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## COVID-19 Update: Miscellaneous MGA Deadlines Extended by Ministerial Order



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**IMPORTANT:** This article is current as of April 24, 2020. As the COVID-19 response in Alberta is rapidly evolving, please confirm whether any additional Ministerial Orders have been issued before relying on the information provided in this article.

### Background

On March 25, 2020, Ministerial Order 022/20 ("MO 022/20") was issued by the Minister of Municipal Affairs pursuant to the Minister's power to alter dates and time periods under the *Municipal Government Act* ("MGA"). MO 022/20 extended a number of timelines in the MGA. On April 17, 2020, the Minister issued two new Ministerial Orders: Ministerial Order 014/20 ("MO 014/20") and Ministerial Order 036/20 ("MO 036/20"). Importantly, MO 036/20 rescinded MO 022/20 and therefore the extensions under MO 022/20 no longer apply.

MO 014/20 primarily deals with deadlines related to taxation and assessment. The changes to these deadlines under MO 014/20 have been summarized [here](#).

MO 036/20 addresses the non-assessment matters that were impacted by 022/20. The impact of MO 036/20 on planning and development matters have been summarized [here](#) and [here](#).

The purpose of this article is to summarize the miscellaneous provisions of the MGA that have been impacted by MO 036/20.

### Rescinding MO 022/20

MO 036/20 rescinds MO 022/20, meaning the extended deadlines provided by that Ministerial Order are no longer applicable and reference should instead be made to MO 036/20 and MO 014/20. MO 036/20 provides guidance on how to address certain matters that arose during the transition period between March 25, 2020, when MO 022/20 was issued, and April 17, 2020, when it was rescinded (the "Transition Period"). MO 036/20 specifies that timelines for certain matters that began or ended during the Transition Period are now to be calculated as having started on April 17, 2020. Reference must be made to the Appendix of MO 036/20 to determine which matters are covered by this Transition Period. Not all deadlines that were extended under MO 022/20 are captured in this Appendix.

Unless an extension is covered by MO 036/20 or MO 014/20, the regular deadlines under the MGA will continue to apply.

### Miscellaneous Provisions

Miscellaneous deadlines that were previously subject to extension under MO 022/20 that are once again subject to the regular deadlines under the MGA (subject to the application of the Transition Period rule) include, but are not limited to:

- The deadline to notify the municipality of an event that gives rise to an action in gross negligence regarding snow removal (s. 531(2));



- The deadline to challenge a bylaw or resolution to declare it invalid (s. 537);
- The deadline to request for council to review a written order under sections 545 or 546 (ss. 547(1)(a) and (b));
- The deadline for how long a municipality must retain lost or unclaimed property (s. 610(1));
- The deadline by which the prior owner of lost or unclaimed property can make a claim for the proceeds of the sale of the lost or unclaimed property (s. 610(4)).

#### **Extensions to October 1, 2020 Pursuant to MO 036/20**

The following deadlines are extended to October 1, 2020 by MO 036/20:

##### Reporting

- Deadline for the Statistical Information Return to be completed, signed by the Chief Administrative Officer or designated officer, and submitted to Municipal Affairs;
- The 120 day period for a growth management board to submit a report to the Minister is extended so that the report must be filed by October 1, 2020 (s. 708.09(1));

##### Financial Information and Financial Statements

- Deadline for submission of a municipality's 2019 financial information return and the auditor's report on the financial information return, as well as its 2019 financial statements and the auditor's report on the financial statements to the Minister (s. 278);
- Deadline for a municipality to make its 2019 financial statements, or a summary of them, and the auditor's report on the financial statements publicly available (s. 276(3));
- Deadline for the submission of a regional services commission's 2019 financial information returns and audited financial statements to the Minister and each member of the commission (s. 602.34);

##### Governance

- Deadline for when council for a summer village must hold its annual organizational meeting (s. 192(2)).



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## Questions?

Should you have any questions with respect to this bulletin, or if you would like more detailed information on these Ministerial Orders, please contact any member of the Brownlee LLP Municipal Team.

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