

**Alberta Regulation 214/2018**  
**Oil and Gas Conservation Act**  
**Oil Sands Conservation Act**  
**Responsible Energy Development Act**  
**CURTAILMENT RULES**

Filed: December 3, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 375/2018) on December 3, 2018 pursuant to section 10 of the Oil and Gas Conservation Act, section 20 of the Oil Sands Conservation Act and sections 68 and 70 of the Responsible Energy Development Act.

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**Definitions**

**1** In these Rules,

- (a) “crude bitumen” means crude bitumen as defined in the *Oil Sands Conservation Act*;
- (b) “crude oil” means crude oil as defined in the *Oil and Gas Conservation Act*;
- (c) “curtailment order” means an order of the Minister under section 5(1);
- (d) “Minister” means the Minister of Energy;
- (e) “operator” means
  - (i) in respect of crude bitumen, an operator as defined in the *Oil Sands Conservation Act*, and
  - (ii) in respect of crude oil, a licensee or approval holder as defined in the *Oil and Gas Conservation Act*.

**Purpose**

**2** The purpose of these Rules is to

- (a) effect conservation and prevent wasteful operations,
- (b) prevent improvident disposition, and
- (c) ensure the economical development in the public interest of the crude bitumen and crude oil resources of Alberta.

**Application**

**3(1)** These Rules apply notwithstanding any production rates or limits set out in

- (a) any approvals, directives or orders issued by the Alberta Energy Regulator, or
- (b) any agreements or approvals under the *Mines and Minerals Act* that require or permit production at a rate greater than is permitted under a curtailment order.

**(2)** Where an operator does not begin producing crude oil or crude bitumen until after August 31, 2018, these Rules do not apply to the operator until the end of the 3-month period commencing when the operator begins to produce crude oil or crude bitumen.

**Combined provincial production allocation**

**4** Commencing for January 2019, the Minister may, by order, fix the combined provincial production allocation for a calendar month for crude oil and crude bitumen produced in Alberta.

**Curtailment order**

**5(1)** Subject to section 8, the Minister may, by order, in accordance with the Schedule, pro-rate the combined provincial production allocation for crude oil and crude bitumen for a calendar month among operators by fixing the combined amount of crude oil and crude bitumen that may be produced by each operator.

**(2)** An operator shall not produce more than the combined amount of crude oil and crude bitumen that the operator is permitted to produce under a curtailment order.

**(3)** A copy of the orders made under subsection (1) and section 4 must be provided to the Alberta Energy Regulator, who shall on receipt provide the information to each operator to whom a curtailment order applies.

**Joint ventures and partnerships**

**6** Where an operator to whom a curtailment order applies comprises 2 or more persons carrying on business as a joint venture or partnership, the persons may enter into an agreement respecting the allocation of the combined production of crude oil and crude bitumen among themselves to comply with the curtailment order.

**Consolidation and transfer of allocations**

**7(1)** Two or more operators to whom curtailment orders apply may apply to the Minister for an order permitting the consolidation of the maximum amounts imposed under those curtailment orders.

**(2)** Where an order has been issued under subsection (1), the operators subject to the order may collectively produce an amount of crude oil and crude bitumen not greater than the consolidated maximum amount.

**(3)** The operators who are subject to an order under subsection (1) shall not collectively produce a combined amount of crude oil and crude bitumen greater than the consolidated maximum amount permitted under subsection (2).

**(4)** Two or more operators to whom curtailment orders apply may apply to the Minister for an order amending those curtailment orders to redistribute among those operators the amounts fixed under those curtailment orders.

**(5)** A copy of an order made under subsection (1) or (4) must be provided to the Alberta Energy Regulator, who shall on receipt provide the information to the operators to whom the order applies.

**(6)** An order made under subsection (1) or (4) may be subject to any terms or conditions imposed by the Minister, which must be complied with by the operators who are subject to the order.

**Exemptions**

**8** The Minister shall not make a curtailment order in respect of an operator whose adjusted baseline production, as determined by the Minister in accordance with the Schedule, is not greater than zero.

**Amends AR 90/2013**

**9(1)** The *Responsible Energy Development Act General Regulation* (AR 90/2013) is amended by this section.

**(2)** Section 8.1 is amended by adding the following after clause (j):

(k) sections 5(2) and 7(3) and (6) of the *Curtailment Rules*.

(3) Section 8.1(k) is repealed on December 31, 2022.

**Repeal**

10 These Rules are repealed on December 31, 2019.

**Schedule**

**Baseline production and adjusted  
baseline production**

1(1) For every operator, the Minister shall determine the following for every calendar month during which an order made under section 4 of these Rules applies:

- (a) the baseline production;
- (b) the adjusted baseline production.

(2) Subject to subsections (3), (4) and (5), the baseline production for an operator is the average number of barrels of crude oil and crude bitumen produced per calendar month by the operator for the 6 calendar months during which the operator's production was greatest in the one-year period commencing November 1, 2017.

(3) The baseline production for an operator who did not begin to produce crude oil or crude bitumen until after April 30, 2018 and before September 1, 2018 is the average number of barrels of crude oil and crude bitumen produced by the operator per month for the period commencing when the operator began to produce crude oil or crude bitumen and ending on October 31, 2018.

(4) The baseline production for an operator who did not begin to produce crude oil or crude bitumen until after August 31, 2018 is the average number of barrels of crude oil and crude bitumen produced by the operator per month for the 3-month period commencing when the operator begins to produce crude oil or crude bitumen.

(5) The baseline production for an operator who did not, in any month, produce crude oil and crude bitumen at an average combined rate in excess of 10 000 barrels per day until a month commencing after November 2018 is the number of barrels of crude oil and crude bitumen produced by the operator during the month in which the operator first exceeded that average combined rate.

(6) The adjusted baseline production for an operator is the amount determined in accordance the following formula:

$$A-(B \times C)$$

where

- A is the baseline production for the operator;
- B is 10 000 barrels of combined production of crude oil and crude bitumen per day;
- C is the number of days in the month.

**Percentage of the aggregate adjusted baseline production allowable**

**2** For every calendar month during which an order made under section 4 of these Rules applies, the Minister shall determine the percentage of the adjusted baseline production allowable in accordance with the following formula:

$D / E$   
where

- D is the combined provincial production allocation determined by the Minister under section 4 of these Rules for the month;
- E is the aggregate of the adjusted baseline production for all operators.

**Amount specified in a curtailment order**

**3** For every operator, the Minister shall determine the combined amount of crude oil and crude bitumen that may be produced by the operator in accordance with the following formula for every calendar month during which an order under section 4 of these Rules applies:

$(F \times G) + (H \times I)$   
where

- F is the adjusted baseline production for the operator as determined in section 1(6);
- G is the percentage of the adjusted baseline production allowable as determined under section 2;
- H is 10 000 barrels of combined production of crude oil and crude bitumen per day;
- I is the number of days in the month.

**Alberta Regulation 215/2018**  
**Electoral Divisions Act**  
**ELECTORAL DIVISION BOUNDARY**  
**AMENDMENT REGULATION**

Filed: December 3, 2018

For information only: Made by the Chief Electoral Officer on November 28, 2018 pursuant to section 4 of the Electoral Divisions Act.

**1 The *Electoral Division Boundary Regulation (AR 79/2018)* is amended by this Regulation.**

**2 The following is added after section 1:**

**House located in Sherwood Park**

**2** Pursuant to section 4 of the *Electoral Divisions Act* (SA 2017 cE-4.3), the house located at 21 Rybury Court, Sherwood Park is located within the electoral division of Sherwood Park for the purposes of the *Election Act*.

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**Alberta Regulation 216/2018**

**Conflicts of Interest Act**

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

Filed: December 4, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 378/2018) on December 4, 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 repealing**

Calgary Laboratory Services Ltd.	Chief Operating Officer	Chief Operating Officer
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**(b) by adding**

AR 216/2018

CONFLICTS OF INTEREST

Alberta Public Laboratories Ltd.	CEO	CEO
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**(c) by repealing**

Alberta Gaming and Liquor Commission		CEO
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**(d) by adding**

Alberta Gaming, Liquor and Cannabis Commission		CEO
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**Alberta Regulation 217/2018**

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

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

Filed: December 4, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 380/2018) on December 4, 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 in Column 2 by striking out “Alberta Gaming and Liquor Commission” and substituting “Alberta Gaming, Liquor and Cannabis Commission”.**

**3 Schedule 2 is amended by striking out “Alberta Gaming and Liquor Commission” and substituting “Alberta Gaming, Liquor and Cannabis Commission”.**

**Alberta Regulation 218/2018**  
**Employment Standards Code**  
**EMPLOYMENT STANDARDS**  
**AMENDMENT REGULATION**

Filed: December 6, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 384/2018) on December 6, 2018 pursuant to section 138 of the Employment Standards Code.

**1 The *Employment Standards Regulation* (AR 14/97) is amended by this Regulation.**

**2 Section 11(1) is amended by adding “and sections 51.2(3) and 52(6)” after “subsection (3)”.**

**3 The heading preceding section 51 is repealed and the following is substituted:**

**Part 5**  
**Employment of Individuals**  
**Under 18 Years Old**

**4 Section 51 is repealed and the following is substituted:**

**Definitions**

**51** In this Part,

- (a) “adolescent” means an individual who is 13 or 14 years old;
- (b) “artistic endeavour” means work in
  - (i) recorded entertainment, such as film, radio, video or television, including television and radio commercials,
  - (ii) voice recording for video and computer gaming, and
  - (iii) live performances, including theatre and musical performances;
- (c) “young person” means an individual who is 15, 16 or 17 years old.

**Permit**

**51.1** An approval referred to in section 65(2) of the Act must be given by a permit issued by the Director.

**12 years old or younger employment**

**51.2(1)** The Director may issue a permit for an individual who is 12 years old or younger only for employment in an artistic endeavour.

(2) Notwithstanding section 65(1) of the Act, the permit may authorize employment during normal school hours.

(3) Notwithstanding section 11, the permit must include a condition that the employer must pay the individual for a minimum number of hours of work determined by the Director at not less than the minimum wage to which the employee is entitled.

**5 Section 52 is amended**

**(a) in subsection (1) by repealing that portion immediately preceding clause (a) and substituting the following:**

**Adolescent's employment**

**52(1)** An employer may employ an adolescent without a permit outside of normal school hours if

**(b) by adding the following after subsection (4):**

(5) Where a permit is issued for employment in an artistic endeavour, the permit may authorize

- (a) employment for periods that exceed the hours referred to in subsection (3),
- (b) employment during the period of time referred to in subsection (4), and
- (c) employment during normal school hours, notwithstanding section 65(1) of the Act.

(6) Notwithstanding section 11, the permit referred to in subsection (5) must include a condition that the employer must pay the individual for a minimum number of hours of work determined by the Director at not less than the minimum wage to which the employee is entitled.

(7) Pursuant to section 98 of the *Fair and Family-friendly Workplaces Act*, section 97 of that Act does not apply to the Director's approval related to the employment of adolescents in the restaurant and food services industry issued on November 2, 2009.

**6 Section 54 is repealed and the following is substituted:**

**Conditions on employment**

**54(1)** The Director may impose conditions on the employment of an individual under 18 years old whenever the Director considers it necessary to do so, including imposing conditions with respect to any permit referred to in this Part or an approval referred to in section 52(1)(a)(v).

(2) The employer or an individual under 18 years old who is subject to conditions imposed under subsection (1) must comply with them.

(3) The Director may at any time amend or revoke a permit referred to in this Part or an approval referred to in section 52(1)(a)(v).

**7 The Table in Schedule 2 is amended by striking out “54.01” and substituting “54”.**

**8 This Regulation comes into force on January 1, 2019.**

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**Alberta Regulation 219/2018**

**Oil and Gas Conservation Act**

**OIL AND GAS CONSERVATION RULES  
AMENDMENT REGULATION**

Filed: December 6, 2018

For information only: Made by the Alberta Energy Regulator on October 26, 2018 pursuant to section 10(1)(z), (ee) and (tt) of the Oil and Gas Conservation Act.

**1 The *Oil and Gas Conservation Rules* (AR 151/71) are amended by this Regulation.**

**2 Rule 8.080 is amended**

**(a) by repealing subsection (5) and substituting the following:**

**(5) Subject to subsection (6),**

- (a) no flare pit or open end of a flare line shall be located or remain within 50 metres of a well or oil storage tank, or within 25 metres of any oil or gas processing equipment, and
- (b) no flare stack or incinerator shall be located or remain within the minimum distances set out in Directive 060 in respect of wells, oil storage tanks, processing equipment or other sources of ignitable vapour.

**(b) the following is added after subsection (5):**

(6) The Regulator may, having regard to the combustion equipment used, the volume and nature of the gas and the flash point and other characteristics of the oil being produced, vary the minimum distances referred to in subsection (5).

**3 Rule 8.090(1) is amended**

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

- (a) “fire” means any open or enclosed flame or other source of ignition except
  - (i) an open or enclosed flame from a flare stack or incinerator, or
  - (ii) a source of ignition associated with the installation and operation of electrical equipment;

**(b) in clause (b) by adding “, but does not include a flare stack or incinerator” after “thermo electric generator”.**

**4 Rule 14.020 is amended by adding the following after subsection (2):**

(3) Notwithstanding subsections (1) and (2), the Regulator may prescribe and require a record or report of any measurement of gas or liquid to be made in units other than 1000 cubic metres and to more than one decimal place.

**Alberta Regulation 220/2018**

**Municipal Government Act**

**ASSESSMENT AND TAXATION REGULATIONS (EXPIRY  
DATE EXTENSION) AMENDMENT REGULATION**

Filed: December 10, 2018

For information only: Made by the Minister of Municipal Affairs (MAG:012/18) on December 4, 2018 pursuant to sections 322, 370, 484.1 and 527.1 of the Municipal Government Act.

**1 The *Community Organization Property Tax Exemption Regulation (AR 281/98)* is amended in section 23 by striking out “December 31, 2018” and substituting “December 31, 2023.**

**2 The *Matters Relating to Assessment Complaints Regulation (AR 310/2009)* is amended in section 57 by striking out “December 31, 2018” and substituting “December 31, 2023.**

**3 The *Matters Relating to Assessment and Taxation Regulation (AR 220/2004)* is amended in section 29 by striking out “December 31, 2018” and substituting “December 31, 2023.**

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**Alberta Regulation 221/2018**

**Local Authorities Election Act**

**LOCAL AUTHORITIES ELECTION ACT  
REGULATIONS REPEAL REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 386/2018) on December 11, 2018 pursuant to section 160 of the Local Authorities Election Act.

**1 The following regulations are repealed:**

- (a) *Calgary Election Regulation (AR 293/2009);***
- (b) *Edmonton Election Regulation (AR 92/2001);***
- (c) *Modified Voting Procedure Regulation (AR 5/2007);***
- (d) *Red Deer Election Regulation (AR 162/2004).***

**2 This Regulation comes into force on January 1, 2019.**

**Alberta Regulation 222/2018**

**Assured Income for the Severely Handicapped Act**

**ASSURED INCOME FOR THE SEVERELY HANDICAPPED  
GENERAL AMENDMENT REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 387/2018) on December 11, 2018 pursuant to section 12 of the Assured Income for the Severely Handicapped Act.

**1 The Assured Income for the Severely Handicapped General Regulation (AR 91/2007) is amended by this Regulation.**

**2 The following is added after section 1:**

**CPI adjustment date**

**1.1** For the purposes of the Act, the CPI adjustment date is January 1.

**3 Section 2 is amended**

**(a) in clause (a) by striking out “section 6” and substituting “the Act”;**

**(b) in clause (c) by adding “and the Act” after “section 8”.**

**4 Section 3 is repealed and the following is substituted:**

**Asset eligibility**

**3** The value of assets is determined for the purposes of section 3.2(1)(d) of the Act in accordance with Schedule 2.

**5 Section 4(1) is amended by striking out “section 3(3)(e)” and substituting “section 3.2(1)(e)”.**

**6 Section 6 is repealed.**

**7 Section 8(1)(a) is amended by striking out “Schedule 3” and substituting “section 7 of Schedule 1 of the Act and Schedule 3 of this Regulation”.**

**8 Section 9 is repealed and the following is substituted:**

**Deduction to collect debts due**

**9** To collect any debt due to the Government of Alberta, a director may deduct the following from the living allowance or modified living allowance payable to the client:

- (a) if there is a repayment agreement, the amount consented to;
- (b) if there is no repayment agreement, an amount that does not exceed 10% of the maximum living allowance or modified living allowance that is payable under this Regulation.

**9 Schedule 1 is repealed.**

**10 Schedule 2 is amended**

- (a) in section 2(2)(i) by adding “or the government of another province or territory” after “the Government of Canada or Alberta”;
- (b) in section 3 by striking out “section 3.1(b)(ii)” and substituting “section 3.3(b)(ii)”.

**11 Schedule 3 is amended by repealing section 1.**

**12 This Regulation comes into force on January 1, 2019.**

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**Alberta Regulation 223/2018**

**Income and Employment Supports Act**

**INCOME SUPPORT, TRAINING AND HEALTH  
BENEFITS AMENDMENT REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 388/2018) on December 11, 2018 pursuant to section 18 of the Income and Employment Supports Act.

**1 The *Income Support, Training and Health Benefits Regulation* (AR 122/2011) is amended by this Regulation.**

**2 Section 1 is amended**

**(a) in subsection (1) by repealing clauses (b), (d), (l), (m), (n), (s), and (w);**

**(b) in subsection (2)**

**(i) by renumbering clause (a) as (a.2) and adding the following before clause (a.2):**

(a) “adult member” means a person who is

(i) 18 years of age or older and is not a dependent child,

(ii) 16 or 17 years of age and is

(A) the cohabiting partner of a person described in paragraph (B) or (C) or subclause (i) or (iii),

(B) a learner member of a household unit, or

(C) determined to be an adult member in accordance with requirements specified by the Director,

or

(iii) under 18 years of age and is an apprentice full-time learner;

(a.1) “approved home” means a home where residential support services are provided to adults with mental illnesses by agreement between the Minister of Health and the service provider;

**(ii) in clause (b) by striking out “1(1)(b)(ii) or (iii)” and substituting “clause (a)(ii) or (iii)”;**

**(iii) by adding the following after clause (b):**

(c) “group home” means a home where residential support services are provided to adults with physical or mental disabilities or illnesses pursuant to an agreement between the Government of Alberta and the service provider;

(d) “hospital” means a hospital under the *Hospitals Act*;

- (e) “learner household unit” means one of the following:
  - (i) a non-EI full-time learner household unit;
  - (ii) an apprentice full-time learner household unit;
  - (iii) an EI full-time learner household unit;
- (f) “nursing home” means a nursing home under the *Nursing Homes Act*;
- (g) “supplementary income support” means a supplementary income support payment or allowance described in Schedule 4.

**3 The following is added after section 1:**

**CPI adjustment date**

- 1.1** For the purposes of the Act, the CPI adjustment date is January 1.

**4 Section 2 is amended**

- (a) **in subsection (2) by striking out “under this Part” and substituting “under the Act”;**
- (b) **by repealing subsection (5) and substituting the following:**

(5) The Director may provide under section 5(1)(b) of the Act the supplementary income support payments and allowances set out in Schedule 4 of this Regulation.

**5 Section 21 is repealed and the following is substituted:**

**Liquid asset test**

**21(1)** A barriers to full employment household unit or an expected to work or working household unit is not financially eligible to receive income support and benefits if the liquid assets of the household unit exceed the total value of 3 months of the following:

- (a) the core income support that may be provided to the household unit;

- (b) the federal child benefit amount, determined by the Minister, that would be provided to the household unit if each dependent child were assumed to be eligible for the benefit;
- (c) any supplementary income support included by the Director.

(2) This section does not apply to a liquid asset of a dependent child to the extent it is exempted by the Director.

**6 Section 24 is repealed and the following is substituted:**

**Budgetary requirements**

**24** In sections 26 to 28, “budgetary requirements” means, subject to section 28(1)(c), the total value of

- (a) the core income support determined under the Act, and
- (b) the supplementary income support determined under the Act.

**7 Section 48(1) is amended by striking out “2 months” and substituting “3 months”.**

**8 Section 51 is repealed and the following is substituted:**

**Budgetary requirements**

**51(1)** In this section and in sections 52 to 54 and 56, “budgetary requirements” means, subject to section 54(1)(c), the total value of

- (a) the core income support determined under the Act, and
- (b) the supplementary income support determined under the Act.

(2) The budgetary requirements that are to be considered are the projected budgetary requirements for the members of the household unit for the number of months in the training period.

(3) The high school incentive amount is the difference between

- (a) the total amount of the core income support that would be paid to each household unit if the dependent child and his or her child were treated as a separate household unit, and
- (b) the amount of the core income support the household unit would receive if the dependent child and his or her child were not treated as a separate household unit.

(4) For the purpose of subsection (3)(b), a dependent child is considered to be attending high school during a normal scheduled

break if the dependent child is enrolled to attend when school recommences.

(5) If an adult non-learner member of a learner household unit is approved for student funding, the core income support that may be provided to the household unit is reduced by half.

**9 Section 93(1) is repealed and the following is substituted:**

**Notices of appeal**

**93(1)** A notice required under section 25(2), 35(4) or 37(2) of the Act must

- (a) be in writing and in the form required by the Minister,
- (b) set out the amount owing,
- (c) in the case of a notice under section 35(4), set out any amount or value exempted from repayment, and
- (d) advise of the right to appeal within 30 days of receiving the notice.

**10 Section 96 is repealed.**

**11 Schedule 4 is amended**

- (a) **by repealing section 1;**
- (b) **in section 3**
  - (i) **in subsection (1) by striking out** “per adult member of a barriers to full employment household” **and substituting** “to an adult member of an expected to work or working household unit who has been designated as barriers to full employment under section 8(2) of this Regulation”;
  - (ii) **in subsection (2)(a) by striking out** “the Gunn Centre or the Youngstown Home” **and substituting** “or the McCullough Centre”;
- (c) **in section 26(2)(h) by striking out** “of \$1000” **and substituting** “determined by the Minister”;
- (d) **in section 27(2) by striking out** “\$2000” **and substituting** “an amount determined by the Minister”.

**12 Schedule 5 is repealed.**

**13 This Regulation comes into force on January 1, 2019.**

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**Alberta Regulation 224/2018**

**Seniors Benefit Act**

**SENIORS BENEFIT ACT GENERAL  
AMENDMENT REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 389/2018) on December 11, 2018 pursuant to section 6 of the Seniors Benefit Act.

**1 The *Seniors Benefit Act General Regulation* (AR 213/94) is amended by this Regulation.**

**2 Section 1 is repealed and the following is substituted:**

**Interpretation**

**1(1)** In this Regulation,

- (a) “Alberta resident” means a person lawfully entitled to remain in Alberta who makes his or her home and is ordinarily present in Alberta, but does not include a tourist, transient or visitor to Alberta;
- (b) “child” includes a foster child and any other person in respect of whom a senior is known as the parent of the person in the community in which they live;
- (c) “dependant” means an unmarried child under the age of 21 years who is wholly dependent on the senior for support, an unmarried child less than 25 years of age who is in full time attendance at an accredited educational institute and an unmarried child 21 years of age or more but less than 65, who is wholly dependent on the senior by reason of mental or physical infirmity;
- (d) “lodge” means a facility that receives funding under the *Lodge Assistance Program Regulation* (AR 406/94).

**(2)** For the purposes of the Act,

- (a) “adult interdependent partner” means the adult interdependent partner of a senior who lives with the senior or was living with the senior immediately before entering into a long-term care centre;
- (b) “designated assisted living unit” means the part of a residential facility approved by the Minister as a designated assisted living unit where residents are admitted or discharged by a regional health authority on the basis of health needs;
- (c) “income for calculating benefits” means the total income less the following deductions: Old Age Security payments, Canada Pension Death benefits, Social Assistance payments, Federal Guaranteed Income Supplement, Federal Spouse’s Allowance, Registered Retirement Savings Plan contributions, the greater of employment income up to a maximum of \$3600 and other employment expenses allowed under the *Income Tax Act* (Canada) and registered pension plan contributions and carrying charges and interest expense up to the amount of the associated annuity income from a reverse mortgage;
- (d) “long-term care centre” means a nursing home or auxiliary hospital in Alberta;
- (e) “senior” means a person who is 65 years of age or older;
- (f) “senior couple” means 2 individuals who are the spouses or adult interdependent partners of each other and at least one of whom is a senior;
- (g) “single senior” means a senior who does not have a spouse or adult interdependent partner;
- (h) “spouse” means the spouse of a senior who lives with the senior or was living with the senior immediately before entering into a long-term care centre;
- (i) “total income” means,
  - (i) in respect of a person or each individual in a senior couple,
    - (A) the total income shown on line 150 less the amount shown on line 125 of the Notice of Assessment in respect of the income tax return filed by the person under the *Income Tax Act* (Canada), or

- (B) if a Notice of Assessment is not available, the amount that is determined by the Minister using the same income information that would have been used by the person to report total income on line 150 of an income tax return less the amount that would have been used by the person on line 125 of an income tax return,
- (ii) in respect of a senior couple, the sum of each individual's total income determined in accordance with subclause (i), and
- (iii) in respect of a senior couple where the 2 individuals have jointly elected to split pension income, the sum of
  - (A) the amount shown on line 150 less the amount shown on line 210 and 125 of the Notice of Assessment in respect of the income tax return filed under the *Income Tax Act* (Canada) by the individual who is receiving the pension, and
  - (B) the amount shown on line 150 less the amount shown on line 125 of the Notice of Assessment in respect of the income tax return filed under the *Income Tax Act* (Canada) by the other individual,where the amount deducted on line 210 of the Notice of Assessment of the individual who is receiving the pension and the amount claimed on line 116 of the other individual's Notice of Assessment are the same.

(3) For the purposes of subsection (2)(c), the income for calculating benefits for a senior couple is the total of the individuals' incomes for calculating benefits.

**3 The following is added after section 1:**

**Adjustment dates**

**1.1** For the purposes of the Act,

- (a) the accommodation adjustment date is June 1,
- (b) the benefit adjustment date is July 1, and
- (c) the CPI adjustment date is January 1.

**4 Section 3(1)(c) is amended by striking out “of the Schedule” and substituting “of the Act”.**

**5 Section 4 is amended by striking out “with the Schedule” and substituting “with the Act”.**

**6 Section 8.1 is repealed and the following is substituted:**

**Special needs component**

**8.1(1)** An applicant is eligible for a discontinuous special needs component of a benefit if

- (a) the applicant meets the requirements of section 3(1)(a), (b), (d) and (e),
- (b) the applicant is not disqualified from receiving a benefit under section 3(1.1) or (3), and
- (c) the applicant’s total income is less than the amount set out in section 9 of the schedule to the Act.

**(2)** The Minister may by order classify the discontinuous special needs component into primary and secondary funded items and may, in the order, designate

- (a) the categories of primary funded items and secondary funded items,
- (b) any additional or other eligibility criteria, factors and conditions that must be met in respect of each funded item,
- (c) the maximum number of each funded item that may be provided and the frequency with which each may be provided to any person either annually or in a lifetime, or both, and
- (d) the maximum amount that may be paid for each funded item and whether that amount is subject to adjustment under section 2.2(5) of the Act.

**(3)** An order made under subsection (2) is to be treated as a document incorporated by reference into this Regulation.

**7 Section 8.2 is amended by striking out “section 8.1” and substituting “section 10 of the Schedule to the Act or section 8.1 of this Regulation”.**

**8 Section 9(1) is repealed and the following is substituted:**

**Appeals**

**9(1)** A person may appeal the following in writing to the Minister in respect of a benefit or a component of a benefit under the Act:

- (a) a decision with respect to eligibility under section 3;
- (b) a decision with respect to the amount of a benefit under the Act.

**9 The Schedule is repealed.**

**10 The *Seniors' Home Adaptation and Repair Regulation* (AR 107/2016) is amended**

- (a) **in section 1(3)(b) by striking out** “under the *Seniors Benefit Act General Regulation* (AR 213/94)” **and substituting** “under the *Seniors Benefit Act*”;
- (b) **in section 8(1)(c) by striking out** “under section 8.1(1) of the *Seniors Benefit Act General Regulation* (AR 213/94)” **and substituting** “under the *Seniors Benefit Act*”.

**11 This Regulation comes into force on January 1, 2019.**

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**Alberta Regulation 225/2018**

**Post-secondary Learning Act**

**ATHABASCA UNIVERSITY AMENDMENT REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 390/2018) on December 11, 2018 pursuant to sections 33, 34 and 35 of the Post-secondary Learning Act.

**1 The *Athabasca University Regulation* (AR 50/2004) is amended by this Regulation.**

**2 Section 3(1) is amended by adding the following after clause (d):**

- (e) additional persons appointed by the Lieutenant Governor in Council on the recommendation of the Minister.

**3 Section 4(3) is amended by adding** “but subject to the *Alberta Public Agencies Governance Act*, and any applicable regulations under that Act,” **after** “subsection (2).”.

**4 Section 10(1)(i) to (l) are amended by striking out** “nominated” **and substituting** “appointed”.

**5 Section 16 is repealed.**

**6 This Regulation comes into force on February 1, 2019.**

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**Alberta Regulation 226/2018**

**Post-secondary Learning Act**

**INDEPENDENT ACADEMIC INSTITUTIONS  
SECTOR REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 391/2018) on December 11, 2018 pursuant to section 102.2 of the Post-secondary Learning Act.

**Assignment to Independent Academic Institutions sector**

**1** The following publicly funded private post-secondary institutions are assigned to the Independent Academic Institutions sector of the publicly funded post-secondary system:

- (a) Ambrose University;
- (b) Burman University;
- (c) Concordia University of Edmonton;
- (d) The King’s University;
- (e) St. Mary’s University.

**Repeal**

**2** The *Campus Alberta Sector Regulation* (AR 239/2008) is repealed.

**Coming into force**

**3** This Regulation comes into force on February 1, 2019.

**Alberta Regulation 227/2018**  
**Post-secondary Learning Act**  
**PROGRAMS OF STUDY AMENDMENT REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 392/2018) on December 11, 2018 pursuant to section 124 of the Post-secondary Learning Act.

**1 The *Programs of Study Regulation* (AR 91/2009) is amended by this Regulation.**

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

(2) For the purposes of the Act, “foundational learning program” means

- (a) an academic upgrading program,
- (b) a career entry program with a duration of one year or less,
- (c) an English as a second language program, or
- (d) an adult basic education program.

**3 Section 2 is amended**

**(a) by renumbering section 2 as section 2(1);**

**(b) in subsection (1)(a) and (b) by striking out “extend, expand, reduce, suspend, terminate or transfer” and substituting “change, extend, suspend, terminate, reactivate or transfer”;**

**(c) by adding the following after subsection (1):**

(2) A post-secondary institution assigned to the Independent Academic Institutions sector that proposes to offer a diploma or certificate program in Alberta may apply for approval in the form required by the Minister.

**4 Section 3 is amended by adding “if the Minister is satisfied that the program meets the Minister’s criteria for post-secondary system co-ordination” after “that diploma or certificate program”.**

**5 Section 6 is amended by renumbering it as section 6(1) and adding the following after subsection (1):**

(2) The Minister may make a recommendation to the Lieutenant Governor in Council or approve a degree program under subsection (1) only if the Minister is satisfied, after the Council's recommendation under section 5(2), that the program continues to meet the Minister's criteria for post-secondary system co-ordination.

**6 The following is added after section 6:**

**Powers of Minister to monitor**

**6.1** The Minister may monitor a program approved under section 3 or 6 to ensure that the program continues to meet the Minister's criteria for post-secondary system co-ordination.

**7 Section 10(b) is amended by striking out "discontinued" and substituting "suspended or terminated".**

**8 The following is added after section 10:**

**Minister's cancellation of approval of diploma or certificate program**

**10.1** The Minister may cancel the approval of a diploma or certificate program

- (a) if the Minister has reason to believe that the institution has suspended or terminated the approved diploma or certificate program, or
- (b) if, in the opinion of the Minister, it is necessary to cancel the approval for any other reason.

**9 Section 13 is repealed.**

**10 The following sections are amended by striking out "college" wherever it occurs and substituting "post-secondary institution":**

section 1(1)(e);  
section 2(1)(b);  
section 6(1)(a)(iii) and (b);  
section 9(b);  
section 11;  
section 12.

**11 This Regulation comes into force on February 1, 2019.**

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**Alberta Regulation 228/2018**  
**Post-secondary Learning Act**  
**TUITION AND FEES REGULATION**

Filed: December 11, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 393/2018) on December 11, 2018 pursuant to section 124 of the Post-secondary Learning Act.

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**Definitions**

**1(1)** In this Regulation,

- (a) “academic year” means the academic year of the institution, as set or confirmed by notice in writing given by the Minister to the institution;
- (b) “Act” means the *Post-secondary Learning Act*;
- (c) “apprentice” means an apprentice as defined in the *Apprenticeship and Industry Training Act*;
- (d) “approved”, in respect of a program of study, means approved by the Minister under the *Programs of Study Regulation* (AR 91/2009) or for the purposes of the *Student Financial Assistance Act*;

- (e) “distance delivery program” means an approved program of study in which
    - (i) all or most of the courses are delivered away from any permanent campus of the institution, and
    - (ii) the individuals taking the courses are not in direct, in-person contact with each other or with the instructor on a regular basis for all or most of the courses;
  - (f) “executive graduate program” means an executive graduate program designated by the Minister under section 12;
  - (g) “executive graduate program instructional fees” means fees payable by a student for courses as part of an executive graduate program;
  - (h) “institution” means a public post-secondary institution, other than Banff Centre;
  - (i) “international student” means a student other than a domestic student;
  - (j) “off-campus cost recovery instruction program” means an approved program of study for which
    - (i) instruction is wholly or predominantly delivered outside Alberta and away from any permanent campus of the institution, and
    - (ii) no funding is provided by the Department of the Government administered by the Minister;
  - (k) “student exchange program” means an approved program of study in which 2 institutions establish a reciprocal agreement that allows a student to pay tuition fees at the student’s home institution outside of Canada and to register and study at the host institution in Alberta, with credit transferred back to the home institution;
  - (l) “third party contract” means a contract between a third party and a board for the delivery of a program to the clients of the third party with the third party funding the cost for the delivery of the program to its clients.
- (2) In the Act,**
- (a) “apprenticeship instructional fees” means fees to be paid by a student to an institution in respect of instruction in apprenticeship technical training;

- (b) “apprenticeship material and service fees” means mandatory fees to be paid by a student to an institution for materials and services that facilitate instruction in apprenticeship technical training, but does not include fees for equipment or materials that are retained or leased by the student;
- (c) “designated trade” means a designated trade under the *Apprenticeship and Industry Training Act*;
- (d) “exceptional apprenticeship fee increase” means an adjustment to apprenticeship instructional fees or apprenticeship material and service fees made in accordance with section 6;
- (e) “exceptional tuition fee increase” means an adjustment to tuition fees made in accordance with section 5;
- (f) “mandatory non-instructional fees” means fees to be paid by a student to an institution in respect of specific goods or services that are required for the student to complete an approved program of study or apprenticeship technical training, and that are
  - (i) not apprenticeship instructional fees, as defined in clause (a),
  - (ii) not apprenticeship material and service fees as defined in clause (b),
  - (iii) not tuition fees as defined in clause (h), and
  - (iv) not membership fees for a student organization;
- (g) “students’ council” means the council of a student organization;
- (h) “tuition fees” means
  - (i) fees identified in the institution’s calendar or in a supplement to its calendar as tuition fees or fees for instruction for courses that are part of approved programs of study, excluding the following:
    - (A) courses taken as part of a distance delivery program by individuals who do not reside in Alberta;
    - (B) apprenticeship technical training;

- (C) off-campus cost recovery instruction programs;
  - (D) courses provided under a third party contract;
  - (E) courses taken as part of a designated executive graduate program;
- (ii) fees to be paid by a student to the institution for materials and services that facilitate instruction in the courses included in subclause (i), excluding the following:
- (A) fees for equipment or materials that are retained or leased by the student;
  - (B) fees charged in respect of work placements or practicum experience where the persons or unincorporated bodies providing the work placement or practicum experience do not receive funding from the Government in respect of it.

**Calculation of change in Alberta CPI**

**2** For the purposes of sections 61(3)(a) and 61.01(3)(a) of the Act, the percentage annual change in the Alberta CPI is the percentage determined by the formula:

$$X\% = \frac{(A - B)}{B} \times 100$$

where

X% is the percentage annual change in the Alberta CPI;

A is the sum of the 12 individual monthly Alberta CPI indexes for the 12-month period ending on June 30 of the calendar year that ended before the commencement of the academic year for which the fee increase is being calculated;

B is the sum of the 12 individual monthly Alberta CPI indexes for the 12-month period immediately preceding the 12-month period referred to in A.

**Calculation of average tuition fees**

**3** The Minister may establish the manner in which institutions shall calculate average tuition fees per student for the purpose of section 61(3)(a) of the Act.

**Additional fee cap**

**4(1)** A board shall not increase, under section 61(3)(a) of the Act, the tuition fees to be paid by domestic students in respect of an approved program of study by more than 10% of the amount of the tuition fees that were to be paid in respect of the approved program of study in the last academic year in which the approved program of study was offered.

**(2)** The Minister shall not increase, under section 61.01(3)(a) of the Act, the apprenticeship instructional fees or the apprenticeship material and service fees to be paid by students in respect of the apprenticeship technical training for a designated trade by more than 10% of the amount of the apprenticeship instructional fees or the apprenticeship material and service fees that were to be paid in respect of the apprenticeship technical training for the designated trade in the previous academic year.

**Exceptional tuition fee increases**

**5(1)** In this section, “students’ council” means the council of a student organization that represents the students enrolled in the approved program of study for which an exceptional tuition fee increase is being sought.

**(2)** For the purpose of improving the quality of an approved program of study the Minister may, by order,

- (a) approve an exceptional tuition fee increase to tuition fees to be paid by domestic students in respect of an approved program of study in the amount that the Minister considers appropriate,
- (b) specify to which students the exceptional tuition fee increase applies, which must not include the students who are enrolled in the approved program of study for the academic year in which the Minister approves the increase, and
- (c) specify any other terms and conditions applicable to the exceptional tuition fee increase that the Minister considers appropriate.

**(3)** A board and a students’ council may submit an application in writing, no more frequently than every 5 years, requesting that the Minister approve an exceptional tuition fee increase in respect of an approved program of study.

**(4)** An application under subsection (3) must be

- (a) consulted on by the students' council with the students enrolled in the approved program of study for which the exceptional tuition fee increase is sought,
  - (b) formally approved by the board and the students' council, and
  - (c) submitted jointly by the board and the students' council.
- (5) An exceptional tuition fee increase approved by the Minister takes effect on the date specified by the Minister.

**Exceptional apprenticeship fee increases**

- 6(1)** For the purpose of improving the quality of apprenticeship technical training for a designated trade, the Minister may, by order,
- (a) make an exceptional apprenticeship fee increase to the apprenticeship instructional fees or the apprenticeship material and service fees, or both, in respect of apprenticeship technical training for the designated trade in the amount that the Minister considers appropriate,
  - (b) specify to which students the exceptional apprenticeship fee increase applies, which must not include the students who are enrolled in apprenticeship technical training for the designated trade for the academic year in which the Minister makes the increase, and
  - (c) specify any other terms and conditions applicable to the exceptional apprenticeship fee increase that the Minister considers appropriate.
- (2) The Minister may make an order under subsection (1) in respect of apprenticeship technical training for a designated trade no more frequently than every 5 years.
- (3) Before making an exceptional apprenticeship fee increase under subsection (1), the Minister
- (a) shall consult with institutions that offer apprenticeship technical training for the designated trade in respect of which the exceptional apprenticeship fee increase is being considered,
  - (b) shall consult with apprentices registered in the apprenticeship program for that designated trade, and
  - (c) may consult with student organizations.

(4) An exceptional apprenticeship fee increase made by the Minister takes effect on the date specified by the Minister.

**Mandatory non-instructional fees**

**7(1)** A board shall set a mandatory non-instructional fee only in respect of specific goods or services, and if a mandatory non-instructional fee is set in respect of a group of specific goods and services, the goods and services must be related.

(2) If a board sets a mandatory non-instructional fee that is less than the cost incurred by the institution to provide the goods or to deliver the services for which the fee is set, the board shall not increase the fee for an academic year by more than 10% of the amount of the fee in the previous academic year.

**Consultations**

**8(1)** A board shall

- (a) provide in each academic year to each of the institution's students' councils
  - (i) a statement of anticipated increases to tuition fees and mandatory non-instructional fees for a 4-year period, and
  - (ii) all necessary information to compare the revenue from mandatory non-instructional fees to the costs of the specific goods and services in respect of which each mandatory non-instructional fee is set,

and

- (b) establish a mechanism with each of the institution's students' councils for holding consultations to discuss increases to tuition fees and mandatory non-instructional fees to allow for ongoing input by each students' council to the budget process relative to the determination of those fees.

(2) The consultation mechanism referred to in subsection (1)(b) must

- (a) include an outline of the process for communications and the holding of consultations, and
- (b) provide for at least 2 meetings per year.

**Publication of fees and fee policies**

**9** A board shall publish annually, in the manner and at the time established by the Minister,

- (a) the tuition fees set by the board,
- (b) the mandatory non-instructional fees set by the board,
- (c) the apprenticeship instructional fees set by the Minister,
- (d) the apprenticeship material and service fees set by the Minister, and
- (e) the fee policies set by the board.

**International student tuition fees**

**10(1)** This section applies in respect of the 2020-2021 academic year and subsequent academic years.

**(2)** When an institution makes an offer of admission to an international student, the institution shall inform the international student, in accordance with the guidelines set by the Minister, of the maximum amount of the tuition fees that the international student may be required to pay for each academic year of the approved program of study in which the international student is enrolled based on the standard length of the approved program of study.

**(3)** The tuition fees to be paid by an international student in respect of an approved program of study must not be set at or increased to an amount that is more than the maximum amount of the tuition fees referred to in subsection (2) while the international student continues to be enrolled in the approved program of study and the duration of the standard length of that approved program of study has not elapsed.

**(4)** This section does not apply in respect of fees to be paid by an international student attending an institution as part of a student exchange program.

**Prohibition against tuition fee increases for 2018-2019 and 2019-2020 academic years**

**11(1)** The tuition fees payable by domestic students for any approved program of study administered by an institution for the 2018-2019 or 2019-2020 academic year may not be higher than those that were in effect for that program

- (a) in the 2014-2015 academic year,

- (b) in the academic year in which the program was established, if the program was established in the 2015-2016, 2016-2017, 2017-2018 or 2018-2019 academic year, or
- (c) in the academic year in which the program, if previously suspended, was re-established, if it was re-established in an academic year referred to in clause (b).

(2) The mandatory non-instructional fees at an institution for the 2018-2019 or 2019-2020 academic year may not be higher than those that were in effect at that institution for the 2014-2015 year.

**Executive graduate programs**

**12(1)** The Minister may, by order, designate a graduate level program of study as an executive graduate program if the following requirements are met:

- (a) the program is course-based;
- (b) students attend the program on a part-time basis;
- (c) the program has a flexible mode of delivery;
- (d) the program prepares students for advancement within their existing career or profession;
- (e) admission to the program is only open to working professionals;
- (f) the Minister is satisfied that an approved graduate level program of study with similar content that does not meet the requirements for an executive graduate program is available to students at the institution.

(2) Any revenue from executive graduate program instructional fees that is greater than the cost incurred by the institution to deliver the executive graduate program to students must be allocated towards access initiatives within the institution, in accordance with the guidelines set by the Minister.

(3) The Minister may rescind the designation of an executive graduate program if the Minister determines that

- (a) the excess revenue from the executive graduate program is not being used towards access initiatives in accordance with the guidelines set by the Minister, or
- (b) the executive graduate program no longer meets the requirements under subsection (1).

**Repeal**

**13 The *Public Post-secondary Institutions' Tuition Fees Regulation* (AR 273/2006) is repealed.**

**Coming into force**

**14** This Regulation comes into force on February 1, 2019.

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**Alberta Regulation 229/2018**

**Safety Codes Act**

**CERTIFICATION AND PERMIT (EXPIRY DATE  
EXTENSION) AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 397/2018) on December 11, 2018 pursuant to section 65 of the Safety Codes Act.

**1 The *Certification and Permit Regulation* (AR 295/2009) is amended by this Regulation.**

**2 Section 11 is amended by striking out “October 31, 2019” and substituting “October 31, 2024”.**

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**Alberta Regulation 230/2018**

**Special Areas Act**

**SPECIAL AREAS DISPOSITION (EXPIRY DATE  
REPEAL) AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 398/2018) on December 11, 2018 pursuant to section 5 of the Special Areas Act.

**1 The *Special Areas Disposition Regulation* (AR 137/2001) is amended by this Regulation.**

**2 Section 97 is repealed.**

**Alberta Regulation 231/2018**

**Investing in a Diversified Alberta Economy Act**

**ALBERTA INVESTOR TAX CREDITS  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 401/2018) on December 11, 2018 pursuant to section 55 of the Investing in a Diversified Alberta Economy Act.

**1 The *Alberta Investor Tax Credits Regulation* (AR 203/2016) is amended by this Regulation.**

**2 The following is added after section 15:**

**Application deadline**

**15.1(1)** For the purposes of section 21(2) and (3) of the Act, a venture capital corporation must apply for a tax credit certificate within the following period:

- (a) for a tax credit certificate related to the 2017 or 2018 calendar year, no later than December 31, 2019;
- (b) for a tax credit certificate related to the 2019 or a subsequent calendar year, no later than 90 days following the end of that calendar year.

**(2)** For the purposes of section 38(1) and (2) of the Act, an eligible business corporation must apply for a tax credit certificate within the following period:

- (a) for a tax credit certificate related to the 2017 or 2018 calendar year, no later than December 31, 2019;
- (b) for a tax credit certificate related to the 2019 or a subsequent calendar year, no later than 90 days following the end of that calendar year.

**Diversity and inclusion program**

**15.2(1)** In this section, “under-represented individual” means an individual who identifies as a member of a disadvantaged group, including

- (a) a female,
- (b) a person who identifies as a member of a sexual or gender minority,

- (c) a person of Canadian Indigenous ancestry,
- (d) a person with a long-term or recurring physical or mental disability, and
- (e) a person of a visible minority.

(2) For the purposes of section 38(1)(b) of the Act, a diversity and inclusion program must meet the following requirements:

- (a) subject to subsection (3), the eligible business corporation must have 3 or more directors;
- (b) subject to subsection (3), a majority of the directors must be under-represented individuals;
- (c) the eligible business corporation must have a diversity and inclusion policy that is approved by its directors;
- (d) the diversity and inclusion policy must be publicly accessible on a website.

(3) Where an eligible business corporation's chief executive officer is not a director, that individual shall nevertheless be included as a director for the purposes of subsection (2).

(4) Where an eligible business corporation applies for a tax credit certificate in the amount referred to in section 38(1)(b) or (2)(b), or both, of the Act, the eligible business corporation must provide the following documents to the Minister at the time of the application:

- (a) a list of the names of its directors and chief executive officer;
- (b) a declaration signed by a director declaring that the eligible business corporation meets the requirements of the diversity and inclusion program.

(5) For the purposes of section 39(7) of the Act,

- (a) a prescribed event is any event for which an eligible business corporation no longer meets the requirements of the diversity and inclusion program;
- (b) an eligible business corporation must notify the Minister of a prescribed event in writing.

**3 This Regulation comes into force on the coming into force of section 4 of Schedule 2 of the *Growth and Diversification Act*, SA 2018 c8.**

**Alberta Regulation 232/2018**

**Adult Guardianship and Trusteeship Act**

**ADULT GUARDIANSHIP AND TRUSTEESHIP  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 404/2018) on December 11, 2018 pursuant to section 116 of the Adult Guardianship and Trusteeship Act.

- 1 The *Adult Guardianship and Trusteeship Regulation (AR 219/2009)* is amended by this Regulation.**
  
- 2 The heading to Part 3 is amended by striking out “Expiry and”.**
  
- 3 Section 102 is repealed.**

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**Alberta Regulation 233/2018**

**Adult Guardianship and Trusteeship Act  
Public Trustee Act**

**TRANSITIONAL (APPLICATIONS MADE IN CONFORMITY  
WITH THE DEPENDENT ADULTS ACT; CERTIFICATES  
OF INCAPACITY) AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 405/2018) on December 11, 2018 pursuant to section 117 of the Adult Guardianship and Trusteeship Act and section 47 of the Public Trustee Act.

- 1 The *Transitional (Applications Made in Conformity with the Dependent Adults Act; Certificates of Incapacity) Regulation (AR 218/2009)* is amended by this Regulation.**
  
- 2 Section 9 is amended by striking out “September 30, 2019” and substituting “March 31, 2022”.**

**Alberta Regulation 234/2018**

**Family Law Act**

**ALBERTA CHILD SUPPORT GUIDELINES  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 406/2018) on December 11, 2018 pursuant to section 107 of the Family Law Act.

**1 The *Alberta Child Support Guidelines* (AR 147/2005) are amended by this Regulation.**

**2 Section 3(2) is repealed and the following is substituted:**

(2) Unless otherwise provided under these Guidelines, the amount of a child support order for a child 18 years of age or older who is under his or her parents' charge and is unable by reason of

- (a) illness,
- (b) disability,
- (c) being a full-time student as determined in accordance with the prescribed guidelines, or
- (d) other cause

to withdraw from his or her parents' charge or to obtain the necessities of life is to be determined in accordance with subsection (2.1).

(2.1) The amount of a child support order for a child referred to in subsection (2) is

- (a) the amount determined by applying these Guidelines as if the child to whom the order relates were under the age of majority, or
- (b) if the court considers that approach to be inappropriate, the amount that the court considers appropriate, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each parent to contribute to the support of the child.

**3 Section 13(d) is amended by striking out “section 3(2)(b)” and substituting “section 3(2.1)(b)”.**

**Alberta Regulation 235/2018**  
**Maintenance Enforcement Act**  
**MAINTENANCE ENFORCEMENT**  
**AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 407/2018) on December 11, 2018 pursuant to section 45 of the Maintenance Enforcement Act.

**1 The *Maintenance Enforcement Regulation (AR 2/86)* is amended by this Regulation.**

**2 Section 26 is repealed.**

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**Alberta Regulation 236/2018**

**Victims Restitution and Compensation Payment Act**  
**VICTIMS COMPENSATION AND COMPENSATION**  
**PAYMENT FORMS AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 408/2018) on December 11, 2018 pursuant to section 55 of the Victims Restitution and Compensation Payment Act.

**1 The *Victims Restitution and Compensation Payment Forms Regulation (AR 180/2004)* is amended by this Regulation.**

**2 Section 2 is repealed.**

**Alberta Regulation 237/2018**

**Health Professions Act**

**MIDWIVES PROFESSION REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 411/2018) on December 11, 2018 pursuant to section 131 of the Health Professions Act.

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**Definitions**

- 1 In this Regulation,
  - (a) “Act” means the *Health Professions Act*;
  - (b) “College” means the College of Midwives of Alberta;
  - (c) “Competence Committee” means the competence committee of the College;
  - (d) “Council” means the council of the College;
  - (e) “courtesy register” means the courtesy register category of the regulated members register;
  - (f) “general register” means the general register category of the regulated members register;
  - (g) “provisional register” means the provisional register category of the regulated members register;
  - (h) “Registrar” means the registrar of the College;
  - (i) “Registration Committee” means the registration committee of the College;
  - (j) “registration year” means the period of time between the day on which a practice permit is issued or renewed and the day by which the bylaws require it to be next renewed;

- (k) “standards of practice” means the standards of practice governing the practice of the College as adopted by the Council in accordance with the bylaws and section 133 of the Act;
- (l) “student register” means the student register category of the regulated members register;
- (m) “supervisor” means a person approved by the College to be responsible for overseeing and evaluating the performance of a person registered on the general register, provisional register or student register;
- (n) “upgrading” includes academic requirements, formal refresher training requirements, experiential requirements, examination and testing.

**Register categories**

**2** The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) general register;
- (b) provisional register;
- (c) courtesy register;
- (d) student register.

**Registration**

**General register**

**3** An applicant for registration as a regulated member on the general register

- (a) must have a degree, diploma or certificate in a program of midwifery practice approved by the Council,
- (b) must have passed a registration examination approved by the Council, and
- (c) must have passed an ethics and jurisprudence examination approved by the Council.

**Current qualifications**

**4** An applicant for registration under section 3 must have met the requirements set out in that section within 2 years immediately preceding the date the Registrar receives a complete application or

must demonstrate current competency to practise the midwifery profession by complying with one or more of the following:

- (a) successfully completing, within one year immediately preceding the date the Registrar receives a complete application, any upgrading as directed by the Registrar or Registration Committee;
- (b) otherwise demonstrating to the satisfaction of the Registrar or Registration Committee that the applicant is currently competent to practise as a midwife.

**Conditions of practice**

**5(1)** During the first year that a regulated member is registered on the general register, the regulated member must

- (a) work within a midwifery practice,
- (b) have a supervisor who has been approved to serve as a supervisor by the Registrar or Registration Committee,
- (c) participate in monthly chart reviews with a regulated member who is registered on the general register and who has been registered on the general register for at least one year.

**(2)** In the regulated member's first year, the regulated member must meet any practice requirements set by the Council.

**(3)** If a regulated member registered on the general register does not comply with subsections (1) and (2) in the regulated member's first year, the Registrar may

- (a) remove the regulated member's name from the general register and enter it on the provisional register, or
- (b) remove the regulated member's name from the general register without entering it on the provisional register.

**(4)** The Registrar or Registration Committee may impose conditions on a regulated member who has been removed from the general register and entered on the provisional register under subsection (3)(a).

**(5)** The Registrar may remove a regulated member's name from the provisional register and enter it on the general register if a regulated member has met the conditions imposed under subsection (4) to the satisfaction of the Registrar or Registration Committee.

**Provisional register**

**6(1)** An applicant for registration as a regulated member on the general register may be registered on the provisional register if the applicant

- (a) has fulfilled the registration requirements set out in section 3(a), but not the requirements set out in section 3(b) and (c),
- (b) is completing upgrading as directed by the Registrar or Registration Committee for the purpose of completing the requirements referred to in section 4(a), or
- (c) has demonstrated substantial equivalence to education and experience requirements as determined by the Registration Committee.

**(2)** A regulated member registered on the provisional register may practise only

- (a) while under supervision, in accordance with the standards for supervision set out in the standards of practice, of a regulated member who is registered on the general register or courtesy register and who is authorized to perform all of the restricted activities that the regulated member being supervised is authorized to perform, and
- (b) in accordance with any conditions specified by the Registrar or Registration Committee.

**(3)** A registration on the provisional register category of the regulated members register expires

- (a) 2 years after the registration is made, or
- (b) immediately on the regulated member's 3rd unsuccessful attempt to pass an examination referred to in section 3(b) or (c),

whichever occurs first.

**Changing or removing provisional registration**

**7(1)** If a regulated member registered on the provisional register meets the registration requirements set out in sections 3 and 4, the Registrar must remove the regulated member's name from the provisional register and enter it on the general register.

**(2)** If a regulated member is registered on the provisional register and the registration expires under section 6(3), the Registrar must remove the regulated member's name from the register.

**Courtesy register**

**8(1)** A person who is registered and in good standing in the midwife profession in another jurisdiction and who applies for registration in Alberta on a temporary basis for a specified purpose approved by the Registrar or Registration Committee may be registered on the courtesy register if the person satisfies the Registrar or Registration Committee of having the competence to provide the services related to the specified purpose.

**(2)** The registration of a person on the courtesy register is valid for one year and may be extended by the Registrar or Registration Committee for another period not exceeding 6 months if the Registrar or Registration Committee considers the extension appropriate.

**(3)** A person who is registered on the courtesy register under subsection (1) must remain registered in good standing in the other jurisdiction, and if the registration in the other jurisdiction is suspended or cancelled, the courtesy registration is cancelled.

**Student register**

**9(1)** A student who is enrolled in a program of midwifery practice approved by the Council and who, in the course of that program, is receiving practical training as a midwife may be registered as a regulated member on the student register.

**(2)** A regulated member on the student register must practise under supervision, in accordance with the standards for supervision set out in the standards of practice and any additional conditions specified by the Registrar or Registration Committee.

**Equivalent jurisdiction**

**10** An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements to those set out in sections 3 and 4 may be registered on the general register.

**Substantial equivalence**

**11(1)** An applicant for registration as a regulated member who does not meet the requirements of sections 3 and 4 but whose qualifications have been determined by the Registrar or Registration Committee under section 28(2)(c) of the Act to be substantially equivalent may be registered on the provisional register.

**(2)** To assist with determining whether or not an applicant's qualifications are substantially equivalent for the purposes of subsection (1), the Registrar or Registration Committee may

- (a) engage the services of experts and other resources, and
- (b) require the applicant to undergo an examination or other assessment activity.

(3) The Registrar or Registration Committee may require an applicant who does not meet the requirements of sections 3 and 4 to undergo any upgrading or examination the Registrar or Registration Committee considers necessary in order for the applicant to be registered under subsection (1).

(4) The Registrar or Registration Committee may require an applicant who does not meet the requirements of sections 3 and 4 to provide any relevant information or evidence that the Registrar or Registration Committee considers necessary to determine whether or not the applicant's qualifications are substantially equivalent to the registration requirements set out in sections 3 and 4.

(5) The Registrar or Registration Committee may require an applicant who does not meet the requirements of sections 3 and 4 to pay any or all costs incurred in determining whether or not the applicant's qualifications are substantially equivalent to the registration requirements set out in sections 3 and 4.

**Character and reputation**

**12(1)** An applicant for registration as a regulated member must provide evidence satisfactory to the Registrar or Registration Committee of having good character and reputation by submitting one or more of the following as requested by the Registrar or Registration Committee:

- (a) written references from colleagues which, if applicable, may be from colleagues from other jurisdictions in which the applicant is or was registered with an organization responsible for the regulation of the profession of midwifery;
- (b) a letter of good standing to be provided by the body responsible for midwifery regulation in another jurisdiction with which the applicant is currently registered;
- (c) a written statement by the body responsible for midwifery regulation in another jurisdiction as to whether the applicant
  - (i) is currently the subject of an investigation, alternative complaint resolution process, hearing or appeal related to unprofessional conduct, or is otherwise subject to an unprofessional conduct process,
  - (ii) has previously been disciplined by the body, or

- (iii) has ever had any conditions imposed on the applicant's practice;
- (d) the results of a current criminal records check;
- (e) a written statement by the applicant as to whether the applicant has ever pleaded guilty to or been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (f) a written statement by the applicant as to whether any previous application for registration in the midwife profession was rejected by another midwifery college or similar organization responsible for the regulation of the profession;
- (g) a written statement by the applicant as to whether there has ever been a judgment against the applicant's practice in a civil action;
- (h) any other relevant information required by the Registrar or Registration Committee.

**(2)** If an applicant has engaged in an activity that has, in the opinion of the Registrar or Registration Committee, undermined the applicant's good character and reputation in the past, the applicant may provide evidence to the Registrar or Registration Committee of rehabilitation.

**(3)** In determining whether an applicant for registration as a regulated member is of a good character and reputation, the Registrar or Registration Committee may consider information other than that submitted by the applicant under subsection (1), but only if the Registrar or Registration Committee gives the applicant sufficient particulars of that other information and provides the applicant with a reasonable opportunity to respond to the information.

**Liability insurance**

**13** An applicant for registration as a regulated member who will have a practice permit must provide evidence of having the type and amount of professional liability insurance required by the Council.

**Other requirements**

**14(1)** An applicant for registration as a regulated member must, on the request of the Registrar or Registration Committee, submit evidence satisfactory to the Registrar or Registration Committee confirming the member's fitness to practise the midwife profession.

(2) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of the midwife profession.

(3) An applicant may be required by the Registrar or Registration Committee to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

### **Titles**

#### **Authorization to use titles**

**15** Regulated members registered on the general, provisional and courtesy registers may use the following titles and initials:

- (a) midwife;
- (b) registered midwife;
- (c) R.M.

### **Restricted Activities**

#### **Restricted activities**

**16** A regulated member registered on the general, courtesy or provisional register may, in the practice of midwifery, perform the following restricted activities in accordance with the standards of practice:

- (a) cut a body tissue, administer anything by an invasive procedure on body tissue or perform other invasive procedures on body tissue below the dermis or the mucous membrane;
- (b) insert or remove instruments, devices, fingers or hands
  - (i) beyond the cartilaginous portion of the ear canal,
  - (ii) beyond the point in the nasal passages where they normally narrow,
  - (iii) beyond the pharynx,
  - (iv) beyond the opening of the urethra,
  - (v) beyond the labia majora, but not for the purpose of inserting an intrauterine contraceptive device, or
  - (vi) beyond the anal verge;
- (c) prescribe a Schedule 1 drug within the meaning of the *Pharmacy and Drug Act*, other than a vaccine that has not

been authorized under clause (g) or a Schedule 1 drug that is a controlled substance, oral contraceptive, contraceptive device or uterotonic drug, when

- (i) the prescription is incidental to the practice of midwifery, and
  - (ii) the purpose is not to induce or augment labour;
- (d) dispense a Schedule 1 drug or Schedule 2 drug within the meaning of the *Pharmacy and Drug Act*, other than a vaccine or a Schedule 1 drug or Schedule 2 drug that is a controlled substance, oral contraceptive, contraceptive device or uterotonic drug, when
- (i) dispensing the drug is incidental to the practice of midwifery, and
  - (ii) the purpose is not to induce or augment labour;
- (e) order non-ionizing radiation in ultrasound imaging for obstetrical purposes;
- (f) manage labour or deliver a baby;
- (g) prescribe or administer hepatitis B and measles, mumps and rubella vaccines;
- (h) prescribe or administer anesthetic gases, including nitrous oxide, for the purpose of anesthesia or sedation;
- (i) prescribe or administer RhD immune globulin.

**Advanced authorization**

**17** A regulated member with advanced authorization by the Registrar or Registration Committee may, in the practice of midwifery, perform the following restricted activities in accordance with the standards of practice:

- (a) prescribe, dispense and administer controlled substances under Schedule 1 of the *Pharmacy and Drug Act* when incidental to the practice of midwifery and restricted to within a hospital;
- (b) prescribe and dispense oral contraceptives or contraceptive devices under Schedule 1 of the *Pharmacy and Drug Act* when incidental to the practice of midwifery;

- (c) prescribe, dispense and administer uterotonic drugs under Schedule 1 or Schedule 2 of the *Pharmacy and Drug Act* when incidental to the practice of midwifery and for the purpose of inducing or augmenting labour;
- (d) prescribe or administer vaccines identified in the standards of practice;
- (e) insert or remove instruments, devices, fingers or hands beyond the labia majora for the purpose of inserting an intrauterine contraceptive device;
- (f) apply non-ionizing radiation in point of care ultrasound imaging for obstetrical purposes.

**Restriction**

**18(1)** Despite any authorization to perform restricted activities, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the clinical circumstance.

**(2)** A regulated member who performs a restricted activity must do so in accordance with the standards of practice.

**Training and supervision**

**19(1)** A regulated member registered on the student register who is enrolled in a program approved by the Council or by the council of another regulated health profession and who, in the course of that program, is receiving training in the performance of a restricted activity authorized for midwives under sections 16 and 17 is permitted to perform that restricted activity under supervision, in accordance with subsection (2), of a regulated member who has expressly consented to supervise the restricted activity.

**(2)** A regulated member who is supervising a student in the performance of a restricted activity under subsection (1)

- (a) must be authorized to perform the restricted activity being supervised,
- (b) must not be prohibited under this Regulation from supervising the restricted activity,
- (c) must be authorized by the Council to supervise the restricted activity within the program in which the student is enrolled,

- (d) must provide the supervision in a manner that complies with the standards of practice respecting supervision by regulated members of persons performing restricted activities,
- (e) must be physically present with the student being supervised while the student is performing the restricted activity,
- (f) must be available for consultation and to assist the student in performing the restricted activity as required, and
- (g) must be able to observe, promptly intervene and stop or change the actions of the student being supervised without unduly interrupting the care of the person on whom the restricted activity is being performed.

### **Continuing Competence Program**

#### **Continuing competence program**

**20** The continuing competence program of the College is established and consists of

- (a) continuing professional development, and
- (b) competence assessment.

#### **Continuing professional development**

**21(1)** A regulated member who is registered on the general or provisional register must complete the following documents in a form and manner satisfactory to the Registrar, Registration Committee or Competence Committee in accordance with Council policy:

- (a) a written self-assessment of the regulated member's own practice compared against the standards of practice adopted by the Council;
- (b) a written self-evaluation of the ways, if any, in which the regulated member's practice has changed or been enhanced as a result of the learning activities undertaken in the previous registration year.

**(2)** A regulated member must retain a copy of every document required by subsection (1) for at least 5 years after the year in which the document is completed.

**(3)** The Registrar, Registration Committee or Competence Committee may at any time require a regulated member to provide evidence of having met the applicable requirements of subsection (1) for the current registration year and for any or all of the 5 preceding years including, but not limited to, providing the documents required by the

program or copies of them to the Registrar, Registration Committee or Competence Committee for review.

(4) The Registrar, Registration Committee or Competence Committee must, in accordance with procedures and criteria established by the Council, periodically select regulated members for the purpose of evaluating the regulated members' participation in professional development.

**Competence assessment**

**22(1)** As part of the continuing competence program, the Competence Committee may, in accordance with the rules made under section 24, require a regulated member registered on the general register or provisional register to undergo an assessment for the purpose of evaluating the regulated member's competence.

(2) In conducting a competence assessment of a regulated member, the Competence Committee may

- (a) administer examinations,
- (b) conduct interviews with persons having knowledge related to the regulated member's practice including, but not limited to, colleagues, employers and patients,
- (c) conduct practice visits, and
- (d) use any other method of evaluation the Competence Committee considers appropriate.

**Actions to be taken**

**23(1)** If the Competence Committee considers that

- (a) a regulated member has not complied with one or more requirements under section 21, or
- (b) the results of an assessment of a regulated member's competence under section 22 are unsatisfactory,

the Competence Committee may, on considering the regulated member's next application for a practice permit, impose one or more of the conditions set out in subsection (2) on the issuance of a practice permit to the regulated member.

(2) The conditions that may be imposed under subsection (1) are as follows:

- (a) complete specified continuing competence program requirements;
- (b) complete specified learning activities;
- (c) provide additional information or evidence respecting continued learning and competence;
- (d) submit to periodic review and evaluation by the Registrar, Registration Committee or Competence Committee;
- (e) report to the Registrar, Registration Committee or Competence Committee on specified matters and dates;
- (f) successfully complete specified examinations or testing;
- (g) correct any problems identified in the competence assessment;
- (h) practise under the supervision of another regulated member;
- (i) limit the member's practice to specified procedures or settings;
- (j) refrain from providing supervision to students or others in the performance of restricted activities;
- (k) undertake any action the Registrar, Registration Committee or Competence Committee considers appropriate in the circumstances.

**Rules respecting continuing competence program**

**24(1)** The Council may establish rules governing

- (a) the documents that must be completed under section 21(1), the form and manner in which the documents are to be retained for the purposes of section 21(2), and the form and manner in which the documents or copies are to be provided to the Registrar, Registration Committee or Competence Committee for the purposes of section 21(3),
- (b) the learning activities or types of learning activities that regulated members or categories of regulated members may undertake to achieve a learning goal or goals,
- (c) learning activities or types of learning activities that regulated members or categories of regulated members must undertake,
- (d) competence assessments, including, but not limited to,

- (i) rules respecting the approval of criteria established by the Competence Committee for the selection of regulated members for competence assessments, practice visits or both,
- (ii) rules respecting how regulated members' continuing competence is to be assessed by the Competence Committee, including rules respecting procedures to be followed in conducting a competence assessment and rules respecting the approval by the Competence Committee of factors to be taken into account in deciding what is a satisfactory level of competence,
- (iii) rules respecting procedures to be followed by the Competence Committee in conducting a practice visit,

and

- (e) the continuing competence program generally.

**(2)** The Registrar, Registration Committee and the Competence Committee may make recommendations to Council respecting rules or amendments to rules.

**(3)** Before the Council establishes any rules or makes amendments to the rules, the rules or the amendments to the rules must be made available to the regulated members for their review.

**(4)** The Council may make a rule or an amendment to a rule 30 or more days after making the rule or the amendment available under subsection (3) and after having considered any comments received on the proposed rule or amendment to the rules.

**(5)** The rules and any amendments to the rules must be made available by the Registrar or Registration Committee to regulated members, and the Registrar or Registration Committee must provide copies on request to the Minister and any other person who requests them.

### **Alternative Complaint Resolution**

#### **Process conductor**

**25** When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process referred to in section 58 of the Act, the complaints director of the College must appoint an individual to conduct the process.

#### **Agreement**

**26(1)** Before proceeding with an alternative complaint resolution process, the individual conducting the process must, in consultation

with the complainant and the investigated person, establish the procedures for and objectives of the process.

(2) The procedures and objectives referred to in subsection (1) must be set out in a written agreement signed by the complainant, the investigated person and a representative of the College before the alternative complaint resolution process begins.

(3) The agreement must

- (a) establish the scope of the process, which may include agreeing to address separate parts of the complaint through separate processes,
- (b) identify who will participate in the process,
- (c) specify whether the individual appointed under section 25 is to act as a mediator, facilitator or conciliator or in some other capacity in conducting the process, and
- (d) set out the time frames for progress or completion of the process,

and may include other terms agreed on by the complainant, the investigated person and the representative of the College.

#### **Confidentiality**

**27** The complainant, the investigated person, the individual conducting the alternative complaint resolution process and the representative of the College must, subject to sections 59 and 60 of the Act, treat all information shared during the course of the alternative complaint resolution process as confidential.

#### **Leaving the process**

**28** A complainant or an investigated person may withdraw from an alternative complaint resolution process at any time.

### **Reinstatement of Registrations and Practice Permits Cancelled under Part 4 of the Act**

#### **Reinstatement application**

**29(1)** A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar or Registration Committee to have the registration reinstated and the practice permit reissued.

(2) Subject to subsection (3), an application under subsection (1)

- (a) must not be made earlier than 5 years after the date of the cancellation, and
  - (b) must not be made more frequently than once in each 6-month period following a refusal of an application under subsection (1).
- (3)** The Registrar or Registration Committee may permit a person to make an application earlier than 5 years after the date of the cancellation if the Registrar or Registration Committee determines that permitting an application earlier is appropriate in the circumstances.
- (4)** An applicant under subsection (1) must provide evidence of having the qualifications for registration.

**Consideration of application for reinstatement**

- 30(1)** An application under section 29 must be considered by the Registrar or Registration Committee in accordance with this section and the application for registration process set out in sections 28 to 30 of the Act.
- (2)** When reviewing an application under this section, the Registrar or Registration Committee must consider
- (a) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
  - (b) whether the applicant
    - (i) meets the current requirements for registration,
    - (ii) has met any conditions that were imposed under Part 4 of the Act before the applicant's registration and practice permit were cancelled, and
    - (iii) is fit to practise the midwife profession and does not pose a risk to public safety.

**Decision on reinstatement application**

- 31** The Registrar or Registration Committee may, on completing a review of an application under section 30, issue a written decision containing one or more of the following orders:
- (a) an order refusing the application;
  - (b) an order approving the application and authorizing the reinstatement of the applicant's registration and reissuance of the applicant's practice permit;

- (c) an order
  - (i) approving the application subject to the applicant complying with specified conditions imposed by the Registrar or Registration Committee, and
  - (ii) authorizing the reinstatement of the applicant's registration and reissuance of the applicant's practice permit on the Registrar or Registration Committee being satisfied that the applicant has complied with those conditions;
- (d) an order imposing specified conditions on the applicant's practice permit;
- (e) an order directing the applicant to pay any or all of the College's expenses incurred in respect of the application as provided for in the bylaws;
- (f) any other order that the Registrar or Registration Committee considers necessary for the protection of the public.

**Review of decision**

**32(1)** An applicant whose application for reinstatement is refused or on whose practice permit conditions have been imposed under section 31 may request a review by the Council.

**(2)** Sections 31 and 32 of the Act apply to a review under subsection (1).

**Access to decision**

**33(1)** The Registrar or Registration Committee may order that a decision under section 31 be published in a manner the Registrar or Registration Committee, as the case may be, considers appropriate.

**(2)** The Council may order that a decision under section 32 be published in a manner the Council considers appropriate.

**(3)** The College must make decisions under sections 31 and 32 available for 5 years to the public on request.

**Information**

**Providing information**

**34(1)** A regulated member or an applicant for registration must provide the following information, in addition to that required under section 33(3) of the Act, to the Registrar or Registration Committee when applying for registration or to renew a registration, whenever

requested by the Registrar or Registration Committee and whenever there are any changes to the information:

- (a) the following personal information and academic information:
  - (i) full legal name and, if applicable, previous names or aliases;
  - (ii) date of birth and gender;
  - (iii) home address, telephone number, fax number and e-mail address, if any;
  - (iv) business or work address, telephone number, fax number and e-mail address, if any;
  - (v) emergency contact address, telephone number and e-mail address, if any;
  - (vi) degrees, diplomas and certifications, including areas of specialization, if any, and any other qualifications;
  - (vii) names of educational institutions that granted the degrees, diplomas, certifications and other qualifications referred to in subclause (vi) and the year in which each was granted;
  - (viii) a recent photo of the regulated member or applicant, which must be of a size and quality similar to that required for a Canadian passport;
  - (ix) all applicable information described in section 33(3) of the Act;
- (b) the following information respecting the regulated member's or applicant's practice:
  - (i) the names and addresses of current and previous employers or agencies for which the regulated member or applicant provides or has provided professional services as a paid or unpaid employee, consultant, contractor or volunteer and the addresses at which the professional services are or were provided;
  - (ii) the type of facility or facilities in which the regulated member or applicant provides or has provided professional services;

- (iii) the languages in which the regulated member or applicant is able to provide professional services;
- (iv) the names of any other colleges of regulated professions which the regulated member or applicant is or was at any time registered or otherwise authorized to provide professional services and the current status of that registration or authorization;
- (v) the names of any other jurisdictions in which the regulated member or applicant is or was at any time registered or otherwise authorized to provide professional services, the names of the professional bodies that issued the registrations or authorizations and the current status of the registrations or authorizations.

(2) The College may disclose information collected under subsection (1) about a regulated member

- (a) with the consent of the regulated member, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to the regulated member or any other identifiable person.

**Section 119 information**

**35** The periods of time during which the College is obliged to provide information on the request of a member of the public under section 119(4) of the Act are as follows:

- (a) in the case of information referred to in section 33(3) of the Act, other than information referred to in section 33(3)(h) of the Act, during the period while the person is a regulated member of the College;
- (b) in the case of information referred to in section 119 of the Act,
  - (i) during the period while the suspension is in effect and for 5 years after the period of suspension has expired, in the case of information that a regulated member's practice permit has been suspended;
  - (ii) during the period while the cancellation is effective and for 5 years after the cancellation, in the case of information that a regulated member's practice permit has been cancelled;

- (iii) during the period while the conditions are in effect, in the case of information that conditions have been imposed on a regulated member's practice permit;
- (iv) during the period while the direction is in effect, in the case of information that a regulated member has been directed under section 118(4) of the Act to cease providing professional services;
- (v) during the 5-year period immediately after the imposition of a caution, reprimand or fine, in the case of information respecting the imposition of a caution, reprimand or fine under Part 4 of the Act;
- (vi) during the 5-year period immediately after the date of the order, in the case of information that an order has been made respecting a regulated member by a hearing tribunal, council or the Court of Appeal under Part 4 of the Act;
- (c) during the period until the hearing is concluded, in the case of information as to whether a hearing is scheduled to be held under Part 4 of the Act with respect to a named regulated member;
- (d) during the period beginning at the conclusion of the hearing and ending 5 years after the date that a written decision under section 83 of the Act or an order under section 89(5) or 92(1) of the Act is made, in the case of information as to whether a hearing has been held under Part 4 of the Act with respect to a named regulated member;
- (e) during the 5-year period after the date of the written decision made by the hearing tribunal under section 83 of the Act, in the case of a decision and testimony referred to in section 85(3) or (4) of the Act.

**Transitional Provision and  
Coming into Force**

**Transitional provision**

**36** On the coming into force of this Regulation, a person described in section 6 of Schedule 13 to the Act is deemed to be entered on the regulated members register in the register category that the Registrar considers appropriate.

**Coming into force**

**37(1)** This Regulation, except for section 17(d), comes into force on the coming into force of Schedule 13 to the *Health Professions Act*.

**(2)** Section 17(d) comes into force on a date determined by order of the Minister.

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**Alberta Regulation 238/2018**

**Regulations Act**

**MIDWIFERY REPEAL REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 412/2018) on December 11, 2018 pursuant to section 10 of the Regulations Act.

**1 The *Midwifery Regulation (328/94)* is repealed.**

**2 This Regulation comes into force on the coming into force of Schedule 13 of the *Health Professions Act*.**

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**Alberta Regulation 239/2018**

**Various Acts**

**HEALTH REGULATIONS AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 413/2018) on December 11, 2018 pursuant to Various Acts.

**1 The *Emergency Powers Regulation (AR 187/2009)* is amended by striking out “April 1, 2019” and substituting “April 1, 2024”.**

**2 The *Disclosure of Information Regulation (AR 196/2004)* is amended by repealing section 8.**

**3 The *Regulated Matter Regulation (AR 174/99)* is amended in section 3 by striking out “June 30, 2019” and substituting “June 30, 2024”.**

**4 The *Tobacco and Smoking Reduction Regulation (AR 240/2007)* is amended in section 12 by striking out “October 31, 2019” and substituting “October 31, 2021”.**

**5 The *Health Care Protection Regulation (AR 208/2000)* is amended in section 24 by striking out “October 31, 2019” and substituting “October 31, 2022”.**

**6 The *Treatment Services Regulation (AR 248/85)* is amended in section 8 by striking out “November 30, 2019” and substituting “November 30, 2021”.**

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**Alberta Regulation 240/2018**

**Various Acts**

**SERVICE ALBERTA REGULATIONS (EXPIRY DATE  
EXTENSION) AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 416/2018) on December 11, 2018 pursuant to Various Acts.

**1 The *Cemeteries Exemption Regulation (AR 236/98)* is amended in section 5 by striking out “November 30, 2019” and substituting “November 30, 2024”.**

**2 The *Designation of Trades and Businesses Regulation (AR 178/99)* is amended in section 7 by striking out “August 31, 2019” and substituting “August 31, 2024”.**

**3 The *Exemption Regulation (AR 233/98)* is amended in section 2 by striking out “November 30, 2019” and substituting “November 30, 2024”.**

**4 The *Law of Property Regulation* (AR 89/2004) is amended in section 3 by striking out “July 31, 2019” and substituting “July 31, 2024”.**

**5 The *Personal Information Protection Act Regulation* (AR 366/2003) is amended in section 30 by striking out “June 30, 2019” and substituting “June 30, 2024”.**

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**Alberta Regulation 241/2018**

**Traffic Safety Act**

**USE OF HIGHWAY AND RULES OF THE ROAD  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 241/2018) on December 11, 2018 pursuant to sections 112, 113 and 114 of the Traffic Safety Act.

**1 The *Use of Highway and Rules of the Road Regulation* (AR 304/2002) is amended by this Regulation.**

**2 Section 113.1 is repealed.**

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**Alberta Regulation 242/2018**

**Electric Utilities Act**

**TRANSMISSION AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 419/2018) on December 11, 2018 pursuant to section 142 of the Electric Utilities Act.

**1 The *Transmission Regulation* (AR 86/2007) is amended by this Regulation.**

**2 Section 1 is amended by adding the following after subsection (2):**

(3) For the purposes of the Act and this Regulation, “costs of transmission line losses” includes the costs of the capacity market allocated to transmission line losses under the *Capacity Market Regulation*.

**3 The following is added after section 11:**

**Needs identification document not required**

**11.1** Despite section 34(1) of the Act, a needs identification document is not required for those proposals described

- (a) in a rule made by the Commission that indicates a needs identification document is not required for those proposals, or
- (b) in a rule made or practice established by the ISO under section 11.2 for an abbreviated needs approval process.

**Abbreviated needs approval process**

**11.2(1)** The ISO must make rules or establish practices for an abbreviated needs approval process for

- (a) each system access service interconnection, and
- (b) each transmission facility project of a nature, size and cost determined by the ISO rules.

(2) In making rules or establishing practices under subsection (1), the ISO

- (a) must consult with the Commission,
- (b) must comply with any Commission directives or orders respecting an abbreviated needs approval process and the nature, size and cost of an interconnection or project referred to in subsection (1), and
- (c) may, where the ISO considers it appropriate to do so, omit any requirement respecting a needs identification document that is provided for in this Regulation or modify how any such requirement applies in respect of an abbreviated needs approval process.

(3) The ISO and the Commission must each periodically review the nature, size and cost provisions of the rules made under this section.

(4) Disputes respecting decisions made by the ISO resulting from the abbreviated needs approval process may be submitted to the Commission for determination.

**Consultation with market participants on particular matters**

**11.3** The ISO must consult with those market participants that the ISO considers are likely to be directly affected by rules made or practices established under section 11.2.

**4 The following is added after section 24.3:**

**Proposal for construction and temporary operation of a transmission facility**

**24.31(1)** For the purposes of this section,

- (a) “incumbent TFO”, in respect of a transmission facility that is the subject of a proposal, means
  - (i) the person determined under
    - (A) section 24(1)(a),
    - (B) section 24.1(1) as it read at any time before September 22, 2014, or
    - (C) the process developed in accordance with section 24.2(2) to be eligible to apply for the construction or operation, or both, as the case may be, of the transmission facility, or
  - (ii) a person having responsibility under section 24(1)(b) in respect of the transmission facility;
- (b) “proposal” means a proposal under this section;
- (c) “successor” means a person who, at any time after ownership of a transmission facility that is the subject of a proposal is transferred by a market participant to an incumbent TFO, acquires ownership of the property in respect of which the transmission facility was constructed to provide system access service.

**(2)** A market participant may, in accordance with this section, submit a proposal to the ISO for the construction and temporary operation of a transmission facility.

**(3)** A proposal may be submitted under this section only

- (a) in respect of a radial transmission facility, unless the market participant and incumbent TFO agree to a different configuration of transmission facility,

- (b) if the transmission facility is proposed to be constructed by the market participant to provide system access service solely to the market participant, and
  - (c) if the transmission facility is proposed to be jointly operated by the market participant and the incumbent TFO for a temporary period specified in the proposal.
- (4) Subsection (3) applies whether the proposal
- (a) is submitted for the purposes of section 35(1)(b) of the Act to meet a need identified in a needs identification document, or
  - (b) is a proposal for which, pursuant to this Regulation, no needs identification document is required.
- (5) Where the proposal is one for which no needs identification document is required, the ISO must approve or refuse to approve the proposal in the same manner as if it were acting under section 36(1) of the Act.
- (6) Where the ISO approves the proposal, it may specify a time within which the market participant and incumbent TFO must apply for a permit under the *Hydro and Electric Energy Act* to construct the transmission facility and a licence to jointly operate the transmission facility for the temporary period referred to in subsection (3)(c).
- (7) Where the ISO approves the proposal, the market participant and incumbent TFO must,
- (a) before applying for any permit, licence or approval under the *Hydro and Electric Energy Act* to construct or operate the transmission facility, enter into a written agreement under which ownership of the transmission facility will transfer from the market participant to the incumbent TFO on the expiry of the temporary period referred to in subsection (3)(c), and
  - (b) before operating the transmission facility, enter into a written agreement under which they will jointly operate it.
- (8) Despite a transfer of ownership of a transmission facility from the market participant to the incumbent TFO, the market participant and its successors, if any, remain responsible to pay the costs of any liability incurred by the incumbent TFO as a result of acts or omissions by the market participant during design or construction of the transmission facility.
- (9) Where

- (a) ownership of a transmission facility has transferred from the market participant to the incumbent TFO, and
- (b) the incumbent TFO is unable to recover costs referred to in subsection (8) from the market participant or its successor because of the insolvency of the market participant or successor,

the Commission must, in making a decision respecting rates for the TFO, consider that the costs are prudent unless an interested party satisfies the Commission that those costs are not prudent.

**5 The following is added after section 25:**

**Approval of cost estimate**

**25.01(1)** This section applies to a transmission facility or a class of transmission facilities identified in a rule made by the Commission under subsection (7), but does not apply to transmission facilities to which section 24.2 applies.

(2) Where construction of a transmission facility is proposed, the TFO must submit an estimate of the project costs to the Commission for approval.

(3) The cost estimate must be submitted by the TFO

- (a) unless clause (b) applies, within 180 days after the day the Commission issues a permit to the TFO under the *Hydro and Electric Energy Act* to construct the transmission facility, or
- (b) within a time period ordered by the Commission, which may be a longer or shorter period than that provided in clause (a).

(4) If the Commission finds the cost estimate submitted by the TFO is too high or too low, the Commission may approve an amount of costs that is higher or lower than that in the cost estimate.

(5) The TFO may, at any time after a cost estimate is approved but before construction of the transmission facility is completed, apply to the Commission to increase the approved cost estimate, and where such an application is made subsection (6) and any rules made under subsection (7) apply in respect of the application.

(6) In making a decision respecting rates for the TFO, the Commission must consider the actual project costs of the transmission facility to be prudent if the actual project costs are equal to or less than a cost estimate approved under this section.

(7) The Commission, for the purposes of this section,

- (a) must make rules identifying the transmission facilities or classes of transmission facilities to which this section applies, and
- (b) may make rules establishing factors for the Commission to consider in determining whether to approve a cost estimate under this section.

**6 Section 31(1)(c) is amended by adding “the costs of” after “the reasonable recovery of”.**

**7 The *Transmission Deficiency Regulation (AR 176/2014)* is repealed.**

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**Alberta Regulation 243/2018**

**Electric Utilities Act**

**PAYMENT IN LIEU OF TAX REGULATIONS  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 420/2018) on December 11, 2018 pursuant to section 147 of the Electric Utilities Act.

**1(1) The *City of Medicine Hat Payment in Lieu of Tax Regulation (AR 235/2003)* is amended by this section.**

**(2) Section 3 is amended**

**(a) in subsection (1)**

**(i) in the portion preceding clause (a) by striking out “4 amounts” and substituting “amounts”;**

**(ii) by adding the following after clause (b):**

(b.1) the net income received by the City of Medicine Hat for the year as a result of providing capacity in the capacity market to meet obligations as a capacity market participant;

**(ii) in clause (c) by striking out “clause (a) or (b)” and substituting “clause (a), (b) or (b.1)”;**

**(b) in subsection (2) by striking out** “subsection (1)(c) and (d)” **and substituting** “subsection (1)(b.1), (c) and (d)”.

**2(1) The *Payment in Lieu of Tax Regulation (AR 112/2003)* is amended by this section.**

**(2) Section 3(1) is amended**

**(a) by striking out “and” at the end of clause (e) and adding the following after clause (e):**

(e.1) the provision by the municipal entity of capacity in the capacity market to meet obligations as a capacity market participant, and

**(b) in clause (f) by striking out “clauses (a) to (e)” and substituting “clauses (a) to (e.1)”.**

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**Alberta Regulation 244/2018**

**Environmental Protection and Enhancement Act**

**METHANE EMISSION REDUCTION REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 421/2018) on December 11, 2018 pursuant to section 122 of the Environmental Protection and Enhancement Act.

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Environmental Protection and Enhancement Act*;
- (b) “Directive 017” means Directive 017, Measurement Requirements for Oil and Gas Operations, published by the Regulator, as amended from time to time;
- (c) “Directive 060” means Directive 060, Upstream Petroleum Industry Flaring, Incinerating, and Venting, published by the Regulator, as amended from time to time;
- (d) “duty holder”, in respect of an upstream oil and gas facility, means
  - (i) the holder of an approval for a scheme or operation under section 10 of the *Oil Sands Conservation Act*, but does not include the holder of an approval for an oil sands mining scheme or operation,
  - (ii) the holder of a licence or approval for an installation associated with a pipeline under the *Pipeline Act*,
  - (iii) the holder of a licence or approval for a well or facility under the *Oil and Gas Conservation Act*, or
  - (iv) the operator of a facility that does not require a licence or approval under the *Oil and Gas Conservation Act*;
- (e) “fugitive emissions” means the unintentional release of hydrocarbons, including methane, into the atmosphere and includes, but is not limited to, unintentional releases of hydrocarbons as a result of
  - (i) worn, broken or loose components,
  - (ii) surface casing vent flows and gas migration, and
  - (iii) equipment emitting in excess of design or normal operating conditions;
- (f) “fugitive emissions management program” means a program to track, manage or repair a release of fugitive emissions;
- (g) “methane” means, in addition to its normal scientific meaning, a mixture mainly of methane that ordinarily may contain some ethane, nitrogen, helium or carbon dioxide;

- (h) “operator” means an operator as defined in the *Oil and Gas Conservation Act*;
- (i) “Regulator” means the Alberta Energy Regulator;
- (j) “upstream oil and gas facility” means
  - (i) a scheme or operation approved under section 10 of the *Oil Sands Conservation Act*,
  - (ii) an installation as defined in the *Pipeline Act*, or
  - (iii) a well or facility as defined in the *Oil and Gas Conservation Act*;
- (k) “vent gas” means uncombusted gas that is released into the atmosphere at an upstream oil and gas facility and includes, but is not limited to,
  - (i) waste gas,
  - (ii) gas used to operate pneumatic devices,
  - (iii) gas from compressor seals, starters and blowdowns,
  - (iv) gas from facility upsets and emergency shutdowns,
  - (v) gas from dehydrator still columns,
  - (vi) gas from production tanks other than methanol or chemical tanks,
  - (vii) gas released during pigging operations,
  - (viii) gas produced during well completions,
  - (ix) gas produced during well unloading volumes, and
  - (x) blanket gas,but does not include fugitive emissions.

**Application**

**2** This Regulation applies to all upstream oil and gas facilities except processing plants approved under section 11 of the *Oil Sands Conservation Act*.

**Vent gas**

**3(1)** A duty holder shall comply with each requirement of sections 8.3 to 8.6.3.2 of Directive 060 for all vent gas released from the upstream oil and gas facility.

**(2)** If a duty holder engages in flaring or incineration for the purposes of meeting the requirements of subsection (1), the duty holder shall also comply with each requirement of sections 3.6 and 7 to 7.12.5 of Directive 060.

**Measurement**

**4** For the purposes of section 3, the volume of gas produced, received, vented and destroyed at an upstream oil and gas facility must be determined in accordance with the applicable methods set out in Directive 017.

**Fugitive emissions management program**

**5** A duty holder shall comply with fugitive emissions management requirements for the upstream oil and gas facility in accordance with

- (a) each requirement of sections 8.10 to 8.10.5 of Directive 060, or
- (b) section 8.10.6 of Directive 060, in the case where the duty holder has received approval from the Director for an alternative fugitive emissions management program.

**Annual report**

**6(1)** On or before June 1 of each year, a duty holder shall submit to the Director an annual report prepared in accordance with section 8.2 of Directive 060 for the upstream oil and gas facility in respect of the previous year.

**(2)** The annual report must include

- (a) the information required under sections 8.4.1, 8.6.1.2, 8.6.2.4, 8.6.3.2 and 8.10.5 of Directive 060, and
- (b) any other information requested by the Director.

**Additional reports**

**7(1)** The Director may at any time, by notice in writing, direct a duty holder

- (a) to submit to the Director additional reports or records respecting any requirements of this Regulation, or

- (b) to conduct additional monitoring, measurement, repairs and reporting related to methane emissions in the manner and frequency specified in the notice.

(2) The duty holder shall comply with a direction under subsection (1).

**Records retention**

**8(1)** A duty holder shall comply with each requirement of section 8.11 of Directive 060 in respect of the records for the upstream oil and gas facility.

(2) A duty holder shall retain the following documents for 4 years from the date they were created:

- (a) the annual report for the upstream oil and gas facility;
- (b) the fugitive emissions management program;
- (c) the records, information and data on which the documents described in clauses (a) and (b) are based.

**Offences**

**9(1)** A duty holder that contravenes section 3, 5, 6, 7 or 8 is guilty of an offence and liable

- (a) in the case of an individual, to a fine of not more than \$50 000, and
- (b) in the case of a corporation, to a fine of not more than \$500 000.

(2) No person shall be convicted of an offence referred to in subsection (1) if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

**Consequential amendment**

**10(1) The *Administrative Penalty Regulation (AR 23/2003)* is amended by this section.**

**(2) The Schedule is amended by adding the following after section 4.1:**

**4.2 *Methane Emission Reduction Regulation***

- sections 3, 5, 6, 7, 8.

**Coming into force**

**11** This Regulation comes into force on January 1, 2020.

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**Alberta Regulation 245/2018**

**Mines and Minerals Act**

**CROWN MINERALS REGISTRATION  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 422/2018) on December 11, 2018 pursuant to section 5 of the Mines and Minerals Act.

**1 The *Crown Minerals Registration Regulation (AR 264/97)* is amended by this Regulation.**

**2 The heading “Expiry” preceding section 12 and section 12 are repealed.**

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**Alberta Regulation 246/2018**

**Mines and Minerals Act**

**OIL SANDS ROYALTY REGULATION, 1997 (EXPIRY  
DATE EXTENSION) AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 423/2018) on December 11, 2018 pursuant to sections 5 and 36 of the Mines and Minerals Act.

**1 The *Oil Sands Royalty Regulation, 1997 (AR 185/97)* is amended by this Regulation.**

**2 Section 40 is amended by striking out “June 30, 2019” and substituting “June 30, 2035”.**

**Alberta Regulation 247/2018**

**Petroleum Marketing Act  
Mines and Minerals Act**

**PETROLEUM MARKETING AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 424/2018) on December 11, 2018 pursuant to section 19 of the Petroleum Marketing Act and section 36 of the Mines and Minerals Act.

**1 The *Petroleum Marketing Regulation (AR 174/2006)* is amended by this Regulation.**

**2 Section 27 is repealed.**

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**Alberta Regulation 248/2018**

**Responsible Energy Development Act**

**RESPONSIBLE ENERGY DEVELOPMENT ACT  
GENERAL AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 426/2018) on December 11, 2018 pursuant to section 78 of the Responsible Energy Development Act.

**1 The *Responsible Energy Development Act General Regulation (AR 90/2013)* is amended by this Regulation.**

**2 The following is added after section 3.1:**

**Participation at hearing**

**3.2(1)** In this section,

- (a) “Indian reserve” means a reserve as represented by the council of the band as defined in the *Indian Act (Canada)*;
- (b) “Metis settlement” means a settlement as defined in the *Metis Settlements Act*;
- (c) “municipal authority” means a municipal authority as defined in the *Municipal Government Act*.

(2) In addition to the requirements set out in section 34 of the Act, where an Indian reserve, a Metis settlement or a municipal authority in which an energy resource activity is or will be located, or that is within 2000 metres from where the energy resource activity is or will be located, files a statement of concern and the Regulator decides to conduct a hearing, the Indian reserve, Metis settlement or municipal authority, as the case may be, is entitled to participate at the hearing.

**3 This Regulation comes into force on January 1, 2019.**

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**Alberta Regulation 249/2018**

**Responsible Energy Development Act**

**SECURITY MANAGEMENT FOR CRITICAL UPSTREAM  
PETROLEUM AND COAL INFRASTRUCTURE (EXPIRY  
DATE EXTENSION) AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 427/2018) on December 11, 2018 pursuant to section 80 of the Responsible Energy Development Act.

**1 *The Security Management for Critical Upstream  
Petroleum and Coal Infrastructure Regulation (AR 91/2013)*  
is amended by this Regulation.**

**2 Section 5 is amended by striking out “May 31, 2019” and  
substituting “May 31, 2022”.**

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**Alberta Regulation 250/2018**

**Water Act**

**WATER (OFFENCES AND PENALTIES) (2018)  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 430/2018) on December 11, 2018 pursuant to section 169 of the Water Act.

**1 The *Water (Offences and Penalties) Regulation* (AR 193/98) is amended by this Regulation.**

**2 Section 1(2) is repealed and the following is substituted:**

(2) The applicable interpretation provisions in the *Water (Ministerial) Regulation* (AR 205/98) apply with respect to this Regulation.

**3 Section 2 is amended**

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

**Offences, penalties and administrative penalties**

**2(1)** A person who contravenes any provision (other than that mentioned in subsection (3)) of the Safety Directive or of the Wells Directive or any of the provisions of the *Water (Ministerial) Regulation* (AR 205/98) referred to below in this subsection is guilty of an offence and is liable, in the case of an individual, to a fine of not more than \$50 000 or, in the case of a corporation, to a fine of not more than \$500 000:

- (a) section 4(3);
- (b) section 7(3);
- (c) section 26(3);
- (d) section 29(1) or (2);
- (e) section 30(1) or (2);
- (f) section 31(1), (2) or (3);
- (g) section 32(2), (3) or (4);
- (h) section 33(1), (2) or (3);
- (i) section 34(1) or (2);
- (j) section 34.1(3), (4) or (5);
- (k) section 35(1);
- (l) section 67(1), (2) or (3);
- (m) section 68(1), (2) or (3).

- (b) in subsection (2) by striking out** “Water (Ministerial) Regulation” **and substituting** “*Water (Ministerial) Regulation* (AR 205/98)”;
- (c) in subsection (3)**
  - (i) by adding** “(AR 205/98)” **before** “or a person”;
  - (ii) by adding** “a provision of the Safety Directive that is the same or similar in effect to the repealed” **before** “section 39(4)”;  
**(iii) by adding** “(AR 205/98)” **before** “is guilty”.

**4 Section 5 is amended**

- (a) in subsection (1) by striking out** “, (3) and (4)” **and substituting** “and (3)”;  
**(b) in subsection (2) by striking out** “section 169(3)(f) of the Act” **and substituting** “subsection (3)”;  
**(c) by repealing subsections (3) and (4) and substituting the following:**
  - (3)** The maximum administrative penalty that may be imposed for the purposes of section 152(1.1)(a) of the Act is \$5000 for each contravention or for each day or part of a day on which the contravention occurs and continues, as the case may be.

**5 Part 3 is repealed.**

**6 Section 1 of the Schedule is amended**

- (a) by striking out** “Offences described” **and substituting** “The contraventions referred to”;
- (b) by adding** “of the Act” **after** “the provisions”.

**Alberta Regulation 251/2018**

**Alberta Heritage Scholarship Act**

**ALBERTA HERITAGE SCHOLARSHIP  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 431/2018 )  
on December 11, 2018 pursuant to section 7 of the Alberta Heritage Scholarship Act.

**1 The *Alberta Heritage Scholarship Regulation (AR 214/99)*  
is amended by this Regulation.**

**2 Section 21 is repealed.**

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**Alberta Regulation 252/2018**

**Post-secondary Learning Act**

**ALTERNATIVE ACADEMIC COUNCIL  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 433/2018)  
on December 11, 2018 pursuant to section 47 of the Post-secondary Learning Act.

**1 The *Alternative Academic Council Regulation*  
(AR 219/2006) is amended by this Regulation.**

**2 Section 12 is repealed.**

**Alberta Regulation 253/2018**

**Water Act**

**WATER (MINISTERIAL, 2018)  
AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Minister of Environment and Parks  
(M.O. 36/2018) on December 5, 2018 pursuant to section 169(2) of the Water Act.

**1 The *Water (Ministerial) Regulation (AR 205/98)* is amended by this Regulation.**

**2 Section 1(1) is amended**

**(a) by repealing clause (c);**

**(b) by adding the following before clause (d):**

(c.1) “authorization” means an approval, licence, preliminary certificate or registration with respect to a dam or canal and, so far as it has the potential to affect in a material way anything done or to be done at or near a dam or canal, includes

(i) an approval or registration under the *Environmental Protection and Enhancement Act*,

(ii) a disposition under the *Public Lands Act*,

(iii) a permission or disposition under the *Provincial Parks Act*,

(iv) a permission or disposition under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, or

(v) any other kind of authorization, approval or permission given under any law;

**(c) by repealing clauses (e), (f), (g) and (h) and substituting the following:**

(e) “canal” means a structure with embankments that is designed and is or is to be constructed for the purpose of conveying or diverting water, including water containing another substance, and includes all works associated with such a structure;

(h) “dam” means a barrier that is designed and is or is to be constructed for the purpose of retaining, storing or diverting water, including water containing another substance, fluid waste or flowable tailings within the meaning of section 26(1)(e), and includes all other works associated with such a barrier;

(h.1) “dam/canal owner” means

- (i) the holder of an authorization relating to anything done or to be done at a dam or canal,
- (ii) a person who is required by or under the Act to, but does not, hold such an authorization,
- (iii) a person who was the holder of such an authorization immediately before the authorization was suspended, cancelled, terminated or abandoned,
- (iv) any owner of land on which a dam or canal is located, or
- (v) any person who had a dam or canal constructed;

**(d) by repealing clauses (j), (k), (l), (m), (n), (q) and (r) and substituting the following:**

- (m.1) “factor at risk” means any one or more of the following, namely,
- (i) the public,
  - (ii) the surrounding environment,
  - (iii) the cultural values of a sector of the local or regional population,
  - (iv) a local or regional economy, and
  - (v) land or other property (including infrastructure) belonging to anyone;

**(e) in clause (t)**

- (i) by striking out** “developed by a person responsible for a dam or canal”;
- (ii) by striking out** “the dam” **and substituting** “a dam”;

**(f) in clause (v) by striking out “water”;**

**(g) by repealing clause (x);**

**(h) by adding the following after clause (bb):**

(bb.1) “surveillance” means the systematic monitoring, inspecting and documenting of the state, condition, behaviour and health of a dam or canal in order to assess its safety performance;

**(i) by adding the following after clause (ee):**

(ff) “well”, except where it occurs in the phrase “water well”, means a water well or a vertical closed-loop ground source heat exchange well;

(gg) “Wells Directive” means the Water Wells and Ground Source Heat Exchange Systems Directive, as published by the Department and as amended or replaced (by whatever name);

### **3 Section 1(3) is amended**

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

(d) “problem water well” means a well that the Director has declared to be a problem well under section 40;

**(b) by adding the following after clause (f):**

(g) “works”, used in relation to a dam or canal and for the avoidance of any doubt, includes its ancillary on-site installed structures and equipment, including its abutments, spillways, gates, gate hoist structures, mechanical and electrical control equipment, low level outlets, intakes, tunnels, penstocks, surge tanks and towers, powerhouse structures, pump barges and stations, water lines, tailings lines and beaches.

### **4 The following is added after section 1(4):**

**(4.1)** For the purposes of the Act, “activity”, used in relation to a dam or canal, includes any act that has the potential to cause

(a) an increase in risk to factors at risk, or

- (b) a change in
  - (i) the consequence classification, or
  - (ii) the most recently approved design of the dam or canal (including any of its works).

**5 Section 1(5)(i) is repealed and the following is substituted:**

- (i) a dam/canal owner.

**6 Section 1(6) is repealed.**

**7 Section 1(7) is amended**

- (a) in clauses (a), (b) and (c) by striking out “water” wherever it occurs;
- (b) in clause (c) by striking out “of sections 60 and 61” and substituting “specified in the Wells Directive”.

**8 The following is added after section 1(7):**

- (8) A reference in this Regulation generally to the performing of any act is to be treated as including a reference to an omission so to act.

**9 The heading to Part 1 is amended by adding “and Administration” after “Activities”.**

**10 Section 3 is amended**

- (a) in subsections (1), (3) and (5) by striking out “, but the activity must be” and substituting “if, and only if, the activity is”;

**(b) by adding the following after subsection (6):**

- (7) In subsections (1)(c), (3)(c) and (5)(c), the term “carried out” includes monitoring activities.

**11 The following is added after section 4:**

**Approval for activities affecting factors at risk, etc.**

**4.1(1)** Notwithstanding anything in this Regulation that could be construed as providing to the contrary, any activity that is referred to in section 1(4.1) requires an approval.

**Effect of incomplete application**

**4.2(1)** The Director shall not review an application for the purpose of making a decision unless and until it is complete.

(2) If an application is not complete, the Director shall notify the applicant in writing and request whatever is necessary to make the application complete.

(3) If what is requested is not supplied within a reasonable time, the Director shall reject the application and forthwith advise the applicant in writing of that fact.

**Reclamation of non-dam or canal works and works operation**

**4.3** A person responsible for any works who is not a dam/canal owner or for the operation of any such works shall reclaim those works at the end of the project life unless otherwise directed in writing by the Director.

**12 Section 5(2) is repealed.**

**13 Section 10(1) is amended by adding “except for the Athabasca River basin, whose boundaries are set out in subsection (2)” after “tributaries”.**

**14 Section 14 is repealed and the following is substituted:**

**Exemptions from applicant notice requirements**

**14** An applicant is not required to provide notice under section 108(1) of the Act with respect to

- (a) an amendment under section 54(1)(b)(i), (ii), (v) or (vi) or 70(1)(b)(i), (ii) or (v) of the Act, or
- (b) an application for an approval with respect to drilling a well, unless directed to do so by the Director.

**15 Section 15 is amended**

(a) in subsection (1)

(i) by repealing clause (a)(vii);

- (ii) **in clause (a)(viii) by adding** “within the meaning of section 26(1)(d)” **after** “plans”;
- (iii) **by repealing clause (a)(ix);**
- (b) **in subsection (4) by striking out** “within 30 days after the information is submitted to the Department” **and substituting** “, at the time of submitting it,”.

**16 Part 6 is repealed and the following is substituted:**

**Part 6**  
**Dam and Canal Safety**

**Interpretation**

**26(1)** In this Part,

- (a) “critical safety deficiency” means a hazardous condition that has the potential to lead to an imminent failure;
- (b) “emergency preparedness plan” means a document that describes potential emergency situations related to the safety of a dam or canal and the roles and responsibilities of those involved in managing any such emergency situation that arises;
- (c) “failure” means an uncontrolled release of the contents of a dam or canal;
- (d) “flood action plan” means a document that describes the procedures to be followed by a dam/canal owner in the event of an actual or potential flood to ensure the safety of the dam or canal and to minimize the risk to factors at risk;
- (e) “flowable tailings” means residual materials, including process effluents, left behind after the resources from an ore have been extracted at a processing plant and whose characteristics allow the materials to flow;
- (f) “hazardous condition” means a defect, insufficiency or other condition that has the potential to contribute or lead to the failure of a dam or canal, including one resulting from an unusual loading or a weather event;
- (g) “instrumentation” means the equipment installed on, in or near a dam or canal that is designed to exercise or enable monitoring of safety performance during construction and over its behaviour and health after construction;

- (h) “qualified individual” means
  - (i) a qualified professional, or
  - (ii) an individual who is trained and certified by an organization or agency that the Director accredits in writing for the purposes of this subclause,  
  
and who otherwise meets the requirements of the Safety Directive;
- (i) “qualified professional” means an individual who
  - (i) is a professional engineer within the meaning of section 1(v), or a professional technologist within the meaning of section 86.4(m), of the *Engineering and Geoscience Professions Act*, and
  - (ii) has at least the minimum experience in the relevant field specified in the Safety Directive;
- (j) “risk assessment” means an analysis and evaluation of risk performed pursuant to section 34.3;
- (k) “safety assessment” means a process that
  - (i) is used to facilitate interpretation of surveillance objectively with a view to enabling full understanding of the current state of safety or condition of a dam or canal, and
  - (ii) meets the requirements of the Safety Directive;
- (l) “safety deficiency” (except where preceded by “critical”) means a hazardous condition that has the potential to develop into a critical safety deficiency over time;
- (m) “Safety Directive” means the Alberta Dam and Canal Safety Directive, as published by the Department and as amended or replaced (by whatever name);
- (n) “safety evaluation” means a process that
  - (i) is used to facilitate measurement and analysis of safety performance, and
  - (ii) meets the requirements of the Safety Directive;
- (o) “safety performance” means a process that measures whether a dam or canal is behaving as intended and that identifies

departures from the intended design behaviour of the structure.

(2) In this Part and when used in relation to a dam or canal, “abandonment”, “closure” and “decommissioning” have the meanings according to their definitions in the Safety Directive.

(3) The persons or entities referred to in section 1(1)(h.1)(i) to (v) shall ensure that there is submitted to the Director, at the times specified in the Safety Directive, a notice in writing

- (a) identifying, by reference to the status specified in the appropriate subclause of section 1(1)(h.1) or by name if there is to be personal accountability, which of those persons or entities is the person who is to be the dam/canal owner responsible for all aspects of compliance with the Act and this Regulation or any portion of that legislation, and
- (b) when applicable, indicating any change in who that person or entity is.

(4) In this Part, risk is to be determined through the use of a risk assessment that has regard to the probability and severity of harm or damage to factors at risk.

**Application of the Part**

**27(1)** Unless exempted by the Safety Directive, this Part, to the extent that it applies with respect to dams, applies and applies only to a dam that, at the time in question, meets any one or more of the following criteria, namely

- (a) that provides a live storage capacity of 30 000 cubic metres or more and is 2.5 metres or more in height when measured vertically to the top of the barrier,
  - (i) from the bed of the water body at the downstream toe of the barrier, where the barrier is across a water body, or
  - (ii) from the lowest elevation at the outside limit of the barrier, where the barrier is not across a water body,
- (b) that is classified as being a significant, high, very high or extreme consequence structure in the Safety Directive, or
- (c) that exists for the purpose of storing flowable tailings.

(2) Unless exempted by the Safety Directive, this Part, to the extent that it applies with respect to canals, applies and applies only to a canal that

- (a) is constructed for the purpose of conveying or diverting per second 15 cubic metres or more of water, water containing any other substance, fluid waste or tailings, and has embankments that are 2.5 metres or more in height when measured vertically from the lowest elevation at the outside limit of the embankment to the top of the embankment, or
- (b) does not meet the criteria outlined in clause (a) but is classified as being a significant, high, very high or extreme consequence structure in the Safety Directive.

**Safety Directive**

**28** The Safety Directive is incorporated in this Regulation.

**Dam and canal safety — general responsibilities and accountabilities**

**29(1)** Notwithstanding anything in this Part, a dam/canal owner shall

- (a) ensure that, at all applicable times and as circumstances require, the dam or canal is and remains designed, constructed, operated, maintained, decommissioned, closed and abandoned in a manner that effects or maintains the safety of the dam or canal,
- (b) exercise due diligence to safeguard the dam or canal from improper operation,
- (c) ensure that sufficient surveillance, maintenance and repairs are carried out with sufficient regularity to ensure compliance with clauses (a) and (b) and other results as directed by the Safety Directive,
- (d) ensure that there is in place a dam safety management plan that
  - (i) outlines the dam/canal owner's commitments and activities with a view to ensuring the safety of the structures,
  - (ii) contains the requirements about how the hazardous condition referred to in clause (f) is to be addressed, and
  - (iii) otherwise meets the requirements of the Safety Directive,
- (e) ensure that all safety deficiencies are identified, tracked and managed appropriately until corrected in accordance with the Safety Directive, and
- (f) if a critical safety deficiency exists, address the hazardous condition in accordance with the Safety Directive.

(2) Without limiting the application of subsection (1), the dam/canal owner shall exercise reasonable care and demonstrate due diligence to avoid or obviate any risk to factors at risk that exceeds that which is inherent having regard to what the dam or canal is designed for or approved.

**Investigations, design, construction, assessments and evaluations**

**30(1)** A dam/canal owner shall ensure that

- (a) the dam or canal is designed by qualified professionals and constructed in accordance with the accepted design and the Safety Directive,
- (b) all the construction is
  - (i) supervised by a qualified professional in accordance with the authorizations and the Safety Directive, and
  - (ii) in conformity with the accepted drawings and the Safety Directive.

(2) Unless otherwise directed in writing by the Director, a dam/canal owner shall ensure that all site investigations, surveillance, safety assessments, safety evaluations and risk assessments that are required by the Safety Directive are

- (a) performed by qualified individuals in accordance with the authorizations, and
- (b) reported to the Director,

in accordance with that Directive.

(3) In subsection (2), “site investigations” means processes designed to enable understanding of the objective characteristics of the geography, geology and hydrology of the location on which a dam or canal stands or is to be constructed.

**Operation, maintenance and surveillance**

**31(1)** A dam/canal owner shall ensure that

- (a) an operation, maintenance and surveillance manual is prepared, maintained, reviewed and, where applicable, updated, all by a qualified professional in accordance with the Safety Directive, and
- (b) the dam or canal is operated, maintained and subjected to surveillance in accordance with
  - (i) that manual,

- (ii) the authorizations,
- (iii) the terms and conditions of any water management order that is issued under the Act, and
- (iv) the directions of an inspector or the Director.

(2) Prior to their commencement, a dam/canal owner shall notify the Director of any major repairs or significant changes to operations, maintenance or surveillance in respect of the dam or canal.

(3) A dam/canal owner shall ensure that

- (a) the instrumentation that the design requires for monitoring the performance of the dam or canal is installed, operated and maintained as specified in the operation, maintenance and surveillance manual and in accordance with the Safety Directive, and
- (b) the instrumentation is maintained and subjected to surveillance to provide continuity of readings, analysis and interpretation of the readings, in accordance with the operation, maintenance and surveillance manual, for the necessary safety assessments and evaluations in accordance with the Safety Directive.

**Emergency management**

**32(1)** In this section,

- (a) “emergency management plan” means the combination of documents, being an emergency preparedness plan, an emergency response plan, and a flood action plan or any of them;
- (b) “emergency response plan” means a document that describes the procedures to be followed by the dam/canal owner in the event of an emergency related to the safety of the dam or canal.

(2) A dam/canal owner shall ensure that an emergency management plan has been prepared, maintained, reviewed and, where applicable, updated by a qualified individual in accordance with the Safety Directive.

(3) A dam/canal owner shall ensure that all relevant and up-to-date information from the emergency management plan is shared with the municipalities, indigenous communities and other emergency response agencies that have the potential to be impacted by an emergency at the dam or canal during the testing of the final version of that plan and in accordance with the Safety Directive.

**(4)** A dam/canal owner shall ensure that when conditions associated with the dam or canal are or are likely to result in any increase in risk to factors at risk,

- (a) the dam or canal is operated in accordance with the emergency management plan, and
- (b) subject to section 33(1)(a), the Director is notified forthwith of
  - (i) the nature of those conditions,
  - (ii) all actions already undertaken or that are to be undertaken in response by the dam/canal owner, and
  - (iii) the time and nature of any information provided or warnings issued to any particular persons or to the general public about those conditions and the situation generally,

and

- (c) operation of the dam or canal is suspended, if so ordered by the Director.

**Further notifications to Director**

**33(1)** Unless otherwise exempted by the Act or this Regulation, a dam/canal owner shall ensure that, in relation to the dam or canal, the Director is notified in accordance with the Safety Directive of

- (a) any hazardous condition, safety deficiency or other potential safety hazard,
- (b) any major repairs,
- (c) any significant changes to operations, or
- (d) any surveillance or inspection plans and outcomes in response to any hazardous condition.

**(2)** A dam/canal owner shall ensure that

- (a) any additional information that is requested in writing by the Director to enable an assessment or evaluation of the safety of the dam or canal, including, so far as applicable, instrumentation readings and analyses, photographs and other visual records and drawings, material testing results and other test results are prepared and submitted to the Director in the form and manner, at the times and within the period specified by the Director, and

- (b) any additional resources that are requested in writing by the Director to enable the Director's audit assessment of the safety of the dam or canal are made available to the Director.

**(3)** A dam/canal owner shall ensure that

- (a) any additional inspections, investigations, surveys and tests are conducted that are necessary to enable the submission of the information referred to in subsection (2)(a), and
- (b) any additional qualified professionals needed to review the information submitted under subsection (2)(b) on behalf of the Director are employed by the dam/canal owner.

**Decommissioning, closure, abandonment, etc.**

**34(1)** A dam/canal owner shall ensure that any plans for

- (a) the decommissioning, closure or abandonment of the dam or canal, or
- (b) the cessation, suspension or restriction or limitation of the operation of a dam or a canal for a period of longer than one year or permanently or indefinitely,

have been prepared by a qualified professional and submitted to the Director in accordance with the Safety Directive.

**(2)** The dam/canal owner shall not implement a plan referred to in subsection (1) unless the Director has confirmed in writing that the plan meets the criteria set out in the Safety Directive.

**(3)** An action referred to in subsection (1)(a) or (b) does not relieve any person of any applicable remaining duties that a person has under the Act or this Regulation or any other law.

**Consequence classification**

**34.1(1)** Notwithstanding section 27, this section applies with respect to all dams and canals.

**(2)** In this section, "consequence classification" means the category assigned by a qualified professional to a dam or canal so that the appropriate level of safety requirements of the Act and this Regulation can be applied to ensure the safety of its works.

**(3)** A dam/canal owner shall ensure that a consequence classification is established in accordance with the Safety Directive, but the consequence classification has no effect until and unless the Director has confirmed in writing that the consequence classification meets the criteria set out in the Safety Directive.

(4) A dam/canal owner shall have the existing consequence classification reviewed by a qualified professional at the times required by the Safety Directive.

(5) A dam/canal owner shall ensure that any change to the consequence classification is reported in writing to the Director in accordance with the Safety Directive, but the change has no effect until and unless the Director has confirmed in writing that the change meets the criteria set out in the Safety Directive.

**Orders by Director to mitigate or avert failure**

**34.2** If a dam or canal fails or if, in the Director's opinion, there arises a critical safety deficiency or a contravention of any provision of this Regulation that could result in a failure, the Director may issue orders to the dam/canal owner directing specific courses of action that are designed to mitigate or avert the failure, as the case may be, if the Director considers them necessary to avoid any increase in risk to factors at risk.

**Risk assessments**

**34.3** A risk assessment must be performed in accordance with the Safety Directive through the use of a systematic process of analysis and evaluation of risk that

- (a) involves the use of a formal failure mode and effects analysis procedure or a similar technique, and
- (b) includes
  - (i) a decision as to whether or not the risk in question is tolerable relative to existing risk management measures, and
  - (ii) if that decision is in the negative, recommendations for risk management or mitigation measures.

**Documents from qualified professionals**

**34.4** Any document that is required by this Regulation to be submitted by a qualified professional must be signed and stamped or sealed by that person in accordance with Part 6 of the *Engineering and Geoscience Professions Act*.

**17 The words "Part 7 Water Wells" are repealed and the following is substituted:**

**Part 7**  
**Water Wells and Ground Source**  
**Heat Exchange Systems**

**Wells Directive**

**34.5** The Wells Directive is incorporated in this Regulation.

**18 Section 35 is amended**

**(a) in subsection (1)**

**(i) by striking out** “water well or cause a water well”  
**and substituting** “well or cause a well”;

**(ii) by adding** “or the Wells Directive” **after**  
“Regulation”;

**(b) by repealing subsection (2).**

**19 Sections 36 to 65 are repealed and the following is substituted:**

**Problem wells**

**40** The Director may declare a well to be a problem well if the Director is satisfied that the well may cause, is causing or has caused an adverse effect on the environment, human health, property or public safety.

**20 Section 66 is amended**

**(a) by repealing subsection (1);**

**(b) in subsections (2) and (3) by striking out** “this section” **and substituting** “the Wells Directive”;

**(c) by repealing subsections (4) to (7) and substituting the following:**

**(3.1)** The owner of a vertical closed-loop ground source heat exchange well shall have that well reclaimed in accordance with the Wells Directive if that well

- (a)** was completed in order to evaluate site conditions but is not intended to be used as a vertical closed-loop ground source heat exchange well in a closed-loop ground source heat exchange system,

- (b) is leaking, or
- (c) was but is no longer used as a vertical closed-loop ground source heat exchange well in a closed-loop ground source heat exchange system.

**21 Section 67 is amended by adding the following after subsection (2):**

- (3) The owner of the water well shall comply with the requirements of the Wells Directive respecting inactive wells.

**22 Section 68 is amended by adding the following after subsection (2):**

- (3) The owner of the water well shall comply with the requirements of the Wells Directive respecting completed wells.

**23 Sections 69 and 71 are repealed.**

**24 The heading to Part 8 is amended by striking out “Expiry and Coming into Force”.**

**25 The following is added before section 72:**

**Transitional provisions**

**71.1(1)** Subject to subsection (2), the applicable provisions incorporated into this Regulation by the *Water (Ministerial, 2018) Amendment Regulation* and in the Safety Directive apply to dams and canals whether existing or in construction at the commencement of that Regulation or not yet constructed and where, with respect to such an existing or in construction dam or canal, there is an inconsistency between a provision of or resulting from that Regulation or that Directive and a term or condition in an authorization or a water management order previously given in respect of that dam or canal, the provision, term or condition that is to prevail is the one that produces the more stringent requirement.

(2) Where, in respect of a dam or canal that existed or was in construction immediately before the commencement of subsection (1), a person had previously performed an action required by an applicable provision referred to in subsection (1) and that action had been or is approved by the Director, then that provision is to be treated as having been complied with.

**(3) The transitional provisions in the Safety Directive**

- (a) providing for, or enabling a Director to provide for, any grace period for the implementation by any person of any provision of this Regulation,
- (b) providing for any circumstances existing at the time a provision of the *Water (Ministerial, 2018) Amendment Regulation* came into force to be exempted in whole or in part from the requirements of that provision, or
- (c) providing for consequence classifications for existing dams or canals

are to apply in prevalence to any provision of this Regulation to the contrary.

**26 Section 76 is repealed.**

**27 Section 77 and the heading preceding it is repealed.**

**28 Section 2 of Schedule 1 is amended**

- (a) in clause (e) by adding** “and, where that water body is frequented by fish, if the installed water supply line has a screen of sufficient mesh size to prevent fish from entering” **after** “of the water”;
- (b) in clause (f) by adding** “, portable aeration line” **after** “portable pump”;
- (c) by repealing clauses (i), (j) and (k) and substituting the following:**
  - (k.1) activities expressly exempted from the requirement of an approval by the Wells Directive;
- (d) in clause (m) by adding** “, including monitoring,” **after** “out”;
- (e) by repealing clause (n)(iii) and substituting the following:**
  - (iii) the works are not located on a water body frequented by fish,
- (f) by adding the following after clause (o):**

- (p) an activity conducted for the purpose of dewatering a sand and gravel site if
  - (i) the water diverted as a result of the dewatering is
    - (A) diverted into and retained in an on site pit within the boundaries of the project site, without using the water, or
    - (B) diverted back into a water body without using the water, if the water is equal to or of the same quality as the water that was originally diverted,
  - (ii) the dewatering site, the water body and the on site pit referred to in subclause (i) are hydraulically connected, and
  - (iii) there is no adverse effect on
    - (A) the aquatic environment,
    - (B) a household user, licensee or traditional agriculture user, or
    - (C) any parcel of land;
- (q) an activity conducted for the purpose of dewatering a construction site if
  - (i) there is no adverse effect on
    - (A) the aquatic environment,
    - (B) a household user, licensee or traditional agriculture user, or
    - (C) any parcel of land,
  - and
  - (ii) the maximum duration of the dewatering operation is 6 months or less for the entire construction project.

**29 Schedule 2 is amended by repealing section 2.**

**30 Schedule 3 is amended by repealing section 1(f) and substituting the following:**

- (f) a diversion of water for the purpose of dewatering a sand and gravel site if
  - (i) the water diverted as a result of the dewatering is
    - (A) moved into and retained in an on site pit within the boundaries of the project site, without using the water, or
    - (B) diverted back into a water body without using the water, if the water is equal to or of the same quality as the water that was originally diverted,
  - (ii) the dewatering site, the water body and the on site pit referred to in subclause (i) are hydraulically connected, and
  - (iii) there is no adverse effect on
    - (A) the aquatic environment,
    - (B) a household user, licensee or traditional agriculture user, or
    - (C) any parcel of land;
- (f.1) a diversion of water for the purpose of dewatering a construction site if
  - (i) there is no adverse effect on
    - (A) the aquatic environment,
    - (B) a household user, licensee or traditional agriculture user, or
    - (C) any parcel of land,
  - and
  - (ii) the maximum duration of the dewatering operation is 6 months or less for the entire construction project;

**31 Schedule 4 is repealed.**

**32 Schedule 5 is repealed.**

**Alberta Regulation 254/2018**  
**Government Organization Act**  
**DOMESTIC TRADE AGREEMENTS**  
**AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Minister of Economic Development and Trade (M.O. No. 111/2018) on December 9, 2018 pursuant to sections 4(1) and 4.4 of Schedule 6 of the Government Organization Act.

**1 The *Domestic Trade Agreements Regulation* (AR 176/2016) is amended by this Regulation.**

**2 Section 1 is amended**

**(a) in subsection (1)**

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

(a) “AATP” means the Agreement Among the Parties to the New West Partnership Establishing the Bid Protest Mechanism entered into by the governments of Alberta, British Columbia, Manitoba and Saskatchewan, including any amendments to the agreement;

(a.1) “Act” means the *Government Organization Act*;

(a.2) “AIT” means the Agreement on Internal Trade referred to in section 2(a) of Schedule 6 to the Act;

(a.3) “BPM” means the bid protest mechanism set out in Division C of the AATP;

(b) “BPM Administrator” means the administrator appointed pursuant to Article 2 of the AATP;

**(ii) by adding the following after clause (b.1):**

(b.2) “effective date” in relation to the AATP means the effective date within the meaning of Article 8(1) of the AATP;

**(b) in subsection (2) by adding the following after (d):**

- (e) words and expressions used in respect of the AATP that are defined in Article 9 of the AATP and Part II of the BPM have the meaning given to them under Article 9 of the AATP and Part II of the BPM, unless a contrary intention appears.

**3 Section 1.1(2) is amended by adding the following after clause (b):**

- (c) commencing on the effective date, the AATP is designated as a domestic trade agreement.

**4 Section 2(b) is repealed and the following is substituted:**

- (b) in the case of the NWPTA,
  - (i) a monetary award under Article 29(7), or an award of costs under Article 32, that is contained in a final panel report and that is effective, and
  - (ii) in the case of an award relating to a procurement concluded before the effective date of the AATP,
    - (A) a cost award referred to in Article 38(6)(d) and Article 39, and
    - (B) a recoupment award issued against the Government of Alberta or a government entity of the Government of Alberta under Article 38(6)(d) and Article 39;
- (b.1) in the case of the AATP, where the NWPTA is the trade agreement that forms the basis for an award relating to a procurement concluded on or after the effective date,
  - (i) a tariff cost award as defined in Part II of the BPM,
  - (ii) an operational cost award as defined in Part II of the BPM, and
  - (iii) a bid preparation cost award as defined in Part II of the BPM that is issued against the Government of Alberta or a government entity located in the Province of Alberta;

**5 Section 3 is amended**

- (a) in clause (a) by striking out “and”;
- (b) by repealing clause (b) and substituting the following:
  - (b) in the case of the NWPTA,
    - (i) the NWPTA Administrator is designated as the appropriate official or body with respect to the awards under the NWPTA referred to in section 2(b)(i) and (ii) and the awards under the TILMA referred to in section 2(c), and
    - (ii) on or after the effective date of the AATP the BPM Administrator is designated as the appropriate official or body with respect to awards referred to in section 2(b.1),

and

**6 This Regulation comes into force on the effective date of the AATP.**

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**Alberta Regulation 255/2018**  
**Oil and Gas Conservation Act**  
**Oil Sands Conservation Act**  
**Responsible Energy Development Act**  
**CURTAILMENT RULES**  
**AMENDMENT REGULATION**

Filed: December 12, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 434/2018) on December 12, 2018 pursuant to section 10 of the Oil and Gas Conservation Act, section 20 of the Oil Sands Conservation Act and section 68 of the Responsible Energy Development Act.

**1 The *Curtailment Rules* (AR 214/2018) are amended by this Regulation.**

**2 The following is added after Section 5:**

**Amendment of January 2019 curtailment order**

**5.1(1)** This section applies to a curtailment order that fixes the combined amount of crude oil and crude bitumen that an operator may produce in January 2019 to an amount less than 84% of the combined amount of crude oil and crude bitumen the operator produced in October 2018.

**(2)** The Minister shall, by order, amend a curtailment order to which this section applies by fixing the combined amount of crude oil and crude bitumen that the operator may produce in January 2019 to an amount that is 84% of the combined amount of crude oil and crude bitumen the operator produced in October 2018.

**(3)** This section applies notwithstanding that the effect of an order under subsection (2) is to cause the combined provincial production allocation for crude oil and crude bitumen for January 2019 to be exceeded.

**3 Section 1(6) of the Schedule is amended by adding “with” after “accordance”.**

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**Alberta Regulation 256/2018**

**Condominium Property Act**

**CONDOMINIUM PROPERTY AMENDMENT REGULATION**

Filed: December 13, 2018

For information only: Made by the Lieutenant Governor in Council (O.C. 436/2018) on December 13, 2018 pursuant to section 81 of the Condominium Property Act.

**1 The *Condominium Property Regulation (AR 168/2000)* is amended by this Regulation.**

**2 Section 1(1) is amended**

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

(a.01) “contemplated litigation” means any matter that might reasonably be expected to become a legal action involving a corporation based on information that is within the corporation’s knowledge or control;

**(b) by adding the following after clause (a.1):**

- (a.11) “group of owners” means 2 or more persons who own one or more units in common, where the name of each person in the group appears on the certificate of title of each of the units and no other person’s name appears on the certificate of title;

**(c) by adding the following after clause (a.2):**

- (a.3) “purchaser” includes, for the purposes of section 44 of the Act and this Regulation, a person who has entered into
- (i) a purchase agreement respecting a condominium unit, or
  - (ii) an agreement to purchase a leasehold interest in a condominium unit;

**3 Section 20.2 is amended**

**(a) by renumbering it as section 20.2(1);**

**(b) by adding the following after section 20.2(1)(r):**

- (s) a copy of any standard insurable unit description, as defined in section 60.1(c).

**(c) by adding the following after subsection (1):**

- (2) Section 20.2(1)(s) applies only in respect of a board elected under section 29 of the Act on or after January 1, 2020.

**4 The following is added after section 20.4:**

**Part 1.6  
Documents Provided  
by Corporation**

**Meeting minutes accompanying annual general meeting notice**

**20.5** Before or at the time a corporation sends the notice of an annual general meeting in accordance with section 30(3) of the Act, the corporation shall provide an owner or mortgagee who has given written notice under section 26(3) of the Act with minutes of all board meetings that have been held since the last annual general meeting.

**Annual general meeting notice, agenda**

**20.51(1)** Subject to section 20.53, a corporation shall send a preliminary notice of an annual general meeting in writing at least 60 days before the date of the annual general meeting.

**(2)** A preliminary notice of an annual general meeting must contain the following information:

- (a) the date of the annual general meeting;
- (b) a call for agenda items and a deadline for submission of proposed agenda items, which must not be more than 30 days before the annual general meeting;
- (c) a statement that a proposed agenda item submission must include
  - (i) a description of the proposed agenda item that provides sufficient detail and clarity for the purposes of a vote by owners on the contents of the meeting agenda, and
  - (ii) any other information necessary to effectively consider the proposed agenda item;
- (d) a statement that the owners present at the annual general meeting will decide the contents of the agenda by a majority vote at the beginning of the annual general meeting;
- (e) if the corporation accepts electronic submissions of proposed agenda items, the specific electronic address to which proposed agenda items may be submitted.

**(3)** Despite subsection (2), a corporation shall include, in the preliminary notice for the first annual general meeting to be held after July 1, 2019, notice that the requirements governing proxies have been amended and that proxies given on or before July 1, 2019 may no longer be valid.

**(4)** An owner may submit a proposed agenda item by sending the description of the item

- (a) to the corporation's address for service,
- (b) to the corporation's electronic address, if the corporation has provided it to the owners, or
- (c) by a method of service set out in the bylaws or specified by a board resolution.

**Proposed agenda items in meeting notice**

**20.52** A written notice of an annual general meeting sent under section 30(3) of the Act must include a summary of the proposed agenda items submitted under section 20.51(4).

**Exemption re single owner of units**

**20.53** A corporation is exempt from the requirements under sections 20.51, 20.52 and 20.55 if the certificate of title to each of the units included in the condominium plan is registered in the name of the same owner or the same group of owners.

**Information provided after annual general meeting**

**20.54(1)** Within 30 days after an annual general meeting, a corporation shall provide an owner or mortgagee who has given written notice under section 26(3) of the Act with the following:

- (a) the approved minutes, or draft minutes if no minutes have been approved, of the annual general meeting;
- (b) a copy of the notice filed at the land titles office under section 10.1(1) or 28(5) of the Act that reflects the current composition of the board.

**(2)** The approved minutes or draft minutes provided under subsection (1)(a) must include records of the votes held at the annual general meeting, recording the following:

- (a) if an ordinary resolution was proposed and a poll vote was conducted,
  - (i) the number of units and unit factors present in person or by proxy at the meeting voting in favour of the resolution, and
  - (ii) the number of units and unit factors present in person or by proxy at the meeting not voting in favour of the resolution;
- (b) if an ordinary resolution was proposed and a vote by a show of hands was conducted, a record of the result;
- (c) if a special resolution was proposed,
  - (i) the number of units and unit factors in favour of the resolution, and
  - (ii) the number of units and unit factors not in favour of the resolution;
- (d) for an election of board members determined by a vote, the number of votes in favour of each candidate.

**Disclosure of voting results**

**20.55(1)** Within 30 days after the date on which votes must be received by the corporation on a particular vote conducted in writing, a corporation shall, subject to section 20.53, provide the results of the vote to each owner and each mortgagee who has given written notice under section 26(3) of the Act.

(2) The voting results under subsection (1) must be provided in a manner that does not identify a unit or a person who cast a vote.

**Annual budget disclosure**

**20.56(1)** In addition to disclosure requirements under section 30(4)(a) of the Act, a corporation shall, at least 30 days before the start of the fiscal year to which the annual budget applies, provide a copy of the annual budget to owners and to mortgagees who have given written notice under section 26(3) of the Act.

(2) If the corporation makes revisions to the budget provided under subsection (1), the corporation shall provide a copy of the revised budget to the owners as soon as possible.

**Information disclosed for purposes of s44 of Act**

**20.57(1)** Subject to subsection (2), the following information and documents are prescribed for the purposes of section 44 of the Act:

- (a) the particulars of
  - (i) any action commenced against the corporation in respect of which the corporation has been served, including the amount claimed against the corporation,
  - (ii) any unsatisfied judgment or order for which the corporation is liable, and
  - (iii) any written demand made on the corporation for an amount in excess of \$5000 that, if not met, may result in an action being brought against the corporation;
- (b) a statement setting out the amount of the capital replacement reserve fund;
- (c) a statement setting out the amount of the contributions and the basis on which that amount was determined;
- (d) a statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan;
- (e) loan disclosure statements for current loans, including documents showing the starting balance, current balance,

- interest rate, monthly payment, purpose of the loan, amortization period and default information, if applicable;
- (f) the particulars or a copy of any subsisting or prior management agreement;
  - (g) the particulars or a copy of any subsisting recreational agreement;
  - (h) the particulars respecting any post tensioned cables that are located anywhere on or within the property that is included in the condominium plan;
  - (i) a copy of the budget of the corporation;
  - (j) a copy of the annual financial statements;
  - (k) a copy of the bylaws;
  - (l) in respect of a particular fiscal year, a copy of
    - (i) all approved minutes (of proceedings) of all general meetings of the corporation, if available,
    - (ii) draft minutes of general meetings, if approved minutes are not available, for meetings that occurred at least 30 days before the date of the request, and
    - (iii) approved minutes of board meetings;
  - (m) a statement setting out the unit factors and the criteria used to determine unit factor allocation;
  - (n) a copy of any lease agreement or other exclusive possession agreement with respect to the possession of a portion of the common property or real property of the corporation, including a parking stall or storage unit;
  - (o) a consolidation of all the rules made by the corporation under section 32.1 of the Act;
  - (p) a list of the names and addresses for service of the members of the board;
  - (q) the text of ordinary and special resolutions voted on by the corporation and the results of the voting on those resolutions, other than the results of a vote conducted by a show of hands;
  - (r) copies of reports prepared for the corporation by professionals, including professional engineers but excluding

reports requested and obtained by the corporation's legal counsel in relation to actual or contemplated litigation;

- (s) copies of insurance certificates held by the corporation;
- (t) copies of policies of insurance held by the corporation;
- (u) copies of reserve fund plans, reserve fund reports and annual reports.

**(2)** Subsection (1) applies

- (a) to information or documents to which section 20.59(2) applies, only for the applicable retention period determined under section 20.59(1), or
- (b) to information or documents created before July 1, 2019, only if the corporation possesses or has access to the information or documents.

**(3)** An owner is not precluded from making copies of any documents provided under section 44 of the Act and providing copies of these documents to other persons.

**Fees**

**20.571(1)** A corporation or any person providing documents on behalf of a corporation may charge fees not exceeding the following amounts for the provision, in the ordinary course, of the following classes of documents:

- (a) a certificate provided under section 43.2 of the Act, \$100;
- (b) a document other than a certificate referred to in clause (a), \$10, subject to subsections (2) and (3).

**(2)** Where a document listed in section 20.57(1) contains or is attached to another document listed in section 20.57(1), the contained or attached document constitutes part of the other document for the purposes of subsection (1), with the result that a fee may be charged for only one document.

**(3)** If a person requests that a document described in section 20.57(1)(a), (b), (c), (d) or (e) be produced within 3 days of the request, excluding a holiday as defined in the *Interpretation Act*, and the corporation produces the document within 3 days, subject to the bylaws, the corporation may charge a fee of up to \$30.

**Documents provided for no charge**

**20.58** Where a bylaw or a provision of the Act or this Regulation requires a corporation to provide, without request, information or

documents, the corporation shall not charge for providing the information or documents in accordance with the bylaw or provision.

**Retention periods for documents and information**

**20.59(1)** A corporation shall retain the documents and information described or set out in the first column of Schedule 3 for the corresponding time period set out in the 2nd column of Schedule 3, or the time period set out in the bylaws, whichever period is longer.

(2) A corporation may retain a document or information referred to in subsection (1) in an electronic format if the document is complete, is legible in its entirety and may be reproduced by the corporation in an electronic format or in a hard copy format.

(3) If a version of a document in an electronic format complies with subsection (2), the version in an electronic format is considered the original document.

**5 Section 21 is amended**

(a) **by repealing subsection (1)(c);**

(b) **in subsection (2) by striking out “qualified person” wherever it occurs and substituting “reserve fund study provider”.**

**6 The following is added after section 21:**

**Reserve fund study provider qualifications**

**21.1(1)** In this Part, subject to subsection (2), in respect of the depreciating property, an individual is not permitted to act as a reserve fund study provider unless the individual

- (a) is
  - (i) a professional engineer,
  - (ii) a professional technologist,
  - (iii) a registered architect,
  - (iv) a licensed real estate appraiser, who is a member of the Appraisal Institute of Canada and holds the designation of Accredited Appraiser Canadian Institute,
  - (v) a certified reserve fund planner who is accredited by the Real Estate Institute of Canada, or

- (vi) an individual who has successfully completed training recognized by the Director or possesses qualifications that are recognized by the Director,

and

- (b) is knowledgeable with respect to
  - (i) the depreciating property or that type of depreciating property,
  - (ii) the operation and maintenance of the depreciating property or that type of depreciating property, and
  - (iii) the costs of replacement of or repairs to, as the case may be, the depreciating property or that type of depreciating property.

(2) In this Part, despite subsection (1), the following individuals are not permitted to act as a reserve fund study provider:

- (a) a director, officer or employee of the corporation;
- (b) a manager under a management agreement with the corporation;
- (c) a partner, employer or employee of a person referred to in clause (a) or (b);
- (d) the spouse or common-law partner or a child of a director or officer of the corporation, or a child of the spouse or common-law partner of a director or officer of the corporation;
- (e) an owner of a unit on the parcel;
- (f) an occupant of a unit on the parcel.

(3) Despite subsections (1) and (2) and sections 21.2 and 23, where a contract for a reserve fund study was entered into before January 1, 2020, the qualifications of an individual to prepare a reserve fund study are governed by section 21 as it read immediately before the coming into force of this section.

**Developer, interim board reserve fund plan**

**21.2** A developer or interim board that arranges for a reserve fund study before a board is elected under section 29 of the Act shall ensure that the reserve fund study is conducted by a reserve fund

study provider who is at arm's length from the developer or every member of the interim board, as the case may be.

**7 Section 22 is amended by striking out “qualified person” and substituting “reserve fund study provider”.**

**8 Section 23 is amended**

**(a) in subsection (1)**

- (i) by striking out “qualified person” and substituting “reserve fund study provider”;**
- (ii) in clause (a) by striking out “25 years” and substituting “30 years or a time period longer than 30 years”;**

**(b) in subsection (2)**

- (i) by striking out “qualified person” and substituting “reserve fund study provider”;**
- (ii) by adding the following after clause (a):**
  - (a.1) conduct an on-site visual inspection of all visible components of the depreciating property;
  - (a.2) interview the members of the board;
  - (a.3) interview, to the extent the reserve fund study provider considers necessary, the manager or managers for the corporation, if any, any employees of the corporation or manager, or any other person;
  - (a.4) review relevant documents, including the condominium plan, construction documents and maintenance records;

**(c) in subsection (3) by repealing clause (b) and substituting the following:**

- (b) a signed statement that the person is a reserve fund study provider and no grounds of disqualification under section 21.1 or 21.2 apply;

**9 Section 25 is amended by striking out** “qualified person to preparing” **and substituting** “reserve fund study provider to prepare”.

**10 Section 29 is amended**

**(a) in subsection (1) by adding the following after clause (c):**

- (d) the amount of the reserve fund projected for the current fiscal year;
- (e) total payments by ordinary or special resolutions into, and payments out of, the reserve fund for the current fiscal year;
- (f) a list of the depreciating property projected to be repaired or replaced during the current fiscal year and the projected costs of the repairs and replacements.

**(b) by repealing subsection (2).**

**11 Section 30 is amended by striking out** “At the conclusion of” **and substituting** “On or before”.

**12 Section 31 is repealed.**

**13 The following is added after section 31.1:**

## **Part 2.2 Meetings, Voting**

### **Proxies**

**31.2(1)** Subject to subsections (2) and (3), a proxy may be given to any individual by an owner or mortgagee who has given written notice under section 26(3) of the Act.

**(2)** A proxy is invalid if it is given to a minor or a person other than an individual.

**(3)** A proxy is invalid if it is given to a manager or employee of either the corporation or a management company retained by the corporation, unless the proxy contains a limitation that it was given only for the purposes of establishing quorum for a meeting.

**(4)** An owner that is not an individual may be represented in a vote

- (a) by a member of the board of directors of the owner, or, if there is no board of directors, by a member of a similar body in respect of that owner, or
- (b) by an individual to whom the owner has given a proxy.

(5) Where 2 or more proxies are presented to a corporation in respect of the same unit by the same owner, only the most recently given proxy is valid.

**Written proxy requirements**

**31.201(1)** A proxy is invalid unless it is in an electronic or hard copy format and contains at least the following elements:

- (a) the name and unit number of the owner or mortgagee giving the proxy;
- (b) the name of the individual to whom the proxy is given;
- (c) the date the proxy is given;
- (d) the signature of the owner or mortgagee giving the proxy, or in the case of an owner or mortgagee that is not an individual, the signature of a person authorized to sign for that owner or mortgagee.

(2) A proxy may be revoked in an electronic or hard copy format.

**Restrictions respecting proxies**

**31.202(1)** A proxy is subject to

- (a) any limitations, restrictions or instructions imposed by the person who gave the proxy, and
- (b) any reasonable procedural restrictions set out in the bylaws or the rules of the corporation made or adopted under section 31.21(1).

(2) A proxy shall not be exercised by an individual who is not named in the proxy.

(3) A proxy expires on the earliest of

- (a) the expiry date set out on the proxy,
- (b) 6 months from the date on which the proxy was given, and
- (c) the date on which the person who gave the proxy ceases to be an owner or mortgagee of the unit in respect of which the proxy was given.

**Rules respecting proxies**

**31.21(1)** Except to the extent that a matter is already dealt with in the bylaws, subject to subsection (2), a corporation may adopt rules respecting the use of proxies, including, without limitation, procedures respecting the presentation, verification and registration of proxies.

(2) Rules may be adopted under subsection (1) only as may be reasonably necessary for the expedient conduct of meetings or votes.

(3) Subject to the bylaws, proxies must be certified before or at the outset of the general meeting at which an individual is seeking to exercise the proxy.

**Voting by co-owners**

**31.22(1)** If a unit is owned by 2 or more persons as tenants in common,

- (a) where only one owner attends a meeting, and no other co-owners have given proxies to any individual, that co-owner's vote represents the entire unit and all associated unit factors, and
- (b) subject to subsection (4), where more than one owner attends a meeting, the unit's vote and associated unit factor votes are divided among the unit's co-owners in proportion to each co-owner's respective ownership share in the unit.

(2) Subject to subsection (3), if a unit is owned by 2 or more persons as joint tenants, if only one co-owner of a unit attends a meeting, casts a written vote or gives a proxy to an individual other than a joint tenant in the unit, that co-owner's vote represents the entire unit and all associated unit factors.

(3) Subject to subsection (4), where 2 or more joint tenants

- (a) attend a meeting,
- (b) cast a vote, or
- (c) give a proxy to an individual other than a joint tenant in the unit,

each co-owner's vote and associated unit factor votes are divided among the unit's co-owners on the basis of their respective (equality of) ownership shares in the unit.

(4) Where there are remaining unit factor votes, after the unit factor votes are divided evenly among owners under subsection (1)(b) or

(3), the first person listed on the unit's certificate of title has the right to vote the remaining unit factor votes.

**Voting re corporation-owned unit**

**31.23(1)** In this section, "corporation" means the corporation constituted in respect of a particular condominium plan.

(2) Despite section 6 and the condominium plan, for the purposes of conducting a vote,

- (a) the total unit factors for the parcel equals 10 000 minus the total number of unit factors owned by the corporation, and
- (b) the total number of units equals the number of units shown in the condominium plan minus the total number of units owned by the corporation.

(3) For the purposes of conducting a vote, a unit owned by the corporation is not considered a unit for which the owner has a right to vote.

**Electronic voting**

**31.24(1)** A corporation may use electronic voting if the corporation's bylaws provide specific direction respecting

- (a) the acceptable means of electronic voting,
- (b) the types of votes that may be conducted electronically, and
- (c) the security requirements for electronic voting, including any encryption and authentication requirements.

(2) If the board is or ought to be aware that the integrity of an electronic vote is compromised, it is improper conduct for the board to treat that vote as valid.

**Amendment, repeal of rules**

**31.25(1)** For greater certainty, a rule established by the board may be amended or repealed by an ordinary resolution.

(2) If there is a conflict or inconsistency between an ordinary or special resolution and a rule established by the board, the resolution prevails to the extent of the conflict or inconsistency.

## **Part 2.3 Borrowing by Corporation**

**Resolution for borrowing**

**31.3(1)** In this section, "resolution" means an ordinary resolution, or a special resolution if a bylaw requires that a special resolution be

passed for the purposes of approving borrowing of money by the corporation.

(2) Subject to subsection (5), the borrowing of money by a corporation must be authorized by a resolution where the sum of the amount of the loan and all outstanding loans during that fiscal year is more than

- (a) 15% of the corporation's revenues as set out in the most recent financial statements prepared under section 30(4)(a) of the Act, or
- (b) the maximum amount of borrowing for the corporation for that fiscal year, as adopted by a previous resolution to authorize borrowing,

whichever is greater.

(3) A resolution adopted under subsection (2) must specify the maximum amount the corporation is permitted to borrow in the fiscal year as either a percentage of the corporation's revenues as set out in the most recent financial statements prepared under section 30(4)(a) of the Act, or as an amount in dollars.

(4) Nothing prevents a corporation from passing more than one resolution under subsection (2) in a year, but, if a corporation lowers the maximum amount permitted for borrowing by a resolution, the resolution has no impact on a loan validly borrowed under a higher permitted maximum amount.

(5) Subsection (2) does not apply to a corporation if the certificate of title to each of the units included in the condominium plan is registered in the name of the same owner or the same group of owners.

**Statement respecting permitted borrowing**

**31.4(1)** A board may issue a statement to a lender or a prospective lender attesting to the corporation's

- (a) maximum permitted borrowing amount, as of the date of issue, and
- (b) remaining permitted borrowing amount, based on current corporate indebtedness.

(2) Unless a statement issued under subsection (1) is withdrawn before a loan is advanced to the corporation, the statement is conclusive proof in favour of the person who received the statement that if the corporation borrows funds in accordance with the limit described on the statement, it does so validly, unless the person has,

or by virtue of the person's position with or relationship to the corporation ought to have, knowledge of more accurate facts at the relevant time.

(3) A corporation shall withdraw or revise a statement respecting permitted borrowing where the corporation's borrowing limit changes before a loan is advanced to the corporation on the basis of the statement.

**14 Section 43 is repealed.**

**15 The following is added before section 61:**

**Definitions**

**60.1** In this Part, in respect of all the units on a parcel or all classes of units on the parcel,

- (a) "class of residential units" means residential units on the parcel
  - (i) having a comparable design or comparable original fixtures and finishing, or
  - (ii) in similar types of buildings, in the case of multiple buildings on a condominium plan;
- (b) "fixtures and finishing" means the property described in section 61.1(3);
- (c) "standard insurable unit description" means a description, as provided to purchasers by the developer, or as adopted by the corporation under section 61.2(2), of notional typical standard fixtures and finishing in a residential unit or a class of residential units.

**Insurance requirements imposed by corporation**

**60.2** A corporation may, by bylaw,

- (a) require owners to purchase insurance with respect to deductibles that may be payable to a corporation under section 62.4 in respect of a corporation's insurance policy,
- (b) specify the particulars of insurance to be purchased for the purposes of clause (a), and
- (c) specify the proof an owner must provide to the corporation respecting the insurance purchased.

**16 Section 62 is repealed and the following is substituted:**

**Insurance on units, fixtures, finishing**

**61.1(1)** For the purposes of section 47(1) of the Act and this Part, “improvements” as made to units by owners do not include

- (a) any property included in the applicable standard insurable unit description, in the case of a residential unit, or
- (b) any fixtures and finishing that must be insured by a corporation under subsection (2), in the case of a non-residential unit.

**(2)** Unless the bylaws require that additional insurance be provided by the corporation, for the purposes of section 47(1)(a) of the Act, a corporation shall, at a minimum, place and maintain the following amount of insurance, as applicable:

- (a) for the residential units on the parcel, other than those owned by a developer, the replacement value of the units and of the fixtures and finishing in the units, as if all units contained the features as described in the applicable standard insurable unit description;
- (b) for the residential units owned by the developer on the parcel, the replacement value of the units and of the fixtures and finishing as they existed at the time of the registration of the condominium plan;
- (c) for the non-residential units on the parcel, other than those described in clause (d), the replacement value of the units, which, for greater certainty, excludes the replacement value of any fixtures and finishing in the units;
- (d) for the non-residential units on the parcel being used in connection with a residential purpose, including parking spaces and storage units for owners of residential units, the replacement value of the units and of the fixtures and finishing in the units, as the units and fixtures and finishing were typically provided to purchasers by a developer;
- (e) for the units on the parcel that are owned by the corporation, the replacement value of the units and of the fixtures and finishing in the units.

**(3)** A standard insurable unit description must include a description of the typical features in the applicable units, other than units that are common property, including the following, as applicable:

- (a) internal doors and windows;

- (b) closets, storage installations and space dividers, other than ceilings and walls;
- (c) flooring, wall coverings and trim;
- (d) lighting fixtures;
- (e) installations with respect to
  - (i) the provision of water and sewage systems, including water lines, toilets, sinks, water heaters and other water-related fixtures,
  - (ii) the provision of natural gas and heating devices, including gas lines and appliances,
  - (iii) cooling, ventilation and air exchangers, including conduits, filters and appliances,
  - (iv) the provision of electricity, including outlets, telecommunications and television technologies, smoke detectors, washing machine drainage, clothes dryer outlets, exhaust outlets and built-in vacuuming systems, and
  - (v) acoustical dampening;
- (f) other appliances and mechanical devices other than chattel appliances;
- (g) kitchen, bathroom and laundry plumbing, fixtures and controls;
- (h) kitchen, bathroom and laundry cabinets and counter tops.

(4) Nothing in this Part precludes a corporation from increasing the amount of insurance obtained for a unit in accordance with subsection (2)(a) to reflect a higher replacement value, where the corporation determines that there are variations, in size or in other material factors, from the standard insurable unit description among the units in a class of residential units.

**Standard insurable unit  
description process**

**61.2(1)** If section 61.1(2)(a) applies, and if the developer has not prepared and provided the standard insurable unit description for the residential units or each class of residential units, the corporation shall

- (a) ensure that a standard insurable unit description has been adopted for each class of residential units, and

- (b) identify the type of standard insurable unit description that applies to each of the residential units on the parcel if there are 2 or more classes of residential units on the parcel.

(2) A corporation may adopt or amend a standard insurable unit description by

- (a) bylaw,
- (b) ordinary resolution, if the corporation has no bylaw described in clause (a), or
- (c) board resolution, if the corporation has no bylaw described in clause (a) and no ordinary resolution described in clause (b) has been passed.

(3) If a corporation adopts a standard insurable unit description in accordance with subsection (2)(c), the corporation must present that description as an agenda item at the next annual general meeting of the corporation for ratification or amendment by ordinary resolution.

(4) If subsection (2)(b) or (c) applies, a corporation shall prepare and file at the land titles office a notice of the most current standard insurable unit description for all classes of residential units on the parcel.

(5) Where a corporation passes more than one bylaw amendment or resolution under subsection (2) in a fiscal year, the 2nd and subsequent resolutions in that fiscal year apply no sooner than the following fiscal year.

**Insurance amount and deductible**

**62(1)** Property that is insured as required pursuant to section 47 of the Act, other than pursuant to section 47(1)(a) of the Act, must be insured for its replacement value.

(2) Property insurance required pursuant to section 47 of the Act is subject to any reasonable deductible that is agreed to by the corporation and the insurer.

**Notice to owners**

**62.1** The following are prescribed as additional matters of which the corporation shall provide notice to each owner in accordance with section 48 of the Act:

- (a) for a residential unit, the standard insurable unit description;
- (b) for a non-residential unit, whether the unit's fixtures and finishing are excluded from the corporation's insurance coverage;

- (c) the amount of insurance obtained with respect to the owner's unit and the fixtures and finishing in the unit;
- (d) the name of the corporation's insurer, and whether the corporation's insurer will offer the owner additional insurance coverage for any improvements to fixtures and finishing in the unit.

**Repairs to units**

**62.2(1)** A corporation shall make repairs or arrange for and supervise repairs to a unit and fixtures and finishing in a unit after damage where the corporation is responsible for insuring the property affected by the damage.

(2) A corporation is not responsible for making or arranging for repairs after damage where the damage is in respect of property that the corporation is not required to insure, including improvements made by an owner or to property covered by insurance specified by corporation bylaws as being the responsibility of an owner.

(3) Where a unit is insured on the basis of a standard insurable unit description, the corporation shall rebuild the unit to the standard set out in the standard insurable unit description, unless

- (a) an owner of a unit has a separate policy of insurance for improvements made by the owner, or is willing to pay for improvements to the unit as an out-of-pocket expense,
- (b) at least one item of the property described as fixtures and finishing was absent, destroyed or partially damaged or below the standard of the standard insurable unit description at the time of the damage and the corporation had no prior obligation to repair the property from its previous status as absent, destroyed or partially damaged, unless the owner is willing to pay out of pocket for the costs of repairing the absent, destroyed or partially damaged property, or
- (c) the fixtures and finishing in the unit had been installed below the standard as set out in the standard insurable unit description.

(4) In a situation described in subsection (3)(c), the corporation shall rebuild the unit to reflect its prior fixtures and finishing, unless the owner is willing to pay the costs of upgrading the fixtures and finishing of the unit as an out-of-pocket expense.

(5) Subject to subsection (6), a corporation is not responsible for making or arranging for repairs after damage where the damage is in respect of property that the corporation is not required to insure, including improvements made by an owner or to property covered

by insurance specified by corporation bylaws as being the responsibility of an owner.

(6) Where a unit owner acquires a separate policy of insurance for the fixtures and finishing in a unit for an amount in excess of what the corporation is required to insure, and the fixtures and finishing of the unit are damaged, unless the corporation is not required to insure the fixtures and finishing in the unit, the unit owner and the unit owner's insurer shall allow the corporation to make repairs or arrange for and supervise repairs to the fixtures and finishing of the unit on the unit owner's and the insurer's behalf, unless the corporation agrees to another arrangement.

(7) Nothing in this section precludes a corporation, by bylaw, from assigning responsibility to the owner of a unit for making repairs or arranging for and supervising repairs of the unit.

**Urgent repairs by corporation**

**62.3(1)** A corporation is authorized to make or arrange for and supervise repairs to a unit after damage that was not the corporation's responsibility to insure against, if

- (a) the failure to repair poses a risk to public safety, or puts common property, other units, occupants or personal property in common property or other units at risk,
- (b) the owner of the unit or an agent of the owner has not commenced repairs within a reasonable amount of time, and
- (c) the corporation has provided reasonable notice to the owner.

(2) The owner of a unit repaired by the corporation is liable to pay the corporation for the prudent costs of actions taken by the corporation under subsection (1).

**Recovery of amount of deductible**

**62.4(1)** A corporation may pay an insurance deductible in an insurance claim and recover the amount of the deductible from an owner subject to and in accordance with this section.

(2) Subject to subsections (3) and (4), an owner, on request by the corporation, is absolutely liable to the corporation for the amount of the deductible in the corporation's insurance claim to a maximum of \$50 000 for damage that originates in or from the owner's unit or an exclusive possession area assigned to the owner.

(3) An owner is not liable to a corporation for the amount of the deductible in the corporation's insurance claim where the claim arose from

- (a) a defect in the construction of the unit or exclusive possession area assigned to the owner,
- (b) damage attributable to an act or omission of the corporation, a member of the board, officer, employee or agent of the corporation, or any combination of them, or
- (c) normal structural deterioration of the common property, the managed property or the real property of the corporation, other than property that the owner was responsible to repair or maintain.

(4) Nothing in this section shall be construed in a manner to affect a civil action or other remedy at law of an owner against a person who is responsible for damage to property.

**Fidelity bond**

**62.5(1)** In this section, “manager” includes an employee who handles money belonging to the corporation.

(2) Subject to subsection (4), a corporation shall obtain one or more fidelity bonds sufficient to cover malfeasance by members of the board or by a manager.

(3) A fidelity bond must be in an amount that is at least the sum of

- (a) the reserve fund balance at the start of the current fiscal year, and
- (b) the maximum balance of the operating account during the previous 12-month period.

(4) A corporation shall review the amount of a fidelity bond at least once every 2 years.

(5) Subsections (2) to (4) do not apply to a corporation if the certificate of title to each of the units included in the condominium plan is registered in the name of the same owner or the same group of owners.

**17 The following is added after section 73:**

**Part 8.01**  
**Transfer, Lease or Sale of Common**  
**Property, Easement or Covenant**  
**or Condominium Parcel**

**Transfer, lease or sale of common property**

**73.01(1)** In this section, “persons having a registered interest in the parcel” means persons who have an interest registered against the condominium plan or certificate of title to a unit in the condominium plan, but does not include persons who own units.

(2) Before a corporation proceeds with a transfer or lease of common property under section 49 of the Act, the corporation shall obtain the consent in writing of 75% of the persons having a registered interest in the parcel to

- (a) the release of those interests in respect of the land comprised in the proposed transfer or lease, or
- (b) the execution of the proposed transfer or lease.

(3) Before a corporation grants an easement or covenant burdening a parcel under section 52 of the Act, the corporation shall obtain the consent in writing of 75% of the persons having a registered interest in the parcel to the release of those interests in respect of the land comprised in the proposed easement or covenant.

(4) Before a corporation proceeds with a transfer of a parcel or part of a parcel under section 63 of the Act, the corporation shall

- (a) hold a meeting of the owners and persons having a registered interest in the parcel, and
- (b) obtain the consent in writing of 75% of the persons having a registered interest in the parcel to the release of the interest in respect of the land comprised in the proposed disposition.

(5) A corporation shall provide the following information to persons attending a meeting under subsection (4)(a):

- (a) the reason for the termination of the corporation;
- (b) the status of the termination process;
- (c) details of the proposed sale;
- (d) a statement of the proportion of the sale proceeds to be allocated in respect of each unit;

- (e) a list of the persons having a registered interest in the parcel who will be asked to consent to the release of their interests in respect of the parcel;
- (f) any other factors the corporation considers relevant to the owners and persons having a registered interest in the parcel in respect of the sale.

(6) Despite subsection (2), (3) or (4), a corporation may, on 60 days' written notice to each of the persons having a registered interest in the parcel, apply to the Court for an order to proceed with

- (a) a transfer or lease of common property under section 49 of the Act,
- (b) a grant of an easement or covenant burdening the parcel under section 52 of the Act, or
- (c) a transfer of a parcel or part of a parcel under section 63 of the Act.

(7) The Court may, after hearing an application under subsection (6), waive the requirement for 75% of persons having a registered interest in the parcel to release their interests, and make the order sought under subsection (6), subject to any terms and conditions that the Court considers appropriate in the circumstances.

(8) Where the Court makes an order under subsection (7), the interests of the persons having a registered interest in the parcel are terminated to the extent of the disposition permitted by the order of the Court.

**Sale of condominium parcel**

**73.02(1)** On registration by the Registrar of a transfer executed under section 63 of the Act, the proceeds of the sale shall be,

- (a) first, used to pay any remaining debts and liabilities of the corporation, and
- (b) second, distributed to the owners of the units in the condominium plan in shares proportional to the unit factors for the units, subject to subsection (2) and section 73.03.

(2) Nothing in this section affects a claim to sale proceeds arising under this section by a person holding a charge on a unit.

**Corporation-owned units on termination**

**73.03** A unit owned by the corporation constituted in respect of a particular condominium plan is deemed to have been allocated zero unit factors for the purposes of

- (a) determining the shares of the owners of units of a parcel as tenants in common under section 62(2) of the Act, or
- (b) the distribution of proceeds of a sale of the parcel under section 63 of the Act.

**18 The following is added after section 73.4:**

**Part 8.3  
Notices, Notifications**

**Definition**

**73.5** In this Part, “corporation” means the corporation constituted in respect of a particular condominium plan.

**Electronic notices, notifications**

**73.51(1)** Where an owner has requested and consented to receive communications from a corporation by electronic means and has provided an electronic address for this purpose, the corporation shall, subject to subsections (3) and (4), send notices including, without limitation, minutes, notices of meetings or non-compliance with bylaws and notifications of new rules by electronic means to that address.

(2) Where the corporation provides notices to an electronic address, the notices and any attachments to the notices must be sent in a manner that is capable of being indefinitely retained by the recipient.

(3) The corporation is required to send notices to electronic addresses pursuant to subsection (1) only if the electronic address is

- (a) an e-mail address, or
- (b) any other type of electronic address that is permitted by the bylaws or the rules, or that is acceptable to the board, as signified by a board resolution.

(4) Subsection (1) does not apply to a corporation that consists of fewer than 13 units.

(5) A notice or notification sent in accordance with subsection (1) is considered to have been received by the owner 24 hours after it is sent by electronic means to the electronic address referred to in subsection (1).

(6) This section applies on and after January 1, 2020.

**Notification of new rule**

**73.52(1)** Subject to subsections (2), (3) and (4), at least 30 days before a new rule is to come into effect, a corporation shall provide written notice of the new rule, delivered to

- (a) each occupied unit on the parcel, and
- (b) the address of each owner who is not residing on the parcel.

**(2)** A corporation may establish a rule that comes into effect immediately on notice being provided by the corporation to all the persons listed in subsection (1)(a) and (b) if the rule

- (a) addresses a safety concern, a security concern or an emergency, including an emergency resulting from one of the circumstances set out in section 20.1(1)(a) to (g), and
- (b) ceases to apply when the safety concern, security concern or emergency no longer exists.

**(3)** Subject to subsection (2), a rule is of no force or effect until the notice period in subsection (1) has expired.

**(4)** Subsection (1)(b) does not apply if the certificate of title to each of the units included in the condominium plan is registered in the name of the same owner or the same group of owners.

**Consequences of non-compliance with bylaw**

**73.53(1)** A corporation may serve a notice of proposed sanction on a person who fails to comply with a bylaw or rule established under a bylaw.

**(2)** A notice of proposed sanction must contain the following information:

- (a) the unit number associated with the failure to comply with a bylaw;
- (b) the name of the person subject to the proposed sanction, if known;
- (c) the provision of the bylaw that has not been complied with;
- (d) if the sanction is provided for in a bylaw in respect of non-compliance with a rule, the rule that has not been complied with;
- (e) the date and time of the non-compliance, if applicable;
- (f) other relevant particulars of the failure to comply;

- (g) if applicable, the maximum monetary sanction for non-compliance with the bylaw;
- (h) a description of corrective or other action, if any, that must be taken in respect of the non-compliance;
- (i) the deadline, which must be at least 3 days, excluding holidays, after service of the notification, for taking the required actions or providing a written response to the notification, if any.

**(3)** A person who is served with a notice of proposed sanction must be provided at least 3 days, excluding holidays, to provide a written response to the notice or comply with the actions required under the notice.

**(4)** When the deadline for a written response or corrective actions has expired and the corporation is not satisfied with the response or actions, if any, the corporation may, in accordance with subsection (5), impose a sanction

- (a) on the person named in the notice of proposed sanction, or
- (b) if no person is named in the notice of proposed sanction,
  - (i) on the owner, if the owner has not provided a notice to the corporation under section 53(5) of the Act setting out the name of the tenant in possession of the unit, or has provided a notice to the corporation that a tenant is no longer in possession of the unit under section 53(6) of the Act, or
  - (ii) on the tenant, if the owner has provided a notice to the corporation under section 53(5) of the Act and has not provided a notice to the corporation that a tenant is no longer in possession of the unit under section 53(6) of the Act.

**(5)** A corporation imposing a sanction shall serve on the person subject to the sanction a notice of sanction that contains the following information:

- (a) in respect of a monetary sanction, the amount of the sanction and the instructions and the deadline for payment of the sanction;
- (b) in respect of a sanction other than a monetary sanction, a description of the sanction and the date and time at which it comes into effect;

- (c) reasons for issuing the sanction;
- (d) the date of the board resolution approving the sanction.

(6) Where a person who is the subject of a proposed sanction is not an owner, a notice required to be served under this section may be served on the person electronically, if the person has provided the board with an electronic address, by personal service, ordinary or recorded mail addressed to the unit with which the sanction is associated, or by being left with a person apparently over the age of 18 years at the unit.

(7) A corporation imposing a sanction on a tenant shall ensure that the owner of the unit to which the sanction relates is provided with copies of

- (a) the notice of proposed sanction served by the corporation under subsection (1), and
- (b) the notice of sanction served by the corporation under subsection (5).

(8) Service is deemed to have been effected

- (a) on the date on which acknowledgment of receipt of recorded mail is signed,
- (b) 7 days after the date on which the document is sent by ordinary mail, or
- (c) 24 hours after the document is sent by electronic means.

(9) A corporation shall not delegate

- (a) the responsibility to issue a sanction notice to any person, other than a member of the board, or
- (b) the imposition of a sanction.

**Maximum monetary sanctions**

**73.54(1)** Subject to subsections (3) and (5), the maximum monetary sanction that may be imposed by a corporation for the failure to comply with a bylaw in respect of a residential unit is

- (a) for the first instance of non-compliance, \$200 or a lower amount set out in the corporation's bylaws, and
- (b) for the 2nd and subsequent instances of non-compliance, \$500 or a lower amount set out in the corporation's bylaws.

(2) Subject to subsections (4) and (5), the maximum monetary sanction that may be imposed for non-compliance with a bylaw in respect of a non-residential unit that is used in connection with a commercial purpose is

- (a) for the first instance of non-compliance, \$1000 or a lower amount set out in the corporation's bylaws, and
- (b) for the 2nd and subsequent instances of non-compliance, \$2500 or a lower amount set out in the corporation's bylaws.

(3) The maximum amount of the monetary sanction to be imposed for a continuing contravention of a bylaw in respect of a residential unit is \$200 for the first week for the first instance of non-compliance and \$500 for each subsequent week or each week of any subsequent continuing contravention.

(4) The maximum amount of the monetary penalty to be imposed for a continuing contravention of a bylaw in respect of a non-residential unit that is used in connection with a commercial purpose is \$1000 for the first week and \$2500 for each subsequent week.

(5) The aggregate maximum sanction for non-compliance with a bylaw arising from the same event or series of events is

- (a) \$2700 in respect of residential units, parking spaces and storage units, or
- (b) \$13 500 in respect of any non-residential units other than parking spaces and storage units.

(6) For greater certainty, despite any bylaws to the contrary, no monetary sanction may be levied for a contravention of a rule.

**19 The following is added after section 74:**

**Reasonable expenses re caveat**

**74.1** The following expenses are prescribed for the purposes of section 42(b) of the Act, up to an aggregate maximum amount of the expenses equal to the original amount owing in respect of the unit:

- (a) legal fees and disbursements associated with preparing, registering and discharging the caveat;
- (b) the cost of registering and discharging the caveat under the *Land Titles Act*.

**Maximum rental deposit**

**74.2(1)** For the purposes of section 53 of the Act, the maximum rental deposit that may be charged is prescribed to be

- (a) \$250 where the initial term of the lease is 6 months or more, or
- (b) \$1000 where the initial term of the lease is less than 6 months.

**(2)** Despite subsection (1), any rental deposit collected from an owner by a corporation before the coming into force of this section may be retained during the tenancy of the owner's unit.

**Statement of account for rental deposits**

**74.3** A statement of account under section 53(7) of the Act must include an itemized list of the deductions from the rental deposit and the purpose for which each deduction was made.

**No compensation for transferred parking unit**

**74.4** An owner of a unit labelled in a condominium plan of redivision as a parking space for visitors or persons with disabilities that must be transferred to the corporation under section 20(9) of the Act is not entitled to any compensation respecting that unit or transfer.

**No unit factors for corporation-owned unit in condominium contribution calculation**

**74.5** A unit owned by the corporation is deemed to have been allocated zero unit factors for the purposes of calculating unit condominium contributions.

**20 Section 79.1 is amended by adding the following after subsection (9):**

**(10)** A corporation shall, within 90 days of the coming into force of this subsection,

- (a) comply with section 32.1(4) of the Act in respect of all rules that were in effect immediately before the coming into force of this subsection, and
- (b) ensure that all owners and all unit occupants receive a copy of all rules that are in effect.

**(11)** Effective 91 days after the coming into force of subsection (10), a rule for which a corporation failed to comply with subsection (10) is invalid and of no force or effect.

(12) Where a written resolution is proposed before the coming into force of section 26.6(2) of the Act, section 26.6(2) of the Act does not apply to that resolution until one year after section 26.6(2) of the Act comes into force.

(13) The registration status of existing bylaws registered by a corporation before the repeal of the previous section 33 of the Act continues notwithstanding the coming into force of the new section 33 of the Act.

(14) Section 44.2 of the Act does not apply to documents that on the coming into force of this section no longer exist and documents that, as of December 31, 2018, the corporation no longer has control over or access to.

**21 Section 81 is amended by striking out** “November 30, 2019” **and substituting** “November 30, 2024”.

**22 The following is added after Schedule 2:**

**Schedule 3**

**Minimum Retention Period for a Corporation’s Documents and Information**  
(Section 44.2 of the Act, Section 20.59 of this Regulation)

Type of Documents and Information	Minimum Retention Period
<b>1</b> Documents and information consisting of	
(a) A copy of the current bylaws of the corporation (section 32 of the Act)	Permanent
(b) The particulars of any action commenced against the corporation and served on the corporation (section 20.57(1)(a)(i) of this Regulation)	At least 7 years after the action concludes
(c) The particulars of any unsatisfied judgment or order for which the corporation is liable (section 20.57(1)(a)(ii) of this Regulation)	At least 7 years after the judgment or order is satisfied
(d) The particulars of any written demand made on the corporation for an amount in excess of \$5000 that, if not met, may result in an action being brought against the corporation (section 20.57(1)(a)(iii) of this Regulation)	At least 7 years after the demand is made
(e) The particulars of any post tensioned cables that are located anywhere on or within the property that is included in the condominium plan (section 20.57(1)(h) of this Regulation)	Permanent
(f) A statement setting out the unit factors and the criteria used to determine unit factor allocation (section 20.57(1)(m) of this Regulation)	Permanent

(g)	A statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan (section 20.57(1)(d) of this Regulation)	Permanent
(h)	Professional reports, such as engineering reports (section 20.57(1)(r) of this Regulation)	At least 7 years after the date of the report
(i)	Copy of any legal or other professional advice or opinions paid for by the corporation	At least 7 years after the date the advice was received
(j)	Copies of all manuals, schematic drawings, operating instructions, service guides, manufacturers' documentation, records of service and repairs and other similar information or documentation in the possession or control of the developer, the interim board or the corporation respecting the construction, maintenance, repair and servicing of any common property or real or personal property of the corporation (section 16.1 of the Act, section 20.2(1)(d) of this Regulation)	3 years after the property to which the record relates is disposed of
(k)	Structural, electrical, mechanical and architectural working drawings and specifications, and as built drawings (sections 8(1)(b) and (e) and 16.1(1)(b)(i) and (ii) of the Act)	Permanent
(l)	The plans that exist showing the location of underground utility services, sewer pipes and cable television lines located on the parcel (section 16.1(1)(c) of the Act)	Permanent
(m)	All certificates, approvals and permits issued by a municipal authority, a person accredited by the Administrator under the <i>Safety Codes Act</i> , the Government or an agent of the Government that relate to the real property of the corporation, the common property and managed property	Permanent
(n)	Any building assessment report required under the <i>New Home Buyer Protection Act</i> or, in the case of a conversion, required under section 16.1(1)(f) or 21.1 of the Act)	Permanent
(o)	Copies of all plans, documents and amended documents that are required to be prepared under the <i>Safety Codes Act</i>	Permanent
(p)	Copy of the condominium plan and any plan of redivision (sections 8 and 20 of the Act)	Until the subsequent plan is filed
<b>2</b>	The reserve fund report, reserve fund plan and any updates of either (section 20.57(1)(u) of this Regulation)	12 years after creation
<b>3</b>	Documents and information consisting of	
(a)	A copy of the budget of the corporation (section 20.57(1)(i) of this Regulation)	7 years after creation
(b)	Annual financial statements, if any, of the corporation (section 30(4)(b) of the Act)	7 years after creation

(c)	A copy of any approved minutes of proceedings of a general meeting of the corporation or of the board (section 20.57(1)(l) of this Regulation)	7 years after creation
(d)	A copy of all insurance policies and insurance records obtained by or on behalf of the corporation and the certificate respecting each insurance policy (section 48 of the Act, section 20.57(1)(s) and (t) of this Regulation)	7 years after creation
(e)	Records of repair and maintenance	3 years after the property to which the record relates is disposed of
(f)	Copies of all records respecting the account maintained by the financial institution holding the reserve fund, operating funds or any other funds of the corporation	7 years after creation
<b>4</b>	List of board member names and addresses for service (section 20.57(1)(p) of this Regulation)	Current board members, plus previous board members for 3 years after their term expiry
<b>5</b>	Documents and information consisting of	
(a)	A statement produced on request setting out the amount of any contributions in respect of a unit and the amount that is payable	3 years after creation
(b)	A statement produced on request setting out the amount of the capital replacement reserve fund (section 20.57(1)(b) of this Regulation)	3 years after creation
(c)	A statement setting out the amount of the contributions and the basis on which that amount was determined (section 20.57(1)(c) of this Regulation)	3 years after creation
(d)	A copy of all caveats registered against units that are owned by the corporation or intended to be transferred to the corporation	3 years after registration
(e)	Draft minutes of an annual general meeting that happened at least 30 days before (section 20.57(1)(l) of this Regulation)	Current — until replaced by approved minutes
(f)	A loan disclosure document (section 20.57(1)(e) of this Regulation)	3 years after creation
(g)	Estoppel certificate (section 43.2 of the Act)	3 years after creation
(h)	Copies of all outstanding orders made pursuant to the <i>Safety Codes Act</i> , <i>Municipal Government Act</i> or <i>New Home Buyer Protection Act</i>	3 years after expiry of the order
(i)	A copy of any restrictive covenant registered against the parcel (sections 51 and 52 of the Act)	3 years after creation
(j)	Proposals and notices of bylaw sanction (section 73.53 of this Regulation)	3 years after the notice is issued
<b>6</b>	Results of votes on ordinary or special resolutions (section 20.54(2) of this Regulation)	3 years after vote
<b>7</b>	List of all common assets	3 years after the item was disposed of, along with the details of any disposition
<b>8</b>	Documents and information consisting of	

(a)	A copy of any current or subsisting management agreement (section 20.57(1)(f) of this Regulation)	3 years after end of agreement
(b)	A copy of any current or subsisting recreational agreement (section 20.57(1)(g) of this Regulation)	3 years after end of agreement
(c)	A copy of any current or subsisting lease agreement or exclusive use agreement, or bylaw, lease, licence or other instrument granting an owner the right to exercise exclusive possession with respect to the possession of a portion of the common property, including a parking stall or storage unit (section 20.57(1)(n) of this Regulation)	3 years after end of agreement
(d)	Every lease, licence or agreement for the common property or real property of the corporation	3 years after end of agreement
(e)	List of the names of each tenant, the unit number being occupied by the tenant and the amount of any deposit paid by the owner (section 53(1)(a) and (b) of the Act)	3 years after end of rental agreement
<b>9</b>	Rules adopted by the corporation (section 32.1 of the Act)	3 years after the rule ceases to be in effect or is amended or repealed
<b>10</b>	All warranties and guarantees on the real and personal property of the corporation, the common property and managed property	3 years after the expiry of the last warranty coverage
<b>11</b>	Original votes cast in an ordinary or special resolution (sections 26.3 to 26.8 of the Act)	12 months after the vote
<b>12</b>	Proxy forms (section 26(5) of the Act, section 31.2 of this Regulation)	180 days after provided to the corporation
<b>13</b>	Documents and information consisting of	
(a)	Assignments of areas of exclusive possession to each owner (sections 8(1)(i) and 50 of the Act)	3 years after the end of the assignment of the exclusive possession area
(b)	Any additional address for service of an owner, apart from the owner's unit address	Maintain on ongoing basis
(c)	List of the names and addresses of all mortgagees who have given written notice to the corporation under section 26(3) of the Act	Maintain on ongoing basis

**Schedule 4  
(Section 33 of the Act)**

**(Note: Section 33 of the Act provides that the bylaws in this Schedule apply only until they are repealed or replaced by special resolution and registered at the land titles office.)**

**Bylaws of the Corporation**

**1(1)** In these bylaws,

- (a) “Act” means the *Condominium Property Act*;
- (b) “annual general meeting” means an annual general meeting of the corporation;
- (c) “general meeting” means a general meeting of the corporation;
- (d) “Regulation” means the *Condominium Property Regulation* (AR 168/2000).

**(2)** Words and expressions defined in the Act or the Regulation have the same meaning in these bylaws.

**(3)** The rights and obligations given or imposed on the corporation or the owners under these bylaws are in addition to any rights or obligations given or imposed on the corporation or the owners under the Act and the Regulation.

**(4)** If there is any conflict between these bylaws and the Act or the Regulation, the Act or the Regulation prevails, to the extent of the conflict.

**(5)** A notice that is required to be provided under these bylaws may be provided in writing or electronically to the address provided to the corporation by the owner or, if applicable, the occupant.

**Duties of the Owner, Occupant  
and Corporation Respecting Entry**

**2(1)** An owner and an occupant shall permit the corporation and its agents, at all reasonable times on notice, except in case of emergency, to enter in or on the owner’s unit for the purpose of

- (a) inspecting the unit,
- (b) maintaining, repairing or replacing pipes, wires, cables and ducts existing in or on the unit and used or capable of being used in connection with the enjoyment of any other unit or common property or real property of the corporation,
- (c) maintaining, repairing or replacing common property or real property of the corporation or maintaining, repairing or replacing other property in accordance with section 62.3 of the Regulation, or

(d) ensuring compliance with the bylaws.

**(2) An owner**

(a) shall forthwith pay all contributions, levies, rates, taxes, charges and assessments that may be payable in respect of the owner's unit,

(b) shall forthwith carry out all work that may be required pursuant to these bylaws or as required by a municipal authority or other public authority in respect of the owner's unit, other than any work for the benefit of the building or parcel generally,

(c) shall maintain the owner's unit and exclusive possession areas in a state of good repair,

(d) shall notify the corporation forthwith of

(i) any change in the ownership of the unit, or

(ii) any mortgage registered against the unit,

and

(e) shall not make structural, mechanical or electrical alterations to the owner's unit or to the common property unless the owner

(i) has obtained the prior written consent of the board, which must not be unreasonably withheld, and

(ii) has ensured that all permits required under law have been obtained.

**(3)** Except in case of emergency, the corporation shall give an owner or occupant at least 24 hours' written notice before seeking entry to the unit for the purposes set out in subsection (1)(a).

**Monetary sanction**

**3** A corporation may impose a monetary sanction on an owner or occupant who contravenes section 2(1) or (2)(b) to (e) up to a maximum sanction of

(a) \$100 for the first contravention,

(b) \$250 for the 2nd and subsequent contraventions, and

- (c) in the case of a continuing contravention, a further sanction of \$250 for each week during which the contravention continues after the first week.

**Powers of the Corporation**

**4** The corporation may

- (a) acquire personal property to be used
  - (i) for the maintenance, repair or replacement of the real or personal property of the corporation or the common property, or
  - (ii) by owners in connection with their enjoyment of the real and personal property of the corporation or the common property,
- (b) subject to section 31.3 of the Regulation, borrow money required by it in the performance of its duties or the exercise of its powers,
- (c) secure the repayment of money borrowed by it and interest on that money by negotiable instrument, a mortgage of unpaid contributions, whether levied or not, or a mortgage of any property owned by it or by any combination of those means,
- (d) grant a right of exclusive possession to an owner under section 50 of the Act,
- (e) charge interest under section 40 of the Act on any contribution owing to it by an owner, and
- (f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by it to the unit or to the owner or tenant of the unit.

**Election of the Board**

**5(1)** The board shall consist of not less than 3 and not more than 7 individuals.

**(2)** Notwithstanding subsection (1), if there are not more than 2 owners, the board may consist of at least one and not more than 7 individuals.

**Eligibility to Sit on the Board**

**6(1)** An individual does not need to be an owner in order to be elected to the board.

**(2)** Notwithstanding subsection (1),

- (a) if a unit has more than one owner, only one owner in respect of that unit may sit on the board at one time, and
- (b) an owner who has not paid to the corporation the contributions or levies due and owing in respect of the owner's unit is not eligible for election to the board.

**(3)** An individual is not eligible to be a member of the board if the individual

- (a) is under 18 years of age,
- (b) is a represented adult as defined in the *Adult Guardianship and Trusteeship Act*,
- (c) is the subject of a certificate of incapacity that is in effect under the *Public Trustee Act*,
- (d) is a formal patient as defined in the *Mental Health Act*,
- (e) has been found, in Alberta or another province, to be of a mental state that is the equivalent of a state described in clauses (b) to (d) and that finding has not expired or been overturned or vacated by a court in Canada,
- (f) is an undischarged bankrupt, or
- (g) is incarcerated.

**(4)** An individual is not eligible to be a member of the board if the individual

- (a) is on probation,
- (b) has been convicted of an offence involving fraud, deceit or breach of trust or an offence under the *Condominium Property Act* in the past 10 years,
- (c) has judgments against him or her under the *Condominium Property Act*, or
- (d) has or potentially has a private interest in an agreement, arrangement or transaction involving the corporation that could occur during the individual's term on the board,

and does not disclose that information at a general meeting before a vote to elect members of the board is called where that individual is standing for election to the board.

### **Voting**

**7(1)** At an election of members of the board, each person who has a right to vote may vote for the same number of nominees as there are vacancies to be filled on the board.

**(2)** A person who owns 2 or more units may vote in respect of each unit.

### **Term of Office**

**8(1)** Subject to subsection (2), a member of the board is to be elected at an annual general meeting for a term expiring at the conclusion of the annual general meeting convened in the 2nd year following the year in which the member was elected to the board.

**(2)** At the meeting convened under section 29 of the Act to elect the first board,

(a) not more than 50% of the members of the board shall be elected for a term expiring at the conclusion of the annual general meeting convened in the year following the year in which they were elected, and

(b) the balance of the members shall be elected for a term expiring at the conclusion of the annual general meeting convened in the 2nd year following the year in which they were elected.

**(3)** Each member of the board shall remain in office until

(a) the office becomes vacant under section 28.1(1) of the Act or section 9,

(b) the member resigns,

(c) the member ceases to be a member of the board under section 28.1 of the Act, or

(d) the member's term of office expires,

whichever comes first.

**Vacating of the Office of a Member of the Board**

**9** In addition to the grounds set out in section 28.1 of the Act under which an individual ceases to be a member of the board, the office of a member of the board is vacated if the member

- (a) is absent from 3 consecutive meetings of the board without permission of the board and it is resolved at a subsequent meeting of the board that the member's office be vacated,
- (b) is found guilty of an offence involving fraud, deceit or breach of trust under any enactment of Alberta, another province, Canada or another country,
- (c) fails to make a disclosure as required under section 6(4),
- (d) is incarcerated while on probation, or
- (e) commits an offence under the Act.

**Vacancy**

**10(1)** Unless a special general meeting is called to re-elect a board, when a vacancy occurs on the board other than under section 28.1(1) of the Act, or when a member of the board becomes deceased, the board may appoint an individual to fill that office for the remainder of the former member's term.

**(2)** Subject to subsection (3), if all offices on a board become vacant, the individual whose office was the last to become vacant shall immediately call a general meeting to be held within 14 days to elect a new board, unless that individual is deceased or otherwise unable to convene a general meeting.

**(3)** If the individual whose office was the last to become vacant is unable to call a general meeting or does not do so under subsection (2), the condominium manager, or if there is no condominium manager, the solicitor for the corporation, shall call a general meeting to be held as soon as reasonably possible to elect a new board.

**(4)** If subsection (2) is not complied with, and there is no condominium manager or solicitor for the corporation, an owner may call a general meeting to be held as soon as reasonably possible to elect a new board.

**Officers of the Corporation**

**11(1)** At the first meeting of the members of the board held after the general meeting of the corporation at which they were elected, the

board shall designate from its members a president, vice-president, secretary and treasurer of the corporation.

(2) Notwithstanding subsection (1), the board may designate one individual to fill the offices of secretary and treasurer.

(3) In addition to those duties assigned to the officers by the board,

- (a) the president or, in the event of the president's absence or disability, the vice-president
  - (i) is responsible for the daily execution of the business of the corporation, and
  - (ii) shall act as chair of the meetings of the board,
- (b) the secretary or, in the event of the secretary's absence or disability, another member of the board designated by the board
  - (i) shall record and maintain all the minutes of the board,
  - (ii) is responsible for all the correspondence of the corporation,
  - (iii) is responsible for retaining and managing corporation documents in accordance with the Act, the regulations and these bylaws,
  - (iv) is responsible for preparing and providing corporation documents on request and in accordance with the Act the regulations and these bylaws, and
  - (v) shall carry out the secretary's duties under the direction of the president and the board,

and

- (c) the treasurer or, in the event of the treasurer's absence or disability, another member of the board designated by the board shall
  - (i) receive all money paid to the corporation and deposit it as the board may direct,
  - (ii) properly account for the funds of the corporation and keep those books as the board directs,

- (iii) present to the board when directed to do so by the board a full detailed account of receipts and disbursements of the corporation, and
- (iv) prepare or arrange for the preparation of audited statements and any budgets required under the Act, the regulations and these bylaws.

(4) The corporation may delegate any duty or function conferred or imposed by subsection (3), other than subsection (3)(a)(ii), to any person designated by the corporation, on any terms and conditions determined by the corporation.

(5) An individual ceases to be an officer of the corporation if the individual ceases to be a member of the board.

(6) If an individual ceases to be an officer of the corporation, the board shall designate from its members an individual to fill that office for the remainder of the term.

(7) An individual who ceases to be a member of the board or an officer of the corporation shall return all corporation property and documents to the corporation within 14 days after ceasing to be a board member or officer.

(8) If a board consists of not more than 3 individuals, those individuals may perform the duties of the officers of the corporation in any manner that the board may direct.

#### **Majority Vote and Quorum of the Board**

**12(1)** At meetings of the board, all matters are to be determined by majority vote and, in the event of a tie vote, the chair is entitled to a casting vote in addition to the chair's original vote.

(2) A quorum for a meeting of the board is a majority of the members of the board.

#### **Written Resolutions**

**13** A written resolution of the board signed by all of the members of the board has the same effect as a resolution passed at a meeting of the board duly convened and held.

#### **Seal of the Corporation**

**14(1)** The corporation shall have a corporate seal that must not be used except

- (a) under the authority of a resolution of the board given prior to its use, and
  - (b) in the presence of not less than 2 members of the board who shall sign the instrument to which the seal is affixed.
- (2) Notwithstanding subsection (1), if there are not more than 3 members of the board, one member may be authorized by the board to use the corporate seal and sign the instrument to which the seal is affixed.

#### **Signing Authority**

- 15** The board shall prescribe, by resolution,
- (a) those officers or other individuals who are authorized to sign cheques, drafts, instruments and other documents not required to be signed under the corporate seal, and
  - (b) the manner, if any, in which those cheques, drafts, instruments or other documents are to be signed.

#### **Powers of the Board**

- 16(1)** The board shall
- (a) meet at the call of the president to conduct its business and adjourn and otherwise regulate its meetings as it thinks fit, and
  - (b) meet when a member of the board gives to the other members not less than 7 days' notice of a meeting proposed by the member, specifying the reason for calling the meeting.
- (2) The board may employ on behalf of the corporation any agents and employees it thinks necessary to control, manage and administer the real and personal property of the corporation and the common property and in that respect may authorize those persons to exercise the powers of and carry out the duties of the corporation.
- (3) The board may, subject to any restriction imposed on it or direction given to it at a general meeting of the corporation, delegate to any of its members or to other persons any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

#### **Duties of the Board**

- 17** The board shall

- (a) cause proper books of account to be kept in respect of all money received and expended by it and the matters in respect of which the receipt and expenditure take place,
- (b) prepare financial statements relating to all money of the corporation, and the income and expenditures of the corporation, for each fiscal year,
- (c) maintain financial records of all the assets, liabilities and equity of the corporation, and
- (d) submit to the annual general meeting an annual report consisting of the financial statements and other information as the board may determine or as may be directed by a resolution passed at a general meeting.

#### **Procedure**

**18** All meetings of the board and general meetings are to be conducted according to the latest edition of *Robert's Rules of Order Newly Revised*, unless alternate rules of procedure are adopted by the board.

#### **Notice of Annual General Meetings**

**19(1)** The board shall provide each owner with a preliminary notice of an annual general meeting in accordance with section 20.51 of the Regulation.

**(2)** Notice of a general meeting given under section 30 or 30.1 of the Act must set out the place, date and time at which the meeting is to be convened.

#### **Quorum**

**20(1)** Except as otherwise provided by these bylaws, no business shall be transacted at an annual general meeting or a general meeting unless a quorum of persons with a right to vote is present or represented by proxy at the time when the meeting commences.

**(2)** A quorum for an annual general meeting or a general meeting consists of not less than 25% of all the persons with a right to receive notice under section 30(3) or 30.1(1) of the Act being present in person or represented by proxy at that meeting.

**(3)** If, within 30 minutes from the time appointed for the commencement of an annual general meeting or a general meeting, a quorum is not present, the meeting shall stand adjourned to the corresponding day in the next week at the same place and time and if, at the adjourned meeting, a quorum is not present within 30

minutes from the time appointed for the commencement of the meeting, the persons with a right to vote who are present or represented by proxy constitute a quorum for the purpose of that meeting.

**21(1)** The president or, in the event of the president's absence or disability, the vice-president or other individual designated by the president or vice-president, shall act as chair of an annual general meeting or a general meeting.

**(2)** The order of business at an annual general meeting and, as far as practicable, at any other general meeting, is to be as follows:

- (a) call to order by the chair;
- (b) calling of the roll and certifying of proxies;
- (c) proof of notice of meeting, waiver or proxies, as the case may be;
- (d) reading and disposal of any unapproved minutes;
- (e) vote on agenda items;
- (f) reports of officers, if any;
- (g) reports of committees, if any;
- (h) election of members of the board;
- (i) agenda items of unfinished business;
- (j) agenda items of new business;
- (k) adjournment.

**(3)** In the event that there are no members on the board and a general meeting is called, the order of business at the meeting is to be as follows:

- (a) call to order by the individual who called the meeting;
- (b) calling of the roll and certifying of proxies by the individual who called the meeting;
- (c) proof of notice of meeting, waiver or proxies, as the case may be, by the individual who called the meeting;
- (d) election of a meeting chair;

- (e) other business as may be applicable under subsection (2)(e) to (k).

#### **Show of Hands**

**22(1)** At a general meeting, an ordinary resolution shall be voted on by a show of hands unless a poll is demanded by a person with a right to vote and present in person or by proxy, and unless a poll vote is so demanded, a declaration by the chair that a resolution has on the show of hands been carried is conclusive proof of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

(2) If an owner owns more than one unit, the owner's show of hands signifies the vote in respect of all units owned by that owner.

(3) If a proxy holder holds more than one proxy, the proxy holder's show of hands signifies the vote in respect of all units owned and all proxies held by that individual.

(4) If an individual demands a poll vote, that individual may withdraw that demand and on the demand being withdrawn the vote shall be taken by a show of hands.

#### **Conduct of Poll Vote**

**23(1)** A poll vote, if demanded, shall be conducted in a manner as directed by the chair, and the result of the poll vote shall be deemed to be the resolution of the meeting at which the poll vote was demanded.

(2) Where a poll vote is conducted, the votes must be counted by at least 2 individuals.

(3) Where possible, the 2 individuals who count the votes of a poll vote shall consist of a member of the board and an owner who is not a member of the board.

#### **Tie Vote**

**24** In the case of a tie in a vote taken at an annual general meeting or a general meeting, whether on a show of hands or on a poll vote, the resolution does not pass.

#### **Votes at Annual General Meeting or General Meeting**

**25(1)** Except for matters requiring a special resolution, all matters shall be determined by ordinary resolution.

**(2)** The following must be recorded in the minutes of an annual general meeting or general meeting:

- (a) the results of whether or not a resolution passed in a show of hands vote;
- (b) the recorded numbers of units and unit factors voting in favour of and against a resolution in a poll vote;
- (c) the text of resolutions adopted by the corporation.

**Date of Next Annual General Meeting**

**26** On and after July 1, 2020, each annual general meeting shall occur within 90 days after the beginning of the fiscal year.

**Appointment of Proxy**

**27** An instrument appointing a proxy shall not be transferred by a proxy holder to an individual who is not named in the proxy.

**No Further Restrictions on Voting**

**28** Except as provided for in the Act and the Regulation, there are no restrictions or limitations on an owner's rights to vote at an annual general meeting or a general meeting.

**Counting and Certification of Votes**

**29** The chair or the chair's delegate shall certify the results of votes conducted at a general meeting.

**Failure to Comply with Bylaws**

**30** The board may exercise the powers provided for in section 36 of the Act.

**Limits on Corporation Powers**

**31** A corporation may exercise all powers granted to a corporation under the Act and the regulations under the Act, except to the extent that

- (a) the Act requires a specific bylaw to be enacted before the corporation exercises that power, or
- (b) an ordinary resolution made under section 28.2(1) of the Act directs the board not to exercise a right or a power granted by the Act or the regulations under the Act.

**Amendment of Bylaws**

**32** If an amendment, repeal or replacement of a bylaw is proposed, not less than 14 days prior to the day on which the special resolution is to be voted on, the persons with a right to vote shall be given written copies of the existing bylaw accompanied with highlighted or underlined text showing the bylaw as it would read if the proposed amendment, repeal or replacement had been implemented.

**Restrictions in Use**

**33(1)** In this section,

- (a) “occupant” means a person present in or on a unit or in or on the real or personal property of the corporation or the common property with the permission of an owner;
- (b) “owner” includes a tenant.

**(2)** An owner shall not

- (a) use or enjoy the real or personal property of the corporation or the common property in such a manner as to unreasonably interfere with its use and enjoyment by other owners or the occupants,
- (b) use the owner’s unit in a manner or for a purpose that will cause a nuisance or hazard to any other owner or occupant,
- (c) use the owner’s unit for a purpose that is illegal,
- (d) make undue noise in or on the owner’s unit or on or about real property of the corporation or the common property,
- (e) keep an animal in or on the owner’s unit or on the real property of the corporation or the common property after a date specified in a notice provided to the owner by the board,
- (f) in the case of a residential unit, use the owner’s unit for a purpose other than for residential purposes,
- (g) do anything in respect of the owner’s unit, the real or personal property of the corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase of any insurance premiums payable by the corporation,
- (h) use a toilet, sink, tub, drain or other plumbing fixture for a purpose other than that for which it is constructed,

- (i) hang or place on the real property of the corporation or the common property or within or on a unit anything that is, in the opinion of the board, esthetically unpleasing when viewed from outside the units,
  - (j) leave articles belonging to the owner's household on the real property of the corporation or the common property when those articles are not in actual use,
  - (k) obstruct a sidewalk, walkway, passage, driveway or parking area other than for ingress and egress to and from the owner's unit, or
  - (l) use any portion of the real property of the corporation or the common property except in accordance with the bylaws.
- (3) An owner shall ensure that the owner's occupants comply with those requirements that the owner must comply with under subsection (2).

#### **Code of Conduct**

- 34(1)** A corporation shall establish a code of conduct for the members of its board by resolution.
- (2) Each member of the board who is elected after July 1, 2019 shall be provided with the code of conduct forthwith and
- (a) acknowledge in writing that he or she is aware of the code of conduct and agrees to comply with the code of conduct while acting as a member of the board, and
  - (b) return the acknowledgment to the corporation.
- (3) A member of the board referred to in subsection (2) is not permitted to vote at meetings until that member complies with subsection (2).

**23(1) This Regulation, except sections 2(b), 15 and 16, comes into force on the coming into force of section 17 of the *Condominium Property Amendment Act, 2014*.**

**(2) Sections 15 and 16 come into force on the coming into force of section 37 of the *Condominium Property Amendment Act, 2014*, 2018**

**Alberta Regulation 257/2018**

**An Act to Cap Regulated Electricity Rates**

**RATE CAP (BOARD OR COUNCIL APPROVED REGULATED  
RATE TARIFFS) AMENDMENT REGULATION**

Filed: December 14, 2018

For information only: Made by the Minister of Energy (M.O. 121/2018) on December 11, 2018 pursuant to section 6 of An Act to Cap Regulated Electricity Rates.

**1 The Rate Cap (Board or Council Approved Regulated Rate Tariffs) Regulation (AR 139/2017) is amended by this Regulation.**

**2 Section 2 is amended by striking out** “An owner’s billing rate per kWh” **and substituting** “The billing rate per kWh for an owner”.

**3 Section 3 is amended**

**(a) in subsection (2)(b) by striking out** “not greater than” **and substituting** “less than or equal to”;

**(b) in subsection (3)**

**(i) in clause (a) by striking out** “owner’s billing rate per kWh” **and substituting** “billing rate for the owner”.

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

(b) if the monthly rate submitted for approval by the owner under section 12 of the *Regulated Rate Option Regulation* for that rate class for the calendar month is greater than 6.8 cents per kWh but is less than or equal to the reference rate for the calendar month, the billing rate for the owner for that rate class for the calendar month is 6.8 cents per kWh;

**(iii) in clause (c) by striking out** “owner’s billing rate per kWh” **and substituting** “billing rate for the owner”.

**4 Section 8(5) is amended by adding** “the” **before** “Market Surveillance Administrator determines”.

**Alberta Regulation 258/2018**  
**An Act to Cap Regulated Electricity Rates**  
**RATE CAP (CITY OF MEDICINE HAT)**  
**AMENDMENT REGULATION**

Filed: December 14, 2018

For information only: Made by the Minister of Energy (M.O. 122/2018) on December 11, 2018 pursuant to section 6 of An Act to Cap Regulated Electricity Rates.

**1 The *Rate Cap (City of Medicine Hat) Regulation* (AR 256/2017) is amended by this Regulation.**

**2 Section 3 is amended**

- (a) in subsection (2)(b) by striking out “not greater than” and substituting “less than or equal to”;**
- (b) in subsection (3)**
  - (i) in clause (a) by striking out “City of Medicine Hat’s Electric Utility billing rate per kWh” and substituting “billing rate for the City of Medicine Hat’s Electric Utility”;**
  - (ii) by repealing clause (b) and substituting the following:**
    - (b) if the City of Medicine Hat’s Electric Utility’s regular rate for that specified rate class for the calendar month is greater than 6.8 cents per kWh but is less than or equal to the Medicine Hat rate cap reference rate for the calendar month, the billing rate for the City of Medicine Hat’s Electric Utility for that specified rate class for the calendar month is 6.8 cents per kWh;
  - (iii) in clause (c) by striking out “City of Medicine Hat’s Electric Utility’s billing rate per kWh” and substituting “billing rate for the City of Medicine Hat’s Electric Utility”.**

**3 Section 5(2) is amended by striking out “one month” and substituting “45 days”.**

**4 Section 8(5) is amended by adding “the” before “Market Surveillance Administrator determines”.**

**Alberta Regulation 259/2018**

**Alberta Utilities Commission Act**

**MARKET SURVEILLANCE AMENDMENT REGULATION**

Filed: December 14, 2018

For information only: Made by the Minister of Energy (M.O. 150/2018) on December 11, 2018 pursuant to section 59 of the Alberta Utilities Commission Act.

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

**2 Section 2 is amended**

- (a) **in subsection (1) by striking out** “the regulations made under that Act” **and substituting** “any other enactment”;
- (b) **in subsection (2) by striking out** “sections 19 and 20 of”.

**3 Section 8(1) and (3) are amended by adding** “and the ISO” **after** “market participants”.

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**Alberta Regulation 260/2018**

**Electric Utilities Act**

**CAPACITY MARKET REGULATION**

Filed: December 14, 2018

For information only: Made by the Minister of Energy (M.O. 151/2018) on December 11, 2018 pursuant to sections 41 and 41.46 of the Electric Utilities Act.

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Schedule

**Definitions**

- 1 In this Regulation,
  - (a) “Act” means the *Electric Utilities Act*;
  - (b) “capacity market rule” means an ISO rule made under section 41.42 of the Act;
  - (c) “eligible person” means, with respect to a reviewable decision, a person referred to in the Eligible Person column in the Schedule for the reviewable decision;
  - (d) “ISO” means the Independent System Operator;
  - (e) “MSA” means the Market Surveillance Administrator;
  - (f) “reviewable decision” means an ISO decision referred to in the ISO Decision column in the Schedule.

**Resource Adequacy Standard**

**Resource adequacy standard**

- 2(1) In this section,
  - (a) “expected load” means, in respect of a year, the load forecast under subsection (3) for the year;
  - (b) “expected unserved energy” means, in respect of a year, the unserved energy forecast under subsection (3) for the year;
  - (c) “load” means the amount of electric energy required by Alberta’s electricity customers;
  - (d) “normalized expected unserved energy” means the amount, expressed as a percentage, determined by dividing the

expected unserved energy for a year by the expected load for the year;

- (e) “unserved energy” means the amount of electric energy that, as a result of the demand for electric energy exceeding the available supply of electric energy, is not provided to Alberta’s electricity customers to meet the load;
- (f) “year” means a 12-month period commencing on a date specified by the Minister.

**(2)** The following is established as the resource adequacy standard for the purposes of the Act:

Normalized expected unserved energy must be  $\leq 0.0011\%$ .

**(3)** Beginning with the year commencing in 2021, the ISO must, for each year,

- (a) forecast
    - (i) the load that is expected for the year, and
    - (ii) the unserved energy that is expected for the year,
- and
- (b) calculate the normalized expected unserved energy,

to determine the amount of capacity to procure to meet the resource adequacy standard for the year.

**(4)** Beginning with the year commencing in 2022, the ISO must provide to the Minister each year a report respecting the ISO’s performance in meeting the resource adequacy standard for the previous year that

- (a) sets out
  - (i) the actual load for the year,
  - (ii) the estimated unserved energy for the year,
  - (iii) the estimated unserved energy for the year, expressed as a percentage, determined by dividing the estimated unserved energy for the year by the actual load for the year, and
  - (iv) the amount of capacity procured through each capacity auction for each obligation period ending in the year,

and

(b) includes any other information required by the Minister.

(5) Customers to whom electric energy is provided under the *Isolated Generating Units and Customer Choice Regulation* (AR 165/2003) are to be excluded for the purposes of the definitions of load and unserved energy.

### Reviews and Complaints

#### Notice of reviewable decision

3 On making a reviewable decision, the ISO must give each eligible person written notice of the reviewable decision.

#### Provision of records to MSA

4(1) On receiving notice of a reviewable decision referred to in row 2, 3 or 4 of the Schedule, the MSA may request access to or copies of any records provided to the ISO by the person that is subject to the decision.

(2) The ISO must, in accordance with subsection (3), make the records requested by the MSA available to the MSA within 5 business days after receiving the request.

(3) The records referred to in subsection (2) must be made available

- (a) through secure electronic links, or
- (b) in any other secure manner agreed to by the MSA and the ISO.

#### Request for review

5(1) Subject to subsection (2), an eligible person may request a review of a reviewable decision by submitting a written request for review to the ISO within 5 business days after receiving notice of the reviewable decision.

(2) If the MSA has requested access to or copies of records under section 4(1), the MSA may request a review of the reviewable decision by submitting a written request for review to the ISO within 5 business days after receiving the records.

(3) A request for review must include

- (a) a concise statement identifying
  - (i) the part of the reviewable decision in dispute, and

- (ii) the facts that the eligible person is relying on,
- (b) the reasons for disputing the reviewable decision,
- (c) a succinct presentation of the arguments supporting each of the reasons for disputing the reviewable decision, and
- (d) a schedule listing the documents the eligible person is relying on.

**(4)** An eligible person must submit with the request for review any documents the eligible person is relying on.

**(5)** In the case of a reviewable decision referred to in row 2, 3 or 4 of the Schedule, the ISO must, within 2 business days after receiving a request for review, give notice of the request, including a copy of the request for review and any documents submitted under subsection (4), to the eligible person who did not request the review.

**Decisions respecting requests for review**

**6(1)** The ISO must make a decision on a request for review within 5 business days after receiving the request for review.

**(2)** If a request for review meets the requirements of section 5(1) to (4), the ISO must

- (a) review the reviewable decision,
- (b) confirm, vary or revoke the reviewable decision, and
- (c) give each eligible person notice of the ISO's decision under clause (b) and the reasons for the decision.

**(3)** If a request for review does not meet the requirements of section 5(1) to (4), the ISO must

- (a) reject the request, and
- (b) give each eligible person notice that the request has been rejected and the reasons for the rejection.

**(4)** Except as provided by section 7, a decision under this section is final.

**Complaint**

**7(1)** An eligible person may make a complaint to the Commission if

- (a) the eligible person disputes the ISO's decision under section 6(2)(b),

- (b) the ISO rejected the request for review under section 6(3)(a),  
or
  - (c) the ISO did not respond to the request for review within the  
time set out in section 6(1).
- (2)** To make a complaint, an eligible person must submit a written  
complaint notice to the Commission
- (a) within 5 business days after the date on which the eligible  
person received a notice from the ISO under section 6(2) or  
(3), or
  - (b) if the ISO did not respond to the request within the time set  
out in section 6(1), within 10 business days after the date on  
which the request for review was submitted.
- (3)** A complaint notice must include
- (a) the reasons for the complaint,
  - (b) a succinct presentation of the arguments supporting each of  
the reasons for the complaint,
  - (c) a copy of the request for review submitted under section 5,  
including a copy of the documents submitted under section  
5(4),
  - (d) a copy of the notice and reasons given to the eligible person  
under section 6(2) or (3), if applicable, and
  - (e) a schedule listing the documents submitted with the  
complaint notice.
- (4)** An eligible person must submit with the complaint notice
- (a) any documents that were submitted to the ISO before the ISO  
made its decision under section 6(2) or (3), and
  - (b) any other documents that the eligible person is relying on to  
show the following:
    - (i) in the case of a complaint referred to in subsection  
(1)(a), the evidence that was before the ISO when the  
ISO made its decision under section 6(2)(b);
    - (ii) in the case of a complaint referred to in subsection  
(1)(b), that the request for review complied with section  
5(1) to (4);

- (iii) in the case of a complaint referred to in subsection (1)(c), that the ISO did not respond to the request for review within the time set out in section 6(1).

(5) In the case of a reviewable decision referred to in row 2, 3 or 4 of the Schedule, the Commission must, within 2 business days after receiving a complaint, give notice of the complaint, including a copy of the complaint and any documents submitted under subsection (4), to the eligible person who did not make the complaint.

(6) The eligible person who did not make the complaint may participate in the complaint by submitting a written notice of participation in the complaint to the Commission within 5 business days after being notified of the complaint under subsection (5).

(7) A notice of participation in a complaint must include

- (a) the reasons for participation in the complaint, and
- (b) a succinct presentation of the arguments supporting each of the reasons for participation in the complaint.

#### **Provision of records to Commission**

**8(1)** The Commission must notify the ISO when it receives a complaint notice under section 7 and may request the ISO to provide any records relating to the reviewable decision or the ISO's decision under section 6(2)(b) or (3)(a) that the Commission considers necessary to determine the complaint.

(2) Within 5 business days after receiving a request under subsection (1), the ISO must provide to the Commission any records held by the ISO referred to in the request.

#### **Decisions respecting complaints**

**9(1)** In determining a complaint, the Commission may appoint an independent person to consider the complaint or any matter relating to the complaint and to provide a report to the Commission with respect to the complaint or matter.

(2) Within 35 business days after receiving a complaint notice that meets the requirements of section 7, the Commission must

- (a) in the case of a complaint referred to in section 7(1)(a), review the ISO decision under section 6(2)(b) and either
  - (i) confirm the ISO's decision, or
  - (ii) vary the ISO's decision,

- (b) in the case of a complaint referred to in section 7(1)(b), review the ISO decision under section 6(3)(a) and either
  - (i) dismiss the complaint, or
  - (ii) direct the ISO to review the reviewable decision in accordance with section 6,

and

- (c) in the case of a complaint referred to in section 7(1)(c), determine whether the ISO responded to the complaint within the time set out in section 6(1) and if the ISO
  - (i) responded in time, dismiss the complaint, or
  - (ii) did not respond in time, direct the ISO to review the reviewable decision in accordance with section 6.

**(3)** The Commission must give the ISO and each eligible person notice of the Commission's decision under subsection (2).

**(4)** A decision of the Commission under this section is final and may not be appealed under section 29 of the *Alberta Utilities Commission Act*.

**Capacity auctions not affected**

**10** A request for review under section 5, or a complaint under section 7, including a notice to participate in a complaint, does not prevent the ISO from holding a capacity auction as scheduled.

**Section 26 of the Act does not apply**

**11** Section 26 of the Act does not apply to reviewable decisions.

**Allocation of Capacity Market Costs**

**Allocation of capacity market costs**

**12(1)** In this section,

- (a) "costs of the capacity market" means, with respect to an obligation period, the costs and expenses associated with the capacity market, including the amounts to be paid by the ISO for capacity payments and the ISO's own capacity market administrative costs, for the obligation period;
- (b) "ISO's own capacity market administrative costs" means, with respect to an obligation period,

- (i) the capacity-market-related costs and expenses of the ISO respecting the administration, operation and management of the ISO, and
- (ii) the capacity-market-related costs and expenses required to be paid, or otherwise appropriately paid, by the ISO, except the amounts to be paid or paid by the ISO for capacity payments,

for the obligation period.

**(2)** The ISO must consult with those market participants that the ISO considers are likely to be directly affected by the approval by ISO members of the ISO's own capacity market administrative costs.

**(3)** The ISO must, not later than one year after this Regulation comes into force, make rules or establish practices respecting the approval referred to in subsection (2).

**(4)** The ISO must, in the tariff submitted by the ISO under section 30 of the Act, allocate the costs of the capacity market for an obligation period to

- (a) all classes of system access service whose members receive electricity from the transmission system, and
- (b) transmission line losses,

in accordance with the weighted energy method as described in this section.

**(5)** In the weighted energy method, the costs of the capacity market in an obligation period are allocated by

- (a) forecasting
  - (i) the total amount of electric energy required for each hour in the obligation period by all classes of system access service whose members receive electricity from the transmission system,
  - (ii) the transmission line losses for each hour in the obligation period, and
  - (iii) the costs of the capacity market for the obligation period,
- (b) establishing one set of time blocks for the obligation period, with each time block consisting of hours within the obligation period that are reasonably similar with respect to

the anticipated contribution that the demand for and supply of electric energy in each of the hours has on the amount of capacity needed in the obligation period,

- (c) assigning one weight to each time block, with the assigned weight corresponding to the anticipated contribution that the demand for and supply of electric energy in the hours in the time block has on the amount of capacity needed in the obligation period to meet the resource adequacy standard,
- (d) deriving one rate per megawatt hour for each time block for the recovery of the costs of the capacity market using the forecasts referred to in clause (a)(i), (ii) and (iii), the time blocks referred to in clause (b) and the weights referred to in clause (c), and
- (e) charging the rates referred to in clause (d) to
  - (i) all classes of system access service whose members receive electricity from the transmission system, and
  - (ii) transmission line losses.

**(6)** The ISO must establish the time blocks under subsection (5)(b) and assign weights to the time blocks under subsection (5)(c) in accordance with the following requirements:

- (a) each hour within an obligation period must be assigned to a time block, but the hours assigned to a time block need not be consecutive;
- (b) at least 200 hours must be assigned to each time block;
- (c) the weight assigned to a time block may be zero, but may not be negative;
- (d) a maximum of 4800 hours in an obligation period may be assigned to time blocks that have a weight of zero;
- (e) the same weight may be assigned to different time blocks;
- (f) the time blocks and the weights assigned to the time blocks must be the same for
  - (i) all classes of system access service whose members receive electricity from the transmission system, and
  - (ii) transmission line losses.

**(7)** The amount of the costs of the capacity market allocated to transmission line losses under subsection (4)(b) is to be recovered from

market participants as part of the costs of transmission line losses recovered under section 30(4) of the Act.

**(8)** When considering approval of the part of the ISO tariff referred to in section 30(2)(a)(ii.1) of the Act,

- (a) the Commission must consider whether the ISO has implemented the weighted energy method in accordance with this section and otherwise met the requirements of this section, and
- (b) the Commission must consider that the ISO's own capacity market administrative costs that have been approved by the ISO members are prudent unless an interested person satisfies the Commission that those costs or expenses are not prudent.

**(9)** The owner of an electric distribution system must recover the costs of the capacity market allocated to the owner through the ISO tariff in the distribution tariff prepared by the owner under section 102 of the Act.

**(10)** When considering an electric distribution tariff application under section 122(1) of the Act, the Commission must determine whether any costs and expenses that are included in the tariff that are associated with recovering the costs referred to in subsection (9) of this section are prudent.

#### **Schedule Reviewable Decisions**

Row	ISO Decision	Eligible Person
1	decision respecting the eligibility of a person to participate in a capacity auction	person subject to the decision
2	decision requiring a person to participate in a capacity auction	(a) person subject to the decision; (b) MSA
3	decision respecting the amount of capacity a person may bid or offer into a capacity auction	(a) person subject to the decision; (b) MSA
4	any other decision made under a capacity market rule before the holding of a capacity auction that relates specifically to the participation or obligations of a person with respect to the capacity auction	(a) person subject to the decision; (b) MSA

**Alberta Regulation 261/2018**

**Alberta Utilities Commission Act  
Electric Utilities Act**

**FAIR, EFFICIENT AND OPEN COMPETITION  
AMENDMENT REGULATION**

Filed: December 14, 2018

For information only: Made by the Minister of Energy (M.O. 152/2018) on December 11, 2018 pursuant to section 59 of the Alberta Utilities Commission Act and section 41 of the Electric Utilities Act.

**1 The *Fair, Efficient and Open Competition Regulation* (AR 159/2009) is amended by this Regulation.**

**2 Section 1 is amended**

**(a) in subsection (1)**

**(i) in clause (e) by striking out “or” at the end of subclause (iii), adding “or” at the end of subclause (iv) and adding the following after subclause (iv):**

(v) a capacity market participant to reduce electric energy consumption, if the capacity market participant is obligated to do so under ISO rules;

**(ii) in clauses (f) and (h) by adding “, capacity” after “electricity services”;**

**(b) in subsection (2)**

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

(a.1) capacity;

(a.2) capacity auction;

(a.3) capacity market;

(a.4) capacity market participant;

**(ii) by adding the following after clause (h):**

(h.1) electricity market;

(h.2) electricity market participant;

**(iii) by adding the following after clause (n):**

(n.1) obligation period;

**(iv) by adding the following after clause (r):**

(r.1) settlement interval;

**3 Section 2 is amended**

**(a) in clause (d) by adding “, capacity” after “electricity services”;**

**(b) by adding the following after clause (e):**

(e.1) a capacity market participant misrepresenting to the market or to any other person its capability to reduce consumption of electric energy;

(e.2) misrepresenting any information related to the market participant’s participation in the electricity market or the capacity market;

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

(f.1) a capacity market participant not offering its capability to reduce electric energy consumption to the power pool if and as required under ISO rules;

(f.2) a capacity market participant not offering into a capacity auction all of the capacity it is required to offer under ISO rules;

**4 Section 3(2) is amended by adding “or” at the end of clause (f) and repealing clause (g).**

**5 The following is added after section 3:**

**Preferential sharing of capacity market records not available to the public**

**3.1(1)** Subject to subsection (2), a market participant shall not share records that are not available to the public relating to any past, current or future offer or bid in a capacity auction.

**(2)** Records that are not available to the public referred to in subsection (1) may be shared

(a) between market participants who are affiliates of each other,

- (b) between market participants after the information associated with each offer or bid made in the capacity auction referred to in section 6.1(1)(a) to (d) has been made available to the public,
  - (c) by a market participant with the ISO or the MSA,
  - (d) by a market participant with another person, where required or permitted to do so by any enactment, except an ISO rule,
  - (e) by a market participant with another person, where required or permitted to do so by an ISO rule, but only to the extent that sharing is for the sole purpose of financial settlement, or
  - (f) in accordance with an order of the Commission under subsection (3).
- (3)** The Commission may, on application by a market participant that is otherwise prohibited from sharing records referred to under subsection (1), issue an order permitting the sharing of those records on any terms and conditions the Commission considers appropriate where the market participant establishes that
- (a) the records will not be used for any purpose that does not support the fair, efficient and openly competitive operation of the capacity market, including the conduct referred to in section 2, and
  - (b) the sharing of the records is reasonably necessary for the market participant to carry out its business.
- (4)** A market participant seeking an order pursuant to subsection (3) shall notify the MSA of the application at the same time as making the application to the Commission.
- (5)** Where the Commission receives an application under this section, the Commission shall
- (a) publish notice of the application,
  - (b) hold in private a hearing or other proceeding involving only the market participant that filed the application and, subject to subsection (6), the MSA, and
  - (c) publish a notice of any order of the Commission relating to the application and, in the opinion of the Commission, include sufficient detail to allow a reasonable understanding of the nature of the hearing or other proceeding and the findings of the Commission.

(6) The MSA may choose not to participate in a hearing or other proceeding referred to in subsection (5)(b).

**6 Section 4 is amended**

**(a) in subsection (3)(a)**

**(i) in subclause (i) by striking out “fuel”;**

**(ii) in subclause (iii) by striking out “and”;**

**(iii) by adding the following after subclause (iv):**

(v) capacity market participant capability to reduce electric energy consumption, and

(vi) outage type,

**(b) in subsection (4) by adding “or reduce electric energy consumption” after “consume electric energy”.**

**7 Section 5 is amended**

**(a) in subsection (1)**

**(i) in clause (a) by striking out “a market participant” wherever it occurs and substituting “an electricity market participant”;**

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

(a.1) “electricity market participant” means an electricity market participant as defined in the *Electric Utilities Act* and includes an associate of an electricity market participant;

**(iii) by repealing clause (c);**

**(iv) in clause (e) by striking out “a market participant” wherever it occurs and substituting “an electricity market participant”;**

**(b) in subsection (2)**

**(i) by adding “electricity” before “market participants” in the portion before the formula;**

**(ii) in the description of variable P in the formula and in the description of variable A in the**

**formula by striking out “a market participant” and substituting “an electricity market participant”;**

- (c) in subsection (3) by adding “electricity” before “market participants” wherever it occurs;**
- (d) in subsections (4) and (5) by striking out “a market participant” wherever it occurs and substituting “an electricity market participant”;**
- (e) in subsection (6) by striking out “A market participant” and substituting “An electricity market participant”;**
- (f) in subsection (7) by adding “electricity” before “market participant” wherever it occurs.**

**8 Section 6 is amended**

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

**Availability of information associated with power pool offers**

**6(1)** Subject to this section, the ISO shall make available to the public the following information associated with each offer made to the power pool that is available for dispatch:

- (a) the price;
- (b) the quantity;
- (c) the asset identification;
- (d) the electricity market participant that holds the offer control.

- (b) by repealing subsection (3) and substituting the following:**

**(3)** The ISO shall not make available to the public the asset identification and the identification of the market participant that holds the offer control with respect to an offer referred to in subsection (1) until 60 days after the settlement interval to which the offer applied.

**9 The following is added after section 6:**

**Availability of information associated with  
the capacity market**

**6.1(1)** Subject to this section, the ISO shall make available to the public the following information associated with each offer or bid made in a capacity auction:

- (a) the price;
- (b) the quantity;
- (c) the asset identification;
- (d) the capacity market participant that made the offer or bid.

**(2)** The ISO shall not make information under subsection (1) available to the public until at least 5 years after the end of the obligation period associated with the capacity auction.

**(3)** Before making the information referred to in subsection (1) available to the public, the ISO shall consult with the MSA with respect to the timing and form for making the information available.

**(4)** The ISO shall not make information referred to in subsection (1) available to the public until the ISO considers that making the information available is consistent with the fair, efficient and openly competitive operation of the capacity market.