



**CITY OF EDMONTON**  
**BYLAW 11136**  
**SUBDIVISION AND DEVELOPMENT APPEAL**  
**BOARD BYLAW**

**CONSOLIDATED ON MAY 14, 2014**

**THE CITY OF EDMONTON  
CONSOLIDATION**

**BYLAW NO. 11136**

**The Subdivision and Development Appeal Board Bylaw**

The Council of the City of Edmonton enacts the following:

**PART 1 - PURPOSE AND DEFINITIONS**

- |                         |  |
|-------------------------|--|
| <b>PURPOSE</b>          | 1. The purpose of this bylaw is to establish the Subdivision and Development Appeal Board for the City of Edmonton.  |
| <b>SHORT NAME</b>       | 2. This bylaw shall be known as the Subdivision and Development Appeal Board Bylaw.  |
| <b>DEFINITIONS</b>      | 3. The following words and phrases mean:   |
| (1) Act                 | the Municipal Government Act, S.A. 1994, c. M-26.1, as amended   |
| (2) Appellant           | the person who may appeal to the Board in accordance with the Act  |
| (3) Board               | the Subdivision and Development Appeal Board established by Section 4 of this Bylaw  |
| (3.1) Chair             | the person appointed pursuant to section 13 of this bylaw<br>(S.2, Bylaw 12438, December 5, 2000)  |
| (3.2) Presiding Officer | the person occupying the position of Chair of a committee, when the Chair is not sitting in a Committee or is unable to attend the hearing<br>(S.2, Bylaw 12438, December 5, 2000) |
| (4) City                | the municipal corporation of The City of Edmonton  |

- (5) City Manager the person appointed as the chief administrative officer and the clerk of the Subdivision and Development Appeal Board by the City Administration Bylaw, Bylaw No. 11427  
(S.14a, Bylaw No. 11427, February 4, 1997)
- (6) Council the municipal council of the City
- (7) Development Authority the Development Authority of the City of Edmonton established by Bylaw No. 11134
- (8) Development Officer the person occupying the position of Development Officer as established under the Land Use Bylaw
- (9) Fee Schedule Schedule A to this Bylaw, being the Subdivision and Development Appeal Board Fee Schedule
- (10) Land Use Bylaw the Edmonton Land Use Bylaw, Bylaw No. 5996, as amended from time to time
- (11) Member a Member of the Board
- (12) Subdivision Authority the Subdivision Authority for the City of Edmonton established by Bylaw No. 11135

## **PART II - ESTABLISHMENT AND POWERS**

**ESTABLISHMENT** 4. The Subdivision and Development Appeal Board is hereby established.

**POWERS** 5. The Board shall deal with subdivision and development appeals in accordance with the provisions of the Act and shall exercise any other powers, duties and functions given to it by any other bylaws of Council.

## **PART III - MEMBERSHIP**

**MEMBERSHIP** 6. The Board will be comprised of up to 30 Members appointed at the pleasure of Council for terms of one year.  
(S.2, Bylaw 16656, December 11, 2013)

**TERM OF OFFICE**

- 7. (1) Members may be re-appointed for successive terms totalling not more than nine consecutive years.

(S.2, Bylaw 16824, May 14, 2014)

- (2) Notwithstanding any other provision in this bylaw, Council may make or extend any term of appointment, including the final term, for any length of time it deems appropriate.

**MEMBERS OF COUNCIL**

- 8. The Mayor will not be a Member, and if Councillors are appointed to the Board, they may not form the majority of appointees.

**NO DEVELOPMENT OFFICERS**

- 9. No person who is a Development Officer or who is appointed to the Subdivision Authority shall be appointed a Member of the Board.

**SIZE OF BOARD**

- 10. Repealed

(S. 14(a), Bylaw 16516, August 28, 2013)

**VACANCIES**

- 11. (1) Council may fill vacancies as they occur from time to time by resolution.

- (2) Notwithstanding any vacancy on the Board, the remaining Members have and may exercise and perform the powers and duties of the Board, provided that there are at all times no less than three (3) Members.

**REMUNERATION OF MEMBERS**

- 12. Members shall be paid such remuneration by the City as may be fixed from time to time by Council.

**CHAIR**

- 13. Council shall by resolution appoint a Member as Chair in accordance with Council policies and procedures.

(S.3, Bylaw 12438, December 5, 2000)

(S.14(b), Bylaw 16516, August 28, 2013)

**PART IV - CLERK**

**CLERK OF THE BOARD**

- 14. The City Manager must provide administrative support to the Board including:

(S.14b, Bylaw No. 11427, February 4, 1997)

- (a) receiving notices of appeals,
- (b) sending notices related to hearings,
- (c) answering inquiries and providing information to appellants and the public,
- (d) scheduling hearings,
- (e) attending hearings,
- (f) keeping a written record of the proceedings of the Board which shall include:
  - (i) a summary of the evidence presented at the hearing,
  - (ii) the decision of the Development Authority or Subdivision Authority,
  - (iii) the Notice of Appeal, and the Notice of Hearing of the Appeal,
  - (iv) the Board’s decision on each appeal,
  - (v) the reasons for the Board’s decision on each appeal, and
  - (vi) a list of names and addresses of persons who leave their names and addresses with the clerk in accordance with Section 26(d) of this Bylaw.

**ADDITIONAL POWERS OF THE CITY MANAGER**

- 15. The Board is a Council Committee as defined in the Act and therefore, in addition to the powers and responsibilities given to the City Manager in Section 14 of this Bylaw, the City Manager shall have, with respect to the Board, all of the powers and responsibilities granted to the City Manager with respect to Council Committees by City Administration Bylaw, Bylaw No. 11427.

(S.14c, Bylaw No. 11427, February 4, 1997)

(S.14d, Bylaw No. 11427, February 4, 1997)

**DELEGATION BY CITY  
MANAGER**

16. The City Manager may delegate any of the powers granted to the City Manager by this Bylaw.

(S.14d, Bylaw No. 11427, February 4, 1997)

**PART V- OPERATION OF THE BOARD**

**MEETINGS**

17. The Board shall meet at least once in each calendar month and at such other times as the Board Chair considers necessary.

**PUBLIC HEARINGS**

18. The Board shall hold public hearings respecting appeals in accordance with the Act.

**ABSENCE FROM  
HEARING**

19. (1) A Member who for any reason is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.

(2) If the Chair is unable to attend a hearing, the City Manager will appoint a Presiding Officer from the Presiding Officer rotation list to preside at the meeting.

(S.4, Bylaw 12438, December 5, 2000)

**CONFLICT OF INTEREST**

20. If a Member has any interest, whether direct or indirect, in any matter before the Board, the Member shall declare such interest to the Board before discussion of the matter, and shall not participate in the hearing, or discuss or vote upon the matter, and such abstention shall be recorded in the minutes.

**COMMITTEES**

21. (1) The Board may meet in Committees of no less than three Members.

(2) Two or more Committees may meet simultaneously.

(3) A Committee has all of the powers, duties and responsibilities of the Board.

(4) A decision of a Committee is the decision of the Board.

- (5) If the Chair is not sitting in a Committee, the City Manager will appoint a Presiding Officer from the Presiding Officer rotation list to preside at the meeting

(S.5, Bylaw 12438, December 5, 2000)

**QUORUM**

- 22. A quorum at any meeting or hearing of the Board or any Committee of the Board shall be three (3) Members.

**APPEALS**

- 23. (1) A person shall appeal to the Board in the manner provided in the Act.
- (2) At the time of service of the Notice of Appeal, the Appellant shall pay to the City, a fee calculated in accordance with the Fee Schedule.
- (3) The Appeal Fee shall be returned to the Appellant should the Board determine that it is appropriate to do so.
- (4) In the event that an appeal is abandoned by the Appellant, the Board shall not be obliged to hold the public hearing referred to in the Act unless another Notice of Appeal has been served upon the Board in accordance with the Act.

**HEARING OF THE APPEAL**

- 24. At the hearing of the appeal, the Board shall hear all those persons that it is required to hear under the Act.

**FURTHER ASSISTANCE**

- 25. At the hearing of the appeal should the Board desire further technical information, legal opinions or other assistance, it may table the hearing pending receipt of such information, opinion or other assistance.

**DUTIES OF THE CHAIR AT THE HEARING**

- 26. The Chair or Presiding Officer  
(S.6, Bylaw 12438, December 5, 2000)
  - (a) shall be responsible to see that all things required to be carried out by the Board under the Act are carried out in accordance with the provisions of the Act,
  - (b) is empowered to rule that evidence presented is irrelevant to the matter in issue and to direct the

Members to disregard the evidence,

- (c) may limit a submission if they determine it to be repetitious,
- (d) shall, when a hearing is tabled and time is not fixed for its continuation, announce that notice of the continuation of the meeting will be sent to those persons leaving their name and address with the clerk. Only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.

**PART VI - DECISIONS**

**ARRIVING AT ORAL  
DECISION AND  
ANNOUNCEMENT OF  
DECISION**

- 27. (1) After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.
- (2) In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.
- (3) A verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Act.

**SIGNING OF DECISIONS**

- 28. An order, decision or approval, notice or other thing made, given, or issued by the Board may be signed on its behalf by the Chair, Presiding Officer or a person authorized by the Board to sign on its behalf.

(S.7, December 5, 2000)

**DECISION**

- 29. (1) The Board shall give its written decision and reasons in accordance with the Act to:
  - (a) the Applicant;
  - (b) the Appellant; and



- (c) those affected persons who gave their name and address to the clerk during the public hearings.

**PART VII - FORMER BYLAW**

- REPEAL OF BYLAW NO. 6247**      30.      Bylaw No. 6247, the Development Appeal Board Bylaw as amended, is repealed.

**PART VIII - EFFECTIVE DATE**

- EFFECTIVE DATE**                      31.      This Bylaw shall come into effect on December 1, 1995.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 11136 passed by Council November 28, 1995

Amendments:

- Bylaw 11427, February 4, 1997
- Bylaw 12438, December 5, 2000
- Bylaw 16516, August 28, 2013
- Bylaw 16656, December 11, 2013
- Bylaw 16824, May 14, 2014

**SCHEDULE “A”**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD FEE SCHEDULE

1. Appeals respecting any development, except signs, proposed on lands districted:

- RF1 (Single Detached Residential) District
- RF2 (Low Density Infill) District
- RPL (Planned Lot Residential) District
- RSL (Residential Small Lot) District
- RF3 (Low Density Redevelopment) District
- RF4 (Semi-detached Residential) District
- RR (Rural Residential) District
- RMH (Mobile Home) District
- AP (Public Parks) District
- A (Metropolitan Recreation) District
- AG (Agricultural) District
- AGU (Urban Reserve) District

each appeal \$ 37.00

2. All appeals respecting signs each appeal \$ 72.00
3. Appeals respecting all other proposed developments each appeal \$ 72.00
4. All subdivision appeals each appeal \$ 72.00