

BILL

No. 24 of 1918.

An Act to amend The Public Utilities Act.

(Assented to , 1918.)

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

The Public Utilities Act, being chapter 6 of the Statutes of Alberta, 1915, is amended as follows:

1. By repealing clause (d) of section 2 thereof and substituting therefor the following:

“(d) The expression ‘local authority’ shall mean and include any city, town, village, municipal district or school district.”

2. By inserting after section 5 thereof the following subsections:

“(2) Two commissioners shall form a quorum and may exercise all the powers of the board.

“(3) A vacancy in the board shall not, if there remain two members of it, impair the authority of two such members to act.”

3. By adding the following new sections:

“86a. The board, upon receipt of a petition from the owner or owners of any parcel of land within the limits of any city, town or village, of an area not less than forty acres, of which no plan of subdivision has ever been registered (or, if such a plan has been registered, then providing it has been duly cancelled as to the whole of such parcel) may separate such territory from the city, town or village, as the case may be, upon such terms and conditions as the board may by its order provide and from and after the date of the publication of such order in The Alberta Gazette, such territory shall cease to form part of such city, town or village, but shall continue liable for the payment of any debenture indebtedness of the city, town or village, incurred prior to the date of such order, in the same manner as if such separation had not taken place.

“(2) Or may in lieu of making any such order for separation as is provided for in this section, direct that the land referred to in the petition shall remain within the limits of the city, town or village in which they are at the date of the petition situate, and may direct that the city, town or village shall assess such land upon any basis or principle of assessment that may seem to it proper, and may further direct that such assessment is to continue for such a number of years as the board may determine.

“(3) The provisions of this section shall supersede every provision inconsistent therewith in any Act or Ordinance contained, and no such land shall be separated from any city, town or village except under the provisions of this section.

"86b. Where arrears of taxes are due to any city, town or village by a taxpayer in respect of any land in connection with which application for separation may be made under section 86a hereof, such taxpayer may, whether or not there is a statutory provision as to making a compromise as to the payment of said taxes, appeal to the board, whereupon any member thereof may hear his appeal after proper notice has been given to all interested parties, and may direct such compromise between the taxpayer and the city, town or village as the case may be, as may seem expedient. Without in any way limiting the generality of the power of the board, such compromise may provide for the extension of the time of payment of said arrears, the reduction of the amount thereof, the acceptance of the land affected by the taxes due or part thereof or of other land in whole or part payment of such taxes, or the payment to the city, town or village, as the case may be, of a certain increment in value upon a subsequent sale of the land in arrears. Any such compromise shall run with the land in respect of which it is made or entered into, and every owner of such land shall, during his ownership be bound thereby and entitled to the benefit thereof.

"86c. Where under the terms of any Ordinance or Act a compromise as to the payment of arrears of local taxes is permitted, but the taxpayer and the council or other authority imposing the taxes cannot agree upon the terms of such compromise, then the taxpayer may appeal to the board, whereupon any member thereof may hear the appeal, after proper notice has been given to all interested parties, and upon his recommendation the board may direct such compromise as to it may seem proper. Any such direction shall have the like effect as a compromise arrived at under the provisions of the Act or Ordinance permitting the same, and the compromise shall run with the land in respect of which it is made or entered into, and every owner of such land shall during his ownership be bound thereby and entitled to the benefit thereof."

4. Section 90: By striking out the words "rural municipalities" where they occur in the first line thereof and substituting therefor the words "municipal districts", and by striking out the words "the rural municipality" where they occur in the third, fourth and fifth lines thereof and substituting therefor the words "municipal district".

No. 24.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL
An Act to amend The Public Utilities
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GARIEPY.

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