

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW  
VILLAGE OF HALKIRK  
BYLAW NO. 2013 - 1**

BEING A BYLAW OF THE VILLAGE OF HALKIRK, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

**NOW THEREFORE** the Council of the Village of Halkirk hereby enacts as follows:

1. This Bylaw shall be called the "Subdivision and Development Appeal Board Bylaw".

**Definitions**

2. In this Bylaw, the following definitions shall apply:

**"Board"** means the Subdivision and Development Appeal Board.

**"Council"** means the Village of Halkirk Council.

**Purpose**

3. The purpose of the Board is to hear appeals from subdivision and development permit decisions made under the provisions of the Municipal Government Act and the Village of Halkirk Land Use Bylaw.

**Establishment of the Appeal Board**

4. The Subdivision and Development Appeal Board is hereby established and shall consist of the following:
  - a. The Board shall be composed of three (3) members who shall be appointed by resolution of Council.
  - b. The members shall not be a member of the Municipal Planning Commission or an employee of the municipality as defined in Section 627(4)(c) of the Municipal Government Act.
  - c. Each member of the Board shall be appointed for a term not to exceed three (3) years.
  - d. The Board members presiding over the appeal hearing shall designate a chairperson agreed upon by all presiding members of the Board.

**Duties of the Board**

5. The Board shall perform those duties as set forth in Division Three (3) and Division Ten (10) of the Municipal Government Act.

**Procedure**

6. The Chairperson:

- a. Will preside over and be responsible for the conduct of the meeting of the Board;
- b. May set time limits or prescribe the manner in which submissions are to be made, accepting either oral or written submissions or both and setting reasonable time limits for such submissions; and
- c. Will vote on all matters before the Board.

7. The Board may determine its own procedure and make procedural rules in respect of matters not provided for in this Bylaw.

**Quorum**

8. A quorum shall consist of a simple majority of two (2) board members.

**Decision**

9. Any order or decision by the Board shall be signed by the Chairperson and the Secretary of the Board.

**Commencement of Appeal**

10. An appeal is to commence by:

- a. The appellant mailing or delivering to the Secretary of the Board of the municipality where the decision or order was made in the form established by the Board from time to time within the time limits for appeal in accordance with the Municipal Government Act; and
- b. Paying a fee of \_\_\_\_\_ (\$\_\_\_), considered to recover the costs of holding an appeal hearing.

**Payment to Board**

11. Each member of the Board shall be paid an honorarium by the Village of Halkirk in consideration of reimbursement of regular travel expenses (mileage, etc.) and meeting fees as per the policy of the Village.

**Decision of the Board**

12. (a) The Board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.
- (b) As soon as reasonably possible after a hearing, the Secretary of the Board shall prepare minutes of the hearing, including the particulars of the appeal.

The Board minutes shall be maintained at the Village office where the appeal was filed and be available for public inspection at all reasonable times.

**Secretary of the subdivision and Development Appeal Board**

13. The secretary of the Board shall be appointed by the Chief Administrative Officer of the Village from its administrative staff.
14. The secretary of the Board shall:
  - a. Notify all members of the Board of the arrangements for the holding of each hearing and other meetings of the Board in accordance with the provisions of the Municipal Government Act applicable to Subdivision and Development Appeal Boards;
  - b. Ensure that at least five (5) days written notice of the hearing is given to all affected parties as specified in the Municipal Government Act;
  - c. Prepare and maintain a file of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;
  - d. Issue to all affected parties and persons, notices of the decisions of the Board and reasons therefore;
  - e. Notify the Council of the decisions of the Board;
  - f. Carry out such other administrative duties as the Board may specify.

READ A FIRST TIME THIS 13 DAY OF March, 2013.

READ A SECOND TIME THIS 13 DAY OF March, 2013.

READ A THIRD TIME AND PASSED THIS 13 DAY OF March, 2013.

  
MAYOR

  
ADMINISTRATOR

Village Of Halkirk

**Bylaw 2013 - 1 Amendment April 10, 2013**

A BYLAW OF THE VILLAGE OF HALKIRK IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

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That Clause 10.b of Bylaw 2013 – 1 be amended to read:

“Paying a fee of Five Hundred dollars (\$500.00) considered to recover the costs of holding an appeal hearing.”

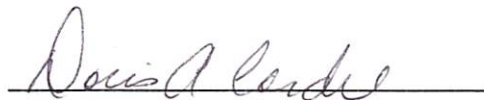
Read a first time April 10, 2013

Read a second time April 10, 2013

With Unanimous Consent of all Council, was Read a Third time on April 10, 2013, and was passed.



Mayor



Administrator

**VILLAGE OF HALKIRK  
BYLAW NO. 2019 - 4  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW**

Being a Bylaw of the Village of Halkirk, in the Province of Alberta, to establish a Subdivision and Development Appeal Board.

**WHEREAS**, Section 627 of the *Municipal Government Act*, R.S.A. 2000, C. M-26 enables a municipality to by Bylaw establish a Subdivision and Development Appeal Board;

**NOW THEREFORE**, the Municipal Council of the Village of Halkirk, Alberta, duly assembled, hereby enacts as follows:

1. This Bylaw shall be known as the **"Subdivision and Development Appeal Board Bylaw"**.

**DEFINITIONS:**

2. In this Bylaw:

2.1. **"Board"** means the Subdivision and Development Appeal Board of the Village of Halkirk established pursuant to this Bylaw;

2.2. **"Chief Administrative Officer (CAO)"** means the Chief Administrative Officer of the Municipality appointed by Council;

2.3. **"Clerk"** means the designated officer appointed as the Clerk of the Subdivision and Development Appeal Board;

2.4. **"Council"** means the duly elected officers of the Village of Halkirk;

2.5. **"Development Authority"** means the person or persons appointed pursuant to the Development Authority Bylaw 2017-2

2.6. **"Member"** means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;

2.7. **"Municipal Government Act (MGA)"** means the *Municipal Government Act, R.S.A. 2000 Chapter M-26* as amended or legislation substituted therefore;

2.8. **"Pecuniary Interest"** shall have that meaning set out in Division 6 of Part 5 of the MGA as applied and adapted in the context of this Bylaw;

2.9. **"Public Member"** means a member of the Subdivision and Development Appeal Board who is not a member of Council;

2.10. **"Subdivision Authority"** means the person or persons appointed pursuant to the Land Use Bylaw 2012 – 2.

2.11. "Village" means the Village of Halkirk.

**ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE**

3. The Subdivision and Development Appeal Board is hereby established to hear appeals regarding decisions made by the Village's Subdivision Authority and its Development Authority in accordance with the *MGA*. The Board will make decisions regarding appeals based on evidence presented to it during a public hearing.

4. The Subdivision and Development Appeal Board shall carry out their duties and responsibilities and conduct themselves in accordance with the *MGA* and its regulations, and the Bylaws, policies and procedures of the Village of Halkirk.

5. The Board shall consist of three (3) members, of which number:

5.1. A maximum of one (1) member may be a member of Council; and

5.2. A minimum of two (2) members shall be Public Members.

6. A Member of the Board shall not include:

6.1. A member of the Municipal Planning Commission;

6.2. A person who carries out development or subdivision powers on behalf of the Village.

6.3. An employee of the Town.

7. Each Member of the Board shall be appointed for a three (3) year term.

8. A person may be reappointed to the Board upon the expiration of that person's term.

9. In the event of a vacancy, Council may appoint a new Member to serve for the remainder of the vacating Member's term and that Member shall be bound by the restrictions placed upon the original appointment.

11. A Member of the Board may not participate in a hearing of the SDAB unless the Member has completed all training and qualification requirements in accordance with the Subdivision and Development Appeal Board Regulation, Alta Regulation 195/2017.

12. Members may be reappointed for successive terms; however there will be no automatic succession appointments.

13. Council, at its discretion, may appoint additional Members to decide on a specific appeal.

14. Remuneration and travelling expenses for Members and Officers shall be in accordance with remuneration as specified under the Village's Bylaws and shall be established by Council from time to time.

## **PROCEDURE**

15. A simple majority of the Members of the Board shall constitute a quorum.

16. In accordance with the *MGA*, the Board may establish panels of the Board, but where it does, only one member of Council may sit on such panel.

17. The members of the Board shall appoint a Chairperson and a Vice-Chairperson, who shall act in the absence of the Chairperson.

18. In the event of absence or inability of the Chairperson or Vice-Chairperson to preside at a Board meeting, the Members present constituting the quorum shall elect one of its Members to act as Chair for that meeting.

19. The CAO is designated as Clerk of the SDAB. The CAO may delegate the powers, duties and functions to a qualified person .

19.1. Notwithstanding Section 19, no person may be appointed as Clerk of the SDAB unless that person has successfully completed a training program in accordance with the Regulations made pursuant to the *MGA* and shall maintain currency in their training.

19.2. No employee of the Village who carries out the powers, duties or functions of Development Authority or Subdivision Authority shall be appointed as Clerk of the SDAB.

19.3. The Subdivision and Development Appeal Board Clerk, as designated officer, shall carry out all obligations imposed upon the Clerk pursuant to the *MGA* and regulations thereunder, including: 19.3.1. Perform such duties as may be necessary to ensure that the SDAB is in full compliance with its duties under the *MGA*;

19.3.2. Provide notice of Hearings in accordance with Section 679 of the *MGA* respecting subdivision appeals and Section 686 (3) of the *MGA* respecting development appeals;

19.3.3. Notify all members of the SDAB of the scheduling arrangements for the holding of each Hearing and other meetings of the SDAB;

19.3.4. Make available for public inspection before the commencement of the Public Hearing all relevant documents and materials respecting the appeal, including:

- a. The application for the Development Permit, the decision and the Notice of Appeal, or
- b. The order issued under Section 645 of the *MGA*

19.3.5. Attend all meetings and hearings of the SDAB and keep the following records with respect thereto:

- a. All Notice of Appeal applications

- b. Copies of all information pertaining to the order or decision being appealed
- c. Records of all Notices of Hearings and of persons to whom they were sent
- d. Copies of all written representations to the SDAB
- e. The names and addresses of those making representations at the Hearing
- f. The transcript and record of all SDAB meetings and hearings, its findings and reasons for its decision
- g. Records of all Notices of Decisions and persons to whom they were sent, and
- h. All notices, decisions, and orders made on such other matters as the SDAB may direct or the Clerk may determine.

19.3.6. For each Hearing, recording and issuing a decision of the Board and its findings with reasons, to all affected parties;

19.3.7. Not vote on any matters before the SDAB.

20. Only those Members present at a whole hearing of an appeal shall be able to vote on the appeal.

21. A decision of the Members forming a quorum at a duly convened meeting of the Board or committee thereof shall be deemed to be the decision of the whole Board.

22. In the event of a tie vote, the appeal shall be deemed to be denied.

23. A Member who is for any reason unable to attend the whole of the Hearing shall not participate in the Board deliberations or the decision made by the Board on that appeal.

24. For any procedures not covered in Part 17 of the *MGA* or by Bylaw of the Village, the Board may establish such other procedures as may be required for the conduct of hearings.

**SDAB FUNCTIONS AND DUTIES:**

25. Within thirty (30) days of receiving written Notice of an Appeal that is in accordance with the provisions of the *MGA*, the Board shall hold a public Hearing to hear an appeal of:

25.1. A decision of the Subdivision Authority or the Development Authority;

25.2. A refusal or failure by the Subdivision Authority or Development Authority to make a decision within the time allowed for a decision established in the *MGA*; or

25.3. A stop work order issued by the Development Authority.



26. The Hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.

27. A request for adjournment of a Hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.

28. The Board may adjourn to a specific time and date upon its own volition to continue to receive interventions and presentations or to request technical information, legal opinions or other information desired by the Board.

29. Upon conclusion of a Hearing the Board shall deliberate and reach its decision 'In Camera'.

30. The Chair, or Acting Chair:

30.1. Shall be responsible for the conduct of a meeting

30.2. May limit a submission if it is determined to be repetitious or inappropriate in any manner

31. If a Member has a pecuniary interest in a matter before the Board, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall:

31.1. Disclose the general nature of the pecuniary interest or likelihood of bias to the Board prior to the Board's consideration of the matter;

31.2. Abstain from discussion and disposition on the matter;

31.3. Leave the room in which the meeting or Hearing is taking place until discussion and disposition of the matter is completed.

32. The abstention of the member and the disclosure of the member's interest or bias shall be recorded in the minutes.

33. The Board shall issue its decision in writing, together with reasons for the decision within fifteen (15) days of the conclusion of a Hearing.

34. A decision of the Board is not final until notification of the decision is given in writing.

35. An order, decision, approval, notice or other thing made or given by the SDAB shall be signed on its behalf by the Chairperson, or a Member appointed to act as Chairperson, or the Clerk.

36. If the Subdivision Authority fails or refuses to endorse a plan of subdivision or other instrument as approved by the Board on appeal, the Chair or Vice-Chair of the Board is authorized to endorse the subdivision instrument.

**GENERAL:**

37. Subdivision and Development Appeal Board Bylaw 2013-1 is hereby repealed upon passing of this Bylaw.

38. This Bylaw shall come into full force and effect upon the final passing thereof.

**SEVERABILITY:**

39. If any Section or part(s) of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

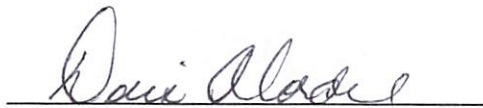
READ a First time this 14 day of August, 2019.

READ a Second time this 14 day of August, 2019.

And with Unanimous Consent of Council

READ a Third time and finally passed this 14 day of August, 2019.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

**BEING THE BYLAW TO THE VILLAGE OF HALKIRK  
TO ESTABLISH A SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD**

Pursuant to Section 627(1) of the Municipal Government Amendment Act, 1995, the Council of the Village of Halkirk duly assembled, enacts as follows:

1. This Bylaw may be cited as the Village of Halkirk Subdivision and Development Appeal Board Bylaw.
2. In this Bylaw:
  - (a) "Municipality" means the corporation of the or the area contained within the boundaries of the Village of Halkirk as the context requires.
  - (b) "Council" means the Council of the Village of Halkirk.

**ESTABLISHMENT OF THE APPEAL BOARD**

3. The Subdivision and Development Appeal Board for the Village of Halkirk (hereinafter referred to as the Board) is hereby established and shall consist of the following:
  - (a) The Board shall be composed of three (3) members who shall be appointed by resolution of Council. Councillors shall not form the majority of the Board.
  - (b) Each member of the Board shall be appointed for a three (3) year term with the exception of the 1st term after the passing of this bylaw in order that alternating appointments are possible.
  - (c) No person who is a development officer or a member of the Municipal Planning Commission shall be appointed to the Board.
  - (d) A simple majority of the members present shall constitute a quorum.
  - (e) Council, at its discretion, may appoint additional members to decide on a specific appeal.

**DUTIES OF THE BOARD**

4. The Board shall perform those duties as set forth in Division 3 and 10 of the Municipal Government Amendment Act, 1995.

**SECRETARY OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD**

5. The office of Secretary of the Subdivision and Development Appeal Board is hereby constituted and shall be appointed by the Chief Executive Officer of the Municipality but that person shall not have a vote.
6. The Secretary of the Subdivision and Development Appeal Board shall:
  - (a) notify all members of the Board of the arrangements for the holding of each hearing and other meetings of the Board;
  - (b) ensure that at least five (5) days notice of the hearing is given to all affected parties as specified in the Act;
  - (c) prepare and maintain a file of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with the Council;
  - (d) issue to all affected parties and persons, notices of the decisions of the Subdivision and Development Appeal Board and reasons therefore;
  - (e) notify the Council of the decisions of the Subdivision and Development Appeal Board;

(f) carry out such other administrative duties as the Board may specify.

7. Upon 3rd reading being given, this Bylaw comes into full force and effect.

READ A FIRST TIME THIS 13 DAY OF January, 1995.

  
\_\_\_\_\_  
Mayor


  
\_\_\_\_\_  
Municipal Administrator

READ A SECOND TIME THIS 13 DAY OF January, 1995.

\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Administrator

READ A THIRD TIME AND FINALLY PASSED THIS 13 DAY OF January, 1995.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Administrator

