

CITY OF ST. ALBERT
CONSOLIDATION OF
SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 20/95
(Consolidated by Bylaw 38/2018)

Being a bylaw to establish the Subdivision and Development Appeal Board for the City of St. Albert.

WHEREAS the Council wishes to establish a Subdivision and Development Appeal Board as required under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;

NOW THEREFORE the Council of the City of St. Albert hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

Definitions

2. The following words and terms are defined as follows:
 - a) "St. Albert" means the area within the legal boundaries of the City of St. Albert;
 - b) "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - c) "Appellant" means a person who has served a written Notice of Appeal as set out in Division 10 of Part 17 of the Act;
 - d) "Applicant" means a person who made the initial application upon which an appeal is based or authorized person acting on his behalf;
 - e) "Board" means the Subdivision and Development Appeal Board of the City of St. Albert established pursuant to this Bylaw;
 - f) "City" means the Municipal Corporation of the City of St. Albert;
 - g) "Clerk" means the individual appointed by Council as the Clerk of the Board in accordance with the Act and this Bylaw;
 - h) "Council" means the Council of the City of St. Albert;
 - j) "Development Officer" means one of the persons appointed to the office of Development Officer;
 - k) "Member" means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw; and
 - l) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the Act.

Establishment

3. A Subdivision and Development Appeal Board is hereby established.

Membership and Term

4. The Board shall consist of seven (7) members, who shall be residents of St. Albert appointed by resolution of Council.
 - a) Members of Council are not eligible for appointment to the Board.
 - b) The Mayor of St. Albert is not an ex-officio member of the Board
5. No one serving as the Subdivision Authority for the City of St. Albert or as a Development Officer may be appointed as a member of the Board.
6. No member of the administrative staff of the City may be appointed as a member of the Board.
7. The term of office for members appointed under Section 4 shall be two (2) years commencing January 1 of the effective year of appointment. **(BL 23/2003) (BL 28/2006)**
8. A member may serve more than one (1) term but in no event shall a member serve more than three (3) consecutive terms.
9. In the event of a vacancy, Council may, by resolution, appoint a new member to serve for the remainder of the vacating member's term.

Training

10. Members shall successfully complete training, as prescribed by the Minister, prior to participating in a hearing.
11. Members shall be provided \$200 per day to attend training.
12. Reimbursement for expenses incurred to attend the mandatory training for accommodation, mileage, parking and meal expenses shall be reimbursed in accordance with Council Policy C-CC-03 Council Remuneration and Expense Reimbursement.

Quorum, Chair and Rules of Procedure

13. A quorum at any Board meeting shall be three (3) members.
14. At the first meeting of each calendar year, the members of the Board shall elect one member as Chair and one member as Vice Chair who shall act in the absence of the Chair. **(BL 28/2006)**
15. In the absence of the Chair and Vice Chair, the members present shall appoint an acting Chair to serve in this capacity during such absence. **(BL 28/2006)**
16. For those matters not covered in Part 17 of the Act or the regulations thereto or this Bylaw, the Board shall determine the procedures for the conduct of hearings.
17. On filing an appeal, the appellant shall pay to the City the fee set out in the Master Rates Bylaw No. 1/82, as amended.

Clerk of the Board

18. The position of Clerk of the Board is hereby established as the designated officer responsible for managing all administrative matters for the Board.
19. Council will by resolution appoint an individual to the position of Clerk.

20. The Clerk must successfully complete training, as prescribed by the Minister, prior to assuming the duties and responsibilities of the Clerk.
21. The duties and responsibilities of the Clerk include the following:
 - a) Make and keep a record of the Board proceedings which may be in the form of a summary of the evidence presented at the hearing;
 - b) Ensure statutory notices and decisions of the Board are provided to such persons as the Act requires;
 - c) Compile and provide agenda and meeting packages to members and make available to the public;
 - d) Sign orders, decisions, approvals, notices and other items given by the Board on its behalf; and
 - e) Upon request, assist the Chair in preparing written decisions.
22. The Clerk may delegate the Clerk's duties and functions to employees of the City who are not employed in the Planning and Development department, if they have successfully completed the prescribed training and the Clerk's delegatee may further subdelegate duties and functions of the Clerk to other City employees who meet these criteria.

Functions and Duties

23. The Board shall hear appeals from a decision of the Subdivision Authority or the Development Authority.
24. An order, decision or approval made, given or issued by the Board may be signed on its behalf by the Chair or the Acting Chair.
25. The granting and duration of an adjournment is in the discretion of the Board.
26. Where in the opinion of the Board, an adjournment is warranted, the Board may request technical information, legal opinions or other assistance and may adjourn the hearing for this purpose.
27. The Chair or Acting Chair:
 - a) shall be responsible for the conduct of the meeting;
 - b) may limit a submission if it is determined to be repetitious or in any manner inappropriate, and
 - c) shall, when a hearing is tabled or adjourned and a time is not fixed for its continuation, announce that notice of the continuation of the meeting shall be sent to those persons leaving their name and address with the secretary. Thereafter only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.
28. After hearing the appeal, the Board shall deliberate and reach its decision in private. In arriving at its decision the majority vote of those members present shall constitute the decision of the Board.
29. A decision of the Board is not final until notification of the decision is given in writing.
30. If a member misses three (3) consecutive meetings without the authorization of the Board, the member is disqualified and the position becomes vacant.

31. A member who, for any reason, is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.
32. If a member has a direct or indirect pecuniary interest in any matter before the Board, or if a member is aware of any reason which may likely lead him to entertain a bias when hearing any matter, the member shall declare such interest or likelihood of bias to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the Minutes.
33. Upon the coming into force of this Bylaw, the members of the Development Appeal Board appointed pursuant to Bylaw 49/79 are continued as members of the Board under this Bylaw until new members are appointed in accordance with this Bylaw.
34. Bylaw No. 49/79 is repealed.