

2009 Bill 18

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Second Session, 27th Legislature, 58 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 18**

**TRADE, INVESTMENT AND LABOUR  
MOBILITY AGREEMENT IMPLEMENTATION  
STATUTES AMENDMENT ACT, 2009**

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THE MINISTER OF INTERNATIONAL AND  
INTERGOVERNMENTAL RELATIONS

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 18*

**BILL 18**

2009

**TRADE, INVESTMENT AND  
LABOUR MOBILITY AGREEMENT  
IMPLEMENTATION STATUTES  
AMENDMENT ACT, 2009**

*(Assented to , 2009)*

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

**Agriculture Financial  
Services Act**

**Amends RSA 2000 cA-12**

**1(1) The *Agriculture Financial Services Act* is amended by this section.**

**(2) Section 1(c.1) is repealed and the following is substituted:**

(c.1) “commercial enterprise” means a sole proprietorship, partnership, cooperative or corporation having for its object the acquisition of gain;

**(3) Section 25.1 is amended**

**(a) by striking out** “the general growth and diversification of the economy of Alberta” **and substituting** “economic growth and diversification”;

**(b) in clause (f) by striking out** “Alberta”;

## Explanatory Notes

### Agriculture Financial Services Act

1(1) Amends chapter A-12 of the Revised Statutes of Alberta 2000.

(2) Section 1(c.1) presently reads:

*1 In this Act,*

*(c.1) “commercial enterprise” means a sole proprietorship, partnership, cooperative or corporation having for its object the acquisition of gain and which, in the opinion of the Corporation, has an opportunity to become a successful part of Alberta’s economic structure;*

(3) Section 25.1 presently reads in part:

*25.1 The Corporation may make loans to persons to promote the development of resources and the general growth and diversification of the economy of Alberta including, without restricting the generality of the foregoing, the encouragement and promotion of the following:*

**(c) by repealing clause (g) and substituting the following:**

(g) projects and facilities that enhance the potential for tourism;

**(d) in clause (h) by striking out “Alberta”.**

### **Business Corporations Act**

**Amends RSA 2000 cB-9**

**2(1) The *Business Corporations Act* is amended by this section.**

**(2) Section 247(1)(h) is amended by striking out “section 285” and substituting “this Act”.**

**(3) The heading to Part 21 and the heading to Division 2.1 of Part 21 are amended by striking out “Requirements” and substituting “Matters”.**

**(4) Section 293.1 is repealed and the following is substituted:**

#### **Definitions**

**293.1** In this Division,

- (a) “extra-provincial matters” means
  - (i) matters pertaining to extra-provincial corporations set out in this Part and in regulations made under section 293.3, and
  - (ii) matters set out under the laws of another jurisdiction in Canada that are similar to the matters set out in

- (f) *Alberta services and products to enhance their marketing and export potential;*
- (g) *projects and facilities that enhance the tourist potential of Alberta;*
- (h) *employment and business experience for Alberta students through loans for the creation, expansion or operation of student business enterprises;*

### **Business Corporations Act**

**2(1)** Amends chapter B-9 of the Revised Statutes of Alberta 2000.

(2) Section 247(1) presently reads in part:

*247(1) A person who feels aggrieved by a decision of the Registrar*

- (h) *to cancel the registration of an extra-provincial corporation under section 285,*

*may apply to the Court for an order requiring the Registrar to change that decision, and on the application the Court may so order and make any further order it thinks fit.*

(3) Fix headings to Part 21 and Division 2.1 of Part 21.

(4) Section 293.1 presently reads:

*293.1 In this Division,*

- (a) *“extra-provincial registrar” means a person in a jurisdiction in Canada who performs a function in that jurisdiction similar to the function that the Registrar performs under this Act;*

(b) *“extra-provincial requirements” means*

- (i) *the registration and other requirements set out in this Part, and*

this Part and in regulations made under section 293.3;

- (b) “extra-provincial registrar” means a person in a jurisdiction in Canada who performs a function in that jurisdiction similar to the function that the Registrar performs under this Act.

**(5) Section 293.2(1) is amended**

- (a) **in clause (a) by striking out** “requirements referred to in section 293.1(b)(i)” **and substituting** “matters referred to in section 293.1(a)(i)”;
- (b) **in clause (b) by striking out** “requirements referred to in section 293.1(b)(ii)” **and substituting** “matters referred to in section 293.1(a)(ii)”.

**(6) Section 293.3 is amended**

- (a) **in clause (c) by striking out** “requirements referred to in section 293.1(b)(ii)” **and substituting** “matters referred to in section 293.1(a)(ii)”;
- (b) **in clause (d) by striking out** “extra-provincial requirements referred to in section 293.1(b)(i) for” **and substituting** “the registration of and other matters pertaining to”.

- (ii) *the registration and other requirements set out under the laws of another jurisdiction in Canada that are similar to the requirements set out in this Part.*

(5) Section 293.2(1) presently reads:

*293.2(1) The Registrar may enter into an agreement with an extra-provincial registrar to address the following matters:*

- (a) *the collection by the extra-provincial registrar of applications, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in section 293.1(b)(i) for the Registrar and any matter relating to the collection of those things and their transmission to the Registrar;*
- (b) *the collection by the Registrar of applications, information, forms, notices, fees and other things under the laws of another jurisdiction in Canada relating to extra-provincial requirements referred to in section 293.1(b)(ii) for the extra-provincial registrar of that jurisdiction and any matter relating to the collection of those things and their transmission to the extra-provincial registrar.*

(6) Section 293.3 presently reads in part:

*293.3 The Lieutenant Governor in Council may make regulations*

- (c) *respecting the collection by the Registrar of applications, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in section 293.1(b)(ii) from corporations for an extra-provincial registrar and the transmission of those things to the extra-provincial registrar;*
- (d) *respecting extra-provincial requirements referred to in section 293.1(b)(i) for extra-provincial corporations, including, without limitation, regulations respecting*
  - (i) *applications for registration of extra-provincial corporations,*

**(7) Section 293.4 is repealed and the following is substituted:**

**Regulation prevails**

**293.4** Where there is a conflict or inconsistency between a provision of a regulation made under section 293.3 and a provision of this Act or a provision of a regulation made under another section of this Act, the provision of the regulation made under section 293.3 prevails to the extent of the conflict or inconsistency.

**(8) Section 296 is amended by adding “or the regulations under this Part” after “this Part”.**

### **Charitable Fund-raising Act**

**Amends RSA 2000 cC-9**

**3(1) The *Charitable Fund-raising Act* is amended by this section.**

**(2) Section 11(2) is amended by striking out “in Alberta” and substituting “in Canada”.**

### **Cooperatives Act**

**Amends SA 2001 cC-28.1**

**4(1) The *Cooperatives Act* is amended by this section.**

**(2) The heading to Part 17 and the heading to Division 2.1 of Part 17 are amended by striking out “Requirements” and substituting “Matters”.**

**(3) Section 382.1(b) is repealed and the following is substituted:**

(b) “extra-provincial matters” means

(7) Section 293.4 presently reads:

*293.4 Where there is a conflict or inconsistency between a provision of a regulation made under section 293.3 and a provision of this Act, the provision of the regulation prevails to the extent of the conflict or inconsistency.*

(8) Section 296 presently reads:

*296 A person who contravenes this Part is guilty of an offence and liable to a fine of not more than \$5000.*

### **Charitable Fund-raising Act**

**3(1)** Amends chapter C-9 of the Revised Statutes of Alberta 2000.

(2) Section 11(2) presently reads:

*(2) The trustee has no power to invest monetary contributions received on behalf of a charitable organization and must, within 3 days after receiving the monetary contributions, not including Saturdays and holidays, deposit the money, without making any deductions, into an account held in a bank, trust corporation, credit union or treasury branch in Alberta.*

### **Cooperatives Act**

**4(1)** Amends chapter C-28.1 of the Statutes of Alberta, 2001.

(2) Fix headings to Part 17 and Division 2.1 of Part 17.

(3) Section 382.1 presently reads in part:

*382.1 In this Division,*

*(b) “extra-provincial requirements” means*

- (i) matters pertaining to extra-provincial cooperatives set out in this Part and in regulations made under section 382.3, and
- (ii) matters set out under the laws of another jurisdiction in Canada that are similar to the matters set out in this Part and in regulations made under section 382.3.

**(4) Section 382.2(1) is amended by striking out “requirements” wherever it occurs and substituting “matters”.**

**(5) Section 382.3 is amended**

- (a) in clause (c) by striking out “requirements” and substituting “matters”;**
- (b) in clause (d) by striking out “extra-provincial requirements referred to in section 382.1(b)(i) for” and substituting “the registration of and other matters pertaining to”.**

- (i) *the registration and other requirements set out in this Part, and*
- (ii) *the registration and other requirements set out under the laws of another jurisdiction in Canada that are similar to the requirements set out in this Part.*

(4) Section 382.2(1) presently reads:

*382.2(1) The Director may enter into an agreement with an extra-provincial director to address the following matters:*

- (a) *the collection by the extra-provincial director of applications, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in section 382.1(b)(i) for the Director and any matter relating to the collection of those things and their transmission to the Director;*
- (b) *the collection by the Director of applications, information, forms, notices, fees and other things under the laws of another jurisdiction in Canada relating to extra-provincial requirements referred to in section 382.1(b)(ii) for the extra-provincial director of that jurisdiction and any matter relating to the collection of those things and their transmission to the extra-provincial director.*

(5) Section 382.3 presently reads in part:

*382.3 The Minister may make regulations*

- (c) *respecting the collection by the Director of applications, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in section 382.1(b)(ii) from cooperatives for an extra-provincial director and the transmission of those things to the extra-provincial director;*
- (d) *respecting extra-provincial requirements referred to in section 382.1(b)(i) for extra-provincial cooperatives, including, without limitation, regulations respecting*
  - (i) *applications for registration of extra-provincial cooperatives,*

**(6) Section 382.4 is repealed and the following is substituted:**

**Regulation prevails**

**382.4** Where there is a conflict or inconsistency between a provision of a regulation made under section 382.3 and a provision of this Act or a provision of a regulation made under another section of this Act, the provision of the regulation made under section 382.3 prevails to the extent of the conflict or inconsistency.

**Government Organization Act**

**Amends RSA 2000 cG-10**

**5(1) The *Government Organization Act* is amended by this section.**

**(2) Schedule 6.1 is amended**

- (a) in section 2(a) by striking out “Agreement, or” and substituting “Agreement, and”;**
- (b) by adding the following after section 6:**

**Regulations**

**7(1)** The Lieutenant Governor in Council may make regulations in respect of matters relating to the implementation of the Agreement that the Minister considers are not provided

- (ii) *annual returns and other returns of extra-provincial cooperatives,*
- (iii) *the reinstatement of registrations of extra-provincial cooperatives,*
- (iv) *changes in the name, charter, head office, directors or attorneys for service of extra-provincial cooperatives,*
- (v) *amalgamations of extra-provincial cooperatives,*
- (vi) *liquidations of extra-provincial cooperatives, and*
- (vii) *the cancellation of registrations of extra-provincial cooperatives;*

(6) Section 382.4 presently reads:

*382.4 Where there is a conflict or inconsistency between a provision of a regulation made under section 382.3 and a provision of this Act, the provision of the regulation prevails to the extent of the conflict or inconsistency.*

### **Government Organization Act**

**5(1)** Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Adds section on regulations to Schedule 6.1. Section 2(a) of Schedule 6.1 presently reads:

*2 The Minister of International and Intergovernmental Relations is responsible for*

- (a) *carrying out on behalf of the Government of Alberta any of its powers or duties under the Agreement, or*

for or are insufficiently provided for in this Schedule or any enactment.

**(2)** A regulation made under subsection (1)

- (a) may suspend the application of or modify a provision of an Act or regulation or may substitute another provision in place of a provision, and
- (b) may specify the circumstances in which a suspension or modification of or substitution for a provision of an Act or regulation provided for under clause (a) is to operate.

**(3)** A regulation made under subsection (1) may be made retroactive to a date not earlier than April 1, 2007, and if made retroactive

- (a) is deemed to have come into force on the date specified in the regulation, and
- (b) is retroactive to the extent necessary to give it force and effect on the date specified in the regulation.

**(4)** A regulation made under subsection (1) is repealed on the earliest of the following:

- (a) the coming into force of an amendment to a statute that provides for the matter dealt with in the regulation;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) the expiration of 3 years from the day that the regulation
  - (i) comes into force, if the regulation is not retroactive, or
  - (ii) is filed with the Registrar of Regulations, if the regulation is retroactive.

**(5)** The repeal of a regulation under subsection (4) does not affect anything done, incurred or acquired under the authority of that regulation before the repeal of that regulation.



(6) A regulation shall not be made under subsection (1) altering the provisions of subsection (4).

### **Insurance Act**

**Amends RSA 2000 cI-3**

**6(1) The *Insurance Act* is amended by this section.**

**(2) Section 19(2)(b) is repealed and the following is substituted:**

- (b) the fraternal society is incorporated under the laws of a province other than Alberta.

**(3) Section 124(2) is amended by striking out “, amalgamated”.**

### **Legal Profession Act**

**Amends RSA 2000 cL-8**

**7(1) The *Legal Profession Act* is amended by this section.**

**(2) Section 34 is repealed.**

**(3) Section 40(2)(a) is repealed.**

## **Insurance Act**

**6(1)** Amends chapter I-3 of the Revised Statutes of Alberta 2000.

(2) Section 19(2)(b) presently reads:

*(2) Despite subsection (1), a fraternal society is eligible for a licence under this Part only if*

*(b) the fraternal society is incorporated under the laws of a province other than Alberta and has been continuously licensed in Alberta as a fraternal society under this Act and the predecessor of this Act from December 31, 1995.*

(3) Section 124(2) presently reads:

*(2) No fraternal society may be incorporated, amalgamated or continued under the laws of Alberta.*

## **Legal Profession Act**

**7(1)** Amends chapter L-8 of the Revised Statutes of Alberta 2000.

(2) Section 34 presently reads:

*34 If it is proved to the satisfaction of the Benchers that a member is neither a Canadian citizen nor a person lawfully admitted into Canada for permanent residence, the Benchers shall order that the member's name be struck off the roll.*

(3) Section 40(2)(a) presently reads:

*(2) The Executive Director shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if the person proves to the Executive Director's satisfaction and in accordance with the rules that the person*

*(a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,*

**(4) Section 41(1)(a) is repealed.**

**(5) Section 42(2)(a) is repealed.**

**(6) Section 45(1)(a) is repealed.**

### **Marriage Act**

**Amends RSA 2000 cM-5**

**8(1) The *Marriage Act* is amended by this section.**

**(2) Section 8(1) is amended by striking out “resident in Alberta” and substituting “resident in Canada”.**

(4) Section 41(1)(a) presently reads:

*41(1) The Executive Director shall approve the enrolment of a person as a member of the Society if the person proves to the Executive Director's satisfaction and in accordance with the rules that the person*

*(a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,*

(5) Section 42(2)(a) presently reads:

*(2) The Executive Director shall approve the enrolment of a person as a member of the Society if the person proves to the Executive Director's satisfaction and in accordance with the rules that the person*

*(a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,*

(6) Section 45(1)(a) presently reads:

*45(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that the person*

*(a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,*

## **Marriage Act**

**8(1)** Amends chapter M-5 of the Revised Statutes of Alberta 2000.

(2) Section 8(1) presently reads:

*8(1) The Minister may appoint adult persons resident in Alberta as marriage commissioners for Alberta or any district of Alberta for terms of 5 years or less.*

## **Mobile Home Sites Tenancies Act**

**Amends RSA 2000 cM-20**

**9(1) The *Mobile Home Sites Tenancies Act* is amended by this section.**

**(2) Section 20(1) is amended by striking out “in Alberta” and substituting “in Canada”.**

## **Partnership Act**

**Amends RSA 2000 cP-3**

**10(1) The *Partnership Act* is amended by this section.**

**(2) Section 80.1 is amended**

**(a) in subsection (1)**

**(i) by adding the following after clause (a):**

(a.1) “extra-provincial matters” means

- (i) matters pertaining to extra-provincial limited partnerships set out in this Part and in regulations made under subsection (4), and
- (ii) matters set out under the laws of another jurisdiction in Canada that are similar to the matters set out in this Part and in regulations made under subsection (4);

**(ii) by repealing clause (c);**

**(b) in subsection (2)**

**(i) in clause (a) by striking out “requirements referred to in subsection (1)(c)(i)” and substituting “matters referred to in subsection (1)(a.1)(i)”;**

## **Mobile Home Sites Tenancies Act**

**9(1)** Amends chapter M-20 of the Revised Statutes of Alberta 2000.

(2) Section 20(1) presently reads:

*20(1) In this section, “notice of landlord” means a notice that sets out the name of one of the persons who falls within the definition of landlord and a street address and postal address in Alberta for that person.*

## **Partnership Act**

**10(1)** Amends chapter P-3 of the Revised Statutes of Alberta 2000.

(2) Section 80.1 presently reads in part:

*80.1(1) In this section,*

(c) “extra-provincial requirements” means

(i) *the requirements set out in this Part, and*

(ii) *the requirements set out under the laws of another jurisdiction in Canada that are similar to the requirements set out in this Part.*

(2) *The Registrar may enter into an agreement with an extra-provincial registrar to address the following matters:*

(a) *the collection by the extra-provincial registrar of documents, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in subsection (1)(c)(i) for the Registrar and any matter relating to the collection of those things and their transmission to the Registrar;*

(b) *the collection by the Registrar of documents, information, forms, notices, fees and other things under the laws of another jurisdiction in Canada relating to extra-provincial requirements referred to in subsection (1)(c)(ii) for the*

(ii) **in clause (b) by striking out** “requirements referred to in subsection (1)(c)(ii)” **and substituting** “matters referred to in subsection (1)(a.1)(ii)”;

**(c) in subsection (4)**

(i) **in clause (c) by striking out** “requirements referred to in subsection (1)(c)(ii)” **and substituting** “matters referred to in subsection (1)(a.1)(ii)”;

(ii) **in clause (d) by striking out** “extra-provincial requirements referred to in subsection (1)(c)(i) for” **and substituting** “the registration of and other matters pertaining to”;

**(d) by repealing subsection (5) and substituting the following:**

**(5)** Where there is a conflict or inconsistency between a provision of a regulation made under subsection (4) and a provision of this Part or a provision of a regulation made under another section of this Act, the provision of the regulation made under subsection (4) prevails to the extent of the conflict or inconsistency.

**(3) Section 104.1 is amended**

**(a) in subsection (1)**

**(i) by adding the following after clause (a):**

(a.1) “extra-provincial matters” means

(i) matters pertaining to extra-provincial limited liability partnerships set out in this Part and in regulations made under subsection (4), and

(ii) matters set out under the laws of another jurisdiction in Canada that are similar to the

*extra-provincial registrar of that jurisdiction and any matter relating to the collection of those things and their transmission to the extra-provincial registrar.*

*(4) The Lieutenant Governor in Council may make regulations*

*(c) respecting the collection by the Registrar of documents, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in subsection (1)(c)(ii) from limited partnerships for an extra-provincial registrar and the transmission of those things to the extra-provincial registrar;*

*(d) respecting extra-provincial requirements referred to in subsection (1)(c)(i) for extra-provincial limited partnerships, including, without limitation, regulations respecting*

*(i) applications for registration of extra-provincial limited partnerships,*

*(ii) changes to the certificates or other documents relating to the registration of extra-provincial limited partnerships, and*

*(iii) the cancellation of certificates or other documents of extra-provincial limited partnerships;*

*(5) Where there is a conflict or inconsistency between a provision of a regulation made under subsection (4) and a provision of this Part, the provision of the regulation prevails to the extent of the conflict or inconsistency.*

*(3) Section 104.1 presently reads in part:*

*104.1(1) In this section,*

*(c) “extra-provincial requirements” means*

*(i) the requirements set out in this Part, and*

*(ii) the requirements set out under the laws of another jurisdiction in Canada that are similar to the requirements set out in this Part.*

*(2) The Registrar may enter into an agreement with an extra-provincial registrar to address the following matters:*

matters set out in this Part and in regulations made under subsection (4);

**(ii) by repealing clause (c);**

**(b) in subsection (2)**

- (i) in clause (a) by striking out** “requirements referred to in subsection (1)(c)(i)” **and substituting** “matters referred to in subsection (1)(a.1)(i)”;
- (ii) in clause (b) by striking out** “requirements referred to in subsection (1)(c)(ii)” **and substituting** “matters referred to in subsection (1)(a.1)(ii)”;

**(c) in subsection (4)**

- (i) in clause (c) by striking out** “requirements referred to in subsection (1)(c)(ii)” **and substituting** “matters referred to in subsection (1)(a.1)(ii)”;
- (ii) in clause (d) by striking out** “extra-provincial requirements referred to in subsection (1)(c)(i) for” **and substituting** “the registration of and other matters pertaining to”;

**(d) by repealing subsection (5) and substituting the following:**

**(5)** Where there is a conflict or inconsistency between a provision of a regulation made under subsection (4) and a provision of this Part or a provision of a regulation made under another section of this Act, the provision of the regulation made under subsection (4) prevails to the extent of the conflict or inconsistency.

- (a) *the collection by the extra-provincial registrar of documents, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in subsection (1)(c)(i) for the Registrar and any matter relating to the collection of those things and their transmission to the Registrar;*
  - (b) *the collection by the Registrar of documents, information, forms, notices, fees and other things under the laws of another jurisdiction in Canada relating to extra-provincial requirements referred to in subsection (1)(c)(ii) for the extra-provincial registrar of that jurisdiction and any matter relating to the collection of those things and their transmission to the extra-provincial registrar.*
- (4) *The Lieutenant Governor in Council may make regulations*
- (c) *respecting the collection by the Registrar of documents, information, forms, notices, fees and other things relating to extra-provincial requirements referred to in subsection (1)(c)(ii) from limited liability partnerships for an extra-provincial registrar and the transmission of those things to the extra-provincial registrar;*
  - (d) *respecting extra-provincial requirements referred to in subsection (1)(c)(i) for extra-provincial limited liability partnerships, including, without limitation, regulations respecting*
    - (i) *applications for, or amendments to, registrations of extra-provincial limited liability partnerships,*
    - (ii) *periodic and other returns of extra-provincial limited liability partnerships,*
    - (iii) *changes to the documents relating to the registration of extra-provincial limited liability partnerships, and*
    - (iv) *the cancellation of registrations of extra-provincial limited liability partnerships;*
- (5) *Where there is a conflict or inconsistency between a provision of a regulation made under subsection (4) and a provision of this Part, the provision of the regulation prevails to the extent of the conflict or inconsistency.*

## **Residential Tenancies Act**

**Amends SA 2004 cR-17.1**

**11(1) The *Residential Tenancies Act* is amended by this section.**

**(2) Section 18(1) is amended by striking out “in Alberta” and substituting “in Canada”.**

## **Residential Tenancies Act**

**11(1)** Amends chapter R-17.1 of the Statutes of Alberta, 2004.

(2) Section 18(1) presently reads:

*18(1) In this section, “notice of landlord” means a written notice that is dated and signed by the landlord and sets out the name of one of the persons who falls within the definition of landlord and a postal address and physical location in Alberta for that person.*

