

Bill No. 54 of 1941.

A BILL TO AMEND THE DRAINAGE DISTRICTS ACT

NOTE.

This Bill amends *The Drainage Districts Act*.

The change in section 13 makes it possible to choose a returning officer who is not an owner resident.

The change in section 23 reduces the disabilities imposed on trustees.

The amendment to section 40 widens the powers of the Board and makes them permissive with regard to procedure in the case of the disestablishment of a district.

The new section 47a gives similar powers under this Act to those given under *The Irrigation Districts Act*.

The amendment to section 48 enables the Board to collect a slightly greater sum to cover rates on land which are temporarily uncollectable due to hail damage or other causes beyond the control of the ratepayer.

The new subsection (2) added to section 51 permits the granting of discounts for payment of rates before fixed dates. These provisions have previously been enacted from year to year in *The Irrigation Rates and Drainage Rates Penalties Act*. This section now gives a permanent permissive power to the Board within certain limits to grant such discounts.

The amendment to section 118 will facilitate the work of the Board in keeping the assessment and tax rolls up to date.

The amendment to section 124 gives the Board permissive power to rebate rates in cases of hardship or injustice. This power may only be exercised if the Council consents.

The other changes incorporated in this Bill are for the most part meant to clarify the meaning of existing sections and to achieve uniformity in wording in various portions of this Act and are largely self-explanatory.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 54 of 1941.

An Act to amend The Drainage Districts Act.

(Assented to _____, 1941.)

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 Drainage Districts Act Amendment Act, 1941.*"

2. *The Drainage Districts Act*, being chapter 46 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 2,—

- (a) by adding immediately after the words "Occupant shall", where the same occur in paragraph (n) thereof, the words "mean and";
- (b) by striking out the word "smaller", where the same occurs in paragraph (p) thereof, and by substituting therefor the word "other".

3. The said Act is further amended as to section 13 by striking out the words "an owner resident in the proposed district to be", where the same occur in subsection (1) thereof, and by substituting therefor the word "a".

4. The said Act is further amended as to section 23 by striking out the proviso to subsection (1) thereof and by substituting therefor the following:

"Provided however that no such person shall be ineligible for election as a member of the Board, or forfeit his seat thereon, as the case may be, by reason only of receiving any payments pursuant to the provisions of section 19 or by reason only of his being a purchaser of land from the Board, or by reason only of being a shareholder or director of an incorporated company having any such contract or agreement as aforesaid, unless such contract or agreement is for the building, construction, or repair of any drainage work of the district, or by reason only of his being the proprietor or otherwise interested in a newspaper or other periodical in which from time to time advertisements of the Board are inserted."

5. The said Act is further amended as to section 40,—

- (a) by striking out the words "the board shall immediately", where the same occur in subsection (1)

thereof, and by substituting therefor the following:
 “or the board is unable to sell the debentures, it may”;

- (b) by adding the following words at the end of subsection (3) thereof: “and in such order or by subsequent order, direct as to the disposal of any surplus”.

6. The said Act is further amended by adding thereto immediately after section 47 the following new section:

“47a.—(1) The Board may with the approval of the Council, provide by by-law for the apportionment of the whole or a part of the work and the supply of material for construction and the necessary and incidental expenses in connection therewith and in connection with the formation of the district among the owners of the district; such apportionment to be as nearly as may be in proportion to the net estimated benefit to their respective lands as shown by the revised assessment roll of the district.

“(2) A ballot of the owners of the district shall be taken on the by-law herein provided for and the proceedings in connection therewith shall be in accordance with the provisions of Part II of this Act, with respect to voting on a debenture by-law.

“(3) If the result of the voting on the said by-law shows that the majority of those voting were against the by-law, then the Minister may direct the Board to submit an estimate and a debenture by-law in accordance with the provisions of this Act with respect thereto or he may determine that the work shall not proceed further; in the latter case he shall proceed as provided in section 14.

“(4) If the result of the voting shows that the majority of those voting were in favour of the by-law, the Minister may direct the Board to apportion the work and the supply of material and the expenses among the owners with respect to each parcel of their lands in proportion to the amount of net estimated benefit shown thereto in the revised assessment roll of the district.

“(5) The Board in making such apportionment shall fix a time before which each owner shall complete the work or supply the material or pay the expenses provided by such apportionment and the secretary shall notify each owner by registered mail in Form H of the amount of work and material and expenses which has been apportioned to him with respect to each parcel of his land and such notice shall state the time before which the said work shall be completed and the said material supplied and the said expenses paid.

“(6) If any owner is dissatisfied with the apportionment of work or material or expenses as aforesaid, he may, within two weeks from the date of mailing to him of the notice of apportionment, appeal to the Drainage Council in writing

by registered mail, which shall enquire into the case and make its decision with regard thereto, which decision shall be final.

“(7) After the final decision has been made or the time for appealing has elapsed, as the case may be, with regard to the apportionment of work and material and expenses as aforesaid, the same shall be valid and binding to all intents and purposes notwithstanding any defects in form or substance, either in the apportionment or any of the proceedings relating to the same.

“(8) At the expiration of the time limited by the Board for the completion by any owner of the work apportioned to him, the engineer shall inspect the said work and report to the Board, which, if the engineer has found the work or any part thereof not completed or the necessary material not supplied, may direct some other person to complete the said work or supply the said material or may in its discretion extend the time for the completion of work or supply of material.

“(9) Any owner who has made default in the completion of work or supply of material or payment of expenses as apportioned against him with respect to his lands, shall be liable for the cost of completion and for all other costs and expenses occasioned by his default and the same if not paid by him, shall form a charge against his lands and shall be charged against the parcel or parcels of land in respect of which the apportionment was made against him as a drainage rate and be recoverable as such.”

7. The said Act is further amended as to section 48,—

(a) by adding at the end of paragraph (b) of subsection (1) thereof the following words: “and on any capital indebtedness not covered by debentures”;

(b) by adding at the end thereof the following new subsection:

“(5) Any drainage rate imposed may also be sufficient to bring in a sum to provide for the payment of rates levied on lands where the crop may be totally or partially destroyed by hail or where the Board rebates the payment of all or part of the rates for that or any other cause.”

8. The said Act is further amended as to section 51 by renumbering the same as subsection (1) and by adding thereto the following new subsection:

“(2) The board of any district may by by-law provide that there shall be allowed a discount of not more than five per centum on rates paid on or before the fifteenth day of November or of not more than two and one-half per centum if paid after the fifteenth day of November and on or before the fifteenth day of December in the year in which they are imposed.”

9. The said Act is further amended as to section 55 by adding at the end thereof the following new subsection:

“(3) In case the Lieutenant Governor in Council orders an election of new trustees pursuant to subsection (1), the secretary or such person as may be appointed by the Minister shall be the Returning Officer and the provisions of this Act relating to the first election of trustees, their position on the list and time of retirement shall, *mutatis mutandis* and as far as the same are applicable, apply to every such election.”

10. The said Act is further amended as to section 78,—

- (a) by striking out the words “or occupant” wherever the same occur in subsections (1) and (2) thereof;
- (b) by striking out subsection (3) thereof and by substituting therefor the following:

“(3) Notwithstanding anything else contained in this section, no person shall be entitled to vote at any annual election of trustees held after an assessment roll has been prepared, unless he is the owner of land appearing on the assessment roll of the district as benefited.”

11. The said Act is further amended as to section 86 by striking out the words “or occupant” wherever the same occur therein.

12. The said Act is further amended as to section 118 by adding immediately after subsection (2) thereof the following new subsection:

“(3) Every purchaser of land within a district shall immediately upon acquiring an interest in the same, notify the Board and produce such proof of his interest therein as the Board may require.”

13. The said Act is further amended as to section 124 by adding immediately after subsection (3) thereof the following new subsection:

“(4) Whenever it appears to the Board of any district that the payment of all or part of the drainage rates and penalties, if any, on all or any portion of any parcel or parcels of land in the district would work an injustice or hardship on the owner or occupant the Board may, with the consent of the Council, cancel or refund all or part of the rates and penalties, if any, owing or paid.”

14. The said Act is further amended as to the Schedule thereof by adding thereto the following new Form H:

"FORM H.
"(Section 47a.)

"To
(Name of Owner)
"
.....
(P.O. Address)
"Sir,—You are hereby notified that the board of trustees
of the Drainage District has,
pursuant to the provisions of *The Drainage Districts Act*
in that behalf, made an apportionment of the work and the
supply of material and the expenses in connection with the
formation of the said district and the construction of the
works.
"You are further notified that under such apportionment
you are required,—
"(a) to make and complete, in accordance with the
engineer's plans and specifications, that portion of
the work described as follows: (*Here describe the
work apportioned to the owner*) ;
"(b) to furnish the following material: (*Here describe
the material*) ;
"(c) to pay \$..... of the expenses.
"The said work is to be fully completed before the said
..... day of, 19....
"The said material is to be supplied before the
..... day of, 19....
"The amount of expenses is to be paid before the
..... day of, 19....
"Dated at
this day of
....., 19....
Secretary."

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

No. 54.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend The Drainage
Districts Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Shultka, King's Printer
1941