

# Preparing for the Subdivision and Development Appeal Board Hearing

## The Appeal

The Clerk assembles a report consisting of the Notice of Appeal form, submissions from the Planning and Development Department, the appellant<sup>1</sup>, applicant<sup>2</sup>, and/or subject property owner<sup>3</sup>. All written materials submitted prior to the hearing, including the appeal form, become part of the report; this report is available to the public upon request. A party wishing to obtain a copy of any submissions must contact the Clerk.

Personal information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, Section 32 (c) and the *Municipal Government Act*, Sections 678 and 685. If you have any questions regarding the collection of information, please contact the Legislative Services Department at (780) 743-7001.

## Preparing for the public hearing

Listed below are some suggestions that may assist in preparation for the Subdivision and Development Appeal Board (SDAB) hearing:

- Determine the relevant planning issues associated with the appeal. Examples include design, parking and traffic compliance with planning legislation, and the impact on neighbours and their properties (adjacent properties).
- Prepare a summary of testimonial evidence that is a clear, concise and logically written.
- Any documentary or photographic evidence and the summary of testimonial evidence for the Board must be submitted at least 7 days before the hearing unless otherwise stated.
- Ask neighbours affected by the proposed development to speak on your behalf and write letters outlining their position in support or objection.
- Review the contents of the SDAB Report prepared by the Development Officer.
- Your co-operation and attendance at the hearing will prevent any unnecessary delays for the Board and will help the Municipality use resources effectively. By attending the hearing, the Board is in a position to ask you questions (if any).

## Procedures followed at the public hearing

Individuals who file an appeal are encouraged to make a verbal presentation to the Board. Persons who are considered to be affected also have the right to make a presentation. Parties may have someone (an agent<sup>4</sup>, friend or family member) to speak on their behalf. If you choose to have someone appear on your behalf, you will need to complete the Agent Authorization Form<sup>5</sup> (attached). If a number of appeals are filed on the same development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repeated.

The Clerk will introduce each appeal and the Chair will call a representative of the Municipality to present their report on the application or order (i.e., where the site is located, the proposed development and the reasons for the Development Authority's Decision).

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<sup>1</sup> Appellant - individual, agent or business who has filed a Notice of Appeal.

<sup>2</sup> Applicant - individual, agent or business who applied for the original Development Permit or Subdivision application.

<sup>3</sup> Subject Property Owner – individual, agent or business in possession of the title of lands under appeal.

<sup>4</sup> Agent - a person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

<sup>5</sup> Agent Authorization Form - at the time of the appeal hearing the individual acting as agent must produce the completed and signed Agent Authorization Form

The Chair will then ask for:

- the Parties<sup>6</sup> to make their presentation(s). Twenty (20) minutes of time will be given to each party to present their evidence.
- any affected persons<sup>7</sup> to make their presentations (first, those in favor of the appeal, then opposed to the appeal). Five (5) minutes of time will be given to present their evidence.
- the Clerk to read into the record any written submissions received.
- any person who has presented to ask questions for clarification of other persons who have presented (this must be done through the Chair).
- brief summaries or closing comments.

The purpose of the appeal hearing is for the appellant and affected parties to provide the Board with information in relation to the appeal. The Board must base its decision on planning merits.

All comments are directed through the Chair. All comments must be respectful and concise; if another person has already made a point, simply state that you agree with the point.

If a person references any written documentation, including a map, photographs or reports, a copy must be provided to the other parties and a copy must be left with the Board. If you are reading from a written statement, a copy must be left with the Board as this will assist the Clerk in preparing the record of the hearing, and the Board in making its decision.

The Board does not, on its own initiative, seek information or evidence. The Board relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions. When presenting an appeal, keep in mind the Board is not bound by precedent when making its decision.

Each application is judged on its own merits as the Board has no way of knowing if sites presented as a precedent were built, with or without the benefit of a development permit, or whether they have another status under the Regional Municipality of Wood Buffalo Land Use Bylaw.

Exhibits/Evidence used during a presentation become part of the record of the hearing. If this material has to be returned to the Appellant, the Board must be advised at the conclusion of the hearing and arrangements will be made to have copies.

## Request for adjournment

A written request for an adjournment, including the reasons for the request, must be submitted to the Clerk of the SDAB as soon as possible. If you are unable to submit the request in writing, a verbal request should be made at the time of the hearing.

Adjournment requests are not granted automatically. The Board considers each request on its own merits, including submissions concerning requests from other affected parties to the appeal. If you are unable to attend the hearing to speak to the adjournment request, you should have someone (an agent) attend on your behalf who will be prepared to discuss the request and/or present evidence to the Board in the event the adjournment request is denied.

## Withdrawal of an appeal

A withdrawal should be submitted in writing to the Clerk as soon as possible.

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<sup>6</sup> Parties – the term parties refers to the Appellant, Applicant and/or Subject Property Owner, including the Municipality.

<sup>7</sup> Affected Persons - the term affected person is not defined in the *Municipal Government Act*. The Board determines affected persons on a case-by-case basis. For example, an affected person could be someone who feels their enjoyment, use or value of their property may be affected by the proposed development. The onus is on the person to show how they are affected by the development.