

THE CITY OF EDMONTON
BYLAW 18307
SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

Edmonton City Council enacts:

PART I - PURPOSE & INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to establish the Subdivision and Development Appeal Board to hear appeals. |
| DEFINITIONS | 2 | <p>(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the Municipal Government Act, including its regulations.</p> <p>(2) In this bylaw:</p> <ul style="list-style-type: none">(a) “City” means The City of Edmonton;(b) “City Manager” means the chief administrative officer of the City or delegate;(c) “Municipal Government Act” means the <i>Municipal Government Act</i>, RSA 2000, c M-26; and(d) “Subdivision and Development Appeal Board” means the City’s subdivision and development appeal board. |

PART II - MEMBERSHIP

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| SUBDIVISION AND DEVELOPMENT APPEAL BOARD | 3 | <p>(1) Council will appoint up to 30 individuals as members of the Subdivision and Development Appeal Board.</p> <p>(2) Members of the Subdivision and Development Appeal Board will be appointed for one-year terms, up to a maximum of 912 consecutive years.</p> <p>(3) Council will designate one member of the Subdivision and Development Appeal Board as chair for a one-year term.</p> |
| MEMBER APPOINTMENT | 4 | The clerk and chair may provide advice to Council regarding member appointments. |

REMUNERATION	5	Members of the Subdivision and Development Appeal Board will be paid the amounts prescribed in Schedule A - Remuneration.
INELIGIBILITY	6	Councillors, City employees, and members of a municipal planning commission are ineligible as members of the Subdivision and Development Appeal Board.
PANELS	7	<p>(1) Members of the Subdivision and Development Appeal Board may meet in panels of at least 3 at the direction of the chair.</p> <p>(2) One or more panels may meet simultaneously.</p> <p>(3) A panel has all of the same powers, duties, and responsibilities of the Subdivision and Development Appeal Board, and a decision of a panel is deemed to be a decision of the Subdivision and Development Appeal Board.</p>

PART III - CLERK

CLERK APPOINTMENT	8	The City Manager will appoint a City employee as clerk of the Subdivision and Development Appeal Board.
DUTIES	9	<p>In addition to duties prescribed by this bylaw and the Municipal Government Act, the clerk will:</p> <p>(a) provide administrative support to members and the chair as required;</p> <p>(b) provide any notices on behalf of the Subdivision and Development Appeal Board; and</p> <p>(c) provide any required notices to the Minister on behalf of the City.</p>

PART IV - APPEALS

PANEL CONVENE	10	<p>(1) On receipt of a notice of appeal, the clerk will convene a panel to hear the appeal.</p> <p>(2) If the chair is a member of a panel, the chair is the presiding officer of the panel.</p>
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- (3) If the chair will not be a member of a panel, the clerk must also appoint a member to act as presiding officer for the panel.
- QUORUM** 11 Quorum for a panel is 3 members.
- HEARING PROCEDURES** 12 (1) The chair may approve hearing procedures for the Subdivision and Development Appeal Board, provided that those procedures do not conflict with the Municipal Government Act.
- (2) Panels may modify, waive, or supplement any hearing procedures approved by the chair during any hearing.
- (3) All Subdivision and Development Appeal Board hearings are open to the public, except that the members may deliberate and make decisions in private.
- (4) If there are an equal number of votes for and against an appeal, the appeal is dismissed.
- (5) During an appeal, the presiding officer may rule that evidence presented is irrelevant to the appeal or repetitive of other evidence and may instruct members to disregard the evidence.
- RECORD** 13 (1) The clerk must keep a record of each hearing that includes:
- (a) the notice of appeal;
- (b) all documentary evidence filed in the appeal;
- (c) a list of witnesses that gave evidence at the hearing;
- (d) all written arguments presented at the hearing;
- (e) a summary of the hearing; and
- (f) the decision of the Subdivision and Development and Appeal Board, including reasons.
- (2) The clerk must keep a record of all decisions of the Subdivision and Development Appeal Board for at least 5 years.
- ADDRESS FOR SERVICE** 14 Appeals and other legal documents may be served on the Subdivision and Development Appeal Board at the address listed on its website.

FEES 15 ~~The fees for filing an appeal are those prescribed in Schedule B-~~
~~Fees.~~ **The fee for filing an appeal is \$100.**

PART V - GENERAL

DELEGATION 16 The City Manager, chair, or clerk may delegate their power, duties, and functions under this bylaw to any individual.

FOIP HEAD 17 (1) The chair is the head of the Subdivision and Development Appeal Board for the purpose of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25.

(2) The chair may delegate any power, duty, or function as head, except the power to delegate.

REPEAL 18 Bylaw 11136, the Subdivision and Development Appeal Board Bylaw, is repealed.

TRANSITIONAL

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All individuals that were members of the Subdivision and Development Appeal Board pursuant to Bylaw 11136 immediately before the coming into force of this bylaw continue to be members of the Subdivision and Development Appeal Board until their term would have expired had bylaw Bylaw 11136 remained in effect.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK

SCHEDULE A - REMUNERATION

Presiding Officer	Member
a) \$230 for up to and including four hours in any day, or b) \$425 for 4 to 8 hours in any day, or c) \$662 for over 8 hours in any day	a) \$170 for up to and including four hours in any day, or b) \$320 for 4 to 8 hours in any day, or c) \$470 for over 8 hours in any day

The presiding officers and members are paid for attending hearings, writing decisions, completing case records or other hearing-related matters at the rates established above.

In addition to the rates set out above, the chair is paid \$425 each month the chair performs administrative duties associated with the chair role.

The chair is paid at the presiding officer remuneration rate and other members are paid at the member remuneration rate for attending meetings and professional development sessions.

The presiding officers and members are paid at the applicable remuneration rate where the individual was scheduled to attend a hearing and less than 24 hours notice of cancellation was given.

Parking expenses necessarily incurred in relation to activities of the board may be reimbursed.

Payment may be refused for activity that has not been pre-authorized.

SCHEDULE B - FEES

~~1) Appeals respecting any development, except signs, proposed on lands districted:~~

~~RF1 (Single Detached Residential) District~~

~~RF2 (Low Density Infill) District~~

~~RPL (Planned Lot Residential) District~~

~~RSL (Residential Small Lot) District~~

~~RF3 (Low Density Redevelopment) District~~

~~RF4 (Semi-detached Residential) District~~

~~RR (Rural Residential) District~~

~~RMH (Mobile Home) District~~

~~AP (Public Parks) District~~

~~A (Metropolitan Recreation) District~~

~~AG (Agricultural) District~~

~~AGU (Urban Reserve) District~~

~~NA (Natural Areas Protection) District~~

~~each appeal \$ 37.00~~

~~2) All appeals respecting signs, each appeal \$ 72.00~~

~~3) Appeals respecting all other proposed developments, each appeal \$ 72.00~~

~~4) All subdivision appeals, each appeal \$ 72.00~~