

PRELIMINARY HEARING NOTICE OF DECISION

FILE NO. **SDAB 2023-003**

APPLICATION No.: **2021-DP-00531**

DEVELOPMENT: **Child Care Facility**

LEGAL DESCRIPTION: **Lot - Block 279 Plan 022 0695**

CIVIC ADDRESS: **120 McTavish Crescent, Fort McMurray 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:

Alan and Nicole Harding – Appellant
Bimbola Ogunye – Respondent/Applicant
Carmelo Daprocida – Previous Owner, Subject Property
Brett Williamson – 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.
- [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] It was confirmed for the record that there was no party present on behalf of the Appellants.
- [5] The Respondent confirmed their availability for any date or time.
- [6] The Development Authority confirmed their preference would be August 29, 30 and 31, with August 30 or 31 as a preference.
- [7] 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

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

Date: August 29, 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.

- [9] 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., Monday, August 21, 2023.**
- [10] 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

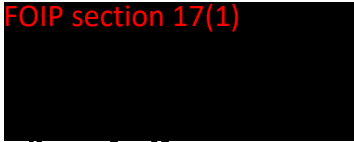
- [11] The Board is aware that it must commence a hearing within 30 days of the date of the appeal, and therefore, the Appeal hearing for SDAB 2023-003 is hereby opened and adjourned to August 29, 2023, which preserves the jurisdiction of the Board in relation to this appeal.

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- [12] 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 29, 2023, for the merit hearing date.
- [13] 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.
- [14] 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.
- [15] 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.	Respondent Klorious Services Merit Hearing Dates (1 page)	2023-07-13

REPRESENTATIONS

PERSON APPEARINGCAPACITY

1.	B. Ogunye	Respondent/Applicant
2.	C. Daprocida	Previous Owner Subject Property
3.	B. Williamson	Development Authority- Regional Municipality of Wood Buffalo
4.	S. Chandhiok	Development Authority – Regional Municipality of Wood Buffalo