of billboards, signboards or other advertising devices of any kind;*
- (o) *the density of population in any district or part of it;*
- (p) *the designation of a district as a direct control district in accordance with section 641;*
- (q) *the establishment of any related agreements, forms, fees or procedural matters;*
- (r) *issuing orders under section 645.*

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(29) Section 640.1 presently reads:

640.1 The council of a city or of a municipality with a population of 15 000 or more 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*

(30) The following is added before section 641:

Transitional — alternative time period in land use bylaw

640.2(1) In this section, “alternative time period” means an alternative time period authorized by section 640.1 of this Act as it read immediately before the coming into force of this section.

(2) Where, on the coming into force of this section, a land use bylaw providing for an alternative time period is in force, the provisions of the bylaw providing for the alternative time period continue to have effect for a period of 6 months beginning on the day this section comes into force.

(31) Section 642(4) is repealed and the following is substituted:

(4) If a development authority refuses an application for a development permit, 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 provide the reasons for the refusal.

(32) Section 648(1) and (1.1) are repealed and the following is substituted:

Off-site levy

648(1) In this section and sections 648.01 to 648.4,

- (a) “facility” includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in subsection (2.1);
- (b) “infrastructure” means the infrastructure, facilities and land required for the purposes referred to in subsection (2)(a) to (c.1);

(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.

(30) Transitional — alternative time period in land use bylaw.

(31) Section 642(4) presently reads:

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.

(32) Section 648 presently reads in part:

648(1) For the purposes referred to in subsections (2) and (2.1), 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.

(1.1) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the Education Act.

- (c) “stakeholder” means any person that will be required to pay an off-site levy when the bylaw is passed, or any other person the municipality considers is affected.

(1.1) For the purposes referred to in subsections (2) and (2.1), a council may by bylaw

- (a) provide for the imposition and payment of a 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.

(1.2) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the *Education Act*.

(33) Section 648.01(3) is repealed.

(34) Section 648.1(1) is amended

- (a) **by striking out** “referred to in section 648(2.1)” **and substituting** “referred to in section 648(2) or (2.1)”; and
- (b) **in clause (d) by striking out** “set out in section 648(2.1)” **and substituting** “set out in section 648(2) or (2.1), as applicable”.

(35) The following is added after section 648.1:

(33) Section 648.01(3) presently reads:

(3) For greater clarity, where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis under subsection (1) for the purposes described in section 648(2.1), the benefitting area determined in accordance with the regulations may comprise any combination of land in the participating municipalities.

(34) Section 648.1 presently reads in part:

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2.1) to the Municipal Government Board on any of the following grounds:

(d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2.1);

(35) Calculation of off-site levy; consultation with stakeholders; annual report.

Calculation of off-site levy

648.2(1) Subject to subsection (2), a municipality may determine the methodology on which to base the calculation of an off-site levy.

(2) Subject to subsection (7), the methodology on which a municipality bases its calculation of an off-site levy must

- (a) take into account criteria such as area, density or intensity of use,
- (b) recognize variation among infrastructure, facility and transportation infrastructure types,
- (c) be consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and
- (d) be clear and reasonable.

(3) Notwithstanding subsection (2)(c), the methodology used in determining the calculation of an off-site levy may be different for each specific type of infrastructure, facility or transportation infrastructure.

(4) The information that a municipality uses in the calculation of an off-site levy must be current.

(5) A bylaw imposing an off-site levy must include a requirement for a periodic review of the calculation of the off-site levy.

(6) A municipality that imposes an off-site levy must make the following publicly available:

- (a) any information or data the municipality relied upon and any assumptions the municipality made in calculating the levy, including, without limitation, any information, data or assumptions the municipality used in models to complete calculations;
- (b) the calculations that were performed in order to determine the amount of the levy;

- (c) anything else that would be required in order to replicate the determination of the levy.

(7) Subsection (2) does not apply to the City of Calgary or the City of Edmonton.

Consultation with stakeholders

648.3(1) A municipality must consult, in good faith, with stakeholders

- (a) before making a final determination on defining and addressing existing and future infrastructure, transportation infrastructure and facility requirements, and
- (b) when determining the methodology on which to base an off-site levy.

(2) Before passing or amending a bylaw imposing an off-site levy, a municipality must consult, in good faith, on the calculation of the levy with stakeholders in the benefitting area where the off-site levy will apply.

(3) A consultation referred to in this section must begin at the earliest opportunity and must provide stakeholders with the ability to provide input on an ongoing basis.

(4) During a consultation referred to in this section, a municipality must make publicly available any calculations the municipality has made and any information the municipality has relied upon including, without limitation, any assumptions and data the municipality has used in models to complete calculations.

Annual report

648.4(1) A municipality must provide full and open disclosure of all off-site levy costs and payments.

(2) A municipality must, on an annual basis, make a report on an off-site levy publicly available and include in the report

- (a) the details of all off-site levies received by each contributor for each type of facility and infrastructure within each benefitting area,

- (b) the uses for each type of facility and infrastructure within each benefitting area for each capital project, and
- (c) the balances retained for each type of facility and infrastructure within each benefitting area.

(36) Section 653 is amended

- (a) by repealing subsections (1) and (2) and substituting the following:**

Application for subdivision approval

653(1) An application to a subdivision authority for subdivision approval

- (a) must be in accordance with the subdivision and development regulations, and
- (b) must include a proposed plan of subdivision or other instrument that describes the subdivision.

(2) If a subdivision application includes the signed consent of the applicant to the municipality or its delegate carrying out an inspection, at a reasonable time, of the land that is the subject of the application, a notice of inspection is not required to be given under section 542(1).

- (b) in subsection (3)(b) by striking out “the land that is adjacent to the land that is the subject of the application” and substituting “adjacent land”;**

- (c) by repealing subsection (4.2) and substituting the following:**

(4.2) A notice under subsection (3)(b) must be given by at least one of the following methods:

- (a) mailing the notice to each owner of adjacent land;
- (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.

(36) Section 653 presently reads in part:

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 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

(b) give notice of the application to owners of the land that is adjacent to the land that is the subject of the application.

(4.2) A notice under subsection (3)(b) 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.

(4.4) 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

(d) by repealing subsections (4.4), (5) and (6) and substituting the following:

(5) A notice under subsection (3)(b) 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 for the consideration of the subdivision authority.

(6) When considering an application under this section, a subdivision authority is not required to hold a hearing.

(6.1) For the purposes of this section,

- (a) “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;
- (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(37) Section 653.1 is amended

- (a) in subsection (3) by striking out** “or, if applicable, in accordance with the land use bylaw made pursuant to section 640.1(c)”;
- (b) by repealing subsection (11).**

- (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 (3)(b) 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.*
- (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.*
- (37) Section 653.1 presently reads in part:
- (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).*

(38) Section 655(1)(a) is repealed and the following is substituted:

- (a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;

(39) Section 657(6) is amended by striking out “extend” and substituting “grant one or more extensions of”.

(40) Section 668 is repealed.

(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.*

(38) Section 655(1) presently reads in part:

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;*

(39) Section 657(6) presently reads:

(6) The council may extend

- (a) the one-year period referred to in subsection (1), or*
- (b) the one-year period referred to in subsection (5),*

whether or not the time period under those subsections has expired.

(40) Section 668 presently reads:

668(1) In this section, “developable land” means that area of land that is the subject of a proposed subdivision less the total of

- (a) land required to be provided for roads and public utilities under section 662, and*
- (b) land required to be provided as reserve land.*

(2) Subject to section 663, when in the opinion of the subdivision authority a proposed subdivision would result in a density of 30 dwelling units or more per hectare of developable land, the subdivision authority may require municipal reserve, school reserve

(41) Section 674 is repealed and the following is substituted:

Requirement for hearing

674(1) Before any of the following occurs, a public hearing must be held in accordance with section 230 and advertised in accordance with section 606:

- (a) the sale, lease or other disposal of
 - (i) municipal reserve, community services reserve or municipal and school reserve by a council, or
 - (ii) municipal and school reserve by a council and a school board;
- (b) the making of a bylaw requiring the school building footprint of a school reserve, municipal and school reserve or municipal reserve referred to in section 672(1) to be designated as community services reserve;
- (c) the disposal of conservation reserve by a municipality as permitted by section 674.1.

(2) Section 70 does not apply to a sale, lease or other disposal referred to in subsection (1)(a).

(3) In addition to the advertising requirement in subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve, school reserve, municipal and school reserve or community services reserve that is the subject of the hearing.

(42) Section 674.1 is amended

- (a) by repealing subsection (3);**

or municipal and school reserve in addition to that required to be provided under section 666.

(3) The additional land that may be required to be provided under subsection (2) may not exceed the equivalent of 5% of the developable land or a lesser percentage as prescribed in the subdivision and development regulations.

(41) Section 674 presently reads:

674(1) Despite section 70, if

- (a) a council wishes to sell, lease or otherwise dispose of municipal reserve or community services reserve, or*
- (b) a council and a school board wish to sell, lease or otherwise dispose of municipal and school reserve,*

a public hearing must be held in accordance with section 230 and must be advertised in accordance with section 606.

(2) In addition to the notice required under subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve, community services reserve or municipal and school reserve that is the subject of the hearing.

(42) Section 674.1 presently reads in part:

(3) Before a municipality disposes of conservation reserve under subsection (2),

(b) in subsection (4) by striking out “subsections (2) and (3)” and substituting “subsection (2)”.

(43) Section 674.2 is repealed.

(44) Section 675 is repealed and the following is substituted:

- (a) *a public hearing must be held in accordance with section 230 and must be advertised in accordance with section 606, and*
 - (b) *notices containing the information required under section 606 must be posted on or near the conservation reserve that is the subject of the hearing.*
- (4) *Despite subsections (2) and (3),*
- (a) *if a municipality receives a notice under section 103 of a proposed amalgamation, the municipality must not dispose of conservation reserve lying within the municipality until after the report under section 106 is submitted to the Minister and the amalgamation proceedings, if any, are complete, and*
 - (b) *if a municipality receives a notice under section 116 of a proposed annexation of land, the municipality must not dispose of conservation reserve lying within the proposed annexation area until after the report under section 118 is submitted to the Municipal Government Board and the annexation proceedings, if any, are complete.*

(43) Section 674.2 presently reads:

674.2(1) A council may, after taking into consideration the representations made at a public hearing under section 674.1(3), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of conservation reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used only for the purpose of enabling the municipality to protect and conserve land that, in the opinion of council, has environmentally significant features or for a matter connected to that purpose.

(44) Section 675 presently reads:

Removal of designation

675(1) After taking into consideration the representations made at a public hearing under section 674(1),

- (a) a council may direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove a designation of
 - (i) municipal reserve,
 - (ii) community services reserve, or
 - (ii) conservation reserve,

and

- (b) a council and a school board may direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove a designation of municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality, or the municipality and the school board, may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may only be used

- (a) in the case of a municipal reserve or a municipal and school reserve, for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes,
- (b) in the case of a community services reserve, for any or all of the purposes referred to in section 671(2.1) or for any matter connected to those purposes, and

675(1) A council in the case of municipal reserve or community services reserve or a council and a school board in the case of municipal and school reserve may, after taking into consideration the representations made at a public hearing under section 674(1), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve, community services reserve or municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality or the municipality and the school board may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used

- (a) in the case of the sale, lease or other disposition of a municipal reserve or a municipal and school reserve, only for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes, and*
- (b) in the case of the sale, lease or other disposition of a community services reserve, only for any or all of the purposes referred to in section 671(2.1) or for any matter connected to those purposes.*

- (c) in the case of a conservation reserve, for the purpose of enabling the municipality to protect and conserve land that, in the opinion of council, has environmentally significant features or for a matter connected to that purpose.

(45) The following is added after the heading to Part 17, Division 10:

Appeal board bylaw

677.1(1) A bylaw or agreement under section 627 establishing a subdivision and development appeal board must

- (a) provide for the applicable matters described in section 145(b), and
- (b) prescribe the functions and duties of the subdivision and development appeal board.

(2) A bylaw or agreement referred to in subsection (1) may provide

- (a) for the members of the subdivision and development appeal board to meet in panels,
- (b) for 2 or more panels to meet simultaneously,
- (c) that the panels have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and
- (d) that a decision of a panel is a decision of the subdivision and development appeal board.

(46) Section 678(2)(a) is repealed and the following is substituted:

- (a) with the Municipal Government Board
 - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application
 - (A) is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,

(45) Appeal board bylaw.

(46) Section 678(2) presently reads in part:

(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

(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,

- (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
- (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

(47) Section 679 is amended

- (a) **in subsection (2) by striking out** “land that is adjacent to land that is the subject of the application” **and substituting** “adjacent land”;
- (b) **by repealing subsection (4) and substituting the following:**
 - (4) For the purposes of this section, “owner” has the same meaning as in section 653.

(48) Section 680 is amended

- (a) **by repealing subsection (1.1) and substituting the following:**
 - (1.1) For the purposes of subsection (1), “owner” has the same meaning as in section 653.
- (b) **by repealing subsection (2)(a).**

(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 body of water, 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

(47) Section 679 presently reads in part:

(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.

(4) For the purposes of this section, "adjacent land" and "owner" have the same meanings as in section 653.

(48) Section 680 presently reads in part:

(1.1) For the purposes of subsection (1), "adjacent land" and "owner" have the same meanings as in section 653.

(2) In determining an appeal, the board hearing the appeal

(a) must act in accordance with any applicable ALSA regional plan;

(49) Section 683.1(11) is repealed.

(50) Section 685 is amended

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

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board.

(b) in subsection (2) by striking out “to the subdivision and development appeal board” and substituting “the decision in accordance with subsection (2.1)”;

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

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Municipal Government Board
 - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(49) Section 683.1(11) presently reads:

(11) If the development authority refuses the application for a development permit, 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 reasons for the refusal.

(50) Section 685 presently reads in part:

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

- (A) is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,
- (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
- (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

- (b) in all other cases, to the subdivision and development appeal board.

(51) Section 686 is amended

(a) in subsection (1)

- (i) **by striking out** “to a subdivision and development appeal board”;
- (ii) **by adding** “hearing the appeal” **after** “with the board”;

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

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to

(51) Section 686 presently reads in part:

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

- (a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or
- (b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (c) **in subsections (2), (3) and (4) by striking out “subdivision and development appeal board” and substituting “board hearing an appeal referred to in subsection (1)”.**

(52) Section 687 is amended

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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

(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.

(52) Section 687 presently reads in part:

- (a) in subsection (1) by striking out “subdivision and development appeal board” and substituting “board hearing the appeal”;**
- (b) in subsection (2) by striking out “subdivision and development appeal board” and substituting “board hearing the appeal referred to in subsection (1)”;**
- (c) in subsection (3)**
 - (i) by striking out “subdivision and development appeal board” and substituting “board hearing the appeal referred to in subsection (1)”;**
 - (ii) by repealing clause (a).**

(53) Section 688 is amended

- (a) in subsection (1)(b) by striking out “or” at the end of subclause (iii) and adding the following after subclause (iii):**
 - (iii.1) under section 685(2.1)(a) respecting a decision of a development authority, or**
- (b) by repealing subsection (2.2) and substituting the following:**

687(1) At a hearing under section 686, the subdivision and development appeal board must hear

- (a) the appellant or any person acting on behalf of the appellant,*
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,*
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and*
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.*

(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;*

(53) Section 688 presently reads in part:

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (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,*
 - (iii) under section 678(2)(a) respecting a decision of a subdivision authority, or*

(2.2) An applicant's written request under subsection (2.1) must not include a request for a transcript of the hearing, but if a transcript is available and the Court of Appeal is satisfied that the transcript is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the Municipal Government Board or the subdivision and development appeal board provide the transcript within the time provided by the Court.

(c) by repealing subsection (4.3);

(d) in subsection (4.4) by striking out “, the Board” and substituting “or the subdivision and development appeal board, the Municipal Government Board or subdivision and development appeal board, as applicable,”.

(54) Section 690 is amended

(a) in subsection (5)(b) by striking out “subject to any applicable ALSA regional plan,”;

(b) in subsection (6.1) by striking out “approved”.

(iv) under section 690 respecting an intermunicipal dispute.

(2.2) *An applicant's written request under subsection (2.1) must not include a request for a transcript of the hearing, but*

- (a) *in the case of an application for permission to appeal a decision of a subdivision and development appeal board, if the Court of Appeal is satisfied that the transcript of the hearing is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the subdivision and development appeal board provide the transcript within the time provided by the Court, or*
- (b) *in the case of an application for permission to appeal a decision of the Municipal Government Board, if a transcript is available and the Court of Appeal is satisfied that the transcript is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the Municipal Government Board provide the transcript within the time provided by the Court.*

(4.3) *Within 30 days from the date that permission is granted to appeal a decision of a subdivision and development appeal board, the subdivision and development appeal board must forward to the Registrar of the Court of Appeal the transcript and record of the hearing, its findings and reasons for the decision.*

(4.4) *Within 30 days from the date that permission is granted to appeal a decision of the Municipal Government Board, the Board must forward to the Registrar of the Court of Appeal the transcript, if any, and record of the hearing, its findings and reasons for the decision.*

(54) Section 690 presently reads in part:

(5) *If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may*

- (a) *dismiss the appeal if it decides that the provision is not detrimental, or*

(55) Section 693 is amended

(a) by striking out “Lieutenant Governor in Council” and substituting “Minister”;

(b) in subsection (1)

(i) by repealing clause (a) and substituting the following:

(a) establishing airport vicinity protection areas surrounding airports;

(ii) in clause (b) by striking out “international”;

(c) by adding the following after subsection (4):

(5) A regulation under subsection (1) may apply generally or specifically in Alberta.

(56) Section 694 is amended

(a) in subsection (1)

(i) by striking out “Lieutenant Governor in Council” and substituting “Minister”;

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

(a.1) providing for an alternative period of time for the subdivision authority or the development authority to review the completeness of an application or make a decision on an application under this Part or under the regulations;

(b) subject to any applicable ALSA regional plan, order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental.

(6.1) Any decision made by the Municipal Government Board under this section in respect of a statutory plan or amendment or a land use bylaw or amendment adopted by a municipality must be consistent with any growth plan approved under Part 17.1 pertaining to that municipality.

(55) Section 693 presently reads in part:

693(1) The Lieutenant Governor in Council may make regulations

- (a) establishing international airport vicinity protection areas surrounding the Calgary International Airport and the Edmonton International Airport;*
- (b) controlling, regulating or prohibiting any use and development of land within an international airport vicinity protection area.*

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

(56) Section 694 presently reads in part:

694(1) The Lieutenant Governor in Council may make regulations

- (c) respecting the information to be contained in a subdivision authority's notice of a decision;*
- (c.1) respecting the information to be contained in a development authority's notice of a decision or order;*
- (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);*

- (iii) **in clause (c) by adding** “and a development authority’s” **after** “subdivision authority’s”;
- (iv) **by repealing clause (c.1);**
- (v) **in clause (g) by striking out** “the Minister,”;
- (vi) **in clauses (h) and (h.1) by striking out** “section 678(2)(a)(ii)” **and substituting** “sections 678(2)(a)(i)(B) and 685(2.1)(a)(i)(B)”;
- (vii) **by repealing clause (h.2) and substituting the following:**
 - (h.2) for the purpose of sections 678(2)(a) and 685(2.1)(a),
 - (i) removing or modifying the circumstances listed in section 678(2)(a)(i) or 685(2.1)(a)(i) where a notice of appeal may be filed with the Municipal Government Board, and
 - (ii) setting out additional circumstances where a notice of appeal may be filed with the Municipal Government Board for the purpose of section 678(2)(a)(ii) or 685(2.1)(a)(ii);
- (viii) **by repealing clause (i) and substituting the following:**
 - (i) providing, either generally or specifically, that all or part of the regulations under this subsection do not apply to all or part of Alberta.
- (b) **by repealing subsection (2)(a);**
- (c) **in subsection (4)**
 - (i) **in clause (a) by adding** “additional requirements for” **after** “respecting”;
 - (ii) **in clause (b) by striking out** “respecting the” **and substituting** “respecting additional”;
- (d) **by repealing subsection (5.5);**
- (e) **by repealing subsections (6) and (7).**

- (h.2) setting out circumstances for the purpose of section 678(2)(a)(iii);*
- (i) authorizing the Minister or the Minister's delegate to order, either generally or specifically, that all or part of the regulations under this subsection do not apply to all or part of Alberta.*
- (2) A regulation under subsection (1)*
 - (a) may be called a subdivision and development regulation,*
- (4) The Lieutenant Governor in Council may make regulations*
 - (a) respecting the calculation of an off-site levy in a bylaw for a purpose referred to in section 648(2.1) and 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 passing an off-site levy bylaw;*
- (5.5) Section 8 of the Canmore Undermining Review Regulation (AR 114/97) is validated and is deemed to have been made under this section.*
- (6) The Lieutenant Governor in Council may make regulations*
 - (a) by which municipalities may define land in the vicinity of an airport for purposes of this section,*
 - (b) prescribing how municipalities are to manage the use and development of land in the vicinity of an airport, and*
 - (c) respecting the control, use and development of land in the vicinity of an airport.*
- (7) A regulation under subsection (6)*
 - (a) may be called a general airport vicinity protection area regulation, and*
 - (b) may apply generally or specifically in Alberta*

(57) Section 708.01(1)(b) is repealed and the following is substituted:

- (b) “growth plan” means a plan, if any, required by a regulation under section 708.02;

(58) Section 708.011 is repealed and the following is substituted:

Purpose

708.011 The purpose of this Part is to provide for integrated and strategic planning for future growth in municipalities.

(59) Section 708.02 is amended

- (a) **by repealing subsections (1) and (1.1) and substituting the following:**

Establishing a growth management board

708.02(1) The Lieutenant Governor in Council may, by regulation

- (a) on the recommendation of the Minister on the request of 2 or more municipalities, establish a growth management board in respect of those municipalities, or
- (b) on the Lieutenant Governor in Council’s own initiative, establish a growth management board and determine the membership of that board.

- (b) **by repealing subsections (2) and (3) and substituting the following:**

(57) Section 708.01(1) presently reads in part:

708.01(1) In this Part and Part 17.2,

- (b) “growth plan” means an integrated growth management plan, including any amendments to that plan, approved by the Minister under section 708.1;*

(58) Section 708.011 presently reads:

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.

(59) Section 708.02 presently reads in part:

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.

(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.

(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,*
- (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,*

- (2) The Lieutenant Governor in Council may make regulations
- (a) respecting the mandate of a growth management board;
 - (b) respecting the membership of a growth management board and the voting rights of the participating municipalities;
 - (c) respecting the land lying within the boundaries of the participating municipalities that is included in the growth region for the growth management board;
 - (d) respecting the operations, management and administration of the growth management board;
 - (e) respecting the appointment of
 - (i) persons to represent the participating municipalities on the growth management board, and
 - (ii) a chair of the growth management board and, if necessary, the appointment of an interim chair;
 - (f) respecting the powers, duties and functions of
 - (i) the growth management board, and
 - (ii) the representatives on the growth management board;
 - (g) respecting the consistency of statutory plans and bylaws with a growth plan including, without limitation, respecting any requirements for the council of a participating municipality to amend statutory plans or bylaws to conform with a growth plan;
 - (h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Part.

- (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.*
- (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;*
 - (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.*

(60) Section 708.041 is repealed and the following is substituted:

Meetings of growth management board

708.041(1) Subject to subsection (2), sections 197 and 199 apply to the meetings of a growth management board.

(2) Notwithstanding sections 197 and 199, for the purposes of this Part, a reference in sections 197 and 199 to a council, councils and council committees shall be read as a reference to a growth management board, growth management boards and growth management board committees, respectively.

(61) Section 708.06 is repealed and the following is substituted:

Consistency with ALSA regional plans

708.06(1) In carrying out its functions and in exercising its jurisdiction under this Part and other enactments, a growth management board must act in accordance with any applicable ALSA regional plans.

(60) Section 708.041 presently reads:

708.041(1) Growth management boards and their committees must conduct their meetings in public unless subsection (2) applies.

(2) Growth management boards and their committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

(4) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

(5) Before closing any part of a meeting to the public, a growth management board or growth management board committee must by resolution approve

(a) the part of the meeting that is to be closed, and

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, the part of the meeting is to be closed.

(6) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(7) Where a growth management board or growth management board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate.

(61) Section 708.06 presently reads:

708.06 In carrying out its functions and in exercising its jurisdiction under this Part and other enactments, a growth management board must act in accordance with any applicable ALSA regional plans.

(2) In the event of a conflict or inconsistency between a growth plan prepared by a growth management board and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

Conformity with growth plan

708.061(1) Despite any other enactment, but subject to this section, a growth plan prevails in the event of a conflict or inconsistency between the growth plan and a statutory plan, bylaw, resolution or municipal agreement of a participating municipality.

(2) The council of a participating municipality must amend every statutory plan and bylaw as necessary to conform with a growth plan no later than the date specified by the growth management board.

(3) If the council of a participating municipality fails to amend a statutory plan or bylaw in accordance with subsection (2), the statutory plan or bylaw is deemed to be invalid to the extent that it conflicts or is inconsistent with a growth plan.

(4) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts or is inconsistent with a growth plan, require the council of the participating municipality, to the extent possible under the terms of the municipal agreement,

- (a) to amend the municipal agreement so that it conforms to the growth plan, or
- (b) to terminate the municipal agreement.

(5) If the council of a participating municipality fails to amend or terminate a municipal agreement when required to do so by the Minister under subsection (4), the municipal agreement is deemed to be invalid to the extent that it conflicts or is inconsistent with the growth plan.

(6) Except as otherwise provided in the regulation establishing the growth management board of which the participating municipality is a member, this section applies to statutory plans adopted, bylaws made, resolutions passed and municipal agreements entered into before or after the coming into force of that regulation.

(62) Section 708.08 is amended

- (a) by renumbering subsection (1) as subsection (1.1);**
- (b) by adding the following before subsection (1.1.):**

Bylaws

708.08(1) A growth management board must, at its inception, establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.

- (c) in subsections (2) and (3) by striking out “subsection (1)” and substituting “this section”.**

(63) Section 708.09 is repealed.

(64) Sections 708.1 to 708.16 are repealed.

(62) Section 708.08 presently reads:

708.08(1) A growth management board may make bylaws respecting its conduct and affairs, including, without limitation, rules and procedures for dealing with matters before the growth management board.

(2) Unless the Minister directs otherwise, a bylaw made under subsection (1) does not come into force until it has been approved by the Minister.

(3) The Regulations Act does not apply to a bylaw made under subsection (1).

(63) Section 708.09 presently reads:

708.09(1) A growth management board must, within 120 days after the end of every financial year, submit to the Minister a report summarizing its activities during the financial year.

(2) On receiving the report under subsection (1), the Minister must lay a copy of it 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.

(64) Section 708.1 to 708.16 presently read:

708.1(1) On receiving a proposed growth plan from a growth management board, the Minister may by order approve the growth plan or reject it.

(2) A growth plan is not a regulation within the meaning of the Regulations Act.

708.11 A growth plan takes effect on the date specified by the Minister.

708.12(1) Despite any other enactment, no participating municipality shall take any of the following actions that conflict or are inconsistent with a growth plan:

(a) undertake a public work, improvement, structure or other thing;

- (b) adopt a statutory plan;*
- (c) make a bylaw or pass a resolution;*
- (d) enter into a municipal agreement.*

(2) If a growth management board finds that a participating municipality has taken an action described in subsection (1)(a) that conflicts or is inconsistent with a growth plan, the growth management board may, by written notice to the participating municipality, order the participating municipality to stop the action within the time set out in the notice.

(3) If a participating municipality fails or refuses to comply with a notice under subsection (2), the growth management board may apply to the Court of Queen's Bench for an injunction or other order.

(4) The Court of Queen's Bench may grant or refuse the injunction or other order or may make any order that in the opinion of the Court is just in the circumstances.

708.13 Despite any other enactment, but subject to section 708.14(5), a growth plan prevails in the event of a conflict or inconsistency between the growth plan and a statutory plan, bylaw, resolution or municipal agreement of a participating municipality.

708.14(1) The council of a participating municipality must amend every statutory plan and bylaw as necessary to conform with a growth plan no later than the date specified by the growth management board.

(2) If the council of a participating municipality fails to amend a statutory plan or bylaw in accordance with subsection (1), the statutory plan or bylaw is deemed to be invalid to the extent that it conflicts or is inconsistent with a growth plan.

(3) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts or is inconsistent with a growth plan, require the council of the participating municipality, to the extent possible under the terms of the municipal agreement,

- (a) to amend the municipal agreement so that it conforms to the growth plan, or*
- (b) to terminate the municipal agreement.*

(65) Section 708.23 is repealed.

(66) Section 708.25 is repealed.

(4) If the council of a participating municipality fails to amend or terminate a municipal agreement when required to do so by the Minister under subsection (3), the municipal agreement is deemed to be invalid to the extent that it conflicts or is inconsistent with the growth plan.

(5) Except as otherwise provided in the regulation establishing the growth management board of which the participating municipality is a member, section 708.13 and this section apply to statutory plans adopted, bylaws made, resolutions passed and municipal agreements entered into before or after the coming into force of that regulation.

708.15 In the event of a conflict or inconsistency between a growth plan and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

708.16 For greater certainty, except as provided in this Part and Part 17, all statutory plans of a participating municipality that are in effect on the coming into force of the regulation establishing the growth management board of which the participating municipality is a member remain in full force and effect.

(65) Section 708.23 presently reads:

708.23(1) A growth management board must at its inception establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.

(2) Section 708.08(2) and (3) apply to a bylaw made under this section as if the bylaw were made under that section.

(66) Section 708.25 presently reads:

708.25(1) The Capital Region Board Regulation (AR 38/2012), in addition to being declared valid under section 603.1, is deemed, on the coming into force of this section, to have been made under this Part.

(67) Section 708.26(1)(c) is repealed.

(68) Section 708.28(2) is amended by striking out “the growth plan or the servicing plan” and substituting “a growth plan”.

(69) Section 708.36(7)(d) is amended by striking out “or servicing plan”.

(70) Subsections (3)(c), (32) to (35), (56)(c) and (57) to (69) come into force on June 1, 2021.

New Home Buyer Protection Act

Amends SA 2012 cN-3.2

11(1) The *New Home Buyer Protection Act* is amended by this section.

(2) Section 1.1(2) is repealed and the following substituted:

(2) If there is a conflict or inconsistency between a provision of the Capital Region Board Regulation (AR 38/2012) as it read on the date of the coming into force of this section and a provision of this Part, the Capital Region Board Regulation (AR 38/2012) prevails to the extent of the conflict or inconsistency.

(3) For greater certainty but without limiting the generality of subsection (2), sections 708.011, 708.02(1) and 708.23 do not apply to the Capital Region Board Regulation (AR 38/2012).

(67) Section 708.26(1) presently reads in part:

708.26(1) In this Part,

(c) “servicing plan” means the servicing plan, if any, required by a regulation under section 708.02.

(68) Section 708.28(2) presently reads:

(2) Municipalities that are members of the same growth management board may create a framework with other members of the same growth management board in respect of matters that are not addressed in the growth plan or the servicing plan.

(69) Section 708.36(7) presently reads in part:

(7) An arbitrator must not make an award

(d) that is contrary to an intermunicipal development plan under Part 17 or a growth plan or servicing plan,

(70) Coming into force.

New Home Buyer Protection Act

11(1) Amends chapter N-3.2 of the Statutes of Alberta, 2012.

(2) Section 1.1(2) presently reads:

(2) Subject to subsection (5), the protection period in the case of common property or common facilities in a building is the 10-year period beginning when the title to an inhabitable unit in the building or in a building in a phase of development of a condominium is transferred from a residential builder to a purchaser of a unit in an arm's length transaction.

(3) Section 4(2.1) is amended by striking out “section 1.1(2)(a)” and substituting “section 1.1(2)”.

(4) Section 28(1)(e) is repealed.

(2) Subject to subsection (5), the protection period in the case of common property or common facilities in a building is the 10-year period beginning when

- (a) the title to an inhabitable unit in the building or in a building in a phase of development of a condominium is transferred from a residential builder to a purchaser of a unit in an arm's length transaction, and*
- (b) the residential builder has entered into an agreement with a qualified person to have the qualified person prepare a building assessment report for the building or for the phase of development within 180 days of the transfer of title described in clause (a).*

(3) Section 4(2.1) presently reads:

(2.1) In subsection (2), with respect to the common property or common facilities in a building or a phase of development, "the date the protection period begins" means the date that is 180 days after the transfer of title described in section 1.1(2)(a).

(4) Section 28(1)(e) presently reads:

28(1) The Lieutenant Governor in Council may make regulations

- (e) respecting building assessment reports required by section 1.1(2), including but not limited to regulations respecting*
 - (i) assigning responsibility for building assessment reports;*
 - (ii) any assessments or inspections that must be completed for inclusion in building assessment reports;*
 - (iii) any information that must be included in the building assessment reports;*
 - (iv) the form of building assessment reports;*
 - (v) the qualifications persons who complete building assessment reports must hold;*
 - (vi) timelines for completion and submission of building assessment reports;*

(5) This section has effect on July 1, 2021.

Post-secondary Learning Act

Amends SA 2003 cP-19.5

12(1) The *Post-secondary Learning Act* is amended by this section.

(2) Section 37 is repealed.

(3) Section 95(2.3) is repealed.

(4) Section 124 is amended

(a) in clause (o)

(i) by repealing subclauses (i) and (ii);

(ii) by adding “and” at the end of subclause (iii);

(iii) by striking out “and” at the end of subclause (iv);

(iv) by repealing subclause (v);

(vii) *persons to whom building assessment reports must be submitted;*

(viii) *powers of persons preparing building assessment reports;*

(5) Coming into force.

Post-secondary Learning Act

12(1) Amends chapter P-19.5 of the Statutes of Alberta, 2003.

(2) Section 37 presently reads:

37(1) The board of a comprehensive academic and research university may, in accordance with the regulations, demand, obtain and use unclaimed bodies of deceased persons for anatomical or scientific study or research at the university.

(2) A person who fails to comply with a demand made by the board of a comprehensive academic and research university in accordance with the regulations is guilty of an offence.

(3) Section 95(2.3) presently reads:

(2.3) If a bylaw is not approved by the Labour Relations Board, the bylaws of the graduate students association are deemed to include the model provisions set out in the regulations.

(4) Section 124 presently reads in part:

124 The Lieutenant Governor in Council may make regulations

(o) respecting demands for and use of bodies of deceased persons at a university, including

(i) authorizing the board of a university to demand and obtain unclaimed bodies,

(ii) specifying the persons that must comply with a demand for unclaimed bodies,

- (b) by repealing clause (p.1).

**Professional and Occupational
Associations Registration Act**

Amends RSA 2000 cP-26

13(1) The *Professional and Occupational Associations Registration Act* is amended by this section.

- (2) Section 1 is amended by adding the following after clause (f):**

- (f.1) “life” means all living things;

- (3) Section 6 is repealed and the following is substituted:**

Application for registration

6(1) An association may apply to the Registrar for registration as a registered association under this Act by submitting a completed application in accordance with this section.

- (2)** An application under subsection (1) shall be

- (a) in a form acceptable to the Minister, and
 - (b) accompanied with the information and documents required by the Minister.

- (iii) *governing the records that must be kept by the board of a university with respect to each body obtained by the board,*
- (iv) *respecting the cremation or interment of bodies obtained by a university, and*
- (v) *prescribing the fine for contravening section 37(1);*
- (p.1) *prescribing model clauses for the purpose of section 95(2.3);*

Professional and Occupational Associations Registration Act

13(1) Amends chapter P-26 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

- (f) *“investigated person” means a member of a registered association with respect to whose conduct a complaint has been made and an investigation or hearing is held or may be held under this Act;*

(3) Section 6 presently reads:

6(1) An association may apply to the Registrar for registration as a registered association under this Act by submitting a completed application in the prescribed form.

(2) An application under subsection (1) shall be accompanied with

- (a) *the name and abbreviations of the name of the association and the proposed designated title and abbreviations of the proposed designated title to be used by its members,*
- (b) *a list of the names of the members of the association,*

(3) The Minister shall publish or otherwise make available to the public the application form and the required information and documents referred to in subsection (2).

(4) For the purposes of an application under this section, the Registrar shall engage with the association and may require the association to provide, within the time determined by the Registrar, any additional information or documents that the Registrar considers necessary for the purposes of sections 7 and 8.

(4) Section 7 is amended

(a) **in subsection (1) by striking out** “an association should be recommended for registration under this Act” **and substituting** “or not it is in the public interest, in the interest of public safety and otherwise consistent with this Act for the association to be registered under this Act”;

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

(1.1) In conducting the Registrar’s investigation, the Registrar shall consider the degree to which the association serves to protect the public interest and the interest of public safety by safeguarding

(a) life, health and the environment, and

(b) the property and economic interests of the public.

(c) **in subsection (2)**

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

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

(j.1) the long-term economic viability of the association;

- (c) *a resolution of the members passed in accordance with the association's procedures indicating that they wish the association to be registered under this Act,*
- (d) *a copy of the incorporating documents of the association, if any,*
- (e) *a statement of the purposes of the association,*
- (f) *the existing bylaws of the association, if any, on matters referred to in section 15,*
- (g) *the association's proposed regulations, if any, and.*

(4) Section 7 presently reads in part:

7(1) On receipt of an application for registration as a registered association, the Registrar shall conduct an investigation into whether an association should be recommended for registration under this Act.

(2) In conducting the Registrar's investigation, the Registrar may consider

- (a) *whether the association serves to protect the public against incompetence and fraud that could affect the life, health, welfare, safety or property of the public and whether it is in the public interest that the association be registered;*
- (j) *the number of members in the association, the length of time it has existed, whether it is incorporated and its financial position;*

(4) In conducting an investigation, the Registrar shall seek the advice of

- (a) *the Department of Enterprise and Advanced Education with respect to the training required for admission of members into the association, and*

(d) by repealing subsection (4) and substituting the following:

(4) In conducting an investigation, the Registrar shall seek the advice of the Department of Advanced Education with respect to the training required for admission of members into the association.

(5) Section 8 is repealed and the following is substituted:

Registration recommendation

8(1) On concluding the Registrar's investigation, the Registrar shall give written advice to the Minister respecting the Registrar's findings and the Minister may proceed in accordance with section 9 if the Minister believes it is in the public interest, in the interest of public safety and otherwise consistent with this Act to recommend that the association be registered under this Act.

(2) A recommendation by the Minister to the Lieutenant Governor in Council under section 9(1) shall include

(a) the proposed name and abbreviations of the name of the association and the title and abbreviations of the title to be used by its members to be designated to be for the exclusive use of the association and of members of the association, and

(b) any proposed regulations of the association.

(6) Section 9(2)(a) is amended by striking out "Department of Enterprise and Advanced Education" and substituting "Department of Advanced Education".

(7) The following is added after section 9:

Public interest and public safety

9.1 All registered associations shall

(5) Section 8 presently reads:

8(1) If on concluding the Registrar's investigation the Registrar considers that the Registrar should not recommend registration of the association, the Registrar shall provide the Minister and the association with written reasons and shall provide the association with the opportunity to submit further information and submissions with respect to the application.

(2) If the Registrar is satisfied on the conclusion of the Registrar's investigation that an applicant applying for registration should be registered, the Registrar shall recommend to the Minister that the association be registered under this Act.

(3) A recommendation under subsection (2) shall include a report on

(a) the proposed name and abbreviations of the name of the association and the title and abbreviations of the title to be used by its members to be designated to be for the exclusive use of the association and of members of the association, and

(b) any proposed regulations of the association.

(6) Section 9(2)(a) presently reads:

(2) On an order being made under subsection (1), the Registrar shall

(a) notify the association and the Department of Enterprise and Advanced Education of the order and its contents, and

(7) Public interest and public safety; registration review.

- (a) administer their affairs in the public interest and in the interest of public safety within the meaning of section 7(1.1), and
- (b) regulate the professional practice of their members in a manner that promotes the public interest and the interest of public safety within the meaning of section 7(1.1).

Registration review

9.2(1) The Registrar shall, when directed to do so by the Minister, give notice to a registered association that a registration review shall be conducted in accordance with this section to determine whether or not it is in the public interest, in the interest of public safety and otherwise consistent with this Act for the registered association to continue to be registered under this Act.

(2) In conducting a registration review, the Registrar may, in addition to the matters set out in section 7, consider whether the registered association can demonstrate the following:

- (a) compliance with the Act and regulations;
- (b) good governance of the registered association and its members;
- (c) public confidence with respect to the activities of the registered association and its members;
- (d) clear standards of professional ethics and competence for the profession and its members;
- (e) appropriate measures
 - (i) to avoid and to detect professional practices or actions that are illegal, fraudulent or that contravene the registered association's standards of professional ethics and competence, and
 - (ii) to ensure that members are held accountable for the consequences of such practices or actions.

(3) For the purposes of a registration review under this section, the Registrar may consult with any person or association of persons engaged in the practice of the profession or occupation or with an association of persons that has as one of its objects the advancement or promotion of the practice of the profession or occupation of the members of the registered association.

(4) For the purposes of a registration review under this section, the Registrar shall engage with the registered association and may require a registered association to provide, within the time determined by the Registrar,

- (a) the information and documents required under section 6(2)(b), and
- (b) any additional information, documents or evidence that the Registrar considers necessary for the purposes of this section.

(5) A registered association shall cooperate with the Registrar in the conduct of a registration review referred to in this section.

(6) On concluding a registration review, the Registrar shall give written advice respecting the Registrar's findings

- (a) to the Minister, and
- (b) in the case of a registered association with respect to which a transfer of administration is ordered under section 42, to the Minister who administers this Act with respect to that registered association.

(7) On receipt of the Registrar's written advice, if the appropriate Minister considers that it is not in the public interest, not in the interest of public safety or not otherwise consistent with this Act to recommend the registered association for continued registration

- (a) the Minister shall proceed in accordance with section 10(5), or
- (b) in the case of a registered association with respect to which a transfer of administration is ordered under section 42, the Minister who administers this Act with

respect to that registered association shall proceed in accordance with section 10(5).

(8) Section 10 is repealed and the following is substituted:

Cancellation of registration

10(1) The Registrar may, on the Registrar's own initiative, conduct an investigation regarding any one or more of the following matters:

- (a) if the Registrar receives a resolution from the registered association passed in accordance with the association's procedures that it no longer wishes to be a registered association;
- (b) if the Registrar does not receive the annual fee required under section 41(d) from a registered association;
- (c) if the Registrar considers an investigation appropriate with respect to
 - (i) whether a registered association continues to represent a significant number of the persons engaged in the practice of the profession or occupation, or
 - (ii) whether the registered association is performing its duties in a proper manner.

(2) For the purposes of an investigation under this section, the Registrar shall engage with the registered association and may require a registered association to provide, within the time determined by the Registrar, any information, documents or evidence that the Registrar considers necessary for the purposes of the investigation.

(3) On concluding an investigation under subsection (1), the Registrar shall give written advice respecting the Registrar's findings

(8) Section 10 presently reads:

10(1) If the Registrar

- (a) is of the opinion that a registered association no longer represents a significant number of the persons engaged in the practice of the profession or occupation,*
- (b) does not receive the annual fee required under section 41(d),*
- (c) is of the opinion that the registered association is not performing its duties in a proper manner, or*
- (d) receives a resolution from the registered association passed in accordance with the association's procedures that it no longer wishes to be a registered association,*

the Registrar shall recommend that the order under section 9(1) be rescinded and shall make that recommendation to the Minister and, in the case of a registered association with respect to which a transfer of administration is ordered under section 42, the Minister who administers this Act with respect to that registered association.

(2) The Lieutenant Governor in Council may on the advice of

- (a) the Minister, or*
- (b) in the case of a registered association with respect to which a transfer of administration is ordered under section 42, the Minister who administers this Act with respect to that registered association*

rescind an order under section 9(1).

- (a) to the Minister, and
- (b) in the case of a registered association with respect to which a transfer of administration is ordered under section 42, to the Minister who administers this Act with respect to that registered association.

(4) On receipt of the Registrar's written advice,

- (a) the Minister may proceed in accordance with subsection (5), or
- (b) in the case of a registered association with respect to which a transfer of administration is ordered under section 42, the Minister who administers this Act with respect to that registered association may proceed in accordance with subsection (5)

as the Minister considers to be appropriate.

(5) The Lieutenant Governor in Council may on the recommendation of

- (a) the Minister, or
- (b) in the case of a registered association with respect to which a transfer of administration is ordered under section 42, the Minister who administers this Act with respect to that registered association

rescind an order under section 9(1) with effect on a date specified by the Lieutenant Governor in Council.

(6) When an order is rescinded under subsection (5), the Registrar shall

- (a) notify the association and the Department of Advanced Education of the order and its contents, and
- (b) endorse a note in the Register that the registration has been revoked.

(9) The following is added after section 10:

(9) Judicial review.

Judicial review

10.1 An association that is the subject of an order under subsection 10(5) may file an application for judicial review with the Court of Queen's Bench within 30 days after receiving the Registrar's notice under section 10(6).

Wills and Succession Act**Amends SA 2010 cW-12.2**

14(1) The *Wills and Succession Act* is amended by this section.

(2) Section 71 is amended by adding the following after subsection (2.1):

(2.11) A designation by instrument under subsection (2.1)(a) may be made electronically in accordance with the *Electronic Transactions Act*.

Wills and Succession Act

14(1) Amends chapter W-12.2 of the Statutes of Alberta, 2010.

(2) Section 71(2.1) presently reads:

(2.1) A participant may designate a person to receive a benefit payable under a plan on the participant's death

(a) by an instrument signed by the participant or signed by another individual on the participant's behalf, at the participant's direction and in the participant's presence, or

(b) by will,

and may revoke the designation by one of those methods.

Schedule
LAND AND PROPERTY RIGHTS TRIBUNAL
ACT

Table of Contents

- 1 Interpretation

Part 1
Establishment of Land and Property
Rights Tribunal

- 2 Land and Property Rights Tribunal established
3 Appointment of members
4 Panels and quorum

Part 2
Jurisdiction and Powers

- 5 Jurisdiction
6 Powers
7 Directors and other staff
8 Protection from liability
9 Contempt

Part 3
Proceedings

- 10 Proceedings
11 Notice to attend or produce
12 Protection of witnesses
13 Extension of time
14 Signing of orders, etc.
15 Technical irregularities

Part 4
Appeal and Judicial Review

- 16 Appeal
17 Judicial review

- 18 No stay
- 19 Standard of review

Part 5 Regulations

- 20 Regulations

Part 6 Transitional Provisions

- 21 Transitional
- 22 Transitional — regulations

Part 7 Related Amendments, Consequential Amendments and Coming into Force

- 23-26 Related amendments
- 27-40 Consequential amendments
- 41 Coming into force

Interpretation

1(1) In this Act,

- (a) “chair” means the chair of the Tribunal;
- (b) “Court” means the Court of Queen’s Bench;
- (c) “existing legislation” means an Act or regulation that established or regulated a former board that existed immediately before the coming into force of this Act;
- (d) “former board” means
 - (i) the Land Compensation Board,
 - (ii) the Municipal Government Board,
 - (iii) the New Home Buyer Protection Board, or
 - (iv) the Surface Rights Board

as it existed immediately before amalgamation under section 2;

- (e) “former member” means a member of any of the former boards;
- (f) “member” means a member of the Tribunal;
- (g) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (h) “Tribunal” means the Land and Property Rights Tribunal established under section 2.

(2) Except as provided in this Act, words and phrases used in this Act have the meanings given to them in the existing legislation.

Part 1 Establishment of Land and Property Rights Tribunal

Land and Property Rights Tribunal established

2 The former boards are amalgamated, and the amalgamated entity is established as the “Land and Property Rights Tribunal”.

Appointment of members

3(1) The Lieutenant Governor in Council shall, on the recommendation of the Minister, appoint the members.

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

(3) The members shall 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 away from home, in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(4) Subject to the regulations, the chair may delegate any power given to the chair under this Act.

Panels and quorum

4(1) The chair may

- (a) select a member or convene a panel of members to deal with a particular matter or class or group of matters, and
- (b) designate a member to chair a panel convened under clause (a).

(2) The member selected or panel convened under subsection (1) may perform the functions of the Tribunal in respect of the particular matter or class or group of matters for which the member was selected or the panel was convened and when performing any of those functions has all the powers and jurisdiction of the Tribunal.

(3) The chair may establish as many panels of members as the chair considers necessary to deal with any particular matter or class or group of matters on behalf of the Tribunal.

(4) A majority of the members of a panel constitutes a quorum.

(5) A decision of a majority of the members of a panel is the decision of the Tribunal.

Part 2 Jurisdiction and Powers

Jurisdiction

5 The Tribunal has jurisdiction

- (a) to hold hearings, proceedings and inquiries, hear complaints and appeals and determine disputes
 - (i) with respect to expropriations under and referred to in the *Expropriation Act*;
 - (ii) under Part 12 of the *Municipal Government Act*;
 - (iii) under Part 5 of the *New Home Buyer Protection Act*, and

- (iv) with respect to any matter under or referred to in the *Surface Rights Act*,

and

- (b) with respect to any other matter in respect of which the Tribunal has jurisdiction under this or any other Act.

Powers

6(1) In addition to the powers and duties given under the existing legislation, the Tribunal shall have the power to make rules respecting its practice and procedures and to regulate its own process.

(2) The Tribunal has all the powers of a commissioner appointed under the *Public Inquiries Act*.

(3) The *Regulations Act* does not apply to rules made under subsection (1).

Directors and other staff

7 There may be appointed, in accordance with the *Public Service Act*, as many directors, case managers, inspectors, land examiners, legal counsel, officers and other staff as may be required to carry out the business of the Tribunal.

Protection from liability

8 No action lies against the Tribunal, a member, an officer, employee or other staff of the Tribunal or a person appointed or engaged to perform a duty or exercise a power for the Tribunal, for anything done or omitted to be done by the Tribunal, member, officer, employee, staff or person, as the case may be, in good faith while exercising the powers and performing the duties under this Act.

Contempt

9 A person who commits or does any act, matter or thing that would, if done in or in respect of the Court, constitute a contempt of the Court is in contempt of the Tribunal, and on an application by the Tribunal, the Court may commit that person for contempt of the Tribunal, and the Court has the same power of committal in respect of contempt of the Tribunal as it has in respect of contempt of the Court.

Part 3 Proceedings

Proceedings

10(1) The Tribunal is not bound by the rules of evidence or any other law applicable to court proceedings and has the power to determine the admissibility, relevance and weight of any evidence in determining any matter within its jurisdiction.

(2) The Tribunal may require any person giving evidence before it to do so under oath or affirmation and declaration.

(3) The Tribunal has discretion to decide whether to record a hearing.

(4) The Tribunal may adjourn any hearing or proceeding from time to time for any length of time as the Tribunal considers expedient or advisable.

(5) The Tribunal may extend the time within which the Tribunal is to hear a matter before it and render a decision.

(6) The Tribunal may hold its sittings at any place or places in Alberta from time to time.

Notice to attend or produce

11(1) When, in the opinion of the Tribunal,

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

the Tribunal may cause to be served on a person a notice to attend or a notice to attend and produce a document or thing.

(2) If a person fails or refuses to comply with a notice served under subsection (1), the Tribunal may apply to the Court and the Court may

- (a) issue a warrant requiring the attendance of the person before the Tribunal or the production by the person of a document or thing, or
- (b) commit the person for contempt.

Protection of witnesses

12 A witness may be examined under oath, or affirmation and declaration, on anything relevant to a matter that is before the Tribunal 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.

Extension of time

13 When a decision of the Tribunal requires something to be done within a specified time, the Tribunal may extend the time.

Signing of orders, etc.

14(1) Any order, direction or other document issued or made by the Tribunal may be signed on behalf of the Tribunal by the chair or any member, whether or not the chair or member so signing participated in any proceedings giving rise to the order, direction or document.

(2) An order, direction or other document signed by the chair or a member under subsection (1) shall be admitted in evidence as proof, in the absence of evidence to the contrary,

- (a) that the order, direction or document is the act of the Tribunal, and
- (b) that the chair or member signing it was authorized to do so.

Technical irregularities

- 15(1)** A decision of the Tribunal is not invalid because of a defect in form, a technical irregularity or an informality.
- (2)** The Tribunal may correct any error or omission in its decision.

Part 4 Appeal and Judicial Review

Appeal

- 16(1)** The Tribunal may confirm, vary, quash or substitute a decision of its own with respect to a decision, order or administrative penalty that is being appealed to the Tribunal under the existing legislation or this Act.
- (2)** An appeal before the Tribunal is a new hearing and the Tribunal may hear any evidence and issues during an appeal, whether or not they were raised before.
- (3)** When hearing an appeal, the Tribunal may
- (a)** consider the decision and record of the decision maker whose decision is appealed, including any documents, evidence, records, or other material before the original decision maker, and
 - (b)** adopt any or all of the documents, evidence, records or material referred to in clause (a) as part of its own record, in addition to the new evidence or other material raised during the appeal.

Judicial review

- 17(1)** Where a decision of the Tribunal is the subject of an application for judicial review, the application must be filed with the Court and served according to Part 3 of the *Alberta Rules of Court* not more than 60 days after the date of the decision.
- (2)** For matters under the *Municipal Government Act*, a notice of an application for judicial review of a decision referred to in subsection (1) must also be given to

- (a) 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
- (b) the Minister.

(3) Documents excluded from the public record of a hearing by the Tribunal remain excluded from the public record on judicial review unless otherwise ordered by the Court.

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

No stay

18 The commencement of an appeal or judicial review of a decision or order does not operate as a stay of proceedings or suspend the operation of the decision or order unless the Tribunal orders otherwise.

Standard of review

19 On an application for judicial review, leave to appeal, appeal of a Tribunal's decision or order, the standard of review to be applied is reasonableness.

Part 5 Regulations

Regulations

20(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the application of this Act and the existing legislation;
- (b) respecting appointments of members, including eligibility for appointment;
- (c) respecting conflict of interest guidelines, codes of conduct and any other guidelines and policies in respect of the Tribunal and the members;
- (d) respecting the use of electronic means to create, communicate, make available, collect, receive, store or otherwise deal with records or information under this Act and the existing legislation;

- (e) defining a word or expression used but not defined in this Act.

(2) The Minister may make regulations

- (a) respecting the training and qualifications of members and the chair or the chair's delegate;
- (b) respecting the setting by the chair of the date, time and location for a hearing before the Tribunal;
- (c) respecting the conditions under which the chair may appoint one member of the Tribunal to sit as a panel of the Tribunal;
- (d) respecting the functions of the Tribunal;
- (e) governing the disclosure of evidence in a hearing before the Tribunal;
- (f) governing hearings held in private before the Tribunal;
- (g) governing the excluding of documents from the public record by the Tribunal;
- (h) setting fees payable by applicants, complainants, parties, intervenors or others who appear at hearings before the Tribunal or at inquiries conducted by the Tribunal, and for obtaining copies of the Tribunal's decisions and other documents;
- (i) respecting any matter that the Minister considers necessary or advisable to carry out the intent and purposes of this Act.

Part 6 Transitional Provisions

Transitional

21 On the coming into force of this Act,

- (a) despite anything in the *Alberta Public Agencies Governance Act*, former members shall be deemed to be appointed as members under this Act and shall be eligible to serve for a

maximum term of 12 years, irrespective of the time served as former members,

- (b) the rules of procedure and practice of the former boards continue until repealed, amended or replaced by the Tribunal under this Act,
- (c) any action, appeal, application, complaint, hearing, inquiry or other proceeding commenced and not concluded before the coming into force of this Act continues under the existing legislation as if this Act has not come into force, and
- (d) any decision, determination or order made by any of the former boards before the coming into force of this Act is deemed to be a decision and order of the Tribunal under this Act.

Transitional — regulations

22 The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments made by this Act to the existing legislation or any other Acts, including the interpretation of any provision amended;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments made by this Act to the existing legislation or any other Act;
- (c) to meet or remove any difficulty arising out of the transition to this Act.

**Part 7
Related Amendments,
Consequential
Amendments and
Coming into Force**

Related Amendments

Expropriation Act

Amends RSA 2000 cE-13

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

(2) Section 1 is amended

- (a) by repealing clause (b);
- (b) by adding the following after clause (m):
 - (m.1) “Tribunal” means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;

(3) Sections 25 and 26 are repealed.

Related Amendments

Expropriation Act

23(1) Amends chapter E-13 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(b) “Board” means

*(i) the Land Compensation Board constituted under this Act,
or*

*(ii) in the case of expropriations referred to in section 27(2),
the Surface Rights Board;*

*(m) “right of way” means the right of an expropriating authority
to carry its pipes, wires, conductors or transmission lines on,
over or under land and that is registrable under the Land
Titles Act;*

(3) Sections 25 and 26 presently read:

*25(1) There is hereby established a Board called the “Land
Compensation Board” consisting of the members appointed by the
Lieutenant Governor in Council in accordance with this section.*

*(2) The Lieutenant Governor in Council shall designate one
member as chair and may appoint one or more of the other members
as vice-chair and may appoint any other members that the
Lieutenant Governor in Council considers advisable.*

(4) Section 27 is repealed and the following is substituted:

Jurisdiction of Tribunal

27 Except as provided for in section 29(3), the Tribunal has jurisdiction with respect to expropriations under this Act.

(5) Section 28 is repealed and the following is substituted:

Entering and inspecting any land, building, etc.

28 The Tribunal may enter on and inspect, or authorize any person to enter on and inspect, any land, building, works or other property.

(3) The chair and each member of the Board shall be paid

(a) remuneration, and

(b) payment for expenses incurred while away from their ordinary places of residence and in the course of their duties as members,

as fixed by the Lieutenant Governor in Council in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

(4) The chair may select a member or any uneven number of members to deal with a particular case or class or group of cases.

(5) The member or members selected pursuant to subsection (4) may perform the functions of the Board in respect of the particular case or class or group of cases for which they were selected and when performing any of those functions have all the powers and jurisdiction of the Board.

26 In accordance with the Public Service Act, there may be appointed a secretary, an assistant secretary, inspectors, land examiners and other employees required to carry on the business of the Board.

(4) Section 27 presently reads:

27(1) Except as provided in subsection (2) or in section 29(3), the Land Compensation Board has jurisdiction with respect to expropriations under this Act.

(2) The Surface Rights Board has jurisdiction with respect to expropriations under this Act authorized under or pursuant to the Hydro and Electric Energy Act with respect to power plants or under or pursuant to the Railway (Alberta) Act.

(5) Section 28 presently reads:

28(1) The Lieutenant Governor in Council may make rules of procedure and practice governing the hearings and proceedings before the Board and in particular relating to

(a) the method and form of initiating proceedings,

- (b) *notice to admit facts,*
 - (c) *production of documents,*
 - (d) *examinations for discovery, and*
 - (e) *provision for the hearing of 2 or more claims together.*
- (2) *The Board may hold its sittings at any place or places in Alberta that it from time to time considers expedient.*
- (3) *The Board shall cause all oral evidence submitted before it at a formal hearing to be recorded, and that evidence, together with any documentary and other evidence, shall form the record before the Board.*
- (4) *The Board has*
- (a) *all the powers of a commissioner appointed under the Public Inquiries Act, and*
 - (b) *any further powers and duties that may be provided by the Lieutenant Governor in Council.*
- (5) *The Board may enter on and inspect, or authorize any person to enter on and inspect, any land, building, works or other property.*
- (6) *The Board*
- (a) *in conducting any hearing shall proceed in accordance with its rules of procedure and practice,*
 - (b) *is not bound by the rules of law concerning evidence, and*
 - (c) *may adjourn any hearing of a proceeding from time to time for any length of time that the Board in its discretion considers expedient or advisable.*
- (7) *If any person, other than a party without just cause,*
- (a) *on being summoned as a witness before the Board defaults in attending, or*

(6) The following provisions are amended by striking out “Board” and substituting “Tribunal”:

section 7(c);
section 8(5)(g);
section 15(4);
section 18(3);
section 24(4);
section 40(1);
section 52(2);
section 53;
section 57;
section 58.

(7) The following provisions are amended by striking out “Board” wherever it occurs and substituting “Tribunal”:

section 17;
section 29;
section 30;
section 31;
section 34;
section 37;
section 38;

(b) being in attendance as a witness refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in the person's power or control legally required by the Board to be produced by the person, or to answer any question to which the Board may legally require an answer,

a member of the Board may certify a statement of the facts of the default or refusal of that person and the court, on the application of the Board, may inquire into the matter.

(8) On inquiring into a matter under subsection (7), the court, after hearing any witnesses tendered and after hearing any representations offered, may

(a) issue a warrant requiring the attendance of the person before the Board or the production by the person of the document or thing, or

(b) commit the person for contempt.

(6) Update terminology.

(7) Update terminology.

section 39;
section 47;
section 49;
section 54;
section 59;
section 66;
section 69;
section 70;
section 71.

(8) The Schedule is amended by adding the following item after item 1:

1.1	Land and Property Rights Tribunal Act	The whole
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Municipal Government Act

Amends RSA 2000 cM-26

24(1) The *Municipal Government Act* is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (l) and substituting the following:

(l) “Land and Property Rights Tribunal” means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;

(b) by repealing clause (q).

(3) Section 15 is amended

(a) in subsection (1) by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”;

(b) in subsection (2)

(8) The schedule presently reads in part:

(Section 2)

<i>Title</i>	<i>Extent of Exception</i>
1. <i>Agricultural Service Board Act</i>	<i>Orders of reclamation under section 12</i>

Municipal Government Act

24(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

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

1(1) In this Act,

- (l) “Land Compensation Board” means the Land Compensation Board established under the Expropriation Act;*
- (q) “Municipal Government Board” means the Municipal Government Board established under Part 12, and includes any panel of the Board;*

(3) Section 15 presently reads:

15(1) If a municipality’s notice of intention to expropriate proposes to expropriate a portion of a parcel of land, the owner of the parcel may apply to the Land Compensation Board to direct the municipality to expropriate the whole of the parcel.

(i) **by striking out** “Land Compensation Board” **and substituting** “Tribunal”;

(ii) **by striking out** “the Board” **and substituting** “the Tribunal”.

(4) Section 120 is amended

(a) **in subsection (1) by striking out** “Municipal Government Board” **and substituting** “Land and Property Rights Tribunal”;

(b) **by striking out** “the Board” **wherever it occurs and substituting** “the Tribunal”.

(2) The Land Compensation Board may direct the municipality to expropriate the whole of the parcel of land if, in the opinion of the Board, the expropriation of a part of the parcel is unfair to the owner of the parcel.

(4) Section 120 presently reads:

120(1) If the initiating municipal authority wishes the annexation to proceed and the Municipal Government Board is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, the Board must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Board considers should be notified, that

(a) there appears to be general agreement with the proposed annexation, and

(b) unless objections to the annexation are filed with the Board by a specified date, the Board will make its recommendation to the Minister without holding a public hearing.

(2) If no objections are filed with the Board by the specified date, the Board must

(a) consider the principles, standards and criteria on annexation established under section 76, and

(b) prepare a written report with its recommendations and send it to the Minister.

(3) If objections are filed with the Board by the specified date, the Board

(a) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and

(b) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Board at a hearing.

(5) Section 121 is amended

- (a) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) by striking out “the Board” wherever it occurs and substituting “the Tribunal”.**

(6) Section 122 is amended

- (a) in subsections (1) and (2) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) in subsection (3) by striking out “the Board” and substituting “the Tribunal”.**

(7) Section 124 is amended

- (a) in subsection (1) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) by striking out “the Board” wherever it occurs and substituting “the Tribunal”.**

(5) Section 121 presently reads:

121 If the initiating municipal authority wishes the annexation to proceed and the Municipal Government Board is not satisfied that the affected municipal authorities or the public are in general agreement with the annexation, the Board

- (a) must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Board considers should be notified, that there is not general agreement with the proposed annexation,*
- (b) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and*
- (c) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Board at a hearing.*

(6) Section 122 presently reads:

122(1) The Municipal Government Board must publish a notice of a hearing under section 120(3) or 121 at least once a week for 2 consecutive weeks in a newspaper or other publication circulating in the affected area, the 2nd notice being not less than 6 days before the hearing.

(2) The Municipal Government Board may determine the costs of and incidental to a hearing and decide by whom and to whom the costs are to be paid.

(3) Section 502 applies to a decision of the Board relating to costs under this section.

(7) Section 124 presently reads:

124(1) A report by the Municipal Government Board to the Minister under this Division must set out

- (a) a recommendation on whether land should be annexed to the initiating municipal authority or other municipal authority;*

(8) The heading preceding section 485 is repealed and the following is substituted:

**Part 12
Land and Property
Rights Tribunal**

(9) Section 485 is repealed and the following is substituted:

Definitions

485 In this Part,

- (a) “chair” means the chair of the Tribunal;
- (b) “Tribunal” means the Land and Property Rights Tribunal.

(10) The heading preceding section 486 is repealed and the following is substituted:

**Division 1
Jurisdiction of the Land
and
Property Rights Tribunal**

(11) Sections 486 and 487 are repealed.

(b) *if it is recommending annexation, a description of the land, whether there should be revenue sharing and any terms, conditions and other things the Board considers necessary or desirable to implement the annexation.*

(2) *If the Board does not recommend that land be annexed in its report, the Board must provide the report to all local authorities that it considers would be affected by the annexation.*

(8) The heading preceding section 485 presently reads:

*Part 12
Municipal Government Board*

(9) Section 485 presently reads:

485 In this Part,

(a) *repealed 2016 c24 s70;*

(b) *“Board” means the Municipal Government Board and includes any panel of the Municipal Government Board;*

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

(10) The heading preceding section 486 presently reads:

*Division 1
Establishment and Jurisdiction of the Municipal Government Board*

(11) Sections 486 and 487 presently read:

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.

(12) Section 487.1 is repealed and the following is substituted:

Hearing related to assessment

487.1 A member or a panel of the Tribunal may not participate in a hearing related to assessment matters unless the member is or the members of the panel are qualified to do so in accordance with the regulations.

(13) Section 487.2 is repealed.

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

(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.

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

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

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

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

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

(12) Section 487.1 presently reads:

487.1 A member of a panel of the Board may not participate in a hearing related to assessment matters unless the member is qualified to do so in accordance with the regulations.

(13) Section 487.2 presently reads:

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.

(14) Section 488 is amended by striking out “Board” wherever it occurs and substituting “Tribunal”.

(15) Sections 489 and 490 are repealed.

(14) Section 488 presently reads:

488(1) The Board has jurisdiction

- (a) to hear complaints about assessments for designated industrial property,*
- (b) to hear any complaint relating to the amount set by the Minister under Part 9 as the equalized assessment for a municipality,*
- (d) to decide disputes between a management body and a municipality or between 2 or more management bodies, referred to it by the Minister under the Alberta Housing Act,*
- (e) to inquire into and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister,*
- (e.1) to perform any duties assigned to it by the Minister or the Lieutenant Governor in Council,*
- (f) to deal with annexations in accordance with Part 4,*
- (g) to decide disputes involving regional services commissions under section 602.2,*
- (h) to hear appeals pursuant to section 619,*
- (i) to hear appeals from subdivision decisions pursuant to section 678(2)(a),*
- (j) to decide intermunicipal disputes pursuant to section 690, and*
- (k) to hear appeals pursuant to section 648.1.*

(2) The Board must hold a hearing under Division 2 of this Part in respect of the matters set out in subsection (1)(a) and (b).

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

(15) Sections 489 and 490 presently read:

(16) The heading preceding section 491 is repealed and the following is substituted:

**Division 2
Hearings Before the
Tribunal**

(17) Section 491 is amended by striking out “the Board” wherever it occurs and substituting “the Tribunal”.

489 A majority of the members of a panel of the Board constitutes a quorum.

490 A decision of a majority of the members of a panel of the Board is the decision of the Board.

(16) The heading preceding section 491 presently reads:

*Division 2
Hearings Before the Board*

(17) Section 491 presently reads:

491(1) A complaint about an assessment for designated industrial property or relating to the amount of an equalized assessment 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 chair within the following periods:

- (a) for a complaint about an assessment for designated industrial property, not later than the complaint deadline;*
- (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.*

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

(2) The form referred to in subsection (1) must include

- (a) the reason the matter is being referred to the Board,*
- (b) a brief explanation of the issues to be decided by the Board, and*
- (c) an address to which any notice or decision of the Board is to be sent.*

(18) Section 495 is amended by striking out “the Board” wherever it occurs and substituting “the Tribunal”.

(19) Sections 496 to 498, 503 and 507 are repealed.

(3) In addition to the information described in subsection (2), in respect of a complaint about an assessment for designated industrial 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.*

(4) In addition to the information described in subsection (2), in respect of a complaint about an amount of an equalized assessment, the form referred to in subsection (1) must

- (a) explain in what respect the amount is incorrect, and*
- (b) indicate what the correct amount should be.*

(18) Section 495 presently reads:

495(1) If any person who is given notice of the hearing does not attend, the Board must proceed to deal with the matter 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.*

(19) Sections 496 to 498, 503 and 507 presently read:

496(1) The Board is not bound by the rules of evidence or any other law applicable to court proceedings and has power to determine the admissibility, relevance and weight of any evidence.

(2) The Board may require any person giving evidence before it to do so under oath.

(3) Members of the Board are commissioners for oaths while acting in their official capacities.

(4) The Board has discretion to decide whether to record a hearing.

497(1) When, in the opinion of the Board,

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

the Board may cause to be served on a person a notice to attend or a notice to attend and produce a document or thing.

(2) If a person fails or refuses to comply with a notice served under subsection (1), the 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.

498 A witness may be examined under oath on anything relevant to a matter that is before the 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.

503 When a decision of the Board requires something to be done within a specified time, the Board may extend the time.

507(1) If there has been substantial compliance with this Part, a decision of the Board is not invalid because of a defect in form, a technical irregularity or informality.

(20) Division 3 of Part 12 is repealed.

(2) *The Board may correct any error or omission in its decision.*

(20) Division 3 of Part 12 presently reads:

*Division 3
Judicial Review of
Board Decisions*

508.1(1) Where a decision of the Board is the subject of an application for judicial review, the application must be filed with the Court of Queen's Bench and served 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) Where a Board decision is the subject of an application for judicial review, the Board must, within 30 days from the date on which the Board is served with the application, 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.

(21) The heading preceding section 514 is repealed and the following is substituted:

**Division 4
Inquiries by the Tribunal**

(22) Sections 520, 521 and 523 are repealed.

(23) Section 524 is amended by striking out “Board” wherever it occurs and substituting “Tribunal”.

(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.

(21) The heading preceding section 514 presently reads:

*Division 4
Inquiries by the Board*

(22) Sections 520, 521 and 523 presently read:

520(1) A member of the Board must not hear or vote on any decision or recommendation that relates to a matter in respect of which the member has a pecuniary interest.

(2) For the purposes of subsection (1), a member has a pecuniary interest in a matter to the same extent that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170.

521 A person who commits or does any act, matter or thing that would, if done in or in respect of the Court of Queen's Bench, constitute a contempt of the Court is in contempt of the Board, and on an application by the Board, the Court of Queen's Bench may commit that person for contempt of the Board, and the Court has the same power of committal in respect of contempt of the Board as it has in respect of contempt of the Court.

523 The Board may make rules regulating its procedures.

(23) Section 524 presently reads:

524(1) The Board may request copies of statements, reports, documents or information of any kind from the designated officers of any local authority.

(24) Section 525.1 is amended by striking out “Board” wherever it occurs and substituting “Tribunal”.

(25) Sections 526 and 527 are repealed.

(2) The Board may request, in writing, copies of any certificates or certified copies of documents from the Registrars of Titles in the different land registration districts, the Minister responsible for this Act or the Minister of Transportation.

(3) The Board or any member of the Board may at any time search the public records of the Land Titles Offices.

(24) Section 525.1 presently reads:

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.

(25) Sections 526 and 527 presently read:

(26) Section 527.1 is repealed and the following is substituted:

Regulations

527.1 The Minister may make regulations

- (a) prescribing the period of time for the purposes of section 494(1)(b);
- (b) respecting costs that may or must be imposed by the Tribunal in respect of a hearing, including, without limitation, regulations respecting
 - (i) the circumstances in which costs must be imposed, and
 - (ii) the amount of costs;
- (c) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before the Tribunal;
- (d) setting fees payable by complainants, or by parties, intervenors or others who appear at hearings before the Tribunal or at inquiries conducted by the Tribunal, and for obtaining copies of the Tribunal's decisions and other documents.

526 A copy of a decision of the Board that is certified by the person who presided at the hearing as being a true copy of the original 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 person who signed the certificate.

527 The members of the 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.

(26) Section 527.1 presently reads:

527.1 The Minister may make regulations

- (a) respecting the training and qualifications of members of the Board and the chair or the chair's delegate;*
- (b) respecting the setting by the chair of the date, time and location for a hearing before the Board;*
- (c) prescribing the period of time for purposes of section 494(1)(b);*
- (d) respecting the conditions under which the chair may appoint one member of the Board to sit as a panel of the Board;*
- (e) respecting the procedures and functions of the Board;*
- (f) governing the disclosure of evidence in a hearing before the Board;*
- (f.1) governing hearings held in private before the Board;*
- (f.2) governing the excluding of documents from the public record by the Board;*
- (g) respecting costs that may or must be imposed by the Board in respect of a hearing, including, without limitation, regulations respecting*
 - (i) the circumstances in which costs must be imposed, and*
 - (ii) the amount of costs;*

(27) Section 553(1)(h) is amended by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”.

(28) Section 602.2 is amended

- (a) by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”;**
- (b) by striking out “the Board” wherever it occurs and substituting “the Tribunal”.**

- (h) *respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before the Board;*
- (i) *respecting the rendering of decisions by the Board;*
- (j) *respecting applications for judicial review referred to in section 508.1;*
- (k) *setting fees payable by complainants, or by parties, intervenors 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.*

(27) Section 553(1) presently reads in part:

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (h) *unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;*

(28) Section 602.2 presently reads:

602.2(1) If

- (a) *there is a dispute between a commission and another commission or a commission and any municipal authority and the matter in dispute is not under the jurisdiction of the Alberta Utilities Commission or the Alberta Transportation Safety Board or any other board or tribunal created by an enactment, or*

(29) Section 619 is amended

- (a) by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”;**

(b) there is a dispute between a commission and a municipal authority, other than an improvement district or special area, in respect of an expropriation that requires the consent of the municipal authority under section 602.18(2), any party involved in the dispute may submit the dispute to the Municipal Government Board.

(2) If a dispute is submitted to the Municipal Government Board, each party involved in the dispute must submit a written statement to the Board and to the other parties involved in the dispute that sets out

(a) a summary of the facts and its position in the dispute, and

(b) an address to which any notice or decision of the Board is to be sent.

(3) The Municipal Government Board must hold a hearing after the written statements have been submitted, or after the expiry of a time period established by the Board for submission of the statements, whichever occurs first.

(29) Section 619 presently reads:

619(1) A licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Municipal Government Board or any other authorization under this Part.

(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).

(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)

- (a) *must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and*
 - (b) *is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.*
- (4) *If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.*
- (5) *If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Municipal Government Board by filing with the Board*
- (a) *a notice of appeal, and*
 - (b) *a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.*
- (6) *The Municipal Government Board, on receiving a notice of appeal and statutory declaration under subsection (5),*
- (a) *must commence a hearing within 60 days after receiving the notice of appeal and statutory declaration and give a written decision within 30 days after concluding the hearing, and*
 - (b) *is not required to notify or hear from any person other than the applicant and the municipality against whom the appeal is launched.*
- (7) *The Municipal Government Board, in hearing an appeal under subsection (6), may only hear matters relating to whether the proposed statutory plan or land use bylaw amendment is consistent with the licence, permit, approval or other authorization granted under subsection (1).*
- (8) *In an appeal under this section, the Municipal Government Board may*

- (b) in subsection (5) by striking out “the Board” and substituting “the Tribunal”.**

(30) Section 631 is amended

- (a) in subsection (5) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) in subsection (6)**
 - (i) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
 - (ii) by striking out “the Board” and substituting “the Tribunal”.**

(31) Section 631.1(1.1) is amended

- (a) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) by striking out “the Board” and substituting “the Tribunal”.**

(32) Section 648.1 is amended

(a) order the municipality to amend the statutory plan or land use bylaw in order to comply with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, or

(b) dismiss the appeal.

(9) Section 692 does not apply when the statutory plan or land use bylaw is amended pursuant to a decision of the Municipal Government Board under subsection (8)(a).

(10) A decision under subsection (8) is final but may be appealed by the applicant or the municipality in accordance with section 688.

(11) In this section, “NRCB, ERCB, AER, AEUB or AUC” means the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission.

(30) Section 631 presently reads in part:

(5) If 2 or more councils that are required to adopt an intermunicipal development plan under subsection (1) do not have an intermunicipal development plan in place by April 1, 2020 because they have been unable to agree on a plan, they must immediately notify the Minister and the Minister must, by order, refer the matter to the Municipal Government Board for its recommendations in accordance with Part 12.

(6) Where the Minister refers a matter to the Municipal Government Board under this section, Part 12 applies as if the matter had been referred to the Board under section 514(2).

(31) Section 631.1(1.1) presently reads:

(1.1) After considering the recommendations of the Municipal Government Board respecting a matter referred to the Board under section 631(5), the Minister may, by order, require 2 or more municipal authorities to establish an intermunicipal development plan in accordance with the order by a date specified in the order.

(32) Section 648.1 presently reads in part:

- (a) in subsection (1) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) in subsection (2)**
 - (i) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
 - (ii) by striking out “the Board” and substituting “the Tribunal”.**

(33) Section 657(1)(b) is repealed and the following is substituted:

- (b) if there is an appeal to the subdivision and development appeal board or the Land and Property Rights Tribunal, the date of the decision of the appeal board or the Tribunal, as**

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2.1) to the Municipal Government Board on any of the following grounds:

- (a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;*
- (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;*
- (c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);*
- (d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2.1);*
- (e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;*
- (f) that an off-site 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

- (a) dismiss the appeal in whole or in part, or*
- (b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Board.*

(33) Section 657 presently reads in part:

657(1) An applicant for subdivision approval must submit to the subdivision authority the plan of subdivision or other instrument that effects the subdivision within one year from the latest of the following dates:

the case may be, or the date on which the appeal is discontinued;

(34) Section 682 is amended

- (a) in subsection (1) by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”;**
- (b) in subsection (2) by striking out “member of the board” and substituting “member of the subdivision and development appeal board or Land and Property Rights Tribunal, as the case may be,”.**

(35) Section 688 is amended

- (a) by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”;**
- (b) in subsection (6) by striking out “the Board” wherever it occurs and substituting “the Tribunal”.**

- (b) *if there is an appeal to the subdivision and development appeal board or the Municipal Government Board, the date of that board's decision or the date on which the appeal is discontinued;*

(34) Section 682 presently reads:

682(1) When on an appeal the Municipal Government Board or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the board that heard the appeal who is authorized to endorse the instrument may do so.

(35) Section 688 presently reads:

688(1) 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) *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,*

- (iii) *under section 678(2)(a) respecting a decision of a subdivision authority, or*

- (iv) *under section 690 respecting an intermunicipal dispute.*

(2) An application for permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed,

and notice of the application for permission to appeal must be given to

- (a) the Municipal Government Board or the subdivision and development appeal board, as the case may be, and*
- (b) any other persons that the judge directs.*

(2.1) If an applicant makes a written request for materials to the Municipal Government Board or the subdivision and development appeal board, as the case may be, for the purposes of the application for permission to appeal under subsection (2), the Municipal Government Board or the subdivision and development appeal board, as the case may be, must provide the materials requested within 14 days from the date on which the written request is served.

(2.2) An applicant's written request under subsection (2.1) must not include a request for a transcript of the hearing, but

- (a) in the case of an application for permission to appeal a decision of a subdivision and development appeal board, if the Court of Appeal is satisfied that the transcript of the hearing is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the subdivision and development appeal board provide the transcript within the time provided by the Court, or*
- (b) in the case of an application for permission to appeal a decision of the Municipal Government Board, if a transcript is available and the Court of Appeal is satisfied that the transcript is necessary for the purpose of determining the application, the Court may, on application or on its own motion, direct that the Municipal Government Board provide the transcript within the time provided by the Court.*

(3) 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 of sufficient importance to merit a further appeal and has a reasonable chance of success.

(4) 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 questions of law or the questions of jurisdiction to be appealed, and*
 - (c) *make any order as to the costs of the application that the judge considers appropriate.*
- (4.1) *On permission to appeal being granted by a judge of the Court of Appeal, the appeal must proceed in accordance with the practice and procedure of the Court of Appeal.*
- (4.2) *The notice of appeal must be given to the parties affected by the appeal and to the Municipal Government Board or the subdivision and development appeal board, as the case may be.*
- (4.3) *Within 30 days from the date that permission is granted to appeal a decision of a subdivision and development appeal board, the subdivision and development appeal board must forward to the Registrar of the Court of Appeal the transcript and record of the hearing, its findings and reasons for the decision.*
- (4.4) *Within 30 days from the date that permission is granted to appeal a decision of the Municipal Government Board, the Board must forward to the Registrar of the Court of Appeal the transcript, if any, and record of the hearing, its findings and reasons for the decision.*
- (5) *If an appeal is from a decision of a subdivision and development appeal board, the municipality must be given notice of the application for permission to appeal and the board and the municipality*
- (a) *are respondents in the application and, if permission to appeal is granted, in the appeal, and*
 - (b) *are entitled to be represented by counsel at the application and, if permission to appeal is granted, at the appeal.*
- (6) *The Municipal Government Board*
- (a) *is a respondent in any application for permission to appeal a decision of the Board and, if permission to appeal is granted, in the appeal, and*

(36) Section 689 is amended by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”.

- (b) is entitled to be represented by counsel at any application for permission to appeal a decision of the Board and, if permission to appeal is granted, at the appeal.*

(36) Section 689 presently reads:

689(1) On the hearing of the appeal,

- (a) no evidence other than the evidence that was submitted to the Municipal Government Board or the subdivision and development appeal board may be admitted, but the Court may draw any inferences*

- (i) that are not inconsistent with the facts expressly found by the Municipal Government Board or the subdivision and development appeal board, and*

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

and

- (b) the Court may confirm, vary, reverse or cancel the decision.*

(2) In the event that the Court cancels a decision, the Court must refer the matter back to the Municipal Government Board or the subdivision and development appeal board, and the relevant 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 Municipal Government Board or a subdivision and development appeal board is liable to costs by reason or in respect of an application for permission to appeal or an appeal under this Act.

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

(37) Section 690 is amended

- (a) by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”;**
- (b) in subsections (4) and (6) by striking out “the Board” wherever it occurs and substituting “the Tribunal”;**
- (c) in subsection (7) by striking out “the Board” and substituting “the Tribunal”.**

(37) Section 690 presently reads in part:

690(1) A municipality that

- (a) is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it,*
- (b) has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and*
- (c) has, as soon as practicable after second reading of the bylaw, attempted to use mediation to resolve the matter,*

may appeal the matter to the Municipal Government Board.

(1.1) An appeal under subsection (1) is to be brought by

- (a) filing a notice of appeal and statutory declaration described in subsection (2) with the Municipal Government Board, and*
- (b) giving a copy of the notice of appeal and statutory declaration to the adjacent municipality*

within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw.

(2) When appealing a matter to the Municipal Government Board, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and provide a statutory declaration stating

- (a) the reasons why mediation was not possible,*
- (b) that mediation was undertaken and the reasons why it was not successful, or*
- (c) that mediation is ongoing and that the appeal is being filed to preserve the right of appeal.*

(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1.1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating

- (a) the reasons why mediation was not possible,*

- (b) *that mediation was undertaken and the reasons why it was not successful, or*
 - (c) *that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion.*
- (4) *When a notice of appeal and statutory declaration are filed under subsection (1.1)(a) with the Municipal Government Board, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the notice of appeal and statutory declaration are filed with the Board under subsection (1.1)(a) until the date the Board makes a decision under subsection (5).*
- (5) *If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may*
- (a) *dismiss the appeal if it decides that the provision is not detrimental, or*
 - (b) *subject to any applicable ALSA regional plan, order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental.*
- (5.1) *In determining under subsection (5) whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal, the Municipal Government Board must disregard section 638.*
- (6) *A provision with respect to which the Municipal Government Board has made a decision under subsection (5) is,*
- (a) *if the Board has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan or bylaw is amended in accordance with the decision, and*

(38) Section 708.18 is amended by striking out “Municipal Government Board” wherever it occurs and substituting “Land and Property Rights Tribunal”.

(b) if the Board has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(6.1) Any decision made by the Municipal Government Board under this section in respect of a statutory plan or amendment or a land use bylaw or amendment adopted by a municipality must be consistent with any growth plan approved under Part 17.1 pertaining to that municipality.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Board under this section.

(8) The Municipal Government Board's decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

(38) Section 708.18 presently reads:

708.18(1) If

(a) a matter relating to land within a growth region is appealed to the Municipal Government Board, or

(b) the Municipal Government Board is considering an application for an annexation of land involving 2 or more participating municipalities,

the Minister may by order direct the Municipal Government Board to defer its consideration of the matter or application.

(2) When the Minister makes an order under subsection (1), all steps in the appeal or application, as the case may be, are stayed as of the date of the order until the Minister gives notice to the Municipal Government Board that the appeal or application may be continued.

(3) This section applies to an appeal or application commenced after the coming into force of the regulation establishing the growth management board

(a) in respect of which the land referred to in subsection (1)(a) is part of the growth region, or

(39) The following provisions are amended by striking out “Board” and substituting “Tribunal”:

section 123;
section 125;
section 488.01;
section 488.1(1) and (2);
section 493(1);
section 494(1);
section 499(1), (2), (3) and (4);
section 500(1) and (2);
section 501;
section 504;
section 502;
section 505;
section 508(1) and (2);
section 514(1) and (2);
section 515(1) and (2);
section 516;
section 517(1) and (2);
section 519;
section 525(1).

(40) The following provisions are amended by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”:

section 23(2);
section 26(5);
section 534(10), (11), (12), (13) and (15)(a) and (b);
section 664.2(3).

(41) The following provisions are amended by striking out “Municipal Government Board” and substituting “Land and Property Rights Tribunal”:

section 116(1)(b);
section 119(1);
section 295(6);
section 299.1(3);
section 299.2(3) and (5);
section 305(1.1);

(b) of which the participating municipalities referred to in subsection (1)(b) are members.

(39) Update terminology.

(40) Update terminology.

(41) Update terminology.

section 321;
section 557(a.5);
section 602.21(1), (3) and (4);
section 618.3(1)(g);
section 618.4(1);
section 638.2(3);
section 656(2)(a);
section 674.1(4)(b);
section 678(2)(a);
section 680(4);
section 685(1.1) and (2.1)(a);
section 691(1) and (2);
section 693(2)(b);
section 693.1(2)(b);
section 694(1)(g), (h.2) and (4)(d);
section 708.36(7)(b).

New Home Buyer Protection Act

Amends SA 2012 cN-3.2

25(1) The *New Home Buyer Protection Act* is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (f);

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

(dd.1) “Tribunal” means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;

(3) Section 18 is repealed.

New Home Buyer Protection Act

25(1) Amends chapter N-3.2 of the Statutes of Alberta, 2012.

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

1(1) In this Act,

(f) “Board” means the New Home Buyer Protection Board established under section 18;

(dd) “residential builder” means a person who engages in, arranges for or manages all or substantially all of the construction or reconstruction of a new home, or agrees to do any of those things, and includes a general contractor, but does not include an owner builder;

(3) Section 18 presently reads:

18(1) The Minister may in accordance with the regulations establish a New Home Buyer Protection Board to hear appeals under this Act.

(2.1) In addition to the matters referred to in subsection (1), the Board has all necessary jurisdiction and power to serve as the appeal body and to hear appeals under another enactment that may be assigned to it by the Lieutenant Governor in Council.

(3) The members of the Board are to be appointed by the Minister in accordance with the regulations.

(4) The Minister may set the rates of remuneration for and provide for the payment of reasonable living and travelling expenses to the members of the Board in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

(5) The Minister may set the time within which the Board is to hear an appeal and render a decision and may extend that time.

(6) The Board may confirm, vary or quash the decision, order or administrative penalty that is being appealed.

(7) An appeal under this section is a new trial of the issues that resulted in the decision, order or administrative penalty being appealed.

(8) The Minister may make regulations

(a) respecting the establishment of the Board, including the terms and manner of appointment of members and the chair;

(a.1) respecting delegation by the chair under section 20.2;

(b) establishing grounds for appeals to the Board;

(c) establishing rules of procedure, including rules respecting the following matters:

(i) adjournments of matters before the Board;

(ii) the attendance of witnesses before the Board;

(iii) the applicability of the rules of evidence in judicial proceedings to hearings before the Board;

(iv) the receiving and recording of evidence;

(v) empowering the Board to proceed when a party to the appeal fails to appear at or attend a hearing;

(4) Section 19(1) and (1.1) are amended by striking out “under section 18” and substituting “under this Part”.

(5) Section 20.2 is repealed.

(6) Section 21 is amended

- (a) by striking out “Board” wherever it occurs and substituting “Tribunal”;**
- (b) in subsection (1) by striking out “under section 18(6)” and substituting “under this Part”.**

- (vi) *the applicability of the Alberta Rules of Court to hearings before the Board;*
- (vii) *empowering the Board to require the production of any record, object or thing;*
- (viii) *the reconsideration of decisions made by the Board;*
- (ix) *costs.*

(9) Subject to this section and the regulations, the Board may make rules governing its own procedure and business.

(10) The Regulations Act does not apply to rules made under subsection (9).

(4) Section 19(1) and (1.1) presently read:

19(1) Subject to subsection (2), an appeal under section 18 of a decision or order does not affect the status or enforceability of the decision or order being appealed.

(1.1) An appeal under section 18 of an administrative penalty does not affect the status or enforceability of the administrative penalty being appealed.

(5) Sections 20.2 presently reads:

20.2 Subject to the regulations, the chair may delegate any power given to the chair under this Act.

(6) Section 21 presently reads:

21(1) The Registrar or a person whose appeal is heard by the Board may appeal the decision of the Board by filing an application with the Court and serving the application on any other parties to the appeal heard by the Board within 30 days after being notified in writing of the decision, and the Court may make any order that the Board may make under section 18(6).

(2) An appeal lies from a decision of the Board to the Court only on a question of law or jurisdiction.

(7) The following provisions are amended by striking out “Board” wherever it occurs and substituting “Tribunal”:

section 4.6(2)(b);
section 13(4) and (6);
section 14(1);
section 16;
section 17;
section 19;
section 20;
section 20.1;
section 21.1;
section 22.

Surface Rights Act

Amends RSA 2000 cS-24

26(1) The *Surface Rights Act* is amended by this section.

(2) Section 1 is amended

- (a) by repealing clause (a);**
- (b) in clause (l) by striking out “Board” and substituting “Tribunal”;**
- (c) by adding the following after clause (p):**

(p.1) “Tribunal” means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;

(3) Sections 3 and 6 are repealed.

(3) The decision of the Court is final and cannot be further appealed.

(7) Update terminology.

Surface Rights Act

26(1) Amends chapter S-24 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(a) “Board” means the Surface Rights Board;

(p) “telephone line” means wires, conductors, poles or other devices

(i) that are required for conveying, transmitting, supplying or distributing telephone services, and

(ii) to which sections 30 to 32 of the Water, Gas and Electric Companies Act apply;

(3) Sections 3 and 6 presently read:

3(1) The Surface Rights Board established under the Surface Rights Act, RSA 1980 cS-27, is continued.

(4) Section 8 is amended

- (a) in subsection (1) by striking out “Board” and substituting “Tribunal”;**
- (b) in subsection (2)**
 - (i) by striking out “Board” wherever it occurs and substituting “Tribunal”;**
 - (ii) by repealing clause (c);**
- (c) by repealing subsection (3);**

(2) The Board shall consist of the members appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council shall designate one member as chair and may designate one or more of the other members as vice-chair.

(4) The Lieutenant Governor in Council may fix the remuneration that is payable to the chair and the Board members.

(5) The chair may

(a) select a member or convene a panel of members to deal with a particular matter or class or group of matters, and

(b) designate a member to chair a panel convened under clause (a).

(6) The member selected or panel convened pursuant to subsection (5) may perform the functions of the Board in respect of the particular matter or class or group of matters for which the member was selected or the panel was convened and when performing any of those functions has all the powers and jurisdiction of the Board.

6 The Board shall submit to the Minister in the month of January in each year a report

(a) showing briefly all applications dealt with during the previous year and how they were disposed of, and

(b) respecting any other matters the Minister requests.

(4) Section 8 presently reads:

8(1) The Board shall keep records of its proceedings.

(2) The Board may make rules

(a) governing its business meetings,

(b) governing the procedure and practice for its proceedings,

(c) respecting the selection of a member and the convening of a panel for the purposes of section 3(5),

- (d) in subsections (3.1) and (3.2) by striking out “Board” and substituting “Tribunal”;**
- (e) by repealing subsection (4).**

(5) Sections 10 and 11 are repealed.

- (d) *respecting the service of applications, notices, orders or other documents,*
 - (e) *providing for the resolution of matters before the Board through settlement meetings, mediation or other alternative dispute resolution processes, including rules governing the practice and procedure for those processes,*
 - (f) *respecting the examination of real or personal property under section 24, and*
 - (g) *respecting any other matter that the Board considers advisable.*
- (3) *In conducting proceedings, the Board*
- (a) *is not bound by the rules of law concerning evidence;*
 - (b) *may enter on and inspect, or authorize any person to enter on and inspect, any land, building, works or other property;*
 - (c) *has the rights, powers and immunities conferred on a commissioner under the Public Inquiries Act.*
- (3.1) *In conducting proceedings, the Board is not bound to hold oral hearings but may instead, subject to the principles of natural justice, make decisions on the basis of written submissions.*
- (3.2) *The Board may adopt as its decision in proceedings a settlement reached by the parties to the proceedings through an alternative dispute resolution process provided for in rules made under subsection (2)(e).*
- (4) *The Board has any other powers and duties assigned to it by the Lieutenant Governor in Council.*
- (5) Sections 10 and 11 presently read:
- 10 Where proceedings are conducted by the Board or a panel of the Board and a member or members of the Board or panel do not attend for any reason on any day or part of a day, the other members of the Board or panel may, if they constitute a quorum, continue the proceedings as fully and effectively as though the member or members were present.*

(6) Section 15 is amended

- (a) in subsections (1) and (2)(a) by striking out “the Board” wherever it occurs and substituting “the Tribunal”;**
- (b) in subsection (3)**
 - (i) by striking out “the Board” and substituting “the Tribunal”;**
 - (ii) by striking out “Surface Rights Board” and substituting “Land and Property Rights Tribunal”;**
- (c) in subsection (4)**
 - (i) by striking out “Surface Rights Board” and substituting “Land and Property Rights Tribunal”;**
 - (ii) by striking out “the Board” wherever it occurs and substituting “the Tribunal”;**
- (d) in subsection (5) by striking out “the Board” wherever it occurs and substituting “the Tribunal”;**
- (e) in subsection (6)**

11(1) Any order, direction or other document issued or made by the Board may be signed on behalf of the Board by the chair or any other member of the Board, whether or not the person so signing participated in any proceedings giving rise to the order, direction or document.

(2) An order, direction or other document purporting to be signed by the chair or a member of the Board on behalf of the Board shall be admitted in evidence as proof, in the absence of evidence to the contrary,

(a) that the order, direction or document is the act of the Board, and

(b) that the person signing it was authorized to do so,

without proof of the appointment or signature of the person so signing as chair or a member of the Board, as the case may be.

(6) Section 15 presently reads:

15(1) When the surface of any land required by an operator for any of the purposes mentioned in this Act is owned by the Crown or any other person, and the operator cannot acquire the consent of the owner and the occupant as required by section 12, the operator may apply to the Board for a right of entry order in respect of the surface of the land that may be necessary for the performance of the operator's operations.

(2) An application for a right of entry order must be in the prescribed form and be accompanied with

(a) a copy of the most recent written offer made by the operator to the respondent and evidence satisfactory to the Board that the offer has been refused, and

(b) any other information required by the regulations.

(3) Where the Board receives an application and the operations in respect of which the application is made require a licence, permit or other approval from the Alberta Utilities Commission or the Alberta Energy Regulator, the Surface Rights Board may request the Alberta Utilities Commission or the Alberta Energy Regulator to provide it with a copy of the licence, permit or other approval together with any other information in the possession of the Alberta Utilities Commission or the Alberta Energy Regulator that is relevant to the right of entry, and the Alberta Utilities Commission or the Alberta Energy Regulator, as the case may be, shall forthwith comply with the request.

(4) On receipt of an application under subsection (1), the Surface Rights Board may, if it considers it appropriate to do so, make a right of entry order

- (a) on the operator filing with the Board a letter of consent in the prescribed form signed by the respondents, or*
- (b) not less than 14 days after the date of service by or on behalf of the Board on the respondents of*
 - (i) a notice in the prescribed form, and*
 - (ii) a copy of the application.*

(5) When the Board receives an objection after the serving of the notice referred to in subsection (4)(b)(i), the Board may hold a hearing with respect to the application and objection at a time and place that the Board considers advisable.

(6) Where the Board makes a right of entry order under this section, it

- (a) shall describe the portion of the surface of the land that is necessary for the performance of the operator's operations, and*
- (b) may make the order subject to any conditions it considers appropriate,*

- (i) **by striking out “the Board” and substituting “the Tribunal”;**
- (ii) **by striking out “Surface Rights Board” wherever it occurs and substituting “the Land and Property Rights Tribunal”.**

(7) Section 32 is repealed and the following is substituted:

Certified copy as evidence

32 A copy of an order of the Tribunal, certified as a true copy by a member of the Tribunal, an employee of the Tribunal authorized to perform that function or the Tribunal’s solicitor, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the order by the Tribunal, without any proof of the appointment or authority of the person so certifying or the authenticity of that person’s signature or any other proof.

(8) Section 36 is amended

- (a) by repealing subsection (6) and substituting the following:**

(6) If, within 30 days of the Tribunal sending a written notice to an operator under subsection (4), the operator has not proven to the Tribunal’s satisfaction that full payment has been made, the Tribunal may direct the Minister to pay out of the General Revenue Fund the amount of money to which the person referred to in subsection (3) is entitled.

- (b) by striking out “Board” wherever it occurs and substituting “Tribunal”.**

but where the activity the operator proposes to engage in is the subject of a licence, permit or other approval granted by the Alberta Utilities Commission or the Alberta Energy Regulator, and a copy of the licence, permit or other approval has been provided to the Surface Rights Board pursuant to subsection (3), the Surface Rights Board shall ensure that the right of entry order is not inconsistent with the licence, permit or other approval.

(7) Section 32 presently reads:

32 A copy of an order of the Board, certified as a true copy by a member of the Board, an employee of the Board authorized to perform that function or the Board's solicitor, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the order by the Board, without any proof of the appointment or authority of the person so certifying or the authenticity of that person's signature or any other proof.

(8) Section 36 presently reads:

36(1) In this section, "operator" means any person who, at the time of non-payment under a surface lease, right of entry order or compensation order, became liable to pay the money in question because that person

- (a) was an approval or registration holder who carried on an activity on or in respect of specified land pursuant to an approval or registration,*
- (b) carried on an activity on or in respect of specified land other than pursuant to an approval or registration,*
- (c) was the holder of a licence, approval or permit issued by the Alberta Energy Regulator for purposes related to the carrying on of an activity on or in respect of specified land,*
- (d) was a working interest participant in a well or other energy development on, in or under specified land, or*
- (e) was the holder of a surface lease or right of entry order for purposes related to the carrying on of an activity on or in respect of specified land,*

and includes a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in clause (a), (b), (c), (d) or (e) who was so liable and any person acting as principal or agent of any person referred to in or after clauses (a) to (e).

(2) Words and expressions used in subsection (1)(a) to (e) that are defined in the Environmental Protection and Enhancement Act shall be construed in accordance with that Act.

(3) Where any money payable by an operator under a compensation order or surface lease has not been paid and the due date for its payment has passed, the person entitled to receive the money may submit to the Board written evidence of the non-payment.

(4) On receiving the evidence, if the Board considers that it satisfactorily proves the non-payment, the Board shall send a written notice to the operator demanding full payment.

(5) If the notice under subsection (4) is not complied with, the Board may, by written order served on the operator,

- (a) suspend the operator's right to enter the site affected by the compensation order or lease, and*
- (b) after giving the operator written notice of its intention to do so, terminate all the operator's rights under the right of entry order or lease relating to the site that is subject to the claim under this section,*

without affecting any of the operator's obligations in regard to the site, including those under this section, or any other person's rights as against the operator, and on the basis that the lease or compensation order remains in place for purposes of shutting-in, suspension, abandonment and reclamation of the site.

(6) If, within 30 days of the Board sending a written notice to an operator under subsection (4), the operator has not proven to the Board's satisfaction that full payment has been made, the Board may direct the Minister to pay out of the General Revenue Fund the amount of money to which the person referred to in subsection (3) is entitled.

(9) The following provisions are amended by striking out “Board” wherever it occurs and substituting “Tribunal”:

section 12(1), (3) and (4);
section 13(1);
section 13.1(1) and (2);
section 13.2(1);
section 16(2);
section 17(1) and (2);
section 18(2) to (4);
section 19(1)(b);
section 20(1);
section 22(1) and (2);
section 23;
section 24;
section 25 (1) to (7) and (9);
section 26(2), (3)(b), (4), (5)(b), (7)(a) and (c)(i) and (10);
section 27(7)(b), (8), (9.1), (11), (13) and (15)(b) and (c);

(7) If the Minister has made a payment under subsection (6) and the person who received the payment provides evidence of a subsequent non-payment of compensation by the operator in relation to the same site, the Board may direct the Minister to make any further payments due to the person, without any further application of subsection (4), until the transfer or reclamation of the site is complete.

(8) The Board may direct the Minister not to make any further payments due to the person if it considers that the person entitled to receive them is refusing access for operations, abandonment or reclamation allowed by law.

(9) Where the Minister pays money under subsection (6) or (7),

(a) the amount paid and any expenses incurred, whether by the Crown or by a private agency, in collecting or attempting to collect the money owing, constitute a debt owing by the operator to the Crown, and

(b) a written certificate issued by or on behalf of the Minister certifying the payment of the amounts referred to in clause (a), including expenses, may be entered as a judgment of the Court of Queen's Bench for those amounts and enforced according to the ordinary procedure for enforcement of a judgment of that Court.

(9) Update terminology.

section 28(1), (3) to (6);
section 29;
section 30(1) to (3);
section 31;
section 34;
section 35;
section 35.1;
section 37.

Consequential Amendments

Alberta Land Stewardship Act

Amends SA 2009 cA-26.8

27(1) The *Alberta Land Stewardship Act* is amended by this section.

(2) Section 2(1)(b)(i) is amended by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”.

Conflicts of Interest Act

Amends RSA 2000 cC-23

28(1) The *Conflicts of Interest Act* is amended by this section.

(2) The Schedule is amended in Part 3

- (a)** by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”;
- (b)** by striking out “Municipal Government Board” and “Surface Rights Board”.

Consequential Amendments

Alberta Land Stewardship Act

27(1) Amends chapter A-26.8 of the Statutes of Alberta, 2009.

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

2(1) In this Act,

(b) “Compensation Board” means

*(i) in respect of land other than settlement patented land, the
Land Compensation Board, and*

Conflicts of Interest Act

28(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Part 3 of the Schedule presently reads in part:

*The Lieutenant Governor in Council may by regulation amend this
Part to add any office the Lieutenant Governor in Council considers
appropriate for the purposes of this Act.*

Land Compensation Board

Municipal Government Board

Surface Rights Board

Drainage Districts Act

Amends RSA 2000 cD-16

29(1) The *Drainage Districts Act* is amended by this section.

(2) Section 34 is amended by striking out “Surface Rights Board” **wherever it occurs and substituting** “Land and Property Rights Tribunal”.

Environmental Protection and Enhancement Act

Amends RSA 2000 cE-12

30(1) The *Environmental Protection and Enhancement Act* is amended by this section.

(2) Section 134(e) is amended by striking out “Surface Rights Board” **wherever it occurs and substituting** “Land and Property Rights Tribunal”.

Drainage Districts Act

29(1) Amends chapter D-16 of the Revised Statutes of Alberta 2000.

(2) Section 34 presently reads:

34(1) Where a board of trustees exercises a power under the authority of sections 30 to 33, the owner or occupant of the land in respect of which the power is exercised may apply to the Surface Rights Board for compensation with respect to the exercise of that power.

(2) The Minister may, for the purpose of conducting proceedings before the Surface Rights Board under subsection (1), make regulations

- (a) prescribing the provisions of the Surface Rights Act that apply in whole or in part,*
- (b) defining terms used in this Act that are not otherwise defined under this Act,*
- (c) modifying any provisions prescribed under clause (a), and*
- (d) generally governing proceedings before the Surface Rights Board.*

Environmental Protection and Enhancement Act

30(1) Amends chapter E-12 of the Revised Statutes of Alberta 2000.

(2) Section 134 presently reads in part:

134 In this Part,

- (e) “right of entry order” means*
 - (i) an order granting right of entry that is made*

Historical Resources Act

Amends RSA 2000 cH-9

31(1) The *Historical Resources Act* is amended by this section.

(2) Section 28 is amended

- (A) *by the Surface Rights Board under the Surface Rights Act,*
- (B) *under a former Act within the meaning of that term in the Surface Rights Act, or*
- (C) *by a body that is empowered to grant a right of entry under the Metis Settlements Act in respect of land that is located in a settlement area;*
- (ii) *an order for the expropriation of land or an interest in land required for the purposes of a pipeline or transmission line that is made by the Surface Rights Board or the Alberta Utilities Commission or a predecessor of either of them or by a body that is empowered to make such an order under the Metis Settlements Act in respect of land that is located in a settlement area;*
- (f) *“specified land” means specified land within the meaning of the regulations on or in respect of which an activity is or has been carried on, but does not include*
 - (i) *land used solely for the purposes of an agricultural operation,*
 - (ii) *subdivided land that is used or intended to be used solely for residential purposes,*
 - (iii) *any part of any unsubdivided land that is the site of a residence and the land used in connection with that residence solely for residential purposes, or*
 - (iv) *land owned by the Crown in right of Canada;*

Historical Resources Act

31(1) Amends chapter H-9 of the Revised Statutes of Alberta 2000.

(2) Section 28 presently reads in part:

(a) in subsection (2) by striking out “Land Compensation Board established under the *Expropriation Act*” and substituting “Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*”;

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

(3) When an application is made to the Land and Property Rights Tribunal according to subsection (2), the *Expropriation Act*, the *Land and Property Rights Tribunal Act* and the regulations made under these Acts respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply to the application with all necessary modifications.

Irrigation Districts Act

Amends RSA 2000 cl-11

32(1) The *Irrigation Districts Act* is amended by this section.

(2) Section 1 is amended

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

(x.1) “Land and Property Rights Tribunal” means the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*;

(b) by repealing clause (z).

(3) The following provisions are amended by striking out “Land Compensation Board” wherever it occurs and substituting “Land and Property Rights Tribunal”:

section 87;
section 117(2)(f);
section 155(9);
section 156;
section 158;

(2) If the council and the owner can not agree on the compensation payable under subsection (1), the owner or the council may apply to the Land Compensation Board established under the Expropriation Act to determine the amount of compensation payable by the council to the owner for the decrease in economic value.

(3) When an application is made to the Land Compensation Board pursuant to subsection (2), the Expropriation Act and the regulations made under it respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply to the application with all necessary modifications.

Irrigation Districts Act

32(1) Amends chapter I-11 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(y) “land assessment criteria” and “land classification standards” mean the land assessment criteria and land classification standards established under the regulations;

(z) “Land Compensation Board” means the Land Compensation Board established under the Expropriation Act;

(3) Update terminology.

section 159;
section 160(2).

Oil and Gas Conservation Act

Amends RSA 2000 cO-6

33(1) The *Oil and Gas Conservation Act* is amended by this section.

(2) Sections 19(2) and 101(5) are amended by striking out “Surface Rights Board” and substituting “Land and Property Rights Tribunal”.

Pipeline Act

Amends RSA 2000 cP-15

34(1) The *Pipeline Act* is amended by this section.

(2) Section 28(5) is amended by striking out “Surface Rights Board” and substituting “Land and Property Rights Tribunal”.

Property Rights Advocate Act

Amends SA 2012 cP-26.5

35(1) The *Property Rights Advocate Act* is amended by this section.

Oil and Gas Conservation Act

33(1) Amends chapter O-6 of the Revised Statutes of Alberta 2000.

(2) Section 19(2) and 101(5) presently read:

19(2) If an application is made under the Surface Rights Act or the Metis Settlements Act for a right of entry order in respect of land necessary for a road the location of which has been prescribed under subsection (1), the Surface Rights Board, Land Access Panel or Existing Leases Land Access Panel shall, if it grants a right of entry order for that road, grant a right of entry to land in the same location as the location prescribed under subsection (1).

101(5) If a dispute arises as to the compensation payable pursuant to subsection (4), the compensation is to be determined by the Surface Rights Board.

Pipeline Act

34(1) Amends chapter P-15 of the Revised Statutes of Alberta 2000.

(2) Section 28(5) presently reads:

(5) If a dispute arises as to the compensation payable pursuant to subsection (4), the compensation is to be determined by the Surface Rights Board.

Property Rights Advocate Act

35(1) Amends chapter P-26.5 of the Statutes of Alberta, 2012.

(2) The preamble is amended in the 3rd recital by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”.

(3) Section 1 is amended

(a) by repealing clause (b);

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

(k) “Tribunal” means

(i) in respect of land other than settlement patented land, the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*, or

(ii) in respect of settlement patented land, the Metis Settlements Appeal Tribunal Land Access Panel established under section 186(1) of the *Metis Settlements Act*.

(4) Section 4(2) and (5) are amended by striking out “Board” and substituting “Tribunal”.

(2) The Preamble presently reads in part:

WHEREAS the Government of Alberta believes that land owners should be appropriately compensated where their lands are affected by expropriation or compensable taking; and have recourse to tribunals, such as the Land Compensation Board and the Courts;

(3) Section 1 presently reads in part:

1 In this Act,

(b) “Board” means

(i) subject to subclause (iii), in respect of land other than settlement patented land, the Land Compensation Board established under section 25 of the Expropriation Act,

(ii) in respect of settlement patented land, the Metis Settlements Appeal Tribunal Land Access Panel established under section 186(1) of the Metis Settlements Act, or

(iii) in respect of a matter to which section 27(2) of the Expropriation Act applies, the Surface Rights Board;

(j) “Minister” means the Minister of Justice and Solicitor General.

(4) Section 4 presently reads in part:

(2) After reviewing a complaint, the Property Rights Advocate shall prepare a report setting out findings and any recommendations, and shall provide a copy of the report to the complainant, the Board and any other person as the Advocate considers appropriate.

(5) If in a report under subsection (2) the Property Rights Advocate determines

Public Lands Act

Amends RSA 2000 cP-40

36(1) The *Public Lands Act* is amended by this section.

(2) Section 9(b.2)(i) and (iii) are amended by striking out “Surface Rights Board” and substituting “Land and Property Rights Tribunal”.

(3) Section 19(9)(b), (10), (11) and (12)(b) are amended by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”.

- (a) *that an expropriating authority has acted in a manner that is inconsistent with the enactment that authorized the expropriation, or*
- (b) *that a person or entity responsible for a compensable taking has acted in a manner that is inconsistent with the enactment under which the compensable taking occurred,*

the Board or the Court, as the case may be, shall take the report into account in determining any costs payable by the expropriating authority, person or entity.

Public Lands Act

36(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 9(b.2) presently reads in part:

9 The Lieutenant Governor in Council may make regulations

(b.2) without limiting clause (b.1), providing for one or more means of settling disputes between the holder of an agricultural disposition and a person who wishes to carry out exploration on the land that is the subject of the agricultural disposition, including but not limited to

(i) authorizing the Surface Rights Board to hear matters related to compensation and damage resulting from exploration, and to issue orders for compensation and right of entry orders,

(iii) generally, governing proceedings before the Surface Rights Board for the purposes of subclause (i),

(3) Section 19 presently reads in part:

(9) The person on whom a notice is served under subsection (7) shall, within 60 days after service of the notice,

(4) Section 82 is amended

(a) in subsection (6) by striking out “the Land Compensation Board established under the *Expropriation Act*” **and substituting** “the Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*”;

(b) in subsection (7)

(i) by striking out “the Land Compensation Board” **and substituting** “the Land and Property Rights Tribunal”;

(ii) by striking out “the Board” **and substituting** “the Tribunal”.

(b) if the person disagrees with the Minister's determination of the fair market value of the land, apply to the Land Compensation Board for a determination of the fair market value of the land on the date of the notice.

(10) For the purpose of making a determination under subsection (9), the Land Compensation Board may exercise the powers given to it pursuant to section 28 of the Expropriation Act and may also make any order as to costs that it considers appropriate.

(11) The applicant under subsection (9) and the Minister may, within 30 days after receiving notice of the determination of the Land Compensation Board, appeal the determination to the Court of Appeal, and section 37 of the Expropriation Act applies to the appeal.

(12) The Minister may recover as a debt

(b) the amount determined by the Land Compensation Board or the Court of Appeal, as the case may be, as the fair market value of the land.

(4) Section 82 presently reads in part:

(6) If after 60 days from the date the lease was cancelled or land was withdrawn from the lease under subsection (1) the amount of compensation payable to the lessee has not been settled, the applicant or the director, as the case may be, or the lessee may apply to the Land Compensation Board established under the Expropriation Act to determine the amount of compensation.

(7) When an application is made to the Land Compensation Board pursuant to subsection (6), the Board shall decide the compensation payable to the lessee on the same basis as if the lessee's interest in the land had been expropriated pursuant to the Expropriation Act, and that Act and the regulations made under it respecting the determination of compensation, hearings and procedures, including interest, costs and appeals, apply in the same manner as if the lessee's interest had in fact been expropriated.

Railway (Alberta) Act

Amends RSA 2000 cR-4

37(1) The *Railway (Alberta) Act* is amended by this section.

(2) Section 7(3) is amended by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”.

(3) Sections 22(4) and 29(3) are amended by striking out “Surface Rights Board” and substituting “Land and Property Rights Tribunal”.

(4) Section 30(x) is repealed and the following is substituted:

- (x) for the purposes of conducting proceedings before the Land and Property Rights Tribunal with respect to matters under this Act,
 - (i) prescribing the provisions of the *Expropriation Act*, the *Surface Rights Act* and the *Land and Property Rights Tribunal Act* that apply in whole or in part,
 - (ii) defining terms used in this Act that are not otherwise defined under this Act,
 - (iii) modifying any provisions prescribed under subclause (i), and

Railway (Alberta) Act

37(1) Amends chapter R-4 of the Revised Statutes of Alberta 2000.

(2) Section 7(3) presently reads:

(3) Where the operator of the railway is unable to agree with the road authority as to the apportionment of costs associated with the construction, the operator of the railway or the road authority may apply to the Land Compensation Board to apportion the costs.

(3) Section 22(4) and 29(3) presently read:

22(4) Where the operator of the railway and the owner of the land are unable to come to an agreement with respect to the damages, the owner of the land may apply to the Surface Rights Board for a determination as to the amount of damages payable.

29(3) Where any person exercises any power under this section, the owner of the land or other person having possession of the land may apply to the Surface Rights Board for compensation with respect to the exercise of those powers.

(4) Section 30 presently reads in part:

30 The Minister may make regulations

- (x) for the purposes of conducting proceedings before the Surface Rights Board or the Land Compensation Board with respect to matters under this Act,*
- (i) prescribing the provisions of the Surface Rights Act and the Expropriation Act that apply in whole or in part,*
- (ii) defining terms used in this Act that are not otherwise defined under this Act,*

- (iv) generally governing proceedings before the Land and Property Rights Tribunal;

Reform of Agencies, Boards and Commissions Compensation Act

Amends SA 2016 cR-8.5

38(1) The *Reform of Agencies, Boards and Commissions Compensation Act* is amended by this section.

(2) The Schedule is amended

(a) by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”;

(b) by striking out the following:

Municipal Government Board
New Home Buyer Protection Board
Surface Rights Board

Safety Codes Act

Amends RSA 2000 cS-1

39(1) The *Safety Codes Act* is amended by this section.

(2) Section 29(3) is amended by striking out “Municipal Government Board established under section 486(1) of the *Municipal Government Act*” and substituting “Land and Property Rights Tribunal established under the *Land and Property Rights Tribunal Act*”.

- (iii) *modifying any provision prescribed under subclause (i),
and*
- (iv) *generally governing proceedings before the Surface
Rights Board or the Land Compensation Board;*

Reform of Agencies, Boards and Commissions Compensation Act

38(1) Amends chapter R-8.5 of the Statutes of Alberta, 2016.

(2) The Schedule presently reads in part:

*Land Compensation Board
Municipal Government Board
New Home Buyer Protection Board
Surface Rights Board*

Safety Codes Act

39(1) Amends chapter S-1 of the Revised Statutes of Alberta
2000.

(2) Section 29(3) presently reads:

*(3) The Municipal Government Board established under section
486(1) of the Municipal Government Act shall, at the request of
the Minister, provide recommendations regarding a question or
matter relating to an accreditation overlap referred to in
subsection (1).*

Water Act

Amends RSA 2000 cW-3

40(1) The *Water Act* is amended by this section.

(2) Section 158 is amended

(a) by striking out “Land Compensation Board” wherever it occurs and substituting “Land and Property Rights Tribunal”;

(b) in subsection (3)

(i) in clause (a) by striking out “section 28 of the *Expropriation Act*” and substituting “under the *Land and Property Rights Tribunal Act*”;

(ii) in clause (b) by striking out “section 28 of the *Expropriation Act* and the requirements of section 32 of that Act” and substituting “the *Land and Property Rights Tribunal Act* and the requirements of section 32 of the *Expropriation Act*”.

Water Act

40(1) Amends chapter W-3 of the Revised Statutes of Alberta 2000.

(2) Section 158 presently reads:

158(1) If the Director

- (a) amends a licence under section 54(2), suspends or cancels a licence under section 55(2) or cancels a preliminary certificate under section 71(1)(i), or*
- (b) issues a water management order under section 97(1)(i) with respect to a licence issued under this Act,*

the Director must, subject to the regulations, authorize the payment of compensation to the licensee for any losses incurred as a result of the amendment, suspension or cancellation or the water management order, in the manner and amount that the Director considers appropriate.

(2) If the licensee or preliminary certificate holder does not agree with the amount of compensation authorized under subsection (1), the licensee or preliminary certificate holder may in accordance with the regulations, appeal the amount to the Land Compensation Board.

(3) When determining the amount of compensation pursuant to an appeal under this section, the Land Compensation Board

- (a) has all the powers, duties and functions of the Land Compensation Board under section 28 of the Expropriation Act,*
- (b) subject to the regulations under this Act, may follow the procedure and practice provided under section 28 of the Expropriation Act and the requirements of section 32 of that Act,*

(3) Section 169(2)(bb) is amended by striking out “Land Compensation Board” and substituting “Land and Property Rights Tribunal”.

Coming into Force

Coming into force

41 This Act has effect on June 2, 2021.

- (c) may consider the term of the licence and the market value of the land that is appurtenant to the licence, and*
- (d) may not take into account that any reduction in the amount of water to be diverted that results from the amendment, suspension or cancellation or from the order is compulsory.*
- (4) The decision of the Land Compensation Board is final and there is no appeal from the decision except on a question of jurisdiction or on a question of law.*

(3) Section 169(2) presently reads in part:

- (2) The Minister may make regulations*
- (bb) respecting compensation and appeals to the Land Compensation Board;*

Coming into Force

41 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To