

**Subject: Bylaw No. 19/001 - Community Standards Appeal
Committee Bylaw****APPROVALS:****Annette Antoniak**_____
Director_____
Chief Administrative Officer**Recommended Motion:**

1. THAT Bylaw No. 19/001, being a bylaw to establish the Community Standards Appeal Committee, be read a first time.
2. THAT Bylaw No. 19/001 be read a second time.
3. THAT Bylaw No. 19/001 be considered for third reading.
4. THAT Bylaw No. 19/001 be read a third and final time.

Summary and Background:

On March 24, 2015 Council passed Bylaw No. 15/007 which delegates their authority under s. 203 of the *Municipal Government Act* to the Subdivision and Development Appeal Board (SDAB) to ensure that reviews issued under s. 545 or 546 and approving extensions of time under s. 657(6) of *Municipal Government Act* are carried out by a body that is better suited to handle them, from both the technical and the legal perspective. Our SDAB has only completed two of these reviews in three years both of which were for Stop Order's issued for Unightly Property (Twin Pines - 10024 Biggs Avenue and Edinburg Tower - 10108 Manning Avenue).

With the recent amendments to the *Municipal Government Act*, Quasi-Judicial Boards (Assessment Review Board and Subdivision and Development Appeal Board) are no longer considered council committees.

These amendments necessitate the requirement for Council to either re-delegate their authority or assume the responsibility of conducting the reviews or approvals of extensions of time.

These kinds of matters do not often come before Council but when they do they can be very technical and detailed, sometimes even requiring expert evidence. As such they have the potential to require a large amount of Council's time, to hear and consider all

of the evidence and issue a decision. In addition, individual Council members may have already publicly expressed opinions on the circumstances that led to the issuance of a stop order - and in such cases it is not appropriate for a review [which is effectively an appeal] to be heard by persons who are on public record as favoring one or the other side in a dispute. The principles of administrative justice require not only that an appeal body be independent and impartial, but that it be perceived as such.

Council has on several occasions expressed a desire to focus more of its time and attention on policy and governance matters, and time extensions for subdivisions do not fall within that category of business.

We have completed research on this matter and our findings show that most other Alberta municipalities have a “Community Standards Appeal Committee” that hears these matters. As such, we are bring forward a bylaw to create a community standards appeal committee for Council’s consideration.

This appeal committee would be quasi-judicial in nature and would be administered by Legislative Services the same as the Assessment Review Board and Subdivision and Development Appeal Board.

Budget/Financial Implications:

At this time the Bylaw does not contemplate remuneration for committee members. Administration will conduct a review of the matters, and the frequency that they come before this committee and come forward with a request to amend Bylaw should the need arise.

Strategic Priorities:

Responsible Government

Attachments:

Bylaw 19/001 Community Standards Appeal Committee Bylaw