

PRELIMINARY HEARING NOTICE OF DECISION

FILE NO. **SDAB 2023-005**

APPLICATION No.: **2023-DP-00253**

DEVELOPMENT: **Refusal – Development Permit Application for an
Accessory Building (89 m²)**

LEGAL DESCRIPTION: **Lot 93 Block 1 Plan 852 1969**

CIVIC ADDRESS: **93 Community Lane, 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 Wednesday, September 6, 2023.

PARTIES:

Brent Bryska – Appellant
Elias Biolley-Villalobos – Development Authority
Lee-Anne Kumka – Development Authority

BEFORE:

A. McKenzie, Chair
D. Cleaver
T. Morris

Administration:

H. Fredeen, 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 a hearing date of October 12, 2023. for the Board’s consideration, based on feedback from the parties.

- [4] The Development Authority confirmed for the record that they were in agreement to a merit hearing date of October 12, 2023.
- [5] On the matter of filing of evidence, there were no objection from the parties regarding the Board's standard evidence disclosure deadline of seven (7) days before the merit hearing.

DECISION

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

Date: October 12, 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.**

- [7] 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, October 4, 2023.**
- [8] 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

- [9] 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 2023-005 is hereby opened and adjourned to October 12, 2023, which preserves the jurisdiction of the Board in relation to this appeal.
- [10] The purpose of the hearing was to schedule the merit hearing date and disclosure of evidence timelines, of which the Board has selected a date of October 12, 2023, for the merit hearing date and a date of October 4, 2023, as the evidence disclosure deadline date.

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- [11] 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.
- [12] 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.
- [13] It is so ordered.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 6th day of September 2023

CHAIR:

FOIP section 17(1)


Alex McKenzie

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit #	Description	Filing Date
P 1.	Appellant's Response – Merit Hearing Dates (1 page)	2023-08-31
P 2.	Municipality Response - Merit Hearing dates (1 page)	2023-09-01

REPRESENTATIONS

PERSON APPEARINGCAPACITY

1.	E. Amayu	Development Authority - Regional Municipality of Wood Buffalo
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