

1968 Bill 64

First Session, 16th Legislature, ~~17~~ Elizabeth II.

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 64

An Act to amend The Planning Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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BILL 64

1968

An Act to amend The Planning Act

(Assented to _____, 1968)

HER 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 5 is amended by striking out subsections (2), (3) and (4) and by substituting the following:
 - (2) The Board shall consist of
 - (a) the Director who shall be the chief executive officer of the Board, and
 - (b) a chairman and other members who shall be appointed by the Lieutenant Governor in Council to hold office during pleasure,but no Ministers of the Crown shall be appointed to the Board.
 - (3) When the Board is hearing an appeal from a decision of the Director, the Director shall not sit upon the hearing or participate in the decision of the Board.
 - (4) In the case of the absence of any member or members of the Board or of his or their inability to act, and in the case of any vacancy or vacancies on the Board, the member or members present may exercise all of the jurisdiction and powers of the Board.
 - (5) If the chairman is absent from any meeting, the members of the Board present at the meeting may designate any member present to be chairman for that meeting.
 - (6) An order, direction, approval or other instrument that the Board is to make may be made on its behalf by the chairman or any other member of the Board.
 - (7) An order, direction, approval or other instrument purporting to be signed by the chairman or a member of the Board on behalf of the Board shall be admitted in evidence as *prima facie* proof
 - (a) that the order, direction, approval or instrument is the act of the Board or a quorum thereof, and
 - (b) that the person signing it was authorized to do so, without proof of the appointment of the person signing as a member of the Board, or his designation as chairman, as the case may be, or of his signature.

Explanatory Notes

1. This Bill amends chapter 43 of the Statutes of Alberta, 1963.

2. Section 5 presently reads:

5. (1) The Provincial Planning Advisory Board is hereby continued under the style and title of the Provincial Planning Board.

(2) The Board shall consist of a chairman and such other members, other than Ministers of the Crown, as may be appointed by the Lieutenant Governor in Council.

(3) In the absence of the chairman at a meeting, the members present may nominate one of their number to be chairman of the meeting.

(4) When the Board is hearing appeals pursuant to section 110 or section 128, the Board shall not consist of employees appointed under The Public Service Act, 1962, other than the Director.

3. Section 14, subsection (1), clause (c) is amended by striking out the words "represented on the commission" and by substituting the words "situated within the regional planning area".

4. Section 19 is amended by striking out subsections (2a) and (3) and by substituting the following:

(3) Where an application is refused, another application for approval of a proposed subdivision

(a) of the same land, and

(b) for the same use of land,

may not be made by the same or any other person until at least six months after the date of the refusal.

5. Section 20 is struck out and the following section is substituted:

20. (1) Where an application

(a) is refused for any reason other than a failure to comply with clause (b) of section 16, or

(b) is approved conditionally,

the applicant may appeal to the Board by serving written notice of appeal on the secretary of the Board within 14 days after notice of the decision is mailed to him.

(2) An application to subdivide shall be deemed to be refused when a decision thereon is not made within 60 days after receipt of the application in its complete and final form by the approving authority, and the applicant may appeal to the Board as provided in subsection (1) as though he had received a refusal at the end of the period specified in this subsection.

(3) The Board shall hold a hearing and

(a) shall ensure that reasonable notice of the hearing is given to the appellant and to all persons who in its opinion may be affected, and

(b) shall consider each appeal having due regard to the purpose, scope and intent of the regional plan, a preliminary regional plan, a general plan and to the development and use of the land that may result from the proposed subdivision.

(4) When an appeal is being heard, the Board shall hear

(a) a member of the municipal planning commission where the land proposed to be subdivided lies within the corporate limits of the city of Edmonton or the city of Calgary, or

(b) the director of a regional planning commission where the land proposed to be subdivided lies within the corporate limits of any other municipality which is situated in a regional planning area, or

3. Section 14 (1) (c) presently reads:

14. (1) The functions of a regional planning commission are

-
- (c) to advise and assist the council of any municipality represented on the commission
 - (i) in the planning of orderly and economical development of the municipality, and
 - (ii) on matters affecting the planning of orderly and economical development that are of common concern to the municipality and any other municipality or the Province,

4. Section 19 (2a) and (3) presently read:

(2a) An application for approval shall be accompanied by the application fee prescribed by The Subdivision and Transfer Regulations and no application shall be considered until the fee is paid.

(3) An application shall be approved only if the proposed subdivision is in conformity with this Act and The Subdivision and Transfer Regulations.

5. Section 20 presently reads:

20. (1) Where an application is refused or is approved subject to any conditions that may be imposed by an approving authority, the applicant may appeal to the Board, except when the application is refused for failure to comply with clause (b) of section 16, and the Board, on such conditions as it considers necessary to impose, may confirm, reverse or vary the decision of the approving authority.

(2) In determining an appeal, the Board is not bound by the terms of The Subdivision and Transfer Regulations, and may waive, modify or vary any requirement therein or any condition of approval specified in the decision, having regard to all the circumstances relating thereto and all the consequences that in its judgment may issue from the development and use of the land in the proposed subdivision.

(3) If a decision on an application is not made by the approving authority within ten weeks after the authority receives the application in its complete and final form or within such longer period as the applicant may consent to in writing, the application shall be deemed to be refused, and the applicant may appeal to the Board under subsection (1), as though he had received a refusal at the end of that period.

(c) the Director, in all other cases,
but any official designated in this subsection may, in his discretion, assign a member of his staff to be heard in his stead.

(5) In determining an appeal, the Board is not bound by The Subdivision and Transfer Regulations, and

(a) may confirm, reverse or vary the decision appealed from and may impose such conditions or limitations as it considers proper and desirable in the circumstances, and

(b) shall render its decision by an order within 60 days from the date on which the hearing is held.

(6) An order under subsection (5) is valid for a period of 12 months from the date on which it is issued.

6. Section 23a is amended by striking out subsection (2) and by substituting the following:

(2) If an instrument referred to in subsection (1) would have the result of creating a separate certificate of title for a parcel which does not conform to the requirements of The Subdivision and Transfer Regulations, the approving authority may

(a) require compliance with The Subdivision and Transfer Regulations as a condition of approval of the instrument, or

(b) refuse to approve the instrument.

7. Section 68 is amended by striking out the words "the member municipality" and by substituting the words "a municipality situated in the regional planning area".

8. Section 71 is struck out and the following section is substituted:

71. (1) A commission shall prepare a preliminary regional plan for the whole of the regional planning area, and development within the area may be governed by the exercise of development control or by adopting a zoning by-law.

(2) A preliminary regional plan shall be completed in its entirety before January 1st, 1972 or such further time as may be prescribed by the Board.

9. Section 96, clause (a) is amended by striking out the words "a member of a regional planning commission" and by substituting the words "situated in a regional planning area".

6. Section 23a (2) presently reads:

(2) The approving authority may refuse to approve an instrument referred to in subsection (1) if it will or may result in the issuance of separate certificates of titles to parcels having a frontage of less than the minimum requirements of The Subdivision and Transfer Regulations, 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.

7. Section 68 reads in part:

68. A commission, whether it has adopted or resolved to prepare and adopt a regional plan or not, may at the request of the member municipality study and submit to the proper authorities concerned proposals relating to

8. Section 71 presently reads:

71. Where a commission resolves to prepare and adopt a regional plan, and as soon as possible thereafter, the commission shall prepare and adopt a preliminary regional plan by which development shall be governed in the exercise of development control under section 70.

9. Section 96 (a) presently reads:

96. A general plan

(a) shall be prepared under the direction of qualified planning officers or qualified planning consultants, who shall be appointed by the council and be responsible to it, or if the municipality is a member of a regional planning commission it may be prepared by the regional planning commission, who shall be responsible to the council,

10. Section 99 is struck out and the following section is substituted:

99. When a general plan is adopted, the council

- (a) may, at any time thereafter, exercise or continue to exercise development control within any areas of land included in the general plan, in which case sections 100 to 113 apply, and
- (b) shall immediately thereafter proceed with the enactment of a zoning by-law to include those areas of land within the general plan in respect of which development control is not exercised.

11. Section 104 is amended by striking out subsection (2) and by substituting the following:

(2) A development control by-law may provide that when an application for a development permit is refused, another application for a permit on the same parcel of land and for the same or similar use of land may not be made by the same or any other applicant until at least six months after the date of the refusal.

12. Section 105 is struck out and the following section is substituted:

105. A development control by-law shall

- (a) provide for the appointment of a development officer who shall be an official of the municipality,
- (b) authorize the development officer or a municipal planning commission to receive, consider and decide on applications for development permits subject to the council assigning the authority in part to a municipal planning commission as provided in section 15, and
- (c) require that when an application for a development permit is approved or approved with conditions, an official of the municipality shall post a notice of the decision conspicuously on the property for which the application has been made.

13. Section 107 is amended by striking out subsections (2) and (3).

10. Section 99 presently reads:

99. (1) When a general plan has been adopted,

- (a) the council shall proceed with the enactment of a zoning by-law to regulate the use and development of land in the manner prescribed and within the area or areas referred to in the general plan, and
- (b) the council or any other public authority shall not enact any by-law take any action or carry out or commence any undertaking or public project that is inconsistent or at variance with the general plan.

(2) Notwithstanding clause (a) of subsection (1) of this section and subsection (2) of section 119, the council may exclude from the provisions of a zoning by-law any areas of land included in the general plan and may exercise or continue to exercise development control in the areas excluded, in which case sections 100 to 113 apply.

11. Section 104 (2) presently reads:

(2) The by-law may provide that where a development permit is refused, an application for the same development may not be submitted by the same or any other person until at least six months, or such longer period (not exceeding two years) as may be fixed by the by-law, after the refusal.

12. Section 105 presently reads:

105. A development control by-law may provide for the appointment of a development control officer and the council may by resolution authorize the municipal planning commission or the development control officer to receive, consider and decide on its behalf any applications for development permits.

13. Section 107 (2) and (3) read:

(2) Where the owner or prospective owner of land wishes to develop the land for a use for which the land is not classified in the guide, he may apply to the council for provisional approval of the use desired and the council may grant a provisional approval of that use.

(3) A provisional approval granted under subsection (2) is effective for twelve months from the date thereof and within that time an application may be made for a specific development of the land in conformity with the approved use and if a development permit is granted the land use classification guide shall be so amended.

14. Sections 108, 109 and 110 are struck out and the following sections are substituted:

109. (1) A development control by-law may provide for the establishment of a development appeal board, which shall be composed of a chairman and at least two other members to be appointed concurrently for a three-year term of office by resolution and who shall not be dismissed except for cause.

(2) The persons to be appointed to the board shall include at least one member of the council, but shall not include officials or servants of the council, or members of a municipal planning commission, and a majority of the board shall be persons other than members of the council.

(3) The filling of a vacancy caused by the retirement or resignation of a member of the board shall be made by resolution of the council.

(4) The chairman of the board shall sign all notices of decision and other documents on behalf of the board relative to any jurisdiction or power of the board, and any document which has been signed by the chairman shall be deemed as having been signed on behalf of and with the approval of the board.

(5) In the case of the absence or disability of the chairman any document of the board may be signed by any one member, and when so signed shall have the like effect as though signed by the chairman.

(6) When a development control by-law provides for the establishment of a development appeal board, it shall provide for the holding of meetings, the keeping of minutes and any other matters pertaining to the transaction of the business of the board.

(7) A member of a council who has been appointed to a development appeal board as provided in subsection (2) is not precluded from discussing and voting on all matters brought before a council as provided in section 110 or 128.

110. A person affected by a decision of a development officer or a municipal planning commission made under a development control by-law may appeal to the development appeal board as provided in section 128.

15. Section 119 is amended by striking out subsection (2).

14. Sections 108, 109 and 110 presently read:

108. At any time during the operation of development control, a council may by by-law adopt and implement, in the manner prescribed by this Act, any part or parts of a general plan before the completion of the full general plan.

109. (1) A development control by-law may provide for the establishment of a development appeal board, which shall consist of at least three persons to be appointed annually by resolution of the council, none of whom shall be officials or servants of the council, or members of the municipal planning commission, and at least one of whom shall be a member of the council and a majority shall be persons other than members of the council.

(2) A member of a council who has been appointed to a development appeal board pursuant to subsection (1) is not precluded from discussing and voting on all matters brought before a council pursuant to sections 110 and 128.

110. (1) A person affected by a decision of a municipal planning commission or a development control officer made pursuant to section 105 may, within ten days of the receipt by him of the decision, appeal

(a) to the development appeal board, or

(b) where no development appeal board is established, to the council.

(2) The development appeal board or the council, as the case may be, shall hold a hearing of each appeal and determine the appeal, having regard to the merits and circumstances of the case and to any considerations arising from or relevant to the preparation of the general plan.

(3) A person claiming to be affected by a decision of the development appeal board under subsection (2) may appeal that decision to the council, within ten days of the receipt by him of the decision of the development appeal board, and the council shall hold a hearing and, upon determining the appeal shall confirm, reverse or vary the decision appealed from, subject to any conditions that the council may see fit to impose.

(4) In determining an appeal made under subsection (3) a council shall have due regard to the general purposes and intent of the development control by-law and the general plan that is being prepared.

(5) A person claiming to be affected by a decision of a council under this section or section 107 may appeal the decision to the Board within ten days of the receipt by him of the decision.

(6) In determining an appeal under this section, the Board shall have regard to the general scope and intent of the general plan under preparation, the development control order and the development control by-law, but the Board is not bound thereby.

(7) The Board may confirm, reverse or vary the decision appealed from and may impose any conditions it sees fit.

(8) The decision of the Board is final and binding upon all parties, subject only to appeal under section 146.

15. Section 119 (2) reads:

(2) Where a council adopts part of a general plan with respect to specific areas of land that are subject to a development control by-law, the council shall pass a zoning by-law with respect to those areas, and the development control by-law then ceases to apply to and within those areas.

16. Sections 122 and 123 are struck out and the following sections are substituted;

122. A zoning by-law shall

- (a) provide for the appointment of a development officer, who shall be an official of the municipality,
- (b) authorize the development officer to receive, consider and decide on applications for a development permit, unless the council assigns the authority in part to a municipal planning commission as provided in section 15, and
- (c) require that when an application for a development permit is approved or approved with conditions, an official of the municipality shall post a notice of the decision conspicuously on the property for which the application has been made.

123. (1) A zoning by-law may prohibit the erection of a building on any site where it would otherwise be permitted under the by-law when, in the opinion of the municipal planning commission or the development officer, satisfactory arrangements have not been made by the developer for the supply to the building of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility or facility by the developer.

(2) A zoning by-law may provide that when an application for a development permit is refused, another application for a permit on the same parcel of land and for the same or similar use of land may not be submitted by the same or any other applicant until at least six months after the date of the previous refusal.

(3) A zoning by-law may provide that a municipal planning commission or a development officer may determine that a specific use of land or a building that is not provided for in any zone in the by-law is similar in character and purpose to another use of land or a building that is included in the list of permissible uses prescribed for that zone in the by-law.

16. Section 122 and 123 presently read:

122. A zoning by-law may provide that a municipal planning commission or an official of a municipality may be authorized to act on behalf of the council in respect of matters referred to in sections 123 to 126.

123. (1) A zoning by-law may prohibit the erection of a building on any site where it would otherwise be permitted under the zoning by-law when, in the opinion of the council, satisfactory arrangements have not been made for the supply to such building of water, electric power, sewerage, street access or other services or facilities or any of them, including the payment of the costs of installing any such service or facility.

(2) A zoning by-law may provide that when a development permit is refused an application for the same permit on the same parcel of land may not be submitted by the same or any other person until at least six months after the refusal.

(3) A zoning by-law may provide that a council may determine that a specific use of land or a building that is not provided for in a zoning by-law is similar in character and purpose to another use of land or a building included in the zoning by-law in the zone in which the specific use is proposed.

(4) A zoning by-law may provide that in any zone a specific use of land or a building may only be allowed with the express permission of the council and that the council may limit the period of time that use may be allowed and why it must be terminated or discontinued.

(5) A zoning by-law shall provide that a person may apply to the council for a development permit

(a) for a specific use of land, and

(b) for the conversion or erection of a building or structure, the use of which is not provided for in the zone where it is located.

17. Sections 127 and 128 are struck out and the following sections are substituted:

127. A zoning by-law may provide for the establishment of a development appeal board which shall be constituted in accordance with section 109.

128. (1) A person claiming to be affected by a decision of a development officer or a municipal planning commission made under a development control or zoning by-law may appeal to the development appeal board by serving written notice of appeal on the secretary of the board within 14 days after notice of the decision is mailed to him.

(2) An application for a development permit shall be deemed to be refused when a decision thereon is not made within 30 days after receipt of the application in its complete and final form by the development officer or the municipal planning commission, and the person claiming to be affected may appeal in writing to the development appeal board as provided in subsection (1) as though he had received a refusal at the end of the period specified in this subsection.

(3) The development appeal board

- (a) shall hold a hearing within 30 days from the receipt by it of the letter of appeal,
- (b) shall ensure that reasonable notice of the hearing is given to the appellant and all persons who in its opinion may be affected, and
- (c) shall consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of a general plan that is under preparation or is adopted and to the development control or zoning by-law which is in force, as the case may be.

(4) When an appeal is being heard, the development appeal board shall hear

- (a) the development officer or a member of the municipal planning commission or where the property which is the subject of the appeal lies within the corporate limits of the city of Edmonton or the city of Calgary, or
- (b) the director of a regional planning commission where the property which is the subject of the appeal lies within the corporate limits of any other municipality which is situated in a regional planning area, or
- (c) the Director in all other cases,

but any official designated in this subsection may, in his discretion, assign a member of his staff to be heard in his stead or make a written submission to the development appeal board or not be present at a hearing.

17. Sections 127 and 128 presently read:

127. If a development appeal board has not been established under section 109, a zoning by-law shall establish one to be constituted in accordance with section 109.

128. (1) A person claiming to be affected by a decision of a municipal planning commission or an authorized official of a municipality made under a zoning by-law may within 14 days after the notice of the decision is mailed to the applicant appeal in writing to the development appeal board.

(2) The development appeal board shall hold a hearing and it shall ensure that reasonable notice of the hearing is given to all persons who in its opinion may be affected, and it shall consider each appeal having due regard to the circumstances and merits of the particular case and to the purpose, scope and intent of any general plan that is adopted and to the zoning by-law that is in force.

(3) A person claiming to be affected by a decision made by a development appeal board may, within 14 days after the date of the notice of the decision is mailed to him, appeal in writing to the council, and

(a) if a council decides to hold a hearing it shall consider each appeal having due regard to the circumstances and merits of the particular case and to the purpose, scope and intent of any general plan that is adopted, and to the zoning by-law that is in force, but

(b) if a council decides not to hold a hearing, the person claiming to be affected by a decision of the development appeal board may appeal in writing to the Board in the same manner as prescribed in subsection (4).

(4) A person claiming to be affected by a decision made by a council

(a) resulting from an appeal pursuant to subsection (3), or

(b) resulting from the exercise of discretionary powers under a zoning by-law pursuant to subsection (3) of section 123, or

(c) resulting from the exercise of express permission under a zoning by-law pursuant to subsection (4) of section 123, or

(d) under subsection (5) of section 123,

may within 14 days after the notice of the decision is mailed to the applicant appeal in writing to the Board, and the Board shall hold a hearing and it shall consider each appeal having due regard to the circumstances and merits of the particular case as to the purpose, scope and intent of any general plan that is adopted.

(5) For the purposes of this section, an application or an appeal shall be deemed to be refused when a decision thereon is not made

(a) within 30 days after receipt of

(i) the application in its complete and final form, or

(ii) the letter of appeal from a person claiming to be affected by a decision made under subsection (1) or (3), as the case may be,

(b) within such longer period as the person claiming to be affected may consent to in writing,

and the person claiming to be affected may appeal in writing to

(c) the development appeal board as provided in subsection (1), or

(d) the council as provided in subsection (3), or

(e) the Board as provided in subsection (4),

as the case may be, as though he had received the refusal at the end of the period specified in this subsection.

(6) In determining an appeal,

(a) a development appeal board, or

(b) a council, or

(c) the Board,

as the case may be, may confirm, reverse or vary the decision appealed from and may impose such conditions or limitations as it considers proper and desirable in the circumstances.

(7) The decision of the Board is final and binding on all parties subject only to appeal under section 146.

(5) In determining an appeal, a development appeal board

- (a) may confirm, reverse or vary the decision appealed from and it may impose such conditions or limitations as it considers proper and desirable in the circumstances, and
- (b) shall render its decision in writing to the appellant within 60 days from the date on which the hearing is held.

(6) A decision of the development appeal board is final and binding on all parties subject only to appeal under section 146.

(7) With respect to a municipality which does not have a development appeal board, subsections (1) to (6) shall be read with the word "council" substituted for the words "development appeal board".

18. Section 130 is amended

- (a) by striking out subsection (1) and by substituting the following:

130. (1) A council, before giving a proposed by-law second reading shall send two copies of a draft of the by-law to

- (a) either the municipal planning commission or the development officer of the city where the subject matter of the by-law comes within the local jurisdiction of the city of Edmonton or the city of Calgary, or
 - (b) the director of a regional planning commission where the subject matter of the by-law comes within the local jurisdiction of any other municipality which is situated in a regional planning area, or
 - (c) the Director in all other cases,
- who shall immediately advise the council with respect to the content of the by-law and its conformity with this Act.

- (b) by striking out subsection (5) and by substituting the following:

(5) The council shall hold a public hearing at the time and place stated in the notice, and at the hearing shall hear

- (a) a person who wishes to make representations concerning the manner in which any provision of the proposed by-law may affect him or an owner of land whom he represents,
- (b) the public at large,
- (c) a local group of residents or property owners, and

13. Section 130 (1), (5) and (7) (a) presently read:

130. (1) A council, before giving a proposed by-law second reading, shall send two copies of the by-law to the Director, who shall immediately advise the council as to the form and content of the by-law and its conformity with this Act.

(5) The council shall hold a public hearing at the time and place stated in the notice and at that hearing, subject to subsection (3), shall hear any person who wishes to make representations concerning the manner in which any provision of the by-law may affect him or any owner of land whom he represents or the public at large or any local group of residents or property owners.

(7) The council shall

(a) consider the advice given by the Director under subsection (1) and all representations made at the public hearing or submitted in writing pursuant to clause (a) of subsection (3) and make a ruling thereon,

- (d) a representative of a municipal planning commission or an official designated in clauses (a), (b) and (c) of subsection (1).
- (c) as to subsection (7), clause (a) by striking out the words "by the Director".

19. Sections 131 and 132 are repealed.

20. Section 139 is amended by striking out subsection (1) and by substituting the following:

139. (1) A person who commences a development on any land and who fails or neglects to

(a) obtain a development permit, or

(b) comply with a condition of a development permit,

in accordance with a by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$500, and in addition to a fine of not more than \$100 for every day the offence continues, and in default of payment to imprisonment for a term not exceeding 30 days.

21. Section 146, subsection (1) is amended by adding after the word "section" the figure "20,".

22. (1) This Act, except sections 3, 7 and 9, comes into force on the day upon which it is assented to.

(2) Sections 3, 7 and 9 come into force on June 16, 1968.

19. Sections 131 and 132 read:

131. (1) The Board

- (a) may approve or refuse to approve the by-law, or
 - (b) may require the alteration or deletion of any provision of the by-law which in its opinion may
 - (i) impose undue restraint upon the rights of any person claiming to be affected by the by-law, or
 - (ii) be inimical to the orderly and economical development or use of any land affected by the by-law, or
 - (iii) be inconsistent with any provision of this Act,or
 - (c) may require the addition to the by-law of any provision which in the opinion of the Board is necessary for clarification of the full intent, purposes or application of the by-law.
- (2) When the Board requires any alteration, deletion or addition to the by-law, the council shall
- (a) rescind the third reading of the by-law,
 - (b) make the required alteration, deletion or addition and give the revised by-law third reading, and
 - (c) submit two copies of the revised by-law to the Board for its approval.

(3) Repealed. [1965, c. 70, s. 30]

132. A by-law has no force or effect unless it has been approved by the Board.

20. Section 139 (1) presently reads:

139. (1) A person who contravenes or suffers or permits any act or thing to be done in contravention of or neglects or fails to comply with

- (a) a development scheme or a by-law in force pursuant to this Part or section 79, or
- (b) a condition of a permit granted pursuant to a development scheme or a by-law in force pursuant to this Part or section 79,

is guilty of an offence and is liable on summary conviction to a fine of not more than one hundred dollars and in addition thereto to a fine of not more than twenty dollars for every day the default continues, and in default of payment to imprisonment for a term not exceeding thirty days.

21. Section 146 (1) presently reads:

146. (1) Subject to subsection (2), upon a question of jurisdiction or upon a question of law an appeal lies from an order of a tribunal made pursuant to section 110 or 128 to the Appellate Division of the Supreme Court of Alberta.