

Part 5: Appeals

5.1 Development Appeal Commencement

1. If a Development Officer:
 - a. fails, or refuses, to issue a development permit to a person;
 - b. issues a development permit subject to conditions; or
 - c. issues an order under Section 645 of the Act,
the person applying for the permit, or affected by the order,
may appeal to the Subdivision and Development Appeal Board.
2. In addition to the applicant, any person affected by the order, decision or development permit issued or made by the development officer may appeal to the Subdivision and Development Appeal Board.
3. No appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
4. An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - a. an appeal made by the applicant, or person affected by the order, the date on which the applicant or person is notified of the order or decision or the issuance of the development permit; or
 - b. no decision has been made with respect to the application for a development permit within forty (40) days of the application date; or
 - c. an appeal made by a person other than the applicant who claims to be affected by development permit, the decision of the Development Officer or by the order, the date on which the notice of the issuance of the permit was given in accordance with this Land Use Bylaw.
5. The written notice of appeal shall be accompanied by the development appeal fee, which shall be set from time to time by resolution of the Council.

5.2 Subdivision Appeal Commencement

1. The decision of a subdivision authority on an application for subdivision approval may be appealed by:
 - a. the applicant for subdivision approval,
 - b. a government department if the application is required by the subdivision and development regulations to be referred to that department,
 - c. City Council,
 - d. a designated officer of the City, or
 - e. the school authority with respect to:
 - i. the allocation of municipal reserve
 - ii. the location of school reserve allocated to it, or
 - iii. the amount of school reserve allocated.
2. A subdivision appeal may be commenced by filing written notice within nineteen (19) days after the mailing of the written decision of the Subdivision Authority or a deemed refusal of application for subdivision as specified under Section 681 of the Act with:
 - a. respect to land that is within the distance of a highway, a body of water or a sewage treatment facility or waste management facility as set out in the subdivision and development regulations to the Municipal Government Board; or
 - b. in all other cases with the Subdivision and Development Appeal Board and must be accompanied by the subdivision appeal fee which shall be set from time to time by resolution of the Council.

5.3 Subdivision and Development Appeal Board Procedures

1. Once a subdivision appeal or development appeal has been filed and has been deemed as complete, the Secretary to the Subdivision and Development Appeal Board shall:

- a. schedule a hearing date, that is within thirty (30) days of the notice of appeal, with the members of the Subdivision and Development Appeal Board to hear the appeal;
 - b. provide at least five (5) days written notice of the scheduled hearing, regarding subdivision appeals in accordance with Section 679 of the Act, or regarding development appeals in accordance Section 686 of the Act.
2. The Subdivision and Development Appeal Board shall carry out the hearing and provide their decision regarding subdivision appeals in accordance with Section 680 of the Act, or regarding development appeals in accordance with Section 687 of the Act.

5.4 Court of Appeal

1. An appeal lays to the Court of Appeal on a question of law or jurisdiction with respect to a decision of the Subdivision and Development Appeal Board; and the Municipal Government Board on a decision on an appeal under 619 of the Act regarding the **Natural Resources Conservation Board**, the Energy Resources Conservation Board, or the Alberta Utilities Commission.