

Bill No. 57 of 1935.

A BILL TO AMEND THE TAX RECOVERY ACT, 1929.

NOTE.

By section 2 the definition of a parcel is amended to extend to land vested in the Crown or in the Minister representing the Crown by virtue of tax recovery proceedings.

Section 3 provides that where a purchaser of land sold by a municipality under the Act objects that the municipality cannot give title by reason of any defect in the proceedings leading up to the sale the municipality may rescind the sale and repay all moneys paid on account of purchase money, whereupon all the rights of the purchaser in respect of the agreement or sale are extinguished.

Section 4 requires that the disposition of land finally acquired by a municipality shall be made by by-law which must not be read more than twice at any one meeting and that the by-law shall be approved by the Minister.

Section 5 requires that the taxes on a parcel finally acquired shall be charged and carried over until it is disposed of or for seven years from acquisition, whichever period is the less; and that thereafter, if the parcel is not disposed of, the taxes are to be charged and carried over until all the arrears of taxes and taxes so charged equal the assessed value: provision is also made for the taxing of the interest acquired by any person in such a parcel under an agreement of sale or a lease.

Section 6 permits a municipality to lease a parcel for a period of one year in the interim between its being offered for sale and final acquisition, and thereafter for three-year periods.

R. ANDREW SMITH,
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. 57 of 1935.

An Act to amend The Tax Recovery Act, 1929.

(Assented to _____, 1935.)

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, 1929, Amendment Act, 1935.*"

2. *The Tax Recovery Act, 1929*, being chapter 39 of the Statutes of Alberta, 1929, is hereby amended as to section 2 thereof by striking out paragraph (i) thereof and by substituting therefor the following:

"(i) 'Parcel' shall mean every parcel of land, improvements or minerals separately assessed on the assessment roll of a municipality when the title to the parcel is vested in any person other than the Crown, and shall include every such parcel which is vested in the Crown or in the Minister representing the Crown by reason of the operation of any statute relating to tax enforcement."

3. The said Act is further amended by inserting therein, immediately after section 18 thereof, the following new section:

"**18a.**—(1) Where a municipality has sold or agreed to sell any parcel under the provisions of this Act, whether by public auction or private sale, and the purchaser objects that the municipality is unable to furnish him with a good title to the parcel by reason of any defect or omission in any proceedings prescribed by this Act with reference to the sale of the parcel, the municipality shall have the right to rescind the sale or agreement for sale upon giving notice thereof to the purchaser, and thereupon the municipality shall pay forthwith to the purchaser all moneys paid by him in respect thereof, and all the rights of the purchaser in respect of the agreement or sale shall be extinguished.

"(2) Notice of rescission shall be in writing under the hand of the treasurer and may be served personally upon the purchaser or may be sent by registered mail to the purchaser's last known post office address."

4. The said Act is further amended as to section 19 thereof by striking out the same and by substituting therefor the following:

“**19.** Upon the expiry of one year from the date of the sale, every parcel with respect to which there is a subsisting tax recovery notification shall be finally acquired by the municipality concerned as legal and beneficial owner thereof, subject only to the encumbrances mentioned in the transfer to it, but no such parcel shall be sold by any village or municipal district unless and until the sale has been authorized by a by-law which shall not be read more than twice at any one meeting of the council, and both the by-law and the sale have been approved by the Minister in writing.”

5. The said Act is further amended as to section 21 thereof by striking out subsection (5) thereof and by substituting therefor the following:

“(5) Upon the issuance of a certificate of title to a parcel to a municipality under this section and thereafter until it is disposed of by the municipality or until the expiry of a seven-year period commencing with the year of issuance of the certificate of title, whichever event first happens, the parcel shall continue to be assessed by the municipality and the taxes payable to the municipality in respect thereof shall continue to be charged against the parcel and carried over from year to year without collection in each year of the said period, and if after the expiration of the seven-year period the parcel remains undisposed of, the same shall be so assessed and taxes shall be so charged until the amount of the arrears of taxes together with the taxes so charged becomes in excess of the assessed value thereof as at the time of holding the sale by auction at which the same was first offered for sale; and thereafter no taxes shall be levied thereon unless and until it is disposed of by the municipality; and all taxes so charged and carried over shall be treated as arrears of taxes or taxes within the meaning of the provisions of this Act relating to distribution of the proceeds of a sale:

“Provided that if the municipality disposes of a parcel by agreement of sale or lease, then notwithstanding any other provision of this section and so long as the agreement of sale or the lease subsists, the parcel shall be assessed and the purchaser or lessee and any persons claiming by or under a purchaser or lessee, as the case may be, shall be liable for the taxes thereon; and in case the taxes are being charged and carried over against the parcel pursuant to this section, any taxes paid by a purchaser or lessee shall be credited against the same.”

6. The said Act is further amended as to section 25 thereof by striking out subsection (1) thereof and by substituting therefor the following:

“(1) Prior to the acquisition of any parcel which is not sold at the first public auction held by a municipality after a tax recovery notification has been placed on the certificate of title thereto, the same may be leased for a period of not

more than one year, and such parcel may be leased for periods of not more than three years after final acquisition.”

7. The said Act is further amended as to section 27 thereof by striking out the words “or acquiring final ownership thereof”, where the same occur therein, and by substituting therefor the words “or becoming the registered owner thereof”.

8. This Act shall come into force on the day upon which it is assented to.

No. 57.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

B I L L

An Act to amend The Tax Recovery
Act, 1929.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ALLEN.

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1935