

BILL

No. 68 of 1929.

An Act to amend The Municipal District Act.

(Assented to....., 1929.)

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 Municipal District Act Amendment Act, 1929.*"

2. *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is amended by adding thereto, as section 96a, immediately after section 96 thereof, the following:

"96a.—(1) Whenever the council of a municipal district proposes to enter into an agreement with the Minister of Public Works under the provisions of *The Public Highways Act, 1923*, for the construction of a highway, and to defray one-half of the cost of such construction out of its yearly revenue, it may pass a by-law authorizing the agreement and payment of the amount to be expended thereunder in not more than five yearly instalments.

"(2) Before finally passing the by-law, it shall cause a copy thereof to be posted up in at least fifteen conspicuous places in the municipal district, one of which shall be the office of the secretary-treasurer, and there shall also be inserted in a newspaper of general circulation in the municipal district, a notice in the following or a like form:

"Public notice is hereby given that there has been introduced in the council of....., a by-law of which the following is a short synopsis: (*here insert short synopsis of by-law*), and that a copy of the same may be seen in each of the following places: (*here insert a list of the places at which the by-law may be seen*), and further, that unless within thirty days from the publication of this notice, at least fifteen per cent of the proprietary electors of the municipal district petition the council to submit such by-law to the vote of the proprietary electors of the municipal district, the council will proceed to pass the same."

"(3) If no such petition is received by the council within the said thirty days, it may proceed to finally pass the by-law.

"(4) If any petition is received within the period aforesaid, the council shall proceed to submit the by-law to the vote of the proprietary electors of the municipal district, in the same manner as a debenture by-law under the provisions of Part IX of this Act.

"(5) If the returning officer certifies to the council that a majority of the proprietary electors who have voted on the by-law have approved of the same, the council shall proceed to finally pass the by-law, and thereupon the by-law shall have effect according to the tenor thereof.

"(6) If the council desires to enter into any such agreement and to raise money by the issue of debentures for the purpose of defraying the expenses payable by the district under the terms of such agreement, it shall pass a by-law for that purpose, and any such by-law shall be in the form prescribed by the Board of Public Utility Commissioners, or to a like effect, shall be under the seal of the municipal district, and shall be submitted to the proprietary electors in accordance with the provisions of Part IX of *The Municipal District Act*."

3. Section 88 of the said Act is hereby struck out and the following substituted therefor:

"88. Such plans shall be certified by the surveyor in the form set out in Form E of the schedule hereto, and shall be certified by the secretary-treasurer in Form F of the schedule hereto, and shall be approved by the Director of Surveys of the Province of Alberta, who shall forward them to the proper Land Titles Office, and nothing herein contained shall be taken to require such survey to be made or plan to be prepared before or at the time of the entry upon such land."

4. Section 90 of the said Act is hereby struck out and the following substituted therefor:

"90. Upon the deposit in the Land Titles Office of the plans of survey, the registrar shall, notwithstanding the provisions of any other Act, immediately file the same, and thereupon the lands shown on such plans, so far as the same are not Dominion lands, shall, in the case of lands taken for a highway, road, street, lane, bridge, culvert, ditch or drain, vest in the Crown in the right of the Province, and in all other cases in the municipal district, subject to the right of any person who has acquired any interest in the said lands, so far as the same are taken for any road allowance, diversion or new road, or other work, to compensation as provided herein.

"90a. After having filed the said plans, the registrar shall forward one of such originals to the Department of Public Works and the other to the secretary-treasurer and shall furnish the council with a statement of all fees payable in consequence of the said filing and the council shall forthwith pay the same."

5. Section 102 of the said Act is hereby struck out and the following substituted therefor:

"102. Within two months of the filing of the plans, or if no plans have been filed, within six months of the date of the entry upon the land for any purpose, the council of the municipal district shall serve or cause to be served by reg-

interested unit, upon all persons shown by the records of the Land Titles Office to be interested in the land so vested, or so entered upon, as the case may be, a compensation notice, setting forth the compensation which it is ready to pay for the land so vested or in respect of damage to the land so entered upon, as the case may be, and a copy of this section and the following nine sections shall be sent along with such notice:

"Provided, that when compensation is claimed by two or more persons who are unable to agree as to a division thereof, the municipal district may pay the same to the Clerk of the Supreme Court whose office is nearest to the land affected, to be paid out to the parties interested, in such proportion as may be ordered by a judge of the Supreme Court on application therefor."

6. Section 103 of the said Act is hereby struck out, and the following substituted therefor:

"103.—(1) If any person entitled to compensation for lands so taken, or damages, is dissatisfied with the amount offered therefor, he shall, within two months from the date of the mailing of the compensation notice, inform the secretary-treasurer, in writing, of such dissatisfaction, stating the amount he claims as compensation or damages, and the facts in support of his claim.

"(2) In the event of no such claim for increased compensation or damages being received by the secretary-treasurer within the said period, the person entitled to compensation or damages shall be deemed to be satisfied with, and shall be bound to accept, the amount of compensation or damages mentioned in the compensation notice."

7. Section 104 of the said Act is hereby struck out and the following substituted therefor:

"104. The council shall consider such claims for increased compensation or damages, and shall notify the claimant of its decision in respect thereof, by registered letter addressed to the claimant's last known place of abode."

8. Section 132a is added to the said Act, as follows:

"132a. The council may pass a by-law preventing nuisance and compelling the abatement thereof generally, and declaring any building, structure or erection of any kind whatsoever, or any drain, ditch or other matter or thing in or upon any private lands, street or road, or in or about any building or structure, to be a nuisance and dangerous to the public welfare, safety or health, and directing the removing, filling up or other abatement of such nuisance."

9. Section 184 of the said Act is amended by striking out subsections (3), (4) and (5) thereof.

10. Section 185 of the said Act is amended as to subsection (2) thereof, by striking out the words "to the secretary or secretary-treasurer of each school district, for which the municipal district levies and collects taxes," and substituting therefor the following: "to each secretary or secretary-treasurer of a school district for which the municipal district levies and collects taxes, who requests the same."

11. Section 191 of the said Act is amended by striking out paragraph (b) thereof, and substituting therefor the following:

- "(b) the wife, husband, son, daughter, father or mother of any person whose name appears upon the voters' list otherwise than merely by virtue of relationship to some other person upon the said list—
- "(c) if such wife, husband, son, daughter, father or mother is resident upon the land of the said person within the municipal district or assists him in the business in respect of which he is taxable; and
- "(ii) if he or she is of the full age of twenty-one years; and
- "(iii) if his or her name does not already appear on the list as a voter; and
- "(iv) if he or she duly takes the oath or affirmation in the proper form set out in Form U in the schedule hereto."

12. Section 193 of the said Act is hereby struck out and the following substituted therefor:

"**193.** Where electoral divisions have been established in a municipal district, every elector resident in a division, and qualified in respect of land or business therein, shall vote only in that division."

13. Section 194 of the said Act is amended by striking out subsection (1) thereof, and substituting therefor the following:

"(1) Where electoral divisions have been established in a municipal district, every elector not within the terms of the previous section, whether resident in the municipal district or not, shall vote in the division in which the land or business in respect of which he is qualified as an elector is situated."

14. Section 194a is added to the said Act, immediately after section 194, as follows:

"**194a.** Every person entitled to vote merely by virtue of relationship to some other person upon the voters' list, shall vote only in the division in which the land or business in respect of which he is qualified is situated."

15. Section 195 of the said Act is amended by adding thereto the following subsections:

"(5) No person shall represent more than one corporation.

"(6) No person shall be entitled to represent a corporation or other person under the provisions of this section, if otherwise entitled to vote."

16. Section 202 of the said Act is amended by striking out of subsection (1) thereof, the word "December" and substituting therefor the word "November."

17. Section 222 of the said Act is amended by striking out same and substituting therefor the following:

"Every returning officer, before exercising any of the rights or functions of his office, shall take and subscribe before a justice of the peace or before the secretary-treasurer, an oath in Form 'R' of the schedule hereto, and every deputy returning officer, candidate, poll clerk, constable, or agent, authorized to be present at any polling place, before exercising at any polling place any of the rights or functions of the office for which he has been so appointed, shall take and subscribe before the returning officer, or the deputy returning officer (as the case may be), a justice of the peace, or before the secretary-treasurer, or before any person authorized to administer oaths within the Province, an oath in Form 'R' of the schedule hereto."

18. Section 250 of the said Act is amended by adding thereto, as subsection (5) thereof, the following:

"(6) When the returning officer has counted the ballots, he shall immediately declare the result of the poll, and forward a certified statement thereof to the secretary-treasurer."

19. Section 263 of the said Act is amended as to subsection (1) thereof by striking out the words "If at any time within five days from the time of the Returning Officer's declaration as aforesaid, it is, on the affidavit of a credible person, made to appear to such Returning Officer," and substituting therefor, "If at any time within fifteen days from the time of the Returning Officer's declaration as aforesaid, any elector files an affidavit with such Returning Officer."

20. Section 286a is added to the said Act immediately after section 286, as follows:

"286a.—(1) Buildings erected by a tenant upon land leased by a railway company, whether affixed or not, shall be considered as land for the purposes of assessment, and shall be separately assessed at the same rate as improvements affixed to land.

"(2) The name of every such tenant shall be placed upon the assessment roll as owner of the buildings.

"(3) Every such tenant shall, whether his name appears on the assessment roll or not, pay taxes upon the assessed value of the buildings, at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest therein."

21. Section 287 of the said Act is amended as to subsection (1) by striking out the word "fifth" and substituting therefor the word "third."

22. Section 291 of the said Act is amended—

- (a) as to subsection (1) thereof, by striking out the words "fifth" and "June" where they occur therein, and substituting therefor the words "third" and "July" respectively;
- (b) as to subsection (2) thereof, by striking out the words "fifth" and "June" where they occur therein, and substituting therefor the words "third" and "July" respectively; and
- (c) as to subsection (3) thereof, by striking out the word "quinquennial" and substituting therefor the word "triennial."

23. Section 293 of the said Act is amended by striking out the word "quinquennial" and substituting therefor the word "triennial."

24. Section 296 of the said Act is amended by striking out the word "quinquennial" and substituting therefor the word "triennial."

25. Section 297 of the said Act is amended by striking out the words "a District Court Judge" and substituting therefor the words "the Alberta Assessment Commission."

26. Section 298 of the said Act is amended by striking out the word "quinquennial" and substituting therefor the word "triennial."

27. Section 299 of the said Act is amended—

- (a) by striking out the words "a District Court Judge" and substituting therefor the words "the Alberta Assessment Commission";
- (b) by striking out the words "Assessment Equalization Board" and substituting therefor the words "Alberta Assessment Commission"; and
- (c) by striking out the word "Board" and substituting therefor the word "Commission."

28. Section 305 of the said Act is amended—

- (a) by striking out the words "District Court" and substituting therefor the words "Alberta Assessment Commission"; and
- (b) by striking out the word "judge" and substituting therefor the words "Alberta Assessment Commission."

29. Section 307 of the said Act is amended—

- (a) as to subsections (1) and (2) thereof by striking out the words "a judge" where they occur therein, and substituting therefor the words "the Alberta Assessment Commission"; and

- (b) as to subsection (3) thereof, by striking out the word "judge" and substituting therefor the words "Alberta Assessment Commission."

30. Section 309 of the said Act is amended by striking out the words "a District Court Judge" and substituting therefor the words "the Alberta Assessment Commission."

31. Section 318 of the said Act is amended by striking out the words "quinquennial" and "August" and substituting therefor the words "triennial" and "September" respectively.

32. Section 320 of the said Act is amended—

- (a) by striking out the word "quinquennial" where it occurs therein, and substituting therefor the word "triennial"; and
- (b) by striking out the word "January" and substituting therefor the word "December"; and
- (c) by striking out the words "Department of Municipal Affairs" where they occur therein, and substituting therefor the words "Alberta Assessment Commission."

33. Section 323 of the said Act is amended by adding thereto the following subsection:

"(3) No person shall be entitled to appeal under the provisions of this section, unless he has appeared before the court of revision in person or by agent, or has sent to such court a document setting out in detail the grounds of his appeal."

34. Section 324 of the said Act is amended—

- (a) as to subsection (1) thereof—
 - (i) by striking out the word "quinquennial" and substituting therefor the word "triennial"; and
 - (ii) by striking out the words "a judge" and substituting therefor the words "the Alberta Assessment Commission";
- (b) as to subsection (2) thereof, by striking out the word "Judge" and substituting therefor the words "Alberta Assessment Commission";
- (c) as to subsection (3), by striking out the word "Court" and substituting therefor the word "sitting"; and
- (d) by striking out subsection (4) thereof.

35. Section 325 of the said Act is struck out and the following substituted therefor:

"325. The Commission or any member thereof, in hearing the appeals, under the provisions of this Act, may nominate a person to act as clerk."

36. Section 325 of the said Act is amended by striking out the word "judge" and substituting therefor the words "Alberta Assessment Commission."

37. Section 327 of the said Act is amended by adding after the word "shall" the words "when summoned by the Commission."

38. Section 328 of the said Act is amended—

- (a) by striking out the word "judge" and substituting therefor the words "Alberta Assessment Commission";
- (b) by striking out the word "his" and substituting therefor the word "its"; and
- (c) by striking out the words "or may be exercised by him as."

39. Section 331 of the said Act is amended—

- (a) by striking out the words "a judge" where they appear in the first line thereof, and substituting therefor the words "the Alberta Assessment Commission"; and
- (b) by striking out the word "judge" in the second line thereof and substituting therefor the words "said Commission."

40. Section 332 of the said Act is amended by striking out the words "in any Court of Justice" and substituting therefor the words "in any sittings of the Commission or in any Court of Justice."

41. Section 333 of the said Act is struck out and the following substituted therefor:

"333. All costs of proceedings before the Commission shall be paid or apportioned between the parties in such manner as the Commission may direct and payment thereof may be enforced in the same manner as upon an ordinary judgment for costs in a District Court."

42. Section 335 of the said Act is amended by striking out the word "judge" and substituting therefor the word "Commission."

43. Section 336 of the said Act is amended—

- (a) by striking out the word "quinquennial" and substituting therefor the word "triennial"; and
- (b) by striking out the words "a District Court Judge" and substituting therefor the words "the Commission."

44. Section 347 of the said Act is hereby struck out and the following substituted therefor:

"347. In the event of the same person becoming liable for a tax upon improvements in respect of a building, and for a business tax in respect of a business carried on in such building, or part thereof, he shall be called upon to pay such business tax to the extent only that it is greater than such improvement tax."

45. Form I in the schedule to the said Act is hereby struck out.

46. Form J in the schedule to the said Act is amended—

(a) as to the oath of an officer of a corporation, by adding thereto as paragraph (3) thereof, the following:

"(3) That I am not entitled to vote at this election otherwise than as representing the said corporation;" and

(b) as to the oath of the tenant of a non-resident, by adding thereto as paragraph (3) thereof, the following:

"(3) That I am not entitled to vote at this election otherwise than by reason of occupation and actual residence upon the said land."

47. Form U in the schedule to the said Act is hereby struck out, and the following substituted therefor:

"FORM U,

"(Section 244.)

"OATH FOR THE PURPOSE OF GETTING ON THE MUNICIPAL Voters' List.

"You do swear (or solemnly affirm) that on the ninth day of December last you were entitled to be placed upon the municipal voters' list of the Municipal District of..... (in Division No.....) and that you are the purchaser who is entitled to the possession of..... (here insert the description of the parcel in respect of which the person asserting or affirming claims to be entitled to vote), (or, as the case may be, that there is no purchaser of..... (here insert the description of the parcel) and that you are the owner thereof, or that you are taxable in respect of a business carried on at.....)

"Sworn or affirmed before me at

..... the.....

day of....., 19....

.....

"Or

"You do swear (or solemnly affirm) that you are the wife (or as the case may be) of..... and that you reside upon the land of the said..... within the said municipal district (in Division No.....) (or as the case may be), and you assist the said..... in the business in respect of which he is taxable (and that such business is situate in Division No.....).

"Sworn or affirmed before me at }
....., the..... }
day of....., 18... }"

48. Form V in the schedule to the said Act is amended by adding as paragraph (1a) immediately after paragraph (1) thereof, the following:

"(1a) That you are duly qualified to vote in this municipal district (in Division No.....);"

49. Form BB in the schedule to the said Act is amended—

(a) by striking out the word "quinquennial" and substituting therefor the word "triennial"; and

(b) by striking out the words "Assessment Equalization Board" and substituting therefor the words "Alberta Assessment Commission."

50. Form CC in the schedule to the said Act is amended by striking out the words "*The Supplementary Revenue Act*" and substituting therefor the words "*The Alberta Assessment Commission Act*."

THIRD SESSION

SIXTH LEGISLATURE

19 GEORGE V

1929

BILL

An Act to amend The Municipal
District Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. FENN

RECEIVED
M. L. MEYER, JAMES TROSBY
APR 1929