

Answer Key

ALBERTA LEGISLATION

Alberta Statutes

1. How and when did Bill 27, the *Renewable Electricity Act*, come into force? It was introduced in the fall of 2016. The lawyer requesting this information would also like documentation confirming the coming into force date.

Answer: The bill came into force upon proclamation on March 31, 2017. The proclamation is found in the Alberta Gazette, Part 1, April 15, 2017 at pg 286.

Resources: **Legislative Assembly of Alberta** www.assembly.ab.ca (Bills) ; **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **QP Source Professional** <http://qpsource.gov.ab.ca> (Statutes, Alberta Gazette) – requires an Alberta Law Libraries account and login

How a law comes into force	A bill becomes law upon receiving royal assent (the final step in the enactment process). A law then comes into force: <ul style="list-style-type: none"> ▪ upon royal assent (if the bill doesn't state otherwise); ▪ upon proclamation; ▪ on a date or dates specified in the bill
Step 1	<i>Locate the bill and a coming into force note on either at the Legislative Assembly of Alberta or QP Source Professional</i>
<i>Option A</i>	Legislative Assembly of Alberta Under Bills and Amendments , select either Bills or Bill Status Reports > Select the fall 2016 session, 29th Legislature, 2nd Session (2016-2017) > Click Bill 27 Renewable Electricity Act > See the Comes Into Force note at the bottom of the bill status summary. States that the bill <u>comes into force upon proclamation</u> .
<i>Option B</i>	QP Source Professional Enter <i>Renewable Electricity Act</i> in the search field, then click the act name > See the Comments field at right. States that the Act <u>came into force upon proclamation on March 31, 2017</u> .
Step 2	<i>Find the proclamation date (if not already located in QP Source Professional for Step 1) and the proclamation itself in the Alberta Gazette, Part 1. Available at the Queen's Printer or QP Source Professional.</i>
<i>Option A</i>	Queen's Printer Click Alberta Gazette at top > Under Part 1 , click 2017 > Click the Alphabetical Table of Contents for 2017 > Enter CTRL + F + <i>Renewable</i> to find the act under Proclamations . Directs to pg 286 > Scroll to 2017 Page Key – Volume 113 and note the date for pg 286: April 15 > Return to the previous page > Click April 15 > Scroll to pg 286. Brings you to the <u>proclamation stating the coming into force date is March 31, 2017</u> .

Option B	<p>QP Source Professional</p> <p>Click Advanced Search > Select Alberta Gazette from the drop-down menu, select Part 1, select the date range 2016 to 2017, enter “Renewable Electricity Act” (with quotations) in the text box, and click Go > Click the first of the two results, Alberta Gazette, Part 1, April 15, 2017 > Click First Hit under the text box.</p> <p>Brings you to the <u>proclamation stating the coming into force date is March 31, 2017.</u></p>
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Alberta Regulations

2. You're working on an older file that refers to the *Nuisance and General Sanitation Regulation*, Alta Reg 242/85, created under the *Public Health Act*.

a) Is Alta Reg 242/85 still in force?

Answer: a) No, Alta Reg 242/85 is no longer in force.

Resources: **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **QP Source Professional** (Alberta Gazette) <http://qpsource.gov.ab.ca> – requires an Alberta Law Libraries account and login

Step 1	<i>Determine whether or not Alta Reg 242/85 is still in force and, if it isn't, confirm which regulation repealed and superseded it.</i>
Option A	<p>Queen's Printer</p> <p>Click Alberta Gazette at the top of the page > Click Part 2 and select 1995-2016 range (as the new regulation is dated in 2003 and may include the repeal date for the old regulation) > Click 2003 > Click Index of Regulations then CTRL + F + <i>Nuisance</i>. Confirms <u>Alta Reg 242/85 was repealed and superseded by Alta Reg 243/2003 by the same name</u></p>
Option B	<p>QP Source Professional</p> <p>Enter <i>Nuisance and General Sanitation Regulation</i> in the text box and select the regulation by this name > See the regulation name and citation at the top of the page. It lists the correct name, but a new citation: Alta Reg 243/2003. > See the Comments field at right.</p> <p>The comments confirm that this version of the regulation, <u>Alta Reg 243/2003, by the same name, repeals and supersedes Alta Reg 242/85</u></p>

b) If it has been repealed, on what date was it repealed and superseded, and what is the new regulation number?

Answers: b) It was repealed by Alta Reg 243/2003. As the Alberta Gazette does not indicate when Alta Reg 242/85 was repealed and superseded, the date would be the filing date of the new regulation, July 22, 2003.

Resources: **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **QP Source Professional** (Alberta Gazette) <http://qpsource.gov.ab.ca> – requires an Alberta Law Libraries account and login

Step 2	<i>Locate the date when Alta Reg 242/85 was repealed and superseded by Alta Reg 243/2003. This is found in the Alberta Gazette Part 2.</i>
Option A	<p>Queen's Printer</p> <p>Follow the same path as Step 1, Option A to get to the Index of Regulations for 2003, then CTRL + F + <i>Nuisance</i>. Confirms the repeal but does not list the date. Must instead look at each issue individually, again using CTRL + F + <i>Nuisance</i>, to check for a note on the repeal.</p> <p><i>Tip:</i> Check the first regulation number listed in the last issue of the year, December 31. It is Alta Reg 347/2003. Use this to estimate roughly where Alta Reg 243/2003 would be (probably mid-year or later, suggesting you may save time by starting mid-year and working your way to the end).</p> <p>Alta Reg 243/2003 is located in the August 15, 2003 issue. It does not state the repeal or supersede date. As such this <u>date is assumed to be the Filed date, July 22, 2003</u></p>
Option B	<p>QP Source Professional</p> <p>Click Advanced Search at right > Select Alberta Gazette from the drop-down menu, and deselect Part 1 and Registrar's Periodical > Enter 242/85 in the text box and click Go > Click the first Index of Regulations in the result list, then First Hit. This confirms only the repeal, but not the date.</p> <p>Return to the search page > Repeat the above search but with 243/2003 (the new regulation number) in the text box > Looking through each result, you'll come to the result labelled as <i>Alberta Regulation 239/2003</i> > Click First Hit.</p> <p>Entry is Alta Reg 243/2003 in the August 15, 2003 issue. It does not state the repeal and supersede date. As such this <u>date is assumed to be the Filed date, July 22, 2003</u></p>

c) How many times was Alta Reg 242/85 amended before being repealed?

Answer: Alta Reg 242/85 was amended once, at 251/2001.

Resources: **Queen's Printer** www.qp.alberta.ca (Alberta Gazette) ; **QP Source Professional** (Alberta Gazette) <http://qpsource.gov.ab.ca> – requires an Alberta Law Libraries account and login

Step 3	<i>Locate the number of amendments to Alta Reg 242/85. You'll need to find the entry for Alta Reg 242/85 in the Index of Regulations for the last year that the regulation was in force. The index is found in Part 2 of the Alberta Gazette. You know from above that the repeal occurred on July 22, 2003, which suggests any amendments would be listed in 2002, and possibly 2003.</i>
Option A	<p>Queen's Printer</p> <p>Follow the same path as Step 1, Option A to get to the Index of Regulations for 2003 > CTRL + F + 242/85 > Finds entry for new regulation, Alta Reg 243/2003, which refers only to the repeal > Return to the year list and click 2002 > Click Index of Regulations > CTRL + F + 242/85 > Finds entry for the old regulation, Alta Reg 242/85.</p> <p>Entry lists the amendments as follows: <u>one amendment at 251/2001</u></p>
Option B	<p>QP Source Professional</p> <p>Click Advanced Search at right > Select Alberta Gazette from the drop-down menu, and <u>deselect Part 1 and Registrar's Periodical</u> > Enter 242/85 in the text box and click Go > Click the first Index of Regulations in the result list, then First Hit. This is the note regarding the repeal, so not the entry you're looking for. > Return to the results and click the second Index of Regulations, then First Hit.</p> <p>Entry lists the amendments as follows: <u>one amendment at 251/2001</u></p>

Civil Procedure / Rules of Court

3. You've tried to serve a statement of claim to a defendant, but are unable to find him anywhere.

Resources for A to D: *Fradsham's Alberta Rules of Court Annotated* ; *Stevenson & Côté's Civil Procedure Encyclopedia* ; *Stevenson & Côté's Alberta Civil Procedure Handbook*

a) Is there a rule that permits the plaintiff to dispense with the service of the statement of claim?

Answer: Rule 11.29 Dispensing with Service

See Fradsham's *Alberta Rules of Court Annotated* > Index > "Dispensing with Service" Rule 11.29

See also Stevenson & Côté's *Alberta Civil Procedure Handbook* > Index > "Service, dispensing with" 2.32(3), 11.29 (the latter is the relevant Rule)

See also Stevenson & Côté's *Civil Procedure Encyclopedia* > Index (Volume 5) > "Service, dispensing with" 24.M > Chapter 24, Section M (Volume 1). To pinpoint the relevant page, see the Detailed Table of Contents for this chapter at the beginning of Volume 1 > Pg xlv directs to pg 24-65.

Note: The latest *Civil Procedure Encyclopedia* was published in 2003, whereas the new Alberta Rules of Court were enacted in 2010. Use the Table of Concordance in Fradsham's *Alberta Rules of Court Annotated* to match up the new rule (Rule 11.29 in Fradsham's) with the old one (Rule 23 in the CPE).

b) Are there any cases dealing with the issue of dispensing with the service of documents?

Answer: Yes, the sections listed above for all three texts list cases on this topic.

Note: Be sure to check both the commentary *and* the footnotes for references to case law.

c) Compare at least two annotated versions of the *Alberta Rules of Court*. How does their commentary on the service of documents differ?

Answer: They cite to different cases, and Stevenson & Côté's *Civil Procedure Encyclopedia* is greater in scope than Fradsham's and Stevenson & Côté's *Alberta Civil Procedure Handbook*.

You'll note that both Fradsham's and Stevenson & Côté's *CPE* refer to *L. (D.C.) v L. (S.M.)* (1990), 108 AR 334 and *Lindgren v Lindgren* (1979), 10 RFL (2d) 284, while Stevenson & Côté's *Handbook* does not. Additional cases only appear in individual texts.

Fradsham's *Alberta Rules of Court Annotated* and Stevenson & Côté's *Alberta Civil Procedure Handbook* cover only the Alberta Rules of Court, whereas Stevenson & Côté's *Civil Procedure Encyclopedia* has a greater scope, covering all common law procedural rules in Canada and England, as well as Supreme Court of Canada decisions from Quebec and a "few decisions of the Quebec Court" (*CPE* Preface, p vii).

d) Can one dispense with the service of documents in divorce proceedings? Find references to at least two authorities.

Answer: Yes, under special circumstances. E.g. *MacGillivray v MacGillivray* (Sask) [1950] 1 WWR 188 and *Bonetti v Bonetti* (BC 1953) 10 WWR(ns) 278.

See instructions in a), above. For Stevenson & Côté's *Encyclopedia*, again at pg 24-65, see note 10.

Hansard

4. A lawyer would like to know the legislative intent of *An Act to End Predatory Lending, SA 2016, c E-9.5*. He would also like to read all of the debates on the bill prior to when it became law. Find all of the debates and the intended purpose.

Answer:

The bill's intended purpose is as follows:

This bill will reduce the high cost of borrowing for payday loans and help ensure that alternative financial assistance and short-term credit options are available to all Albertans. It will also strengthen consumer protection for borrowers of payday loans by introducing mandatory instalment repayment plans, requiring payday lenders to provide financial literacy information to borrowers, and imposing stricter controls on the activities of payday lenders. Through this legislation our government is building pathways out of poverty by helping Albertans who find themselves in difficult financial circumstances to escape the cycle of debt caused by short-term, high-cost credit.

The debates are found in the following pages of the Hansard:

Bill 15 — An Act to End Predatory Lending (McLean)

First Reading — 901 (*May 12, 2016 aft., passed*)
 Second Reading — 1062-67 (*May 19, 2016 aft., passed*)
 Committee of the Whole — 1153-57 (*May 25, 2016 aft., passed*)
 Third Reading — 1172 (*May 25, 2016 eve., passed*)
 Royal Assent — (*May 27, 2016 outside of House sitting*) [Comes into force on various dates; SA 2016 cE-9.5]

Resource: Legislative Assembly of Alberta www.assembly.ab.ca (Bills & Hansard)

Step 1	<p>Find all of the debates on the bill. These are found at the Legislative Assembly of Alberta.</p> <p>Click Bills and Amendments > Select the sessions that fall during 2016 and locate the bill. Will locate Bill 15 in the 29th Legislature, 2nd Session (2016-2017) > Lists all debates (1st, 2nd, 3rd readings & Committee of the Whole) – see Answer above.</p> <p><i>Tip: Select HTML in order to link directly to the related Hansard debates.</i></p>
Step 2	<p>Find the legislative intent of the bill. This is described at the beginning of the first reading of the bill in the May 12, 2016 issue at pg 901 – see Answer above.</p>