

2022 Bill 21

---

Third Session, 30th Legislature, 71 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 21**

## **RED TAPE REDUCTION STATUTES AMENDMENT ACT, 2022**

---

---

THE ASSOCIATE MINISTER OF RED TAPE REDUCTION

---

---

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

---

---

*Bill 21*

## **BILL 21**

2022

### **RED TAPE REDUCTION STATUTES AMENDMENT ACT, 2022**

*(Assented to , 2022)*

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

#### **Animal Health Act**

**Amends SA 2007 cA-40.2**

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

**(2) Section 9 is repealed and the following is substituted:**

#### **Duty to report**

**9(1)** An owner of an animal or an authorized person who knows or ought to know that a reportable disease is, or may be, present in an animal must report it to the chief provincial veterinarian in accordance with the regulations.

**(2)** An owner of an animal or an authorized person who knows or ought to know that a notifiable disease is, or may be, present in an animal must report it to the chief provincial veterinarian in accordance with the regulations.

## **Explanatory Notes**

### **Animal Health Act**

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

(2) Section 9 presently reads:

*9(1) Subject to the regulations, an owner of an animal or an authorized person who knows or ought to know that a reportable disease prescribed in the regulations is, or may be, present in an animal must report it to the chief provincial veterinarian within 24 hours.*

*(2) Subject to the regulations, an owner of an animal or an authorized person who knows or ought to know that a notifiable disease described in section 4 is, or may be, present in an animal must report it to the chief provincial veterinarian within 24 hours.*

## **Child, Youth and Family Enhancement Act**

### **Amends RSA 2000 cC-12**

**2(1) The *Child, Youth and Family Enhancement Act* is amended by this section.**

**(2) Section 105.3(3) is amended by striking out “is one year from the date of its issue” and substituting “is the term specified in the regulations”.**

**(3) Section 120(1) is amended by adding the following after clause (d):**

- (e) in respect of a decision under subsection (2)(a.1) to (a.4), a foster parent.

**(4) This section comes into force on Proclamation.**

## **Cooperatives Act**

### **Amends SA 2001 cC-28.1**

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

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

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

- (i.1) “contact information” includes a person’s address and, if requested by the Registrar or a cooperative, a person’s telephone number and email address;

**(b) by repealing clause (r);**

**(c) in clause (u) by striking out “Alberta Securities Commission as defined in the *Securities Act*” and substituting “Commission”;**

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

- (pp.1) “Registrar” means the Registrar of Cooperatives appointed under this Act;

### **Child, Youth and Family Enhancement Act**

- 2**(1) Amends chapter C-12 of the Revised Statutes of Alberta 2000.
- (2) Section 105.3(3) presently reads:
- (3) Unless otherwise specified in the licence, the term of a residential facility licence is one year from the date of its issue.*
- (3) Adds persons affected by a decision of a director who may appeal decision.
- (4) Coming into force.

### **Cooperatives Act**

- 3**(1) Amends chapter C-28.1 of the Statutes of Alberta, 2001.
- (2) Section 1(1) presently reads in part:
- 1(1) In this Act,*
- (r) "Director" means the Director of Cooperatives appointed under this Act;*
- (u) "Executive Director" means the Executive Director of the Alberta Securities Commission as defined in the Securities Act;*

**(3) Section 3 is amended**

- (a) in subsections (1) and (2) by striking out “Director” and substituting “Registrar”;**
- (b) by repealing subsection (3).**

**(4) Section 4 is amended**

- (a) in the portion preceding clause (a) and clauses (b) and (c) by striking out “Director” and substituting “Registrar”;**
- (b) by repealing clauses (d) to (g).**

(3) Section 3 presently reads:

*3(1) Three or more persons who intend to be members of the cooperative may apply to the Director to become incorporated as a cooperative.*

*(2) One or more cooperatives, with or without other persons who intend to be members of the cooperative, may apply to the Director to become incorporated as a cooperative.*

*(3) A person may not apply to incorporate a cooperative if*

*(a) that person is an individual under 18 years of age,*

*(b) the person*

*(i) has the status of bankrupt,*

*(ii) is a represented adult under the Adult Guardianship and Trusteeship Act,*

*(iii) is a formal patient under the Mental Health Act, or*

*(iv) is the subject of or detained by a warrant of committal or assessment order, or is detained otherwise, under the Criminal Code (Canada).*

(4) Section 4 presently reads in part:

*4 To make an application for incorporation as a cooperative, the applicant must send to the Director*

*(b) a notice of the registered office in the detail required by the Director;*

*(c) a notice of the names and addresses of directors in the detail required by the Director;*

*(d) a declaration signed by the one or more incorporators that after incorporation the cooperative will be organized and operated, and will carry on business, on a cooperative basis;*

*(e) information about the applicants that may be required by regulations made under the Agricultural and Recreational Land Ownership Act or section 35 of the Citizenship Act*

**(5) Section 5 is amended**

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

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

**(ii) in clause (l) by striking out “the rights and restrictions attaching to investment shares, or each class of them” and substituting “the particulars of it”;**

**(iii) by repealing clauses (m), (n) and (o);**

**(b) by repealing subsection (2).**



*(Canada) in the form and manner prescribed by those regulations;*

- (f) if applicable, a declaration signed by the one or more incorporators that after incorporation the cooperative will comply with the applicable division of Part 18;*
- (g) any other information that the Director may require to make a decision about whether to incorporate a cooperative;*

(5) Section 5 presently reads in part:

*5(1) Articles of incorporation must be signed by the incorporators and must contain the following particulars:*

- (b) where in Alberta the cooperative's proposed registered office will be located;*
- (l) whether there is to be investment share capital and, if so, the rights and restrictions attaching to investment shares, or each class of them;*
- (m) the price or formula to be used for the issuance of investment shares and the redemption of redeemable investment shares;*
- (n) if there is to be investment share capital, procedures for member authorization of the issuance of investment shares;*
- (o) if there are to be constraints on investment shares, any constraints respecting
  - (i) the issue or transfer of investment shares of any class or series to persons who are not resident in Canada,*
  - (ii) the issue or transfer of investment shares of any class or series to enable the cooperative or any of its affiliates or associates to qualify under any prescribed law of Canada or a province or territory
    - (A) to obtain a licence to carry on a business,*
    - (B) to become a publisher of a Canadian newspaper or periodical, or*
    - (C) to acquire investment shares of a financial intermediary as defined in the regulations,***

**(6) Section 7 is amended**

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

**Conditions for incorporation and Registrar's decision**

**7(1)** No cooperative is to be incorporated under this Act unless the cooperative will carry on its undertaking, in whole or in part, in Alberta.

**(b) by repealing subsections (3) and (4) and substituting the following:**

**(3)** Subject to subsections (1) and (2), the Registrar must issue an incorporation certificate for a cooperative if the articles comply with this Act and the regulations.

**(7) Section 12 is amended by renumbering it as section 12(1) and adding the following after subsection (1):**

**(2)** A cooperative must file a bylaw or an amendment to a bylaw with the Registrar within 60 days of the date the bylaw or amendment comes into force.

or

(iii) *the issue, transfer or ownership of investment shares of any class or series to assist the cooperative or any of its affiliates or associates to qualify under any prescribed law of Canada or a province or territory to obtain licences, permits, grants, payments or other benefits by reason of attaining or maintaining a specified level of Canadian ownership or control;*

*(2) The articles may include any provisions that could be included in the bylaws of the cooperative and if they do, any reference in this Act to the bylaws of the cooperative is also a reference to those provisions of the articles.*

(6) Section 7 presently reads in part:

*7(1) No cooperative is to be incorporated under this Act unless*

*(a) the cooperative will carry on its undertaking, in whole or in part, in Alberta, and*

*(b) the cooperative has its registered office in Alberta.*

*(3) Subject to subsections (1) and (2), the Director must issue an incorporation certificate for a cooperative if the Director is satisfied that*

*(a) the articles comply with this Act and the regulations;*

*(b) the cooperative will be organized and operated, and will carry on business, on a cooperative basis;*

*(c) if applicable, the cooperative will comply with Part 18.*

*(4) For the purposes of deciding whether to issue an incorporation certificate, the Director may rely on the articles and the declarations of the incorporators.*

(7) Section 12 presently reads:

*12 A bylaw or an amendment to a bylaw comes into force on the day on which the bylaw or amendment is made, or on any later date specified in the bylaw or amendment or in the resolution adopting either of them.*

**(8) Section 13(2) is repealed.**

**(9) Section 14 is amended**

- (a) in subsection (1) by striking out** “the cooperative’s articles, bylaws and any unanimous agreement, and one copy of any amendments to them” **and substituting** “each record referred to in section 28(1)(a)”;
- (b) in subsection (2) by striking out** “the cooperative’s articles, bylaws and any unanimous agreement and any amendments to them” **and substituting** “each record referred to in section 28(1)(a)”.

**(10) Section 20 is amended**

- (a) in subsection (1) by striking out** “Director” **and substituting** “Registrar”;
- (b) in subsection (2)**
  - (i) by striking out** “Director’s” **and substituting** “Registrar’s”;
  - (ii) by striking out** “Director” **and substituting** “Registrar”;
- (c) by repealing subsection (4);**
- (d) in subsection (5) by striking out** “Director” **and substituting** “Registrar”.

**(11) Section 27 is amended**

- (a) in subsection (1) by striking out** “in the place set out in its articles” **and substituting** “in Alberta”;

(8) Section 13(2) presently reads:

*(2) A cooperative must file a bylaw or an amendment to a bylaw with the Director within 60 days of the date the bylaw or amendment comes into force.*

(9) Section 14 presently reads:

*14(1) Each member and investment shareholder is entitled to receive free of charge from the cooperative, on request, not more than once in each calendar year, one copy of the cooperative's articles, bylaws and any unanimous agreement, and one copy of any amendments to them.*

*(2) The cooperative must, on payment of a reasonable fee, provide each creditor and, where the cooperative is a distributing cooperative, any other person, with a copy of the cooperative's articles, bylaws and any unanimous agreement and any amendments to them.*

(10) Section 20 presently reads in part:

*20(1) The Director may direct a cooperative to change its name if the cooperative's name contravenes this Act or the regulations when the cooperative comes into existence or is continued.*

*(2) If a cooperative does not comply with a Director's direction to change its name within 60 days after it is served with a written copy of the direction, the Director may issue a certificate of amendment revoking the name of the cooperative and assigning a new name to it.*

*(4) On issuing a certificate of amendment, the Director must give notice of the change of name without delay in a publication generally available to the public.*

*(5) If a cooperative acquires a name as a result of a person undertaking to dissolve or to change names and the undertaking is not honoured, the Director may direct the cooperative to change its name in accordance with section 264(1)(a) unless the undertaking is honoured within the period specified in subsection (2).*

(11) Section 27 presently reads:

*27(1) A cooperative must maintain a registered office in the place set out in its articles.*

- (b) by repealing subsections (2) and (3);**
- (c) in subsection (4) by striking out “Director” wherever it occurs and substituting “Registrar”.**

**(12) Section 30(2) is amended**

- (a) in clause (b) by striking out “name and address” and substituting “name and contact information”;**
- (b) in clause (c) by striking out “an undertaking” and substituting “a statutory declaration”.**

**(13) Section 31 is repealed.**

**(14) Section 52 is amended**

- (a) in subsection (1)(c) by adding “or” at the end of subclause (ii) and repealing subclause (iii);**
- (b) in subsection (4) by striking out “A majority” and substituting “At least 25%”;**
- (c) by repealing subsection (5).**

*(2) A notice of registered office in the form set by the Director must be sent to the Director together with any articles that designate or change the cooperative's registered office.*

*(3) The directors may change the address of the cooperative's registered office within the place specified in the articles.*

*(4) A cooperative must send to the Director, within 15 days after any change of address of its registered office, a notice in a form set by the Director.*

(12) Section 30(2) presently reads in part:

*(2) A request for the list must be accompanied by*

*(b) the name and address of the applicant;*

*(c) an undertaking that the list of members or investment shareholders obtained will not be used except as permitted in the bylaws.*

(13) Section 31 presently reads:

*31(1) A cooperative may, but need not, adopt a corporate seal and may change a corporate seal that is adopted.*

*(2) A document executed on behalf of a cooperative is not invalid merely because a corporate seal is not affixed to it.*

(14) Section 52 presently reads in part:

*52(1) A person is disqualified from becoming or continuing as a director if that person*

*(c) is an individual who*

*(ii) is a formal patient as defined in the Mental Health Act,*

*(iii) is the subject of an order under the Mentally Incapacitated Persons Act (RSA 1970 c232) appointing a committee of the individual's person or estate or both, or*

*(4) A majority of the directors must be resident in Canada.*

*(5) Subject to section 51(3) and section 108(4) and (5), all directors must be elected by the members or, if members are represented by delegates, by the delegates of members.*

**(15) Section 56(2) is repealed and the following is substituted:**

**(2)** An incorporator or a director may call a meeting of directors referred to in subsection (1) by providing all relevant information about the meeting to each director not less than 5 days before the meeting.

**(16) Section 57 is amended**

**(a) in subsection (1) by striking out “52(5), 59,”;**

**(b) by adding the following after subsection (9):**

**(9.1)** Subject to sections 51(3) and 108(4) and (5), all directors must be elected by the members or, if members are represented by delegates, by the delegates of members.

**(17) Section 59 is repealed.**

**(18) Section 60 is amended**

**(a) in subsection (1) by striking out “must” and substituting “may”;**

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

**(1.1)** Unless the bylaws provide otherwise,

**(a)** a person entitled to attend the special meeting may attend the meeting by electronic means,

**(b)** the special meeting may be held entirely by electronic means, and

**(c)** a person attending a meeting by electronic means under clause (a) or (b) is deemed for the purposes of this section to be present in person at the meeting.

**(19) Section 65(2)(a) is amended by striking out “written”.**



(15) Section 56(2) presently reads:

*(2) An incorporator or a director may call a meeting of directors referred to in subsection (1) by giving at least 5 days' notice of the meeting to each director, stating the date, time and place of the meeting.*

(16) Section 57 presently reads in part:

*57(1) Unless the articles, the bylaws or a unanimous agreement provides otherwise, the election and appointment of the directors must be in accordance with this section and sections 52(5), 59, 60, 61, 62, 64, 65, 66(2) and 108(4) and (5).*

(17) Section 59 presently reads:

*59 Subject to section 64, no director may hold office for a term of more than 3 years, but a director may be re-elected or reappointed.*

(18) Section 60 presently reads in part:

*60(1) Unless the bylaws provide otherwise, if there is a vacancy on the board of directors the remaining directors must, subject to subsection (3), call a special meeting of the persons who are entitled to vote for the purpose of electing or appointing directors to fill the vacancy.*

(19) Section 65(2)(a) presently reads:

*(2) The resignation of a director becomes effective on the later of*  
*(a) the day a written letter of resignation is received by the cooperative, and*

**(20) Section 69(2) is repealed and the following is substituted:**

**(2)** Unless the bylaws provide otherwise, notice of all relevant information about a meeting of directors must be given to every director at least 10 days before the date of the meeting by

- (a) mailing the notice to the latest address of the director as shown on the records of the cooperative, or
- (b) electronic means in accordance with the provisions of the *Electronic Transactions Act*.

**(21) Section 70 is amended by striking out** “the date, time and place of the meeting” **and substituting** “all relevant information about the meeting”.

**(22) Section 73 is amended**

- (a) by renumbering it as section 73(1);**
- (b) in subsection (1) by striking out** “subject to section 74” **and substituting** “subject to subsection (2)”;
- (c) by adding the following after subsection (1):**
  - (2)** To constitute a quorum, the majority of directors at the meeting must be members of the cooperative, representatives of members that are entities or members of members that are cooperative entities.

**(23) Sections 74 and 80(2) are repealed.**

(20) Section 69(2) presently reads:

*(2) Unless the bylaws provide otherwise, notice of the date, time and place of a meeting of directors must be given to every director by sending the notice at least 10 days before the date of the meeting to the latest address of the director as shown on the records of the cooperative.*

(21) Section 70 presently reads:

*70 Notice of a meeting of directors must specify the date, time and place of the meeting but need not specify the matters to be dealt with at the meeting, except the matters listed in section 89(3).*

(22) Section 73 presently reads:

*73 Unless the articles, the bylaws or a unanimous agreement provides for a greater proportion, a majority of directors, subject to section 74, constitutes a quorum at any meeting of directors or of a committee of directors and, despite any vacancy among the directors, a quorum of directors may exercise all the powers of the directors.*

(23) Sections 74 and 80(2) presently read:

*74(1) To constitute a quorum, a majority of the directors at the meeting must be*

*(a) resident in Canada, and*

*(b) members of the cooperative, representatives of members that are entities, or members of members that are cooperative entities.*

*(2) Notwithstanding subsection (1), a meeting of directors may be held without the required majority of directors who are resident in Canada if*

**(24) Section 89(2) is amended by striking out “, who must be resident in Canada”.**

**(25) Section 90 is amended**

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

**(i) in clause (b) by striking out “written”;**

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

(c) the director sends a dissent by registered mail, electronic means or personal delivery to the registered office of the cooperative immediately after the meeting is adjourned.

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

(b) sends a dissent by registered mail, electronic means or personal delivery to the registered office of the cooperative.

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

**(4)** A dissent sent by electronic means under this section is deemed to have been received, served or delivered at the time it would be received in the ordinary course of electronic means despite the fact that it is returned as undeliverable.

- (a) *a director who is resident in Canada and who is not present approves, in writing or by telephonic, electronic or other communication facilities, the business transacted at the meeting, and*
- (b) *the required majority would have been present had that director been present at the meeting.*

*80(2) This section does not require the disclosure of an interest in a contract or transaction that is available to and customarily entered into between the cooperative and its members if the contract or transaction is on the same terms as are generally available to members.*

(24) Section 89(2) presently reads:

*(2) The directors may appoint a managing director, who must be resident in Canada.*

(25) Section 90 presently reads in part:

*90(1) A director who is present at a meeting of directors or a meeting of a committee of directors is deemed to have consented to any resolution made or action taken at the meeting unless*

- (b) *the director sends a written dissent to the secretary of the meeting before it is adjourned, or*
- (c) *the director sends a written dissent by confirmed delivery service, or delivers it personally, to the registered office of the cooperative immediately after the meeting is adjourned.*

*(3) A director who is not present at a meeting of directors or of a committee of directors is deemed to have consented to any resolution made or action taken at the meeting unless the director, within 7 days after becoming aware of the resolution or action,*

- (b) *sends a written dissent by confirmed delivery service, or delivers it personally, to the registered office of the cooperative.*

**(26) Section 95(2) is amended by striking out “in person” and substituting “personally”.**

**(27) Section 96(4) is repealed.**

**(28) Section 114(1) is amended by striking out “section 5(1)(o)” and substituting “section 5(1)(l)”.**

**(29) Section 116 is amended**

- (a) in subsection (2) by striking out “permitted under section 5(1)(o)(iii)” and substituting “contained in the articles”;**
- (b) in subsection (3) by striking out “under section 5(1)(o)(iii)”.**

**(30) Section 121 is amended**

- (a) in subsection (1) by striking out “a corporation” and substituting “an extra-provincial cooperative”;**
- (b) in subsection (2)**

(26) Section 95(2) presently reads:

*(2) On an application under subsection (1), the Court may order notice to be given to any interested person, and the interested person is entitled to appear and be heard in person or by counsel.*

(27) Section 96(4) presently reads:

*(4) A notice of the initial execution or the termination of a unanimous agreement must be sent to the Director, in the form set by the Director, at the same time as the annual return referred to in section 333.*

(28) Section 114(1) presently reads:

*114(1) Subject to section 265(4), a distributing cooperative that has issued investment shares that are or were part of a distribution to the public, that remain outstanding and that are held by more than one person may, by a special resolution of the members and by a separate special resolution of the investment shareholders of each class, amend its articles to incorporate any matter referred to in section 5(1)(o).*

(29) Section 116 presently reads in part:

*(2) Subsection (1) does not apply in respect of a proposal to amend the articles to add a right or privilege for an investment shareholder to convert investment shares of a class or series into investment shares of another class or series that is subject to a constraint permitted under section 5(1)(o)(iii) but otherwise equal to the class or series first mentioned.*

*(3) For the purpose of subsection (1)(e), a new class of investment shares, the issue, transfer or ownership of which is to be constrained by an amendment to the articles under section 5(1)(o)(iii), that is otherwise equal to an existing class of investment shares is deemed not to be equal or superior to the existing class of shares.*

(30) Section 121 presently reads in part:

*121(1) When a corporation is continued under this Act, it may add to a stated capital account any money, or the value of any thing or service, received by it for an investment share it has issued.*

*(2) When a corporation is continued under this Act, section 120(2) does not apply to the money, or the value of things or services,*

- (i) **by striking out** “a corporation” **and substituting** “an extra-provincial cooperative”;
- (ii) **by striking out** “the corporation” **and substituting** “the extra-provincial cooperative”;

**(c) in subsection (3)**

- (i) **by striking out** “a corporation” **and substituting** “an extra-provincial cooperative”;
- (ii) **by striking out** “the corporation” **and substituting** “the extra-provincial cooperative”;

**(d) in subsection (4)**

- (i) **by striking out** “a cooperative” **and substituting** “an extra-provincial cooperative”;
- (ii) **by striking out** “the cooperative” **and substituting** “the extra-provincial cooperative”.

**(31) Section 147(3) is amended by striking out** “reporting issuer under Alberta securities law as defined in the *Securities Act*” **and substituting** “distributing cooperative”.

**(32) Section 149 is amended**

- (a) **by repealing subsection (2)(c) and substituting the following:**
  - (c) unless the proxy holder or alternate proxy holder has conflicting instructions from more than one investment shareholder, to vote at the meeting in respect of any matter by show of hands or any telephonic, electronic or other communication method that the cooperative has made available for that purpose.



*received by it before it was so continued unless the investment share in respect of which the money, thing or service was received is issued after the corporation is continued.*

*(3) When a corporation is continued under this Act, any amount unpaid in respect of an investment share issued by the corporation before it was so continued and paid after it was so continued is added to the stated capital account maintained for the investment shares of that class or series.*

*(4) For the purposes of sections 129(2), 133, 136 and 274(2)(d), when a cooperative is continued under this Act, its stated capital account is deemed to include the amounts that would have been included if the cooperative had been incorporated under this Act.*

(31) Section 147(3) presently reads:

*(3) If the cooperative is a reporting issuer under Alberta securities law as defined in the Securities Act, a copy of any management proxy circular or dissident's proxy circular sent under subsection (1) must be sent to the Executive Director together with a statement in the prescribed form and a copy of any notice of meeting, form of proxy and any other documents for use in connection with the meeting.*

(32) Section 149 presently reads in part:

*(2) A proxy holder or an alternate proxy holder has the same rights as the investment shareholder who appointed the proxy holder*

*(c) unless the proxy holder or alternate proxy holder has conflicting instructions from more than one investment shareholder, to vote at the meeting in respect of any matter*

*(i) by a show of hands, or*

*(ii) if the proxy holder or alternate proxy holder is attending the meeting by electronic means, by any electronic, telephonic or other method that the cooperative has made available for that purpose.*

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

- (b) unless the proxy holder or alternate proxy holder has conflicting instructions from more than one investment shareholder, a proxy holder or alternate proxy holder may vote in respect of that matter or group of matters by show of hands or any telephonic, electronic or other communication method that the cooperative has made available for that purpose.

**(33) Sections 151(2) and 156(13)(b) are amended by striking out “in person” and substituting “personally”.**

**(34) Section 160 is amended by adding the following after subsection (3):**

- (4) A security certificate may be issued in an electronic form.

**(35) Section 163(1) is amended**

- (a) **by striking out** “manually”;
- (b) **by striking out** “, or a facsimile of the signature must be reproduced on the certificate”.

*(3) Notwithstanding subsections (1) and (2), if the chair of a meeting of investment shareholders declares to the meeting that, if a ballot is conducted, the total number of votes attached to investment shares represented at the meeting by proxy required to be voted against what to the knowledge of the chair will be the decision of the meeting in relation to any matter or group of matters is less than 5% of all the votes that might be cast by investment shareholders present in person or represented by proxy at the meeting on the ballot, unless an investment shareholder or proxy holder demands a ballot,*

*(b) a proxy holder or alternate proxy holder may vote in respect of that matter or group of matters*

*(i) by a show of hands, or*

*(ii) if the proxy holder or alternate proxy holder is attending the meeting by electronic means, by any electronic, telephonic or other method that the cooperative has made available for that purpose, unless the proxy holder or alternate proxy holder has conflicting instructions from more than one investment shareholder.*

(33) Sections 151(2) and 156(13)(b) presently read:

*151(2) An applicant under this section must give the Executive Director notice of the application, and the Executive Director is entitled to appear and to be heard in person or by counsel.*

*156(13) On an application under subsection (9) or (10),*

*(b) the offeror must notify each affected dissenting offeree of the date, time, place and consequences of the application and of the right to appear and be heard in person or by counsel.*

(34) Grants ability to issue security certificate in electronic form.

(35) Section 163(1) presently reads:

*163(1) A security certificate must be signed manually by at least one of the following individuals, or a facsimile of the signature must be reproduced on the certificate:*

*(a) a director or officer;*

**(36) Section 164(2) and (3) are repealed and the following is substituted:**

(2) No restriction, charge or agreement described in subsection (3) is effective against a transferee of a security, issued by a cooperative or by an extra-provincial cooperative before it is continued under this Act, who has no actual knowledge of the restriction, charge or agreement unless it or a reference to it is noted conspicuously on the security certificate.

(3) The restriction, charge and agreement referred to in subsection (2) are

- (a) a restriction on transfer other than a constraint under section 114,
- (b) a charge in favour of the cooperative, and
- (c) a unanimous agreement.

**(37) Section 167(1)(a) is amended by striking out “, in alphabetical order,”.**

**(38) Section 180(1)(a) is repealed.**

- (b) *an individual on behalf of a director, transfer agent or branch transfer agent of the cooperative;*
- (c) *a trustee who certifies the certificate in accordance with a trust indenture.*

(36) Section 164(2) and (3) presently read:

*(2) No restriction, charge or endorsement described in subsection (3) is effective against a transferee of a security issued by a cooperative or by a corporation before it is continued under this Act who has no actual knowledge of the restriction, charge or endorsement unless it or a reference to it is noted conspicuously on the security certificate.*

*(3) The restrictions, charges and endorsements referred to in subsection (2) are*

- (a) a restriction on transfer other than a constraint under section 114,*
- (b) a charge in favour of the cooperative,*
- (c) a unanimous agreement, and*
- (d) an endorsement under section 277(9).*

(37) Section 167(1)(a) presently reads:

*167(1) A cooperative that issues securities must maintain a securities register in which it records the securities issued by it in registered form, showing with respect to each class or series*

- (a) the names, in alphabetical order, and the latest known address of each person who holds or previously held the security,*

(38) Section 180(1)(a) presently reads:

*180(1) A person who is required to deliver securities may deliver any security of the specified issue*

- (a) in bearer form,*

**(39) Section 221(1)(a) is amended by striking out “name and address” and substituting “name and contact information”.**

**(40) Section 230(4) is amended by striking out “in person” and substituting “personally”.**

**(41) Section 231(1) is repealed and the following is substituted:**

**Approval of financial statements**

**231(1)** The directors of a cooperative must approve the financial statements referred to in section 228 and indicate that approval by the signature of one or more directors on the statements.

**(42) Section 248(2) is amended**

- (a) by striking out “Director” and substituting “Registrar”;**
- (b) by striking out “Director’s” and substituting “Registrar’s”.**

**(43) Section 253(4)(a) is amended by striking out “name and address” and substituting “name and contact information”.**

(39) Section 221(1)(a) presently reads:

*221(1) An issuer to whom a security is presented for registration has a duty to inquire into adverse claims if*

- (a) the issuer receives written notice of an adverse claim at a time and in a manner that provide the issuer with a reasonable opportunity to act on it before the issue of a new, re-issued or re-registered security and the notice discloses the name and address of the claimant, the registered owner and the issue of which the security is a part, or*

(40) Section 230(4) presently reads:

*(4) A cooperative must give the person requesting to examine under subsection (2) notice of an application under subsection (3), and the person may appear and be heard in person or by counsel.*

(41) Section 231(1) presently reads:

*231(1) The financial statements referred to in section 228 must be approved by the directors, and the approval is evidenced by the manual signature of one or more directors or a facsimile of the signatures reproduced on the statements.*

(42) Section 248(2) presently reads:

*(2) The Director may, in writing, exempt a trust indenture from the application of this Part if, in the Director's opinion, the trust indenture and the debt obligations under it are subject to a law of another jurisdiction that is substantially equivalent to the provisions of this Act relating to trust indentures.*

(43) Section 253(4)(a) presently reads:

- (4) The statutory declaration must state*
  - (a) the name and address of the person requiring the trustee to provide the list and, if the person is an entity, its address for service, and*

**(44) Section 260 is repealed and the following is substituted:**

**Continuance — extra-provincial cooperative**

**260(1)** An extra-provincial cooperative may, if so authorized by its governing legislation, apply to the Registrar for a certificate of continuance under this Act if the extra-provincial cooperative

- (a) satisfies, or by its articles of continuance would satisfy, the requirements for incorporation as a cooperative under this Act,
- (b) is organized and operated and carries on its business on a cooperative basis or, by its articles of continuance, causes the extra-provincial cooperative to be organized and operated and to carry on its business on a cooperative basis, and
- (c) has a capital and corporate structure that, if set out in its articles and bylaws, would meet the requirements of this Act.

**(2)** An extra-provincial cooperative that applies for continuance under subsection (1) may, without so stating in its articles of continuance, effect by those articles any amendment to the documents by which it was originally incorporated if the amendment is one that a cooperative incorporated under this Act may make to its articles.

**(3)** If an extra-provincial cooperative wishes to apply for continuance under subsection (1), articles of continuance in the form set by the Registrar must be sent to the Registrar, together with any information that the Registrar may require.

**(4)** The Registrar must issue a certificate of continuance on receipt of articles of continuance that comply with this Act, the regulations and any information required by the Registrar under subsection (3).

**(5)** On the date shown in the certificate of continuance,

- (a) the extra-provincial cooperative becomes a cooperative to which this Act applies as if it had been incorporated under this Act,
- (b) the articles of continuance are deemed to be the articles of incorporation of the continued cooperative, and



(44) Section 260 presently reads:

*260(1) A corporation incorporated or continued otherwise than under this Act may, if so authorized by its governing legislation, apply to the Director for a certificate of continuance under this Act if the corporation*

- (a) satisfies, or by its articles of continuance would satisfy, the requirements for incorporation as a cooperative under this Act,*
- (b) is organized and operated and carries on its business on a cooperative basis or, by its articles of continuance, causes the corporation to be organized and operated and to carry on its business on a cooperative basis, and*
- (c) has a capital and corporate structure that, if set out in its articles and bylaws, would meet the requirements of this Act.*

*(2) A corporation incorporated or continued otherwise than under this Act may, if so authorized by its governing legislation, apply to the Director for a certificate of continuance and a certificate of amalgamation under this Act if the corporation*

- (a) proposes to be continued under this section for the purpose of amalgamating with another corporation in compliance with this Act and satisfies, or after the amalgamation will satisfy, the requirements for incorporation as a cooperative under this Act,*
- (b) is organized and operated and carries on its business on a cooperative basis, or after the amalgamation will be organized and operated and will carry on its business on a cooperative basis, and*
- (c) has a capital and corporate structure, or after the amalgamation will have a capital and corporate structure, that, if set out in its articles and bylaws, would meet the requirements of this Act.*

*(3) A corporation that applies for continuance under subsection (1) or (2) may, without so stating in its articles of continuance, effect by those articles any amendment to the documents by which it was originally incorporated if the amendment is one that a cooperative incorporated under this Act may make to its articles.*

- (c) the certificate of continuance is deemed to be the certificate of incorporation of the continued cooperative.

**(6)** The Registrar must send, without delay after the certificate of continuance is issued, a copy of that certificate to the appropriate official or public body charged with the administration of the legislation under which continuance under this Act was authorized.

**(7)** When an extra-provincial cooperative is continued as a cooperative under this Act,

- (a) the property of the extra-provincial cooperative continues to be the property of the cooperative,
- (b) the cooperative continues to be liable for the obligations of the extra-provincial cooperative,
- (c) an existing cause of action, claim or liability to prosecution is unaffected,
- (d) a civil, criminal, administrative, investigative or other action or proceeding pending by or against the extra-provincial cooperative may continue to be prosecuted by or against the cooperative, and
- (e) a conviction against, or ruling, order or judgment in favour of or against, the extra-provincial cooperative may be enforced by or against the cooperative.

**(8)** When an extra-provincial cooperative is continued as a cooperative under this Act,

- (a) its common shares that carry a right to vote are deemed to be membership shares and any class of shares that are non-voting shares are deemed to be investment shares to which are attached the rights, privileges and restrictions set out in this Act and the articles of continuance,
- (b) the holders of the common shares of the extra-provincial cooperative that carry a right to vote are deemed to be the members of the cooperative,
- (c) if the extra-provincial cooperative does not have share capital, each member of the extra-provincial cooperative is deemed to be either a member of the cooperative or to hold

*(4) If a corporation wishes to apply for continuance under subsection (1), articles of continuance in the form set by the Director must be sent to the Director, together with any information that the Director may require and a declaration of the directors*

*(a) that after continuance the cooperative will be organized and operated and will carry on business on a cooperative basis, and*

*(b) in the case of a cooperative to which Part 18 applies, that after continuance the cooperative will be in compliance with the applicable division of Part 18.*

*(5) If a corporation wishes to apply for continuance under subsection (2), articles of continuance and articles of amalgamation, in the form set by the Director, must be sent to the Director, together with an amalgamation agreement containing the particulars set out in section 271, any information that the Director may require and a declaration of the directors*

*(a) that after amalgamation the cooperative will be organized and operated and will carry on business on a cooperative basis, and*

*(b) in the case of a cooperative to which Part 18 applies, that after amalgamation the cooperative will be in compliance with the applicable division of Part 18.*

*(6) The Director must issue*

*(a) a certificate of continuance on receipt of the articles of continuance and the declaration required by subsection (4) if the Director is satisfied that the requirements for incorporation have been met, or*

*(b) a certificate of continuance and a certificate of amalgamation on receipt of the articles of continuance, the articles of amalgamation, the amalgamation agreement and the declaration required by subsection (5) if the Director is satisfied that the requirements for incorporation and the requirements for amalgamation have been met.*

*(7) For the purpose of subsection (6), the Director may rely on the articles and the declarations.*

*(8) On the date shown in the certificate of continuance,*

membership shares in the cooperative, as provided in the articles of continuance, and

- (d) any agreement made before continuance under which the holders of any common shares of the extra-provincial cooperative have agreed to vote those shares in a manner provided in the agreement is of no effect.

**(9)** Subject to section 163,

- (a) a share of an extra-provincial cooperative issued before it was continued under this Act is deemed to have been issued in compliance with this Act and with the provisions of the articles of continuance irrespective of whether the share is fully paid and of any designation, right, privilege, restriction or condition set out on or referred to in the certificate representing the share,
- (b) continuance under this Act does not deprive a holder of any right or privilege that the holder claims under, or relieve the holder of any liability in respect of, an issued share, and
- (c) shares carry voting rights only to the extent permitted by this Act.

**(10)** For the purposes of subsection (9), “share” includes an instrument referred to in section 124(1), (2) and (4), a share warrant or a like instrument.

- (a) *the corporation becomes a cooperative to which this Act applies as if it had been incorporated under this Act,*
  - (b) *the articles of continuance are deemed to be the articles of incorporation of the continued cooperative, and*
  - (c) *the certificate of continuance is deemed to be the certificate of incorporation of the continued cooperative.*
- (9) *The Director must send, without delay after the certificate of continuance is issued, a copy of that certificate to the appropriate official or public body charged with the administration of the legislation under which continuance under this Act was authorized.*
- (10) *When a corporation is continued as a cooperative under this Act,*
- (a) *the property of the corporation continues to be the property of the cooperative,*
  - (b) *the cooperative continues to be liable for the obligations of the corporation,*
  - (c) *an existing cause of action, claim or liability to prosecution is unaffected,*
  - (d) *a civil, criminal, administrative, investigative or other action or proceeding pending by or against the corporation may continue to be prosecuted by or against the cooperative, and*
  - (e) *a conviction against, or ruling, order or judgment in favour of or against, the corporation may be enforced by or against the cooperative.*
- (11) *When a corporation is continued as a cooperative under this Act,*
- (a) *its common shares that carry a right to vote are deemed to be membership shares and any class of shares which are non-voting shares are deemed to be investment shares to which are attached the rights, privileges and restrictions set out in this Act and the articles of continuance,*
  - (b) *the holders of the common shares of the corporation that carry a right to vote are deemed to be the members of the cooperative,*

**(45) Section 261 is amended**

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

**Continuance — other jurisdictions**

**261(1)** Subject to Part 18, a cooperative, on a special resolution of the members and, if the cooperative has issued investment shares, a separate special resolution of the investment shareholders of each class, may apply to the appropriate official or public body of

- (c) *if the corporation does not have share capital, each member of the corporation is deemed to be either a member of the cooperative or to hold membership shares in the cooperative, as provided in the articles of continuance, and*
- (d) *any agreement made before continuance under which the holders of any common shares of the corporation have agreed to vote those shares in a manner provided in the agreement is of no effect.*

(12) *Subject to section 163,*

- (a) *a share of a corporation issued before it was continued under this Act is deemed to have been issued in compliance with this Act and with the provisions of the articles of continuance irrespective of whether the share is fully paid and of any designation, right, privilege, restriction or condition set out on or referred to in the certificate representing the share,*
- (b) *continuance under this Act does not deprive a holder of any right or privilege that the holder claims under, or relieve the holder of any liability in respect of, an issued share, and*
- (c) *shares carry voting rights only to the extent permitted by this Act.*

(13) *If a cooperative continued under this Act had, before it was so continued, issued a share certificate in registered form that is convertible to bearer form, the cooperative may, if a holder of such a share certificate exercises the conversion privilege attached to the certificate, issue a share certificate to the holder in bearer form for the same number of shares.*

(14) *For the purposes of subsections (12) and (13), “share” includes an instrument referred to in section 124(1), (2) and (4), a share warrant or a like instrument.*

(45) *Section 261 presently reads in part:*

*261(1) Subject to section 262 and Part 18, a cooperative, on a special resolution of the members and, if the cooperative has issued investment shares, a separate special resolution of the investment shareholders of each class, may, if it establishes to the satisfaction of the Director by a declaration of the directors that its proposed continuance in another jurisdiction would not*

another jurisdiction requesting that the cooperative be continued as if it had been incorporated under the laws of that other jurisdiction.

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

**(4)** On receipt of a notice satisfactory to the Registrar that the cooperative has been continued under the laws of another jurisdiction and a copy of the articles of incorporation, the Registrar must issue a certificate of discontinuance.

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

**(6)** A cooperative may not be continued as a corporation under the laws of another jurisdiction unless those laws provide that

- (a) its property continues to be the property of the corporation,
- (b) the corporation continues to be liable for the obligations of the cooperative,
- (c) an existing cause of action, claim or liability to prosecution is unaffected,
- (d) a civil, criminal, administrative, investigative or other action or proceeding pending by or against the cooperative may continue to be prosecuted by or against the corporation, and
- (e) a conviction against, or a ruling, order or judgment in favour of or against, the cooperative may be enforced by or against the corporation.

**(46) Section 262 is repealed.**



- (a) *adversely affect the members, creditors or investment shareholders,*
- (b) *result in the cooperative carrying on its business and affairs in a manner not consistent with carrying on business on a cooperative basis, or*
- (c) *result in a cooperative to which Part 18 applies carrying on its business or affairs in a manner not consistent with the applicable division of Part 18,*

*apply to the appropriate official or public body of another jurisdiction requesting that the cooperative be continued as if it had been incorporated under the laws of that other jurisdiction.*

*(4) On receipt of a notice satisfactory to the Director that the cooperative has been continued under the laws of another jurisdiction and a copy of the articles of incorporation, the Director must file the notice and issue a certificate of discontinuance in the form that the Director sets.*

*(5) On the date shown in the certificate of discontinuance, the cooperative becomes an extra-provincial cooperative as if it had been incorporated under the laws of the other jurisdiction.*

(46) Section 262 presently reads:

*262 A cooperative may not be continued as a corporation under the laws of another jurisdiction unless those laws provide that*

- (a) its property continues to be the property of the corporation,*
- (b) the corporation continues to be liable for the obligations of the cooperative,*
- (c) an existing cause of action, claim or liability to prosecution is unaffected,*

**(47) Section 264 is amended**

- (a) in subsection (1)**
  - (i) by striking out** “subsection (3) and”;
  - (ii) by repealing clause (b);**
- (b) by repealing subsections (3) and (4).**

**(48) Section 265 is amended**

- (a) in subsection (2) by striking out** “Subject to subsection (3), notice” **and substituting** “Notice”;
- (b) by repealing subsection (3).**

- (d) a civil, criminal, administrative, investigative or other action or proceeding pending by or against the cooperative may continue to be prosecuted by or against the corporation, and*
- (e) a conviction against, or ruling, order or judgment in favour of or against, the cooperative may be enforced by or against the corporation.*

(47) Section 264 presently reads in part:

*264(1) Subject to subsection (3) and sections 116, 265 and 266, the articles of a cooperative may be amended by a special resolution to*

- (b) change the place in which the cooperative's registered office is located,*

*(3) If the name of a cooperative is indicative of a restriction on the business that may be carried on by it, the articles of the cooperative may not be amended to remove that restriction unless its name is also amended.*

*(4) An amendment to the articles of a cooperative may not be made if it would result in the cooperative not being organized or operated, or not carrying on business, on a cooperative basis or if, in the case of a cooperative to which Part 18 applies, it would result in the cooperative not being in compliance with Part 18.*

(48) Section 265 presently reads in part:

*(2) Subject to subsection (3), notice of the meeting of a cooperative at which a proposal to amend the articles is to be considered must set out the proposed amendment and, if applicable, state that a dissenting shareholder is entitled to the benefit of section 277, but failure to make that statement does not invalidate an amendment.*

*(3) If the proposed amendment is too long to be included in a notice under this section, the notice must contain a statement in sufficient detail to permit the recipient to form a reasoned judgment about the proposed amendment and a statement that the full text of the proposed amendment is available at any business location of the cooperative.*

**(49) Section 266(1) is repealed and the following is substituted:**

**Delivery of articles**

**266(1)** Subject to any revocation under section 114(4) or 264(2), after an amendment has been adopted, articles of amendment must be sent to the Registrar in the form that the Registrar sets, together with any information that the Registrar may require.

**(50) Section 267 is repealed and the following is substituted:**

**Certificate of amendment**

**267** On receipt of articles of amendment that comply with this Act and the regulations, the Registrar must issue a certificate of amendment.

**(51) Section 271(1)(b) is amended by striking out “name and address” and substituting “name and contact information”.**

**(52) Section 274 is amended**

- (a) in subsection (1) by striking out “Director” wherever it occurs and substituting “Registrar”;**
- (b) in subsection (2)**
  - (i) by striking out “of the directors”;**
  - (ii) by repealing clauses (a) and (b);**

(49) Section 266(1) presently reads:

*266(1) Subject to any revocation under section 114(4) or 264(2), after an amendment has been adopted, articles of amendment must be sent to the Director in the form that the Director sets, together with any information that the Director may require and a declaration by the directors*

- (a) that the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and*
- (b) if the cooperative is one to which Part 18 applies, that the cooperative will comply with the applicable division of Part 18.*

(50) Section 267 presently reads:

*267 On receipt of articles of amendment and the declaration required by section 266(1), the Director must issue a certificate of amendment if the Director is satisfied that the articles of amendment comply with this Act and the regulations.*

(51) Section 271(1)(b) presently reads:

*271(1) Each cooperative proposing to amalgamate must enter into an agreement setting out the terms and means of effecting the amalgamation and, in particular, setting out*

- (b) the name and address of each proposed director of the amalgamated cooperative,*

(52) Section 274 presently reads in part:

*274(1) After an amalgamation has been approved under section 272 or 273, articles of amalgamation in the form that the Director sets must be sent to the Director, together with a notice of registered office and a notice of the directors of the amalgamated cooperative.*

*(2) A declaration of the directors of each amalgamating cooperative must be attached to the articles of amalgamation and must establish*

- (a) that the amalgamated cooperative will be organized and operated, and will carry on business, on a cooperative basis,*
- (b) if the cooperative is one to which Part 18 applies, that the amalgamated cooperative will comply with the applicable division of Part 18,*

**(c) by repealing subsections (4) and (5) and substituting the following:**

**(4)** On receipt of articles of amalgamation that comply with this Act and the regulations, the declarations required by subsection (2) and the prescribed fees, the Registrar must issue a certificate of amalgamation.

**(53) Section 277(7) to (9) are repealed.**

**(54) Division 1 of Part 13 is repealed.**

*(4) On receipt of articles of amalgamation and the declarations required by subsection (2), the Director must issue a certificate of amalgamation if the Director is satisfied that*

- (a) the articles are in accordance with section 5, the regulations and, if applicable, sections 387, 388, 392(1), 402(1), 407, 413, 419 and 422(c)(iii),*
- (b) the cooperative will be organized and operated, and will carry on business, on a cooperative basis,*
- (c) the requirements of subsection (2)(c) and (d) have been met, and*
- (d) if applicable, the appropriate division of Part 18 has been complied with.*

*(5) For the purposes of subsection (4)(b) to (d), the Director may rely on the articles and the declarations required by subsection (2).*

**(53)** Section 277 presently reads in part:

*(7) A dissenting investment shareholder must, not later than 30 days after sending the notice under subsection (6), send the certificates representing the investment shares held in the cooperative to the cooperative or to its transfer agent.*

*(8) A dissenting investment shareholder who fails to comply with subsection (7) has no right to claim under this section.*

*(9) Each certificate sent under subsection (7) must be endorsed by the cooperative or its transfer agent with a notice that the holder is a dissenting investment shareholder and must be returned to the investment shareholder.*

**(54)** Division 1 of Part 13 presently reads:

*Division 1  
Inspections*

*281 An inspector who enters any place under the authority of this Act must, on request,*

- (a) produce a document that identifies the person as an inspector under this Act, and*
- (b) explain the inspector's purpose for entering the place.*





*282(1) An inspector may enter the business premises of a cooperative at any reasonable time to conduct an inspection to determine if there is compliance with this Act and the regulations.*

*(2) If an inspector has reasonable grounds to believe that*

- (a) books, records or documents of a cooperative are located in another person's business premises, and*
- (b) those books, records or documents are relevant to determine if there is compliance with this Act or the regulations,*

*the inspector may enter those other business premises at any reasonable time.*

*(3) An inspector may in the course of an inspection request a person who is working in business premises referred to in subsection (1) or (2)*

- (a) to give written or oral replies to questions,*
- (b) to produce any books, records, documents or other things and to provide copies of them, and*
- (c) to provide any other information*

*to determine if there is compliance with this Act and the regulations.*

*(4) An inspector may in the course of an inspection inspect, examine and make copies of or temporarily remove books, records or documents or other things that are relevant to determine if there is compliance with this Act and the regulations.*

*(5) When an inspector removes any books, records, documents or other things under subsection (4), the inspector*

- (a) must give a receipt for them to the person from whom they were taken,*
- (b) may make copies of, take photographs of or otherwise record them, and*
- (c) must, within a reasonable time, return them to the person to whom the receipt was given.*



*283(1) For the purpose of enabling an inspector to conduct an inspection to determine if there is compliance with this Act and the regulations, the Director may apply to the Court for an order*

- (a) compelling a cooperative or an employee or agent of a cooperative to allow an inspector to enter business premises, a private dwelling or another place occupied or controlled by the cooperative, employee or agent and requiring the cooperative, employee or agent to produce books, records, documents or other things relevant to the inspection for the inspector's examination;*
- (b) authorizing the inspector to copy or remove the books, records, documents or other things on such terms as the Court considers appropriate;*
- (c) requiring a cooperative or an employee or agent of a cooperative to co-operate with the inspection on such terms as the Court considers appropriate.*

*(2) The Court may grant an order under subsection (1) if satisfied on evidence under oath by the Director that there are reasonable grounds to believe that*

- (a) the inspection is reasonable,*
- (b) the cooperative or agent or employee of the cooperative has not co-operated or likely will not co-operate with the investigation, and*
- (c) the order is appropriate in the circumstances.*

*(3) An application under this section may be made ex parte if the Court considers it proper to do so.*

*(4) No force may be used in enforcing an order granted under this section unless a person identified in the order is specifically authorized to use force.*

*284 If, following an inspection, the Director is satisfied that the affairs of a cooperative*

- (a) are being mismanaged,*
- (b) are not being conducted in accordance with cooperative principles, or*



*(c) are being conducted on an unsound basis,*

*the Director may*

*(d) cancel the incorporation of the cooperative,*

*(e) call a general meeting of the cooperative,*

*(f) on written notice to the directors, act as, or appoint a person to act as, the official director of the cooperative, or*

*(g) apply to the Court to appoint a receiver or receiver-manager.*

*285(1) If the Director gives written notice under section 284(f), the person appointed as official director takes over the functions of the directors, and on the official director taking over, the directors*

*(a) are removed from office, and*

*(b) must turn over all books, records and funds and other effects and information required by the official director.*

*(2) Immediately before the appointment of the official director ends, the official director must call a general meeting of the cooperative and at the meeting must*

*(a) render an accounting for the period the official director administered the affairs of the cooperative, and*

*(b) conduct an election to reconstitute the board of directors.*

*286 The Director or Executive Director may apply to the Court for directions in respect of any matter concerning the Director's or Executive Director's functions or duties under this Act or the regulations, and the Court may give any directions that it thinks fit.*

*287(1) The Director may apply to the Court for an order directing any person to comply with or restraining any person from acting in breach of this Act or the regulations.*

*(2) The Court may order compliance and make any further order it thinks fit.*

*288 The Director is not compelled to undertake an inspection pursuant to this Division on the complaint of any person.*

**(55) Section 291 is amended**

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

**(i) in clause (b) by striking out “, who may be the Director,”;**

**(ii) in clause (e) by striking out “Director” and substituting “Registrar”;**

**(b) in subsection (2) by striking out “Director” and substituting “Registrar”.**

**(56) Section 292(2) is repealed.**

**(57) Section 301 is repealed and the following is substituted:**

**Obligations of receivers and receiver-managers**

**301** A receiver or receiver-manager must act in accordance with the instrument or Court order that appointed the receiver or receiver-manager and in accordance with any other directions given by the Court.

**(58) Section 310(2) is repealed.**

**(59) Section 316 is amended**

**(a) in subsection (3)(b) and (c) by striking out “name and address” and substituting “name and contact information”;**

**(b) in subsection (4)(b) by striking out “Director” and substituting “Registrar”.**

(55) Section 291 presently reads in part:

*291(1) When an order for an investigation is made, or subsequently, the Court may make any order it thinks fit, including an order*

*(b) appointing an inspector, who may be the Director, and fixing the inspector's remuneration,*

*(e) specifying that a copy of the order be sent to the Director,*

*(2) On the making of an order under this section, the applicant must send a copy of the order to the Director.*

(56) Section 292(2) presently reads:

*(2) Every report made by the Court-appointed inspector must be sent by the inspector to the Director.*

(57) Section 301 presently reads:

*301(1) A receiver or receiver-manager appointed by the Court must act in accordance with any directions of the Court.*

*(2) A receiver or receiver-manager appointed under an instrument must act in accordance with the instrument and any direction given by the Court.*

*(3) A receiver or receiver-manager must*

*(a) act honestly and in good faith, and*

*(b) deal with any property of the cooperative in the receiver's or receiver-manager's custody or control in a commercially reasonable manner.*

(58) Section 310(2) presently reads:

*(2) Notice of the application must be given to the Director.*

(59) Section 316 presently reads in part:

*(3) The Court may order the directors and officers of the cooperative to provide the Court with all material information known to or reasonably ascertainable by them, including*

*(b) the name and address of each member and investment shareholder, and*

**(60) Section 324 is amended by renumbering it as section 324(1) and adding the following after subsection (1):**

**(2)** On an application under subsection (1), the Court, subject to the articles and Part 18, may order that

- (a) all the property of the cooperative be converted into and distributed in money, or
- (b) the claims of a member or investment shareholder applying under subsection (1) be satisfied by a distribution in money, in which case the Court
  - (i) may determine whether any other member or investment shareholder is opposed to the proposal and, if so, join that member or investment shareholder as a party,
  - (ii) may appoint one or more appraisers to assist the Court in fixing the fair value of the shares,
  - (iii) must fix the fair value of the shares of the applicant and the other members or investment shareholders joined as parties as of a date determined by the Court,
  - (iv) must give judgment in the amount of the fair value against the cooperative and in favour of each of the members or investment shareholders who are parties to the application, and
  - (v) fix the time within which the liquidator must pay that amount to a member or investment shareholder after delivery of shares to the liquidator, if the share certificate has not been delivered to the Court or to the liquidator at the time the order is pronounced.



(c) *the name and address of each known creditor or claimant, including any creditor or claimant with unliquidated, future or contingent claims, and any person with whom the cooperative has a contract.*

(4) *A copy of an order made under subsection (2) must be*

(b) *served on the Director and each person named in the order.*

(60) Section 324 presently reads:

*324 A member or investment shareholder may apply to the Court for an order requiring the distribution of the property of the cooperative to be in money if, in the course of the liquidation of the cooperative, the members and investment shareholders resolve or the liquidator proposes to*

(a) *exchange all or substantially all the property of the cooperative for securities of another corporation that are to be distributed to the members and investment shareholders, if any, or*

(b) *distribute all or part of the property of the cooperative to the members and investment shareholders, if any, in kind.*

**(61) Section 325 is repealed.**

**(62) Section 329 is amended**

- (a) in subsection (1) by striking out “Director” and substituting “Registrar”;**
- (b) by repealing subsections (2), (3) and (4) and substituting the following:**
  - (2) Articles of revival in the form set by the Registrar must be sent to the Registrar together with any other information that may be requested by the Registrar.**

(61) Section 325 presently reads:

*325 On an application under section 324, the Court, subject to the articles and Part 18, may order that*

- (a) all the property of the cooperative be converted into and distributed in money, or*
- (b) the claims of a member or investment shareholder applying under section 324 be satisfied by a distribution in money, in which case the Court*
  - (i) may determine whether any other member or investment shareholder is opposed to the proposal and, if so, join that member or investment shareholder as a party,*
  - (ii) may appoint one or more appraisers to assist the Court in fixing the fair value of the shares,*
  - (iii) must fix the fair value of the shares of the applicant and the other members or investment shareholders joined as parties as of a date determined by the Court,*
  - (iv) must give judgment in the amount of the fair value against the cooperative and in favour of each of the members or investment shareholders who are parties to the application, and*
  - (v) fix the time within which the liquidator must pay that amount to a member or investment shareholder after delivery of shares to the liquidator, if the share certificate has not been delivered to the Court or to the liquidator at the time the order is pronounced.*

(62) Section 329 presently reads in part:

*329(1) When a cooperative is dissolved under this Division, an interested person, or a person who would be an interested person if a certificate of revival were issued, may apply to the Director within 5 years of the date of dissolution to have the cooperative revived.*

*(2) Articles of revival in the form set by the Director must be sent to the Director together with a declaration to the same effect as one referred to in section 4(d) and, if applicable, a declaration to the same effect as one referred to in section 4(f).*

**(3)** On receipt of articles of revival that comply with this Act and the regulations, the Registrar must issue a certificate of revival.

**(c) in subsection (6) by striking out “Director” and substituting “Registrar”.**

**(63) Division 1 of Part 15 is repealed and the following is substituted:**

**Division 1  
Registrar’s Appointment  
and Delegation**

**Appointment of Registrar and delegation**

**331(1)** The Minister may appoint a Registrar of Cooperatives.

*(3) On receipt of articles of revival, the Director must issue a certificate of revival unless the Director is of the opinion that issuing the certificate*

*(a) would result in the cooperative*

*(i) no longer being organized or operating, or carrying on business, on a cooperative basis, and*

*(ii) if the cooperative is one to which Part 18 applies, not complying with the applicable division of Part 18,*

*or*

*(b) would not be advisable for any other valid reason.*

*(4) For the purpose of issuing a certificate of revival, the Director may rely on the articles of revival and the declarations.*

*(6) In the same manner and to the same extent as if it had not been dissolved, but subject to any reasonable terms that may be imposed by the Director and to the rights acquired by any person after its dissolution, a revived cooperative is*

*(a) restored to its previous position in law, including the restoration of all its property whether acquired before its dissolution or after its dissolution and before its revival, and any rights and privileges, whether arising before its dissolution or after its dissolution and before its revival, and*

*(b) liable for the obligations that it would have had if it had not been dissolved, whether they arise before its dissolution or after its dissolution and before its revival.*

*(63) Division 1 of Part 15 presently reads:*

*331(1) The Minister may appoint a Director of Cooperatives.*

*(2) The Director may appoint individuals as inspectors.*

*(3) The Director may exercise the powers and perform the duties of inspectors.*

*(4) The Director may delegate to one or more persons any powers, duties and functions, with or without conditions, and may authorize that person or board to further delegate the power, duty or function.*

(2) The Registrar may delegate to one or more persons any powers, duties and functions, with or without conditions, and may authorize that person or board to further delegate the power, duty or function.

(3) The Registrar continues to have authority to exercise any power given to the Registrar under this Act or the regulations even if the power is delegated.

**(64) Section 332 is amended by striking out “the Director” wherever it occurs and substituting “the Registrar”.**

**(65) Section 334 is repealed and the following is substituted:**

**Notice of refusal by Registrar**

**334(1)** The Registrar must file all documents that are required to be sent to the Registrar under this Act or the regulations unless the document does not comply with this Act or the regulations.

(2) If the Registrar refuses to file a document, the Registrar must give written reasons of the refusal to the person who sent the document.

**(66) Section 337 is amended**

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

(2) When this Act requires that articles or a statement relating to a cooperative be sent to the Registrar, on receiving the articles or statement in the form set by the Registrar, any other required documents and the prescribed fees, the Registrar must

- (a) record the date on which the articles or statement was received,
- (b) issue the appropriate certificate,
- (c) send the certificate and the articles or statement, or copies of them, to the cooperative or its representative, and
- (d) publish a notice of the issuance of the certificate in a publication generally available to the public.

*(5) The Director continues to have authority to exercise any power given to the Director under this Act or the regulations even if the power is delegated.*

(64) Section 332 presently reads:

*332 When a notice or document is required to be sent to the Director, Executive Director or Commission under this Act, the Director, Executive Director or Commission may accept a copy of it.*

(65) Section 334 presently reads:

*334(1) The Director must file all documents that are required to be sent to the Director under this Act or the regulations unless the document does not comply with this Act or the regulations.*

*(2) If the Director refuses to file a document, the Director must give written notice of the refusal to the person who sent the document, giving reasons for the refusal.*

(66) Section 337 presently reads in part:

*(2) When this Act requires that articles or a statement relating to a cooperative be sent to the Director,*

*(a) the articles or statement must be signed by a director or officer or, in the case of articles of incorporation, by the incorporators, and*

*(b) on receiving the articles or statement in the form set by the Director, any other required documents and the fees prescribed by the regulations, the Director must*

*(i) record the date on which it is received,*

*(ii) issue the appropriate certificate in accordance with sections 7, 260, 267, 274 and 329,*

*(iii) file the certificate and the articles or statement, or copies of them,*

- (b) in subsection (3) by striking out “Director” and substituting “Registrar”.**

**(67) Section 342 is repealed and the following is substituted:**

**Certificate of status**

**342** On the payment of the prescribed fee, the Registrar may issue a certificate stating that, according to the Registrar’s records, the cooperative named in the certificate

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

**(68) Section 343 is amended**

- (a) in subsection (1) by striking out “Director” and substituting “Registrar”;**
- (b) in subsection (2)**
  - (i) by striking out “Director” wherever it occurs and substituting “Registrar”;**
  - (ii) by striking out “Director’s” and substituting “Registrar’s”;**
- (c) in subsection (3) by striking out “Director” and substituting “Registrar”;**
- (d) by repealing subsection (5) and substituting the following:**
  - (5)** The issue of a corrected certificate, a corrected notice, corrected articles or another corrected document under this section does not affect the rights of a person who acts in good faith and for value in reliance on the certificate, notice, articles or other document containing the error.



(iv) *send the certificate and the articles or statement, or copies of them to the cooperative or its representative, and*

(v) *publish a notice of the issuance of the certificate in a publication generally available to the public.*

(3) *A certificate referred to in subsection (2) that is issued by the Director may be dated as of the date of the receipt of the articles or statement or as of any later date specified by the Court or the person who signed the articles or statement.*

(67) Section 342 presently reads:

*342 The Director may provide any person with a certificate that a cooperative has sent to the Director a document required to be sent or has paid fees prescribed by the regulations.*

(68) Section 343 presently reads in part:

*343(1) The Director may alter a notice or document, other than an affidavit or statutory declaration, if authorized in writing to do so by the person who sent the document or by that person's representative.*

*(2) If the Director issues a certificate that contains an error to a cooperative, the directors, members or shareholders must, on the Director's request, pass the resolutions and send the documents required to comply with this Act or the regulations and take any other steps that the Director may reasonably require.*

*(3) The Director may demand the surrender of an incorrect certificate and issue a corrected certificate.*

*(5) If the corrected certificate materially amends the terms of the original certificate, the Director must, without delay, give notice of the correction in a publication generally available to the public.*

(6) If the Registrar, the cooperative or any interested person is of the opinion that shareholders or creditors would be prejudiced by a correction to a certificate, a notice, articles or another document, the Registrar, the cooperative or an interested person may apply to the Court for an order determining the rights of the shareholders or creditors, and the Court may by order authorize the correction if it thinks fit, and may include in the order any conditions or directions pertaining to the correction that it considers appropriate.

**(69) Section 345 is amended**

**(a) by repealing subsection (1);**

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

(2) The Registrar must provide any person who has paid the prescribed fee with a copy, certified copy or extract of a document required by this Act or the regulations to be filed with the Registrar.

**(70) Section 346 is amended**

**(a) in subsections (1)(c) and (2) by striking out “Director” and substituting “Registrar”;**

**(b) by repealing subsection (5) and substituting the following:**

(5) Unless the cooperative’s bylaws, articles or other governing documents expressly provide otherwise, a notice or document required to be sent, served or delivered under this section or section 347 may be sent by electronic means in accordance with the provisions of the *Electronic Transactions Act*.

(6) A notice or document sent by electronic means in accordance with subsection (5) is deemed to have been received, served or delivered at the time it would be received in the ordinary course of electronic means despite the fact that it is returned as undeliverable.

(69) Section 345 presently reads:

*345(1) A person who has paid the fee prescribed by the regulations is entitled during usual business hours to examine a document required by this Act or the regulations to be sent to the Director, except a report of an inspector under Part 13, and to make copies of it or take extracts from it.*

*(2) The Director must provide any person requesting it with a copy, extract, certified copy or certified extract of a document required by this Act or the regulations to be sent to the Director, except a report of an inspector under Part 13.*

(70) Section 346 presently reads in part:

*346(1) Unless otherwise specified in this Act or the bylaws, a notice or document required by this Act, the regulations, the articles, the bylaws or a unanimous agreement to be given to a member, investment shareholder or director may be sent by mail addressed to or may be personally delivered to*

*(c) a director at the director's latest address as shown in the records of the cooperative or in the notice filed with the application for incorporation pursuant to section 4(c) or a notice of change sent to the Director under section 68.*

*(2) A director named in a notice sent by a cooperative to the Director under section 4(c) or 68 is presumed, for the purposes of this Act, to be a director of the cooperative referred to in the notice.*

*(5) A notice or document required to be sent or delivered under this section or section 347 may be sent by electronic means in accordance with the provisions of the Electronic Transactions Act.*

**(71) Section 350 is repealed.**

**(72) Section 361(1) is amended**

- (a) in clause (a) by striking out “13(2), 21(1), 27(2) and (4)” and substituting “21(1), 27(4)”;**
- (b) in clause (h) by striking out “, 310(2)”.**

**(73) Section 365 is amended**

- (a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):**
  - (a) “agent for service” or “agent” means the individual who, according to the Registrar’s records, is appointed as the agent for service of an extra-provincial cooperative;**
- (b) by repealing clause (b).**

**(74) Section 366(a) and (b) are repealed.**

(71) Section 350 presently reads:

*350 The Director may, for all purposes of this Act, rely on a declaration of the incorporators or directors referred to in section 4(d) or (f), 260(4) or (5), 261(1), 266(1), 274(2) or 329(2).*

(72) Section 361(1) presently reads in part:

*361(1) A person who contravenes any of the following provisions is guilty of an offence:*

- (a) in Part 1, sections 8, 13(2), 21(1), 27(2) and (4), 28(1), (2), (3), (4), (6) and (7) and 29;*
- (h) in Part 14, sections 301, 303, 309(2), 310(2), 313(2) and 326;*

(73) Section 365 presently reads in part:

*365 In this Part,*

- (a) “anniversary month”, with reference to an extra-provincial cooperative, means the month in each year that is the same as the month in which its certificate of registration was issued;*
- (b) “attorney for service” or “attorney” means the individual who, according to the Director’s records, is appointed as the attorney for service of an extra-provincial cooperative;*

(74) Section 366(a) and (b) presently read:

*366 For the purposes of this Part, an extra-provincial cooperative carries on business in Alberta if*

- (a) its name, or any name under which it carries on business, is listed in a telephone directory for any part of Alberta,*
- (b) its name, or any name under which it carries on business, appears or is announced in any advertisement in which an address in Alberta is given for the extra-provincial cooperative,*

**(75) Section 369 is amended**

- (a) in subsection (1) by striking out “Director” wherever it occurs and substituting “Registrar”;**
- (b) in subsection (2)**
  - (i) in clause (a) by striking out “, verified in a manner satisfactory to the Director”;**
  - (ii) by repealing clause (c) and substituting the following:**
    - (c) the appointment of its agent for service, in a form set by the Registrar.**
- (c) in subsection (3)**
  - (i) by striking out “the Director may” and substituting “the Registrar may”;**
  - (ii) by striking out “, verified in a manner satisfactory to the Director.”.**

**(76) Section 371 is amended**

- (a) in subsection (2) by striking out “Director” wherever it occurs and substituting “Registrar”;**
- (b) in subsection (3)**
  - (i) by striking out “Director” and substituting “Registrar”;**
  - (ii) by striking out “Director’s” and substituting “Registrar’s”.**

**(77) Section 373(1) is amended**

- (a) in the portion preceding clause (a) by striking out “Director” and substituting “Registrar”;**
- (b) in clause (c) by striking out “in the form set by the Director”.**

(75) Section 369 presently reads in part:

*369(1) An extra-provincial cooperative must apply for registration by sending to the Director a statement in the form set by the Director.*

*(2) The statement must be accompanied with*

- (a) a copy of the charter of the extra-provincial cooperative, verified in a manner satisfactory to the Director,*
- (c) the appointment of its attorney for service, in a form set by the Director.*

*(3) If all or any part of the applicant's charter is not in the English language, the Director may require a translation of the charter or that part of the charter to be provided, verified in a manner satisfactory to the Director, before the extra-provincial cooperative is registered.*

(76) Section 371(2) and (3) presently read:

*(2) If through inadvertence or otherwise an extra-provincial cooperative is registered with or later acquires a name that contravenes subsection (1), the Director may, by notice in writing giving reasons, direct the extra-provincial cooperative to change its name to one approved by the Director within 90 days after the date of the notice.*

*(3) The Director may give a notice under subsection (2) on the Director's own initiative or at the request of a person who feels aggrieved by the name that contravenes subsection (1).*

(77) Section 373(1) presently reads in part:

*373(1) Subject to section 371, on receipt of the statement and other documents required by section 369, the Director must*

- (c) issue a certificate of registration in the form set by the Director in accordance with section 337.*

**(78) Section 374 is amended**

- (a) in subsection (1) by striking out “Director” wherever it occurs and substituting “Registrar”;**
- (b) in subsection (2)**
  - (i) in the portion preceding clause (a) by striking out “Director” and substituting “Registrar”;**
  - (ii) by repealing clause (a)(i) and (ii) and substituting the following:**
    - (i) to the extra-provincial cooperative head office, and
    - (ii) to its agent for service in accordance with section 377, with any necessary modifications,
  - (iii) in clause (b) by striking out “Director” and substituting “Registrar”;**
  - (iv) in clause (c) by striking out “Director’s” and substituting “Registrar’s”;**
- (c) in subsections (3) and (4) by striking out “Director” wherever it occurs and substituting “Registrar”;**
- (d) by adding the following after subsection (4):**
  - (5)** A notice or document required to be sent, served or delivered under this section may be sent by mail or electronic means in accordance with the *Electronic Transactions Act*.
  - (6)** A notice or document sent in accordance with subsection (5) is deemed to have been received, served or delivered at the time it would be delivered in the ordinary course of mail or received in the ordinary course of electronic means despite the fact that it is returned as undeliverable.
  - (7)** The cancellation of the registration of an extra-provincial cooperative does not affect its liability for its obligations.



(78) Section 374 presently reads in part:

*374(1) Subject to subsection (2), the Director may cancel the registration of an extra-provincial cooperative if*

- (a) the extra-provincial cooperative is in default for a period of one year in sending to the Director any fee, notice or document required by this Part,*
- (b) the extra-provincial cooperative has sent a notice to the Director under subsection (4) or the Director has reasonable grounds to believe that the extra-provincial cooperative has ceased to carry on business in Alberta,*
- (e) the extra-provincial cooperative does not comply with a direction of the Director under section 371(2), or*

*(2) The Director may not cancel the registration of an extra-provincial cooperative under subsection (1) until*

- (a) the expiration of at least 120 days' notice of the proposed cancellation with reasons for it,*
  - (i) to the extra-provincial cooperative by mail addressed to its head office, and*
  - (ii) to its attorney for service in accordance with section 377 with any necessary modifications,*
- (b) the Director publishes a notice of the proposed cancellation in a publication generally available to the public, and*
- (c) either no appeal has been commenced under section 335 or, if an appeal has been commenced, it has been discontinued or the Director's decision has been confirmed on appeal.*

*(3) The Director may reinstate the registration of an extra-provincial cooperative that was cancelled under subsection (1)(a) on receipt by the Director of the fees, notices and documents required for reinstatement.*

*(4) An extra-provincial cooperative that ceases to carry on business in Alberta must send a notice to that effect to the Director.*

**(79) Section 375 is repealed and the following is substituted:**

**Certificate of reinstatement**

**375** Subject to section 371, on the reinstatement of the registration of an extra-provincial cooperative under section 374(3), the Registrar must issue a certificate of reinstatement.

**(80) Section 377 is amended**

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

**Agent for service of an extra-provincial cooperative**

**377(1)** If an agent of an extra-provincial cooperative dies or resigns or the agent's appointment is revoked, the extra-provincial cooperative must immediately send to the Registrar an appointment of an individual as its agent for service in the form set by the Registrar.

**(2)** An extra-provincial cooperative may, in the form set by the Registrar, appoint an individual as its alternative agent.

- (b) in subsection (3)**

**(i) in the portion preceding clause (a) by striking out "Director" and substituting "Registrar";**

**(ii) by striking out "attorney" wherever it occurs and substituting "agent";**

**(iii) by striking out "and the Director must file the appointment or notice, as the case may be";**

- (c) in subsection (4)**

**(i) by striking out "attorney" and substituting "agent";**

**(ii) in clause (b) by striking out "Director, who must file it" and substituting "Registrar";**

- (d) by repealing subsection (5) and substituting the following:**

**(5)** An agent must send the Registrar a notice in the form set by the Registrar of any change of the agent's address as soon as possible after it occurs.

(79) Section 375 presently reads:

*375(1) Subject to section 371, on the reinstatement of the registration of an extra-provincial cooperative pursuant to section 374(3), the Director must issue a new certificate of registration in the form set by the Director.*

*(2) The cancellation of the registration of an extra-provincial cooperative does not affect its liability for its obligations.*

(80) Section 377 presently reads:

*377(1) If an attorney of an extra-provincial cooperative dies or resigns or the attorney's appointment is revoked, the extra-provincial cooperative must immediately send to the Director an appointment of an individual as its attorney for service in the form set by the Director, and the Director must file the appointment.*

*(2) An extra-provincial cooperative may, in the form set by the Director, appoint an individual as its alternative attorney.*

*(3) An extra-provincial cooperative must send to the Director*

*(a) each appointment by it of an alternative attorney, and*

*(b) if an alternative attorney dies or resigns or the appointment is revoked, a notice to that effect,*

*and the Director must file the appointment or notice, as the case may be.*

*(4) An attorney for an extra-provincial cooperative who intends to resign must*

*(a) give not less than 60 days' notice to the extra-provincial cooperative at its head office, and*

*(b) send a copy of the notice to the Director, who must file it.*

*(5) An attorney must send the Director a notice in the form set by the Director of any change of the attorney's address as soon as possible after it occurs, and the Director must file the notice.*

**(e) in subsection (6) by striking out “attorney” and substituting “agent”;**

**(f) by repealing subsection (7)(a) to (c) and substituting the following:**

- (a) delivered or mailed to the address of its agent or alternative agent according to the Registrar’s records, or
- (b) sent by electronic means to its agent or alternative agent in accordance with the *Electronic Transactions Act*.

**(g) by repealing subsections (8) and (9) and substituting the following:**

**(8)** A notice or document sent under subsection (7) is deemed to have been received at the time it would be delivered in the ordinary course of mail or received in the ordinary course of electronic means, as the case may be, despite the fact that it is returned as undeliverable.

**(81) Section 378 is amended**

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

**(i) in the portion preceding clause (a) by striking out “Director” and substituting “Registrar”;**

**(ii) in clause (a) by striking out “, verified in a manner satisfactory to the Director”;**

**(iii) in clause (c)**

**(A) by striking out “Director” and substituting “Registrar”;**

*(6) An extra-provincial cooperative must ensure that the address of its attorney is an office that is*

- (a) accessible to the public during normal business hours, and*
- (b) readily identifiable from the address or other description given in the notice referred to in subsection (5) or the appointment referred to in section 369(2)(c).*

*(7) A notice or document required or permitted by law to be sent to or served in Alberta on an extra-provincial cooperative may be*

- (a) delivered to its attorney or to an alternative attorney according to the Director's records,*
- (b) delivered to the address, according to the Director's records, of its attorney, or*
- (c) sent by registered mail to either of those addresses.*

*(8) A notice or document sent by registered mail to the attorney's address is deemed to be received or served at the time it would be delivered in the ordinary course of mail unless there are reasonable grounds for believing that the attorney did not receive the notice or document at that time or at all.*

*(9) An individual whose appointment as an attorney or alternative attorney of an extra-provincial cooperative is on file with the Registrar of Corporations immediately before the commencement of this Act is deemed to be the extra-provincial cooperative's attorney or an alternative attorney, as the case may be, on the coming into force of this Act.*

(81) Section 378 presently reads in part:

*378(1) A registered extra-provincial cooperative must send to the Director*

- (a) a copy of each amendment to its charter, verified in a manner satisfactory to the Director,*
- (c) a notice in the form set by the Director of any change in*

**(B) in subclause (ii) by striking out “name and address” and substituting “name and contact information”;**

**(b) in subsection (2)(b) by striking out “section 381(1)” and substituting “section 381”;**

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

**(3) If the amendment to its charter effects a change in the name under which an extra-provincial cooperative is registered, the Registrar must issue a certificate of amendment of registration.**

**(82) Section 379 is amended**

**(a) in subsection (1) by striking out “Director” wherever it occurs and substituting “Registrar”;**

**(b) in subsection (2) by striking out “Director must file them and issue a new” and substituting “Registrar must issue a”.**

**(83) Section 380 is amended**

**(a) in subsections (1)(a) and (b) and (2) by striking out “Director” and substituting “Registrar”;**

**(b) in subsection (3)**

**(i) by striking out “to the Director” and substituting “to the Registrar”;**

**(ii) by striking out “, and the Director must file the notice”.**

- (ii) *the membership of its board of directors, board of management or other governing body, including the name and address of each new member of the board of directors, board of management or governing body*

*within 30 days after the effective date of the amendment or change.*

*(2) An extra-provincial cooperative is not required to send a notice of a change in the board of directors, board of management or other governing body if*

- (b) the change is reflected in the annual return required to be filed under section 381(1).*

*(3) If the amendment to its charter effects a change in the name under which an extra-provincial cooperative is registered, the Director, on filing the copy of the amendment, must issue a new certificate of amendment of registration in the form set by the Director and change the Director's records accordingly.*

(82) Section 379 presently reads in part:

*379(1) A registered extra-provincial cooperative must send to the Director*

- (c) a statement in the form set by the Director relating to the amalgamated extra-provincial cooperative and the documents referred to in section 369(2),*

*within 30 days after the effective date of the amalgamation.*

*(2) On receiving the documents referred to in subsection (1), the Director must file them and issue a new certificate of registration of the amalgamated extra-provincial cooperative.*

(83) Section 380 presently reads:

*380(1) If liquidation proceedings are commenced in respect of a registered extra-provincial cooperative, the extra-provincial cooperative or, if a liquidator is appointed, the liquidator*

- (a) must send to the Director, immediately after the commencement of those proceedings, a notice showing that the proceedings have commenced and the address of the liquidator if one is appointed, and*

**(84) Section 381 is repealed and the following is substituted:**

**Annual returns**

**381** A registered extra-provincial cooperative must, in each year on or before the last day of the month immediately following its anniversary month, send to the Registrar a return in the form set by the Registrar.

**(85) Section 382 is amended**

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

**Certificate of status**

**382(1)** On the payment of the prescribed fee, the Registrar may issue a certificate stating that, according to the Registrar's records, the extra-provincial cooperative named in the certificate

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



(b) *must send to the Director immediately after the completion of those proceedings a return relating to the liquidation.*

(2) *The Director must*

(a) *on receiving the notice, file it and publish a notice respecting the liquidation in a publication generally available to the public, and*

(b) *on receiving the return, file it and cancel the registration of the extra-provincial cooperative immediately after the expiration of 90 days following the date of filing of the return.*

(3) *The liquidator of a registered extra-provincial cooperative must send to the Director a notice of any change of address within 30 days after the effective date of the change of address, and the Director must file the notice.*

(84) Section 381 presently reads:

*381(1) A registered extra-provincial cooperative must, in each year on or before the last day of the month immediately following its anniversary month, send to the Director a return in the form set by the Director, and the Director must file it.*

*(2) A registered extra-provincial cooperative must, at the request of the Director, send to the Director a return containing any further or other information that the Director may reasonably require.*

(85) Section 382 presently reads:

*382(1) The Director may furnish any person with a certificate that an extra-provincial cooperative has sent to the Director a document required to be sent under this Act.*

*(2) A certificate purporting to be signed by the Director and stating that a named extra-provincial cooperative was or was not registered on a specified day or during a specified period is admissible in evidence in the absence of evidence to the contrary of the facts stated in it without proof of the Director's appointment or signature.*

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

- (i) by striking out “Director” and substituting “Registrar”;**
- (ii) by striking out “registered” and substituting “existing”;**
- (iii) by striking out “Director’s” and substituting “Registrar’s”.**

**(86) Section 382.3 is amended**

- (a) in clause (c) by striking out “Director” and substituting “Registrar”;**
- (b) in clause (d)**
  - (i) in subclause (ii) by striking out “and other returns”;**
  - (ii) in subclause (iv) by striking out “attorneys for service” and substituting “agents for service”;**
- (c) in clauses (f) and (h) by striking out “Director” and substituting “Registrar”.**

**(87) Section 390 is repealed and the following is substituted:**

**Amending articles**

**390** A non-profit housing cooperative incorporated with shares or a cooperative without shares may change to a cooperative of the other form.

(86) Section 382.3 presently reads in part:

*382.3 The Minister may make regulations*

- (c) respecting the collection by the Director of applications, information, forms, notices, fees and other things relating to extra-provincial matters referred to in section 382.1(b)(ii) for an extra-provincial director and the transmission of those things to the extra-provincial director;*
- (d) respecting the registration of and other matters pertaining to extra-provincial cooperatives, including, without limitation, regulations respecting
  - (ii) annual returns and other returns of extra-provincial cooperatives,*
  - (iv) changes in the name, charter, head office, directors or attorneys for service of extra-provincial cooperatives,**
- (f) respecting the documentation to be issued by the Director;*
- (h) respecting the furnishing of applications, information, forms, notices, fees and other things to the Director;*

(87) Section 390 presently reads:

*390 A non-profit housing cooperative may make the following amendments to its articles:*

- (a) a non-profit housing cooperative incorporated with shares or a cooperative without shares may change to a cooperative of the other form;*
- (b) a non-profit housing cooperative may change to a corporation under Part 9 of the Companies Act or the Societies Act if
  - (i) the primary object of the corporation is to carry on business as a non-profit continuing housing corporation**

**(88) Section 420 is amended**

**(a) by renumbering it as section 420(1);**

**(b) in subsection (1)**

**(i) by striking out “co-operative” wherever it occurs and substituting “cooperative”;**

**(ii) in clause (b) by striking out “by a show of hands or by ballot”;**

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

**(2) Unless expressly prohibited by the bylaws, members who vote at a meeting referred to in subsection (1)(b) may vote by**

**(a) a show of hands,**

**(b) ballot, or**

**(c) any telephonic, electronic or other communication method that the cooperative has made available for that purpose.**

**(89) Section 421(2) is amended by striking out “sections 73 and 74” and substituting “section 73”.**

*or a non-profit home ownership cooperative and to provide housing or housing-related facilities to its members together with ancillary services and facilities,*

- (ii) the corporation is to be carried on without the purpose of gain for its members or shareholders, and*
- (iii) on dissolution and after the payment of its debts and liabilities, the remaining property of the corporation is to be transferred to, or distributed among, one or more non-profit housing cooperatives, non-profit organizations or charitable organizations.*

(88) Section 420 presently reads:

*420 In the case of a multi-stakeholder co-operative, any reference in this Act to a special resolution means a resolution that is not effective until it is*

- (a) passed by the directors of the multi-stakeholder co-operative, and*
- (b) confirmed, with or without variation, by at least 2/3, or any greater proportion that is provided for by the articles, of the votes cast by a show of hands or by ballot by the members of each stakeholder group at*
  - (i) a meeting of the members of the multi-stakeholder cooperative called for that purpose, or*
  - (ii) separate meetings of each of the stakeholder groups called for that purpose.*

(89) Section 421(2) presently reads:

*(2) In addition to the requirements set out in sections 73 and 74, there must be at least one director of each stakeholder group present at a meeting of directors to constitute a quorum of the board of directors.*

**(90) Sections 432, 434, 435, 436(1), 439, 440, 441, 442, 443, 444 and 446 are repealed.**

(90) Sections 432, 434, 435, 436(1), 439, 440, 441, 442, 443, 444 and 446 presently read:

*432 Every association that is registered under the former Act when this Part comes into force continues as an association under the former Act, and the former Act continues to apply to that association until March 31, 2005.*

*434(1) An association continued under section 432 is dissolved on March 31, 2005 unless the association is continued under this section before that date.*

*(2) An association may be continued as a cooperative if the association submits an application to the Director that contains*

- (a) the articles of the association in accordance with sections 5, 387, 388, 389, 392(1), 402(1), 407, 413 and 419, as applicable;*
- (b) a declaration signed by the directors that after the association is continued under this section the cooperative will be organized and operated and will carry on business on a cooperative basis;*
- (c) if applicable, a declaration signed by the incorporators that after the incorporation the cooperative will comply with the applicable division of Part 18;*
- (d) the fee required by the regulations, if any;*
- (e) anything else required by the regulations.*

*(3) Notwithstanding subsection (2), an extra-provincial cooperative may be continued under this Act if the cooperative submits a declaration signed by the directors that the cooperative wishes to continue under this Act.*

*(4) On receipt of a complete application under subsection (2) or a declaration under subsection (3), the Director must issue a certificate of continuance continuing an association as a cooperative or extra-provincial cooperative, as the case may be.*

*435(1) A certificate of continuance issued under this Part must set out the name of the cooperative or extra-provincial cooperative and its financial year.*





*(2) The Director may set out in the certificate of continuance any term or condition that the Director considers appropriate to deal with the particular circumstances of the cooperative or extra-provincial cooperative.*

*436(1) On the date set out in the certificate of continuance,*

- (a) an association continued under this Part becomes a cooperative as if it had been incorporated or registered under this Act, and*
- (b) the certificate of continuance is the instrument of incorporation or registration of the cooperative.*

*439 The Director of Co-operative Activities under the former Act continues as the Director of Cooperatives under this Act until a new Director is appointed pursuant to section 331.*

*440(1) If a supplemental bylaw of an association is in effect when the association is continued under this Part, the supplemental bylaw continues in effect until new bylaws are filed with the Director in accordance with this section.*

*(2) Within one year of the certificate of continuance being issued under section 434(4) or at the next annual general meeting of the cooperative, whichever occurs first, the members of the cooperative must meet to make the bylaws, which must contain the matters provided in the regulations.*

*(3) The bylaws made under subsection (2) must*

- (a) be filed with the Director within 60 days of the date they are made,*
- (b) be signed by the directors, and*
- (c) have an affidavit attached to them verifying the signatures under clause (b).*

*441 On the continuation of an association under this Part, shares with nominal or par value of the cooperative are continued as shares with nominal or par value.*

*442 Notwithstanding section 16, the name of an association continued under this Act continues as the name of the cooperative.*

**(91) The following provisions are amended by striking out “Director” wherever it occurs and substituting “Registrar”:**

section 16(3);  
section 24(2);  
section 25(1)(b) and (c);  
section 28(7);  
section 68;  
section 110(4) and (5);  
section 241(6)(b);  
section 269(1), (3) and (4);  
section 278(5) and (6);

*443 Notwithstanding any other provision of this Act, the directors and officers of an association that are in office when the association is continued under this Part remain in office until the first annual meeting of members and investment shareholders or when their terms of office expire, whichever occurs first.*

*444 Notwithstanding any provision of this Act, the auditor of an association continued under this Part continues to be the auditor of the cooperative until*

*(a) the cooperative's first annual meeting of members and investment shareholders, or*

*(b) the office of auditor becomes vacant,*

*whichever occurs first.*

*446 The Minister may make regulations*

*(a) respecting the transition of matters under the former Act to this Act;*

*(b) respecting the continuation of cooperative associations under this Act;*

*(c) respecting the revival of an association that has not been continued under this Act, including*

*(i) having the revival be retroactively effective to the date that the former Act is repealed;*

*(ii) the winding-up and dissolution of a revived cooperative association.*

(91) Updates terminology.

section 279(7);  
section 280(1);  
section 299(2);  
section 306(2)(d), (3) and (4);  
section 307;  
section 308(4), (5) and (6);  
section 309(1), (2) and (3);  
section 311(1) and (3);  
section 312(1), (2) and (3);  
section 313(2) and (4);  
section 321(h);  
section 323(4), (5)(a) and (c) and (6);  
section 333;  
section 335;  
section 338;  
section 339(1), (3) and (4);  
section 340;  
section 341;  
section 344;  
section 347(1) and (2);  
section 352(c), (d), (q) and (cc);  
section 364;  
section 372(1) and (4);  
section 382.1(a);  
section 382.2;  
section 423.

**(92) This section comes into force on Proclamation.**

## **Education Act**

**Amends SA 2012 cE-0.3**

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

**(2) Section 21 is repealed and the following is substituted:**

### **Early childhood services programs**

**21(1)** A board or, with the approval of the Minister, other person may provide an early childhood services program to a child who, as of September 1, is younger than 6 years of age, if the parent of the child requests it.

**(2)** A board or, with the approval of the Minister, other person may provide an early childhood services program to a student who, as of

(92) Coming into force.

### **Education Act**

4(1) Amends chapter E-0.3 of the Statutes of Alberta, 2012.

(2) Section 21 presently reads:

*21(1) A board or, with the approval of the Minister, another person may provide an early childhood services program to a child who, as of September 1, is younger than 6 years of age, if the parent of the child requests it.*

*(2) A board or, with the approval of the Minister, a person may provide an early childhood services program to a student who, as of*

September 1, is younger than 7 years of age if both the parent of the student and the board or person providing the early childhood services program are of the opinion that the program will benefit the student.

**(3)** An early childhood services program provided by a board or other person must be consistent with the goals and standards adopted or approved by the Minister under section 18(2)(b).

**(4)** A board or other person providing an early childhood services program shall manage, administer and operate the early childhood services program in accordance with this Act, the regulations and any policies established under the regulations.

**(5)** The Minister may by order establish minimum requirements that policies established under the regulations must meet.

**(6)** Subject to the regulations, if a parent enrolls a child or student in an early childhood services program, the board or other person that provides the early childhood services program may charge the parent fees in respect of the program.

**(7)** Unless otherwise stated, if a child referred to in subsection (1) attends an early childhood services program, the child is not, by reason of attending that program,

- (a) a resident student of the board, or
- (b) entitled to any of the rights or benefits given to a student under this Act.

**(8)** The Lieutenant Governor in Council may make regulations respecting early childhood services programs, including regulations respecting

- (a) boards and other persons providing early childhood services programs, including regulations establishing classes of boards or persons providing early childhood services programs;
- (b) the management, administration and operation of early childhood services programs;

*September 1, is younger than 7 years of age if both the parent of the student and the board are of the opinion that the program will benefit the student.*

*(3) An early childhood services program provided by a board or a person under this section must be consistent with the goals and standards adopted or approved by the Minister under section 18(2)(b).*

*(4) Subject to the regulations, if a parent enrolls a child or a student in an early childhood services program, the board or other person that provides the early childhood services program may charge the parent fees in respect of the program.*

*(5) Unless otherwise stated, if a child referred to in subsection (1) attends a program under this section, the child is not, by reason of attending that program,*

*(a) a resident student of the board, or*

*(b) entitled to any of the rights or benefits given to a student under this Act.*

*(6) The Minister may make regulations respecting early childhood services programs.*

- (c) the development, maintenance and review of policies relating to the management, administration and operation of early childhood services programs;
- (d) the governance of persons other than boards providing early childhood services programs, including regulations respecting the composition of boards of directors, quorum and voting requirements;
- (e) remuneration, benefits, allowances, expenses or fees that may be paid or provided to directors, officers or individuals employed or engaged for services by boards or other persons providing early childhood services programs;
- (f) contracts of employment or agreements to engage services that boards or other persons providing early childhood services programs have entered into or propose to enter into, including regulations respecting
  - (i) the review by the Minister of contracts or agreements,
  - (ii) requirements that contracts or agreements must meet,
  - (iii) actions the Minister may take with respect to contracts or agreements that do not meet the requirements, and
  - (iv) transitional matters with respect to the requirements referred to in subclause (ii) or the actions referred to in subclause (iii), including regulations authorizing the Minister to require amendment or termination of contracts or agreements;
- (g) agreements and transactions with related parties that boards or other persons providing early childhood services programs have entered into or propose to enter into, including regulations respecting
  - (i) the determination as to whether parties to agreements or transactions are related parties,
  - (ii) the review by the Minister of agreements or transactions,
  - (iii) requirements that agreements or transactions must meet,





- (iv) actions the Minister may take with respect to agreements or transactions that do not meet the requirements, and
- (v) transitional matters with respect to the requirements referred to in subclause (iii) or the actions referred to in subclause (iv), including regulations authorizing the Minister to require amendment or termination of contracts or agreements;
- (h) funding relating to early childhood services programs received under the *Government Organization Act*, including prohibitions on the transfer of such funding;
- (i) financial reporting relating to the management, administration and operation of early childhood services programs;
- (j) audits of financial statements, including requirements, criteria and procedures for audits;
- (k) the collection, use and disclosure by the Minister of information relating to the management, administration and operation of early childhood services programs, including personal information;
- (l) the provision of information relating to the management, administration and operation of early childhood services programs to the Minister or other persons by boards or other persons providing early childhood services programs;
- (m) the publication of information relating to the management, administration and operation of early childhood services programs;
- (n) confidentiality, publication, retention, storage and disposition of records relating to the management, administration and operation of early childhood services programs;
- (o) monitoring and oversight of boards and other persons providing early childhood services programs to determine compliance with this Act, the regulations and the policies required under the regulations;



- (p) actions the Minister may take in respect of a failure to comply with this Act, the regulations or the policies required under the regulations;
- (q) exemptions from any requirements under the regulations;
- (r) defining for the purposes of this Act any term that is used but not defined in this Act.

(9) Regulations made under subsection (8) may apply to all boards or persons providing early childhood services programs or to a class of boards or persons providing early childhood services programs, and different regulations may be made in respect of different classes of boards or persons providing early childhood services programs.

**(3) Section 29 is amended**

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

(3.1) A person responsible for the operation of a private school shall manage, administer and operate the private school in accordance with this Act, the regulations and any policies established under the regulations.

(3.2) The Minister may by order establish minimum requirements that policies established under the regulations must meet.

**(b) in subsection (4) by adding the following after clause (a):**

(a.1) if the person responsible for the operation of the school does not comply with the provisions of the regulations or policies that are prescribed by the regulations for the purposes of this clause,

**(c) by adding the following after subsection (6):**

(6.1) This section and any regulations made under subsection (7) do not apply

- (a) in respect of an accredited private school in relation to the operation, administration and management of an early childhood services program provided in the accredited private school, and

(3) Section 29 presently reads in part:

*(4) The Minister may cancel or suspend the registration or accreditation of a private school*

*(a) if the person responsible for the operation of the school does not comply, in the case of a private school, with subsection (1) and, in the case of an accredited private school, with subsections (1) and (2),*

*(7) The Minister may make regulations respecting private schools, including, without limiting the foregoing, regulations establishing eligibility criteria that must be met by a person who proposes to operate a private school.*

- (b) to a person responsible for the operation of an accredited private school in its capacity as a person providing an early childhood services program under section 21.

**(d) by repealing subsection (7) and substituting the following:**

**(7)** The Lieutenant Governor in Council may make regulations respecting private schools, including regulations

- (a) establishing eligibility criteria that must be met by persons who propose to operate private schools;
- (b) respecting the management, operation and administration of private schools;
- (c) respecting the development, maintenance and review of policies relating to the management, operation and administration of private schools;
- (d) respecting the remuneration, benefits, allowances, expenses or fees that may be paid or provided to directors, officers or individuals employed or engaged for services by persons responsible for the operation of private schools;
- (e) respecting contracts of employment and agreements to engage services that persons responsible for the operation of private schools have entered into or propose to enter into, including regulations respecting
  - (i) the review by the Minister of contracts or agreements,
  - (ii) requirements that contracts or agreements must meet,
  - (iii) actions the Minister may take with respect to contracts or agreements that do not meet the requirements, and
  - (iv) transitional matters with respect to the requirements referred to in subclause (ii) or the actions referred to in subclause (iii), including regulations authorizing the Minister to require amendment or termination of contracts or agreements;
- (f) respecting agreements and transactions with related persons that persons responsible for the operation of private schools



have entered into or propose to enter into, including regulations respecting

- (i) the determination as to whether parties to agreements or transactions are related parties,
  - (ii) the review by the Minister of agreements or transactions,
  - (iii) requirements that agreements or transactions must meet,
  - (iv) actions the Minister may take with respect to agreements or transactions that do not meet the requirements, and
  - (v) transitional matters with respect to the requirements referred to in subclause (iii) or the actions referred to in subclause (iv), including regulations authorizing the Minister to require amendment or termination of contracts or agreements;
- (g) respecting funding relating to private schools under the regulations under the *Government Organization Act*, including prohibitions on the transfer of such funding;
  - (h) respecting financial reporting relating to the management, administration and operation of private schools;
  - (i) respecting audits of financial statements, including requirements, criteria and procedures for audits;
  - (j) respecting the collection, use and disclosure by the Minister of information relating to the management, administration or operation of private schools, including personal information;
  - (k) respecting the provision of information relating to the management, administration or operation of private schools to the Minister or other persons by persons responsible for the operation of private schools;
  - (l) respecting the publication of information relating to the management, administration and operation of private schools;





- (m) respecting the confidentiality, publication, retention, storage and disposition of records relating to the management, administration and operation of private schools;
- (n) respecting the monitoring and oversight of persons responsible for the operation of private schools to determine compliance with this Act, the regulations and the policies required under the regulations;
- (o) prescribing provisions of the regulations or policies established under the regulations for the purposes of subsection (4)(a.1);
- (p) respecting actions the Minister may take in respect of a failure to comply with this Act, the regulations or the policies required under the regulations;
- (q) respecting exemptions from any requirements under the regulations;
- (r) defining for the purposes of this Act any term that is used but not defined in this Act.

**(4) Section 30(2) is repealed and the following is substituted:**

**(2)** Section 20 and any regulations made under section 20(2) apply to an accredited private school and its operation, and a reference in that section or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of an accredited private school or a member of the governing body of the operator of an accredited private school.

**(3)** Section 21, except subsection (7), and any regulations made under section 21(8) apply to an accredited private school and its operation.

**(5) Section 143.1(3) is amended by striking out “September 1, 2022” and substituting “September 1, 2023”.**

**(6) This section comes into force on Proclamation.**

(4) Section 30(2) presently reads:

*(2) In addition to the provisions referred to in subsection (1), section 20 and section 21, except subsection (5), and any regulations made under section 20(2) or 21(6), apply to an accredited private school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of an accredited private school or a member of the governing body of the operator of an accredited private school.*

(5) Section 143.1(3) presently reads:

*(3) This section is repealed on September 1, 2022.*

(6) Coming into force.

### **Health Statutes Amendment Act, 2021**

**Amends SA 2021 c10**

**5(1) The *Health Statutes Amendment Act, 2021* is amended by this section.**

**(2) Section 7(3) is amended in the new section 5.01(1)(b)(i) by adding “and standards” after “regulations”.**

### **Highways Development and Protection Act**

**Amends SA 2004 cH-8.5**

**6(1) The *Highways Development and Protection Act* is amended by this section.**

**(2) Section 4(1) and (2) are amended by striking out “Lieutenant Governor in Council” and substituting “Minister”.**

**(3) Section 78 is amended by striking out “on a date or dates to be fixed by Proclamation”.**

### **Health Statutes Amendment Act, 2021**

- 5(1) Amends chapter 10 of the Statutes of Alberta, 2021.
- (2) Section 7(3) presently reads in part:
- (3) *Section 5.01(1)(b) is repealed and the following is substituted:*
- (b) *the proprietor*
- (i) *meets the requirements set out in the regulations, and*

### **Highways Development and Protection Act**

- 6(1) Amends chapter H-8.5 of the Statutes of Alberta, 2004.
- (2) Section 4(1) and (2) presently read:
- 4(1) The Lieutenant Governor in Council may by order designate as a freeway*
- (a) *any existing provincial highway, or*
- (b) *any proposed provincial highway,*
- and may prescribe a route number for the freeway so designated.*
- (2) The Lieutenant Governor in Council may, in an order under subsection (1) or an amendment to it, or in a separate order, designate the locations on a freeway or proposed freeway at which access to and from the freeway is to be permitted.*
- (3) Section 78 presently reads:
- 78 The following Acts are repealed on a date or dates to be fixed by Proclamation:*
- (a) *the Public Highways Development Act;*
- (b) *the City Transportation Act.*

**(4) The following is added after section 78:**

**Transitional**

**78.1** Notwithstanding the repeal of the *Public Highways Development Act*, sections 38 and 39 of the *Public Highways Development Act* continue to apply to any and all proceedings that commenced but have not concluded before the coming into force of this section.

**(5) This section comes into force on Proclamation.**

**Local Authorities Election Act**

**Amends RSA 2000 cL-21**

**7(1) The *Local Authorities Election Act* is amended by this section.**

**(2) Section 147.4 is amended by adding the following after subsection (7):**

**(7.1)** A document made available to the public under subsection (7) must be made available in a partial or redacted form as necessary to ensure that the following are not disclosed:

- (a) the mailing address of the candidate;
- (b) any address provided for a contributor, except any portion of an address that names a municipality or a province;
- (c) any other candidate or contributor contact information not required by this section but included on a document filed with a local jurisdiction.

**(7.2)** If a document that does not comply with subsection (7.1) was made available to the public under subsection (7) before this subsection comes into force, the local jurisdiction must immediately withhold any further public access to the document and make the document available to the public in a partial or redacted form in accordance with subsection (7.1).

(4) Transitional.

(5) Coming into force.

#### **Local Authorities Election Act**

**7(1)** Amends chapter L-21 of the Revised Statutes of Alberta 2000.

(2) Section 147.4(7) presently reads:

*(7) The local jurisdiction must ensure that all documents filed under this section are available to the public during regular business hours for a period of 4 years after the election.*

## **Motor Vehicle Accident Claims Act**

**Amends RSA 2000 cM-22**

**8(1) The *Motor Vehicle Accident Claims Act* is amended by this section.**

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

- (a) “Administrator” means the Administrator appointed under section 3.1;

**(3) The following is added after section 3:**

### **Appointment of Administrator**

**3.1** The Minister may appoint an officer of the Minister’s Department to act as the Administrator for the purposes of this Act and the regulations.

### **Delegation of Administrator’s powers**

**3.2** The Administrator may delegate to any person or persons all or any of the powers, duties or functions conferred or imposed on the Administrator by this Act or the regulations.

## **Municipal Government Act**

**Amends RSA 2000 cM-26**

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

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

- (x) “population” means population as determined by, and specified by order of, the Minister under section 604.1;

**(3) Section 3 is amended by adding the following after clause (a.1):**

- (a.2) to foster the economic development of the municipality,



### **Motor Vehicle Accident Claims Act**

**8(1)** Amends chapter M-22 of the Revised Statutes of Alberta 2000.

(2) Section 1(a) presently reads:

*1 In this Act,*

(a) *“Administrator” means the officer of the Minister’s Department appointed as the Administrator of the Motor Vehicle Accident Claims Act;*

(3) Appointment of Administrator; delegation of Administrator’s powers.

### **Municipal Government Act**

**9(1)** Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(x) presently reads:

*1(1) In this Act,*

(x) *“population” means population as defined and determined in accordance with the regulations;*

(3) Adds to purposes of municipality.

**(4) Section 8 is amended by renumbering it as section 8(1) and adding the following after subsection (1):**

**(2)** Subject to section 7.1, without restricting section 7, 2 or more municipalities may, by bylaw adopted by the council of each participating municipality, establish an intermunicipal business licensing program.

**(3)** The Minister may make regulations respecting intermunicipal business licensing programs.

(4) Section 8 presently reads:

*8 Without restricting section 7, a council may in a bylaw passed under this Division*

- (a) regulate or prohibit;*
- (b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;*
- (c) provide for a system of licences, permits or approvals, including any or all of the following:*
  - (i) establishing fees for licences, permits and approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;*
  - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;*
  - (iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;*
  - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;*
  - (v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;*
  - (vi) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw;*
- (c.1) establish and specify the fees, rates, fares, tariffs or charges that may be charged for the hire of taxis or limousines;*
- (d) provide for an appeal, the body that is to decide the appeal and related matters.*

**(5) The following is added after section 16:**

**Acquiring land for roads by agreement**

**16.1(1)** In this section, “owner” includes

- (a) in the case of land that is being acquired under an agreement for sale, the owner of the fee simple estate in the land and the purchaser whose interest under the agreement is registered against the certificate of title for the land;
- (b) in the case of land that is subject to a lease for which a certificate of title has been issued, the owner of the fee simple estate in the land and the lessee under that lease.

**(2)** When a municipality makes an agreement with the owner of land to acquire the land for the purpose of a road, culvert, ditch or drain, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing with the Registrar of Land Titles

- (a) plans of survey showing the land to be acquired, and
- (b) a certificate of a designated officer stating that
  - (i) an agreement has been reached with the owner of the land to be acquired and the price to be paid,
  - (ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail, and
  - (iii) the person signing the certificate is a designated officer.

**(3)** When the title to land vests under subsection (2), it is not necessary to register a transfer for that land.

**(4)** A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or minerals is not affected by the filing of any plan of survey pursuant to this section.

(5) Acquiring land for roads by agreement.

**(6) Section 22 is repealed and the following is substituted:**

**Road closure**

**22(1)** No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.

**(2)** Before giving second reading to a bylaw that would close a road, a council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

**(3)** No road may be closed by bylaw of the council of a municipality that is not a city unless the bylaw is approved by the Minister of Transportation before it receives second reading.

**(4)** Despite this section, the council of a municipal district may, by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan if the council determines the road is no longer required for use by the travelling public because an alternate route exists.

**(5)** Despite this section, a council may, by resolution, temporarily close or authorize a designated officer to temporarily close the whole or a part of a road at any time if the council considers that a construction or maintenance project on or adjacent to the road may create a hazard.

**(7) Sections 24 and 25 are repealed.**

**(8) Section 26 is amended**

**(a) in subsection (2) by adding “for not more than 2 years” after “private land”;**

(6) Section 22 presently reads:

*22(1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.*

*(2) A bylaw closing a road must be advertised.*

*(3) A bylaw closing a road made by the council of a municipality that is not a city has no effect unless it is approved by the Minister of Transportation before the bylaw receives second reading.*

*(4) Before passing a bylaw closing a road, a person who claims to be affected prejudicially by the bylaw or that person's agent must be given an opportunity to be heard by the council.*

(7) Sections 24 and 25 presently read:

*24 Despite section 22, the council of a municipal district may by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.*

*25 Despite section 22, a council by resolution or a designated officer if authorized by resolution of the council may temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.*

(8) Section 26 presently reads in part:

*(2) A council may by bylaw open a temporary road or a temporary right of way on private land.*

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

**(9) Section 27.2 is amended by renumbering it as section 27.2(1) and adding the following after subsection (1):**

**(2)** If the agreement holder does not maintain the former forestry road in accordance with the agreement and the municipality incurs costs in maintaining the road, the costs incurred by the municipality are an amount owing by the agreement holder to the municipality.

**(3)** An agreement holder must not charge a person who uses a former forestry road for a commercial or industrial purpose an amount that exceeds a reasonable fee based on the increased maintenance and administrative costs of the agreement holder as a result of the person's use of the road.

**(10) Sections 27.3 and 27.4 are repealed.**



*(3) A temporary road or right of way established under this section may be kept open for not more than 2 years.*

(9) Section 27.2 presently reads:

*27.2 A municipality may enter into an agreement with a person with respect to a former forestry road that*

- (a) authorizes the person to use the road for commercial and industrial purposes,*
- (b) authorizes the person*
  - (i) to allow others to use the road for commercial or industrial purposes, and*
  - (ii) to charge those others a fee for that use,*
- (c) requires the person to maintain the road according to specifications or standards referred to in the agreement and to be responsible for capital improvements to the road, and*
- (d) deals with any other matter concerning the road that the parties consider appropriate.*

(10) Sections 27.3 and 27.4 presently read:

*27.3(1) An agreement holder may not charge a person who uses a former forestry road for a commercial or industrial purpose an amount that exceeds a reasonable fee based on the increased maintenance and administrative costs of the agreement holder as a result of the person's use of the road.*

*(2) If there is a dispute concerning the amount of the reasonable fee, the matter must be referred to the Minister, and the Minister or a person selected by the Minister must determine the amount of the fee.*

*(3) The decision of the Minister or the person selected by the Minister is final and binding.*

*27.4(1) If the agreement holder does not maintain the former forestry road in accordance with the agreement and the municipality incurs costs in maintaining the road, the costs incurred by the municipality are an amount owing by the agreement holder to the municipality.*

**(11) Section 62 is repealed.**

**(12) Section 76(1) is repealed and the following is substituted:**

**Principles, standards and criteria**

**76(1)** The Minister may establish and publish principles, standards and criteria that are to be taken into account in considering whether to

(11) Section 62 presently reads:

*62(1) In this section, “owner” includes*

*(a) in the case of land that is being acquired under an agreement for sale, the owner of the fee simple estate in the land and the purchaser under the agreement for sale who has registered the interest against the certificate of title for the land;*

*(b) in the case of land that is subject to a lease for which a certificate of title has been issued, the owner of the fee simple estate in the land and the lessee under that lease.*

*(2) When a municipality makes an agreement with the owner of land to acquire the land for the purpose of a road, culvert, ditch or drain, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing with the Registrar of Land Titles*

*(a) plans of survey showing the land to be acquired, and*

*(b) a certificate of a designated officer stating that*

*(i) an agreement has been reached with the owner of the land to be acquired and the price to be paid,*

*(ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail, and*

*(iii) the person signing the certificate is a designated officer.*

*(3) When the title to land vests under subsection (2), it is not necessary to register a transfer for that land.*

*(4) A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or minerals is not affected by the filing of any plan of survey pursuant to this section.*

(12) Section 76(1) presently reads:

*76(1) The Minister may establish and publish principles, standards and criteria that are to be taken into account in considering the formation, change of status or dissolution of municipalities and the amalgamation of or annexation of land from municipal authorities.*

recommend to the Lieutenant Governor in Council the formation, change of status or dissolution of municipalities, the amalgamation of municipal authorities or the annexation of land under this Part.

**(1.1)** Before recommending the formation, change of status or dissolution of a municipality, the amalgamation of municipal authorities or the annexation of land under this Part, the Minister must consider any applicable principles, standards and criteria established under subsection (1).

**(13) The following is added before section 77:**

**Definition of formation order**

**76.1** In this Division, “formation order” means an order under section 88.

**(14) Section 77 is amended by striking out “under this Part” and substituting “by a formation order”.**

**(15) Sections 78 to 84 are repealed.**

(13) Definition of formation order.

(14) Section 77 presently reads:

*77 The following types of municipality may be formed under this Part:*

- (a) municipal district;*
- (c) village;*
- (d) town;*
- (e) city;*
- (f) specialized municipality.*

(15) Sections 78 to 84 presently read:

*78 A municipal district may be formed for an area in which*

- (a) a majority of the buildings used as dwellings are on parcels of land with an area of at least 1850 square metres, and*
- (b) there is a population of 1000 or more.*

*80 A village may be formed for an area in which*

- (a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and*
- (b) there is a population of 300 or more.*

**(16) Section 85 is repealed and the following is substituted:**

**Initiating formation**

**85(1)** The Minister may recommend to the Lieutenant Governor in Council that a formation order be made

- (a) if the Minister receives a request to form the municipality from a council of a municipality or an improvement district, or
- (b) on the Minister's own initiative.

81 *A town may be formed for an area in which*

- (a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and*
- (b) there is a population of 1000 or more.*

82 *A city may be formed for an area in which*

- (a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and*
- (b) there is a population of 10 000 or more.*

83 *A specialized municipality may be formed for an area*

- (a) in which the Minister is satisfied that a type of municipality referred to in section 77(a), (b), (c), (d) or (e) does not meet the needs of the residents of the proposed municipality,*
- (b) to provide for a form of local government that, in the opinion of the Minister, will provide for the orderly development of the municipality to a type of municipality referred to in section 77(a), (b), (c), (d) or (e), or to another form of specialized municipality, or*
- (c) in which the Minister is satisfied for any other reason that it is appropriate in the circumstances to form a specialized municipality.*

84 *The Minister may by order, in a particular case, make minor modifications to the requirements in sections 78 to 83 if the Minister considers there is justifiable reason for doing so.*

(16) Section 85 presently reads:

85(1) *A municipality may be formed on the Minister's initiative or if*

- (a) the Minister receives a request to form the municipality from a council of a municipality or an improvement district, or*
- (b) the Minister receives a sufficient petition requesting the formation of the municipality from electors within the boundaries of the proposed municipality numbering at least 30% of the population within the boundaries of the proposed municipality.*

(2) A request referred to in subsection (1)(a) must specify the boundaries of the proposed municipality.

**(17) Section 86 is repealed.**

**(18) Section 87 is repealed and the following is substituted:**

**Public input**

**87(1)** Before recommending to the Lieutenant Governor in Council that a formation order be made, the Minister

- (a) must invite comments on the proposed municipality from
  - (i) those members of the public that the Minister considers would be affected by the formation of the proposed municipality, and
  - (ii) all local authorities that the Minister considers would be affected by the formation of the proposed municipality,and
- (b) may invite comments or seek input on the proposed municipality from any other person or body the Minister considers appropriate.

(2) The comments and input referred to in subsection (1)(a) and (b) may be sought in any manner the Minister considers appropriate, including, without limitation, by holding public meetings or



*(2) A request or petition referred to in subsection (1) must specify the boundaries of the proposed municipality.*

(17) Section 86 presently reads:

*86 Before a municipality is formed, the Minister must consider*

- (a) the principles, standards and criteria on formation established under section 76,*
  - (b) the viability, including the financial viability, of
    - (i) the proposed municipality operating as a separate entity, and*
    - (ii) any remaining municipality continuing to operate as a separate entity,**
- and*
- (c) any agreements on common boundaries.*

(18) Section 87 presently reads:

*87(1) Before a municipality is formed, the Minister*

- (a) must invite comments on the proposed municipality from all local authorities that the Minister considers would be affected by the formation of the proposed municipality and from any other person the Minister considers necessary,*
- (b) must invite comments on the proposed municipality from the public,*
- (c) may conduct one or more meetings of the public to discuss the probable effects of the formation, and*
- (d) may hold a vote of those people who would be electors of the proposed municipality.*

*(2) If the Minister holds a vote, the vote must be conducted in accordance with the Local Authorities Election Act as modified by directions given by the Minister.*

conducting a vote in accordance with the *Local Authorities Election Act*, as modified by directions given by the Minister, of the people who would be electors of the proposed municipality.

**Specialized municipality**

**87.1** The Minister may recommend to the Lieutenant Governor in Council that a specialized municipality be formed for an area if the Minister is satisfied that

- (a) a type of municipality referred to in section 77(a), (c), (d) or (e) would not meet the needs of the residents of the proposed municipality,
- (b) forming a specialized municipality would provide for a form of local government enabling the orderly development of the municipality to a type of municipality referred to in section 77(a), (c), (d) or (e) or to another form of specialized municipality, or
- (c) for any other reason it is appropriate in the circumstances to form a specialized municipality.

**(19) The following is added before section 91:**

**Definition of order**

**90.1** In this Division, “order” means an order under section 96.

**(20) Section 91 is amended by striking out** “to changing the status of a municipality in this Part means changing” **and substituting** “in this Part to changing the status of a municipality means changing, by order.”.

**(21) Section 92 is repealed.**

**(22) Section 93 is amended**

- (a) **in the portion preceding clause (a) by striking out** “The status of a municipality may be changed” **and substituting** “The Minister may recommend to the Lieutenant Governor in Council an order be made changing the status of a municipality”;

(19) Definition of order.

(20) Section 91 presently reads:

*91 A reference to changing the status of a municipality in this Part means changing a municipal district, summer village, village, town, city or specialized municipality to another type of municipality within that group.*

(21) Section 92 presently reads:

*92 The requirements in sections 78 to 83 respecting the formation of municipalities apply to changing the status of municipalities.*

(22) Section 93 presently reads in part:

*93 The status of a municipality may be changed if*

*(a) the Minister receives a request from the municipality's council,*

- (b) **in clause (c) by striking out** “requirements in sections 78 to 82” **and substituting** “applicable principles, standards and criteria established under section 76”.

**(23) Section 94 is amended**

- (a) **by renumbering it as section 94(1);**
- (b) **in subsection (1)**
  - (i) **in the portion preceding clause (a) by striking out** “the status of a municipality is changed” **and substituting** “recommending to the Lieutenant Governor in Council that the status of a municipality be changed”;
  - (ii) **by adding “and” at the end of clause (a);**
  - (iii) **by repealing clauses (b) to (d) and substituting the following:**
    - (b) may invite comments or seek input on the proposed change of status from the public or any other person or body the Minister considers appropriate.
- (c) **by adding the following after subsection (1):**
  - (2) The comments and input referred to in subsection (1)(b) may be sought in any manner the Minister considers appropriate, including, without limitation, by holding public meetings.

**(24) Section 95 is repealed.**

**(25) The following is added before section 100:**

**Interpretation where 2 or more initiating municipal authorities**

**99.1** Where 2 or more municipal authorities initiate an amalgamation under section 102(b),

- (a) a reference in this Division to an initiating municipal authority means all of them acting jointly, and

- (c) *the Minister is satisfied that the municipality no longer meets the requirements in sections 78 to 82 or, in the case of a specialized municipality, that the reasons for its original formation as a specialized municipality no longer exist.*

(23) Section 94 presently reads:

*94 Before the status of a municipality is changed, the Minister*

- (a) *must notify the council of the municipality of the proposed change,*
- (b) *may invite comments on the proposed change of status from all local authorities that the Minister considers would be affected by the change and from any other person the Minister considers necessary,*
- (c) *may invite comments on the proposed change of status from the public, and*
- (d) *may conduct one or more meetings of the public to discuss the probable effects of the change of status.*

(24) Section 95 presently reads:

*95 Before the status of a municipality is changed, the Minister must consider the principles, standards and criteria on change of status established under section 76.*

(25) Interpretation where 2 or more initiating municipal authorities.

- (b) a reference in this Division to the council of the initiating municipal authority means the councils of all of them.

**(26) Section 102(b) is amended by striking out “in accordance with the regulations made under section 106.1” and substituting “in a manner satisfactory to the Minister”.**

**(27) Sections 105(2)(a) and 106.1 are repealed.**

**(28) Section 108 is repealed and the following is substituted:**

**Notice by Minister**

**108(1)** When the Minister initiates an amalgamation, the Minister

- (a) must give written notice of the proposed amalgamation to the municipal authorities proposed to be amalgamated and to any local authority that the Minister considers would be affected by the proposed amalgamation, and

(26) Section 102(b) presently reads:

*102 The procedure for the amalgamation of 2 or more municipal authorities may be initiated*

*(b) by 2 or more municipal authorities in accordance with the regulations made under section 106.1, or*

(27) Sections 105(2)(a) and 106.1 presently read:

*105(2) The report must*

*(a) include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations, and*

*106.1(1) The Minister may make regulations for the purpose of enabling municipalities to jointly initiate an amalgamation, including, without limitation, regulations*

*(a) specifying or describing by reference one or more provisions of this Division that do not apply, or that apply with modifications, to the joint initiation of amalgamations;*

*(b) specifying or setting out provisions that apply in addition to, or instead of, the provisions of this Division in respect of the joint initiation of amalgamations;*

*(c) respecting procedures for the joint initiation of amalgamations.*

*(2) Regulations under this section may be made to apply generally or specifically.*

(28) Section 108 presently reads:

*108 When the Minister initiates an amalgamation, the Minister*

*(a) must give written notice of it to the municipal authorities proposed to be amalgamated and any local authority that the Minister considers would be affected by the proposed amalgamation,*

- (b) may invite comments or seek input on the proposed amalgamation from the public or any other person or body the Minister considers appropriate.

(2) The comments and input referred to in subsection (1)(b) may be sought in any manner the Minister considers appropriate, including, without limitation, by holding public meetings.

**(29) Section 109 is repealed.**

**(30) Sections 120 and 121 are repealed and the following is substituted:**

**Notice of Tribunal's intent to recommend annexation**

**120** If the initiating municipal authority wishes the annexation to proceed and the Land and Property Rights Tribunal is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, the Tribunal must notify the Minister, all the local authorities that the Tribunal considers would be affected by the annexation and anyone else the Tribunal 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 Tribunal by a specified date, the Tribunal will make its recommendation to the Minister without holding a public hearing.

**Where no objections filed**

**120.1** If the initiating municipal authority wishes the annexation to proceed and no objections are filed under section 120 by the date specified in a notice given under that section, the Tribunal must

- (a) consider the principles, standards and criteria on annexation established under section 76, and



- (b) *may invite comments on the proposed amalgamation from all local authorities that the Minister considers would be affected by the amalgamation and from any other person the Minister considers necessary,*
- (c) *may invite comments on the proposed amalgamation from the public, and*
- (d) *may conduct one or more meetings of the public to discuss the probable effects of the proposed amalgamation.*

(29) Section 109 presently reads:

*109 Before municipal authorities are amalgamated, the Minister must consider the principles, standards and criteria on amalgamation established under section 76.*

(30) Sections 120 and 121 presently read:

*120(1) If the initiating municipal authority wishes the annexation to proceed and the Land and Property Rights Tribunal is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, the Tribunal must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Tribunal 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 Tribunal by a specified date, the Tribunal will make its recommendation to the Minister without holding a public hearing.*

*(2) If no objections are filed with the Tribunal by the specified date, the Tribunal 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 Tribunal by the specified date, the Tribunal*

- (b) prepare a written report with its recommendations and send it to the Minister.

**Where objections filed or no general agreement**

**121** If the initiating municipal authority wishes the annexation to proceed but objections are filed under section 120 by the date specified in a notice given under that section, or for any other reason the Land and Property Rights Tribunal is not satisfied that the affected municipal authorities or the public are in general agreement with the annexation, the Tribunal

- (a) must notify the Minister, all the local authorities that the Tribunal considers would be affected by the annexation and anyone else the Tribunal 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 Tribunal at a hearing.

**(31) Sections 125 and 126 are repealed and the following is substituted:**

**Annexation order**

**125** The Lieutenant Governor in Council may,

- (a) after considering a report of the Tribunal, or
- (b) despite sections 116 to 124, at any time on the recommendation of the Minister,

make an order separating land from a municipal authority and annexing the land to another municipal authority.

**(32) Section 130.1 is amended by renumbering it as section 130.1(1) and adding the following after subsection (1):**

- (2) Where a vote of the electors is held under subsection (1)(b),
  - (a) if the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in

- (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 Tribunal at a hearing.*

*121 If the initiating municipal authority wishes the annexation to proceed and the Land and Property Rights Tribunal is not satisfied that the affected municipal authorities or the public are in general agreement with the annexation, the Tribunal*

- (a) *must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Tribunal 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 Tribunal at a hearing.*

(31) Sections 125 and 126 presently read:

*125 The Lieutenant Governor in Council, after considering the report of the Tribunal, may by order annex land from a municipal authority to another municipal authority.*

*126 Despite sections 116 to 125, the Lieutenant Governor in Council, on the recommendation of the Minister, may by order annex land to a municipal authority.*

(32) Section 130.1 presently reads:

*130.1 After completing a viability review, the Minister may*

- (a) *by order direct the council or the chief administrative officer to take any actions, based on the results of the viability*

Council that the municipality be dissolved in accordance with section 133, or

- (b) if the electors vote that the municipality should not be dissolved, the Minister may by order direct the council or the chief administrative officer to take the actions referred to in subsection (1)(b)(ii).

**(33) Sections 130.2 and 130.3 are repealed and the following is substituted:**

**Further actions of Minister**

**130.3(1)** If an order of the Minister under section 130.1(1)(a) or (2)(b) is not carried out to the satisfaction of the Minister, the Minister may do one or more of the following:

- (a) make an order suspending the authority of the council to make bylaws in respect of any matter specified in the order;
- (b) make an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) make an order removing a suspension of bylaw-making authority, with or without conditions;
- (d) make an order withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;
- (e) make an order establishing, repealing or amending policies and procedures with respect to the municipality;
- (f) make an order suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) make an order requiring or prohibiting any other action as necessary to ensure compliance with the order;

*review, that the Minister considers appropriate to ensure the viability of the municipality, or*

*(b) hold a vote of the electors of the municipality on whether the municipality should*

*(i) be dissolved, or*

*(ii) not be dissolved, but be required to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality.*

(33) Sections 130.2 and 130.3 presently read:

*130.2(1) A vote held under section 130.1(b) must be conducted in accordance with the Local Authorities Election Act as modified by directions given by the Minister.*

*(2) If the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133.*

*(3) If the electors vote that the municipality should not be dissolved, the Minister must by order direct the council or the chief administrative officer to take the actions referred to in section 130.1(b)(ii).*

*130.3 If an order of the Minister under section 130.1(a) or 130.2(3) is not carried out to the satisfaction of the Minister, the Minister may dismiss the council or any member of it or the chief administrative officer of the municipality, and section 574(3) to (6) apply in respect of the dismissal.*

- (h) make an order dismissing the council or any member of it or the chief administrative officer;
- (i) hold an additional electors vote on whether the municipality should be dissolved or should not be dissolved.

(2) Section 574(3) to (6) apply in respect of a dismissal under subsection (1)(h).

- (3) Where an additional electors vote is held under subsection (1)(i),
- (a) if the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133, or
  - (b) if the electors vote that the municipality should not be dissolved, the Minister may make any order referred to in subsection (1)(a) to (h) that the Minister considers appropriate and may order the municipality to take any other action the Minister considers appropriate.

#### **Vote**

**130.4** A vote held under section 130.1(1)(b) or 130.3(1)(i) must be conducted in accordance with the *Local Authorities Election Act* as modified by directions given by the Minister.

#### **Transitional — application of certain sections**

**130.5(1)** Section 130.1(1) applies to a viability review regardless of whether the viability review was commenced or completed before or after the coming into force of this section.

(2) Section 130.1(2) applies to a vote held under section 130.1(1)(b) regardless of whether

- (a) the viability review to which the vote relates was commenced or completed before or after the coming into force of this section, and
- (b) the vote was held before or after the coming into force of this section.

(3) Section 130.3 applies in respect of an order of the Minister under section 130.1(1)(a) or (2)(b) regardless of whether



- (a) the viability review to which the order relates was commenced or completed before or after the coming into force of this section, and
- (b) the vote under section 130.1(1)(b) or 130.3(1)(i) was held before or after the coming into force of this section.

**(4) Section 130.4 applies in respect of a vote regardless of whether**

- (a) the viability review to which the vote relates was commenced or completed before or after the coming into force of this section, and
- (b) the vote was held before or after the coming into force of this section.

**(34) Section 134.1 is repealed.**

**(35) Sections 143 and 144 are repealed and the following is substituted:**

**Number of councillors**

- 143(1)** The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying an odd number of 3 or more.
- (2)** The council of a village or summer village consists of 3 councillors unless the council passes a bylaw specifying an odd number of 5 or more.
- (3)** The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless, after its formation, the council passes a bylaw specifying an odd number of 3 or more.



(34) Section 134.1 presently reads:

*134.1(1) In this section, “amending Act” means the Municipal Government Amendment Act, 2013.*

*(2) A dissolution study that was commenced, but not completed, before the coming into force of the amending Act may, as determined by the Minister, be continued*

*(a) as a dissolution study under and in conformity with this Act as it read before the coming into force of the amending Act, or*

*(b) as a viability review under and in conformity with this Act as it reads after the coming into force of the amending Act.*

(35) Sections 143 and 144 presently read:

*143(1) A council consists of the number of councillors provided for under this section, one of whom is the chief elected official, but in no case may a council consist of fewer than 3 councillors.*

*(2) The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying a higher or lower odd number.*

*(3) The council of a village or summer village consists of 3 councillors unless the council passes a bylaw specifying a higher odd number.*

**(36) Sections 145 and 146 are repealed and the following is substituted:**

**Bylaws — council and council committees**

**145(1)** A council may, by bylaw, establish the procedures to be followed by the council.

(2) A council may, by bylaw, establish council committees and other bodies.

(3) Where a council establishes a council committee or other body, the council may, by bylaw, establish the functions of the committee or body and the procedures to be followed by it.

**Composition of council committees**

**146** A council committee may consist entirely of councillors, entirely of persons who are not councillors or of both councillors and persons who are not councillors.

**(37) Section 148 is amended**

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

- (c) are either councillors
  - (i) for the ward in which they were nominated, or
  - (ii) for the whole municipality rather than for a ward.

*(4) The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless the council passes a bylaw specifying a higher or lower odd number.*

*(5) The council of any other type of municipality consists of the number of councillors provided for it by or under the enactment establishing it.*

*144(1) A bylaw passed under section 143 must be passed by December 31 of the year before the general election at which it is to take effect.*

*(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.*

*(3) A bylaw passed under section 143 must be advertised.*

(36) Sections 145 and 146 presently read:

*145 A council may pass bylaws in relation to the following:*

- (a) the establishment and functions of council committees and other bodies;*
- (b) procedures to be followed by council, council committees and other bodies established by the council.*

*146 A council committee may consist*

- (a) entirely of councillors,*
- (b) of a combination of councillors and other persons, or*
- (c) subject to section 154(2), entirely of persons who are not councillors.*

(37) Section 148 presently reads in part:

- (4) A council may by bylaw provide that all councillors*
  - (c) are councillors for the whole municipality, not a ward.*

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

**(38) Section 149 is repealed.**

**(39) Section 151 is amended**

**(a) in subsection (1) by striking out “section 150” and substituting “section 143, 148 or 150”;**

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

**(3)** A bylaw passed under section 143, 148 or 150 must be advertised.

**(4)** A bylaw proposed to be made under section 143, 148 or 150 must not be given third reading until after the 60-day period provided by section 231(4) has expired.

**(40) Section 154(2) is repealed.**

(5) *A council may by bylaw provide that all councillors*

*(a) are nominated by ward,*

*(b) are elected by a vote of the electors of the whole municipality, and*

*(c) are councillors for the ward in which they were nominated.*

(38) Section 149 presently reads:

*149(1) A bylaw passed under section 148 must be passed by December 31 of the year before the general election at which it is to take effect.*

*(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.*

*(3) A bylaw passed under section 148 must be advertised.*

(39) Section 151 presently reads in part:

*151(1) A bylaw under section 150 must be passed by December 31 of the year before the general election at which it is to take effect.*

*(3) A bylaw passed under section 150 must be advertised.*

(40) Section 154(2) presently reads:

*(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.*

**(41) Section 162(a) is amended by striking out “in the 6 months before” and substituting “after January 1 in the year of”.**

**(42) Section 196 is repealed and the following is substituted:**

**Notice of meeting**

**196(1)** A councillor or member of a council committee is deemed to have received sufficient notice of a council or council committee meeting if the notice was given by a method approved by the council.

**(2)** The public is deemed to have received sufficient notice of a council or council committee meeting if the notice was given by a method approved by the council.

**(43) Section 199 is repealed and the following is substituted:**

**Meetings by electronic means**

**199(1)** In this section,

(a) “electronic means” means an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting;

(b) “meeting” includes a hearing.

**(2)** A council may by bylaw provide for council meetings or council committee meetings to be conducted by electronic means.

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

(a) specify the type or types of electronic means by which meetings are authorized to be held,

(b) require the identity of each councillor attending the meeting to be confirmed by a method authorized by the bylaw,

(c) except in the case of a meeting that is closed to the public in accordance with section 197, specify

(41) Section 162(a) presently reads:

*162 A council must hold a by-election to fill a vacancy on council unless*

- (a) the vacancy occurs in the 6 months before a general election, or*

(42) Section 196 presently reads:

*196(1) Notice of a council or council committee meeting is deemed to have been given to a councillor or member of a council committee if the notice is delivered to an adult person at the councillor's or member's home or place of business.*

*(2) Notice of a council or council committee meeting to the public is sufficient if the notice is given in a manner specified by council.*

(43) Section 199 presently reads:

*199(1) A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if*

- (a) notice is given to the public of the meeting, including the way in which it is to be conducted,*
- (b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and*
- (c) the facilities enable all the meeting's participants to watch or hear each other.*

*(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.*

- (i) a method by which members of the public may access the meeting and make submissions,
- (ii) if a provision of this Act requires information in respect of the meeting to be made publicly available, a method for making the information publicly available before and during the meeting, and
- (iii) a method for giving the public notice of the meeting, of the method by which the public may access the meeting and, where subclause (ii) applies, of the method by which the public may access the information referred to in that subclause,

and

- (d) contain any other provisions required by the regulations under subsection (5).

**(4)** Where a meeting is held by electronic means in compliance with a bylaw under subsection (2) or a regulation under subsection (5),

- (a) electronic access to the meeting may be restricted or suspended in order to close all or part of the meeting to the public under section 197, and, for the purposes of section 197(5), any members of the public whose access to the meeting is restricted or suspended are considered to be present outside the meeting room during the restriction or suspension,
- (b) the meeting is deemed to be conducted in public for the purposes of section 198,
- (c) the council is deemed to have met its obligations under section 216.4(4),
- (d) the reference in section 216.4(5) to representations made at the public hearing is to be interpreted as a reference to the submissions received by the council in accordance with the bylaw or regulation, as the case may be, and
- (e) the term “address” in section 606(6)(b) and the expression “place where it will be held” in section 606(6)(d) are to be





interpreted as meaning a website address, telephone number or other information identifying where the meeting can be accessed electronically.

(5) The Minister may make regulations authorizing and respecting the use of electronic, telephonic or other communication methods to conduct meetings of a council or council committee.

(6) Regulations under subsection (5) may apply generally or specifically, and may modify the requirements in this Division to any extent the Minister considers necessary or appropriate to give effect to the regulations.

**(44) Section 210(1), (2) and (3) are repealed and the following is substituted:**

**Designated officers**

**210(1)** A council may

- (a) by bylaw establish one or more designated officer positions, give each of the positions a different title and specify which powers, duties and functions of a designated officer under this or any other enactment or bylaw are to be carried out by which positions, and
- (b) appoint individuals to the designated officer positions.

**(45) Section 213 is amended**

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

**Signing or authorization of municipal documents**

**213(1)** Minutes of council meetings, and minutes of council committee meetings dealing with a power, duty or function delegated by council to the council committee, must be signed by

- (a) the person presiding at the meeting, and
  - (b) a designated officer.
- (b) in subsection (5) by striking out “printed, lithographed or otherwise reproduced” and substituting “reproduced by any method”.**

(44) Section 210 presently reads in part:

*210(1) A council may by bylaw establish one or more positions to carry out the powers, duties and functions of a designated officer under this or any other enactment or bylaw.*

*(2) Council may give a position established under subsection (1) any title the council considers appropriate.*

*(3) The bylaw must include which of the powers, duties and functions referred to in subsection (1) are to be exercised by each position.*

(45) Section 213 presently reads in part:

*213(1) Minutes of council meetings must be signed by*

*(a) the person presiding at the meeting, and*

*(b) a designated officer.*

*(2) When council has delegated a power, duty or function to a council committee, the minutes of a council committee meeting that deal with the power, duty or function must be signed by*

*(a) the person presiding at the meeting, and*

*(b) a designated officer.*

*(5) A signature may be printed, lithographed or otherwise reproduced if so authorized by council.*

**(46) Section 214(1) is amended by striking out** “on microfiche or on another system” **and substituting** “by a method”.

**(47) The following is added after section 216.1:**

### **Meetings with the Public**

#### **Advertising**

**216.2** If council calls a meeting with the public, notice of it must be advertised and everyone is entitled to attend it.

#### **Improper conduct**

**216.3** The person chairing a meeting with the public may expel a person from the meeting for improper conduct.

### **Public Hearings**

#### **When to hold public hearing**

**216.4(1)** When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

- (a) before second reading of the bylaw, or
- (b) before council votes on the resolution.

**(2)** When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

- (a) give notice of the public hearing in accordance with section 606, and
- (b) conduct the public hearing during a regular or special council meeting.

**(3)** A council may, by bylaw, establish procedures for public hearings.

**(4)** In the public hearing, council

(46) Section 214(1) presently reads:

*214(1) A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded on microfiche or on another system that will enable copies of the originals to be made.*

(47) Meetings with the Public; Public Hearings.

- (a) must hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and
- (b) may hear any other person who wishes to make representations and who the council agrees to hear.

**(5)** After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may

- (a) pass the bylaw or resolution,
- (b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
- (c) defeat the bylaw or resolution.

**(6)** The minutes of the council meeting during which the public hearing is held must record the public hearing to the extent directed by the council.

**(48)** Section 220 is amended by adding “under sections 225, 226 and 226.2” after “officer”.

**(49)** The following is added after section 221:

**Petition requesting public meeting**

**221.1** If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.

**(50)** Section 224(4)(b) is amended by adding “or the Minister, as the case may be,” after “municipality”.

(48) Section 220 presently reads:

*220 When the Minister receives a petition, the Minister must designate a person to carry out the duties of a chief administrative officer with respect to the petition.*

(49) Petition requesting public meeting.

(50) Section 224(4)(b) presently reads:

*(4) The petition must have attached to it a signed statement of a person stating that*

*(b) the municipality may direct any inquiries about the petition to the representative.*

**(51) The heading preceding section 227, sections 227 to 229, the heading preceding section 230 and section 230 are repealed.**



(51) The heading preceding section 227, sections 227 to 229, the heading preceding section 230 and section 230 presently read:

*Meetings with the Public*

*227 If council calls a meeting with the public, notice of it must be advertised and everyone is entitled to attend it.*

*228 The person chairing a meeting with the public may expel a person from the meeting for improper conduct.*

*229 If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.*

*Public Hearings*

*230(1) When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,*

*(a) before second reading of the bylaw, or*

*(b) before council votes on the resolution.*

*(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must*

*(a) give notice of the public hearing in accordance with section 606, and*

*(b) conduct the public hearing during a regular or special council meeting.*

*(3) A council may by bylaw establish procedures for public hearings.*

*(4) In the public hearing, council*

*(a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and*

**(52) Section 241 is amended**

**(a) in clauses (a) and (a.01) by striking out** “published by the Chartered Professional Accountants of Canada, as amended from time to time”;

**(b) by repealing clause (a.1) and substituting the following:**

(a.1) “borrowing” means

- (i) the borrowing of money, including, without limitation, money borrowed to refinance, redeem or restructure existing debt;
- (ii) a lease of capital property, including leased tangible capital assets as defined in the CPA Canada Public Sector Accounting Handbook;
- (iii) an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property’s purchase price, if payment of the purchase price under the agreement exceeds 5 years;
- (iv) the amount available to be borrowed on a credit card or under any other revolving credit arrangement;

*(b) may hear any other person who wishes to make representations and whom the council agrees to hear.*

*(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may*

*(a) pass the bylaw or resolution,*

*(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or*

*(c) defeat the bylaw or resolution.*

*(6) The minutes of the council meeting during which the public hearing is held must record the public hearing to the extent directed by the council.*

(52) Section 241 presently reads in part:

*241 In this Part,*

*(a) “accounting standards” means the Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;*

*(a.01) “amortization” and “tangible capital assets” have the same meaning as in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;*

*(a.1) “borrowing” means the borrowing of money and includes*

*(i) borrowing to refinance, redeem or restructure existing debt,*

*(ii) a lease of capital property with a fixed term beyond 5 years or a fixed term of 5 years or less but with a right of renewal that would, if exercised, extend the original term beyond 5 years, and*

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

(d.1) “CPA Canada Public Sector Accounting Handbook” means the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;

**(53) Section 242(1) is amended by adding “by January 1 of that calendar year” after “year”.**

**(54) Section 243(1)(e) is repealed.**

**(55) Section 245 is amended by adding “by January 1 of that calendar year” after “year”.**

**(56) Section 251(2)(b) is amended by adding “, expressed as a percentage” after “interest”.**

**(57) Section 276(1)(a) is amended by striking out “published by the Chartered Professional Accountants of Canada, as amended from time to time”.**

(iii) *an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property's purchase price if payment of the purchase price under the agreement exceeds 5 years;*

(53) Section 242(1) presently reads:

*242(1) Each council must adopt an operating budget for each calendar year.*

(54) Section 243(1)(e) presently reads:

*243(1) An operating budget must include the estimated amount of each of the following expenditures and transfers:*

*(e) the amount to be transferred to reserves;*

(55) Section 245 presently reads:

*245 Each council must adopt a capital budget for each calendar year.*

(56) Section 251(2)(b) presently reads:

*(2) A borrowing bylaw must set out*

*(b) the maximum rate of interest, the term and the terms of repayment of the borrowing;*

(57) Section 276(1)(a) presently reads:

*276(1) Each municipality must prepare annual financial statements of the municipality for the immediately preceding year in accordance with*

*(a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time, and*

**(58) Section 279(b) is amended by striking out “, as published by the Chartered Professional Accountants of Canada from time to time”.**

**(59) Section 281(2)(a) is amended by striking out “published by the Chartered Professional Accountants of Canada, as amended from time to time”.**

**(60) Section 282 is repealed.**

(58) Section 279(b) presently reads:

*279 Each controlled corporation must prepare annual financial statements in accordance with*

- (b) if there are no requirements, Canadian generally accepted accounting principles, which are the accounting standards set out in the CPA Canada Handbook, as published by the Chartered Professional Accountants of Canada from time to time.*

(59) Section 281(2)(a) presently reads:

*281(2) The reports on the annual financial statements and financial information return must be in accordance with*

- (a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time, and*

(60) Section 282 presently reads:

*282(1) The Minister may appoint one or more auditors to audit the books and accounts of a municipality if the Minister considers the audit to be needed or*

- (a) on the request of the council,*
- (b) on the request of not fewer than 1/3 of the councillors on the council, or*
- (c) on receiving a sufficient petition from the electors of the municipality requesting the appointment of an auditor.*

*(2) The municipality is liable to the Minister for the costs of the audit as determined by the Minister.*

*(3) The auditor must submit the auditor's report to the Minister and to council.*

**(61) Section 283(1) is amended by striking out “or the Minister”.**

**(62) Sections 284(1)(f.01)(i) and (2.1) and 292(2.1)(a) and (2.2) are amended by striking out “National Energy Board” and substituting “Canadian Energy Regulator”.**

**(63) Section 297 is amended**

**(a) in subsection (2.1) by striking out “the regulations” and substituting “subsection (3.1)”;**

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

**(3.1) For the purposes of subsection (2.1), the following sub-classes are prescribed for property in class 2:**



(61) Section 283(1) presently reads in part:

*283(1) An auditor appointed by the council or the Minister is at all reasonable times and for any purpose related to an audit entitled to access to*

(62) Sections 284 and 292 presently read in part:

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

*(f.01) “designated industrial property” means*

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

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

*292(2.1) The specifications and characteristics of the designated industrial property referred to in subsection (2)(b) must reflect*

*(a) the records of the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board, as the case may be, on October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property, and*

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

(63) Section 297 presently reads in part:

*(2.1) A council may by bylaw divide class 2 into the sub-classes prescribed by the regulations, and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.*

- (a) vacant non-residential property;
- (b) small business property;
- (c) other non-residential property.

**(3.2)** The sub-classes referred to in subsection (3.1)(a), (b) and (c) may be applied to both the Urban and Rural Service Areas for Lac La Biche County and the Regional Municipality of Wood Buffalo as if the service areas were separate entities.

**(3.3)** For the purposes of subsection (3.1)(b), property in a municipality is small business property of a business if

- (a) the property
  - (i) is owned or leased by the business, and
  - (ii) is not designated industrial property,
- (b) the business is operating under a business licence or a municipal bylaw that identifies the business, and
- (c) the business has, on December 31 of the relevant assessment year or on an alternative date specified in a municipal bylaw, a number of full-time employees across Canada that
  - (i) is less than 50, or
  - (ii) is less than any number less than 50 that is specified in a municipal bylaw,whichever is lower.

**(3.4)** Despite subsection (3.3)(a)(i), a property that is leased by a business is not a small business property of a business if the business has subleased the property to someone else.

**(3.5)** A municipality may by bylaw prescribe procedures to allow for the effective administration of the small business property sub-class tax rate, including, without limitations, a method for determining and counting full-time employees and the frequency of that count.



**(64) Section 298(1)(y) is amended by striking out “, except to the extent prescribed in the regulations”.**

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

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

- (a) the tax rate set for the class referred to in section 297(1)(d) to raise the revenue required under section 353(2)(a) must be equal to the tax rate set for property referred to in section 297(3.1)(c) to raise revenue for that purpose, and
- (b) the tax rate set for property referred to in section 297(3.1)(b)
  - (i) must not be less than 75% of the tax rate for property referred to in section 297(3.1)(c), and
  - (ii) must not be greater than the tax rate for property referred to in section 297(3.1)(c).

**(66) Section 381.1(a) is amended by striking out “Lieutenant Governor in Council” and substituting “Minister”.**

**(67) Section 381.2 is amended**

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

**(3)** A community revitalization levy bylaw, or any amendment to it, has no effect unless it is approved by the Minister.

**(b) in subsection (4) by striking out “Lieutenant Governor in Council” and substituting “Minister”.**

(64) Section 298(1)(y) presently reads:

*298(1) No assessment is to be prepared for the following property:*

*(y) farm buildings, except to the extent prescribed in the regulations;*

(65) Section 354(3.1) presently reads:

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

(66) Section 381.1(a) presently reads:

*381.1 In this Division,*

*(a) “incremental assessed value” means the increase in the assessed value of property located in a community revitalization levy area after the date the community revitalization levy bylaw is approved by the Lieutenant Governor in Council under section 381.2(3);*

(67) Section 381.2 presently reads in part:

*(3) A community revitalization levy bylaw has no effect unless it is approved by the Lieutenant Governor in Council.*

*(4) The Lieutenant Governor in Council may approve a community revitalization levy bylaw in whole or in part or with variations and subject to conditions.*

**(68) Section 488(1) is amended by striking out “and” at the end of clause (j), adding “and” at the end of clause (k) and adding the following after clause (k):**

- (l) to hear appeals from decisions made under an appeal mechanism or dispute resolution mechanism established by a growth management board under section 708.08.

**(69) Section 549 is repealed and the following is substituted:**

**Municipality remedying contraventions,  
dangers and unsightly property**

**549(1)** Subject to subsection (2), a municipality may take whatever actions or measures are necessary to

- (a) remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a reoccurrence of the contravention, or
- (b) eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property.

**(2)** No action or measure shall be taken under subsection (1) unless

- (a) the municipality has first given a written order under section 545 or 546 that contains a statement referred to in section 545(2)(d) or 546(2)(b), as the case may be,
- (b) the person to whom the order is directed has not complied with the order within the time specified in the order, and
- (c) the appeal periods respecting the order have expired or, if an appeal has been made, the appeal has been decided and the decision allows the municipality to take the action or measures.

**(3)** If an order under section 545(1) directed that premises be put and maintained in a sanitary condition, the municipality may, under this section, close the premises and use reasonable force to remove any occupants.

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

*488(1) The Tribunal has jurisdiction*

- (j) to decide intermunicipal disputes pursuant to section 690,  
and*
- (k) to hear appeals pursuant to section 648.1.*

(69) Section 549 presently reads:

*549(1) A municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a re-occurrence of the contravention if*

- (a) the municipality has given a written order under section 545,*
  - (b) the order contains a statement referred to in section 545(2)(d),*
  - (c) the person to whom the order is directed has not complied with the order within the time specified in the order, and*
  - (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.*
- (2) If the order directed that premises be put and maintained in a sanitary condition, the municipality may, under this section, close the premises and use reasonable force to remove occupants.*
- (3) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality by the person who contravened the enactment or bylaw.*

**(4)** If a structure is being removed or demolished by a municipality under subsection (1)(b), the municipality may use reasonable force to remove any occupants.

**(5)** The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality

(a) in the case of an action or measure taken under subsection (1)(a), by the person who contravened the enactment or bylaw, or

(b) in the case of an action or measure taken under subsection (1)(b), by the person who did not comply with the order under section 546(1) within the time specified in the order.

**(6)** If the municipality sells all or a part of a structure that has been removed under subsection (1)(b), the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.

**(70) Section 550 is repealed.**



(70) Section 550 presently reads:

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

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

*(2) If a structure is being removed or demolished by a municipality under this section, the municipality may use reasonable force to remove occupants.*

*(3) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the*

**(71) Section 551(1) is amended by striking out “sections 549 and 550” and substituting “section 549”.**

**(72) Section 553(1)(c) is amended by striking out “section 549(3)” and substituting “section 549(5)(a)”.**

**(73) Section 553.1(1) is amended**

- (a) in clause (b) by striking out “section 27.4(1)” wherever it occurs and substituting “section 27.2(2)”;**
- (b) In clause (c) by striking out “section 550(3)” and substituting “section 549(5)(a)”.**

**(74) Section 553.2(2)(b) is amended by striking out “550(3)” and substituting “549(5)(b)”.**

*municipality by the person who was required to do something by the order under section 546.*

*(4) If the municipality sells all or a part of a structure that has been removed under this section, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.*

(71) Section 551(1) presently reads:

*551(1) Despite sections 549 and 550, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.*

(72) Section 553(1)(c) presently reads:

*553(1) A council may add the following amounts to the tax roll of a parcel of land:*

*(c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;*

(73) Section 553.1(1) presently reads in part:

*553.1(1) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the tax roll of any property for which the person is the assessed person:*

*(b) an agreement holder referred to in section 27.4(1) who owes money to the municipality under section 27.4(1);*

*(c) a person who owes money to the municipality under section 550(3) or 551(5).*

(74) Section 553.2(2)(b) presently reads:

*(2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the business tax roll against any business operated by the person:*

*(b) a person who owes money to the municipality under section 550(3) or 551(5).*

**(75) Section 574(1) is amended by striking out** “section 572, an investigation by the Ombudsman or an audit under section 282” **and substituting** “section 572 or an investigation by the Ombudsman”.

**(76) Section 602.46 is repealed and the following is substituted:**

**Ministerial regulations**

**602.46(1)** The Minister may make regulations

- (a) authorizing and respecting the use of electronic, telephonic or other communication methods to conduct meetings of a regional services commission;
- (b) to remedy any confusion or inconsistency in applying the provisions of this Part.

(2) Regulations under subsection (1)(a) may apply generally or specifically and may modify the requirements in this Part to any extent the Minister considers necessary or appropriate to give effect to the regulations.

**(77) Section 604(a) is repealed.**

**(78) The following is added after section 604:**

**Determining population**

**604.1(1)** The Minister may determine and by order specify the population of a municipal authority or other geographic area for any purpose under this Act.

(2) Where the Minister considers it appropriate to do so, the Minister may adopt a determination of the population of a municipal authority or other geographic area made by another person or entity, and where the Minister does so the adoption of that determination is to be considered the Minister’s determination of that population for the purposes of subsection (1).

(75) Section 574(1) presently reads:

*574(1) If, because of an inspection under section 571, a report of an official administrator under section 575.1, an inquiry under section 572, an investigation by the Ombudsman or an audit under section 282, the Minister considers that a municipality is managed in an irregular, improper or improvident manner, the Minister may by order direct the council, the chief administrative officer or a designated officer of the municipality to take any action that the Minister considers proper in the circumstances.*

(76) Section 602.46 presently reads:

*602.46 The Minister may make regulations to remedy any confusion or inconsistency in applying the provisions of this Part.*

(77) Section 604(a) presently reads:

*604 The Minister may make regulations*

*(a) defining population for the purposes of this Act;*

(78) Determining population.

**(79) Section 627.3 is amended**

**(a) by renumbering it as section 627.3(1);**

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

(c) authorizing and respecting the use of electronic, telephonic or other communication methods to conduct hearings of a subdivision and development appeal board.

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

(2) Regulations under subsection (1)(c) may apply generally or specifically and may modify the requirements in this Division to any extent the Minister considers necessary or appropriate to give effect to the regulations.

**(80) Section 645(3) is amended by striking out “to the subdivision and development appeal board” and substituting “the order in the notice”.**

**(81) Section 685(4) is amended**

**(a) in the portion preceding clause (a) by striking out “subsections (1), (2) and (3)” and substituting “subsections (1), (2), (2.1) and (3)”;**

**(b) in clause (b) by adding “may only be made to the subdivision and development appeal board and” after “the appeal”.**

**(82) Section 708.041 is amended by adding the following after subsection (2):**

(3) The Minister may make regulations authorizing and respecting the use of electronic, telephonic or other communication methods to conduct meetings of a growth management board.

(79) Section 627.3 presently reads:

*627.3 The Minister may make regulations*

- (a) respecting training programs for the purposes of section 627.1(3);*
- (b) respecting qualifications for the purposes of section 627(5).*

(80) Section 645(3) presently reads:

*(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.*

(81) Section 685(4) presently reads:

*(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district*

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or*
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.*

(82) Adds regulation-making authority regarding growth management boards.

(4) Regulations under subsection (3) may apply generally or specifically and may modify the requirements in this Part to any extent the Minister considers necessary or appropriate to give effect to the regulations.

**(83) The following provisions are amended by striking out “230” and substituting “216.4”:**

section 141.5(4);  
section 208(1)(a)(iv);  
section 364.1(4) and (13);  
section 390.3(5);  
section 674(1);  
section 676(1);  
section 692(1).

**(84) Subsections (12) to (34) and (52) to (61) come into force on August 1, 2022.**

**(85) Subsections (63) to (65) come into force on Proclamation.**

### **Pharmacy and Drug Act**

**Amends RSA 2000 cP-13**

**10(1) The *Pharmacy and Drug Act* is amended by this section.**

**(2) Section 5.01(1)(a)(ii) and (c)(i) are amended by adding “and standards” after “regulations”.**

**(3) Section 28(3) is amended by striking out “Lieutenant Governor in Council” and substituting “Minister”.**



(83) Updates section references.

(84) Coming into force.

(85) Coming into force.

### **Pharmacy and Drug Act**

**10(1)** Amends chapter P-13 of the Revised Statutes of Alberta 2000.

(2) Section 5.01(1) presently reads in part:

*5.01(1) The registrar may issue a licence referred to in section 5 to an applicant if the registrar is satisfied that*

*(a) the applicant*

*(ii) meets the licensing requirements set out in the regulations,*

*(c) the pharmacy*

*(i) meets the requirements set out in the regulations, and*

(3) Section 28(3) presently reads:

*(3) A regulation under this section does not come into force unless it is approved by the Lieutenant Governor in Council.*

**(4) Section 29.1 is amended**

**(a) in subsection (1) by striking out “and standards”;**

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

**(1.1)** The council may, in accordance with procedures set out in the bylaws, develop or propose the adoption of standards for the operation of licensed pharmacies, including, without limitation, standards

- (a) respecting requirements that apply to the identification of a licensed pharmacy described in section 13 and the prescription department and the dispensary and patient services areas of a licensed pharmacy,
- (b) respecting the storage of drugs, blood products, parenteral nutrition and health care products, aids and devices in a pharmacy,
- (c) respecting information management systems in pharmacies and the keeping of records by licensees and proprietors,
- (d) respecting the physical facilities and space required for the prescription department of a licensed pharmacy,
- (e) respecting the supply of drugs that must be kept in a licensed pharmacy,
- (f) respecting the creation and maintenance of records for the purposes of this Act, and
- (g) respecting the types of records that constitute records for the purpose of section 1(1)(z.1).

**(5) This section, except subsection (3), comes into force on the coming into force of section 7 of the *Health Statutes Amendment Act, 2021*.**

**(6) Subsection (3) comes into force on the coming into force of section 95(b) of the *Health Statutes Amendment Act, 2020 (No. 2)*.**

(4) Section 29.1 presently reads in part:

*29.1(1) The council may, in accordance with procedures set out in the bylaws, develop or propose the adoption of a code of ethics and standards for the operation of licensed pharmacies.*

(5) Coming into force.

(6) Coming into force.

## Provincial Parks Act

### Amends RSA 2000 cP-35

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

**(2)** Section 12(2)(b) is amended by striking out “controlling” and substituting “respecting”.

**(3)** The following is added after section 12.1:

#### **Incorporation by reference**

**12.11(1)** A regulation under this Act may adopt or incorporate documents that set out standards, directives, practices, codes, guidelines, objectives or other rules of any government, board, agency, association or person, including, without limitation, any standards, directives, practices, codes, guidelines, objectives or other rules set by the Minister under section 12.12, relating to any matter in respect of which a regulation may be made under this Act.

**(2)** A standard, directive, practice, code, guideline, objective or other rule may be adopted or incorporated under subsection (1)

(a) in whole or in part and with or without modifications, and

(b) as it reads on a specific date or as amended or replaced from time to time.

**(3)** When a standard, directive, practice, code, guideline, objective or other rule is adopted or incorporated under subsection (1), the Minister shall publish it on a public website of the Government of Alberta.

#### **Minister’s directives and codes**

**12.12** The Minister may set standards, directives, practices, codes, guidelines, objectives or other rules relating to any matter in respect of which a regulation may be made under this Act.

**(4)** This section comes into force on Proclamation.

## Provincial Parks Act

**11(1)** Amends chapter P-35 of the Revised Statutes of Alberta 2000.

(2) Section 12(2)(b) presently reads:

*(2) The Minister may, in respect of parks and recreation areas, make regulations*

*(b) controlling domestic or other animals not defined as wildlife under the Wildlife Act;*

(3) Incorporation by reference; Minister's directives and codes.

(4) Coming into force.

## **Public Lands Act**

### **Amends RSA 2000 cP-40**

**12(1) The *Public Lands Act* is amended by this section.**

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

#### **Incorporation by reference**

**1.1(1)** A regulation under this Act may adopt or incorporate documents that set out standards, directives, practices, codes, guidelines, objectives or other rules of any government, board, agency, association or person, including, without limitation, any standards, directives, practices, codes, guidelines, objectives or other rules set by the Minister under section 1.2, relating to any matter in respect of which a regulation may be made under this Act.

**(2)** A standard, directive, practice, code, guideline, objective or other rule may be adopted or incorporated under subsection (1)

(a) in whole or in part and with or without modifications, and

(b) as it reads on a specific date or as amended or replaced from time to time.

**(3)** When a standard, directive, practice, code, guideline, objective or other rule is adopted or incorporated under subsection (1), the Minister shall publish it on a public website of the Government of Alberta.

**(4)** This section applies to any standard, practice, code, guideline, objective or other rule that has been adopted or incorporated into a regulation before or after this section comes into force.

#### **Minister's directives and codes**

**1.2** The Minister may set standards, directives, practices, codes, guidelines, objectives or other rules relating to any matter in respect of which a regulation may be made under this Act.

**(3) This section comes into force on Proclamation.**

## Public Lands Act

**12(1)** Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 1.1 presently reads:

*1.1 A regulation under this Act may adopt or incorporate in whole or in part or with modifications documents that set out standards, codes, objectives, guidelines or other bodies of rules that relate to any matter in respect of which a regulation may be made under this Act if the standards, codes, objectives, guidelines or other bodies of rules have been published and copies are available.*

(3) Coming into force.

## **Railway (Alberta) Act**

**Amends RSA 2000 cR-4**

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

**(2) Section 1 is amended by adding the following after clause (d.1):**

(d.2) “heritage railway rules” means heritage railway rules referred to in section 32.1;

**(3) Section 13(1)(b) is repealed and the following is substituted:**

(b) any railway legislation, heritage railway rules or operating rules,

**(4) Section 14(a) is amended by striking out “railway legislation and the operating rules,” wherever it occurs and substituting “railway legislation, the heritage railway rules and the operating rules,”.**

**(5) The following is added after section 32:**

### **Heritage railway rules**

**32.1(1)** The operator of a heritage railway may submit to the Railway Administrator for the Railway Administrator’s approval a set of rules respecting any or all of the following matters with respect to that operator:



## Railway (Alberta) Act

**13(1)** Amends chapter R-4 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(3) Section 13(1) presently reads in part:

*13(1) Where the Railway Administrator is of the opinion that a person to whom an approval has been granted is failing to comply with or has failed to comply with*

*(b) any railway legislation or operating rules,*

*the Railway Administrator may cancel or suspend the approval in whole or in part on 14 days' written notice to that person.*

(4) Section 14(a) presently reads:

*14 The operator of a railway shall*

*(a) ensure that*

*(i) the track and the structural facilities are constructed, used and maintained in accordance with the railway legislation and the operating rules, if any, and the approvals granted in respect of the track and the structural facilities, and*

*(ii) the rolling stock is maintained and operated in accordance with the railway legislation and the operating rules, if any, and the approvals granted in respect of the operation of the rolling stock,*

(5) Heritage railway rules.

- (a) governing the standards and specifications respecting rolling stock, track and structural facilities and other equipment and apparatus used in respect of rolling stock, track and structural facilities;
- (b) governing the construction, maintenance, repair and removal of track and structural facilities;
- (c) governing crossings of track and the use of those crossings;
- (d) governing the installation and use of signage, warning signals, barriers, operating signals and other similar apparatus;
- (e) governing the qualifications of persons operating rolling stock and of persons carrying out functions respecting the operation of track and of other equipment and matters ancillary to the operation of rolling stock;
- (f) governing the reporting of accidents and other incidents;
- (g) requiring any information to be provided to the Railway Administrator and railway safety officers and governing the use of that information;
- (h) respecting safety management systems and plans.

**(2)** The Railway Administrator shall not approve a set of heritage railway rules or any particular heritage railway rule submitted under this section if in the opinion of the Railway Administrator

- (a) those heritage railway rules or a particular heritage railway rule would not provide for the safe operation of the heritage railway, or
- (b) it would otherwise not be in the public interest to approve the set of heritage railway rules or a particular heritage railway rule.

**(3)** Where the Railway Administrator grants an approval of heritage railway rules with respect to a specific heritage railway, the operator of that railway shall, while the heritage railway rules are in force, comply with those rules.



(4) Where heritage railway rules are approved under this section, the Railway Administrator may, without the consent of the operator of the heritage railway, amend any existing approval held by the operator of the heritage railway to make any changes that in the opinion of the Railway Administrator are necessary as a result of the approval of the heritage railway rules.

(5) The Railway Administrator may at any time rescind the approval granted in respect of a set of heritage railway rules or any particular heritage railway rule and, on the operator being notified in writing of the rescinding of the approval, that set of heritage railway rules or particular heritage railway rule is no longer in force.

(6) Where the Railway Administrator approves heritage railway rules under this section with respect to the operator of a specific heritage railway, the Railway Administrator may, during the time that those heritage railway rules are in force, by order suspend the operation in whole or in part of any regulation made under section 30 or code declared in force under section 31 as that regulation or code applies to that specific operator of a heritage railway.

(7) With respect to a heritage railway for which heritage railway rules are in force under this section, where a conflict exists between those rules and any regulation made under section 30 or code declared in force under section 31, those rules prevail while they remain in force.

**(6) Section 34 is amended by adding the following after clause (b):**

(b.1) fostering compliance with heritage railway rules;

**(7) Section 41(1)(a) and (3)(a) are amended by adding** “a heritage railway rule,” **after** “the railway legislation,”.

(6) Section 34(b) presently reads:

*34 A railway safety officer may carry out inspections under sections 35 and 36 for the purposes of*

*(b) fostering compliance with the railway legislation and the approvals;*

(7) Section 41(1) and (3) presently read in part:

*41(1) Where the Railway Administrator is of the opinion that an operator of a railway or a person employed by or acting on behalf of an operator of a railway has failed to comply with*

*(a) the railway legislation, an operating rule or an approval, or the Railway Administrator may act under subsection (2).*

**(8) Section 50(1)(a) is amended**

- (a) in subclause (i) by striking out “the railway legislation” and substituting “the railway legislation, a heritage railway rule”;**
- (b) in the portion following subclause (iii) by adding “the heritage railway rule,” after “the railway legislation,”.**

**(9) Section 55(1) is amended by adding the following after clause**

**(b):**

- (b.1) contravenes a heritage railway rule;

**(10) This section comes into force on Proclamation.**

*(3) Where a railway safety officer is of the opinion that an operator of a railway or a person employed by or acting on behalf of an operator of a railway has failed to comply with*

*(a) the railway legislation, an operating rule or an approval that governs the operation of rolling stock, track or a structural facility, or*

*the railway safety officer may act under subsection (4).*

(8) Section 50(1)(a) presently reads in part:

*50(1) The following applications for relief may be made to the Court of Queen's Bench:*

*(a) where a person fails to comply with*

*(i) the railway legislation or an operating rule,*

*(iii) any action taken or order made or direction given by the Railway Administrator,*

*the Railway Administrator may apply to the Court for an order directing the person to comply, as the case may be, with the railway legislation, the operating rule, the approval or the action taken or the order made or direction given by the Railway Administrator;*

(9) Section 55(1)(b) presently reads:

*55(1) A person who does one or more of the following is guilty of an offence:*

*(b) fails to comply with any order or direction given by the Railway Administrator or a railway safety officer;*

(10) Coming into force.

## **Residential Tenancies Act**

**Amends SA 2004 cR-17.1**

**14(1) The *Residential Tenancies Act* is amended by this section.**

**(2) Section 46(1)(a) is repealed and the following is substituted:**

- (a) “deliver” means
  - (i) deliver by personal service,
  - (ii) send by regular mail or registered mail, or
  - (iii) deliver in any other manner agreed to in writing by the landlord and tenant;

## **Rural Utilities Act**

**Amends RSA 2000 cR-21**

**15(1) The *Rural Utilities Act* is amended by this section.**

**(2) Section 3(1) is repealed and the following is substituted:**

### **Application to incorporate**

**3(1)** Five or more persons who desire to be associated together in a co-operative association with the following objects may apply to be incorporated under this Act:

- (a) the principal object of supplying any one or more of the following to the association’s members primarily in a rural area:
  - (i) electricity;
  - (ii) natural gas;
  - (iii) water, primarily for domestic use;
  - (iv) sewage disposal;
- (b) any other secondary object that is permitted under the regulations.



### **Residential Tenancies Act**

**14(1)** Amends chapter R-17.1 of the Statutes of Alberta, 2004.

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

*46(1) In this section,*

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

### **Rural Utilities Act**

**15(1)** Amends chapter R-21 of the Revised Statutes of Alberta 2000.

(2) Section 3(1) presently reads:

*3(1) Five or more persons who desire to be associated together in a co-operative association with the principal object of supplying any one or more of the following:*

*(a) electricity;*

*(b) natural gas;*

*(c) water, primarily for domestic use;*

*(d) sewage disposal;*

*(e) water, primarily for domestic use, and sewage disposal,*

*to its members primarily in a rural area may apply to be incorporated under this Act.*

**(3) Section 6 is amended by adding the following after subsection (2):**

(3) Where an association amends its memorandum of association to add a secondary object it shall, unless otherwise provided by the Director, file with the Director, in addition to the copy of the amendment filed under subsection (1), any documents required by the regulations.

**(4) Section 16(1) is amended**

(a) **by striking out** “An association has” **and substituting** “Subject to the regulations, an association has”;

(b) **in clause (b) by striking out** “co-operative association” **and substituting** “cooperative association”;

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

(k.1) the power to do any other thing authorized in the regulations in respect of carrying out its secondary objects;

**(5) Section 23 is amended by renumbering it as section 23(1) and adding the following after subsection (1):**

(2) Subject to the regulations, a rural electrification association may, by extraordinary resolution, authorize the sale of all of its works to another rural electrification association.

**(6) Section 55 is amended**

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

(d.1) respecting secondary objects, including regulations

(i) establishing secondary objects that an association is permitted to carry out,

(ii) respecting the documents that must be provided to the Director under section 6(3),

(3) Section 6 presently reads:

*6(1) The memorandum of association may be amended by extraordinary resolution, but no amendment has any force until a copy, certified by the chair or secretary to be a true copy of the amendment, has been approved by the Director and filed with the Registrar.*

*(2) Where an association changes its name it shall, unless otherwise provided by the Director, file with the Director, in addition to the copy of the amendment filed under subsection (1), documents relating to corporate names as required by the regulations.*

(4) Section 16(1) presently reads in part:

*16(1) An association has, as ancillary and incidental to the objects set out in its memorandum of association, the following powers, except any of them that are expressly excluded by the memorandum:*

*(b) the power to enter into an agreement for co-operation, joint venture, reciprocal concession or otherwise with another association or with a person, company or co-operative association having objects wholly or in part similar to the objects of the association or engaged in a business or enterprise capable of being conducted so as directly or indirectly to benefit the association;*

(5) Section 23 presently reads:

*23 An association may, by extraordinary resolution, authorize the sale of all its works to a utility company or to a municipality or Metis settlement.*

(6) Adds regulation-making authority.

- (iii) limiting the powers under section 16(1) that an association may exercise with respect to its secondary objects,
- (iv) respecting the powers under section 16(1)(k.1) that an association may exercise with respect to its secondary objects,
- (v) permitting an association to make a loan to a member, director or any other person for the purposes of its secondary objects,
- (vi) respecting the rights of members with respect to secondary objects, and
- (vii) respecting the application of provisions of this Act to secondary objects;

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

- (h.1) respecting the sale of all of a rural electrification association's works to another rural electrification association and the rights of persons affected by the sale;

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

- (l) defining terms that are used but not defined in this Act.

**(7) This section comes into force on Proclamation.**

## **Surveys Act**

**Amends RSA 2000 cS-26**

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

**(2) Section 1 is amended**

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

(7) Coming into force.

### **Surveys Act**

**16(1)** Amends chapter S-26 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1 In this Act,*

(g) *“geographical positioning system” means a series of data bases co-ordinated by the Director that contain the geographical positions of survey control markers, land survey monuments and photogrammetric control points;*

- (b) in clause (i)(i) by striking out “geographically” and substituting “geospatially”;**
- (c) by adding the following after clause (r):**
  - (r.1) “provincial reference system” means a collection of standards, models, data products and infrastructure used to support geospatial positioning in Alberta;
- (d) in clause (u) by striking out “geographical positioning system” and substituting “provincial reference system”;**
- (e) in clause (v)**
  - (i) by striking out “any mark,” and substituting “a mark,”;**
  - (ii) by striking out “set in the ground”;**
- (f) by adding the following after clause (w):**
  - (x) “this Act” includes the regulations made under this Act.

**(3) Section 5 is amended**

- (a) in subsection (1)**
  - (i) by repealing clause (b);**
  - (ii) by repealing clause (e) and substituting the following:**
    - (e) co-ordinate the Alberta provincial reference system through adjustment and publishing of data with respect to the physical network of survey control markers and any other matters considered necessary, and
  - (iii) by repealing clause (f);**
- (b) in subsection (2)**
  - (i) in clause (a) by striking out “subsection (1)(b) or (e)” and substituting “subsection (1)(e)”;**
  - (ii) in clause (b) by striking out “subsection (1)(c), (d) or (f)” and substituting “subsection (1)(c) or (d)”.**

- (i) *“land-related information systems network” means a series of data bases co-ordinated by the Director that contain information on land or related to land and that are compatible because all the data bases*
  - (i) *contain geographically positioned data elements, and*
- (r) *“official plan” means a plan confirmed pursuant to section 33;*
- (u) *“survey control” means a network of interrelated survey control markers whose co-ordinate positions form part of the geographical positioning system;*
- (v) *“survey control marker” means any mark, other than a monument, set in the ground whose co-ordinate position is confirmed by the Director under section 8;*
- (w) *“surveyor” means an Alberta land surveyor as defined in the Land Surveyors Act.*

(3) Section 5 presently reads in part:

*5(1) Subject to subsection (2), the Director shall*

- (b) *co-ordinate the establishment and maintenance of a geographical positioning system for Alberta,*
- (e) *maintain the network of survey control markers and controlled photographic diapositives that are the physical elements of the geographical positioning system,*
- (f) *provide a cartographic service, and*

*(2) The Minister may, in writing, assign*

- (a) *any duty under subsection (1)(b) or (e) to an employee of the Government who is a surveyor and whose position is under the administration of the Minister, and*
- (b) *any duty under subsection (1)(c), (d) or (f) to an employee of the Government whose position is under the administration of the Minister.*

**(4) Section 6 is amended**

- (a) in subsection (1) by striking out** “or for any reason that the Director considers sufficient,”;
- (b) in subsection (2)(a) by striking out** “and any survey with respect to which the Director considers there is sufficient reason”.

**(5) Section 7 is amended**

- (a) in clause (a) by striking out** “geographical positioning system” **and substituting** “provincial reference system, and”;
- (b) by striking out** “and” **at the end of clause (b);**
- (c) by repealing clause (c).**

**(6) Section 8 is amended**

- (a) in subsection (1)**
  - (i) by striking out** “may” **and substituting** “must”;
  - (ii) by striking out** “only by a surveyor”;
- (b) in subsection (2) by striking out** “geographical positioning system” **and substituting** “provincial reference system”.



(4) Section 6 presently reads in part:

*6(1) If a plan of survey has been prepared but has not been registered at a Land Titles Office or filed at the Metis Settlements Land Registry the Director may, on the application of a Registrar or the Council of the Alberta Land Surveyors' Association, or for any reason that the Director considers sufficient, make an inspection of the survey or order an inspection to be made by a surveyor the Director appoints.*

*(2) The Director, or a surveyor appointed under subsection (1),*

*(a) shall inspect any survey concerning which an application has been made and any survey with respect to which the Director considers there is sufficient reason, and*

(5) Section 7 presently reads:

*7 The Minister may*

*(a) co-ordinate the provision of a geographical positioning system,*

*(b) co-ordinate the provision of a mapping system, and*

*(c) enter into an agreement with a municipality for the purpose of providing a geographical positioning system and a mapping system within all or part of that municipality and the agreement may specify how the costs are to be distributed between the Government and the municipality,*

*in any area of Alberta where the Minister considers it necessary.*

(6) Section 8 presently reads:

*8(1) Survey control may be established only by a surveyor in accordance with the specifications and instructions of the Director.*

*(2) A survey control marker becomes an integral part of the geographical positioning system if the Director confirms its co-ordinate position.*

**(7) Section 10 is amended**

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

**(i) in clause (a) by striking out** “personal supervision” **and substituting** “supervision, direction and control”;

**(ii) in clause (b) by striking out** “good surveying practices” **and substituting** “standards and rules for the practice of surveying prescribed by the Alberta Land Surveyors’ Association”;

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

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

**(2)** A surveyor shall verify and calibrate all measuring devices.

**(9) Section 14(1)(b)(i) is amended by striking out** “allow himself or herself to be examined” **and substituting** “submit to being examined”.

**(10) Section 17(1) is amended by striking out** “accurately”.

(7) Section 10 presently reads in part:

*10(1) All surveys made under this Act shall be made*

*(a) under the personal supervision of a surveyor,*

*(b) in accordance with good surveying practices, and*

*(3) Monuments that are intended to be used by surveyors in making surveys must be obtained from*

*(a) the Minister at a price fixed by the Minister, or*

*(b) a person designated by the Minister at a price fixed by and on any other terms and conditions that may be prescribed by the Minister.*

(8) Section 11(2) presently reads:

*(2) A surveyor shall verify*

*(a) all tapes used by the surveyor by comparison with a subsidiary standard of a type approved for that purpose by the Director or by a person authorized in writing by the Director, and*

*(b) all electronic linear measuring devices used by the surveyor by comparison with calibration base lines established by the Minister for that purpose.*

(9) Section 14(1)(b)(i) presently reads:

*14(1) When a surveyor*

*(b) has reason to believe that a person has information with respect to it or a plan or document that may establish its true position, and that person*

*(i) does not willingly appear before and allow himself or herself to be examined by the surveyor, or*

(10) Section 17(1) presently reads:

*17(1) A surveyor who needs to determine the position of a natural boundary when performing a survey under this Act may do so by any survey method that has the effect of accurately determining its location at the time of survey, relative to the surveyed boundaries of the affected parcel.*

**(11) Section 27(1) is amended by striking out** “in accordance with the regulations,”.

**(12) Section 40(4) is repealed and the following is substituted:**

(4) The monuments shown on the plan along the boundaries of the re-surveyed land determine the boundary lines of the land re-surveyed for all purposes.

**(13) Section 43(2) and (3) are repealed and the following is substituted:**

(2) The municipality may order that the expenses in whole or in part be placed on the tax roll as an additional tax against the property affected by the re-survey, in proportion to the assessed value of the property as shown on the last assessment roll and that amount shall be collected in the same manner as taxes on land.

**(14) Section 44(3)(b) is amended by striking out** “within 90 days” **and substituting** “within one year”.

**(15) Section 45(3)(b)(i) is amended by striking out** “geographical positioning system” **and substituting** “provincial reference system”.

(11) Section 27(1) presently reads:

*27(1) In the case of a township, section or quarter section corner on a correction line, monuments shall be placed independently for the corners on each side in accordance with the regulations, by the surveyor doing the survey.*

(12) Section 40(4) presently reads:

*(4) The monuments established by the re-survey mark the boundary lines of the land re-surveyed for all purposes.*

(13) Section 43 presently reads in part:

*(2) The municipality on whose resolution the re-survey was made may pay the expenses out of the general funds of the municipality either in whole or in part, as it considers proper.*

*(3) If the municipality pays only a part of the expenses out of general funds, it may order that the remainder be placed on the tax roll as an additional tax against the property affected by the re-survey, in proportion to the assessed value of the property as shown on the last assessment roll and that amount shall be collected in the same manner as taxes on land.*

(14) Section 44(3)(b) presently reads:

*(3) A surveyor who establishes a corner of a section, quarter section or legal subdivision that was not previously marked by a monument, or re-establishes the position of a monument in accordance with subsection (1) or (2),*

*(b) shall, within 90 days after completion of the survey, prepare and submit to the Registrar a plan of survey showing the method by which the position was re-established.*

(15) Section 45(3)(b)(i) presently reads:

*(3) Notwithstanding subsection (1), a surveyor,*

*(b) when surveying the boundaries of a strata space, as defined in the Land Titles Act, shall not mark the boundary lines of the horizontal, vertical or inclined planes or curved surfaces, but shall relate the locations of them*

**(16) Section 46(3)(b) is amended by striking out “within 90 days” and substituting “within one year”.**

**(17) Section 47 is amended**

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

**(2)** Subject to subsection (4), the co-ordinates of the survey control markers and of any position identified on the plan of survey for which a monument is intended to be placed in accordance with subsection (3)(a) determine the boundary lines established by the survey and plan.

**(b) in subsection (3) by striking out “within one year” and substituting “within 3 years”.**

**(18) The following is added after section 50:**

**Protection from liability**

**51** No action for damages may be commenced against any of the following persons for anything done or not done by that person in good faith while carrying out that person’s duties or exercising that person’s powers under this Act including, without limitation, any failure to do something when that person has discretionary authority to do something but does not do it:

- (a) the Minister;
- (b) the Director;
- (c) a Board or a member of a Board appointed by the Minister under section 9(3);

- (i) to at least 2 monuments of known elevation in the geographical positioning system placed within or adjacent to the boundaries of the parcel for that purpose, or*

(16) Section 46(3)(b) presently reads:

*(3) A surveyor who re-establishes the position of a monument in accordance with subsection (1) or (2), or establishes a corner that was not previously marked by any monument in a survey made pursuant to this Part,*

*(b) shall prepare and within 90 days after the completion of the survey submit to the Registrar a plan of survey showing the method by which the position was re-established and shall certify that the survey was made in accordance with this Act.*

(17) Section 47 presently reads in part:

*(2) Subject to subsection (4), the co-ordinates of the survey control markers and of the monuments, as shown on the plan of survey, determine the boundary lines established by the survey and plan.*

*(3) A surveyor who submits for registration a plan pursuant to subsection (1) shall, within one year from its registration or within a longer period of time specified by the Director,*

(18) Protection from liability; alternatives to monuments; regulations.

- (d) a surveyor appointed by the Director under section 6(1), 39(2), (5) or (6) or 47(5);
- (e) an employee of the Government;
- (f) a person to whom the Minister has, under section 9 of the *Government Organization Act*, delegated a power, duty or function under this Act.

#### **Alternatives to monuments**

**52** Where any provision of this Act requires the use of one or more monuments to mark or determine a boundary, corner or line, a prescribed alternative method may be used for that purpose in accordance with the regulations.

#### **Regulations**

**53** The Minister may make regulations

- (a) prescribing alternative methods for the purposes of section 52 that may be used to mark or determine a boundary, corner or line;
- (b) specifying the provisions of this Act for which a prescribed alternative method may be used;
- (c) respecting the use of one or more alternative methods and specifying requirements as to the manner in which a prescribed alternative method is to be used;
- (d) further defining “monument” for the purposes of this Act;
- (e) respecting any other matters related to monuments;
- (f) respecting any other matter or thing that the Minister considers necessary to carry out the intent of this Act.

**(19) This section comes into force on June 30, 2022.**



(19) Coming into force.





**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>