

No. 80

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 80

A Bill to amend The Surveys and Expropriation Act

HON. MR. TAYLOR

Explanatory Note

General. This Bill repeals and replaces the provisions in this Act respecting the powers of the Director of Surveys over the subdivision of land. It also replaces the present provisions found in sections 25 to 27, inclusive, of The Town and Rural Planning Act on the same subject. It is proposed to make complementary amendments to The Land Titles Act, sections 82 to 91, so that all the provisions concerning the subdivision of land will be consistent.

At the present time, both the Provincial Planning Advisory Board and the Director of Surveys may regulate regarding subdivision. This amendment will authorize such regulations to be made by the Lieutenant Governor in Council with the advice of all the administrative officials concerned under The Town and Rural Planning Act, The Surveys and Expropriation Act and The Public Service Act.

2-6. (1) The Town and Rural Planning Act section 25 (1) and section 6 (1) (a) of The Surveys and Expropriation Act combined, but the power placed with the Lieutenant Governor in Council.

(2) The town and rural planning Act section 25 (2) in part, as noted hereunder.

(a) (i) Section 25 (2) (a) (i).

(ii) Section 25 (2) (a) (ii) in substance.

(iii) Section 25 (2) (a) (iii).

BILL

No. 80 of 1958

An Act to amend The Surveys and Expropriation Act

(Assented to _____, 1958)

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

1. *The Surveys and Expropriation Act*, being chapter 328 of the Revised Statutes of Alberta, 1955 is hereby amended.

2. Section 6 is struck out and the following is substituted:

“**6.** (1) The Lieutenant Governor in Council may make regulations

“(a) for the purpose of controlling, regulating and governing the subdivision of land,

“(b) governing and regulating plans of survey that are proposed to be registered under *The Land Titles Act*.

“(2) Without limiting the generality of subsection (1), the regulations may

“(a) prohibit the subdivision of land unless

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

“(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 under *The Town and Rural Planning Act* and 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 as are necessary,

(iv) Section 25 (2) (a) (iv).

(v) Section 25 (2) (a) (v) modified to remove reference to Provincial Planning Advisory Board and to refer to the regulations.

(b) Surveys and Expropriation Act section 6 (1) (c) in substance.

(c) Town and Rural Planning Act section 25 (2) (b) in part.

(d) Town and Rural Planning Act section 25 (2) (b) in part.

(e) Town and Rural Planning Act section 25 (2) (c) enlarged to refer to approvals to be obtained; and 6 (1) (b) of The Surveys and Expropriation Act.

(f) New.

(3) New. This will permit of easier co-ordination of the views of interested administrative officials.

(4) (a) Present section 6 (2) of The Surveys and Expropriation Act in substance.

(b) Present section 25 (5) of The Town and Rural Planning Act in substance.

(5) Present section 25 (3) of The Town and Rural Planning Act in substance.

- “(iv) the manner of subdivision will not prejudice the possibility of the further subdivision of the land or of 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 may be specified in the regulations,
 - “(b) prescribe the land in any subdivision which shall be set aside for schools, parks and community purposes and for streets, lanes, roadways and other public purposes,
 - “(c) prescribe rules governing the laying out of streets, lanes, roadways and other reserved public land and the laying out of lands reserved for parks, schools and other community purposes, and the laying out of lots, blocks and other units of land in a subdivision,
 - “(d) prescribe the minimum widths and maximum grades and lengths of streets, lanes and roadways in a subdivision,
 - “(e) prescribe approvals to be obtained, the procedures to be followed and forms to be used and the fees to be paid by persons subdividing land,
 - “(f) make rules applicable to classes of municipalities or specified areas of the Province or generally or both.
- “(3) Before making a regulation under this section the Lieutenant Governor in Council shall, where deemed advisable, obtain the advice of the Director of Surveys and of the Provincial Planning Advisory Board established pursuant to *The Town and Rural Planning Act*, and of any department charged with the administration of land reserved upon a subdivision for public or community purposes.
- “(4) No person or body authorized by the regulations to approve subdivisions shall
- “(a) approve a plan of subdivision of land adjoining a lake, river, stream or body of water unless the plan is endorsed with a certificate of the Director of the Technical Division of the Department of Lands and Forests, or his deputy, stating that no part of the plan purports to subdivide land vested in the Crown in right of the Province, or
 - “(b) approve a plan of 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.
- “(5) Subject to subsection (6), no land shall be subdivided unless the subdivision complies in all respects with the regulations made under this section, and no Registrar of Land Titles shall register a plan of subdivision, a plan

(6) Present section 25 (4) of The Town and Rural Planning Act revised; and 26 (2) of that Act.

(7) Section 27 of The Town and Rural Planning Act in part and revised.

3. Commencement of Act.

of survey or any instrument whereby any subdivision might be effected unless it is approved in accordance with such regulations.

“(6) Subsection (5) applies to subdivisions effected or to be effected by a plan of subdivision or a plan of survey or by an instrument transferring or creating an estate in land where the estate to be transferred or created is for an estate greater than a leasehold estate for a term of three years and such estate is not the whole estate in the whole of the parcel described in the certificate of title affected by the instrument unless the Lieutenant Governor in Council by regulations otherwise prescribes.

“(7) Nothing in this section affects the compulsory purchase and acquisition of land pursuant to any law in the Province whereby the purchaser has a right to expropriate the land.”.

3. This Act comes into force on the day upon which it is assented to.

No. 80

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Surveys and
Expropriation Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
