

Alberta Regulation 118/2018
Traffic Safety Act
OPERATOR LICENSING AND VEHICLE CONTROL
AMENDMENT REGULATION

Filed: June 19, 2018

For information only: Made by the Minister of Transportation (M.O. 17/18) on June 15, 2018 pursuant to sections 64 and 100 of the Traffic Safety Act.

1 The *Operator Licensing and Vehicle Control Regulation* (AR 320/2002) is amended by this Regulation.

2 Section 43(2)(b) is amended by striking out “section 88.1(2)(b)” and substituting “section 88.1(2.2)(a)”.

3 Section 120 is amended by striking out “section 31(b) or (c) or 88.2” and substituting “section 31(b) or (c), 88.1 or 88.2”.

4 Section 122 is amended by adding “39.21,” after “39.2.”

5 Section 151.1 is amended by striking out “June 30, 2019” and substituting “June 30, 2021”.

Alberta Regulation 119/2018

Apprenticeship and Industry Training Act
TRADE REGULATIONS AMENDMENT REGULATION

Filed: June 20, 2018

For information only: Made by the Alberta Apprenticeship and Industry Training Board on March 23, 2018 and approved by the Minister of Advanced Education on June 8, 2018 pursuant to section 33(2) of the Apprenticeship and Industry Training Act.

1 The *Apprenticeship Program Regulation* (AR 258/2000) is amended by repealing section 21.

2 The *Baker Trade Regulation* (AR 263/2000) is amended

- (a) in the heading before section 7 by striking out
“, Expiry”;
- (b) by repealing section 9.

3 The *Bricklayer Trade Regulation* (AR 265/2000) is amended

- (a) in the heading before section 7 by striking out
“, Expiry”;
- (b) by repealing section 9.

4 The *Cabinetmaker Trade Regulation* (AR 266/2000) is amended

- (a) in the heading before section 7 by striking out
“, Expiry”;
- (b) by repealing section 9.

5 The *Carpenter Trade Regulation* (AR 267/2000) is amended

- (a) in the heading before section 7 by striking out
“, Expiry”;
- (b) by repealing section 9.

6 The *Cook Trade Regulation* (AR 271/2000) is amended

- (a) in the heading before section 7 by striking out
“, Expiry”;
- (b) by repealing section 9.

7 The *Glazier Trade Regulation* (AR 221/2014) is amended

- (a) in the heading before section 7 by striking out
“, Expiry”;
- (b) by repealing section 9.

8 The *Hairstylist Trade Regulation* (AR 281/2000) is amended

- (a) in the heading before section 7 by striking out “, Expiry”;
- (b) by repealing section 10.

9 The *Heavy Equipment Technician Trade Regulation* (AR 282/2000) is amended

- (a) in the heading before section 32 by striking out “Expiry and”;
- (b) by repealing section 32.

10 The *Locksmith Trade Regulation* (AR 288/2000) is amended

- (a) in the heading before section 7 by striking out “, Expiry”;
- (b) by repealing section 9.

11 The *Machinist Trade Regulation* (AR 289/2000) is amended

- (a) in the heading before section 7 by striking out “, Expiry”;
- (b) by repealing section 9.

12 The *Metal Fabricator (Fitter) Trade Regulation* (AR 306/2000) is amended

- (a) in the heading before section 7 by striking out “, Expiry”;
- (b) by repealing section 9.

13 The *Motorcycle Mechanic Trade Regulation* (AR 291/2000) is amended

- (a) in the heading before section 7 by striking out “, Expiry”;

(b) by repealing section 9.

14 The *Painter and Decorator Trade Regulation* (AR 292/2000) is amended

(a) in the heading before section 7 by striking out
“, Expiry”;

(b) by repealing section 9.

15 The *Parts Technician Trade Regulation* (AR 57/2008) is amended

(a) in the heading before section 17 by striking out
“, Expiry”;

(b) by repealing section 19.

16 The *Powerline Technician Trade Regulation* (AR 296/2000) is amended

(a) in the heading before section 7 by striking out
“, Expiry”;

(b) by repealing section 9.

17 The *Sprinkler Systems Installer Trade Regulation* (AR 304/2000) is amended

(a) in the heading before section 7 by striking out
“, Expiry”;

(b) by repealing section 9.

18 The *Tilesetter Trade Regulation* (AR 308/2000) is amended

(a) in the heading before section 7 by striking out
“, Expiry”;

(b) by repealing section 9.

19 The *Recreation Vehicle Service Technician Trade Regulation* (AR 299/2000) is amended

(a) in the heading before section 7 by striking out
“, Expiry”;

(b) by repealing section 9.

20 The *Water Well Driller Trade Regulation* (AR 94/2014) is amended

(a) in the heading before section 15 by striking out
“, Repeal and Expiry” and substituting “and Repeal”;

(b) by repealing section 17.

21 The *Welder Trade Regulation* (AR 314/2006) is amended

(a) in the heading before section 15 by striking out
“, Expiry”;

(b) by repealing section 16.

Alberta Regulation 120/2018

Apprenticeship and Industry Training Act

OCCUPATION REGULATIONS AMENDMENT REGULATION

Filed: June 20, 2018

For information only: Made by the Alberta Apprenticeship and Industry Training Board on March 23, 2018 and approved by the Minister of Advanced Education on June 8, 2018 pursuant to section 37(2) of the Apprenticeship and Industry Training Act.

1 The *Field Heat Treatment Technician Occupation Regulation* (AR 123/2008) is amended by repealing section 4.

2 The *Industrial Construction Crew Supervisor Occupation Regulation* (AR 33/2008) is amended by repealing section 4.

3 The *Overhead Door Technician Occupation Regulation* (AR 181/2014) is amended by repealing section 4.

4 The Residential Construction Site Manager Occupation Regulation (AR 173/2011) is amended by repealing section 4.

5 The Snubbing Services Occupation Regulation (AR 286/2006) is amended by repealing section 4.

Alberta Regulation 121/2018

Child, Youth and Family Enhancement Act

**CHILD, YOUTH AND FAMILY ENHANCEMENT ACT REGULATIONS
(MINISTERIAL) AMENDMENT REGULATION**

Filed: June 22, 2018

For information only: Made by the Minister of Children's Services (M.O. 2018-01) on June 20, 2018 pursuant to section 131(2) of the Child, Youth and Family Enhancement Act.

1 The Adoption Regulation (AR 187/2004) is amended in section 35 by striking out "June 30, 2018" and substituting "December 31, 2020".

2 The Child, Youth and Family Enhancement Regulation (AR 160/2004) is amended in section 28 by striking out "June 30, 2018" and substituting "December 31, 2020".

3 The Residential Facilities Licensing Regulation (AR 161/2004) is amended in section 33 by striking out "June 30, 2018" and substituting "December 31, 2020".

Alberta Regulation 122/2018

Consumer Protection Act

APPEAL BOARD AMENDMENT REGULATION

Filed: June 27, 2018

For information only: Made by the Minister of Service Alberta (M.O. SA:009/2018) on June 23, 2018 pursuant to section 183 of the Consumer Protection Act.

1 The *Appeal Board Regulation* (AR 195/99) is amended by this Regulation.

2 Section 1(a) is amended by striking out “*Fair Trading Act*” and substituting “*Consumer Protection Act*”.

3 Section 17 is amended by striking out “June 30, 2018” and substituting “June 30, 2021.”

Alberta Regulation 123/2018

Consumer Protection Act

PAYDAY LOANS AMENDMENT REGULATION

Filed: June 27, 2018

For information only: Made by the Minister of Service Alberta (M.O. SA:010/2018) on June 26, 2018 pursuant to sections 105 and 124.91 of the Consumer Protection Act.

1 The *Payday Loans Regulation* (AR 157/2009) is amended by this Regulation.

2 Section 1(a) is amended by striking out “*Fair Trading Act*” and substituting “*Consumer Protection Act*”.

3 Section 26 is repealed.

Alberta Regulation 124/2018

Real Estate Act

**REAL ESTATE (MINISTERIAL) (EXPIRY DATE EXTENSION)
AMENDMENT REGULATION**

Filed: June 27, 2018

For information only: Made by the Minister of Service Alberta (M.O. SA:012/2018) on June 26, 2018 pursuant to section 84(2) of the Real Estate Act.

1 The *Real Estate (Ministerial) Regulation (AR 113/96)* is amended by this Regulation.

2 Section 26 is amended by striking out “June 30, 2018” and substituting “June 30, 2023”.

Alberta Regulation 125/2018

Marketing of Agricultural Products Act

**ALBERTA CANOLA PRODUCERS MARKETING PLAN
AMENDMENT REGULATION**

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 216/2018) on June 27, 2018 pursuant to section 23 of the Marketing of Agricultural Products Act.

1 The *Alberta Canola Producers Marketing Plan Regulation (AR 108/98)* is amended by this Regulation.

2 Section 1 is amended

(a) by repealing clause (c.2) and substituting the following:

(c.2) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* authorized to perform an audit engagement;

(b) in clause (n) by adding “, other than canola used for planting” after “canola”.

3 Section 8(h) is amended by striking out “agricultural organization” and substituting “organization that promotes the interests of producers”.

4 Section 16 is amended by adding the following after clause (f):

(g) producers may make voluntary payments and the service charge will be based on production for those producers who

do not sell the regulated product produced by the producer if there is evidence of production of the regulated product.

5 Section 31 is repealed and the following is substituted:

Ceases to be director

31(1) An individual ceases to be a director if that individual

- (a) resigns from the position of director,
- (b) ceases to be an eligible producer,
- (c) in the case of the individual being the representative of an eligible producer under section 19, ceases to be the representative of the eligible producer, or
- (d) is absent from 3 consecutive meetings of the Board of Directors without reasons that the Board of Directors considers adequate.

(2) Where an individual ceases to be a director under this section, a vacancy is created and may be filled in accordance with section 31.1.

6 The following is added after section 31:

Filling vacancies by appointment

31.1(1) If a vacancy occurs on the board, the remaining directors may, with the approval of the Council, appoint an individual to fill the position from among the eligible producers who are eligible to be elected as a director.

(2) Where an individual is appointed as a director to fill a vacancy, that director is to serve for the unexpired portion of the term.

(3) Where

- (a) in accordance with this section an individual is appointed to fill a vacancy, and
- (b) the term of office served by that individual pursuant to that appointment is not greater than 18 months,

the time served by that person as a director pursuant to that appointment is not to be considered the appointed director's first full term.

7 Section 33 is amended by renumbering it as section 33(1) and by adding the following after subsection (1):

(2) If a director is not elected at the next annual Commission meeting referred to in subsection (1), an individual may be appointed to fill the vacancy in accordance with section 31.1.

8 The following is added after section 40:

Tie votes

40.1(1) If there are more than 2 nominations for a position and a tie vote occurs between 2 or more of the candidates that received the largest number of votes, the candidates with the smaller number of votes shall be eliminated and a 2nd election for the position shall be immediately held among the tied candidates and if a tie vote occurs again, the returning officer shall immediately select, by draw, the candidate for the position and that person is deemed to have been elected to the position.

(2) If there are only 2 nominations for a position and a tie vote occurs, a 2nd election for the position shall be held immediately among the tied candidates and, if a tie vote occurs again, the returning officer shall immediately select, by draw, the candidate for the position and that person is deemed to have been elected to the position.

9 Section 43 is amended by striking out “May 31, 2018” and substituting “May 31, 2023”.

Alberta Regulation 126/2018

Marketing of Agricultural Products Act

ALBERTA LAMB PRODUCERS PLAN AMENDMENT REGULATION

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 217/2018) on June 27, 2018 pursuant to section 23 of the Marketing of Agricultural Products Act.

1 The *Alberta Lamb Producers Plan Regulation* (AR 263/2001) is amended by this Regulation.

2 Section 1 is amended

(a) **by repealing clauses (b) and (c) and substituting the following:**

(b) “annual meeting” means an annual general meeting of the eligible producers;

(b) by repealing clause (c.2) and substituting the following:

(c.2) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;

(c) by repealing clause (s) and substituting the following:

(s) “special meeting” means a special general meeting of the eligible producers;

(d) by repealing clause (u).

3 Section 5(3) is amended by striking out “annual Commission meeting” and substituting “annual meeting”.

4 Section 7 is repealed.

5 Section 11(c)(i)(A) is amended by striking out “annual Commission meeting” and substituting “annual meeting”.

6 Section 17 is repealed and the following is substituted:

Composition of Commission

17 The Commission consists of 7 directors who shall be elected by eligible producers from anywhere in the province to represent the entire membership.

7 Section 18 is amended

(a) in subsection (1) by striking out “annual Commission meetings” and substituting “annual meeting”;

(b) in subsection (4)

(i) by striking out “at each annual zone meeting” and substituting “at the annual meeting”;

- (ii) **by striking out** “those meetings” **and substituting** “that meeting”.

8 Section 19(2) is amended by striking out “zone” wherever it occurs.

9 Section 20(4) is amended by striking out “annual Commission meeting” and substituting “annual meeting”.

10 Section 24 is repealed and the following is substituted:

Annual meeting

24(1) An annual meeting must be held in each year.

(2) The purpose of an annual meeting is

- (a) to receive a report from the directors representing the membership concerning the Commission’s operations and activities,
- (b) to receive a copy of the auditor’s report concerning the Commission’s activities for the preceding year and a copy of the budget for the current year,
- (c) to consider such other matters as the Commission or the eligible producers attending the annual meeting may consider advisable, and
- (d) when required, to elect directors.

(3) An annual meeting must be commenced within 90 days from the day of the conclusion of the Commission’s fiscal year end.

11 Section 25 is repealed.

12 Section 26 is repealed and the following is substituted:

Special meetings

26 The Commission may direct that a special meeting be held

- (a) when requested in writing to do so by the Council,
- (b) when requested in writing to do so by not fewer than 10% of the eligible producers,

- (c) when the Commission determines that a special meeting should be held, or
- (d) when the Commission determines that a special Commission meeting should be held.

13 Section 27(1) is amended by striking out “zone” wherever it occurs.

14 Section 28 is repealed and the following is substituted:

Quorum

28 The quorum necessary for the conduct of business is,

- (a) in the case of an annual meeting, 20 eligible producers, and
- (b) in the case of a special meeting, 20 eligible producers.

15 Section 30 is amended

- (a) in subsection (1)(a) by striking out “zone” wherever it occurs;**
- (b) in subsection (3)(a)**
 - (i) by striking out “and” at the end of subclause (i);**
 - (ii) by repealing subclause (ii).**

16 Section 32 is amended

- (a) in subsection (1) by striking out “zone” wherever it occurs;**
- (b) in subsection (2)**
 - (i) by striking out “zone director” and substituting “director”;**
 - (ii) by adding “and” at the end of clause (a);**
 - (iii) by repealing clause (b);**
- (c) by repealing subsection (3).**

17 Section 33(1) is repealed and the following is substituted:

Eligibility to be a director

33(1) To be eligible for election as a director, a person must be an eligible producer, or the representative of an eligible producer appointed in accordance with section 31.

18 Section 33.1 is amended

- (a) by adding “or” at the end of clause (d);**
- (b) in clause (e) by striking out “or”;**
- (c) by repealing clause (f).**

19 Section 34 is amended

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

Election of directors

34(1) The election of directors is to be conducted, subject to section 36(5), in accordance with this section.

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

(2) Nominations for candidates to be elected as a director must be filed at the Commission’s head office no later than August 31 of each year that an election is held.

- (c) in subsection (3)**

- (i) by striking out “to represent a zone” and substituting “to be elected”;**

- (ii) by repealing clause (a) and substituting the following:**

- (a) must be made by an eligible producer,

- (d) by repealing subsection (4) and substituting the following:**

(4) The election of a director shall be carried out at an annual meeting and through advance voting by means of a mail ballot and be conducted in such a manner so as to ensure a secret vote.

- (4.1) A mail ballot must be
 - (a) designed for a secret vote, and
 - (b) made available to each eligible producer by being mailed to each eligible producer at least 30 days prior to the mail ballot closing date.
- (4.2) The mail ballot closing date
 - (a) is to be fixed by the Commission, and
 - (b) must be a date that is at least 10 days immediately preceding the annual meeting.
- (e) **in subsection (5.1) by striking out** “to represent the zone” **wherever it occurs.**

20 Section 36(5)(a) is amended by striking out “zone”.

21 The Schedule is repealed.

Alberta Regulation 127/2018

Conflicts of Interest Act

**CONFLICTS OF INTEREST ACT PART 4.3 DESIGNATION
AMENDMENT ORDER**

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 218/2018) on June 27, 2018 pursuant to section 23.921 of the Conflicts of Interest Act.

1 The *Conflicts of Interest Act Part 4.3 Designation Order (AR 42/2018)* is amended by this Regulation.

2 In the Schedule, Table 1 is amended

(a) by adding

Fair Practices Office	Fair Practices Commissioner	Fair Practices Commissioner
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after

Appeals Commission under the <i>Workers' Compensation Act</i>	Chief Appeals Commissioner	Chief Appeals Commissioner
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(b) by adding

Medical Panels Office	Medical Panels Commissioner	Medical Panels Commissioner
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after

Labour Relations Board		Chair
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(c) by adding

SERVICE ALBERTA		
Alberta Motor Vehicle Industry Council		CEO

after

Teachers' Pension Plan Board of Trustees (also called Alberta Teachers' Retirement Fund Board)		CEO
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3 Section 2(a) comes into force on December 1, 2018.

4 Section 2(c) comes into force on October 31, 2018.

Alberta Regulation 128/2018

**Reform of Agencies, Boards and Commissions
Compensation Act**

**REFORM OF AGENCIES, BOARDS AND COMMISSIONS
COMPENSATION AMENDMENT REGULATION**

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 220/2018) on June 27, 2018 pursuant to sections 5 and 23 of the Reform of Agencies, Boards and Commissions Compensation Act.

1 The Reform of Agencies, Boards and Commissions Compensation Regulation (AR 31/2017) is amended by this Regulation.

2 Schedule 1 is amended

(a) by adding

Chief Executive Officer	Alberta Motor Vehicle Industry Council
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after

President and Chief Executive Officer	Alberta Local Authorities Pension Plan Corp.
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(b) by adding

Chief Executive Officer	Alberta Sport Connection
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after

Vice-chair	Alberta Securities Commission
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(c) by adding

Fair Practices Commissioner	Fair Practices Office
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after

Chief Executive Officer	Energy Efficiency Alberta
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(d) by adding

Medical Panels Commissioner	Medical Panels Office
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after

Market Surveillance Administrator	Market Surveillance Administrator
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3 Schedule 2 is amended

(a) by adding

Market Surveillance Administrator	Market Surveillance Administrator	4	184 365	216 900	249 435
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after

Land Compensation Board	Chair	4	184 365	216 900	249 435
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(b) by striking out

Market Surveillance Administrator	Market Surveillance Administrator	3	153 595	180 700	207 805
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(c) by adding

Medical Panels Office	Medical Panels Commissioner	3	153 595	180 700	207 805
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after

Energy Efficiency Alberta	CEO	3	153 595	180 700	207 805
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(d) by adding

Alberta Motor Vehicle Industry Council	Chief Executive Officer	3	153 595	180 700	207 805
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after

Medical Panels Office	Medical Panels Commissioner	3	153 595	180 700	207 805
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(e) by adding

Fair Practices Office	Fair Practices Commissioner	3	153 595	180 700	207 805
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after

Alberta Motor Vehicle Industry Council	Chief Executive Officer	3	153 595	180 700	207 805
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(f) by adding

Alberta Sport Connection	Chief Executive Officer	2	130 135	153 100	176 065
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after

Alberta Human Rights Commission	Member	2	130 135	153 100	176 065
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4(1) Sections 2(a) and 3(d) come into force on October 31, 2018.

(2) Sections 2(c) and 3(e) come into force on December 1, 2018.

Alberta Regulation 129/2018
Corrections Act
FINE OPTION AMENDMENT ORDER

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 224/2018) on June 27, 2018 pursuant to section 34 of the Corrections Act.

1 The *Fine Option Order* (AR 92/99) is amended by this Regulation.

2 Section 9 is repealed.

Alberta Regulation 130/2018
Provincial Offences Procedures Act
PROCEDURES (CANNABIS) AMENDMENT REGULATION

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 225/2018) on June 27, 2018 pursuant to section 42 of the Provincial Offences Procedures Act.

1 The *Procedures Regulation* (AR 63/2017) is amended by this Regulation.

2 Parts 12 and 13 of the Schedule are repealed and the following is substituted:

Part 12
Gaming, Liquor and Cannabis Act

1 The specified penalty payable in respect of a contravention of section 50 of the *Gaming, Liquor and Cannabis Act* for the unlawful possession of liquor is \$200.

2 The specified penalty for the contravention of section 90.03(1) of the Act of a minor entering or being in a licensed premises is \$100.

3 The specified penalty for the contravention of section 90.03(1) of the Act of a licensee permitting a minor to enter or be in a licensed premises is \$500.

4(1) The specified penalty payable in respect of a contravention of a provision of the *Gaming, Liquor and Cannabis Act* shown in Column 1 is the amount shown in Column 2 in respect of that provision.

Item Number	Column 1 (Section Number of Act)	Column 2 (Specified Penalty in Dollars)
1	69(1)(b) or (c)	200
2	69(2)(a) or (b)	150
3	70	100
4	74(2)	100
5	74(3)	500
6	75	150
7	84	250
8	87(1)	100
9	87(2)	150
10	89(1)	100
11	90.04	150
12	90.19(1)(b) or (c)	200
13	90.19(2)(a) or (b)	150
14	90.2	100
15	90.24	500
16	90.25(1)	100
17	90.26	100
18	90.28	250
19	115(1)	100

(2) Items 14 to 18 in subsection (1) are effective on and after October 17, 2018.

**Part 13
Regulation under the Gaming,
Liquor and Cannabis Act**

Gaming, Liquor and Cannabis Regulation

1 The specified penalty payable in respect of a contravention of a provision of the *Gaming, Liquor and Cannabis Regulation* (AR 143/96) shown in Column 1 is the amount shown in Column 2 in respect of that provision.

Item Number	Column 1 (Section Number of Regulation)	Column 2 (Specified Penalty in Dollars)
1	34.01	250

AR 130/2018	PROVINCIAL OFFENCES PROCEDURES	
2	34.2(2)	250
3	87.1(2)	100
4	123	250

Alberta Regulation 131/2018

Pharmacy and Drug Act

PHARMACY AND DRUG AMENDMENT REGULATION

Filed: June 28, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 229/2018) on June 27, 2018 pursuant to section 28 of the Pharmacy and Drug Act.

1 The *Pharmacy and Drug Regulation* (AR 240/2006) is amended by this Regulation.

2 The heading before section 35 is amended by striking out “Expiry and”.

3 Section 35 is repealed.

Alberta Regulation 132/2018

Consumer Protection Act

HIGH-COST CREDIT REGULATION

Filed: June 28, 2018

For information only: Made by the Minister of Service Alberta (M.O. SA:011/2018) on June 27, 2018 pursuant to sections 124.02(5), 139 and 162(2) of the Consumer Protection Act.

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Definitions

1 In this Regulation,

- (a) “Act” means the *Consumer Protection Act*;
- (b) “borrower” means the party to a high-cost credit agreement who receives or will receive high-cost credit from a high-cost credit business operator, and includes a lessee;
- (c) “fixed high-cost credit” means credit under a high-cost credit agreement that is not for open high-cost credit and that is not a high-cost lease;
- (d) “high-cost credit business operator” means a person who
 - (i) offers, arranges for or enters into a high-cost credit agreement as the party providing or offering to provide high-cost credit to the other party, and includes a lessor, and
 - (ii) is required to hold a high-cost credit business licence;
- (e) “open high-cost credit” means credit under a high-cost credit agreement that
 - (i) anticipates multiple advances, to be made when requested by the borrower in accordance with the agreement, and

- (ii) does not establish the total amount to be advanced to the borrower under the agreement, although it may impose a credit limit;
- (f) “optional service” means a service that is offered to a borrower in connection with a high-cost credit agreement and that the borrower does not have to purchase in order to enter into the high-cost credit agreement.

Application

2(1) Subject to subsection (2), this Regulation applies

- (a) to every high-cost credit business operator who offers, arranges for or enters into a high-cost credit agreement with a borrower in Alberta, regardless of whether the high-cost credit business operator operates from business premises or on the internet, and
- (b) to each high-cost credit agreement regardless of the number of high-cost credit business operators involved in the high-cost credit agreement.

(2) This Regulation does not apply to a high-cost credit agreement entered into before the coming into force of this Regulation, except to the extent that it relates to an extension or renewal of a high-cost credit agreement made or granted after the coming into force of this Regulation.

Calculation of rates

3 For the purpose of section 124.01(a) of the Act, the rate of a high-cost credit agreement is to be calculated as follows:

- (a) for open high-cost credit, in accordance with the industry standard for calculating annual interest rate;
- (b) for fixed high-cost credit, in accordance with section 24(3) and (4) of the *Cost of Credit Disclosure Regulation* (AR 198/99);
- (c) for a high-cost lease, in accordance with section 26 of the *Cost of Credit Disclosure Regulation* (AR 198/99).

Licence

4 The class of licence to be known as the high-cost credit business licence is established.

Multiple locations

5 If a high-cost credit business operator carries on the activities of the high-cost credit business at more than one location, the licence under section 4 must specify each location at which the high-cost credit business operator carries on the activities of the high-cost credit business.

Licence to be displayed

6(1) A high-cost credit business operator shall prominently display a copy of the high-cost credit business licence in each location for which it has been issued.

(2) If a high-cost credit business operator provides high-cost credit or carries on the activities of the high-cost credit business by means of the internet, the business operator shall prominently display a copy of the licence at or near the top of the introductory page of the website for Alberta borrowers.

Term

7 The term of a high-cost credit business licence is one year.

Fees

8(1) The fee for a high-cost credit business licence is \$1000 per year.

(2) If a high-cost credit business operator carries on the activities of the high-cost credit business at more than one location, the fee for each additional location added to the licence is \$500 per year.

Notification required

9 A high-cost credit business operator shall notify the Director in writing within 15 days of any change in the following:

- (a) the owner or owners, the partners or the directors, as applicable, of the high-cost credit business operator;
- (b) the addresses of the locations at which the high-cost credit business operator carries on the activities of the high-cost credit business.

Security

10(1) A high-cost credit business licence shall not be issued or renewed unless the high-cost credit business operator submits a security to the Director in a form and an amount approved by the Director.

(2) The Director may, if the Director considers it appropriate, increase the amount of the security that is to be provided by a high-cost credit business operator before the term of the high-cost credit business operator's licence expires.

Representations

11(1) A high-cost credit business operator shall not represent, expressly or by implication, that a high-cost credit business licence is an endorsement or approval of the high-cost credit business operator by the Government of Alberta.

(2) Subsection (1) does not preclude a high-cost credit business operator from representing that the high-cost credit business operator is licensed under this Regulation.

General Licensing and Security Regulation

12 The *General Licensing and Security Regulation* (AR 187/99) applies to the high-cost credit business.

Exemptions from licensing

13 The requirement to hold a high-cost credit business licence does not apply to the following:

- (a) a public utility, as defined in the *Public Utilities Act*, with respect to the sale of a service;
- (b) a life insurance company, with respect to a loan under a life insurance policy to the insured or the insured's assignee solely on the security of the cash surrender value of the policy;
- (c) a financial institution or other person, with respect to a loan under the *Student Loan Act*, the *Students Finance Act*, the *Student Financial Assistance Act*, the *Canada Student Financial Assistance Act* (Canada), or the *Canada Student Loans Act* (Canada);
- (d) a municipality or a Metis settlement, with respect to the payment of taxes under the *Municipal Government Act* or the *Metis Settlements Act*;
- (e) a financial institution regulated under the *Bank Act* (Canada), a credit union, or ATB Financial, with respect to services provided by the financial institution, the credit union, or ATB Financial.

High-cost credit agreement

14(1) A high-cost credit business operator shall ensure the front page of a high-cost credit agreement contains a disclosure statement with the following information:

- (a) the name of the high-cost credit business operator;
- (b) the licence number of the high-cost credit business operator;
- (c) any other information required by the Director.

(2) The Director may require a high-cost credit business operator to disclose information that is specific to the type of high-cost credit the high-cost credit business operator provides.

(3) If a borrower purchases an optional service from a high-cost credit business operator, the high-cost credit business operator shall ensure the disclosure statement required under subsection (1) also contains

- (a) a description of the optional service,
- (b) a statement that the borrower is not required to purchase the optional service in order to enter into the high-cost credit agreement,
- (c) a statement that, if the optional service is of a continuing nature, the borrower has the right to cancel the optional service on 30 days' notice or any shorter period of notice that is provided for by the high-cost credit agreement,
- (d) a statement that, if the optional service is of a continuing nature and the borrower cancels the optional service in accordance with clause (c), the borrower is not liable and is entitled to a refund of any amount already paid for charges relating to any portion of the service that has not been provided at the time of cancellation, and
- (e) any other information required by the Director.

Entering into agreement

15 Immediately before or at the time a borrower enters into a high-cost credit agreement, a high-cost credit business operator shall

- (a) bring to the attention of the borrower the information required under section 14, and
- (b) give the borrower a copy of the high-cost credit agreement.

Form and content of agreement

16(1) The Director may set all or part of the form and content of of high-cost credit agreements.

(2) The Director may require a high-cost credit business operator to use a high-cost credit agreement that is specific to the type of high-cost credit the high-cost credit business operator provides.

(3) A high-cost credit business operator shall use a high-cost credit agreement in the form and with the content required by the Director.

Statement of account

17(1) Subject to subsection (4), a high-cost credit business operator shall, on written request from the borrower, provide the borrower with a statement of account containing as much of the following information as is applicable:

- (a) the period covered by the statement;
- (b) the outstanding balance at the beginning of the period;
- (c) the outstanding balance at the time money was first advanced under the high-cost credit agreement;
- (d) the amount, description and posting date of each transaction or charge added to the outstanding balance during the period;
- (e) the amount and posting date of each payment or credit subtracted from the outstanding balance during the period;
- (f) the total of all amounts added to the outstanding balance during the period;
- (g) the total of all amounts subtracted from the outstanding balance during the period;
- (h) the outstanding balance at the end of the period;
- (i) the outstanding balance at the time the request for the statement of account is made;
- (j) the credit limit, if applicable.

(2) The Director may specify a time period within which a high-cost credit business operator shall provide a statement of account to a borrower.

(3) A high-cost credit business operator may provide a statement of account to a borrower in electronic form.

(4) This section does not apply if a borrower has access to an online account that provides the borrower with the information under subsection (1) on an ongoing basis.

Part 9 of Act

18 Nothing in this Regulation affects a high-cost credit business operator's disclosure obligations under Part 9 of the Act.

Confirmation of cancellation

19 If a borrower cancels an optional service of a continuing nature under section 67 of the Act, the high-cost credit business operator shall provide confirmation of the cancellation to the borrower in written or electronic form.

Signs

20(1) The Director may set the form and content of signs that must be displayed by high-cost credit business operators.

(2) A high-cost credit business operator shall prominently display a sign in the form and containing the content set by the Director at each location where the high-cost credit business operator carries on the activities of the high-cost credit business.

Information requirements

21(1) A high-cost credit business operator shall provide to the Director the following information:

- (a) the total value of all high-cost credit agreements the high-cost credit business operator has entered into in Alberta;
- (b) the number of high-cost credit agreements the high-cost credit business operator has entered into in Alberta;
- (c) the number of repeat high-cost credit agreements the high-cost credit business operator has entered into in Alberta;
- (d) the average size and term of the high-cost credit agreements the high-cost credit business operator has entered into in Alberta;
- (e) the total value of the high-cost credit agreements that have been defaulted by borrowers and that have been written off by the high-cost credit business operator in Alberta;
- (f) any other information required by the Director.

(2) The Director may specify a time period within which a high-cost credit business operator shall provide the information under subsection (1) to the Director.

Duty to keep records

22(1) A high-cost credit business operator shall retain the following documents and records in respect of each high-cost credit agreement, as applicable:

- (a) the high-cost credit agreement;
- (b) pre-authorized debit agreements;
- (c) instructions to credit reporting agencies;
- (d) documents and records respecting the assignment or sale of the high-cost credit agreement;
- (e) any other documents and records in respect of the high-cost credit agreement.

(2) A high-cost credit business operator must retain the documents and records described in subsection (1)

- (a) for a period of 3 years after the date on which the high-cost credit agreement was fully repaid, or
- (b) if the high-cost credit agreement is not fully repaid, after the later of
 - (i) the date of default, or
 - (ii) the date of last payment.

Dishonoured payment by pre-authorized debit

23(1) Subject to subsection (2), after an attempt by a high-cost credit business operator to process a payment under a high-cost credit agreement by a pre-authorized debit provided by a borrower is dishonoured, the high-cost credit business operator shall not make a further attempt to process the payment by the pre-authorized debit.

(2) Subsection (1) does not prohibit a further attempt to process the payment under the high-cost credit agreement by the pre-authorized debit if

- (a) the further attempt is the 2nd attempt, for which the attempted payment

- (i) is in the same amount as the first attempt plus the permitted fee under subsection (3), and
- (ii) is processed within 30 days after the high-cost credit business operator received notice that the first attempt to process the payment was dishonoured,

or

- (b) the further attempt is in accordance with the express written consent provided by the borrower after the previous attempt was dishonoured, in respect of a specific payment amount, plus only the fee permitted under subsection (3), to be processed on a specific date.

(3) The Director may set the amount of a fee that a high-cost creditor business operator may charge for each dishonoured pre-authorized debit.

Prohibited practices

24 A high-cost credit business operator shall not engage in any of the following practices:

- (a) attempting to process a payment under a high-cost credit agreement before the day on which it is due;
- (b) making withdrawals from a borrower's account without the express consent of the borrower;
- (c) charging any amount to a borrower in addition to the fees provided for in the high-cost credit agreement with that borrower in relation to the high-cost credit;
- (d) contacting any individual in person or by telephone for the purpose of collecting or attempting to collect an outstanding payment under a high-cost credit agreement except between 7 a.m. and 10 p.m. in Alberta;
- (e) directly or indirectly threatening or stating an intention to proceed with any action for which there is no lawful authority;
- (f) contacting an individual other than the borrower, an agent of the borrower or a guarantor of a high-cost credit agreement, except for contact in respect of
 - (i) obtaining a borrower's residential address, personal telephone number or employment telephone number, or

- (ii) contacting a borrower's employer in respect of legal proceedings relating to the high-cost credit agreement, for the purposes of collecting or attempting to collect an outstanding payment under a high-cost credit agreement;
- (g) contacting or attempting to contact any individual in respect of an outstanding payment under a high-cost credit agreement by any means in such a manner as to constitute harassment, including but not limited to
 - (i) the use of threatening, profane, intimidating or coercive language,
 - (ii) the use of undue, excessive or unreasonable pressure, or
 - (iii) the use of telephone, e-mail, or other methods of contact, other than traditional mail, to call or send messages excessively;
- (h) giving any person, directly or indirectly, by implication or otherwise, any false or misleading information, including but not limited to references to the police, a law firm, prison, credit history, court proceedings or a lien or garnishment;
- (i) contacting a borrower at the borrower's place of employment for the purposes of collecting or attempting to collect an outstanding payment under a high-cost credit agreement;
- (j) contacting a borrower at the borrower's place of employment, if the borrower
 - (i) requests the high-cost credit business operator not to contact the borrower there,
 - (ii) makes reasonable arrangements to discuss the high-cost credit agreement with the high-cost credit business operator, and
 - (iii) discusses the high-cost credit agreement with the high-cost credit business operator in accordance with the arrangements;
- (k) communicating information about a high-cost credit agreement or the existence of a high-cost credit agreement to any person without the express consent of the borrower;
- (l) entering into or arranging wage assignments with a borrower or the employer of a borrower;

- (m) publishing or threatening to publish a notice of a borrower's failure to pay;
- (n) giving false, misleading or deceptive information in advertisements, solicitations or negotiations with respect to a high-cost credit agreement;
- (o) reporting a debt to a credit reporting agency if the borrower has notified the high-cost credit business operator that the debt is in dispute and that the debtor wishes the high-cost credit business operator to take the matter to court;
- (p) charging a fee to a borrower for a dishonoured pre-authorized debit that exceeds the amount set by the Director under section 23(3).

Offences

25 A person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

- (a) section 14(1) and (3);
- (b) section 23(1);
- (c) section 24.

Coming into force

26 This Regulation comes into force on the coming into force of section 1(12) of *A Better Deal for Consumers and Businesses Act*.

Alberta Regulation 133/2018

Consumer Protection Act

AUTOMOTIVE BUSINESS AMENDMENT REGULATION

Filed: June 28, 2018

For information only: Made by the Minister of Service Alberta (M.O. SA:021/2018) on June 26, 2018 pursuant to sections 105, 108.2, 136, 137.92, 139 and 140 of the Consumer Protection Act.

1 The *Automotive Business Regulation* (AR 192/99) is amended by this Regulation.

2 Section 1(1)(a) is amended by striking out “Fair Trading Act” and substituting “Consumer Protection Act”.

3 Section 11(2) is amended

(a) by striking out “and” at the end of clause (l);

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

- (n) does not use false, misleading or deceptive statements, and
- (o) does not advertise a specific vehicle for sale if more than 14 days have elapsed since the vehicle was sold.

4 Section 24 is repealed and the following is substituted:

Regulatory board

24 The Council, a corporation continued under section 137.8 of the Act,

- (a) is established as a regulatory board to exercise the powers, duties and functions delegated to it under section 136(5) of the Act, and
- (b) protects the public interest through its exercise of the delegated powers, duties and functions.

5 The following is added after section 24:

Not a Crown agent

24.01 The Council is not an agent of the Crown.

Natural person powers

24.02(1) The Council has the capacity and the rights, powers and privileges of a natural person.

(2) The Council has the capacity to exercise the powers of a natural person in any jurisdiction outside Alberta to the extent and in the manner that the laws of the other jurisdiction permit.

Definitions

24.1 In sections 24.2 to 24.92,

- (a) “board” means the board of directors of the Alberta Motor Vehicle Industry Council;

- (b) “public director” means a director appointed under section 24.2(1)(a);
- (c) “industry association” means an association set out in section 24.2(1)(b) to (f);
- (d) “industry director” means a director appointed under section 24.2(1)(b) to (f) or (9);
- (e) “industry director-at-large” means a director-at-large appointed under section 24.2(1)(g) or (10).

Board membership, vacancies

24.2(1) Subject to subsections (9) and (10), the board of the Council consists of the following directors:

- (a) 7 directors, representing the general public, appointed by the Minister by order;
- (b) one director appointed by the Motor Dealers’ Association of Alberta;
- (c) one director appointed by the Recreation Vehicle Dealers Association of Alberta;
- (d) one director appointed by the Canadian Independent Automotive Association — Alberta Chapter;
- (e) one director appointed by the Auctioneers’ Association of Alberta;
- (f) one director appointed by the Alberta Automotive Recyclers and Dismantlers Association;
- (g) one director-at-large, representing industry, appointed by a majority vote of industry directors.

(2) The Minister must designate one of the public directors as the chair.

(3) An industry organization appointing an industry director must submit notice in writing of the name of the director to the chair.

(4) An appointment of an industry director becomes effective 10 days after the notice is received by the chair or at the time specified in the notice, whichever is later.

(5) A director may be appointed for a term of not more than 3 years and may be reappointed for one or more additional terms of not more than 3 years, but must not be appointed for more than 6 consecutive years.

(6) The term of appointment of an industry director-at-large appointed under subsection (1)(g) or (10) must be set by a majority vote of the industry directors.

(7) Despite subsection (5), an individual appointed as a public director continues to hold office after the expiry of the individual's term of office until the individual is reappointed or the individual's successor is appointed.

(8) An industry organization must, within 90 days of a vacancy arising in the industry director position appointed by that organization, appoint an industry director for the remainder of the term of the vacated director position.

(9) If an industry organization fails to comply with subsection (8), an individual who is eligible under section 24.3 may be appointed as an industry director by a majority vote of the industry directors.

(10) The dissolution of an industry organization results in the automatic termination, as of the date of dissolution, of the appointment of the director appointed by the organization and an industry director-at-large must instead be appointed by a majority vote of the remaining industry directors held within 90 days after the dissolution.

(11) Copies and notices of an appointment must be given in accordance with the bylaws of the Council by the person or group making the appointment.

(12) The Council may make bylaws respecting procedures relating to votes under this section.

(13) When there is a vacancy on the board, the remaining directors may exercise the powers and performs all duties of the board so long as there is a quorum of the board.

Eligibility as director

24.3(1) An individual is eligible to be or remain a public director only if

- (a) the individual is a resident of Alberta, and
- (b) neither the individual nor any member of the individual's immediate family
 - (i) has an interest in an automotive business, or
 - (ii) is a director, owner, agent, representative or employee of an automotive business.

- (2) An individual is eligible to be or remain an industry director or industry director-at-large only if
- (a) the individual is a resident of Alberta,
 - (b) the individual
 - (i) is actively engaged in the automotive business on a day-to-day basis at an operational level, in a business for which an automotive business licence is held, and
 - (ii) has been actively engaged, for at least 3 consecutive years immediately before the date of appointment, in the automotive business in a business for which an automotive business licence is held.
 - (c) the individual has no convictions, within the past 5 years, under the *Consumer Protection Act* or the *Fair Trading Act* (RSA 2000 cF-2), and
 - (d) the individual has not, within the past 5 years, been the subject of an administrative penalty, licence suspension or licence cancellation under the *Consumer Protection Act* or the *Fair Trading Act* (RSA 2000 cF-2).
- (3) The following individuals are disqualified from being or remaining a director of the board:
- (a) an individual who is less than 18 years of age;
 - (b) an individual who
 - (i) is a represented adult as defined in the *Adult Guardianship and Trusteeship Act*,
 - (ii) is the subject of a certificate of incapacity that is in effect under the *Public Trustee Act*, is a formal patient as defined in the *Mental Health Act*, or
 - (iii) has been found to be of unsound mind by a court elsewhere than in Alberta;
 - (c) an individual who has the status of an undischarged bankrupt;
 - (d) an individual who has been convicted within the past 5 years of an indictable or of a similar offence in another jurisdiction;
 - (e) an individual who has been convicted within the past 5 years of any offence under the *Bank Act* (Canada), *Loan and Trust*

Corporations Act, Credit Union Act, Insurance Act, Securities Act or similar legislation in another jurisdiction.

(4) An individual who is appointed as a director for the maximum time period permitted under section 24.2(5), is not eligible to be appointed again as a director until 2 years have elapsed from the last day that the director held office.

(5) An act of the board or a committee of the board is valid notwithstanding an irregularity in the appointment of a director, a defect in the director's eligibility or a disqualification of the director.

Resignation of directors, chair

24.31(1) A public director, other than the chair, may resign at any time by providing notice in writing of the resignation to the chair and the Minister.

(2) An industry director or an industry director-at-large, other than the chair, may resign at any time by providing notice in writing of the resignation to the chair.

(3) The chair may resign the designation as chair or the appointment as director at any time by notice in writing of the resignation to the Minister.

(4) A resignation of a director becomes effective when the notice of resignation is received by the chair, or at the time, if any, specified in the notice, whichever is later.

(5) A resignation of the chair becomes effective at the time the notice of resignation is received by the Minister, or at the time specified in the notice, whichever is later.

(6) The chair must send a copy of the notice of resignation of an industry director forthwith to the industry association that had appointed the director.

Ceasing to hold office

24.32 A director ceases to hold office when

- (a) the director resigns,
- (b) the director becomes ineligible under section 24.3,
- (c) the director's appointment expires, in the case of an industry director or industry director-at-large,
- (d) the director's successor is appointed, in the case of a public director, or

- (e) the director's appointment is terminated or revoked under section 24.4.

**Suspension, termination or revocation
of appointment of director**

24.4(1) The board may, by resolution,

- (a) recommend the suspension, termination or revocation of the appointment of a public director for cause, or
- (b) suspend, terminate or revoke the appointment of an industry director or an industry director-at-large for cause.

(2) The board must, by bylaw, establish the processes for taking action under subsection (1).

(3) The board may, by bylaw, establish permissible grounds for suspension, termination or revocation of an appointment for cause or a recommendation for suspension, termination or revocation of an appointment for cause.

(4) A recommendation for suspension, termination or revocation under subsection (1)(a) must be directed to the Minister in the case of a public director.

(5) The Minister may, at any time, on the Minister's own initiative, or pursuant to a recommendation of the board, suspend, terminate or revoke the appointment of a public director.

Responsibility of directors

24.5 Every director, in exercising powers and discharging duties,

- (a) must act honestly and in good faith and with a view to the best interests of the Council, and
- (b) must exercise the care, diligence and skill that a reasonable and prudent person would exercise in comparable circumstances.

Responsibilities of the board

24.6(1) The board must

- (a) manage and supervise the affairs of the Council,
- (b) ensure that the Council fulfils its mandate and conducts its activities in a manner that is generally consistent with the current business and financial plan of the Council referred to in section 24.8 and its Mandate and Roles Document under the *Alberta Public Agencies Governance Act*, and
- (c) supervise the Chief Executive Officer.

(2) The board may make general or specific resolutions relating to any matter or thing that pertains to the operation or business of the Council.

(3) Subject to subsection (4), the board may delegate its powers, duties and functions, on terms and conditions it considers advisable, to

- (a) a director,
- (b) a committee of the board,
- (c) an officer or employee of the Council, or
- (d) any other person.

(4) The board is not permitted to delegate any the following powers:

- (a) the power to appoint the Chief Executive Officer;
- (b) the power to make bylaws;
- (c) the power to fill an industry director or industry director-at-large vacancy on the board;
- (d) the power to approve business and financial plans, budgets, annual reports and financial statements.

Quorum

24.7 The quorum for a meeting of the board is a majority of the number of appointed directors.

Indemnification

24.71(1) The Council may, if authorized by a resolution of the board, indemnify

- (a) a present or former director or officer of the Council,
- (b) an employee or former employee of the Council, and
- (c) the heirs and legal representatives of a person referred to in clause (a) or (b),

against costs, charges and expenses, including any amount paid to settle an action or satisfy a judgment, reasonably incurred by that person with respect to a civil, criminal or administrative action or proceeding to which that person is made a party by reason of holding such a position if that person acted honestly, in good faith and with a view to the best interests of the Council, and in the case of a criminal or administrative action or proceeding that is enforced by a monetary

penalty, if that person had reasonable grounds for believing that the conduct was lawful.

(2) An indemnity must be in writing.

(3) If the Council advances funds to a person in order to defray the costs of an action or proceeding, the person shall repay the funds advanced unless

(a) with respect to a civil, criminal or administrative action or proceeding, the person acted honestly, in good faith and with a view to the best interests of the Council, and

(b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the person had reasonable grounds for believing that the conduct was lawful.

Council duties re business and financial plan, statements

24.8(1) The fiscal year of the Council is April 1 to the following March 31.

(2) The Council must, on an annual basis,

(a) prepare a business and financial plan for the next 3 fiscal years, and

(b) within 60 days before the end of the current fiscal year, provide a copy of the business and financial plan to the Minister.

(3) A business and financial plan must include the following information:

(a) goals;

(b) annual performance objectives;

(c) strategies for achieving the goals and performance objectives;

(d) the performance measures that will be used to evaluate whether the goals and performance objectives are being met.

(3) The Council must obtain approval from the Minister before implementing a business and financial plan that forecasts a deficit for a fiscal year included in the plan.

(4) The Council must fulfil its mandate and conduct its activities in a manner that is generally consistent with the current business and financial plan.

Year-end financial reporting

24.9 Within 6 months after the end of a fiscal year, the Council must provide the Minister with an annual report and the audited financial statements respecting the fiscal year.

Other reports, information

24.91 The Council must, at a time determined by the Minister, submit to the Minister any reports or other information required by the Minister, including any information required for the purposes of a review of the Council, financial reporting or business and financial planning.

Transitional

24.92(1) The delegation to the Council under section 136(5) of the Act in effect immediately before the coming into force of this section continues in effect until the delegation is amended or revoked, and the delegation has the same force as a delegation by the Minister under section 136(5) of the Act.

(2) The term of appointment of an individual who, immediately before the coming into force of this section, held an appointment as an industry director-at-large, expires on the coming into force of this section, despite the term provided for in the appointment.

(3) The board continues to operate and, subject to subsections (2) and (4), an individual who, immediately before the coming into force of this section, held an appointment as a director, continues as a director until the term stated in the director's appointment expires or the appointment is terminated or revoked and the continuing director is subject to the provisions of the regulation respecting directors.

(4) The term of appointment of an industry director whose appointment is continued under subsection (3) expires on March 31 of the year of expiry of the appointment in effect immediately before the coming into force of this section.

(5) Despite section 24.2(2) and (5), the individual who, immediately before the coming into force of this section held the designation as chair of the board, continues as chair until a chair is designated by the Minister.

(6) An action by the Council, including an investigation, inspection or proceeding commenced but not completed before the coming into force of this section is continued by the Council.

- (7) An application to the Council commenced but not completed before the coming into force of this section is continued.
- (8) An appeal panel or registration appeal panel established but not concluded before the coming into force of this section continues to have authority and will conduct the appeal for which it was established.
- (9) A decision of the Council, a delegate of the Council or an employee of the Council that is made before the coming into force of this section may be enforced by the Council, the delegate or the employee, as the case may be.
- (10) A decision, ruling, order or judgment made in favour of or against the Council, a delegate of the Council or an employee of the Council before the coming into force of this section may be enforced by or against the Council, the delegate or the employee, as the case may be.

6 The following is added after section 31:

**Part 2.1
Automotive Sales and Repairs**

Vehicle history information

31.1(1) A business operator engaged in automotive sales must disclose the following information in accordance with subsection (2), on the basis of information the business operator knew or ought to have known:

- (a) whether the vehicle has been bought back by the manufacturer under the Canadian Motor Vehicle Arbitration Plan;
- (b) whether the vehicle has sustained damage caused by fire;
- (c) whether the vehicle has sustained damage caused by immersion in liquid to at least the level of the interior floorboards;
- (d) whether the vehicle has been used as a police car or an emergency vehicle;
- (e) whether the vehicle has been used as a taxi cab or a limousine;
- (f) whether the vehicle has been previously owned by a rental vehicle business or used as a rental vehicle on a daily or other short-term basis;

- (g) whether the vehicle has, at any time, been assigned a status in one of the following categories under the *Vehicle Inspection Regulation* (AR 211/2006) or an equivalent status under the laws of another jurisdiction:
 - (i) salvage motor vehicle;
 - (ii) non-repairable motor vehicle;
 - (iii) unsafe motor vehicle;
 - (h) whether the vehicle has been damaged in an incident or collision where the total cost of repairs fixing the damage exceeded \$3000 and, if the repairs were carried out by the business operator, the total cost of the repairs;
 - (i) whether the vehicle was registered in any jurisdiction other than Alberta immediately before it was acquired by the business operator and, if so,
 - (i) the name of the jurisdiction in which the vehicle was previously registered,
 - (ii) whether the vehicle was required to be inspected prior to registration in Alberta, and
 - (iii) whether the vehicle passed or failed any required inspections.
- (2) The business operator must disclose the information required under subsection (1) in a clear and legible manner
- (a) in any online advertisement for the vehicle,
 - (b) on any sales tag affixed to the vehicle, and
 - (c) in writing to the consumer before purchase.

Bill of sale

31.2(1) A business operator engaged in automotive sales must use a bill of sale that includes the following:

- (a) the name and address of the consumer;
- (b) the number of the government-issued identification that the business operator uses to confirm the identity of the consumer;
- (c) the name, business address and licence number of the business operator;

- (d) if a salesperson is acting on behalf of the business operator, the name and registration number of the salesperson;
- (e) the make, model and model year of the vehicle;
- (f) the colour and body type of the vehicle;
- (g) the vehicle identification number of the vehicle;
- (h) the date that the bill of sale is entered into;
- (i) the date that the vehicle is to be delivered to the consumer;
- (j) an itemized list of all applicable fees and charges the consumer is to pay, including, without limitation:
 - (i) charges for transportation of the vehicle;
 - (ii) fees for inspections;
 - (iii) fees for licensing;
 - (iv) charges for warranties;
 - (v) taxes or levies, including GST;
- (k) the timing for payment by the consumer of the fees and charges under clause (j);
- (l) an itemized list of the costs of all extra equipment and options sold to the consumer in connection with the vehicle or installed on the vehicle at the time of sale;
- (m) the total cost of the vehicle, which must include the fees, charges and costs listed under clauses (j) and (l);
- (n) the down payment or deposit paid by the consumer, if any, and the balance remaining to be paid;
- (o) if the consumer is trading in another vehicle to the business operator in connection with the purchase of the vehicle,
 - (i) information about the vehicle being traded in, and
 - (ii) the value of the trade-in allowance incorporated into the cost of purchase of the vehicle;
- (p) the balance of any outstanding loan that is incorporated into the cost of purchase of the vehicle;

- (q) if, in connection with the purchase of the vehicle, the business operator enters into a credit agreement with the consumer or arranges a credit agreement for the consumer, the disclosure statement required under Part 9 of the Act;
 - (r) an itemized list of any items or inducements the business operator agrees to provide with the vehicle at no extra charge;
 - (s) the odometer reading of the vehicle at the time the bill of sale is entered into, if the vehicle has an odometer and the odometer reading is available to the business operator;
 - (t) the maximum odometer reading of the vehicle at the time of delivery to the consumer if the vehicle has an odometer and
 - (i) the odometer reading is not available to the business operator at the time the bill of sale is entered into, or
 - (ii) the vehicle is a new, specifically identified vehicle;
 - (u) any mechanical fitness assessment that has been issued under the *Vehicle Inspection Regulation* (AR 211/2006);
 - (v) any disclosure statement or documentation respecting a vehicle's previous use, history or condition, including disclosure statements or documentation required under the laws of another jurisdiction;
 - (w) a declaration that the business operator has disclosed to the consumer the information required under section 31.1.
- (2) The business operator must ensure that all restrictions, limitations and conditions imposed on the consumer under the bill of sale are stated in a clear and comprehensible manner.

Receipt of information

31.3 A business operator engaged in automotive sales must not enter into a bill of sale with a consumer unless the business operator has obtained written confirmation from the consumer that the consumer has received the information required under section 31.1.

Deposit agreement

31.4 If the Council sets the form and content of a deposit agreement, a business operator engaged in automotive sales shall use that deposit agreement.

Liens

31.5 If a business operator engaged in automotive sales knows that a vehicle is subject to a lien, the business operator must, within 7

days of the date that the business operator sells the vehicle, pay the amount owing under the lien to the lienholder.

Estimate

31.6(1) A business operator engaged in automotive repairs must, on request from the consumer, provide an estimate for the installation of parts or equipment in or on a vehicle or the repair or service of a vehicle.

(2) An estimate under subsection (1) must be in writing and, subject to subsection (3), must contain the following information:

- (a) a description of the proposed work;
- (b) the estimated total cost of the proposed work, including labour and parts or equipment.

(3) If the information in subsection (2) cannot be provided because diagnostic work is required, the estimate must state the estimated maximum cost of the diagnostic work.

Authorization of work

31.7(1) A business operator engaged in automotive repairs must not install parts or equipment in or on a vehicle or repair or service a vehicle unless the consumer has provided authorization.

(2) An authorization under subsection (1) must be provided in writing, subject to section 31.8.

(3) An authorization must contain the following information:

- (a) the name of the consumer, or the consumer's agent, giving authorization;
- (b) the date of authorization;
- (c) a description of the work that the consumer, or the consumer's agent, authorizes to be carried out;
- (d) the estimated total cost of the work described in clause (c) and confirmation that the consumer, or the consumer's agent, authorizes that cost.

Authorization not in writing

31.8 An authorization of work may be in a form other than in writing if the business operator records the following information in writing:

- (a) the information required under section 31.7(3);
- (b) the time at which authorization is given;

(c) the method by which authorization is given.

7 Section 34(1) is amended by adding “31.5, 31.7,” after “12.”

8 Section 37 is repealed.

9(1) Sections 3, 6 and 7 of this Regulation come into force on the coming into force of section 1(11) of *A Better Deal for Consumers and Businesses Act*.

(2) Sections 4 and 5 of this Regulation come into force on the coming into force of section 1(17) of *A Better Deal for Consumers and Businesses Act*.

Alberta Regulation 134/2018

Libraries Act

LIBRARIES AMENDMENT REGULATION

Filed: June 28, 2018

For information only: Made by the Minister of Municipal Affairs (M.O. LA:001/18) on June 25, 2018 pursuant to section 40 of the Libraries Act.

1 The *Libraries Regulation* (AR 141/98) is amended by this Regulation.

2 The heading to Part 7 is amended by striking out “and Expiry”.

3 Section 48 is repealed.

Alberta Regulation 135/2018

**Electric Utilities Act
Alberta Utilities Commission Act**

**ELECTRICITY REGULATIONS (MINISTERIAL)
AMENDMENT REGULATION**

Filed: June 28, 2018

For information only: Made by the Minister of Energy (M.O. 62/2018) on June 27, 2018 pursuant to sections 99, 108, 115 and 143 of the Electric Utilities Act and section 59 of the Alberta Utilities Commission Act.

1(1) The *Code of Conduct Regulation (AR 58/2015)* is amended by this section.

(2) Section 1(1)(g) is amended by adding “electricity” after “means”.

2(1) The *Market Surveillance Regulation (AR 266/2007)* is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (a):

(a.1) “capacity market” has the meaning given to it in Part 5 of the Act;

(a.2) “capacity market participant” has the meaning given to it in Part 5 of the Act;

(b) in clause (f) by adding “, a capacity market participant” after “electricity market participant”.

(3) Section 2(1) is amended by adding “or capacity market participants” after “electricity market participants” wherever it occurs.

(4) Section 6(3)(b) and 10(1) are amended by adding “, the capacity market” after “the electricity market”.

(5) Section 12 is repealed.

3(1) The *Micro-Generation Regulation (AR 27/2008)* is amended by this section.

(2) Section 7 is amended

- (a) in subsection (3) by adding “electricity” after “act as the”;
- (b) in subsection (5)(b)
 - (i) by striking out “hourly”;
 - (ii) by striking out “hour” and substituting “settlement interval”.

4(1) The *Municipal Own-Use Generation Regulation* (AR 80/2009) is amended by this section.

(2) Section 2(a) is amended by striking out “hour” and substituting “settlement interval”.

5(1) The *Regulated Rate Option Regulation* (AR 262/2005) is amended by this section.

(2) Section 1(o) is amended

- (a) by striking out “an hour” and substituting “a settlement interval”;
- (b) by striking out “hourly”;
- (c) by adding “, for the settlement interval” after “plus their allocated losses”.

(3) Section 6(1)(d) is amended

- (a) by striking out “efficient market for electricity” and substituting “efficient electricity market”;
- (b) by adding “electricity market” after “advantages of any”.

(4) Section 11(1)(a)(ii) is amended by striking out “market electricity” and substituting “electricity market”.

6 This Regulation comes into force on the coming into force of section 2(4)(a) of *An Act to Secure Alberta’s Electricity Future*.

Alberta Regulation 136/2018
Environmental Protection and Enhancement Act
RELEASE REPORTING AMENDMENT REGULATION

Filed: June 28, 2018

For information only: Made by the Minister of Environment and Parks (M.O. 20/2018) on June 27, 2018 pursuant to section 121 of the Environmental Protection and Enhancement Act.

1 The *Release Reporting Regulation* (AR 117/93) is amended by this Regulation.

2 Section 2 is amended by striking out “to 112” and substituting “and 111”.

3 Section 4.2 is amended by striking out “June 30, 2018” and substituting “June 30, 2021”.