

A BILL TO AMEND THE TOWN AND RURAL  
PLANNING ACT, 1953

---

NOTE

This Bill amends *The Town and Rural Planning Act, 1953*, being chapter 113 of the Statutes of Alberta, 1953.

Section 2 is amended to define "new parcel" which is an expression that occurs in the amended section 25.

Sections 25 and 26 are struck out and a new section 25 substituted. The new section 25 authorizes the Provincial Planning Advisory Board, with the approval of the Lieutenant Governor in Council, to make regulations for the purpose of controlling the subdivision of land. Subsection (2) sets out some of the particulars of the regulations which may be made under the general power given in subsection (1). Subsection (3) prohibits the subdividing of land except in conformity with the subdivision regulations, while subsection (4) sets out the circumstances in which the prohibition applies. Subsection (5) prohibits the approval of a subdivision of land adjoining a main highway without the approval of the Minister of Highways to the subdivision.

Section 27 is amended. Subsection (1) is struck out as it is no longer necessary by reason of amendments to section 25. A cross reference in subsection (2) is brought up to date and subsections (2) and (3) are renumbered (1) and (2).

Section 84, subsection (2) is amended. Subclause (iv) of clause (a) requires that the official notice of an intended zoning, interim development by-law or by-laws adopting general plans or development schemes state a time not less than eight weeks from the date of the notice on which a public hearing will be held on such by-law. This time is now to be not less than fourteen days from the publication of that official notice.

Section 85, subsection (3) is amended. Subsection (3) refers to the time of the public hearing referred to in section 84 (2) and is amended to conform to the amendment to section 84 (2).

Section 98, clause (a) is amended to permit interim development by-laws, orders and zoning by-laws made under the earlier *Town and Rural Planning Act* to be amended or repealed in accordance with the provisions of this Act.

Section 7 validates and ratifies certain subdivision regulations and transfer regulations made pursuant to section 6 of *The Surveys and Expropriation Act* and sections 7 and 9 of this Act, and as to which doubt exists as to the

extent of the powers contained in these sections to make all the regulations contained therein. This section makes it unnecessary to remake these regulations under the powers now given to make regulations in the new section 25.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 89 of 1954

An Act to amend The Town and Rural Planning Act, 1953

(Assented to , 1954)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Town and Rural Planning Act, 1953*, being chapter 113 of the Statutes of Alberta, 1953, is hereby amended.

2. Section 2 is amended by adding immediately after clause (k) the following new clause: Section 2 amended

"(k1) 'new parcel' means an area of land situated within 'new parcel'"

"(i) a district planning area, or

"(ii) a municipality in which there is in force any by-law or order in the nature of a by-law enacted or made pursuant to the provisions of this Act;".

3. The heading "Transfers" and sections 25 and 26 are struck out and the following are substituted: Section 25 amended

## "Subdivisions

"25. (1) The Provincial Planning Advisory Board, with the approval of the Lieutenant Governor in Council, may make regulations for the purpose of controlling the subdivision of land. Subdivision regulations

"(2) Without limiting the generality of subsection (1), the Provincial Planning Advisory Board with the approval of the Lieutenant Governor in Council may, by regulation,

"(a) prohibit land from being subdivided unless

"(i) the land is suited to the purpose for which the subdivision is intended, and might reasonably be expected to be used within a reasonable period of time for that purpose,

"(ii) the manner of subdivision is in conformity with the provisions or proposed provisions of any existing or proposed general plan, development scheme or zoning by-law affecting the land or adjacent land or in conformity with a logical extension of any such existing or proposed provision,

- "(iii) the owner of the land installs and constructs at his own expense, if required to do so, all such streets, curbing, service roads, lanes, sidewalks, culverts and drainage ditches that might be necessary,
- "(iv) the manner of subdivision does not prejudice the possibility of the future further subdivision of the land or the future convenient subdivision of adjoining land, and
- "(v) the manner of subdivision is the most desirable and practicable taking into account such considerations as the Provincial Planning Advisory Board may specify,
- "(b) prescribe rules and conditions concerning
  - "(i) the laying out of streets, lanes, public reserves, lots, blocks and other units of land, and
  - "(ii) the minimum widths and maximum grades and lengths of streets and lanes,
 which are to be complied with when land is subdivided, and
- "(c) prescribe forms to be used, the procedures to be followed and the fees to be paid by persons subdividing land.
- "(3) Subject to subsection (4)
  - "(a) no land shall be subdivided unless the subdivision conforms with the regulations made by the Provincial Planning Advisory Board in that behalf, and
  - "(b) no Registrar shall register any plan of subdivision or plan of survey or any transfer by description or any other document of any nature whereby any subdivision might be effected unless the same is approved by the Provincial Planning Advisory Board in accordance with its regulations in that behalf.
- "(4) The provisions of subsection (3) apply only to
  - "(a) subdivisions effected by any plan of subdivision or plan of survey, and
  - "(b) a transfer by description or other document that is intended to effect the transfer of an interest in
    - "(i) a small parcel, or
    - "(ii) a new parcel,
 the description of which is not of record in a Land Titles Office immediately prior to the execution of that transfer or other document.
- "(5) The Provincial Planning Advisory Board shall not approve the subdivision of any land that adjoins a main highway established pursuant to *The Public Highways Act* unless the subdivision has first been approved by the Minister of Highways."

- (a) by striking out subsection (1),
- (b) by renumbering subsections (2) and (3) as subsections (1) and (2),
- (c) by striking out the word and figure "subsection (1)" where it occurs in subsection (2) now renumbered as subsection (1) and by substituting the words and figures "clause (b) of subsection (3) of section 25".

**5.** Section 84, subsection (2), clause (a), subclause (iv) is amended by striking out the words "eight weeks" and by substituting the words "fourteen days". Section 84  
amended

**6.** Section 85, subsection (3) is amended by striking out the words "except that the time at which the council will hold a public hearing may be less than eight weeks, but shall not be less than four weeks, from the first publication of the official notice referred to in section 84". Section 85  
amended

**7.** Section 98, clause (a) is amended by striking out the words "until such time as they are repealed, and" and by substituting the words "and may be amended or repealed in accordance with the provisions of this Act, and". Section 98  
amended

**8.** The subdivision regulations made jointly by the Director of Surveys and the Provincial Planning Advisory Board and approved by Order in Council No. 969/53 dated the sixth day of June, 1953, and the Town and Rural Planning (Transfer) Regulations made by the Provincial Planning Advisory Board and approved by Order in Council No. 167/54 dated the first day of February, 1954, are ratified, validated and confirmed." Previous  
subdivision  
regulations  
confirmed

**9.** This Act comes into force on the day upon which it is assented to. Coming into  
force

No. 89

---

SECOND SESSION  
TWELFTH LEGISLATURE  
3 ELIZABETH II  
1954

---

**BILL**

An Act to amend the Town and  
Rural Planning Act, 1953

---

Received and read the

First time .....

Second time.....

Third time.....

---

Hon. MR. GERHART

---