

No. 125

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1st Session, 15th Legislature, Alberta  
12 Elizabeth II

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## **BILL 125**

A Bill to amend The Planning Act

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HON. MR. HOOKE

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## **Explanatory Note**

**1.** This Bill amends The Planning Act which is chapter 43 of the Statutes of Alberta, 1963.

**2.** Section 2, clause (s) presently reads:

“(s) “subdivision” means a division of a parcel of land by means of an agreement, plan of subdivision, plan of survey, or any instrument transferring or creating an estate or interest in part of the parcel, excluding a leasehold interest not exceeding three years.”.

**3.** The beginning of the financial year of regional planning commissions is changed from April 1st to January 1st. The amendment to subsection (5) changes the date on which the annual report is to be made from July 1st to April 1st.

**4.** A new section is added to clarify the status of a parcel that is divided by a roadway, railway, etc.

**5.** A new section is added to control the issuance of separate certificates of title to one or more parcels previously registered under one certificate of title, when the result would be making land available for development having substandard frontages according to the minimum requirements of The Subdivision and Transfer Regulations. This section relates primarily to old registered plans containing vacant parcels of substandard dimensions according to present day minimum standards.

# BILL

No. 125 of 1964

An Act to amend The Planning Act

(Assented to \_\_\_\_\_, 1964)

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

1. *The Planning Act* is hereby amended.
2. Section 2 is amended by striking out clause (s) and by substituting the following:
  - (s) "subdivision" means a division of a parcel by means of a plan of subdivision, plan of survey, agreement or any instrument, including a caveat, transferring or creating an estate or interest in part of the parcel.
3. Section 10 is amended
  - (a) as to subsection (4) by striking out the word "April" and by substituting the word "January",
  - (b) as to subsection (5) by striking out the word "July" and by substituting the word "April".
4. The following section is added after section 18:

**18a.** Where a parcel has been or is separated into two or more parts by a registered road plan or right of way plan or by a natural boundary those separate parts shall be deemed to be one parcel for the purposes of this Act.
5. The following section is added after section 23:

**23a.** (1) Where
  - (a) a plan of subdivision containing parcels of less than one hundred and sixty acres in area has heretofore been registered in a land titles office, and
  - (b) the title of two or more such parcels is evidenced by one certificate of title,the Registrar shall not accept an instrument that results or may result in more than one certificate of title in respect of those parcels, unless the instrument is approved by the approving authority.

(2) The approving authority may refuse to approve an instrument referred to in subsection (1) if it will or may

**6. Section 24, subsection (1) presently reads:**

**"24. (1) Subject to any specific requirements and exemptions that may be made under this Act and The Subdivision and Transfer Regulations the owner of land comprising a proposed subdivision shall provide from that land, without compensation,**

**(a) such public roadways and public utility rights of way, or portions thereof, for the purpose of providing suitable access and services to all parcels in the subdivision, and**

**(b) such reserves,**

**as are required by this Act and the regulations."**

**7. Section 25 presently reads:**

**"25. Where it appears to the approving authority that the provision of a reserve would serve no practical purpose or for any other reason would be unnecessary or undesirable, the approving authority may recommend to the Board and the Board may order that the provision of a reserve in part or in full**

**(a) be deferred until a further subdivision is made, or**

**(b) be waived and that in lieu thereof the applicant be required to pay to the municipality a sum of money in an amount equivalent to the value before the subdivision of the land that would otherwise have been provided as a reserve."**

**8. Section 137 presently reads:**

**"137. (1) The council or any of its authorized officers or servants have the right to enter into or upon any property within a municipality for the purpose of making any inspection required in connection with the preparation of a general plan, development scheme, development control by-law, zoning by-law, or the carrying out of the provisions thereof.**

**(2) Where entrance into or upon any property within the municipality is refused, a magistrate, upon complaint on oath by an officer of the council made after reasonable notice in writing of intention to make the complaint has been given to the person having custody of the property, may by order under his hand require that person to admit the council or its officers or servants into the property during such reasonable hours as the magistrate thinks fit.**

**(3) If no person having custody of the property can be found, the magistrate, on oath made before him of that fact, shall authorize the council or its officers or servants, by order, to enter into or upon the property during the hours specified in the order.**

**(4) An order made by a magistrate continues in force until the purpose for which it was made has been fulfilled."**

result in the issuance of separate certificates of titles to parcels having a frontage of less than forty feet, and may require that the parcels be resurveyed or consolidated so as to create parcels or units of land with more adequate frontage, having regard to the requirements of The Subdivision and Transfer Regulations with respect to new subdivisions.

(3) Section 20 applies to an application for approval under this section.

**6.** Section 24, subsection (1), clause (a) is amended by striking out the words "rights of way" and by substituting the word "parcels".

**7.** Section 25 is amended by renumbering the section as subsection (1) and by adding the following subsections:

(2) For the purposes of subsection (1), the value of the land shall be computed

(a) by multiplying the assessment of the land by two and one-half, where the land assessment is determined pursuant to the 1959 Assessment Manual prescribed by Alberta Regulation 142/60,

(b) by multiplying the assessment of the land by three, where the land assessment is determined pursuant to the 1955 Assessment Manual,

(c) by multiplying the assessment of the land by two and one-half, where the land assessment is determined other than under clause (a) or (b).

(3) Where the provision of a reserve in part or in full is deferred, the Director may file a caveat respecting the deferred reserve against the title to the affected land in the land titles office.

**8.** Section 137 is struck out and the following is substituted:

**137.** (1) The council or any of its authorized officers or servants have the right to enter into or upon any property within a municipality for the purpose of making any inspection required in connection with the preparation of a general plan, development scheme, development control by-law, zoning by-law, or the carrying out or enforcement of the provisions thereof.

(2) Where entrance into or upon any property within the municipality is refused, a judge of the district court, upon application made on behalf of the council, may by order require the occupier of the property to admit an officer or servant of the council into or upon the property for the purpose of an inspection under subsection (1).

**9. Commencement of Act.**

(3) An application under subsection (2) shall be supported by an affidavit of an officer of the council.

(4) Notice in writing of intention to make an application under this section shall be given to the occupier of the property.

(5) Service of the notice may be personal or by registered mail, and

(a) where the notice is served personally there shall be at least two clear days between the service of the notice and the day of hearing, or

(b) where the notice is served by registered mail, it is sufficient to mail it addressed to the occupier at his last known address by single registered mail postage prepaid, and there shall be not less than seven clear days between the date of mailing and the date of hearing.

(6) An order made by a district court judge under this section continues in force until the purpose for which it was made has been fulfilled.

(7) Any person who wilfully disobeys or contravenes an order of a district court judge made under this section is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding thirty days or both fine and imprisonment.

(8) In this section, "occupier" means the person in possession of or having control over the property or that part of the property into which or upon which entrance was refused.

**9.** (1) This Act, except section 3, comes into force on the day upon which it is assented to.

(2) Section 3 comes into force on the first day of January, 1965.

No. 125

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FIRST SESSION  
FIFTEENTH LEGISLATURE  
12 ELIZABETH II  
1964

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**BILL**

An Act to amend The Planning Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. HOOKE

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