

PRELIMINARY HEARING NOTICE OF DECISION

FILE NO. **SDAB 2023-004**

APPLICATION No.: **Stop Order**

DEVELOPMENT: **Contravention of Land Use Bylaw 99/059 in relation to continued development after expired development permit**

LEGAL DESCRIPTION: **Lot 2 Block Plan 942 0970**

CIVIC ADDRESS: **84S – 12868 Highway 881, Anzac Alberta**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board (“the Board”) pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“the Municipal Government Act”), a Preliminary Hearing was held via Microsoft Teams on Tuesday, July 18, 2023.

PARTIES:

Matthew Eisentraut – Appellant
Tiffany Primmer – Legal Counsel, Regional Municipality of Wood Buffalo
Warren Rourke – Development Authority
Such Chandhiok – Development Authority

BEFORE:

T. Tupper, Chair
D. Cleaver
A. Mckenzie

Administration:

S. Soutter, Clerk, Subdivision and Development Appeal Board

- [1] The Chair confirmed with the parties in attendance that there were no objections to the constitution of the Board or the process to be followed.

PRELIMINARY MATTERS

- [2] The purpose of the hearing was to schedule the merit hearing and filing of evidence date. No submissions on the merits of the appeal were made by the parties.

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- [3] The Clerk submitted for the Board's consideration, based on feedback from the parties a hearing could be held between August 28, 2023 to August 31, 2023.
- [4] The Appellant confirmed for the record the evening of August 31, 2023, as their preference.
- [5] The Development Authority confirmed their preference of August 31, 2023, during the day or alternatively August 30, 2023.
- [6] On the matter of filing of evidence, all parties present confirmed there was no concerns with the Boards standard seven (7) days before the merit hearing.

DECISION

- [7] In accordance with section 686 of the *Municipal Government Act* the appeal hearing is scheduled for:

Date: August 31, 2023

Location: In-Person, Council Chamber
Jubilee Centre
9909 Franklin Avenue
Fort McMurray, AB

Time: Doors open at 5:30 p.m.,
Hearing commences at 6:00 p.m.

- [8] In accordance with section 629 of the *Municipal Government Act*, the Subdivision and Development Appeal Board may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence. Any documentary or photographic evidence and a summary of testimonial evidence must be received by **4:00 p.m., Wednesday, August 23, 2023.**
- [9] In accordance with the requirements laid out in section 686(3) of the *Municipal Government Act* a notice of the hearing will be sent out to all parties. The Board confirms that all evidence can be submitted electronically via email, details of which will be outlined in the notice of hearing.

REASONS FOR THE DECISION

- [10] The Board is aware that it must commence a hearing within 30 days of the date of the appeal, and therefore, the Appeal hearing for SDAB 2023-004 is hereby opened and adjourned to August 31, 2023, which preserves the jurisdiction of the Board in relation to this appeal.

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- [11] The purpose of the hearing was to hear submissions of the parties in relation to merit hearing dates and evidence dates, of which the Board has selected August 31, 2023, for the merit hearing date.
- [12] The disclosure dates for the hearing are as set out above, which accord with the Board's standard practice of requiring disclosure in advance. It is at the discretion of the Board to accept any evidence filed beyond the date set out above.
- [13] The Board also clarifies that the members sitting during the preliminary hearing are not seized with the matter, since no information or submissions on the merits were heard by them.
- [14] It is so ordered.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 21st day of July 2023

CHAIR:

FOIP section 17(1)

Taliesin Tupper

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit #	Description	Filing Date
P 1.	Email from Appellant re Merit Hearing dates (1 page)	2023-07-13
P 2.	Email from Municipality re Merit Hearing dates (2 pages)	2023-07-13

REPRESENTATIONS

PERSON APPEARINGCAPACITY

1.	M. Eisentraut	Appellant
2.	T. Primmer	Legal Counsel - Regional Municipality of Wood Buffalo
3.	W. Rourke	Development Authority - Regional Municipality of Wood Buffalo
4.	S. Chandhiok	Development Authority - Regional Municipality of Wood Buffalo