

BILL

No. 7 of 1918.

An Act to amend the Acts and Ordinances constituting the
Charter of the City of Calgary.

(Assented to , 1918.)

WHEREAS the City of Calgary has prayed for certain
amendments to Ordinance 33 of 1893 of the North-
West Territories and the amendments thereto;

And whereas it is expedient to grant the prayer of the
said petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Alberta, enacts as follows:

Ordinance 33 of 1893, North-West Territories, and
amendments thereto, is hereby amended as follows:

1. By adding the following to subsection 2 of section 4
of the said Ordinance 33:

“Provided that the council of the city may, by by-law, Council
may reduce
property
qualification
to that of a
ratepayer
reduce the property qualification hereinbefore required, so
as to enable any ratepayer of the City of Calgary, who
is otherwise qualified, to be elected mayor or alderman of
the said city.”

2. By adding after subsection 13 of section 9 of the
said Ordinance 33, the following:

“Notwithstanding anything hereinbefore contained, or Council may,
by by-law,
regulate form
of ballot
contained in By-law No. 1900 of the City of Calgary,
intituled ‘A By-law respecting Municipal Elections in the
City of Calgary’ and amendments thereto, the council of
the City of Calgary shall have power to pass a by-law
providing for the form of the ballot and the method of
printing same, and the location or order of the names of
the candidates thereon and the information that shall be
placed on each ballot.”

3. By repealing subsection 19 of section 9 thereof and
substituting therefor the following:

“(19) Immediately after the closing of the poll, the Ballot papers
to be brought
to returning
officer and to
be counted
by him
deputy returning officer shall, in the presence of the poll
clerk and the candidates, or their agents, and in the case
the candidates or their agents are not present, then in the
presence of at least three electors, close and seal the ballot
box and bring the ballot box to the returning officer, at
his office at the city hall. The returning officer shall
immediately, upon receipt of the ballot boxes, proceed to
count the number of votes for each candidate, in the presence
of such candidate, or of the agent for each candidate.
In doing so, he shall reject all ballot papers which have
not the initials of the deputy returning officer on the back,
and all those upon which there is any writing or mark
which appears to be a mark for the identification of the
voter, the other ballot papers being counted and a list
kept of the number of votes given to each candidate, and
of the number of rejected ballot papers, and all the ballot

papers rejected shall be put in separate envelopes or parcels, endorsed so as to indicate their contents, and the valid ballot papers shall be retained and dealt with according to the rules of counting and the law governing same."

(2) By amending subsections 20 and 21 of the said section 9 by striking out the word "deputy" where the same occurs therein.

4. By amending subsection (h) 1 of section 25, as amended by section 4 of chapter 26, Statutes of Alberta, 1915, by adding thereto the following:

"Provided that where any tenant, liable to assessment hereunder, in respect of any premises leased by him, sublets the whole or any portion thereof, the said tenant and not the sub-tenant shall be assessed in respect thereof."

Premises of sub-tenant to be assessed to tenant

(2) By adding the following clause to subsection (h) 2 of said section 25:

"In order to assist in ascertaining the full annual rental value of any premises for the purposes of the business assessment, regard shall be had to the rents paid for premises of a similar class in the vicinity, in or on which business of a similar nature is, or may be conducted, and the expression 'annual rental value' shall be deemed to mean gross annual rental value."

Annual rental value, how ascertained

(3) By repealing subsection (h) 3 of said section 25 and substituting therefor the following:

"Nothing in this subsection contained shall be deemed to include any premises, let, used or kept solely for the purpose of a dwelling house, private residence, or as an apartment or tenement; provided, however, that the business of an hotel, as defined by *The Houses of Public Accommodation Act*, chapter 6, Statutes of Alberta, 1917, shall be assessed hereunder for the purpose of such business tax."

Residences, apartments or tenements not liable; hotels liable to business assessment

(4) By striking out the word "six" in the third line of subsection (h) 4 of said section 25 and substituting therefor the word "eight".

Maximum rate of business tax not to exceed 8 per cent. of assessment

(5) By inserting after the word "City" in the second line of subsection (h) 5 of said section 25 the following words:

"And the council may in such by-law fix a different rate per cent. of the business assessment for different classes of businesses or business assessments", and by striking out the word "six" in the fifth line thereof and substituting therefor the word "eight".

Rate may vary for different businesses

(6) By adding after subsection (h) 9 of said section 25 the following:

"(10) The council may, by by-law, impose a special license fee upon persons, firms or corporations, who occupy business premises for temporary purposes, or who may commence business after the final revision of the business assessment roll, and whose name is not entered on such roll, or the council may direct that any such persons, firms or corporations be assessed for the purposes of the business tax by a supplementary assessment, as provided for in the case of personal property under the said Ordinance 33, and amendments thereto."

Special license for temporary occupation of premises

5. By amending section 40 of the said Ordinance 33, and amendments thereto, by adding thereto the following subsection:

"(5) It is hereby declared that the council may sit as a court of revision at any time after the 1st day of November of the year in which the assessment has been made for the following year, so that the assessment roll may be finally passed by the court of revision before the end of the year in which such assessment is made, as hereinbefore provided for, or so soon thereafter as can conveniently be done."

Court of
Revision
may sit
before end of
year to revise
assessments
for following
year

6. By amending section 57 by striking out the word "six" in the second line thereof and substituting therefor the word "eight", and by adding thereto the following:

"(a) In addition to all other remedies for the collection of taxes, the collector is hereby authorized, where any taxes are due upon any land occupied by a tenant, to give such tenant notice in writing, requiring him to pay the city the rent of the premises, as it becomes due from time to time, to the amount of the taxes due and unpaid, including costs and a charge for collection, to be fixed from time to time by the council, which charge shall not exceed two and one-half per centum of the amount collected; and the collector shall have the same authority as the landlord of the premises has to collect such rent by distress, or otherwise, to the amount of the unpaid taxes, charges and costs."

Right to
collect rent
on taxes
in arrears

"(b) Any tenant may deduct from his rent any taxes, charges and costs paid by him, which, as between him and his landlord, the latter ought to pay."

Tenant
may deduct
amounts paid

"(c) No assignment of the rent by the landlord shall have any validity to prevent the collector from proceeding hereunder, or the tenant from paying the rent to the city pursuant to the said notice."

No assignment
of rent to
affect same

7. By amending section 57a of said Ordinance 33, as enacted by section 1 of chapter 45, Statutes of Alberta, 1917, as follows:

Amendment
of clauses
authorizing
sale of tax
certificates

(1) By repealing subsection 2 thereof and substituting therefor the following:

"(2) As soon as can be after the passing of this Act, and every year thereafter, as soon as can be after the 1st day of July of such year, the tax collector shall and it shall be his duty to prepare and deliver to the mayor, a complete list in duplicate of lands on which taxes or assessments have been delinquent for eighteen months, or more, and which said list shall show the total amount of all taxes and assessments, with interest, penalties and costs, according to the years for which such taxes were assessed, or assessments made, due and owing on each lot, block, parcel or tract of land, and where more than one lot, block, parcel or tract of land are assessed to the same person or persons, they may be grouped together in such list and the total amount due on the said group need only be shown."

Duty of tax
collector to
prepare list
of lands on
which taxes
are delinquent
for eighteen
months or
more

"It shall be the duty of the mayor to sign and attach the corporate seal of the city to each such list, and deliver one copy thereof to the city clerk and the other copy to the city treasurer, and the city treasurer shall, on receipt of such list, proceed to issue and sell certificates of delinquency as provided by this Act."

Duty of mayor
to sign same
and of treasurer
to proceed with
sale of tax
certificates

(2) By adding the following to subsection 3 of said section 57a:

“Subject to the approval of the council, the said list, as printed for distribution, need not contain the names of the persons to whom the properties contained therein are assessed, and may be printed in such condensed form and may contain such additional information as the council may direct.” Lists for distribution may be printed in condensed form

(3) By striking out the following words in the fourteenth line of subsection 4 thereof: “and have a stub, which shall be a summary of the certificate”, and by substituting therefor the following: “and shall be issued in duplicate, one copy of which shall be retained by the treasurer”. Certificates to be issued in duplicate

(4) By striking out the word “shall” in the last line but one of clause 3 of subsection 5 thereof and by substituting therefor the word “may”.

(5) By striking out the words “as shall appear to be due” in the third and fourth lines of subsection 14 thereof and by substituting therefor the words “as shall have been paid”.

(6) By striking out the word “draw” in the twelfth line of subsection 23 thereof and substituting therefor the word “bear”, and by striking out the words “rate of 10 per centum per annum” in the thirteenth line thereof and substituting therefor the words “rate borne by the certificate”. Amounts paid to purchase prior certificates to bear same rate as new certificate

(7) By adding at the end of subsection 24 thereof the following words: “together with the amount of all taxes and assessments, with interest and costs accruing after the issuance of such certificate of delinquency, and paid by the holder thereof, or his assignee, with 10 per cent. interest thereon from the date such payment was made.” Subsequent taxes paid by holder of certificate must be paid in order to redeem

(8) By repealing subsection 25 thereof and substituting therefor the following:

“(25) Any person having any estate, right, title or interest, in or to any lands comprised in any certificate of delinquency, and, but so as not to limit the meaning of the preceding words, any mortgagee or encumbrancee, may redeem as hereinbefore provided.” Persons entitled to redeem

(9) By renumbering subsections 35 and 36 thereof as numbers 41 and 42 respectively, and by adding after subsection 34 thereof the following subsections 35 to 40 inclusive: Addition of new clauses

“(35) Any number of properties may be dealt with in one application and comprised in one judgment or order for sale, and offered for sale at the same time, or comprised in one vesting order, as the case may be. Foreclosure proceedings; more than one parcel may be dealt with at the same time

“(36) The purchaser, or his assignee, of a certificate of delinquency shall become the owner of the land comprised therein, so far as to having all necessary rights and powers for protecting the same from spoliation or waste, including insuring, where not adequately insured, until the lands are redeemed, but shall not have any right to possession of the said lands; provided, however, that such purchaser or assignee shall obtain consent of a judge or the master in chambers, to any proposed expenditure for the said purpose, in the manner provided for in the next following clause hereof, and on obtaining such consent may add the amount thereof including such costs of the application as the judge or Master may fix to the principal sum of the certificate of delinquency. Right of holder of certificate to protect from spoliation and waste

"37. In addition thereto, the said purchaser of a certificate of delinquency may apply *ex parte* to a judge, or the master in chambers, for leave to rent to any person, any vacant building standing on the land comprised in his certificate, and the judge or master may, either *ex parte*, or after notice to such parties as he may direct, grant such right on such terms and conditions as the judge or Master may deem just, including therein the costs of the application, the disposition of the rents, the costs and charges of collecting same, and of managing the building.

Right of holder of certificate to rent vacant buildings on obtaining judge's order therefor

"38. The holder of any certificate of delinquency may pay the taxes and assessments upon the land, or any portion of the land comprised in his certificate, at any time after the expiration of the year in which the said taxes were levied, and the said taxes and assessments so paid shall bear interest at the rate of 10 per centum per annum.

Right of holder of certificate to pay subsequent taxes

"39. All the lands on which taxes are delinquent for the required period, as hereinbefore provided, shall be included in the list prepared by the tax collector, and in the list subsequently printed for distribution or advertisement, as the case may be, but any neglect or omission to include in the said list, or either of them, any lands on which taxes are delinquent as aforesaid, shall not invalidate the sale of tax certificates, or prevent the sale of tax certificates on such omitted land or lands on any future occasion for all taxes that may be delinquent thereon for the said required period; provided, also, that the council may, in the exercise of its discretion, exclude from the said lists any lands assessed to any person who may, in the opinion of the council, be entitled to the protection of *The Volunteers and Reservists Relief Act*, and amendments thereto.

All lands to be included but neglect or omission to include lands not to invalidate sale

"40. The amendments included in this Act shall apply to and govern all certificates of tax delinquency and the lands comprised therein, heretofore issued and sold by the City of Calgary."

Amendments to apply to certificates outstanding

8. By repealing subsection 82 of section 117 thereof and substituting therefor the following:

"(82) On presentation of a petition signed by resident ratepayers of the city, in number at least equal to 25 per centum of the total votes for mayor at the preceding contested mayoralty election, each signature to be proven by the affidavit or statutory declaration of an attesting witness thereto, praying for the regulation of the time after which children shall not be on the streets within the limits of the city, or within the limits set out in such petition, after the hour set forth therein, without proper guardianship, and the age or apparent age of the boys and girls respectively, under which they shall be required to be off the streets at the hour so stipulated, the council may, in any such case, pass a by-law causing a bell or bells to be rung, or other warning to be given at the time appointed, as a signal after which children so required to be off the streets shall not be upon the public streets, except under proper control or guardianship, or for some unavoidable cause; and the council may provide in such by-law for a penalty for any child so found upon the public streets contrary to the regulations contained therein, and the parent or guardian, who permits his or her child or ward to be upon the public streets contrary to the said regulations, shall be liable to the said penalty."

Curfew by-law

9. By adding subsection 109 to the said section 117:

"(109) Notwithstanding anything contained in any Act of the Province of Alberta, the council of the City of Calgary shall have power to impose a special license for the sale of jewelry by auction, and to provide rules and regulations governing the sale of jewelry, whether by public auction or by private sale, and to impose a penalty for the breach thereof."

10. By amending section 19 of chapter 45, Statutes of Alberta, 1917, by adding thereto the following subsections:

"(a) Notwithstanding anything hereinbefore contained, the council of the City of Calgary may proceed to amend the said Early Closing By-law, by the method of procedure providing for the initiation of legislation set out in subsection 2 of section 196 of said Ordinance 33 of 1893, as enacted by section 20 of chapter 30, Statutes of Alberta, 1913 (Second Session); provided, however, that 20 per centum of the electors shall be required instead of 10 per centum, as provided for therein, and that any amendment enacted by the council shall come into force immediately upon enactment, subject to its being in whole or in part annulled by a majority of the electors voting against same upon submission to the electors as required therein, and the council shall submit such amendments not later than the municipal election next following the enactment thereof, and may submit the question of such amendments either as one or more questions, so as to enable the electors to vote for or against each several amendment, as the council may deem best."

"(b) Notwithstanding anything contained in *The Early Closing Act*, being chapter 23 of the Statutes of Alberta, 1911-12, or in the said section 19, the council of the City of Calgary may, if the council deems it expedient, pass a by-law to provide for the early closing of drug shops or stores, it being hereby declared that the procedure for the passing of such by-law shall be as required by the said *Early Closing Act* of the Province of Alberta for the passing of an Early Closing By-law thereunder."

11. The said Ordinance 33 and amendments thereto is hereby further amended by adding the following section thereto:

"Notwithstanding anything contained in said Ordinance 33 and any amendment thereto, there shall be rebated on all unsubdivided lands within the City of Calgary, *bona fide* cultivated during the year 1918, 25 per centum of the general taxes assessed against same for the said year."

No. 7.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

Received and read the

First time.

Second time.

Third time.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1918