



Province of Alberta

PROVINCIAL PARKS ACT

PROVINCIAL PARKS (DISPOSITIONS) REGULATION

Alberta Regulation 241/1977

With amendments up to and including Alberta Regulation 58/2020

Current as of April 2, 2020

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

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(Consolidated up to 58/2020)

ALBERTA REGULATION 241/77

Provincial Parks Act

PROVINCIAL PARKS (DISPOSITIONS) REGULATION

1 In this Regulation

- (a) “Act” means the *Provincial Parks Act*;
- (a.1) “fee” means the fee provided for in an order made under section 13(1)(b.1) of the Act;
- (b) “holder” means a holder of a disposition;
- (c) “park land” means land referred to in section 5.1 of the Act that is or is to be the subject-matter of a disposition.
- (d) repealed AR 24/2000.

AR 241/77 s1;235/85;24/2000;21/2004;292/2006

**Part 1
General**

1.1(1) The Minister may grant dispositions necessary to carry out the terms of any agreement that the Minister has entered into, whether before or after the commencement of this section,

- (a) respecting the construction, operation and maintenance or any one or more of them, of facilities located in or used in respect of parks or recreation areas, or
- (b) governing the provision of services to the public in respect of parks or recreation areas.

(2) A disposition granted under this section or any predecessor of this section is subject to the terms and conditions relative to it in an agreement referred to in subsection (1).

(3) No other provision of this Regulation applies to a disposition granted under this section or any predecessor of this section, unless specifically so stated in the disposition.

AR 226/83 s2;251/2001;292/2006

2(1) Repealed AR 292/2006 s5.

(2) A disposition shall not be granted

- (a) to an individual who has not attained the age of eighteen years;
- (b) to a Member of the Legislative Assembly of Alberta or to a person employed by the Legislative Assembly of Alberta or to a person employed in the public service of Alberta except in accordance with the *Public Service Act*.

AR 241/77 s2;21/2004;292/2006;35/2007

2.1(1) The Minister shall not, with respect to land that is in a provincial park that is designated as a wildland provincial park under the Act,

- (a) grant authority to construct an access road under section 26, or
- (b) grant a disposition under Parts 2 to 10.

(2) Notwithstanding subsection (1), the Minister may

- (a) grant an authority or disposition referred to in subsection (1) for the purpose of the working, extraction or removal of subsurface minerals from land that is in or surrounded by a wildland provincial park, if the rights to the subsurface minerals existed on the effective date of the designation of the wildland provincial park, and
- (b) grant an authority referred to in subsection (1)(a) for the purpose of allowing access to privately owned land that is surrounded by a wildland provincial park.

(3) The Minister, or the Minister responsible for the *Forest Reserves Act* with the written permission of the Minister, may grant a disposition to allow the grazing of livestock on park land that is included in a wildland provincial park, but only where that grazing activity existed at the effective time of the classification of the park as a wildland provincial park.

(4) A permit or approval for grazing issued or given pursuant to a regulation under the *Forest Reserves Act* in respect of land that is in a wildland provincial park is deemed to be a disposition for the purposes of section 8.2 of the *Provincial Parks Act*.

AR 249/96 s2;316/2000;292/2006;3/2013

3 Application for a disposition under this Regulation shall be in the form specified by the Minister.

AR 241/77 s3;292/2006

4 An application for a disposition

- (a) shall contain an accurate description, acceptable to the Minister, of the park land in respect of which the disposition is requested;
- (b) must be accompanied by the appropriate fee;
- (b.1) if required by the Minister, must be accompanied by a security deposit in such amount and form as is acceptable to the Minister to ensure
 - (i) restoration and reclamation of the land, or
 - (ii) any other objective specified by the Minister;
- (c) where there is a valid and subsisting disposition conflicting with the disposition for which application is made, shall be accompanied by a statement from the holder of that disposition consenting to the application;
- (d) shall contain such other information as the Minister may require.

AR 241/77 s4;290/83;292/2006

5 Where more than one application is made for the disposition of an area of park land the Minister may require the applicants to submit tenders or supply additional information or to take such other steps as the Minister may require to enable the decision to which applicant, if any, the disposition may be granted.

AR 241/77 s5;21/2004

6 Where a disposition is issued to two or more persons, each of those persons is jointly and severally liable for the performance of all the obligations under the disposition, the Act and this Regulation.

AR 241/77 s6;292/2006

7 No disposition shall be construed to contain any warranty or condition as to the quality or fitness for any purpose of the park land described in the disposition.

AR 241/77 s7

8 A person to whom a disposition is granted under this Regulation shall

- (a) not assign the interest or any part thereof unless the Minister approves the assignment in writing;

- (b) pay promptly and regularly as they become due and payable, any tax, rent, fee or other charge that may be properly assessed and charged against the holder of the disposition;
- (c) repealed AR 292/2006 s9;
- (d) repealed AR 12/80 s2;
- (e) faithfully observe and carry out the terms and conditions of the disposition;
- (f) not commit or permit waste of any part of the park land nor permit any encroachment or systematic trespass upon the park land and not allow the acquisition of any new rights of way or easements over any part of the park land;
- (g) not use the park land for any purpose other than the purpose designated in the disposition;
- (h) not do any act or thing that injures or destroys or is likely to injure or destroy the surface of the park land unless the disposition expressly, or by necessary implication, authorizes the holder to injure or destroy the surface;
- (i) not allow the accumulation of waste material, debris, refuse or garbage on the park land;
- (j) not allow on the park land any condition which
 - (i) may be a danger to life, health, safety, property, or forest growth, or
 - (ii) may be injurious to any watershed, or the bed of any river, stream, watercourse, lake or other body of water or land in the vicinity of the park land, or
 - (iii) may, in the opinion of the Minister, result in soil erosion, or the pollution of land, plant life, animal life, water or air,unless the disposition expressly, or by necessary implication, gives authority therefor;
- (k) erect only such structures and buildings and install only such equipment as may be required in connection with the purposes for which the disposition is granted;
- (l) use no structure or building as a dwelling place or an office unless the Minister consents in writing;

- (m) unless authorized under the disposition, cut no trees or timber and when so authorized, dispose of the trees or timber only in accordance with the terms and conditions set out in the disposition;
- (n) keep and maintain in a good and serviceable state of repair, to the satisfaction of the Minister, any improvement the holder is by the disposition allowed to occupy or use.

AR 241/77 s8;12/80;290/83;21/2004;292/2006;3/2013

9 Where the interest of the holder is seized in execution, no sale in execution of that interest is effective unless

- (a) it is made to a person eligible to acquire the interest as an assignee from the holder,
- (b) the assignment or transfer is consented to by the Minister.

AR 241/77 s9

10 Where the interest of the holder is liable to

- (a) assessment and taxation in any municipality or school division,
- (b) assessment and the payment of rates in any irrigation district or drainage district,

the interest of the holder is not subject to any Act providing for the recovery of taxes or rates to the extent that its provisions relate to the sale of land for the purposes of the recovery.

AR 241/77 s10;81/2019

11 Notwithstanding the provisions of any disposition the demand or acceptance of rent or other charge payable under a disposition is not a waiver of the right of the Minister to enforce the observance of any provision of the disposition, this Regulation, or the Act, or of the right to cancel the disposition for any default or breach committed before the rent or other charge is demanded or accepted.

AR 241/77 s11;292/2006

12 Where the Minister finds that the holder is

- (a) committing or permitting waste to any park land subject to the disposition, or

- (b) is allowing any condition to exist on the park land that is contrary to section 8, clauses (e), (f), (g), (h), (i), (j), (k), (m) or (n)

the Minister may issue an order to the holder requiring the holder to undertake such work or carry out such action, subject to such terms and conditions and within such period of time as may be specified in the order.

AR 241/77 s12;21/2004

13(1) Where the holder neglects, fails or refuses to comply with an order under section 12 or does not carry out the work required under the order to the satisfaction of the Minister, the Minister may undertake the work referred to on the order.

(2) Where the Minister undertakes any work under subsection (1), the cost incurred therefor is a debt payable to the Crown by the holder.

AR 241/77 s13;21/2004

14(1) The Minister, any park administrative officer, any conservation officer and any person designated for the purpose by the Minister has free and unrestricted access at all reasonable times to any park land subject to a disposition for the purposes of

- (a) inspecting the park land and any building or structure thereon to ensure compliance with this Regulation;
- (b) inspecting the park land and any building or structure thereon for the purposes of the issuance of an order under section 12;
- (c) carrying out or supervising any work required under an order under section 12.

(2) Any order under section 12 or 13 may be delivered personally to the holder or sent by registered mail addressed to the holder at the last address shown in the records of the Minister.

AR 241/77 s14;24/2000;292/2006

15 A disposition may be renewed by the Minister for a term to be determined by the Minister if the holder has complied with this Regulation.

AR 241/77 s15;282/91;292/2006

16 The Minister may approve an assignment of a disposition if the holder has complied with this Regulation and the terms and conditions of the disposition.

AR 241/77 s16;292/2006;3/2013

17 Every disposition is issued subject to the condition that the holder pays in advance the appropriate fee.

AR 241/77 s17;290/83;292/2006

18 Where park land subject to a disposition is required for some public purpose the Minister may, after giving not less than 12 months notice, cancel the disposition.

AR 241/77 s18

19(1) The Minister may cancel a disposition on 30 days notice in writing to the holder where

- (a) the holder fails to comply with any provision of the Act, this Regulation, the disposition under which the park land is held, or any notice or order under this Regulation;
- (a.1) the holder fails to pay any fee required to be paid;
- (b) the disposition was issued in error;
- (c) the holder acquired the disposition through fraud, misrepresentation or impersonation;
- (d) the holder requests the Minister in writing to cancel the disposition;
- (e) the park land is not being used for the purpose for which the disposition was issued;
- (f) the disposition was issued to two or more persons, one or more of whom has ceased to use the park land for the purpose for which the disposition was issued;
- (g) the park land is not held by the holder for the holder's sole use and benefit;
- (h) the holder was ineligible to apply for or acquire the disposition or is ineligible to hold it;
- (i) the holder has failed to pay when due the rent, or any tax, rate or assessment levied against the holder's interest under the disposition or any other money payable under the disposition.

(2) For the purposes of subsection (1), the Minister shall determine whether or not a disposition shall be cancelled and the Minister's decision is final and binding upon the holder.

(3) Where the Minister cancels a disposition under subsection (1), all payments made to the Minister in connection therewith are forfeited and the holder is not entitled to any compensation for any work performed on the park land subject to the disposition or for any expenditure made by the holder in respect of or incidental to the holder's use of it.

(4) Where a disposition is cancelled under this section, any unpaid rent may be recovered as a debt owing to the Crown.

AR 241/77 s19;290/83;21/2004;292/2006

20(1) Where a disposition expires or is cancelled under section 18 or 19, any improvements on the park land that are owned by the holder shall be removed by the holder within 90 days or such longer period as the Minister may allow.

(2) Notwithstanding subsection (1), the Minister may allow the holder to leave improvements on the park land and the Minister may pay to the holder such compensation therefor as the Minister may fix.

AR 241/77 s20;21/2004;292/2006

21 The Minister may reinstate a disposition cancelled under section 19 where

- (a) application for reinstatement is made within six months from the date of cancellation or suspension, and
- (b) the park land is not the subject of another disposition preventing the reinstatement.

AR 241/77 s21

22(1) Upon the expiry of a disposition or its cancellation or its abandonment by the holder, the holder shall restore the park land in accordance with the terms and conditions set out in the disposition or as directed in writing by the Minister at the time of termination.

(2) Where the holder of a disposition does not comply with subsection (1) the Minister may, notwithstanding that the term of the disposition has expired, direct the holder to comply with subsection (1) and for that purpose may direct the holder to remove any structure, fill any excavation and do such other acts as the Minister may consider appropriate in the circumstances.

(3) Where a person neglects or refuses to comply with a direction given under subsection (2), the Minister may cause the park land to be restored in accordance with subsection (1) and the person shall pay to the Minister the amount assessed by the Minister as the cost of investigation and restoration of the park land.

(4) The amount of the costs assessed by the Minister under subsection (3) constitutes a debt owing to the Crown.

AR 241/77 s22;292/2006

23(1) The holder is liable for any damage caused to persons, wildlife, stock, vehicles, walls, fences, buildings, structures and property of any kind by the holder, the holder's servants, agents and employees.

(2) The holder shall indemnify the Minister against all actions, claims and demands that may be brought or made against the Minister by reason of anything done by the holder in exercise or purported exercise of the rights, powers and privileges granted under the disposition.

AR 241/77 s23;21/2004

24(1) The Minister may authorize an applicant to enter upon park land that will be subject to the disposition before the disposition is issued where

- (a) the Minister is satisfied that it is necessary or desirable that immediate entry be granted;
- (b) the prospective holder gives security to
 - (i) the Minister for the payment of any damages suffered by the Minister,
 - (ii) the holder of any disposition having an interest in the park land that is subject to the disposition applied for, and
 - (iii) any other person not referred to in subclause (ii) having an interest in land that may be affected by the immediate entry referred to in this subsection.

(1.1) The Minister may at anytime after a disposition is issued require the holder to give security to

- (a) the Minister,
- (b) the holder of any disposition having an interest in the park land that is subject to the disposition in respect of which the security is being required, and

- (c) any other person not referred to in clause (b) having an interest in land that may be affected by the use of the park land in respect of which the disposition is issued.

(2) In assessing the amount of security payable under subsection (1) or (1.1) the Minister may consider

- (a) the value of the land and park land affected by the disposition or the proposed authority;
- (b) the loss of use of the land and park land suffered by reason of the issuance of the disposition or the grant of the authority;
- (c) the adverse effect of the use or the proposed use of the park land on the holder of any interest in the park land or land and the nuisance, inconvenience and noise that might be caused or generated or that may arise from or in connection with the operations of the applicant;
- (d) the damage to the land or the park land in the area that might be caused by the operations of the applicant;
- (e) such other factors as the Minister considers proper and appropriate in the circumstances.

(3) The grant of an authority under subsection (1) gives no right to the applicant in respect of the issuance of the disposition for which the applicant has applied.

AR 241/77 s24;235/85;21/2004

25 The holder of a disposition shall erect such fences and wildlife and cattle guards as may be directed in writing by the Minister.

AR 241/77 s25;292/2006

26(1) The Minister may give authority to a holder to construct an access road across park land from the park land under the holder's disposition to a public highway.

(2) Where the Minister gives authority under subsection (1) the holder shall

- (a) compensate the Minister for any damage to park land caused by the access, and
- (b) restore the park land used for the access in accordance with such terms and conditions as the Minister may specify.

(3) A holder who has authority to construct an access road under this section shall allow any person to cross the roadway without charge.

AR 241/77 s26;21/2004

Part 2 Mineral Surface Dispositions

27 In this part “mineral producer” means a person having the right to or the right to work mines and minerals in or under park land.

AR 241/77 s27

28(1) The Minister may grant mineral surface dispositions under this Part to mineral producers to enter upon park land

- (a) to search or survey for mines and minerals;
- (b) to remove minerals in or under park land;
- (c) to carry out mining or drilling operations;
- (d) to lay pipe in connection with mining or drilling operations or the production of minerals;
- (e) to erect any tank, station, structure or building in connection with any use referred to in clause (a), (b), (c) or (d);
- (f) for any purpose for which the Surface Rights Board may grant right of entry or user under the *Surface Rights Act*.

(2) No disposition under subsection (1) shall be granted unless the applicant produces proof satisfactory to the Minister of the applicant’s right to remove the minerals, work the mines, or carry out the drilling operations, as the case may be.

(3) Repealed AR 21/2004 s13.

AR 241/77 s28;21/2004

Part 3 Cultivation Dispositions

29 The Minister may grant cultivation dispositions under this Part authorizing the holder to cultivate and sow and harvest crops on the park land described in the cultivation disposition.

AR 241/77 s29

30(1) Except as otherwise provided in subsection (2), a cultivation disposition expires on the 31st of December following the day it is issued.

(2) Where the applicant for a cultivation disposition declares under oath that the applicant will place the park land that is the subject of the disposition in fallow during the summer of the year during which the disposition is issued, the cultivation disposition expires on the 31st of December in the year following the year in which it is issued.

AR 241/77 s30;21/2004

31 No person shall graze livestock or permit livestock to graze on the park land described in any cultivation disposition unless that person is the holder of a valid grazing disposition issued under Part 5.

AR 241/77 s31;21/2004

Part 4 Hay Dispositions

32 The Minister may grant hay dispositions under this Part.

AR 241/77 s32

33 No person shall cut hay on any park land unless that person is the holder of a valid and subsisting hay disposition.

AR 241/77 s33;21/2004

34(1) The holder of a hay disposition who, because of circumstances beyond the holder's control, is unable to cut the hay to which the disposition relates may apply to the Minister for a refund of the fees paid in respect of the disposition by completing an affidavit setting out the circumstances and forwarding it to the Minister before the expiry of the disposition.

(2) The Minister may refund all or part of the fees where the Minister is satisfied that it was not possible for a reason beyond the control of the holder of the disposition to cut the hay referred to in the disposition.

AR 241/77 s34;21/2004

Part 5 Grazing Dispositions

35 The Minister may grant grazing dispositions under this Part.

AR 241/77 s35

36 In this Part “livestock” means cattle and horses.

AR 241/77 s36

37(1) No grazing disposition shall be issued to a corporation unless the majority of the shares of the corporation are

- (a) owned by Canadian citizens or permanent residents within the meaning of the *Immigration and Refugee Protection Act* (Canada), and
- (b) held for the exclusive use and benefit of the shareholders and not in the interests of or for the benefit of any other person.

(2) An application for a grazing disposition made by a corporation under section 4 shall be accompanied by the following:

- (a) a copy of the certificate of incorporation of the corporation or other evidence satisfactory to the Minister of the corporate status of the corporation;
- (b) a statement signed by an officer of the corporation setting out the names, addresses and citizenship of each person holding a share or shares allotted by the corporation and the number of shares in the corporation allotted to each such person;
- (c) where the corporation is not incorporated in Alberta, evidence that it is entitled to do business in Alberta;
- (d) where the corporation is a grazing association, evidence that the association is incorporated under the *Societies Act* or the *Cooperatives Act* and a copy of the bylaws of the corporation in each case.

AR 241/77 s37;58/2020

38 The holder of a grazing disposition shall, with respect to the park land referred to in the holder’s disposition,

- (a) graze livestock in accordance with established conservation and range management practices;
- (b) where required to do so by the Minister, submit to the Minister a sworn statement setting out the number of livestock owned and maintained by that holder;
- (c) not plough, break or cultivate or permit any person to plough, break or cultivate any of the park lands;
- (d) not graze livestock or permit livestock to be grazed unless the holder is the owner of that livestock;

- (e) ensure that the livestock the holder grazes is confined to the park land;
- (f) erect such fence or fences as the Minister may direct in writing;
- (g) not construct any building or structure without the consent in writing of the Minister;
- (h) not cut any wild hay unless the holder is the holder of a valid and subsisting hay disposition.

AR 241/77 s38;21/2004;292/2006

39 No member of a grazing association shall graze livestock the member owns on park land referred to in any grazing disposition issued to the association unless the member obtains written permission therefor from the Minister.

AR 241/77 s39;21/2004

40(1) The Minister may prepare and adopt for any area of park land in respect of which the Minister issues grazing dispositions a range management plan setting out, with respect to that area,

- (a) the maximum number of livestock that shall be grazed;
- (b) the methods to be adopted and followed by holders in maintaining the range and, where applicable, the watershed conditions;
- (c) the methods to be adopted to ensure that the development and use of the area is coordinated with other uses allowed in park land in the vicinity;
- (d) instructions for the application of salt, the cutting of trails, the construction of fences, and the development and maintenance of water resources;
- (e) the rules to be followed by holders to ensure that livestock consume the vegetation in the area as evenly as possible.

(2) Where the Minister has prepared and adopted a range management plan under subsection (1), the holder of a grazing disposition shall comply with the range management plan for the area in which the holder's disposition is located.

AR 241/77 s40;21/2004

41 The Minister may allow the holders of dispositions relating to adjoining tracts of park land to graze their livestock on the tracts of

park land without intervening fences where the Minister is satisfied that the terrain does not allow the erection of such fences.

AR 241/77 s41;21/2004

Part 6

Summer Cabin Dispositions

42 The Minister may grant summer cabin dispositions under this Part.

AR 241/77 s42

43 An application for a summer cabin disposition under section 4 shall be accompanied by the plans and specifications of the improvements the applicant proposes to erect if the application is approved.

AR 241/77 s43;21/2004

44(1) Every holder of a summer cabin disposition shall, not later than two years from the date of the disposition or within such other period as the Minister may set in writing, complete the construction of all the improvements specified in the disposition in accordance with the plans and specifications approved by the Minister.

(2) The Minister may extend or vary the time for the completion of the construction of the improvements upon such terms and conditions as the Minister may set in writing.

(3) No holder of a summer cabin disposition shall

- (a) construct any extension to or make any structural alteration of the improvements referred to in subsection (1), or
- (b) construct other buildings, structures, or facilities not referred to in the plans and specifications submitted under section 43

unless the holder obtains written approval from the Minister.

AR 241/77 s44;21/2004;292/2006

45 Repealed AR 3/2013 s5.

46 A summer cabin disposition shall be for the sole use and benefit of the holder and shall not be used for any purpose other than that purpose referred to in the disposition.

AR 241/77 s46

Part 7 Pipeline Dispositions

47 The Minister may grant pipeline dispositions under this Part.
AR 241/77 s47

48 In this Part “pipeline” means a pipe for the transmission of any fluid or gaseous substance.
AR 241/77 s48

49 This Part applies with all necessary modifications to a pipeline disposition granted as part of a mineral surface disposition under Part 2.
AR 241/77 s49

50 Repealed AR 235/85 s4.

51 The Minister may require an applicant for a pipeline disposition to produce such proof as the Minister may determine that the applicant has authority to construct a pipeline and that the park lands in respect of which the applicant applies for a disposition under this Part are required in connection with such pipeline.
AR 241/77 s51;21/2004

52(1) An interest in park land granted under a pipeline disposition is an easement and does not grant to the holder exclusive interest in the park land.

(2) Repealed AR 372/81 s2.

(3) No person shall construct a road across park land subject to a pipeline disposition unless that person

- (a) has written authority to do so from the Minister,
- (b) ascertains from the holder the depth of the pipeline and its exact location, and
- (c) constructs the road so as not to damage or interfere with the pipeline.

AR 241/77 s52;372/81;21/2004

53 No holder may, without the consent of the Minister and subject to any terms and conditions the Minister may set in writing,

install more than one pipeline in the park land subject to a pipeline disposition.

AR 241/77 s53;21/2004;292/2006

54 A holder may use the park land subject to the pipeline disposition only for the purpose of laying down, constructing, operating, maintaining, inspecting, altering, removing, replacing, reconstructing and repairing a pipeline and installations incidental to the pipeline.

AR 241/77 s54

55 A holder shall, within 60 days of the granting of the pipeline disposition, submit to the Minister accurate plans and such other information as the Minister may require setting out the location in the park land subject to the disposition of the pipeline and installations incidental to it.

AR 241/77 s55

56 No holder shall remove from the park lands under that holder's disposition any sand or gravel or any clay or marl unless that holder obtains written authority from the Minister.

AR 241/77 s56;372/81;21/2004

57(1) Unless the holder obtains prior approval in writing from the Minister, a holder shall bury the holder's pipe and, within one year of the granting of the disposition, restore the park lands subject to the disposition to a condition satisfactory to the Minister.

(2) The Minister may extend the period within which the holder is required to restore the park land under subsection (1).

(3) Upon the completion of the installation of the pipeline or installations incidental to it, the holder shall restore the park land to its original condition.

(4) Where the holder fails or refuses to restore the park land as required under subsection (3), the Minister may proceed in the manner provided for in section 22, subsections (2), (3) and (4).

AR 241/77 s57;372/81;21/2004

Part 8 Sand and Gravel Dispositions

58 The Minister may grant sand and gravel dispositions under this Part.

AR 372/81 s5

59 An applicant for sand and gravel dispositions shall submit the following with the application:

- (a) the appropriate fee for the amount of sand and gravel the applicant intends to remove;
- (b) a plan showing the area or areas of the park land from which the applicant intends to remove the sand and gravel and a detailed outline of the methods the applicant proposes to employ in order to remove it;
- (c) the appropriate fee provided for as security to guarantee the restoration of the surface of the park land.

AR 372/81 s5;290/83;21/2004;292/2006

60 Every sand and gravel disposition expires on November 30 following its date of issue, or on the date the holder completes the removal of the quantity of sand and gravel provided for by the disposition, whichever date occurs first.

AR 372/81 s5;292/2006

61(1) The interest in park land granted under all sand and gravel dispositions is a right to enter upon the park land for the purpose of removing sand and gravel and does not grant to the holder exclusive interest in the park land.

(2) A sand and gravel disposition shall not be construed as a guarantee of the existence of any quantity or quality of the sand and gravel on the land described in the disposition.

AR 372/81 s5

62 Every holder shall

- (a) construct any fence, wildlife or cattle guard the Minister may require on the land described in the sand and gravel disposition granted to the holder, and
- (b) as directed by a park administrative officer, control noxious weeds on the land described in the sand and gravel disposition granted to the holder and prevent their spread to adjoining lands.

AR 372/81 s5;24/2000;3/2013

63(1) Every holder shall submit a declaration under oath to the Minister within 30 days from the date the holder's sand and gravel disposition expires showing the total quantity of sand and gravel removed from the land described in the disposition during its term.

(2) If the quantity of sand and gravel shown in the declaration submitted pursuant to subsection (1) is less than the amount for which a fee was paid by the holder under section 59(a), the Minister may refund to the holder any amount paid by the holder in excess of the fee established for the purposes of this subsection.

AR 372/81 s5;290/83;21/2004;292/2006

64(1) The holder shall remove all structures and restore the surface of the land in a manner satisfactory to the Minister as stripping, excavation, and other operations conducted by the holder progresses.

(2) On the expiration of the sand and gravel disposition every holder shall restore the land in accordance with the instructions of the Minister.

(3) Where the Minister is satisfied that a holder has completed the restoration of the land, the Minister shall refund the cash deposit referred to in section 59(c).

(4) Where the holder fails or refuses to restore the park land as required under subsection (2), the Minister may proceed in accordance with section 22(2), (3) and (4).

AR 372/81 s5;21/2004

65 At any time during the term of a sand and gravel disposition the Minister may require the holder to provide to the Minister any information required by the Minister with respect to the holder's operations on the park land.

AR 372/81 s5

Part 9 Repealed AR 21/2004 s31.

Part 10

Utility Dispositions

74 The Minister may grant utility dispositions under this Part.

AR 372/81 s5

75 In this Part, "utility" means any line, system, works, plant or equipment for the

- (a) production, transmission, delivery or furnishing of telephone, telecommunication, water, power or natural gas service, or

- (b) collection, transmission, treatment or disposal of wastewater or storm drainage,

but does not include a pipeline as defined in section 48 or a telecommunications tower.

AR 372/81 s5;3/2013

76 Repealed AR 235/85 s5.

77 The Minister may require an applicant for a utility disposition to produce any proof that the Minister may determine that the applicant has authority to construct the utility and that the park lands in respect to which the applicant applies for a disposition under this Part are required in connection with the utility.

AR 372/81 s5;21/2004

78(1) An interest in park land granted under a utility disposition is an easement upon, over or under park lands for utility rights-of-way and does not grant to the holder exclusive interest in the park land.

(2) No person shall construct a road across park land subject to a utility disposition without the written authority to do so from the Minister.

AR 372/81 s5;21/2004

79 No holder may, without the consent of the Minister and subject to any terms and conditions the Minister may in writing provide for, install more than one utility in the park land subject to a utility disposition.

AR 372/81 s5;21/2004;292/2006

80 A holder may use the park land subject to the utility disposition only for the purpose of installing, laying down, constructing, operating, maintaining, inspecting, altering, removing, replacing, re-constructing and repairing a utility and installations incidental to the utility.

AR 372/81 s5

81 A holder shall, within 60 days of the granting of the utility disposition, submit to the Minister accurate plans and any other information that the Minister may require setting out the location in the park land subject to the utility disposition and installations incidental to the utility.

AR 372/81 s5

82(1) On the completion of the installation of the utility or installations incidental to it, the holder shall restore the park land to a condition satisfactory to the Minister.

(2) Where the holder fails or refuses to restore the park land as required under subsection (1), the Minister may proceed in the manner provided for in section 22(2), (3) and (4).

AR 372/81 s5

Part 11 Other Dispositions

83 The Minister may, under this Part, grant leases, easements, right of way agreements, licences of occupation and miscellaneous permits for purposes not expressly provided for by this Regulation.

AR 372/81 s5;292/2006;35/2007

84 Repealed AR 292/2006 s25.

85 Repealed AR 228/2017 s2.

Schedule Repealed AR 290/83 s6.



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