Municipal Government Act (MGA) Amendments Affecting Part 17, Planning and Development

The Legislature passed Bill 46, amending provisions to the Municipal Government Act. Specifically, section 648 provides for the imposition and payment of an off-site levy for land that is to be developed or subdivided. Currently, an off-site levy may be used to pay for all or part of the capital cost of the following:

- New or expanded facilities for the storage, transmission, treatment or supply of water;
- New or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- New or expanded storm sewer drainage facilities

The following additional off-site levy provision is now included in section 648:

- New or expanded roads required for or impacted by a subdivision or development.

In addition to adding the off-site levy provision for roads, Bill 46 specifies that the following apply to all off-site levies:

- Each levy is to be accounted for separately;
- Each levy is to be used only for the purposes for which it is collected or for land required for or in conjunction with these purposes;
- Adoption or amendment of an off site levy bylaw is advertised in accordance with section 606 of the MGA. There is an exemption to advertising for any bylaw that was passed before January 1, 2004, or if at least one reading was given before January 1, 2004.
With respect to off-site road levies specifically, Bill 46 confirms that any fee or charge imposed after March 1, 1978 and before January 1, 2004, is deemed to be validly imposed.

Section 694 is amended to allow the Lieutenant Governor in Council to make regulations establishing principles and criteria that must be applied by a municipality when establishing an off site levy. A regulation to establish principles and criteria is currently being prepared under this section.

Specific inquiries regarding the planning provisions may be directed to the Municipal Services Branch, at 427-2225.