

BACKGROUND

Schedule 5 of the Government Organization Act ("Act") makes provision for the establishment of Restricted Development Areas and Water Conservation Areas ("area") for various environmental purposes. (1) The designation of an area is done by way of regulation made by the Lieutenant Governor in Council. The Minister of Infrastructure is charged with administration of the Act and must file a notice of the creation of an area and a notice of any change to an area. However, the validity or operation of such a regulation is not dependent on the filing of the notice at the Land Titles Office. (2)

REGISTRATION PROCEDURE

1. Registration must be in the form of a notice by the Minister of Infrastructure and must be accompanied by a certified copy of either the regulation creating the area or the amending regulation. (3) A caveat filed by the Minister prior to December 15, 1975 is deemed to be a notice.(4)
2. The Department of Infrastructure should indicate in the special instructions portion of the Document Registration Request Form whether it is a new regulation or an amending regulation. If it is an amending regulation, the registration particulars of the notice of the original regulation to which the amendment relates should be included.
3. If it is difficult to determine what land is affected by a notice, a supervisor may request the Department of Infrastructure to supply further information such as copies of plans or sketches used in preparing schedules for the registration.
4. A memorandum with the following particulars is endorsed against each certificate of title affected by the notice of the regulation:

"NOTICE OF RESTRICTED DEVELOPMENT AREA (or
WATER CONSERVATION AREA) - THIS LAND IS
INCLUDED IN THE EDMONTON / CALGARY RESTRICTED
DEVELOPMENT AREA"

- 5.(a) **Amending Regulation** - When an existing area regulation is amended, the Minister must file a further notice with a certified copy of the amending regulation attached. No endorsement of the amending notice is made against the affected certificate(s) of title except in respect of land that is being added to or removed from the area.

b) **Addition of Land to the Area** - If the effect of the amending regulation is to add land to the area, the certificate(s) of title for the additional land is endorsed under the registration number of the notice in the following manner:

"NOTICE OF AMENDING REGULATION RE RESTRICTED DEVELOPMENT AREA NOTICE 842123456".

c) **Removal of Land from the Area** - If the amending regulation has the effect of removing land from an area, the original notice is discharged from the appropriate certificate(s) of title using the registration number of the amending notice. If the land removed is not all of the land described in the certificate of title, the original notice should be checked to determine if a partial discharge is appropriate.

6. **Storage of Amending Notices** - The Act requires that a notice of an amending regulation be stored with the original regulation and the two are treated as one document. The notice of amending regulation is endorsed with the following statement:

"AMENDS RESTRICTED DEVELOPMENT AREA NOTICE 841345678. ORIGINAL NOTICE OF AMENDING REGULATION IS STORED WITH ORIGINAL NOTICE OF REGULATION".

A note must accompany the notice of amending regulation when it is sent for microfilming requesting that it be returned to the examiner so that the following storage procedure can be followed. A photocopy of the notice of amending regulation is made and sent in the normal course to the Records Centre. The original notice of amending regulation is attached to the original notice of regulation either in the Document Filing Section or by recalling the original notice from the Records Centre. The original notice of regulation is endorsed with the following statement:

"NOTICE OF AMENDING REGULATION REGISTERED AS 861345678".

If the original notice of regulation is a microfilmed document, the page on which the statement is endorsed is re-microfilmed.

7. **Rescission of Regulation** - When a regulation is rescinded but not replaced, a notice to that effect with the rescinding regulation attached is registered. The memorandum of the original notice is discharged using the registration number of the rescinding notice.

8. **Rescission and Replacement of a Regulation** - When a regulation is rescinded and replaced by another regulation, a notice to that effect with a certified copy of the new regulation is registered.

a) **Land that was subject to the rescinded regulation is subject to the new regulation** - The memorandum in respect of the rescinded notice is discharged using the registration number of the new notice, and a memorandum of the notice of the new regulation with the particulars shown in item 4 is endorsed against the certificate(s) of title.

- b) **Land that was subject to the rescinded regulation but is not subject to the new regulation** - The memorandum of the original notice is discharged using the registration number of the new notice.
- c) **Land that was not subject to the rescinded regulation but is subject to the new regulation** - The notice is treated as an original notice and a memorandum with the particulars shown in item 4 is endorsed against the certificate(s) of title.
9. **Notice to Registered Owners** - For registrations outlined in numbers 4, 5(a), (b), (c), 7 and 8, a photocopy of the notice, but not the regulation, is sent to each registered owner. To minimize the number of subsequent telephone enquiries, a short notation of the legal description affected and a statement of whether the land has been added or removed from the area are endorsed on the copy of the notice.
10. **Fees** - Pursuant to [Tariff item 2](#), the registration and discharge of all notices are without fee.

STATUTE AND CASE REFERENCES

Statute references are to Schedule 5 of the Government Organization Act, S.A. 2000, c. G-10, unless otherwise indicated.

1. s. 4
2. s. 4(11)
3. s. 4(3) and (4)
4. s. 4(12)