

1995 BILL 32

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Third Session, 23rd Legislature, 44 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 32

MUNICIPAL GOVERNMENT  
AMENDMENT ACT, 1995

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MR. MAGNUS

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 32

1995

### MUNICIPAL GOVERNMENT AMENDMENT ACT, 1995

(Assented to \_\_\_\_\_, 1995)

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

Amends SA  
1994 cM-26.1

1 *The Municipal Government Act is amended by this Act.*

2 *Section 1(1) is amended*

(a) *by repealing clause (e)(ii);*

(b) *in clause (m)*

(i) *by repealing subclause (iii);*

(ii) *in subclause (v) by striking out “under the Regional  
Municipal Services Act”;*

(c) *by repealing clause (n) and substituting the following:*

(n) “market value” means the amount that a property, as  
defined in section 284(r), might be expected to  
realize if it is sold on the open market by a willing  
seller to a willing buyer;

(d) *by repealing clause (s)(ii);*

(e) *by adding the following after clause (y):*

(y.1) “regional services commission” means a regional  
services commission under Part 15.1;

3 *Section 2(2)(a) is repealed.*

## Explanatory Notes

**1** Amends chapter M-26.1 of the Statutes of Alberta, 1994.

**2** Section 1(1)(e)(ii), (m)(iii) and (v), (n) and (s)(ii) presently read:

*1(1) In this Act,*

*(e) "council" means*

*(ii) the council of a county under the County Act,*

*(m) "local authority" means*

*(iii) a regional planning commission established under the Planning Act and, if there is no regional planning commission for an area, the Deputy Minister,*

*(v) a regional services commission under the Regional Municipal Services Act, and*

*(n) "market value" means the amount that a parcel of land might be expected to realize if sold on the open market by a willing seller to a willing buyer;*

*(s) "municipality" means*

*(ii) a county under the County Act,*

**3** Section 2(2) presently reads:

*(2) If there is an inconsistency between this Act and*

*4 Section 14(2) is amended in clauses (b) and (e) by striking out “the Planning Act” and substituting “Part 17”.*

*5 Section 19 is repealed.*

*6 Section 45(4) is amended by striking out “established under the Regional Municipal Services Act”.*

*7 Section 52(4)(b) is repealed and the following is substituted:*

*(b) a person who is liable to pay the business revitalization zone tax imposed in the business revitalization zone.*

*8 Section 59(1) is amended by striking out “district, specialized municipality or county” and substituting “district or specialized municipality”.*

- (a) *the County Act,*
- (b) *the Parks Towns Act, or*
- (c) *a special Act forming a municipality,*

*the other Act prevails.*

**4** Section 14(2) presently reads:

*(2) If a council wants to acquire an estate or interest in land, inside or outside the municipality*

- (a) for a purpose authorized by an enactment,*
- (b) to carry out an area redevelopment plan under the Planning Act, whether undertaken by the municipality alone or in conjunction with another person,*
- (c) to improve land owned by the municipality,*
- (d) for the purpose of selling the land as building sites,*
- (e) to enable an organization to carry out a development as defined in the Planning Act or a redevelopment, or*
- (f) for any other municipal purpose,*

*it may acquire the estate or interest in the land by expropriation under the Expropriation Act.*

**5** Section 19 presently reads:

*19 In The Municipal District of Bighorn No. 8 and The Municipal District of Clearwater No. 99, the Minister of Transportation and Utilities has the direction, control and management of roads within the Rocky Mountains Forest Reserve constituted under the Forest Reserves Act.*

**6** Section 45(4) presently reads:

*(4) Subsection (3)(b) does not apply to an agreement to provide a utility service between a council and a regional services commission established under the Regional Municipal Services Act.*

**7** Section 52(4) presently reads:

- (4) The liability may be enforced by action by*
  - (a) the municipality, or*
  - (b) an elector or taxpayer of the municipality.*

**8** Section 59(1) presently reads:

*59(1) The council of a municipal district, specialized municipality or county may designate an unincorporated community described in subsection (2) that is within its boundaries to be a hamlet.*

*9 Section 70(2) is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):*

*(c) to be used by a non-profit organization as defined in section 241(f).*

*10 Section 74 is amended by striking out “county or” wherever it occurs.*

*11 Section 77(b) is repealed.*

*12 Section 79 is repealed.*

*13 Section 85(1)(b) is repealed and the following is substituted:*

**9** Sections 70(2) and 241(f) presently read:

*70(2) The proposal does not have to be advertised if the estate or interest is*

*(a) to be used for the purposes of supplying a public utility,  
or*

*(b) transferred or granted under Division 8 of Part 10  
before the period of redemption under that Division.*

**241** *In this Part,*

*(f) "non-profit organization" means*

*(i) a society, credit union or co-operative established  
under a law of Canada or Alberta,*

*(ii) a corporation that is prohibited from paying  
dividends to its members and distributing the assets  
to its members on a winding-up, or*

*(iii) any other entity established under a law of Canada  
or Alberta for a purpose other than to make a profit.*

**10** Section 74 presently reads:

*74 A bylaw of a county or municipal district prohibiting in all or  
a part of the county or municipal district the shooting or use of a  
firearm or other device that propels a projectile does not come into  
force until the bylaw has been approved by the Minister responsible  
for the Wildlife Act.*

**11** Section 77(b) presently reads:

*77 The following types of municipality may be formed under this  
Part:*

*(b) summer village;*

**12** Section 79 presently reads:

*79 A summer village may be formed for an area in which*

*(a) there are at least 60 parcels of land that have buildings  
used as dwellings located on them,*

*(b) a majority of the persons who would be electors of the  
proposed summer village do not reside in that area, and*

*(c) there is a population of less than 300.*

**13** Section 85(1)(b) presently reads:

- (b) the Minister receives a sufficient petition requesting the formation of the municipality from electors within the boundaries of the proposed municipality numbering at least 30% of the population within the boundaries of the proposed municipality.

14 *Section 89 is amended*

(a) *in subsection (1)(b) by striking out “summer village,”;*

(b) *by adding the following after subsection (4):*

**(5)** If a municipality is formed from an improvement district, the order may dissolve the improvement district.

15 *The following is added after section 89:*

Summer  
village

**89.1** The fact that a summer village may not be formed under this Act does not affect any existing summer village, and this Act continues to apply to summer villages.

16 *The following is added after section 91:*

Summer  
village

**91.1** The status of a municipality may not be changed to the status of a summer village.

17 *The following is added after section 97:*

Education  
function for  
specialized  
municipalities

**97.1(1)** In this section, “municipality” means the Town of Devon or a municipal district that was formerly a county.

**(2)** If as a result of a plebiscite the Minister of Education is required to take the area of a municipality out of a regional division under section 208.6 of the *School Act*, the Lieutenant Governor in Council may, on the recommendation of the Minister of Municipal Affairs and the Minister of Education, by order change the municipality to a specialized municipality, and the order may

- (a) designate the land within the boundaries of the specialized municipality as a school division;



85(1) *A municipality may be formed on the Minister's initiative or if*

*(b) the Minister receives*

*(i) a sufficient petition requesting the formation of the municipality from electors within the boundaries of the proposed municipality numbering at least 30% of the population within the boundaries of the proposed municipality, or*

*(ii) in the case of a proposed summer village, a sufficient petition requesting the formation of the summer village from a majority of the people who would be electors of the summer village if the summer village existed when the petition is submitted to the Minister.*

**14** Section 89(1)(b) presently reads:

*89(1) A formation order must*

*(b) give the municipality the status of municipal district, summer village, village, town, city or specialized municipality, and*

**15** Existing summer villages continue to be subject to this Act.

**16** Municipalities may not be changed into summer villages.

**17** Section 97.1 allows a specialized municipality that was formerly the Town of Devon or a county to exercise education functions. Section 97.2 sets out the effect when a municipality changes its status, eg. a town to a city.

Effect of  
change of  
status

- (b) establish a board of trustees for that division and provide that some or all of the trustees must be councillors of the specialized municipality;
  - (c) provide for the powers and duties of the board of trustees;
  - (d) specify the provisions of the *School Act* that apply to the school division with or without modification and specify provisions that are to be added to or to replace the provisions of the *School Act*.
- (3) Sections 92 to 95 do not apply to an order changing the status of a municipality under this section.

**97.2(1)** When the status of a municipality is changed,

- (a) each councillor of the old municipality continues as a councillor of the new municipality until a successor is sworn into office;
- (b) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality otherwise directs;
- (c) all bylaws and resolutions of the old municipality that the new municipality has the authority to pass are continued as the bylaws and resolutions of the new municipality;
- (d) all taxes due to the old municipality are deemed to be arrears of taxes due to the new municipality and may be collected and dealt with by the new municipality as if it had imposed the taxes;
- (e) all rights of action and actions by or against the old municipality may be continued or maintained by or against the new municipality;
- (f) all property vested in the old municipality becomes vested in the new municipality and may be dealt with by the new municipality in its own name subject to any trusts or other conditions applicable to the property;
- (g) all other assets, liabilities, rights, duties, functions and obligations of the old municipality become vested in the new municipality, and the new municipality may deal with them in its own name.



(2) Subsection (1) is subject to the order changing the status of the municipality.

18 *The following is added after section 127:*

Public utilities

**127.1(1)** In this section, “utility agreement” means an agreement approved by the Public Utilities Board in which a municipality grants a right to a person to provide a public utility in all or part of the municipality.

(2) An annexation of land does not affect any right under a utility agreement to provide a public utility on the annexed land unless the annexation order provides otherwise.

(3) This section does not apply to a right to provide a natural gas service if the right is subject to section 22 of the *Rural Gas Act*.

19 *Section 133(2) is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):*

(c) may appoint a liquidator and specify the liquidator’s powers, duties and functions.

20 *Section 135(1)(c) is amended by striking out “the Planning Act” and substituting “a former Act as defined in Part 17”.*

21 *Section 154 is amended by adding the following after subsection (2):*

**18** Effect of annexation on public utilities.

**19** Section 133(2) presently reads:

*(2) A dissolution order*

*(a) must direct that all or part of the land in the dissolved municipality becomes part of another municipal authority, and*

*(b) may deal with any of the matters referred to in section 89.*

**20** Section 135(1)(c) presently reads:

*135(1) When an order under this Part has the effect of including or placing an area of land that was in one municipal authority (in this section called the "old municipal authority") in another municipal authority (in this section called the "new municipal authority") as a result of the formation, annexation, amalgamation or dissolution of a municipal authority, then, unless the order otherwise provides,*

*(c) if at the time of the notice under section 103 or 116, any land or any portion of it is designated or required to be provided as a public utility lot, environmental reserve, municipal reserve or municipal and school reserve under the Planning Act, the ownership of the land becomes vested in the new municipal authority in place of the old municipal authority, and*

**21** Section 154 presently reads:

*154(1) A chief elected official, in addition to performing the duties of a councillor, must*

(3) Notwithstanding subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in his personal name.

22 *Section 170 is amended*

- (a) *in subsection (3)(g) by striking out “credit union, a co-operative association or a non-profit organization formed under an enactment” and substituting “non-profit organization as defined in section 241(f)”;*
- (b) *in subsection (4) by striking out “a credit union, co-operative association, organization” and substituting “an organization, club”.*

23 *Section 197 is amended*

- (a) *in subsection (1) by striking out “subsection (2)” and substituting “subsection (2) or (2.1)”;*
- (b) *by adding the following after subsection (2):*

**(2.1)** A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

24 *Section 206 is amended*

- (a) *in subsection (5) by adding “without cause” after “revoked”;*
- (b) *by adding the following after subsection (5):*

**(6)** A chief administrative officer whose appointment is revoked with cause is, subject to any written agreement between council and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

25 *Section 211 is repealed and the following is substituted:*

*(a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and*

*(b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.*

*(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.*

**22** Section 170(3)(g) and (4) presently read:

*(3) A councillor does not have a pecuniary interest by reason only of any interest*

*(g) that the councillor or a member of the councillor's family may have by being a member or director of a credit union, a co-operative association or a non-profit organization formed under an enactment or a service club,*

*(4) Subsection (3)(g) and (h) do not apply to a councillor who is an employee of a credit union, co-operative association, organization or service referred to in those clauses.*

**23** Section 197 presently reads:

*197(1) Councils and council committees must conduct their meetings in public unless subsection (2) applies.*

*(2) Council and council committees may conduct all or part of their meetings closed to the public if a matter to be discussed is within one of the categories of information referred to in section 217(2).*

*(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.*

**24** Section 206(5) presently reads:

*(5) A chief administrative officer whose appointment is revoked is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.*

**25** Section 211 presently reads:

Revocation

**211(1)** A municipality may revoke with or without cause the appointment of a person to the position of a designated officer.

(2) A designated officer whose appointment is revoked without cause is, subject to any written agreement between the municipality and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(3) A designated officer whose appointment is revoked with cause is, subject to any written agreement between the municipality and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

26 *Section 226(2) is repealed.*

27 *Section 229 is amended by striking out “30 days after council receives the petition” and substituting “30 days after the chief administrative officer declares the petition to be sufficient”.*

28 *Section 231 is amended*

(a) *in subsection (1) by adding “except a bylaw or resolution under Part 17,” after “has been advertised.”;*

(b) *in subsection (5)(b) by striking out “bylaw receives first reading or the date that the resolution was moved” and substituting “chief administrative officer declares the petition to be sufficient”.*

29 *Section 232(2) is amended by striking out “9 or 10” and substituting “9, 10 or 17”.*

30 *Section 233 is amended*



*211(1) A council may, without cause, revoke the appointment of a designated officer.*

*(2) An officer whose appointment is revoked is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.*

**26** Section 226(2) presently reads:

*(2) A petition is deemed to be received by the council or the Minister on the day the chief administrative officer declares whether the petition is sufficient.*

**27** Section 229 presently reads:

*229 If a council receives a sufficient petition requesting that council call a meeting with the public, the council must call a meeting with the public to discuss the matters stated in the petition and the meeting must be held no later than 30 days after council receives the petition.*

**28** Section 231(1) and (5) presently read:

*231(1) After a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.*

*(5) If a sufficient petition is received under this section, the council must either*

*(a) decide not to proceed with the proposed bylaw or resolution; or*

*(b) decide to proceed with the proposed bylaw or resolution and submit the bylaw or resolution to a vote of the electors within 90 days after the bylaw receives first reading or the date that the resolution was moved.*

**29** Section 232(2) presently reads:

*(2) A petition requesting an amendment or repeal of a bylaw or resolution made under Part 8, 9 or 10 has no effect.*

**30** Section 233 presently reads in part:

- (a) *in subsection (3) by striking out “receiving a sufficient petition under section 232” and substituting “the chief administrative officer’s declaring a petition submitted under section 232 to be sufficient”;*
- (b) *in subsection (6)(b) by striking out “bylaw receives first reading” and substituting “relevant time period set out in section 231(3) or (4)”;*
- (c) *in subsection (7)(b) by striking out “bylaw receives first reading” and substituting “chief administrative officer declares the petition to be sufficient”.*

31 *Section 234(3) is amended by striking out “within 30 days of receiving the petition” and substituting “within 30 days of the chief administrative officer’s declaring the petition to be sufficient”.*

32 *Section 238(1) is amended by striking out “If council receives a petition for a vote of the electors” and substituting “If a petition for a vote of the electors is filed with the chief administrative officer”.*

33 *Section 244(1) is amended*

- (a) *by adding “and transfers” after “revenues”;*
- (b) *by adding “and transfers” after “expenditures”.*

34 *Section 277(2) is repealed and the following is substituted:*

- (2) *The Minister may establish requirements respecting the financial information return, including requirements*

*(3) Within 30 days of receiving a sufficient petition under section 232, the council must give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary.*

*(6) If the bylaw is advertised and a sufficient petition is not received under section 231, the council must*

*(a) pass the bylaw within 30 days after the relevant time period set out in section 231(3) or (4), or*

*(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.*

*(7) If the bylaw is advertised and a sufficient petition is received under section 231, the council must either*

*(a) decide not to proceed with the proposed bylaw, or*

*(b) decide to proceed with the proposed bylaw and submit the bylaw to a vote of the electors within 90 days after the bylaw receives first reading.*

**31** Section 234(3) presently reads:

*(3) If a council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and only one to 3 years have passed from the date that the public vote bylaw was passed, the council must, within 30 days of receiving the petition,*

*(a) give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary, and*

*(b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.*

**32** Section 238(1) presently reads:

*238(1) If council receives a petition for a vote of the electors within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election.*

**33** Section 244(1) presently reads:

*244(1) If the total revenues of a municipality over a 3-year period are less than the total expenditures of the municipality for the same period, the operating budget for the municipality for the year following the 3-year period must include an expenditure to cover the deficiency.*

**34** Section 277(2) presently reads:

*(2) The Minister may make regulations*

respecting the accounting principles and standards to be used in preparing the return.

35 *Section 284(k)(ii) is amended by striking out “whose rates are regulated by” and substituting “that are subject to the regulatory authority of”.*

36 *Section 286 is amended by adding the following after subsection (4):*

(5) This section expires on December 31, 1997.

37 *Section 290(4) is repealed.*

- (a) *prescribing the content of the financial information return, and*
- (b) *prescribing the accounting principles and standards to be used in preparing the financial information return.*

**35** Section 284(k)(ii) presently reads:

*284 In this Part and Parts 10, 11 and 12,*

*(k) "linear property" means*

*(ii) telecommunications systems, including*

*(A) cables, amplifiers, antennae and drop lines, and*

*(B) structures, installations, materials, devices, fittings, apparatus, appliances and machinery and equipment,*

*intended for or used in the communication systems of cable distribution undertakings and telecommunication carriers that are owned or operated by a company as defined in Part 3 of the Telecommunications Act or whose rates are regulated by the Canadian Radio-television and Telecommunications Commission or any successor of the Commission, but not including*

*(C) cables, structures, amplifiers, antennae or drop lines installed in and owned by the owner of a building to which telecommunications services are being supplied, or*

*(D) land or buildings,*

**36** Section 286 presently reads:

*286(1) Instead of preparing assessments, a council may pass a bylaw authorizing the assessor to adopt assessments prepared in the previous year for any property in the municipality.*

*(2) A bylaw referred to in subsection (1) must be passed on or before December 31 of the year preceding the year in which the council wishes to adopt assessments.*

*(3) Unless subsection (4) applies, a council must not adopt assessments in 2 consecutive years.*

*(4) If, in the opinion of the Minister, extraordinary circumstances exist, the Minister may permit a council to adopt assessments in more than one year.*

**37** Section 290(4) presently reads:

38 *The following is added after section 290:*

Assessment of  
condominium  
unit

**290.1(1)** Each unit and the share in the common property that is assigned to the unit must be assessed

- (a) in the case of a bare land condominium, as if it is a parcel of land, or
- (b) in any other case, as if it is a parcel of land and the improvements to it.

(2) In this section, “unit” and “share in the common property” have the meanings given to them in the *Condominium Property Act*.

Assessment of  
strata space

**290.2** Each strata space as defined in section 87 of the *Land Titles Act* must be assessed as if it is a parcel of land and the improvements to it.

39 *Section 297 is amended by adding the following after subsection (3):*

(4) In this section,

- (a) “farm land” means land used for farming operations as defined in the regulations;
- (b) “non-residential”, in respect of property, means linear property or other property on which industry, commerce or another use takes place or is permitted to take place under a land use bylaw passed by a council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;
- (c) “residential”, in respect of property, means property that is not classed by the assessor as farm land or non-residential.

40 *Section 298 is amended*

*(4) Each unit as defined in the Condominium Property Act and the share in the common property as defined in that Act that is assigned to the unit must be assessed as if it is a parcel of land.*

**38** Assessment of condominiums and strata spaces.

**39** Section 297 presently reads:

*297(1) After an assessment of property is prepared or adopted, the assessor must assign one or more of the following assessment classes to the property:*

*(a) class 1 - residential;*

*(b) class 2 - non-residential;*

*(c) class 3 - farm land.*

*(2) A council may by bylaw*

*(a) divide class 1 into sub-classes on any basis it considers appropriate, and*

*(b) divide class 2 into the following sub-classes:*

*(i) vacant non-residential;*

*(ii) improved non-residential.*

*and if the council does so, the assessor may assign one or more sub-classes to a property.*

*(3) If more than one assessment class or sub-class is assigned to a property, the assessor must provide a breakdown of the assessment, showing each assessment class or sub-class assigned and the portion of the assessment attributable to each assessment class or sub-class.*

**40** Section 298(a), (b), (j), (k), (l) and (r) presently read:

- (a) in clauses (a) and (b) by adding “in right of Alberta or Canada” after “Crown” wherever it occurs;*
- (b) in clauses (a) and (b) by striking out “regional municipal services commission” and substituting “regional services commission”;*
- (c) by adding the following after clause (b):*
  - (b.1) a water supply and distribution system, including metering facilities, that is owned or operated by an individual or a corporation and used primarily to provide a domestic water supply service;*
- (d) in clauses (j), (k) and (l) by adding “in right of Alberta or Canada” after “held by the Crown” wherever it occurs;*
- (e) in clause (j) by striking out “county,”;*
- (f) in clause (r)(i) by striking out “and” and substituting “or”.*

*41 Section 304 is amended*

- (a) in subsection (1)(c) by adding “in right of Alberta or Canada” after “Crown”;*
- (b) in subsection (1)(j) by striking out clause (j) in column 2 and substituting the following:*
  - (j) the owner of*
  - (i) the mobile unit, or*



298 No assessment is to be prepared for the following property:

- (a) a facility, works or system for
  - (i) the collection, treatment, conveyance or disposal of sanitary sewage, and
  - (ii) storm sewer drainage,that is owned by the Crown, a municipality or a regional municipal services commission;
- (b) a facility, works or system for the storage, conveyance, treatment, distribution or supply of water that is owned by the Crown, a municipality or a regional municipal services commission;
- (j) property held by the Crown in a municipal district, county, improvement district, special area or specialized municipality that
  - (i) is not used or actively occupied by the Crown, or
  - (ii) is not occupied under an interest or right granted by the Crown;
- (k) any provincial park, roadside camp or picnic ground held by the Crown, but not including any residence or the land attributable to the residence;
- (l) property held by the Crown and forming part of an undertaking in respect of the conservation, reclamation, rehabilitation or reforestation of land, but not including any residence or the land attributable to the residence;
- (r) linear property forming part of a rural gas distribution system where that gas distribution system is
  - (i) owned by a municipality or a rural gas co-operative association organized under the Rural Utilities Act, and
  - (ii) subject to a franchise area approval under the Rural Gas Act;

41 Section 304 presently reads in part:

304(1) The name of the person described in column 2 must be recorded on the assessment roll as the assessed person in respect of the assessed property described in column 1.

Column 1	Column 2
(c) a parcel of land and the improvements to it held under a lease, licence or permit from the Crown or a municipality;	(c) the holder of the lease, licence or permit or the person who occupies the land with the consent of that holder;

- (ii) the mobile home park if the municipality passes a bylaw to that effect.

(c) in subsection (1) by adding the following after clause (j):

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| (k) a mobile unit located on a parcel of land that is not owned by the owner of the mobile unit together with any other improvements located on the site that are owned or occupied by the person occupying the mobile unit. | (k) the owner of the mobile unit if the municipality passes a bylaw to that effect. |
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(d) by adding the following after subsection (3):

**(4)** Despite subsection (1)(c), no individual who occupies housing accommodation under a lease, licence or permit from a management body under the *Alberta Housing Act* is to be recorded as an assessed person if the sole purpose of the lease, licence or permit is to provide housing accommodation for that individual.

42 *Section 308 is amended*

(a) in subsection (2) by striking out “and” at the end of clause (a), adding “and” at the end of clause (b) and adding the following after clause (b):

- (c) send the municipality copies of the assessment notices.

(b) by adding the following after subsection (2):

**(2.1)** The municipality must record on the assessment roll the information in the assessment notices sent to it under subsection (2)(c).

43 *Section 317(d) is amended by adding “except any property made taxable under section 363(1)(d),” after “Part 10.”*

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| <p>(j) <i>a mobile unit located on a site in a mobile home park and any other improvements located on the site and owned or occupied by the person occupying the mobile unit.</i></p> | <p>(j) <i>the owner of the mobile unit.</i></p> |
|---|---|

**42** Section 308(2) presently reads:

- (2) The assessor designated by the Minister must annually*
- (a) prepare assessment notices for all assessed linear property, and*
  - (b) send the assessment notices to the assessed persons.*

**43** Section 317 presently reads:

*317 In this Division, "equalized assessment" means an assessment that is prepared by the Minister in accordance with this Division for an entire municipality and reflects*

- (d) assessments of property in the municipality made taxable or exempt as a result of a council passing a bylaw under Part 10, and*

Supplemen-  
tary  
assessments

44 *The following is added after section 317:*

**317.1** Despite section 317, supplementary assessments prepared under a supplementary assessment bylaw under section 313 must not be included in the equalized assessment for a municipality.

45 *Section 326 is amended*

(a) *by repealing clause (a)(i);*

(b) *by repealing clause (a)(ii) and (iii) and substituting the following:*

(ii) any part of the amount required to be paid into the Alberta School Foundation Fund under section 158 of the *School Act* that is raised by imposing a rate referred to in section 158 of the *School Act*,

(iii) any part of the requisition of school boards under Part 6, Division 3 of the *School Act*,

(c) *by repealing clause (b) and substituting the following:*

(b) “student dormitory” means a housing unit

(i) that is used in connection with a purpose referred to in section 362(c), (d) or (e) or with a college incorporated under a private Act of the Legislature, and

(ii) the residents of which are students of a facility used in connection with a purpose referred to in section 362(c), (d) or (e) or with a college incorporated under a private Act of the Legislature,

but does not include a single family residence and the land attributable to that residence;

46 *Section 334 is amended by adding the following after subsection (2):*

(3) Despite subsection (2), a tax notice must show, separately from all other tax rates shown on the notice, the tax rates set by the property tax bylaw to raise the revenue to pay the requisitions referred to in section 326(a)(ii).

**44** Supplementary assessments are not to be included in an equalized assessment for a municipality.

**45** Section 326 presently reads in part:

*326 In this Part,*

*(a) "requisition" means*

*(i) the amount required to be paid into the Alberta Planning Fund under section 10 of the Planning Act,*

*(ii) the amount required to be paid into the Alberta School Foundation Fund under section 158 of the School Act,*

*(iii) the requisition of school boards under section 150 of the School Act,*

*(b) "student dormitory" means a housing unit*

*(i) that is used in connection with a purpose referred to in section 362(c), (d) or (e), and*

*(ii) in which the residents are students of a facility used in connection with a purpose referred to in section 362(c), (d) or (e);*

**46** Section 334(2) presently reads:

*(2) A tax notice may show*

*(a) one tax rate that combines all of the tax rates set by the property tax bylaw, or*

*(b) each of the tax rates set by the property tax bylaw.*

47 Section 355 is amended by striking out “into” and substituting “by”.

48 Section 357 is renumbered as section 357(1) and the following is added after subsection (1):

(2) If the property tax bylaw specifies a minimum amount payable as property tax, the tax notice must indicate the tax rates set by the property tax bylaw that raise the revenue required to pay the requisition referred to in section 326(a)(ii).

49 Section 359(2) is repealed and the following is substituted:

(2) In calculating the tax rate required to raise sufficient revenue to pay the requisitions, a municipality may include an allowance for non-collection of taxes at a rate not exceeding the actual rate of taxes uncollected from the previous year's tax levy as determined at the end of that year.

50 The following is added after section 359:

Alberta School  
Foundation  
Fund  
requisitions

**359.1(1)** In this section, “Alberta School Foundation Fund requisition” means a requisition referred to in section 326(a)(ii).

(2) In 1995 and subsequent years, when an Alberta School Foundation Fund requisition applies only to

(a) one of the assessment classes referred to in section 297,

(b) a combination of the assessment classes referred to in section 297, or

(c) linear property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of

(d) property to which that one assessment class has been assigned,

(e) property to which any assessment class in that combination has been assigned, or

**47** Section 355 presently reads:

*355 A tax rate is calculated by dividing the amount of revenue required into the total assessment of all property on which that tax rate is to be imposed.*

**48** Section 357 presently reads:

*357 Despite anything in this Division, the property tax bylaw*

- (a) may specify a minimum amount payable as property tax, and*
- (b) may require taxes imposed in respect of mobile units located in mobile home parks to be paid by instalments, without the consent of the taxpayers.*

**49** Section 359(2) presently reads:

*(2) In calculating the tax rate required to raise sufficient revenue to pay the requisitions, a municipality may include an allowance for*

- (a) the costs associated with collecting the tax, and*
- (b) non-payment of the tax.*

**50** Alberta School Foundation Fund and school board requisitions.

(f) linear property,

as the case may be.

(3) Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the Alberta School Foundation Fund requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

(4) The tax rate required to raise the revenue needed to pay the Alberta School Foundation Fund requisition

(a) must be the same within the assessment class to which the requisition applies if it applies to only one class,

(b) must be the same for all assessment classes if the requisition applies to a combination of assessment classes, and

(c) must be the same for all linear property.

(5) Despite subsection (4), at the request of a municipality, the Minister may allow the municipality to vary the tax rates required to raise revenue needed to pay the Alberta School Foundation Fund requisitions.

(6) Subsection (5) expires on January 1, 1999.

(7) In calculating the tax rate required to raise sufficient revenue to pay an Alberta School Foundation Fund requisition, a municipality

(a) must not include the allowances referred to in section 359(2),

(b) may impose a separate tax to raise the revenue to pay for the allowances referred to in section 359(2), and

(c) may include the amounts referred to in section 359(3),

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay an Alberta School Foundation Fund requisition.





School board  
requisitions

**359.2(1)** In this section, “school board requisition” means a requisition referred to in section 326(a)(iii).

**(2)** In 1995 and subsequent years, when a school board requisition applies only to

- (a) one of the assessment classes referred to in section 297,
- (b) a combination of the assessment classes referred to in section 297, or
- (c) linear property,

the revenue needed to pay it must be raised by imposing a tax under this Division only in respect of

- (d) property to which that one assessment class has been assigned,
- (e) property to which any assessment class in that combination has been assigned, or
- (f) linear property,

as the case may be.

**(3)** Despite subsection (2), if a council has passed bylaws under sections 364(1.1) and 371, the council may apply an appropriate amount received under the business tax to the payment of the school board requisition on the non-residential assessment class referred to in section 297 to offset the increase in the tax rate applicable to that class that would otherwise result.

**(4)** The tax rate required to raise the revenue needed to pay the school board requisitions

- (a) must be the same within the assessment class to which the requisition applies if it applies to only one class,
- (b) must be the same for all assessment classes if the requisition applies to a combination of assessment classes, and
- (c) must be the same for all linear property.

**(5)** Despite subsection (4), at the request of a municipality, the Minister may allow the municipality to vary the tax rates



required to raise revenue needed to pay the school board requisitions.

(6) Subsection (5) expires on January 1, 1999.

(7) In calculating the tax rate required to raise sufficient revenue to pay a school board requisition, a municipality

(a) may include the allowances referred to in section 359(2), and

(b) may include the amounts referred to in section 359(3).

(8) Section 354 does not apply to tax rates required to raise revenue needed to pay school board requisitions.

*51 Section 362 is amended*

(a) in clause (a) by adding “in right of Alberta or Canada” after “Crown”;

(b) in clause (f) by striking out “established under the *Regional Municipal Services Act*”;

(c) in clause (i) by adding “and used in connection with” after “property held by”;

(d) by adding the following after clause (k):

(l) property consisting of any of the following:

(i) a parcel of land, to a maximum of 10 hectares, that is used as a cemetery as defined in the *Cemeteries Act*;

(ii) any additional land that has been conveyed by the owner of the cemetery to individuals to be used as burial sites;

(iii) any improvement on land described in subclause (i) or (ii) that is used for burial purposes;

(m) property held by

(i) a foundation constituted under the *Senior Citizens Housing Act* before July 1, 1994, or

(ii) a management body established under the *Alberta Housing Act*,

**51** Section 362 statutorily exempts several properties from property tax. Five additional types of property are added to the list of exemptions. Section 362(a), (f) and (i) presently read:

*362 The following are exempt from taxation under this Division:*

- (a) any interest held by the Crown in property;*
- (f) property held by a regional services commission established under the Regional Municipal Services Act;*
- (i) property held by a society as defined in the Agricultural Societies Act;*

and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*;

(n) property that is

- (i) owned by a municipality and held by a non-profit organization in an official capacity on behalf of the municipality,
- (ii) held by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,
- (iii) used for a charitable or benevolent purpose that is for the benefit of the general public, and owned by
  - (A) the Crown in right of Alberta or Canada, a municipality or any other body that is exempt from taxation under this Division and held by a non-profit organization, or

(B) by a non-profit organization,

or

- (iv) held by a non-profit organization and used to provide senior citizens with lodge accommodation as defined in the *Alberta Housing Act*,

and that meets the qualifications in the regulations;

(o) property

- (i) owned by a municipality and used solely for the operation of an airport by the municipality, or
  - (ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee;
- (p) a municipal seed cleaning plant constructed under an agreement authorized by section 11 of the *Agricultural Service Board Act*, to the extent of  $\frac{2}{3}$  of the assessment prepared under Part 9 for the plant, but not including the land attributable to the plant.



52 *Section 363 is amended*

- (a) *in subsection (1)(a) by adding “under a lease, licence or permit from the Crown in right of Alberta or Canada” after “(Canada)”;*
- (b) *in subsection (2) by striking out “subsection (1)” and substituting “subsection (1)(a), (b) or (c)”;*
- (c) *by adding the following after subsection (2):*

**(2.1)** A council may by bylaw make any property referred to in subsection (1)(d) subject to taxation to any extent the council considers appropriate other than for the purpose of raising revenue needed to pay the requisitions referred to in section 326(a).

53 *Section 364 is amended*

- (a) *by adding the following after subsection (1):*

**(1.1)** A council may by bylaw exempt from taxation under this Division machinery and equipment used for manufacturing or processing.
- (b) *in subsection (2) by striking out “subsection (1)” and substituting “this section”.*

54 *Section 365 is renumbered as section 365(1) and the following is added after subsection (1):*

**(2)** Despite subsection (1), property listed in section 362(n)(ii) and (iii) in respect of which a Class C licence is issued under regulations under the *Liquor Control Act* is exempt from taxation under this Division.

55 *Section 369 is amended by adding the following after subsection (2):*



**52** Section 363 presently reads:

*363(1) The following are exempt from taxation under this Division:*

- (a) property held by and used in connection with Ducks Unlimited (Canada);*
- (b) property held by and used in connection with the Canadian Youth Hostel Association, unless the property is operated for profit or gain;*
- (c) property held by and used in connection with a branch or local unit of the Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada or other organization of former members of any armed forces;*
- (d) student dormitories.*

*(2) A council may by bylaw make any property listed in subsection (1) subject to taxation under this Division to any extent the council considers appropriate.*

*(3) A council proposing to pass a bylaw under subsection (2) must notify the person or group that will be affected of the proposed bylaw.*

*(4) A bylaw under subsection (2) has no effect until the expiration of one year after it is passed.*

**53** Section 364 presently reads:

*364(1) A council may by bylaw exempt from taxation under this Division property held by a non-profit organization.*

*(2) Property is exempt under subsection (1) to any extent the council considers appropriate.*

**54** Section 365 presently reads:

*365 Property that is licensed under the Liquor Control Act is not exempt from taxation under this Division, despite sections 361 to 364.*

**55** Section 369(2) presently reads:

(2.1) Despite subsection (2), the tax rates required to raise the revenue to pay requisitions referred to in sections 181.3 and 181.5 of the *School Act* must not be applied as supplementary tax rates.

56 *Section 370 is amended by adding the following after clause (b):*

- (c) respecting the qualifications required for the purposes of section 362(n).

57 *Section 375 is amended by adding the following after clause (b):*

- (c) property
  - (i) owned by a municipality and used solely for the operation of an airport by the municipality, or
  - (ii) held under a lease, licence or permit from a municipality and used solely for the operation of an airport by the lessee, licensee or permittee.

•

58 *Section 396 is amended*

*(a) by repealing subsection (3) and substituting the following:*

(3) Subject to subsection (3.1), if a petition objecting to the local improvement is filed with the chief administrative officer within 30 days of the notices' being sent under subsection (1) and the chief administrative officer declares the petition to be sufficient, the council must not proceed with the local improvement.

(3.1) The council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.

*(b) in subsection (4) by striking out "If the council does not receive a sufficient petition objecting to the local improvement" and substituting "If a sufficient petition objecting to the local improvement is not filed with the chief administrative officer".*

*(2) A council that passes a bylaw referred to in subsection (1) must use the tax rates set by its property tax bylaw as the supplementary tax rates to be imposed.*

**56** Section 370 presently reads:

*370 The Minister may make regulations*

- (a) prescribing the extent to which residences and farm buildings are exempt from taxation under this Division;*
- (b) respecting the calculation of a tax rate to be imposed on linear property.*

**57** Section 375 presently reads:

*375 The following are exempt from taxation under this Division:*

- (a) a business operated by the Crown;*
- (b) an airport operated by a regional airports authority created under section 5(2) of the Regional Airports Authorities Act.*

**58** Section 396(3) and (4) presently read:

*(3) If the council receives a sufficient petition objecting to the local improvement within 30 days of sending the notices under subsection (1), the council must not proceed with the local improvement but may, after the expiry of one year after receiving the petition, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.*

*(4) If the council does not receive a sufficient petition objecting to the local improvement within 30 days of sending the notices under subsection (1), the council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.*

59 *Section 410 is amended by adding the following after clause (b):*

(b.1) “parcel of land” means a parcel of land and the improvements on it;

60 *Section 412(1)(a) is amended by adding “for more than one year” after “of which there are tax arrears”.*

61 *Section 417(2)(b) is amended by striking out “will become the owner of the parcel immediately” and substituting “may become the owner of the parcel”.*

62 *Section 418(2) is repealed and the following is substituted:*

(2) The public auction must be held in the period beginning on the date before which the tax arrears must be paid under section 417(2)(a) and ending on March 31 of the year immediately following that date.

63 *Section 421(3) is repealed and the following is substituted:*

(3) The advertisement must state that the municipality may, after the public auction, become the owner of any parcel of land not sold at the public auction.

64 *Section 424 is amended*

(a) *in subsection (1) by striking out “becomes the owner of the parcel immediately” and substituting “may become the owner of the parcel”;*

**59** Section 410 presently reads in part:

*410 In this Division,*

- (a) "encumbrance" means an encumbrance as defined in the Land Titles Act;*
- (b) "encumbrancee" means the owner of an encumbrance;*

**60** Section 412(1) presently reads:

*412(1) A municipality must annually, not later than March 31,*

- (a) prepare a tax arrears list showing the parcels of land in the municipality in respect of which there are tax arrears,*
- (b) send 2 copies of the tax arrears list to the Registrar, and*
- (c) post a copy of the tax arrears list in a place that is accessible to the public during regular business hours.*

**61** Section 417(2)(b) presently reads:

*(2) The notice must state*

- (b) that the municipality will become the owner of the parcel immediately after the public auction if the parcel is not sold at the public auction.*

**62** Section 418(1) and (2) presently read:

*418(1) Each municipality must offer for sale at a public auction any parcel of land shown on its tax arrears list if the tax arrears are not paid.*

*(2) The public auction must be held within one year after the notice is sent under section 417.*

**63** Section 421(3) presently reads:

*(3) The advertisement must state that the municipality will become the owner of any parcel of land that is not sold at the public auction immediately after the public auction.*

**64** Section 424(1) and (2) presently read:

*424(1) The municipality at whose request a tax recovery notification was endorsed on the certificate of title for a parcel of land becomes the owner of the parcel immediately after the public auction, if the parcel is not sold at the public auction.*

(b) in subsection (2) by striking out “The municipality must request” and substituting “If the municipality wishes to become the owner of the parcel of land, it must request”.

65 Section 425 is amended by repealing subsections (2) and (3) and substituting the following:

(2) The municipality may grant a lease, licence or permit in respect of the parcel.

66 The following is added after section 425:

Minister's  
authority to  
transfer parcel

**425.1(1)** The Minister may administer, transfer to another Minister, transfer to the municipality in which the land is situated or, subject to section 425, dispose of any parcel of land acquired by the Minister under this Part or a predecessor to this Part.

(2) The Minister may cancel the tax arrears on any land referred to in subsection (1) and require the Registrar to remove the tax recovery notification caveat respecting those tax arrears.

67 Section 428(2) is amended by striking out “5 years” and substituting “10 years”.

*(2) The municipality must request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title in the name of the municipality.*

**65** Section 425 presently reads:

*425(1) A municipality that becomes the owner of a parcel of land pursuant to section 424 may dispose of the parcel*

- (a) by selling it at a price that is as close as reasonably possible to the market value of the parcel, or*
- (b) by depositing in the account referred to in section 427(1)(a) an amount of money equal to the price at which the municipality would be willing to sell the parcel under clause (a).*

*(2) The municipality may grant a lease, licence or permit in respect of the parcel for a term of not more than one year and may renew the lease, licence or permit for periods of not more than one year.*

*(3) If the municipality wishes to grant a lease, licence or permit with a term exceeding one year, the municipality must comply with subsection (1)(b).*

*(4) If a parcel of land is disposed of under subsection (1), the municipality must request the Registrar to delete the words "Tax Forfeiture" from the certificate of title issued in the name of the municipality for the parcel.*

**66** Minister's authority to transfer property.

**67** Section 428(2) presently reads:

*(2) An application under this section must be made within 5 years after*

- (a) the date of the public auction if the parcel was sold at a public auction, or*

68 *The following is added after section 428:*

Payment of  
undistributed  
money to  
municipality

**428.1** If no application is made under section 428 within the 10-year period referred to in section 428(2), the municipality may, for any purpose, use the money deposited in accordance with section 427 that remains undistributed.

69 *The following is added after section 429:*

Right to place  
tax arrears on  
new parcels of  
land

**429.1** When there are tax arrears in respect of a parcel of land that is to be subdivided, the municipality may distribute the tax arrears and any taxes that may be imposed in respect of the parcel among the parcels of land that are created by the subdivision in a manner the municipality considers appropriate.

70 *Section 437 is amended by repealing clause (c) and substituting the following:*

(c) “tax” means

(i) a business tax,

(ii) a well drilling equipment tax, or

(iii) a property tax imposed in respect of property referred to in section 304(1)(f), (g), (h), (i), (j)(i) or (k);

71 *Section 460(9) is repealed.*

72 *Section 461(2) is repealed and the following is substituted:*

(2) On receiving a complaint, the designated officer referred to in section 455 must set a date, time and location for a hearing before an assessment review board.



- (b) *the date of a sale under section 425 if the parcel was sold at a sale under that section.*

**68** Payment of undistributed money to municipality.

**69** Allows municipalities to carry tax arrears forward to newly-created parcels resulting from a subdivision.

**70** Section 437(c) presently reads:

*437 In this Division,*

- (c) *"tax" means a business tax, a well drilling equipment tax or a property tax imposed in respect of a mobile unit in a mobile home park;*

**71** Section 460(9) presently reads:

*(9) Where the complaint is about property that has been classed by the assessor as non-residential, the complaint must indicate whether the complainant wishes the complaint to be dealt with by arbitration.*

**72** Section 461(2) presently reads:

*(2) On receiving a complaint, the designated officer referred to in section 455 must*

- (a) set a date, time and location for a hearing before an assessment review board, or*
- (b) if the complaint indicates that the complainant wishes the complaint to be dealt with by arbitration, begin the arbitration process.*

73 *The heading preceding section 472 and sections 472 to 476 are repealed.*

74 *Section 477 is amended by striking out “or an arbitrator”.*

75 *Section 488 is amended*

*(a) in subsection (1) by striking out “and” at the end of clause (e) and by adding the following after clause (f):*

*(g) to decide disputes involving regional services commissions under section 602.15,*

*(h) to hear appeals pursuant to section 619,*

*(i) to hear appeals from subdivision decisions pursuant to section 678(2)(a), and*

*(j) to decide intermunicipal disputes pursuant to section 690.*

*(b) by adding the following after subsection (2):*

*(3) Sections 495 to 498, 501 to 504, 506 and 507 apply when the Board holds a hearing to decide a dispute or hear an appeal referred to in subsection (1)(g) to (j).*

76 *Section 492(2) is repealed.*

77 *Section 493(1) is repealed and the following is substituted:*

Duty of  
administrator  
on receiving  
statement

**493(1)** On receiving a written statement referred to in section 491(1), the administrator must set a date, time and location for a hearing before the Board.

78 *The heading preceding section 509 and sections 509 to 513 are repealed.*

**73** Sections 472 to 476 allow a complaint to go to arbitration rather than be decided by an assessment review board.

**74** Section 477 presently reads:

*477 The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of an assessment review board or an arbitrator.*

**75** Section 488 presently reads in part:

*488(1) The Board has jurisdiction*

*(e) to inquire into and make recommendations about any matter referred to it by the Lieutenant Governor in Council or the Minister, and*

*(f) to deal with annexations in accordance with Part 4.*

*(2) The Board must hold a hearing under Division 2 of this Part in respect of the matters set out in subsection (1)(a), (b) and (c).*

**76** Section 492(2) deals with arbitration.

**77** Section 493(1) presently reads:

*493(1) On receiving a written statement referred to in section 491(1), the administrator must*

*(a) set a date, time and location for a hearing before the Board, or*

*(b) if the written statement relates to a complaint about an assessment for linear property and indicates that the complainant wishes the complaint to be dealt with by arbitration, begin the arbitration process.*

**78** Sections 509 to 513 allow complaints about linear property to go to arbitration rather than be decided by the Municipal Government Board.

79 Section 517 is amended by striking out “or an arbitrator”.

80 Section 530(2) is repealed.

81 Section 542 is amended by adding the following after subsection (1):

(1.1) A consent signed under section 653 is deemed to be a reasonable notice for the purposes of subsection (1).

82 Section 553 is amended

(a) in subsection (1) by adding the following after clause (h):

(h.1) the costs and expenses of carrying out an order under section 646;

(b) in subsection (2) by striking out “When” and substituting “Subject to section 659, when”.

**79** Section 517 presently reads:

*517 The municipality must make any changes to its assessment roll or tax roll, or both, that are necessary to reflect the decision of the Board or an arbitrator.*

**80** Section 530 presently reads:

*530(1) A municipality is not liable for damage caused by*

- (a) a system of inspection, or the manner in which inspections are to be performed or the frequency, infrequency or absence of inspections, and*
- (b) a system of maintenance, or the manner in which maintenance is to be performed, or the frequency, infrequency or absence of maintenance.*

*(2) No municipality may use the exemption from liability under this section as a defence in an action under section 531 or 532.*

**81** Section 542(1) presently reads:

*542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,*

- (a) enter such land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,*
- (b) request anything be produced to assist in the inspection, remedy, enforcement or action, and*
- (c) make copies of anything related to the inspection, remedy, enforcement or action.*

**82** Section 553 presently reads:

*553(1) A council may add the following amounts to the tax roll of a parcel of land:*

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;*
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;*

83 *The following is added after section 554:*

Municipality's  
costs in  
actions

**554.1(1)** A municipality is entitled to tax and collect lawful costs in all actions and proceedings to which the municipality is a party.

**(2)** The costs of a municipality in an action or proceeding in which the municipality is a party are not to be disallowed or reduced because the municipality's lawyer in the action or proceeding is an employee of the municipality.

84 *Section 557 is amended*

*(a) by adding the following after clause (a):*

- (c) *unpaid expenses and costs referred to in section 549(3) if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;*
  - (d) *unpaid expenses and costs referred to in section 550(3) relating to a dangerous structure, excavation or hole in respect of the parcel or unsightly property on the parcel that are owing by the owner of the parcel;*
  - (e) *unpaid expenses, costs and remuneration referred to in section 551(5) if the parcel's owner caused the emergency and the cause of the emergency was located on all or a part of the parcel;*
  - (f) *costs associated with tax recovery proceedings related to the parcel;*
  - (g) *if the municipality has passed a bylaw making the owner of a parcel liable for costs and expenses related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;*
  - (h) *unpaid costs awarded by the Municipal Government Board under section 501, if the Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the Board was related to the parcel;*
  - (i) *any other amount that may be added to the tax roll under an enactment.*
- (2) *When an amount is added to the tax roll of a parcel of land, the amount*
- (a) *is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and*
  - (b) *forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.*

**83** Municipalities entitled to legal costs in proceedings and actions.

**84** Section 557 presently reads:

*557 A person who contravenes or does not comply with*

- (a.1) a provision of Part 17 or the regulations under Part 17,
- (a.2) a land use bylaw as defined in Part 17,
- (a.3) an order under section 645,
- (a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,
- (a.5) a decision of a subdivision and development appeal board or the Municipal Government Board under Part 17,

(b) *by adding* “or who obstructs or hinders any person in the exercise or performance of his powers under Part 17 or the regulations under Part 17,” *before* “is guilty of an offence”.

85 *The following is added after section 570:*

Information

**570.1** The Minister may provide a municipality with any information on the assessment of property the Minister may have whether the property is located in the municipality or elsewhere.

86 *The following is added after section 602:*

## **PART 15.1**

### **REGIONAL SERVICES COMMISSIONS**

Definitions

**602.01(1)** In this Part,

- (a) “board” means the board of directors of a commission;
- (b) “borrowing” means a borrowing within the meaning of that term under section 241;
- (c) “capital property” means capital property within the meaning of that term under section 241;
- (d) “commission” means a regional services commission;
- (e) “member” means, in respect of a commission, a municipal authority that is a member of the commission;



- (a) a provision of this Division,*
  - (b) a direction or order of the Minister, or*
  - (c) an order under section 545, 546, 551 or 567*
- is guilty of an offence.*

**85** Access to information.

**86** This Part provides for the establishment and governance of regional services commissions.

- (f) “municipal authority” means a municipal authority as defined in section 1(1)(p) and includes a Metis settlement, an Indian reserve and an armed forces base;
- (g) “public utility” means a public utility as defined in section 1(1)(y) excluding public transportation operated by or on behalf of a municipality;
- (h) “service” means, in respect of a commission, a service that the regulations authorize the commission to provide;
- (i) “transportation service” means a service to transport people or goods by vehicle, including a vehicle that runs on rails.

(2) A reference to a bylaw or resolution in this Act outside of this Part does not include a bylaw or resolution passed by a commission.

### **Division 1 Establishment and Operation**

Establishing  
commissions

**602.02(1)** The Lieutenant Governor in Council, on the recommendation of the Minister, may establish regional services commissions by regulation.

- (2) The regulation establishing a commission must
  - (a) specify the commission’s name;
  - (b) identify the municipal authorities that are the members of the commission;
  - (c) specify the services that a commission is authorized to provide.
- (3) The regulation establishing a commission may
  - (a) regulate the disposal of assets by the commission, and
  - (b) deal with any matter respecting the establishment or operation of the commission.

Corporation

**602.03** A commission is a corporation.



Board of  
directors

**602.04(1)** A commission is governed by a board of directors.

(2) When a commission is established, the Minister must

(a) appoint the first board of directors of the commission and fix their term of office, and

(b) designate one of the directors as the chair.

(3) After the term of the directors appointed under subsection (2) expires,

(a) the directors are to be appointed and the commission's chair designated in accordance with the commission's bylaws,

(b) only the council of a municipality may appoint a director who represents a municipality, and

(c) a director who represents a municipality must be a councillor of the municipality.

(4) A commission's bylaws may provide for the appointment of directors who are directors at large and who do not represent a member of the commission.

(5) If a council or other person who is entitled to appoint a director refuses to make the appointment or does not make the appointment within a reasonable time, the Minister may make the appointment on behalf of the council or other person.

(6) A commission must provide the Minister with the name of each director and alternate director, if any, and its chair.

Directors  
representing  
Province

**602.05(1)** If, in the Minister's opinion, a service that a commission is authorized to provide is a service that is provided by the Government of Alberta or that may affect a service provided by the Government of Alberta, the Minister may, despite the commission's bylaws, appoint up to 2 directors of the commission.

(2) A director appointed under this section has the powers, duties and functions of a director appointed in accordance with the commission's bylaws.



Delegation

**602.06(1)** Subject to subsection (2), a board may delegate any of its or the commission's powers, duties or functions under this or any other enactment.

(2) A board may not delegate

- (a) the power or duty to pass bylaws;
- (b) the power to expropriate;
- (c) the power to authorize a borrowing;
- (d) the power to adopt budgets;
- (e) the power to approve financial statements.

Bylaws

**602.07(1)** The board of a commission must pass bylaws

- (a) respecting the appointment of its directors and the designation of its chair;
- (b) governing the fees to be charged by the commission for services provided to its customers or to any class of its customers.

(2) A bylaw passed under subsection (1)(a) does not come into force until it has been approved by the Minister.

(3) The board of a commission may pass bylaws

- (a) respecting the provision of the commission's services;
- (b) governing the administration of the commission.

(4) The bylaws of a commission are subject to the regulations.

(5) The *Regulations Act* does not apply to the bylaws of a commission.

Meetings

**602.08(1)** Boards and board committees must conduct their meetings in public unless subsection (2) applies.

(2) Boards and board committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.



(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

Control of  
profit  
corporations

**602.09** Section 73 does not apply to a commission.

## **Division 2 Powers**

Natural person  
powers

**602.1** A commission has natural person powers, except to the extent that they are limited by this or any other enactment.

Service area

**602.11** A commission may provide its services

- (a) within the boundaries of its members, and
- (b) outside the boundaries of its members with the approval of
  - (i) the Minister, and
  - (ii) the municipal authority within whose boundaries the services are to be provided.

Motor  
Transport Act

**602.12** A commission that is authorized to provide transportation services is subject to the *Motor Transport Act*.

Expropriation

**602.13(1)** A commission may acquire by expropriation under the *Expropriation Act* an interest or estate in land for the purpose of providing a public utility or a transportation service.

(2) A commission may acquire by expropriation an estate or interest under subsection (1) in land that is outside the boundaries of its members only if the municipal authority in whose boundaries the land is located consents in writing to the acquisition.

Public utility  
disputes

**602.14** If there is a dispute between a commission and another commission or a commission and any municipal authority with respect to

- (a) rates, tolls or charges for a service that is a public utility,
- (b) compensation for the acquisition by the commission of facilities used to provide a service that is a public utility, or





- (c) the commission's use of any road, square, bridge, subway or watercourse to provide a service that is a public utility,

any party involved in the dispute may submit it to the Public Utilities Board and the Public Utilities Board may issue an order on any terms and conditions that the Public Utilities Board considers appropriate.

Other disputes

**602.15(1) If**

- (a) there is a dispute between a commission and another commission or a commission and any municipal authority and the matter in dispute is not under the jurisdiction of the Public Utilities Board or the Alberta Motor Transport Board or any other board or tribunal created by an enactment, or
- (b) there is a dispute between a commission and a municipal authority, other than an improvement district or special area, in respect of an expropriation that requires the municipal authority's consent under section 602.13(2),

any party involved in the dispute may submit it to the Municipal Government Board.

(2) If a dispute is submitted to the Municipal Government Board, each party involved in the dispute must submit a written statement to the Board and to the other parties involved in the dispute that sets out

- (a) a summary of the facts and its position in the dispute, and
- (b) an address to which any notice or decision of the Board is to be sent.

(3) The Municipal Government Board must hold a hearing after the written statements have been submitted or after a time period established by the Board for submission of the statements has expired, whichever occurs first.

Order

**602.16(1)** On concluding a hearing, the Municipal Government Board may make any order it considers appropriate.

(2) The order may

- (a) include terms and conditions, and



- (b) be effective on a future date or for a limited time.
- (3) The Board must send its order, and its reasons if requested, to the parties involved in the dispute.
- (4) An order of the Municipal Government Board under this section is binding on the parties involved in the dispute.

### Division 3 Financial Matters

Payments to  
board

**602.17(1)** The Lieutenant Governor in Council may pay to the board of a commission an amount that will enable the board to meet the authorized operating and capital expenditures that the Lieutenant Governor in Council considers to be required for development and operation of the services and facilities of the commission.

- (2) The sums under subsection (1) may be paid
  - (a) by grant.
  - (b) by advance or loan, or
  - (c) by the purchase of securities under a borrowing made by the commission.
- (3) Any sum advanced or loaned under this section is a debt due by the commission to the Crown in right of Alberta and may be collected by civil action for debt in a court of competent jurisdiction.
- (4) The Lieutenant Governor in Council may specify the terms of repayment or retirement of advances or loans made under this section.

Financial year

**602.18** The financial year of a commission is the calendar year.

Operating  
budget

**602.19** A commission must adopt an operating budget for each calendar year.

Contents of  
operating  
budget

**602.2(1)** An operating budget must include the estimated amount of each of the following expenditures and transfers:

- (a) the amount needed to enable the commission to provide its services;
- (b) the amount needed to pay the debt obligations in respect of borrowings made to acquire, construct, remove or improve capital property;



- (c) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for any public utility it is authorized to provide;
  - (d) the amount to be transferred to reserves;
  - (e) the amount to be transferred to the capital budget;
  - (f) the amount needed to cover any deficiency as required under section 602.21.
- (2) An operating budget must include the estimated amount of each of the following sources of revenue and transfers:
- (a) fees for services provided;
  - (b) grants;
  - (c) transfers from the commission's accumulated surplus funds or reserves;
  - (d) any other source of revenue.
- (3) The estimated revenue and transfers under subsection (2) must be at least sufficient to pay the estimated expenditures and transfers under subsection (1).
- (4) The Minister may make regulations respecting budgets and that define terms used in this section that are not defined in section 602.01.

Deficiency

**602.21(1)** If the total revenues and transfers of a commission over a 3-year period are less than the total expenditures and transfers of the commission for the same period, the operating budget for the commission for the year following the 3-year period must include an expenditure to cover the deficiency.

(2) If a commission has a deficiency referred to in subsection (1), the commission may, with the Minister's approval, spread the expenditures to cover the deficiency over more than one calendar year.

(3) If the Minister considers it to be necessary, the Minister may establish the budget for a commission that has a deficiency referred to in subsection (1) for a calendar year, and the budget

- (a) is for all purposes the commission's budget for that calendar year, and



	(b) may not be amended or replaced by the commission's board.
Capital budget	<b>602.22</b> A commission must adopt a capital budget for each calendar year.
Contents of capital budget	<p><b>602.23</b> A capital budget must include the following:</p> <ul style="list-style-type: none"> <li>(a) an estimate of the amount needed to acquire, construct, remove or improve capital property;</li> <li>(b) the anticipated sources and estimated amounts of money to pay the costs referred to in clause (a);</li> <li>(c) an estimate of the amount to be transferred from the operating budget.</li> </ul>
Expenditure of money	<p><b>602.24(1)</b> A commission may make an expenditure only if it is</p> <ul style="list-style-type: none"> <li>(a) included in an operating budget or capital budget or otherwise authorized by its board,</li> <li>(b) for an emergency, or</li> <li>(c) legally required to be paid.</li> </ul> <p><b>(2)</b> Each board must establish procedures to authorize and verify expenditures that are not included in a budget.</p> <p><b>(3)</b> If the Minister establishes a budget for a commission under section 602.21, the commission may not make an expenditure that is not included in the budget unless the expenditure is</p> <ul style="list-style-type: none"> <li>(a) authorized by the Minister,</li> <li>(b) for an emergency, or</li> <li>(c) legally required to be paid.</li> </ul>
Civil liability of directors	<p><b>602.25(1)</b> A director who</p> <ul style="list-style-type: none"> <li>(a) makes an expenditure that is not authorized under section 602.24,</li> <li>(b) votes to spend money that has been obtained under a borrowing on something that is not within the purpose for which the money was borrowed, or</li> </ul>





- (c) votes to spend money that has been obtained under a grant on something that is not within the purpose for which the grant was given

is liable to the commission for the expenditure or amount spent.

(2) A director is not liable under subsection (1)(b) if spending the money is allowed under section 602.27(2).

(3) If more than one director is liable to the commission under this section in respect of a particular expenditure or amount spent, the directors are jointly and severally liable to the commission for the expenditure or amount spent.

(4) The liability may be enforced by action by

- (a) the commission,
- (b) a member of the commission,
- (c) a taxpayer of a member of the commission, or
- (d) a person who holds a security under a borrowing made by the commission.

Authorized  
investments

**602.26** A commission may invest its money only in the investments referred to in section 250(2)(a) to (d).

Use of  
borrowed  
money

**602.27(1)** Money obtained by a commission under a borrowing must be used for the purpose for which it is borrowed.

(2) Money obtained by a commission under a borrowing for the purpose of financing a capital property may be used for an operating purpose if the amount spent is available when it is needed for the capital property.

Borrowing

**602.28** No commission may make a borrowing if the borrowing will cause the commission to exceed its debt limit, unless the borrowing is approved by the Minister.

Debt limit  
regulations

**602.29(1)** The Minister may make regulations

- (a) respecting how a debt limit for a commission is determined;
- (b) defining debt for the purposes of determining if a commission has exceeded its debt limit, and the definition may include anything related to a commission's finances.



	<p>(2) The regulations may establish different methods of determining debt limits and different definitions of debt for different commissions.</p>
Civil liability of directors	<p><b>602.3(1)</b> When a commission makes a borrowing that causes the commission to exceed its debt limit, a director who voted to authorize the borrowing is liable to the commission for the amount borrowed, unless the borrowing has been approved by the Minister.</p> <p>(2) If subsection (1) applies to more than one director, the directors are jointly and severally liable to the commission for the amount borrowed.</p> <p>(3) The liability may be enforced by action by</p> <ul style="list-style-type: none"> <li>(a) the commission,</li> <li>(b) a member of the commission,</li> <li>(c) a taxpayer of a member of the commission, or</li> <li>(d) a person who holds a security under a borrowing made by the commission.</li> </ul>
Loans and guarantees	<p><b>602.31</b> A commission may not lend money or guarantee the repayment of a loan.</p>
Financial information return	<p><b>602.32(1)</b> Each commission must prepare a financial information return respecting the financial affairs of the commission for the immediately preceding calendar year.</p> <p>(2) The Minister may establish requirements respecting the financial information return, including requirements respecting the accounting principles and standards to be used in preparing the return.</p>
Audited financial statements	<p><b>602.33</b> Each commission must prepare audited annual financial statements for the immediately preceding calendar year.</p>
Distribution of returns and statements	<p><b>602.34</b> Each commission must submit its financial information return and audited annual financial statements to the Minister and each member of the commission by May 1 of the year following the year for which the return and statements have been prepared.</p>



#### **Division 4 Minister's Powers**

##### **Inspection**

**602.35(1)** The Minister may require any matter connected with the management, administration or operation of any commission to be inspected

- (a) on the Minister's initiative, or
  - (b) on the request of a member of the commission.
- (2) The Minister may appoint one or more persons as inspectors for the purposes of carrying out inspections under this section.
- (3) An inspector
- (a) may require the attendance of any director or officer of the commission or of any other person whose presence the inspector considers necessary during the course of the inspection, and
  - (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.
- (4) When required to do so by an inspector, the commission must produce for examination and inspection all books and records of the commission.
- (5) After the completion of the inspection, the inspector must make a report to the Minister and, if the inspection was made at the request of a member of the commission, to the member and the commission.

##### **Directions and dismissal**

**602.36(1)** If because of an inspection under section 602.35 the Minister considers that a commission is managed in an irregular, improper or improvident manner, the Minister may by order direct the board of the commission to take any action that the Minister considers proper in the circumstances.

- (2) If an order of the Minister under this section is not carried out to the satisfaction of the Minister, the Minister may dismiss the board or any director.
- (3) On the dismissal of the board or of any director, the Minister may direct that a new board or director be appointed or may appoint a new board or director.
- (4) The Minister may appoint an official administrator



	<p>(a) on the dismissal of a board, or</p> <p>(b) on the dismissal of one or more directors if the remaining directors do not constitute a quorum.</p> <p>(5) An official administrator appointed under subsection (4) has all the powers and duties of the board.</p>
Official administrator as supervisor	<p><b>602.37(1)</b> The Minister may at any time appoint an official administrator to supervise a commission and its board.</p> <p>(2) So long as the appointment of an official administrator under this section continues,</p> <p>(a) no bylaw or resolution that authorizes the commission to incur a liability or to dispose of its money or property has any effect until the bylaw or resolution has been approved in writing by the official administrator, and</p> <p>(b) the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.</p>
Remuneration for official administrator	<p><b>602.38</b> When an official administrator is appointed for a commission by the Minister under this Part, the remuneration and expenses of the official administrator as set by the Minister must, if required by the Minister, be paid by the commission.</p>
Application of provisions outside of this Part	<p><b>602.39</b> The Minister may by regulation make provisions of this Act, other than provisions in this Part, applicable with or without modification to one or more commissions.</p>
Disestablishing a commission	<p><b>602.4</b> The Lieutenant Governor in Council, on the recommendation of the Minister, may make regulations disestablishing a commission and respecting its winding-up.</p>

## Division 5 Transitional

Definitions	<p><b>602.41</b> <i>In this Division,</i></p> <p>(a) <i>"continued commission" means a regional services commission continued under section 602.42;</i></p> <p>(b) <i>"former Act" means the Regional Municipal Services Act.</i></p>
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Commissions continued	<p><b>602.42(1)</b> <i>A regional services commission established under the former Act that is in existence immediately before the coming into force of this Part is continued under this Part.</i></p> <p><i>(2) A continued commission is for all purposes to be treated as if it had been established under this Part.</i></p>
Boards continued	<p><b>602.43(1)</b> <i>The board of directors of a continued commission is continued as a board of directors under this Part.</i></p> <p><i>(2) Despite the repeal of the former Act, sections 5 and 6 of the former Act continue to apply to the board of a continued commission until the terms of the directors have expired.</i></p>
Bylaws and resolutions continued	<p><b>602.44</b> <i>The bylaws and resolutions of a continued commission continue with the same effect as if they had been passed under this Part.</i></p>
Borrowing	<p><b>602.45</b> <i>Nothing in this Part affects a borrowing made under the former Act.</i></p>
Contracts	<p><b>602.46</b> <i>The agreements and contracts of a continued commission that are in force immediately before the coming into force of this Part are continued as if they were made under this Part, subject to any provision of this Part that affects them.</i></p>
Expropriations	<p><b>602.47</b> <i>If a continued commission has started but not completed proceedings in an expropriation when this Part comes into force, the expropriation is governed by the laws in force respecting the expropriation immediately before the coming into force of this Part.</i></p>
Investments	<p><b>602.48(1)</b> <i>Section 602.26 does not apply to investments made by a continued commission before the coming into force of this Part.</i></p> <p><i>(2) Money from an investment referred to in subsection (1) that is invested after this Part comes into force is subject to section 602.26.</i></p>
Freedom of Information and Protection of Privacy Act	<p><b>602.49</b> <i>Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act is deemed to be in force for the purposes of section 602.08.</i></p>



Transitional  
regulations

**602.5** *The Minister may make regulations*

- (a) respecting the conversion to this Part of anything from the former Act;*
- (b) to deal with any difficulty or impossibility resulting from this Part or the transition to this Part from the former Act.*

87 *Section 615(2)(c)(i) is amended by striking out “the Planning Act” and substituting “Part 17”.*

88 *Section 616 is amended by adding the following after clause (a):*

- (a.1) “former County Act” means the County Act, RSA 1980 cC-27;*

89 *Section 618 is amended by adding the following after subsection (5):*

- (6) A county in existence immediately before the repeal of the former County Act is continued under this Act as a municipal district.*
- (7) The name of a county that is continued as a municipal district under subsection (6) does not change as a result of the continuation, and the municipality may retain “County” in its name.*

90 *The following is added after section 619:*

**87** Section 615(2)(c) presently reads:

*(2) The Minister may make regulations that apply to Crowsnest Pass respecting the following matters:*

- (c) a scheme to adjust property boundaries so that property boundaries coincide with lines of occupation, including*
  - (i) the application of the Planning Act,*
  - (ii) road closures,*
  - (iii) the duties of the Registrar of Land Titles,*
  - (iv) the rights of property owners affected by the scheme,*  
*and*
  - (v) any other matter the Minister considers necessary to implement the scheme.*

**88** Section 616(a) presently reads:

*616 In this Division,*

- (a) "former Assessment Appeal Board Act" means the Assessment Appeal Board Act, RSA 1980 cA-46;*

**89** Counties continued as municipal districts.

**90** Transitional provisions for counties changed to municipal districts under the former County Act.

Change of  
status under  
former County  
Act

**619.1(1)** *This section applies to a municipal district whose status was changed from a county to a municipal district by order of the Minister under section 5.2 of the former County Act.*

*(2) If the Minister permitted the municipal district to retain its county name, the municipal district may retain "County" in its name.*

*(3) The municipal district is for all purposes a municipal district as though it had been formed under this Act.*

91 *Section 620(1) is amended by striking out "section 618(1) or (2)" and substituting "section 618(1), (2) or (6)".*

92 *The following is added after section 625:*

Counties  
continued as  
municipal  
districts

**625.1(1)** *This section applies to a county that is continued as a municipal district under section 618(6).*

*(2) A bylaw, appointment, resolution or other decision passed or made by a county that a municipal district has the authority to pass or make is continued with the same effect as if it had been passed or made under this Act.*

*(3) Licences, permits, approvals and authorizations issued under bylaws or resolutions that are referred to in subsection (2) are continued with the same effect as if they had been made under this Act.*

*(4) Each officer and employee of a county continues as an officer or employee of the municipal district with the same rights and duties until the council of the municipal district otherwise directs.*

*(5) All taxes due to the county are deemed to be arrears of taxes due to the municipal district and may be collected and dealt with by the municipal district as if it had imposed the taxes.*

*(6) All rights of action and actions by or against the county may be continued or maintained by or against the municipal district.*

*(7) All property vested in the county becomes vested in the municipal district and may be dealt with by the municipal district in its own name subject to any trusts or other conditions applicable to the property.*

**91** Section 620(1) presently reads:

*620(1) The council of a municipality referred to in section 618(1) or (2) is continued as a council under this Act.*

**92** Transitional provisions for counties continued as municipal districts under this Act.

*(8) All other assets, liabilities, rights, duties, functions and obligations of the county become vested in the municipal district, and the municipal district may deal with them in its own name.*

*(9) The Minister may at any time on or before August 1, 1995 make an order in respect of a municipal district that*

*(a) changes the number of wards in the municipal district and the boundaries of the wards,*

*(b) gives each ward a name or number or both,*

*(c) states the number of councillors to be elected for each ward, or*

*(d) eliminates wards.*

*93 Section 643 is amended by striking out "section 1(i)" and substituting "section 1(1)(i)".*

*94 Part 17, Transitional Provisions, Consequential Amendments, Repeal and Commencement, is renumbered as Part 18 and sections 616 to 645 are renumbered as sections 709 to 740 respectively.*

*95 The following is added after section 615:*

## **PART 17**

### **PLANNING AND DEVELOPMENT**

#### **Definitions**

**616** In this Part,

- (a) "building" includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;



**93** Section 643 presently reads:

*643 On the coming into force of section 1(i) of the Freedom of Information and Protection of Privacy Act*

- (a) the heading "Access to Information" preceding section 216 of this Act and sections 216 to 218, 299 to 301 and 561 of this Act are repealed, and*
- (b) section 197(2) of this Act is amended by striking out "categories of information referred to in section 217(2)" and substituting "exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act".*

**94** Renumbering.

**95** Adds provisions related to planning.

- (b) “development” means
- (i) an excavation or stockpile and the creation of either of them,
  - (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land,
  - (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- (c) “development authority” means a development authority established pursuant to Division 3;
- (d) “development permit” means a document that is issued under a land use bylaw and authorizes a development;
- (e) “environmental reserve” means the land designated as environmental reserve by a subdivision authority or a municipality under Division 8;
- (f) “environmental reserve easement” means an easement created under Division 8;
- (g) “former Act” means the *Planning Act*, RSA 1980 cP-9, *The Planning Act*, 1977, SA 1977 c89, *The Planning Act*, RSA 1970 c276 or *The Planning Act*, SA 1963 c43;
- (h) “highway” means a primary highway and a secondary road numbered between 900 and 999, as defined in the *Public Highways Development Act*;
- (i) “instrument” means a plan of subdivision and an instrument as defined in the *Land Titles Act*;
- (j) “intermunicipal service agency” means an intermunicipal service agency established under Division 3;



- (k) “land use bylaw” means a bylaw made under Division 5 and a by-law made under section 23 of the *Historical Resources Act*;
- (l) “land use policies” means policies established by the Lieutenant Governor in Council under Division 2;
- (m) “lot” means
  - (i) a quarter section,
  - (ii) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office,
  - (iii) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office,
  - (iv) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
  - (v) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (n) “municipal planning commission” means a municipal planning commission established under Division 3;
- (o) “municipal reserve” means the land designated as municipal reserve under Division 8;
- (p) “municipal and school reserve” means the land designated as municipal and school reserve under Division 8;
- (q) “non-conforming building” means a building
  - (i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and
  - (ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;



- (r) “non-conforming use” means a lawful specific use
- (i) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - (ii) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (s) “parcel of land” means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (t) “*Planning Act*” means the *Planning Act*, RSA 1980 cP-9;
- (u) “plan of subdivision” means a plan of survey prepared in accordance with the *Land Titles Act* for the purpose of effecting a subdivision;
- (v) “public utility” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
- (i) water or steam;
  - (ii) sewage disposal;
  - (iii) public transportation operated by or on behalf of the municipality;
  - (iv) irrigation;
  - (v) drainage;
  - (vi) fuel;
  - (vii) electric power;
  - (viii) heat;
  - (ix) waste management;
  - (x) telecommunications;



and includes the thing that is provided for public consumption, benefit, convenience or use;

- (w) “public utility lot” means land required to be given under Division 8 for public utilities;
- (x) “redevelopment area” means an area of land that is the subject of an area redevelopment plan;
- (y) “Registrar” means Registrar as defined in the *Land Titles Act*;
- (z) “reserve land” means environmental reserve, municipal reserve, school reserve or municipal and school reserve;
- (aa) “road” means road as defined in section 1(1) but does not include highway as defined in this Part;
- (bb) “school authority” means the board of trustees of a school district or school division;
- (cc) “school reserve” means the land designated as school reserve under Division 8;
- (dd) “statutory plan” means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4;
- (ee) “subdivision” means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning;
- (ff) “subdivision authority” means a subdivision authority established under Division 3;
- (gg) “subdivision and development appeal board” means a subdivision and development appeal board established under Division 3;
- (hh) “subdivision and development regulations” mean regulations made by the Lieutenant Governor in Council under section 694(1).

Purpose of  
this Part

**617** The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted





Non-  
application of  
this Part

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

**618(1)** This Part and the regulations and bylaws under this Part do not apply when a development or a subdivision is effected only for the purpose of

- (a) a highway or road,
- (b) a well or battery within the meaning of the *Oil and Gas Conservation Act*, or
- (c) a pipeline or an installation or structure incidental to the operation of a pipeline.

**(2)** This Part and the regulations and bylaws under this Part do not apply to

- (a) the geographic area of a Metis settlement, or
- (b) a designated area of Crown land in a municipal district.

**(3)** The Minister responsible for the *Public Lands Act* may make regulations designating one or more areas of Crown land under his administration for the purposes of subsection (2)(b).

**(4)** The Lieutenant Governor in Council may, by regulation, exempt an action, person or thing from the application of all of or any provision of this Part or of the regulations or bylaws under this Part.

**(5)** The Lieutenant Governor in Council may include terms and conditions in a regulation under subsection (4).



**Division 1**  
**Other Authorizations, Compensation**

NRCB, ERCB,  
AEUB  
authorizations

**619(1)** A licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Municipal Government Board or any other authorization under this Part.

(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).

(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)

(a) must be granted within 90 days of the application or a longer time agreed on by the applicant and the municipality, and

(b) is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB.

(4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB or AEUB except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.

(5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Municipal Government Board by filing a notice of appeal with the Board.

(6) The Municipal Government Board, on receiving a notice of appeal under subsection (5),



(a) must commence a hearing within 60 days of receiving the notice of appeal and give a written decision within 30 days of concluding the hearing, and

(b) is not required to notify or hear from any person other than the applicant and the municipality against whom the appeal is launched.

(7) The Municipal Government Board, in hearing an appeal under subsection (6), may only hear matters relating to whether the proposed statutory plan or land use bylaw amendment is consistent with the licence, permit, approval or other authorization granted under subsection (1).

(8) In an appeal under this section the Municipal Government Board may

(a) order the municipality to amend the statutory plan or land use bylaw in order to comply with a licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB, or

(b) dismiss the appeal.

(9) Section 692 does not apply when the statutory plan or land use bylaw is amended pursuant to a decision of the Municipal Government Board under subsection (8)(a).

(10) A decision under subsection (8) is final but may be appealed by the applicant or the municipality in accordance with section 688.

(11) In this section, "NRCB, ERCB or AEUB" means the Natural Resources Conservation Board, Energy Resources Conservation Board or Alberta Energy and Utilities Board.

Conditions  
prevail

**620** A condition of a licence, permit, approval or other authorization granted pursuant to an enactment by the Lieutenant Governor in Council, a Minister, a Provincial agency or Crown-controlled organization as defined in the *Financial Administration Act* or a delegated person as defined in Schedule 10 of the *Government Organization Act* prevails over any condition of a development permit that conflicts with it.

Compensation

**621(1)** Except as provided in this Part and in section 24 of the *Historical Resources Act*, nothing in this Part or the regulations or bylaws under this Part gives a person a right to compensation.



(2) Subsection (1) applies only to this Part and does not create, extinguish or affect rights created, extinguished or affected by the rest of this Act.

## **Division 2 Land Use Policies**

Land use  
policies

**622(1)** The Lieutenant Governor in Council may by order, on the recommendation of the Minister, establish land use policies.

(2) The *Regulations Act* does not apply to an order under subsection (1).

(3) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies.

## **Division 3 Planning Authorities**

Subdivision  
authority

**623(1)** A council must by bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality.

(2) A subdivision authority may include one or more of the following:

- (a) any or all members of council;
- (b) a designated officer;
- (c) a municipal planning commission;
- (d) any other person or organization.

Development  
authority

**624(1)** Subject to section 641, a council must by bylaw provide for a development authority to exercise development powers and duties on behalf of the municipality.

(2) A development authority may include one or more of the following:

- (a) a designated officer;
- (b) a municipal planning commission;
- (c) any other person or organization.





Intermunicipal  
service  
agency

**625** A council may by bylaw authorize the municipality to enter into an agreement

- (a) with a regional services commission, or
- (b) with one or more municipalities to establish an intermunicipal service agency

to which the municipality may delegate any of its subdivision authority or development authority powers, duties or functions.

Municipal  
planning  
commission

**626(1)** A council may by bylaw establish a municipal planning commission and may by bylaw authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal planning commission.

**(2)** An intermunicipal planning commission is deemed to be a municipal planning commission for the purposes of this Part.

**(3)** If an intermunicipal planning commission or a municipal planning commission is established, the bylaw or agreement establishing it must

- (a) provide for the applicable matters described in section 145(b),
- (b) prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and
- (c) in the case of an intermunicipal planning commission, provide for its dissolution.

Appeal board  
established

**627(1)** A council must, by bylaw,

- (a) establish a subdivision and development appeal board, or
- (b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board,

or both.



(2) An intermunicipal subdivision and development appeal board is a subdivision and development appeal board for purposes of this Part.

(3) Notwithstanding section 146,

(a) in the case of a subdivision and development appeal board formed under subsection (1)(a), councillors may not form the majority of the board or the majority of the board or a committee hearing an appeal, and

(b) in the case of a subdivision and development appeal board formed under subsection (1)(b), the councillors from a single municipality may not form the majority of the board or of a committee hearing an appeal.

(4) A person who is an employee of the municipality, who carries out subdivision or development powers, duties and functions on behalf of the municipality or who is a member of a municipal planning commission may not be appointed as a member of a subdivision and development appeal board.

Appeal board  
established

**628(1)** A bylaw or agreement under section 627 must

(a) provide for the applicable matters described in section 145(b), and

(b) prescribe the functions and duties of the subdivision and development appeal board.

(2) A bylaw or agreement under section 627 may provide

(a) for the members of the subdivision and development appeal board to meet in committees,

(b) for 2 or more committees to meet simultaneously,

(c) that the committees have any or all the powers, duties and responsibilities of the subdivision and development appeal board, and

(d) that a decision of a committee is a decision of the subdivision and development appeal board.

Appeal board  
evidence

**629** A subdivision and development appeal board

(a) may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a



court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings, and

- (b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence presented at a hearing.

Signature  
evidence

**630(1)** An order, decision, approval, notice or other thing made or given by a subdivision authority, development authority or subdivision and development appeal board may be signed on its behalf by a designated officer.

**(2)** An order, decision, approval, notice or other thing purporting to be signed by a designated officer pursuant to subsection (1) may be admitted in evidence as proof

- (a) of the order, decision, approval, notice or other thing, and

- (b) that the designated officer signing it was authorized to do so,

without proof of the signature or of the designation.

#### **Division 4 Statutory Plans**

##### **Intermunicipal Development Plans**

Intermunicipal  
development  
plan

**631(1)** Two or more councils may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

**(2)** An intermunicipal development plan

- (a) may provide for

- (i) the future land use within the area,

- (ii) the manner of and the proposals for future development in the area, and

- (iii) any other matter relating to the physical, social or economic development of the area that the councils consider necessary,

and

- (b) must include



Municipal  
development  
plan

- (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and
- (iii) provisions relating to the administration of the plan.

### **Municipal Development Plans**

**632(1)** A council of a municipality with a population of 3500 or more must, by bylaw, adopt a municipal development plan.

**(2)** A council of a municipality with a population of less than 3500 may adopt a municipal development plan.

**(3)** A municipal development plan

(a) must address

- (i) the future land use within the municipality,
- (ii) the manner of and the proposals for future development in the municipality,
- (iii) the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities,
- (iv) the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities, and
- (v) the provision of municipal services and facilities either generally or specifically,

(b) may address

- (i) proposals for the financing and programming of municipal infrastructure,
- (ii) the co-ordination of municipal programs relating to the physical, social and economic development of the municipality,





- (iii) environmental matters within the municipality,
- (iv) the financial resources of the municipality,
- (v) the economic development of the municipality,  
and
- (vi) any other matter relating to the physical, social  
or economic development of the municipality,
- (c) may contain statements regarding the municipality's  
development constraints, including the results of any  
development studies and impact analysis, and goals,  
objectives, targets, planning policies and corporate  
strategies,
- (d) must identify the location of sour gas facilities and  
contain policies related to them that are compatible  
with the subdivision and development regulations,  
and
- (e) must contain policies respecting the provision of  
municipal, school or municipal and school reserves,  
including but not limited to the need for, amount of  
and allocation of those reserves and the  
identification of school requirements in consultation  
with affected school authorities.

#### **Area Structure Plans**

Area structure  
plan

**633(1)** For the purpose of providing a framework for  
subsequent subdivision and development of an area of land,  
a council may, by bylaw, adopt an area structure plan.

**(2) An area structure plan**

- (a) must describe
  - (i) the sequence of development proposed for the  
area,
  - (ii) the land uses proposed for the area, either  
generally or with respect to specific parts of the  
area,
  - (iii) the density of population proposed for the area  
either generally or with respect to specific parts  
of the area, and
  - (iv) the general location of major transportation  
routes and public utilities,



and

- (b) may contain any other matters the council considers necessary.

### **Area Redevelopment Plans**

Area  
redevelopment  
plans

#### **634 A council may**

- (a) designate an area of the municipality as a redevelopment area for the purpose of any or all of the following:
  - (i) preserving or improving land and buildings in the area;
  - (ii) rehabilitating buildings in the area;
  - (iii) removing buildings from the area;
  - (iv) constructing or replacing buildings in the area;
  - (v) establishing, improving or relocating roads, public utilities or other services in the area;
  - (vi) facilitating any other development in the area,
- (b) adopt, by bylaw, an area redevelopment plan,
- (c) in accordance with this section and Division 6, provide for the imposition and collection of a levy to be known as a “redevelopment levy”, and
- (d) authorize a designated officer, with or without conditions, to perform any function with respect to the imposition and collection of that redevelopment levy.

Plan contents

#### **635 An area redevelopment plan**

- (a) must describe
  - (i) the objectives of the plan and how they are proposed to be achieved,
  - (ii) the proposed land uses for the redevelopment area,
  - (iii) if a redevelopment levy is to be imposed, the reasons for imposing it, and



- (iv) any proposals for the acquisition of land for any municipal use, school facilities, parks and recreation facilities or any other purposes the council considers necessary,

and

- (b) may contain any other proposals that the council considers necessary.

### **General Provisions**

Statutory plan  
preparation

**636** While preparing a statutory plan a municipality must

- (a) provide opportunities to any person who may be affected by it to make suggestions and representations,
- (b) notify the public of the details of the plan preparation process and of the opportunities described in clause (a),
- (c) notify the school authorities with jurisdiction in the area to which the plan preparation applies and provide opportunities to those authorities to make suggestions and representations,
- (d) in the case of a municipal development plan, notify adjacent municipalities of the plan preparation and provide opportunities to those municipalities to make suggestions and representations, and
- (e) in the case of an area structure plan, where the land that is the subject of the plan is adjacent to another municipality, notify that municipality of the plan preparation and provide opportunities to that municipality to make suggestions and representations.

Effect of plans

**637** The adoption by a council of a statutory plan does not require the municipality to undertake any of the projects referred to in it.

Plans  
consistent

**638** All statutory plans adopted by a municipality must be consistent with each other.



## **Division 5 Land Use**

Land use  
bylaw

**639** Every municipality must pass a land use bylaw.

Land use  
bylaw

**640(1)** A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

**(2)** A land use bylaw

(a) must divide the municipality into districts of the number and area the council considers appropriate;

(b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,

(i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or

(ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions,

or both;

(c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for

(i) the types of development permit that may be issued,

(ii) applying for a development permit,

(iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,

(iv) the conditions that are to be attached, or that the development authority may attach, to a development permit either generally or with respect to a specific type of permit,

(v) how long any type of development permit remains in effect,





- (vi) the discretion that the development authority may exercise with respect to development permits, and
  - (vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;
- (d) must provide for how and to whom notice of the issuance of a development permit is to be given;
  - (e) must establish the number of dwelling units permitted on a lot.
- (3) A land use bylaw may identify additional land as adjacent land for the purposes of section 692.
- (4) Without restricting the generality of subsection (1), a land use bylaw may provide for one or more of the following matters, either generally or with respect to any district or part of a district established pursuant to subsection (2)(a):
- (a) subdivision design standards;
  - (b) the ground area, floor area, height, size and location of buildings;
  - (c) the amount of land to be provided around or between buildings;
  - (d) the landscaping of land or buildings;
  - (e) the location, height and maintenance of fences and walls;
  - (f) the establishment and maintenance of
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities,
 and any other similar matters;
  - (g) the design, character and appearance of buildings;
  - (h) the location and amount of access to lots from roads and ensuring that there is at least one means of access from each lot to a road;
  - (i) the lighting of land, buildings or other things;



- (j) the enlargement, alteration, repair, removal or relocation of buildings;
  - (k) the excavation or filling in of land;
  - (l) the development of buildings
    - (i) on land subject to flooding or subsidence or that is low lying, marshy or unstable,
    - (ii) on land adjacent to or within a specified distance of the bed and shore of any lake, river, stream or other body of water, or
    - (iii) subject to regulations made under section 693 or 694, within a specified area around an airport;
  - (m) the construction, placement or use of billboards, signboards or other advertising devices of any kind, and if they are permitted at all, governing their height, size and character;
  - (n) the removal, repair or renovation of billboards, signboards or other advertising devices of any kind;
  - (o) the density of population in any district or part of it;
  - (p) the designation of a district as a direct control district in accordance with section 641;
  - (q) the establishment of any related agreements, forms, fees or procedural matters;
  - (r) issuing orders under section 645.
- (5) A land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot
- (a) for a development permit for the same or a similar use, or
  - (b) for a change in land use designation
- may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.
- (6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not



comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

- (a) the proposed development would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Designation of  
direct control  
districts

**641(1)** The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

**(2)** If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

**(3)** In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

**(4)** Notwithstanding section 685, if a decision with respect to a development permit application

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.



Permitted and  
discretionary  
uses

**642(1)** When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of it must be given to the applicant.

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.

Non-  
conforming  
use and non-  
conforming  
buildings

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except





Acquisition of  
land  
designated for  
public use

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**644(1)** If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

- (a) acquire the land or require the land to be provided as reserve land;
- (b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;
- (c) amend the land use bylaw to designate the land for another use or intended use.

(2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, a board of an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection,

- (a) acquires that land, or
- (b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time.

Stop order

**645(1)** Notwithstanding section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or



(b) a development permit or subdivision approval,

the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(c) stop the development or use of the land or building in whole or part as directed by the notice,

(d) demolish, remove or replace the development, or

(e) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2) A person who receives a notice referred to in subsection (1) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement  
of stop order

**646(1)** If a person fails or refuses to comply with an order directed to him under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

## **Division 6 Development Levies and Conditions**

Redevelop-  
ment levies

**647(1)** If a person applies for a development permit in respect of development in a redevelopment area and the area redevelopment plan contains proposals for residential, commercial or industrial development, a redevelopment levy may be imposed on the applicant in accordance with the bylaw adopting the area redevelopment plan.



(2) A redevelopment levy imposed and collected must be used to provide, in respect of the redevelopment area,

- (a) land for a park or land for school buildings designed for the instruction or accommodation of students, or
- (b) land for new or expanded recreation facilities,

or both.

(3) On the coming into force of this Part a redevelopment levy under the former Act continues as a redevelopment levy under this Part.

(4) A redevelopment levy imposed and collected under this Part or the former Act may be imposed and collected only once in respect of a development.

(5) A redevelopment levy imposed pursuant to this Part may vary between one class of development and another in a redevelopment area.

(6) If a redevelopment levy is collected, the municipality must pay that portion of the levy imposed to provide land for school buildings designed for the instruction or accommodation of students to the one or more school authorities.

Off-site levy

**648(1)** For the purposes referred to in subsection (2), a council may, by bylaw,

- (a) provide for the imposition and payment of a levy, to be known as an "off-site levy", in respect of land that is to be developed or subdivided, and
- (b) authorize an agreement to be entered into in respect of the payment of the levy.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

- (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
- (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- (c) new or expanded storm sewer drainage facilities;
- (d) land required for or in connection with any facilities described in clauses (a) to (c).



(3) On the coming into force of this Part an off-site levy under the former Act continues as an off-site levy under this Part.

(4) An off-site levy imposed under this Part or the former Act may be collected once only in respect of land that is the subject of a development or a subdivision.

Levy bylaws

**649** A bylaw that authorizes a redevelopment levy or an off-site levy must set out the object of each levy and indicate how the amount of the levy was determined.

Condition of  
issuing  
development  
permit

**650(1)** A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of

(i) a pedestrian walkway system to serve the development, or

(ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,

or both;

(c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of

(i) off-street or other parking facilities, and

(ii) loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under this section against the certificate of title for the land that is the subject of the development.





Agreements re  
oversize  
improvements

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

**651(1)** An agreement referred to in section 648, 650 or 655 may require the applicant for a development permit or subdivision approval

(a) to pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or

(b) to construct or pay for all or a portion of an improvement with an excess capacity.

(2) An agreement referred to in subsection (1)(b) or (3) that obliges an applicant for a development permit or subdivision approval to construct or pay for an improvement with an excess capacity may also provide for the reimbursement of the cost incurred or payment made in respect of the excess capacity together with interest calculated at the rate fixed pursuant to subsection (4) on the amount of the cost until the land that benefits from the excess capacity is developed or subdivided.

(3) If a municipality has at any time, either before or after this section comes into force, or before or after section 77.1 of the *Planning Act* was deemed to come into force, entered into an agreement providing for reimbursement of payments made or costs incurred in respect of the excess capacity of an improvement by an applicant for a development permit or subdivision approval, the municipality must, when other land that benefits from the improvement is developed or subdivided, enter into an agreement with the applicant for a development permit or subdivision approval for the other land, and that agreement may require the applicant to pay an amount in respect of the improvement, as determined by the municipality, which may be in excess of the cost of the improvement required for the proposed development or subdivision.

(4) An agreement made in accordance with subsection (1)(a) or (3) may require that, in addition to paying for all or part of the cost of an improvement, an applicant for a development permit or subdivision approval must pay reasonable interest on the cost in an amount to be fixed by the municipality.

(5) In this section,



(a) “excess capacity” means any capacity in excess of that required for a proposed development or subdivision;

(b) “improvement” means

(i) a facility or land referred to in section 648(2), or

(ii) a road, pedestrian walkway, utility or facility referred to in section 650(1) or 655(1)(b),

whether or not located on the land to be developed or subdivided and whether or not constructed at the time of development or subdivision approval.

## **Division 7 Subdivision of Land**

Subdivision  
approval  
required

**652(1)** A Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.

**(2)** Notwithstanding subsection (1) and subject to subsection (4), a Registrar may accept for registration without subdivision approval an instrument that has the effect or may have the effect of subdividing a parcel of land described in a certificate of title if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(c) a lake lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(d) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;



(f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665.

(3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in section 618(1) or by a plan of subdivision or any other instrument that effected a subdivision.

(4) Unless the subdivision of the parcel of land has been approved by a subdivision authority, the Registrar may not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land

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

(b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

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

(a) subdivision approval is not required in respect of that subdivision pursuant to subsection (2), or

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

Application for  
subdivision  
approval

**653(1)** A person may apply to a subdivision authority for subdivision approval in accordance with the subdivision and development regulations by submitting to the subdivision authority a proposed plan of subdivision or other instrument that describes the subdivision.

(2) If a subdivision application includes a form on which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection, at a reasonable time, of the land that is the subject of the application and if the applicant signs a consent to the inspection, a notice of inspection is not required to be given under section 542(1).

(3) On receipt of an application for subdivision approval, the subdivision authority must give a copy of the application



to the Government departments, persons and local authorities required by the subdivision and development regulations.

(4) On receipt of an application for subdivision approval, a subdivision authority must give notice of the application to owners of the land that is adjacent to the land that is the subject of the application.

(5) A notice under subsection (4) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.

(6) A subdivision authority, when considering an application under this section,

(a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the subdivision and development regulations, and

(b) is not required to hold a hearing.

(7) For the purposes of this section, “adjacent land” and “owner” have the same meanings as in section 692(7).

Approval of  
application

**654(1)** A subdivision authority must not approve an application for subdivision approval unless

(a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,

(b) the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

(c) the proposed subdivision complies with this Part and the regulations under this Part, and

(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.





(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

(a) the proposed subdivision would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

Conditions of  
subdivision  
approval

**655(1)** A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

(a) any conditions to ensure that this Part and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;

(b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:

(i) to construct or pay for the construction of a road required to give access to the subdivision;

(ii) to construct or pay for the construction of

(A) a pedestrian walkway system to serve the subdivision, or

(B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,

or both;



- (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the subdivision;
- (iv) to construct or pay for the construction of
  - (A) off-street or other parking facilities, and
  - (B) loading and unloading facilities;
- (v) to pay an off-site levy or redevelopment levy imposed by bylaw;
- (vi) to give security to ensure that the terms of the agreement under this section are carried out.

(2) A municipality may register a caveat under the *Land Titles Act* in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

#### Decision

**656(1)** A decision of a subdivision authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the subdivision authority is required by the subdivision and development regulations to give a copy of the application.

(2) A decision of a subdivision authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
- (b) if an application for subdivision approval is refused, the reasons for the refusal.

(3) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration, with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority's decision to refuse the application.



Subdivision  
registration

**657(1)** An applicant for subdivision approval must submit to the subdivision authority the plan of subdivision or other instrument that effects the subdivision within one year of the latest of the following dates:

- (a) the date on which the subdivision approval is given to the application;
  - (b) if there is an appeal to the subdivision and development appeal board or the Municipal Government Board, the date of that board's decision or the date on which the appeal is discontinued;
  - (c) if there is an appeal to the Court of Appeal under section 688, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.
- (2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met, the subdivision authority must endorse the plan or other instrument in accordance with the subdivision and development regulations.
- (3) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval but conditions to which the approval is subject have not been met, a subdivision authority may endorse the plan or other instrument in accordance with the subdivision and development regulations if the subdivision authority is satisfied that the conditions will be met.
- (4) If the plan of subdivision or other instrument is not submitted to the subdivision authority within the time prescribed by subsection (1) or any longer period authorized by the council, the subdivision approval is void.
- (5) If the plan of subdivision or other instrument is not registered in a land titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection (6), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
- (6) The council may extend
- (a) the one-year period referred to in subsection (1), or
  - (b) the one-year period referred to in subsection (5).



whether or not the time period under those subsections has expired.

Cancellation of  
plan of  
subdivision

**658(1)** On the application of one or more owners of a parcel of land in a plan of subdivision, a council may, by bylaw, order the plan cancelled, in whole or in part.

(2) A council may pass a bylaw under subsection (1) only with the consent of

(a) the owners of the parcel of land in the plan of subdivision,

(b) every person shown on the certificate of title of the land in the plan of subdivision as having an estate or interest in it, and

(c) the Crown in right of Alberta, if the plan of subdivision shows a highway or road or other right of way vested in the Crown for which no certificate of title has been issued.

(3) A plan cancellation may not be effected only or primarily for the purpose of disposing of reserves.

(4) If all reserve land has been cancelled from a plan of subdivision, the resulting parcel of land, if it is subsequently subdivided, may be subject to the provisions of this Part respecting reserves.

(5) If a plan is cancelled in part, a deferred reserve caveat may be placed against the consolidated certificate of title reflecting any reserve land that was cancelled and that will be owing if the parcel is subsequently subdivided.

Collection of  
taxes

**659** When a plan of subdivision or part of it has been cancelled, all taxes, assessments or rates in arrears or due on the separate lots or blocks within the area of which the plan has been cancelled become taxes, assessments or rates on or in respect of the area, and all the remedies for the enforcement and collection of taxes, assessments and rates formerly applicable for the recovery of the taxes, assessments or rates on the separate lots or blocks apply as if the taxes, rates or assessments had been levied against the whole area of the cancelled plan.

Cancellation  
registered

**660** On receipt of a copy of a bylaw under section 658 and on payment of the applicable fees, the Registrar must

(a) cancel the plan of subdivision in whole or in part in accordance with the bylaw,





- (b) cancel the certificate of title issued according to the original plan and issue any new certificates of title required by the bylaw, and
- (c) make any other cancellations and registrations and do all things necessary to give effect to the bylaw.

## **Division 8**

### **Reserve Land, Land for Roads and Utilities**

Land  
dedication

**661** The owner of a parcel of land that is the subject of a proposed subdivision must provide, without compensation,

- (a) to the Crown in right of Alberta or a municipality, land for roads, public utilities and environmental reserve, and
- (b) subject to section 663, to the Crown in right of Alberta, a municipality, one or more school authorities or a municipality and one or more school authorities, land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money,

as required by the subdivision authority pursuant to this Division.

Roads,  
utilities, etc.

**662(1)** A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land for the purpose of roads, public utilities or both.

(2) The land to be provided under subsection (1) may not exceed 30% of the area of the parcel of land less the land taken as environmental reserve or as an environmental reserve easement.

(3) If the owner has provided sufficient land for the purposes referred to in subsection (1) but the land is less than the maximum amount authorized by subsection (2), the subdivision authority may not require the owner to provide any more land for those purposes.

Reserves not  
required

**663** A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of municipal reserve, school reserve or municipal and school reserve if

- (a) one lot is to be created from a quarter section of land,



Environmental  
reserve

- (b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,
- (c) the land to be subdivided is 0.8 hectares or less, or
- (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

**664(1)** A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

- (a) a swamp, gully, ravine, coulee or natural drainage course,
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of
  - (i) preventing pollution, or
  - (ii) providing public access to and beside the bed and shore.

(2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement, a caveat may be registered against the land in favour of the municipality at a land titles office.

(3) The environmental reserve easement must

- (a) identify which part of the parcel of land the easement applies to, and
- (b) require that land that is subject to the easement remain in a natural state as if it were owned by the municipality.

Designation of  
municipal land

**665(1)** A council may, by bylaw, require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve,



school reserve, municipal and school reserve, environmental reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of

- (a) municipal reserve, which must be identified by a number suffixed by the letters "MR",
- (b) public utility lot, which must be identified by a number suffixed by the letters "PUL",
- (c) environmental reserve, which must be identified by a number suffixed by the letters "ER",
- (d) school reserve, which must be identified by a number suffixed by the letters "SR",
- (e) municipal and school reserve, which must be identified by a number suffixed by the letters "MSR", or
- (f) a lot, which must be identified by a number.

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.

Municipal and  
school  
reserves

**666(1)** Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision

- (a) to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,
- (b) to provide money in place of municipal reserve, school reserve or municipal and school reserve, or
- (c) to provide any combination of land or money referred to in clauses (a) and (b).

(2) The aggregate amount of land that may be required under subsection (1) may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less the land required to be



provided as environmental reserve and the land made subject to an environmental reserve easement.

(3) The total amount of money that may be required to be provided under subsection (1) may not exceed 10% of the appraised market value, determined in accordance with section 667, of the parcel of land less the land required to be provided as environmental reserve and the land subject to an environmental reserve easement.

(4) When a combination of land and money is required to be provided, the sum of

(a) the percentage of land required under subsection (2), and

(b) the percentage of the appraised market value of the land required under subsection (3)

may not exceed 10% or a lesser percentage set out in the municipal development plan.

Money in  
place of  
municipal,  
school reserve

**667(1)** If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the applicant must provide

(a) a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made

(i) as if the use proposed for the land that is the subject of the proposed subdivision conforms with any use prescribed in a statutory plan or land use bylaw for that land, and

(ii) on the basis of what might be expected to be realized if the land were in an unsubdivided state and sold in the open market by a willing seller to a willing buyer on the date on which the appraisal is made,

or

(b) if the applicant and the subdivision authority agree, a land value based on a method other than that described in clause (a).

(2) If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must specify the amount





of money required to be provided at the same time that subdivision approval is given.

Additional  
municipal and  
school reserve

**668(1)** In this section, “developable land” means that area of land that is the subject of a proposed subdivision less the total of

(a) land required to be provided for roads and public utilities under section 662, and

(b) land required to be provided as reserve land.

(2) Subject to section 663, when in the opinion of the subdivision authority a proposed subdivision would result in a density of 30 dwelling units or more per hectare of developable land, the subdivision authority may require municipal reserve, school reserve or municipal and school reserve in addition to that required to be provided under section 666.

(3) The additional land that may be required to be provided under subsection (2) may not exceed the equivalent of 5% of the developable land or a lesser percentage as prescribed in the subdivision and development regulations.

Deferment of  
municipal and  
school  
reserves

**669(1)** Notwithstanding sections 661(b) and 666, instead of requiring municipal reserve, school reserve or municipal and school reserve or money in place of any of them, a subdivision authority may direct that the requirement to provide all or part of those reserves be deferred against

(a) the remainder of the parcel that is the subject of the proposed subdivision approval, or

(b) other land of the person applying for subdivision approval that is within the same municipality as that parcel of land,

or both.

(2) If a deferment is directed under subsection (1), the subdivision authority must file a caveat in a land titles office against the title of the land to which the direction relates.

(3) The direction for a deferment under subsection (1) must

(a) state the name of the applicant for subdivision approval,

(b) describe the land that is the subject of the application for subdivision approval,



- (c) describe the land to which the deferment relates,
- (d) state the area of the land referred to in clause (b), and
- (e) state whether the deferment is in respect of municipal reserve, school reserve or municipal and school reserve.

(4) If an application for subdivision approval is made in respect of land against the title of which is filed a deferred reserve caveat under this section or a former Act, the subdivision authority may, in addition to requiring municipal reserve, school reserve or municipal and school reserve to be provided in accordance with this Division or a former Act, require to be provided all or part of the reserve land in respect of which a deferment was directed or required under this section or a former Act.

(5) If deferred reserve is provided in accordance with subsection (4), the caveat must be discharged or amended accordingly.

Allocation of  
municipal and  
school reserve

**670(1)** When reserve land is required to be provided, the subdivision authority must specify the amount, type and location of reserve land that is to be provided regardless of whether money is also required to be provided and allocate the municipal reserve, school reserve and municipal and school reserve between the municipality and each school authority concerned as joint owners or as separate owners

- (a) in accordance with an agreement made between the municipality and the school authorities, or
- (b) in the absence of an agreement, in accordance with the needs of each of them as those needs are determined by the subdivision authority.

(2) When money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the subdivision authority must allocate the money between the municipality and each school authority concerned either jointly or separately

- (a) in accordance with an agreement made between the municipality and the school authorities, or
- (b) in the absence of an agreement, in accordance with the needs of each of them as determined by the subdivision authority.



(3) When a combination of land and money is required to be provided, the subdivision authority must

- (a) specify the amount, type and location of reserve land that is to be provided, and
- (b) allocate the municipal reserve, school reserve or municipal and school reserve or money in place of any or all of them between the municipality and each school authority concerned

in accordance with an agreement made between the municipality and the school authorities, or in the absence of an agreement, in accordance with the needs of the municipality and the school authorities as determined by the subdivision authority.

(4) A decision concerning the allocation of municipal reserve, school reserve, municipal and school reserve or money in place of any or all of them must be made before an application for subdivision approval is granted.

#### **Division 9 Use and Disposal of Reserve Land**

Use of reserve  
land, money

**671(1)** Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.

(2) Municipal reserve, school reserve or municipal and school reserve may be used by a municipality or school authority or by them jointly only for any or all of the following purposes:

- (a) a public park;
- (b) a public recreation area;
- (c) school authority purposes;
- (d) to separate areas of land that are used for different purposes.

(3) Notwithstanding that land is designated as municipal reserve, school reserve or municipal and school reserve, the municipality and one or more school authorities may enter into any agreement they consider necessary with respect to a use referred to in subsection (2) or for any matter related to the use.



(4) Money provided in place of municipal reserve, school reserve or municipal and school reserve and the interest earned on that money

(a) must be accounted for separately, and

(b) may be used only for the purchase of land to be used for any or all of the purposes referred to in subsection (2).

School  
reserve  
transfers to  
municipality

**672(1)** If a school authority held and continues to hold a school reserve or municipal and school reserve under this Part or the former Act and no longer needs the reserve, the school authority must transfer the land or its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as municipal reserve.

Transfer to  
school  
authority

**673(1)** A municipality may transfer municipal reserve or its interest in municipal and school reserve to a school authority.

(2) On the registration in a land titles office of a transfer of land or an interest in land under subsection (1), the Registrar must designate the land as school reserve.

(3) If a transfer of land or an interest in land is effected pursuant to this section, the requirements of sections 674 and 675 do not apply to the transfer.

Disposal of  
municipal and  
school reserve

**674(1)** Notwithstanding section 70, if

(a) a council wishes to sell, lease or otherwise dispose of municipal reserve, or

(b) a council and a school authority wish to sell, lease or otherwise dispose of municipal and school reserve,

a public hearing must be held in accordance with section 230 and must be advertised in accordance with section 606.

(2) In addition to the notice required under subsection (1), notices containing the information required under section 606 must be posted on or near the municipal reserve or municipal and school reserve that is the subject of the hearing.





Removal of  
designation as  
municipal  
reserve

**675(1)** A council in the case of municipal reserve or a council and a school authority in the case of municipal and school reserve may, after taking into consideration the representations made at a public hearing under section 674(1), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve or municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality or the municipality and the school authority may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used only to provide land for any or all of the purposes referred to in section 671(2).

Changes to  
environmental  
reserve's use  
or boundaries

**676(1)** A council may, by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 230,

- (a) use an environmental reserve for a purpose not specified in section 671(1),
- (b) transfer an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed,
- (c) lease or dispose of an environmental reserve other than by a sale for a term of not more than 3 years, and
- (d) change the boundaries of an environmental reserve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

(2) A council may include terms and conditions in a bylaw under subsection (1).

(3) Any proceeds from a lease or other disposition under subsection (1) may be used only to provide land for any or all of the purposes referred to in section 671(2).

(4) On receipt of a bylaw under subsection (1)(b) or (d), the Registrar must cancel the existing certificates of title or amend an environmental reserve easement affected by the



bylaw and issue any new certificates of title required by the bylaw.

Road, etc.,  
over reserve  
land

**677** Notwithstanding section 671, a municipality or a municipality and a school authority may authorize

- (a) the construction, installation and maintenance or any of them of a roadway, public utility, pipeline as defined in the *Oil and Gas Conservation Act* or transmission line as defined in the *Hydro and Electric Energy Act* on, in, over or under reserve land, or
- (b) the maintenance and protection of reserve land,

if the interests of the public will not be adversely affected.

## **Division 10 Subdivision and Development Appeals**

### **Subdivision Appeals**

Appeals

**678(1)** The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school authority with respect to
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
  - (ii) the location of school reserve allocated to it, or
  - (iii) the amount of school reserve or money in place of the reserve.

**(2)** An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days of receipt of the written decision of the subdivision authority or deemed



refusal by the subdivision authority in accordance with section 681

- (a) with the Municipal Government Board if the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the *Public Lands Act*, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations, or
  - (b) in all other cases, with the subdivision and development appeal board.
- (3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 5 days from the date the decision is mailed.
- (4) A notice of appeal under this section must contain
- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
  - (b) the reasons for appeal including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.
- (5) If the applicant files a notice of appeal within 14 days of receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

Notice of  
hearing

**679** The board hearing an appeal under section 678 must give at least 5 days' written notice of the hearing to

- (a) the applicant for subdivision approval,
- (b) the subdivision authority that made the decision,
- (c) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality,
- (d) any school authority to whom the application was referred,



Hearing and  
decision

- (e) an adjacent owner who was given notice under section 653(4), and
- (f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.

**680(1)** The board holding a hearing under section 678 is not required to hear from any person other than

- (a) the applicant or any person acting on the applicant's behalf,
  - (b) a person who is given notice of the hearing and wishes to be heard, or a person acting on that person's behalf, and
  - (c) those persons who represent Government departments referred to in section 678(1)(b).
- (2)** In determining an appeal the board hearing the appeal
- (a) must have regard to any statutory plan;
  - (b) must conform with the uses of land referred to in a land use bylaw;
  - (c) must be consistent with the land use policies;
  - (d) must have regard to but is not bound by the subdivision and development regulations;
  - (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
  - (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

**(3)** A board hearing an appeal under section 678 must hold the hearing within 30 days of receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days of concluding the hearing.

Failure to  
make decision

**681(1)** If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development





regulations, the applicant may, within 14 days after the expiration of the time prescribed,

(a) treat the application as refused and appeal it in accordance with section 678, or

(b) enter into an agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

(2) If an agreement to extend is entered into pursuant to subsection (1)(b) and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.

(3) A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into pursuant to subsection (1)(b).

Endorsement  
of subdivision  
plan

**682(1)** When on an appeal the Municipal Government Board or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the board that heard the appeal who is authorized to endorse the instrument may do so.

### Development Appeals

Permit

**683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Permit  
deemed  
refused

**684** An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days of receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period.



Grounds for  
appeal

**685(1)** If a development authority

- (a) refuses or fails to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

(3) Notwithstanding subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

Appeals

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
  - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days of receipt of a notice of appeal.



(3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing

- (a) to the appellant,
- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
- (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or
- (b) the order under section 645.

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Hearing and  
decision

**687(1)** At a hearing under section 686, the subdivision and development appeal board must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing.



(3) In determining an appeal, the subdivision and development appeal board

- (a) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

### **Court of Appeal**

Law,  
jurisdiction  
appeals

**688(1)** Notwithstanding section 506, an appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (a) a decision of the subdivision and development appeal board, and
  - (b) the Municipal Government Board on a decision on an appeal under section 619, an intermunicipal dispute under Division 11 or a subdivision appeal under this Division.
- (2) An application for leave to appeal pursuant to subsection (1) must be made to a judge of the Court of





Appeal within 30 days after the issue of the decision sought to be appealed, and notice of the application must be given to

(a) the Municipal Government Board or the subdivision and development appeal board, and

(b) any other persons that the judge directs.

(3) On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant leave to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

(4) If a judge grants leave to appeal, the judge may

(a) direct which persons or other bodies must be named as respondents to the appeal,

(b) specify the questions of law or the questions of jurisdiction to be appealed, and

(c) make any order as to the costs of the application that the judge considers appropriate.

(5) If an appeal is from a decision of a subdivision and development appeal board, the municipality must be given notice of the application for leave to appeal and the board and municipality

(a) are respondents in the application and, if leave is granted in the appeal, and

(b) are entitled to be represented by counsel at the application and, if leave is granted, at the appeal.

(6) If a decision of the Municipal Government Board is appealed, the Board

(a) is a respondent in the application and, if leave is granted, in the appeal, and

(b) is entitled to be represented by counsel at the application and, if leave is granted, at the appeal.

Decision on  
appeal

**689(1)** On the hearing of the appeal,

(a) no evidence other than the evidence that was submitted to the Municipal Government Board or



the subdivision and development appeal board may be admitted, but the Court may draw any inferences

(i) that are not inconsistent with the facts expressly found by the Municipal Government Board or the subdivision and development appeal board, and

(ii) that are necessary for determining the question of law or the question of jurisdiction,

and

(b) the Court may confirm, vary, reverse or cancel the decision.

(2) In the event that the Court cancels a decision, the Court must refer the matter back to the Municipal Government Board or the subdivision and development appeal board, and the relevant board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.

(3) No member of the Municipal Government Board or a subdivision and development appeal board is liable to costs by reason or in respect of an application for leave to appeal or an appeal under this Act.

(4) If the Court finds that the only ground for appeal established is a defect in form or technical irregularity and that no substantial wrong or miscarriage of justice has occurred, the Court may deny the appeal, confirm the decision of the Municipal Government Board or a subdivision and development appeal board notwithstanding the defect and order that the decision takes effect from the time and on the terms that the Court considers proper.

## **Division 11**

### **Intermunicipal Disputes**

Intermunicipal  
disputes

**690(1)** If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it and if it has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, it may appeal the matter to the Municipal Government Board by

(a) filing a notice of appeal with the Board, and



- (b) giving a copy of the notice of appeal to the adjacent municipality

within 30 days of the passing of the bylaw to adopt or amend a statutory plan or land use bylaw.

(2) When appealing a matter to the Municipal Government Board, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and the efforts it has made to resolve matters with the municipality that adopted it.

(3) A municipality, on receipt of a notice of appeal under subsection (1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statement setting out the actions it has taken and the efforts it has made to resolve matters with that municipality.

(4) When the Municipal Government Board receives a notice of appeal under this section, the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the Board receives the notice of appeal until the date it makes a decision under subsection (5).

(5) If the Municipal Government Board receives a notice of appeal under this section, it must decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

- (a) dismiss the appeal if it decides that the provision is not detrimental, or
- (b) order the adjacent municipality to amend or repeal the provision if it is of the opinion that the provision is detrimental.

(6) A provision with respect to which the Municipal Government Board has made a decision under subsection (5) is,

- (a) if the Board has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan



or bylaw is amended in accordance with the decision, and

- (b) if the Board has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Board under this section.

(8) The Municipal Government Board's decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

Board hearing

**691(1)** The Municipal Government Board, on receiving a notice of appeal under section 690, must

- (a) commence a hearing within 60 days of receiving the notice of appeal or a later time to which all parties agree, and
- (b) give a written decision within 30 days of concluding the hearing.

(2) The Municipal Government Board is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal.

## **Division 12 Bylaws, Regulations**

Planning  
bylaws

**692(1)** Before giving second reading to

- (a) a proposed bylaw to adopt an intermunicipal development plan,
- (b) a proposed bylaw to adopt a municipal development plan,
- (c) a proposed bylaw to adopt an area structure plan,
- (d) a proposed bylaw to adopt an area redevelopment plan,
- (e) a proposed land use bylaw, or





- (f) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

(2) Notwithstanding subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.

(3) Notwithstanding subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,

- (a) councils may hold a joint public hearing to which section 184 does not apply, and

- (b) municipalities may act jointly to satisfy the advertising requirements of section 606.

(4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),

- (a) include in the notice described in section 606(2)

- (i) the municipal address, if any, and the legal address of the parcel of land, and

- (ii) a map showing the location of the parcel of land,

- (b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and

- (c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

(5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name



and address shown for each owner on the tax roll of that municipality.

(6) Notwithstanding subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the bylaw in principle or substance.

(7) In this section,

(a) “adjacent land” means land that is contiguous to the parcel of land that is being redesignated and includes

(i) land that would be contiguous if not for a highway, road, river or stream, and

(ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;

(b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

Airport vicinity  
regulations

**693(1)** The Lieutenant Governor in Council may make regulations

(a) establishing international airport vicinity protection areas surrounding the Calgary International Airport and the Edmonton International Airport;

(b) controlling, regulating or prohibiting any use and development of land within an international airport vicinity protection area.

(2) Unless the contrary is expressed in regulations made under subsection (1), those regulations

(a) operate notwithstanding any statutory plan, land use bylaw or other regulations under this Part, and

(b) are binding on any subdivision authority, development authority and subdivision and development appeal board and the Municipal Government Board.

(3) If a municipality is affected by a regulation under subsection (1), the municipality must amend the statutory plan relating to that area and its land use bylaw to conform with the regulation.



(4) Section 692 does not apply to an amendment pursuant to subsection (3).

Regulations

**694(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting applications for the subdivision and development of land;
  - (b) respecting subdivision and development standards and requirements;
  - (c) respecting the information to be contained in a subdivision authority's notice of a decision;
  - (d) respecting the additional municipal reserve, school reserve or municipal and school reserve that a subdivision authority may require to be provided under this Part;
  - (e) respecting the records to be kept by a subdivision authority and development authority;
  - (f) prescribing the conditions that a subdivision authority and a development authority are permitted to impose when granting subdivision or development approval in addition to those conditions permitted to be imposed under this Part;
  - (g) conferring or imposing, with or without conditions, any power or duty under the regulations to the Minister, the Municipal Government Board, a subdivision authority or a development authority;
  - (h) setting out distances for the purpose of section 678(2)(a);
  - (i) authorizing the Minister or his delegate to order either generally or specifically that all or part of the regulations under this subsection do not apply to all or part of Alberta.
- (2) A regulation under subsection (1)
- (a) may be called a subdivision and development regulation,
  - (b) may apply generally or specifically in Alberta, and
  - (c) operates notwithstanding any other regulation or bylaw pursuant to this Part.



(3) The *Regulations Act* does not apply to orders under subsection (1)(i).

(4) The Lieutenant Governor in Council may make regulations governing the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically.

(5) The Lieutenant Governor in Council may make regulations directing a municipality, with or without conditions, to amend its statutory plans and land use bylaw.

(6) The Lieutenant Governor in Council may make regulations

(a) by which municipalities may define land in the vicinity of an airport for purposes of this section.

(b) prescribing how municipalities are to manage the use and development of land in the vicinity of an airport, and

(c) respecting the control, use and development of land in the vicinity of an airport.

(7) A regulation under subsection (6)

(a) may be called a general airport vicinity protection area regulation, and

(b) may apply generally or specifically in Alberta.

### **Division 13 Transitional**

Transitional  
regulations

**695** *The Minister may make regulations*

(a) *respecting the conversion to this Part of anything from the Planning Act;*

(b) *to deal with any difficulty or impossibility resulting from this Part or the transition to this Part from the Planning Act.*

Orders,  
permits,  
approvals

**696(1)** *On the coming into force of this Part, a stop order issued under a former Act is deemed to be a stop order under this Part.*

(2) *A development permit issued under a former Act is deemed to be a development permit under this Part.*





*(3) A subdivision approval granted under a former Act is deemed to be a subdivision approval under this Part.*

**Zoning caveat**

**697(1)** *On the coming into force of this Part, a zoning caveat prepared and signed by the Director of Town and Rural Planning or the Provincial Planning Director and registered in a land titles office under a former Act ceases to have effect.*

*(2) On and after the coming into force of this Part, the owner of a parcel of land that is affected by a caveat referred to in subsection (1) may apply to the Registrar to endorse the certificate of title with a memorandum cancelling the registration of the zoning caveat.*

*(3) On the receipt of an application under subsection (2) and on being satisfied that the caveat is a zoning caveat, the Registrar must cancel the registration of the caveat.*

**Subdivision approval**

**698(1)** *On the coming into force of this Part, an application for subdivision approval made under the Planning Act for which no decision has been made is deemed to be an application under this Part and must be decided on by the subdivision authority in accordance with this Part.*

*(2) On the coming into force of this Part, an application for which subdivision approval has been granted under the Planning Act and for which the appeal period has lapsed but which has not been endorsed is deemed to be an application under this Part and is subject to the requirements of this Part.*

*(3) On the coming into force of this Part, a subdivision approval endorsed pursuant to the Planning Act but not yet registered is deemed to be an approval under this Part and is subject to the requirements of this Part.*

**Reserves**

**699(1)** *On the coming into force of this Part, a reserve and money in place of a reserve under a former Act continues as a reserve and money in place of a reserve under this Part.*

*(2) On the coming into force of this Part, a deferred reserve caveat under a former Act continues as a deferred reserve caveat under this Part.*

*(3) On the coming into force of this Part, agreements entered into between municipalities and school authorities respecting reserves pursuant to a former Act continue under this Part.*



Appeals

**700(1)** *A development appeal board under the Planning Act is continued until the earlier of December 1, 1995 or the establishment of a subdivision and development appeal board.*

*(2) A development appeal board has and may exercise the powers of a development appeal board under the Planning Act with respect to appeals filed with it before the earlier of December 1, 1995 or the establishment of a subdivision and development appeal board.*

*(3) The Municipal Government Board is the successor to the Alberta Planning Board under the Planning Act and all subdivision appeals filed with the Alberta Planning Board or Municipal Government Board prior to December 1, 1995 must be concluded by the Municipal Government Board and the Municipal Government Board may, in addition to any other powers it has, exercise the same powers as the Alberta Planning Board under the Planning Act with respect to appeals and referrals.*

*(4) Notwithstanding subsection (3) and subject to section 678, if a subdivision and development appeal board has been constituted prior to December 1, 1995, an appeal of a decision of a subdivision authority must be commenced with that board.*

*(5) On the coming into force of this Part, a matter referred to the Alberta Planning Board under section 44 of the Planning Act that has not been decided by that Board continues as an intermunicipal dispute under this Part referred to the Municipal Government Board.*

Fund

**701** *On the coming into force of this Act, the Alberta Planning Fund established under the Planning Act is dissolved and all assets and liabilities of the Alberta Planning Fund become the assets and liabilities of the General Revenue Fund on the same terms and conditions.*

Transitional

**702** *On the coming into force of this Part, regulations under section 147(1)(a) of the Planning Act continue and the Lieutenant Governor in Council may amend or repeal those regulations in accordance with the regulation-making authority of section 147(1)(a) of the Planning Act.*

Commission

**703(1)** *On the coming into force of this Part, any existing regional planning commission under the Planning Act continues to exist for the purpose of the dissolution and winding-up of its affairs.*



*(2) The Minister may by order, disestablish regional planning commissions.*

Replotting  
schemes

**704** *On the coming into force of this Part, if council has passed a resolution that authorizes a replotting scheme that has not been registered at land titles office, the replotting scheme may be registered and Division 7 of Part 5 of the Planning Act applies as if it were still in force.*

Registering  
subdivision  
approvals

**705** *On the coming into force of this Part, if council has applied for subdivision approval under section 80(1) of the Planning Act but it has not been registered, the subdivision approval may be registered and section 80 of the Planning Act applies to the registration.*

Planning  
authorities

**706(1)** *On the coming into force of this Part, a subdivision approving authority under the Planning Act is continued under this Part as a subdivision authority and may exercise the powers and carry out the duties of a subdivision authority until the earlier of*

*(a) the date the municipality enacts a bylaw under section 623(1), or*

*(b) December 1, 1995.*

*(2) On the coming into force of this Part, the powers, duties and functions of a development officer pursuant to a land use bylaw passed under section 69(2)(c) of the Planning Act may be exercised by the development officer until the earlier of*

*(a) the date the municipality enacts a bylaw under section 624(1), and*

*(b) December 1, 1995.*

*(3) On the coming into force of this Part, a joint municipal planning commission under the Planning Act continues as an intermunicipal planning commission under this Part.*

*(4) On the coming into force of this Part, a municipal planning commission under the Planning Act continues as a municipal planning commission under this Part.*

Plans

**707(1)** *On the coming into force of this Part, a joint general municipal plan under the Planning Act is deemed to be an intermunicipal development plan under this Act and must be amended on or before September 1, 1998 to provide for the matters referred to in section 631(2)(b) if those matters are not provided for in the plan.*



Land use  
bylaws

*(2) On the coming into force of this Part, a general municipal plan is deemed to be a municipal development plan and must be amended on or before September 1, 1998 to provide for the matters referred to in section 632(3)(a), (d) and (e) if those matters are not provided for in the plan.*

*(3) On the coming into force of this Part, a municipality with a population of 3500 or more that does not have a municipal development plan must adopt one on or before September 1, 1998.*

*(4) On the coming into force of this Part, an area structure plan under the Planning Act is deemed to be an area structure plan under this Part.*

*(5) On the coming into force of this Part, an area redevelopment plan under the Planning Act is deemed to be an area redevelopment plan under this Part.*

**708(1)** *On the coming into force of this Part, a land use bylaw passed under the Planning Act is deemed to be a land use bylaw under this Part.*

*(2) On the coming into force of this Part, a municipality must,*

*(a) before September 1, 1998, pass a land use bylaw if the municipality does not have a land use bylaw, and*

*(b) before September 1, 1998, amend its land use bylaw to provide for the matters described in section 640(2) if its land use bylaw does not provide for those matters.*

96 *Section 710(a) and (b) are amended by striking out "section 616" and substituting "section 709".*

97 *Section 714(1) is amended by striking out "section 618(1), (2) or (6)" and substituting "section 711(1), (2) or (6)".*



**96** Section 617, which is to be renumbered as section 710, presently reads:

*617 The Minister may make regulations*

- (a) respecting the conversion to this Act of anything from the former Acts referred to in section 616 or from any other Act repealed by this Act;*
- (b) to deal with any difficulty or impossibility resulting from this Act or the transition to this Act from the former Acts referred to in section 616 or from any other Act repealed by this Act.*

**97** Section 620(1), which is to be renumbered as section 715, will read on September 1, 1995:

98 *The School Act is amended*

(a) *by repealing section 150(1), (2), (3), (4), (5) and (6) and substituting the following:*

Calculation of  
requisition by  
board

**150(1)** Subject to the regulations and subsection (2), a board shall requisition from a municipality included in whole or in part within the district or division

- (a) in the case of a board to which Division 4 does not apply, the difference between its estimated total expenditures and its estimated total revenues derived from all sources;
- (b) the amount required under a special school tax levy under section 181.3;
- (c) the amount required under an additional requisition under section 181.5.

**(2)** For the purposes of this section, the requisition under subsection (1)(a) for a year of a board of a separate school district or division to which Division 4 does not apply on a particular municipality shall not be less than the requisition that would be determined using

- (a) the property tax rates established under section 158 for the year for the particular municipality, and
- (b) the equalized assessment of the particular class of property referred to in section 158(1.1) or (1.3), as the case may be, of that portion of the assessment base of the municipality in respect of which notice has been given in accordance with section 135 that the property is assessable for separate school purposes.

**(2.1)** A municipality that has passed a supplementary assessment bylaw under the *Municipal Government Act* shall pay to a board that has requisitioned the municipality under subsection (1)(a) the amount raised as a result of the supplementary taxes levied on that portion of the assessment base of the municipality in respect of which notice has been given in accordance with section 135 that the property is assessable for separate school purposes.

**(2.2)** The amount referred to in subsection (2.1) shall be paid to the board on or before February 28 in the year subsequent to the year for which the supplementary tax is levied.

*620(1) The council of a municipality referred to in section 618(1), (2) or (6) is continued as a council under this Act.*

**98** Consequential amendments relating to taxation in respect of schools.

Taxing  
authority

(2.3) A municipality shall advise the Minister of the amount paid to a board under subsection (2.1) on or before February 28 in the year subsequent to the year for which the supplementary tax is levied.

(2.4) The amount received by a board under subsection (2.1) shall be used to lower the requisition under subsection (1)(a) by the board on the municipality in the subsequent year.

(b) *in section 155(3) by striking out "15th day" and substituting "last day";*

(c) *by adding the following after section 157.2:*

**157.3** The Government of Alberta is a taxing authority for the purpose of applying property tax rates against the equalized assessment of a municipality.

(d) *in section 158*

(i) *in subsection (1) by adding "property tax" before "rates";*

(ii) *by repealing subsection (1.1) and substituting the following:*

(1.1) For 1995 and 1996, the property tax rates shall be established under subsection (1) in accordance with the following:

(a) there shall be one property tax rate for the equalized assessment of residential and farm land property referred to in section 297(1) of the *Municipal Government Act*;

(b) there shall be one property tax rate for the equalized assessment of non-residential property referred to in section 297(1) of the *Municipal Government Act*;

(c) notwithstanding clause (b) in respect of a municipal district, county, improvement district, special area or specialized municipality, the Lieutenant Governor in Council may establish a separate additional property tax rate for the equalized assessment of the linear property as defined in section 284 of the *Municipal Government Act* within the non-residential property.



(1.2) The Lieutenant Governor in Council may vary the property tax rates established under subsection (1) among municipalities for 1995 or 1996.

(1.3) For 1997 and subsequent years, the property tax rate shall be established under subsection (1) in accordance with the following:

- (a) there shall be one property tax rate for the equalized assessment of residential and farm land property referred to in section 297(1) of the *Municipal Government Act*;
- (b) there shall be one property tax rate for the equalized assessment of non-residential property referred to in section 297(1) of the *Municipal Government Act*.

(1.4) Notwithstanding subsection (1.3), the Minister may by order make subsection (1.2) applicable to 1997 or 1998.

(1.5) For the purposes of subsection (1.2), a municipality includes a town or townsite in a national park.

(1.6) Notwithstanding any other subsection, the property tax rates established under subsection (1) may be varied by the Lieutenant Governor in Council among towns or townsites in national parks.

(iii) by adding the following after subsection (2):

(2.1) A municipality that has passed a supplementary assessment bylaw under the *Municipal Government Act* shall pay to the Alberta School Foundation Fund the amount raised pursuant to the requisition as a result of the supplementary taxes levied on that portion of the assessment base of the municipality in respect of which no payment is made under section 150(2.1).

(2.2) The amount referred to in subsection (2.1) shall be paid to the Alberta School Foundation Fund on or before February 28 in the year subsequent to the year for which the supplementary tax is levied.

(2.3) The amount paid into the Alberta School Foundation Fund pursuant to subsection (2.1) or as a result of an over levy referred to in section 359(3) of the *Municipal Government Act*



- (a) shall be used to offset any under levy resulting from appeals from equalized assessments under the *Municipal Government Act*, and
- (b) if there is an amount remaining after all offsets under clause (a) are made, that amount shall be used to lower the requisition under this section in the subsequent year.

99(1) *The Agricultural Service Board Act is amended*

(a) *in section 1*

- (i) *in clause (b) by striking out “or county”;*
- (ii) *in clause (e) by striking out “county.”;*
- (iii) *by adding the following after clause (f):*
  - (g) “special municipal district” means a municipal district that was formerly a county and, unless otherwise specified, a reference to municipal district in this Act or the regulations includes a special municipal district.

(b) *in section 3 by adding the following after subsection (9):*

**(10)** This section does not apply to a special municipal district.

(c) *in section 7*

- (i) *in subsection (1) by striking out “county council” and substituting “council of a special municipal district”;*
- (ii) *in subsection (1.1) by striking out “county council” and substituting “council of the special municipal district”;*
- (iii) *by repealing subsection (2) and substituting the following:*
  - (2)** The agricultural committee of the council of a special municipal district is the agricultural service board of the special municipal district.



**99** Consequential amendments relating to miscellaneous amendments to the Municipal Government Act and to the repeal of the County Act and the Municipal and School Administration Act.

- (iv) *in subsection (4) in the words preceding clause (a) by striking out “county council” and substituting “council of a special municipal district”;*
- (v) *in subsection (4)(c) by striking out “county”;*
- (vi) *in subsection (5) by striking out “county council” and substituting “council of the special municipal district”;*
- (vii) *in subsection (6)*
  - (A) *by striking out “of a county council” and substituting “of a council of a special municipal district”;*
  - (B) *by striking out “of the county council” and substituting “of the council”;*
- (viii) *in subsection (7) by striking out “county council” and substituting “council of the special municipal district”;*
- (d) *in section 8*
  - (i) *in subsection (1) by striking out “county council” and substituting “council of a special municipal district”;*
  - (ii) *in subsection (2) by striking out “county” and substituting “special municipal district”;*
  - (iii) *in subsection (3) by striking out “county council” and substituting “council of a special municipal district”;*
- (e) *in section 9*
  - (i) *in subsection (1) by striking out “county” wherever it appears and substituting “special municipal district”;*
  - (ii) *in subsection (2) by striking out “county council” and substituting “council of the special municipal district”;*
  - (iii) *in subsection (3) by striking out “county” and substituting “special municipal district”;*
- (f) *in section 21(1) by striking out “or county”.*



- (2) *The Alberta Housing Act is amended in section 1(h) by striking out “new town,” and by striking out “county,”.*
- (3) *The Condominium Property Act is amended in section 1(1)*
- (a) in clause (j)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”;*
  - (b) in clause (m) by striking out “county,”.*
- (4) *The Environmental Protection and Enhancement Act is amended*
- (a) in section 1*
    - (i) in clause (jj)(i) by striking out “, county”;*
    - (ii) in clause (oo) by striking out “county.”;*
  - (b) in section 175(3) by striking out “, municipal district or county” and substituting “or municipal district”;*
  - (c) in section 177(3)(b) by striking out “, municipal district, county or” and substituting “or municipal district or a”.*
- (5) *The Forest and Prairie Protection Act is amended in section 1(d) by striking out “a county and”.*
- (6) *The Highway Traffic Act is amended*
- (a) in sections 1(1) and 14(1)(a) and (3) by striking out “, county”;*
  - (b) in sections 15(2), 70(5)(a) and 172(b) by striking out “county,” wherever it occurs.*
- (7) *The Historical Resources Act is amended in section 22(1)*
- (a) in clause (a) by striking out “county.”;*
  - (b) in clause (b)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”.*
- (8) *The Hospitals Act is amended*
- (a) in section 1(1)(f)(i) by striking out “, county”;*
  - (b) in sections 1(1)(n), 2(3) and 16(12) by striking out “county.”.*
- (9) *The Hydro and Electric Energy Act is amended in section 1(1)*



- (a) in clause (h)(i) by striking out “, county”;*
  - (b) in clause (i) by striking out “village, municipal district or county” and substituting “village or municipal district”.*
- (10) The Interpretation Act is amended in section 25(1)*
- (a) by repealing clause (n) and substituting the following:*
    - (n) “municipality” means a city, town, village, municipal district, specialized municipality, improvement district or special area;*
  - (b) by adding the following after clause (x):*
    - (x.1) “village” includes summer village;*
- (11) The Irrigation Act is amended in section 1*
- (a) in clause (o)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”;*
  - (b) in clause (r) by striking out “county,”.*
- (12) The Labour Relations Code is amended in section 46(1)(b) by striking out “or county”.*
- (13) The Libraries Act is amended*
- (a) in section 1*
    - (i) by repealing clause (e)(ii);*
    - (ii) in clause (k) by striking out “, county”;*
    - (iii) by repealing clause (n) and substituting the following:*
      - (n) “school authority” means a school district, school division or regional division.*
  - (b) in section 39 by striking out “county or” wherever it occurs and by striking out “, as the case may be”.*
- (14) The Livestock Diseases Act is amended*
- (a) in section 1(j) by striking out “county,”;*
  - (b) in section 3(1)(a) by striking out “or county”;*
  - (c) in section 6(1) by striking out “or county”.*



*(15) The Local Authorities Election Act is amended*

*(a) in section 1*

*(i) in clause (g) by adding “or” at the end of subclause (i) and by repealing subclause (ii);*

*(ii) by repealing clause (z)(ii);*

*(b) by repealing section 2.1(2);*

*(c) by repealing section 11(1)(c) and substituting the following:*

*(c) in the case of a general election, nominations for councillors shall be received by the returning officer in July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,*

*(d) in section 126(1) by striking out “or a school representative to a board of education under the County Act”.*

*(16) Subsection (15)(c) applies to general elections held in 1995 and later years.*

*(17) The Mobile Home Sites Tenancies Amendment Act, 1992 is amended by repealing section 2(a)(i) and substituting the following:*

*(i) in clause (b)(i) by striking out “village or municipal district” and substituting “village, municipal district or Metis settlement”;*

*(18) The Motor Transport Act (RSA 1980 cM-20) is amended*

*(a) in section 14(1) by striking out “or county”;*

*(b) in section 51(1) by striking out “village, municipal district or county” and substituting “village or municipal district”;*

*(c) in section 69(a) by striking out “district, special area or county” wherever it occurs and substituting “district or special area”.*

*(19) The Motor Transport Act (SA 1992 cM-20.1) is amended*

*(a) in section 1(1)(t) by striking out “, county”;*

*(b) in section 54(2)(b) by striking out “county or” wherever it occurs.*





*(20) The Motor Vehicle Administration Act is amended*

*(a) in section 1(m) by striking out “, county”;*

*(b) in section 58(1)(b) by striking out “county or” wherever it occurs.*

*(21) The Northland School Division Act is amended in section 2(1)(b)(i) by striking out “or any county”.*

*(22) The Off-highway Vehicle Act is amended in section 27(b) by striking out “county or” wherever it occurs.*

*(23) The Planning Act is amended*

*(a) in section 1(k)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”;*

*(b) in section 1(m) and (p.1)(ii) by striking out “county,”;*

*(c) in section 1(t.1) by striking out “or the council of a county”;*

*(d) in section 61(1)(b) by striking out “county or”.*

*(24) The Police Act is amended*

*(a) in section 1*

*(i) in clause (e)(i) by striking out “county,”;*

*(ii) in clause (h) by striking out “, county”;*

*(b) in section 4(1) by striking out “county,” wherever it occurs.*

*(25) The Property Tax Reduction Act is amended*

*(a) in section 1*

*(i) in clauses (a)(i) and (c)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”;*

*(ii) in clause (e) by striking out “county,”;*

*(b) in section 27(5) by striking out “counties,”.*

*(26) The Provincial Offences Procedure Act is amended*

*(a) in section 1(h) by striking out “county,”;*



*(20) The Motor Vehicle Administration Act is amended*

*(a) in section 1(m) by striking out “, county”;*

*(b) in section 58(1)(b) by striking out “county or” wherever it occurs.*

*(21) The Northland School Division Act is amended in section 2(1)(b)(i) by striking out “or any county”.*

*(22) The Off-highway Vehicle Act is amended in section 27(b) by striking out “county or” wherever it occurs.*

*(23) The Planning Act is amended*

*(a) in section 1(k)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”;*

*(b) in section 1(m) and (p.1)(ii) by striking out “county,”;*

*(c) in section 1(t.1) by striking out “or the council of a county”;*

*(d) in section 61(1)(b) by striking out “county or”.*

*(24) The Police Act is amended*

*(a) in section 1*

*(i) in clause (e)(i) by striking out “county,”;*

*(ii) in clause (h) by striking out “, county”;*

*(b) in section 4(1) by striking out “county,” wherever it occurs.*

*(25) The Property Tax Reduction Act is amended*

*(a) in section 1*

*(i) in clauses (a)(i) and (c)(i) by striking out “village, municipal district or county” and substituting “village or municipal district”;*

*(ii) in clause (e) by striking out “county,”;*

*(b) in section 27(5) by striking out “counties,”.*

*(26) The Provincial Offences Procedure Act is amended*

*(a) in section 1(h) by striking out “county,”;*

*(b) in section 12(2) by striking out “county, summer village municipal” wherever it occurs and substituting “summer village, municipal”.*

*(27) The Public Lands Act is amended*

*(a) in section 63(a) by striking out “county,”;*

*(b) in section 64(1)(a) by striking out “district, municipal district or county” and substituting “district or municipal district”.*

*(28) The Public Safety Services Act is amended in section 1*

*(a) in clause (g)(i) by striking out “, county”;*

*(b) in clause (j) by striking out “county,”.*

*(29) The Public Utilities Board Act is amended in section 1*

*(a) in clause (c) by striking out “county,”;*

*(b) in clause (e) by striking out “, county”.*

*(30) The Regional Health Authorities Act is amended in section 1(g) by striking out “new town,” and by striking out “county,”.*

*(31) The School Act is amended*

*(a) in section 1(1)*

*(i) by repealing clause (b) and substituting the following:*

*(b) “board” means a board of trustees of a district or division;*

*(ii) in clause (k) by striking out “county,”;*

*(iii) by repealing clause (t) and substituting the following:*

*(t) “school jurisdiction” means a board, the Lloydminster Public School District or the Lloydminster Roman Catholic Separate School District;*

*(iv) in clause (z) by striking out “district, a division or a county” and substituting “district or a division”;*



*(b) in section 2.1(7) by striking out the following Acts:*

County Act;  
Electric Power and Pipe Line Assessment Act;  
Local Tax Arrears Consolidation Act;  
Municipal and Provincial Properties Valuation Act;  
Municipal and School Administration Act;  
Municipal Taxation Act;  
Municipalities Assessment and Equalization Act;  
Tax Recovery Act.

*(c) in section 25.3(2)*

*(i) in clause (b) by striking out “or county”;*

*(ii) by repealing clause (c) and substituting the following:*

(c) with the prior approval of the Minister, has the power to borrow money and pass a by-law.

*(d) by repealing section 126(3);*

*(e) by repealing section 158(5) and substituting the following:*

(5) Notwithstanding anything in this Division, the Minister may by order provide that the sum required to be paid into the Alberta School Foundation Fund by a municipality pursuant to subsection (2) be paid, in whole or in part, directly to one or more boards of districts or divisions situated in whole or in part within the municipality, and any sum paid under this section is deemed to be a payment into the Alberta School Foundation Fund.

*(f) in section 208.2*

*(i) in subsection (1) by striking out “, counties”;*

*(ii) in subsection (5) by striking out “that is the successor to the boards, counties, cities or towns that entered into it”;*

*(g) in section 208.3*

*(i) by repealing subsection (1) and substituting the following:*

By-laws

**208.3(1)** The Minister shall not establish a regional division unless all of the boards have entered into a regional agreement approved by the Minister and have passed the by-law referred to in subsection (2).





(ii) *in subsection (2) by striking out “, county council or municipal administration”;*

(iii) *by repealing subsection (3) and substituting the following:*

**(3)** Subject to subsection (4), each board that enters into the regional agreement may pass a by-law that divides the ward that was the district, division or other area into electoral subdivisions.

(h) *in section 208.31(1)*

(i) *by striking out “and the County Act”;*

(ii) *in clause (b) by striking out “, counties”;*

(i) *by repealing section 208.32;*

(j) *in section 208.4*

(i) *in subsection (1) by striking out “, counties”;*

(ii) *by repealing subsections (5) to (8);*

(k) *in section 208.6(4)*

(i) *in clause (b) by striking out “, county”;*

(ii) *by repealing clause (c) and substituting the following:*

(c) establish a board of trustees for the district, division or other area, as the case may be, and

(iii) *in clause (d) by striking out “, county”;*

(l) *in section 208.6 by adding the following after subsection (4):*

**(4.1)** Subsection (4)(b) and (c) do not apply to a ward if the area of the ward to be withdrawn from the regional division is the Town of Devon or a municipal district that was formerly a county.

(m) *by adding the following after section 208.6:*



Regional  
divisions  
consisting of  
former  
counties or  
Town of  
Devon

**208.7(1)** In this section, “repeal date” means the date that the *County Act* and the *Municipal and School Administration Act* were repealed.

(2) This section applies to regional divisions

(a) that were established before the repeal date, and

(b) whose boundaries at the time of their establishment included one or more counties or the Town of Devon.

(3) The establishment of the regional divisions and their boards is confirmed, and this Act continues to apply to the regional divisions and their boards.

(4) Section 208.3(3) to (6) apply to the council of the Town of Devon and the council of a municipal district that was formerly a county whose area is included in a regional division.

(5) In a regional division, each area governed by a board of education before the regional division was established is one ward in the regional division.

(6) Despite the repeal of section 208.4(5), a by-law passed under that subsection before the repeal date is continued, and the council of the municipal district that was formerly the county that passed the by-law may amend, repeal or replace the by-law.

(n) by repealing section 210(1.1).

(32) *The Soil Conservation Act is amended*

(a) in section 1(g) and (m) by striking out “county.”;

(b) in section 14(a) by striking out “county or”.

(33) *The Teachers' Retirement Fund Act is amended in section 1(g)(i) by striking out “division or regional district, the board of education of a county or of a city or town whose administration has been merged under the Municipal and School Administration Act” and substituting “school division or regional division”.*

(34) *The Teaching Profession Act is amended by repealing section 1(h) and substituting the following:*

(h) “school board” means the board of trustees of a school district, school division or regional division;



(35) *The Water Resources Act is amended*

(a) *in section 74 by striking out “county,” wherever it occurs;*

(b) *in section 90(1)(a) by striking out “village, municipal district or county” and substituting “village or municipal district”.*

(36) *The Weed Control Act is amended*

(a) *in section 1(1)*

(i) *in clause (h)(i) by striking out “, county”;*

(ii) *in clauses (k) and (p.1) by striking out “county,”;*

(b) *in section 39 by striking out “, county” wherever it occurs.*

(37) *The following provisions are amended by striking out “county,” wherever it occurs:*

Act	Section
Alberta Municipal Financing Corporation Act	1(i)
Alberta Resources Railway Corporation Act	23(2)(c)
Border Areas Act	1(e)
Drainage Districts Act	1(m)
Fuel Tax Act	4(3)(c), 5(1)(a)(iii), (iv), 36.1(2)(b)
Interpretation Act	25(1)(n)
Jury Act	1(i)
Liquor Control Act	1(1)(m)
Metis Settlements Act	Schedule 2, section 1(2)(b)
Metis Settlements Accord Implementation Act	Schedule 2, section 1(2)(b)
Nursing Service Act	1(e)
Public Highways Development Act	1(r)
Recreation Development Act	1(c)
Regulations Act	1(1)(b)
Special Areas Act	2(a), (b)
Tobacco Tax Act	17.1(2)(b)
Treasury Branches Act	20
Wildlife Act	51(1)(b)

(38) *The following provisions are amended by striking out “, county” wherever it occurs:*



Act	Section
Agricultural Pests Act	1(1)(g)(i)
Ambulance Services Act	1(h)(i)
Cemetery Companies Act	22(1)
Expropriation Act	1(h)
Gas Utilities Act	1(h)
Maintenance Order Act	1(d)
Public Health Act	1(e)(i), (q), 73(1)(a)
Residential Tenancies Act	1(1)(b)(i)
Rural Gas Act	1(q)(i)
Transportation of Dangerous Goods Control Act	1(h)(i)

(39) *The following provisions are amended by striking out “village, municipal district or county” wherever it occurs and substituting “village or municipal district”:*

Act	Section
Cemeteries Act	1(i)
Dairy Industry Act	57.1(2), (3)
Family and Community Support Services Act	1(b)(i)
Health Insurance Premiums Act	1(h)(i)
Law of Property Act	14(f)(i)
Licensing of Trades and Businesses Act	11
Mobile Home Sites Tenancies Act	1(1)(b)(i)
Provincial Court Act	35(b)(i)
Safety Codes Act	1(1)(q)(i)
Social Care Facilities Licensing Act	1(d)(i)
Social Development Act	1(f)

*100(1) The Agricultural Operation Practices Act is amended*

*(a) in section 1(a)(ii) by striking out “section 74 of the Planning Act” and substituting “section 643 of the Municipal Government Act”;*

*(b) in section 1(c) by striking out “by-law or a land use regulation as defined in the Planning Act” and substituting “bylaw as defined in Part 17 of the Municipal Government Act”.*

*(2) The Alberta Municipal Financing Corporation Act is amended in section 1(i.1) by striking out “established under the Regional Municipal Services Act” and substituting “under Part 15.1 of the Municipal Government Act”.*

*(3) The Condominium Property Act is amended*

**100** Consequential amendments relating to the repeal of the Planning Act and the Regional Municipal Services Act.



- (a) in section 1(1)(d) by striking out “public roadways, public utilities and reserve land under the *Planning Act*” and substituting “roads, public utilities and reserve land under Part 17 of the *Municipal Government Act*”;
  - (b) in section 1.1(1) by striking out “The *Planning Act*” and substituting “Part 17 of the *Municipal Government Act*”;
  - (c) in section 1.1(2)
    - (i) by striking out “of the *Planning Act*” and substituting “of Part 17 of the *Municipal Government Act*”;
    - (ii) in clause (a) by striking out “parcel as defined in the *Planning Act*” and substituting “parcel of land as defined in Part 17 of the *Municipal Government Act*”;
  - (d) in section 1.2 by striking out “the *Planning Act*” and substituting “Part 17 of the *Municipal Government Act*”;
  - (e) in section 6(1)(b.1) by striking out “public roadways, public utilities and reserve land under the *Planning Act*” and substituting “roads, public utilities and reserve land under Part 17 of the *Municipal Government Act*”.
- (4) *The Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “Alberta Planning Board”.
- (5) *The Environmental Protection and Enhancement Act* is amended in section 1(jj)(v) by striking out “established under the *Regional Municipal Services Act*” and substituting “under Part 15.1 of the *Municipal Government Act*”.
- (6) *The Expropriation Act* is amended in the Schedule
- (a) by adding the following after section 2:
 

2.01. Municipal Government Act, Part 17	Cancellation of plans of subdivision
---	--------------------------------------
  - (b) by repealing sections 2.1 and 3.
- (7) *The Freedom of Information and Protection of Privacy Act* is amended in section 1(1)(i)
- (a) by repealing subclause (viii);



(b) in subclause (ix) by striking out “established under the Regional Municipal Services Act” and substituting “under Part 15.1 of the Municipal Government Act”.

(8) *The Land Titles Act is amended*

(a) in sections 52(3) and 85(3)(b) and (c) by striking out “the Planning Act” wherever it occurs and substituting “Part 17 of the Municipal Government Act”;

(b) in section 77(1) by striking out “the Planning Act or the regulations made under that Act” and substituting “Part 17 of the Municipal Government Act or the regulations made under that Part”;

(c) in section 86(2) by repealing clauses (a), (b) and (d).

(9) *The Law of Property Act is amended*

(a) in section 14(h) by striking out “parcel as defined in the Planning Act” and substituting “parcel of land as defined in Part 17 of the Municipal Government Act”;

(b) in section 27 by striking out “the Planning Act” wherever it occurs and substituting “Part 17 of the Municipal Government Act”.

(10) *The Public Utilities Board Act is amended*

(a) in section 1(i.1) by striking out “established under the Regional Municipal Services Act” and substituting “under Part 15.1 of the Municipal Government Act”;

(b) by repealing section 103(1) and substituting the following:

Supply of  
utilities on  
order

**103(1)** This section applies, with respect to a regional services commission, to the area within the boundaries of the members of the regional services commission.

(11) *The Universities Act is amended in section 50(1)(a)*

(a) by striking out “zoning by-law, development control by-law,” and striking out “land use regulation,”;

(b) by striking out “the Planning Act, regional plan, ministerial regional plan” and substituting “Part 17 of the Municipal Government Act”.

(12) *In the following provisions “the Planning Act” is struck out and “Part 17 of the Municipal Government Act” is substituted:*



Act	Section
City Transportation Act	15(2)
Historical Resources Act	20(4), 23(2), (3)
Matrimonial Property Act	19(5)
Rural Gas Act	10(2)
School Act	187(1)

*101 The School Act is amended in section 158(1.1)(c) by striking out "county,".*

*102 The County Act and the Municipal and School Administration Act are repealed.*

*103 The Planning Act and the Regional Municipal Services Act are repealed.*

*104(1) Sections 2(n), 35, 36, 39, 40(a), (c), (d) and (f), 41, 42, 44, 45(b), 46 to 50, 51(a), (c) and (d), 52 to 57, 59 to 74, 76 to 79, 83, 85 and 98 are deemed to have come into force on January 1, 1995.*

*(2) Section 5 comes into force on Proclamation.*

*(3) Sections 2(b) and (e), 4, 6, 20, 21, 23, 28(a), 29, 40(b), 45(a), 51(b), 75, 81, 82, 84, 86, 87, 94 to 97, 100 and 103 come into force on September 1, 1995.*

*(4) Sections 37, 38, 43, 45(c) and 101 come into force on December 31, 1995.*

*(5) The remaining provisions come into force on the date this Act receives Royal Assent.*

**101** Consequential amendment relating to the repeal of the County Act.

**102** Repeals chapter C-27 of the Revised Statutes of Alberta 1980 and chapter M-29 of the Revised Statutes of Alberta 1980.

**103** Repeals chapter P-9 of the Revised Statutes of Alberta 1980 and chapter R-9.1 of the Statutes of Alberta, 1981.

**104** Coming into force.