MUNICIPAL GOVERNMENT ACT

Revised Statutes of Alberta 2000
Chapter M-26

Current as of February 1, 2019

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2014 c10 s59 amends s423(1)(c).

2012 cE-0.3 s279 (2015 c8 s80 - effective March 1, 2016) amends s1(1)(m)(iv), repeals and substitutes s55(1)(b), amends ss250(2)(b), 284(1), 303(g), 326(1)(a), 362(1), 369(2.1), 392(4), 596(1)(b), 616(bb).

2016 c24 s91(d) amends s616, s100(b) amends s640(4), s106 amends s650(1), s110 amends s655(1)(b), s123(a) amends s680, s129 amends s687(3), s131(a)(iii) amends s694.

2017 c13 s1(4) repeals Division 5 of Part 3, s1(39) repeals and substitutes Division 4 of Part 10 ss380.1 to 380.5, s1(40) amends ss410(e), s1(41) amends s437(c), s1(55) amends ss616, s1(61) amends s666, s1(62) amends s667, s1(63) amends s670(1), s1(64) adds ss670.1 and 670.2.

2017 c21 s28 amends ss365(1), 640, 642, 687(3).
Regulations

The following is a list of the regulations made under the *Municipal Government Act* that are filed as Alberta Regulations under the Regulations Act.

<table>
<thead>
<tr>
<th>Alta. Reg.</th>
<th>Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Municipal Government Act</strong></td>
<td></td>
</tr>
<tr>
<td>Aeronautics Act Agreements (City of)</td>
<td></td>
</tr>
<tr>
<td>Medicine Hat and Cypress County</td>
<td>33/2014</td>
</tr>
<tr>
<td>NOTE: AR 33/2014 is subject to repeal in accordance with s603(2) of the Act</td>
<td></td>
</tr>
<tr>
<td>Airport Vicinity Protection Area Repeal</td>
<td>99/97</td>
</tr>
<tr>
<td>Airport Vicinity Protection Area Repeal</td>
<td>92/98</td>
</tr>
<tr>
<td>Airport Vicinity Protection Areas</td>
<td></td>
</tr>
<tr>
<td>Edmonton International</td>
<td>55/2006</td>
</tr>
<tr>
<td>Alberta Social Housing Corporation Exemption</td>
<td>258/2017</td>
</tr>
<tr>
<td>APEX Plus Investment</td>
<td>see MuniSERP Investment</td>
</tr>
<tr>
<td>Business Improvement Area</td>
<td>93/2016</td>
</tr>
<tr>
<td>Calgary Metropolitan Region Board</td>
<td>190/2017</td>
</tr>
<tr>
<td>Canmore Undermining Exemption from Liability</td>
<td>113/97</td>
</tr>
<tr>
<td>Capital Region Board Financial Matters Modification</td>
<td>223/2014</td>
</tr>
<tr>
<td>City of Calgary Charter, 2018</td>
<td>40/2018</td>
</tr>
<tr>
<td>City of Calgary Debt Service Limit Exception</td>
<td>165/2011</td>
</tr>
<tr>
<td>City of Calgary Rivers District Community Revitalization Levy</td>
<td>232/2006</td>
</tr>
<tr>
<td>City of Edmonton Belvedere Community Revitalization Levy</td>
<td>57/2010</td>
</tr>
<tr>
<td>City of Edmonton Capital City Downtown Community Revitalization Levy</td>
<td>141/2013</td>
</tr>
<tr>
<td>City of Edmonton Charter, 2018</td>
<td>39/2018</td>
</tr>
<tr>
<td>City of Edmonton the Quarters Downtown Community Revitalization Levy</td>
<td>173/2010</td>
</tr>
<tr>
<td>Clean Energy Improvements</td>
<td>212/2018</td>
</tr>
<tr>
<td>Cochrane Community Revitalization Levy</td>
<td>204/2012</td>
</tr>
</tbody>
</table>
Code of Conduct for Elected Officials ........... 200/2017
Community Organization Property
Council and Council Committee
    Meetings (Ministerial) ...................... 197/2017
Crowsnest Pass ........................................... 197/2002 .......... 147/2012, 131/2017, 199/2017
Edmonton Metropolitan Region Board .......... 189/2017
Extension of Linear Property Repeal .......... 247/2017
Intermunicipal Collaboration
    Framework .......................................... 191/2017
Matters Relating to Assessment
Matters Relating to Assessment
    Complaints, 2018 ............................... 201/2017
Matters Relating to Assessment
    Sub-classes ......................................... 202/2017
Matters Relating to Assessment and
Matters Relating to Assessment and
    Taxation, 2018 .................................... 203/2017 .......... 185/2018
Muni Funds Investment ....................... 22/2010 .......... 104/2012, 174/2015
Municipal Corporate Planning ............... 192/2017
Municipal Gas Systems

Municipal Government Act
Regulations Repeal .................................... 192/2018
Municipally Controlled Corporations .......... 112/2018
MuniSERP Investment ................................. 210/2006 ........ 104/2012, 97/2017
Off-site Levies .......................................... 187/2017 ........ 53/2018

Public Participation Policy ......................... 193/2017

Subdivision and Development
Forms Repeal ............................................ 194/2017

**Regional Services / Commissions**
- Aqua 7 Regional Water Commission ............................................. 224/2003 ........ 137/2011
- Athabasca Regional Waste Management Services Commission ............................................. 259/98 ........ 233/2006, 13/2017
- Barrhead Regional Water Commission ............................................. 135/2011
- Beaver Emergency Services Commission ............................................ 58/2010
- Beaver Regional Waste Management Services Commission ............................................. 75/92 ........ 183/2013
- Beaver River Regional Waste Management Commission ............................................. 51/2003 ........ 130/2008
- Big Country Waste Management Services Commission ............................................. 142/86 ........ 110/2007
- Bonnyville Regional Water Services Commission ............................................ 43/2018
- Bow Valley Regional Transit Services Commission ............................................ 59/2011
- Bow Valley Waste Management Commission ............................................ 15/98
Capital Region Assessment Services
Commission ........................................ 77/96 ............... 177/97, 104/98,
223/2011, 27/2012, 102/2014

Capital Region Northeast Water
Services Commission .................................. 290/84 ............... 16/2001

Capital Region Parkland Water
Services Commission .................................. 291/84 ............... 86/85

Capital Region Southwest Water
Services Commission .................................. 292/84 ............... 143/2009, 213/2011,
141/2016

Central Alberta Regional Waste
Management Commission ............................ 211/2000

Central Peace Fire and Rescue
Commission ............................................. 113/2016

Central Peace Regional Waste
Management Commission ......................... 64/2001 ............ 72/2002

Central Waste Management Commission
Disestablishment ...................................... 77/2017

Cold Lake Regional Utility
Services Commission .................................. 265/86 ............... 44/97, 333/2003

Darwell Lagoon Commission ......................... 59/2007

Elk Point/St. Paul Regional Water Commission .. 52/2012

Evergreen Regional Waste Management
Services Commission .................................. 31/2000 ............ 212/2000

Foothills Regional Emergency
Services Commission .................................. 268/97 ............... 32/99, 6/2007,

Foothills Regional Services
Commission ............................................. 161/89 ............... 28/92, 82/2001

Greenview Regional Waste
Management Commission .......................... 78/2001

Henry Kroeger Regional Water
Services Commission .................................. 30/88 ............... 234/98, 8/2016

Highway 3 Regional Water Services
Commission ............................................. 313/2009

Highway 12/21 Regional Water

Highway 14 Regional Water
Services Commission .................................. 154/90 ............... 183/2000, 89/2002,
66/2012

161/2013
Highway 28/63 Regional Water Services Commission ......................... 136/2011
Lacombe Regional Waste Services Commission .................. 105/2013
Lakeland Regional Waste Management Services Commission Disestablishment ............... 15/2009
Lamont County Regional Solid Waste Commission see St. Michael Regional Solid Waste Commission
Lesser Slave Lake Regional Waste Management Services Commission ............. 16/98
Lethbridge Regional Waste Management Services Commission ............... 138/89
Lethbridge Regional Water Services Commission ................ 173/2001
Long Lake Regional Waste Management Services Commission ............. 98/91
Mackenzie Regional Waste Management Commission .............. 264/2003
Magrath and District Regional Water Services Commission ................... 171/2012 .... 162/2013
Mountain View Regional Emergency Services Commission Disestablishment ............... 70/2011
Mountain View Regional Waste Management Commission ............ 43/2001
Mountain View Regional Water Services Commission .................. 245/92
North Forty Mile Regional Waste Management Services Commission ................ 284/88 .... 9/2016
North Peace Regional Landfill Commission .................. 174/2001
North Red Deer Regional Wastewater Services Commission .................. 166/2008
North Red Deer River Water Services Commission .................. 105/2004
Northeast Pigeon Lake Regional Services Commission .................. 162/89
Oldman River Regional Services Commission .................. 303/2003 .... 63/2014
Pincher Creek Emergency Services
Commission ........................................ 230/2014

Regional Services Commission
75/2015

Ridge Water Services Commission ...... 175/2009 ........ 90/2012
Roseridge Waste Management
Services Commission ......................... 17/2001
Shirley McClellan Regional Water
Services Commission ......................... 212/2007 .......... 14/2017
Slave Lake Airport Services
Commission ........................................ 267/98 .......... 84/2002
Smoky River Regional Waste
Management Commission .................... 24/2003
Smoky River Regional Water
Management Commission .................... 151/2003
South Forty Waste Services
Commission ........................................ 175/98
South Pigeon Lake Regional
Wastewater Commission ..................... 44/2018
South Red Deer Regional
Wastewater Commission ..................... 52/2008
St. Michael Regional Solid
Sylvan Lake Regional Wastewater
Commission ........................................ 53/2008
Sylvan Lake Regional Water
Commission ........................................ 54/2008
Thorhild Regional Waste Management
Services Commission
Disestablishment .................................. 22/2013
Trivillage Regional Sewage
Services Commission ......................... 70/90
Trivillage Regional Sewage Services
Commission Municipal Utilities
Acquisition ........................................ 368/92
Twin Valley Regional Water
Services Commission ......................... 175/2011
Two Hills Regional Waste Management
Commission ........................................ 49/2000 .......... 91/2012
Vauxhall and District Regional Water
Services Commission ......................... 301/2009
Vermilion River Regional Waste
Management Services
Commission ........................................ 63/2005
West Inter Lake District Regional Water
Westend Regional Sewage Services
Commission ........................................ 277/94
Westlock Regional Waste Management
Commission ....................................... 40/2000

Westlock Regional Water Services
Commission ....................................... 167/2008 ........ 15/2017

Willow Creek Regional Waste Management
Services Commission ......................... 274/93

126/2007, 254/2007,
68/2008, 144/2009,
193/2010, 51/2011,
31/2012, 160/2012,
170/2012, 89/2013,
119/2014, 188/2017

Subdivision and Development
Appeal Board ............................................195/2017

Subdivision and Development Forms
Repeal ......................................................194/2017

SuperNet Assessment ............................... 91/2016 ........ 190/2018

Supplementary Accounting Principles
108/2013, 111/2014,
191/2018

Well Drilling Equipment Tax Rate ............ 218/2014
MUNICIPAL GOVERNMENT ACT

Chapter M-26

Table of Contents

1 Interpretation
2 Application of Act
2.1 Indian reserves

Part 1
Purposes, Powers and Capacity of Municipalities

3 Municipal purposes
4 Corporation
5 Powers, duties and functions
6 Natural person powers

Part 2
Bylaws

Division 1
General Jurisdiction

7 General jurisdiction to pass bylaws
8 Powers under bylaws
9 Guides to interpreting power to pass bylaws
10 Bylaw passing powers in other enactments
11 Relationship to natural person powers

Division 2
Scope of Bylaws

12 Geographic area of bylaws
13 Relationship to Provincial law
Part 3
Special Municipal Powers and Limits on Municipal Powers

Division 1
Expropriation
14 Expropriation powers
15 Expropriating part of a parcel

Division 2
Roads
16 Title to roads
17 Disposal of estate or interest in roads
18 Control of roads
19 Rocky Mountains Forest Reserve
20 Specialized municipalities
21 Land abutting roads
22 Road closure
23 Compensation
24 Closure of unnecessary road
25 Temporary road closure
26 Temporary roads and rights of way
27 Leases
27.1 Forestry roads
27.2 Forestry road agreement
27.3 Fees charged to other users
27.4 Failure to maintain road
27.5 Unauthorized commercial or industrial use
27.6 Existing agreements

Division 3
Public Utilities

General
28 Definitions
28.1 Interpretation
29 Composition of system or works
30 Long-term supply agreements to public utilities
31 Regulation of gas supply obtained from direct sellers
32 Other authorizations and approvals

Municipal Public Utilities
33 Prohibiting other public utilities
33.1 Exception
34 Duty to supply utility service
35 Parcels adjacent to roads and easements
36 Right of entry - main lines
37 Service connections - owner
38 Service connections - municipality
39 Restoration and costs
40 Buildings
41 Discontinue providing public utility
42 Liability for public utilities charges
43 Appeal
44 Dispute with other municipalities

Non-municipal Public Utilities
45 Granting rights to provide utility service
45.1 Exception
46 Prohibiting other non-municipal public utilities
46.1 Exception
47 Renewals

Division 5
Business Improvement Areas
50 Purpose
51 Board
52 Civil liability of board members
53 Regulations

Division 6
Miscellaneous Powers
54 Providing services in other areas
55 Sharing taxes and grants
56 Civic holidays
57 Census
58 Road names
59 Hamlets
60 Bodies of water
61 Granting rights over property
62 Acquiring land for roads

Division 7
Revision and Consolidation of Bylaws
62.1 Definitions
63 Revising bylaws
65 Requirements relating to revised bylaws
66 Effects of revised bylaws
67 References to repealed bylaws
69 Consolidation of bylaws

Division 8
Limits on Municipal Powers

70 Disposal of land
71 Mines and minerals
72 Acquisition of land outside municipal boundaries
74 Firearms
75 Forest and Prairie Protection Act

Division 9
Controlled Corporations

75.1 Control of corporations
75.2 Financial statements and other reports
75.3 Material change
75.4 Utility services provided by controlled corporation
75.5 Regulations

Part 4
Formation, Fundamental Changes and Dissolution

Division 1
General Criteria

76 Principles, standards and criteria

Division 2
Formation

77 Types of municipality that may be formed
78 Municipal district
80 Village
81 Town
82 City
83 Specialized municipality
84 Modification of requirements
85 Initiating formation
86 Factors to be considered
87 Public input
88 Formation order
89 Contents of order
89.1 Summer village
90 Official administrator
Division 3
Change of Status
91 Meaning of change of status
91.1 Summer village
92 Application of formation rules
93 Initiation of change of status
94 Public input
95 Consideration of principles
96 Change of status order
97 Contents of order
97.2 Effect of change of status

Division 4
Change of Name
98 Change of name order
99 Effect of change of name

Division 5
Amalgamation
100 Application
101 Restriction on amalgamation
102 Initiation of amalgamation proceedings
103 Initiative by municipal authority
104 Direct negotiations
105 Report on negotiations
106 Disposition of report
106.1 Regulations
107 Initiative by Minister
108 Notice by Minister
109 Consideration of principles
110 Amalgamation order
111 Contents of order
112 Official administrator

Division 6
Annexation
112.1 Mediation
113 Application
114 Restriction on annexation
115 Annexations of same land
116 Initiative of annexation
117 Direct negotiations
118 Report on negotiations
Disposition of report
General agreement on proposed annexation
No general agreement on proposed annexation
Notice of hearing and costs
Board’s report
Contents of report
Annexation order
Annexation order without report
Contents of order
Public utilities
Annexation refused
Regulations

Division 7
Dissolution
Application
Viability review
Completion of viability review
Vote
Dismissal
Dissolution order
Tax
Transitional

Division 8
General Provisions
Effect of certain orders
Power to effectuate transfer of land and other property
Transitional and other matters
Retroactivity of orders
Orders published
Regulations Act
Location of boundaries

Part 4.1
City Charters
Interpretation
Purpose of Part
Establishment of charter
Proposed charter must be published on website
Elements of charter
Charter prevails
Retroactive operation of charter
141.8 No effect on status of charter city
141.9 Existing rights and obligations not affected

Part 5
Councils, Councillors and Council Committees

Division 1
Councils and Council Committees

142 Councils as governing bodies
143 Number of councillors for municipalities
144 Bylaw changing number of councillors
144.1 Bylaws respecting maternity and parental leave for councillors
145 Bylaws - council and council committees
146 Composition of council committees

Division 1.1
Codes of Conduct

146.1 Bylaws — codes of conduct

Division 2
Elections, Appointments and Ward System

147 Election of councillors
148 Division of municipality into wards
149 Passing bylaw
150 Election or appointment of chief elected official
151 Passing bylaw
152 Deputy and acting chief elected officials

Division 3
Duties, Titles and Oaths of Councillors

153 General duties of councillors
153.1 Duty of chief administrative officer
154 General duties of chief elected official
155 Titles of chief elected official and other councillors
156 Taking of oath

Division 4
Term of Office

157 Local Authorities Election Act
158 Extension of term
159 Appointed chief elected officials
Division 5
Vacancies and Quorum

160 Positions unfilled at general election
161 Resignation
162 Vacancy in position of councillor
163 Chief elected official (elected) vacancy
164 Chief elected official (appointed) vacancy
165 Election day
166 Minister orders by-election
167 Quorum
168 No quorum

Division 6
Pecuniary Interest of Councillors

169 Definitions
170 Pecuniary interest
171 Bylaw requiring statement of disclosure
172 Disclosure of pecuniary interest
173 Effect of pecuniary interest on agreements

Division 7
Disqualification of Councillors

174 Reasons for disqualification

Division 8
Enforcement of Disqualification

175 Resignation on disqualification
176 Decision on disqualification application
177 Inadvertence or genuine error
178 Appeal
179 Reimbursement of costs and expenses

Division 9
Council Proceedings

Requirements for Valid Action

180 Methods in which council may act
181 Requirements for valid bylaw or resolution

Voting

182 Restriction to one vote per person
183 Requirement to vote and abstentions
184 Abstention from voting on matter discussed at public hearing
185 Recording of votes
185.1 Secret ballot
186 Tied vote

Passing a Bylaw
187 Bylaw readings
188 Rescission of previous bylaw readings
189 Passing of bylaw
190 Coming into force
191 Amendment and repeal

Meetings
192 Organizational meetings
193 Regular council meetings
194 Special council meetings
195 Council committee meetings
196 Method of giving notice
197 Public presence at meetings
198 Right of public to be present
199 Meeting through electronic communications
200 Power to require taking of oath

Part 6
Municipal Organization and Administration
201 Council’s principal role in municipal organization
201.1 Orientation training
202 Exercise of certain powers and duties
203 Delegation by council
204 Municipal office
205 Establishment of chief administrative officer
205.1 Performance evaluation
206 Appointment, suspension and revocation
207 Chief administrative officer’s responsibilities
208 Performance of major administrative duties
209 Delegation by chief administrative officer
210 Designated officers
211 Revocation
212 Delegation by designated officer
212.1 Fidelity bond
213 Signing or authorization of municipal documents
214 Destruction of records
215 Prohibition of certain agreements with employees
Part 7
Public Participation

216.1 Public participation policy
217 What information must a municipality provide

Petitions

219 Rules for petitions
220 CAO duties
221 Petition sufficiency requirements
222 Who can petition
223 Number of petitioners
224 Other requirements for a petition
225 Counting petitioners
226 Report on sufficiency of petition
226.1 Bylaws modifying petition requirements
226.2 Protection of personal information in petitions

Meetings with the Public

227 Advertising
228 Improper conduct
229 Petition for meeting

Public Hearings

230 When to hold public hearing

Petitions for Vote of the Electors - Advertised Bylaws and Resolutions

231 Petition for vote on advertised bylaws and resolutions

Petitions for Vote of the Electors - New Bylaws

232 Petition for bylaw
233 Council’s duty on receiving certain petition
234 Petitions respecting public vote bylaws
235 Result of a vote on a question

Vote of the Electors - General Provisions

236 Electors to vote on a question
237 Local Authorities Election Act
238 Delaying votes
239 One year moratorium on similar subject-matter
240 Amendments or repeal of bylaws or resolutions voted on by electors
Part 8
Financial Administration

241 Definitions

Budgets
242 Adoption of operating budget
243 Contents of operating budget
244 Financial shortfall
245 Adoption of capital budget
246 Contents of capital budget
247 Tax bylaws
248 Expenditure of money
248.1 Annual budget
249 Civil liability of councillors

Investments
250 Authorized investments

Borrowing
251 Borrowing bylaw
252 Debt limit
253 Use of borrowed money
254 Capital property
255 Exemption from borrowing conditions
256 Operating expenditures
257 Capital property - short-term borrowing
258 Capital property - long-term borrowing
259 Capital property - interim financing
260 Special works
261 Refinancing
262 Services or activities that are funded by agreement
263 Local improvements

Loans and Guarantees
264 Purpose of loans and guarantees
265 Loan bylaws
266 Guarantee bylaw
268 Debt limit
268.1 Financial records and receipts

General Matters
269 Financial year
Municipal accounts
Regulations
Seal and signatures
Validity of borrowings, loans and guarantees
Application of money borrowed
Civil liability of councillors
Expense allowance

Annual Financial Statements and Auditor’s Report
Annual financial statements
Financial information return
Returns and reports to Minister
Financial statements for controlled corporations
Auditors
Auditor’s reports
Auditor appointed by Minister
Access to information by auditors

Financial Plans and Capital Plans
Required plans

Part 9
Assessment of Property
Interpretation provisions for Parts 9 to 12
Provincial assessor
Municipal assessor

Division 1
Preparation of Assessments
Preparing annual assessments
Assessments for property other than designated industrial property
Land to be assessed as a parcel
Assessment of condominium unit
Assessment of strata space
Rules for assessing improvements
Assessments for designated industrial property
Duties of assessors
Right to enter on and inspect property
Duty to provide information
Court authorized inspection and enforcement
Assigning assessment classes to property
Non-assessable property
299 Access to municipal assessment record
299.1 Access to provincial assessment record
299.2 Municipal access to provincial assessment record
300 Access to summary of municipal assessment
300.1 Access to summary of provincial assessment
301 Right to release assessment information
301.1 Relationship to Freedom of Information and Protection of Privacy Act

Division 2
Assessment Roll

302 Preparation of roll
303 Contents of roll
303.1 Contents of provincial assessment roll
304 Recording assessed persons
305 Correction of roll
305.1 Report to Minister
306 Severability of roll
307 Inspection of roll

Division 3
Assessment Notices

308 Assessment notices
308.1 Notice of assessment date
309 Contents of assessment notice
310 Sending assessment notices
311 Publication of notice
312 Correction of notice

Division 4
Preparation of Supplementary Assessments

313 Bylaw
314 Supplementary assessment
314.1 Supplementary assessment re designated industrial property
315 Supplementary assessment roll
316 Supplementary assessment notices
316.1 Contents of supplementary assessment notice

Division 5
Equalized Assessments

317 Definition
317.1 Supplementary assessments
Preparation of equalized assessments
Duty to provide information
Sending equalized assessments to municipalities
Appeal of equalized assessment

Division 6
General Powers of the Minister Relating to Assessments and Equalized Assessments

Regulations
Validation of Minister’s Guidelines
Minister’s power to prepare assessments
Minister’s power to quash assessments
Minister’s power to alter an equalized assessment

Part 10
Taxation

Division 1
General Provisions

Definitions
Tax roll
Duty to provide information
Contents of tax roll
Correction of roll
Person liable to pay taxes
Taxes imposed on January 1
Tax notices
Tax agreements
Contents of tax notice
Sending tax notices
Certification of date of sending tax notice
Deemed receipt of tax notice
Correction of tax notice
Incentives
Instalments
Deemed receipt of tax payment
Receipt for payment of taxes
Application of tax payment
Penalty for non-payment in current year
Penalty for non-payment in other years
Penalties
Cancellation, reduction, refund or deferral of taxes
Tax becomes debt to municipality
Fire insurance proceeds
Tax certificates
Non-taxable property
Limitation on time for starting proceedings

Division 2
Property Tax

Property tax bylaw
Tax rates
Calculating tax rates
Calculating amount of tax
Special provision of property tax bylaw
Tax rate for residential property
Maximum tax ratio
Requisitions
Alberta School Foundation Fund requisitions
School board requisitions
Designated industrial property assessment requisitions
Cancellation, reduction, refund or deferral of taxes
Tax agreement
Exemptions based on use of property
Exemptions for Government, churches and other bodies
Electric energy generation systems exemptions
Exempt property that can be made taxable
Exemptions granted by bylaw
Brownfield tax incentives
Licensed premises
Grants in place of taxes
Property that is partly exempt and partly taxable
Changes in taxable status of property
Supplementary property tax bylaw
Regulations

Division 3
Business Tax

Business tax bylaw
Taxable business
Person liable to pay business tax
Contents of business tax bylaw
Assessment not required
Exempt businesses
Exemption when tax is payable under Division 2
Business tax rate bylaw
Calculating amount of tax
Supplementary business tax bylaw
Grants in place of taxes

Division 4
Business Improvement Area Tax
Regulations

Division 4.1
Community Revitalization Levy
Definitions
Community revitalization levy bylaw
Person liable to pay levy
Incremental assessed value not subject to equalized assessment or requisition
Regulations

Division 5
Special Tax
Special tax bylaw
Taxable property
Contents of special tax bylaw
Condition
Use of revenue
Person liable to pay special tax

Division 6
Well Drilling Equipment Tax
Well drilling equipment tax bylaw
Person liable to pay the tax
Calculation of the tax

Division 6.1
Clean Energy Improvement Tax
Interpretation
Eligibility of properties for clean energy improvements
Clean energy improvement tax bylaw
Clean energy improvement agreement
Person liable to pay clean energy improvement tax
Paying off a clean energy improvement tax
Refinancing of debt by council
Petitions
Regulations
Division 7
Local Improvement Tax

391 Definition
392 Petitioning rules
393 Proposal of local improvement
394 Local improvement plan
395 Contents of plan
396 Procedure after plan is prepared
397 Local improvement tax bylaw
398 Contents of bylaw
399 Start-up of a local improvement
400 Person liable to pay local improvement tax
401 Paying off a local improvement tax
402 Variation of local improvement tax bylaw
403 Variation of local improvement tax rate
404 Unusual parcels
405 Municipality’s share of the cost
406 Land required for local improvement
407 Exemption from local improvement tax
408 Sewers
409 Private connection to a local improvement

Division 7.1
Community Aggregate Payment Levy

409.1 Community aggregate payment levy bylaw
409.2 Person liable to pay levy
409.3 Regulations

Division 8
Recovery of Taxes Related to Land

410 Definitions
411 Methods of recovering taxes in arrears
412 Tax arrears list
413 Tax recovery notification
414 Removal of improvements
415 Right to pay tax arrears
416 Right to collect rent to pay tax arrears
417 Warning of sale
418 Offer of parcel for sale
419 Reserve bid and conditions of sale
420 Right to possession
421 Advertisement of public auction
422 Adjournment of auction
423 Right to a clear title
424 Transfer of parcel to municipality
425 Right to dispose of parcel
425.1 Minister's authority to transfer parcel
426 Revival of title on payment of arrears
427 Separate account for sale proceeds
428 Distribution of surplus sale proceeds
428.1 Payment of undistributed money to municipality
428.2 Transfer to municipality after 15 years
429 Prohibited bidding and buying
429.1 Right to place tax arrears on new parcels of land
430 Minerals
431 Acquisition of minerals
432 Right of way
433 When parcel becomes part of another municipality
434 Non-liability for condition of land
434.1 Action for condition of land prohibited
435 Continuation of proceedings
436 Deemed compliance with Act

Division 8.1
Recovery of Taxes Related to
Designated Manufactured Homes

436.01 Definitions
436.02 Methods of recovering taxes in arrears
436.03 Tax arrears list
436.04 Costs of recovery
436.05 Removal of designated manufactured home or improvements
436.06 Right to pay tax arrears
436.07 Right to collect rent to pay tax arrears
436.08 Warning of sale
436.09 Offer of designated manufactured home for sale
436.1 Reserve bid and conditions for sale
436.11 Right to possession
436.12 Advertisement of public auction
436.13 Adjournment of auction
436.14 Unencumbered ownership
436.15 Right to sell or dispose of designated manufactured home
436.16 Payment of tax arrears
436.17 Separate account for sale proceeds
436.18 Distribution of surplus sale proceeds
436.19 Payment of undistributed money to municipality
436.2 Transfer to municipality after 10 years
436.21 Prohibited bidding and buying
436.22 Manufactured home moved to another municipality
436.23 Regulations
436.24 Reporting requirements

**Division 9**

**Recovery of Taxes Not Related to Land**

437 Definitions
438 Methods of recovering taxes in arrears
439 Right to issue distress warrant
440 Seizure of goods
441 Goods affected by distress warrant
442 Date for issuing distress warrant
443 Right to pay tax arrears
444 Right to collect rent to pay tax arrears
445 Sale of property
446 Date of public auction
447 Exception to sale at auction
448 Transfer to municipality
449 Separate account for sale proceeds
450 Distribution of surplus sale proceeds
451 Seizure of designated manufactured home
452 Regulations

**Part 11**

**Assessment Review Boards**

**Division 1**

**Establishment and Function of Assessment Review Boards**

453 Interpretation
454 Assessment review boards to be established
454.1 Appointment of members to local assessment review board
454.11 Panels of local assessment review board
454.2 Appointment of members to composite assessment review board
454.21 Panels of composite assessment review board
454.3 Qualifications of members
455 Joint establishment of assessment review boards
456 Clerk
457 Replacement of panel members
458 Quorum
459 Decision
460 Complaints
460.1 Jurisdiction of assessment review boards
461 Address to which a complaint is sent
462 Notice of assessment review board hearing
463 Absence from hearing
464 Proceedings before assessment review board
464.1 Hearings open to public
465 Notice to attend or produce
466 Protection of witnesses

Division 2
Decisions of Assessment Review Boards
467 Decisions of assessment review board
467.1 Appeal to composite assessment review board
468 Assessment review board decisions
468.1 Costs of proceedings
468.2 Effect of order relating to costs
469 Notice of decision
470 Judicial review
471 Technical irregularities

Division 4
General Matters
476.1 Referral of unfair assessment to Minister
477 Required changes to rolls
478 Right to continue proceedings
479 Obligation to pay taxes
480 Prohibition
481 Fees
482 Admissible evidence at hearing
483 Decision admissible by judicial review
484 Immunity
484.1 Regulations

Part 12
Municipal Government Board
485 Definitions

Division 1
Establishment and Jurisdiction of the Municipal Government Board
486 Appointment of Board members
487 Panels of the Board
487.1 Qualifications of members
487.2 Directors and other staff
Division 2
Hearings Before the Board

491 Form of complaint
492 Complaints about designated industrial property
493 Duty of chair on receiving a form
494 Notice of hearing before the Board
495 Absence from hearing
496 Proceedings before the Board
497 Notice to attend or produce
498 Protection of witnesses
499 Decisions of the Board
500 Board decisions
501 Costs of proceedings
502 Effect of decision relating to costs
503 Extension of time
504 Rehearing
505 Notice of decision
507 Technical irregularities
508 Intervention by municipality

Division 3
Judicial Review of Board Decisions

508.1 Judicial Review of Board Decisions

Division 4
Inquiries by the Board

514 Referrals to the Board
515 Report

Division 5
General Matters

516 Referral of unfair assessment to Minister
517 Required changes to rolls
518 Right to continue proceedings
519 Obligation to pay taxes
520 Prohibition
521 Power of Board re contempt
523 Rules re procedures
524 Powers of the Board
525 Admissible evidence at hearing
525.1 Hearings open to public
526 Decision admissible on judicial review
527 Immunity
527.1 Regulations

Part 13
Liability of Municipalities, Enforcement of Municipal Law and Other Legal Matters

Division 1
Liability of Municipalities
527.2 Acting in accordance with statutory authority
528 Non-negligence actions
529 Exercise of discretion
530 Inspections and maintenance
531 Snow on roads
532 Repair of roads, public places and public works
533 Things on or adjacent to roads
534 Public works affecting land

Division 2
Liability of Councillors and Others
535 Protection of councillors and municipal officers
535.1 Protection of sporting commissions
535.2 Protection of fire service organizations

Division 3
Challenging Bylaws and Resolutions
536 Application to the Court of Queen’s Bench
537 Procedure
538 Validity relating to public participation
539 Reasonableness
540 Effect of councillor being disqualified

Division 4
Enforcement of Municipal Law
541 Definitions
542 Municipal inspections and enforcement
543 Court authorized inspections and enforcement
544 Inspecting meters
545 Order to remedy contraventions
546 Order to remedy dangers and unsightly property
546.1 Caveat
547 Review by council
548 Appeal to Court of Queen’s Bench
549 Municipality remedying contraventions
550 Municipality remedying dangers and unsightly property
551 Emergencies
552 Recovery of amounts owing by civil action
553 Adding amounts owing to tax roll
553.1 Adding amounts owing to property tax roll
553.2 Adding amounts owing to business tax roll
554 Injunction
554.1 Municipality’s costs in actions
555 Bylaw enforcement officers
556 Powers and duties of bylaw enforcement officers

Division 5
Offences and Penalties

557 General offences
558 Offences applicable to officials
559 Unauthorized use of heraldic emblems
560 Documents used to enforce bylaws
562 Obstructing construction of public work or utilities
563 Stop-cock
564 Operating a business without a licence
565 Prosecutions
566 Penalty
567 Order for compliance
568 Fines and penalties
569 Civil liability not affected

Part 14
General Ministerial Powers

570 Intermunicipal disagreements
570.01 Measures to ensure compliance with ALSA regional plans
570.1 Information
571 Inspection
572 Inquiry
573 Bank accounts
574 Directions and dismissal
575 Official administrator as supervisor
575.1 Reports of official administrators
575.2 Enforcement where municipality under supervision
Part 15
Improvement Districts

581 Formation order
582 Contents of order
583 Changes to improvement districts
584 Orders published
585 Regulations Act
586 Application of other enactments
587 General power of Minister
588 Council
588.1 Expense allowance
589 Delegation by Minister
590 Hamlets
591 Employees
592 Roads
593 Estimate of expenditures
594 Machinery and equipment and designated industrial property
595 Trust account for revenue
596 Expenditures
597 Public accounts
598 Settlement of accounts
599 Investments
600 Borrowing
601 Acquisition of land
602 Agreements for services

Part 15.1
Regional Services Commissions

602.01 Interpretation

Division 1
Establishment and Operation

602.02 Establishing commissions
602.021 Compliance with ALSA regional plans
602.03 Corporation
602.04 Board of directors
Directors representing Province
Delegation
Bylaws
Meetings
Control of profit corporations

Division 2
Powers

Natural person powers
Service area
Traffic Safety Act
Acquisition of land in adjoining province or territory
Expropriation
Public utility disputes
Other disputes
Order

Division 3
Financial Matters

Payments to board
Financial year
Operating budget
Contents of operating budget
Deficiency
Capital budget
Contents of capital budget
Expenditure of money
Civil liability of directors
Authorized investments
Use of borrowed money
Borrowing
Debt limit regulations
Civil liability of directors
Loans and guarantees
Financial information return
Audited financial statements
Distribution of returns and statements

Division 4
Minister’s Powers

Inspection
Directions and dismissal
Official administrator as supervisor
602.371 Reports of official administrators
602.372 Enforcement where regional services commission under supervision
602.38 Remuneration for official administrator
602.381 Providing Minister with copies and information
602.39 Application of provisions outside this Part
602.4 Disestablishing a commission

Division 5
Transitional

602.5 Transitional regulations

Part 16
Miscellaneous

603 Lieutenant Governor in Council regulations
603.1 Validation of regulations
604 Ministerial regulations
605 Altering dates and time periods
606 Requirements for advertising
606.1 Advertisement bylaw
607 Service of documents
608 Sending documents
609 Adverse possession of land
610 Lost or unclaimed property
611 Unclaimed utility deposits
612 Certified copies
613 Calgary Charter
615 Crowsnest Pass
615.1 Municipal emergency exemption
615.2 Agreements under Aeronautics Act (Canada)

Part 17
Planning and Development

616 Definitions
617 Purpose of this Part
618 Non-application of this Part
618.1 Exemption
618.2 Bylaws binding

Division 1
Other Authorizations, Compensation

619 NRCB, ERCB, AER, AEUB or AUC authorizations
620 Conditions prevail
621 Compensation

Division 2
Land Use Policies

622 Land use policies

Division 3
Planning Authorities

623 Subdivision authority
624 Development authority
625 Intermunicipal service agency
626 Municipal planning commission
627 Appeal board established
627.1 Clerks
627.2 Qualifications
627.3 Regulations
628 Appeal board established
628.1 Immunity
629 Appeal board evidence
630 Signature evidence
630.1 Fees
630.2 Compliance with ALSA regional plans

Division 4
Statutory Plans

Intermunicipal Development Plans

631 Intermunicipal development plans
631.1 Order for intermunicipal development plan

Municipal Development Plans

632 Municipal development plans

Area Structure Plans

633 Area structure plan

Area Redevelopment Plans

634 Area redevelopment plans
635 Plan contents

General Provisions

636 Statutory plan preparation
637 Effect of plans
638 Plans consistent
638.1 Conflict with ALSA regional plans
638.2 Listing and publishing of policies

Division 5
Land Use

639 Land use bylaw
639.1 Protection of agricultural operations
640 Land use bylaw
640.1 Alternative time periods for applications
641 Designation of direct control districts
642 Permitted and discretionary uses
643 Non-conforming use and non-conforming buildings
644 Acquisition of land designated for public use
645 Stop order
646 Enforcement of stop order

Division 6
Development Levies and Conditions

647 Redevelopment levies
648 Off-site levy
648.01 Intermunicipal off-site levy
648.1 Appeal of off-site levy
649 Levy bylaws
650 Condition of issuing development permit
651 Agreements re oversize improvements
651.1 Restrictive covenant
651.2 Encroachment agreements

Division 7
Subdivision of Land

652 Subdivision approval required
653 Application for subdivision approval
653.1 Subdivision applications
654 Approval of application
655 Conditions of subdivision approval
656 Decision
657 Subdivision registration
658 Cancellation of plan of subdivision
659 Collection of taxes
660 Cancellation registered
Division 8
Reserve Land, Land for Roads and Utilities

661 Land dedication
661.1 Land for conservation reserve
662 Roads, utilities, etc.
663 Reserves not required
664 Environmental reserve
664.1 Agreement respecting environmental reserve
664.2 Conservation reserve
665 Designation of municipal land
666 Municipal and school reserves
667 Money in place of municipal, school reserve
668 Additional municipal and school reserve
669 Deferment of municipal and school reserves
670 Allocation of municipal and school reserve

Division 9
Use and Disposal of Reserve Land

671 Use of reserve land, money
672 Transfer of school and other reserves to municipality
673 Transfer to school authority
674 Disposal of municipal and school reserve
674.1 Disposal of conservation reserve
674.2 Removal of designation as conservation reserve
675 Removal of designation as municipal reserve
676 Changes to environmental reserve’s use or boundaries
677 Road, etc., over reserve land

Division 10
Subdivision and Development Appeals

Subdivision Appeals

678 Appeals
679 Notice of hearing
680 Hearing and decision
681 Failure to make decision
682 Endorsement of subdivision plan

Development Permits

683 Permit
683.1 Development applications
Development Appeals

684 Permit deemed refused
685 Grounds for appeal
686 Appeals
687 Hearing and decision

Court of Appeal

688 Law, jurisdiction appeals
689 Decision on appeal

Division 11
Intermunicipal Disputes

690 Intermunicipal disputes
691 Board hearing

Division 12
Bylaws, Regulations

692 Planning bylaws
693 Airport vicinity regulations
693.1 Development in floodways
694 Regulations

Division 13
Transitional

697 Zoning caveat

Part 17.1
Growth Management Boards

708.01 Interpretation
708.011 Purpose

Division 1
Establishment and Operation of Growth Management Boards

708.02 Establishing growth management board
708.03 Corporation
708.04 Appointment of representative
708.041 Meetings of growth management board
708.05 Powers and duties of growth management board
708.06 Compliance with ALSA regional plans
708.07 Delegation
708.08 Bylaws
708.09 Annual report of growth management board

30
Division 2
Approval and Effective Date of Growth Plan

708.1 Approval of growth plan
708.11 Effective date of growth plan

Division 3
Effect of Growth Plan

708.12 Actions must conform with growth plan
708.13 Plan prevails
708.14 Conformity with growth plan
708.15 Conflict with ALSA regional plans

Division 4
General Matters

708.16 Effect of regulation on existing statutory plans
708.17 Information must be provided
708.18 Matters before the Municipal Government Board
708.19 Limitation of actions
708.2 No remedy
708.21 Proceedings barred
708.22 No expropriation or injurious affection
708.23 Appeal or dispute resolution mechanism
708.24 Ministerial orders
708.25 Transitional

Part 17.2
Intermunicipal Collaboration

708.26 Definitions
708.27 Purpose

Division 1
Intermunicipal Collaboration Framework

708.28 Framework is mandatory
708.29 Contents of framework
708.3 Relationship to intermunicipal development plan
708.31 Conflict or inconsistency
708.32 Term and review
708.321 Participation by Indian bands and Metis settlements

Division 2
Framework Created by Agreement

708.33 Method of creating framework
Whereas Alberta’s municipalities, governed by democratically elected officials, are established by the Province, and are empowered to provide responsible and accountable local governance in order to create and sustain safe and viable communities;

Whereas Alberta’s municipalities play an important role in Alberta’s economic, environmental and social prosperity today and in the future;

Whereas the Government of Alberta recognizes the importance of working together with Alberta’s municipalities in a spirit of
partnership to co-operatively and collaboratively advance the interests of Albertans generally; and

WHEREAS the Government of Alberta recognizes that Alberta’s municipalities have varying interests and capacity levels that require flexible approaches to support local, intermunicipal and regional needs;

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

Interpretation

1(1) In this Act,

(a) “ALSA regional plan” means a regional plan as defined in the Alberta Land Stewardship Act;

(a.1) “business” means

(i) a commercial, merchandising or industrial activity or undertaking,

(ii) a profession, trade, occupation, calling or employment, or

(iii) an activity providing goods or services, whether or not for profit and however organized or formed, including a co-operative or association of persons;

(b) “by-election” means an election to fill a vacancy on a council other than at a general election;

(c) “chief administrative officer” means a person appointed to a position under section 205;

(d) “chief elected official” means the person elected or appointed as chief elected official under section 150;

(e) “council” means

(i) the council of a city, town, village, summer village, municipal district or specialized municipality,

(ii) repealed 1995 c24 s2,

(iii) the council of a town under the Parks Towns Act, or

(iv) the council of a municipality incorporated by a special Act;
(f) “council committee” means a committee, board or other body established by a council under this Act but does not include an assessment review board established under section 454 or a subdivision and development appeal board established under section 627;

(g) “councillor” includes the chief elected official;

(h) “designated officer” means a person appointed to a position established under section 210(1);

(i) “elector” means a person who is eligible to vote in the election for a councillor under the Local Authorities Election Act;

(j) “enactment” means

(i) an Act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta, and

(ii) an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada,

but does not include a bylaw made by a council;

(k) “general election” means an election held to fill vacancies on council caused by the passage of time, and includes a first election;

(k.1) “growth management board” means a growth management board established under Part 17.1;

(k.2) “Indian band” means a band within the meaning of the Indian Act (Canada);

(k.3) “Indian reserve” means a reserve within the meaning of the Indian Act (Canada);

(l) “Land Compensation Board” means the Land Compensation Board established under the Expropriation Act;

(m) “local authority” means

(i) a municipal authority,

(ii) a regional health authority under the Regional Health Authorities Act,

(iii) a regional services commission, and
(iv) the board of trustees of a district or division as defined in the School Act;

(n) “market value” means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

(o) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;

(p) “municipal authority” means a municipality, improvement district and special area and, if the context requires, in the case of an improvement district and special area,

(i) the geographical area of the improvement district or special area, or

(ii) the Minister, where the improvement district or special area is authorized or required to act;

(q) “Municipal Government Board” means the Municipal Government Board established under Part 12, and includes any panel of the Board;

(r) “municipal purposes” means the purposes set out in section 3;

(s) “municipality” means

(i) a city, town, village, summer village, municipal district or specialized municipality,

(ii) repealed 1995 c24 s2,

(iii) a town under the Parks Towns Act, or

(iv) a municipality formed by special Act,

or, if the context requires, the geographical area within the boundaries of a municipality described in subclauses (i) to (iv);

(t) “natural person powers” means the capacity, rights, powers and privileges of a natural person;

(u) “owner” means

(i) in respect of unpatented land, the Crown,
(ii) in respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land, and

(iii) in respect of any property other than land, the person in lawful possession of it;

(v) “parcel of land” means

(i) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;

(ii) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;

(iii) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a certificate of title;

(w) “pecuniary interest” means pecuniary interest within the meaning of Part 5, Division 6;

(x) “population” means population as defined and determined in accordance with the regulations;

(y) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

(i) water or steam;

(ii) sewage disposal;

(iii) public transportation operated by or on behalf of the municipality;

(iv) irrigation;

(v) drainage;

(vi) fuel;

(vii) electric power;

(viii) heat;

(ix) waste management;
(x) residential and commercial street lighting,
and includes the thing that is provided for public
consumption, benefit, convenience or use;

(y.1) “regional services commission” means a regional services
commission under Part 15.1;

(z) “road” means land
   
   (i) shown as a road on a plan of survey that has been
       filed or registered in a land titles office, or
   
   (ii) used as a public road,

and includes a bridge forming part of a public road and
any structure incidental to a public road;

(z.1) “summer village residence” means a parcel of land having
at least one building the whole or any part of which was
designed or intended for, or is used as, a residence by one
person or as a shared residence by 2 or more persons,
whether on a permanent, seasonal or occasional basis;

(aa) “tax” means
   
   (i) a property tax,
   
   (ii) a business tax,
   
   (iii) a business improvement area tax,
   
   (iii.1) a community revitalization levy,
   
   (iv) a special tax,
   
   (v) a well drilling equipment tax,
   
   (v.1) a clean energy improvement tax,
   
   (vi) a local improvement tax, and
   
   (vii) a community aggregate payment levy;

(bb) “taxpayer” means a person liable to pay a tax;

(cc) “whole council” means
   
   (i) all of the councillors that comprise the council under
       section 143,
(ii) if there is a vacancy on council and the council is not required to hold a by-election under section 162 or 163, the remaining councillors, or

(iii) if there is a vacancy on council and the Minister orders that the remaining councillors constitute a quorum under section 160 or 168, the remaining councillors.

(1.1) The Minister may make regulations defining “meeting” for the purposes of one or more provisions of this Act and the regulations.

(1.2) In this Act, a reference to a body of water is to be interpreted as a reference to

(a) a permanent and naturally occurring water body, or

(b) a naturally occurring river, stream, watercourse or lake.

(2) For the purposes of this Act, a municipality or group of municipalities controls a corporation if

(a) the municipality or group of municipalities hold, other than by way of security only, securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation and, if exercised, are sufficient to elect a majority of the directors of the corporation, or

(b) all or a majority of its members or directors are appointed by the municipality or group of municipalities.

(2.1) For the purposes of the definition of “summer village residence” in subsection (1)(z.1), “building” includes a manufactured home, mobile home, modular home or travel trailer but does not include a tent.

(3) For the purposes of this Act, a meeting or part of a meeting is considered to be closed to the public if

(a) any members of the public are not permitted to attend the entire meeting or part of the meeting,

(b) the council, committee or other body holding the meeting instructs any member of the public to leave the meeting or part of the meeting, other than for improper conduct, or
(c) the council, committee or other body holding the meeting holds any discussions separate from the public during the meeting or part of the meeting.

RSA 2000 cM-26 s1;2005 c14 s2;2013 c17 s2; 2015 c8 s2; 2016 c24 s4;2017 c13 s1(2);2017 c22 s38;2018 c6 s2

Application of Act

2(1) This Act applies to all municipalities and improvement districts.

(2) If there is an inconsistency between this Act and

(a) repealed 1995 c24 s3,
(b) the Parks Towns Act, or
(c) a special Act forming a municipality,

the other Act prevails.

1994 cM-26.1 s2;1995 c24 s3

Indian reserves

2.1 No municipality, improvement district or special area constituted under the Special Areas Act includes land set apart as an Indian reserve.

2016 c24 s5;2017 c13 s2(2)

Part 1

Purposes, Powers and Capacity of Municipalities

Municipal purposes

3 The purposes of a municipality are

(a) to provide good government,

(a.1) to foster the well-being of the environment,

(b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality,

(c) to develop and maintain safe and viable communities, and

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

RSA 2000 cM-26 s3;2016 c24 s6;2017 c13 s1(3)

Corporation

4 A municipality is a corporation.

1994 cM-26.1 s4
Powers, duties and functions

5 A municipality

(a) has the powers given to it by this and other enactments,

(b) has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy, and

(c) has the functions that are described in this and other enactments.

1994 cM-26.1 s5

Natural person powers

6 A municipality has natural person powers, except to the extent that they are limited by this or any other enactment.

1994 cM-26.1 s6

Part 2
Bylaws

Division 1
General Jurisdiction

General jurisdiction to pass bylaws

7 A council may pass bylaws for municipal purposes respecting the following matters:

(a) the safety, health and welfare of people and the protection of people and property;

(b) people, activities and things in, on or near a public place or place that is open to the public;

(c) nuisances, including unsightly property;

(d) transport and transportation systems;

(e) businesses, business activities and persons engaged in business;

(f) services provided by or on behalf of the municipality;

(g) public utilities;

(h) wild and domestic animals and activities in relation to them;

(i) the enforcement of bylaws made under this or any other enactment, including any or all of the following:
(i) the creation of offences;

(ii) for each offence, imposing a fine not exceeding $10 000 or imprisonment for not more than one year, or both;

(iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;

(iv) providing that a specified penalty prescribed under section 44 of the Provincial Offences Procedure Act is reduced by a specified amount if the penalty is paid within a specified time;

(v) providing for imprisonment for not more than one year for non-payment of a fine or penalty;

(vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;

(vii) providing for inspections to determine if bylaws are being complied with;

(viii) remedying contraventions of bylaws.

Powers under bylaws

8 Without restricting section 7, a council may in a bylaw passed under this Division

(a) regulate or prohibit;

(b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways;

(c) provide for a system of licences, permits or approvals, including any or all of the following:

(i) establishing fees for licences, permits and approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
(ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;

(iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;

(v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;

(vi) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw;

(c.1) establish and specify the fees, rates, fares, tariffs or charges that may be charged for the hire of taxis or limousines;

(d) provide for an appeal, the body that is to decide the appeal and related matters.

1994 cM-26.1 s8; 1998 c24 s2

Guides to interpreting power to pass bylaws
9 The power to pass bylaws under this Division is stated in general terms to

(a) give broad authority to councils and to respect their right to govern municipalities in whatever way the councils consider appropriate, within the jurisdiction given to them under this or any other enactment, and

(b) enhance the ability of councils to respond to present and future issues in their municipalities.

1994 cM-26.1 s9

Bylaw passing powers in other enactments
10(1) In this section, “specific bylaw passing power” means a municipality’s power or duty to pass a bylaw that is set out in an enactment other than this Division, but does not include a municipality’s natural person powers.

(2) If a bylaw could be passed under this Division and under a specific bylaw passing power, the bylaw passed under this Division
is subject to any conditions contained in the specific bylaw passing power.

(3) If there is an inconsistency between a bylaw passed under this Division and one passed under a specific bylaw passing power, the bylaw passed under this Division is of no effect to the extent that it is inconsistent with the specific bylaw passing power.

1994 cM-26.1 s10

Relationship to natural person powers

11(1) Despite section 180(2), a municipality may do something under its natural person powers even if the thing could be done under a bylaw passed under this Division.

(2) Section 7(i) does not apply to a bylaw passed under a municipality’s natural person powers.

1994 cM-26.1 s11

Division 2
Scope of Bylaws

Geographic area of bylaws

12 A bylaw of a municipality applies only inside its boundaries unless

(a) one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement, or

(b) this or any other enactment says that the bylaw applies outside the boundaries of the municipality.

1994 cM-26.1 s12

Relationship to Provincial law

13 If there is a conflict or inconsistency between a bylaw and this or another enactment, the bylaw is of no effect to the extent of the conflict or inconsistency.

RSA 2000 cM-26 s13,2015 c8 s3
Part 3
Special Municipal Powers and Limits on Municipal Powers

Division 1
Expropriation

Expropriation powers

14(1) In this section, “organization” means any of the following organizations in which the municipality is a member or has acquired shares:

(a) a society under the Societies Act;

(b) an association registered under Part 9 of the Companies Act;

(c) a corporation under the Business Corporations Act that is a charity or operates for non-profit purposes;

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

(2) If a council wants to acquire an estate or interest in land, inside or outside the municipality

(a) for a purpose authorized by an enactment,

(b) to carry out an area redevelopment plan under Part 17, whether undertaken by the municipality alone or in conjunction with another person,

(c) to improve land owned by the municipality,

(d) for the purpose of selling the land as building sites,

(e) to enable an organization to carry out a development as defined in Part 17 or a redevelopment, or

(f) for any other municipal purpose,

it may acquire the estate or interest in the land by expropriation under the Expropriation Act.

(3) No council may expropriate an estate or interest in mines or minerals.

(4) The expropriation of an estate or interest in land that is outside the municipality is subject to section 72.

(5) When the council is of the opinion that the municipality can obtain a more reasonable price or other advantage by acquiring the
whole or a larger portion of any parcel of land of which a part may be expropriated by the municipality, the municipality may expropriate the whole or the larger portion of the parcel.

RSA 2000 cM-26 s14;2016 c24 s7

Expropriating part of a parcel

15(1) If a municipality’s notice of intention to expropriate proposes to expropriate a portion of a parcel of land, the owner of the parcel may apply to the Land Compensation Board to direct the municipality to expropriate the whole of the parcel.

(2) The Land Compensation Board may direct the municipality to expropriate the whole of the parcel of land if, in the opinion of the Board, the expropriation of a part of the parcel is unfair to the owner of the parcel.

1994 cM-26.1 s15

Division 2
Roads

Title to roads

16(1) The title to all roads in a municipality, other than a city, is vested in the Crown in right of Alberta.

(2) The title to all roads in a city is vested in the city unless another Act or agreement provides otherwise.

(3) Nothing in this section gives a city title to mines and minerals.

1994 cM-26.1 s16

Disposal of estate or interest in roads

17(1) Subject to any other Act or agreement, the council of a city has the power and is deemed always to have had the power to dispose of an interest in a road in the city so long as the disposition does not amount to a sale or lease or require a road closure under section 22.

(2) No interest disposed of under subsection (1) may be registered in a land titles office.

1994 cM-26.1 s17

Control of roads

18(1) Subject to this or any other Act, a municipality has the direction, control and management of all roads within the municipality.

(2) Subject to this or any other Act, a municipal district also has the direction, control and management of roads and road diversions surveyed for the purpose of opening a road allowance as a diversion from the road allowance on the south or west boundary of
the district although the roads or road diversions are outside the boundaries of the municipal district.

(3) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

1994 cM-26.1 s18

Rocky Mountains Forest Reserve

19 In The Municipal District of Bighorn No. 8 and Clearwater County, the Minister of Transportation has the direction, control and management of roads within the Rocky Mountains Forest Reserve constituted under the Forest Reserves Act.

RSA 2000 cM-26 s19;2007 c16 s5;2013 c10 s21

Specialized municipalities

20(1) The Minister of Transportation has the direction, control and management of roads within a specialized municipality that has been formed in whole or in part from an improvement district.

(2) Despite subsection (1), the Minister of Transportation and the council of the specialized municipality may enter into an agreement providing that all or part of the direction, control and management of roads within the specialized municipality may be exercised by the specialized municipality.

(3) If there is an agreement under subsection (2), the Minister of Transportation may require that a specialized municipality pay for the cost of fulfilling the Minister’s responsibilities with respect to roads within the specialized municipality, and the specialized municipality must pay the amount of the requisition as soon as practicable after the requisition is made.

RSA 2000 cM-26 s20;2007 c16 s5;2013 c10 s21

Land abutting roads

21 If a municipality acquires land abutting a road intending that the land will become part of the road and, before the land is incorporated into the road, the municipality grants to an adjoining land owner a licence or permit to occupy the land, the land subject to the licence or permit is deemed to be part of the road.

1994 cM-26.1 s21;1996 c30 s2

Road closure

22(1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by bylaw.

(2) A bylaw closing a road must be advertised.

(3) A bylaw closing a road made by the council of a municipality that is not a city has no effect unless it is approved by the Minister of Transportation before the bylaw receives second reading.
(4) Before passing a bylaw closing a road, a person who claims to be affected prejudicially by the bylaw or that person’s agent must be given an opportunity to be heard by the council.

Compensation

23(1) Any person who occupies, owns or has an interest in land that sustains damages through the closing of a road by bylaw must be compensated for the damages.

(2) If the municipality is not able to agree with the claimant on the amount of compensation, the compensation must be determined by the Land Compensation Board.

(3) This section does not apply in respect of the removal of

(a) a roadway of a street or part of a street that provides a physical means of access to or from a controlled street, or

(b) a direct physical means of access between a controlled street and land adjacent to the controlled street

under section 28 of the Highways Development and Protection Act.

Closure of unnecessary road

24 Despite section 22, the council of a municipal district may by resolution, with the approval of the Minister of Transportation, close the whole or any part of a road described in a surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

Temporary road closure

25 Despite section 22, a council by resolution or a designated officer if authorized by resolution of the council may temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.

Temporary roads and rights of way

26(1) In this section, “private land” means land that is not owned by the Crown in right of Alberta or of Canada or their agents.

(2) A council may by bylaw open a temporary road or a temporary right of way on private land.

(3) A temporary road or right of way established under this section may be kept open for not more than 2 years.
(4) The owner and occupant of land over which the temporary road or right of way passes are entitled to compensation from the municipality for the use of the temporary road or right of way and for loss or damage caused by the temporary road or right of way.

(5) If there is no agreement on compensation, the compensation must be decided by the Land Compensation Board.

(6) Section 22 does not apply to a temporary road or right of way established under this section.

1994 cM-26.1 s26

Leases

27(1) This section applies to a portion of a road that is within a municipality and that is deemed to be closed because a Crown lease has been granted for the portion of the road.

(2) Subject to the rights of any lessee of any Crown lease referred to in subsection (1), the council of the municipality may by bylaw, reopen the whole or part of the portion of the road that was closed.

(3) If the whole or a part of a road is reopened, the council must send a copy of the bylaw to the Minister of Transportation.

RSA 2000 cM-26 s27;2007 c16 s5;2013 c10 s21

Forestry roads

27.1(1) In this section and sections 27.2 to 27.5,

(a) “agreement holder” means the person who has entered into an agreement with a municipality under section 27.2;

(b) “former forestry road” means a road within a municipality that was designated as a forestry road under section 6 of the Highways Development and Protection Act or under section 14 of the Public Highways Development Act, but does not include a forestry road that has subsequently been designated as a provincial highway under the Highways Development and Protection Act or designated as a primary highway under the Public Highways Development Act.

(2) No person may use a former forestry road for commercial or industrial purposes unless the person is authorized to use the road for a commercial or industrial purpose under an agreement referred to in section 27.2.

(3) Nothing in this section prevents a person from using a former forestry road for a purpose other than a commercial or industrial purpose.

RSA 2000 cM-26 s27.1;2004 cH-8.5 s69
Forestry road agreement

27.2 A municipality may enter into an agreement with a person with respect to a former forestry road that

(a) authorizes the person to use the road for commercial and industrial purposes,

(b) authorizes the person

(i) to allow others to use the road for commercial or industrial purposes, and

(ii) to charge those others a fee for that use,

(c) requires the person to maintain the road according to specifications or standards referred to in the agreement and to be responsible for capital improvements to the road, and

(d) deals with any other matter concerning the road that the parties consider appropriate.

1998 c24 s3

Fees charged to other users

27.3(1) An agreement holder may not charge a person who uses a former forestry road for a commercial or industrial purpose an amount that exceeds a reasonable fee based on the increased maintenance and administrative costs of the agreement holder as a result of the person’s use of the road.

(2) If there is a dispute concerning the amount of the reasonable fee, the matter must be referred to the Minister, and the Minister or a person selected by the Minister must determine the amount of the fee.

(3) The decision of the Minister or the person selected by the Minister is final and binding.

1998 c24 s3

Failure to maintain road

27.4(1) If the agreement holder does not maintain the former forestry road in accordance with the agreement and the municipality incurs costs in maintaining the road, the costs incurred by the municipality are an amount owing by the agreement holder to the municipality.

(2) Repealed 1999 c11 s3.

1998 c24 s3;1999 c11 s3
Unauthorized commercial or industrial use

27.5(1) A person who contravenes section 27.1(2) is liable to pay to the agreement holder, for each day that the contravention occurs, 5% of the agreement holder’s cost of maintaining and adding capital improvements to the former forestry road in the calendar year preceding the contravention.

(2) The agreement holder may collect the amount the agreement holder is owed under subsection (1) by civil action for debt.

Existing agreements

27.6 Where an order designating a road as a forestry road under section 6 of the *Highways Development and Protection Act* or section 14 of the *Public Highways Development Act* is repealed, any existing agreements made by the Minister of Transportation in respect of the road are deemed to be agreements made by the municipality in which the road exists.

Division 3
Public Utilities
General

Definitions

28 In this Division,

(a) “customer” has the meaning given to it in the *Electric Utilities Act*;

(a.1) “easement” means an easement, interest or right held by a municipality for the purpose of locating the system or works of a municipal public utility;

(b) “municipal public utility” means the system or works of a public utility operated by or on behalf of a municipality or a subsidiary of a municipality within the meaning of section 1(3) of the *Electric Utilities Act* other than under an agreement referred to in section 45;

(c) “municipal utility service” means a utility service provided by a municipal public utility;

(d) “non-municipal public utility” means the system or works of a public utility operated by or on behalf of a person under an agreement referred to in section 45;

(d.1) “retailer” has the meaning given to it in the *Electric Utilities Act*;
(e) “service connection” means the part of the system or works of a public utility that runs from the main lines of the public utility to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel and includes those parts of the system or works described in section 29;

(f) “utility service” means the thing that is provided by the system or works of a public utility.

Interpretation

28.1(1) In this section,

(a) “municipal tariff matter” means any matter relating to a transmission tariff, a distribution tariff or a regulated rate tariff of a municipality or of a subsidiary of a municipality that is subject to the jurisdiction of the Alberta Utilities Commission under the Electric Utilities Act;

(b) “transmission tariff”, “distribution tariff”, “regulated rate tariff” and “subsidiary” have the same meaning as they have in the Electric Utilities Act.

(2) In the event of an inconsistency between the Electric Utilities Act and this Act in respect of a municipal tariff matter, the Electric Utilities Act prevails.

Composition of system or works

29 When the system or works of a public utility involve pipes, wires or other things that connect to a building, the system or works include

(a) the pipes, wires or things

(i) running up to the building,

(ii) located on or within the exterior walls of the building, and

(iii) running from the exterior walls to couplings, stop-cocks, meters and other apparatus placed inside the building by the municipality or person providing the public utility,

and

(b) those couplings, stop-cocks, meters and other apparatus.
Long-term supply agreements to public utilities

30(1) If a council proposes to make an agreement to supply water, steam or fuel to a public utility for a period that, with rights of renewal, could exceed 5 years, the agreement must be approved by the Alberta Utilities Commission before it is made.

(2) If a council or a municipal public utility proposes to make an agreement regarding the supply of electric power for a period that, with rights of renewal, could exceed 5 years, the agreement must be approved by the Alberta Utilities Commission before it is made.

(3) The approval of the Alberta Utilities Commission is not required under subsection (2) if the proposed agreement relates to or arises from the supply of electric power under

(a) a power purchase arrangement,

(b) a generation asset held or sold by the Balancing Pool, or

(c) a direct sales agreement.

(4) In subsection (3), “power purchase arrangement”, “generation asset”, “direct sales agreement” and “Balancing Pool” have the same meaning as they have in the Electric Utilities Act.

Regulation of gas supply obtained from direct sellers

31(1) In this section,

(a) “consumer” means a consumer of gas who takes delivery of the gas at its place of consumption by means of an urban gas system operated by a distributor;

(b) “direct seller” means a person, other than a distributor, who sells gas to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section;

(c) “distributor” means

(i) an urban municipality that operates an urban gas system, or

(ii) a rural gas co-operative association as defined in the Gas Distribution Act, that operates an urban gas system under an agreement referred to in section 45;

(d) “urban gas system” means the system or works of a public utility for the distribution of gas to consumers within an urban municipality;
(e) “urban municipality” means a city, town, village or summer village.

(2) The Lieutenant Governor in Council may make regulations

(a) establishing classes of consumers for the purposes of this section;

(b) respecting the conditions to which the rights of consumers under subsection (3) are subject;

(c) governing, with respect to any matters provided for in the regulations, the rights and obligations of

(i) distributors,

(ii) direct sellers,

(iii) consumers, and

(iv) agents of consumers for purposes related to this section.

(3) Subject to the regulations, a consumer has the right to obtain a supply of gas from a direct seller for delivery to the consumer by means of an urban gas system operated by a distributor, subject to the rates, charges or tolls and on the terms and conditions established by the distributor with respect to the transportation of the gas.

(4) The Alberta Utilities Commission, on the application of a consumer or direct seller aggrieved by an unreasonable refusal of the distributor to provide service for the transportation of gas to the consumer by means of the distributor’s urban gas system or by any unreasonable term or condition under which the transportation service is or is sought to be provided by the distributor, may make an order

(a) directing the distributor to provide the transportation service in accordance with the provisions of the order,

(b) amending, replacing or voiding the term or condition, or

(c) settling the term or condition.

(5) Section 45 does not apply to the sale of gas by a direct seller to a consumer or to another person who purchases the gas as an agent of the consumer for the purposes of this section.

RSA 2000 cM-26 s31; 2007 cA-37.2 s82(17)
Other authorizations and approvals

32 Nothing in this Division exempts a municipality or other person operating a public utility from obtaining necessary approvals or other authorizations under an enactment or bylaw.

1994 cM-26.1 s32

Municipal Public Utilities

Prohibiting other public utilities

33 When a municipality provides a municipal utility service, the council may by bylaw prohibit any person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality.

1994 cM-26.1 s33

Exception

33.1 A bylaw under section 33 shall not prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the Electric Utilities Act or the regulations under that Act.

2003 cE-5.1 s165

Duty to supply utility service

34(1) If the system or works of a municipal public utility that provide a municipal utility service are adjacent to a parcel of land, the municipality must, when it is able to do so and subject to any terms, costs or charges established by council, provide the municipal utility service to the parcel on the request of the owner of the parcel.

(2) If the system or works of a municipal public utility that provide a municipal utility service are adjacent to a parcel of land, the municipality may, when it is able to do so and subject to any terms, costs or charges established by council, provide the municipal utility service to the parcel on the request of the occupant of the parcel who is not the owner.

1994 cM-26.1 s34

Parcels adjacent to roads and easements

35(1) This section applies when the main lines of the system or works of a municipal public utility are located above, on or underneath a road or easement and the municipality provides the municipal utility service to a parcel of land adjacent to the road or easement.

(2) The municipality is responsible for the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement.
(3) Despite subsection (2), the council may as a term of supplying the municipal utility service to the parcel of land make the owner responsible for the costs of the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement.

(4) If the owner is responsible for the costs of the construction, maintenance or repair referred to in subsection (3), those costs are an amount owing to the municipality by the owner.

**Right of entry - main lines**

36(1) This section applies to

(a) the main lines of the system or works of a municipal public utility located above, on or underneath a road or easement, and

(b) the portion of a service connection referred to in section 35(2).

(2) A municipality may enter on any land for the purpose of constructing, repairing or maintaining the system or works described in subsection (1).

(3) After the municipality has constructed, repaired or maintained the system or works, the municipality must, at its expense, restore any land that has been entered on under subsection (2) as soon as practicable.

(4) If the municipality does not restore the land as soon as practicable and the owner of the land restores it, the municipality is liable to the owner for the restoration costs.

**Service connections - owner**

37(1) The owner of a parcel of land is responsible for the construction, maintenance and repair of a service connection of a municipal public utility located above, on or underneath the parcel.

(2) If the municipality is not satisfied with the construction, maintenance or repair of the service connection, the municipality may require the owner of the parcel of land to do something in accordance with its instructions with respect to the construction, maintenance or repair of the system or works by a specified time.

(3) If the thing has not been done to the satisfaction of the municipality within the specified time or in an emergency, the municipality may enter on any land or building to construct, maintain or repair the service connection.
Service connections - municipality

38(1) Despite section 37, the council may as a term of providing a municipal utility service to a parcel of land give the municipality the authority to construct, maintain and repair a service connection located above, on or underneath the parcel.

(2) A municipality that has the authority to construct, maintain or repair a service connection under subsection (1) may enter on any land or building for that purpose.

1994 cM-26.1 s38

Restoration and costs

39(1) After the municipality has constructed, maintained or repaired the service connection located above, on or underneath a parcel of land under section 37 or 38, the municipality must restore any land entered on as soon as practicable.

(2) The municipality’s costs relating to the construction, maintenance or repair under section 37 or 38 and restoration costs under this section are an amount owing to the municipality by the owner of the parcel.

1994 cM-26.1 s39

Buildings

40(1) When a municipal utility service is provided to a building that has more than one apartment, office or other unit, the system or works of the municipal public utility may be installed over the different apartments, offices or other units.

(2) The system or works must be attached to the outside of the building unless consent is given to install them inside.

1994 cM-26.1 s40

Discontinue providing public utility

41 In accordance with its bylaws, a municipality may, for any lawful reason,

(a) discontinue providing a municipal utility service after giving reasonable notice of its intention to do so, and

(b) remove the system or works of the municipal public utility used to provide the utility service.

1994 cM-26.1 s41

Liability for public utilities charges

42(1) The charges for a municipal utility service provided to a parcel of land are an amount owing to the municipality by the owner of the parcel.

(2) If the municipality agrees to provide a municipal utility service to a parcel of land on the request of an occupant of the parcel who
is not the owner, the charges for the municipal utility service provided to the parcel are an amount owing to the municipality by the occupant and not the owner.

1994 cM-26.1 s42

Appeal

43(1) A person who uses, receives or pays for a municipal utility service may appeal a service charge, rate or toll made in respect of it to the Alberta Utilities Commission, but may not challenge the public utility rate structure itself.

(2) If the Alberta Utilities Commission is satisfied that the person’s service charge, rate or toll

(a) does not conform to the public utility rate structure established by the municipality,

(b) has been improperly imposed, or

(c) is discriminatory,

the Commission may order the charge, rate or toll to be wholly or partly varied, adjusted or disallowed.

RSA 2000 cM-26 s43; 2007 cA-37.2 s82(17)

Dispute with other municipalities

44(1) If

(a) a municipality is supplying a utility service to a person outside the municipality, and

(b) there is a dispute between the municipality supplying the utility service and any other municipality in connection with the rates, tolls or charges,

the dispute may be submitted to the Alberta Utilities Commission.

(2) The Commission may make an order on any terms and conditions that it considers proper.

(3) This section applies whether or not a public utility is subject to the control and orders of the Alberta Utilities Commission pursuant to section 111 of the Public Utilities Act or section 4 of the Gas Utilities Act.

RSA 2000 cM-26 s44; 2007 cA-37.2 s82(17)
Non-municipal Public Utilities

Granting rights to provide utility service

45(1) A council may, by agreement, grant a right, exclusive or otherwise, to a person to provide a utility service in all or part of the municipality, for not more than 20 years.

(2) The agreement may grant a right, exclusive or otherwise, to use the municipality’s property, including property under the direction, control and management of the municipality, for the construction, operation and extension of a public utility in the municipality for not more than 20 years.

(3) Before the agreement is made, amended or renewed, the agreement, amendment or renewal must

   (a) be advertised, and

   (b) be approved by the Alberta Utilities Commission.

(4) Subsection (3)(b) does not apply to an agreement to provide a utility service between a council and a regional services commission.

(5) Subsection (3) does not apply to an agreement to provide a utility service between a council and a subsidiary of the municipality within the meaning of section 1(3) of the Electric Utilities Act.

Exception

45.1 An agreement made under section 45 shall not grant an exclusive right to provide to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the Electric Utilities Act or the regulations under that Act.

Prohibiting other non-municipal public utilities

46 When a person provides a utility service in a municipality under an agreement referred to in section 45, the council may by bylaw prohibit any other person from providing the same or a similar utility service in all or part of the municipality.

Exception

46.1 A bylaw under section 46 shall not prohibit a retailer from providing to customers in all or any part of the municipality the functions or services that retailers are permitted to provide under the Electric Utilities Act or the regulations under that Act.
Renewals

47(1) An agreement referred to in section 45 that is not renewed continues in effect until either party, with the approval of the Alberta Utilities Commission, terminates it on 6 months’ notice.

(2) If notice to terminate has been given under subsection (1), the municipality has the right to purchase the rights, systems and works of the public utility.

(3) If the municipality wishes to purchase the rights, systems and works and no agreement on the purchase can be reached, either party may refer the matter to the Alberta Utilities Commission.

(4) After the matter is referred to the Alberta Utilities Commission, the Commission must by order fix the terms and price of the purchase and the order is binding on the parties.

RSA 2000 cM-26 s47; 2007 cA-37.2 s82(17)

47.1 Repealed 2016 c24 s8.

Division 4  Repealed 2008 cE-6.6 s55.

Division 5

Business Improvement Areas

Purpose

50 A council may by bylaw establish a business improvement area for one or more of the following purposes:

(a) improving, beautifying and maintaining property in the business improvement area;

(b) developing, improving and maintaining public parking;

(c) promoting the business improvement area as a business or shopping area.

RSA 2000 cM-26 s50;2015 c8 s5

Board

51(1) A business improvement area is governed by a board consisting of members appointed by council under the business improvement area bylaw.

(2) The board is a corporation.

RSA 2000 cM-26 s51;2015 c8 s6
Civil liability of board members

52(1) In this section, “approved budget” means a budget of the board of a business improvement area that has been approved by council.

(2) A member of a board of a business improvement area that makes an expenditure that is not included in an approved budget is liable to the municipality for the expenditure.

(3) If more than one member is liable to the municipality under this section in respect of a particular expenditure, the members are jointly and severally liable to the municipality for the expenditure.

(4) The liability may be enforced by action by

(a) the municipality, or

(b) a person who is liable to pay the business improvement area tax imposed in the business improvement area.

Regulations

53 The Minister may make regulations

(a) respecting the establishment of a business improvement area;

(b) setting out what must be included in a business improvement area bylaw;

(c) respecting the appointment, term and renewal of members of the board of a business improvement area;

(d) respecting the powers and duties of the board and the board’s annual budget;

(e) respecting the disestablishment of a business improvement area and the dissolution of a board;

(f) that operate despite Part 8, authorizing a municipality to lend money to a board and to borrow money on behalf of a board;

(g) establishing restrictions on the municipality providing money to the board.
Division 6
Miscellaneous Powers

Providing services in other areas
54(1) A municipality may provide outside its municipal boundaries any service or thing that it provides within its municipal boundaries

   (a) in another municipality, but only with the agreement of the other municipality, and

   (b) in any other location within or adjoining Alberta, but only with the agreement of the authority whose jurisdiction includes the provision of the service or thing at that location.

(2) Without limiting the generality of subsection (1)(b), a municipality may enter into an agreement respecting services with an Indian band or a Metis settlement.

Sharing taxes and grants
55(1) A municipality may enter into an agreement with

   (a) another municipality, or

   (b) a collecting board as defined in section 179 of the School Act,

   to share grants paid under section 366 or taxes.

(2) The agreement must include a means to settle disputes arising from the agreement.

Civic holidays
56(1) A council may declare up to 2 days in a year as civic holidays.

   (2) The minimum length of a civic holiday is a half day.

Census
57  A council may conduct a census.

Road names
58(1) A municipality may name roads or areas within its boundaries and may assign a number or other means of identification to buildings or parcels of land.
(2) A municipality may require an owner or occupant of a building or a parcel of land to display the identification in a certain manner.
1994 cM-26.1 s58

Hamlets
59(1) The council of a municipal district or specialized municipality may designate an unincorporated community described in subsection (2) that is within its boundaries to be a hamlet.

(2) An unincorporated community may be designated a hamlet if the community

(a) consists of 5 or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 square metres,
(b) has a generally accepted boundary and name, and
(c) contains parcels of land that are used for non-residential purposes.

(3) The designation of a hamlet must specify the hamlet’s name and boundaries.
1994 cM-26.1 s59;1995 c24 s8

Bodies of water
60(1) Subject to any other enactment, a municipality has the direction, control and management of the bodies of water within the municipality, including the air space above and the ground below.

(2) Nothing in this section gives a municipality the direction, control and management of mines and minerals.
RSA 2000 cM-26 s60;2016 c24 s11

Granting rights over property
61(1) A municipality may grant rights, exclusive or otherwise, with respect to its property, including property under the direction, control and management of the municipality.

(2) A municipality may charge fees, tolls and charges for the use of its property, including property under the direction, control and management of the municipality.
1994 cM-26.1 s61

Acquiring land for roads
62(1) In this section, “owner” includes

(a) in the case of land that is being acquired under an agreement for sale, the owner of the fee simple estate in
the land and the purchaser under the agreement for sale who has registered the interest against the certificate of title for the land;

(b) in the case of land that is subject to a lease for which a certificate of title has been issued, the owner of the fee simple estate in the land and the lessee under that lease.

(2) When a municipality makes an agreement with the owner of land to acquire the land for the purpose of a road, culvert, ditch or drain, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing with the Registrar of Land Titles

(a) plans of survey showing the land to be acquired, and

(b) a certificate of a designated officer stating that

(i) an agreement has been reached with the owner of the land to be acquired and the price to be paid,

(ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail, and

(iii) the person signing the certificate is a designated officer.

(3) When the title to land vests under subsection (2), it is not necessary to register a transfer for that land.

(4) A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or minerals is not affected by the filing of any plan of survey pursuant to this section.

Division 7
Revision and Consolidation of Bylaws

Definitions

62.1 In this Division, “revised bylaw” means a bylaw that has been revised under section 63.

Revising bylaws

63(1) A council of a municipality may, by bylaw, revise any of its bylaws or any one or more provisions of them in accordance with this section.
(2) A bylaw under this section may

(a) omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective;

(b) omit, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;

(c) combine 2 or more bylaws into one bylaw, divide a bylaw into 2 or more bylaws, move provisions from one bylaw to another and create a bylaw from provisions of one or more other bylaws;

(d) alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and add, change or omit a note, heading, title, marginal note, diagram or example to a bylaw;

(e) omit the preamble and long title of a bylaw;

(f) omit forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and add authority for the forms or other material to be prescribed by resolution;

(g) make changes, without materially affecting the bylaw in principle or substance,

(i) to correct clerical, technical, grammatical or typographical errors in a bylaw,

(ii) to bring out more clearly what is considered to be the meaning of a bylaw, or

(iii) to improve the expression of the law.

(3) The title of a revised bylaw must include the words “revised bylaw”.

(4) A bylaw under this section must not be given first reading until after the chief administrative officer has certified in writing that the proposed revisions were prepared in accordance with this section.

RSA 2000 cM-26 s63;2017 c13 s1(5)

64 Repealed 2017 c13 s1(6).
Requirements relating to revised bylaws

65 A bylaw made in accordance with section 63 and the resulting revised bylaw are deemed to have been made in accordance with all the other requirements of this Act respecting the passing and approval of those bylaws, including any requirements for advertising and public hearings.

RSA 2000 cM-26 s65;2017 c13 s1(7)

Effects of revised bylaws

66(1) The provisions of a revised bylaw that replace provisions of a previous bylaw, when they have the same effect, operate retrospectively as well as prospectively and are deemed to come into force on the days on which the corresponding previous bylaws came into force.

(2) If the provisions of the revised bylaws do not have the same effect,

(a) the provisions of the revised bylaws prevail with respect to all transactions, matters and things occurring on or after the day the revised bylaws come into force, and

(b) the provisions of the previous bylaws prevail with respect to all earlier transactions, matters and things.

RSA 2000 cM-26 s66;2017 c13 s1(8)

References to repealed bylaws

67 A reference in a bylaw, enactment or document to a bylaw that has been revised under section 63 or to a provision of a bylaw that has been revised under section 63 is, in respect of any transaction, matter or thing occurring after the revised bylaw or provision, as the case may be, comes into force, to be considered as a reference to the revised bylaw or provision.

RSA 2000 cM-26 s67;2017 c13 s1(9)

68 Repealed 2017 c13 s1(10).

Consolidation of bylaws

69(1) A council may by bylaw authorize a designated officer to consolidate one or more of the bylaws of the municipality.

(2) In consolidating a bylaw, the designated officer must

(a) incorporate all amendments to it into one bylaw, and

(b) omit any provision that has been repealed or that has expired.

(3) A printed document purporting
(a) to be a copy of a bylaw consolidated under this section, and

(b) to be printed under the authority of a designated officer,
is proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it, and of the fact of the passage of the original and all amending bylaws.

1994 cM-26.1 s69

Division 8
Limits on Municipal Powers

Disposal of land

70(1) If a municipality proposes to transfer or grant an estate or interest in

(a) land for less than its market value, or

(b) a public park or recreation or exhibition grounds,

the proposal must be advertised.

(2) The proposal does not have to be advertised if the estate or interest is

(a) to be used for the purposes of supplying a public utility,

(b) transferred or granted under Division 8 of Part 10 before the period of redemption under that Division, or

(c) to be used by a non-profit organization as defined in section 241(f).

1994 cM-26.1 s70;1995 c24 s9

Mines and minerals

71 No municipality may acquire an estate or interest in mines or minerals without the approval of the Lieutenant Governor in Council.

1994 cM-26.1 s71;1996 c30 s3

Acquisition of land outside municipal boundaries

72(1) A municipality may acquire an estate or interest in land outside its boundaries only if

(a) the council of the municipal authority in whose boundaries the land is located consents in writing to the acquisition or, in the case of a municipal authority that is an improvement district or special area, the Minister consents in writing to the acquisition,
(a.1) in the case of land located in a province or territory adjoining Alberta, the local government within whose boundaries the land is located consents in writing to the acquisition, and

(b) after the written consent is given, the council that wishes to acquire the estate or interest in the land authorizes the acquisition.

(2) This section does not apply when a municipality acquires

(a) an option on land outside its boundaries, but it does apply when the municipality exercises the option, or

(b) an estate or interest in mines and minerals.

1994 cM-26.1 s72;1996 c30 s4;1999 c11 s5

73  Repealed 2016 c24 s12.

Firearms

74  A bylaw of a municipal district prohibiting in all or a part of the municipal district the shooting or use of a firearm or other device that propels a projectile does not come into force until the bylaw has been approved by the Minister responsible for the Wildlife Act.

1994 cM-26.1 s74;1995 c24 s10

Forest and Prairie Protection Act

75(1) In this section, “forest protection area” means a forest protection area designated under the Forest and Prairie Protection Act.

(2) The council of a municipal district may not pass a bylaw respecting fires that applies to the part of the municipal district in a forest protection area.

(3) Despite subsection (2), the council may pass a bylaw respecting fires, other than forest or running fires, that applies to the part of a hamlet that is within a forest protection area.

(4) Repealed 2016 c22 s26.

RSA 2000 cM-26 s75;2016 c22 s26

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.

2016 c24 s13

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.

Part 4
Formation, Fundamental Changes and Dissolution

Division 1
General Criteria

Principles, standards and criteria
76(1) The Minister may establish and publish principles, standards and criteria that are to be taken into account in considering the formation, change of status or dissolution of municipalities and the amalgamation of or annexation of land from municipal authorities.

(2) The Regulations Act does not apply to the principles, standards and criteria.

Division 2
Formation

Types of municipality that may be formed
77 The following types of municipality may be formed under this Part:

(a) municipal district;
(b) repealed 1995 c24 s11;
(c) village;
(d) town;
(e) city;
(f) specialized municipality.

Municipal district
78 A municipal district may be formed for an area in which
(a) a majority of the buildings used as dwellings are on parcels of land with an area of at least 1850 square metres, and

(b) there is a population of 1000 or more.

79 Repealed 1995 c24 s12.

Village

80 A village may be formed for an area in which

(a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and

(b) there is a population of 300 or more.

1994 cM-26.1 s80

Town

81 A town may be formed for an area in which

(a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and

(b) there is a population of 1000 or more.

1994 cM-26.1 s81

City

82 A city may be formed for an area in which

(a) a majority of the buildings are on parcels of land smaller than 1850 square metres, and

(b) there is a population of 10 000 or more.

1994 cM-26.1 s82

Specialized municipality

83 A specialized municipality may be formed for an area

(a) in which the Minister is satisfied that a type of municipality referred to in section 77(a), (b), (c), (d) or (e) does not meet the needs of the residents of the proposed municipality,

(b) to provide for a form of local government that, in the opinion of the Minister, will provide for the orderly development of the municipality to a type of municipality referred to in section 77(a), (b), (c), (d) or (e), or to another form of specialized municipality, or
Modification of requirements

84 The Minister may by order, in a particular case, make minor modifications to the requirements in sections 78 to 83 if the Minister considers there is justifiable reason for doing so.

Initiating formation

85(1) A municipality may be formed on the Minister’s initiative or if

(a) the Minister receives a request to form the municipality from a council of a municipality or an improvement district, or

(b) the Minister receives a sufficient petition requesting the formation of the municipality from electors within the boundaries of the proposed municipality numbering at least 30% of the population within the boundaries of the proposed municipality.

(2) A request or petition referred to in subsection (1) must specify the boundaries of the proposed municipality.

Factors to be considered

86 Before a municipality is formed, the Minister must consider

(a) the principles, standards and criteria on formation established under section 76,

(b) the viability, including the financial viability, of

   (i) the proposed municipality operating as a separate entity, and

   (ii) any remaining municipality continuing to operate as a separate entity,

and

(c) any agreements on common boundaries.

Public input

87(1) Before a municipality is formed, the Minister
(a) must invite comments on the proposed municipality from all local authorities that the Minister considers would be affected by the formation of the proposed municipality and from any other person the Minister considers necessary,

(b) must invite comments on the proposed municipality from the public,

(c) may conduct one or more meetings of the public to discuss the probable effects of the formation, and

(d) may hold a vote of those people who would be electors of the proposed municipality.

(2) If the Minister holds a vote, the vote must be conducted in accordance with the Local Authorities Election Act as modified by directions given by the Minister.

Formation order

88 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order form a municipality.

Contents of order

89(1) A formation order must

(a) describe the boundaries of the municipality formed by the order,

(b) give the municipality the status of municipal district, village, town, city or specialized municipality, and

(c) give the municipality an official name.

(2) If a municipal district is formed, the order

(a) must state the number of councillors that is to comprise its council,

(b) must establish wards for it and describe their boundaries,

(c) may specify or describe by reference, the provisions of this or other enactments that do not apply to the municipal district, or that apply with or without modification, and

(d) may specify or describe by reference, any provisions that are to be added to or replace the provisions of this or other enactments.
(3) If a specialized municipality is formed, the order must state the number of councillors that is to comprise its council and apply either section 150(1) or (2) to the municipality and may

(a) establish wards for it and describe their boundaries;

(b) specify or describe by reference, the provisions of this or other enactments that do not apply to the specialized municipality, or that apply with or without modification;

(c) specify or describe by reference, any provisions that are to be added to or replace the provisions of this or other enactments;

(d) prescribe matters or conditions that govern the functions, powers and duties of the specialized municipality;

(e) if a specialized municipality is formed all or partly from an improvement district, provide that Part 15 continues to apply to the specialized municipality as if it were an improvement district.

(4) If the order provides that Part 15 continues to apply to a specialized municipality under subsection (3)(e), the Minister may at any time in respect of the specialized municipality

(a) exercise any of the powers that the Minister has in respect of an improvement district under Part 15 or any other enactment, including the power to delegate;

(b) limit the power, authority or jurisdiction of the specialized municipality;

(c) prescribe how or the conditions under which the specialized municipality may exercise any power or authority;

(d) require the specialized municipality to exercise or perform a power, right or duty of a municipality;

(e) authorize the council to pass some or all of the bylaws that the council of a municipal district may pass, subject to any conditions the Minister imposes.

(5) If a municipality is formed from an improvement district, the order may dissolve the improvement district.

1994 cM-26.1 s89;1995 c24 s14
**Summer village**

89.1 The fact that a summer village may not be formed under this Act does not affect any existing summer village, and this Act continues to apply to summer villages.

1995 c24 s15

**Official administrator**

90 When a municipality is formed and there is no council, the Minister may appoint an official administrator who has all the powers and duties of a council of the municipality until the first council of the municipality is sworn into office.

1994 cM-26.1 s90

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**Division 3**

**Change of Status**

**Meaning of change of status**

91 A reference to changing the status of a municipality in this Part means changing a municipal district, summer village, village, town, city or specialized municipality to another type of municipality within that group.

1994 cM-26.1 s91

**Summer village**

91.1 The status of a municipality may not be changed to the status of a summer village.

1995 c24 s16

**Application of formation rules**

92 The requirements in sections 78 to 83 respecting the formation of municipalities apply to changing the status of municipalities.

1994 cM-26.1 s92

**Initiation of change of status**

93 The status of a municipality may be changed if

(a) the Minister receives a request from the municipality’s council,

(b) the Minister receives a sufficient petition from the majority of the electors in the municipality requesting the change in status, or

(c) the Minister is satisfied that the municipality no longer meets the requirements in sections 78 to 82 or, in the case of a specialized municipality, that the reasons for its original formation as a specialized municipality no longer exist.

1994 cM-26.1 s93
Public input

94 Before the status of a municipality is changed, the Minister
(a) must notify the council of the municipality of the proposed change,
(b) may invite comments on the proposed change of status from all local authorities that the Minister considers would be affected by the change and from any other person the Minister considers necessary,
(c) may invite comments on the proposed change of status from the public, and
(d) may conduct one or more meetings of the public to discuss the probable effects of the change of status.

Consideration of principles

95 Before the status of a municipality is changed, the Minister must consider the principles, standards and criteria on change of status established under section 76.

Change of status order

96 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order change the status of a municipality.

Contents of order

97(1) An order changing the status of a municipality to a municipal district must include the provisions referred to in section 89(2).

(2) An order changing the status of a municipality to a specialized municipality must state the number of councillors that is to comprise its council and apply either section 150(1) or (2) to the municipality and may deal with any of the other matters referred to in section 89(3) and (4).

97.1 Repealed 1999 c26 s14.

Effect of change of status

97.2(1) When the status of a municipality is changed,
(a) each councillor of the old municipality continues as a councillor of the new municipality until a successor is sworn into office;
(b) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality otherwise directs;

(c) all bylaws and resolutions of the old municipality that the new municipality has the authority to pass are continued as the bylaws and resolutions of the new municipality;

(d) all taxes due to the old municipality are deemed to be arrears of taxes due to the new municipality and may be collected and dealt with by the new municipality as if it had imposed the taxes;

(e) all rights of action and actions by or against the old municipality may be continued or maintained by or against the new municipality;

(f) all property vested in the old municipality becomes vested in the new municipality and may be dealt with by the new municipality in its own name subject to any trusts or other conditions applicable to the property;

(g) all other assets, liabilities, rights, duties, functions and obligations of the old municipality become vested in the new municipality, and the new municipality may deal with them in its own name.

(2) Subsection (1) is subject to the order changing the status of the municipality.

Division 4
Change of Name

Change of name order

98 The Lieutenant Governor in Council, on the request of a municipality’s council and on the recommendation of the Minister, may change the name of the municipality.

Effect of change of name

99(1) The change of a municipality’s name does not affect any obligation, right, action or property of the municipality.

(2) The use of the old name of the municipality in any proceedings, agreements, notices or documents after the name has been changed does not affect the validity of those proceedings, agreements, notices or documents.
Division 5
Amalgamation

Application
100 This Division does not apply to the amalgamation of
(a) an improvement district with another improvement
district, or
(b) a special area with another special area.

Restriction on amalgamation
101(1) Subject to subsection (2), no order amalgamating
municipal authorities may be made that would result in an area of
land that is
(a) not included in any municipal authority, or
(b) part of the amalgamated municipal authority, but is not
contiguous with other land in the amalgamated municipal
authority.

(2) An order may amalgamate 2 or more summer villages whose
boundaries are not contiguous but border on or include all or part
of the same body of water.

(3) Despite section 77, an order may amalgamate 2 or more
summer villages if it gives the amalgamated municipal authority
the status of a summer village.

(4) Where an order gives an amalgamated municipal authority the
status of a summer village as required by subsection (3), the status
of the summer village may be changed in accordance with Division
3.

Initiation of amalgamation proceedings
102 The procedure for the amalgamation of 2 or more municipal
authorities may be initiated
(a) by a municipal authority,
(b) by 2 or more municipal authorities in accordance with the
regulations made under section 106.1, or
(c) by the Minister under section 107.
Initiation by municipal authority

**103(1)** A municipal authority initiates an amalgamation by giving written notice of the proposed amalgamation to

(a) the one or more municipal authorities with which it proposes to amalgamate,

(b) the Minister, and

(c) all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities with which it proposes to amalgamate.

(2) If an amalgamation proposed by an initiating municipal authority would result in an area of land that is within the perimeter of the boundary of the amalgamated municipal authority, but is not part of the amalgamated municipal authority, the initiating municipal authority must give notice of its intention to annex that land when it gives notice of the proposed amalgamation.

(3) Subsection (2) does not apply if the area of land within the perimeter of the boundary of the proposed amalgamated municipal authority is the area of an existing municipal authority.

(4) The notice for an amalgamation must

(a) include the names of all the municipal authorities that are to be amalgamated and the reasons for the proposed amalgamation, and

(b) include proposals for consulting with all local authorities referred to in subsection (1)(c) and the public about the proposed amalgamation.

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Direct negotiations

**104(1)** The municipal authorities with which the initiating municipal authority proposes to amalgamate must, on receipt of the notice under section 103, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) The initiating municipal authority must keep the Minister informed of the progress of the negotiations.

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Report on negotiations

**105(1)** On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes
(a) a list of the relevant matters, including those referred to in sections 89(1), (2), (3) and (4) and 111, that are agreed on and a list of any of those matters on which there is no agreement between the municipal authorities,

(b) a description of the public consultation processes involved in the negotiations, and

(c) a summary of the views expressed during the public consultation processes.

(2) The report must

(a) include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations, and

(b) be approved by resolution of the council of the initiating municipal authority and by resolution of the councils of the other municipal authorities that agree to the amalgamation.

(3) A municipal authority whose council does not pass a resolution approving the report may include in the report its reasons for not approving.

Disposition of report

106(1) On completion of the report on the direct negotiations, the initiating municipal authority must submit the report to the Minister and send a copy of it to the municipal authorities with which it proposes to amalgamate and any other local authority the initiating municipal authority considers would be affected.

(2) If the initiating municipal authority indicates in the report that it wishes to proceed with the amalgamation, the report becomes the initiating municipal authority’s application for the amalgamation.

Regulations

106.1(1) The Minister may make regulations for the purpose of enabling municipalities to jointly initiate an amalgamation, including, without limitation, regulations

(a) specifying or describing by reference one or more provisions of this Division that do not apply, or that apply with modifications, to the joint initiation of amalgamations;
(b) specifying or setting out provisions that apply in addition to, or instead of, the provisions of this Division in respect of the joint initiation of amalgamations;

(c) respecting procedures for the joint initiation of amalgamations.

(2) Regulations under this section may be made to apply generally or specifically.

Initiation by Minister

107 The Minister may initiate an amalgamation of 2 or more municipal authorities if the Minister believes that the operation of the municipal authority to be formed by the amalgamation will be more effective or efficient than the municipal authorities to be amalgamated.

Notice by Minister

108 When the Minister initiates an amalgamation, the Minister

(a) must give written notice of it to the municipal authorities proposed to be amalgamated and any local authority that the Minister considers would be affected by the proposed amalgamation,

(b) may invite comments on the proposed amalgamation from all local authorities that the Minister considers would be affected by the amalgamation and from any other person the Minister considers necessary,

(c) may invite comments on the proposed amalgamation from the public, and

(d) may conduct one or more meetings of the public to discuss the probable effects of the proposed amalgamation.

Consideration of principles

109 Before municipal authorities are amalgamated, the Minister must consider the principles, standards and criteria on amalgamation established under section 76.

Amalgamation order

110 The Lieutenant Governor in Council, on the recommendation of the Minister, may by order amalgamate municipal authorities to form a new municipality.
Contents of order

111 An order to amalgamate municipal authorities may

(a) dissolve one or more of the councils of the municipal authorities that are amalgamated,

(b) provide for an interim council,

(c) require a municipal authority to pay compensation to another municipal authority set out in the order or by means determined in the order, including arbitration under the Arbitration Act, and

(d) deal with any of the matters referred to in section 89.

1994 cM-26.1 s111

Official administrator

112 When a municipality is formed by amalgamation and there is no council, the Minister may appoint an official administrator who has all the powers and duties of a council of the municipality until the first council of the municipality is sworn into office.

1994 cM-26.1 s112

Division 6

Annexation

Mediation

112.1 In this Division, “mediation” in respect of an annexation means a process involving a neutral person as mediator who assists the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed, and any other person brought in with the agreement of those municipal authorities, to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the participants.

1999 c11 s6

Application

113 This Division does not apply to the annexation of land

(a) from an improvement district to another improvement district, or

(b) from a special area to another special area.

1994 cM-26.1 s113

Restriction on annexation

114 No order that annexes land to a municipal authority may be made if the land to be annexed is not contiguous with the boundaries of the municipal authority.

1994 cM-26.1 s114
Annexations of same land

115(1) A municipal authority may not initiate or proceed with more than one proposed annexation at any one time concerning the same land.

(2) A municipal authority may not initiate or proceed with a proposed annexation when the municipal authority is proceeding with an amalgamation, unless the annexation is of the type referred to in section 103(2).

Initiation of annexation

116(1) A municipal authority initiates the annexation of land by giving written notice of the proposed annexation to

(a) the one or more municipal authorities from which the land is to be annexed,

(a.1) the Minister,

(b) the Municipal Government Board, and

(c) all local authorities having jurisdiction to operate or provide services in the initiating municipal authority or in any of the municipal authorities from which the land is to be annexed.

(2) The notice for an annexation must

(a) describe the land proposed to be annexed,

(b) set out the reasons for the proposed annexation, and

(c) include proposals for

(i) consulting with the public about the proposed annexation, and

(ii) meeting with the owners of the land to be annexed, and keeping them informed about the progress of the negotiations.

Direct negotiations

117(1) The municipal authorities from which the land is to be annexed must, on receipt of the notice under section 116, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.

(2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal
Report on negotiations

118(1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes

(a) a list of the matters agreed on and those on which there is no agreement between the municipal authorities,

(a.1) if there were matters on which there was no agreement, a description of the attempts to use mediation and, if mediation did not occur, the reasons for this,

(b) a description of the public consultation processes involved in the negotiations, and

(c) a summary of the views expressed during the public consultation processes.

(2) The report must be signed by the initiating municipal authority and by the municipal authorities from which the land is to be annexed that are prepared to sign and must include a certificate by the initiating municipal authority stating that the report accurately reflects the results of the negotiations.

(3) A municipal authority that does not sign the report may include in the report its reasons for not signing.

Disposition of report

119(1) The initiating municipal authority must submit the completed report to the Municipal Government Board and send a copy of it to the municipal authorities from which the land is to be annexed and any other local authority the initiating municipal authority considers would be affected.

(2) If the initiating municipal authority indicates in the report that it wishes to proceed with the annexation, the report becomes the initiating municipal authority’s application for the annexation.

General agreement on proposed annexation

120(1) If the initiating municipal authority wishes the annexation to proceed and the Municipal Government Board is satisfied that the affected municipal authorities and the public are generally in agreement with the annexation, the Board must notify the Minister and all the local authorities that it considers would be affected by
the annexation, and anyone else the Board considers should be notified, that

(a) there appears to be general agreement with the proposed annexation, and

(b) unless objections to the annexation are filed with the Board by a specified date, the Board will make its recommendation to the Minister without holding a public hearing.

(2) If no objections are filed with the Board by the specified date, the Board must

(a) consider the principles, standards and criteria on annexation established under section 76, and

(b) prepare a written report with its recommendations and send it to the Minister.

(3) If objections are filed with the Board by the specified date, the Board

(a) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and

(b) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Board at a hearing.

No general agreement on proposed annexation

121 If the initiating municipal authority wishes the annexation to proceed and the Municipal Government Board is not satisfied that the affected municipal authorities or the public are in general agreement with the annexation, the Board

(a) must notify the Minister and all the local authorities that it considers would be affected by the annexation, and anyone else the Board considers should be notified, that there is not general agreement with the proposed annexation,

(b) may investigate, analyze and make findings of fact about the annexation, including the probable effect on local authorities and on the residents of an area, and

(c) must conduct one or more hearings in respect of the annexation and allow any affected person to appear before the Board at a hearing.
Notice of hearing and costs

122(1) The Municipal Government Board must publish a notice of a hearing under section 120(3) or 121 at least once a week for 2 consecutive weeks in a newspaper or other publication circulating in the affected area, the 2nd notice being not less than 6 days before the hearing.

(2) The Municipal Government Board may determine the costs of and incidental to a hearing and decide by whom and to whom the costs are to be paid.

(3) Section 502 applies to a decision of the Board relating to costs under this section.

1994 cM-26.1 s122

Board’s report

123 After one or more hearings under section 120(3) or 121 have been held and after considering the reports and representations made to it and the principles, standards and criteria on annexation established under section 76, the Board must prepare a written report of its findings and recommendations and send it to the Minister.

1994 cM-26.1 s123

Contents of report

124(1) A report by the Municipal Government Board to the Minister under this Division must set out

(a) a recommendation on whether land should be annexed to the initiating municipal authority or other municipal authority;

(b) if it is recommending annexation, a description of the land, whether there should be revenue sharing and any terms, conditions and other things the Board considers necessary or desirable to implement the annexation.

(2) If the Board does not recommend that land be annexed in its report, the Board must provide the report to all local authorities that it considers would be affected by the annexation.

1994 cM-26.1 s124

Annexation order

125 The Lieutenant Governor in Council, after considering the report of the Board, may by order annex land from a municipal authority to another municipal authority.

1994 cM-26.1 s125;1996 c30 s5
Annexation order without report

126 Despite sections 116 to 125, the Lieutenant Governor in Council, on the recommendation of the Minister, may by order annex land to a municipal authority.

1994 cM-26.1 s126;1996 c30 s6

Contents of order

127(1) An order to annex land to a municipal authority may

(a) require a municipal authority to pay compensation to another municipal authority in an amount set out in the order or to be determined by means specified in the order, including arbitration under the Arbitration Act,

(b) dissolve a municipal authority as a result of the annexation, and

(c) deal with any of the matters referred to in section 89.

(2) Where under section 664.2 a municipality has paid compensation to a landowner for conservation reserve that is subsequently annexed by order to another municipality, the order must require the municipality to which the land is annexed to pay compensation to the other municipality in the same amount that was paid to the landowner.

RSA 2000 cM-26 s127.1; 2016 c24 s13.1; 2017 c13 s2(4)

Public utilities

127.1(1) In this section, “utility agreement” means an agreement approved by the Alberta Utilities Commission in which a municipality grants a right to a person to provide a public utility in all or part of the municipality.

(2) An annexation of land does not affect any right under a utility agreement to provide a public utility on the annexed land unless the annexation order provides otherwise.

(3) This section does not apply to a right to provide a natural gas service if the right is subject to section 23 of the Gas Distribution Act.

RSA 2000 cM-26 s127.1; 2007 cA-37.2 s82(17)

Annexation refused

128 If an application for an annexation of land is refused, the Minister must notify the initiating municipal authority of the refusal and the initiating municipal authority may not make another annexation application concerning the same land for a period of one year after it receives notice of the refusal.

1994 cM-26.1 s128
Regulations

128.1 The Minister may make regulations
(a) respecting procedures to be followed under this Division;
(b) defining terms used in this Division but not defined in this Act.

Division 7
Dissolution

Application

129 This Division does not apply to the dissolution of a municipality as a result of an annexation.

Viability review

130(1) The Minister must, before a municipality is dissolved,
   (a) undertake a viability review, and
   (b) after completing the viability review, hold a vote of the electors of the municipality on the proposed dissolution.

(2) The Minister may undertake a viability review in respect of a municipality if
   (a) the Minister receives a request for a viability review from the council of the municipality,
   (b) the Minister receives a sufficient petition requesting a viability review from electors of the municipality numbering at least 30% of the municipality’s population or, in the case of a summer village, a sufficient petition requesting the review from a number of the electors of the summer village equal to at least 50% of the number of summer village residences in the summer village, or
   (c) the Minister believes a viability review is warranted.

(3) A viability review must be conducted in a manner determined by the Minister.

(4) If the Minister receives a request in accordance with subsection (2)(a) or a sufficient petition in accordance with subsection (2)(b) and in the Minister’s opinion a process other than a viability review is more appropriate, the Minister may require that that process be undertaken instead of undertaking a viability review.
Completion of viability review

130.1 After completing a viability review, the Minister may

(a) by order direct the council or the chief administrative officer to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality, or

(b) hold a vote of the electors of the municipality on whether the municipality should

(i) be dissolved, or

(ii) not be dissolved, but be required to take any actions, based on the results of the viability review, that the Minister considers appropriate to ensure the viability of the municipality.

Vote

130.2(1) A vote held under section 130.1(b) must be conducted in accordance with the Local Authorities Election Act as modified by directions given by the Minister.

(2) If the electors vote that the municipality should be dissolved, the Minister must recommend to the Lieutenant Governor in Council that the municipality be dissolved in accordance with section 133.

(3) If the electors vote that the municipality should not be dissolved, the Minister must by order direct the council or the chief administrative officer to take the actions referred to in section 130.1(b)(ii).

Dismissal

130.3 If an order of the Minister under section 130.1(a) or 130.2(3) is not carried out to the satisfaction of the Minister, the Minister may dismiss the council or any member of it or the chief administrative officer of the municipality, and section 574(3) to (6) apply in respect of the dismissal.

131 and 132 Repealed 2013 c9 s3.

Dissolution order

133(1) The Lieutenant Governor in Council, on the recommendation of the Minister, may by order dissolve a municipality.

(2) A dissolution order
(a) must direct that all or part of the land in the dissolved municipality becomes part of another municipal authority,

(b) may deal with any of the matters referred to in section 89, and

(c) may appoint a liquidator and specify the liquidator’s powers, duties and functions.

1994 cM-26.1 s133;1995 c24 s19

Tax

134 If the liabilities of the dissolved municipality exceed its assets, the Lieutenant Governor in Council may authorize the successor of the dissolved municipality to impose an additional tax under Part 10 on property located in the area of the dissolved municipality to pay for those excess liabilities.

1994 cM-26.1 s134;1998 c24 s5

Transitional

134.1(1) In this section, “amending Act” means the Municipal Government Amendment Act, 2013.

(2) A dissolution study that was commenced, but not completed, before the coming into force of the amending Act may, as determined by the Minister, be continued

(a) as a dissolution study under and in conformity with this Act as it read before the coming into force of the amending Act, or

(b) as a viability review under and in conformity with this Act as it reads after the coming into force of the amending Act.

2013 c9 s4

Division 8
General Provisions

Effect of certain orders

135(1) When an order under this Part has the effect of including or placing an area of land that was in one municipal authority, called in this section the “old municipal authority”, in another municipal authority, called in this section the “new municipal authority”, as a result of an annexation or the formation, amalgamation or dissolution of a municipal authority, then, unless the order provides otherwise,

(a) the new municipal authority becomes the successor of the old municipal authority with respect to that area of land and the old municipal authority ceases to have any jurisdiction with respect to that area of land,
(a.1) all taxes due to the old municipal authority are deemed to be arrears of taxes due to the new municipal authority and may be collected and dealt with by the new municipal authority as if it had imposed the taxes,

(a.2) all rights of action and actions by or against the old municipal authority that relate to that area of land become rights of action and actions by or against the new municipal authority and cease to be rights of action and actions by or against the old municipal authority,

(b) all the assets, liabilities, rights, duties, functions and obligations of the old municipal authority that relate to that area of land automatically pass to the new municipal authority and cease to be those of the old municipal authority,

(c) in the case of an amalgamation or an annexation, if at the time of the notice under section 103 or 116 any land or any portion of it is designated or required to be provided as a public utility lot, environmental reserve, conservation reserve, municipal reserve or municipal and school reserve under Part 17 or a former Act as defined in Part 17, on the amalgamation or annexation taking effect the ownership of the land becomes vested in the new municipal authority in place of the old municipal authority, and

(d) bylaws and resolutions of the old municipal authority that apply specifically to the area of land continue to apply to it until repealed or others are made in their place by the new municipal authority.

(2) If the land referred to in subsection (1)(c) is sold or money instead of land is received by the old municipal authority after a notice of amalgamation under section 103 or a notice of annexation under section 116 is received, the proceeds of the sale or the money received must be paid to the new municipal authority.

(3) The new municipal authority may only use the proceeds of the sale or the money received for purposes for which the old municipal authority could have used it.

(4) The Lieutenant Governor in Council may

(a) authorize the council of the new municipal authority to impose an additional tax under Part 10 on the area of land to meet obligations under a borrowing made by the old municipal authority in respect of that area of land, or
(b) make any provision necessary to protect any rights that any person has in relation to the area of land.

(4.1) The Minister may direct the transfer of assets and liabilities from one municipal authority to another.

(5) This section does not abrogate or affect agreements described in section 30 or 45.

Power to effectuate transfer of land and other property

Where an order under this Division requires the ownership of land or other property to be transferred to a municipal authority, the Minister may do whatever is necessary to give effect to section 135(1) or a direction under section 135(4.1).

Transitional and other matters

An order of formation, change of status, amalgamation, annexation or dissolution may, in respect of any municipal authority affected by the order, contain provisions dealing with the following:

(a) assessment and taxation;

(b) property;

(c) employees;

(d) any matter required to properly effect or deal with the formation, change of status, amalgamation, annexation or dissolution, whether transitional or otherwise;

(e) the application, addition, change or substitution of this or another enactment to give effect to the order.

The provisions referred to in subsection (1) may deal with rights, obligations, liabilities, assets and any other thing that the Lieutenant Governor in Council considers is appropriate to be dealt with in the order and may operate despite a collective agreement.

The Lieutenant Governor in Council may amend or repeal a provision referred to in subsection (1) that is contained in an order of formation, change of status, amalgamation, annexation or dissolution without having to comply with the requirements for passing the original order.

Retroactivity of orders

An order of the Lieutenant Governor in Council under this Part may provide
(a) for the retroactive application of the order or any of its provisions, and

(b) that the order or any of its provisions come into force on different dates.

(2) An order or any of its provisions may only be made retroactive to a date in the year immediately before the calendar year in which the order is made.

(3) Any error in any order made under this Part may be corrected by subsequent order, and the correcting order may be made effective as of the date of the original order or on some other later date that is specified in the order.

Orders published

139(1) An order of the Lieutenant Governor in Council or the Minister made under this Part must be published in The Alberta Gazette.

(2) Publication of an order of the Lieutenant Governor in Council or the Minister made under this Part is conclusive proof of the fulfilment of any conditions precedent to the order.

Regulations Act

140 The Regulations Act does not apply to an order of the Lieutenant Governor in Council or the Minister made under this Part.

Location of boundaries

141(1) In this section,

(a) “survey” means a survey made under the Surveys Act or the Canada Lands Surveys Act (Canada);

(b) “surveyed land” means land that has been surveyed under the Surveys Act or the Canada Lands Surveys Act (Canada).

(2) Where the boundary of a municipality is described by reference to the boundary of a township or section of surveyed land along which a road allowance runs, the boundary is the side of the road allowance on which monuments or posts are placed under a survey, except in the case of correction lines or where the description otherwise specifies.

(3) In the case of correction lines, the boundary is the south side of the road allowance.
Where a road is the boundary of a municipality and land is acquired to widen the road, the land acquired automatically falls within that boundary.

(5) A road allowance between an Indian reserve and a municipality is in the municipality despite anything to the contrary in this section.

(6) Where a boundary of a municipality is described by reference to a river, the boundary is the right bank of the river facing downstream unless the description otherwise specifies.

Part 4.1
City Charters

Interpretation

141.1(1) In this Part,

(a) “charter”, except in sections 141.3 and 141.4, includes an amendment to a charter;

(b) “charter city” means a city for which a charter is established under section 141.3.

(2) In this Part, a reference to “this Act” includes a regulation made under this Act.

Purpose of Part

141.2 The purpose of this Part is to authorize the establishment of charters to address the evolving needs, responsibilities and capabilities of cities in a manner that best meets the needs of their communities.

Establishment of charter

141.3 On request by a city, the Lieutenant Governor in Council may, by regulation, establish a charter for that city.

Proposed charter must be published on website

141.4 Before a charter is established or amended, the Minister must ensure the proposed charter or amendment is published on the Minister’s department’s website for at least 60 days.

Elements of charter

141.5(1) Subject to this Part, a charter governs all matters related to the administration and governance of the charter city, including, without limitation, the powers, duties and functions of the charter
city and any other matter that the Lieutenant Governor in Council considers desirable.

(2) In subsection (3), a reference to “this Act” does not include this Part or Part 15.1 or 17.1.

(3) A charter may do one or more of the following:

(a) provide that a provision of this Act or any other enactment does not apply to the charter city or applies to the charter city with the modifications set out in the charter;

(b) specify or set out provisions that apply in respect of the charter city in addition to, or instead of, a provision of this Act or any other enactment;

(c) authorize the charter city to modify or replace, by bylaw, a provision of this Act or any other enactment, with respect to the charter city, to the extent set out in the charter.

(4) Before giving second reading to a proposed bylaw referred to in subsection (3)(c), the council of the charter city must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

(5) A charter may include provisions respecting its interpretation.

(6) A charter may generally provide for any other matter necessary for the purposes of giving effect to this Part.

(7) Except to the extent that a charter or a bylaw made pursuant to subsection (3)(c) provides otherwise, this Act and any other enactment apply to the charter city.

Charter prevails

141.6 Except to the extent that this Part provides otherwise, if there is a conflict or inconsistency between a charter or a bylaw made pursuant to section 141.5(3)(c) and a provision of this Act or any other enactment, the charter or bylaw prevails to the extent of the conflict or inconsistency.

Retroactive operation of charter

141.7(1) A charter may provide

(a) for the retroactive application of the charter or any of its provisions, and
(b) that the charter or any of its provisions come into force on different dates.

(2) A charter or any of its provisions may be made retroactive to a date no earlier than the beginning of the year immediately preceding the calendar year in which it is made.

2015 c8 s14

No effect on status of charter city

141.8 Except to the extent that a charter provides otherwise, a charter has no effect on the status of the charter city as a city under this Act or any other enactment.

2015 c8 s14

Existing rights and obligations not affected

141.9(1) Except to the extent that a charter provides otherwise, the rights and obligations of a city are not affected by the establishment of a charter for that city.

(2) Except to the extent that a charter provides otherwise, the rights of the Crown in right of Alberta are not affected by the establishment of a charter.

2015 c8 s14

Part 5
Councils, Councillors and Council Committees

Division 1
Councils and Council Committees

Councils as governing bodies

142(1) Each municipality is governed by a council.

(2) A council is a continuing body.

1994 cM-26.1 s142

Number of councillors for municipalities

143(1) A council consists of the number of councillors provided for under this section, one of whom is the chief elected official, but in no case may a council consist of fewer than 3 councillors.

(2) The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying a higher or lower odd number.

(3) The council of a village or summer village consists of 3 councillors unless the council passes a bylaw specifying a higher odd number.
(4) The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless the council passes a bylaw specifying a higher or lower odd number.

(5) The council of any other type of municipality consists of the number of councillors provided for it by or under the enactment establishing it.

1994 cM-26.1 s143

Bylaw changing number of councillors

144(1) A bylaw passed under section 143 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 143 must be advertised.

RSA 2000 cM-26 s145;2018 c23 s58

Bylaws respecting maternity and parental leave for councillors

144.1(1) A council of a municipality may, by bylaw, having regard to the need to balance councillors’ roles as parents with their responsibilities as representatives of residents, establish whether councillors are entitled to take leave prior to or after the birth or adoption of their child.

(2) If a bylaw under subsection (1) entitles councillors to take leave, the bylaw must contain provisions

(a) respecting the length of the leave and other terms and conditions of the leave entitlement, and

(b) addressing how the municipality will continue to be represented during periods of leave.

2017 c13 s1(14)

Bylaws — council and council committees

145 A council may pass bylaws in relation to the following:

(a) the establishment and functions of council committees and other bodies;

(b) procedures to be followed by council, council committees and other bodies established by the council.

RSA 2000 cM-26 s145;2015 c8 s15
Composition of council committees

146 A council committee may consist

(a) entirely of councillors,

(b) of a combination of councillors and other persons, or

(c) subject to section 154(2), entirely of persons who are not councillors.

Division 1.1
Codes of Conduct

Bylaws — codes of conduct

146.1(1) A council must, by bylaw, establish a code of conduct governing the conduct of councillors.

(2) A code of conduct under subsection (1) must apply to all councillors equally.

(3) A council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.

(4) A councillor must not be disqualified or removed from office for a breach of the code.

(5) The Minister may make regulations

(a) respecting matters that a code of conduct established under subsection (1) must address;

(b) respecting the date by which councils must establish a code of conduct under subsection (1);

(c) respecting sanctions to be imposed for a breach of a code of conduct established under subsection (1);

(d) respecting matters that a council must take into consideration in establishing a code of conduct under subsection (1) or (3), or both;

(e) respecting implementation of a code of conduct established under subsection (1) or (3), or both;

(f) respecting any other matter the Minister considers necessary or advisable to carry out the intent and purpose of this Division.
Election of councillors

147(1) Subject to Division 5, councillors other than a chief elected official are to be elected in accordance with the Local Authorities Election Act.

(2) The election is to be by a vote of the electors of the whole municipality unless the municipality is divided into wards, in which case section 148 applies.

Division of municipality into wards

148(1) Unless otherwise provided for in a bylaw under this section, when a municipality is divided into wards,

(a) only an elector who is resident in the ward may vote for a councillor in that ward, and

(b) councillors are elected for each ward.

(2) A council may by bylaw

(a) divide the municipality into wards and establish their boundaries,

(b) in the case of wards established for a municipal district or a specialized municipality, change the number of wards and their boundaries,

(c) give each ward established or changed a name or number, or both,

(d) state the number of councillors to be elected for each ward established or changed, and

(e) in the case of any municipality, including a municipal district or specialized municipality, eliminate the wards.

(3) A council may by bylaw provide for councillors that

(a) are in addition to the councillors elected for each ward,

(b) are elected by a vote of the electors of the whole municipality, and

(c) are councillors for the whole municipality, not a ward.

(4) A council may by bylaw provide that all councillors
(a) are nominated by ward,

(b) are elected by a vote of the electors of the whole municipality, and

(c) are councillors for the whole municipality, not a ward.

(5) A council may by bylaw provide that all councillors

(a) are nominated by ward,

(b) are elected by a vote of the electors of the whole municipality, and

(c) are councillors for the ward in which they were nominated.

1994 cM-26.1 s148

Passing bylaw

149(1) A bylaw passed under section 148 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 148 must be advertised.

1994 cM-26.1 s148

Election or appointment of chief elected official

150(1) The chief elected official of a city or town is to be elected by a vote of the electors of the municipality unless the council passes a bylaw

(a) requiring council to appoint the chief elected official from among the councillors,

(b) specifying when the appointment is to start, and

(c) specifying the term of the appointment.

(2) The chief elected official of a village, summer village or municipal district is to be appointed by council from among the councillors unless the council passes a bylaw providing that the official is to be elected by a vote of the electors of the municipality.

(3) The chief elected official of a specialized municipality is to be elected under subsection (1) or appointed under subsection (2) as specified in the order that forms the specialized municipality.
(4) If a chief elected official is to be elected by a vote of the electors of the municipality, the Local Authorities Election Act applies to the election.

1994 cM-26.1 s150

Passing bylaw

151(1) A bylaw under section 150 must be passed by December 31 of the year before the general election at which it is to take effect.

(2) If a bylaw is passed in the same year a general election is held, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw passed under section 150 must be advertised.

RSA 2000 cM-26 s151; 2018 c23 s58

Deputy and acting chief elected officials

152(1) A council must appoint one or more councillors as deputy chief elected official so that

(a) only one councillor will hold that office at any one time, and

(b) the office will be filled at all times.

(2) A deputy chief elected official must act as the chief elected official

(a) when the chief elected official is unable to perform the duties of the chief elected official, or

(b) if the office of chief elected official is vacant.

(3) A council may appoint a councillor as an acting chief elected official to act as the chief elected official

(a) if both the chief elected official and the deputy chief elected official are unable to perform the duties of the chief elected official, or

(b) if both the office of chief elected official and the office of deputy chief elected official are vacant.

1994 cM-26.1 s152

Division 3
Duties, Titles and Oaths of Councillors

General duties of councillors

153 Councillors have the following duties:
(a) to consider the welfare and interests of the municipality as a whole and to bring to council’s attention anything that would promote the welfare or interests of the municipality;

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

(b) to participate generally in developing and evaluating the policies and programs of the municipality;

(c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;

(e.1) to adhere to the code of conduct established by the council under section 146.1(1);

(f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

Duty of chief administrative officer

153.1 Where the chief administrative officer or a person designated by the chief administrative officer provides information referred to in section 153(d) to a councillor, the information must be provided to all other councillors as soon as is practicable.

General duties of chief elected official

154(1) A chief elected official, in addition to performing the duties of a councillor, must

(a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and

(b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.
(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official’s personal name.

1994 cM-26.1 s154;1995 c24 s21

Titles of chief elected official and other councillors

155 A councillor is to have the title “councillor” and a chief elected official that of “chief elected official” unless the council directs that another title appropriate to the office be used.

1994 cM-26.1 s155

Taking of oath

156 A councillor, a chief elected official and a deputy and acting chief elected official may not carry out any power, duty or function until that person has taken the official oath prescribed by the Oaths of Office Act.

1994 cM-26.1 s156

Division 4

Term of Office

Local Authorities Election Act

157 The term of office of councillors is governed by the Local Authorities Election Act.

1994 cM-26.1 s157

Extension of term

158(1) If the first election of a newly formed municipality, whether formed under this or another enactment, is less than 18 months before the date set by the Local Authorities Election Act for the next general election, the Minister may order that the next general election not take place.

(2) If the Minister makes an order under subsection (1), the terms of the offices are to continue until immediately before the beginning of the organizational meeting following the next general election.

1994 cM-26.1 s158

Appointed chief elected officials

159(1) A chief elected official who is to be appointed under section 150 must be appointed at each organizational meeting of the council, unless otherwise provided by bylaw.
(2) The term of office of an appointed chief elected official starts immediately on appointment and ends on the appointment of the next chief elected official.

(3) The term of office of an appointed chief elected official may not extend beyond the term of office of that person as councillor.

1994 cM-26.1 s159

Division 5
Vacancies and Quorum

Positions unfilled at general election

160(1) If at a general election persons are not elected to fill all the offices on council, the Minister may

(a) fill the vacancies by appointing persons as councillors,

(b) if there is no quorum, order that the councillors who have been elected constitute a quorum,

(c) if there is no quorum, order that the remaining councillors constitute a quorum and appoint an official administrator for the purposes of supervision under section 575, or

(d) appoint an official administrator who has all the powers and duties of the council.

(2) Persons appointed under subsection (1)(a) hold office until the vacancies are filled by a by-election.

(3) If council is unable to or does not within a reasonable time hold a by-election to fill a vacancy referred to in subsection (1), the Minister may by order direct that the chief administrative officer conduct a by-election to fill the vacancy.

1994 cM-26.1 s160

Resignation

161(1) The resignation of a councillor must be in writing and given to the chief administrative officer.

(2) A chief elected official appointed by council who resigns the office of chief elected official remains on the council as a councillor.

(3) The resignation is effective on the date it is received by the chief administrative officer even if a later date is set out in the resignation.

(4) The chief administrative officer must report the resignation at the first council meeting after receiving the resignation.

1994 cM-26.1 s161
Vacancy in position of councillor

162 A council must hold a by-election to fill a vacancy on council unless

(a) the vacancy occurs in the 6 months before a general election, or

(b) the council consists of 6 or more councillors and the vacancy occurs

(i) in the 18 months before a general election and there is only one vacancy, or

(ii) in the 12 months before a general election and the number of councillors remaining is at least one more than the majority of the number of councillors comprising the council under section 143.

1994 cM-26.1 s162

Chief elected official (elected) vacancy

163 If the chief elected official is elected by a vote of the electors of the whole municipality and the office becomes vacant, the vacancy must be filled

(a) if on the date the vacancy occurs there are 12 months or more before a general election, by a by-election, or

(b) if on the date the vacancy occurs there are less than 12 months before a general election, either by a by-election or by council appointing at the next council meeting one or more councillors as chief elected official so that

(i) only one councillor holds that office at any one time, and

(ii) the office is filled all the time.

1994 cM-26.1 s163

Chief elected official (appointed) vacancy

164 If, under section 150, the chief elected official is appointed by council from among the councillors and the office becomes vacant, council must at the next council meeting appoint one or more councillors as chief elected official so that

(a) only one councillor holds that office at any one time, and

(b) the office is filled all the time.

1994 cM-26.1 s164
Election day

**165** Unless a council sets an earlier date, election day for a by-election under section 162 or 163 is 90 days after the vacancy occurs.

Minister orders by-election

**166** If a vacancy must be filled by by-election under section 162 or 163 and a by-election is not held within 90 days after the vacancy occurs, the Minister may by order

- (a) set another date for the by-election;
- (b) extend the time for filling that vacancy to the next general election;
- (c) reduce the quorum for council;
- (d) direct the chief administrative officer to conduct the by-election;
- (e) take any other action the Minister considers necessary.

Quorum

**167(1)** Except as provided in this or another enactment, the quorum of a council is

- (a) the majority of all the councillors that comprise the council under section 143, or
- (b) if there is a vacancy on the council and the council is not required to hold a by-election under section 162 or 163, the majority of the remaining councillors that comprise the council under section 143.

(2) For the purposes of quorum, a councillor is deemed to be absent for a vote if, under this or any other enactment,

- (a) the councillor is required to abstain from the vote, or
- (b) the councillor is permitted to abstain from the vote and does abstain.

No quorum

**168(1)** The Minister may make an order described in subsection (2) in the following situations:
(a) vacancies on council through resignations or disqualifications have reduced the number of councillors to less than a quorum;

(b) the number of councillors able to attend a council meeting is less than a quorum;

(c) councillors are required to abstain from voting on a matter or are permitted to abstain from voting on a matter and have decided to abstain and the number of remaining councillors able to vote is less than a quorum.

(2) If subsection (1) applies, the Minister may

(a) order that the remaining councillors constitute a quorum,

(b) order that the remaining councillors constitute a quorum and appoint an official administrator for the purposes of supervision under section 575, or

(c) appoint an official administrator who has all the powers and duties of the council.

(3) In a situation described in subsection (1)(c), the Minister may, as an alternative to the options in subsection (2),

(a) order that all councillors may vote on the matter if otherwise eligible, or

(b) direct the chief administrative officer to conduct a vote of the electors on the matter with directions respecting the date of the vote of the electors, the question to be voted on by the electors and procedural matters.

(4) The council must comply with the result of the vote of the electors held under subsection (3)(b).

(5) A councillor is not disqualified for having voted on a matter

(a) in accordance with the Minister’s order under subsection (3)(a), or

(b) for the purpose of complying with the results of a vote conducted under subsection (3)(b).

1994 cM-26.1 s168

Division 6
Pecuniary Interest of Councillors

Definitions

169 In this Division,
170

(a) “corporation”, “director”, “distributing corporation”, “officer”, “shareholder”, “voting rights” and “voting shares” have the meanings given to them in the *Business Corporations Act*;

(b) “councillor’s family” means the councillor’s spouse or adult interdependent partner, the councillor’s children, the parents of the councillor and the parents of the councillor’s spouse or adult interdependent partner;

(c) “spouse” means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

Pecuniary interest

170(1) Subject to subsection (3), a councillor has a pecuniary interest in a matter if

(a) the matter could monetarily affect the councillor or an employer of the councillor, or

(b) the councillor knows or should know that the matter could monetarily affect the councillor’s family.

(2) For the purposes of subsection (1), a person is monetarily affected by a matter if the matter monetarily affects

(a) the person directly,

(b) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,

(c) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or

(d) a partnership or firm of which the person is a member.

(3) A councillor does not have a pecuniary interest by reason only of any interest

(a) that the councillor, an employer of the councillor or a member of the councillor’s family may have as an elector, taxpayer or utility customer of the municipality,
(b) that the councillor or a member of the councillor’s family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body,

(c) that the councillor or member of the councillor’s family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor’s family may be entitled by being appointed by the council to a position described in clause (b),

(d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,

(e) that the councillor or a member of the councillor’s family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee,

(f) that a member of the councillor’s family may have by having an employer, other than the municipality, that is monetarily affected by a decision of the municipality,

(g) that the councillor or a member of the councillor’s family may have by being a member or director of a non-profit organization as defined in section 241(f) or a service club,

(h) that the councillor or member of the councillor’s family may have

(i) by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service, or

(ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,

(i) of the councillor, an employer of the councillor or a member of the councillor’s family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part,
(j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or

(k) that a councillor may have by discussing or voting on a bylaw that applies to businesses or business activities when the councillor, an employer of the councillor or a member of the councillor’s family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor’s family.

(4) Subsection (3)(g) and (h) do not apply to a councillor who is an employee of an organization, club or service referred to in those clauses.

Bylaw requiring statement of disclosure

171 A council may by bylaw

(a) require that each councillor file with a designated officer a statement of the name or names of

(i) the councillor’s family,

(ii) the employers of the councillor,

(iii) each corporation, other than a distributing corporation, in which the councillor is a shareholder, director or officer,

(iv) each distributing corporation in which the councillor beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the councillor is a director or officer, and

(v) each partnership or firm of which the councillor is a member,

and

(b) require the designated officer to compile a list of all the names reported on the statements filed with the officer and give a copy of the list to the employees of the municipality indicated in the bylaw.

Disclosure of pecuniary interest

172(1) When a councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which
the councillor is appointed as a representative of the council, the councillor must, if present,

(a) disclose the general nature of the pecuniary interest prior to any discussion of the matter,

(b) abstain from voting on any question relating to the matter,

(c) subject to subsection (3), abstain from any discussion of the matter, and

(d) subject to subsections (2) and (3), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(2) If the matter with respect to which the councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the councillor to leave the room.

(3) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under this Act or another enactment, the councillor as a taxpayer, an elector or an owner has a right to be heard by the council,

(a) it is not necessary for the councillor to leave the room, and

(b) the councillor may exercise a right to be heard in the same manner as a person who is not a councillor.

(4) If a councillor is temporarily absent from a meeting when a matter in which the councillor has a pecuniary interest arises, the councillor must immediately on returning to the meeting, or as soon as the councillor becomes aware that the matter has been considered, disclose the general nature of the councillor’s interest in the matter.

(5) The abstention of a councillor under subsection (1) and the disclosure of a councillor’s interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

(6) If a councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor disclosed a pecuniary interest, the councillor must disclose the pecuniary interest at the council meeting and subsection (1) applies to the councillor.

1994 cM-26.1 s172
Effect of pecuniary interest on agreements

173 No agreement with a municipality under which a councillor of the municipality has a pecuniary interest is binding on the municipality unless

(a) the agreement is for work in an emergency,

(b) the agreement is

   (i) for the sale of goods, or

   (ii) for the provision of services to the municipality or to persons contracting with the municipality at competitive prices by a dealer in those goods or services that is incidental to or in the ordinary course of the business,

(c) the proposed agreement is approved by council before the agreement is signed by the municipality, or

(d) the agreement was entered into before the term of the councillor started.

1994 cM-26.1 s173;1996 c30 s11

Division 7
Disqualification of Councillors

Reasons for disqualification

174(1) A councillor is disqualified from council if

(a) when the councillor was nominated, the councillor was not eligible for nomination as a candidate under the Local Authorities Election Act;

(b) the councillor ceases to be eligible for nomination as a candidate under the Local Authorities Election Act;

(b.1) the councillor

   (i) fails to file a disclosure statement as required under section 147.4 of the Local Authorities Election Act before the end of the time period referred to in section 147.7 of the Local Authorities Election Act, and

   (ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the Local Authorities Election Act;
(c) the councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;

(d) the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies;

(e) the councillor is convicted

(i) of an offence punishable by imprisonment for 5 or more years, or

(ii) of an offence under section 123, 124 or 125 of the Criminal Code (Canada);

(f) the councillor does not vote on a matter at a council meeting at which the councillor is present, unless the councillor is required or is permitted to abstain from voting under this or any other enactment;

(g) the councillor contravenes section 172;

(h) the councillor has a pecuniary interest in an agreement that is not binding on the municipality under section 173;

(i) the councillor uses information obtained through being on council to gain a pecuniary benefit in respect of any matter;

(j) the councillor becomes an employee of the municipality;

(k) the councillor is liable to the municipality under section 249.

(2) A councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if

(a) the absence is authorized by a resolution of council passed at any time

(i) before the end of the last regular meeting of the council in the 8-week period, or

(ii) if there is no other regular meeting of the council during the 8-week period, before the end of the next regular meeting of the council,
(b) the absence is in accordance with a bylaw under section 144.1.

(3) For the purposes of this section, a councillor is not considered to be absent from a council meeting if the councillor is absent on council business at the direction of council.

(4) A councillor who is disqualified under this section is eligible to be elected at the next general election in the municipality if the person is eligible for nomination under the Local Authorities Election Act.

Division 8
Enforcement of Disqualification

Resignation on disqualification

175(1) A councillor that is disqualified must resign immediately.

(2) If a councillor does not resign immediately,

(a) the council may apply to a judge of the Court of Queen’s Bench for

(i) an order determining whether the person was never qualified to be or has ceased to be qualified to remain a councillor, or

(ii) an order declaring the person to be disqualified from council,

or

(b) an elector who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a councillor, and

(ii) pays into court the sum of $500 as security for costs,

may apply to a judge of the Court of Queen’s Bench for an order declaring the person to be disqualified from council.

(3) An application under this section may only be made within 3 years from the date the disqualification is alleged to have occurred.

(4) An application under this section may be started or continued whether or not an election has been held between the time the disqualification is alleged to have occurred and the time the
application is or was commenced and whether or not the person in respect of whom the application is being brought

(a) resigns before or after the election,

(b) was re-elected in the election,

(c) was not re-elected or did not run in the election, or

(d) has completed a term of office.

Decision on disqualification application

176(1) After hearing an application under this Division and any evidence, either oral or by affidavit, that is required, the judge may

(a) declare the person to be disqualified and a position on council to be vacant,

(b) declare the person able to remain a councillor, or

(c) dismiss the application.

(2) If a judge declares a person disqualified because information obtained through being on council was used to gain a pecuniary benefit, the judge may order the person to pay to the municipality a sum of damages determined by the Court.

Inadvertence or genuine error

177 A judge who hears an application under this Division and finds that the person is disqualified under section 174(1)(f), (h) or (i) may still dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or by reason of a genuine error in judgment.

Appeal

178(1) The decision of a judge under this Division may be appealed to the Court of Appeal.

(2) A person who is declared disqualified under this Division and appeals that declaration remains disqualified until the appeal is finally determined.

(3) If, on the final determination of the appeal, the disqualification is set aside,

(a) the Court must reinstate the person as a councillor for any unexpired portion of the term of office for which the person was elected and require any person who has been
elected to fill the balance of that term to vacate the office,
and

(b) the Court may order that any money paid to the
municipality under section 176(2) be repaid.

(4) If, on the final disposition of the appeal, the disqualification is
set aside but the term of office for which the person was elected has
expired, the person must not be reinstated but is eligible to be
elected at the next election in the municipality if otherwise
qualified.

1994 cM-26.1 s178

Reimbursement of costs and expenses
179 The council may reimburse the person in respect of whom an
application under this Division was made for any costs and
expenses that the council considers reasonable, other than costs that
have already been awarded to the person by the judge, if

(a) the application is dismissed, or

(b) an order is issued declaring the person able to remain a
councillor.

1994 cM-26.1 s179

Division 9
Council Proceedings
Requirements for Valid Action

Methods in which council may act
180(1) A council may act only by resolution or bylaw.

(2) Where a council or municipality is required or authorized
under this or any other enactment or bylaw to do something by
bylaw, it may only be done by bylaw.

(3) Where a council is required or authorized under this or any
other enactment or bylaw to do something by resolution or to do
something without specifying that it be done by bylaw or
resolution, it may be done by bylaw or resolution.

1994 cM-26.1 s180

Requirements for valid bylaw or resolution
181(1) A bylaw or resolution of council is not valid unless passed
at a council meeting held in public at which there is a quorum
present.

(2) A resolution of a council committee is not valid unless passed
at a meeting of that committee held in public at which there is a
quorum present.

1994 cM-26.1 s181
Voting

Restriction to one vote per person
182 A councillor has one vote each time a vote is held at a council meeting at which the councillor is present.

1994 cM-26.1 s182

Requirement to vote and abstentions
183(1) A councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.

(2) The council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

1994 cM-26.1 s183

Abstention from voting on matter discussed at public hearing
184 When a public hearing on a proposed bylaw or resolution is held, a councillor

(a) must abstain from voting on the bylaw or resolution if the councillor was absent from all of the public hearing, and

(b) may abstain from voting on the bylaw or resolution if the councillor was only absent from a part of the public hearing.

1994 cM-26.1 s184

Recording of votes
185(1) Before a vote is taken by council, a councillor may request that the vote be recorded.

(2) When a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.

1994 cM-26.1 s185

Secret ballot
185.1(1) Despite sections 185 and 197, at a meeting at which a council

(a) establishes a council committee or other body under section 145, or

(b) appoints a chief elected official under section 150,

a secret ballot must be held if requested by any councillor present at the meeting.

1994 cM-26.1 s185
(2) A vote by secret ballot under subsection (1) must be confirmed by a resolution of council.

1998 c24 s8

Tied vote

186 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

1994 cM-26.1 s186

Passing a Bylaw

Bylaw readings

187(1) Every proposed bylaw must have 3 distinct and separate readings.

(2) Each councillor present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.

(3) Each councillor present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.

(4) A proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.

(5) Only the title or identifying number has to be read at each reading of the bylaw.

1994 cM-26.1 s187

Rescission of previous bylaw readings

188 The previous readings of a proposed bylaw are rescinded if the proposed bylaw

(a) does not receive third reading within 2 years after first reading, or

(b) is defeated on second or third reading.

1994 cM-26.1 s188

Passing of bylaw

189 A bylaw is passed when it receives third reading and it is signed in accordance with section 213.

1994 cM-26.1 s189
Coming into force

190(1) A bylaw comes into force at the beginning of the day that it is passed unless otherwise provided in this or any other enactment or in the bylaw.

(2) If this or any other enactment requires a bylaw to be approved, the bylaw does not come into force until the approval is given.

(3) No bylaw may come into force on a day before it is passed unless the enactment authorizing the passing of the bylaw specifically allows for the bylaw to come into force on a day before it is passed.

Amendment and repeal

191(1) The power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

(2) The amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless this or any other enactment provides otherwise.

(3) Subsection (2) does not apply to a revision or repeal under section 63.

Meetings

Organizational meetings

192(1) Except in a summer village, a council must hold an organizational meeting annually not later than 2 weeks after the 3rd Monday in October.

(2) The council of a summer village must hold an organizational meeting annually not later than August 31.

Regular council meetings

193(1) A council may decide at a council meeting at which all the councillors are present to hold regularly scheduled council meetings on specified dates, times and places.

(2) Notice of regularly scheduled meetings need not be given.

(3) If council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours’ notice of the change

(a) to any councillors not present at the meeting at which the change was made, and
(b) to the public.

1994 cM-26.1 s193

Special council meetings

194(1) The chief elected official

(a) may call a special council meeting whenever the official considers it appropriate to do so, and

(b) must call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the councillors.

(2) A special council meeting called under subsection (1)(b) must be held within 14 days after the date that the chief elected official receives the request or any shorter period provided for by bylaw.

(3) The chief elected official calls a special council meeting by giving at least 24 hours’ notice in writing to each councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.

(4) A special council meeting may be held with less than 24 hours’ notice to all councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting.

(5) No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

1994 cM-26.1 s194

Council committee meetings

195 The municipality must give at least 24 hours’ notice of a council committee meeting

(a) to the members of the council committee, and

(b) to the public.

1994 cM-26.1 s195

Method of giving notice

196(1) Notice of a council or council committee meeting is deemed to have been given to a councillor or member of a council committee if the notice is delivered to an adult person at the councillor’s or member’s home or place of business.

(2) Notice of a council or council committee meeting to the public is sufficient if the notice is given in a manner specified by council.

1994 cM-26.1 s196
Public presence at meetings

197(1) Councils and council committees must conduct their meetings in public unless subsection (2), (2.01) or (2.1) applies.

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

(2.01) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (7).

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of a council or council committee held in public.

(4) Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve

(a) the part of the meeting that is to be closed, and

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act or under the regulations under subsection (7), the part of the meeting is to be closed.

(5) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(6) Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(7) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (2.01).
Section 198  MUNICIPAL GOVERNMENT ACT

Right of public to be present

198 Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.

1994 cM-26.1 s198

Meeting through electronic communications

199(1) A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if

(a) notice is given to the public of the meeting, including the way in which it is to be conducted,

(b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and

(c) the facilities enable all the meeting’s participants to watch or hear each other.

(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

1994 cM-26.1 s199

Power to require taking of oath

200 A council or council committee may require a person appearing before it or making any claim or submission to it to do so under oath.

1994 cM-26.1 s200

Part 6
Municipal Organization and Administration

Council's principal role in municipal organization

201(1) A council is responsible for

(a) developing and evaluating the policies and programs of the municipality;

(b) repealed 2015 c8 s20;

(c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

RSA 2000 cM-26 s201;2015 c8 s20
Orientation training

201.1(1) A municipality must, in accordance with the regulations, offer orientation training to each councillor, to be held within 90 days after the councillor takes the oath of office.

(2) The following topics must be addressed in orientation training required under subsection (1):

(a) role of municipalities in Alberta;
(b) municipal organization and functions;
(c) key municipal plans, policies and projects;
(d) roles and responsibilities of council and councillors;
(e) the municipality’s code of conduct;
(f) roles and responsibilities of the chief administrative officer and staff;
(g) budgeting and financial administration;
(h) public participation;
(i) any other topic prescribed by the regulations.

(3) The Minister may make regulations respecting orientation training, including, without limitation, regulations

(a) respecting the delivery of orientation training;
(b) prescribing topics to be addressed in orientation training.

Exercise of certain powers and duties

202(1) Where

(a) this or any other enactment or bylaw requires or authorizes a municipality to do something, but does not specify who in the municipality may do it, or

(b) the municipality wishes to exercise its natural person powers,

the thing may be done or the natural person powers may be exercised by council or by the chief administrative officer, unless council specifies otherwise.

(2) Only a council may pass bylaws.
Delegation by council

203(1) A council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee, the chief administrative officer or a designated officer, unless this or any other enactment or bylaw provides otherwise.

(2) A council may not delegate

(a) its power or duty to pass bylaws,
(b) its power to make, suspend or revoke the appointment of a person to the position of chief administrative officer,
(c) its power to adopt budgets under Part 8,
(d) its power with respect to taxes under section 347, and
(e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council committee and authorized by bylaw.

(3) The council when delegating a matter to a council committee, the chief administrative officer or a designated officer may authorize the committee or officer to further delegate the matter.

Municipal office

204 A council must name a place as its municipal office.

Establishment of chief administrative officer

205(1) Every council must establish by bylaw a position of chief administrative officer.

(2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.

(3) If more than one person is appointed, the council must by bylaw determine how the powers, duties and functions of the position of chief administrative officer are to be carried out.

(4) Council may give the position of chief administrative officer any title the council considers appropriate.
(5) Council must ensure that the chief administrative officer appropriately performs the duties and functions and exercises the powers assigned to the chief administrative officer by this or any other enactment or by council.

Performance evaluation

205.1 A council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer’s responsibilities under section 207.

Appointment, suspension and revocation

206(1) The appointment of a person to the position of chief administrative officer may be made, suspended or revoked only if the majority of the whole council vote to do so.

(2) The appointment of a person to the position of chief administrative officer may not be revoked or suspended unless the council notifies the officer, in accordance with subsection (3), that it is proposing to revoke or suspend the appointment and provides the officer with its reasons.

(3) The notification and reasons must be in writing and be served personally on the officer or sent by regular mail to the last known address of the officer.

(4) If requested by the officer, council must give the officer or the officer’s representative a reasonable opportunity to be heard before council.

(5) A chief administrative officer whose appointment is revoked without cause is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(6) A chief administrative officer whose appointment is revoked with cause is, subject to any written agreement between council and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

Chief administrative officer’s responsibilities

207 The chief administrative officer

(a) is the administrative head of the municipality;

(b) ensures that the policies and programs of the municipality are implemented;
(c) advises and informs the council on the operation and affairs of the municipality;

(d) performs the duties and functions and exercises the powers assigned to a chief administrative officer by this and other enactments or assigned by council.

1994 cM-26.1 s207

Performance of major administrative duties

208(1) The chief administrative officer must ensure that

(a) minutes of each council meeting
   (i) are recorded in the English language without note or comment,
   (ii) include the names of the councillors present at the council meeting,
   (iii) are given to council for adoption at a subsequent council meeting, and
   (iv) are recorded in the manner and to the extent required under section 230(6) when a public hearing is held;

(b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;

(c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;

(d) the council is advised in writing of its legislative responsibilities under this Act.

(2) Subsection (1) applies to the chief administrative officer in respect of council committees that are carrying out the powers, duties and functions delegated to them by the council.

RSA 2000 cM-26 s208;2015 c8 s23

Delegation by chief administrative officer

209 A chief administrative officer may delegate any of the chief administrative officer’s powers, duties or functions under this Act, including the chief administrative officer’s duties referred to in section 208(1), or under any other enactment or bylaw to a designated officer or an employee of the municipality.
Designated officers

210(1) A council may by bylaw establish one or more positions to carry out the powers, duties and functions of a designated officer under this or any other enactment or bylaw.

(2) Council may give a position established under subsection (1) any title the council considers appropriate.

(3) The bylaw must include which of the powers, duties and functions referred to in subsection (1) are to be exercised by each position.

(4) Unless otherwise provided by bylaw, all designated officers are subject to the supervision of and accountable to the chief administrative officer.

(5) A chief administrative officer may exercise all of the powers, duties and functions of a designated officer under this or any other enactment or bylaw if

(a) no position of designated officer has been established by council,

(b) the position of designated officer is vacant, or

(c) this or any other enactment or bylaw refers to a designated officer and the power, duty, function or other thing relating to the designated officer has not been assigned to any designated officer by council.

1994 cM-26.1 s210

Revocation

211(1) A municipality may revoke with or without cause the appointment of a person to the position of a designated officer.

(2) A designated officer whose appointment is revoked without cause is, subject to any written agreement between the municipality and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(3) A designated officer whose appointment is revoked with cause is, subject to any written agreement between the municipality and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s211;1995 c24 s25

Delegation by designated officer

212 A designated officer may delegate any of the officer’s powers, duties or functions under this or any other enactment or bylaw to an employee of the municipality.

1994 cM-26.1 s212
212.1(1) Starting with the 1998 financial year, the council of each municipality must annually obtain a fidelity bond, or equivalent insurance, in an amount the council considers appropriate.

(2) The fidelity bond or equivalent insurance must cover

   (a) the chief administrative officer of the municipality,
   
   (b) the designated officers of the municipality, and
   
   (c) other employees of the municipality

while carrying out duties relating to any money or security belonging to or held by the municipality.

1997 c19 s3

213(1) Minutes of council meetings must be signed by

   (a) the person presiding at the meeting, and
   
   (b) a designated officer.

(2) When council has delegated a power, duty or function to a council committee, the minutes of a council committee meeting that deal with the power, duty or function must be signed by

   (a) the person presiding at the meeting, and
   
   (b) a designated officer.

(3) Bylaws must be signed by

   (a) the chief elected official, and
   
   (b) a designated officer.

(4) Agreements and cheques and other negotiable instruments must be signed or authorized

   (a) by the chief elected official or by another person authorized by council to sign them, and
   
   (b) by a designated officer,

or by a designated officer acting alone if so authorized by council.

(5) A signature may be printed, lithographed or otherwise reproduced if so authorized by council.
Destruction of records

214(1) A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded on microfiche or on another system that will enable copies of the originals to be made.

(2) A council may pass a bylaw respecting the destruction of other records and documents of the municipality.

(3) A bylaw under subsection (2) must provide that if an individual’s personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

1994 cM-26.1 s214

Prohibition of certain agreements with employees

215(1) An agreement made on or after January 1, 1995 between a municipality and an employee of a municipality in which the municipality is to provide a service or commodity to the employee is void.

(2) This section does not apply to an agreement

   (a) in which the municipality provides a service or commodity that the municipality supplies to the public generally, or

   (b) respecting the employee’s employment.

1994 cM-26.1 s215

Part 7
Public Participation

216 Repealed 1994 cM-26.1 s738.

Public participation policy

216.1(1) Every council of a municipality must establish a public participation policy for the municipality.

(2) A council may amend its public participation policy from time to time.

(3) The Minister may make regulations

   (a) respecting the contents of public participation policies;

   (b) respecting the considerations to be taken into account by a council in establishing its public participation policy;
(c) setting a date by which every municipality must have its first public participation policy in place;

(d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made;

(e) respecting requirements to make publicly available a public participation policy and any amendments made to it.

(4) Nothing in a public participation policy established under this section affects any right or obligation that a municipal authority or any person has under any other provision of this Act.

(5) No resolution or bylaw of a council may be challenged on the ground that it was made without complying with a public participation policy established by a resolution of the council.

What information must a municipality provide

217(1), (2) Repealed 1994 cM-26.1 s738.

(3) Despite Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, the chief administrative officer must provide information on the salaries of councillors, the chief administrative officer and designated officers of the municipality.


218 Repealed 1994 cM-26.1 s738.

Petitions

Rules for petitions

219 Sections 220 to 226 apply to all petitions to a council and the Minister under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment or, in respect of petitions to a council, by a bylaw under section 226.1.

CAO duties

220 When the Minister receives a petition, the Minister must designate a person to carry out the duties of a chief administrative officer with respect to the petition.
Petition sufficiency requirements

221 A petition is sufficient if it meets the requirements of sections 222 to 226 or, where those requirements are modified by bylaw under section 226.1, if it meets the requirements as modified.

RSA 2000 cM-26 s221;2015 c8 s26

Who can petition

222 Unless otherwise provided in this or any other enactment, only electors of a municipality are eligible to be petitioners.

1994 cM-26.1 s222

Number of petitioners

223(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

(a) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 10% of the population, and

(b) in the case of a summer village, by a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village.

RSA 2000 cM-26 s223;2016 c24 s17

Other requirements for a petition

224(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

(a) the printed surname and printed given names or initials of the petitioner,

(b) the petitioner’s signature,

(c) the street address of the petitioner or the legal description of the land on which the petitioner lives,

(c.1) the petitioner’s telephone number or e-mail address, if any, and

(d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must
(a) sign opposite the signature of the petitioner, and

(b) take an affidavit that to the best of the person’s knowledge
the signatures witnessed are those of persons entitled to
sign the petition.

(3.1) The petition must have attached to it the affidavits referred to
in subsection (3).

(4) The petition must have attached to it a signed statement of a
person stating that

(a) the person is the representative of the petitioners, and

(b) the municipality may direct any inquiries about the
petition to the representative.

RSA 2000 cM-26 s224;2015 c8 s27;2017 c13 s1(17)

Counting petitioners

225(1) A petition must be filed with the chief administrative
officer and the chief administrative officer is responsible for
determining if the petition is sufficient.

(2) No name may be added to or removed from a petition after it
has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must
be excluded the name of a person

(a) whose signature is not witnessed,

(a.1) whose signature is witnessed but for which no affidavit is
attached to the petition,

(b) whose signature appears on a page of the petition that
does not have the same purpose statement that is
contained on all the other pages of the petition,

(c) whose printed name is not included or is incorrect,

(d) whose street address or legal description of land is not
included or is incorrect,

(e) if the date when the person signed the petition is not
stated,

(f) when a petition is restricted to certain persons,

   (i) who is not one of those persons, or

   (ii) whose qualification as one of those persons is not, or
is incorrectly, described or set out,
or

(g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer, unless a bylaw under section 226.1(1)(e) provides otherwise.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

RSA 2000 cM-26 s225;2015 c8 s28;2017 c13 s1(18)

Report on sufficiency of petition

226(1) Within 45 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

(2) Repealed 1995 c24 s26.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

RSA 2000 cM-26 s226;2015 c8 s29

Bylaws modifying petition requirements

226.1(1) Despite sections 219 to 226 and 233(2), a council of a municipality may by bylaw do any or all of the following:

(a) reduce the percentage required under section 223(2)(a) or (b), whichever is applicable, for petitions to the council;

(b) allow petitioners to remove their names from petitions to the council by filing a statutory declaration with the chief administrative officer no later than 14 days after the petition is filed with the chief administrative officer;

(c) provide for petitions to the council to be signed electronically and modify the requirements in sections 224(2) and (3) and 225(3) to the extent the council considers necessary or appropriate for that purpose;

(d) provide for petitions to the council to be filed with the chief administrative officer electronically;

(e) extend the time provided in section 233(2) for filing petitions to the council with the chief administrative officer.
(2) A bylaw made or proposed to be made under subsection (1)(a) cannot be the subject of a petition.

(3) A bylaw made under this section must not take effect earlier than 90 days after it is passed.

Protection of personal information in petitions

226.2(1) Despite any provision of this Act, the Freedom of Information and Protection of Privacy Act or any other enactment, personal information contained in a petition

(a) must not be disclosed to anyone except the chief administrative officer and the chief administrative officer’s delegates, if any, and

(b) must not be used for any purpose other than validating the petition.

(2) Minimal disclosure that occurs inadvertently in the course of collecting signatures to the petition is not a breach of subsection (1).

(3) Every page of a petition must contain a statement that the personal information contained in the petition

(a) will not be disclosed to anyone except the chief administrative officer and the chief administrative officer’s delegates, if any, and

(b) will not be used for any purpose other than validating the petition.

Meetings with the Public

Advertising

227 If council calls a meeting with the public, notice of it must be advertised and everyone is entitled to attend it.

Improper conduct

228 The person chairing a meeting with the public may expel a person from the meeting for improper conduct.

Petition for meeting

229 If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition.
and the meeting must be held no later than 30 days after the chief administrative officer declares the petition to be sufficient.

**Public Hearings**

**When to hold public hearing**

230(1) When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

(a) before second reading of the bylaw, or

(b) before council votes on the resolution.

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

(a) give notice of the public hearing in accordance with section 606, and

(b) conduct the public hearing during a regular or special council meeting.

(3) A council may by bylaw establish procedures for public hearings.

(4) In the public hearing, council

(a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and

(b) may hear any other person who wishes to make representations and whom the council agrees to hear.

(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may

(a) pass the bylaw or resolution,

(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or

(c) defeat the bylaw or resolution.
(6) The minutes of the council meeting during which the public hearing is held must record the public hearing to the extent directed by the council.

RSA 2000 cM-26 s230;2015 c8 s31

Petitions for Vote of the Electors - Advertised Bylaws and Resolutions

Petition for vote on advertised bylaws and resolutions

231(1) Except for a bylaw under section 22 or a bylaw or resolution under Part 17, after a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.

(2) A separate petition must be filed with respect to each advertised bylaw or resolution even if a council advertises 2 or more bylaws or resolutions in a single advertisement.

(3) A petition under this section for a vote of the electors on a proposed bylaw required to be advertised by Part 8 is not sufficient unless it is filed with the chief administrative officer within 15 days after the last date on which the proposed bylaw or resolution is advertised.

(4) A petition under this section for a vote of the electors on a proposed bylaw or resolution required to be advertised by another Part of this Act or another enactment is not sufficient unless it is filed with the chief administrative officer within 60 days after the last date on which the proposed bylaw is advertised.

(5) If a sufficient petition is received under this section, the council must either

(a) decide not to proceed with the proposed bylaw or resolution, or

(b) decide to proceed with the proposed bylaw or resolution and submit the bylaw or resolution to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

(6) If a vote of the electors approves the proposed bylaw or resolution, the council must proceed to pass it.

(7) If a vote of the electors does not approve the proposed bylaw, the council must not give the bylaw any further readings and any previous readings are rescinded.
(8) If a vote of the electors does not approve the proposed resolution, the motion for the resolution is rescinded.

(9) If a sufficient petition is not received, the council may pass the proposed bylaw or resolution.

1994 cM-26.1 s231;1995 c24 s28;1998 c24 s11

Petitions for Vote of the Electors - New Bylaws

Petition for bylaw

232(1) Electors may petition for

(a) a new bylaw, or

(b) a bylaw to amend or repeal a bylaw or resolution

on any matter within the jurisdiction of the council under this or another enactment.

(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.

RSA 2000 cM-26 s232;2016 c24 s18

Council’s duty on receiving certain petition

233(1) Except to the extent provided for in section 234, this section does not apply to a petition under section 232 requesting an amendment or repeal of a bylaw that council was required to pass as a result of a vote of the electors.

(2) A petition under section 232 requesting an amendment or repeal of a bylaw or resolution is not sufficient unless it is filed with the chief administrative officer within 60 days after the day on which that bylaw or resolution was passed or, where a bylaw under section 226.1(1)(e) extends that period, within the extended period.

(3) Within 30 days after the day on which the chief administrative officer declares a petition submitted under section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary.

(4) If the bylaw is not required to be advertised under this or another enactment, the council must

(a) within 30 days after the bylaw receiving first reading pass the bylaw, or

(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.
(5) If the bylaw is required to be advertised under this or another enactment, the council must

(a) ensure that the bylaw is advertised, or

(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

(6) If the bylaw is advertised and a sufficient petition is not received under section 231, the council must

(a) pass the bylaw within 30 days after the relevant time period set out in section 231(3) or (4), or

(b) fix a date that is within 90 days after the relevant time period set out in section 231(3) or (4) for a vote of the electors on the bylaw.

(7) If the bylaw is advertised and a sufficient petition is received under section 231, the council must either

(a) decide not to proceed with the proposed bylaw, or

(b) decide to proceed with the proposed bylaw and submit the bylaw to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

Petitions respecting public vote bylaws

234(1) In this section, “public vote bylaw” means a bylaw that council was required to pass as a result of a vote of the electors.

(2) A petition under section 232 requesting an amendment or repeal of a public vote bylaw has no effect unless one year has passed from the date that the public vote bylaw was passed.

(3) If a council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and only one to 3 years have passed from the date that the public vote bylaw was passed, the council must, within 30 days after the day on which the chief administrative officer declares the petition to be sufficient,

(a) give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary, and

(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.
(4) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and more than 3 years but less than 10 years have passed from the date that the public vote bylaw was passed,

(a) the amendment or repeal must be treated as a bylaw that is required to be advertised, and

(b) section 233(3), (5), (6) and (7) apply.

(5) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and 10 or more years have passed from the date that the public vote bylaw was passed, section 233(3) to (7) apply.

1994 cM-26.1 s234;1995 c24 s31

Result of a vote on a question

235(1) If a majority of electors voting on a bylaw under section 233 or 234 vote in favour of a proposed bylaw, the bylaw as submitted to the vote must be passed by council within 30 days after the date of the vote, without any alteration affecting its substance.

(2) If a majority of electors voting oppose the proposed bylaw, council must not give the bylaw any further readings and all previous readings are rescinded.

1994 cM-26.1 s235

Vote of the Electors - General Provisions

Electors to vote on a question

236(1) A council may provide for the submission of a question to be voted on by the electors on any matter over which the municipality has jurisdiction.

(2) A vote of the electors under subsection (1) does not bind council.

1994 cM-26.1 s236

Local Authorities Election Act

237 A vote of the electors under this Part must be conducted in accordance with the Local Authorities Election Act.

1994 cM-26.1 s237

Delaying votes

238(1) If a petition for a vote of the electors is filed with the chief administrative officer within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election.
(2) A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.  
1994 cM-26.1 s239,1995 c24 s32

One year moratorium on similar subject-matter

239 If a vote of the electors is conducted on a bylaw or resolution, the council may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.  
1994 cM-26.1 s239

Amendments or repeal of bylaws or resolutions voted on by electors

240(1) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended or repealed only if

(a) a vote of the electors is held on the proposed amendment or repeal and the majority of the electors voting vote in favour of the proposed amendment or repeal,

(b) three years have passed from the date that the bylaw or resolution was passed and the proposed amendment or repeal is advertised, or

(c) ten years have passed from the date that the bylaw or resolution was passed.

(2) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended if the amendment does not affect the substance of the bylaw or resolution.  
1994 cM-26.1 s240

Part 8

Financial Administration

Definitions

241 In this Part,

(a) “accounting standards” means the Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;

(a.01) “amortization” and “tangible capital assets” have the same meaning as in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time;
RSA 2000

Section 241  MUNICIPAL GOVERNMENT ACT

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(a.02) “annual budget” means a combined operating budget and capital budget for the calendar year determined on a basis consistent with accounting standards and the requirements of this Part;

(a.1) “borrowing” means the borrowing of money and includes

(i) borrowing to refinance, redeem or restructure existing debt;

(ii) a lease of capital property with a fixed term beyond 5 years or a fixed term of 5 years or less but with a right of renewal that would, if exercised, extend the original term beyond 5 years, and

(iii) an agreement to purchase capital property that creates an interest in the capital property to secure payment of the capital property’s purchase price if payment of the purchase price under the agreement exceeds 5 years;

(b) “borrowing bylaw” means a bylaw referred to in section 251;

(c) “capital property” means property that

(i) is used in the production or supply of goods and services or is used for a municipal purpose,

(ii) has a useful life extending beyond 12 months and is intended to be used on a continuing basis, and

(iii) is not intended for sale in the ordinary course of operations;

(d) “controlled corporation” means a controlled corporation as defined in section 75.1;

(e) “debt limit” means the debt limit for a municipality determined in accordance with the regulations under section 271;

(f) “non-profit organization” means

(i) a society, credit union or co-operative established under a law of Canada or Alberta,

(ii) a corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up, or
(iii) any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.

RSA 2000 cM-26 s241;2015 c 8 s33;2016 c24 s19

**Budgets**

**Adoption of operating budget**

242(1) Each council must adopt an operating budget for each calendar year.

(2) A council may adopt an interim operating budget for part of a calendar year.

(3) An interim operating budget for a part of a calendar year ceases to have any effect when the operating budget for that calendar year is adopted.

1994 cM-26.1 s242

**Contents of operating budget**

243(1) An operating budget must include the estimated amount of each of the following expenditures and transfers:

(a) the amount needed to provide for the council’s policies and programs;

(b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;

(b.1) the amount of expenditures and transfers needed to meet the municipality’s obligations as a member of a growth management board;

(c) the amount needed to meet the requisitions or other amounts that the municipality is required to pay under an enactment;

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

(d) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for its municipal public utilities as defined in section 28;

(e) the amount to be transferred to reserves;

(f) the amount to be transferred to the capital budget;

(g) the amount needed to recover any shortfall as required under section 244.
(2) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

(a) property tax;
(b) business tax;
(c) business improvement area tax;
(c.1) community revitalization levy;
(d) special tax;
(e) well drilling equipment tax;
(e.1) clean energy improvement tax;
(f) local improvement tax;
(f.1) community aggregate payment levy;
(g) grants;
(h) transfers from the municipality’s accumulated surplus funds or reserves;
(i) any other source.

(3) The estimated revenue and transfers under subsection (2) must be at least sufficient to pay the estimated expenditures and transfers under subsection (1).

(3.1) For the purposes of subsection (3), the estimated expenditures referred to in that subsection do not include any amortization of tangible capital assets unless the amortization is an amount required to provide for amortization of the tangible capital assets of a municipality’s municipal public utilities as defined in section 28.

(4) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 241.  

Financial shortfall

244(1) If the accumulated surplus, net of equity in tangible capital assets, is less than zero, the municipality must include a budgeted expenditure in the next calendar year that is sufficient to recover the shortfall.

(2) If a municipality has a shortfall referred to in subsection (1), the municipality may, with the Minister’s approval, allocate the
expenditures to cover the shortfall over more than one calendar year.

(3) If for any given year a municipality has a shortfall referred to in subsection (1), the Minister may, if the Minister considers it necessary to do so, establish that municipality’s annual budget for the next calendar year, and that annual budget

(a) is for all purposes the municipality’s annual budget for that calendar year, and

(b) may not be amended or replaced by council.

Adoption of capital budget

245 Each council must adopt a capital budget for each calendar year.

Contents of capital budget

246 A capital budget must include the estimated amount for the following:

(a) the amount needed to acquire, construct, remove or improve capital property;

(b) the anticipated sources and amounts of money to pay the costs referred to in clause (a);

(c) the amount to be transferred from the operating budget.

Tax bylaws

247 No municipality may pass a property tax bylaw or business tax rate bylaw in respect of a year unless the operating and capital budget for that year have been adopted by council or established by the Minister under section 244.

Expenditure of money

248(1) A municipality may only make an expenditure that is

(a) included in an operating budget, interim operating budget or capital budget or otherwise authorized by the council,

(b) for an emergency, or

(c) legally required to be paid.

(2) Each council must establish procedures to authorize and verify expenditures that are not included in a budget.
(3) If the Minister establishes a budget for a municipality under section 244, the municipality may not make an expenditure that is not included in the budget unless the expenditure is

(a) authorized by the Minister,

(b) for an emergency, or

(c) legally required to be paid.

Annual budget

248.1(1) A council may adopt an annual budget in a format that is consistent with its financial statements.

(2) For the purposes of sections 247 and 248, the adoption of an annual budget is equivalent to the adoption of an operating budget under section 242 or the adoption of a capital budget under section 245.

Civil liability of councillors

249(1) A councillor who

(a) makes an expenditure that is not authorized under section 248,

(b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or

(c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the municipality for the expenditure or amount spent.

(2) A councillor is not liable under subsection (1)(b) if spending the money is allowed under section 253(2).

(3) If more than one councillor is liable to the municipality under this section in respect of a particular expenditure or vote, the councillors are jointly and severally liable to the municipality for the expenditure or amount spent.

(4) The liability may be enforced by action by

(a) the municipality,

(b) an elector or taxpayer of the municipality, or
(c) a person who holds a security under a borrowing made by the municipality.

1994 cM-26.1 s249

Investments

Authorized investments

250(1) In this section, “securities” includes bonds, debentures, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security.

(2) A municipality may only invest its money in the following:

(a) securities issued or guaranteed by

(i) the Crown in right of Canada or an agent of the Crown, or

(ii) the Crown in right of a province or territory or an agent of a province or territory;

(b) securities of a municipality, school division, school district, hospital district, health region under the Regional Health Authorities Act or regional services commission in Alberta;

(c) securities that are issued or guaranteed by a bank, treasury branch, credit union or trust corporation;

(d) units in pooled funds of all or any of the investments described in clauses (a) to (c);

(e) shares of a corporation incorporated or continued under the Canada Business Corporations Act (Canada) or incorporated, continued or registered under the Business Corporations Act if the investment is approved by the Minister.

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

(3) The approval of the Minister under subsection (2)(e) may contain conditions.

(4) In addition to the investments referred to in subsection (2), the Minister may by regulation allow one or more municipalities to invest their money in other investments described in the regulation.
(5) Nothing in this section prevents a municipality from acquiring a share or membership in a non-profit organization.

**Borrowing**

**Borrowing bylaw**

251(1) A municipality may only make a borrowing if the borrowing is authorized by a borrowing bylaw.

(2) A borrowing bylaw must set out

(a) the amount of money to be borrowed and, in general terms, the purpose for which the money is borrowed;

(b) the maximum rate of interest, the term and the terms of repayment of the borrowing;

(c) the source or sources of money to be used to pay the principal and interest owing under the borrowing.

(3) A borrowing bylaw must be advertised.

**Debt limit**

252(1) No municipality may make a borrowing if the borrowing will cause the municipality to exceed its debt limit, unless the borrowing is approved by the Minister.

(2) For the purposes of subsection (1), a borrowing made by a municipality to pay for costs associated with clean energy improvements as defined in Part 10, Division 6.1 does not count against the debt limit or debt service limit of the municipality.

**Use of borrowed money**

253(1) Money obtained by a municipality under a borrowing must be used for the purpose for which it is borrowed.

(2) Money obtained by a municipality under a borrowing for the purpose of financing a capital property may be used for an operating purpose if the amount spent is available when it is needed for the capital property.

**Capital property**

254 No municipality may acquire, remove or start the construction or improvement of a capital property that is to be financed in whole or in part through a borrowing unless the borrowing bylaw that authorizes the borrowing is passed.
Exemption from borrowing conditions

255(1) The Minister may, in respect of a particular borrowing, exempt a municipality from any requirement in sections 256 to 263.

(2) The Regulations Act does not apply to an exemption made under this section.

1994 cM-26.1 s255

Operating expenditures

256(1) This section applies to a borrowing made for the purpose of financing operating expenditures.

(2) The amount to be borrowed, together with the unpaid principal of other borrowings made for the purpose of financing operating expenditures, must not exceed the amount the municipality estimates will be raised in taxes in the year the borrowing is made.

(3) A borrowing bylaw that authorizes the borrowing does not have to be advertised if the term of the borrowing does not exceed 3 years.

1994 cM-26.1 s256

Capital property - short-term borrowing

257(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing is 5 years or less.

(2) The expenditure for the capital property must be included in a budget.


(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

1994 cM-26.1 s257;1996 c30 s14;1998 c24 s13

Capital property - long-term borrowing

258(1) This section applies to a borrowing made for the purpose of financing a capital property when the term of the borrowing exceeds 5 years.

(2) This section does not apply to a borrowing referred to in section 263.

(3) The expenditure for the capital property must be included in a budget.

(4) The term of the borrowing must not exceed the probable lifetime of the capital property.
(5) If
   (a) a borrowing bylaw that authorizes the borrowing has been passed,
   (b) the money to be borrowed is insufficient because the cost of the capital property has increased, and
   (c) the increased cost does not exceed 15% of the original cost of the capital property,

the borrowing bylaw that authorizes the borrowing of the increased cost does not have to be advertised.

1994 cM-26.1 s258;1996 c30 s15

Capital property - interim financing

259(1) This section applies to a borrowing made for the purpose of temporarily financing a capital property for which a borrowing bylaw has been passed under section 258.

(2) The term of the borrowing must not exceed 5 years.

(3) The amount borrowed must not exceed the
   (a) amount of the expenditures in the budget for that and previous calendar years to acquire, construct or improve the capital property,
   minus
   (b) any money received for the capital property from any other source, including previous borrowings under this Part.

(4) A borrowing bylaw that authorizes the borrowing referred to in subsection (1) does not have to be advertised.

(5) Section 257 does not apply to a borrowing referred to in subsection (1).

1994 cM-26.1 s259;1996 c30 s16

Special works

260 If the purpose of a borrowing is to finance the acquisition, construction, removal or improvement of capital property ordered under an enactment, the borrowing bylaw for that borrowing does not have to be advertised.

1994 cM-26.1 s260

Refinancing

261 If the purpose of a proposed borrowing is to refinance, redeem or restructure the unpaid principal of one or more existing
borrowings and the amount and term of the proposed borrowing do not exceed the unpaid principal of the existing borrowings and the longest remaining term of the existing borrowings, the borrowing bylaw for the proposed borrowing does not have to be advertised.

1994 cM-26.1 s261

Services or activities that are funded by agreement

262(1) This section applies to a borrowing made for the purpose of financing a service or activity that the municipality will provide under an agreement

(a) between the municipality and another local authority or the Crown in right of Alberta or Canada or an agent of either Crown, and

(b) that provides that the municipality is to receive payments for providing the service or activity.

(2) The amount borrowed must not exceed the amount that will be paid to the municipality under the agreement.

(3) The term of the borrowing must not continue beyond the date on which the final payment under the agreement is received by the municipality.

(4) A borrowing bylaw that authorizes the borrowing does not have to be advertised.

(5) Payments received by the municipality under the agreement must be applied first to reducing the amount borrowed.

(6) Sections 256 to 259 do not apply to a borrowing referred to in subsection (1).

1994 cM-26.1 s262

Local improvements

263(1) This section applies to a borrowing made for the purpose of financing the cost of a local improvement to be funded in whole or in part by a local improvement tax.

(2) The borrowing bylaw that authorizes the borrowing does not have to be advertised if the amount to be financed by the local improvement tax to pay for the local improvement is equal to or greater than the amount that the municipality will contribute to pay for the local improvement other than through the local improvement tax.

(3) For the purpose of calculating the amount that the municipality will contribute referred to in subsection (2), the amount does not include any financial assistance the municipality receives for the
local improvement from a government, government agency, corporation or individual.

1994 cM-26.1 s263

**Loans and Guarantees**

**Purpose of loans and guarantees**

264(1) A municipality may only lend money or guarantee the repayment of a loan if

(a) the loan or guarantee is made under subsection (2) or (3),

(b) the loan is made to one of its controlled corporations, or

(c) the guarantee is made in respect of a loan between a lender and one of its controlled corporations.

265(1) A municipality may only lend money to a non-profit organization, one of its controlled corporations or the designated seller within the meaning of section 30(1) of the *Gas Distribution Act*, SA 1994 cG-1.5 as it read on June 30, 1998, if the loan is authorized by bylaw.

(2) The bylaw authorizing the loan must set out

(a) the amount of money to be loaned and, in general terms, the purpose for which the money that is loaned is to be used;

(b) the minimum rate of interest, the term and the terms of repayment of the loan;

(c) the source or sources of the money to be loaned.
(3) The bylaw that authorizes the loan must be advertised.  
1994 cM-26.1 s265;1998 c26 s13

Guarantee bylaw

266(1) A municipality may only guarantee the repayment of a loan between a lender and a non-profit organization or one of its controlled corporations if the guarantee is authorized by bylaw.

(2) The bylaw authorizing the guarantee must set out

(a) the amount of money to be borrowed under the loan to be guaranteed and, in general terms, the purpose for which the money is borrowed;

(b) the rate of interest under the loan or how the rate of interest is calculated, the term and the terms of repayment of the loan;

(c) the source or sources of the money to be used to pay the principal and interest owing under the loan if the municipality is required to do so under the guarantee.

(3) The bylaw that authorizes the guarantee must be advertised.  
1994 cM-26.1 s266


Debt limit

268 No municipality may lend money or guarantee the repayment of a loan referred to in section 264 if making the loan or guarantee will cause the municipality to exceed its debt limit, unless the loan or guarantee is approved by the Minister.  
1994 cM-26.1 s268

Financial records and receipts

268.1 A municipality must ensure that

(a) accurate records and accounts are kept of the municipality’s financial affairs, including the things on which a municipality’s debt limit is based and the things included in the definition of debt for that municipality;

(b) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;
(c) the revenues of the municipality are collected and controlled and receipts issued in the manner directed by council.

2015 c8 s37

General Matters

Financial year

The financial year of a municipality is the calendar year.

1994 cM-26.1 s269

Municipal accounts

(1) Only a designated officer or a person authorized by bylaw may open or close the accounts that hold the money of a municipality.

(2) A municipality must ensure that all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council.

RSA 2000 cM-26 s270; 2015 c8 s38

Regulations

(1) The Minister may make regulations

(a) respecting the financial administration of specialized municipalities;

(b) establishing limits and restrictions on a municipality’s power to make grants;

(c) respecting how a debt limit for a municipality is determined;

(d) defining debt for the purposes of determining if a municipality has exceeded its debt limit and the definition may include anything related to a municipality’s finances, including things relating to the finances of a controlled corporation;

(e) exempting a municipality from the requirement of this Part respecting debt limits.

(2) The regulations may establish different methods of determining debt limits and different definitions of debt for different municipalities.

1994 cM-26.1 s271

Seal and signatures

(1) After a legal instrument issued under a borrowing has been signed and sealed by the municipality, the signatures and seal may
be reproduced and the reproduction has the same effect as if the signatures or seal had been personally signed or affixed.

(2) A municipality must ensure that its corporate seal, if any, is kept safe.

Validity of borrowings, loans and guarantees

273(1) A borrowing made by a municipality and a loan or guarantee of a loan made by a municipality under section 264 and any legal instrument issued under the borrowing, loan or guarantee is valid and binding on the municipality and is not open to question in any court if the borrowing is authorized by a borrowing bylaw or the loan or guarantee is authorized by bylaw.

(2) A borrowing bylaw or a bylaw authorizing a loan or guarantee is, for the purposes of this section, a valid bylaw if

(a) no application has been made to the Court of Queen’s Bench to have the bylaw declared invalid within 30 days after the bylaw has been passed, or

(b) an application has been made to the Court of Queen’s Bench to have the bylaw declared invalid within 30 days after the bylaw has been passed and, on the final disposition of the application and any appeal, the application is dismissed.

Application of money borrowed

274 A person lending money to a municipality under a borrowing does not have to verify that the money is applied to the purpose for which it is borrowed.

Civil liability of councillors

275(1) When a municipality makes a borrowing, loan or guarantees the repayment of a loan that causes the municipality to exceed its debt limit, a councillor who voted for the bylaw authorizing the borrowing, loan or guarantee is liable to the municipality for the amount borrowed, loaned or guaranteed, unless the borrowing, loan or guarantee has been approved by the Minister.

(2) If subsection (1) applies to more than one councillor in respect of a bylaw, the councillors are jointly and severally liable to the municipality for the amount borrowed, loaned or guaranteed under the bylaw.

(3) The liability may be enforced by action by
(a) the municipality,
(b) an elector or taxpayer of the municipality, or
(c) a person who holds a security under a borrowing made by
the municipality.

1994 cM-26 s275

Expense allowance

275.1(1) In this section, “remuneration” includes salaries, indemnnities, honorariums and allowances.

(2) One third of the remuneration paid in 1999 and later years by a municipality to a councillor is deemed to be an allowance for expenses that are incidental to the discharge of the councillor’s duties.

(3) Subsection (2) does not apply to a councillor’s remuneration paid in a year if there is in force during all or any part of that year a bylaw or resolution of council establishing that a portion other than 1/3 of the councillor’s remuneration is an allowance for expenses that are incidental to the discharge of the councillor’s duties.

1999 c32 s14

Annual Financial Statements and Auditor’s Report

Annual financial statements

276(1) Each municipality must prepare annual financial statements of the municipality for the immediately preceding year in accordance with

(a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time, and

(b) any modification of the principles or any supplementary accounting standards or principles established by the Minister by regulation.

(2) The municipality’s financial statements must include

(a) the municipality’s debt limit, and

(b) the amount of the municipality’s debt as defined in the regulations under section 271.
(3) Each municipality must make its financial statements, or a summary of them, and the auditor’s report of the financial statements available to the public in the manner the council considers appropriate by May 1 of the year following the year for which the financial statements have been prepared.

Financial information return

277(1) Each municipality must prepare a financial information return respecting the financial affairs of the municipality for the immediately preceding calendar year.

(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.

Returns and reports to Minister

278 Each municipality must submit

(a) its financial information return and the auditor’s report on the financial information return, and

(b) its financial statements and the auditor’s report on the financial statements

to the Minister by May 1 of the year following the year for which the financial information return and statements have been prepared.

Financial statements for controlled corporations

279 Each controlled corporation must prepare annual financial statements in accordance with

(a) the requirements of the legislation under which the corporation was formed, and

(b) if there are no requirements, Canadian generally accepted accounting principles, which are the accounting standards set out in the CPA Canada Handbook, as published by the Chartered Professional Accountants of Canada from time to time.

Auditors

280(1) Each council must appoint one or more auditors for the municipality.
(2) Each council must appoint one or more auditors for each of its controlled corporations if there is no statutory requirement for an audit of the accounts of the controlled corporation.

(3) A council may not appoint a councillor, an employee of the municipality or an employee of one of its controlled corporations to be an auditor.

(4) The council of the City of Edmonton or of the City of Calgary may, on the approval of the Minister, appoint by bylaw an employee of the municipality to be the auditor for the municipality if the person is a chartered professional accountant and reports directly to the council.

RSA 2000 cM-26 s280;2014 cC-10.2 s181

Auditor's reports

281(1) The auditor for the municipality must report to the council on the annual financial statements and financial information return of the municipality.

(2) The reports on the annual financial statements and financial information return must be in accordance with

(a) Canadian generally accepted accounting principles for municipal governments, which are the standards approved by the Public Sector Accounting Board included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time, and

(b) any modifications of the principles referred to in clause (a) or any supplementary principles established by the Minister by regulation.

(3) The auditor must separately report to the council any improper or unauthorized transaction or non-compliance with this or another enactment or a bylaw that is noted during the course of an audit.

(4) The council or the Minister may require any further examination and report from the auditor.

RSA 2000 cM-26 s281;2014 cC-10.2 s181

Auditor appointed by Minister

282(1) The Minister may appoint one or more auditors to audit the books and accounts of a municipality if the Minister considers the audit to be needed or

(a) on the request of the council,

(b) on the request of not fewer than 1/3 of the councillors on the council, or
(c) on receiving a sufficient petition from the electors of the municipality requesting the appointment of an auditor.

(2) The municipality is liable to the Minister for the costs of the audit as determined by the Minister.

(3) The auditor must submit the auditor’s report to the Minister and to council.

Access to information by auditors

283(1) An auditor appointed by the council or the Minister is at all reasonable times and for any purpose related to an audit entitled to access to

(a) the records of the municipality, and

(b) data processing equipment owned or leased by the municipality.

(2) A councillor, chief administrative officer, designated officer, employee or agent of, or a consultant to, a municipality must give the auditor any information, reports or explanations the auditor considers necessary.

(3) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

Financial Plans and Capital Plans

Required plans

283.1(1) In this section,

(a) “capital plan” means a plan referred to in subsection (3);

(b) “financial plan” means a plan referred to in subsection (2).

(2) Each municipality must prepare a written plan respecting its anticipated financial operations over a period of at least the next 3 financial years.

(3) Each municipality must prepare a written plan respecting its anticipated capital property additions over a period of at least the next 5 financial years.

(4) The 3 financial years referred to in subsection (2) and the 5 financial years referred to in subsection (3) do not include the
financial year in which the financial plan or capital plan is prepared.

(5) Council may elect to include more than 3 financial years in a financial plan or more than 5 financial years in a capital plan.

(6) Council must annually review and update its financial plan and capital plan.

(7) The Minister may make regulations respecting financial plans and capital plans, including, without limitation, regulations

(a) respecting the form and contents of financial plans and capital plans;

(b) specifying the first financial year required to be reflected in a financial plan;

(c) specifying the first financial year required to be reflected in a capital plan.

2015 c8 s40

Part 9
Assessment of Property

Interpretation provisions for Parts 9 to 12

284(1) In this Part and Parts 10, 11 and 12,

(a) “assessed person” means a person who is named on an assessment roll in accordance with section 304;

(b) “assessed property” means property in respect of which an assessment has been prepared;

(c) “assessment” means a value of property determined in accordance with this Part and the regulations;

(d) “assessor” means

(i) the provincial assessor, or

(ii) a municipal assessor,

and includes any person to whom those duties and responsibilities are delegated by the person referred to in subclause (i) or (ii);

(e) “council” includes
(i) a collecting board that is authorized under section 180 of the School Act to impose and collect taxes in a district as defined in that Act, and

(ii) the Minister, in respect of an improvement district or special area;

(f) “Crown” means the Crown in right of Alberta, and includes a Provincial agency as defined in the Financial Administration Act and an agent of the Crown in right of Alberta;

(f.01) “designated industrial property” means

(i) facilities regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board,

(ii) linear property,

(iii) property designated as a major plant by the regulations,

(iv) land and improvements in respect of a parcel of land where that parcel of land contains property described in subclause (i) or (iii), and

(v) land and improvements in respect of land in which a leasehold interest is held where the land is not registered in a land titles office and contains property described in subclause (i) or (iii);

(f.1) “designated manufactured home” means a manufactured home, mobile home, modular home or travel trailer;

(g) repealed 2016 c24 s21;

(g.1) “extended area network” has the meaning given to it in the regulations;

(h) “farm building” has the meaning given to it in the regulations;

(i) “farming operations” has the meaning given to it in the regulations;

(j) “improvement” means

(i) a structure,
(ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,

(iii) a designated manufactured home, and

(iv) machinery and equipment;

(k) “linear property” means

(i) electric power systems, which has the meaning given to that term in the regulations,

(ii) street lighting systems, which has the meaning given to that term in the regulations,

(iii) telecommunication systems, which has the meaning given to that term in the regulations,

(iv) pipelines, which has the meaning given to that term in the regulations,

(v) railway property, which has the meaning given to that term in the regulations, and

(vi) wells, which has the meaning given to that term in the regulations;

(l) “machinery and equipment” has the meaning given to it in the regulations;

(m) “manufactured home” means any structure, whether ordinarily equipped with wheels or not, that is manufactured to meet or exceed the Canadian Standards Association standard CSA Z240 and that is used as a residence or for any other purpose;

(n) “manufactured home community” means a parcel of land that

(i) is designated in the land use bylaw of a municipality as a manufactured home community, and

(ii) includes at least 3 designated manufactured home sites that are rented or available for rent;

(n.1) “mobile home” means a structure that is designed to be towed or carried from place to place and that is used as a residence or for any other purpose, but that does not meet Canadian Standards Association standard CSA Z240;
(n.2) “modular home” means a home that is constructed from a number of pre-assembled units that are intended for delivery to and assembly at a residential site;

(n.3) “municipal assessment roll” means the assessment roll prepared by a municipality under section 302(1);

(n.4) “municipal assessor” means a designated officer appointed under section 284.2 to carry out the functions, duties and powers of a municipal assessor under this Act;

(o) “municipality” includes

(i) a district, as defined in the School Act, in which a collecting board is authorized under section 180 of that Act to impose and collect taxes or, where the district is authorized or required to act, the collecting board, and

(ii) an improvement district and a special area or, where the improvement district or special area is authorized or required to act, the Minister;

(o.1) “operational” has the meaning given to it in the regulations;

(p) “operator” has the meaning given to it in the regulations;

(q) “owner”, in respect of a designated manufactured home, means the owner of the designated manufactured home and not the person in lawful possession of it;

(r) “property” means

(i) a parcel of land,

(ii) an improvement, or

(iii) a parcel of land and the improvements to it;

(r.1) “provincial assessment roll” means the assessment roll prepared by the provincial assessor under section 302(2);

(r.2) “provincial assessor” means the provincial assessor designated under section 284.1;

(s), (t) repealed 2016 c24 s21;

(u) “structure” means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;
(u.1) “SuperNet” has the meaning given to it in the regulations;

(v), (w) repealed 2016 c24 s21;

(w.1) “travel trailer” means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a road;

(x) “year” means a 12-month period beginning on January 1 and ending on the next December 31.

(2) In this Part and Parts 10, 11 and 12, a reference to a parcel of land that is held under a lease, licence or permit from the Crown in right of Alberta or Canada includes a part of the parcel.

(2.1) For the purposes of subsection (1)(f.01)(i), a facility regulated by the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board includes all components of the facility, including any machinery and equipment, buildings and structures servicing or related to the facility and land on which the facility is located.

(3) For the purposes of this Part and Parts 10, 11 and 12, any document, including an assessment notice and a tax notice, that is required to be sent to a person is deemed to be sent on the day the document is mailed or otherwise delivered to that person.

(4) In this Part and Parts 11 and 12, “complaint deadline” means 60 days after the notice of assessment date set under section 308.1 or 324(2)(a.1).

Provincial assessor

284.1(1) The Minister must designate a person having the qualifications set out in the regulations as the provincial assessor to carry out the functions, duties and powers of the provincial assessor under this Act.

(2) Subject to the regulations, the provincial assessor may delegate to any person any power or duty conferred or imposed on the provincial assessor by this Act.

(3) The provincial assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the provincial assessor’s functions, duties or powers under this Act or any other enactment.
Municipal assessor

284.2(1) A municipality must appoint a person having the qualifications set out in the regulations to the position of designated officer to carry out the functions, duties and powers of a municipal assessor under this Act.

(2) Subject to the regulations, a municipal assessor may delegate to any person any power or duty conferred or imposed on the municipal assessor by this Act.

(3) A municipal assessor is not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of the municipal assessor’s functions, duties or powers under this Act or any other enactment.

Division 1
Preparation of Assessments

Preparing annual assessments

285 Each municipality must prepare annually an assessment for each property in the municipality, except designated industrial property and the property listed in section 298.

286 Repealed 1994 cM-26.1 s286.

287 Repealed 1994 cM-26.1 s287.


Assessments for property other than designated industrial property

289(1) Assessments for all property in a municipality, other than designated industrial property, must be prepared by the municipal assessor.

(2) Each assessment must reflect

(a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and

(b) the valuation and other standards set out in the regulations for that property.

(2.1) If the provincial assessor and a municipal assessor assess the same property, the municipality in which the property is situated must rescind the municipal assessment and notify the assessed person.
(3), (4) Repealed 2016 c24 s23.

RSA 2000 cM-26 s289;2009 c29 s3;2016 c24 s23

**Land to be assessed as a parcel**

290(1) If a parcel of land is located in more than one municipality, the assessor must prepare an assessment for the part of the parcel that is located in the municipality in which the assessor has the authority to act, as if that part of the parcel is a separate parcel of land.

(2) Any area of land forming part of a right of way for a railway, irrigation works as defined in the *Irrigation Districts Act* or drainage works as defined in the *Drainage Districts Act* but used for purposes other than the operation of the railway, irrigation works or drainage works must be assessed as if it is a parcel of land.

(3) Any area of land that is owned by the Crown in right of Alberta or Canada and is the subject of a grazing lease or grazing permit granted by either Crown must be assessed as if it is a parcel of land.

(4) Repealed 1995 c24 s37.

1994 cM-26.1 s290;1995 c24 s37;1999 cI-11.7 s214

**Assessment of condominium unit**

290.1(1) Each unit and the share in the common property that is assigned to the unit must be assessed

(a) in the case of a bare land condominium, as if it is a parcel of land, or

(b) in any other case, as if it is a parcel of land and the improvements to it.

(2) In this section, “unit” and “share in the common property” have the meanings given to them in the *Condominium Property Act*.

1995 c24 s38

**Assessment of strata space**

290.2 Each strata space as defined in section 86 of the *Land Titles Act* must be assessed as if it is a parcel of land and the improvements to it.

1995 c24 s38

**Rules for assessing improvements**

291(1) Unless subsection (2) applies, an assessment must be prepared for an improvement whether or not it is complete or capable of being used for its intended purpose.

(2) No assessment is to be prepared
(a) for new linear property that is not operational on or before October 31,

(b) for new improvements, other than designated industrial property improvements, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before December 31,

(c) for new designated industrial property improvements, other than linear property, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before October 31,

(d) for new improvements, other than designated industrial property improvements, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not operational on or before December 31, or

(e) for new designated industrial property improvements, other than linear property, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (c), if the improvements referred to in clause (c) are not operational on or before October 31.

(3) to (5) Repealed 2016 c24 s24.

RSA 2000 cM-26 s291;2008 c24 s2;2016 c24 s24

Assessments for designated industrial property

292(1) Assessments for designated industrial property must be prepared by the provincial assessor.

(2) Each assessment must reflect

(a) the valuation standard set out in the regulations for designated industrial property, and

(b) the specifications and characteristics of the designated industrial property as specified in the regulations.

(2.1) The specifications and characteristics of the designated industrial property referred to in subsection (2)(b) must reflect

(a) the records of the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board, as the case may be, on October 31 of the year prior to the year in
which the tax is imposed under Part 10 in respect of the designated industrial property, and

(b) any other source of information that the provincial assessor considers relevant, as at October 31 of the year prior to the year in which the tax is imposed under Part 10 in respect of the designated industrial property.

(2.2) Information received by the provincial assessor from the Alberta Energy Regulator, the Alberta Utilities Commission or the National Energy Board is deemed to be correct for the purposes of preparing assessments.

(3) to (5) Repealed 2016 c24 s25.

Duties of assessors

293(1) In preparing an assessment, an assessor must, in a fair and equitable manner,

(a) apply the valuation and other standards set out in the regulations, and

(b) follow the procedures set out in the regulations.

(2) If there are no procedures set out in the regulations for preparing assessments, the assessor must take into consideration assessments of similar property in the same municipality in which the property that is being assessed is located.

(3) The municipal assessor must, in accordance with the regulations, provide the Minister or the provincial assessor with information that the Minister or the provincial assessor requires about property in the municipality.

Right to enter on and inspect property

294(1) After giving reasonable notice to the owner or occupier of any property, an assessor may at any reasonable time, for the purpose of carrying out the duties and responsibilities of the assessor under Parts 9 to 12 and the regulations,

(a) enter on and inspect the property,

(b) request anything to be produced, and

(c) make copies of anything necessary to the inspection.
(2) When carrying out duties under subsection (1), an assessor must produce identification on request.

(3) An assessor must, in accordance with the regulations, inform the owner or occupier of any property of the purpose for which information is being collected under this section and section 295.

Duty to provide information

295(1) A person must provide, on request by an assessor, any information necessary for the assessor to carry out the duties and responsibilities of an assessor under Parts 9 to 12 and the regulations.

(2) The Alberta Safety Codes Authority or an agency accredited under the Safety Codes Act must release, on request by an assessor, information or documents respecting a permit issued under the Safety Codes Act.

(3) An assessor may request information or documents under subsection (2) only in respect of a property within the municipality for which the assessor is preparing an assessment.

(4) No person may make a complaint in the year following the assessment year under section 460 or, in the case of designated industrial property, under section 492(1) about an assessment if the person has failed to provide any information requested under subsection (1) within 60 days from the date of the request.

(5) Information collected under this section must be reported to the Minister on the Minister’s request.

(6) Despite section 294(1) and subsection (1) of this section, where an assessment of property is the subject of a complaint under Part 11 or 12 by the person assessed in respect of that property,

(a) the assessed person is not obligated to provide information or produce anything to an assessor in respect of that assessment, and

(b) the assessor has no authority under section 294(1)(c) to make copies of anything the assessed person refuses to provide or produce relating to that assessment

until after the complaint has been heard and decided by the assessment review board or the Municipal Government Board, as the case may be.
Court authorized inspection and enforcement

296(1) The provincial assessor or a municipality may apply to the Court of Queen’s Bench for an order under subsection (2) if any person

(a) refuses to allow or interferes with an entry or inspection by an assessor, or

(b) refuses to produce anything requested by an assessor to assist the assessor in preparing an assessment or determining if property is to be assessed.

(2) The Court may make an order

(a) restraining a person from preventing or interfering with an assessor’s entry or inspection, or

(b) requiring a person to produce anything requested by an assessor under section 294 or 295.

(3) A copy of the application and each affidavit in support must be served at least 3 days before the day named in the application for the hearing.

RSA 2000 cM-26 s296;2009 c53 s119;2016 c24 s28

Assigning assessment classes to property

297(1) When preparing an assessment of property, the assessor must assign one or more of the following assessment classes to the property:

(a) class 1 - residential;

(b) class 2 - non-residential;

(c) class 3 - farm land;

(d) class 4 - machinery and equipment.

(2) A council may by bylaw divide class 1 into sub-classes on any basis it considers appropriate, and if the council does so, the assessor may assign one or more sub-classes to property in class 1.

(2.1) A council may by bylaw divide class 2 into the sub-classes prescribed by the regulations, and if the council does so, the assessor must assign one or more of the prescribed sub-classes to a property in class 2.

(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the
portion of the assessment attributable to each assessment class or sub-class.

(4) In this section,

(a) “farm land” means land used for farming operations as defined in the regulations;

(a.1) “machinery and equipment” does not include

(i) any thing that falls within the definition of linear property as set out in section 284(1)(k), or

(ii) any component of a manufacturing or processing facility that is used for the cogeneration of power;

(b) “non-residential”, in respect of property, means linear property, components of manufacturing or processing facilities that are used for the cogeneration of power or other property on which industry, commerce or another use takes place or is permitted to take place under a land use bylaw passed by a council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;

(c) “residential”, in respect of property, means property that is not classed by the assessor as farm land, machinery and equipment or non-residential.

RSA 2000 cM-26 s297;2002 c19 s6; 2016 c24 s29;2017 c13 s2(7)

Non-assessable property

298(1) No assessment is to be prepared for the following property:

(a) a facility, works or system for

(i) the collection, treatment, conveyance or disposal of sanitary sewage, or

(ii) storm sewer drainage,

that is owned by the Crown in right of Alberta or Canada, a municipality or a regional services commission;

(b) a facility, works or system for the storage, conveyance, treatment, distribution or supply of water that is owned by the Crown in right of Alberta or Canada, a municipality or a regional services commission;

(b.1) a water supply and distribution system, including metering facilities, that is owned or operated by an
individual or a corporation and used primarily to provide a domestic water supply service;

(c) irrigation works as defined in the *Irrigation Districts Act* and the land on which they are located when they are held by an irrigation district, but not including any residence or the land attributable to the residence;

(d) canals, dams, dikes, weirs, breakwaters, ditches, basins, reservoirs, cribs and embankments;

(e) flood-gates, drains, tunnels, bridges, culverts, headworks, flumes, penstocks and aqueducts

   (i) located at a dam,

   (ii) used in the operation of a dam, and

   (iii) used for water conservation or flood control, but not for the generation of electric power;

(f) land on which any property listed in clause (d) or (e) is located

   (i) if the land is a dam site, and

   (ii) whether or not the property located on the land is used for water conservation, flood control or the generation of electric power;

(g) a water conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat water to meet municipal standards, but not including any improvement designed and used for

   (i) the further treatment of the water supply to meet specific water standards for a manufacturing or processing operation,

   (ii) water reuse,

   (iii) fire protection, or

   (iv) the production or transmission of a natural resource;

(h) a sewage conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat and dispose of domestic sewage, but not including any improvement designed and used for the treatment of other effluent from the manufacturing or processing plant;
(i) roads, but not including a road right of way that is held under a lease, licence or permit from the Crown in right of Alberta or Canada or from a municipality and that is used for a purpose other than as a road;

(i.1) weigh scales, inspection stations and other improvements necessary to maintain the roads referred to in clause (i) and to keep those roads and users safe, but not including a street lighting system owned by a corporation, a municipality or a corporation controlled by a municipality;

(j) property held by the Crown in right of Alberta or Canada in a municipal district, improvement district, special area or specialized municipality that

(i) is not used or actively occupied by the Crown, or

(ii) is not occupied under an interest or right granted by the Crown,

unless the property is located in a hamlet or in an urban service area as defined in an order creating a specialized municipality;

(k) any provincial park or recreation area, including any campground, day use area or administration and maintenance facility held by the Crown in right of Alberta or operated under a facility operation contract or service contract with the Crown in right of Alberta, but not including the following:

(i) a residence and the land attributable to it;

(ii) property that is the subject of a disposition under the Provincial Parks Act or the Public Lands Act;

(iii) a downhill ski hill, golf course, food concession, store or restaurant, and the land attributable to it, operated under a facility operation contract or a service contract with the Crown in right of Alberta;

(k.1) any national park held by the Crown in right of Canada, but not including a parcel of land, an improvement, or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Canada;

(l) property held by the Crown in right of Alberta or Canada and forming part of an undertaking in respect of the conservation, reclamation, rehabilitation or reforestation
of land, but not including any residence or the land attributable to the residence;

(m) property used for or in connection with a forestry tower that is not accessible by road;

(n) any interest under a timber disposition under the *Forests Act* and the timber harvest or cut authorized by the disposition;

(o) any interest under a permit or authorization for the grazing of stock under the *Forests Act* or the *Forest Reserves Act*;

(p) wheel loaders, wheel trucks and haulers, crawler type shovels, hoes and dozers;

(q) linear property used exclusively for farming operations;

(r) linear property forming part of a rural gas distribution system and gas conveyance pipelines situated in a rural municipality where that linear property is owned by a municipality or a rural gas co-operative association organized under the *Rural Utilities Act*, but not including gas conveyance pipelines owned by rural gas co-operative associations,

(i) from the regulating and metering station to an industrial customer consuming more than 10,000 gigajoules of gas during any period that starts on November 1 in one year and ends on October 31 in the next year and that precedes the year in which the assessment for those pipelines is to be used for the purpose of imposing a tax under Part 10, or

(ii) that serve or deliver gas to

(A) a city, town, village, summer village or hamlet, or

(B) an urban service area as defined in an order creating a specialized municipality that has a population of more than 500 people;

(r.1) linear property forming part of a rural gas distribution system where that gas distribution system is subject to a franchise area approval under the *Gas Distribution Act*;

(s) cairns and monuments;

(t) property in Indian reserves;
(u) property in Metis settlements;

(v) minerals;

(w) growing crops;

(x) the following improvements owned or leased by a regional airports authority created under section 5(2) of the Regional Airports Authorities Act:

(i) runways;

(ii) paving;

(iii) roads and sidewalks;

(iv) reservoirs;

(v) water and sewer lines;

(vi) fencing;

(vii) conveyor belts, cranes, weigh scales, loading bridges and machinery and equipment;

(viii) pole lines, transmission lines, light standards and unenclosed communications towers;

(y) farm buildings, except to the extent prescribed in the regulations;

(z) machinery and equipment, except to the extent prescribed in the regulations;

(aa) designated manufactured homes held in storage and forming part of the inventory of a manufacturer of or dealer in designated manufactured homes;

(bb) travel trailers that are

(i) not connected to any utility services provided by a public utility, and

(ii) not attached or connected to any structure;

(cc) linear property in the extended area network that is used for SuperNet purposes.
(2) In subsection (1)(r)(i), “industrial customer” means a customer that operates a factory, plant, works or industrial process related to manufacturing and processing.

(3) Despite subsection (1)(cc), where linear property referred to in that provision is used for business, the linear property is, subject to the regulations, assessable to the extent the linear property is used for business.

Access to municipal assessment record

299(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive information prescribed by the regulations that is in the municipal assessor’s possession at the time of the request, showing how the municipal assessor prepared the assessment of that person’s property.

(2) Subject to subsection (3) and the regulations, the municipality must comply with a request under subsection (1).

(3) Where a complaint is filed under section 461 by the person assessed in respect of property, a municipality is not obligated to respond to a request by that person for information under this section in respect of an assessment of that property until the complaint has been heard and decided by an assessment review board.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

Access to provincial assessment record

299.1(1) An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive information prescribed by the regulations in the provincial assessor’s possession at the time of the request, showing how the provincial assessor prepared the assessment of that person’s designated industrial property.

(2) Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

(3) Where a complaint described in section 492(1) is filed under section 491(1) by the person assessed in respect of designated industrial property, the provincial assessor is not obligated to respond to a request by that person for information under this section in respect of an assessment of that designated industrial property until the complaint has been heard and decided by the Municipal Government Board.
(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

2016 c24 s30;2017 c13 s2(8)

Municipal access to provincial assessment record

299.2(1) A municipality may ask the provincial assessor, in the manner required by the provincial assessor, to let the municipality see or receive information in the provincial assessor’s possession at the time of the request, showing how the provincial assessor prepared the assessment of designated industrial property in the municipality.

(2) Subject to subsection (3) and the regulations, the provincial assessor must comply with a request under subsection (1).

(3) Where a complaint described in section 492(1) is filed under section 491(1) by a municipality in respect of designated industrial property, the provincial assessor is not obligated to respond to a request by that municipality for information under this section in respect of an assessment of that designated industrial property until the complaint has been heard and decided by the Municipal Government Board.

(4) Subsection (3) does not apply if the request for information is in respect of an amended assessment and the amended assessment notice was issued during the complaint period.

(5) Information obtained by a municipality under this section must be used only for assessment purposes and must not be disclosed except at the hearing of a complaint before the Municipal Government Board.

2016 c24 s30;2017 c13 s2(8)

Access to summary of municipal assessment

300(1) An assessed person may ask the municipality, in the manner required by the municipality, to let the assessed person see or receive a summary of the most recent assessment of any assessed property in the municipality of which the assessed person is not the owner.

(2) For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the municipal assessor’s possession or under the municipal assessor’s control at the time of the request:

(a) a description of the parcel of land and any improvements, to identify the type and use of the property;

(b) the size and measurements of the parcel of land;
(c) the age and size or measurement of any improvements;
(d) the key attributes of any improvements to the parcel of land;
(e) the assessed value and any adjustments to the assessed value of the parcel of land;
(f) any other information prescribed or otherwise described in the regulations.

(3) The municipality must, in accordance with the regulations, comply with a request under subsection (1) if it is satisfied that necessary confidentiality will not be breached.

Access to summary of provincial assessment

300.1(1) An assessed person may ask the provincial assessor, in the manner required by the provincial assessor, to let the assessed person see or receive a summary of the most recent assessment of any assessed designated industrial property of which the assessed person is not the owner or operator.

(2) For the purposes of subsection (1), a summary of the most recent assessment must include the following information that is in the provincial assessor’s possession or under the provincial assessor’s control at the time of the request:

(a) a description of the designated industrial property;
(b) the assessed value associated with the designated industrial property;
(c) any other information prescribed or otherwise described in the regulations.

(3) The provincial assessor must, in accordance with the regulations, comply with a request under subsection (1) if the provincial assessor is satisfied that necessary confidentiality will not be breached.

Right to release assessment information

301(1) A municipality may provide information in its possession about assessments if it is satisfied that necessary confidentiality will not be breached.
(2) The provincial assessor may provide information that is in the provincial assessor’s possession about assessments if the provincial assessor is satisfied that necessary confidentiality will not be breached.

RSA 2000 cM-26 s301;2016 c24 s32

Relationship to Freedom of Information and Protection of Privacy Act

301.1 Sections 299 to 301 prevail despite the Freedom of Information and Protection of Privacy Act.

RSA 1994 cM-26.1 s738

Division 2
Assessment Roll

Preparation of roll

302(1) Each municipality must prepare annually, not later than February 28, an assessment roll for assessed property in the municipality other than designated industrial property.

(2) The provincial assessor must prepare annually, not later than February 28, an assessment roll for assessed designated industrial property.

(3) The provincial assessor must provide to each municipality a copy of that portion of the provincial assessment roll that relates to the designated industrial property situated in the municipality.

RSA 2000 cM-26 s302;2005 c14 s5;2016 c24 s33

Contents of roll

303 The assessment roll prepared by a municipality must show, for each assessed property, the following:

(a) a description sufficient to identify the location of the property;

(b) the name and mailing address of the assessed person;

(c) whether the property is a parcel of land, an improvement or a parcel of land and the improvements to it;

(d) if the property is an improvement, a description showing the type of improvement;

(e) the assessment;

(f) the assessment class or classes;

(f.1) repealed 2017 c13 s1(22);
section 303.1 MUNICIPAL GOVERNMENT ACT

RSA 2000 cM-26 s303.1

Contents of provincial assessment roll

303.1 The provincial assessment roll must show, for each assessed designated industrial property, the following:

(a) a description of the type of designated industrial property;
(b) a description sufficient to identify the location of the designated industrial property;
(c) the name and mailing address of the assessed person;
(d) the assessment;
(e) the assessment class or classes;
(f) repealed 2017 c13 s2(9);
(g) whether the designated industrial property is assessable for public school purposes or separate school purposes, if notice has been given to the municipality under section 156 of the School Act;
(h) if the designated industrial property is exempt from taxation under Part 10, a notation of that fact;
(i) any other information considered appropriate by the provincial assessor.

Recording assessed persons

304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.
<table>
<thead>
<tr>
<th>Column 1 Assessed property</th>
<th>Column 2 Assessed person</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a parcel of land, unless otherwise dealt with in this subsection;</td>
<td>(a) the owner of the parcel of land;</td>
</tr>
<tr>
<td>(b) a parcel of land and the improvements to it, unless otherwise dealt with in this subsection;</td>
<td>(b) the owner of the parcel of land;</td>
</tr>
<tr>
<td>(c) a parcel of land, an improvement or a parcel of land and the improvements to it held under a lease, licence or permit from the Crown in right of Alberta or Canada or a municipality;</td>
<td>(c) the holder of the lease, licence or permit or, in the case of a parcel of land or a parcel of land and the improvements to it, the person who occupies the land with the consent of that holder or, if the land that was the subject of a lease, licence or permit has been sold under an agreement for sale, the purchaser under that agreement;</td>
</tr>
<tr>
<td>(d) a parcel of land forming part of the station grounds of, or of a right of way for, a railway other than railway property, or a right of way for, irrigation works as defined in the <em>Irrigation Districts Act</em> or drainage works as defined in the <em>Drainage Districts Act</em>, that is held under a lease, licence or permit from the person who operates the railway, or from the irrigation district or the board of trustees of the drainage district;</td>
<td>(d) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;</td>
</tr>
<tr>
<td>Column 1 Assessed property</td>
<td>Column 2 Assessed person</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>(d.1) railway property;</td>
<td>(d.1) the owner of the railway property;</td>
</tr>
<tr>
<td>(e) a parcel of land and the improvements to it held under a lease, licence or permit from a regional airports authority, where the land and improvements are used in connection with the operation of an airport;</td>
<td>(e) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;</td>
</tr>
<tr>
<td>(f) a parcel of land, or a part of a parcel of land, and the improvements to it held under a lease, licence or permit from the owner of the land where the land and the improvements are used for</td>
<td>(f) the holder of the lease, licence or permit;</td>
</tr>
<tr>
<td>(i) drilling, treating, separating, refining or processing of natural gas, oil, coal, salt, brine or any combination, product or by-product of any of them,</td>
<td></td>
</tr>
<tr>
<td>(ii) pipeline pumping or compressing, or</td>
<td></td>
</tr>
<tr>
<td>(iii) working, excavating, transporting or storing any minerals in or under the land referred to in the lease, licence or permit or under land in the vicinity of that land.</td>
<td></td>
</tr>
</tbody>
</table>
(g) machinery and equipment used in the excavation or transportation of coal or oil sands as defined in the *Oil Sands Conservation Act*;  
(g) the owner of the machinery and equipment;  

(h) improvements to a parcel of land listed in section 298 for which no assessment is to be prepared;  
(h) the person who owns or has exclusive use of the improvements;  

(i) linear property;  
(i) the operator of the linear property;  

(j) a designated manufactured home on a site in a manufactured home community and any other improvements located on the site and owned or occupied by the person occupying the designated manufactured home;  
(j) the owner of  
(i) the designated manufactured home, or  
(ii) the manufactured home community if the municipality passes a bylaw to that effect;  

(k) a designated manufactured home located on a parcel of land that is not owned by the owner of the designated manufactured home together with any other improvements located on the site that are owned or occupied by the person occupying the designated manufactured home.  
(k) the owner of the designated manufactured home if the municipality passes a bylaw to that effect.  

(2) When land is occupied under the authority of a right of entry order as defined in the *Surface Rights Act* or an order made under any other Act, it is, for the purposes of subsection (1), considered to be occupied under a lease or licence from the owner of the land.
(3) A person who purchases property or in any other manner becomes liable to be shown on the assessment roll as an assessed person

(a) must provide to the provincial assessor, in the case of designated industrial property, or

(b) must provide to the municipality, in the case of property other than designated industrial property,

written notice of a mailing address to which notices under this Part and Part 10 may be sent.

(4) Despite subsection (1)(c), no individual who occupies housing accommodation under a lease, licence or permit from a management body under the *Alberta Housing Act* is to be recorded as an assessed person if the sole purpose of the lease, licence or permit is to provide housing accommodation for that individual.

(5) Repealed 2016 c24 s36.

(6) A bylaw passed under subsection (1)(j)(ii)

(a) must be advertised,

(b) has no effect until the beginning of the year commencing at least 12 months after the bylaw is passed,

(c) must indicate the criteria used to designate the assessed person, and

(d) may apply to one or more manufactured home communities.

(7) When a bylaw is passed under subsection (1)(j)(ii), the owner of the designated manufactured home is the assessed person for the purpose of making a complaint under section 460(1) relating to the designated manufactured home.

**Correction of roll**

305(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the assessment roll,

(a) the assessor may correct the assessment roll for the current year only, and

(b) on correcting the roll, an amended assessment notice must be prepared and sent to the assessed person.
(1.1) Where an assessor corrects the assessment roll in respect of
an assessment about which a complaint has been made, the assessor
must send to the assessment review board or the Municipal
Government Board, as the case may be, no later than the time
required by the regulations,

(a) a copy of the amended assessment notice, and

(b) a statement containing the following information:

(i) the reason for which the assessment roll was
corrected;

(ii) what correction was made;

(iii) how the correction affected the amount of the
assessment.

(1.2) Where the assessor sends a copy of an amended assessment
notice under subsection (1.1) before the date of the hearing in
respect of the complaint,

(a) the complaint is cancelled,

(b) the complainant’s complaint fees must be returned, and

(c) the complainant has a new right of complaint in respect of
the amended assessment notice.

(2) If it is discovered that no assessment has been prepared for a
property and the property is not listed in section 298, an assessment
for the current year only must be prepared and an assessment notice
must be prepared and sent to the assessed person.

(3) If exempt property becomes taxable or taxable property
becomes exempt under section 364.1 or 368, the assessment roll
must be corrected for the current year only and an amended
assessment notice must be prepared and sent to the assessed person.

(3.1) If the collection of tax on property is deferred under section
364.1 or a deferral under that section is cancelled, the assessment
roll must be corrected and an amended assessment notice must be
prepared and sent to the assessed person.

(4) The date of every entry made on the assessment roll under this
section or section 477 or 517 must be shown on the roll.

(5), (6) Repealed 2016 c24 s37.
Report to Minister

305.1 If an assessment roll is corrected under section 305 or changed under section 477 or 517, the municipality must, in the form and within the time prescribed by the regulations, report the correction or change, as the case may be, to the Minister.

2002 c19 s9

Severability of roll

306 The fact that any information shown on the assessment roll contains an error, omission or misdescription does not invalid the any other information on the roll or the roll itself.

1994 cM-26.1 s306

Inspection of roll

307 Any person may inspect the municipal assessment roll during regular business hours on payment of the fee set by the council.

RSA 2000 cM-26 s307;2016 c24 s38

Division 3
Assessment Notices

Assessment notices

308 (1) Each municipality must annually

(a) prepare assessment notices for all assessed property, other than designated industrial property, shown on the assessment roll referred to in section 302(1), and

(b) send the assessment notices to the assessed persons in accordance with the regulations.

(2) The provincial assessor must annually

(a) prepare assessment notices for all assessed designated industrial property shown on the provincial assessment roll,

(b) send the assessment notices to the assessed persons in accordance with the regulations, and

(c) send the municipality copies of the assessment notices.

(3) Repealed 2016 c24 s39.

(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

(5) Repealed 2016 c24 s39.

RSA 2000 cM-26 s308;2005 c14 s8;2016 c24 s39
Notice of assessment date

308.1(1) An assessor must annually set a notice of assessment date, which must be no earlier than January 1 and no later than July 1.

(2) An assessor must set additional notice of assessment dates for amended and supplementary assessment notices, but none of those notice of assessment dates may be later than the date that tax notices are required to be sent under Part 10.

2017 c13 s1(25)

Contents of assessment notice

309(1) An assessment notice or an amended assessment notice must show the following:

(a) the same information that is required to be shown on the assessment roll;

(b) the notice of assessment date;

(c) a statement that the assessed person may file a complaint not later than the complaint deadline;

(d) information respecting filing a complaint in accordance with the regulations.

(2) An assessment notice may be in respect of a number of assessed properties if the same person is the assessed person for all of them.

RSA 2000 cM-26 s309;2009 c29 s8; 2016 c24 s40;2017 c13 s2(10)

Sending assessment notices

310(1) Subject to subsections (1.1) and (3), assessment notices must be sent no later than July 1 of each year.

(1.1) An amended assessment notice must be sent no later than the date the tax notices are required to be sent under Part 10.

(2) If the mailing address of an assessed person is unknown,

(a) a copy of the assessment notice must be sent to the mailing address of the assessed property, and

(b) if the mailing address of the property is also unknown, the assessment notice must be retained by the municipality or the provincial assessor, as the case may be, and is deemed to have been sent to the assessed person.

(3) An assessment notice must be sent at least 7 days prior to the notice of assessment date.
(4) A designated officer must certify the date on which the assessment notice is sent.

(5) The certification of the date referred to in subsection (4) is evidence that the assessment notice has been sent.

Publication of notice

311(1) Each municipality must publish in one issue of a newspaper having general circulation in the municipality, or in any other manner considered appropriate by the municipality, a notice that the assessment notices have been sent.

(2) All assessed persons are deemed as a result of the publication referred to in subsection (1) to have received their assessment notices.

(3) The provincial assessor must publish in The Alberta Gazette a notice that the assessment notices in respect of designated industrial property have been sent.

(4) All assessed persons are deemed as a result of the publication referred to in subsection (3) to have received their assessment notices in respect of designated industrial property.

Correction of notice

312 If it is discovered that there is an error, omission or misdescription in any of the information shown on an assessment notice, an amended assessment notice may be prepared and sent to the assessed person.

Division 4

Preparation of Supplementary Assessments

Bylaw

313(1) If a municipality wishes to require the preparation of supplementary assessments for improvements, the council must pass a supplementary assessment bylaw authorizing the assessments to be prepared for the purpose of imposing a tax under Part 10 in the same year.

(2) A bylaw under subsection (1) must refer

(a) to all improvements, or

(b) to all designated manufactured homes in the municipality.
(3) A supplementary assessment bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

(4) A supplementary assessment bylaw must not authorize assessments to be prepared by the municipal assessor for designated industrial property.

Supplementary assessment

314(1) The municipal assessor must prepare supplementary assessments for machinery and equipment used in manufacturing and processing if those improvements are operational in the year in which they are to be taxed under Part 10.

(2) The municipal assessor must prepare supplementary assessments for other improvements if

(a) they are completed in the year in which they are to be taxed under Part 10,

(b) they are occupied during all or any part of the year in which they are to be taxed under Part 10, or

(c) they are moved into the municipality during the year in which they are to be taxed under Part 10 and they will not be taxed in that year by another municipality.

(2.1) The municipal assessor may prepare a supplementary assessment for a designated manufactured home that is moved into the municipality during the year in which it is to be taxed under Part 10 despite that the designated manufactured home will be taxed in that year by another municipality.

(3) A supplementary assessment must reflect

(a) the value of an improvement that has not been previously assessed, or

(b) the increase in the value of an improvement since it was last assessed.

(4) Supplementary assessments must be prepared in the same manner as assessments are prepared under Division 1, but must be prorated to reflect only the number of months during which the improvement is complete, occupied, located in the municipality or in operation, including the whole of the first month in which the improvement was completed, was occupied, was moved into the municipality or began to operate.
Supplementary assessment re designated industrial property

314.1(1) Subject to the regulations, the provincial assessor must prepare supplementary assessments for new designated industrial property that becomes operational after October 31 of the year prior to the year in which the designated industrial property is to be taxed under Part 10.

(2) Supplementary assessments must reflect the valuation standard set out in the regulations for designated industrial property.

(3) Subject to the regulations, supplementary assessments for designated industrial property must be prorated to reflect only the number of months, including the whole of the first month, during which the property is operational.

(4) Despite subsections (1) to (3),

(a) a supplementary assessment must be prepared only for designated industrial property that has not been previously assessed, and only when it becomes operational;

(b) a supplementary assessment must not be prepared in respect of designated industrial property that ceases to operate during the tax year.

2016 c24 s44

Supplementary assessment roll

315(1) Before the end of the year in which supplementary assessments are prepared, the municipality must prepare a supplementary assessment roll.

(2) Before the end of the year in which supplementary assessments are prepared, the provincial assessor must prepare a supplementary assessment roll for designated industrial property.

(3) A supplementary assessment roll must show, for each assessed improvement or designated industrial property, the following:

(a) the same information that is required to be shown on the assessment roll;

(b) in the case of an improvement, the date that the improvement

(i) was completed, occupied or moved into the municipality, or

(ii) became operational.
(4) Sections 304, 305, 306 and 307 apply in respect of a supplementary assessment roll.

(5) The provincial assessor must provide a copy of the supplementary assessment roll for designated industrial property to the municipality.

Supplementary assessment notices

316(1) Before the end of the year in which supplementary assessments are prepared other than for designated industrial property, the municipality must

(a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll referred to in section 315(1), and

(b) send the supplementary assessment notices to the assessed persons.

(2) Before the end of the year in which supplementary assessments for designated industrial property are prepared, the provincial assessor must

(a) prepare supplementary assessment notices for all assessed designated industrial property shown on the supplementary assessment roll referred to in section 315(2),

(b) send the supplementary assessment notices to the assessed persons in accordance with the regulations, and

(c) send the municipality copies of the supplementary assessment notices.

Contents of supplementary assessment notice

316.1(1) A supplementary assessment notice must show, for each assessed improvement, the following:

(a) the same information that is required to be shown on the supplementary assessment roll;

(b) the notice of assessment date;

(c) a statement that the assessed person may file a complaint not later than the complaint deadline;

(d) information respecting filing a complaint in accordance with the regulations.
Section 317  MUNICIPAL GOVERNMENT ACT  RSA 2000  Chapter M-26

(2) Sections 308(2), 309(2), 310(1.1) and (3) and 312 apply in respect of supplementary assessment notices.

2016 c24 s45;2017 c13 s2(11)

Division 5
Equalized Assessments

Definition

317 In this Division, “equalized assessment” means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects

(a) assessments of property in the municipality that is taxable under Part 10,

(b) repealed 2016 c24 s46,

(c) assessments of property in the municipality in respect of which a grant may be paid by the Crown in right of Canada under the Payments in Lieu of Taxes Act (Canada),

(d) assessments of property in the municipality made taxable or exempt as a result of a council passing a bylaw under Part 10, except any property made taxable under section 363(1)(d), and

(e) assessments of property in the municipality that is the subject of a tax agreement under section 333.1, 360 or 364.1,

from the year preceding the year in which the equalized assessment is effective.

RSA 2000 cM-26 s317;2015 c8 s44;2016 c24 s46

Supplementary assessments

317.1 Despite section 317, supplementary assessments prepared under a supplementary assessment bylaw under section 313 must not be included in the equalized assessment for a municipality.

1995 c24 s44

Preparation of equalized assessments

318 The Minister must prepare annually, in accordance with the regulations, an equalized assessment for each municipality.

1994 cM-26.1 s318

Duty to provide information

319(1) Each municipality must provide to the Minister annually, not later than the date required by regulations made under section 322(1) or guidelines made under section 322(2), a return containing
the information requested by the Minister in the form required by the Minister.

(2) If a municipality does not provide the information requested by the Minister, the Minister must prepare the equalized assessment using whatever information is available about the municipality.

RSA 2000 cM-26 s319;2015 c8 s45

Sending equalized assessments to municipalities

320 The Minister must send to each municipality annually, not later than November 1, a report of all the equalized assessments prepared.

1994 cM-26.1 s320

Appeal of equalized assessment

321 A municipality may make a complaint regarding the amount of an equalized assessment to the Municipal Government Board not later than 30 days from the date the Minister sends the municipality the report described in section 320.

RSA 2000 cM-26 s321;2002 c19 s12;2009 c29 s11;2015 c8 s46

Division 6
General Powers of the Minister
Relating to Assessments and Equalized Assessments

Regulations

322(1) The Minister may make regulations

(a) respecting qualifications to be met by persons authorized to carry out the duties and responsibilities of an assessor under this Act;

(b) defining “electric power systems”, “facilities”, “farming operations”, “farm building”, “machinery and equipment”, “operator”, “pipelines”, “railway property”, “street lighting systems”, “telecommunication systems” and “wells”;

(b.01) respecting when property is to be considered operational for the purposes of one or more provisions of this Part;

(b.1) defining “extended area network” and “SuperNet”;

(c) respecting the extent to which farm buildings and machinery and equipment may be assessed under section 298;

(c.1) respecting the assessment of linear property referred to in section 298(3), including, without limitation, respecting
information to be provided, and by whom it is to be provided, for preparing the assessment;

(d) establishing valuation standards for property;

(d.1) respecting the delegation of the powers, duties and functions of the provincial assessor under section 284.1 or of a municipal assessor under section 284.2;

(d.2) designating major plants and other property as designated industrial property;

(d.3) respecting designated industrial property, including, without limitation, regulations respecting the specifications and characteristics of designated industrial property;

(e) respecting processes and procedures for preparing assessments;

(e.1) respecting the manner in which an assessor must inform an owner or occupier of any property of the purpose for which information is being collected under sections 294 and 295;

(e.11) respecting the providing of information by the provincial assessor to a municipality under section 299.2, including, without limitation, regulations

(i) requiring the provincial assessor and the municipality to enter into a confidentiality agreement with respect to that information, and

(ii) respecting the terms and conditions of a confidentiality agreement;

(e.2) respecting assessment rolls and assessment notices including, without limitation, regulations

(i) respecting the information to be shown on an assessment roll and on an assessment notice;

(ii) providing for the method of determining the assessed person for the purposes of section 304(1);

(iii) respecting the sending of assessment notices;

(f) respecting the allowance of depreciation on machinery and equipment;

(g) prescribing standards to be met by assessors in the preparation of assessments;
(g.01) prescribing sub-classes for the purposes of section 297(2.1);

(g.1) prescribing or otherwise describing information for the purposes of sections 299(1), 299.1(1), 300(2)(f) and 300.1(2)(c);

(g.2) respecting procedures and time-lines to be followed by a municipality in dealing with a request for information under section 299 or a request for a summary of an assessment under section 300;

(g.3) respecting the imposition of penalties or other sanctions against a municipality for failing to comply with a request for information under section 299 or a request for a summary of an assessment under section 300;

(g.4) respecting the dates by which returns referred to in section 319(1) must be provided to the Minister;

(h) respecting equalized assessments;

(h.1) respecting the audit of any matters relating to assessments;

(h.2) respecting the providing of information to an assessor under section 295(1);

(h.3) respecting procedures and time-lines to be followed by a provincial assessor in dealing with a request for information under section 299.1 or 299.2 or a request for a summary of an assessment under section 300.1;

(h.4) respecting supplementary assessments;

(h.5) defining any term or expression that is used but not defined in this Part;

(i) respecting any other matter considered necessary to carry out the intent of this Act.

(2) Where the Minister considers it advisable to do so, the Minister may by order establish guidelines respecting any matter for which the Minister may make a regulation under subsection (1).

(3) A guideline established under subsection (2) is a regulation for the purposes of this Act, but is exempted from the application of the Regulations Act.

(4) The Minister must
(a) publish in The Alberta Gazette a notice of any guideline established under subsection (2) and information about where copies of the guideline may be obtained or are available to the public;

(b) ensure that any guideline established under subsection (2) is published in a form and manner that the Minister considers appropriate.

(5) Subsection (4) applies only to guidelines established under subsection (2) on or after July 1, 2007.

(6) In designating by regulation a major plant as designated industrial property, the Minister may include as a major plant any parcel of land, improvements or other property.

(7) The inclusion of property pursuant to subsection (6) is not invalid even if the property is used for residential or agricultural purposes, or is vacant.

(8) If an application is made to a court in respect of the validity of a regulation designating a major plant as designated industrial property,

(a) the application shall be limited to whether a specific parcel of land, improvement or other property for which the applicant is the assessed person is or is not all or a part of a major plant;

(b) evidence of the inclusion of property pursuant to subsection (6) or of property not designated as a major plant pursuant to subsection (6) is not admissible to demonstrate the invalidity of the regulation or any part of it.

Validation of Minister’s Guidelines

322.1(1) In this section,

(a) “Minister’s Guidelines” means

(i) the following guidelines referred to in the Matters Relating to Assessment and Taxation Regulation (AR 220/2004):

(A) Alberta Assessment Quality Minister’s Guidelines;

(B) Alberta Farm Land Assessment Minister’s Guidelines;
(C) Alberta Linear Property Assessment Minister’s Guidelines;

(D) Alberta Machinery and Equipment Assessment Minister’s Guidelines;

(E) Alberta Railway Assessment Minister’s Guidelines,

(ii) any previous versions of the guidelines named in subclause (i) that are referred to in the previous regulations, and

(iii) the 2005 Construction Cost Reporting Guide established by the Minister and any previous versions of the Construction Cost Reporting Guide established by the Minister,

and includes any manuals, guides and handbooks referred to or incorporated into any of the guidelines or guides referred to in subclauses (i) to (iii);

(b) “previous regulations” means

(i) the Matters Relating to Assessment and Taxation Regulation (AR 289/99), and

(ii) the Standards of Assessment Regulation (AR 365/94).

(2) The Minister’s Guidelines are declared valid as of the dates on which they were established, and no assessment prepared pursuant to the Minister’s Guidelines shall be challenged on the basis of the validity of the Minister’s Guidelines

(a) in any existing or future proceeding under this or any other Act, or

(b) in any existing or future action, matter or proceeding before a court.

(3) The Minister’s Guidelines are deemed to be guidelines established under section 322(2).

2007 c16 s3

Minister’s power to prepare assessments

323 If it appears to the Minister that in any year a council will be unable to carry out its obligation under section 285, the Minister may cause any or all of the assessments in the municipality to be prepared and the council is responsible for the costs.

1994 cM-26.1 s323
Minister’s power to quash assessments

324(1) If, after an inspection under section 571 or an audit under the regulations is completed, the Minister is of the opinion that an assessment

(a) has not been prepared in accordance with the rules and procedures set out in this Part and the regulations,

(b) is not fair and equitable, taking into consideration assessments of similar property, or

(c) does not meet the standards required by the regulations,

the Minister may quash the assessment and direct that a new assessment be prepared.

(2) On quashing an assessment, the Minister must provide directions as to the manner and times in which

(a) the new assessment is to be prepared,

(a.1) a new notice of assessment date is to be established,

(b) the new assessment is to be placed on the assessment roll, and

(c) amended assessment notices are to be sent to the assessed persons.

(3) The Minister must specify the effective date of a new assessment prepared under this section.

Minister’s power to alter an equalized assessment

325 Despite anything in this Act, the Minister may adjust an equalized assessment at any time.

Part 10
Taxation
Division 1
General Provisions

Definitions

326(1) In this Part,

(a) “requisition” means

(i) repealed 1995 c24 s45,
(ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 174 of the School Act that is raised by imposing a rate referred to in section 174 of the School Act,

(iii) any part of the requisition of school boards under Part 6, Division 3 of the School Act,

(iv) repealed 2008 cE-6.6 s55,

(v) the amount required to be paid to a management body under section 7 of the Alberta Housing Act, or

(vi) the amount required to recover the costs incurred for matters related to

(A) the assessment of designated industrial property, and

(B) any other matters related to the provincial assessor’s operations;

(b) “student dormitory” means a housing unit

(i) that is used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature, and

(ii) the residents of which are students of a facility used in connection with a purpose referred to in section 362(1)(c), (d) or (e) or with a college incorporated under a private Act of the Legislature,

but does not include a single family residence and the land attributable to that residence;

(c) “tax arrears” means taxes that remain unpaid after December 31 of the year in which they are imposed.

(2) For purposes of Divisions 3 and 4, “business” does not include a constituency office of a Member of the Legislative Assembly or any other office used by one or more Members of the Legislative Assembly to carry out their duties and functions as Members.

RSA 2000 cM-26 s326;2008 cE-6.6 s55; 2015 c8 s48;2016 c24 s48

Tax roll

327(1) Each municipality must prepare a tax roll annually.

(2) The tax roll may consist of one roll for all taxes imposed under this Part or a separate roll for each tax imposed under this Part.
(3) The tax roll for property tax may be a continuation of the assessment roll prepared under Part 9 or may be separate from the assessment roll.

(4) The fact that any information shown on the tax roll contains an error, omission or misdescription does not invalidate any other information on the roll or the roll itself.

Duty to provide information

328 Taxpayers must provide, on request by the municipality, any information necessary for the municipality to prepare its tax roll.

Contents of tax roll

329 The tax roll must show, for each taxable property or business, the following:

(a) a description sufficient to identify the location of the property or business;

(b) the name and mailing address of the taxpayer;

(c) the assessment;

(d) the name, tax rate and amount of each tax imposed in respect of the property or business;

(e) the total amount of all taxes imposed in respect of the property or business;

(f) the amount of tax arrears, if any;

(g) if any property in the municipality is the subject of an agreement between the taxpayer and the municipality under section 347(1) relating to tax arrears, a notation of that fact;

(g.1) if any property in the municipality is the subject of a bylaw or agreement under section 364.1 to defer the collection of tax, a notation of the amount deferred and the taxation year or years to which the amount relates;

(h) any other information considered appropriate by the municipality.

Correction of roll

330(1) If it is discovered that there is an error, omission or misdescription in any of the information shown on the tax roll, the municipality may correct the tax roll for the current year only and
on correcting the roll, it must prepare and send an amended tax notice to the taxpayer.

(2) If it is discovered that no tax has been imposed on a taxable property or business, the municipality may impose the tax for the current year only and prepare and send a tax notice to the taxpayer.

(3) If exempt property becomes taxable or taxable property becomes exempt under section 368, the municipality must correct the tax roll and on correcting the roll, it must send an amended tax notice to the taxpayer.

(4) The date of every entry made on the tax roll under this section must be shown on the roll.

Person liable to pay taxes

331(1) Subject to the regulations, the person liable to pay a property tax imposed under this Part is the person who

(a) at the time the assessment is prepared under Part 9, is the assessed person, or

(b) subsequently becomes the assessed person.

(2) The person liable to pay any other tax imposed under this Part is the person who

(a) at the time the tax is imposed, is liable in accordance with this Part or a regulation made under this Part to pay the tax, or

(b) subsequently becomes liable in accordance with this Part or a regulation made under this Part to pay it.

Taxes imposed on January 1

332 Taxes imposed under this Part, other than a supplementary property tax and a supplementary business tax, are deemed to have been imposed on January 1.

Tax notices

333(1) Each municipality must annually

(a) prepare tax notices for all taxable property and businesses shown on the tax roll of the municipality, and

(b) send the tax notices to the taxpayers.
(2) A tax notice may include a number of taxable properties and taxable businesses if the same person is the taxpayer for all of them.

(3) A tax notice may consist of one notice for all taxes imposed under this Part, a separate notice for each tax or several notices showing one or more taxes.

(4) The assessment notice and the tax notice relating to the same property may be sent together or may be combined on one notice.

1994 cM-26.1 s333

Tax agreements

333.1(1) The council of a municipality may make a tax agreement with an assessed person who occupies or manages

(a) the municipality’s property, including property under the direction, control and management of

(i) the municipality, or

(ii) a non-profit organization that holds the property on behalf of the municipality,

or

(b) property for the purpose of operating a professional sports franchise.

(2) A tax agreement may provide that, instead of paying the taxes imposed under this Part and any other fees or charges payable to the municipality, the assessed person may make an annual payment to the municipality calculated under the agreement.

(3) A tax agreement under this section must provide that the municipality accepts payment of the amount calculated under the agreement in place of the taxes and other fees or charges specified in the agreement.

1998 c24 s24

Contents of tax notice

334(1) A tax notice must show the following:

(a) the same information that is required to be shown on the tax roll;

(b) the date the tax notice is sent to the taxpayer;

(c) the amount of the requisitions, any one or more of which may be shown separately or as part of a combined total;
Section 335  MUNICIPAL GOVERNMENT ACT  RSA 2000

(d) except when the tax is a property tax, the date by which a complaint must be made, which date must not be less than 30 days after the tax notice is sent to the taxpayer;

(e) the name and address of the designated officer with whom a complaint must be filed;

(f) the dates on which penalties may be imposed if the taxes are not paid;

(f.1) information on how to request a receipt for taxes paid;

(g) any other information considered appropriate by the municipality.

(2) A tax notice may show

(a) one tax rate that combines all of the tax rates set by the property tax bylaw, or

(b) each of the tax rates set by the property tax bylaw.

(3) Despite subsection (2), a tax notice must show, separately from all other tax rates shown on the notice, the tax rates set by the property tax bylaw to raise the revenue to pay the requisitions referred to in section 326(1)(a)(ii) or (vi).

RSA 2000 cM-26 s334;2016 c24 s50;2017 c13 s1(29)

Sending tax notices

335(1) The tax notices must be sent before the end of the year in which the taxes are imposed.

(2) If the mailing address of a taxpayer is unknown

(a) a copy of the tax notice must be sent to the mailing address of the taxable property or business, and

(b) if the mailing address of the taxable property or business is also unknown, the tax notice must be retained by the municipality and is deemed to have been sent to the taxpayer.

1994 cM-26.1 s335

Certification of date of sending tax notice

336(1) A designated officer must certify the date the tax notices are sent under section 335.

(2) The certification of the date referred to in subsection (1) is evidence that the tax notices have been sent and that the taxes have been imposed.

1994 cM-26.1 s336
Deemed receipt of tax notice

337 A tax notice is deemed to have been received 7 days after it is sent.

1994 cM-26.1 s337

Correction of tax notice

338 If it is discovered that there is an error, omission or misdescription in any of the information shown on a tax notice, the municipality may prepare and send an amended tax notice to the taxpayer.

1994 cM-26.1 s338

Incentives

339 A council may by bylaw provide incentives for payment of taxes by the dates set out in the bylaw.

1994 cM-26.1 s339

Instalments

340(1) A council may by bylaw permit taxes to be paid by instalments, at the option of the taxpayer.

(2) A person who wishes to pay taxes by instalments must make an agreement with the council authorizing that method of payment.

(3) When an agreement under subsection (2) is made, the tax notice, or a separate notice enclosed with the tax notice, must state

(a) the amount and due dates of the instalments to be paid in the remainder of the year, and

(b) what happens if an instalment is not paid.

1994 cM-26.1 s340

Deemed receipt of tax payment

341 A tax payment that is sent by mail to a municipality is deemed to have been received by the municipality on the date of the postmark stamped on the envelope.

1994 cM-26.1 s341

Receipt for payment of taxes

342 When taxes are paid to a municipality and the assessed person requests a receipt, the municipality must provide a receipt.

RSA 2000 cM-26 s342;2017 c13 s1(30)

Application of tax payment

343(1) A tax payment must be applied first to tax arrears.
(2) If a person does not indicate to which taxable property or business a tax payment is to be applied, a designated officer must decide to which taxable property or business owned by the taxpayer the payment is to be applied.

1994 cM-26.1 s343

Penalty for non-payment in current year

344(1) A council may by bylaw impose penalties in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than 30 days after the tax notice is sent out.

1994 cM-26.1 s344

Penalty for non-payment in other years

345(1) A council may by bylaw impose penalties in any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed.

(2) A penalty under this section is imposed at the rate set out in the bylaw.

(3) The penalty must not be imposed sooner than January 1 of the year following the year in which the tax was imposed or any later date specified in the bylaw.

1994 cM-26.1 s345

Penalties

346 A penalty imposed under section 344 or 345 is part of the tax in respect of which it is imposed.

1994 cM-26.1 s346

Cancellation, reduction, refund or deferral of taxes

347(1) If a council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:

(a) cancel or reduce tax arrears;

(b) cancel or refund all or part of a tax;

(c) defer the collection of a tax.

(2) A council may phase in a tax increase or decrease resulting from the preparation of any new assessment.

1994 cM-26.1 s347
Tax becomes debt to municipality

348 Taxes due to a municipality

(a) are an amount owing to the municipality,

(b) are recoverable as a debt due to the municipality,

(c) take priority over the claims of every person except the Crown, and

(d) are a special lien

(i) on land and any improvements to the land, if the tax is a property tax, a community revitalization levy, a special tax, a clean energy improvement tax, a local improvement tax or a community aggregate payment levy, or

(ii) on goods, if the tax is a business tax, a community revitalization levy, a well drilling equipment tax, a community aggregate payment levy or a property tax imposed in respect of a designated manufactured home in a manufactured home community.

Fire insurance proceeds

349(1) Taxes that have been imposed in respect of improvements are a first charge on any money payable under a fire insurance policy for loss or damage to those improvements.

(2) Taxes that have been imposed in respect of a business are a first charge on any money payable under a fire insurance policy for loss or damage to any personal property

(a) that is located on the premises occupied for the purposes of the business, and

(b) that is used in connection with the business and belongs to the taxpayer.

Tax certificates

350 On request, a designated officer must issue a tax certificate showing

(a) the amount of taxes imposed in the year in respect of the property or business specified on the certificate and the amount of taxes owing,
(b) the total amount of tax arrears, if any, and
(c) the total amount of tax, if any, in respect of which collection is deferred under this Part.

RSA 2000 cM-26 s350; 2016 c24 s51

Non-taxable property

351(1) The following are exempt from taxation under this Part:

(a) property listed in section 298;

(b) any property or business in respect of which an exemption from assessment or taxation, or both, was granted before January 1, 1995

(i) by a private Act, or

(ii) by an order of the Lieutenant Governor in Council based on an order of the Local Authorities Board.

(2) A council may by bylaw cancel an exemption referred to in subsection (1)(b), with respect to any property or business.

(3) A council proposing to pass a bylaw under subsection (2) must notify the person or group that will be affected of the proposed bylaw.

(4) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

(5) A copy of a bylaw under subsection (2) must be sent to the Minister and if the bylaw amends a private Act the Minister must send a copy to the clerk of the Legislative Assembly.

1994 cM-26.1 s351

Limitation on time for starting proceedings

352(1) An action, suit or other proceedings for the return by a municipality of any money paid to the municipality, whether under protest or otherwise, as a result of a claim by the municipality, whether valid or invalid, for payment of taxes or tax arrears must be started within 6 months after the payment of the money to the municipality.

(2) If no action, suit or other proceeding is started within the period referred to in subsection (1), the payment made to the municipality is deemed to have been a voluntary payment.

1994 cM-26.1 s352
Division 2
Property Tax

Property tax bylaw

353(1) Each council must pass a property tax bylaw annually.

(2) The property tax bylaw authorizes the council to impose a tax in respect of property in the municipality to raise revenue to be used toward the payment of

(a) the expenditures and transfers set out in the budget of the municipality, and

(b) the requisitions.

(3) The tax must not be imposed in respect of property

(a) that is exempt under section 351, 361 or 362, or

(b) that is exempt under section 363 or 364, unless the bylaw passed under that section makes the property taxable.

Tax rates

354(1) The property tax bylaw must set and show separately all of the tax rates that must be imposed under this Division to raise the revenue required under section 353(2).

(2) A tax rate must be set for each assessment class or sub-class referred to in section 297.

(3) The tax rate may be different for each assessment class or sub-class referred to in section 297.

(3.1) Despite subsection (3), the tax rate for the class referred to in section 297(1)(d) and the tax rate for the sub-classes referred to in section 297(2.1) must be set in accordance with the regulations.

(4) The tax rates set by the property tax bylaw must not be amended after the municipality sends the tax notices to the taxpayers unless subsection (5) applies.

(5) If after sending out the tax notices the municipality discovers an error or omission that relates to the tax rates set by the property tax bylaw, the Minister may by order permit a municipality to revise the property tax bylaw and send out a revised tax notice.
Calculating tax rates

355 A tax rate is calculated by dividing the amount of revenue required by the total assessment of all property on which that tax rate is to be imposed.

1994 cM-26.1 s355;1995 c24 s47

Calculating amount of tax

356 The amount of tax to be imposed under this Division in respect of a property is calculated by multiplying the assessment for the property by the tax rate to be imposed on that property.

1994 cM-26.1 s356

Special provision of property tax bylaw

357 (1) Despite anything in this Division, the property tax bylaw may specify a minimum amount payable as property tax.

(1.1) Despite section 353, a council may pass a bylaw separate from the property tax bylaw that provides for compulsory tax instalment payments for designated manufactured homes.

(2) If the property tax bylaw specifies a minimum amount payable as property tax, the tax notice must indicate the tax rates set by the property tax bylaw that raise the revenue required to pay the requisition referred to in section 326(1)(a)(ii).

RSA 2000 cM-26 s357;2016 c24 s53

Tax rate for residential property

357.1 The tax rate to be imposed by a municipality on residential property or on any sub-class of residential property must be greater than zero.

2016 c24 s54

358 Repealed 2016 c24 s55.

Maximum tax ratio

358.1(1) In this section,

(a) “non-conforming municipality” means a municipality that has a tax ratio greater than 5:1 as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at May 31, 2016;

(b) “non-residential” means non-residential as defined in section 297(4);

(c) “tax ratio”, in respect of a municipality, means the ratio of the highest non-residential tax rate set out in the municipality’s property tax bylaw for a year to the lowest
(2) No municipality other than a non-conforming municipality shall in any year have a tax ratio greater than 5:1.

(3) A non-conforming municipality shall not in any year have a tax ratio that is greater than the tax ratio as calculated using the property tax rates set out in its most recently enacted property tax bylaw as at May 31, 2016.

(3.1) If in any year after 2016 a non-conforming municipality has a tax ratio that is greater than 5:1, the non-conforming municipality shall reduce its tax ratio for subsequent years in accordance with the regulations.

(4) If in any year after 2016 a non-conforming municipality has a tax ratio that is less than the tax ratio it had in the previous year but greater than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio that is greater than that new tax ratio.

(5) If in any year after 2016 a non-conforming municipality has a tax ratio that is equal to or less than 5:1, the non-conforming municipality shall not in any subsequent year have a tax ratio greater than 5:1.

(6) Where an order to annex land to a municipality contains provisions respecting the tax rate or rates that apply to the annexed land, the tax rate or rates shall not be considered for the purposes of determining the municipality’s tax ratio.

(7) For the purposes of this section,

(a) the tax set out in a municipality’s property tax bylaw to raise revenue to be used toward the payment of

(i) the expenditures and transfers set out in the budget of the municipality, and

(ii) the requisitions,

shall be considered to be separate tax rates, and

(b) the tax rate for the requisitions shall not be considered for the purposes of determining the municipality’s tax ratio.

(8) The Lieutenant Governor in Council may, for the purposes of subsection (3.1), make regulations establishing one or more ranges of tax ratios that must be reduced to 5:1 within a specified period.
Requisitions

359(1) When a requisition applies to only part of a municipality, the revenue needed to pay it must be raised by imposing a tax under this Division in respect of property in that part of the municipality.

(2) In calculating the tax rate required to raise sufficient revenue to pay the requisitions, a municipality may include an allowance for non-collection of taxes at a rate not exceeding the actual rate of taxes uncollected from the previous year’s tax levy as determined at the end of that year.

(3) If in any year the property tax imposed to pay the requisitions results in too much or too little revenue being raised for that purpose, the council must accordingly reduce or increase the amount of revenue to be raised for that purpose in the next year.

Alberta School Foundation Fund requisitions

359.1(1) In this section, “Alberta School Foundation Fund requisition” means a requisition referred to in section 326(1)(a)(ii).

(2) In 1995 and subsequent years, when an Alberta School Foundation Fund requisition applies only to

(a) one of the assessment classes referred to in section 297,

(b) a combination of the assessment classes referred to in section 297, or

(c) designated industrial property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of property to which that one assessment class has been assigned, property to which any assessment class in that combination has been assigned or designated industrial property, as the case may be.

(3) Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the Alberta School Foundation Fund requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

(4) The tax rate required to raise the revenue needed to pay the Alberta School Foundation Fund requisition

(a) must be the same within the assessment class to which the requisition applies if it applies to only one class,
(b) must be the same for all assessment classes that are to be combined if the requisition applies to a combination of assessment classes, and

(c) must be the same for all designated industrial property.

(5), (6) Repealed by Revision.

(7) In calculating the tax rate required to raise sufficient revenue to pay an Alberta School Foundation Fund requisition, a municipality

(a) must not include the allowances referred to in section 359(2),

(b) may impose a separate tax to raise the revenue to pay for the allowances referred to in section 359(2), and

(c) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay an Alberta School Foundation Fund requisition.
(4) The tax rate required to raise the revenue needed to pay the school board requisitions

(a) must be the same within the assessment class to which the requisition applies if it applies to only one class,

(b) must be the same for all assessment classes that are to be combined if the requisition applies to a combination of assessment classes, and

(c) must be the same for all designated industrial property.

(5), (6) Repealed by Revision.

(7) In calculating the tax rate required to raise sufficient revenue to pay a school board requisition, a municipality

(a) may include the allowances referred to in section 359(2), and

(b) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay school board requisitions.

Designated industrial property assessment requisitions

359.3(1) In this section, “designated industrial property requisition” means a requisition referred to in section 326(1)(a)(vi).

(2) The Minister must set the property tax rate for the designated industrial property requisition.

(3) The property tax rate for the designated industrial property requisition must be the same for all designated industrial property.

Cancellation, reduction, refund or deferral of taxes

359.4 If the Minister considers it equitable to do so, the Minister may, generally or with respect to a particular municipality, cancel or reduce the amount of a requisition payable under section 326(1)(a)(vi).

Tax agreement

360(1) A council may make a tax agreement with an operator of a public utility or of linear property who occupies the municipality’s property, including property under the direction, control and management of the municipality.
(2) Instead of paying the tax imposed under this Division and any other fees or charges payable to the municipality, the tax agreement may provide for an annual payment to the municipality by the operator calculated as provided in the agreement.

(3) A tax agreement must provide that the municipality accepts payment of the amount calculated under the agreement in place of the tax and other fees or charges specified in the agreement.

(4) If a tax agreement with the operator of a public utility that supplies fuel provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is the aggregate of

\[ gr + (qu.nsx vpu) \]

where:

“\( gr \)” is the gross revenue of the public utility for the year;

“\( qu.ns \)” is the quantity of fuel in respect of which transportation service was provided during the year by means of the fuel distribution system of the provider of the public utility;

“\( vpu \)” is the deemed value per unit quantity of fuel determined by the Alberta Utilities Commission for that year for the fuel in respect of which transportation service was so provided.

(4.1) If a tax agreement with the operator of a public utility that transports electricity by way of a transmission system, an electric distribution system, or both, provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is

(a) \( gr \), or

(b) \( gr + (qu.ns x vpu) \),

where:

“\( gr \)” is the gross revenue received by the public utility under its distribution tariff for the year;

“\( qu.ns \)” is the quantity of electricity in respect of which system access service, electric distribution service, or both, were provided during the year by means of the transmission system, the electric distribution system, or both, of the provider of the public utility;
“vpu” is the deemed value per unit quantity of electricity determined by the Alberta Utilities Commission for that year for the electricity in respect of which system access service, electric distribution service, or both, were so provided.

(4.2) In subsection (4.1), “electric distribution service”, “electric distribution system”, “electricity”, “system access service” and “transmission system” have the meanings given to them in the Electric Utilities Act.

(5) An agreement under this section with an operator who is subject to regulation by the Alberta Utilities Commission is of no effect unless it is approved by the Alberta Utilities Commission.

Exemptions based on use of property

361 The following are exempt from taxation under this Division:

(a) repealed 1996 c30 s27;

(b) residences and farm buildings to the extent prescribed in the regulations;

(c) environmental reserves, conservation reserves, municipal reserves, school reserves, municipal and school reserves and other undeveloped property reserved for public utilities.

Exemptions for Government, churches and other bodies

362(1) The following are exempt from taxation under this Division:

(a) any interest held by the Crown in right of Alberta or Canada in property other than property that is held by a Provincial corporation as defined in the Financial Administration Act;

(b) property held by a municipality, except the following:

   (i) property from which the municipality earns revenue and which is not operated as a public benefit;

   (ii) property that is operated as a public benefit but that has annual revenue that exceeds the annual operating costs;

   (iii) an electric power system;

   (iv) a telecommunications system;
(v) a natural gas or propane system located in a hamlet, village, summer village, town or city or in a school district that is authorized under the School Act to impose taxes and has a population in excess of 500 people;

(c) property, other than a student dormitory, used in connection with school purposes and held by

(i) the board of trustees of a school district, school division or regional division,

(i.1) the Regional authority for a Francophone Education Region established under the School Act,

(i.2) the operator of a charter school established under the School Act, or

(ii) the operator of a private school registered under the School Act;

(d) property, other than a student dormitory, used in connection with educational purposes and held by any of the following:

(i) the board of governors of a university, polytechnic institution or comprehensive community college under the Post-secondary Learning Act;

(ii) the governing body of an educational institution affiliated with a university under the Post-secondary Learning Act;

(iii) a students association or graduate students association of a university under the Post-secondary Learning Act;

(iv) a students association of a polytechnic institution or comprehensive community college under the Post-secondary Learning Act;

(v) the board of governors of the Banff Centre under the Post-secondary Learning Act;

(e) property, other than a student dormitory, used in connection with hospital purposes and held by a hospital board that receives financial assistance from the Crown;

(f) property held by a regional services commission;

(g) repealed by RSA 2000;
(g.1) property used in connection with health region purposes and held by a health region under the *Regional Health Authorities Act* that receives financial assistance from the Crown under any Act;

(h) property used in connection with nursing home purposes and held by a nursing home administered under the *Nursing Homes Act*;

(i) repealed 1998 c24 s29;

(j) property used in connection with library purposes and held by a library board established under the *Libraries Act*;

(k) property held by a religious body and used chiefly for divine service, public worship or religious education and any parcel of land that is held by the religious body and used only as a parking area in connection with those purposes;

(l) property consisting of any of the following:

   (i) a parcel of land, to a maximum of 10 hectares, that is used as a cemetery as defined in the *Cemeteries Act*;

   (ii) any additional land that has been conveyed by the owner of the cemetery to individuals to be used as burial sites;

   (iii) any improvement on land described in subclause (i) or (ii) that is used for burial purposes;

(m) property held by

   (i) a foundation constituted under the *Senior Citizens Housing Act*, RSA 1980 cS-13, before July 1, 1994, or

   (ii) a management body established under the *Alberta Housing Act*,

   and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*;

(n) property that is

   (i) owned by a municipality and held by a non-profit organization in an official capacity on behalf of the municipality,
(ii) held by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,

(iii) used for a charitable or benevolent purpose that is for the benefit of the general public, and owned by

(A) the Crown in right of Alberta or Canada, a municipality or any other body that is exempt from taxation under this Division and held by a non-profit organization, or

(B) by a non-profit organization,

(iv) held by a non-profit organization and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*, or

(v) held by and used in connection with a society as defined in the *Agricultural Societies Act* or with a community association as defined in the regulations,

and that meets the qualifications and conditions in the regulations and any other property that is described and that meets the qualifications and conditions in the regulations;

(o) property

(i) owned by a municipality and used solely for the operation of an airport by the municipality, or

(ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;

(p) a municipal seed cleaning plant constructed under an agreement authorized by section 7 of the *Agricultural Service Board Act*, to the extent of 2/3 of the assessment prepared under Part 9 for the plant, but not including the land attributable to the plant.

(2) Except for properties described in subsection (1)(n)(i), (ii) or (iv), a council may by bylaw make any property that is exempt from taxation under subsection (1)(n) subject to taxation under this Division to any extent the council considers appropriate.

(3) A council proposing to pass a bylaw under subsection (2) must notify, in writing, any person or group that will be affected of the proposed bylaw.
(4) A bylaw under subsection (2) has no effect until one year after it is passed.

Electric energy generation systems exemptions

362.1 Despite sections 359.1(4) and 359.2(4), the Minister may by order exempt, in respect of a taxation year, to any extent the Minister considers appropriate, one or more electric power systems used or intended for use in the generation or gathering of electricity from taxation for the purpose of raising the revenue needed to pay the requisitions referred to in section 326(1)(a)(ii) and (iii).

Exempt property that can be made taxable

363(1) The following are exempt from taxation under this Division:

(a) property held by and used in connection with Ducks Unlimited (Canada) under a lease, licence or permit from the Crown in right of Alberta or Canada;

(b) property held by and used in connection with

(i) the Canadian Hostelling Association -- Northern Alberta District,

(ii) the Southern Alberta Hostelling Association,

(iii) Hostelling International -- Canada -- Northern Alberta, or

(iv) Hostelling International -- Canada -- Southern Alberta,

unless the property is operated for profit or gain;

(c) property held by and used in connection with a branch or local unit of the Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada or other organization of former members of any allied forces;

(d) student dormitories.

(2) A council may by bylaw make any property listed in subsection (1)(a), (b) or (c) subject to taxation under this Division to any extent the council considers appropriate.

(3) A council may by bylaw make any property referred to in subsection (1)(d) subject to taxation to any extent the council considers appropriate other than for the purpose of raising revenue needed to pay the requisitions referred to in section 326(1)(a).
(4) A council proposing to pass a bylaw under subsection (2) must notify, in writing, the person or group that will be affected of the proposed bylaw.

(5) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.

RSA 2000 cM-26 s363;2017 c13 s1(37)

Exemptions granted by bylaw

364(1) A council may by bylaw exempt from taxation under this Division property held by a non-profit organization.

(1.1) A council may by bylaw exempt from taxation under this Division machinery and equipment used for manufacturing or processing.

(2) Property is exempt under this section to any extent the council considers appropriate.

1994 cM-26.1 s364;1995 c24 s53

Brownfield tax incentives

364.1(1) In this section, “brownfield property” means property, other than designated industrial property, that

(a) is a commercial or industrial property when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property, or was a commercial or industrial property at any earlier time, and

(b) in the opinion of the council making the bylaw,

(i) is, or possibly is, contaminated,

(ii) is vacant, derelict or under-utilized, and

(iii) is suitable for development or redevelopment for the general benefit of the municipality when a bylaw under subsection (2) is made or an agreement under subsection (11) is entered into in respect of the property.

(2) A council may by bylaw, for the purpose of encouraging development or redevelopment for the general benefit of the municipality, provide for

(a) full or partial exemptions from taxation under this Division for brownfield properties, or

(b) deferrals of the collection of tax under this Division on brownfield properties.

(3) A bylaw under subsection (2)
(a) must identify the brownfield properties in respect of which an application may be made for a full or partial exemption or for a deferral,

(b) may set criteria to be met for a brownfield property to qualify for an exemption or deferral,

(c) must specify the taxation year or years for which the identified brownfield properties may qualify for an exemption or deferral, and

(d) must specify any conditions the breach of which cancels an exemption or deferral and the taxation year or years to which the condition applies.

(4) Before giving second reading to a bylaw proposed to be made under subsection (2), a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

(5) An owner of brownfield property identified in a bylaw under subsection (2) may apply in the form and manner required by the municipality for an exemption or deferral in respect of the property.

(6) If after reviewing the application a designated officer of the municipality determines that the brownfield property meets the requirements of the bylaw for a full or partial exemption or for a deferral of the collection of tax under this Division, the designated officer may issue a certificate granting the exemption or deferral.

(7) The certificate must set out

(a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the tax year in which the certificate is issued,

(b) in the case of a partial exemption, the extent of the exemption, and

(c) all criteria, conditions and taxation years specified in the bylaw in accordance with subsection (3).

(8) If at any time after an exemption or deferral is granted under a bylaw under this section a designated officer of the municipality determines that the property did not meet or has ceased to meet a criterion referred to in subsection (3)(b) or that a condition referred to in subsection (3)(d) has been breached, the designated officer must cancel the exemption or deferral for the taxation year or years in which the criterion was not met or to which the condition applies.
(9) Where a designated officer refuses to grant an exemption or deferral, a written notice of the refusal must be sent to the applicant stating the reasons for the refusal and the date by which any complaint must be made, which date must be 60 days after the written notice of refusal is sent.

(10) An exemption or deferral granted under a bylaw under this section remains valid, subject to subsection (8) and the criteria and conditions on which it was granted, regardless of whether the bylaw is subsequently amended or repealed or otherwise ceases to have effect.

(11) Despite subsections (2) to (10), a council may enter into an agreement with the owner of a brownfield property

(a) exempting, either fully or partially, the brownfield property from taxation under this Division, or

(b) deferring the collection of tax under this Division on the brownfield property.

(12) The agreement must specify

(a) the taxation years to which the exemption or deferral applies, which must not include any tax year earlier than the one in which the agreement is entered into,

(b) the conditions on which the exemption or deferral is granted, and

(c) the consequences, rights and remedies arising in the event of any breach.

(13) Before voting on a resolution to enter into an agreement referred to in subsection (11), a council must hold a public hearing with respect to the proposed agreement in accordance with section 230 after giving notice of it in accordance with section 606.

Licensed premises

365(1) Property that is licensed under the Gaming, Liquor and Cannabis Act is not exempt from taxation under this Division, despite sections 351(1)(b) and 361 to 364.1 and any other Act.

(2) Despite subsection (1), property listed in section 362(1)(n) in respect of which a licence that is specified in the regulations has been issued is exempt from taxation under this Division.
Grants in place of taxes

366(1) Each year a municipality may apply to the Crown for a grant if there is property in the municipality that the Crown has an interest in.

(2) The Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the property that the Crown has an interest in were not exempt from taxation under this Division.

(3) When calculating a grant under this section, the following must not be considered as Crown property unless subsection (4) applies:

(a) property listed in section 298;
(b) museums and historical sites;
(c) public works reserves;
(d) property used in connection with academic, trade, forestry or agricultural schools, colleges or universities, including student dormitories;
(e) property used in connection with hospitals and institutions for mentally disabled persons;
(f) property owned by an agent of the Crown in respect of which another enactment provides for payment of a grant in place of a property tax;
(g) property in respect of which the Crown is not the assessed person.

(4) If any of the property listed in subsection (3) is a single family residence, the property must be considered as Crown property when calculating a grant under this section.

(5) The Crown may pay a grant under this section in respect of property referred to in subsection (3)(g) if in the Crown’s opinion it is appropriate to do so.

Property that is partly exempt and partly taxable

367 A property may contain one or more parts that are exempt from taxation under this Division, but the taxes that are imposed against the taxable part of the property under this Division are recoverable against the entire property.
Changes in taxable status of property

368(1) An exempt property or part of an exempt property becomes taxable if

(a) the use of the property changes to one that does not qualify for the exemption, or

(b) the occupant of the property changes to one who does not qualify for the exemption.

(2) A taxable property or part of a taxable property becomes exempt if

(a) the use of the property changes to one that qualifies for the exemption, or

(b) the occupant of the property changes to one who qualifies for the exemption.

(3) If the taxable status of property changes, a tax imposed in respect of it must be prorated so that the tax is payable only for the part of the year in which the property, or part of it, is not exempt.

(4) When a designated manufactured home is moved out of a municipality,

(a) it becomes exempt from taxation by that municipality when it is moved, and

(b) it becomes taxable by another municipality when it is located in that other municipality.

Supplementary property tax bylaw

369(1) If in any year a council passes a bylaw authorizing supplementary assessments to be prepared in respect of property, the council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of that property.

(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its property tax bylaw as the supplementary tax rates to be imposed.

(2.01) A council may pass a bylaw authorizing it to impose a supplementary tax for designated industrial property only if it passes a bylaw authorizing it to impose a supplementary tax in respect of all other property in the municipality.

(2.1) Despite subsection (2), the tax rates required to raise the revenue to pay requisitions referred to in sections 192 and 194 of the School Act must not be applied as supplementary tax rates.
(3) The municipality must prepare a supplementary property tax roll, which may be a continuation of the supplementary property assessment roll prepared under Part 9 or may be separate from that roll.

(4) A supplementary property tax roll must show

(a) the same information that is required to be shown on the property tax roll, and

(b) the date for determining the tax that may be imposed under the supplementary property tax bylaw.

(5) Sections 327(4), 328, 330 and 331 apply in respect of a supplementary property tax roll.

(6) The municipality must

(a) prepare supplementary property tax notices for all taxable property shown on the supplementary property tax roll of the municipality, and

(b) send the supplementary property tax notices to the persons liable to pay the taxes.

(7) Sections 333(4), 334, 335, 336, 337 and 338 apply in respect of supplementary property tax notices.

Regulations

370 The Minister may make regulations

(a) prescribing the extent to which residences and farm buildings are exempt from taxation under this Division;

(b) respecting the calculation of a tax rate to be imposed on linear property;

(b.1) respecting the setting of tax rates referred to in section 354(3.1);

(c) describing other property that is exempt from taxation pursuant to section 362(1)(n), and respecting the qualifications and conditions required for the purposes of section 362(1)(n);

(c.1) respecting tax rolls and tax notices including, without limitation, regulations

(i) respecting the information to be shown on a tax roll and a tax notice;
(ii) providing for the method of determining the person liable to pay a property or other tax imposed under this Part;

(iii) respecting the sending of tax notices;

(c.2) respecting designated industrial property assessment requisitions and designated industrial property requisition tax bylaws, including, without limitation, regulations respecting the application of any provision of this Act, with or without modification, to a designated industrial property assessment requisition or a designated industrial property requisition tax bylaw, or both;

(c.3) respecting tax exemptions and deferrals under section 364.1;

(d) specifying licences for the purposes of section 365(2);

(e) defining a community association for the purposes of this Act;

(f) respecting the circumstances in which property is to be considered to be used in connection with a purpose, activity or other thing for the purposes of one or more provisions of this Part;

(g) respecting the circumstances in which property is to be considered to be held by a person or entity for the purposes of one or more provisions of this Part.

Division 3
Business Tax

Business tax bylaw

371(1) Each council may pass a business tax bylaw.

(2) A business tax bylaw or any amendment to it applies to the year in which it is passed, only if it is passed before May 1 of that year.

1994 cM-26 s371

Taxable business

372(1) The business tax bylaw authorizes the council to impose a tax in respect of all businesses operating in the municipality except businesses that are exempt in accordance with that bylaw.
(2) The tax must not be imposed in respect of a business that is exempt under section 351, 375 or 376.

1994 cM-26.1 s372

Person liable to pay business tax

373(1) A tax imposed under this Division must be paid by the person who operates the business.

(2) A person who purchases a business or in any other manner becomes liable to be shown on the tax roll as a taxpayer must give the municipality written notice of a mailing address to which notices under this Division may be sent.

1994 cM-26.1 s373

Contents of business tax bylaw

374(1) The business tax bylaw must

(a) require assessments of businesses operating in the municipality to be prepared and recorded on a business assessment roll;

(b) specify one or more of the following methods of assessment as the method or methods to be used to prepare the assessments:

(i) assessment based on a percentage of the gross annual rental value of the premises;

(i.1) assessment based on a percentage of the net annual rental value of the premises;

(ii) assessment based on storage capacity of the premises occupied for the purposes of the business;

(iii) assessment based on floor space, being the area of all of the floors in a building and the area outside the building that are occupied for the purposes of that business;

(iv) assessment based on a percentage of the assessment prepared under Part 9 for the premises occupied for the purposes of the business;

(c) specify the basis on which a business tax may be imposed by prescribing the following:

(i) for the assessment method referred to in clause (b)(i), the percentage of the gross annual rental value;

(i.1) for the assessment method referred to in clause (b)(i.1), the percentage of the net annual rental value;
(ii) for the assessment method referred to in clause (b)(ii), the dollar rate per unit of storage capacity;

(iii) for the assessment method referred to in clause (b)(iii), the dollar rate per unit of floor space;

(iv) for the assessment method referred to in clause (b)(iv), the percentage of the assessment;

(d) establish a procedure for prorating and rebating business taxes.

(2) A business tax bylaw may

(a) establish classes of business for the purpose of grouping businesses,

(b) specify classes of business that are exempt from taxation under this Division,

(c) require that taxes imposed under this Division be paid by instalments, or

(d) include any other information considered appropriate by the municipality.

(3) A business tax bylaw may provide that when a lessee who is liable to pay the tax imposed under this Division in respect of any leased premises sublets the whole or part of the premises, the municipality may require the lessee or the sub-lessee to pay the tax in respect of the whole or part of the premises.

Assessment not required

374.1 Despite section 374(1)(a), a municipality is not required to prepare an assessment for any business in a class of business that is exempt from taxation under the business tax bylaw.

Exempt businesses

375 The following are exempt from taxation under this Division:

(a) a business operated by the Crown;

(b) an airport operated by a regional airports authority created under section 5(2) of the Regional Airports Authorities Act;

(c) property

(i) owned by a municipality and used solely for the operation of an airport by the municipality, or
(ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;

(d) a business operated by a non-profit organization on property that is exempt from taxation under section 362(1)(n).

1994 cM-26.1 s375;1995 c24 s57;1998 c24 s34

Exemption when tax is payable under Division 2

376(1) When machinery and equipment or linear property is located on premises occupied for the purposes of a business and a property tax has been imposed in respect of the machinery and equipment or linear property under Division 2 of this Part in any year, the premises on which that property is located are exempt from taxation under this Division in that year.

(2) If in any year the activities that result from the operation of the machinery and equipment or linear property are not the chief business carried on at the premises, the premises on which that property is located are not exempt from taxation under this Division in that year.

1994 cM-26.1 s376

Business tax rate bylaw

377(1) Each council that has passed a business tax bylaw must pass a business tax rate bylaw annually.

(2) The business tax rate bylaw must set a business tax rate.

(3) If the business tax bylaw establishes classes of business, the business tax rate bylaw must set a business tax rate for each class.

(4) The business tax rate may be different for each class of business established by the business tax bylaw.

(5) The tax rates set by the business tax rate bylaw must not be amended after the municipality sends the tax notices to the taxpayers.

1994 cM-26.1 s377

Calculating amount of tax

378 The amount of tax to be imposed under this Division in respect of a business is calculated by multiplying the assessment for the business by the tax rate to be imposed on that business.

1994 cM-26.1 s378

Supplementary business tax bylaw

379(1) If in any year a council passes a bylaw authorizing supplementary assessments to be prepared in respect of businesses,
the council must, in the same year, pass a bylaw authorizing it to impose a supplementary tax in respect of those businesses.

(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its business tax rate bylaw as the supplementary tax rates to be imposed.

(3) The supplementary business tax must be imposed
   
   (a) on each person who operates a business for a temporary period and whose name is not entered on the business tax roll,
   
   (b) on each person who moves into new premises or opens new premises or branches of an existing business, although the person’s name is entered on the business tax roll,
   
   (c) on each person who begins operating a business and whose name is not entered on the business tax roll, and
   
   (d) on each person who increases the storage capacity or floor space of the premises occupied for the purposes of a business after the business tax roll has been prepared.

(4) The municipality must prepare a supplementary business tax roll, which may be a continuation of the supplementary business assessment roll or may be separate from that roll.

(5) A supplementary business tax roll must show

   (a) the same information that is required to be shown on the business tax roll, and

   (b) the date for determining the tax that may be imposed under the supplementary business tax bylaw.

(6) Sections 327(4), 328, 330 and 331 apply in respect of a supplementary business tax roll.

(7) The municipality must

   (a) prepare supplementary business tax notices for all taxable businesses shown on the supplementary business tax roll of the municipality, and

   (b) send the supplementary business tax notices to the persons liable to pay the taxes.

(8) Sections 333(4), 334, 335, 336, 337 and 338 apply in respect of supplementary business tax notices.

1994 cM-26.1 s379
Grants in place of taxes

380(1) Each year a municipality may apply to the Crown for a grant if there is a business in the municipality operated by the Crown.

(2) The Crown may pay to the municipality a grant not exceeding the amount that would be recoverable by the municipality if the business operated by the Crown were not exempt from taxation under this Division.

1994 cM-26.1 s380

Division 4
Business Improvement Area Tax

Regulations

381 The Minister may make regulations respecting a business improvement area tax.

RSA 2000 cM-26 s381;2015 c8 s50

Division 4.1
Community Revitalization Levy

Definitions

381.1 In this Division,

(a) “incremental assessed value” means the increase in the assessed value of property located in a community revitalization levy area after the date the community revitalization levy bylaw is approved by the Lieutenant Governor in Council under section 381.2(3);

(b) “levy” means a community revitalization levy imposed under section 381.2(2).

2005 c14 s14

Community revitalization levy bylaw

381.2(1) Each council may pass a community revitalization levy bylaw.

(2) A community revitalization levy bylaw authorizes the council to impose a levy in respect of the incremental assessed value of property in a community revitalization levy area to raise revenue to be used toward the payment of infrastructure and other costs associated with the redevelopment of property in the community revitalization levy area.

(3) A community revitalization levy bylaw has no effect unless it is approved by the Lieutenant Governor in Council.
(4) The Lieutenant Governor in Council may approve a community revitalization levy bylaw in whole or in part or with variations and subject to conditions.

2005 c14 s14

**Person liable to pay levy**

381.3 A levy imposed under this Division must be paid by the assessed persons of the property in the community revitalization levy area.

2005 c14 s14

**Incremental assessed value not subject to equalized assessment or requisition**

381.4(1) Subject to subsection (2), the incremental assessed value of property in a community revitalization levy area shall not be included for the purpose of calculating

(a) an equalized assessment under Part 9, or

(b) the amount of a requisition under Part 10.

(2) Subsection (1) applies in respect of property in a community revitalization levy area

(a) for a period of 20 years, or

(b) for such other period as determined by the Lieutenant Governor in Council under section 381.5(1)(e.1), which period may not exceed 40 years,

from the year in which the community revitalization levy bylaw is made.

2005 c14 s14, 2018 c20 s12

**Regulations**

381.5(1) The Lieutenant Governor in Council may make regulations

(a) establishing any area in Alberta as a community revitalization levy area;

(b) respecting a levy including, without limitation, regulations respecting the minimum and maximum levy that may be imposed and the application of the levy;

(c) respecting the assessment of property, including identifying or otherwise describing the assessed person in respect of the property, in a community revitalization levy area;
(d) respecting assessment rolls, assessment notices, tax rolls and tax notices in respect of property in a community revitalization levy area;

(e) respecting the application of any provision of this Act, with or without modification, to a community revitalization levy bylaw or a community revitalization levy, or both;

(e.1) determining the period for which section 381.4(1) applies to a community revitalization levy area;

(f) respecting any other matter necessary or advisable to carry out the intent and purpose of this Division.

(2) A regulation under subsection (1) may be specific to a municipality or general in its application.

Division 5
Special Tax

Special tax bylaw
382(1) Each council may pass a special tax bylaw to raise revenue to pay for a specific service or purpose by imposing one or more of the following special taxes:

(a) a waterworks tax;
(b) a sewer tax;
(c) a boulevard tax;
(d) a dust treatment tax;
(e) a paving tax;
(f) a tax to cover the cost of repair and maintenance of roads, boulevards, sewer facilities and water facilities;
(g) repealed 2008 cE-6.6 s55;
(h) a tax to enable the municipality to provide incentives to health professionals to reside and practice their professions in the municipality;
(i) a fire protection area tax;
(j) a drainage ditch tax;
(k) a tax to provide a supply of water for the residents of a hamlet;
(l) a recreational services tax.

(2) A special tax bylaw must be passed annually.

RSA 2000 cM-26 s382;2008 cE-6.6 s55

Taxable property

383(1) The special tax bylaw authorizes the council to impose the tax in respect of property in any area of the municipality that will benefit from the specific service or purpose stated in the bylaw.

(2) The tax must not be imposed in respect of property that is exempt under section 351.

1994 cM-26.1 s383

Contents of special tax bylaw

384 The special tax bylaw must

(a) state the specific service or purpose for which the bylaw is passed,

(b) describe the area of the municipality that will benefit from the service or purpose and in which the special tax is to be imposed,

(c) state the estimated cost of the service or purpose, and

(d) state whether the tax rate is to be based on

   (i) the assessment prepared in accordance with Part 9,
   (ii) each parcel of land,
   (iii) each unit of frontage, or
   (iv) each unit of area,

and set the tax rate to be imposed in each case.

1994 cM-26.1 s384

Condition

385 A special tax bylaw must not be passed unless the estimated cost of the specific service or purpose for which the tax is imposed is included in the budget of the municipality as an estimated expenditure.

1994 cM-26.1 s385

Use of revenue

386(1) The revenue raised by a special tax bylaw must be applied to the specific service or purpose stated in the bylaw.
(2) If there is any excess revenue, the municipality must advertise the use to which it proposes to put the excess revenue.

1994 cM-26.1 s386

**Person liable to pay special tax**

387 The person liable to pay the tax imposed in accordance with a special tax bylaw is the owner of the property in respect of which the tax is imposed.

1994 cM-26.1 s387; 1999 c11 s20

### Division 6

**Well Drilling Equipment Tax**

**Well drilling equipment tax bylaw**

388(1) Each council may pass a well drilling equipment tax bylaw.

(2) The well drilling equipment tax bylaw authorizes the council to impose a tax in respect of equipment used to drill a well for which a licence is required under the *Oil and Gas Conservation Act*.

1994 cM-26.1 s388

**Person liable to pay the tax**

389 A tax imposed under this Division must be paid by the person who holds the licence required under the *Oil and Gas Conservation Act* in respect of the well being drilled.

1994 cM-26.1 s389

**Calculation of the tax**

390(1) The Minister may make regulations prescribing the well drilling equipment tax rate.

(2) A tax imposed under this Division must be calculated in accordance with the tax rate prescribed under subsection (1).

1994 cM-26.1 s390

### Division 6.1

**Clean Energy Improvement Tax**

**Interpretation**

390.1(1) In this Division, “clean energy improvement” means, subject to the regulations, a renovation, adaptation or installation on eligible private property that

(a) will increase energy efficiency or the use of renewable energy on that property, and

(b) will be paid for in whole or in part by a tax imposed under this Division,
but does not include improvements referred to in section 284(1)(j)(iii) and (iv).

(2) For the purposes of this Division, the amount required to recover the costs of a clean energy improvement may include

(a) the capital cost of undertaking the clean energy improvement,
(b) the cost of professional services needed for the clean energy improvement,
(c) a proportionate share of the costs associated with the administration of a clean energy improvement program,
(d) the cost of financing the clean energy improvement, and
(e) other expenses incidental to the undertaking of the clean energy improvement and to the raising of revenue to pay for it.

Eligibility of properties for clean energy improvements

390.2 Subject to section 390.3(4)(a), property is eligible for a clean energy improvement if the property is

(a) located in a municipality that has passed a clean energy improvement tax bylaw,
(b) one of the following types of private property:
   (i) residential;
   (ii) non-residential;
   (iii) farm land,
   and
(c) not designated industrial property.

Clean energy improvement tax bylaw

390.3(1) Each council may pass a clean energy improvement tax bylaw

(a) to establish a clean energy improvement program,
(b) notwithstanding section 251, to authorize the municipality to make a borrowing for the purpose of financing clean energy improvements, and
(c) to enable clean energy improvements to be made to eligible properties.

(2) Before a clean energy improvement is made to any property, a council must pass a clean energy improvement tax bylaw.

(3) A clean energy improvement tax bylaw authorizes the council to impose a clean energy improvement tax in respect of each clean energy improvement made to a property to raise revenue to pay the amount required to recover the costs of those clean energy improvements.

(4) A clean energy improvement tax bylaw must, subject to the regulations,

(a) set out

   (i) the types of private property that are eligible for a clean energy improvement, and

   (ii) eligible clean energy improvements,

(b) set out

   (i) the amount of money to be borrowed for the purpose of financing clean energy improvements,

   (ii) the maximum rate of interest, the term and the terms of repayment of the borrowing, and

   (iii) the source or sources of money to be used to pay the principal and interest owing under the borrowing,

(c) indicate that, where a municipality has entered into a clean energy improvement agreement with the owner of a property, a clean energy improvement tax will be charged based on the clean energy improvement agreement,

(d) identify the period over which the cost of each eligible clean energy improvement will be spread, which period may vary from improvement to improvement, but the period shall not exceed the probable lifetime of the improvement,

(e) indicate the process by which the owner of a property can apply to the municipality for a clean energy improvement,

(f) include any other information the council considers necessary or advisable, and

(g) include any requirements imposed by the regulations.
(5) Before giving second reading to a proposed clean energy improvement tax bylaw, the council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

Clean energy improvement agreement

390.4(1) A municipality and the owner of a property shall enter into a clean energy improvement agreement before a clean energy improvement is made to that property.

(2) A clean energy improvement agreement must, subject to the regulations,

(a) describe the proposed clean energy improvement,

(b) identify the property in respect of which the clean energy improvement tax will be imposed,

(c) indicate that the owner of the property will be liable to pay the clean energy improvement tax,

(d) include the amount required to recover the costs of the clean energy improvement and the method of calculation used to determine that amount,

(e) state the period over which the amount required to recover the costs of the clean energy improvement will be paid,

(f) state the portion of the amount required to recover the costs of the clean energy improvement to be paid

(i) by the municipality,

(ii) from revenue raised by the clean energy improvement tax, and

(iii) from other sources of revenue,

(g) describe how the clean energy improvement tax will be revised in the event of a subdivision of the property or a consolidation of the property with any other property, and

(h) include any other information the municipality considers necessary or advisable.

Person liable to pay clean energy improvement tax

390.5(1) The person liable to pay a tax imposed in accordance with a clean energy improvement tax bylaw is the owner of the property in respect of which the tax is imposed.
(2) A complaint about a tax imposed in accordance with a clean energy improvement tax bylaw must be made within one year after the tax is first imposed.

2018 c6 s6

Paying off a clean energy improvement tax

390.6 The owner of a property in respect of which a clean energy improvement tax is imposed may pay the tax at any time.

2018 c6 s6

Refinancing of debt by council

390.7 If, after a clean energy improvement agreement has been made, the council refinances the debt created to pay for the clean energy improvement that is the subject of that agreement at an interest rate other than the rate estimated when the clean energy improvement agreement was made, the council, with respect to future years, may revise the amount required to recover the costs of the clean energy improvement included in that agreement to reflect the change in the interest rate.

2018 c6 s6

Petitions

390.8(1) Notwithstanding section 232(2), electors of a municipality may petition the municipality to

(a) pass a clean energy improvement tax bylaw, or

(b) amend or repeal a clean energy improvement tax bylaw.

(2) For greater certainty, the amendment or repeal of a clean energy improvement tax bylaw does not affect clean energy improvement agreements entered into prior to the passage of that bylaw or the imposition of a clean energy improvement tax in relation to a property where a clean energy improvement has been made.

2018 c6 s6

Regulations

390.9 The Minister may make regulations respecting clean energy improvements, including, without limitation, regulations

(a) respecting eligibility requirements for clean energy improvements;

(b) respecting clean energy improvement agreements;

(c) respecting clean energy improvement tax bylaws;

(d) respecting types of renovations, adaptations or installations for which clean energy improvement agreements may be made and types of renovations,
adaptations or installations for which clean energy improvement agreements may not be made;

(e) respecting the disclosure of clean energy improvement agreements to prospective purchasers of property;

(f) respecting limits on the number of improvements to a single property or a type of eligible property for which a tax may be imposed under this Division;

(g) respecting limits on the capital costs of undertaking clean energy improvements on a single property or a type of eligible property under this Division;

(h) respecting clean energy improvement programs, including the administration of clean energy improvement programs.

Division 7
Local Improvement Tax

Definition
391 In this Division, “local improvement” means a project

(a) that the council considers to be of greater benefit to an area of the municipality than to the whole municipality, and

(b) that is to be paid for in whole or in part by a tax imposed under this Division.

Petitioning rules
392(1) Sections 222 to 226 apply to petitions under this Division, except as they are modified by this section.

(2) A petition is not a sufficient petition unless

(a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and

(b) the owners who sign the petition represent at least 1/2 of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.

(3) If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).
(4) If a municipality, school division, school district or health region under the *Regional Health Authorities Act* is entitled to sign a petition under this Division, it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under Part 9 are not to be counted in determining the sufficiency of a petition under subsection (2), and the council must comply with the notice.

(5) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who

(a) is at least 18 years old, and

(b) produces on request a certificate authorizing the person to sign the petition.

1994 cM-26.1 s392; 1994 cR-9.07 s25(24)

Proposal of local improvement

393(1) A council may on its own initiative propose a local improvement.

(2) A group of owners in a municipality may petition the council for a local improvement.

1994 cM-26.1 s393

Local improvement plan

394 If a local improvement is proposed, the municipality must prepare a local improvement plan.

1994 cM-26.1 s394

Contents of plan

395(1) A local improvement plan must

(a) describe the proposed local improvement and its location,

(b) identify

(i) the parcels of land in respect of which the local improvement tax will be imposed, and

(ii) the person who will be liable to pay the local improvement tax,

(c) state whether the tax rate is to be based on

(i) the assessment prepared in accordance with Part 9,

(ii) each parcel of land,

(iii) each unit of frontage,
(iv) each unit of area,

(d) include the estimated cost of the local improvement,

(e) state the period over which the cost of the local improvement will be spread,

(f) state the portion of the estimated cost of the local improvement proposed to be paid

(i) by the municipality,

(ii) from revenue raised by the local improvement tax, and

(iii) from other sources of revenue,

and

(g) include any other information the proponents of the local improvement consider necessary.

(2) The estimated cost of a local improvement may include

(a) the actual cost of buying land necessary for the local improvement,

(b) the capital cost of undertaking the local improvement,

(c) the cost of professional services needed for the local improvement,

(d) the cost of repaying any existing debt on a facility that is to be replaced or rehabilitated, and

(e) other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.

Procedure after plan is prepared

396(1) When a local improvement plan has been prepared, the municipality must send a notice to the persons who will be liable to pay the local improvement tax.

(2) A notice under subsection (1) must include a summary of the information included in the local improvement plan.

(3) Subject to subsection (3.1), if a petition objecting to the local improvement is filed with the chief administrative officer within 30 days from the notices’ being sent under subsection (1) and the chief administrative officer declares the petition to be sufficient, the council must not proceed with the local improvement.
(3.1) The council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.

(4) If a sufficient petition objecting to the local improvement is not filed with the chief administrative officer within 30 days from sending the notices under subsection (1), the council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.

(5) When a council is authorized under subsection (4) to undertake a local improvement and

(a) the project has not been started, or

(b) the project has been started but is not complete,

the council may impose the local improvement tax for one year, after which the tax must not be imposed until the local improvement has been completed or is operational.

Local improvement tax bylaw

397(1) A council must pass a local improvement tax bylaw in respect of each local improvement.

(2) A local improvement tax bylaw authorizes the council to impose a local improvement tax in respect of all land in a particular area of the municipality to raise revenue to pay for the local improvement that benefits that area of the municipality.

(2.1) Despite subsection (2), where the local improvement that is the subject of a local improvement tax bylaw of a council of a municipality is a road to benefit Crown land within an area of the municipality, the local improvement tax bylaw does not authorize the council to impose a local improvement tax to raise revenue to pay for the local improvement unless, before it receives second reading, the bylaw is approved by the Minister responsible for the administration of the Crown land.

(3) Despite section 351(1), no land is exempt from taxation under this section.

Contents of bylaw

398(1) A local improvement tax bylaw must

(a) include all of the information required to be included in the local improvement plan,
(b) provide for equal payments during each year in the period over which the cost of the local improvement will be spread,

(c) set a uniform tax rate to be imposed on
   
   (i) the assessment prepared in accordance with Part 9,
   
   (ii) each parcel of land,
   
   (iii) each unit of frontage, or
   
   (iv) each unit of area,

   based on the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta, and

(d) include any other information the council considers necessary.

(2) The local improvement tax bylaw may set the uniform tax rate based on estimated average costs throughout the municipality for a similar type of local improvement and that rate applies whether the actual cost of the local improvement is greater or less than the uniform tax rate.

1994 cM-26.1 s398

Start-up of a local improvement

399 The undertaking of a local improvement may be started, the local improvement tax bylaw may be passed and debentures may be issued before or after the actual cost of the local improvement has been determined.

1994 cM-26.1 s399

Person liable to pay local improvement tax

400 The person liable to pay the tax imposed in accordance with a local improvement tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.

1994 cM-26.1 s400

Paying off a local improvement tax

401 (1) The owner of a parcel of land in respect of which a local improvement tax is imposed may pay the tax at any time.

(2) If the local improvement tax rate is subsequently reduced under section 402 or 403, the council must refund to the owner the appropriate portion of the tax paid.

1994 cM-26.1 s401
Variation of local improvement tax bylaw

402(1) If, after a local improvement tax has been imposed, there is

(a) a subdivision affecting a parcel of land, or

(b) a consolidation of 2 or more parcels of land,

in respect of which a local improvement tax is payable, the council, with respect to future years, must revise the local improvement tax bylaw so that each of the new parcels of land bears an appropriate share of the local improvement tax.

(2) If, after a local improvement tax has been imposed,

(a) there is a change in a plan of subdivision affecting an area that had not previously been subject to a local improvement tax, and

(b) the council is of the opinion that as a result of the change the new parcels of land receive a benefit from the local improvement,

the council, with respect to future years, must revise the local improvement tax bylaw so that each benefitting parcel of land bears an appropriate share of the local improvement tax.

Variation of local improvement tax rate

403(1) If, after a local improvement tax rate has been set, the council

(a) receives financial assistance from the Crown in right of Canada or Alberta or from other sources that is greater than the amount estimated when the local improvement tax rate was set, or

(b) refines the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

the council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following a complaint under Part 11 or an appeal under Part 12 that is sufficient to reduce or increase the revenue raised by the local improvement tax bylaw in any year by more than 5%, the council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.
(3) If, after a local improvement tax rate has been set, it is discovered that the actual cost of the local improvement is higher than the estimated cost on which the local improvement tax rate is based, the council may revise, once only over the life of the local improvement, the rate with respect to future years so that the local improvement tax bylaw will raise sufficient revenue to pay the actual cost of the local improvement.

1994 cM-26.1 s403; 1999 c11 s21

Unusual parcels

404 If some parcels of land in respect of which a local improvement tax is to be imposed appear to call for a smaller or larger proportionate share of the tax because they are corner lots or are differently sized or shaped from other parcels, those parcels may be assigned the number of units of measurement the council considers appropriate to ensure that they will bear a fair portion of the local improvement tax.

1994 cM-26.1 s404

Municipality’s share of the cost

405(1) A council may by bylaw require the municipality to pay the cost of any part of a local improvement that the council considers to be of benefit to the whole municipality.

(2) A bylaw under subsection (1) must be advertised if the cost to be paid by the municipality exceeds 50% of the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta.

(3) If financial assistance is provided to the municipality by the Crown in right of Canada or Alberta for a local improvement, the council must apply the assistance to the cost of the local improvement.

1994 cM-26.1 s405

Land required for local improvement

406(1) If a parcel of land is required before a local improvement can be proceeded with, the council may agree with the owner of the parcel that in consideration of

(a) the dedication or gift to the municipality of the parcel of land required, or

(b) a release of or reduction in the owner’s claim for compensation for the parcel of land,

the remainder of the owner’s land is exempt from all or part of the local improvement tax that would otherwise be imposed.
(2) The tax roll referred to in section 327 must be prepared in accordance with an agreement under this section, despite anything to the contrary in this Act.

1994 cM-26.1 s406

Exemption from local improvement tax

407(1) If a sanitary or storm sewer or a water main is constructed along a road or constructed in addition to or as a replacement of an existing facility

(a) along which it would not have been constructed except to reach some other area of the municipality, or

(b) in order to provide capacity for future development and the existing sanitary and storm sewers and water mains are sufficient for the existing development in the area,

the council may exempt from taxation under the local improvement tax bylaw, to the extent the council considers fair, the parcels of land abutting the road or place.

(2) If a local improvement tax is imposed for a local improvement that replaces a similar type of local improvement,

(a) the balance owing on the existing local improvement tax must be added to the cost of the new local improvement, or

(b) the council must exempt the parcels of land in respect of which the existing local improvement tax is imposed from the tax that would be imposed for the new local improvement.

1994 cM-26.1 s407

Sewers

408(1) A municipality may construct a local improvement for sewer if

(a) the council approves the construction,

(b) the construction is recommended by the Minister of Health or the medical health officer, and

(c) the council considers it to be in the public interest to do so.

(2) The owners of the parcels of land that benefit from a local improvement for sewer have no right to petition against its construction.

RSA 2000 cM-26 s408;2013 c10 s37
Private connection to a local improvement

409(1) If a local improvement for sewer or water has been constructed, the municipality may construct private connections from the local improvement to the street line if the council approves the construction.

(2) The cost of constructing a private connection must be imposed against the parcel of land that benefits from it and the owner of the parcel has no right to petition against its construction.

Division 7.1
Community Aggregate Payment Levy

Community aggregate payment levy bylaw

409.1(1) Each council may pass a community aggregate payment levy bylaw.

(2) A community aggregate payment levy bylaw authorizes the council to impose a levy in respect of all sand and gravel businesses operating in the municipality to raise revenue to be used toward the payment of infrastructure and other costs in the municipality.

Person liable to pay levy

409.2 A levy imposed under this Division must be paid by the persons who operate sand and gravel operations in the municipality.

Regulations

409.3(1) The Minister may make regulations

(a) respecting a levy referred to in section 409.1(2), including, without limitation, regulations respecting the maximum levy that may be imposed and the application of the levy;

(b) respecting the application of any provision of this Act, with or without modification, to a community aggregate payment levy bylaw or a community aggregate payment levy, or both;

(c) respecting any other matter necessary or advisable to carry out the intent and purpose of this Division.

(2) A regulation under subsection (1) may be specific to a municipality or general in its application.
Division 8
Recovery of Taxes Related to Land

Definitions

410 In this Division,

(a) “encumbrance” means an encumbrance as defined in the Land Titles Act;

(b) “encumbrancee” means the owner of an encumbrance;

(b.1) “parcel of land” means a parcel of land and the improvements on it;

(c) “Registrar” means the Registrar, as defined in the Land Titles Act, of the appropriate Land Titles Office;

(c.1) “remedial costs” means all expenses incurred by the Government of Alberta to perform work under an environmental protection order or an enforcement order issued under the Environmental Protection and Enhancement Act;

(d) “reserve bid” means the minimum price at which a municipality is willing to sell a parcel of land at a public auction;

(e) “tax” means a property tax, a community revitalization levy, a special tax, a clean energy improvement tax, a local improvement tax or a community aggregate payment levy;

(f) “tax recovery notification” means a notice, in writing, that part or all of the taxes imposed in respect of a parcel of land by a municipality are in arrears.

RSA 2000 cM-26 s410;2005 c14 s16;2018 c6 s7

Methods of recovering taxes in arrears

411(1) A municipality may attempt to recover tax arrears in respect of a parcel of land

(a) in accordance with this Division, and

(b) subject to subsection (2), in accordance with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before

(a) the parcel is sold at a public auction under section 418, or
(b) the parcel is disposed of in accordance with section 425, whichever occurs first.

1994 cM-26.1 s411

Tax arrears list

412(1) A municipality must annually, not later than March 31,

(a) prepare a tax arrears list showing the parcels of land in the municipality in respect of which there are tax arrears for more than one year,

(b) send 2 copies of the tax arrears list to the Registrar,

(b.1) send a copy of the tax arrears list to the Minister responsible for the Unclaimed Personal Property and Vested Property Act, and

(c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) A tax arrears list must not include a parcel of land in respect of which there is in existence a tax recovery notification from previous years, unless that notification has been removed from the certificate of title for that parcel.

(3) The municipality must notify the persons who are liable to pay the tax arrears that a tax arrears list has been prepared and sent to the Registrar.

RSA 2000 cM-26 s412;2007 cU-1.5 s73

Tax recovery notification

413(1) The Registrar must endorse on the certificate of title for each parcel of land shown on the tax arrears list a tax recovery notification.

(2) The Registrar must certify, on a copy of the tax arrears list, that tax recovery notifications have been endorsed in accordance with subsection (1) and return the certified copy of the tax arrears list to the municipality with a statement of the costs payable to the Land Titles Office by the municipality.

(3) The municipality is responsible for the payment of the costs referred to in subsection (2) but may add the costs to the taxes owing in respect of the parcels of land shown on the tax arrears list.

(4) The Registrar must not remove a tax recovery notification from a certificate of title until the municipality at whose request it was endorsed on the certificate of title requests its removal.

1994 cM-26.1 s413
Removal of improvements

**414** When a tax recovery notification has been endorsed on a certificate of title for a parcel of land, the person who is liable to pay the taxes must not remove from the parcel, unless the municipality at whose request the notification was endorsed on the certificate of title consents, any improvements for which that person is also liable to pay the taxes.

1994 cM-26.1 s414

Right to pay tax arrears

**415(1)** After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, any person may pay the tax arrears in respect of the parcel.

(2) On payment of the tax arrears under subsection (1), the municipality must ask the Registrar to remove the tax recovery notification.

(3) Subject to section 423(3), a person may exercise the right under subsection (1) at any time before the municipality disposes of the parcel in accordance with section 425.

1994 cM-26.1 s415

Right to collect rent to pay tax arrears

**416(1)** After a tax recovery notification has been endorsed on the certificate of title for a parcel of land, the municipality may send a notice to any person who holds the parcel under a lease from the owner, requiring that person to pay the rent as it becomes due to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the parcel of land advising the owner of the municipality’s intention to proceed under subsection (1).

(2.1) When a parcel of land shown on a tax arrears list is land described in section 304(1)(c) in respect of another municipality, or in section 304(1)(d) or (e), the municipality may send a notice to any person who holds the parcel or a portion of it under a lease, licence or permit from the assessed person to pay the rent, licence fees or permit fees, as the case may be, to the municipality as they become due until the tax arrears have been paid.

(2.2) Not less than 14 days before a municipality sends a notice under subsection (2.1), it must send a notice to the assessed person advising the person of the municipality’s intention to proceed under subsection (2.1).

(2.3) Where a parcel of land described in section 304(1)(c) is held under a lease, licence or permit from the Crown in right of Alberta,
(a) the Crown must, on a quarterly basis, notify the municipality in which the parcel is located of any changes in the status of the lease, licence or permit, as the case may be, and

(b) the municipality must send to the Crown that portion of the tax arrears list showing the parcels of land described in section 304(1)(c) that are held by the Crown.

(3) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

Warning of sale

417(1) Not later than the August 1 following receipt of a copy of the tax arrears list, the Registrar must, in respect of each parcel of land shown on the tax arrears list, send a notice to

(a) the owner of the parcel of land,

(b) any person who has an interest in the parcel that is evidenced by a caveat registered by the Registrar, and

(c) each encumbrancee shown on the certificate of title for the parcel.

(2) The notice must state

(a) that if the tax arrears in respect of the parcel of land are not paid before March 31 in the next year, the municipality will offer the parcel for sale at a public auction, and

(b) that the municipality may become the owner of the parcel after the public auction if the parcel is not sold at the public auction.

(3) The notice must be sent to the address shown on the records of the Land Titles Office for each person referred to in subsection (1).

Offer of parcel for sale

418(1) Each municipality must offer for sale at a public auction any parcel of land shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 417(2)(a) and ending on March 31 of the year immediately following that date.
(3) Subsection (1) does not apply to a parcel in respect of which the municipality has started an action under section 411(2) to recover the tax arrears before the date of the public auction.

(4) The municipality may enter into an agreement with the owner of a parcel of land shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the parcel need not be offered for sale under subsection (1) until

(a) the agreement has expired, or

(b) the owner of the parcel breaches the agreement,

whichever occurs first.

Reserve bid and conditions of sale

419 The council must set

(a) for each parcel of land to be offered for sale at a public auction, a reserve bid that is as close as reasonably possible to the market value of the parcel, and

(b) any conditions that apply to the sale.

Right to possession

420(1) From the date on which a parcel of land is offered for sale at a public auction, the municipality is entitled to possession of the parcel.

(2) For the purposes of obtaining possession of a parcel of land, a designated officer may enter the parcel and take possession of it for and in the name of the municipality and, if in so doing resistance is encountered, the municipality may apply to the Court of Queen’s Bench for an order for the possession of the parcel.

Advertisement of public auction

421(1) The municipality must advertise the public auction

(a) in one issue of The Alberta Gazette, not less than 40 days and not more than 90 days before the date on which the public auction is to be held, and

(b) in one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 20 days before the date on which the public auction is to be held.
(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each parcel of land to be offered for sale.

(3) The advertisement must state that the municipality may, after the public auction, become the owner of any parcel of land not sold at the public auction.

(4) Not less than 4 weeks before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1)(a) to

(a) the owner of each parcel of land to be offered for sale,

(b) each person who has an interest in any parcel to be offered for sale that is evidenced by a caveat registered by the Registrar, and

(c) each encumbrancee shown on the certificate of title for each parcel to be offered for sale.

1994 cM-26.1 s421;1995 c24 s63

Adjournment of auction

422(1) The municipality may adjourn the holding of a public auction to any date within 2 months after the advertised date.

(2) If a public auction is adjourned, the municipality must post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held.

(3) If a public auction is cancelled as a result of the tax arrears being paid, the municipality must post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled.

1994 cM-26.1 s422

Right to a clear title

423(1) A person who purchases a parcel of land at a public auction acquires the land free of all encumbrances, except

(a) encumbrances arising from claims of the Crown in right of Canada,

(b) irrigation or drainage debentures,

(c) caveats referred to in section 39(12) of the Condominium Property Act,

(d) registered easements and instruments registered pursuant to section 69 of the Land Titles Act,
(e) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,

(e.1) a caveat that, pursuant to section 3.1(6)(f)(iv) of the *New Home Buyer Protection Act*, remains registered against the certificate of title to the land,

(f) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*,

(g) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and

(h) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

(2) A parcel of land is sold at a public auction when the person who is acting as the auctioneer declares the parcel sold.

(3) There is no right under section 415 to pay the tax arrears in respect of a parcel after it is declared sold.

**Transfer of parcel to municipality**

*424(1)* The municipality at whose request a tax recovery notification was endorsed on the certificate of title for a parcel of land may become the owner of the parcel after the public auction, if the parcel is not sold at the public auction.

(2) If the municipality wishes to become the owner of the parcel of land, it must request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title in the name of the municipality.

(3) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

(a) encumbrances arising from claims of the Crown in right of Canada,

(b) irrigation or drainage debentures,

(c) registered easements and instruments registered pursuant to section 69 of the *Land Titles Act*,

(d) right of entry orders as defined in the *Surface Rights Act* registered under the *Land Titles Act*,

(e) a notice of lien filed pursuant to section 38 of the *Rural Utilities Act*.
(f) a notice of lien filed pursuant to section 20 of the *Rural Electrification Loan Act*, and

(g) liens registered pursuant to section 21 of the *Rural Electrification Long-term Financing Act*.

(4) A certificate of title issued to the municipality under this section must be marked “Tax Forfeiture” by the Registrar.

1994 cM-26.1 s424; 1995 c24 s64; 1996 c30 s36; 1998 c24 s38; 1999 c11 s23

**Right to dispose of parcel**

**425(1)** A municipality that becomes the owner of a parcel of land pursuant to section 424 may dispose of the parcel

(a) by selling it at a price that is as close as reasonably possible to the market value of the parcel, or

(b) by depositing in the account referred to in section 427(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the parcel under clause (a).

(2) The municipality may grant a lease, licence or permit in respect of the parcel.

(3) Repealed 1995 c24 s65.

(4) If a parcel of land is disposed of under subsection (1), the municipality must request the Registrar to delete the words “Tax Forfeiture” from the certificate of title issued in the name of the municipality for the parcel.

1994 cM-26.1 s425; 1995 c24 s65

**Minister’s authority to transfer parcel**

**425.1(1)** The Minister may administer, transfer to another Minister, transfer to the municipality in which the land is situated or, subject to section 425, dispose of any parcel of land acquired by the Minister under this Part or a predecessor of this Part.

(2) The Minister may cancel the tax arrears on any land referred to in subsection (1) and require the Registrar to remove the tax recovery notification caveat respecting those tax arrears.

1995 c24 s66

**Revival of title on payment of arrears**

**426(1)** If the tax arrears in respect of a parcel of land are paid after the municipality becomes the owner of the parcel under section 424 but before the municipality disposes of the parcel under section 425(1), the municipality must notify the Registrar.
(2) The Registrar must cancel the certificate of title issued under section 424(2) and revive the certificate of title that was cancelled under section 424(2).

(3) A certificate of title revived by the Registrar is subject

(a) to the same notifications, charges and encumbrances to which it would have been subject if it had not been cancelled under section 424(2), and

(b) to any estate, interest or encumbrance created while the parcel was registered in the name of the municipality.

Separate account for sale proceeds

427(1) The money paid for a parcel of land at a public auction or pursuant to section 425

(a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of land under this Division, and

(b) must be paid out in accordance with this section and section 428.

(2) The following must be paid first and in the following order:

(a) any remedial costs relating to the parcel;

(a.1) the tax arrears in respect of the parcel;

(b) any lawful expenses of the municipality in respect of the parcel;

(c) any expenses owing to the Crown that have been charged against the parcel of land under section 553;

(d) an administration fee of 5% of the amount paid for the parcel, payable to the municipality.

(3) If there is any money remaining after payment of the tax arrears and costs listed in subsection (2), the municipality must notify the previous owner that there is money remaining.

(3.1) Subject to subsection (3.3), if the municipality is satisfied that there are no debts that are secured by an encumbrance on the certificate of title for the parcel of land, the municipality may pay the money remaining to the previous owner.

(3.2) If the municipality is not satisfied that there are no debts that are secured by an encumbrance on the certificate of title for the
parcel of land, the municipality must notify the previous owner that an application may be made under section 428(1) to recover all or part of the money.

(3.3) For the purposes of this Division, “previous owner” includes the Crown in right of Alberta if the municipality has been notified by the Minister responsible for the *Unclaimed Personal Property and Vested Property Act* that the land has vested in the Crown, and any money remaining after payment of the tax arrears and costs set out in subsection (2) must be paid to the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*.

(4) Money paid to a municipality under a lease, licence or permit granted under section 425(2) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 428.

**Distribution of surplus sale proceeds**

428(1) A person may apply to the Court of Queen’s Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 427(1).

(2) An application under this section must be made within 10 years after

(a) the date of the public auction, if the parcel was sold at a public auction, or

(b) the date of a sale under section 425, if the parcel was sold at a sale under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

(4) In making an order, the Court must have regard to the priorities in which sale proceeds are distributed in a foreclosure action.

**Payment of undistributed money to municipality**

428.1 If no application is made under section 428 within the 10-year period referred to in section 428(2), the municipality may, for any purpose, use the money deposited in accordance with section 427 that remains undistributed.

**Transfer to municipality after 15 years**

428.2(1) Despite anything in this Division, where a parcel of land has been offered for sale but not sold at a public auction and the certificate of title for the parcel has been marked “Tax Forfeiture”
by the Registrar, the municipality may request the Registrar to
cancel the existing certificate of title for the parcel of land and
issue a certificate of title in the name of the municipality on the
expiry of 15 years following the date of the public auction.

(1.1) This section does not apply to land respecting which the
Minister responsible for the Unclaimed Personal Property and
Vested Property Act has notified the municipality that the land has
vested in the Crown.

(2) On the issuance of a certificate of title in the name of the
municipality, all responsibilities of the municipality under this
Division to the previous owner of the parcel of land cease.

(3) Where a certificate of title is issued to a municipality under
subsection (1) and there are remedial costs owing in respect of the
parcel of land, the municipality must deposit in the Environmental
Protection and Enhancement Fund established under the
Environmental Protection and Enhancement Act the lesser of

(a) the fair market value of the parcel of land, and

(b) the amount of the remedial costs.

(4) A municipality that becomes the owner of a parcel of land
pursuant to subsection (1) acquires the land free of all
encumbrances, except

(a) encumbrances arising from claims of the Crown in right
of Canada,

(b) irrigation or drainage debentures,

(c) registered easements and instruments registered pursuant
to section 69 of the Land Titles Act,

(d) right of entry orders as defined in the Surface Rights Act
registered under the Land Titles Act,

(e) a notice of lien filed pursuant to section 38 of the Rural
Utilities Act,

(f) a notice of lien filed pursuant to section 20 of the Rural
Electrification Loan Act, and

(g) liens registered pursuant to section 21 of the Rural

Prohibited bidding and buying

429(1) When a municipality holds a public auction or another sale
under section 425, the auctioneer, the councillors, the chief
administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any parcel of land offered for sale, unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a parcel of land that the municipality wishes to become the owner of.

1994 cM-26.1 s429

Right to place tax arrears on new parcels of land

429.1 When there are tax arrears in respect of a parcel of land that is to be subdivided, the municipality may distribute the tax arrears and any taxes that may be imposed in respect of the parcel among the parcels of land that are created by the subdivision in a manner the municipality considers appropriate.

1995 c24 s69

Minerals

430 If, as a result of proceedings under this Act or any other Act providing for the forfeiture of land or minerals, or both, for arrears of taxes, minerals are vested in the Minister or in a municipality that later passes or passes to the control of the Minister, the minerals are the property of the Crown and no person has any claim to or interest in them, despite anything in this Act or the Act under which the minerals were forfeited.

1994 cM-26.1 s430

Acquisition of minerals

431(1) In respect of any parcel of land or minerals

(a) acquired by a municipality before or after March 5, 1948, pursuant to a tax recovery notification or caveat endorsed on the certificate of title by the Registrar, and

(b) subsequently registered in the name of the municipality,

the municipality is deemed to have taken or to take title only to those minerals that the municipality was authorized and empowered to assess at the time of the issuance of the certificate of title in the name of the municipality, and any corrections to the records of any Land Titles Office made before March 5, 1948 to effect this purpose are hereby confirmed and validated.

(2) A municipality must not transfer, lease, mortgage or otherwise dispose of or deal in any minerals or any interest in minerals without first obtaining the written consent of the Minister, and any disposition or dealing made without the consent of the Minister has no effect.
(3) Any certificate of title issued in the name of a municipality before or after March 5, 1948 to or including any minerals, other than minerals that the municipality was authorized and empowered to assess at the time of the acquisition, may be corrected under the Land Titles Act to limit the certificate of title to the minerals the municipality was authorized and empowered to acquire, and all other necessary corrections may be made under the Land Titles Act on other certificates of title.

(4) This section does not affect an interest in minerals acquired by any person from a municipality before March 5, 1948.

1994 cM-26.1 s431

**Right of way**

432 After the date on which a municipality becomes the owner of a parcel of land under section 424, if an application is made to a municipality

(a) for a right of entry by an operator entitled to apply for a right of entry order under the Surface Rights Act, or

(b) for a right of way for a railway, pipeline, transmission line, pole line, conduit, irrigation or drainage ditch or other similar purpose, by an applicant entitled to expropriate for that purpose under any Act,

the municipality may grant the right of entry or right of way.

1994 cM-26.1 s432

**When parcel becomes part of another municipality**

433(1) If proceedings affecting a parcel of land have been started under this Division and the parcel of land later becomes part of another municipality, the proceedings must be continued by that municipality as if the parcel had always been included in it, and that municipality must pay to the municipality that started the proceedings, to the extent that municipality receives sufficient money to do so, the costs incurred by the original municipality in connection with the parcel.

(2) When a parcel of land becomes part of another municipality, the Registrar must, on receipt of an order of the Minister, issue a new certificate of title showing the parcel to be registered in the name of that municipality.

1994 cM-26.1 s433

**Non-liability for condition of land**

434 If the Minister becomes the owner of a parcel of land pursuant to this Division, the Minister is not liable in respect of the state and condition of the parcel or any improvements to it.

1994 cM-26.1 s434
Action for condition of land prohibited

434.1(1) No action for damages may be commenced against a municipality with respect to the state and condition of a parcel of land, or any improvements to it, shown on the tax arrears list of the municipality unless

(a) after the date on which the municipality is entitled to possession of the parcel under section 420, or

(b) after the date on which the municipality becomes the owner of the parcel under section 424,

the municipality releases on that parcel a new or additional substance into the environment that may cause, is causing or has caused an adverse effect or the municipality aggravates the adverse effect of the release of a substance into the environment on that parcel.

(2) Subsection (1) does not relieve a municipality of liability respecting a parcel of land, or any improvement to it, that was owned by the municipality before the parcel was placed on the municipality’s tax arrears list.

Continuation of proceedings

435(1) With respect to Edmonton, Calgary and Medicine Hat, all proceedings taken or that were required to be taken under any predecessor of this Act, as modified or varied by any special provisions of the charters of the respective cities, must be continued or taken, as the case may be, under this Division wherever possible.

(2) The Minister may make regulations or orders for the purpose of overcoming any procedural or other difficulty occasioned by the differences between this Division and the charters of Edmonton, Calgary and Medicine Hat.

Deemed compliance with Act

436 Any municipality that acquired land under a predecessor of this Act is deemed to have complied with the requirements of that Act.

Division 8.1
Recovery of Taxes Related to Designated Manufactured Homes

Definitions

436.01 In this Division,
(a) “financing change statement” means a financing change statement as defined in the *Personal Property Security Act*;

(b) “financing statement” means a financing statement as defined in the *Personal Property Security Act*;

(c) “register”, except where the context otherwise requires, means to register by means of a financing statement in the Registry in accordance with the *Personal Property Security Act* and the regulations made under that Act;

(d) “Registry” means the Personal Property Registry;

(e) “reserve bid” means the minimum price at which a municipality is willing to sell a designated manufactured home at a public auction;

(f) “security interest” means a security interest as defined in the *Personal Property Security Act*;

(g) “tax” means a property tax or a community revitalization levy imposed in respect of property referred to in section 304(1)(j)(i) or (k);

(h) “tax arrears list” means a tax arrears list prepared by a municipality under section 436.03(1)(a);

(i) “tax recovery lien” means a charge to secure the amount of taxes owing to a municipality in respect of a designated manufactured home.

Methods of recovering taxes in arrears

**436.02(1)** A municipality may attempt to recover tax arrears in respect of a designated manufactured home

(a) in accordance with this Division, or

(b) subject to subsection (2), in accordance with Division 9 or with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before

(a) the designated manufactured home is sold at a public auction under section 436.09, or

(b) the designated manufactured home is disposed of in accordance with section 436.15(a),

RSA 2000 cM-26 s436.01;2005 c14 s17
whichever occurs first.

1998 c24 s40

**Tax arrears list**

**436.03(1)** A municipality must annually, not later than March 31,

(a) prepare a tax arrears list that shows the designated manufactured homes in the municipality in respect of which there are tax arrears for more than one year, and that may also show the designated manufactured homes in the municipality in respect of which there are tax arrears for less than one year,

(b) register a tax recovery lien against each designated manufactured home shown on the tax arrears list, and

(c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.

(2) A municipality must not register a tax recovery lien against a designated manufactured home in respect of which there exists a tax recovery lien registered from previous years unless that lien has first been discharged.

(3) If a subsequent tax recovery lien is registered in error, it is deemed to be of no effect.

(4) The municipality must give written notice to the owner of each designated manufactured home shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home.

(5) The municipality must give written notice to the owner of each manufactured home community containing one or more designated manufactured homes shown on the tax arrears list that a tax recovery lien has been registered against the designated manufactured home or homes.

1998 c24 s40

**Costs of recovery**

**436.04(1)** A municipality is responsible for the payment of the costs it incurs in carrying out the measures referred to in section 436.03, but it may add the costs to the tax roll in respect of the designated manufactured home shown on the tax arrears list.

(2) No person shall register a financing change statement to discharge the registration of a tax recovery lien against a designated manufactured home without the authorization of the municipality in whose favour the lien is registered.
(3) If a tax recovery lien is discharged in error, the municipality may, within 30 days after the discharge and without any administration fee charged by the Government of Alberta, re-register the tax recovery lien, which has the same effect as if the original tax recovery lien had not been discharged.

1998 c24 s40

Removal of designated manufactured home or improvements

436.05 When a tax recovery lien has been registered against a designated manufactured home, no person shall remove from the site the designated manufactured home or any other improvements located on the site for which the owner of the designated manufactured home is also liable to pay the taxes, unless the municipality that registered the lien consents.

1998 c24 s40

Right to pay tax arrears

436.06(1) When a tax recovery lien has been registered against a designated manufactured home, any person may pay the tax arrears in respect of that designated manufactured home.

(2) On payment of the tax arrears under subsection (1), the municipality must register a financing change statement to discharge the registration of the tax recovery lien.

(3) A person may exercise the right under subsection (1) at any time before

(a) the designated manufactured home is sold at a public auction under section 436.09, or

(b) the designated manufactured home is disposed of in accordance with section 436.15(a).

1998 c24 s40

Right to collect rent to pay tax arrears

436.07(1) When a tax recovery lien has been registered against a designated manufactured home, the municipality may send a written notice to any person who rents or leases the designated manufactured home from the owner of the designated manufactured home, requiring that person to pay the rent or lease payments, as the case may be, to the municipality until the tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the designated manufactured home advising the owner of the municipality’s intention to proceed under subsection (1).
(3) The municipality must send a copy of the notice under subsection (2) to the owner of the manufactured home community where the designated manufactured home is located.

(4) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

**Warning of sale**

436.08(1) Not later than August 1 following preparation of the tax arrears list, the municipality must, in respect of each designated manufactured home shown on the tax arrears list, send a written notice to

(a) the owner of the designated manufactured home,

(b) the owner of the manufactured home community where the designated manufactured home is located, and

(c) each person who has a security interest in or a lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home.

(2) The notice must state that if the tax arrears in respect of the designated manufactured home are not paid before March 31 in the next year, the municipality will offer the designated manufactured home for sale at a public auction.

(3) The notice under subsection (1) must be sent to the address shown on the records of the Registry for each person referred to in subsection (1)(c).

Offer of designated manufactured home for sale

436.09(1) Each municipality must offer for sale at a public auction any designated manufactured home shown on its tax arrears list if the tax arrears are not paid.

(2) Unless subsection (4) applies, the public auction must be held in the period beginning on the date referred to in section 436.08(2) and ending on March 31 of the year immediately following that date.

(3) Subsection (1) does not apply to a designated manufactured home in respect of which the municipality has started an action under section 436.02(2) to recover the tax arrears before the date of the public auction.
(4) The municipality may enter into an agreement with the owner of a designated manufactured home shown on its tax arrears list providing for the payment of the tax arrears over a period not exceeding 3 years, and in that event the designated manufactured home need not be offered for sale under subsection (1) until

(a) the agreement has expired, or

(b) the owner of the designated manufactured home breaches the agreement,

whichever occurs first.

1998 c24 s40

Reserve bid and conditions for sale

436.1 The council must set for each designated manufactured home to be offered for sale at a public auction,

(a) a reserve bid that is as close as reasonably possible to the market value of the designated manufactured home, and

(b) any conditions that apply to the sale.

1998 c24 s40

Right to possession

436.11(1) From the date on which a designated manufactured home is offered for sale at a public auction, the municipality is entitled to possession of the designated manufactured home.

(2) For the purpose of obtaining possession of a designated manufactured home, a designated officer may enter the designated manufactured home and take possession of it for and in the name of the municipality, and if in so doing the designated officer encounters resistance, the municipality may apply to the Court of Queen’s Bench for an order for possession of the designated manufactured home.

RSA 2000 cM-26 s436.11;2009 c53 s119

Advertisement of public auction

436.12(1) The municipality must advertise the public auction in at least one issue of a newspaper having general circulation in the municipality, not less than 10 days and not more than 30 days before the date on which the public auction is to be held.

(2) The advertisement must specify the date, time and location of the public auction, the conditions of sale and a description of each designated manufactured home to be offered for sale.
(3) Not less than 4 weeks before the date of the public auction, the municipality must send a copy of the advertisement referred to in subsection (1) to each person referred to in section 436.08(1).

1998 c24 s40

Adjournment of auction

436.13(1) The municipality may adjourn the holding of a public auction to any date within 2 months after the advertised date.

(2) If a public auction is adjourned, the municipality must

(a) post a notice in a place that is accessible to the public during regular business hours, showing the new date on which the public auction is to be held, and

(b) send a copy of the notice to each person referred to in section 436.08(1).

(3) If a public auction is cancelled as a result of the payment of the tax arrears, the municipality must

(a) post a notice in a place that is accessible to the public during regular business hours stating that the auction is cancelled, and

(b) send a copy of the notice to each person referred to in section 436.08(1).

1998 c24 s40

Unencumbered ownership

436.14(1) A person who purchases a designated manufactured home at a public auction or pursuant to section 436.15(a) acquires the designated manufactured home free of all security interests, liens, writs, charges and other encumbrances, except encumbrances arising from claims of the Crown in right of Canada, and all obligations secured by the security interests, liens, writs, charges and other encumbrances are, as regards the purchaser, deemed performed.

(2) When a person purchases a designated manufactured home at a public auction or pursuant to section 436.15(a), the municipality must, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home that exists on the date of sale as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or
(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) does not apply to a registration for which the purchaser is named as a debtor in a registered financing statement.

(4) Subsection (2) operates despite section 68 of the Personal Property Security Act.

(5) A designated manufactured home is sold at a public auction when the person who is acting as the auctioneer declares the designated manufactured home sold.

Right to sell or dispose of designated manufactured home

436.15 If a designated manufactured home is not sold at a public auction under section 436.09, the municipality may

(a) dispose of it

   (i) by selling it at a price that is as close as reasonably possible to the market value of the designated manufactured home, or

   (ii) by depositing in the account referred to in section 436.17(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the designated manufactured home under subclause (i),

or

(b) grant a lease in respect of it.

Payment of tax arrears

436.16(1) If the tax arrears in respect of a designated manufactured home are paid before the municipality disposes of it under section 436.15(a) or while the designated manufactured home is being leased under section 436.15(b), the municipality must return the designated manufactured home to its owner.

(2) Before returning the designated manufactured home to its owner under subsection (1), the municipality must send a written notice

   (a) to each person referred to in section 436.08(1), and

   (b) if the municipality has leased the designated manufactured home under section 436.15(b), to the person leasing it.

(3) The notice must state that
(a) the designated manufactured home will be returned to the owner after 30 days from the date of the notice, and

(b) despite any provision to the contrary in a lease agreement in respect of the designated manufactured home, the lease expires 30 days after the date of the notice.

(4) Subsection (3) applies despite anything contained in the Residential Tenancies Act.

Separate account for sale proceeds

436.17(1) The money paid for a designated manufactured home at a public auction or pursuant to section 436.15(a)

(a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale or disposition of designated manufactured homes under this Division, and

(b) must be paid out in accordance with this section and section 436.18.

(2) Money paid to a municipality as rent under a lease granted under section 436.15(b) must be placed in the account referred to in subsection (1) and distributed in accordance with this section and section 436.18.

(3) The following must be paid first and in the following order:

(a) the tax arrears in respect of the designated manufactured home;

(b) any lawful expenses of the municipality in respect of the designated manufactured home;

(c) an administration fee of 5% of the amount deposited in respect of the designated manufactured home pursuant to subsection (1), payable to the municipality.

(4) If there is any money remaining after payment of the tax arrears and costs listed in subsection (3), the municipality must notify the previous owner of the designated manufactured home that there is money remaining.

(5) If the municipality is satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality may pay the money remaining after the payments...
under subsection (3) to the previous owner of the designated manufactured home.

(6) If the municipality is not satisfied after a search of the Registry using the serial number of the designated manufactured home that there are no security interests in or liens, writs, charges or other encumbrances against the designated manufactured home, the municipality must notify the previous owner that an application may be made under section 436.18 to recover all or part of the money.

1998 c24 s40

Distribution of surplus sale proceeds

436.18(1) A person may apply to the Court of Queen’s Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 436.17(1).

(2) An application under this section must be made within 5 years after

(a) the date of the public auction, if the designated manufactured home was sold at a public auction, or

(b) the date of a sale under section 436.15(a), if the designated manufactured home was sold under that section.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

RSA 2000 cM-26 s436.18;2009 c53 s119

Payment of undistributed money to municipality

436.19 If no application is made under section 436.18 within the 5-year period referred to in section 436.18, the municipality may, for any purpose, use the money deposited in accordance with section 436.17 that remains undistributed.

1998 c24 s40

Transfer to municipality after 10 years

436.2(1) Despite anything in this Division, where a designated manufactured home has been offered for sale but not sold at a public auction and the municipality has not disposed of it under section 436.15(a) within 10 years following the date of the public auction,

(a) sections 436.16, 436.17 and 436.18 cease to apply with respect to that designated manufactured home, and

(b) the municipality becomes the owner of the designated manufactured home free of all security interests, liens,
when the municipality becomes the owner of a designated manufactured home under subsection (1), the municipality may, in respect of any security interest in or lien, writ, charge or other encumbrance against the designated manufactured home as disclosed by a search of the Registry using the serial number of the designated manufactured home, register a financing change statement

(a) to amend the collateral description in the registration to exclude the designated manufactured home, or

(b) if the designated manufactured home is the only collateral described in the registration, to discharge the registration.

(3) Subsection (2) operates despite section 68 of the Personal Property Security Act.

1998 c24 s40

Prohibited bidding and buying

436.21(1) When a municipality holds a public auction under section 436.09 or a sale under section 436.15(a), the auctioneer, the councillors, the chief administrative officer and the designated officers and employees of the municipality must not bid for or buy, or act as an agent in buying, any designated manufactured home offered for sale, unless subsection (2) applies.

(2) A municipality may direct a designated officer or employee of the municipality to bid for or buy a designated manufactured home of which the municipality wishes to become the owner.

1998 c24 s40

Manufactured home moved to another municipality

436.22 If, after tax recovery proceedings affecting a designated manufactured home are started under this Division, the designated manufactured home is moved to another municipality or its site becomes part of another municipality,

(a) the proceedings must be continued by that other municipality as if the designated manufactured home had always been included in it, and

(b) the other municipality must pay to the municipality that commenced the proceedings, to the extent that the other municipality receives sufficient money to do so, the costs
Regulations

436.23 The Minister may make regulations

(a) respecting the rights and obligations of a municipality in relation to its possession of a designated manufactured home under this Division;

(b) respecting any other matter related to the recovery of taxes under this Division that the Minister considers necessary to carry out the intent of this Division.

Reporting requirements

436.24(1) Unless a municipality passes a bylaw to the contrary, the owner of a manufactured home community must provide monthly reports to the chief administrative officer or a designated officer of the municipality regarding

(a) the ownership of all designated manufactured homes in the manufactured home community, including the serial numbers of the designated manufactured homes, and

(b) the movement of all designated manufactured homes in and out of the manufactured home community.

(2) Despite subsection (1), a municipality may pass a bylaw requiring the owner of the manufactured home community to provide the reports required under subsection (1) to the municipality on the dates specified by the municipality, but not more than once a month.

Division 9

Recovery of Taxes Not Related to Land

Definitions

437 In this Division,

(a) “distress warrant” means a written instruction to seize goods of the person named in the warrant;

(b) “period for payment” means

(i) if the person liable to pay the tax is a resident of the municipality, the 14 days following the sending of the tax notice by the municipality, or

incurred by the original municipality in connection with the tax recovery proceedings.

1998 c24 s40

1998 c24 s40

1998 c24 s40
(ii) if the person liable to pay the tax is not a resident of the municipality, the 30 days following the sending of the tax notice by the municipality;

(c) “tax” means

   (i) a business tax,
   (ii) a well drilling equipment tax,
   (ii.1) a community aggregate payment levy, or
   (iii) a property tax or community revitalization levy imposed in respect of property referred to in section 304(1)(c), (f), (g), (h), (i), (j)(i) or (k);

(d) “tax arrears” means taxes that remain unpaid after the expiry of the period for payment.

Methods of recovering taxes in arrears

438(1) A municipality may attempt to recover tax arrears

   (a) in accordance with this Division, and
   (b) subject to subsection (2), in accordance with any other Act or common law right.

(2) A municipality may start an action under subsection (1)(b) at any time before the goods are sold at a public auction or the municipality becomes the owner of the goods under section 448, whichever occurs first.

Right to issue distress warrant

439(1) A municipality wishing to recover tax arrears pursuant to this Division may issue a distress warrant.

(2) Each municipality may, in writing, authorize a designated officer or appoint a person to the position of designated officer to prepare and issue distress warrants and seize goods pursuant to distress warrants on behalf of the municipality.

Seizure of goods

440(1) When a distress warrant has been issued, a civil enforcement agency or a person referred to in section 439(2) must place sufficient goods under seizure to satisfy the amount of the claim shown in the warrant.
(2) The person placing goods under seizure may ask the person who owns or has possession of the seized goods to sign a bailee’s undertaking agreeing to hold the seized goods for the municipality.

(3) If a person refuses to sign a bailee’s undertaking, the person placing goods under seizure may remove the goods from the premises.

(4) When a bailee’s undertaking has been signed under subsection (2), the goods specified in it are deemed to have been seized.

(5) A seizure under this section continues until the municipality

(a) abandons the seizure by written notice, or

(b) sells the goods.

(6) The municipality is not liable for wrongful or illegal seizure or for loss of or damage to goods held under a seizure under this section if a bailee’s undertaking relating to the seized goods has been signed pursuant to subsection (2).

Goods affected by distress warrant

441(1) A person may seize the following goods pursuant to a distress warrant:

(a) goods belonging to the person who is liable to pay the tax arrears or in which that person has an interest;

(b) goods of a business that is liable to pay business tax arrears, even if the goods have been sold to a purchaser of the business;

(c) goods of a corporation that are in the hands of

(i) a receiver appointed for the benefit of creditors,

(ii) an authorized trustee in bankruptcy, or

(iii) a liquidator appointed under a winding-up order.

(2) If a person who is liable to pay tax arrears is in possession of goods belonging to others for the purpose of storing the goods, those goods must not be seized pursuant to the distress warrant.

Date for issuing distress warrant

442(1) A distress warrant must not be issued until the period for payment expires, unless subsection (2) applies.
(2) If, before the period for payment expires, a municipality has reason to believe that a person is about to move out of the municipality goods that are to be seized under a distress warrant, the municipality may apply to a justice of the peace for an order authorizing the municipality to issue the distress warrant before the period for payment expires.

1994 cM-26.1 s442

Right to pay tax arrears
443(1) After goods have been seized under a distress warrant, any person may pay the tax arrears.

(2) On payment of the tax arrears under subsection (1), the municipality must release the goods from seizure.

(3) A person may exercise the right under subsection (1) at any time before the municipality sells the goods at a public auction or becomes the owner of the goods under section 448.

1994 cM-26.1 s443

Right to collect rent to pay tax arrears
444(1) If a distress warrant has been issued to recover tax arrears in respect of a business and the person who is liable to pay the business tax arrears owns property that is leased to one or more tenants, the municipality may send a notice to each tenant requiring the tenant to pay the rent as it becomes due to the municipality until the business tax arrears have been paid.

(2) Not less than 14 days before a municipality sends a notice under subsection (1), it must send a notice to the owner of the property advising the owner of the municipality’s intention to proceed under subsection (1).

(3) This section does not prevent the municipality from exercising any other right it has to collect the tax arrears.

1994 cM-26.1 s444

Sale of property
445(1) The municipality must offer for sale at a public auction goods that have been seized under a distress warrant if the tax arrears are not paid, unless the municipality starts an action under section 438(2) to recover the tax arrears before the date of the public auction.

(2) The municipality must advertise a public auction by posting a notice in at least 3 public places in the municipality near the goods to be sold not less than 10 days before the date of the auction.

(3) The advertisement must specify the date, time and location of the public auction, the conditions of sale, a description of the goods to be sold and the name of the person whose goods are to be sold.
(4) The advertisement must state that the municipality will become the owner of any goods not sold at the public auction, immediately after the public auction.

Date of public auction

446(1) The public auction must be held not more than 60 days after the goods are seized under the distress warrant.

(2) The municipality may adjourn the holding of a public auction but must post a notice in accordance with section 445(2) showing the new date on which the public auction is to be held.

Exception to sale at auction

447 Despite section 445(1), a municipality may have grain seized under a distress warrant hauled to the nearest elevator or other convenient place of storage and may dispose of the grain at the current market price.

Transfer to municipality

448 The municipality becomes the owner of any goods offered for sale but not sold at a public auction, immediately after the public auction and may dispose of the goods by selling them.

Separate account for sale proceeds

449(1) The money paid for goods at a public auction or pursuant to section 448

(a) must be deposited by the municipality in an account that is established solely for the purpose of depositing money from the sale of goods under this Division, and

(b) must be paid out in accordance with this section and section 450.

(2) The following must be paid first and in the following order:

(a) the tax arrears;

(b) any lawful expenses of the municipality in respect of the goods.

(3) If there is any money remaining after payment of the tax arrears and expenses listed in subsection (2), the municipality must notify the previous owner that there is money remaining and that an application may be made under section 450 to recover all or part of the money.

1994 cM-26.1 s445

1994 cM-26.1 s446

1994 cM-26.1 s447

1994 cM-26.1 s448

1994 cM-26.1 s449
Distribution of surplus sale proceeds

450(1) A person may apply to the Court of Queen’s Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 449(1).

(2) An application under this section may be made within 5 years after the date of the public auction.

(3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.

RSA 2000 cM-26 s450;2009 c53 s119

Seizure of designated manufactured home

451 Part 10 of the Civil Enforcement Act does not apply to a designated manufactured home in a manufactured home community that has been seized under a distress warrant.

1994 cM-26.1 s451;1994 cC-10.5 s146;1998 c24 s41

Regulations

452 The Minister may make regulations respecting any other matter related to the recovery of taxes under this Division that is considered necessary to carry out the intent of this Division.

1994 cM-26.1 s452

Part 11
Assessment Review Boards

Division 1
Establishment and Function of Assessment Review Boards

Interpretation

453(1) In this Part,

(a) “assessment notice” includes an amended assessment notice and a supplementary assessment notice;

(b) “assessment roll” includes a supplementary assessment roll;

(c) “chair” means the member of an assessment review board designated as chair under section 454.1(2), 454.2(2) or 455(2);

(d) “clerk”, in respect of a local assessment review board or composite assessment review board having jurisdiction in one or more municipalities, means the designated officer appointed as clerk under section 456;
(e) “composite assessment review board” means a composite assessment review board established by a council under section 454(b) or jointly established by 2 or more councils under section 455;

(f) “local assessment review board” means a local assessment review board established by a council under section 454(a) or jointly established by 2 or more councils under section 455;

(g) “provincial member” means a person appointed by the Minister under section 454.21(2);

(h) “tax notice” includes a supplementary tax notice;

(i) “tax roll” includes a supplementary tax roll.

(2) In this Part, a reference to an assessment review board

(a) means a local assessment review board or a composite assessment review board, as the case requires, and

(b) includes a panel of the board convened under section 454.11 or 454.21.

Assessment review boards to be established

454 A council must by bylaw establish

(a) a local assessment review board to hear complaints referred to in section 460.1(1), and

(b) a composite assessment review board to hear complaints referred to in section 460.1(2).

Appointment of members to local assessment review board

454.1(1) A council must

(a) appoint at least 3 persons as members of the local assessment review board,

(b) prescribe the term of office of each member appointed under clause (a), and

(c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the local assessment review
board and must prescribe the chair’s term of office and the remuneration and expenses, if any, payable to the chair.

(3) The chair may delegate to any other member appointed under subsection (1) any of the powers, duties or functions of the chair.

Panels of local assessment review board

454.11(1) Where a hearing is to be held in respect of a complaint referred to in section 460.1(1), the chair of the local assessment review board must convene a panel of 3 of its members to hear the complaint.

(2) Despite subsection (1) but subject to subsection (3)(b) and any conditions prescribed by the regulations under section 484.1(c), a panel of a local assessment review board may consist of only one member appointed by the chair.

(3) Unless an order of the Minister authorizes otherwise, the chair must not appoint

(a) more than one councillor to a 3-member panel, or

(b) a councillor as the only member of a one-member panel.

(4) Where a panel consists of 3 members, the panel members must choose a presiding officer from among themselves.

(5) Where a panel has only one member, that member is the presiding officer.

Appointment of members to composite assessment review board

454.2(1) A council must

(a) appoint at least 2 persons as members of the composite assessment review board,

(b) prescribe the term of office of each member appointed under clause (a), and

(c) prescribe the remuneration and expenses, if any, payable to each member appointed under clause (a).

(2) The council must designate one of the members appointed under subsection (1) as the chair of the composite assessment review board and must prescribe the chair’s term of office and the remuneration and expenses, if any, payable to the chair.
(3) The chair may delegate to another member appointed under subsection (1) any of the powers, duties or functions of the chair.

2016 c24 s62

Panels of composite assessment review board

454.21(1) Where a hearing is to be held in respect of a complaint referred to in section 460.1(2), the chair of the composite assessment review board must convene a panel to hear the complaint.

(2) The panel must consist of 2 members of the composite assessment review board appointed by the chair and one provincial member appointed by the Minister in accordance with the regulations.

(3) Unless an order of the Minister authorizes otherwise, the chair must not appoint more than one councillor to a panel.

(4) Despite subsection (2) but subject to any conditions prescribed by the regulations under section 484.1(d), a panel of a composite assessment review board may consist of only the provincial member.

(5) The provincial member is the presiding officer of every panel of a composite assessment review board.

2016 c24 s62

Qualifications of members

454.3 A member of an assessment review board may not participate in a hearing of the board unless the member is qualified as provided for in the regulations.

2016 c24 s62

Joint establishment of assessment review boards

455(1) Two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board, or both, to have jurisdiction in their municipalities.

(2) Where an assessment review board is jointly established,

(a) the councils must jointly designate one of the board members as chair and must jointly prescribe the chair’s term of office and the remuneration and expenses, if any, payable to the chair, and

(b) the chair may delegate any of the powers, duties or functions of the chair to another board member but not to the provincial member of a panel of the board.

2016 c24 s62
Clerk

456(1) The council of a municipality must appoint a designated officer to act as the clerk of the assessment review boards having jurisdiction in the municipality.

(2) Where an assessment review board is jointly established, the councils must jointly appoint the clerk.

(3) The clerk must not be an assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under section 364.1.

(4) The council or councils appointing the clerk must prescribe the clerk’s remuneration and duties.

Replacement of panel members

457 In circumstances provided for by the regulations, the chair of an assessment review board may replace a member of a panel.

Quorum

458(1) Where a panel of a local assessment review board consists of 3 members, a quorum is 2 members.

(2) Where a panel of a composite assessment review board consists of 3 members, a quorum is 2 members, one of whom must be the provincial member.

Decision

459 A decision of a panel of an assessment review board is the decision of the assessment review board.

Complaints

460(1) A person wishing to make a complaint about any assessment or tax must do so in accordance with this section.

(2) A complaint must be in the form prescribed in the regulations and must be accompanied with the fee set by the council under section 481(1), if any.

(3) A complaint may be made only by an assessed person or a taxpayer.

(4) A complaint may relate to any assessed property or business.

(5) A complaint may be about any of the following matters, as shown on an assessment or tax notice:
(a) the description of a property or business;
(b) the name and mailing address of an assessed person or taxpayer;
(c) an assessment;
(d) an assessment class;
(e) an assessment sub-class;
(f) the type of property;
(g) the type of improvement;
(h) school support;
(i) whether the property is assessable;
(j) whether the property or business is exempt from taxation under Part 10;
(k) any extent to which the property is exempt from taxation under a bylaw under section 364.1;
(l) whether the collection of tax on the property is deferred under a bylaw under section 364.1.

(6) A complaint may be made about a designated officer’s refusal to grant an exemption or deferral under a bylaw under section 364.1.

(7) Despite subsection (5)(j), there is no right to make a complaint about an exemption or deferral given by agreement under section 364.1(11) unless the agreement expressly provides for that right.

(8) There is no right to make a complaint about any tax rate.

(9) A complaint under subsection (5) must
   (a) indicate what information shown on an assessment notice or tax notice is incorrect,
   (b) explain in what respect that information is incorrect,
   (c) indicate what the correct information is, and
   (d) identify the requested assessed value, if the complaint relates to an assessment.

(10) A complaint about a local improvement tax must be made within one year after it is first imposed.
(11) Despite subsection (10), where a local improvement tax rate has been revised under section 403(3), a complaint may be made about the revised local improvement tax whether or not a complaint was made about the tax within the year after it was first imposed.

(12) A complaint under subsection (11) must be made within one year after the local improvement tax rate is revised.

(13) A complaint must include the mailing address of the complainant except where, in the case of a complaint under subsection (5), the correct mailing address of the complainant is shown on the assessment notice or tax notice.

(14) An assessment review board has no jurisdiction to deal with a complaint about designated industrial property or an amount prepared by the Minister under Part 9 as the equalized assessment for a municipality.

2016 c24 s62

Jurisdiction of assessment review boards

460.1(1) A local assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on

(a) an assessment notice for

(i) residential property with 3 or fewer dwelling units, or

(ii) farm land,

or

(b) a tax notice other than a property tax notice, business tax notice or improvement tax notice.

(2) Subject to section 460(14), a composite assessment review board has jurisdiction to hear complaints about

(a) any matter referred to in section 460(5) that is shown on

(i) an assessment notice for property other than property described in subsection (1)(a), or

(ii) a business tax notice or an improvement tax notice,

or

(b) a designated officer’s decision to refuse to grant an exemption or deferral under section 364.1.
(3) In this section, a reference to “improvement tax” includes a business improvement area tax in Part 10, Division 4 and a local improvement tax in Part 10, Division 7.

2016 c24 s62;2017 c22 s37

Address to which a complaint is sent

461(1) A complaint must be filed with the assessment review board at the address shown on the assessment or tax notice for the property

(a) in the case of a complaint about a designated officer’s decision to refuse to grant an exemption or deferral under section 364.1, not later than the date stated on the written notice of refusal under section 364.1(9), or

(b) in any other case, not later than the complaint deadline.

(1.1) A complaint filed after the complaint deadline is invalid.

(2) The applicable filing fee must be paid when a complaint is filed.

(3) On receiving a complaint, the clerk must set a date, time and location for a hearing before an assessment review board in accordance with the regulations.

2016 c24 s62;2017 c13 s2(13)

Notice of assessment review board hearing

462(1) If a complaint is to be heard by a local assessment review board, the clerk must

(a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and

(b) within the time prescribed by the regulations, notify the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

(2) If a complaint is to be heard by a composite assessment review board, the clerk must

(a) within 30 days after receiving the complaint, provide the municipality with a copy of the complaint, and

(b) within the time prescribed by the regulations, notify the Minister, the municipality, the complainant and any assessed person other than the complainant who is directly affected by the complaint of the date, time and location of the hearing.

2016 c24 s62
Absence from hearing

463 If any person who is given notice of the hearing does not attend, the assessment review board must proceed to deal with the complaint if

(a) all persons required to be notified were given notice of the hearing, and

(b) no request for a postponement or an adjournment was received by the board or, if a request was received, no postponement or adjournment was granted by the board.

Proceedings before assessment review board

464(1) Assessment review boards are not bound by the rules of evidence or any other law applicable to court proceedings and have power to determine the admissibility, relevance and weight of any evidence.

(2) Assessment review boards may require any person giving evidence before them to do so under oath.

(3) Members of assessment review boards, including provincial members of panels of composite assessment review boards, are commissioners for oaths while acting in their official capacities.

Hearings open to public

464.1(1) Subject to subsections (2) and (3), all hearings by an assessment review board are open to the public.

(2) If an assessment review board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the assessment review board may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before an assessment review board must be placed on the public record.

(5) An assessment review board may exclude a document from the public record

(a) if the assessment review board is of the opinion that disclosure of the document could reasonably be expected
to disclose intimate personal, financial or commercial matters or other matters, and

(b) the assessment review board considers that a person’s interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

Notice to attend or produce

465(1) If, in the opinion of an assessment review board hearing a complaint,

(a) the attendance of a person, or

(b) the production of a document or thing,

is required for the purpose of the hearing, the board may, on application, cause a notice to be served on a person requiring a person to attend or to attend and produce the document or thing.

(2) An application under subsection (1) must be made in accordance with the regulations made under section 484.1(n.1).

(3) If a person fails or refuses to comply with a notice served under subsection (1), the assessment review board may apply to the Court of Queen’s Bench and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

Protection of witnesses

466 A witness may be examined under oath on anything relevant to a matter that is before an assessment review board and is not excused from answering any question on the ground that the answer might tend to

(a) incriminate the witness,

(b) subject the witness to punishment under this or any other Act, or

(c) establish liability of the witness

   (i) to a civil proceeding at the instance of the Crown or of any other person, or

   (ii) to prosecution under any Act,
but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish liability of the witness, it must not be used or received against the witness in any civil proceedings or in any other proceedings under this or any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

Division 2
Decisions of Assessment Review Boards

Decisions of assessment review board

467(1) An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

(2) An assessment review board must dismiss a complaint that was not made within the proper time or that does not comply with section 460(9).

(3) An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

(a) the valuation and other standards set out in the regulations,

(b) the procedures set out in the regulations, and

(c) the assessments of similar property or businesses in the same municipality.

(4) An assessment review board must not alter any assessment of farm land, machinery and equipment or railway property that has been prepared correctly in accordance with the regulations.

Appeal to composite assessment review board

467.1 A complaint about a designated officer’s decision to refuse to grant an exemption or deferral under section 364.1 is an appeal of the decision and a composite assessment review board may, after hearing the complaint, confirm the designated officer’s decision or replace it with the board’s decision.

Assessment review board decisions

468(1) Subject to the regulations, an assessment review board must, in writing, render a decision and provide reasons, including any dissenting reasons,

(a) within 30 days from the last day of the hearing, or
(b) before the end of the taxation year to which the complaint that is the subject of the hearing applies,

whichever is earlier.

(2) Despite subsection (1), in the case of a complaint about a supplementary assessment notice, an amended assessment notice or any tax notice other than a property tax notice, an assessment review board must render its decision in writing in accordance with the regulations.

Costs of proceedings

468.1 A composite assessment review board may, or in the circumstances set out in the regulations must, order that costs of and incidental to any hearing before it be paid by one or more of the parties in the amount specified in the regulations.

2009 c29 s25

Effect of order relating to costs

468.2 An order of the composite assessment review board under section 468.1 may be registered in the Personal Property Registry and at any land titles office and, on registration, has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court of Queen’s Bench.

2009 c29 s26

Notice of decision

469 The clerk must, within 7 days after an assessment review board renders a decision, send the board’s written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 462(1)(b) or (2)(b), as the case may be.

RSA 2000 cM-26 s469;2009 c29 s27;2016 c24 s64

Judicial review

470(1) Where a decision of an assessment review board is the subject of an application for judicial review, the application must be filed with the Court of Queen’s Bench and served not more than 60 days after the date of the decision.

(2) Notice of an application for judicial review must be given to

(a) the assessment review board that made the decision,

(b) the complainant, other than an applicant for the judicial review,

(c) an assessed person who is directly affected by the decision, other than the complainant,
(d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and

(e) the Minister.

(3) If an applicant for judicial review of an assessment review board decision makes a written request for materials to the assessment review board for the purposes of the application, the assessment review board must provide the materials requested within 14 days from the date on which the written request is served.

(4) An assessment review board whose decision is the subject of an application for judicial review must, within 30 days from the date on which the board is served with the application, forward to the clerk of the Court of Queen’s Bench the certified record of proceedings prepared under Part 3 of the Alberta Rules of Court.

(5) Documents excluded from the public record of a hearing by an assessment review board remain excluded from the public record on judicial review unless otherwise ordered by the Court of Queen’s Bench.

(6) No member of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, is liable for costs by reason of or in respect of a judicial review under this Act.

Technical irregularities

471(1) If there has been substantial compliance with this Part, the decision of an assessment review board is not invalid because of a defect in form, a technical irregularity or informality.

(2) An assessment review board may correct any error or omission in its decision.

472 to 476 Repealed 1995 c24 s73.

Division 4
General Matters

Referral of unfair assessment to Minister

476.1 An assessment review board may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 324 and 571.
Required changes to rolls

477 The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of an assessment review board.

1994 cM-26.1 s477;1995 c24 s74

Right to continue proceedings

478 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

1994 cM-26.1 s478

Obligation to pay taxes

479 Making a complaint under this Part does not relieve any person from the obligation to pay any taxes owing on any property or business or any penalties imposed for late payment of taxes.

1994 cM-26.1 s479

Prohibition

480(1) A member of an assessment review board must not hear or vote on any decision that relates to a matter in respect of which the member has a pecuniary interest.

(2) For the purposes of subsection (1), a member of an assessment review board has a pecuniary interest in a matter to the same extent that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170.

RSA 2000 cM-26 s480;2009 c29 s30

Fees

481(1) Subject to the regulations made pursuant to section 484.1(q), the council may set fees payable by persons wishing to make complaints or to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board’s decisions and other documents.

(2) If the assessment review board makes a decision in favour of the complainant, the fees paid by the complainant under subsection (1) must be refunded.

(3) If

(a) the assessment review board makes a decision that is not in favour of the complainant, and

(b) on judicial review, the Court of Queen’s Bench makes a decision in favour of the complainant,
the fees paid by the complainant under subsection (1) must be refunded.

RSA 2000 cM-26 s481; 2009 c29 s31; 2016 c24 s66

**Admissible evidence at hearing**  
482(1) A copy of

(a) an assessment roll or tax roll or part of it, or

(b) an assessment notice or tax notice,

that is certified by a designated officer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the designated officer.

482(2) A statutory declaration signed by a designated officer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent at least 7 days prior to the notice of assessment date, or

(b) a tax notice was sent on the date shown on the tax notice.

RSA 2000 cM-26 s482; 2017 c13 s1(42)

**Decision admissible on judicial review**  
483 A copy of a decision of an assessment review board that is certified by the clerk as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the clerk.

RSA 2000 cM-26 s483; 2016 c24 s67

**Immunity**  
484 The members of an assessment review board, including a provincial member appointed to a panel of a composite assessment review board, are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

RSA 2000 cM-26 s484; 2016 c24 s68

**Regulations**  
484.1 The Minister may make regulations

(a) respecting the eligibility of persons to be provincial members;

(b) respecting the appointment of provincial members to panels of composite assessment review boards;
(c) prescribing the conditions under which a chair may convene a panel of a local assessment review board consisting of only one member;

(d) prescribing the conditions under which a chair may convene a panel of a composite assessment review board consisting of only a provincial member;

(e) respecting the training and qualifications of members of assessment review boards and clerks;

(f) respecting the setting by the clerk of the date, time and location of a hearing before an assessment review board;

(g) prescribing the period of time for purposes of section 462(1)(b) and (2)(b);

(h) respecting the procedures and functions of assessment review boards;

(h.1) respecting the replacement of members of a panel of an assessment review board;

(i) governing the disclosure of evidence in a hearing before an assessment review board;

(i.1) governing hearings held in private before an assessment review board;

(i.2) governing the excluding of documents from the public record by an assessment review board;

(j) respecting the jurisdiction of assessment review boards;

(k) respecting the authority of assessment review boards to hear complaints and the manner in which the boards are to hear complaints;

(l) respecting costs that may or must be imposed by a composite assessment review board in respect of a hearing, including, without limitation, regulations respecting

   (i) the circumstances in which costs must be imposed, and

   (ii) the amount of costs;

(m) respecting the rendering of decisions by assessment review boards;
(n) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before an assessment review board;

(n.1) respecting applications referred to in section 465(1);

(o) respecting any other matter relating to assessment review boards;

(p) respecting applications for judicial review referred to in section 470;

(q) setting amounts for any fees that a council may set pursuant to section 481(1).

RSA 2000 cM-26 s484.1;2009 c29 s32;2016 c24 s69

Part 12
Municipal Government Board

Definitions

485 In this Part,

(a) repealed 2016 c24 s70;

(b) “Board” means the Municipal Government Board and includes any panel of the Municipal Government Board;

(c) “chair” means the chair of the Board.

RSA 2000 cM-26 s485;2016 c24 s70

Division 1
Establishment and Jurisdiction of the Municipal Government Board

Appointment of Board members

486(1) There is established a board to be known as the Municipal Government Board consisting of the persons appointed by the Lieutenant Governor in Council, on the recommendation of the Minister.

(1.1) The Lieutenant Governor in Council shall designate one of the members to be the chair of the Board.

(2) The members of the Board are to be paid

(a) remuneration at the rates set by the Lieutenant Governor in Council, and

(b) reasonable travelling and living expenses while carrying out duties as members of the Board away from home,
in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(3) Repealed 2016 c24 s71.

(4) The chair may delegate to any person any of the powers, duties or functions of the chair.

Panels of the Board

**487(1)** The chair must select any 3 or more members of the Board to sit as a panel of the Board unless subsection (1.1) applies.

(1.1) Subject to the conditions prescribed by the regulations, the chair may select one member of the Board to sit as a panel of the Board.

(2) The chair may establish as many panels as the chair considers necessary.

(3) The chair may appoint a presiding officer for a panel but if the chair does not do so, the members of a panel must choose a presiding officer from among themselves.

Qualifications of members

**487.1** A member of a panel of the Board may not participate in a hearing related to assessment matters unless the member is qualified to do so in accordance with the regulations.

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.

Jurisdiction of the Board

**488(1)** The Board has jurisdiction

(a) to hear complaints about assessments for designated industrial property,

(b) to hear any complaint relating to the amount set by the Minister under Part 9 as the equalized assessment for a municipality,

(c) repealed 2009 c29 s34,

(d) to decide disputes between a management body and a municipality or between 2 or more management bodies,
referred to it by the Minister under the *Alberta Housing Act*,

(e) to inquire into and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister,

(e.1) to perform any duties assigned to it by the Minister or the Lieutenant Governor in Council,

(f) to deal with annexations in accordance with Part 4,

(g) to decide disputes involving regional service commissions under section 602.15,

(h) to hear appeals pursuant to section 619,

(i) to hear appeals from subdivision decisions pursuant to section 678(2)(a),

(j) to decide intermunicipal disputes pursuant to section 690, and

(k) to hear appeals pursuant to section 648.1.

(2) The Board must hold a hearing under Division 2 of this Part in respect of the matters set out in subsection (1)(a) and (b).

(3) Sections 495 to 498, 501 to 504 and 507 apply when the Board holds a hearing to decide a dispute, or to hear an appeal, referred to in subsection (1).

**ALSA regional plans**

488.01 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, the Board must act in accordance with any applicable ALSA regional plan.

Limit on Board's jurisdiction

488.1(1) The Board has no jurisdiction under section 488(1) to hear a complaint relating to an equalized assessment set by the Minister under Part 9 if the reason for the complaint is

(a) that the equalized assessment fails to reflect a loss in value where the loss in value has not been reflected in the assessments referred to in section 317,

(b) that information provided to the Minister by a municipality in accordance with section 319(1) does not properly reflect the relationship between assessments and...
the value of property in the municipality for the year preceding the year in which the assessments were used for the purpose of imposing a tax under Part 10, or

(c) that information relied on by the Minister pursuant to section 319(2) is incorrect.

(2) The Board must not hear a complaint about any issue regarding the validity of a regulation or guideline under this Act as it relates to property.

RSA 2000 cM-26 s488.1;2009 c29 s35;2016 c24 s75

Quorum

489 A majority of the members of a panel of the Board constitutes a quorum.

1994 cM-26.1 s489

Decision

490 A decision of a majority of the members of a panel of the Board is the decision of the Board.

1994 cM-26.1 s490

Division 2

Hearings Before the Board

Form of complaint

491(1) A complaint about an assessment for designated industrial property or relating to the amount of an equalized assessment that is to be dealt with by a hearing before the Board must be in the form prescribed by the regulations and must be filed with the chair within the following periods:

(a) for a complaint about an assessment for designated industrial property, not later than the complaint deadline;

(b) for a complaint relating to the amount of an equalized assessment, not later than 30 days from the date the Minister sends the municipality the report described in section 320.

(1.1) The form referred to in subsection (1) must be accompanied with the fee, if any, set by regulation under section 527.1.

(2) The form referred to in subsection (1) must include

(a) the reason the matter is being referred to the Board,

(b) a brief explanation of the issues to be decided by the Board, and
(c) an address to which any notice or decision of the Board is to be sent.

(3) In addition to the information described in subsection (2), in respect of a complaint about an assessment for designated industrial property, the form referred to in subsection (1) must

(a) indicate what information on an assessment notice is incorrect,

(b) explain in what respect that information is incorrect,

(c) indicate what the correct information is, and

(d) identify the requested assessed value, if the complaint relates to an assessment.

(4) In addition to the information described in subsection (2), in respect of a complaint about an amount of an equalized assessment, the form referred to in subsection (1) must

(a) explain in what respect the amount is incorrect, and

(b) indicate what the correct amount should be.

Complaints about designated industrial property

492(1) A complaint about an assessment for designated industrial property may be about any of the following matters, as shown on the assessment notice:

(a) the description of any designated industrial property;

(b) the name and mailing address of an assessed person;

(c) an assessment;

(c.1) an assessment class;

(d) the type of improvement;

(e) school support;

(f) whether the designated industrial property is assessable;

(g) whether the designated industrial property is exempt from taxation under Part 10.

(1.1) Any of the following may make a complaint about an assessment for designated industrial property:
Section 493  MUNICIPAL GOVERNMENT ACT  RSA 2000

MUNICIPAL GOVERNMENT ACT  Chapter M-26

(a) an assessed person;

(b) a municipality, if the complaint relates to property that is within the boundaries of that municipality.

(2) Repealed 1995 c24 s76.

Duty of chair on receiving a form

493(1) On receiving a form referred to in section 491(1), the chair must set a date, time and location for a hearing before the Board in accordance with the regulations.

(2) If the form relates to a complaint about an assessment for designated industrial property, the chair must advise the provincial assessor that the form has been received.

Notice of hearing before the Board

494(1) If a matter is to be heard by the Board, the chair must

(a) within 30 days after receiving a form under section 491(1), provide the municipality with a copy of the form, and

(b) within the time prescribed by the regulations, notify

(i) the municipality,

(ii) the person who sent the form to the chair,

(iii) the provincial assessor, and

(iv) any assessed person who is directly affected by the matter

of the date, time and location of the hearing.

(2) Repealed 2009 c29 s38.

Absence from hearing

495(1) If any person who is given notice of the hearing does not attend, the Board must proceed to deal with the matter if

(a) all persons required to be notified were given notice of the hearing, and
Proceedings before the Board

496(1) The Board is not bound by the rules of evidence or any other law applicable to court proceedings and has power to determine the admissibility, relevance and weight of any evidence.

(2) The Board may require any person giving evidence before it to do so under oath.

(3) Members of the Board are commissioners for oaths while acting in their official capacities.

Notice to attend or produce

497(1) When, in the opinion of the Board,

(a) the attendance of a person is required, or

(b) the production of a document or thing is required,

the Board may cause to be served on a person a notice to attend or a notice to attend and produce a document or thing.

(2) If a person fails or refuses to comply with a notice served under subsection (1), the Board may apply to the Court of Queen’s Bench and the Court may issue a warrant requiring the attendance of the person or the attendance of the person to produce a document or thing.

Protection of witnesses

498 A witness may be examined under oath on anything relevant to a matter that is before the Board and is not excused from answering any question on the ground that the answer might tend to

(a) incriminate the witness,

(b) subject the witness to punishment under this or any other Act, or

(c) establish liability of the witness

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

(b) no request for a postponement or an adjournment was received by the Board or, if a request was received, no postponement or adjournment was granted by the Board.

RSA 2000 cM-26 s495;2009 c29 s39
but if the answer so given tends to incriminate the witness, subject
the witness to punishment or establish liability of the witness, it
must not be used or received against the witness in any civil
proceedings or in any other proceedings under this or any other
Act, except in a prosecution for or proceedings in respect of perjury
or the giving of contradictory evidence.

1994 cM-26.1 s498

**Decisions of the Board**

**499(1)** On concluding a hearing, the Board may make any of the
following decisions:

(a) make a change with respect to any matter referred to in
section 492(1), if the hearing relates to a complaint about
an assessment for designated industrial property;

(b) make a change to any equalized assessment, if the hearing
relates to an equalized assessment;

(c) decide that no change to an equalized assessment or an
assessment roll is required;

(d) decide that a property is not designated industrial property
and direct the municipality to appoint an assessor to assess
the property.

(2) The Board must dismiss a complaint that was not made within
the proper time or that does not comply with section 491(1), (2) or
(3).

(3) The Board must not alter

(a) any assessment of designated industrial property that has
been prepared correctly in accordance with the
regulations, and

(b) any equalized assessment that is fair and equitable, taking
into consideration equalized assessments in similar
municipalities.

(4) The Board may, in its decision,

(a) include terms and conditions, and

(b) make the decision effective on a future date or for a
limited time.

RSA 2000 cM-26 s499;2009 c29 s40;2016 c24 s80

**Board decisions**

**500(1)** Subject to the regulations, if the hearing relates to a
complaint about an assessment for designated industrial property,
the Board must, in writing, render a decision and provide reasons, including any dissenting reasons,

(a) within 30 days from the last day of the hearing, or

(b) before the end of the taxation year to which the assessment that is the subject of the hearing applies,

whichever is earlier.

(2) Subject to the regulations, if the hearing relates to a complaint about the amount of an equalized assessment, the Board must, in writing, render a decision and provide reasons, including any dissenting reasons,

(a) within 30 days from the last day of the hearing, or

(b) within 150 days from the date the Minister sends the municipality the report described in section 320,

whichever is earlier.

Costs of proceedings

501 The Board may, or in the circumstances set out in the regulations must, order that costs of and incidental to any hearing before it be paid by one or more of the parties in the amount specified in the regulations.

Effect of decision relating to costs

502 An order of the Board under section 501 may be registered in the Personal Property Registry and at any land titles office and, on registration, has the same effect as if it were a registered writ of enforcement issued after judgment has been entered in an action by the Court of Queen’s Bench.

Extension of time

503 When a decision of the Board requires something to be done within a specified time, the Board may extend the time.

Rehearing

504 The Board may rehear any matter before making its decision, and may review, rescind or vary any decision made by it.
Notice of decision

505 The Board must, within 7 days after it renders a decision, send its written decision and reasons, including any dissenting reasons, to the persons notified of the hearing under section 494(1)(b).

506, 506.1 Repealed 2016 c24 s81.

Technical irregularities

507(1) If there has been substantial compliance with this Part, a decision of the Board is not invalid because of a defect in form, a technical irregularity or informality.

(2) The Board may correct any error or omission in its decision.

Intervention by municipality

508(1) When the council of a municipality considers that the interests of the public in the municipality or in a major part of the municipality are sufficiently concerned, the council may authorize the municipality to become a complainant or intervenor in a hearing before the Board.

(2) For the purposes of subsection (1), a council may take any steps, incur any expense and take any proceedings necessary to place the question in dispute before the Board for a decision.

Division 3
Judicial Review of Board Decisions

Judicial review of Board decision

508.1(1) Where a decision of the Board is the subject of an application for judicial review, the application must be filed with the Court of Queen’s Bench and served not more than 60 days after the date of the decision.

(2) Notice of an application for judicial review of a decision referred to in subsection (1) must be given to

(a) the Board,

(b) all parties to the hearing before the Board, including any intervenors, other than an applicant for the judicial review,
(c) any persons who are directly affected by the decision but were not parties or intervenors in the hearing before the Board, if the decision that is the subject of the judicial review relates to an assessment for designated industrial property,

(d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and

(e) the Minister.

(3) If an applicant for judicial review of a Board decision makes a written request for materials to the Board for the purposes of the application, the Board must provide the materials requested within 14 days from the date on which the written request is served.

(4) Where a Board decision is the subject of an application for judicial review, the Board must, within 30 days from the date on which the Board is served with the application, forward to the clerk of the Court of Queen’s Bench the certified record of proceedings prepared under Part 3 of the *Alberta Rules of Court*.

(5) Documents excluded from the public record of a hearing by the Board remain excluded from the public record on judicial review unless otherwise ordered by the Court of Queen’s Bench.

(6) No member of the Board is liable for costs by reason of or in respect of a judicial review under this Act.

509 to 513 Repealed 1995 c24 s78.

### Division 4

**Inquiries by the Board**

**Referrals to the Board**

514(1) The Lieutenant Governor in Council may refer any matter to the Board for its recommendations.

(2) The Minister may by order refer any question or other matter to the Board for its recommendations.

515(1) On concluding an inquiry, the Board must prepare a report that includes its recommendations.
Section 516  MUNICIPAL GOVERNMENT ACT  RSA 2000  Chapter M-26

(2) The Board may make any recommendations it considers appropriate.

(3) The report must be delivered to the Minister.

1994 cM-26.1 s515

Division 5
General Matters

Referral of unfair assessment to Minister
516 The Board may refer any assessment that it considers unfair and inequitable to the Minister and the Minister may deal with it under sections 571 and 324.

1994 cM-26.1 s516

Required changes to rolls
517(1) The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of the Board.

(2) The Minister must make any changes to the Minister’s assessment roll for designated industrial property that are necessary to reflect the decision of the Board.

RSA 2000 cM-26 s517;2009 c29 s46;
2016 c24 s135

Right to continue proceedings
518 A person who becomes an assessed person or taxpayer in respect of a property or business when a complaint or an appeal about the property or business is being dealt with under this Part may become a party to any proceedings started by the previous assessed person or taxpayer.

1994 cM-26.1 s518

Obligation to pay taxes
519 Sending a form to the Board under section 491(1) does not relieve any person from the obligation to pay any taxes owing on the property or business or any penalties imposed for late payment of taxes.

RSA 2000 cM-26 s519;2017 c13 s1(46)

Prohibition
520(1) A member of the Board must not hear or vote on any decision or recommendation that relates to a matter in respect of which the member has a pecuniary interest.

(2) For the purposes of subsection (1), a member has a pecuniary interest in a matter to the same extent that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170.

RSA 2000 cM-26 s520;2009 c29 s47

305
Power of Board re contempt

521 A person who commits or does any act, matter or thing that would, if done in or in respect of the Court of Queen’s Bench, constitute a contempt of the Court is in contempt of the Board, and on an application by the Board, the Court of Queen’s Bench may commit that person for contempt of the Board, and the Court has the same power of committal in respect of contempt of the Board as it has in respect of contempt of the Court.

1994 cM-26.1 s521

522 Repealed 2009 c29 s48.

Rules re procedures

523 The Board may make rules regulating its procedures.

1994 cM-26.1 s523

Powers of the Board

524(1) The Board may request copies of statements, reports, documents or information of any kind from the designated officers of any local authority.

(2) The Board may request, in writing, copies of any certificates or certified copies of documents from the Registrars of Titles in the different land registration districts, the Minister responsible for this Act or the Minister of Transportation.

(3) The Board or any member of the Board may at any time search the public records of the Land Titles Offices.

RSA 2000 cM-26 s524;2007 c16 s5;2013 c10 s21

Admissible evidence at hearing

525(1) A document purporting to have been issued by a corporation or any officer, agent or employee of a corporation, or by any other person for or on its behalf, may be considered by the Board as proof, in the absence of evidence to the contrary, that the document was issued by the corporation.

(2) A copy of

(a) an assessment roll or tax roll or part of it, or

(b) an assessment notice or tax notice,

that is certified by a designated officer as being a true copy of the original roll, part of the roll or notice is proof, in the absence of evidence to the contrary, of the existence and validity of the roll, part of the roll or notice and is admissible in evidence without proof of the appointment or signature of the designated officer.
(3) A statutory declaration signed by a designated officer is admissible in evidence as proof, in the absence of evidence to the contrary, that

(a) an assessment notice was sent at least 7 days prior to the notice of assessment date, or

(b) a tax notice was sent on the date shown on the tax notice.

2017 c13 s1(47)

Hearings open to public

525.1(1) Subject to subsections (2) and (3), all hearings are open to the public.

(2) If the Board considers it necessary to prevent the disclosure of intimate personal, financial or commercial matters or other matters because, in the circumstances, the need to protect the confidentiality of those matters outweighs the desirability of an open hearing, the Board may conduct all or part of the hearing in private.

(3) If all or any part of a hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

(4) Subject to subsection (5), all documents filed in respect of a matter before the Board must be placed on the public record.

(5) The Board may exclude a document from the public record

(a) if the Board is of the opinion that disclosure of the document could reasonably be expected to disclose intimate personal, financial or commercial matters or other matters, and

(b) the Board considers that a person’s interest in confidentiality outweighs the public interest in the disclosure of the document.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

2016 c24 s83
Decision admissible on judicial review

526 A copy of a decision of the Board that is certified by the person who presided at the hearing as being a true copy of the original decision is proof, in the absence of evidence to the contrary, of the decision and is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

1994 cM-26.1 s526

Immunity

527 The members of the Board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.

1994 cM-26.1 s527

Regulations

527.1 The Minister may make regulations

(a) respecting the training and qualifications of members of the Board and the chair or the chair’s delegate;

(b) respecting the setting by the chair of the date, time and location for a hearing before the Board;

(c) prescribing the period of time for purposes of section 494(1)(b);

(d) respecting the conditions under which the chair may appoint one member of the Board to sit as a panel of the Board;

(e) respecting the procedures and functions of the Board;

(f) governing the disclosure of evidence in a hearing before the Board;

(f.1) governing hearings held in private before the Board;

(f.2) governing the excluding of documents from the public record by the Board;

(g) respecting costs that may or must be imposed by the Board in respect of a hearing, including, without limitation, regulations respecting

(i) the circumstances in which costs must be imposed, and

(ii) the amount of costs;
(h) respecting the circumstances under which a person may act as an agent for an assessed person or taxpayer at a hearing before the Board;

(i) respecting the rendering of decisions by the Board;

(j) respecting applications for judicial review referred to in section 508.1;

(k) setting fees payable by complainants, or by parties, intervenors or others who appear at hearings before the Board or at inquiries conducted by the Board, and for obtaining copies of the Board’s decisions and other documents.

RSA 2000 cM-26 s527.1;2009 c29 s49;2016 c24 s84

Part 13
Liability of Municipalities,
Enforcement of Municipal Law and
Other Legal Matters

Division 1
Liability of Municipalities

Acting in accordance with statutory authority

527.2 Subject to this and any other enactment, a municipality is not liable for damage caused by any thing done or not done by the municipality in accordance with the authority of this or any other enactment unless the cause of action is negligence or any other tort.

1999 c11 s29

Non-negligence actions

528 A municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, if the damage arises, directly or indirectly, from roads or from the operation or non-operation of

(a) a public utility, or

(b) a dike, ditch or dam.

1994 cM-26.1 s528

Exercise of discretion

529 A municipality that has the discretion to do something is not liable for deciding not to do that thing in good faith or for not doing that thing.

1994 cM-26.1 s529

Inspections and maintenance

530(1) A municipality is not liable for damage caused by
(a) a system of inspection, or the manner in which inspections
are to be performed, or the frequency, infrequency or
absence of inspections, and

(b) a system of maintenance, or the manner in which
maintenance is to be performed, or the frequency,
infrequency or absence of maintenance.

(2) Repealed 1995 c24 s80.

1994 cM-26.1 s530;1995 c24 s80

Snow on roads

531(1) A municipality is only liable for an injury to a person or
damage to property caused by snow, ice or slush on roads or
sidewalks in the municipality if the municipality is grossly
negligent.

(2) A person who brings an action claiming gross negligence
described in subsection (1) must notify the municipality of the
event that gives rise to the action within 21 days after the
occurrence of the event.

(3) Failure to notify the municipality bars the action unless

   (a) there is a reasonable excuse for the lack of notice, and the
       municipality is not prejudiced by the lack of notice,

   (b) death is the result of the event complained of, or

   (c) the municipality waives in writing the requirement for
       notice.

1994 cM-26.1 s531;1996 c30 s49

Repair of roads, public places and public works

532(1) Every road or other public place that is subject to the
direction, control and management of the municipality, including
all public works in, on or above the roads or public place put there
by the municipality or by any other person with the permission of
the municipality, must be kept in a reasonable state of repair by the
municipality, having regard to

   (a) the character of the road, public place or public work, and

   (b) the area of the municipality in which it is located.

(2) The municipality is liable for damage caused by the
municipality failing to perform its duty under subsection (1).

(3) This section does not apply to any road made or laid out by a
private person or any work made or done on a road or place by a
private person until the road or work is subject to the direction, control and management of the municipality.

(4) A municipality is not liable under this section unless the claimant has suffered by reason of the default of the municipality a particular loss or damage beyond what is suffered by the claimant in common with all other persons affected by the state of repair.

(5) A municipality is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law, and over which the municipality has no control, if the municipality is not a party to those acts or omissions.

(6) A municipality is liable under this section only if the municipality knew or should have known of the state of repair.

(7) A municipality is not liable under this section if the municipality proves that it took reasonable steps to prevent the disrepair from arising.

(8) When a traffic control device has been defaced, removed or destroyed by someone other than a designated officer or employee or agent of the municipality, the municipality is liable under this section only if the municipality

(a) had actual notice of the defacement, removal or destruction, and

(b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

(9) A person who brings an action under this section must notify the municipality of the event that gives rise to the action within 30 days after the occurrence of the event.

(10) Failure to notify the municipality bars the action unless

(a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,

(b) death is the result of the event complained of, or

(c) the municipality waives in writing the requirement for notice.

1994 cM-26.1 s532

Things on or adjacent to roads

533 A municipality is not liable for damage caused

(a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control
Public works affecting land

534(1) In this section, “injurious affection” means, in respect of land, the permanent reduction in the appraised value of land as a result of the existence, but not the construction, erection or use, of a public work or structure for which the municipality would be liable if the existence of the public work or structure were not under the authority of an enactment.

(2) Within one year after the construction or erection of a public work or structure is completed, as signified by the construction completion certificate, the municipality must deliver or mail to every owner of land that abuts land on which the public work or structure is situated, and place in a newspaper circulating in the municipality, a notice that

(a) identifies the public work or structure,

(b) gives the date of completion, and

(c) states that claims for compensation under this section must be received within 60 days after the notice is published in the newspaper.

(3) Subject to subsection (4), an owner of land that abuts land on which a public work or structure is situated is entitled to compensation from the municipality for injurious affection to the owner’s land.

(4) An owner of land described in subsection (3) is entitled to compensation under this section only if the owner files with the municipality a claim within 60 days after notice of the completion of the public work or structure is published in the newspaper.

(5) A claim must state the amount claimed and the particulars of the claim to prove the claim.

(6) The value of any advantage to a claimant’s land derived from the existence of the public work or structure must be set off against the amount otherwise payable as compensation for injurious affection.
(7) No compensation is payable for injurious affection caused by
(a) the existence of boulevards or dividers on a road for the purpose of channelling traffic, or
(b) the restriction of traffic to one direction only on any road.

(8) No action or claim for injurious affection may be made except under this section.

(9) If the claimant and the municipality are not able to agree on the amount of compensation for injurious affection, the claimant and the municipality may agree to have the amount determined by binding arbitration under the *Arbitration Act*.

(10) If the claimant and the municipality do not agree to have the amount of compensation for injurious affection determined by binding arbitration, the amount of compensation for injurious affection must be determined by the Land Compensation Board.

(11) Subject to the regulations made under subsection (15), the Land Compensation Board may follow the practices and procedures used under the *Expropriation Act*.

(12) Except in exceptional circumstances, the Land Compensation Board may not award legal costs on a solicitor-client basis in respect of a proceeding under this section.

(13) An appeal lies to the Court of Appeal from any determination or order of the Land Compensation Board under this section.

(14) Section 37 of the *Expropriation Act* applies to an appeal under subsection (13).

(15) The Minister may make regulations
(a) respecting the practice and procedure of a proceeding before the Land Compensation Board under this section;
(b) subject to subsection (12), respecting costs that may be awarded by the Land Compensation Board in respect of a proceeding under this section.

(16) This section applies only in respect of public works and structures for which a construction completion certificate is issued after this section comes into force.
Division 2
Liability of Councillors and Others

Protection of councillors and municipal officers
535(1) In this section,

(a) “municipal officers” means

(i) the chief administrative officer and designated officers, and

(ii) employees of the municipality;

(b) “volunteer worker” means a volunteer member of a fire or ambulance service or emergency measures organization established by a municipality, or any other volunteer performing duties under the direction of a municipality.

(2) Councillors, council committee members, municipal officers and volunteer workers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

(4) This section does not affect the legal liability of a municipality.

Protection of sporting commissions
535.1(1) In this section, “commission” means a commission established by bylaw for controlling and regulating any of the following:

(a) boxing;

(b) wrestling;

(c) full contact karate;

(d) kickboxing;

(e) any other sport that holds contests where opponents strike each other with a hand, foot, knee, elbow or other part of the body.

(2) A commission and its members, officers, employees and any volunteers and officials performing duties under the direction of any of them are not liable for anything said or done or omitted to be done in good faith in the performance or intended performance
of their functions, duties or powers under this Act or any other enactment.

(3) Subsection (2) is not a defence if the cause of action is defamation.

Protection of fire service organizations

535.2(1) In this section,

(a) “fire service organization” means

(i) a municipality that provides, through a department, branch or other part of the municipality, fire services for that municipality or on behalf of one or more municipal authorities;

(ii) a regional services commission that provides fire services within its service area;

(iii) a special areas board or the Minister, in the case of a special area or an improvement district, who provides fire services for the special area or improvement district or on behalf of one or more municipal authorities;

(iv) a corporation or other entity, other than a municipal authority or regional services commission, that provides fire services in one or more municipal authorities in accordance with an agreement with, or at the request of, the municipal authority or municipal authorities;

(b) “firefighter” means a member, including a volunteer, of a fire service organization whose functions, duties or powers are to carry out fire services, notwithstanding that the member may carry out other functions, duties or powers for the fire service organization;

(c) “fire services” means services related to the suppression or prevention of fires, rescue and emergency services and other activities of a firefighter.

(2) Fire service organizations, members of a regional services commission and firefighters are not liable for loss or damage caused by anything done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers in providing or carrying out fire services.
(3) Subsection (2) does not apply in the case of an accident involving a motor vehicle.

2009 c49 s2

Division 3
Challenging Bylaws and Resolutions

Application to the Court of Queen’s Bench

536(1) A person may apply to the Court of Queen’s Bench for

(a) a declaration that a bylaw or resolution is invalid, or

(b) an order requiring a council to amend or repeal a bylaw as a result of a vote by the electors on the amendment or repeal.

(2) A judge may require an applicant to provide security for costs in an amount and manner established by the judge.

RSA 2000 cM-26 s536;2009 c53 s119

Procedure

537 A person who wishes to have a bylaw or resolution declared invalid on the basis that

(a) the proceedings prior to the passing of the bylaw or resolution, or

(b) the manner of passing the bylaw or resolution

does not comply with this or any other enactment must make an application within 60 days after the bylaw or resolution is passed.

1994 cM-26.1 s537

Validity relating to public participation

538 Despite section 537, a person may apply at any time

(a) for a declaration that a bylaw is invalid if

(i) the bylaw is required to be put to a vote of electors and the vote has not been conducted or if the bylaw was not given the required approval in such a vote,

(ii) the bylaw is required to be advertised and it was not advertised, or

(iii) a public hearing is required to be held in respect of the bylaw and the public hearing was not held,

or
(b) for an order requiring a council to pass a bylaw as a result of a vote by the electors.

1994 cM-26.1 s538

Reasonableness

539 No bylaw or resolution may be challenged on the ground that it is unreasonable.

1994 cM-26.1 s539

Effect of councillor being disqualified

540 No bylaw, resolution or proceeding of a council and no resolution or proceeding of a council committee may be challenged on the ground that

(a) a person sitting or voting as a councillor

   (i) is not qualified to be on council,

   (ii) was not qualified when the person was elected, or

   (iii) after the election, ceased to be qualified, or became disqualified,

(b) the election of one or more councillors is invalid,

(c) a councillor has resigned because of disqualification,

(d) a person has been declared disqualified from being a councillor,

(e) a councillor did not take the oath of office,

(f) a person sitting or voting as a member of a council committee

   (i) is not qualified to be on the committee,

   (ii) was not qualified when the person was appointed, or

   (iii) after being appointed, ceased to be qualified, or became disqualified,

or

(g) there was a defect in the appointment of a councillor or other person to a council committee.

1994 cM-26.1 s540
Division 4
Enforcement of Municipal Law

Definitions

541 In this Division,

(a) “emergency” includes a situation in which there is imminent danger to public safety or of serious harm to property;

(b) “structure” means a structure as defined in section 284.

Municipal inspections and enforcement

542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

(a) enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

(1.1) A consent signed under section 653 is deemed to be a reasonable notice for the purposes of subsection (1).

(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry.

(3) In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant.

(4) Nothing in this section authorizes the municipality to remedy the contravention of an enactment or bylaw.

Court authorized inspections and enforcement

543(1) If a person
(a) refuses to allow or interferes with the entry, inspection, enforcement or action referred to in section 542, or

(b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542,

the municipality may apply to the Court of Queen’s Bench for an order under subsection (2).

(2) The Court may issue an order

(a) restraining a person from preventing or interfering with the entry, inspection, enforcement or action, or

(b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

(3) A copy of the application and a copy of each affidavit in support must be served at least 3 days before the day named in the application for the hearing.

(4) In an emergency or in extraordinary circumstances, the Court may hear the application without notice to any person.

Inspecting meters

544(1) If a designated officer of a municipality believes that a meter that measures a public utility has been tampered with, the designated officer may apply to a judge of the Provincial Court for an order authorizing one or more employees of the municipality

(a) to enter on any land or structure in which the meter is located, and

(b) to inspect and test the meter.

(2) The judge of the Provincial Court may issue the order on being satisfied by evidence of the designated officer under oath that there are reasonable grounds to believe the meter has been tampered with.

(3) The judge of the Provincial Court may hear the application without notice to any person.

Order to remedy contraventions

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.
(2) The order may

(a) direct a person to stop doing something, or to change the way in which the person is doing it;

(b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;

(c) state a time within which the person must comply with the directions;

(d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

Order to remedy dangers and unsightly property

546(0.1) In this section,

(a) “detrimental to the surrounding area” includes causing the decline of the market value of property in the surrounding area;

(b) “unsightly condition”,

   (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and

   (ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

(1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order

(a) require the owner of the structure to

   (i) eliminate the danger to public safety in the manner specified, or

   (ii) remove or demolish the structure and level the site;

(b) require the owner of the land that contains the excavation or hole to

   (i) eliminate the danger to public safety in the manner specified, or
Section 546.1  MUNICIPAL GOVERNMENT ACT

(ii) fill in the excavation or hole and level the site;

(c) require the owner of the property that is in an unsightly condition to

(i) improve the appearance of the property in the manner specified, or

(ii) if the property is a structure, remove or demolish the structure and level the site.

(2) The order may

(a) state a time within which the person must comply with the order;

(b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

Caveat

546.1(1) A municipality may register a caveat under the Land Titles Act in respect of an order made under section 545 or 546 dealing with a dangerous structure, excavation or hole or unsightly property against the certificate of title for the land that is the subject of the order.

(2) If a municipality registers a caveat under subsection (1), the municipality must discharge the caveat when the order has been complied with or when the municipality has performed the actions or measures referred to in the order.

Review by council

547(1) A person who receives a written order under section 545 or 546 may by written notice request council to review the order within

(a) 14 days after the date the order is received, in the case of an order under section 545, and

(b) 7 days after the date the order is received, in the case of an order under section 546,

or any longer period as specified by bylaw.

(2) After reviewing the order, the council may confirm, vary, substitute or cancel the order.
Appeal to Court of Queen’s Bench

548(1) A person affected by the decision of a council under section 547 may appeal to the Court of Queen’s Bench if

(a) the procedure required to be followed by this Act is not followed, or

(b) the decision is patently unreasonable.

(1.1) The appeal must be made,

(a) in the case of an appeal of an order under section 545, within 30 days after the date the decision under section 547 is served on the person affected by the decision, and

(b) in the case of an appeal of an order under section 546, within 15 days after the date the decision under section 547 is served on the person affected by the decision.

(2) The application for the appeal must state the reasons for the appeal.

(3) The Court may

(a) confirm the decision, or

(b) declare the decision invalid and send the matter back to the council with directions.

1994 cM-26.1 s548;1999 c11 s34

Municipality remedying contraventions

549(1) A municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a re-occurrence of the contravention if

(a) the municipality has given a written order under section 545,

(b) the order contains a statement referred to in section 545(2)(d),

(c) the person to whom the order is directed has not complied with the order within the time specified in the order, and

(d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.
Municipality remedying dangers and unsightly property

550(1) A municipality may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property if

(a) the municipality has given a written order under section 546,

(b) the order contains a statement referred to in section 546(2)(b),

(c) the person to whom the order is directed has not complied with the order within the time specified in the order, and

(d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided and it allows the municipality to take the action or measures.

(2) If a structure is being removed or demolished by a municipality under this section, the municipality may use reasonable force to remove occupants.

(3) The expenses and costs of an action or measure taken by a municipality under this section are an amount owing to the municipality by the person who was required to do something by the order under section 546.

(4) If the municipality sells all or a part of a structure that has been removed under this section, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.

Emergencies

551(1) Despite sections 549 and 550, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.
(2) This section applies whether or not the emergency involves a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw.

(3) A person who receives an oral or written order under this section requiring the person to provide labour, services, equipment or materials must comply with the order.

(4) Any person who provides labour, services, equipment or materials under this section who did not cause the emergency is entitled to reasonable remuneration from the municipality.

(5) The expenses and costs of the actions or measures, including the remuneration referred to in subsection (4), are an amount owing to the municipality by the person who caused the emergency.

Recovery of amounts owing by civil action

552 Except as provided in this or any other enactment, an amount owing to a municipality may be collected by civil action for debt in a court of competent jurisdiction.

Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

(a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;

(b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;

(c) unpaid expenses and costs referred to in section 549(3), if the parcel’s owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;

(d), (e) repealed 1999 c 11 s 35;

(f) costs associated with tax recovery proceedings related to the parcel;

(g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
(g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;

(h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;

(h.1) the expenses and costs of carrying out an order under section 646;

(i) any other amount that may be added to the tax roll under an enactment.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

**Adding amounts owing to property tax roll**

553.1(1) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the tax roll of any property for which the person is the assessed person:

(a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;

(b) an agreement holder referred to in section 27.4(1) who owes money to the municipality under section 27.4(1);

(c) a person who owes money to the municipality under section 550(3) or 551(5).
(2) Subject to section 659, when an amount is added to the tax roll of property under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the property in favour of the municipality from the date it was added to the tax roll.

Adding amounts owing to business tax roll

553.2(1) In this section, “business tax roll” means the portion of a municipality’s tax roll for taxable businesses.

(2) If a person described in any of the following clauses owes money to a municipality in any of the circumstances described in the following clauses, the municipality may add the amount owing to the business tax roll against any business operated by the person:

(a) a person who was a licensee under a licence of occupation granted by the municipality and who, under the licence, owes the municipality for the costs incurred by the municipality in restoring the land used under the licence;

(b) a person who owes money to the municipality under section 550(3) or 551(5).

(3) Subject to section 659, when an amount is added to the business tax roll under subsection (2) against a business, the amount is deemed for all purposes to be a tax imposed under Division 3 of Part 10 from the date it was added to the tax roll.

Injunction

554(1) When

(a) a structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw,

(b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw is of a continuing nature, or

(c) any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw.
in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply to the Court of Queen’s Bench for an injunction or other order.

(2) The Court may grant or refuse the injunction or other order or may make any other order that in its opinion the justice of the case requires.

Municipality’s costs in actions

554.1(1) A municipality is entitled to collect lawful costs in all actions and proceedings to which the municipality is a party.

(2) The costs of a municipality in an action or proceeding in which the municipality is a party are not to be disallowed or reduced because the municipality’s lawyer in the action or proceeding is an employee of the municipality.

Bylaw enforcement officers

555(1) A person who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace.

(2) Bylaw enforcement officers must take the official oath prescribed by the Oaths of Office Act before starting their duties.

Powers and duties of bylaw enforcement officers

556 Every council must by bylaw

(a) specify the powers and duties of bylaw enforcement officers, and

(b) establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers.

Division 5
Offences and Penalties

General offences

557 A person who contravenes or does not comply with

(a) a provision of this Division,

(a.1) a provision of Part 17 or the regulations under Part 17,

(a.2) a land use bylaw as defined in Part 17,
(a.3) an order under section 645,

(a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,

(a.5) a decision of a subdivision and development appeal board or the Municipal Government Board under Part 17,

(a.6) section 436.24,

(b) a direction or order of the Minister,

(c) an order under section 545, 546, 551 or 567, or

(d) section 436.05,

or who obstructs or hinders any person in the exercise or performance of the person’s powers under Part 17 or the regulations under Part 17, is guilty of an offence.

1994 cM-26.1 s557;1995 c24 s84;1998 c24 s55;1999 c11 s37

Offences applicable to officials

558 No chief administrative officer or designated officer may

(a) fail to discharge the duties of office imposed by this or any other enactment or bylaw,

(b) sign any statement, report or return required by this or any other enactment or bylaw knowing that it contains a false statement, or

(c) fail to hand over to a successor in office, or to the persons designated in writing by the council or the Minister, all money, books, papers and other property of a municipality.

1994 cM-26.1 s558

Unauthorized use of heraldic emblems

559 No person may use the heraldic emblem of the municipality or anything that is intended to resemble the heraldic emblem without the permission of council.

1994 cM-26.1 s559

Documents used to enforce bylaws

560(1) No person may issue a form that a municipality uses to enforce its bylaws unless the person has the authority to enforce those bylaws.

(2) No person may use a form that resembles a form that a municipality uses to enforce its bylaws with the intent of making others think that the form was issued by the municipality.

1994 cM-26.1 s560
Repealed 1994 cM-26.1 s738.

**Obstructing construction of public work or utilities**

562 No person may interfere with the construction, maintenance, operation or repair of a public work or public utility.

1994 cM-26.1 s562

**Stop-cock**

563 If a municipality has placed a stop-cock in a building as part of a municipal public utility, no owner or occupant of the building may use the stop-cock except to prevent damage to the building or the system or works of the public utility or to prevent or stop the flooding of the building.

1994 cM-26.1 s563

**Operating a business without a licence**

564 In a prosecution for contravention of a bylaw against engaging in or operating a business without a licence, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

1994 cM-26.1 s564

**Prosecutions**

565 A prosecution under this Act or a bylaw may be commenced within 2 years after the date of the alleged offence, but not afterwards.

1994 cM-26.1 s565

**Penalty**

566(1) Subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than $10 000 or to imprisonment for not more than one year, or to both fine and imprisonment.

(2) The minimum fine for a person who is found guilty of contravening or not complying with an order under section 546 or 551 is $300.

1994 cM-26.1 s566

**Order for compliance**

567 If a person is found guilty of an offence under this Act or a bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Act or bylaw or a licence, permit or other authorization issued under the bylaw, or a condition of any of them.

1994 cM-26.1 s567
Fines and penalties

568 Fines and penalties imposed on a conviction for an offence under this Act or a bylaw are an amount owing to the municipality in which the offence occurred.

1994 cM-26.1 s568

Civil liability not affected

569 A person who is guilty of an offence under this Act may also be liable in a civil proceeding.

1994 cM-26.1 s569

Part 14
General Ministerial Powers

Intermunicipal disagreements

570 If a disagreement between municipalities is referred to the Minister by a council of a municipality or if the Minister is satisfied that it is desirable for the Minister to become involved in a disagreement between municipalities, the Minister may do one or more of the following:

(a) conduct any investigation or inquiry that the Minister considers to be appropriate;

(b) appoint a mediator to assist the municipalities in resolving the disagreement;

(c) make a decision to settle the disagreement and order the municipalities to implement the decision.

1994 cM-26.1 s570;1996 c30 s50

Measures to ensure compliance with ALSA regional plans

570.01(1) If the Minister considers that a municipal authority, regional services commission or growth management board has not complied with an ALSA regional plan, the Minister may take any necessary measures to ensure that the municipal authority, regional services commission or growth management board, as the case may be, complies with the ALSA regional plan.

(2) In subsection (1), 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 municipal authority, regional services commission or growth management board pending compliance with an order of the Minister;

(e) repealing, amending and making policies and procedures with respect to the municipal authority, regional services commission or growth management board;

(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 an ALSA regional plan is complied with.

Information

570.1 The Minister may provide a municipality with any information on the assessment of property the Minister may have whether the property is located in the municipality or elsewhere.

1995 c24 s85

Inspection

571(1) The Minister may require any matter connected with the management, administration or operation of any municipality or any assessment prepared under Part 9 to be inspected

(a) on the Minister’s initiative,

(b) on the request of the council of the municipality, or

(c) if the Minister receives a sufficient petition requesting the inspection that is signed,

(i) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 20% of the population, and

(ii) in the case of a summer village, by a number of electors of the summer village equal to at least 30% of the number of summer village residences in the summer village.

(1.1) For the purposes of subsection (1), the management, administration or operation of a municipality includes

(a) the affairs of the municipality,
Section 572  MUNICIPAL GOVERNMENT ACT

(b) the conduct of a councillor or of an employee or agent of the municipality, and

(c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or the person under the agreement.

(2) The Minister may appoint one or more persons as inspectors for the purpose of carrying out inspections under this section.

(3) An inspector

(a) may require the attendance of any officer of the municipality or of any other person whose presence the inspector considers necessary during the course of the inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the Public Inquiries Act.

(4) When required to do so by an inspector, the chief administrative officer of the municipality must produce for examination and inspection all books and records of the municipality.

(5) After the completion of the inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a council, to the council.

Inquiry

572(1) The Minister may, on the Minister’s initiative, order an inquiry described in subsection (2).

(2) An inquiry may be conducted into

(a) the affairs of the municipality,

(b) the conduct of a councillor, or an employee or agent of the municipality, or

(c) the conduct of a person who has an agreement with the municipality relating to the duties or obligations of the municipality or a person under the agreement.

(3) The Minister may appoint one or more persons to conduct an inquiry under this section.

(4) The person or persons appointed to conduct an inquiry are entitled to the fees and expenses specified by the Minister and the Minister may direct who is to pay for the inquiry.
(5) The person or persons appointed to conduct an inquiry have all the powers and duties of a commissioner appointed under the Public Inquiries Act.

(6) The person or persons appointed to conduct an inquiry must report to the Minister and the council.

Bank accounts

573 A bank, an agency of a bank or any other financial institution carrying on business in Alberta must, on request of the Minister, furnish the Minister with a statement showing the balance or condition of the accounts of any municipality having an account with the bank, agency or institution, together with any particulars of the accounts that may be required.

Directions and dismissal

574(1) If, because of an inspection under section 571, a report of an official administrator under section 575.1, an inquiry under section 572, an investigation by the Ombudsman or an audit under section 282, the Minister considers that a municipality is managed in an irregular, improper or improvident manner, the Minister may by order direct the council, the chief administrative officer or a designated officer of the municipality to take any action that the Minister considers proper in the circumstances.

(2) If an order of the Minister under subsection (1) is not carried out to the satisfaction of the Minister and the Minister considers that the municipality continues to be managed in an irregular, improper or improvident manner or if an order of the Minister under section 570(c) is not carried out to the satisfaction of the Minister, and all reasonable efforts to resolve the situation have been attempted and have been unsuccessful, the Minister may make one or more of the following orders:

(a) an order suspending the authority of the council to make bylaws in respect of any matter specified in the order;

(b) an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);

(c) an order removing a suspension of bylaw-making authority, with or without conditions;

(d) an order withholding money otherwise payable by the Government to the municipal authority pending compliance with an order of the Minister;
(e) an order repealing, amending and making policies and procedures with respect to the municipal authority;

(f) an order 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) an order requiring or prohibiting any other action as necessary to ensure an order is complied with;

(h) an order dismissing the council or any member of it or the chief administrative officer.

(2.1) Before making an order under subsection (2), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

(3) On the dismissal of the council or of any member of it, the Minister may direct the election of a new council or of a member of council to take the place of any member that has been dismissed.

(4) On the dismissal of the chief administrative officer, the Minister may appoint another officer and specify the remuneration that is payable to the officer by the municipality.

(5) The Minister may appoint an official administrator

(a) on the dismissal of a council, or

(b) on the dismissal of one or more councillors if the remaining councillors do not constitute a quorum.

(6) An official administrator appointed under subsection (5) has all the powers and duties of the council.

Official administrator as supervisor

575(1) The Minister may at any time appoint an official administrator to supervise a municipality and its council.

(2) So long as the appointment of an official administrator under this section continues,

(a) no bylaw or resolution that authorizes the municipality to incur a liability or to dispose of its money or property has any effect until the bylaw or resolution has been approved in writing by the official administrator, and

(b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it,
and the bylaw or resolution so disallowed becomes and is
deemed to have always been void.

1994 cM-26.1 s575

Reports of official administrators

575.1 An official administrator appointed under this Part shall on request of the Minister, and may at any other time, report to the Minister on any matter respecting the municipality or its council or administration or any intermunicipal matter.

2017 c13 s1(49)

Enforcement where municipality under supervision

575.2(1) If the Minister considers that a municipality has, while under the supervision of an official administrator,

(a) incurred a liability or disposed of money or property without the written approval of the official administrator required by section 575(2)(a), or

(b) acted on a bylaw or resolution that has been disallowed by the official administrator under section 575(2)(b),

the Minister may take any necessary measures to address the situation, including, without limitation, making one or more orders referred to in section 574(2)(a) to (h).

(2) Before making an order under subsection (1), the Minister must give the municipal authority notice of the intended order and at least 14 days in which to respond.

2017 c13 s1(49)

Remuneration for official administrator

576 When an official administrator is appointed for a municipality by the Minister under this Act, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the municipality.

1994 cM-26.1 s576

Providing Minister with copies and information

577(1) The Minister may direct a municipality to provide a copy of any document in the possession of the municipality to the Minister within the time specified by the Minister.

(2) The Minister may direct a municipality to provide information or statistics respecting the municipality to the Minister within the time specified by the Minister.

(3) A municipality must comply with a direction of the Minister under this section and provide the copy, information or statistics to the Minister without charge.
(4) This section does not apply to documents that have been prepared or information acquired by a municipality that is subject to any type of legal privilege, including solicitor-client privilege.

1994 cM-26.1 s577

Delegation

578(1) The Minister may delegate in writing to any person any power, duty or function of the Minister under this Act, including any power, duty or function that involves the Minister forming an opinion or belief.

(2) Subsection (1) does not apply to any power or duty to make regulations.

1994 cM-26.1 s578

Fees

579(1) The Minister may charge fees in connection with any service, program or other thing done by or under the authority of the Minister under this Act or the regulations.

(2) A person who receives a service, program or other thing done by or under the authority of the Minister is liable to pay the fee established under subsection (1) to the Government of Alberta and the fee may be collected by civil action for debt in a court of competent jurisdiction.

1994 cM-26.1 s579

Minister’s decisions

579.1(1) An applicant seeking injunctive relief from a court against any order, decision or direction of the Minister under this Part must give the Minister at least 10 days’ notice of the application.

(2) An order, decision or direction of the Minister under this Part is not stayed by an application for judicial review but remains in effect pending the court’s decision on the judicial review application.

2017 c13 s1(50)

Regulations

580 The Minister may make regulations requiring a municipality to publish in a specified manner any information respecting the municipality that is specified in the regulations.

1994 cM-26.1 s580

336
Part 15
Improvement Districts

Formation order

581  The Lieutenant Governor in Council, on the recommendation of the Minister, may by order form an improvement district.

Contents of order

582  The formation order must

(a) describe the boundaries of the improvement district, and
(b) give the improvement district an official name.

Changes to improvement districts

583(1)  The Minister may by order

(a) amalgamate 2 or more improvement districts;
(b) divide an improvement district into 2 or more improvement districts;
(c) annex land from an improvement district to another improvement district;
(d) change the name of an improvement district;
(e) establish industrial improvement areas within improvement districts;
(f) dissolve an improvement district.

(2)  An order under this section may contain terms and conditions and provisions dealing with transitional matters that the Minister considers to be appropriate that operate despite this or any other enactment.

Orders published

584  An order of the Lieutenant Governor in Council under section 581 and the Minister under section 583 must be published in The Alberta Gazette.

Regulations Act

585  The Regulations Act does not apply to an order of the Lieutenant Governor in Council under section 581 or to an order of the Minister under this Part.
Application of other enactments

586 The Minister may by order

(a) provide that provisions of this or any other enactment do not apply to an improvement district,

(b) provide that provisions of this or any other enactment apply to an improvement district with or without modifications, and

(c) specify provisions that are to be added to or replace the provisions of this or any other enactment in respect of an improvement district.

1994 cM-26.1 s586

General power of Minister

587 The Minister may by order do anything in respect of an improvement district that a council of a municipality may do under this or another enactment.

1994 cM-26.1 s587

Council

588(1) The Minister may establish a council for an improvement district.

(2) Unless subsection (3) applies, a council is composed of one or more councillors appointed by the Minister.

(3) The Minister may by order

(a) direct that some or all of the councillors are to be elected,

(b) establish wards for the elected councillors, and

(c) provide for any matter dealing with the transition from an appointed council to a council with some or all elected members.

(4) If the Minister orders that some or all of the councillors are to be elected, the Local Authorities Election Act applies to the election as modified by directions given by the Minister.

1994 cM-26.1 s588

Expense allowance

588.1(1) In this section, “remuneration” includes salaries, indemnities, honorariums and allowances.

(2) One third of the remuneration paid in 1999 and later years from the trust account established for an improvement district to an elected councillor of the improvement district is deemed to be an
allowance for expenses that are incidental to the discharge of the councillor’s duties.

(3) Subsection (2) does not apply to an elected councillor’s remuneration paid in a year if there is in force during all or any part of that year an order of the Minister establishing that a portion other than 1/3 of the councillor’s remuneration is an allowance for expenses that are incidental to the discharge of the councillor’s duties.

1999 c32 s14

Delegation by Minister

589(1) The Minister may, in writing, delegate to any person or to a council of an improvement district any of the powers, duties and functions of the Minister under this or any other enactment relating to an improvement district, including the powers, duties and functions of being a trustee under section 595.

(2) The Minister may not delegate the power or duty to make a regulation as defined in the Regulations Act.

1994 cM-26.1 s589

Hamlets

590(1) The Minister may designate an unincorporated community that is within the boundaries of an improvement district to be a hamlet.

(2) The designation of a hamlet must specify the hamlet’s name and boundaries.

1994 cM-26.1 s590

Employees

591 In accordance with the Public Service Act, there may be appointed any person necessary for the administration of an improvement district.

1994 cM-26.1 s591

Roads

592(1) The Minister of Transportation and the Minister responsible for this Act may enter into an agreement providing that all or part of the direction, control and management of roads within an improvement district is transferred to the Minister responsible for this Act.

(2) An agreement under subsection (1) may provide for the payment of costs with respect to roads within the improvement district.

RSA 2000 cM-26 s592;2013 c10 s21
Estimate of expenditures

593 Before January 1 in each year, every Minister charged with the duty of expending any part of the taxes collected in an improvement district must send to the Minister responsible for this Act a statement, with reference to each improvement district, of the estimated amount required to be expended by the expending Minister in each improvement district during the current year.

Machinery and equipment and designated industrial property

594(1) The definitions of “designated industrial property” and “machinery and equipment” in Part 9 apply to this section.

(2) The Minister may by order impose, in addition to any other taxes imposed under Part 10, an additional tax on machinery and equipment and designated industrial property located in an industrial improvement area.

(3) The provisions in Parts 9 to 12 relating to machinery and equipment and designated industrial property apply to the additional tax imposed under this section.

Trust account for revenue

595 The taxes and all other revenues collected on behalf of an improvement district must be deposited in a treasury branch, bank or other similar institution to be held in trust by the Minister.

Expenditures

596(1) The taxes and all other revenues collected on behalf of an improvement district may be expended under the direction of the Minister

(a) to meet the requirements of the improvement district,

(b) to pay requisitions made under the School Act, the Hospitals Act and the Regional Health Authorities Act,

(c) to pay the estimated amounts referred to in section 593 or an equally proportionate part of those amounts if the taxes and revenues collected on behalf of the improvement district are not sufficient to cover all of the improvement district’s expenditures, or

(d) to pay to other municipalities any portion of the taxes levied and collected that the Minister may by order determine.

(2) The expenses incidental to the assessment and collection of taxes on behalf of an improvement district and any other necessary
expenses in connection with the administration of affairs in an improvement district are a first charge on the taxes and other revenue collected on behalf of the district.

RSA 2000 cM-26 s596;2017 c13 s1(51)

Public accounts

597 The details of expenditures for an improvement district must be published in the public accounts annually submitted to the Legislative Assembly.

1994 cM-26.1 s597

Settlement of accounts

598 If the Minister considers it equitable, the Minister may settle in whole or in part any amounts owing to the Crown or to the Minister under this Act or any other Act relating to an improvement district for rentals, fees or other charges, other than taxes imposed under Part 10.

1994 cM-26.1 s598

Investments

599 With the consent of the President of Treasury Board and Minister of Finance, the Minister may invest any taxes or revenue collected on behalf of an improvement district in investments that the President of Treasury Board and Minister of Finance is authorized to invest in under section 43(1) of the Financial Administration Act.

1994 cM-26.1 s599;2006 c23 s57;2013 c10 s21

Borrowing

600 The Minister may borrow on the security of the taxes and other revenues of an improvement district any sums required to meet the requirements of the district under this or any other enactment.

1994 cM-26.1 s600

Acquisition of land

601 The Minister may purchase, expropriate or otherwise acquire land required for or in connection with the administration of an improvement district or for the purposes of an agreement entered into under section 602 and the Minister may encumber, lease or otherwise dispose of the land as the circumstances require.

1994 cM-26.1 s601

Agreements for services

602 The Minister may enter into agreements with the Government of Canada or its agencies or with any other public body or person for the purpose of obtaining any service, benefit or other advantages for the whole or part of an improvement district or for its residents.

1994 cM-26.1 s602
Part 15.1
Regional Services Commissions

Interpretation
602.01(1) In this Part,

(a) “board” means the board of directors of a commission;

(b) “borrowing” means a borrowing within the meaning of that term under section 241;

(c) “capital property” means capital property within the meaning of that term under section 241;

(d) “commission” means a regional services commission;

(e) “member” means, in respect of a commission, a municipal authority that is a member of the commission;

(f) “municipal authority” means a municipal authority as defined in section 1(1)(p), and includes a Metis settlement, an Indian reserve and an armed forces base;

(g) “public utility” means a public utility as defined in section 1(1)(y), excluding public transportation operated by or on behalf of a municipality;

(h) “service” means, in respect of a commission, a service that the regulations authorize the commission to provide;

(i) “transportation service” means a service to transport people or goods by vehicle, including a vehicle that runs on rails.

(2) A reference to a bylaw or resolution in this Act outside this Part does not include a bylaw or resolution passed by a commission.

Division 1
Establishment and Operation

Establishing commissions
602.02(1) The Lieutenant Governor in Council, on the recommendation of the Minister, may establish regional services commissions by regulation.

(2) The regulation establishing a commission must

(a) specify the commission’s name;
(b) identify the municipal authorities that are the members of the commission;

(c) include provisions respecting the services that a commission is authorized to provide.

(3) The regulation establishing a commission may

(a) regulate the disposal of assets by the commission, and

(b) deal with any matter respecting the establishment or operation of the commission.

Compliance with ALSA regional plans

602.021 In carrying out its functions and in exercising its jurisdiction under this Act and other enactments, a commission must act in accordance with any applicable ALSA regional plan.

Corporation

602.03 A commission is a corporation.

Board of directors

602.04(1) A commission is governed by a board of directors.

(2) When a commission is established, the Minister must

(a) appoint the first board of directors of the commission and fix their term of office, and

(b) designate one of the directors as the chair.

(3) After the term of the directors appointed under subsection (2) expires,

(a) the directors are to be appointed and the commission’s chair designated in accordance with the commission’s bylaws,

(b) only the council of a municipality may appoint a director who represents a municipality, and

(c) a director who represents a municipality must be a councillor of the municipality.

(4) A commission’s bylaws may provide for the appointment of directors who are directors at large and who do not represent a member of the commission.
(5) If a council or other person who is entitled to appoint a director refuses to make the appointment or does not make the appointment within a reasonable time, the Minister may make the appointment on behalf of the council or other person.

(6) A commission must provide the Minister with the name of each director and alternate director, if any, and its chair.

Directors representing Province

602.05(1) If, in the Minister’s opinion, a service that a commission is authorized to provide is a service that is provided by the Government of Alberta or that may affect a service provided by the Government of Alberta, the Minister may, despite the commission’s bylaws, appoint up to 2 directors of the commission.

(2) A director appointed under this section has the powers, duties and functions of a director appointed in accordance with the commission’s bylaws.

Delegation

602.06(1) Subject to subsection (2), a board may delegate any of its or the commission’s powers, duties or functions under this or any other enactment.

(2) A board may not delegate

(a) the power or duty to pass bylaws;
(b) the power to expropriate;
(c) the power to authorize a borrowing;
(d) the power to adopt budgets;
(e) the power to approve financial statements.

Bylaws

602.07(1) The board of a commission must pass bylaws

(a) respecting the appointment of its directors and the designation of its chair;
(b) governing the fees to be charged by the commission for services provided to its customers or to any class of its customers.

(2) A bylaw passed under subsection (1)(a) does not come into force until it has been approved by the Minister.
(3) The board of a commission may pass bylaws
   (a) respecting the provision of the commission’s services;
   (b) governing the administration of the commission.

(4) The bylaws of a commission are subject to the regulations.

(5) The Regulations Act does not apply to the bylaws of a commission.

Meetings

602.08(1) Boards and board committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2) Boards and board committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

(2.1) Boards and board committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (7).

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

(4) Before closing all or any part of a meeting to the public, a board or board committee must by resolution approve
   (a) the part of the meeting that is to be closed, and
   (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act or under the regulations under subsection (7), the part of the meeting is to be closed.

(5) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(6) Where a board or board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.
(7) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (2.1).

Control of profit corporations

602.09 Division 9 of Part 3 does not apply to a commission.

Division 2
Powers

Natural person powers

602.1 A commission has natural person powers, except to the extent that they are limited by this or any other enactment.

Service area

602.11 A commission may provide its services

(a) within the boundaries of its members, and

(b) outside the boundaries of its members with the approval of the Minister and

(i) the municipal authority within whose boundaries the services are to be provided, and

(ii) in the case of services to be provided in a part of a province or territory adjoining Alberta, the authority from that province or territory whose jurisdiction includes the provision of the services in that part of the province or territory.

Traffic Safety Act

602.12 A commission that is authorized to provide transportation services is subject to the Traffic Safety Act.

Acquisition of land in adjoining province or territory

602.125(1) A commission may acquire an estate or interest in land in a province or territory adjoining Alberta only if the local government within whose boundaries the land is located consents in writing to the acquisition.

(2) This section does not apply when a commission acquires an option on land in a province or territory adjoining Alberta, but it does apply when the commission exercises the option.
Expropriation

602.13(1) A commission may acquire by expropriation under the Expropriation Act an interest or estate in land for the purpose of providing a public utility or a transportation service.

(2) A commission may acquire by expropriation an estate or interest under subsection (1) in land that is outside the boundaries of its members only if the municipal authority in whose boundaries the land is located consents in writing to the acquisition.

Public utility disputes

602.14 If there is a dispute between a commission and another commission or a commission and any municipal authority 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.

Other disputes

602.15(1) If

(a) there is a dispute between a commission and another commission or a commission and any municipal authority and the matter in dispute is not under the jurisdiction of the Alberta Utilities Commission or the Alberta Transportation Safety Board or any other board or tribunal created by an enactment, or

(b) there is a dispute between a commission and a municipal authority, other than an improvement district or special area, in respect of an expropriation that requires the municipal authority’s consent under section 602.13(2),

any party involved in the dispute may submit it to the Municipal Government Board.

(2) If a dispute is submitted to the Municipal Government Board, each party involved in the dispute must submit a written statement...
to the Board and to the other parties involved in the dispute that sets out

(a) a summary of the facts and its position in the dispute, and

(b) an address to which any notice or decision of the Board is to be sent.

(3) The Municipal Government Board must hold a hearing after the written statements have been submitted or after a time period established by the Board for submission of the statements has expired, whichever occurs first.

Order

602.16(1) On concluding a hearing, the Municipal Government Board may make any order it considers appropriate.

(2) The order may

(a) include terms and conditions, and

(b) be effective on a future date or for a limited time.

(3) The Board must send its order, and its reasons if requested, to the parties involved in the dispute.

(4) An order of the Municipal Government Board under this section is binding on the parties involved in the dispute.

Division 3
Financial Matters

Payments to board

602.17(1) The Lieutenant Governor in Council may pay to the board of a commission an amount that will enable the board to meet the authorized operating and capital expenditures that the Lieutenant Governor in Council considers to be required for development and operation of the services and facilities of the commission.

(2) The sums under subsection (1) may be paid

(a) by grant,

(b) by advance or loan, or

(c) by the purchase of securities under a borrowing made by the commission.
(3) Any sum advanced or loaned under this section is a debt due by the commission to the Crown in right of Alberta and may be collected by civil action for debt in a court of competent jurisdiction.

(4) The Lieutenant Governor in Council may specify the terms of repayment or retirement of advances or loans made under this section.

Financial year

602.18 The financial year of a commission is the calendar year.

Operating budget

602.19 A commission must adopt an operating budget for each calendar year.

Contents of operating budget

602.2(1) An operating budget must include the estimated amount of each of the following expenditures and transfers:

(a) the amount needed to enable the commission to provide its services;

(b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;

(c) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for any public utility it is authorized to provide;

(d) the amount to be transferred to reserves;

(e) the amount to be transferred to the capital budget;

(f) the amount needed to cover any deficiency as required under section 602.21.

(2) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:

(a) fees for services provided;

(b) grants;

(c) transfers from the commission’s accumulated surplus funds or reserves;

(d) any other source of revenue.
RSA 2000
Section 602.21  Chapter M-26
MUNICIPAL GOVERNMENT ACT

(3) The estimated revenue and transfers under subsection (2) must be at least sufficient to pay the estimated expenditures and transfers under subsection (1).

(4) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 602.01.

1995 c24 s86

Deficiency

602.21(1) If the total revenues and transfers of a commission over a 3-year period are less than the total expenditures and transfers of the commission for the same period, the operating budget for the commission for the year following the 3-year period must include an expenditure to cover the deficiency.

(2) If a commission has a deficiency referred to in subsection (1), the commission may, with the Minister’s approval, spread the expenditures to cover the deficiency over more than one calendar year.

(3) If the Minister considers it to be necessary, the Minister may establish the budget for a commission that has a deficiency referred to in subsection (1) for a calendar year, and the budget

(a) is for all purposes the commission’s budget for that calendar year, and

(b) may not be amended or replaced by the commission’s board.

1995 c24 s86

Capital budget

602.22 A commission must adopt a capital budget for each calendar year.

1995 c24 s86

Contents of capital budget

602.23 A capital budget must include the following:

(a) an estimate of the amount needed to acquire, construct, remove or improve capital property;

(b) the anticipated sources and estimated amounts of money to pay the costs referred to in clause (a);

(c) an estimate of the amount to be transferred from the operating budget.

1995 c24 s86
Expenditure of money

602.24(1) A commission may make an expenditure only if it is

(a) included in an operating budget or capital budget or otherwise authorized by its board,

(b) for an emergency, or

(c) legally required to be paid.

(2) Each board must establish procedures to authorize and verify expenditures that are not included in a budget.

(3) If the Minister establishes a budget for a commission under section 602.21, the commission may not make an expenditure that is not included in the budget unless the expenditure is

(a) authorized by the Minister,

(b) for an emergency, or

(c) legally required to be paid.

1995 c24 s86

Civil liability of directors

602.25(1) A director who

(a) makes an expenditure that is not authorized under section 602.24,

(b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or

(c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the commission for the expenditure or amount spent.

(2) A director is not liable under subsection (1)(b) if spending the money is allowed under section 602.27(2).

(3) If more than one director is liable to the commission under this section in respect of a particular expenditure or amount spent, the directors are jointly and severally liable to the commission for the expenditure or amount spent.

(4) The liability may be enforced by action by

(a) the commission,
(b) a member of the commission,

(c) a taxpayer of a member of the commission, or

(d) a person who holds a security under a borrowing made by the commission.

1995 c24 s86

**Authorized investments**

602.26 A commission may invest its money only in the investments referred to in section 250(2)(a) to (d).

1995 c24 s86

**Use of borrowed money**

602.27(1) Money obtained by a commission under a borrowing must be used for the purpose for which it is borrowed.

(2) Money obtained by a commission under a borrowing for the purpose of financing a capital property may be used for an operating purpose if the amount spent is available when it is needed for the capital property.

1995 c24 s86

**Borrowing**

602.28 No commission may make a borrowing if the borrowing will cause the commission to exceed its debt limit, unless the borrowing is approved by the Minister.

1995 c24 s86

**Debt limit regulations**

602.29(1) The Minister may make regulations

(a) respecting how a debt limit for a commission is determined;

(b) defining debt for the purposes of determining if a commission has exceeded its debt limit, and the definition may include anything related to a commission’s finances.

(2) The regulations may establish different methods of determining debt limits and different definitions of debt for different commissions.

1995 c24 s86

**Civil liability of directors**

602.3(1) When a commission makes a borrowing that causes the commission to exceed its debt limit, a director who voted to authorize the borrowing is liable to the commission for the amount borrowed, unless the borrowing has been approved by the Minister.
(2) If subsection (1) applies to more than one director, the directors are jointly and severally liable to the commission for the amount borrowed.

(3) The liability may be enforced by action by

(a) the commission,
(b) a member of the commission,
(c) a taxpayer of a member of the commission, or
(d) a person who holds a security under a borrowing made by the commission.

Loans and guarantees

602.31 A commission may not lend money or guarantee the repayment of a loan.

Financial information return

602.32(1) Each commission must prepare a financial information return respecting the financial affairs of the commission for the immediately preceding calendar year.

(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.

Audited financial statements

602.33 Each commission must prepare audited annual financial statements for the immediately preceding calendar year.

Distribution of returns and statements

602.34 Each commission must submit its financial information return and audited annual financial statements to the Minister and each member of the commission by May 1 of the year following the year for which the return and statements have been prepared.

Division 4
Minister’s Powers

Inspection

602.35(1) The Minister may require any matter connected with the management, administration or operation of any commission to be inspected.
(a) on the Minister’s initiative, or
(b) on the request of a member of the commission.

(2) The Minister may appoint one or more persons as inspectors for the purposes of carrying out inspections under this section.

(3) An inspector

(a) may require the attendance of any director or officer of the commission or of any other person whose presence the inspector considers necessary during the course of the inspection, and
(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(4) When required to do so by an inspector, the commission must produce for examination and inspection all books and records of the commission.

(5) After the completion of the inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a member of the commission, to the member and the commission.

1995 c24 s86

Directions and dismissal

602.36(1) If because of an inspection under section 602.35 or a report of an official administrator under this Division the Minister considers that a commission is managed in an irregular, improper or improvident manner, the Minister may by order direct the board of the commission to take any action that the Minister considers proper in the circumstances.

(1.1) If an order of the Minister under this section is not carried out to the satisfaction of the Minister and the Minister considers that the commission continues to be managed in an irregular, improper or improvident manner, and all reasonable efforts to resolve the situation have been attempted and have been unsuccessful, the Minister may make one or more of the following orders:

(a) an order suspending the authority of the board to make bylaws in respect of any matter specified in the order;
(b) an order exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a);
(c) an order removing a suspension of bylaw-making authority, with or without conditions;
(d) an order withholding money otherwise payable by the Government to the commission pending compliance with an order of the Minister;

(e) an order repealing, amending and making policies and procedures with respect to the commission;

(f) an order requiring or prohibiting any other action as necessary to ensure an order is complied with;

(g) an order dismissing the board or any director.

(1.2) Before making an order under subsection (1.1), the Minister must give the commission notice of the intended order and at least 14 days in which to respond.

(2) If an order of the Minister under this section is not carried out to the satisfaction of the Minister, the Minister may dismiss the board or any director.

(3) On the dismissal of the board or of any director, the Minister may direct that a new board or director be appointed or may appoint a new board or director.

(4) The Minister may appoint an official administrator

(a) on the dismissal of a board, or

(b) on the dismissal of one or more directors if the remaining directors do not constitute a quorum.

(5) An official administrator appointed under subsection (4) has all the powers and duties of the board.

Official administrator as supervisor

602.37(1) The Minister may at any time appoint an official administrator to supervise a commission and its board.

(2) So long as the appointment of an official administrator under this section continues,

(a) no bylaw or resolution that authorizes the commission to incur a liability or to dispose of its money or property has any effect until the bylaw or resolution has been approved in writing by the official administrator, and

(b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.

1995 c24 s86
Reports of official administrators

602.371 An official administrator appointed under this Division shall on request of the Minister, and may at any other time, report to the Minister on any matter respecting

(a) the commission or its board or administration, or

(b) any matter respecting the provision of services by the commission.

 Enforcement where regional services commission under supervision

602.372(1) If the Minister considers that a commission has, while under the supervision of an official administrator,

(a) incurred a liability or disposed of money or property without the written approval of the official administrator required by section 602.37(2)(a), or

(b) acted on a bylaw or resolution that has been disallowed by the official administrator under section 602.37(2)(b),

the Minister may take any necessary measures to address the situation, including, without limitation, making one or more orders referred to in section 602.36(1.1)(a) to (g).

(2) Before making an order under subsection (1), the Minister must give the commission notice of the intended order and at least 14 days in which to respond.

 Remuneration for official administrator

602.38 When an official administrator is appointed for a commission by the Minister under this Part, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the commission.

 Providing Minister with copies and information

602.381(1) The Minister may direct a commission to provide

(a) a copy of any document in its possession, or

(b) any information or statistics respecting the commission,

to the Minister within the time specified by the Minister.

(2) A commission must comply with a direction of the Minister under this section and provide the copy, information or statistics to the Minister without charge.
(3) This section does not apply to documents prepared or information acquired by a commission that is subject to any type of legal privilege, including solicitor-client privilege.

Application of provisions outside this Part

602.39 The Minister may by regulation make provisions of this Act, other than provisions in this Part, applicable with or without modification to one or more commissions.

Disestablishing a commission

602.4 The Lieutenant Governor in Council, on the recommendation of the Minister, may make regulations disestablishing a commission and respecting its winding-up.

Division 5
Transitional

602.41 to 602.49 Repealed by Revision.

Transitional regulations

602.5 The Minister may make regulations

(a) respecting the conversion to this Part of anything from the Regional Municipal Services Act, SA 1981 cR-9.1;

(b) to deal with any difficulty or impossibility resulting from this Part or the transition to this Part from the Regional Municipal Services Act, SA 1981 cR-9.1.

Part 16
Miscellaneous

Lieutenant Governor in Council regulations

603(1) The Lieutenant Governor in Council may make regulations

(a) for any matter that the Minister considers is not provided for or is insufficiently provided for in this Act;

(b) restricting the power or duty of a council to pass bylaws.

(2) A regulation made under subsection (1) is repealed on the earliest of

(a) the coming into force of an amendment that adds the matter to this Act;
(b) the coming into force of a regulation that repeals the regulation made under subsection (1);

(c) two years after the regulation comes into force.

(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

Validation of regulations

603.1(1) Despite any decision of a court to the contrary made before or after the coming into force of this section,

(a) a regulation made under section 603(1) before the coming into force of this section, including a new regulation described in clause (c), is validated and declared for all purposes to have been validly made as of the date on which the regulation was made,

(b) everything done under a regulation referred to in clause (a) is validated and declared for all purposes to have been validly done, and

(c) where a regulation made under section 603(1) before the coming into force of this section (in this clause called the “former regulation”) is repealed and another regulation made under section 603(1) (in this clause called the “new regulation”) was substituted for it, the new regulation operates as a continuation of the former regulation except to the extent that the provisions of the new regulation are not in substance the same as those of the former regulation.

(2) For greater certainty and without limiting the generality of subsection (1)(b) and (c),

(a) the Minister’s approval of the Capital Region Growth Plan under section 13(1) of the Capital Region Board Regulation (AR 49/2008)

   (i) is validated and declared for all purposes to have been validly approved, and

   (ii) continues to be valid as if it had been approved under section 13(1) of the Capital Region Board Regulation (AR 38/2012),

(b) the Minister’s establishment of the Transitional Regional Evaluation Framework under section 20 of the Capital Region Board Regulation (AR 49/2008) is validated and
declared for all purposes to have been validly established, and

(c) the Minister’s establishment of the Regional Evaluation Framework under section 21 of the Capital Region Board Regulation (AR 17/2010)

(i) is validated and declared for all purposes to have been validly established, and

(ii) continues to be valid as if it had been established under section 21 of the Capital Region Board Regulation (AR 38/2012).

(3) Despite section 603(2), a regulation referred to in subsection (1) of this section that is in force on the coming into force of this section is repealed on the earliest of

(a) the coming into force of an amendment that adds the matter to this Act;

(b) the coming into force of a regulation that repeals the regulation;

(c) subject to subsection (3.1), June 30, 2017.

(3.1) For the purposes of the following regulations, subsection (3)(c) shall be read as June 30, 2018:

(a) Alberta Central East Water Corporation Regulation (AR 137/2013);

(b) Aquatera Utilities Inc. Regulation (AR 205/2013);

(c) Aqueduct Utilities Corporation Regulation (AR 92/2012);

(d) Chestermere Utilities Incorporated Regulation (AR 163/2013);

(e) Extension of Linear Property Regulation (AR 207/2012);

(f) NEW water Ltd. Regulation (AR 159/2012);

(g) Newell Regional Services Corporation Regulation (AR 153/2012);

(h) Peace Regional Waste Management Company Regulation (AR 41/2011).

(4) Subsection (3) does not apply to the following regulations:
Ministerial regulations

604 The Minister may make regulations

(a) defining population for the purposes of this Act;

(b) respecting the determination of the population of a municipality or other geographic area and establishing requirements for a municipality to conduct a census and provide information concerning population to the Minister;

(c) respecting the administration, operation and management of specialized municipalities;

(d) prescribing forms for the purposes of this Act;

(e) respecting the content or form of anything required to be done by a municipality under this Act.

Altering dates and time periods

605(1) When this Act, the regulations or a bylaw specifies a certain number of days or a day on or by which

(a) something is to be done, or

(b) certain proceedings are to be taken,

and the day that the thing is to be done or proceedings are to be taken is a holiday, the thing or proceedings must be done or taken on or by the next day that is not a holiday.

(2) When this Act or the regulations specify a certain number of days or a day on or by which

(a) something is to be done, or

(b) proceedings are to be taken,
the Minister may by order specify another number of days or another day for doing it or taking proceedings.

(3) An order under subsection (2) may be made at any time before or after the day that the thing is to be done or proceedings are to be taken and the time for doing any other thing that is determined in relation to that day is subject to a like delay.

(4) Anything done or proceedings taken within the number of days or by the day specified in an order under subsection (2) is as valid as if it had been done or taken within the number of days or by the day specified in this Act or the regulations.

**Requirements for advertising**

606(1) The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

(2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be

(a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held,

(b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or

(c) given by a method provided for in a bylaw under section 606.1.

(3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.

(4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.

(5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.

(6) A notice must contain

(a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
(b) the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,

(c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and

(d) in the case of a meeting or public hearing, the date, time and place where it will be held.

(7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.

(8) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

Advertisement bylaw

606.1(1) A council may by bylaw provide for one or more methods, which may include electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606.

(2) Before making a bylaw under subsection (1), council must be satisfied that the method the bylaw would provide for is likely to bring proposed bylaws, resolutions, meetings, public hearings and other things advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held.

(3) Council must conduct a public hearing before making a bylaw under subsection (1).

(4) A notice of a bylaw proposed to be made under subsection (1) must be advertised in a manner described in section 606(2)(a) or (b) or by a method provided for in a bylaw made under this section.

(5) A notice of a bylaw proposed to be made under subsection (1) must contain

(a) a statement of the general purpose of the proposed bylaw,

(b) the address or website where a copy of the proposed bylaw may be examined, and

(c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw.
(6) A bylaw passed under this section must be made available for public inspection.

2015 c8 s57;2017 c13 s3

Service of documents

607 The service of a document on a municipality is sufficient if

(a) the document is served personally on the chief administrative officer or a person working for the municipality in the office of the chief administrative officer,

(b) the document is sent by certified or registered mail to the chief administrative officer at the municipality’s office and the document is delivered to the municipality’s office, or

(c) the document is sent to the municipality by electronic means in accordance with a bylaw made by the municipality.

RSA 2000 cM-26 s607;2015 c8 s58

Sending documents

608(1) Where this Act or a regulation or bylaw made under this Act requires a document to be sent to a person, the document may be sent by electronic means if

(a) the recipient has consented to receive documents from the sender by those electronic means and has provided an e-mail address, website or other electronic address to the sender for that purpose, and

(b) it is possible to make a copy of the document from the electronic transmission.

(2) In the absence of evidence to the contrary, a document sent by electronic means in accordance with subsection (1) is presumed to have been received 7 days after it was sent unless the regulations under subsection (4) provide otherwise.

(3) For greater certainty, a reference in this Act to a mailing address is to be interpreted as including an electronic address referred to in subsection (1)(a) if the requirements of subsection (1) are met.

(4) The Minister may make regulations respecting the circumstances in which the presumption in subsection (2) does not apply.

RSA 2000 cM-26 s608;2016 c24 s90
Adverse possession of land

609 No person can acquire an estate or interest in land owned by a municipality by adverse or unauthorized possession, occupation, enjoyment or use of the land.

1994 cM-26.1 s609

Lost or unclaimed property

610(1) Lost or unclaimed property coming into the possession of a municipality must be retained for at least 30 days from the date it comes into possession of the municipality unless it is unsafe, unsanitary or perishable, in which case it may be disposed of at any time.

(2) If property is not claimed within 30 days, it becomes the property of the municipality and the municipality may dispose of the property by public auction or as the council directs.

(3) The purchaser of lost or unclaimed property is the absolute owner of it.

(4) A prior owner of lost or unclaimed property is entitled to the proceeds of the sale less all expenses incurred by the municipality if the prior owner makes a claim to the municipality within 90 days after the date of the sale.

(5) If the sale proceeds are not claimed within 90 days from the date of sale, the rights of any prior owner to the sale proceeds are extinguished and the sale proceeds belong to the municipality.

1994 cM-26.1 s610

Unclaimed utility deposits

611(1) If money is deposited with a municipality as a deposit for the payment of an account for a service or product and remains unclaimed for one year after the depositor’s account is discontinued, the amount of the deposit may be transferred to the general revenue of the municipality.

(2) The municipality is liable to repay the amount of the deposit to the person lawfully entitled to it for a period of 7 years following the discontinuance of the account.

1994 cM-26.1 s611

Certified copies

612(1) A copy of a bylaw, resolution or record of a municipality certified by a designated officer as a true copy of the original is proof, in the absence of evidence to the contrary, of the bylaw, resolution or record.

(2) The certificate of the designated officer is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.
(3) When a copy of a bylaw or resolution certified in accordance with this section is filed with the clerk of a court, the court must take judicial notice of it when an action is brought in the court.

1994 cM-26.1 s612

Calgary Charter

613  The provisions of the Calgary Charter relating to the land, buildings, plants and equipment of the water supply and distribution system commonly known as the Glenmore Dam, and the provisions of the Calgary Charter relating in particular to the assessment and taxation of it by the Municipal District of Springbank, continue to apply.

1994 cM-26.1 s613


Crowsnest Pass

615(1) In this section, “Crowsnest Pass” means the Municipality of Crowsnest Pass.

(2) The Minister may make regulations that apply to Crowsnest Pass respecting the following matters:

(a) the eligibility of Crowsnest Pass to receive grants under this or another enactment and the calculation of those grants;

(b) the authority to pass bylaws respecting fires, agreements for the prevention and control of fires and the application of the Forest and Prairie Protection Act;

(c) a scheme to adjust property boundaries so that property boundaries coincide with lines of occupation, including

(i) the application of Part 17,

(ii) road closures,

(iii) the duties of the Registrar of Land Titles,

(iv) the rights of property owners affected by the scheme, and

(v) any other matter the Minister considers necessary to implement the scheme.

1994 cM-26.1 s615;1995 c24 s87

Municipal emergency exemption

615.1(1) In this section,
(a) “disaster” means a disaster as defined in section 1(e) of the *Emergency Management Act*;

(b) “emergency” means an emergency as defined in section 1(f) of the *Emergency Management Act*.

(2) Where it appears to the Minister that a disaster or an emergency exists in a municipal authority, the Minister may by order, with respect to that municipal authority or an adjacent municipal authority,

(a) modify one or more provisions of this Act as they apply to the municipal authority,

(b) exempt the municipal authority from one or more provisions of this Act or bylaws made pursuant to this Act, or

(c) provide the municipal authority with specified authority in addition to that set out in this Act.

(3) The Minister may, in an order made under subsection (2),

(a) impose terms, conditions and timelines on the modification or exemption of a provision of this Act or a bylaw or the exercise of additional authority, and

(b) specify a date on which the order or any provision of it expires.

(4) The *Regulations Act* does not apply to an order made under subsection (2).

2013 c21 s2

**Agreements under Aeronautics Act (Canada)**

615.2(1) A municipality may, if authorized by regulation, enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada).

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing a municipality to enter into an agreement under section 5.81 of the *Aeronautics Act* (Canada);

(b) specifying the terms and conditions under which a municipality may enter into the agreement.

(3) The *Aeronautics Act Agreements (City of Medicine Hat and Cypress County) Regulation* (AR 33/2014) is deemed to have been made under this section.

2015 c8 s60
Part 17
Planning and Development

Definitions

616 In this Part,

(a) “agricultural operation” means an agricultural operation as defined in the Agricultural Operation Practices Act;

(a.1) “building” includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;

(a.11) “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities;

(a.2) “community services reserve” means the land designated as community services reserve under Division 9;

(a.3) “conservation reserve” means the land designated as conservation reserve under Division 8;

(b) “development” means

(i) an excavation or stockpile and the creation of either of them,

(ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,

(iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(c) “development authority” means a development authority established pursuant to Division 3;

(d) “development permit” means a document that is issued under a land use bylaw and authorizes a development;

(e) “environmental reserve” means the land designated as environmental reserve under Division 8;
(f) “environmental reserve easement” means an easement created under Division 8;


(h) “highway” means a provincial highway under the Highways Development and Protection Act;

(i) “instrument” means a plan of subdivision and an instrument as defined in the Land Titles Act;

(j) “intermunicipal service agency” means an intermunicipal service agency established under Division 3;

(k) “land use bylaw” means a bylaw made under Division 5 and a bylaw made under section 27 of the Historical Resources Act;

(l) “land use policies” means the policies referred to in section 622;

(m) “lot” means

(i) a quarter section,

(ii) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,

(iii) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,

(iv) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or

(v) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

(m.1) “mediation” means a process involving a neutral person as a mediator who assists the parties to a matter that may be appealed under this Part and any other person brought in with the agreement of the parties to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the parties;
(n) “municipal planning commission” means a municipal planning commission established under Division 3;

(o) “municipal reserve” means the land designated as municipal reserve under Division 8;

(p) “municipal and school reserve” means the land designated as municipal and school reserve under Division 8;

(q) “non-conforming building” means a building
   (i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
   (ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;

(r) “non-conforming use” means a lawful specific use
   (i) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
   (ii) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

(r.1) “non-profit”, in respect of a day care, senior citizens or special needs facility, means that the facility is owned or operated by a corporation or other entity established under a law of Canada or Alberta for a purpose other than to make a profit;

(s) “parcel of land” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

(t) “Planning Act” means the Planning Act, RSA 1980 cP-9;

(u) “plan of subdivision” means a plan of survey prepared in accordance with the Land Titles Act for the purpose of effecting a subdivision;

(v) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
(i) water or steam;
(ii) sewage disposal;
(iii) public transportation operated by or on behalf of the municipality;
(iv) irrigation;
(v) drainage;
(vi) fuel;
(vii) electric power;
(viii) heat;
(ix) waste management;
(x) telecommunications;

and includes the thing that is provided for public consumption, benefit, convenience or use;

(w) “public utility lot” means land required to be given under Division 8 for public utilities;

(x) “redevelopment area” means an area of land that is the subject of an area redevelopment plan;

(y) “Registrar” means Registrar as defined in the Land Titles Act;

(z) “reserve land” means environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;

(aa) “road” means road as defined in section 1(1), but does not include highway as defined in this Part;

(bb) “school board” means the board of trustees of a school district, school division or regional division;

(cc) “school reserve” means the land designated as school reserve under Division 8;

(dd) “statutory plan” means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4;
(ee) “subdivision” means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning;

(ff) “subdivision authority” means a subdivision authority established under Division 3;

(gg) “subdivision and development appeal board” means a subdivision and development appeal board established under Division 3;

(hh) “subdivision and development regulations” mean regulations made by the Lieutenant Governor in Council under section 694(1).

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Non-application of this Part

618(1) This Part and the regulations and bylaws under this Part do not apply when a development or a subdivision is effected only for the purpose of

(a) a highway or road,

(b) a well or battery within the meaning of the Oil and Gas Conservation Act, or

(c) a pipeline or an installation or structure incidental to the operation of a pipeline.

(2) This Part and the regulations and bylaws under this Part do not apply to

(a) the geographic area of a Metis settlement, or
Section 618.1  MUNICIPAL GOVERNMENT ACT

(b) a designated area of Crown land in a municipal district or specialized municipality.

(3) The Minister responsible for the Public Lands Act may make regulations designating one or more areas of Crown land under that Minister’s administration for the purposes of subsection (2)(b).

(4) The Lieutenant Governor in Council may, by regulation, exempt an action, person or thing from the application of all of or any provision of this Part or of the regulations or bylaws under this Part.

(5) The Lieutenant Governor in Council may include terms and conditions in a regulation under subsection (4).

Exemption

618.1 This Part and the regulations and bylaws under this Part respecting development permits do not apply to a confined feeding operation or manure storage facility within the meaning of the Agricultural Operation Practices Act if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the Agricultural Operation Practices Act.

Bylaws binding

618.2 No bylaw is binding in respect of a matter governed by this Part unless that bylaw is passed in accordance with this Part.

Division 1
Other Authorizations, Compensation

NRCB, ERCB, AER, AEUB or AUC authorizations

619(1) A licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Municipal Government Board or any other authorization under this Part.

(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent
that it complies with the licence, permit, approval or other authorization granted under subsection (1).

(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)

(a) must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and

(b) is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.

(4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.

(5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Municipal Government Board by filing with the Board

(a) a notice of appeal, and

(b) a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.

(6) The Municipal Government Board, on receiving a notice of appeal and statutory declaration under subsection (5),

(a) must commence a hearing within 60 days after receiving the notice of appeal and statutory declaration and give a written decision within 30 days after concluding the hearing, and

(b) is not required to notify or hear from any person other than the applicant and the municipality against whom the appeal is launched.

(7) The Municipal Government Board, in hearing an appeal under subsection (6), may only hear matters relating to whether the proposed statutory plan or land use bylaw amendment is consistent
with the licence, permit, approval or other authorization granted under subsection (1).

(8) In an appeal under this section, the Municipal Government Board may

(a) order the municipality to amend the statutory plan or land use bylaw in order to comply with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, or

(b) dismiss the appeal.

(9) Section 692 does not apply when the statutory plan or land use bylaw is amended pursuant to a decision of the Municipal Government Board under subsection (8)(a).

(10) A decision under subsection (8) is final but may be appealed by the applicant or the municipality in accordance with section 688.

(11) In this section, “NRCB, ERCB, AER, AEUB or AUC” means the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission.

(12) Despite any other provision of this section, every decision referred to or made and every instrument issued under this section must comply with any applicable ALSA regional plan.

Conditions prevail
620 A condition of a licence, permit, approval or other authorization granted pursuant to an enactment by the Lieutenant Governor in Council, a Minister, a Provincial agency or Crown-controlled organization as defined in the Financial Administration Act or a delegated person as defined in Schedule 10 to the Government Organization Act prevails over any condition of a development permit that conflicts with it.

Compensation
621(1) Except as provided in this Part and in section 28 of the Historical Resources Act, nothing in this Part or the regulations or bylaws under this Part gives a person a right to compensation.

(2) Subsection (1) applies only to this Part and does not create, extinguish or affect rights created, extinguished or affected by the rest of this Act.
Division 2
Land Use Policies

Land use policies

622(1) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies established under subsection (2) and any former land use policy.

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may by regulation establish land use policies and rescind former land use policies.

(3) If there is a conflict between a land use policy established under subsection (2) and an ALSA regional plan, the ALSA regional plan prevails.

(4) Former land use policies do not apply in any planning region within the meaning of the Alberta Land Stewardship Act in respect of which there is an ALSA regional plan.

(5) In this section, “former land use policy” means a land use policy that was established under section 622 as it read before the coming into force of this subsection and that has not been rescinded under subsection (2).

Division 3
Planning Authorities

Subdivision authority

623(1) A council must by bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality.

(2) A subdivision authority may include one or more of the following:

(a) any or all members of council;
(b) a designated officer;
(c) a municipal planning commission;
(d) any other person or organization.
Development authority

624(1) Subject to section 641, a council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality.

(2) A development authority may include one or more of the following:

(a) a designated officer;

(b) a municipal planning commission;

(c) any other person or organization.

1995 c24 s95

Intermunicipal service agency

625 A council may by bylaw authorize the municipality to enter into an agreement

(a) with a regional services commission, or

(b) with one or more municipalities to establish an intermunicipal service agency

to which the municipality may delegate any of its subdivision authority or development authority powers, duties or functions.

1995 c24 s95

Municipal planning commission

626(1) A council may by bylaw establish a municipal planning commission and may by bylaw authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal planning commission.

(2) An intermunicipal planning commission is deemed to be a municipal planning commission for the purposes of this Part.

(3) If an intermunicipal planning commission or a municipal planning commission is established, the bylaw or agreement establishing it must

(a) provide for the applicable matters described in section 145(b),

(b) prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and

(c) in the case of an intermunicipal planning commission, provide for its dissolution.

1995 c24 s95
Appeal board established

627(1) A council must by bylaw

(a) establish a subdivision and development appeal board, or

(b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board,

or both.

(2) An intermunicipal subdivision and development appeal board is a subdivision and development appeal board for the purposes of this Part.

(3) Unless an order of the Minister authorizes otherwise, a panel of a subdivision and development appeal board hearing an appeal must not have more than one councillor as a member.

(4) The following persons may not be appointed as members of a subdivision and development appeal board:

(a) an employee of the municipality;

(b) a person who carries out subdivision or development powers, duties and functions on behalf of the municipality;

(c) a member of a municipal planning commission.

Clerks

627.1(1) A council that establishes a subdivision and development appeal board must appoint, and a council that authorizes the establishment of a subdivision and development appeal board must authorize the appointment of, one or more clerks of the subdivision and development appeal board.

(2) If the subdivision and development appeal board is an intermunicipal subdivision and development appeal board, the councils that authorize its establishment must appoint one or more clerks.

(3) A clerk appointed under this section must be a designated officer and may be a person who holds an appointment as a clerk under section 456.

(4) No designated officer is eligible for appointment under this section unless that designated officer has successfully completed a training program in accordance with the regulations made under section 627.3(a).
(5) No subdivision authority or development authority is eligible for appointment under this section.

Qualifications

627.2 A member of a subdivision and development appeal board may not participate in a hearing of the subdivision and development appeal board unless the member is qualified to do so in accordance with the regulations made under section 627.3(b).

Regulations

627.3 The Minister may make regulations

(a) respecting training programs for the purposes of section 627.1(4);

(b) respecting qualifications for the purposes of section 627.2.

Appeal board established

628(1) A bylaw or agreement under section 627 must

(a) provide for the applicable matters described in section 145(b), and

(b) prescribe the functions and duties of the subdivision and development appeal board.

(2) A bylaw or agreement under section 627 may provide

(a) for the members of the subdivision and development appeal board to meet in panels,

(b) for 2 or more panels to meet simultaneously,

(c) that the panels have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and

(d) that a decision of a panel is a decision of the subdivision and development appeal board.

Immunity

628.1(1) The members of a subdivision and development appeal board are not personally liable for anything done or omitted to be done in good faith in the exercise or purported exercise of a power, duty or function under this Part.
(2) No member of a subdivision and development appeal board is liable for costs by reason of or in respect of an application for permission to appeal or an appeal under this Part. 2016 c24 s96

Appeal board evidence

629 A subdivision and development appeal board

(a) may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings, and

(b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence presented at a hearing. 1995 c24 s95

Signature evidence

630(1) An order, decision, approval, notice or other thing made or given by a subdivision authority, development authority or subdivision and development appeal board may be signed on its behalf by a designated officer.

(2) An order, decision, approval, notice or other thing purporting to be signed by a designated officer pursuant to subsection (1) may be admitted in evidence as proof

(a) of the order, decision, approval, notice or other thing, and

(b) that the designated officer signing it was authorized to do so,

without proof of the signature or of the designation. 1995 c24 s95

Fees

630.1 A council may establish and charge fees for matters under this Part. 1996 c30 s55

Compliance with ALSA regional plans

630.2 A subdivision authority, a development authority, an entity to which authority is delegated under section 625, a municipal planning commission and a subdivision and development appeal board must each carry out its functions and exercise its jurisdiction in accordance with any applicable ALSA regional plan. 2009 cA-26.8 s83
Diviision 4
Statutory Plans

Intermunicipal Development Plans

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.

(2) An intermunicipal development plan

(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,
(b) must include

(i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,

(ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and

(iii) provisions relating to the administration of the plan.

(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.

Order for intermunicipal development plan

631.1(1) The Minister may make regulations

(a) requiring 2 or more municipal authorities to establish an intermunicipal development plan in accordance with any requirements contained in the regulations or in an ALSA regional plan;

(b) respecting the matters to be included in an intermunicipal plan;

(c) respecting the time within which an intermunicipal plan must be complete.

(2) If the municipal authorities to whom an ALSA regional plan applies or to whom a regulation under subsection (1) applies do not comply with the ALSA regional plan or the regulation, the Minister may establish an intermunicipal development plan that is binding on the municipal authorities.

RSA 2000 cM-26 s631;2016 c24 s97

2009 cA-26.8 s83
Municipal Development Plans

Municipal development plans

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

(2) Repealed 2016 c24 s98.

(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.

(3) A municipal development plan

(a) must address

(i) the future land use within the municipality,

(ii) the manner of and the proposals for future development in the municipality,

(iii) the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities,

(iv) the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities, and

(v) the provision of municipal services and facilities either generally or specifically,

(b) may address

(i) proposals for the financing and programming of municipal infrastructure,

(ii) the co-ordination of municipal programs relating to the physical, social and economic development of the municipality,

(iii) environmental matters within the municipality,

(iv) the financial resources of the municipality,

(v) the economic development of the municipality, and

(vi) any other matter relating to the physical, social or economic development of the municipality,
(c) may contain statements regarding the municipality’s development constraints, including the results of any development studies and impact analysis, and goals, objectives, targets, planning policies and corporate strategies,

(d) must contain policies compatible with the subdivision and development regulations to provide guidance on the type and location of land uses adjacent to sour gas facilities,

(e) must contain policies respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for, amount of and allocation of those reserves and the identification of school requirements in consultation with affected school boards,

(f) must contain policies respecting the protection of agricultural operations, and

(g) may contain policies respecting the provision of conservation reserve in accordance with section 664.2(1)(a) to (d).

(4) A municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan.

RSA 2000 cM-26 s632;RSA 2000 c21(Supp) s4;2008 c37 s11; 2015 c8 s62;2016 c24 s98;2017 c13 s2(16)

Area Structure Plans

Area structure plan

633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may by bylaw adopt an area structure plan.

(2) An area structure plan

(a) must describe

(i) the sequence of development proposed for the area,

(ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,

(iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and
(iv) the general location of major transportation routes and public utilities,

and

(b) may contain any other matters, including matters relating to reserves, as the council considers necessary.

(3) An area structure plan must be consistent with

(a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and

(b) any municipal development plan.

Area Redevelopment Plans

Area redevelopment plans

634(1) A council may

(a) designate an area of the municipality as a redevelopment area for the purpose of any or all of the following:

(i) preserving or improving land and buildings in the area;

(ii) rehabilitating buildings in the area;

(iii) removing buildings from the area;

(iv) constructing or replacing buildings in the area;

(v) establishing, improving or relocating roads, public utilities or other services in the area;

(vi) facilitating any other development in the area,

(b) adopt, by bylaw, an area redevelopment plan,

(c) in accordance with this section and Division 6, provide for the imposition and collection of a levy to be known as a “redevelopment levy”, and

(d) authorize a designated officer, with or without conditions, to perform any function with respect to the imposition and collection of that redevelopment levy.

(2) An area redevelopment plan must be consistent with
(a) any intermunicipal development plan in respect of land that is identified in both the area redevelopment plan and the intermunicipal development plan, and

(b) any municipal development plan.

Plan contents

635 An area redevelopment plan

(a) must describe

(i) the objectives of the plan and how they are proposed to be achieved,

(ii) the proposed land uses for the redevelopment area,

(iii) if a redevelopment levy is to be imposed, the reasons for imposing it, and

(iv) any proposals for the acquisition of land for any municipal use, school facilities, parks and recreation facilities or any other purposes the council considers necessary,

and

(b) may contain any other proposals that the council considers necessary.

General Provisions

Statutory plan preparation

636(1) While preparing a statutory plan a municipality must

(a) provide a means for any person who may be affected by it to make suggestions and representations,

(b) notify the public of the plan preparation process and of the means to make suggestions and representations referred to in clause (a),

(c) notify the school boards with jurisdiction in the area to which the plan preparation applies and provide opportunities to those authorities to make suggestions and representations,

(d) in the case of a municipal development plan, notify adjacent municipalities of the plan preparation and provide opportunities to those municipalities to make suggestions and representations,
(e) in the case of an area structure plan, where the land that is
the subject of the plan is adjacent to another municipality,
notify that municipality of the plan preparation and
provide opportunities to that municipality to make
suggestions and representations,

(f) in the case of an area structure plan, where the land that is
the subject of the plan is within 1.6 kilometres of a
provincial highway, notify the Minister responsible for the
Highways Development and Protection Act of the plan
preparation and provide opportunities for the Minister to
make suggestions and representations,

(g) in the case of a municipal development plan, notify

(i) the Indian band of any adjacent Indian reserve, or

(ii) any adjacent Metis settlement

of the plan preparation and provide opportunities to that
Indian band or Metis settlement to make suggestions and
representations, and

(h) in the case of an area structure plan, where the land that is
the subject of the plan is adjacent to an Indian reserve or
Metis settlement, notify the Indian band or Metis
settlement of the plan preparation and provide
opportunities for that Indian band or Metis settlement to
make suggestions and representations.

(2) Subsection (1) does not apply to amendments to statutory plans.

Effect of plans

637 The adoption by a council of a statutory plan does not require
the municipality to undertake any of the projects referred to in it.

Plans consistent

638(1) In the event of a conflict or inconsistency between

(a) an intermunicipal development plan, and

(b) a municipal development plan, an area structure plan or an
area redevelopment plan

in respect of the development of the land to which the
intermunicipal development plan and the municipal development
plan, the area structure plan or the area redevelopment plan, as the
case may be, apply, the intermunicipal development plan prevails
to the extent of the conflict or inconsistency.
(2) In the event of a conflict or inconsistency between

(a) a municipal development plan, and
(b) an area structure plan or an area redevelopment plan,

the municipal development plan prevails to the extent of the conflict or inconsistency.

Conflict with ALSA regional plans

638.1 In the event of a conflict or inconsistency between

(a) a statutory plan or a land use bylaw, and
(b) an ALSA regional plan,

the ALSA regional plan prevails to the extent of the conflict or inconsistency.

Listing and publishing of policies

638.2(1) Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part

(a) that have been approved by council by resolution or bylaw, or
(b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

(2) The municipality must publish the following on the municipality’s website:

(a) the list of the policies referred to in subsection (1);
(b) the policies described in subsection (1);
(c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
(d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

(3) A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board
or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) This section applies on and after January 1, 2019.

Division 5
Land Use

Land use bylaw

639  Every municipality must pass a land use bylaw.

Protection of agricultural operations

639.1  In preparing a land use bylaw, a municipality must consider the protection of agricultural operations unless an ALSA regional plan requires agricultural operations to be protected or requires agricultural land or land for agricultural purposes to be protected, conserved or enhanced, in which case the municipality must comply with the ALSA regional plan.

Land use bylaw

640(1)  A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

(2)  A land use bylaw

(a)  must divide the municipality into districts of the number and area the council considers appropriate;

(b)  must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,

   (i)  the one or more uses of land or buildings that are permitted in the district, with or without conditions, or

   (ii)  the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions, or both;

(c)  must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for
(i) the types of development permit that may be issued,

(ii) applying for a development permit,

(iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,

(iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,

(v) how long any type of development permit remains in effect,

(vi) the discretion that the development authority may exercise with respect to development permits, and

(vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;

(d) must provide for how and to whom notice of the issuance of a development permit is to be given;

(e) must establish the number of dwelling units permitted on a parcel of land.

(3) A land use bylaw may identify additional land as adjacent land for the purposes of section 692.

(4) Without restricting the generality of subsection (1), a land use bylaw may provide for one or more of the following matters, either generally or with respect to any district or part of a district established pursuant to subsection (2)(a):

(a) subdivision design standards;

(b) the ground area, floor area, height, size and location of buildings;

(c) the amount of land to be provided around or between buildings;

(d) the landscaping of land or buildings;

(e) the location, height and maintenance of fences and walls;

(f) the establishment and maintenance of

(i) off-street or other parking facilities, and
(ii) loading and unloading facilities,

and any other similar matters;

(g) the design, character and appearance of buildings;

(h) the location and amount of access to lots from roads and ensuring that there is at least one means of access from each lot to a road;

(i) the lighting of land, buildings or other things;

(j) the enlargement, alteration, repair, removal or relocation of buildings;

(k) the excavation or filling in of land;

(l) the development of buildings

   (i) on land subject to flooding or subsidence or that is low lying, marshy or unstable,

   (ii) on land adjacent to or within a specified distance of the bed and shore of any body of water, or

   (iii) subject to regulations made under section 693 or 694, within a specified area around an airport;

(m) the construction, placement or use of billboards, signboards or other advertising devices of any kind, and if they are permitted at all, governing their height, size and character;

(n) the removal, repair or renovation of billboards, signboards or other advertising devices of any kind;

(o) the density of population in any district or part of it;

(p) the designation of a district as a direct control district in accordance with section 641;

(q) the establishment of any related agreements, forms, fees or procedural matters;

(r) issuing orders under section 645.

(5) A land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot

   (a) for a development permit for the same or a similar use, or
(b) for a change in land use designation

may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

(a) the proposed development would not

(i) unduly interfere with the amenities of the
neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment
or value of neighbouring parcels of land,

and

(b) the proposed development conforms with the use
prescribed for that land or building in the land use bylaw.

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

RSA 2000 cM-26 s640;2016 c24 s100;2017 c21 s28

Alternative time periods for applications

640.1 The council of a city or of a municipality with a population of 15 000 or more may, in a land use bylaw,

(a) provide for an alternative period of time for the
development authority to review the completeness of a
development permit application under section 683.1(1),

(b) provide for an alternative period of time for a
development authority to make a decision on a
development permit application under section 684,

(c) provide for an alternative period of time for the
subdivision authority to review the completeness of an
application for subdivision approval under section 653.1, and

(d) provide for an alternative period of time for the
subdivision authority to make a decision on an application
Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Repealed 2015 c8 s66.

Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.
(5) Despite subsections (1) and (2), a development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

RSA 2000 cM-26 s642;2016 cs24 s102;2017 c13 s1(58); 2017 c21 s28;2018 c11 s13

**Non-conforming use and non-conforming buildings**

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.
(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

1995 c24 s95

Acquisition of land designated for public use

644(1) If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

(a) acquire the land or require the land to be provided as reserve land;

(b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;

(c) amend the land use bylaw to designate the land for another use or intended use.

(2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection,

(a) acquires that land, or

(b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time.

(3) Subsection (1) does not apply to land designated by the municipality as conservation reserve.

RSA 2000 cM-26 s644;2016 cs24 s103

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land
or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Division 6
Development Levies and Conditions

Redevelopment levies

647(1) If a person applies for a development permit in respect of development in a redevelopment area and the area redevelopment plan contains proposals for residential, commercial or industrial development, a redevelopment levy may be imposed on the
applicant in accordance with the bylaw adopting the area redevelopment plan.

(2) A redevelopment levy imposed and collected must be used to provide, in respect of the redevelopment area,

(a) land for a park or land for school buildings designed for the instruction or accommodation of students, or

(b) land for new or expanded recreation facilities,

or both.

(3) On September 1, 1995 a redevelopment levy under the former Act continues as a redevelopment levy under this Part.

(4) A redevelopment levy imposed and collected under this Part or the former Act may be imposed and collected only once in respect of a development.

(5) A redevelopment levy imposed pursuant to this Part may vary between one class of development and another in a redevelopment area.

(6) If a redevelopment levy is collected, the municipality must pay that portion of the levy imposed to provide land for school buildings designed for the instruction or accommodation of students to the one or more school boards.

Off-site levy

648(1) For the purposes referred to in subsections (2) and (2.1), a council may by bylaw

(a) provide for the imposition and payment of a levy, to be known as an “off-site levy”, in respect of land that is to be developed or subdivided, and

(b) authorize an agreement to be entered into in respect of the payment of the levy.

(1.1) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the School Act.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

(a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
(b) new or expanded facilities for the treatment, movement or
disposal of sanitary sewage;

(c) new or expanded storm sewer drainage facilities;

(c.1) new or expanded roads required for or impacted by a subdivision or development;

(c.2) subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the
collection of, municipal roads to provincial highways resulting from a subdivision or development;

(d) land required for or in connection with any facilities described in clauses (a) to (c.2).

(2.1) In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of
the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose:

(a) new or expanded community recreation facilities;

(b) new or expanded fire hall facilities;

(c) new or expanded police station facilities;

(d) new or expanded libraries.

(2.2) Subject to an appeal under section 648.1, an off-site levy may
be imposed and collected for a purpose referred to in subsection
(2.1) only if no off-site levy has been previously imposed under
subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed.

(3) On September 1, 1995 an off-site levy under the former Act
continues as an off-site levy under this Part.

(4) An off-site levy imposed under this section or the former Act
may be collected once for each purpose described in subsection (2)
or (2.1), in respect of land that is the subject of a development or subdivision, if

(a) the purpose of the off-site levy is authorized in the bylaw
referred to in subsection (1), and

(b) the collection of the off-site levy for the purpose
authorized in the bylaw is specified in the agreement
referred to in subsection (1).
(4.1) Nothing in subsection (4) prohibits the collection of an off-site levy by instalments or otherwise over time.

(5) An off-site levy collected under this section, and any interest earned from the investment of the levy,

(a) must be accounted for separately from other levies collected under this section, and

(b) must be used only for the specific purpose described in subsection (2)(a) to (c.2) or (2.1)(a) to (d) for which it is collected or for the land required for or in connection with that purpose.

(6) A bylaw under subsection (1) must be advertised in accordance with section 606 unless

(a) the bylaw is passed before January 1, 2004, or

(b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.

(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed

(a) to have been imposed pursuant to a bylaw under this section, and

(b) to have been validly imposed and collected effective from the date the fee or charge was imposed.

(8) If, before the coming into force of this subsection, a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2) or (2.1), that fee or charge is deemed

(a) to have been imposed pursuant to a bylaw under this section, and

(b) to have been validly imposed and collected effective from the date the fee or charge was imposed.

(9) If, before the coming into force of this subsection, a bylaw was made that purported to impose a fee or other charge on a developer for a purpose described in subsection (2) or (2.1),
(a) that bylaw is deemed to have been valid and enforceable to the extent that it imposed a fee or charge for a purpose described in subsection (2) or (2.1) before the coming into force of this subsection, and

(b) any fee or charge imposed pursuant to the bylaw before the coming into force of this subsection is deemed to have been validly imposed and collected effective from the date the fee or charge was imposed.

RSA 2000 cM-26 s648;2003 c43 s3;2015 c8 s67; 2016 c24 s104;2017 c13 ss1(60),2(17)

Intermunicipal off-site levy

648.01(1) For the purpose of section 648(1) and subject to the requirements of section 12, 2 or more municipalities may provide for an off-site levy to be imposed on an intermunicipal basis.

(2) Where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis, the municipalities shall enter into such agreements as are necessary to attain the purposes described in section 648(2) or (2.1) that are to be funded by an off-site levy under section 648(1), by a framework made under Part 17.2 or by any other agreement.

(3) For greater clarity, where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis under subsection (1) for the purposes described in section 648(2.1), the benefitting area determined in accordance with the regulations may comprise any combination of land in the participating municipalities.

(4) If a bylaw providing for an off-site levy to be imposed on an intermunicipal basis is appealed under section 648.1, the corresponding bylaws of the other participating municipalities are deemed to also be appealed.

2016 c24 s105

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2.1) to the Municipal Government Board on any of the following grounds:

(a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;

(b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a
municipality when passing the off-site levy bylaw have not been complied with;

(c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);

(d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2.1);

(e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;

(f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.

(2) After hearing the appeal, the Municipal Government Board may

(a) dismiss the appeal in whole or in part, or

(b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Board.

(3) Where an off-site levy bylaw amends the amount of an off-site levy referred to in subsection (1), an appeal under this section may only be brought with respect to that amendment.

Levy bylaws

649 A bylaw that authorizes a redevelopment levy or an off-site levy must set out the purpose of each levy and indicate how the amount of the levy was determined.

Condition of issuing development permit

650(1) A council may in a land use bylaw require that, as a condition of a development permit’s being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of

(i) a pedestrian walkway system to serve the development, or
(ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,

or both;

(c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;

(d) to construct or pay for the construction of

(i) off-street or other parking facilities, and

(ii) loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy imposed by bylaw;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the Land Titles Act in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where, prior to the coming into force of this subsection, an agreement referred to in subsection (1) required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(c), that requirement is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the development.

Agreements re oversize improvements

651(1) An agreement referred to in section 648, 650 or 655 may require the applicant for a development permit or subdivision approval

(a) to pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or
(b) to construct or pay for all or a portion of an improvement with an excess capacity.

(2) An agreement referred to in subsection (1)(b) or (3) that obliges an applicant for a development permit or subdivision approval to construct or pay for an improvement with an excess capacity may also provide for the reimbursement of the cost incurred or payment made in respect of the excess capacity together with interest calculated at the rate fixed pursuant to subsection (4) on the amount of the cost until the land that benefits from the excess capacity is developed or subdivided.

(3) If a municipality has at any time, either before or after this section comes into force, or before or after section 77.1 of the Planning Act was deemed to come into force, entered into an agreement providing for reimbursement of payments made or costs incurred in respect of the excess capacity of an improvement by an applicant for a development permit or subdivision approval, the municipality must, when other land that benefits from the improvement is developed or subdivided, enter into an agreement with the applicant for a development permit or subdivision approval for the other land, and that agreement may require the applicant to pay an amount in respect of the improvement, as determined by the municipality, which may be in excess of the cost of the improvement required for the proposed development or subdivision.

(4) An agreement made in accordance with subsection (1)(a) or (3) may require that, in addition to paying for all or part of the cost of an improvement, an applicant for a development permit or subdivision approval must pay reasonable interest on the cost in an amount to be fixed by the municipality.

(5) In this section,

(a) “excess capacity” means any capacity in excess of that required for a proposed development or subdivision;

(b) “improvement” means

(i) a facility or land referred to in section 648(2), or

(ii) a road, pedestrian walkway, utility or facility referred to in section 650(1) or 655(1)(b),

whether or not located on the land to be developed or subdivided and whether or not constructed at the time of development or subdivision approval.

1995 c24 s95
Restrictive covenant

651.1(1) In this section, “restrictive covenant” means a condition or covenant under which land, or any specified portion of land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the Land Titles Act or any other enactment, a municipality may register a caveat under the Land Titles Act in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)

(a) shall be registered against the certificate of title to the parcel of land

(i) that is subject to the restrictive covenant, and

(ii) that was issued to the person who granted the restrictive covenant,

(b) has the same force and effect as if it had been a condition or covenant registered under section 48 of the Land Titles Act,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the Land Titles Act governing the lapsing of caveats.

Encroachment agreements

651.2(1) In this section, “encroachment agreement” means an agreement under which a municipality permits the encroachment onto a road that is under the direction, control and management of the municipality of improvements made on land that is adjoining that road.

(2) Despite the Land Titles Act or any other enactment, a municipality may register a caveat under the Land Titles Act in respect of any encroachment agreement entered into by the municipality with the registered owner of a parcel of land that adjoins a road that is under the direction, control and management of the municipality.

(3) A caveat registered pursuant to subsection (2)
RSA 2000
Section 652  Chapter M-26

MUNICIPAL GOVERNMENT ACT

404

(a) shall be registered against the certificate of title to the parcel of land

(i) that is adjoining the road, and

(ii) that was issued to the person who entered into the encroachment agreement with the municipality,

(b) has the same force and effect as if it had been an encroachment agreement registered under section 72 of the Land Titles Act,

(c) may be discharged only by the municipality or an order of a court, and

(d) does not lapse pursuant to the provisions of the Land Titles Act governing the lapsing of caveats.

1999 c11 s43

Division 7
Subdivision of Land

Subdivision approval required

652(1) A Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.

(2) Despite subsection (1) and subject to subsection (4), a Registrar may accept for registration without subdivision approval an instrument that has the effect or may have the effect of subdividing a parcel of land described in a certificate of title if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;

(c) a lake lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;

(d) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
(e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;

(f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665.

(3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in section 618(1) or by a plan of subdivision or any other instrument that effected a subdivision.

(4) Unless the subdivision of the parcel of land has been approved by a subdivision authority, the Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land

(a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950, and

(b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

(5) A Registrar may not accept a caveat for registration that relates to an instrument that has the effect or may have the effect of subdividing a parcel of land unless

(a) subdivision approval is not required in respect of that subdivision pursuant to subsection (2), or

(b) subdivision approval has been granted in respect of that subdivision.

1995 c24 s95

Application for subdivision approval

653(1) A person may apply to a subdivision authority for subdivision approval in accordance with the subdivision and development regulations by submitting to the subdivision authority a proposed plan of subdivision or other instrument that describes the subdivision.

(2) If a subdivision application includes a form on which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection, at a reasonable time, of the land that is the subject of the application and if the applicant signs a consent to the inspection, a notice of inspection is not required to be given under section 542(1).
(2.1) On receipt of an application, the subdivision authority must, in accordance with section 653.1, determine whether the application is complete.

(3) On receipt of an acknowledgment under section 653.1(5) or (7) that the application for subdivision approval is complete, or if the application is deemed to be complete under section 653.1(4), the subdivision authority must:

   (a) give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations, and

   (b) give notice of the application to owners of the land that is adjacent to the land that is the subject of the application.

(4) Repealed 2016 c24 s107.

(4.1) Despite subsection (3)(b), a subdivision authority is not required to give notice to owners of adjacent lands if the land that is the subject of the application is contained within an area structure plan or a conceptual scheme and a public hearing has been held with respect to that plan or scheme.

(4.2) A notice under subsection (3)(b) must be given by one of the following methods and may be given by more than one of the following methods:

   (a) mailing the notice to each owner of land that is adjacent to the land that is the subject of the application;

   (b) posting the notice on the land that is the subject of the application;

   (c) publishing a notice in a newspaper that has general circulation in the municipality that contains the land that is the subject of the application.

(4.3) A notice under subsection (3)(b) must include:

   (a) the municipal address, if any, and the legal address of the parcel of land, and

   (b) a map showing the location of the parcel of land.

(4.4) For the purposes of this section,

   (a) “adjacent land” means land that is contiguous to the parcel of land that is being subdivided and includes

      (i) land that would be contiguous if not for a highway, road, river or stream, and
(ii) any other land identified in the land use bylaw as adjacent land for the purpose of notification under this section;

(b) “conceptual scheme” means a conceptual scheme adopted by the municipality that

(i) relates a subdivision application to the future subdivision and development of adjacent areas, and

(ii) has been referred to the persons to whom the subdivision authority must send a copy of the complete application for subdivision pursuant to the subdivision and development regulations;

(c) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(5) A notice under subsection (3)(b) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.

(6) A subdivision authority, when considering an application under this section,

(a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the subdivision and development regulations, and

(b) is not required to hold a hearing.

(7) Repealed 1996 c30 s60.

Subdivision applications

653.1(1) A subdivision authority must, within 20 days after the receipt of an application for subdivision approval under section 653(1), determine whether the application is complete.

(2) An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the subdivision authority or, if applicable, in accordance with the land use bylaw made pursuant to section 640.1(c).
(4) If the subdivision authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a subdivision authority determines that the application is complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the subdivision authority determines that the application is incomplete, the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the subdivision authority in order for the application to be considered complete.

(7) If the subdivision authority determines that the information and documents submitted under subsection (6) are complete, the subdivision authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the subdivision authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the subdivision authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the subdivision authority considers necessary to review the application.

(11) A decision of a subdivision authority must state

(a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and

(b) if an application for subdivision approval is refused, the reasons for the refusal.

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless
(a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,

(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

(a) the proposed subdivision would not

   (i) unduly interfere with the amenities of the neighbourhood, or

   (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

Conditions of subdivision approval

655(1) A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:
(a) any conditions to ensure that this Part and the statutory plans and land use bylaws and the regulations under this Part, and any applicable ALSA regional plan, affecting the land proposed to be subdivided are complied with;

(b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:

(i) to construct or pay for the construction of a road required to give access to the subdivision;

(ii) to construct or pay for the construction of

(A) a pedestrian walkway system to serve the subdivision, or

(B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision, or both;

(iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;

(iv) to construct or pay for the construction of

(A) off-street or other parking facilities, and

(B) loading and unloading facilities;

(v) to pay an off-site levy or redevelopment levy imposed by bylaw;

(vi) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the Land Titles Act in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

(4) Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to
install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

RSA 2000 cM-26 s655;2009 cA-26.8 s83;2015 c8 s71

Decision

656(1) A decision of a subdivision authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application.

(2) A decision of a subdivision authority must state

(a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and

(b) if an application for subdivision approval is refused, the reasons for the refusal.

(3) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration, with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority’s decision to refuse the application.

(4) Subsection (3) does not apply in the case of an application that was deemed to be refused under section 653.1(8).

RSA 2000 cM-26 s656;2016 c24 s111;2018 c11 s13

Subdivision registration

657(1) An applicant for subdivision approval must submit to the subdivision authority the plan of subdivision or other instrument that effects the subdivision within one year from the latest of the following dates:

(a) the date on which the subdivision approval is given to the application;

(b) if there is an appeal to the subdivision and development appeal board or the Municipal Government Board, the date of that board’s decision or the date on which the appeal is discontinued;

(c) if there is an appeal to the Court of Appeal under section 688, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.
(2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met, the subdivision authority must endorse the plan or other instrument in accordance with the subdivision and development regulations.

(3) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval but conditions to which the approval is subject have not been met, a subdivision authority may endorse the plan or other instrument in accordance with the subdivision and development regulations if the subdivision authority is satisfied that the conditions will be met.

(4) If the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by subsection (1) or any longer period authorized by the council, the subdivision approval is void.

(5) If the plan of subdivision or other instrument is not registered in a land titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection (6), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.

(6) The council may extend

(a) the one-year period referred to in subsection (1), or

(b) the one-year period referred to in subsection (5),

whether or not the time period under those subsections has expired.

Cancellation of plan of subdivision

658(1) On the application of one or more owners of a parcel of land in a plan of subdivision, a council may by bylaw order the plan cancelled, in whole or in part.

(2) A council may pass a bylaw under subsection (1) only with the consent of

(a) the owners of the parcel of land in the plan of subdivision,

(b) every person shown on the certificate of title of the land in the plan of subdivision as having an estate or interest in it, and

(c) the Crown in right of Alberta, if the plan of subdivision shows a highway or road or other right of way vested in the Crown for which no certificate of title has been issued.
(3) A plan cancellation may not be effected only or primarily for
the purpose of disposing of reserves.

(3.1) If all of a plan is cancelled, deferred reserve caveats and
environmental reserve easements are also cancelled.

(4) If all reserve land has been cancelled from a plan of
subdivision, the resulting parcel of land, if it is subsequently
subdivided, is subject to Division 8.

(5) If a plan is cancelled in part, a deferred reserve caveat may be
placed against the consolidated certificate of title reflecting any
reserve land that was cancelled and that will be owing if the parcel
is subsequently subdivided.

Collection of taxes

659 When a plan of subdivision or part of it has been cancelled,
all taxes, assessments or rates in arrears or due on the separate lots
or blocks within the area of which the plan has been cancelled
become taxes, assessments or rates on or in respect of the area, and
all the remedies for the enforcement and collection of taxes,
assessments and rates formerly applicable for the recovery of the
taxes, assessments or rates on the separate lots or blocks apply as if
the taxes, assessments or rates had been levied against the whole
area of the cancelled plan.

Cancellation registered

660 On receipt of a copy of a bylaw under section 658 and on
payment of the applicable fees, the Registrar must

(a) cancel the plan of subdivision in whole or in part in
accordance with the bylaw,

(b) cancel the certificate of title issued according to the
original plan and issue any new certificates of title
required by the bylaw, and

(c) make any other cancellations and registrations and do all
things necessary to give effect to the bylaw.

Division 8
Reserve Land,
Land for Roads and Utilities

Land dedication

661 The owner of a parcel of land that is the subject of a
proposed subdivision must provide, without compensation,
(a) to the Crown in right of Alberta or a municipality, land for roads and public utilities,

(a.1) subject to section 663, to the Crown in right of Alberta or a municipality, land for environmental reserve, and

(b) subject to section 663, to the Crown in right of Alberta, a municipality, one or more school boards or a municipality and one or more school boards, land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money,

as required by the subdivision authority pursuant to this Division.

Land for conservation reserve

661.1 The owner of a parcel of land that is the subject of a proposed subdivision must provide to a municipality land for conservation reserve as required by the subdivision authority pursuant to this Division.

Roads, utilities, etc.

662(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land for the purpose of roads, public utilities or both.

(2) The land to be provided under subsection (1) may not exceed 30% of the area of the parcel of land less the land taken as environmental reserve or as an environmental reserve easement.

(3) If the owner has provided sufficient land for the purposes referred to in subsection (1) but the land is less than the maximum amount authorized by subsection (2), the subdivision authority may not require the owner to provide any more land for those purposes.

Reserves not required

663 A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

(a) one lot is to be created from a quarter section of land,

(b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,

(c) the land to be subdivided is 0.8 hectares or less, or
(d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

1995 c24 s95;1996 c30 s62

Environmental reserve

664(1) Subject to section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

(a) a swamp, gully, ravine, coulee or natural drainage course,

(b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or

(c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.

(1.1) A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes:

(a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved;

(b) to prevent pollution of the land or of the bed and shore of an adjacent body of water;

(c) to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;

(d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

(1.2) For the purposes of subsection (1.1)(b) and (c), “bed and shore” means the natural bed and shore as determined under the Surveys Act.

(2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.
(3) The environmental reserve easement

(a) must identify which part of the parcel of land the easement applies to,

(b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,

(c) runs with the land on any disposition of the land,

(d) constitutes an interest in land in the municipality, and

(e) may be enforced by the municipality.

(4) An environmental reserve easement does not lapse by reason only of

(a) non-enforcement of it,

(b) the use of the land that is the subject of the easement for a purpose that is inconsistent with the purposes of the easement, or

(c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the easement.

(5) When an easement is presented for registration under subsection (2), the Registrar must endorse a memorandum of the environmental reserve easement on any certificate of title relating to the land.

(6) Despite section 48(4) of the Land Titles Act, an easement registered under subsection (2) may be removed only pursuant to section 658(3.1).

(7) An environmental reserve easement is deemed to be a condition or covenant for the purposes of section 48(4) and (6) of the Land Titles Act.

(8) Subject to subsection (7), this section applies despite section 48 of the Land Titles Act.

(9) A caveat registered under this section prior to April 30, 1998 is deemed to be an environmental reserve easement registered under this section.
Agreement respecting environmental reserve

664.1(1) In this section, “subdivision approval application” means an application under section 653 for approval to subdivide a parcel of land referred to in subsection (2).

(2) A municipality and an owner of a parcel of land may, before a subdivision approval application is made or after it is made but before it is decided, enter into a written agreement

(a) providing that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, or

(b) providing that the owner will be required to provide part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, and specifying the boundaries of that part.

(3) Where the agreement provides that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(4) Where the agreement specifies the boundaries of the part of the parcel of land that the owner will be required to provide to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any other part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

(5) Subsections (3) and (4) do not apply on a subdivision approval application where either party to the agreement demonstrates that a material change affecting the parcel of land occurred after the agreement was made.

Conservation reserve

664.2(1) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the municipality as conservation reserve if

(a) in the opinion of the subdivision authority, the land has environmentally significant features,

(b) the land is not land that could be required to be provided as environmental reserve,
(c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and

(d) the taking of the land as conservation reserve is consistent with the municipality’s municipal development plan and area structure plan.

(2) Within 30 days after the Registrar issues a new certificate of title under section 665(2) for a conservation reserve, the municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.

(3) If the municipality and the landowner disagree on the market value of the land, the matter must be determined by the Land Compensation Board.

2016 c24 s116;2017 c13 s2(19)

Designation of municipal land

665(1) A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of

(a) municipal reserve, which must be identified by a number suffixed by the letters “MR”,

(b) public utility lot, which must be identified by a number suffixed by the letters “PUL”,

(c) environmental reserve, which must be identified by a number suffixed by the letters “ER”,

(c.1) conservation reserve, which must be identified by a number suffixed by the letters “CR”,

(d) school reserve, which must be identified by a number suffixed by the letters “SR”,

(e) municipal and school reserve, which must be identified by a number suffixed by the letters “MSR”, or

(f) a lot, which must be identified by a number.
(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.

Municipal and school reserves

666(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision

(a) to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,

(b) to provide money in place of municipal reserve, school reserve or municipal and school reserve, or

(c) to provide any combination of land or money referred to in clauses (a) and (b).

(2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.

(3.1) For greater certainty, for the purposes of calculating the 10% under subsection (2) or (3), the parcel of land includes any land required to be provided under section 662.

(4) When a combination of land and money is required to be provided, the sum of

(a) the percentage of land required under subsection (2), and

(b) the percentage of the appraised market value of the land required under subsection (3)

may not exceed 10% or a lesser percentage set out in the municipal development plan.
Money in place of municipal, school reserve

667(1) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the applicant must provide

(a) a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made

(i) as if the use proposed for the land that is the subject of the proposed subdivision conforms with any use prescribed in a statutory plan or land use bylaw for that land, and

(ii) on the basis of what might be expected to be realized if the land were in an unsubdivided state and sold in the open market by a willing seller to a willing buyer on the date on which the appraisal is made,

or

(b) if the applicant and the subdivision authority agree, a land value based on a method other than that described in clause (a).

(2) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must specify the amount of money required to be provided at the same time that subdivision approval is given.

1995 c24 s95

Additional municipal and school reserve

668(1) In this section, “developable land” means that area of land that is the subject of a proposed subdivision less the total of

(a) land required to be provided for roads and public utilities under section 662, and

(b) land required to be provided as reserve land.

(2) Subject to section 663, when in the opinion of the subdivision authority a proposed subdivision would result in a density of 30 dwelling units or more per hectare of developable land, the subdivision authority may require municipal reserve, school reserve or municipal and school reserve in addition to that required to be provided under section 666.

(3) The additional land that may be required to be provided under subsection (2) may not exceed the equivalent of 5% of the
Deferment of municipal and school reserves

669(1) Despite sections 661(b) and 666, instead of requiring municipal reserve, school reserve or municipal and school reserve or money in place of any of them, a subdivision authority may direct that the requirement to provide all or part of those reserves be deferred against

(a) the remainder of the parcel that is the subject of the proposed subdivision approval, or

(b) other land of the person applying for subdivision approval that is within the same municipality as that parcel of land, or both.

(2) If a deferment is directed under subsection (1), the subdivision authority must file a caveat in a land titles office against the title of the land to which the direction relates.

(3) The direction for a deferment under subsection (1) must

(a) state the name of the applicant for subdivision approval,

(b) describe the land that is the subject of the application for subdivision approval,

(c) describe the land to which the deferment relates,

(d) state the area of the land referred to in clause (b), and

(e) state whether the deferment is in respect of municipal reserve, school reserve or municipal and school reserve.

(4) If an application for subdivision approval is made in respect of land against the title of which is filed a deferred reserve caveat under this section or a former Act, the subdivision authority may, in addition to requiring municipal reserve, school reserve or municipal and school reserve to be provided in accordance with this Division or a former Act, require to be provided all or part of the reserve land in respect of which a deferment was directed or required under this section or a former Act.

(5) If deferred reserve is provided in accordance with subsection (4), the caveat must be discharged or amended accordingly.

(6) If a deferred reserve caveat was registered in a land titles office under a former Act in respect of land in respect of which under section 663 no reserve land could be required to be provided, the
registered owner may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the caveat.

(7) On being satisfied that subsection (6) applies to the deferred reserve caveat, the Registrar must endorse a memorandum on the certificate of title cancelling the registration of the caveat.

Allocation of municipal and school reserve

670(1) When reserve land is required to be provided, the subdivision authority must specify the amount, type and location of reserve land that is to be provided, regardless of whether money is also required to be provided, and allocate the municipal reserve, school reserve and municipal and school reserve between the municipality and each school board concerned as joint owners or as separate owners

(a) in accordance with an agreement made between the municipality and the school boards, or

(b) in the absence of an agreement, in accordance with the needs of each of them as those needs are determined by the subdivision authority.

(2) When money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must allocate the money between the municipality and each school board concerned either jointly or separately

(a) in accordance with an agreement made between the municipality and the school boards, or

(b) in the absence of an agreement, in accordance with the needs of each of them as determined by the subdivision authority.

(3) When a combination of land and money is required to be provided, the subdivision authority must

(a) specify the amount, type and location of reserve land that is to be provided, and

(b) allocate the municipal reserve, school reserve or municipal and school reserve or money in place of any or all of them between the municipality and each school board concerned

in accordance with an agreement made between the municipality and the school boards, or in the absence of an agreement, in
accordance with the needs of the municipality and the school boards as determined by the subdivision authority.

(4) A decision concerning the allocation of municipal reserve, school reserve, municipal and school reserve or money in place of any or all of them must be made before an application for subdivision approval is granted.

RSA 2000 cM-26 s670;2008 c37 ss10,11

Division 9
Use and Disposal of Reserve Land

Use of reserve land, money

671(1) Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.

(2) Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school board or by them jointly only for any or all of the following purposes:

(a) a public park;

(b) a public recreation area;

(c) school board purposes;

(d) to separate areas of land that are used for different purposes.

(2.1) Community services reserve may be used by a municipality for any or all of the following purposes:

(a) a public library;

(b) a police station, a fire station or an ambulance services facility, or a combination of them;

(c) a non-profit day care facility;

(d) a non-profit senior citizens facility;

(e) a non-profit special needs facility;

(f) a municipal facility providing service directly to the public;

(g) affordable housing.

(3) Despite that land is designated as municipal reserve, school reserve or municipal and school reserve, the municipality and one or more school boards may enter into any agreement they consider
necessary with respect to a use referred to in subsection (2) or for any matter related to the use.

(4) Money provided in place of municipal reserve, school reserve or municipal and school reserve and the interest earned on that money

(a) must be accounted for separately, and

(b) may be used only for any or all of the purposes referred to in subsection (2).

(5) For the purposes of subsection (2)(c), “school board purposes” means those purposes as determined by the Minister of Education under subsection (6).

(6) The Minister of Education may, by order, determine school board purposes for the purposes of subsection (5).

(7) An order made under subsection (6) is exempt from the application of the Regulations Act.

(8) The Minister of Education must publish in The Alberta Gazette a notice of any order made under subsection (6) and information about where copies of the order may be obtained or are available to the public.

Transfer of school and other reserves to municipality

672(1) If a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve under this Part or the former Act and declares that the reserve is surplus to the school board’s needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.

(3) Despite subsection (2), the council of a municipality may by bylaw require the school building footprint of the school reserve, municipal and school reserve or municipal reserve referred to in subsection (1) to be designated as community services reserve, in which case the Registrar, on receipt of a copy of the bylaw and a survey plan on which the school building footprint is outlined, must

(a) issue a new certificate of title for the school building footprint with the designation of community services reserve, which must be identified by a number suffixed by the letters “CSR”, and
(b) issue a new certificate of title for the remaining land with
the designation of municipal reserve, which must be
identified in accordance with section 665(2)(a).

(4) The certificate of title for a community services reserve or a
municipal reserve under this section must be free of all
encumbrances as defined in the Land Titles Act.

(5) In subsection (3), “school building footprint” means

(a) the portion of the reserve on which a school building and
accompanying parking lot is situated, or

(b) if no school building is situated on the reserve, the area of
land on which a school and accompanying parking lot
would be located if they had been built as determined by
the municipality.

Transfer to school authority

673(1) A municipality may transfer municipal reserve or its
interest in municipal and school reserve to a school board.

(2) On the registration in a land titles office of a transfer of land or
an interest in land under subsection (1), the Registrar must
designate the land as school reserve.

(3) If a transfer of land or an interest in land is effected pursuant to
this section, the requirements of sections 674 and 675 do not apply
to the transfer.

Disposal of municipal and school reserve

674(1) Despite section 70, if

(a) a council wishes to sell, lease or otherwise dispose of
municipal reserve or community services reserve, or

(b) a council and a school board wish to sell, lease or
otherwise dispose of municipal and school reserve,

a public hearing must be held in accordance with section 230 and
must be advertised in accordance with section 606.

(2) In addition to the notice required under subsection (1), notices
containing the information required under section 606 must be
posted on or near the municipal reserve, community services
reserve or municipal and school reserve that is the subject of the
hearing.
Disposal of conservation reserve

674.1(1) Subject to this section, a municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state.

(2) A municipality may dispose of conservation reserve if all of the features referred to in section 664.2(1)(a) are wholly or substantially destroyed by fire, flood or another event beyond the municipality’s control with the result that, in the opinion of council, there is no remaining purpose in protecting or conserving the land.

(3) Before a municipality disposes of conservation reserve under subsection (2),

(a) a public hearing must be held in accordance with section 230 and must be advertised in accordance with section 606, and

(b) notices containing the information required under section 606 must be posted on or near the conservation reserve that is the subject of the hearing.

(4) Despite subsections (2) and (3),

(a) if a municipality receives a notice under section 103 of a proposed amalgamation, the municipality must not dispose of conservation reserve lying within the municipality until after the report under section 106 is submitted to the Minister and the amalgamation proceedings, if any, are complete, and

(b) if a municipality receives a notice under section 116 of a proposed annexation of land, the municipality must not dispose of conservation reserve lying within the proposed annexation area until after the report under section 118 is submitted to the Municipal Government Board and the annexation proceedings, if any, are complete.

Removal of designation as conservation reserve

674.2(1) A council may, after taking into consideration the representations made at a public hearing under section 674.1(3), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of conservation reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).
(3) On removal of the designation, the municipality may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used only for the purpose of enabling the municipality to protect and conserve land that, in the opinion of council, has environmentally significant features or for a matter connected to that purpose.

2016 c24 s120;2017 c13 s2(20)

Removal of designation as municipal reserve

675(1) A council in the case of municipal reserve or community services reserve or a council and a school board in the case of municipal and school reserve may, after taking into consideration the representations made at a public hearing under section 674(1), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve, community services reserve or municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality or the municipality and the school board may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used

(a) in the case of the sale, lease or other disposition of a municipal reserve or a municipal and school reserve, only for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes, and

(b) in the case of the sale, lease or other disposition of a community services reserve, only for any or all of the purposes referred to in section 671(2.1) or for any matter connected to those purposes.

RSA 2000 cM-26 s675;2008 c37 ss8,10

Changes to environmental reserve’s use or boundaries

676(1) A council may by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 230,

(a) use an environmental reserve for a purpose not specified in section 671(1),

(b) transfer an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed,
(c) lease or dispose of an environmental reserve other than by a sale for a term of not more than 3 years, and

(d) change the boundaries of an environmental reserve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

(2) A council may include terms and conditions in a bylaw under subsection (1).

(3) Any proceeds from a lease or other disposition under subsection (1) may be used only to provide land for any or all of the purposes referred to in section 671(2).

(4) On receipt of a bylaw under subsection (1)(b) or (d), the Registrar must cancel the existing certificates of title or amend an environmental reserve easement affected by the bylaw and issue any new certificates of title required by the bylaw.

Road, etc., over reserve land

677 Despite section 671, a municipality or a municipality and a school board may authorize

(a) the construction, installation and maintenance, or any of them, of a roadway, public utility, pipeline as defined in the Oil and Gas Conservation Act or transmission line as defined in the Hydro and Electric Energy Act on, in, over or under reserve land, or

(b) the maintenance and protection of reserve land,

if the interests of the public will not be adversely affected.

Division 10
Subdivision and Development Appeals

Subdivision Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

(a) by the applicant for the approval,

(b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
(c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or

(d) by a school board with respect to

(i) the allocation of municipal reserve and school reserve or money in place of the reserve,

(ii) the location of school reserve allocated to it, or

(iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

(a) with the Municipal Government Board

(i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,

(ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or

(iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

(b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain
(a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and

(b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

RSA 2000 cM-26 s678;2008 c37 s10;2016 c24 s121

Notice of hearing

679(1) The board hearing an appeal under section 678 must give at least 5 days’ written notice of the hearing to

(a) the applicant for subdivision approval,

(b) the subdivision authority that made the decision,

(c) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality,

(d) any school board to whom the application was referred, and

(e) repealed 1996 c30 s66,

(f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.

(2) The board hearing an appeal under section 678 must give at least 5 days’ notice of the hearing in accordance with subsection (3) to owners of land that is adjacent to land that is the subject of the application.

(3) A notice under subsection (2) must be given in accordance with section 653(4.2).

(3.1) Subsections (1)(c), (d) and (f) and (2) do not apply to an appeal of the deemed refusal of an application under section 653.1(8).

(4) For the purposes of this section, “adjacent land” and “owner” have the same meanings as in section 653.
Hearing and decision

680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than

(a) a person or entity that was notified pursuant to section 679(1), and

(b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons’ behalf.

(1.1) For the purposes of subsection (1), “adjacent land” and “owner” have the same meanings as in section 653.

(2) In determining an appeal, the board hearing the appeal

(a) must act in accordance with any applicable ALSA regional plan;

(a.1) must have regard to any statutory plan;

(b) must conform with the uses of land referred to in a land use bylaw;

(c) must be consistent with the land use policies;

(d) must have regard to but is not bound by the subdivision and development regulations;

(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

(3) A subdivision and development appeal board hearing an appeal under section 678 must hold the hearing within 30 days after receiving a notice of appeal and give a written decision together
with the reasons for the decision within 15 days after concluding the hearing.

(4) The Municipal Government Board hearing an appeal under section 678 must hold the hearing within 60 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

RSA 2000 cM-26 s680;2009 cA-26.8 s83;2016 c24 s123

Failure to make decision

681(1) If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed,

(a) treat the application as refused and appeal it in accordance with section 678, or

(b) enter into a written agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

(2) If an agreement to extend is entered into pursuant to subsection (1)(b) and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.

(3) A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into pursuant to subsection (1)(b).

RSA 2000 cM-26 s681;2015 c8 s72

Endorsement of subdivision plan

682(1) When on an appeal the Municipal Government Board or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the board that heard the appeal who is authorized to endorse the instrument may do so.

1995 c24 s95
Development Permits

Permit

683  Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

1995 c24 s95

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.
(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

(11) If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reasons for the refusal.

Development Appeals

Permit deemed refused

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 683.1(8).

Grounds for appeal

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,
the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority’s decision.

RSA 2000 cM-26 s685;2015 c8 s73;2016 c24 s127

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board must give at least 5 days’ notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or

(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.
(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority;

(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board

(a) must act in accordance with any applicable ALSA regional plan;

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

(b) must have regard to but is not bound by the subdivision and development regulations;

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not
(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

Court of Appeal

Law, jurisdiction appeals

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

(a) a decision of the subdivision and development appeal board, and

(b) a decision made by the Municipal Government Board

(i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,

(ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,

(iii) under section 678(2)(a) respecting a decision of a subdivision authority, or

(iv) under section 690 respecting an intermunicipal dispute.

(2) An application for permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed, and notice of the application for permission to appeal must be given to

(a) the Municipal Government Board or the subdivision and development appeal board, as the case may be, and
(b) any other persons that the judge directs.

(2.1) If an applicant makes a written request for materials to the Municipal Government Board or the subdivision and development appeal board, as the case may be, for the purposes of the application for permission to appeal under subsection (2), the Municipal Government Board or the subdivision and development appeal board, as the case may be, must provide the materials requested within 14 days from the date on which the written request is served.

(2.2) An applicant shall not request under subsection (2.1) the transcript of the hearing, but the Court of Appeal may, on application or on its own motion, if satisfied that the transcript is necessary for the purpose of determining the application for permission to appeal, direct that the Municipal Government Board or the subdivision and development appeal board, as the case may be, provide the transcript within the time provided by the Court.

(3) On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant permission to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

(4) If a judge grants permission to appeal, the judge may

(a) direct which persons or other bodies must be named as respondents to the appeal,

(b) specify the questions of law or the questions of jurisdiction to be appealed, and

(c) make any order as to the costs of the application that the judge considers appropriate.

(4.1) On permission to appeal being granted by a judge of the Court of Appeal, the appeal must proceed in accordance with the practice and procedure of the Court of Appeal.

(4.2) The notice of appeal must be given to the parties affected by the appeal and to the Municipal Government Board or the subdivision and development appeal board, as the case may be.

(4.3) Within 30 days from the date that the permission to appeal is obtained, the Municipal Government Board or the subdivision and development appeal board, as the case may be, must forward to the Registrar of the Court of Appeal the transcript and record of the hearing, its findings and reasons for the decision.
(5) If an appeal is from a decision of a subdivision and development appeal board, the municipality must be given notice of the application for permission to appeal and the board and the municipality

(a) are respondents in the application and, if permission to appeal is granted, in the appeal, and

(b) are entitled to be represented by counsel at the application and, if permission to appeal is granted, at the appeal.

(6) If a decision of the Municipal Government Board is appealed, the Board

(a) is a respondent in the application and, if permission to appeal is granted, in the appeal, and

(b) is entitled to be represented by counsel at the application and, if permission to appeal is granted, at the appeal.

Decision on appeal
689(1) On the hearing of the appeal,

(a) no evidence other than the evidence that was submitted to the Municipal Government Board or the subdivision and development appeal board may be admitted, but the Court may draw any inferences

(i) that are not inconsistent with the facts expressly found by the Municipal Government Board or the subdivision and development appeal board, and

(ii) that are necessary for determining the question of law or the question of jurisdiction,

and

(b) the Court may confirm, vary, reverse or cancel the decision.

(2) In the event that the Court cancels a decision, the Court must refer the matter back to the Municipal Government Board or the subdivision and development appeal board, and the relevant board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.

(3) No member of the Municipal Government Board or a subdivision and development appeal board is liable to costs by
reason or in respect of an application for permission to appeal or an appeal under this Act.

(4) If the Court finds that the only ground for appeal established is a defect in form or technical irregularity and that no substantial wrong or miscarriage of justice has occurred, the Court may deny the appeal, confirm the decision of the Municipal Government Board or a subdivision and development appeal board despite the defect and order that the decision takes effect from the time and on the terms that the Court considers proper.

Division 11
Intermunicipal Disputes

Intermunicipal disputes
690(1) A municipality that

(a) is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it,

(b) has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and

(c) has, as soon as practicable after second reading of the bylaw, attempted to use mediation to resolve the matter,

may appeal the matter to the Municipal Government Board.

(1.1) An appeal under subsection (1) is to be brought by

(a) filing a notice of appeal and statutory declaration described in subsection (2) with the Municipal Government Board, and

(b) giving a copy of the notice of appeal and statutory declaration to the adjacent municipality

within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw.

(2) When appealing a matter to the Municipal Government Board, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and provide a statutory declaration stating

(a) the reasons why mediation was not possible,
(b) that mediation was undertaken and the reasons why it was not successful, or

c) that mediation is ongoing and that the appeal is being filed to preserve the right of appeal.

(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1.1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating

(a) the reasons why mediation was not possible,

(b) that mediation was undertaken and the reasons why it was not successful, or

(c) that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion.

(4) When a notice of appeal and statutory declaration are filed under subsection (1.1)(a) with the Municipal Government Board, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the notice of appeal and statutory declaration are filed with the Board under subsection (1.1)(a) until the date the Board makes a decision under subsection (5).

(5) If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1.1)(a), it must, in accordance with subsection (5.1), decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

(a) dismiss the appeal if it decides that the provision is not detrimental, or

(b) subject to any applicable ALSA regional plan, order the adjacent municipality to amend or repeal the provision, if it is of the opinion that the provision is detrimental.

(5.1) In determining under subsection (5) whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal, the Municipal Government Board must disregard section 638.

(6) A provision with respect to which the Municipal Government Board has made a decision under subsection (5) is,
(a) if the Board has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan or bylaw is amended in accordance with the decision, and

(b) if the Board has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(6.1) Any decision made by the Municipal Government Board under this section in respect of a statutory plan or amendment or a land use bylaw or amendment adopted by a municipality must be consistent with any growth plan approved under Part 17.1 pertaining to that municipality.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Board under this section.

(8) The Municipal Government Board’s decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

Board hearing
691(1) The Municipal Government Board, on receiving a notice of appeal and statutory declaration under section 690(1)(a), must

(a) commence a hearing within 60 days after receiving the notice of appeal or a later time to which all parties agree, and

(b) give a written decision within 30 days after concluding the hearing.

(2) The Municipal Government Board is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal.

Division 12
Bylaws, Regulations

Planning bylaws
692(1) Before giving second reading to
(a) a proposed bylaw to adopt an intermunicipal development
plan,

(b) a proposed bylaw to adopt a municipal development plan,

(c) a proposed bylaw to adopt an area structure plan,

(d) a proposed bylaw to adopt an area redevelopment plan,

(e) a proposed land use bylaw, or

(f) a proposed bylaw amending a statutory plan or land use
bylaw referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed
bylaw in accordance with section 230 after giving notice of it in
accordance with section 606.

(2) Despite subsection (1), if a proposed development relates to
more than one proposed bylaw referred to in subsection (1), the
council may hold a single public hearing.

(3) Despite subsection (1), in the case of a public hearing for a
proposed bylaw adopting or amending an intermunicipal
development plan,

(a) councils may hold a joint public hearing to which section
184 does not apply, and

(b) municipalities may act jointly to satisfy the advertising
requirements of section 606.

(4) In the case of an amendment to a land use bylaw to change the
district designation of a parcel of land, the municipality must, in
addition to the requirements of subsection (1),

(a) include in the notice described in section 606(2)

(i) the municipal address, if any, and the legal address of
the parcel of land, and

(ii) a map showing the location of the parcel of land,

(b) give written notice containing the information described
in clause (a) and in section 606(6) to the assessed owner
of that parcel of land at the name and address shown on
the assessment roll of the municipality, and

(c) give a written notice containing the information described
in clause (a) and in section 606(6) to each owner of
adjacent land at the name and address shown for each
owner on the assessment roll of the municipality.
(5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.

(6) Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the bylaw in principle or substance.

(6.1) Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land use bylaw to specify the purposes of a community services reserve.

(7) In this section,

(a) “adjacent land” means land that is contiguous to the parcel of land that is being redesignated and includes

(i) land that would be contiguous if not for a highway, road, river or stream, and

(ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;

(b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(8) If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must

(a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and

(b) decide whether or not to proceed with consultation.

(9) If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

RSA 2000 cM-26 s692;2008 c37 s9;2009 cA-26.8 s83

Airport vicinity regulations

693(1) The Lieutenant Governor in Council may make regulations

(a) establishing international airport vicinity protection areas surrounding the Calgary International Airport and the Edmonton International Airport;
(b) controlling, regulating or prohibiting any use and development of land within an international airport vicinity protection area.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

(a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and

(b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Municipal Government Board.

(3) If a municipality is affected by a regulation under subsection (1), the municipality must amend the statutory plan relating to that area and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

1995 c24 s95

Development in floodways

693.1(1) The Lieutenant Governor in Council may make regulations

(a) controlling, regulating or prohibiting any use or development of land that is located in a floodway within a municipal authority, including, without limitation, regulations specifying the types of developments that are authorized in a floodway;

(b) exempting a municipal authority or class of municipal authorities from the application of all or part of this section or the regulations made under this subsection, or both;

(c) modifying or suspending the application or operation of any provision of this Act for the purposes of giving effect to this section;

(d) defining, or respecting the meaning of, “floodway” for the purposes of this section and the regulations made under this subsection.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

(a) operate despite any statutory plan, land use bylaw or other regulations under this Part, and
Section 694  MUNICIPAL GOVERNMENT ACT

(b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Municipal Government Board.

(3) If a municipal authority is affected by a regulation made under subsection (1), the municipal authority must amend any relevant statutory plan and its land use bylaw to conform with the regulation.

(4) Section 692 does not apply to an amendment pursuant to subsection (3).

2013 c21 s2

Regulations

694(1) The Lieutenant Governor in Council may make regulations

(a) respecting applications for the subdivision and development of land;

(b) respecting subdivision and development standards and requirements;

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

(c) respecting the information to be contained in a subdivision authority’s notice of a decision;

(c.1) respecting the information to be contained in a development authority’s notice of a decision or order;

(d) respecting the additional municipal reserve, school reserve or municipal and school reserve that a subdivision authority may require to be provided under this Part;

(e) respecting the records to be kept by a subdivision authority and a development authority;

(f) prescribing the conditions that a subdivision authority and a development authority are permitted to impose when granting subdivision or development approval in addition to those conditions permitted to be imposed under this Part;

(g) conferring or imposing, with or without conditions, any power or duty under the regulations on the Minister, the Municipal Government Board, a subdivision authority or a development authority;

(h) prescribing distances for the purpose of section 678(2)(a)(ii);
(h.1) defining “historical site” for the purpose of section 678(2)(a)(ii);

(h.2) setting out circumstances for the purpose of section 678(2)(a)(iii);

(i) authorizing the Minister or the Minister’s delegate to order, either generally or specifically, that all or part of the regulations under this subsection do not apply to all or part of Alberta.

(2) A regulation under subsection (1)

(a) may be called a subdivision and development regulation,

(b) may apply generally or specifically in Alberta, and

(c) operates despite any other regulation or bylaw pursuant to this Part.

(3) The Regulations Act does not apply to orders under subsection (1)(i).

(4) The Lieutenant Governor in Council may make regulations

(a) respecting the calculation of an off-site levy in a bylaw for a purpose referred to in section 648(2.1) and the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;

(b) respecting the principles and criteria that must be applied by a municipality when passing an off-site levy bylaw;

(c) respecting the determination of the benefitting area for a purpose under section 648(2) or 648(2.1) and the extent of the anticipated benefit to the future occupants of the land on which the off-site levy is being imposed;

(d) respecting appeals to the Municipal Government Board under section 648.1, including, without limitation,

   (i) the filing of a notice of an appeal,

   (ii) the time within which an appeal may be brought, and

   (iii) the process and procedures of an appeal;

(e) respecting transportation infrastructure to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
(f) respecting intermunicipal off-site levies.

(5) The Lieutenant Governor in Council may make regulations directing a municipality, with or without conditions, to amend its statutory plans and land use bylaw.

(5.1) If the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator or Alberta Utilities Commission grants a licence, permit, approval or other authorization that refers to environmental or physical limitations with respect to the development of land, and regulations are made under section 618(4) with respect to the development of that land, the Lieutenant Governor in Council may make regulations:

(a) requiring the developer to apply to the Registrar to register a caveat against the land subject to the limitation referred to in the licence, permit, approval or other authorization, and

(b) respecting the contents of the caveat.

(5.2) When a caveat is presented for registration under subsection (5.1), the Registrar must endorse a memorandum referring to the licence, permit, approval or other authorization on any certificate of title for land to which the limitations described in subsection (5.1) apply.

(5.3) A caveat that is registered pursuant to a regulation under subsection (5.1)(a) runs with the land.

(5.4) Sections 137 and 138 of the Land Titles Act do not apply to a caveat referred to in subsections (5.1), (5.2), (5.3) and (5.5).

(5.5) Section 8 of the Canmore Undermining Review Regulation (AR 114/97) is validated and is deemed to have been made under this section.

(5.6) The Lieutenant Governor in Council may make regulations respecting the exemption of The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore from liability with respect to the development of designated land, as defined in the Canmore Undermining Review Regulation (AR 114/97), by persons other than The Town of Canmore, its councillors, officers and employees and volunteers performing duties under the direction of The Town of Canmore or performing duties for organizations established by The Town of Canmore.
(5.7) The *Canmore Undermining Exemption from Liability Regulation* (AR 113/97) is validated, is not repealed in accordance with section 603(2) and is deemed to have been made under this section.

(6) The Lieutenant Governor in Council may make regulations

(a) by which municipalities may define land in the vicinity of an airport for purposes of this section,

(b) prescribing how municipalities are to manage the use and development of land in the vicinity of an airport, and

(c) respecting the control, use and development of land in the vicinity of an airport.

(7) A regulation under subsection (6)

(a) may be called a general airport vicinity protection area regulation, and

(b) may apply generally or specifically in Alberta.

RSA 2000 cM-26 s694;2003 c43 s4; 2007 cA-37.2 s82(17); 2012 cR-17.3 s95; 2016 c24 s131;2017 c13 ss1(66),2(21)

Division 13
Transitional

695 and 696  Repealed by Revision.

Zoning caveat

697(1) On September 1, 1995 a zoning caveat prepared and signed by the Director of Town and Rural Planning or the Provincial Planning Director and registered in a land titles office under a former Act ceases to have effect.

(2) On and after September 1, 1995, the owner of a parcel of land that is affected by a caveat referred to in subsection (1) may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the zoning caveat.

(3) On receipt of an application under subsection (2) and on being satisfied that the caveat is a zoning caveat, the Registrar must cancel the registration of the caveat.

AR 49/2002 s6;2002 c30 s23

698 to 708  Repealed by Revision.
Part 17.1
Growth Management Boards

Interpretation

708.01(1) In this Part,

(a) “growth management board” means a growth management board established by regulation under section 708.02;

(b) “growth plan” means an integrated growth management plan, including any amendments to that plan, approved by the Minister under section 708.1;

(c) “growth region” means all or part of the land lying within the boundaries of the participating municipalities of a growth management board that is designated by regulation under section 708.02 as the growth region for that growth management board;

(d) “municipal agreement” means an agreement entered into by a participating municipality;

(e) “participating municipality” means a municipality that is designated by regulation under section 708.02 as a member of the growth management board;

(f) “representative” means a person appointed by a participating municipality under section 708.04 to represent the participating municipality on a growth management board;

(g) “statutory plan” means

(i) a statutory plan as defined in section 616(dd), or

(ii) an amendment to a statutory plan referred to in subclause (i).

(2) A reference in any other Part of this Act to a resolution or bylaw does not include a resolution passed or bylaw made by a growth management board.

Purpose

708.011 The purposes of this Part are

(a) subject to clause (b), to enable 2 or more municipalities to initiate, on a voluntary basis, the establishment of a growth management board, and

2013 c17 s6
RSA 2000
Section 708.02  Chapter M-26

MUNICIPAL GOVERNMENT ACT

(b) to establish growth management boards for the Edmonton and Calgary regions
to provide for integrated and strategic planning for future growth in municipalities.

Division 1
Establishment and Operation of Growth Management Boards

Establishing growth management board

708.02(1) The Lieutenant Governor in Council, on the recommendation of the Minister on the request of 2 or more municipalities, may establish a growth management board in respect of those municipalities by regulation.

(1.1) Despite subsection (1), the Lieutenant Governor in Council must by regulation establish a growth management board for both the Edmonton region and the Calgary region and determine the membership of each of those boards.

(1.2) For the purposes of subsection (1.1), the growth management board established under the Capital Region Board Regulation (AR 38/2012) is deemed to be a growth management board for the Edmonton region.

(2) The regulation establishing a growth management board must
(a) specify the name of the growth management board,
(b) designate the municipalities that are members of the growth management board,
(c) designate all or part of the land lying within the boundaries of the participating municipalities as the growth region for the growth management board,
(d) require the growth management board to prepare a growth plan for the growth region,
(e) specify the objectives of the growth plan,
(f) specify the contents of the growth plan,
(g) specify the timelines for completing the growth plan,
(h) specify the form of the growth plan,
(i) specify the desired effect of the growth plan.
(j) specify regional services and the funding of those services, and

(k) specify the process for establishing or amending the growth plan.

(3) The regulation establishing a growth management board may deal with one or more of the following matters:

(a) the appointment of persons to represent the participating municipalities;

(b) the appointment of the chair of the growth management board, including, if necessary, the appointment of an interim chair;

(c) the voting rights of the participating municipalities;

(d) the mandate of the growth management board;

(e) subject to this Part, the powers, duties and functions of
   (i) the growth management board, and
   (ii) the representatives on the growth management board;

(f) - (l) repealed 2016 c24 s133;

(m) the application of section 708.14 in respect of a participating municipality;

(n) any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Part.

Corporation

708.03(1) A growth management board is a corporation consisting of

(a) the participating municipalities, as represented by the representatives, and

(b) the persons appointed by the Lieutenant Governor in Council under subsection (2).

(2) The Lieutenant Governor in Council may appoint one or more persons to a growth management board to represent the Government of Alberta, but those persons do not have voting rights.

2013 c17 s6;2016 c24 s133
Appointment of representative

708.04  Each participating municipality must, in accordance with the regulation establishing the growth management board of which the participating municipality is a member, appoint a person to represent the participating municipality on the growth management board.

Meetings of growth management board

708.041  Growth management boards and their committees must conduct their meetings in public unless subsection (2) or (3) applies.

(2) Growth management boards and their committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

(3) Growth management boards and their committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (8).

(4) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

(5) Before closing any part of a meeting to the public, a growth management board or growth management board committee must by resolution approve

(a) the part of the meeting that is to be closed, and

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act or under the regulations under subsection (8), the part of the meeting is to be closed.

(6) After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues.

(7) Where a growth management board or growth management board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.
Powers and duties of growth management board

708.05(1) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of a growth management board as if it were a regional services commission.

(2) Except as provided for in the regulations under subsection (3), Divisions 3 and 4 of Part 15.1 and any regulations made under those Divisions apply with any necessary modifications in respect of the representatives on a growth management board as if those representatives were directors of a regional services commission.

(3) The Lieutenant Governor in Council may make regulations modifying any provision of Division 3 or 4 of Part 15.1 for the purpose of applying the provision to a growth management board or to the representatives on a growth management board.

Compliance with ALSA regional plans

708.06 In carrying out its functions and in exercising its jurisdiction under this Part and other enactments, a growth management board must act in accordance with any applicable ALSA regional plans.

Delegation

708.07(1) Subject to subsection (2), a growth management board may delegate any of its powers, duties or functions under this Part or any other enactment to a committee, official or employee of the growth management board.

(2) A growth management board may not delegate

(a) the power to make bylaws;
(b) the power to borrow money;
(c) the power to adopt budgets;
(d) the power to approve financial statements;
(e) the power to appoint an auditor;
(f) the power to recommend the approval of a growth plan.
Bylaws

708.08(1) A growth management board may make bylaws respecting its conduct and affairs, including, without limitation, rules and procedures for dealing with matters before the growth management board.

(2) Unless the Minister directs otherwise, a bylaw made under subsection (1) does not come into force until it has been approved by the Minister.

(3) The Regulations Act does not apply to a bylaw made under subsection (1).

Annual report of growth management board

708.09(1) A growth management board must, within 120 days after the end of every financial year, submit to the Minister a report summarizing its activities during the financial year.

(2) On receiving the report under subsection (1), the Minister must lay a copy of it before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

Division 2
Approval and Effective Date of Growth Plan

Approval of growth plan

708.1(1) On receiving a proposed growth plan from a growth management board, the Minister may by order approve the growth plan or reject it.

(2) A growth plan is not a regulation within the meaning of the Regulations Act.

Effective date of growth plan

708.11 A growth plan takes effect on the date specified by the Minister.

Division 3
Effect of Growth Plan

Actions must conform with growth plan

708.12(1) Despite any other enactment, no participating municipality shall take any of the following actions that conflict or are inconsistent with a growth plan:
(a) undertake a public work, improvement, structure or other thing;

(b) adopt a statutory plan;

(c) make a bylaw or pass a resolution;

(d) enter into a municipal agreement.

(2) If a growth management board finds that a participating municipality has taken an action described in subsection (1)(a) that conflicts or is inconsistent with a growth plan, the growth management board may, by written notice to the participating municipality, order the participating municipality to stop the action within the time set out in the notice.

(3) If a participating municipality fails or refuses to comply with a notice under subsection (2), the growth management board may apply to the Court of Queen’s Bench for an injunction or other order.

(4) The Court of Queen’s Bench may grant or refuse the injunction or other order or may make any order that in the opinion of the Court is just in the circumstances.

Plan prevails

708.13 Despite any other enactment, but subject to section 708.14(5), a growth plan prevails in the event of a conflict or inconsistency between the growth plan and a statutory plan, bylaw, resolution or municipal agreement of a participating municipality.

Conformity with growth plan

708.14(1) The council of a participating municipality must amend every statutory plan and bylaw as necessary to conform with a growth plan no later than the date specified by the growth management board.

(2) If the council of a participating municipality fails to amend a statutory plan or bylaw in accordance with subsection (1), the statutory plan or bylaw is deemed to be invalid to the extent that it conflicts or is inconsistent with a growth plan.

(3) The Minister may, in respect of a municipal agreement entered into by a participating municipality that conflicts or is inconsistent with a growth plan, require the council of the participating municipality, to the extent possible under the terms of the municipal agreement,
(a) to amend the municipal agreement so that it conforms to the growth plan, or

(b) to terminate the municipal agreement.

(4) If the council of a participating municipality fails to amend or terminate a municipal agreement when required to do so by the Minister under subsection (3), the municipal agreement is deemed to be invalid to the extent that it conflicts or is inconsistent with the growth plan.

(5) Except as otherwise provided in the regulation establishing the growth management board of which the participating municipality is a member, section 708.13 and this section apply to statutory plans adopted, bylaws made, resolutions passed and municipal agreements entered into before or after the coming into force of that regulation.

Conflict with ALSA regional plans

708.15 In the event of a conflict or inconsistency between a growth plan and an ALSA regional plan, the ALSA regional plan prevails to the extent of the conflict or inconsistency.

Division 4
General Matters

Effect of regulation on existing statutory plans

708.16 For greater certainty, except as provided in this Part and Part 17, all statutory plans of a participating municipality that are in effect on the coming into force of the regulation establishing the growth management board of which the participating municipality is a member remain in full force and effect.

Information must be provided

708.17(1) A participating municipality must, when required in writing by the growth management board to do so, provide the growth management board with information about the participating municipality that the growth management board requires.

(2) A participating municipality that contravenes subsection (1) is guilty of an offence and liable to a fine of not more than $10,000.

(3) This section does not apply to information acquired by a participating municipality that is subject to any type of legal privilege, including solicitor-client privilege.
Matters before the Municipal Government Board

708.18(1) If

(a) a matter relating to land within a growth region is appealed to the Municipal Government Board, or

(b) the Municipal Government Board is considering an application for an annexation of land involving 2 or more participating municipalities,

the Minister may by order direct the Municipal Government Board to defer its consideration of the matter or application.

(2) When the Minister makes an order under subsection (1), all steps in the appeal or application, as the case may be, are stayed as of the date of the order until the Minister gives notice to the Municipal Government Board that the appeal or application may be continued.

(3) This section applies to an appeal or application commenced after the coming into force of the regulation establishing the growth management board

(a) in respect of which the land referred to in subsection (1)(a) is part of the growth region, or

(b) of which the participating municipalities referred to in subsection (1)(b) are members.

Limitation of actions

708.19 No cause of action arises as a result of

(a) the enactment of this Part,

(b) the making of a regulation, bylaw or order under this Part, or

(c) anything done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part.

No remedy

708.2 No costs, compensation or damages are owing or payable to any person, and no remedy, including in contract, restitution or trust, is available to any person in connection with anything referred to in section 708.19.
Proceedings barred

708.21  No proceedings, including any proceedings in contract, restitution or trust, that are based on anything referred to in section 708.19, may be brought or maintained against any person.

2013 c17 s6

No expropriation or injurious affection

708.22  Nothing done or omitted to be done in accordance with this Part or a regulation, bylaw or order made under this Part constitutes an expropriation or injurious affection for the purposes of the *Expropriation Act* or otherwise.

2013 c17 s6

Appeal or dispute resolution mechanism

708.23(1)  A growth management board must at its inception establish by bylaw an appeal mechanism or dispute resolution mechanism, or both, for the purposes of resolving disputes arising from actions taken or decisions made by the growth management board.

(2)  Section 708.08(2) and (3) apply to a bylaw made under this section as if the bylaw were made under that section.

2013 c17 s6

Ministerial orders

708.24(1)  In addition to any other orders that the Minister may make under this Part, the Minister may make any one or more of the following orders:

(a)  an order providing for transitional matters related to the coming into force of this Part;

(b)  an order respecting the requisition of operating and capital costs of a growth management board;

(c)  subject to the regulations, an order respecting the management, duties and functions of a growth management board;

(d)  an order respecting the records to be kept by a growth management board and the manner in which they are to be kept and respecting which reports are to be submitted to the Minister;

(e)  an order providing for any other matter that the Minister considers necessary for carrying out the purposes of this Part.

(2)  In addition to the orders the Minister may make under subsection (1), the Minister may by order take any action that a
growth management board may or must take under this Part or a regulation under this Part.

(3) If there is a conflict or inconsistency between an order made by the Minister under subsection (2) and an action taken by a growth management board, the Minister’s order prevails to the extent of the conflict or inconsistency.

(4) The Regulations Act does not apply to an order made under subsection (1)(c) or (d) or (2).

2013 c17 s6

Transitional

708.25(1) The Capital Region Board Regulation (AR 38/2012), in addition to being declared valid under section 603.1, is deemed, on the coming into force of this section, to have been made under this Part.

(2) If there is a conflict or inconsistency between a provision of the Capital Region Board Regulation (AR 38/2012) as it read on the date of the coming into force of this section and a provision of this Part, the Capital Region Board Regulation (AR 38/2012) prevails to the extent of the conflict or inconsistency.

(3) For greater certainty but without limiting the generality of subsection (2), sections 708.011, 708.02(1) and 708.23 do not apply to the Capital Region Board Regulation (AR 38/2012).

2013 c17 s6

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.

2016 c24 s134

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 plan or the servicing 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.

2016 c24 s134; 2018 c11 s13

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134;2017 c13 s2(22)

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.

2016 c24 s134
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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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.

2016 c24 s134

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

**Part 18**

**Transitional Provisions**

709 Repealed by Revision.

**Transitional regulations**

710(1) The Minister may make regulations

- (a) respecting the conversion to this Act of anything from the former Acts or from any other Act repealed by this Act;

- (b) to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the former Acts or from any other Act repealed by this Act.

(2) In this section, “former Acts” means

- (a) the *Assessment Appeal Board Act*, RSA 1980 cA-46;

- (b) the *County Act*, RSA 1980 cC-27;

- (c) the *Improvement Districts Act*, RSA 1980 cI-1;

- (d) the *Municipal Government Act*, RSA 1980 cM-26;

- (e) the *Municipal Taxation Act*, RSA 1980 cM-31;

- (f) the *Municipalities Assessment and Equalization Act*, RSA 1980 cM-32.

1994 cM-26.1 s617;1995 c24 ss94,96

711 to 740 OBNR – RSA.
Aboriginal peoples. See Indian bands and reserves

access
information
assessment, 299–301
auditors (See auditors and audits)
salaries, 217(3)
planning
development permit condition, 650(1)(a)
environmental reserve access to water, 664(1)(c)(ii)
from a lot to road, 640(4)(h)
to a subdivision, 655(1)(b)(i)

accounting standards. See also financial administration
definition of, 241(a)

accounts, municipal. See banks and banking

acquisition of land
area redevelopment plans, 635(a)(iv)
conservation reserves, 644(3), 661.1
expropriation (See expropriation) for roads, 62
improvement districts, 601
land designated for public use under
land use bylaw, 644
minerals acquisition under tax recovery, 431
outside Alberta by regional services commission, 602.125
outside municipal boundaries, 72

Act, inconsistencies and conflicts,
2(2), 10, 13

acting chief elected official
conditions, 152(3)
oath requirement, 156

administration and organization
advertisements (See advertisements)
assessors (See assessors)
banking (See banks and banking)
chief administrative officer (See chief administrative officer (CAO))
council powers, 202–203
council's responsibilities for, 201, 203, 205
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
designated officers (See designated officers)
doctors (See records and documents)
designated officers (See designated officers)
educational reserve
employees (See employees)
employees (See employees)
fidelity bond, 212.1
inquiry, 572
inspections, 571
liability (See liability of councillors; liability of municipalities; liability of municipal officers)
local retailers, 610.1
office location, 204
official administrator (See official administrator)
official administrator

administrator. See chief administrative officer (CAO);
on official administrator

advertisements, 606–606.1
Alberta Gazette, publish in
assessment guidelines, 322(4)–(5)
assessment notices for designated industrial property, 311(3)
improvement district changes, 584
order for school board purposes, 671(8)
orders for amalgamation, annexation, change of status, dissolution, or formation, 139
public auction, 421(1)(a)
bylaw on methods of advertising, 606.1
electronic means, 606.1(1)
otice of proposed bylaw, 606.1(4)–(5)
public hearing on proposed bylaw, 606.1(3)
public inspection of bylaw, 606.1(6)
certificate of designated officer, 606(7)–(8)
joint advertising, 692(3)(b)
planning and development policies on municipal websites, 638.2
planning bylaws, requirements, 692
planning notices
disposal of municipal and school reserve, 674
<table>
<thead>
<tr>
<th>Municipal Government Act - Index</th>
</tr>
</thead>
</table>

issuance of development permit, 640(2)(d)
notice of decision, 694(1)(c)
statutory plan preparation, 636
public hearings, 230(2)
requirements, 606
application, 606(1)
notice contents, 606(6)
published or delivered, 606(2)
time, 606(2)–(5)

**AER.** See Alberta Energy Regulator (AER)

**Aeronautics Act (Canada),** 615.2

**AEUB.** See Alberta Energy and Utilities Board (AEUB)

**affordable housing**
community services reserves for facilities for, 671(2.1)(g) (See also community services reserve)

**agents of municipality,**
information for auditor, 283(2)
inspections, 571

**aggregate payment levy.** See community aggregate payment levy

**agreements**
definitions
agreement holder, forestry roads, 27.1(1)(a)
encroachment agreements, 651.2(1)
utility agreement, 127.1(1)
development agreement (See development permit)
encroachment agreements, 651.2
growth management boards (See growth management boards)
inspections, 571
intermunicipal agreements (See intermunicipal authorities and agreements)
oversize improvements (See oversize improvement agreements)
tax (See tax agreements)

**Agricultural Operation Practices Act**
confined feeding operation or manure storage facility, exemption for, 618.1

**airports**
agreements under Aeronautics Act (Canada), 615.2
airport vicinity protection areas and regulations, 693, 694(6)–(7)
assessed person for property under lease, licence or permit, 304(1)(e), 331
assessment and taxation
airports, 298(1)(x), 304(1)(h)
conveyor belts, 298(1)(x)(vii)
cranes, 298(1)(x)(vii)
fencing, 298(1)(x)(vi)
improvements, 298(1)(x), 304(1)(h)
lines, lights, towers, 298(1)(x)(viii)
loading bridges, 298(1)(x)(vii)
machinery and equipment, 298(1)(x)(vii)
paving, 298(1)(x)(ii)
reservoirs, 298(1)(x)(iv), 304(1)(h)
roads and sidewalks, 298(1)(x)(iii), 304(1)(h), 351(1)(a)
runges, 298(1)(x)(i)
sewer lines, 298(1)(x)(v), 304(1)(h)
water lines, 298(1)(x)(v), 304(1)(h)
weigh scales, 298(1)(x)(vii)
Calgary and Edmonton International Airports vicinity regulations, 693
land use bylaws for development by airports, 640(4)(l)(iii)
Medicine Hat and Cypress County regulations, 615.2(3)
offences and penalties, 557(a.1)
rent collections for tax arrears at regional airports, 416(2.1)
taxation of municipal airports, 362(1)(o), 375(c)
taxation of regional airports, 375(b)
Alberta Central East Water Corporation Regulation, 603.1(3.1)
Alberta Energy and Utilities Board (AEUB)
appeals to MGB on planning and development, 488(1)(h), 619(5)–(10), 678(2)(a)
planning and development applications, 619(1)–(4)
Alberta Energy Regulator (AER)
appeals to MGB on planning and development applications, 619(5)–(11)
assessment
designated industrial property, 292
in definition of designated industrial property, 284(1)(f.01), 284(2.1)
designated industrial property (See designated industrial property) land development environmental or physical limitations, regulations, 694(5.1)–(5.4)
planning and development applications, 619(1)–(4), 619(11)
Alberta Gazette. See advertisements
Alberta Housing Act
assessed person and housing accommodation, 304(4)
disputes between management body and municipality to MGB, 488(1)(d)
requisition definition, 326(1)(a)(v)
Alberta Land Stewardship Act (ALSA). See also ALSA regional plan
in definition of ALSA regional plan, 1(a.1)
MGB decisions, 488.01
regional plans, compliance development authority, 630.2
land use bylaws, 638.1
Ministerial powers, 570.01
planning authorities, 630.2
statutory plans, 638.1
Alberta School Foundation Fund (ASFF), 359.1. See also schools, school boards and school authorities
assessment classes, 359.1(2)–(4)
business taxes, 359.1(3)
cancellation, reduction, refund or deferral of taxes, 359.4
definition of requisition, 326(1)(a)(ii), 359.1(1)
designated industrial property, 359.1
tax rates, 359.1(4), 359.1(7)–(8)
Alberta Transportation Safety Board, 602.15(1)
Alberta Utilities Commission (AUC)
agreement approvals, 45(3)–(4), 360(5)
agreements for long-term supplies to utilities, 30(2)–(4)
appeal of service charge to consumer, 43
assessment
definition of designated industrial property, 284(1)(f.01)
designated industrial property, 292
in definition of designated industrial property, 284(2.1)
designated industrial property (See designated industrial property) dispute resolution controlled corporations, 75.4(2)
municipal purchases of non-municipal public utilities, 47
regional services commission, 47.1(3), 75.4(2), 602.14, 602.15(1)
service charges, 44, 75.4(2)
gas supply from direct seller, order for, 31(4)
property tax agreement approval, 360(5)
public utilities, non-municipal, 45(3)(b)
regulations, 694(5.1)–(5.4)
Alderman. See councillors
allowances, 275.1, 588.1
ALSA act. See Alberta Land Stewardship Act (ALSA)
Municipal Government Act - Index

ALSA regional plan
appeals to MGB of intermunicipal disputes, 690(5.1)
compliance
development authority, 630.2
land use bylaws, 638.1
Ministerial powers, 570.01
planning authorities, 630.2
statutory plans, 638.1
definition, 1(a.1)
intermunicipal collaboration framework, 708.28(4)
land use conflicts, 622, 638.1, 690(5)

amalgamation of municipalities, 100–112
annexation of land within perimeter, 103(2)–(3)
application for, 106(2)
application of Act, 100
assets and liabilities, transfer by Minister, 135(4.1)
compensation, 111(c)
conservation reserve disposal, 674.1(4)
council resolution on report, 105(2)–(3)
initiation by 2 or more municipal authorities, 102, 106.1
by Minister, 102, 107–108
by municipal authority, 102–103
joint amalgamations
initiation of, 102
regulations, 106.1
Lieutenant Governor in Council powers, 110, 137, 138
negotiations between municipalities, 104–106
negotiations notice and report to Minister, 104–106
negotiations report, 105–106
notice contents, 103(4)
of intention to amalgamate, 103
proposals for consultation, 103(4)
to Minister by municipality, 103(1)(b), 104
to municipalities by Minister, 108(a)
to other municipal authorities, 103, 108(a)
official administrator appointment, 112
orders
amalgamation, 110–111
effects, 135–137
publication, 139
retroactivity of, 138
principles, standards and criteria, 76, 109
public input
meetings and comments, 108(c)–(d)
negotiation report, 105(1)(b)–(c)
proposals for, 103(4)(b)
regulations on joint initiation, 106.1
restrictions on land, 101
special areas, 100(b)
summer villages, 101(2)–(4)
transitional matters, 137

ambulance services facility
community services reserve for, 671(2.1)(b)
amortization. See also financial administration
definition of, 241(a.01)
in operating budgets, 243(3.1)

animals
bylaw matters, 7(h)

annexation of land, 112.1–128
advertisement of hearing when no agreement, 122(1)
application for annexation, 119(2)
application refused, 128
compensation, 127
conservation reserve disposal, 674.1(4)
costs of hearing if no general agreement, 122(2)–(3)
gas utilities, annexation order effects, 127.1(3)
general agreement, effects of, 120
hearings if no agreement, 120(3), 122
improvement districts, 113(a)
initiation by authority, 116
land parcels, 114–115
land transfers, order effects on, 136
Lieutenant Governor in Council, 125–126, 137(2)–(3), 138
maximum tax ratio, 358.1(6)
mediation use during direct negotiations, 112.1, 117(2), 118(1)(a.1)
Minister, 120, 126, 128
Municipal Government Board role, 116, 119–124
agreement on proposal, 120
jurisdictional matters, 488(1)(f)
no agreement on proposal, 120(3), 121–124
notice of proposed, 116(1)(b)
reports, 119(1), 120(2), 123–124
negotiations and report, 117–119
no agreement on proposal, 121–124
hearings, 121(c), 122
proposal, objections to, 120(3)
report by Board, 123–124
notice of proposed annexation, 116
contents, 116(2)
to MGB, 116(1)(b)
to Minister, 116(1)(a.1)
to municipalities and authorities, 116(1)
orders
annexation, 126–127
effects, 135–137
publication, 139
retroactivity of, 138
principles, standards and criteria, 76, 120(2)(a), 123
public input, 118(1)(b)–(c), 120(3)(b)
recommendation by Board, 124–125
regulations, 128.1
report by Board if no agreement for annexation, 123–124
report if general agreement, 120(1)–(2)
restrictions, 114
special areas not included, 113(b)
transitional matters, 137
utilities agreements continuance, 127.1
annual budgets
adoption of, 248.1
definition of, 241(a.02)
annual financial statements. See financial statements
Appeal, Court of. See Court of Appeal
appeals procedure bylaws, 8(d)
application of Act
conflicts and inconsistencies, 2(2), 10, 13
approvals. See licences, permits or approvals
Aquatera Utilities Inc. Regulation, 603.1(3.1)
aqueducts
assessment and taxation, 298(1)(e), 351(1)(a)
Aqueduct Utilities Corporation Regulation, 603.1(3.1)
ARB. See assessment review boards (ARB)
Arbitration Act
amalgamation compensation, 111(c)
annexation compensation, 127(a)
intermunicipal collaboration agreements, 708.5, 708.52(j)
public works affecting land compensation, 534(9)
arbitration for intermunicipal collaboration agreements, 708.34–708.43. See also intermunicipal collaboration application of provisions, 708.34
Arbitration Act, 708.5, 708.52(j)
arbitrators
appointment of, 708.35(2)
definition of, 708.26(1)(a)
eligibility, 708.35(3)
roles of arbitrators, 708.36
bylaw amendments
consistent with frameworks, 708.4
order for bylaws, 708.43
costs, 708.41
frameworks created by arbitrators, 708.39
judicial review, 708.49, 708.52(h)
matters, 708.38(1)
mediation, 708.36(2)
municipalities
bylaw amendments, 708.4
municipal roles, 708.37
order
by arbitrator filed with Minister, 708.42
by Court, 708.43(1)
by Minister for compliance, 708.43(2)–(3)
paramountcy of Part 17.2, 708.51
regulations, 708.38(2), 708.52
Regulations Act not to apply, 708.47
termination of arbitration, 708.35(4)
time to complete framework, 708.36(1)
area redevelopment plans, 634–638.1
acquisition of land, 635(a)(iv)
ALSAR regional plan conflicts, 622, 638.1, 690(5)
amendments, 636(2)
bylaws for planning, requirements, 692
community revitalization levy (See community revitalization levy)
conflicts or inconsistencies with
other plans, 638–638.1
consistency of plans, 638–638.1
ALSAR regional plan conflicts, 622, 638.1, 690(5)
intermunicipal development plan, 634
municipal development plan, 634
contents of plans, 634, 635
definition of redevelopment area, 616(x)
effect of plans, 637
establishment, 634(b)
expropriation for, 14(2)(b)
listing and publishing of policies, 638.2
notice and public participation, 636(1), 692(1)–(2)
parks and recreation, 635(a)(iv)
preparation of plans, 636
purposes, 634(a)
redevelopment levy, 647, 649
bylaw contents, 647(1), 649
continuance, 647(3)
designated officer role, 634(d)
development classes, 647(5)
provision for, 634(c)–(d)
purposes, 647(2)
regulations, 694(4)
schools, 647(2), 647(6)
subdivision approval agreement, 655(b)(iv)
times imposed, 647(4)
schools, 635(a)(iv), 647(2), 647(6)
statutory plans generally (See statutory plans)
area structure plans, 633, 636–638.1
ALSAR regional plan conflicts, 622, 638.1, 690(5)
amendments, 636(2)
bylaw establishing, 633(1)
bylaws for planning, requirements, 692
conflicts or inconsistencies with
other plans, 638
consistency of plans
ALSAR regional plan conflicts, 622, 638.1, 690(5)
intermunicipal development plan, 633
municipal development plan, 633
contents of plans, 633(2)
effect of plans, 637
highways, 636(1)(f)
listing and publishing of policies, 638.2
notice
to Indian reserve or Metis
settlement, 636(1)(h)
to Minister for highways, 636(1)(f)
to public, 636(1)(a)–(b)
to school boards, 636(1)(c)
preparation, 636
public participation, 636(1)
statutory plans generally (See statutory plans)
subdivision approvals, 653(4.1)

armed forces base
municipal authority definition includes, 602.01(1)(f)

ASFF. See Alberta School Foundation Fund (ASFF)

assessment of property, 284–325
annual assessments required, 285, 323
assessed person for assessed property (See assessed person for assessed property)
assessment notices (See assessment notices)
assessment roll (See assessment roll)
assessors (See assessors)
classes and sub-classes (See assessment classes)
community aggregate payment levy (See community aggregate payment levy)
community revitalization levy (See community revitalization levy)
complaints (See assessment review boards (ARB))
condominium units (See condominiums)
Court authorized inspection and enforcement (See inspections for assessment)
criteria for assessments
courthouse property, 289(2)
designated industrial property, 292
definitions (See definitions)
equalized assessments (See equalized assessments)
guidelines, 322–322.1
improvements (See improvements)
information access for assessor (See inspections for assessment)
access to assessment records or summaries, 299–301.1 confidentiality, 301, 322(1)(e.11) duty to provide information, 294(3), 295
equalized assessment information to Minister, 318
FOIP issues, 301.1
provided to Minister by municipal assessor, 293(3)
provided to municipality by Minister, 570.1
provided to municipality by Minister; use and disclosure agreement, 570.1(2)
inspection by assessor (See inspections for assessment)
land in more than one municipality, 290(1)
linear property (See linear property)
manufacturing or processing operations or storage (See manufacturing or processing plants and operations)
Minister, 322–325
non-assessable properties (See non-assessable properties, with exceptions and conditions)
notice to enter and inspect property, 294
preparation of assessments by Minister, 323
quashed and new assessments, 324
regulations and guidelines, 322–322.1, 580
community revitalization levy, 381.5
right to enter and inspect, 294
strata space, 290.2
supplementary assessments (See supplementary assessments)
time
annual assessment, 285
assessment roll, 302
valuation standards, 322(1)(d)

assessed person for assessed property, 304–305
access to information
municipal assessment record, 299–300
provincial assessment record, 299.1, 300.1
airports under lease, licence or permit, 304(1)(e)  
assigned person, 304–305  
access to assessment records or summaries, 299–301.1  
duties, 304(3)  
housing accommodations, 304(4)  
otice of amended assessment to, 305(1)  
otice of change of address from, 304(3)  
otice of new assessment to, 305(2)  
person liable to pay tax, 331  
coal machinery and equipment, 304(1)(g)  
community aggregate payment levy, 409.2  
community revitalization levy, 381.3  
designated manufactured home, 304(1)(j)-(k)  
drainage works under lease, licence or permit, 304(1)(d)  
drilling oil, gas, coal, brine or salt wells or combination or by-product under lease, licence or permit, 304(1)(f)  
grazing land, 290(3)  
irrigation works under lease, licence or permit, 304(1)(d)  
land, 304(1)(a)  
land and improvements, 304(1)(b)  
lease, licence or permit from Crown or municipality, 304(1)(c)  
manufactured home communities, 304(1)(j)-(k), 304(6)-(7)  
mining minerals under lease, licence or permit, 304(1)(f)  
oil sands machinery and equipment, 304(1)(g)  
pipeline pumping or compressing, 304(1)(f)  
railway land under lease, licence or permit, 304(1)(d)-(d.1)  
regulations for determination of assessed person, 322(1)(e.2)(ii)  
assessment classes  
assessment roll, 303(f)  
assigning, 297(1)-(3)  
business tax assessments and taxes, 374(2), 377(3)-(4)  
by-law for sub-classes, 297(2)-(2.1)  
classes and sub-classes  
class 1 residential, 297(1)(a), 297(2)  
class 2 non-residential, 297(1)(b), 297(2.1), 354(3.1)  
class 3 farm land, 297(1)(c)  
class 4 machinery and equipment, 297(1)(d), 354(3.1)  
more than one assigned, 297(2)-(3)  
definitions of classes  
farm land, 297(4)(a)  
machinery and equipment, 297(4)(a.1)  
non-residential, 297(4)(b)  
residential, 297(4)(c)  
Minister’s regulations, 322(1)(g.01)  
school requisitions, 359.2(2)-(4)  
tax rates (See tax rates)  
assessment notices, 308–312  
address unknown, 310(2)  
amended, 305, 308.1(2), 309, 312  
assessed person for assessed property (See assessed person for assessed property)  
assessment roll corrections, 305–306  
certification of date of sending, 310(4)-(5)  
changes in tax status, 305(3)  
combined assessment and tax notices, 308(4)  
complaints, 309  
complaint deadline, 284(4)  
contents, 308(4), 309  
date, 308.1, 324(2)(a.1)  
deemed received, 311  
errors and omissions, 312  
from municipalities, 308(1)  
publication of notice, 311  
quashed and new assessments, 284(4), 324  
regulations  
community revitalization levy, 381.5
contents, 322(1)(e.2)(i)
sending of notices, 322(1)(e.2)(iii)
supplementary, 308.1(2)
time of preparation, 308(1)
time of sending, 310
assessment review boards (ARB), 453–484.1
access to information by assessed person
municipal assessment record, 299
amended assessments, 305
appeals to MGB
access to assessment records, 299–301
amended assessment notices, 305
jurisdictional matters, 488(1)(c)
referral to Minister of unfair assessment, 516
regulations, 527.1(2)
time of filing, 491(1)
bylaw to establish boards, 454
clerks
appointment, 456, 627.1
definition, 453(1)(d)
duties, 456
prohibitions, 456(5)
regulations, 627.3
remuneration, 456
training, 627.1, 627.3
complaints, 460–460.1
amended assessments, 305
brownfield property, 460(6)–(7), 460.1(2), 467.1
complainants, 460(3), 460(13)
deadlines, 461, 467
designated industrial property not allowed, 460(7), 460(14)
dismissal of, 467
duty to provide information, 295(4), 295(6)
fees, 460(2), 461
filing of complaint, 461
forms and contents, 460(2), 460(9)
jurisdiction, 460–460.1
local improvement taxes, 460(10)–(12)
matters, 460(4)–(6), 460(11)–(12)
matters excluded, 460(8), 460(14)
on assessment or tax notice, 460(5), 460(7)
on refusal to grant exemption or deferral, 460(6)
time to render decision, 468
composite assessment review boards
appointment of members, 454.2
brownfield property complaints, 467.1
bylaw to establish, 454
chair, 454.2
costs, 468.1–468.2
joint boards, 455, 456(2)
jurisdiction, 460.1(2)
proceedings, 464
qualifications of members, 454.3
remuneration, 454.2
term of office, 454.2
composite assessment review boards, panels
decisions, 459, 467
hearing of complaints, 454.21
members, 454.21
notice of hearing, 462(2)
psyching officers, 454.21
provincial members, 454.21, 458
quorum, 458
replacement of panel members, 457
decisions, 459, 467, 468, 469, 471
definitions
assessment notice, 453(1)(a)
assessment review board, 453(2)
assessment roll, 453(1)(b)
chair, 453(1)(c)
clerk, 453(1)(d)
composite assessment review board, 453(1)(e), 453(2)
local assessment review board, 453(1)(f), 453(2)
panel, 453(2)
provincial member, 453(1)(g)
tax notice, 453(1)(h)
tax roll, 453(1)(i)
designated industrial property not under, 460(7), 460(14) (See also designated industrial property)
duty to provide information, 295(4), 295(6)
equalized assessments not under, 460(14) (See also equalized assessments)
hearings, 462–466
absence from, 463
confidentiality, 464.1(2)–(3), 464.1(6)
evidence, 464
notice of hearing, 462
notice to attend or produce, 465
oaths, 464, 466
private hearings, 464.1(2)–(3)
proceedings, 464
public hearings, 464.1
public records, 464.1(4)–(5)
warrant to attend or produce, 465
witnesses, 466
joint boards, 455, 456(2)
judicial review, 470
confidentiality, 470(5)
filing and service, 470(1)
liability for costs, 470(6)
notice, 470(2)
record of proceedings, 470(4)
request for materials, 470(3)
jurisdiction, 460–460.1
liability of members, 484
local assessment review boards
appointment of members, 454.1
bylaw to establish, 454
chair, 454.1
joint boards, 455, 456(2)
jurisdiction, 460.1(1)
notice of hearing, 462(1)
proceedings, 464
qualifications of members, 454.3
remuneration, 454.1
term of office, 454.1
local assessment review boards, panels
decisions, 459, 467
hearing of complaint, 454.11
in definition of assessment review board, 453(2)
number of members, 454.11
presiding officer, 454.11
quorum, 458
replacement of panel members, 457
notice
of decision, 469
of hearing, 462
of hearing to municipality, 462
of judicial review, 470(2)
to attend or produce, 465
proceedings, 464
qualifications of members, 454.3
regulations, 454.3, 484.1
technical irregularities, 471(1)
transitional provisions, 136
assessment roll, 302–307
assessed persons for assessed properties (See assessed person for assessed property)
assessment notices (See assessment notices)
changes and corrections, 305–306
addition of omitted assessments, 305(2)
ARB decisions, 305(1.1), 305.1, 477
brownfield tax deferrals, 329(g.1)
changes in tax status, 305(3)
current year only, 305(1)–(2)
date of entry, 305(4)
errors, omissions or misdescriptions, 305(1), 305(1.1)
exemption status change, 305(3)
MGB decisions, 305(1.1), 305.1, 517
notice to assessed person, 305(1)
otice to MGB or ARB, 305(1.1)
report to Minister, 305.1
validity of role, 306
contents, 303
date of entry, 305(4)
definition, 284(1)(n.3)
provincial assessment roll
contents, 303.1
time of preparation, 302
public inspection, 307
quashed and new assessments, 324
regulations
audit, 322(h.1)
community revitalization levy, 381.5
contents, 322(1)(e.2)
severability, 306
time of preparation, 302
assessors. See also municipal assessor;
provincial assessor
appointment by municipality, 284.2(1)
confidentiality, 322(1)(e.11)
Court authorized inspection and enforcement (See inspections for assessment)
definition
assessor, 284(1)(d)
municipal assessor, 284(1)(d)
provincial assessor, 284(1)(d), 284(1)(r.2)
duties, 289, 293
application of valuation standards, 293(1)
consider similar properties, 293(2)
criteria for assessment, 289(2)
preparation of assessments, 289(1)
provide information to Minister, 293(3)
duty to provide information to assessor, 295
complaints and required information, 295(4), 295(6)
permits under Safety Codes Act, 295(2)–(3)
report to Minister on request, 295(5)
information, assessor’s right to make copies, 294(1)
qualifications, 284.1(1), 284.2(1), 322(1)(a)
regulations, 322–322.1
right to enter and inspect, 294
supplementary assessments, 314–316.1
AUC. See Alberta Utilities Commission (AUC)
auctioneer
prohibited buying and selling, 429, 436.21
auction for tax recovery not related to land. See tax recovery not related to land
auction for tax recovery related to designated manufactured homes. See tax recovery related to designated manufactured homes
auction for tax recovery related to land. See tax recovery related to land
auditors and audits, 278, 280–283
accounting standards, 241(a)
auditor’s appointment by council, 280
auditor’s appointment by Minister, 282(1)
auditor’s reports to council additional reports, 281(4)
on financial information return, 278, 281(1)–(2)
on financial statement, 278, 281(1)–(2)
unauthorized transactions, 281(3)
auditor’s reports to Minister by auditor appointed by Minister, 282(3)
financial information returns, 278
financial statements, 278
controlled corporations (See controlled corporations)
costs for audit by Minister, 282(2)
financial information return (See financial information return)
financial statements (See financial statements)
information access by auditors, 283
petition for audit, 282(1)(c)
reports and returns, time due, 278
request for audit by council, 282(1)(a)–(b)
unauthorized transactions report to council, 281(3)
bailee’s undertaking, 440. See also tax recovery not related to land
Banff Centre
student dormitory definition, 326(1)(b)
taxation of school property, 362(1)(d)(v)
taxation of student dormitories, 363

banks and banking
authorized investments, 250(2)(c)
(See also investments and securities)
bank account statements to Minister on request, 573
improvement district trust account, 595
municipal accounts, 270
off-site levy separate accounts, 648(5)
public auction sale proceeds separate accounts, 427(1), 436.17(1), 449(1)
reserve land separate accounts, 671(4)
signing or authorization of documents, 213(4)
basins
assessment and taxation, 298(1)(d), 351(1)(a)
battery and wells. See wells and well sites
billboards and signs
land use bylaws, 640(4)(m)–(n)
bills
defined as securities, 250(1)
securities (See investments and securities)
body of water. See water, body of
bonds
defined as securities, 250(1)
securities (See investments and securities)

borrowing, 251–263
agreement to fund services or activities, 262
application of money borrowed, 274
as budget expenditure, 257(2), 258(3)
bylaws (See borrowing bylaws)
capital property (See capital property)
debt limits (See debt limits)
definitions
borrowing, 241(a.1)
borrowing bylaw, 241(b)
guarantees (See loans and guarantees)
interim financing for capital property, 259
loans (See loans and guarantees)
long-term borrowing for capital property, 258
Minister, exemptions generally, 255
operating expenditures, 256(2)–(3)
refinancing, 261
short-term borrowing for capital property, 257
special works, 260
unauthorized expenditure of, 174(1)(k), 249, 275
use of borrowed money, 253
validity of borrowings, 273

borrowing bylaws
advertisements
agreement to fund services or activities, 262(4)
capital property
long-term with insufficient borrowing, 258(5)
short-term, 257(4)
exemptions by Minister, 255
generally, 251(3), 606
local improvements, 263(2)–(3)
operating expenditures, terms of borrowing condition, 256(3)
refinancing, 261
special works, 260
amount and purpose, 251(2)(a)
interest rate, term and repayment terms, 251(2)(b)
requirement for, 251(1)
source of repayments, 251(2)(c)

boulevards
roads (See roads)
special tax, 382(1)(c), 382(1)(f)
boundaries, 141
correction lines, 141(2)–(3)
Crowsnest Pass, regulations for, 615
definitions
  survey, 141(1)(a)
  surveyed land, 141(1)(b)
environmental reserve changes, 676
formation order of municipality,
  89(1)(a)
 improvement districts formation order, 582
land acquired to widen roads, 141(4)
regional services commission
  acquisition of land outside boundaries, 602.13(2)
  river as municipal boundary, 141(6)
road allowances, 141(2), 141(5)
boxing commission
  liability, 535.1
breakwaters
  assessment and taxation, 298(1)(d),
    351(1)(a)
bridges
  assessment and taxation, 298(1)(e),
    351(1)(a)
  road definition, 1(1)(z)
brownfield property, 364.1
  agreement with owner, 364.1(11)–
    (13)
  assessment
    amended assessment notice,
      305(3.1)
    correction of assessment roll,
      305(3.1)
    deferrals in assessment roll,
      329(g.1)
  bylaw for tax exemption or deferral, 
    364.1(2)–(5), 364.1(10)
cancellation of exemption or deferral, 
    364.1(8)
certificate for exemption or deferral, 
    364.1(6)–(9)
complaints to ARBs, 364.1(9), 
  460(6)–(7), 460.1(2), 467.1
  (See also assessment review boards (ARB))
definitions
  brownfield property, 364.1(1)
  public hearings and notice, 364.1(4),
    364.1(13)
  regulations, 370(c.3), 370(f)–(g)
tax certificates, 350
budgets. See annual budgets; capital 
budgets; operating budgets
buildings
  area redevelopment plans (See area 
    redevelopment plans)
  business improvement areas (See 
    business improvement areas)
dangers and unsightly property (See 
  enforcement of municipal law)
definitions
  as development, 616(b)(ii)
  as development with change of 
    use or intensity of use,
    616(b)(iii)–(iv)
  building, 616(a.1)
  improvement includes structures 
    and things attached,
    284(1)(j)
  non-conforming buildings, 616(q)
  non-conforming use, 616(r)
  parcel of land, 1(1)(v)(ii)
  structure, 284(1)(u)
land use bylaws (See land use 
  bylaws)
  linear property (See linear property)
  name or number display, 58
  non-conforming use (See land use 
    bylaws)
  offences and penalties (See offences 
    and penalties)
  planning and development (See 
    planning and development)
  public utility connections, including 
    pipes, wires or things, 29
  public utility installations over 
    multiple units, 40
  stop-cock (See stop-cock)
  stop order (See stop order)
burial sites
taxation, 362(1)(l)
buses. See transportation systems
business
  business improvement areas (See 
    business improvement areas)
  bylaw matters
    appeal procedures, 8(d)
conditions for licence renewal, 8(c)(v)
division into classes, 8(b)
duration and suspension of licences, 8(c)(vi)
licences, permits or approvals for non-residents, 8(c)(ii)
prohibited activities until licence granted, 8(c)(iii)
taxi or limousine fares, 8(c.1)
terms and conditions until licence granted, 8(c)(iv)
definition of business, 1(1)(a), 326(2)
licences, penalty for operating without, 557(a), 564
loading (See loading and unloading facilities)
parking (See parking)
supplementary business taxes (See supplementary business tax)
tax assessments (See business tax assessments)
taxes (See business taxes)
tax exemptions (See business tax exemptions)

Business Corporations Act
authorized municipal investments, 250(2)(e), 250(3)
non-profit or charity corporation defined as organization, 14(1)(c)

business improvement areas, 50–53
approved budget defined, 52(1)
board, 51–52
budget estimates for business improvement area tax, 243(2)(c)
bylaw, 50–51
definition of business improvement area tax, 1(1)(aa)(iii)
purposes, 50
business or shopping area, 50(c)
 improving property, 50(a)
 public parking, 50(b)
 regulations, 53, 381

business tax assessments
assessment method

floor space, 374(1)(b)(iii)
gross annual rental value, 374(1)(b)(i)
net annual rental value, 374(1)(b)(i.1)
percentage of other assessment, 374(1)(b)(iv)
storage capacity, 374(1)(b)(ii)
assessment not required, 374.1
basis for tax assessment methods, 374(1)
classes, 374(2)
contents, 374
exemptions for classes, 374(2)(b)
installment payments, 374(2)(c)
proration procedure, 374(1)(d)
rebate procedure, 374(1)(d)

business taxes, 371–380
actions, right to continue proceedings, 478
assessments (See business tax assessments)
budget adoptions required before tax rate bylaws, 247
business improvement area taxes (See business improvement areas)
bylaw for business tax
contents, 374
council, 371(1)
period, 371(2)
taxable business, 372
bylaw for tax rate, 377
bylaw matters, 7(e)
definitions
business tax roll, 553.2(1)
tax, 1(1)(aa)(ii)
exemptions (See business tax exemptions)
fire insurance proceeds, taxes as first charge on, 349
grants in place of taxes, 380
notice to municipality of address of person liable, 373(2)
operating budget revenue estimate, 243(2)(b)
special lien, tax as, 348(d)(ii)
supplementary business tax (See supplementary business tax)
tax arrears recovery (See tax recovery not related to land)
tax notices
address, 373(2)
amendments to tax rate after notices sent, 377(5)
generally (See tax notices)
tax rates and tax amounts, 377–378
amendments to bylaw, 377(5)
annual bylaw, 377(1)
calculating tax amounts, 378
rate set, 377(2)
tax roll
adding amounts owing to, 553.2
assessment review board
decisions, 477
MGB decisions, 517
person liable, 373
temporary businesses, 379(3)(a)
unpaid costs for enforcement, 553.2(2)(a), 553.2(3)
temporary businesses, 379(3)(a)
business tax exemptions, 375–376
definitions
non-profit, 616(r.1)
exempt businesses
Crown businesses, 375(a)
municipal airport, 375(c)
non-profit organizations, 375(d)
regional airport, 375(b)
exemptions when tax payable
exempt by bylaw, 374(2)(b)
linear property, 376
machinery and equipment, 376
non-profit organizations
for community games, sports, athletics or recreation, 362(1)(n)(ii), 375(d)
holding property on behalf of municipality, 362(1)(n)(i), 375(d)
providing senior citizens lodge accommodations, 362(1)(n)(iv), 375(d)
by-elections
by-election not held, Minister order, 166
CEO vacancies, 163, 165
council vacancies, 162, 165
definitions
by-election, 1(1)(b)
whole council, 1(1)(cc)
election day, 165
positions unfilled at general election, 160, 166
time of by-election for council, 162, 165
bylaw enforcement officers, 555–556
bylaws, 7–13, 63–69, 536–540
advertisements
of bylaw, 606–606.1
of revised bylaw, 65
appeals, 8(d)
bylaw revisions, 63–69
certification, 63(4)
changes authorized, 63(2)
consolidation, 63(2), 69
corrections and improvements, 63(2)
definition of revised bylaw, 62.1
first readings, 63(4)
preambles, 63(2)(e)
references to repealed bylaws, 67
repeals, 63(2)
requirements, 65
revised bylaw effects, 66
titles, 63(2)–(3)
transitional bylaws, 63(2)(b)
bylaws for planning, requirements, 692
certified copies, 63(4), 612
challenging bylaws and resolutions, 536–540
application to Court of Queen's Bench, 536
effect of councillor being disqualified, 540
public participation as basis, 538
reasonableness, 539
security for costs, 538
time limit, 537
change of status order effects, 97.2(1)(c)
city charters
changes to Act or other enactments, 141.5(3)
charter prevails, 141.6
public hearings on proposed, 141.5(3)
coming into force, 190
community revitalization levy bylaw, 381.2, 381.4(2), 381.5(1)(e)–(e.1)
conflicts and inconsistencies with other enactments, 13
consolidation of, 69
council's exclusive role, 202(2), 203(2)(a)
council with broad authority, 9
Court of Queen's Bench challenging bylaws and resolutions, 536–540
definitions
borrowing bylaw, 241(b)
public vote bylaw, 234(1)
revised bylaw, 62.1
specific bylaw passing powers, 10(1)
delegation of council powers, 203
destruction of records, 214(1)
enforcement (See enforcement of municipal law)
errors and omissions, 63
first readings, 63(4)
geographic area, 12
growth management boards, 708.08
growth management plans, compliance with, 708.12–708.14
inconsistencies with other enactments, 10
intermunicipal bylaw agreements, 12
interpretation, 9
Lieutenant Governor in Council regulatory powers, 603
matters generally, 7–8
advertisements of bylaws, 606–606.1
animals, wild and domestic, 7(h)
appeal procedures, 8(d)
assessment classes, 297(2)–(2.1)
businesses and development, 7(e), 8(b)
clean energy improvement tax, 390.3
code of conduct, 146.1
division into classes, 8(b)
fees for licences, permits or approvals, 8(c)
health and welfare, 7(a)
licences, permits or approvals, 8(c)
maternity and parental leave for councillors, 144.1
nuisances, 7(c)
offences and penalties, 7(i)
petition requirements, 226.1
protection of people and property, 7(a)
public places, 7(b)
public utilities, 7(g)
revision or consolidation of bylaws, 63–69
supplementary assessments, 313
taxi or limousine charges, 8(c.1)
transportation, 7(d)
unsightly property, 7(c)
natural person powers, 11, 202
passing a bylaw, 187–191
closed or open meetings, 1(3), 197(3)
comeing into force, 190
readings, 187–189
repeal procedure, 191
rescission of previous bylaw readings, 188
petitions and votes on bylaws by electors on advertised bylaws and resolutions, 231
by electors on bylaws and resolutions, 235, 240
by electors on new, amended or repealed bylaws or resolutions, 232
property tax bylaw, 353
public hearings on revised bylaws, 65
public vote bylaws, 234–235, 240
readings, 187, 189
repealed bylaws, 67
repeal of bylaws, 63, 191
requirement to vote on bylaw or resolution, 181
rescission of previous bylaw readings, 188
resolutions or bylaws, when to use, 180
signatures required, 213(3)
specific bylaw passing powers in other enactments, 10
titles of bylaws, 63(2)–(3)
cable distribution companies. See telecommunications systems
cairns
assessment and taxation, 298(1)(s), 351(1)(a)
Calgary
auditor appointment, 280(4)
Calgary Charter for Glenmore Dam, 613
Calgary International Airport vicinity regulations, 693
growth management board, 708.02(1.1), 708.011
tax recovery related to land, proceedings continuation, 435
Canada Business Corporations Act (Canada)
authorized municipal investments, 250(2)(e), 250(3)
Canada Lands Surveys Act (Canada)
definitions
survey, 141(1)(a)
surveyed land, 141(1)(b)
Canadian Radio-television and Telecommunications Commission (CRTC)
telecommunications as linear property, 284(1)(k)(iii)
canals
assessment and taxation, 298(1)(d), 351(1)(a)
Canmore Undermining Review Regulation. See planning and development
cannabis
development appeals, 687(3)
development permits, 642(5)
land use bylaws, 640(7)
property tax on licensed premises, 365
CAO. See chief administrative officer (CAO)
capital budgets, 245–248
adoption required, 245
adoption required before tax rate bylaws, 247
annual budgets
accounting standards, 241(a)
definition of, 241(a.02)
borrowing (See borrowing)
capital plan requirement, 283.1
contents, 246
expenditure authorization in budget, 248(1)(a)
operating budget transfers to, 243(1)(f)
capital property, 254–260
borrowing (See borrowing)
capital plan requirement, 283.1
definitions, capital property, 241(c)
operating budget estimates of debt obligations, 243(1)(b)
property ordered under enactment, 260
Capital Region. See Edmonton
Capital Region Board Regulation
Capital Region Growth Plan, validation of, 603.1(2)
growth management board, transitional matters, 603.1(4)(c), 708.02(1.2), 708.25
Regional Evaluation Framework, validation of, 603.1(2)
Transitional Regional Evaluation Framework, validation of, 603.1(2)
caveats
  caveat removal after tax arrears
  cancellation, 425.1(2)
  development permit condition,
  650(2)–(3)
  encroachment agreements, 651.2(2)–(3)
  enforcement of municipal law,
  546.1, 646(2)–(3)
  land development environmental or
  physical limitations, 694(5.1)–(5.4)
  reserve land deferments, 669(2)–(7)
  restrictive covenant, 651.1
  right to clear title after public
  auction, 423(1)(c)
  stop order, 646(2)–(3)
  subdivisions
  approval agreements, 655(2)–(3)
  approvals, 652(5)
  cancellation of plan, 658(3.1),
  658(5)
  zoning caveat, 697
cemeteries
  taxation, 362(1)(l)
census, 57, 604(b)
CEO. See chief elected official (CEO)
certificates of deposit
  defined as securities, 250(1)
  securities (See investments and
  securities)
certified copies of documents, 612
change of name of municipality, 98–99
change of status of municipality, 91–97
  amalgamation (See amalgamation of
  municipalities)
  council request for initiation of
  change, 93
  definition of, 91
  dissolution (See dissolution and
  liquidation of municipality)
  initiation of change, 93
  Lieutenant Governor in Council
  powers, 137(2)–(3), 138
  municipal district order contents,
  97(1)
notice to authorities by Minister, 94
order effects, 97.2
order issuance and contents, 96–97
orders, retroactivity of, 138
petition to initiate change, 93
principles, standards and criteria, 76, 95
public input, 94
requirements same as formation, 92
transitional matters, 137
charters, city. See city charters
charter school
  student dormitory definition,
  326(1)(b)
  taxation (See also schools, school
  boards and school authorities)
  school property, 362(1)(c)(i.2)
  student dormitories, 363(1)(d),
  363(3)
Chestermere Utilities Incorporated
  Regulation, 603.1(3.1)
Chief administrative officer (CAO),
  205–209
  auditors' information access, 283(2)
  certification of bylaw revisions,
  63(4)
  council's responsibilities, 201, 203, 205
  definition, 1(1)(c)
  dismissal, 574 (See also dismissal of
  council or members or chief
  administrative officer)
  duties (See chief administrative
  officer duties)
  establishment of position
  bylaw, 205(1)
  council role not delegated,
  203(2)(b), 206
  job descriptions if more than one,
  205(3)
  requirement for appointed person,
  205(2)
  title, 205(4)
  fidelity bond, 212.1
  information provided equally to all
  councillors, 153.1
  inspections, 571
  liability, 535
Minister’s directions, 574(1)
natural person powers of council, 202
notice of suspension or revocation, 206(2)–(3)
offences and penalties, 557(a), 558
performance evaluation, 205.1
planning and development policies listed on municipal websites, 638.2
prohibited buying and selling, 429, 436.21
quorum of council, 168(3)–(5)
resignation report to council, 161(4)
salary information, FOIP does not apply, 217(3)
service of documents on municipality, 607
suspension and revocation, 206
title, 205(4)
vacancy, 210(5)
**chief administrative officer duties,** 207–208
council advised of legislative responsibilities, 208(1)(d)
delegation of duties by CAO, 209
designated officers supervision by CAO, 210(4)
dismissals, 574(2), 574(4)
information and councillor list to Minister, 208(1)(c)
information provided equally to all councillors, 153.1
job descriptions if more than one, 205(3)
minutes, 208(1)(a)
minutes of council meetings, 208(1)(a)
petitions and reports, 220, 225(1)–(2), 226
records and accounts, 208(1)(b)
safe keeping of documents, 208(1)(b)
tax recovery related to designated manufactured homes, 436.24
**chief elected official (CEO)**
acting chief elected official, 152(3), 156
appointment, 150–151, 159
as council member, 143
definition, 1(1)(d)
deputy chief elected official, 152, 156
duties, 154
election, 147(1), 150
filling a vacancy of appointed official, 164
filling a vacancy of elected official, 163, 165–166
member of board, commission, subdivision authority or development authority, with conditions, 154(3)
oath requirement, 156
resignation of, 161(2)–(4)
signatures, 213(3)–(4)
special meetings of council, 194(1)–(3)
term of office, 150(1), 159
title, 155
unable to perform duties, 152(2)(a)
**churches and church schools**
taxation, 362(1)(k)
**city**
as municipality (See municipalities)
Calgary (See Calgary)
change of status requirements, 92
councillors, number of, 143–144, 148–149
definitions
city as municipality, 1(1)(s)(i)
city as urban municipality, 31(1)(e)
Edmonton (See Edmonton)
formation, area and population requirements, 82, 84
formation order, 88, 89(1)
gas supply from direct seller, regulation of, 31
land acquisition for, 62
roads disposal by council with exceptions, 17
roads title, 16(2)
**city charters**
bylaws
changes to Act or other enactments, 141.5(3)
charter prevails, 141.6
public hearings on proposed, 141.5(3)
charter prevails, 141.6
city rights and obligations, no effect, 141.9
coming into force, 141.7
definitions
charter, 141.1(1)(a)
charter city, 141.1(1)(b)
this Act, 141.1(2)
elements of charter, 141.5
establishment, 141.3
interpretation, 141.5(5)
matters, 141.5
publication before establishment, 141.4
purpose, 141.2
retroactive operation of, 141.7
status of charter city, no effect, 141.8
City of Calgary. See Calgary
City of Edmonton. See Edmonton
civic holidays, 56
Civil Enforcement Act
tax recovery not related to land, 451
civil liability of councillors. See liability of councillors
classes and sub-classes for assessment. See assessment classes
clean energy improvement tax, 390.1
agreements, 390.8, 390.9(e)
bylaw amendments, 390.8
bylaw on, 390.3(4)(b)
debt refinancing and changes to, 390.7
regulations, 390.4(2), 390.9(b)
subdivision or consolidation of property, 390.4(2)(g)
borrowing, 390.3
eligibility of property, 390.2, 390.3
matters, 390.3(4)
notice, 390.3(5)
petitions, 390.8
public hearings, 390.3(5)
regulations, 390.3(4), 390.9(c)
repeals, 390.8
capital costs, 390.1(2), 390.9(g)
complaints, 390.5(2)
cost recovery, 390.1(2), 390.3(3), 390.4(2), 390.7
definitions
clean energy improvement, 390.1(1)
clean energy improvement tax, 1(1)(aa)(v.1), 243(2)(e.1)
disclosure to prospective purchasers, 390.9(e)
eligibility for improvements, 390.2, 390.3(4), 390.9(a), 390.9(f)–(g)
liability of person for, 390.5–390.6
number of improvements, limits, 390.9(f)
paying off tax, 390.6
petitions, 390.8
programs, 390.1(2)(c), 390.3, 390.9(h)
regulations, 390.1(1), 390.3(4), 390.4(2), 390.9
renovations, adaptations or installations, 390.1(1), 390.9(d)
special lien, 348(d)(i)
clerks for assessment review boards, 456, 627.1
appointment, 456, 627.1
definition, 453(1)(d)
designated officer, 627.1(3)–(4) (See also designated officers)
duties, 456
intermunicipal subdivision and development appeal board, 627.1(2)
prohibitions, 456(5), 627.1(5)
qualifications, 627.2, 627.3
regulations, 484.1(e), 627.3
remuneration, 456
subdivision and development appeal board (SDAB), 627.1(1)
training, 484.1(e), 627.1(4), 627.3

closed meetings, 1(3), 197
closure of roads. See roads
col.
assessed person for machinery and equipment, 304(1)(g)
code of conduct, 146.1
application of, 146.1(2)
bylaw on, 146.1(1)
council committees, 146.1(3)
councillor not to be disqualified, 146.1(4)
duties of councillors, 153(e.1)
other bodies with members not councillors, 146.1(3)
regulations, 146.1(5)
collaboration, intermunicipal. See intermunicipal collaboration
colleges. See also comprehensive community colleges; polytechnic institutions; private schools and colleges
grants in place of taxes, 366(3)(d)
taxation of school property, 362(1)(c)(i.2)
taxation of student dormitories, 363(1)(d), 363(3)

coming into force of bylaws, 190
commercial property, underutilized. See brownfield property
commissions
intermunicipal planning commission
(See intermunicipal planning commission)
municipal planning commission (See municipal planning commission)
regional services commission (See regional services commission)
communications. See advertisements
community aggregate payment levy, 409.1–409.3
assessed person, 409.2
as special lien, 348(d)(i)
bylaw for, 409.1
definition of tax, 1(1)(aa)(vii), 437(c)(ii), 437(c)(iii)
operating budget revenue estimate, 243(2)(f.1)
regulations, 409.3
community associations
definition, 370(e)
regulations defining, 370(e)
community colleges. See comprehensive community colleges
community recreation facilities
definition, 616(a.11)
off-site levy, 648(2.1)
community revitalization levy,
381.1–381.5
assessed person, 381.3
as special lien, 348(d)(i)
bylaw for, 381.2, 381.4(3)
definitions
incremental assessed value, 381.1(a)
tax, 1(1)(aa)(iii.1), 436.01(g), 437(c)(iii)
incremental assessed value, 381.4
Lieutenant Governor in Council approval for, 381.2(3–4)
operating budget revenue estimate, 243(2)(c.1)
regulations, 381.5
community services reserve
bylaw re purposes of, 692(6.1)
definitions
community services reserve, 616(a.2)
non-profit, 616(r.1)
reserve land, 616(z)
designation of other reserves as, 672(3)–(5)
disposal of reserve, 674–675
removal of designation, 675
uses for, 671(2.1)
affordable housing, 671(2.1)(g)
ambulance services facility, 671(2.1)(b)
facility providing public services, 671(2.1)(f)
fire station, 671(2.1)(b)
non-profit day care facility, 671(2.1)(c)
non-profit senior citizens facility, 671(2.1)(d)
non-profit special needs facility, 671(2.1)(e)
police station, 671(2.1)(b)
public library, 671(2.1)(a)
replacement of panel members, 457
proceedings, 464
remuneration, 454.2
term of office, 454.2
comprehensive community colleges
student dormitory definition, 326(1)(b)
taxation
school property, 362(1)(d)(i)
students' association property, not dormitories, 362(1)(d)(iv)
taxation of student dormitories, 363(1)(d), 363(3)
computers. See electronic communications and records
conceptual scheme
defined, 653(4.4)(b)
subdivision hearings, 653(4.1)
Condominium Property Act
caveats and right to clear title after public auction, 423(1)(c)
definitions, unit and share in the common property, 290.1(2)
condominiums
assessed person
bare land, 304(1)(a)
housing accommodations, 304(4)
land and improvements, 304(1)(b)
assessments
bare land, 290.1(1)(a)
land and improvements, 290.1(1)(b)
definitions
share in the common property, 290.1(2)
unit, 290.1(2)
land use bylaw for number of units, 640(2)(e)
right to clear title after public auction for tax recovery, 423(1)(c)
confidentiality
ARB hearings, 464.1(2)–(3), 464.1(6)
as councillor's duty, 153(e)
assessment information, 301–301.1, 322(1)(e.11)
FOIP (See Freedom of Information and Protection of Privacy Act (FOIP))
judicial review of ARB decisions, 470(5)
judicial review of MGB decisions, 508.1(5)
MGB hearings, 525.1
personal information in petitions, 226.2
confined feeding operations
planning and development, 618.1
conflict resolution. See intermunicipal disagreements and disputes
conflicts
bylaws and Provincial enactments, 13
conservation lands
assessment and taxation, 298(1)(l), 351(1)(a)
conservation reserve
bylaw designation of municipal land, 665
compensation
dispute resolution, 664.2(3)
market value, 664.2(2)
on annexation, 127(2)
on subdivision approval, 664.2(3)
time for, 664.2(2)
consistency with plans, 664.2(1)(d)
definition
conservation reserve, 616(a.3)
in definition of reserve land, 616(z)
disposal of conservation reserve, 674.1
amalgamation or annexation, 674.1(4)
conditions for, 674.1(2)
otice, 674.1(3)
public hearing, 674.1(3)
removal of designation, 674.2
use of proceeds from, 674.2(3)
land acquisition, 661.1
land acquisition, not to apply, 644(3)
land as subdivision requirement, 661.1
municipal development plans, 632(3)(g)
order effects from amalgamation, annexation, dissolution, or formation, 135–137
removal of designation, 674.2
subdivision requirements, 661.1, 664.2, 666
tax exemption based on use, 361(c)
consolidation of bylaws. See bylaws
Construction Cost Reporting Guide
as guidelines, 322.1(1)(a)(iii)
consumer of gas
definition, 31(1)(a)
gas supply from direct seller, regulation of, 31
contaminated industrial or commercial property, redevelopment. See brownfield property
contempt
MGB powers, 521
controlled corporations, 75.1–75.5
auditor appointment, with exceptions, 280(2)–(3)
business plan, 75.1(3)–(4)
council resolution on, 75.1(2)–(4)
definitionscontrolled corporation, 1(2), 14(1)(d), 75.1(1)(a), 241(d)
corporation, 75.1(1)(b)
financial statements, 75.2, 279
joint control by group of municipalities, 75.1(1)(a)
loans and guarantees, 264(1)(b)–(c)
(See also loans and guarantees)
otice to public of material changes, 75.3
public inspection of financial statements, 75.2(2)
purposes, 75.1(2)(b)
regulations, 75.5
services or benefits for public, 75.1(2)(b)
subsidiaries of corporations, 75.1(1)(a)
tax agreements, 333.1(1)
utility services, 75.4
agreements, 45–47, 75.4(3)
appeal of consumer service charges, 43–44, 75.4(3)
dispute resolution between regional services commission and controlled corporation, 75.4(2)

Public Utilities Act (Part 2) not to apply, 75.4(1)

co-operative
defined as non-profit organization, 241(f)
non-profit organization (See non-profit organizations)
corporate seal
reproductions of, 272(1)
safe keeping, 272(2)
corporations
businesses (See business)
controlled corporations (See controlled corporations)
definitions
defined as non-profit organization, conditions, 241(f)
municipality as, 4
coulee
as environmental reserve, 664(1)(a)
council, 142–200
bylaws for
code of conduct, 146.1
procedures of council, 145(b)
public hearing procedures, 230(3)
bylaws or resolution, when to use, 180
census, 57
civic holidays, 56
code of conduct, 146.1, 153(e.1)
council committees (See council committees)
councillors (See councillors)
definitions
by-election, 1(1)(b)
council, 1(1)(e)
specific bylaw passing powers, 10(1)
whole council defined, 1(1)(cc)
delegation of powers, permitted, 203(1), 203(3)
delegation of powers prohibition appeals, 203(2)(e)
budget adoptions, 203(2)(c)
CAO appointment, 203(2)(b)
passing bylaws, 203(2)(a)
taxes, 203(2)(d)
dismissals, 574 (See also dismissal of council or members or chief administrative officer)
fidelity bond, 212.1
governing body function, 142
heraldic emblem use, 557(a), 559
inspections, 571
interim council, amalgamation order effects, 111(b)
intermunicipal agreements (See intermunicipal authorities and agreements)
meetings of council (See council meetings)
minutes (See council meetings)
natural person powers, 202
organizational role, 201
pecuniary interests (See pecuniary interests)
petitions (See petitions)
planning and development policies listed on municipal websites, 638.2
powers, 8
appeals, 8(d)
broad authority for bylaws, 9
businesses, development, classes, 8(b)
bylaw passing powers in other enactments, 10
disposal of city roads with exceptions, 17
fees, 8(c)(i)
licences, permits or approvals, 8(c)
to regulate or prohibit, 8(a)
public hearings (See council meetings)
quorum of council, 167–168, 181
requirements for valid resolution or bylaw, 181
vote by councillors (See councillors) vote by electors (See votes and voting)
council meetings, 192–200
  closed or open meetings, 1(3), 197
electronic meetings, 199
  designated officer role, 199(1)(b)
  members deemed present, 199(2)
  notice to public, 199(1)(a)
  public to watch or listen, 199(1)(b)
improper conduct by public, 198
  minutes
    adoption, 208(1)(a)
    councillor attendance, 208(1)(a)
    council votes and abstentions, 183(2), 185
    public hearings, 208(1)(a), 230(6)
    public members in closed meetings, 197(5)
safe keeping, 208(1)(b)
signatures, 213(1)
without note or comment, 208(1)(a)
notice, 196
oath, power to require taking, 200
organizational meetings
  CEO appointment, 159(1)
  term of office extension, 158(2)
time for, 192(1)
time for summer village, 192(2)
public hearings, 230
  advertisements, 227, 606–606.1
  bylaws for procedures, 230(3)
  challenge to bylaw for failure to hold hearing, 538(a)(iii)
council member abstentions, 184
decision by council, 230(5)
improper conduct during, 228
  joint hearing on intermunicipal development plans, 692(3)(a)
minutes, 230(6)
  notice of public hearing, 230(2)
  606–606.1
persons appearing before, 230(4)
  petition for, 229
regular or special council meeting, 230(2)
when to hold, 230(1)
public meetings
  advertisements, 227
  improper conduct, 228
  petition for, 229
public participation policy, 216.1
regular meetings, 193
decision to hold, 193(1)
notice not necessary, 193(2)
otice of change to councillors, 193(3)(a)
otice of change to public, 193(3)(b)
public participation policy, 216.1
right of public to be present, 198
special meetings, 194
CEO role, 194(1)–(3)
matters restrictions, 194(5)
notice exceptions, 194(4)
otice; time and recipients, 194(3)
option to call, 194(1)(a)
required to call, 194(1)(b), 194(2)
council meetings with public, 227–229, 606
council committees
  bylaws on
    for procedures, 145(b)
  CAO duties, 208(2)
  CEO duties, 154
code of conduct, 146.1, 153(e.1)
council committee meetings, 195–200
closed or open meetings, 1(3), 197
electronic communications, 199
improper conduct by public, 198
notice to members, 195(a), 196(1)
notice to public, 195(b), 196(2)
oath, power to require taking, 200
right of public to be present, 198
definition of council committee, 1(1)(f)
delegation of council powers to committee, 203
liability of councillors (See liability of councillors)
membership includes councillors and others, 146, 154
minutes, 208, 213(2)
adoption, 208(1)(a) expense allowance for councillors, 275.1
councillor attendance, 208(1)(a) inspections, 571
council hearings, 208(1)(a) liability of councillors (See liability of councillors) public hearings, 208(1)(a) maternity and parental leave, 144.1, 174(2)
public members in closed meetings, 197(5) notice of resignations, 161
safe keeping, 208(1)(b) number of, 143–144, 148–149
without note or comment, 208(1)(a) oath requirement, 156
notice of meetings, 195–196
planning and development policies listed on municipal websites, 638.2
requirements for valid resolutions, 181(2)
councillors absence from council, 174(1)(d), 174(2)–(3)
abstentions on council matters discussed at public hearing, 184
minutes, 183(2), 185
pecuniary interests, 172(1), 172(5)
quorum purposes, deemed absent for, 167(2), 168(1)
auditor, prohibition, 280(3)
auditor’s information access, 283(2)
change of status order effects on, 97.2(1)(a)
code of conduct, 146.1, 153(e.1)
confidential matters, 153(e)
definition of councillor, 1(1)(g)
disqualification (See disqualification of councillors)
duties, 153
confidential matters, 153(e)
council participation, 153(c)
information on administration, 153(d)
term of office, 157–159
intermunicipal collaboration, 153(a.1)
title, 155
other functions, 153(f)
entrance to public utilities, 29
policies and programs, 153(b)
welfare and interests of municipality, 153(a)
elections, 147–149
by ward system, 147–149
election and nomination bylaws, 148–149
court of appeal, 688–689
appeal of AEUB, ERCB, NRCB decisions by MGB, 688–689
appeal of compensation for public works affecting land, 534(13)
appeal of councillor disqualification, 178–179
appeal of intermunicipal disputes, 688–689
appeal of MGB decisions, 688–689
consistency of plans or land use bylaws, 688(1)
term of office, 157–159
intermunicipal disputes, 688(1)
off-site levy, 688(1), 694(4), 694(4)(d)
regulations, 694(4)(d)
statutory plan, 619, 688(1)
subdivision authority, 678.2, 688(1)
appeal of SDAB decisions, 688–689
application for leave to appeal, 688(2)–(3)
costs, 688(4)(c), 689(3)
decision of, 688(4.3), 689
notice of appeal, 688(4.2)
question of law or jurisdiction, 688–689
rehearing by MGB, 689(2)
technical irregularities by MGB or SDAB, 689(4)
use of practices and procedures of, 688(4.1)
use of published planning and development policies, 638.2(3)

**Court of Queen's Bench**
appeal of order to remedy dangers and unsightly property, 548
enforcement of municipal law, 543
injunctions to enforce municipal law, 554(2)
judicial review of ARB decisions, 470
judicial review of MGB decisions, 508.1
use of published planning and development policies, 638.2(3)

**crawler type shovels**
assessment and taxation, 298(1)(p), 351(1)(a)

**credit unions**
defined as non-profit organization, 241(f)
municipal accounts, 270
securities as authorized municipal investments, 250(2)(c)–(d)

**cribs**
assessment and taxation, 298(1)(d), 351(1)(a)

**Criminal Code (Canada)**
offences for councillor disqualification, 174(1)(e)

**crops still growing**
assessment and taxation, 298(1)(w), 351(1)(a)

**Crown (Alberta or Canada)**
acquisition of land, 62, 644
agreement with municipality for services, 262
amounts owing by improvement districts, 598
assessment and taxation
business tax exemption, 375(a)
Crown land exempt from assessment, 298(1)(a)–(b), 298(1)(i), 298(1)(j)–(l)
grazing leases or permits granted by Crown, 290(3)
local improvement taxes, 403(1), 405(2)–(3)
parcel of land, 284(2)
property tax exemption (See non-taxable properties)
road right of way not used as road, 298(1)(i), 304(1)(h), 351(1)(a)
sewage and drainage systems, 298(1)(a), 304(1)(h), 351(1)(a)
water systems, 298(1)(b), 304(1)(h), 351(1)(a)
whole or parts of land, 284(2)

business tax Crown grants, 380

definitions
Crown, 284(1)(f)
Crown as owner of unpatented land, 1(1)(u)(i)
development permits authorizations, 620
equalized assessments, 317(c)
grants in places of taxes, 317(c), 366
mines and minerals (See mines and minerals)
planning and development of designated Crown land, 618(2)
regional services commission debt to Crown, 602.17(3)
reserve land as subdivision requirement, 661
roads
  municipal road titles, 16(1)
  road land acquisition, 62
  road reopenings after Crown leases, 27
securities as authorized municipal investments, 250(2)(a),
  250(2)(d)
subdivision cancellation consent, 658(2)(c)
tax recovery related to designated manufactured homes, Crown interests, right to clear title,
  436.14(1)
tax recovery related to land held by lease, licence or permit, 416(2.3)
  public auction, 423(1)
  rent collections for tax arrears, 416(2.1)
title for municipal roads, 16(1)
utclaimed property, 427(3.3), 428.2(1.1)
Crowsnest Pass
  regulations for, 615
CRTC (Canadian Radio-television and Telecommunications Commission)
  telecommunications as linear property, 284(1)(k)(iii)
culverts
  assessment and taxation, 298(1)(e), 351(1)(a)
  land acquisition for, 62
curbs
  liability for damage by, 533(a)
Cypress County airport regulations, 615.2(3)
dams and dam sites
  assessment and taxation, 298(1)(d)–(f), 351(1)(a)
  liability for non-negligence actions, 528
dangerous property. See enforcement of municipal law
dates, altering dates and time periods, 605
day care facility, non-profit. See also community services reserve
community services reserves for, 671(2.1)(c) (See also community services reserve)
definition of non-profit, 616(r.1)
debentures
  defined as securities, 250(1)
  securities (See investments and securities)
debt limits
  borrowing, 252
clean energy improvements, 252(2)
definitions, 241(e)
financial records and receipts, 268.1
in financial statements, 276(2)
liability of councillors for exceeding limit, 275(1)
loans and guarantees, 268–268.1
Minister exemption approvals
  borrowing, 252
  loans and guarantees, 268
regional services commission, 602.28–602.29
regulations, 271, 602.29
defamation
  liability, 535
definitions
  accounting standards, 241(a)
  adjacent land, 653(4.4)(a), 679(4), 680(1.1), 692(7)(a)
  agreement holder, 27.1(1)(a)
  agricultural operation, 616(a)
  ALSA regional plan, 1(a.1)
  approved budget (business improvement areas), 52(1)
  arbitrator, 708.26(1)(a)
  assessed person, 284(1)(a)
  assessed property, 284(1)(b)
  assessment, 284(1)(c)
  assessment notice, 453(1)(a)
  assessment roll, 453(1)(b)
  assessor, 284(1)(d)
  assessor, provincial, 284(1)(r.2)
  Balancing Pool, 30(4)
  Board, 485(b), 602.01(1)(a)
  borrowing, 241(a.1), 602.01(1)(b)
  borrowing bylaw, 241(b)
brownfield property, 364.1(1)
building, 616(a.1)
business, 1(1)(a), 326(2)
business improvement area tax, 1(1)(aa)(iii)
business tax, 1(1)(aa)(ii)
business tax roll, 553.2(1)
by-election, 1(1)(b)
bylaw, public vote, 234(1)
bylaw, revised, 62.1
bylaw passing power, specific, 10(1)
capital plan, 283.1(1)
capital property, 241(c), 602.01(1)(c)
chair, 453(1)(c), 485(c)
charter, 141.1(1)(a)
charter city, 141.1(1)(b)
chief administrative officer (CAO), 1(1)(c)
chief elected official (CEO), 1(1)(d)
clean energy improvement, 390.1(1)
clean energy improvement tax, 1(1)(aa)(v.1), 243(2)(e.1)
clerk, 453(1)(d)
commission, 602.01(1)(d)
commissions, sporting, 535.1
community associations, 370(e)
community recreation facilities, 616(a.11)
community services reserve, 616(a.2)
complaint deadline, 284(4)
composite assessment review board, 453(1)(e), 453(2)
conceptual scheme, 653(4.4)(b)
condominium share in the common property, 290.1(2)
condominium unit, 290.1(2)
consumer, 31(1)(a)
controlled corporation, 14(1)(d), 75.1(1)(a), 241(d)
corporation, 75.1(1)(b), 169(a)
council, 1(1)(e)
council committee, 1(1)(f)
councillor, 1(1)(g)
councillor’s family, 169(b)
Crown, 284(1)(f)
forest protection area, 75(1)
former Act, 616(g)
former Acts, 710(2)
former forestry road, 27.1(1)(b)
framework, 708.26(1)(b)
general election, 1(1)(k)
generation asset, 30(4)
growth management board, 1(1)(k.1), 708.01(1)(a)
growth plan, 708.01(1)(b)
growth region, 708.01(1)(c)
highway, 616(h)
improvement, 284(1)(j), 651(5)(b)
incremental assessed value, 381.1(a)
Indian band, 1(1)(k.2)
Indian reserve, 1(1)(k.3)
industrial customer, 298(2)
injurious affection, 534(1)
instrument, 616(i)
intermunicipal service agency, 616(j)
irrigation works, 290(2), 298(1)(c), 304(1)(h)
Land Compensation Board, 1(1)(l)
land use bylaw, 616(k)
land use policies, 616(l)
levy, 381.1(b)
linear property, 284(1)(k)
local assessment review board, 453(1)(f), 453(2)
local authority, 1(1)(m)
local improvement, 391
local improvement tax, 1(1)(aa)(vi)
lot, 616(m)
machinery and equipment, 284(1)(j)(iv), 284(1)(l), 297(4)(a.1)
manufactured home, 284(1)(m)
manufactured home community, 284(1)(n)
market value, 1(1)(n)
mediation, 112.1, 616(m.1)
meeting, 1(1.1)
meeting, closed, 1(3)
member, 602.01(1)(e)
Minister, 1(1)(o)
Minister's Guidelines, 322.1(1)(a)
mobile home, 284(1)(n.1)
modular home, 284(1)(n.2)
municipal agreement, 708.01(1)(d)
municipal and school reserve, 616(p)
municipal assessment roll, 284(1)(n.3)
municipal assessor, 284(1)(n.4)
municipal authority, 1(1)(p), 602.01(1)(f)
Municipal Government Board (MGB), 1(1)(q)
municipality, 1(1)(s), 284(1)(o)
municipality, non-conforming, 358.1(1)(a)
municipal officer, 535(1)(a)
municipal planning commission, 616(n)
municipal public utility, 28(b)
municipal purposes, 1(1)(r)
municipal reserve, 616(o)
municipal tariff matter, 28.1(1)(a)
municipal utility service, 28(c)
natural person powers, 1(1)(t)
non-conforming building, 616(q)
non-conforming municipality, 358.1(1)(a)
non-conforming use, 616(r)
non-municipal utility service, 28(d)
non-profit, 616(r.1)
non-profit organization, 241(f)
non-residential, 297(4)(b), 358.1(1)(b)
officer, 169(a)
operational, 284(1)(o.1)
operator, 284(1)(p)
organization, 14(1)
owner, 1(1)(u), 62(1), 284(1)(q), 653(4.4)(c), 679(4), 680(1.1), 686(5), 692(7)(b)
parcel of land, 1(1)(v), 410(b.1), 616(s)
participating municipality, 708.01(1)(e)
pecuniary interest, 1(1)(w)
period for payment, 437(b)
Planning Act, 616(t)
plan of subdivision, 616(u)
population, 1(1)(x)
power purchase arrangement, 30(4)
previous regulations, 322.1(1)(b)
property, 284(1)(r)
property tax, 1(1)(aa)(i)
provincial assessor, 284(1)(r.2)
provincial member, 453(1)(g)
public utility, 1(1)(y), 602.01(1)(g),
616(v)
public utility lot, 616(w)
private land, 26(1)
property, 26(1)
property tax, 1(1)(aa)(i)
regional services commission,
1(1)(y.1)
register, 436.01(c)
Registrar, 616(y)
Registry, 436.01(d)
regulations, previous, 322.1(1)(b)
remedial costs, 410(c.1)
remuneration, 275.1(1), 588.1(1)
representative, 708.01(1)(f)
reserve bid, 410(d), 436.01(e)
reserve land, 616(z)
residential, 297(4)(c)
restrictive covenant, 651.1(1)
retailer, 28(d.1)
revised bylaw, 62.1
road, 1(1)(z), 616(aa)
school board, 616(bb)
school reserve, 616(cc)
securities, 250(1)
security interest, 436.01(f)
security, 602.01(1)(b)
service connection, 28(e)
shareholder, 169(a)
special tax, 1(1)(aa)(iv)
specific bylaw passing power, 10(1)
sporting commissions, 535.1
spouse, 169(c)
statutory plan, 616(dd), 708.01(1)(g)
structure, 284(1)(u), 541(b)
student dormitory, 326(1)(b)
subdivide, 616(ee)
subdivision, 616(ee)
subdivision and development appeal
board, 616(gg)
subdivision and development
regulations, 616(hh)
subdivision authority, 616(ff)
subsidiary, 28.1(1)(b)
summer village, 1(1)(s)(i), 1(1)(z.1),
1(2.1)
SuperNet, 284(1)(u.1)
survey, 141(1)(a)
surveyed land, 141(1)(b)
system access service, 360(4.2)
tax, 1(1)(aa), 410(e), 436.01(g),
437(c)
tax arrears, 326(1)(c), 437(d)
tax arrears list, 436.01(h)
tax notice, 453(1)(h)
taxpayer, 1(1)(bb)
tax ratio, 358.1(1)(c)
tax recovery lien, 436.01(i)
tax recovery notification, 410(f)
tax roll, 453(1)(i), 553.2(1)
telemcommunications system,
284(1)(k)(iii)
transportation service, 602.01(1)(i)
travel trailer, 284(1)(w.1)
uninsightly condition, 546(0.1)(b)
urban gas system, 31(1)(d)
urban municipality, 31(1)(e)
utility agreement, 127.1(1)
utility service, 28(f)
volunteer worker, 535(1)(b)
voting rights, 169(a)
voting shares, 169(a)
well and battery, 618(1)(b)
well drilling equipment tax,
1(1)(aa)(v)
whole council, 1(1)(cc)
year, 284(1)(x)

**deposit receipts**
defined as securities, 250(1)
securities (See investments and
securities)

**deposits for utilities, unclaimed**, 611
**deputy chief elected official**
appointment by council, 152(1)
duties, 152(2)
oath requirement, 156
derelict industrial or commercial property, redevelopment. See brownfield property
designated industrial property
access to assessment records or summaries, 299.1–301
annual assessment, 285
appeals to MGB
absence from hearing, 495
access to provincial assessment record, 299.1(3), 299.2(3)
complainants, 492, 508
costs, 501–502
decisions, 499–500, 505
duty to provide information, 295(4), 295(6)
fees, 491(1.1)
form of complaint, 491
hearings, 493
intervention by municipality, 508
jurisdiction of Board, 488(1)(a)
matters, 492
notice of decision, 505
notice of hearings, 494
notice to attend or produce, 497
notice to provincial assessor, 493, 494
oaths, 496
proceedings, 496
rehearing, 504
technical irregularities, 507
time extensions, 503
time of filing, 491(1)(a)
witnesses, 498
assessments, 291–292, 314.1
by provincial assessor, 292(1)
improvements, 291
information in AER, AUC, NEB records, 292(2.1)–(2.2)
other information, 292(2.1)–(2.2)
valuation standard, 292(2)
assessment notices
address of assessed person, 304(3)
address unknown, 310(2)
amended, 309, 312
certification of date of sending, 310(4)–(5)
combined assessment and tax notices, 308(4)
complaints, 309
contents, 309
copies to municipality, 308(2)
deemed received, 311
errors and omissions, 312
noticed to assessed persons, 308(2)
preparation, 308(2)
publication of notice, 311
time of sending, 310
complaints to ARBs not allowed, 460(7), 460(14)
definitions
designated industrial property, 284(1)(f.01), 284(2.1)
not brownfield property, 364.1(1)
opportunistic, 284(1)(o.1)
operator, 284(1)(p)
requisition, 326(1)(a)(vi)
major plant
in definition of designated industrial property, 284(1)(f.01)
Minister’s regulations for designation, 322(6)–(8)
Minister’s regulations on designation of, 322(1)(d.2)–(d.3), 322(1)(g.1), 322(6)–(8)
provincial assessment roll
assessable for public or separate schools, 303.1(g)
contents, 303.1
exemption from taxation, 303.1(h)
time of preparation, 302
provincial assessors, 292(1) (See also provincial assessor)
assessment notices for designated industrial property
deemed received, 311
requisitions
ASFF requisitions, 359.1
cancellation, reduction, refund or deferral, 359.4
definition, 326(1)(a)(vi)
designated officers, 210–212
assessor, 284(1)(d)
auditors' information access, 283(2)
bylaw for, 210(1)–(3)
CAO role, 210(5)
council's responsibilities, 201, 203,
210(1)–(3)
definitions, designated officer,
1(1)(b)
delegation of council powers to, 203
delegation of duties to employees,
212
development authority membership,
623(2)(b), 624(2)(a)
dismissal order to, 574(1)
duties
advertisement certificate, 606(7)–
(8)
electronic council meetings,
199(1)(b)
enforcement of municipal law,
542, 545(1), 546(1)
municipal accounts, 270
redevelopment levy, 634(d)
signatures to minutes and
documents, 213
tax records, 336, 343(2)
tax recovery not related to land,
439
tax recovery related to designated
manufactured homes,
436.11(2), 436.24
fidelity bond, 212.1
offences and penalties, 557–558
planning and development policies
listed on municipal websites,
638.2
prohibited buying and selling, 429,
436.21
revocation of appointment, 211
salary information, FOIP does not
apply, 217(3)
supervision by CAO, 210(4)
title, 210(2)
vacancies or not yet designated,
210(5)
destruction of records, 214
development appeals
AER, AEUB, ERCB, NRCB or AUC authorizations, 619
appeal of decision to Court of
Appeal, 688–689 (See also
Court of Appeal)
cannabis licensed premises, 687(3)
commencement of appeal, 686(1)
decision by board, 687(2)
definition of owner, 686(5)
grounds for appeal, 685
hearing, 686(2)–(3), 687
intermunicipal subdivision and
development appeal board (See
intermunicipal subdivision and
development appeal board)
jurisdiction of appeal board, 687(3)
permit deemed refused, 684,
686(4.1), 687(4)
public inspection of documents,
686(4)
stop order appeals, 685(1), 686(1)
subdivision and development appeal
board (See subdivision and
development appeal board
(SDAB))
time period
filing notice of appeal, 686(1)
notice of hearing, 686(3)
permit deemed refused, 684
review of applications, 640.1

development authority
AER, AEUB, ERCB, NRCB or
AUC authorizations, 619
ALSA regional plans, compliance
with, 622, 630.2
bylaw for, 624
CEO membership, 154(3)
closed meetings, 1(3), 197
composition, 624(2)
decision, 640(6), 642(3)–(4)
definition, 616(c)
intermunicipal service agency, 625
land use policies consistency, 622
offences and penalties, 557(a.1)
permits (See development permit)
permitted and discretionary uses,
642
powers under land use bylaw, 640(6)
regulations on decision or order,
694(1)(c.1)
stop order (See stop order)
subdivision authority (See
subdivision authority)
time to deliver decision, 642(3)
time to review applications, 640.1
use of published municipal policies,
638.2(3)

development of under-utilized
industrial or commercial
property. See brownfield
property
development permit, 640–643, 650–
651, 683–683.1
agreement to oversize
improvements, 651
appeals (See development appeals)
aplications, 683–683.1
acknowledgment of completeness,
683.1(5), 683.1(7)
acknowledgment of refusal,
683.1(11)
additional information, 683.1(10)
deemed complete, 683.1(4)
deemed refused, 683.1(8)–(9)
land use bylaw requirements, 683
notice of incompleteness, 683.1(6)
time to determine completeness,
640.1, 683.1
cannabis licensed premises, 642(5)
conditions generally, 620, 650
land use bylaw conditions, 650
licenses, permits or approvals,
priorities, 620
Lieutenant Governor in Council,
Minister, Provincial agency
or Crown organizations, 620
conditions in land use bylaw, 650
access road, construction or
payment, 650(1)(a)
caveat on land title, 650(2)–(3)
loading and unloading facilities,
650(1)(d)(ii)
parking facilities, 650(1)(d)(i)
payment of levies, 650(1)(e)
pedestrian walkway systems, 650(1)(b) public utilities, 650(1)(c), 650(4) security for agreement, 650(1)(f) decision, 641(3)–(4), 642(3)–(4), 683.1 definitions development permit, 616(d) excess capacity, 651(5)(a) improvement, 651(5)(b) restrictive covenant, 651.1(1) development authority (See development authority) direct control districts, 641 non-conforming use (See land use bylaws) oversize improvement agreement (See oversize improvement agreements) permitted and discretionary uses, 642 requirement for, 683 restrictive covenant, 651.1 stop order (See stop order) time apply after previous refusal, 640(5) deliver decision, 642(3)–(4) determine completeness, 640.1, 683.1 review applications, 640.1, 683.1
digital communications. See electronic communications and records
dikes assessment and taxation, 298(1)(d), 351(1)(a) liability for non-negligence actions, 528
direct control districts, 641
direct seller definition, 31(1)(b) gas utilities (See gas utilities) regulation of gas supply from, 31
disagreements and disputes, intermunicipal. See intermunicipal disagreements and disputes
disasters. See also emergencies definition, 615.1(1)(a)
disclosure statement. See pecuniary interests
dishonesty, liability, 535
dismissal of council or members or chief administrative officer, 574–575.2 directions before dismissal, 574(1) dismissal for non-compliance with order, 574(2) dismissal of CAO with appointment of replacement, 574(4) dismissal of council or councillor, with election for replacements after, 574(3) enforcement of Minister’s orders, 575.2 judicial review, 579.1 Minister’s order for dismissal, matters, 574(2) notice application for judicial review, 579.1 intended order, 574(2.1), 575.2(2) official administrator after dismissal (See also official administrator) appointment, 574(5) as supervisor, 575 powers and duties of council, 574(6) reports of, 575.1
dismissal of regional services commission, 602.36–602.381 directions before dismissal, 602.36(1) enforcement of Minister’s orders, 602.372 Minister’s notice of intended orders, 602.36(1.2), 602.372(2) Minister’s orders, matters, 602.36(1.1) official administrator after dismissal, 602.36–602.38 (See also official administrator) appointment, 602.36(4) as supervisor, 602.37
powers and duties of council, 602.36(5)
reports of, 602.371
reports of official administrators, 602.371
disposal of interest in roads, 17
disposal of reserve, 674–675. See also reserve land
disputes, intermunicipal. See intermunicipal disagreements and disputes
disputes on intermunicipal collaboration frameworks and agreements. See intermunicipal collaboration
disqualification of councillors, 174–179
appeal to Court of Appeal, 178–179
application to Court of Queen's Bench, 175–177, 179
disqualification reasons
absence from council, 174(1)(d), 174(2)
civil liability, 174(1)(k)
conviction of offences, 174(1)(e)
failure to file disclosure statement, 174(1)(b.1)
failure to vote, 174(1)(f)
ineligibility for nomination, 174(1)(a)–(b)
judge, Senator, MP, MLA, 174(1)(c)
municipal employee, 174(1)(j)
pecuniary interests, 174(1)(g)–(i)
effect on challenge to bylaw or resolution, 540
eligibility for re-election, 174(4)
 inadvertence or genuine error, 177
reimbursement of costs and expenses, 179
resignation, 175
dissolution and liquidation of municipality, 129–134.1
application of Act, 129
council request for viability review, 130(2)
dissolution order, 133
dissolution study, transitional matters, 134.1
land transfers, order effects on, 136
Lieutenant Governor in Council powers, 133, 135(4), 137(2)–(3), 138
liquidator appointment and powers, 133(2)(c)
Minister, 76, 130–130.3
order effects, 135–137
orders, retroactivity of, 138
petition for viability review, 130(2)(b)
publication of orders, 139
taxes, order effects on, 134
transitional matters, 134.1
viability review, 130–130.1
vote on proposed dissolution, 130–130.2
distress warrant. See tax recovery not related to land
distributor
definition, 31(1)(c)
gas utilities (See gas utilities)
regulation of gas supply from direct seller, 31
districts
direct control, 641
land use bylaw, 640(2)
ditches. See also drains and drainage works
assessment and taxation, 298(1)(d), 351(1)(a)
land acquisition for, 62
liability for non-negligence actions, 528
diversions and road allowances
boundaries and correction lines, 141
municipal control over, 18(2)
documents. See records and documents
domestic animals
bylaw matters, 7(h)
dormitories. See student dormitories
dozers
assessment and taxation, 298(1)(p), 351(1)(a)
Drainage Districts Act
definition of drainage works, 290(2)
drains and drainage works
assessed person for works under lease, licence or permit, 304(1)(d), 331
assessment and taxation, 298(1)(c), 351(1)(a)
assessment for right of way used for other purposes, 290(2)
drainage ditch special tax, 382(1)(j)
land acquisition, 62, 644
natural drainage as environmental reserve, 664(1)(a)
public utilities (See public utilities)
public utility definition, 1(1)(y)(v), 616(v)(v)
rent collections for tax arrears, 416(2.1)
drilling equipment tax. See well drilling equipment tax
Ducks Unlimited (Canada)
tax status, 363(1)(a)
dust treatments
special tax, 382(1)(d)
dwelling units
land use bylaw for number of units, 640(2)(e)
easements
definition of easement, 28(a.1)
environmental reserve easement (See environmental reserve easement)
public utilities service to land adjacent to road or easement, 35
right to clear title after public auction, 423(1)(d)
Edmonton. See also Capital Region Board Regulation
auditor appointment, 280(4)
Edmonton International Airport
vicinity regulations, 693(1)
EPCOR Water Services Inc., 47.1
growth management board, 708.02, 708.011
tax recovery related to land, proceedings continuation, 435
election day for by-election, 165–166
elections. See by-elections; general election; votes and voting; ward system
electric power utilities
agreements for long-term supplies to public utility, 30(2)
assessment and taxation, 298(1)(f), 304(1)(h), 351(1)(a)
definitions
as linear property, 284(1)(k)(i)
electricity distribution system, 360(4.2)
electricity, 360(4.2)
public utility, 1(1)(y)(vii), 616(v)(vii)
linear property (See linear property)
public utilities (See public utilities)
regulations to define, 322(1)(b)
tax agreements, 360(4.1)–(4.2)
tax exemptions, with exceptions, 351, 362(1)(b)(iii), 362.1
Electric Utilities Act
definitions, 360(4.2)
Balancing Pool, 30(4)
customer, 28(a)
direct sales agreement, 30(4)
distribution tariff, 28.1(1)(b)
generation asset, 30(4)
municipal public utility, 28(b)
municipal tariff matter, 28.1(1)(a)
power purchase arrangement, 30(4)
regulated rate tariff, 28.1(1)(b)
retailer, 28(d.1)
subsidiary, 28.1(1)(b)
transmission tariff, 28.1(1)(b)
inconsistencies with this Act and, 28.1(2)
public utilities agreements between council and subsidiary of municipality, 45(5)
electronic communications and records
bylaw on advertisement methods, including electronic means, 606.1
council meetings, 199
destruction of originals, 214(1)
e-mail address in petitions, 224(2)(c.1)
e-mail communications, 608
regulations, 608
sending documents, 608
service of documents, 607
time deemed received, 608(2)
embankments
assessment and taxation, 298(1)(d), 351(1)(a)
emblem and seal
heraldic emblem, unauthorized use, 557(a), 559
reproductions of seal, 272(1)
safe keeping of seal, 272(2)
emergencies
actions to remedy contraventions and dangers, 551 (See also enforcement of municipal law)
definitions
disaster, 615.1(1)(a)
emergency, 541(a), 615.1(1)(b)
expenditures, authorization, 248(1)(b)
intermunicipal collaboration frameworks, 708.29(2)
liability of volunteers, 535
municipal exemption, 615.1
offences and penalties for non-compliance or contravention of emergency remedy order, 557(c)
Emergency Management Act, 615.1(1)
employees
agreements for services or commodities, prohibition, 215
auditor, prohibition, 280(3)
auditor’s access to information from, 283(2)
bylaw enforcement officers, 555–556
change of status order effects on, 97.2(1)(b)
council membership prohibition, 174(1)(j)
designated officer duties, delegation to employees, 212
fidelity bond, 212.1
improvement districts, 591
inquiry, 572
inspections, 571
lawyers, use of employees not to affect costs, 554.1(2)
liability, 535
prohibited buying and selling, 429, 436.21
SDAB membership, prohibition, 627(4)
service of documents on municipality, 607
encroachment agreements, 651.2
encumbrances. See tax recovery related to land
energy improvement tax. See clean energy improvement tax
Energy Regulator, Alberta. See Alberta Energy Regulator (AER)
Energy Resources Conservation Board (ERCB). See also Alberta Energy and Utilities Board (AEUB); Natural Resources Conservation Board (NRCB)
appeals to MGB on planning and development applications, 488(1)(b), 619(5)–(11)
appeal to Court of Appeal, 688–689 (See also Court of Appeal)
assessment
designated industrial property, 292
land development environmental or physical limitations, regulations for, 694(5.1)–(5.4)
planning and development applications, 619(1)–(4), 619(11)
enforcement of municipal law, 541–559
action by municipality, 552, 554.1
actions to remedy contraventions, 549
actions to remedy dangers and unsightly property, 550
appeal to Court of Queen’s Bench, 543, 548
bylaw enforcement officers, 555–556
caveat on title, 546.1, 646(2)–(3)
right of entry for emergencies, 542(3)
sale proceeds from actions, 550(4)
stop order (See stop order)
unsanitary premises, 549(2)
environment
clean energy (See clean energy improvement tax)
intermunicipal development plans, 631(2)(a)
municipal purposes, 3
Environmental Protection and Enhancement Act
remedial costs defined, 410(c.1)
remedial costs for land transferred to municipality, 428.2(3)
Environmental Protection and Enhancement Fund
remedial costs for land transferred to municipality, 428.2(3)
environmental reserve
agreement, 664.1
bylaw designation of municipal land, 665
changes to uses or boundaries, 676
to change condition of land provided, 664(1)
drainage land, 664(1)(a)
land subject to flooding or unstable land, 664(1)(b)
pollution prevention, 664(1)(c)(i)
public access to body of water, 664(1)(c)(ii)
shore, 664(1)(c)
definitions
bed and shore, 664(1.2)
environmental reserve, 616(e)
environmental reserve easement, 616(f)
reserve land, 616(z)
easement (See environmental reserve easement)
easement in place of reserve, consent for, 664(2)
order effects from amalgamation, annexation, dissolution, or formation, 135–137
purposes
land preservation, 664(1.1)(a)
prevention of risk of injury or damage, 664(1.1)(d)
prevention of water pollution, 664(1.1)(b)
public access to body of water, 664(1.1)(c)
registration, 676(4)
reserves generally (See reserve land)
subdivisions
agreements between owner and municipality, 664.1
application for approval, 664.1
plan cancellation, 658(3)–(5)
requirements, 661–662, 666
tax exemption based on use, 361(c)
uses, 671(1), 676
environmental reserve easement
changes to boundaries, 676(1)(d)
changes to land use, 664(3)–(4)
easement
enforcement, 664(3)(e)
interest in municipal land, 664(3)(d)
land description, 664(3)(a)
land disposition effects, 664(3)(c)
natural state requirement, 664(3)(b)
easement in place of reserve, consent for, 664(2)
enforcement, 664(3)(e), 664(4)(a)
environmental reserves (See environmental reserve)
lapsing of, 664(4)
registration, 664(2), 664(5)–(9), 676(4)
reserves generally (See reserve land)
subdivision requirement, 662(2), 666

EPCOR Water Services Inc. (Edmonton), 47.1. See also public utilities, municipal
equalized assessments, 317–325
appeal to MGB
absence from hearing, 495
complainants, 508
costs, 501–502
decisions, 499–500, 505
fees, 491(1.1)
form of complaint, 491
hearings, 493
intervention by municipality, 508
jurisdiction, 488(1)(b), 488.1
notice of decision, 505
notice of hearings, 494
notice to attend or produce, 497
notice to provincial assessor, 494
oaths, 496
proceedings, 496
rehearing, 504
technical irregularities, 507
time extensions, 503
time of filing, 491(1)(b)
time to file, 321
witnesses, 498
community revitalization levy, 381.4
complaints to ARBs not allowed, 460(14)
Crown grants, 317(c)
definition of equalized assessment, 317
Minister
alter equalized assessments, 325
duty to provide information to; time, 318
prepare equalized assessments, 319
regulations, 322(1)(h)
notice to municipality, 320
property made taxable by bylaw, 317(d)
property under tax agreement, 317(e)
supplementary assessments excluded, 317.1
transitional matters, 321.1
Equalized Assessment Variance Regulation, 603.1(4)
equipment. See machinery and equipment
ERCB. See Energy Resources Conservation Board (ERCB)
excavations
defined as development, 616(b)(i)
remedy order for dangerous and unsightly property, 546(1)(b)
Municipal Government Act - Index

**exempt**
exempt from assessment (See non-assessable properties, with exceptions and conditions)
exempt from taxation (See non-taxable properties)
planning (See planning and development)

**expense allowance**, 275.1, 588.1

**expropriation**, 14–15
application by owner for whole parcel expropriation, 15
definition of organization, 14(1)
Land Compensation Board powers, 15
mines and minerals excluded, 14(3)
outside municipality, 14(4)
powers, 14(2)
area redevelopment plans, 14(2)(b)
development or redevelopment by organization, 14(2)(e)
 improve land, 14(2)(c)
in enactment, 14(2)(a)
sell land as building sites, 14(2)(d)
regional services commission land outside members' boundaries, 602.13
size of parcel, whole or part, 14(5), 15

**Expropriation Act**
Land Compensation Board defined, 1(1)(l)
municipal expropriations, 14(2)
public works affecting land, 534(11), 534(14)
regional services commission expropriations, 602.13(1)

**extended area network**
assessment of linear property, 298(1)(cc), 298(3), 322(1)(c.1)
definitions
extended area network, 284(1)(g.1)
SuperNet, 284(1)(u.1)
regulations, 322(1)(b.1)
SuperNet as non-assessable linear property, 322(1)(c.1)

**Extension of Linear Property Regulation**, 603.1(3.1)

**facilities**
regulations to define, 322(1)(b)

**farms and farming**
assessment and taxation
farm buildings, 298(1)(y), 304(1)(h), 351(1)(a), 361(b)
grazing of stock interests, 298(1)(o)
growing crops, 298(1)(w)
guidelines, 322.1(1)(a)(i)(B)
linear property for farming, 298(1)(q)
residences and farm buildings, 370(a)
assessment classes and sub-classes, 297(1)(c), 297(4)(a)
clean energy improvements, 390.2
(See also clean energy improvement tax)
definitions
farm building, 284(1)(h)
farming operations, 284(1)(i)
farm land, 297(4)(a)
regulations to define, 322(1)(b)

**fax machines**
sending documents, 608

**feedlots**
planning and development, 618.1

**fees, tolls and charges**
bylaw provisions, 8(c)
land use bylaw provisions, 640(4)(q)
municipal property, use of, 61(2)
municipal public utilities, 31(3), 34, 37.1(3)(a)
planning and development, established by council, 630.1

**fences and walls**
land use bylaw, 640(4)(e)
liability for damage by, 533(a)

**fidelity bond**, 212.1

**financial administration**, 241–283
accounting standards (See auditors and audits)
accounts (See banks and banking)
audit (See auditors and audits)
banks (See banks and banking)
borrowing (See borrowing)
budgets (See annual budgets; capital budgets; operating budgets)
CAO duties (See chief administrative officer duties)
capital plan requirement, 283.1
capital property (See capital property)
change of status order effects (See change of status of municipality)
controlled corporations (See controlled corporations)
debt limits (See debt limits)
definitions
accounting standards, 241(a)
amortization, 241(a.01)
annual budget, 241(a.02)
borrowing, 241(a.1)
borrowing bylaw, 241(b)
capital plan, 283.1(1)(a)
capital property, 241(c)
controlled corporation, 241(d)
debt limit, 241(e)
financial plan, 283.1(1)(b)
non-profit organization, 241(f)
remuneration, 275.1(1), 588.1
securities, 250(1)
tangible capital assets, 241(a.01)
dissolution order effects (See dissolution and liquidation of municipality)
expenditures, 248
fidelity bond, 212.1
financial information return (See financial information return)
financial plan requirement, 283.1
financial statements (See financial statements)
financial year, 269
formation order effects (See formation of municipality)
grants (See grants)
guarantees (See loans and guarantees)
investments (See investments and securities)
liability of councillors (See liability of councillors)
loans (See loans and guarantees)
long-term borrowing for capital property (See capital property)
operating budgets (See operating budgets)
securities (See investments and securities)
short-term borrowing for capital property (See capital property)
signing or authorization of documents (See records and documents; signatures)
taxes generally (See taxes and taxation)
tax recovery (See tax recovery not related to land; tax recovery related to designated manufactured homes; tax recovery related to land)
unauthorized expenditures, borrowings or grants, 249 (See also liability of councillors)

Financial Administration Act
authorized investments, 599
conditions for development permits, 620
property tax exemptions, 362(1)(a)
financial information return, 277–278, 281
accounting standards, 241(a), 277(2), 281(2)
additional information on request, 281(4)
auditor's report, 281
Minister sets requirements, 277(2), 602.32(2)
regional services commission, 602.32(1)
requirements, 277(1)
time due, 278, 602.34
unauthorized transactions or bylaw non-compliance, 281(3)

financial statements
controlled corporations, 279
<table>
<thead>
<tr>
<th>Municipal Government Act - Index</th>
</tr>
</thead>
</table>
| municipalities, 276, 278–279, 281 accounting standards, 241(a), 276(1), 281(2) auditor's report, 281 contents, 276(2) time due to Minister, 278 time due to public, 276(3) unauthorized transactions or by-law non-compliance, 281(3) regional services commission, 602.33 financial year, 269, 602.18 fines. See offences and penalties firearms bylaw approval, 74 fires Crowsnest Pass bylaws, 615(2)(b) fire bylaws in forest protection areas, 75 fire insurance proceeds, taxes as first charge, 349 fire protection area special tax, 382(1)(i) forest (See forests and forestry) liability of volunteers, 535 unpaid costs of fire extinguishment added to tax roll, 553(1)(g), 553(2) water supply plants for fire protection, 298(1)(g), 351(1)(a) fire stations community services reserves for facilities for, 671(2.1)(b) off-site levy, 648(2.1) First Nations. See Indian bands and reserves flood-gates assessment and taxation, 298(1)(e), 351(1)(a) flood land as environmental reserve, 664(1)(b) land use bylaw contents, 640(4)(l) floodways development regulations, 693.1 flumes assessment and taxation, 298(1)(e), 351(1)(a) FOIP. See Freedom of Information and Protection of Privacy Act (FOIP) Forest and Prairie Protection Act Crowsnest Pass, 615(2)(b) fire bylaws in forest protection areas, 75 Forest Reserves Act assessment and taxation of stock grazing interests, 298(1)(o), 351(1)(a) roads in Rocky Mountains Forest Reserve, 19 forestry roads, 27.1–27.6 agreement for commercial and industrial use, 27.2 costs for failure to maintain, 27.4, 553.1(1)(b), 553.1(2) definition agreement holder, 27.1(1)(a) former forestry road, 27.1(1)(b) fees for use of former roads, 27.2(b)(ii), 27.3 Minister of Transportation designations, 27.1(1)(b) unauthorized uses, 27.1, 27.5 Forests Act, assessment and taxation stock grazing interests, 298(1)(o), 351(1)(a) timber, 298(1)(n), 351(1)(a) forests and forestry assessment and taxation forestry towers, 298(1)(m), 304(1)(h), 351(1)(a) grazing of stock, 298(1)(o), 304(1)(h), 351(1)(a) reforestation lands, 298(1)(l), 304(1)(h), 351(1)(a) timber disposition under Forests Act, 298(1)(n), 304(1)(h), 351(1)(a) definitions forest protection area, 75(1) former forestry road, 27.1(1)(b) fire protection area special tax, 382(1)(i) former forestry roads (See forestry roads)
protection area fire bylaws, 75
formation of municipality, 76–90
general election time extensions, 158, 605
initiating formation, 85
land transfers, order effects on, 136
Lieutenant Governor in Council powers, 88, 137(2)–(3), 138
modification of requirements, 84
official administrator appointment, 90
order effects, 135–137
order for, 88–89
orders, retroactivity of, 138
petition for, 85
principles, standards and criteria, 76, 86(a)
publication of orders, 139
public input, 87
summer village, 89.1
transitional matters, 137
type of municipalities, requirements for each, 77–83
vote on, 87(2)
former forestry roads. See forestry roads
forms for bylaw enforcement, 560
issuance only by authorized persons, 560(1)
offences and penalties (See offences and penalties)
regulations prescribing, 604(d)–(e)
similar forms, prohibition, 560(2)
franchise agreement. See tax agreements
Francophone Education Region student dormitory definition, 326(1)(b)
taxation of school property, 362(1)(c)(i.1)
taxation of student dormitories, 363(1)(d), 363(3)
Freedom of Information and Protection of Privacy Act (FOIP) assessment information, 301.1
auditors' information access, 283(3)
council meetings, open or closed, 1(3), 197(4)
disclosure and use of personal information in petitions, 226.2
growth management board meetings, 708.041(2), 708.041(5)
regional services commission meetings, 602.08(2), 602.08(4)
salaries of councillors, CAO and designated officers, 217(3)
games. See parks and recreation
Gaming, Liquor and Cannabis Act licensed premises, taxation, 365
Gas Distribution Act annexation of land, 127.1(3)
assessment and taxation of linear property as part of rural gas distribution systems, 298(1)(r)–(r.1), 298(2), 351(1)(a)
loans as shareholder of designated gas seller, 264(3)
rural gas co-operative association definition, 31(1)(c)(ii)
gas utilities annexation of land order effects, 127.1(2)
assessment and taxation linear property as part of rural gas distribution systems, 298(1)(r)–(r.1), 298(2), 304(1)(i), 351(1)(a)
natural gas or propane system, 362(1)(b)(v)
definitions consumer, 31(1)(a)
direct seller, 31(1)(b)
distributor, 31(1)(c)
urban gas system, 31(1)(d)
urban municipality, 31(1)(e)
disputes between municipalities re service charges, 44(3)
gas supply from direct seller, regulation, 31
generally (See public utilities, municipal)
Gas Utilities Act
   disputes between municipalities re
   service charges, 44

Gas wells. See wells and well sites

Gazette. See advertisements

general election
   by-elections (See by-elections)
   definition of general election, 1(1)(k)
   petition votes delayed to general
   election, 238
   positions unfilled, actions by
   Minister, 160, 166
   time
      delaying petition votes to general
      election, 238
      time extension for first election
      after formation, 158
      ward system, when to pass bylaw
      for, 148–149
   voting generally (See votes and
   voting)

Glenmore Dam, 613

glycol
   assessments (See linear property)

good faith standard, 535.1(2), 535(2)

Government Organization Act
   conditions for development permits, 620
   Minister defined in, 1(1)(o)

grain
   land exempt from assessment and
   taxation, 298(1)(w), 351(1)(a)
   sale for tax arrears, 447

grants
   business tax Crown grants, 380
   equalized assessments, 317(c)
   in place of taxes (grants in lieu), 366
      application, 366(1)
      discretionary provision, 366(5)
      maximum amounts, 366(2)
      non-qualifying properties, 366(3)
      single family residences as Crown
      property, 366(4)
   operating budget revenue estimate, 243(2)(g)
   regulations, 271(1)(b)

   school board and municipality
   agreements to share, 55
   unauthorized expenditure of,
   174(1)(k), 249

gravel levy. See community aggregate
   payment levy

grazing
   assessment of land, 290(3)

ground below
   mines and minerals (See mines and
   minerals)
   municipal control and management, 60

growth management boards
   ALSA regional plans, compliance,
   570.01, 622, 708.06, 708.15
   annual report, 708.09
   appeals, 708.23
   bylaws, 708.08
   Calgary
      board membership, 708.02(1.1)
      establishment, 708.011
      regulations, 708.02(1.1)
      corporation, 708.03(1)
      costs, capital and operating,
      708.24(1)
   Edmonton
      board membership, 708.02(1.1)
      Capital Region Board, 708.02(1.2)
      establishment, 708.011
      regulations, 708.02(1.1)
      establishment, 708.02
   municipal requests, 708.02(1)
   regulation matters, 708.02(1.1),
   708.02(2)–(3)
expropriation, no action constitutes, 708.22
growth plan
approval, 708.01
conformity with, 708.12–708.13, 708.14
effective date, 708.11
plan prevails, 708.13
stop order, 708.12(2)–(4)
information provided from municipalities, 708.17
injurious affection, no action constitutes, 708.22
intermunicipal collaboration framework, 708.26(4)–(7), 708.26(9) (See also intermunicipal collaboration)
Lieutenant Governor in Council appointments, 708.03(2)
regulatory powers, 708.02
limitation of actions, 708.19–708.21
meetings, 708.041
closed or open, 708.041
FOIP issues, 708.041(2), 708.041(5)
minutes, 708.041(7)
regulations, 708.041(8)
MGB, matters before, 708.18(1)
Minister, 708.02, 708.09, 708.18(1), 708.24
offences and penalties, information not provided, 708.17
operating budgets, 243(1)(b.1)
powers and duties, 708.05, 708.24(1)
purpose, 708.011
records, 708.24(1)
Regulations Act not to apply, 708.1, 708.08(3)
regulations validation of, 603.1
reports, 708.09
representatives
appointment, 708.03(2), 708.04
statutory plans, effect on existing, 708.16
transitional matters, 708.24(1)(a), 708.25
guaranteed investment certificates and receipts
defined as securities, 250(1)
securities (See investments and securities)
guarantees. See loans and guarantees
guarldrils
municipality not liable for damage by, 533(a)
guidelines for assessment regulations, 322–322.1
gully
as environmental reserve, 664(1)(a)
guns
firearms bylaw approval, 74
hamlets
assessment and taxation
Crown land exempt other than in hamlets, 298(1)(j)
linear property as part of rural gas distribution systems, 298(1)(r)–(r.1), 298(2), 304(1)(i), 351(1)(a)
natural gas or propane system, 362(1)(b)(v)
special tax for water supply, 382(1)(k)
within forest protection areas, 75(3)
within improvement districts, 590
headworks
assessment and taxation, 298(1)(e), 351(1)(a)
health care
health professionals, special tax for location incentives, 382(1)(h)
hospitals (See hospitals and hospital authorities)
regional health authority
agreement with municipality for services, 262
defined as local authority, 1(1)(m)(ii)
exemption from taxation, 362(1)(g.1)
securities as authorized municipal investments, 250(2)(b), 250(2)(d)
hearings
annexation (See annexation of land)
assessment (See assessment review boards (ARB); Municipal Government Board (MGB))
brownfield property, 364.1(4), 364.1(13)
council (See council)
expropriation (See expropriation)
planning and development (See development appeals; subdivision appeals)
statutory plans (See statutory plans)
heat
public utility definition, 1(1)(y)(viii), 616(v)(viii)
heavy equipment. See machinery and equipment
heraldic emblems
unauthorized use, 557(a), 559
highways
definition, 616(h)
planning and development, non-application of Act, 618(1)(a)
roads (See roads)
subdivision appeals if land near, 678(2), 694(1)(h)
Highways Development and Protection Act, 636(1)(f)
Historical Resources Act, compensation, 621
historical sites
grants in place of taxes, 366(3)(b)
subdivision appeals if land near, 678(2), 694(1)(h)–(h.1)
hoes
assessment and taxation, 298(1)(p), 351(1)(a)
holidays
action on day after, 605(1)
civic, 56
honorary boards
defined as remuneration, 275.1(1), 588.1(1)
Hospitals Act
improvement district expenditures, 596(1)(b)
regional health authorities defined as local authority, 1(1)(m)(ii)
securities as authorized municipal investments, 250(2)(b), (d)
student dormitory definition (includes hospital residences), 326(1)(b)
taxation
hospital property, 362(1)(e)
student dormitories, 363(1)(d), 363(3)
hostelling associations
tax status, 363(1)(b)
housing
assessed person for housing accommodations, 304(4)
community services reserves for facilities for affordable housing, 671(2.1)(g)
condominiums (See condominiums)
disputes between management body and municipality to MGB, 488(1)(d)
dormitories (See student dormitories)
management bodies; taxation, requisition definition, 326(1)(a)(v)
manufactured homes (See designated manufactured homes)
seniors’ lodges taxation, 362(1)(m), 362(1)(n)(iv), 375(d)
ilumination devices
liability for damage by, 533(a)
improvement district expenditures, 596(1)(b)
regional health authorities defined as local authority, 1(1)(m)(ii)
securities as authorized municipal investments, 250(2)(b), (d)
student dormitory definition (includes hospital residences), 326(1)(b)
taxation
hospital property, 362(1)(e)
student dormitories, 363(1)(d), 363(3)
hostelling associations
tax status, 363(1)(b)
housing
assessed person for housing accommodations, 304(4)
community services reserves for facilities for affordable housing, 671(2.1)(g)
condominiums (See condominiums)
disputes between management body and municipality to MGB, 488(1)(d)
dormitories (See student dormitories)
management bodies; taxation, requisition definition, 326(1)(a)(v)
manufactured homes (See designated manufactured homes)
seniors’ lodges taxation, 362(1)(m), 362(1)(n)(iv), 375(d)
ilumination devices
liability for damage by, 533(a)
imprisonment. See offences and penalties
improper conduct
at meetings, 228
improvements
airports (See airports)
assessed person (See assessed person for assessed property)
assessment rules, 291
buildings (See buildings)
clean energy (See clean energy improvement tax)
complaints (See assessment review boards (ARB))
definitions
improvement, 284(1)(j)
property as an improvement, 284(1)(r)(ii)
property as land and improvements, 284(1)(r)(iii)
growth management plans, compliance with, 708.12–708.13
linear property (See linear property)
manufactured homes (See designated manufactured homes)
manufacturing or processing (See manufacturing or processing plants and operations)
oversize improvements (See oversize improvement agreements)
roads (See roads)
supplementary assessment roll, 315
supplementary assessments, 314
wells (See wells and well sites)
improvement districts, 581–602
account for tax revenue, trust, 595
accounts settlements, 598
accounts submitted to Legislative Assembly, 597
acquisitions of land outside municipal boundaries, 72(1), 601
administration by employees, 591
agreements for services, 602
amalgamations, 100, 583(1)(a)
annexation, 113(a), 583(1)(c)
application of other enactments, 586
assessment and taxation of Crown land not in use, 298(1)(j), 304(1)(h), 351(1)(a)
borrowing, 600
changes to, 583
council for, 588
Crown settlement of accounts, 598
definitions
defined as included in municipality for tax purposes, 284(1)(o)(ii)
defined as municipal authority, 1(1)(p)
remuneration, 588.1
dissolution, 583(1)(f)
division, 583(1)(b)
enactments, application of other, 586
establishment of council by Minister, 588
expenditures, 593, 596–597
expense allowance for councillors, 588.1
formation order, 581–582, 585
hamlets, 590
Indian reserves not included, 2.1
industrial improvement areas within, 583(1)(e), 594
intermunicipal collaboration, 708.26(2) (See also intermunicipal collaboration)
investments, approval of, 599
Minister, general power of, 587
name, 582(b), 583(1)(d)
publshation, 584
Regulations Act does not apply, 585
roads, control by Minister, 592
specialized municipalities (See specialized municipalities)
taxation
additional in industrial improvement districts, 594
estimate of expenditures to Minister, 593
of Crown land not in use, 298(1)(j), 351(1)(a)
transitional matters, 583(2)
improvement tax. See local improvement tax
improvement tax, clean energy. See clean energy improvement tax
inconsistencies
between statutory plans, 638
bylaw passing powers in other divisions, 10(3)
bylaws and Provincial enactments, 13
Municipal Government Act - Index

Parks Towns Act or special act forming a municipality and this Act, 2(2)

incremental assessed value
definition, 381.1(a)

indemnities
defined as remuneration, 275.1(1), 588.1(1)

Indian Act (Canada), 1(1)(k.2), 1(1)(k.3)

Indian bands and reserves
assessment and taxation, 298(1)(t), 351(1)(a)
definitions as municipal authority for regional services commission, 602.01(1)(f)
Indian band, 1(1)(k.2)
Indian reserve, 1(1)(k.3)
intermunicipal collaboration frameworks, 708.321
intermunicipal service agreements, 54
notice of area structure plan, 636(1)(h)
notice of municipal development plan, 636(1)(g)
ot not included in municipalities, improvement districts, or special areas, 2.1
road allowance and municipal boundary, 141(5)

Indigenous peoples. See Indian bands and reserves

industrial customer, 298(1)(r)(i)

industrial property, designated
definition, 284(1)(f.01), 284(2.1)
not eligible for clean energy improvement tax, 390.2

industrial property, under-utilized. See brownfield property

information access. See Freedom of Information and Protection of Privacy Act (FOIP); records and documents

injection wells. See wells and well sites

injunctions
enforcement of municipal law, 554

inquiry by Minister, 572
conduct of councillor, employee or agent, or person under agreement, 572(2)(b)–(c)
dismissal and directions after, 574
(See also dismissal of council or members or chief administrative officer)
fees and expenses, 572(4)
person to conduct, 572(3), 572(5)
report to Minister, 572(6)

inspections, other
bylaw matters, 7(i)(vii)
liability for damage caused by, 530(1)

inspections by Minister, 571
council request for, 571(1)
dismissal and directions after, 574
(See also dismissal of council or members or chief administrative officer)
inspectors
appointment, 571(2)
powers, 571(3)–(4)
report, 571(5)
matters, 571(1)
Minister’s initiative, 571(1)
of regional services commission, 602.35
petitions for, 571(1)

inspections for assessment, 294, 296, 571
Court authorized inspection and enforcement, 296
information to assessor
duty to provide, 295
on request by assessor, 294(1)(b)–(c)
permits under Safety Codes Act, 295(2)–(3)
inspections, 476.1, 516, 571
municipal assessment roll, 307
notice to owner or occupier, 294(1), 294(3)
purpose of inspection, 294(1), 294(3)
agreements for frameworks
bylaws, 708.33(1)-(2)
filings with Minister, 708.33(4)
good faith, 708.33(3)
arbitration on creation of
frameworks (See arbitration for
intermunicipal collaboration
agreements)
consistency of plans
ALSA regional plan conflicts,
708.29(4)
conflicts or inconsistencies with
other agreements, 708.31
councillor’s duties, 153(a.1)
definitions
arbitrator, 708.26(1)(a)
decision makers, 708.44
framework, 708.26(1)(b)
dispute resolution process, 708.44–
708.46
costs, 708.52(f)
decision makers, 708.44, 708.52(f)
enforcement of orders, 708.46
judicial review, 708.49
jurisdiction of arbitrator, 708.48
provisions in framework, 708.45
regulations, 708.45(2), 708.52(f)
frameworks, 708.28–708.321
contents, 708.29, 708.3, 708.45
exemption from requirement,
708.28(4), 708.28(8),
708.3(2)
growth management board
members, 708.26(4)-(7),
708.26(9)
Indian bands and Metis
settlements, 708.321
intermunicipal development plan,
708.3, 708.4(2)
more than one framework,
708.28(3)
operating budget estimates,
243(1)(c.1)
requirement, 708.28(1), 708.28(4)
service agreements, 708.29(5)
services in part of municipality,
708.29(3)
term and review, 708.32

intermunicipal authorities and
agreements
advertising jointly for intermunicipal
development plan, 692(3)(b)
bylaw agreements, 12
formation of municipalities, as factor
in, 86
growth management boards (See
growth management boards)
intermunicipal bylaw agreements, 12
intermunicipal development plans
(See intermunicipal
development plans)
intermunicipal off-site levy, 648.01,
694(4)(f)
intermunicipal planning
commission, 626
intermunicipal subdivision and
development appeal board (See
intermunicipal subdivision and
development appeal board)
reports of official administrators,
575.1
service agency, 616(j), 625
service agreements, 54, 135(5),
708.28(5)
services or activities funded by
agreements, 262

intermunicipal collaboration,
708.26–708.52

institutions, technical. See
polytechnic institutions

instrument
definition, 616(i)

intensive livestock operation
planning and development, 618.1

interim financing for capital
property, 259

interim operating budget. See
operating budgets

intermunicipal authorities and
agreements

inspections for subdivisions, 653(2)
inspections of regional services
commission, 602.35

inspection stations
assessment and taxation, 298(1)(i.1),
304(h), 351(1)(a)
institutions, technical. See
polytechnic institutions

intensive livestock operation

intermunicipal authorities and
agreements

inspections for subdivisions, 653(2)
inspections of regional services
commission, 602.35

inspection stations
assessment and taxation, 298(1)(i.1),
304(h), 351(1)(a)
institutions, technical. See
polytechnic institutions

intensive livestock operation
planning and development, 618.1

interim financing for capital
property, 259

interim operating budget. See
operating budgets

intermunicipal authorities and
agreements

advertising jointly for intermunicipal
development plan, 692(3)(b)
bylaw agreements, 12
formation of municipalities, as factor
in, 86
growth management boards (See
growth management boards)
intermunicipal bylaw agreements, 12
intermunicipal development plans
(See intermunicipal
development plans)
intermunicipal off-site levy, 648.01,
694(4)(f)
intermunicipal planning
commission, 626
intermunicipal subdivision and
development appeal board (See
intermunicipal subdivision and
development appeal board)
reports of official administrators,
575.1
service agency, 616(j), 625
service agreements, 54, 135(5),
708.28(5)
services or activities funded by
agreements, 262

intermunicipal collaboration,
708.26–708.52
Municipal Government Act - Index

time to establish, 708.28(1)
improvement districts, 708.26(2)
(See also improvement districts)
judicial review, 708.49, 708.52(h)
municipalities without common boundaries, 708.28(2)
municipal purposes, 1(1)(r), 3, 708.27
paramountcy of Part 17.2, 708.51
petitions on bylaws, 232(2)
regulations, 708.52
Regulations Act not to apply, 708.47
service agreements, 54, 708.29(5)
intermunicipal development plans, 631–631.1, 636–638.1
ALSA regional plan compliance, 622, 638.1
amendments, 636(2)
bylaw establishing, 631
bylaws for planning, requirements, 692
conflicts or inconsistencies with other plans, 638
consistency of plans
ALSA regional plan conflicts, 622, 638.1, 690(5)
area structure plan, 633
municipal development plan, 632, 633
contents of plans, 631(2)
effect of plans, 637
exemption from requirement, 631(1.1)
good faith, 631(5)
intermunicipal collaboration framework, 708.3
joint advertising, 692(3)(b)
joint public hearing, 692(3)(a)
listing and publishing of policies, 638.2
order for, 631(1.1), 631.1
preparation, 636
regulations, 694(1)(b.1)
time to develop plan, 631(3)–(4)
intermunicipal disagreements and disputes, 570, 688–691
ALSA regional plans, 690(5)
appeal to Court of Appeal of MGB decision, 688–689 (See also Court of Appeal)
appeal to MGB, 688(1), 690–691
collaboration frameworks (See intermunicipal collaboration)
intermunicipal development plans, 631(2)(b)
jurisdiction of MGB, 488(1)(j), 488(3)
mediation, 690(1), 690(3)
referral to Minister, 570
intermunicipal off-site levy, 648.01, 694(4)(f)
intermunicipal planning commission agreement to establish, 626
other commissions (See municipal planning commission; regional services commission)
intermunicipal service agency agreement to establish, 625
definition, 616(j)
service agreements, 54, 708.28(5)
intermunicipal subdivision and development appeal board, 627–630
clerks, 456, 627.1–627.3 (See also clerks for assessment review boards)
committees, 627(3)
development appeals generally (See development appeals)
establishment, 627–628
evidence and records, 629–630
members
prohibitions, 627(3)–(4)
qualifications, 627.2, 627.3
subdivision appeals generally (See subdivision appeals)
Internet (SuperNet). See extended area network
investments and securities, 250
authorized
bank, treasury branch, credit union or trust corporation, 250(2)(c)
Crown securities, 250(2)(a)
municipality, school division, school district, hospital district, health region, or regional services commission, 250(2)(b) pooled funds, 250(2)(d) definition of securities, 250(1) improvement district investments, 599 Minister approvals for other investments, 250(2)(e)–(4) non-profit organization shares or memberships, 250(5) irrigation and irrigation works assessment irrigation works and land, 298(1)(c), 304(1)(h), 351(1)(a) irrigation works under lease, licence or permit, 304(1)(d) right of way used for other purposes, 290(2) definitions in public utility definition, 1(1)(y)(iv), 616(v)(iv) irrigation works, 290(2), 298(1)(c), 304(1)(d) irrigation debentures, title after public auction, 423(1)(b) irrigation district land acquisition, 644 tax arrears, rent collections for, 416(2.1) taxation of works and land, 298(1)(c), 304(1)(d), 351(1)(a) Irrigation Districts Act definition of irrigation works, 290(2), 298(1)(c), 304(1)(d) judicial review of ARB decisions, 470. See also assessment review boards (ARB) confidentiality, 470(5) decision admissible, 483 filing and service, 470(1) liability for costs, 470(6) notice, 470(2) record of proceedings, 470(4) regulations, 484.1 request for materials, 470(3) time, 470(1) judicial review of intermunicipal collaboration frameworks, 708.49, 708.52(h) judicial review of MGB decisions, 508.1. See also Municipal Government Board (MGB) confidentiality, 508.1(5) filing and service, 508.1(1) liability for costs, 508.1(6) notice, 508.1(2) record of proceedings, 508.1(4) request for materials, 508.1(3) transitional provisions, 137–138 karate commission liability, 535.1 kickboxing commission liability, 535.1 L.A.E.A. See Local Authorities Election Act (LAEA) lake lot subdivision approval, 652(2)(c), 652(3) lakes. See water, body of lake shore strip as environmental reserve, 664(1)(c) land abutting roads, 21 acquisition (See acquisition of land) adverse possession, 609 compensation (See compensation; Land Compensation Board) definitions for assessment property, 284(1)(r)(i) property as land and improvements, 284(1)(r)(iii) structure, 284(1)(u) definitions for planning change of use or intensity of use defined as development, 616(b)(iii)–(iv) excavation or stockpile as development, 616(b)(i) land use bylaw, 616(k)
land use policies, 616(l)
lot, 616(m)
owner, 1(1)(u)
parcel of land, 1(1)(v), 616(s)
part of parcel as development, 616(m)(iv)–(v)
encroachment agreements, 651.2
Land Compensation Board (See Land Compensation Board)
land separations, reserve land or money for, 671
land use bylaws (See land use bylaws)
land use policies consistency, 622
listing and publishing of planning and development policies, 638.2
non-conforming use (See land use bylaws)
planning and development generally (See planning and development)
reserves (See reserve land)
restoration (See land restoration)
restrictive covenant, 651.1
roads (See roads)
subdivisions (See subdivisions and subdivision approvals)
water, body of (See water, body of)
Land Compensation Board
compensation for conservation reserve, 664.2(3)
compensation for public works affecting land, 534(10)–(15)
compensation for road closure, 23
compensation for temporary roads and rights of way, 26(4)–(5)
defined, 1(1)(l)
expropriation, 15
land restoration
public utility main line service connections, 36, 39
unpaid costs (See tax roll)
landscaping
land use bylaw matters, 640(4)(d)
land stewardship. See Alberta Land Stewardship Act (ALSA); ALSA regional plan
land titles
caveats (See caveats)
definitions
encumbrance, 410(a)
owner, 1(1)(u)(ii)
Registrar, 410(c)
road, 1(1)(z)
Municipal Government Board registration of hearing costs, 502
search land titles, 524(3)
routes (See roads)
subdivisions (See subdivisions and subdivision approvals)
tax recovery
acquisition of mines and minerals, 431
notification, 413
right to clear title, 423
transfer of parcel to municipality, 424, 428.2
transfer of reserves, 672–673
Land Titles Act
caveat as condition of development permit, 650(2)–(3)
caveat for stop order, 646(2)–(3)
Certificate of title for municipal lands, 665(3)
conditions for clear title to public auction land, 423(1)(d)–(e), 424(1)(c)–(d)
definitions
encumbrance, 410(a)
owner, 1(1)(u)(ii)
Registrar, 410(c)
environmental reserve easements, 664(6)–(8)
restrictive covenant, 651.1(1)
land use bylaws, 639–646
adjacent land identification for hearings, 640(3)
AER, AEUB, ERCB, NRCB or AUC authorizations, 619
ALSA regional plan conflicts, 622, 638.1, 690(5)
amendment hearing and notice required, 692(1)(f), 692(4)–(5)
assessment and, 297(4)(b)
bylaw correction, 692(6)
bylaw requirements, 692

cannabis licensed premises, 640(7)

conditions for issuing a development permit, 650

confined feeding operation or manure storage, exemption for, 618.1

consistency with land use policies, 622

decision-making provisions, 640(2)(c)

definitions

land use bylaw, 616(k)

land use policies, 616(l)

non-conforming building, 616(q)

non-conforming use, 616(r)

development authority powers, 640(6)

development permits (See development permit)
direct control districts, 641
districts, 640(2)(a)–(b), 642

hearing required, 692(1)–(2)

intermunicipal disputes, 690–691

(See also intermunicipal disagreements and disputes)

land use policies, 622

listing and publishing of planning and development policies, 638.2

matters optional in bylaw, 640(4)

adjacent land identification for hearings, 640(3)

advertising and signs, 640(4)(m)–(n)

agreements, 640(4)(q)

building changes, 640(4)(j)

building design, character and appearance, 640(4)(g)

building development by airports, 640(4)(l)(iii)

building development by body of water, 640(4)(l)

building development on land subject to flooding, 640(4)(l)(i)

building set backs, 640(4)(c)

building size and location, 640(4)(b)

direct control districts, 640(4)(p)

fees, 640(4)(q)

fences and walls, 640(4)(e)

forms, 640(4)(q)

land excavations or filling in, 640(4)(k)

landscaping, 640(4)(d)

lighting, 640(4)(i)

loading and unloading, 640(4)(f)

parking, 640(4)(f)

population density, 640(4)(o)

procedures, 640(4)(q)

road access, 640(4)(h)

stop orders, 640(4)(q)

subdivision design standards, 640(4)(a)

matters required in bylaw, 640(2)

cannabis licensed premises, requirements, 640(7)

development permit, 640(2)(c)–(d)
districts, 640(2)(a)–(b), 642

number of dwelling units, 640(2)(e)

non-conforming use of land and buildings

additional buildings, prohibition, 643(4)

change of ownership or tenancy, 643(7)

changes to building or lot, 643(3)–(5)

continuance of permit, 643(1)–(2)

extension of use, 643(3)–(4)

repair after damage or destruction, 643(6)

stop orders (See stop order)

notice required, 692(1)–(2)

number of dwelling units, 640(2)(e)

offences and penalties, 557(a.1)

permitted and discretionary uses, 642

public use land acquisition, 644

purpose of planning and development, 617

regulations, 694
regulations for floodways development, 693.1
requirement to pass land use bylaw, 639
stop order (See stop order)
subdivision plans not compliant, approvals, 654(2)
time to apply after previous refusal, 640(5)
land use districts. See districts
land use policies, 622
lease of capital property
  borrowing definition, 241(a.1)(ii)
leave for councillors, parental and maternity, 144.1, 174(2)
levies
  bylaws, 649
  community revitalization levy (See community revitalization levy)
  off-site levy (See off-site levy)
  redevelopment levy (See area redevelopment plans)
liability of board members
  ARB members, 470(6), 484
  business improvement area board members, 52
  MGB members, 508.1(6)
  SDAB members, 628.1
liability of councillors, 249, 275, 535
defamation actions, 535(3)
enforcement, 249(4), 275(3)
good faith standard, 535(2)
jointly and severally liable for unauthorized expenditures, 249(3), 275(2)
offences under the Act, 569
unauthorized expenditures, borrowings, or grants, 174(1)(k), 249(1)–(3), 275
liability of municipal and provincial assessors, 284.1(3), 284.2(3)
liability of municipalities, 527.2–534
discretionary exercise, 529
failure to repair roads, public places and works, 532
actions by persons exercising lawful powers, 532(5)
failure to perform duty, 532(2)
known or should have known, 532(6)
loss or damage beyond others' losses, 532(4)
otice of event to municipality required, 532(9)–(10)
private roads or places, 532(3)
reasonable state of repair for area of municipality, 532(1)
reasonable steps taken, 532(7)
traffic control device destruction or removal, 532(8)
inspections and maintenance damage, 530
non-negligence actions, 528
notice to municipality
  of damage or injury from snow on roads, 531(2)–(3)
  of damage or injury re roads, public places and public works, 532(9)–(10)
private roads or places, 532(3)
public places, 532
public utility non-negligence actions, 528
public works, 532
public works affecting land, 534
  appeals, 534(13)
  compensation claims, 534(4)–(6)
  compensation right, 534(3)
  costs, 534(12), 534(15)(b)
disputes to Land Compensation Board, 534(10)–(15)
injurious affection, definition, 534(1)
notice to public of right to compensation, 534(2)
  regulations, 534(2)
roads, 531–534
  injury or damage due to failure to repair, 532
  non-negligence actions, 528
private road not under municipality, 532(3)
snow on, with gross negligence, 531
things on or adjacent to roads, damage caused by, 533
snow on roads or sidewalks, 531
statutory authority, acting with, 527.2
traffic control device, 532(8), 533(a)
water control features non-negligence actions, 528

**liability of municipal officers**, 535
defamation actions, 535(3)
good faith standard, 535(2)
municipal assessors, 284.2(3)
offences under the Act, 569
volunteers, 535

**liability of regional services commission directors**, 602.25

**liability of sporting commissions**, 535.1

**libraries**
community services reserve for facilities for, 671(2.1)(a)
off-site levy, 648(2.1)
taxation, 362(1)(j)

**licences, permits or approvals**
AER, AEUB, ERCB, NRCB or AUC authorizations, 619
AEUB, ERCB, NRCB authorizations, 488(1)(h)
assessments for property under licence or permit (See assessed person for assessed property)
business licence bylaw matters (See business)
business licences, operating without, 557(a), 564
bylaw matters, 8(c)
duration, 8(c)(vi)
failure to comply, 8(c)(vi)
fees, 8(c)
non-resident fees, 8(c)(ii)
prohibitions until granted, 8(c)(iii)
revenue generation, 8(c)(i)
suspension or cancellation, 8(c)(vi)
terms and conditions, 8(c)(iv)–(vi)
development permits (See development permit)
land abutting roads, licences or permits, 21

**licensed premises**
licensed premises, taxation, 365, 370(d)
tax recovery for land under licence or permit (See tax recovery related to land)

**liens**
definitions, tax recovery lien, 436.01(i)
designated manufactured homes (See tax recovery related to designated manufactured homes)
land transferred to municipality, 424
rural utilities liens removal after public auction, 423(1)(f)–(h)
special liens
tax as, 348(d)
unpaid costs added to tax rolls, 553.1(2)(b), 553(2)(b)
unpaid taxes, 348(d)

**Lieutenant Governor in Council**
amalgamation of municipalities, 110–111, 138
annexation of land, 125–127
change of status of municipality, 137(2)–(3), 138
community revitalization levy bylaw, 381.2(3–4)
development permits, 620
dissolution and liquidation of municipality, 133, 137(2)–(3), 138
establishment of regional services commission, 602.02
formation of municipality, 88–89, 137(2)–(3), 138
land transfers, 136
land use policies, 622
MGB referrals to, 488(1)(e), 514
mines and minerals, 71
name changes of municipalities, 98
planning and development exemptions or terms and conditions, 616(4)–(5), 618(4)–(5)
Municipal Government Act - Index

regulations, 31(2), 557(a.1), 603, 615.2(2), 694
tax exemptions, 351(1)(b)(ii)
transitional matters, 137(2)-(3)

lighting
buildings, land use bylaw matters, 640(4)(i)
definitions including
linear property, 284(1)(k)(ii)
public utility, 1(1)(y)
street lighting (See street lighting systems)
tax exempt liability, 532(8), 533(a)
light rail transit (LRT). See transportation systems

limits on municipal powers, 71–75

limousines. See taxis and limousines

linear property. See also designated industrial property
as non-taxable property, 351(1)(a)
assessable or non-assessable properties
linear property used for extended area networks, 298(1)(cc), 298(3), 322(1)(c.1)
assessed person, 304(1)(i), 331
assessment guidelines, 322.1(1)(a)(i)(C)
assessment notices (See assessment notices)
business tax exemptions, 376
definitions
in definition of designated industrial property, 284(1)(f.01), 284(2.1)
linear property, 284(1)(k)
non-residential (class), 297(4)(b)
operational, 284(1)(o.1)
operator, 284(1)(p)
designated industrial property (See designated industrial property)
improvements, 291(2)
non-assessable properties
extended area networks, 298(1)(cc), 298(3), 322(1)(c.1)
farming, 298(1)(q)
rural gas co-operative association, with exceptions, 298(1)(r)
rural gas distribution system and gas conveyance pipeline, 298(1)(r)–(r.1), 298(2)
operator as assessed person, 304(1)(i)
requisitions defined, 326(1)(a)
tax agreements with operators, 360
tax rates
regulations for calculations, 370(b)
well drilling equipment tax (See well drilling equipment tax)

liability of a municipality. See dissolution and liquidation of municipality

listing and publishing of planning and development policies, 638.2

loading and unloading facilities
development permit condition, 650(1)(d)(ii)
land use bylaw, 640(4)(f)
parking (See parking)
subdivision approval agreement, 655(1)(iv)

loan corporations
municipal accounts, 270

loans and guarantees, 264–268.1, 602.31
bylaw advertisements
guarantees, 266(3)
loans, 265(3)
debt limit (See debt limits)
financial records and receipts, 268.1

advertisements, 266(3)
bylaw contents, 266(2)
recipients, 266(1)
loans, 265
advertisements, 265(3)
bylaw contents, 265(2)
recipients, 265(1)
purpose and recipients, 264
as shareholder of designated gas seller, 264(3)
controlled corporations, 264(1)(b)–(c)
non-profit organizations, 264(2)
validity of loans and guarantees, 273

**local assessment review boards**
- appointment of members, 454.1
- bylaw to establish, 454
- chair, 454.1
- definitions, 453(1)(f), 453(2)
- hearings, 462–466
- joint boards, 455, 456(2)
- jurisdiction, 460.1(1)
- liability of members, 484
- notice of hearing, 462(1)
- panels
  - decisions, 459, 467
  - hearing of complaint, 454.11
- in definition of assessment review board, 453(2)
- number of members, 454.11
- presiding officer, 454.11
- quorum, 458
- replacement of panel members, 457
- proceedings, 464
- remuneration, 454.1
- term of office, 454.1

**Local Authorities Board.** See non-taxable properties

**Local Authorities Election Act (LAEA)**
- chief elected official (CEO), 147, 150(4)
- conduct of vote, 237
- councillor disclosure statements, 174(1)(b.1)
- councillor elections, 147(1)
- councillor term of office, 157, 158
- definitions
  - elector definition, 1(1)(i)
  - nomination, 174(1)(a)–(b), 174(4)
  - dissolution of municipality, 130.2(1)
  - formation of municipality, 87(2)
  - improvement district elections, 588(4)
- **local authority, defined, 1(1)(m)**
- **local improvement plan, 394–396**
- **local improvement tax, 391–409**
- assessment for, 395(1)
- bylaw for local improvement tax, 397–398
- bylaw for municipality’s share of cost, 263, 405
- bylaw variation by subdivision or consolidation, 402
- CAO role, 396(3), 396(3)–(4)
- complaints to ARBs, 460(10)–(12)
  
  *(See also assessment review boards (ARB))*
- consolidation of land, 402
- Crown assistance, 403(1), 405(2)–(3)
- debt refinancing, 403(1)(b)
- definitions
  - local improvement, 391
  - tax, 1(1)(aa)(vi)
- delayed projects, 396(5)
- estimated cost, 395
- incomplete projects, 396(5)
- land
  - abutting sewers or water mains, 407(1)
  - consolidation or subdivision of, 402
  - required for local improvement, 406
  - unusual parcels, 404
- municipality’s share of cost, 405
- objecting to plan, 396(3)–(3.1)
- operating budget revenue estimate, 243(2)(f)
- persons liable for tax, 395(1)(b)(ii), 400
- petition for local improvement, 392–393
  - initiative by council or owners, 393
- petitioners, 392(3)–(5)
- sufficiency requirements, 392(2)–(5)
- petition objecting, 396(3)–(4), 408(2), 409(2)
- plan, 394–396
- plan in bylaw, 398
- procedure after plan, 396
- proposal, 393
replacement of similar improvements, 407(2)
sewer or water connections, 407–409
start-up of local improvement, 396(5), 399
subdivision of land, 402
tax exemptions, 397(3), 406–407
tax notices, 396(1)–(2)
tax notices generally (See tax notices)
tax payments, 398(1)(b)
tax rate
  in plan, 395(1)(c)
  uniform tax rate, 398(1)(c), 398(2)
  variation by council, 403
tax refunds, 401(2)
water or sewer connections, 409
local tax for clean energy. See clean energy improvement tax
long-term borrowing for capital property. See capital property
lost or unclaimed property, 610
disposal, 610(2)
  proceeds of sale to prior owner or municipality, 610(4)–(5)
purchaser of, 610(3)
time for retention, 610(1)
LRT. See transportation systems
machinery and equipment
  assessment
    assessed person, 304(1)(b), 304(1)(g)
    guidelines, 322.1(1)(a)(i)(D)
  of machinery and equipment, 298(1)(z), 304(1)(g)
  regulations on depreciation, 322(1)(f)
  assessment class, 297
  business taxes, 376
  complaints (See assessment review boards (ARB))
  definitions
    improvement includes machinery and equipment, 284(1)(j)
    machinery and equipment, 284(1)(l)
  regulations to define, 322(1)(b)
  requisitions, 326(1)(a)
  supplementary assessments, 314(1)
taxation, 351(1)(a)
tax in industrial improvement districts, 594
tax rates, 354
well drilling equipment tax (See well drilling equipment tax)
major plant. See also designated industrial property
  in definition of designated industrial property, 284(1)(f.01)
  Minister’s regulations for designation, 322(6)–(8)
manufactured home
residence in summer village, 1(2.1)
manufactured home community
assessed person for assessed property, 304(1)(j)–(k), 304(6)–(7), 331
  assessment of home in, 304(1)(j)–(k), 304(6)–(7)
  definition, 284(1)(n)
designated manufactured homes (See designated manufactured homes)
  owner to report to municipality, 436.24, 557(a.6)
tax recovery related to designated manufactured homes (See tax recovery related to designated manufactured homes)
manufacured homes. See designated manufactured homes
manufacturing or processing plants and operations
  assessment and taxation
    improvements, 291(2)
    manufacturing or processing, 298(1)(h), 298(2), 304(1)(h), 351(1)(a)
  sewage systems, 298(1)(h), 304(1)(h), 351(1)(a)
  water systems, 298(1)(g), 304(1)(h), 351(1)(a)
manure storage facilities
planning and development, 618.1
marijuana. See cannabis
market value
definition, 1(1)(n)
mashy land. See also water, body of
land use bylaw, 640(4)(l)
maturity leave for councillors,
144.1, 174(2)
Matters Relating to Assessment and
Taxation Regulation
as guidelines, 322.1(1)(a)(i),
322.1(1)(b)(i)
maximum property tax ratio. See
property tax, maximum tax ratio
mayor. See chief elected official
(CEO)
mediation
annexation of land proposal, 112.1,
117(2), 118(1)(a.1)
before appeal of AER, AEUB,
ERCB, NRCB or AUC
authorizations, 619(5)
definitions, 112.1, 616(m.1)
intermunicipal collaboration
agreements, 708.36(2)
intermunicipal disputes
Minister role, 570
unsuccessful mediation, 690(1),
690(3)
Medicine Hat airport regulations,
615.2(3)
meetings
advertisements, 606–606.1
regulations for definition of, 1(1.1)
meetings, council. See council
meetings
Member of the Legislative Assembly
definition of business excludes
offices of, 326(2)
mentally disabled persons'
institutions and hospitals
grants in place of taxes, 366(3)(e)
metier inspections, 544
Metis settlements
assessment and taxation, 298(1)(u),
304(1)(h), 351(1)(a)
definition of regional services
commission municipal
authority includes, 602.01(1)(f)
intermunicipal collaboration
frameworks, 708.321
intermunicipal service agreements,
54
notice of area structure plan,
636(1)(h)
notice of municipal development
plan, 636(1)(g)
planning and development, 618(2)(a)
MGB. See Municipal Government
Board (MGB)
microfiche documents, 214(1)
mill rate. See tax rates
mines and minerals
acquisitions of land outside
municipal boundaries, 72(2)(b)
assessed person, 304(1)(f), 331
assessment of minerals, 298(1)(v),
304(1)(h)
expropriation, 14(2)
land title exclusions
body of water, 60(2)
expropriated land, 14(3)
land for roads, culverts, ditches or
drains, 62(4)
municipal roads, 16(3), 18(3)
Lieutenant Governor in Council
approvals of municipal estates
or interests, 71
taxation of minerals, 351(1)(a)
tax recovery related to land
certificate of title corrections for
authorized mineral holdings,
431(3)–(4)
minerals acquisition by
municipality, 431
minerals as Crown property after
recovery of tax arrears, 430
Minister's consent for disposition
of, 431(2)
Member
acquisitions of land outside
boundaries, consent, 72(1)(a)
amalgamation of municipalities (See
amalgamation of
municipalities)
annexation of land, 120, 126, 128
assessment information agreement with municipality, 570.1(2)
assessment information to municipality, 570.1
assessment preparation, 323
assessment quash, 324
bank account information to, 573
borrowing exemptions, 255
by-election to fill vacancies, 160, 166
council quorum, orders when no quorum, 167–168
debt limit approvals, 252
definition, 1(1)(o)
delegation of powers, 578
development permit authorizations, 620
dismissals (See dismissal of council or members or chief administrative officer; dismissal of regional services commission)
dissolution of municipality, 130–133
emergency exemption for municipalities, 615.1
equalized assessment adjustments, 325
equalized assessment preparation, 319
equalized assessment report to, 318
fees, 579
forestry roads fee disputes, 27.3(2)–(3)
formation of municipality (See formation of municipality)
growth management boards, 708.02, 708.18(1), 708.24
improvement districts, 587–589
information from municipalities on request, 577(1)–(2)
information to MGB Board on request, 524(2)
inquiry, 572
inspections, 571
intermunicipal disagreements, 570
land transfers, order effects from annexation, amalgamation, dissolution or formation, 136
land use policies, 622
Municipal Government Board referrals by, 514
name changes to municipalities, 98
official administrator appointment, 90, 574(5), 575(1)
operating budget shortfall, 243(1)(g), 244, 247, 248(3)
petitions, 219–220
privileged, 577(4)
regulations, 53, 75.5, 276(1)(b), 281(2)(b), 322–322.1, 370, 452, 578(2), 580, 615, 710
specialized municipalities formation conditions, 83–84
time extensions, 605(2)
**Minister of Education**
determination of school board purposes, 671(5–7)
otice of order for school board purposes, 671(8)
**Minister of Health and Wellness**
sewer construction, 408(1)
**Minister of Transportation**
bylaw for road closure outside cities, approval, 22(3)
bylaw for road reopenings after Crown leases, copies, 27(3)
closure of unnecessary roads, 24
forestry road agreements, 27.6
former forestry road designations, 27.1(1)(b)
information to MGB Board on request, 524(2)
Rocky Mountains Forest Reserve roads, 19
specialized municipalities formed from improvement district, 20
**minutes of council meetings**
adoption, 208(1)(a)
councillor attendance, 208(1)(a)
council votes and abstentions, 183(2), 185
public hearings, 208(1)(a), 230(6)
public members in closed meetings, 197(5)
safe keeping, 208(1)(b)
signatures, 213(1)
without note or comment, 208(1)(a)

misconduct
liability, 535

MLAs
definition of business excludes offices of, 326(2)

mobile home
definition as designated manufactured home, 284(1)(n.1)
residence in summer village, 1(2.1)

modular home
definition as designated manufactured home, 284(1)(n.2)
residence in summer village, 1(2.1)

monuments
assessment and taxation, 298(1)(s), 304(1)(h), 351(1)(a)

mosques
taxation, 362(1)(k)

municipalities
acquisitions of land (See acquisition of land)
agreements (See intermunicipal authorities and agreements)
amalgamation (See amalgamation of municipalities)
banks and banking (See banks and banking)
buildings (See buildings)
change of status (See change of status of municipality)
community aggregate payment levy (See community aggregate payment levy)
community revitalization levy (See community revitalization levy)
controlled corporations (See controlled corporations)
council (See council)
councillors (See councillors)
definitions as corporation, 4

municipality, 1(1)(s), 284(1)(o)
dissolution (See dissolution and liquidation of municipality)
fees, tolls and charges, 8(c), 61(2), 630.1, 640(4)(q)
formation (See formation of municipality)
Indian reserves not included, 2.1
inquiries, Ministerial, 572
inspections, 571
investments (See investments and securities)
land (See land)
land use bylaws (See land use bylaws)
land use policies, 622
liabilities of (See liability of municipalities)
limits on powers, 71–75
municipal assessor (See municipal assessor)
municipality's relationship to other municipalities (See intermunicipal authorities and agreements)
name changes, 98–99
natural person powers (See natural person powers)
planning and development (See planning and development)
plans (See statutory plans)
powers and duties, 5–6
purposes, 1(1)(r), 3, 708.27
reserve land (See reserve land)
statutory plans (See statutory plans)
subdivisions (See subdivisions and subdivision approvals)
taxes and taxation (See taxes and taxation)
votes and voting (See votes and voting)

municipal and school reserve. See also municipal reserve; school reserve
bylaw designation of municipal land, 665
caveat for deferment, 669(2)–(7)
definitions
municipal and school reserve, 616(p)
reserve land, 616(z)
determination of school board purposes, 671(5–7)
disposal of, 674–675
land acquisition for public use, 644
municipal development plans (See municipal development plans)
notice of order for school board purposes, 671(8)
order effects from amalgamation, annexation, dissolution, or formation, 135–137
removal of designation, 675
reserves generally (See reserve land)
subdivision plan cancellation, 658(3)–(5)
subdivision requirement additional reserve land, 668
allocation of land and/or money, 670
calculations of money not land, 667
dedication by owner, 661
deferment of reserve, 669
requirement for dedication, 666
tax exemption based on use, 361
transfer from school board, 672
transfer to school board, 673
uses of land or money, 671(2)–(4)

municipal assessors. See also assessors
access to information confidentiality, 301(1)
municipal assessment record, 299–300
provincial assessment record, 299.2, 300.1
appointment of, 284.2(1)
assessment notices address unknown, 310(2)
amended, 309, 312
certification of date of sending, 310(4)–(5)
combined assessment and tax notices, 308(4)
complaints, 309
contents, 309
deemed received, 311
errors and omissions, 312
notice to assessed persons, 308(1)
preparation, 308(1)
publication of notice, 311
time of sending, 310
definitions in definition of assessor, 284(1)(d)
municipal assessment roll, 284(1)(n.3)
municipal assessor, 284(1)(n.4)
operational, 284(1)(o.1)
delegation of powers, 284(1)(d), 284.2(2)
duties condition and valuation of property, 289(2)
fair and equitable, 293(1)
information to Minister or provincial assessor, 293(3)
properties assessed by provincial and municipal assessors, 289(2.1)
properties in municipalities other than designated industrial property, 289(1)
regulations on, 322(1)(d.1)
similar properties, 293(2)
duty to provide information to, 295
complaints and required information, 295(4), 295(6)
permits under Safety Codes Act, 295(2)–(3)
report to Minister on request, 295(5)
liability, 284.2(3)
qualifications, 284.2(1)
supplementary assessments assessment notice, 316.1
bylaw, 313
complaints, 316.1
designated manufactured homes, 313(2.1)
improvements, 314(2)–(4)
machinery and equipment, 314(1)
preparation of roll, 315
provincial assessor to provide copies of designated industrial property assessments, 315(5), 316(2) time to send, 316

municipal authority
definitions
municipal authority, 1(1)(p)
municipal authority for regional services commission purposes, 602.01(1)(f)
municipal development plans, 632
ALSA regional plan conflicts, 622, 638.1, 690(5) bylaw correction, 692(6) notice and public participation, 692(1)–(2) bylaw establishing, 632(1)–(2.1) conflicts or inconsistencies with other plans, 638 conservation reserve, 632(3)(g) consistency with other plans ALSA regional plan conflicts, 622, 638.1, 690(5) area structure plan, 633 intermunicipal development plan, 632 contents of plans mandatory, 632(3)(a), 632(3)(d)–(f) optional, 632(3)(b)–(c), 632(3)(g) effect of plans, 637 land adjacent to sour gas facilities, 632(3)(d) listing and publishing of policies, 638.2 notice to adjacent Indian reserve or Metis settlement, 636(1)(g) population requirements, 632(2), 692(1)–(2) preparation and amendments to, 636 public participation, 636(1), 692 reserve land policies, 632(3)(e), 632(3)(g) statutory plans generally (See statutory plans)
municipal district
assessment and taxation of Crown land not in use, 298(1)(j), 304(1)(h), 351(1)(a) CEO appointment or election, 150–151 change of status, 92, 97(1) council, number of councillors, 143–144 defined as municipality, 1(1)(s)(i) exemption of designated Crown land, 618(2) formation, area and population requirements, 78, 84 formation order contents, 88, 89(1)–(2), 89(5) ward system, 148–149
Municipal Emergency Exemption Regulation, 603.1(4)
municipal frameworks for collaboration. See intermunicipal collaboration Municipal Government Board (MGB), 485–527.1 annexation role (See annexation of land) appeals of assessments designated industrial property (See designated industrial property) equalized assessments (See equalized assessments) appeals of MGB decisions to Court of Appeal, 688–689 intermunicipal dispute, 688(1) land use bylaw amendment, 688(1) off-site levy, 688(1), 694(4) statutory plan, 619, 688(1) subdivision authority, 678.2, 688(1) appointment of members, 486 assessment roll changes due to decisions, 517 authorizations of AER, AEUB, ERCB, NRCB or AUC, 619 chair appointment, 486(1.1)
delegation of duties, 486(4)
contempt powers of Board, 521
costs and fees
appeal to Court of Appeal, 689(3)
costs of proceedings, 501–502
documents, fees for, 522
hearings and inquiries, fees for, 522
decisions of panel majority, 490
definitions
Board, 485(b)
chair, 485(c)
Municipal Government Board, 1(1)(q)
panels, definition of Board includes, 1(1)(q)
Deputy Minister as administrator, 485(a)
designated industrial property (See designated industrial property)
directors and other staff, 487.2
equalized assessments (See equalized assessments)
establishment and organization, 486–487
growth management boards, 708.18
growth management plans, 690(6.1)
hearings
absence from hearing, 495
confidentiality, 525.1
evidence, 525, 526
jurisdiction, 488(2)
notice to produce or attend, 497
oaths, 496
proceedings, 496
public hearings, 525.1
rehearing, 504
witnesses, 498
intermunicipal dispute appeals, 690–691
judicial review, 508.1
confidentiality, 508.1(5)
filings and service, 508.1(1)
liability for costs, 508.1(6)
notice, 508.1(2)
record of proceedings, 508.1(4)
regulations, 527.1(j)
request for materials, 508.1(3)
transitional provisions, 137–138
jurisdiction, 488–488.1
annexations, 488(1)(f)
decisions of AER, AEUB, ERCB, NRCB or AUC, 619(5)–(10)
designated industrial property, 488(1)(a) (See also designated industrial property)
equalized assessment appeals, 488(1)(a) (See also equalized assessments)
equalized assessments, 488.1
intermunicipal disputes, 488(1)(j), 690–691
limits on, 488.1
management body disputes, 488(1)(d)
matters and duties assigned by Lieutenant Governor in Council or Minister, 488(1)(e)–(e.1)
off-site levy appeals, 488(1)(k), 648.1, 694(4)(d)
regional services commission disputes, 488(1)(g), 602.15–602.16
subdivision decision appeals, 488(1)(i), 678
land use policies consistency, 622
liability generally, 527
Lieutenant Governor in Council referrals by, 488(1)(e)–(e.1), 514
linear property assessment complaints (See linear property)
Minister
information to Board on request, 524(2)
referrals by, 488(1)(e)–(e.1), 514
municipality as complainant or intervenor in hearings, 508
changes to assessment roll required by decisions, 517
notice of judicial review, 508.1(2)
panels, 487, 489–490, 527.1(1)
pecuniary interests, prohibition, 520
procedural rules, 523
proceedings, right to continue for affected persons, 518
quorum, 489
referrals to the Board, 514–515
regional services commission dispute appeals (See regional services commission) regulations, 527.1, 694(4)
remuneration and expenses, 486(2)
reports for inquiry, 515
right to request information from authorities, 524(1)
subdivision appeals (See subdivision appeals)
tax payment obligations, 519
technical irregularities, 507
time extensions, 503
use of published planning and development policies, 638.2(3)
municipal growth management. See growth management boards
municipality's relationship to other municipalities. See intermunicipal authorities and agreements; intermunicipal development plans
municipal office, 204
municipal officers' liability, 535
civil liability, 569
defamation actions, 535(3)
good faith standard, 535(2)
volunteers, 535(1)(b), 535(2)
municipal planning commission
ALSA regional plans, compliance with, 622, 630.2
as development authority (See development authority) closed meetings, 1(3), 197
definition, 616(n)
establishment by bylaw, 626
intermunicipal planning commission deemed as, 626(2)
land use policies consistency, 622
SDAB membership, prohibitions, 627(3)–(4)
subdivision authority membership, 623(2)
municipal public utilities. See public utilities, municipal
municipal reserve
advertisement for disposal of, 674(1)
bylaw designation of municipal land, 665
caveat for deferment, 669(2)–(7)
definitions
   municipal reserve, 616(o)
   reserve land, 616(z)
disposal of, 674–675
land acquisition for public use, 644
municipal development plans (See municipal development plans)
order effects from amalgamation, annexation, dissolution, or formation, 135–137
removal of designation, 675
reserve land generally (See reserve land)
subdivision plan cancellation, 658(3)–(5)
subdivision requirement
   additional reserve land, 668
   allocation of land and/or money, 670
calculations of money not land, 667
dedication by owner, 661
deferment of reserve, 669
requirement for dedication, 666
tax exemption based on use, 361
transfer from school board, 672
transfer to school board, 673
uses of land or money, 671(2)–(4)
museums,
grants in place of taxes, 366(3)(b)
names for municipalities
changes to, 98–99
formation order of municipality, 89(1)(c)
National Energy Board. See also designated industrial property
in definition of designated industrial property, 284(1)(f.01), 284(2.1)
natural gas. See gas utilities
natural person powers
council or CAO role, 202
definition, 1(1)(t)
municipalities and, 6
municipality's relationship to, 11
offences and penalties re natural person bylaws, 11(2)
regional services commission, 602.10
relationship to bylaw passing powers, 10(1)
Natural Resources Conservation Board (NRCB). See also Alberta Energy and Utilities Board (AEUB)
appeals of MGB decisions to Court of Appeal, 688–689 (See also Court of Appeal)
appeals to MGB on planning and development applications, 488(1)(h), 488(3), 619(5)–(10)
land development environmental or physical limitations, regulations, 694(5.1)–(5.4)
planning and development applications, 619(1)–(4)
negligence
liability of councillors and others, 535
liability of municipality, 527.1–532
networks, extended area. See extended area network
Newell Regional Services Corporation Regulation, 603.1(3.1)
New Home Buyer Protection Act, 423(1)(e.1)
newspapers. See advertisements
NEW water Ltd. Regulation, 603.1(3.1)
non-assessable properties, with exceptions and conditions, 298
airports (See airports) basins, 298(1)(d)
body of water, 298(1)(d)
breakwaters, 298(1)(d)
cairns, 298(1)(s)
canals, 298(1)(d)
conservation lands, with exceptions, 298(1)(l)
crawler type shovels, 298(1)(p)
cribs, 298(1)(d)
crops still growing, 298(1)(w)
Crown land not in use, with exceptions, 298(1)(j)
road right of way not used as road, as exception, 298(1)(i)
sewage and drainage systems, 298(1)(a)
specialized municipalities, 298(1)(j)
water systems, 298(1)(b)
dams and dam sites for water conservation or flood control, with exceptions, 298(1)(d)–(f)
designated manufactured homes in storage, 298(1)(aa)
dikes, 298(1)(d)
ditches, 298(1)(d)
dozers, 298(1)(p)
drainage and sewage, 298(1)(a)
embankments, 298(1)(d)
farms
farm buildings, with exceptions, 298(1)(y)
growing crops, 298(1)(w)
linear property for farming, 298(1)(q)
forestry towers, with conditions, 298(1)(m)
hoes, 298(1)(p)
Indian reserves, property, 298(1)(t)
inspection stations, 298(1)(i.1)
irrigation works and land held by irrigation district, with exceptions, 298(1)(c)
linear property
as part of rural gas distribution systems, with exceptions and conditions, 298(1)(r)–(r.1)
Municipal Government Act - Index

for extended area network used for SuperNet, 298(1)(cc), 298(3), 322(1)(c.1) for farming, 298(1)(q) machinery and equipment, with exceptions, 298(1)(z) manufacturing or processing plants and operations sewage systems, with exceptions, 298(1)(h) water systems, with exceptions, 298(1)(g) Metis settlements, 298(1)(u) mines and minerals, 298(1)(v) monuments, 298(1)(s) municipal sewage and drainage systems, 298(1)(a) water systems, 298(1)(b) parks or recreation areas, with exceptions, 298(1)(k–k.1) reclamation lands, with exceptions, 298(1)(l) recreational lands, with exceptions, 298(1)(k–k.1) reforestation lands, with exceptions, 298(1)(l) regional services commission sewage and drainage systems, 298(1)(a) water systems, 298(1)(b) rehabilitation lands, with exceptions, 298(1)(l) reservoirs, 298(1)(d) roads right of way not used as road, as exception, 298(1)(i) road maintenance improvements, 298(1)(i.1) roads, with exceptions, 298(1)(i) sewage and drainage systems, 298(1)(a) stock grazing interests, 298(1)(o) street lighting systems, as exception, 298(1)(i.1) timber harvest and cut, 298(1)(n) travel trailers not connected or attached, 298(1)(bb) water, body of, 298(1)(d) water systems Crown, municipality or regional services commission, 298(1)(b) manufacturing or processing plants and operations, with exceptions, 298(1)(g) systems owned by individual or corporation, 298(1)(b.1) transmission of natural resource, as exception, 298(1)(g)(iv) water supply plants for fire protection, as exception, 298(1)(g)(ii) water treatment plants, with exceptions, 298(1)(g) weigh scales, 298(1)(i.1) weirs, 298(1)(d) wheel loaders, 298(1)(p) wheel trucks and haulers, 298(1)(p) non-conforming municipality definition, 358.1(1)(a) non-conforming use of land and buildings, 643. See also land use bylaws non-negligence actions, 528. See also liability of municipalities non-profit, defined, 616(r.1) non-profit organizations community services reserves for facilities for, 671(2.1)(c)–(e) definitions non-profit, 616(r.1) non-profit organizations, 241(f) municipalities acquiring shares or holding membership in, 250(5) municipal loans and guarantees, 264(2) property tax non-taxable properties and taxation, by regulations, tax exempt non-profit properties, 370(c) tax agreements (See tax agreements) tax exemptions (See property tax, exempt non-profit properties) non-residential property assessment classes, 297
assessment classes definition (See assessment classes)
clean energy improvements, 390.2 (See also clean energy improvement tax)
tax rates, 354
non-residents
fees for licences, permits or approvals, 8(c)(ii)
non-taxable properties
business tax (See business tax exemptions)
exceptions taxable under bylaw
bylaws cancelling an exemption
any property or business, 351(2)
coming into effect, 351(4)
copy to Minister, 351(5)
otice to affected persons, 351(3)
by order of Local Authorities Board, 351(1)(b)(ii)
by private Act, 351(1)(b)(i)
local improvement tax (See local improvement tax)
taxable properties exempt by bylaw
(See property tax, taxable properties, can be made exempt under bylaw)
tax exempt non-profit properties (See property tax, exempt non-profit properties)
tax exempt properties (See property tax, exempt properties)
with exceptions, 351
by order of Lieutenant Governor in Council, 351(1)(b)(ii)
by private Act, 351(1)(b)(i)
non-assessable properties (See non-assessable properties, with exceptions and conditions)
tax exempt organizations’ properties, can be taxed under bylaw (See property tax, exempt organizations' properties that can be made taxable)
notes
defined as securities, 250(1)
securities (See investments and securities)
NRCB, See Natural Resources Conservation Board (NRCB)

nuisances
bylaw matters, 7(c)
umber of councillors for municipalities, 143–144, 148–149
nursing home properties
exemption from taxation, 362(1)(h)
oaths
proceedings before council or council committee, 200
proceedings before Municipal Government Board (MGB), 496
taking of oaths by municipal officials, 156
Oaths of Office Act
prescription of oath, 156
offences and penalties, 7, 557–569
bylaw matters, 7(i)
CAO offences, 557, 557(a), 558
civil liability not affected, 569
designated officer, 557, 557(a), 558
fines
as amounts owing to municipality, 568
imprisonment and, 566(1)
order for compliance in addition, 567
forms for bylaw enforcement, 560
general offences as contravention or non-compliance with decision of MGB, 557(a.5)
decision of subdivision development appeal board, 557(a.5)
designated manufactured home community report to municipality, 557(a.6)
designated manufactured home tax recovery, 557(d)
development permit or condition, 557(a.4)
land use bylaws, 557(a.2)
Minister's direction or order, 557(b)
order for compliance, 557(c)
order for emergency remedies, 557(c)
order to remedy contraventions, 557(c)
order to remedy dangers and unsightly property, 557(c)
planning and development, 557(a.1)
stop order, 557(a.3)
subdivision approval or condition, 557(a.4)
growth management board not provided with information, 708.17
heraldic emblem unauthorized use, 557(a), 559
imprisonment maximum, 566(1)
obstructing construction of public works, 557(a), 562
officials, 557(a), 558
prosecutions, time limit, 565
public utilities and works, obstructing construction, 557(a), 562–563
stop-cock, 29, 557(a), 563
office
place for municipal, 204
term of office, 157, 158
official administrator
appointment by Minister after amalgamation of municipalities, 112
after dismissal, 574(4)–(5)
at any time, 575(1)
formation of municipality before first council, 90
enforcement by Minister where municipality under supervision, 575.2
no quorum, orders, 168(2)
notice of Minister's intended order, 575.2(2)
powers and duties after dismissal of others, 574(6)
of council, 90, 112, 574(6), 575
on appointment, 575(2)
remuneration, 574(4), 576
reports, 575.1
off-site levy, 648–649
accounts, separate, 648(5)
appeal to MGB, 488(1)(k), 648.1, 694(4)(d)
bylaw, 648(1), 648(4)–(4.1), 648(6), 649
collection, 648(4.1)
fees or other charges, 648(8)–(9)
termunicipal off-site levy, 648.01, 694(4)(f)
not school building projects, 648(1.1)
oversize improvement agreements, 648, 651
payment as development permit condition, 650(1)(e)
payment as subdivision approval condition, 655(1)(iv)
purposes, 648(2)–(2.2)
regulations, 694(4)

oil and gas
assessed person
drillings or wells under lease, licence or permit, 304(1)(f), 331
oil sands machinery and equipment, 304(1)(g), 331
assessment and taxation (See linear property)
well drilling equipment tax (See well drilling equipment tax)

Oil and Gas Conservation Act
definitions
exemption of well and battery from Part 17, 618(1)(b)
well drilling equipment tax for wells requiring licence, 388(2)
operating budgets, 242–244
adoption by council, 242(1), 247
annual budgets
accounting standards, 241(a)
adoption of, 248.1
definition of, 241(a.02)
contents, 243
expenditure and transfer estimates, 243(1)
capital budget transfers, 243(1)(f)
clean energy improvement tax, 243(1)(e.1)
debt obligations for capital property improvements, 243(1)(b)
financial shortfall, 243(1)(g)
growth management board obligations, 243(1)(b.1)
intermunicipal collaboration framework, 243(1)(c.1)
policies and programs, 243(1)(a)
public utility depletion allowance or depreciation, 243(1)(d)
requisitions under enactments, 243(1)(c)
reserve transfers, 243(1)(e)
expenditure authorizations, 248
interim budget expenditure authorization in budget, 248(1)(a)
period and validity, 242(2)–(3)
Minister powers
financial shortfall, 243(1)(g), 244, 247, 248(3)
regional services commission (See regional services commission) regulations, 243(4)
revenue and transfer estimates, 243(2)–(3.1)
amortization, 243(3.1)
business improvement area tax, 243(2)(c)
business tax, 243(2)(b)
community aggregate payment levy, 243(2)(f.1)
community revitalization levy, 243(2)(c.1)
grants, 243(2)(g)
local improvement tax, 243(2)(f)
other sources, 243(2)(i)
property tax, 243(2)(a)
special tax, 243(2)(d)
surplus fund or reserve transfers, 243(2)(h)
tangible capital assets, 243(3.1)
well drilling equipment tax, 243(2)(e)
use of capital property borrowing for operating purposes, 253(2)
organizational meetings of council. See council meetings
orientation training for councillors, 201.1. See also councillors
oversize improvement agreements, 651
definitions
excess capacity, 651(5)(a)
 improvement, 651(5)(b)
 improvements
access road, 650(1)(a), 651(5)(b)(ii), 655(1)(b)
parking and loading facilities, 650(1)(d), 651(5)(b)(ii), 655(1)(b)(iv)
pedestrian walkway systems, 650(1)(b), 651(5)(b)(i), 655(1)(b)(ii)
public utilities, 648(2), 650(1)(c), 650(4), 651(5)(b)(i), 655(1)(b)(ii)
roads for subdivision or development, 648(2)(c.1), 648(7)
sewage and drainage systems, 648(2), 651(5)(b)(i)
water systems, 648(2)(a), 651(5)(b)(i)
subdivision or development permit approval
construction and payment, time for, 651(1)
costs and reimbursements, 651(2)–(4)

parcel of land
definition, 1(1)(v), 616(s)
parental leave for councillors, 144.1, 174(2)
parking
business improvement areas purpose, 50(b)
development permit condition, 650(1)(d)(i)
land use bylaw, 640(4)(f)
loading (See loading and unloading facilities)
ablessure improvement agreements, 650(1)(d), 651(5)(b)(ii), 655(1)(b)(iv)
religious properties taxation exemption, 362(1)(k)
subdivision approval condition, 655(1)(iv)

parks and recreation
area redevelopment plans, 635(a)(iv)
assessment and taxation, 298(1)(k–k.1), 304(1)(h), 351(1)(a)
definitions
community recreation facilities, 616(a.11)
disposal of parks and recreational land, 674–675 (See also reserve land)
intermunicipal collaboration frameworks, 708.29(2)
land acquisition, 644
recreational services special tax, 382(1)(l)
redevelopment levy (See area redevelopment plans)
reserve land or money used for, 671
taxation of non-profit recreation organizations, 362(1)(n)(ii)

Parks Towns Act
council definition under, 1(1)(e)(iii)
inconsistencies between Acts, 2(2)
municipality defined under, 1(1)(s)(iii)
participating municipality. See also growth management boards definition, 708.01(1)(c)

pavement markings
liability for damage by, 533(a)
paving
special tax, 382(1)(e)

Payments in Lieu of Taxes Act (Canada), 317(c)

Peace Regional Waste Management Company Regulation, 603.1(3.1)

pecuniary interests, 169–173
assessment review boards prohibition, 480
councillors, 169–173
abstentions on council, 172(1), 172(5)
disclosure statement, 171
disclosure to council, 172
disqualification and damages, 174(1)(g)–(i), 176(2)
effects on agreements, 173
matters with interest, 170(2)
matters with no interest, 170(3)
definitions
corporation, 169(a)
councillor’s family, 169(b)
director, 169(a)
distributing corporation, 169(a)
officer, 169(a)
pecuniary interest, 1(1)(w)
shareholder, 169(a)
spouse, 169(c)
voting rights, 169(a)
voting shares, 169(a)

MGB prohibition, 520

pedestrian walkway systems
development permit condition, 650(1)(b)
oversize improvement agreements, 655(1)(b)(ii)
subdivision approval condition, 655(1)(ii)

penalties. See offences and penalties

penstocks
assessment and taxation, 298(1)(e), 304(1)(h), 351(1)(a)
permits. See development permit; licences, permits or approvals

personal information. See Freedom of Information and Protection of Privacy Act (FOIP); records and documents

Personal Property Registry
costs determined by MGB, 502
definitions, Registry, in relation to designated manufactured home, 436.01(d)

**Personal Property Security Act**
definitions include:financing change statement, 436.01(a)financing statement, 436.01(b)register, 436.01(c)security interest, 436.01(f)
unencumbered ownership of designated manufactured home sold at public auction, 436.14

**person liable for tax**, 331

**petitions**, 219–226.2, 231–235
application of Act, 219
confidentiality, 226.2
contents, 224
affidavit for signature, 224(3–(3.1)
confidentiality statement, 226.2(3)
date signed, 224(2)(d)
e-mail address, 224(2)(c.1)
petitioners' representative, 224(4)
printed names, 224(2)(a)
purpose statement, 224(1)
signatures, 224(2)(b), 224(3)
street address, 224(2)(c)
television number, 224(2)(c.1)
witness to signature, 224(3)
council duties, 233–235

counting petitioners, 223, 225
adding and removing after filing, prohibition, 225(2)
address error or omission, 225(3)(d)
date incorrect, 225(3)(e)
date signed too early, 225(3)(g)
name error or omission, 225(3)(c)
population percentage, 223(2)
purpose statement not same, 225(3)(b)
random sampling of large petitions, 225(4)
signature not witnessed, 225(3)(a)
signature witnessed but without affidavit attached, 225(3)(a.1)

summer village, 223(2)
disclosure and use of personal information, 226.2
errors and omissions, 225(3)
filing with CAO, 225(1)-(2)
for bylaws amendment or repeal of bylaws, 232
for changes to petition requirements, 219, 226.1
new bylaws, 232
formation of a municipality, 85(1)(b)

**pipeline connections.** See public utilities, municipal

**pipelines** as linear property (See linear property)

included in definition of linear property, 284(1)(k)(iv)
on reserve land, 677
planning and development
exemption, 618(1)(c)
regulations to define, 322(1)(b)

Planning Act
definition, 616(t)

**planning and development** AER, AEUB, ERCB, NRCB or AUC authorizations, 619
ALSA regional plans, compliance with, 622, 630.2
appeal boards, 627–630
authorities, 623–626
buildings (See buildings)
bylaws binding, 618.2
bylaws for planning, requirements, 692
Canmore Undermining Review Regulation, 694(5.5)–(5.7)
confined feeding operation or manure storage, exemption for, 618.1
definitions
agricultural operation, 616(a)
building, 616(a.1)
community recreation facilities, 616(a.11)
conservation reserve, 616(a.3)
development, 616(b)
development authority, 616(c)
development permit, 616(d)
environmental reserve, 616(e)
environmental reserve easement, 616(f)
former Act, 616(g)
highway, 616(h)
instrument, 616(i)
intermunicipal service agency, 616(j)
land use bylaw, 616(k)
land use policies, 616(l)
lot, 616(m)
mediation, 616(m.1)
municipal planning commission, 616(n)
non-conforming building, 616(q)
non-conforming use, 616(r)
parcel of land, 1(1)(v), 616(s)
Planning Act, 616(t)
plan of subdivision, 616(u)
public utility, 1(1)(y), 616(v)
public utility lot, 616(w)
redevelopment area, 616(x)
Registrar, 616(y)
reserve land, 616(z)
road, 616(aa)
school authority, 616(bb)
statutory plan, 616(dd)
subdivision, 616(ee)
subdivision and development appeal board, 616(gg)
subdivision and development regulations, 616(hh)
subdivision authority, 616(ff)
development appeals (See development appeals)
development authority (See development authority)
development permits (See development permit)
fees, 630.1
intermunicipal development plans (See intermunicipal development plans)
intermunicipal planning commission (See intermunicipal planning commission)
intermunicipal subdivision and development appeal board (See intermunicipal subdivision and development appeal board)
land (See land)
land use bylaws (See land use bylaws)
Lieutenant Governor in Council exemptions or terms and conditions, 618(4)–(5)
listing and publishing of policies, 638.2
municipal planning commission (See municipal planning commission)
non-application of Act, 618
non-conforming land or buildings (See land use bylaws)
offences and penalties, 557(a.1) (See also offences and penalties)
purpose statement, 617
regulations, 694
statutory plans (See statutory plans)
subdivisions (See subdivisions and subdivision approvals)
website information on, 638.2
plan of subdivision
definition, 616(u)

police stations
community services reserves for, 671(2.1)(b)
off-site levy, 648(2.1)
policies, planning and development
listing on municipal websites, 638.2
policies, publishing on municipal websites, 638.2. See also advertisements; electronic communications and records

polytechnic institutions
definitions, student dormitory, 326(1)(b)
taxation
  school property, 362(1)(d)(i)(B)
  students’ association property, not dormitories, 362(1)(d)(iv)
taxation of student dormitories, 363(1)(d), 363(3)

population
census, 57, 604(b)
definition, 1(1)(x)
formation of municipality requirements, 78–82
municipal development plans requirements, 632(2)
regulations defining, 604(a)–(b)

privacy. See confidentiality

private Acts
tax exemptions, 351

private schools and colleges
taxation
  school property, 362(1)(c)(ii)
  student dormitory definition, 326(1)(b)
taxation of student dormitories, 363(1)(d), 363(3)

Proceedings Before the Board Clarification Regulation, 603.1(4)

processing plants. See manufacturing or processing plants and operations

property, unclaimed. See Unclaimed Personal Property and Vested Property Act

property taxes
Alberta School Foundation Fund (See Alberta School Foundation Fund (ASFF))
assessable and non-assessable properties (See non-assessable properties, with exceptions and conditions)
bylaws, property taxes, 353–354
changes in taxable status of property, 368
complaints (See assessment review boards (ARB))
definition of property tax, 1(1)(aa)(i)
designated manufactured homes (See designated manufactured homes)
dissolution of municipality, outstanding liabilities, 134
exemptions (See non-assessable properties, with exceptions and conditions)
grants in place of taxes, 366
licensed premises, tax status, 365(1)
linear property (See linear property)
maximum tax ratio (See property tax, maximum tax ratio)
operating budget revenue estimate, 243(2)(a)
partly exempt and partly taxable property, 367
pre-condition to pass tax bylaws, 247
proceedings, limitation on time to start action, 352
proration of taxes, 368(3)
regulations, 370
requisitions for other taxes (See requisitions)
requisitions for schools (See schools, school boards and school authorities)
subdivision approvals, 654(1)(d)
supplementary property tax (See supplementary property tax)
taxable properties, can be made exempt under bylaw (See property tax, taxable properties, can be made exempt under bylaw)
tax agreements (See tax agreements)
tax exemption based on use, 361
tax exempt non-profit properties (See property tax, exempt non-profit properties)
tax exempt organizations’ properties, can be taxed under bylaw (See property tax, exempt organizations’ properties that can be made taxable)
tax notices (See tax notices)
tax rates (See tax rates)
tax recovery (See tax recovery related to land)
tax roll, amounts owing added to, 553.1
tax status change, 368
uncollected taxes and tax allowance, 359(2)
use or occupancy changes, 368(1)–(2)
property tax, exempt non-profit properties, 362(1)(n), 362(2)–(4)
bylaw for change of status for tax exemptions, 362(2)–(4)
effective date, 362(4)
notice to persons affected, 362(3)
properties, 362(2)
definitions
non-profit, 616(r.1)
licensed premises, tax status, 365(1)
non-profit organizations for community games, sports, athletics or recreation, 362(1)(n)(ii), 362(2)
holding property on behalf of municipality, 362(1)(n)(i), 362(2)
property generally, 364(1)
providing senior citizens lodge accommodations, 362(1)(n)(iv), 362(2)
property tax, exempt organizations’ properties that can be made taxable, 363
bylaw for change of status for tax exemptions, 363, 363(2)–(5)
effective date, 363(5)
notice to persons affected, 363(5)
properties, 363(2)
dormitories for students, 363(1)(d), 363(3)
organizations
armed forces, veterans, former allied forces, 363(1)(c)
Ducks Unlimited (Canada), 363(1)(a)
hostelling associations, 363(1)(b)
property tax, exempt properties, 361–362
based on use
reserves lands and public utilities, 361(c)
residences and farm buildings, under regulations, 361(b)
exceptions to exemptions
electric power system, 362(1)(b)(iii), 362.1
municipal property earning revenue, 362(1)(b)(i)–(ii)
municipal seed cleaning plant land, 362(1)(p)
natural gas or propane system, with conditions, 362(1)(b)(v)
telecommunications system, 362(1)(b)(iv)
exemptions for Government, churches and other bodies’ properties
cemeteries and burial sites, 362(1)(l)
Crown properties held by charities for benevolent uses, 362(1)(n)(iii)
Crown property, 362(1)(a)
educational property with exceptions, 362(1)(d)
health region properties, 362(1)(g.1)
hospital property with exceptions, 362(1)(e)
library properties, 362(1)(j)
municipal airports, 362(1)(o)
municipal property with exceptions, 362(1)(b)
municipal seed cleaning plants, with exceptions, 362(1)(p)
non-profit organization properties held by charities for
benevolent uses, 362(1)(n)(iii)
non-profit organization properties held by charities for seniors lodges, 362(1)(n)(iv)
nursing home properties, 362(1)(h)
regional services commission property, 362(1)(f)
religious properties, 362(1)(k)
school property with exceptions, 362(1)(c)
senior citizens lodge accommodations, 362(1)(m)

**property tax, maximum tax ratio**
annexation of land, 358.1(6)
bylaws, 358.1(3)
calculations, 358.1(3)–(5), 358.1(7)
definitions
non-conforming municipality, 358.1(1)(a)
non-residential, 358.1(1)(b)
tax ratio, 358.1(1)(c)
maximum ratio, 358.1(2)
non-conforming municipalities, 358.1(1)(a), 358.1(2)–(5)

**property tax, regulations to define other tax exempt properties**, 370
community association definitions, 370(e)
licences for licensed premises, 370(d)
linear property tax rate, 370(b)
residences and farm buildings, 370(a)
tax exempt non-profit properties, 370(c)

**property tax, taxable properties, can be made exempt under bylaw**, 364
council's discretion, 364(2)
machinery and equipment, 364(1.1)

**prosecutions.** See offences and penalties

**provincial assessors.** See also assessors

access to information by assessed person confidentiality, 301(2)
provincial assessment record, 299.1, 300.1
assessment notices for designated industrial property
address of assessed person, 304(3)
address unknown, 310(2)
amended, 309, 312
certification of date of sending, 310(4)–(5)
combined assessment and tax notices, 308(4)
complaints, 309 contents, 309
copies to municipality, 308(2)
deemed received, 311
definitions
errors and omissions, 312
notices to assessed persons, 308(2)
preparation, 308(2)
payment notice, 311
time of sending, 310

assessments for designated industrial property
address of assessed person, 303.1(c), 304(2)
class or classes, 303.1(e)
contents, 303.1
correction, 305, 517
MGB decisions, 517
public or separate school assessments, 303.1(g)
time of preparation, 302

Court authorized inspection and enforcement, 296
definitions
in definition of assessor, 284(1)(d)
operational, 284(1)(o.1)
provincial assessment roll, 284(1)(r.1)
provincial assessor, 284(1)(r.2)
requisition, 326(1)(a)(vi)
delegation of powers, 284.1(2), 284(1)(d)
designated by Minister, 284.1(1)
designated industrial property assessments, 292 (See also designated industrial property)
duties of, 293, 322(1)(d.1)
  duty to provide information to, 295
  complaints and required
  information, 295(4), 295(6)
  permits under Safety Codes Act,
  295(2)–(3)
  report to Minister on request,
  295(5)
  information from municipal
  assessor, 293(1)
  liability, 284.1(3)
  properties assessed by both
  provincial and municipal
  assessors, 289(2.1)
  supplementary assessments
  assessment notices, 316.1
  complaints, 316.1
  operational periods, 314.1
  preparation of roll, 315
  provincial assessors to provide
  copies to municipalities,
  315(5), 316(2)
  supplementary assessment roll,
  315
  time to send, 316
  valuation standards, 314.1

Provincial Court, Judge of
  enforcement of public utility meter
  inspection, 544

Provincial Offences Procedure Act
  reduction of penalties for early
  payment, 7(i)(iv)

PUB (Public Utilities Board). See
  Public Utilities Board (PUB)

public auction for tax recovery not
  related to land. See tax recovery
  not related to land

public auction for tax recovery
  related to designated
  manufactured homes. See tax
  recovery related to designated
  manufactured homes

public auction for tax recovery
  related to land. See tax recovery
  related to land

public colleges. See comprehensive
  community colleges

public hearings. See hearings

public hearings of council. See
  council meetings

Public Highways Development Act
  forestry road agreements, 27.6
  former forestry road definition,
  27.1(1)(b)

Public Inquiries Act
  inquiry, person conducting, 572(5)
  regional services commission
  inspectors' powers, 602.35(3)

Public Lands Act
  planning and development on Crown
  land, 618(3)
  subdivision appeals in Green Area,
  678(2)

public participation policy for
  council, 216.1

public places
  jurisdiction to pass a bylaw, 7(b)
  liability of municipalities, 532

public road
  road definition, 1(1)(z)
  roads (See roads)

Public Service Act
  improvement districts
  administration, 591

public services facilities. See also
  community services reserve
  community services reserves for,
  671(2.1)(f)

public transportation. See
  transportation systems

public utilities, municipal, 28–47.1
  annexation of land, order effects,
  127.1
  appeal of service charge to
  consumer, 43
  approvals and authorizations
  required, 32
  area redevelopment plans, 634–635
  building connections, including
  pipes, wires or things, 29
  building installations over multiple
  units, 40
  bylaw designation of municipal land,
  665
  bylaw matters, 7(g)
Calgary Charter for Glenmore Dam, 613
construction, obstructing, 557(a), 562
costs
service charges by owner or occupant, 42
service connection costs added to tax roll; special lien, 553(1)(a)–(b), 553(2)
service connections, 35(3)–(4), 36(3)–(4), 39
definitions
Balancing Pool, 30(4)
consumer, 31(1)(a)
customer, 28(a)
direct sales agreement, 30(4)
direct seller, 31(1)(b)
distribution tariff, 28.1(1)(b)
distributor, 31(1)(c)
easement, 28(a.1)
generation asset, 30(4)
municipal public utility, 28(b)
municipal tariff matter, 28.1(1)(a)
municipal utility service, 28(c)
non-municipal public utility, 28(d)
power purchase arrangement, 30(4)
public utility, 1(1)(y), 602.01(1)(g), 616(v)
public utility lot, 616(w)
regulated rate tariff, 28.1(1)(b)
retailer, 28(d.1)
service connection, 28(e)
subsidiary, 28.1(1)(b)
transmission tariff, 28.1(1)(b)
urban gas system, 31(1)(d)
urban municipality, 31(1)(e)
utility agreement, 127.1(1)
utility service, 28(f)
deposits unclaimed, 611
development permit condition, 650(1), 650(1)(c), 650(4)
discontinuance of service, 41
disputes with regional services commission, 602.14
EPCOR, 47.1

expropriation of land by regional services commission, 602.13(1)
gas supplies (See gas utilities)
land adjacent to utility, duty to supply, 34
land dedication for, 361(c), 661–662
liability for service charges, 42
liability of municipalities, non-negligence actions, 528
long-term supply agreements, order effects from amalgamation, annexation, dissolution or formation, 135(5)
long-term supply agreements with municipalities, 30
meter inspections, 544
non-municipal (See public utilities, non-municipal)
otice
discontinuance of service, 41(a)
termination of agreement with non-municipal utilities, 47(1)–(2)
offences and penalties, 557
operating budget to include depletion allowance or depreciation, 243(1)(d)
property tax agreements (See tax agreements)
Public Utilities Board (See Public Utilities Board (PUB))
regional services commission relationship (See regional services commission)
right of entry for main line service connections, 36(2), 37(3), 38(2)
same or similar public utilities prohibited, 33–33.1
service agreements, order effects from amalgamation, annexation, dissolution or formation, 135(5)
service charges for, 42–43
service connections from main lines costs, 35(3), 36(3)–(4), 39
municipal responsibilities, 35–39
owner responsibilities, 37
restoration, 36(3)–(4), 39
restoration and costs, 553(1)(a), 553(2)
service to land adjacent to utility, 34
stop-cock, 29, 557(a), 563
subdivision approval agreement, 655(1)(b)(iii), 655(1)(ii), 655(4)
water systems (See water systems)
public utilities, non-municipal, 45–47.1
agreements, 45, 47
agreements, exceptions, 45.1
bylaw to prohibit same or similar services, 46–46.1
disputes re municipality's purchase of non-municipal utilities, 47(2)–(4)
otice of termination of agreement, 47(1)
Public Utilities Board, 45(3)(b), 47
right to provide utility service, 45
right to purchase non-municipal utilities, 47(2)–(4)
right to use municipal property, 45(2)
Public Utilities Act
controlled corporations excluded from Part 2 of Act, 75.4(1)
dispute between municipalities re service charges, 44(3)
EPCOR excluded from Part 2 of Act, 47.1(2)
Public Utilities Board (PUB)
agreement approvals, 30, 45(3)–(4)
publishing of planning and development policies on municipal websites, 638.2. See also advertisements; electronic communications and records
purposes of municipalities, 1(1)(r), 3, 708.27
purposes of planning and development, 617
railways
as linear property (See linear property)
assessed person for railway land under lease, licence or permit, 304(1)(d)–(d.1), 331
assessment of property guidelines, 322.1(1)(a)(i)(E)
right of way used for other purposes, 290(2)
definitions included in definition of linear property, 284(1)(k)(v)
transportation service, 602.01(1)(i)
regulations to define, 322(1)(b)
rent collections for tax arrears, 416(2.1)
ranches. See farms and farming
ratio, maximum property tax. See property tax, maximum tax ratio
readings of bylaws, 187–189
real estate leaseholds and mortgages defined as securities, 250(1)
securities (See investments and securities)
reclamation lands
assessment and taxation, 298(1)(l), 304(1)(h), 351(1)(a)
records and documents
assessment records (See assessment of property; assessors)
auditors’ information access, 283 (See also auditors and audits)
bank account statements to Minister, 573
CAO duties (See chief administrative officer duties)
certificate of advertising, 606(7)–(8)
certified copies, 612
commissions (See intermunicipal planning commission; municipal planning commission; regional services commission)
confidentiality (See confidentiality)
corporate seal, 272
destruction of records, 214
electronic communications and records (See electronic communications and records)
filing with the Court, 612(3)
forms
bylaw enforcement, 560
ministerial regulations, 604(d)–(e)
freedom of information (See Freedom of Information and Protection of Privacy Act (FOIP))
heraldic emblem, 557(a), 559
microfiche copies, 214(1)
Minister, information to, 577
minutes of council meetings (See minutes of council meetings)
notice to Minister of councillors list, 208(1)(c)
personal information retention, 214(3)
petitions (See petitions)
publication of information, regulations for, 580
regional services commission (See regional services commission)
safe keeping of records and documents, 208(1)(b)
safe keeping of seal, 272(2)
SDAB records, 629
sending documents, 608
service of documents, 607
signatures
agreements, 213(4)
banking signatures, 213(4)
borrowing instruments, 272
bylaws, 213(3)
designated officers, 213
financial administration, 272
minutes, council and committee, 213(1)–(2)
reproduction of, 213(5), 272
tax documents (See taxes and taxation)
recovery of taxes related to land. See tax recovery related to land
recreation. See parks and recreation
recreation facilities, community. See community recreation facilities
redevelopment levy. See area redevelopment plans
redevelopment of industrial or commercial property. See brownfield property
redistricting. See land use bylaws
reeve. See chief elected official (CEO)
re forestation of lands
assessment and taxation, 298(1)(l), 304(1)(h), 351(1)(a)
regional airports authorities. See airports
Regional Airports Authorities Act
assessment and taxation of airport improvements, 298(1)(x), 304(1)(h), 351(1)(a)
Regional Health Authorities Act
definitions, local authority, 1(1)(m)(ii)
 Improvement district expenditures, 596(1)(b)
Regional health authority
agreement with municipality for services, financing of, 262
definition as local authority, 1(1)(m)(ii)
hospitals (See hospitals and hospital authorities)
securities as authorized municipal investments, 250(2)(b), 250(2)(d)
taxation of property, 362(1)(g.1)
Regional Municipal Services Act
regulations for commissions, transitional provision, 602.5
regional services commission, 602.01–602.4
acquisition of land in adjoining province or territory, 602.11(b), 602.125
agreement with municipality, 625
ALSA regional plans, compliance with, 570.01, 622
assessment and taxation
property held by, 362(1)(f)
sewage and drainage systems, 298(1)(a), 351(1)(a)
water systems, 298(1)(b), 351(1)(a)
board of directors, 602.04
appointment by Minister or council, 602.04(5), 602.05
chair designated, 602.04(2)(b), 602.04(3)(a)
directors, 602.04(2)–(4)
directors from Province, 602.05
first board of directors, 602.04(2)
governance, 602.04(1)
information to Minister, 602.04(6)
meetings, closed or public, 1(3), 602.08
natural person powers, 602.1
powers, 602.1–602.13, 602.06
bylaws of commission, 602.07
corporation, control of profit, 602.09
definitions
board, 602.01(1)(a)
borrowing, 602.01(1)(b)
capital property, 602.01(1)(c)
commission, 602.01(1)(d)
member, 602.01(1)(e)
municipal authority, 602.01(1)(f)
public utility, 1(1)(y), 602.01(1)(g)
regional services commission, 1(1)(y.1)
regional services commission as local authority, 1(1)(m)(iii)
service, 602.01(1)(h)
transportation service, 602.01(1)(i)
disestablishing a commission, 602.4
dismissal and direction (See dismissal of regional services commission)
disputes
expropriation, 602.15
referrals to boards, 488(1)(g), 488(3), 602.14–602.16
with controlled corporations, 75.4(2)
with EPCOR, 47.1
establishment of, 602.02
expropriation, 602.13, 602.15
fees for services, 602.07(2)
information
from board of directors to Minister, 602.381
meetings, FOIP issues, 602.08(2), 602.08(4)
privileged, 602.381(3)
inspection, 602.35
meetings
closed or public, 1(3), 602.08
FOIP issues, 602.08(2), 602.08(4)
minutes of closed meetings, 602.08(6)
regulations, 602.08(7)
natural person powers, 602.1
non-municipal public utilities
agreements, 45(3)(b), 45(4)
public utility disputes, 602.14
service area, within or outside boundaries, 602.11
taxation of property, 362(1)(f)
transitional regulations, 602.5
transportation services under Motor Transport Act, 602.12
Registrar of Land Titles
caveats (See caveats)
definitions, Registrar, 410(c), 616(y)
filing tax arrears list with, 412(1)(b)
removal of designation as municipal reserve, 675
transfer of reserves to municipality, 672(2)
Registrar of the Court of Appeal
filing of hearing records, 688(4.3)
regular meetings of council, 193
Regulations Act, non-applicability of
borrowing exemptions by Minister, 255
guidelines for assessments, 322(3)
improvement districts, 585
municipal emergency exemption, 615.1(4)
orders for amalgamation, annexation, change of status, dissolution, or formation, 140
orders for school board purposes, 671(7)
principles, standards and criteria, 76
regional services commission, 602.07(5)
subdivision and development regulations, 694(3)

Regulator, Alberta Energy. See Alberta Energy Regulator (AER)

rehabilitation lands
assessment and taxation, 298(1)(l), 304(1)(h), 351(1)(a)
remuneration for councillors defined, 275.1(1)
expense allowance, 275.1, 588.1
renewable energy. See clean energy improvement tax
representative. See also growth management boards
definition, 708.01(1)(e)

requisitions
ASFF (See Alberta School Foundation Fund (ASFF))
cancellation, reduction, refund or deferral of taxes, 359.4
designated industrial property (See designated industrial property)
management body under Housing Act, 326(1)(a)(v)
requisition adjustment or allowances, 359
school board requisition (See schools, school boards and school authorities)

reserve bid
defined, 410(d)
reserve land, 661–670, 661–677
accounts, separate, 671(4)
authorization for roads or utilities over, 677
bylaw designation of municipal land, 665

community services reserve (See community services reserve)
conservation reserve (See conservation reserve)
deferment of reserves, 669
definitions
developable land, 668(1)
reserve land, 616(z)
disposal of reserve land, 674–675
environmental reserve (See environmental reserve)
environmental reserve easement (See environmental reserve easement)
former planning Act provisions, 663(d)
grants in place of taxes re public works reserve, 366(3)(c)
land acquisition, 644
maintenance and protection, 677
municipal and school reserve (See municipal and school reserve)
municipal reserve (See municipal reserve)
not required, 663
offences and penalties to Part 17 generally, 557(a.1)
school reserve (See school reserve)
subdivision plan cancellation, 658(3)–(5)
subdivision requirement, 661–670
additional reserve land, 668
allocation of reserves, 670
calculations of money not land, 667
conditions for no dedication, 663
deferment of reserve land, 669
environmental reserve, 664
land and/or money, 661, 663, 670
tax exempt, 361(c)
transfer of reserve land, 672–673
uses for land and money, 671

reserves, Indian. See Indian bands and reserves

reservoirs
airport reservoirs assessment and taxation, 298(1)(x)(iv), 304(1)(h), 351(1)(a)
reservoirs assessment and taxation, 298(1)(d), 304(1)(h), 351(1)(a)

**residential property**  
class 1 residential, 297(1)(a), 297(2)  
**(See also** assessment classes)  
clean energy improvements, 390.2  
**(See also** clean energy improvement tax)  
definitions  
residential, 297(4)(c)  
tax rates, 357.1

**resignation of councillors**, 161, 175

**resolutions**  
advertisements, 606–606.1  
certified copies, 612  
closed meetings, no passing in, 197(3)  
growth management plans, compliance with, 708.12–708.13  
or bylaws, when to use, 180  
order effects from amalgamation, annexation, dissolution, or formation, 135–137  
requirements for valid resolutions, 181

**restoration of land**  
public utility main line service connections, 36

**restricted information to auditors**, 283(3)

**restrictive covenant**, 651.1

**revision of bylaws.** See bylaws

**revitalization levy.** See community revitalization levy

**right of entry**  
after land transfer at public auction, 432  
application for subdivision, 653(2)  
emergencies, 542(3)  
for assessment of property, 304(2)  
orders  
on title after public auction, 423(1)(e)  
on title for land transferred to municipality, 424(3)(d)  
public utility service connections, 36(2), 37(3), 38(2)

**right of way**  
after land transfer at public auction, 432  
assessment and taxation of road right of way under Crown or municipal lease used for other purposes, 298(1)(i), 304(1)(h)  
assessment of right of way for irrigation, railway or drainage used for other purposes, 290(2)  
temporary right of way on private land, 26

**river lot**  
definitions, 616(m)(ii)  
subdivision approval, 652(2)(b)–(c)

**rivers**  
as body of water, 1(1.2) **(See also** water, body of)  
river as municipal boundary, 141(6)

**road allowances and diversions**  
boundaries and correction lines, 141  
municipal control over, 18(2)

**roads**, 16–27.6, 62, 531–534  
access roads  
development permit agreement, 650(1)(a)  
land use bylaw, 640(4)(h)  
subdivision approval agreement, 655(1)(i)  
area redevelopment plans, 634  
assessment of  
airport roads and sidewalks, 298(1)(x)(iii), 304(1)(h)  
road maintenance improvements, 298(1)(i.1), 304(1)(h)  
road right of way used for other purposes, 298(1)(i), 304(1)(h)  
roads, 298(1)(i), 304(1)(h)  
boundaries of municipalities, 141(4)  
city road disposal by council, 17  
closures, 22–25  
bylaw for, 22  
compensation for damages, 23  
of unnecessary roads due to alternate route, 24  
reopening of closed roads, 27  
temporary due to hazards, 25
definitions
private land, 26(1)
road, 1(1)(z), 616(aa)
encroachment agreements, 651.2
exemption from subdivision and
development approval, 618(1)(a)
former forestry roads (See forestry
roads)
improvement district, control by
Minister in, 592
land acquisition for, 62
liability of municipalities, 531–534
injury or damage due to failure to
repair, 532
non-negligence actions, 528
road not under control of
municipality, 532(3)
snow on, with gross negligence, 531
things on or adjacent to roads,
damage caused by, 533
licences or permits for land abutting
roads, 21
mines and minerals, 16(3), 18(3)
names for, 58
on private land, 26
reopening of closed roads, 27
road allowances and diversions,
18(2)
road barriers, liability for, 533(a)
subdivision requirement for, 661–
662
taxation
airport roads and sidewalks,
298(1)(x)(iii), 351(1)(a)
off-site levy, 648(2)(c.1), 648(7)
road maintenance improvements,
298(1)(i.1), 351(1)(a)
road right of way used for other
purposes, 298(1)(i),
351(1)(a)
roads, 298(1)(i), 351(1)(a)
special tax, 382(1)(c), 382(1)(e),
382(1)(f)
temporary roads, 26
title, 16

Rocky Mountain Forest Reserve
control of roads by Minister of
Transportation, 19
former forestry roads (See forestry
roads)
Royal Canadian Legion
tax status, 363(1)(c)
Rural Electrification Loan Act
filing a notice of lien, 423(1)(g),
424(1)(f)
Rural Electrification Long-term
Financing Act
registered liens, 423(1)(h), 424(1)(g)
rural gas distribution system
assessment and taxation of linear
property, 298(1)(r)–(r.1),
298(2), 304(1)(i), 351(1)(a)
Rural Utilities Act
assessment and taxation of linear
property, 298(1)(r)–(r.1),
298(2), 304(1)(i), 351(1)(a)
otice of lien, 423(1)(f), 424(1)(e)

Safety Codes Act
information to assessor on permits
under, 295(2)
salaries
defined as remuneration, 275.1(1),
588.1(1)
salt wells. See also wells and well sites
assessment and taxation of salt or
brane drillings or wells under
lease, licence or permit,
304(1)(f), 331
sand and gravel tax. See community
aggregate payment levy
schools, school boards and school
authorities
agreement with municipality for
services, 262
Alberta School Foundation Fund
(See Alberta School
Foundation Fund (ASFF))
area redevelopment plans,
635(a)(iv), 647, 649
assessment and taxation complaints
(See assessment review boards
(ARB))
assessment rolls
municipal assessment roll, 303(g)
provincial assessment roll, 303.1(g)
SUBS, 362(1)(c)
definitions
board of trustees as local authority, 1(1)(m)
requisition, 326(1)(a)(ii)–(iii)
school board, 616(bb)
school district as municipality, 284(1)(o)
student dormitory, 326(1)(b)
dormitories (See student dormitories)
grants in place of taxes, 366(3)(d)
land acquisition, 644
municipal and school reserve (See municipal and school reserve)
municipal development plans (See municipal development plans)
opted-out school boards, 326(1)(a)(iii), 359.2
requisitions
assessment classes, 359.2
cancellation, reduction, refund or deferral, 359.4
defined, 326(1)(a)(ii)–(iii)
definition of requisition, 359.2(1)
designated industrial property, 359.2
tax rates, 359.2(2)–(8), 369(2.1)
school reserves (See municipal and school reserve; school reserve)
securities as authorized investments, 250(2)(b), 250(2)(d)
tax and grant sharing with municipality, 55
taxation of student dormitories, 363(1)(d), 363(3)
transfer of school and other reserves to municipality, 672

School Act
assessment of property for public or separate purposes, 303.1(g), 303(g)
board of trustees as local authority, definition, 1(1)(m)(iv)
council, definition, 284(1)(e)(i)
improvement district expenditures, 596(1)(b)
municipality definition, 284(1)(o)(i)
requisition definition, 326(1)(a)(ii)–(iii)
tax and grant sharing with municipality, 55

School reserve, 665–673. See also municipal and school reserve
bylaw designation of municipal land, 665
caveat for deferment, 669(2)–(7)
definitions
reserve land, 616(z)
school reserve, 616(cc)
determination of school board purposes, 671(5–7)
land acquisition, 644
land not required, 663
municipal and school reserve (See municipal and school reserve)
municipal development plans (See municipal development plans)
notice of order for school board purposes, 671(8)
reserve lands generally (See reserve land)
subdivision appeals by school board, 678(1)(d)
subdivision plan cancellation, 658(3)–(5)
subdivision requirement, 666–671
additional reserve land, 668
allocation of land and/or money, 670
calculations of money and/or reserve land, 666
calculations of money not reserve land, 667
dedication by owner, 661
deferment of reserve, 669
taxation, 361(c)
transfer from municipality, 673
transfer to municipality, 672
uses for land or money, 671(2)–(4)
SDAB. See subdivision and development appeal board (SDAB)

**seal and emblem**
- heraldic emblem, unauthorized use, 557(a), 559
- reproductions of, 272(1)
- safe keeping, 272(2)

**secondary road**
- defined as highway, 616(h)

**secret ballots of council**, 185.1

**securities as municipal investments.** See investments and securities

**security rights or interests**
- defined as securities, 250(1)

**seizure of goods.** See tax recovery not related to land

**sending documents**, 608

**senior citizens facility, non-profit**
- community services reserves for, 671(2.1)(d) (See also community services reserve)
- definition of non-profit, 616(r.1)

**seniors’ lodges, taxation**, 362(1)(m), 362(1)(n)(iv), 362(2), 375(d)

**service agreements**
- intermunicipal collaboration, 708.28(5) (See also intermunicipal collaboration)
- services in other areas, 54 (See also intermunicipal authorities and agreements)

**service of documents**
- bylaw on electronic means, 607(c)
- on municipality, requirements for, 607

**settlement lot**
- definitions, 616(m)(iii)
- subdivision approval, 652(2)(d), 652(3)

**sewers and sewage disposal**
- assessment and taxation
- airport sewer lines, 298(1)(x)(v), 304(1)(h), 351(1)(a)
- manufacturing or processing plants, 298(1)(h), 304(1)(h), 351(1)(a)
- public utilities, 298(1)(a), 304(1)(h), 351(1)(a)
- construction in public interest, 408(1)
- definition of sewage disposal as public utility, 1(1)(y)(ii), 616(v)(ii)
- land required for local improvement, 406
- local improvement tax, 407–409
- off-site levy, 648(2), 650(1)(e)
- oversize improvement agreements, 651
- private connections, 409
- right to petition against, 408(2), 409(2)
- special tax, 382(1)(b), 382(1)(f)
- subdivision appeals if land near sewage treatment, 678(2), 694(1)(h)

**sharing taxes and grants**, 55

**shore line**
- environmental reserve, 664(1)(c)

**shortfall in operating budgets**, 243(1)(g), 244, 247, 248(3)

**short-term borrowing for capital property.** See capital property

**shotguns**
- firearms bylaw approval, 74

**sidewalks**
- liability for snow, 531
- unpaid snow removal costs added to tax roll, 553(1)(g.1), 553(2)

**signatures**
- agreements, 213(4)
- banking signatures, 213(4)
- borrowing instruments, 272
- bylaws, 213(3)
- designated officers, 213
- minutes, council and committee, 213(1)–(2)
- petitions (See petitions) reproduction of, 213(5), 272

**signs and billboards**
- land use bylaws, 640(4)(m)–(n)

**snow on roads or sidewalks**
- liability of municipalities, 531
unpaid removal costs added to tax roll, 553(1)(g.1), 553(2)

**Societies Act**
definition of society, 14(1)(a)
society
defined as non-profit organization, 241(f)
defined as organization, 14(1)(a)

**Sour Gas Facilities**
municipal development plans for land adjacent, 632(3)(d)

**Special Area**
amalgamations of special areas, 100(b)
anexation, 113(b)
assessment of Crown land, 298(1)(j), 304(1)(h)
definitions
as municipal authority, 1(1)(p)
in definition of municipality, 284(1)(o)(ii)
Indian reserves not included, 2.1

**Special Areas Act, 2.1**
specialized municipalities, 20, 83–84, 88–89
assessment and taxation of Crown land not in use, 298(1)(j), 304(1)(h), 351(1)(a)
boundaries, 89(3)(b)
CEO appointment or election, 150–151
change of status
initiation for, 93(c)
order contents, 97(2)
order effects, 97.2(1)
requirements, 83–84, 92
council, number of councillors, 89(3), 143–144, 148–149
declared as municipality, 1(1)(s)(i)
formation order, 88–89
formation requirements, 83–84
Minister, 83–84, 88–89
planning and development of designated Crown land, 618(2)
regulations, 271(1)(a), 604(c)
roads in municipalities formed from improvement district, 20
wards (See ward system)
special liens, 348, 553.1(2)(b)
special meetings of council, 194
special needs facility, non-profit
community services reserves for, 671(2.1)(e) (See also community services reserve)
definition of non-profit, 616(r.1)
special tax, 382–387
area benefitting, 383(1), 384(b)
assessments, 384(d)
bylaw contents, 384
definition of tax, 1(1)(aa)(iv)
estimated cost in bylaw, 384(c)
estimates in budgets, 243(2)(d), 385
person liable, 387
purposes and services, 382(1)
boulevards, 382(1)(c), 382(1)(f)
drainage ditches, 382(1)(j)
dust treatments, 382(1)(d)
fire protection areas, 382(1)(i)
hamlet water supply, 382(1)(k)
health professionals incentives, 382(1)(h)
paving, 382(1)(e)
recreational services, 382(1)(l)
road repair and maintenance, 382(1)(f)
sewers, 382(1)(b), 382(1)(f)
water facilities, 382(1)(a), 382(1)(f)
revenue uses, 386
tax exemptions, 383(2)
tax notices (See tax notices)
tax rates, 384(d)
tax recovery (See tax recovery related to land)
special works, 260
split tax rate. See tax rates
sporting commissions
declared, 335.1(1)
liability, 335.1
sports franchises
tax agreements, 333.1(1)(b)
sports organizations. See parks and recreation
Standards of Assessment Regulation
as guidelines, 322.1(1)(b)(ii)

statement of disclosure of pecuniary interests, 171

statistics, provision to Minister, 577(2)–(3)

status of municipality, changes to.
See change of status of municipality

statutory plans, 631–638.2
AER, AEUB, ERCB, NRCB or AUC authorizations, 619
airport vicinity (See airports)
ALSA regional plan conflicts, 622, 638.1, 690(5)
area redevelopment plans (See area redevelopment plans)
area structure plans (See area structure plans)
conflicts or inconsistencies, 638
consistency, 638–638.1
ALSA regional plan conflicts, 622, 638.1, 690(5)
area redevelopment plan, 634
area structure plan, 633
intermunicipal development plans, 632, 633, 634
municipal development plan, 632, 633, 634
definitions, 616(dd), 708.01(1)
direct control districts, 641
effect of, 637
growth management plans
compliance with, 708.12–708.14
effect on existing statutory plans, 708.16

intermunicipal development plans
(See intermunicipal development plans)
intermunicipal disputes, 690–691
(See also intermunicipal disagreements and disputes)
land use policies consistency, 622
listing and publishing of policies, 638.2

municipal development plans (See municipal development plans)
preparation, 636

public hearing, requirements, 692
regulations, 694(5)
regulations for floodways development, 693.1

steam works
agreements for long-term supplies with municipality, 30
assessments (See linear property)
public utility definition, 1(1)(y)(i), 616(v)(i)

stockpile
defined as development, 616(b)(i)

stop-cock
as part of building, 29
authorized use, 563
offences, 557

stop order, 645–646
appeal, 645(3), 686(1)
caveat, 646(2)–(3)
contents, 645(2)–(2.1)
costs added to tax roll, 553(1)(h.1), 646
enforcement, 646
offences and penalties, 557(a)
time to appeal, 686(1)
time to deliver, 645(2.1)

storm sewer drainage
as sewer (See sewers and sewage disposal)
off-site levy, 648(2), 650(1)(e)

strata space
assessment of property, 290.2

stream bank
as environmental reserve, 664(1)(c)

streams. See also water, body of
as body of water, 1(1.2)

street lighting systems
as linear property (See linear property)
assessment and taxation, 298(1)(i.1), 304(1)(h), 351(1)(a)
defined as linear property, 284(1)(k)(ii)
land use bylaw, 640(4)(i)
municipality not liable for damage by, 533(a)
regulations to define, 322(1)(b)
structure
as building (See buildings)
definition, 284(1)(u)
growth management plan,
compliance with, 708.12–708.13
student dormitories
defined, 326(1)(b)
grants in place of taxes, 366(3)(d)
taxation of student dormitories,
363(1)(d), 363(3)
subdivisions and subdivision approvals, 652–660
AER, AEUB, ERCB, NRCB or
AUC authorizations, 619
airport vicinity regulations, 693
appeals, 653.1(11) (See also
subdivision and development
appeal board (SDAB);
subdivision appeals)
application for approval, 653–654
decision, 653.1(11)
deemed refusal for
incompleteness, 680 (2.1)–(2.2)
deemed refused for
incompleteness, 653.1(8)–(9), 656(4)
determination as complete or
incomplete, 653.1(1)–(7)
environmental reserve agreements
between land owner and
municipality, 664.1
request for more information,
653.1(10)
time for determination, 640.1,
653.1(1)–(4)
approval not required, with
exceptions, 652(2)–(3)
existing subdivision plan,
652(2)(e), 652(3)
lake lot, 652(2)(c), 652(3)
quarter section, 652(2)(a), 652(3)
river lot, 652(2)(b), 652(3)
road or highway, 618(1), 652(3)
settlement lot, 652(2)(d), 652(3)
approval required, 652(1), 652(4)
date of plan, 652(4)(a)
requirement for, 652(1)
size and number of lots, 652(4)(b)
area structure plan notice, 653(3)–(5)
authorities (See subdivision authority)
cancellation of plans, 658–660
caveat requirements, 652(5)
caveats for development agreements,
655(2)–(3)
conditions, 654–655
consistency with land use policies,
622
consistency with statutory plans,
638, 654(1), 654(1.2)
decision of authority, 653.1(11), 656
definitions
adjacent land, 653(4.4)(a)
conceptual scheme, 653(4.4)(b)
excess capacity, 651(5)(a)
 improvement, 651(5)(b)
lot, 616(m)(iv)–(v)
owner, 653(4.4)(c)
parcel of land, 1(1)(v)
subdivision, 616(ee)
subdivision and development
appeal board, 616(gg)
subdivision and development
regulations, 616(hh)
subdivision authority, 616(ff)
environmental reserve agreements
between land owner and
municipality, 664.1
hearings on applications, 653(4.1),
653(6)(b)
information to departments, persons
and authorities, 653(3)
termunicipal service agency,
delegation to, 625
land use bylaws
non-compliant plan approvals,
654(2)
subdivision design standards,
640(4)(a)
local improvement tax bylaw
variation, 402
notice of application for approval,
653(3)–(5)
Municipal Government Act - Index

offences and penalties, 557(a.1)
oversize improvement agreement
(See oversize improvement agreements)
plans (See subdivision plans)
public input, 653
registration, 652, 657
reserves generally (See reserve land)
stop order (See stop order)
taxation
property tax payments, 654(1)(d)
tax arrears on new, 429.1
tax collection on cancellation of plan, 659
time
appeals, 657(1)(b)–(c)
date of approval, 657(1)
date of registration, 652(4)(a)
determination if complete/incomplete, 640.1, 653.1(1)–(4)
extensions, 657(6)
plan not registered in time, 657(5)
plan not submitted in time, 657(4)
review of applications, 640.1
submission for endorsement, 657
subdivision and development appeal board (SDAB), 627–630
AER, AEUB, ERCB, NRCB or AUC authorizations, 619
airport vicinity regulations, 693
ALSA regional plans, compliance with, 622, 630.2
appeals of decisions to Court of Appeal, 688–689 (See also Court of Appeal)
CEO membership, 154(3)
clerks, 456, 627.1–627.3 (See also clerks for assessment review boards)
closed meetings, 1(3), 197
committees, 627(2)
development permit appeals procedures (See development appeals)
establishment, 627–628
evidence and records, 629–630
jurisdiction, 678
land use policies consistency, 622
liability for Court of Appeal costs, 689(3)
liability of members, 628.1
members
prohibitions, 627(3)–(4)
qualifications, 627.2–627.3
stop order appeals, 645(3)
subdivision appeals procedures, 653.1(11) (See also subdivision appeals)
use of published municipal policies, 638.2(3)
subdivision appeals, 678–682
appellants
applicant for approval, 678(1)(a)
council, with exceptions, 678(1)(c)
Government department, 678(1)(b), 678(2.1)
municipal planning commission, 678(1)(c)
school board, 678(1)(d)
authority's failure to make decision, 681
commencement of action, 678(2)–(5)
decision, 680
decisions, 678(3), 681
decisions of subdivision authorities to include appeal procedures, 653.1(11)
definitions
adjacent land, 653, 679(4), 680(1.1)
owner, 653, 679(4), 680(1.1)
hearing, 679–680
intermunicipal subdivision and development appeal board (See intermunicipal subdivision and development appeal board)
jurisdiction, 488(1)(i), 678(2)–(2.1)
MGB appeals, 653.1(11), 678(2), 680(4) (See also Municipal Government Board (MGB))
plan endorsement, 682
subdivision and development appeal board, 653.1(11), 678(2.1) (See also subdivision and development appeal board (SDAB))
time
agreement to extend, 681
hearing and decision, 680(3)–(4)
otice of appeal, 678(2)–(5)
subdivision authority, 623–625
ALSA regional plans, compliance with, 622, 630.2
bylaw for, 623(1)
CEO as member, 154(3)
closed meetings, 1(3), 197
decision, 681
designated officer role, 624(2)(a)
development authority (See development authority)
failure to make decision, 681
intermunicipal service agency, delegation of powers to, 625
members of, 623(2)
municipal planning commission, 623(2)(c)
offences and penalties, 557(a.1)
time for review of applications, 640.1
use of published municipal policies, 638.2(3)
subdivision plans, 652–660
appeals (See subdivision appeals)
application for approval (See subdivisions and subdivision approvals)
approvals for existing plan, 652(2)(c), 652(3)
cancellation of plans, 658–660
conditions for approval, 654(1)(a)–(c)
tax collection on cancellation of plan, 659
subways. See transportation systems
summer village
amalgamation, 101(2)–(4)
application of Act, 89.1
CEO appointment or election, 150–151
change of status requirements, 92
council, number of councillors, 143–144, 148–149
definitions
defined as municipality, 1(1)(s)(i)
residence, 1(2.1)
summer village residence, 1(1)(z.1)
formation not allowed, 89.1
gas supply from direct seller, regulation, 31
inspection, 571
organizational meetings, 192
petitions, 130(2)(b), 223(2), 571, 572
status change, 91.1, 101(4)
viability review, 130(2)(b)
SuperNet. See also extended area network
definition, 284(1)(u.1)
regulations, 322(1)(b.1)
supplementary assessments, 313–316.1
assessed person (See assessed person for assessed property)
bylaw, 313
definitions
operational, 284(1)(o.1)
designated manufactured homes, 313(2), 314(2.1)
equalized assessments, exclusion, 317.1
municipal assessors
assessment notice, 316.1
bylaw, 313
complaints, 316.1
copies of designated industrial property assessments provided to, 315(5), 316(2)
designated manufactured homes, 313(2.1), 314(2.1)
improvements, 314
operational machinery and equipment, 314
preparation of assessment roll, 315
time period for improvements, 314
time to send, 316
notices, 316
provincial assessors
assessment notices, 316.1
collections, 316.1
copies to municipalities, 315(5), 316(2)
designated industrial property, 314.1
operational periods, 314.1
supplementary assessment roll, 315
time to send, 316
valuation standards, 314.1
supplementary business taxes, 379(1)
**supplementary business tax**, 379
changed or new businesses, 379(3)
date of tax determination, 379(5)(b)
persons liable, 379(3)
supplementary assessments, 379(1)
tax notices, 379(7)–(8) (See also tax notices)
tax rates, 379(2)
tax roll, 379(5)–(6)
**supplementary property tax**, 369
designated industrial property, 369(2.01)
duty to provide information, 328
school requisitions, 369(2.1)
tax notices, 333(4), 369(6)–(7) (See also tax notices)
tax rates, 369(2)
tax roll, 327(4), 369(3)–(5)
tax roll changes
assessment review board decisions, 477
corrections, 330
due to MGB decisions, 517
person liable for tax, 331
**Surface Rights Act**
assessment and occupation under a right of entry order, 304(2)
right of entry orders and clear titles, 424(3)(d)
**Surveys Act**
definitions
bed and shore, 664(1.2)
parcel of land, 1(1)(v)(iii)
subdivision properties, 652(2)(b)–(d)
survey, 141(1)(a)
surveyed land, 141(1)(b)
**swamp**
environmental reserve, 664(1)(a)
**synagogues**
taxation, 362(1)(k)
**tangible capital assets. See also financial administration**
definition of, 241(a.01)
in operating budgets, 243(3.1)
**taxes and taxation**, 326–452
actions and proceedings, time limits, 352
adding amounts owing to tax roll, 553–553.1
agreements (See tax agreements)
arrears (See tax arrears)
assessed person for assessed property (See assessed person for assessed property)
business taxes (See business taxes)
cancellation, deferral, reduction or refund, 347
certificates, 350
change of status order effects, 97.2(1)(d)
clean energy improvement tax (See clean energy improvement tax)
date imposed, 332
definitions
clean energy improvement tax, 1(1)(aa)(v.1)
requisition, 326(1)(a)
tax, 1(1)(aa)
tax arrears, 326(1)(c)
tax arrears list for recovery of designated manufactured homes taxes, 436.01(h)
taxpayer, 1(1)(bb)
tax ratio, 358.1(1)(c)
tax recovery notification, 410(f)
dissolution of municipality, excess liabilities, 134
fire insurance proceeds, 349
grants in place of taxes (See grants)
improvement districts information to Minister, 593
improvement taxes (See local improvement tax)
incentives for payment by date, 339
instalment payments, 340
licences, permits, or approvals as reasonable tax, 8(c)(i)
municipal property occupant tax agreement, 333.1(1)(a)
non-assessable properties (See non-assessable properties, with exceptions and conditions)
non-profit organizations tax agreements, 333.1(1)(a)(ii)
non-taxable properties (See non-assessable properties, with exceptions and conditions; non-taxable properties)
non-taxable properties under this Act (See non-assessable properties, with exceptions and conditions)
notices (See tax notices)
obligation to pay taxes, 479
off-site levy (See off-site levy)
order effects from amalgamation, annexation, dissolution, or formation, 135(1)(a.1)
payments (See tax payments)
penalties
  non-payment, 344–346
tax instalments, 340(3)(b)
tax notice information, 334(1)(f)
phasing in of increase or decrease, 347(2)
property taxes (See property taxes)
redevelopment levy (See area redevelopment plans)
right to continue proceedings, 478
sharing taxes and grants, 55
special liens, 348(d), 553.1(2)(b)
special tax (See special tax)
sports franchise tax agreements, 333.1(1)(b)
subdivisions cancellation of plans, tax collection, 659
tax arrears (See tax arrears)
tax exemption cancellation, 351(2)–(5), 362(2)–(4), 363(2)–(5)
tax notices (See tax notices)
taxpayers
  address in tax roll, 329(b)
  assessed person for assessed property (See assessed person for assessed property)
duty to provide information, 328
  person liable for tax, 331
tax recovery (See tax recovery not related to land; tax recovery related to designated manufactured homes; tax recovery related to land)
tax roll (See tax roll)
well drilling equipment tax (See well drilling equipment tax)
tax agreements, 333.1, 360
  annual payments, 333.1(2)–(3)
clean energy improvement tax, 390.4 (See also clean energy improvement tax)
equalized assessments, 317(e)
non-profit organizations, 333.1(1)
property taxes for public utility or linear property, 360
electric utility definitions, 360(4.2)
  occupant of municipal property, 360(1)
operators of electric utilities, calculations, 360(4.1)–(4.2)
operators of public utilities for fuel supplies, calculations, 360(4)
  payments in place of taxes, 360(2)–(3)
PUB approval, 360(5)
sports franchises, 333.1(1)(b)
tax arrears
  business taxes (See tax recovery not related to land)
definitions
tax arrears, 326(1)(c)
tax arrears list for designated manufactured homes, 436.01(h)
designated manufactured homes, 436.01–436.24
grain sale for tax arrears, 447
mines and minerals, 430
Minister responsible for unclaimed property, filing tax arrears list with, 412(1)(b.1)
Minister’s authority to cancel tax arrears and caveat, 425.1(2)
property taxes (See tax recovery related to land)
public auctions for (See tax recovery not related to land; tax recovery related to designated manufactured homes; tax recovery related to land)
Registrar, filing tax arrears list with, 412(1)(b)
subdivisions, tax arrears on new, 429.1
taxation. See taxes and taxation
tax exempt properties. See non-taxable properties
taxis and limousines
charges as bylaw matter, 8(c.1)
tax notices, 333–338
amended, 338
assessment notices and, 308(4), 310, 333(4)
business taxes, 373(2), 377(5)
certification of date sent, 336
complaint information, 334(1)(d)–(e)
complaints (See assessment review boards (ARB))
contents, 334, 370(c.1)
designated officer duties, 336
errors or omissions, 330
exemption status change, 330(3)
payment by instalment, 340(3)
payment incentives, 339
penalties if not paid, 334(1)(f)
property taxes
proration of taxes after status change, 368(3)
rate amendments after notices sent, 354(4)
tax rates, 334(3), 357(2)
rate information, 334(2)–(3)
receipt requests, 334(1)(f.1)
regulations, 370(c.1), 381.5
sending and receiving
address unknown, 335(2)
date sent, 334(1)(b), 335(1), 336
deemed received, 337
deemed sent, 335(2)(b)
preparation and sending, 333
regulations, 370(c.1)
supplementary business tax, 379(7)–(8)
supplementary property tax, 333(4), 369(6)–(7)
tax roll information same, 334(1)(a)
taxpayer. See also assessed person for assessed property; taxes and taxation
definition, 1(1)(bb)
tax payments, 339–350
appeals and tax payment obligations
assessment review boards, 479
Municipal Government Board (MGB), 519
application of payments, 343
cancellation, deferral, reduction or refund, 347
certificate, 350
designated officer duties, 343(2), 350
fire insurance proceeds, taxes as first charge on, 349
incentives, 339
instalments, 340
multiple properties, 343(2)
penalties for non-payment, 344–346
proceedings, time limit, 352
public auction proceeds, 423(3), 427, 436.17, 449
receipts for, 334(1)(f.1), 341–342
special liens, unpaid taxes as, 348(d)
tax arrears, 343(1)
tax rates, 354–357.1
budgets and, 247, 353(2)
calculation of tax amounts, 356
calculation of tax rates
ASFF requisitions, 359.1
municipal, 355
requisition adjustment or
allowances, 359(2)–(3)
school board requisitions, 359.2
classes, 354(2)–(3.1)
complaint to assessment review
board not allowed, 460(8)
designated industrial property, 359.3
in tax notices, 334(2)–(3)
minimum amount payable and tax
rates, 357(1)–(2)
regulations on non-residential
property and machinery and
equipment, 354(3.1), 370(b.1)
residential property, 357.1
split tax rate, 354(3)
tax recovery not related to land,
437–452
absconding debtor, 442
account, separate for sale proceeds,
449(1)
application to Court of Queen's
Bench for surplus funds, 450
bailee's undertaking, 440(2)–(6)
business tax arrears
right to collect rent for arrears,
444(1)
seizure of goods, 441(1)(b)–(c)
Civil Enforcement Act, application
of, 451
costs from sale proceeds, 449(2)
definitions
distress warrant, 437(a)
tax arrears, 437(d)
designated officer role, 439
distress warrant, 439–442
goods not owned by persons liable,
441(2)
liability for wrongful or illegal
seizures, 440(6)
methods of recovery, 438
notice to previous owner for surplus
sale proceeds, 449(3)
persons liable for tax arrears,
441(1)(a)
public auction, 445–448
adjournment of, 446
advertisement, 445(2)–(4), 446(2)
date of, 446
grain seized as exception, 447
offer for sale, 445(1)
unsold goods, 448
regulations, 452
rent collections for tax arrears, 444
right to pay tax arrears, 443
sale of property, 445
sale proceeds distribution, 449
seizure of goods, 440–441
transfer to municipality, 448
tax recovery related to designated
manufactured homes, 436.01–
436.24
account for proceeds, separate,
436.17(1)
actions
by municipality before disposal,
436.02(2)
public auction, 436.09
register tax recovery lien,
436.03(1)–(3)
advertisements
public auction, 436.12
tax arrears list, 436.03(1)(c)
agreement to pay tax arrears,
436.09(4)
application for possession order,
436.11(2)
application for surplus proceeds,
436.17(6), 436.18
CAO role, 436.24
costs and fees
fees and expenses, 436.17(3)
relocation of home, costs for
proceedings, 436.22(b)
unpaid added to tax roll, 436.04(1)
definitions
financing change statement,
436.01(a)
financing statement, 436.01(b)
register, 436.01(c)
Registry, 436.01(d)
reserve bid, 436.01(e)
security interest, 436.01(f)
tax, 436.01(g)
tax arrears list, 436.01(h)
tax recovery lien, 436.01(i)
designated officer role, 436.11(2), 436.21, 436.24
employee role, 436.21
financing change statement
after arrears payment, 436.06(2)
after auction sale, 436.14(2)–(4)
authorized by municipality, 436.04(2)
liens
discharged in error, 436.04(3)
discharge of liens after arrears payments, 436.06(2)
property tax as special lien, 348(d)(ii)
tax arrears, 436.03
notice
of arrears payments, 436.16(2)–(4)
of sale warning, 436.08
to home community owner, 436.03(5), 436.07(3), 436.08(1)(b)
to home owner, 436.03(4), 436.07(2), 436.08(1)(a)
to lessee of rent collection for arrears, 436.07(1)
offences and penalties
manufactured home community report to municipality, 557(a.6)
tax recovery, 557(d)
prohibited bidding and buying, 436.21
public auction, 436.01–436.24
actions for recovery and sale, 436.02(a), 436.09
adjournment, 436.13(1)–(2)
advertisement, 436.12–436.13
Cancellation for payment of arrears, 436.13(3)
date and period, 436.09(2)
designated officer role, 436.11(2)
prohibited bidding and buying, 436.21
reserve bid, 436.1(a)
right to possession date, 436.11(1)
sale conditions, 436.1(b)
sale declaration, 436.14(5)
sale offer, 436.09(1)
sale proceeds, 436.15, 436.17–436.19
tax arrears payments, 436.16
unencumbered ownership, 436.14
unsold homes, 436.2, 436.15
removal of home or improvements, 436.05
rent collection for tax arrears payments, 436.07
rent collection proceeds, 436.17(2)
reports by home community owner to municipality, 436.24, 557(a.6)
sale proceeds distribution, 436.17–436.19
sale warning, 436.08
surplus proceeds to previous owner, 436.17(4)–(6), 436.18
tax arrears list, 436.03
tax arrears payments agreement to pay, 436.09(4)
before public auction, 436.16
before sale or disposal, 436.06(3)
rent collection for, 436.07
right to pay, 436.06
unencumbered ownership, 436.14
unsold homes
lease, purchase or sale of, 436.15, 436.21(2)
transfer to municipality after time period, 436.2(1)
tax recovery related to land
actions
parcels as part of another municipality, 433
proceedings, time limit, 352
advertisement of tax arrears list, 412(1)(c)
costs
certification, 413(2)–(3)
from sale proceeds, 427(2)
of proceedings added to tax roll, 553(1)(f), 553(2)
remedial costs, 427(2)(a), 428.2(3)
Crown
notice of rent collections for tax arrears, 416(2.1)
notice re land held by lease, licence or permit, 416(2.3)
deemed compliance with Act, 436
definitions
encumbrance, 410(a)
encumbrancee, 410(b)
parcel of land, 410(b.1)
Registrar, 410(c)
remedial costs, 410(c.1)
reserve bid, 410(d)
tax, 410(e)
tax arrears, 326(1)(c)
tax recovery notification, 410(f)
disposal of parcel, 425
cencumbrances on land transferred to municipality, 424(3)
improvements removal, 414
land transfer to municipality after 15 years, 428.2
liability for land condition or improvements, 434
liens
land transfers to municipality, 424(3)
tax as special lien, 348(d)(i)
methods of recovery, 411, 416, 418, 425
mines and minerals (See mines and minerals)
Minister, authority to transfer parcel, 425.1
notice
of rent collections for arrears, 416(2.2)
of sale warning, 417(1)
of tax arrears, 412(1)–(2)
of tax arrears on Crown land held by lease, licence or permit, 416(2.3)
of tax arrears payments to Registrar for title revival, 426
to previous owner of surplus proceeds, 427(3)–(3.2)
public auction, 418–423
actions for recovery, land sales, 411(2), 418(3)
adjournment of, 422
advertisement, 421–422
agreements for tax payments, 418(4)
auctioneer prohibited buying and selling, 429
conditions of sale, 419
Crown claims on land sold at public auction, 423(1)(a)
cencumbrances on title after auction, 423(1)
otice of public auction adjournment and rescheduling, 422
notice to encumbrancee of public auction land sale, 421(4)(c)
otice to interested persons of public auction land sale, 421(4)(b)
otice to owner of public auction land sale, 421(4)(a)
offer of parcel for sale, 418(1)
prohibited buying and selling, 429
reserve bid, 419
right of entry after sale, 432
right to clear title, with exceptions, 423
right to possession by municipality, 420
sale declaration, 423(2)
tax payments after sale, 423(3)
registration
certificate of title for parcel as part of another municipality, 433(2)
endorsement of tax arrears on certificate of title, 413(1)
tax arrears cancellation by Minister, 425.1(2)
tax arrears list certification, 413(2)
tax arrears list filing, 412(1)(b)–(b.1)
tax arrears notification removal, 413(4), 415(2)
tax arrears payments and title revival, 426
Municipal Government Act - Index

- transfer of parcel to municipality after auction sale, 424(2), 424(4)
- removal of improvements, 414
- rent collections for tax arrears, 416
- right of entry after land transfer, 432
- right of way application after land transfer, 432
- right to clear title, with exceptions, 423(1), 428(4)
- sale proceeds, 427–428.1
- sale warning, 417
- subdivisions, 429.1, 659
- surplus sale proceeds, 428–428.1
- surplus sale proceeds to previous owner, 427(3)–(3.1), 428
- tax agreements for tax arrears, 418(4)
- tax arrears cancellation by Minister, 425.1(2)
- tax arrears list
  - preparation and sending, 412
  - removal of notification, 413(4), 415(2)
  - to Registrar, 413(2)
- tax arrears payments
  - after declaration of sale, 423(3)
  - agreements to pay tax arrears, 418(4)
  - from sale proceeds, 427(2)(a.1)
  - from tax payments, 343(1)
  - persons who may pay, 415(1)
  - revival of title on payment, 426
- tax roll, costs added to, 553(1)(f), 553(1)(i), 553(2)
- transfer of parcel to municipality after 15 years, 428.2
- encumbrances on title, 424(3)
- Minister's authority to transfer, 425.1
- revival of title on payment of arrears, 426
- Tax Forfeiture on title certificate, 424(4)
- unclaimed property, 427(3.3), 428.2(1.1)
- tax roll, 327–330, 553–553.1
  - adding amounts owing to, 553–553.2
- agreements on arrears, 329(g)
- assessment roll and, 327(3)
- business taxes (see business taxes)
  - changes from assessment review board decisions, 477
  - changes from MGB decisions, 517
  - changes required due to ARB decision, 477
- contents, 329, 370(c.1)
- costs unpaid added to roll, 553–553.1
  - actions to remedy dangers and unsightly property, 553.1(1)(c), 553.1(2), 553.2(2)(b)
  - added by council, 553
  - emergencies, 553.1(1)(c), 553.1(2), 553.2(2)(b)
  - fire extinguishment, 553(1)(g), 553(2)
  - land restoration
    - unpaid by licensee, 553.1(1)(a), 553.1(2), 553.2(2)(a)
    - unpaid service connections, 553(1)(a), 553(2)
- MGB decisions, 517
  - service connection costs, 553(1)(a)–(b)
  - snow removal, 553(1)(g.1), 553(2)
  - special liens, 553.1(2)(b), 553(2)(b)
  - stop order, 553(1)(h.1), 646
  - deemed taxes, 553.1(2), 553(2), 553.2(3)
- definitions
  - business tax roll, 553.2(1)
  - tax roll for ARB purposes, 553.2(1)
  - duty to provide information, 328
  - errors or omissions, 327(4), 330
  - exemption status change, 330(3)
  - local improvement tax agreement, 406
  - land required for, 406
  - person liable to pay business tax, 373
  - preparation, 327(1)
  - regulations, 370(c.1), 381.5
  - single or separate, 327(2)
supplementary business tax, 379
supplementary property tax (See supplementary property tax)
tax arrears
agreements between taxpayer and municipality, 329(g)
application of payments to, 343
on tax certificates, 350
on tax roll, 329(f)
penalties for non-payment, 344–346
reduced, cancelled, refunded or deferred, 347(1)
tax notice and, 334(1)(a)
taxpayer's address on tax roll, 329(b)
temporary businesses, 379(3)(a)
technical institutions. See polytechnic institutions
telecommunications systems
as linear property (See linear property)
assessments (See linear property)
definitions
included in definition of linear property, 284(1)(k)(iii)
public utility as including, 616(v)(x)
regulations to define, 322(1)(b)
teleconferences for council and council committee meetings, 199
temporary road closure, 25
temporary roads and rights of way, 26
time, 605
altering dates and time periods, 605
holidays, action on day after, 605(1)
Minister's powers, 605(2)–(3)
validity of actions and proceedings, 605(4)
title. See land
town
as municipality (See municipalities)
change of status requirements, 92
council, number of councillors, 143–144
council, number of councillors in wards, 148–149
defined as municipality, 1(1)(s)(i), 1(1)(s)(iii)
defined as urban municipality, 31(1)(e)
formation, area and population requirements, 81, 84
formation order, 88, 89(1)
gas supply from direct seller, regulation of, 31
traffic control device
damage caused by, municipal liability, 533(a)
destruction or removal, municipal liability, 532(8)
traffic flow changes
liability, 534(7)
Traffic Safety Act
regional services commission services, 602.12
trailers
assessment and taxation
trailers, 304(1)(h), 351(1)(a)
trailers not connected or attached, 298(1)(bb)
definitions
in definition of designated manufactured home, 284(1)(f.1)
travel trailer, 284(1)(w.1)
designated manufactured home (See designated manufactured homes)
travel trailer as residence in summer village, 1(2.1)
training for councillors, 201.1. See also councillors
trains. See railways
transfers of reserve land, 672–673. See also reserve land
transitional regulations, 602.5, 710
transmission line
reserve land authorization, 677
transportation systems
bylaw matters, 7(d)
definitions
public utility, 1(1)(y)(iii), 602.01(1)(g), 616(v)(iii)
transportation service, 602.01(1)(i)
intermunicipal collaboration
frameworks, 708.29(2)
intermunicipal development plans,
631(2)(a)
off-site levy for roads related to
subdivision or development,
648(2)
regional services commission
expropriation of land, 602.13(1)
transportation services under
Motor Transport Act, 602.12
regulations on transportation
infrastructure and subdivisions,
694(4)(e)
travel trailer. See trailers
treasury branches
municipal accounts, 270
securities (See investments and
securities)
securities as authorized investments,
250(2)(a), 250(2)(c)–(d)
trees
liability, 533(b)
trust certificates
defined as securities, 250(1)
securities (See investments and
securities)
trust corporations
municipal accounts, 270
securities (See investments and
securities)
securities as authorized investments,
250(2)(a), 250(2)(c)–(d)
tunnels
assessment and taxation, 298(1)(e),
304(1)(h), 351(1)(a)

Unclaimed Personal Property and
Vested Property Act, 412(1)(b.1),
427(3.3), 428.2(1.1)
unclaimed property. See lost or
unclaimed property
unclaimed utility deposits, 611
unincorporated communities
designated as hamlets
in an improvement district, 590
universities
grants in place of taxes, 366(3)(d)

student dormitory definition,
326(1)(b)
taxation
school property, 362(1)(d)(i)–(ii)
students' association or graduate
students' association
property, not dormitories,
362(1)(d)(iii)
taxation of student dormitories,
363(1)(d), 363(3)
unsanitary premises. See enforcement
of municipal law
unsightly property. See enforcement
of municipal law
unstable land
as environmental reserve, 664(1)(b)
urban gas system. See gas utilities
urban municipality
definition, 31(1)(e)
gas supply from direct seller,
regulation of, 31
gas utilities (See gas utilities)
urban service area
assessment and taxation
Crown land not in use, 298(1)(j),
304(1)(h), 351(1)(a)
utilities. See public utilities,
municipal; public utilities, non-
municipal
utility deposits
unclaimed, 611
vacant industrial or commercial
property, redevelopment. See
brownfield property
valuation standards. See assessment
of property
vested property. See Unclaimed
Personal Property and Vested
Property Act
veterans organizations
tax status, 363(1)(c)
viability review. See dissolution and
liquidation of municipality
video conferences, 199
village
as municipality (See municipalities)
CEO appointment or election, 150–151
change of status requirements, 92
council, number of councillors, 143–144
council, number of councillors in wards, 148–149
definitions
as municipality, 1(1)(s)(i)
as urban municipality, 31(1)(e)
formation
area and population requirements, 80, 84
order, 88, 89(1), 89(5)
gas supply from direct seller, regulation, 31
volunteers
liability, 535
votes and voting, 147–151, 234–240
by-elections (See by-elections)
conduct of election, 237
definitions
elector, 1(1)(i)
general election, 1(1)(k)
whole council, 1(1)(cc)
delaying votes, 238
for CEO (See chief elected official (CEO))
for councillors (See councillors)
general election (See general election)
Local Authorities Election Act (See Local Authorities Election Act (LAEA))
on questions, 236
public vote bylaws, 234–240
similar subject-matter, 239
ward system (See ward system)
walls and fences
land use bylaw, 640(4)(e)
liability, 533(a)
ward system, 147–149
advertisements, 149
bylaw, 148–149
councillor elections, 147–148
division of municipality, 148
elector residency and voter eligibility, 148(1)(a)
municipal district, 148(2)(b), 148(2)(e)
specialized municipalities, 89(3)(b), 148(2)(b)
time before general election to pass bylaw, 149
waste management
intermunicipal collaboration frameworks, 708.29(2)
public utility definition, 1(1)(y)(ix), 616(y)(ix)
subdivision appeals if land near, 678(2), 694(1)(h)
water, body of
assessment and taxation
dams and dam sites, 298(1)(d)–(f), 304(1)(h), 351(1)(a)
generally, 298(1)(d), 304(1)(h)
types of bodies of water, 298(1)(d), 351(1)(a)
definitions
bed and shore, 664(1.2)
body of water, 1(1.2)
environmental reserve purposes, 664(1.1), 664(1)(c)
land subject to flooding, 640(4)(l), 664(1)(b)
land use bylaw for development adjacent to, 640(4)(l)
liability, non-negligence, 528
municipal control and management, 60
river as boundary, 141(6)
shore land strip as environmental reserve, 664(1)(c)
subdivision agreement for environmental reserve, 664–665
subdivision appeals if land near, 678(2), 694(1)(h)
watercourses. See water, body of
water systems
agreement for long-term supplies to a public utility, 30
as public utility (See public utilities, municipal)
assessment and taxation
airport water lines, 298(1)(x)(v), 304(1)(h), 351(1)(a)
managing and processing plant systems, 298(1)(g), 304(1)(h), 351(1)(a)
systems owned by Crown, municipality or regional services commission, 298(1)(b), 304(1)(h), 351(1)(a)
systems owned by individual or corporation, 298(1)(b.1), 304(1)(h), 351(1)(a)
water treatment plants, 298(1)(g), 304(1)(h), 351(1)(a)
definition as public utility, 1(1)(y)(i), 616(v)(i)
intermunicipal collaboration frameworks, 708.29(2)
off-site levy for new or expanded, 648–649, 650(1)(e)
oversize improvement agreements (See oversize improvement agreements)
taxation for local improvement tax (See local improvement tax)
special tax, 382(1)(a), 382(1)(f)

websites, individual
sending documents, 608

websites, municipal. See also advertisements; electronic communications and records
listing and publishing of planning and development policies, 638.2

weigh scales
assessment and taxation, 298(1)(i.1), 304(1)(h), 351(1)(a)

weirs
assessment and taxation, 298(1)(d), 304(1)(h), 351(1)(a)

well drilling equipment tax, 388–390
as special lien, 348(d)(ii)
bylaw, 388
definition of tax, 1(1)(aa)(v)

operating budget revenue estimate, 243(2)(e)
person liable to pay, 389
tax notices (See tax notices)
tax rates and calculations, ministerial regulations, 390

wells and well sites
as linear property (See linear property)
assessed person for assessed property, oil and gas drillings or wells under lease, licence or permit, 304(1)(f)
assessment (See linear property)
definitions included in definition of linear property, 284(1)(k)(vi)
well and battery exemption from Part 17, 618(1)(b)
regulations to define, 322(1)(b)
subdivision approvals, 618(1)(b)
well drilling equipment tax (See well drilling equipment tax)

wheel loaders, wheel trucks and haulers
assessment and taxation, 298(1)(p), 304(1)(h), 351(1)(a)

wild animals
bylaw matters, 7(h)

Wildlife Act
firearms bylaw approval, 74

wires in buildings
included as a public utility system, 29

wrestling commission
liability, 535.1

year
assessment and taxation year, 284(1)(x)
financial year of municipality, 269
of regional services commission, 602.18

zoning. See land use bylaws
zoning caveat, 697