

UNEDITED

# *The Town-Planning Rural Development Act*

*being*

Chapter 104 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

## **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 104

### An Act with respect to Town-Planning and Rural Development

#### PART I

#### Title, Interpretation and Appointments

##### SHORT TITLE

###### Short title

- 1 This Act may be cited as *The Town-Planning and Rural Development Act*.

1917 (sess. 2), c.70, s.1; R.S.S. 1920, c.104, s.1.

##### INTERPRETATION

###### Interpretation

- 2 In this Act, and in any rule or regulation made thereunder, unless the context otherwise requires:

###### “Department”

1. “**Department**” means the Department of Municipal Affairs;

###### “Minister”

2. “**Minister**” means the Minister of Municipal Affairs;

###### “Director”

3. “**Director**” means a director of town-planning and rural development appointed by the minister;

###### “Local authority”

4. “**Local authority**” means the governing body of a city, town, village or rural municipality;

###### “Main thoroughfare”

5. “**Main thoroughfare**” means a main thoroughfare which (a) connects or is likely to connect two populous districts or parts of one district or municipality, or which forms the principal means of approach to a city or town, or (b) any main arterial thoroughfare which in the opinion of the Minister of Highways of the province is necessary or desirable for securing adequate means of communication between different parts of the province;

###### “Land” or “lands”

6. “**Land**” or “**lands**” includes lands, tenements and hereditaments and any interest therein, and also houses, buildings and other works and structures;

###### “Plan” and “section”

7. “**Plan**” and “**section**” mean respectively a drawing of a plan or section clearly executed on tracing linen;

###### “Development”

8. “**Development**,” as applied to bylaws or a scheme, means town planning or rural development or both.

1917 (sess. 2), c.70, s.2; 1918–19, c.40, s.2;  
R.S.S. 1920, c.104, s.2.

**“Director”**

3(1) The minister shall appoint a director of town planning and rural development, who shall be a competent engineer or architect or surveyor qualified under *The Saskatchewan Land Surveyors Act*, and shall be the executive officer responsible to him; or the duties of the office may be assigned to the director of surveys of the province.

(2) The minister may also appoint such engineers, inspectors, clerks or other officers as may be found necessary from time to time to assist the director in carrying out the provisions of this Act.

1917 (sess. 2), c.70, s.3; 1918–19, c.40, s.3;  
R.S.S. 1920, c.104, s.3.

## APPOINTMENT OF DEVELOPMENT ENGINEER

**Development engineer**

4(1) The local authority shall appoint its engineering officer or other qualified person to be its development engineer.

(2) Such engineer shall be the executive officer of the local authority for the purpose of carrying out the provisions of this Act, and of regulations and bylaws made thereunder.

1917 (sess. 2), c.70, s.4; R.S.S. 1920, c.104, s.4.

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 PART II

**New Streets and Subdivisions—Powers and  
Duties of Local Authority**

## APPROVAL OF NEW DEVELOPMENT

**Streets and subdivisions**

5(1) It shall not be lawful to reserve, lay out, grant or convey any street, road or public right of way, nor to subdivide or sell as lots, any property, tract of land or area, unless in accordance with plans, sections and particulars submitted to and approved by the local authority, or by the minister under regulations approved by him in case the local authority has not yet adopted regulations.

**Regulations**

(2) The local authority shall make regulations with regard to the manner of subdivision and with regard to the procedure to be adopted with respect to applications for approval of such plans, sections and particulars, including applications which have to be submitted for the joint approval of more than one local authority, and such regulations when made, shall not come into effect until and unless approved by the minister.

**Applications**

(3) Applications made under this section shall be made in writing, and the regulations shall:

- (a) fix the time within which plans, sections and particulars may be approved or rejected;
- (b) deal with any reasonable requirements of the local authority as regards submission of plans, sections and particulars, showing the proposed method of laying out or subdividing land adjoining that included in the plan accompanying an application; and
- (c) indicate what details are required to show the proposed line of frontage of buildings intended to be erected and the proposed widths, formation, method of construction of streets, roads and public rights of way;
- (d) require that plans shall provide for the dedication to public uses of live per cent. of the land to be subdivided, in addition to the streets and lanes;
- (e) deal with the manner of laying out roads, streets, lanes, lots, blocks, parks and public reserves, with the minimum widths and maximum grades of the roads, streets and lanes and with the dimensions of the lots, blocks, parks and public reserves; and fix reasonable conditions to be complied with in respect of drainage and sanitation.

**Model regulations**

(4) The minister may prepare a set of model regulations, or separate sets of model regulations adapted for areas of regulations different character, for adoption by a local authority.

**Regulations by minister**

(5) Where a local authority fails to adopt regulations, the minister may order that from and after a date fixed by him such local authority shall be responsible for the approval of the plans of new streets and subdivisions and every such approval shall be given in accordance with the regulations prepared and prescribed by the minister for the use of such local authority.

1917 (sess. 2), c.70, s.5; 1918-19, c.40, s.4;  
1919-20, c.29, s.2; R.S.S. 1920, c.104, s.5.

**New townsite**

6(1) When the application relates to a subdivision of land for the purposes of a new townsite adjoining a railway, the local authority or the minister, as the case may be, may require that access to the streets of the proposed townsite be provided by suitable roads from at least two of the road allowances bounding the section in which the townsite is located.

(2) The local authority or minister, as the case may be, may refuse to approve the plan of any townsite if in the opinion of the local authority or minister the location of the townsite is unsuitable on account of its inaccessibility from a main thoroughfare approved by the Minister of Highways in that vicinity.

1919-20, c.29, s.3; R.S.S. 1920, c.104, s.6.

**Width of streets**

7(1) When application is made to the local authority with a view to approve the reservation or laying out of a street, road or public right of way, or a subdivision, the local authority may require that any new street needed for the purposes of a main thoroughfare, shall be formed of a width of 100 feet.

(2) If the local authority require the street to be of a greater width than 100 feet, then in the absence of any agreement by the abutting owners to give the land for the purpose of such greater width, the local authority shall purchase from the owners and they shall sell to it the additional land required, and the local authority shall also compensate such owners for any loss or damage sustained by them by reason of the authority requiring the street to be of such greater width.

1917 (sess. 2), c.70, s.6; R.S.S. 1920, c.104, s.7.

**Adjustment and alteration of boundaries**

8(1) A local authority may, for the purpose of securing the proper laying out or development of any lands within its area or in connection with an application under section 7, require that provisions shall be made for adjusting and altering the boundaries of such lands or any lands adjacent or near thereto, and for erecting such exchanges of land or cancellation of subdivision as may be necessary or convenient for such purposes.

(2) The provisions so to be made and the terms and conditions annexed thereto shall, failing agreement between the local authority and the respective persons interested in such lands, be determined, on the application of the local authority or any such person, by the Master of Titles and the local authority shall pay to any such person such sum as may be agreed upon, or as may, in default of agreement, be determined as aforesaid.

(3) For the purpose of such determination, the Master of Titles may proceed in the manner prescribed by *The Subdivisions Act* for dealing with the whole or part of a subdivision not required for building purposes; and the Master of Titles shall, have all the powers granted him by the said Act for dealing with such a case, and the provisions of the said Act applicable thereto shall apply *mutatis mutandis* to the determination of the matters mentioned in subsection (2).

1917, (sess. 2), c.70, s.7; R.S.S. 1920, c.104, s.8.

**Approval by local authority of adjoining area**

9 When the application relates to a survey and subdivision into lots with a view to registration of the plan of a tract of land within two miles of the boundary lines of a city, town, village or rural municipality, the local authority shall submit a copy of such application, including plans, sections and particulars to the local authority of the adjoining area for approval of the lines, widths and direction of such roads as form or are likely to form the principal means of communication between the areas of the adjacent municipalities.

1917 (sess. 2), c.70, s.8; R.S.S. 1920, c.104, s.9.

## PART II

## Development Bylaws and Scheme

## PREPARATION AND APPROVAL

**Development bylaws**

10(1) Except as hereinafter provided, each local authority shall prepare a set of development bylaws for adoption in its area, and provisions shall be made therein for dealing with the matters set out in schedule A and such other matters as may be necessary for carrying the bylaws into effect, including the suspension of any bylaws, rules, regulations or provisions which are already in operation in the area.

(2) The minister may prepare a set of model bylaws (or separate sets of model bylaws adapted for areas of special character) for the purpose of adoption by a local authority.

(3) All bylaws prepared or proposed to be adopted in accordance with this section, shall, when not prescribed by the minister, be submitted to him for approval.

(4) Where a development scheme has been approved by the minister the local authority shall not be required to prepare or adopt a set of town-planning bylaws under this section in respect of the portion of its area included in the proposed scheme.

(5) If, at any period subsequent to the approval of a set of development bylaws, a local authority prepares or adopts a development scheme for any part of a municipal area, provision shall be made therein for incorporating such bylaws as part of the scheme, except in so far as they may be altered or revoked in accordance with the requirements of this Act.

(6) The director may prepare or approve a scheme for any particular area not included within the limits of a municipality, and may submit the same to the minister for approval, and on his approval being given such scheme shall become binding and effective.

1917 (sess. 2). c.70. s.9; R.S.S. 1920, c.104, s.10.

**General development scheme**

11(1) A development scheme may be prepared in accordance with the provisions of this Act with the general object of securing the best economic use of the land and proper sanitary conditions, amenity, and convenience, including suitable provision for traffic, in connection with the laying out of streets and use of the lands included therein and of any neighbouring lands for building or other purposes.

(2) The minister may authorise a local authority to prepare such a scheme with reference to any land within or in the neighbourhood of its area, if the local authority satisfy the minister that there is a *prima facie* case for making such a scheme, or may authorise a local authority to adopt, with or without modifications, any such scheme proposed by all or any of the owners of land with respect to which the local authority might itself have been authorised to prepare a scheme.

1917 (sess. 2), c.70, s.10; R.S.S. 1920, c.104, s.11.

**Minister's approval to bylaws or scheme**

**12(1)** A set of development bylaws, or a development scheme prepared or adopted by a local authority, shall not have effect, unless approved by order of the minister, who may refuse approval except with such modifications and upon such conditions as he may see fit to impose.

(2) A set of bylaws or a scheme shall take effect when approved by the minister.

(3) A bylaw or scheme may be varied or revoked by order of the minister, on the application of the local authority or of any interested person, if the minister is satisfied that under the special circumstances of the case such bylaw or scheme should be altered or revoked; but no scheme shall be revoked except by a subsequent scheme made and approved in accordance with this Act.

1917 (sess. 2), c.70, s.11; R.S.S. 1920, c.104, s.12.

**Carrying out schemes**

**13(1)** The authority to be responsible for the carrying out of development bylaws or a development scheme shall be the local authority applying for approval of the bylaws or scheme.

(2) Where land included in a development scheme is in the area of more than one local authority, each local authority shall be the responsible authority for carrying out so much of the scheme as affects land under its municipal jurisdiction.

1917 (sess. 2), c.70, s.12; R.S.S. 1920, c.104, s.13.

**Development board**

**14(1)** The local authority may by bylaw appoint a board consisting of not less than three and not more than nine members for the purpose of preparing a development scheme and carrying the same into effect or of carrying into effect a scheme already adopted, and to the board thus appointed may be delegated such of the powers conferred upon the local authority by and for the purposes of this Act as may be deemed expedient, other than the power of raising money or expropriating land.

(2) The bylaw shall, also state the period of time during which each member shall hold office.

(3) The board may be composed wholly or partly of persons who are not members of the local authority.

(4) Vacancies as they occur may be filled by the local authority.

1917 (sess. 2), c.70, s.13; R.S.S. 1920, c.104, s.14.

**Minister's regulations *re* development bylaws or schemes**

**15(1)** The minister may make rules for regulating the procedure to be adopted with respect to applications for authority to prepare or adopt development bylaws or a development scheme, the preparation thereof, obtaining the approval of the minister thereto, and any inquiries, reports, notices or other matters required in connection with the preparation or adoption, or the approval of the bylaws or a scheme or preliminary thereto, or in relation to the carrying out of the bylaws or scheme, or enforcing the observance of the provisions thereof, and for such other purposes as may be found necessary.



- (2) Provision shall be made therein:
- (a) for securing co-operation on the part of the local authority with other local authorities and with the owners and other persons interested in the land proposed to be affected by the bylaws or included in the scheme;
  - (b) for securing that notice of the proposal to prepare or adopt bylaws or a scheme be given at the earliest stage possible by public advertisement or otherwise;
  - (c) for dealing with the other matters mentioned in schedule B.

1917 (sess. 2), c.70, s.14; R.S.S. 1920, c.104, s.15.

#### **Contents of scheme**

**16(1)** Every development scheme shall contain provisions for defining, as may be prescribed by such rules, the area to which the scheme is to apply.

(2) Provisions shall also be inserted in every scheme for carrying out its general object, for suspending as far as may be necessary for the proper execution of the scheme any bylaws, rules, regulations or other provisions, made by a local authority which are in operation in the area included in the scheme, and in particular for dealing with the matters set out in schedules A and B.

(3) Special provisions shall also be inserted in every set bylaws and scheme prescribing the manner in which the funds necessary, for carrying the bylaws or scheme into effect are to be procured.

1917 (sess. 2), c.70, s.15; R.S.S. 1920, c.104, s.16.

#### **Bylaw or scheme expenses included in assessment**

**17(1)** The expenses to be incurred in preparing or adopting bylaws or a scheme may be borrowed by the local authority under the provisions of the municipal Act by which it is governed.

(2) The amount so borrowed with the interest shall be included in the assessment and rating for the next municipal year, and shall not exceed, for the purpose of preparing and adopting bylaws, one-fiftieth and for the purpose of preparing or adopting a scheme one-twentieth of one per cent. of the assessed value of the city, town or other municipality, according to the last revised assessment roll.

1917 (sess. 2), c.70, s.16; R.S.S. 1920, c.104, s.17.

### **POWERS FOR CARRYING OUT SCHEME**

#### **Powers of local authority under bylaws or scheme**

**18(1)** The local authority may at any time, after giving such notice as may be provided in a set of bylaws or a scheme, and in accordance with the provisions of the bylaws or scheme:

- (a) remove, pull down, or alter any building or other work in the area affected by the bylaws or included in the scheme, which is such as to contravene their provisions, or in the erection or carrying out of which any of their provisions has not been complied with; or
- (b) execute work which it is the duty of any person to execute under bylaws or a scheme, where default has been made by such person and it appears to the local authority that delay in the execution of the work would prejudice the efficient operation of the bylaws or scheme.

(2) Any expenses incurred by the local authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the bylaws or scheme.

(3) If a question arises whether any building or work contravenes a bylaw or scheme, or whether any provision of a bylaw or scheme is not complied with in the erection or carrying out of a building or work, such question shall be referred to the minister, and, unless the parties agree upon some other manner for determining the question, it shall be determined by the minister and the decision of the minister shall be final, conclusive and binding on all persons.

1917 (sess. 2), c.70, s.17; R.S.S. 1920, c.104, s.18.

**Local authority may permit performance of certain works pending authority from minister**

**19** The local may enter into an agreement with the owners of land to permit the formation or construction of streets or roads or the determination of a building line on their land, in accordance with the provisions of any draft bylaws or scheme, between the time when application is made to the minister for approval of the bylaws or authority to prepare the scheme and the time when such approval or authority is given, subject to such agreement being approved by the minister; and may enter into an agreement with any person or corporation to do work that the authority has itself power to perform and, so far as may be necessary for the purpose of doing such work, such person or corporation shall have all the powers conferred upon a local authority by this Act.

1917 (sess. 2) c.70, s.18; R.S.S. 1920, c.104, s.19.

## DAMAGES AND INCREASED VALUES

**Claims for compensation**

**20(1)** Any person whose property is injuriously affected by the making of development bylaws or a development scheme, shall, if he makes a claim for the purpose within the time (if any) limited by the bylaws or scheme (not being less than three months after the date when notice of the approval of the bylaws or scheme is published in the manner prescribed by regulations made by the minister), be entitled to obtain compensation in respect thereof from the local authority.

(2) Any person whose property is injuriously affected by the execution of works carried out under the provisions of a scheme, in respect of any matter or thing which has not been the subject of compensation in connection with the making of bylaws or of the scheme, shall be entitled, if he makes a claim within the time limited by the proper municipal Act governing the local authority, or, if no time is there limited, then within twelve months after the completion of the work, or any section of the work affecting his property, as the case may be, to obtain compensation in respect thereof from the local authority.

(3) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land affected by bylaws or a scheme after the date when the local authority makes application for approval of such bylaws, or for authority to prepare the scheme, as the case may be, or after such other time as the minister may fix for the purpose.

(4) The foregoing provision shall not apply to prevent compensation for work done before the date of approval of the bylaws or scheme, for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

1917 (sess. 2), c.70, s.19; R.S.S. 1920, c.104, s.20.

**Claim for one-half resultant increase in values**

**21(1)** Where, by the making of bylaws or a scheme, property is increased in value, the local authority shall be entitled, if it makes a claim for the purpose within the time, if any, limited by the bylaws or scheme, such time not being less than three months after the date when notice of the approval of the bylaws or scheme is first published in the manner prescribed by regulations made by the minister under section 15, to recover from any person whose property is so increased in value one-half of the amount of the increase.

(2) Where by the execution of works under a scheme, property is increased in value, the local authority may recover from the owner one-half of the increase in respect of any matter or thing for which it has not recovered any amount in connection with the making of the bylaws or scheme, provided that it makes a claim within twelve months after the completion of the work or any portion of the work affecting the property, as the case may be.

1917 (sess. 2), c.70, s.20; R.S.S. 1920, c.104, s.21.

**Determination of amount and payment of compensation**

**22(1)** Any question as to whether property injuriously affected or increased in value and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation, or which the local authority is entitled to recover, shall, subject to the provisions hereinafter contained, be determined in accordance with the provisions of the proper municipal Act governing the local authority.

(2) Any amount due as compensation from a local authority to a person aggrieved shall be payable at the expiration of one month from the time when such amount has been determined, subject to the deduction from such amount of any sum which may be due to the authority by the same person under section 21.

(3) Any amount or balance due to the local authority from a person whose property is increased in value, after giving credit for any sum due by the authority to such person under the provisions of section 20, shall be divided into ten equal portions, and one of such portions shall be added to and become part of the taxes assessed against the property in respect of which it has become payable in each of the ten years succeeding that in which the amount is determined.

(4) The unpaid balances of such amount from time to time remaining, including any portion which may fall into arrear, shall bear interest at the rate of six per cent. per annum, but shall not be subject to penalties under the municipal Act governing the area in which the land lies.

(5) The local authority shall, for assessment purposes during a period of twenty years subsequent to the year in which the amount due to it has been determined, deduct such amount from the rateable value of the property in respect of which it becomes payable.

(6) When, a bylaw or a scheme is altered, or revoked by an order of the minister under this Act, any person who has incurred expenditure for the purpose of complying with the bylaw or scheme shall be entitled to compensation from the local authority, in accordance with this section, in so far as any such expenditure is rendered abortive by reason of the alteration or revocation of the bylaw or scheme.

1917(sess. 2), c.70, s.21; R.S.S. 1920, c.104, s.22.

**No compensation in certain cases**

**23(1)** Where property is alleged to be injuriously affected by reason of provisions contained in development bylaws or a development scheme, no compensation shall be paid in respect thereof, if or in so far as the provisions are such as would have been enforceable without compensation if they had been contained in bylaws made by the local authority under any other Act.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in bylaws or a scheme which, with a view to securing the amenity of the area affected by the bylaws or included in the scheme, or any part thereof, or proper hygienic conditions in connection with the buildings to be erected thereon, prescribe the space about buildings or prescribe the percentage of any lot which may be covered with buildings, or limit the number of buildings to be erected, or prescribe the height, character or use of buildings, and which the minister, having regard to the nature and situation of the land affected by the bylaws or provisions, considers reasonable for the purpose of amenity or proper hygienic conditions.

(3) Where a person is entitled to compensation under this Act in respect to any matter or thing, and he would be entitled to compensation in respect to the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, nor shall he be entitled to any greater compensation under this Act than he would be under the other enactment.

1917 (sess. 2), c.70, s.22; R.S.S. 1920, c.104, s.23.

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## PART IV

### Acquisition of Land

#### POWER TO PURCHASE OR EXPROPRIATE

**Manner of acquisition**

**24** The local authority may acquire property for the purposes of this Act, by gift, purchase or expropriation.

1917 (sess. 2), c.70, s.23; R.S.S. 1920, c.104, s.24.

**Powers of Expropriation**

**25(1)** The local authority may, for the purpose of a development scheme, purchase or acquire any land comprised in such scheme by agreement or compulsorily, including any land within 200 feet of the boundary lines or proposed boundary lines of any street laid out, widened or improved by the authority, or of any public park, playground or other open space acquired by the authority under a scheme, and in the absence of agreement the price to be paid shall be determined by arbitration, under the provisions of the municipal Act governing the local authority.

(2) In determining the amount of compensation to be paid for land expropriated for any purpose of a scheme, the arbitrators shall take into consideration the relative benefit or injury occasioned to any remaining portion of the owner's land by carrying the scheme or any portion thereof into effect, adding thereto, in the case of injury, an estimate for the cost of fencing such portion, if fencing be rendered necessary.

(3) The price to be paid for land so purchased or expropriated shall be its fair actual value, at the date when the application for authority to prepare the scheme was made, and no additional allowance shall be made because of the purchase being compulsory.

1917 (sess. 2), c.70, s.24; R.S.S. 1920, c.104, s.25.

**Sale of lands acquired and disposal of proceeds**

**26(1)** A local authority may be authorised by the minister to sell land purchased or expropriated under a development scheme. if it can be shown that the purpose for which the land was acquired has been attained or that the land is no longer necessary for any purpose of the scheme.

(2) The moneys realised from such sale shall be applied, in the first instance, to the payment of any debt incurred in connection with the expropriation, and for that purpose may be used for payment of the instalments of any loan contracted for such debt, or may be paid into a sinking fund established in connection therewith, or into the general sinking fund, as may be most appropriate, and they may thereafter be applied to such purposes in connection with the scheme as may be approved by the minister.

1917 (sess. 2), c.70, s.25; R.S.S. 1920, c.104, s.26.

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## PART V

**Default, Inspection and Report****PROCEDURE IN CASE OF DEFAULT****Default in preparation of bylaws or scheme**

**27(1)** If the minister is satisfied, on any representation and after inquiry, that a local authority:

- (a) has failed to take the steps requisite for having a satisfactory set of bylaws or a scheme prepared and approved in a case where a set of bylaws or a scheme ought to be made; or

- (b) has failed to adopt a scheme proposed by owners of land in a case where a, scheme ought to be adopted; or
- (c) has failed to prepare a set of bylaws dealing with any part of its area not included in a scheme; or
- (d) has unreasonably refused to consent to modifications or conditions imposed by the minister;

the minister may, as the case requires, order the authority to prepare and submit for his approval such a set of bylaws or scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted.

(2) Where the representation is that a local authority has failed to adopt a scheme, the minister, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications and conditions, if any, as he may deem fit, and thereupon the scheme shall have effect as if it had been adopted by the authority and approved by the minister.

(3) If the minister is satisfied, on any representation, after holding local inquiry, that a local authority has failed to enforce effectively the observance of a set of bylaws or a scheme which has been confirmed, or any provisions thereof, or to execute any works, which, under the bylaws or scheme or this Act, the authority is required to execute, he may order the authority to do all things necessary for enforcing the observance of the bylaws or scheme or any provisions thereof effectively, or for executing any works which under the bylaws or scheme or this Act, the authority is required to execute.

(4) Any order under this section may be enforced by *mandamus*.

1917 (sess. 2), c.70, s.26; R.S.S. 1920, c.104, s.27.

## INSPECTION

### Inspection

28(1) The local authority or any of its officers or servants, on production of the written authority of the mayor, overseer or reeve, as the case may be, shall be admitted into or upon any property within its area for the purposes of any inspection required to be undertaken in connection with the work of preparing bylaws or a scheme, or carrying out the provisions of such bylaws or scheme, and if admission is refused any magistrate on complaint thereof on oath by an officer of the local authority (made after reasonable notice in writing of intention to make the same has been given to the person having custody of the property) may by order under his hand require such person to admit the authority and its officers or servants into or upon such property during such reasonable hours as he shall think fit, and if no person having such custody can be found the magistrate shall, on oath made before him of that fact, by order under his hand authorise the authority and its officers or servants to enter such property during the hours and for the purposes aforesaid.

(2) Any such order made by a magistrate shall continue in force until the purposes for which such admittance was required shall have been fulfilled or executed.

1917(sess. 2), c.70, s.27; R.S.S. 1920, c.104, s.28.

**Expenses**

**29** Expenses incurred by the minister or the department under this Act shall be paid out of any funds appropriated for the purpose by the Legislature of the province.

1917 (sess. 2). c.70, s.28; R.S.S. 1920, c.104, s.29.

**ANNUAL REPORT BY MINISTER****Minister's annual report**

**30** The minister shall make an annual report to the Legislature, containing the decisions, recommendations and other transactions of his department under this Act, and shall prepare and keep for inspection a map on which shall be shown the main thoroughfares of the province so far as the position and line of such thoroughfares have been determined by the Department of Highways of the province.

1917 (sess. 2), c.70, s.29; R.S.S. 1920, c.104, s.30.

**POWERS OF LOCAL AUTHORITY****General powers of local authority**

**31** For the purpose of carrying out the provisions of this Act and of any bylaws, rules or regulations made thereunder, every local authority shall possess and may exercise all the power, authority and jurisdiction conferred upon it by the municipal Act under which it is constituted and by which it is governed, and the provisions of the respective municipal Acts shall apply to proceedings under this Act in so far as applicable and not inconsistent with the provisions hereof.

1917 (sess. 2), c.70, s.30; R.S.S. 1920, c.104, s.31.

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**SCHEDULE A**

*(Sections 10 and 16)*

1. Fixing building lines on all existing roads to secure, as far as practicable, having regard to the physical features of the site and the depths of the existing subdivisions, that the distance between the buildings to be erected or buildings likely to be reconstructed on opposite sides of a road shall not be less than 66 feet and may be 120 feet according to the prospective traffic requirements of such road.
2. Fixing building lines on all new roads to be made in future so that no building shall be nearer to the centre of any road than 40 feet in the case of main thoroughfares or 33 feet in the case of all other roads.
3. Reservation of land for new main thoroughfares which it is desired to keep free from buildings, by agreement with the owners of such land where streets or roads are proposed to be in excess of 100 feet, and by co-operation between local authorities with regard to the lines, widths and direction of such thoroughfares in respect of adjacent parts of their respective areas.



4. Reservation of land for parks or other public purposes by agreement with the owners of such land.

5. Limiting the number of separate family dwelling houses to the acre and securing adequate light and air to the windows of each house, so far as reasonable for the purpose of securing the amenity of any area and proper hygienic conditions in connection with the buildings to be erected thereon.

6. Prescribing zones within which to regulate the density of building for the purpose of securing amenity or proper hygienic conditions, and fixing the percentage of the area of any lot on which new buildings may be erected or old buildings reconstructed so that not more than 75 per cent. of any lot situate within the central or commercial zone of a city or town, and, not more than 50 per cent. of any lot situate in an outer or rural zone shall be covered with buildings, except in the case of lots fronting on two streets in which case the percentage may be increased to 90 and 60 per cent. respectively.

Prescribing certain areas which are likely to be used for building purposes for use for dwelling houses, apartment houses, factories, warehouses, shops or stores, and the height or general character of buildings to be erected or reconstructed, so far as reasonable for the purpose of securing the amenity of such areas and proper hygienic conditions in connection with such buildings.

8. Classifying land used, intended to be used, or suitable to be used for different kinds of agriculture, for horticulture, or for public or private open spaces, or for timber or other resources.

9. Prohibiting the carrying on of any noxious trades or manufactures or the erection and use of any buildings with inadequate sanitary arrangements or the erection and use of buildings, bill boards or structures for advertising purposes which are such as to be injurious to the amenity or natural beauty of any area.

10. Providing for the following or other variations in the width of streets:

- (a) new main thoroughfares as defined in this Act to be of a width of not less than 66 feet
- (b) new principal streets to be of a width of not less than 66 feet.

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## SCHEDULE B

*(Section 15 (2)(e) and 16)*

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme:

- (a) submission of a map and particulars of the proposed area to any other local authority affected by the proposed scheme;
- (b) submission of maps and particulars and estimates of cost of preparing scheme, to the minister;
- (c) publication of notices;
- (d) hearing of objections and representations with regard to the boundaries or extent of the area by local authorities interested.



2. Procedure during on and after the preparation or adoption and before the approval of the scheme:
  - (a) deposit for inspection of draft scheme and maps relating thereto;
  - (b) submission of the proposed scheme to the minister with plans and estimates
  - (c) notice of submission of proposed scheme to the minister;
  - (d) hearing of objections and representations by persons affected, including persons representing architectural, engineering or historical societies, or otherwise interested in the amenity of the area;
  - (e) publication of notice of intention to approve scheme and the lodging of objections thereto.
3. Procedure in case of modification of proposed schemes:
  - (a) notice to be given of proposed modification;
  - (b) hearing of objections and representations as to modifications.
4. Procedure after approval of the scheme:
  - (a) notice to be given of the approval of the scheme;
  - (b) inquiries and reports as to beginning and the progress and completion of works and other action under the scheme.
5. Procedure for the purpose of an application to prepare or adopt development bylaws:
  - (a) publication of notices of proposed applications and deposit for inspection of draft bylaws and maps relating thereto;
  - (b) submission of draft bylaws and maps (if any) to the minister;
  - (c) hearing of objections and representations by persons interested;
  - (d) publication of notices of intention to approve bylaws and lodging of objections to modifications made (if any);
  - (e) deposit of bylaws as approved by the minister and publication of notice of approval.
6. The details to be specified in plans, including wherever the circumstances so require, the restrictions on the number, location, purpose and dimensions of buildings which may be erected on each area, and the height and character of such buildings.
7. Duty of minister to hold or order the holding of any public inquiry which he deems necessary or desirable.
8. Duty of local authority to give information at any stage to person affected with reference to any bylaws or scheme or proposed bylaws or scheme.

FOR HISTORICAL REFERENCE ONLY