



Province of Alberta

MODERNIZED MUNICIPAL GOVERNMENT ACT

Statutes of Alberta, 2016
Chapter 24

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MODERNIZED MUNICIPAL GOVERNMENT ACT

Chapter 24

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cM-26

1 The *Municipal Government Act* is amended by this Act.

6 Section 3 is amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following after clause (c):

- (d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.

7 Section 14(1)(d) is repealed and the following is substituted:

- (d) a controlled corporation as defined in section 75.1.

8 The heading preceding section 47.1 and section 47.1 are repealed.

12 Section 73 is repealed.

13 The following is added after section 75:

Division 9 Controlled Corporations

Control of corporations

75.1(1) In this Division,

- (a) “controlled corporation” means a corporation controlled by a municipality or a group of municipalities and

includes a subsidiary, within the meaning of section 2(4) of the *Business Corporations Act*, of such a corporation;

- (b) “corporation” means a corporation that operates for the purpose of making a profit.

(2) A municipality, by itself or with other municipalities, may establish and control, or obtain control of, a corporation only if the council of the municipality

- (a) passes a resolution authorizing the municipality to control the corporation by itself or with other municipalities, as the case may be, and
- (b) is satisfied that
 - (i) the controlled corporation will carry on business solely for one or more of the purposes described in section 3,
 - (ii) the controlled corporation will provide a service or benefit to residents of the municipality or group of municipalities that controls it, and
 - (iii) the profits and dividends of the controlled corporation will provide a direct benefit to the residents of the municipality or group of municipalities that controls it.

(3) Before a council passes a resolution under subsection (2)(a), the council must

- (a) consider a business plan that addresses the matters referred to in subsection (4), and
- (b) hold a public hearing in accordance with the regulations.

(4) The matters to be addressed in a business plan referred to in subsection (3)(a) include

- (a) the costs related to establishing and controlling or obtaining control of the corporation, as the case may be,
- (b) the value of any assets of the municipality or group of municipalities that are to be transferred to the corporation,
- (c) a cash flow projection for the next 3 years of the corporation’s operation,

- (d) the corporation's financial statements and operating and capital budgets for the most recent 5 years, or if the corporation has existed for less than 5 years, the financial statements and operating and capital budgets for each year it has existed, and
- (e) any other information prescribed by the regulations.

Financial statements and other reports

75.2(1) The council of each municipality that controls a corporation must ensure that the controlled corporation submits to the council the annual financial statements referred to in section 279 and any other reports prescribed by the regulations.

(2) A council must make available for public inspection the annual financial statements and any other reports that it receives from a controlled corporation under subsection (1).

Material change

75.3 If there is a proposed material change to the business operations of a controlled corporation, the council of each municipality that controls the corporation must, in accordance with the regulations,

- (a) notify the residents of the municipality of the proposed material change, and
- (b) provide an opportunity to residents of the municipality to make representations.

Utility services provided by controlled corporation

75.4(1) Part 2 of the *Public Utilities Act* does not apply in respect of a public utility that

- (a) is owned or operated by a controlled corporation, and
- (b) provides a utility service within the boundaries of a municipality or a group of municipalities that controls the corporation.

(2) If there is a dispute between a regional services commission and a controlled corporation that owns or operates a utility service with respect to

- (a) rates, tolls or charges for a service that is a public utility,
- (b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility,
or

- (c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,

any party involved in the dispute may submit it to the Alberta Utilities Commission, and the Alberta Utilities Commission may issue an order on any terms and conditions that the Alberta Utilities Commission considers appropriate.

(3) Sections 43 to 47, except section 45(3)(b), apply to a utility service provided by a controlled corporation.

Regulations

75.5(1) The Minister may make regulations

- (a) providing that certain types of corporations may not be controlled by a municipality or a group of municipalities without the Minister's approval;
- (b) respecting terms and conditions that apply when a municipality or a group of municipalities controls a corporation;
- (c) prescribing information to be included in a business plan for the purposes of section 75.1(4)(e);
- (d) respecting public hearings to be held under section 75.1(3)(b), including, without limitation, the form and nature of information that must be made available to the public before a public hearing is held;
- (e) prescribing reports for the purposes of section 75.2(1);
- (f) respecting the manner in which a council must notify residents of the municipality of a material change to a controlled corporation;
- (g) respecting the timing, scope and methods of obtaining public input from residents of a municipality regarding a material change to a controlled corporation;
- (h) defining any term or expression that is used but not defined in this Division;
- (i) specifying or describing by reference the provisions of this or any other enactment that do not apply, or that apply with modifications, to a controlled corporation;
- (j) specifying or describing by reference any provisions that are to be added to or that are to replace the provisions of

this Act or any other enactment in respect of a controlled corporation.

(2) Regulations made under subsection (1) may apply in respect of one or more controlled corporations or may apply generally.

15 Section 153 is amended by adding the following after clause (a):

(a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

18 Section 232(2) is repealed and the following is substituted:

(2) A petition requesting a new bylaw under Part 8, 9, 10, 17 or 17.2 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10, 17 or 17.2 has no effect.

19 Section 241(d) is amended by striking out “corporation controlled by a municipality” **and substituting** “controlled corporation as defined in section 75.1”.

19.1 Section 243(1) is amended by adding the following after clause (c):

(c.1) the amount of expenditures and transfers needed to meet the municipality’s obligations for services funded under an intermunicipal collaboration framework;

2017 c13 s2(5)

20 Section 250 is amended

(a) by adding the following after subsection (2):

(2.1) Subsection (2) does not apply to a municipality’s investment in a controlled corporation.

(b) in subsection (3) by striking out “and a municipality may not acquire shares of a corporation under subsection (2)(e) if the acquisition would allow the municipality to control the corporation”.

70 Section 485 is amended

- (a) **by repealing clause (a);**
- (b) **by adding the following after clause (b):**
- (c) “chair” means the chair of the Board.

71 Section 486 is amended

- (a) **by adding the following after subsection (1):**
 - (1.1) The Lieutenant Governor in Council shall designate one of the members to be the chair of the Board.
- (b) **by repealing subsection (3);**
- (c) **by repealing subsection (4) and substituting the following:**
 - (4) The chair may delegate to any person any of the powers, duties or functions of the chair.

72 Section 487 is amended by striking out “administrator” wherever it occurs and substituting “chair”.**73 The following is added after section 487.1:****Directors and other staff**

487.2 In accordance with the *Public Service Act*, there may be appointed a director, case managers, legal counsel and other staff required to carry out the business of the Board.

76 Section 491 is amended

- (a) **in subsection (1)**
 - (ii) **by striking out “administrator” and substituting “chair”;**

78 Section 493 is amended

- (a) **in subsection (1) by striking out “administrator” and substituting “chair”;**

2016 c24 s78;2017 c13 s2(14)

79 Section 494(1) is amended

- (a) **by striking out** “administrator must” **and substituting** “chair must”;

2016 c24 s79;2017 c13 s2(15)

84 Section 527.1 is amended

- (a) **in clause (a)**

- (i) **by striking out** “administrator” **and substituting** “chair”;

- (ii) **by striking out** “administrator’s” **and substituting** “chair’s”;

- (b) **in clauses (b) and (d) by striking out** “administrator” **and substituting** “chair”;

- (c) **by adding the following after clause (f):**

- (f.1) governing hearings held in private before the Board;
- (f.2) governing the excluding of documents from the public record by the Board;

- (e) **in clause (k) by striking out** “interveners” **and substituting** “intervenors”.

87 Section 574(1) is amended by adding “, an investigation by the Ombudsman” after “an inquiry under section 572”.**89 Section 602.09 is amended by striking out “Section 73” and substituting “Division 9 of Part 3”.****91 Section 616 is amended**

- (d) **by adding the following after clause (h):**

- (h.1) “inclusionary housing” means the provision of dwelling units or land, or money in place of dwelling units or land, for the purpose of affordable housing as a condition of subdivision approval or of being issued a development permit;

- (h.2) “inclusionary housing regulation” means a regulation made under section 694(1)(j);

97 Section 631 is amended

- (a) by repealing subsection (1) and substituting the following:**

Intermunicipal development plans

631(1) Two or more councils of municipalities that have common boundaries that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(1.1) Despite subsection (1), the Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary.

(1.2) Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

- (b) by repealing subsection (2)(a) and substituting the following:**

- (a) must address
- (i) the future land use within the area,
 - (ii) the manner of and the proposals for future development in the area,
 - (iii) the provision of transportation systems for the area, either generally or specifically,
 - (iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,

- (v) environmental matters within the area, either generally or specifically, and
- (vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,

and

(c) by adding the following after subsection (2):

(3) The council of a municipality that is required under this section to adopt an intermunicipal development plan must have an intermunicipal development plan that provides for all of the matters referred to in subsection (2) within 2 years from the date this subsection comes into force.

(4) Subject to the regulations, if municipalities that are required to create an intermunicipal development plan are not able to agree on a plan, sections 708.33 to 708.43 apply as if the intermunicipal development plan were an intermunicipal collaboration framework.

(5) In creating an intermunicipal development plan, the municipalities must negotiate in good faith.

98 Section 632 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Municipal development plans

632(1) Every council of a municipality must by bylaw adopt a municipal development plan.

(b) by adding the following before subsection (3):

(2.1) Within 3 years after the coming into force of this subsection, a council of a municipality that does not have a municipal development plan must by bylaw adopt a municipal development plan.

2016 c24 s98;2017 c13 s2(16)

100 Section 640(4) is amended

(b) by adding the following after clause (r):

- (s) standards and requirements for inclusionary housing in accordance with an inclusionary housing regulation.

106 Section 650(1) is amended by adding the following after clause (f):

- (g) to provide for inclusionary housing in accordance with the land use bylaw and the inclusionary housing regulation.

110 Section 655(1)(b) is amended by adding the following after subclause (vi):

- (vii) to provide for inclusionary housing in accordance with the land use bylaw and the inclusionary housing regulation;

123 Section 680 is amended

(a) in subsection (2) by adding the following after clause (a.1):

- (a.2) must comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation;

129 Section 687(3) is amended by adding the following after clause (a):

- (a.01) must comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation;

131 Section 694 is amended

(a) in subsection (1)

(i) by adding the following after clause (b):

- (b.1) respecting the application of sections 708.33 to 708.43 for the purposes of section 631(4);

(iii) by adding the following after clause (i):

- (j) respecting the provision of inclusionary housing, including, without limitation, regulations respecting
 - (i) standards for inclusionary housing;

- (ii) the requirements and conditions under which a land use bylaw may require inclusionary housing as a condition of the applicant's being issued a development permit or as a condition of the applicant's receiving a subdivision approval;
- (iii) the conditions when money in place of inclusionary housing is permitted and the purposes for which the money can be used;
- (iv) the conditions or restrictions on the use of land provided for inclusionary housing;
- (v) the responsibility for ongoing operations of the management of dwelling units provided for inclusionary housing;
- (vi) the conditions for the sale or disposal of dwelling units or land provided for inclusionary housing;
- (vii) respecting the ownership of dwelling units or land provided for inclusionary housing;
- (viii) measures and any requirements to offset in whole or in part a requirement to provide inclusionary housing.

134 The following is added after section 708.25:

Part 17.2 Intermunicipal Collaboration

Definitions

708.26(1) In this Part,

- (a) "arbitrator" means a person who is chosen as an arbitrator under Division 3;
- (b) "framework" means an intermunicipal collaboration framework entered into between 2 or more municipalities in accordance with this Part, and includes any amendments to a framework.

(2) Subject to the regulations, a reference in this Part to a municipality includes an improvement district.

Purpose

708.27 The purpose of this Part is to require municipalities to develop an intermunicipal collaboration framework among 2 or more municipalities

- (a) to provide for the integrated and strategic planning, delivery and funding of intermunicipal services,
- (b) to steward scarce resources efficiently in providing local services, and
- (c) to ensure municipalities contribute funding to services that benefit their residents.

Division 1**Intermunicipal Collaboration Framework****Framework is mandatory**

708.28(1) Subject to subsection (4), municipalities that have common boundaries must, within 2 years from the coming into force of this section, create a framework with each other.

(2) Municipalities that do not have common boundaries may be parties to a framework.

(3) A municipality may be a party to more than one framework.

(4) Despite subsection (1),

- (a) municipalities that are members of a growth management board are required to create a framework with other members of the same growth management board only in respect of those matters that are not addressed in the growth management plan;
- (b) the Minister may by order exempt one or more municipalities from the requirement to create a framework.

(5) Despite subsection (1) but subject to subsection (6), a framework to be created pursuant to subsection (4)(a) must be created by the municipalities within 2 years from the date on which the growth management board is established.

(6) Municipalities that are members of the growth management board referred to in section 708.02(1.2) must create a framework pursuant to subsection (4)(a) within 2 years from the coming into force of this section.

(7) Despite subsection (4)(a), the Minister may require municipalities that are members of a growth management board to create a framework with other members of the same growth management board that address the services listed in section 708.29(2)(a) to (e), in which case subsections (5) and (6) apply in respect of that framework.

(8) An order under subsection (4)(b) may contain terms or conditions that the Minister considers necessary.

(9) For greater certainty, municipalities that are members of a growth management board must create a framework with those municipalities with which they have common boundaries that are not members of that growth management board.

Contents of framework

708.29(1) A framework

- (a) must list
 - (i) the services being provided by each municipality,
 - (ii) the services being shared on an intermunicipal basis by the municipalities, and
 - (iii) the services in each municipality that are being provided by third parties by agreement with the municipality,at the time the framework is created,
- (b) must identify
 - (i) which services are best provided on a municipal basis,
 - (ii) which services are best provided on an intermunicipal basis, and
 - (iii) which services are best provided by third parties by agreement with the municipalities,
- (c) for services to be provided on an intermunicipal basis, must outline how each service will be
 - (i) intermunicipally delivered, including which municipality will lead delivery of the service,
 - (ii) intermunicipally funded, and

- (iii) discontinued by a municipality when replaced by an intermunicipal service,
 - (d) must set the time frame for implementing services to be provided on an intermunicipal basis,
 - (e) may contain any details required to implement services on an intermunicipal basis including details in respect of planning for, locating and developing infrastructure to support the services,
 - (f) may contain
 - (i) provisions for the purposes of developing infrastructure for the common benefit of residents of the municipalities, and
 - (ii) any other provisions authorized by the regulations,
 - (g) must meet the requirements of Division 4, and
 - (h) must meet any other requirements established by the regulations.
- (2)** With respect to the requirements of subsection (1)(b), each framework must address services relating to
- (a) transportation,
 - (b) water and wastewater,
 - (c) solid waste,
 - (d) emergency services,
 - (e) recreation, and
 - (f) any other services, where those services benefit residents in more than one of the municipalities that are parties to the framework.
- (3)** Nothing in this Part prevents a framework from enabling an intermunicipal service to be provided in only part of a municipality.
- (4)** No framework may contain a provision that conflicts or is inconsistent with a growth plan established under Part 17.1 or with an ALSA regional plan.

(5) The existence of a framework relating to a service constitutes agreement among the municipalities that are parties to the framework for the purposes of section 54.

Relationship to intermunicipal development plan

708.3(1) A framework is not complete for the purposes of section 708.29 unless the councils of the municipalities that are parties to the framework have also adopted an intermunicipal development plan under section 631 or an intermunicipal development plan is included as an appendix to the framework.

(2) Subsection (1) does not apply if the Minister has exempted one or more of the councils of the municipalities from the requirement to adopt an intermunicipal development plan pursuant to section 631(1.1).

(3) Despite section 631, to the extent that a matter is dealt with in a framework, the matter does not need to be included in an intermunicipal development plan.

Conflict or inconsistency

708.31 If there is a conflict or inconsistency between a framework and an existing agreement between 2 or more municipalities that are parties to that framework, the framework must address the conflict or inconsistency and, if necessary, alter or rescind the agreement.

Term and review

708.32(1) The municipalities that are parties to a framework must review the framework at least every 5 years after the framework is created, or within a shorter period of time as provided for in the framework.

(2) Where, during a review, the municipalities do not agree that the framework continues to serve the interests of the municipalities, the municipalities must create a replacement framework in accordance with this Part.

(3) Subsection (2) applies only to municipalities that are required under section 708.28(1) to create a framework.

Participation by Indian bands and Metis settlements

708.321 Municipalities that are parties to a framework may invite an Indian band or Metis settlement to participate in the delivery and funding of services to be provided under the framework.

Division 2 Framework Created by Agreement

Method of creating framework

708.33(1) Municipalities must create a framework by adopting matching bylaws that contain the framework.

(2) An intermunicipal development plan created as part of a framework may be adopted by the same bylaw that adopts the framework if the requirements of section 692 are met with respect to that plan.

(3) In creating or reviewing a framework, the municipalities must negotiate in good faith.

(4) Once the municipalities have created a framework, the municipalities must ensure that a copy of it is filed with the Minister within 90 days of its creation.

Division 3 Arbitration

Application

708.34 This Division applies to municipalities that are required under section 708.28(1) to create a framework where

- (a) the municipalities are not able to create the framework within the time required under section 708.28, or
- (b) when reviewing a framework under section 708.32, the municipalities do not agree that the framework continues to serve the interests of the municipalities and one of the municipalities provides written notice to the other municipalities and the Minister stating that the municipalities are not able to agree on the creation of a replacement framework.

Arbitration

708.35(1) Where municipalities are subject to this Division, their dispute must be referred to an arbitrator in accordance with the regulations.

(2) The arbitrator must be chosen by the municipalities or, if they cannot agree, by the Minister.

(3) Any mediator who has assisted the municipalities in attempting to create a framework is eligible to be an arbitrator under this Division.

(4) Where municipalities for whom an arbitrator is appointed create a framework by agreement, the arbitration process ends.

Role of arbitrator

708.36(1) Where a dispute is referred to an arbitrator under section 708.35, the arbitrator must, subject to the regulations, by order create a framework for those municipalities

- (a) in the case of an original framework, within 3 years from the coming into force of section 708.28, or
- (b) in the case of a replacement framework, within one year from the date the arbitrator is chosen.

(2) Despite subsection (1), an arbitrator may, as part of the arbitration process, attempt mediation with the municipalities, and

- (a) resolve the dispute and require the municipalities to complete the framework within a reasonable time, or
- (b) recommend an outline for a framework and give the municipalities a reasonable time to complete the framework.

Role of municipality

708.37(1) Where a dispute is referred to an arbitrator under section 708.35, each municipality must

- (a) provide to the arbitrator a report setting out what that municipality considers are the specific reasons why the municipalities are unable to create a framework, and
- (b) participate in the arbitration process in accordance with the regulations.

(2) Where a municipality fails to participate in the arbitration process, the arbitrator may

- (a) require the chief administrative officer of the municipality to produce any information required by the arbitrator, or
- (b) settle the dispute or create a framework without the participation of that municipality.

Matters to be considered by arbitrator

708.38(1) In resolving a dispute or creating a framework, an arbitrator must have regard to

- (a) the services and infrastructure provided for in other frameworks to which the municipalities are also parties,
- (b) consistency of services provided to residents in the municipalities,
- (c) equitable sharing of costs among municipalities,
- (d) environmental concerns within the municipalities,
- (e) the public interest, and
- (f) any other matters prescribed by the regulations.

(2) When creating a framework by order, an arbitrator shall not make an order that is inconsistent with the criteria established in the regulations.

Creation of framework by arbitrator

708.39(1) A framework created by an arbitrator must, subject to the regulations, comply with section 708.29.

(2) The parties to a framework created by an arbitrator may, by agreement, amend the framework.

(3) For greater clarity, Division 1, except section 708.28(1), applies to a framework created by an arbitrator.

Municipalities must amend bylaws

708.4(1) Where a framework is created by an arbitrator, the municipalities that are the parties to the framework must amend their bylaws, other than their land use bylaws, to be consistent with the framework.

(2) A municipality must not amend, repeal or revise its land use bylaw in a manner that is inconsistent with an intermunicipal development plan under section 631 to which the municipality is a party.

(3) A municipality must not amend, repeal or revise its bylaws to be inconsistent with a framework to which it is a party or an order of an arbitrator applicable to it.

Costs of arbitrator

708.41(1) Subject to an order of the arbitrator or an agreement by the parties, the costs of an arbitrator under this Part must be paid on a proportional basis by the municipalities that are to be parties to the framework as set out in subsection (2).

(2) Each municipality's proportion of the costs must be determined by dividing the amount of that municipality's

equalized assessment by the sum of the equalized assessments of all of the municipalities as set out in the most recent equalized assessment.

Order must be filed

708.42 An order made by the arbitrator under section 708.36(1)(b) must be filed with the Minister within 7 days of being made.

Measures to ensure compliance with frameworks

708.43(1) If a municipality fails to amend its bylaws to be consistent with the framework as required by section 708.4(1) within the time required by the regulations, one of the other municipalities that are parties to the framework may apply to the Court of Queen's Bench for an order requiring that municipality to comply with section 708.4(1).

(2) If the Minister considers that a municipality has not complied with a framework, the Minister may take any necessary measures to ensure that the municipality complies with the framework.

(3) In subsection (2), all necessary measures includes, without limitation, an order by the Minister

- (a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;
- (b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
- (c) removing a suspension of bylaw-making authority, with or without conditions;
- (d) withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;
- (e) repealing, amending and making policies and procedures with respect to the municipality;
- (f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order;
- (g) requiring or prohibiting any other action as necessary to ensure that the municipality complies with the framework.

Division 4 Resolving Disputes Under Existing Framework

Definitions

708.44 In this Division, “decision maker” means a person appointed to make decisions under a binding dispute resolution process referred to in section 708.45.

Binding dispute resolution process

708.45(1) Every framework must contain provisions respecting a binding dispute resolution process that meets the requirements of the regulations for resolving disputes with respect to

- (a) the interpretation, implementation or application of the framework, and
- (b) any contravention or alleged contravention of the framework.

(2) If a framework does not contain one or more of the provisions required by subsection (1), the framework is deemed to contain the model provisions prescribed by the regulations respecting any matter in respect of which the framework is silent.

Enforcement of decision maker’s orders

708.46 If a municipality fails to comply with an order of a decision maker, one of the other municipalities that are parties to the framework may apply to the Court of Queen’s Bench for an order directing the municipality to comply with the decision maker’s order or restraining any conduct found by the Court to be in contempt of the decision maker.

Division 5 General

Regulations Act does not apply

708.47 The *Regulations Act* does not apply to a framework or order made under this Part.

Jurisdiction of arbitrator

708.48(1) In this section and section 708.49, “arbitrator” includes a decision maker under Division 4.

- (2)** An arbitrator acting under this Part may make a determination
- (a) on a matter of process,

- (b) on the arbitrator's jurisdiction,
- (c) on a matter of law, and
- (d) on any other matter ancillary to a matter referred to the arbitrator.

(3) The arbitrator must make the findings and determinations the arbitrator determines to be necessary to decide the matters referred to the arbitrator.

Limitation period

708.49 A person who wishes to have an order of the Minister or of an arbitrator under this Part declared invalid on any basis must make an application for judicial review within 60 days after the order is made.

Arbitration Act

708.5 Except to the extent provided for in the regulations, the *Arbitration Act* does not apply to an arbitration conducted under this Part.

Paramountcy of Part 17.2

708.51 In the event of a conflict or inconsistency between this Part and Parts 1, 2, 3, 5, 6, 7, 8 or 17, this Part prevails.

Regulations

708.52 The Lieutenant Governor in Council may make regulations

- (a) respecting frameworks, including, without limitation, regulations respecting the provisions that must or may be included in a framework;
- (b) respecting the process to be followed to create, amend or cancel a framework;
- (c) respecting arbitration under Division 3, including, without limitation, regulations respecting
 - (i) the appointment of an arbitrator,
 - (ii) the circumstances under which an arbitrator must create a framework,
 - (iii) the powers, duties and functions of an arbitrator,
 - (iv) the practice and procedures of an arbitrator,
 - (v) the participation of municipalities in the arbitration process, and

- (vi) the criteria to be considered by an arbitrator in making an order under section 708.38(2);
- (d) prescribing matters for the purposes of section 708.38(1)(f);
- (e) respecting the time within which municipalities that are parties to a framework must amend their bylaws to be consistent with the framework;
- (f) respecting the provisions required to be included in the binding dispute resolution process under Division 4, including, without limitation, regulations
 - (i) governing the dispute resolution process and the appointment of a decision maker,
 - (ii) respecting the powers, duties and functions of a decision maker,
 - (iii) respecting the practice and procedures of a decision maker,
 - (iv) respecting the orders that a decision maker may issue, including orders
 - (A) requiring an amendment to a framework,
 - (B) requiring a municipality to cease any activity that is inconsistent with the framework,
 - (C) providing how a municipality's bylaws must be amended to be consistent with the framework, and
 - (D) providing for an award, which may include interest,
- and
- (v) respecting the costs, fees and disbursements incurred in respect of the binding dispute resolution process and who bears those costs;
- (g) prescribing model provisions for the purposes of section 708.45(2);
- (h) respecting a subsequent action before a court following a decision of an arbitrator or decision maker;

- (i) defining any term or expression that is used in this Part but not defined in this Act;
- (j) respecting the extent, if any, to which the *Arbitration Act* applies to an arbitrator under this Part;
- (k) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

2016 c24 s134;2017 c13 s2(22)

Transitional — appeals of certain decisions

137(1) In this section,

- (a) “former section 470” means section 470 of the *Municipal Government Act* as it read at any time before the coming into force of this section;
- (b) “former section 506” means section 506 of the *Municipal Government Act* as it read at any time before the coming into force of this section.

(2) Where an application or appeal under the former section 470 or the former section 506 is before the Court when this section comes into force, the Court may, with the consent of all parties, if the Court considers it appropriate to do so, order that the application or appeal be dealt with as an application for judicial review.

(3) Where the Court makes an order under subsection (1) the Court may also make any other order or give any direction that the Court considers necessary or appropriate to facilitate the hearing of the matter as a judicial review.

138 Repealed 2017 c13 s2(23).

Amends RSA 2000 cO-8

139 The *Ombudsman Act* is amended

(a) in section 1

(i) in clause (b) by adding the following after subclause (i.3):

- (i.4) when used in reference to a municipality other than an improvement district or special area, means the chief administrative officer of the municipality;

- (i.5) when used in reference to a municipality that is an improvement district, means the deputy minister of the Minister responsible for the *Municipal Government Act*;
 - (i.6) when used in reference to a municipality that is a special area, means the chair of the Special Areas Board;
- (ii) by adding the following after clause (g):**
- (g.1) “municipality” means
 - (i) a municipality or improvement district formed under the *Municipal Government Act*, or
 - (ii) a special area constituted under the *Special Areas Act*;
- (b) in sections 12(1) and (3)(c) and 16(1) and (4) by striking out “or professional organization” wherever it occurs and substituting “, professional organization or municipality”;**
- (c) in section 18**
- (i) **in subsection (1) by striking out “or professional organization” wherever it occurs and substituting “, professional organization or municipality”;**
 - (ii) **in subsection (2)**
 - (A) by striking out “or professional organization” and substituting “, professional organization or municipality”;**
 - (B) by striking out “professional organization or person” and substituting “professional organization, municipality or person”;**
 - (iii) **in subsection (3)(a) by striking out “or professional organization” and substituting “, professional organization or municipality”;**
- (d) in section 21**
- (i) **in subsections (3) and (4) by adding “or municipality” after “professional organization” wherever it occurs;**
 - (ii) **in subsection (5)**

- (A) **by adding** “or municipality” **after** “of a professional organization”;
 - (B) **by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
 - (iii) **in subsection (6) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (e) **in section 21.1**
- (i) **in subsection (1)**
 - (A) **by striking out** “department, agency or professional organization” **and substituting** “department, agency, professional organization or municipality”;
 - (B) **in clause (a) by adding** “or municipality,” **after** “professional organization”;
 - (ii) **in subsection (3)(c) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (f) **in section 26(1) and (2) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
- (g) **in section 28**
- (i) **in subsection (2) by striking out** “or professional organization” **and substituting** “, professional organization or municipality”;
 - (ii) **in subsection (3)**
 - (A) **by adding the following after clause (c):**
 - (c.01) any municipality,
 - (B) **by adding** “municipality” **after** “agency, professional organization,”.

141(1) This Act, except sections 1, 16, 21(a)(ix), 22, 46(a), 56, 65, 66, 67, 69(h), 81, 82, 84(d), 99, 137, 138 and 140, comes into force on Proclamation.

(2) Section 46(a) is deemed to have come into force on January 1, 2016.

(3) Section 56 is deemed to have come into force on the date the Bill to enact the *Modernized Municipal Government Act* received first reading.

(4) Sections 21(a)(ix), 65, 66, 67, 69(h), 81, 82, 84(d) and 137 come into force on January 1, 2017.

(5) Section 16 comes into force on July 1, 2017.



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