

**BYLAW 46-2021
GENERAL APPEALS AND REVIEW COMMITTEE BYLAW**

Section 145 of the *Municipal Government Act*, RSA 2000, c M-26 ("Municipal Government Act"), allows the council of a municipality to pass bylaw in relation to the establishment and function of council committees and other bodies; and

Section 8(d) of the *Municipal Government Act* allows the council of a municipality to pass bylaws that provide for an appeal, the body that is to decide the appeal, and related matters; and

Council wishes to establish a committee to hear appeals from decisions of the Chief Commissioner, when set out in other bylaws; and

Section 19 of the *Weed Control Act*, SA 2008, c 5.1, requires that the County establishes an independent panel to determine appeals of inspector's notices, local authority notices, and debt recovery notices.

Council enacts:

PART I – DEFINITIONS, AND INTERPRETATION

Definitions

1 In this bylaw:

- (a) "*Boards and Committees Bylaw*" means Strathcona County's *Boards and Committees Bylaw 28-2021*;
- (b) "Chief Commissioner" means the chief administrative officer of the County, or delegate;
- (c) "Committee" means the General Appeals and Review Committee, established by this bylaw;
- (d) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the *Municipal Government Act*, RSA 2000, c M-26 and Order in Council 761/95; and
- (e) "*Meeting Procedures Bylaw*" means Strathcona County's *Meeting Procedures Bylaw 20-2015*.

Interpretation

2 The following rules apply to interpretation of this bylaw:

- (a) margin notes in this bylaw are for ease of reference only;
- (b) gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
- (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and

(d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – MANDATE

Committee Established 3 (1) The General Appeals and Review Committee is established as a Council Committee.

(2) The General Appeals and Review Committee is an Appeal Committee.

Permitted Review Hearings 4 The Committee is authorized to conduct review hearings on matters and decisions as set out in the County's bylaws.

5 The Committee is the County's appeal panel to hear appeals under section 19 of the *Weed Control Act, SA 2008, c W-5.1*.

PART III – MEMBERSHIP

Committee Members 6 The Committee is composed of the members of the Subdivision and Development Appeal Board.

PART IV – APPLICATION FOR REVIEW HEARING

Application Process 7 A person may appeal to the Committee on any matter set out in the Committee's mandate.

8 The application must be in a form approved by the Chief Commissioner.

9 Unless otherwise specified in another enactment, the application must be received by the Chief Commissioner no later than 14 days after the date the decision or notice is received by the applicant.

10 As part of the application, the applicant must pay the appeal fee as set out in the *County's Fees, Rates, and Charges Bylaw, 49-2020*, or the enactment that allows for the appeal.

Scheduling Review Hearing 11 Unless otherwise specified in another enactment:

(a) the Chief Commissioner will forward the application to the Committee within five days of receiving the application;

(b) the Committee must hold a review hearing within 30 days of receiving the application from the Chief Commissioner;

(c) the Committee must provide the applicant with at least seven days of notice of the date of the review hearing.

PART V – REVIEW HEARING

- Review Hearing Panel
- 12 The Chair of the Committee will appoint between two and five members of the Committee to form a panel to conduct the review hearing.
- 13 If the Chair and Vice-chair of the Committee are not available, the members of the panel will appoint a Chair for the review hearing, from among the members of the panel.
- 14 Quorum for a review hearing is all members of the panel who were present for the entire review hearing, and in any case at least 2 members.
- Persons Entitled to Present
- 15 The following persons are entitled to present at the review hearing:
- (a) the applicant;
 - (b) if the decision or notice is in respect of a property and the applicant is not the owner of the property, the owner of the property; and
 - (c) the Chief Commissioner.
- 16 Any person who is entitled to present at the review hearing will be given a reasonable amount of time to present the person’s information and argument.
- 17 The Chair of the panel may permit any other person to present at a review hearing, and may set limits on the time and content of the presentation.
- Hearing Procedures
- 18 The Chair of the panel will provide an overview of the hearing procedure at the start of the hearing.
- Questions by the Panel
Authority of Committee
- 19 The panel may ask questions of the hearing participants.
- 20 The Committee’s powers are as set out in the enactment that the decision or notice was made under.
- 21 Where the Committee’s powers are not specified, the Committee is authorized to confirm, vary, or reverse the decision that is being appealed.
- Decision of the Committee
- 22 At the conclusion of the presentations, the panel may adjourn the review hearing to prepare the Committee’s decision.
- 23 (1) In arriving at its decision, the majority vote of those members of the panel who were present for the entire review hearing will constitute the decision of the Committee.

(2) If there are an equal number of votes for and against the appeal, the appeal is denied.

24 (1) Within 7 days of the conclusion of a review hearing, the Committee must provide its decision, including the written reasons of the majority.

(2) In the event of a tied vote the Committee is only required to provide the reasons the appeal is denied.

(3) The dissenting members of the panel may provide reasons for the dissent.

25 The decision and reasons must be provided to every person who was entitled to present at the review hearing.

No Costs Award

26 Unless specified in another enactment, the Committee is not authorized to award costs.

PART VI – COMMITTEE PROCEDURES

Relationship to
Other Enactments

27 The rules, procedures, and processes set out in the *Boards and Committees Bylaw* and the *Meeting Procedures Bylaw* apply to the meetings of the Committee, including review hearings.

28 The Committee may make rules for the conduct of its members, business, review hearings, and meetings, so long as those rules are consistent with this bylaw, the Municipal Government Act, the *Boards and Committees Bylaw*, and the *Meeting Procedures Bylaw*.

29 The Committee may alter the rules, procedures, and processes set out in the *Boards and Committees Bylaw* and the *Meeting Procedures Bylaw* where they are inconsistent with administrative fairness and administrative justice.

30 Where there is a conflict between the provisions of this bylaw and the provisions in the *Boards and Committees Bylaw* or the *Meeting Procedures Bylaw*, the provisions of this bylaw take precedence.

Records of
Proceedings

31 The Committee must keep a record of all the Committee's proceedings.

32 (1) The records of the Committee, including information and documents submitted before or during a review hearing, are public records and must be made available for public inspection, upon request.

(2) Records that contain personal information, or that may be kept private under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, may be redacted or withheld from public viewing.

PART VII – GENERAL

Effective date 33 This bylaw comes into effect on October 18, 2021.

FIRST READING: September 14, 2021

SECOND READING: September 14, 2021

THIRD READING: September 14, 2021

SIGNED THIS 29th day of September, 2021.

Rod Frank

MAYOR

Mavis Nathoo

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES