



ALBERTA
SERVICE ALBERTA

*Office of the Minister
MLA, Strathcona-Sherwood Park*

MINISTERIAL ORDER NO. SA:009/2020

WHEREAS the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to the pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA;

WHEREAS section 52.1(3) of the PHA authorizes the Minister of Service Alberta (Minister), to make an order without consultation, to suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions the Minister prescribes, if the Minister is satisfied that the application or operation of all or part of the enactment is not in the public interest;

WHEREAS I am satisfied that adhering to strict legislative timelines and requirements in various legislation is not in the public interest at this time as public bodies and other organizations are coping with the demands of social distancing or focusing their operations and resources on preparing for and responding to the pandemic or may be operating with fewer or redirected resources because of the pandemic; and

WHEREAS I am satisfied that these provisions can be reinstated once the increased strain associated with responding to this pandemic has ended;

THEREFORE, I, Nate Glubish, Minister of Service Alberta, pursuant to section 52.1(2) of the *Public Health Act*, do hereby order that:

1. The following modifications are made to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25 ("FOIP Act"):

(1) Section 11 is modified as follows:

“11(1) The head of a public body must make reasonable efforts considering the demands of the pandemic COVID-19 to respond to a request not later than 90 days after receiving it unless:

- (a) that time limit is extended under section 14, or**
- (b) the request has been transferred under section 15 to another public body.**

(2) The failure of the head to respond to a request within the 90-day period or any extended period is to be treated as a decision to refuse access to the record.”

(2) Section 14 is modified as follows to add:

“(1.1) The head of a public body may extend the time for responding to a request for up to 60 days or, with the Commissioner’s permission, for a longer period if, in the opinion of the head of a public body, the pandemic COVID-19 unreasonably interferes with the operations of the public body.”

(3) Section 14(3) is modified as follows:

“(3) Despite subsection (1) and (1.1), where the head of a public body is considering giving access to a record to which section 30 applies, the head of the public body may extend the time for responding to the request for the period of time necessary to enable the head to comply with the requirements of section 31.”

(4) Section 14(4) is modified as follow:

“(4) If the time for responding to a request is extended under subsection (1), (1.1), (2) or (3), the head of the public body must tell the applicant

- (a) the reason for the extension,**
- (b) when a response can be expected, and**
- (c) that the applicant may make a complaint to the Commissioner or to an adjudicator, as the case may be, about the extension.”**

(5) Section 15 is modified as follows:

“15(1) Within 45 days after a request for access to a record is received by a public body, the head of the public body may transfer the request and, if necessary, the record to another public body if:

- (a) the record was produced by or for the other public body,**

- (b) the other public body was the first to obtain the record, or
- (c) the record is in the custody or under the control of the other public body.

(2) If a request is transferred under subsection (1),

- (a) the head of the public body who transferred the request must notify the applicant of the transfer as soon as possible, and
- (b) the head of the public body to which the request is transferred must make reasonable efforts considering the demands of the pandemic COVID-19 to respond to the request not later than 90 days after receiving the request unless that time limit is extended under section 14.”

(6) Section 30(5)(c) is modified as follows:

“a decision will be made within 30 days after the day notice is given under subsection (1) unless that time is extended under section 31.1.”

(7) Section 31(1) is modified as follows:

“Subject to section 31.1, within 30 days after notice is given pursuant to section 30(1) or (2), the head of the public body must decide whether to give access to the record or to part of the record, but no decision may be made before the earlier of

- (a) 21 days after the day notice is given, and
- (b) the day a response is received from the third party.”

(8) Section 31 is modified as follows to add:

“31.1(1) The head of a public body may extend the time for making a decision under section 31(1) for up to 60 days or, with the Commissioner’s permission, for a longer period if, in the opinion of the head of the public body, the pandemic COVID-19 unreasonably interferes with the operations of the public body.

(2) The head of a public body who extends the time for making a decision under subsection (1) must give notice of the extension to the applicant and the third party unless the notice given under section 30 (5) stated that the time was extended.”

(9) Sections 1 (1) to (8) of this order applies to:

- (i) All requests for access to the records of a public body to which the FOIP Act applies received by the public body on or after the date of this order;
- (ii) All existing requests for access to the records of a public body to which the FOIP Act applies underway on the date of this order, regardless of whether their timelines have already been extended under the existing provisions of the FOIP Act.

2. The following modifications are made to the *Charitable Fund-raising Act*, RSA 2000 c C-9 (CFRA) and Charitable Fund-Raising Regulation (Alberta Regulation 108/2000) (CFR Regulation):

(1) The time period in section 11 (2) of the CFRA is extended from 3 days to 15 days.

(2) Section 9 of the CFR Regulation is modified as follows to add:

“(5.1) If a registration or renewal of registration expires under subsection (4) while this order is in effect, the time period stated in subsection (5) is extended by 3 months.

(3) Section 10 of the CFR Regulation is modified as follows to add:

“(4.1) If a registration or renewal of license expires under subsection (3) while this order is in effect, the time period stated in subsection (4) is extended by 3 months.

3. The provisions related to in-person access to regular places of business or meeting for the inspection of physical documents and records are suspended in the following sections:

(1) Sections 20 (6), 23 (1), (3) and (4), 24 (2)(b), 137 (4), and 157 (2) of the *Business Corporations Act*, RSA 2000, c B-9 (BCA);

(2) Sections 69 (1) and (3), 94 (1) and (3), 135 (3)(a), and 161 (4) of the *Companies Act*, RSA 2000, c C-21 (Companies Act);

(3) Sections 28 (j) and 58 (a) of the *Partnership Act*, RSA 2000, c. P-3 (Partnership Act);

(4) Section 36 (2) of the *Societies Act*, RSA 2000, c S-14 (Societies Act).

4. For clarity, nothing in section 3 of this order precludes a person from requesting or receiving a document or record from a corporation, company, partnership or society,

provided that document can be provided in a manner that does not require in- person inspection.

5. Any obligation to convene an in-person meeting is suspended in the following sections:

- (1) Sections 104 (1) and 132 of the BCA.
- (2) Section 149 (1) of the Companies Act.
- (3) Section 25 of the Societies Act.

6. For clarity, nothing in section 5 precludes a corporation, company or society from conducting a meeting through remote means, such as videoconference, teleconference or other means.

7. Section 151 of the Companies Act is modified to allow a meeting of a company called pursuant to section 151(1)(a) to be conducted through remote means, such as videoconference, teleconference or other means.

8. The obligation to send or make a report, annual return, or return to the Registrar under the following sections is suspended:

- (1) Section 24 of the Business Corporations Regulation, Alberta Regulation 118/2000.
- (2) Sections 162 of the Companies Act.
- (1) Section 4 (2) of the Partnership Regulation, Alberta Regulation 105/2009.
- (2) Section 26 (2) of the Societies Act.

9. The following modifications are made to the *Vital Statistics Act*, SA 2007, v-4.1 (VSA), Vital Statistics Information Regulation, Alberta Regulation 108/2018 (VSIR) and Vital Statistics Ministerial Regulation, Alberta Regulation 106/2018 (VSMR):

- (1) The time period in section 32 (2) of the VSA is extended from 10 days to 20 days.
- (2) The time period in section 33 (2)(a)(i) of the VSA is extended from 14 to 30 days.

- (3) The time period for a medical certificate of death to be completed, signed and delivered to the Registrar by the physician or the medical examiner under section 33 (2) of the VSA is extended from 48 hours to 96 hours.
- (4) The time period in section 33 (3)(a) of the VSA is extended from 48 hours to 96 hours.
- (5) The time period in section 33 (4)(a) of the VSA is extended from 60 days to 180 days.
- (6) The time period in section 33 (4)(b) of the VSA is extended from 6 months to 1 year.
- (7) The time period in section 33 (5)(a) of the VSA is extended from 14 days to 30 days.
- (8) The time period in section 33 (5)(b) of the VSA is extended from 48 hours to 96 hours.
- (9) The time period in section 2 (9) of the VSIR is extended from 10 days to 20 days.
- (10) Section 2 of the VSIR is modified as follows to add:

“(4.1) Notwithstanding (4)(a), the particulars of the other parent determined in accordance with sections 8 or 8.1 of the *Family Law Act* of a child may be registered even if that parent does not sign the registration document where the other parent is unable to do so as a result of public health restrictions because of the pandemic COVID-19.”
- (11) Section 2 (10) of the VSIR is modified to read as follows:

“If a registration document is incomplete, the hospital administrator or midwife must use reasonable efforts to notify the person who provided the partial information and to ensure that the person provides the additional information necessary to complete the registration document and deliver it to the Registrar.”
- (12) The time period in section 2 (11) of the VSIR is extended from 10 days to 30 days.
- (13) The time period in section 29 of the VSIR is extended from 10 days to 20 days.
- (14) The time periods in section 2 (1) and (2), and 3 (1) and (2) of the VSMR are extended from 10 days to 20 days.

- (15) The obligation of a hospital administrator, a funeral director, a nurse practitioner or a midwife to deliver the completed documents from sections 33 (1)(b) to (d) under section 33 (2) of the VSMR is extended from “at least once per week” to “at least once every 30 days.”

10. Section 3 (1) of the Access to Motor Vehicle Information Regulation, Alberta Regulation 140/2003 is modified as follows:

(1) to allow any information pursuant to section 2 to be released on request to a public body or law enforcement agency for the purpose of enforcing a public health order without an agreement in place, in the discretion of the Registrar or any person acting on behalf of the Registrar acting in the public interest; and

(2) to establish that all agreements entered in accordance with this section that are

(a) currently in force or

(b) expired within the 6 months period preceding the effective date of this order

may be relied on by the Registrar.

11. The Operator Licensing and Vehicle Control Regulation, Alberta Regulation 320/2002 is modified as follows:

(1) The time period in section 20 (2) is extended from 14 days to 30 days.

(2) The time period in section 85 (4)(b) is extended from 14 to 30 days.

(3) The time periods in sections Section 88 (2), (4) and (5) are extended from 14 days to 30 days.

(4) The time period in section 93 (2) is extended from 14 days to 30 days.

12. Section 23 of the *Residential Tenancies Act*, RSA 2004, c R-17.1 is modified as follows to add:

(4.1) A landlord, prospective purchaser or prospective renter is not entitled to enter residential premises under subsection (3) where

(a) a tenant has notified the landlord that they are self-isolating, or

in quarantine as they are displaying symptoms consistent with the pandemic COVID-19 or have tested positive for COVID-19,

(b) the prospective purchaser or tenant is self-isolating, or in quarantine as they are displaying symptoms consistent with the pandemic COVID-19 or have tested positive for COVID-19, or

(c) the landlord is self-isolating, or in quarantine as they are displaying symptoms consistent with COVID-19 or have tested positive for COVID-19, unless that landlord:

(i) designates an agent to enter on their behalf; and

(ii) the agent complies with the requirements of (3).

13. The time period in section 18 (3) of the Residential Tenancies Dispute Resolution Service Regulation, Alberta Regulation 98/2006 is extended from 30 days to 60 days.

14. The *Consumer Protection Act*, RSA 2000, c C-26.3 is modified as follows:

(1) In support of the utility payment extension resulting from the government directed optional utility bill payment deferral plan described by the Alberta Utilities Commission in Bulletin 2020-08, and any subsequent government plan, Section 6 is modified as follows to add:

“(3.1) Between the period of March 17 and June 18, it is an unfair practice for any person, including suppliers, landlords or condominium corporations, to

a) refuse to defer a sub metering customer’s utility payments when requested by the customer; and

b) disconnect that customer from the energy supply for non-payment, including any non payment of arrears that accrued prior to March 17.”

(2) Section 27 is modified to allow a consumer to exercise any new or existing right to cancel a direct sales contract.

(3) Where a consumer’s right to cancel under section 28 occurs while this order is in effect, that time period is extended.

(4) The time period in section 31 (2) is suspended.

15. The time period in section 3.3 (2) of the Credit and Personal Reports Regulation, Alberta Regulation 193/1999 is extended from 45 days to 60 days.

16. Section 20 of the General Licensing Security Regulation, Alberta Regulation 187/1999 is modified to read as follows:

“If the business operator who receives the Director’s notice under section 19 admits to the claim within the 30-day period referred to in section 19, but does not pay the claim within 30 days after the Director receives the operator’s admission, the claim becomes a valid unpaid claim for the purposes of this Regulation.”

17. The *Condominium Property Act*, RSA 2000, c C-22 is modified as follows:

(1) Section 10.1 (3) is modified as follows:

“The interim board holds office until a board is elected pursuant to section 29 and, for greater certainty, will continue to hold office in the event a meeting under section 29 is delayed.”

(2) Section 24.1 is modified as follows to add:

“(4.1) A person, other than a person who regularly resides in a unit, is not entitled to enter a unit under (3) unless expressly or impliedly invited by a person who regularly resides in the unit, if

(a) any person who regularly resides in the unit is self-isolating, in quarantine, or displaying symptoms consistent the pandemic COVID-19 or has tested positive for COVID-19; or

(b) the person seeking entry is self-isolating, in quarantine, or displaying symptoms consistent with the pandemic COVID-19 or has tested positive for COVID-19.”

(3) The requirements for the developer to convene a general meeting under section 29 (1) is suspended. For clarity, this does not preclude a developer from convening a general meeting through remote means, such as videoconference, teleconference or other means.

(4) The ability of an owner to convene a meeting under section 29 (2) is suspended.

(5) The requirement for an annual general meeting to be held under section 30 is suspended. For clarity, this does not preclude a condominium corporation from holding an annual general meeting through remote means, such as

videoconference, teleconference or other means.

- (6) The requirement to convene a special general meeting under section 30.1 (2) - (4) is suspended.

18. The Condominium Property Regulation, Alberta Regulation 168/2000 is modified as follows:

- (1) Section 20.1 (d) is modified to add events leading to a declaration of public health emergency under the *Public Health Act* as events that may delay occupancy beyond the final occupancy date for a unit, without liability for damages and without giving rise to a right of rescission by a purchaser.
- (2) The 5 year time period to carry out a reserve fund study, prepare a reserve fund report, approve the reserve fund plan, and provide owners with copies of the reserve fund plan since approval of the most recent reserve fund plan under section 30 is suspended.

19. The time period in section 73 (d) of the *Cemeteries Act*, RSA 2000, c C-3 is modified to read as follows:

“a copy of the contract is received by the purchaser or lessee, by personal delivery, mail or electronic mail within 14 days after the day the contract was signed by the purchaser or lessee.”

20. The *Cooperatives Act*, SA 2001, c C-28.1 (Cooperatives Act) and Cooperatives Regulation, Alberta Regulation 55/2002 (Cooperatives Regulation) are modified as follows:

- (1) The time in section 30 (3) of the Cooperatives Act is extended from 10 days to 30 days.
- (2) The ability to call a meeting of Directors under section 56 of the Cooperatives Act is suspended, except where such a meeting could be conducted remotely as per section 21 of this order.
- (3) The obligation to call a special meeting to fill a vacancy pursuant to Section 239 of the Cooperatives Act is suspended.
- (4) The obligation to call an annual meeting under section 19 (1) of the Cooperatives Regulation is suspended.
- (5) The ability to call a special meeting under section 19 (2) of the Cooperatives Regulation is suspended, except where such a meeting could be conducted remotely as per section 21 of this order.

21. For clarity, nothing in section 20 of this order precludes a cooperative from conducting a meeting through remote means, such as videoconference, teleconference or other means if they are able to do so.

22. (1) The provisions of this order take effect on the date this order is signed, except where otherwise stated;

(2) The relevant provisions of this order operate despite any provision that states otherwise in the articles, bylaws, rules or memorandum of a corporation, company, partnership, cooperative or society;

(3) Where an obligation, action or power is suspended by this order, it resumes when this order ceases to have effect;

(4) Where a period of time is suspended by this order, the extension applies to those deadlines that would otherwise have expired, and it resumes when this order ceases to have effect. The time period during the suspension shall not be counted; and

(5) Where an enactment is modified by this order the modification ceases to have effect at the end of the day this order ceases to have effect.

This order lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council under section 52.811(3) of the PHA, at the earliest of the following:

- (a) 60 days after Order in Council 080/2020 is terminated by the Lieutenant Governor in Council;
- (b) when this order is terminated by the Minister under section 52.811(2) of the PHA because the Minister is satisfied that this order is no longer in the public interest; or
- (c) when this order is terminated by the Lieutenant Governor in Council under section 52.811(1)(c) of the PHA.

DATED at Edmonton, Alberta this 9th day of April, 2020.



Honourable Nate Glubish
Minister of Service Alberta