



Province of Alberta

POST-SECONDARY LEARNING ACT

LAND USE REGULATION

Alberta Regulation 54/2004

With amendments up to and including Alberta Regulation 63/2018

Current as of May 9, 2018

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 63/2018)

ALBERTA REGULATION 54/2004

Post-secondary Learning Act

LAND USE REGULATION

Table of Contents

**Part 1
Long-range Plans and Commercial
Purposes Definition**

- 1 Definitions
- 2 Primarily commercial purposes defined
- 3 Preparing long-range plans
- 4 Consultation when preparing proposed plan
- 5 Review of proposed plans
- 6 Access to confirmed plans
- 7 Confirmed amendments to plans
- 8 Development must be in accordance with confirmed plan
- 9 Comments on proposed development
- 10 Notification concerns

**Part 2
Support Services Definition**

- 10.1 Support services defined

**Part 3
Transitional Matters, Expiry
and Coming into Force**

- 11 Existing developments unaffected
- 12 Expiry
- 13 Coming into force

**Part 1
Long-range Plans and Commercial
Purposes Definition**

Definitions

- 1 In this Regulation,

(a) “Act” means the *Post-secondary Learning Act*;

- (b) “confirmed plan” means a long-range plan and any amendment made to it, the contents of which the Minister confirms under section 5(2)(a) comply with this Regulation;
- (c) “host municipality” means the municipality or municipalities in which university land is located;
- (d) “long-range plan” means a long-range development and land use plan that complies with section 3;
- (e) “notification area” means an area within 60 metres of a proposed development to which the *Municipal Government Act* does not apply;
- (f) “university board” means the board of governors of a university;
- (g) “university land” means land that is owned by or leased to a university board, other than land used for primarily commercial purposes.

Primarily commercial purposes defined

2 For the purposes of section 121(5) of the Act and this Regulation, “primarily commercial purposes” means purposes that do not include or are not intended to include, in whole or in part, the advancement or support of the educational, research or ancillary needs of

- (a) a university,
- (b) the academic staff or non-academic staff of a university, or
- (c) the students of a university.

Preparing long-range plans

3(1) At the time or times directed by the Minister, a university board must prepare and send to the Minister a proposed long-range plan for university land.

(2) The proposed plan must describe university land in graphic form, with an accompanying text describing, in general terms, the current and any future substantial development proposed for university land.

(3) The proposed plan must include, with respect to any substantial development proposed to be undertaken on university land,

- (a) a description of the protocols that the university board will follow to notify owners of land within the relevant notification area, and the host municipality, of a proposed substantial development,
- (b) how any comments and suggestions made by the owners and the host municipality are to be communicated to the university board, and
- (c) a description of the process the university board will use to respond to comments and suggestions received from the owners and the host municipality about the proposed substantial development.

(4) The proposed long-range plan may include notification protocols that must be followed if an amendment to a confirmed long-range plan is required to permit a specific development, which must include protocols for the amendment process dealing with the matters referred to in subsection (3)(a) to (c).

(5) The university board must maintain a record of the comments and suggestions it receives about its proposed long-range plan and its response, both of which must be provided to the Minister if the Minister so requests.

Consultation when preparing proposed plan

4(1) Before sending its proposed long-range plan to the Minister, the university board must provide

- (a) the owners of land within 60 metres of university land, and
- (b) the host municipality

with a reasonable opportunity to review the proposed plan and communicate with the university board about the proposals in it.

(2) The university board must advertise in a newspaper circulating in the area or areas in which university land is located notifying the public of its opportunity to view the proposed long-range plan and make comments about it.

(3) After considering any comments and suggestions received by it, the university board may amend the plan before sending it to the Minister.

Review of proposed plans

5(1) On receipt of a proposed long-range plan, the Minister must review it to ensure that its contents comply with this Regulation.

- (2) The Minister may
- (a) confirm to the university board that the contents of the proposed long-range plan comply with this Regulation, or
 - (b) return the proposed plan to the university board with recommendations for change or further consideration.
- (3) As soon as the university board has considered the Minister's recommendations, the university board must send the proposed plan to the Minister for further review under subsection (1).

Access to confirmed plans

- 6 The university board must
- (a) send to the host municipality a copy of its confirmed long-range plan, and
 - (b) make copies of the confirmed plan readily available for public inspection.

Confirmed amendments to plans

- 7(1) Subject to subsection (3), a university board may amend its confirmed long-range plan by
- (a) following the process described in section 4, and
 - (b) sending a copy of the proposed amendment to the Minister for review and confirmation under section 5(2)(a) that the contents of the amendment comply with this Regulation.
- (2) An amendment to a long-range plan referred to in subsection (1) does not come into effect until it has been confirmed by the Minister.
- (3) Subsections (1) and (2) do not apply to amendments to a confirmed plan referred to in section 3(4), but a copy of those amendments must be sent to the Minister and the host municipality as soon as possible after they are adopted.

Development must be in accordance with confirmed plan

- 8 A development on university land must occur or be undertaken in accordance with the university board's confirmed long-range plan.

Comments on proposed development

9 In proceeding with a proposed development, a university board must consider, but is not bound by, the comments and suggestions received in response to the notification protocols established in its confirmed long-range plan.

Notification concerns

10(1) An owner of land in the relevant notification area directly affected by a proposed substantial development or an owner of land in the notification area affected by an amendment proposed under section 3(4), as the case may be, may, by notice in writing, request the Minister to review the notification process used by the university board if that person considers that the university board has not complied with the notification protocols described in its confirmed long-range plan.

(2) On application under subsection (1), the Minister may

- (a) request that information or further information be provided,
- (b) request written submissions from any person, and
- (c) compare the process undertaken by the university board with the notification protocols described in its confirmed long-range plan.

(3) On completion of the review the Minister may, if the Minister considers that the process followed by the university board

- (a) was not in substantial compliance with the notification protocols described in the confirmed long-range plan, direct, with or without recommendations, that a process be undertaken or repeated, or
- (b) was in substantial compliance with the notification protocols described in the confirmed long-range plan, confirm that the process undertaken by the university board was satisfactory.

Part 2

Support Services Definition

Support services defined

10.1 For the purposes of section 67(1.1)(b) of the Act, “support services” means any services offered or provided to the students, faculty or staff of a public post-secondary institution including, without limitation,

- (a) academic and staff association services,
- (b) student organization services,
- (c) convenience stores and food and beverage services,
- (d) book stores and study-support and office-support services,
- (e) audio-visual, entertainment, communications and information technology services,
- (f) financial, daycare, health and other personal and daily living services, and
- (g) parking and residential services.

AR 55/2008 s5

Part 3 Transitional Matters, Expiry and Coming into Force

Existing developments unaffected

11 Nothing in this Regulation affects a development that exists or was commenced before this Regulation comes into force.

Expiry

12 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2021.

AR 54/2004 s12;226/2010;64/2013;41/2015;
63/2018

Coming into force

13(1) Subject to subsection (2), this Regulation comes into force on the date on which section 124 of the Act comes into force.

(2) Section 8 comes into force on March 1, 2005.



Printed on Recycled Paper 