



EDMONTON TRIBUNALS

*Subdivision &
Development
Appeal Board*

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FILING AN APPEAL INFORMATION SHEET

You can file an appeal online, in person by appointment only, or by mail.

The Board cannot hear an appeal if it was filed late. The Appellant (person filing the appeal) will be asked to provide evidence regarding the timeline for filing the appeal.

How do I file an appeal online?

1. Go to sdab.edmonton.ca
2. Click on the “File New Appeal” button and provide the information that is asked for on each screen.
3. Be sure to provide reasons for filing your appeal.
4. If you have any difficulties attaching documents to your appeal, these can be emailed to sdab@edmonton.ca.
5. As the final step you will be asked to pay the \$100 appeal fee by using a credit card.

How do I file in person or by mail?

1. Fill out a paper copy of the appeal form. You can visit our [website](#) and print a copy or we can send one to you via e-mail or fax. You can also come into our office and complete the form at the time you file your appeal. An appointment is needed for any in-person services.
2. An appeal is not valid unless the \$100 appeal fee has been paid. We accept debit, credit and cheques (payable to the “City of Edmonton”). If the appeal is sent via regular mail, the completed form containing the reasons and a cheque for the \$100 appeal fee must be received in the SDAB office on or before the appeal deadline.

What Happens After an Appeal has Been Filed?

1. You will receive a confirmation email with tentative hearing dates and a PIN number which will allow you to sign into your file as soon as your appeal has been processed. If you are not available on these tentative hearing dates, please email your request for a later date to sdab@edmonton.ca. The Board may or may not grant your request.
2. A hearing notice will be sent via e-mail or mail within 1-2 weeks of filing your appeal. This notice will include the date and time of your hearing. However, if you have not received a hearing notice within 2 weeks, please contact SDAB administration. The

Board typically convenes weekly and hears appeals scheduled on **Wednesdays and Thursdays**.

3. The Board must give written notice of the appeal hearing to all property owners affected by the proposed development. The Board usually determines that this includes all property owners who reside within 60 metres of the property on which the appeal was filed. However, the Board may find that other property owners are also affected by the appeal and therefore must be notified of the appeal hearing.

Who can file an appeal?

The Applicant or his/her representative can file an appeal on a refused Development Permit or appeal the conditions of an approved Development Permit.

An affected property owner, a neighboring business owner, a Business Association, the Community League, or a representative acting on behalf of an affected person can file an appeal on an approved Development Permit.

A Subdivision Refusal or conditions placed on a Subdivision Approval can only be appealed by the property owner or his/her representative.

Who is considered an affected person?

The term “affected person” is not defined in the *Municipal Government Act*. Therefore, the Board determines affected persons on a case-by-case basis. For example, an affected person could be someone who feels the use, enjoyment, or value of their property may be affected by the proposed development. In this circumstance this person must provide evidence to the Board to support their contention.

I'm attempting to file an appeal online, but the website indicates that an appeal has already been filed. What should I do?

If you receive an error message that an appeal has already been filed. Please contact our office at sdab@edmonton.ca or (780) 496-6079 and instructions will be provided that will allow you to file your own appeal.

What happens if an appeal is filed outside of the appeal period?

SDAB administration will advise the Appellant that the appeal appears to have been filed outside of the mandated appeal period. The determination as to whether an appeal is valid can only be made by the Board. A hearing will be held before the SDAB to determine whether or not the appeal was filed in accordance with the requirements of the *Municipal Government Act*. The Board has no jurisdiction to extend or modify the legislated time for filing an appeal regardless of any extenuating circumstances.

You are encouraged to attend the hearing and present evidence to the Board to demonstrate why you believe your appeal was filed in time. If the Board determines that the appeal was not late, the hearing to consider the merits of the appeal will then proceed. If it is the decision of the Board that the appeal was late (and not filed in accordance with the requirements of the *Municipal Government Act*), the hearing will not proceed and the appeal fee will not be refunded.

Can an appeal be filed on a Permitted Use?

The SDAB does not have jurisdiction to hear appeals regarding the issuance of a Development Permit for a Permitted Use with no variances unless the provisions of the Edmonton Zoning Bylaw were relaxed, varied or misinterpreted by the Development Planner.

In the case of an appeal that is filed against a Permitted Use development, parties should focus their submissions on how they believe the Development Planner relaxed, varied or misinterpreted the Edmonton Zoning Bylaw. If the Board determines that a variance was required, then the Board would have jurisdiction to hear the appeal.