LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0022 876 502	5;1;38;13;SW	262 293 707

LEGAL DESCRIPTION
MERIDIAN 5 RANGE 1 TOWNSHIP 38
SECTION 13
QUARTER SOUTH WEST
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

MUNICIPALITY: RED DEER COUNTY

REFERENCE NUMBER: 122 361 867

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
262 293 707	24/09/2026	AFFIDAVIT OF SURVIVING JOINT TENANT		

OWNERS

ALLAN KREBS
OF 1141 HIGHWAY 11A
SYLVAN LAKE
ALBERTA T4E 0B5

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4380HZ	21/08/1948	DRAINAGE DISTRICT ORDER "THIS PROPERTY IS INCLUDED IN THE CYGNET LAKE DRAINAGE DISTRICT"

TOTAL INSTRUMENTS: 001

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 25 DAY OF SEPTEMBER, 2026 AT 07:57 A.M.

ORDER NUMBER: 58471888

CUSTOMER FILE NUMBER: CLHBID

END OF CERTIFICATE

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ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE

IMAGE OF DOCUMENT REGISTERED AS:

4380HZ

ORDER NUMBER: 57734151

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4380 HZ
Region 21/8/1998

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IT IS FURTHER ORDERED that John Johanson, John L. Lindman and E. Carl Pearson all of Sylvan Lake shall, and they are hereby appointed to be the first trustees of the said district.

Made and promulgated this eighteenth day of

August A. D. 1948

Minister charged with the Administration of the Drainage Districts Act.

ORDER FOR THE FORMATION OF THE CYGNET LAKE DRAINAGE DISTRICT

WHEREAS under the provisions of the Drainage Districts Act there was held at Sylvan Lake on the ninth day of August A.D. 1943 an election for the purpose of taking a vote as to the formation of the Cygnet Lake Drainage DISTRICT; and

WHEREAS the returning officers statement of the result of the said election shows that the persons voting were unanimous in favour of the formation of the district.

THEREFORE it is ordered that the following lands, viz;

In Township thirty-eight (38),
Range twenty-eight (28),
West of the fourth (4th) meridian;
north half of section seven (7), the west half of section seventeen (17), all of section eighteen (18), the south-east quarter and the west half of section nineteen (19), (excepting those parts of the said section which are included in the Cygnet Lake Bird Sanctuary, as defined in Chapter IV of the Statutes of Alberta 1946, being those parts of legal subdivisions 4, 5, 12 and 13 shown as Cygnet Lake on township plan approved 30th day of July, 1930; and the south-west quarter of section thirty (30).

In Township thirty-eight (38),
Range one (1),
West of the fifth (5th) meridian;
the north-east quarter of section eleven (11), the north half of section twelve (12), all of section thirteen (13), the east half of section fourteen (14), the following portions of section twenty-four (24), namely the south-east quarter and west half of legal subdivision one (1), legal subdivisions two (2), three (3), four (4), and five (5), the west half of legal division six (6), the south-west quarter of legal subdivision eleven (11), Legal subdivisions twelve (12), and thirteen (13), the following portions of section twenty-five (25), namely legal subdivisions one (1), the north-east quarter of legal subdivision two (2), the south-east quarter and west half of legal subdivision four (4), the south-west quarter of legal subdivisions five (5), all of legal subdivisions seven (7), eight (8), eleven (11), twelve (12), thirteen (13) and fourteen (14), the east half of section twenty-six (26), (excepting thereout the north-east quarter of legal subdivision eight (8), and south-east quarter of legal subdivision nine (9), the north-west quarter of section twenty-six (26), the north-east quarter of section twenty-seven (27), the south-east quarter of section thirty-four (34), all of section thirty-five (35),

do now form the CYGNET LAKE DRAINAGE DISTRICT.



Province of Alberta

DRAINAGE DISTRICTS ACT

Revised Statutes of Alberta 2000
Chapter D-16

Current as of November 16, 2022

Office Consolidation

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Alberta King's Printer
Suite 700, Park Plaza
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Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Drainage Districts Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Drainage Districts Act		
Compensation	29/2002	*252/2006, 258/2009, 164/2010, 190/2012, 168/2014, 177/2015, 300/2020, 154/2021, 218/2022, 241/2025*
Drainage Districts	5/2001	*248/2005, 259/2009, 31/2012, 170/2012, 192/2012, 176/2015, 300/2020, 216/2022, 240/2025*

DRAINAGE DISTRICTS ACT

Chapter D-16

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

Definitions

1 In this Act,

(a) "drainage works" means any structure, device or thing designed to convey, store or stabilize water, including without limitation a dike, dam, weir, flood-gate, drain, basin, reservoir, canal, tunnel, pipe, bridge, culvert and ditch, and includes associated structures and equipment;

(b) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(c) "municipality" means a city, town, specialized municipality, village, municipal district, improvement district or special area;

(d) "occupant" means a person who, through an agreement with the Crown in right of Alberta, is entitled to possession of land that is owned by the Crown in right of Alberta;

(e) "owner" means

(i) in respect of unpatented land, the Crown,

(ii) in respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land,

(iii) with respect to roads in an improvement district, the Minister of Infrastructure,

(iv) with respect to roads in a municipality other than an improvement district, the municipality, and

(v) the municipality, in respect of land within a municipality that is the subject of an agreement between a board of trustees and the municipality under which the land is deemed to be one parcel;

(f) "parcel" means

(i) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;

(ii) a quarter section of land according to the system of surveys under the *Surveys Act*, or any other smaller area of land described on a certificate of title;

(iii) for the purpose of the assessment of roads in a drainage district, all of the roads within that district that are within a municipality;

(iv) land that is deemed to be a parcel under an agreement referred to in clause (e)(v);

(g) "ratepayer" means the owner or occupant of land in respect of which a drainage rate was or is payable according to the most recent tax roll under section 56 for the drainage district in which the land is located.

1998 cD-39.1 s1

Drainage Council, Drainage Districts and Boards of Trustees

Drainage Council

2(1) The Drainage Council is hereby established.

(2) The Drainage Council shall consist of the following persons appointed by the Minister:

(a) one person who is an employee of the Government and is under the administration of the Minister;

(b) 3 persons who are appointed from a list of nominees submitted by the boards of trustees in a manner prescribed by the Minister.

(3) A person is not eligible to be nominated under subsection (2)(b) unless the person is a trustee or former trustee or a secretary, treasurer or secretary-treasurer or former secretary, treasurer or secretary-treasurer of a drainage district.

(4) The member of the Drainage Council appointed under subsection (2)(a) is a non-voting member.

(5) Subject to subsection (6), the members of the Drainage Council appointed under subsection (2)(b) shall be appointed for a term of 3 years.

(6) One of the initial members of the Drainage Council appointed under subsection (2)(b) shall be appointed for a term of 3 years, one shall be appointed for a term of 4 years and one shall be appointed for a term of 5 years.

(7) The members of the Drainage Council shall appoint or elect a chair from among themselves.

(8) The Minister shall make appointments under subsection (2)(b) so as to promote representation from all the drainage districts on a rotating basis.

(9) The Minister may provide administrative and other support services to the Drainage Council.

(10) The members of the Drainage Council other than the member appointed under subsection (2)(a) may be paid remuneration and travelling and living expenses determined

(a) in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*, or

(b) by the Minister if no regulations under the *Alberta Public Agencies Governance Act* are applicable.

RSA 2000 cD-16 s2;2009 cA-31.5 s35

Assistants and advisors

3 The Drainage Council may

(a) engage the services of any assistants and advisors it considers necessary to assist it in carrying out its business, and

(b) recover from a drainage district all or a portion of the expense of engaging assistants and advisors under clause (a) where, in the opinion of the Drainage Council, the expenses were incurred for the benefit of the district or in respect of the operations of the district.

1998 cD-39.1 s3

Council bylaws

4(1) The Drainage Council may make bylaws

(a) governing all matters related to

(i) the conduct of votes on the establishment and dissolution of drainage districts, and

(ii) the conduct of votes to elect the members of the first board of trustees of a new drainage district,

including, without limitation, who is eligible to vote;

(b) prescribing the term of office of the members of the first board of trustees of a new drainage district, notwithstanding section 14(3);

(c) governing the calling and conducting of meetings of the Drainage Council and the carrying on of the business and affairs of the Drainage Council generally.

(2) The *Regulations Act* does not apply to bylaws referred to in subsection (1).

1998 cD-39.1 s4

Petition to establish drainage district

5(1) The owners of at least 3/4 of the total area of land, other than Crown land, in a proposed drainage district may submit a petition to the Drainage Council requesting that the land described in the petition be established as a drainage district.

(2) A petition must be in a form and contain the information required by the Drainage Council.

1998 cD-39.1 s5

Council's recommendation

6(1) On receipt of a petition the Drainage Council shall, as soon as is reasonably practicable and after conducting any investigation and

consultation that it considers appropriate, make a recommendation on the establishment of the drainage district to the Minister.

(2) The Drainage Council's recommendation under subsection (1) must be accompanied with

(a) the petition and any supporting documents submitted with it,

(b) a description of the nature and extent of the investigation and consultation conducted under subsection (1), and

(c) the reasons for the Drainage Council's recommendation.

1998 cD-39.1 s6

Minister's decision

7(1) The Minister shall, after considering the material received from the Drainage Council and after conducting any further investigation or consultation that the Minister considers appropriate,

(a) refuse the petition to establish the drainage district, or

(b) order that a vote on the establishment of the drainage district and for the election of the first board of trustees be held in accordance with the Drainage Council's bylaws.

(2) In an order under subsection (1) the Minister may make any alteration in the content of the proposed drainage district, either by the exclusion or inclusion of land, that the Minister considers appropriate.

(3) The Minister shall give written notice of a decision under subsection (1) to the Drainage Council and to each person who signed the petition, and where the Minister decides to refuse the petition, the written notice must set out the reasons for the refusal.

1998 cD-39.1 s7

Establishment of districts

8(1) Where the returning officer's statement to the Minister on the result of a vote referred to in section 7(1)(b) indicates that at least 2/3 of the persons voting were in favour of the formation of the drainage district, the Minister, subject to sections 26 and 27, shall by order

(a) establish the drainage district and give it a name, and

(b) declare the names of the members of the first board of trustees.

(2) The Minister shall publish the order in the Gazette within one month after making the order.

(3) On publication of the order, the valid establishment of the drainage district and the valid election of the first board of trustees are conclusively presumed.

1998 cD-39.1 s8

Changes to district

9(1) Subject to the regulations, the Minister may, if satisfied that it is appropriate to do so after consultation with the Drainage Council and the affected boards of trustees, by order add land to or remove land from a drainage district.

(2) The Minister shall not make an order under subsection (1) that would have the effect of discharging or impairing a contract, obligation, lien or charge under which the board of trustees is liable or would be liable but for the order.

(3) Where land is added to a drainage district under subsection (1) the board of trustees may make assessments or changes to the assessment roll in accordance with the regulations.

(4) Where land is removed from a drainage district under subsection (1) the board of trustees shall determine what refund, if any, should be made of drainage rates paid in respect of the land.

(5) The Minister shall publish an order made under subsection (1) in the Gazette within one month after making the order.

(6) The Minister may make regulations governing the procedure to be followed in adding land to or removing land from a drainage district.

1998 cD-39.1 s9

Petition for dissolution of district

10(1) The owners of at least 3/4 of the total area of land, other than Crown land, in a drainage district may submit a petition to the board of trustees requesting the dissolution of the drainage district.

(2) A petition must be in a form and contain the information required by the Drainage Council.

(3) On receipt of a petition, the board of trustees shall refer it to the Drainage Council, accompanied with a statement of the board setting out

(a) particulars of the indebtedness of the drainage district and what arrangements have been made or can be made to satisfy it, and

(b) what arrangements have been made or can be made with a local authority for the maintenance and replacement of the drainage works or the dismantling of them where necessary.

(4) On receipt of the material referred to in subsection (3), the Drainage Council shall, after conducting any investigation and consultation that it considers appropriate, make a recommendation on the dissolution of the drainage district to the Minister.

(5) The Drainage Council's recommendation under subsection (4) must be accompanied with

(a) the petition and any supporting documents submitted with it,

(b) a description of the nature and extent of the investigation and consultation conducted under subsection (4), and

(c) the reasons for the Drainage Council's recommendation.

1998 cD-39.1 s10

Minister's decision

11(1) The Minister shall, after considering the material received from the Drainage Council and after conducting any further investigation and consultation that the Minister considers appropriate,

(a) refuse the petition for dissolution of the drainage district, or

(b) order that a vote on the proposed dissolution be held in accordance with the Drainage Council's bylaws.

(2) The Minister shall give written notice of a decision under subsection (1) to the Drainage Council, the board of trustees and each person who signed the petition, and where the Minister decides to refuse the petition, the written notice must set out the reasons for the refusal.

1998 cD-39.1 s11

Dissolution order

12(1) If at least 2/3 of the votes cast are in favour of the dissolution of the drainage district, the board of trustees shall report that fact to the Minister through the Drainage Council, and the Minister shall by order dissolve the drainage district and direct the board to proceed under subsection (2).

(2) On receiving a direction under subsection (1), the board of trustees shall

(a) discharge the outstanding indebtedness of the drainage district,

(b) pay the costs incurred in the dissolution proceedings, and

(c) pay any balance remaining as directed by the Minister.

(3) For the purposes of raising money to discharge indebtedness and pay costs under subsection (2), the board of trustees may levy, collect and enforce payment of a rate in the same manner and on the same persons and property as in the case of a drainage rate.

(4) The Minister shall publish notice of the order dissolving the drainage district in the Gazette within one month after making the order.

1998 cD-39.1 s12

Discharge of board

13 When the Minister is satisfied that the board of trustees has complied with section 12, the Minister may by order discharge the board of trustees.

1998 cD-39.1 s13

Board of trustees

14(1) A drainage district shall be governed by a board of trustees consisting of 3 persons.

(2) Except for the members of the first board of trustees, the members of a board of trustees shall be elected at the annual meeting of ratepayers of the drainage district in accordance with this Act and the board of trustees bylaws.

(3) A trustee shall be elected for a term of 3 years, and no trustee may serve more than 3 consecutive full terms as a trustee.

1998 cD-39.1 s14

Powers of natural person

15(1) A board of trustees is a corporation with the name "Board of Trustees of the _____ Drainage District".

(2) For the purpose of carrying on its business, a board of trustees has the capacity and, subject to this Act, the regulations and the bylaws, the rights, powers and privileges of a natural person.

1998 cD-39.1 s15

Loan limit

16 No board of trustees may without the prior approval of the Drainage Council borrow money if as a result of the borrowing the total outstanding loan indebtedness of the board of trustees would exceed the revenue of the drainage district for the preceding year.

1998 cD-39.1 s16

Regulations

17(1) The Minister may, after consultation with the Drainage Council, make regulations governing, restricting and prohibiting the exercise of powers and the performance of duties by a board of trustees.

(2) A regulation under subsection (1) may be of general application or may apply specifically to a particular board of trustees.

1998 cD-39.1 s17

Eligibility

18(1) The following persons are not eligible to become or remain a trustee:

(a) a person who is less than 18 years of age;

(b) a person who is not eligible to vote at a meeting of the ratepayers of the drainage district;

(c) a person who is not a Canadian citizen or a permanent resident within the meaning of the *Immigration Act* (Canada);

(d) a person who within the immediately preceding 5 years has been convicted of an indictable offence;

(e) a person who, alone or together with another person, directly or indirectly through a corporation, partnership or other association, has an interest in a contract with the board of trustees or with an officer or employee of the board of trustees under which any money of the drainage district is to be paid for any service or thing.

(2) Subsection (1)(e) does not prevent a person from becoming or remaining a trustee solely by reason of that person's receiving a payment pursuant to a bylaw under section 19(1)(b)(i).

1998 cD-39.1 s18

Board bylaws

19(1) Subject to this Act and the regulations, a board of trustees

(a) shall make bylaws governing

(i) the calling and conducting of meetings of the board of trustees and meetings of the ratepayers of the drainage district,

(ii) all matters related to holding votes for the purposes of section 72, and

(iii) all matters related to the holding of elections of trustees, other than the election of the first trustees under section 7(1)(b);

(b) may make bylaws governing

(i) the payment of remuneration and expenses to trustees,

(ii) the appointment or election of the officers of the board of trustees,

(iii) a system of rebates for early payment of drainage rates,

(iv) the payment of interest on unpaid drainage rates, and

(v) the carrying on of the business and affairs of the drainage district generally.

(2) The bylaws under subsection (1)(a)(iii) shall provide for the election of trustees to be carried out in a way that ensures that not all of the trustees are replaced at a particular election.

(3) The *Regulations Act* does not apply to bylaws under subsection (1).

1998 cD-39.1 s19

Staff, auditor

20(1) A board of trustees shall appoint

(a) a secretary and a treasurer, or a secretary-treasurer, of the drainage district, and

(b) an auditor for the drainage district.

(2) No person is eligible to be appointed or to remain as auditor if that person

(a) is a member of the board of trustees or is an officer or employee of the board of trustees, or

(b) has an interest in a contract within the meaning of section 18(1)(e).

1998 cD-39.1 s20

Meetings of board of trustees

21(1) A board of trustees shall meet at the call of the chair or of any 2 trustees.

(2) A board of trustees shall meet at least once every 12 months.

(3) Two members of the board of trustees constitute a quorum for the purposes of a meeting.

(4) Meetings of the board of trustees shall be open to the public but the board may hold all or part of a meeting in private if the board decides on reasonable grounds that holding the meeting or part of the meeting in public would prevent the board from carrying on the business and affairs of the drainage district in an effective and efficient manner.

1998 cD-39.1 s21

Annual meeting of ratepayers

22(1) The board of trustees shall hold an annual meeting of the ratepayers of the drainage district not later than April 30 each year.

(2) The secretary shall give notice of the annual meeting in accordance with the board of trustees bylaws.

1998 cD-39.1 s22

Vacancies

23 Where a vacancy on a board of trustees occurs other than by reason of the expiry of a term of office, the remaining trustees may appoint a person to fill the vacancy and hold office until the next annual meeting of ratepayers, at which time a person must be elected for the unexpired portion of the term or for a new term of office, as the case may be.

1998 cD-39.1 s23

Voting at annual meeting

24(1) Subject to this section, only a person who is shown on the most recent assessment roll as an owner or occupant of land in respect of which an assessed amount has been applied on the assessment roll may vote on any matter at a meeting of the ratepayers of the district.

(2) An owner or occupant who is an individual may vote only if the individual is 18 years of age or older and is a Canadian citizen or a permanent resident within the meaning of the *Immigration Act* (Canada).

(3) Where an owner or occupant is a corporation, partnership or other organization, it shall appoint an individual as an agent to vote on its behalf.

(4) Notwithstanding that there may be more than one owner or occupant of a parcel of land in the drainage district, only one vote per parcel of land may be cast.

(5) Notwithstanding that a person is the owner or occupant of more than one parcel of land in the district, no person may vote more than once on a matter.

(6) Subsection (5) does not prevent a person from voting once as an owner or occupant and also voting as an agent under subsection (3) in respect of another parcel.

1998 cD-39.1 s24

Prohibited practices

25(1) No person shall, at an election of trustees,

(a) without authority supply a ballot to any person,

(b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized under the bylaws to use,

(c) fraudulently take a ballot out of the voting station,

(d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots,

(e) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or

(f) having voted once, request a ballot in that person's own name at the same election.

(2) No person shall vote at an election of trustees knowing that the person has no right to do so.

(3) No person shall make or sign a false statement for any purpose related to an election of trustees or vote held or to be held under this Act.

1998 cD-39.1 s25

Election results

26(1) Where an election of trustees is held, the returning officer shall, as soon as is practicable, send to the Drainage Council a statement of the results of the election in a form acceptable to the Drainage Council.

(2) At any time within 5 days after receipt of the statement referred to in subsection (1) the Drainage Council may order a recount and give directions for the conduct of the recount if

(a) the Drainage Council, on the affidavit of a credible person, is of the opinion that

(i) a returning officer or other officer has improperly counted or rejected any ballot papers, and

(ii) that action has materially affected the result of the election,

and

(b) a deposit in the amount prescribed in the Drainage Council bylaws is deposited with the Drainage Council as security for the payment of costs and expenses.

(3) The Drainage Council may refund a deposit referred to in subsection (2)(b) where the results of the recount demonstrate to the satisfaction of the Drainage Council that the circumstances set out in subsection (2)(a) exist.

1998 cD-39.1 s26

Investigation of alleged irregularities

27(1) If within 2 weeks after an election of trustees any 2 persons who were entitled to vote at the election make it appear to the satisfaction of the Drainage Council by statutory declaration that the election was irregularly or improperly conducted, or that corrupt practices prevailed at the election, and that in consequence the result of the election was affected, the Drainage Council may make or appoint one or more persons to make an inquiry into the matter and to make a report and recommendations to the Drainage Council.

(2) The person or persons appointed under subsection (1) have the powers of a commissioner appointed under the *Public Inquiries Act*.

(3) On receipt of the report and recommendations, the Drainage Council shall

(a) confirm the election, or

(b) dismiss one or more trustees previously elected and

(i) give directions as to the holding of another election and appoint a trustee or trustees to hold office in place of the dismissed trustee or trustees until the election is held, or

(ii) appoint a trustee or trustees to hold office in place of the dismissed trustee or trustees until a new trustee or new trustees are elected at the next annual meeting of the ratepayers.

(4) No person who is dismissed under subsection (3) shall continue to hold out that the person is a trustee.

1998 cD-39.1 s27

Procedural irregularities

28 No election of trustees shall be declared invalid by reason of

(a) non-compliance with the provisions of this Act or the bylaws relating to the holding of the polls or the counting of the votes,

(b) a mistake in the use of any of the forms,

(c) non-compliance with any condition precedent, or

(d) any other irregularity,

if it appears to the satisfaction of the Drainage Council that the election was conducted fairly.

1998 cD-39.1 s28

Dismissal of board

29(1) The Minister may by order dismiss all the members of a board of trustees and appoint an official administrator in place of the board of trustees if the Minister considers that the board of trustees is not properly exercising its powers or carrying out its duties under this Act or if for some other reason the Minister considers it is in the public interest to dismiss the members of the board of trustees.

(2) An official administrator appointed under this section

(a) has all the power and authority of the board of trustees,

(b) shall perform all the duties of the board of trustees, and

(c) shall be paid, as an operating expense of the drainage district, the salary and expenses determined by the Minister.

(3) The former members of the board of trustees and the officers, employees and agents of the board of trustees shall co-operate with the official administrator in the carrying out of powers and duties referred to in subsection (2).

(4) If in the opinion of the Minister an official administrator is no longer required, the Minister may order the election of a new board of trustees, and in that case the Drainage Council's bylaws under section 4(1)(a)(ii) apply.

1998 cD-39.1 s29

Drainage Works

Board's power to construct works

30(1) A board of trustees may construct, replace, extend, alter, modify, dismantle, abandon, operate and maintain drainage works.

(2) For the purposes of subsection (1), the board of trustees and its employees and agents have the same powers as are conferred on the Minister and the Minister's surveyors, engineers, foremen, agents, workers and servants in respect of public works under the *Public Works Act*, and in that respect sections 22 to 24 of that Act apply with necessary modifications.

1998 cD-39.1 s30

Right to use

31 A board of trustees has the right to use the space occupied by its drainage works and any adjoining land that is necessary for the purpose of carrying out its powers and duties in respect of the drainage works.

1998 cD-39.1 s31

Construction of crossings, fences

32 A board of trustees may

(a) where an owner's land is severed from other land of the owner by reason of drainage works, construct or provide for the construction of a crossing to provide access to the land, and

(b) erect fences that it considers necessary along its drainage works or along roadways.

1998 cD-39.1 s32

Work outside drainage district

33(1) If as a result of a board of trustees' carrying out its powers and duties in respect of its drainage works, water flows on and causes or may cause damage to land or roads outside the drainage district, the board of trustees may undertake any work to relieve or otherwise remedy the situation causing the damage as part of the drainage works.

(2) In the carrying out of its powers and duties in respect of its drainage works a board of trustees may, if it considers it necessary to do so, continue the drainage works outside the drainage district for the purpose of carrying off the water by a channel or outlet, and the cost of that work shall be considered to be part of the cost of the drainage works authorized in the drainage district.

(3) When it is necessary to continue drainage works beyond the limits of a drainage district, the board of trustees may, with the consent of the Minister and after consulting with any affected municipalities, continue the works on, along or across a road allowance and from any such road allowance into or through a municipality until a sufficient outlet is reached.

1998 cD-39.1 s33

Compensation

34(1) Where a board of trustees exercises a power under the authority of sections 30 to 33, the owner or occupant of the land in respect of which the power is exercised may apply to the Land and Property Rights Tribunal for compensation with respect to the exercise of that power.

(2) The Minister may, for the purpose of conducting proceedings before the Land and Property Rights Tribunal under subsection (1), make regulations

(a) prescribing the provisions of the *Surface Rights Act* that apply in whole or in part,

(b) defining terms used in this Act that are not otherwise defined under this Act,

(c) modifying any provisions prescribed under clause (a), and

(d) generally governing proceedings before the Land and Property Rights Tribunal.

RSA 2000 cD-16 s34;2020 cL-2.3 s29

Interference with drainage works

35(1) Where a person interferes with the operation of drainage works in a manner that causes or may cause immediate and significant damage to property or an immediate and significant health or safety risk, the board of trustees may issue an order directing that person to do any or all of the following:

(a) remove anything that is causing or is related to the interference;

(b) cease any activity in relation to the interference;

(c) prevent, minimize or remedy any damage caused by the interference.

(2) An order under subsection (1) may contain provisions specifying

(a) how the order is to be carried out,

(b) the time within which any measure required by the order is to be commenced and the time within which the order or any part of the order is to be complied with, and

(c) the apportionment of the costs of doing any of the work or carrying out any of the measures specified in the order among the persons to whom the order is directed.

(3) The board of trustees must give a copy of the order to each person to whom it is directed.

(4) Where an order under subsection (1) is directed to more than one person, all persons named in the order are jointly responsible for carrying out the terms of the order and are jointly and severally liable for payment of the costs of doing so, including any costs incurred by the board of trustees under section 36.

(5) Subsection (4) does not apply where the order apportions costs under subsection (2)(c).

1998 cD-39.1 s35

Board may carry out order

36(1) If a person to whom an order under section 35 is directed fails to comply with the order, the board of trustees may take whatever action the board of trustees considers necessary to carry out the order.

(2) Costs incurred by the board of trustees under this section are recoverable by the board of trustees

(a) in an action in debt against the person to whom the order is directed, or

(b) by order of the board of trustees directing any person who has acquired or purchased or is to acquire or purchase land from the person to whom the order is directed to pay to the board of trustees instead of to the vendor an amount not exceeding the amount owing in respect of the costs.

(3) For the purposes of this section, the costs referred to in subsection (2) include, without limitation, any costs incurred in administering, investigating and responding to

(a) any matter to which the order relates, or

(b) any failure to comply with the order.

(4) A purchaser of land who pays an amount to the board of trustees under subsection (2)(b) is discharged from any obligation to pay that amount to the vendor.

1998 cD-39.1 s36

Assessment and Drainage Rates

Crown exempt from assessment

37(1) Subject to this section, the owner of land in a drainage district is assessable under this Act in respect of the land.

(2) Where land in a drainage district is owned by the Crown, the Crown is not assessable under this Act in respect of that land.

(3) Where there is an occupant in respect of land referred to in subsection (2), the occupant is assessable under this Act in respect of that land.

1998 cD-39.1 s37

Board's power to assess

38 A board of trustees shall make general assessments and other assessments of land in a drainage district at the times and in the manner provided for in or under the regulations.

1998 cD-39.1 s38

Preparation of assessment roll

39 As soon as possible after making a general assessment the board of trustees shall prepare an assessment roll, which shall be in a form determined by the board of trustees and shall set out

(a) the legal description of each parcel of land in the drainage district,

(b) the name and address of the owner or occupant of each parcel, and

(c) the assessment applied to each parcel.

1998 cD-39.1 s39

Corrections

40 The secretary may at any time correct an assessment roll by

(a) altering the name of the owner or occupant of a parcel of land,

(b) altering the description of a parcel of land, and

(c) adding land to or deleting land from the assessment roll when land is added to or excluded from the drainage district.

1998 cD-39.1 s40

Notice of assessment

41(1) On preparing an assessment roll under section 39, the secretary shall as soon as practicable send to the owner or occupant of assessed land a notice of assessment in a form determined by the board of trustees setting out

(a) a description of the parcel to which the assessment relates, and

(b) the amount of the assessment applied to the parcel.

(2) Each notice must contain a statement of the last date on which complaints against the assessment may be made under section 46.

(3) The secretary shall record on the assessment roll opposite the name of each person the date of each mailing, and the entry is proof, in the absence of evidence to the contrary, of the fact and date of mailing.

(4) The board of trustees shall ensure that the assessment roll is kept in the office of the secretary and that it is open for inspection during normal business hours by owners and occupants of land in the drainage district.

1998 cD-39.1 s41

Other assessments

42(1) Where land within a drainage district is assessed or reassessed other than as part of a general assessment, the board of trustees shall ensure

(a) that the necessary changes to the assessment roll are made in respect of the assessment, and

(b) that a notice of assessment is sent to the owner or occupant of the land in accordance with section 41.

(2) Sections 43 and 45 to 53 apply where a person makes a complaint pursuant to a notice of assessment received under subsection (1)(b).

1998 cD-39.1 s42

Irregularities

43 No assessment is invalidated by reason only of an error, omission or misdescription in an assessment notice or by the non-receipt of the notice by the person to whom it is mailed.

1998 cD-39.1 s43

Assessment remains in force

44 Subject to any power in this Act or the regulations to make changes to an assessment roll, the assessment roll remains in effect

until it is replaced by another assessment roll following a general assessment.

1998 cD-39.1 s44

Drainage Council may hear complaints

45(1) The Drainage Council may hear and determine complaints under section 46.

(2) No member of the Drainage Council shall act under section 46 with respect to any parcel of land in which the member is directly or indirectly interested.

(3) If by reason of the operation of subsection (2) there are fewer than 2 members who are eligible to act with respect to a particular complaint, the chair of the Drainage Council may appoint ratepayers to act in the place of the ineligible members with respect to that complaint.

(4) A ratepayer who is directly or indirectly interested in the parcel of land to which a complaint relates is not eligible to be appointed under subsection (3).

(5) A ratepayer appointed under subsection (3) is considered to be a member of the Drainage Council for all purposes related to the hearing of the complaint in respect of which the ratepayer is appointed.

1998 cD-39.1 s45

Complaints re assessment roll

46(1) A person whose name appears on the assessment roll or who claims to have an interest in a parcel of land included in it may complain to the Drainage Council in respect of anything appearing on the assessment roll.

(2) A complaint may be made by mailing a notice of complaint by registered mail to the chair of the Drainage Council or by leaving it at the office of the Drainage Council prior to the date set out in the notice of assessment for making complaints.

(3) A notice of complaint must set out

(a) the particulars of and grounds for the complaint, and

(b) the mailing address to which all notices to the complainant may be sent.

1998 cD-39.1 s46

Notice of hearing

47(1) The Drainage Council shall fix the time and place at which it will sit to hear complaints.

(2) On receipt of a complaint, the chair of the Drainage Council shall notify the board of trustees, the complainant, the owner or occupant of the land assessed and any other person whom the chair considers to be affected by the complaint, of the time and place of the sitting at which the complaint will be heard.

(3) The notice must be sent by registered mail or delivered to the complainant and to the other persons referred to in subsection (2) at least 10 days before the date fixed for the hearing of the complaint.

1998 cD-39.1 s47

Hearing list of complaints

48(1) Before the sitting of the Drainage Council the chair shall prepare a list of the complaints that will be heard at the sitting.

(2) The list must be posted at the office of the board of trustees that sent the notice of assessment complained against and must remain so posted during the sitting of the Drainage Council.

(3) The complaints must be heard as far as possible in the order in which they stand on the list, but the Drainage Council may adjourn or expedite the hearing of a complaint.

1998 cD-39.1 s48

Absence of complainant

49 If the complainant or any other person notified of the hearing pursuant to section 47 fails to appear in person or by an agent, the Drainage Council may proceed in that person's absence.

1998 cD-39.1 s49

Public Inquiries Act

50 For the purposes of the business of the Drainage Council, the members have the powers of a commissioner under the *Public Inquiries Act*.

1998 cD-39.1 s50

Completion of duties

51 The Drainage Council shall complete its duties in respect of a complaint within 60 days after the date fixed for the hearing of the complaint.

1998 cD-39.1 s51

Notice of decision

52 When the Drainage Council makes a decision on a complaint, the chair shall notify each person to whom notice of the hearing was given in the manner provided for in section 47(3).

1998 cD-39.1 s52

Amendment of assessment roll

53 The secretary shall, if necessary, amend the assessment roll in accordance with the decision of the Drainage Council.

1998 cD-39.1 s53

Minister's regulations

54 The Minister may make regulations

(a) respecting the times at which and the circumstances under which general assessments are to be made;

(b) authorizing a board of trustees to make assessments in respect of particular land or to make changes to the existing assessment roll where land is added to or removed from a drainage district or where other circumstances exist that warrant such assessments or changes, and respecting the times at which and the circumstances under which such assessments or changes may be made;

(c) respecting the manner in which assessments are to be made;

(d) respecting the qualifications of persons who are authorized to make assessments.

1998 cD-39.1 s54

Establishing drainage rates

55(1) Not less than 60 days before the date of the annual meeting of ratepayers the board of trustees shall pass a bylaw establishing the drainage rate that is payable in respect of each parcel of land shown on the most recent assessment roll for the drainage district.

(2) The drainage rates

(a) must be calculated in an amount sufficient to cover

(i) the anticipated expenses for the calendar year for the operation, construction and maintenance of the drainage works and the administration of the drainage district, and

(ii) assessments to be paid into a reserve fund, if any, for the preservation of the drainage works in a proper state of efficiency,

and

(b) must, in respect of a parcel, be in proportion to the assessment shown for the parcel in the most recent assessment roll.

(3) Forthwith on passing the bylaw referred to in subsection (1) the board of trustees shall send to the Drainage Council

(a) a copy of the bylaw, and

(b) a statement of the nature and extent of the works to be carried out in the year to which the bylaw relates and the anticipated costs of carrying out the works.

(4) Notwithstanding subsection (2), the board of trustees may by bylaw prescribe a minimum drainage rate, and in that case the drainage rate payable in respect of a parcel is the greater of the drainage rate calculated under subsection (2)(b) and the minimum drainage rate.

1998 cD-39.1 s55

Collection of drainage rates

56(1) The treasurer, or another person designated by the board of trustees, shall be the collector of the drainage rates.

(2) As soon as possible after the passing of the bylaw referred to in section 55, the collector shall

(a) prepare a tax roll that is in a form acceptable to the board of trustees that sets out the drainage rate that is payable by each owner or occupant of land shown on the most recent assessment roll, and

(b) send to the owners and occupants referred to in clause (a) at their addresses as shown on the assessment roll a notice that sets out

(i) the amount of the drainage rate, and

(ii) the date on which the drainage rate is due.

(3) The collector shall record in the tax roll the date of mailing of the notice referred to in subsection (2), and the record of the date is proof, in the absence of evidence to the contrary, of the fact and date of mailing.

1998 cD-39.1 s56

Municipal land

57(1) The drainage rate with respect to a parcel of land consisting of roads in a municipality other than an improvement district shall be paid by the municipality.

(2) The drainage rate with respect to a parcel of land consisting of roads in an improvement district shall be paid by the Minister

responsible for the *Municipal Government Act* out of the funds of the improvement district.

1998 cD-39.1 s57

Collector must account

58 The collector shall, at the time and in the manner required by the board of trustees, account to the board of trustees for all money collected by the collector during the period covered by the accounting.

1998 cD-39.1 s58

Interest on unpaid rates

59 Interest on unpaid drainage rates is payable to the board of trustees at the rate, in the manner and from the time prescribed in the board of trustees bylaws.

1998 cD-39.1 s59

Unpaid rates are debt

60 Unpaid drainage rates, together with accrued interest, may be recovered by the board of trustees in an action in debt.

1998 cD-39.1 s60

Certificate as proof

61 A certificate signed by the secretary of the board of trustees setting out the amount of unpaid drainage rates and accrued interest, if any, owing to the board of trustees is proof, in the absence of evidence to the contrary, of the debt.

1998 cD-39.1 s61

Certificate against title

62(1) Where an owner or occupant of land in a drainage district is in arrears in payment of drainage rates, the secretary of the board of trustees may send a certificate referred to in section 61 to the Registrar under the *Land Titles Act*.

(2) On receipt of a certificate under subsection (1) the Registrar shall endorse a memorandum of the certificate on the certificate of title of the land in respect of which the drainage rates are owing.

(3) Notwithstanding any other Act, an endorsement under this section does not lapse and shall not be cancelled except on the receipt by the Registrar of a notice in writing from the board of trustees requesting the cancellation.

1998 cD-39.1 s62

Reviews and Appeals

Application

63 Sections 64 to 66 do not apply in respect of

(a) an order made under section 35, or

(b) matters arising under sections 37 to 53.

1998 cD-39.1 s63

Review by board

64(1) Where a ratepayer is affected by a bylaw, resolution, direction or decision of a board of trustees, that ratepayer may within 60 days

(a) from the day that the bylaw or resolution is passed, or

(b) from the day that the ratepayer is notified of the direction or decision,

request the board of trustees to review its bylaw, resolution, direction or decision by serving on the board of trustees a written application for a review.

(2) On being served with an application for a review under subsection (1), the board of trustees shall in writing, within 30 days from the day on which it was served with the application, advise the person applying for the review

(a) that the board of trustees will conduct a review, or

(b) that the board of trustees has declined to conduct a review.

(3) If a board of trustees fails

(a) to commence its review within 40 days from the day that it is served with the application for a review,

(b) to complete its review and advise the person who applied for the review of its decision within 60 days from the day that the board of trustees is served with an application for a review, or within any longer period of time that is agreed to by the person who applied for the review, or

(c) to advise the person who applied for the review of its decision under subsection (2) within the 30-day period,

the board of trustees is deemed to have advised the person who applied for the review that the board of trustees has declined to conduct a review.

1998 cD-39.1 s64

Appeal

65(1) Where a review has been conducted by a board of trustees, the ratepayer who applied for the review may appeal the decision arising out of the review to the Drainage Council.

(2) Where a board of trustees has declined to conduct a review, the ratepayer who applied for the review may appeal to the Drainage Council to have the Drainage Council hear the matter as if a review had been conducted and no relief had been granted.

(3) An appeal must be commenced within 60 days from the day that the ratepayer

(a) is notified of the board of trustees' decision arising out of the review, or

(b) is advised or deemed to have been advised that the board of trustees has declined to conduct a review.

(4) An appeal must be commenced by serving a notice of appeal on the chair of the Drainage Council.

(5) On being served with a notice of appeal, the chair shall forthwith give a copy of the notice of appeal to the board of trustees that made the bylaw, resolution, direction or decision that is the subject of the appeal.

1998 cD-39.1 s65

Procedure on appeal

66 For the purposes of an appeal before the Drainage Council, the following applies:

(a) a notice of appeal must set out

(i) the particulars of the matter being appealed,

(ii) the name and address of the appellant, and

(iii) the name of the board of trustees that made the bylaw, resolution, direction or decision that is the subject of the appeal;

(b) written notice of the time and place of the hearing of the appeal must be sent by or on behalf of the Drainage Council

(i) to the appellant, and

(ii) to the board of trustees;

(c) the parties to the appeal are

(i) the appellant, and

(ii) the board of trustees, unless the board of trustees advises the Drainage Council in writing that it does not wish to be a party to the appeal;

(d) an appeal must be heard and a decision must be made within 60 days from the day that the Drainage Council receives the notice of appeal;

(e) the granting and duration of an adjournment is in the sole discretion of the Drainage Council;

(f) the time limit prescribed in clause (d) does not run during a period of adjournment;

(g) a period of adjournment must not exceed 45 days;

(h) the chair of the Drainage Council may by notice in writing require the attendance of witnesses and the production of any record, object or thing that relates to the matter being heard;

(i) the parties to an appeal have a right to attend all hearings held in respect of the appeal;

(j) the Drainage Council must receive the evidence that it considers relevant to the matter being heard;

(k) a person appearing before the Drainage Council may be represented by legal counsel;

(l) the parties appearing before the Drainage Council must be given adequate opportunity to make representations, present evidence and cross-examine witnesses, if any;

(m) the Drainage Council may take evidence under oath;

(n) any member of the Drainage Council may administer oaths for the purpose of taking evidence;

(o) the rules of evidence applicable to judicial proceedings do not apply;

(p) all oral evidence received must be taken down in writing or recorded by electronic means;

(q) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things

received in evidence at a hearing form the record of the proceeding;

(r) if a party to an appeal fails to appear for the hearing within one hour from the time set out in the notice given under clause (b), the appeal may be dismissed or the hearing conducted and determined in that person's absence as the Drainage Council considers proper in the circumstances;

(s) at any time after a person serves a notice of appeal, the Drainage Council may make any interim order that it considers advisable in the circumstances pending the determination of the appeal;

(t) in determining an appeal, the Drainage Council may by order

(i) in the case of an appeal arising out of a decision given pursuant to a review,

(A) confirm, vary or rescind the decision of the board of trustees, or

(B) refer the matter back to the board of trustees to reconsider its decision subject to any recommendations that the Drainage Council considers appropriate,

or

(ii) in the case where a board of trustees declined to conduct a review, make any decision that the board of trustees could have made had it conducted a review;

(u) notice of the decision made pursuant to an appeal and any written reasons respecting the decision must be sent promptly to

(i) the parties to the appeal, and

(ii) the board of trustees;

(v) a decision of the majority of the members of the Drainage Council is the decision of the Drainage Council, and if there is not a majority, the decision of the chair is the decision of the Drainage Council;

(w) any member of the Drainage Council who does not concur with the decision of the Drainage Council or the reasons for the decision may make a minority report;

(x) the Drainage Council may publish its decision in any manner that it considers appropriate;

(y) with the consent of the parties to an appeal the consideration of the appeal may be conducted without a hearing;

(z) where the consideration of an appeal is conducted under clause (y),

(i) all matters concerning the appeal may be submitted in writing, or as otherwise directed by the Drainage Council, to the Drainage Council, and

(ii) the process under which the appeal is considered and determined by the Drainage Council is deemed to be a hearing;

(aa) notwithstanding clause (d), if the consideration of an appeal is conducted under clause (y), the decision of the Drainage Council must be made within 30 days from the day that the parties to the appeal consented to the consideration of the appeal being conducted under clause (y);

(bb) the provisions of the *Alberta Rules of Court* relating to the payment of fees, expenses or allowances to witnesses apply to matters heard under this Act.

RSA 2000 cD-16 s66;2009 c53 s51

Miscellaneous

Notices

67 Where this Act, the regulations, the Drainage Council bylaws or the board of trustees bylaws require or permit the giving or sending of a notice or other document and do not specify the manner in which the notice or other document is to be given or sent, the notice or document is sufficiently given or sent if it is

(a) given personally to the person for whom it is intended, or

(b) sent to the person by registered mail.

1998 cD-39.1 s67

Support services

68 The Minister may provide advisory and technical support services to a board of trustees.

1998 cD-39.1 s68

Inspection of books and records

69 A board of trustees and its employees shall make the books and records of the drainage district available for inspection by

(a) the Minister or a person designated by the Minister for that purpose, and

(b) the Drainage Council.

1998 cD-39.1 s69

Provision of information

70(1) A board of trustees shall

(a) before the end of April each year provide to the Drainage Council a copy of the financial statements of the drainage district for the preceding year, and

(b) provide to the Drainage Council any reports, records or information in respect of the operations of the drainage district that are requested by the Drainage Council.

(2) The Drainage Council may by notice in writing to a board of trustees require the board of trustees to have its financial statements audited and to provide a copy of the audited financial statements to the Drainage Council.

1998 cD-39.1 s70

Extension of time

71 Where this Act, the regulations, the Drainage Council bylaws or the board of trustees bylaws require or permit a thing to be done within or by a certain time, the Drainage Council may extend the time for doing the thing, before or after the time has passed.

1998 cD-39.1 s71

Votes on issues

72(1) For the purpose of obtaining an expression of opinion of the ratepayers of a drainage district on any matter relating to the business or welfare of the district, the board of trustees may submit a question on the matter to a vote of the ratepayers.

(2) The vote shall be conducted in accordance with the board of trustees bylaws.

(3) The board of trustees is not bound by the result of a vote referred to in subsection (2).

1998 cD-39.1 s72

Board property exempt from tax

73 The drainage works and other property, real and personal, of a drainage district are exempt from every tax, levy and rate imposed by the Government or a municipality, school board or other public authority.

1998 cD-39.1 s73

Judgments against board

74(1) When a board of trustees is a judgment debtor and a writ of enforcement is filed in the Personal Property Registry,

(a) no seizure or garnishment proceedings may be made or taken to satisfy the judgment debt or costs under it except as permitted by this section, and

(b) a copy of the writ may not be filed under the *Land Titles Act*.

(2) On the entry of a judgment against the board of trustees, the board shall, if it is unable to pay the judgment debt in whole or in part, include as an expense under section 55 an amount sufficient to pay the outstanding indebtedness under the judgment and interest on that amount to the end of the year to which the estimate relates.

(3) If, by the end of the year referred to in subsection (2), the whole of the amount outstanding has not been paid in full, seizure or garnishment proceedings may be taken to recover that amount, but seizure may be made only of property that may be seized as provided for pursuant to section 50 and Division 2 of Part 6 of the *Civil Enforcement Act*.

1998 cD-39.1 s74

Offences

75(1) A person who

(a) hinders, interferes with or molests any person who is exercising a power or carrying out a duty under this Act,

(b) destroys, damages or otherwise interferes with drainage works under this Act,

(c) contravenes section 25 or 27(4),

(d) makes a fraudulent assessment,

(e) knowingly inserts in an assessment roll or a tax roll the name of a person that should not be entered in it, or

(f) knowingly omits the name of a person from an assessment roll or tax roll that should be entered in it,

is guilty of an offence and liable to a fine of not more than $5000 for the first conviction and not more than $10 000 for each subsequent conviction.

(2) A person who is guilty of an offence under this Act is liable on conviction to pay a fine in respect of each day or part of a day on which the offence occurs or continues.

1998 cD-39.1 s75

Court orders relating to penalty

76(1) When a person is convicted of an offence under this Act, in addition to any other penalty that may be imposed under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects:

(a) directing the offender to take any action the court considers appropriate to repair any damage that resulted or may result from the act or omission that constituted the offence;

(b) directing the offender to compensate the board of trustees for the cost of any remedial or preventive action that was carried out or caused to be carried out by the board of trustees and that was made necessary by the act or omission that constituted the offence;

(c) directing the offender to pay compensation to any person for loss of or damage to property suffered by that person as a result of the act or omission that constituted the offence.

(2) Where the court makes an order under subsection (1)(b) or (c), the board of trustees or the person, as the case may be, may file the order with the clerk of the Court of King's Bench, and on filing, the order may be enforced as if it were a judgment of the Court of King's Bench in civil proceedings.

RSA 2000 cD-16 s76;AR 217/2022

Application to Court

77(1) Where the owner or person in possession or control of land refuses to allow an employee or agent of a board of trustees to exercise powers under sections 30 to 33 or section 36 or hinders or interferes with the employee or agent in the exercise of those powers, the board of trustees may apply to a judge of the Court of King's Bench for an order directing the owner or person in possession or control to do or refrain from doing anything the judge considers necessary in order to enable the employee or agent to exercise those powers, and the judge may make the order accordingly.

(2) An application under subsection (1) may be made ex parte where the judge considers it proper to do so.

RSA 2000 cD-16 s77;2009 c53 s51;AR 217/2022

Transitional, Consequential, Repeal and Coming into Force

Transitional

78(1) A drainage district that was established under the *Drainage Districts Act*, RSA 1980 cD-39, and is in existence immediately before the coming into force of this section is deemed to have been established under this Act.

(2) The members of a board of trustees of a drainage district referred to in subsection (1) who hold office on the coming into force of this section continue to hold office until they are replaced under this Act.

(3) Section 34 applies only in respect of the exercise of powers after the coming into force of this Act.

1998 cD-39.1 s78

79(1), (2) *(These subsections make consequential amendments to other Acts. The amendments have been incorporated into those Acts.)*

(3) (*This subsection purports to amend section 175 of the Water Act [RSA 2000 cW-3]. The Water Act does not have a section 175.)*

Repeal

80 The *Drainage Districts Act*, RSA 1980 cD-39, is repealed.

1998 cD-39.1 s80

Coming into force

81 This Act, except sections 2, 3 and 4, comes into force on Proclamation.

1998 cD-39.1 s81

(NOTE: Proclaimed in force January 19, 2001, except ss34 and 79(1). Section 34 proclaimed in force February 28, 2002. Section 79(1) proclaimed in force November 8, 2002.)





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