

BILL NO. 81 OF 1925.

A BILL TO AMEND THE TAX RECOVERY ACT, 1922.

NOTE.

This Bill provides that lands on which arrears of taxes are not more than one-half of the previous year's taxes shall be immune from tax recovery proceedings (Section 3 of Bill).

Specific provision is made that notice of any caveat or of the withdrawal of it need not be given by the Registrar, (Section 4 of Bill) provision being made for ample notice in section 6 of the Bill.

Under section 8 of the Bill the municipality is given the right to prevent voluntary waste upon lands after a caveat has been filed.

Provision is made for advertising tax sales not only in a newspaper but also in *The Alberta Gazette* (Section 9 of Bill).

Provision is made for permitting purchase of lands subject to tax sale proceedings not only for cash, but upon the instalment system or the plan of taking title and giving a mortgage (Section 9 of Bill).

Express provision is made as to the way in which transfers of lands sold for taxes are to be executed by the municipality (Section 11 of Bill).

Under the Act as it stands, the surplus sale moneys of lands sold for taxes after payment of arrears of taxes, etc., goes to the municipality. The Bill gives any such surplus to the persons who would be entitled to the land if it had not been sold (Section 13(b) of Bill).

Under the Act as it stands, arrears of taxes which are not reported by reporting authorities are cancelled when a caveat is lodged. Under the Bill these arrears of taxes are not cancelled until sale, so that until then, reporting authorities have a chance to report arrears of taxes (Section 13(c) of Bill).

Express provision is made for the cancellation on the books of the municipality of arrears of taxes which are not discharged by the proceeds of the sale of the parcel of land affected (Section 13(c) of Bill).

Under the Act as it stands, land subject to tax recovery proceedings can only be redeemed by payment of claims of the Province or the municipality, e.g. for seed liens, etc. Under the Bill provision is made for redemption without discharge of these claims (Section 14(a) of Bill).

A fee of \$5.00 payable under the existing Act upon redemption is done away with (Section 14(c) of Bill).

It is made clear that after lands in improvement districts have been finally acquired, their disposal is to be governed by the provisions of The Sale of Public Lands Act rather than by the provisions of The Tax Recovery Act (Section 15 of Bill).

WALTER S. SCOTT,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 81 of 1925.

An Act to amend The Tax Recovery Act, 1922.

(Assented to _____, 1925.)

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

1. This Act may be cited as "*The Tax Recovery Act, 1922, Amendment Act 1925.*"

2. *The Tax Recovery Act, 1922*, being Chapter 122 of the Revised Statutes of Alberta, 1922, is amended as to section 4 by striking out subsection 2 thereof.

3. Section 6 of the said Act is amended by adding at the end of subsection (1) thereof the following: "but shall omit from such list any parcel of land in respect of which the accrued arrears of taxes do not exceed one-half of the amount of the taxes levied for municipal purposes or otherwise by the municipality for the previous year."

4. Section 7 of the said Act is amended—

(a) as to subsection (1) thereof: By inserting after the words "parcels of land," the words "included in the said list"; and

(b) by adding as subsection (5) thereof the following:
"(5) The provisions of sections 123 and 125 of *The Land Titles Act* as to a notice of a caveat and of withdrawal of a caveat shall not apply to any caveat filed pursuant to this Act at any time heretofore or hereafter."

5. Section 8 of the said Act is hereby struck out and the following substituted therefor:

"8. Upon payment by the owner or on his behalf of all taxes which are shown on the records of the treasurer as being in arrears with respect to any parcel of land, prior to the issue of transfer by the treasurer to the municipality, the treasurer shall forthwith withdraw the said caveat."

6. Section 10 of the said Act is amended as to subsection (1) by striking out all that part of the subsection preceding the words "*Tax Recovery Act, 1922*" at the beginning of the form therein contained and substituting therefor the following:

"(1) During the month of March following the filing of such caveat the treasurer shall prepare a list of all parcels of land which have not been redeemed, and shall forward a copy thereof to the proper Land Titles Office, and upon receipt thereof, and not later than the first day of August following the receipt thereof, the Registrar of such Land Titles Office shall cause to be sent by registered mail a notice to the following persons whose names appear as being interested in any parcel of land comprised in such list, and to no others, namely: registered owners, caveators, and the mortgagees and other incumbrancees referred to in Section 92 of *The Land Titles Act*, as the same are shown by the Register as at the 31st day of March following the filing of such caveat, and such notice shall be in the form following, namely."

7. Section 12 of the said Act is amended as to subsection (1) by striking out the words "file a memorandum of such issue," and substituting therefor the words "and register the same."

8. Section 13a is added to the said Act immediately after section 13, as follows:

"13a.—(1) From and after the filing of a caveat pursuant to this Act, and so long as such caveat remains in force, and until the date fixed for the sale of the parcel affected, pursuant to section 14 of this Act the municipality shall have the right to restrain by action any person from committing voluntary waste in respect of the said land or any building or erection thereon.

"(2) As and from the date fixed for the sale of any parcel of land pursuant to section 14 of this Act, the municipality and all persons claiming by or through the municipality in respect thereof shall be entitled to quiet and peaceable possession of the said parcel."

9. Section 15 of the said Act is amended—

(a) by inserting between the word "advertised" and the words "in a newspaper" the words: "in one issue of *The Alberta Gazette* published not less than sixty days and not more than ninety days before the proposed date of sale, and";

(b) by adding as subsection (2) and (3) thereof the following:

"(2) The purchase price shall in general be payable in cash within thirty days of the sale, but if the council by resolution so authorizes, sales may be made upon the instalment payment plan or upon the plan of taking a mortgage for any balance of the purchase price which is not paid at the time of the sale.

"(3) The Minister of Municipal Affairs may by regulation prescribe the conditions of sale upon which sales other than sales for cash are to be made."

10. Section 16 of the said Act is amended by striking out the first and second lines of subsection (1) and by substituting therefor the following:

"Every such advertisement shall specify the place, day and hour at which such sale shall commence and the conditions of sale and."

11. Section 17*a* is added to the said Act immediately after section 17 as follows:

"17*a*. All transfers of land issued under the provisions of this Act shall be executed by affixing thereto the seal of the corporation, attested by the reeve and the secretary."

12. Section 19 of the said Act is amended as to subsection (1) by striking out the words "the claim to which has been forfeited under the provisions of this Act," and substituting therefor the words "which ought to have been reported and have not then been reported."

13. Section 20 of the said Act is amended—

(a) by striking out paragraph (b) and substituting therefor the following:

"(b) In the discharge, or where necessary the *pro rata* discharge of all other arrears due in respect of the parcel other than arrears which ought to have been reported and have not then been reported"; and

(b) by striking out paragraph (d) thereof and substituting therefor the following:

"(d) In payment of the surplus (if any) to the person or persons declared to be entitled thereto by a Judge of the District Court, and in case of more than one person then to such persons according to what would have been their priorities if the land had been redeemed immediately prior to such sale; and such declaration may be made on application on notice to all interested parties and shall be disposed of summarily, and any order so made shall have the same force and effect as an order of the District Court:

“Provided that every such application shall be made within three years of sale; and that the said surplus or any part thereof in the hands of the municipality at that period in respect of which no such declaration has been made shall, if no application is then pending, become the property of the municipality freed and discharged from all claims whatsoever.”

(c) by adding as subsections (2) and (3) thereof the following:

“(2) Any arrears of taxes for which any parcel of land has been sold, which have not been discharged under the provisions of the previous subsection, shall be cancelled upon the books of the municipal district.

“(3) Any arrears of taxes due in respect of any such parcel of land which ought to have been reported and have not at the time of sale or final acquisition, whichever first happens, been so reported, shall be cancelled and irrecoverable.”

14. Section 21 of the said Act is amended—

(a) as to subsection (1), paragraph (b), by striking out the words “and all claims of the Province, or of the municipality, charged or secured upon such land which have accrued in respect thereof before the date of redemption”;

(b) by striking out subsection (4) thereof;

(c) by striking out subsection (6) thereof, and by substituting therefor the following:

“(6) Before the renewal of such certificate of title to the owner or on his behalf all fees due to the Registrar of Land Titles in respect thereof shall first be paid to the municipality concerned.”

15. Section 31 of the said Act is hereby struck out and the following substituted therefor:

“**31.** Notwithstanding any other provisions of this Act, all parcels of land in improvement districts after they have been finally acquired pursuant to the provisions of this Act, shall be subject to the provisions of *The Sale of Public Lands Act*.”

16. This Act shall come into force upon the day it is assented to.

No. 81.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL

An Act to amend The Tax Recovery
Act, 1922.

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON;
J. W. JEFFERY, KING'S PRINTER
A.D. 1925