

Section 643 of theMunicipal Government Act (MGA) of Alberta (RSA 2000, c M-26), as it pertains to non-conforming uses and buildings. This section outlines the provisions for what is commonly referred to as "grandfathering" in the context of land use bylaws. The text is sourced from the official version of the MGA available through Alberta's King's Printer.

Municipal Government Act (RSA 2000, c M-26)

Section 643 - Non-conforming use and non-conforming buildings

(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use bylaw amendment becomes effective and the land use bylaw or the land use bylaw amendment results in the development authorized by the permit becoming a non-conforming use or non-conforming building, the development permit is deemed to be a permit for a non-conforming use or non-conforming building.

(2) A non-conforming use of land or a building may be continued, but if that use is **discontinued for a period of 6 consecutive** months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) **A non-conforming use of part of a building may be extended** throughout the building but the building, whether or not it is a non-conforming building, **may not be enlarged or added to and no structural alterations may be made to it or in it.**

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building **may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except**

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides for minor variances or exemptions for non-conforming buildings.

(6) If a non-conforming building is **damaged or destroyed to the extent of more than 75%** or such lesser percentage as may be provided in the land use bylaw of the **market value of the building**, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use bylaw or land use bylaw amendment **does not affect the right of a person to continue using the land or building for a use that was previously permitted but is not a non-conforming use.**

Explanation of Section 643

-Subsection (1): If a development permit was issued before a new or amended land use bylaw makes the permitted use or building non-conforming, the permit remains valid, and the use or building is considered "non-conforming" (i.e., grandfathered).

-Subsection (2): A non-conforming use can continue unless it is discontinued for 6 consecutive months or more, after which the land or building must comply with the current bylaw.

-Subsection (3): A non-conforming use within part of a building can extend to the entire building, but the building itself cannot be enlarged or structurally altered.

-Subsection (4): A non-conforming use on part of a lot cannot expand to other parts of the lot, and no new buildings can be added while the non-conforming use persists.

-Subsection (5): A non-conforming building can continue to be used but cannot be enlarged, rebuilt, or structurally altered except for routine maintenance, to make it conforming, or as allowed by minor variances in the bylaw.

-Subsection (6): If a non-conforming building is damaged or destroyed beyond 75% of its market value (or a lesser percentage specified in the bylaw), it cannot be rebuilt except in compliance with the current bylaw.

-Subsection (7): Clarifies that uses previously permitted and not deemed non-conforming are unaffected by new bylaws.

Notes

- This section specifically addresses land use and zoning bylaws, ensuring that legally established uses or buildings can continue under certain conditions despite changes in municipal regulations.

- The application of this section depends on the specific land use bylaw of the municipality, which may include additional rules or exemptions (e.g., defining a shorter or longer period for discontinuation of use or specifying damage thresholds).

- For precise application to a specific property or situation, you would need to consult the relevant municipal land use bylaw and potentially seek advice from a real estate lawyer or municipal official.

You can access the full MGA, including Section 643, on the Alberta King's Printer website (kings-printer.alberta.ca) or CanLII (canlii.org) for the official and most up-to-date version. If you need further clarification, have a specific scenario, or want me to look into a particular municipality's bylaws, please let me know!