

1986 BILL 231

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 231

AN ACT TO AMEND THE LAND TITLES ACT

MR. WRIGHT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 231
Mr. Wright

BILL 231

1986

AN ACT TO AMEND THE LAND TITLES ACT

(Assented to , 1986)

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

1 The Land Titles Act is amended by this Act.

2 The following is added after section 1(w):

(w.1) “residence” means

(i) with respect to an individual, the place where he
sojourned for 183 days or more in the previous year;
and

(ii) with respect to a corporation, the residence deter-
mined according to the regulations,

and “resident” has a corresponding meaning.

3 The following is added after section 31(2):

(3) The Registrar shall refuse to register the transfer of
any land, unless the transfer is accompanied by a statutory
declaration in the prescribed form, made by the person in
whose name the land will be registered or if it is to be held
in trust, by the person who is to be the beneficiary, to the
effect that he is

(a) a Canadian citizen resident in Alberta,

(b) a Canadian citizen not resident in Alberta, but
resident elsewhere in Canada,

Explanatory Notes

1 This Bill will amend chapter L-5 of the Revised Statutes of Alberta 1980.

2 New definition.

3 Requires a declaration of citizenship and residence by a transferee.

- (c) a Canadian citizen resident outside of Canada,
- (d) resident in Alberta, but not a Canadian citizen,
- (e) not resident in Alberta, but resident elsewhere in Canada and not a Canadian citizen, or
- (f) not a Canadian citizen and not resident in Canada,

as the case may be.

(4) Every person who has provided a statutory declaration pursuant to subsection (3) or section 206 and whose citizenship or residence subsequently changes shall file a notice of the change with the Registrar, in the prescribed form, within 90 days of the change.

(5) A person who fails to comply with subsection (4) or with section 206(1) is guilty of an offence and liable on summary conviction to a fine of not more than \$5000.

4 *The following is added at the end of section 203:*

(3) The Lieutenant Governor in Council may make regulations providing for the determination of the residence of a corporation for the purposes of sections 31 and 206.

5 *The following is added after section 205:*

206(1) Before July 1, 1987, every person being the legal or beneficial owner of land or having a registered interest in any land in Alberta, shall file with the Registrar a statutory declaration in the prescribed form stating

- (a) the nature and extent of his interest, and
- (b) that he is
 - (i) a Canadian citizen resident in Alberta,
 - (ii) a Canadian citizen not resident in Alberta, but resident elsewhere in Canada,

4 Authorizes regulations to define residence of a corporation.

5 Requires report of citizenship and residence by all present owners of land and a report by the Registrar of the amount of land held by each category.

- (iii) a Canadian citizen resident outside of Canada,
- (iv) resident in Alberta, but not a Canadian citizen,
- (v) not resident in Alberta, but resident elsewhere in Canada and not a Canadian citizen, or
- (vi) not a Canadian citizen and not resident in Canada,

as the case may be.

(2) Prior to January 1, 1987, the Registrar shall send a notification to all registered owners of land or any registered interest in any land in Alberta, of the provisions of subsection (1), together with a copy of the prescribed form to be used to comply with subsection (1).

207(1) The Registrar shall prepare, no later than January 1, 1988 and every year thereafter, a report showing the total amount of land in Alberta, by area and by the number of lots, that is registered in the name of or held in trust for persons in each of the categories specified in section 31(3).

(2) On completion the Registrar shall send the report to the Attorney General who shall table it in the Legislative Assembly if it is then sitting and if it is not, within 15 days of the commencement of the next sitting.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

