



Subdivision and Development Appeal Board Information Guide

Contents

What is the Subdivision & Development Appeal Board?	2
When Can You Appeal?	2
How to File an Appeal	3
Notice of Appeal	4
Submit Your Evidence	4
Agendas	4
Preparing for Your Hearing	4
Hearing Process	5
Postponing or Not Attending Your Hearing	7
Withdrawing an Appeal	7
After the Decision	7
Access to Records	7

Contact:
Legislative & Legal Services
Parkland County Centre
53109A Hwy 779
Parkland County, AB T7Z 1R1
Email: sdab@parklandcounty.com
Telephone: 780-968-3234



What is the Subdivision & Development Appeal Board?

The Subdivision and Development Appeal Board (“the Board”) hears and makes decisions on appeals of decisions made by Parkland County’s Subdivision Authority and Development Authority related to Stop Orders, Development, and Subdivisions. The SDAB is appointed by Council and consists of residents living in Parkland County. The SDAB meets as required. Once you have met the requirements and filed a proper appeal, the SDAB presides over your hearing.

The SDAB is a statutory, quasi-judicial body that performs an independent adjudicative function hearing complaints and functioning like a court. It is an administrative board mandated by the *Municipal Government Act* and created by a municipality to carry out appropriate functions and procedures related to its mandate.

The SDAB exercises quasi-judicial functions. The SDAB hears appeals from people affected by a decision of the Development Authority or the Subdivision Authority under Parkland County’s Land Use Bylaw, and renders a decision based on the evidence presented at the hearing. The SDAB decisions are final and cannot be overturned unless the SDAB makes an error in some aspect of law or jurisdiction, in which case the decision of the SDAB may be appealed to the Alberta Court of Appeal.

When Can You Appeal?

An appeal can be filed on a decision of the Subdivision Authority concerning a subdivision application, a decision of the Development Authority concerning a development permit application, or a stop order issued by the Development Authority.

You can appeal a development decision if:

- Your development permit application is refused.
- Your development permit is approved but has conditions you disagree with.
- You receive a Stop Order telling you to stop construction or stop using your property in a certain way.
- You are an affected neighbour who may be impacted by someone else’s approved development.
- The development authority does not issue a decision within 40 days.

You can appeal a Subdivision decision if:

- Your subdivision application was refused.
- It was approved but with conditions you disagree with.
- No decision was made within 60 days.

An appeal must be filed within the relevant appeal period provided in the written notice of decision from the Development Authority or the Subdivision Authority:

Development Permit Decision Appeal	21 days
Stop Order Appeal	21 days
Subdivision Decision Appeal	14 days

Contact:
Legislative & Legal Services
Parkland County Centre
53109A Hwy 779
Parkland County, AB T7Z 1R1
Email: sdab@parklandcounty.com
Telephone: 780-968-3234



For more information to determine whether you have the right to appeal, please refer to the *Municipal Government Act* or seek independent legal advice.

How to File an Appeal

Before submitting an appeal, it's helpful to get all the information by:

- Talking to the Appellant/Applicant, if possible.
- Contacting Planning and Development Services at Parkland County to speak with a Planner.
- Contacting the Subdivision and Appeal Board (SDAB) Clerk to learn about the hearing process. The SDAB Clerk can explain the hearing process but cannot give legal advice.

To submit an appeal:

1. Fill out the Notice of Appeal Form. The Notice of Appeal Form can be obtained from [Parkland County's website](#) or in person at Parkland County Centre.

2. Submit the Notice of Appeal Form Legislative & Legal Services by:

Regular mail: Parkland County Subdivision and Development Appeal Board
Legislative & Legal Services
53109A Hwy 779
Parkland County, AB T7Z 1R1

Email: sdab@parklandcounty.com

In Person: Parkland County Centre
53109A Hwy 779
Parkland County, AB T7Z 1R1

3. Pay the appeal fee. Fees for SDAB appeals are established in Parkland County's Fees and Charges Bylaw.

Type of Appeal	Appellant/ Applicant	Affected Party
Development Permit	\$200	\$200
Stop Order	\$500	\$500
Subdivision	\$250	Not applicable

The appropriate fee must accompany your appeal, or it is not considered complete and will not be processed. Appeal fees can be paid by using VISA, MasterCard, Debit or by cheque payable to Parkland County.

Notice of Appeal Form must be received by no later than 4:30 p.m. on the final date of the appeal period. Your appeal is not considered to be filed until payment is received in full. A delay in making payment can result in the expiration of the appeal period. Appeals are only received and processed during regular business hours. When a person is late in filing their appeal the SDAB Clerk must accept the Notice of Appeal and the required fees. The Board will decide whether the appeal will be heard.

Contact:
Legislative & Legal Services
Parkland County Centre
53109A Hwy 779
Parkland County, AB T7Z 1R1
Email: sdab@parklandcounty.com
Telephone: 780-968-3234



Notice of Appeal

Upon receipt of a Notice of Appeal Form the SDAB Clerk, on behalf of the Board, shall, give at least five (5) days written notice of an appeal hearing on a subdivision or development matter to the Appellant, the Applicant, the Development Authority or Subdivision Authority, and those landowners affected, pursuant to Section 679 and 686(3), Part 17 of the *Municipal Government Act*.

A hearing for the appeal of a subdivision or development matter must be held within 30 days of receiving a Notice of Appeal, unless a Waiver Form is completed by the appellant and submitted to the SDAB Clerk.

Submit Your Evidence

All documentary or photographic evidence and a summary of testimonial evidence must be submitted by the submission deadline. The submission deadline is the Tuesday prior to the hearing date by no later than 4:00 p.m., unless otherwise established by the Board and communicated to parties affected by the appeal. All documents, photographs and written submissions will form part of the agenda for the hearing. The agenda is a public record that is posted on Parkland County's website.

If you miss the submission deadline, or if additional information becomes available between the submission deadline and the hearing, it is at the discretion of the Board to accept any evidence after the submission deadline at the hearing.

Agendas

The SDAB Clerk shall make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal. The SDAB hearing package is distributed by email to the SDAB, the Development Authority or Subdivision Authority, the Appellant, and the Applicant by 4 p.m. on the Thursday preceding the scheduled hearing date, unless otherwise established by the Board and communicated to parties affected by the appeal and is posted to the County's website. Affected parties may receive a hard copy SDAB hearing package by making a request to the SDAB Clerk. Appellants or their agents must provide their full contact information in the Notice of Appeal Form to ensure that they receive communications sent by the Clerk on behalf of the Board.

Preparing for Your Hearing

- Determine the relevant planning issues associated with the appeal. Examples include compliance or non-compliance with the Land Use Bylaw, site context, site layout, parking, traffic, building mass, privacy, shadowing, landscaping, intensity of use, and noise.
- Speak to the planning facts and support them with measurable data, where possible.
- It is the responsibility of all parties to present evidence to support their application or respond to the issues raised by other parties.
- At the beginning of your presentation introduce yourself for the record and provide a brief statement to the Board that communicates your position in favor of or opposed to the appeal.
- Speak to the Chair or through the Chair. (For example: Through the Chair, I will now provide evidence to support my appeal.)
- Present your opinion regarding any errors in fact or interpretation.

Contact:
Legislative & Legal Services
Parkland County Centre
53109A Hwy 779
Parkland County, AB T7Z 1R1
Email: sdab@parklandcounty.com
Telephone: 780-968-3234

- Be prepared to summarize your presentation and answer questions of clarity.
- When referring to your submissions within the agenda it is helpful to reference the documents you wish to highlight by the page number in the agenda.
- Ask neighbours affected by the proposed development to speak on your behalf at the hearing or write letters outlining their position in support or objection.
- You may seek professional advice, such as legal advice, or ask someone else to present your case, however, citizens often represent themselves. If there is doubt as to whether the SDAB has the legal right to hear the Appeal, you may want to seek professional advice.
- Review the SDAB hearing agenda package provided in advance of the hearing.
- Your co-operation and attendance at the hearing will prevent any unnecessary delays for the SDAB and will help the municipality use resources effectively. By attending the hearing, the SDAB is able to ask you questions (if any).
- When presenting, keep in mind the SDAB does not consider precedent when making its decision. Each application is judged on its own merits.
- Exhibits used during a presentation become part of the SDAB's record of the hearing and must be retained by the SDAB at the conclusion of the hearing.

Important:

Speaking to any members of the SDAB about an appeal or a potential appeal prior to the hearing will disqualify them from participating in the hearing.

SDAB members do not discuss appeal cases with the Development Authority or the Subdivision Authority before the hearings.

The SDAB does not seek information or evidence on its own initiative. The SDAB relies on the submitted evidence presented and verbal submissions at the hearing.

Hearing Process

1. The Chair of the SDAB will call the SDAB meeting to order.
2. The Chair will advise that the meeting is being recorded for accuracy of the Minutes; 6 months after the Minutes have been adopted, the recordings will be destroyed. The Chair will also advise that no other recordings are permitted.
3. The Chair will conduct a roll call among Board Members.
4. The Chair will ask if anyone affected by the appeal has any objection to any of the Board members present. If so, the Chair will hear the objections from parties.
5. The Board will adopt the agenda for the meeting.
6. The Board will conduct required business of the Board, such as adopting meeting minutes.
7. The Chair will introduce the SDAB Clerk and the Recording Secretary.
8. The Chair will ask the SDAB Clerk to introduce the appeal, including the names of the Appellant, Applicant and Agents.

9. The Chair will introduce the representatives for the Development Authority or the Subdivision Authority.
10. The Chair will acknowledge that the SDAB Clerk has prepared a hearing agenda package containing all written materials, audio and visual communications provided to the Clerk by the submission deadline. And that the hearing agenda package has been distributed to the Board and made available for public inspection prior to today's hearing. The documents contained in the hearing agenda package will be marked as exhibits for the Board's record.
11. The Chair will ask if anyone present has not received the agenda package.
12. The Chair will ask if there is anyone in attendance who plans to present materials that are not part of the hearing package. The Chair will ask individuals to introduce themselves and advise what written information they would like the Board to consider receiving.
13. The Chair will ask if anyone present has any objections to the current exhibits.
14. The Chair will ask the SDAB Clerk if there are any jurisdictional or preliminary matters that need to be addressed.
15. The Chair will ask if there is anyone present who would like to request a postponement of the hearing to a different date.
16. The Chair will outline the hearing process as follows:
 - a. the Development Authority will make its presentation;
 - b. the Appellant/Applicant will make their presentation;
 - c. any person supporting the Appellant/Applicant will make their presentation;
 - d. any person in opposition of the permit will make their presentation; and finally
 - e. the Appellant/Applicant will be given the opportunity to provide closing remarks.
17. The Chair will inform parties that at all times during the hearing, each Board member shall have the right and opportunity to ask questions of any party.
18. The Chair will ask if anyone has any concerns with the process that has been outlined.
19. The Chair will ask parties to keep in mind that all Board members have reviewed and are familiar with the submitted materials and ask that presentations are brief and do not repeat comments or positions that have been stated by others.
20. The Chair will confirm that the Board has a list of those people who would like to speak to this matter. For the Appellant, Applicant, those in favour of the appeal and those speaking against
21. the appeal. The Chair will ask if there anyone else in attendance who wishes to speak either in favour of, or against the appeal and update the Boards speakers listing.
22. The Chair will call on the Development Authority or Subdivision Authority to present.
23. The Chair will call on the Appellant/Applicant to make their presentations.
24. The Chair will then call on the list of speakers in support to make their presentations. Once all listed speakers have been heard from the Chair will ask if there is anyone else who would like to speak in favour of the appeal.



25. The Chair will then call on the list of speakers in opposition to make their presentations. Once all listed speakers have been heard from the Chair will ask if there is anyone else who would like to speak in opposition to the appeal.
26. The Chair will ask the appellant to provide their concluding remarks, if any.
27. The Chair will ask the members of the Board if they are satisfied with the information that they have received.
28. The Chair will close the hearing and advise that the Board will not hear any further submissions.
29. The Chair will state the following: In accordance with the prevailing Provincial legislation the Subdivision and Development Appeal Board is required to hand down a formal written decision within 15 days of today's hearing.

Postponing or Not Attending Your Hearing

You may submit a written request to postpone the SDAB hearing including the reasons for the request, either to the SDAB at the time of the hearing or to the SDAB Clerk prior to the hearing. Hearings will only be postponed at the discretion of the SDAB. If you are not in attendance when your appeal is called, the SDAB may proceed without you. The SDAB will consider the information presented on the appeal form, any written submissions received, hear presentations from anyone in attendance, and then make a ruling on the appeal. It is important that you describe your position clearly and in detail on your appeal form or file a written submission ahead of time if you cannot be at the hearing.

Withdrawing an Appeal

A withdrawal should be submitted in writing to the SDAB Clerk as soon as possible. Your cooperation will prevent any unnecessary delays for the SDAB and will help Parkland County use its resources effectively.

After the Decision

- SDAB decisions are final unless there is an error in law.
- If you believe the Board made a legal error, you may apply to the Alberta Court of Appeal within 30 days.

If the SDAB decision rules against you:

- Enforcement Services may enforce the decision.
- You may appeal only on a question of law to the Alberta Court of Appeal.
- You must apply for leave to appeal within 30 days of the written decision.

Access to Records

Parkland County posts all Subdivision and Development Board meeting agendas, minutes and decisions on Parkland County's website.

Contact:
Legislative & Legal Services
Parkland County Centre
53109A Hwy 779
Parkland County, AB T7Z 1R1
Email: sdab@parklandcounty.com
Telephone: 780-968-3234