

## **Bylaw 19513 Revision to Bylaw 19432, Closure of a Portion of the East - West Lane, East of 144 Street NW and North of 103 Avenue NW, Grovenor**

---

### **Purpose**

To correct an error found on the Schedule "A" map of the closed road Bylaw 19432. Schedule "A" does not align with the road closure legal description in Section 1 to Bylaw 19432.

### **Readings**

Bylaw 19513 is ready for three readings.

A majority vote of City Council on all three readings is required for passage of Bylaw 19513.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 19513 be considered for third reading."

### **Advertising, Public Hearing and Signing**

Bylaw 19513 does not require advertising or a public hearing as the revision proposed is non-substantive in nature. Bylaw 19513 can be signed and thereby passed following third reading.

### **Position of Administration**

Administration supports this Bylaw.

### **Report Summary**

Bylaw 19432 (Attachment 1) closed a portion of the east-west lane, east of 144 Street NW and north of 103 Avenue NW for consolidation with adjacent property for future development under the RF3 zone. Since Bylaw 19432 was passed, a non-substantive

revision has been identified to correct and replace the Schedule “A” map to reflect the legal description in Section 1 of Bylaw 19432.

**Report**

Bylaw 19432 proposes to close a portion of the east-west lane, east of 144 Street NW and north of 103 Avenue NW. The proposed closure area would be consolidated with 14334 - 103 Avenue NW, to the south, for future development under the (RF3) Small Scale Infill Development Zone with the Mature Neighbourhood Overlay.

Bylaw 19432 was submitted to the Land Titles Office for the North Alberta Land Registration District (the “Land Titles Office”) for the purposes of registration and issuance of a certificate of title for the road closure land. In November 2020, the Land Titles Office informed Administration that it had rejected the registration request for Bylaw 19432 because the Schedule “A” map did not match the legal description for the road closure as referenced in Section 1.

As a result of a Schedule “A” map error on the road closure Bylaw, there is a need for a non-substantive revision to Bylaw 19432 in order for the map to correlate with the legal description (Attachment 2).

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s):</b> The City of Edmonton has sustainable and accessible infrastructure			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
The City of Edmonton has sustainable and accessible infrastructure	Edmontonians’ Assessment: Access to Amenities and Services that Improve Quality of Life	To be determined	To be determined

**Legal Implications**

Due to amendments to the *Municipal Government Act* that came into force in 2017, there is a new process for making non-substantive changes to bylaws. Prior to the amendments, the City Manager could make minor revisions to bylaws, which were subsequently adopted by Council by bylaw. The current process allows only City Council to make revisions to its bylaws, and such revisions must be done by bylaw. In addition, prior to the first reading of the revision bylaw, the City Manager must certify that the revisions were prepared in accordance with the *Municipal Government Act*. In

2019, the City Manager's bylaw revision certification authority was delegated to the City Solicitor and the Director, Solicitors Section, Legal Services (Attachment 3).

Provisions of a revised bylaw that replace a previous bylaw, when they have the same effect, operate retrospectively as well as prospectively, and revisions made to bylaws using the prescribed process are deemed to have been made in accordance with all requirements, such as advertising and public hearings.

Once a bylaw is revised using this process, the title of the bylaw must include the words "revised bylaw".

### **Attachments**

1. Signed Bylaw 19432
2. Revision Bylaw 19513
3. Director, Solicitors Section Certification

### **Others Reviewing this Report**

- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development
- B. Andriachuk, City Solicitor