

Local Government Act excerpt ss.513 – 513.3

Requirement to provide land for new highway or widening existing highway in respect of subdivisions

513 (1) An approving officer may require that the owner of the land being subdivided provide, without compensation, a portion of that land for highway use as referred to in subsection (2).

(2) Subject to subsections (3) and (4), the land required under this section must not be greater than the following:

(a) for a highway within the subdivision, 20 metres in depth;

(b) for widening an existing local highway that borders or is within the subdivision, the lesser of

(i) 10 metres in depth, and

(ii) the difference between the current width of a local highway and 20 metres.

(3) If the approving officer considers that, due to terrain and soil conditions, a roadway of a width of 8 metres cannot, within the 20-metre limit referred to in subsection (2), be adequately supported, protected or drained, the approving officer may determine that the owner provide, without compensation, land of a greater width than that referred to in subsection (2) (a) or (b) that, in the approving officer's opinion, would permit the local highway to be supported, protected or drained.

(4) The Lieutenant Governor in Council may make regulations specifying a different amount of land under subsection (2) or (3) for different local governments and different classes of local governments.

Requirement to provide land for alternative forms of transportation in respect of subdivisions

513.1 (1) In addition to any land required under section 513, an approving officer may require that the owner of the land being subdivided provide, without compensation, a portion of land for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

(2) The land required under this section must not be greater than 5 metres in depth.

(3) For certainty, the land required under this section and under section 513 may be used for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

(4) The Lieutenant Governor in Council may make regulations specifying a different amount of land under subsection (2) for different local governments and different classes of local governments.

Requirement to provide land for new highway or widening existing highway in respect of building permits

513.2 (1) A servicing officer of a local government may require the owner of the land to provide, as a condition of issuing a building permit, without compensation, a portion of that land for highway use as referred to in subsection (2).

(2) Subject to subsections (3), (4) and (5), the land required under this section must not be greater than the following:

(a) for a highway within the subdivision, 20 metres in depth;

(b) for widening an existing local highway that borders or is within the subdivision, the lesser of

(i) 10 metres in depth, and

(ii) the difference between the current width of a local highway and 20 metres.

(3) If the servicing officer of a local government considers that, due to terrain and soil conditions, a roadway of a width of 8 metres cannot, within the 20-metre limit referred to in subsection (2), be adequately supported, protected or drained, the servicing officer may determine that the owner provide, without compensation, land of a greater width than that referred to in subsection (2) (a) or (b) that, in the servicing officer's opinion, would permit the local highway to be supported, protected or drained.

(4) A local government may, by bylaw, designate as a servicing officer a person who comes within a class of persons prescribed by regulation.

(5) The Lieutenant Governor in Council may make regulations

(a) specifying a different amount of land under subsection (2) or (3) for different local governments and different classes of local governments, and

(b) prescribing classes of persons for the purpose of subsection (4).

Requirement to provide land for alternative forms of transportation in respect of building permits

513.3 (1) In addition to any land required under section 513.2, a servicing officer of a local government may require the owner of the land to provide, as a condition of issuing a building permit, without compensation, a portion of the land for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

(2) The land required under this section must not be greater than 5 metres in depth.

(3) For certainty, the land required under this section and under section 513.2 may be used for the purposes of constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

(4) The Lieutenant Governor in Council may make regulations specifying a different amount of land under subsection (2) for different local governments and different classes of local governments.