



Province of Alberta

HOSPITALS ACT

# HOSPITALS FOUNDATION REGULATION

**Alberta Regulation 27/2007**

With amendments up to and including Alberta Regulation 17/2018

Office Consolidation

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(Consolidated up to 17/2018)

**ALBERTA REGULATION 27/2007**

**Hospitals Act**

**HOSPITALS FOUNDATION REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Hospitals Act*;
- (b) “board” has the same meaning as “board” in section 48(a) of the Act;
- (c) “directive” means the instrument issued under section 2(6);
- (d) “Foundation” means a foundation established under Part 4 of the *Hospitals Act*.

**Transfer of property to Foundation**

**2(1)** After taking all reasonable steps to ensure that existing trust conditions, if any, will be complied with, a board may transfer to a Foundation any property received by the board by means of bequest, donation or other gift.

**(2)** Subject to any directive, a board may make repayable advances to a Foundation.

**(3)** Subject to any directive, a board may provide a non-monetary subsidy to a Foundation if the board expects to receive benefits from the Foundation that exceed the value of the subsidy.

**(4)** If a board provides a non-monetary subsidy under subsection (3), it shall advise the Foundation of the value of the subsidy within 21 days after the end of the board’s fiscal year.

**(5)** A board may transfer any property to the Foundation under circumstances not covered by any other subsection of this section if the board receives fair value in exchange for the transfer of property.

**(6)** The Minister may issue to a board a directive in the form of a written policy, rule, direction or guideline for the purposes of subsection (2) or (3).

#### **Winding-up of Foundation**

**3(1)** The Minister may order that a Foundation be wound up in any of the following circumstances:

- (a) on the request of the Foundation or the board that established the Foundation;
- (b) if the Foundation contravenes the Act or the regulations or an order or directive of the Minister;
- (c) if the Minister is satisfied that the Foundation is inactive;
- (d) if the Minister is satisfied that the Foundation is not carrying out its objects;
- (e) if the board ceases to exist.

**(2)** A Foundation may not be wound up except by an order of the Minister under subsection (1).

**(3)** If the Minister orders that a Foundation be wound up,

- (a) the Minister must, subject to section 59 of the Act and to subsection (4), take such measures as the Minister considers necessary to give effect to the order and, for that purpose, has all the power and authority to act as if the Minister were the Foundation, and
- (b) the board may not exercise any of its powers or authority except under the direction of the Minister.

**(4)** If a Foundation is wound up, after applying section 59 of the Act, the balance of the property of the Foundation must be transferred

- (a) to a successor foundation if, in the Minister's opinion, there is one,
- (b) if, in the Minister's opinion, there is no successor foundation, to the board for the benefit of any facilities or programs formerly benefited by the Foundation, or

- (c) if, in the Minister's opinion, there is no successor foundation and either there are no facilities or programs referred to in clause (b) or the board no longer exists or is no longer functioning, to another person in Alberta who is a qualified donee within the meaning of the *Income Tax Act* (Canada) and who has objects or purposes that are similar to the objects or purposes of the Foundation being wound-up, as determined by the Minister.

**Repeal**

- 4** The *Hospital Foundations Regulation* (AR 319/84) is repealed.

**Expiry**

- 5** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2021.

AR 27/2007 s5;50/2015;17/2018







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