

The Subdivisions Act

Repealed

by [Chapter 15](#) of the *Statutes of Saskatchewan, 2013*
(effective May 15, 2013).

Formerly

[Chapter S-62](#) of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by the
Statutes of Saskatchewan, 1989-90, c.5; 2000, c.L-5.1; and 2005,
[c.M-36.1](#).

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 S-62

An Act respecting Subdivisions

Short title

1 This Act may be cited as *The Subdivisions Act*.

Revision of assessment of rural municipality

2(1) Notwithstanding anything in *The Municipalities Act*, or in any other Act, where it appears desirable to the Saskatchewan Municipal Board that the assessment either for municipal purposes or for the purposes of a school district, of a portion of the area of a rural municipality that has been subdivided and titled pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000*, should be revised and adjusted, the Saskatchewan Municipal Board may notify the municipality, and in general terms all others whom it may concern, that at the time and place set out in the notice the Saskatchewan Municipal Board will consider the question of revising and adjusting the assessment of that subdivided area.

(2) The notice shall be given to the municipality at least three weeks previously to the date fixed for the hearing, and a copy thereof shall be inserted in one or more newspapers published in or near the municipality at least once a week during a period of three weeks preceding the hearing. Such publication shall be deemed a sufficient service of the notice upon all persons interested other than the municipality.

(3) At the time and place mentioned the Saskatchewan Municipal Board may make all necessary inquiries and hear such evidence as may be presented and may adjourn the hearing as deemed expedient.

(4) The Saskatchewan Municipal Board may by order fix the values for assessment purposes of all or any portions of the sub-divided area for one or more years, and may fix a day at which the order shall come into effect. Where no date is fixed the order shall come into effect immediately.

(5) Orders of the Saskatchewan Municipal Board under this section shall be final and without appeal, and the assessor shall make the necessary changes in the assessment roll in accordance therewith; and the order shall be binding upon the municipality and its officers and upon all other persons whomsoever until altered or repealed by subsequent order.

R.S.S. 1978, c.S-62, s.2; 1989-90, c.5, s.14
and 15; 2000, c.L-5.1, s.504; 2005, c.M-36.1,
s.470.

Power of commission to permit owner to occupy vacant land

3(1) The legal or equitable owner of a portion of a subdivided area within a city, town, village or rural municipality, whether the plan of subdivision is approved in accordance with *The Land Surveys Act, 2000* or not and whether titles have issued under the plan pursuant to *The Land Titles Act, 2000* or not, may apply to the Saskatchewan Municipal Board for permission to enter upon and occupy any vacant land in that area for the purpose of cultivating it in common with his own property, and the Saskatchewan Municipal Board after notice to the owner of the vacant land, in such form as it may by regulation prescribe, may grant to the applicant the permission sought upon such terms and conditions as may seem just.

(2) Where such permission is granted to a city, town, village or rural municipality, the municipality may assign the right acquired thereby.

R.S.S. 1978, c.S-62, s.3; 1989-90, c.5, s.14
and 15; 2000, c.L-5.1, s.505.

Powers of Master of Titles

4(1) If a part of the area of a city, town, village or rural municipality has been subdivided and titled pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000*, and it appears to the Registrar of Titles that the subdivision or a portion thereof is not required for building purposes and will not be developed in the immediate future, he may exercise all or any of the following powers, namely:

- (a) ascertain what parcels within the subdivided area have been sold;
- (b) take such steps as may be deemed expedient to promote a purchase of those parcels by the person owning the remaining or largest portion of the area, or such purchases as may reduce the number of owners in the subdivision, or the exchange of certain parcels for others so situated, either in the same or another subdivision or in other subdivisions, as to interfere as little as possible with the convenient cultivation or other use of the remainder of the subdivision.

(2) The Registrar of Titles, upon hearing all parties concerned, or such of them as have appeared, may, upon such terms and conditions as to compensation, costs and otherwise as to him may seem expedient:

- (a) order the sale and transfer of one or more parcels to the owner or owners or other parcels, or an exchange of properties;
- (b) order the amendment or alteration of any plan of survey, the cancellation of the titles issued according to the original plan and the issuance of new titles according to the new and amended plan authorized pursuant to this section;
- (c) order that any building restriction affecting lands included in the plan or portion thereof of which he orders the cancellation, or affecting the use of those lands, whether the restriction is created by a restrictive covenant or condition running with or capable of being legally annexed to land or otherwise created, shall be modified, varied, vacated or discharged, and may order the discharge in whole or in part or the amendment of any caveat recording the restriction.

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(3) If, on application for amendment or alteration of a plan of survey, it appears to the Registrar of Titles that the registered owner of any land affected is dead and has no legal representative, the Registrar of Titles may:

- (a) direct service of any necessary notice upon the official administrator for the judicial centre nearest to which the land is situated;
- (b) cancel the existing title to the land, vest the land in the applicant and direct issue of title to the applicant;
- (c) if an exchange of properties is ordered, direct the applicant to cause title to the properties given in exchange for those of a deceased owner to be registered in his name;
- (d) order that any compensation payable in consideration of the cancellation or exchange be paid to the said official administrator.

(4) A notice served upon an official administrator pursuant to clause (a) of subsection (3) shall be accompanied by a fee of \$10.

(5) A municipality, on applying pursuant to *The Tax Enforcement Act* for title to a number of lots in a subdivision that has been approved and titled pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000*, may apply for amendment or alteration of the plan of subdivision or of a portion of the plan before obtaining title.

(5.1) Where a municipality applies for an amendment or alteration pursuant to subsection (5), the Registrar of Titles may exercise the powers conferred on him or her pursuant to subsections (1), (2) and (3) in the same manner and to the same extent that the Registrar of Titles might do if the municipality were owner of the lots to which title is applied for and which remain unredeemed.

(6) For the purposes of this Act the Registrar of Titles shall have all the powers vested in him by *The Land Titles Act, 2000* with regard to matters properly before him, and the provisions of that Act with reference to evidence and procedure apply to proceedings under this Act.

(7) A judge of the Court of Queen's Bench may, if of the opinion that a monetary interest exceeding \$500 in value or amount or an important question of law or fact is involved, grant leave to any party dissatisfied with the order or decision of the Registrar of Titles to appeal therefrom to the Court of Appeal. Such appeal shall be taken within the same time, in the same manner and with the same incidents as appeals from the judgments or orders of a single judge.

(8) The practice and proceedings relating to appeals in court, including costs and the payment thereof, and the enforcement of judgments on appeal shall, as adapted to the circumstances, apply.

R.S.S. 1978, c.S-62, s.4; 2000, c.L-5.1, s.506.

Fees

5 If the powers conferred upon the Registrar of Titles by section 4 are exercised upon the application of a corporation or of private parties interested in the property, the applicants shall pay to the Registrar of Titles the fees prescribed by order of the Lieutenant Governor in Council, or in the absence of such order such fees as the Registrar of Titles considers reasonable.

R.S.S. 1978, c.S-62, s.5; 2000, c.L-5.1, s.507.

Witnesses and evidence

6 The Saskatchewan Municipal Board and the Registrar of Titles shall respectively have all the power and authority to compel persons to attend and testify under oath or affirmation as to matters connected with an investigation or inquiry under this Act, and to produce books and documents and all the power and authority to preserve order and punish for contempt, that may be exercised by a provincial magistrate or justice of the peace in respect of criminal or *quasi* criminal matters pending before him.

R.S.S. 1978, c.S-62, s.6; 1989-90, c.5, s.14; 2000, c.L-5.1, s.508.

Expenses of investigation

7 Any expenses incurred by the Saskatchewan Municipal Board or Registrar of Titles in making an investigation or inquiry under this Act shall be paid by such persons and in such manner as the commission or Registrar of Titles may direct.

R.S.S. 1978, c.S-62, s.7; 1989-90, c.5, s.15; 2000, c.L-5.1, s.509.