

# Street and Road Closures

in Saskatchewan



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## Introduction

This guide is intended to assist municipalities to close, close and lease, or close and sell streets or roads within the municipality.

This guide is based on the legislation contained in sections 13 and 14 of *The Municipalities Act*. It is not a substitution for the legislation.

## Permanent Closures

Section 13 of *The Municipalities Act* authorizes a municipal council to close streets or roads within the municipality's control. A closed street or road can be leased or sold, or it can be retained by the municipality. This must be done by bylaw.

## Definitions

- **Streets and roads** – include all or any part of a culvert or drain or a public highway, road, lane, bridge, alley, square, thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians.
- **Public highways** – are a road allowance or a road, street or lane vested in the Crown and includes anything erected on or in connection with the public highway.
- **Road allowance** – is the road allowance laid out pursuant to the authority of an Act and established as part of the original quadrilateral township system of survey.
- **Roadway** – is the travelling surface and ditches on a road allowance.
- **Boulevard** – is that part of a street immediately adjacent to land.
- **Administrator** – is the municipal administrator.

## Ownership

Streets or roads are owned by the Crown. If there is no title to the land, it is “vested” in the Crown.

## Consents

### Utilities and Other Authorities

Consent to close a street or road must be obtained from other municipalities, First Nation bands, or other authorities that have a street or road that joins the street or road to be closed.

If a closed street or road is leased or sold, consent is required from the holder of any easement or right of way for public utility services. Examples include telephone and power supplies, gas transmission pipes, and cable television lines. In some cases, it may be necessary to renegotiate the easement.

## Minister of Highways and Infrastructure

Consent must be obtained from the Minister of Highways and Infrastructure if the closed street or road:

- connects to a provincial highway; or
- will be sold and/or the title for the street or road will be transferred.

Consent from the Minister of Highways and Infrastructure is not required to close or close and lease in any of the following situations provided the street or road does not connect to a provincial highway:

- a roadway was never constructed on the land;
- if a roadway was constructed, it is no longer being used by the general public; or
- the proposed closure does not include the roadway.

A request for consent must include:

- a copy of council's resolution to close the street or road;
- verification that the proposed closure will not affect public access;
- copies of the replies from the utility and pipeline companies;
- an explanatory sketch or proposed plan of survey; and
- reason(s) for the closure.

## Public Notice

Public notice is required to close a street or road. Notice is provided in accordance with the municipality's *Public Notice Bylaw*. Notice must be provided before council initially considers a report on a proposed bylaw to close a street or road. The municipality's bylaw may require notice to affected or adjacent land owners.

Any person who feels they are adversely affected by the proposed street or road closure has the right to have their objection heard by council.

## Compensation

A person who is adversely affected by a municipal road closure is entitled to compensation for damages. In the event the parties cannot agree on the amount of compensation, either party may refer the matter to a judge of the Court of Queen's Bench. The amount may be determined in accordance with subsections 7(2) and 7(3) of *The Municipal Expropriation Act*.

Compensation is payable to the Crown if the land was previously purchased for a provincial highway. If compensation is payable, consult with the Ministry of Highways and Infrastructure to ensure the purchase price of the land is acceptable to all parties.

## Lease Agreements

An agreement to lease a closed street or road must contain at least one of the following provisions:

- the municipality can terminate the lease by providing six months' notice; or
- upon 30 days' notice by the municipality, the lessee is required to allow public access to the closed street or road.

The lease cannot eliminate access to land. In addition, the lease is subject to existing easements or rights of way for a public utility.

## Sale Agreements

The sale of a street or road vested in the Crown is subject to several conditions:

- the Crown is entitled to compensation if the land was originally purchased for a provincial highway;
- the sale cannot eliminate access to land;
- the sale is subject to existing easements or rights of way for a public utility; and
- an interest must be registered against the land providing the Crown, a Crown utility, or the municipality the right to request the return of the land without compensation for a public utility or a street or road. In order to register a road closure with Information Services Corporation (ISC) and change the land ownership, ISC requires either:
  - a Descriptive Plan Type II or Surface Parcel Class Code Change, which may be prepared by any party; or
  - a new plan of survey prepared by a Saskatchewan Land Surveyor.

Information about the Descriptive Plan Type II can be found at [www.isc.ca](http://www.isc.ca).

The Ministry of Highways and Infrastructure requires that a closed road be consolidated with an adjoining parcel of land unless the Ministry of Government Relations Community Planning Branch confirms that the closed street or road can exist as a separate parcel or lot under the municipality's planning or zoning bylaws.

If only part of a road is being closed or if the land is part of a larger subdivision application, the municipality must obtain approval from the Community Planning Branch.

## Walkways and Boulevards

Walkways are considered “dedicated lands” pursuant to *The Planning and Development Act, 2007*. A bylaw to close a walkway is enacted under that Act. Community Planning Branch approval is required unless the municipality is designated as an approving authority.

Council may sell a walkway if the area is deemed no longer necessary. The proposed closure must not eliminate access to any parcel of land.

Walkways created before April 17, 1984, were surveyed like streets or roads and do not have identifiers on plans. These walkways are owned by the Ministry of Highways and Infrastructure. Consent from the Ministry of Highways and Infrastructure is required to close and sell these lands, similar to that of a street or road parcel.

Walkways cannot be leased or exchanged; however, an exchange may be permitted to relocate a walkway within a redesigned subdivision.

Boulevards can be leased to an adjoining landowner. Follow the procedures to close and lease a street pursuant to section 13 of *The Municipalities Act*.

## Temporary Closures

A council may temporarily close a street or road when it is necessary and appropriate. This is done by resolution.

In addition, a designated officer has authority to temporarily close a street or road. The administrator is the designated officer unless someone else has been appointed by council. A designated officer does not require a council resolution to temporarily close a street or road.

The municipality must provide at least 20 days' notice to the Minister of Highways and Infrastructure to obtain consent from the Minister if the temporary closure involves:

- part of a provincial highway; or
- all or part of a street or road connecting to a provincial highway.

The notice and consent requirements do not apply in an emergency situation.

## Road Committees

Municipalities can appoint a road committee that may prohibit or restrict the use of a municipal road because of poor weather or road conditions to reduce the risk of:

- damage to municipal roads;
- property damage; or
- personal injury to the public.

A road committee order must be signed by committee members. The order will include the date the order is signed and the effective date of the order. The order is filed with the administrator.

The administrator will notify the Central Permit Office with Saskatchewan Government Insurance (SGI) about the order. A copy of the order is presented to the council at its next meeting. This must be noted in the minutes.

A copy of the order is to be placed at the beginning and the end of road mentioned in the order as well as at each junction or intersection as considered advisable by the road committee.

## Signage

Street and road closures must be clearly marked by signs indicating their closure. The legislation does not contain specifics for placement of signs.

Sections 20 & 21 of *The Municipalities Regulations* discuss signage for roads closed or restricted by a road committee. These guidelines can be used for other types of road closures.

## Further Information

For further information, contact:

Ministry of Government Relations  
Community Planning Branch  
420 - 1855 Victoria Avenue  
REGINA SK S4P 3V7  
Phone: (306) 787-2725

Ministry of Government Relations  
Advisory Services and Municipal Relations  
1010 - 1855 Victoria Avenue  
REGINA SK S4P 3T2  
Phone: (306) 787-2680

## **Additional Contacts**

Ministry of Highways and Infrastructure  
Corporate Services Division  
Land Management  
900 – 1855 Victoria Avenue  
REGINA SK S4P 3T2

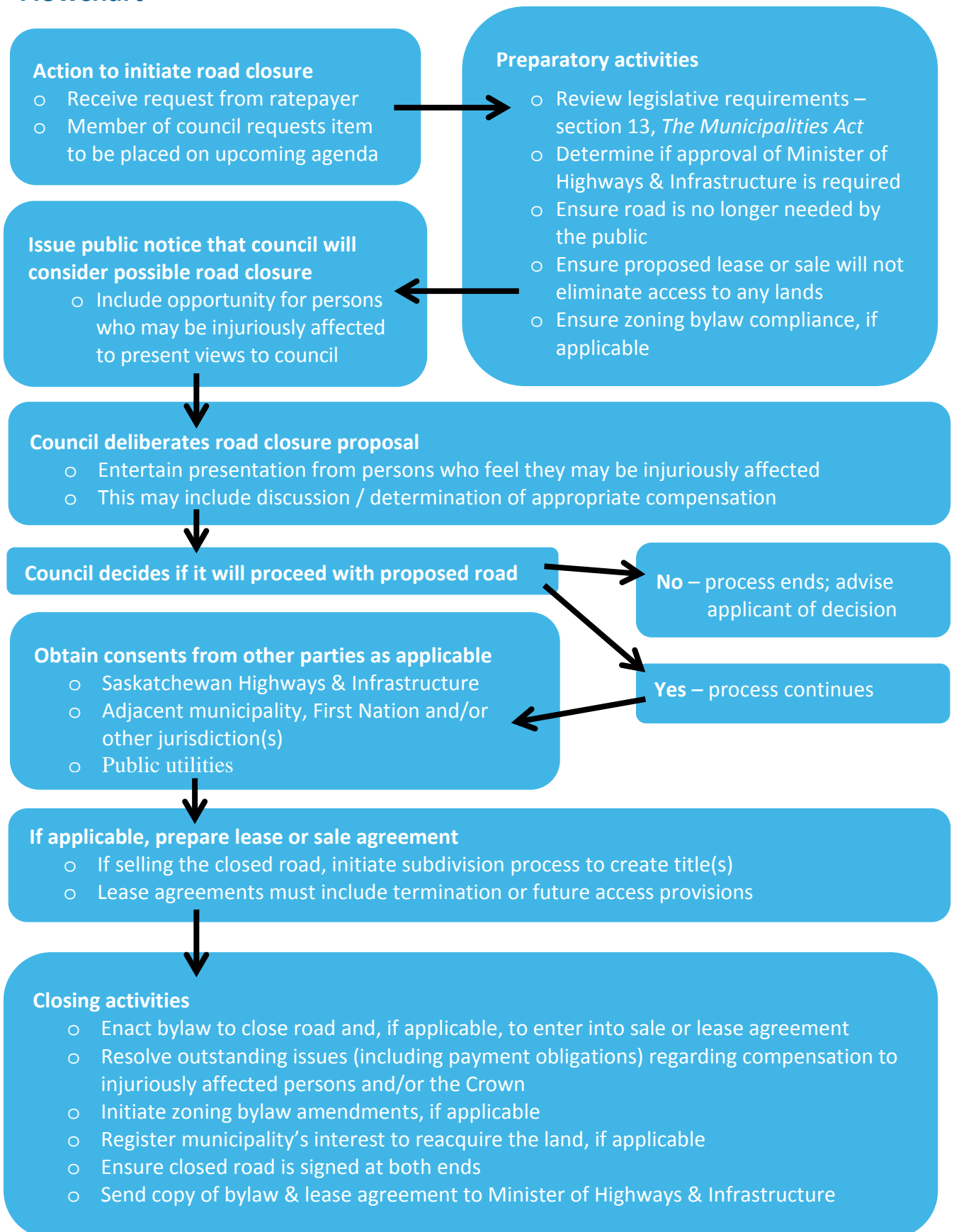
Crown utilities: SaskPower Land  
2025 Victoria Avenue  
REGINA SK S4P 0S1

SaskEnergy/TransGas  
1777 Victoria Avenue  
REGINA SK S4P 4K5

SaskTel Lands and Easements (South)  
2121 Saskatchewan Drive  
REGINA SK S4P 3Y2

SaskTel Lands and Easements (North)  
140 1st Avenue North  
SASKATOON SK S7K 1W8

## Flowchart





## Checklist

1. Council resolution confirming the street or road is no longer needed for use by the public. Date \_\_\_\_\_
  
2. Verify if the street or road is vested in the Crown.
  - If unsure, check with the Ministry of Highways and Infrastructure (Highways). Vested
  - Not Vested
  
3. Consent from Highways is required if the street or road is closed and sold, resulting in a change of ownership.
  - Is consent required? Yes  No
  - If required, date consent is received: Date \_\_\_\_\_
  
4. Compensation to the Crown, if applicable
  - Is the Crown entitled to compensation? Yes  No
  - If yes, date that Highways confirms purchase price is acceptable. Date \_\_\_\_\_
  - If yes, date that compensation is sent to the Crown. Date \_\_\_\_\_
  
5. Consent from utilities, if applicable:
  - Sask Power  n/a Date Received
  - Sask Energy / TransGas  n/a Date Received
  - SaskTel  n/a Date Received
  - Other  n/a Date Received
  
6. Consent from other authorities if proposed closure connects to:
  - Provincial highway  n/a Date Received
  - Other municipal street or road  n/a Date Received
  - First Nations reserve  n/a Date Received
  - Other jurisdiction  n/a Date Received
  
7. Does the proposed closure eliminate access to any land? Yes  No
  
8. Does the proposed closure comply with the municipality's Zoning Bylaw? n/a   
Yes  No
  
9. Provide notice pursuant to public notice bylaw of council's intention to consider an application or initiative to close, close and lease, or close and sell the street or road. Date \_\_\_\_\_
  - Are there any claims for compensation? Yes  No
  
  - If yes, was there agreement about the amount of compensation? n/a   
Yes  No

10. If the closed street or road is being leased, the lease must contain at least one of the following:

- Municipality can terminate the lease by providing the lessee with six months' notice; or
- Lessee is obliged to grant public access with 30 days' notice.
  - Does the lease include one or both of these provisions?
- A copy of the bylaw and the lease must be sent to Highways within 30 days of issuance, renewal, or termination of the lease.

Yes  No

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Date Sent

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11. If the closed street or road is being sold, the sale is subject to the registration of an interest against the title requiring the owner to return the land or provide substitute land if needed for a public purpose.

- Interest number
- Title number
- Date of registration

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12. Confirm proper signage at both ends of the closed street or road.

Yes  No

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## Additional Resources

The following resources can be found online at Saskatchewan.ca:

- Sample bylaw to close and lease a street or road
- Sample bylaw to close and sell a street or road