

The Planning and Development Act, 1983

Repealed

by Chapter P-13.2 of *The Statutes of Saskatchewan, 2007*
(effective March 21, 2007).

Formerly

Chapter P-13.1 of *The Statutes of Saskatchewan, 1983-84*
(effective April 17, 1984) as amended by the *Statutes of
Saskatchewan, 1983-84, c.50 and 61; 1984-85-86, c.11; 1986, c.5
and 17; 1988-89, c.M-23.2 and 42; 1989-90, c.5 and 51; 1992,
c.S-35.1; 1993, c.11 and 55; 1996, c.C-27.01 and 35; 1997, c.44;
2000, c.L-5.1 and 58; 2001, c.20 and 28; 2002, c.C-11.1 and
S-35.02; 2003, c.18; 2004, c.20; and 2005, c.M-36.1 and c.24 .*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-13.1

An Act respecting Planning and Development in Municipalities

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Planning and Development Act, 1983*.

Interpretation

2 In this Act:

(a) **“approving authority”** means the minister or, where the minister has delegated his authority pursuant to section 135, the director or the council to which the delegation is made;

(a.1) **“board of education”** means a board of education of a school division designated or established pursuant to *The Education Act*;

(b) **“building”** means any structure constructed or placed on, in or over land, but does not include a public highway;

(c) **“building permit”** means a permit, issued under a building bylaw of a municipality, authorizing the construction of all or part of any building;

(c.1) **“conseil scolaire”** means the conseil scolaire as defined in *The Education Act, 1995*;

(d) **“cost of preparing a replotting scheme”** means:

(i) survey costs;

(ii) costs paid to prepare a plan of subdivision;

(iii) subdivision approving authority costs; and

(iv) land titles costs;

payable with respect to a replotting scheme;

(e) **“council”** means:

(i) subject to subclause (ii), the council of a municipality or other municipal corporation; or

(ii) the minister or any person designated by the minister pursuant to section 2.1 acting on behalf of a northern settlement or the Northern Saskatchewan Administration District, as the case may be;

(f) **“Crown”** means Her Majesty in right of Saskatchewan;

(g) **“dedicated lands”** means lands dedicated pursuant to Part VIII as buffer strips, environmental reserve, municipal reserve, public reserve and walkways;

- (h) **“development”** means, except in section 197.2, the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land;
- (i) **“development agreement”** means an agreement entered into pursuant to section 55.3 or subsection 79(2);
- (j) **“Development Appeals Board”** means a board required by section 71 to be provided for in every zoning bylaw;
- (j.1) **“development officer”** means the person appointed pursuant to a zoning bylaw to administer the zoning bylaw;
- (k) **“development permit”** means a document authorizing a development issued pursuant to a zoning bylaw or a development control adopted by the minister pursuant to Part VI.1;
- (l) **“director”** means a Director of Community Planning appointed pursuant to section 4;
- (m) **“form of development”** means any activity associated with altering the physical features of land;
- (m.1) **‘interest’** means an interest as defined in *The Land Titles Act, 2000*;
- (n) **“lane”** means a public highway vested in the Crown as a secondary level of access to a lot or parcel of land;
- (o) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (p) **“municipal administrator”** means:
- (i) the clerk or administrator of a municipality or other municipal corporation; or
 - (ii) any person performing a similar function to the officers mentioned in subclause (i) for a district planning commission as described in section 129;
- (p.1) **“municipal reserve”** means dedicated lands:
- (i) that are provided to a municipality pursuant to clause 189(a) for public use; or
 - (ii) that were dedicated as public reserve and transferred to a municipality pursuant to section 196, whether or not title to those lands has issued in the name of the municipality;
- (q) **“municipality”** means a municipality as defined in subsection 27(1) of *The Interpretation Act, 1995* or any other municipal corporation;

- (r) **“non-conforming building”** means a building:
- (i) that is lawfully constructed or lawfully under construction, or in respect of which all required permits have been issued, at the date a zoning bylaw or any amendment to a zoning bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and
 - (ii) that on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective does not, or when constructed will not, comply with the zoning bylaw;
- (s) **“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, or in respect of which all required permits have been issued, at the date a zoning bylaw or any amendment to a zoning bylaw affecting the land or building becomes effective; and
 - (ii) that on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued will not, comply with the zoning bylaw;
- (t) **“northern municipality”** means a northern municipality as defined in *The Northern Municipalities Act*;
- (t.1) **“Northern Saskatchewan Administration District”** means the Northern Saskatchewan Administration District continued pursuant to *The Northern Municipalities Act* but does not include any area within the boundaries of:
- (i) a town;
 - (ii) a northern village; or
 - (iii) a northern hamlet;
- as defined in *The Northern Municipalities Act*;
- (t.2) **‘plan’** means a plan as defined in *The Land Surveys Act, 2000*;
- (u) **“provincial highway”** means a public highway, or a proposed public highway, in respect of which there is a plan in the Department of Highways and Transportation designated as a provincial highway by the Lieutenant Governor in Council;
- (v) **Repealed.** 1989-90, c.5, s.7.
- (w) **“public highway”** means a public highway as defined in *The Highways and Transportation Act*;

- (w.1) **“public reserve”** means dedicated lands that are:
- (i) vested in the Crown pursuant to this Act, *The Planning and Development Act* or any former *Community Planning Act*;
 - (ii) dedicated for public use; and
 - (iii) exempted by minister’s order pursuant to subsection 196(5) from the application of that section;
- (x) **“public work”** means:
- (i) systems for the production, distribution or transmission of electricity;
 - (ii) systems for the distribution, storage or transmission of natural gas or oil;
 - (iii) facilities for the storage, transmission, treatment, distribution or supply of water;
 - (iv) facilities for the collection, treatment, movement or disposal of sanitary sewage;
 - (v) telephone, cable television or light distribution or transmission lines; or
 - (vi) facilities for the collection, storage, movement and disposal of storm drainage;
- (y) **Repealed.** 2005, c.M-36.1, s.453.
- (y.1) **“statement of provincial interest”** means a statement of provincial interest respecting land use planning and development adopted by the Lieutenant Governor in Council pursuant to section 12;
- (z) **“structural alteration”** means the construction or reconstruction of supporting elements of a building;
- (aa) **“subdivision”** means a division of land, and includes a division of a quarter section into legal subdivisions as described in the regulations made pursuant to *The Land Surveys Act, 2000*;
- (bb) **“subdivision regulations”** means regulations made by the minister pursuant to section 136 or regulations made by a council pursuant to section 137;
- (cc) **Repealed.** 2005, c.M-36.1, s.453.

1983-84, c.P-13.1, s.2; 1984-85-86, c.11, s.3;
 1989-90, c.5, s.7; 1989-90, c.51, s.3; 1993, c.11,
 s.3; 1993, c.55, s.183; 1996, c.35, s.3; 1997, c.44,
 s.3; 2000, c.L-5.1, s.377 and c.58, s.3; 2002,
 c.C-11.1, s.399; 2005, c.24, s.3; 2005, c.M-36.1,
 s.453.

Designation

2.1 The minister may designate any person to perform any functions and exercise any duties imposed on the minister by this Act with respect to his responsibility to act as the council on behalf of a northern settlement or the Northern Saskatchewan Administration District.

1984-85-86, c.11, s.4.

Act prevails

3 In the event of conflict between the provisions of this and any other Act, the provisions of this Act so far as they relate to urban and rural planning and development govern.

1983-84, c.P-13.1, s.3.

PART II Administration

Director of Community Planning

4(1) The Lieutenant Governor in Council shall appoint one or more officers to be known as a Director of Community Planning in each of the Department of Urban Affairs and the Department of Rural Development.

(2) The directors are responsible for the administration of this Act and each director shall perform any other duties assigned to him by his minister.

(3) Each director shall work under the direction and control of the minister who is responsible for the department in respect of which the director is appointed.

1983-84, c.P-13.1, s.4.

Powers of directors

5 The minister may, for the purpose of facilitating the administration of this Act, authorize a director or any other employee under his administration to:

- (a) carry on research pertaining to community planning in Saskatchewan;
- (b) provide technical planning assistance to any municipality, intermunicipal planning advisory or intermunicipal corporate body;
- (c) promote public interest in community planning and orderly community development;
- (d) enter into contracts with respect to the furnishing of any services authorized by clause (a) or (b) and fix the fee, if any, to be paid for any of those services.

1983-84, c.P-13.1, s.5.

Advisors

6 The minister may engage any consultants and advisors that he considers necessary to assist in carrying out the powers mentioned in section 5.

1983-84, c.P-13.1, s.6.

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Staff

7 The Public Service Commission may appoint any employees that may be required for the administration of this Act and the regulations.

1983-84, c.P-13.1, s.7.

Grants

8 The Lieutenant Governor in Council may:

(a) make grants to any person or organization engaged in or constituted for purposes that include carrying out programs designed to foster and promote public education in, understanding of and participation in planning and development; and

(b) make grants or loans to assist persons in taking advanced courses of study in community or regional planning and development.

1983-84, c.P-13.1, s.8.

Appropriation

9 Any expense incurred in the administration of this Act is to be paid out of moneys appropriated by the Legislature for the purpose.

1983-84, c.P-13.1, s.9.

PART III

Establishment and Functions of Planning Authorities
PROVINCIAL LAND USE POLICY

Interpretation

10 In this Part, “**commission**” means a municipal planning commission established pursuant to section 14.

1983-84, c.P-13.1, s.10.

Powers of minister

11 The minister may:

(a) initiate and make recommendations to the Lieutenant Governor in Council respecting the development of provincial land use policies and statements of provincial interest;

(b) co-ordinate federal, provincial and local government planning policy and programs as they relate to provincial land use policies and statements of provincial interest;

(c) inquire into and study any matter relating to community and land use planning, and make any recommendations to the Lieutenant Governor in Council respecting community and land use planning that the minister considers advisable.

2005, c.24, s.4.

Adoption of land use policies and statements of provincial interest

12 On the recommendation of the minister, the Lieutenant Governor in Council may, by regulation, adopt provincial land use policies and statements of provincial interest.

2005, c.24, s.4.

Consistency with land use policies and statements of provincial interest

13 Every development plan, basic planning statement, subdivision bylaw or zoning bylaw adopted or amended pursuant to this Act must be consistent with the provincial land use policies and statements of provincial interest adopted by the Lieutenant Governor in Council pursuant to section 12.

2005, c.24, s.4.

EXEMPTIONS FOR APPROVING AUTHORITIES

Interpretation – approving authority

13.1 In sections 13.2 to 13.8, “**approving authority**” means a council that has been declared an approving authority pursuant to clause 135(2)(b).

2005, c.24, s.5.

13.2 Not yet proclaimed.

Exemptions relating to matters other than planning bylaws

13.3 Notwithstanding any other provision of this Act, an approving authority is exempt from obtaining the minister’s approval of the municipality’s:

- (a) interim development control bylaw pursuant to subsection 107(3); and
- (b) any bylaw:
 - (i) to sell all or any part of a buffer strip pursuant to section 187;
 - (ii) to exchange or sell all or any part of a municipal reserve pursuant to sections 201 and 202; or
 - (iii) to sell all or any part of a walkway pursuant to subsection 203(4).

2005, c.24, s.5.

Public notice policy

13.4(1) Subject to subsections (3) and (4) and the regulations, an approving authority may, by bylaw, adopt a public notice policy respecting all or any of the following matters:

- (a) the adoption, amendment or repeal of a bylaw for a development plan, basic planning statement or zoning bylaw;
- (b) the adoption of a bylaw establishing development levies;
- (c) the adoption of a bylaw authorizing the sale of a buffer strip or municipal reserve;

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- (d) the voiding of an agreement pursuant to section 82 respecting the rezoning of land;
 - (e) the adoption of an interim development control bylaw pursuant to subsection 107(1).
- (2) If an approving authority adopts a public notice policy pursuant to subsection (1) and gives public notice in accordance with that policy, the public notice requirements set out in subsection 82(7), section 108 and Part IX do not apply.
- (3) Any public notice policy adopted pursuant to this section must set out:
- (a) the minimum notice requirements;
 - (b) the acceptable methods of giving notice; and
 - (c) the required contents of the notice.
- (4) Unless a longer period is specified, public notice must be given at least seven days before the council meeting or public hearing, as the case may be, at which the matter is to be considered for which public notice is required.
- (5) The Lieutenant Governor in Council may make regulations respecting the required contents of a bylaw to be passed pursuant to this section.

2005, c.24, s.5.

Municipal planning commissions

13.5(1) If an approving authority establishes a municipal planning commission pursuant to section 14, the approving authority may, by bylaw:

- (a) determine the eligibility, number and term of office of persons appointed as members to the commission;
 - (b) establish the powers, duties and procedures of the commission;
 - (c) provide for the appointment of advisers and consultants to the commission;
 - (d) authorize a budget for the establishment and operation of the commission; and
 - (e) prescribe any other matter that the approving authority considers necessary for the operation of the commission.
- (2) If an approving authority passes a bylaw pursuant to subsection (1), sections 15 to 21 do not apply to the extent that the matter is set out by bylaw.

2005, c.24, s.5.

13.6 Not yet proclaimed.

Development Appeals Board

13.7(1) Subject to subsection 92(2), an approving authority may, by bylaw:

- (a) determine the eligibility, number and term of office of persons appointed as members to the Development Appeals Board;
- (b) prescribe the procedures to be followed by the Development Appeals Board in carrying out an appeal pursuant to this Act;
- (c) prescribe any other matter that the approving authority considers necessary for the operation of the Development Appeals Board.

(2) If an approving authority passes a bylaw pursuant to subsection (1), subsection 92(1) and sections 93 and 94 do not apply to the extent that the matter is set out by bylaw.

2005, c.24, s.5.

Variation of certain appeal periods

13.8(1) An approving authority may, in its zoning bylaw, extend the time limit for referring or appealing all or any of the following matters:

- (a) pursuant to subsection 80(1), the failure to approve plans or drawings or to enter into a development agreement;
- (b) pursuant to subsection 84(4), the refusal or failure to make a decision on an application to amend a zoning bylaw to remove a holding symbol;
- (c) pursuant to subsections 84.1(7) and (8) or subsections 84.2(5) and (6), the refusal to issue a development permit, the failure to make a decision on an application for a development permit, or the imposition of terms and conditions respecting a development permit.

(2) If an approving authority passes a bylaw pursuant to subsection (1), subsections 80(1), 84(4), 84.1(7) and (8) and 84.2(5) and (6) do not apply to the extent that the matter is set out by bylaw.

2005, c.24, s.5.

MUNICIPAL PLANNING COMMISSIONS

Bylaw to establish

14 A council may, by bylaw, establish a municipal planning commission to advise and assist the council with respect to all matters pertaining to community planning and development within the municipality.

1983-84, c.P-13.1, s.14.

Constitution of commission

15(1) Subject to subsection (2), the commission is required to consist of not less than three nor more than nine members to be appointed by the council in the manner and number stated in the bylaw establishing the commission.

(2) In the case of a municipality having a population of more than 50,000, the number of members that may be appointed to a commission is:

- (a) nine members, in respect of the first 50,000 people; and
- (b) one member for each 10,000 people or part thereof by which the population exceeds 50,000;

to a maximum of 15 members.

1983-84, c.P-13.1, s.15.

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Eligibility of persons appointed

16(1) The individuals that are eligible to be appointed as members of the commission are:

- (a) the mayor or reeve and other members of the council;
 - (b) residents of the municipality, except individuals who are employees of the municipality;
 - (c) members and employees of any organization concerned with the planning and orderly development of the municipality;
 - (d) representatives from any other municipality.
- (2) A majority of the members of the commission is required to consist of individuals who are not members of the council.

1983-84, c.P-13.1, s.16.

Terms of appointment of members

17 Where a council establishes a commission, it shall, by bylaw, also provide for:

- (a) the eligibility of individuals to be appointed or reappointed as members of the commission;
- (b) the term of appointment of members of the commission and the number of consecutive terms, if any, that a member may serve;
- (c) the manner in which vacancies, by reason of temporary incapacity, may be filled;
- (d) where a member ceases to be a member before the end of the term for which he is appointed, the appointment of a person to be a member of the commission for the remainder of the term;
- (e) the manner in which members are removable from the commission for permanent incapacity or other cause;
- (f) the manner in which a chairman and any vice-chairmen are to be designated from the members of the commission; and
- (g) any remuneration or expenses payable to the chairman and any other members of the commission for carrying out their duties.

1983-84, c.P-13.1, s.17.

Powers and duties of commission

18(1) The commission shall investigate and study land use, population, transportation, utilities, services, municipal finances and any other matter inside or outside the municipality that, in the opinion of the commission, is related to the physical, social or economic circumstances of the municipality and affects or may affect the development of the municipality.

(2) The commission shall perform any other duties of a planning nature that the council may refer to it and may do any other thing that it considers necessary in connection with the planning and orderly development of the municipality.

(3) Without limiting the generality of the foregoing, the commission may, in the exercise of its powers and the performance of its duties:

- (a) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the residents of the municipality and any adjacent area in determining the solution to problems or matters affecting the development of any part of the municipality;
- (b) prepare any development plan, basic planning statement, zoning bylaw or other bylaw that may be adopted under this Act, suitable for adoption or passing by the council, with a recommendation that it be passed;
- (c) review any development plan, basic planning statement, zoning bylaw or other bylaw adopted under this Act, and submit suitable amendments to the council with a recommendation that the amendments be passed;
- (d) recommend the implementation of any feature of any development plan, basic planning statement or bylaw under this Act to the council;
- (e) suggest ways and means of financing works to be carried out by the council over a specified period;
- (f) investigate and study proposed subdivision developments within and adjacent to the municipality and submit reports and recommendations in that respect to the council;
- (g) identify the social and economic implications of its recommendations.

1983-84, c.P-13.1, s.18.

Advisors; consultants

19 With the approval of the council, the commission may, in accordance with its budget, by resolution:

- (a) appoint any consultants or employees that may be necessary in the exercise of any of its powers or the performance of any of its duties and fix their remuneration;
- (b) appoint advisory committees, the membership of which may consist of one or more of the members of the commission or any other person, and fix their remuneration.

1983-84, c.P-13.1, s.19.

Budget

20(1) The commission shall, at any time in each year that may be prescribed by the council in the bylaw establishing the commission, prepare and submit a budget, including an estimate of money that may be required during the year, to the council for consideration and approval.

(2) The council shall consider the budgetary estimate of the commission and may approve it or may alter, vary, increase or decrease it as the council considers necessary and appropriate.

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(3) The budget of the commission, as approved pursuant to subsection (2), is final and binding and the commission shall not incur expenditures in excess of it.

(4) The council may revise or otherwise alter, vary, increase or decrease any approved budget by an amendment to the budget passed by a resolution of council.

1983-84, c.P-13.1, s.20.

Procedure

21(1) The commission shall adopt general rules of procedure to be followed in carrying out its functions subject to any procedures that may be established by this Act or the bylaw of the council with respect to the establishment and operation of the commission.

(2) The commission shall hold its meetings at the call of the chairman and at any other time that the commission may determine.

(3) Notwithstanding any vacancy in the membership of the commission, where at least three members remain in office, those members may exercise and perform the powers and duties of the commission.

(4) The commission shall keep a record of its proceedings.

(5) Where a member of the commission is in any way interested in any matter before the commission, whether directly or indirectly, he shall declare his interest and take no part in the proceedings and he is not entitled to vote on that matter.

1983-84, c.P-13.1, s.21.

22 to 38 Repealed. 1988-89, c.M-23.2, s.84

PART IV
Statutory Plans
BASIC PLANNING STATEMENT

Power of council

39 If a development plan is not in effect in a municipality, the council, subject to it being required to prepare and adopt a development plan pursuant to section 53, may authorize the preparation of a basic planning statement for all or any part of the municipality.

2005, c.24, s.6.

Minister may require basic planning statement

40(1) Notwithstanding section 39, the minister may, after consultation with the council, direct the council to prepare and adopt for all or part of the municipality:

(a) a basic planning statement, and the council shall adopt that statement within one year from the date of the direction; or

(b) an amendment to a basic planning statement, and the council shall adopt that amendment within six months from the date of the direction.

(2) Where the council fails to prepare or adopt a basic planning statement or amendment when required to do so by the minister pursuant to subsection (1) or 47(2), the minister may exercise any of the powers of the council under this Act on giving at least 30 days' written notice to the municipality of his intention to do so.

1983-84, c.P-13.1, s.40.

41 Repealed. 2005, c.24, s.7.

Contents of statement

42 A basic planning statement is required to:

- (a) contain a statement of the objectives for the future development of the municipality;
- (b) contain a statement of objectives to be accomplished by a zoning bylaw;
- (c) incorporate, insofar as is practical, any applicable provincial land use policies;
- (d) be based on any studies and surveys that the minister may require or that may otherwise be appropriate; and
- (e) address any other matter that the council considers advisable.

1983-84, c.P-13.1, s.42.

Severability of provisions of statement

43 The provisions of a basic planning statement are deemed to be severable and, where any provision is adjudged to be invalid or inoperative, it does not render the remaining provisions invalid or inoperative.

1983-84, c.P-13.1, s.43.

Validity

44(1) Adoption of a basic planning statement or amendment shall be by bylaw of the council in accordance with Part IX.

(2) An amendment to a basic planning statement is subject to the same approval requirements as a basic planning statement and the amendment has no effect until it is approved by the minister.

1983-84, c.P-13.1, s.44.

Zoning bylaw required

45(1) If a council has not adopted a zoning bylaw pursuant to this Act, *The Planning and Development Act* or any former *Community Planning Act*, the council, in adopting a basic planning statement, shall, by separate bylaw, adopt a zoning bylaw in accordance with this Act.

(2) The council shall ensure that the municipality's zoning bylaw is consistent with its basic planning statement, and any part of a zoning bylaw that is inconsistent with the basic planning statement has no effect insofar as it is inconsistent.

2005, c.24, s.8.

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Submission to minister for approval

46(1) The municipal administrator shall cause to be transmitted to the minister for his consideration:

- (a) two copies of the basic planning statement certified by him to be correct;
- (b) a copy of the bylaw adopting the basic planning statement; and
- (c) proof of compliance with the requirements of Part IX in the form of a statutory declaration of the municipal administrator, together with a copy of all representations respecting the basic planning statement;

and the basic planning statement has no effect unless it is approved by the minister.

(2) Where the minister issues a conditional approval, the basic planning statement, as far as possible, takes effect on and from the date of the conditional approval, except for the part of the basic planning statement that requires further amendment.

1983-84, c.P-13.1, s.46.

Powers of minister

47(1) Where a basic planning statement is submitted to the minister pursuant to section 46, he may:

- (a) approve the basic planning statement;
- (b) not approve the basic planning statement;
- (c) approve the basic planning statement in part; or
- (d) approve the basic planning statement on the condition that the council effect amendments to it that, in the opinion of the minister, do not materially affect the statement in principle or substance.

(2) Where the minister:

- (a) does not approve the entire basic planning statement, he may direct the council to prepare and adopt a new basic planning statement;
- (b) approves the basic planning statement in part, he may direct the council to prepare and adopt amendments to meet his objections within any period that he may prescribe; or
- (c) issues a conditional approval, he may direct the council to prepare and adopt minor amendments within any period that he may prescribe.

(3) Notwithstanding anything in Part IX, where the minister issues a conditional approval and directs the council to prepare and adopt minor amendments to the basic planning statement, he may exempt the council from providing any notice of the changes.

1983-84, c.P-13.1, s.47.

Decision of minister

48(1) The minister shall render his decision within three months from the date he receives a basic planning statement or within 30 days from the date he receives an amendment to a basic planning statement, unless an extended time is otherwise agreed on between the council and the minister.

(2) **Repealed.** 1996, c.35, s.4.

1983-84, c.P-13.1, s.48; 1996, c.35, s.4.

Amendment at instance of council

49 A council:

- (a) may authorize the preparation of an amendment to a basic planning statement; and
- (b) if adopting an amendment prepared pursuant to clause (a), shall do so by bylaw.

2005, c.24, s.11.

Municipality bound by statement

50(1) From the time that a basic planning statement or any amendment takes effect, it is binding on the municipality and all other persons, associations or other organizations and no development shall be carried out that is contrary to the basic planning statement.

(2) The adoption of a basic planning statement does not commit the municipality, any person, association or organization or any department or agency of the Government of Saskatchewan to undertake any of the projects outlined or proposed in that statement.

1983-84, c.P-13.1, s.50.

DEVELOPMENT PLAN

Purposes of plan

51 The purposes of a development plan are:

- (a) to serve as a framework whereby the municipality may be guided in making development decisions;
- (b) to identify the factors relevant to the use and development of land;
- (c) to identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects of that development;
- (d) to set out the desired timing, patterns and characteristics of the future physical, social and economic development of the municipality and to determine the probable consequences of that development;

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(e) to establish and specify the programs and actions necessary for the implementation of the development plan; and

(f) to outline the methods whereby the best use and development of land and other resources in adjacent municipalities, or affected areas immediately abutting thereto, may be co-ordinated.

1983-84, c.P-13.1, s.51.

Power of council

52 A council may authorize the preparation of a development plan for all or any part of the municipality.

2005, c.24, s.12.

Minister may require development plan

53(1) Notwithstanding section 52, the minister may, after consultation with the council, direct the council to prepare and adopt for all or a part of the municipality:

(a) a development plan, and the council shall adopt that plan within two years from the date of the direction; or

(b) an amendment to a development plan, and the council shall adopt that amendment within six months from the date of the direction.

(2) Where the council fails to prepare or adopt a development plan or amendment when required to do so by the minister pursuant to subsection (1) or section 59, the minister may exercise any of the powers of the council under this Act upon giving at least 30 days' written notice to the municipality of his intention to do so.

1983-84, c.P-13.1, s.53.

54 Repealed. 2005, c.24, s.13.

Contents

55(1) A development plan may contain statements of policy with respect to:

(a) the development and use of land in the municipality;

(b) the conservation and improvement of the physical environment;

(c) the development of municipal utility, transportation and communication systems;

(d) the use of land for municipal purposes;

(e) the provision of municipal services and facilities, such as:

(i) sewage collection, treatment and disposal;

(ii) water supply and distribution;

(iii) electrical distribution;

(iv) educational and cultural facilities;

- (v) recreational facilities, parks, playgrounds and open spaces;
 - (vi) fire and police facilities;
 - (vii) urban renewal;
 - (viii) housing;
 - (ix) transit; or
 - (x) facilities for the provision of any other services;
 - (f) the control of hazard areas;
 - (g) the management and preservation of agricultural land and activities, forested areas, natural and wildlife areas and water storage areas;
 - (h) the fringe areas of cities, towns, villages, hamlets or other developed areas;
 - (i) the location and creation of new communities;
 - (j) gravel pits, quarries and mineral resource areas;
 - (k) the use and conservation of energy;
 - (l) the spatial distribution of residential development and the renewal, rehabilitation and improvement of neighbourhoods and urban cores;
 - (m) co-ordination of municipal programs relating to development;
 - (n) guidelines for land use control measures;
 - (o) any other matter that the council considers advisable.
- (2) A development plan shall contain proposals to implement the policies it contains.

1983-84, c.P-13.1, s.55.

Development levy bylaw

55.1(1) In this section and in sections 55.2 and 55.3 and subsections 143(2) and (6), “**capital cost**” means the municipality’s current estimated cost of providing construction, planning, engineering and legal services that are directly related to the matters for which levies are established pursuant to subsection (2) or subsection 143(2) as the case may be.

(2) Where a municipality has an approved development plan or basic planning statement that authorizes the use of development levies and has undertaken specific engineering studies on servicing requirements and studies on recreation needs, the council may establish, by separate bylaw, development levies for the purpose of recovering all or a part of the municipality’s capital costs of providing, altering, expanding or upgrading the following services and facilities associated, directly or indirectly, with the proposed development:

- (a) sewage, water or drainage works;
- (b) public highways;

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- (c) parks;
 - (d) recreational facilities.
- (3) Part IX applies to a bylaw made pursuant to subsection (2).
- (4) Subject to subsection (5), a bylaw made pursuant to subsection (2) shall specify the levies to be made for services and facilities and may vary those levies having regard to:
- (a) zoning districts or other defined areas;
 - (b) land uses;
 - (c) capital costs as they relate to different classes of development as established in the bylaw;
 - (d) the size or number of lots or units in a development.
- (5) A bylaw made pursuant to subsection (2) shall provide that similar levies be imposed for developments that impose similar capital costs to the municipality.
- (6) In establishing development levies, the council, in making a bylaw pursuant to subsection (2), shall consider future land use patterns and development and the phasing of public works.
- (7) A bylaw made pursuant to subsection (2) may exempt land uses, classes of development, zoning districts or defined areas specified in the bylaw from the levies.
- (8) A bylaw made pursuant to subsection (2) may delegate to a development officer the authority to exercise all or any part of the council's powers, and to carry out all or any of the council's duties, under this section, sections 55.2 to 55.6 of this Act and the bylaw, other than the power to enter into development agreements with an applicant or owner.

1993, c.11, s.4; 1996, c.35, s.5.

Use of development levies

- 55.2(1)** A municipality shall deposit all development levies received by it into one or more development levy accounts.
- (2) A municipality shall use the development levies received by it, together with any accrued interest, only:
- (a) to pay the capital cost of providing the services and facilities described in subsection 55.1(2);
 - (b) to pay a debt incurred by a municipality as a result of an expenditure described in subsection 55.1(2); or
 - (c) to reimburse an owner for additional capital costs described in clause 55.4(e).

1993, c.11, s.4.

Payment of development levies

55.3(1) Where a person applies for a development permit with respect to a development or land use that was not previously the subject of a servicing agreement entered into pursuant to section 143, the council may require the applicant or the owner of the land to pay the development levies specified in a bylaw adopted pursuant to section 55.1.

(2) If, in the opinion of the council, it is necessary to do so, the council or development officer may require the applicant or owner mentioned in subsection (1) to enter into a development agreement with the municipality respecting the payment of the development levies.

(3) Subject to subsection (4), a council may assess only one development levy on one development.

(4) Notwithstanding any other provision of this Act, the terms of a development agreement or the terms of a servicing agreement entered into pursuant to section 143, the council of a municipality may assess an additional development levy to cover the municipality's additional capital costs if:

- (a) there is a change in the development; and
- (b) in the opinion of the council, the municipality will incur additional capital costs as a result of the change mentioned in clause (a).

1993, c.11, s.4.

Contents of development agreements

55.4 A development agreement may contain provisions:

- (a) authorizing the payment of development levies in instalments;
- (b) applying a variable rate development levy where the development is to be constructed in phases over a period of time;
- (c) providing for letters of credit, assurance bonds or any other form of assurance the council considers necessary to ensure that the development levies will be paid;
- (d) requiring an owner to pay the costs of providing services or facilities that are either in addition to, or of a greater capacity than, those mentioned in the bylaw made pursuant to section 55.1 establishing development levies and prescribing the manner and timing of that payment;
- (e) providing for the reimbursement to an owner described in clause (d) of development levies that were paid under an agreement for services and facilities, and any accrued interest on those levies, when other, subsequent owners in the benefitting area identified in the agreement are required to pay development levies for the development of the land in the benefitting area;
- (f) prescribing any other matter or thing that the council considers necessary to facilitate the development agreement.

1993, c.11, s.4.

Registration of development agreement

55.5(1) A municipality may register an interest based on a development agreement in the Land Titles Registry against the affected title.

(2) On registration of an interest based on a development agreement, the rights and privileges in the development agreement:

- (a) enure to the benefit of the municipality; and
- (b) run with the land and are binding on the registered owner of the land, the registered owner's heirs, executors and administrators, and those persons to whom the registered owner transfers title

2000, c.L-5.1, s.378.

Right of appeal

55.6(1) Subject to subsections (3) to (5), within 30 days after the date of the council's written request for payment of development levies, an applicant or an owner of land may appeal to the Saskatchewan Municipal Board:

- (a) the application of the development levies; or
- (b) the manner of application of the development levies.

(2) Subject to subsections (3) to (5), if a council requires an applicant or an owner of land to enter into a development agreement and the parties are unable to enter into the development agreement within 90 days after receipt by the council of the application for a development, verified complete by the development officer, the applicant or owner may appeal to the Saskatchewan Municipal Board to determine:

- (a) whether a development agreement is necessary; and
- (b) the terms and conditions of the development agreement.

(3) The council and the applicant or the owner of the land may agree to extend the periods for making appeals pursuant to this section.

(4) Notwithstanding subsection (1) or (2), if the council has been declared an approving authority pursuant to clause 135(2)(b), any appeal by the applicant or the owner of land pursuant to subsection (1) or (2) shall be made, in the first instance, to the Development Appeals Board.

(5) A decision of the Development Appeals Board pursuant to subsection (4) may be appealed to the Saskatchewan Municipal Board in accordance with section 103.

2005, c.24, s.14.

56 Repealed. 2005, c.24, s.15.

57 Repealed. 2005, c.24, s.15.

Conformity with provincial land use policies

58 A development plan shall incorporate, insofar as is practical, any applicable provincial land use policies.

1983-84, c.P-13.1, s.58.

Other requirements, adoption, approval, amendment of development plan

59 Sections 43 to 48 apply *mutatis mutandis* to a development plan.

1983-84, c.P-13.1, s.59.

60 Repealed. 1996, c.35, s7.

Council may authorize amendments

61 A council:

- (a) may authorize the preparation of an amendment to a development plan; and
- (b) if adopting an amendment prepared pursuant to clause (a), shall do so by bylaw.

2005, c.24, s.17.

Municipality bound by plan

62(1) From the time that a development plan or any amendment to the plan takes effect it is binding on the municipality and on all other persons, associations or other organizations whatsoever and no development shall be carried out that is contrary to the development plan.

(2) The adoption of a development plan does not commit the municipality or any person, association or organization or any department or agency of the Government of Saskatchewan to undertake any of the projects outlined or proposed in that plan.

1983-84, c.P-13.1, s.62.

Acquisition of land

63 For the purpose of carrying out a development plan or ensuring that any proposal contained in a plan will be carried out according to the plan, the council may purchase or otherwise acquire land inside or outside the municipality.

1983-84, c.P-13.1, s.63.

Expropriation

64(1) Where the council cannot purchase the land at a fair price or cannot otherwise acquire the land by agreement with the owner, it may expropriate the land.

(2) The price to be paid for land expropriated pursuant to subsection (1) is required to be determined by arbitration and *The Municipal Expropriation Act* applies *mutatis mutandis* to that expropriation.

1983-84, c.P-13.1, s.64.

Power to subdivide and sell land

65 The council may subdivide, rearrange and deal with any land acquired pursuant to section 63 or 64 as if it were a private owner and the proceeds of any sale, lease or other disposition of the land may be applied in reduction of the cost of the project.

1983-84, c.P-13.1, s.65.

PART V
Implementation of Plans
ZONING

Purposes of zoning bylaw

66 The purposes of a zoning bylaw are to control the use of land for providing for the amenity of the area within the council's jurisdiction and for the health, safety and general welfare of the inhabitants of the municipality.

1983-84, c.P-13.1, s.66.

Adoption of zoning bylaw

67(1) A council may authorize the preparation and adoption of a zoning bylaw for all or a part of the municipality only in conjunction with the adoption of a development plan or basic planning statement.

(2) A council may authorize the preparation of a new zoning bylaw if the municipality:

(a) has a development plan or basic planning statement and a zoning bylaw; and

(b) wishes to repeal and replace the zoning bylaw only.

(3) A council:

(a) may authorize the preparation of an amendment to a zoning bylaw; and

(b) if adopting an amendment prepared pursuant to clause (a), shall do so by bylaw.

1983-84, c.P-13.1, s.67; 2005, c.24, s.18.

Amendment to zoning bylaw at request of minister

68(1) The minister may, after consultation with the council, direct the council to prepare and adopt an amendment to a zoning bylaw, including a zoning bylaw approved under *The Planning and Development Act* or a former *Community Planning Act*.

(2) The council shall, within six months from the date of a direction issued pursuant to subsection (1), amend the zoning bylaw.

1983-84, c.P-13.1, s.68.

Extension of time limit

69 The minister may, on the request of a municipality, extend the time limit for the adoption of a zoning bylaw or an amendment to a zoning bylaw.

1983-84, c.P-13.1, s.69.

Obsolete zoning bylaws

70 Where the Lieutenant Governor in Council is of the opinion that any zoning bylaw approved under *The Planning and Development* or a former *Community Planning Act* is obsolete or no longer adequate, he may repeal that zoning bylaw.

1983-84, c.P-13.1, s.70.

Establishment of Development Appeals Board

71 Every zoning bylaw shall provide for the establishment of a board to be known as the Development Appeals Board.

1983-84, c.P-13.1, s.71.

Contents of zoning bylaw

72(1) A zoning bylaw may contain provisions:

- (a) prescribing or establishing districts of such number and area as the council considers appropriate;
- (b) providing for the appointment of a development officer for the municipality to administer the zoning bylaw;
- (c) providing for a system of development permits;
- (d) prescribing the procedures whereby applications for development permits shall be made and processed;
- (e) prescribing the types of development permitted in a district for which no permit is necessary;
- (f) prescribing the terms and conditions under which and the procedure pursuant to which a development permit may be issued, cancelled, suspended, reinstated or refused;
- (g) defining the period of time during which any type of development permit is effective;
- (g.1) authorizing and prescribing a procedure for making and processing applications for minor variances and, where that procedure is used, requiring a record of minor variance applications to be established;
- (g.2) subject to subsection (3), prescribing a schedule of fees for processing applications for:
 - (i) development permits;
 - (ii) minor variance permits;
 - (iii) amendments to a zoning bylaw;
 - (iv) discretionary uses or discretionary forms of development;
- (h) providing for any other matter that may be necessary to regulate and control the issuance of development permits as the council considers necessary.

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(2) The districts established by a zoning bylaw may be shown on a map attached to and forming part of the bylaw and the map is required to:

- (a) bear a statement that it accompanies the zoning bylaw; and
- (b) be under the seal of the municipality and signed by the mayor or reeve and the municipal administrator.

(3) The fees for processing an application as prescribed in a zoning bylaw pursuant to clause (1)(g.2) are not to exceed the cost to the municipality of processing the application.

(4) For the purposes of subsection (3), the cost to the municipality of processing the application includes the cost to the municipality of administering and regulating the development with respect to which the application was made.

1983-84, c.P-13.1, s.72; 1993, c.11, s.5; 1997, c.44, s.4.

Development standards

73 Without limiting the generality of section 66, a zoning bylaw may, with respect to any district established under clause 72(1)(a), unless the district is designated as a direct control district pursuant to section 77, contain provisions:

- (a) prescribing with respect to each district with or without development standards as authorized by this section:
 - (i) the permitted uses of land or buildings or the permitted forms of development and, in addition, where necessary, any discretionary uses of land or buildings or the discretionary forms of development; and
 - (ii) if necessary, the prohibited uses of land or buildings or prohibited forms of development;
- (b) prescribing the classes of development or uses of land or buildings that are subject to special regulations, performance standards or development standards set out in the zoning bylaw and designating the uses for which buildings are not to be placed or constructed;
- (c) prescribing:
 - (i) permitted or discretionary uses of land and buildings in the district, for any limited time that may be fixed by the bylaw;
 - (ii) permitted or discretionary forms of development in the district, for any limited time that may be fixed by the bylaw;
 - (iii) any development standards pertaining to the matters mentioned in subclauses (i) and (ii); and
 - (iv) terms and conditions respecting the reissuance of a development permit for those matters mentioned in subclauses (i) and (ii) before the limited time fixed by the bylaw for the permitted or discretionary use or form of development expires;

- (d) prescribing the minimum or maximum area and dimensions of lots that may apply in any district for particular uses;
- (e) prescribing the percentage area of a lot that a building may occupy and prescribing the size of yards, courts and other open spaces;
- (f) regulating the location, height, number of storeys, area, volume or dimensions of any building to be placed, constructed, reconstructed, altered or repaired;
- (g) requiring the establishment and maintenance of any loading and parking facilities on land that is not part of a public highway;
- (h) regulating or prohibiting development:
 - (i) on land that is subject to flooding or subsidence;
 - (ii) on land that is low-lying, marshy or unstable;
 - (iii) on land that is adjacent to or within a specified distance of the bank or shore of any natural or artificial lake, river, stream or other body of water;
 - (iv) on land where the cost of providing public utilities would be prohibitive;
 - (v) on land within a specified distance of the limits of an airport; or
 - (vi) on the basis of land or resource capability;
- (i) regulating or prohibiting the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other items and requiring outdoor storage sites to be screened by landscaping or buildings;
- (j) requiring and regulating the landscaping of land or buildings;
- (k) regulating or prohibiting the public display of signs and advertisements and regulating the nature, kind, size, location, colour and inscription of any sign or advertisement displayed;
- (l) prescribing the permissible density of populations in any district or part of a district;
- (m) regulating or prohibiting the alteration of land levels for building or other purposes where the alteration may affect surface drainage or land stability;
- (n) prohibiting or regulating:
 - (i) the excavation or filling in of land or the filling in of bodies of water;
 - (ii) the removal of soil or other material from land;
 - (iii) the cutting or removal of trees or vegetation;
- (o) regulating or prohibiting the placement of exterior lighting on buildings or land;

(p) regulating the amount and nature of sound that may be emitted from a building or from within a parcel of land or any operation thereon and specifying the manner in which and the equipment with which the sound shall be measured for the purpose of the bylaw;

(q) regulating or prohibiting the location of trailers and mobile homes, trailer parks and mobile home parks and mobile home subdivisions and regulating the internal layout and standard of services to be provided in trailer parks and mobile home parks.

1983-84, c.P-13.1, s.73; 1997, c.44, s.5.

Minor variances

73.1(1) Where a zoning bylaw authorizes applications for minor variances pursuant to clause 72(1)(g.1), the zoning bylaw may authorize the council or the development officer to vary the requirements of the zoning bylaw, subject to the following conditions:

- (a) a minor variance may be granted for variation only of:
 - (i) the minimum required distance of a building from the lot line; and
 - (ii) the minimum required distance of a building to any other building on the lot;
- (b) the maximum amount of minor variance shall be established in the zoning bylaw and shall not exceed a 10% variation of the bylaw requirements;
- (c) the development shall conform to the zoning bylaw with respect to the use of land;
- (d) the relaxation of the bylaw shall not injuriously affect neighbouring properties; and
- (e) no minor variance shall be granted for a discretionary use or discretionary form of development, or in connection with an agreement on rezoning entered into pursuant to section 82.

(2) On receipt of an application for a minor variance, the council or development officer may:

- (a) approve the minor variance;
- (b) approve the minor variance and impose terms and conditions on the approval; or
- (c) refuse the minor variance.

(3) Where the council or development officer imposes terms or conditions on an approval pursuant to subsection (2), the terms and conditions shall be consistent with the general development standards made applicable to minor variances by the zoning bylaw.

(4) Where an application for a minor variance is refused, the council or development officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.

- (5) Where an application for a minor variance is approved, with or without terms and conditions being imposed, the council or development officer shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the applicant's land that is the subject of the application.
- (6) The written notice required pursuant to subsection (5) shall:
- (a) contain a summary of the application for minor variance;
 - (b) provide a reason for and an effective date of the decision;
 - (c) indicate that an adjoining assessed owner may, within 20 days, lodge a written objection with the council or development officer; and
 - (d) where there is an objection described in clause (c), advise that the applicant will be notified of the right of appeal to the Development Appeals Board.
- (7) The written notice required pursuant to subsection (5) shall be delivered:
- (a) by registered mail; or
 - (b) by personal service.
- (8) A decision approving a minor variance, with or without terms and conditions, does not take effect:
- (a) in the case of a notice sent by registered mail, until 23 days from the date the notice was mailed;
 - (b) in the case of a notice that is delivered by personal service, until 20 days from the date the notice was served.
- (9) If an assessed owner of property having a common boundary with the applicant's land that is the subject of the application objects, in writing, to the municipality respecting the approval of the minor variance within the time periods prescribed in subsection (8), the approval is deemed to be revoked and the council or development officer shall notify the applicant in writing:
- (a) of the revocation of the approval; and
 - (b) of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.
- (10) If an application for a minor variance is refused or approved with terms and conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.
- (11) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 103.

Application for discretionary use

74(1) Where a zoning bylaw provides for a discretionary use or a discretionary form of development, the bylaw shall contain provisions:

- (a) prescribing the procedures for making and processing an application for a discretionary use or a discretionary form of development; and
 - (b) prescribing the procedures for providing notice to the public of an application made pursuant to this section.
- (2) On receipt of an application for a discretionary use or discretionary form of development, the council may, by resolution or bylaw:
- (a) reject the application;
 - (b) approve the application where the facts presented establish that the proposed use or form of development:
 - (i) will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity; and
 - (ii) complies with the applicable provisions of the zoning bylaw and will not be contrary to the development plan or the basic planning statement;or
 - (c) approve the application for a limited time where the facts presented establish that the proposed use or form of development:
 - (i) will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity; and
 - (ii) complies with the applicable provisions of the zoning bylaw and will not be contrary to the development plan or the basic planning statement.
- (3) In approving a discretionary use or a discretionary form of development, the council may prescribe specific development standards with respect to that use or form of development, provided those standards:
- (a) are based on and are consistent with general development standards made applicable to discretionary uses or discretionary forms of development by the zoning bylaw; and
 - (b) are, in the opinion of the council, necessary to secure the objectives of the zoning bylaw with respect to:
 - (i) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings;
 - (ii) the accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading;

(iii) the safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odour; and

(iv) treatment given, as determined by the council, to aspects such as landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

(4) Where an application for a discretionary use or discretionary form of development has been approved by council with prescribed development standards pursuant to subsection (3) and the applicant is of the opinion that the development standards prescribed exceed those necessary to secure the objectives of the zoning bylaw, the applicant may, within 30 days of the date of council's approval, appeal the development standards prescribed with the approval of the discretionary use or discretionary form of development to the Development Appeals Board and from that board, if necessary, to the Saskatchewan Municipal Board in accordance with section 103.

(5) The council or any party to whom the Development Appeals Board gave notice pursuant to section 99 of the appeal pursuant to subsection (4) may appeal a decision of the Development Appeals Board to the Saskatchewan Municipal Board in accordance with section 103.

(6) In determining an appeal brought pursuant to subsection (4) or (5), the Development Appeals Board or the Saskatchewan Municipal Board, as the case may be, may, in accordance with subsection (3), confirm, revoke or vary the development standards under appeal or make or substitute any development standards it considers advisable.

1983-84, c.P-13.1, s.74; 1984-85-86, c.11, s.5;
1989-90, c.5, s.12; 1989-90, c.51, s.4; 1997, c.44,
s.6.

Payments in lieu of parking facilities

75(1) Where a zoning bylaw requires parking facilities as set out in clause 73(g), the council, where authorized by its zoning bylaw, may:

- (a) exempt a use from the requirements of providing parking facilities; and
- (b) require the applicant to pay to the council, subject to any terms and conditions that the council may determine, a sum, calculated by multiplying the number of parking spaces that would otherwise be required to be provided with such use by the amount fixed for each parking space in accordance with clause (2)(b).

(2) Where a zoning bylaw contains provisions with respect to payment in lieu of the provision of parking facilities as set out in subsection (1):

- (a) the zoning bylaw is required to define the area to which the payment applies;
- (b) the zoning bylaw is required to fix, for each district or part of a district located within the area defined, any amount that the council may determine for each parking space that should have been located therein; and

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- (c) the municipality shall hold all moneys received under subsection (1) in a separate account which is required to be expended only for the acquisition, construction, operation or maintenance of parking facilities or the capital costs of the transit system.
- (3) No person who pays or agrees in writing to pay the sum he is required to pay in lieu of providing parking facilities shall be required to provide those facilities in lieu of which the payment or agreement to pay is made, and the use in respect of which the payment or agreement to pay is made is required to be treated as having the required parking facilities.
- (4) Every municipality shall maintain a permanent record of all payments or agreements to pay in lieu of providing parking facilities and, where an applicant fails to pay any sum due under such an agreement, that sum may:
- (a) be added to and form part of the taxes on the land or buildings in respect of which the agreement to pay was made; or
 - (b) be recovered from the applicant by an action in debt in any court of competent jurisdiction as a debt due to the municipality and the agreement is prima facie proof of the debt.

1983-84, c.P-13.1, s.75.

Development permit required

- 76(1)** Where a zoning bylaw is in effect and a development permit is required, no person shall undertake a development or commence a use unless he obtains a development permit.
- (2) Where a person applies for a development permit in respect of a development or use described as a permitted use by a zoning bylaw, the development officer shall, where the application conforms to the zoning bylaw, issue a development permit.
- (3) Where a person applies for a development permit in respect of a development or use that is described as a discretionary use by a zoning bylaw, the development officer shall, where the application is approved by council, issue a development permit subject to any development standards prescribed pursuant to subsection 74(3).
- (4) Where a person applies for a development permit in respect of a development or use subject to special regulations, performance standards or development standards prescribed pursuant to clause 73(b), the development officer, in issuing a development permit, shall incorporate in the permit the special regulations, performance standards or development standards with which the development or use shall comply and the regulations or standards so incorporated shall be consistent with the regulations and standards as set out in the bylaw.
- (5) Every decision of the council or the development officer with respect to an application for a development permit shall be in writing and a copy shall be sent to the applicant.

(6) Where the council or development officer refuses an application for a development permit, the decision is required to state the reasons for the refusal.

(7) No development permit is valid unless it conforms with the zoning bylaw and this Act.

(8) No building permit is valid unless a subsisting development permit, where such a permit is required, has been issued.

1983-84, c.P-13.1, s.76.

Designation of direct control district

77(1) Where the council considers it desirable to exercise particular control over the use and development of land or buildings within an area of the municipality, the municipality may, in its zoning bylaw, designate the area as a direct control district where the municipality has an approved development plan that contains guidelines respecting the development of areas so designated.

(2) **Repealed.** 1989-90, c.51, s.5.

1983-84, c.P-13.1, s.77; 1989-90, c.51, s.5.

Control of development in direct control district

78 The council may regulate and control the use or development of land or buildings in a direct control district in any manner that is consistent with the guidelines referred to in subsection 77(1).

1983-84, c.P-13.1, s.78.

Approval for development in direct control district

79(1) No person shall undertake any development in a direct control district unless the council or the Saskatchewan Municipal Board pursuant to section 80 has approved, as the council or board may determine, one or both of:

(a) the plans showing the location of all buildings to be erected, all facilities and works to be provided in conjunction with those buildings and all facilities and works required under subsection (2); or

(b) the drawings showing plan, elevation and cross-section views for each building to be erected which drawings are sufficient to display:

(i) the massing and conceptual design of the proposed building;

(ii) the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and

(iii) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;

but which do not include the layout of interior areas, other than the interior walkways, stairs and escalators referred to in subclause (iii), the colour, texture or type of materials, window detail, construction details, architectural detail and interior design.

(2) As a condition to the approval of the plans and drawings referred to in subsection (1), the council may require the person seeking approval to enter into a development agreement with the municipality in respect of that land or building and that agreement may provide for:

- (a) the use of the land and any existing or proposed building;
- (b) the timing of construction of any proposed building;
- (c) the amenities required to be provided for public use or convenience within the building or on the land;
- (d) off-street loading and parking facilities;
- (e) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
- (f) walkways, including the surfacing of walkways, and all other means of pedestrian access;
- (g) facilities for the lighting, including floodlighting, of the land or any building;
- (h) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
- (i) the construction by or at the expense of the person seeking approval, in whole or in part, of:
 - (i) roads, sidewalks, landscaping and street lighting;
 - (ii) works, plants, pipelines or facilities for storm drainage, water supply and distribution or electrical distribution;
 - (iii) a system of collection and disposal of sewage; or
 - (iv) any other public utility;
- (j) the payment of a sum of money to the municipality in lieu of any of the requirements of clause (i) to be used by the municipality for any of the purposes referred to in that clause;
- (k) the maintenance, to the satisfaction of the municipality and at the risk and expense of the applicant, of any of the facilities or works mentioned in clauses (c) to (i).

(3) A development agreement may provide that it runs with the land, and the municipality may apply to the Registrar of Titles to register an interest based on the development agreement against the affected titles.

(3.1) A copy of the development agreement must be submitted with an application made pursuant to subsection (3).

(4) A development agreement is deemed to bind the owner of the land affected by it and his heirs, executors, administrators, successors and assigns and no use of land or buildings located on that land or any development of that land is to take place except in accordance with that agreement.

1983-84, c.P-13.1, s.79; 1989-90, c.5, s.12; 2000, c.L-5.1, s.379.

Right of appeal

80(1) Subject to subsections (3) to (5), by written notice to the secretary of the Saskatchewan Municipal Board and to the municipal administrator, an applicant may require that plans or drawings mentioned in subsection 79(1), or the terms and conditions of a development agreement, be referred to the Saskatchewan Municipal Board if:

- (a) the council fails to approve the plans or drawings within 60 days after the date on which the plans or drawings are submitted to the municipality; or
- (b) a development agreement has not been entered into within 90 days after the date on which the plans or drawings are submitted to the municipality.

(2) On receipt of a notice mentioned in subsection (1), the Saskatchewan Municipal Board shall:

- (a) settle, determine and approve the details of the plans or drawings; and
- (b) settle and determine the requirements, including the provisions of any development agreement required.

(3) The council and the applicant may agree to extend the time limits set out in clauses (1)(a) and (b).

(4) Notwithstanding subsection (1), if the council has been declared an approving authority pursuant to clause 135(2)(b), any referral by the applicant pursuant to subsection (1) shall be made, in the first instance, to the Development Appeals Board.

(5) A decision of the Development Appeals Board pursuant to subsection (4) may be appealed to the Saskatchewan Municipal Board in accordance with section 103.

2005, c.24, s.22.

Exempt classes of development

81 Where the council has designated a direct control district, it may, in its zoning bylaw, define any class of development that may be undertaken without the approval of plans and drawings required pursuant to subsection 79(1).

1983-84, c.P-13.1, s.81.

Contract zoning

82(1) Where a municipality that has an approved development plan or basic planning statement that contains guidelines respecting the entering into of agreements for the purpose of accommodating requests for the rezoning of land and a person applies to the council to have an area of land rezoned to permit the carrying out of a specified proposal, the council may, subject to those guidelines, enter into an agreement with the person setting out:

- (a) a description of the proposal;
 - (b) reasonable terms and conditions with respect to:
 - (i) the uses of the land and buildings or the forms of development; and
 - (ii) the site layout and external design, including parking areas, landscaping and entry and exit ways, but not including the colour, texture or type of materials and architectural detail;
 - (c) time limits within which any part of the described proposal or terms and conditions imposed under clause (b) shall be carried out; and
 - (d) that on the rezoning of the land, none of the land or buildings shall be developed or used except in accordance with the proposal, terms and conditions and time limits prescribed in the agreement.
- (2) The council may, on application by the person who entered into an agreement pursuant to this section or by any person who is the subsequent owner of the land to which the agreement pertains:
- (a) vary the agreement;
 - (b) enter into a new agreement; or
 - (c) extend any time limit prescribed in the agreement.
- (3) An agreement entered into pursuant to this section runs with the land, and the municipality shall register an interest based on the agreement in the Land Titles Registry against the affected titles:
- (a) at any time after the bylaw amending the zoning bylaw is approved by the minister; or
 - (b) if approval of the minister is waived pursuant to section 89, at any time after the bylaw amending the zoning bylaw is adopted by the council.
- (3.1) On registration of an interest based on an agreement entered into pursuant to this section, the agreement is deemed to bind the registered owner of the land affected by the agreement and the registered owner's heirs, executors, administrators, successors and assigns.
- (4) No use or development of land or buildings that are the subject of an agreement entered into pursuant to this section may take place except in accordance with the agreement.

(5) Notwithstanding anything contained in this Act, an amendment to a zoning bylaw effected pursuant to this section does not take effect until an interest based on an agreement required pursuant to this section is registered in accordance with subsection (3).

(6) The council may declare any agreement entered into pursuant to this section void where:

(a) any of the land or buildings is developed or used contrary to the provisions of the agreement; or

(b) the development fails to meet a time limit prescribed in the agreement;

and the land reverts to the district to which it was subject before rezoning.

(7) Subject to section 13.4, if the council intends to void an agreement pursuant to subsection (6), it shall give notice of the proposed cancellation and the effect of the cancellation in one issue of a newspaper circulated in the municipality.

(7.1) If, after giving the required notice, the council voids an agreement pursuant to subsection (6), it shall discharge the registration of any interest registered in connection with the agreement.

(8) Before entering into an agreement with a person under this section, the council may require the person to deliver a performance bond acceptable to the council to assure implementation of the agreement.

1983-84, c.P-13.1, s.82; 2000, c.L-5.1, s.380;
2005, c.24, s.23.

Exception to development standards

83(1) The council may, in its zoning bylaw, authorize specific relaxations in the development standards required by the bylaw that will be permitted in cases where a person provides certain facilities, services or matters set out in the bylaw.

(2) No bylaw is to be passed in accordance with subsection (1) unless the municipality has an approved development plan or basic planning statement that contains provisions relating to the authorization of relaxations in the development standards required in the bylaw.

(3) **Repealed.** 1989-90, c.51, s.6.

(4) Where a person elects to provide facilities, services or matters in accordance with subsection (1), the council may require the person to enter any agreement with the municipality respecting the facilities, services or matters.

(5) Subsections 79(3) and (4) apply *mutatis mutandis* to an agreement entered into pursuant to subsection (4).

1983-84, c.P-13.1, s.83; 1989-90, c.51, s.6.

Holding provision

84(1) The council may, in a zoning bylaw, by the use of the holding symbol “H” in conjunction with any use designation, specify the use to which lands or buildings may be put at any time that the holding symbol is removed by amendment to the zoning bylaw.

(2) Notwithstanding section 85, where a council proposes to amend a zoning bylaw for the purposes of removing the holding symbol, the requirements of Part IX do not apply to the passing of that amendment.

(3) Where the council has designated lands with a holding symbol, the council may require the applicant to post the land with a notice in any form that the council may specify.

(4) Subject to subsections (6) to (8), if, on receipt by the municipal administrator of an application to amend a zoning bylaw to remove the holding symbol, the council refuses the application, or, subject to subsection (6), refuses or fails to make a decision respecting the application within 60 days after the date on which the application is received, the applicant may appeal to the Saskatchewan Municipal Board.

(5) On hearing an appeal pursuant to subsection (4), the Saskatchewan Municipal Board may:

- (a) dismiss the appeal; or
- (b) direct the council to amend the zoning bylaw in accordance with the board’s decision.

(6) The council and the applicant may agree to extend the period for making an appeal pursuant to subsection (4).

(7) Notwithstanding subsection (4), if the council has been declared an approving authority pursuant to clause 135(2)(b), any appeal by the applicant pursuant to subsection (4) shall be made, in the first instance, to the Development Appeals Board.

(8) A decision of the Development Appeals Board pursuant to subsection (7) may be appealed to the Saskatchewan Municipal Board in accordance with section 103..

1983-84, c.P-13.1, s.84; 1989-90, c.5, s.12; 2005, c.24, s.24.

Demolition control

84.1(1) The council of a municipality may designate in accordance with subsection (2) an area as a demolition control district where:

- (a) the council considers it desirable to exercise control over the demolition of a residential building; and
- (b) the municipality:
 - (i) has an approved development plan or basic planning statement containing guidelines respecting the application of demolition control areas; and
 - (ii) has adopted a building bylaw and a maintenance bylaw.

- (2) Where the municipality wishes to designate a demolition control district, it shall designate the area in the zoning bylaw by using the control symbol “DC” in conjunction with any other designation.
- (3) If the council designates a demolition control district in accordance with this section, no person shall demolish all or any part of any residential building in the district unless that person obtains a development permit.
- (4) No permit authorizing demolition is valid in a demolition control district unless, if a development permit is required for that area by the council, a valid development permit has been issued.
- (5) Where an application is made to a council for a development permit to demolish a residential building within a designated demolition control district, the council may:
- (a) issue the permit;
 - (b) refuse to issue the permit; or
 - (c) issue the permit with terms and conditions.
- (6) Where the council, pursuant to subsection (5), imposes terms and conditions on a development permit, the terms and conditions imposed by the council shall be consistent with general development standards made applicable to the demolition of buildings by the zoning bylaw.
- (7) An applicant for a development permit to demolish a residential building may appeal to the Development Appeals Board:
- (a) the council’s refusal to issue the permit;
 - (b) the council’s failure to make a decision within 30 days of the receipt by the council of the application where the application has been verified complete by the development officer; or
 - (c) the council’s imposition of terms and conditions.
- (8) An applicant shall make an appeal pursuant to subsection (7) within 30 days of the refusal, failure to make the decision or imposition of terms and conditions.
- (9) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 103.
- (10) A municipality may register in the Land Titles Registry, against the affected titles, an interest based on a development permit to demolish a residential building that has been issued with terms and conditions imposed by the municipality.
- (11) On registration of an interest based on a development permit, the terms and conditions imposed on the development permit:
- (a) enure to the benefit of the municipality; and
 - (b) run with the land and are binding on the registered owner of the land, the registered owner’s heirs, executors and administrators, and those persons to whom the registered owner transfers title to the land.

Architectural controls

84.2(1) Notwithstanding any other provision of this Act, but subject to subsection (2), the council may, in its zoning bylaw, designate an area in the municipality as an architectural control district where the council:

- (a) considers it desirable to control building sites and the architectural detail of buildings within that area; and
 - (b) has an approved development plan or basic planning statement containing guidelines respecting the application of architectural detail.
- (2) Where a municipality wishes to designate an architectural control district to preserve the physical character of an area or to promote an established theme for the area, the council shall designate the district in the zoning bylaw by using the control symbol "AC" in conjunction with any other designation.
- (3) Where an application is made to a council for a development permit in an architectural control district, the council may:
- (a) issue the permit;
 - (b) refuse to issue the permit; or
 - (c) issue the permit with terms and conditions.
- (4) Where the council, pursuant to subsection (3), imposes terms and conditions on a development permit, the terms and conditions imposed by the council shall be consistent with general development standards made applicable to architectural control of buildings by the zoning bylaw.
- (5) An applicant for a development permit may appeal to the Development Appeals Board:
- (a) the council's refusal to issue the permit;
 - (b) the council's failure to make a decision within 30 days of receipt of an application where the application has been verified complete by the development officer; or
 - (c) the council's imposition of terms and conditions.
- (6) An applicant shall make an appeal pursuant to subsection (5) within 30 days of the refusal, failure to make the decision or imposition of terms and conditions.
- (7) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 103.

1993, c.11, s.7; 2005, c.24, s.26.

Delegation of authority

84.3 A council may, in its zoning bylaw, delegate to the development officer the responsibility to exercise or carry out the powers and duties conferred or imposed on the council pursuant to subsections 84.1(5) and 84.2(3).

1997, c.44, s.7.

Procedure for adoption of zoning bylaw

85 Adoption of or amendment to a zoning bylaw is required to be by bylaw adopted in accordance with Part IX.

1983-84, c.P-13.1, s.85.

86 Repealed. 1993, c.11, s.8.

Approval of zoning bylaw

87(1) Sections 46 and 47 apply *mutatis mutandis* to the approval of a zoning bylaw or amendment to a zoning bylaw.

(2) The minister shall render a decision in respect of a zoning bylaw:

(a) within 90 days of the date of receipt of a zoning bylaw or within 30 days of receipt of an amendment to the zoning bylaw; or

(b) at any later time that may be agreed on by the minister and the council.

1983-84, c.P-13.1, s.87.

Exercise of powers by minister

88 Where the council fails to prepare or adopt a zoning bylaw or amendment as required by section 68 or subsection 87(1), the minister may exercise any of the powers of the council under this Act after giving at least 30 days' written notice to the municipality of his intention to do so.

1983-84, c.P-13.1, s.88.

Waiver of ministerial approval

89(1) Notwithstanding any other provision of this Part, the minister may by order waive the requirements of the approval of the minister with respect to any amendment of an existing zoning bylaw, except any amendment that is directed by the minister.

(2) An order made pursuant to subsection (1) may relate to any municipality or class of municipalities.

(3) The minister shall cause every order made pursuant to subsection (1) to be published in Part I of the Gazette.

(4) Where the requirements of the approval of the minister with respect to an amendment of an existing bylaw are waived pursuant to subsection (1), the municipal administrator shall file with the minister a certified true copy of the amendment of the bylaw within 15 days after the date that the amendment is adopted.

1989-90, c.51, s.7.

Zoning bylaw binds municipality

90 From the time that a zoning bylaw or any amendment to the zoning bylaw takes effect, it is binding on the municipality and on all other persons, associations or other organizations whatsoever and no development shall be carried out that is contrary to the zoning bylaw.

1983-84, c.P-13.1, s.90.

DEVELOPMENT APPEALS BOARD

Interpretation

91 In sections 92 to 104, “**board**” means a Development Appeals Board.

1983-84, c.P-13.1, s.91.

Appointment of board

92(1) A board shall consist of not less than three nor more than nine members appointed by council to hear and determine appeals authorized to be made to it by this Act.

(2) The council shall appoint a board within three months of the date that a zoning bylaw providing for the establishment of the board comes into force.

1983-84, c.P-13.1, s.92.

Membership of board

93(1) Where a municipality has a population of at least 1,000, no member of the council of the municipality is eligible to be appointed or continue as a member of the board.

(2) No person who is a member or employee of a planning commission or an employee of the municipality is eligible to be appointed as a member of the board or to continue as a member of the board.

(3) Of the members first appointed to the board, the council shall appoint:

- (a) one third of the members to hold office for a term of one year;
- (b) one third of the members to hold office for a term of two years;
- (c) one third of the members to hold office for a term of three years;

and thereafter the council shall appoint each member to hold office for a term of three years.

(4) Each member of the board is eligible for reappointment.

(5) Where a member of the board ceases to be a member before the expiration of his term, the council shall appoint another person as a member to fill the vacancy for the remainder of the term of the member being replaced.

(6) The board shall elect one of its members as chairman and, in the chairman’s absence, the board shall elect another of its members to act as chairman during that time.

(7) The board shall appoint any person to be secretary of the board and may, subject to the approval of council, appoint any consultants that may be necessary to assist it in the discharge of its responsibilities, and council is responsible for any costs incurred by the board in respect of those appointments.

(8) The council may pay to the members of the board the actual expenses necessarily incurred by them in the performance of their duties.

(9) Notwithstanding anything in any other Act, the council may, by bylaw, provide for the payment of remuneration to the members of the board in any amount that the council may determine.

(10) Subject to the other provisions of this Act, the board may adopt rules of procedure to be followed in carrying out its functions.

1983-84, c.P-13.1, s.93.

Meetings

94 Meetings of and hearings by the board shall be at the call of the secretary on the instruction of the chairman of the board.

1983-84, c.P-13.1, s.94.

Conflict of interest

95 Where any member of the board is in any way interested in a matter before the board, whether directly or indirectly, he shall declare his interest and take no further part in the proceedings and he is not entitled to vote on that matter.

1983-84, c.P-13.1, s.95.

Right of appeal on zoning bylaw

96(1) In addition to any other right of appeal provided by this or any other Act, a person affected thereby may appeal to the board where a development officer:

- (a) is alleged to have misapplied a zoning bylaw in issuing a development permit;
- (b) refuses to issue a development permit because it would contravene the zoning bylaw; or
- (c) issues an order pursuant to subsection 220.1(4).

(1.1) Notwithstanding subsection (1), there is no appeal pursuant to clause (1)(b) if the development officer refuses to issue a development permit on the basis that the use in the zoning district for which the development permit is sought:

- (a) is not a permitted use;
- (b) is a discretionary use; or
- (c) is a prohibited use.

(2) An appellant shall make his appeal pursuant to subsection (1) within 30 days of the date of the issuance of or refusal to issue a development permit, or of the issuance of the order, as the case may be.

(3) In determining an appeal under subsection (1), the board:

- (a) is bound by any development plan or basic planning statement in effect;

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- (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them, or substitute an order, decision or development permit that it considers advisable;
- (c) may make an order or decision or may order or confirm the issuance of a development permit notwithstanding that the development does not comply with the zoning bylaw where, in its opinion, such action would not:
 - (i) grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district; or
 - (ii) amount to a relaxation of the provisions of the zoning bylaw so as to:
 - (A) contradict the purposes and intent of the zoning bylaw; or
 - (B) injuriously affect the neighbouring properties.
- (4) Nothing in this section authorizes a person to appeal a decision of the council:
 - (a) refusing to rezone his land; or
 - (b) rejecting an application for approval of a discretionary use or a discretionary form of development.

1983-84, c.P-13.1, s.96; 1983-84, c.61, s.5; 1989-90, c.51, s.8; 1996, c.35, s.9; 2000, c.58, s.4; 2005, c.24, s.28.

Power to set conditions

97 The board may make any of its decisions subject to conditions.

1983-84, c.P-13.1, s.97.

Appeal fee

98(1) A person who wishes to appeal to the board shall file with the secretary of the board:

- (a) written notice of the intention to appeal; and
- (b) either:
 - (i) the fee prescribed by the Lieutenant Governor in Council in the regulations; or
 - (ii) if no fee is prescribed pursuant to subclause (i), any sum that the board may specify not exceeding \$50.
- (2) For the purposes of subclause (1)(b)(i), the Lieutenant Governor in Council may make regulations:
 - (a) prescribing the fee for an appeal to the board; and
 - (b) for that purpose, establishing categories of appeals and prescribing different fees for different categories.

2005, c.24, s.29.

Requirements of board in setting down appeal

99(1) Subject to subsection (1.1), within 30 days of the receipt of a notice of appeal, the board shall hold a public hearing respecting that appeal.

(1.1) Where a board holds regularly scheduled meetings at least once each month, the board may hold a public hearing respecting the appeal at the first or second regularly scheduled meeting following the receipt of the notice of appeal;

(2) The board shall, not later than 10 days before the date fixed for hearing the appeal, give notice by personal service, ordinary mail or registered mail to:

- (a) the appellant;
- (b) the owner, where the owner and the appellant are not the same person;
- (c) the council; and
- (d) each assessed owner of adjacent property or property within a radius of 75 metres from the property in respect of which the appeal is made, whichever distance is greater.

(3) Unless the person to whom the notice is sent proves otherwise, any notice served by ordinary mail pursuant to subsection (2) is deemed to be served, delivered or received:

- (a) where the delivery is within the municipality, on the third day following the day on which the letter or envelope containing the notice was posted; or
- (b) where the delivery is not within the municipality, on the fourth day following the day on which the letter or envelope containing the notice was posted.

(4) In proving service pursuant to subsection (3), the secretary of the board shall file with the board a statutory declaration stating:

- (a) that the letter or envelope containing the notice was properly addressed and mailed with the postage paid; and
- (b) the date on which the notice was mailed.

1983-84, c.P-13.1, s.99; 1989-90, c.51, s.9; 1993, c.11, s.9.

Material considered on appeal

100(1) The appellant shall, not later than five days before the date fixed for hearing the appeal, file with the secretary of the board all maps, plans, drawings and written material that is intended to be submitted in support of the appeal.

(2) Where required by the board, the council, or anyone acting for and on behalf of the council, shall transmit to the board, not later than five days before the date fixed for hearing the appeal, the original or true copies of all maps, plans, drawings and written material in its possession relating to the subject matter of the appeal.

(3) The board shall make available for public inspection before the commencement of the hearing of the appeal all relevant documents and materials respecting the appeal, including all of the material required to be submitted pursuant to subsections (1) and (2).

1983-84, c.P-13.1, s.100.

Conduct of hearing

101(1) The hearing of the appeal is required to be open to the public, and the board shall hear any of the parties mentioned in subsection 99(2) and any other person affected by the appeal who wishes to be heard in favour of or against the appeal.

(2) The chairman of the board or, in his absence, the acting chairman may administer oaths and affirmations.

(3) The board may adjourn any hearing or reserve its decision as it considers advisable.

(4) The board shall make and keep a written record of its proceedings, which may be in the form of a summary of the evidence presented to it at the hearing and which shall be a public record.

1983-84, c.P-13.1, s.101.

Decision of board

102(1) The board shall render its decision in writing, together with reasons for the decision, within 30 days of the conclusion of the hearing.

(1.1) Every decision of the board approving a proposed development is subject to the following terms and conditions:

(a) the board's approval lapses on the expiration of the period for which the development permit is valid unless the municipality issues a new development permit in accordance with the board's decision;

(b) the board's decision is specific to the proposed development as outlined in the material and plans submitted to the board.

(2) A decision of the majority of the members of the board present and constituting a quorum is a decision of the board, but in the case of a tie vote, the vote is deemed to be a negative vote.

(3) A decision of the board shall be signed by the chairman or, in his absence, the acting chairman and the secretary.

(4) The board shall forward a copy of its decision by registered mail to the appellant, the municipality, the minister and all persons who made representations at the public hearing within 10 days of the date on which the decision is made.

(5) Subject to section 103, a decision of the board does not take effect until the expiration of 30 days from the date on which the decision is made.

1983-84, c.P-13.1, s.102; 2005, c.24, s.30.

Appeal from decision of board

103(1) The minister, the council, the appellant or any other person may, within 20 days after the date of receipt of a copy of the decision, appeal a decision of the board, by written notice, to the Saskatchewan Municipal Board, with a copy of the notice to the board.

(2) Where a decision of the board is appealed pursuant to subsection (1), that decision has no effect pending determination of the appeal by the Saskatchewan Municipal Board.

(3) In determining an appeal pursuant to this section, the Saskatchewan Municipal Board may:

- (a) dismiss the appeal; or
- (b) make any decision with respect to the appeal that the board could have made.

(4) The terms and conditions set out in subsection 102(1.1) apply, with any necessary modification, to a decision of the Saskatchewan Municipal Board made pursuant to clause (3)(b).

1983-84, c.P-13.1, s.103; 1989-90, c.5, s.12;
2005, c.24, s.31.

Board to submit material

104 The secretary of the board shall, within 10 days after the date that the board receives a copy of the notice of appeal, forward to the secretary of the Saskatchewan Municipal Board a copy, certified by the secretary of the board to be a true copy, of all the records of the board pertaining to the case.

1983-84, c.P-13.1, s.104; 1989-90, c.5, s.12.

INTERIM DEVELOPMENT CONTROL

Interim development control bylaw

105 An interim development control bylaw is required to provide that no person shall carry out any development within an area that will be affected by a proposed development plan, basic planning statement or zoning bylaw or amendment thereof unless he has the written permission of the council.

1983-84, c.P-13.1, s.105.

Bylaw where municipality has no development plan, etc.

106(1) Where no approved development plan, basic planning statement or zoning bylaw is in effect for a municipality and the council is preparing a development plan or basic planning statement in conjunction with a zoning bylaw, the council may pass an interim development control bylaw.

(2) An interim development control bylaw passed pursuant to subsection (1) remains in effect for the shorter of the following periods:

- (a) two years after the date on which the interim development control bylaw is passed;
- (b) the period in which the council prepares and adopts a development plan or basic planning statement and a zoning bylaw.

1983-84, c.P-13.1, s.106; 2005, c.24, s.32.

Bylaw if municipality has development plan, etc.

107(1) Subject to subsections (2) and (3), a council may pass an interim development control bylaw if:

- (a) there is an existing development plan, basic planning statement or zoning bylaw in effect for the municipality; and
- (b) the council is:
 - (i) preparing a new or amending an existing development plan, basic planning statement or zoning bylaw; or
 - (ii) undertaking a study of a land use planning matter.

(2) No council shall pass an interim development control bylaw pursuant to subsection (1) if the council is reviewing and consolidating an existing development plan, basic planning statement or zoning bylaw.

(3) Subject to clause 13.2(b), a bylaw passed pursuant to this section has no effect until it is approved by the minister, and the minister may approve the bylaw subject to any terms and conditions that he or she considers advisable.

(4) If an interim development control bylaw is submitted to the minister for approval pursuant to this section, the minister shall render his or her decision with respect to the proposed bylaw within 15 days after the date on which the minister receives the proposed bylaw.

(5) An interim development control bylaw passed or approved pursuant to this section remains in effect for the shorter of the following periods:

- (a) two years after the date on which the bylaw is passed or two years after the date on which the bylaw is approved by the minister, as the case requires;
- (b) the period in which the council adopts or amends the development plan or basic planning statement and the zoning bylaw.

2005, c.24, s.33.

Notice of bylaw

108 No notice or hearing is required prior to the passing of an interim development control bylaw, but the municipality shall, within 30 days of the date that a bylaw is passed under section 106 or approved under section 107, give notice of the bylaw in a newspaper having general circulation in the area affected by the bylaw published at least once weekly for two consecutive weeks and shall forward a copy of the notice to the minister.

1983-84, c.P-13.1, s.108.

Permission for development

109(1) Any person who wishes to carry out development in an area subject to an interim development control bylaw shall apply to the council for permission to carry out the development.

(2) Subject to subsection (4), the council shall, within 60 days from the date of receipt of an application pursuant to subsection (1):

- (a) grant the permission applied for;
- (b) grant the permission applied for subject to any terms and development standards that it may specify; or
- (c) refuse the permission applied for;

and promptly notify the applicant in writing of its decision and inform him of his right to appeal pursuant to section 111.

(3) The time allowed pursuant to subsection (2) for consideration of a development proposal may be extended by agreement between the applicant and the council.

(4) No development that is contrary to an existing development plan, an existing basic planning statement or an existing zoning bylaw shall be permitted in an area that is subject to an interim development control bylaw.

1983-84, c.P-13.1, s.109.

Delegation of authority

110(1) The council may delegate to any officer of the municipality the authority to grant permission on behalf of the council under section 109.

(2) Where an officer who has the delegated authority under subsection (1) is of the opinion that he does not have the authority to grant an applicant permission to carry out development in an area affected by an interim development control bylaw, he shall promptly advise the applicant and the council of his decision and forward the application to the council for a decision.

1983-84, c.P-13.1, s.110.

Appeal from interim development control bylaw

111(1) Where an application pursuant to section 109 is approved subject to terms and development standards, refused or not dealt with within the prescribed time period and the applicant believes he is aggrieved by the action or inaction, he may, in the case of an interim development control bylaw that has been passed:

- (a) pursuant to section 106, appeal within 30 days of council's decision or the expiration of the time period provided for in subsection 109(2) to the Saskatchewan Municipal Board; or
- (b) pursuant to section 107, appeal within 30 days of council's decision or the expiration of the time period provided for in subsection 109(2) to the Development Appeals Board and may further appeal to the Saskatchewan Municipal Board pursuant to section 103.

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(2) The council may, if it considers it necessary, appeal a decision of the Development Appeals Board as a result of an appeal pursuant to clause (1)(b) to the Saskatchewan Municipal Board in accordance with section 103.

(3) In determining an appeal pursuant to subsection (1) or (2), the Development Appeals Board or Saskatchewan Municipal Board, as the case may be, may dismiss the appeal or may make any decision that the council could have made on the application.

1983-84, c.P-13.1, s.111; 1984-85-86, c.11, s.7;
1989-90, c.5, s.12.

Limitation on interim development control bylaws

112 Where an interim development control bylaw ceases to be in effect, the council shall not, for a period of three years from that date, pass another interim development control bylaw that applies to any lands to which the original interim development control bylaw applied.

1983-84, c.P-13.1, s.112.

NON-CONFORMING USE AND NON-CONFORMING BUILDINGS

Existing non-conforming uses and buildings

113 Subject to the other provisions of this Act, the enactment of a zoning bylaw or any amendment to a zoning bylaw does not affect any non-conforming building or non-conforming use.

1983-84, c.P-13.1, s.113.

Continuation of non-conforming use

114 A non-conforming use may be continued but, where that use is discontinued for a period of at least six consecutive months, any future use of the land or building is to conform with any current zoning bylaw.

1983-84, c.P-13.1, s.114.

Extension of non-conforming use

115(1) A non-conforming use of a part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations except those required by statute or bylaw are to be made to or in that building.

(2) For the purposes of this section, repairs, maintenance or installations that do not alter the size of the building or involve the rearrangement or replacement of structural supporting elements are not considered to be structural alterations.

1983-84, c.P-13.1, s.115.

Non-conformity of building

116 Any non-conforming building may continue to be used and any structural repairs, alterations and additions which conform to the requirements of the zoning bylaw may be made, but the element of non-conformity is not to be increased by those repairs, alterations or additions.

1983-84, c.P-13.1, s.116; 2000, c.58, s.5.

Damage to buildings

117 Where the extent of damage to a non-conforming building is more than 75% of the value of the building above its foundation, the building is not to be repaired or rebuilt except in accordance with the zoning bylaw.

1983-84, c.P-13.1, s.117; 2005, c.24, s.34.

Change of occupancy

118 The use of land or the use of a building is not affected by a change of ownership, tenancy or occupancy of the land or building.

1983-84, c.P-13.1, s.118.

PART VI Planning Districts

Interpretation

119 In this Part:

- (a) **“affiliated municipality”** means a municipality that is a party to an agreement establishing a planning district;
- (b) **“agreement”**, except in section 130, means an agreement entered into pursuant to section 120.

1983-84, c.P-13.1, s.119.

Agreement for establishment of planning district

120 Subject to section 121, the councils of two or more municipalities may enter into an agreement that is required to provide for:

- (a) the establishment of a named planning district and the definition of the area of the district, which may consist of the whole or any portion of any of those municipalities, as would constitute a logical, rational area for planning purposes based on, but not limited to, such considerations as:
 - (i) topographic features;
 - (ii) the extent of existing and probable development;
 - (iii) the existence of important agricultural, resource, conservational, recreational or other problems;
 - (iv) the existence of planning concerns common to the municipalities concerned;

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- (b) the establishment of a district planning commission consisting of:
 - (i) at least one person appointed by the council of each affiliated municipality;
 - (ii) any number of persons, to be appointed by the minister, that the parties to the agreement consider necessary; and
 - (iii) any other persons that may be appointed jointly by those municipalities;
- (c) with respect to the district planning commission:
 - (i) the eligibility for appointment or reappointment of members to the commission as set out in clause (b);
 - (ii) the tenure of office of members of the commission;
 - (iii) the manner of filling vacancies on the commission;
 - (iv) the remuneration and expenses, if any, payable to members of the commission;
 - (v) the manner in which a chairman and any acting chairman are to be designated from the members of the commission;
 - (vi) the requirement, if any, for the members of the commission to file a public disclosure statement in accordance with section 116 of *The Cities Act*, section 142 of *The Municipalities Act* or section 36.1 of *The Northern Municipalities Act*; and
- (d) the proportion of any funds that each affiliated municipality is required to contribute to meet the expenses of the district planning commission and, without restricting the generality of the foregoing, providing for the manner in which office space and facilities are to be provided to the commission by any of those municipalities.

1983-84, c.P-13.1, s.120; 2005, c.M-36.1, s.453.

Approval of agreement required

121(1) The affiliated municipalities shall submit the agreement to the minister for his approval and the agreement has no effect until it is so approved.

(2) In considering an agreement submitted to him, the minister may remit the agreement to the affiliated municipalities for amendment where he is satisfied that the amendment is warranted, and that amendment shall be effected before the minister may issue his approval.

1983-84, c.P-13.1, s.121.

Order establishing planning district

122 Where the minister has approved an agreement, he may issue an order establishing a planning district that:

- (a) in accordance with the agreement:
 - (i) lists the affiliated municipalities;
 - (ii) describes the area to be included in the planning district and states the name of the planning district;

- (iii) specifies the number of members on the commission and who each of them is to be appointed by;
- (iv) sets out the arrangements that have been made with respect to the matters referred to in clauses 120(c) and (d); and
- (b) may provide for any other matters that the minister considers necessary with respect to the planning district and its commission.

1983-84, c.P-13.1, s.122.

Powers of district planning commission

123 Subject to the terms of the order establishing a planning district, a district planning commission may:

- (a) make rules of procedure that are not contrary to law or inconsistent with this Act for the conduct of its business, the governing of its proceedings, the calling of meetings and the quorum at them;
- (b) appoint any consultants or employees that may be necessary for the exercise of any of its powers or the performance of any of its duties and fix their remuneration;
- (c) appoint advisory committees consisting of one or more of the members of the district planning commission or any other person and fix their remuneration;
- (d) with the consent of any affiliated municipality, avail itself of the services of any officer or employee of that municipality.

1983-84, c.P-13.1, s.123.

Development plan required

124(1) A district planning commission shall prepare a development plan for the area included in the planning district.

(2) The district planning commission shall submit a development plan prepared pursuant to subsection (1) to the affiliated municipalities for adoption.

(3) Subject to subsection (3.1), a development plan for a planning district established prior to the coming into force of this Act or established pursuant to this Act is required to be prepared and adopted in accordance with this Act within two years from the date:

- (a) in the case of a planning district established prior to the coming into force of this Act, that this Act was proclaimed in force; or
- (b) in the case of a planning district established pursuant to this Act, of the order establishing the planning district.

(3.1) Where the minister considers it to be appropriate, the minister may extend the period prescribed in subsection (3) for preparing and adopting a development plan.

- (4) Where a council fails to adopt the development plan in accordance with subsection (3), the council shall cease to be affiliated with the planning district and, where the development plan adopted by the remaining councils is approved by the minister, the development plan applies to the planning district.
- (5) Where a council ceases to be affiliated with the planning district pursuant to subsection (4), the minister shall:
- (a) amend his order accordingly; and
 - (b) make any order distributing the assets and liabilities of the planning district as between the departing municipality and the remaining municipalities that he considers advisable.
- (6) Every municipality included in whole or in part in a planning district shall, in conjunction with the adoption of a development plan, adopt a zoning bylaw consistent with that plan for that portion of the municipality included within the district.
- (6.1) Notwithstanding any other provision of this Act, every municipality included in whole or in part in a planning district shall, before adopting a zoning bylaw or an amendment to a zoning bylaw for that portion of the municipality included within the district, submit the zoning bylaw or amendment to the district planning commission for its review and recommendation.
- (7) Only a municipality that is preparing a zoning bylaw for adoption in accordance with subsection (6) may pass an interim development control bylaw in a planning district.
- (8) A district planning commission may prepare an amendment to a development plan and subsections (2), (3), (6) and (7) apply *mutatis mutandis* to that amendment, except that the affiliated municipalities shall adopt the amendment not later than six months from the date that the commission decides to prepare the amendment.
- (9) Where a council fails to adopt an amendment to a development plan in accordance with subsection (8) but the minister approves the bylaw of any one of the other municipalities adopting the amendment, the development plan, as amended, applies to the planning district.
- (10) Any development plan or amendment approved by the minister in accordance with this section has the same effect with respect to municipalities that are included in whole or in part in the planning district as provided for in section 62.

1983-84, c.P-13.1, s.124; 1989-90, c.51, s.10.

Other duties of commission

125 A district planning commission may:

- (a) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the residents of the planning district and any adjacent area in determining the solution to problems or matters affecting the development of any part of the planning district;

- (b) assist the council of any municipality that is located in whole or in part in the planning district in the preparation of a zoning bylaw or any other bylaw authorized by this Act;
- (c) review:
 - (i) any proposed zoning bylaw or amendment to a zoning bylaw submitted to it pursuant to subsection 124(6.1); or
 - (ii) any existing zoning bylaw or bylaw adopted or passed pursuant to this Act;
 and submit to the council suitable amendments to it with a recommendation that they be adopted or passed;
- (d) suggest to any council ways and means of financing works to be carried out by public authorities over a specified period;
- (e) investigate and study proposed subdivisions or developments within and adjacent to the planning district and submit to the appropriate council reports and recommendations in that respect;
- (f) identify the social and economic implications of the commission's recommendations;
- (g) prepare and submit to the affiliated municipalities an operating budget for the next ensuing fiscal year.

1983-84, c.P-13.1, s.125; 1989-90, c.51, s.11.

Addition to planning district

126(1) Where a district planning commission applies to the minister requesting that all or part of any municipality be added to a planning district, the minister may, after consulting with that municipality, amend the order establishing the planning district in any manner as he considers advisable for the purpose of accommodating the request.

- (2) Where a municipality is added to a planning district pursuant to subsection (1):
 - (a) the district planning commission shall review and prepare any amendment to the development plan for the planning district that may be necessary to accommodate the addition;
 - (b) the municipality so added shall take the necessary steps to adopt as the development plan for that portion of the municipality contained within the planning district the development plan for the planning district as amended; and
 - (c) the remaining municipalities may adopt the amendment in accordance with section 124.

1983-84, c.P-13.1, s.126.

Termination of affiliation of municipality

127 Where an affiliated municipality applies to the minister requesting that its affiliation with a planning district be terminated, the minister shall amend the order establishing the planning district in any manner that he considers advisable for the purpose of accommodating the request and may make any order distributing the assets and liabilities of the planning district between the municipality making the application and the remaining municipalities that he considers advisable.

1983-84, c.P-13.1, s.127.

Dissolution of planning district

128(1) The minister shall issue an order dissolving the district on the application of:

- (a) a district planning commission for the dissolution of a planning district; or
 - (b) an affiliated municipality for termination in accordance with section 127 which termination when granted would leave only one municipality affiliated with the planning district.
- (2) Where a development plan has not been prepared by a district planning commission within the time prescribed in subsection 124(3), the minister may issue an order dissolving the planning district.
- (3) When the council of one of only two municipalities affiliated with the planning district fails to adopt a development plan as provided for in section 124, the minister shall issue an order dissolving the planning district.
- (4) Where the minister issues an order dissolving a planning district, he may determine the manner in which the assets and liabilities of the planning district are to be distributed.

1983-84, c.P-13.1, s.128.

Provisions re planning districts established under former Act

129(1) The Minister's Orders purportedly issued pursuant to section 97.1 of *The Planning and Development Act* and published in the Gazette dated January 7, 1983 establishing:

- (a) the Lower Qu'Appelle Planning District;
- (b) the Pheasant Hills Planning District;
- (c) the Fishing Lakes Planning District;
- (d) the Flying Creek Planning District;
- (e) the Last Mountain Lake Planning District; and
- (f) the Upper Qu'Appelle Planning District;

are ratified and confirmed retroactively and are deemed to have been in force on and from July 1, 1982.

(1.1) Every planning district described in subsection (1) is continued and is required to be headed by a district planning commission that continues to be a body corporate.

(1.2) All actions taken and things done by a district planning commission with respect to a planning district described in subsection (1) under the authority of the Minister's Order establishing it and of *The Planning and Development Act* and this Act are ratified and confirmed retroactively and are deemed to have been in force on and from the day on which each such action or thing was done or taken.

(1.3) Subject to subsection (1.4), the minister may amend a Minister's Order described in subsection (1).

(1.4) Before amending a Minister's Order described in subsection (1), the minister shall consult with:

- (a) the district planning commission of the planning district; and
- (b) each municipality that is included in whole or in part within the planning district;

that is the subject of the Minister's Order.

(2) A district planning commission in respect of a planning district described in subsection (1) consists of any number of persons that the minister may order and the minister shall direct the number of members to be appointed:

- (a) by the council of each municipality that is wholly or partly within the planning district, from among its members;
- (b) by the minister, if any; and
- (c) jointly by the municipalities described in clause (a), if any;

but the persons appointed pursuant to clause (a) shall constitute at least 50% of the membership of the commission.

(3) In making an order pursuant to subsection (2), the minister may:

- (a) subject to clause (2)(a), provide for any of the matters set out in clause 120(c);
- (b) provide for any other matter that he considers necessary with respect to the planning district and its commission.

(3.1) Subject to subsection (3.2), where a district planning commission with respect to a planning district described in subsection (1) applies to the minister requesting that all or part of any municipality be added to the planning district, the minister may amend the Minister's Order establishing the planning district in any manner that the minister considers advisable for the purpose of accommodating the request.

(3.2) Before amending the Minister's Order establishing a planning district pursuant to subsection (3.1), the minister shall consult with:

- (a) the district planning commission of the planning district;
- (b) the municipality to be added to the planning district; and
- (c) each municipality that is included in whole or in part within the planning district;

that is the subject of the Minister's Order.

(3.3) Where the minister amends an order establishing a planning district pursuant to subsection (3.1), any basic planning statement or development plan of the municipality and any zoning bylaws of the municipality remain in force and may be administered and enforced by the district planning commission as if the district planning commission had adopted or passed them until they are amended or repealed by the district planning commission in accordance with this Act.

(4) On the application of a municipality described in clause (2)(a) to be allowed to withdraw from a planning district described in subsection (1), the minister may grant the application where, after consulting with the district planning commission and the remaining municipalities in the planning district, he is satisfied that it is in the public interest to do so, and he may make any order distributing the assets and liabilities of the planning district as between the departing municipality and the remaining municipalities that he considers advisable.

(4.1) Where the minister grants the application of a municipality to withdraw from a planning district pursuant to subsection (4):

(a) and where a district development plan or district zoning bylaw described in section 131 remains in force on the date the minister grants the application with respect to the planning district:

- (i) the district development plan; or
- (ii) the district zoning bylaw;

as the case may be; or

(b) in any other case:

- (i) the development plan of the planning district as it applies to the municipality; and
- (ii) any zoning bylaw adopted by the district planning commission in conjunction with the development plan;

remains in force with respect to that portion of the municipality that was in the planning district prior to the granting of the application and may be amended or repealed by the council in accordance with this Act.

(5) On the application of a district planning commission for dissolution of a planning district described in subsection (1), the minister, after consulting with the municipalities in the planning district, may issue an order dissolving the district where he is satisfied that it is in the public interest to do so.

(6) When the minister grants the application of a municipality described in clause (2)(a) and the territory of only one municipality is left within the planning district, he shall issue an order dissolving the district.

(7) Notwithstanding anything in this section, the minister may, where he considers it advisable, by order, dissolve any planning district described in subsection (1).

(8) When the minister issues an order dissolving a planning district, he may make any order distributing the assets and liabilities of the planning district that he considers advisable.

(9) Where the minister issues an order pursuant to this section dissolving a planning district:

(a) and where a district development plan or district zoning bylaw described in section 131 remains in force on the day before the minister issues the order with respect to the planning district:

(i) the district development plan; or

(ii) the district zoning bylaw;

as the case may be; or

(b) in any other case:

(i) the development plan of the planning district as it applies to each municipality that was in the planning district; and

(ii) any zoning bylaw adopted by the planning district in conjunction with the development plan;

remains in force with respect to that portion of each municipality that was in the planning district immediately prior to the date of the order and may be amended or repealed by the council in accordance with this Act.

1983-84, c.P-13.1, s.129; 1983-84, c.50, s.3;
1984-85-86, c.11, s.8; 1989-90, c.51, s.12.

**Powers, etc., of district planning commissions established
re continued planning districts**

130(1) Subject to subsections (2) and (3), only a district planning commission described in section 129 has and may exercise in respect of the area contained in the planning district any of the powers vested in a council by this Act with respect to the preparation, adoption, administration and enforcement of development plans and zoning bylaws, except those powers set out in sections 63 to 65.

(2) Subject to the terms of the minister's order, a district planning commission described in section 129 may exercise any of the powers referred to in clauses 123(a), (b) and (c).

- (3) Subject to the approval of the minister, a district planning commission described in section 129 may:
- (a) employ or engage the services of any persons that it considers necessary and fix their remuneration;
 - (b) make any arrangements that it considers advisable for the purpose of obtaining suitable accommodation for its purposes;
 - (c) enter into an agreement with one or more district planning commissions described in section 129 for the creation of a board, which is required to be a body corporate, the sole function of which shall be to make arrangements to carry out the powers described in clauses (a) and (b) on behalf of the parties to the agreement that the parties may agree to.
- (4) Any person hired by the board referred to in clause (3)(c) as the development officer for the respective planning districts is deemed to be the development officer for each of those planning districts.
- (5) Notwithstanding section 71, a district planning commission described in section 129 is not required to provide for the establishment of a Development Appeals Board in preparing its zoning bylaw.
- (6) Where an appeal from a decision of a municipality is normally heard by a Development Appeals Board and where such a decision has been made by a district planning commission described in section 129, an appeal from that decision shall be made, instead, to the Saskatchewan Municipal Board.
- (7) No district planning commission described in section 129 has the power to enter into agreements described in section 215.

1983-84, c.P-13.1, s.130; 1989-90, c.5, s.12.

Transitional effect of certain development plans and zoning bylaws

131(1) Notwithstanding any other provision of this Act and subject to subsection (2), a district development plan or district zoning bylaw constituted pursuant to clause 97.1(3)(a) of *The Planning and Development Act* in existence on the day before the date this Act comes into force ceases to have any effect:

- (a) on the expiration of a period of two years from the day on which this Act comes into force; or
- (b) on the adoption by the district planning commission of a development plan and zoning bylaw, approved by the minister in accordance with this Act;

whichever is earlier.

(1.1) A district development plan that was passed by a district planning commission described in section 129 and that was in existence on the day before the coming into force of this Act ceases to have any effect:

- (a) on the expiration of a period of two years from the day on which this Act comes into force; or
- (b) on the adoption by the district planning commission of a development plan and zoning bylaw, approved by the minister in accordance with this Act;

whichever is earlier.

(2) The minister may, by order, extend the period prescribed in subsection (1) or (1.1) with respect to any district development plan or district zoning bylaw specified in the order.

(3) A district planning commission may amend, in accordance with this Act, a district development plan or district zoning bylaw that is continued in force pursuant to this section as if that plan or zoning bylaw were approved pursuant to this Act.

(4) Where:

(a) the minister:

(i) grants the application of a municipality to withdraw from a planning district described in section 129; or

(ii) issues an order dissolving a planning district described in section 129; and

(b) a district development plan, district zoning bylaw, development plan of the planning district as it applied to each municipality that was in the planning district or zoning bylaw adopted by the planning district in conjunction with the development plan remains in force pursuant to subsection 129(4.1) or (9);

the district development plan, district zoning bylaw, development plan or zoning bylaw, as the case may be, ceases to have any effect:

(c) on the expiration of a period of two years after the effective date of the order granting the withdrawal or dissolving the planning district, as the case may be; or

(d) on the adoption by the council of:

(i) a development plan; or

(ii) a basic planning statement;

and zoning bylaw approved by the minister in accordance with this Act;

whichever is the earlier.

(5) The minister may, by order, extend the two-year period set out in subsection (4) with respect to any district development plan, district zoning bylaw, development plan or zoning bylaw that the order specifies.

PART VI.1
**Planning Areas in the Northern Saskatchewan
Administration District**

Planning area

131.1(1) Where the minister considers it to be appropriate and the minister has complied with section 131.3, the minister may by order:

- (a) establish and designate as a planning area all or any part of the Northern Saskatchewan Administration District; and
 - (b) amend, vary, revoke or replace an order described in clause (a).
- (2) The minister shall publish an order made pursuant to subsection (1) in the Gazette and that order comes into effect on the day that it is published in the Gazette.
- (3) An order made pursuant to clause (1)(a) shall:
- (a) state the purposes and objectives to be achieved by the establishment of the planning area; and
 - (b) describe the area to be included in the planning area.

1989-90, c.51, s.14.

Advisory northern planning commission

131.11(1) Where the minister establishes and designates a planning area pursuant to section 131.1, the minister may, by the order made pursuant to section 131.1 or by separate order, appoint an advisory northern planning commission for the planning area.

(2) Where the minister appoints an advisory northern planning commission by separate order pursuant to subsection (1), the minister shall publish that order in the Gazette, and that order comes into effect on the day that it is published in the Gazette.

(3) The following individuals are eligible to be appointed as members of an advisory northern planning commission:

- (a) residents of any northern municipality affected by the establishment and designation of the planning area;
- (b) residents of any northern settlement affected by the establishment and designation of the planning area;
- (c) residents of any recreation subdivision affected by the establishment and designation of the planning area;
- (d) members of any Indian band, within the meaning of the *Indian Act* (Canada), affected by the establishment and designation of the planning area.

(4) An advisory northern planning commission is responsible for advising and assisting the minister with respect to community planning matters in the planning area and any other matters involving the development of the planning area.

(5) Sections 17 and 18 apply, with any necessary modification, to an advisory northern planning commission appointed pursuant to this section.

(6) The minister may impose or confer any additional terms of appointment and any additional powers and responsibilities that the minister considers appropriate on an advisory northern planning commission appointed pursuant to this section.

2000, c.58, s.6.

Land use plan, development control

131.2(1) Where the minister considers it to be appropriate, the minister may by order prescribe:

- (a) development controls; or
- (b) a land use plan and development controls;

with respect to a planning area, and may amend, vary, revoke or replace that order.

(2) The minister shall cause the publication of an order made pursuant to subsection (1) in the Gazette and the order comes into effect on the day that it is published in the Gazette.

(3) The order prescribing a land use plan or development controls for a planning area may be contained in the order establishing the planning area or may be made by way of a separate order.

(4) A land use plan may contain:

- (a) the provisions prescribed by this Act that may be contained in a basic planning statement or development plan; and
- (b) any matters in addition to those described in clause (a) that the minister considers appropriate;

and in prescribing a land use plan the minister is not required to comply with the provisions prescribed by this Act that a council shall comply with in adopting a basic planning statement or development plan.

(5) Development controls may contain:

- (a) the provisions prescribed by this Act that may be contained in a zoning bylaw; and
- (b) any matters in addition to those described in clause (a) that the minister considers appropriate;

and in prescribing development controls the minister is not required to comply with the provisions prescribed by this Act that a council shall comply with in adopting zoning bylaws.

1989-90, c.51, s.14.

Public participation

131.3(1) The minister shall give or cause to be given notice of his intention to make an order pursuant to section 131.1 or 131.2 by:

- (a) an advertisement inserted in a newspaper published or circulated in an area affected by the proposed order; or
 - (b) any other method that the minister considers appropriate to bring notice of the proposed order to persons who will be affected by the proposed order.
- (2) The notice mentioned in subsection (1) is to:
- (a) be given at least four weeks before the date fixed by the minister for making the order;
 - (b) be in any form that the minister considers appropriate; and
 - (c) state:
 - (i) the purpose of the order;
 - (ii) the places where and hours during which the order may be inspected by any person;
 - (iii) the dates by which a written submission is to be received by the minister respecting the order and the places where written submissions may be sent;
 - (iv) the area to be affected by the order; and
 - (v) any other matters that the minister considers necessary.
- (3) The minister shall make copies of the proposed order:
- (a) available for public inspection at the places and during the hours stated in the notice mentioned in subsection (2); and
 - (b) available, at cost, to any interested person together with a copy of the notice mentioned in subsection (2).
- (4) Any person, group of persons or person acting on behalf of a person or group of persons who is interested in the order:
- (a) may make a written submission to the minister; and
 - (b) where they make a written submission pursuant to clause (a) shall deliver the written submission within the time and at the place stated in the notice mentioned in subsection (2).

Appeals

131.4 Where a development officer or any other person designated by the minister for the purpose:

- (a) is alleged to have misapplied a development control in issuing a development permit; or
- (b) refuses to issue a development permit because it would contravene a development control;

a person affected by the alleged misapplication or refusal may appeal to the Saskatchewan Municipal Board and the provisions of section 96 governing an appeal to a Development Appeals Board with respect to a zoning bylaw apply, with any necessary modification, to the appeal pursuant to this section.

1989-90, c.51, s.14.

Terms and conditions

131.5(1) A development officer or any other person designated by the minister for the purpose may impose any terms and conditions that the officer or designated person considers appropriate on a development permit issued in accordance with development controls.

(2) No person to whom a development permit described in subsection (1) is issued shall fail to comply with the terms and conditions imposed on that person's development permit.

1989-90, c.51, s.14.

Additional powers

131.6 Before issuing any development permit, the development officer or other person designated by the minister to issue development permits may, with respect to a planning area established pursuant to section 131.1, undertake or require a person applying for a development permit to undertake any studies, inquiries or investigations that the minister considers necessary to assess the impact of existing or potential developments in a planning area.

1989-90, c.51, s.14.

Compliance

131.7 No person shall fail to comply with any order of the minister made pursuant to this Part.

1989-90, c.51, s.14.

PART VII
Subdivision of Land
 CONTROL OVER SUBDIVISIONS

Interpretation

132(1) In this Part and in Part VIII:

- (a) **‘Controller of Surveys’** means the Controller of Surveys as defined in *The Land Surveys Act, 2000*;
- (b) **‘Registrar of Titles’** means the Registrar as defined in *The Land Titles Act, 2000*.

2000, c.L-5.1, s.382.

Subdivisions and instruments to comply with Act, etc.

133 Every:

- (a) subdivision; and
- (b) other instrument;

described in section 134 is to be made in accordance with:

- (c) this Act and the subdivision regulations; and
- (d) the plans and specifications submitted to and approved by the approving authority.

1989-90, c.51, s.15.

Restrictions on approvals and registrations, exceptions

134(1) In this section:

- (a) **“former Act”** means any former *Planning and Development Act* or *Community Planning Act*;
- (b) **“land”** does not include mines and minerals;
- (c) **“petroleum, natural gas or related hydrocarbons”** includes any other material or substance, whether liquid, solid or gaseous, and whether hydrocarbon or otherwise, that is:
 - (i) produced in association with petroleum, natural gas or related hydrocarbons; or
 - (ii) found in water contained in any underground reservoir:
 - (A) in which petroleum, natural gas or related hydrocarbons may be found; or
 - (B) that petroleum, natural gas or related hydrocarbons may have occupied;
- (d) **“well site”** means a well site, roadway, well site and roadway, battery site, compressor site, or a site for other related equipment or for pipelines or power lines.

(1.1) No person shall apply to the Registrar of Titles to register a transfer of title or to obtain title to a new parcel of land where registration of that application would have the effect of subdividing land unless:

- (a) the Controller of Surveys has approved a plan respecting the subdivision; and
- (b) the appropriate approving authority has issued a certificate of approval respecting the subdivision.

(1.2) Any person who acquires title to land without obtaining a certificate of approval where required pursuant to subsection (1.1) is deemed to have acquired that title by participating or colluding in fraud pursuant to clause 15(1)(a) of *The Land Titles Act, 2000*.

(2) Subject to subsections (7), (13) and (15), the Controller of Surveys shall not approve a plan of survey that subdivides land unless the plan is accompanied by:

- (a) a certificate of approval of an approving authority; or
- (b) an affidavit mentioned in subsection (15).

(3) Subject to subsections (7), (13) and (15), the Controller of Surveys shall not approve a plan where no title exists for the parcel of land described on the plan, or where the plan affects only part of a parcel of land that is intended for any of the uses mentioned in subsection (11), unless the plan is accompanied by:

- (a) a certificate of approval of an approving authority; or
- (b) an affidavit mentioned in subsection (15).

(4) Subject to subsections (6) and (7), no person shall apply to the Registrar of Titles to register an interest based on a lease, mortgage or agreement for sale for part only of a parcel of land unless a certificate of approval is obtained from an approving authority.

(5) Subject to subsections (6) and (7), no person shall apply to the Registrar of Titles to amend the registration of an interest based on a lease, mortgage or agreement for sale that has the effect of discharging the registration of the interest as to part only of the parcel of land for which the interest was registered unless a certificate of approval is obtained from an approving authority.

(6) Subsections (4) and (5) do not apply to:

- (a) an interest based on a lease, where the lease is a lease described in subsection (8);
- (b) an interest based on a mortgage of a lease, where the lease is a lease described in subsection (8).

(7) With respect to a lease of a part only of a parcel of land, subsections (4) and (5) do not apply to the lease or to a mortgage of the lease where the lease is a lease described in subsection (8).

- (8) A lease mentioned in subsections (6) and (7) is a lease where:
- (a) the term of the lease together with the term of any lease entered into pursuant to the lease does not exceed 10 years;
 - (b) the lease has the effect of granting the use of or right to part of a building;
 - (c) the lease was entered into before the coming into force of this Act;
 - (d) the lease is:
 - (i) a renewal or assignment of a lease mentioned in clause (c), whether or not the renewal or assignment was entered into before or after the coming into force of this Act; or
 - (ii) a sublease entered into, renewed or assigned under or pursuant to a lease mentioned in clause (c), whether or not the sublease is:
 - (A) for the whole or any part of the lands originally demised by the lease; or
 - (B) entered into before or after the coming into force of this Act; or
 - (e) the lease is for the purposes of surface rights for a well site to be used exclusively in connection with the drilling for, or the producing, recovering or gathering of, petroleum, natural gas or related hydrocarbons.
- (8.1) Subject to subsection (8.2), every lease, easement and agreement for a right of way for the purposes of surface rights for a well site to be used exclusively in connection with the drilling for, or the producing, recovering or gathering of, petroleum, natural gas or related hydrocarbons that is in existence as at June 10, 2004 is deemed to have been approved by the appropriate approving authority and to have been made in compliance with the requirements respecting subdivisions pursuant to this Act or a former Act, as the case may be.
- (8.2) Subsection (8.1) does not apply if, as at June 10, 2004:
- (a) a court of competent jurisdiction has determined that the lease, easement or agreement for a right of way is void for non-compliance with the requirements respecting subdivisions pursuant to this Act or a former Act, as the case may be; or
 - (b) a party to the lease, easement or agreement for a right of way has commenced legal action on the basis that the lease, easement or agreement for a right of way does not comply with the requirements respecting subdivisions pursuant to this Act or a former Act, as the case may be.
- (8.3) No person shall apply to the Registrar of Titles to register an interest based on a lease mentioned in clause (8)(e) unless he or she has given the municipality in which the affected land is located prior written notice of his or her intention to register the interest.
- (8.4) The registration of an interest based on a lease mentioned in clause (8)(e) in the Land Titles Registry without notice being given to the appropriate municipality in accordance with subsection (8.3) is invalid.

(8.5) The Controller of Surveys shall not approve a plan respecting an easement or an agreement for a right of way mentioned in subclause (15)(a)(ii) unless the plan is accompanied by an affidavit of the applicant stating that the municipality in which the land is located has been advised in writing of the applicant's intention to submit the plan to the Controller of Surveys for approval.

(9) Where a parcel of land is separated into two or more areas by an approved plan or by a natural boundary, the separated areas are deemed to be one parcel of land for the purposes of this Act.

(10) The Controller of Surveys shall not approve a plan that purports to divide a quarter-section or portion of a quarter-section into legal subdivisions, unless the plan is accompanied by:

- (a) a certificate of approval of an approving authority; or
- (b) an affidavit mentioned in subsection (15).

(11) Except as provided in subsection (15), unless a certificate of approval is obtained from the approving authority, no person shall apply to the Land Titles Registry to register an interest based on any agreement where that agreement, other than an agreement mentioned in subsection (4) or (5) or an easement or right of way agreement mentioned in clause (15)(a), affects part only of a parcel of land and that part is intended for use as:

- (a) a public highway;
- (b) a municipal road;
- (c) a right of way for a ditch;
- (d) an irrigation canal;
- (e) a pipeline, other than a pipeline mentioned in subclause (15)(a)(ii);
- (f) a telecommunications or cable television line;
- (g) a power transmission line; or
- (h) a reservoir not used for the treatment or storage of sewage.

(12) Notwithstanding any other provision of this Act, where a plan is presented for approval to the Controller of Surveys by a department, board, commission or other agency of the Government of Saskatchewan, the Controller of Surveys shall approve the plan, if the plan is otherwise acceptable, without the plan being accompanied by the certificate of approval of the approving authority.

(13) This Act does not apply to a plan of survey of land or other instrument required for the widening of a public highway, municipal road or lane where:

- (a) the highway, road or lane is shown on a plan approved by the Controller of Surveys; and
- (b) the land shown in the plan or other instrument is contiguous to the highway, road or lane to be widened.

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(14) A parcel of land is deemed to conform to the applicable site area or lot size requirements of a zoning bylaw or statutory plan in force at the time of acquisition of the adjoining land where:

- (a) the parcel of land remains after the acquisition of the adjoining land, or of any use or right of the adjoining land, for any purpose mentioned in subsection (13); and
- (b) the acquisition of the adjoining land would have required the approval of the approving authority but for subsection (13).

(15) A certificate of approval is not required for the Controller of Surveys to approve a plan where that plan is accompanied by an affidavit from a person obtaining an easement or agreement for a right of way swearing that:

- (a) an easement or an agreement for a right of way:
 - (i) for any sewer, water, oil, natural gas, electrical, telecommunications or cable television distribution, service connection or collection line is to be used for a distribution, service connection or collection line to consumers or end-users of the service and not for a general transmission line; or
 - (ii) for any pipeline or power line is to be used exclusively for or in connection with the producing, gathering or conduct of petroleum, natural gas or related hydrocarbons, that are being transported, gathered or conducted in connection with the production operations respecting those substances, and not for a general transmission line; or
- (b) an easement or agreement for a right of way is for any of the purposes mentioned in subsection (11) and is located more than 2.5 kilometres from the limits of any city, town, village, organized hamlet or group of five or more occupied buildings on adjoining registered lots, blocks or parcels.

(16) The member of the Executive Council responsible for the administration of *The Highways and Transportation Act, 1997*, and any officer of that member's department authorized by the member to approve plans of land within the meaning of section 14 of that Act, shall not approve a plan of lands within the meaning of that section unless a copy of the certificate of approval of the approving authority is furnished to the member or officer.

(17) The certificates of approval received by the Controller of Surveys pursuant to this section and the member of the Executive Council or officer pursuant to subsection (16) are to be retained in the offices in which they are received.

(18) A certificate of approval obtained from an approving authority must accompany:

- (a) an application to register an interest mentioned in subsection (4) or (11); or
- (b) the application to register an amendment to an interest mentioned in subsection (5).

(19) Where a certificate of approval was not obtained from an approving authority, the registration of an interest mentioned in subsection (4) or (11), or the registration of an amendment to an interest mentioned in subsection (5), is invalid.

(20) The Registrar of Titles may register an interest mentioned in subsection (4) or (11), or an amendment to an interest mentioned in subsection (5), without inquiring as to whether a certificate of approval was obtained from an approving authority.

2000, c.L-5.1, s.383; 2004, c.20, s.2; 2005, c.24, s.35.

APPROVING AUTHORITIES

Approving authority

135(1) In this section, **'professional community planner'** means a professional community planner within the meaning of *The Community Planning Profession Act*.

(2) Subject to subsection (5), the minister may, by order, declare that after the date specified in the order:

(a) the director is an approving authority within that area of Saskatchewan that may be specified in the order; or

(b) a council is an approving authority within the area under its jurisdiction.

(3) In an order made for the purposes of clause (2)(b), the minister may impose any terms and conditions that the minister considers appropriate.

(4) The minister shall cause every order made pursuant to subsection (2) to be published in Part I of the Gazette.

(5) To be eligible to be declared an approving authority pursuant to clause (2)(b), the council must employ or retain a professional community planner.

(6) Subject to subsection (7), a council ceases to be an approving authority if, during any period lasting longer than six consecutive months, the council fails to employ or retain a professional community planner.

(7) Notwithstanding subsection (6), if a council that has been declared an approving authority before the coming into force of this subsection does not employ or retain a professional community planner as at the day on which this subsection comes into force, the council ceases to be an approving authority if it fails to employ or retain a professional community planner as at June 30, 2006.

2005, c.24, s.36.

Delegation of authority

135.1 A council that has been declared an approving authority pursuant to clause 135(2)(b) may, by bylaw, delegate to the development officer the responsibility to exercise or carry out all or any of the powers and duties conferred or imposed on the council as an approving authority.

1997, c.44, s.9; 2005, c.24, s.37.

SUBDIVISION REGULATIONS

Regulations controlling subdivisions

136(1) The minister shall make any regulations that he considers necessary or advisable for controlling the subdivision of land and, without limiting the generality of the foregoing, shall make regulations:

- (a) fixing a time within which the approving authority is required to render a formal decision on a proposed subdivision;
 - (b) prescribing the time within which comments are required to be submitted by any council, planning district described in section 129, government department or any other agency or person to whom the request for comments is made by the approving authority;
 - (c) prescribing the content, quality, kind and number of plans together with the information to be shown on plans or other documents required in support of an application for subdivision;
 - (d) prescribing conditions and standards respecting the manner of laying out streets, lanes, lands required to be dedicated, lots, blocks and other units of land;
 - (e) prescribing the widths and grades of streets and lanes whether by reference to minimum or maximum requirements or to any other standards that the minister may consider appropriate;
 - (f) prescribing the conditions and standards applicable for the provision of access in connection with any proposed plan of subdivision;
 - (g) **Repealed.** 1984-85-86, c.11, s.11.
 - (h) prescribing the location, size and shape of lots and other areas of land to be created or proposed to be subdivided, in cases where those matters have not been dealt with by a zoning bylaw.
- (2) In making regulations pursuant to subsection (1), the minister may:
- (a) prescribe the fees to be paid for the examination of the application for subdivision approval, for inspecting the land to be subdivided and in respect of anything arising out of the administration of this Act and the regulations;
 - (b) prescribe the types of development in which strips of land to act as buffers are required to be provided and in which locations in a subdivision the strips shall be provided;

- (c) prescribe standards and requirements for the achievement of energy efficiency within subdivisions, including orientation of lots, parcels and roads to attain maximum solar benefit;
- (d) prescribe standards for efficient transportation systems, including matters dealing with public transit;
- (e) prescribe criteria for the suitability of the land for the proposed subdivision.
- (f) provide direction for the provision of service streets in proposed subdivisions abutting on controlled access highways.

1983-84, c.P-13.1, s.136; 1984-85-86, c.11, s.11;
1986, c.5, s.10.

SUBDIVISION BYLAWS

Regulations by council

137 A council that has been designated as an approving authority may, by bylaw, make regulations for controlling the subdivision of land not inconsistent with this Act or any regulations made pursuant to subsection 136(1).

1983-84, c.P-13.1, s.137.

Fees for review of subdivision applications

137.1(1) Notwithstanding any regulations made pursuant to subsection 136(2), a council that has been designated as an approving authority in accordance with section 135 may prescribe, by bylaw, a schedule of fees for processing:

- (a) subdivision applications;
- (b) an application to re-issue a certificate of approval of a subdivision.

(2) The maximum fees pursuant to subsection (1) shall not exceed the cost to the municipality of processing the application.

1993, c.11, s.10.

Ministerial approval of bylaw required

138(1) The municipal administrator shall forward two copies of each bylaw or amendment to a bylaw made pursuant to section 137, certified by him to be correct, to the minister for his approval and that bylaw or amendment becomes effective on the date of the minister's approval or on a date specified by the minister in his approval.

(2) The minister may refuse to approve any bylaw or part of a bylaw submitted pursuant to subsection (1) where, in his opinion, the provisions of the bylaw do not conform with the spirit and intent of this Act.

- (3) On the refusal of the minister to approve any bylaw or part of a bylaw:
- (a) the applicable subdivision regulations made pursuant to section 136; or
 - (b) in the case of a municipality that had an approved bylaw establishing subdivision regulations, those regulations insofar as they are not inconsistent with this Act;

continue to apply.

1983-84, c.P-13.1, s.138.

REQUIREMENTS FOR SUBDIVISION APPROVAL

Application for subdivision approval

139(1) Any person may apply to an approving authority for subdivision approval and shall submit, with his application, a proposed plan of subdivision or other written description of the subdivision, in accordance with the subdivision regulations.

(2) On receipt of an application for subdivision approval, the approving authority shall send a copy of the application to municipalities and such persons as may be specified in the subdivision regulations.

1983-84, c.P-13.1, s.139.

Criteria for approval

140(1) No approving authority shall approve an application for subdivision approval unless:

- (a) the land that is proposed to be subdivided is, in the opinion of the approving authority, suitable for the purpose for which the subdivision is intended;
- (b) the proposed subdivision conforms to the provisions of any development plan, basic planning statement or zoning bylaw that affects the land proposed to be subdivided;
- (c) every lot or parcel of land has legal and physical primary access as required by the approving authority in accordance with the subdivision regulations made pursuant to section 136, however, the requirement for primary access:
 - (i) does not apply to land adjoining land to which access has been provided by a public highway, where:
 - (A) in the opinion of the approving authority, the land conveyed or to be conveyed and the adjoining land are to be used for a common purpose;
 - (B) the titles to the lands mentioned in paragraph (A) either have the same registered owner or will have the same registered owner after the conveyance; and

(C) a prohibition has been registered in the Land Titles Registry prohibiting the titles mentioned in paragraph (B) from being dealt with separately;

(ii) may not apply to:

(A) an island or power, telephone, water, natural gas, oil or sewer lines or a ditch or an irrigation canal;

(B) a proposed subdivision situated in a portion of Saskatchewan not covered by the quadrilateral system of township surveys;

(C) a proposed subdivision situated adjacent to a railway right-of-way, irrigation canal or drainage ditch which abuts primary access to the lot or parcel;

(D) a proposed subdivision situated where a lane can provide physical and legal access to either dedicated lands or a public utility site;

(E) a public utility site, if an easement agreement to provide physical and legal access to the public utility site and that is acceptable to the approving authority may be registered as an interest based on the easement in the Land Titles Registry against all affected titles;

(F) a lease mentioned in subsection 134(4), if an alternative right of access can be established acceptable to the approving authority;

where the requirement for access is waived by the approving authority for the reason that compliance is impractical or unnecessary.

(1.01) The registered owner of a title mentioned in paragraph (1)(c)(i)(B) shall not deal with the owner's title separately from other titles mentioned in that paragraph.

(1.1) For the purposes of subclause 140(1)(c)(ii), the approving authority may impose any terms and conditions on a waiver of the requirement for access that it considers appropriate.

(2) An approving authority may:

(a) approve;

(b) approve in part;

(c) approve subject to:

(i) the conditions authorized by section 143; or

(ii) compliance with a directive issued pursuant to section 142; or

(d) refuse;

an application for subdivision approval.

Certificate of approval

141(1) If an application for subdivision approval complies with the provisions of this Act and the regulations, the approving authority shall issue a certificate of approval.

(2) An approving authority may stipulate in a certificate of approval that the certificate of approval is only valid for the type of instrument for which the application was submitted.

(3) A certificate of approval is valid for 24 months from the day on which it is issued.

(4) An approving authority may reissue a certificate of approval to extend its validity for additional periods of 24 months, if the proposed subdivision or instrument specified in the certificate complies with this Act and the regulations at the time of reissue.

(5) An approving authority may endorse an amendment of a certificate of approval to allow any deviation or alteration that may be required to permit the approval of a plan, accompanied by the certificate of approval, by the Controller of Surveys.

1996, c.35, s.12; 2000, c.L-5.1, s.385.

Development standards on hazardous lands

142(1) Where an application for subdivision approval is in respect of land that the approving authority considers to be potentially hazardous or unstable, the approving authority may, in consultation with the minister responsible for the administration of *The Environmental Management and Protection Act* and with the Saskatchewan Watershed Authority, direct that any such development on that land is required to comply with specific development standards formulated by the approving authority for that purpose.

(2) In order to ensure compliance with the standards mentioned in subsection (1), the approving authority may register against title in the Land Titles Registry an interest based on the requirement to comply with standards mentioned in subsection (1).

(3) **Repealed.** 1993, c.11, s.11.

1983-84, c.P-13.1, s.142; 1988-89, c.42, s.74;
1989-90, c.51, s.18; 1993, c.11, s.11; 2000,
c.L-5.1, s.386; 2002, c.S-35.02, s.137.

Servicing agreement

143(1) An approving authority shall, where required by the municipality, impose on a subdivision approval issued by it a condition that the applicant for subdivision approval enter into a servicing agreement with a municipality pursuant to this section, and the approving authority shall not issue its certificate of approval until it is satisfied that the condition has been met.

(2) Where required by the municipality, an applicant for subdivision approval shall enter into a servicing agreement, within 90 days from the day that the council receives the subdivision application forwarded to it by the approving authority and that agreement may provide for:

(a) any assurances as to performance that the council may consider necessary, in each case undertaking that the person will, within any time designated in the agreement, install or construct within the proposed subdivision at his expense or partly at his expense and partly at the expense of the municipality and in accordance with the specifications stated in the agreement, any storm sewers, sanitary sewers, drains, watermains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, gravelled or paved streets and lanes, connections to existing services, area grading and levelling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities or other works that the council may require;

(b) the payment by the person of levies and charges that the council may establish as payment in whole or in part for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

(3) The time period prescribed in subsection (2) may be extended by mutual agreement of the municipality and the applicant for subdivision approval.

(4) An agreement pursuant to this section may provide that it runs with the land and, where an interest based on the agreement is registered against title in the Land Titles Registry, the agreement is deemed to bind the registered owner of the land affected by the agreement and the registered owner's heirs, executors, administrators, successors and assigns.

(5) The municipality shall deposit all payments received by it under a servicing agreement into one or more servicing agreement accounts separate and apart from other funds of the municipality.

(6) A municipality shall use the payments mentioned in subsection (5), together with accrued interest, only:

(a) to pay the capital cost of providing the services and facilities described in clause (2)(b); or

(b) to pay a debt incurred by the municipality as a result of an expenditure described in clause (2)(b).

(7) Subsections (5) and (6) do not apply to any payments received by a municipality under a servicing agreement, or to interest accrued on those payments, prior to May 4, 1993.

Decision of approving authority

144(1) Every decision of an approving authority shall be given in writing and, where it approves in part or refuses an application for subdivision approval, the decision shall specify the reasons for the decision.

- (2) The approving authority shall send copies of its decision to:
- (a) the applicant for subdivision approval;
 - (b) the council of the municipality in which the land proposed to be subdivided is situated, except where the council is the approving authority; and
 - (c) any department, agency or person which the approving authority considers to have a direct interest in the proposed subdivision.
- (3) The approving authority shall forward a copy of any decision:
- (a) refusing an application for subdivision;
 - (b) approving an application for subdivision in part;
 - (c) approving an application for subdivision subject to development standards issued pursuant to section 142; or
 - (d) revoking an approval of a proposed subdivision;

to the applicant by registered mail or personal service and shall, at the same time, advise the applicant of his right to appeal pursuant to section 147.

1983-84, c.P-13.1, s.144; 2000, c.58, s.7.

Revocation of approval

145(1) Where an approving authority considers it advisable, the approving authority may revoke an approval of a proposed subdivision where:

- (a) the plan of subdivision has not been approved by the Controller of Surveys; or
 - (b) title to the land has not issued.
- (2) Where an approving authority revokes an approval pursuant to subsection (1), the approving authority shall, by registered mail, promptly notify the applicant and the Controller of Surveys of the revocation.
- (3) On receipt of a revocation mentioned in subsection (1), the Controller of Surveys shall, if the plan has been approved but title to the parcels in the plan have not been issued, revoke the approval of the plan of subdivision.

2000, c.L-5.1, s.388.

Relief from compliance

146 Subject to the other provisions of this Act, where an approving authority is of the opinion that compliance with a requirement of any applicable subdivision regulation made pursuant to clauses 136(1)(d) to (h), subsection 136(2) or section 137 is impractical or undesirable because of circumstances peculiar to a proposed subdivision, the approving authority may:

- (a) relieve the applicant from compliance, in whole or in part, with the requirement;
- (b) issue a certificate of approval for the subdivision, endorsed to indicate that the approval is granted in accordance with the subdivision regulations subject to the waiver of any provision of those regulations, including the reasons for the waiver; and
- (c) register in the Land Titles Registry an interest based on this section, indicating which regulations were waived and including the notice of decision.

1983-84, c.P-13.1, s.146; 1996, c.35, s14; 2000, c.L-5.1, s.389.

SUBDIVISION APPEALS

Right of appeal

147(1) Subject to subsection (3), where:

- (a) an application for a proposed subdivision is refused;
- (b) an application for a proposed subdivision is approved in part;
- (c) an application for a proposed subdivision is approved subject to specific development standards issued pursuant to section 142;
- (d) approval of an application for a proposed subdivision is revoked;
- (e) an agreement pursuant to subsection 143(2) has not been entered into within the specified time limit; or
- (f) the applicant for subdivision approval objects to producing any information requested by an approving authority, other than information that is required by the subdivision regulations to accompany the application;

the applicant may appeal the decision or, in the case of the circumstances described in clause (e), the matter of the terms and conditions of that agreement by filing a written notice of appeal with the Saskatchewan Municipal Board.

(2) In the case of an appeal pursuant to clause (1)(a), (b), (c) or (d), the person shall file his appeal within 30 days after the date on which he is served with a copy of the decision of the approving authority.

(3) Where the council is the approving authority, the applicant shall appeal in the first instance to the Development Appeals Board and may appeal further to the Saskatchewan Municipal Board in accordance with section 103.

(4) The council may, if it considers it necessary, appeal a decision of the Development Appeals Board as a result of an appeal pursuant to subsection (3) to the Saskatchewan Municipal Board in accordance with section 103.

1983-84, c.P-13.1, s.147; 1989-90, c.5, s.12.

Deemed refusal of approving authority

148(1) Where an approving authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision regulations, the applicant may, within 30 days after the day that the prescribed period expires:

- (a) treat the application as refused and appeal in accordance with section 147; or
- (b) enter into an agreement with the approving authority to extend the time prescribed in the regulations.

(2) Notwithstanding any other provision of this Act, where the applicant fails to take action under either clause (1)(a) or (b), his application is deemed to be validly before the approving authority as an initial application.

(3) Where an agreement to extend is entered into pursuant to clause (1)(b) and the approving authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 30 days after the day that the prescribed period expires, treat the application as refused and appeal in accordance with section 147.

1983-84, c.P-13.1, s.148.

Reapplication of same proposal

149(1) Where an application is approved with specific development standards pursuant to section 142, refused or revoked by an approving authority and the decision is not appealed, no subsequent application for a proposed subdivision of the same land, which in the opinion of the approving authority is substantially the same as the application already determined, shall be made within six months of the date of the decision, except with the permission of the minister.

(2) Where an appeal is made pursuant to section 147 with respect to the refusal by an approving authority and the decision of the approving authority is upheld on appeal, no subsequent unaltered application for a proposed subdivision of the same land shall be made within six months of the date of the appeal decision.

1983-84, c.P-13.1, s.149.

Notice of hearing of appeal

150(1) Where a notice of appeal pursuant to section 147 is filed, the board receiving the notice shall hold a hearing into the appeal and shall give reasonable notice of the hearing to:

- (a) the appellant;
- (b) the approving authority concerned;
- (c) the municipality in which the land proposed to be subdivided is situated, except where the council is the approving authority; and
- (d) any other person that the board considers may be affected by the proposed subdivision and should be notified.

(2) Where the appeal pursuant to section 147 is to be heard by the Development Appeals Board, that board shall hold a hearing on the appeal within 30 days of receiving the notice of the appeal.

1983-84, c.P-13.1, s.150; 1984-85-86, c.11, s.12.

Determining an appeal

151(1) In determining an appeal, the board hearing the appeal:

- (a) shall have regard to any development plan or basic planning statement and shall ensure that the application for a proposed subdivision conforms to the zoning bylaw, if any;
- (b) may confirm, revoke or vary the approval or decision or any condition imposed by the approving authority or make or substitute any approval, decision or condition that it considers advisable;
- (c) may, in addition to its other powers, exercise the same powers as an approving authority may exercise pursuant to this Act and the subdivision regulations;
- (d) in the case of an appeal relating to the terms and conditions of an agreement described in subsection 143(2), may determine the terms and conditions of the agreement.

(1.1) Notwithstanding clause (1)(a), the board hearing the appeal may make a decision permitting the proposed subdivision notwithstanding that the proposed subdivision does not conform to the prescribed area or dimensions of lots or size of yards that may apply in any district for particular uses as a result of a zoning bylaw where, in its opinion, such action would not:

- (a) grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same district; or
- (b) amount to a relaxation of the provisions of the zoning bylaw so as to:
 - (i) contradict the purposes and intent of the zoning bylaw; or
 - (ii) injuriously affect the neighbouring properties.

(2) The terms and conditions of an agreement, as described in subsection 143(2), and as determined by the board pursuant to clause 151(1)(d), may subsequently be altered by mutual agreement of the parties.

1983-84, c.P-13.1, s.151; 1983-84, c.50, s.4;
1984-85-86, c.11, s.13; 1989-90, c.5, s.7; 1996,
c.35, s.15; 2001, c.28, s.2.

Endorsement of subdivision plan

152(1) Where on appeal the board hearing the appeal approves an application for subdivision approval, the applicant shall submit the plan of subdivision or other instrument to the approving authority from which the appeal was made for endorsement by the approving authority.

(2) Where an approving authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the chairman of the board that heard the appeal may endorse the plan or other instrument.

1983-84, c.P-13.1, s.152.

REQUIRED SUBDIVISIONS

Power to require registration

153(1) Where land, for which there is only one surface parcel as defined in *The Land Titles Act, 2000*, is occupied by two or more occupiers of separate premises on that land, the council may, by resolution, authorize the service of a notice, by personal service or registered mail, on the registered owner of the land requiring him to make application for approval of subdivision of the land to the relevant approving authority within the period specified in the resolution, which period shall not be less than 90 days from the day that service of the notice is effected.

(2) The council shall send a copy of a notice under subsection (1) to the relevant approving authority.

1983-84, c.P-13.1, s.153; 2000, c.L-5.1, s.390.

Interpretation

154 In sections 155 to 160, “**required subdivision bylaw**” means a bylaw passed pursuant to section 155.

1983-84, c.P-13.1, s.154.

Power to pass bylaw requiring subdivision

155 Where on the expiration of the period mentioned in the notice served under subsection 153(1) the registered owner has failed to make the requested application, the council may pass a bylaw:

- (a) directing the subdivision of the land in a suitable, equitable manner;
- (b) defining, by a proposed plan of subdivision or other written description of the subdivision, the general area to be subdivided;
- (c) authorizing the council to make application for approval of subdivision of the land to the relevant approving authority; and
- (d) empowering the council to:
 - (i) have any necessary plan of subdivision of the land made; and
 - (ii) submit the plan mentioned in subclause (i) to the Controller of Surveys for approval on behalf of the owner, with or without the owner’s consent.

1983-84, c.P-13.1, s.155; 2000, c.L-5.1, s.391.

Registration of prohibition based on subdivision bylaw

156(1) On passing the required subdivision bylaw, the municipal administrator shall apply to the Registrar of Titles:

- (a) requesting the Registrar, in accordance with section 99 of *The Land Titles Act, 2000*, to prohibit the transfer of title or the registration of any interest against title based on the subdivision bylaw; and
- (b) attaching a certified copy of the subdivision bylaw.

(2) A prohibition imposed by the Registrar of Titles pursuant to subsection (1) constitutes notice of the subdivision bylaw:

(a) to all persons having any right, title, estate or interest, whether it appears on the title or not, in or to the land affected by the subdivision bylaw; and

(b) to all persons subsequently dealing with that land.

(3) After the Registrar of Titles imposes a prohibition pursuant to subsection (1), no person shall apply to the Registrar of Titles for registration of a transfer of title or for registration of an interest unless:

(a) the council provides authorization of the registration in the prescribed form; or

(b) at the request of the council, the Registrar of Titles has withdrawn the prohibition.

2000, c.L-5.1, s.392.

Approval of plan of subdivision

157(1) On completion of the plan of subdivision, the council shall apply to the relevant approving authority for subdivision approval of the land included under the required subdivision bylaw.

(2) An application under subsection (1) shall include:

(a) a proposed plan of subdivision as described in clause 155(b), which plan shall be approved by the mayor or reeve and the municipal administrator; and

(b) a certified copy of the required subdivision bylaw.

1983-84, c.P-13.1, s.157; 2000, c.L-5.1, s.393.

Conformity with *The Land Surveys Act, 2000*

158(1) On approval of a plan of subdivision by an approving authority, the council shall submit the plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000* and the regulations made pursuant to that Act.

(2) After the Controller of Surveys has approved the plan of subdivision submitted pursuant to subsection (1), any title issued by the Registrar of Titles:

(a) to any new lots, blocks or parcels shown on the plan must be in the name of the owner or owners of the land;

(b) to any roads, streets, lanes or other public highways, public reserves or environmental reserves shown on the plan must be or vest in the name of the Crown;

(c) to any municipal reserve or walkway shown on the plan must be in the name of the municipality; and

(d) to any buffer strip shown on the plan must be:

(i) subject to subclause (ii), in the name of the Crown; or

(ii) in the name of the municipality, if the municipality is a municipality that has received ministerial approval pursuant to section 196.

2000, c.L-5.1, s.394.

Recovery of costs

159 The costs of preparing and submitting a plan of subdivision to the Controller of Surveys for approval pursuant to section 158:

- (a) are a debt due to the municipality by the owner of the land in respect of which the required subdivision bylaw was passed;
- (b) are a charge against the land included in the title; and
- (c) are to promptly be added to and form part of the taxes on that land.

1983-84, c.P-13.1, s.159; 2000, c.L-5.1, s.395.

Direction to council

160(1) The minister may, after consultation with the council, direct the council to prepare and adopt a required subdivision bylaw.

(2) The council shall, within 90 days from the date of the minister's direction pursuant to subsection (1), adopt a required subdivision bylaw.

(3) Where the council fails to adopt a required subdivision bylaw pursuant to the minister's direction, the minister may *mutatis mutandis* exercise all the powers vested in the council by sections 153 to 159.

(4) Where the minister has acted pursuant to subsection (3):

(a) the municipality shall, on demand, pay to the minister the costs of making and having the plan approved pursuant to section 158 and of having titles issued pursuant to *The Land Titles Act, 2000*, and any amount so paid is a debt due to the municipality by the owner of the land in respect of which the order of the minister was made and is to be recovered in the manner provided in section 159; and

(b) the minister shall cause a copy of all notices, orders or plans of subdivision involved to be forwarded to the municipality in which the land is situated.

1983-84, c.P-13.1, s.160; 2000, c.L-5.1, s.396.

REPLOTTING SCHEMES

Power to prepare replotting scheme

161 For the purpose of facilitating the physical development of land within a municipality by redistributing the ownership of the land within a replotting scheme and after the hearing referred to in section 162, a council may, by resolution, authorize the preparation of a replotting scheme and describe the land to be included within the replotting scheme.

1983-84, c.P-13.1, s.161.

Notice of preparation of replotting scheme

162(1) Where a council proposes to consider a resolution authorizing the preparation of a replotting scheme, it shall serve notice of its intention on the registered owners of land within the boundaries of the proposed replotting scheme stating:

- (a) the land proposed to be included in the replotting scheme;
- (b) the nature of the proposed alteration in boundaries of the lots in the replotting scheme;
- (c) the location of any easements or rights-of-way in the replotting scheme; and
- (d) the time and place at which the council intends to hold a hearing on the matter.

(1.1) Where a council is not an approving authority, it shall forward the information described in subsection (1), at the same time that it serves notice of its intention on registered owners pursuant to that subsection, to the approving authority for the area of Saskatchewan within which the municipality is located.

(2) At the hearing referred to in the notice, the council shall hear any registered owner to whom a notice of the hearing has been given and who wishes to be heard or any person acting on his behalf.

1983-84, c.P-13.1, s.162; 1989-90, c.51, s.19.

Registration of replotting scheme

163(1) Where a council authorizes the preparation of a replotting scheme pursuant to section 161, the municipal administrator shall apply to the Registrar of Titles to prohibit, pursuant to section 99 of *The Land Titles Act, 2000*, a transfer or the registration of any interest against the titles of all parcels of land included within the replotting scheme.

(2) An application pursuant to subsection (1) must be accompanied by:

- (a) a certified copy of the resolution mentioned in section 161; and
- (b) a list of all parcels of land included within the replotting scheme.

(3) After the Registrar of Titles imposes a prohibition against a title in accordance with this section, no transfer of that title may be registered in the Land Titles Registry except with the consent of the council.

(4) Where the Registrar of Titles imposes a prohibition in accordance with this section, the record of the prohibition in the Land Titles Registry constitutes notice that a scheme for the replotting of that land has been initiated:

- (a) to all persons having any right, title, estate or interest, whether or not it appears on the title, in or to any land comprised in or affected by the replotting scheme; and
- (b) to all persons subsequently dealing with that land.

(5) After the Registrar of Titles records a prohibition in the Land Titles Registry in accordance with this section, no person who acquires an interest in land in the replotting scheme is entitled to receive any notice of proceedings with respect to the replotting scheme unless that person files with the municipal administrator:

- (a) written notice of that person's interest;
- (b) evidence of the registration of that person's interest in the Land Titles Registry; and
- (c) an address to which notices may be mailed.

2000, c.L-5.1, s.397; 2001, c.20, s.37.

Replotting scheme binding on heirs

164 Any allotment, decision, award, consent or other proceedings in the carrying out of a replotting scheme shall be binding on and inure to the benefit of the owner of the land thereby affected and his heirs, executors, administrators and assigns.

1983-84, c.P-13.1, s.164.

Contents of a replotting scheme

165 A replotting scheme is required to consist of:

- (a) a plan showing the original lots within the scheme, the dimensions and area of each lot, the total area of the lots, easements and rights-of-way registered against the land in the replotting scheme;
- (b) a plan showing the proposed re-subdivision in accordance with the requirements of the regulations governing the subdivision of land within the municipality, including the location of easements and rights-of-way in the replotting scheme;
- (c) a schedule of the existing buildings and public utilities that are proposed to be demolished, reconstructed or moved;
- (d) a schedule of the names and addresses of the registered owners of the original lots;
- (e) a schedule showing the area of each original lot and the area of each proposed new lot;
- (f) a schedule showing the proposed allotment of each new lot to be created by the replotting scheme and the proposed registered owner thereof and his address;
- (g) the lands that the council proposes to acquire pursuant to section 166 without an exchange of properties;
- (h) the compensation, if any, proposed to be paid to the registered owners; and
- (i) the proposed apportionment of the estimated cost of preparing the replotting scheme to be paid by:
 - (i) each registered owner of land in the replotting scheme; and
 - (ii) the council.

1983-84, c.P-13.1, s.165.

Acquisition of certain land

166 Where the area of land of an owner is too small to constitute a separate lot pursuant to the regulations or a bylaw governing the subdivision of land within the municipality, the council may acquire the land by agreement with the owner and, where the owner does not agree, the council shall give written notice to the owner stating that:

- (a) the land is included in a replotting scheme;
- (b) compensation will be paid to him and that sections 176 to 183 apply to that compensation; and
- (c) no exchange of properties will be made.

1983-84, c.P-13.1, s.166.

Principles of replotting

167 In the preparation and carrying out of a replotting scheme, the following principles apply:

- (a) all parcels of land, including highways and other public lands, are deemed to be united in a single unit of land;
- (b) land required for the public highways and other lands dedicated in accordance with Part VIII are to be taken from each unit of land described in clause (a) and the remainder is to be divided among the owners in a suitable and equitable manner, and, for the purpose of this clause, the municipality is deemed to be the owner of land to which section 166 applies; and
- (c) any mines and minerals which have not been patented prior to the filing of the replotting scheme are deemed to have been previously granted to the Crown.

1983-84, c.P-13.1, s.167.

Copies of scheme to certain persons

168 The council shall forward one copy of the proposed replotting scheme to:

- (a) the Minister of Highways and Transportation; and
- (b) Saskatchewan Power Corporation, SaskEnergy Incorporated, Saskatchewan Telecommunications and any other corporation operating a public utility that may be affected by the proposed replotting scheme.

1983-84, c.P-13.1, s.168; 1992, c.S-35.1, s.72.

Notice of replotting scheme

169(1) On completion of the preparation of a replotting scheme, the council shall cause notice of the replotting scheme to be served on each registered owner of land in the replotting scheme.

- (2) The notice referred to in subsection (1) is required to:
 - (a) outline the contents of the replotting scheme and explain its consequences if adopted; and
 - (b) state the date, time and place at which a public hearing will take place to hear representations with respect to the replotting scheme.

1983-84, c.P-13.1, s.169.

Public hearing

170 As soon as practicable after serving notices pursuant to section 169, the council shall hold a public hearing on the replotting scheme in accordance with the notice and shall hear any registered owner who wishes to be heard.

1983-84, c.P-13.1, s.170.

Adoption of replotting scheme

171(1) The council may, by resolution, adopt the replotting scheme after:

- (a) holding a hearing; and
 - (b) obtaining written consent to the replotting scheme from the owners of parcels of land:
 - (i) constituting at least two thirds of the number of original parcels of land comprised in the replotting scheme; and
 - (ii) comprising at least two thirds of the assessed value of the original parcels of land comprised in the replotting scheme, exclusive of improvements on that land.
- (2) Where the council fails to obtain the consents required pursuant to subsection (1), the council shall, by resolution, discontinue the replotting scheme and discharge any interest registered pursuant to section 163 that relates to the replotting scheme.

2000, c.L-5.1, s.398.

Subdivision approval of replotting scheme

172(1) On the adoption of a replotting scheme, the council shall:

- (a) apply to the relevant approving authority for subdivision approval of the land included in the replotting scheme with proof of compliance with:
 - (i) section 168 or the consents of the parties to which a copy of the replotting scheme is required to be transmitted pursuant to section 168;
 - (ii) subsection 169(1) by way of a copy of the notice mentioned in subsection 169(2) and copies of any receipts of service received; and
 - (iii) section 170 by way of either a certified copy of the minutes of the hearing or a statutory declaration of the contents or results of the hearing; and
- (b) submit to the Controller of Surveys:
 - (i) a certified copy of the resolution adopting the replotting scheme;
 - (ii) a certified copy of the replotting scheme; and
 - (iii) for approval, the plan of subdivision made in accordance with the replotting scheme and in conformity with the requirements of *The Land Surveys Act, 2000* and the regulations made pursuant to that Act, but the plan must be approved by the clerk of the municipality.

(2) After the plan of subdivision has been approved by the Controller of Surveys pursuant to subclause (1)(b)(iii), the council shall:

- (a) apply to the Registrar of Titles to issue title respecting the parcels shown on the plan of subdivision; and
- (b) discharge any registered interest that was based on:
 - (i) a building restriction; or
 - (ii) a building restriction caveat or any other mutual or restrictive covenant that was registered pursuant to *The Land Titles Act* or any former *Land Titles Act*.

1983-84, c.P-13.1, s.172; 1989-90, c.51, s.20;
2000, c.L-5.1, s.399; 2001, c.20, s.38.

Completion or discontinuance of replotting scheme

173(1) Within two years after the date of the resolution authorizing the preparation of a replotting scheme, the council shall:

- (a) discontinue the replotting scheme and discharge any interest registered pursuant to section 163; or
- (b) adopt the replotting scheme and submit the documents to the Controller of Surveys in accordance with clause 172(1)(b).

(2) Where on the expiration of two years after the date of the resolution authorizing the preparation of a replotting scheme the council has not acted in accordance with clause (1)(a) or (b), the interests registered pursuant to section 163, subject to subsection (3), cease to have effect.

(3) Where a plan of subdivision and any schedule mentioned in clause 165(f) covering some of the parcels of land described in the list mentioned in clause 163(2)(b) have been so approved or received by the Controller of Surveys, only those interests registered with respect to the titles to the parcels of land not covered by the plan and schedule cease to have effect.

1983-84, c.P-13.1, s.173; 2000, c.L-5.1, s.400.

Transfer of rights and obligations

174 Except as otherwise provided in this Act, on completion of registration in accordance with section 172:

- (a) all rights, obligations and incidents of ownership of the owner of a former parcel of land or of an interest in that land and all public and private relationships whatever with respect to a former parcel of land are for all purposes deemed to be transferred to and to exist with respect to the new parcel allotted to the owner of the former parcel to the same extent and in the same manner as they existed with respect to the former parcel of land;

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(b) the new parcels of land and the respective owners of that land are subject to and liable for all the municipal rates, taxes, assessments and charges levied against such owners' former parcels respectively and are subject to all proceedings taken and to be taken for the collection of municipal rates, taxes, assessments and charges in any manner provided by law; and

(c) the replotting scheme and the allotments of land made by that scheme are binding for all purposes on all persons having any right, title, estate or interest in or to the land comprised in the plan of subdivision, subject only to any right to compensation provided in this Act.

1983-84, c.P-13.1, s.174.

Notification of approval of a replotting scheme

175 Within 10 days of the receipt from the Controller of Surveys of a notice of approval of the plan of subdivision, the municipal administrator shall:

(a) cause notice to be served by registered mail on all registered owners of land in the replotting scheme stating that:

(i) the council has adopted the replotting scheme; and

(ii) the plan of subdivision has been approved by the Controller of Surveys; and

(b) deposit with a judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting at the judicial centre nearest to which the land is situated:

(i) a list stating the names and addresses of all owners affected by the replotting scheme who have not consented in writing to the replotting scheme, together with a description of the parcel of land allotted by the replotting scheme to each such owner and of the parcel in lieu of which the allotment was made;

(ii) a certified copy of the resolution adopting the replotting scheme; and

(iii) a certified copy of the replotting scheme as adopted by the council and a copy of the plan of subdivision approved by the Controller of Surveys.

1983-84, c.P-13.1, s.175; 2000, c.L-5.1, s.401.

Setting down hearing for compensation

176 Within 30 days after the date that the material mentioned in clause 175(b) is deposited, the judge shall appoint a time and place for the hearing of applications by non-consenting owners for compensation.

1983-84, c.P-13.1, s.176.

Notice of hearing

177(1) On being notified of the time and place appointed for hearing applications for compensation, the municipal administrator shall give written notice of the time and place to each non-consenting owner whose name appears on the list mentioned in clause 175(b).

(2) All notices required by subsection (1) shall be served by personal service or registered mail not less than 20 days before the date of the hearing.

1983-84, c.P-13.1, s.177.

Factors in assessing compensation

178 On hearing the applications for compensation, the judge shall determine the amount of compensation, if any, to be allowed for and on account only of:

- (a) the loss of value of the former parcel of land insofar as adequate compensation is not afforded by the new parcel allotted;
- (b) the loss of, damage to or the cost of moving buildings or improvements on the former parcel of land;
- (c) the loss of income from the use of buildings or from the special conditions or use of the former parcel of land caused by carrying out of the replotting scheme; and
- (d) the loss resulting from the acquisition of the person's land by the council pursuant to section 166.

1983-84, c.P-13.1, s.178.

Determination of land values

179 In determining the amount of compensation, the judge shall ascertain:

- (a) the value of the former parcel of land as of the date of the interest registered against title pursuant to section 163; and
- (b) the value of the new parcel of land as of the date of the approval of the plan of subdivision.

1983-84, c.P-13.1, s.179; 2000, c.L-5.1, s.402.

Appeals

180 With leave of a judge of the Court of Appeal, any party to the hearing of applications for compensation provided for in this Act may appeal to the Court of Appeal from the decision of the judge hearing the application.

1983-84, c.P-13.1, s.180.

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Time for payment of compensation

181(1) The council shall pay the amounts of compensation proposed by the replotting scheme out of the general revenue of the municipality within three months from the date of approval of the plan of subdivision by the Controller of Surveys, except, where an application for compensation has been made to a judge or an appeal has been made to the Court of Appeal, the council shall pay the compensation within three months from the date of the award or judgment.

(2) The compensation stands in the stead of the land in respect of which it was proposed or awarded and is subject to the limitations and charges, if any, to which the land was subject.

1983-84, c.P-13.1, s.181; 2000, c.L-5.1, s.403.

Removal of buildings

182 A council may, as required by a replotting scheme, demolish, reconstruct or move any building or public utility.

1983-84, c.P-13.1, s.182.

Limitation of claim

183 Except for the right to make application for compensation provided for in this Act, no person is entitled to make or proceed with any demand, claim or action whatever against the municipality or any of its officers, workers or servants for any loss or damage sustained, threatened or anticipated by reason of anything done in the promotion or execution of a replotting scheme or for or in respect of any matter whatever caused by or arising out of any act or proceeding duly done or taken pursuant to a replotting scheme.

1983-84, c.P-13.1, s.183.

Cost of replotting scheme

184(1) The cost of preparing a replotting scheme shall be apportioned in the manner indicated in the replotting scheme.

(2) The portion of any cost of preparing a replotting scheme payable:

(a) by the municipality, may be included in the annual tax levy of the municipality; or

(b) by the owners, other than the municipality, may be raised by a special tax levied on the lands of those owners comprised in the replotting scheme.

(3) The special tax mentioned in clause (2)(b) is a lien on the land and is recoverable in the same manner as general taxes levied on the land.

1983-84, c.P-13.1, s.184; 2005, c.24, s.39.

PART VIII
Buffer Strips and Dedication of Lands
 BUFFER STRIPS

Provision of buffer strips

185 Where, in the opinion of the approving authority, a plan of proposed subdivision requires the provision of land as a buffer between adjacent land put to a use not compatible with that proposed for the subdivision, the owner of the land shall provide, without compensation, land sufficient for that purpose and any land so provided is in addition to the dedication of lands required by this Act.

1983-84, c.P-13.1, s.185.

Size and location

186 The amount of land required to be provided as a buffer strip and the location of the buffer strip are at the discretion of the approving authority and, on issuance of title pursuant to the approved plan of subdivision, the land becomes the property of the municipality in which it is located.

1989-90, c.51, s.21; 2000, c.L-5.1, s.404.

Sale of buffer strips

187(1) Subject to any regulations made pursuant to section 206, a council may, by bylaw, authorize the sale of all or any part of a buffer strip to which it has title.

(2) Before adopting a bylaw pursuant to subsection (1), the council shall comply *mutatis mutandis* with Part IX and subsection 202(1).

(3) Subject to the regulations made pursuant to section 206, the minister may, on the request of a municipality or on the minister's own initiative, authorize the sale of all or any part of a buffer strip to which the Crown has title.

(4) Before authorizing a sale pursuant to subsection (3), the minister may require the municipality:

(a) to pass a bylaw outlining the request and to comply *mutatis mutandis* with Part IX in so doing; and

(b) to provide him with proof of compliance as set out in subsection 202(1).

(5) The minister may refuse to approve a bylaw adopted pursuant to subsection (1) or authorize a sale pursuant to subsection (3) where, in his opinion, the sale is not desirable.

1983-84, c.P-13.1, s.187; 1996, c.35, s.16.

Lease or exchange

188(1) No buffer strip is to be exchanged for another parcel of land unless the exchange involves a resubdivision that creates a new buffer strip.

(2) All or any part of a buffer strip may be leased for a use as specified in the regulations made pursuant to section 206.

1983-84, c.P-13.1, s.188; 1989-90, c.51, s.22;
 1996, c.35, s.17.

DEDICATION OF LANDS

Requirement of owner

189 The owner of land that is the subject of a proposed subdivision shall provide, without compensation, to the municipality in which it is located:

- (a) land for environmental reserve or municipal reserve;
- (b) money in place of any of the land required to be dedicated as municipal reserve; or
- (c) a combination of land or money;

that an approving authority may require in accordance with this Part.

1989-90, c.51, s.23.

Provision of land prior to subdivision

189.1(1) An owner of land who intends to subdivide it may, with the consent of the approving authority, enter into an agreement pursuant to section 215 with the municipality in which the land to be subdivided is situated whereby the owner will, prior to the subdivision of land being made, provide land:

- (a) within the area of land intended to be subdivided; or
- (b) within any other area of land in the municipality;

to the municipality for municipal reserve.

(2) Land provided to a municipality pursuant to subsection (1) shall be used as municipal reserve in accordance with this Act and the agreement pursuant to which it was provided.

1989-90, c.51, s.23.

Exemptions from dedication

190 No approving authority shall require the owner of land that is the subject of a proposed subdivision to provide municipal reserve land or money in place of such reserve where:

- (a) the first lot is to be created from a quarter-section of land excluding any previous subdivisions for any of the purposes described in clauses (b) to (d);
 - (a.1) a single lot is to be subdivided from land located in the Northern Saskatchewan Administration District, if the lot will be, in the opinion of the approving authority, remote from other subdivisions.
- (b) the land is to be subdivided into lots of four hectares or more and is to be used solely for agricultural purposes;
- (c) the land is to be resubdivided for the purpose of correcting or rearranging boundaries;

(c.1) the land is included in an area previously subject to the requirements for dedication pursuant to *The Planning and Development Act* or any former *Community Planning Act* and there are records confirming that:

- (i) land was dedicated as municipal reserve; or
 - (ii) money in lieu of municipal reserve was paid;
- (d) the land is intended for:
- (i) a drainage ditch or irrigation canal;
 - (ii) a line or transmission or distribution facility for electricity, natural gas, oil, radio, television, telecommunications, sewage or water;
 - (iii) a public highway, provincial highway or other government-owned roadway;
 - (iv) a publicly owned reservoir or facility for the storage, treatment or pumping of water or sewage;
 - (v) a cemetery, dedicated lands, a park, wildlife habitat lands or a historic or archaeological site;
- (e) the land is park land within the meaning of *The Parks Act* or a regional park established pursuant to *The Regional Parks Act, 1979*.

1983-84, c.P-13.1, s.190; 1986, c.17, s.4;
1989-90, c.51, s.24; 1996, c.35, s.18; 2005, c.24,
s.40.

Dedication of public highways

191 An approving authority may require the owner of land that is the subject of a proposed subdivision to provide without compensation part of that land, in any amount and in any location that the approving authority considers necessary, to the Crown for the purpose of public highways.

1983-84, c.P-13.1, s.191; 1989-90, c.51, s.25.

Environmental reserve

192(1) In consultation with the minister responsible for the administration of *The Environmental Management and Protection Act, 2002* or with the Saskatchewan Watershed Authority, as the case requires, an approving authority may require the owner of land that is the subject of a proposed subdivision to provide part of that land as environmental reserve, in any amount and in any location that the approving authority considers necessary, if the land consists of:

- (a) a ravine, coulee, swamp, natural drainage course or creek bed;
- (b) wildlife habitat or areas that:
 - (i) are environmentally sensitive; or
 - (ii) contain historical features or significant natural features;

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- (c) land that is subject to flooding or is, in the opinion of the approving authority, unstable; or
 - (d) land that abuts the bed and shore of any lake, river, stream or other body of water and that is required for the purpose of:
 - (i) the prevention of pollution;
 - (ii) the preservation of the bank; or
 - (iii) the protection of the land to be subdivided against flooding.
- (2) Land provided as environmental reserve pursuant to subsection (1) becomes the property of the municipality in which the land is situated.
- (3) An environmental reserve may be used as a public park or for any other use that the minister may, by regulation, specify, but, if it is not used for those purposes, the environmental reserve must be left in its natural state.
- (4) Subject to any regulations made pursuant to section 206, if an environmental reserve is owned by the Crown, the minister may lease the environmental reserve for any purpose provided for by subsection (3).
- (5) Subject to any regulations made pursuant to section 206, if an environmental reserve is owned by the municipality in which an environmental reserve is located, the municipality may lease the environmental reserve for any purpose provided for by subsection (3).
- (6) No environmental reserve may be sold unless the minister, in consultation with the minister responsible for the administration of *The Environmental Management and Protection Act, 2002* or with the Saskatchewan Watershed Authority, as the case requires, is satisfied that the land in question need no longer be retained as environmental reserve.
- (7) No environmental reserve shall be exchanged for another parcel of land.

2005, c.24, s.41.

Public reserve, municipal reserve

- 193(1)** Subject to section 190, an approving authority may require the owner of land that is the subject of a proposed subdivision to provide:
- (a) part of that land as municipal reserve;
 - (b) money in place of municipal reserve; or
 - (c) any combination of land or money referred to in clauses (a) and (b).
- (2) Land provided as municipal reserve becomes the property of the municipality in which it is located.

(3) The aggregate amount of land that may be required to be provided under subsection (1) is:

- (a) in the case of a residential subdivision, 10% of the land area proposed for subdivision; and
- (b) in the case of a non-residential subdivision, 5% of the land area proposed for subdivision;

and the land included in the area proposed for subdivision is not to include the land required to be provided as environmental reserve.

(3.1) If land is to be developed in phases over a certain period, a council that has been declared an approving authority pursuant to clause 135(2)(b) may, by bylaw mentioned in section 137, set out how the requirement for municipal reserve may be met in accordance with subsections (1) and (3) over the course of the development period.

(4) Notwithstanding subsection (3):

- (a) the approving authority may accept as part of the land required to be dedicated as municipal reserve any part of the land, as it may determine, that may be dedicated to environmental reserve or, in the case of a subdivision for residential purposes, buffer strips, where that land is accessible to and usable by the public;
- (b) the amount of land required to be provided as buffer strips in a subdivision of land other than for residential purposes may be included in calculating the amount of land required to be dedicated as municipal reserve in a subdivision of land where the approving authority considers that the public interest is best served by such an arrangement.

(5) The location and suitability of land dedicated as municipal reserve is subject to the approval of the approving authority.

(6) Notwithstanding subsection (3), the approving authority may require the dedication of additional land, to a maximum amount of land prescribed in the regulations made pursuant to section 206, for municipal reserve or money in lieu of that land, where, in the opinion of the approving authority, the population in a proposed subdivision will exceed a density prescribed in the regulations made pursuant to section 206.

Money in lieu of reserve land

194(1) Where it appears to the approving authority that the dedication of land as municipal reserve would, for any reason, be unnecessary or undesirable at the time of subdivision, the approving authority may direct that the requirements of the dedication of land to municipal reserve be waived in whole or in part and the approving authority may require the applicant to pay to the municipality in lieu of that land a sum of money equal to:

- (a) in the case of land subdivided for residential purposes, 10% of the value of the land; or
- (b) in the case of land subdivided for non-residential purposes, 5% of the value of the land;

that remains when the land required to be provided as environmental reserve has been subtracted therefrom.

(2) Where a combination of land and money is required to be provided in respect of municipal reserve, the total of:

- (a) the percentage of land required; and
- (b) the percentage of the value of the land required;

shall not exceed an amount equal to the maximum applicable requirements for land dedication.

(3) For the purpose of this section, the value of the land is required to be determined on the basis of its market value, on the basis that the land is in a subdivided unserviced state, as determined by a qualified appraiser selected and paid for by the municipality, unless the value of the land is agreed to by the applicant and the municipality in which the land proposed for subdivision is located.

1983-84, c.P-13.1, s.194; 1989-90, c.51, s.28.

Acquisition of dedicated land

194.1(1) A municipality may acquire the title to any land for the purpose of dedicating the land as municipal reserve.

(2) Any land acquired pursuant to subsection (1) is municipal reserve and is subject to the provisions of this Part.

1989-90, c.51, s.29.

Certain land not to be taken into account

194.2 Where any land is acquired pursuant to section 194.1 in an area proposed to be subdivided, the land acquired is not to be taken into account in determining the amount of land required by this Part to be provided for environmental reserve or municipal reserve.

1989-90, c.51, s.29.

Dedicated land

194.3(1) The minister may dedicate any land owned by the Crown and administered by the minister or a department over which the minister presides as public reserve or environmental reserve.

(2) Any land dedicated pursuant to subsection (1) as public reserve or environmental reserve is subject to the provisions of this Part.

1989-90, c.51, s.29.

Deferral of dedication

195(1) Where it appears to the approving authority that the dedication of land for municipal reserve would, for any reason, be unnecessary or undesirable, the approving authority may direct that the requirements of dedicating land to municipal reserve in respect of the proposed subdivision be deferred in whole or in part.

(2) A direction pursuant to subsection (1) may relate to:

- (a) the parcel of land proposed to be created by the application for subdivision approval;
- (b) the remainder of the parcel of land that is the subject of the application for subdivision approval; or
- (c) with the agreement of the applicant, any other of the applicant's land that is within the same municipality as that parcel of land.

(3) Where a deferment is directed under subsection (1), the approving authority shall register an interest based on the direction in the Land Titles Registry against the title to the land to which the direction relates.

(4) A direction for a deferment under subsection (1) is required to:

- (a) state the name of the person applying 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; and
- (d) state the area of land referred to in clause (b);
- (e) **Repealed.** 1989-90, c.51, s.30.

(5) Where an application for subdivision approval is made in respect of:

- (a) land in respect of which an interest is registered pursuant to subsection (3); or
- (b) land in respect of which a direction for deferment was made, but in respect of which no interest was registered, pursuant to *The Planning and Development Act* or any former *Community Planning Act*;

the approving authority may, in addition to requiring the provision of land or money or a combination thereof pursuant to section 193, require to be provided all or part of the reserve land in respect of which a deferment was directed under subsection (1) or under *The Planning and Development Act* or any former *Community Planning Act*, as the case may be.

1983-84, c.P-13.1, s.195; 1989-90, c.51, s.30;
2000, c.L-5.1, s.405.

Transfers to municipality

196(1) Notwithstanding any other provision of this Act, but subject to subsections (2) and (5), any lands within the boundaries of a municipality, as those boundaries may be created or altered from time to time, that prior to the coming into force of this section were dedicated as buffer strip, environmental reserve or public reserve pursuant to this Act or *The Planning and Development Act*, being chapter P-13 of *The Revised Statutes of Saskatchewan, 1978*, or under any former *Community Planning Act* are, on the expiration of the period of 30 days mentioned in subsection (6), hereby transferred to and vested in the name of the municipality in which they are located and those lands shall be known as municipal reserve.

(2) All lands dedicated as buffer strip or environmental reserve shall, notwithstanding the transfer pursuant to subsection (1), be known as buffer strips or environmental reserves, as the case may be.

(3) Notwithstanding any other provision of this Act or any other Act:

(a) it is not necessary to register or file this Act or register, file or issue any further or other instrument, document or certificate or make any entry showing transmission or assignment of title of the land to the municipality or to have any charge, encumbrance, endorsement or other document transmitted to the name of the municipality; and

(b) for the purpose of the Land Titles Registry and every registry office or other public office, it is sufficient to cite this Act as effecting the legal and valid grant, conveyance or transfer of title from the Crown to the municipality along with all existing charges, endorsements, encumbrances or other documents.

(4) Notwithstanding the provisions of any lease or easement granted by the Crown on a buffer strip, environmental reserve or public reserve transferred pursuant to subsection (1), the municipality to which the buffer strip, environmental reserve or public reserve is transferred:

(a) is deemed to be validly substituted for the Crown; and

(b) is subject to the duties of and may exercise the powers of the Crown as provided in the lease or easement.

(5) Subject to subsections (6) and (8), the minister may by order exempt certain lands from the application of this section.

(6) The minister shall issue the order pursuant to subsection (5) within 30 days of the date that this section comes into force.

(7) Where the minister issues an order pursuant to subsection (5), those lands remain the property of the Crown.

(8) The minister may make a further order repealing or varying an order issued pursuant to subsection (5) and, where the result of the repeal or variance is to remove the exemption of lands that have been dedicated as buffer strips, environmental reserves or public reserves:

- (a) those lands are, by that further order, transferred to and vested in the name of the municipality in which they are located; and
- (b) subsections (1) to (4) apply, with any necessary modification, to the lands mentioned in clause (a).

1989-90, c.51, s.31; 2000, c.L-5.1, s.406.

Use of reserve

197(1) Subject to subsection (2), a public reserve or a municipal reserve is only to be used for:

- (a) a public park or buffer strip;
- (b) a public recreation area;
- (c) school purposes;
- (d) a natural area;
- (e) a public building or facility;
- (f) a building or facility used and owned by a charitable corporation as defined in *The Non-profit Corporations Act, 1995*;
- (g) agricultural or horticultural uses; or
- (h) any other specific or general use that the minister may prescribe by regulation.

(2) A council that has been declared an approving authority pursuant to clause 135(2)(b) may permit uses on a municipal reserve other than those uses mentioned in subsection (1) if:

- (a) specific policies respecting those other uses are contained in the municipality's approved development plan or basic planning statement; and
- (b) those uses are consistent with the principle of maintaining municipal reserves, and buildings located on municipal reserves, for public purposes.

2005, c.24, s.43.

Reserves subject to zoning

197.1 In addition to any requirements of this Part, the development of buffer strips, environmental reserves, public reserves and municipal reserves is subject to the provisions of an approved development plan, basic planning statement and zoning bylaw or interim development control bylaw.

1996, c.35, s.19.

Approval of development on dedicated lands

197.2(1) In this section:

- (a) **“development”** means:
 - (i) improvements or landscaping; and
 - (ii) maintenance of the improvements or landscaping;
 - (b) **“grantee”** means a person who is granted permission pursuant to subsection (2) to place a temporary structure or a development on dedicated lands other than a walkway.
- (2) Subject to subsection (3), section 197.1, and any regulations made pursuant to section 206, the minister or a council may:
- (a) by permit, grant a person permission to place a temporary structure on any dedicated lands other than a walkway, subject to any terms and conditions that may be specified in the permit; or
 - (b) by agreement, grant a person permission to place a development on any dedicated lands other than a walkway.
- (3) Where the dedicated lands are subject to a lease pursuant to subsection 192(4) or (5) or 196(4), section 198 or subsection 200(1) or 201(1), the minister or the council, as the case may be, shall obtain the consent of all parties to the lease before granting a person permission to use the dedicated lands pursuant to subsection (2).
- (4) Unless specifically authorized in the regulations made pursuant to section 206, the rights granted to a person pursuant to a permit issued or an agreement made pursuant to subsection (2) are not transferable.
- (5) A permit issued or an agreement made pursuant to subsection (2) does not give the grantee an exclusive right with respect to the use of the dedicated lands.
- (6) On the expiration, termination or cancellation of the permit issued or the agreement made pursuant to subsection (2), the grantee, unless specifically exempted by the minister or the council, as the case may be, shall remove the temporary structure or the development from the dedicated lands:
- (a) within any period specified in the permit or the agreement; or
 - (b) if no period is specified in the permit or agreement, within six months after the expiration, termination or cancellation of the permit or the agreement.
- (7) Where the grantee removes a temporary structure or development from dedicated lands pursuant to subsection (6), the grantee shall restore the dedicated lands to a condition that is satisfactory to the minister or the council, as the case may be, within the time specified pursuant to subsection (6).

(8) Where a temporary structure or a development is not removed and the lands restored within the time specified pursuant to subsections (6) and (7):

(a) the grantee is no longer entitled to remove the temporary structure or the development and has no further rights with respect to the temporary structure or the development; and

(b) the minister or the council, as the case may be, may remove or dispose of the temporary structure or the development and restore the dedicated lands in any manner that the minister or the council considers appropriate.

(9) Where, on or after the coming into force of this section, a person places a temporary structure or a development on dedicated lands without obtaining a permit from or entering into an agreement with the minister or a council pursuant to subsection (2), the minister or the council, as the case may be, may remove or dispose of the temporary structure or the development and restore the dedicated lands in any manner that the minister or the council considers appropriate.

(10) Where, before the coming into force of this section, a person placed a temporary structure or a development on dedicated lands without obtaining a permit from or entering into an agreement with the minister or a council, and where the minister or the council believes that it may not be advisable or in the public's interest to retain the temporary structure or the development, the minister or the council, as the case may be, shall serve the person believed to have placed the temporary structure or the development on the dedicated lands with written notice of:

(a) the minister's or the council's intention to remove or dispose of the temporary structure or the development; and

(b) the date, time and place of the meeting at which the person may appear to show why the temporary structure or the development should not be removed or disposed of.

(11) At least 10 days before the meeting mentioned in subsection (10), the notice mentioned in subsection (10) is to be:

(a) served on the person mentioned in subsection (10) by:

(i) personal service; or

(ii) registered mail;

(b) sent by ordinary mail to each assessed owner of adjacent property or property within a radius of 75 metres from the temporary structure or the development, whichever distance is greater; and

(c) posted on the temporary structure or the development.

(12) Where notice is served in accordance with subsection (11), the minister or the council, as the case may be, may remove or dispose of the temporary structure or the development and restore the dedicated lands in any manner that the minister or the council considers appropriate where:

- (a) the person does not appear before the minister or the council, as the case may be; or
- (b) the person appears before the minister or the council, as the case may be, but fails to satisfy the minister or the council that the temporary structure or the development should not be removed from the dedicated lands.

(13) Where the minister or the council removes or disposes of a temporary structure or a development in accordance with subsection (9) or (12), the person who placed the temporary structure or the development on the dedicated lands has no further rights with respect to the temporary structure or the development.

(14) Where the minister or a council, in accordance with clause (8)(b) or subsection (9) or (12), disposes of a temporary structure or a development by sale, the proceeds of the disposition are to be applied to the costs incurred by the Crown or the municipality in removing or disposing of the temporary structure or the development and restoring the dedicated lands to a satisfactory condition.

(15) The costs incurred by the Crown or a municipality in removing or disposing of a temporary structure or a development and restoring the dedicated lands, less any proceeds of disposition realized pursuant to subsection (14):

- (a) are a debt due to the Crown or to the municipality from the grantee or from the person mentioned in subsection (9) or (10), as the case may be;
- (b) in the case of costs incurred by the Crown, may be recovered as a debt due to the Crown or recovered in the manner prescribed by *The Financial Administration Act, 1993* or in any other manner authorized by law; and
- (c) in the case of costs incurred by a municipality, may be recovered as a debt due to the municipality or may be added to the taxes on any lands or improvements owned by that person in the municipality or in any other municipality, with the consent of the council of the other municipality, and may be levied and collected in the same manner as the taxes are recoverable.

(16) The minister may delegate to any member of the public service of Saskatchewan the responsibility to exercise or carry out all or any of the powers and duties conferred or imposed on the minister by this section.

(17) No action lies or shall be instituted against the Crown, the minister, any member of the public service of Saskatchewan, a council, a member of a council, a municipality or any agent of the municipality for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this section or in the carrying out or supposed carrying out of any duty imposed by this section.

Agreement for use of reserve

198(1) Any municipality may enter into an agreement with a board of education, with the conseil scolaire, or with a board of education and the conseil scolaire providing for the joint use and maintenance of all or any part of:

- (a) a municipal reserve;
 - (b) a public reserve that has been leased to a municipality or a board of education;
 - (c) any buildings or improvements located on land mentioned in clause (a) or (b).
- (2) Where a municipality and a board of education, a municipality and the conseil scolaire, or a municipality and a board of education and the conseil scolaire are not able to conclude an agreement pursuant to subsection (1) and the minister and the Minister of Education consider it advisable, the minister may, by regulation, specify the terms and conditions whereby all or part of the municipal reserve or public reserve described in clause (1)(b) that are located within the municipality, is required to be leased to the board of education, to the conseil scolaire, or to the board of education and the conseil scolaire, as the case may be for school purposes.

1983-84, c.P-13.1, s.198; 1989-90, c.51, s.33;
1993, c.55, s.183; 2000, c.58, s.8.

Agreement to acquire, etc., dedicated lands

198.1 A municipality and one or more other municipalities may enter into an agreement:

- (a) providing for the acquisition by them of the title to any land for the purpose of dedicating the land as municipal reserve;
- (b) providing for the administration and maintenance of any:
 - (i) land acquired under clause (a); or
 - (ii) municipal reserve in a municipality that is a party to the agreement;
- (c) respecting the use of any funds of the municipalities acquired pursuant to this Part for the purpose of the acquisition, administration or maintenance of any municipal reserve situated within a municipality that is a party to the agreement.

1989-90, c.51, s.34.

Use of certain money

199 All monies received by a municipality pursuant to this Part shall be dealt with as provided in the regulations made pursuant to section 206.

1983-84, c.P-13.1, s.199.

Sale, etc., of public reserve

200(1) Subject to any regulations made pursuant to section 206, the minister may lease all or any part of a public reserve for any of the purposes provided for in section 197.

(2) Subject to any regulations made pursuant to section 206, the minister may sell all or any part of a public reserve owned by the Crown.

(3) The minister may exchange all or any part of a public reserve owned by the Crown for any other parcel of land of equal or greater area or value, and the land so obtained is to be designated by the minister as public reserve.

(4) Where a municipality requests the sale or exchange of all or any part of a public reserve, the minister may authorize the sale or exchange subject to any conditions set by the minister, and prior to the sale or exchange the minister may require the municipality:

(a) to pass a bylaw outlining its request, and to comply, with any necessary modification, with Part IX prior to passing the bylaw; and

(b) to provide the minister with proof of compliance as provided by subsection 202(1).

(5) The minister may refuse any sale or exchange of public reserve that the minister considers to be undesirable.

1983-84, c.P-13.1, s.200; 1984-85-86, c.11, s.15;
1989-90, c.51, s.35; 1996, c.35, s.20.

Sale, etc., of municipal reserve

201(1) Subject to any regulations made pursuant to section 206, the council may lease all or any part of a municipal reserve for any of the purposes provided for in section 197.

(2) Subject to the regulations made pursuant to section 206, a council may, by bylaw, authorize the sale of all or any part of a municipal reserve.

(3) Before adopting a bylaw pursuant to subsection (2), the council shall comply *mutatis mutandis* with the requirements of Part IX.

(4) Subject to the approval of the minister, a council may exchange all or any part of any municipal reserve for any other parcel of land of equal or greater area or value, and the land so obtained shall be designated by the council as municipal reserve.

1983-84, c.P-13.1, s.201; 1984-85-86, c.11, s.16;
1989-90, c.51, s.36.

Ministerial approval of bylaws re sale of municipal reserve

202(1) Where a bylaw is adopted pursuant to subsection 201(2), the municipal administrator shall forward:

- (a) two certified copies of the bylaw; and
- (b) proof of compliance with section 201 by statutory declaration of the municipal administrator, together with a copy of all written submissions respecting the bylaw;

to the minister for his approval, and the bylaw has no effect until it is approved by the minister.

(2) The minister may refuse to approve a bylaw where, in his opinion, the sale of the municipal reserve is not desirable.

1983-84, c.P-13.1, s.202.

Walkways

203(1) Where, in the opinion of the approving authority, a subdivision design requires the provision of land for the purposes of secondary access, the owner of the land shall provide, without compensation, lanes or walkways sufficient for that purpose.

(2) The land to be provided under subsection (1) shall be in any location that the approving authority considers necessary and in any amount that may be prescribed in the regulations made pursuant to section 136.

(3) Walkways provided under subsection (1) shall be the property of the municipality in which they are located.

(4) Subject to the regulations made pursuant to section 206, a council may, by bylaw, authorize the sale of all or any part of any walkways where, in the opinion of the municipality, they are no longer necessary, and:

- (a) in passing that bylaw, the council does not have to meet the requirements of subsection 201(3) and section 202 of this Act, sections 13 and 14 of *The Municipalities Act*, sections 13 and 14 of *The Cities Act* or section 114.1 of *The Northern Municipalities Act*; and
- (b) that bylaw has no effect until it is approved by the minister.

(5) No walkway shall be leased or exchanged for another parcel of land unless the exchange involves a resubdivision that creates a new walkway.

1983-84, c.P-13.1, s.203; 1989-90, c.51, s.37;
1996, c.35, s.21; 2002, c.C-11.1, s.399; 2003,
c.18, s.70; 2005, c.M-36.1, s.453.

GENERAL

Public roadways, utilities

204(1) Notwithstanding anything in this Part, the Crown or a council, as the case may be, may, subject to the regulations made pursuant to section 206, authorize:

- (a) the construction, installation or maintenance of:
 - (i) a public highway;
 - (ii) public utility lines; or
 - (iii) a water well or water or sewer line that is owned or operated by a person other than the Crown or the municipality and that is used for private or domestic purposes;

on, over or under;

- (b) the registration of an interest based on an easement for any of the purposes outlined in clause (a) with respect to;

any dedicated lands to which the Crown or municipality has title.

(2) All dedicated lands shall be maintained at the expense of the municipality within which they are located, but where those lands have been leased in accordance with this Act and the regulations made pursuant to section 206, those lands shall be maintained at the expense of the lessee.

1983-84, c.P-13.1, s.204; 1989-90, c.51, s.38;
2000, c.L-5.1, s.407.

Title

205(1) On receipt of an application to issue titles pursuant to section 44 of *The Land Titles Act, 2000* respecting parcels shown on a plan of subdivision, the Registrar of Titles may issue title for any dedicated lands to the Crown or the municipality according to the designation on the plan as set out in the regulations made pursuant to section 206.

(2) The right and title to all mines and minerals under dedicated lands remain vested in the owner of the mines and minerals and his heirs and assigns.

(3) Where the Registrar of Titles issues a title for dedicated lands, the title shall issue free and clear of all registered interests.

(4) Where the boundaries of a municipality are created or altered, or where a municipality is dissolved or amalgamated, by Order in Council or Minister's Order:

- (a) any dedicated land located in the affected territory is transferred to, and vested in the name of, the municipality in which the dedicated land is located, unless the land is included in an order issued pursuant to subsection 196(5); and

- (b) to show the change of ownership, the municipality in which the dedicated land is located may apply to:
 - (i) the Controller of Surveys pursuant to section 42 of *The Land Surveys Act, 2000* to amend the plans; and
 - (ii) the Registrar of Titles pursuant to section 46 of *The Land Titles Act, 2000* to transfer the title.
- (5) An application to the Controller of Surveys or the Registrar of Titles mentioned in clause (4)(b) is to include:
 - (a) two certified copies of a bylaw passed by the municipality in which the dedicated land is located that:
 - (i) lists the legal description of the affected land;
 - (ii) appends a certified copy of the Order in Council or Minister's Order; and
 - (iii) states the address of the municipality to which the title is to be issued; and
 - (b) any other documents and fees required by the Controller of Surveys or the Registrar of Titles.

1983-84, c.P-13.1, s.205; 1996, c.35, s.22; 2000, c.L-5.1, s.408.

Designation of certain reserves

205.1(1) Where a municipality acquires any land pursuant to section 194.1 for the purpose of dedicating the land as a municipal reserve, the council shall file a copy of the bylaw or resolution of the municipality dedicating the land as a municipal reserve with the Controller of Surveys who shall make the amendment on the plan of subdivision creating the land.

(2) Where the minister dedicates any land as public reserve or environmental reserve pursuant to section 194.3, the council shall file a direction from the minister to designate the land as public reserve or environmental reserve with the Controller of Surveys who shall make the amendment on the plan of subdivision creating the land.

(3) Where a municipality and one or more other municipalities acquires any land pursuant to section 198.1 for the purpose of dedicating the land as a municipal reserve, the councils of the municipalities that are parties to the agreement dedicating the land as a municipal reserve shall file with the Controller of Surveys a copy of the bylaws or resolutions of those municipalities, and the Controller of Surveys shall make the amendment on the plan of subdivision creating the land.

2000, c.L-5.1, s.409.

Regulations

206 The minister may make regulations:

- (a) respecting any matter or thing that is required or authorized to be prescribed in the regulations pursuant to this Part;
- (b) respecting any other matter or thing that the minister considers necessary or appropriate to carry out the intent of this Part.

1997, c.44, s.12.

PART IX
Public Participation in Bylaws

Notice of proposed bylaw

207(1) A council shall give notice of its intention to consider any of the following bylaws:

- (a) adopting, amending or repealing a development plan, basic planning statement or zoning bylaw;
 - (b) imposing development levies in accordance with sections 55.1 to 55.6; or
 - (c) adopting a bylaw authorizing the sale of land as provided for in Part VIII.
- (2) Subject to section 13.4, notice is to be given:
- (a) by advertisement inserted at least once a week for two consecutive weeks in a newspaper published or circulated in the area affected by the bylaw; or
 - (b) by any other method that the minister may approve.
- (3) The first of the notices required by clause (2)(a) must:
- (a) in the case of a proposed development plan, basic planning statement or zoning bylaw, be published at least four weeks before the date fixed by the council for a public hearing to consider any representations respecting its proposal; or
 - (b) be published at least two weeks before the date fixed by the council for a public hearing to consider any representations respecting its proposal, in the case of:
 - (i) a proposed amendment to or repeal of a development plan, basic planning statement or zoning bylaw; or
 - (ii) a proposed bylaw to be passed pursuant to Part VIII.
- (4) The notice required by clause (2)(a) must be in any form that the minister may specify and must:
- (a) contain a summary of the intent of the proposed bylaw;
 - (b) specify any places where and the hours during which the bylaw may be inspected by any person;

- (c) specify any dates, places and times that the council will hold a public hearing with respect to the proposed bylaw;
- (d) outline the procedure by which the public hearing will be conducted;
- (e) describe the affected area by:
 - (i) reference to street names and addresses and commonly understood area designations;
 - (ii) publication of a map of the area; or
 - (iii) in the case of an amendment to a zoning bylaw, basic planning statement or development plan of general application that does not designate land for specific uses, a description of the type of property affected but not by the specific location of each property affected; and
- (f) include a statement of the specific reasons for and a detailed explanation of the proposal, in the case of:
 - (i) a proposed amendment to a zoning bylaw; or
 - (ii) a bylaw to be passed pursuant to Part VIII.

2005, c.24, s.45.

Copies of bylaw to be provided

208 The council shall make copies of the proposed bylaw available, at cost, to any interested person, together with a copy of the notice.

1983-84, c.P-13.1, s.208.

Written notice to owner

209(1) In addition to the requirements of subsection 207(2), where a council proposes to amend its zoning bylaw with respect to districts provided for in that bylaw, it shall give written notice, in accordance with subsection 207(4), to each owner of land that is the subject of the proposed amendment.

(2) The minister may, on the application of a council, exempt the council from compliance with the notice requirements to owners under subsection (1).

1983-84, c.P-13.1, s.209; 2005, c.24, s.46.

Consideration of representations

210(1) At the public hearing referred to in subsection 207(3), the council:

- (a) shall hear any person or group of persons or person acting on his or their behalf, who wishes to make representations; and
- (b) may receive all representations on the same day or, where it considers it advisable, adjourn the hearing until all representations are received.

(2) Where a hearing is adjourned pursuant to clause (1)(b), the council may subsequently sit and receive the representations on the date fixed for the reconvened hearing.

1983-84, c.P-13.1, s.210; 2005, c.24, s.47.

c. P-13.1

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Alteration of bylaw

211(1) Subject to subsections (2) and (2.1), where, as a result of the consideration of representations which shall be recorded by council regarding the proposed bylaw or for any other reason the council proposes to alter the bylaw, the council shall not pass the bylaw as altered until the alteration has been advertised and made available for inspection in the manner prescribed in this Part.

(2) On the request of the council, the minister may dispense with the requirements of subsection (1) where he is of the opinion that the alteration proposed to a bylaw is of a minor nature.

(2.1) Notwithstanding subsection (2), a council that has been declared an approving authority pursuant to clause 135(2)(b) may dispense with the requirements of subsection (1) if the council is of the opinion that the alteration proposed to a bylaw is of a minor nature.

(3) Any person who wishes to make a representation following the advertisement of a proposed alteration shall limit his representation to the alteration.

1983-84, c.P-13.1, s.211; 2005, c.24, s.48.

Minister's approval

212 Approval by the minister of a bylaw passed for any of the purposes described in subsection 207(1) shall constitute approval of the appropriate notice requirements as prescribed in this Part and the bylaw is not to be open to question in any court on the ground of inadequate notice.

1983-84, c.P-13.1, s.212.

PART X
Miscellaneous
GENERAL

Crown bound

213(1) The Crown is bound by this Act.

(2) Notwithstanding subsection (1), nothing in this Act prevents the registration of any transfer of land by the Crown pursuant to any agreement entered into by the Crown prior to the coming into force of this Act.

1983-84, c.P-13.1, s.213.

Exemption for public work

214(1) Notwithstanding any other provision of this Act, the Lieutenant Governor in Council may, where he considers it to be in the public interest, exempt any public work from any of the requirements of this Act or the regulations or any development plan, basic planning statement or zoning bylaw.

(2) Before issuing an order pursuant to subsection (1), the Lieutenant Governor in Council may refer the matter to the Saskatchewan Municipal Board for consideration and recommendation.

1983-84, c.P-13.1, s.214; 1989-90, c.5, s.12.

General powers of council for purpose of carrying out Act, etc.

215(1) For the purpose of carrying out the provisions of this Act and any regulation or bylaw made pursuant to this Act, every council:

- (a) has and may exercise all the powers conferred on it by the appropriate municipal Act; and
- (b) may enter into any agreements, not inconsistent with this Act or any regulation or bylaw made pursuant to this Act, with any person that the council considers necessary.

(2) An agreement entered into under clause (1)(b) binds the land mentioned in the agreement and may be protected by registering an interest based on the agreement against the title in the Land Titles Registry, and the council is entitled to enforce the provisions of the agreement as against the owner and any subsequent owners of that land.

(3) **Repealed.** 1993, c.11, s.14.

(4) **Repealed.** 1993, c.11, s.14.

1983-84, c.P-13.1, s.215; 1993, c.11, s.14; 2000, c.L-5.1, s.410.

Rules for registered interests

215.1 Section 63 of *The Land Titles Act, 2000* does not apply to an interest registered pursuant to:

- (a) this Act;
- (b) *The Planning and Development Act*, being chapter P-13 of *The Revised Statutes of Saskatchewan, 1978*; or
- (c) any former *Community Planning Act*

2000, c.L-5.1, s.411.

Minister may charge council

216 Where the minister, pursuant to this Act, exercises the power of a council, he may charge any of the costs of so doing against the council, and all moneys collected in respect of those costs form part of the consolidated fund.

1983-84, c.P-13.1, s.216.

Restriction re damages, etc.

217 Every person is deemed not to suffer any damages, and without restricting the generality of the foregoing, property is deemed not to be injuriously affected or suffer any diminution of value by reason of:

- (a) the adoption of or amendment of a development plan or basic planning statement or zoning bylaw;
- (b) the approval, cancellation or revocation of an approval of a proposed subdivision; or
- (c) any action taken under the authority of this Act or the regulations by the minister, the director, a municipality, a commission or any agent or person acting on his or its behalf.

1983-84, c.P-13.1, s.217.

Authorized persons not liable

218 No member of a council or a planning commission, employee of a municipality or a planning district or person acting under the lawful instructions of any of them or pursuant to the authority granted by this Act or the regulations is personally liable for any loss or damage suffered by any person by reason of anything lawfully done or omitted to be done pursuant to, or in the exercise of, powers given by this Act or the regulations.

1983-84, c.P-13.1, s.218.

Errors in assessment roll

219 Where written notification to an owner is required by this Act, the mailing of notices to the addresses shown in the assessment roll is deemed to be notice in compliance with this Act notwithstanding any errors or omissions in the assessment roll.

1983-84, c.P-13.1, s.219.

Service of notices

220(1) Any notice pursuant to this Act that is served by registered mail is deemed to have been served on the fifth day following the date of its mailing, unless the person to whom the notice was mailed establishes, subject to section 219, that through no fault of his own he did not receive the notice or that he received it at a later date.

(2) Where service of notice is made by registered mail, the service is deemed sufficient where a receipt from the postmaster for the envelope containing the notice is produced as an exhibit to the affidavit of service.

1983-84, c.P-13.1, s.220.

Enforcement

220.1(1) A development officer may, at all reasonable times, and with the consent of the owner, operator or occupant, enter any land, building or premises for the purposes of inspection where the development officer has reasonable grounds to believe that any development or form of development on or in the land, building or premises contravenes any provision of this Act, or any regulations, bylaw or order made pursuant to this Act, are being contravened.

(2) A justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant authorizing a development officer to enter any land, building or premises if satisfied, by information given under oath, that:

(a) there are reasonable grounds to believe that the development or form of development on or in the land, building or premises contravenes any provision of this Act, or any regulations, bylaw or order made pursuant to this Act; and

(b) the owner, operator or occupant of the land, building or premises has refused consent to the development officer to enter the land, building or premises.

- (3) A development officer may, with a warrant issued pursuant to subsection (2), enter any land, building or premises named in the warrant.
- (4) If, after inspection, the development officer determines that the development or form of development contravenes any provision of this Act, or any regulations, bylaw or order made pursuant to this Act, the development officer may issue a written order to the owner, operator or occupant of the land, building or premises on or in which the development or form of development is located.
- (5) In a written order made pursuant to subsection (4), the development officer:
- (a) shall specify the contravention;
 - (b) may direct the person to whom the order is issued to:
 - (i) discontinue the development or form of development;
 - (ii) alter the development or form of development so as to remove the contravention;
 - (iii) restore the land, building or premises to its condition immediately before the undertaking of the development or form of development;
 - (iv) complete all work necessary to comply with the zoning bylaw;
 - (c) shall set a time in which a direction made pursuant to clause (b) is to be complied with; and
 - (d) shall advise of the right to appeal the order to the Development Appeals Board.
- (6) An order made pursuant to subsection (4) may be delivered by:
- (a) registered mail; or
 - (b) personal service.
- (7) The development officer may register an interest based on an order made pursuant to subsection (4) in the Land Titles Registry against the affected title.
- (8) Where an interest has been registered against a title pursuant to subsection (7), the order runs with the land and is binding on the registered owner and on any subsequent registered owner.
- (9) Where an interest has been registered against a title pursuant to subsection (7) and the order made pursuant to subsection (4) has been complied with, the development officer shall discharge that interest.
- (10) Where a person who is required to comply with a direction contained in an order made pursuant to this section, or by the Development Appeals Board or the Saskatchewan Municipal Board on an appeal of an order made pursuant to this section, fails to comply with the direction within the time set out in the order, and the time for an appeal has expired, a development officer may apply to the Court of Queen's Bench to order the person to comply with the direction within a time set by the Court of Queen's Bench.
- (11) A person to whom an order is made pursuant to subsection (10) shall comply with the order within the time set out in the order.

ENFORCEMENT OF ACT

Offences and penalties

221(1) Every person who:

(a) contravenes or refuses or neglects to comply with, fails to do any act or thing required to be done or suffers or permits any act or thing to be done in contravention of:

(i) any provision of this Act or the regulations or any provision of any other Act that, by this Act, is made applicable to proceedings under this Act; or

(ii) any provision of any development plan, basic planning statement or zoning bylaw or any other bylaw, permit or regulation, enacted or made by the council, any approving authority or the minister, pursuant to this Act or pursuant to powers delegated by the minister; or

(b) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act or under any order, regulation or bylaw in force pursuant to this Act;

is guilty of an offence and liable on summary conviction:

(c) in the case of an individual, to a fine of not more than \$2,000 and, in the case of a continuing offence, to an additional fine of not more than \$500 for each day during which the offence continues;

(d) in the case of a corporation, to a fine of not more than \$5,000, and, in the case of a continuing offence, to an additional fine of not more than \$1,000 for each day during which the offence continues.

(2) Where a corporation fails to promptly pay any fine imposed on it pursuant to this Act, the prosecutor may, by filing the conviction, enter as a judgment the amounts of the fine and costs, if any, in Her Majesty's Court of Queen's Bench for Saskatchewan, whether or not the trial was held in that court, and that judgment is enforceable against the corporation in the same manner as if it were a judgment rendered against the corporation in that court in civil proceedings.

(3) A court imposing a penalty on any person under subsection (1) may, in addition to imposing the penalty, order the person to observe, perform or carry out any matter or thing that may be necessary to remedy the contravention for which the penalty was imposed.

1983-84, c.P-13.1, s.221.

Limitation of prosecution

222 No prosecution for an offence under this Act shall be commenced after two years from the date on which the offence is alleged to have been committed or, in the case of a continuing offence, the last date on which the offence was committed.

1983-84, c.P-13.1, s.222.

Regulations

223 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used but not defined in this Act;
- (b) governing the procedure to be followed with respect to any proceeding or thing authorized by this Act in any case where the provisions of this Act are, in the opinion of the minister, insufficient or inapplicable;
- (b.1) governing the registration of an interest based on a permit or an agreement mentioned in section 197.2 in the Land Titles Registry;
- (b.2) respecting the required contents of a bylaw to be passed pursuant to section 13.4;
- (b.3) prescribing the fee to be paid to the minister for any service provided by the minister pursuant to this Act and the regulations and, for that purpose, establishing categories of services and prescribing different fees for different categories of services;
- (b.4) for the purposes of subclause 98(1)(b)(i):
 - (i) prescribing fees for an appeal to the Development Appeals Board; and
 - (ii) for that purpose, establishing categories of appeals and prescribing different fees for different categories;
- (c) respecting any other matters or thing that is required or authorized by this Act to be prescribed in the regulations.

1983-84, c.P-13.1, s.223; 1997, c.44, s.13; 2000, c.L-5.1, s.413; 2005, c.24, s.50.

REPEAL AND TRANSITIONAL**R.S.S. c.P-13 repealed**

224 *The Planning and Development Act* is repealed.

1983-84, c.P-13.1, s.224.

Municipal and district planning commissions continued

225 Every municipal planning commission or district planning commission as established under or continued by *The Planning and Development Act* and existing on the day before the day on which this Act comes into force is continued insofar as it is not inconsistent with this Act.

1983-84, c.P-13.1, s.225; 1989-90, c.51, s.40.

Technical planning commissions continued

226 Every technical planning commission as established under *The Planning and Development Act* and existing on the day before the day on which this Act comes into force is continued.

1983-84, c.P-13.1, s.226.

Effect of municipal or district development plans

227(1) Subject to subsection (2), a municipal development plan or district development plan as approved under *The Planning and Development Act* and existing on the day before the day on which this Act comes into force ceases to have any effect:

- (a) on the expiration of a period of two years after the date this Act comes into force; or
- (b) on the adoption by the council of a development plan or basic planning statement approved by the minister in accordance with this Act;

whichever is earlier.

(2) The minister may, by order, extend the two-year period set out in subsection (1) with respect to any municipal or district development plan that the order specifies.

(3) A council may amend, in accordance with this Act, a municipal development plan or district development plan that:

- (a) was approved pursuant to *The Planning and Development Act*; and
- (b) continues in force pursuant to this section;

as if that plan were approved pursuant to this Act.

1983-84, c.P-13.1, s.227; 1984-85-86, c.11, s.17.

Interim development control continued

228 Every resolution as adopted by council pursuant to *The Planning and Development Act*, and existing on the day before the day on which this Act comes into force, providing that no person shall carry out any development within the area that will be affected by a proposed municipal development plan or zoning bylaw except with the written permission of the council of the municipality, continues in force until six months after the day on which this Act comes into force or until the council adopts a development plan, basic planning statement or zoning bylaw in accordance with this Act, whichever is earlier.

1983-84, c.P-13.1, s.228.

Validity of development permits

229 Every development permit issued under *The Planning and Development Act* is deemed for all purposes to have been issued or granted under this Act.

1983-84, c.P-13.1, s.229.

Appeals commenced under former Act

230(1) Every appeal commenced under *The Planning and Development Act* is to be continued to its conclusion in accordance with the provisions of that Act as if this Act had not come into force and the former Act had remained in force.

(2) Notwithstanding subsection (1), the Saskatchewan Municipal Board may, in hearing an appeal pursuant to section 106 of *The Planning and Development Act*, exercise the powers conferred on that board pursuant to subsection 151(1.1) of this Act.

1983-84, c.P-13.1, s.230; 1983-84, c.50, s.5;
1989-90, c.5, s.12.

Zoning appeals board continued

231 Every zoning appeals board established pursuant to *The Planning and Development Act* or a former *Community Planning Act* and existing on the day before the day on which this Act comes into force shall function as a Development Appeals Board in accordance with this Act.

1983-84, c.P-13.1, s.231.

Zoning bylaws and district zoning bylaws continued

232 Subject to section 131, every zoning bylaw or district zoning bylaw as approved under *The Planning and Development Act* or a former *Community Planning Act* and existing on the day before the day on which this Act comes into force continues in force insofar as it is not inconsistent with this Act or until it is repealed or amended in accordance with this Act.

1983-84, c.P-13.1, s.232.

Community planning schemes revoked

233 Every community planning scheme approved under any former *Community Planning Act* is revoked.

1983-84, c.P-13.1, s.233.

Replotting schemes continued

234 Every replotting scheme commenced under *The Planning and Development Act* shall be continued to its conclusion in accordance with the provisions of that Act as if this Act had not come into force and the former Act had remained in force, but that process shall be completed, except for the matter of compensation to be determined by a judge of Her Majesty's Court of Queen's Bench for Saskatchewan, within six months from the day on which this Act comes into force.

1983-84, c.P-13.1, s.234.

Planned unit development continued

235 Where preliminary approval has been issued with respect to a planned unit development under *The Planning and Development Act*, that development shall be continued to its conclusion in accordance with the provisions of that Act as if this Act had not come into force and the former Act had remained in force.

1983-84, c.P-13.1, s.235.

Planned Unit Development, variation

235.1(1) Where a planned unit development was concluded pursuant to *The Planning and Development Act*, being chapter P-13 of *The Revised Statutes of Saskatchewan, 1978*, and a municipal development plan, development plan or zoning bylaw is in force controlling the use of land in the planned unit development, the council may, subject to subsection (2), by bylaw:

- (a) alter the permitted or discretionary use of any or all land;
- (b) adopt zoning regulations providing for the alteration of any site plans of any land;

in the planned unit development where the alteration would not contravene any existing municipal development plan, development plan or zoning bylaw.

c. P-13.1

PLANNING AND DEVELOPMENT, 1983

(2) Parts V and IX of this Act apply with respect to a bylaw pursuant to subsection (1).

1989-90, c.51, s.41.

Revocation of certain approval

236 Where approval was given prior to August 12, 1968 under a former *Community Planning Act* to a proposed plan of subdivision of land and a plan of subdivision of the land was not registered with the registrar prior to the coming into force of this Act, the approval is hereby revoked.

1983-84, c.P-13.1, s.236.

Confirmation of certain approval

237 Any approval of a proposed plan of subdivision purportedly issued under *The Planning and Development Act* or any former *Community Planning Act* is hereby approved, ratified and confirmed and declared always to have been legal and valid.

1983-84, c.P-13.1, s.237.

Agreement, contract, subdivision, etc., continued

238 Every agreement, contract, subdivision, approval or power entered into, undertaken or exercised pursuant to *The Planning and Development Act* and existing on the day before the day on which this Act comes into force continues in force *mutatis mutandis* under this Act until it is amended, revoked, repealed or replaced by the appropriate action as authorized by this Act or any other Act.

1983-84, c.P-13.1, s.238.

Editorial Appendix (Amendments)

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please consult Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

Amending Year	Chapter	Section	Effective
2005	c.24	that portion of s.5 that adds s.13.2 and 13.6 to the Act, s.9, 10, 16 and 19 to 21, subsections 27(1) and (2), and s.38	nyp