

# BILL

No. 41 of 1921.

An Act to amend The Town Act.

(Assented to , 1921.)

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

1. Section 15 of *The Town Act*, being chapter 2 of the Statutes of Alberta, 1911-12, is amended by striking out the words "is a male of the full age of twenty-one years" where they occur therein, and substituting therefor the words "is of the full age of twenty-one years."

2. Section 53 of the said Act is amended—

- (a) As to subsection 1 thereof, by striking out the same;
- (b) By renumbering the remaining subsections thereof;
- (c) As to subsection 2 thereof, by striking out the word "March" where it occurs therein and substituting therefor the word "February."

3. Section 78 of the said Act is amended—

- (a) As to subsection 1 by striking out the words "taxes due by him to such town either for the current year or all arrears of taxes or both," where they occur at the end of the first proviso thereto and substituting therefor "all arrears of taxes due by him to such town."
- (b) As to subsection 4 thereof by striking out the words "wife, husband, son or daughter" wherever they occur in that subsection and substituting therefor "wife, husband, son, daughter, father or mother."

4. Section 79 of the said Act is amended—

- (a) As to subsection 1 thereof—
  - (i) By striking out the words "wife, husband, son or daughter" wherever they occur therein and substituting therefor the words "wife, husband, son, daughter, father or mother";
  - (ii) By adding after the word "years" where it occurs for the second time therein the words "and is entitled to be placed on the said list as provided for in subsection 2 of this section";

- (b) As to subsection 2 thereof, by striking out the words, "wife, husband, son or daughter" where they occur therein and substituting therefor the words "wife, husband, son, daughter, father or mother";
- (c) By adding as subsection 3 thereof the following:  
 "(3) The secretary-treasurer shall not later than the first day of July in each year cause to be posted up in at least five conspicuous places in the town a notice of the provisions of subsection 2 of this section, in the following form:

" 'NOTICE.

" 'Public notice is hereby given that during the months of July and August applications may be made under subsection 2 of section 79 of *The Town Act* for inclusion on the voters' list of the town of . . . . . on the part of the wife, husband, son, daughter, father or mother of each person assessed upon the last revised assessment roll. For this purpose the office of the secretary-treasurer will be open during the usual office hours every day of the said months which is not a legal holiday.' "

5. Section 117a of the said Act is amended by adding thereto the words "and provided that he produces a certificate from the bank or corporation to the effect that he is authorized to vote instead of it."

6. Section 163 of the said Act is amended—

- (a) As to paragraph 4 thereof by striking out the same;
- (b) By adding as paragraph 10a thereof the following:  
 "10a. Providing for the employment of one or more public health nurses to inspect the schools, to conduct child welfare stations and to give instruction and advice on all matters of public health, and authorizing arrangements with the Department of Public Health and with any city, other town, village or municipal district as to the sharing of expenses in connection with the employment of such nurses";
- (c) As to paragraph 11 thereof, by adding thereto the following: "which rates may be assessed against such owners of land in the town as may seem fit to the council and may be charged against them and the land owned or occupied by them in the same manner as taxes";
- (d) As to paragraph 54 thereof by striking out the same and substituting therefor the following:  
 "54. Licensing, regulating and governing auctioneers, hawkers or pedlars and transient traders;

“Provided always that no license shall be granted by a town unless the applicant is the holder of a provincial license for auctioneers, hawkers or pedlars, and provided further that no license shall be granted by a town to a transient trader unless the applicant enters into a bond with the town with two sufficient sureties or executed by a guarantee company in the sum of one thousand dollars, conditioned to be void upon the applicant carrying on in the village for a period of at least six months business of the same nature as that in respect of which he made application for a licence;”

- (e) As to paragraph 79 thereof, by striking out the same, as from a date to be fixed by order in council;
- (f) As to paragraphs 83 and 84 thereof, by striking out the same.

7. Sections 165, 166 and 167 of the said Act are hereby struck out and the following substituted therefor:

“**165.** The council of every town shall make due provisions for the relief of any indigent person resident within the town and for the care and treatment of any resident sick person, who for financial reason or other good cause is unable to procure such care and treatment, and may make similar provisions in the case of a person who is temporarily within the town, but is not a resident therein.

“(2) For the purposes of this section ‘resident’ means any person who has had his home in the town for at least three successive months immediately prior to the date he receives assistance from the town.

“(3) Where the council, under the provisions of this section, assists any sick or indigent person who is not a resident of the town, then the city, other town, village, municipal district or improvement district of which the person so assisted was a resident at the time of such assistance being given, shall, upon demand, repay the actual expenses incurred by the council.

“**166.** When any person is placed by a town in a hospital or when any resident of a town is placed under circumstances necessitating such a course, in a hospital, then the town within which such person is resident shall pay to the board of the hospital for the care and treatment of that person the public ward charge per day of that hospital.

“(2) Such public ward charge may include all proper items of charge in respect of ordinary operating room expenses, drugs, dressings and other necessities and conveniences supplied by the hospital, but shall not include any fee to a medical

practitioner, and such charge may be fixed from time to time by the Minister of Health for all hospitals, or for any class of hospitals, or for any hospital.

“(3) Notwithstanding any other provisions of this Act, where any town has failed to recover within a reasonable time from any of its residents the or any part of the public ward charge made by a hospital with regard to such resident, such town shall pay to the hospital not more than two hundred dollars, but shall endeavour to collect such charge or the uncollected portion thereof, as the case may be, and out of any money so collected shall pay the amount of the balance due to the hospital before repaying itself the amount already paid by it to such hospital.

“(4) No town shall be responsible for any charge made by any hospital under the provisions of this section with regard to any of its residents unless notice is sent to it within a reasonable time that such resident has been placed in the hospital.

“(5) In the event of the death of any person so placed in an approved hospital and his interment at the expense of the hospital then the town within which such person was resident at the time of his death shall repay to the hospital the said expense but not to an amount exceeding that fixed from time to time by the Minister of Health.

“(6) Any town may enter into an agreement with the board of any hospital for the care and treatment of its residents for such annual sum and subject to such conditions as may be agreed upon; and upon any such agreement being entered into subsections 1 and 2 of this section shall not apply to any such resident.

“(7) Notwithstanding any other provisions of this Act the Minister of Health may make regulations regarding the admission to hospitals of patients suffering from incurable diseases or any disease necessitating a prolonged stay in hospital, and the amount or amounts to be payable to the hospital in respect of any such patient.

“(8) For the purpose of this section a resident of an area controlled by any local authority is a person who has had his home within such area for at least three successive months immediately prior to the date upon which he is placed in hospital; and a hospital is a hospital approved by the Minister of Health under the provisions of *The Hospitals Ordinance*.

“167. Any sum paid by the council under the provisions of the two preceding sections shall constitute a debt due from the person for whose

relief, care or treatment it was paid and may be recovered by the treasurer from him by action or by distraint upon any of his goods or chattels found within the province, or, if deemed advisable, it may be added to the taxes levied by the town against any land of which the said patient is the owner, and shall be collected and enforced as part of such taxes.

“(2) The council shall have a charge upon the lands owned by any such person situate within the province for the expenses incurred under this Act and may lodge a caveat for the protection of such charge in the proper Land Titles Office.”

8. Section 168 of the said Act is amended by changing the word “two” into “three.”

9. Section 265*b* is added to the said Act as follows:

“**265*b***. Notwithstanding any other provisions of this Act, all buildings and improvements upon lands shall, and without any by-law to that effect, in every year after any debentures have been issued by a town and as long as such debentures are unpaid, be assessed and taxed at fifty per cent. of their value as ascertained under the provisions of this Act.”

10. Section 270*a* of the said Act is amended—

(a) As to subsection 1 thereof, by adding after the words “rental basis” the words “or floor space basis”;

(b) By adding as subsections 2, 3, 4 and 5 thereof the following:

“(2) Where the by-law fixes a rate upon the floor space basis such rate shall be fixed per square foot of floor space (including the space occupied by partitions, elevators, stairways or other similar conveniences) of each place of business, and may be varied with regard to either—

“(a) The nature of the trade, business or profession carried on, or—

“(b) The purposes to which the floor space taxed, or any part thereof is put, or—

“(c) The situation or position of the place of business relative to that of other places of business, whether in the same building or not.

“(3) The rate per square foot shall not exceed ten dollars in the case of banks, railway and express companies, lawyers, doctors, dentists and other professional persons, and loan companies or other

financial institutions, nor five dollars in the case of a person carrying on any other trade, business or profession.

“(4) ‘Place of business’ in this section shall include any building or buildings or part or parts of a building used by any person for the purposes of a trade, business or profession.

“(5) The business tax shall be paid by every person on whom it is levied in addition to all other taxes levied by the council.”

- (c) As to subsection 2 thereof by changing the number to 6.

**11.** Sections 270*d*, 270*e*, 270*f* and 270*g* are hereby added to the said Act as follows:

“**270*d*.** In the year 1925 and every fifth year thereafter the assessor of every town shall, upon the completion of the assessment and after the determination of all appeals and complaints in reference thereto, other than appeals to a judge, forward to the Department of Municipal Affairs a statement showing the land assessable by value in the town and the total value thereof as fixed by him.

“(2) Such statement shall be made out with such particularity and in such form as the Minister shall from time to time prescribe.

“(3) Whenever any appeal from an assessment to a judge has been decided by him the assessor shall immediately thereafter forward to the Department of Municipal Affairs a report of such decision.

“(4) Whenever any town fails to forward the statement hereinbefore mentioned to the Department of Municipal Affairs before the first day of October of the year in which its assessment should be made, the Minister shall at once appoint an assessor to make or complete the assessment, at the expense of the defaulting town.

“**270*e*.** The total value of the land within the town, as fixed by the Assessment Equalization Board, may be accepted by the council of any town as the assessment of lands for the purposes of municipal taxation.

“(2) Where the equalized assessment as fixed by the Assessment Equalization Board is accepted by the council of the town as the assessment of lands for the purposes of municipal taxation, but differs from the assessment of lands as fixed by the assessor of the town, the secretary-treasurer of the village shall divide the difference amongst all parcels of land separately assessed within the town in proportion to their assessments, and where

special directions are given by the Assessment Equalization Board as to the allocation of such difference or any part thereof to any special class of lands within the village, the secretary-treasurer shall, if there is more than one member of such class, similarly divide the difference or any part thereof that has been allocated to such special class of lands amongst all parcels of land separately assessed which are included in the said special class, and thereupon the assessed value of each parcel so determined shall be the value of such parcel for all purposes.

“(3) When the assessed value of any parcel of land is changed under the provisions of this Act, then notice of such change shall be sent to each person assessed in respect of such parcel of land and no appeal or complaint from the assessment so varied shall be heard; but the secretary-treasurer shall, in the event of any error in calculation, alter the roll to correct the same upon his attention being called thereto.

“(4) If the total assessment in any town is varied in any year in which a general assessment is not made by the assessor by the inclusion or exclusion of lands in accordance with the provisions of this Act then the secretary-treasurer shall add or subtract, as the case may be, the assessed value of the included or excluded lands from the total value of the lands within the town and the value so obtained shall for that year be treated as the total value as fixed by the Assessment Equalization Board.

“(5) Any change in the total assessment of a town under the provisions of the immediately preceding subsection shall be at once reported to the Department of Municipal Affairs.

“**270f.** If, upon receipt from the Minister of the total value of lands within the town as fixed by the Assessment Equalization Board, it is found that such total value differs to such an extent from the total value as fixed by the assessor as to render the acceptance of the first mentioned value impracticable for municipal purposes, then such value need not be so accepted.

“**270g.** Every town shall afford to the Assessment Equalization Board access to all books, papers, documents or other information in the possession or power of such town and the officials of the town to whom the board makes application for any statement, report, copies of documents or any other information shall furnish the same free of charge.

“(2) Any town not complying with the requirements of this section, whether wilfully or not, shall be liable to a penalty of one dollar per day of the existence of such default; and any secretary-treasurer or other officer of a town who refuses, neglects or fails to observe the provisions of this section, whether such failure be wilful or not, shall be liable upon summary conviction to a penalty not exceeding fifty dollars.”

**12.** Section 283 of the said Act is amended by striking out the words “tenth day of May” in the second line thereof and substituting therefor the words “fifteenth day of June.”

**13.** Section 290 of the said Act is amended by striking out the words “fifteenth day of May” in the second line thereof, and substituting therefor the words “twentieth day of June.”

**14.** Section 293 of the said Act is amended as to subsection 7 thereof by striking out the words “fifteenth day of June” in the fourth line thereof and substituting therefor the words “first day of September.”

**15.** Section 314a is added to the said Act as follows:

“**314a.** Any tenant may deduct from his rent any taxes paid by him which, as between him and his landlord, the latter ought to pay

“(2) Where any taxes are due upon any land occupied by a tenant, the assessor may give such tenant notice in writing requiring him to pay the assessor 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 the assessor 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 and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.”

**16.** Section 324 of the said Act is amended by changing the number thereof to 324a.

**17.** Section 324 is added to the said Act as follows:

“**324.** Except as provided for in section 49 of *The Tax Recovery Act*, the provisions thereof shall take the place of sections 324a to 335 both inclusive of this Act.”



No. 41.

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FOURTH SESSION  
FOURTH LEGISLATURE  
11 GEORGE V  
1921

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**BILL**

An Act to amend The Town Act.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. MR. MITCHELL.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER.  
A.D. 1921