

EDMONTON

Subdivision and Development Appeal Board



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The appeal and hearing process in brief

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by development authority or subdivision authority decisions. Appealing a decision to the board involves two main stages: filing an appeal and attending a hearing. Below you'll find an overview of the process with some important deadlines to be aware of. (More detailed information on all points can be found at **www.edmonton.ca/sdab**).

- **Appeal Form**

- Appellants (someone appealing a decision) must submit an appeal form within 14 days of receiving the decision you're appealing. Appeals should be submitted to the Subdivision and Development Appeal Board office in the Office of the City Clerk in City Hall. The form must include your name, address and reasons for the appeal. As a public document, your appeal is available to anyone who would like to review it.

You can get a form from the SDAB office, or by going to **www.edmonton.ca/sdab** and clicking on "Filing a Subdivision or Development Appeal" in the column on the left side of the page. If you don't have enough space on the form to describe your appeal, you can submit a separate sheet together with the appeal form. If you would prefer to use your computer, you can submit your letter and we will attach it to the appeal form.

- **Fee**

The appeal form must be submitted with the appropriate fee or your appeal will not be considered. Fees are \$37 or \$72, depending on the zoning of the land involved in the appeal (see page five for details).

- **Hearing Letter**

After filing your appeal, you will receive a letter with the date and time of your appeal hearing. The hearing will occur within 30 days of filing your appeal.

- **Hearing**

This is where you will have a chance to present your case. The Subdivision and Development Appeal Board normally meets every Thursday in the River Valley Room or Heritage Room, main floor, City Hall. You will learn the board's decision verbally on the day of your hearing, but this decision is not final until you receive confirmation in writing. The board may approve, deny, or table your appeal. It may also add conditions to an approval or a refusal.

- **Decision letter**

Fifteen days after your hearing, the board will mail you a letter stating their decision and reasons for their decision.

- **Appealing the SDAB's decision**

Board decisions are final. They cannot be overturned unless the board makes an error in some aspect of law or jurisdiction. If you believe an error has been made, you must make an appeal to the Alberta Court of Appeal within 30 days of the date on the decision.



Filing a good appeal

A well-informed appeal has the best chance of being successful. The more detailed information you bring to the hearing, the faster and easier the process will be. It is best to find out about the development by talking to the property owner, your community league, neighbours or the development officer or subdivision authority.

Preparing for your hearing

The SDAB office creates a public file containing all information relating to your appeal. As a public document, you or anyone else can view the file during office hours. You or anyone else can add to the file by bringing seven copies of the documents you wish to submit to the SDAB office at least three full days before your hearing. If you contact the SDAB office before your hearing, you can view any information that has been added to the file, including letters of support or opposition. You can make copies of letters, but not maps, plans or any geotechnical studies that may be copyrighted.

You should:

- Have clear, concise, and logical planning reasons for your appeal such as design, parking, traffic, compliance with planning legislation and the impact on adjacent properties.
- Be prepared to summarize your presentation.
- Be familiar with the site.
- Bring photographs, illustrative material, or well-prepared drawings in support of your position, with all relevant measurements and addresses.
- Ask neighbours to provide written support for your position or come to your hearing to speak on your behalf.

It may be helpful to:

- Seek professional advice or representation, especially if you have any doubt about the board's legal right to hear your appeal.
- Attend a hearing as a spectator to become familiar with the process.

It is important you do not speak to members of the board about an appeal outside of the hearing. Because it is a quasi-judicial board, contact with an appellant or respondent disqualifies members from the appeal process. For this reason, board members do not discuss appeals with development officers or the subdivision authority.

Who can file an appeal?

You can file an appeal if a development officer:

- Refuses your application for a development permit.
- Approves your application for a development permit but with conditions that are unacceptable to you.
- Issues an order to stop construction or stop the present use of your property.
- Approves a development on, or use of someone else's property that will affect you.
- Fails to issue a development permit within 40 days of receiving the application.

You can appeal the Subdivision Authority's decision if:

- Your application for a subdivision is refused.
- Your application for a subdivision is approved with conditions that are unacceptable to you.
- The decision on subdivision approval is not made within 60 days of receiving the completed application.

How do I file an appeal?

Complete the appeal form found at the Subdivision and Development Appeal Board office or submit a letter explaining the reasons for your appeal along with the appropriate fee within 14 days of receiving the decision you are appealing. Appeals received after 14 days may not be considered by the board.

What are the appeal fees?

\$37 For any development, except signs, on land zoned as:

RF1 Single Detached Residential;

RSL Residential Small Lot;

RF2 Low Density Infill;

RPL Planned Lot Residential;

RF3 Low Density Development;

RF4 Semi-detached Residential;

RR Rural Residential;

RMH Mobile Home;

AP Public Parks;

A Metropolitan Recreation;

AG Agricultural;

AGU Urban Reserve

\$72 For zones not listed above, signs, and subdivision appeals.

To be considered, your appeal *must* be submitted with the appeal fee. Fees can be paid by cheque, money order, Visa, MasterCard, or cash but not debit. Fees are GST exempt.

What happens after I file my appeal?

The board will send you a letter with the date and time of your appeal hearing, which will take place within 30 days of filing your appeal. The board will also send notices of the date and time of the appeal hearing to others who may be affected, typically owners of property within 60 metres of the development but also community leagues or business revitalization zones.

The hearing process

The hearing is a formal meeting and the length of time for a hearing can vary. Hearings are scheduled for Thursdays in the River Valley Room or Heritage Room, on the main floor of City Hall, but additional dates can be added. Agendas are available at **www.edmonton.ca/sdab** on the Friday afternoon of the week before the hearing and contain a daily list of hearings and their times. This information will also be posted in the waiting area outside the hearing room. Your hearing will not start before the time listed on the schedule.

A step-by-step guide

- In the waiting area, anyone who will be speaking to the board and those who want to know the board's decision register with board administration.
- Those with an interest in the appeal enter the hearing room.
- The chairman of the board introduces all board members and people involved in the appeal by name. This helps to uncover any possible conflicts of interest.
- The chairman describes the board's powers, including what it cannot do.
- Names and addresses of letters received in support or opposition are read into the record.
- In the case of a refused permit, the appellant (someone appealing a decision) speaks first.

- In the case of a subdivision appeal, the Subdivision Authority is heard first, followed by the appellant.
- The appellant explains the reasons for their appeal. At this point, they will usually answer questions from board members and can call others to speak in support of their position.
- Other people with an interest in the appeal then present their case and answer questions from the board.
- The appellant has the opportunity to respond to any new information raised during the hearing.
- Everyone leaves the meeting room to allow the board to reach a decision in private.
- A board officer comes out to the waiting area and tells the appellant what the board has decided. However, the verbal decision is not binding on the board. The board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing. Decisions are also available at **www.edmonton.ca/sdab**.

Postponing the hearing

You can submit a written request to postpone your hearing. The request must contain your reasons for requesting a postponement and be submitted to either the board at the time of your hearing, or to the SDAB office before your hearing. Any postponements are at the discretion of the board.

Failing to attend the hearing

If you are not at the hearing when it begins, the board may proceed without you. They will follow the usual procedure, examining the evidence and rendering a decision or they may table your appeal. If you know you cannot attend the hearing, you should clearly and fully describe your position on the appeal form or file a written submission ahead of time.

Withdrawing an appeal

You can send a written withdrawal to the SDAB office as soon as possible. Your prompt co-operation will prevent any unnecessary delays for the board and will assist the City in using its resources more effectively.

Appealing the SDAB's ruling

Board decisions are final unless the board makes a mistake in some aspect of law or jurisdiction. If you can demonstrate this, the next step is to apply for leave to appeal the board's decision. Appeals are made to the Alberta Court of Appeal and must be filed within 30 days of the date of the board's decision.

If you are considering an appeal, it is recommended that you consult with legal counsel.



Help is available

If you have any questions about the appeal process, staff at the Subdivision and Development Appeal Board in the Office of the City Clerk will be happy to help you. Please contact us using the information below. If you feel you require legal advice, you should contact legal counsel.

Subdivision and Development Appeal Board

Office of the City Clerk
10019 - 103 Avenue NW
Edmonton, AB T5J 0G9

Website: www.edmonton.ca/sdab

Telephone: (780) 496-6079

Fax: (780) 496-8175

Office hours: 8:00 a.m. to 4:30 p.m.,
Monday to Friday



About us

The SDAB is an independent, quasi-judicial body established by City Council. Members are appointed by City Council and hear appeals from citizens on decisions by the City's Development Authority and Subdivision Authority. Board members are not City Councillors or City of Edmonton employees. Board decisions are enforced by the Planning and Development Department's Development Compliance Branch, who can be contacted at (780) 496-3100, or

The Planning and Development Department

5th Floor, 10250 – 101 Street
Edmonton, AB T5J 2R7

This personal information is being collected under the authority of section 685 of the Municipal Government Act and will be used to process your request for a development appeal hearing before the Subdivision and Development Appeal Board. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act.