

# MGB SUBDIVISION AND DEVELOPMENT APPEAL PROCEDURE RULES

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## PREFACE

These *Subdivision and Development Procedure Rules* are established under section 523 of the *Municipal Government Act*. They apply to all Municipal Government Board subdivision and development appeals and their participants. The Board reviews and amends its rules from time to time to ensure continued relevance and consistency with governing legislation. This version applies as of March 15, 2021.

Informal bulletins explaining MGB subdivision and development hearings and the subject matter they deal with can be found on the Municipal Government Board website:

<http://www.mgb.alberta.ca>

For further enquiries you can also contact the Municipal Government Board office at 780-427-4864 (outside Edmonton call 310-0000 to be connected toll free) or by email [mgbmail@gov.ab.ca](mailto:mgbmail@gov.ab.ca)

### **Purpose of the *Rules***

The purpose of the *Subdivision and Development Procedure Rules* is to

- Provide information about the steps required to pursue subdivision and development appeals before the MGB.
- Ensure a fair, open and accessible process in accordance with the principles of natural justice.
- Increase the efficiency and timeliness of appeal proceedings.

### **Operating Principles**

These *Rules* recognize the following principles:

- Parties must have a fair opportunity to be heard and to understand and respond to one another's positions.
- Procedures should be accessible and easy to follow.
- Parties are encouraged to resolve as many issues as possible through informal discussions and case management before the hearing.

## Part A – Interpretation and Application of these Rules

1. *Definitions*
- 1.1 “**Act**” means the Alberta *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time.
- 1.2 “**Applicant**” means the person who filed a subdivision or development application with the planning authority whose decision is under appeal.
- 1.3 “**Board**” means the Municipal Government Board and includes any panel of the Municipal Government Board.
- 1.4 “**Board administration**” means staff engaged to assist the Board and Chair carry out their duties.
- 1.5 “**Board member**” means a member of the Board appointed by the Lieutenant Governor in Council pursuant to section 486 of the *Act*.
- 1.6 “**Case manager**” means a board member or member of the board administration designated by the Chair as such.
- 1.7 “**Chair**”, for the purposes of these *Rules*, means the Chair of the Municipal Government Board.
- 1.8 “**Days**” means calendar days.
- 1.9 “**Intervenor**” means
- (a) A municipality participating as an intervenor pursuant to section 508 of the *Act*, or
- (b) A person who has an interest that may be affected by an appeal but is not a party and whom the Board permits to participate in its proceedings to the extent of that interest.
- 1.10 “**Panel**” means a panel selected pursuant to section 487 of the *Act*.
- 1.11 “**Party**” means a person entitled to notice under section 679 or 686 of the *Act*.
- 1.12 “**Person**” includes a natural person, government agency, corporate or other legal entity.
- 1.13 “**Regulation**” means the *Subdivision and Development Regulation*, as amended from time to time.

- 1.14 “**Rules**” means these *Subdivision and Development Appeal Procedure Rules*.
- 1.15 “**SDAB**” means the local Subdivision and Development Appeal Board established under Part 17 of the Act.
2. *Application of These Rules*
- 2.1 Subject to Rules 2.2 and 2.3, these *Rules* apply to subdivision and development appeals filed with the Board in accordance with section 678 and 686 of the Act.
- 2.2 These *Rules* apply only to the extent they are consistent with the Act and regulations made under the Act.
- 2.3 The Board may give specific procedural directions which, to the extent of those directions, waive or modify the *Rules* for any given case.
3. *Effect of Non-compliance*
- 3.1 If a person fails to comply with the *Rules* or with an order of the Board, a panel may
- (a) Limit or bar the presentation of evidence or argument or give it less weight, where the person has disregarded a Rule or Board decision concerning the exchange of evidence or argument,
  - (b) Order the non-complying person to reimburse another person for costs incurred as a result of the non-compliance, or
  - (c) Take any other action it deems appropriate.

## **Part B – Communication with and Representation Before the Board**

4. *Communication with the Board*
- 4.1 Unless made during a hearing, preliminary hearing, or case management meeting, communications with the Board about specific ongoing proceedings must be made through the Board administration.
- 4.2 The Board administration may copy correspondence received to other persons in order to facilitate Board proceedings.
5. *Representation*
- 5.1 Persons entitled to participate in Board proceedings may represent themselves or be represented by another person.

- 5.2 Upon the Board's or the Board administration's request, a person who acts for another person must provide
- (a) Proof of authorization to act for the other person, and
  - (b) An address for service and other contact information
- by the date requested by the Board or the Board administration.

## **Part C – Procedures for Filing Appeal**

- 6. Commencement of Appeals**
- 6.1 A notice of appeal on a subdivision or development matter may be filed with the Board using the Notice of Subdivision/Development Authority Appeal Form attached to these *Rules* as Appendix "A".
- 6.2 A notice of appeal can be filed by e-mail, fax, or hard copy, as long as it is received at the Board before the appeal deadline.
- 6.3 If a notice of appeal is filed with the Board and the Board administration determines that it should have been filed with the local SDAB, the Board administration will notify the parties before referring the matter to the SDAB. Parties are responsible for paying any applicable fee to the SDAB.
- 6.4 Any party who disagrees with the proposed referral may request a preliminary hearing to decide the appropriate Board to hear the appeal.
- 7. Late or Incomplete Notices of Appeal**
- 7.1 The Board administration may notify persons who have filed late appeals that their appeals will not be processed, subject to Board direction under Rule 7.3.
- 7.2 The Board administration may direct a person who has filed an incomplete application to
- (a) File a completed *Notice of Subdivision/Development Authority Appeal* form, or
  - (b) Provide any information necessary to complete the appeal form
- within the appeal period prescribed under the *Act*.
- 7.3 A person who has received a notice or direction under Rules 7.1 or 7.2 may request a preliminary hearing to determine the

question of lateness or incompleteness and its effect on the appeal.

## **Part D – Case Management and Preliminary Hearings**

### **8. Case Management**

8.1 A case manager may do one or more of the following:

- (a) Direct parties or intervenors to
  - (i) Clarify or focus the issues in dispute,
  - (ii) Identify any relevant agreed facts,
  - (iii) Identify any witnesses to be called and provide a summary of the evidence intended to be introduced through those witnesses,
- (b) Facilitate discussion between the parties to help them identify and resolve issues in dispute, or direct them to pursue independent discussions, mediation or any other form of alternative dispute resolution and to report progress by specified dates,
- (c) Provide parties or intervenors with copies of correspondence received, decisions, authorities and other information relevant to an appeal,
- (d) Direct disclosure of material or information from any party or intervenor to facilitate a fair, orderly and timely process or to promote compliance with these *Rules*,
- (e) Direct that communication with the Board or disclosure of some or all material or information be made or remade in approved electronic format or in hard copy, or any combination of both,
- (f) Direct that evidence be submitted to the Board by affidavit by a particular date,
- (g) Establish or reschedule dates for hearings, disclosure, or exchanges of information,
- (h) Hold meetings or discussions with parties or intervenors to facilitate any of the above,
- (i) Refer any matter to a panel for a preliminary hearing.

8.2 A party who disagrees with a case manager's directive may request a preliminary hearing.

8.3 A Board member who has acted as a case manager in respect of a matter will not participate in any subsequent hearings concerning the same matter unless all affected participants consent.

**9. Preliminary Hearings**

9.1 At a preliminary hearing, a panel may do one or more of the following:

- (a) Direct the parties to pursue discussions on their own, with a case manager, or with another independent facilitator by specified dates and monitor the progress of such discussions,
- (b) Determine whether further disclosure is required and direct parties or intervenors to provide or expand particulars, evidence summaries, legal analyses, authorities, or any other relevant documents or material,
- (c) Establish dates for hearings, disclosure,
- (d) Give directions for disclosure or exchange of material, including the timing for the production of the material, the persons by and to whom the material must be produced, measures to protect confidential information, and any further directions it deems necessary,
- (e) Determine whether procedures, filing or disclosure requirements established by legislation or the Board have been met and determine the effects of any defects,
- (f) Determine whether a person may participate in a proceeding and the extent of that participation,
- (g) Determine what matters are properly before the Board or whether one or more grounds of complaint should be struck out as frivolous or not reasonably supportable,
- (h) Determine requests for postponements, withdrawals, or joint recommendations,



- (i) Make any order it deems appropriate to establish procedures by which the matter may proceed in a fair and expeditious manner.

9.2 Board members who have heard or participated in a panel for a preliminary hearing may also hear or participate in panels for any subsequent hearings concerning the same proceeding if so scheduled by the Chair.

## **Part E – Prehearing Submissions and Disclosure**

### ***10. Subdivision Authority Submissions***

10.1 A subdivision authority whose decision has been appealed must provide the Board with the following material no later than 14 days after the date it is requested by the Board or Board administration:

- (a) The subdivision application and all information submitted with it including:
  - (i) a copy of the search for abandoned wells,
  - (ii) The tentative plan of subdivision,
  - (iii) Area map with land use designations,
  - (iv) Current Certificate of Title,
- (b) Time extension agreements, where applicable,
- (c) The subdivision authority's letter comprising its decision on the subdivision application, together with
  - (i) Recommendations and reports to the subdivision authority including comments from municipal administrations,
  - (ii) Minutes of the meeting where the subdivision authority considered the application for subdivision,
  - (iii) Any other reports considered by the subdivision authority to make its decision,
- (d) Possible conditions to be applied upon approval,

- (e) Copies of all letters from referral agencies and area and adjacent landowners,
- (f) List of adjacent landowners and referral agencies and their contact information,
- (g) Relevant excerpts from the Land Use Bylaw, Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan or any other statutory plan, including all provisions relating to a relevant district - Applicable excerpts include, but are not limited to, purpose provisions, discretionary and permitted uses, standards, and policies,
- (h) Any applicable excerpts of plans under the *Alberta Land Stewardship Act* or other regional plans,
- (i) Any conceptual scheme prepared in support of the application or adopted by bylaw or resolution by the municipality,
- (j) An accurate area map or maps showing land uses, together with aerial and site photographs that give a detailed graphic explanation of the improvements and the physical conditions of the lands that are the subject of the appeal and surrounding lands including easements and rights-of-way registered on the property,
- (k) If any transportation requirements are at issue, any relevant municipal master plan or policy directive addressing
  - (i) Access
  - (ii) Road widening
  - (iii) Service roads
  - (iv) Road alignments
  - (v) Any other relevant issues
- (l) If reserves are at issue, any relevant policy documents concerning environmental, municipal, or other reserves,
- (m) Copy of the Alberta Environment Flood Hazard Map for the titled area,
- (n) Copy of the Alberta Culture Listing of Historical Resource map for the title area,

- (o) Reasons why the appeal is before the MGB instead of the SDAB,
- (p) Any other information requested by a panel, a case manager, or board administration that is necessary to expedite the appeal,

**11. Development  
Authority  
Submissions**

11.1 A development authority whose decision has been appealed must provide the Board with the following material no later than 7 days after the date it is requested by the Board or Board administration:

- (a) The development application and all information submitted with it including:
  - (i) A copy of the search for abandoned wells,
  - (ii) The description of the development,
  - (iii) Area map with land use designations,
  - (iv) Current Certificate of Title
- (b) Time extension agreements, where applicable,
- (c) The development authority's letter comprising its decision on the application, together with
  - (i) Recommendations and reports to the development authority including comments from municipal administrations,
  - (ii) Minutes of the meeting where the development authority considered the application, if applicable,
  - (iii) Any other reports considered by the development authority to make its decision,
- (d) List of potential conditions from the Land Use Bylaw, and if application was refused, recommended conditions,
- (e) Copies of all letters from referral agencies and area and affected landowners
- (f) List of affected landowners and referral agencies and their contact information,
- (g) Relevant excerpts from the Land Use Bylaw, Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan or any other statutory plan, including all provisions relating to a relevant district - Applicable excerpts include, but are not

limited to, purpose provisions, discretionary and permitted uses, standards, and policies,

- (h) Any applicable excerpts of plans under the *Alberta Land Stewardship Act* or other regional plans,
- (i) Any conceptual scheme prepared in support of the application or adopted by bylaw or resolution by the municipality,
- (j) An accurate area map or maps showing land uses, together with aerial and site photographs that give a detailed graphic explanation of the improvements and the physical conditions of the lands that are the subject of the application and surrounding lands including easements and rights-of-way registered on the property,
- (k) If any transportation requirements are at issue, any relevant municipal master plan or policy directive addressing
  - (i) Access
  - (ii) Road widening
  - (iii) Service roads
  - (iv) Road alignments
  - (v) Any other relevant issues
- (l) Copy of the Alberta Environment Flood Hazard Map for the titled area,
- (m) Copy of the Alberta Culture Listing of Historical Resource map for the titled area,
- (n) Reasons why the appeal is before the MGB instead of the SDAB,
- (o) Any other information requested by a panel, a case manager, or board administration that is necessary to expedite the appeal.

**12. Other  
Submissions**

- 12.1 The Board will allow relevant written material to be filed in addition to that forwarded by the Subdivision/Development Authority under these *Rules* and may, on its own initiative, order the filing of any additional material it deems relevant.

- 12.2 A person intending to file additional material must provide the Board with reasonable notice of its intent. Where the material includes legal briefs, technical reports, or other complex documents, the notice must be sufficient to allow the Board or Board administration to arrange for circulation of the material before the hearing so that the affected parties may review and respond to it. Where material is not complex, the Board may allow it to be filed at the hearing without prior distribution provided it is satisfied that doing so does not have a significant effect on the fairness of the hearing.
- 12.3 If a panel finds that a party has not had a fair opportunity to review and respond to material submitted to the Board, it may grant an adjournment or make any other order it deems appropriate to ensure a fair and expedient resolution of the appeal.
- 12.4 The Board will not consider material filed after it has adjourned a hearing following oral submissions. Notwithstanding this Rule, the Board may provide special permission or directions to file such material in circumstances it deems appropriate.

**13. Form of Documents**

- 13.1 Material filed must be clear and understandable.
- 13.2 All pages must be numbered consecutively, throughout the entire text and graphic content, even if there are dividers or tabs.
- 13.3 Maps where possible should be in colour. Maps should have a north arrow and roads should be labelled.
- 13.4 Documents may be filed electronically in a format directed by Board administration.
- 13.5 If directed by a Board administration, case manager or the Board, parties must file the specified number of hard copies of their material with the Board.
- 13.6 The Cover Page in Appendix “B” may form the first page of each disclosure document filed with the Board.

## Part F – Orders for Further Disclosure or to Protect Confidential Information

### 14. Orders for Disclosure

14.1 A party may request, in writing, an order for further disclosure. Such a request must

- (a) Identify as precisely as possible the information or material required and the issue(s) to which it relates,
- (b) Provide details explaining how the disclosure requested may be relevant to the issue(s) before the Board, and
- (c) Identify the person who will be required to disclose the information.

14.2 When entertaining a request made under this Rule, the Board may consider whether

- (a) The material requested should have been disclosed under these *Rules*, a preliminary hearing decision, or other legal requirement,
- (b) The material requested is
  - (i) Within the control of another person
  - (ii) Not readily available from another source
  - (iii) Potentially relevant to the proceedings before the Board, and
  - (iv) Reasonably required by the person requesting the information to make their own submissions.

14.3 After considering a request under this Rule, a panel may

- (a) Order disclosure within a specific time of all or some of the material requested by the other party, with or without conditions, including conditions to protect any confidential information,
- (b) Refuse to order disclosure of the information requested,
- (c) Give any other direction it deems to be appropriate,

**15. Disclosure of Confidential Information**

- 15.1 Upon request, the Board may make any order it deems appropriate to help protect the confidential nature of information contained in documents filed with it.
- 15.2 An order under Rule 15.1 may include a sealing order to exclude documents or parts thereof from the public record in accordance with section 525.1(5) of the Act.
- 15.3 Where the Board determines that information in documents containing confidential or sensitive material must be disclosed to another party, the Board may, if it deems it appropriate
  - (a) Order the first person to make and disclose a non-sensitive summary or extract of the original,
  - (b) Order the material to be provided to the other person subject to a signed undertaking satisfactory to the panel,
  - (c) Order restrictions on the use of information by observers to a hearing where confidential information is presented,
  - (d) Hold a hearing wholly or partially in private in accordance with section 525.1 of the Act,
  - (e) Make any other arrangement it deems suitable to allow parties to access to the information without unnecessarily compromising its sensitive nature.

**Part G – Withdrawals, Recommendations and Postponements**

**16. Withdrawals**

- 16.1 A party may request to withdraw an appeal that it initiated before the Board.
- 16.2 Withdrawal requests are to be submitted to the Board in writing at least 15 days in advance of the scheduled hearing.
- 16.3 The Board may reject a withdrawal or ask for further supporting information.
- 16.4 Subject to waiver from the Board or Board administration, a party who submits a withdrawal less than 15 days in advance of the hearing shall appear on the hearing date scheduled to explain the reason for the late withdrawal.

- 17. Recommendations**
- 17.1 Where two or more parties reach an agreement concerning an issue before the Board, they may provide the Board with a joint recommendation.
- 17.2 Recommendations are to be submitted to the Board in writing.
- 17.3 The Board may accept or reject a recommendation or ask for supporting information.
- 17.4 Subject to waiver from the Board or case manager, parties must be prepared to proceed at the hearing date scheduled to explain the recommendation and to provide other submissions as may be required.

- 18. Postponements**
- 18.1 A request to postpone a scheduled hearing must
- (a) Subject to Rule 18.2, be delivered to the Board and other parties in writing at least 15 days before the hearing is scheduled to begin,
  - (b) Include reasons for the postponement,
  - (c) Suggest suitable replacement dates for the hearing, or in the case of a request for postponement *sine die*, include reasons why a specific date cannot be identified.
- 18.2 If the need for a postponement arises less than 15 days before a scheduled hearing, the person requesting the adjournment must notify the Board as soon as the need arises.
- 18.3 The Board may consider the following factors as relevant to deciding postponement requests:
- (a) Whether the request is based on
    - (i) a serious impediment to the attendance of a party, witness or agent, such as illness, injury or impassable weather conditions, or
    - (ii) a serious issue affecting the fairness of the Board's proceedings.
  - (b) The degree and likelihood of prejudice or cost to other persons, if the request is granted and to the person seeking the postponement, if the request is denied.



- (c) The number of persons affected by the delay and whether they have consented to the postponement.
- (d) The likelihood of unreasonable disruption to the Board's schedule.
- (e) Where the request is based on relevant pending Board or Court decisions
  - (i) Whether the decision(s) is expected within 30 days, and
  - (ii) Whether the relevant proceedings have been pursued expeditiously,
- (f) Legislated timelines for hearings and decisions,
- (g) Any other factor the Board deems relevant.

18.4 The Board may accept or reject a request for a postponement or allow a postponement of a different length.

18.5 Subject to waiver from the Board or Board administration, all parties must be prepared to proceed at the hearing date scheduled in case the request is not granted.

## **Part H – Hearing Procedures**

### ***19. Location of Hearings***

- 19.1. In person hearings will be scheduled in Edmonton or Calgary, whichever is closer to the land that is the subject of the appeal.
- 19.2. Notwithstanding Rule 19.1, the Board or Board administration may choose a different location, having consideration for the convenience and cost to those attending the hearing and to the Board.

**20. Mode of Hearings**

- 20.1 At the discretion of the Board, hearings may be conducted by way of
- (a) Videoconference
  - (b) Teleconference
  - (c) In person hearing
  - (d) Written materials and submissions delivered to the Board
  - (e) Any combination of (a), (b), (c), (d) or any other means a panel or case manager deems appropriate.

**21. Cost of Participation**

- 21.1 Subject to an award for costs under Part J, persons who participate in Board proceedings do so at their own expense.

**22. Intervenor**

- 22.1 In addition to persons entitled to notice under either section 679 or 686 of the Act, the Board may also hear from persons who can demonstrate to the Board's satisfaction that they are affected by the application.

**23. Identification of participants and Notice of Oral Submissions**

- 23.1 A panel or case manager may make any arrangements they deem necessary to identify all participants at a hearing and ensure an orderly and efficient hearing process. Such arrangements may include:
- (a) Limiting time of presentations,
  - (b) Identifying parties with similar positions and requiring them to choose a lead spokesperson,
  - (c) Limiting presentations to avoid repetition of matters already covered by previous submissions,
  - (d) Limiting presentations to relevant matters.
- 23.2 Subject to waiver from the panel, persons intending to make oral submissions at a hearing must notify the case manager of their intent within a reasonable time before the hearing begins.

- 24. Consolidation**
- 24.1 The Board may order that separate proceedings be consolidated either on its own initiative or upon request.
- 24.2 When two or more matters are consolidated
- (a) Findings and final determination of the issues before the Board may be applied to all the participants in the consolidated hearing,
  - (b) Parties and intervenors to each of the original separate proceedings are parties and intervenors to the consolidated proceeding, and
  - (c) Evidence presented in each of the separate proceedings is evidence in the consolidated proceeding.
- 25. Matters Heard at the Same Time or One After Another**
- 25.1 The Board may order that two or more matters be heard at the same time or one after the other either on its own initiative or upon request.
- 25.2 Where two or more matters are heard at the same time or one after the other, the Board may order that the same evidence be admitted for more than one proceeding.
- 26. Severance**
- 26.1 The Board may sever a single proceeding into two or more separate hearings dealing with separate participants or separate issues.
- 26.2 Where a proceeding is severed, evidence and submissions already made may be applied to the separate hearings that ensue, unless otherwise ordered by a panel.
- 27. Admission of Evidence from Other Proceedings**
- 27.1 The Board may admit evidence that was previously heard by a tribunal, Court or another panel of the Board if the Board finds that doing so does not significantly affect the fairness of the proceeding.
- 27.2 When making an order under this Rule, the Board may consider, without limitation, whether the matters, parties, and counsel involved in the other proceeding are the same, and whether testimony given in the other proceeding was subject to cross examination.
- 28. Recording of Proceedings**
- 28.1 No person shall make an audio, video, photographic or other electronic record of Board proceedings or a verbatim record without obtaining permission from the Board before the hearing.

- 28.2 If the Board permits a party to make a verbatim record of the proceedings, the Board is to receive paper and electronic copies of the record, as applicable, at no cost to itself and the Board may apply one or more of the following conditions:
- (a) The costs of recording and transcription, including expedited transcription, if requested by the Board, and copies for the Board are to be borne by the person who requested the record, unless others agree to share the costs,
  - (b) Other persons specified by the Board are to receive additional copies of any transcription or recording, provided they cover the cost of the copies they receive,
  - (c) The process of recording or transcription will not interrupt the orderly conduct of Board proceedings,
  - (d) The recording or transcription proposed will be, in the view of the panel, of sufficient accuracy,
  - (e) Any other condition the Board finds appropriate.
- 28.3 The Board may provide for the recording of its own proceedings where the Board otherwise deems it necessary to do so.
- 28.4 The Board will not provide access to recordings or transcripts made under Rule 28.3 except as necessary to fulfill its responsibility under section 688 of the Act or other legal requirement including freedom of information and protection of privacy legislation.

## **Part I – Recusal of Panel Members**

### ***29. Withdrawal of Panel Members owing to Apprehension of Bias***

- 29.1 Where a panel member becomes aware of circumstances that he or she believes may raise a reasonable apprehension of bias, that member will
- (a) Disclose the circumstances and withdraw from the panel, or
  - (b) Disclose the circumstances and give the affected parties an opportunity to:

- (i) Waive any objection to the member sitting on the panel, or
  - (ii) Give reasons as to why the panel member should or should not withdraw.
- 29.2 A party may ask a panel member to withdraw because of a reasonable apprehension of bias. A party who makes such a request must do so as soon as the circumstances giving rise to it become known and must provide reasons for the request.
- 29.3 Where a member has been asked to withdraw, the panel will give an opportunity to the parties to address the question of whether the circumstances raise a reasonable apprehension of bias.
- 29.4 The decision to grant or dismiss a request to withdraw must be made by the member in question.
- 29.5 A Board member may confer with other panel members before deciding whether or not to withdraw.
- 29.6 A panel from which one or more members has withdrawn may
  - (a) Proceed to hear the matters before it, subject to quorum requirements, or
  - (b) Make arrangements to reschedule a matter so that it may be heard by a full panel.

## **Part J – Post Hearing Procedures**

### ***30. Costs***

- 30.1 When determining whether to award costs, the Board may consider whether the person(s) against whom they are to be awarded
  - (a) Has abused the Board’s process,
  - (b) Has acted contrary to an agreed-upon or Board-directed process,
  - (c) Has caused unreasonable delays, postponements or expense,

- (d) Has acted unreasonably or engaged in conduct worthy of an order to reimburse another person for costs and expenses incurred as a result of that conduct.

30.2 Where the Board does not otherwise direct, a request for costs must

- (a) Be filed with the Board no later than 30 days after the date of the Board's decision,
- (b) Specify the total sum sought for costs together with a description of how the amount is calculated and an itemized list of any expenses sought to be recovered,
- (c) Specify the reasons why an award of costs is appropriate in the circumstances.

***31. Rehearings/  
Reviews***

31.1 A party may request the Board to rehear, review, vary or rescind any matter or decision under the discretionary power granted by section 504 of the Act.

31.2 A request under this Rule must include

- (a) A detailed statement explaining how the request meets the grounds for a rehearing or review listed under this Rule, and
- (b) The following background information:
  - (i) Name of the applicant
  - (ii) Name of municipality in which the property is located.
  - (iii) Names and contact information of parties and intervenors to the appeal, if known,
  - (iv) Board decision number
  - (v) Proof that a copy of the request has been sent to the other parties.

31.3 Requests must be made no later than 30 days following the date of the decision.

31.4 After a request is filed pursuant to this Rule, the Chair may:

- (a) Dismiss the request, determine that the matter should be reheard, or give directions for further submissions,
- (b) Refer the matter to a case manager for case management,
- (c) Refer the request to the panel that originally heard the matter for further directions or final determination of the matter,
- (d) Refer the request to a new panel for further directions, or final determination of the matter.

31.5 The Board may exercise its power under section 504 of the Act in the following circumstances:

- (a) New facts, evidence or case-law that was not reasonably available at the time of the hearing, and that could reasonably have affected the decision's outcome had it been available,
- (b) A procedural defect during the hearing which caused prejudice to one or more of the parties,
- (c) Other material errors that could reasonably have changed the outcome of the decision, or
- (d) Any other circumstance the Board considers reasonable.

31.6 The following are generally not sufficient grounds to grant a rehearing or review:

- (a) Disagreement with a decision,
- (b) A party's failure to provide evidence or related authorities that were reasonably available at the time of the hearing.

- 32. Endorsement of Subdivision Plans where the SA Fails or Refuses to Endorse**
- 32.1 The Presiding Officer of the panel that heard the appeal is the member of the Board authorized to endorse the instrument pursuant to subsection 682(2) if the Subdivision Authority fails or refuses to endorse it.
- 32.2 Where it is not convenient or practical for the presiding officer of the panel who heard the appeal to endorse the instrument, the Chair may designate another Board member as the authorized member.
- 32.3 Before endorsing an instrument, the authorized member may request submissions about whether it is appropriate to endorse the instrument from any person(s) he or she deems sufficiently affected.
- 32.4 The Chair may designate additional members to sit with the authorized member as a panel to consider any submissions made under this rule.
- 33. Access to Board Decisions**
- 33.1 The Board may publish its decisions or have them published in any form, including posting them on the Internet.
- 34. Access to other Board Records**
- 34.1 Records filed with the Board will be made available for public viewing upon appointment at the Board's offices in Edmonton during the Board's regular office hours subject to
- (a) Restrictions imposed by Board orders, freedom of information and protection of privacy legislation or other legal requirements, and
  - (b) Payment of any prescribed fee if copies are required following viewing.



**APPENDIX "A" - COVER PAGE**

RECEIVED	EXHIBIT NO. _____
	FOR MGB USE ONLY

MGB FILE NO.	
IN THE MATTER OF	
APPELLANT	
SUBDIVISION or DEVELOPMENT AUTHORITY	
DOCUMENT	
NAME (ORGANIZATION)  ADDRESS FOR SERVICE  EMAIL  TELEPHONE  (FOR PERSON FILING THIS DOCUMENT)	

APPENDIX "B" - Subdivision and Development Appeal Form



Telephone: 780-427-4864  
 Fax: 780-427-0986  
 Email: mgbmail@gov.ab.ca

Website: www.mgb.alberta.ca

INTERNAL USE ONLY

## SUBDIVISION/ DEVELOPMENT AUTHORITY APPEAL FORM

Municipal Government Board  
 1229-91 Street SW  
 Edmonton AB T6X 1E9

A notice of appeal for a subdivision matter must be filed within 14 days after receipt of the subdivision authority's written decision.  
 A notice of appeal for a development matter must be filed within 21 days of the development authority's written decision is given.

This is an appeal of:     Subdivision Authority Decision     Development Authority Decision

**Part 1- Contact Information**

**PROPERTY UNDER APPEAL**

Name of Municipality	Subdivision/Development Authority (if applicable)	Subdivision/Development Authority File or Permit Number
Does the land that is subject of the appeal contain, or is it adjacent to, or near, any of the following? (Check ALL that apply)		
<input type="checkbox"/> Highway (#.....)	<input type="checkbox"/> Body of Water (Name: .....	<input type="checkbox"/> Landfill
<input type="checkbox"/> Green Area	<input type="checkbox"/> Wastewater Treatment Facility	<input type="checkbox"/> Waste Management Facility
<input type="checkbox"/> Historical Site/Resource		
<input type="checkbox"/> Provincial License/Permit/Approval/Other Authorization		
Land Description	Section	Township
		Range
		Meridian
Municipal Address or Lot Block Plan		

**APPELLANT (e.g. Landowner, Applicant, Affected Party or Government Department filing the Appeal)**

Name(Organization)	(Last)	(First)	Telephone Number
Address (Street, PO Box, RR)	(Suite, Apartment)	(Municipality)	(Province) (Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):			

**LANDOWNER INFORMATION (If different from Appellant)**

Name	(Last)	(First)	Telephone Number
Address (Street, PO Box, RR)	(Suite, Apartment)	(Municipality)	(Province) (Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):			

**REPRESENTATIVE INFORMATION AND AUTHORIZATION (if Appellant is Represented by an Agent)**

Name of Organization				Telephone Number	
Address (Street, PO Box, RR)		(Suite, Apartment)	(Municipality)	(Province)	(Postal Code)
E-mail address (By providing an e-mail address I consent to receive documents by e-mail):					
I (We) hereby authorize _____ to act on my (our) behalf to this application.					
_____ Signature of Applicant(s)		_____ Date		_____ Signature of Applicant(s)	
_____ Date		_____ Date		_____ Date	

**Part 2- Decision of the Subdivision/Development Authority**

Date of Decision:

Copy of Subdivision/Development Authority Decision included?  Yes  No

**Part 3- Reasons for Appeal**

All appeals must contain reasons. Attach additional pages if required.

- Approval - Why do you oppose the approval or what conditions of approval do you disagree with and why?
- Refusal - Why do you think the application should be approved?

\_\_\_\_\_  
Signature of Appellant OR Authorized Person

\_\_\_\_\_  
Date

This information is being collected for the purpose of conducting Board proceedings and in accordance with section 33(c) of the *Freedom of Information and Protection of Privacy Act*. It will be provided to those who may be affected by your application and may be used to send you a follow up survey designed to measure satisfaction with Board proceedings. Questions about the collection of this information can be directed to the Municipal Government Board, 1229 - 91 Street SW, Edmonton, Alberta T6X 1E9, 780-427-4864. (Outside of Edmonton call 310-0000 to be connected toll free).