

BILL

No. 67 of 1919.

An Act respecting Subdivided and Other Property.

(Assented to , 1919.)

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

1. The Lieutenant Governor in Council may appoint one or more commissioners for the purpose of this Act. A commissioner may be so appointed to act either alone or in conjunction with another or other commissioners, and one or more of such commissioners may be appointed to deal with a part of the matters in respect of which power and authority is created by this Act and another or other commissioners to deal with another part of such matters.

(2) Such commissioners shall hold office during pleasure and shall receive such remuneration for their services as the Lieutenant Governor in Council shall determine.

2. The commissioner or commissioners appointed for the purpose shall have the following powers, authority and jurisdiction, that is to say:

1. As to any municipality other than a city of more than five thousand, at the request of any owner or other person interested in any tract of land lying within a municipality which has been subdivided into lots or blocks and upon hearing a representative of the municipality and whether or not any question involved has been adjudicated upon by any court or other tribunal and whether or not any assessment or taxation thereof is legally effective, to investigate the basis of assessment and taxation, the fair value of the tract, having regard to the value of lands in the neighborhood, the expenditure of moneys by the municipality for the benefit of the tract in question, and giving special attention to whether the said tract has against the express desire of the then owner been taken into or made part of the municipality, and such other matters as the commissioner or commissioners shall think of service in making a recommendation and to recommend a reduction of the amount of the arrears standing against such tract or any part thereof and the fixing of a time or times for the payment of the amount or the reduced amount of such arrears by instalments or otherwise, and the fixing of the

rate or rates of interest to be paid thereon before maturity and after default and in the event of the municipality having borrowed money or incurred liabilities upon the credit of or having regard to the existence of such arrears to require the issue of debentures for raising the amount or any part of the amount required to repay such moneys or discharge such liabilities payable upon such terms and conditions, at such rates of interest and at such periods and having the payment thereof secured or provided for by such methods as the commissioner or commissioners may think proper;

2. As to any municipality other than a city, of more than five thousand, at the request of owners of land representing not less than one-half of the assessed value of the land lying in any area whether the land is or is not subdivided into lots or blocks which can be particularly defined and described as an area having characteristics distinct from those of the residue of the lands lying within the municipality and appearing to the commissioner or commissioners to call for exceptional or restrictive methods of assessment or taxation, to investigate the basis of assessment and taxation and recommend a system rate and method of assessment and taxation of the lands comprised in such area for such period as to the commissioner or commissioners shall appear just;

3. As to any municipality other than a city, of more than five thousand, where there are taxes in arrears as to subdivided lands, and notwithstanding the fact that certain or any questions of fact or law, with reference to any such arrears of taxes, have been adjudicated upon by any court or tribunal, and notwithstanding that certain of such subdivided lands have been forfeited or sold to the municipality, and notwithstanding that the municipality has gone through a form of sale of any such lands so forfeited, or sold, which it has been unable effectively to carry out, and whether any assessment has been legally made or not, and notwithstanding any Statute or Ordinance to the contrary, the commissioner or commissioners shall have the right and power, upon such notice as they may deem advisable, to the officers of the municipality, and to any or all such ratepayers, to determine that any or all such taxes so in arrears may be reduced, and what amount or percentage of such taxes in arrear should be paid, and to determine and fix a limited time in which each ratepayer should pay the amount so determined, to be due and payable by him to the municipality as to each parcel or lot of land, and shall have the further right and power in case the amount as to any parcel or lot is not paid within the time so limited, by order or otherwise, to transfer the title, subject to any and all encumbrances, in the said lot or parcel, to the

municipality and to issue such document by way of transfer as may be deemed advisable to the municipality, and said document may constitute a transfer of all parcels and lots in said municipality as to which the amount due and owing as so determined has not been paid, and the municipality may duly register such document or documents of transfer in the proper land titles office, upon payment of a fee of fifty cents, as to each document of transfer. As to any parcel or lot in any such subdivided area as to which the taxes have been paid, the commissioner or commissioners may determine the value or price at which the municipality by purchase ought to secure title to the same, and in case the owner refuses to sell and transfer the title to the municipality, at such price, the commissioner or commissioners shall have power to order that the municipality may acquire title to any such parcel or lot upon its transferring to the said ratepayer any other parcel or lot of land in the municipality of at least equal value, in which case and upon such transfer having been made the commissioner or commissioners shall issue to the municipality the necessary document of transfer. The commissioner or commissioners shall have power to cancel all such subdivisions including streets, lanes and public squares and shall have power to execute all documents necessary for registration purposes and otherwise to carry out and make effective any order he or they may deem requisite in the premises. And in the event of the municipality having borrowed money or incurred liabilities upon the credit of or having regard to the existence of such arrears to require the issue of debentures for raising the amount or any part of the amount required to repay such moneys or discharge such liabilities payable upon such terms and conditions, at such rates of interest and at such periods and having the payment thereof secured or provided for by such methods as the commissioner or commissioners may think proper.

3. Every recommendation of the commissioner or commissioners shall become effective and binding upon the municipality and upon all persons interested therein or affected thereby upon the same being approved by the Lieutenant Governor in Council, and thereupon the municipality and all such other parties respectively shall be compellable to carry out and give effect to such recommendations and the municipality is hereby authorized, empowered and required to issue any debentures or other securities or acknowledgments and to do any other thing the issue or doing of which is so recommended and that without any further or other authority and the same shall be valid, binding and effective notwithstanding any statutory requirement, restriction or limitation which might be applicable thereto but for this provision.

No. 67.

SECOND SESSION
FOURTH LEGISLATURE
9 GEORGE V
1919

BILL

An Act respecting Subdivided and
Other Property.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACKAY.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A. D. 1919