



Province of Alberta

WATER, GAS AND ELECTRIC COMPANIES ACT

Revised Statutes of Alberta 2000
Chapter W-4

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

Definitions

1 In this Act,

- (a) “gas” includes natural gas;
- (b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (c) “municipality” includes a Metis settlement.

RSA 1980 cW-4 s1;1986 c15 s9;1990 cM-14.3 s289

Application

2 This Act applies to every company organized, incorporated or licensed under any Ordinance of the North-West Territories or under any Statute of Canada, or any Act of Alberta for all or any of the purposes set out in this Act.

RSA 1980 cW-4 s2

Transmission lines and pipelines

3 This Act does not apply

- (a) to a transmission line as defined in the *Hydro and Electric Energy Act*, or
- (b) to a pipeline as defined in the *Pipeline Act*.

RSA 2000 cW-4 s3;2009 c20 s11

Consent of council

4(1) No company is entitled to exercise any of the powers given by this Act until the company has obtained the consent to it of the council of the city, town or village within which the powers are to be exercised.

(2) The consent shall be by bylaw and shall be on the terms and conditions that the bylaw may provide.

(3) When the purposes of the company require the exercise of any of the powers given by this Act in an area outside the limits of a city, town or village, the consent of the Minister to the exercise of the powers in that area shall first be obtained.

(4) The Minister may in the Minister's discretion, after taking into consideration the needs and general good of the residents of Alberta as a whole, give or withhold the Minister's consent.

RSA 1980 cW-4 s4

Powers of companies

5(1) A company may sell and dispose of meters and gas, water or electric fittings of every description for the use of any private or public building or for any establishment, company or corporation whatsoever as well as coke, coal tar and all and every of the products of its works, and the refuse or residuum arising or to be obtained from the materials used or necessary for the manufacture of gas or electricity.

(2) A company may let out to hire meters and gas, water or electric fittings of every kind and description at a rate or rental agreed on between the consumers or tenants and the company.

RSA 1980 cW-4 s5; 1988 cT-3.5 s53

Right of entry

6 A company may enter, without consent, on Crown land or private land

- (a) lying in the intended route of its mains, pipes, wires or conductors, and
- (b) situated outside a city, town or village,

to take surveys and examinations for fixing the location of its proposed right of way, works and undertakings, and for ascertaining and determining the description of the land it may require.

RSA 1980 cW-4 s6

Disposal of surplus power

7 An electric light company may enter into any contract with any persons for the use of, or may lease to them, any power, engines, wheels or machines run by water, steam, gas or in any other manner erected by the company for the purpose of running or operating an electric light plant to the end and intent that the machinery and power can be utilized and employed during the hours when they are not required for the purpose of furnishing electric light.

RSA 1980 cW-4 s7

Approval of plans

8(1) No company or municipality shall erect wires for the transmission of electricity for any purpose within a city where the phase to ground voltage will be in excess of 10 000 volts or anywhere outside a city, until

- (a) it has filed with TELUS Communications Inc. plans showing the location, height or depth of overhead and underground wires or cables and any other information that TELUS Communications Inc. may from time to time require, and
- (b) the plans have been agreed to by TELUS Communications Inc.

(2) Notwithstanding subsection (1), if agreement cannot be obtained or compensation cannot be agreed on, the matter shall be referred to the Alberta Utilities Commission, whose decision on the matter is final and binding on all the parties concerned.

RSA 2000 cW-4 s8;2007 cA-37.2 s82(32)

Laying mains and wires in streets

9 Subject to the terms of the consent required under section 4, a company may break up, dig and trench and use so much and so many of any streets, squares, highways, lanes and public places as are necessary for laying the mains and pipes to conduct gas or water, or for placing the wires and connections to conduct the electricity, from the works of the company to the consumers or users of it, doing no unnecessary damage in the premises and taking care as far as possible to preserve a free and uninterrupted passage through those streets, squares, highways, lanes and public places while the works are in progress.

RSA 1980 cW-4 s9;1988 cT-3.5 s53

Rights of company regarding mains, pipes, etc.

10(1) When a company or a municipality has laid down or erected mains, pipes, lines or conductors for the supply of gas, water,

electricity, sewerage or telecommunications through any of the streets, squares or public places of a municipality, no person shall,

- (a) without the prior consent of that company or municipality, or
- (b) otherwise than on payment to the company or municipality of compensation as may be agreed on,

lay down or erect any main, pipe, line or conductor for the supply of gas, water, electricity, sewerage or telecommunications within 2 metres of the mains, pipes, lines or conductors of the company or municipality.

(2) Notwithstanding subsection (1), if it is impractical to cut trenches for the other mains, pipes, lines or conductors at a distance of 2 metres or more, they shall be cut at as near to 2 metres from the mains, pipes, lines or conductors of the company or municipality as the circumstances of the case will admit.

(3) Notwithstanding subsection (1), if consent cannot be obtained or compensation cannot be agreed on between the parties, the matter shall be referred to the Alberta Utilities Commission, whose decision on the matter is final and binding on all the parties concerned.

RSA 2000 cW-4 s10;2007 cA-37.2 s82(32)

Supplying parts when buildings have different owners

11 When there are buildings within the municipality the different parts of which belong to different proprietors or are in possession of different tenants or lessees, a company may carry pipes, wires or conductors to any part of any building so situated and may pass over the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas, water or electricity to the property of or in the possession of another.

RSA 1980 cW-4 s11;1988 cT-3.5 s53

Breaking up passages, etc.

12 A company may break up and uplift all land as well as all passages common to neighbouring proprietors or tenants and dig or cut trenches in it or them for the purpose of laying down pipes, wires or conductors or taking up or repairing them, doing as little damage as possible in the execution of the powers granted by this Act.

RSA 1980 cW-4 s12

Removal of obstructions

13 A company may, subject to section 14(1), cut down any trees or brush that in its opinion obstruct the running of survey lines or endanger the conductors, wires or equipment of the company.

RSA 1980 cW-4 s13;1990 c19 s3

Compensation

14(1) A company shall make satisfaction to the owners or proprietors of any building or other property or to the municipality or to the Minister, as the case may be, for all damages caused in or by the execution of all or any of the powers given it by this Act.

(2) Notwithstanding anything in this Act, any structure that is part of an electric distribution system, as defined in the *Hydro and Electric Energy Act*, and is located on land comprising a public highway, street, lane, road allowance or other public place and any power line attached to or resting on the structure may project into the airspace over the property adjoining that land without the consent of the owners or occupants of the adjoining property, to the greater of

- (a) the maximum extent to which any cross arm or any component attached to the cross arm other than a power line extends in any one direction from the rest of the structure, and
- (b) the maximum extent to which any power line
 - (i) that is attached to or rests on the structure, and
 - (ii) that in the absence of wind does not project over the adjoining property further than any part of the structure

is capable of extending over the adjoining property under maximum wind conditions.

(3) No person is entitled to any remedy or damages or any other compensation or relief as a result of the existence of a projection described in subsection (2).

RSA 1980 cW-4 s14;1990 c19 s3

Notice of claim for damages

15 When a claim is made against a company for damages to crops, gardens, shrubs, trees or other growing things, or for other damage, notice of the claim shall be given in writing signed by the claimant within a time within which the nature, character, extent and evidence of the damage is apparent, and in any case not later than 60 days after the cause for complaint arose.

RSA 1980 cW-4 s15

Compensation when taking private property

16 No company is entitled by virtue of this Act to take possession or make use of private property within a city, town or village or to do any work on that property until the amount to be paid for or in respect of the property is ascertained by arbitration or otherwise and is paid or tendered to the parties entitled to it or is paid into court for their benefit.

RSA 1980 cW-4 s16

Location of works

17 The company shall locate and construct its gas or water works or electric system, and all apparatus and appurtenances belonging or appertaining to it or them or connected with it or them and wherever situated, so as not to endanger the public health or safety.

RSA 1980 cW-4 s17;1988 cT-3.5 s53

Limitations of powers of company

18 Nothing in this Act authorizes any company or any person acting under its authority

- (a) to take, use or injure for the purposes of the company any house or other building or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house or nursery ground for trees, or
- (b) to convey from the premises of any person any water already appropriated and necessary for that person's domestic uses,

without the prior consent in writing of the owner.

RSA 1980 cW-4 s18

Privileges of other companies

19 Nothing in this Act authorizes a company to interfere with or infringe on any exclusive privilege granted to any other company.

RSA 1980 cW-4 s19

Individual rights

20 Nothing in this Act prevents any person from constructing any works for the supply of gas, water or electricity to or on the person's own premises.

RSA 1980 cW-4 s20;1988 cT-3.5 s53

Exemption from distress and seizure

21 Neither the service nor the connecting pipes, wires, or conductors of a company nor any meters, lustres, lamps, pipes, gas or water or electric fittings nor any other property of any kind whatsoever of a company

- (a) is subject to or liable for rent or liable to be seized or attached in any way by the possessor or owner of the premises in which they are situated, or
- (b) is in any way whatsoever liable to any person for the debt of any person to and for whose use and the use of whose house or building they are supplied by the company,

notwithstanding the actual or apparent possession of it or them by that person.

RSA 1980 cW-4 s21;1988 cT-3.5 s53

Supplying of all buildings in line of supply

22 When a company has constructed works for supplying any municipality or municipalities with gas, water or electricity and the company is able to do so, the company shall supply all buildings situated on land lying along the line of any supply pipe or wire on the request of the owner, occupant or other person in charge of the building.

RSA 1980 cW-4 s22;1988 cT-3.5 s53

Requirement of security from consumers

23 Before supplying water, gas or electricity to a building or as a condition of its continuing to supply it, a company may require any consumer to give reasonable security for the payment of the proper charges of the company for it or for the carrying of the water, gas or electric system into the building.

RSA 1980 cW-4 s23;1988 cT-3.5 s53

Protection of company from liability for damage

24 Nothing in section 22 or 23 shall be construed so as to affect in any way the liability of a company in respect of damages on account of any failure of supply through mischance, accident or mismanagement, and the position of the company in respect of that failure remains as if sections 22 and 23 had not been enacted.

RSA 1980 cW-4 s24

Non-payment of charges

25 If any person supplied by a company with gas, water or electricity neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment of it

- (a) the company or any person acting under its authority may, on giving 48 hours' notice to the person supplied, stop the supply of gas, water or electricity from entering or being supplied to the premises of the person in arrears by cutting off the service pipe or pipes, wires or conductors or by any other means that the company or its officers see fit, and
- (b) may recover the rent or charge due up to that time, together with the expense of cutting off the gas, water or electricity, as the case may be, in any competent court notwithstanding any contract to furnish for a longer time.

RSA 1980 cW-4 s25;1988 cT-3.5 s53

Penalties

26 A person is guilty of an offence and liable to a fine not exceeding \$50

- (a) who wilfully or maliciously breaks up, pulls down or damages, injures, puts out of order or destroys any main, pipe, engine, waterhouse pipe, plug or other work, wire or conductor or apparatus, appurtenance or dependency of it or any matter or thing made and provided for use in connection with it or any of the materials used and provided for it or ordered to be erected, laid down or belonging to a company,
- (b) who in any way wilfully does any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of those works or causes or procures the injury or damage to be done,
- (c) who bathes, or washes or cleans any cloth, wool, leather, skin, animals or any nauseous or offensive things or casts, throws or puts any filth, dirt or any nauseous thing in or

causes, permits or suffers the water of any sink, sewer or drain to be run or be conveyed into or causes any other annoyance to be done to the water within any reservoir, cistern, pond, source or fountain, from which the water belonging to a company is to be supplied or conveyed,

- (d) who by any wrongful or improper means increases the supply of gas or electricity agreed for with a company, or
- (e) who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, wire, conductor, service pipe or fitting belonging to a company or wilfully impairs or knowingly suffers it to be altered or impaired so that the meter indicates less gas, water or electricity than actually passes through it.

RSA 1980 cW-4 s26

Entry of premises by employees of company

27(1) When a company is lawfully permitted to cut off and take away the supply of gas, water or electricity from a house, building or premises

- (a) the company, its agents or its workers may, on giving 48 hours' previous notice to the person in charge or the occupier, enter into the house, building or premises between the hours of 9 a.m. and 5 p.m., making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fitting or apparatus belonging to the company, and
- (b) any servant authorized by the company may between those hours enter any house into which a gas, water or electric system has been taken or supplied, for the purpose of repairing and making good the house, building or premises or for the purpose of examining any meter, pipe, wire, conductor, apparatus or fitting belonging to the company or used for its gas, water or electricity.

(2) If a person refuses to permit or does not permit the officers and servants of the company to enter and perform the acts referred to in subsection (1), the person so refusing or obstructing is guilty of an offence and liable

- (a) to a penalty, which shall be paid to the company, not exceeding \$20 for each offence, and
- (b) to a further penalty, which shall be paid to the company, not exceeding \$4 for every day during which the refusal or obstruction continues.

RSA 1980 cW-4 s27;1988 cT-3.5 s53

Removal of fittings where service discontinued

28 If a customer discontinues the use of the gas, water or electricity furnished or supplied by any company or if a company lawfully refuses to continue any longer to supply it, the officers and servants of the company may at all reasonable times enter on the premises, in or on which the customer was supplied with gas, water or electricity, for the purpose of removing from the premises any fitting, machine, apparatus, meter, pipe, wire, conductor or other thing that is the property of the company in or on the premises, and may remove it from the premises but doing no unnecessary damage.

RSA 1980 cW-4 s28;1988 cT-3.5 s53

Arbitration where private property required

29(1) Subject to section 18, if any company considers it necessary or proper to conduct any of its pipes, wires or conductors or to carry any of its works through the land of any person lying within a city, town or village within which the operations of the company are to be carried on, and the consent of that person cannot be obtained for that purpose, the company shall proceed to arbitration under the *Arbitration Act*.

(2) The arbitration shall be by 2 arbitrators, one to be appointed by each party.

(3) The arbitrators shall determine the questions in dispute between the parties to the arbitration and shall decide as to the necessity or propriety of conducting any of the pipes, wires or conductors or carrying any of the works of the company through the land of the other party if that party objects to it being done.

(4) If the decision is in favour of the company or if no such objection is made, the arbitrators shall adjudge the sum of money that is to be paid to the owner of the property to be taken or used for those purposes, or any of them.

RSA 1980 cW-4 s29

Application for approval

30(1) When a company desires or proposes to acquire any land or any interest in land situated outside the limits of a city, town or village for a right of way for any of its mains, pipes, wires, conductors, poles or other devices that are required for conveying, transmitting, supplying or distributing its gas, water or electricity or its sewage services, the company shall first apply to the Minister for approval of the intended route of the right of way.

(2) The company shall forward with its application for approval of the intended route of the right of way any plans and other information that the Minister may from time to time prescribe.

(3) On considering the application, the Minister shall have regard to all the circumstances that appear to the Minister to be relevant and in particular, but not so as to limit the generality of the foregoing, shall have regard to

- (a) the recommendations, if any, of the Director of Surveys or the Alberta Energy Regulator, as the case may require,
- (b) the objection of an interested party,
- (c) any public interest that, in the opinion of the Minister, might be affected by the granting or refusal of the Minister's approval, and
- (d) the needs and general good of the residents of Alberta.

(4) The decision of the Minister as to whether a person is or is not an interested party within the meaning of subsection (3)(b) is final.

RSA 2000 cW-4 s30;2012 cR-17.3 s111

Certificate

31 The Minister may grant a certificate of the Minister's approval to the intended route of the right of way, and of the extent of it, or may refuse that approval, or the Minister may approve the intended route subject to any changes in the plan, details or extent of it that the Minister considers advisable in the public interest, and the decision of the Minister is final and not subject to review in any court or other tribunal.

RSA 1980 cW-4 s31

Acquisition of land

32(1) When the company receives a certificate of approval from the Minister and requires an interest in land, other than in patented land as defined in the *Metis Settlements Act*, for the purposes of the right of way, the interest may be acquired in land owned by the Crown or by any other person

- (a) by negotiation with the owner, or
- (b) by proceedings under the *Surface Rights Act*.

(2) When the company receives a certificate of approval from the Minister and requires an interest less than the fee simple in patented land as defined in the *Metis Settlements Act*, the interest may be acquired

- (a) by negotiation, or
- (b) by proceedings under Part 4 of the *Metis Settlements Act*.

RSA 1980 cW-4 s32;1990 cM-14.3 s289



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