

Bill No. 38 of 1942.

A BILL TO AMEND THE IRRIGATION  
DISTRICTS ACT.

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NOTE.

This Bill amends *The Irrigation Districts Act*.

Section 11a is amended by changing thirty days to sixty days. It is difficult at present to complete a settlement for seepage damage in thirty days, and by extending the period to sixty days the Board of Trustees will have ample time to effect a settlement rather than having the claim referred to the Irrigation Council.

The remaining amendments to sections 148, 150, 152, 155 and 156 all deal with rate enforcement returns. At present the Act provides that where irrigation rates are in arrears on privately owned land, proceedings leading to forfeiture of the land may be initiated by rate enforcement proceedings. These proceedings do not apply to forfeiture of the equity of the purchaser under an agreement for sale from the district if he fails to pay his rates. The only recourse of a district in this case is by means of expensive and cumbersome foreclosure proceedings. The amendments in this Bill make the rate enforcement proceedings in the Act applicable to these agreements for sale, thereby providing a simple and inexpensive method for forfeiting these small equities.

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. 38 of 1942.

An Act to amend *The Irrigation Districts Act*.

(Assented to \_\_\_\_\_, 1942.)

**H**IS 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 Irrigation Districts Act Amendment Act, 1942*."

**2.** *The Irrigation Districts Act*, being chapter 114 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 11a by striking out the words "is not settled by the Board within thirty days," where the same occur in subsection (3) thereof, and by substituting therefor the following: "is not settled by the Board within sixty days."

**3.** The said Act is further amended as to section 148,—

- (a) by adding immediately after the word "owner", where the same occurs in paragraph (a) of subsection (1) thereof, the following words: "and purchaser";
- (b) by adding immediately after the word "owner", where the same occurs in paragraph (b) of subsection (1) thereof, the following words: "or purchaser";
- (c) by adding immediately after the word "owner", where the same occurs in paragraph (c) of subsection (1) thereof, the following words: "or purchaser."

**4.** The said Act is further amended as to section 150 by striking out the words "the owners of the lands shown on the said return shall continue liable to assessment and taxation in the same manner as other owners or occupants", where the same occur therein, and by substituting therefor the following words: "the owners and purchasers of the lands shown on the said return shall continue liable to assessment and taxation in the same manner as other owners and purchasers."

**5.** The said Act is further amended as to section 152 by adding immediately after the words "to each person who appears by the records of", where the same occur therein, the following words: "the irrigation district and".

6. The said Act is further amended as to section 155,—

- (a) by striking out subsection (2) thereof and by substituting therefor the following:

“(2) The effect of the adjudication when registered as hereinafter provided shall be,—

“(a) to vest the lands in the Board; or

“(b) in case the lands are held by a purchaser from the Board, to cancel the agreement for sale and discharge all other incumbrances,—

and the Board in either case shall obtain or have an estate in fee simple to the lands free from all other estates and from all liens, agreements for sale, mortgages and incumbrances of every nature and kind whatsoever, other than those arising from claims of the Crown in the right of the Dominion of Canada, and the charge imposed by any debentures issued under the provisions of this Act, or first mortgages within the meaning of this Act, and other than taxes and rates charged upon the said lands, and other than any easement or incorporeal right, a memorandum of which has been made under the provisions of sections 62 or 62a of *The Land Titles Act*, and other than any condition or covenant running with or annexed to the land which has been registered under the provisions of section 48a of *The Land Titles Act*.”;

- (b) by striking out the words “for an estate in fee simple therein, and free from all other estates and from all liens”, where the same occur in subsection (4), and by substituting therefor the following words: “or to discharge the purchaser’s caveat and all other incumbrances, (as the case may be), and the Board in either case shall obtain or have an estate in fee simple therein, free from all other estates and from all liens, agreements for sale”;
- (c) by adding immediately after the words and figures “section 62”, where the same occur in subsection (4) thereof, the following words and figures: “or 62a”;
- (d) by striking out the words “Upon the vesting in the Board of any land pursuant to this Act”, where the same occur in subsection (6) thereof, and by substituting therefor the following words: “Upon the vesting in the Board of any land or upon the cancellation of a purchaser’s agreement for sale and the discharge of all other incumbrances (as the case may be), pursuant to this section”;
- (e) by striking out the words “upon the vesting in the Board of any land pursuant to this Act”, where the same occur in subsection (9) thereof, and by

substituting therefor the following words: "upon the vesting in the Board of any land, or upon the cancellation of a purchaser's agreement for sale and the discharge of all other incumbrances (as the case may be), pursuant to this section".

**7.** The said Act is further amended as to section 156,—

- (a) by striking out subsection (1) thereof and by substituting therefor the following:

"**156.**—(1) Any parcel of land which becomes vested in the Board or in respect of which a purchaser's agreement for sale is cancelled and all other incumbrances are discharged (as the case may be), pursuant to this Act, shall not be offered for sale until the expiration of twelve months from the date of such vesting, cancellation or discharge, (as the case may be), unless all the persons who had any interest therein immediately prior to such vesting, cancellation or discharge, according to the records of the irrigation district or the Land Titles office, request in writing that the same may be offered for sale at an earlier date, and upon the expiration of the said term of twelve months, every such parcel then vested in the Board, or which has not been sooner sold in compliance with the provisions of this subsection in that behalf, shall be offered for sale by public auction within ninety days next after the expiration of the said term of twelve months.";

- (b) by striking out the first nine lines of subsection (2) thereof and by substituting therefor the following: "At such auction the parcel shall be knocked down to the highest bidder, who shall upon payment of the purchase price thereof, be entitled to a transfer of the land sold to him for an estate in fee simple therein, free from all other estates and from all liens, agreements for sale, mortgages and incumbrances of every nature and kind whatsoever, other than those arising from claims of the Crown in the right of the Dominion of Canada, and the charge imposed by any debentures issued under the provisions of this Act, or first mortgages within the meaning of this Act, and other than taxes and rates for the current year, and other than any easement or incorporeal right, a memorandum of which has been made under the provisions of sections 62 or 62*a* of *The Land Titles Act*, and other than any condition or covenant running with or annexed to the land which has been registered under the provisions of section 48*a* of *The Land Titles Act*";
- (c) by striking out the first proviso to subsection (2) thereof, and by substituting therefor the following:

“Provided, however, that any person interested in any such parcel of land who desires to pay all the rates due in respect of the parcel, including the rates comprised in the rate enforcement return, and all rates which have accrued since the date thereof, may do so at any time prior to the land being offered for sale at public auction on condition that he pays in addition thereto all costs in connection with rate enforcement and sale proceedings and all expenses of re-transfer of the land or revival of the purchaser’s agreement for sale and restoration of all other incumbrances (as the case may be), and upon payment of such amount the treasurer shall notify the Registrar of the proper Land Titles Office to cancel the certificate of title issued in the name of the district, and to revive the certificate of title which was operative prior to the issue of a certificate of title to the Board, or to revive the agreement for sale and restore all other incumbrances (as the case may be), and the land shall be subject to the same liens, agreements for sale, mortgages, charges and incumbrances to which it was subject prior to the confirmation of the said return.”

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

No. 38.

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SECOND SESSION  
NINTH LEGISLATURE  
6 GEORGE VI  
1942

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**BILL**  
An Act to amend The Irrigation  
Districts Act.

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. MACMILLAN.

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EDMONTON:  
A. Shnitka, King's Printer  
1942