

Bill No. 42 of 1942.

A BILL TO AMEND THE DRAINAGE  
DISTRICTS ACT

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NOTE.

This Bill amends *The Drainage Districts Act*.

Section 26 is amended so that it conforms to a similar section in *The Irrigation Districts Act*. It sets out the officers and the duties of the Board in somewhat greater detail.

The new section 124a corresponds to a section presently appearing in *The Irrigation Districts Act*. It gives the secretary of a district authority to correct the assessment roll, as to names, and descriptions of property, but not as to altering of assessments.

The remaining amendments all deal with rate enforcement returns. At present the Act provides that where drainage 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 forfeiture proceedings. The amendments in this Bill make the rate enforcement proceedings in the Act applicable to 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. 42 of 1942.

An Act to amend The Drainage 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 Drainage Districts Act Amendment Act, 1942.*"

2. *The Drainage Districts Act*, being chapter 46 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 26 by striking out the same and by substituting therefor the following:

"26.—(1) Every Board shall, within thirty days after the formation of the district hold a meeting at which it shall elect a chairman from its own number, who shall preside at all meetings of the Board.

"(2) At such meeting the Board shall appoint,—

"(a) a secretary and a treasurer, or a secretary-treasurer, who shall be entrusted with all the powers and charged with all the duties conferred or imposed upon the secretary or the treasurer under the provisions of this Act;

"(b) an engineer, and a district manager or either of them, if so directed by the Council;

"(c) an auditor.

"(3) No person shall be appointed as an engineer or a district manager without the prior approval of the Council, and every engineer shall be a registered professional engineer within the meaning of *The Engineering Profession Act*, or an Alberta Land surveyor.

"(4) Every Board shall have power to appoint any other officers or servants who may in its opinion be necessary for the effective carrying out of the business of the district.

"(5) The officers or servants so appointed shall hold office for such period as may seem proper to the Board.

"(6) At the first meeting of the Board held after the annual election of a trustee or trustees, a chairman shall be elected to act for the current year.

"(7) No person shall be qualified to be appointed as auditor, or having been so appointed, to continue to hold the office of auditor who is, —

- “(a) a member of the Board; or
- “(b) an officer, other than auditor, or a servant of the the Board; or
- “(c) interested directly or indirectly in any contract made by the district.

“(8) The appointment of an auditor shall be subject to the approval of the Minister, who shall forthwith be advised thereof by letter and the Minister may confirm the appointment or disallow the same.

“(9) In the event of disallowance, the Board shall at its next regular meeting (or if there be no regular meeting within one month after the receipt of notice of the disallowance, then at a special meeting called for the purpose and held within the said period of one month) appoint another auditor, subject to the Minister's approval.

“(10) Every Board shall define the duties and fix the salaries of its officers, and may exact security from them for the faithful performance of their duties, and in the case of the treasurer or secretary-treasurer (as the case may be), and a collector of rates, the exaction of security shall be compulsory upon the Board.”

**3.** The said Act is further amended by adding immediately after section 124 the following new section:

“**124a.** The secretary may at any time correct the assessment roll by altering the names of the owner or occupant appearing on the same in connection with any parcel of land, or by altering the description of any parcel of land, and he shall, whenever any lands are included in or excluded from the district, add to or delete from the assessment roll the required information with respect to the parcels of land so included or excluded.”

**4.** The said Act is further amended as to section 155*g* by striking out the words “assessment roll”, where the same occur in paragraph (a) of subsection (1) thereof, and by substituting therefor the words “collector's roll.”

**5.** The said Act is further amended as to section 155*k* by adding immediately after the words “by the records of”, where the same first occur therein, the following words: “the drainage district and”.

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

- (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, 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 (5) 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 (8) 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 155o,—

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

“155o.—(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 drainage district, or the Land Titles office, request in writing that the same 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, 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 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*”;
- (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.”

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

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SECOND SESSION  
NINTH LEGISLATURE

6 GEORGE VI  
1942

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**BILL**

A Bill to Amend The Drainage  
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  
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