



Subdivision  
& Development  
**APPEAL BOARD**

## APPEALS AND HEARINGS

concerning development permits,  
subdivision applications or  
enforcement orders issued by  
The City of Calgary.

■ [CALGARY.CA/SDAB](https://calgary.ca/sdab)

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## **WHAT IS THE CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

The Calgary Subdivision and Development Appeal Board (SDAB) is a quasi-judicial board established under the *Municipal Government Act* of the Province of Alberta. The SDAB is independent from The City of Calgary Planning Department. The Board hears appeals with respect to decisions regarding development permits, subdivision decisions, and enforcement orders. The SDAB holds hearings and determines facts based on written and verbal evidence.

## **SDAB COMPOSITION**

The Calgary SDAB is appointed annually by City Council. The Board consists of a minimum of 12 to a maximum of 17 citizen members and no more than one councillor. In addition, Council may appoint up to seven supernumerary members. Supernumerary members are citizens that have served in the past for at least two years as a SDAB member. Board members cannot be employees of The City of Calgary or members of the Calgary Planning Commission. For a complete list of the current Board members please visit [calgary.ca/sdab](http://calgary.ca/sdab).

Citizen Board members bring a wide range of experience to the Board, including building and development, community involvement, planning and law.

## **WHERE AND WHEN DOES THE BOARD MEET?**

The Calgary SDAB holds its regular public meetings every Thursday commencing at 9 a.m. in suite #101, 1212 31 Avenue N.E.

The Board meets until 4:30 p.m., or until all items on the agenda for that day have been dealt with. The SDAB will not begin hearing a new appeal after 4 p.m. Appeals that have not been dealt with are adjourned to the next scheduled panel meeting.

## **MEETING STRUCTURE**

In accordance with City of Calgary Bylaw 25P95, the Calgary SDAB will either sit in small or large panels to hear appeals.

Small panels have a minimum of three to a maximum of seven members and hear appeals pertaining to less complex appeals. See Bylaw 25P95, section 5(3) and "Schedule A" for a list of small panel items.

All other appeals are considered by large panels, made up of a minimum of five to a maximum of seven Board members.

## **WHAT CAN BE APPEALED AND WHAT ARE THE FILING DEADLINES?**

The *Municipal Government Act* requires that an appeal to the SDAB must be received on or before the final date for appeal. Any appeal received after the deadline will not be considered by the SDAB.

The deadlines for filing an appeal are as follows:

### **Development appeals**

If the development permit was approved, the applicant has 14 calendar days from the date they were notified of the approval.

An affected person\* has 14 calendar days from the date the approval was advertised in the local paper.

If the development permit was refused, the applicant or owner of the property has 14 calendar days in which to file an appeal, beginning on the first day after the date they were notified of the refusal.

### **Subdivision appeals**

Only the applicant can file an appeal with respect to a refusal of a subdivision application or on the conditions of approval of the application. The appeal must be filed within 14 calendar days after receipt of the written decision. An affected person cannot file an appeal.

### **Enforcement orders**

The owner of the land, the person in possession of the land or building, the person responsible for the contravention, or any person considered affected by the Order can file an appeal within 14 calendar days from the date the person was notified of the Order.

## WHAT HAPPENS AFTER AN APPEAL IS FILED?

Once an appeal is filed, the matter will be scheduled for a hearing within 30 days. The appellant, applicant, owner of the property and anyone considered to be an affected person\* will receive written notification of the hearing date approximately five days prior to the hearing.

The hearing date of the appeal is advertised in the Calgary Herald and on the SDAB website one week prior to the hearing.

Parties are not to contact members of the Board regarding their appeal, as this will disqualify members from participating in the hearing. Board members do not discuss appeals with The City of Calgary Planning Department prior to hearings.

\* "Affected person" is not defined in the *Municipal Government Act*. The Board determines whether or not persons are affected on a case-by-case basis. For example, an affected person could be someone who feels the enjoyment, use or value of their property may be affected by the proposed development. The onus is on the person to show they are affected by the development.

All appeals are advertised in the newspaper and any party who feels they will be affected by the proposed development has the right to appear before the Board and explain why they are affected. The Board will then make a determination as to whether or not that person is an "affected person" with respect to the proposed development.

## HOW TO PREPARE FOR THE HEARING

Listed below are some suggestions that may assist in preparation for the SDAB hearing:

- Determine the relevant planning issues associated with the appeal (i.e., design, parking, traffic, compliance with planning legislation and the impact on adjacent properties).
- Prepare a clear, concise and logical written presentation. Submit your presentation for inclusion in the report to the Board, along with any other evidence you will be presenting.
- Ask neighbours affected by the proposed development to speak on your behalf, or have them write letters outlining their position in support or objection.
- Attend an SDAB hearing before the date of your own hearing in order to obtain an understanding of the process.
- Review the contents of the SDAB report.

While it is important to obtain support for your position, the Board considers each application on its own merits and weighs all planning evidence presented. It does not make its decision solely based on the support or opposition from affected parties.

The hearing room is equipped with a document viewer and projector; you must bring your own laptop computer if you intend to rely on an electronic presentation, as one will not be provided for you. On the day of your hearing, please see the Appeal Board administration for assistance with the equipment in the room.

If you will be presenting your arguments by means of an electronic presentation (from a laptop computer or tablet device) you must leave a hard and electronic copy of your presentation with the Appeal Board administration.

## **INFORMATION AVAILABLE PRIOR TO THE HEARING**

The Appeal Board administration assembles a report consisting of the appeal form as well as the submissions from the Planning Department and the appellant/applicant/owner. The report is distributed to the Board members for review prior to the hearing and is available for review by the parties and the public from the SDAB website, or at the Appeal Board office, at noon the Friday prior to the hearing.

All written materials submitted for the hearing, including the appeal form, become part of the report prepared for the Board and available to the public. Personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 32 (c) and the *Municipal Government Act*, Sections 678 and 685. If you have any questions regarding the collection of information, please contact City Appeal Boards staff at 403-268-5312.

## **PROCEDURES FOLLOWED AT THE PUBLIC HEARING**

Persons who file an appeal are encouraged to make a verbal presentation to the Board. Individuals who are considered to be an affected person also have the right to make a presentation. If they wish, parties may have someone, such as an agent, speak on their behalf.

If a number of appeals are filed on the same development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repeated.

The Chair announces each appeal and may call on a representative of The City to make a presentation on the application or order under appeal (i.e., where the site is located, background on the application, and the reasons for The City's decision).

### The Chair will then ask to hear from:

- All speakers in favour of the appeal (persons who filed an appeal or who support the position of the appellant).
- All speakers opposed to the appeal (persons who oppose the position of the appellant).

Speakers will then have the opportunity to present rebuttal evidence, i.e., respond to any new evidence raised during the hearing. Rebuttal is not an opportunity to re-argue your case.

The Board does not, on its own initiative, seek information or evidence. The Board relies on written evidence and the verbal submissions made at hearings to make its decisions. It is critical that all persons appearing before the Board ensure that sufficient evidence is presented to support their positions.

When presenting an appeal, please keep in mind that the Board does not consider precedents when making its decision. Each application is judged on its own merits.

Exhibits used during a presentation become part of the Board's record of the hearing and must be retained for a minimum of 60 days. If return of this material is required, the Board must be advised at the conclusion of the hearing; arrangements will then be made for its return at the end of the retention period.

## **ADJOURNMENTS**

If you are unable to attend at the scheduled date and time of your SDAB hearing, or need time to prepare for your hearing, you have the right to request an adjournment. Such requests must be made in writing to the Appeal Board office as soon as possible and should include the reasons for the request. If you are unable to submit the request in writing, a verbal request can be made at the time of the hearing.

Adjournment requests are not granted automatically. The Board considers each request on its own merits, including submissions concerning requests from other affected parties to the appeal.

If you are unable to attend the hearing to speak to the adjournment request, you should have someone attend on your behalf that should be prepared to discuss the request and/or present evidence to the Board in the event that the adjournment request is denied.

## **WITHDRAWALS**

A withdrawal should be submitted in writing to the Appeal Board office as soon as possible. Your co-operation will prevent any unnecessary delays for the Calgary SDAB and will help the Board use its resources more effectively.

The appeal filing fee is refunded if an appeal is withdrawn prior to the commencement of the hearing, or at the discretion of the Board if the hearing has commenced.

## **DECISIONS**

The Board must hold a hearing and hear from all parties that claim to be affected by the appeal. The SDAB can only consider relevant planning matters in deciding appeals. Each case is determined on its own merits. The Board determines what the relevant or irrelevant planning evidence or factors are based on all the information submitted.

The Board may announce its decision and a summary of its reasons at the conclusion of the hearing. The Board's decisions are not final until they are signed and issued in writing.

## **APPEALS OF THE BOARD'S DECISIONS**

The Board's decisions are final, unless it can be shown that the Board erred on a matter of law or jurisdiction. The Board's decisions can be appealed to the Alberta Court of Appeal within 30 days from the date the decision was issued. It is recommended that you consult with legal counsel if you are considering an appeal.

#### FOR FURTHER INFORMATION:

The Appeal Board administration is available to answer questions you may have concerning the appeal process.

#### OUR LOCATION:

##### **City Appeal Boards Subdivision & Development Appeal Board**

Fourth Floor,  
1212 31 Ave. N.E.  
(DJ3 Building)  
Calgary, AB T2E 7S8

#### HOURS OF OPERATION

8 a.m. – 4:30 p.m.  
Monday to Friday

#### OUR MAILING ADDRESS:

##### **City Appeal Boards Subdivision & Development Appeal Board**

#8110  
P.O. Box 2100, Station M  
Calgary, AB T2P 2M5

**Phone:** 403-268-5312  
**Fax:** 403-268-5982  
**Email:** [sdab@calgary.ca](mailto:sdab@calgary.ca)  
**Website:** [calgary.ca/sdab](http://calgary.ca/sdab)

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The information contained herein is intended for information purposes only and should not be construed as legal advice. For certainty, you should consult the *Municipal Government Act* and other related statutes and regulations.