



Attachment 1

Local Government Act Extract

Extract from the Local Government Act

Colors in this extract denote when the section of the Act came into force.
Green indicates November 25, 2021, Blue indicates February 28, 2022.

Requirement for public hearing before adopting bylaw

464. (1) Subject to subsection (2), a local government must not adopt
- (a) an official community plan bylaw,
 - (b) a zoning bylaw, or
 - (c) a bylaw under section 548 [early termination of land use contracts]

without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

- (2) A local government is not required to hold a public hearing on a proposed zoning bylaw if
 - (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
 - (b) the bylaw is consistent with the official community plan.
466. (1) If a public hearing referred to in section 464 is to be held, the local government must give notice of the hearing
- (a) in accordance with this section, and
 - (b) in the case of a public hearing on an official community plan that includes a schedule under section 614 (3) (b) [designation of heritage conservation area], in accordance with section 592 [giving notice to owners and occupiers].
- (2) The notice must state the following:
- (a) the time and date of the hearing;
 - (b) the place of the hearing, if applicable;
 - (b.1) if the hearing is conducted by means of electronic or other communication facilities, the way in which the hearing is to be conducted by those means;
 - (c) in general terms, the purpose of the bylaw;
 - (d) the land or lands that are the subject of the bylaw;
 - (e) the place where and the times and dates when copies of the bylaw may be inspected.
- (3) The notice must be published in accordance with section 94 [requirements for public notice] of the Community Charter.
- (3.1) If the local government has adopted a bylaw under section 94.2 [bylaw to provide for alternative means of publication] of the Community Charter,

the notice must be published by at least one of the means of publication specified in the bylaw not less than 3 days and not more than 10 days before the public hearing.

- (3.2) If the local government has not adopted a bylaw under section 94.2 of the Community Charter, the last publication of the notice must be not less than 3 days and not more than 10 days before the public hearing.
- (4) If the bylaw in relation to which the notice is given alters the permitted use or density of any area or the residential rental tenure in any area, or limits the form of tenure to residential rental tenure in any area, the notice must
- (a) subject to subsection (6), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and
 - (b) be mailed or otherwise delivered at least 10 days before the public hearing
 - (i) to the owners, as shown on the assessment roll as at the date of the first reading of the bylaw, and
 - (ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,
- of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.
- (5) If the bylaw in relation to which the notice is given is a bylaw under section 548 [early termination of land use contracts], the notice must
- (a) subject to subsection (6), include a sketch that shows the area subject to the land use contract that the bylaw will terminate, including the name of adjoining roads if applicable, and
 - (b) be mailed or otherwise delivered at least 10 days before the public hearing
 - (i) to the owners, as shown on the assessment roll as at the date of the first reading of the bylaw, and
 - (ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,
- of all parcels, any part of which is subject to the land use contract that the bylaw will terminate or is within a distance specified by bylaw from that part of the area that is subject to that land use contract.
- (6) If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.
- (7) Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

- (8) The obligation to deliver a notice under subsection (4) or (5) is satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

Notice if public hearing not held

467. (1) If a local government decides not to hold a public hearing referred to in section 464 (2) [public hearing not required for certain zoning bylaws] on a proposed zoning bylaw, it must give notice in accordance with this section.
- (2) The notice must state the following:
- (a) in general terms, the purpose of the zoning bylaw;
 - (b) the land or lands that are the subject of the bylaw;
 - (c) the date of the first reading of the bylaw;
 - (d) the place where and the times and dates when copies of the bylaw may be inspected.
- (3) Section 466 (3) to (4) and (6) to (8) applies to a notice under this section, except that
- (a) a reference in that section to a public hearing is to be read as a reference to the first reading of the bylaw, and
 - (b) the reference in subsection (4) (b) (i) of that section to the date of the first reading of the bylaw is to be read as a reference to the date of the mailing or delivery of the notice.

Posted notices respecting proposed bylaws

468. (1) Without limiting the obligations to give notice under sections 466 and 467, a local government may, by bylaw,
- (a) require the posting of a notice on land that is the subject of a bylaw, and
 - (b) specify the size, form and content of the notice and the manner in which and the locations where it must be posted.
- (2) Specifications under subsection (1) (b) may be different for different areas, zones, uses within a zone and parcel sizes.