



# Memo

**TO:** Chair, Committee of the Whole

**SUBJECT:** Public Notification by alternate means

**DATE:** October 4, 2024

**FROM:** Chief Administrative Officer

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## **BACKGROUND**

The current notification process for zoning amendments is governed by section 466 of the Local Government Act. If a change is proposed, then a bylaw under section 94.2 of the Community Charter must be adopted.

In the Rental Only amendment there was not a requirement for notification by mail as the bylaw affected more than 10 property owners. Nevertheless, on this issue, letters were sent to all affected property owners.

## **Relevant legislation that regulates publication of Public Notices for Land Use Bylaws**

### ***Community Charter***

#### **Bylaw to provide for alternative means of publication**

**94.2 (1)** A council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1 (1) (a) and (b).

(2) A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including posting in the public notice posting places.

(3) Subject to the regulations, a council may specify, in a bylaw adopted under this section, any means of publication, so long as, before adopting the bylaw, the council considers the principles prescribed by regulation under subsection (6) (a).

(4) Section 12 does not apply in relation to a council's authority to adopt a bylaw under this section.

(5) If a bylaw is adopted under this section, the applicable notice referred to in section 94 (1) (a)

(a) must be published by the means specified in that bylaw,

(b)subject to the regulations and unless this or another Act provides otherwise, must be published at least 7 days before the date of the matter for which notice is required, and

(c)if a period is prescribed for the purpose of this paragraph and unless this or another Act provides otherwise, must be published in the prescribed period before the date of the matter for which notice is required.

(6) The minister may make regulations as follows:

(a)prescribing the principles that must be considered before adopting a bylaw under this section;

(b)prescribing one of the means of publication that must be specified in a bylaw adopted under this section;

(c)requiring that one or more of the means of publication specified in a bylaw adopted under this section be selected from the prescribed means;

(d)for the purpose of subsection (5) (b), prescribing a number of days, other than 7 days, before the date of the matter for which notice is required;

(e)for the purpose of subsection (5) (c), prescribing a period of time.

### Default publication requirements

**94.1** (1)Unless a council has adopted a bylaw under section 94.2, and subject to subsection (3) of this section, a notice must be published

(a)in a newspaper that is distributed at least weekly

(i)in the area affected by the subject matter of the notice, and

(ii)if the area affected is not in the municipality, also in the municipality, and

(b)unless this or another Act provides otherwise, once each week for 2 consecutive weeks.

(2)The obligation under subsection (1) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.

(3)If publication under subsection (1) is not practicable, the notice may be given in the areas by alternative means so long as the notice

(a)is given within the same period as required for newspaper publication,

(b)is given with the same frequency as required for newspaper publication, and

(c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication.

(4) As an exception, subsection 3 (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.

***Local Government Act***

466 (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.



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