Alberta Regulation 37/2002

Child Welfare Act

ADOPTION REGULATION

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Made by the Minister of Children’s Services (M.O. 42/02) on March 14, 2002 pursuant to section 131(2) of the Child Welfare Act.

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### Definitions

1. In this Regulation,

   (a) “Act” means the *Child Welfare Act*;
(b) “Appeal Panel” means an Appeal Panel established under section 118 of the Act;

(c) “director” means a person designated by the Minister as a director for the purposes of the Act;

(d) “qualified person” means a qualified person as defined in the Qualification Regulation (AR 185/85) or a regulation that replaces that regulation.

2 The definition of “family member” in section 31(e) applies for the purposes of section 78(1) of the Act.

PART 1
LICENSED ADOPTION AGENCIES

3 In this Part,

(a) “adoption placement” means the placement of a child with an approved applicant for the purpose of adoption of the child by the approved applicant;

(b) “agency” means a licensed adoption agency;

(c) “applicant”, except in sections 4 and 6, means a person who applies to an agency for an adoption placement;

(d) “direct placement” means the placement of a child

(i) directly by the child’s parent, or

(ii) with the assistance of a person authorized by the Minister under section 84 of the Act

in the custody of a person who intends to adopt the child.

4(1) In this section and section 6, “applicant” means a person who applies to the Minister for a licence to operate an agency.

(2) An application for a licence to operate an agency must be on Form 1 and must be accompanied by the following documentation:

(a) evidence satisfactory to the Minister to whom the application is submitted

(i) that the applicant is a corporate body described in section 87(1) of the Act, and
(ii) that the applicant has obtained general liability insurance, satisfactory to the Minister, covering the proposed agency and its employees;

(b) a list of staff and contract positions, including a job description for each position and the qualifications and experience required for each position;

(c) a written description of the applicant’s proposed program and procedures, including an explanation of the applicant’s policy regarding

(i) recruitment and assessment of persons who apply for an adoption placement,

(ii) recruitment of persons who wish to place a child for adoption through the agency,

(iii) provision of counselling services for persons who apply for an adoption placement and for adoptive parents,

(iv) provision of counselling services for persons who wish to place a child or who have placed a child for adoption through the agency,

(v) advertising of adoption services, and

(vi) the processing of direct placement adoptions;

(d) a fee schedule for the services provided by the agency;

(e) any other information that the Minister considers necessary to enable the Minister to determine the capacity of the applicant to provide the services and carry out the responsibilities of an agency.

(3) An application for the renewal of a licence to operate an agency must be on Form 1 and must be accompanied by

(a) if there has been a change in any of the information referred to in subsection (2)(a)(ii), (b), (c) or (d) since that information was last provided by the applicant, a statement of the changes, and

(b) any other information that the Minister considers necessary to enable the Minister to determine the capacity of the applicant to continue to provide the services and carry out the responsibilities of an agency.

5(1) The fee payable with an application under section 4 is

(a) $100 for an initial licence, or

(b) $50 for a renewal of a licence.
(2) A fee referred to in subsection (1) is non-refundable.

On receiving an application for a licence to operate an agency, the Minister may inspect or cause to be inspected the premises from which the applicant proposes to operate the agency for the purpose of determining whether the applicant will be in compliance with the Act and this Regulation.

A licence or conditional licence to operate an agency must be kept on the premises of the agency and must be available for inspection by any person.

Any adult who maintains his usual residence in Alberta may apply to an agency for an adoption placement.

On receiving an application under subsection (1), an agency must

(a) ensure that the applicant has been provided with a written description of the adoption services provided by the agency and the fee schedule for those services,

(b) advise the applicant that the results of a child welfare record check are required and provide the applicant with a copy of Form 3,

(c) advise the applicant that the results of a criminal record check are required, and

(d) provide the Minister with a copy of the application within 14 days of receipt of the application.

After the receipt by an agency of

(a) the results of the child welfare record check referred to in section 8(2)(b),

(b) the results of the criminal record check referred to in section 8(2)(c), and

(c) any other documentation requested by the agency from the applicant for the purpose of processing the applicant’s application,

the agency must accept or refuse to accept an application received under section 8.

An agency must forthwith notify an applicant in writing of

(a) its decision under subsection (1), and
10(1) An agency must

(a) within 90 days of accepting an application for an adoption placement, complete a home assessment report in respect of the applicant, and

(b) require the applicant to provide a self-assessment report on Form 4 every 12 months until the applicant receives an adoption placement.

(2) Notwithstanding subsection (1), if for any reason acceptable to the Minister an agency is unable to complete a home assessment report within the 90-day period, the Minister may, in writing, extend the time for completion of the home assessment report.

(3) Any self-assessment report prepared in accordance with subsection (1)(b), or any update of a home assessment report prepared at the discretion of an agency, must be attached to and form part of the home assessment report.

11(1) On completion of a home assessment report in respect of an applicant, an agency must

(a) if in its opinion the applicant is a fit and proper person to have the care and custody of a child, approve the applicant for an adoption placement, or

(b) if in its opinion the applicant is not a fit and proper person to have the care and custody of a child, refuse to approve the applicant for an adoption placement.

(2) No approval shall be given under subsection (1)(a) until the applicant has received pre-placement counselling services from a qualified person regarding the adoption process and the parenting of an adopted child.

(3) If, as a result of a child welfare record check referred to in section 8(2)(b) the Minister has identified a concern regarding the suitability of an applicant to have the care and custody of a child, the agency shall not approve the applicant under subsection (1)(a) without the prior written consent of the Minister.

(4) An agency may, at any time before a child is placed for adoption with an applicant who has been approved under subsection (1)(a), rescind the approval if, in its opinion, circumstances have arisen or evidence has become available indicating that the applicant is not a fit and proper person to have the care and custody of a child.
(5) If an agency

(a) refuses to approve an applicant for an adoption placement, or

(b) rescinds the approval of an applicant for an adoption placement,

the agency must, not later than 10 days after that decision, provide a written notice to the applicant and the Minister setting out the decision, the reasons for the decision and the applicant’s right to appeal the decision under section 12.

12(1) An applicant who receives a notice from an agency under section 11(5) may appeal the decision of the agency to an Appeal Panel by serving a notice of appeal as prescribed in the General Regulation (AR 192/85) or a regulation that replaces that regulation on

(a) the agency, and

(b) the Minister

not later than 30 days after the date on which the applicant receives notice of the decision.

(2) An Appeal Panel may, subject to the Act and this Regulation, confirm, reverse or vary the decision of an agency.

13 If the guardian of a child wishes to place the child for adoption through an agency, the agency must

(a) make counselling services concerning the proposed adoption available to the guardian and the child if the child is 12 years of age or over and ensure that the counselling services are provided by a qualified person,

(b) advise the guardian and the child, if the child is 12 years of age or over, that counselling services concerning the proposed adoption are also available through a director, and

(c) refer the guardian, and the child if the child is 12 years of age or over,

(i) to a director or lawyer for the completion of a consent to adoption, and

(ii) to a director for counselling services concerning the proposed adoption, if the guardian or the child, or both, request those counselling services from the director.
14(1) No agency shall place a child for the purpose of adoption with an applicant

(a) who has not been approved by the agency in accordance with section 11, or

(b) if the applicant received an adoption placement in the previous 12-month period.

(2) Subsection (1)(b) does not apply if

(a) the child who is proposed to be placed with the applicant is a sibling of the child previously placed with the applicant for the purpose of adoption, or

(b) the applicant’s previous adoption placement no longer subsists.

(3) Before placing a child with an approved applicant, an agency must

(a) ensure that it has obtained

(i) a report on Form 5 prepared by a qualified person setting out

(A) the social history of the child and the biological parents of the child, and

(B) the medical history of the biological parents of the child,

and

(ii) a medical report on Form 6 in respect of the child prepared by a physician,

(b) be satisfied that the child is a Canadian citizen or has landed immigrant status, and

(c) make every reasonable effort to obtain

(i) a consent to adoption signed by the guardian of the child and witnessed by a director or lawyer, and

(ii) if the child is 12 years of age or over, a consent to adoption signed by the child and witnessed by a director or lawyer.

(4) If a consent referred to in subsection (3)(c)(i) cannot reasonably be obtained before placement of a child, the agency must notify the Minister of the reason why a consent cannot reasonably be obtained before placement and may place the child with an approved applicant only if the
Minister, on being satisfied that the consent will be given by the guardian within a reasonable time period, agrees to the placement.

(5) An agency must ensure that copies of the reports referred to in subsection (3)(a)(i) and (ii) are provided

(a) to the approved applicant prior to the placement of the child with the approved applicant, and

(b) to the Minister within 21 days after the adoption placement.

(6) The agency must, prior to placing the child with the approved applicant, notify or make reasonable efforts to notify the biological father of the child of the proposed adoption placement.

(7) The agency must document the notification or the efforts to notify the biological father required under subsection (6) and must provide the documentation to the Minister within 21 days after the adoption placement.

(8) The agency must, within 21 days after the adoption placement, notify the Minister in writing of the adoption placement.

Post-placement assessment

15(1) The agency must ensure that the home of the approved applicant is visited by a qualified person, as soon as practicable but not later than 21 days after the child is placed in the home, for the purpose of commencing a post-placement assessment of the approved applicant.

(2) A post-placement assessment of the approved applicant must be on Form 7 and must be

(a) completed as soon as appropriate, in the opinion of the agency, after the adoption placement, and

(b) attached to the approved applicant’s home assessment report.

Prohibition

16(1) No agency shall

(a) place a child for the purpose of adoption outside Alberta, or

(b) place or attempt to place a child for the purpose of adoption unless the child is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

(2) Subsection (1)(a) does not apply to an agency that is permitted by the laws of another province or territory of Canada to place children for adoption in that province or territory.
Termination of adoption placement

17(1) An approved applicant may terminate an adoption placement prior to the granting of an adoption order by advising the agency in writing of the termination.

(2) On receiving a notice of termination in accordance with subsection (1), the agency must forthwith

(a) notify the Minister of the termination,

(b) notify the guardian and a parent, if the guardian is not a parent, of the termination, and

(c) advise the guardian of the guardian’s right to resume custody of the child.

(3) Before placing the child with an alternative approved applicant, the agency must, in accordance with section 13, refer the guardian, and the child if the child is 12 years of age or older, to a director or lawyer for the completion of a consent to adoption.

DIRECT PLACEMENT ADOPTION

18(1) A person with whom a child has been placed for adoption through a direct placement must apply to an agency for the processing of the adoption.

(2) An agency must accept all applications received under subsection (1) where the child to be adopted is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

(3) On receiving an application under subsection (1), an agency must

(a) ensure that the adopting person has been provided with a written description of the adoption services provided by the agency and the fee schedule for those services,

(b) advise the adopting person of the requirements of section 65 of the Act,

(c) advise the adopting person that the results of a child welfare record check are required and provide a copy of Form 3,

(d) advise the adopting person that the results of a criminal record check are required, and

(e) be satisfied that the child is a Canadian citizen or has landed immigrant status.

(4) An agency must ensure that the home of the adopting person is visited by a qualified person, as soon as practicable but not later than 21 days after receiving an application under subsection (1), for the purpose
of commencing a home assessment report in respect of the adopting person.

(5) If, at any time before a petition for an adoption order is filed with the court, the adopting person directs an agency to stop processing the adoption, the agency must

(a) provide the Minister with written notice of that direction,

(b) provide or attempt to provide written notice of that direction to the parent who placed the child with the adopting person, and

(c) transfer to the Minister all documentation in the possession of the agency relating to the proposed adoption.

(6) If an agency receives a direction from an adopting person under subsection (5) within 21 days after receiving that person’s application under subsection (1), subsection (4) does not apply.

(7) If, after completion of a home assessment report, an officer of an agency decides not to recommend to the court the adoption of the child by the person who made the application under subsection (1), the officer must advise that person in writing of the decision and the reasons for the decision.

GENERAL

19(1) An agency must provide post-placement counselling services to the following persons, if requested by that person:

(a) an approved applicant;

(b) a person who has applied under section 18(1) to have a direct placement adoption processed by the agency;

(c) an adoptive parent with whom the agency has placed a child for adoption or for whom the agency has processed a direct placement adoption.

(2) An agency must provide post-placement counselling services

(a) to a guardian who has placed a child for adoption through the agency, or

(b) where the agency is processing the adoption, to a parent who has placed a child for adoption through a direct placement,

at any time after the adoption placement, for a period of up to 6 months following the granting of the adoption order, if the guardian or parent requests those services.
(3) An agency must ensure that post-placement counselling services are provided by a qualified person.

20 Any information obtained by an agency following the granting of an adoption order and relating to the social or medical history of

(a) the child who is the subject of the adoption order, or

(b) the biological parents of the child who is the subject of the adoption order

must be forwarded to the Minister for retention for the purposes of section 80 of the Act.

21 On the granting of an adoption order, an agency must transfer to the Minister all copies of the documentation in the possession of the agency that was filed with the Court in support of the petition for an adoption order.

22(1) An agency must, on or before the last day of the 3rd month immediately following the end of the agency’s fiscal year, submit to the Minister

(a) an annual financial statement prepared by a registrant within the meaning of the Regulated Accounting Profession Act, and

(b) an annual report on the operation of the agency during the year to which the annual report relates, including the number of

(i) applications for adoption placements received,

(ii) consents under this Regulation taken by lawyers,

(iii) home assessment reports completed,

(iv) applicants approved under section 11,

(v) adoption placements,

(vi) cases where an adoption placement was terminated under section 17 and the circumstances surrounding the termination,

(vii) cases where a child who was placed with an approved applicant for the purpose of adoption was removed from the approved applicant and the circumstances surrounding the removal,

(viii) applications to have a direct placement adoption processed,
(ix) cases where a person has directed the agency under section 18(5) to stop processing a direct placement adoption,

(x) cases where a child was placed with a person for adoption through a direct placement and was subsequently removed from the person, and the circumstances surrounding the removal,

(xi) adoption orders granted, and

(xii) contested court hearings relating to a petition for an adoption order and the circumstances relating to each contested hearing.

(2) At the request of the Minister, the agency must provide to the Minister

(a) any statistical information and reports relating to the operation of the agency, or

(b) copies of any documentation or other records relating to an adoption or an adoption placement.

23(1) An agency must designate a qualified person as the program director of the agency, who is responsible for the day to day operation of the adoption program of the agency.

(2) A program director designated under subsection (1) is considered to be the officer of the agency for the purposes of the Act and this Regulation.

(3) An agency must notify the Minister in writing not later than 10 days after

(a) the designation of a program director, and

(b) any change in the designation of a program director.

(4) The responsibilities of the program director include

(a) the supervision of qualified persons delivering the services of the agency, and

(b) the supervision and review of home assessment reports, but do not include the preparation or completion of a home assessment report.
An agency may charge to a person, other than a guardian who wishes to place or who has placed a child for adoption through the agency, the fees and expenses incurred in providing the following services:

(a) processing an application for an adoption placement or processing a direct placement adoption;

(b) preparation of social histories of
   (i) a child who is adopted or intended to be adopted, and
   (ii) the biological parents of the child;

(c) preparation of a medical history of the biological parents of a child who is adopted or intended to be adopted;

(d) preparation by a physician of a medical report in respect of a child who is intended to be adopted;

(e) preparation of a home assessment report;

(f) preparation of an update of a home assessment report;

(g) pre-placement counselling services for an applicant;

(h) transportation relating to the placement of a child for adoption;

(i) preparation of a post-placement assessment;

(j) preparation, filing and service of documents and notices relating to an adoption and a petition for an adoption order;

(k) post-placement counselling services provided under section 19(1);

(l) transfer between agencies of an application for an adoption placement;

(m) legal services provided in connection with an adoption;

(n) any other services relating to an adoption that, in the opinion of the Minister, are necessary.

An agency may charge to each approved applicant a flat rate fee to cover

(a) counselling services concerning a proposed adoption placement that are requested by a guardian who wishes to place a child for adoption through the agency, and

(b) post-placement counselling services requested by a guardian who has placed a child for adoption through the agency.
(3) An agency may charge a person who applies under section 18(1) to have a direct placement adoption processed a flat rate fee to cover post-placement counselling services that may be requested by a parent who placed a child for adoption through a direct placement, where the agency is processing or has processed the adoption.

(4) An agency may charge to a person whose child has been adopted the fees and expenses incurred in providing that person with counselling services relating to the adoption, where

(a) the counselling services have been requested by that person, and

(b) 6 months has passed since the granting of the adoption order, if the adoption was processed through the agency.

(5) Not later than 30 days after the making of an adoption order, an agency must provide to the Minister an itemized statement showing the fees charged in respect of the adoption.

Trust account

25(1) An agency that requires payment in advance for any of its services must establish and maintain a trust account in a bank, treasury branch or trust company in which the funds received by the agency from a person who will be receiving services referred to in this Regulation must be deposited.

(2) Money paid into a trust account under subsection (1) must be withdrawn from the account only with the consent of the person for whom it is held and only for fees and expenses specified in section 24 incurred by the agency for services provided to that person.

(3) Money remaining in a trust account after fees and expenses are paid must be returned to the person who paid the money to the agency.

(4) An agency must keep a separate book of accounts showing the deposits and withdrawals from the trust account, the name of the person for whom each deposit or withdrawal is made and the date of each deposit or withdrawal.

Advertising

26(1) An agency may advertise only in accordance with this section.

(2) Advertising by an agency must be in good taste and

(a) must be truthful, accurate and not misleading to the public,

(b) shall not claim or imply that the services of the agency are superior to those of another agency,

(c) shall not guarantee an adoption placement or the adoption of a child, and
(d) shall not publicize any service or activity that could identify

(i) an applicant,

(ii) a person who has applied under section 18(1) to have a
direct placement adoption processed,

(iii) an adoptive parent or a prospective adoptive parent,

(iv) a child placed or intended to be placed for adoption, or

(v) the guardian or biological parent of a child placed or
intended to be placed for adoption.

(3) If the Minister is of the opinion that advertising by an agency
contravenes subsection (2), the Minister may in writing order the agency
to take the measures specified in the order within the time limits
specified in the order.

PART 2

AUTHORIZATION FOR ADOPTION PLACEMENT
BY INTERMEDIARY

Application for authorization

27 Any adult who maintains his usual residence in Alberta may apply
to the Minister on Form 8 for authorization to place or facilitate the
placement of a child for the purpose of an adoption.

Decision of Minister

28 On receiving an application under section 27, the Minister may
interview the applicant to determine if the applicant is a suitable person
to place or facilitate the placement of a child for the purpose of an
adoption, and may

(a) provide an authorization to the applicant on Form 9, or

(b) refuse to provide an authorization to the applicant.

Relevant considerations

29 In making a decision to provide or refuse to provide an authorization
under section 28, the Minister must consider the following, as well as
any other relevant matter:

(a) the exceptional nature of the applicant’s proposed involvement
in placing or facilitating the placement of a child for the purpose
of an adoption;

(b) the applicant’s proposed involvement during and after
finalization of the adoption;

(c) the applicant’s relationship to the child’s biological parents and
the prospective adoptive parents;
(d) the wishes of the biological parents with respect to the applicant’s involvement in the adoption;

(e) the applicant’s knowledge of adoption and the adoption process;

(f) how the proposed adoption placement will meet the child’s cultural needs;

(g) whether the applicant will receive any form of benefit from the proposed placement;

(h) whether the applicant is affiliated with, or acting as an agent for, any person who purports to carry on the business of placing or facilitating the placement of children for adoption.

30 The Minister must, within 14 days after receiving an application, advise the applicant in writing of a decision made under section 28.

PART 3

LICENSED SEARCH AGENCIES

31 In this Part,

(a) “adopted person” means a person who is the subject of an adoption order made under the Act or any predecessor to the Act;

(b) “adoption search” means a search conducted by an agency for the location of a family member;

(c) “agency” means a licensed search agency;

(d) “applicant”, except in sections 32 and 34, means a person who applies to an agency pursuant to section 78 of the Act;

(e) “family member” means,

(i) with respect to an applicant who is an adopted person, a guardian of an adopted person who is a child, or a descendant of a deceased adopted person,

(A) a biological parent of the adopted person,

(B) a biological adult sibling of the adopted person, or

(C) if a biological parent of the adopted person is deceased, any adult related by blood to the deceased parent;
(ii) with respect to any other applicant,

(A) an adopted person who is 18 years of age or older and who is the biological child or the sibling of the applicant, or

(B) if an adopted person referred to in paragraph (A) is deceased, any adult related by adoption to the deceased adopted person;

(f) “post-adoption registry” means the service provided by the Minister under section 75 of the Act.

32(1) In this section and section 34, “applicant”, except in subsection (2)(d)(i), means a person who applies to the Minister for a licence to operate a search agency.

(2) An application for a licence to operate an agency must be on Form I and must be accompanied by the following documentation:

(a) evidence that the applicant is a corporate body described in section 87(1) of the Act;

(b) evidence that the applicant has obtained general liability insurance, satisfactory to the Minister, covering the proposed agency and its employees;

(c) a list of staff and contract positions, including a job description for each position and the qualifications and experience required for each position;

(d) a written description of the applicant’s proposed program and procedures, including an explanation of the applicant’s policy regarding

   (i) provision of counselling services for applicants under section 78 of the Act and for family members,

   (ii) investigative procedures and practices used in an adoption search,

   (iii) contact with located family members, and

   (iv) advertising of agency services;

(e) a fee schedule for the services to be provided by the agency;

(f) any other information that the Minister considers necessary to enable the Minister to determine the capacity of the applicant to provide the services and carry out the responsibilities of an agency.
(3) An application for the renewal of a licence to operate an agency must be on Form 1 and must be accompanied by

   (a) a statement of any changes in any of the information referred to in subsection (2)(b), (c), (d) or (e) since that information was last provided by the applicant, and

   (b) any other information that the Minister considers necessary to enable the Minister to determine the capacity of the applicant to continue to provide the services and carry out the responsibilities of an agency.

Fee

33(1) The fee payable with an application under section 32 is

   (a) $100 for an initial licence, or

   (b) $50 for the renewal of a licence.

(2) A fee referred to in subsection (1) is non-refundable.

Inspection

34 On receiving an application for a licence to operate an agency, the Minister may inspect or cause to be inspected the premises from which the applicant proposes to operate the agency for the purpose of determining whether the applicant will be in compliance with the Act and this Regulation.

Licence to be available for inspection

35 A licence or conditional licence to operate an agency must be kept on the premises of the agency and must be available for inspection by any person.

Application for an adoption search

36(1) An application for an adoption search may be made to an agency on Form 10.

(2) On receiving an application under subsection (1), an agency must

   (a) provide the applicant with a written description of the services provided by the agency and the fee schedule for those services,

   (b) advise the applicant of the services available through the post-adoption registry, and

   (c) provide the Minister with a copy of the application within 14 days after receipt of the application.

Release of identifying adoption information

37(1) On receiving a copy of an application under section 36, the Minister may provide the agency with any identifying adoption information that may assist the agency in carrying out an adoption search with respect to that application.
(2) If the Minister advises the agency that a family member has registered a veto under section 78 of the Act, the agency

(a) must advise the applicant that the veto has been registered,

(b) shall not commence an adoption search for that family member, and

(c) shall not release personal information about that family member to the applicant, other than information specified on the veto, the release of which has been consented to by the family member.

(3) If the Minister advises the agency that a family member has applied to the post-adoption registry, the agency must advise the applicant of that application.

Duty of agency to ensure confidentiality

38 If an agency uses the services of a person who is not an employee of the agency to conduct an adoption search, the agency must

(a) ensure that no identifying information about the applicant is provided to that person, other than

(i) in the case of an applicant who is an adopted person, the applicant’s birth name or

(ii) in the case of any other applicant, the applicant’s name at the time the applicant’s family member was adopted,

and

(b) take all reasonable steps to ensure that the person maintains confidentiality with respect to any identifying adoption information provided to that person by the agency and any other information concerning the applicant or a family member that comes to the attention of that person while conducting the adoption search.

Location of a family member by an agency

39(1) When an agency locates a family member through an adoption search, the agency must ensure that any contact between the agency and the family member is made by a qualified person.

(2) When a family member is first contacted by a qualified person, the qualified person must advise the family member

(a) that an application for an adoption search has been made, without providing identifying information about the applicant,

(b) that the family member has a right to

(i) consent to a reunion with the applicant on Form 11, or
(ii) register a veto on Form 12 declining a reunion with the applicant and

(A) prohibiting the release of identifying information to the applicant, or

(B) consenting to the release of specified information to the applicant through the agency,

(c) that counselling services are available through the agency,

(d) of any veto registered by another family member with respect to the applicant, and

(e) if the applicant is an adopted person, of the applicant’s right to commence an adoption search for other family members.

(3) If the family member consents to a reunion with the applicant and the applicant chooses to use the services of the agency to facilitate the reunion, the agency must ensure that the reunion is facilitated by a qualified person.

(4) If the family member chooses to register a veto declining a reunion with the applicant, the agency must send the veto to the Minister within 10 days after receiving it and must, through a qualified person,

(a) advise the family member of the right to revoke the veto,

(b) notify the applicant of the veto,

(c) if the family member has consented on the veto to the release of specified information to the applicant, provide the applicant with that information, and

(d) if the family member is a person described in section 31(e)(i), explain to the family member the importance of providing medical information to the applicant.

(5) If the family member has not, within 90 days after being contacted by the qualified person under subsection (2), either consented to a reunion with the applicant or registered a veto, the agency must handle the matter as if the family member had registered a veto, and must

(a) notify the Minister within 10 days after the expiration of the 90-day period that the matter is being handled as if a veto had been registered,

(b) notify the applicant that the matter is being handled as if a veto had been registered, and

(c) notify the family member that the matter is being handled as if a veto had been registered.
On concluding an adoption search, an agency must close its file and transfer to the Minister all information relating to the search in the possession of the agency or any person who conducted a search on behalf of the agency, including

(a) any information about the applicant or the family member, whether obtained from the Minister or through the adoption search,

(b) a confirmation of the outcome of the adoption search,

(c) an itemized statement showing the fees and disbursements charged to the applicant and, if applicable, the family member, and

(d) in cases where the agency used the services of investigators or other professionals who were not employees of the agency, the names of those professionals and the services they provided.

An agency must, on or before the last day of the 3rd month immediately following the end of the agency’s fiscal year, submit to the Minister

(a) an annual financial statement prepared by a registrant within the meaning of the Regulated Accounting Profession Act, and

(b) an annual report on the operation of the agency during the year to which the annual report relates, including the number of

(i) applications for adoption searches received,

(ii) reunions facilitated by the agency,

(iii) reunions where the applicant did not request the services of the agency,

(iv) vetoes actually registered,

(v) vetoes registered by default under section 39(5),

(vi) cases where the family member was not located, and

(vii) requests received for counselling from applicants and family members.

An agency must submit to the Minister any statistical information and reports relating to the operation of the agency that the Minister may require.
Designation of program director

42(1) An agency must designate a qualified person as the program director of the agency, who is responsible for the day to day operation of the program of the agency, including the supervision of persons delivering the services of the agency.

(2) An agency must notify the Minister in writing not later than 10 days after

(a) the designation of a program director, and

(b) any change in the designation of a program director.

Fees payable by applicants and family members

43(1) An agency may charge to an applicant the fees and expenses incurred in providing the following services:

(a) processing an application for an adoption search;

(b) conducting an adoption search;

(c) contacting a family member;

(d) facilitating a reunion;

(e) counselling services requested by an applicant;

(f) any other services relating to adoption searches that, in the opinion of the Minister, are necessary.

(2) An agency may charge to a family member the fees and expenses incurred in providing counselling services requested by the family member.

Money to be held in a trust account

44(1) An agency that requires payment in advance for any of its services must establish and maintain a trust account in a bank, treasury board or trust company, and any funds received from a person who will be receiving services from the agency must be deposited in the trust account.

(2) Money paid into a trust account under subsection (1) may be withdrawn from the account only with the consent of the person for whom it is held and only for fees and expenses specified in section 43 incurred by the agency for services provided to that person.

(3) Money remaining in a trust account after fees and expenses are paid must be returned to the person who paid the money to the agency.

(4) An agency must keep a separate book of accounts showing the deposits and withdrawals from the trust account, the name of the person for whom each deposit or withdrawal is made and the date of each deposit or withdrawal.
Advertising

45(1) An agency may advertise only in accordance with this section.

(2) Advertising by an agency

(a) must be in good taste,

(b) must be truthful, accurate and not misleading to the public,

(c) shall not claim or imply that the services of the agency are superior to those of another agency,

(d) shall not guarantee the location, or reunification with, a family member, and

(e) shall not publicize any service or activity that could identify an applicant or a family member.

(3) If the Minister is of the opinion that advertising by an agency contravenes subsection (2), the Minister may in writing, order the agency to take the measures specified in the order within the time limits specified in the order.

Financial assistance

46(1) An agency may, on behalf of an applicant who is a resident of Alberta, apply to the Minister for financial assistance with respect to an adoption search.

(2) The Minister may provide financial assistance with respect to an applicant who

(a) receives a benefit under the Assured Income for the Severely Handicapped Act, or

(b) is 65 years of age or older and whose income for calculating benefits, as defined in the Seniors Benefit Regulation (AR 213/94), does not exceed the amount prescribed under that Regulation.

(3) An applicant may receive financial assistance under subsection (2) only once for each family member who is the subject of an adoption search by the applicant.

PART 4

POST-ADOPTION SUPPORT

Definitions

47 In this Part, “adopter parent” means

(a) a person who has adopted a child, or
(b) a person with whom a child has been placed for the purpose of adoption.

48(1) Subject to this section, a director may enter into a post-adoption support agreement in Form 13 with an adopting parent of a child referred to in section 81 of the Act respecting the provision of financial support to the adopting parent to assist the adopting parent in either or both of the following:

(a) maintaining the child in the adoptive home;

(b) providing the child and the family of the adopting parent with any of the following services that may be required to meet the special needs of the child:

(i) medical services;

(ii) orthodontic and corrective dental treatment;

(iii) home renovations or equipment required to accommodate a disability;

(iv) occupational, speech, hearing or psychological therapy;

(v) day care for remedial purposes;

(vi) specialized educational support;

(vii) transportation and subsistence for treatment purposes;

(viii) in the case of an Indian child, transportation to maintain cultural ties to the child’s band of origin;

(ix) child care to provide parental relief, to a maximum of 504 hours per year;

(x) treatment in a residential facility in Alberta.

(2) An agreement may be entered into under subsection (1) only

(a) if, before the adoption order relating to the child was made, a director acknowledged in writing that the child has a special need,

(b) if the child has a special need as a result of

(i) a medical, physical, mental or emotional condition or history that could significantly impede normal development,

(ii) not having been adopted due to the child’s age,
(iii) being one of 2 or more siblings who have been placed with the adopting parent for the purpose of adoption, or

(iv) the cultural or familial needs of the child,

(c) if, in the case of an agreement under subsection (1)(a),

(i) a director has made reasonable efforts to find an adoptive home for the child without the provision of financial support, or

(ii) the child has developed a significant relationship with the adopting parent as a result of the adopting parent providing care to the child for an extended period of time,

and

(d) if the adopting parent is a resident of Canada.

(3) No agreement shall be entered into under subsection (1)(b) if the adopting parent is reasonably able to obtain the services required to meet the special needs of the child from other sources.

(4) No agreement under subsection (1)(a) or (b) remains in force after the child reaches the age of 18 years.

(5) No agreement under subsection (1)(a) or (b) remains in force if the adopting parent ceases to reside in Canada.

49 The rate of financial support provided under an agreement under section 48(1)(a) shall not exceed 90% of the basic maintenance rate for foster care as set by the Minister from time to time.

50(1) A director must review a post-adoption support agreement

(a) annually, and

(b) within 30 days after receiving a written request for a review from the adopting parent who is a party to the agreement.

(2) If, after a review under subsection (1), the director is of the opinion that

(a) the special needs of the child have changed, or

(b) the financial ability of the adopting parent to maintain the child or to provide the services required to meet the special needs of the child, as the case may be, has changed,
the director may require that the agreement be varied or may terminate the agreement on 30 days’ written notice to the adopting parent.

Appeal

51 A person who is affected by a decision respecting the refusal or failure to enter into an agreement under section 48 or respecting the terms or the termination of that agreement may appeal the decision to an Appeal Panel in accordance with section 120(3) of the Act.

PART 5

REPEALS, EXPIRY AND COMING INTO FORCE

Repeal

52 The Adoption Regulation (AR 3/89) is repealed.

Expiry

53 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2007.

Coming into force

54 This Regulation comes into force on April 1, 2002.

FORM 1

APPLICATION FOR A LICENCE OR TO RENEW A LICENCE TO OPERATE AN ADOPTION AGENCY OR A SEARCH AGENCY

1 Regarding the application of (corporate name of applicant) I am (name). I am authorized to represent the applicant.

2 Application

I am applying:

___ for a licence to operate a licensed adoption agency
___ for a licence to operate a licensed search agency
___ to renew a licence to operate a licensed adoption agency
___ to renew a licence to operate a licensed search agency

I have attached all the supporting documents required by section 4 or section 32 of the Adoption Regulation.

I have enclosed the non-refundable application fee of:

___ $100 for an initial licence
___ $50 to renew a licence
3 Information about Applicant
   1 Information about the applying corporate body:

   Registered office address: ____________________________ ____________________ (telephone number)

   Board of Directors:
   ____________________ (name) ____________________ (title) ____________________ (address)
   ____________________ (name) ____________________ (title) ____________________ (address)
   ____________________ (name) ____________________ (title) ____________________ (address)

   2 Information about the agency, if different from the corporate body:

   ____________________ (name) ____________________ (address) ____________________ (telephone number)

   3 ____________________ (Program Director) ________________

4 Signatures

   (authorized officer’s signature) ____________________ (date) Corporate Seal

   (authorized officer’s signature) ____________________ (date)

FORM 2

NOTICE OF DECISION: LICENSING OF ADOPTION AGENCY OR SEARCH AGENCY

1 To: ____________________ (name of applicant or licensee)
   Address: ____________________ (address)

2 Licensing

   With respect to the licensing of:
   __ an adoption agency
   __ a search agency
Pursuant to section 89 of the Child Welfare Act, I give notice of my decision to:

(Place an “X” in the appropriate box.)

__ refuse to issue a licence to operate an agency
__ refuse to renew your licence to operate an agency
__ issue a conditional licence to operate an agency
   subject to the following terms and conditions:
   __ suspend your licence to operate an agency until
   such time as the following terms and conditions are met:
   __ cancel your licence to operate an agency.

The reasons for my decision are as follows:

You may appeal any decision noted on this form in accordance with section 120 of the Child Welfare Act.

This decision takes effect 30 days after the date of service of this notice.

3 Signature of Minister

(Minister’s signature) (date)

FORM 3
REQUEST FOR CHILD WELFARE RECORD CHECK

1 To: the Minister of Children’s Services

Name of applicant:

(full name and all previous names) (birthdate)

(full name and all previous names) (birthdate)

2 Regarding each applicant:

I have applied to (name of licensed adoption agency) to:

(check one of the following)

__ place a child in my home for adoption.
__ process my adoption of a child placed in my home by the parent.
Please check child welfare records for any information about me. Please send the results of your check to me at:

(address).

(check one of the following)

__ I have no other child.
__ My other children are:  
(name)  (birthdate)  
(name)  (birthdate)

3 Signatures

(witness’s signature)  (date)  (applicant’s (signature))

(witness’s signature)  (date)  (applicant’s (signature))

4 Results of Child Welfare Record Check

I,  (name),  (position),  have conducted a child welfare record check on  (applicant)  and report as follows:

__ I have found no child welfare record indicating that the applicants might have caused a child to be in need of protective services in Alberta.

__ I have the following concern regarding the suitability of the applicants to have care and custody of a child:

(Signature)  (date)

FORM 4

UPDATE REPORT

1 Name of applicant(s):  
Address:  
Telephone:  
Business  (male applicant)  Business  (female applicant)

2 Assessment

Describe under the following headings the circumstances of any changes that have occurred since the completion of the home assessment report:
## FORM 5

**CHILD’S SOCIAL AND FAMILY HISTORY**

### 1 Section 1: Child’s Information

#### A Name of child: ____________________________ (birthdate)

Birthplace: ________ Religion: _________________________

Has child been baptized: ___ yes ___ no

If yes, give details: ____________________________

Racial Origin: ________ Ethnic Origin: _________________________

If registered Indian, (registration number) Band: (name)

If Metis: ______ (Metis settlement name or community)

Physical description of child: ____________________________

Diagnosed birth or congenital health problems of child: ______
B Background (if newborn do not complete)

- Provide any information regarding where the child has lived, who parented the child, etc.:
- Describe relationship with family or other significant persons:

C Development (if newborn do not complete)

- Discuss academic achievement and social adjustment to school:
- Describe any interests, hobbies or participation in sports:
- Provide copies of any psychological or psychiatric assessments which have been completed:
- Provide any known information regarding the child’s emotional, social or cognitive functioning:

D Personality (if newborn do not complete)

- Discuss child’s personality and behaviour:

2 Section 2: Birth Mother’s Information

Name of mother: ___________ (birthdate) ___________

Birthplace: ___________ Religion: ________________

Racial Origin: _______ Ethnic Origin: ________________

If registered Indian, (registration number)
Band: (name) Band: _______(number)_______
If Metis: (Metis settlement name or community)

Marital status: __________

Physical description: (height) (weight) (colour of eyes) (colour of hair)

Any unique features: __________________________

Education: __________ Employment: ______________

Interests: ________________________________

Personality: ________________________________
Relationship with family: ________________________________

**Other children born to birth mother:**

<table>
<thead>
<tr>
<th>(name)</th>
<th>(birthdate)</th>
<th>(sex)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name)</td>
<td>(birthdate)</td>
<td>(sex)</td>
</tr>
</tbody>
</table>

Who is caring for these children: ________________________________

Birth mother’s parents, brothers and sisters

<table>
<thead>
<tr>
<th>(name)</th>
<th>(address)</th>
<th>(birthdate)</th>
<th>(sex)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name)</td>
<td>(address)</td>
<td>(birthdate)</td>
<td>(sex)</td>
</tr>
</tbody>
</table>

- Describe any special talents, skills, traits within the family:

Additional comments of birth mother:

______________________________

(signature of birth mother)

---

### Section 3: Birth Mother’s Medical Information

- Describe the mother’s general state of health:

- Describe physical, mental, emotional or medical conditions and treatment obtained for those conditions:

- Describe extent of use of any drugs, alcohol or tobacco (including prenatal use):

- Describe prenatal care received by mother:

- Describe any significant physical, mental, emotional or medical conditions within the extended family:

---

### Section 4: Birth Father’s Information

Name of father: ________________ (birthdate) ________________

Birthplace: ____________ Religion: ________________

Racial Origin: _________ Ethnic Origin: ________________

If registered Indian, (registration number)

Band: (name) Band: __ (number) __

If Metis: (Metis settlement name or community)

Marital status: ____________

Physical description: ____________ (height) ____________ (weight) ____________ (colour of eyes) ____________ (colour of hair)
Any unique features: ________________________________

Education: ______  Employment: ____________________

Interests: ________________________________

Personality: ________________________________

Relationship with family: ________________________________

**Other children born to birth father:**

- **(name)**  **(birthdate)**  **(sex)**
- **(name)**  **(birthdate)**  **(sex)**

Who is caring for these children: ________________________________

Birth father’s parents, brothers and sisters

- **(name)**  **(address)**  **(birthdate)**  **(sex)**
- **(name)**  **(address)**  **(birthdate)**  **(sex)**

- Describe any special talents, skills, traits within the family:

Additional comments of birth father:

______________

_(signature of birth father)_

---

**5  Section 5: Birth Father’s Medical Information**

- Describe the father’s general state of health:

- Describe physical, mental, emotional or medical conditions and treatment obtained for those conditions:

- Describe extent of use of any drugs, alcohol or tobacco:

- Describe any significant physical, mental, emotional or medical conditions within the extended family:

---

**6  Section 6: Adoption Information**

- Describe the relationship between the birth parents:

- Describe the circumstances surrounding the decision to choose adoption:

- Is a letter or gift being left for the child?

- Have the mother and father been given background information about the adoptive family?
Is the birth father aware that the child has been placed for adoption?  yes  no

Additional comments of person preparing history:

(prepared by)  (date)  (reviewed by)  (date)

FORM 6

MEDICAL REPORT

1 Regarding the child (name), born (date)  Personal Health Number ________.

2 Referral

Date: ___(date)___

To: (physician’s name)  From: (child welfare worker)

(child welfare office)

(address)

(phone)

3 Information from most recent care giver

Feeding

___ seems normal for age ___ I am concerned about

Sleeping

___ seems normal for age ___ I am concerned about

Elimination

___ seems normal for age ___ I am concerned about

Development

___ seems normal for age ___ I am concerned about

Temperament

___ seems normal for age ___ I am concerned about

I also have concerns about:

(e.g. developmental delays, abuse, behaviour)
4 Information from child welfare worker

Child’s medical history:  

Prenatal:  
Mother’s health, nutrition, use of alcohol, tobacco, other substances;  

Birth:  
Describe delivery and child’s birth health, including vital stats and Apgars, chronic illness, hospitalization, abuse:  

Immunizations:  

Up to date  
Not up to date  

Name of health unit:  

Allergies:  

I also have concerns about:  

5 To be completed by a registered physician

5A Laboratory findings (complete as necessary)

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<thead>
<tr>
<th>Test</th>
<th>Date</th>
<th>Results</th>
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</thead>
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<tr>
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<tr>
<td>HB</td>
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<tr>
<td>Urinalysis</td>
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<td>Urine C/S</td>
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<tr>
<td>TB test</td>
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<tr>
<td>Other</td>
<td></td>
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</tbody>
</table>

5B Physical examination (complete as applicable)

<table>
<thead>
<tr>
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<th>Normal</th>
<th>Abnormal</th>
<th>N/A</th>
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<tbody>
<tr>
<td>Head circumference</td>
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<td>Height</td>
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<td>Weight</td>
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<td>Blood pressure</td>
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<td>Ant Fontanel</td>
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<td>Head (shape/size)</td>
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<td>Ears</td>
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<td>Teeth</td>
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<td>Lymph nodes</td>
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<td>------------------------------------</td>
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<td>Healthy child; no concerns</td>
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<td>Diagnosis</td>
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<tr>
<td>Prognosis</td>
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<tr>
<td>Care plan and/or recommendations:</td>
<td>(describe follow-up plan)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6 Examining Physician

(name)  (area of practice)
(address)  (phone)  (physician’s signature)  (date)

FORM 7

POST-PLACEMENT ASSESSMENT

1 Name of applicant ______________________

Name of child ______________________  (birthdate)
2 Assessment Information

I, (name) (position) a qualified person under the Child Welfare Act, have assessed the adjustment of the applicant(s) and the child to the placement of the child in the home of the applicant(s) and report as follows:

1. Describe the child’s physical, mental and emotional level of development.

2. Describe the child’s contact with any health professionals and the child’s immunization program.

3. Describe the adjustment and bonding between the child, the applicant(s) and other family members.

4. Describe the home environment (including other people in the home, parenting abilities, quality of spousal relationship).

5. Describe any efforts that have been made to retain the child’s cultural identity.

6. Describe the applicant’s understanding of being an adoptive parent.

7. Provide comments by references regarding the adjustment of the child and the family to the adoption.

8. Do you believe the completion of this adoption is in the child’s best interests?

   (completed by) (position) (date)
   (reviewed by) (position) (date)

FORM 8
APPLICATION FOR AUTHORIZATION

1 Information about applicant

Name of applicant: (name of applicant)

Address: (street, apt #, P.O. Box #)
          (city, town, county) (province)
          (postal code) (phone number)

Occupation: ____________________________
2 **Information about birth parents**

Name of mother: (name of mother)

Address: (street, apt #, P.O. Box #)

(city, town, county) (province)

(postal code) (phone number)

Name of father: (name of father)

Address: (street, apt #, P.O. Box #)

(city, town, county) (province)

(postal code) (phone number)

3 **Information about proposed adoptive parents**

Names of proposed adoptive parents:

(name of proposed adoptive mother)

(name of proposed adoptive father)

Address: (street, apt #, P.O. Box #)

(city, town, county) (province)

(postal code) (phone number)

4 **Information about child**

Name of child (if born): (name)

Date of birth or expected date of birth: (date)

5 **To be completed by applicant**

I am applying for authorization to place or help place this child for the purpose of adoption.

I want to be involved in placing this child because:

My involvement in placing this child is exceptional because:

My role in assisting with this adoption following placement of the child and following the granting of the adoption order will be:

My relationship to the birth parents of this child is:
My relationship to the proposed adoptive parents is:

My knowledge of adoption and the adoption process is based on:

The proposed adoption placement will meet the child’s cultural needs because:

(check one of the following):

_____ I will receive the following benefit for being involved in this adoption: ________________________________

_____ I will not receive a benefit of any kind for being involved in this adoption.

(check one of the following):

_____ I am affiliated with a person or organization that carries on an adoption business. The name of the person or organization is ________________________________

_____ I am not affiliated with any person or organization that carries on an adoption business.

6 To be completed by birth parents

I/We want the applicant to be involved in my/our child’s adoption because:

Notice to birth parents and proposed adoptive parents:

Adoption services are available to birth parents and adoptive parents from your regional Child and Family Services Authority and from licensed adoption agencies. Contact your regional Child and Family Services Authority for further information.

7 Signatures

(witness’s signature)   (date)   (applicant’s signature)

(witness’s signature)   (date)   (birth parent’s signature)

(witness’s signature)   (date)   (birth parent’s signature)
FORM 9

AUTHORIZATION

1
To: ____________________ (name of applicant)
Address: ____________________ (street, apt #, P.O. Box #)
          ____________________ (city, town, county)
          ____________________ (province)
          ____________________ (postal code)

2 Information about Child

Name of child (if born): ____________________ (name)
Date of birth or expected date of birth: ____________________ (date)

3 Information about Birth Parents

Names of birth parents:
          ____________________ (name of birth mother)
          ____________________ (name of birth father)

4 Information about Proposed Adoptive Parents

Names of proposed adoptive parents:
          ____________________ (name of proposed adoptive mother)
          ____________________ (name of proposed adoptive father)

5 Authorization

You are authorized by the Minister to place or help place this child with the proposed adoptive parents for the purpose of adoption.

This authorization allows you to place the child only if the birth parent wants you to.

The provisions of the Child Welfare Act apply at all times. The Act requires the birth parent’s consent to the child’s adoption.
FORM 10
APPLICATION FOR AN ADOPTION SEARCH

1 To: __________________________ (Licensed Search Agency)

2 Name: __________________________ (first name) __________________________ (middle name) __________________________ (last name)
   Address: __________________________________________________________
             (street, apt #, P.O. Box #)
             __________________________ (municipality) __________________________ (province) __________________________ (country) __________________________ (postal code)
   Telephone No. __________________________ (residence) __________________________ (business)
   Previous names __________________________________________________________

3 Applicant Information
   I am
   __ an adopted person. I am 18 years of age or older (complete sections 4 and 9)
   __ an adopted child. I am 16 years of age or older and living independently from my guardian (complete sections 4 and 9)
   __ a guardian of an adopted person who is a child (complete sections 5 and 9)
   __ an adult descendant of a deceased adopted person (complete sections 6 and 9)
   __ a birth parent of an adopted person who is 18 years of age or older (complete sections 7 and 9)
   __ an adult sister or brother of an adopted person who is 18 years of age or older (complete sections 8 and 9)
4 Search Information for Adopted Person

I would like you to search for

___ my birth mother
___ my birth father
___ my maternal adult birth sisters and brothers
___ my paternal adult birth sisters and brothers

If either of my birth parents is deceased, I would like you to search for any adult related by blood to that birth parent

___ Yes ___ No

Date of adoption (if known) ___ (date)___

Date of birth ___ (date)___

Place of birth

My adoptive mother is ___ (last name) ___ (first name)___

My adoptive father is ___ (last name) ___ (first name)___

I believe I have the following adult birth brothers and sisters. (Please give names and any details you know about your adult sisters and brothers. If you need more space, attach a separate sheet.)

5 Search Information for Guardian of Adopted Child

Name of adopted child:
___ (first name) ___ (middle name) ___ (last name)___

Previous names: ______________________________________

I would like you to search for the adopted child’s

___ birth mother
___ birth father
___ adult birth brothers and sisters

If either of the adopted child’s birth parents is deceased, I would like you to search for any adult related by blood to that birth parent ___ Yes ___ No
Date of adoption (if known) (date)

Date of birth (date)

Place of birth ________________________________

The adopted child’s adoptive mother is
(last name) (first name)

The adopted child’s adoptive father is
(last name) (first name)

I believe the adopted child has the following adult birth brothers and sisters. (Please give names and any details you know about the child’s adult sisters and brothers. If you need more space, attach a separate sheet.)

______________________________________________________________

6 Search Information for Descendant of Deceased Adopted Person

Name of deceased adopted person: (first name) (middle name) (last name)

Date of death (date)

Place of death ________________________________

Date of adoption (if known) (date)

Date of birth (date)

Place of birth ________________________________

Names of the adoptive parents ________________________________

Relationship of deceased adopted person to applicant______________

I would like you to search for the deceased adopted person’s

_____ birth mother

_____ birth father

_____ adult birth brothers and sisters
If either of the deceased adopted person’s birth parents is deceased, I would like you to search for any adult related by blood to that birth parent

____ Yes  ____ No

____ I believe the deceased adopted person has the following adult birth sisters and brothers. (Please give names and any details you know about the adopted person’s adult sisters and brothers. If you need more space, attach a separate sheet.)

7 Search Information for Birth Parent

I would like you to search for

____ my birth son  ____ my birth daughter

whose name was _______ (full name) ________________________

Place of birth ______________________________

Date of birth ______ (date) ______

If my birth son or daughter is deceased, I would like you to search for any adult related by adoption to my birth son or daughter

____ Yes  ____ No

8 Search Information for Sisters and/or Brothers

____ I would like you to search for my adult sisters and/or brothers who were adopted.

____ I believe I have the following adult sisters and/or brothers who were adopted and for whom I wish you to search. (Please give names and any details you know about your adult sisters and brothers. If you need more space, attach a separate sheet.)

If any of my adult sisters and/or brothers who was adopted is dead, I would like you to search for any adult related by adoption to the deceased

____ Yes  ____ No
9 Signatures

I understand that the Minister will give you identifying information about me (or the adopted person) and my (or the adopted person’s) birth family to help you with the search.

I understand that the Post-Adoption Registry will receive a copy of this application.

(witness’s signature) (date) (applicant’s signature)

FORM 11
CONSENT BY FAMILY MEMBER

1 To: (Licensed Search Agency) 
   (address)

2 Consent

I am (name of family member). I understand that (relationship to applicant) has asked you to find me.

I give you my consent to reunite him or her with me and to give him or her any information you have that identifies who I am to facilitate the reunion.

I give you my consent to give him or her any information you have that identifies who I am.

3 Signatures

(witness’s signature) (date) (signature of family member)

FORM 12
VETO

1 To: (Post Adoption Registry) (Licensed Search Agency)
2 Veto

I am ___ adopted person
Name: ____________________ (birthdate)
Adoptive parents’ names: ____________________

I am ___ birth parent
Name: ____________________ (birthdate)
Child’s name: ____________________ (birthdate)

I am ___ adult birth sibling
Name: ____________________ (birthdate)
Child’s name: ____________________ (birthdate)

I am ___ other
Name: ____________________ (birthdate)
Child’s name: ____________________ (birthdate)

In the event that someone applies to a licensed search agency or to the Post Adoption Registry to find me:

___ I do not wish to be reunited with the applicant and I forbid the release of any information that identifies who I am.

___ I do not wish to be reunited with the applicant; however, I consent to the release of the following information about me to the applicant:

________________________________________________________________________

I understand that even if I register this veto form, the applicant might still find another birth family member. That member might give out information about me. I understand that even if I register this veto form, the applicant might still find me or get information about me some other way.

I understand that I may cancel this veto at any time by writing to the Post Adoption Registry.

3 Signatures

___ (witness) ___ (date) ___ (signature)
FORM 13
POST-ADOPTION SUPPORT AGREEMENT

1 Regarding the child ___________ (name)___________

Born _____ (date)_____

2 Agreement

This agreement is made according to section 81 of the Child Welfare Act.

This agreement is between a director and (names of adoptive parents) of _____ (address)_____.

_____ This agreement replaces the agreement we entered on _____ (date)_____.

A director agrees to review this agreement within 30 days of receiving a written request from the parents.

We agree that this agreement may be changed only if both of us agree. To change this agreement, we will sign a new agreement.

We agree that if one of us wants to cancel this agreement, we will provide a letter to the other person 30 days before the date we want the agreement to end.

We agree to the terms set out below this agreement. The total cost of this agreement will not exceed _________________.

3 Terms

Maintenance Terms

This child has been placed with the parents for the purpose of adoption. The parents reside in Canada and require financial support to assist them to maintain the child in their home.

A director agrees to provide the parents with financial support to maintain the child. The rate of support will be: __________.

The parents agree to inform a director about any change in their ability to maintain the child.
We agree that these terms will be effective from ___(date)___ to ___(date)___ unless cancelled earlier.

(NOTE: The agreement may not exceed one year nor continue either after the child’s 18th birthday or if the parents cease to reside in Canada.)

**Special Service Terms**

This child was adopted by the parents on ___(date)______.

Before the adoption, a director acknowledged that the child had special needs.

A director agrees to provide the parents with financial support for services to meet the child’s special needs.

The level of support and the type of services will be:

The parents agree to make sure the child receives the services described above.

The parents agree to inform a director about any change in the child’s special needs.

We agree that these terms will be effective from:

___ ____ (date)

___ the date the adoption order is granted

We agree that these terms end ___(date)___ unless cancelled earlier.

(NOTE: The agreement may not exceed one year nor continue either after the child’s 18th birthday or if the parents cease to reside in Canada.)

**Signatures**

___ (parent’s signature) ___ (date)

___ (parent’s signature) ___ (date)

___ (child welfare worker’s signature) ___ (date)

___ (director’s delegate’s signature) ___ (date)
FORM 14

NOTICE BY AN ADOPTION APPLICANT ABOUT A DIRECT ADOPTION PLACEMENT

1 Regarding the child __ (name as on birth document) __, born __ (date) __ at __ (place of birth) __.

2 Applicants

We are the applicants who will be applying to adopt this child:

__________________________  __________________________
(name)  (address)

__________________________  __________________________
(name)  (phone)

3 Parents

This child’s parents are:

Mother:  _______________  (name), born __ (date) __

__________________________
(address)

__________________________
(phone)

Father:  _______________  (name), born __ (date) __

__________________________
(address)

__________________________
(phone)

4 Notice

This is your notice that we received custody of this child from the parent on __ (date) __ for the purpose of adoption.

We intend to apply for an adoption order regarding the child.

__________________________  __________________________
applicant’s signature  (date)

__________________________  __________________________
applicant’s signature  (date)

FORM 15

NOTICE BY A PARENT ABOUT A DIRECT ADOPTION PLACEMENT

1 Regarding the child __ (name as on birth document) __

born __ (date) __ at __ (place of birth) ____________.

2 Parents

I am this child’s parent. I am:

__________________________  __________________________
(name)  (address)

__________________________  __________________________
(name)  (phone)
The child’s other parent is:

(name) born (date)
(address) (phone)

3 Applicants

The people who will be applying to adopt my child are:

(applicant’s legal name) (applicant’s legal name)
(address) (phone)

4 Notice

This is your notice that I placed this child with the applicants on (date) for the purpose of adoption.

I understand that I will need to sign a consent form for the adoption. I also understand that I can have the consent form completed either by going to a lawyer, or by contacting my regional Child and Family Services Authority.

( parent’s signature) (date)

Alberta Regulation 38/2002

Child Welfare Act

GENERAL REGULATION

Filed: March 20, 2002

Made by the Minister of Children’s Services (M.O. 43/02) on March 14, 2002 pursuant to section 131(2) of the Child Welfare Act.

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Schedules
1 In this Regulation, “Act” means the *Child Welfare Act*.

2 The forms to be used under the Act are the forms in Schedule 1.

3 The institutions in Schedule 2 are secure treatment institutions.

4 For the purposes of the Act, the qualifications required for a person to be appointed as a child welfare worker are that the person

   (a) is a social worker registered under the *Social Work Profession Act*,

   (b) holds at least a bachelor’s degree in social work from a university or school accredited by the Canadian Association of Schools of Social Work, or

   (c) in the opinion of the Minister is qualified because of the person’s academic qualifications or experience or a combination of the person’s academic qualifications and experience.

5(1) A director may enter into an agreement in Form 10 with a person referred to in section 35(2) of the Act with respect to the provision of care and maintenance required to assist or enable the person to establish or maintain an independent living arrangement if, in the opinion of the director,

   (a) the care and maintenance is not reasonably available to the person through other sources, or

   (b) the care and maintenance is required in order to achieve the objectives of a director’s case plan.

(2) An agreement under subsection (1) may provide care and maintenance that is required for the health and well-being of the person referred to in section 35(2) of the Act, including

   (a) living accommodation,

   (b) financial assistance related to necessities of life, training and education,

   (c) health benefits, and

   (d) any other support services that may be required to enable the person to live independently or achieve independence.

(3) No agreement under subsection (1) may be entered into or remains in force after the person’s 20th birthday.
(4) A person who is affected by a decision respecting the refusal or failure to enter into an agreement under subsection (1) or the terms or termination of that agreement may appeal the decision to an Appeal Panel in accordance with section 120 of the Act.

Duty to keep records

6 For the purposes of section 127 of the Act, the following persons are required to keep records with respect to a child who is the subject of an investigation, agreement or order under the Act or any predecessor to the Act:

(a) a director;

(b) an officer of a licensed adoption agency.

Repeal

7 The General Regulation (AR 192/85) is repealed.

Expire

8 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2007.

Coming into force

9 This Regulation comes into force on April 1, 2002.

SCHEDULE 1

FORM 1

SUPPORT AGREEMENT WITH A GUARDIAN OR CUSTODIAN

1 Regarding the child(ren):

____ (name)__, born ____ (date)____, ID#____

____ (name)__, born ____ (date)____, ID#____

2 Agreement

This agreement is made according to section 8(1) of the Child Welfare Act.

This agreement is between a director and ____ (name)____ of (address), who is this child’s ____ guardian ____ custodian.

We agree that this agreement will be effective from ____ (date)____ to ____ (date)____ unless cancelled earlier.
We agree that if one of us wants to cancel this agreement, we will provide a letter to the other person that sets a date for the agreement to end.

We have seen and agree to the service plan of (date) that is attached to this agreement. We also agree that we can make changes to the service plan if both of us agree to them.

3 Signatures

(guardian/custodian) (date)

(director’s delegate) (date)

FORM 2

SUPPORT AGREEMENT WITH A CHILD

1 Regarding the child (name), born (date)

2 Agreement

This agreement is made according to section 8(2) of the Child Welfare Act.

This agreement is between a director and (name) of (address), who is the child.

We agree that this agreement will be effective from (date) to (date) unless cancelled earlier.

We agree that if one of us wants to cancel this agreement, we will provide a letter to the other person that sets a date for the agreement to end.

We have seen and agree to the service plan of (date) that is attached to this agreement. We also agree that we can make changes to the service plan if both of us agree to them.

3 Signatures

(child) (date)

(director’s delegate) (date)
FORM 3  
CUSTODY AGREEMENT WITH A GUARDIAN

1  Regarding the child ____ (name) ___, born ___ (date) ___

Personal Health Number ________________________________

2  Agreement

This agreement is made according to section 9(1) of the Child Welfare Act.

This agreement is between a director and ____ (name) ____ of ____ (address) ___, who is this child’s guardian.

We agree that this agreement will be effective from ____ (date) ____ to ____ (date) ____ unless cancelled earlier.

We agree that if one of us wants to cancel this agreement, we will provide a letter to the other person that sets a date for the agreement to end.

We agree to the terms set out below.

3  Terms

We agree that the guardian will have the following contact with the child:

● The guardian agrees that the director may:

- decide about daily routines
- decide about recreational activities
- enrol the child in school or vocational activities
- decide about religious or cultural activities
- consent to ordinary medical or dental care
- consent to emergency treatment or surgical procedures
- consent to employment
- consent to obtaining recreational licences and permits (except a firearms permit or driver’s licence)
- other

The guardian agrees to contribute the following toward
maintaining the child:

- dental costs
- optical costs
- prescription drugs
- school fees
- clothing
- recreational costs
- counselling fees
- other

- cash payments of $____ per month. These payments will be made on the (day) of every month, starting (date).

- a one-time cash payment of $____ to be paid by (date).

The guardian will make all cash payments to:

- the Minister of Finance by supplying them to the child welfare office at (address).

- the Director of Maintenance Enforcement at (address).

We have seen and agree to the service plan of (date) that is attached to this agreement. We also agree that we can make changes to the service plan if both of us agree to them.

4 Signatures

( guardian) ( date)

(director’s delegate) ( date)

FORM 4

CUSTODY AGREEMENT WITH A CHILD

1 Regarding the child (name), born (date)

Personal Health Number __________________________

2 Agreement

This agreement is made according to section 9(2) of the Child Welfare Act.

This agreement is between a director and (name) of (address), who is the child.
We agree that this agreement will be effective from ___(date)___ to ___(date)___ unless cancelled earlier.

We agree that if one of us wants to cancel this agreement, we will provide a letter to the other person that sets a date for the agreement to end.

We have seen and agree to the service plan of ___(date)___ that is attached to this agreement. We also agree that we can make changes to the service plan if both of us agree to them.

4 Signatures

___(child)___

___(date)___

___(director’s delegate)___

___(date)___

FORM 5

PERMANENT GUARDIANSHIP AGREEMENT

1 Regarding the child ___(name)___, born ___(date)___

2 Introduction

The guardians of this child have asked the director to take over guardianship of the child.

We understand that once we enter this agreement:

- anyone who is now a guardian of the child will no longer be a guardian;
- the director will become the child’s only guardian;
- a guardian may end this agreement within 10 days after signing it. To end the agreement, the guardian must give the director a written request.

3 Agreement

This agreement is made according to section 11 of the Child Welfare Act.

This agreement is between a director and ___(names)___, who are all of the guardians of the child. We agree that the director will assume guardianship of the child.
FORM 6
ACCESS, MAINTENANCE OR CONSULTATION AGREEMENT

1 Regarding the child ____ (name)____, born ____ (date)____

2 Agreement

This agreement is made according to:

__ section 10 of the Child Welfare Act (custody agreement with a child)

__ section 14 of the Child Welfare Act (temporary guardianship order)

__ section 34 of the Child Welfare Act (permanent guardianship order)

This agreement is between a director and ____ (name)____ of ____ (address)____.

__ This agreement replaces the agreement we entered on ____ (date)____.

We agree that this agreement will be effective from ____ (date)____ to ____ (date)____.

(NOTE: the expiry date may not be after the expiry date of the custody agreement or guardianship order.)

This agreement may be replaced only if both of us agree. To replace this agreement, we will enter a new agreement.

To cancel this agreement:

● if there are no terms of maintenance, one of us will provide a letter to the other person that sets a date for the agreement to end.

● if there are terms of maintenance, only the director may cancel the agreement.

We agree to the terms set out below.
3 Terms

Terms of Access (only if temporary or permanent guardianship)

We agree that (name) may have the following contact with this child:

Terms of Maintenance (only if custody agreement or temporary guardianship)

- The guardian agrees to contribute the following toward maintaining this child:
  - dental costs
  - optical costs
  - prescription drugs
  - school fees
  - clothing
  - recreational costs
  - counselling fees
  - other
  - cash payments of $_____ per month. These payments will be made on the (day) of every month, starting (date).
  - a one-time cash payment of $_____ to be paid by (date).

- The guardian will make all cash payments to:
  - the Minister of Finance by supplying them to the child welfare office at (address).
  - the Director of Maintenance Enforcement at (address).

Terms of Consultation (only if temporary guardianship)

The director agrees to discuss the following matters with the guardian:

Other Terms (only if temporary guardianship) ________________

4 Consent to Access by a Child 12 Years of Age or Over

(Complete if this agreement is with someone who is not a guardian)

My name is (name). I consent to the terms of access in this agreement.

_________ (child’s signature) ________ (date)
FORM 7
SECURE TREATMENT CERTIFICATE

1 Regarding the child ______________ (name)__, born ______________ (date)__.  

2 Certificate

This certificate is issued by a director under section 43 of the 

This certificate is the authority for confining this child in a secure treatment institution.  

The director authorizes any person to confine the child in a secure treatment institution from ______________ (date)__ to ______________ (date)__.  

The secure treatment institution is ______________ (name)__ at ______________ (address)__.  

3 Affidavit

My name is ______________ (name of director’s delegate)___.  I have the authority to act for a Child Welfare Director.  

I have reasonable and probable grounds to believe that the child is suffering from a mental or behavioural disorder, that the child is in a condition presenting a danger to the child or others and that it is necessary to confine the child in order to remedy or alleviate the disorder because:  

________________________________________________________________________.  

SWORN BEFORE ME at the ___ of ____________, in the Province ____________, of Alberta, the ___ day of ________.  
A.D. ____________, ______________ (director’s delegate).  

Notary Public or Commissioner for Oaths
4 Notice

This is your notice that I will be appearing in Court to show cause why this certificate was issued.

The Court hearing will be at ___(address)___ on ___(date)___.

A judge will hear my information as soon as possible after ___(time)___.

If you want to speak to the judge about my information, you must attend the hearing.

The child may be represented by a lawyer at any appearance before the Court. The nearest office of the Legal Aid Society is ___(address)___, ___(phone)___.

FORM 8

HANDICAPPED CHILDREN’S SERVICES AGREEMENT

The information given by the Guardian on this form is collected under the authority of the Child Welfare Act for the purposes of making this Agreement. The collection and use of the information is undertaken in compliance with the provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and use of this information, you may contact your worker.

IN RESPECT of the child
Last name ________________
First name ________________
Middle name ________________
Birthdate ________________
HCS I.D. number ________________

who resides at __________________ (child’s address)

AND IN ACCORDANCE WITH section 106 of the Child Welfare Act, THIS AGREEMENT IS MADE BETWEEN the legal guardian (called “the Guardian”)

__________________________ (Guardian’s Name) ________________ Home Phone No. ________________
__________________________ (address) ________________ Work Phone No. ________________

and a Director or authorized designate (called the “Director”). In recognition that the child is diagnosed with ________________, the Guardian and the Director agree as follows:

1 The Director will provide the following:

__________________________
2 The Guardian is responsible for:
   (a) all costs normally associated with providing everyday care for the child;
   (b) accessing any benefits or insurance plans available to the Guardian, including dental coverage;
   (c) hiring, employing and supervising any service providers needed to assist in caring for the child and complying with all relevant employment standards and Canada Customs and Revenue Agency requirements.

[add additional terms as required.]

3 The Guardian will provide medical insurance coverage under the Alberta Health Care Insurance Plan and, when necessary, hospital or optional health services insurance coverage for the child. The contract number(s) for health care insurance are:

   Alberta Health Care Insurance - Child’s Personal Health No. ________
   Other Health Care Insurance, (eg. Blue Cross) _____, No.________

4(1) Where litigation may result from the child’s disabilities, the Guardian agrees to notify the Director of any legal action planned or commenced, including settlement discussions and the filing of court documents. The Director may then ensure that the costs of future services for the child, which would have been payable under any future Handicapped Children’s Services Agreements, are included and sought in the legal action.

(2) If as a result of the child’s disabilities, the Guardian or the child has already received damages or compensation from any source, including a legal action, prior to signing this Agreement, the Guardian agrees to inform the Director of the amounts and the nature of the damages or compensation received.

(3) Where compensation or damages as a result of the child’s disabilities are received by the Guardian or the child during the term of this Agreement, the Guardian agrees to renegotiate this Agreement so that any amounts currently paid for under this Handicapped Children’s Services Agreement for which the family or the child received damages or compensation are no longer funded by Handicapped Children’s Services.

[Choose clause 5 only when the child is maintained financially by the Director.]

5 The Guardian acknowledges that where the Director is paying for the maintenance of the child who lives in a residence other than the Guardian’s residence, the Canada Child Tax Benefit will be paid to the Director.
[Choose clause 6 only when the day to day decision making responsibility is delegated to the Director. This would apply only when the child moves into a government operated facility. This would not apply to situations where the Guardian seeks support from a community based service provider.]

6 The Guardian delegates to the Director the responsibility for decision making relating to the day to day care of the child while the child resides in a Government operated facility.

7 The Guardian agrees to spend the funds provided under this Agreement strictly in accordance with the terms of this Agreement, and the Guardian understands and agrees that the Guardian is responsible for paying for any services provided to the child that exceed the costs as agreed to by the Director under this Agreement.

8 The Guardian understands that the misuse of funds or the giving of false, misleading or inaccurate information in order to obtain services from the Director may result in a civil action or criminal charges.

9 The Guardian understands that the Guardian has the right to appeal to the Child Welfare Appeal Panel a refusal or failure of the Director to enter into a Handicapped Children’s Services Agreement within 30 days of being notified of the Director’s decision.

10 This Agreement is effective from (date) to (date) unless cancelled by the Director or by the Guardian.

11 This Agreement revokes previous Handicapped Children’s Services Agreements and Addenda to Agreements, if any, previously signed by the Guardian and a Director respecting the child.

12 This Agreement or any of its terms may be amended or varied in writing with the consent of both the Guardian and the Director.

13 The Guardian understands that, before signing this Agreement, the Guardian has the right to have this Agreement reviewed by a lawyer.

Agreed to and signed by:

(guardian) ________________________________  (date) ________________________________

director’s delegate) ________________________________  (date) ________________________________

(Name of HCS worker) ________________________________

(Child and Family Services Authority Office) ________________________________

(Agreement Number) ________________________________

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FORM 9

NOTICE OF APPEAL TO THE APPEAL PANEL

1 My name is __(name)___. My address is __(address)____. My telephone number is __(telephone number)____.

2 Right to Appeal

  __ I am a child

  __ I am a guardian of a child

  __ I am under 20 years old and when I turned 18, I had an agreement with a director or was under the director’s guardianship

  __ I am a foster parent or other person who has had the continuous care of a child for more than 6 of the 12 months immediately preceding the decision of a director

  __ I applied to a director to become a foster parent and my application was refused

  __ I was approved by a director as a foster parent and my approval has been withdrawn

  __ I applied to a director to have a child placed in my home for the purpose of adopting the child and my application was refused

  __ I applied to a licensed adoption agency to have a child placed in my home for the purpose of adopting the child and my application was refused

  __ I hold an adoption agency licence or I am applying for an adoption agency licence

  __ I hold a search agency licence or I am applying for a search agency licence

  __ I am the Minister

3 Notice

I have been affected by the decision of

  __ a Child Welfare Director

  __ a licensed adoption agency

I was told about the decision on ___(date)___.
The decision was about   (if the decision was about a child, give the child’s name and birthdate) .

The decision I am appealing is ____________________________.

   (Signature of person appealing)     (date)

FORM 10

CARE AND MAINTENANCE AGREEMENT

1 Regarding the young person   (name) , born   (date) .

2 Agreement

This agreement is made according to section 35(2) of the Child Welfare Act.

This agreement is between a director and   (name) of   (address) , who is the young person.

We agree that this agreement will be effective from   (date) to   (date) unless cancelled earlier.

(NOTE: the expiry date may not be after the young person’s 20th birthday.)

We agree that if one of us wants to cancel the agreement, we will provide a letter to the other person that sets a date for the agreement to end.

We have seen and agree to the service plan of   (date) that is attached to this agreement. We also agree that we can make changes to the service plan if both of us agree to them.

3 Signatures

   (young person)     (date)

   (director’s delegate)     (date)

SCHEDULE 2

The following are secure treatment institutions:

(a) Youth Assessment Centre (High Prairie);
(b) Youth Assessment Centre (Lac La Biche);
(c) Youth Assessment Centre (Red Deer);
(d) Yellowhead Youth Centre (Edmonton);
(e) Hull Child and Family Services (Calgary);
(f) Sifton Children’s Centre (Lethbridge);
(g) Central Peace Group Home (Rycroft).

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Alberta Regulation 39/2002
Child Welfare Act
COURT RULES AND FORMS REGULATION
Filed: March 20, 2002


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Schedule

Definition 1 In this Regulation “Act” means the Child Welfare Act.

Court practice and procedure 2(1) In any matter not provided for in the Act or this Regulation, the practice and procedure in the Court is to be regulated, wherever possible, by analogy to the Alberta Rules of Court and the procedures followed in the Court of Queen’s Bench.

(2) The Court may give directions respecting any practice or procedure in the Court.

(3) The Court on application may

(a) vary a rule of practice or procedure,
(b) refuse to apply a rule of practice or procedure, or

c) direct that some other practice or procedure be followed.

**Non-compliance with this Regulation**

3(1) Unless the Court so directs, non-compliance with this Regulation does not render any act or proceeding void, but the act or proceeding may be set aside either wholly or in part as irregular or amended or otherwise dealt with.

(2) No proceeding shall be defeated on the ground of an alleged defect of form.

**Personal service**

4(1) Personal service is effected on an individual by leaving with the individual a copy of the document to be served.

(2) Personal service is effected on a corporation by leaving a copy of the document to be served with the mayor, reeve, president, chairman or other head officer by whatever name that person is known, or with the manager, office manager, cashier, secretary or agent.

**Application**

5(1) An application under the Act is to be commenced by completing and filing the form prescribed in the Schedule with the clerk of the Court before the Court hears the application.

(2) Notwithstanding subsection (1), the Court may hear an application before the relevant form is filed with the clerk of the Court.

(3) Notwithstanding subsection (1), notice of an application is not insufficient merely because the relevant form was not filed before it was served on the person notified.

**No application procedure in Act**

6 If no procedure for an application to the Court is provided in the Act, the application is to be commenced by completing and filing Form 25 in the Schedule.

**Forms**

7 The forms to be used in any application to the Court under the Act are the forms in the Schedule.

**Expert witness**

8(1) A party intending to call an expert witness at a proceeding shall, at the earliest possible time, serve on every other party to the action a notice containing

(a) the name and qualifications of the expert witness,

(b) a statement that summarizes the matters expected to be dealt with by the expert witness, and
(c) a statement that contains the substance of the opinion of the expert witness,

and if the party intending to call the expert witness intends to offer in evidence a report by the expert witness, that party shall, without prejudice to the right of any party to object to its admission in evidence, serve a copy of the report on every other party to the action as soon as is reasonably practicable.

(2) Unless subsection (1) has been complied with, a party may not call an expert witness to testify without the leave of the Court.

9 The Court Rules and Forms Regulation (AR 184/85) is repealed.

10 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2007.

11 This Regulation comes into force on April 1, 2002.

SCHEDULE

FORM 1

NOTICE AND APPLICATION TO TERMINATE A PERMANENT GUARDIANSHIP AGREEMENT

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child ____(name)____, born ____(date)____

My name is ____(name)____.

____ I am this child’s parent. My address is ____(address)____.

____ I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for an order under the Child Welfare Act terminating the permanent guardianship agreement regarding this child. A copy of my application is below this notice.

The court hearing will be at ____(address)____ on ____(date)____.
A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make an order.

If you do not attend the court hearing, the judge may still make an order.

3 Application

This child is the subject of a permanent guardianship agreement entered (date). A director is the child’s only guardian.

I am applying for an order terminating the permanent guardianship agreement regarding the child.

__ I am a parent of the child. I am applying for a further order:

__ declaring that I am a parent of the child

__ appointing me as a guardian of the child

__ directing that the child be placed in the custody of (name of guardian)

__ terminating the guardianship of (name of guardian)

__ the consent of the guardian is attached to this application

__ I am a child welfare worker. I believe that the child should be returned to the guardianship of the person who was the guardian of the child before the agreement was entered.

__ I am applying for this order because _____________

__(applicant’s signature) ____________ (date) ____________

FORM 2

NOTICE AND APPLICATION
FOR A SUPERVISION ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child __ (name)__, born __ (date) __

My name is __ (name) __. I am a child welfare worker. I have the authority to act for a Child Welfare Director.
2 Notice

This is your notice that I will be applying to the Court for a supervision order under the Child Welfare Act regarding this child. A copy of my application is below this notice. A supervision order entitles the director to supervise the child and anyone who lives with the child.

The court hearing will be at (address) on (date). The judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make the order applied for or may make any other order the judge considers necessary to protect the child.

If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for a supervision order regarding this child.

The child needs protective services.

To protect the child’s survival, security or development, the child and (name) who lives with the child need supervision because ____________________________

I recommend the following terms of supervision: ____________

__________________________________________

(applicant’s signature) (date)

FORM 3
NOTICE AND APPLICATION
FOR A TEMPORARY GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child (name), born (date).

My name is (name). I am a child welfare worker. I have the authority to act for a Child Welfare Director.
2 Notice

This is your notice that I will be applying to the Court for a temporary guardianship order under the Child Welfare Act regarding this child. A copy of my application is below this notice. A temporary guardianship order makes the director a guardian of the child. The director takes over responsibility for the child’s care during the time of the order.

The court hearing will be at (address) on (date). The judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make the order applied for or may make any other order the judge considers necessary to protect the child.

If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for a temporary guardianship order regarding this child. The child needs protective services. To protect the child’s survival, security or development, the child cannot remain with the guardian because

I believe that within a reasonable time:

___ the child can be returned to the guardian, or

___ the child will be able to live without a guardian.

___ I am also applying for an order:

___ setting out the type and amount of contact the child will have with (name)

___ setting out the matters the director must discuss with (name of guardian)

___ requiring (name) to make payments of $ (amount) towards the child’s maintenance.

___ I am also applying for an order requiring (name) to be assessed to determine whether that person can properly take care of the child if the child returns to live with that person.

___ (applicant’s signature)  (date)
FORM 4

NOTICE AND APPLICATION FOR TERMS OF A TEMPORARY GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1

Regarding the child ___(name)__, born ___(date)___

My name is ___________ (name) ___________.

___ I am the child.

___ My relationship to the child is ____(e.g. guardian)_____.

My birth date is ___(date)___

My address is ___(address)___

___ I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2

Notice

This is your notice that I will be applying to the Court for an order under the Child Welfare Act setting terms for the temporary guardianship of this child. A copy of my application is below this notice.

The court hearing will be at ___(address)___ on ___(date)___.

A judge will hear my application as soon as possible after ___(time)__. If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make an order. The judge may make an order different from what I apply for. If you do not attend the court hearing, the judge may still make an order.

3

Application

I am applying for terms for the temporary guardianship order regarding this child granted on ___(date)___.

___ I am applying for an order:

___ setting out the type and amount of contact the child will have with ___(name)___.
setting out the matters the director must discuss with  
(name of guardian)  

requiring  (name)  to make payments of  $  
(amount)  towards the child’s maintenance.

I am applying for an order requiring  (name)  to be assessed to determine whether that person can properly take care of the child if the child returns to live with that person.

(applicant’s signature)  
(date)

FORM 5
NOTICE AND APPLICATION FOR A REVIEW

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child  (name)  , born  (date)  
My name is  (name)  .

I am the child.

My relationship to the child is  (e.g. guardian)  .

My birth date is  (date)  
My address is  (address)  

I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for a review under the Child Welfare Act of the  (type of order)  order regarding this child. A copy of my application is below this notice.

The court hearing will be at  (address)  on  (date)  .
A judge will hear my application as soon as possible after  (time)  .
If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make the order applied for or may make any other order the judge considers necessary to protect the child.
If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for a review of the (type of order) order regarding this child granted on (date) for a period of (duration).

___ I am applying for an order to:

___ renew the existing order.
___ vary the existing order.
___ terminate the existing order.

___ I am applying to terminate the existing order and replace it with:

___ a supervision order.
___ a temporary guardianship order.
___ a permanent guardianship order.

I am applying for this review because ______________________

___ (applicant’s signature) ___ (date)

FORM 6

NOTICE AND APPLICATION BY A DIRECTOR FOR A PERMANENT GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child ___ (name) __, born ___ (date) __

My name is __________ (name) __________.

I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for a permanent guardianship order under the Child Welfare Act regarding this child. A copy of my application is below this notice. A permanent guardianship order makes the director the child’s only guardian. The director takes over all the child’s care.
The court hearing will be at (address) on (date).

A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make the order applied for or may make any other order the judge considers necessary to protect the child.

If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for a permanent guardianship order regarding this child. The child needs protective services. To protect the child’s survival, security or development, the child cannot live with the guardian because

I do not believe that the child can be returned to the guardian within a reasonable time.

___ I am also applying for an order that (name) make payments of $ (amount) towards the child’s maintenance.

___ I am also applying for an order setting out the type and amount of contact the child will have with (name).

   (applicant’s signature)   (date)

FORM 7

NOTICE AND APPLICATION BY A GUARDIAN FOR A PERMANENT GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child (name), born (date).

My name is (name).

My birth date is (date).

I am a guardian of this child. My address is (address).
2 Notice

This is your notice that I will be applying to the Court for a permanent guardianship order under the Child Welfare Act regarding this child. A copy of my application is below this notice. A permanent guardianship order makes the director the child’s only guardian. The director takes over all the child’s care.

The court hearing will be at (address) on (date).

A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make the order applied for or may make any other order the judge considers necessary to protect the child.

If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for a permanent guardianship order. I want to give up this child to the director because ____________________________

__(applicant’s signature)__  (date)

FORM 8

NOTICE AND APPLICATION FOR ACCESS OR MAINTENANCE UNDER A PERMANENT GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child __ (name) __, born __ (date) __

My name is ___________ (name) ___________.

__ I am the child.

__ My relationship to the child is __ (e.g. guardian) __.

My birth date is __ (date) __

My address is __ (address) __
I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for an order under the Child Welfare Act setting terms for the permanent guardianship of this child. A copy of my application is below this notice.

The court hearing will be at (address) on (date).

A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make an order. The judge may make an order different from what I apply for.

If you do not attend the court hearing, the judge may still make an order.

3 Application

A permanent guardianship order regarding this child was granted on (date).

I am applying for an order:

- requiring (name) to make payments of $ (amount) towards the child’s maintenance.

- setting out the type and amount of contact the child will have with (name), because _______________________

 (applicant’s signature) (date)

FORM 9

APPLICATION FOR AN APPREHENSION ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child (name), born (date)

My name is (name). I am a child welfare worker. I have the authority to act for a Child Welfare Director.
2 Application

I am applying for an order under section 19 of the Child Welfare Act

  _ authorizing the director to apprehend this child.

  _ authorizing the director, a child welfare worker or (name), and any peace officer called on to assist, to enter, by force if necessary, the place or premises specified in my declaration below and to search for and apprehend the child.

  _ authorizing the director, a child welfare worker or (name), and any peace officer called on to assist, to enter, by force if necessary, the place or premises specified in my declaration below and to search for and remove the child for the purpose of returning the child to the custody of the director.

3 Declaration

In support of my application, I solemnly declare

  _ I have reasonable and probable grounds to believe that this child needs protective services because

  ______________________________________________________

  _ I have reasonable and probable grounds to believe that the child may be found at (address)

  _ The child was in the custody of the director and left or was removed from that custody without the consent of the director. I have reasonable and probable grounds to believe that the child may be found at (address) and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the _____ of ________, in the Province of Alberta, the _____ day of ________, A.D. _____ (applicant’s signature) ______

________________________________________
Notary Public or Commissioner for Oaths
FORM 10

IN THE PROVINCIAL COURT OF ALBERTA

IN THE MATTER OF ____________,

BORN ON ____________,

A CHILD WITHIN THE MEANING OF
THE CHILD WELFARE ACT

Before _____ Honour _______ day, the
Judge _______ day of
at ____________, 20__
Alberta

APPREHENSION ORDER

WHEREAS (name), authorized by a director, has applied for an order
authorizing the apprehension of the child;

AND WHEREAS I am satisfied that

__ the applicant has reasonable and probable grounds to
believe that the child is in need of protective services;

__ the child is in the custody of a director, has left or been
removed from that custody without the consent of the
director and the director has reasonable and probable
grounds to believe that the child may be found in a place
or premises;

IT IS ORDERED THAT the director, or any person authorized by the
director, may apprehend the child forthwith;

IT IS FURTHER ORDERED THAT the director, a child welfare worker
or ____, and any peace officer called upon to assist, may enter
(place or premises), using force if necessary, in order to search for and
apprehend the child.

(Judge or Clerk of the Court)

FORM 11

DEMAND NOTICE FOR AN EARLY HEARING

1 Regarding each of the children

________ (name)_____. born ________

________ (name)_____. born ________
My name is ____________ (name) ____________.

I am a guardian of the child.

2 Notice

To the director or a child welfare worker authorized to act for the director.

This child has been apprehended.

Because I do not want to wait for up to 10 days for a hearing about the child, I demand that a hearing be held about the child on the next working day after you receive this notice.

You may give me a notice about the time and place of the hearing:

__ in writing at __ (address) __.

__ by telephone at __ (number(s)) __.

3 Signature

__ (guardian’s signature) __. 

__ (date) __

FORM 12

APPEARANCE TO SHOW CAUSE FOR CONFINEMENT

In the Provincial Court of Alberta

In the Matter of the Child Welfare Act

1 Regarding the child __ (name) __, born __ (date) __

My name is ____________ (name) ____________.

I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Appearance to Show Cause

This child was apprehended on __ (date) __.

The child was confined on __ (date) __.

I am appearing to show cause why the confinement of the child was necessary.
3 Application

I am applying under Section 22(7) of the Child Welfare Act for an order authorizing the confinement of this child for a further period of not more than 6 days.

4 Declaration

I solemnly declare:

that this child was confined because ______________________

that the child requires further confinement because __

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the _____ of _____, in the Province of Alberta, the _____ day of ____________, A.D. _____.

Notary Public or Commissioner for Oaths

FORM 13
NOTICE AND APPLICATION FOR AN ORDER RETURNING AN APPREHENDED CHILD

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child __ (name) __, born __ (date) __

My name is ______________ (name) ________________________.

I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for an order under the Child Welfare Act returning this child to the custody of the guardian. A copy of my application is below this notice.

The court hearing will be at __ (address) __ on __ (date) __.
A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make the order applied for or may make any other order the judge considers necessary to protect the child.

If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for an order returning this child to the custody of the guardian.

The child was apprehended on (date).

I believe that the child can be returned to the guardian because.

__ (applicant’s signature)  __ (date)

FORM 14
NOTICE AND APPLICATION FOR A TREATMENT ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child __ (name) __, born __ (date) __

My name is __ (name) __.

I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for an order under the Child Welfare Act authorizing treatment for this child. A copy of my application is below this notice.

The court hearing will be at __ (address) __ on __ (date) __.

A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.
At the end of the hearing, the judge may make an order.

**If you do not attend the court hearing, the judge may still make an order.**

### 3 Application

I am applying for an order authorizing *(describe needed treatment)* for this child.

The child was apprehended on *(date)*.

The guardian refuses to consent to this treatment, which is recommended by *(name of physician or dentist)* of *(address)* because __________________________

*(applicant’s signature)_____________ (date)_____________

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**FORM 15**

**NOTICE AND APPLICATION FOR A JOINT GUARDIANSHIP ORDER**

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child *(name)*, born *(date)*

My name is *(name)*

My birth date is *(date)*

My address is *(address)*

2 **Notice**

This is your notice that I will be applying to the Court for a joint guardianship order under the *Child Welfare Act* regarding this child. A copy of my application is below this notice.

The court hearing will be at *(address)* on *(date)*

A judge will hear my application as soon as possible after *(time).*
3 Application

I am applying for a joint guardianship order regarding this child.

The child is the subject of

   ___ a permanent guardianship order granted on (date)
   ___ a permanent guardianship agreement made on (date)

I am over the age of 18 years and I am capable of assuming and willing to assume the responsibility of joint guardianship of the child.

My significant and continuing relationship with the child has been ___________________________

My appointment will be beneficial to the child because

____________________________________________________________________________________

   (applicant’s signature)              (date)

FORM 16

NOTICE AND APPLICATION FOR A SECURE TREATMENT ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child ___ (name) __, born (date)

My name is __________ (name) __________.

I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Notice

This is your notice that I will be applying to the Court for a secure treatment order under the Child Welfare Act regarding this child. A copy of my application is below this notice. A secure treatment order authorizes the director to confine the child in a secure treatment institution.
The court hearing will be at (address) on (date).

A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make an order.

If you do not attend the court hearing, the judge may still make an order.

3 Application

This child

- is the subject of a temporary guardianship order granted on (date) for a period of (duration)
- is the subject of a permanent guardianship order granted on (date)
- was apprehended on (date)

I am applying for

- a secure treatment order regarding the child
- a renewal of the first secure treatment order regarding the child, granted on (date)
- a renewal of the secure treatment renewal order regarding the child, granted on (date)

I believe that the child is suffering from a mental or behavioural disorder, that the child is in a condition presenting a danger to himself or others and that it is necessary to confine the child in order to remedy or alleviate the disorder because

(applicant’s signature) (date)
FORM 17

IN THE PROVINCIAL COURT OF ALBERTA

IN THE MATTER OF _________,

BORN ON _________,

A CHILD WITHIN THE MEANING OF THE CHILD WELFARE ACT

Before _____ Honour _________ day, the Judge _________ _________ day of at _________, _________ 20___

Alberta

SECURE TREATMENT ORDER

WHEREAS (name) __, authorized by a director, has applied for secure treatment in respect of (name) __;

AND WHEREAS I am satisfied that

the child is suffering from a mental or behavioural disorder,

the child is in a condition presenting a danger to himself or others, and

it is necessary to confine the child in order to remedy or alleviate the disorder;

IT IS ORDERED that the child be confined in a secure treatment institution specified by a director for ___ days commencing forthwith and terminating on the ___(date)__.

(Judge or Clerk of the Court)

TAKE NOTICE THAT:

1 The reasons for the confinement are:

2 The period of confinement will be for __ days and will terminate on ___(date)__.

3 The order may be reviewed or appealed on the application of the child, the child’s guardian or a director.

4 A copy of the form prescribed for making an application for a review may be obtained from the person in charge of the secure treatment institution in which the child is detained.

5 The child may be represented by a lawyer at any application to the Court.
6 The address and telephone number of the nearest office of the Legal Aid Society of Alberta are _________.
   (Judge or Clerk of the Court)

To: Clerk of the Court
   Guardian(s)
   A director
   Child (12 years of age of over)
   Child’s lawyer (if applicable)

FORM 18
APPLICATION FOR AN ORDER TO ENTER, SEARCH FOR, APPREHEND AND RETURN A CHILD TO SECURE TREATMENT

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child ___(name)___, born ___(date)___

   My name is ____________ (name) ____________.

   I am a child welfare worker. I have the authority to act for a Child Welfare Director.

2 Application

   I am applying for an order under section 48 of the Child Welfare Act authorizing the director, a child welfare worker or (name)__, and any peace officer called on to assist, to enter, by force if necessary, the place or premises specified in my declaration below and to search for, apprehend and convey this child to any secure treatment institution and to detain the child while the child is being conveyed to a secure treatment institution.

3 Declaration

   In support of my application, I solemnly declare:

   ___ This child is the subject of a secure treatment certificate that expires ___(date)___

   ___ The child is the subject of a secure treatment order that expires ___(date)___

   The child has left a secure treatment institution:

   ___ when a leave of absence had not been granted.
pursuant to a leave of absence but has not returned within the time prescribed.

I have reasonable and probable grounds to believe that the child may be found at ____(address)____

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at the _____ of__________, in the Province of Alberta, the _____ day of ____________, A.D. ______. ________ (applicant’s signature)________

Notary Public or Commissioner for Oaths __________

FORM 19

IN THE PROVINCIAL COURT OF ALBERTA

IN THE MATTER OF ____________,

BORN ON _________,

A CHILD WITHIN THE MEANING OF THE CHILD WELFARE ACT

Before _____ Honour _______ day, the
Judge _______ day of
at ___________. _______. 20__
Alberta

ORDER TO ENTER PREMISES, SEARCH FOR, APPREHEND AND RETURN CHILD TO SECURE TREATMENT

WHEREAS ______ (name), authorized by a director has applied for an order authorizing the entry by force if necessary of any place or premises, to search for, apprehend and convey the child to any secure treatment institution and to detain the child while the child is being conveyed to a secure treatment institution.

AND WHEREAS I am satisfied that:

__ the child has left the secure treatment institution without a leave of absence;

__ the child has not returned to the secure treatment institution within the time prescribed.
AND WHEREAS I am satisfied that the child may be found at:

AND WHEREAS I am satisfied that it may be necessary to use force to enter the above premises.

IT IS ORDERED THAT the director, a child welfare worker or (name), and any peace officer called upon to assist, may enter, using force if necessary, (place or premises) to search for, apprehend and convey the child to any secure treatment institution and to detain the child while the child is being conveyed to a secure treatment institution.

(Judge or Justice of the Peace)

FORM 20

NOTICE AND APPLICATION FOR A PRIVATE GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding each of the children

_____ (name) , born (date)

_____ (name) , born (date)

My name is (name). My birth date is (date).

My address is (address). My telephone number is (home phone number), (work phone number).

My name is (name - if there is a second applicant). My birth date is (date).

My address is (address). My telephone number is (home phone number), (work phone number).

2 Notice

This is your notice that I will be applying to the Court for a private guardianship order regarding this child. A private guardianship order would make me a guardian of the child. A copy of my application is below this notice.

The court hearing will be at (address) on (date).

The judge will hear my application as soon as possible after (time).
If you want to speak to the judge about my application, you must attend the hearing.

**If you do not attend the court hearing, the judge may still make an order.**

### Application

I am applying for a private guardianship order regarding this child. I am not applying to make it easier for me to adopt the child.

1. The child lives or I live in Alberta, or
   - I am applying to waive the requirement that one of us must live in Alberta.

2. I have had continuous care of the child since about (date), or
   - I am applying to waive the requirement that I must have continuous care of the child for more than 6 months.

3. The child is not the subject of a temporary guardianship order.

4. The consent of each guardian is attached to this application, or
   - I am applying to dispense with the consent of (name of guardian).

5. (If the child is 12 years old or over):
   - The consent of the child is attached to this application, or
   - I am applying to dispense with the consent of the child.

6. I am able and willing to assume guardianship of the child. I believe my guardianship would be in the child’s best interests because ____________________________
7. I am also applying for an order terminating the guardianship of (name of guardian) because ________

   (applicant’s signature) ________________  (date) ________________

   (second applicant’s signature) ________________  (date) ________________

FORM 21

NOTICE AND APPLICATION BY A DIRECTOR FOR A PRIVATE GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1. Regarding the child ____________, born ____________.

   My name is ____________.

   I am a child welfare worker. I have the authority to act for a Child Welfare Director.

   Notice

   This is your notice that I will be applying to the Court on behalf of the applicant for a private guardianship order under the Child Welfare Act regarding this child. A copy of my application is below this notice. A private guardianship order makes the private guardian the child’s only guardian.

   The court hearing will be at ____________ on ____________.

   A judge will hear my application as soon as possible after ____________. If you want to speak to the judge about my application, you must attend the hearing.

   If you do not attend the court hearing, the judge may still make an order.
3 Consent of Applicant

My name is __________ (name)________. I consent to a director making this application on my behalf for a private guardianship order.

_________________________ (witness’s signature)   ___________________ (date)   ___________________ (applicant’s signature)

4 Application

I am applying on behalf of the applicant for a private guardianship order regarding this child.

1 The child is the subject of a permanent guardianship:
   __  agreement entered on __________(date)________, or
   __  order granted on __________(date)________ and the appeal period has expired.

2 __  The child or the applicant resides in Alberta, or
   __  I am applying on behalf of the applicant to have the residency requirement waived.

3 __  The applicant has had continuous care of the child since about __________(date)________, or
   __  I am applying on behalf of the applicant to have the 6 month continuous care requirement waived.

I believe that the applicant is able and willing to assume guardianship of the child. I am satisfied that it is in the best interests of the child for the child to be placed under the guardianship of the applicant. I am satisfied that the purpose of this application is not to make it easier for the applicant to adopt the child.

_________________________ (child welfare worker’s signature)   ___________________ (date)
IN THE PROVINCIAL COURT OF ALBERTA

IN THE MATTER OF ____________,

BORN ON ____________,

A CHILD WITHIN THE MEANING OF
THE CHILD WELFARE ACT

REPORT SUPPORTING AN APPLICATION FOR
PRIVATE GUARDIANSHIP

I, __________, a qualified person under the Child Welfare Act, report as follows:

PART A: APPLICANTS

Applicant’s Name ___  Applicant’s Name __________
Birthdate ______  Birthdate ______________
Residence ______  Residence ______________

The applicant(s) was/were interviewed on the following dates: ______, in the following location(s): ________________.

Persons other than the applicant(s) residing in the home are
(specify legal name and relationship to applicant and, as applicable, duration and quality of relationship, or, if no relationship, reason other persons are in the home): ______

Description of applicant(s) (including physical, personality, intellectual, emotional, educational, familial, cultural, social, religious, the relationship between applicants - nature and duration, and source of income considerations, ensuring special factors relevant to the proposed private guardianship of the child are highlighted): ________________

PART B: REFERENCES

References interviewed (name, occupation, address, date, location, relationship to applicant(s) if any, on what basis judgment is made about applicants’ potential/actual parenting ability, and results of interview(s)): ________________

PART C: CHILD

Child’s name _____  Birthdate ______________
Residence __ (if different from applicant’s) __.
Description of child (including physical, personality, intellectual, emotional, attachment to prospective guardians, educational, familial, cultural, social and religious considerations as applicable, child’s opinion, ensuring special needs are highlighted):

PART D: RECOMMENDATION

In my opinion the applicant(s) is/are (not) capable, willing and suitable to assume responsibility toward the child for the following reasons (including consideration of motivation for private guardianship, stability of relationship, family dynamics, parenting skills/attitudes towards parenting):

In my opinion private guardianship of the child by the applicant(s) is (not) in the interests of the child for the following reason(s):

(name)                     (signature)

(qualifications)            (date)

(address)

FORM 23

CONSENT BY A CHILD 12 YEARS OF AGE OR OLDER

Note: Do not use this form to consent to an adoption.

1 Consent

My name is (child’s name), born (date).

My address is ________________.

I know that (name of applicant) is applying in Court for a (type of order) order about me.

I understand what this order means. I consent to the order.

(witness’s signature) (date) (child’s signature)

2 Affidavit of Witness

My name is (witness’s name). My address is (address).

I make oath and say:

1 I am satisfied that:
this child has the capability to understand and appreciate the nature and consequences of the consent,

- the child is informed about the nature and consequences of the consent, and

- the consent represents what the child wants.

2 I witnessed the child sign the consent form.

DECLARED BEFORE ME at the _____ of __________, in the Province __________ of Alberta, the _____ day of __________, A.D. __________, __________, (witness’s signature)

Notary Public or Commissioner for Oaths __________

FORM 24

CONSENT BY A GUARDIAN

Note: Do not use this form to consent to an adoption.

1 Regarding the child ___(name)___, born ___(date)___

2 Consent

My name is ___(name)__. My address is ___(address)__. I am a guardian of this child. I know that ___(name)__ is applying in Court for a ___(type of order)___ order regarding the child.

I understand what this order means. I consent to the order.

___(witness’s signature)___ ___(date)___ ___(guardian’s signature)___

3 Affidavit of Witness

My name is ___(name)__. My address is ___(address)__.

I make oath and say:

1 I am satisfied that:

- the guardian has the capability to understand and appreciate the nature and consequences of the consent,
the guardian is informed about the nature and consequences of the consent, and

- the consent represents what the guardian wants.

2 I witnessed the guardian sign the consent form.

DECLARED BEFORE ME at the _____ of ______, in the Province ______, of Alberta, the _____ day of ____________, A.D. _______. ________________________________ (witness’s signature)

Notary Public or Commissioner for Oaths _______

FORM 25
NOTICE AND APPLICATION

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child __ (name) __, born __ (date) __

My name is __ (name) __.

__ I am the child.

__ My relationship to the child is __ (e.g. guardian) __.

My birth date is __ (date) __

My address is __ (address) __

2 Notice

This is your notice that I will be applying to the Court under the Child Welfare Act for a __ (type of order) __ order regarding this child. A copy of my application is below this notice.

The court hearing will be at __ (address) __ on __ (date) __.

A judge will hear my application as soon as possible after __ (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make an order. The judge may make an order different from what I apply for.
If you do not attend the court hearing, the judge may still make an order.

3 Application

I am applying for a (type of order) order regarding this child because

(applicant’s signature) (date)

FORM 26
NOTICE AND APPLICATION TO TERMINATE A PRIVATE GUARDIANSHIP ORDER

In the Provincial Court of Alberta
In the Matter of the Child Welfare Act

1 Regarding the child (name), born (date).

My name is (name). My address is (address).

I am a guardian of this child.

2 Notice

This is your notice that I will be applying to the Court for an order under the Child Welfare Act terminating the private guardianship order regarding this child. A copy of my application is below this notice.

The court hearing will be at (address) on (date).

A judge will hear my application as soon as possible after (time). If you want to speak to the judge about my application, you must attend the hearing.

At the end of the hearing, the judge may make an order.

The judge may make an order different from what I apply for.

If you do not attend the court hearing, the judge may still make an order.
3 Application

I am applying for an order terminating the private guardianship order regarding this child that was granted on (date). The private guardianship order named (name) as a guardian of the child.

My guardianship of the child was not terminated by the private guardianship order. I am capable of resuming and willing to resume the responsibilities of guardianship of the child. I believe it is in the best interests of the child to terminate the private guardianship because ____________________________

(applicant’s signature) (date)

FORM 27

IN THE PROVINCIAL COURT OF ALBERTA

IN THE MATTER OF ____________,

BORN ON ____________.

A CHILD WITHIN THE MEANING OF THE CHILD WELFARE ACT

Before Honour Judge at Alberta

CONFINEMENT ORDER

WHEREAS (name), authorized by a director, has applied for an order authorizing the further confinement of (name); AND WHEREAS I am satisfied that the further confinement of the child is necessary in order to protect the survival, security or development of the child;

IT IS ORDERED that a director may confine the child in a secure treatment institution specified by the director for a further period of not more than 6 days, commencing forthwith.

(Judge or Clerk of the Court)
FORM 28
CONSENT BY A CHILD TO ADOPTION

Note: Use this form when adopting a child placed directly by the parent or by a licensed agency.

In the Court of Queen’s Bench of Alberta
Judicial District of __________
In the Matter of the Child Welfare Act

1 Regarding the child __________ (name as on birth document), born
   __________ (date)

2 Consent

My name is __________. My address is __________. I know that __________ (names of adopting parents), of __________ (address), are petitioning the Court for an adoption order about me. A child welfare worker/lawyer has explained to me what an adoption order means. I consent to the adoption order. I also consent to have my name changed to __________ (name).

   __________ (witness’s signature)   __________ (date)   __________ (child’s signature)

3 Affidavit of Execution of a Director or a Lawyer

My name is __________.

My address is __________ (business address).

I make oath and say:

I am __________ a child welfare worker. I have the authority to act for a Child Welfare Director.
   __________ a lawyer.

1 I am satisfied that:

   __________ this child has the capability to understand and appreciate the nature and consequences of the consent,
   __________ the child is informed about the nature and consequences of the consent, and
   __________ the consent represents what the child wants.

2 I witnessed the child sign the consent form.
FORM 29

CONSENT BY A CHILD TO ADOPTION

Note: Use this form when adopting a child of a spouse, a child of a relative or a child under permanent guardianship.

In the Court of Queen’s Bench of Alberta
Judicial District of ______
In the Matter of the Child Welfare Act

1 Regarding the child (name as on birth document), born (date)

2 Consent

My name is ____________________.

My address is ____ (address) ____.

I know that ______ (names of adopting parents) ______ of ____ (address) ____ are petitioning the Court for an adoption order about me.

1 I understand what an adoption order means.

2 I consent to the adoption order.

3 I also consent to have my name changed to ____________

(witness’s signature) ___ (date) ___ (child’s signature)

3 Affidavit of Execution

My name is ____ (name of witness) ____.

My address is _______ (address) ________.

I make oath and say:
I witnessed this child sign the consent form.

SWORN BEFORE ME at the _______ of ____________, in the Province ____________, of Alberta, the _____ day of ____________, A.D. _______. (witness’s signature)  

Notary Public or Commissioner for Oaths

FORM 30

CONSENT BY A GUARDIAN TO ADOPTION

Note: Use this form when adopting a child placed directly by the parent or by a licensed adoption agency.

In the Court of Queen’s Bench of Alberta  
Judicial District of ____________  
In the Matter of the Child Welfare Act

1 Regarding the child ___(name as on birth document)___, born ___(date)___

2 Consent

My name is ________________________.

My address is ___(address)______.

I know that _____(names of adopting parents)_____ of ___(address)____ are petitioning the Court for an adoption order regarding this child. A child welfare worker/lawyer has explained to me what an adoption order means. I understand that the order will end all my rights and responsibilities regarding the child. I consent to the adoption order. I understand that I may cancel this consent within 10 days of signing it by giving a written notice to a child welfare worker.

3 ___ I am a guardian of the child. I understand that once I sign this consent the petitioners become joint guardians of the child with me until an adoption order is granted.

___ I was a guardian before the petitioner became the sole guardian of the child.

___ I want to be notified of the adoption hearing.

___ I do not want to be notified of the adoption hearing.
I have been told about the options available to me for planning for the child and I know I can get counselling regarding the following options:

- I may choose to parent the child.
- I may choose to place the child for adoption directly with a family member, or any other person known to me.
- I may choose to place the child for adoption using the services of a licenced adoption agency.
- I may choose to place the child for adoption using the services of Alberta Children’s Services.

(witness’s signature)  (date)  (guardian’s signature)

5 Affidavit of Execution of a Director or a Lawyer

My name is ________________.

My address is ____ (business address) ______.

I make oath and say:

I am __ a child welfare worker. I have the authority to act for a Child Welfare Director.

__ a lawyer.

1 I am satisfied that:

- the guardian has the capability to understand and appreciate the nature and consequences of the consent,
- the guardian is informed about the nature and consequences of the consent, and
- the consent represents what the guardian wants.

2 I witnessed the guardian sign the consent form.

SWORN BEFORE ME at the ________ of   )
   in the Province _______. )
of Alberta, the _____ day of ___________. )  (signature of child
A.D. _______. )  welfare worker/lawyer)

(Notary Public or Commissioner for Oaths )
CONSENT BY A GUARDIAN TO ADOPTION

Note: Use this form when adopting a child of a spouse, a child of a relative or a child under permanent guardianship.

In the Court of Queen’s Bench of Alberta
Judicial District of ______
In the Matter of the Child Welfare Act

Regarding the child ____ (name as on birth document) __ born ____ (date) ____

1 Consent

My name is ____________________.

My address is _______ (address) _______.

I know that ____ (names of petitioners) ____ of ____ (address) ____ are petitioning the Court for an adoption order regarding this child.

__ I understand what an adoption order means.

__ I understand that, unless I am the spouse of the petitioner, the order will end all my rights and responsibilities regarding the child.

__ I consent to the adoption order.

__ I understand that I may cancel this consent within 10 days of my signing it by giving a written notice to a child welfare worker.

2 __ I am a guardian of the child. I understand that once I sign this consent the petitioners become joint guardians of the child with me until an adoption order is granted.

__ I was a guardian before the petitioner became the sole guardian of the child.

__ I want to be notified of the adoption hearing.
I do not want to be notified of the adoption hearing.

(witness’s signature)  (date)  (guardian’s signature)

3 Affidavit of Execution

My name is (name of witness).  
My address is (address).

I make oath and say:

I witnessed the guardian sign the consent form.

SWORN BEFORE ME at the ________ of  )
__________, in the Province  )
of Alberta, the ______ day of ____________,  )
A.D. ______.

(witness’s signature)  

Notary Public or Commissioner for Oaths  

FORM 32
PETITION

In the Court of Queen’s Bench of Alberta
Judicial District of ______
In the Matter of the Child Welfare Act

Regarding the application by (name of petitioners) for an adoption order regarding the child (name as on birth document), born (date).

Birth document number: ______

2 Petition

Names (names of petitioners).  Address (address).

By making this petition, we state:

that we are adults who want to adopt this child.

that to support our petition, we have enclosed our affidavits and the other information required by the Child Welfare Act.

We respectfully request that the Court order the child’s adoption by us and that the child be given the name ______________
FORM 33
HOME ASSESSMENT REPORT

PART 1: APPLICANT INFORMATION (MALE)

Name:  
Birthdate: ________________
Racial origin: ________________
Ethnic origin: ________________
Address: ________________
Telephone: Residence ________________ Business ________________
Marital status: ________________
Registered Indian: ________________
Band Name: ________________
Metis: ________________
Metis Settlement Name or Community: ________________
Height: _____  Weight: _____  Build: _____  Hair Colour: __  Eye Colour: __  Complexion: __

Personality:  
Health:  
Education:  
Employment:  
Religion:  
Family history: (Include parenting style, familial relationships, significant childhood experiences, views on adoption application)  
Involvement with legal or child welfare systems:  

APPLICANT INFORMATION (FEMALE)

Name:  
Birthdate: ________________
Racial origin: ________________
Ethnic origin: ________________
Address: ________________
Telephone: Residence ________________ Business ________________
Marital status: ________________________________
Registered Indian: ________________________________
Band Name: ________________________________
Metis: ________________________________
Metis Settlement Name or Community: ________________________________

Height: ______  Weight: ______  Build: ______
Hair Color: ______  Eye Color: ______  Complexion: ______

Personality: ______
Health: ______
Education: ______
Employment: ______
Religion: ______
Family history: (Include parenting style, familial relationships, significant childhood experiences, views on adoption application)
Involvement with legal or child welfare systems:

PART 2: FAMILY DYNAMICS

Describe the following:

(a) Marital relationship:
(b) Family composition:
(c) Communication patterns:
(d) Autonomy of individual family members:
(e) Ability to problem solve and handle crisis:
(f) Emotional interaction:
(g) Family traditions:
(h) Philosophy on child rearing:
(i) Modes of behaviour control:
(j) Interests and hobbies:
(k) Social support network:

PART 3: HOME AND COMMUNITY

Describe the following:

(a) Physical space:
(b) Availability of resources:
(c) Community involvement:
(d) Contact with professional agencies:

PART 4: INCOME

Describe the following:

(a) The source and level of income and expenditures:
(b) The effect of an adoption placement on family’s finances:
PART 5: UNDERSTANDING OF ADOPTION AND MOTIVATION

Describe the following:

(a) Applicant’s understanding of the legal, social and emotional aspects of adoption:
(b) Compatibility of applicants and child desired:
(c) Inter-racial/international adoptions, if applicable:
(d) Direct placements, if applicable:

PART 6: CHILD DESIRED

Age:
Sex:
Racial origin:
Legal risk placement: Yes ___ No ___
Sibling group: Yes ___ No ___
Acceptable background characteristics:
Acceptable special needs:
Accepting of birth family contact
  birth parents Yes ___ No ___
  siblings Yes ___ No ___
  extended family Yes ___ No ___

PART 7: REFERENCES

List opinions of 3 references regarding adoption suitability of applicants.

PART 8: OVERVIEW OF HOME ASSESSMENT PROCESS

Dates of personal visits.
Persons interviewed.
Activities/initiatives in support of adoption application.

PART 9: SUMMARY OF OUTCOME OF ASSESSMENT

PART 10: RECOMMENDATION/APPROVAL

Preparation/Review

(report prepared by) (position) (date report prepared)

(report reviewed by) (position) (date report prepared)
FORM 34

IN THE COURT OF QUEEN’S BENCH OF ALBERTA
JUDICIAL DISTRICT OF

IN THE MATTER OF THE CHILD WELFARE ACT
AND IN THE MATTER OF THE APPLICATION BY

FOR AN ADOPTION ORDER IN RESPECT
OF THE CHILD ___________

BORN ON __________,

BIRTH REGISTRATION NO. __________

BEFORE THE HONOURABLE )
(Mr./Madame) Justice ____________ )
) ___ day, the ___ day
) of _____, 20___
) at ____________, Alberta )

ADOPTION ORDER

UPON the application of ____________;

AND UPON hearing the evidence presented;

AND UPON this honourable Court being satisfied that

(a) the applicant(s) is/are capable of assuming and willing to
assume the responsibility of a parent toward the child, and

(b) it is in the best interests of the child that the child be adopted by
the applicant(s).

IT IS ORDERED that the application of __(name of applicant)__ be
granted and that the child is, from and after the date of this order, the
adopted child of the applicant(s) and that the child shall hereafter bear
the given name(s) and surname of __________.
IT IS FURTHER ORDERED ____________________________

ENTERED this ___ day of _______ 20___.

(Clerk of the Court of Queen’s Bench)

(Justice of the Court of Queen’s Bench)

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Alberta Regulation 40/2002
Child Welfare Act
QUALIFICATION REGULATION

Filed: March 20, 2002


1  For the purposes of Parts 5 and 6 of the Child Welfare Act, a qualified person is

   (a)  a social worker registered under the Social Work Profession Act,

   (b)  a psychologist registered under the Psychology Profession Act,

   (c)  a person who holds at least a Bachelor’s degree in Social Work from a university or a school accredited by the Canadian Association of Schools of Social Work, or

   (d)  a person who in the opinion of the Minister is qualified because of the person’s academic qualifications or the person’s experience or a combination of the person’s qualifications and experience.

2  The Qualification Regulation (AR 185/85) is repealed.

3  For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2007.

4  This Regulation comes into force on April 1, 2002.
Alberta Regulation 41/2002

Family and Community Support Services Act

CONDITIONAL AGREEMENT AMENDMENT REGULATION

Filed: March 20, 2002

Made by the Lieutenant Governor in Council (O.C. 117/2002) on March 20, 2002 pursuant to section 7 of the Family and Community Support Services Act.

1 The Conditional Agreement Regulation (AR 218/94) is amended by this Regulation.

2 Section 13 is amended by striking out “March 31, 2002” and substituting “June 30, 2003”.

Alberta Regulation 42/2002

Municipal Government Act

CALGARY INTERNATIONAL AIRPORT VICINITY PROTECTION AREA AMENDMENT REGULATION

Filed: March 20, 2002


1 The Calgary International Airport Vicinity Protection Area Regulation (AR 318/79) is amended by this Regulation.

2 Table 1 of Schedule C is amended in item 4 (Commercial Uses) by striking out the following:

| Offices | P | P | C2 | C2 | C2, AO |

and substituting the following:

| Offices | P | P | C2 | C2 | C2 |

- 245 -
Alberta Regulation 43/2002
Municipal Government Act
SUBDIVISION AND DEVELOPMENT REGULATION

Filed: March 20, 2002


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MGB distances 22
1(1) In this Regulation,

(a) “AEUB” means the Alberta Energy and Utilities Board;

(b) “building site” means a portion of the land that is the subject of an application on which a building can or may be constructed;

(c) “food establishment” means food establishment as defined in the Food Regulation (AR 240/85);

(d) “hazardous waste management facility” means hazardous waste management facility as defined in the Waste Control Regulation (AR 192/96);

(e) “landfill” means landfill as defined in the Waste Control Regulation (AR 192/96);

(f) “rural municipality” means a municipal district, improvement district, special area or the rural service area of a specialized municipality;

(g) “sour gas” means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;

(h) “sour gas facility” means

   (i) any of the following, if it emits, or on failure or on being damaged may emit, sour gas:

      (A) a gas well as defined in the Oil and Gas Conservation Regulations (AR 151/71);

      (B) a processing plant as defined in the Oil and Gas Conservation Act;

      (C) a pipeline as defined in the Pipeline Act;

   (ii) anything designated by the AEUB as a sour gas facility pursuant to section 3;

(i) “storage site” means a storage site as defined in the Waste Control Regulation (AR 192/96);
(j) “unsubdivided quarter section” means

(i) a quarter section, lake lot, river lot or settlement lot that has not been subdivided except for public or quasi-public uses or only for a purpose referred to in section 618 of the Act, or

(ii) a parcel of land that has been created pursuant to section 86(2)(d) of the Planning Act RSA 1980 on or before July 6, 1988, or pursuant to section 29.1 of the Subdivision Regulation (AR 132/78), from a quarter section, lake lot, river lot or settlement lot if that parcel of land constitutes more than 1/2 of the area that was constituted by that quarter section, lake lot, river lot or settlement lot;

(k) “wastewater collection system” means a wastewater collection system as defined in the Wastewater and Storm Drainage Regulation (AR 119/93);

(l) “wastewater treatment plant” means a wastewater treatment plant as defined in the Wastewater and Storm Drainage Regulation (AR 119/93);

(m) “water distribution system” means a water distribution system as defined in the Environmental Protection and Enhancement Act.

(2) The definitions in Part 17 of the Act and section 1 of the Act, to the extent that they do not conflict with Part 17, apply to this Regulation.

2 Nothing in this Regulation may be construed to permit a use of land unless that use of land is provided for under a statutory plan or is a permitted or discretionary use under a land use bylaw.

3(1) The AEUB may designate any well, battery, processing plant or pipeline, as defined in the Oil and Gas Conservation Act, not included in section 1(1)(h)(i) as a sour gas facility for the purpose of this Regulation, if it emits, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.

(2) The AEUB may designate as a sour gas facility for the purpose of this Regulation

(a) a well for which a well licence has been issued under the Oil and Gas Conservation Act,

(b) a battery as defined in the Oil and Gas Conservation Act the location and construction of which has been approved by the AEUB,
(c) a processing plant as defined in the *Oil and Gas Conservation Act* forming part of a gas processing scheme approved by the AEUB under that Act, or

(d) a pipeline for which a permit has been issued under the *Pipeline Act*,

if the operation of the well, battery, processing plant or pipeline has not commenced at the time the designation is made and the AEUB is satisfied that when it is in operation it will emit, or on failure or on being damaged may emit, sour gas or gas containing hydrogen sulphide in concentrations of less than 10 moles per kilomole.

(3) The AEUB must furnish a copy of each designation and each revocation of a designation made by it under this section to the municipality where the affected sour gas facility is or is to be located.

**PART 1**

**SUBDIVISION APPLICATIONS**

4(1) The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority.

(2) A complete application for subdivision consists of

(a) a completed application for subdivision in the form set out in the *Subdivision and Development Forms Regulation*,

(b) a proposed plan of subdivision or other instrument that effects a subdivision,

(c) the required fee,

(d) a copy of the current land title for the land that is the subject of an application, and

(e) at the discretion of the subdivision authority, the information required under subsections (3) and (4).

(3) The applicant must submit the number of sketches or plans of the proposed subdivision that the subdivision authority requires, drawn to the scale that the subdivision authority requires,

(a) showing the location, dimensions and boundaries of

(i) the land that is the subject of the application,

(ii) each new lot to be created,

(iii) any reserve land,
(iv) existing rights of way of each public utility, and

(v) other rights of way,

(b) clearly outlining the land that the applicant wishes to register in a land titles office,

(c) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved,

(d) showing the approximate location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land,

(e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing

   (i) the location of any existing or proposed wells, and

   (ii) the location and type of any existing or proposed private sewage disposal systems,

   and the distance from these to existing or proposed buildings and property lines, and

(f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area.

(4) The applicant must submit

(a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of the Water Act,

(b) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on site sewage disposal system,

(c) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision, including the suitability and viability of that method, and

(d) a description of the use or uses proposed for the land that is the subject of the application.
(5) The subdivision authority may require an applicant for subdivision to submit, in addition to a complete application for subdivision, all or any of the following:

(a) a map of the land that is the subject of the application showing topographic contours at not greater than 1.5 metre intervals and related to the geodetic datum, where practicable;

(b) if the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood;

(c) information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land that is the subject of the application;

(d) if any portion of the parcel of land that is the subject of the application is situated within 1.5 kilometres of a sour gas facility, information provided by the AEUB regarding the location of the sour gas facility;

(e) a conceptual scheme that relates the application to future subdivision and development of adjacent areas;

(f) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.

Application referrals

5(1) For the purposes of subsection (5)(d)(i) and (5)(i), “adjacent” means contiguous or would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.

(2) For the purposes of subsection (5)(e)(i), “adjacent” means contiguous or would be contiguous if not for a railway, road or utility right of way or reserve land.

(3) For the purposes of subsection (5)(m), “adjacent land” means land that is contiguous to the land that is the subject of the application and includes

(a) land that would be contiguous if not for a highway, road, river or stream, and

(b) any other land identified in a land use bylaw as adjacent land for the purpose of notifications under section 692 of the Act.

(4) For the purposes of subsection (5)(e)(ii), the Deputy Minister of the Minister responsible for administration of the Public Lands Act may, in an agreement with a municipality, further define the term “body of water” but the definition may not include dugouts, drainage ditches, man made lakes or other similar man made bodies of water.
(5) On receipt of a complete application for subdivision, the subdivision authority must send a copy to

(a) each school authority that has jurisdiction in respect of land that is the subject of the application, if the application may result in the allocation of reserve land or money in place of reserve land for school purposes;

(b) the Deputy Minister of Environment if any of the land that is the subject of the application is within the distances referred to in section 12 or 13;

(c) if the proposed subdivision is to be served by a public utility, as defined in the Public Utilities Board Act, the owner of that public utility;

(d) the Deputy Minister of Transportation if the land that is the subject of the application is not in a city and

(i) is adjacent to a highway where the posted speed limit is less than 80 kilometres per hour, or

(ii) is within 0.8 kilometres of the centre line of a highway right of way where the posted speed limit is 80 kilometres per hour or greater, unless a lesser distance is agreed to by the Deputy Minister of Transportation and the municipality in which the land that is the subject of the application is located;

(e) the Deputy Minister of the Minister responsible for administration of the Public Lands Act if the proposed parcel

(i) is adjacent to the bed and shore of a river, stream, watercourse, lake or other body of water, or

(ii) contains, either wholly or partially, the bed and shore of a river, stream, watercourse, lake or other body of water;

(f) the Deputy Minister of the Minister responsible for the administration of the Public Lands Act, if the land that is the subject of the application is within the Green Area, being that area established by Ministerial Order under section 10 of the Public Lands Act (RSA 1980 cP-30) dated May 7, 1985, as amended or replaced from time to time except that for the purposes of this Regulation, the Green Area does not include,

(i) land within an urban municipality, and

(ii) any other land that the Deputy Minister of the Minister responsible for the administration of the Public Lands Act states, in writing, may be excluded;

(g) the AEUB, in accordance with section 10(1):
(h) the Deputy Minister of Environment if any of the land that is the subject of the application is situated within a Restricted Development Area established under Schedule 5 of the Government Organization Act;

(i) the Deputy Minister of Environment, if any of the land that is the subject of the application is adjacent to works, as defined in the Water Act, that are owned by the Crown in right of Alberta;

(j) the Deputy Minister of the Minister responsible for the administration of the Historical Resources Act if

   (i) the Deputy Minister has supplied the subdivision authority with a map showing, or the legal description of,

   (A) the location of each Registered Historic Resource and Provincial Historic Resource under the Historical Resources Act or other significant historic site or resource identified by the Deputy Minister, and

   (B) the public land set aside for use as historical sites under the Public Lands Act,

   within the jurisdiction of the subdivision authority, and the land that is the subject of the application is within a rural municipality and 0.8 kilometres of a site referred to in paragraph (A) or (B), or is within an urban municipality and 60 metres of a site referred to in paragraph (A) or (B), or

   (ii) the Deputy Minister and the municipality have agreed in writing to referrals in order to identify and protect historical sites and resources within the land that is the subject of the application;

(k) if the land is situated within an irrigation district, the board of directors of the district;

(l) the municipality within which the land that is the subject of the application is located if the council, municipal planning commission or a designated officer of that municipality is not the subdivision authority for that municipality;

(m) each municipality that has adjacent land within its boundaries, unless otherwise provided for in the applicable municipal or intermunicipal development plan;

(n) any other persons and local authorities that the subdivision authority considers necessary.
(6) Notwithstanding subsection (5), a subdivision authority is not required to send an application for a subdivision described in section 652(4) of the Act to any person referred to in subsection (5).

(7) Notwithstanding subsection (5), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (5) if the land that is the subject of the application is contained within

(a) an area structure plan, or

(b) a conceptual scheme described in section 4(5)(e)

that has been referred to the persons referred to in subsection (5).

Decision time limit

6 A subdivision authority must make a decision on an application for subdivision within

(a) 21 days from the date of receipt of the completed application in the case of a completed application for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 5(6),

(b) 60 days from the date of receipt of any other completed application under section 4(1), or

(c) the time agreed to pursuant to section 681(1)(b) of the Act.

Relevant considerations

7 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

(a) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road,

(f) the availability and adequacy of a water supply, sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances.
between property lines, buildings, water sources and private sewage disposal systems as identified in section 4(4)(b) and (c),

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

Reasons for decision

8 The written decision of a subdivision authority provided under section 656 of the Act must include the reasons for the decision, including an indication of how the subdivision authority has considered

(a) any submissions made to it by the adjacent landowners, and

(b) the matters listed in section 7.

PART 2

SUBDIVISION AND DEVELOPMENT CONDITIONS

Road access

9 Every proposed subdivision must provide to each lot to be created by it

(a) direct access to a road, or

(b) lawful means of access satisfactory to the subdivision authority.

Sour gas facilities

10(1) A subdivision authority must send a copy of a subdivision application and a development authority must send a copy of a development application for a development that results in a permanent additional overnight accommodation or public facility, as defined by the AEUB, to the AEUB if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AEUB and the subdivision authority.

(2) If a copy of a subdivision application or development application is sent to the AEUB, the AEUB must provide the subdivision authority or development authority with its comments on the following matters in connection with the application:

(a) the AEUB’s classification of the sour gas facility;

(b) minimum development setbacks necessary for the classification of the sour gas facility.

(3) A subdivision authority and development authority shall not approve an application that does not conform to the AEUB’s setbacks unless the AEUB gives written approval to a lesser setback distance.
An approval under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

A subdivision application or a development application shall not be approved if it would result in a permanent additional overnight accommodation or public facility, as defined by the AEUB, being located within 100 metres of a gas or oil well or within a lesser distance approved in writing by the AEUB.

For the purposes of this section, distances are measured from the well head to the building or proposed building site.

In this section, “gas or oil well” does not include an abandoned well as defined by the AEUB.

An approval of the AEUB under subsection (1) may refer to applications for subdivision or development generally or to a specific application.

In this section, “working area” means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.

Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use unless, on considering the matters referred to in section 7, each proposed lot includes a suitable building site for school, hospital, food establishment or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant.

Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence within 300 metres of the working area of an operating wastewater treatment plant nor may a school, hospital, food establishment or residence be constructed if the building site is within 300 metres of the working area of an operating wastewater treatment plant.

Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for the purposes of developing a wastewater treatment plant and a development authority may not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from any school, hospital, food establishment or residence or building site for a proposed school, hospital, food establishment or residence.

The requirements contained in subsections (2) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment.
A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

In this section,

(a) “disposal area” means those areas of a parcel of land
   (i) that have been used and will not be used again for the placing of waste material, or
   (ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility or landfill;

(b) “working area” means those areas of a parcel of land
   (i) that are currently being used or that still remain to be used for the placing of waste material, or
   (ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.

Subject to subsection (5), a subdivision authority shall not approve an application for subdivision for school, hospital, food establishment or residential use if the application would result in the creation of a building site for any of those uses

(a) within 450 metres of the working area of an operating landfill,

(b) within 300 metres of the disposal area of an operating or non-operating landfill,

(c) within 450 metres of the disposal area of a non-operating hazardous waste management facility, or

(d) within 300 metres of the working area of an operating storage site.

Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site

(a) is within 450 metres of the working area of an operating landfill,

(b) is within 300 metres of the disposal area of an operating or non-operating landfill,

(c) is within 450 metres of the disposal area of a non-operating hazardous waste management facility, or
(d) is within 300 metres of the working area of an operating storage site.

(4) Subject to subsection (5), a subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a landfill, hazardous waste management facility or storage site unless

(a) the working area of a landfill is situated at least 450 metres,

(b) the disposal area of a landfill is situated at least 300 metres,

(c) the working or disposal area of a hazardous waste management facility is situated at least 450 metres, and

(d) the working area of a storage site is situated at least 300 metres from the property line of a school, hospital, food establishment or residence or building site proposed for a school, hospital, food establishment or residence.

(5) The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment.

(6) A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

Subject to section 16, a subdivision authority shall not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 0.8 kilometres of the centre line of a highway right of way where the posted speed limit is 80 kilometres per hour or greater unless

(a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,

(b) a single parcel of land is to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,

(c) an undeveloped single residential parcel is to be created from an unsubdivided quarter section and is located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,

(d) the land is contained within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or
the land is contained within an area structure plan satisfactory to the Minister of Transportation and the proposed use of the land is permitted under that plan.

Service roads

15(1) In this section, “provide” means dedicate by caveat or by survey or construct, as required by the subdivision authority.

(2) Subject to section 16, if the land that is the subject of an application for subdivision is within an area described in section 5(5)(d), a service road satisfactory to the Minister of Transportation must be provided.

(3) Subsection (2) does not apply if the proposed parcel complies with section 14 and access to the proposed parcel of land and remnant title is to be by means other than a highway.

Waiver

16(1) The requirements of sections 14 and 15 may be varied by a subdivision authority with the written approval of the Minister of Transportation.

(2) An approval under subsection (1) may refer to applications for subdivision generally or to a specific application.

Additional reserve

17(1) In this section, “developable land” has the same meaning as it has in section 668 of the Act.

(2) The additional municipal reserve, school reserve or school and municipal reserve that may be required to be provided by a subdivision authority under section 668 of the Act may not exceed the equivalent of

(a) 3% of the developable land when in the opinion of the subdivision authority a subdivision would result in a density of 30 or more dwelling units per hectare of developable land but less than 54 dwelling units per hectare of developable land, or

(b) 5% of the developable land when in the opinion of the subdivision authority a proposed subdivision would result in a density of 54 or more dwelling units per hectare of developable land.

Security conditions

18(1) A development authority may

(a) require an applicant for a development permit to provide information regarding the security and crime prevention features that will be included in the proposed development, and

(b) attach conditions to the development permit specifying the security and crime prevention features that must be included in the proposed development.
(2) Subsection (1) applies even if the land use bylaw does not provide for those conditions to be attached to a development permit.

PART 3
REGISTRATION, ENDORSEMENT

Registration

19 On a proposed plan of subdivision,

(a) environmental reserve must be identified by a number with the suffix “ER”;

(b) municipal reserve must be identified by a number with the suffix “MR”;

(c) school reserve must be identified by a number with the suffix “SR”;

(d) municipal and school reserve must be identified by a number with the suffix “MSR”;

(e) a public utility lot must be identified by a number with the suffix “PUL”.

Deferral

20 If a subdivision authority orders that the requirement to provide all or part of municipal reserve, school reserve or municipal and school reserve be deferred, the caveat required to be filed under section 669 of the Act must be in the deferred reserve caveat form set out in the Subdivision and Development Forms Regulation.

Endorsement

21 When a subdivision authority endorses an instrument pursuant to section 657 of the Act, the endorsement must contain at least the following information:

(a) the percentage of school reserve or municipal reserve or municipal and school reserve required to be provided under the Act, if any;

(b) the percentage of money required to be provided in place of all or part of the reserve land referred to in clause (a), if any;

(c) the percentage of reserve land referred to in clause (a) ordered to be deferred, if any;

(d) the area covered by an environmental reserve easement, if any.
PART 4

PROVINCIAL APPEALS

MGB distances 22(1) The following are the distances for the purposes of section 678(2)(a) of the Act with respect to land that is subject to an application for subdivision:

(a) the distance with respect to a body of water described in section 5(5)(e);

(b) the distance, from a highway, described in section 14 or the distance, from a highway, described in an agreement under section 5(5)(d)(ii);

(c) the distance, described in section 12, from a wastewater treatment plant;

(d) the distances, described in section 13, from the disposal area and working area of a waste management facility.

(2) For the purposes of this section,

(a) “wastewater treatment plant” means a sewage treatment facility;

(b) “waste management facility” means a landfill, hazardous waste management facility or storage site.

PART 5

TRANSITIONAL PROVISIONS, REPEAL, EXPIRY AND COMING INTO FORCE

Transitional 23 An application for subdivision made under the Subdivision and Development Regulation (AR 212/95) and received by the appropriate subdivision authority on or before June 30, 2002 shall be continued to its conclusion under that Regulation as if that Regulation had remained in force and this Regulation has not come into force.

Repeal 24 The Subdivision and Development Regulation (AR 212/95) is repealed.

Expire 25 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2007.
This Regulation comes into force on July 1, 2002.

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Alberta Regulation 44/2002

Municipal Government Act

SUBDIVISION AND DEVELOPMENT FORMS REGULATION

Filed: March 20, 2002

Made by the Minister of Municipal Affairs (M.O. L:012/02) on February 28, 2002 pursuant to section 604 of the Municipal Government Act.

Forms

1 The forms in the Schedule are the forms prescribed for the purposes of the sections of the Subdivision and Development Regulation indicated on them.

Repeal

2 The Subdivision and Development Forms Regulation (AR 215/95) is repealed.

Expiry

3 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2007.

Coming into force

4 This Regulation comes into force on July 1, 2002.
SCHEDULE
FORM 1
SUBDIVISION AND DEVELOPMENT REGULATION
(section 4)

APPLICATION FOR SUBDIVISION

DATE of receipt of completed Form

FILE NO. ______

Fee Submitted:

THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND THAT IS THE SUBJECT OF THE APPLICATION OR BY A PERSON AUTHORIZED TO ACT ON THE REGISTERED OWNER’S BEHALF

1. Name of registered owner of land to be subdivided.______________________________

2. Name of agent (person authorized to act on behalf of registered owner), if any.______________________________

3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED

   All/part of the __¼ sec. __ twp. __ range __ west of __ meridian Being all/parts of lot __ block __ Reg. Plan No. __ C.O.T. No. __ Area of the above parcel of land to be subdivided __ hectares

   Municipal address (if applicable) ________________________________________________________________

4. LOCATION OF LAND TO BE SUBDIVIDED
   a. The land is situated in the municipality of ____________________________

   b. Is the land situated immediately adjacent to the municipal boundary? __Yes__ __No__.
If “yes”, the adjoining municipality is ____________________________

c. Is the land situated within 0.8 kilometres of the centre line of a highway right of way?  
   Yes_ No_  
   If “yes”, the highway is No. ____________________________

d. Does the proposed parcel contain or is it adjacent to a river, stream, lake or other body of water or by a drainage ditch or canal?  
   Yes_ No_  
   If “yes”, state its name ____________________________

e. Is the proposed parcel within 1.5 kilometres of a sour gas facility?  
   Yes_ No_  

5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

a. Existing use of the land ____________________________

b. Proposed use of the land ____________________________

c. The designated use of the land as classified under a land use bylaw ____________________________

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED (WHERE APPROPRIATE)

a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) ____________________________

b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc., sloughs, creeks, etc.) ____________________________

c. Describe the kind of soil on the land (sandy, loam, clay, etc.) ____________________________

7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED

Describe any buildings and any structures on the land and whether they are to be demolished or moved ____________________________
8. WATER AND SEWER SERVICES

If the proposed subdivision is to be served by other than a water distribution system and a wastewater collection system, describe the manner of providing water and sewage disposal.

9. REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER’S BEHALF

I ___________________________ (Full name) ______________________________ hereby certify that

☐ I am the registered owner, or
☐ I am the agent authorized to act on behalf of the registered owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Address ___________________________ Phone No. ___________________________
(Signed) ___________________________ Date ___________________________

FURTHER INFORMATION MAY BE PROVIDED BY THE APPLICANT ON THE REVERSE OF THIS FORM.
DEFERRED RESERVE CAVEAT

TAKE NOTICE that the (name of municipality) has an estate or interest in the nature of municipal reserve, school reserve or municipal and school reserve under section 669 of the Municipal Government Act by virtue of the decision of the (name of subdivision authority) dated the day of , 20 in acres of the lands described as follows:

standing in the register in the name(s) of and the caveator forbids the registration of any person as transferee or owner of, or any instrument affecting, the said estate or interest, unless the instrument or certificate of title, as the case may be, is expressed to be subject to my claim.

I APPOINT as the place at which notices and proceedings relating hereto may be served.

DATED this day of , 20

(Signed)

(Title of person acting on behalf of subdivision authority)

AFFIDAVIT IN SUPPORT OF CAVEAT

I make oath and say as follows:

1 I am the agent for the caveator.

2 I believe the caveator has a good and valid claim on the land and say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN BEFORE ME at the ______ of )
) in the Province )
of Alberta, the ___ day of ____________, )
) ____________________________

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Alberta Regulation 45/2002
Fair Trading Act
DESIGNATION OF TRADES AND BUSINESSES
AMENDMENT REGULATION

Filed: March 20, 2002

Made by the Lieutenant Governor in Council (O.C. 113/2002) on March 20, 2002 pursuant to section 103 of the Fair Trading Act.

1 The Designation of Trades and Businesses Regulation (AR 178/99) is amended by this Regulation.

2 The following is added after section 6:

Part 10 of the Fair Trading Act applies to the travel club business.

In this section,

(a) “travel club business” means the business of soliciting, negotiating, concluding and performing travel club contracts;

(b) “travel club contract” has the meaning given to it in the Travel Clubs Regulation.

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Alberta Regulation 46/2002
Court of Appeal Act
Court of Queen’s Bench Act
Civil Enforcement Act

ALBERTA RULES OF COURT AMENDMENT REGULATION

Filed: March 20, 2002

Made by the Lieutenant Governor in Council (O.C. 119/2002) on March 20, 2002 pursuant to section 16 of the Court of Appeal Act; section 20 of the Court of Queen’s Bench Act and the Civil Enforcement Act.

1 The Alberta Rules of Court (AR 390/68) is amended by this Regulation.

2 Schedule E is amended
(a) under the heading Number 1 Clerk’s Fees,

(i) in section 2 by striking out “$200.00” and substituting “$600.00”;

(ii) in section 3 by striking out “$25.00” and substituting “$100.00”;

(b) under the heading Number 2 Registrar’s Fees, in section 1 by striking out “$200.00” and substituting “$600.00”.

3 This Regulation comes into force on April 1, 2002.

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Alberta Regulation 47/2002

Provincial Court Act

PROVINCIAL COURT FEES AND COSTS AMENDMENT REGULATION

Filed: March 20, 2002

Made by the Lieutenant Governor in Council (O.C. 120/2002) on March 20, 2002 pursuant to section 9 of the Provincial Court Act.

1 The Provincial Court Fees and Costs Regulation (AR 18/91) is amended by this Regulation.

2 Section 1(a) and (b) are amended by striking out “$25.00” and substituting “$100.00”.

3 This Regulation comes into force on April 1, 2002.
Alberta Regulation 48/2002
Provincial Offences Procedure Act
PROCEDURES AMENDMENT REGULATION

 Filed: March 20, 2002

Made by the Lieutenant Governor in Council (O.C. 121/2002) on March 20, 2002 pursuant to section 42 of the Provincial Offences Procedure Act.

1 The Procedures Regulation (AR 233/89) is amended by this Regulation.

2 Section 4(1) is amended by striking out “21(2) or 26(3)” and substituting “22(2) or 27(3)”.

3 Schedule 2 is amended by repealing Part 6, 6.1, 7 and 7.1 and substituting the following:

PART 6
HIGHWAY TRAFFIC ACT

1 The specified penalty payable in respect of a contravention of a provision of the Highway Traffic Act shown in Column 1 is the amount shown in Column 2 in respect of that provision.

2 Notwithstanding item 64 in section 3, with respect to the failure to keep and maintain a school bus and all equipment of the school bus in a condition of conformity with the standards and specifications prescribed in Schedule 4 of the Bus Safety Regulation (AR 235/82), the specified penalty payable for a contravention of section 55(1) is $360.

3 Proceedings with respect to a contravention of any provision of the Highway Traffic Act shown in Column 1 may be commenced by a violation ticket issued under either Part 2 or Part 3 of the Provincial Offences Procedure Act.

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PART 6.1
HIGHWAY TRAFFIC ACT
(speeding offences)

1 The specified penalties payable in respect of contraventions of sections 70(1) to (6), 71(1), 72(2) to (4) and 108(5)(a) are those set out in the Table in this Part.

2 Proceedings with respect to a contravention of section 70(1) to (6), 71(1), 72(2) to (4) or 108(5)(a) may be commenced by a violation ticket issued under either Part 2 or Part 3 of the Provincial Offences Procedure Act.

3 Where a person exceeds the speed limits referred to in sections 70(1) to (6), 71(1), 72(2) to (4) and 108(5)(a) by more than 50 kilometres per hour, the person is required to appear before a justice without the alternative of making a voluntary payment.

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</table>
PART 7

REGULATIONS UNDER THE
HIGHWAY TRAFFIC ACT

BUS SAFETY REGULATION

1 The specified penalty payable in respect of a contravention of a provision of the Bus Safety Regulation (Alta. Reg. 235/82) shown in Column 1 is the amount shown in Column 2 in respect of that provision, and proceedings with respect to the contravention may be commenced by a violation ticket issued under either Part 2 or Part 3 of the Provincial Offences Procedure Act.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Column 1 (Section Number of Regulation)</th>
<th>Column 2 (Specified Penalty in Dollars)</th>
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PART 7.1

REGULATIONS UNDER THE HIGHWAY TRAFFIC ACT

HIGHWAY TRAFFIC REGULATION

1 The specified penalty payable in respect of a contravention of a provision of the Highway Traffic Regulation shown in Column 1 is the amount shown in Column 2 in respect of that provision.

2 Proceedings with respect to a contravention of any provision of the Highway Traffic Regulation shown in Column 1 may be commenced by a violation ticket issued under either Part 2 or Part 3 of the Provincial Offences Procedure Act.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Column 1 (Section Number of Regulation)</th>
<th>Column 2 (Specified Penalty in Dollars)</th>
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4 This Regulation, except section 2, comes into force on April 1, 2002.
Alberta Regulation 49/2002

Statute Revision Act

RSA 2000 CORRECTION REGULATION

Made by the Lieutenant Governor in Council (O.C. 123/2002) on March 20, 2002 pursuant to section 10 of the Statute Revision Act.

1 This Regulation amends the Revised Statutes of Alberta 2000 and the Statutes of Alberta, 2001 as deposited with the Clerk of the Legislative Assembly under section 4 of the Statute Revision Act.

Amends RSA 2000 cA-30

2 The Alberta Personal Income Tax Act is amended in section 90 by striking out “67(4)” and substituting “31.994(4)”.

Amends RSA 2000 cH-5

3 The Health Information Act is amended in section 110(2)(a) in the new section 22(1.1) by striking out “(3.2) or (4)” wherever it occurs and substituting “(6.1) or (7)”.

Amends RSA 2000 cH-14

4 The Human Rights, Citizenship and Multiculturalism Act is amended in section 11 by striking out “No” and substituting “A”.

Amends RSA 2000 cI-3

5 The Insurance Act is amended in section 293 by striking out “188(3)” and substituting “195(3)”.

Amends RSA 2000 cM-26

6 The Municipal Government Act is amended

(a) by adding the following after section 694:

Division 13
Transitional

695 and 696 Repealed by Revision.

Zoning caveat

697(1) On September 1, 1995 a zoning caveat prepared and signed by the Director of Town and Rural Planning or the Provincial Planning Director and registered in a land titles office under a former Act ceases to have effect.
(2) On and after September 1, 1995, the owner of a parcel of land that is affected by a caveat referred to in subsection (1) may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the zoning caveat.

(3) On receipt of an application under subsection (2) and on being satisfied that the caveat is a zoning caveat, the Registrar must cancel the registration of the caveat.

698 to 708 Repealed by Revision.

(b) in Part 18 by striking out “695 to 709 Repealed by Revision.” and substituting “709 Repealed by Revision.”

Amends RSA 2000 cP-31
7 The Provincial Court Act is amended in section 7 by adding “, the presiding justices of the peace” after “judges”.

Amends RSA 2000 cS-1
8 The Safety Codes Act is amended in section 50(3) by striking out “45(5)” and substituting “49(5)’’.

Amends RSA 2000 cS-3
9 The School Act is amended in section 1(1)(a) by striking out “119” and substituting “129”.

Amends RSA 2000 c16(Supp)
10 The Justice Statutes Amendment Act is amended in section 74(4) in the new clause (f.1) by striking out “16(1)(b)” and substituting “17(1)(b)”.

Amends SA 2001 c28
11 The Trustee Amendment Act, 2001 is amended in section 17(2)

(a) by striking out “27(3)” and substituting “27(2)”;

(b) by renumbering the new subsection (3) as subsection (2).
The Designation and Transfer of Responsibility Regulation (AR 44/2001) is amended by this Regulation.

2 Section 5 is amended

(a) in subsection (2) by adding “and the Queen Elizabeth II Golden Jubilee Recognition Act” after “Remembrance Act”;

(b) in subsection (3) by adding the following after clause (c):

(c.1) Provincial Parks Act;

(c.2) Wilderness Areas, Ecological Reserves and Natural Areas Act;

(c) subsection (4) is repealed.

3 Section 6(b) is repealed.

4 Section 11 is amended by adding the following after subsection (2):

(2.1) The Minister of Government Services is designated as the Minister responsible for the Cooperatives Act.

5 Section 12(1) is amended

(a) by repealing clause (j);

(b) in clause (r) by striking out “sections 44(1)(a), 61 and 62(d) to (f)” and substituting “sections 28(1)(a), 42 and 43(h) to (j)”.

Section 13(5) is amended by adding “and the Regulated Forestry Profession Act” after “Accounting Profession Act”.

Section 2(b) and (c) comes into force on April 1, 2002.

If the Queen Elizabeth II Golden Jubilee Recognition Act receives Royal Assent, section 2(a) comes into force when that Act receives Royal Assent.

Alberta Regulation 51/2002

BUILDERS’ LIEN FORMS REGULATION

Made by the Lieutenant Governor in Council (O.C. 125/2002) on March 20, 2002 pursuant to section 70 of the Builders’ Lien Act.

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Affidavit 3
Notice of change of address 4
Certificate of lis pendens 5
Discharge of lien 6
Notice to prepare lien 7
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Coming into force 10

Definitions

1 In this Regulation,

(a) “Act” means the Builders’ Lien Act;

(b) a reference to a Form is to a form in the Schedule to this Regulation.

Registration

2(1) Subject to subsection (2), a statement of lien registered under section 34 of the Act is to be in Form 1.

(2) A statement of lien registered under section 36 of the Act with the Minister of Energy is to be in Form 2.
An affidavit verifying the statement of lien and referred to in section 34(6) and (7) of the Act is to be in

(a) Form 3, when the affidavit is personally made by the lienholder, or

(b) Form 4, when the affidavit is made by a person other than the lienholder.

A notice of change of address for service referred to in section 39 of the Act is to be in Form 5.

A certificate of lis pendens referred to in section 43 of the Act is to be in Form 6.

A notification referred to in section 47(1) and (2) of the Act that a lien has been satisfied in whole or in part is to be in Form 7.

A notice to prove lien referred to in section 52(3) of the Act is to be in Form 8.

The Builders’ Lien Forms Regulations (AR 226/70) are repealed.

For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2009.

This Regulation comes into force on April 1, 2002.

SCHEDULE

FORM 1
(Section 34)

STATEMENT OF LIEN

(Name of lienholder) of (residence of lienholder) (if claimant is the assignee of the original lienholder, state the facts) claims a lien under the Builders’ Lien Act upon the estate of (name and residence of the owner of the land upon which the lien is claimed) in the following land: (set out concise legal description).
(NOTE: If this lien is in respect of an improvement to an oil or gas well or to an oil or gas well site for which the lien may be registered in the Land Titles Office not later than 90 days from the last day that the work was done or the materials were last furnished, please check □.)

The lien is claimed in respect of the following work or materials, that is to say: (give a short description of the nature of the work done or the materials furnished or to be furnished) which work was or is to be done for or which materials were or are to be furnished for (name and residence of person for whom the work was or is being done or the materials were or are being furnished)(please check the appropriate box)

☐ The work was completed or the materials were last furnished on the ______ day of ____________. ________________;

☐ The work is not yet completed or the materials have to yet all been furnished.

The sum claimed as due or to become due is $ ______________

The address for service of the lienholder hereunder is ____, in the Province of Alberta.

Dated at __________ this ___ day of __________, __________

______________________________________________

(Signature)

(Status of signatory, eg lienholder; agent of lienholder; or where the lienholder or agent is a corporation, the signatory’s position with the corporation)

FORM 2
(Sections 34 and 36)

STATEMENT OF LIEN UPON INTEREST IN CROWN MINERALS

This statement of lien applies in respect of the following (check the appropriate box):

☐ To work done or materials furnished in respect of improvements, other than improvements to an oil or gas well or to an oil or gas well site, in which case this lien is to be registered with the Minister of Energy not later than 45 days from the last day that the work was last done or the materials were last furnished;

☐ To work done or materials furnished in respect of improvements to an oil and gas well or to an oil or gas well site in which case this lien is to be registered with the Minister of Energy not later
than 90 days from the last day that the work was done or the materials were last furnished.

(Name of lienholder) of (residence of lienholder) (if claimant is the assignee of the original lienholder, state the facts) claims a lien under the Builders’ Lien Act upon the interest in minerals of (name and residence of the owner of the interest in minerals upon which the lien is claimed) in the following land: (set out concise legal description).

The mineral is (set out mineral concerned).

The lien is claimed in respect of the following work or materials, that is to say: (give a short description of the nature of the work done or the materials furnished or to be furnished) which work was or is to be done for or which materials were or are to be furnished for (name and residence of person for whom the work was or is being done or the materials were or are being furnished)(check the appropriate box)

☐ The work was completed or the materials were last furnished on the ______ day of ______________, ______________;

☐ The work is not yet completed or the materials have not yet all been furnished.

The sum claimed as due or to become due is $ ____________

The address for service of the lienholder hereunder is ____, in the Province of Alberta.

Dated at ___________ this ___ day of ___________ . ___________

__________

(Signature)

(Status of signatory, eg lienholder; agent of lienholder; or where the lienholder or agent is a corporation, the signatory’s position with the corporation)

NOTE: This form is for use only where the statement of lien is to be registered with the Minister of Energy.

FORM 3
(Section 34(6))

AFFIDAVIT VERIFYING CLAIM

(Name of lienholder) of _____ in the Province of ____ (occupation), named in the above (or annexed) statement make oath and say that the said claim is true.
FORM 4
(Section 34(6) and (7))

AFFIDAVIT VERIFYING CLAIM
BY OTHER THAN LIENHOLDER

(Name of deponent) of __________ in the Province of ________,
(occupation), make oath and say:

(1) That I am the agent (or assignee) of __________
named in the above (or annexed) statement and have full
knowledge of the facts set forth in the above (or annexed)
statement [or I am informed by (state source of information) and
believe that the facts are as set forth in the above (or annexed)
statement].

(2) That the said claim is true [or when deponent has been informed,
That I believe that the said claim is true].

FORM 5
(Section 39)

NOTICE OF CHANGE OF ADDRESS FOR SERVICE

To: the Registrar of Land Titles (or the Minister of Energy)

Take notice that I hereby change my address for service as stated
in my Statement of Lien (or in my last registered notice of change
of address for service) registered in the Land Titles Office (or
with the Minister of Energy) on _____ day of _____, _____ as
No. _____ affecting the land described as follows:

(set out concise legal description)
and appoint __________________ in the Province of Alberta as my address for service.

Dated at __________, this ___ day of __________, ___.

__________ (Signature)

FORM 6
(Section 43)

(NAME OF COURT)

(JUDICIAL DISTRICT)

NO. ______

(STYLE OF CAUSE)

CERTIFICATE OF LIS PENDENS

To: the Registrar of Land Titles (or the Minister of Energy)

This is to certify that proceedings have been taken in court to enforce a certain lien registered by __________ against __________ (here describe lands), which lien was registered pursuant to the Builders’ Lien Act in the Land Titles Office (or with the Minister of Energy) on _____ day of _____, _____ as No. ______

Dated at __________ this ___ day of __________, ___.

__________ (Clerk of the Court)

FORM 7
(Section 47)

DISCHARGE OF LIEN

To: the Registrar of Land Titles (or the Minister of Energy)

I, __________ acknowledge payment of all (or $_______ on account of) moneys due or to become due under the statement of lien made by or on behalf of (name of lienholder) as lienholder, upon the following land:

(set out concise legal description)
the statement of lien being registered in the Land Titles Office (or with the Minister of Energy) on _____ day of _____, ____ as No. ____.

I declare that the said claim of lien has (not) been assigned or transferred and that I am entitled by law to receive the money.

Wherefore the said claim of lien is hereby wholly discharged (or wholly discharged as to the following land).

Dated at _____ this _____ day of ____________, __.

Witness: _______________ (Signature) ______________

FORM 8
(Section 52)

______ (NAME OF COURT)

______ (JUDICIAL DISTRICT)

NO. _______

______ (STYLE OF CAUSE)

NOTICE TO PROVE LIEN

To: (Name of lienholder)

Take notice that the undersigned hereby requires that you prove your lien registered pursuant to the Builders’ Lien Act on the _____ day of _______, ____ in the Land Titles Office (or with the Minister of Energy) as No. ___ with respect to the following land:

(set out concise legal description)

And further take notice that unless within 15 days from the date of service of this Notice upon you, you file in the office of the Clerk of the Court at ________, Alberta, an affidavit giving detailed particulars of your lien pursuant to section 52 of the Builders’ Lien Act, you will lose your lien.

Dated at _________ this ____ day of ____________, ___.

______ (Name of party giving notice)________
Alberta Regulation 52/2002
Dairy Board Act
MINIMUM MILK PRICE ORDER

Filed: March 20, 2002


1 All Class 1 milk shall be purchased on a hectolitre basis and where that milk has a butterfat content of 3.60 kilograms per hectolitre the minimum price for that Class 1 milk shall be $69.69 per hectolitre.

2 The Minimum Milk Price Order (AR 245/2001) is repealed.

3 This Order comes into force March 28, 2002.

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Alberta Regulation 53/2002
Electric Utilities Act
DEFICIENCY CORRECTION REGULATION, 2002

Filed: March 20, 2002

Made by the Lieutenant Governor in Council (O.C. 136/2002) on March 20, 2002 pursuant to section 72 of the Electric Utilities Act.

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Customer Choice

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Regulatory authority jurisdiction 6
Obligations re electric energy supply 7
Immunity from suit 8
Definitions 1

(a) “Act” means the Electric Utilities Act;

(b) “Board” means the Alberta Energy and Utilities Board.

PART 1

CUSTOMER CHOICE

Definitions 2

(a) “affiliated retailer” has the meaning given to it in the Code of Conduct Regulation (AR 156/2000);

(b) “agreement” means an agreement entered into for the provision of electricity and electricity services, but does not include
(i) an agreement entered into pursuant to the Regulated Rate Option Regulation (AR 132/2001) or the Direct Sales Regulation (AR 167/2001);

(ii) an agreement entered into pursuant to section 11 or 12 of the Roles, Relationships and Responsibilities Regulation (AR 86/2000);

(iii) an agreement between an owner and a customer that is not connected to the interconnected electric system;

(iv) an agreement between a retailer other than an affiliated retailer and a customer;

(v) an agreement between the affiliated retailer of an owner and a customer if the customer is not located in the service area of the owner’s electric distribution system;

(vi) an agreement between an affiliated retailer and a customer if

(A) the agreement was entered into before July 26, 2000,

(B) the customer is located in the service area of the owner’s electric distribution system, and

(C) the agreement contains a statement that customers have the ability to choose a retailer for the provision of electricity and electricity services after December 31, 2000;

(vii) an agreement entered into by an affiliated retailer and a customer after July 26, 2000;

(c) “electric energy supply” means the provision of electric energy and those electricity services referred to in section 1(1)(g.1)(i) and (ii) of the Act;

(d) “existing agreement” means an agreement that was entered into before July 26, 2000 and extends beyond December 31, 2000;

(e) “owner” means the owner of an electric distribution system;

(f) “regulatory authority” means

(i) in respect of a municipality or a subsidiary of a municipality that owns an electric distribution system, the council of the municipality;

(ii) in respect of a rural electrification association, the board of directors of the rural electrification association;
(iii) in respect of any other owner of an electric distribution system, the Board.

Section 1(h) of Act

3 The following clause is added after clause 1(h)(vii) of the Act:

(viii) a person that meets the requirements of the Power Pool Council to exchange electric energy through the power pool;

Section 5 of Act

4 After December 31, 2000 section 5 of the Act does not apply and the following applies instead:

5(1) A person wishing to obtain electricity for use on property must make arrangements for the purchase of distribution access service from the owner of the electric distribution system in whose service area the property is located unless section 18 of the Roles, Relationships and Responsibilities Regulation (AR 86/2000) applies.

(2) No person other than the owner of the electric distribution system or a wire service provider that is authorized to act on behalf of the owner may provide distribution access service on the electric distribution system within the service area of the owner.

Agreements between owners and customers

5(1) Any rights and obligations under an existing agreement between an owner or an affiliated retailer and a customer for electric energy supply do not apply after December 31, 2000.

(2) On the coming into force of this Regulation, no owner shall enter into an agreement with a customer if the owner’s rights and obligations for electric energy supply under the agreement extend beyond December 31, 2000.

Regulatory authority jurisdiction

6(1) The regulatory authority, on its own motion or on an application of a person having an interest in an existing agreement, may determine how the provisions under an existing agreement, including the rights and obligations for payments resulting from those provisions, will be applied after December 31, 2000.

(2) A determination by the regulatory authority under subsection (1) may

(a) specify the goods or services that provisions or payments are to be attributed to;

(b) specify that all or some of the provisions or payments may be attributed to goods or services;
(c) specify to whom all or some of the provisions apply or to whom the payments are payable;

(d) determine that certain provisions or payments must not apply;

(e) specify provisions or payments that replace existing provisions or payments, including replacement of any or all provisions and payments;

(f) determine that an agreement in its entirety no longer applies.

7(1) Despite any provision in an existing agreement whereby an owner or municipality has granted a right, exclusive or otherwise, to a person to provide electricity or electricity services to customers in an area, the rights and obligations for electric energy supply do not apply after December 31, 2000.

(2) Despite any provision in an existing agreement whereby a rural electrification association has granted a right, exclusive or otherwise, to a person to provide electricity or electricity services to its members, the rights and obligations for electric energy supply do not apply after December 31, 2000.

(3) An owner or a municipality must not enter into an agreement that grants a right, exclusive or otherwise, to a person to provide electricity or electricity services to customers in an area if that agreement includes rights and obligations for electric energy supply after December 31, 2000.

(4) A rural electrification association must not enter into an agreement that grants a right, exclusive or otherwise, to a person to provide electricity or electricity services to its members if that agreement includes rights and obligations for electric energy supply after December 31, 2000.

(5) Subsection (3) does not apply if the owner or the municipality is entering into an arrangement with a person for the provision of electricity or electricity services for that owner’s or municipality’s own use.

8 No action may be instituted against an owner, affiliated retailer, municipality, rural electrification association, customer or regulatory authority based on any claim or cause of action for compensation or for loss or damages for cancellation of any rights or obligations connected with or arising from an existing agreement as a result of this Regulation.
PART 2
DEFERRAL ACCOUNTS

Definitions

9 In this Part,

(a) “deferral account” means

(i) in respect of ATCO Electric Ltd., a deferral account established for 2000 referred to in clauses 28, 29, 30 and 31 of the Alberta Power Limited 1999/2000 Phase I Negotiated Settlement dated April 21, 1999 and approved by the Board in Decision U99046 dated May 10, 1999,

(ii) in respect of UtiliCorp Networks Canada (Alberta) Ltd., a deferral account established for 2000 referred to in the Summary of Board Directions numbered 58, 59 and 60 in Part I - General of Board Decision U99099 dated November 25, 1999, and

(iii) in respect of a municipal owner of an electric distribution system, a reconciliation account for 2000 established for the same purpose that a deferral account referred to in subclause (i) or (ii) is established;

(b) “distribution tariff” means a tariff prepared pursuant to the Distribution Tariff Regulation (AR 84/2000);

(c) “municipal owner of an electric distribution system” means

(i) Enmax Power Corporation,

(ii) EPCOR Distribution Inc.,

(iii) the City of Lethbridge, and

(iv) the City of Red Deer;

(d) “regulated rate tariff” means a tariff prepared pursuant to the Regulated Rate Option Regulation (AR 132/2001).

Prohibition on collection

10 In 2001, the owner of an electric distribution system must not collect under its distribution tariff or regulated rate tariff any amount in respect of its deferral accounts.

Board review

11(1) The owner of an electric distribution system must apply to the Board in 2001 for a review by the Board of the owner’s deferral accounts.
(2) An application must be made under subsection (1) after the owner is in possession of the information necessary to enable the Board to prepare a final reconciliation and disposition of the owner’s deferral accounts.

(3) If the Board does not have information that it considers adequate to carry out the duty referred to in subsection (2), the Board may require an owner to provide further information.

(4) The Board must carry out in 2001 a review applied for under subsection (1).

12(1) The Board must determine an amount that is payable in 2001 to the owner of an electric distribution system in respect of the cost of financing the amounts in the owner’s deferral accounts in 2001.

(2) In determining an amount under subsection (1), the Board must ensure that an owner is able to recover the prudent cost of financing the amounts in its deferral accounts which may include debt financing, equity financing or a combination of debt and equity financing.

(3) Before the Board makes a determination under subsection (1) in respect of an owner, the owner may apply to the Board for approval of a monthly payment to the owner in respect of the cost of financing the amounts referred to in subsection (1), that is based on the owner’s reasonable estimate of the amounts in its deferral accounts.

(4) The Board must base its approval under subsection (3) on the Bank of Canada bank rate plus 1.5%.

(5) On completing a determination under subsection (1) in respect of an owner, the Board must calculate

(a) any refund payable by the owner where the monthly payments under subsection (3) for the year exceed the amount determined under subsection (1) for the owner, or

(b) any additional amount payable to the owner where the monthly payments under subsection (3) for the year are less than the amount determined under subsection (1) for the owner.

(6) Any amount

(a) payable to an owner under this section is to be paid by the balancing pool administrator out of the balancing pool, or

(b) payable by an owner under this section is to be paid to the balancing pool administrator to be credited to the balancing pool.
Approval of collection

13(1) After the completion of the review referred to in section 11, a regulatory authority may approve the collection by the owner of an electric distribution system of any amount in respect of its deferral accounts during the period from January 1, 2002 to December 31, 2004.

(2) In this section, “regulatory authority” means

(a) in respect of a municipality or a subsidiary of a municipality that owns an electric distribution system, the council of the municipality,

(b) in respect of a rural electrification association, the board of directors of the rural electrification association, or

(c) in respect of any other owner of an electric distribution system, the Board.

PART 3
ONSITE GENERATION AND FLARE GAS GENERATION

Definitions

14 In this Part,

(a) “delivery interface” means the point at which electricity leaves a transmission facility and enters an electric distribution system;

(b) “downstream” means on the electric distribution side of a delivery interface;

(c) “flare gas generating unit” means a generating unit that uses for fuel

(i) only solution gas, or

(ii) solution gas and another substance as a supplement to maintain sufficient fuel volume to maintain the operation of the generating unit;

(d) “flare gas generation” means the electric energy produced by a flare gas generating unit;

(e) “operator” means a person who

(i) has a right to obtain or recover oil, gas, bitumen or oil sands, or any of them, and

(ii) may or may not be the owner of a flare gas generating unit;

(f) “solution gas” means gas
(i) that is dissolved in crude oil or crude bitumen under reservoir conditions and evolves as a result of pressure and temperature changes,

(ii) that the Board has determined to be uneconomic, and

(iii) that would otherwise be flared or vented if it were not used in a flare gas generating unit.

The person described in section 2(b) of the Act as the owner or tenant of property on which electric energy is produced is not required to be the owner of the generating unit that produces the electric energy in order for the exemption in section 2(b) of the Act to have effect.

Sections 5 and 13 of the Act do not apply to flare gas generation that is to be used solely by an operator if

(a) the operator is working in the service area in which the flare gas generating unit is located,

(b) the facilities operated by the operator and the flare gas generating unit are connected to a common delivery interface, and

(c) the facilities operated by the operator and the flare gas generating unit are connected downstream of the common delivery interface.

In this section, “system controller” means the person appointed under section 9(1)(c) of the Act.

A person that produces flare gas generation must provide the system controller with the information required by the Power Pool Council under subsection (4).

Notwithstanding subsection (2), a person that produces flare gas generation is not required to disclose to the Power Pool Council or to its employees any information relating to the price of flare gas generation that is sold or provided to an operator or other person.

The Power Pool Council must determine the information to be provided under subsection (2) and the time and manner in which the information is to be provided.

A determination under subsection (4) may be made in respect of information generally or in respect of specific information.
PART 4
TRANSMISSION MATTERS

Section 26 of Act

18(1) Section 26(a) of the Act is to be interpreted as if it read as follows:

(a) make prudent financial arrangements so that adequate transmission facilities are available to enable the Transmission Administrator to provide system access service and shall ensure that those financial arrangements are carried out,

(2) Section 26(d) of the Act is to be interpreted as if it read as follows:

(d) set reasonable standards and requirements for system support services and make prudent financial arrangements so that system support services are available and shall ensure that those financial arrangements are carried out,

(3) Section 26(a) and (d) are not to be interpreted as requiring the Transmission Administrator to satisfy or perform the obligations of any person with whom the Transmission Administrator has entered into a financial arrangement described in those clauses.

Section 58 of Act

19(1) In section 58(1)(a) and (b) of the Act, “service” means, in respect of the Transmission Administrator,

(a) the providing and maintaining of system access service pursuant to sections 23 and 24 of the Act, and

(b) the carrying out of the duties described in sections 26 and 27 of the Act.

(2) The Transmission Administrator’s duties under section 58(1) of the Act are met if the Transmission Administrator arranges for those duties to be carried out.

(3) Subsection (2) does not apply where the Transmission Administrator uses a generating unit or a transmission facility that is owned or leased by it to carry out its duties under section 58(1) of the Act.

Section 64(a)(ii) of Act

20 Section 64(a)(ii) of the Act is to be interpreted as if it read as follows:

(a) “issue” means any issue relating to

(ii) the Transmission Administrator or the transmission system,
In this section and in sections 22 and 23, “agreement” means an agreement or arrangement entered into by a person or persons holding the office of Transmission Administrator relating to a duty or function of the Transmission Administrator.

Where in the opinion of the Alberta Energy and Utilities Board it is just and reasonable to do so, the Board may make an order stating that a person or persons holding the office of Transmission Administrator after the date of the order are bound by an agreement entered into by a person or persons holding the office of Transmission Administrator on or before the date of the order.

The Board may make an order under subsection (2) in respect of an agreement that, as of the date of the order,

(a) has not been entered into, or

(b) has been entered into subject to Board approval and is not yet effective

if the Board is satisfied that the agreement will commence and become effective within a reasonable time after the order is made.

The person or persons who are the subject of an order made under section 21(2) are bound by the agreement to which the order relates as if they had been a party to the agreement.

The person or persons who are the subject of an order made under section 21(3) are bound by the agreement to which the order relates as if they had been a party to the agreement only if the agreement commences and becomes effective within a reasonable time after the order was made.

The Board shall not rescind an order made under section 21 during the term of the agreement to which the order relates.

The following regulations are repealed:

(a) Customer Choice Deficiency Correction Regulation (AR 148/2000);

(b) Deferral Accounts Deficiency Correction Regulation (AR 240/2000);

(c) Onsite Generation and Flare Gas Generation Deficiency Correction Regulation (AR 63/2000);
(d) *Transmission Matters Deficiency Correction Regulation* (AR 150/2000).

**Expiry**

25 This Regulation is made under section 72(1) of the Act and is repealed in accordance with section 72(2) of the Act.

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**Alberta Regulation 54/2002**

**Persons with Developmental Disabilities Foundation Act**

**PERSONS WITH DEVELOPMENTAL DISABILITIES FOUNDATION WINDING-UP REGULATION**

Filed: March 20, 2002


1 The Persons with Developmental Disabilities Foundation is wound up in accordance with this Regulation.

2 In carrying out the winding-up the board of trustees of the Foundation shall apply the property of the Foundation as follows:

   (a) firstly, in the payment of any costs incurred in the winding-up of the Foundation,

   (b) secondly, to discharge all liabilities of the Foundation, and

   (c)thirdly, to give effect, as far as possible, to any outstanding applicable trust conditions,

and shall pay the balance, if any, to the Provincial Board established under section 2 of the *Persons with Developmental Disabilities Community Governance Act*.

3 The board of trustees shall forthwith report in writing to the Minister when the winding-up process has been completed.
Alberta Regulation 55/2002

Cooperatives Act

COOPERATIVES REGULATION

Filed: March 22, 2002

Made by the Minister of Government Services (M.O. C:004/02) on March 20, 2002 pursuant to sections 9(1), 49, 352 and 430 of the Cooperatives Act.

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Names

Definitions 1 In sections 2, 3 and 4,

(a) “Canada corporation” means a Canada corporation within the meaning of the Business Corporations Act;

(b) “corporation” means a corporate entity, however incorporated, that is incorporated in Alberta, a registered extra-provincial corporation and a Canada corporation;

(b) “dissolved corporation” means a dissolved corporation that was incorporated in Alberta.

Similar names 2 (1) A cooperative and an extra-provincial cooperative registered in Alberta may not have a name that is similar to the name of a corporation unless that corporation consents in writing to the use of the name in whole or in part.

(2) A cooperative and an extra-provincial cooperative registered in Alberta may not have a name that is similar to the name of a dissolved corporation unless the dissolved corporation has been dissolved for more than 3 years.

(3) For the purposes of subsections (1) and (2), a name is similar if it is

(a) a name that would reasonably lead to the inference that the cooperative or extra-provincial cooperative bearing the name is or would be associated or affiliated with the corporation or
dissolved corporation if the cooperative or extra-provincial cooperative and the corporation or dissolved corporation are not or will not be associated or affiliated, or

(b) a name whose similarity to the name of the corporation or dissolved corporation would lead someone who has an interest in dealing with the corporation or dissolved corporation to deal with the cooperative or extra-provincial cooperative bearing the name in the mistaken belief that he or she is dealing with the corporation or dissolved corporation.

Minor differences

3(1) A cooperative and an extra-provincial cooperative registered in Alberta may not have a name where the only difference from the name of a corporation or of a dissolved corporation is

(a) the addition or deletion of punctuation marks or spaces,

(b) the insertion or removal of a year in the name,

(c) a difference in the legal element of the name referred to in section 16(1) of the Act,

(d) the substitution of a word for its abbreviation or an abbreviation for the word,

(e) the substitution of a word for its homonym,

(f) the addition or deletion of an article, or

(g) any other change that does not produce a phonetic difference between the name and the name of the corporation or dissolved corporation.

(2) Subsection (1)(b) to (g) as they apply to a corporation do not apply

(a) where the corporation consents in writing and undertakes to

(i) change its name, or

(ii) dissolve

within 6 months, or

(b) in the case of a corporation that is a registered extra-provincial corporation, where the registered extra-provincial corporation undertakes to

(i) cease to be registered in Alberta, or

(ii) change its name in its home jurisdiction

within 6 months.
(3) Subsection (1)(b) to (g) as they apply to a dissolved corporation do not apply where the dissolved corporation has been dissolved for at least 3 years prior to the time the cooperative or extra-provincial cooperative has the name.

4(1) A cooperative or an extra-provincial cooperative may have a name that is identical to the name of a corporation incorporated in Alberta if

(a) the corporation has ceased to use its name,

(b) the name is not a number name,

(c) the corporation and the cooperative or extra-provincial cooperative wishing to have the name were affiliated at the time the corporation ceased to use the name,

(d) the corporation provided its consent to the cooperative or extra-provincial cooperative having the name, and

(e) the cooperative or extra-provincial cooperative wishing to have the name undertakes to amend all titles and public registrations in the name of the corporation to reflect the change within 6 months.

(2) A cooperative or extra-provincial cooperative may have a name that is identical to the name of a dissolved corporation if

(a) the name is not a number name,

(b) the dissolved corporation and the cooperative or extra-provincial cooperative wishing to have the name were affiliated at the time the dissolved corporation was dissolved,

(c) the dissolved corporation consented in writing before it was dissolved to the cooperative or extra-provincial cooperative having the name, and

(d) the cooperative or extra-provincial cooperative wishing to have the name undertakes to amend all titles and public registrations in the name of the dissolved corporation to reflect the change within 6 months.

(3) If an undertaking under subsection (1)(e) or (2)(d) is not carried out, the Director may, by notice in writing, giving reasons, direct the cooperative or extra-provincial cooperative to change its name to one that the Director approves within 90 days of the date of notice.
No cooperative may have a name that
(a) is too general,
(b) is only descriptive, in any language, of the quality, function or other characteristics of the goods or services in which the cooperative deals or intends to deal, or
(c) is primarily or only the name or surname of an individual who is living or has died within 30 years preceding the date the name is used

unless the name has through use acquired a meaning that renders the name distinctive.

No cooperative may have a name that contains a word or expression, an element of which is the family name of an individual, whether or not the word or expression is preceded by the individual’s given name or initials, unless the individual or the individual’s heir, executor, administrator, assign or guardian consents in writing to the use of the name.

When 2 or more cooperatives amalgamate, the name of the amalgamated cooperative may be identical to the name of one of the amalgamating cooperatives if the name is not a number name.

An additional form of name pursuant to section 16(2) of the Act must be a direct translation of the cooperative name.

Notwithstanding subsection (1), changes may be made to the additional form of name to ensure that it is idiomatically correct.

No cooperative may have a name that exceeds 200 characters in length, including punctuation marks and spaces.

The name of a cooperative or an extra-provincial cooperative registered in Alberta may contain only the following:
(a) letters of the alphabet of the English language;
(b) Arabic numerals;
(c) the following punctuation or other marks:
(i) !
(ii) "
(d) any combination of letters, numerals and marks referred to in clauses (a), (b) and (c).

(2) The first character of the name of a cooperative or of an extra-provincial cooperative registered in Alberta must be an Arabic numeral or an alphabetic letter of the English language.
(3) No cooperative or extra-provincial cooperative registered in Alberta may have a name that consists primarily of a combination of punctuation marks or other marks.

Year in name

11 No cooperative may have a name that contains a year in parenthesis unless the cooperative is a successor cooperative and the year is the year in which it became a successor cooperative.

Objectionable names

12(1) No cooperative or extra-provincial cooperative registered in Alberta may have a name that contains a word or expression in any language that is obscene or connotes a business that is scandalous, obscene or immoral or that is otherwise objectionable on public grounds.

(2) No cooperative may have a name that contains a word or expression that might lead to the inference that the cooperative is not a cooperative to which the Act applies.

Proposed names

13 No name that is identical or similar to a name that is identified in a computer printed search report as "proposed" may be used by a cooperative or an extra-provincial cooperative registered in Alberta unless it is the person who first proposed the name or has the consent in writing of the person who first proposed the name.

Other prohibited affiliations

14(1) No cooperative may have a name that indicates that the cooperative

(a) carries on business under royal, vice-regal or governmental patronage, approval or authority unless the appropriate government department or agency consents in writing to the name,

(b) is sponsored or controlled by or is affiliated with

(i) the Government of Canada,

(ii) the government of a province or territory, or

(iii) the government of a subdivision of a country other than Canada

or a political subdivision or agency of any such government, unless the appropriate government, political subdivision or agency consents in writing to the use of the name,

(c) is sponsored or controlled by a university, college or technical institute or a professional or other occupational association that is regulated by provincial or federal legislation, unless the university, college or technical institute or professional or
occupational association consents in writing to the use of the name, or

(d) carries on business as a financial intermediary defined in section 44(2) that is regulated by provincial or federal legislation, unless the appropriate government department or agency consents in writing to the use of the name.

(2) No cooperative or extra-provincial cooperative registered in Alberta may have a name

(a) that indicates that the cooperative or extra-provincial cooperative is associated with

(i) the Alberta Heritage Savings Trust Fund,

(ii) the operation of Nakiska Ski Area, unless it has the written consent of the Minister of Community Development, or

(iii) the Olympic Games or its organizing committee, unless it has the written consent of the Canadian Olympic Association,

or

(b) that includes the word “Kananaskis” and indicates that the cooperative or extra-provincial cooperative is associated with land of the Crown in right of Alberta or the administration of land of the Crown in right of Alberta, unless it has the written consent of the Minister of Community Development.

15 In determining whether a name contravenes the Act or this Regulation, the Director may, without limitation, consider the following:

(a) the distinctiveness of the name or any element of it and the extent to which the name has become known;

(b) the length of time the name has been in use;

(c) the nature of the business carried on under or associated with the name, including the likelihood of any competition among businesses using such a name;

(d) the nature of the trade with which a name is associated, including the nature of the goods or services and the means by which they are offered or distributed;

(e) the degree of similarity between the name and another name in appearance or sound;
(f) the geographic area in Alberta in which the name is likely to be used.

16 In the case of

(a) the incorporation of a cooperative,

(b) a change in the name of a cooperative or a registered extra-provincial cooperative,

(c) the use of an additional form of name under section 16(2) of the Act and section 8 of this Regulation,

(d) the registration of an extra-provincial cooperative,

(e) the continuance of an extra-provincial cooperative into Alberta where the extra-provincial cooperative is not a registered extra-provincial cooperative with the identical name in Alberta immediately prior to continuance,

(f) the amalgamation of 2 or more cooperatives where the name of the amalgamated cooperative is not identical to the name of one of the amalgamating cooperatives,

(g) the amalgamation of a registered extra-provincial cooperative with one or more extra-provincial cooperatives where the name of the amalgamated extra-provincial cooperative is not identical to the name of the registered extra-provincial cooperative,

(h) the revival of a cooperative where the cooperative is revived after having been dissolved under Part 14 of the Act, and

(i) the reinstatement of the registration of an extra-provincial cooperative whose registration was cancelled under section 374(1)(a) of the Act,

the following must accompany the documents sent to the Director in connection with the incorporation, change of name, use of name, registration, continuance, amalgamation, revival or reinstatement:

(j) an original Alberta Search Report from the NUANS (Newly Upgraded Automated Name Search) system maintained or controlled by the Government of Canada, dated not more than 90 days prior to the submission of the report;

(k) any consent or consent and undertaking required under the Act or this Regulation.
Meetings

17(1) Unless the by-laws otherwise provide, meetings of members and investment shareholders are to be held at the place in Alberta determined by the directors.

(2) Subject to the by-laws, a member or an investment shareholder may participate in a meeting by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting, and if a person participates in a meeting in this way, that person is to be considered to be present at the meeting.

(3) The by-laws may authorize a meeting to be held entirely by means of a telephonic, electronic or other communication facility as long as the requirements of subsection (2) are met.

18(1) The directors shall call a meeting of the members

(a) after holding an organizational meeting pursuant to section 56 of the Act, and

(b) in any event, within 180 days of the issuance of the incorporation certificate.

(2) The members, at their first meeting, shall

(a) adopt by-laws for the cooperative,

(b) elect or appoint directors in accordance with section 55(2) of the Act, and

(c) appoint an auditor to hold office until the close of the first annual meeting of members, unless the appointment of an auditor is dispensed with pursuant to section 236 of the Act.

19(1) The directors shall call the first annual meeting of members not later than 18 months after the cooperative comes into existence and subsequent annual meetings of members must be held not later than the earlier of

(a) 15 months after holding the preceding annual meeting, and

(b) 6 months after the end of the preceding financial year.

(2) The directors may call a special meeting of the cooperative at any time.

(3) Notwithstanding subsection (1), the cooperative may apply to the Court for an order extending the time within which the first or any annual meeting of members must be held.
Notice of meetings

20(1) Notice of the date, time and place of a meeting of the cooperative must be given not less than 10 and not more than 60 days before the date of the meeting,

(a) to each person who is entitled to vote at the meeting,

(b) to each director, and

(c) in each case of an annual meeting, to the auditor of the cooperative, if any.

(2) A notice under subsection (1) must

(a) be posted at the registered office of the cooperative,

(b) subject to subsection (3), be published at least once in a newspaper having general circulation in the area where the cooperative carries on business, and

(c) be given in accordance with section 346 of the Act to each person who is entitled to vote at the meeting.

(3) Unless the by-laws provide otherwise, a notice of a meeting of investment shareholders of any class of shares that is publicly traded on a recognized stock exchange in Canada must be published once a week for at least the 4 consecutive weeks before the date of the meeting in a newspaper having general circulation

(a) in the place where the registered office of the cooperative is located, and

(b) in each place in Canada where the cooperative has a transfer agent or where a transfer of the investment shares may be recorded.

(4) In addition to complying with the requirements set out in this section, a cooperative shall comply with Alberta securities laws as defined in the Securities Act for notices under subsection (3).

When notice not required

21 Notice of a meeting of investment shareholders need not be given to an investment shareholder who was not registered on the records of the cooperative or its transfer agent on the record date fixed or determined under section 23.

Failure to receive notice

22 Failure to receive notice of a meeting does not deprive a person of a right to vote at the meeting at which the person is entitled to vote.
Record dates 23(1) Unless the by-laws provide otherwise, the following dates are record dates for the purpose indicated in column 1, and if a date is not fixed by the directors in accordance with column 2, the default date in column 3 applies as indicated:

<table>
<thead>
<tr>
<th>Column 1 purpose of record date</th>
<th>Column 2 default record date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) To determine the persons entitled to receive notice of or to vote at a meeting of members</td>
<td>The day before the day on which the notice is given or if no notice is given, the day of the meeting.</td>
</tr>
<tr>
<td>(b) To determine the members or investment shareholders</td>
<td></td>
</tr>
<tr>
<td>(i) who are entitled to receive payment of a dividend, or</td>
<td>The day fixed by the directors, if any, which must not be more than 60 days before the particular action to be taken</td>
</tr>
<tr>
<td>(ii) for any other purpose (except for (a), (c) or (d))</td>
<td></td>
</tr>
<tr>
<td>(c) To determine the investment shareholders who are entitled to receive notice of a meeting of investment shareholders</td>
<td>The day fixed by the directors, if any, which must be at least 10 days but not more than 60 days before the meeting</td>
</tr>
<tr>
<td>(d) To determine the investment shareholders who are entitled to vote at a meeting of investment shareholders</td>
<td>The day fixed by the directors, if any, which must be at least 10 days but not more than 60 days before the meeting</td>
</tr>
</tbody>
</table>

(2) Unless the by-laws provide otherwise, if a record date for investment shareholders is fixed by the directors, unless notice of the date is waived by each investment shareholder named in the securities register at the close of business on the day the directors fix the record date, notice of the record date must be given at least 7 days before the record date.

(a) by advertisement in a newspaper published or distributed in a place where the cooperative has its registered office and in each place in Canada where it has a transfer agent or where a transfer of its investment shares may be recorded, and
(b) by written notice to each stock exchange in Canada on which the investment shares of the cooperative are listed for trading.

24(1) All matters dealt with at a special meeting of a cooperative and all matters dealt with at an annual meeting are special business, except

(a) consideration of the financial statements,

(b) an auditor’s report,

(c) the election of directors,

(d) the remuneration of directors and delegates,

(e) the appointment of an auditor,

(f) the approval of patronage returns if the by-laws require member approval of patronage returns,

(g) consideration of the minutes of the previous annual meeting,

(h) consideration of reports of directors or standing committees, and

(i) any other matter that the by-laws specify is not special business.

(2) Amendments to articles and the making of by-laws and amendments to them may not be specified under subsection (1) as matters that are not special business.

(3) Notice of a meeting of a cooperative at which special business is to be transacted must

(a) state the nature of the special business in sufficient detail to permit the recipient to form a reasoned judgment about the special business, and

(b) subject to subsection (4), contain the text of any special resolution to be submitted to the meeting.

(4) Where the text of a special resolution is too long to be included in a notice under this section, the notice must contain a statement in sufficient detail to permit the recipient to form a reasoned judgment about the resolution and a statement that the full text of the resolution is available at any business location of the cooperative.

25(1) A person who is entitled to attend a meeting of a cooperative may waive notice of the meeting in any manner.

(2) Attendance at a meeting of a cooperative is a waiver of notice of the meeting, except when a person attends the meeting for the express
purpose of objecting to the transaction of any business on the ground that
the meeting is not lawfully called.

26(1) Two or more persons who together hold at least 5%, or a greater
percentage specified in the by-laws, of the voting rights that could be
exercised at a meeting of members or investment shareholders, may
requisition the directors to call a meeting of the members or investment
shareholders, as the case may be.

(2) The by-laws may not provide for a percentage that is greater than
25% for the purposes of subsection (1).

(3) The requisition

(a) must state the business to be transacted at the meeting and must
be sent to each director and to the registered office of the
cooperative, and

(b) may consist of several documents of similar form, each signed
by one or more persons who are entitled to vote at the meeting.

(4) On receipt of the requisition, the directors shall call a meeting to
transact the business stated in the requisition unless

(a) the directors have already called a meeting and given notice of
it under section 20, or

(b) the business of the meeting as stated in the requisition would, if
the requisition were a proposal, bring it within the application
of section 30(7)(b), (c), (d) or (e).

27(1) If the directors do not call a meeting within 21 days after
receiving a requisition to do so, any person who signed the requisition
may call the meeting, unless the meeting is not required to be called
because of section 26(4).

(2) A meeting called under section 26 or this section must be called as
nearly as possible in the manner in which meetings are to be called under
the by-laws, a unanimous agreement, this Regulation and the Act.

(3) The cooperative must reimburse the persons who signed the
requisition for the expenses reasonably incurred by them in
requisitioning, calling and holding the meeting, unless the persons who
are present and entitled to vote at the meeting resolve otherwise.

28(1) A member, director or investment shareholder who is entitled to
vote at a meeting of the cooperative may call the meeting if it is not
called within the time required by this Regulation, the Act, the articles,
the by-laws or any unanimous agreement.
(2) A meeting called, held and conducted under this section is for all purposes a meeting duly called, held and conducted.

29(1) On the application of a director or a person who is entitled to vote at a meeting, or in the case of a distributing cooperative, on the application of the Executive Director, the Court may order a meeting of a cooperative to be called, held and conducted within the time and in the manner that the Court directs, if

(a) it is not feasible to call the meeting within the time or in the manner in which those meetings are to be called,

(b) it is not feasible to conduct the meeting in the manner required by this Regulation, the Act, the by-laws and any unanimous agreement, or

(c) the Court thinks, for any other reason, the meeting should be called, held and conducted in the manner it directs.

(2) Without restricting the generality of subsection (1), the Court may order that the quorum required by the by-laws, this Regulation or the Act be varied or dispensed with at a meeting called, held and conducted under this section.

(3) A meeting called, held and conducted under this section is for all purposes a meeting duly called, held and conducted.

30(1) A member may, in accordance with the Act and this Regulation,

(a) submit to the cooperative notice of any matter that the member proposes to raise at an annual meeting of members, and

(b) discuss at the meeting any matter in respect of which the member would have been entitled to submit a proposal.

(2) Any member or director may, in accordance with section 265 of the Act, make a proposal to amend the articles.

(3) Any other person may, in accordance with section 265 of the Act, make a proposal to amend the articles if the person has been, for at least 6 months prior to the date on which the proposal is submitted, the registered holder or the beneficial owner of, or has the support in writing of persons who, in the aggregate, and including or not including the person that submits the proposal, have been, for at least 6 months prior to that date, the registered holders or the beneficial owners of, the lesser of the following, determined as of the close of business on the day preceding the day on which the proposal is submitted:

(a) 1% of the total number of outstanding investment shares of the cooperative;
(b) investment shares with a total market value of at least $2000.

(4) A proposal submitted by a person described in subsection (3) must be accompanied by the following information:

(a) the name, address and telephone number of the person and of the person’s supporters, if applicable;

(b) the number of investment shares held or owned by the person and by the person’s supporters, if applicable, a copy of the written support, if applicable, and the date the investment shares were acquired.

(5) If requested by the cooperative within 14 days after receipt of the proposal, a person who submits a proposal under subsection (3) shall provide proof within 21 days of the request, that the person meets the requirements of subsection (3).

(6) Unless the by-laws otherwise provide, a proposal submitted for consideration at a meeting must

(a) be attached to or accompany the notice of the meeting,

(b) if requested by the person submitting the proposal, include material in support of the proposal, and

(c) include the name, address and telephone number of the person submitting the proposal.

(7) A cooperative need not comply with subsection (6) if

(a) in the case of a proposal to be considered at an annual meeting of members, the proposal is not submitted to the cooperative before the end of the financial period preceding the financial period in which the annual meeting is to be held,

(b) in the opinion of the directors, the purpose of the proposal is to enforce a personal claim or redress a personal grievance against the cooperative or its directors, officers, members or security holders,

(c) within 2 years before receipt of the proposal, the person submitting the proposal failed to present at a meeting a proposal that, at the person’s request, had accompanied or had been attached by the cooperative to the notice of the meeting,

(d) substantially the same proposal accompanied or was attached to a notice of meeting relating to a meeting of the cooperative held within 2 years before the receipt of the proposal, and the proposal was defeated,

(e) the rights conferred by subsections (1) and (2) are in the opinion of the directors being abused to secure publicity, or
(f) the proposal deals with a subject-matter that, under the articles and by-laws, is not within the power of the members to deal with.

(8) If, on the date of the meeting the person who made a proposal under subsection (3) is no longer in compliance with subsection (3), based on the number of outstanding investment shares of the cooperative in existence at the time the proposal was submitted,

(a) the cooperative is not bound to consider the proposal, and

(b) the cooperative is not required to include in the notice of a meeting, or attach to it, any proposal submitted by that person for any meeting held within a period of 2 years following the date of the meeting.

(9) A cooperative shall, not less than 60 nor more than 90 days before the end of each financial period, give notice in accordance with section 20 of the date for submission of proposals under subsection (3) for consideration at the next annual meeting of members to all members, directors and investment shareholders.

31 No cooperative or person acting on behalf of a cooperative incurs any liability by reason only of circulating a proposal in accordance with section 30.

32(1) If a cooperative refuses to include a proposal in a notice of a meeting referred to in section 30, the cooperative shall, within 21 days after the day on which it receives the proposal or, in the case of a proposal referred to in section 30(3) within 21 days after the corporation receives proof of ownership under section 30(5), notify in writing the person submitting the proposal of its intention to omit the proposal from the notice and of the reasons for refusal.

(2) On the application of a person who submitted a proposal claiming to be aggrieved by a cooperative’s refusal under subsection (1), the Court may direct the cooperative to submit the proposal for consideration at a meeting or restrain the holding of the meeting at which the proposal is sought to be presented, and may make any further order it thinks fit.

(3) A cooperative or any person claiming to be aggrieved by a proposal may apply to the Court for an order permitting or directing the cooperative to omit the proposal from a notice of meeting, and the Court, if it is satisfied that section 30(7) applies, may make any order that it thinks fit.
Voting rights of members and shareholders

33(1) A cooperative shall prepare a list of its members or, if the by-laws provide for delegates, of the delegates, as of the record date who are entitled to receive notice of and vote at a meeting of members.

(2) A member or delegate named in the list referred to in subsection (1) is entitled to one vote at a meeting of members.

(3) If a record date for voting is fixed by the directors, a cooperative shall prepare, no later than 10 days after the record date, a list of investment shareholders entitled to vote as of the record date at a meeting of investment shareholders, and the list must show the number of investment shares held by each investment shareholder.

(4) If a record date for voting is not fixed by the directors, a cooperative shall prepare, not later than 10 days after the default record date for notice of meeting, a list of investment shareholders entitled to receive notice of a meeting of investment shareholders as of the record date, and the list must show the number of investment shares held by each investment shareholder.

(5) An investment shareholder named in the list referred to in subsection (3) or (4) is entitled to vote the investment shares shown opposite the investment shareholder’s name at the meeting to which the list relates, except to the extent that

(a) the investment shareholder has transferred the ownership of any of those investment shares after the record date or the date on which the list for the purposes of subsection (4) was prepared, as the case may be, and

(b) the transferee of those investment shares demands, not later than 10 days before the meeting, or any shorter period for which the by-laws of the cooperative provide, that the transferee’s name be included in the list before the meeting and produces properly endorsed investment share certificates or otherwise establishes that the transferee owns the investment shares,

in which case the transferee may vote the shares at the meeting.

(6) A person who is entitled to vote at a meeting of a cooperative may examine any list that relates to the meeting

(a) during usual business hours at the registered office of the cooperative or at the place where its records of members and investment shareholders are maintained, and

(b) at the meeting for which the list was prepared.
**Quorum - investment shareholders**

**34(1)** This section applies in respect of the quorum at meetings of investment shareholders unless the by-laws provide different rules.

**2** A quorum is present at a meeting of investment shareholders if persons holding a majority of the voting rights that may be exercised at the meeting are present in person or represented in a manner provided for by this Regulation or the Act or permitted by the by-laws.

**3** If a quorum is present at the opening of a meeting, the persons who are present and entitled to vote may proceed with the business of the meeting even though a quorum is not present throughout the meeting.

**4** If a quorum is not present at the opening of a meeting, the persons who are present and entitled to vote may adjourn the meeting to a fixed date, time and place but may not transact any other business.

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**Quorum - members**

**35(1)** This section applies in respect of the quorum at meetings of members unless the by-laws provide different rules.

**2** Subject to subsection (3), at a meeting of members, one-tenth of the members or, if the by-laws so provide, their fully authorized district delegates, constitute a quorum.

**3** If the cooperative has a membership of more than 500, 50 members constitute a quorum if before the commencement of the meeting those members in attendance consent to the quorum reduction by a majority vote.

**4** If within one hour after the time appointed for the meeting of members a quorum is not present,

(a) the meeting, if called by members, shall be dissolved, and

(b) if not so called, the meeting stands adjourned until the same day, time and place in the following week.

**5** If within one hour after the time appointed for the adjourned meeting referred to in subsection (4)(b) a quorum is not present, the chairperson may call for a resolution to the effect that those present at that time constitute a quorum and be empowered to transact the business to be brought before the meeting.

**6** If the resolution referred to in subsection (5) is passed by a majority vote of members present and recorded in the minutes, the meeting shall then proceed and those members present constitute a quorum.

**7** If a quorum is present at the opening of the meeting, the persons who are present and entitled to vote may proceed with the business of the meeting even though a quorum is not present throughout the meeting.
Members who are not individuals

36(1) If an entity is entitled to vote at a meeting of a cooperative, the cooperative shall recognize any individual authorized by a resolution of the directors or governing body or a similar authority of the entity to represent the entity at meetings of the cooperative.

(2) An individual who is authorized under subsection (1) to represent an entity may exercise, on behalf of the entity, all the powers the entity could exercise if it were an individual.

Joint voting by members and shareholders

37(1) Unless the by-laws provide otherwise, the holders of a jointly held membership collectively have one vote at a meeting of members.

(2) No holder of a jointly held membership may exercise a proportion of a vote unless the by-laws so provide.

(3) Unless the articles provide otherwise, if 2 or more persons hold investment shares jointly, one of those holders present at a meeting of investment shareholders or represented in a manner provided for by this Regulation or the Act or permitted in the by-laws may, in the absence of the others, vote the investment shares, but if 2 or more of those persons who are present or so represented vote, they must vote as one on the investment shares jointly held by them.

Voting by show of hands

38(1) Voting at meetings of a cooperative must be by show of hands unless

(a) a member or investment shareholder who is entitled to vote at the meeting, or any percentage of such members or investment shareholders as determined by the by-laws, demands a vote by ballot, or

(b) the by-laws provide for another method of voting.

(2) A person, or any percentage of persons as determined by the by-laws, entitled to vote at a meeting may demand a ballot either before or after a vote by show of hands.

(3) Without limiting the generality of subsection (1)(b), the by-laws of a corporation may authorize voting by mail ballot on any matter.

Electronic voting

39(1) A vote at a meeting of a cooperative may, if the by-laws so provide, be held entirely by means of a telephone, electronic or other communication facility, and any person entitled to vote at the meeting may vote by those means.

(2) A vote may be held in the manner set out in subsection (1) only if

(a) each person entitled to vote has access to the communication facility, and
(b) the communication facility is designed and used in a manner that

(i) permits the subsequent verification of the votes that are gathered, and

(ii) permits the tallied votes to be presented to the cooperative without it being possible for the cooperative to identify how each person or group of persons voted.

40(1) Unless the by-laws provide otherwise, a resolution in writing signed by all the persons who are entitled to vote on that resolution at a meeting of the cooperative is as valid as if it had been passed at the meeting, except when a written statement is submitted under section 67 of the Act or section 241(5) of the Act.

(2) Unless the by-laws provide otherwise, a resolution in writing dealing with all matters required by this Regulation or the Act to be dealt with at a meeting of a cooperative and signed by all the persons who are entitled to vote at the meeting satisfies all the requirements of this Regulation and the Act relating to meetings, except when a written statement is submitted under section 67 of the Act or section 241(5) of the Act.

(3) A copy of every resolution referred to in subsection (1) or (2) must be kept with the minutes of the meeting.

(4) Unless a ballot is demanded, an entry in the minutes of a meeting to the effect that the chairperson of the meeting declared a resolution to be carried or defeated is, in the absence of evidence to the contrary, proof of the fact without proof of the number or proportion of the votes or signatures recorded in favour of or against the resolution.

41(1) For the purposes of this Regulation and the Act, one person can constitute a meeting.

(2) If a cooperative has only one investment shareholder, or only one holder of any class or series of investment shares, the investment shareholder constitutes a meeting of the investment shareholders or a meeting of investment shareholders of that class or series.

**Miscellaneous Provisions**

42 Articles of incorporation submitted under sections 4 and 5 of the Act and restated articles under section 269 must be accompanied by a completed copy of Form GS 89 in Schedule 2.
New generation cooperative articles

43(1) In addition to any other requirements of the Act and this Regulation, the articles of incorporation of a new generation cooperative must contain

(a) a statement of the objects or purposes the cooperative is intended to fulfill, and

(b) a statement that the business of the cooperative is restricted to one or more of the endeavours or businesses set out in section 422(c)(iii) of the Act.

(2) No new generation cooperative shall carry on business in a manner that is contrary to an object or purpose that is stated in the articles of incorporation.

Prescribed laws

44(1) Any law of Canada or of a province or territory that has requirements in relationship to Canadian ownership or control is a prescribed law for the purposes of section 5(1)(o)(ii) and (iii) of the Act.

(2) For the purposes of section 5(1)(o)(ii)(C) of the Act, “financial intermediary” means

(a) a bank,

(b) a loan corporation or trust corporation under the Loan and Trust Corporations Act,

(c) an insurer under the Insurance Act,

(d) a reporting issuer, dealer or underwriter under the Securities Act,

(e) a credit union under the Credit Union Act, or

(f) a person or body similar to a person or body referred to in any of clauses (b) to (e) and regulated by an Act of Canada or a province or territory similar to an Act referred to in any of those clauses.

Contents of bylaws

45 The by-laws of a cooperative must contain the following particulars:

(a) the qualifications of members and the procedure to become a member;

(b) the rights of joint members, if any;

(c) the rights and obligations of members, including any rights or obligations to use the services of the cooperative, and any fees to be paid by members;
(d) if the cooperative has auxiliary members, any fees to be paid by auxiliary members and the rights and obligations of auxiliary members and the conditions for their acceptance by the cooperative as auxiliary members, including

(i) the relationship an individual must have with the cooperative in order to be an auxiliary member, and

(ii) the services of the cooperative that may be available to auxiliary members;

(e) whether a member interest as defined in section 48(1) of the Act may be transferred or assigned, and any conditions or restrictions that apply to a transfer or assignment;

(f) the selection, qualifications, terms of office and removal of directors and members of committees of directors;

(g) the distribution of any surplus funds of the cooperative;

(h) if the cooperative is to act as an agent for its members, a definition of that relationship;

(i) the terms and conditions on which membership may be terminated, whether by withdrawal or by involuntary termination, and the determination of the value and disposition of the member’s interest in the cooperative on termination;

(j) if the cooperative wishes to permit members or investment shareholders to attend a meeting of the cooperative by means of a communication facility, the ways in which votes must be held, subject to the provisions of the Act and this Regulation respecting electronic communication.

Disclosure of financial assistance

46(1) A disclosure under section 140(3) of the Act must include the following information:

(a) the identity of the recipient of the financial assistance and the recipient’s relationship to the cooperative;

(b) a description of the financial assistance given, which must include

   (i) the nature and extent of the financial assistance,

   (ii) the amount of the financial assistance,

   (iii) the terms on which the financial assistance was given, and

   (iv) the purpose of the financial assistance.
(2) A cooperative shall make the disclosure required by section 140(3) of the Act by sending the information to be disclosed to the members and investment shareholders within 90 days after giving the financial assistance.

(3) A cooperative shall disclose to the members and investment shareholders any increase in the amount of the financial assistance and any changes to the terms on which the financial assistance was given within 90 days of the increase or change.

(4) Where a disclosure required by section 140(3) of the Act has previously been made and the obligation of the recipient or the cooperative in respect of the financial assistance is still outstanding, the cooperative shall place before the members and investment shareholders at each annual meeting a document disclosing

(a) the outstanding balance, as of the end of the most recent fiscal year of the cooperative,

   (i) on any loan made to the recipient by the cooperative, and

   (ii) on any loan of the recipient guaranteed by the cooperative,

and

(b) the nature and extent of any breach by the recipient of the recipient’s obligation to repay the loan made by the cooperative or whether any liability under a guarantee has been invoked in respect of a loan of the recipient by the cooperative.

Securities records

47 A cooperative shall keep information relating to a security holder that is entered in the securities register under section 167(1) of the Act for a period of at least 7 years after the security holder ceases to be a security holder.

Prescribed financial statements

48(1) The financial statements referred to in section 228(1)(a) of the Act must

(a) include at least

   (i) a balance sheet,

   (ii) a statement of retained earnings,

   (iii) an income statement, and

   (iv) a statement of changes in financial position,

(b) present fairly the financial position of the cooperative,
(c) be prepared in accordance with generally accepted accounting principles, and

(d) be prepared on a basis consistent with that used for the preceding financial year, if any, unless a note attached to them indicates otherwise.

(2) For the purpose of this section, “generally accepted accounting principles” means the standards of accounting principles set forth in the Handbook of the Canadian Institute of Chartered Accountants as it exists from time to time and, for the purposes of this section, that Handbook, as revised, varied or modified by the Act or this Regulation, is in force in Alberta.

Fees

49(1) The fees that are payable under the Act are as set out in Schedule 1.

(2) A fee must be paid at the time and in the manner required by the Director.

Forms

50(1) The forms in Schedule 2 are prescribed as forms for the purposes of the Act and this Regulation.

(2) The prescribed forms for proxies, management proxy circulars and dissidents’ proxy circulars for the purposes of Part 6 of the Act are the forms of those documents prescribed for the purposes of the Securities Act pursuant to rules or regulations under that Act.

Expiry

51 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2007.

Coming into force

52 This Regulation comes into force on April 1, 2002.

SCHEDULE 1

FEES

1 The fees payable under the Act are the following:

(a) for Certificate of Incorporation $100

(b) for Certificate of Amendment 25

(c) for Certificate of Amalgamation 100

(d) for Certificate of Revival 100
<table>
<thead>
<tr>
<th>ALTA. REG. 55/2002</th>
<th>COOPERATIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) for Certificate of Dissolution</td>
<td>Nil</td>
</tr>
<tr>
<td>(f) for Certificate of Intent to Dissolve</td>
<td>Nil</td>
</tr>
<tr>
<td>(g) for Certificate of Revocation of Intent to Dissolve</td>
<td>Nil</td>
</tr>
<tr>
<td>(h) for Certificate of Registration of an Extra-provincial Cooperative</td>
<td>100</td>
</tr>
<tr>
<td>(i) for Certificate of Amendment of Registration of an Extra-provincial Cooperative</td>
<td>25</td>
</tr>
<tr>
<td>(j) for Certificate of Continuance under section 260 of the Act</td>
<td>100</td>
</tr>
<tr>
<td>(k) for Certificate of Status</td>
<td>5</td>
</tr>
<tr>
<td>(l) to accompany annual return sent to Director</td>
<td>Nil</td>
</tr>
<tr>
<td>(m) for any certificate or certification for which a fee is not provided</td>
<td>25</td>
</tr>
<tr>
<td>(n) for search - for each cooperative (microfiche only)</td>
<td>5</td>
</tr>
<tr>
<td>(o) for certification, per file</td>
<td>5</td>
</tr>
<tr>
<td>(p) for appointment of a receiver</td>
<td>Nil</td>
</tr>
<tr>
<td>(q) for the Small Cooperative, Director's Handbook</td>
<td>15</td>
</tr>
<tr>
<td>(r) for printed search, per cooperative</td>
<td>1</td>
</tr>
<tr>
<td>(s) for Certificate of Continuance under section 434 of the Act</td>
<td>Nil</td>
</tr>
</tbody>
</table>
SCHEDULE 2

Summary of Articles of Incorporation
Cooperatives Act
Sections 4, 5 and 269(3)
GS 89

PLEASE PRINT OR TYPE

1. **Name of Cooperative** (Enter the proposed name of the cooperative that complies with sections 16 and 19 of the *Cooperatives Act*.)

2. **Type of Cooperative:** (select one)

| Breeder | Irrigation | Rural Fire Fighting |
| Dairy   | Marketing  | Seed Cleaning      |
| Employment | Multi-stakeholder | Transportation |
| Ethnic  | Petroleum  | Vegetable Grower  |
| Feeder Association | Purchasing | Agricultural General |
| Grazing | Real Estate Board | (specify): New Generation |
| Handicraft | Recreational | (specify): Other (specify): |
| Housing | Retail     |                  |

3. **Type of Articles Being Submitted:** (select one)

| Amended Articles | Restated Articles | Original Articles (if this box checked go directly to No. 5) |

4. **Alberta Corporate Access Number** ____________ (as noted on registration documents)

5. **Summary of Objectives:**

6. **Summary of classes of shares including rights, privileges and conditions, and any maximum number of shares that the cooperative is authorized to issue:**

7. **Restrictions on share transfers other than those identified in the *Cooperatives Act and Regulations*:** (If there are no restrictions, enter “NONE”.)

8. **Number, or minimum and maximum numbers of directors that the cooperative may have:**
9. If the cooperative is restricted FROM carrying on a certain business, or restricted TO carrying on a certain business, specify the restrictions: (If there are no restrictions, enter “NONE”.)

10. Other rules or provisions that are permitted by the Act or Regulations, or to be set out in the cooperative’s bylaws, or to form part of the Articles: (If there are no rules or provisions, enter “NONE”.)

11. Fiscal Year End: ______ (Month/Day)

12. To be completed only when submitting original articles:

   Date authorized by Incorporators: ______ (Month/Day/Year)

   Incorporators (If there are more than six incorporators, please attach a sheet with the information requested.)

<table>
<thead>
<tr>
<th>Name of Incorporator (Last, First, Middle Initial)</th>
<th>Address</th>
<th>Postal Code</th>
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<tbody>
<tr>
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</tbody>
</table>

NOTE: A declaration as required by sections 4(d) and 4(f) of the Cooperatives Act, must be completed and attached.

   Signature of Authorized Person    Title (please PRINT)    Date

   Name (please PRINT) ( ) Daytime Telephone Number

This information is being collected for the purposes of corporate registry records in accordance with the Cooperatives Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.
Statutory Declaration
Cooperatives Act
GS 89

CANADA

PROVINCE OF ALBERTA

In the matter of an application for incorporation as a cooperative pursuant to section 4(d) and 4(f) of the Cooperatives Act:

TO WIT:

This declaration must be made by one or more incorporators of the cooperative and is to be filed along with the Summary of Articles of Incorporation form.

We, as representative(s) of (Name of Cooperative), solemnly declare:

1. after incorporation the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and

2. if the cooperative is one to which Part 18 of the Cooperatives Act applies (housing, employment, multi-stakeholder, new generation cooperative), that the cooperative will comply with the applicable division of Part 18 of the Cooperatives Act,

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Incorporator

Corresponding Signature of Incorporator

DECLARED before me at ) A Commissioner for Oaths/Notary

) Public in and for the Province of

City/Town Province this ____ day of (month/year).

Print Name

Expiry Date of Commission (month/day/year)

WARNING: A false declaration constitutes a criminal offence and is punishable by law. Any application containing false material may result in the suspension or cancellation of the registration.
This information is being collected for the purposes of corporate registry records in accord-ance with the Co-operatives Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

Statutory Declaration
Co-operatives Act
GS 93A

CANADA

In the matter of an application for continuance, to the Co-operatives Act, pursuant to section 434(2), from the Co-operative Associations Act:

PROVINCE OF ALBERTA

TO WIT:

This declaration must be made by each director of the cooperative.

We, as representatives of (Name of Cooperative), solemnly declare:

1. that after the association is continued under section 434 the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and

2. if the cooperative is one to which Part 18 of the Co-operatives Act applies (housing, employment, multi-stakeholder, new generation cooperative), that the cooperative will comply with the applicable division of Part 18 of the Co-operatives Act,

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Director __________________________ Corresponding Signature of Director __________________________

________________________ __________________________

________________________ __________________________

DECLARED before me at ) A Commissioner for Oaths/Notary

) Public in and for the Province of Alberta

City/Town Province this ____ day of (month/year),

Print Name __________________________

expiry Date of Commission
(month/day/year)
WARNING: A false declaration constitutes a criminal offence and is punishable by law. Any application containing false material may result in the suspension or cancellation of the registration.

This information is being collected for the purposes of corporate registry records in accordance with the *Cooperatives Act*. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

Statutory Declaration

**Cooperatives Act**  
GS 93B

**CANADA**

**PROVINCE OF ALBERTA**

**TO WIT:**

We, as representatives of *(Name of Extra-provincial Cooperative)*, solemnly declare that the cooperative wishes to continue under the *Cooperatives Act*, and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Director | Corresponding Signature of Director
---|---

DECLARED before me at _______________  
A Commissioner for Oaths/Notary  
Public in and for the Province of Alberta  
City/Town Province this ___ day of *(month/year).*  

Print Name

Expiry Date of Commission *(month/day/year)*
WARNING: A false declaration constitutes a criminal offence and is punishable by law. Any application containing false material may result in the suspension or cancellation of the registration.

This information is being collected for the purposes of corporate registry records in accordance with the Cooperatives Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

Statutory Declaration
Cooperatives Act
GS 93C

CANADA
PROVINCE OF ALBERTA

TO WIT:

In the matter of an application for continuance under section 260(1) and pursuant to Section 260(4) of the Cooperatives Act:

This declaration must be made by the directors of the cooperative and is to be filed along with the Articles of Continuance form.

We, as representatives of (Name of Cooperative), solemnly declare:

1. that after continuance the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and

2. in the case of a cooperative to which Part 18 of the Cooperatives Act applies (housing, employment, multi-stakeholder, new generation cooperative), that after continuance the cooperative will be in compliance with the applicable division of Part 18 of the Cooperatives Act,

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Director  
Corresponding Signature of Director

DECLARED before me at )
A Commissioner for Oaths/Notary
Public in and for the Province of
City/Town  Province  Alberta
this ____ day of (month/year).

Print Name

Expiry Date of Commission
(month/day/year)

**WARNING:** A false declaration constitutes a criminal offence and is punishable by law. Any application containing false material may result in the suspension or cancellation of the registration.

This information is being collected for the purposes of corporate registry records in accordance with the *Cooperatives Act*. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

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**Statutory Declaration**

**Cooperatives Act**

**GS 93D**

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**CANADA**

In the matter of an application for continuance and amalgamation under section 260(2) and pursuant to section 260(5) of the *Cooperatives Act*:

**PROVINCE OF ALBERTA**

**TO WIT:**

This declaration must be made by the directors of the cooperative and is to be filed along with the Articles of Continuance form.

We, as representatives of (Name of Cooperative), solemnly declare:

1. that after amalgamation the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and

2. if the cooperative is one to which Part 18 of the *Cooperatives Act* applies (housing, employment, multi-stakeholder, new generation cooperative), that after amalgamation the cooperative will be in compliance with the applicable division of Part 18 of the *Cooperatives Act*,

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Director

Corresponding Signature of Director
DECLARED before me at ( ) A Commissioner for Oaths/Notary
( ) Public in and for the Province of Alberta
City/Town Province
this ____ day of (month/year).
Print Name
Expiry Date of Commission
(month/day/year)

WARNING: A false declaration constitutes a criminal offence and is punishable by law. Any application containing false material may result in the suspension or cancellation of the registration.

This information is being collected for the purposes of corporate registry records in accordance with the Cooperatives Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

Statutory Declaration
Cooperatives Act
GS 95

CANADA

PROVINCE OF ALBERTA

TO WIT:

In the matter of an application for amendment pursuant to section 266(1) of the Cooperatives Act:

This declaration must be made by each director of the cooperative and is to be filed along with the Articles of Amendment form.

We, as representatives of (Name of Cooperative), solemnly declare:

1. that the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and

2. if the cooperative is one to which Part 18 of the Cooperatives Act applies (housing, employment, multi-stakeholder, new generation cooperative), that the cooperative will comply with the applicable division of Part 18 of the Cooperatives Act,

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.
Statutory Declaration
Cooperatives Act
GS 97

In the matter of an application for revival pursuant to section 329(2) of the Cooperatives Act:

TO WIT: This declaration must be made by the person interested in applying to revive a cooperative and is to be filed along with the Articles of Revival form.

I, of (Address) in the Province of Alberta, request the revival of (Name of Cooperative), and solemnly declare:

1. that the cooperative will be organized and operated, and will carry on business, on a cooperative basis, and

2. if the cooperative is one to which Part 18 of the Cooperatives Act applies (housing, employment, multi-stakeholder, new generation
cooperative), that the cooperative will comply with the applicable division of Part 18 of the *Cooperatives Act*,

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

<table>
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<tr>
<th>Print Name of Applicant</th>
<th>Signature of Applicant</th>
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DECLARED before me at ) A Commissioner for Oaths/Notary
) Public in and for the Province of Alberta
City/Town Province this ___ day of (month/year).) Print Name

Expiry Date of Commission (month/day/year)

WARNING: A false declaration constitutes a criminal offence and is punishable by law. Any application containing false material may result in the suspension or cancellation of the registration.

This information is being collected for the purposes of corporate registry records in accordance with the *Cooperatives Act*. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

Summary of Articles of Amalgamation

*Cooperatives Act* Sections 260(5) and 274(1) GS 98

PLEASE PRINT OR TYPE

1. Name of Amalgamated Cooperative

2. Effective Date of Amalgamation

   Date (Month/Day/Year)

3. Type of Cooperative: (select one)
Breeder    Irrigation    Rural Fire Fighting
Dairy      Marketing      Seed Cleaning
Employment Multi-stakeholder Transportation
Ethnic     Petroleum      Vegetable Grower
Feeder Association Purchasing Agricultural General
Grazing    Recreational  (specify):______
Handicraft Real Estate Board      (specify):______
Housing    Retail

4. Summary of classes of shares including rights, privileges and conditions, and any maximum number of shares that the cooperative is authorized to issue:

5. Restrictions on share transfers other than those identified in the Cooperatives Act and Regulations: (If there are no restrictions, enter “NONE”.)

6. Number, or minimum and maximum number of directors that the cooperative may have:

   Number VALUE OR Minimum VALUE AND Maximum VALUE

7. If the cooperative is restricted FROM carrying on a certain business, or restricted TO carrying on a certain business, specify the restrictions: (If there are no restrictions, enter “NONE”.)

8. Other rules or provisions that are permitted by the Act or Regulations, or to be set out in the cooperative’s bylaws, or to form part of the Articles: (If there are no rules or provisions, enter “NONE”.)

9. Fiscal Year End: (Month/Day)  

10. Number of Members:  

11. Name of Amalgamating Cooperatives  Alberta Corporate Access Number (as noted on registration documents)
12. Does a unanimous agreement exist for this cooperative?

☐ Yes  ☐ No

If Yes, please submit the Notice of Initial Execution/Termination of a Unanimous Agreement (Form GS 90).

NOTE: A declaration as required by section 274(2) of the Cooperatives Act, must be completed and attached.

Signature of Authorized Person  Title (please PRINT)  Date

Name (please PRINT)  Daytime Telephone Number

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Statutory Declaration
Cooperatives Act
GS 98

CANADA

PROVINCE OF ALBERTA

TO WIT:

This declaration must be made by the directors of each amalgamating cooperative and is to be filed along with the Summary of Articles of Amalgamation form.

We, as representatives of _____ (Name of Cooperative)_____, solemnly declare:

1. that the amalgamated cooperative will be organized and operated, and will carry on business, on a cooperative basis,

2. if the amalgamated cooperative is one to which Part 18 of the Cooperatives Act applies (housing, employment, multi-stakeholder, new generation cooperative), that the amalgamated cooperative will comply with the applicable division of Part 18 of the Cooperatives Act,

3. that there are reasonable grounds to believe that
(i) each amalgamating cooperative is, and the amalgamated cooperative will be, able to pay its liabilities as they become due, and

(ii) the realizable value of the amalgamated cooperative’s assets will not be less than the total of its liabilities and stated capital of all classes,

4. that there are reasonable grounds to believe that

(i) no creditor will be prejudiced by the amalgamation, or

(ii) adequate notice has been given to all known creditors of the amalgamating cooperatives and no creditor has objected to the amalgamation otherwise than on grounds that are frivolous or vexatious.

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Director

Corresponding Signature of Director

DECLARED before me at )

A Commissioner for Oaths/Notary Public in and for the Province of

City/Town Province this ___ day of (month/year),

Print Name

Expiry Date of Commission (month/day/year)

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**Notice of English-French Name Equivalency/Assumed Name**  
**Cooperatives Act**  
**Section 16(2) and 372**  
**GS 100**

**PLEASE PRINT OR TYPE**

<table>
<thead>
<tr>
<th>1. Name of Cooperative</th>
<th>2. Alberta Corporate Access Number</th>
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<td>(as noted on registration documents)</td>
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3. **Full proposed additional name to be filed in French and/or English for use in Alberta:**  
(An Alberta Name Search Report from the NUANS database on the additional name must be filed with this form.)

4. **Full proposed assumed name to be filed for use in Alberta:**  
(When an assumed name is being adopted, the cooperative must notify in writing as to why the cooperative’s home jurisdiction name is not available in Alberta. This Notice may take the form of either an Alberta Name Search Report on the home name or a letter from the applicant setting out names of conflict.)

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<tr>
<th>Signature of Authorized Person</th>
<th>Title (please PRINT)</th>
<th>Date</th>
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Name (please PRINT) Daytime Telephone Number

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Application to Reinstate Extra-Provincial/Foreign Cooperative
Cooperatives Act
Section 374(3)
GS 101

PLEASE PRINT OR TYPE

1. Name of Cooperative

2. Alberta Corporate Access Number

(as noted on registration documents)

3. Date the registration of cooperative was cancelled:

Date (Month/Day/Year)

Signature of Authorized Person

Title (please PRINT)

Date

Name (please PRINT)

Daytime Telephone Number

This information is being collected for the purposes of corporate registry records in accordance with the Cooperatives Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Government Services, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-5210.

Statutory Declaration
Cooperatives Act
Section 261(1)
GS 122

CANADA

PROVINCE OF ALBERTA

TO WIT:

In the matter of proposed continuance in another jurisdiction pursuant to section 261(1) of the Cooperatives Act:

This declaration must be made by each director of the cooperative.

We, as representatives of (Name of Cooperative), solemnly declare:

that the proposed continuance of the cooperative in another jurisdiction would not

1. adversely affect the members, creditors or investment shareholders,

2. result in the cooperative carrying on its business and affairs in a manner not consistent with carrying on business on a cooperative basis, or
3. result in a cooperative to which Part 18 of the Cooperatives Act applies (housing, employment, multi-stakeholder, new generation cooperative) carrying on its business or affairs in a manner not consistent with the applicable division of Part 18 of the Cooperatives Act,

and we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Print Name of Director ____________________________

______________________________________________

Corresponding Signature of Director

DECLARED before me at ___________________________.

A Commissioner for Oaths/Notary

Public in and for the Province of ________

City/Town: ___________ Province: Alberta

this ___ day of (month/year). ________________________________

Print Name

Expiry Date of Commission (month/day/year)

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