

1982 BILL 7

Fourth Session, 19th Legislature, 31 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

PLANNING AMENDMENT ACT, 1982

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 7

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PLANNING AMENDMENT ACT, 1982

(Assented to _____, 1982)

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

1 The Planning Act is amended by this Act.

2 Section 86 is amended

(a) in subsection (2) by striking out “subsection (3)” and substituting “subsections (3) and (3.1)”;

(b) by adding the following after subsection (3):

(3.1) The Registrar shall not accept for registration an instrument that has the effect of subdividing a parcel referred to in subsection (2)(d) or (e) unless the instrument is accompanied by a certificate indicating that each parcel to be created by it has direct access or a lawful means of access to a public roadway.

(3.2) The certificate referred to in subsection (3.1) shall be given

(a) by a development officer of the municipality if the parcel to be subdivided is located in a city, town, new town, village or summer village, or

(b) by the Minister of Transportation if the parcel to be subdivided is located in a county, municipal district, improvement district or special area.

Explanatory Notes

1 This Bill will amend chapter P-9 of the Revised Statutes of Alberta 1980.

2 Section 86 presently reads:

86(1) Except as provided in subsection (2), a Registrar shall not accept for registration an instrument that has the effect or that may have the effect of subdividing a parcel unless the subdivision has been approved by the subdivision approving authority.

(2) Subject to subsection (3), a Registrar may accept for registration without subdivision approval an instrument that has the effect or may have the effect of subdividing a parcel described in a certificate of title if registration of the instrument would result in the issuing of one or more certificates of title and the parcel described in each certificate of title so issued would consist only of one or more of the following:

(a) a quarter section;

(b) a river lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;

(c) a settlement lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;

(d) a part of the parcel described in the existing title if the boundaries of the part are described in the existing title other than by reference to a legal subdivision;

(e) a part of the parcel described in the existing title if the boundaries of the part are described in the existing title by reference to a plan of subdivision.

(3) The Registrar shall not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel

(a) if the parcel is described in a plan of subdivision that is registered in a land titles office before July 1, 1950, and

3 Section 161(1) is amended by striking out “98” and substituting “97”.

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*

(b) if the parcel contains 2 or more lots one or more of which is less than 20 acres in area,

unless a subdivision of the parcel has been approved by a subdivision approving authority.

(4) A Registrar shall not accept a caveat for registration in a land titles office that relates to an instrument that has or may have the effect of subdividing a parcel unless

(a) no subdivision approval is required in respect of that subdivision pursuant to subsection (2), or

(b) subdivision approval has been granted in respect of that subdivision.

3 Corrects a cross-reference.