

2023 Bill 9

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Fourth Session, 30th Legislature, 1 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 9

## RED TAPE REDUCTION STATUTES AMENDMENT ACT, 2023

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THE MINISTER OF SERVICE ALBERTA AND RED TAPE REDUCTION

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 9*

## **BILL 9**

2023

### **RED TAPE REDUCTION STATUTES AMENDMENT ACT, 2023**

*(Assented to , 2023)*

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

#### **Bee Act**

**Amends RSA 2000 cB-2**

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

**(2) Section 1 is amended**

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

**(b) in clause (d) by striking out “or parasite” and substituting  
“, pest or parasite”.**

**(3) Section 8(1) and (2) are amended by striking out “or  
Africanized bees are” and substituting “is”.**

## Explanatory Notes

### Bee Act

1(1) Amends chapter B-2 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1 In this Act,*

*(a) “Africanized bee” means a bee that does not pass the test for European bee as prescribed in the regulations;*

*(d) “bee disease” means any disease or parasite designated in the regulations as a bee disease;*

(3) Section 8 presently reads in part:

*8(1) If an apiculture inspector believes, on reasonable and probable grounds, that a bee disease or Africanized bees are present in any bees or beekeeping equipment, the apiculture inspector may, by written order, direct one or more of the following:*

*(2) If the Provincial Apiculturist has evidence that a bee disease or Africanized bees are present in any bees or beekeeping equipment, the Provincial Apiculturist may, by written order, direct that the beekeeper destroy the bees and the beekeeping equipment.*

**(4) Section 13 is amended**

- (a) in clause (a) by striking out “or parasite” and substituting “, pest or parasite”;**
- (b) by repealing clause (c).**

**Civil Enforcement Act**

**Amends RSA 2000 cC-15**

**2(1) The *Civil Enforcement Act* is amended by this section.**

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

- (a) in clause (f) by striking out “writings” and substituting “records”;**
- (b) by repealing clause (l) and substituting the following:**
  - (l) “deposit account” means a chequing, savings, demand or similar account at a financial institution;
- (c) by adding the following after clause (u):**
  - (u.1) “financial institution” means a bank, credit union, trust corporation, loan corporation, treasury branch or any other deposit-taking institution;
- (d) by repealing clause (hh).**

**(3) Section 31 is repealed and the following is substituted:**

**Definitions**

**31** In this Division,

- (a) “after-acquired personal property” means personal property acquired by an enforcement debtor after the relevant writ is registered in the Personal Property Registry;

(4) Section 13 presently reads in part:

*13 The Minister may make regulations*

- (a) designating any disease or parasite as a bee disease;*
- (c) prescribing tests for European bee;*

#### **Civil Enforcement Act**

**2(1)** Amends chapter C-15 of the Revised Statutes of Alberta 2000.

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

*1(1) In this Act,*

- (f) “chattel paper” means one or more writings that evidence both an obligation and a security interest in or lease of specific goods or specific goods and accessions, but does not include a security agreement providing for a security interest in specific goods and after-acquired goods other than accessions;*
- (l) “deposit account” means a chequing, savings, demand or similar account at a bank, treasury branch, trust corporation, loan corporation, credit union or other deposit-taking financial institution in Alberta, but does not include an account or arrangement under which money is deposited for a fixed term whether or not the term may be abridged, extended or renewed;*
- (hh) “perfected” means, in respect of a security interest, perfected in accordance with the Personal Property Security Act;*

(3) Section 31 presently reads:

*31 In this Division,*

- (a) “after-acquired personal property” means personal property acquired by an enforcement debtor after the relevant writ is registered in the Personal Property Registry;*
- (b) the following terms have the meanings given to them in the Personal Property Security Act:*
  - (i) buyer of goods;*

- (b) “attaches” means, in respect of a security interest, attaches in accordance with the *Personal Property Security Act*;
- (c) “control” means, in respect of investment property and electronic chattel paper, control in accordance with the *Personal Property Security Act*;
- (d) “perfected” means, in respect of a security interest, perfected in accordance with the *Personal Property Security Act*;
- (e) the following terms have the meanings given to them in the *Personal Property Security Act*:
  - (i) buyer of goods;
  - (ii) consumer goods;
  - (iii) electronic chattel paper;
  - (iv) equipment;
  - (v) intangible;
  - (vi) investment property;
  - (vii) money;
  - (viii) new value;
  - (ix) ordinary course of business of the seller;
  - (x) purchase;
  - (xi) purchase-money security interest;
  - (xii) purchaser;
  - (xiii) security interest;
  - (xiv) seller;
  - (xv) tangible chattel paper;
  - (xvi) value.

- (ii) *consumer goods;*
- (iii) *equipment;*
- (iv) *inventory;*
- (v) *money;*
- (vi) *new value;*
- (vii) *ordinary course of business of the seller;*
- (viii) *purchase;*
- (ix) *purchase-money security interest;*
- (x) *purchaser;*
- (xi) *security interest;*
- (xii) *seller;*
- (xiii) *value.*

**(4) Section 35 is repealed and the following is substituted:**

**Priority between writs and security interests**

**35(1)** Except as otherwise provided in this Division, a security interest in personal property is subordinate to a writ that binds the property regardless of whether the security interest attaches before or after the personal property became bound by registration of the writ in the Personal Property Registry.

**(2)** Subject to section 35(6) of the *Personal Property Security Act*, a perfected security interest in personal property has priority over a writ that binds the property if

- (a) the collateral is investment property and the secured party has perfected by control, or
- (b) at the time the writ is registered in the Personal Property Registry,
  - (i) the security interest is perfected,
  - (ii) the security interest is registered in the Personal Property Registry, or
  - (iii) the secured party, or a person acting on behalf of the secured party, has possession of the personal property under section 24 of the *Personal Property Security Act*.

**(3)** A perfected purchase-money security interest in personal property has priority over a writ that bound the personal property before the purchase-money security interest was registered or perfected if the security interest was perfected not later than 15 days from the day that

- (a) the debtor, or another person at the request of the debtor, obtains possession of the collateral, or
- (b) the security interest attaches, in the case of an intangible.

**(4)** A perfected security interest in serial number goods that are consumer goods or equipment has priority over a writ binding the goods if the goods are not described by serial number entered into the field labelled for the receipt of serial numbers in the registration of the writ in the Personal Property Registry at the time

(4) Section 35 presently reads:

*35(1) Except as otherwise provided in this Division, a security interest in personal property is subordinate to a writ that binds the property regardless of whether the security interest attached before or after the personal property became bound by registration of the writ in the Personal Property Registry.*

*(2) Subject to section 35(5) and (6) of the Personal Property Security Act, a security interest in personal property has priority over a writ that binds the property if at the time the writ is registered in the Personal Property Registry*

*(a) the security interest is perfected or registered in the Personal Property Registry, or*

*(b) the secured party or a person acting on behalf of the secured party has possession of the personal property under section 24 of the Personal Property Security Act.*

*(3) A purchase money security interest in personal property has priority over a writ that bound the personal property before the purchase money security interest was registered or perfected if the security interest was registered or perfected not later than 15 days from the day that*

*(a) the debtor, or another person at the request of the debtor, obtained possession of the collateral, or*

*(b) the security interest attached, in the case of personal property other than goods, chattel paper, a security certificate, a document of title, an instrument or money.*

*(4) Where*

*(a) the registration of a writ*

*(i) lapses as a result of a failure to renew the registration of the writ, or*

*(ii) has been discharged in error or without authorization,*

*and*

*(b) the writ is re-registered not later than 30 days after the lapse or discharge,*

- (a) the security interest is registered in the Personal Property Registry, or
- (b) the secured party, or a person acting on behalf of the secured party, obtains possession of the personal property under section 24 of the *Personal Property Security Act*.

**(5) Where**

- (a) the registration of a writ in the Personal Property Registry
    - (i) lapses as a result of a failure to renew the registration, or
    - (ii) has been discharged in error or without authorization,
- and
- (b) the writ is re-registered within 30 days after the lapse or discharge,

the lapse or discharge of the writ does not affect the priority status of the writ in relation to a competing perfected security interest that immediately prior to the lapse or discharge of the writ had a subordinate priority position, except to the extent that the competing security interest secures advances made or contracted for after the lapse or discharge and prior to the re-registration of the writ.

**(6)** The priority of a writ in relation to a security interest in personal property as provided by this or any other Act is not affected by measures taken to enforce the security interest or the writ.

**(5) Section 36 is repealed and the following is substituted:**

**Buyer or lessee takes free of writ**

**36(1)** A sale or lease under this section may be

- (a) for cash,
- (b) by exchange for other property, or
- (c) on credit,

*the lapse or discharge of the writ does not affect the priority status of the writ in relation to a competing perfected security interest that immediately prior to the lapse or discharge of the writ had a subordinate priority position, except to the extent that the competing security interest secures advances made or contracted for after the lapse or discharge and prior to the re-registration of the writ.*

(5) Section 36 presently reads:

*36(1) A buyer or lessee of goods sold or leased in the ordinary course of business of the seller or lessor takes free of any writ that binds the goods.*

*(2) A buyer or lessee of goods, other than fixtures, that are acquired as consumer goods takes free from a writ that binds the goods*

*(a) if the buyer or lessee gave value for the interest acquired,*

and includes delivering goods or a document of title to goods under a pre-existing contract for sale but does not include a transfer as security for, or in total or partial satisfaction of, a money debt or past liability.

(2) A buyer or lessee of goods sold or leased in the ordinary course of business of the seller or lessor takes free from a writ that binds the goods.

(3) A buyer or lessee of goods, other than fixtures, that are acquired as consumer goods takes free from a writ that binds the goods if the purchase price of the goods does not exceed the prescribed amount or, in the case of a lease, the market value does not exceed the prescribed amount.

(4) A buyer or lessee of goods that are

- (a) consumer goods or equipment, and
- (b) prescribed as serial number goods

takes free from a writ binding the goods if the goods are not described by serial number entered into the field labelled for the receipt of serial numbers in the registration of the writ in the Personal Property Registry.

**(6) Section 38 is repealed and the following is substituted:**

**Transferees and purchasers of funds and negotiable property**

**38(1)** In subsections (2), (3) and (4), “transferee” does not include a person who acquires a security interest in the money, the account or the instrument.

(2) A transferee of money takes free from a writ binding the money if the transferee

- (a) acquired the money
  - (i) without knowledge of the writ, or
  - (ii) for value, whether or not the transferee had knowledge of the writ,

and

- (b) took possession of the money.

- (b) if the buyer or lessee bought or leased the goods without knowledge that the goods are bound by the writ, and*
- (c) if the purchase price of the goods does not exceed \$1000 or, in the case of a lease, the market value of which does not exceed \$1000.*

*(3) Where serial number goods that are bound by a writ are not described by serial number in the registration of that writ in the Personal Property Registry,*

- (a) in the case of consumer goods, a buyer, lessee or secured party who gives value for an interest in the goods acquires the interest free of the writ, and*
- (b) in the case of equipment, a buyer, lessee or secured party who gives value for an interest in the goods without knowledge of the writ acquires the interest free of the writ.*

*(4) A sale or lease under this section may be for cash, by exchange for other property or on credit, and includes delivering goods or a document of title to goods under a pre-existing contract for sale, but does not include a transfer as security for, or in total or partial satisfaction of, a money debt or past liability.*

(6) Section 38 presently reads:

*38(1) A holder of money has priority over a writ that binds the money if that holder*

- (a) acquired the money without knowledge of the writ, or*
- (b) is a holder for value, whether or not the holder has knowledge of the writ.*

*(2) A purchaser of an instrument or security certificate has priority over a writ that binds the instrument or security certificate if that purchaser*

- (a) gave value,*
- (b) acquired it without knowledge of the writ, and*
- (c) took possession of it.*

**(3)** Subject to subsection (5), a transferee of funds received by transfer from a deposit account takes free from a writ binding the account if the transferee acquired the funds

- (a) without knowledge of the writ, or
- (b) for value, whether or not the transferee had knowledge of the writ.

**(4)** A transferee of an instrument drawn by an enforcement debtor and payable to the transferee takes free from a writ binding the instrument and the account on which the instrument is drawn if the transferee

- (a) acquired the instrument
  - (i) without knowledge of the writ, or
  - (ii) for value, whether or not the transferee had knowledge of the writ,

and

- (b) took possession of the instrument.

**(5)** A financial institution that receives payment of a debt by means of a transfer from or debit to a deposit account of an enforcement debtor held by the institution takes free from a writ binding the account only if the payment

- (a) is authorized by the enforcement debtor at or after the time the debt is payable by the debtor to the financial institution and the authorization of payment is not made by the financial institution as agent of the debtor,
- (b) is made by a post-dated cheque drawn by the enforcement debtor, or
- (c) is made under a written authorization that is signed by the enforcement debtor as part of a loan under which the debtor became indebted to the financial institution, and the written authorization
  - (i) sets out specified amounts to be debited to or transferred from the deposit account at specified times or intervals, or

*(4) A holder of a negotiable document of title has priority over a writ that binds the document of title if that holder*

*(a) gave value, and*

*(b) acquired the document of title without knowledge of the writ.*

*(5) A purchaser of chattel paper has priority over a writ that binds the chattel paper if that purchaser*

*(a) gave new value,*

*(b) took possession of the chattel paper in the ordinary course of the purchaser's business, and*

*(c) at the time of taking possession did not have knowledge of the writ.*

- (ii) authorizes debits to or transfers from the deposit account when the credit in the deposit account exceeds a specified amount,

and the payment is not made by the financial institution as agent of the debtor.

**(6)** Nothing in subsection (5) limits the rights of an account debtor provided in section 41 of the *Personal Property Security Act*.

**(7)** A purchaser of an instrument or a negotiable document of title has priority over a writ binding the instrument or negotiable document of title if the purchaser

- (a) acquired the instrument or negotiable document of title for value without knowledge of the writ, and
- (b) took possession of the instrument or negotiable document of title.

**(8)** A purchaser of chattel paper has priority over a writ binding the chattel paper if the purchaser

- (a) acquired the chattel paper for new value in the ordinary course of the purchaser's business, and
- (b) without knowledge of the writ, took possession of tangible chattel paper or obtained control of electronic chattel paper.

**(7) Section 39 is amended by adding “, other than a secured party,” before “who is”.**

**(8) Section 77(1) is amended by adding the following after clause (a):**

- (a.1) “deposit account” means, notwithstanding section 1(1)(l), a chequing, savings, demand or similar account at a financial institution in Alberta, but does not include an account or arrangement under which money is deposited for a fixed term whether or not the term may be abridged, extended or renewed;

(7) Section 39 presently reads:

*39 A person who is a protected purchaser of a security within the meaning of the Securities Transfer Act has priority over a writ that binds the security if that person did not have knowledge of the writ at the time the person obtained control of the security.*

(8) Adds definition.

**(9) Section 106(1) is amended by adding the following after clause (c):**

- (c.1) prescribing the purchase price amount and market value amount referred to in section 36(3);

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

### **Continuing Care Act**

**Amends SA 2022 cC-26.7**

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

**(2) The following is added after section 65:**

**Amends SA 2006 cA-45.1**

**65.1(1) The *Assured Income for the Severely Handicapped Act* is amended by this section.**

**(2) Section 3.1(1)(b) is repealed and the following is substituted:**

- (b) the part of a modified living allowance that is not based on the accommodation charge under the *Continuing Care Act*;

**(3) Schedule 1 is amended in section 3**

**(a) in subsection (2)**

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

- (ii) the amount of the applicable accommodation charge,

and

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

- (ii) the amount of the applicable accommodation charge.

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

(9) Adds regulation-making authority.

(10) Coming into force.

### **Continuing Care Act**

**3(1)** Amends chapter C-26.7 of the Statutes of Alberta, 2022.

(2) Adds consequential or related amendment.

**(3)** For the purposes of subsection (2)(a)(ii) and (b)(ii), the amount of the applicable accommodation charge is

- (a) the maximum amount of the accommodation charge set under the *Continuing Care Act* in respect of a private room, or
- (b) if the facility is funded under the Lodge Assistance program, the maximum amount of the accommodation charge set under the *Continuing Care Act* in respect of a shared room.

**(3) The following is added after section 69:**

**Amends RSA 2000 cH-2.7**

**69.1(1) The *Health Facilities Act* is amended by this section.**

**(2) Section 0.1 is amended**

**(a) in clause (f)(x) by striking out “a nursing home” and substituting “a type A continuing care home”;**

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

(q.1) “type A continuing care home” means a continuing care home in respect of which a type A continuing care home licence has been issued under the *Continuing Care Act*;

**(4) The following is added after section 71:**

**Amends SA 2020 c35**

**71.1(1) The *Health Statutes Amendment Act, 2020 (No. 2)* is amended by this section.**

**(2) Section 7 is amended**

**(a) in the new section 20.1**

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

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

(d.1) “continuing care home” means a continuing care home as defined in the *Continuing Care Act*;

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

(3) Adds consequential or related amendment.

(4) Adds consequential or related amendment.

**(b) by repealing the new section 20.32(6)(b) and substituting the following:**

(b) the board of an approved hospital shall, after the discharge of a patient from the hospital for the purpose of transferring the patient to another hospital inside or outside Alberta, a nursing home outside Alberta or a continuing care home, forward to that other hospital, nursing home or continuing care home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of the staff of that other hospital, nursing home or continuing care home;

**(c) in the new section 20.36(1)(k) by striking out “an auxiliary hospital or a nursing home” and substituting “a continuing care home”;**

**(d) in the new section 20.39(1)(b)(iii) by striking out “nursing home” and substituting “continuing care home”;**

**(e) in the new section 20.66(2) by striking out “or auxiliary”.**

**(5) The following is added after section 72:**

**Amends SA 2003 cl-0.5**

**72.1(1) The *Income and Employment Supports Act* is amended by this section.**

**(2) The Schedule is amended**

**(a) in section 1**

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

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

(j) “type A continuing care home” means a type A continuing care home as defined in the regulations.

**(b) by repealing section 6(a)(iii)(A) and (b)(iii)(A) and substituting the following:**

(A) a hospital or a type A continuing care home;

(5) Adds consequential or related amendment.

**(c) by repealing section 8(a)(iv) and (b)(iv) and substituting the following:**

- (iv) if the household unit lives in a hospital, the monthly accommodation charge for that hospital under the *Hospitals Act*,
- (iv.1) if the household unit lives in a type A continuing care home, the accommodation charge set by the continuing care home operator under the *Continuing Care Act* in respect of a shared room,

**(6) The following is added after section 73:**

**Amends RSA 2000 cL-1**

**73.1(1) The *Labour Relations Code* is amended by this section.**

**(2) Section 95.2 is amended**

**(a) by repealing subsection (1)(e), (f) and (g) and substituting the following:**

- (e) employers who operate continuing care homes as defined in the *Continuing Care Act*, all the employees of those employers and the bargaining agents for those employees;
  - (f) employers who operate supportive living accommodations as defined in the *Continuing Care Act*, all the employees of those employers and the bargaining agents for those employees;
  - (g) employers who, under an agreement with a regional health authority or the Minister responsible for the *Continuing Care Act*, provide home and community care as defined in the *Continuing Care Act*, all the employees of those employers and the bargaining agents for those employees;
- (b) in subsection (2) by adding “as they read immediately before the coming into force of subsection (2.1)” after “subsection (1)(e) to (j)”;**

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

(6) Adds consequential or related amendment.

**(2.1)** A party referred to in subsection (1)(e), (f) or (g) continues as a party to a dispute referred to in subsection (2) that has not been resolved on the coming into force of this subsection, notwithstanding the repeal of subsection (1)(e), (f) and (g) as they read immediately before the coming into force of this subsection.

**(3) Section 96(1)(f), (g) and (h) are repealed and the following is substituted:**

- (f) employers who operate continuing care homes as defined in the *Continuing Care Act* and all the employees of those employers,
- (g) employers who operate supportive living accommodations as defined in the *Continuing Care Act* and all the employees of those employers,
- (h) employers who, under an agreement with a regional health authority or the Minister responsible for the *Continuing Care Act*, provide home and community care as defined in the *Continuing Care Act* and all the employees of those employers,

**(7) The following is added after section 74:**

**Amends RSA 2000 cM-26**

**74.1(1) The *Municipal Government Act* is amended by this section.**

**(2) Section 362(1)(h) is repealed and the following is substituted:**

- (h) property
  - (i) used in connection with the purposes of a continuing care home in respect of which a type A continuing care home licence has been issued under the *Continuing Care Act*, and
  - (ii) held by the owner or under a lease from the owner of a continuing care home referred to in subclause (i);

**(8) The following is added after section 75:**

(7) Adds consequential or related amendment.

(8) Adds consequential or related amendment.

**Amends RSA 2000 cP-13**

**75.1(1) The *Pharmacy and Drug Act* is amended by this section.**

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

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

(ii) a type A continuing care home,

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

(ee) “type A continuing care home” means a continuing care home in respect of which a type A continuing care home licence has been issued under the *Continuing Care Act*.

**(3) Section 4(1) and (4) are amended by striking out “nursing home” wherever it occurs and substituting “type A continuing care home”.**

**(9) The following is added after section 79:**

**Amends RSA 2000 cS-7**

**79.1(1) The *Seniors Benefit Act* is amended by this section.**

**(2) The Schedule is amended**

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

(a.1) “continuing care home” means a continuing care home as defined in the regulations;

**(b) in Table 1 by striking out**

Long-term Care Centre		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146
Designated Assisted Living Unit		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146

(9) Adds consequential or related amendment.

**and substituting**

Continuing Care Home		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146

**(c) in section 5**

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

**Supplementary accommodation assistance — recipients before October 1, 2007**

**5(1)** Subject to section 6, this section applies to an individual living in a continuing care home where

- (a) the continuing care home was a long-term care centre or designated assisted living unit immediately before the coming into force of the *Continuing Care Act*, and
- (b) the individual entered the long-term care centre or designated assisted living unit before October 1, 2007.

**(ii) in subsection (3) by striking out “the daily accommodation charge for a private room as determined under section 3(1.1) of the *Nursing Homes Operation Regulation (AR 258/85)*” and substituting “the maximum daily accommodation charge set under the *Continuing Care Act* in respect of a private room”;**

**(d) by repealing Table 2 and substituting the following:**

**Table 2**

<b>Accommodation and Relationship Category</b>	<b>Percentage</b>	<b>Maximum Annual Supplementary Accommodation Assistance Component</b>
Continuing Care Home	68.83%	\$14 259



(e) in section 6

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

**Supplementary accommodation assistance — recipients immediately prior to October 1, 2007**

**6(1)** This section applies to an individual living in a continuing care home where

- (a) the continuing care home was a long-term care centre or designated assisted living unit immediately before the coming into force of the *Continuing Care Act*, and
- (b) the individual entered the long-term care centre or designated assisted living unit immediately prior to October 1, 2007.

**(1.1)** An individual referred to in subsection (1) may receive the supplementary accommodation assistance component of the benefit calculated in accordance with section 7 instead of in accordance with section 5 if the calculation in accordance with section 7 results in a higher benefit for that individual.

- (ii) in subsection (3) by striking out “a long-term care centre or designated assisted living unit” and substituting “a continuing care home”;

(f) in section 7

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

**Calculation of supplementary accommodation assistance**

**7(1)** Subject to section 6, this section applies to

- (a) an individual living in a continuing care home who enters the continuing care home on or after the coming into force of the *Continuing Care Act*, and



- (b) an individual living in a continuing care home where
  - (i) the continuing care home was a long-term care centre or designated assisted living unit immediately before the coming into force of the *Continuing Care Act*, and
  - (ii) the individual entered the long-term care centre or designated assisted living unit on or after October 1, 2007.
- (ii) **in subsection (2)(a) by striking out** “the monthly accommodation charge for a private room as determined under section 3(1.1) of the *Nursing Homes Operation Regulation* (AR 258/85)” **and substituting** “the maximum monthly accommodation charge set under the *Continuing Care Act* in respect of a private room”;
- (iii) **in subsection (4) in the formula**
  - (A) **by repealing the description of A and substituting the following:**
    - A is the maximum monthly accommodation charge set under the *Continuing Care Act* in respect of a private room that is in effect on the first day of the month after the accommodation adjustment date;
  - (B) **in the description of B by adding** “maximum” **before** “monthly accommodation charge”;
  - (C) **in the description of C by striking out** “the year immediately preceding”.

**(10) The following is added after section 81:**

**Amends RSA 2000 cW-15**

**81.1(1) The *Workers’ Compensation Act* is amended by this section.**

**(2) Section 82 is repealed and the following is substituted:**

(10) Adds consequential or related amendment.

**Allowance for home and community care**

**82** If a worker is disabled and is receiving home and community care that is, in the opinion of the Board, comparable in the circumstances to facility-based care, the Board may pay an allowance in respect of that home and community care.

**(11) Section 82(1) is repealed.**

(11) Section 82(1) presently reads:

*82(1) If section 7 of the Health Statutes Amendment Act, 2020 (No. 2) comes into force before the coming into force of section 71 of this Act, on the coming into force of section 7 of the Health Statutes Amendment Act, 2020 (No. 2),*

*(a) the Health Facilities Act is amended*

*(i) in section 20.1*

*(A) by repealing clause (c);*

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

*(d.1) “continuing care home” means a continuing care home as defined in the Continuing Care Act;*

*(C) by repealing clause (l);*

*(ii) by repealing section 20.32(6)(b) and substituting the following:*

*(b) the board of an approved hospital shall, after the discharge of a patient from the hospital for the purpose of transferring the patient to another hospital inside or outside Alberta, a nursing home outside Alberta or a continuing care home, forward to that other hospital, nursing home or continuing care home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of the staff of that other hospital, nursing home or continuing care home;*

*(iii) in section 20.36(1)(k) by striking out “an auxiliary hospital or a nursing home” and substituting “a continuing care home”;*

*(iv) in section 20.39(1)(b)(iii) by striking out “nursing home” and substituting “continuing care home”;*

*(v) in section 20.66(2) by striking out “or auxiliary”;*

*(b) section 71 is repealed.*

## Foreign Cultural Property Immunity Act

### Amends RSA 2000 cF-17

**4(1)** The *Foreign Cultural Property Immunity Act* is amended by this section.

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

#### Definitions

**1** In this Act,

- (a) “cultural property” means property belonging to any one or more of the following categories:
  - (i) collections and specimens of fauna, flora, minerals and objects of palaeontological interest;
  - (ii) property relating to history, including the history of science and technology and military and social history, to national leaders, academics and scientists and to events of national importance;
  - (iii) products of archaeological excavations or of archaeological discoveries;
  - (iv) elements of artistic or historical monuments or archaeological sites that have been dismantled or dismembered;
  - (v) antiquities, including inscriptions, coins and engraved seals;
  - (vi) objects of ethnological interest;
  - (vii) property of artistic interest, including the following:
    - (A) pictures, paintings and drawings produced entirely by hand on any support and in any material;
    - (B) works of statuary art and sculpture in any material;
    - (C) engravings, prints and lithographs;
    - (D) artistic assemblages and montages in any material;

## Foreign Cultural Property Immunity Act

4(1) Amends chapter F-17 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads:

*1 In this Act, “cultural property” means property belonging to any one or more of the following categories:*

- (a) collections and specimens of fauna, flora, minerals and objects of palaeontological interest;*
- (b) property relating to history, including the history of science and technology and military and social history, to national leaders, academics and scientists and to events of national importance;*
- (c) products of archaeological excavations or of archaeological discoveries;*
- (d) elements of artistic or historical monuments or archaeological sites that have been dismantled or dismembered;*
- (e) antiquities, including inscriptions, coins and engraved seals;*
- (f) objects of ethnological interest;*
- (g) property of artistic interest, including:*
  - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material;*
  - (ii) works of statuary art and sculpture in any material;*
  - (iii) engravings, prints and lithographs;*
  - (iv) artistic assemblages and montages in any material;*
- (h) manuscripts, books, documents and publications of special interest;*
- (i) postage, revenue and similar stamps;*

- (viii) manuscripts, books, documents and publications of special interest;
- (ix) postage, revenue and similar stamps;
- (x) archives, including sound, photographic and cinematographic archives;
- (xi) articles of furniture and musical instruments;
- (b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

**(3) Section 2 is amended**

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

- (a) the Minister determines that the cultural property is of significance and orders that the cultural property is to be governed by this section, and

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

**(1.1)** A cultural, educational or research institution referred to in subsection (1) may apply to the Minister, in the form and manner established by the Minister, for an order under this section.

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

**(2)** Subsection (1) ceases to apply with respect to cultural property if the Minister, by order, rescinds a determination made under this Act that the cultural property is of significance.

**Income and Employment Supports Act**

**Amends SA 2003 cl-0.5**

**5(1) The *Income and Employment Supports Act* is amended by this section.**

**(2) The following is added after section 15:**

- (j) *archives, including sound, photographic and cinematographic archives;*
- (k) *articles of furniture and musical instruments.*

(3) Section 2 presently reads in part:

*2(1) When any cultural property ordinarily kept in a foreign country is brought into Alberta pursuant to an agreement between the owner or custodian of the cultural property and the Government of Alberta or any cultural, educational or research institution for the purpose of the temporary exhibition or display of the cultural property or the temporary use of the cultural property for research purposes by the Government of Alberta or the institution, no proceedings shall be taken in any court and no judgment, decree or order shall be enforced in Alberta for the purpose of, or having the effect of, depriving the Government of Alberta or the institution or any carrier engaged in transporting the cultural property into, within or out of Alberta of the custody or control of the cultural property if, before the cultural property is brought into Alberta,*

*(a) the Lieutenant Governor in Council, by order, determines that the cultural property is of significance, and*

*(2) Where the Lieutenant Governor in Council rescinds an order made under subsection (1), subsection (1) ceases to apply with respect to the cultural property referred to in the order.*

### **Income and Employment Supports Act**

**5(1)** Amends chapter I-0.5 of the Statutes of Alberta, 2003.

(2) Consequences of outstanding warrant.

**Consequences of outstanding warrant**

**15.1** The Director must, subject to the regulations, refuse to provide income support and benefits to an applicant or recipient under Part 2, Division 1 when notified that

- (a) a warrant for the arrest of the applicant or recipient has been issued in respect of a prescribed offence, and
- (b) the warrant has not been executed.

**(3) Section 18 is amended by adding the following after clause (t):**

- (t.1) respecting circumstances in which the Director may provide or continue to provide all or a portion of income support and benefits under Part 2, Division 1 for the purposes of section 15.1;
- (t.2) prescribing offences or classes of offences for the purposes of section 15.1(a);

**(4) Section 49 is amended**

**(a) in subsection (4) by adding “15.1,” after “sections”;**

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

**(4.1)** The Minister responsible for Schedule 9 to the *Government Organization Act* is authorized to disclose information, including personal information, for the purposes of section 15.1.

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

**Irrigation Districts Act**

**Amends RSA 2000 cl-11**

**6(1) The *Irrigation Districts Act* is amended by this section.**

**(2) Section 5(k) is repealed.**

(3) Adds regulation-making authority.

(4) Section 49(4) presently reads:

*(4) The Director may collect personal information for the purposes of sections 29 and 30.*

(5) Coming into force.

### **Irrigation Districts Act**

**6(1)** Amends chapter I-11 of the Revised Statutes of Alberta 2000.

(2) Section 5(k) presently reads:

*5 The following corporations are established:*

*(k) Taber Irrigation District;*

**(3) Section 7(2) is repealed and the following is substituted:**

**(2)** A board that intends to consider a resolution referred to in subsection (1)(b) must give notice, not less than 30 days before it intends to consider the resolution, of the following:

- (a) its intention to consider the resolution;
- (b) the date, time and location of the public meeting referred to in subsection (1)(a).

**(2.1)** If a board authorizes the holding of a plebiscite under subsection (1)(b), the board must give notice of the plebiscite at least once in each of the 2 weeks preceding the week during which the plebiscite is to be held.

**(4) Section 10 is amended**

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

**(2)** If a district proposes to relocate irrigation works in the district, the district must give notice of the proposal.

**(2.1)** A notice under subsection (2) must

- (a) set out the particulars of the relocation, and
- (b) state that any person wishing to complain must submit a written complaint to the district within 30 days after the date on which notice is given.

**(b) in subsection (3) by striking out “subsection (2)(b)” and substituting “subsection (2.1)(b)”.**

**(5) Section 11 is amended**

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

**(2)** A board that intends to consider a resolution referred to in subsection (1)(b) must give notice, not less than 30 days before it intends to consider the resolution, of the following:

- (a) its intention to consider the resolution;

(3) Section 7(2) presently reads:

*(2) A board of a district, not less than 30 days before the board intends to consider a resolution referred to in subsection (1)(b), must give public notice of its intention to consider the resolution and the date, time and location of the meeting with the public.*

(4) Section 10 presently reads in part:

*(2) If a district proposes to relocate irrigation works in the district, the district must advertise the proposal to relocate irrigation works in a newspaper having general circulation in the district*

*(a) setting out the particulars of the relocation, and*

*(b) stating that any persons wishing to complain must submit a written complaint to the district within 30 days after the date of publication of the notice.*

*(3) The district must consider all written complaints that are received within the 30-day period referred to in subsection (2)(b) before giving notice under subsection (4).*

(5) Section 11 presently reads in part:

*(2) A board of a district, not less than 30 days before the board intends to consider a resolution referred to in subsection (1)(b), must give public notice of its intention to consider the resolution and the date, time and location of the meeting with the public.*

*(8) Where the board gives public notice under subsection (2) it shall also give notice to the Council.*

- (b) the date, time and location of the public meeting referred to in subsection (1)(a).

**(2.1)** If a board authorizes the holding of a plebiscite under subsection (1)(b), the board must give notice of the plebiscite at least once in each of the 2 weeks preceding the week during which the plebiscite is to be held.

- (b) in subsection (8) by striking out “public”.**

**(6) Section 12 is amended**

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

**(5)** A board that intends to consider a resolution referred to in subsection (4)(b) must give notice, not less than 30 days before it intends to consider the resolution, of the following:

- (a) its intention to consider the resolution;
- (b) the date, time and location of the public meeting referred to in subsection (4)(a).

**(5.1)** If a board authorizes the holding of a plebiscite under subsection (4)(b), the board must give notice of the plebiscite at least once in each of the 2 weeks preceding the week during which the plebiscite is to be held.

- (b) in subsection (11) by striking out “public”.**

**(7) Section 13 is amended**

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

**Stoppage of water delivery**

**13(1)** A district may stop the delivery of water to a user if the district is of the opinion that

- (a) any further delivery of water may exceed the amount prescribed by bylaw,
- (b) the user has used or is using water delivered by the district in a manner that is causing or may cause loss or damage to property or loss or injury to any person,

(6) Section 12 presently reads in part:

*(5) A board of a district, not less than 30 days before the board intends to consider a resolution referred to in subsection (4)(b), must give public notice of its intention to consider the resolution and the date, time and location of the meeting with the public.*

*(11) Where the board gives public notice under subsection (5) it shall also give notice to the Council.*

(7) Section 13 presently reads in part:

*13(1) A district may stop the delivery of water to a parcel if the district is of the opinion*

*(a) that any further delivery of water may exceed the amount prescribed by bylaw, or*

*(b) the owner or lessee of the parcel has used or is using the water delivered by the district in a manner that is causing or may cause loss or damage to property or loss or injury to any person.*

*(4) If a district intends to stop the delivery of water under this section, it must provide written notice to the owner or lessee of the parcel at least 24 hours before the delivery of water is stopped.*

- (c) the user supplies water delivered by the district
  - (i) to another person, and
  - (ii) in a manner that is contrary to the Act or to an agreement entered into between the user and the district under section 16, 17, 19, 19.1 or 21,

or

- (d) the user irrigates, using water delivered by the district, acres that
  - (i) are not shown on the assessment roll of the district, or
  - (ii) are not included in an alternate parcel irrigation agreement under section 25.

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

**(4)** A district that intends to stop the delivery of water must give written notice at least 24 hours before the delivery of water is stopped

- (a) to the user, where the delivery of water is stopped under subsection (1), or
- (b) to the owner or lessee of the parcel, where the delivery of water is stopped under subsection (2).

**(8) Section 25(4) is amended by striking out “publish in a newspaper that has general circulation in the district a” and substituting “give”.**

**(9) Section 26 is amended**

- (a) **in subsection (5) by striking out “publish in a newspaper that has general circulation in the district a” and substituting “give”;**
- (b) **by repealing subsections (6) and (7) and substituting the following:**

(8) Section 25(4) presently reads:

*(4) Where the board passes a resolution under subsection (3), the district must annually publish in a newspaper that has general circulation in the district a notice of the date by which applications under subsection (1) must be made.*

(9) Section 26 presently reads in part:

*(5) Where the board passes a resolution under subsection (4), the district must annually publish in a newspaper that has general circulation in the district a notice of the date by which applications under subsection (1) must be made.*

(6) The district must give written notice of its decision to approve or refuse an application under subsection (1) to the applicant within 90 days after the date referred to in subsection (4).

(7) A written notice of a decision to refuse an application must contain a statement of the right to appeal to the Council under section 167(1)(c.1).

(7.1) Where the district fails to give written notice of its decision within the 90-day period referred to in subsection (6),

- (a) the district is deemed to have refused the application, and
- (b) the applicant may appeal the refusal to the Council under section 167(1)(c.1).

**(10) Section 35(3)(b) is amended by striking out** “becomes indebted” **and substituting** “is in arrears with respect to a debt due”.

**(11) Section 40(1) is repealed and the following is substituted:**

**Auditor’s report**

**40(1)** An audit of the financial statements must be conducted in accordance with the CPA Canada Handbook — Assurance published by the Chartered Professional Accountants of Canada, as amended from time to time.

**(12) Section 48 is amended by striking out “or” at the end of clause (a) and by adding the following after clause (a):**

- (a.1) a matter to be discussed at the meeting or part of the meeting falls under one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*, or

**(13) Section 50(1) is amended by striking out “7 members” and substituting “9 members”.**

*(6) The district must give written notice of its decision to approve an application within 90 days after the date published in accordance with subsection (5).*

*(7) A written notice under subsection (6) must contain a statement of the right to appeal to the Council under section 167(1)(b)(ii).*

(10) Section 35(3)(b) presently reads:

*(3) A person is not eligible to remain as a member of a board of a district if that person*

*(b) becomes indebted to the district for more than one year while a member of the board,*

(11) Section 40(1) presently reads:

*40(1) An audit of the annual financial statements must be in accordance with the form and the reporting standards for local governments recommended from time to time by the Chartered Professional Accountants of Canada.*

(12) Section 48(a) presently reads:

*48 Subject to section 45(4), the meetings of a district must be open to the public unless the board holds the meeting or part of the meeting in private because*

*(a) of probable prejudice to any member of the board or user, or*

(13) Section 50(1) presently reads:

*50(1) There is established an Irrigation Council consisting of not more than 7 members appointed by the Minister.*

**(14) Section 62(5) is amended**

- (a) by striking out “facsimile” and substituting “copy”;**
- (b) by striking out “in a newspaper of general circulation in the area.”.**

**(15) Section 71(2) is repealed and the following is substituted:**

**(2)** Where the district proposes to hold a meeting under subsection (1), the manager must give notice not less than 7 days before the date of the meeting of

- (a) the date, time and place of the meeting, and
- (b) the matters to be discussed at the meeting.

**(16) Section 72(4)(b) is repealed and the following is substituted:**

- (b) give notice of the results.

**(17) Section 78 is amended**

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

**Powers of Minister re petition**

**78(1)** When a petition is made to the Minister under section 75, the petition must be accompanied by proof that the petitioners have given notice of the petition.

**(1.1)** Notice under subsection (1) must

- (a) be given in the form prescribed by the regulations,
- (b) set out the text of the petition,
- (c) state that any person wishing to object to the petition is required to submit a written objection to the Council within 30 days after the date on which notice is given, and

(14) Section 62(5) presently reads:

*(5) Notwithstanding anything in this section, the returning officer may at any time after the time for filing nominations has expired cause a facsimile of the ballot for “member of a district board” to be published as often as the returning officer considers necessary in a newspaper of general circulation in the area, for the information of the electors.*

(15) Section 71(2) presently reads:

*(2) Where the district proposes to hold a meeting under subsection (1), the manager must provide notice of the meeting by publishing the date, time and place of the meeting and the matters to be discussed at the meeting in a newspaper of general circulation in the district at least 7 days prior to the date of the meeting.*

(16) Section 72(4)(b) presently reads:

*(4) The returning officer must*

*(b) publish the results in a newspaper of general circulation in the district.*

(17) Section 78 presently reads in part:

*78(1) When a petition is made to the Minister under section 75, the petition must be accompanied with proof that the petitioners have, at least 21 days prior to the date the petition is submitted to the Minister, published in a newspaper of general circulation in the district a notice in the form prescribed by the regulations*

*(a) setting out the text of the petition, and*

*(b) stating that any persons wishing to object to the petition are required to submit a written objection to the Council within 30 days after the date of the publication of the notice.*

*(3) On receipt of a petition, the Minister may,*

*(a) if no written objections are received within the 30-day period referred to in subsection (1)(b), grant the petition and make an order accordingly,*

(d) be given not less than 21 days before the date the petition is submitted to the Minister.

**(b) in subsections (3)(a) and (4) by striking out “subsection (1)(b)” and substituting “subsection (1.1)(c)”.**

**(18) Section 85 is amended**

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

**Approval procedures**

**85(1)** Except where section 84(4) and (5) apply, a district must give notice of its receipt of an application under section 84.

**(1.1)** Notice under subsection (1) must

- (a) be given in the form and manner provided for in the regulations,
- (b) set out a summary of the application,
- (c) state that any person wishing to complain is required to submit a written complaint to the district within 30 days after the date on which notice is given, and
- (d) be given within 60 days after the district receives the application.

**(b) in subsections (5), (6)(a)(ii) and (7)(b) by striking out “subsection (1)(b)” and substituting “subsection (1.1)(c)”;**

**(c) in subsection (8) by striking out “subsection (6)(a) or (7)” and substituting “subsection (6)(a)(ii) or (7)(a)”.**

**(19) Section 86 is amended**

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

*(4) The Minister must refer the petition to the Council for a hearing under Part 8 if one or more written objections are submitted to the Council within the time period referred to in subsection (1)(b).*

(18) Section 85 presently reads in part:

*85(1) Except where section 84(4) and (5) apply, the district must, within 60 days after receipt of an application under section 84, publish in a newspaper of general circulation in the district a notice in the form and manner provided for in the regulations*

*(a) setting out a summary of the application, and*

*(b) stating that any persons wishing to complain are required to submit a written complaint to the district within 30 days after the date of the publication of the notice.*

*(5) The district must consider all written complaints that are received within the 30-day period referred to in subsection (1)(b) before refusing or approving an application.*

*(6) If the district approves an application for a change of area, the district must*

*(a) give written notice of the decision within 30 days after the decision to*

*(ii) any person filing a written complaint under subsection (1)(b),*

*(7) If the district refuses an application for a change of area, the district must give written notice of the decision within 30 days after the decision to*

*(b) any person filing a written complaint under subsection (1)(b).*

*(8) A written notice under subsection (6)(a) or (7) must contain a statement of the right to appeal to the Council under section 167(1)(b)(i).*

(19) Section 86 presently reads in part:

*86(1) Where a district is the owner of land and the district proposes to make a change of area, the district must publish in a newspaper of*

**District-owned land**

**86(1)** Where a district is the owner of land and the district proposes to make a change of area, the district must give notice of the proposal.

**(1.1)** A notice under subsection (1) must

- (a) be given in the form and manner provided for in the regulations,
- (b) set out the particulars of the change of area, and
- (c) state that any person wishing to complain is required to submit a written complaint to the district within 30 days after the date on which notice is given.

**(b) in subsections (2) and (3) by striking out** “subsection (1)(b)” **and substituting** “subsection (1.1)(c)”.

**(20) Section 87(1) is repealed and the following is substituted:**

**Removal by district**

**87(1)** A district may remove a parcel with irrigation acres from the district if, in the opinion of the district,

- (a) it is impractical, uneconomical or undesirable to continue to deliver water to the parcel, or
- (b) water has not been delivered to the parcel over a period of 3 years and there is no reasonable prospect that the user will resume the use of water on the parcel.

**(21) Section 161(2)(b) is amended by striking out** “publish, in a newspaper having general circulation in the district,” **and substituting** “give”.

**(22) Section 162(1) is repealed and the following is substituted:**

**Notice of application**

**162(1)** The district must give notice of an application under section 161(3).

*general circulation in the district a notice in the form and manner provided for in the regulations*

*(a) setting out the particulars of the change of area, and*

*(b) stating that any persons wishing to complain are required to submit a written complaint to the district within 30 days after the date of the publication of the notice.*

*(2) The district must consider all written complaints that are received within the 30-day period referred to in subsection (1)(b) before making a decision respecting the change of area.*

*(3) If the district decides to make the change of area, the district must give written notice of the decision within 30 days after the decision to any person filing a written complaint under subsection (1)(b).*

(20) Section 87(1) presently reads:

*87(1) A district may remove a parcel with irrigation acres from the district if, in the opinion of the district, it is impractical, uneconomical or undesirable to continue to deliver water to that parcel.*

(21) Section 161(2)(b) presently reads:

*(2) If a district proposes to apply to the Minister for an exemption under subsection (1), the district must first*

*(b) publish, in a newspaper having general circulation in the district, notice of*

(22) Section 162(1) presently reads:

*162(1) The district must publish notice of an application under section 161(3) in a newspaper having general circulation in the district.*

**(23) Section 167 is amended**

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

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

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

(c.1) where a district refuses an application or is deemed to have refused an application to transfer irrigation acres under section 26, the applicant;

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

(b.1) the expiry of the time referred to in section 26(6), where the district is deemed to have refused an application under section 26(7.1),

**(24) Section 181 is amended**

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

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

**(i) by striking out “If a notice” and substituting “Subject to subsection (3), if a notice”;**

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

(c) sent to the fax number provided for that purpose by the person to whom it is directed, or

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

**(3)** A notice or other document that is required to be given under section 7(2)(a) or (b) or (2.1), 10(2), 11(2)(a) or (b) or (2.1), 12(5)(a) or (b) or (5.1), 25(4), 26(5), 62(5), 71(2), 72(4)(b), 78(1), 85(1), 86(1), 161(2)(b) or 162(1) must be given

(a) by publishing the notice in a newspaper of general circulation in the district, or

(b) in any other manner approved by the Minister for the purposes of that section.

(23) Section 167 presently reads in part:

*167(1) An appeal may be commenced by submitting a notice of appeal to the Council by the following persons in the following circumstances:*

*(b) where a district makes a decision or, where applicable, fails to make a decision in the prescribed time*

*(ii) to transfer or to refuse to transfer irrigation acres under section 26,*

*(3) A notice of appeal must be submitted to the Council not later than 30 days after*

*(b) the expiry of the time for making a decision under section 21,*

(24) Section 181 presently reads in part:

*181(1) For the purposes of this section, "telecopier" means a machine or device that electronically transmits a copy of a document, picture or other printed material by means of a telecommunication system.*

*(2) If a notice, request, order, direction or other document is required to be given under this Act, it is deemed to be sufficiently given if a copy of it is*

*(c) sent by means of a telecopier and received and printed by the receiving telecopier at the last known address for the person to whom it is directed, or*

**(25) Section 187 is amended by adding “or a user” after “owner or occupier of land”.**

**(26) The Schedule is amended**

**(a) in Table 1 by striking out**

Board of Directors of the Taber Irrigation District      Taber Irrigation District

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

**Table 2**

**Irrigation District Expansion Limits**

<b>Name of Irrigation District</b>	<b>Expansion Limit (Acres)</b>
Aetna Irrigation District	7500
Bow River Irrigation District	295 000
Eastern Irrigation District	345 000
Leavitt Irrigation District	6000
Lethbridge Northern Irrigation District	227 000
Magrath Irrigation District	18 300
Mountain View Irrigation District	4240
Raymond Irrigation District	58 500
Ross Creek Irrigation District	1210
St. Mary River Irrigation District	504 200
United Irrigation District	34 400
Western Irrigation District	95 000

**Land Titles Act**

**Amends RSA 2000 cL-4**

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

**(2) Section 56.1 is amended**

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

(25) Section 187 presently reads:

*187 An owner or occupier of land who receives water delivered by a district is under a duty to take reasonable care in using the water and to prevent the water from causing injury to any person or damage to any property.*

(26) The Schedule presently reads in part:

*Table 1*

<i>Column A</i>	<i>Column B</i>
<i>Board of Directors of the Taber Irrigation District</i>	<i>Taber Irrigation District</i>

*Table 2*

*Irrigation District Expansion Limits*

<i>Name of District</i>	<i>Expansion Limit</i>
<i>Aetna Irrigation District</i>	<i>3 560 acres</i>
<i>Bow River Irrigation District</i>	<i>211 000 acres</i>
<i>Eastern Irrigation District</i>	<i>286 000 acres</i>
<i>Leavitt Irrigation District</i>	<i>4 770 acres</i>
<i>Lethbridge Northern Irrigation District</i>	<i>167 000 acres</i>
<i>Magrath Irrigation District</i>	<i>18 300 acres</i>
<i>Mountain View Irrigation District</i>	<i>3 740 acres</i>
<i>Raymond Irrigation District</i>	<i>46 500 acres</i>
<i>Ross Creek Irrigation District</i>	<i>1 210 acres</i>
<i>St. Mary River Irrigation District</i>	<i>372 000 acres</i>
<i>Taber Irrigation District</i>	<i>82 200 acres</i>
<i>United Irrigation District</i>	<i>34 400 acres</i>
<i>Western Irrigation District</i>	<i>95 000 acres</i>

### **Land Titles Act**

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

(2) Section 56.1 presently reads:

*56.1(1) For the purposes of sections 56.11 to 56.7 and section 213,*

- (i) **in clause (b) by striking out** “that is authorized by a certificate of the Registrar or a certification authority issued under section 56.51”;
  - (ii) **by repealing clause (c);**
  - (iii) **in clause (d) by striking out** “an application” **and substituting** “a submission form”;
  - (iv) **by repealing clause (e);**
  - (v) **by repealing clause (f) and substituting the following:**
    - (f) “submission form” means an electronic document satisfactory to the Registrar that includes the digital signature of the subscriber;
    - (g) “subscriber” means an individual who is authorized by a certificate issued under section 56.51 to incorporate the individual’s digital signature into a submission form and to submit the submission form to the Registrar.
- (b) **by repealing subsection (2).**

**(3) Section 56.11 is repealed and the following is substituted:**

**Registration of documents in electronic format**

**56.11** Subject to this Act and the regulations, the Registrar may register or file instruments, plans, caveats and other documents created or signed electronically, or both, and these instruments, plans, caveats and other documents shall not be unenforceable, ineffective or invalid solely by virtue of the fact that they were created or signed electronically, or both.

**Registrar’s policies re documents in electronic format**

**56.12** The Registrar may establish policies respecting

- (a) *“certification authority” means a certification authority designated by the Registrar under section 56.41;*
- (b) *“digital signature” means a secure signature in electronic format that is authorized by a certificate of the Registrar or a certification authority issued under section 56.51;*
- (c) *“electronic version” of an application, instrument, plan, caveat or other document means an electronic application, instrument, plan, caveat or other document that is identical in content to the corresponding paper version and into which any required digital signatures have been incorporated;*
- (d) *“other document” means any document, other than an application, instrument, plan or caveat, that is required or permitted to be filed or registered in the Land Titles Office under this Act or any other enactment;*
- (e) *“paper version” of an application, instrument, plan, caveat or other document means the application, instrument, plan, caveat or other document that bears the hand-written signatures of all required signatories;*
- (f) *“subscriber” means an individual who is authorized by a certificate issued under section 56.51 to incorporate the individual’s digital signature into an electronic application, instrument, plan, caveat or other document and to submit the electronic version of the application, instrument, plan, caveat or other document to the Land Titles Office electronically.*

*(2) A reference in this Act to an electronic application, instrument, plan, caveat or other document shall be construed as meaning any of those documents in electronic format.*

(3) Section 56.11 presently reads:

*56.11(1) The Registrar may permit or direct subscribers*

- (a) to execute an electronic version of a particular type of application, instrument, plan, caveat or other document, and*
- (b) to submit the electronic version of the application, instrument, plan, caveat or other document electronically.*

*(2) The Registrar may, subject to this Act and the regulations, specify the following in respect of electronic applications, instruments, plans, caveats and other documents:*

- (a) the submission of instruments, plans, caveats and other documents to the Registrar, including, without limitation,
  - (i) the contents and format of an instrument, plan, caveat or other document, and
  - (ii) the manner and method of preparation and submission of an instrument, plan, caveat or other document,
- (b) the classification of any instrument, plan, caveat or other document submitted electronically to the Registrar as an original or a copy,
- (c) the use of digital signatures and their incorporation into an instrument, plan, caveat or other document submitted to the Registrar, and
- (d) any matter prescribed by regulation for the purposes of this section.

**Registrar's policies re subscribers and submission forms**

**56.13** The Registrar may establish policies respecting the eligibility of individuals to become a subscriber and

- (a) the contents and format of a submission form,
- (b) the manner and method of preparation and submission of a submission form,
- (c) the use of digital signatures and their incorporation into a submission form, and
- (d) any matter prescribed by regulation for the purposes of this section.

**Publication and interpretation of Registrar's policies**

**56.14(1)** The *Regulations Act* does not apply to a policy made under section 56.12 or 56.13.

**(2)** The policies established under section 56.12 or 56.13 must be made available to the public on a website designated by the Registrar and by any other means the Registrar considers appropriate.

*(a) the form, content and format;*

*(b) the manner of incorporating a digital signature;*

*(c) the method of electronic submission of the electronic version.*

*(3) Subject to subsection (2), the Registrar or a certification authority may set standards, guidelines and policies respecting the preparation, submission and acceptance of documents in electronic format.*

*(4) If a standard, guideline or policy set under subsection (3) is inconsistent or in conflict with, or is less stringent than, this Act or the regulations, this Act or the regulations prevail.*

**(3)** For greater certainty, if there is a conflict or inconsistency between the Registrar's policies established under section 56.12 or 56.13 and an enactment governing the creation, registration or filing of an instrument, plan, caveat or other document, the requirements set out in the enactment prevail to the extent of the conflict or inconsistency.

**(4) Section 56.2 is amended**

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

**Requirements re digital signatures on electronic instruments, plans, caveats and other documents**

**56.2(1)** An electronic instrument, plan, caveat or other document that is submitted to the Registrar must be accompanied by a submission form.

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

**(i) by striking out** “an electronic application, instrument” **and substituting** “an instrument”;

**(ii) by adding “and” at the end of clause (a) and by repealing clauses (b) to (d) and substituting the following:**

(b) the Registrar's policies published under section 56.12.

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

(4) Section 56.2 presently reads:

*56.2(1) An electronic application, instrument, plan, caveat or other document that is submitted electronically to the Land Titles Office must contain the digital signature of a subscriber.*

*(2) A digital signature must be incorporated into an electronic application, instrument, plan, caveat or other document in compliance with*

- (a) this Act and the regulations,*
- (b) any requirements specified by the Registrar under section 56.11(2),*
- (c) any applicable standards, guidelines and policies set under section 56.11(3), and*
- (d) the approved certification practice statement of the certification authority that issued the subscriber a certificate under section 56.51.*

*(3) A subscriber shall not incorporate his or her digital signature into an electronic application, instrument, plan, caveat or other document unless a paper version of the application, instrument, plan, caveat or other document has been executed.*

*(4) The incorporation of the digital signature of a subscriber into an electronic application, instrument, plan, caveat or other document is a certification by the subscriber that*

- (a) the paper version of the application, instrument, plan, caveat or other document has been executed,*
- (b) to the subscriber's knowledge, the paper version was executed in accordance with all applicable requirements, and*
- (c) the paper version of the application, instrument, plan, caveat or other document is in the possession of the subscriber.*

**(5) The following is added after section 56.2:**

**Requirements re digital signatures on a submission form**

**56.21** A submission form must incorporate a digital signature in accordance with

- (a) this Act,
- (b) the Registrar's policies published under section 56.13, and
- (c) the approved certification practice statement of the certification authority that issued the subscriber a certificate under section 56.51, as applicable.

**(6) Section 56.3 is repealed.**

**(7) Section 56.31 is repealed and the following is substituted:**

**Production of information**

**56.31(1)** On receiving a submission form, the Registrar may require a subscriber to produce any information that the Registrar considers necessary to ensure that the instruments, plans, caveats and other documents received by the Land Titles Office are valid and accurate.

**(2)** The Registrar may refuse to accept, register or file an instrument, plan, caveat or other document submitted electronically if the subscriber does not produce the information required by the Registrar.

*(5) If an electronic version of an application, instrument, plan, caveat or other document is submitted, the subscriber shall keep the paper version of the application, instrument, plan, caveat or other document as prescribed in the regulations.*

(5) Requirements re digital signatures on a submission form.

(6) Section 56.3 presently reads:

*56.3 Despite any enactment or other rule of law to the contrary, an electronic application, instrument, plan, caveat or other document that has been prepared and submitted electronically in accordance with this Act, the regulations and any applicable standards, guidelines and policies is conclusively deemed to be equivalent to an application, instrument, caveat or other document prepared and submitted in written format.*

(7) Section 56.31 presently reads:

*56.31(1) The Registrar may require a subscriber to produce the paper version of an application, instrument, plan, caveat or other document of which an electronic version was submitted.*

*(2) The Registrar may refuse to accept, register or file an electronic version of an application, instrument, plan, caveat or other document if the subscriber does not produce the paper version of the application, instrument, plan, caveat or other document.*

**(8) Section 56.4 is amended**

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

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

**(2)** A copy of a submission form, instrument, plan, caveat or other document that is

(a) obtained from the records of the Land Titles Office, and

(b) certified by the Registrar as being an accurate representation of the original of the submission form, instrument, plan, caveat or other document

is, in the absence of evidence to the contrary, conclusive evidence of the original and is admissible in a court to the same extent as the original.

**(c) in subsection (3)(a) and (b) by striking out “electronic version of the application” wherever it occurs and substituting “submission form”;**

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

(8) Section 56.4 presently reads:

*56.4(1) An electronic version of an application, instrument, plan, caveat or other document that has been submitted to and received by the Registrar electronically is conclusively deemed to be the original of the application, instrument, plan, caveat or other document.*

*(2) A copy of the electronic version of an application, instrument, plan, caveat or other document that is*

*(a) obtained from the records of the Land Titles Office, and*

*(b) certified by the Registrar as being an accurate representation of the original of the application, instrument, plan, caveat or other document*

*is conclusive evidence of the original and is admissible in a court to the same extent as the original.*

*(3) A certification of the Registrar referred to in subsection (2) is conclusive evidence that*

*(a) the technology and procedure used by the Registrar to receive, store, retrieve and copy the electronic version of the application, instrument, plan, caveat or other document is capable of recording and reproducing all significant details of the electronic version of the application, instrument, plan, caveat or other document without any additions, deletions, omissions or changes, and*

*(b) the electronic version of the application, instrument, plan, caveat or other document was received, stored, retrieved and copied by the Registrar in the usual and ordinary course of business.*

*(4) If there is a difference between a copy of an electronic version of an application, instrument, plan, caveat or other document certified under subsection (2) and a copy of the application, instrument, plan, caveat or other document obtained from a source other than the records of the Land Titles Office, the former prevails over the latter whether or not the latter is the paper version of the application, instrument, plan, caveat or other document.*

*(5) The paper version of an application, instrument, plan, caveat or other document is admissible in a court for the purposes of proving the authenticity of a signature or other writing, mark or impression.*

**(9) Section 56.41(1) is repealed and the following is substituted:**

**Certification authority**

**56.41(1)** The Registrar may designate a person as a certification authority for the purposes of this Act, as provided in this section.

**(1.1)** Before designating a person as a certification authority, the Registrar may require the person to satisfy the Registrar that

- (a) the person has adopted and published a certification practice statement approved by the Registrar,
- (b) the person is capable of administering and complying with the certification practice statement referred to in clause (a), and
- (c) the subscribers named in certificates issued by the person will be required to observe and comply with the certification practice statement referred to in clause (a).

**(10) Section 56.5 is amended**

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

**(3)** No change to a certification practice statement has force or effect until it has been approved by the Registrar.

**(b) by repealing subsection (4).**

**(11) Section 56.51 is amended**

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

**Issuance of certificate re digital signature**

**56.51(1)** The Registrar or a certification authority may issue a certificate to an individual to authorize the individual to incorporate the individual's digital signature into submission forms.

**(b) in subsection (3) by striking out "or the regulations" and substituting "**, the Registrar's policies published under section 56.13";

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

(9) Section 56.41(1) presently reads:

*56.41(1) For the purposes of this Act, the Registrar may designate a person as a certification authority if*

- (a) the person has adopted and published a certification practice statement that has been approved by the Registrar, and*
- (b) the Registrar is satisfied that*
  - (i) the person is capable of administering and complying with the certification practice statement, and*
  - (ii) subscribers named in certificates issued by the person will be required to observe and comply with the certification practice statement.*

(10) Section 56.5 presently reads in part:

*(3) A certification authority shall submit any changes required under subsection (2) to the Registrar for approval.*

*(4) If an approved certification practice statement is inconsistent or in conflict with, or is less stringent than, a standard, guideline or policy set by the Registrar under section 56.11(3), the standard, guideline or policy set by the Registrar prevails.*

(11) Section 56.51 presently reads in part:

*56.51(1) The Registrar or a certification authority may*

- (a) issue a certificate to an individual to authorize the individual to incorporate the individual's digital signature into electronic applications, instruments, plans, caveats and other documents, and*
  - (b) provide the individual with the information necessary to incorporate the individual's digital signature and to submit the electronic version of applications, instruments, plans, caveats or other documents electronically.*
- (3) The Registrar or certification authority, as the case may be, may suspend or revoke a certificate issued under subsection (1) if the subscriber fails to comply with this Act or the regulations, the*

**(3.1)** The Registrar may suspend or cancel a certificate issued under subsection (1) if the Registrar considers that it is in the public interest to do so.

**(12) Section 56.6(b) is amended by adding** “and the Registrar’s policies published under section 56.13” **after** “the approved certification practice statement”.

**(13) Section 56.7 is repealed and the following is substituted:**

**Offences re digital signatures**

**56.7** A person who

- (a) incorporates the person’s digital signature into a submission form, instrument, plan, caveat or other document without first complying with the requirements of this Act, the regulations or the Registrar’s policies published under section 56.12 or 56.13, or
- (b) incorporates the digital signature of another person into a submission form, instrument, plan, caveat or other document

is guilty of an offence and subject to a fine of not more than \$10 000 or imprisonment for a term of not more than 6 months.

**(14) Section 213 is amended**

**(a) by repealing clauses (d.1) to (d.3);**

**(b) by adding the following before clause (d.4):**

- (d.31) prescribing any matter in respect of which the Registrar may establish policies for the purposes of sections 56.12(d) and 56.13(d);

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

*approved certification practice statement or other applicable standards, guidelines or policies.*

(12) Section 56.6(b) presently reads:

*56.6 The issuance of a certificate by a certification authority constitutes a warranty by the certification authority that*

*(b) the individual to whom the certificate was issued is eligible to be a subscriber under the requirements set out in the approved certification practice statement,*

(13) Section 56.7 presently reads:

*56.7 A person who*

*(a) incorporates his or her digital signature into an electronic application, instrument, plan, caveat or other document without first complying with the requirements of this Act or the regulations, or*

*(b) incorporates the digital signature of another person into an electronic application, instrument, plan, caveat or other document,*

*is guilty of an offence and subject to a fine of not more than \$10 000 or imprisonment for a term of not more than 6 months.*

(14) Section 213 presently reads in part:

*213 The Lieutenant Governor in Council may make regulations*

*(d.1) respecting the preparation, submission, filing, registration or processing of documents in electronic format;*

*(d.2) respecting digital signatures;*

*(d.3) respecting the retention by a subscriber of the paper version of the documents of which an electronic version was submitted;*

(15) Coming into force.

## **Municipal Government Act**

**Amends RSA 2000 cM-26**

**8(1) The *Municipal Government Act* is amended by this section.**

**(2) Section 553.1(1)(c) is amended by striking out “549(5)(a)” and substituting “549(5)(b)”.**

## **Personal Property Security Act**

**Amends RSA 2000 cP-7**

**9(1) The *Personal Property Security Act* is amended by this section.**

**(2) Section 1 is amended**

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

**(i) in clause (f) by striking out “writings” and substituting “records”;**

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

(n.1) “deposit account” means a chequing, savings, demand or similar account at a financial institution;

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

(o.01) “electronic chattel paper” means chattel paper created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic or optical means;

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

(q) “financial institution” means a bank, credit union, trust corporation, loan corporation, treasury branch or any other deposit-taking institution;

## **Municipal Government Act**

**8(1)** Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 553.1(1)(c) presently reads:

*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:*

*(c) a person who owes money to the municipality under section 549(5)(a) or 551(5).*

## **Personal Property Security Act**

**9(1)** Amends chapter P-7 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1(1) In this Act,*

*(f) “chattel paper” means one or more writings that evidence both a monetary obligation and a security interest in or lease of specific goods or specific goods and accessions, but does not include a security agreement providing for a security interest in specific goods and after-acquired goods other than accessions;*

*(q) “financial institution” means a bank, a trust company, a credit union and a treasury branch;*

*(x) “intangible” means personal property other than goods, chattel paper, investment property, a document of title, an instrument and money;*

*(ll) “purchase-money security interest” means*

*(i) a security interest taken or reserved in collateral, other than investment property, to secure payment of all or part of its purchase price,*

*(ii) a security interest taken in collateral, other than investment property, by a person who gives value for the purpose of*

**(v) in clause (x) by adding “, and includes a licence” after “money”;**

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

(z.1) “licence” means a right, whether or not exclusive,

(i) to manufacture, produce, sell, transport, grow, harvest or otherwise deal with personal property,

(ii) to provide services, or

(iii) to acquire personal property

that is transferrable by the licensee, with or without restriction or the consent of the licensor, or that the licensor may cancel and reissue to another party at the request of either the licensee or the secured party;

**(vii) in clause (II) by adding “, subject to subsections (7) and (9),” after “means”;**

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

(uu.2) “tangible chattel paper” means chattel paper evidenced by a record consisting of information that is inscribed on a tangible medium;

**(b) by adding the following after subsection (1.1):**

**(1.2)** A secured party has control of electronic chattel paper if the record comprising the chattel paper is created, stored and transferred in a manner so that

- (a) a single authoritative record of the electronic chattel paper exists that is unique, identifiable and, except as otherwise provided in clauses (d) and (f), unalterable,
- (b) the authoritative record identifies the secured party as the transferee of the record,
- (c) the authoritative record is communicated to and securely maintained by the secured party or its designated custodian,
- (d) copies of or amendments to the authoritative record that add or change an identified transferee of the authoritative record can be made only with the consent of the secured party,

*enabling the debtor to acquire rights in the collateral, to the extent that the value is applied to acquire those rights,*

- (iii) the interest of a lessor of goods under a lease for a term of more than one year, or*
- (iv) the interest of a person who delivers goods to another person under a commercial consignment,*

*but does not include a transaction of sale by and lease back to the seller, and, for the purposes of this definition, “purchase price” and “value” include credit charges or interest payable in respect of the purchase or loan;*

- (e) each copy of the authoritative record is readily identifiable as a copy that is not the authoritative record, and
- (f) any amendment of the authoritative record is readily identifiable as authorized or unauthorized.

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

**(7) A purchase-money security interest in inventory**

- (a) secures any obligation arising out of a related transaction creating an interest referred to in subsection (1)(II)(i) or (ii), and
- (b) extends to other inventory in which the secured party holds or held a security interest under a related transaction that secures or secured an obligation referred to in subsection (1)(II)(i) or (ii).

**(8)** For the purposes of subsection (7), a transaction is related to another transaction when the possibility of both transactions is provided for in the first transaction or an agreement between the parties entered into before the first transaction.

**(9)** A purchase-money security interest does not lose its status because

- (a) the purchase-money collateral also secures an obligation that is not a purchase-money obligation,
- (b) collateral that is not subject to a purchase-money security interest also secures the purchase-money obligation, or
- (c) the purchase-money obligation has been renewed, refinanced, consolidated or restructured.

**(3) Section 4 is amended by adding the following after clause (g):**

- (g.1) a security deposit or prepayment of rent in connection with a lease of land;

(3) Section 4(g) presently reads:

*4 Except as otherwise provided under this Act, this Act does not apply to the following:*

*(g) the creation or transfer of an interest in a right to payment that arises in connection with an interest in land, including an interest in rental payments payable under a lease of land, but not including a right to payment evidenced by investment property or an instrument;*

**(4) Sections 5, 6 and 7 are repealed and the following is substituted:**

**Applicable law — general rules**

**5(1)** Subject to this Act, the validity of the following is governed by the law of the jurisdiction where the collateral is situated when the security interest attaches:

- (a) a security interest in goods;
- (b) a possessory security interest in an instrument, a negotiable document of title, money or tangible chattel paper.

**(2)** Except as provided in sections 6 and 7, while collateral is situated in a jurisdiction, the law of that jurisdiction governs the following:

- (a) perfection, the effect of perfection or of non-perfection and the priority of a security interest referred to in subsection (1);
- (b) the effect of perfection or of non-perfection and the priority of a non-possessory security interest in an instrument, a negotiable document of title, money or tangible chattel paper.

**(3)** If goods are relocated to the Province, a security interest in the goods perfected in accordance with the applicable law under subsection (2) continues to be perfected in the Province if it is perfected under this Act

- (a) not later than 60 days after the day on which the goods are brought into the Province,
- (b) not later than 15 days after the day on which the secured party has knowledge that the goods have been brought into the Province, or
- (c) before perfection ceases under the previously applicable law,

whichever is earliest, but the security interest is subordinate to the interest of a buyer or lessee of the goods who acquires the interest without knowledge of the security interest and before it is perfected in the Province under section 24 or 25.

(4) Sections 5, 6 and 7 presently read:

*5(1) Subject to this Act, the validity, perfection and effect of perfection or non-perfection of*

- (a) a security interest in goods, and*
- (b) a possessory security interest in chattel paper, a negotiable document of title, an instrument or money,*

*is governed by the law of the jurisdiction where the collateral is situated at the time the security interest attaches.*

*(2) A security interest in goods perfected under the law of the jurisdiction in which the goods are situated at the time the security interest attaches but before the goods are brought into the Province continues perfected in the Province if it is perfected in the Province*

- (a) not later than 60 days after the goods are brought into the Province,*
- (b) not later than 15 days after the day the secured party has knowledge that the goods have been brought into the Province, or*
- (c) prior to the date that perfection ceases under the law of the jurisdiction in which the goods were situated when the security interest attached,*

*whichever is the earliest, but the security interest is subordinate to the interest of a buyer or lessee of the goods who acquires the buyer's or lessee's interest without knowledge of the security interest and before it is perfected in the Province under section 24 or 25.*

*(3) A security interest that is not perfected as provided in subsection (2) may be otherwise perfected in the Province under this Act.*

*(4) If a security interest referred to in subsection (1) is not perfected under the law of the jurisdiction in which the collateral was situated at the time the security interest attached and before the collateral was brought into the Province, it may be perfected under this Act.*

*6(1) Subject to section 7,*

- (a) if the parties to a security agreement that creates a security interest in goods in one jurisdiction understand at the time the security interest attaches that the goods will be kept in another jurisdiction, and*

(4) A security interest that is not perfected under subsection (3) may be otherwise perfected in the Province under this Act.

**Applicable law — goods to be removed from jurisdiction**

**6(1)** Subject to section 7, if the parties to a security agreement that creates a security interest in goods in one jurisdiction understand at the time the security interest attaches that the goods will be kept in another jurisdiction, and the goods are removed to the other jurisdiction for purposes other than transportation through the other jurisdiction not later than 30 days after the security interest attaches, the security interest

- (a) is valid if it is valid under either the law of the jurisdiction where the goods are located when the security interest attaches or the law of the other jurisdiction, and
- (b) may be perfected under the law of either jurisdiction.

(2) If a security interest referred to in subsection (1) is perfected in accordance with the law of the jurisdiction to which the goods are removed, the effect of perfection and the priority of the security interest are governed by that law

- (a) before the goods are removed to that jurisdiction, and
- (b) while the goods are located in that jurisdiction.

**Applicable law — intangibles, certain mobile goods, certain minerals, etc.**

**7(1)** The validity of the following is governed by the law of the jurisdiction where the debtor is located when the security interest attaches:

- (a) a security interest in
  - (i) an intangible,
  - (ii) goods that are of a type that are normally used in more than one jurisdiction, if the goods are equipment or inventory leased or held for lease by a debtor to others, or
  - (iii) electronic chattel paper;

- (b) *if the goods are removed to the other jurisdiction, for purposes other than transportation through the other jurisdiction, not later than 30 days after the security interest attaches,*

*the validity, perfection and effect of perfection or non-perfection of the security interest shall be governed by the law of the other jurisdiction.*

*(2) If the other jurisdiction referred to in subsection (1) is not the Province and the goods are later brought into the Province, the security interest in the goods is deemed to be a security interest to which section 5(2) applies if it was perfected under the law of the jurisdiction to which the goods were removed.*

*7(1) For the purposes of this section and section 7.1, a debtor is deemed to be located*

- (a) *at the debtor's place of business, if the debtor has a place of business,*
- (b) *at the debtor's chief executive office, if the debtor has more than one place of business, and*
- (c) *at the debtor's principal residence, if the debtor has no place of business.*

*(2) The validity, perfection and effect of perfection or non-perfection of*

- (a) *a security interest in*
  - (i) *an intangible, or*
  - (ii) *goods that are of a kind that are normally used in more than one jurisdiction, if the goods are equipment or are inventory leased or held for lease by the debtor to others, and*
- (b) *a non-possessory security interest in chattel paper, a negotiable document of title, an instrument or money,*

*must be governed by the law, including the conflict of laws rules, of the jurisdiction where the debtor is located at the time the security interest attaches.*

(b) a non-possessory security interest in an instrument, a negotiable document of title, money and tangible chattel paper.

(2) The law of the jurisdiction where the debtor is located governs

(a) perfection, the effect of perfection or of non-perfection and the priority of a security interest referred to in subsection (1)(a), and

(b) perfection of a non-possessory security interest referred to in subsection (1)(b).

(3) For the purposes of this section, a debtor is located as specified in the regulations.

(4) If a debtor relocates to the Province, a security interest perfected in accordance with the applicable law as provided in subsection (2) continues perfected in the Province if it is perfected under this Act at the earliest of the following:

(a) not later than 60 days after the day on which the debtor relocates to the Province;

(b) not later than 15 days after the day on which the secured party has knowledge that the debtor has relocated to the Province;

(c) before the day that perfection ceases under the previously applicable law.

(5) Notwithstanding subsections (1) and (2) and section 6, the validity, the perfection and the effect of perfection or of non-perfection and the priority of a security interest in minerals or in an account resulting from the sale of the minerals at the mine-head or wellhead that

(a) is provided for in a security agreement executed before the minerals are extracted, and

(b) attaches to the minerals on extraction or attaches to an account on the sale of the minerals

are governed by the law of the jurisdiction in which the mine-head or wellhead is located.

*(3) If the debtor relocates to another jurisdiction or transfers an interest in the collateral to a person located in another jurisdiction, a security interest perfected in accordance with the applicable law as provided in subsection (2) continues perfected in the Province if it is perfected in the other jurisdiction*

- (a) not later than 60 days after the day the debtor relocates or transfers an interest in the collateral to a person in the other jurisdiction,*
- (b) not later than 15 days after the day the secured party has knowledge that the debtor has relocated or has transferred an interest in the collateral to a person located in the other jurisdiction, or*
- (c) prior to the day that perfection ceases under the law of the first jurisdiction,*

*whichever is the earliest.*

*(4) If the law governing the perfection of a security interest referred to in subsection (2) or (3) does not provide for public registration or recording of the security interest or a notice relating to it, and the collateral is not in the possession of the secured party, the security interest is subordinate to*

- (a) an interest in an account payable in the Province, or*
- (b) an interest in goods, chattel paper, a negotiable document of title, an instrument or money acquired when the collateral was situated in the Province,*

*unless it is perfected under this Act before the interest arises.*

*(5) A security interest referred to in subsection (4) may be perfected under this Act.*

*(6) Notwithstanding section 6 and subsection (2) of this section, the validity, perfection and effect of perfection or non-perfection of a security interest in minerals or in an account resulting from the sale of the minerals at the well-head or minehead that*

- (a) is provided for in a security agreement executed before the minerals are extracted, and*
- (b) attaches to the minerals on extraction or attaches to an account on the sale of the minerals*

*is governed by the law of the jurisdiction in which the well-head or minehead is located.*

**(5) Section 7.1 is amended**

- (a) in subsection (3)(a) by striking out “section 7(1)” and substituting “section 7(3)”;**
- (b) in subsection (6) by adding “in the Province” after “remains perfected”;**
- (c) in subsection (7)**
  - (i) by adding “in the Province” after “remains perfected”;**
  - (ii) by striking out “another jurisdiction” wherever it occurs and substituting “the Province”.**

**(6) Section 8.1 is amended by striking out “section 7.1” and substituting “sections 5 to 8”.**

**(7) The following is added after section 8.1:**

**Relocation and change in applicable law**

**8.2 If**

- (a) the law applicable to a security interest as provided by section 5(2), 7(2) or 7.1(2) changes due to the relocation of the collateral, the debtor, the issuer, the securities intermediary or the futures intermediary, and**
- (b) the rights of a secured party and a competing claimant arose before the relocation,**

perfection, the effect of perfection or non-perfection and priority continue to be governed by the previously applicable law.

(5) Section 7.1 presently reads in part:

*(3) For the purposes of this section,*

*(a) the location of a debtor is determined by section 7(1);*

*(6) A security interest perfected pursuant to the law of the jurisdiction designated in subsection (5) remains perfected until the earliest of*

*(7) A security interest in investment property that is perfected under the law of the issuer's jurisdiction, the securities intermediary's jurisdiction or the futures intermediary's jurisdiction, as applicable, remains perfected until the earliest of*

*(a) 60 days after a change of the applicable jurisdiction to another jurisdiction,*

*(b) 15 days after the day the secured party knows of the change of the applicable jurisdiction to another jurisdiction, and*

*(c) the day that perfection ceases under the previously applicable law.*

(6) Section 8.1 presently reads:

*8.1 For the purposes of section 7.1, a reference to the law of a jurisdiction means the internal law of that jurisdiction excluding its conflict of law rules.*

(7) Relocation and change in applicable law; allocation of payments.

**Allocation of payments**

**8.3** Subject to section 68 of the *Consumer Protection Act*, a payment made by a debtor to a secured party must be applied

- (a) in accordance with any method of application to which the parties agree,
- (b) if clause (a) does not apply, in accordance with any intention of the debtor manifested at or before the time of the payment, or
- (c) if neither clause (a) nor (b) applies, in the following order:
  - (i) to obligations that are not secured, in the order in which those obligations were incurred;
  - (ii) to obligations that are secured, other than those secured by purchase-money security interests, in the order in which those obligations were incurred;
  - (iii) to obligations that are secured by purchase-money security interests, in the order in which those obligations were incurred.

**(8) Section 10(1) is amended by striking out “or” at the end of clause (c) and by adding the following after clause (c):**

- (c.1) the collateral is electronic chattel paper and the secured party has control under section 1(1.2), or

**(9) Section 13(2) is repealed and the following is substituted:**

**(2)** A security interest does not attach to after-acquired property that is consumer goods, other than an accession, unless the security interest is a purchase-money security interest or a security interest in collateral obtained by the debtor as replacement for collateral described in the security agreement.

(8) Section 10 presently reads in part:

*10(1) Subject to subsection (2) and section 12.1, a security interest is enforceable against a third party only where*

*(c) the collateral is investment property and the secured party has control under section 1(1.1) pursuant to the debtor's security agreement, or*

(9) Section 13(2) presently reads:

*(2) A security interest does not attach to after-acquired property that is*

*(a) a crop that becomes a growing crop more than one year after the security agreement has been entered into, except that a security interest in crops that is given in conjunction with a lease, agreement for sale or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of the lease, agreement for sale or mortgage, or*

**(10) The following is added after section 15:**

**Transfer of property in goods**

**15.1** Notwithstanding section 15, if a seller reserves property in goods and the reservation in substance creates a security interest, the reservation

- (a) shall not be construed as delaying transfer of the property in goods to the buyer under the contract, and
- (b) is limited in effect to the granting of a security interest to the seller.

**(11) Section 20 is amended**

**(a) in clause (a)(i) and (ii) by striking out “date” and substituting “time”;**

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

- (b) in goods or an intangible is subordinate to the interest of a transferee who acquires an interest for value under a transaction that is not a security agreement before the security interest is perfected.

**(12) The following is added after section 20:**

*(b) consumer goods, other than an accession, unless the security interest is a purchase-money security interest or a security interest in collateral obtained by the debtor as replacement for collateral described in the security agreement.*

(10) Transfer of property in goods.

(11) Section 20 presently reads:

*20 A security interest*

*(a) in collateral is not effective against*

*(i) a trustee in bankruptcy if the security interest is unperfected at the date of bankruptcy, or*

*(ii) a liquidator appointed under the Winding-up and Restructuring Act (Canada) if the security interest is unperfected at the date the winding-up order is made;*

*(b) in goods, chattel paper, a negotiable document of title, an instrument, an intangible or money is subordinate to the interest of a transferee who*

*(i) acquires the interest under a transaction that is not a security agreement,*

*(ii) gives value, and*

*(iii) acquires the interest without knowledge of the security interest and before the security interest is perfected.*

(12) Effect of re-registration after lapse and discharge.

**Effect of re-registration after lapse and discharge**

**20.1** If section 35(7) applies and the secured party re-registers the security interest within 30 days after the lapse or discharge of its registration, the lapse or discharge does not affect the priority status of the security interest that existed before the lapse or discharge in relation to a trustee in bankruptcy if the bankruptcy of the debtor occurred after the lapse or discharge and before the re-registration.

**(13) Section 24(1)(b) is amended by adding “tangible” before “chattel paper”.**

**(14) The following is added after section 24.1:**

**Perfection of security interest in electronic chattel paper**

**24.2(1)** Subject to section 19, a security interest in electronic chattel paper may be perfected by control of the collateral under section 1(1.2).

**(2)** Subject to section 19, a security interest in electronic chattel paper is perfected by control under section 1(1.2) from the time the secured party obtains control and remains perfected until the secured party does not have control.

**(15) Section 29(6) is amended by striking out “section 31(6)” and substituting “section 31(9)”.**

(13) Section 24(1)(b) presently reads:

*24(1) Subject to section 19, possession of the collateral by the secured party, or on the secured party's behalf by another person, perfects a security interest in*

*(b) chattel paper,*

*but only while it is actually held as collateral and not while it is held as a result of a seizure or repossession.*

(14) Perfection of security interest in electronic chattel paper.

(15) Section 29(6) presently reads:

*(6) A security interest in goods that a transferee of chattel paper has under subsection (3) has priority over*

*(a) a security interest in the goods arising under subsection (1), and*

*(b) a security interest in the goods as after-acquired property that attaches on the return, seizure or repossession of the goods*

*if the transferee of the chattel paper would have priority under section 31(6) as to the chattel paper over an interest in the chattel paper claimed by the holder of the security interest in the goods.*

**(16) Section 30 is amended**

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

- (a) “buyer of goods” means a person who has obtained a transfer of property in goods under a contract of sale and includes a person who, under a contract to which the person is a party, obtains vested rights in goods as a consequence of the goods becoming a fixture or accession to property in which the person has an interest;

**(b) by repealing subsections (2) to (8) and substituting the following:**

**(2)** The priority that a security interest has under any provision of this Act applies to advances, including future advances, made after the interest of a buyer or lessee of goods arises.

**(3)** A sale or lease under subsections (4), (5), (6) and (7) may be

- (a) for cash,
- (b) by exchange for other property, or
- (c) on credit,

and includes delivering goods or a document of title to goods under a pre-existing contract for sale but does not include a transfer as security for, or in total or partial satisfaction of, a money debt or past liability.

**(4)** A buyer or lessee of goods sold or leased in the ordinary course of business of the seller or lessor takes free from a perfected or unperfected security interest in the goods given by the seller or lessor or arising under section 28 or 29, whether or not the buyer or lessee has knowledge of it, unless the buyer or lessee also has knowledge that the sale or lease constitutes a breach of the security agreement under which the security interest was created.

**(5)** A buyer or lessee of goods, other than fixtures, that are acquired as consumer goods takes free from a perfected or unperfected security interest in the goods if

- (a) the buyer or lessee gave value for the interest acquired, and

(16) Section 30 presently reads in part:

*30(1) For the purposes of this section,*

*(a) “buyer of goods” includes a person who obtains vested rights in goods pursuant to a contract to which the person is a party, as a consequence of the goods’ becoming a fixture or accession to property in which the person has an interest;*

*(2) A buyer or lessee of goods sold or leased in the ordinary course of business of the seller or lessor takes free of any perfected or unperfected security interest in the goods given by the seller or lessor or arising under section 28 or 29, whether or not the buyer or lessee has knowledge of it, unless the buyer or lessee also has knowledge that the sale or lease constitutes a breach of the security agreement under which the security interest was created.*

*(3) A buyer or lessee of goods that are acquired as consumer goods takes free from a perfected or unperfected security interest in the goods if the buyer or lessee*

*(a) gave value for the interest acquired, and*

*(b) bought or leased the goods without knowledge of the security interest.*

*(4) Subsection (3) does not apply to a security interest in*

*(a) a fixture, or*

*(b) goods the purchase price of which exceeds \$1000 or, in the case of a lease, the market value of which exceeds \$1000.*

*(5) A buyer or lessee of goods takes free from a security interest that is temporarily perfected under section 26, 28(3) or 29(4) or a security interest the perfection of which is continued under section 51 during any of the 15-day periods referred to in those sections, if the buyer or lessee*

*(a) gave value for the interest acquired, and*

*(b) bought or leased the goods without knowledge of the security interest.*

*(6) Where goods are sold or leased, the buyer or lessee takes free from any security interest in the goods perfected under section 25 if*

- (b) the purchase price of the goods does not exceed the prescribed amount or, in the case of a lease, the market value does not exceed the prescribed amount.

**(6)** A buyer or lessee of goods takes free from a security interest that is temporarily perfected under section 26, 28(3) or 29(4) or a security interest the perfection of which is continued under section 51 during any of the 15-day periods referred to in those sections, if the buyer or lessee

- (a) gave value for the interest acquired, and
- (b) bought or leased the goods without knowledge of the security interest.

**(7)** A buyer or lessee of goods that are

- (a) consumer goods or equipment, and
- (b) prescribed as serial number goods

takes free from a security interest in the goods that is perfected under section 25 if the goods are not described in the registration by serial number entered into the field labelled for the receipt of serial numbers.

**(17) Section 31 is repealed and the following is substituted:**

**Transferees and purchasers of funds and negotiable property**

**31(1)** In subsections (2), (3) and (4), “transferee” does not include a person who acquires a security interest in the money, the account or the instrument.

**(2)** A transferee of money takes free from a perfected or unperfected security interest in the money if the transferee

- (a) acquired the money
  - (i) without knowledge that it was subject to the security interest, or
  - (ii) for value, whether or not the transferee had knowledge that it was subject to the security interest,

and

- (b) took possession of the money.

(a) *the buyer or lessee bought or leased the goods without knowledge of the security interest, and*

(b) *the goods were not described by serial number in the registration relating to the security interest.*

(7) *Subsection (6) applies only to goods that are equipment and are of a kind prescribed by the regulations as serial number goods.*

(8) *A sale or lease under subsections (2), (3), (5) and (6) may be*

(a) *for cash,*

(b) *by exchange for other property, or*

(c) *on credit,*

*and includes delivering goods or a document of title to goods under a pre-existing contract for sale but does not include a transfer as security for, or in total or partial satisfaction of, a money debt or past liability.*

(17) Section 31 presently reads:

*31(1) A holder of money has priority over any security interest perfected under section 25 or temporarily perfected under section 28(3) if the holder*

(a) *acquired the money without knowledge that it was subject to a security interest, or*

(b) *is a holder for value, whether or not the holder acquired the money without knowledge that it was subject to a security interest.*

(2) *A creditor who receives an instrument drawn or made by a debtor and delivered in payment of a debt owing to the creditor by that debtor has priority over a security interest in the instrument whether or not the creditor has knowledge of the security interest at the time of delivery.*

**(3)** Subject to subsection (5), a transferee of funds received by transfer from a deposit account takes free from a perfected or unperfected security interest in the account if the transferee acquired the funds

- (a) without knowledge that the account was subject to the security interest, or
- (b) for value, whether or not the transferee had knowledge that the account was subject to the security interest.

**(4)** A transferee of an instrument drawn by a debtor and payable to the transferee takes free from a perfected or unperfected security interest in the instrument and the account on which the instrument is drawn if the transferee

- (a) acquired the instrument
  - (i) without knowledge of the security interest in the instrument or the account, or
  - (ii) for value, whether or not the transferee had knowledge of the security interest in the instrument or the account,

and

- (b) took possession of the instrument.

**(5)** A financial institution that receives payment of a debt by a transfer from or debit to a deposit account of a debtor held by the financial institution takes free from a perfected or unperfected security interest in the account only if the payment

- (a) is authorized by the debtor at or after the time the debt is payable by the debtor to the financial institution and the authorization of payment is not made by the financial institution as agent of the debtor,
- (b) is made by a post-dated cheque drawn by the debtor, or
- (c) is made under a written authorization that is signed by the debtor as part of a loan under which the debtor became indebted to the financial institution and the written authorization

*(3) A purchaser of an instrument has priority over a security interest in the instrument perfected under section 25 or temporarily perfected under section 26 or 28(3) if the purchaser*

- (a) gave value for the instrument,*
- (b) acquired the instrument without knowledge that it was subject to a security interest, and*
- (c) took possession of the instrument.*

*(4) A holder of a negotiable document of title has priority over a security interest in the document of title that is perfected under section 25 or temporarily perfected under section 26 or 28(3) if the holder*

- (a) gave value for the document of title, and*
- (b) acquired the document of title without knowledge that it was subject to a security interest.*

*(5) For the purposes of subsections (3) and (4), a purchaser of an instrument or a holder of a negotiable document of title who acquired the purchaser's or holder's interest in a transaction entered into in the ordinary course of the transferor's business has knowledge only if the purchaser or holder acquired that interest with knowledge that the transaction violated the terms of the security agreement creating or providing for the security interest.*

*(6) A purchaser of chattel paper who takes possession of the chattel paper in the ordinary course of the purchaser's business and for new value has priority over any security interest in it that*

- (a) was perfected under section 25 if the purchaser does not have knowledge at the time of taking possession that the chattel paper is subject to a security interest, or*
- (b) has attached to proceeds of inventory under section 28 whatever the extent of the purchaser's knowledge.*

- (i) sets out specified amounts to be debited to or transferred from the deposit account at specified times or intervals, or
- (ii) authorizes debits to or transfers from the deposit account when the credit in the deposit account exceeds a specified amount,

and the payment is not made by the financial institution as agent of the debtor.

**(6)** Nothing in subsection (5) limits the rights of an account debtor provided in section 41.

**(7)** A purchaser of an instrument or a negotiable document of title has priority over a perfected or unperfected security interest in the instrument or negotiable document of title if the purchaser

- (a) acquired the instrument or negotiable document of title for value without knowledge that it is subject to a security interest, and
- (b) took possession of the instrument or negotiable document of title.

**(8)** For the purposes of subsection (7), a purchaser of an instrument or a negotiable document of title who acquired it under a transaction entered into in the ordinary course of the transferor's business has knowledge only if the purchaser acquired the interest with the knowledge that the transaction violates the terms of the security agreement that creates or provides for the security interest.

**(9)** Subject to subsection (10), a purchaser of chattel paper has priority over a perfected or unperfected security interest in the chattel paper if

- (a) the purchaser acquired the chattel paper for new value in the ordinary course of the purchaser's business,
- (b) without knowledge of the security interest, the purchaser took possession of tangible chattel paper or obtained control of electronic chattel paper, and
- (c) the chattel paper does not indicate that it has been assigned to an identified assignee other than the purchaser.



**(10) When**

- (a) the rights arising under tangible chattel paper are transferred to a purchaser as electronic chattel paper, and
- (b) the tangible chattel paper is transferred to another purchaser who takes possession of it for new value and in the ordinary course of that purchaser's business,

the interest of the purchaser of the tangible chattel paper has priority over the interest of the purchaser of the electronic chattel paper if the tangible chattel paper does not indicate that it has been assigned to an identified assignee other than the purchaser of the tangible chattel paper.

**(18) Section 34 is amended**

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

**Priority of purchase-money security interests**

**34(1)** In this section,

- (a) “crops” for the purposes of subsection (9) include
  - (i) growing crops that are attached to land,
  - (ii) plants or trees grown hydroponically or otherwise not attached to land, and
  - (iii) grains, fruits, vegetables or other products resulting from harvesting the crops, plants and trees in clauses (i) and (ii);
- (b) “non-proceeds security interest” or “non-proceeds purchase-money security interest” means a security interest or purchase-money security interest, as the case may be, in original collateral.
- (b) in subsection (2) by striking out “A purchase-money” and substituting “Subject to section 35(4), a purchase-money”;**
- (c) by adding the following after subsection (6):**
  - (6.1)** Subsection (6) does not apply to a deposit account.
- (d) by adding the following after subsection (10):**

(18) Section 34 presently reads in part:

*34(1) In this section, “non-proceeds security interest” or “non-proceeds purchase-money security interest” means a security interest or purchase-money security interest, as the case may be, in original collateral.*

*(2) A purchase-money security interest in*

*(a) collateral or, subject to section 28, its proceeds, other than intangibles or inventory, that is perfected not later than 15 days after the day the debtor, or another person at the request of the debtor, obtains possession of the collateral, whichever is earlier, or*

*(b) an intangible or, subject to section 28, its proceeds, that is perfected not later than 15 days after the day the security interest in the intangible attaches*

*has priority over any other security interest in the same collateral given by the same debtor.*

*(6) A non-proceeds security interest in accounts given for new value has priority over a purchase-money security interest in the accounts as proceeds of inventory if a financing statement relating to the security interest in the accounts is registered before the purchase-money security interest is perfected or a financing statement relating to it is registered.*

**(11)** A purchase-money security interest is deemed for priority purposes to have been assigned to the secured party who provided value to the debtor under a refinancing agreement if

- (a) refinancing of an obligation referred to in section 1(1)(ll)(i) or (ii) occurs under a refinancing agreement between the debtor and a secured party other than the secured party who provided the credit or value referred to in those subclauses, and
- (b) either
  - (i) the original registration relating to the purchase-money security interest securing the obligation is amended to identify the secured party named in the refinancing agreement as a secured party, or
  - (ii) before expiry or discharge of the original registration relating to the security interest, a registration relating to the purchase-money security interest is effected disclosing the secured party named in the refinancing agreement as the secured party, or the security interest is otherwise perfected.

**(12)** A purchase-money security interest that is deemed to have been assigned under subsection (11) has the same priority it had immediately before the deemed assignment with respect to a competing security interest but, if subsection (11)(b)(ii) applies, it is subordinate to advances made or contracted for by the holder of a perfected competing security interest

- (a) after expiry or discharge of the original registration relating to the purchase-money security interest, and
- (b) before written notice of the deemed assignment is given to the holder.

**(19) Section 35 is amended**

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

- (a) priority between conflicting perfected security interests in the same collateral is determined by the order of occurrence of the following:

(19) Section 35 presently reads in part:

*35(1) Where this Act provides no other method for determining priority between security interests,*

*(a) priority between perfected security interests in the same collateral is determined by the order of occurrence of the following:*

- (i) the registration of a financing statement without regard to the date of attachment of the security interest;
  - (ii) possession of the collateral under section 24 without regard to the date of attachment of the security interest;
  - (iii) control under section 1(1.2);
  - (iv) perfection under section 5, 7, 26, 29 or 77,
- whichever is earliest,

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

- (4)** A security interest in goods that are
- (a) consumer goods or equipment, and
  - (b) prescribed as serial numbered goods

is not registered or perfected by registration for the purposes of subsection (1), (7) or (9) or section 34(2) unless a financing statement relating to the security interest is registered that includes a description of the goods by serial number with the serial number entered into the field labelled for the receipt of serial numbers.

**(c) by adding the following after subsection (10):**

**(11)** The priority of a security interest in relation to another security interest in the same collateral as provided in this or any other Act is not affected by measures taken to enforce the security interest of any secured party.

**(20) Section 38(10)(b) is amended by striking out “of a kind prescribed by the regulations” and substituting “prescribed”.**

- (i) *the registration of a financing statement, without regard to the date of attachment of the security interest,*
- (ii) *possession of the collateral under section 24, without regard to the date of attachment of the security interest, or*
- (iii) *perfection under section 5, 7, 26, 29 or 77,*

*whichever is earlier,*

*(4) A security interest in goods that are equipment and are of a kind prescribed by the regulations as serial number goods is not registered or perfected by registration for the purposes of subsection (1), (7) or (9) unless a financing statement relating to the security interest and containing a description of the goods by serial number is registered.*

(20) Section 38(10)(b) presently reads:

*(10) The secured party who has a right to remove the accession from the whole shall give*

- (b) to each person who has registered a financing statement indexed in the name of the debtor and referring to the other goods or according to the serial number of the other goods where the other goods are of a kind prescribed by the regulations as serial number goods*

*a notice of the intention of the secured party to remove the accession.*

**(21) Section 40 is repealed and the following is substituted:**

**Subordination of interest**

**40(1)** In an agreement or otherwise, a secured party may subordinate the secured party's security interest to any other interest, and the subordination

- (a) is effective according to its terms between the parties, and
- (b) may be enforced by a third party if the third party is the person or one of a class of persons for whose benefit the subordination was intended.

**(2) An agreement to subordinate**

- (a) the right of a person to performance of an obligation to the right of another person to the performance of another obligation of the same debtor, or
- (b) the secured party's security interest to another interest

does not, by virtue of the subordination alone, create a security interest.

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

**Rights of assignee of intangibles and chattel paper**

**41(1)** In this section,

- (a) "account debtor" means a person who is obligated under an intangible or chattel paper;
- (b) "assignee" includes
  - (i) a secured party who has a security interest in an intangible or chattel paper as original collateral or as proceeds, and
  - (ii) a receiver.

**(2)** Unless the account debtor has made an enforceable agreement not to assert rights, defences or claims arising out of the contract or a closely connected contract, the rights of an assignee of an intangible or chattel paper are subject to

(21) Section 40 presently reads:

*40 A secured party may, in a security agreement or otherwise, subordinate the secured party's security interest to any other interest, and the subordination is effective according to its terms between the parties and may be enforced by a third party if the third party is the person or one of a class of persons for whose benefit the subordination was intended.*

(22) Section 41 presently reads:

*41(1) In this section, "account debtor" means a person who is obligated under an intangible or chattel paper.*

*(2) The rights of an assignee of collateral that is either an intangible or chattel paper are subject to*

*(a) the terms of the contract between the account debtor and the assignor and any defence or claim arising out of the contract or a closely connected contract, and*

*(b) any other defence or claim of the account debtor against the assignor that accrues before the account debtor has knowledge of the assignment,*

*unless the account debtor has made an enforceable agreement not to assert defences or claims arising out of the contract.*

*(3) To the extent that an assigned right to payment arising out of the contract has not been earned by performance, and notwithstanding notice of the assignment to the account debtor, any modification of or substitution for the contract, made in good faith and in*

- (a) the terms of the contract between the account debtor and the assignor that confer on the account debtor a right of contractual set-off or account combination,
- (b) any defence or claim arising out of the contract or a closely connected contract if the account debtor meets the requirements for set-off or abatement of price, and
- (c) any other defence or claim of the account debtor against the assignor, including set-off, that accrues before the account debtor has knowledge of the assignment.

**(3)** Notwithstanding subsection (2)(a), the rights of an assignee who acquires a security interest in an account as proceeds of original collateral are not subject to an account debtor's right of contractual set-off or account combination if

- (a) the assignee gives a notice to the account debtor before the security interest in the account as proceeds arises that
  - (i) states that the assignee expects to acquire an interest in the account as proceeds of its original collateral, and
  - (ii) provides details of the instrument, money or transfer of funds that will give rise to the account and the details are sufficient to permit the account debtor to reasonably ascertain the account transaction to which it relates,

and

- (b) the assignee's security interest in the account as proceeds is continuously perfected.

**(4)** Subsection (3) does not operate in favour of the assignee if the account debtor acquires, in addition to its rights, defences and claims as account debtor on the account, a security interest in the account that, under this Part, has priority over the security interest of the assignee.

**(5)** A notice referred to in subsection (3) may be given in accordance with section 72, but, if notice is given to a financial institution with respect to a deposit account, notice must be given at the account branch.

*accordance with reasonable commercial standards and without material adverse effect on the assignee's rights under the contract or the assignor's ability to perform the contract, is effective against the assignee unless the account debtor has otherwise agreed, but the assignee acquires corresponding rights under the modified or substituted contract.*

*(4) Nothing in subsection (3) affects the validity of a term in an assignment agreement that provides that a modification or substitution referred to in that subsection is a breach of contract by the assignor.*

*(5) Where collateral that is either an intangible or chattel paper is assigned, the account debtor may make payments under the contract to the assignor*

*(a) before the account debtor receives a notice that*

*(i) states that the amount payable or to become payable under the contract has been assigned and payment is to be made to the assignee, and*

*(ii) identifies the contract under which the amount payable is to become payable,*

*or*

*(b) after*

*(i) the account debtor requests the assignee to furnish proof of the assignment, and*

*(ii) the assignee fails to furnish the proof within 15 days from the date of the request.*

*(6) Payment by an account debtor to an assignee pursuant to a notice referred to in subsection (5)(a) discharges the obligation of the account debtor to the extent of the payment.*

*(7) A term in a contract between an account debtor and an assignor that prohibits or restricts assignment of the whole of the account or chattel paper for money due or to become due is binding on the assignor, but only to the extent of making the assignor liable in damages for breach of contract, and is unenforceable against third parties.*

**(6)** For the purposes of subsection (5), the account branch is the branch of the financial institution

- (a) that is the branch whose address or name appears on the specimen signature card or other signing authority signed by the assignor with respect to the deposit account or that is designated by agreement between the financial institution and the assignor at the time of opening the deposit account,
- (b) if no branch has been identified or agreed on under clause (a), that is designated as the account branch by the financial institution by notice in writing to the assignor, or
- (c) if neither clause (a) nor (b) applies, that is located at the mailing address identified in written communications between the financial institution and the assignor relating to the deposit account.

**(23) Section 43(7) and (8) are repealed and the following is substituted:**

**(7)** A registration is invalid if a search of the records of the Registry using the name, as prescribed, of any of the debtors required to be included in the financing statement does not disclose the registration as an exact or inexact match.

**(7.1)** For the purposes of sections 30(7), 34(2) and 35(4), a registration is invalid in relation to goods prescribed as serial number goods if a search of the records of the Registry by serial number does not disclose the registration as an exact or inexact match.

**(7.2)** If a registration is disclosed as an inexact match in a search of the records of the Registry using the name of a debtor or serial number as prescribed, the registration is not, by that fact alone, valid.

**(8)** Nothing in subsections (6), (7) and (7.1) shall require, as a condition to a finding that a defect, irregularity, omission or error is seriously misleading, proof that anyone was actually misled by it.

**(24) Section 49(11) is amended by striking out “Section 50(7) to (9) apply” and substituting “Section 50(7) applies”.**

(23) Section 43(7) and (8) presently read:

*(7) Subject to subsection (9), where one or more debtors are required to be disclosed in a financing statement or where collateral is consumer goods of a kind that is prescribed by the regulations as serial number goods, and there is a seriously misleading defect, irregularity, omission or error in*

*(a) the disclosure of any debtor, other than a debtor who does not own or have rights in the collateral, or*

*(b) the serial number of the collateral,*

*the registration is invalid.*

*(8) Nothing in subsections (6) and (7) shall require, as a condition to a finding that a defect, irregularity, omission or error is seriously misleading, proof that anyone was actually misled by it.*

(24) Section 49(11) presently reads:

*(11) Section 50(7) to (9) apply to a notice registered under this section.*

**(25) Section 50(8) and (9) are repealed.**

**(26) Section 60 is amended**

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

**(1.1)** Notwithstanding any other provision of this Part, if the collateral is a licence, the licence may be retained, held or disposed of under this section only in accordance with

- (a) the terms and conditions of the licence, and
- (b) the terms and conditions that apply to the licence by law, including by contract.

**(b) in subsection (4)(b)**

- (i) by striking out** “whose interest is subordinate to that of the secured party”;
- (ii) in subclause (i) by striking out** “of a kind prescribed by the regulations” **and substituting** “prescribed”;

**(c) by repealing subsection (15)(d) and substituting the following:**

- (d) the collateral is of a type that is to be disposed of by sale in an organized market that handles large volumes of transactions between many different sellers and many different buyers,

**(27) Sections 61(1)(a)(i) and 62(1)(b)(i) are amended by striking out** “of a kind prescribed by the regulations” **and substituting** “prescribed”.

(25) Section 50(8) and (9) presently read:

*(8) Subsection (5) does not apply to a registration of a security interest provided for in a trust indenture if the financing statement through which the security interest was registered indicates that the security agreement providing for the security interest is a trust indenture.*

*(9) Where a registration relates to a security interest provided for under a trust indenture and the secured party fails to comply with a demand referred to in subsection (3), the person making the demand may apply to the Court for an order directing that the registration be amended or discharged.*

(26) Section 60 presently reads in part:

*(4) Not less than 20 days prior to the disposition of the collateral, the secured party shall give notice of disposition to*

*(b) a creditor or person with a security interest in the collateral whose interest is subordinate to that of the secured party, and*

*(i) who has, prior to the date that the notice of disposition is given to the debtor, registered a financing statement according to the name of the debtor or according to the serial number of the collateral in the case of goods of a kind prescribed by the regulations as serial number goods, or*

*(15) The notice in subsection (4) or (8) is not required if*

*(d) the collateral is a security or an instrument that is to be disposed of by sale in an organized market that handles large volumes of transactions between many different sellers and many different buyers,*

(27) Sections 61(1)(a)(i) and 62(1)(b)(i) presently read:

*61(1) Where a security interest secures an indebtedness and the collateral has been dealt with under section 57 or has been disposed*

**(28) Section 73(1) is amended by adding the following after clause (a):**

- (a.1) respecting the location of the debtor for the purposes of section 7;
- (a.2) prescribing the purchase price amount and market value amount referred to in section 30(5)(b);

**(29) The following is added after section 73:**

**Transitional regulations**

**73.1** The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of

*of in accordance with section 60 or otherwise, any surplus shall, unless otherwise provided by law or by the agreement of all interested persons, be accounted for and paid in the following order to*

- (a) a person who has a subordinate security interest in the collateral*
  - (i) who has, prior to the distribution of the proceeds, registered a financing statement according to the name of the debtor or according to the serial number of the collateral in the case of goods of a kind prescribed by the regulations as serial number goods, or*

*62(1) After default, the secured party may propose to take the collateral in satisfaction of the obligations secured, and shall give a notice of the proposal to*

- (b) a creditor or person who has a security interest in the collateral whose interest is subordinate to that of the secured party, and*
  - (i) who has, prior to the date that the notice of the proposal is given to the debtor, registered a financing statement according to the name of the debtor or according to the serial number of the collateral in the case of goods of a kind prescribed by the regulations as serial number goods, or*

(28) Adds regulation-making authority.

(29) Transitional regulations.

- (i) the amendments to this Act made by section 9 of the *Red Tape Reduction Statutes Amendment Act, 2023*, and
  - (ii) any amendments to the regulations;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from
- (i) the amendments to this Act made by section 9 of the *Red Tape Reduction Statutes Amendment Act, 2023*, and
  - (ii) any amendments to the regulations;
- (c) to meet or remove any difficulty arising out of the transition to
- (i) the amendments to this Act made by section 9 of the *Red Tape Reduction Statutes Amendment Act, 2023*, and
  - (ii) any amendments to the regulations.

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

### **Petty Trespass Act**

**Amends RSA 2000 cP-11**

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

**(2) The following is added after section 1.1:**

**Government of Canada bound**

**1.2** This Act binds the Government of Canada.

### **Provincial Court Act**

**Amends RSA 2000 cP-31**

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

**(2) Section 9.1 is amended**

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

(30) Coming into force.

#### **Petty Trespass Act**

**10(1)** Amends chapter P-11 of the Revised Statutes of Alberta 2000.

(2) Government of Canada bound.

#### **Provincial Court Act**

**11(1)** Amends chapter P-31 of the Revised Statutes of Alberta 2000.

(2) Section 9.1 presently reads in part:

*9.1(1) The Lieutenant Governor in Council may appoint judges.*

**(1.1)** The judges appointed under subsection (1) shall be called justices of the Alberta Court of Justice.

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

**(i) by striking out** “to be Chief Judge” **and substituting** “to be Chief Justice”;

**(ii) by striking out** “Deputy Chief Judge” **and substituting** “Deputy Chief Justice”;

**(c) in subsection (8) by striking out** “Assistant Chief Judges” **and substituting** “Assistant Chief Justices”;

**(d) by adding the following after subsection (11):**

**(12)** The Lieutenant Governor in Council may, by regulation, amend this Act, the regulations under this Act or any other Act or regulation to make any necessary changes as a result of

(a) judges appointed under subsection (1) being referred to as justices of the Alberta Court of Justice,

(b) judges designated under subsection (3) being referred to as Chief Justice or Deputy Chief Justice, and

(c) judges designated under subsection (8) being referred to as Assistant Chief Justices.

**(13)** The regulations authorized by subsection (12) may be made notwithstanding that a regulation being amended was made by a member of the Executive Council or some other person or body.

**(3) Section 9.11(4) is repealed.**

**(4) This section comes into force on April 1, 2023.**

*(3) The Lieutenant Governor in Council shall designate one judge to be Chief Judge of the Court and may designate one judge to be Deputy Chief Judge of the Court.*

*(8) The Lieutenant Governor in Council may designate one or more judges as Assistant Chief Judges in respect of or for one or more of the following:*

*(a) the Court;*

*(b) a location within Alberta;*

*(c) any particular matter or class of matters;*

*(d) any circumstance or situation not referred to in clauses (a) to (c) that the Minister of Justice considers appropriate.*

*(11) A judge designated under subsection (10) has the powers and duties of the Chief Judge, Deputy Chief Judge or Assistant Chief Judge, as the case may be.*

(3) Section 9.11(4) presently reads:

*(4) This section applies only to a judge appointed as the Chief Judge, the Deputy Chief Judge or an Assistant Chief Judge after April 28, 1999.*

(4) Coming into force.

## **Public Transit and Green Infrastructure Project Act**

**Amends SA 2019 cP-43.8**

**12(1)** The *Public Transit and Green Infrastructure Project Act* is amended by this section.

**(2)** Section 10 is repealed.

## **Public Works Act**

**Amends RSA 2000 cP-46**

**13(1)** The *Public Works Act* is amended by this section.

**(2)** Section 34 is amended

**(a)** by striking out “The Lieutenant Governor in Council” and substituting “The Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act”;

**(b)** by striking out “the Lieutenant Governor in Council” and substituting “the Minister”.

## **Trespass to Premises Act**

**Amends RSA 2000 cT-7**

**14(1)** The *Trespass to Premises Act* is amended by this section.

**(2)** The following is added after section 1:

### **Government of Canada bound**

**1.1** This Act binds the Government of Canada.

### **Public Transit and Green Infrastructure Project Act**

**12(1)** Amends chapter P-43.8 of the Statutes of Alberta, 2019.

(2) Section 10 presently reads:

*10(1) The Lieutenant Governor in Council may, by order, with a minimum of 90 days' notice to the City of Calgary, terminate the grant agreement without cause.*

*(2) The Lieutenant Governor in Council may, by order, with a minimum of 90 days' notice to the City of Edmonton, terminate a funding agreement without cause.*

### **Public Works Act**

**13(1)** Amends chapter P-46 of the Revised Statutes of Alberta 2000.

(2) Section 34 presently reads:

*34 The Lieutenant Governor in Council may make regulations respecting any matters that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.*

### **Trespass to Premises Act**

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

(2) Government of Canada bound.

## **Workers' Compensation Act**

**Amends RSA 2000 cW-15**

**15(1) The *Workers' Compensation Act* is amended by this section.**

**(2) Section 24(7) is amended by striking out “subsection (6)(a)” and substituting “subsection (6)”.**

**(3) Section 24.1 is amended**

**(a) in subsection (3) by striking out “The” and substituting “Subject to subsection (3.1), the”;**

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

**(3.1)** Subsection (3) does not apply to a full-time firefighter or part-time firefighter exposed to the hazards of a fire scene, other than a forest-fire scene, in Fort McMurray or any other area in Alberta within the area of the Horse River wildfire in the period beginning on May 1, 2016, and ending on June 1, 2016.

## Workers' Compensation Act

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

(2) Section 24(7) presently reads:

*(7) If a worker suffers disablement or potential disablement caused by an occupational disease referred to in subsection (6)(a), the date of the accident for the purposes of this Act is deemed to be*

*(a) in the case of disablement, the date the disablement occurs,  
and*

*(b) in the case of potential disablement, the date the potential  
disablement comes to the Board's attention.*

(3) Section 24.1(3) presently reads:

*(3) The presumption in subsection (2) applies only to a worker who has been a full-time firefighter or part-time firefighter for a minimum period prescribed by the Lieutenant Governor in Council by regulation and who has been regularly exposed to the hazards of a fire scene, other than a forest-fire scene, throughout that period.*

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>