

The Planning and Development Act, 2007

being

[Chapter P-13.2*](#) of *The Statutes of Saskatchewan, 2007* (effective March 21, 2007) as amended by the *Statutes of Saskatchewan, 2010, c.N-5.2*.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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-13.2

An Act respecting Planning and Development in Municipalities

PART I

Short title, Interpretation and Purposes

Short title

1 This Act may be cited as *The Planning and Development Act, 2007*.

Interpretation

2(1) In this Act:

- (a) **“approving authority”** means, other than in Part III, the minister or, where the minister has delegated his or her authority pursuant to section 13, the director or the council to which the delegation is made;
- (b) **“board of education”** means a board of education of a school division designated or established pursuant to *The Education Act, 1995*;
- (c) **“building”** means any structure constructed or placed on, in or over land, but does not include a public highway;
- (d) **“building permit”** means a permit, issued under a building bylaw of a municipality, authorizing the construction of all or part of any building;
- (e) **“conseil scolaire”** means the conseil scolaire as defined in *The Education Act, 1995*;
- (f) **“Controller of Surveys”** means the Controller of Surveys as defined in *The Land Surveys Act, 2000*;
- (g) **“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 9 acting on behalf of a northern settlement or the Northern Saskatchewan Administration District, as the case may be;
- (h) **“Crown”** means the Crown in right of Saskatchewan;
- (i) **“dedicated lands”** means lands dedicated pursuant to Part IX as buffer strips, environmental reserve, municipal reserve, public reserve and walkways;
- (j) **“development”** means, except in section 194, 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;

- (k) **“Development Appeals Board”** means a board required by section 49 to be established in every zoning bylaw, which may be a District Development Appeals Board if municipalities have authorized an agreement pursuant to subsection 214(3);
- (l) **“development levy agreement”** means an agreement entered into pursuant to section 171;
- (m) **“development officer”** means the person appointed pursuant to a zoning bylaw to administer the zoning bylaw;
- (n) **“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;
- (o) **“director”** means a Director of Community Planning appointed pursuant to section 10;
- (p) **“discretionary use”** means a use of land or buildings or form of development that:
- (i) is prescribed as a discretionary use in the zoning bylaw; and
 - (ii) requires the approval of council pursuant to section 56;
- (q) **“environmental reserve”** means dedicated lands that are provided to a municipality or to the Crown, as the case may be, pursuant to section 185;
- (r) **“form of development”** means any activity associated with altering the physical features of land;
- (s) **“former Act”** means *The Planning and Development Act, 1983* or any former *Planning and Development Act* or *Community Planning Act*;
- (t) **“Indian band”** means an Indian band within the meaning of the *Indian Act* (Canada) and includes the council of a band;
- (u) **“instrument”** means an instrument as defined in *The Land Titles Act, 2000*;
- (v) **“intensity of use”** means the density of use, number of units, size of development, or bulk, form or number of buildings or structures for a permitted, discretionary or prohibited use;
- (w) **“interest”** means an interest as defined in *The Land Titles Act, 2000*;
- (x) **“land”** does not include mines and minerals;
- (y) **“land registry”** means the land registry as defined in *The Land Titles Act, 2000*;
- (z) **“Land Surveys Directory”** means the Land Surveys Directory established pursuant to *The Land Surveys Act, 2000*;
- (aa) **“lane”** means a public highway vested in the Crown as a secondary level of access to a lot or parcel of land;

- (bb) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (cc) **“municipal administrator”** means:
- (i) the administrator of an urban municipality, a rural municipality or any other municipal corporation;
 - (ii) the clerk or administrator of a northern municipality; or
 - (iii) any person performing a similar function to the officers mentioned in subclause (i) for a district planning authority as described in section 108;
- (dd) **“municipal reserve”** means dedicated lands:
- (i) that are provided to a municipality pursuant to clause 181(a); or
 - (ii) that were dedicated as public reserve and transferred to a municipality pursuant to section 191, whether or not title to those lands has issued in the name of the municipality;
- (ee) **“municipality”** means a municipality as defined in subsection 27(1) of *The Interpretation Act, 1995* or any other municipal corporation;
- (ff) **“non-conforming building”** means a building:
- (i) that is lawfully constructed or lawfully under construction, or with respect to 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;
- (gg) **“non-conforming site”** means a site, consisting of one or more contiguous parcels, that, on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective, contains a use that conforms to the bylaw, but the site area or site dimensions do not conform to the standards of the bylaw for that use;
- (hh) **“non-conforming use”** means a lawful specific use:
- (i) being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to 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 with respect to which all required permits have been issued will not, comply with the zoning bylaw;

- (ii) “**northern municipality**” means a municipality as defined in *The Northern Municipalities Act, 2010*;
- (jj) “**Northern Saskatchewan Administration District**” does not include any area within the boundaries of a town, a northern village, or a northern hamlet, as any of those are defined in *The Northern Municipalities Act, 2010*;
- (kk) “**official community plan**” means an official community plan adopted pursuant to section 29;
- (ll) “**parcel**” means a surface parcel as defined in *The Land Titles Act, 2000*;
- (mm) “**parcel tie**” means an electronic code imposed by the Registrar to link two or more parcels together so as to prevent those parcels from being individually dealt with in the land titles registry or abstract directory;
- (nn) “**permitted use**” means a use of land or buildings or form of development that is prescribed in the zoning bylaw as a use that is allowed on a parcel;
- (oo) “**plan**” means a plan as defined in *The Land Surveys Act, 2000*, unless the context indicates otherwise;
- (pp) “**professional community planner**” means a professional community planner within the meaning of *The Community Planning Profession Act*;
- (qq) “**prohibited use**” means a use of land or a building or form of development that is prescribed in the zoning bylaw as not allowed on a parcel;
- (rr) “**provincial highway**” means a public highway, or a proposed public highway:
- (i) with respect to which there is a plan that is in the department over which the minister responsible for *The Highways and Transportation Act, 1997* presides; and
 - (ii) that the Lieutenant Governor in Council has designated as a provincial highway;
- (ss) “**public highway**” means a public highway as defined in *The Highways and Transportation Act, 1997*;
- (tt) “**public reserve**” means dedicated lands that are:
- (i) vested in the Crown pursuant to this Act or any former Act;
 - (ii) dedicated for public use; and
 - (iii) exempted by minister’s order pursuant to section 191 from the application of that section;

- (uu) **“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;
 - (vv) **“registered”** means registered by the Registrar of Titles in the land registry;
 - (ww) **“Registrar of Titles”** means the Registrar of Titles as defined in *The Land Titles Act, 2000*;
 - (xx) **“rural municipality”** means a rural municipality within the meaning of *The Municipalities Act*;
 - (yy) **“statement of provincial interest”** means a statement of provincial interest respecting land use planning and development as adopted by the Lieutenant Governor in Council pursuant to section 7;
 - (zz) **“structural alteration”** means the construction or reconstruction of supporting elements of a building;
 - (aaa) **“subdivision”** means a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, as surface parcel is defined in *The Land Titles Act, 2000*;
 - (bbb) **“subdivision regulations”** means regulations made by the minister pursuant to section 125 or bylaws made by a council pursuant to section 126;
 - (ccc) **“township subdivision”** means a township survey plan as described in Part VI, Division 2 of *The Land Surveys Regulations*;
 - (ddd) **“urban municipality”** means:
 - (i) an urban municipality within the meaning of *The Municipalities Act*; or
 - (ii) a city within the meaning of *The Cities Act*.
- (2) A member of a Development Appeals Board, a municipal planning commission, a district planning commission, a district planning authority, a northern planning commission or a northern planning authority has a pecuniary interest if:
- (a) the member or someone in the member’s family has a controlling interest in, or is a director or senior officer of, a corporation that could make a financial profit from or be adversely affected financially by a decision of the board, commission or authority of which the member is a part; or

(b) the member or a closely connected person could make a financial profit from or be adversely affected financially by a decision of the board, commission or authority of which the member is a part.

(3) In subsection (2):

(a) **“closely connected person”** means the agent, business partner, family or employer of a member mentioned in subsection (2);

(b) **“controlling interest”** means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25% of the voting rights attached to all issued shares of the corporation;

(c) **“family”** means the spouse, parent, or child of a member mentioned in subsection (2);

(d) **“senior officer”** means the chairperson or vice-chairperson of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions of the corporation similar to those normally performed by a person occupying any of those offices.

2007, c.P-13.2, s.2; 2010. c.N-5.2, s.460.

Purposes of the Act

3 The purposes of this Act are the following:

- (a) to establish the planning and development system in the province;
- (b) to identify provincial interests that guide provincial and municipal planning decisions in the development of communities;
- (c) to support the development of environmentally, economically, socially and culturally sustainable communities;
- (d) to enable co-operation between municipalities, planning districts and other jurisdictions and agencies in the delivery of planning services and infrastructure development with communities;
- (e) to provide for public participation in the planning process;
- (f) to provide equitable dispute resolution and appeal processes.

2007, c.P-13.2, s.3.

PART II

General Provisions respecting Powers

Act prevails

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

2007, c.P-13.2, s.4.

Crown bound

5(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 before the coming into force of *The Planning and Development Act, 1983*.

2007, c.P-13.2, s.5.

Powers of minister

6 The minister may do one or more of the following:

- (a) co-ordinate federal, provincial and local government planning policy and programs as they relate to provincial land use policies and statements of provincial interest;
- (b) inquire into and study any matter relating to community and land use planning.

2007, c.P-13.2, s.6.

Adoption of land use policies and statements of provincial interest

7 The Lieutenant Governor in Council may make regulations adopting provincial land use policies and statements of provincial interest.

2007, c.P-13.2, s.7.

Consistency with land use policies and statements of provincial interest

8 Every official community plan, 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.

2007, c.P-13.2, s.8.

Designation

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

2007, c.P-13.2, s.9.

Director of Community Planning

10(1) The minister shall appoint one or more officers, each of whom is to be known as a provincial Director of Community Planning.

(2) Each director shall be responsible for the administration of this Act and shall perform any other duties assigned by the minister.

(3) The minister may, by order, declare that after the date specified in the order a director is an approving authority within that area of Saskatchewan excluding municipal jurisdictions that have been declared approving authorities pursuant to subsection 13(1).

2007, c.P-13.2, s.10.

Additional powers of minister

11 The minister may, for the purpose of facilitating the administration of this Act, do one or more of the following:

- (a) carry on research relating to community planning in Saskatchewan;
- (b) provide technical planning assistance to any municipality, intermunicipal planning advisory body 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.

2007, c.P-13.2, s.11.

PART III
Establishment and Functions of Municipal Approving Authorities

DIVISION 1
Authorities

Interpretation of Part

12 In this Part:

- (a) “**approving authority**” means a council that has been declared an approving authority pursuant to subsection 13(1);
- (b) “**retain**” means to keep in the active service of a municipality by payment of a fee.

2007, c.P-13.2, s.12.

Approving authority

13(1) Subject to subsection (3), the minister may, by order, declare that on or after the date specified in the order, a council is an approving authority within the area under its jurisdiction.

(2) In an order made for the purposes of subsection (1), the minister may impose any terms and conditions that the minister considers appropriate.

(3) To be eligible to be declared an approving authority pursuant to subsection (1), the council must employ or retain a professional community planner.

(4) Subject to subsection (5), if a council fails to employ or retain a professional community planner during any period lasting longer than six consecutive months, the minister shall, by order, declare that the council has ceased to be an approving authority.

(5) The minister may provide written notice extending the period mentioned in subsection (4) and imposing any terms and conditions that the minister considers appropriate.

(6) If a council ceases to employ or retain a professional community planner, the municipal administrator shall immediately provide written notice to the minister, in any form that the minister considers appropriate.

2007, c.P-13.2, s.13.

Publication in the Gazette

14 The minister shall cause to be published in the Gazette:

- (a) every order made pursuant to subsections 13(1) and (4); and
- (b) every notice mentioned in subsection 13(5).

2007, c.P-13.2, s.14.

Delegation of authority

15(1) An approving authority 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.

(2) Without limiting the generality of the foregoing, an approving authority may, in its zoning bylaw, delegate to the development officer the responsibility to exercise or carry out any or all of the powers and duties conferred or imposed on the council as an approving authority respecting all or any of the following:

- (a) site plan control pursuant to subsection 19(2);
- (b) discretionary use applications pursuant to section 59;
- (c) the approval of plans and drawings in a direct control district pursuant to section 66.

2007, c.P-13.2, s.15.

DIVISION 2

Planning, Subdivision and Other Bylaws

Subdivision bylaws

16(1) An approving authority may adopt a bylaw that contains regulations governing the subdivision of land not inconsistent with this Act or any regulations made pursuant to subsection 125(1).

(2) Notwithstanding (1), in order to implement the official community plan, the subdivision bylaw may vary from the subdivision regulations with respect to the criteria in clauses 125(1)(a) and (d) to (g).

2007, c.P-13.2, s.16.

Fees for review of subdivision applications

17(1) An approving authority may prescribe, in its subdivision bylaw or by separate bylaw, a schedule of fees for processing:

- (a) subdivision applications; and
- (b) an application to reissue a certificate of approval of a subdivision.

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

2007, c.P-13.2, s.17.

Ministerial approval of subdivision bylaw required

18(1) If an approving authority passes, amends or repeals a subdivision bylaw pursuant to section 16:

- (a) the municipal administrator shall submit two certified copies of the bylaw to the minister; and
- (b) a bylaw submitted pursuant to clause (a) becomes effective on:
 - (i) the date of the minister's approval; or
 - (ii) a date specified by the minister in the approval.

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

(3) On the refusal of the minister to approve any bylaw or part of a bylaw, either of the following continues to apply:

- (a) the applicable subdivision regulations made pursuant to section 125; or
- (b) in the case of a municipality that had an approved bylaw establishing subdivision regulations, that bylaw insofar as it is not inconsistent with this Act.

2007, c.P-13.2, s.18.

Site plan control

19(1) An approving authority may, in its official community plan, adopt policies respecting site plan control for commercial or industrial development.

(2) If an approving authority has adopted policies mentioned in subsection (1), it may in its zoning bylaw, prescribe conditions and performance standards for specific industrial or commercial development with respect to all or any of the following:

- (a) traffic operations and access to public streets to and from the site;
- (b) the circulation of traffic within the site;
- (c) the placement of buildings and other structures within the site;
- (d) the placement of landscaping within the site.

(3) The conditions and performance standards pursuant to subsection (2):

- (a) are limited to development if, in the opinion of council, there are high volumes of vehicular traffic expected to and from the site and potential public safety concerns; and
- (b) shall not require a reduction in the intensity of the proposed use.

(4) If a delegation is made to a development officer pursuant to clause 15(2)(a), the zoning bylaw shall contain provisions that a person aggrieved by a decision of the development officer pursuant to subsection (1) may, within a time specified in the bylaw, apply to council to review and confirm or alter the decision.

(5) The zoning bylaw shall provide that the applicant may appeal to the Development Appeals Board any or all of the conditions or performance standards imposed pursuant to subsection (2).

2007, c.P-13.2, s.19.

Zoning bylaw - minor variances

20(1) An approving authority may, in its zoning bylaw, establish:

- (a) the scope of minor variances and the maximum percentage of variation from the bylaw requirements;
- (b) the procedures for notifying the applicant and affected property owners of any decision regarding a minor variance application; and
- (c) the procedures for revoking any approval of a minor variance application if an objection to it is received.

(2) If an approving authority includes the matters mentioned in clause (1)(a) in its zoning bylaw, clauses 60(1)(a) and (b) do not apply to the extent that the matter is set out in the zoning bylaw.

(3) If an approving authority includes the matters mentioned in clauses (1)(b) and (c) in its zoning bylaw, subsections 60(5) to (9) do not apply to the extent that the matter is set out in the zoning bylaw.

2007, c.P-13.2, s.20.

Phasing of municipal reserve dedication

21 If land is to be developed in phases over a certain period, an approving authority may, in its subdivision bylaw, set out how the requirement for municipal reserve may be met in accordance with subsections 186(1) and (3) over the course of the development period.

2007, c.P-13.2, s.21.

Use of municipal reserve

22 An approving authority may permit uses on a municipal reserve other than those uses mentioned in subsection 192(1) if:

- (a) specific policies respecting those other uses are contained in the municipality's approved official community plan; and
- (b) those uses are consistent with the principle of maintaining municipal reserves, and buildings located on municipal reserves, for public purposes.

2007, c.P-13.2, s.22.

Exemptions relating to other bylaws and plans

23(1) Notwithstanding any other provision of this Act, an approving authority is exempt from obtaining the minister's approval of the adoption, amendment or repeal of all of the following:

- (a) the municipality's interim development control bylaw pursuant to subsection 81(2);
 - (b) the municipality's development levy bylaw pursuant to section 169;
 - (c) any bylaw of the municipality:
 - (i) to sell or exchange all or any part of a buffer strip pursuant to sections 179 and 180;
 - (ii) to exchange or sell all or any part of a municipal reserve pursuant to sections 199 and 200; or
 - (iii) to sell or exchange all or any part of a walkway pursuant to section 201.
- (2) The municipal administrator shall file with the minister a certified copy of the bylaw mentioned in subsection (1) within 15 days after the date that the bylaw is passed.
- (3) A council that has been declared an approving authority pursuant to subsection 13(1):
- (a) may, pursuant to subsection 44(4), adopt or amend a concept plan by resolution; and
 - (b) shall:
 - (i) pass a public notice bylaw pursuant to section 24; and
 - (ii) before passing the resolution mentioned in clause (a), provide public notice in accordance with its public notice bylaw mentioned in subclause (i).

2007, c.P-13.2, s.23.

DIVISION 3 Public Notice

Public notice policy

24(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 an official community plan or zoning bylaw;
- (b) the adoption, amendment or repeal of a development levy bylaw;

- (c) an application for discretionary use pursuant to section 55;
 - (d) the adoption, amendment or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve;
 - (e) the voiding of an agreement pursuant to section 69 respecting the rezoning of land;
 - (f) the adoption, amendment or repeal of an interim development control bylaw pursuant to subsection 80(1);
 - (g) the passing of a resolution to adopt or amend a concept plan pursuant to subsection 44(4).
- (2) If an approving authority passes a public notice bylaw pursuant to subsection (1) and gives public notice in accordance with that policy, the public notice requirements set out in section 55, subsection 69(9), section 83 and Part X do not apply.
- (3) Any public notice bylaw passed 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 public notice bylaw to be passed pursuant to this section.
- (6) The municipal administrator shall file with the minister a certified copy of the bylaw mentioned in subsection (1) within 15 days after the date that the bylaw is passed.

2007, c.P-13.2, s.24.

Alteration of bylaw

25 An approving authority that has not passed a public notice bylaw pursuant to section 24 may dispense with the requirements of subsection 211(1) if the council is of the opinion that the alteration proposed to a bylaw is of a minor nature.

2007, c.P-13.2, s.25.

DIVISION 4 Appeals

Development Appeals Board

26(1) Subject to subsection 214(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 214(1) and sections 215 to 217 do not apply to the extent that the matter is set out by bylaw.

2007, c.P-13.2, s.26.

Appeals or referrals

27(1) If a council has been declared an approving authority, any appeal or referral pursuant to the following provisions of this Act must be made, in the first instance, to the Development Appeals Board:

- (a) subsection 176(1) or (2), regarding the application or the manner of application of development levies or servicing agreement fees, or the necessity for or the terms and conditions of a development agreement or a servicing agreement;
- (b) subsection 67(1), regarding the failure to approve plans or drawings or to enter into a development agreement in a direct control district;
- (c) subsection 228(1), regarding an application for a proposed subdivision.

(2) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 226.

2007, c.P-13.2, s.27.

Variation of certain appeal periods

28(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 67(1), the failure to approve plans or drawings or to enter into a development agreement;
- (b) pursuant to subsection 71(5), 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 72(7) and (8) or subsections 73(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 67(1), 71(5), 72(7) and (8) and 73(5) and (6) do not apply to the extent that the matter is set out by bylaw.

2007, c.P-13.2, s.28.

PART IV
Statutory Plans

DIVISION 1
Official Community Plan

Power of council

29(1) Subject to the requirement to prepare and adopt an official community plan pursuant to section 30, the council may authorize the preparation of an official community plan for all or any part of the municipality.

(2) The council may authorize the preparation of an amendment to an official community plan.

(3) The official community plan shall be prepared in consultation with a professional community planner.

2007, c.P-13.2, s.29.

Minister may require official community plan

30(1) Notwithstanding section 29, in order to achieve consistency with a provincial land use policy or statement of provincial interest, the minister may, after consultation with the council, direct the council to prepare and adopt for all or part of the municipality:

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

(b) an amendment to an official community plan, and the council shall adopt that amendment within six months after the date of the direction.

(2) If the council fails to prepare or adopt an official community plan or amendment when required to do so by the minister pursuant to subsection (1) or 37(2), the minister may exercise any of the powers of the council pursuant to this Act on giving at least 30 days' written notice to the municipality of the minister's intention to do so.

2007, c.P-13.2, s.30.

Purpose of plan

31 The purpose of an official community plan is to provide a comprehensive policy framework to guide the physical, environmental, economic, social and cultural development of the municipality or any part of the municipality.

2007, c.P-13.2, s.31.

Contents of plan

- 32(1)** An official community plan must incorporate, insofar as is practical, any applicable provincial land use policies and statements of provincial interest.
- (2) An official community plan must contain statements of policy with respect to:
- (a) sustainable current and future land use and development in the municipality;
 - (b) current and future economic development;
 - (c) the general provision of public works;
 - (d) the management of lands that are subject to natural hazards, including flooding, slumping and slope instability;
 - (e) the management of environmentally sensitive lands;
 - (f) source water protection; and
 - (g) the means of implementing the official community plan.
- (3) An official community plan may:
- (a) address the co-ordination of municipal programs relating to development;
 - (b) contain statements of policy regarding the use of dedicated lands;
 - (c) contain concept plans pursuant to section 44;
 - (d) contain a map or series of maps that denote current or future land use or policy areas;
 - (e) if a council has been declared an approving authority pursuant to subsection 13(1), contain policies respecting site plan control for specific commercial or industrial development pursuant to section 19;
 - (f) contain any other statements of policy relating to the physical, environmental, economic, social or cultural development of the municipality that the council considers advisable; and
 - (g) address the co-ordination of land use and development, future growth patterns and public works with adjacent municipalities.

2007, c.P-13.2, s.32.

Severability of provisions of plan

33 The provisions of an official community plan are deemed to be severable and, if any provision is determined by a court to be invalid or inoperative, it does not render the remaining provisions invalid or inoperative.

2007, c.P-13.2, s.33.

Zoning bylaw required

34(1) If a council has not passed a zoning bylaw pursuant to this Act or any former Act, the council, in adopting an official community plan, shall, by separate bylaw, pass a zoning bylaw in accordance with this Act.

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

2007, c.P-13.2, s.34.

Plan adoption process

35 An official community plan must be adopted by bylaw of the council in accordance with the public participation requirements of Part X.

2007, c.P-13.2, s.35.

Submission to minister for approval

36(1) The municipal administrator shall submit to the minister:

- (a) two certified copies of the official community plan;
- (b) a copy of the bylaw adopting the official community plan; and
- (c) proof of compliance with the requirements of Part X in the form of a statutory declaration of the municipal administrator, together with a copy of all representations respecting the official community plan.

(2) An official community plan has no effect unless it is approved by the minister.

(3) If the minister issues a conditional approval, the official community plan, takes effect on and from the date of the conditional approval, except for the part of the official community plan that requires further amendment.

2007, c.P-13.2, s.36.

Powers of minister

37(1) If an official community plan is submitted to the minister pursuant to section 36, the minister may:

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

(2) If the minister:

- (a) does not approve the entire official community plan, the minister may direct the council to prepare and adopt a new official community plan;
- (b) approves the official community plan in part, the minister may direct the council to prepare and adopt amendments to meet the minister's objections within any period that the minister may prescribe; or
- (c) issues a conditional approval, the minister may direct the council to prepare and adopt minor amendments within any period that the minister may prescribe.

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(3) Notwithstanding Part X, if the minister issues a conditional approval and directs the council to prepare and adopt minor amendments to the official community plan, the minister may exempt the council from providing any notice of the changes.

2007, c.P-13.2, s.37.

Decision of minister

38 The minister shall render the minister's decision within 90 days from the date the minister receives an official community plan, unless an extended time is required by the minister.

2007, c.P-13.2, s.38.

Amendment or repeal of plan

39(1) Sections 35 and 36 to 38 apply, with any necessary modification, to the approval of:

- (a) an amendment to an official community plan; and
- (b) the repeal of an official community plan.

(2) Notwithstanding section 38, the minister shall render the minister's decision within 30 days after the date the minister receives an amendment to or repeal of an official community plan, unless an extended time is required by the minister.

2007, c.P-13.2, s.39.

Municipality bound by plan

40(1) From the time that an official community plan or any amendment takes effect:

- (a) it is binding on the municipality and all other persons, associations or other organizations; and
- (b) no development shall be carried out that is contrary to the official community plan.

(2) The adoption of an official community plan 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 plan.

2007, c.P-13.2, s.40.

Acquisition of land

41 For the purpose of carrying out an official community 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.

2007, c.P-13.2, s.41.

Expropriation

42(1) If 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, with any necessary modification, to that expropriation.

2007, c.P-13.2, s.42.

Power to subdivide and sell land

43 The council may subdivide, rearrange and deal with any land acquired pursuant to section 41 or 42 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.

2007, c.P-13.2, s.43.

DIVISION 2 Concept Plans

Concept plans

44(1) If a municipality has an approved official community plan, a council may, as part of the official community plan, adopt a concept plan for the purpose of providing a framework for subsequent subdivision and development of an area of land.

(2) A concept plan may describe:

- (a) the land use proposed for the area, either generally or with respect to specific parts of the area;
- (b) the density of development proposed for the area, either generally or with respect to specific parts of the area;
- (c) the general location of services proposed for the area; and
- (d) the phasing of development proposed for the area.

(3) The council shall ensure that any concept plan is consistent with its official community plan, and any part of a concept plan that is inconsistent with the official community plan has no effect insofar as it is inconsistent.

(4) Notwithstanding subsection (1), a council that has been declared an approving authority pursuant to subsection 13(1) may adopt or amend a concept plan by resolution, subject to the requirements of subsection 23(3).

2007, c.P-13.2, s.44.

PART V
Implementation of Plans

DIVISION 1

Zoning

Purposes of zoning bylaw

45 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.

2007, c.P-13.2, s.45.

Adoption of zoning bylaw

46(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 an official community plan.

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

- (a) has an official community plan 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.

2007, c.P-13.2, s.46.

Amendment to zoning bylaw at request of minister

47(1) For the purpose of achieving consistency with any provincial land use policies or statements of provincial interest, the minister, after consulting with the council, may direct the council to prepare and adopt an amendment to a zoning bylaw, including a zoning bylaw approved pursuant to any former Act.

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

2007, c.P-13.2, s.47.

Obsolete zoning bylaws

48 If the minister is of the opinion that, after consulting with the municipality, any zoning bylaw approved pursuant to a former Act is obsolete or no longer adequate, the minister may repeal that zoning bylaw.

2007, c.P-13.2, s.48.

Contents of zoning bylaw

49 A zoning bylaw must contain provisions:

- (a) prescribing or establishing districts of the number and area that the council considers appropriate;
- (b) prescribing the permitted uses in each district;
- (c) providing for the appointment of a development officer for the municipality to administer the zoning bylaw;
- (d) providing for a system of development permits;
- (e) prescribing types of development for which no development permit is required, if any;
- (f) prescribing the procedures whereby applications for development permits shall be made, processed and issued;
- (g) defining the period that a development permit remains in effect;
- (h) authorizing and prescribing a procedure for making and processing applications for minor variances and, if that procedure is used, requiring a record of minor variance applications to be established;
- (i) prescribing procedures for approval of a discretionary use pursuant to sections 54 to 58;
- (j) establishing a board to be the Development Appeals Board for the municipality pursuant to section 214;
- (k) providing for any other matter that may be necessary to regulate and control the issuance of development permits as the council considers necessary.

2007, c.P-13.2, s.49.

Bylaw maps

50(1) If a zoning bylaw prescribes more than one district within the area of jurisdiction of the bylaw, the bylaw shall contain a map that:

- (a) represents the zoning districts;
- (b) bears a statement that it accompanies the zoning bylaw; and
- (c) is under the seal of the municipality and signed by the mayor or reeve and the municipal administrator.

(2) If the map mentioned in clause (1)(a) consists of more than one map sheet detailing the zoning districts, the maps shall:

- (a) be attached and incorporated as a schedule to the zoning bylaw; and
- (b) be denoted as forming a part of the bylaw.

2007, c.P-13.2, s.50.

Fees

51(1) Subject to subsection (2), a council may, in the zoning bylaw or by a separate fee bylaw, prescribe a schedule of fees to be charged for the application, review, advertising and issuance, as the case may be, of:

- (a) a development permit;
- (b) a discretionary use;
- (c) a minor variance; and
- (d) an amendment to an official community plan or zoning bylaw.

(2) The fees pursuant to this section are not to exceed the cost to the municipality of processing and advertising the application, and of administering and regulating the development.

(3) Before passing a fee bylaw, the council shall comply with the public participation requirements of Part X.

(4) A council is exempt from obtaining the minister's approval of the fee bylaw.

(5) The municipal administrator shall file with the minister a certified copy of the fee bylaw within 15 days after the date that the bylaw is passed.

2007, c.P-13.2, s.51.

Development standards and optional zoning bylaw content

52(1) Without limiting the generality of section 45, a zoning bylaw may, with respect to any district established pursuant to clause 49(a), unless the district is designated as a direct control district pursuant to section 63, contain provisions that:

- (a) may prescribe for each district:
 - (i) discretionary uses;
 - (ii) the circumstances in which an application for development respecting an existing discretionary use shall require a new discretionary use approval by council; and
 - (iii) the circumstances in which and length of time after which an approval is no longer valid for a discretionary use that has not commenced development;
- (b) may define a permitted use, a discretionary use, or a prohibited use in a district according to the intensity of use;
- (c) may prescribe permitted uses or discretionary uses that may be allowed in all districts; and
- (d) may prescribe permitted uses or discretionary uses in the district for any limited time that may be fixed by the bylaw, and terms and conditions respecting the reissuance of a development permit.

- (2) A zoning bylaw may prescribe development standards, performance standards and conditions applicable to:
- (a) any or all permitted uses;
 - (b) any or all discretionary uses;
 - (c) any specific intensity of use; or
 - (d) any or all development or density of development in a district or class of districts.
- (3) A zoning bylaw may contain provisions:
- (a) designating certain uses that do not allow for buildings to be placed or constructed on a site;
 - (b) prescribing the minimum or maximum area and dimensions of lots that may apply in any district for particular uses;
 - (c) prescribing the percentage area of a lot that a building may occupy and prescribing the size of yards, courts and other open spaces;
 - (d) authorizing, subject to section 60, approval of minor variances to specific standards;
 - (e) regulating the location, height, number of storeys, area, volume or dimensions of any building to be placed, constructed, reconstructed, altered or repaired;
 - (f) requiring the establishment and maintenance of any loading and parking facilities on land that is not part of a public highway;
 - (g) regulating the access to and egress from a public street of any parking, loading, or drive-through service spaces;
 - (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 has slopes exceeding specified standards;
 - (iv) on land that is adjacent to or within a specified distance of the bank of any natural or artificial lake, river, stream or other body of water;
 - (v) on land where the cost of providing public utilities would be prohibitive in the opinion of council;
 - (vi) on land within a specified distance of the limits of an airport; or
 - (vii) 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) regulating or prohibiting the alteration of land levels for building or other purposes if the alteration may affect surface drainage or land stability;
- (m) prohibiting or regulating all or any of the following:
 - (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;
- (n) regulating or prohibiting the placement of exterior lighting on buildings or land, and regulating the amount and nature of light emitted from structures;
- (o) regulating the amount and nature of sound that may be emitted from a building or from within a parcel of land or any operation on a parcel of land and specifying the manner in which, and the equipment with which, the sound shall be measured for the purpose of the bylaw;
- (p) regulating or prohibiting the location of trailers, modular homes, mobile homes, trailer parks, modular and mobile home parks, and modular home and mobile home subdivisions and regulating the internal layout and standard of services to be provided in trailer parks and mobile home parks;
- (q) requiring a letter of credit, performance bond or any other form of assurance the council considers necessary to ensure that the development is constructed and completed in accordance with the time frames and development standards required in the approval;
- (r) prescribing the procedures for the release of letters of credit, performance bonds or any other form of assurance the council considers necessary once the development is completed pursuant to clause (q);
- (s) if council has been declared an approving authority pursuant to subsection 13(1), imposing conditions and performance standards for site plan control for specific industrial and commercial development, pursuant to section 19;
- (t) prescribing procedures for obtaining public input on land use and development matters, in addition to the public participation requirements of Part X.

2007, c.P-13.2, s.52.

Effect of passing a bylaw

53 If a council passes a bylaw that makes a use or specific intensity of use in a district a discretionary use, council is deemed to have approved the use or specific intensity of use on a parcel if the use exists at the time of passing of the bylaw.

2007, c.P-13.2, s.53.

Application for discretionary use

54 If a zoning bylaw provides for a discretionary use, the bylaw shall contain provisions:

- (a) prescribing the procedures for making and processing an application for a discretionary use; and
- (b) prescribing criteria that council will use in evaluating the suitability of a proposed discretionary use application.

2007, c.P-13.2, s.54.

Public notice of discretionary use applications

55(1) A zoning bylaw shall prescribe the procedures for providing notice to the public of a discretionary use application.

(2) Unless a longer period is specified in the zoning bylaw, at least seven days before the application is to be considered by council, the notice mentioned in subsection (1) must be provided to:

- (a) the assessed owners of property within 75 metres of the boundary with the applicant's land; and
- (b) other owners of property required to be notified pursuant to the zoning bylaw.

(3) Subsection (2) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has adopted notice procedures for discretionary uses in a public notice bylaw pursuant to section 24.

2007, c.P-13.2, s.55.

Council's decision

56(1) A council shall exercise its discretion respecting an application pursuant to section 54 for a discretionary use by resolution to:

- (a) reject the application;
- (b) approve the discretionary use in accordance with the provisions of the zoning bylaw;
- (c) approve the discretionary use subject to development standards or conditions in accordance with the zoning bylaw; or
- (d) approve the discretionary use for a limited time, if a time limit is authorized in the bylaw.

(2) A council may approve a discretionary use if the facts presented establish that the proposed discretionary use will:

- (a) comply with provisions of the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
- (b) be consistent with the criteria in the zoning bylaw for approval of particular discretionary uses;

- (c) in the opinion of the council, be compatible with development in the district in the immediate area of the proposal; and
 - (d) be consistent with provincial land use policies and statements of provincial interest.
- (3) In approving a discretionary use, the council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:
- (a) are based on and are consistent with general development standards or conditions made applicable to discretionary uses 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 that traffic and the adequacy of proposed off-street parking and loading;
 - (iii) the safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour; or
 - (iv) any treatment given, as determined by the council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials and architectural detail.

2007, c.P-13.2, s.56.

Notice of decision

57(1) If a council has approved an application for a discretionary use, with or without terms, conditions or time limits being imposed, the council or development officer shall provide written notice to the applicant that:

- (a) documents the decision and any development standards and conditions or time limits as authorized by the bylaw;
 - (b) provides the effective date of the decision; and
 - (c) states the applicant's right to appeal pursuant to section 58.
- (2) If council has made a decision to reject an application for a discretionary use, the council or development officer shall provide written notice to the applicant of the decision based on the criteria established in the zoning bylaw.

2007, c.P-13.2, s.57.

Applicant's right of appeal

58(1) If an application for a discretionary use has been approved by council with prescribed development standards or conditions pursuant to subsection 56(3) and the applicant is of the opinion that the development standards or conditions prescribed exceed those necessary to secure the objectives of the zoning bylaw, the applicant may, within 30 days after the effective date of council's approval, appeal the development standards or conditions prescribed with the approval of the discretionary use to the Development Appeals Board and from that board, if necessary, to the Saskatchewan Municipal Board in accordance with section 226.

(2) The council or any party to whom the Development Appeals Board gave notice pursuant to subsection 222(3) may appeal a decision of the Development Appeals Board to the Saskatchewan Municipal Board in accordance with section 226.

(3) In determining an appeal of the development standards or conditions prescribed for a discretionary use, the board hearing the appeal is subject to the requirements of section 221, with any necessary modification.

2007, c.P-13.2, s.58.

Discretionary use responsibilities delegated to a development officer

59(1) Pursuant to clause 15(2)(b) and subject to subsection (2), if an approving authority delegates to a development officer the responsibility to exercise or carry out all or any of the powers and duties conferred or imposed on the council respecting a discretionary use, sections 56 to 58 apply, with any necessary modification, to a decision.

(2) Notwithstanding subsection (1) and any right of appeal provided by section 58, if an applicant is dissatisfied by a decision of a development officer, the applicant may, within 30 days after the date of the written decision, apply to the council to review and confirm or alter the decision, development standards or conditions as the case may be.

(3) The development standards or conditions imposed by a decision of the council made pursuant to subsection (2) may be appealed to the Development Appeals Board in accordance with section 58.

2007, c.P-13.2, s.59.

Minor variances

60(1) If a zoning bylaw authorizes a procedure for making and processing applications for minor variances pursuant to clause 49(h), 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;

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- (b) the maximum amount of minor variance must be established in the zoning bylaw and must not exceed a 10% variation of the bylaw requirements;
 - (c) the development must conform to the zoning bylaw with respect to the use of land;
 - (d) the relaxation of the bylaw must not injuriously affect neighbouring properties; and
 - (e) a minor variance must not be granted:
 - (i) in connection with an agreement entered into pursuant to section 69 respecting the rezoning of land; or
 - (ii) if it would be inconsistent with any provincial land use policies or statements of provincial interest.
- (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) If the council or development officer imposes terms or conditions on an approval pursuant to subsection (2), the terms and conditions must be consistent with the general development standards made applicable to minor variances by the zoning bylaw.
- (4) If 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) If 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:
- (a) the applicant; and
 - (b) 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) must:
- (a) contain a summary of the application for minor variance;
 - (b) provide reasons for and an effective date of the decision;
 - (c) indicate that an adjoining assessed owner may, within 20 days after receipt of the notice provided pursuant to subsection (5), lodge a written objection with the council or development officer; and
 - (d) if 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) must 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; or
 - (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 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 after 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 after 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 226.
- (12) Pursuant to section 20, clauses (1)(a) and (b) and subsections (5) to (9) do not apply if an approving authority has included these matters in its zoning bylaw.

2007, c.P-13.2, s.60.

Payments in lieu of parking facilities

- 61(1)** If a zoning bylaw requires parking facilities as set out in clause 52(3)(f), the council, if authorized to do so 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 that use by the amount fixed for each parking space in accordance with clause (2)(b).

(2) If 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 provided for the development; and

(c) the municipality shall hold all moneys received pursuant to subsection (1) in a separate account that 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 the person is required to pay in lieu of providing parking facilities is required to provide those facilities in lieu of which the payment or agreement to pay is made, and the use with respect to 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, if an applicant fails to pay any sum due under an agreement, that sum may:

(a) be added to and form part of the taxes on the land or buildings with respect to 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, in the absence of evidence to the contrary, proof of the debt.

2007, c.P-13.2, s.61.

Development permit required

62(1) If a zoning bylaw is in effect and a development permit is required, no person shall undertake a development or commence a use unless the person obtains a development permit.

(2) If a person applies for a development permit with respect to a development or use described as a permitted use by a zoning bylaw, the development officer shall, if the application conforms to the zoning bylaw, issue a development permit.

(3) If a person applies for a development permit with respect to a development or use that is described as a discretionary use by a zoning bylaw, the development officer shall, if the application is approved by council, issue a development permit subject to any development standards or conditions prescribed pursuant to subsection 56(3).

- (4) If a person applies for a development permit with respect to a development or use subject to performance standards, development standards or conditions prescribed pursuant to subsection 52(2):
- (a) the development officer, in issuing a development permit, shall incorporate in the permit the performance standards, development standards or conditions with which the development or use shall comply; and
 - (b) the standards or conditions incorporated pursuant to clause (a) must be consistent with the standards or conditions 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 of the decision shall be sent to the applicant by the development officer.
- (6) If 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, if such a permit is required, has been issued.

2007, c.P-13.2, s.62.

Designation of direct control district

63 A municipality may, in its zoning bylaw, designate an area as a direct control district if:

- (a) the municipality has an approved official community plan that contains guidelines respecting the development of areas designated in the bylaw; and
- (b) the council considers it desirable to exercise particular control over the use and development of land or buildings within that area of the municipality.

2007, c.P-13.2, s.63.

Control of development in direct control district

64 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 mentioned in section 63.

2007, c.P-13.2, s.64.

Approval of development in direct control district

65(1) No person shall undertake any development in a direct control district unless the council or the Saskatchewan Municipal Board pursuant to section 67 has approved, as the council or board may determine, one or both of the following:

- (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 pursuant to subsection (2);
 - (b) the drawings showing plan, elevation and cross-sectional views for each building to be erected that are sufficient to display:
 - (i) the massing and conceptual design of the proposed building;
 - (ii) the colour, texture and type of materials, window detail and architectural detail of the exterior of the proposed building;
 - (iii) the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and
 - (iv) 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.
- (2) As a condition to the approval of the plans and drawings mentioned in subsection (1), the council may require the person seeking approval to enter into a development agreement with the municipality with respect to 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 mentioned in that clause; and
 - (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.
- (4) A copy of the development agreement must be submitted with an application made pursuant to subsection (3).
- (5) A development agreement is deemed to bind the owner of the land affected by it and the owner's 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.

2007, c.P-13.2, s.65.

Direct control responsibilities delegated to a development officer

66 Pursuant to clause 15(2)(c), if an approving authority delegates to the development officer the responsibility to exercise or carry out the powers and duties conferred or imposed on the council respecting approval of development in a direct control district, subsections 65(1) and (2) apply to the development officer, with any necessary modification.

2007, c.P-13.2, s.66.

Right of appeal

67(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 65(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) Pursuant to clause 28(1)(a), a council that has been declared an approving authority pursuant to subsection 13(1) may, in its zoning bylaw, extend the time limits set out in clauses (1)(a) and (b).

(5) Notwithstanding subsection (1), if a council has been declared an approving authority pursuant to subsection 13(1), any referral by the applicant pursuant to subsection (1) shall be made, in the first instance, to the Development Appeals Board.

(6) A decision of the Development Appeals Board pursuant to subsection (5) may be appealed to the Saskatchewan Municipal Board in accordance with section 226.

2007, c.P-13.2, s.67.

Exempt classes of development

68 If 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 65(1).

2007, c.P-13.2, s.68.

Contract zoning

69(1) If a municipality has an approved official community plan 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 pursuant to clause (b) must be carried out; and
- (d) a condition 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 relates:
- (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 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 78, at any time after the bylaw amending the zoning bylaw is passed by the council.
- (4) On registration of an interest based on an agreement entered into pursuant to this section, the agreement binds the registered owner of the land affected by the agreement and the registered owner's heirs, executors, administrators, successors and assigns.
- (5) 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.
- (6) 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).
- (7) The council may declare any agreement entered into pursuant to this section void if:
- (a) any land or buildings that are the subject of an agreement are developed or used contrary to the provisions of the agreement; or
 - (b) the development fails to meet a time limit prescribed in the agreement.
- (8) If the council declares an agreement void pursuant to subsection (7), the land reverts to the district to which it was subject before rezoning.
- (9) Subject to section 24, if the council intends to void an agreement pursuant to subsection (7), it shall give notice of the proposed cancellation and the effect of the cancellation in one issue of a newspaper that circulates in the municipality.
- (10) If, after giving the required notice, the council voids an agreement pursuant to subsection (7), it shall discharge the registration of any interest registered in connection with the agreement.
- (11) Before entering into an agreement with a person pursuant to this section, the council may require the person to deliver a performance bond acceptable to the council to assure implementation of the agreement.

Exception to development standards

70(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 in which 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 official community plan that contains provisions relating to the authorization of relaxations in the development standards required in the bylaw.

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

(4) Subsections 65(3) and (5) apply, with any necessary modification, to an agreement entered into pursuant to subsection (3).

2007, c.P-13.2, s.70.

Holding provision

71(1) The council may, in a zoning bylaw, by the use of the holding symbol “H” in conjunction with any zoning district 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) If a council proposes to amend a zoning bylaw to remove the holding symbol, the council is exempt from:

- (a) notwithstanding section 75, complying with the public participation requirements of Part X; and
- (b) notwithstanding section 76, obtaining the minister’s approval of the amending bylaw.

(3) If a holding symbol has been removed pursuant to subsection (2), the municipal administrator shall file with the minister a certified copy of the amendment of the bylaw within 15 days after the date that the amendment is adopted.

(4) If 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.

(5) Subject to subsections (6) to (8), an applicant may appeal to the Development Appeals Board, if, on receipt by the municipal administrator of an application to amend a zoning bylaw to remove the holding symbol:

- (a) the council refuses the application; or
- (b) the council refuses or fails to make a decision respecting the application within 60 days after the date on which the application is received.

(6) Pursuant to clause 28(1)(b), a council that has been declared an approving authority pursuant to subsection 13(1) may, in its zoning bylaw, extend the time limit set out in subsection (5).

(7) On hearing an appeal pursuant to subsection (4), the Development Appeals Board may:

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

(8) The council and the applicant may agree to extend the period for making an appeal pursuant to subsection (5).

(9) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 226.

2007, c.P-13.2, s.71.

Demolition control

72(1) The council of a municipality may designate in accordance with subsection (2) an area as a demolition control district if:

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

(2) If 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) If 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) If the council, pursuant to subsection (5), imposes terms and conditions on a development permit, the terms and conditions imposed by the council must 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 after the receipt by the council of the application if the application has been verified as 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 after the refusal, failure to make the decision or imposition of terms and conditions.
- (9) In accordance with clause 28(1)(c), a council that has been declared an approving authority pursuant to subsection 13(1) may, in its zoning bylaw, extend the time limits set out in subsections (7) and (8).
- (10) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 226.
- (11) A municipality may register in the land 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.
- (12) 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 and the registered owner's heirs, executors, administrators, successors and assigns.

2007, c.P-13.2, s.72.

Architectural controls

- 73(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 if the council:
- (a) considers it desirable to control building sites and the architectural detail of buildings within that area; and
 - (b) has an approved official community plan containing guidelines respecting the application of architectural detail.
- (2) If 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) If 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) If 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 after receipt of an application if 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 after the refusal, failure to make the decision or imposition of terms and conditions.
- (7) In accordance with clause 28(1)(c), a council that has been declared an approving authority pursuant to subsection 13(1) may, in its zoning bylaw, extend the time limits set out in subsections (5) and (6).
- (8) A decision of the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with section 226.

2007, c.P-13.2, s.73.

Delegation of authority

74 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 72(5) and 73(3).

2007, c.P-13.2, s.74.

Procedure for adoption of zoning bylaw

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

2007, c.P-13.2, s.75.

Approval of zoning bylaw

76(1) Sections 36 and 37 apply, with any necessary modification, to the approval of:

- (a) a zoning bylaw; and
 - (b) any amendment to or repeal of a zoning bylaw.
- (2) The minister shall render a decision with respect to a zoning bylaw:
- (a) within 90 days after the date of receipt of a zoning bylaw or within 30 days after receipt of an amendment to the zoning bylaw; or
 - (b) within any greater period that may be required by the minister.

2007, c.P-13.2, s.76.

Exercise of powers by minister

77 If the council fails to prepare or adopt a zoning bylaw or amendment as required by section 47 or subsection 76(1), the minister may exercise any of the powers of the council pursuant to this Act after giving at least 30 days' written notice to the municipality of the minister's intention to do so.

2007, c.P-13.2, s.77.

Waiver of ministerial approval

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

2007, c.P-13.2, s.78.

Zoning bylaw binds municipality

79 From the time that a zoning bylaw or any amendment to the zoning bylaw takes effect:

- (a) the zoning bylaw or amendment is binding on the municipality and on all other persons, associations or other organizations; and
- (b) no development shall be carried out that is contrary to the zoning bylaw.

2007, c.P-13.2, s.79.

DIVISION 2
Interim Development Control

Interim development control bylaw

80(1) A municipality may pass an interim development control bylaw to control development for an area that may be affected by:

- (a) a proposed official community plan or zoning bylaw;
- (b) an amendment being prepared by council to an existing official community plan or zoning bylaw; or
- (c) a study of a land use planning matter being undertaken by council.

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

(3) All interim development control bylaws must be consistent with provincial land use policies and statements of provincial interest.

2007, c.P-13.2, s.80.

Requirements for approval

81(1) All interim development control bylaws require the approval of the minister.

(2) Notwithstanding subsection (1) and subject to section 23, a council that has been declared an approving authority pursuant to subsection 13(1) is exempt from obtaining the minister's approval of an interim development control bylaw.

(3) If an interim development control bylaw has been passed pursuant to subsection 80(1), the municipal administrator shall submit to the minister two certified copies of the interim control development bylaw.

(4) The minister shall render the minister's decision with respect to the proposed bylaw within 30 days after the date on which the minister receives the proposed bylaw.

(5) Subject to section 23, an interim development control bylaw has no effect until it is approved by the minister, and the minister may approve the bylaw subject to any terms and conditions that the minister considers advisable.

2007, c.P-13.2, s.81.

Time in effect

82 An interim development control bylaw passed pursuant to subsection 80(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 completes a study of a land use planning matter or prepares and adopts an official community plan and a zoning bylaw.

2007, c.P-13.2, s.82.

Notice of bylaw

83 No notice or hearing is required before the passing of an interim development control bylaw, but the municipality shall, within 30 days after the date that a bylaw is approved by the minister:

- (a) give notice of the bylaw in a newspaper circulating in the municipality published at least once each week for two consecutive weeks; and
- (b) file a copy of the notice with the minister.

2007, c.P-13.2, s.83.

Permission for development

84(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 after the date of receipt of an application:

- (a) grant the permission applied for;
- (b) grant the permission 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 the right to appeal pursuant to section 86.

(3) The time allowed for consideration of development proposals may be extended by agreement between the applicant and the council.

(4) No development that is contrary to an official community plan or a zoning bylaw shall be permitted in an area that is subject to an interim development control bylaw.

2007, c.P-13.2, s.84.

Delegation of authority

85(1) The council may delegate to any officer of the municipality the authority to grant permission on behalf of the council pursuant to section 84.

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

2007, c.P-13.2, s.85.

Appeal from interim development control bylaw

86(1) If an application pursuant to section 84 is approved subject to terms and development standards, refused or not dealt with within the prescribed period and the applicant is aggrieved by the action or inaction, the applicant may, in the case of an interim development control bylaw that has been passed:

(a) if the municipality does not have an existing official community plan or zoning bylaw, appeal within 30 days after the council's decision or the expiration of the period provided for in subsection 84(2) to the Saskatchewan Municipal Board; or

(b) if the municipality has an existing official community plan or zoning bylaw, appeal within 30 days after council's decision or the expiration of the time period provided for in subsection 84(2) to the Development Appeals Board.

(2) The applicant or the municipality may appeal a decision of the Development Appeals Board to the Saskatchewan Municipal Board in accordance with section 226.

(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 respecting the application.

(4) A decision of the Development Appeals Board or the Saskatchewan Municipal Board must be consistent with provincial land use policies and statements of provincial interest.

2007, c.P-13.2, s.86.

Limitation on interim development control bylaws

87 If 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.

2007, c.P-13.2, s.87.

DIVISION 3**Non-conforming Uses, Buildings and Sites****Existing non-conforming uses, buildings, and sites**

88 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, non-conforming use or non-conforming site.

2007, c.P-13.2, s.88.

Continuation of non-conforming use or intensity of use

89(1) A non-conforming use or intensity of use may be continued if:

- (a) the use, either permitted or discretionary, conformed to the bylaw that was in effect at the time of development; and
 - (b) the use has not been discontinued for a period of more than 12 consecutive months on that site.
- (2) Any future use of the land or building must conform with any current zoning bylaw.

2007, c.P-13.2, s.89.

Changes to a non-conforming use

90(1) A non-conforming use must not be increased in intensity, area or volume within a building, or on the parcel it occupies.

- (2) A non-conforming use must not be:
- (a) relocated within a building;
 - (b) moved to any other location in a building; or
 - (c) moved to another portion of the parcel on which the use is situated.
- (3) Structural alterations or additions:
- (a) may only be made to a building or that part of a building where the use is conforming; and
 - (b) must not be undertaken to any part of a building occupied by a non-conforming use.
- (4) 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.

2007, c.P-13.2, s.90.

Non-conformity of building or site

91(1) Any non-conforming building on a conforming or non-conforming site may continue to be used and any structural repairs, alterations and additions that conform to the requirements of the zoning bylaw may be made, but the element of non-conformity must not be increased by those repairs, alterations or additions.

- (2) If an application for structural repairs, alterations or additions to a non-conforming building mentioned in subsection (1) is refused, an appeal may be made to the Development Appeals Board in accordance with section 219 and to the Saskatchewan Municipal Board in accordance with section 226.

2007, c.P-13.2, s.91.

Damage to buildings

92 If the extent of damage to a non-conforming building is such that the cost to repair is more than 75% of the construction cost to replace the building above its foundation, the building is not to be repaired or rebuilt except in accordance with the zoning bylaw.

2007, c.P-13.2, s.92.

Change of occupancy

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

2007, c.P-13.2, s.93.

PART VI
Planning Commissions

DIVISION 1
Municipal Planning Commissions

Interpretation of Part

94 In this Part:

- (a) **“affiliated municipality”** means a municipality that is a party to an agreement;
- (b) **“agreement”**, except in section 109, means an agreement entered into pursuant to section 97.

2007, c.P-13.2, s.94.

Establishment

95(1) A council may, by bylaw, establish a municipal planning commission.

(2) In a bylaw passed pursuant to subsection (1), a council shall address all of the following matters:

- (a) the eligibility, number and term of office of persons appointed as members to the commission;
- (b) the powers, duties and procedures of the commission;
- (c) the provision for the appointment of advisers and consultants to the commission;
- (d) the authorization of a budget for the establishment and operation of the commission;
- (e) any other matter that the council considers necessary for the operation of the commission.

(3) Without restricting the generality of subsections (1) and (2), the commission may investigate, study, advise and assist the council with respect to community planning and development, including any matter 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.

2007, c.P-13.2, s.95.

Conflict of interest

96 No member of a municipal planning commission may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest as described in subsection 2(2).

2007, c.P-13.2, s.96.

DIVISION 2
Planning Districts

Agreement for establishment of planning district

97 Subject to section 98, the councils of two or more municipalities may, by bylaw, enter into an agreement that provides 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, considerations including:
 - (i) topographic features;
 - (ii) watershed management;
 - (iii) environmental management;
 - (iv) the extent of existing and probable development;
 - (v) the existence of important agricultural, resource, conservational, recreational or other urban or rural planning related matters, including those that may be of a sector specific nature;
 - (vi) the existence of planning issues common to the municipalities concerned; or
 - (vii) the provision of joint services;
- (b) the establishment of a district planning commission consisting of:
 - (i) at least one person who is a council member, to be appointed by each affiliated municipality;
 - (ii) representatives of any Indian band affected by the establishment of a planning district, or any government agency the affiliated municipalities agree should be represented on the commission; and
 - (iii) any other persons that may be appointed jointly by the affiliated municipalities having an interest pertaining to community planning in the district on matters such as environmental, economic, social and cultural sustainability;

- (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; and
 - (v) the manner in which a chairperson and any acting chairperson are to be designated from among the members of the commission;
- (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;
- (e) any mechanisms for resolving disputes that the municipalities may agree to; and
- (f) a process and procedure for:
 - (i) amending the agreement;
 - (ii) withdrawing the affiliation of a municipality; and
 - (iii) distributing any assets and liabilities of the district planning commission.

2007, c.P-13.2, s.97.

Approval of agreement required

98(1) The affiliated municipalities shall submit the agreement to the minister for the minister's approval, and the agreement has no effect until it is so approved.

(2) In considering an agreement submitted pursuant to subsection (1), the minister may remit the agreement to the affiliated municipalities for amendment if the minister is satisfied that the amendment is warranted.

(3) If the minister remits an agreement for amendment pursuant to subsection (2), that amendment shall be effected before the minister may approve the agreement.

2007, c.P-13.2, s.98.

Order establishing planning district

99 If the minister has approved an agreement, the minister 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;

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- (iii) specifies the number of members on the commission and by whom each of them is to be appointed; and
- (iv) sets out the arrangements that have been made with respect to the matters mentioned in clauses 97(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.

2007, c.P-13.2, s.99.

Powers of district planning commission

100 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 or the regulations for the conduct of its business, the governing of its proceedings, the calling of meetings and the quorum at them;
- (b) establish procedures for the affiliated municipalities that permit the holding of joint public hearings respecting adoption, amendment or repeal of an official community plan or zoning bylaw;
- (c) 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;
- (d) appoint advisory committees consisting of one or more of the members of the district planning commission or any other person and fix their remuneration; and
- (e) with the consent of any affiliated municipality, avail itself of the services of any officer or employee of that municipality.

2007, c.P-13.2, s.100.

Conflict of interest

101 No member of a district planning commission or a district planning authority pursuant to section 108 may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest as described in subsection 2(2).

2007, c.P-13.2, s.101.

Official community plan required

102(1) Subject to subsection (2), a district planning commission shall prepare an official community plan for the area included in the planning district.

- (2) The district planning commission shall submit an official community plan prepared pursuant to subsection (1) to the affiliated municipalities for adoption.
- (3) The affiliated municipalities shall adopt an official community plan for the planning district in accordance with this Act.

- (4) If the affiliated municipalities agree, the affiliated municipalities may pass an interim development control bylaw in accordance with sections 80 to 87 if they are preparing a new or amending an existing official community plan for the planning district.
- (5) A district planning commission shall consult with the affiliated municipalities during the preparation of the official community plan.
- (6) If a council fails to adopt the official community plan submitted in accordance with subsection (3):
- (a) the matter must be determined through dispute resolution if it is provided for in the agreement in accordance with clause 97(e); or
 - (b) in any other case, the council that fails to adopt the official community plan may request that the minister permit it to cease to be affiliated with the planning district and, if the request is approved by the minister and the official community plan adopted by the remaining councils is approved by the minister, the official community plan applies to the remaining councils in the planning district.
- (7) The affiliated municipalities may amend the official community plan for the planning district in accordance with this Act.
- (8) If a council fails to adopt an amendment to an official community plan made in accordance with subsection (7):
- (a) the matter must be determined through dispute resolution if it is provided for in the agreement in accordance with clause 97(e) and the official community plan, as may be amended, applies to the planning district; or
 - (b) if dispute resolution is not provided for in the agreement in accordance with clause 97(e), but the minister approves the bylaw of any one of the other municipalities adopting the amendment, the official community plan, as amended, applies to the planning district.
- (9) Section 32 applies, with any necessary modification, to the content of an official community plan for a planning district.
- (10) In addition to the official community plan contents mentioned in subsection (9), an official community plan for a planning district may contain statements of policy with respect to:
- (a) sector-specific planning;
 - (b) regional public works;
 - (c) regional service delivery;
 - (d) regional public facilities, including the development and maintenance of educational, cultural, recreational and health care facilities; and
 - (e) any other matter considered by the district planning commission to be of regional or interjurisdictional significance, or necessary to co-ordinate community and land use planning and services between municipalities and with an Indian band.

Zoning bylaw

103(1) Every municipality included in whole or in part in a planning district shall, in conjunction with the adoption of an official community plan, pass, in accordance with this Act, a zoning bylaw consistent with that plan for that portion of the municipality included within the district.

(2) Notwithstanding any other provision of this Act, every municipality included in whole or in part in a planning district shall, before passing 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.

(3) The municipality mentioned in subsection (1) may pass an interim development control bylaw pursuant to sections 80 to 87.

(4) A district planning commission may:

(a) 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;

(b) review:

(i) any proposed zoning bylaw or amendment to a zoning bylaw submitted to it pursuant to subsection (2); or

(ii) any existing zoning bylaw or bylaw passed pursuant to this Act; and

(c) after a review pursuant to clause (b), submit to the council suitable amendments to the bylaw with a recommendation that they be passed.

2007, c.P-13.2, s.103.

Other duties of commission

104 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) suggest to any council ways and means of financing works to be carried out by public authorities over a specified period;

(c) 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;

(d) identify the social and economic implications of the commission's recommendations; and

(e) prepare and submit to the affiliated municipalities an operating budget for the next fiscal year.

2007, c.P-13.2, s.104.

Addition to planning district

105(1) If 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 that the minister considers advisable for the purpose of accommodating the request.

(2) If a municipality is added to a planning district pursuant to subsection (1):

(a) the district planning commission shall review and prepare any amendment to an official community plan for the planning district that may be necessary to accommodate the addition;

(b) the added municipality shall take the necessary steps to adopt as the official community plan for that portion of the municipality contained within the planning district the official community plan for the planning district as amended; and

(c) the remaining municipalities may adopt the amendment in accordance with section 102.

2007, c.P-13.2, s.105.

Termination of affiliation of municipality

106 If an affiliated municipality applies to the minister requesting that its affiliation with a planning district be terminated, the minister:

(a) shall amend the order establishing the planning district in any manner that the minister considers advisable for the purpose of accommodating the request; and

(b) shall distribute the assets and liabilities of the planning district between the municipality making the application and the remaining municipalities in accordance with the terms for the distribution of assets and liabilities that are specified in the agreement pursuant to subclause 97(f)(iii), or, if not specified in that agreement, as determined and considered advisable by the minister.

2007, c.P-13.2, s.106.

Dissolution of planning district

107(1) The minister shall issue an order dissolving the planning 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 106 if the termination, when granted, would leave only one municipality affiliated with the planning district.

(2) If an official community plan has not been adopted by the affiliated municipalities as required by subsection 102(3), the minister may issue an order dissolving the planning district.

(3) If the council of one of only two municipalities affiliated with the planning district fails to adopt an official community plan as provided for in section 102, the minister shall issue an order dissolving the planning district.

(4) If the minister issues an order dissolving a planning district, the minister shall distribute the assets and liabilities of the planning district in accordance with the terms for the distribution of assets and liabilities that are specified in the agreement pursuant to subclause 97(f)(iii), or, if not specified in that agreement, as determined and considered advisable by the minister.

2007, c.P-13.2, s.107.

District planning authorities

108(1) On the request of the councils of the municipalities that are included in whole or in part within a planning district established pursuant to section 97, the minister may, by order, establish a district planning authority as a body corporate to head the district.

(2) Subject to subsection (3), a district planning authority mentioned 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; and
- (c) jointly by the municipalities described in clause (a).

(3) The persons appointed pursuant to clause (2)(a) must constitute at least 50% of the membership of the district planning authority.

(4) 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 97(c); and
- (b) provide for any other matter that the minister considers necessary with respect to the planning district and its authority.

(5) Subject to subsection (6), if a district planning authority 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.

(6) Before amending the minister's order establishing a planning district pursuant to subsection (5), the minister shall consult with:

- (a) the district planning authority 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.

(7) If the minister amends an order establishing a planning district pursuant to subsection (5), any official community plan of the municipality and any zoning bylaws of the municipality that is being added to the planning district remain in force and may be administered and enforced by the district planning authority as if the district planning authority had adopted or passed them until they are amended or repealed by the district planning authority in accordance with this Act.

(8) On the application of a municipality described in subsection (1) to be allowed to withdraw from a planning district described in subsection (1), the minister shall grant the application in accordance with the terms for withdrawing affiliation of a municipality that are specified in the agreement pursuant to subclause 97(f)(ii), or, if not specified in that agreement, as determined and considered advisable by the minister.

(9) If the minister grants an application pursuant to subsection (8), the minister shall distribute the assets and liabilities of the planning district between the departing municipality and the remaining municipalities in accordance with the terms for the distribution of assets and liabilities that are specified in the agreement pursuant to subclause 97(f)(iii), or, if not specified in that agreement, as determined and considered advisable by the minister.

(10) If the minister grants the application of a municipality to withdraw from a planning district pursuant to subsection (8), the following remain in force with respect to that portion of the municipality that was in the planning district immediately before the granting of the application and may be amended or repealed by the council in accordance with this Act:

- (a) the official community plan of the planning district as it applies to the municipality;
- (b) any zoning bylaw passed by the district planning authority in conjunction with the official community plan.

(11) On the application of a district planning authority 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 if the minister is satisfied that it is in the public interest to do so.

(12) If the minister grants the application of a municipality described in subsection (1) and the territory of only one municipality is left within the planning district, the minister shall issue an order dissolving the district.

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

(14) If the minister issues an order dissolving a planning district, the minister shall distribute the assets and liabilities of the planning district in accordance with the terms for the distribution of assets and liabilities that are specified in the agreement pursuant to subclause 97(f)(iii), or, if not specified in that agreement, as determined and considered advisable by the minister.

(15) If the minister issues an order pursuant to this section dissolving a planning district, the official community plan of the planning district as it applies to each municipality that was in the planning district and any zoning bylaw passed by the district planning authority in conjunction with the official community plan:

- (a) remain in force with respect to that portion of each municipality that was in the planning district immediately before the date of the order; and
- (b) may be amended or repealed by the council in accordance with this Act.

2007, c.P-13.2, s.108.

Powers of district planning authorities

109(1) Subject to subsections (2) and (3), only a district planning authority described in section 108 has and may exercise with respect to 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 official community plans and zoning bylaws, notwithstanding clause 127(b) of *The Municipalities Act*, except those powers set out in sections 41 to 43.

(2) Subject to the terms of the minister's order, a district planning authority described in section 108 may exercise any of the powers mentioned in clauses 100(a) to (d).

(3) Subject to the approval of the minister, a district planning authority described in section 108 may do one or more of the following:

- (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 authorities described in section 108 for the creation of a board, which is 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;
- (d) by bylaw, provide municipal services either to the affiliated municipalities or directly to persons within the planning district, and, by agreement, outside the boundaries of the planning district to another municipality, organization, health region, government or Indian band, according to terms and conditions set by the district planning authority;
- (e) expend funds, charge fees for its services, and by bylaw, set terms and conditions respecting any charges, fees, discounts or penalties associated with providing a municipal service;
- (f) do all other things that it considers necessary, incidental or conducive to exercising its powers or fulfilling its functions or providing the municipal services it is authorized to provide.

(4) Any person hired by the board mentioned 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 clause 49(j), a district planning authority described in section 108 is not required to provide for the establishment of a Development Appeals Board in preparing its zoning bylaw.
- (6) If an appeal from a decision of a municipality is normally heard by a Development Appeals Board and if such a decision has been made by a district planning authority described in section 108, an appeal from that decision must be made, instead, to the Saskatchewan Municipal Board.
- (7) No district planning authority described in section 108 has the power to enter into agreements described in section 235.

2007, c.P-13.2, s.109.

DIVISION 3

Planning Areas in the Northern Saskatchewan Administration District

Northern planning area

- 110(1)** If the minister considers it to be appropriate or at the request of a northern municipality and if section 114 has been complied with, the minister may, by order:
- (a) establish and designate as a planning area all or any part of the Northern Saskatchewan Administration District;
 - (b) appoint a development officer for the planning area; and
 - (c) amend, revoke or replace any order described in this section.
- (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.

2007, c.P-13.2, s.110.

Northern planning commission

- 111(1)** If the minister establishes and designates a planning area pursuant to section 110, the minister may, by the order made pursuant to section 110 or by separate order, appoint a northern planning commission for the planning area.
- (2) If the minister appoints a 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 persons are eligible to be appointed as members of a northern planning commission:
- (a) residents of any northern municipality;
 - (b) residents of any northern settlement;

- (c) residents of any resort subdivision in the Northern Saskatchewan Administration District;
 - (d) members of any Indian band in the Northern Saskatchewan Administration District; or
 - (e) any other persons or a representative from a government agency that the minister may appoint who may have an interest pertaining to community planning in the planning area on matters such as environmental, economic, social and cultural sustainability.
- (4) Subject to the terms of the order establishing a planning area, a 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) Clauses 95(2)(a) and (b) apply, with any necessary modification, to a 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 a northern planning commission appointed pursuant to this section.

2007, c.P-13.2, s.111; 2010, c.N-5.2, s.460.

Conflict of interest

112 No member of a northern planning commission may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest as described in subsection 2(2).

2007, c.P-13.2, s.112.

Official community plan, development control

113(1) If the minister considers it to be appropriate, the minister may:

- (a) by order, prescribe with respect to a planning area:
 - (i) development controls; or
 - (ii) an official community plan and development controls; and
 - (b) amend, revoke or replace an order made pursuant to clause (a).
- (2) The minister shall publish 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 an official community 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) An official community plan may:
- (a) contain any of the provisions prescribed in section 32 respecting the content of an official community plan;
 - (b) co-ordinate land use planning policies with all or any of the following:
 - (i) any other plan developed by a government agency, including an integrated forest land use plan or a source water protection plan;
 - (ii) any provincial strategy, including economic development or environmental management;
 - (iii) a land use plan prepared by an Indian band for reserve land; and
 - (c) any matters in addition to those described in clauses (a) and (b) that the minister considers appropriate.
- (5) In prescribing a plan pursuant to subsection (1), the minister is not required to comply with the provisions prescribed by this Act that a council shall comply with in adopting an official community plan.
- (6) 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.
- (7) In prescribing development controls pursuant to subsection (6), the minister is not required to comply with the provisions prescribed by this Act that a council shall comply with in passing zoning bylaws.

2007, c.P-13.2, s.113.

Public participation

- 114(1) The minister shall provide notice of the minister's intention to make an order pursuant to section 110 or 113 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 who is interested in the proposed order:
 - (a) may make a written submission to the minister; and
 - (b) if the person makes a written submission pursuant to clause (a), shall deliver the written submission within the time and at a place stated in the notice mentioned in subsection (2).

2007, c.P-13.2, s.114.

Appeals

- 115**(1) This section applies if a development officer, a development officer designated on behalf of a northern planning commission, 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.
- (2) In the circumstances mentioned in subsection (1):
- (a) a person affected by the alleged misapplication or refusal may appeal to the Saskatchewan Municipal Board; and
 - (b) the provisions of sections 219 and 221 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.

2007, c.P-13.2, s.115.

Terms and conditions

116(1) A development officer, a development officer designated on behalf of a northern planning commission, 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.

2007, c.P-13.2, s.116.

Additional powers

117 Before issuing any development permit, the development officer, the development officer designated on behalf of the northern planning commission, or any other person designated by the minister to issue development permits may, with respect to a planning area established pursuant to section 110, 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.

2007, c.P-13.2, s.117.

Northern planning authority

118(1) The minister may, by order, establish a northern planning authority as a body corporate.

(2) Section 108 applies, with any necessary modification, to the establishment of a northern planning authority.

2007, c.P-13.2, s.118.

Powers of northern planning authorities

119 Section 109 applies, with any necessary modification, to the powers of a northern planning authority.

2007, c.P-13.2, s.119.

PART VII
Subdivision of Land

DIVISION 1
Control over Subdivisions

Purpose and interpretation

120(1) In this Part and in Part IX:

- (a) **“battery site”** means a site for common storage facilities receiving production from a well or wells and includes equipment for separating the fluid into oil, gas and water and for measurement within the meaning of *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act;
- (b) **“collection line”** means the right of way for any ditch or pipeline and support structures needed to collect sewage, surface water or other waste water from various sources in order to accumulate the flow at a pond, pumping station or similar utility installation and includes gathering systems needed for oil and gas wells;
- (c) **“distribution line”** means the right of way for any pipelines, wires or cables and support structures needed to connect end users to a pumping station, pressure regulator, electrical transformer, telecommunications or computer network facility, or similar utility installation, for the delivery of water, heat, gas, electrical, telecommunications, television or internet services;
- (d) **“easement”** means any right, interest, estate or agreement affecting part of a parcel to create a right of way through which the owner of a parcel allows another person to install or maintain:
 - (i) a pipeline;
 - (ii) a power, electrical, telecommunication, television, fibre-optic cable or line; or
 - (iii) a drainage ditch or irrigation canal;
- (e) **“service connection”** means a service connection as defined in *The Municipalities Act*;
- (f) **“subdividing instrument”** means an interest that is less than title based on an agreement for sale, easement, lease or mortgage, or any other document or group of documents that:
 - (i) affects or encumbers only part of a parcel;
 - (ii) creates or declares any right, interest or estate in only part of a parcel; or
 - (iii) otherwise has the effect of subdividing land;

- (g) **“transmission line”** means the right of way connecting pumping stations, pressure regulator stations, electrical transformers, communication facilities, reservoirs, ponds, utility installations, or natural drainage courses if the right of way is intended for:
- (i) a canal, ditch or pipeline and support structures for carrying water, sewage or waste water; or
 - (ii) a pipeline, wire, or cable and support structures for carrying heat, oil, gas, petroleum products, chemicals, electricity, telecommunications, television or internet services;
- (h) **“well site”** means a site for any production facilities or installations, including flowlines, connecting pipelines, access roads and power lines or a site for other related equipment needed for producing oil, gas or product, or needed for the disposal of oil and gas waste within the meaning of *The Oil and Gas Conservation Act* and regulations made pursuant to that Act.
- (2) In this Part, subdivision includes the removal or elimination of a parcel tie that links two or more parcels together so as to prevent those parcels from being individually dealt with in the land registry if the situation involves:
- (a) a legal subdivision in a quarter section as legal subdivision is defined in section 131 of *The Land Surveys Regulations*;
 - (b) a parcel linked to another parcel if the parcels:
 - (i) were deemed to be one parcel of land pursuant to any former Act;
 - (ii) are separated by an approved plan or a natural boundary; and
 - (iii) were held under one certificate of title before the implementation of *The Land Titles Act, 2000*;
 - (c) a parcel that was required to be consolidated with all or part of another parcel by a certificate of approval issued pursuant to any former Act; or
 - (d) a parcel required to be linked by a parcel tie to another parcel as a condition of an approval to subdivide land issued pursuant to this Act.
- (3) Pursuant to this Act, for the purposes of the provision of dedicated lands and of determining fees, a “bare land unit” within the meaning of *The Condominium Property Act, 1993* is considered a parcel.

2007, c.P-13.2, s.120.

Subdivision approval required

121(1) Subject to section 122, every subdivision or subdividing instrument is to be:

- (a) made in accordance with this Act and any regulations or bylaws made pursuant to this Act; and
- (b) submitted for approval to the appropriate approving authority.

- (2) No person shall submit to the land registry any subdividing instrument or apply to the Registrar of Titles to register a transfer of title or to obtain title to a new parcel of land if registration of the application would subdivide or have the effect of subdividing land unless the appropriate approving authority has approved the subdivision or subdividing instrument.
- (3) 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 an approval is obtained from an approving authority.
- (4) Any person who effects the transfer of title to land without obtaining an approval pursuant to this Part is deemed to have acquired the title by participating or colluding in fraud pursuant to clause 15(1)(a) of *The Land Titles Act, 2000*.
- (5) Subject to subsection (7), no person shall submit a plan for the approval of the Controller of Surveys, and the Controller of Surveys shall not approve a plan, unless the Controller of Surveys has:
- (a) an approval issued by an approving authority;
 - (b) an affidavit mentioned in subsection 122(4); or
 - (c) a letter issued by an approving authority stating that a plan or instrument is exempt from this Part if, in consultation with the Controller of Surveys or Registrar of Titles, the approving authority is of the opinion that a plan or instrument does not require approval pursuant to this Part.
- (6) The Controller of Surveys shall retain all approvals, affidavits or letters received pursuant to subsection (5) unless the document may be destroyed pursuant to any other Act.
- (7) A department, board, commission or other agency of the Government of Saskatchewan submitting a plan to the Controller of Surveys shall, if required pursuant to this Part:
- (a) obtain an approval from the appropriate approving authority;
 - (b) advise the Controller of Surveys that it has done so when making the submission; and
 - (c) retain the approval in its office unless the approval may be destroyed pursuant to any other Act.

Exemptions from approval

122(1) Section 121 does not apply to:

- (a) an instrument that results in the creation of an interest in or the transfer or issuing of one or more titles to land that would consist of:
 - (i) a whole parcel shown on a Township Subdivision plan or other plan on file in the Land Surveys Directory except for those plans filed for lease or easement purposes; or
 - (ii) the consolidation of two or more adjacent parcels if common parcel boundaries are being eliminated and the external perimeter boundaries of the consolidated parcels will not change unless the parcel was required to be consolidated with all or part of another parcel by an approval issued pursuant to any former Act, or linked by a parcel tie to another parcel by an approval issued pursuant to this Act;
- (b) an instrument that results in the creation of an interest in or the transfer or issuing of one or more titles to a whole condominium unit issued pursuant to *The Condominium Property Act, 1993*;
- (c) an instrument that will affect only part of a building or has the effect of granting the use of or right to only part of a building and does not affect any part of a parcel;
- (d) a lease or instrument based on a lease if:
 - (i) the term of the lease together with any renewal terms does not exceed 10 years;
 - (ii) the lease was entered into before the coming into force of *The Planning and Development Act, 1983*;
 - (iii) the lease is:
 - (A) a renewal or assignment of a lease mentioned in subclause (ii), whether or not the renewal or assignment was entered into before or after the coming into force of *The Planning and Development Act, 1983*; or
 - (B) a sublease entered into, renewed or assigned under or pursuant to a lease mentioned in subclause (ii), whether or not the sublease is:
 - (I) for the whole or any part of the lands originally demised by the lease; or
 - (II) entered into before or after the coming into force of *The Planning and Development Act, 1983*; or
 - (iv) subject to section 123, 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, or for the disposal of oil and gas wastes;

- (e) subject to section 123, a plan or subdividing instrument for a collection line, distribution line, or service connection;
 - (f) subject to section 123, a plan or subdividing instrument for a public highway or an easement for a transmission line if the right of way is located more than:
 - (i) five kilometres from the limits of a city; or
 - (ii) 2.5 kilometres from the limits of any town, village, organized hamlet or hamlet as any of those are defined in *The Municipalities Act* or any town, northern village, northern hamlet, northern settlement or resort subdivision as any of those are defined in *The Northern Municipalities Act, 2010*;
 - (g) a plan or subdividing instrument that widens the right of way of an existing public highway where the widening is contiguous with the limits of the existing public highway, and any adjoining parcels from which the widening is taken are to be considered in conformance with the applicable site area or lot size requirements of any applicable statutory plan or zoning bylaw; or
 - (h) a plan or subdividing instrument for a joint use easement, access agreement, encroachment agreement or similar agreement if, in consultation with the Controller of Surveys or Registrar of Titles, the approving authority is of the opinion that a plan or subdividing instrument does not require approval pursuant to this Part and issues a letter to that effect.
- (2) A person making a submission to the land registry to register an interest related to clause (1)(c), (d), (e), or (f) shall provide with the submission an affidavit or other declaration acceptable to the Registrar of Titles to confirm that the interest and any related documents are not a subdividing instrument requiring an approval pursuant to this Part unless the subdividing interest is based on a plan on record in the Land Surveys Directory.
- (3) The Registrar of Titles may register an interest or an amendment to an interest mentioned in subsection (1) without inquiring as to whether an approval was obtained from an approving authority.
- (4) A person making an application to the Controller of Surveys for approval of a plan respecting clause (1)(e) or (f) shall provide with the application an affidavit or declaration acceptable to the Controller of Surveys confirming that the plan does not require an approval pursuant to this Part.
- (5) If a certificate of approval was not obtained from an approving authority as required pursuant to this Act, the registration of an interest or the registration of an amendment to an interest is invalid.

Notice to municipality required

123(1) No person shall apply to the Registrar of Titles to register an interest based on subclause 122(1)(d)(iv) unless the person has given the municipality in which the affected land is located prior written notice of the intention to register the interest.

(2) Subject to subsection (4), no person shall submit an application to the Controller of Surveys pursuant to clause 122(1)(e) or (f) without an affidavit or other declaration acceptable to the Controller of Surveys confirming that the applicant has, in writing, notified the municipality in which the land is located of the intention to submit the application.

(3) Subject to subsection (4), no person shall submit an application to the Controller of Surveys pursuant to subclause 122(1)(a)(ii) without a letter, bylaw or other documentation acceptable to the Controller of Surveys indicating that the municipality in which the affected land is located is aware that the application is being made.

(4) Subsections (2) and (3) do not apply to a department, board, commission or other agency of the Government of Saskatchewan making a submission pursuant to subsection 121(7).

(5) The registration of an interest pursuant to clause 122(1)(e) or (f) is invalid if notification was not given to the appropriate municipality in accordance with this section.

2007, c.P-13.2, s.123.

Existing oil and gas facilities exempt

124(1) In this section, “**petroleum, natural gas or related hydrocarbons**” includes any other material or substance, whether liquid, solid or gaseous, and whether hydrocarbon or otherwise, that is:

- (a) produced in association with petroleum, natural gas or related hydrocarbons; or
- (b) found in water contained in any underground reservoir:
 - (i) in which petroleum, natural gas or related hydrocarbons may be found; or
 - (ii) that petroleum, natural gas or related hydrocarbons may have occupied.

(2) Subject to subsection (3), 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:

- (a) to have been approved by the appropriate approving authority; and
- (b) to have been made in compliance with the requirements respecting subdivisions pursuant to a former Act.

- (3) Subsection (2) does not apply if, as at June 10, 2004:
- (a) a court of competent jurisdiction had determined that the lease, easement or agreement for a right of way is void for non-compliance with the requirements respecting subdivisions pursuant to a former Act; 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 a former Act.

2007, c.P-13.2, s.124.

DIVISION 2 Subdivision Regulations

Regulations controlling subdivisions

125(1) The minister may 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, 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) 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;
- (h) prescribing the location, size, or number of parcels for which connection to a specified type of approved water supply system is required as a condition of subdivision approval;
- (i) prescribing the type of information required to verify that a proposed subdivision is suitable for the development, using a specified type of approved water supply or sanitary sewage disposal system;

- (j) prescribing that the approving authority may register an interest against title in the land registry based on the requirement to comply with the conditions mentioned in clause (h);
 - (k) respecting any other matter or thing the minister considers necessary or advisable respecting the subdivision of land.
- (2) In making regulations respecting subdivision 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 respecting 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.

2007, c.P-13.2, s.125.

Bylaws by council

126 Pursuant to section 16, a council that has been declared an approving authority pursuant to subsection 13(1) may make bylaws for controlling the subdivision of land.

2007, c.P-13.2, s.126.

DIVISION 3 Requirements for Subdivision Approval

Application for subdivision approval

127(1) Any person may apply to an approving authority for subdivision approval.

(2) If a person applies pursuant to subsection (1), the person shall submit, with the application, those supporting documents required in accordance with the subdivision regulations.

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

2007, c.P-13.2, s.127.

Criteria for approval

128(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 official community plan or zoning bylaw that affects the land proposed to be subdivided;
- (c) the approving authority is satisfied that a servicing agreement, if required by the municipality pursuant to section 172, has been executed; and
- (d) 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 125, but the requirement for primary access:
 - (i) does not apply to land adjoining land to which access has been provided by a public highway if:
 - (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) the titles to the lands mentioned in paragraphs (A) and (B) may be linked by a parcel tie in the land registry prohibiting the lands from being dealt with separately; and
 - (ii) does not apply if the approving authority waives the requirement for access for the reason that compliance is impractical or unnecessary and the application relates to all or any of the following:
 - (A) an island;
 - (B) power, telephone, water, natural gas, oil or sewer lines or a ditch or an irrigation canal;
 - (C) a proposed subdivision or lease situated in a portion of Saskatchewan not covered by the quadrilateral system of township surveys or in the Northern Saskatchewan Administration District;
 - (D) a proposed subdivision situated adjacent to a railway right of way, irrigation canal or drainage ditch that abuts primary access to the lot or parcel;
 - (E) a proposed subdivision situated where a lane can provide physical and legal access to either dedicated lands or a public utility site;

(F) a public utility or public works site, if an easement agreement to provide physical and legal access to the public utility or public works site that is acceptable to the approving authority may be registered as an interest against all affected titles in the land registry;

(G) a leasehold site, if an alternative right of access can be established acceptable to the approving authority.

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

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

(4) An approving authority may:

- (a) approve the application for subdivision approval;
- (b) approve the application for subdivision approval in part;
- (c) approve the application for subdivision approval subject to:
 - (i) the conditions authorized by section 172;
 - (ii) compliance with a directive issued pursuant to section 130; or
 - (iii) parcels being linked by a parcel tie so that the parcels cannot be dealt with separately; or
- (d) refuse an application for subdivision approval.

2007, c.P-13.2, s.128.

Certificate of approval

129(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.

2007, c.P-13.2, s.129.

Development standards on hazardous lands

130(1) If an application for subdivision approval is with respect to 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, 2002*, with the Saskatchewan Watershed Authority, or with any other agency the approving authority may determine, direct that any development on that land must 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 registry an interest based on the requirement to comply with standards mentioned in subsection (1).

2007, c.P-13.2, s.130.

Decision of approving authority

131(1) Every decision of an approving authority shall:

- (a) be given in writing; and
 - (b) if it approves in part or refuses an application for subdivision approval, 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 who or that the approving authority considers to have a direct interest in the proposed subdivision.
- (3) The approving authority shall forward to the applicant 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 130; or
 - (d) revoking an approval of a proposed subdivision.
- (4) The copy of the decision mentioned in subsection (3) must be forwarded by registered mail or personal service.
- (5) At the same time as it forwards a copy of a decision pursuant to subsection (3), the approving authority shall advise the applicant of the applicant's right to appeal pursuant to section 228.

2007, c.P-13.2, s.131.

Revocation of approval

132(1) If an approving authority considers it advisable, the approving authority may revoke an approval of a proposed subdivision if:

- (a) the plan of subdivision has not been approved by the Controller of Surveys; or
- (b) title to the land has not issued.

(2) If an approving authority revokes an approval pursuant to subsection (1), the approving authority shall, by registered mail or personal service, 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.

2007, c.P-13.2, s.132.

Relief from compliance

133 Subject to the other provisions of this Act, if an approving authority is of the opinion that compliance with a requirement of any applicable subdivision regulation made pursuant to clauses 125(1)(d) to (h) or subsection 125(2) or bylaw made pursuant to section 126 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 subject to the waiver of any provision of the subdivision regulations, including the reasons for the waiver; and
- (c) if considered necessary by the approving authority, register in the land registry an interest based on this section, indicating which regulations were waived and including the notice of decision.

2007, c.P-13.2, s.133.

Deemed refusal of approving authority

134(1) If 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 228; 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, if the applicant fails to take action pursuant to clause (1)(a) or (b), the applicant's application is deemed to be validly before the approving authority as an initial application.

(3) If an agreement to extend the time prescribed 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 228.

2007, c.P-13.2, s.134.

Reapplication of same proposal

135 If an application is approved with specific development standards pursuant to section 130, 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 after the date of the decision, except with the permission of the minister.

2007, c.P-13.2, s.135.

DIVISION 4
Required Subdivisions

Power to require registration

136(1) If 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 the registered owner to apply for approval of subdivision of the land to the relevant approving authority within the period specified in the resolution.

(2) For the purposes of subsection (1), the period mentioned in that subsection must not be less than 90 days from the day that service of the notice is effected.

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

2007, c.P-13.2, s.136.

Interpretation

137 In sections 138 to 143, “**required subdivision bylaw**” means a bylaw passed pursuant to section 138.

2007, c.P-13.2, s.137.

Power to pass bylaw requiring subdivision

138 If, on the expiration of the period mentioned in the notice served pursuant to subsection 136(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 apply 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.

2007, c.P-13.2, s.138.

Registration of prohibition based on required subdivision bylaw

139(1) On the passing of a required subdivision bylaw pursuant to section 138, 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 required subdivision bylaw:

- (a) to all persons having any right, title, estate or interest, whether or not it appears on the title, 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.

2007, c.P-13.2, s.139.

Approval of plan of subdivision

140(1) On completion of the plan of subdivision, the council shall apply to the relevant approving authority for subdivision approval of the land included pursuant to the required subdivision bylaw.

(2) An application pursuant to subsection (1) must include:

- (a) a proposed plan of subdivision as described in clause 138(b) that must be approved by the mayor or reeve and the municipal administrator; and
- (b) a certified copy of the required subdivision bylaw.

2007, c.P-13.2, s.140.

Conformity with *The Land Surveys Act, 2000*

141(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 shown on the plan must be or vest in the name of the Crown; and
- (c) to any dedicated lands or walkways shown on the plan must be issued to the Crown or the municipality according to the designation on the plan as set out in the regulations made pursuant to section 205.

2007, c.P-13.2, s.141.

Recovery of costs

142 The costs of preparing and submitting a plan of subdivision to the Controller of Surveys for approval pursuant to section 141:

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

2007, c.P-13.2, s.142.

Direction to council

143(1) The minister may, after consultation with the council, direct the council to prepare and pass a required subdivision bylaw.

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

(3) If the council fails to pass a required subdivision bylaw pursuant to the minister's direction, the minister may exercise all the powers vested in the council by sections 136 to 142, and those sections apply, with any necessary modification, to the minister.

(4) If 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 141 and of having titles issued pursuant to *The Land Titles Act, 2000*; 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.

(5) Any amount mentioned in clause (4)(a) that is paid by the municipality is a debt due to the municipality by the owner of the land with respect to which the order of the minister was made and may be recovered in the manner provided in section 142.

2007, c.P-13.2, s.143.

DIVISION 5 Replotting Schemes

Power to prepare replotting scheme

144 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 mentioned in section 145, a council may, by resolution, authorize the preparation of a replotting scheme and describe the land to be included within the replotting scheme.

2007, c.P-13.2, s.144.

Notice of preparation of replotting scheme

145(1) If 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 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.
- (2) If 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.
- (3) At the hearing mentioned 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 behalf of the registered owner.

2007, c.P-13.2, s.145.

Registration of replotting scheme

146(1) If a council authorizes the preparation of a replotting scheme pursuant to section 144, 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 144; 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 registry except with the consent of the council.

(4) If the Registrar of Titles imposes a prohibition in accordance with this section, the record of the prohibition in the land 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 included 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 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 registry; and
- (c) an address to which notices may be mailed.

2007, c.P-13.2, s.146.

Replotting scheme binding on heirs

147 Any allotment, decision, award, consent or other proceedings in the carrying out of a replotting scheme shall be binding on and enure to the benefit of the registered owner of the land affected by the replotting scheme and the registered owner's heirs, executors, administrators and assigns.

2007, c.P-13.2, s.147.

Contents of a replotting scheme

148 A replotting scheme must 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 any bylaws or 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, provided, altered, expanded or upgraded;
- (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 including the proposed registered owner of the lot and his or her address;
- (g) the lands that the council proposes to acquire pursuant to section 150 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 within the boundaries of the replotting scheme; and
 - (ii) the municipality.

2007, c.P-13.2, s.148.

Cost of replotting scheme

149(1) The cost of preparing a replotting scheme must be apportioned in the manner indicated in the replotting scheme.

(2) The cost of preparing a replotting scheme must include the following costs respecting the replotting scheme:

- (a) survey costs;
- (b) costs paid to prepare a plan of subdivision;

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- (c) any fees payable to the approving authority in connection with the review and approval of the proposed subdivision and the registration of any interests respecting the proposed subdivision;
 - (d) roadways, public highways and related infrastructure;
 - (e) land titles costs.
- (3) The portion of any cost of preparing a replotting scheme that is 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 by the municipality on the lands of those owners included in the replotting scheme.
- (4) The special tax mentioned in clause (3)(b) is a lien on the land and is recoverable in the same manner as general taxes levied on the land.

2007, c.P-13.2, s.149.

Acquisition of certain land

- 150(1)** If 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.
- (2) If the owner does not agree to sell land to the municipality, 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 the owner and that sections 160 to 166 apply to that compensation; and
 - (c) no exchange of properties will be made.

2007, c.P-13.2, s.150.

Principles of replotting

- 151(1)** 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 IX 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;
 - (c) any mines and minerals that have not been patented before the filing of the replotting scheme are deemed to have been previously granted to the Crown.
- (2) For the purpose of clause (1)(b), the municipality is deemed to be the owner of land to which section 150 applies.

2007, c.P-13.2, s.151.

Copies of scheme to certain persons

152 The council shall send one copy of the replotting scheme to:

- (a) the minister responsible for the administration of *The Highways and Transportation Act, 1997*; and
- (b) Saskatchewan Power Corporation, SaskEnergy Incorporated, Saskatchewan Telecommunications and any other corporation operating a public utility that may be affected by the replotting scheme.

2007, c.P-13.2, s.152.

Notice of replotting scheme

153(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 within the boundaries of the replotting scheme.

(2) The notice mentioned in subsection (1) must:

- (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 be held to hear representations with respect to the replotting scheme.

2007, c.P-13.2, s.153.

Public hearing

154 As soon as is practicable after serving notices pursuant to section 153, the council shall:

- (a) hold a public hearing on the replotting scheme in accordance with the notice; and
- (b) at the public hearing, hear any registered owner who wishes to be heard.

2007, c.P-13.2, s.154.

Adoption of replotting scheme

155(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 included in the replotting scheme; and
 - (ii) constituting at least two-thirds of the assessed value of the original parcels of land included in the replotting scheme, exclusive of improvements on that land.

(2) If 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 146 that relates to the replotting scheme.

2007, c.P-13.2, s.155.

Subdivision approval of replotting scheme

156(1) On the adoption of a replotting scheme, the council shall:

- (a) apply to the relevant approving authority for subdivision approval, in accordance with the provisions of this Part, of the land included in the replotting scheme with proof of compliance with:
 - (i) section 152 or the consents of the parties to which a copy of the replotting scheme is required to be transmitted pursuant to section 152;
 - (ii) subsection 153(1) by way of a copy of the notice mentioned in subsection 153(2) and copies of any receipts of service received; and
 - (iii) section 154 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.
- (2) For the purposes of subclause (1)(b)(iii), the plan must be approved by the municipal administrator.
- (3) 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, 2000* or any former *Land Titles Act*.

2007, c.P-13.2, s.156.

Completion or discontinuance of replotting scheme

157(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 146; or
- (b) adopt the replotting scheme and submit the documents to the Controller of Surveys in accordance with clause 156(1)(b).

(2) If 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 146, subject to subsection (3), cease to have effect.

(3) If a plan of subdivision and any schedule mentioned in clause 148(f) covering some of the parcels of land described in the list mentioned in clause 146(2)(b) have been 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.

2007, c.P-13.2, s.157.

Transfer of rights and obligations

158 Except as otherwise provided in this Act, on completion of registration in accordance with section 156:

(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 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;

(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 the 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 included in the plan of subdivision, subject only to any right to compensation provided in this Act.

2007, c.P-13.2, s.158.

Notification of approval of a replotting scheme

159 Within 10 days after 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 or personal service 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 the Court of Queen's Bench 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.

2007, c.P-13.2, s.159.

Setting down hearing for compensation

160 Within 30 days after the date that the material mentioned in clause 159(b) is deposited, the judge shall appoint a time and place for the hearing of applications by non-consenting owners for compensation.

2007, c.P-13.2, s.160.

Notice of hearing

161(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 159(b).

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

2007, c.P-13.2, s.161.

Factors in assessing compensation

162 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 the 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 150.

2007, c.P-13.2, s.162.

Determination of land values

163 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 the title pursuant to section 146; and
- (b) the value of the new parcel of land as of the date of the approval of the plan of subdivision.

2007, c.P-13.2, s.163.

Appeals

164 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.

2007, c.P-13.2, s.164.

Time for payment of compensation

165(1) The council shall pay the amounts of compensation proposed by the replotting scheme out of the general revenue of the municipality within 90 days from the date of approval of the plan of subdivision by the Controller of Surveys.

(2) Notwithstanding subsection (1), if 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 90 days from the date of the award or judgment.

2007, c.P-13.2, s.165.

Compensation subject to limitations and charges

166 The compensation mentioned in section 165 stands in the stead of the land with respect to which it was proposed or awarded and is subject to the limitations and charges, if any, to which the land was subject.

2007, c.P-13.2, s.166.

Removal of buildings

167 A council may, as required by a replotting scheme, demolish, reconstruct or move any building or public utility.

2007, c.P-13.2, s.167.

PART VIII Development Levies and Servicing Fees

Interpretation of Part

168 In this Part, “**capital cost**” means the municipality’s estimated cost of providing construction, planning, engineering and legal services that are directly related to the matters for which development levies and servicing agreement fees are established pursuant to sections 169 and 172, as the case may be.

2007, c.P-13.2, s.168.

Development levy bylaw

169(1) If a council has adopted an official community plan that is not subject to an application for subdivision of land and that authorizes the use of development levies, the council may, by bylaw, establish development levies to recover the capital costs of services and facilities as prescribed in subsections (2) and (3).

(2) A council may impose 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 a proposed development:

- (a) sewage, water or drainage works;
- (b) roadways and related infrastructure;
- (c) parks;
- (d) recreational facilities.

(3) The development levy bylaw shall only permit development levies to be imposed if:

- (a) the specific proposed development was not previously the subject of a servicing agreement entered into pursuant to section 172; and
- (b) in the opinion of the council, the municipality will incur additional capital costs as a result of the proposed development.

(4) The levies in the development levy bylaw must be based on:

- (a) a study or studies of the costs of municipal servicing and recreational requirements; and
- (b) consideration by council of future land use patterns and development and the phasing of public works.

(5) The development levy bylaw must 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; or
- (d) the size or number of lots or units in a development.

(6) The development levy bylaw must provide that similar levies be imposed for developments that impose similar capital costs to the municipality.

(7) The development levy bylaw may exempt land uses, classes of development, zoning districts or defined areas specified in the bylaw from the levies.

(8) The development levy bylaw 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, pursuant to this section, section 171, and sections 173 to 176 of this Act and the bylaw, other than the power to enter into development levy agreements with an applicant or owner.

(9) Adoption of a development levy bylaw must be in accordance with the public participation requirements of Part X.

(10) Subsection (9) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has adopted provisions related to development levy bylaws in a public notice bylaw pursuant to section 24.

2007, c.P-13.2, s.169.

Bylaw requires ministerial approval

170(1) The municipal administrator shall submit to the minister:

- (a) two certified copies of the development levy bylaw passed pursuant to section 169; and
 - (b) proof of compliance with the requirements of Part X in the form of a statutory declaration of the municipal administrator, together with a copy of all representations respecting the bylaw.
- (2) A bylaw mentioned in subsection (1) has no effect unless it is approved by the minister.
- (3) Notwithstanding subsections (1) and (2), a council that has been declared an approving authority pursuant to subsection 13(1) is exempt from obtaining the minister's approval of the adoption, amendment or repeal of a development levy bylaw.

2007, c.P-13.2, s.170.

Development levy agreement

171(1) If a person applies for a development permit, a council that has passed a development levy bylaw pursuant to section 169 may require the applicant or the owner of the land to pay any applicable development levies in accordance with that bylaw.

(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 levy agreement with the municipality respecting the payment of the development levies.

(3) Subject to subsection 169(3), a council may assess only one development levy on one development.

2007, c.P-13.2, s.171.

Servicing agreement

172(1) If there is a proposed subdivision of land, the municipality in which the subdivision is located may require a subdivision applicant to enter into a servicing agreement to provide services and facilities that directly or indirectly serve the subdivision.

(2) Subdivision applicants shall not receive a certificate of approval from the approving authority if a servicing agreement is required by the municipality and has not been executed.

- (3) Servicing agreements may provide for:
- (a) the undertaking by the applicant to install or construct within the proposed subdivision, 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 applicant of fees 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 facilities, located within or outside the proposed subdivision, and that directly or indirectly serve the proposed subdivision;
 - (c) time limits for the completion of any work or the payment of any fees specified in the agreement, which may be extended by agreement of the applicant and the municipality;
 - (d) provisions for the applicant and the municipality to share the costs of any work specified in the agreement; and
 - (e) any assurances as to performance that the council may consider necessary.
- (4) Servicing agreements shall not provide for the completion of any work by the applicant or the payment of any fees by the applicant that were previously addressed by the payment of development levies or in a development levy agreement pursuant to section 171, unless the municipality will incur additional capital costs as a result of the proposed subdivision.
- (5) If required to do so by the municipality, an applicant for subdivision approval shall enter into a servicing agreement within 90 days after the day that the municipality receives the subdivision application.
- (6) The period prescribed in subsection (5) may be extended by agreement of the municipality and the applicant for subdivision approval.

2007, c.P-13.2, s.172.

Terms and conditions of development levy agreements or servicing agreements

173 Development levy agreements and servicing agreements may contain provisions:

- (a) authorizing the payment of levies or fees in instalments;
- (b) applying a variable rate where the development is to be constructed in phases over a period;
- (c) providing for letters of credit, performance bonds or any other form of assurance the council considers necessary to ensure payment for the development levies or the servicing agreement fees, as the case may be;

- (d) providing for the reimbursement of development levies or servicing agreement fees that were paid under a development levy agreement or servicing agreement, and any accrued interest on the money collected, when other, subsequent owners in the benefiting area identified in the agreement are required to pay development levies or servicing agreement fees for the development or subdivision of the land in the benefiting area; and
- (e) prescribing any other matter or thing that the council considers necessary to facilitate the agreement.

2007, c.P-13.2, s.173.

Use of levies and fees

174(1) A municipality shall deposit all development levies and servicing agreement fees received pursuant to sections 171 and 172 into one or more development levy or servicing agreement accounts, separate and apart from other funds of the municipality.

- (2) A municipality shall use the funds received, and any accrued interest, only:
 - (a) to pay the capital cost of providing the services and facilities described in subsection 169(2) or 172(3);
 - (b) to pay a debt incurred by a municipality as a result of an expenditure described in subsection 169(2) or 172(3); or
 - (c) to reimburse an owner described in clause 173(d).

2007, c.P-13.2, s.174.

Registration of development levy or servicing agreements

175(1) A municipality may register an interest based on a development levy agreement or servicing agreement in the land registry against the affected title.

- (2) On registration of an interest based on a development levy agreement or servicing agreement, the rights and privileges in the development levy 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 and the registered owner's heirs, executors, administrators, successors and assigns.

2007, c.P-13.2, s.175.

Appeals on development levy or servicing agreements

176(1) Subject to subsections (3) to (5), within 30 days after the date of the council's written request for payment of development levies or servicing agreement fees, an applicant or an owner of land may appeal to the Saskatchewan Municipal Board:

- (a) the application of the development levies and servicing agreement fees; or
- (b) the factors considered in the calculation of development levies and servicing agreement fees.

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

- (a) whether or not an agreement is necessary; and
- (b) the terms and conditions of the 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 subsection 13(1), any appeal by the applicant or the owner of land pursuant to subsection (1) or (2) must 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 226.

2007, c.P-13.2, s.176.

PART IX Dedicated Lands

DIVISION 1 Buffer Strips

Provision of buffer strips

177(1) If, 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.

(2) Any land provided pursuant to subsection (1) is in addition to the dedication of lands required by this Act.

2007, c.P-13.2, s.177.

Size and location

178 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.

2007, c.P-13.2, s.178.

Sale of buffer strips

179(1) Subject to any regulations made pursuant to section 205, a council may, by bylaw, authorize the sale of all or any part of a buffer strip to which it has title.

(2) In passing a bylaw pursuant to subsection (1), the council shall comply, with any necessary modification, with:

- (a) the public participation requirements of Part X; and
- (b) the ministerial approval requirements of section 200.

(3) Subject to the regulations made pursuant to section 205, 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 to pass a bylaw pursuant to the requirements of subsection (2).

(5) The minister may refuse any sale of a buffer strip if the minister considers the sale undesirable.

(6) Clause (2)(a) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has adopted provisions related to the sale of buffer strips in a public notice bylaw pursuant to section 24.

(7) Clause (2)(b) does not apply to a council that has been declared an approving authority pursuant to subsection 13(1).

2007, c.P-13.2, s.179.

Lease or exchange

180(1) All or any part of a buffer strip may be leased for a use as specified in the regulations made pursuant to section 205.

(2) No buffer strip is to be exchanged for another parcel of land unless the exchange involves a re-subdivision that creates a new buffer strip.

(3) The exchange of a buffer strip shall comply, with any necessary modification, with the requirements of section 179.

(4) Notwithstanding subsection (3), the minister may, on the request of a council, dispense with the public participation requirements of Part X if he or she is of the opinion that the proposed exchange is of a minor nature.

2007, c.P-13.2, s.180.

DIVISION 2
Dedication of Lands

Requirement of owner

181 The owner of land that is the subject of a proposed subdivision shall provide, without compensation, to the municipality in which it is located all or any of the following that an approving authority may require in accordance with this Part:

- (a) land for environmental reserve or municipal reserve;
- (b) money in lieu of any of the land required to be dedicated as municipal reserve;
- (c) a combination of land and money.

2007, c.P-13.2, s.181.

Provision of land prior to subdivision

182(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 235 with the municipality in which the land to be subdivided is situated whereby the owner will, before the subdivision of land is made, provide to the municipality for municipal reserve land:

- (a) land within the area of land intended to be subdivided; or
 - (b) land within any other area of land in the municipality.
- (2) Land provided to a municipality pursuant to subsection (1) must be used as municipal reserve in accordance with this Act and the agreement pursuant to which it was provided.

2007, c.P-13.2, s.182.

Exemptions from dedication

183 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 that reserve land if:

- (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 (c) to (f);
- (b) 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;
- (c) the land is to be subdivided into lots of four hectares or more and is to be used solely for agricultural purposes;
- (d) the land is to be re-subdivided for the purpose of correcting or rearranging boundaries;

- (e) the land is included in an area previously subject to the requirements for dedication pursuant to any former Act and there are records confirming that:
 - (i) land was dedicated as municipal reserve; or
 - (ii) money in lieu of municipal reserve was paid;
- (f) 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; or
- (g) the land is park land within the meaning of *The Parks Act* or a regional park established pursuant to *The Regional Parks Act, 1979*.

2007, c.P-13.2, s.183.

Dedication of public highways

184 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.

2007, c.P-13.2, s.184.

Environmental reserve

185(1) An approving authority may, in consultation with the minister responsible for the administration of *The Environmental Management and Protection Act, 2002*, with the Saskatchewan Watershed Authority, or with any other agency the approving authority may determine, 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;
- (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 205, 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 205, 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*, with the Saskatchewan Watershed Authority, or with any other agency the minister may determine, 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.

2007, c.P-13.2, s.185.

Public reserve, municipal reserve

- 186(1)** Subject to section 183, 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 lieu of municipal reserve; or
 - (c) a combination of land and money.
- (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 pursuant to 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.

- (4) For the purposes of subsection (3), the land included in the area proposed for subdivision is not to include the land required to be provided as environmental reserve.
- (5) If land is to be developed in phases over a certain period, a council that has been declared an approving authority pursuant to subsection 13(1) may, pursuant to section 21, prescribe how the requirement for municipal reserve may be met.
- (6) Notwithstanding subsection (4):
- (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, if 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 if the approving authority considers that the public interest is best served by that arrangement.
- (7) The location and suitability of land dedicated as municipal reserve is subject to the approval of the approving authority.
- (8) 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 205, for municipal reserve or money in lieu of that land, if, 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 205.

2007, c.P-13.2, s.186.

Money in lieu of municipal reserve land

187(1) If 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:

- (a) direct that the requirements of the dedication of land to municipal reserve be waived in whole or in part; and
- (b) require the applicant to pay to the municipality in lieu of that land a sum of money equal to:
 - (i) in the case of land subdivided for residential purposes, 10% of the value of the land that remains when the land required to be provided as environmental reserve has been subtracted from the subdivision; or
 - (ii) 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 from the subdivision.

(2) If a combination of land and money is required to be provided with respect to municipal reserve, the total of the following must not exceed an amount equal to the maximum applicable requirements for land dedication:

- (a) the percentage of land required;
- (b) the percentage of the value of the land required.

(3) For the purposes of this section, the value of the land shall be determined on the basis of its market value, on the basis that the land is in a subdivided unserviced state.

(4) Notwithstanding subsection (3), the calculation of the market value mentioned in subsection (3) must exclude servicing fees as a result of a servicing agreement pursuant to subsection 172(3).

(5) The market value mentioned in subsection (3) must be determined by a qualified appraiser selected and paid for by the municipality, unless the value of the land is:

- (a) recommended by the municipality in which the land proposed for subdivision is located; and
- (b) agreed to by the applicant and the approving authority.

2007, c.P-13.2, s.187.

Acquisition of municipal reserve

188 A municipality may, by resolution, designate any parcel of land it owns or acquires as municipal reserve.

2007, c.P-13.2, s.188.

Dedication by the minister

189(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.

2007, c.P-13.2, s.189.

Deferral of dedication

190(1) If 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 with respect to 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) If a deferment is directed pursuant to subsection (1), the approving authority shall register an interest based on the direction in the land registry against the title to the land to which the direction relates.
- (4) A direction for a deferment pursuant to subsection (1) must:
- (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 mentioned in clause (b).
- (5) An approving authority may, in addition to requiring the provision of land or money or a combination of them pursuant to section 186, require to be provided all or part of the municipal reserve land with respect to which a deferment was directed pursuant to subsection (1) or pursuant to any former Act, as the case may be, if an application for subdivision approval is made respecting:
- (a) land with respect to which an interest is registered pursuant to subsection (3); or
 - (b) land with respect to which a direction for deferment was made, but with respect to which no interest was registered, pursuant to any former Act.

2007, c.P-13.2, s.190.

Transfers to municipality

191(1) The title to all dedicated lands created before January 1, 1991 and vested in the name of the Crown is hereby transferred to and vested in the name of the municipality in which they are located unless the land has been:

- (a) exempted by a ministerial order pursuant to subsection (5); or
 - (b) previously transferred to and vested in the name of a municipality under a former Act.
- (2) All parcels dedicated as public reserve vested in the name of a municipality pursuant to subsection (1) must be known as municipal reserve, and all parcels dedicated as buffer strip or environmental reserve vested in the name of a municipality pursuant to subsection (1) shall 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 purposes of the land 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 dedicated lands transferred pursuant to subsection (1), the municipality to which the land 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) The minister may, by order, exempt certain lands from the transfer to municipalities pursuant to subsection (1) and those lands so exempted shall remain the property of the Crown.
- (6) The minister may make a further order repealing or varying an order issued pursuant to subsection (5) to allow certain lands included in the order to be transferred to and vested in the name of the municipality in which the land is located, in which case:
- (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).

2007, c.P-13.2, s.191.

Use of municipal reserve, public reserve

192(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) Subject to section 22, a council that has been declared an approving authority pursuant to subsection 13(1) may permit uses on a municipal reserve other than those uses mentioned in subsection (1).

2007, c.P-13.2, s.192.

Dedicated lands subject to zoning

193 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 official community plan and zoning bylaw or interim development control bylaw.

2007, c.P-13.2, s.193.

Approval of temporary development

194(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 193, and any regulations made pursuant to section 205, 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) If the dedicated lands are subject to a lease pursuant to subsection 185(4) or (5) or 191(4), section 195 or subsection 198(1) or 199(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 205, 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) If 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) If 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) If, 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) If, 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 if the minister or the council believes that it may not be advisable or in the public 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) must 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) 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 if:

- (a) notice is served in accordance with subsection (11); and
- (b) either the person:
 - (i) does not appear before the minister or the council, as the case may be; or
 - (ii) 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) If the minister or the council removes or disposes of a temporary structure or a development in accordance with clause (8)(b) or 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) If 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 or proceeding 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.

(18) The Lieutenant Governor in Council may make regulations governing the registration of an interest in the land registry based on a permit or an agreement mentioned in this section.

2007, c.P-13.2, s.194.

Agreement for use of municipal reserve, public reserve

195(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, a board of education, or the conseil scolaire; or
- (c) any buildings or improvements located on land mentioned in clause (a) or (b).

(2) If 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 responsible for *The Education Act, 1995* 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)(a) or (b) that is located within the municipality must 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.

2007, c.P-13.2, s.195

Intermunicipal agreement for municipal reserve

196 Two or more municipalities may, by resolution, enter into an agreement providing for:

- (a) the dedication as municipal reserve of any land that any municipality party to the agreement owns or acquires;

(b) the administration and maintenance of any municipal reserve in any municipality party to the agreement and any facilities located on the reserves; and

(c) the use of any funds collected by any municipality party to the agreement in lieu of the dedication of municipal reserve pursuant to section 187.

2007, c.P-13.2, s.196.

Use of certain money

197 All moneys received by a municipality pursuant to this Part must be dealt with as provided in the regulations made pursuant to section 205.

2007, c.P-13.2, s.197.

Sale, etc., of public reserve

198(1) Subject to any regulations made pursuant to section 205, the minister may lease all or any part of a public reserve for any of the purposes provided for in section 192.

(2) Subject to any regulations made pursuant to section 205, the minister may sell or exchange all or any part of a public reserve owned by the Crown.

(3) If the minister exchanges all or any part of a public reserve owned by the Crown, the other parcel of land must be of equal or greater area or value, and the land so obtained must be designated by the minister as public reserve.

(4) If 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 before 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 the public participation requirements of Part X before passing the bylaw; and

(b) to provide the minister with proof of compliance as provided by subsection 200(1).

(5) The minister may refuse any sale or exchange of public reserve that the minister considers to be undesirable.

2007, c.P-13.2, s.198.

Sale, etc., of municipal reserve

199(1) Subject to any regulations made pursuant to section 205, the council may lease all or any part of a municipal reserve for any of the purposes provided for in section 192.

(2) Subject to the regulations made pursuant to section 205, a council may, by bylaw, authorize the sale or exchange of all or any part of a municipal reserve.

(3) If a council proposes to exchange all or any part of any municipal reserve, the other parcel of land must be of equal or greater area or value, and the land obtained must be designated by the council as municipal reserve.

(4) In passing a bylaw pursuant to subsection (2), the council shall comply, with any necessary modification, with:

- (a) the public participation requirements of Part X; and
- (b) the ministerial approval requirements of section 200.

(5) If a council proposes to exchange all or any part of a municipal reserve, the minister may, on the request of the council, dispense with the requirements of clause (4)(a) if the minister is of the opinion that the proposed exchange is of a minor nature.

(6) Clause (4)(a) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has adopted provisions related to the sale of municipal reserve in a public notice bylaw pursuant to section 24.

2007, c.P-13.2, s.199; 2010.

Ministerial approval of bylaws re sale of municipal reserve

200(1) If a bylaw is passed pursuant to subsection 199(2), the municipal administrator shall submit to the minister:

- (a) two certified copies of the bylaw; and
- (b) proof of compliance with the requirements of Part X in the form of a statutory declaration of the municipal administrator, together with a copy of all representations respecting the bylaw.

(2) A bylaw mentioned in subsection (1) has no effect unless it is approved by the minister.

(3) The minister may refuse to approve a bylaw if the minister is of the opinion that the sale or exchange of the municipal reserve is not desirable.

(4) This section does not apply to a council that has been declared an approving authority pursuant to subsection 13(1).

2007, c.P-13.2, s.200.

Walkways

201(1) If, 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 pursuant to subsection (1) must 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 125.

- (3) Walkways provided pursuant to subsection (1) are the property of the municipality in which they are located.
- (4) Subject to the regulations made pursuant to section 205, a council may, by bylaw, authorize the sale of all or any part of any walkways if, in the opinion of the municipality, they are no longer necessary.
- (5) In passing a bylaw pursuant to subsection (4), the council does not have to meet the requirements of clause 199(4)(a) and subsection 200(1) of this Act, sections 13 and 14 of *The Municipalities Act*, sections 13 and 14 of *The Cities Act* or sections 13 and 14 of *The Northern Municipalities Act, 2010*.
- (6) A bylaw mentioned in subsection (4) has no effect until it is approved by the minister.
- (7) No walkway shall be leased or exchanged for another parcel of land unless the exchange involves a re-subdivision that creates a new walkway.
- (8) Subsection (6) does not apply to a council that has been declared an approving authority pursuant to subsection 13(1).

2007, c.P-13.2, s.201; 2010, c.N-5.2, s.460.

DIVISION 3 General

Public roadways, utilities

202(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 205, authorize:

- (a) the construction, installation or maintenance of the following on, over or under any dedicated lands to which the Crown or a council has title:
- (i) a public highway;
 - (ii) public utility lines;
 - (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; and
- (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 must be maintained at the expense of the municipality within which they are located, but if those lands have been leased in accordance with this Act and the regulations made pursuant to section 205, those lands must be maintained at the expense of the lessee.

(3) Subject to subsection (4), the minister may, by letter or agreement, assign to another department of the Government of Saskatchewan the responsibility to control the uses on Crown-owned dedicated lands that are located within areas administered pursuant to *The Forest Resources Management Act*, *The Parks Act*, *The Provincial Lands Act* or *The Regional Parks Act, 1979*.

(4) The authority to lease, exchange or sell dedicated lands assigned to another department of the Government of Saskatchewan pursuant to subsection (3) remains with the minister responsible for this Act.

2007, c.P-13.2, s.202.

Title

203(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 Dedicated Lands Regulations*.

(2) The right and title to all mines and minerals under dedicated lands remain vested in the owner of the mines and minerals and the owner's heirs and assigns.

(3) If the Registrar of Titles issues a title for dedicated lands, the title must issue free and clear of all registered interests excepting any utility easements registered pursuant to *The Municipalities Act*, *The Northern Municipalities Act, 2010*, *The Public Utilities Easements Act*, *The Saskatchewan Telecommunications Act*, *The SaskEnergy Act* or *The Power Corporation Act*.

(4) If the boundaries of a municipality are created or altered, or if 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 subsections 191(5) and (6); 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 redesignate the dedicated lands shown on any plans to comply with *The Dedicated Lands Regulations* if required; 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) must 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.

2007, c.P-13.2, s.203; 2010, c.N-5.2, s.460.

Designation of certain reserves

204(1) If a municipality passes a resolution to designate a parcel as municipal reserve pursuant to section 188 or 196, the council shall apply to the Controller of Surveys to redesignate the parcel as dedicated land in accordance with *The Dedicated Lands Regulations*.

(2) If the minister dedicates a parcel as public reserve or environmental reserve pursuant to section 189, the minister shall apply to the Controller of Surveys to redesignate the parcel as dedicated land in accordance with *The Dedicated Lands Regulations*.

(3) After the Controller of Surveys has redesignated a parcel as dedicated land, the municipality or the minister, as the case may be, shall apply to the Registrar of Titles, who shall issue a new title to the parcel pursuant to section 203.

2007, c.P-13.2, s.204.

Regulations

205 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 to carry out the intent of this Part.

2007, c.P-13.2, s.205.

PART X Public Participation

Exemption for approving authorities, public participation options

206(1) The requirements of this Part do not apply to a council that has been declared an approving authority pursuant to subsection 13(1) and that has passed a public notice bylaw pursuant to section 24.

(2) In addition to the requirements of this Part, a council may, in its zoning bylaw, prescribe additional procedures for obtaining public input on land use and development matters.

2007, c.P-13.2, s.206.

Notice of proposed bylaw

207(1) A council shall give notice of its intention to consider a bylaw adopting, amending or repealing:

- (a) an official community plan pursuant to section 36;
 - (b) a fee bylaw pursuant to section 51;
 - (c) a zoning bylaw pursuant to section 76;
 - (d) a development levy bylaw pursuant to section 169; or
 - (e) any bylaw:
 - (i) to sell all or any part of a buffer strip pursuant to section 179; or
 - (ii) to exchange or sell all or any part of a municipal reserve pursuant to sections 199 and 200.
- (2) After the first reading of a bylaw mentioned in subsection (1) and before the second reading of the bylaw, council shall hold a public hearing.
- (3) The notice mentioned in subsection (1) must be given by:
- (a) advertisement inserted at least once each week for two consecutive weeks in a newspaper circulating in the municipality; or
 - (b) any other method that the minister may approve.
- (4) With the exception of the notice for the bylaws mentioned in subsection (5), the first notice mentioned in subsection (1) must be published at least two clear weeks before the date of the public hearing.
- (5) In the case of a bylaw adopting an official community plan or zoning bylaw, the first notice mentioned in subsection (1) must be published at least four clear weeks before the date of the public hearing.
- (6) The notice mentioned in subsection (1) must:
- (a) contain a description of the proposed bylaw and the reasons for it;
 - (b) describe the affected area by:
 - (i) street names and addresses or by including a map; or
 - (ii) in the case of a bylaw of general application, the type of property affected but not the specific location of each property affected;
 - (c) indicate where and when the proposed bylaw may be examined by any interested person;
 - (d) set out the date, time and place at which a public hearing will be held; and
 - (e) outline the procedure by which the public hearing will be conducted.

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.

2007, c.P-13.2, s.208.

Written notice to owner

209(1) In addition to the requirements of subsection 207(3), if 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(6), 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 pursuant to subsection (1).

2007, c.P-13.2, s.209.

Consideration of representations

210(1) At the public hearing mentioned in subsection 207(2), the council:

- (a) shall ensure that all persons who wish to make representations relevant to the proposed bylaw are heard;
- (b) shall ensure that minutes of the public hearing are recorded; and
- (c) may receive all representations on the same day or, if it considers it advisable, adjourn the hearing until all representations are received.

(2) If a hearing is adjourned pursuant to clause (1)(c), the council may subsequently sit and receive the representations on the date fixed for the reconvened hearing.

2007, c.P-13.2, s.210.

Alteration of bylaw

211(1) Subject to subsections (2) and (3), if, as a result of the consideration of representations 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) if the minister is of the opinion that the alteration proposed to a bylaw is of a minor nature.

(3) Notwithstanding subsection (2), a council that has been declared an approving authority pursuant to subsection 13(1) 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.

(4) Any person who wishes to make a representation following the advertisement of a proposed alteration shall limit the person's representation to the alteration.

2007, c.P-13.2, s.211.

Minister's approval

212(1) Approval by the minister of a bylaw passed for any of the purposes described in subsection 207(1) constitutes approval of the appropriate notice requirements as prescribed in this Part.

(2) A bylaw approved by the minister is not open to question in any court on the ground of inadequate notice.

2007, c.P-13.2, s.212.

PART XI
Appeals

DIVISION 1
Development Appeals Board

Interpretation of Part

213 In this Part, “**board**” means, unless otherwise specified:

- (a) a local Development Appeals Board; or
- (b) a District Development Appeals Board if municipalities have authorized an agreement pursuant to subsection 214(3).

2007, c.P-13.2, s.213.

Appointment of board

214(1) A council shall appoint not less than three persons to constitute the board for the municipality.

(2) A council shall appoint a board within 90 days after the zoning bylaw comes into effect.

(3) A council may agree with the council of any other municipality to jointly establish a District Development Appeals Board to have jurisdiction in their municipalities.

(4) Subsection (1) does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has included these matters in a bylaw pursuant to section 26.

2007, c.P-13.2, s.214.

Membership of board

215(1) Subject to subsection (2), the following persons are not eligible to be appointed as a member of a board or to continue as a member of that board:

- (a) a member of a municipal council;
 - (b) an employee of a municipality;
 - (c) a member or employee of a planning commission of which the municipality is a member.
- (2) Notwithstanding clause (1)(a), a District Development Appeals Board may include a combination of members of council and other persons but only if the councillors from a single municipality do not form the majority of the District Development Appeals Board.
- (3) A member of council who took part in the decision under appeal as a member of a district planning commission may not hear the appeal.
- (4) A majority of the members of the District Development Appeals Board constitutes a quorum for hearing the appeal, but if one or more members is disqualified from hearing the appeal pursuant to subsection (3), two members constitute a quorum.
- (5) This section does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has included these matters in a bylaw pursuant to section 26.

2007, c.P-13.2, s.215.

Board organization

216(1) The council shall determine:

- (a) the term of office of each member of the board;
 - (b) the manner in which vacancies are to be filled; and
 - (c) the remuneration and expenses, if any, payable to each member.
- (2) The members of the board shall choose a chairperson from among themselves.
- (3) The council shall:
- (a) appoint a secretary of the board; and
 - (b) prescribe the term of office, the remuneration, and duties of the secretary of the board.
- (4) The board 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 with respect to those appointments.

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

(6) The Lieutenant Governor in Council may make regulations prescribing rules of procedure for the boards.

(7) Every board shall comply with any rules of procedure prescribed by the Lieutenant Governor in Council pursuant to subsection (5).

(8) This section does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has included these matters in a bylaw pursuant to section 26.

2007, c.P-13.2, s.216.

Meetings

217(1) Meetings of and hearings by the board are at the call of the secretary in consultation with the chairperson of the board.

(2) This section does not apply if a council that has been declared an approving authority pursuant to subsection 13(1) has included these matters in a bylaw pursuant to section 26.

2007, c.P-13.2, s.217.

Conflict of interest

218 No member of a board may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary interest as described in subsection 2(2).

2007, c.P-13.2, s.218.

Right of appeal on zoning bylaw

219(1) In addition to any other right of appeal provided by this or any other Act, a person affected may appeal to the board if there is:

(a) an alleged misapplication of a zoning bylaw in the issuance of a development permit;

(b) a refusal to issue a development permit because it would contravene the zoning bylaw; or

(c) an order issued pursuant to subsection 242(4).

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

(a) is not a permitted use or a permitted intensity of use;

(b) is a discretionary use or a discretionary intensity of use that has not been approved by resolution of council; or

(c) is a prohibited use.

- (3) In addition to the right of appeal provided by section 58, there is the same right of appeal from a discretionary use as from a permitted use.
- (4) An appellant shall make the appeal pursuant to subsection (1) within 30 days after 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.
- (5) Nothing in this section authorizes a person to appeal a decision of the council:
 - (a) refusing to rezone the person's land; or
 - (b) rejecting an application for approval of a discretionary use.

2007, c.P-13.2, s.219.

Application to appeal

220(1) An application for appeal to the secretary of the board must be in writing and must:

- (a) state the reasons for the appeal;
 - (b) summarize the supporting facts for each reason;
 - (c) indicate the relief sought; and
 - (d) include 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)(d)(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.

2007, c.P-13.2, s.220.

Determining an appeal

221 In determining an appeal, the board hearing the appeal:

- (a) is bound by any official community plan in effect;
- (b) must ensure that its decisions conform to the uses of land, intensity of use and density of development in the zoning bylaw;
- (c) must ensure that its decisions are consistent with any provincial land use policies and statements of provincial interest; and

(d) may, subject to clauses (a) to (c), confirm, revoke or vary the approval, decision, any development standard or condition, or order imposed by the approving authority, the council or the development officer, as the case may be, or make or substitute any approval, decision or condition that it considers advisable if, in its opinion, the action would not:

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

2007, c.P-13.2, s.221.

Requirements of board in setting down appeal

222(1) Subject to subsection (2), within 30 days after the receipt of a notice of appeal, the board shall hold a public hearing respecting that appeal.

(2) If 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.

(3) 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, if the owner and the appellant are not the same person;
- (c) the council;
- (d) the assessed owners of property within 75 metres of the boundary of the appellant's land that is the subject of the appeal; and
- (e) other owners of property required to be notified pursuant to the zoning bylaw of the municipality.

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

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

(5) In proving service pursuant to subsection (4), 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.

2007, c.P-13.2, s.222.

Additional material considered on appeal

223(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 supporting documentation, which may include items such as maps, plans, drawings, written material, photos and videos that are intended to be submitted in support of the appeal.

(2) If 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 supporting documentation 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).

2007, c.P-13.2, s.223.

Conduct of hearing

224(1) The hearing of the appeal must be open to the public, and the board shall hear any of the parties mentioned in subsection 222(3) and any other person affected by the appeal who wishes to be heard in favour of or against the appeal.

(2) The chairperson of the board or, in the chairperson's absence, the acting chairperson 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.

(5) The written record mentioned in subsection (4) is a public record.

2007, c.P-13.2, s.224.

Decision of board

225(1) The board shall render its decision in writing, together with reasons for the decision, within 30 days after the conclusion of the hearing.

(2) 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.

(3) 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.

- (4) A decision of the board must be signed by:
 - (a) the chairperson; or
 - (b) in the chairperson's absence, any other board member and the secretary.
- (5) Within 10 days after the date on which the decision is made, the board shall forward a copy of its decision by personal service or registered mail to the appellant, the municipality, the minister and all persons who made representations at the public hearing.
- (6) Subject to section 226, a decision of the board does not take effect until the expiration of 30 days from the date on which the decision is made.

2007, c.P-13.2, s.225.

Appeal from decision of board

226(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) If 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 225(2) apply, with any necessary modification, to a decision of the Saskatchewan Municipal Board made pursuant to clause (3)(b).

2007, c.P-13.2, s.226.

Board to submit material

227 Within 10 days after the date that the board receives a copy of the notice of appeal, the secretary of the board shall forward to the secretary of the Saskatchewan Municipal Board a certified copy of all the records of the board pertaining to the case.

2007, c.P-13.2, s.227.

DIVISION 2
Subdivision Appeals

Right of appeal

228(1) Subject to subsection (3), an applicant may appeal the following by filing a written notice of appeal with the Saskatchewan Municipal Board:

- (a) a refusal of an application for a proposed subdivision;
 - (b) an approval in part of an application for a proposed subdivision;
 - (c) an approval of an application for a proposed subdivision subject to specific development standards issued pursuant to section 130;
 - (d) a revocation of approval of an application for a proposed subdivision;
 - (e) a failure to enter into an agreement pursuant to subsection 172(3) within the specified time limit;
 - (f) an objection by the applicant for subdivision approval to producing any information requested by an approving authority, other than information that is required by the subdivision regulations to accompany the application;
 - (g) in the case of the circumstances described in clause (e), the matter of the terms and conditions of an agreement.
- (2) In the case of an appeal pursuant to clause (1)(a), (b), (c) or (d), the person shall file the person's appeal within 30 days after the date on which the person is served with a copy of the decision of the approving authority.
- (3) If 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 226.
- (4) The council may 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 226.

2007, c.P-13.2, s.228.

Reapplication of appealed proposal

229 If an appeal is made pursuant to section 228 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 after the date of the appeal decision.

2007, c.P-13.2, s.229.

Notice of hearing of appeal

230(1) If a notice of appeal pursuant to section 228 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) If the appeal pursuant to section 228 is to be heard by the Development Appeals Board, that board shall hold a hearing on the appeal within 30 days after receiving the notice of the appeal.

2007, c.P-13.2, s.230.

Determining an appeal

231(1) Section 221 applies, with any necessary modification, in determining an appeal to the board.

- (2) Notwithstanding subsection (1), in the case of an appeal to the board relating to the terms and conditions of a servicing agreement described in subsection 172(3), section 176 applies, with any necessary modification.

2007, c.P-13.2, s.231.

Endorsement of subdivision plan

232(1) If 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) If an approving authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the chairperson of the board that heard the appeal may endorse the plan or other instrument.

2007, c.P-13.2, s.232.

PART XII
Miscellaneous

DIVISION 1
General

Voluntary dispute resolution

233(1) If disputes arise regarding land use planning issues or subdivision planning matters between municipalities, all the affected parties may refer the matter to the Saskatchewan Municipal Board for mediation.

(2) The Saskatchewan Municipal Board shall appoint a mediator to assist the municipalities in resolving the matter in dispute.

(3) If mediation fails to resolve the dispute, the affected parties may request the Saskatchewan Municipal Board to hold a hearing and to make a decision to settle the dispute.

(4) A decision of the Saskatchewan Municipal Board to settle a dispute is binding and shall be implemented by the parties.

2007, c.P-13.2, s.233.

Exemption for public work or public improvement

234(1) Notwithstanding any other provision of this Act, the Lieutenant Governor in Council may, if the Lieutenant Governor in Council considers it to be in the public interest, exempt any public work or public improvement as defined in *The Highways and Transportation Act, 1997* from any of the requirements of this Act or the regulations or any official community plan 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.

2007, c.P-13.2, s.234.

General powers of council for purpose of carrying out Act, etc.

235(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, that the council considers necessary with any person.

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(2) An agreement entered into pursuant to 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 registry.

(3) A council is entitled to enforce the provisions of an agreement entered into pursuant to clause (1)(b) as against the owner and any subsequent owners of that land.

2007, c.P-13.2, s.235.

Rules for registered interests

236 Section 63 of *The Land Titles Act, 2000* does not apply to an interest registered pursuant to this Act or any former Act.

2007, c.P-13.2, s.236.

Minister may charge council

237(1) If the minister, pursuant to this Act, exercises the power of a council, the minister may charge any of the costs of so doing against the municipality.

(2) The minister shall deposit all moneys collected pursuant to subsection (1) in the general revenue fund.

2007, c.P-13.2, s.237.

Restriction re damages, etc.

238 Notwithstanding any other Act or law, 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 an official community plan or zoning bylaw;
- (b) the approval, cancellation or revocation of an approval of a proposed subdivision; or
- (c) any other action taken pursuant to the authority of this Act or the regulations by the minister, the director, a municipality, a commission, a district planning authority, a northern planning authority, or any agent or person acting on his or her or its behalf.

2007, c.P-13.2, s.238.

Authorized persons not liable

239 No action or proceeding lies or shall be commenced against a member of a council, a commission, a municipality, a district planning authority, a northern planning authority, an employee of a municipality or a planning district or a planning authority where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2007, c.P-13.2, s.239.

Errors in assessment roll

240 If 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.

2007, c.P-13.2, s.240.

Service of notices

241 Unless otherwise provided in this Act, any notice or other document pursuant to this Act that is served by registered mail is deemed to have been served, unless the person to whom the notice or other document is sent proves otherwise:

- (a) on the third day following the day on which the notice or other document was mailed, if the delivery is within the municipality; or
- (b) on the fourth day following the day on which the notice or other document was mailed, if the delivery is not within the municipality.

2007, c.P-13.2, s.241.

DIVISION 2 Enforcement

Enforcement

242(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 if 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, any regulations, any bylaw or any order made pursuant to this Act.

(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, any regulations, any bylaw or any 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 do all or any of the following:
 - (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 registry against the affected title.
- (8) If 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 of that land.
- (9) If 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) If 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) No person to whom an order is made pursuant to subsection (10) shall fail to comply with the order within the time set out in the order.

Offences and penalties

243(1) No person shall:

(a) contravene or refuse or neglect to comply with, fail to do any act or thing required to be done, or suffer or permit any act or thing to be done, in contravention of:

(i) a provision of this Act or the regulations or any provision of any other Act that, by this Act, is made applicable to proceedings pursuant to this Act; or

(ii) a bylaw, permit or regulation passed by the council, or any approving authority or the minister, or enacted by the minister, pursuant to this Act; or

(b) obstruct or interfere with any person in the exercise of that person's powers or duties pursuant to this Act or any order, regulation or bylaw in force pursuant to this Act.

(2) Every person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to:

(a) in the case of an individual, a fine of not more than \$10,000, to imprisonment for not more than one year or to both;

(b) in the case of a corporation, a fine of not more than \$25,000; and

(c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day or part of a day.

(3) A convicting court imposing a penalty on any person who is guilty of an offence pursuant to 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.

2007, c.P-13.2, s.243.

Limitation of prosecution

244 No prosecution for an offence pursuant to this Act is to 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.

2007, c.P-13.2, s.244.

Regulations

245 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, enlarging or restricting the meaning of any word or expression used in this Act 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;
- (c) 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;
- (d) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2007, c.P-13.2, s.245.

DIVISION 3 Repeal and Transitional

S.S. 1983-84, c.P-13.1 repealed

246 *The Planning and Development Act, 1983* is repealed.

2007, c.P-13.2, s.246.

Municipal and district planning commissions continued

247 Every municipal or district planning commission as established or continued by a former 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.

2007, c.P-13.2, s.247.

Development plans and basic planning statements deemed official community plans

248 Every development plan or basic planning statement established pursuant to a former Act and existing on the day before the day on which this Act comes into force is deemed to be an official community plan and is continued in force pursuant to this section as if that plan or statement was approved pursuant to this Act, insofar as it is not inconsistent with this Act or a provincial land use policy or statement of provincial interest.

2007, c.P-13.2, s.248.

Interim development control continued

249 Every interim development control bylaw passed by council pursuant to section 106 or 107 of *The Planning and Development Act, 1983*, as that Act existed on the day before the coming into force of this section, and existing on the day before the day on which this Act comes into force, continues in force 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 completes a study of a land use planning matter or prepares and adopts an official community plan and a zoning bylaw.

2007, c.P-13.2, s.249.

Validity of development permits

250 Every development permit issued pursuant to *The Planning and Development Act, 1983*, as that Act existed on the day before the coming into force of this section, is deemed for all purposes to have been issued or granted pursuant to this Act.

2007, c.P-13.2, s.250.

Appeals commenced under former Act

251(1) Every appeal commenced pursuant to *The Planning and Development Act, 1983*, as that Act existed on the day before the coming into force of this section, 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 that Act had remained in force.

(2) Notwithstanding subsection (1), the Saskatchewan Municipal Board may, in hearing an appeal pursuant to section 103 of *The Planning and Development Act, 1983*, exercise the powers conferred on that board pursuant to section 231 of this Act.

2007, c.P-13.2, s.251.

Zoning appeals board continued

252 Every zoning appeals board established pursuant to a former 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.

2007, c.P-13.2, s.252.

Zoning bylaws continued

253 Every zoning bylaw established pursuant to a former 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 a provincial land use policy or statement of provincial interest.

2007, c.P-13.2, s.253.

Replotting schemes continued

254 Every replotting scheme commenced pursuant to *The Planning and Development Act, 1983*, as that Act existed on the day before the coming into force of this section, 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 that Act had remained in force, but that process must be completed, except for the matter of compensation to be determined by a judge of the Court of Queen's Bench, within six months after the day on which this section comes into force.

2007, c.P-13.2, s.254.

Planned Unit Development, variation

255(1) If 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 an official community 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 in the planned unit development if the alteration would not contravene any existing official community plan or zoning bylaw; and
 - (b) adopt zoning regulations providing for the alteration of any site plans of any land in the planned unit development if the alteration would not contravene any existing official community plan or zoning bylaw.
- (2) Parts V and X of this Act apply with respect to a bylaw passed pursuant to subsection (1).

2007, c.P-13.2, s.255.

Revocation of certain approval

256 If approval was given to a proposed plan of subdivision of land pursuant to a former Act before August 12, 1968, the approval is revoked if:

- (a) the plan of subdivision of land was not registered in the land titles system before the coming into force of *The Planning and Development Act, 1983*; or
- (b) in the case of a resort subdivision as designated in *The Northern Municipalities Act, 2010*, the plan of subdivision of land was not filed in the land titles system before the coming into force of *The Planning and Development Act, 1983*.

2007, c.P-13.2, s.256; 2010, c.N-5.2, s.460.

Agreement, contract, subdivision, etc., continued

257 Every agreement, contract, subdivision, approval or power entered into, undertaken or exercised pursuant to *The Planning and Development Act, 1983* and existing on the day before the day on which this Act comes into force continues in force, with any necessary modification, pursuant to this Act until it is amended, repealed or replaced as authorized by this Act or any other Act.

2007, c.P-13.2, s.257.

DIVISION 4**Consequential Amendments**

258 to 262 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

DIVISION 5**Coming into Force****Coming into force**

263 This Act comes into force on assent.

2007, c.P-13.2, s.263.

