

Alberta Regulation 29/2020
Employment Standards Code
EMPLOYMENT STANDARDS
(COVID-19 LEAVE) REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 064/2020) on March 17, 2020 pursuant to section 138 of the Employment Standards Code.

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Definitions

1 In this Regulation,

- (a) “Chief Medical Officer” means the Chief Medical Officer of Health as may be appointed under the *Public Health Act*;
- (b) “COVID-19” means COVID-19 as described or determined by the World Health Organization;
- (c) “quarantine” includes any self-isolation and self-quarantine as a result of COVID-19, as may be recommended or directed by the Chief Medical Officer.

Variance and exemption re leave

2(1) Notwithstanding section 53.97 of the Act, and subject to section 4, an employee is entitled to unpaid leave for 14 consecutive days if the employee is under quarantine.

(2) Notwithstanding section 53.97 of the Act, an employee under quarantine is exempt from

- (a) the requirement to be employed for 90 days by the same employer, and
- (b) the requirement to provide a medical certificate or a copy of a medical certificate to the employee’s employer.

(3) Nothing in this section affects the right of an employee to the entitlement of 16 weeks unpaid leave in a calendar year for illness or injury under section 53.97 of the Act.

Exemption re notice to return to work

3 Notwithstanding sections 53.97 and 53.972 of the Act, an employee under quarantine is not required to give any written notice or any notice to the employer of the date the employee intends to return to work.

Extension of leave

4 The Minister may extend the leave referred to in section 2 if the Chief Medical Officer recommends that it is necessary

- (a) to suppress COVID-19 in those who may already have been infected with it,
- (b) to protect those who have not already been exposed to COVID-19, or
- (c) to break the chain of transmission and prevent spread of COVID-19.

Commencement

5 This Regulation is deemed to be effective on March 5, 2020.

Alberta Regulation 30/2020

Farm Implement and Dealership Act

FARM IMPLEMENT AND DEALERSHIP REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 066/2020) on March 17, 2020 pursuant to sections 30 and 30.93 of the Farm Implement and Dealership Act.

1 The *Farm Implement Regulation (AR 204/83)* is amended by this Regulation.

2 Section 0.1 is amended by repealing clause (a) and substituting the following:

- (a) “administrator” means an employee appointed to the position of administrator under section 33 of the Act;
- (a.1) “business day” means a day other than a Saturday, Sunday or other holiday;
- (a.2) “enumerated farm commodity group” means a group that is contained in a list of farm commodity groups that is maintained by the Farmers’ Advocate Office;

3 Section 1 is amended

- (a) in clause (a) by striking out “\$4000” and substituting “\$7000”;**
- (b) in clause (d) by adding “engine” after “net”;**
- (c) by repealing clauses (f) and (g) and substituting the following:**
 - (f) off-highway vehicles as defined in the *Traffic Safety Act*;
 - (f.1) snow ploughs and snow blowers;
 - (g) trailers and equipment carriers;
- (d) by repealing clause (h).**

4 Section 2 is amended

- (a) in subsection (1)(a) and (b) by striking out “Schedule 1” and substituting “the Schedule”;**
- (b) by repealing subsection (1.1) and substituting the following:**
 - (1.1) An application for renewal must be accompanied with the licence fee set out in section 3(3), the applicable levy set in accordance with the Act and an assessment, if required, for the Fund.
- (c) by repealing subsections (2) and (3).**

5 Section 3 is amended

- (a) in subsection (1)**

- (i) **by adding** “the Minister,” **after** “an application for a licence or renewal”;
- (ii) **in clause (a) by striking out** “cause an inspection to be made” **and substituting** “make an inspection or cause or require an inspection to be made”;
- (iii) **by repealing clause (b) and substituting the following:**
 - (b) require the applicant to make improvements to the applicant’s premises, facilities or operation before a licence may be issued or renewed.

- (b) **in subsection (3) by striking out “\$50” and substituting “\$100”.**

6 Section 4(3) is amended by striking out “his” wherever it occurs and substituting “the”.

7 The following is added after section 5:

Form of sale agreement

5.1 A sale agreement shall be in Form G in the Schedule.

8 Section 6 is repealed.

9 Section 8 is amended by striking out “23(4)” and substituting “30.3(4)”.

10 Section 8.01(1) is amended by striking out “judgment rate” and substituting “Bank of Canada prime rate on the first day of the month in which the assessment was due, plus 2%”.

11 Section 8.1 is amended by striking out “23(4)(b) and (9)(a)” and substituting “30.3(4)(b) and (11)(a)”.

12 Section 8.2 is amended by striking out “8(2)” and substituting “8”.

13 Section 8.3 is repealed and the following is substituted:

Board membership, alternates

8.3(1) The Board consists of the following members:

- (a) one member appointed by the Minister;
- (b) one member appointed by the Western Equipment Dealers Association or its successor organization;
- (c) one member appointed by the Association of Equipment Manufacturers or its successor organization;
- (d) one member appointed by the Agricultural Manufacturers of Canada or its successor organization;
- (e) 3 members appointed by the Board, from nominations submitted by enumerated farm commodity groups under subsection (4).

(2) In order to be eligible to be nominated and appointed under subsection (1)(e), (6), (7) or (11), designated under subsection (3) or nominated under subsection (4), an individual must be actively farming.

(3) An organization referred to in subsection (1)(b), (c) or (d) must, at the time of appointing a person as a member of the Board, designate a person as an alternate who may act, on a temporary basis, in place of the corresponding member appointed under subsection (1)(b), (c) or (d) when the member is absent or unable to act, or when the position is vacant.

(4) On an annual basis, and as necessary for the purposes of subsections (6) and (7),

- (a) the Board may make a request to the enumerated farm commodity groups to each submit one nomination for the purposes of appointment of members of the Board and designation of alternates who may each act, on a temporary basis, in place of the corresponding member appointed under subsection (1)(e) when the member is absent or unable to act, or when the position is vacant, and
- (b) on the request of the Board, enumerated farm commodity groups may each submit one nomination for the purposes of appointment of members and designation of alternates who may each act, on a temporary basis, in place of the corresponding member appointed under subsection (1)(e) when the member is absent or unable to act, or when the position is vacant.

(5) For each member of the Board appointed under subsection (1)(e), the Board may designate, from nominations submitted by enumerated farm commodity groups, a person as an alternate, who may each act, on a temporary basis, in place of the corresponding member appointed under subsection (1)(e) when the member is absent or unable to act, or when the position is vacant.

(6) Despite subsection (1), when an alternate is acting in the place of a member of the Board appointed under subsection (1)(e) who is unable to act or has been absent from at least 3 consecutive Board meetings, the remaining members may appoint a person as a member from the nominations submitted by the enumerated farm commodity groups under subsection (4), and the appointment of the corresponding member appointed under subsection (1)(e) is terminated.

(7) If, at the time of the appointment of a member of the Board under subsection (6), the corresponding alternate designation is vacant, the remaining members may designate a person from the nominations submitted by the enumerated commodity groups under subsection (4) as an alternate to temporarily act in the place of the member appointed under subsection (6) when the member is temporarily absent or unable to act.

(8) The term of office of a member of the Board appointed under subsection (1) or (6) or the term of an alternate designated under subsection (3), (5) or (7) is not more than 3 years, and the start and end of the terms for an alternate must coincide with those for the corresponding member.

(9) A member of the Board may be appointed for one additional term of office of not more than 3 years and an alternate may be designated for one or more additional terms of not more than 3 years.

(10) The members of the Board select the chair and the vice-chair at the first meeting of each calendar year from among the members appointed under subsection (1)(e).

(11) If a member of the Board appointed under subsection (6) is unable to carry out the duties of a member or has been absent for at least 3 consecutive Board meetings and the alternate designated under subsection (7) is unable to act or has been absent for at least 3 consecutive Board meetings while acting for the member, the Board may appoint a member and designate an alternate under subsections (6) and (7), and the appointment of the member appointed under subsection (6) and the designation of the corresponding alternate under subsection (7) are both terminated.

14 Section 8.5 is amended

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

Appeals, applications for compensation

8.5(1) The Board must, within 7 business days of receiving a notice of appeal or an application for compensation, acknowledge its receipt.

- (b) **in subsection (2) by striking out “10 days” and substituting “14 business days”;**

- (c) **by repealing subsection (3) and substituting the following:**

(3) The right of a party to an appeal or an application for compensation does not prevent the parties from negotiating before the commencement of an appeal or a hearing.

- (d) **in subsection (9) by striking out “15 days” and substituting “30 business days”;**

- (e) **by repealing subsection (11) and substituting the following:**

(11) The panel hearing an appeal may confirm, vary or quash the action or decision that is being appealed.

(11.1) The panel hearing an application for compensation may award compensation in the amount applied for, deny the application or award an amount less than the amount applied for.

15 Section 10 is amended by striking out “March 31, 2020” and substituting “March 31, 2025”.

16 Schedule 1 is amended

- (a) **by striking out the heading “Schedule 1” and substituting the heading “Schedule”;**

- (b) **by repealing Form A and substituting the following:**

**Form A
Farm Implement and Dealership Act
Application for Licence as a Dealer**

Business Name			
Mailing Address	City/Town	Province	Postal Code
Business Telephone Number		Fax Number	
Contact Person			
General Manager		Telephone Number	
Parts Manager		Telephone Number	
Service Manager		Telephone Number	
Accounts Payable		Telephone Number	
Signing Authority for Retail Agreements			

List of all locations other than the business given above where business is carried out in Alberta under the business name given above:

Location	Telephone Number	Manager

Attach sheet if space is insufficient

List of distributors represented and brand lines sold:

Distributor	Brand	Telephone Number	Contact

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Attach sheet if space is insufficient

Are parts and service facilities maintained by this applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain
This application is for <input type="checkbox"/> Initial Licence or <input type="checkbox"/> Licence Renewal	

I, the undersigned, hereby apply for a licence as a Farm Implement Dealer in Alberta and declare that the above information is current and true to the best of my knowledge.

Signature	Date
** Note ** Licence Fee and Levy will apply. Forward application to: Farm Implement and Dealership Act Administration Alberta Agriculture and Forestry Room 100, J.G. O'Donoghue Building 7000 – 113 Street Edmonton, AB T6H 5T6 Telephone: 310-FARM (3276) or (403) 742-7901 Fax: (780) 427-3913	This information is being collected in order to administer the "Farm Implement and Dealership Act Administration" Program. The information is being collected in compliance with section 33(c) of the <i>Freedom of Information and Protection of Privacy Act</i> . The information is used only for the purpose for which it was collected or for a purpose consistent with that purpose. If you have any questions regarding the information collected here or its use, please contact the Farmers' Advocate Office at 310-3276 or 403-742-7901 outside of Alberta.

(c) by repealing Form C;

(d) by repealing Form D and substituting the following:

Form D
Farm Implement and Dealership Act
Application for Licence as a Distributor

Business Name			
Mailing Address	City/Town	Province/State	Postal/Zip Code

AR 30/2020

FARM IMPLEMENT AND DEALERSHIP

Phone Number	Fax Number
Contact Person	
General Manager	Phone Number
Warranty Manager	Phone Number
Service Manager	Phone Number
Parts Manager	Phone Number
Accounts Payable	Phone Number

List of Alberta Dealers:

Name/Address	Phone Number (include area code)

Attach sheet if space is insufficient

List of farm implements distributed to Alberta Dealers:

Brand Line	Manufacturer	Type of Equipment

Attach sheet if space is insufficient

This application is for <input type="checkbox"/> Initial Licence or <input type="checkbox"/> Licence Renewal

I, the undersigned, hereby apply for a licence as a Farm Implement Distributor in Alberta and declare that the above information is current and true to the best of my knowledge.

Signature	Date
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<p>** Note ** Licence Fee and Levy will apply.</p> <p>Forward application to: Farm Implement and Dealership Act Administration Alberta Agriculture and Forestry Room 100, J.G. O'Donoghue Building 7000 – 113 Street Edmonton, AB T6H 5T6 Telephone: 310-FARM (3276) or (403) 742-7901 Fax: (780) 427-3913</p>	<p>This information is being collected in order to administer the “Farm Implement and Dealership Act Administration” Program. The information is being collected in compliance with section 33(c) of the <i>Freedom of Information and Protection of Privacy Act</i>. The information is used only for the purpose for which it was collected or for a purpose consistent with that purpose. If you have any questions regarding the information collected here or its use, please contact the Farmers’ Advocate Office at 310-3276 or 403-742-7901 outside of Alberta.</p>
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(e) by repealing Form F;

(f) by adding the following at the end of the Schedule:

**Form G
Farm Implement and Dealership Act
Sale Agreement**

CONTRACT FOR SALE LEASE LEASE PURCHASE (please check one)
OF A FARM IMPLEMENT IN THE PROVINCE OF ALBERTA

DATE	DATE OF INTENDED FIRST USE	GST REG#
DEALER'S NAME (SELLER)		PURCHASER'S NAME
ADDRESS		ADDRESS

Seller hereby sells and the undersigned Purchaser hereby purchases on the terms and conditions set forth hereunder and on the reverse side hereof the following goods with all attachments and equipment (hereinafter called the “property”), delivery and acceptance of which is hereby acknowledged by the Purchaser in good condition and as ordered.

POWER WARRANTY

Seller hereby warrants that the new machinery or equipment (or the engine or motor forming part hereof), if properly maintained and operated under suitable conditions, is capable of developing _____ net engine horsepower.

NO WARRANTY ON USED EQUIPMENT UNLESS SPECIFIED IN COMMENTS BELOW

QUANTITY	NEW OR USED	HOURS	PROPERTY DESCRIPTION (MAKE, MODEL, TYPE, SIZE)	SERIAL NO.	AMOUNT
COMMENTS				SUBTOTAL	
				G.S.T.	
				PROV. TAX	
				SUBTOTAL	
				DOCUMENT FEES	
				TIRE FEES	

AR 30/2020

FARM IMPLEMENT AND DEALERSHIP

				OTHER FEES		
				TOTAL SELLING PRICE >		
QUANTITY	HOURS	TRADE-IN DESCRIPTION (MAKE, MODEL, TYPE, SIZE)	SERIAL NO.	AMOUNT		
COMMENTS			SUBTOTAL			
			G.S.T.			
			PROV. TAX			
			SUBTOTAL			
ANALYSIS OF SALE			TOTAL TRADE-IN ALLOWANCE >			
1. TOTAL SELLING PRICE \$ _____			AMOUNT OF ENCUMBRANCE			
2. DISCOUNT AMOUNT ALLOWED \$ _____			NET TRADE-IN (TOTAL TRADE IN ALLOWANCE-AMOUNT OF ENCUMBRANCE)			
3. TOTAL PRICE (1-2) \$ _____			BALANCE PAID BY			
4. DOWNPAYMENT \$ _____			CHEQUE <input type="checkbox"/>		CREDIT CARD <input type="checkbox"/>	
5. NET TRADE-IN \$ _____			FINANCE CONTRACT <input type="checkbox"/>		LEASE <input type="checkbox"/>	
6. UNPAID BALANCE (3-4-5) \$ _____						
MACHINE		DISTRIBUTOR/MANUFACTURER			ADDRESS	

THE DEALER AND THE PURCHASER/LESSEE AGREE TO THE TERMS AND CONDITIONS OF THIS CONTRACT COVERING THE PURCHASE OF THE FARM IMPLEMENT(S) AND EXTRA EQUIPMENT (EXTRA EQUIPMENT INCLUDES ALL ATTACHMENTS OR ACCESSORIES TO THE IMPLEMENT(S)) DESCRIBED AND AT THE PRICE SET FORTH ABOVE. THE PURCHASER ACKNOWLEDGES RECEIPT OF A TRUE COPY OF THIS AGREEMENT AND ACCEPTS THE TERMS AND CONDITIONS SET FORTH ABOVE.

SELLER _____ PURCHASER _____
 (DEALER'S SIGNATURE OR AUTHORIZED REPRESENTATIVE) (PURCHASER'S SIGNATURE or if a corporation, duly authorized representative's signature)

17 Schedule 2 is repealed.

18 This Regulation has effect on the coming into force of section 2 of the Statutes Amendment Act, 2014 (No. 2).

Alberta Regulation 31/2020
Government Organization Act
AUTHORIZED ACCREDITED AGENCIES
(EXPIRY DATE EXTENSION) AMENDMENT REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 068/2020) on March 17, 2020 pursuant to Schedule 10, section 2 of the Government Organization Act.

1 The *Authorized Accredited Agencies Regulation* (AR 184/95) is amended by this Regulation.

2 Section 8 is amended by striking out “April 30, 2020” and substituting “April 30, 2022”.

Alberta Regulation 32/2020
Government Organization Act
ELEVATING DEVICES, PASSENGER ROPEWAYS
AND AMUSEMENT RIDES ADMINISTRATION
(EXPIRY DATE EXTENSION) AMENDMENT REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 69/2020) on March 17, 2020 pursuant to Schedule 10, section 2 of the Government Organization Act.

1 The *Elevating Devices, Passenger Ropeways and Amusement Rides Administration Regulation* (AR 76/2011) is amended by this Regulation.

2 Section 12 is amended by striking out “April 30, 2020” and substituting “April 30, 2022”.

Alberta Regulation 33/2020
Municipal Government Act
CHIEF MOUNTAIN REGIONAL SOLID WASTE
SERVICES COMMISSION REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 070/2020) on March 17, 2020 pursuant to section 602.02 of the Municipal Government Act.

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Definitions

1 In this Regulation,

- (a) “Commission” means the Chief Mountain Regional Solid Waste Services Commission established by section 2;
- (b) “member” means a municipality referred to in section 3.

Establishment

2 A regional services commission known as the Chief Mountain Regional Solid Waste Services Commission is established.

Members of Commission

3 The following municipalities are members of the Commission:

- (a) County of Warner No. 5;
- (b) Cardston County;
- (c) Town of Raymond;
- (d) Town of Milk River;
- (e) Town of Magrath;

- (f) Town of Cardston;
- (g) Village of Stirling;
- (h) Village of Warner;
- (i) Village of Glenwood;
- (j) Village of Coutts;
- (k) Village of Hill Spring.

Services

4 The Commission is authorized to provide solid waste management services.

Operating deficits

5 The Commission may not assume operating deficits that are shown on the books of the Chief Mountain Regional Solid Waste Authority or any of the members.

Sale of property

6(1) The Commission may not, without the approval of the Minister, sell any of its land, buildings, equipment or inventory whose purchase has been funded wholly or partly by grants from the Government of Alberta.

(2) The Minister may not approve a sale under subsection (1) unless the Minister is satisfied

- (a) as to the repayment of the grants from the Government of Alberta and outstanding debt associated with that portion of the land, buildings, equipment or inventory to be sold,
- (b) that the sale would not have a significant adverse effect on the services the Commission provides, and
- (c) that the sale will be properly reflected in the rates subsequently charged to the customers of the Commission.

Profit and surpluses

7 Unless otherwise approved by the Minister, the Commission may not

- (a) operate for the purposes of making a profit, or
- (b) distribute any of its surpluses to its members.

Approval

8 The Minister may make an approval under section 6 or 7 subject to any terms or conditions the Minister considers appropriate.

Transfer of assets

9 The Chief Mountain Regional Solid Waste Authority and the members shall execute all documents and do all things necessary to transfer to the Commission the land, buildings and other property held or acquired by the members for the provision of solid waste management services to the members that are to be utilized by the Commission to provide those services to the members.

Assumption of debts, etc.

10 All debts and liabilities, all titles, easements and rights of way and crossing and all service, construction and consulting agreements incurred, held or entered into by any of the members with respect to the applicable land, buildings and other property held or acquired by the members for the provision of solid waste management services to the members are assumed by the Commission, and the Commission shall enter into any agreements, execute any documents and do any other things that are necessary to assume those debts, liabilities, titles, easements, rights of way and crossing and agreements.

Alberta Regulation 34/2020

Municipal Government Act

CANMORE UNDERMINING REVIEW REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 071/2020) on March 17, 2020 pursuant to section 694 of the Municipal Government Act.

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Schedules

Definitions

1(1) In this Regulation,

- (a) “Act” means the *Municipal Government Act*;
- (b) “Area Mining Impact Overview Report Compliance Certificate” means the compliance certificate referred to in section 4(b);
- (c) “Area Mining Impact Overview Report Compliance Review Certificate” means the review certificate referred to in section 4(d);
- (d) “Canmore” means The Town of Canmore;
- (e) “Canmore agents” means
 - (i) Canmore’s councillors, chief administrative officer, designated officers and employees,
 - (ii) members of Canmore’s council committees, and
 - (iii) a volunteer member of a fire ambulance service or emergency measures organization established by Canmore or any other volunteer performing duties under the direction of Canmore;
- (f) “compliance certificate” means
 - (i) an Area Mining Impact Overview Report Compliance Certificate,
 - (ii) a Subdivision Mining Impact Assessment Report Compliance Certificate, or
 - (iii) a Project Undermining Assessment Report Compliance Certificate;
- (g) “designated land” means
 - (i) the land described in Part 2 of Schedule 1 and within the boundaries shown on the map in Part 1 of Schedule 1, including the Government road allowances,

- (ii) the land required for access roads from Highway 1 to the land described in subclause (i), and
- (iii) the land required for access roads from Highway 742 to the land described in subclause (i);
- (h) “developer” means a person who, in respect of the designated land, is planning a development, applies for subdivision approval or undertakes a development through an application for a development permit;
- (i) “development” means development as defined in section 616(b) of the Act;
- (j) “independent third party engineer” means a professional engineer who did not assist in the preparation of the original undermining report and is not associated with or employed by the individuals or firm that prepared the original undermining report;
- (k) “landowner” means, in respect of land, the person who is registered under the *Land Titles Act* as the owner of a fee simple estate in the land;
- (l) “Minister’s guidelines” means the guidelines established under section 7;
- (m) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under the *Engineering and Geoscience Professions Act*;
- (n) “Project Undermining Assessment Report Compliance Certificate” means the compliance certificate referred to in section 6(1)(b);
- (o) “Project Undermining Assessment Report Compliance Review Certificate” means the review certificate referred to in section 6(1)(d);
- (p) “review certificate” means
 - (i) an Area Mining Impact Overview Report Compliance Review Certificate,
 - (ii) a Subdivision Mining Impact Assessment Report Compliance Review Certificate, or
 - (iii) a Project Undermining Assessment Report Compliance Review Certificate;

- (q) “Subdivision Mining Impact Assessment Report Compliance Certificate” means the compliance certificate referred to in section 5(1)(c);
 - (r) “Subdivision Mining Impact Assessment Report Compliance Review Certificate” means the review certificate referred to in section 5(1)(e);
 - (s) “undermining and related conditions” means the presence of coal and methane gas and any abandoned opening or excavation in, or working of, the surface or subsurface for the purpose of working, recovering, opening up or proving any coal, coal-bearing substance or methane gas, and includes abandoned works, waste piles and machinery at or below the surface belonging to or used in connection with any or all of the openings, excavations or workings;
 - (t) “undermining report” means
 - (i) an Area Mining Impact Overview Report,
 - (ii) a Subdivision Mining Impact Assessment Report, or
 - (iii) a Project Undermining Assessment Report.
- (2) A compliance certificate must be in Form 1 of Schedule 2.
- (3) A review certificate must be in Form 2 of Schedule 2.

Scope

- 2 This Regulation applies only to designated land.

Undermining review exemption

3(1) Part 17 of the Act and the *Subdivision and Development Regulation* (AR 43/2002) do not apply with respect to undermining and related conditions in designated land to the extent that those provisions deal with the matters dealt with under this Regulation.

(2) Canmore and Canmore’s agents have no responsibility, duty or obligation to consider undermining and related conditions in designated land with respect to the adoption of an area structure plan or the subdivision, development or other land use planning function of Canmore under Part 17 of the Act and the *Subdivision and Development Regulation* (AR 43/2002), including, without restricting the generality of the foregoing, with respect to the enforcement, maintenance or inspection of undermining and related conditions in designated land.

(3) Except as provided in subsection (2), Canmore has all the duties, obligations and responsibilities of a municipality under Part 17 of the Act.

Area Mining Impact Overview Report

4 Before the adoption of or an amendment to an area structure plan with respect to the development of the designated lands,

- (a) the developer must, at the developer's expense, engage a professional engineer to prepare an Area Mining Impact Overview Report in accordance with the Minister's guidelines and accepted professional practice,
- (b) if after reviewing the land the professional engineer is satisfied that the land is suitable for the intended development, the engineer must issue to the developer an Area Mining Impact Overview Report Compliance Certificate attesting to that fact and confirming that the Area Mining Impact Overview Report was prepared in accordance with the Minister's guidelines and accepted professional practice,
- (c) on receipt of the Area Mining Impact Overview Report Compliance Certificate, the developer must, at the developer's expense, engage an independent third party engineer to review the Area Mining Impact Overview Report to determine whether the Report was prepared in accordance with the Minister's guidelines and accepted professional practice, and
- (d) if the independent third party engineer is satisfied that the Area Mining Impact Overview Report was prepared in accordance with the Minister's guidelines and accepted professional practice, the independent third party engineer must issue an Area Mining Impact Overview Report Compliance Review Certificate.

Subdivision Mining Impact Assessment Report

5(1) Following approval of an area structure plan and before a subdivision application is submitted with respect to the development of the designated lands,

- (a) the developer must, at the developer's expense, engage a professional engineer to prepare a Subdivision Mining Impact Assessment Report in accordance with the Minister's guidelines and accepted professional practice,

- (b) if municipal infrastructure is to be constructed the Subdivision Mining Impact Assessment Report must identify any necessary mitigative measures for the land that is to receive the municipal infrastructure,
 - (c) if after reviewing the land the professional engineer is satisfied that the land is suitable for the intended development, the engineer must issue to the developer a Subdivision Mining Impact Assessment Report Compliance Certificate attesting to that fact and confirming that the Subdivision Mining Impact Assessment Report was prepared in accordance with the Minister's guidelines and accepted professional practice,
 - (d) on receipt of the Subdivision Mining Impact Assessment Report Compliance Certificate, the developer must, at the developer's expense, engage an independent third party engineer to review the Subdivision Mining Impact Assessment Report to determine whether the Report was prepared in accordance with the Minister's guidelines and accepted professional practice, and
 - (e) if the independent third party engineer is satisfied that the Subdivision Mining Impact Assessment Report was prepared in accordance with the Minister's guidelines and accepted professional practice, the independent third party engineer must issue a Subdivision Mining Impact Assessment Report Compliance Review Certificate.
- (2) If any mitigative measures, actions or duties are recommended in the Subdivision Mining Impact Assessment Report, including but not limited to monitoring of conditions and maintenance of mitigative measures as set out in that Report, the developer and any future landowners
- (a) must carry out the mitigative measures, actions and duties in accordance with the recommendations, and
 - (b) must engage a professional engineer to certify that the mitigative measures, actions and duties have been carried out in accordance with the recommendations.

Project Undermining Assessment Report

6(1) Before Canmore issues a development permit with respect to the development of the designated lands,

- (a) the developer must, at the developer's expense, engage a professional engineer to prepare a Project Undermining

Assessment Report in accordance with the Minister's guidelines and accepted professional practice,

- (b) if after reviewing the land the professional engineer is satisfied that the land is suitable for the intended development, the engineer must issue to the developer a Project Undermining Assessment Report Compliance Certificate attesting to that fact and confirming that the Project Undermining Assessment Report was prepared in accordance with the Minister's guidelines and accepted professional practice,
- (c) on receipt of the Project Undermining Assessment Report Compliance Certificate, the developer must, at the developer's expense, engage an independent third party engineer to review the Project Undermining Assessment Report in order to determine whether the Report was prepared in accordance with the Minister's guidelines and accepted professional practice, and
- (d) if the independent third party engineer is satisfied that the Project Undermining Assessment Report was prepared in accordance with the Minister's guidelines and accepted professional practice, the independent third party engineer must issue a Project Undermining Assessment Report Compliance Review Certificate.

(2) If any mitigative measures, actions or duties are recommended in the Project Undermining Assessment Report, including but not limited to monitoring of conditions and maintenance of mitigative measures as set out in that Report, the developer and any future landowners

- (a) must carry out the mitigative measures, actions and duties in accordance with the recommendations, and
- (b) must engage a professional engineer to certify that the mitigative measures, actions and duties have been carried out in accordance with the recommendations.

Minister may make guidelines

7 The Minister may, by order, establish guidelines for the purposes of sections 4, 5 and 6.

Development inconsistent with report or certificates

8 If a developer wishes to undertake a development that is not consistent with an undermining report prepared with respect to that development, or with a compliance certificate or a review certificate

issued with respect to that development, the developer must before undertaking that development ensure that a new undermining report is prepared in accordance with sections 4, 5 and 6 and the Minister's guidelines, as applicable.

Notification of reports and certificates

9(1) On completing a review certificate, a professional engineer engaged by a developer must

- (a) send the original undermining report, a copy of the applicable compliance certificate and a copy of the relevant review certificate to the Minister,
- (b) send a copy of the undermining report, a copy of the applicable compliance certificate and a copy of the relevant review certificate to Canmore, and
- (c) send a copy of the undermining report, a copy of the applicable compliance certificate and a copy of the relevant review certificate to the developer.

(2) The Minister must notify Canmore and the developer on receipt of an undermining report, a compliance certificate and a review certificate provided by an independent third party engineer.

(3) Canmore must retain a copy of any undermining report, compliance certificate and review certificate and make it available at a location within the municipal boundaries of Canmore that is open to the general public during normal business hours.

(4) The requirement to send undermining reports, compliance certificates and review certificates, or copies of them, to the Minister under this Regulation is solely for record-keeping purposes and does not require the Minister or any department administered by the Minister to undertake any further review or any assessment of a report or certificate.

Insurance

10(1) The developer must ensure that every professional engineer and independent third party engineer engaged by the developer under this Regulation maintains professional errors and omissions liability insurance coverage to insure against claims for damages arising from the engineer's professional errors and omissions while performing professional services referred to in this Regulation, in an amount of at least \$5 000 000 per claim and in the aggregate and for a period of 10 years from the date the documents referred to in section 9(1)(b) are sealed by the applicable engineer.

(2) The developer must maintain general liability insurance, in an amount of at least \$5 000 000 per occurrence, insuring against bodily injury, personal injury and property damage, including loss of use of the property, for the period of time that the developer is involved in the development plus 2 years.

(3) The developer must, on an annual basis, submit to the Minister a certificate providing proof of the insurance required under subsections (1) and (2).

Caveat

11(1) A developer must, within 90 days of receipt of an undermining report and the applicable review certificate, file with the Registrar of Land Titles a caveat against any title to land for which an undermining report was prepared and a review certificate issued under this Regulation, and the Registrar may register the caveat.

(2) A caveat under subsection (1) must describe the undermining and related conditions of the land and the duties of a landowner with respect to the undermining and related conditions.

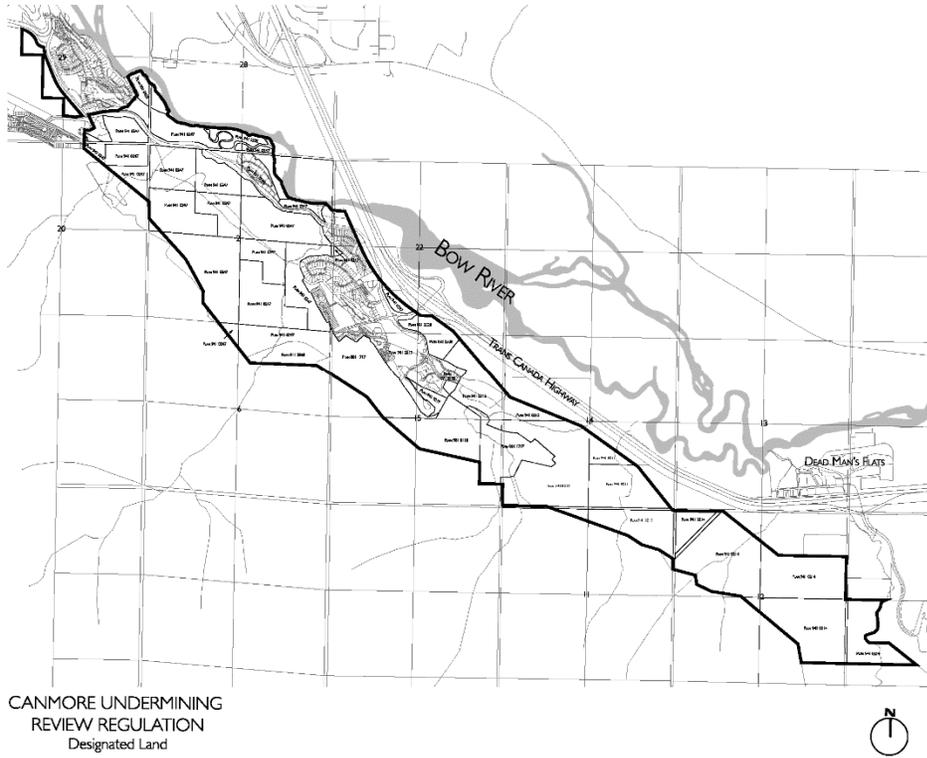
Repeal

12 The *Canmore Undermining Review Regulation* (AR 114/97) is repealed.

Coming into force

13 This Regulation has effect on April 1, 2020.

Schedule 1
Part 1
Designated Land (Map)



Part 2
Designated Land (Description)

If there is a discrepancy between the map in Part 1 and the description in this Part, the description in this Part prevails.

Plan	Legal Description	Former Area	Acreage
9410214	SW 1/4 7 24 9 W5M	Area F	52.36 acres
9410213	NW 1/4 11 24 10 W5M	Area O	4.79 acres
9410213	NE 1/4 11 24 10 W5M	Area N	55.13 acres
RW37	tramway right of way Grainger Collieries Limited NW 12 24 10 W5M		4.47 acres
9410214	NE 1/4 12 24 10 W5M	Area K	82.45 acres
9410214	SE 1/4 12 24 10 W5M	Area M	90.34 acres
9410214	SW 1/4 12 24 10 W5M	Area L	2.86 acres
9410214	NW 1/4 12 24 10 W5M, excepting thereout: tramway R/W 37 (4.47 ac)	Area J	126.88 acres
9410213	SE 1/4 14 24 10 W5M LSD 1 & 2	Area P	60.74 acres
9410213	SE 1/4 14 24 10 W5M	Area P	16.23 acres
9410213	NW 1/4 14 24 10 W5M	Area R	18.07 acres
9410213	SW 1/4 14 24 10 W5M, and all subdivisions and plans contained therein	Area Q	157.83 acres
9410213	NW 1/4 15 24 10 W5M, and all subdivisions and plans contained therein	Area U	131.80 acres
9410213	SE 1/4 15 24 10 W5M, and all subdivisions and plans contained therein	Area S	29.95 acres
9410213	NE 1/4 15 24 10 W5M, and all subdivisions and plans contained therein	Area T	119.26 acres
9410247	NW 1/4 16 24 10 W5M	Area Z	5.23 acres
9410247	NE 1/4 16 24 10 W5M, and all subdivisions and plans contained therein	Area Y	71.90 acres
9410247	NE 1/4 20 24 10 W5M, excepting thereout: N 1/2 LSD 16 in NE 1/4 (19.97 ac)	Area HH	22.14 acres
9410247	NE 1/4 20 24 10 W5M N 1/2 LSD 16 in NE 1/4	Area HH	19.97 acres
9410247	SE 1/4 21 24 10 W5M, and all subdivisions and plans contained therein	Area AA	171.65 acres
9410247	SW 1/4 21 24 10 W5M, and all subdivisions and plans contained therein	Area BB	87.25 acres
9410247	That portion of NE 1/4 21 24 10 W5M commencing south of the southern boundary of the Bow River containing 119.89 acres, and all subdivisions and plans contained therein.	Area CC	119.89 acres
9410247	NW 1/4 21 24 10 W5M, and all subdivisions and plans contained therein	Area DD	169.49 acres
9410247	SE 1/4 22 24 10 W5M, and all subdivisions and plans contained therein	Area V	10.50 acres
9410247	NW 1/4 22 24 10 W5M, and all subdivisions and plans contained therein	Area X	14.83 acres

THE ALBERTA GAZETTE, PART II, APRIL 15, 2020

AR 34/2020

MUNICIPAL GOVERNMENT

9410247	SW 1/4 22 24 10 W5M LSD 5 and 6, and all subdivisions and plans contained therein	Area W	36.95 acres
9410247	SW 1/4 22 24 10 W5M LSD 3 and 4, and all subdivisions and plans contained therein	Area W	72.17 acres
9410247	SW 1/4 28 24 10 W5M SW, described as follows commencing at the south west corner of said quarter section thence northerly along the west boundary thereof to its intersection with the south bank of the Bow River thence south easterly along the said south bank of said river to its intersection with the south boundary of said quarter section thence westerly along said south boundary to the place of commencement as shown on plan of survey of the said township dated 2 March 1889 containing 12.9 hectares (32 acres) more or less	Area EE	32.00 acres
9410247	SE 1/4 28 24 10 W5M	Area GG	3.45 acres
9410247	SW 1/4 28 24 10 W5M	Area FF	0.97 acres
9412235	Portion of Area A (Island) lying within SW 28-24-10-5 containing 3.18 hectares (7.86 acres) more or less excepting thereout all mines and minerals	Area A (Island)	7.86 acres
9412235	FIRST: Portion of Area A (Island) lying within SE 28-24-10-5 containing 1.99 hectares (4.92 acres) more or less excepting thereout all mines and minerals SECONDLY: Area 'B' (Island) containing 0.279 hectares (0.69 acres) more or less excepting thereout all mines and minerals	Area A (Island) Area B (Island)	4.92 acres (A) 0.69 acres (B)
0010420	SW 1/4 28 24 10 W5M, Area "C" containing 2.38 hectares (5.88 acres) more or less, excepting thereout all mines and minerals	Area C	5.88 acres
0010420	SE 1/4 29 24 10 W5M, Area "B" containing 3.95 hectares (9.76 acres) more or less, excepting thereout all mines and minerals	Area B	9.76 acres
N/A	SE 1/4 29 24 10 W5M containing (A) Legal Subdivision 1, the east half of Legal Subdivision 2, the east half of the south half of Legal Subdivision 7 and those portions of Legal Subdivision 8 which lie to the southwest and northeast of the Bow River containing 40.472 hectares (99.92 acres) more or less excepting thereout: Subdivision 9312316 (0.069 ha), Subdivision 9512060 (3.952 ha), Subdivision 9610638 (4.742 ha), Subdivision 9611299 (1.616 ha),	Portion of, Area II	95.20 acres

	<p>Subdivision 9710407 (2.51 ha), Road 9711289 (1.196 ha), Road 9813256 (2.73 ha), Subdivision 9813497 (2.42 ha).</p> <p>(B) That portion of Legal Subdivision 8 which lies northeast of the left bank of the Bow River as shown on the Township Plan approved at Ottawa 22 October 1928 containing 0.067 hectares (1.5 acres) more or less; and</p> <p>(C) Subdivision 0112391 (1.24 ha) excepting thereout all mines and minerals</p>		
N/A	<p>NE, NW, SE, SW 1/4 29 24 10 W5M, those portions which lies to the east and west of the Bow River as shown on the township plan approved at Ottawa 2 March 1889 containing 36.4 hectares (90 acres) more or less east of the river and containing 184 hectares (456 acres) more or less west of the river excepting thereout:</p> <p>(A) the west half of the south half of Legal Subdivision 2, all of Legal Subdivisions 3, 4, and 5, and the west half of Legal Subdivision 6, all of Legal Subdivision 12, and the south half of the west half of Legal Subdivision 13, all in said section 29 containing 80.9 hectares (200 acres) more or less</p> <p>(B) Legal Subdivision 1, the east half of Legal Subdivision 2, the east half of the south half of Legal Subdivision 7, and those portions of Legal Subdivision 8 which lie to the south west and north east of Bow River all within said section 29 containing 40.5 hectares (99.92 acres) more or less</p> <p>(C) those portions of Legal Subdivisions 7, 10, 11 and 14 in said section 29, bounded as follows: commencing at the south east corner of the east half of the north half of said Legal Subdivision 7, thence westerly on an assumed bearing of due west, a distance of 400 feet, thence in a north westerly direction to intersection with the north western corner of the said east half of said Legal Subdivision 7, thence north 35 degrees west a distance of 600 feet, thence north 68 degrees west to intersection with the southern limit of the road on Plan 7367 JK, thence north easterly along said southern limit to intersection with the southern boundary of Block 'D2' on Plan RW 542, thence easterly along said southern boundary of Block 'D2' to intersection with west bank of the Bow River as shown on the Township Plan approved at Ottawa</p>	“Staircase Lands”	

	<p>March 2, 1889 thence southerly along said west bank to intersection with the east boundary of said Legal Subdivision 7, thence southerly along the said east boundary of said Legal Subdivision 7, to the point of commencement containing 13.0 hectares (32.2 acres) more or less</p> <p>(D)</p> <table border="1"> <thead> <tr> <th></th> <th>plan number</th> <th>hectares</th> <th>(acres)</th> <th>more or less</th> </tr> </thead> <tbody> <tr> <td>road</td> <td>7687 HX</td> <td>0.004</td> <td>0.01</td> <td>(NW)</td> </tr> <tr> <td>road</td> <td>528 IX</td> <td>0.085</td> <td>0.21</td> <td>(NW)</td> </tr> <tr> <td>subdivision</td> <td>4171 JK</td> <td>3.23</td> <td>7.98</td> <td>(NW)</td> </tr> <tr> <td>road</td> <td>7367 JK</td> <td>3.14</td> <td>7.76</td> <td>(NW)</td> </tr> <tr> <td>subdivision</td> <td>7810522</td> <td>29.8</td> <td>73.81</td> <td>(NE)</td> </tr> <tr> <td>subdivision</td> <td>8210815</td> <td>20.62</td> <td>50.95</td> <td>(NW)</td> </tr> <tr> <td>road</td> <td>9312237</td> <td>1.393</td> <td>3.44</td> <td>(NW)</td> </tr> <tr> <td></td> <td></td> <td>0.604</td> <td>1.49</td> <td>(SW)</td> </tr> <tr> <td>subdivision</td> <td>9312316</td> <td>1.029</td> <td>2.54</td> <td>(SW)</td> </tr> <tr> <td></td> <td></td> <td>2.733</td> <td>6.75</td> <td>(NW)</td> </tr> <tr> <td></td> <td></td> <td>2.412</td> <td>5.96</td> <td>(NE)</td> </tr> <tr> <td></td> <td></td> <td>4.079</td> <td>10.1</td> <td>(SE)</td> </tr> <tr> <td>subdivision</td> <td>9512060</td> <td>6.191</td> <td>15.30</td> <td>(SE)</td> </tr> <tr> <td>subdivision</td> <td>9512060</td> <td>2.075</td> <td>5.15</td> <td>(SW)</td> </tr> <tr> <td>subdivision</td> <td>9611299</td> <td>0.004</td> <td>0.01</td> <td>(NE)</td> </tr> <tr> <td>road</td> <td>9711289</td> <td>0.671</td> <td>1.66</td> <td>(SE)</td> </tr> </tbody> </table> <p>Excepting thereout all mines and minerals</p>					plan number	hectares	(acres)	more or less	road	7687 HX	0.004	0.01	(NW)	road	528 IX	0.085	0.21	(NW)	subdivision	4171 JK	3.23	7.98	(NW)	road	7367 JK	3.14	7.76	(NW)	subdivision	7810522	29.8	73.81	(NE)	subdivision	8210815	20.62	50.95	(NW)	road	9312237	1.393	3.44	(NW)			0.604	1.49	(SW)	subdivision	9312316	1.029	2.54	(SW)			2.733	6.75	(NW)			2.412	5.96	(NE)			4.079	10.1	(SE)	subdivision	9512060	6.191	15.30	(SE)	subdivision	9512060	2.075	5.15	(SW)	subdivision	9611299	0.004	0.01	(NE)	road	9711289	0.671	1.66	(SE)		
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**Schedule 2
Certificates**

**Form 1
Compliance Certificate**

Pursuant to the *Canmore Undermining Review Regulation*, a review of the land described in (name of undermining report) dated ____ was carried out to determine whether the area is suitable for the intended development, _____, having regard to undermining and related conditions. The review was made in accordance with the guidelines established by order of the Minister and accepted professional practice and accordingly includes the investigations considered necessary in the circumstances.

In my opinion, the land described in the above report is considered suitable for the intended development, subject to any mitigative measures outlined in the (name of undermining report) with respect to the undermining and related conditions.

Professional Seal

Municipality: _____

Date: _____

**Form 2
Compliance Review Certificate**

Pursuant to the *Canmore Undermining Review Regulation*, I have made a review of the (name of undermining report) dated _____ to determine whether the report complies with the guidelines established by order of the Minister and whether the review of the land described in the report was made in accordance with accepted professional practice and accordingly included the investigations necessary in the circumstances.

In my opinion, the (name of undermining report) complies with the guidelines established by order of the Minister.

In my opinion, the review of the land described in the (name of undermining report) was made in accordance with accepted professional practice and accordingly included the investigations necessary in the circumstances.

I certify that I did not assist in the preparation of the (name of undermining report) and I am not associated with or employed by the individuals or firm that prepared the undermining report.

Professional Seal

Municipality: _____

Date: _____

Alberta Regulation 35/2020

Safety Codes Act

**PRESSURE WELDERS (EXPIRY DATE
EXTENSION) AMENDMENT REGULATION**

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 072/2020) on March 17, 2020 pursuant to section 65 of the Safety Codes Act.

1 The *Pressure Welders Regulation* (AR 169/2002) is amended by this Regulation.

2 Section 25 is amended by striking out “May 31, 2020” and substituting “May 31, 2022”.

Alberta Regulation 36/2020

Judicature Act

ALBERTA RULES OF COURT AMENDMENT REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 078/2020) on March 17, 2020 pursuant to section 28.1 of the Judicature Act.

1 The *Alberta Rules of Court* (AR 124/2010) are amended by this Regulation.

2 Rule 2.23 is amended by adding the following after subrule (3):

(4) This rule does not affect the discretion of the Court, subject to any limits imposed under the *Legal Profession Act*, to grant a right of audience to any agent, other than a lawyer, to speak on behalf of an individual or corporation.

3 Rule 3.36(1) is amended by adding “and Part 11, Division 8” after “subrule (2)”.

4 Rule 3.74(2)(b) is amended by adding “person or” after “made by a”.

5 Rule 4.16 is amended by adding the following after subrule (3):

(4) A case management judge or a case conference judge may, on application or on the Court’s own motion, by order direct that the parties participate in a dispute resolution process.

(5) In determining whether an order under subrule (4) should be made, the case management judge or case conference judge may consider all relevant circumstances, including

- (a) the issues in the litigation,
- (b) the nature of the cause of action and the relief claimed,
- (c) the identity, relationship and means of the parties,
- (d) whether the action has proceeded to a stage at which alternative dispute resolution is likely to be successful, including whether record production and questioning are sufficiently advanced to support the dispute resolution process, and
- (e) whether any of the factors in subrule (2) justify delaying, modifying or dispensing with the need to participate in a dispute resolution process.

(6) As part of an order made under subrule (4), the case management judge or case conference judge may give directions respecting any aspect of the dispute resolution process, including

- (a) the identity of a neutral third party to be involved in the process,
- (b) where an equal sharing of the expenses is not appropriate, directions apportioning the responsibility of each party for the expenses of the neutral third party and other disbursements relating to the process,
- (c) the time, location, structure or conduct of the process, and
- (d) the consequences of the failure of any party to comply with any directions, or to pay its share of the expenses.

6 Rule 5.8 is repealed and the following is substituted:

Producible records for which there is an objection to produce

5.8(1) Subject to subrules (3) to (5), for each producible record that a party objects to produce, the affidavit of records must

- (a) number the record in a convenient order, and
- (b) describe the grounds for the objection to produce the record.

(2) For the purposes of this rule, the description in the affidavit of records of any record the party objects to produce and the grounds

for the objection must be sufficient to enable a court reviewing the records to confirm that each record is disclosed in the affidavit without undermining or proving the privilege that is claimed in respect of the records.

(3) Subject to subrule (4), if a party objects to produce a number of related records on the same grounds, the records may be bundled and numbered, and the records along with the grounds for the objection to produce the records may be collectively described in the affidavit of records.

(4) For greater certainty,

- (a) producible records that a party objects to produce that are in the files of a lawyer
 - (i) may be disclosed collectively in the affidavit of records without being numbered, if the records consist of the lawyer's work product, including working notes and memoranda prepared by the lawyer or the law firm and communications with the client and opposing counsel,
 - (ii) may be numbered or bundled and may be disclosed collectively in the affidavit of records, if the records are described in a manner that distinguishes
 - (A) records for which solicitor and client privilege is claimed,
 - (B) records that were prepared for the dominant purpose of litigation, and
 - (C) records for which production is objected to on a ground other than those referred to in paragraphs (A) and (B),

and

- (b) producible records that a party does not object to produce that are in the files of a lawyer must be separately disclosed in the affidavit of records.

(5) Expert reports prepared for the dominant purpose of litigation, and records related to those expert reports, must be disclosed in accordance with rule 5.35, and not in accordance with this Division.

7 Rule 5.18 is amended by adding “or partnership” after “corporation” wherever it occurs.

8 Rule 8.5(2) is repealed and the following is substituted:

(2) Subject to rule 1.5(4), the Court may make any procedural order to expedite or facilitate activities necessary to meet or to obtain a trial date.

(3) An order may be made under subrule (2) despite the fact that the parties

- (a) have signed a Form 37 or Form 38, or
- (b) have complied with rule 8.4(3).

9 Rule 10.10(2) is amended by striking out “6 months” and substituting “one year”.

10 Rule 10.13 is amended

(a) in subrules (2)(b) and (3)(b) by striking out “, in a sealed envelope,”;

(b) by adding the following after subrule (4):

(5) A notice of appointment must be filed, endorsed and served in the same manner as a commencement document.

11 Rule 10.14(1)(c) is amended by striking out “, in a sealed envelope,”.

12 Rule 10.15 is amended

(a) by striking out “filed under rule 10.13 or 10.14” and substituting “, time records and other evidence filed for the purposes of a review of a retainer agreement or a lawyer’s charges”;

(b) in clause (a) by striking out “in the agreement” and substituting “filed for the purposes of a review”;

(c) in clause (b) by striking out “agreement or information that is filed” and substituting “information filed for the purposes of a review”.

13 Rule 10.17 is amended by adding the following after subrule (1)(g):

- (h) determine the applicability of a time period specified in these rules in respect of a review conducted under this Division and extend or shorten an applicable time period.

14 Rule 10.20(1) is amended by adding “, on application by a party with notice to the other party,” after “Court”.

15 Rule 10.33 is amended by adding the following after subrule (2)(g):

- (h) any offer of settlement made, regardless of whether or not the offer of settlement complies with Part 4, Division 5.

16 Rule 11.2 is renumbered as rule 11.2(2) and the following is added before subrule (2):

Service not invalid

11.2(1) This rule applies to service of

- (a) a document other than a commencement document, or
- (b) a document at the registered office of any person required by an enactment to have a registered office.

17 Rule 11.26 is repealed and the following is substituted:

Method of service outside Alberta

11.26(1) Subject to subrule (2), unless the Court otherwise orders, if a document may be served outside Alberta under these rules, the document must be served

- (a) by a method provided by these rules for service of the document in Alberta, or
- (b) in accordance with the law of the jurisdiction in which the person to be served is located.

(2) Where a document is to be served in a jurisdiction to which the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* applies, the document must be served in accordance with Division 8.

(3) Service under subrule (1) is effected

- (a) if the document is served under subrule (1)(a), on the date specified by these rules for when service is effected, or

- (b) if the document is served under subrule (1)(b), in accordance with the law of the jurisdiction in which the person is served.

(4) Service under subrule (2) is effected on the date service is effected under the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

18 Rule 11.27 is amended

- (a) **in subrule (1) by striking out** “On application, the Court may” **and substituting** “Except in respect of a document that must be served in accordance with Division 8, the Court may, on application,”;

- (b) **by repealing subrule (4) and substituting the following:**

(4) Subrules (1) and (3) apply despite any previous order that permitted or directed service of the document by a particular method.

19 The following is added after Rule 11.32:

**Division 8
Service in a Contracting State
under the Hague Convention**

Definitions

11.33 In this Division,

- (a) “Central Authority” means the central authority designated by a Contracting State under the Convention;
- (b) “Contracting State” means a State party to the Convention, other than Canada;
- (c) “Convention” means the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, concluded at The Hague on November 15, 1965.

Service in Contracting State

11.34(1) A commencement document that is to be served in a Contracting State must be served

- (a) through the Central Authority in the Contracting State using the Request for Service Abroad of Judicial or Extrajudicial Documents, Certificate, Warning and Summary of the

Document to be Served in the Model Form annexed to the Convention, as amended or replaced from time to time,

- (b) directly through Canadian diplomatic or consular agents, unless the document is being served on a national who is not Canadian and the Contracting State has declared that it is opposed to that method of service within its territory,
- (c) through consular channels where the Contracting State has designated an authority to receive requests for service through these channels,
- (d) through diplomatic channels,
- (e) by another method that is provided in the Convention and is set out in rule 11.26(1), unless the Contracting State has objected to that method, or
- (f) by a method that is set out in rule 11.26(1) and is not prohibited by the Convention.

(2) Despite subrule (1), a commencement document that is to be served in a Contracting State must be served in accordance with rule 11.26(1) if

- (a) the Contracting State has determined that the Convention does not apply, or
- (b) the address of the person to be served is unknown.

(3) Service may be proved,

- (a) for service under subrule (1)(a), with a certificate in the Model Form annexed to the Convention, as amended or replaced from time to time, issued by the Central Authority of the Contracting State, or any authority designated by the Contracting State for that purpose, which states that the document was served, or
- (b) in any other case, by a method provided in rule 11.30 or by a method provided by the law of the jurisdiction where service was made.

Default judgment under the Convention

11.35(1) If a commencement document was served on a defendant in accordance with any clause of rule 11.34(1)(a) to (e) and the defendant has not served and filed a statement of defence or demand of notice, judgment may be given under Part 3, Division 4.

(2) Despite subrule (1), judgment may be given without establishing that the document was served on the defendant if

- (a) the commencement document was transmitted for service in accordance with any clause of rule 11.34(1)(a) to (e),
 - (b) a period of not less than 6 months, or such longer period as the Court considers adequate in the circumstances, has elapsed since the day on which the commencement document was transmitted, and
 - (c) every reasonable effort was made to obtain proof of service through competent authorities from the Contracting State to which the commencement document was transmitted.
- (3) The court may extend the time to seek relief from a default judgment under rule 9.15(3) if
- (a) the defendant, without any fault on the defendant's part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and
 - (b) the defendant has disclosed a prima facie defence to the action on the merits.
- (4) Subrule (3) does not apply to a judgment concerning the status or capacity of persons.

20 Rule 13.36(1)(b) is amended by adding “or 30 to 32.1” after “items 1 to 4”.

21 Rule 14.28(1) is amended by striking out “Appeal Record” and substituting “record before the Court of Appeal”.

22 Rule 14.47 is repealed and the following is substituted:

Application to restore an appeal

14.47 An application to restore an appeal that has been struck, dismissed or deemed abandoned

- (a) must be filed and served as soon as reasonably possible, and
- (b) must be returnable no later than
 - (i) for a standard appeal, 6 months after having been struck, dismissed or deemed abandoned, or
 - (ii) for a fast track appeal, 3 months after having been struck, dismissed or deemed abandoned.

23 Rule 14.54 is repealed and the following is substituted:

Format of memorandum

14.54 A memorandum filed on an application

- (a) must be formatted in the same manner as a factum under rule 14.26(1),
- (b) must not be longer than
 - (i) 10 double-spaced pages for an application for permission to appeal, or
 - (ii) 5 double-spaced pages for any other application,
- (c) may in addition attach a chronology, where that is relevant to the application, and
- (d) in an application for permission to appeal, must
 - (i) include a copy of the reasons for the decision proposed to be appealed, and
 - (ii) state the exact questions of law on which permission to appeal is requested.

24 Form 33 in Division 1 of Schedule A is amended by adding “(Indicate name(s) and status of party or parties receiving the Notice to Admit)” after “NOTICE TO PARTY RECEIVING NOTICE TO ADMIT”.

25 Form 42 in Division 1 of Schedule A is amended

(a) by striking out

CLIENT(S) *(Indicate if Applicant)*

LAWYER(S) *(Indicate if Applicant)*

and substituting

APPLICANT(S) *(Name of client, lawyer or law firm)*

RESPONDENT(S) *(Name of client, lawyer or law firm)*

- (b) by striking out** “agreement(s) that is (are) required to be served with this notice of appointment” **and substituting** “agreement(s) dated (list all retainer agreements to be reviewed)”;

- (c) **by striking out** “account(s) that is (are) required to be served with this notice of appointment” **and substituting** “account(s) dated (list all accounts to be reviewed)”;
- (d) **by striking out** “what they want in your absence” **and substituting** “what is being requested, without you being there to object”;
- (e) **by striking out** “signed account” **and substituting** “signed accounts”;
- (f) **by striking out** “and any retainer agreement” **and substituting** “, any retainer agreement that was entered into for the services you provided and any time records kept by you for the services”;
- (g) **by striking out** “specified by the review officer, and if” **and substituting** “specified by the review officer. If”.

26 Form 43 in Division 1 of Schedule A is amended by striking out

CLIENT(S) (APPELLANT(S))
LAWYER(S) (RESPONDENT(S))

and substituting

APPELLANT(S) (*Name of client, lawyer or law firm*)
RESPONDENT(S) (*Name of client, lawyer or law firm*)

27 Form 44 in Division 1 of Schedule A is repealed and the following is substituted:

Form 44
[Rule 10.35(1)]

Clerk’s stamp:

COURT FILE NUMBER
COURT OF QUEEN’S BENCH
OF ALBERTA
JUDICIAL CENTRE
PLAINTIFF(S)
DEFENDANT(S)
DOCUMENT
ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF

BILL OF COSTS

PARTY FILING THIS DOCUMENT

BILL OF COSTS OF [NAME AND STATUS]

Fees claimed:

ITEM NO.	ITEM	AMOUNT

Taxable Disbursements (subject to GST):

DESCRIPTION	AMOUNT

Non-taxable Disbursements (not subject to GST):

DESCRIPTION	AMOUNT

Other Charges:

DESCRIPTION	AMOUNT

GST:

- (a) Amount claimed on fees: \$ _____
- (b) Amount claimed on disbursements: \$ _____
- (c) Amount claimed on other charges: \$ _____

TOTAL GST: \$ _____

By making the above claim for an additional amount on account of goods and services tax, the party entitled to the costs award warrants that it is not entitled under the *Excise Tax Act* (Canada) to a refund or rebate of any goods and services tax paid.

Total amount claimed:

Fees: \$ _____

Taxable Disbursements:	\$ _____
Non-taxable Disbursements:	\$ _____
Other Charges:	\$ _____
GST:	\$ _____
TOTAL:	\$ _____

Amount allowed by assessment officer:

Fees:	\$ _____
Taxable Disbursements:	\$ _____
Non-taxable Disbursements:	\$ _____
Other Charges:	\$ _____
GST:	\$ _____
TOTAL:	\$ _____

Person responsible for preparation of this Bill of Costs:

_____	_____
Signature	Print Name

CERTIFICATE OF ASSESSMENT OFFICER:

I, _____, certify the following amount(s) that is (are) to be paid

By Plaintiff:	\$ _____
By Defendant:	\$ _____

to (name of party or parties to receive the costs awarded).

I also certify the following special circumstance(s) and the amount to be paid by each party with respect to the special circumstance(s):

Dated: _____	_____
	Signature of Assessment Officer

28 Form FL-27 in Division 2 of Schedule A is amended

- (a) in the heading before item 9 by striking out “The following clauses” and substituting “The following clause”;
- (b) by repealing item 10 and substituting the following:

(Unless otherwise ordered by the Court, the following clause must be included in every child support order and should not be changed. This clause applies in addition to any financial disclosure requirements of the Alberta Child Support Recalculation Program.)

10. For as long as there is a “child of the marriage” as defined in the *Divorce Act* (Canada) [or a “child” as defined in Part 3 of the *Family Law Act*], the parties shall provide the following information on an annual basis:

- (a) on or before June 30 of each year, each party must provide the other party with a complete copy of the party’s personal income tax return, any Notice of Assessment or Reassessment from the Canada Revenue Agency for the preceding tax year, and the party’s 2 most recent pay stubs. If the party has not filed an income tax return for the preceding year, then the party must, by June 30, provide the other party with copies of the party’s T4 slips and all other tax slips and information disclosing any and all sources of income for the preceding tax year;
- (b) a party that is a shareholder in a corporation, is self-employed, is a partner in a partnership or is a beneficiary under a trust must also provide the information required by paragraphs 21(1)(d), (e), (f) and (g) of the *Federal Child Support Guidelines* (SOR/97-175) [or the same provisions of the *Alberta Child Support Guidelines* (AR 147/2005), as applicable] for the preceding tax year.
- (c) **by adding “child” after “in every” in the heading before item 11.**

29 Form FL-42 in Division 2 of Schedule A is repealed and the following is substituted:

Form FL-42

Clerk’s stamp:

COURT FILE NUMBER

COURT

- PROVINCIAL COURT OF ALBERTA
- COURT OF QUEEN’S BENCH

JUDICIAL CENTRE (QUEEN’S BENCH)

COURT LOCATION (PROVINCIAL COURT)

APPLICANT(S)

RESPONDENT(S)

DOCUMENT

STATEMENT – CONTACT

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

I, _____, swear/affirm that:

(Choose one)

1. I am a guardian of the child(ren). My relationship to the child(ren) is (father, aunt, etc.).
- I am not a guardian of the child(ren). My relationship to the child(ren) is (father, aunt, etc.).
2. I am applying for an order specifying contact between the child(ren) and (name) (“the person for whom contact is proposed”), who is not a guardian of the child(ren) and whose relationship to the child(ren) is (grandmother, uncle, etc.).

(Choose one)

3. I have obtained or am seeking permission from the Court to commence this application. *(attach copy of court order granting permission to apply for contact, if an order has already been obtained)*
- I do not require permission from the Court to commence this application because:

(Choose one)

- I am a parent of the child(ren).
- I am a guardian of the child(ren).
- I am a person standing in the place of a parent to the child(ren). *(describe in paragraph 9 below)*
- I am a grandparent whose contact with the child(ren) has been interrupted by the separation of the parents, which occurred on (approximate date).
- I am a grandparent whose contact with the child(ren) has been interrupted by the death of the (father or mother), who died on (approximate date).

4. The child(ren) live(s) with _____.

(Choose any applicable statements)

5. I am applying to the Court for an order specifying the following contact between the person for whom contact is proposed and the child(ren):

PARTY FILING THIS DOCUMENT

I, _____, swear/affirm that:

1. I am not a parent or a guardian of the child(ren), a person standing in the place of a parent to the child(ren) or a grandparent whose contact with the child(ren) has been interrupted by the separation of the child(ren)'s parents or by the death of one of the parents of the child(ren).
2. I ask for permission from the Court to make an application for an order specifying contact between the child(ren) and (name) ("the person for whom contact is proposed").
3. The person for whom contact is proposed has the following relationship to the child(ren): (aunt, uncle, etc.).
4. The child(ren) live(s) with _____.
5. The person for whom contact is proposed has been part of the child(ren)'s life (lives) in the following ways: (specify).
6. The person for whom contact is proposed last had contact with the child(ren) on (date).
7. It is in the child(ren)'s best interests for the Court to order contact between the child(ren) and the person for whom contact is proposed because: (specify).
8. I have the following other information in support of my application: (specify).

Sworn/Affirmed before me)
 on _____, 20____,)
 at _____, Alberta) _____
 _____) Applicant's Signature

Justice of the Peace or
 Commissioner for Oaths
 in and for the Province of Alberta

31 Division 2 of Schedule C is repealed and the following is substituted:

**Division 2
 The Tariff**

Effective May 1, 2020, this Schedule applies, subject to an agreement or Court Order to the contrary, to all assessable items, whether the activity described in the item happened before or after that date. For the purpose of evaluating an offer under rule 4.29, costs must be calculated under this Schedule as it existed on the date when the offer was made.

Unless the Court orders otherwise, matters that have no monetary amounts, for example, injunctions, will be dealt with under Column 1. Costs in relation to residential tenancies are not dealt with under any of these columns and are in the discretion of the Court. For monetary amounts within the jurisdiction of the Provincial Court, see rule 10.42.

ITEM AND ITEM NUMBER	COLUMN 1 Up to and including \$75 000	COLUMN 2 Over \$75 000 up to and including \$200 000	COLUMN 3 Over \$200,000 up to and including \$675 000	COLUMN 4 Over \$675 000 up to and including \$2 million	COLUMN 5 Over \$2 million
Commencement documents, pleadings, related documents					
1(1) Commencement documents, affidavits, pleadings and related documents and amendments.	1350	2025	2700	3375	4725
(2) When the matter is uncontested (a default judgment is an example of an uncontested matter), the limit of recovery is 50% of this amount.					
Uncontested trial					
2 Uncontested trial appearance.	270	540	800	1080	1350
Disclosure under Part 5					
3(1) Disclosure of records under Part 5, including affidavit of records.	650	1000	1350	1685	2025
(2) Review of opposite party documents (once per action), including statement of property: the equivalent of a ½ day attendance fee under item 5(2); this amount may be increased if the circumstances warrant.					
(3) If there are only a few records requiring a limited amount of time to review, the fee may be reduced.					
Expedition or better definition of the case					
4 Notice to admit facts, opinion or non-adverse inference or the admission of any of these if, in the opinion of the Court, the notice or admission resulted in expediting the case or better defining the matters in question.	270	540	1080	1620	2160
Oral questioning under Part 5					
5(1) Preparation for questioning under Part 5 (once per action): the equivalent of a ½ day attendance fee under item 5(2).					
(2) First ½ day or portion of it for attendance for questioning under Part 5 of parties or witnesses or cross-examination on an affidavit.	675	1000	1350	1685	2025
(3) Each additional ½ day (if an attending counsel is acting for neither witness nor examining party, 50% of these amounts).	675	1000	1350	1685	2025
(4) Preparation of and response to written questions — a fee equivalent to one full day's attendance for oral questioning under this item.					
Applications: uncontested					
6(1) Uncontested applications.	400	540	800	945	1080
(2) Applications without notice to another party.	135	135	135	135	135
Applications: contested					
7(1) Contested applications or assessments and reviews before a master, judge, assessment officer or review officer and appeal from Provincial Court, masters, review officers and assessment officers.	675	1000	1350	1685	2025

(2) Contested adjournment applications. 200 200 200 200 200

(3) Abandoned applications: A fee equivalent to 50% of the fee that would be payable under this item if the application had not been abandoned.

Applications: requiring written briefs

8(1) Applications when a brief is required or allowed by the Court, including preparation of confirming letters required for Family Law Special Chambers:

(a) First ½ day or portion of it 1350 1685 2025 2360 2700

(b) Each additional ½ day (limited to ½ day unless the Court otherwise orders) 675 845 1000 1180 1350

For complex chambers applications, the Court may direct that costs relating to an Appearance to argue before Appeal Court apply, instead of the costs in this item.

(2) Abandoned applications: A fee equivalent to 50% of the fee that would be payable under this item if the application had not been abandoned.

Trial readiness/case management

9(1) Each pre-trial application to schedule a trial date and each case management attendance (including an interlocutory application if it is heard during those applications or attendances, other than an application under rule 6.3).

340 540 800 1080 1350

(2) If an interlocutory application is brought under rule 6.3 and heard during case management attendance, the fee awarded may include either a fee for the application or fees for both the application and case management attendance, depending on the duplication of work, if any.

Trial and summary trial

10(1) Preparation for trial and summary trial. 2700 5400 8100 10 800 13 500

(2) This item amount may be varied up or down depending on the length and complexity of the trial or summary trial.

(3) If a matter is set down for trial or summary trial but is resolved less than 3 months before the scheduled starting date, a preparation fee based on the length of the scheduled trial or summary trial:

- (a) 3 days or less — 30% of item 10(1);
- (b) more than 3 days, up to and including 10 days — 40% of item 10(1);
- (c) more than 10 days — 50% of item 10(1).

Trial and summary trial

11(1) For first ½ day or portion of it. 1350 1685 2025 2360 2700

(2) Second counsel fee (when allowed by trial judge). 675 845 1000 1180 1350

(3) Each additional ½ day. 675 945 1200 1620 2025

(4) Second counsel fee (when allowed by trial judge). 340 470 600 800 1000

Written argument

12 Submission of written argument at the request of the trial judge or where allowed by the trial judge. 1350 2700 4050 5400 6750

Post-judgment

13(1) Issue of writ of enforcement, including the registration of the writ in the Personal Property Registry. 270 340 400 470 540

(2) Registering a status report in the Personal Property Registry to renew the writ (allowed once every 2 years). 135 135 135 135 135

(3) Registering a status report in the Personal Property Registry to amend the writ. 35 35 35 35 35

14(1) Request and review of a financial report from enforcement debtor.	135	270	400	540	675
(2) Examination in Aid of Enforcement under the <i>Civil Enforcement Act</i> .	135	270	400	540	675
15 Seizure and related matters.	135	270	400	540	675
16 Garnishee Summons, Notice of Continuing Attachment under the <i>Maintenance Enforcement Act</i> or Garnishee Summons Renewal Statement.	270	340	400	470	540
17 Sale of lands under order or judgment (including attendance at sale, whether aborted or not).	270	400	540	675	800
Appeals					
18 All steps taken to file Notice of Appeal and speak to the list.	270	400	540	675	800
Preparation for appeal					
19(1) Preparation of factum.	1350	2700	5400	8100	10 800
(2) All other preparation.	675	1350	2700	4050	5400
20 Appearance to argue before Appeal Court for first 1/2 day or part of it:					
(a) First counsel	1350	2025	2700	3375	4050
(b) Second counsel (when allowed by the Court)	675	1000	1350	1685	2025
21 Appearance to argue before Appeal Court for each full 1/2 day occupied after the first 1/2 day:					
(a) First counsel	675	1000	1485	1755	2160
(b) Second counsel (when allowed by the Court)		500	675	875	1080
22 Appearance on contested application before Appeal Court, including brief.	1000	1685	2360	2700	3375

32 The Appendix is amended in the definition of “corporate witness”

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

(b) in clause (c) by adding “, and” after “witness”;

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

(d) an auditor or former auditor of a corporation, but not an auditor retained primarily for the litigation;

33 Part 58 of the *Alberta Rules of Court (AR 390/68)* is repealed.

34 Section 31 has effect on May 1, 2020.

Alberta Regulation 37/2020

Judicature Act

SURROGATE RULES AMENDMENT REGULATION

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 079/2020) on March 17, 2020 pursuant to section 28.1 of the Judicature Act.

1 The *Surrogate Rules* (AR 130/95) are amended by this Regulation.

2 Rule 13(7) and (8) are repealed and the following is substituted:

(7) If a will or a person authorized by a will appoints a person to hold property in trust, an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) of each trust must be filed.

(8) If a person referred to in subrule (7) does not wish to or cannot act as trustee in respect of the property, the person must renounce in Form NC 12.1 or by a method approved by the court.

(9) The personal representative must not make a distribution to a trustee of any property that is subject to a trust under a will until after

- (a) an acknowledgment of trustee(s) in Form NC 6.1 signed by the trustee(s) has been filed, and
- (b) all persons who, under the will, have a right to trusteeship that is prior or equal to the right of the trustee(s) referred to in clause (a) have renounced their rights to act as trustee in Form NC 12.1 or by a method approved by the court.

(10) The court, at any time, may dispense with a renunciation required by subrule (8) or (9)(b).

3 Rule 16(8)(a) and (b) are amended by adding “in and for Alberta” after “Oaths”.

4 Rule 26 is amended

(a) by adding the following after subrule (1):

(1.1) Where section 12(1)(a), (b) or (d) of the *Estate Administration Act* requires the applicant to serve notice on an attorney, trustee or guardian, the applicant must serve the attorney, trustee or guardian with the applicable forms referred to in subrule (1) and any other applicable documents referred to in those forms.

(1.2) Where section 12(1)(c) of the *Estate Administration Act* requires the applicant to serve notice on the Public Trustee, the applicant must serve the Public Trustee with a notice in Form NC 24.1 and any other applicable documents referred to in that form.

(b) in subrule (2) by striking out “under subrule (1)” and substituting “under this rule”;

(c) by repealing subrule (3) and substituting the following:

(3) A person may be served under this rule by

- (a) leaving the document with the person,
- (b) sending the document by recorded mail addressed to the person, or
- (c) giving the document to a lawyer who is authorized to accept and who, in writing, accepts service on behalf of the person.

5 The heading before rule 50 is repealed and the following is substituted:

**Division 2
Administration of Minors’ Property**

6 Rules 50 and 51 are repealed and the following is substituted:

Definition of trusteeship order

49.1 In this Division and Schedule 3, “trusteeship order” means an order under section 10 of the *Minors’ Property Act* appointing one or more persons as trustee of a minor’s property.

Application for trusteeship order

50 An application for an order under section 10 of the *Minors’ Property Act* appointing one or more persons as trustee of a minor’s property may be commenced by filing the following documents with the court:

- (a) an application in Form NC 43;
- (b) an affidavit in Form NC 44;
- (c) if the minor is 14 years of age or older, the minor's consent in Form NC 45, unless the court, under section 14(3) of the *Minors' Property Act*, allows the application to be made without the minor's consent;
- (d) if the minor has a parent or guardian who is not an applicant, an affidavit of service in Form NC 27 regarding service of the documents required to be served under rule 51(1) on the parent or guardian, unless the court, under rule 51(2), dispenses with the requirement to serve the parent or guardian;
- (e) an affidavit of service in Form NC 27 regarding service of the documents required to be served under rule 51(3) on the Public Trustee.

Documents to be served

51(1) An applicant for a trusteeship order must serve each parent or guardian of the minor, other than an applicant, with the following documents:

- (a) a notice to the parent or guardian in Form NC 46;
- (b) copies of the documents required to be filed under rule 50(a), (b) and (c);
- (c) a draft order in Form NC 48 that is clearly marked as a draft.

(2) The court may dispense with the requirement to serve a parent or guardian with any or all of the documents and notice referred to in subrule (1) where the court is of the opinion that it is in the minor's best interest to do so.

(3) An applicant for a trusteeship order must serve the following documents on the Public Trustee:

- (a) a notice to the Public Trustee in Form NC 46.1;
- (b) copies of the documents required to be filed under rule 50(a), (b) and (c);
- (c) a draft order in Form NC 48 that is clearly marked as a draft.

(4) The court must not determine an application for a trusteeship order until after

- (a) each parent and guardian required to be served under this rule has filed a response to the application or a period of
 - (i) 10 days, if the parent or guardian is a resident of Alberta, or
 - (ii) one month, if the parent or guardian is not a resident of Alberta,has elapsed following service on the parent or guardian without the parent or guardian having filed a response to the application, and
 - (b) the Public Trustee has filed a response under subrule (6).
- (5) A parent or guardian required to be served under this rule may respond by filing a notice in Form NC 46.2 stating whether the parent or guardian
- (a) does not object to the application and is not requesting a hearing, or
 - (b) objects to the application and is requesting a hearing.
- (6) If a response filed by a parent or guardian or the Public Trustee requests a hearing, the applicant shall set the matter for a hearing and serve notice of the hearing on all persons required to be served under these rules.
- (7) Where the court makes a trusteeship order, the applicant must serve a copy of the order on
- (a) the minor, if the minor was 14 years of age or older on the day the trusteeship order was made, and
 - (b) each parent and guardian required to be served under this rule, and
 - (c) the Public Trustee.
- (8) Where this rule requires service of a document on the Public Trustee, the document must be served by recorded mail addressed to the Public Trustee.
- (9) Where this rule requires service of a document on any person other than the Public Trustee, the document may be served by
- (a) leaving the document with the person,
 - (b) sending the document by recorded mail addressed to the person, or

- (c) giving the document to a lawyer who is authorized to accept and who, in writing, accepts service on behalf of the person.

(10) Service under subrule (9)(a) is effected on the day the document is left with the person.

(11) Service under subrule (9)(b) is effected on the day an acknowledgment of receipt is signed by the person to whom the document is addressed.

(12) Service under this section is valid despite a later amendment to the application that is made at the direction of the court.

7 Rule 52 is amended

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

Security

52(1) An applicant under this Division must provide a bond or other security that is satisfactory to the court unless the trustee, or one of the trustees, is a trust corporation referred to in section 11(3) of the *Minors' Property Act* or the court dispenses with this requirement under subrule (4).

- (b) in subrule (4) by striking out “do so” and substituting “do so, having regard to other safeguards that are or will be in place”.**

8 Rule 53 is repealed and the following is substituted:

Dispensing with security

53 An applicant may apply to dispense with the requirement for a bond or other security by filing an affidavit respecting the matters referred to in rule 52(4).

9 Rule 54 is repealed and the following is substituted:

Application of rules

54(1) Rules 55 to 74 and the forms referred to in those rules apply, with the necessary modifications, to an application for a trusteeship order and to the administration of the trust property.

(2) Part 3, except rule 97(2), applies to a trustee under a trusteeship order.

10 Rule 70.9 is amended

- (a) **in subrule (1) in the portion preceding clause (a) by striking out** “section 95(2) of the *Wills and Succession Act* from the personal representative of the deceased’s estate must provide the personal representative” **and substituting** “section 95(2)(a) of the *Wills and Succession Act* must provide the family member, personal representative or other person making the request”;
- (b) **in subrule (2) in the portion preceding clause (a) by striking out** “section 95(2) of the *Wills and Succession Act* from a family member must provide the family member” **and substituting** “section 95(2)(b) of the *Wills and Succession Act* must provide the family member or other person making the request”.

11 Rule 114(1) is amended by striking out “20 days” and substituting “10 days”.

12 Rules 115 to 117 are repealed and the following is substituted:

Examination of accounts by professional accounting firm

115(1) The court, at any time and whether at a hearing or not, may order one or more entries in the financial statements of a personal representative to be examined by a professional accounting firm as defined in the *Chartered Professional Accountants Act*.

(2) The court must determine the nature, scope and extent of the professional accounting firm’s examination.

(3) The terms of the professional accounting firm’s engagement may be in Form ACC 4.

(4) The professional accounting firm’s fees, disbursements and other charges are payable out of the residue of the estate unless otherwise ordered by the court.

Access to records

116 A personal representative and any other person having knowledge or possession of documents relating to the administration of an estate must make all records and other pertinent documents available to a professional accounting firm engaged under rule 115 and must co-operate fully with the professional accounting firm.

Report

117(1) At the end of the examination, a professional accounting firm engaged under rule 115 must file a report in Form ACC 5.1 or Form ACC 5.2 and serve a copy of the report by ordinary mail on the personal representative and on the persons interested in the estate.

(2) The court may require the professional accounting firm to appear at any hearing and give any further explanations the court needs in order to pass the accounts.

13 Schedule 3 is amended

(a) in Form NC 2

(i) in section 4 by striking out “have served” and substituting “will serve”;

(ii) by adding the following after section 5:

5.1. The applicant(s) has (have) shown some of the information in the application as “to be determined”. The applicant(s) undertake(s) to file a supplementary affidavit including an amended Form NC 7 (Schedule 5 Inventory of property and debts) when updated information is available.

(b) by repealing Form NC 3 and substituting the following:

NC 3

ESTATE NAME	_____
DOCUMENT	Schedule 1: Deceased

Last name	_____
First name	_____
Middle name(s), if any	_____
And any other name(s) by which the deceased was known	_____
Last residence address in full	_____
Date of birth	_____
Place of birth	_____
Date of death	_____
Place of death	_____
Habitual province/state of residence	_____
The deceased died	Testate: _____ Intestate: _____ After a thorough search of all likely places, no testamentary

paper of the deceased has
been found.

IMMEDIATE FAMILY

Indicate whether there are any persons in each of the following categories of relationship to the deceased, and provide the indicated details.

SPOUSE

1 Was the deceased ever married?

Yes No

If yes, provide the following information about each spouse or former spouse:

1.1 Surviving spouse

Name: _____

Complete address: _____

1.2 Separated spouse (not divorced)

Name: _____

Complete address: _____

Date of separation: _____

Date of separated spouse's death (if applicable) _____

1.3 Former spouse(s) divorced within the 2-year period immediately preceding the deceased's death (list all)

Name: _____

Complete address: _____

Date of divorce: _____

Date of former spouse's death (if applicable) _____

1.4 Deceased spouse(s) (list all)

Name: _____

Date of deceased spouse's death: _____

ADULT INTERDEPENDENT PARTNER

**Note: In this form, "adult interdependent partner" means a person who is an adult interdependent partner within the meaning of section 3 of the Adult Interdependent Relationships Act, which reads:*

3(1) *Subject to subsection (2), a person is the adult interdependent partner of another person if*

(a) *the person has lived with the other person in a relationship of interdependence*

(i) *for a continuous period of not less than 3 years, or*

(ii) *of some permanence, if there is a child of the relationship by birth or adoption,*

or

(b) *the person has entered into an adult interdependent partner agreement with the other person under section 7.*

(2) *Persons who are related to each other by blood or adoption may only become adult interdependent partners of each other by entering into an adult interdependent partner agreement under section 7.*

2.1 Was the deceased survived by an adult interdependent partner?

Yes No

If no, leave section 3 blank and proceed to section 4. If yes, complete section 3.

2.2 Was the deceased the adult interdependent partner of any other person's at any time within the one-year period immediately preceding the deceased's death?

Yes No

If no, leave section 3 blank and proceed to section 4. If yes, complete section 3.

3 If the answer to question 2.1 or 2.2 is yes, provide the following information about each adult interdependent partner:

3.1 Name: _____

Complete address: _____

3.2 The adult interdependent partner lived with the deceased

in a relationship of interdependence for a continuous period of not less than 3 years commencing _____ and ending _____.

or

in a relationship of interdependence of some permanence and there is a child of the relationship who was
 born on _____ (date)
 adopted on _____ (date)

the adult interdependent partner entered into an adult interdependent partner agreement with the deceased which agreement is dated _____.

3.3 (complete if applicable) The adult interdependent partner and the deceased entered into an adult interdependent partner agreement dated _____.

A copy of the adult interdependent partner agreement is attached.

3.4 The adult interdependent partner

is
 is not

related to the deceased by blood or adoption.

CAPACITY OF SURVIVING SPOUSE OR
ADULT INTERDEPENDENT PARTNER

4 Does any surviving spouse identified in section 1 or any surviving adult interdependent partner identified in section 3 lack mental capacity?

Yes No

If no, leave the remainder of this section blank and proceed to section 5.

If yes, tick all applicable boxes and provide the following information about the spouse or adult interdependent partner:

Name: _____

Complete address: _____

the spouse or adult interdependent partner has the following attorney(s) under an enduring power of attorney:

Name(s) of attorney(s): _____

Complete address(es): _____

a copy of the enduring power of attorney is attached.

the spouse or adult interdependent partner has the following trustee(s):

Name(s) of trustee(s): _____

Complete address(es): _____

a copy of the order or instrument appointing the trustee(s) is attached.

CHILDREN

5 Was the deceased survived by any children (whether adults or minors at the date of the deceased's death)?

Yes No

If yes, provide the following information about each child of the deceased:

Name: _____

Complete address: _____

At the time of the deceased's death, this child was

- 18 years of age or older
- 18 years of age or older and unable to earn a livelihood by reason of mental or physical disability
- between the ages of 18 and 22 and unable to withdraw from his or her parents' charge because he or she is a full time student. *(Complete only if deceased's death occurred after February 1, 2012)*
- under 18 years of age, more specifically *(state age in years and months at date of deceased's death):* _____

5.1 If there is a surviving spouse or adult interdependent partner, tick the applicable box:

All of the deceased's children are also children of the deceased's surviving spouse or adult interdependent partner.

OR

The following children of the deceased are not children of the deceased's surviving spouse or adult interdependent partner:

Name: _____

Complete address: _____

Age (in years and months) at date of deceased's death: _____

5.2 Did the deceased have any children who died before or at the same time as the deceased?

Yes No

If yes, provide the following information about each child:

Name: _____

Complete address: _____

Age (in years and months) at date of deceased's death: _____

GRANDCHILDREN OR GREAT-GRANDCHILDREN

(Complete the following section relating to grandchildren or great-grandchildren only if the deceased's death occurred after February 1, 2012.)

- 6 Was the deceased survived by any grandchild or great-grandchild
- (a) who was under 18 years of age at the time of the deceased's death,
 - (b) in respect of whom the deceased, during life, demonstrated a settled intention to treat as his or her own child,
 - (c) whose primary home, since birth or for at least 2 years immediately before the grandparent's death, was with the grandparent, and
 - (d) whose primary financial support, since birth or for at least 2 years immediately before the grandparent's death, was provided by the grandparent.

Yes No

If yes, provide the following information about each such grandchild or great-grandchild:

Name: _____

Complete address: _____

Age (in years and months) at date of deceased's death: _____

(c) in Form NC 5

(i) by striking out the following:

Name(s) _____

and substituting the following:

(For each personal representative, provide the following information.)

Last name _____

First name _____

Middle name(s), if any _____

And any other name(s) by which the will, if any, refers to the personal representative _____

(ii) by striking out the following:

Renunciations attached

Provide name(s) of renunciators; renunciations are needed from all persons with a prior or equal right to apply for a grant who are not applicant(s). Write "n/a" if not applicable

and substituting the following:

Renunciation(s)/Nomination(s)
attached

Name(s)

(Note: Renunciations are needed from every person who has a prior or equal right to apply for a grant and is not an applicant. Nominations are needed from every person who has the authority to nominate when applying for a grant and who is not an applicant. Identify all such persons and attach their renunciations/nominations or write "none" if there are no such persons.)

(d) in Form NC 6.1

(i) by striking out the following:

ESTATE NAME
DOCUMENT

Acknowledgment of Trustee(s)

Name(s)
Complete address(es)

and substituting the following:

COURT FILE NUMBER
COURT

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE
ESTATE NAME
DOCUMENT

Acknowledgment of Trustee

NAME
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

(ii) by striking out the following:

Signature

Witness

and substituting the following:

Signature
Name: _____

Witness
Name: _____

(e) in Form NC 8

(i) by striking out the following:

EXHIBIT ATTACHED

A: Original will dated _____

and substituting the following:

EXHIBIT ATTACHED

A: Original will dated _____

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

(ii) by striking out section 5 and substituting the following:

5. The testator, the other witness(es) to the will, namely _____, and I were all present together when the testator and the witnesses signed the will.

(iii) by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(f) in Form NC 9

(i) by striking out the following:

ESTATE NAME
DOCUMENT

**Affidavit of handwriting of
deceased**

DEPONENT'S NAME

and substituting the following:

COURT FILE NUMBER	_____
COURT	Court of Queen's Bench of Alberta (Surrogate Matter)
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	Affidavit of handwriting of deceased
DEPONENT'S NAME	_____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	_____

(ii) by striking out the following:

_____ <i>Deponent</i>	_____ <i>Commissioner's Name:</i>
	_____ <i>Appointment Expiry Date:</i>

and substituting the following:

_____ <i>Deponent</i>	_____ <i>A Commissioner for Oaths in and for Alberta</i>
--------------------------	---

(g) in Form NC 10

(i) by striking out the following:

ESTATE NAME	_____
DOCUMENT	Affidavit verifying translation of non-English will
DEPONENT'S NAME	_____

and substituting the following:

COURT FILE NUMBER	_____
COURT	Court of Queen's Bench of Alberta (Surrogate Matter)
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	Affidavit verifying translation of non-English will
DEPONENT'S NAME	_____
ADDRESS FOR SERVICE AND CONTACT	_____

INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(h) in Form NC 11

(i) by striking out the following:

ESTATE NAME
DOCUMENT _____

**AFFIDAVIT OF WITNESS
TO SIGNATURE ON _____**

DEPONENT'S NAME _____

and substituting the following:

COURT FILE NUMBER
COURT _____

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE
ESTATE NAME
DOCUMENT _____

**AFFIDAVIT OF WITNESS
TO SIGNATURE ON _____**

DEPONENT'S NAME _____

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(i) in Form NC 12

(i) by striking out the following:

ESTATE NAME	_____
DOCUMENT	Renunciation of probate
NAME	_____
COMPLETE ADDRESS	_____

and substituting the following:

COURT FILE NUMBER	_____
COURT	Court of Queen’s Bench of Alberta (Surrogate Matter)
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	Renunciation of probate
NAME	_____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	_____

(ii) by striking out the following:

Signature

Witness

and substituting the following:

Signature
Name: _____

Witness
Name: _____

(j) by adding the following after Form NC 12:

NC 12.1

COURT FILE NUMBER	_____
COURT	Court of Queen’s Bench of Alberta (Surrogate Matter)
JUDICIAL CENTRE	_____
ESTATE NAME	_____
DOCUMENT	Renunciation of Trusteeship

NAME _____

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____

Status _____ (Choose one of the following:)

- Named in the will
- Named by personal representative _____, who is authorized by the will to appoint trustee(s)
- Named by _____, who is authorized in the will to appoint trustee(s)

1. The deceased, _____, signed a will dated _____ pursuant to which I am named or appointed trustee of the following trusts:

Name of Beneficiary	Age	Address	Para. No. Will

2. I renounce my right and title as a trustee appointed by the deceased's will.

3. I have not acted as trustee or in any way dealt with the trust property.

SIGNED ON _____

Signature
Name: _____

Witness
Name: _____

This document requires an affidavit of execution. Use Form NC 11.

(k) in Form NC 13

(i) by striking out the following:

NAME _____
COMPLETE ADDRESS _____

and substituting the following:

NAME _____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____

(ii) by striking out the following:

Signature

Witness

and substituting the following:

Signature
Name: _____

Witness
Name: _____

(l) in Form NC 14

(i) by striking out the following:

NAME _____
COMPLETE ADDRESS _____

and substituting the following:

COURT FILE NUMBER _____
COURT **Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE _____
ESTATE NAME _____
DOCUMENT **Renunciation of administration
with will annexed**

NAME _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) in section 3 by striking out “Surrogate Rules” and substituting “Estate Administration Act”;

(iii) by striking out the following:

Signature

Witness

and substituting the following:

Signature
Name: _____

Witness
Name: _____

(m) in Form NC 15

(i) by striking out the following:

ESTATE NAME _____

DOCUMENT **Renunciation of administration**
NAME _____
COMPLETE ADDRESS _____

and substituting the following:

COURT FILE NUMBER _____
COURT **Court of Queen's Bench of Alberta
(Surrogate Matter)**
JUDICIAL CENTRE _____
ESTATE NAME _____
DOCUMENT **Renunciation of probate**
NAME _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) in section 2 by striking out "Surrogate Rules" and substituting "Estate Administration Act";

(iii) by striking out the following:

Signature *Witness*

and substituting the following:

Signature *Witness*
Name: _____ Name: _____

(n) in Form NC 16

(i) by striking out the following:

ESTATE NAME _____
DOCUMENT **Nomination and consent to
appointment of personal
representative**
NAME _____
COMPLETE ADDRESS _____

and substituting the following:

COURT FILE NUMBER _____
COURT **Court of Queen's Bench of Alberta
(Surrogate Matter)**
JUDICIAL CENTRE _____
ESTATE NAME _____

DOCUMENT

**Nomination and consent to
appointment of personal
representative**

NAME

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

(ii) by striking out the following:

or

3. I nominate _____ to apply for a grant of administration and I consent to that appointment.

and substituting the following:

3. I nominate _____ to apply for a grant of administration and I consent to that appointment.

(iii) by striking out the following:

Signature

Witness

and substituting the following:

Signature

Witness

Name: _____

Name: _____

(o) in Form NC 17

(i) by striking out the following:

ESTATE NAME
DOCUMENT

**Affidavit to dispense with a
bond, approve other security
or reduce amount of security**

DEPONENT(S) NAME(S)

and substituting the following:

COURT FILE NUMBER
COURT

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE
ESTATE NAME
DOCUMENT

**Affidavit to dispense with a
bond, approve other security
or reduce amount of security**

(ii) by striking out the following:

Signature

Witness

and substituting the following:

Signature

Witness

Name: _____

Name: _____

**(q) in Form NC 19 by striking out “have applied”
wherever it occurs and substituting “are applying”;**

**(r) in Form NC 20 by striking out “have applied”
wherever it occurs and substituting “are applying”;**

(s) in Form NC 20.1

**(i) by striking out “have applied” and substituting
“are applying”;**

(ii) by striking out the following:

Lawyer for personal representative _____ *Date:* _____

Responsible lawyer: _____

Firm name: _____

Complete address: _____ *Phone no.:* _____

Fax no.: _____ *File no.:* _____

(t) in Form NC 25

(i) by striking out the following:

DEPONENT(S) NAME(S) _____

and substituting the following:

DEPONENT(S) NAME(S) _____

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

**(ii) in section 2 by striking out “have applied” and
substituting “are applying”;**

(iii) by striking out the following:

Deponent

Commissioner’s Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(u) in Form NC 27

(i) by striking out the following:

COURT FILE NUMBER _____
ESTATE NAME _____
DOCUMENT _____
DEPONENT'S NAME _____

Affidavit of service

and substituting the following:

COURT FILE NUMBER _____
COURT _____
JUDICIAL CENTRE _____
ESTATE NAME _____
DOCUMENT _____
DEPONENT'S NAME _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

Affidavit of service

(ii) by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

Name: _____

Complete address: _____

Occupation: _____

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(v) in Form NC 29

(i) by striking out the following:

DEPONENT'S NAME _____

and substituting the following:

DEPONENT'S NAME _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent Commissioner's Name: _____
Appointment Expiry Date: _____

and substituting the following:

Deponent A Commissioner for Oaths
in and for Alberta

(w) in Form NC 31

(i) by striking out the following:

DEPONENT(S) NAME(S) _____

and substituting the following:

DEPONENT(S) NAME(S) _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent Commissioner's Name: _____
Appointment Expiry Date: _____

and substituting the following:

Deponent A Commissioner for Oaths
in and for Alberta

(x) in Form NC 33

(i) by striking out the following:

DEPONENT(S) NAME(S) _____

and substituting the following:

DEPONENT(S) NAME(S) _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent

Commissioner's Name:

Notary Public Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(y) in Form NC 34.1

(i) by striking out the following:

EXHIBIT ATTACHED Advertisement

and substituting the following:

EXHIBIT ATTACHED Advertisement
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Declarant

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Declarant

*A Commissioner for Oaths
in and for Alberta*

(z) in Form NC 35

(i) by striking out the following:

ESTATE NAME _____
DATE OF DEATH _____
DOCUMENT _____

**Statutory declaration by
creditors and claimants**

and substituting the following:

COURT FILE NUMBER _____
COURT _____

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE _____
ESTATE NAME _____
DATE OF DEATH _____
DOCUMENT _____

**Statutory declaration by
creditors and claimants**

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Declarant

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Declarant

*A Commissioner for Oaths
in and for Alberta*

(aa) by adding the following after Form NC 42:

NC 42.1

COURT FILE NUMBER _____
COURT _____

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE _____
ESTATE NAME _____
GRANT **Resealed Grant of** _____

BY THE ORDER OF THE HONOURABLE JUSTICE _____
DATED _____

THIS COURT HAS RESEALED AND REGISTERED THE ATTACHED
GRANT ISSUED BY _____ ON
_____ AND AUTHORIZED ADMINISTRATION
OF THE DECEASED'S PROPERTY IN ALBERTA TO THE
PERSONAL REPRESENTATIVE(S).

Name of deceased _____
Of _____
Date of death _____
Name(s) of personal representative(s) _____

CLERK OF THE COURT

This Form is for use by the court and clerk's office only.

**(bb) by repealing Forms NC 43 to NC 46 and substituting
the following:**

NC 43

COURT FILE NUMBER _____
COURT **Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE _____
PROCEDURE **Application for an order
appointing a trustee of
a minor's property**

NAME OF MINOR _____
NAMES OF MINOR'S _____
PARENTS/GUARDIANS _____
BOND _____
NAME(S) OF _____
APPLICANT(S) _____
NAME(S) OF _____
PROPOSED TRUSTEE(S) _____
ADDRESS FOR _____
SERVICE AND CONTACT _____
INFORMATION OF PARTY _____
FILING THIS DOCUMENT _____

Property for which order is requested

1. The applicant(s) is (are) applying for an order appointing the proposed trustee(s) as trustee(s) of (tick applicable box):

the following particular property to which the minor is entitled or is likely to become entitled:
_____ (describe particular property)

or

the minor's property generally.

Bond or other security

2. (tick applicable box)

The proposed trustees have obtained a bond in the amount of \$ _____ as described in the affidavit(s) filed with the court.

or

The applicant(s) are requesting the court to approve the following security:

with a value of \$ _____ instead of a bond, as described in the affidavit(s) filed with the court.

or

The applicant(s) are requesting the court to dispense with the requirement for a bond or other security on the basis that it would be in the minor's best interest to do so, having regard to other safeguards that are or will be in place as described in the affidavit(s) filed with the court.

or

The applicant(s) are requesting an order that no bond or other security is required because the proposed trustee, or one or more of the proposed trustees, is a trust corporation as described in the affidavit(s) filed with the court.

Specific authority or provisions requested

3. The applicant(s) request that the order give the proposed trustees the following specific authority or include the following specific provisions:

_____ describe specific authority or provisions requested

**Note: Complete this section only if the applicant(s) are requesting that the order give the trustee(s) any specific authority or include any specific provisions.*

In considering whether to request specific authority or provisions, the applicants should consider section 10(6) and 10(7) of the Minors' Property

Act and sections 34, 35 and 37 of the Trustee Act relating to permitted expenditures from trust property.

**Note respecting service: If the applicant(s) are requesting the court to dispense with service on a non-applicant parent or guardian, that request should be stated in this section.*

Applicable Surrogate Rules

4. Surrogate Rules(s) under which this application is being made:

4.1 Rules 50-54.

4.2 Any other Surrogate Rules(s) the applicant specifically relies on (specify): _____

Applicable Statutes

5. 5.1 *Minors' Property Act*, sections 10 and 11.

5.2 Any other statutory authority the applicant specifically relies on (tick applicable box(es)):

Trustee Act, section 37;

other (specify statute(s) and section number(s)): _____

Signature(s) of Applicant(s)

Date

NOTICE: This application may be dealt with only after the Public Trustee has filed a response to the application (see rule 51(4)(b)).

NC 44

COURT FILE NUMBER _____

COURT _____

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE _____

NAME OF MINOR _____

DOCUMENT _____

**Affidavit on application for an
order appointing a trustee of a
minor's property**

DEPONENT(S) NAME(S) _____

ADDRESS FOR _____

SERVICE AND CONTACT _____

INFORMATION OF PARTY _____

FILING THIS DOCUMENT _____

COPY OF BOND ATTACHED _____

THE DEPONENT(S) EACH SWEAR UNDER OATH OR AFFIRM THAT THE INFORMATION IN THIS AFFIDAVIT AND IN THE ATTACHED SCHEDULES IS WITHIN THE DEPONENTS' KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

the following information about each deceased parent):

4.1 Name: _____
 Date of death: _____
 Residence at date of death: _____

4.2 Name: _____
 Date of death: _____
 Residence at date of death: _____

Property for which trusteeship order is requested

5. (tick the applicable box)

- I am (We are) applying to be appointed as trustee(s) of the following particular property to which the minor is entitled or is likely to become entitled:

Description of property: _____

Value of property: \$ _____

Source of minor's entitlement (*e.g. minor is a beneficiary under a deceased person's estate, personal injury settlement, insurance policy or fatal accident claim. In the case of an estate, state particulars such as name of deceased person and date of death*):

or

- I am (We are) applying to be appointed as trustee(s) of the minor's property generally.

5.1 The minor is currently entitled to the following property:

Description	Value	Source of minor's entitlement

5.2 In addition, I am (we are) aware of the following circumstances or claims under which the minor is likely to become entitled to additional property while the trusteeship order is in effect (*describe circumstances or claims, e.g. minor is likely to become a beneficiary under a deceased person's estate or to receive money under a personal injury settlement, insurance policy or fatal accident claim. In the case of an estate, state particulars such as name of deceased person and date of death*):

Best interest of the minor

6. It would be in the best interest of the minor for the court to appoint me (us) as trustee(s) of the minor's property because *(complete all sections)*:

(a) I (We) have the ability to administer the minor's property because *(describe your relevant qualifications, skills, knowledge and experience)*:

(b) I (We) have the following plan for administering the minor's property *(describe your plan for prudently administering the minor's property, including how you would invest the property and what expenditures you anticipate paying out of income from the property for the minor's benefit)*:

(c) Appointing me (us) as trustee(s) of the minor's property would have the following benefits for the minor compared with other available options for administering the minor's property *(describe how you expect your trusteeship would benefit the minor more than other available options for administering the minor's property, including the option of the Public Trustee administering the minor's property)*:

6.1. *(Complete this section only if the application is for trusteeship of the minor's property generally, rather than for trusteeship only of particular property of the minor.)*

I (We) believe the minor's interests would be better served by appointing me (us) as trustee(s) of the minor's property generally than by appointing me (us) as trustee(s) of particular property, for the following reasons *(describe why you believe it would benefit the minor more if you were appointed as trustee(s) of all the minor's property, including property to which the minor may subsequently become entitled while the trusteeship order is in effect, than if you were appointed as trustee(s) of particular property specified in the trusteeship order)*:

Specific authority or provisions requested (if any)

7. *(Complete this section only if the application is requesting that the court's order give the trustee(s) any specific authority or include any specific provisions such as provisions for compensation of the trustee(s).)*

I (We) request that the court's order give me (us) the following specific authority or contain the following specific provisions, for the following reasons *(describe specific authority or specific provisions requested and explain reasons for the request)*:

Service

8. 8.1 (tick the applicable box)

I (We) intend to serve each of the minor's parents and guardians, other than the applicants, with a notice in Form NC 46 and a draft order in Form NC 48, and will file proof of service in Form NC 27 with the court.

or

I (We) are requesting an order of the court dispensing with the requirement to serve a notice and draft order on the following parent(s) or guardian(s) of the minor:

_____ (name(s)) for the following reasons:
_____ (explain)

8.2 I (We) are aware that a notice in Form NC 46.1 and a draft order in Form NC 48 must be served on the Public Trustee and will file proof of service in Form NC 27 with the court.

Minor's consent

9. I (We) (tick the applicable box)

are filing the minor's consent to this application for a trusteeship order, as required by section 14(3) of the *Minors' Property Act*.

or

are applying to the court for an order allowing this application for a trusteeship order to be made without the minor's consent.

Bond

10. I (We) (tick the applicable box)

have obtained the required bond, a copy of which is marked as Exhibit A to this affidavit.

or

propose to provide the following security instead of a bond *(describe proposed security instrument, for example, mortgage or promissory note, and state its dollar value)*:

or

- are applying to dispense with the requirement to provide a bond or other security because it would be in the minor's best interest to do so for the following reasons (*explain why it would be in the minor's best interest not to require the proposed trustees to provide a bond or other security, and describe any other safeguards that are or will be in place*):

or

- are not required to provide a bond or other security because
- the proposed trustee, or
 - one of the proposed trustees, namely _____, is a trust corporation within the meaning of section 11(3) of the *Minors' Property Act*.

Attached documents

11. I (We) have personally prepared or carefully read the documents that are part of this affidavit and to the best of my (our) knowledge the information in them is accurate and complete.

Acknowledgments

12. I (We) consent to being appointed as trustee(s) and acknowledge that if the court appoints me (us) as trustee(s):
- (a) I (We) must use the trust property only in accordance with the order of the court.
 - (b) I (We) must not borrow or take a benefit from the trust property unless the court order expressly allows me (us) to do so.
 - (c) I (We) must keep adequate records of my (our) administration of the trust property and account to the minor when the minor reaches 18 years of age.
 - (d) I (We) must keep the trust property separate from any other property.

Administration of trust

13. I (We) will faithfully administer the trust according to law and will give a true accounting of my (our) administration of the trust to the persons entitled to it when lawfully required.

SWORN OR AFFIRMED BY EACH DEPONENT BEFORE A
COMMISSIONER FOR OATHS AT _____,
ALBERTA ON _____

Deponent

*A Commissioner for Oaths
in and for Alberta*

NC 45

COURT FILE NUMBER
COURT

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE
DOCUMENT

**Minor's consent to
appointment of trustee(s)**

NAME OF MINOR

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

1. I was born on _____ and am _____ years of age.

2. I understand that _____ (name(s)) intend to apply to the court
for an order appointing _____ (name(s)) as trustee(s) of
(tick applicable box):

the following particular property to which I am entitled or
am likely to become entitled: _____
(describe particular
property)

or

my property generally,

until I am 18 years of age.

3. I consent to the application described above.

SIGNED BY THE MINOR AND WITNESSED BY _____

ON _____

Signature of Minor

Witness

This document requires an affidavit of execution. Use Form NC 11.

NC 46

COURT FILE NUMBER
COURT

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE
DOCUMENT

**Notice to Parent or Guardian
of application to appoint a
trustee of a minor's property**

NAME OF MINOR
NAME(S) OF MINOR'S
PARENTS/GUARDIANS
NAME(S) OF
PROPOSED TRUSTEE(S)
NAME(S) OF
APPLICANT(S)

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

1. This notice is given to (name of parent/guardian) .
2. The applicant(s), (name(s)) , intend to apply to the court for an order appointing (name(s)) as trustee(s) of property of the minor, name . The proposed trust property is described in the documents included with this notice.
3. Copies of the following documents are included with this notice (tick applicable boxes):
 - Application for an order appointing trustee(s) of a minor's property (Form NC 43)
 - Affidavit on application for an order appointing a trustee of a minor's property (Form NC 44)
 - Minor's consent to appointment of trustee(s) (Form NC 45)
 - Draft order (Form NC 48)
4. Further information may be obtained from name and telephone number .
5. **THERE IS A DEADLINE FOR OBJECTING TO THIS APPLICATION.** If you object to the application to appoint the trustee(s), you must complete the response below and file a copy with the Court without delay. The Court may determine the application 10 days (or one month if you are not a resident of Alberta) after this notice is served on you, unless you have filed a response before that time requesting a hearing. If you request a hearing, the applicant will give you notice of the date, time, and place of the hearing.

NC 46.1

COURT FILE NUMBER	_____
COURT	Court of Queen's Bench of Alberta (Surrogate Matter)
JUDICIAL CENTRE	_____
DOCUMENT	Notice to Public Trustee of application to appoint a trustee of a minor's property
NAME OF MINOR	_____
NAME(S) OF MINOR'S PARENTS/GUARDIANS	_____
NAME(S) OF PROPOSED TRUSTEE(S)	_____
NAME(S) OF APPLICANT(S)	_____
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	_____

1. This notice is given to the Public Trustee.
2. The applicant(s), name(s), intend to apply to the court for an order appointing name(s) as trustee(s) of property of the minor, name. The proposed trust property is described in the documents included with this notice.
3. Copies of the following documents are included with this notice (tick applicable boxes):
 - Application for an order appointing trustee(s) of a minor's property (Form NC 43)
 - Affidavit on application for an order appointing a trustee of a minor's property (Form NC 44)
 - Minor's consent to appointment of trustee(s) (Form NC 45)
 - Draft order (Form NC 48)
4. Further information may be obtained from name and telephone number.

(Instruction to Applicant: Where indicated in the box below for the Public Trustee's response, insert the judicial centre where your application is to be made and the mailing address for the court in that judicial centre.)

RESPONSE OF PUBLIC TRUSTEE

To: THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE OF _____
(specify judicial centre and mailing address)

(tick the applicable box):

The Public Trustee does not object to the application and does not request a hearing.

or

The Public Trustee does not request a hearing but submits the following comments for the court's consideration:

or

The Public Trustee objects to the application and requests a hearing on notice to the Public Trustee. The reasons for the Public Trustee's objections are:

Signature

Date

Print Name: _____

NC 46.2

COURT FILE NUMBER
COURT

**Court of Queen's Bench of Alberta
(Surrogate Matter)**

JUDICIAL CENTRE
DOCUMENT

**Response of Parent or Guardian
to application to appoint a trustee
of a minor's property**

NAME OF MINOR
NAME(S) OF MINOR'S
PARENTS/GUARDIANS
NAME(S) OF
PROPOSED TRUSTEE(S)
NAME(S) OF
APPLICANT(S)

ADDRESS FOR
SERVICE AND CONTACT

INFORMATION OF PARTY
FILING THIS DOCUMENT

1. I am (We are) (tick the applicable box)
 the parent(s) of the minor, _____ (minor's name) _____.

or

the guardian(s) of the minor, _____ (minor's name) _____.

2. I (We) have been served with notice of the application (Form NC 43) being made to the court by the applicant(s) for an order appointing _____ (name(s) of proposed trustee(s)) _____ as trustee(s) of property of the minor.

3. (tick applicable boxes):

3.1 I (We) **do not object to the application** and do not request a hearing

(Optional:) Although I (we) do not object to the application, I (we) submit the following comments for the court's consideration (add any comments you wish the court to consider):

3.2 I (We) **object to the application** and request a hearing on notice to me (us). The reasons for my (our) objection are (describe your reasons, which must relate to why the proposed appointment would not be in the best interest of the minor):

Signature of Parent(s) or Guardian(s)

Date

(cc) by repealing Form NC 47 and Form NC 48 and substituting the following:

NC 48

COURT FILE NUMBER _____
COURT **Court of Queen's Bench of Alberta (Surrogate Matter)**
JUDICIAL CENTRE _____
NAME OF MINOR _____
DOCUMENT **Order appointing a trustee of a minor's property**
DATE ON WHICH ORDER WAS MADE: _____
LOCATION OF HEARING _____

NAME OF JUDGE WHO
MADE THIS ORDER:

The Honourable Justice _____

THE COURT HAS:

Reviewed the affidavit(s) and other documents filed in this application;

Heard representations from the parties or counsel for the parties;

Considered the response and any representations from the Public Trustee;

(add the following if the minor was 14 years of age or older when the application was filed, unless the court dispensed with the requirement for the minor's consent) Considered the minor's consent to the application;

Considered the application;

AND THE COURT ORDERS:

1. _____ Name(s) of trustee(s) _____ is (are) appointed

as trustee(s) of the following particular property of the minor:
_____ (identify particular property)

and any property derived from the investment or disposition of that property.

or

as trustee(s) of all property to which the minor is entitled at the time this order is made and all property to which the minor becomes entitled while this order is in effect.

or

as trustee(s) of all property to which the minor is entitled at the time this order is made and all property to which the minor becomes entitled while this order is in effect, excluding the following property:
_____ (describe excluded property)

2. The trustee(s)

has (have) provided a bond in the amount of \$ _____, a copy of which is attached to this order.

has (have) provided a security instrument in the form of _____ (describe security instrument) _____ having a value of \$ _____ instead of a bond, and proof of registration of the security instrument against the secured property is attached.

is (are) not required to provide a bond or other security.

3. Except as otherwise provided in sections 4 and 5 of this order, the trustee(s) are authorized and required to deal with the trust property in accordance with the *Minors' Property Act* and the *Trustee Act*.
4. The following specific provisions apply to the trusteeship created by this order (*set out any provisions, conditions, limitations or directions ordered by the court. For example, if the court grants any authority under section 37 of the Trustee Act, specify that authority here*):
 - 4.1
 - 4.2

JUSTICE OF THE COURT OF
QUEEN'S BENCH OF ALBERTA

(dd) in Form C 1 by striking out the following:

Name: _____

Complete address: _____

(ee) in Form C 2 by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(ff) in Form C 3

(i) by striking out the following:

ESTATE NAME _____

and substituting the following:

ESTATE NAME _____

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Complete address for service

4. The address for service on the caveator(s) is _____.

CAVEAT SIGNED BY

Caveator _____ *Date*

Name: _____

Complete address: _____

Lawyers for the Caveator(s)

Responsible lawyer: _____

Firm name: _____

Complete address: _____

Phone: _____

Fax: _____

File no.: _____

(iii) by striking out the following:

SWORN OR AFFIRMED BY EACH CAVEATOR BEFORE A
COMMISSIONER FOR OATHS AT _____,
ALBERTA ON _____

Caveator

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

SWORN OR AFFIRMED BY EACH CAVEATOR BEFORE A
COMMISSIONER FOR OATHS AT _____,
ALBERTA ON _____

Caveator

*A Commissioner for Oaths
in and for Alberta*

(gg) in Form C 3.1

(i) by striking out the following:

ESTATE NAME _____

and substituting the following:

ESTATE NAME _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

CAVEAT SIGNED BY

Caveator _____ *Witness* _____
(attach affidavit of execution)
Lawyers for the Caveator(s)
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

and substituting the following:

CAVEAT SIGNED BY

Caveator _____ *Witness* _____
Name: _____ *Name:* _____
(attach affidavit of execution)

(hh) in Form C 4

(i) by striking out the following:

ESTATE NAME _____

and substituting the following:

ESTATE NAME _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Applicant(s) name(s) and address(es) _____

Lawyers for applicant(s):

Name _____

Complete address _____

Responsible lawyer _____

File No. _____

Phone _____

Fax _____

Complete address for service on _____
applicants

and substituting the following:

Applicant(s) name(s) _____

(ii) in Form C 5

(i) by striking out the following:

DOCUMENT

Application by personal
representative(s)

and substituting the following:

DOCUMENT

Application by personal
representative(s)

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Complete address: _____

Lawyers for Personal Representative(s)

Responsible lawyer: _____

Firm name: _____

Complete address: _____

Phone: _____

Fax: _____

File no.: _____

(jj) in Form C 6

(i) by striking out the following:

DEPONENT(S) NAME(S) _____

and substituting the following:

DEPONENT(S) NAME(S) _____
ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent _____ *Commissioner's Name:* _____
Appointment Expiry Date: _____

and substituting the following:

Deponent _____ *A Commissioner for Oaths*
in and for Alberta

(kk) in Form C 8

(i) by striking out the following:

DOCUMENT **Notice to persons interested
in the estate**

and substituting the following:

DOCUMENT **Notice to persons interested
in the estate**

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Complete address: _____

Lawyers for Personal Representative(s)
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

(II) in Form C 9

(i) by striking out the following:

DOCUMENT **Notice of objection to
informal grant**

(Fill in your name and the other information)

Name _____

and substituting the following:

DOCUMENT **Notice of objection to
informal grant**

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(Fill in your name and the other information)

Objector's name _____

(ii) by striking out the following:

5. My complete address for service of any documents in this matter is _____.
6. This notice of objection is sent to _____.

and substituting the following:

5. This notice of objection is sent to _____.

(iii) by striking out the following:

Objector _____ *Date*
Name: _____
Complete address: _____

Lawyers for Objector(s)
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

and substituting the following:

Objector

Date

(mm) by repealing Form C 9.1;

(nn) in Form C 11

(i) by striking out the following:

DOCUMENT

Notice of contestation

and substituting the following:

DOCUMENT

Notice of contestation

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Complete address: _____

Lawyers for Personal Representative(s)

Responsible lawyer: _____

Firm name: _____

Complete address: _____

Phone: _____

Fax: _____

File no.: _____

(oo) in Form C 12

(i) by striking out the following:

RESPONDENT(S) _____, the personal
representative(s) of the estate

and substituting the following:

RESPONDENT(S) _____, the personal
representative(s) of the estate

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Claimant _____ *Date*
Name: _____
Complete address: _____

Lawyers for Claimant(s)
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

and substituting the following:

Claimant _____ *Date*

(iii) by striking out the following:

Deponent _____ *Commissioner's Name:*

Appointment Expiry Date:

and substituting the following:

Deponent _____ *A Commissioner for Oaths*
in and for Alberta

(pp) in Form C 14 by striking out the following:

Lawyer for Applicant
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

(qq) in Form ACC 1

(i) by striking out the following:

COMPLETE ADDRESS FOR
SERVICE ON THE
APPLICANT(S) OF ANY
DOCUMENTS IN THIS
ACTION _____

and substituting the following:

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Applicant _____ *Date*
Name: _____
Complete address: _____

Lawyers for Applicant(s)
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

and substituting the following:

Applicant _____ *Date*

(iii) by striking out “five days” and substituting “10 days”;

(rr) in Form ACC 2

(i) by striking out the following:

DOCUMENTS ATTACHED **Financial statements**

and substituting the following:

DOCUMENTS ATTACHED **Financial statements**

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(ss) in Form ACC 3

(i) by striking out the following:

DOCUMENT

Notice of Objection or Consent

(Fill in your name and address)

Name of _____
respondent
beneficiary
Complete _____
address _____

and substituting the following:

DOCUMENT

Notice of Objection or Consent

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

Name of respondent beneficiary

(ii) by striking out the following:

Respondent

Date

Lawyers for Respondent(s)
Responsible lawyer: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

and substituting the following:

DOCUMENT **Professional accounting firm's
engagement report**

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Accounting firm *Date*
Accountant: _____
Firm name: _____
Complete address: _____
Phone: _____
Fax: _____
File no.: _____

and substituting the following:

Signature *Date*
Name: _____
Name of professional accounting firm: _____

(vv) in Form ACC 5.2

(i) by striking out the following:

DOCUMENT **Accountant's engagement report**

and substituting the following:

DOCUMENT **Professional accounting firm's
engagement report**

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Accounting firm *Date*
Accountant: _____
Firm name: _____
Complete address: _____
Phone: _____

Fax: _____

File no.: _____

and substituting the following:

Signature

Date

Name: _____

Name of professional accounting firm: _____

(ww) in Form ACC 6

(i) by striking out the following:

COMPLETE ADDRESS FOR
SERVICE ON THE
APPLICANT(S) OF ANY
DOCUMENTS IN THIS
ACTION _____

and substituting the following:

ADDRESS FOR
SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____

(ii) by striking out the following:

Applicant

Date

Name: _____

Complete address: _____

Lawyers for Applicant(s)

Responsible lawyer: _____

Firm name: _____

Complete address: _____

Phone: _____

Fax: _____

File no.: _____

and substituting the following:

Applicant

Date

(xx) in Form ACC 7 by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(yy) in Form ACC 9 by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

**(zz) in Form ACC 10 by striking out "five days" and
substituting "10 days";**

(aaa) in Form ACC 11 by striking out the following:

Deponent

Commissioner's Name:

Appointment Expiry Date:

and substituting the following:

Deponent

*A Commissioner for Oaths
in and for Alberta*

(bbb) in Form ACC 12 by striking out the following:

PERIOD COVERED _____ to _____

and substituting the following:

PERIOD COVERED _____ to _____

ADDRESS FOR
SERVICE AND CONTACT

INFORMATION OF PARTY
FILING THIS DOCUMENT

14(1) This Regulation, other than section 10, comes into force 30 days after it is filed under the *Regulations Act*.

(2) Section 10 comes into force on the coming into force of section 13(13) of the *Justice Statutes Amendment Act, 2014*.

Alberta Regulation 38/2020

Gaming, Liquor and Cannabis Act

**GAMING, LIQUOR AND CANNABIS
AMENDMENT REGULATION**

Filed: March 17, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 081/2020) on March 17, 2020 pursuant to section 129 of the Gaming, Liquor and Cannabis Act.

1 The *Gaming, Liquor and Cannabis Regulation* (AR 143/96) is amended by this Regulation.

2 Section 35 is amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following after clause (c):

- (d) to sell or provide liquor from the licensed premises for consumption off the licensed premises.

Alberta Regulation 39/2020

Government Organization Act

IDENTIFICATION CARD AMENDMENT REGULATION

Filed: March 18, 2020

For information only: Made by the Minister of Service Alberta (M.O. No SA:002/2020) on March 17, 2020 pursuant to Schedule 12, section 20 of the Government Organization Act.

1 The *Identification Card Regulation* (AR 221/2003) is amended by this Regulation.

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

(d.11) “Registrar” means Registrar as defined under the *Traffic Safety Act*;

3 The following is added after section 11:

Extensions of expired identification cards

11.1(1) If the provision of services by the Registrar under this Act is interrupted in any area of Alberta for a period of time that the Registrar considers to be sufficiently material, the Registrar may make a written declaration that a material interruption of such services exists for the purposes of this section.

(2) The Registrar’s declaration must specify the area affected, the beginning of the declared period of interruption and the substantive effect of subsection (3) and give any other information that the Registrar considers necessary concerning the interruption.

(3) An expired identification card the potential for whose renewal is impacted by the declared interruption is to be recognized under the Act as a still subsisting identification card that has been issued under the Act during the period of the interruption as declared under subsections (2) and (4).

(4) The Registrar shall also make a written declaration specifying the ending of the period of the declared interruption.

(5) The declarations under this section are to be treated as documents incorporated by reference in this section, but the Registrar shall forthwith have each notice published on the Registrar’s website maintained on the Government’s Department of Service Alberta website.

(6) The onus of proving that an identification card falls within this section is on the person so claiming.

4 Section 16(1)(b) is repealed.

Alberta Regulation 40/2020
Oil and Gas Conservation Act
**OIL AND GAS CONSERVATION (ORPHAN
FUND LEVY) RULES AMENDMENT REGULATION**

Filed: March 19, 2020

For information only: Made by the Alberta Energy Regulator on January 17, 2020 pursuant to section 73 of the Oil and Gas Conservation Act.

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

- 2 Section 16.530(1) is amended**
 - (a) by striking out “2019-2020 fiscal year” and substituting “2020-2021 fiscal year”;**
 - (b) by striking out “\$60 000 000” and substituting “\$65 000 000”;**
 - (c) by striking out “April 6, 2019” wherever it occurs and substituting “April 4, 2020”.**

Alberta Regulation 41/2020
Gas Utilities Act
**UNIFORM SYSTEM OF ACCOUNTING FOR
NATURAL GAS UTILITIES (EXPIRY DATE REPEAL)
AMENDMENT REGULATION**

Filed: March 19, 2020

For information only: The Alberta Utilities Commission approved by resolution on February 3, 2020 and made on February 24, 2020 pursuant to section 35 of the Gas Utilities Act.

- 1 The *Uniform System of Accounting for Natural Gas Utilities (AR 546/63)* is amended by this Regulation.**

- 2 Section 20 is repealed.**

Alberta Regulation 42/2020

Blind Persons' Rights Act

**GUIDE DOGS QUALIFICATIONS (EXPIRY DATE
EXTENSION) AMENDMENT REGULATION**

Filed: March 19, 2020

For information only: Made by the Minister of Community and Social Services (M.O. No. 2020-010) on March 16, 2020 pursuant to section 7 of the Blind Persons' Rights Act.

1 The *Guide Dogs Qualifications Regulation (AR 108/79)* is amended by this Regulation.

2 Section 2 is amended by striking out "March 31, 2020" and substituting "March 31, 2025".

Alberta Regulation 43/2020

Apprenticeship and Industry Training Act

**DESIGNATION OF COMPULSORY CERTIFICATION
TRADES AMENDMENT REGULATION**

Filed: March 25, 2020

For information only: Made by the Lieutenant Governor in Council (O.C.088/2020) on March 25, 2020 pursuant to section 21 of the Apprenticeship and Industry Training Act.

1 The *Designation of Compulsory Certification Trades Regulation (AR 224/2004)* is amended by this Regulation.

2 Section 1.1(1)(a) is repealed.

3 This Regulation has effect on April 30, 2020.

Alberta Regulation 44/2020
Apprenticeship and Industry Training Act
DESIGNATION OF OPTIONAL CERTIFICATION TRADES
AMENDMENT REGULATION

Filed: March 25, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 089/2020) on March 25, 2020 pursuant to sections 22 and 57 of the Apprenticeship and Industry Training Act.

- 1 The *Designation of Optional Certification Trades Regulation (AR 203/2000)* is amended by this Regulation.**

- 2 Section 1.2(aa) is repealed.**

- 3 This Regulation has effect on April 30, 2020.**

Alberta Regulation 45/2020
Apprenticeship and Industry Training Act
RIG TECHNICIAN TRADE RESCISSION
OF DESIGNATION REGULATION

Filed: March 25, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 090/2020) on March 25, 2020 pursuant to section 30 of the Apprenticeship and Industry Training Act.

Rescission of designation

- 1** The designation of the trade of rig technician as a compulsory certification trade pursuant to the *Apprenticeship and Industry Training Act* is rescinded.

Coming into force

- 2** This Regulation has effect on May 1, 2020.

Alberta Regulation 46/2020
Apprenticeship and Industry Training Act
TILESETTER TRADE RESCISSION OF
DESIGNATION REGULATION

Filed: March 25, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 091/2020) on March 25, 2020 pursuant to section 30 of the Apprenticeship and Industry Training Act.

Rescission of designation

1 The designation of the trade of tilesetter as an optional certification trade pursuant to the *Apprenticeship and Industry Training Act* is rescinded.

Coming into force

2 This Regulation has effect on May 1, 2020.

Alberta Regulation 47/2020

Various Acts

REGULATIONS EXPIRY DATE EXTENSION REGULATION

Filed: March 25, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 093/2020) on March 25, 2020 pursuant to Various Acts.

1 Any Regulation that expires on or after March 31, 2020 up to and including January 31, 2021 is deemed to be a subsisting Regulation and continues in effect up to and including January 31, 2021.

2 This Regulation expires on February 1, 2021.

Alberta Regulation 48/2020

Reform of Agencies, Boards and Commissions Compensation Act

SALARY RESTRAINT AMENDMENT REGULATION

Filed: March 25, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 096/2020) on March 25, 2019 pursuant to sections 5 and 23 of the Reform of Agencies, Boards and Commissions Compensation Act.

1 The *Salary Restraint Regulation* (AR 6/2018) is amended by this Regulation.

2 Section 1(e) is amended by striking out “March 31, 2020” and substituting “March 31, 2021”.

3 Section 8 is amended by striking out “March 31, 2020” and substituting “March 31, 2021”.

Alberta Regulation 49/2020

Animal Health Act

**TRACEABILITY CATTLE IDENTIFICATION
AMENDMENT REGULATION**

Filed: March 27, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 098/2020) on March 26, 2020 pursuant to section 69 of the Animal Health Act.

1 The *Traceability Cattle Identification Regulation* (AR 333/2009) is amended by this Regulation.

2 Section 1(a), (c) and (e) are repealed.

3 Section 2 is repealed and the following is substituted:

Application

2 This Regulation applies to all cattle in Alberta, including all cattle that enter a feedlot, regardless of origin.

4 Section 3 is repealed.

5 Section 4 is repealed and the following is substituted:

Identifying cattle

4 A cattle owner must tag each head of cattle with an approved tag before each head of cattle leaves the farm of origin.

6 Section 5 is amended by striking out “and must apply an approved tag within 10 months of the actual birth date or calving start date for that head of cattle”.

7 Section 6 is repealed.

8 Section 7 is repealed.

9 Section 9 is renumbered as section 9(1) and the following is added after subsection (1):

(2) Subsection (1) does not apply to a head of cattle before it leaves the farm of origin.

10 Section 10 is repealed.

11 Section 11 is amended

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

(a) retain the records referred to in sections 8 and 9, and

(b) **by repealing clause (b).**

12 Section 13(2) is amended by striking out “6, 7, 8, 9, 10” and substituting “8, 9”.

13 Section 15 is amended by striking out “January 31, 2022” and substituting “January 31, 2025”.

Alberta Regulation 50/2020
Municipal Government Act
MEETING PROCEDURES (COVID-19
SUPPRESSION) REGULATION

Filed: March 27, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 099/2020) on March 26, 2020 pursuant to section 603 of the Municipal Government Act.

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Definitions

- 1 In this Regulation,
 - (a) “arbitrator” means a person who is chosen as an arbitrator under section 708.35 of the Act;
 - (b) “board” means an assessment review board, the Municipal Government Board, a subdivision and development appeal board or a growth management board and includes any panel of the board;
 - (c) “Chief Medical Officer” means the Chief Medical Officer of Health as may be appointed under the *Public Health Act*;
 - (d) “commission” means a regional services commission or a municipal planning commission;
 - (e) “council” means a council of a municipal authority or a committee of the council;
 - (f) “COVID-19” means COVID-19 as described or determined by the World Health Organization;
 - (g) “information” includes a report, financial statement, bylaw, order, decision, record or other document;
 - (h) “meeting” includes a hearing;

- (i) “quarantine” includes any self isolation and self quarantine as a result of COVID-19 or recommendations of the Chief Medical Officer or the World Health Organization relating to COVID-19.

Purpose

2 The purpose of this Regulation is to provide for meetings under the Act to be held in a manner that avoids exposing persons to COVID-19.

Public meetings may be held electronically

3(1) Where the Act requires a council, board or commission to hold a meeting in public, that requirement is deemed to have been complied with by holding the meeting by electronic means, including, without limitation, a teleconference or a live, publicly streamed broadcast, if

- (a) members of the public are able to hear the meeting as it occurs,
- (b) any members of the public who would be entitled to make submissions at the meeting if the meeting were being held in person are able, before and during the meeting, to make submissions by email or any other method that the council, board or commission considers appropriate, and
- (c) the following persons attend the meeting by electronic means:
 - (i) in the case of a meeting of a council, the chief administrative officer or a designated officer;
 - (ii) in the case of a meeting of a commission, growth management board or subdivision and development appeal board, the chair or vice-chair;
 - (iii) in the case of a meeting of an assessment review board or the Municipal Government Board, the presiding officer.

(2) Where a meeting is intended to be held by electronic means under this section and the Act requires that notice of the meeting be given to the public, the notice must state the electronic means by which the meeting is to be held and give the information necessary for the public to access the meeting.

(3) Where a meeting of a council is held by electronic means in compliance with subsections (1) and (2),

- (a) electronic access to the meeting may be restricted or suspended in order to close all or part of the meeting to the public under section 197 of the Act, and, for the purposes of section 197(5) of the Act, any members of the public whose access to the meeting is restricted or suspended are considered to be present outside the meeting room during the restriction or suspension,
 - (b) the meeting is deemed to be conducted in public for the purposes of section 198 of the Act,
 - (c) section 199(1)(b) and (c) of the Act do not apply in respect of the meeting,
 - (d) the council is deemed to have met its obligations under section 230(4) of the Act,
 - (e) the reference in section 230(5) of the Act to representations made at the public hearing is to be interpreted as a reference to the submissions received by the council in accordance with subsection (1)(b), and
 - (f) the term “address” in section 606(6)(b) of the Act and the expression “place where it will be held” in section 606(6)(d) of the Act are to be interpreted as meaning a website address, telephone number or other information identifying where the meeting can be accessed electronically.
- (4)** Where a meeting of a regional services commission or a growth management board is held by electronic means in compliance with subsections (1) and (2), electronic access to the meeting may be restricted or suspended in order to close all or part of the meeting to the public
- (a) under section 602.08 of the Act, in the case of a meeting of a regional services commission, or
 - (b) under section 708.041 of the Act, in the case of a meeting of a growth management board.
- (5)** For the purposes of
- (a) section 602.08(5) of the Act, in the case of a meeting of a regional services commission, or
 - (b) section 708.041(6) of the Act, in the case of a meeting of a growth management board,
- any members of the public whose access to the meeting is restricted or suspended as described in subsection (4)(a) or (b), whichever is

applicable, are considered to be present outside the meeting room during the restriction or suspension.

Information to be made public

4 Where a provision of the Act requires a council, board or commission to make information available to the public or for public inspection, the provision is deemed to have been complied with

- (a) by making the information available electronically on the website of the council, board or commission or on any other website where the council, board or commission considers the information is likely to be easily found by the public, or
- (b) if requested to do so by a person, by sending the information to the person by email, mail or facsimile.

Arbitration hearing

5(1) An arbitration hearing under Division 2 of Part 17.2 of the Act may be held by electronic means, including, without limitation, a live, publicly streamed broadcast, if members of the public are able to hear the meeting as it occurs.

(2) An arbitration hearing held in compliance with subsection (1) is deemed to be open to the public for the purposes of section 708.36(5) of the Act.

Reduced quorum

6 Where under the Act a certain number of members of a council, board or commission is required to constitute quorum and the council, board or commission is unable to achieve quorum because one or more of its members are in quarantine, quorum is constituted by the number of members not in quarantine, if that number is 2 or more.

Alberta Regulation 51/2020

Provincial Offences Procedure Act

PROCEDURES (PUBLIC HEALTH) AMENDMENT REGULATION

Filed: March 27, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 100/2020) on March 26, 2020 pursuant to section 42 of the Provincial Offences Procedure Act.

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

2 Section 2 is amended by adding the following after clause (m):

(m.01) *Public Health Act*;

3 The Schedule is amended by adding the following after Part 19:

**Part 19.01
Public Health Act**

1 The specified penalty payable by an individual in respect of a contravention of an order of a medical officer of health under Part 3 of the *Public Health Act* is \$1000.

Alberta Regulation 52/2020

Victims of Crime Act

VICTIMS OF CRIME (SURCHARGE) AMENDMENT REGULATION

Filed: March 27, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 101/2020) on March 26, 2020 pursuant to section 17 of the Victims of Crime Act.

1 The *Victims of Crime Regulation* (AR 63/2004) is amended by this Regulation.

2 Section 12 is amended by striking out “15%” and substituting “20%”.

3 This regulation has effect on April 1, 2020.

Alberta Regulation 53/2020
Youth Criminal Justice Act (Canada)
YOUTH JUSTICE DESIGNATION (SURCHARGE)
AMENDMENT REGULATION

Filed: March 27, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 102/2020) on March 26, 2020 pursuant to section 53 of the Youth Criminal Justice Act (Canada).

1 The *Youth Justice Designation Regulation (AR 322/2009)* is amended by this Regulation.

2 Section 10(1) is amended by striking out “15%” and substituting “20%”.

3 This Regulation has effect on April 1, 2020.

Alberta Regulation 54/2020
Public Sector Pension Plans Act
MANAGEMENT EMPLOYEES PENSION PLAN
AMENDMENT REGULATION

Filed: March 27, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 103/2020) on March 26, 2020 pursuant to Schedule 5, sections 4 and 12 of the Public Sector Pension Plans Act.

1 The *Management Employees Pension Plan (AR 367/93)* is amended by this Regulation.

2 Section 2 is amended

(a) in subsection (1)

(i) by repealing clause (j) and substituting the following:

(j) “commuted value” means the actuarial present value of accrued benefits, determined

- (i) using the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan or any simplified actuarial assumptions that reasonably reflect the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan, and
 - (ii) on the basis of actuarial assumptions and methods that are appropriate and in accordance with accepted actuarial practice;
- (ii) in clause (p) by repealing subclauses (i) and (ii) and substituting the following:**
- (i) a person who is employed by an employer on a full-time continuous basis and to whom either of the following applies:
 - (A) if the employer is the Government, the person holds a position that
 - (I) is classified or designated by the Government as a management position, or
 - (II) meets all of the criteria set out in subsection (1.1);
 - (B) if the employer is other than the Government, the person holds a position that is designated by an order of the Minister, including an order under the former Act, as a management position,
 - (ii) a person referred to in subclause (i)(A) or (B) but who is employed by an employer under a contract of service if that contract provides for
 - (A) the person's employment on a full-time but not a continuous basis, or
 - (B) the person's employment other than on a full-time basis where the regularly scheduled hours of work are not fewer than 14 hours per week or 728 hours per year and the employment is on a continuous basis,

and the employer, pursuant to the employer's established policy for pension coverage of persons or classes of persons employed by the employer, applies to the Minister for the person's participation in the Plan,

(iii) by adding the following after clause (hh):

- (hh.1) "reference rate" means the last weekly Wednesday rate of each month published by the Bank of Canada in CANSIM Series V80691336, which sets out the 5-year personal fixed term chartered bank deposit rates;

(b) by adding the following after subsection (1):

(1.1) For the purposes of subsection (1)(p)(i)(A)(II), the following criteria must be met:

- (a) the position is not classified or designated as a management position;
- (b) the position is not included in a bargaining unit or any other unit for the purposes of collective bargaining;
- (c) pursuant to the Government's established policy for pension coverage of persons or classes of persons employed by the Government, the classification or designation of the position entitles the holder of the position to participate in the Plan.

3 Section 3 is amended

(a) in subsection (7) by striking out "section 10(1)(k), (m) or (n)" **and substituting** "section 10(1)(k), (m), (n) or (o)";

(b) by adding the following after subsection (7):

(8) For the purposes of section 2(1.1)(c), the Government shall formulate in writing a policy for determining, subject to that provision, the basis on which persons are eligible to become employees by virtue of that provision, and shall, on being requested to do so by the Minister, furnish the Minister forthwith with a copy of that policy.

4 Section 10 is amended

(a) in subsection (1) by adding the following after clause (n):

- (o) subject to subsection (6), a person
 - (i) who, at any time from September 1, 2019 to January 1, 2021, both dates inclusive, is or was
 - (A) a participant in the Plan under clause (a), and
 - (B) appointed or employed by the Government in accordance with, pursuant to or subject to the *Public Service Act*,
 - (ii) to whom either of the following applies at any time, whether one or more times, from September 1, 2019 to January 1, 2021, both dates inclusive:
 - (A) the Government gives the person written notice that, effective as of the date in the notice, the person's position is reclassified and becomes a position to which the Public Service Pension Plan applies but for this clause;
 - (B) on the initiative of the Government, except if resulting from a disciplinary action or the Government's common law duty to accommodate, Government gives the person written notice that, effective as of the date in the notice, the person is appointed to another position in the Government to which the Public Service Pension Plan applies but for this clause, provided that the position is one to which the *Public Service Act* applies,
- and
- (iii) who, in each instance when subclause (ii)(A) or (B) applies, is continuously employed by the Government during the period from the date notice is given until the effective date of reclassification or appointment, both dates inclusive.

(b) by adding the following after subsection (5):

- (6) A person who falls within subsection (1)(o) continues as a participant of the Plan only for so long as the person remains continuously employed in the position that the person was in immediately after the effective date of the person's last

reclassification or appointment in relation to which either subsection (1)(o)(ii)(A) or (B) applies.

5 Section 30(1) is amended

(a) by repealing clause (0b);

(b) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

- (a) “employee contribution excess” means an amount equal to the excess, if any, of the employee contributions, other than additional contributions, over the commuted value as at the date provided for in this Plan;

6 Section 34.1(7) is amended by striking out “section 30(1)(0b)” and substituting “section 30(1)(a)”.

7 Section 79 is amended by repealing subsection (2) and substituting the following:

(2) Subject to this section, the rate of interest to be allowed for the purposes of subsection (1)(b) is the rate that is calculated on and as of the first day of the fiscal year on the basis of the average of the reference rates over the most recent 12-month period for which the rates are available and, where that rate results in a fraction of 1% that is expressed otherwise than as a multiple of a full 1/10 of 1%, rounded downwards to the next full 1/10 of 1%.

8 Section 105 is amended by repealing subsection (2) and substituting the following:

(2) Where a provision of these plan rules provides for the charging of interest after January 1, 1994 and does not provide for a specific rate, interest shall be charged at the rate that is calculated on and as of the first day of the fiscal year on the basis of the average of the reference rates over the most recent 12-month period for which the rates are available and, where that rate results in a fraction of 1% that is expressed otherwise than as a multiple of a full 1/10 of 1%, rounded downwards to the next full 1/10 of 1%.

9(1) Sections 2(a)(i), 5 and 6 have effect on April 1, 2020.

(2) Sections 3(a) and 4 have effect on September 1, 2019.

Alberta Regulation 55/2020

Residential Tenancies Act

LATE PAYMENT FEES AND PENALTIES REGULATION

Filed: March 30, 2020

For information only: Made by the Minister of Service Alberta (M.O. No. SA:003/2020) on March 27, 2020 pursuant to section 70 (1)(j) of the Residential Tenancies Act.

- 1** This Regulation applies to
 - (a) every residential tenancy agreement in effect in Alberta on the coming into force of this Regulation, and
 - (b) every residential tenancy agreement entered into between April 1, 2020 and June 30, 2020 under the *Residential Tenancies Act*.

- 2** Notwithstanding any provision in a residential tenancy agreement referred to in section 1, a landlord shall not charge a fee or penalty for late payments of rent or non-payment of rent by tenants between April 1, 2020 and June 30, 2020.

- 3** For greater certainty, this Regulation voids any provision in a residential tenancy agreement referred to in section 1 with respect to
 - (a) the imposition or charging of late fees or penalties for the period between April 1, 2020 and June 30, 2020, and
 - (b) the enforcement or collection of late fees or penalties charged on or after July 1, 2020 for the period between April 1, 2020 and June 30, 2020.

- 4** This Regulation has effect on April 1, 2020.

Alberta Regulation 56/2020

Safety Codes Act

ALBERTA SAFETY CODES AUTHORITY AMENDMENT ORDER

Filed: March 30, 2020

For information only: Made by the Minister of Municipal Affairs (M.O. TCS:001/20) on March 24, 2020 pursuant to section 30.1 of the Safety Codes Act.

1 The *Alberta Safety Codes Authority Order (AR 29/2016)* is amended by this Order.

2 Section 1 is repealed and the following is substituted:

Definitions

1 In this Order,

- (a) “Act” means the *Safety Codes Act*;
- (b) “Alberta Fire Code” means the *National Fire Code - 2019 Alberta Edition* declared in force by the *Fire Code Regulation (AR 32/2015)*;
- (c) “storage tank system” means a storage tank system as defined in the Alberta Fire Code.

3 Section 4(1) is amended

- (a) by striking out “and” at the end of clause (d);**
- (b) by adding “and” at the end of clause (e);**
- (c) by adding the following after clause (e):**
 - (f) storage tank systems, including section 4.3 of Part 4 Division B of the Alberta Fire Code.

4 This Regulation has effect on June 8, 2020.

Alberta Regulation 57/2020
Provincial Court Act
ELECTRONIC DOCUMENTS REGULATION

Filed: March 31, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 107/2020) on March 31, 2020 pursuant to section 9.91 of the Provincial Court Act.

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Definition

- 1 In this Regulation, “Act” means the *Provincial Court Act*.

Application of section 9.91 of the Act

- 2 The Court may, in consultation with the Minister, issue a direction setting out the documents and electronic documents and classes of documents and electronic documents to which section 9.91 of the Act applies.

Electronic documents

- 3 The Court may accept and deal with an electronic document if
 - (a) the electronic document is capable of being retained by the Court in the manner required by section 8,
 - (b) the electronic document will be accessible by the Court so as to be usable for subsequent reference, and
 - (c) at the time the electronic document is presented for acceptance by or filing with the Court, the electronic document
 - (i) meets the requirements with respect to content under the enactments applicable to the electronic document, if any,

- (ii) is capable of being printed out or displayed in the required form, if any, and
- (iii) meets all applicable information and technology standards in use by the Court.

Documents required to be made in writing

4 For the purposes of the Court, a requirement in an enactment that a document be made in writing is satisfied by making the document in, or converting the document to, the form of an electronic document if

- (a) the electronic document meets the requirements set out in section 3(a) to (c),
- (b) in the case of a document that is signed, the signature meets the requirements set out in section 6(1)(a) to (c), and
- (c) in the case of a document that is made under oath or solemn affirmation, the requirements set out in section 7(1)(a) and (d) and, if applicable, 7(1)(e) are met.

Electronic documents as original documents

5 The Court may accept and deal with an electronic document, including an electronic document that is an electronic version of a document that originated as a paper document, as an original document if

- (a) the electronic document meets the requirements set out in section 3(a) to (c),
- (b) in the case of a document that is signed, the signature meets the requirements set out in section 6(1)(a) to (c), and
- (c) in the case of a document that is made under oath or solemn affirmation, the requirements set out in section 7(1)(a) and (d) and, if applicable, 7(1)(e) are met.

Signatures in electronic documents

6(1) For the purposes of the Court, a requirement in an enactment that a document be signed is satisfied by a signature in a document made in, or converted to the form of, an electronic document if

- (a) the signature together with any accompanying information is capable of identifying the signatory,
- (b) the signature is uniquely linked to the signatory, and

- (c) the signature is created using means that the signatory can maintain under the signatory's sole control.

(2) The Court may accept a signature in an electronic document if the signature meets the requirements set out in subsection (1).

Oaths and solemn affirmations

7(1) For the purposes of the Court, an information, an affidavit or a solemn declaration or a statement under oath or solemn affirmation may be made by a person in the form of an electronic document if

- (a) the person before whom the information, affidavit or solemn declaration or statement is made
 - (i) is authorized to take or receive informations, affidavits, solemn declarations or statements, and
 - (ii) states in the electronic document that the information, affidavit, solemn declaration or statement was made under oath, solemn declaration or solemn affirmation, as the case may be,
- (b) the electronic document meets the requirements set out in section 3(a) to (c),
- (c) the signatures meet the requirements set out in section 6(1)(a) to (c),
- (d) the information, affidavit, solemn declaration or statement under oath or solemn affirmation is made in accordance with the laws of Alberta or the place where it is made, and
- (e) in the case of an information, affidavit, solemn declaration or statement made under the *Criminal Code (Canada)*, the person states in the electronic document that all matters contained in the information, affidavit, solemn declaration or statement are true to the person's knowledge and belief.

(2) The Court may accept and deal with an information, an affidavit or a solemn declaration or a statement under oath or solemn affirmation made by a person in the form of an electronic document if the requirements set out in subsection (1) are met.

Retention

8 An electronic document that is accepted and dealt with by the Court must be retained by the Court for the same period as the document would be retained if it were in the form of a paper document and in a manner so that

- (a) any alteration that is made to the electronic document in the normal course of dealing with the electronic document is identified and indicates when the alteration was made and by whom it was made, and
- (b) it is possible to view and reproduce the electronic document and the information or data attached to or associated with the electronic document, if any.

Exception

9 For greater certainty, nothing in this Regulation

- (a) requires the Court to accept and deal with a document in the form of an electronic document, or
- (b) prevents a judge from directing, in a particular case, that a document is to be made in paper form or a signature is to be made in handwriting.