



Province of Alberta

## SOIL CONSERVATION ACT

# SOIL CONSERVATION NOTICE REGULATION

### **Alberta Regulation 272/1998**

With amendments up to and including Alberta Regulation 33/2011

### Office Consolidation

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### **Note**

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(Consolidated up to 33/2011)

**ALBERTA REGULATION 272/98**

**Soil Conservation Act**

**SOIL CONSERVATION NOTICE REGULATION**

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Schedule

**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Soil Conservation Act*;
- (b) “notice” means a notice referred to in section 4 of the Act.

**Content of notice**

**2** A form of notice must contain at least the following:

- (a) the name and address of the person to whom the notice is directed;
- (a.1) the name and address of the owner of the property that is the subject of the notice, if different from the person referred to in clause (a);
- (b) the legal description, or the global positioning system coordinates, set out as latitude and longitude, of the land that is the subject of the notice;
- (c) the general location on the land where the remedial measures are required;
- (d) the cause of the soil deterioration, if known;
- (e) the remedial measures that are required to be carried out under the notice;

- (f) the time within which the remedial measures are to be carried out;
- (g) the date on which the notice is given;
- (h) the name, address and telephone number of the officer who issued the notice;
- (i) the name of the municipality;
- (j) a statement of the right to appeal given under section 7 of the Act.

AR 272/98 s2;195/2010

**Form of notice**

**3** Without restricting the actual format in which a notice may be prepared, a notice may be in the form shown in the Schedule.

**Repeal**

**4** The *Soil Conservation Notice Regulation* (AR 74/92) is repealed.

**Expiry**

**5** 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 November 30, 2020.

AR 272/98 s5;63/2003;195/2010

**Schedule****Notice****(Under section 4 of the Soil Conservation Act)**

To (name of landholder) of (address of landholder), Alberta.

You are hereby notified that part or the entire field, as designated by the legal land description: \_\_\_\_\_ quarter(s) of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ West of the \_\_\_\_\_ Meridian or by the approximate location as expressed by the GPS latitude and longitude coordinates: \_\_\_\_\_

as indicated on the accompanying diagram, is deteriorating due to

\_\_\_\_\_

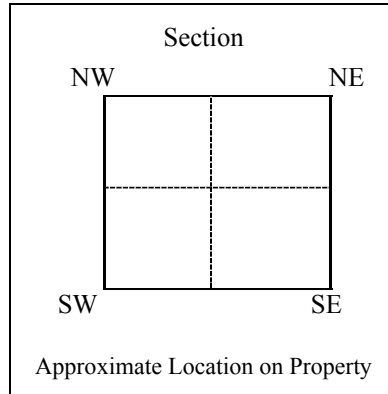
\_\_\_\_\_

and you are hereby directed to take measures to prevent this deterioration on or before the \_\_\_\_\_ hour \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The following Remedial measures are required:

\_\_\_\_\_

\_\_\_\_\_



Name and address of land owner (if different than landholder above): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Soil Conservation Officer: \_\_\_\_\_

Municipality: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

If this notice is not complied with, action may be taken in accordance with the provisions of the *Soil Conservation Act*.

You have the right to appeal this notice under section 7 of the *Soil Conservation Act*.

(See appeal procedure requirements on reverse side.)

### Summary of Appeal Procedure

**7(1)** Where a notice is served on a person under section 4, that person may appeal the notice to the appeal committee appointed for the municipality in which the land is located by serving on the local authority for the municipality a notice of appeal.

**(2)** A notice of appeal is not effective unless it is served on the local authority

- (a) within the period of time specified in the notice given under section 4 for the commencement of the remedial measures set out in the notice, or
- (b) before any remedial measures are commenced under section 6,

whichever is the later.

**(3)** Notwithstanding subsection (2), where

- (a) a notice is served on a person under section 4 and the notice requires that the remedial measures set out in the notice be carried out within 72 hours or a shorter period of time after the notice is served on the person, and
- (b) the remedial measures referred to in that notice were commenced under section 6,

that person may not later than 72 hours after the notice is served on the person serve a notice of appeal on the local authority.

**8** A notice of appeal must be in writing and shall

- (a) set out
  - (i) the name of the appellant,
  - (ii) an address for service on the appellant,
  - (iii) the legal description of the land in respect of which the appeal is being taken, and
  - (iv) the grounds of the appeal,

and

- (b) be accompanied with a deposit in the amount of \$50.

For more details on the appeal procedures, consult the *Soil Conservation Act*. A copy will be available for viewing at your local Agricultural Service Board office or may be purchased from Alberta Queen's Printer, either from the website (<http://www.qp.alberta.ca>) or by contacting the Alberta Queen's Printer office at 780-427-4952.

AR 272/98 Sched.;195/2010;33/2011