SUBJECT:

Use of Registered Mail
Interpretation Act, Section 23 – Presumption of Service

Situation:

There are situations where municipalities are required to have documents sent, given or served by mail. Municipal Affairs and Housing is providing this interpretation bulletin to clarify the intent of the presumption of service in the Interpretation Act.

Interpretation:

When a document is properly addressed and sent by prepaid mail, it is presumed to be received 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

If the document is sent by registered, double registered or certified mail, and the document is returned to the sender by the post office and not the addressee, then the presumption of service does not apply.

If the provisions of the Municipal Government Act only require sending or mailing a document, it is suggested that a municipality use the regular prepaid mail method, which does not require the addressee or person on behalf of the addressee to acknowledge receipt of the mail by providing a signature.

For further information on this bulletin, contact Municipal Advisory Services toll-free at 310-0000, then entering 780-427-2225.

* This bulletin is describing and commenting on a generic issue. However, there may be other factors that affect how a specific situation should be dealt with. If the particular situation in your municipality is materially different from the circumstances described in this bulletin, you should consider getting legal advice.