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WELCOME

We are pleased to welcome you to the Subdivision and Development Appeal Board Training. We are confident that participation in this course will contribute to your professional prowess and future success in municipal administration.

For further information regarding this course, please contact:

ALBERTA MUNICIPAL AFFAIRS AND HOUSING

17th fl Commerce Place
10155 - 102 Street
Edmonton, AB T5J 4L4
Phone: (780) 427-2225
Fax: (780) 420-1016

Cindy Miller Reade, Planning Advisor
Direct Line: (780) 422-8308
Email: cindy.millerreade@gov.ab.ca

Sandra Dohei, Municipal Advisor
Direct Line: (780) 422-8104
Email: sandra.dohei@gov.ab.ca

Niven Parliament, Municipal Advisors.
Direct Line: (780) 422-8111
Email: niven.parliament@gov.ab.ca

ALBERTA FOUNDATION OF ADMINISTRATIVE JUSTICE

3438-78 Avenue
Edmonton, AB T6B 2X9
Phone: (780) 466-0501
Fax: (780) 466-8015

George Pheasey
President, Foundation of Administrative Justice
Chief Appeals Commissioner, Appeals Commission for
Alberta Workers' Compensation
info@foundationofadminjustice.ca

BROWNLEE LLP Barristers & Solicitors

Edmonton Office
2200 Commerce Place
10155 – 102 Street
Edmonton, AB T5J 4G8
Phone: (780) 497-4800
Fax: (780) 424-3254
Website: www.brownleelaw.com

Calgary Office
2000 Watermark Tower
530 – 8th Avenue S.W.
Calgary, AB T2P 3S8
Phone: (403) 232-8300
Fax: (403) 232-8408

Municipal Helpline
Phone: 1-800-661-9069 (Edmonton Office)
Phone: 1-877-232-8303 (Calgary Office)

FACULTY OF EXTENSION APPLIED LAND USE PLANNING COURSES

Government Studies
Faculty of Extension
University Extension Centre NW
Edmonton, AB T6G 2T4

Olea Anderson, Operations Assistant
Phone: (780) 492-5048
Email: olea.anderson@ualberta.ca

QUESTION 'BREAK' – ANSWER KEY

QUESTION 'BREAK' #1:

A. What is the relationship between statutory plans and a land use bylaw? Which prevails in a conflict?

Municipal Councils must be sure that their statutory plans are consistent with each other (MGA, s. 638). A statutory plan is, by nature, a broad planning instrument; some flexibility is generally built into a statutory plan. In the event of an inconsistency between a statutory plan and the Land Use Bylaw, Courts will “read down” the statutory plan to conform with the Bylaw. The Land Use Bylaw provisions will prevail over provisions to the contrary in a statutory plan.

B. What is the difference between a permitted and discretionary use?

If the proposed development comes squarely within a permitted use provided under the Land Use Bylaw and complies with the Land Use Bylaw’s standards, the Subdivision and Development Appeal Board must issue the permit. (Note - Decision in *274099 Alberta Ltd. v. Sturgeon Development Appeal Board* (1990 Alberta C.A.); *Burnco Rock Products Ltd. v. MD of Rocky View No. 44* (2000 Alta C.A.)

The development appeal jurisdiction of the Board has been limited in respect to development appeals involving "permitted uses". The MGA provides that the Board's appeal jurisdiction respecting “permitted uses” is limited to situations where:

- (a) the land use bylaw standards have been relaxed or varied, or
- (b) the land use bylaw has been misinterpreted.

If a proposed development comes squarely within a discretionary use provide under the Land Use Bylaw, the Subdivision and Development Appeal Board has the discretion whether or not to issue a development permit. Therefore, the Board will have far greater latitude in addressing a discretionary use and any conditions attached to the discretionary use.

C. What is the difference between a use and a standard (or regulation)?

The MGA allows the Board to approve a development permit notwithstanding noncompliance with regulations in the Land Use Bylaw, where:

- the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

- the proposed development conforms with the Land Use Bylaw's prescribed uses (Section 687(3)).

This variance power does not provide the Board with authority to approve development permits for uses not expressly listed under the land use bylaw as either discretionary or permitted. That is, the Board cannot vary land use requirements, only regulations or standards.

Accordingly, where a subdivision appeal is before the Subdivision and Development Appeal Board, the Subdivision and Development Appeal Board must consider whether or not the proposed subdivision or development conforms with the use provisions of the Municipality's Land Use Bylaw.

Whether a Land Use Bylaw provision is a development standard, or is concerned with use, is determined by having regard to its objective, the critical question being: “Is the provision in pith and substance directed at regulating the use of land?” If it is, the approving authority is bound. If not, the approving authority may waive the standard.

At times, uncertainty remains respecting how to properly distinguish between “uses” and “development standards”. Some factors that the Court considers are as follows:

1. Is the proposed use permitted or discretionary?
2. Is there an express objective for the District which shows an intent to maintain land for a specific use other than the proposed use?
3. Is the land use bylaw condition/requirement listed with the uses or under a different category, perhaps related to development?
4. Is the condition/requirement arbitrary & technical or flexible and targeted at one use?

QUESTION ‘BREAK’ #2:

A. If the subdivision authority or the development authority has deemed the application complete, can the SDAB require the developer to supply additional information?

An appeal hearing before the Subdivision and Development Appeal Board is a hearing *de novo*. In other words, the Board must hear all relevant issues and is not restricted to reviewing whether the development authority made a legally correct decision.

Generally speaking the Board has the same, and in some situations greater, jurisdiction over an application than did the original subdivision or development authority. Therefore, if the Board determines that it has insufficient factual information to determine the issues on appeal (e.g. site suitability), the Board may require the developer to supply additional information. Further, the Board’s jurisdiction here may be limited by the nature of a development permit;



if the application is for a permitted use that complies with the standards of the Land Use Bylaw, the Board cannot require information that goes outside the ambit of the Land Use Bylaw requirements and the specific conditions that could be attached.

B. If an issue arises respecting validity of the appeal, how should the Board and its staff address the issue?

Determining the validity of an appeal is an issue for the Board, not its staff. While staff may caution an appellant on time frames, and requirements for the appeal, staff should not refuse to accept an appeal.

If an issue arises as to the validity of the appeal, the Board should convene. The Board then has two options as to the process for considering the issue of validity:

- hear submissions on validity of the appeal first and make a ruling on validity prior hearing the evidence of the merits of the appeal; or
- hear all submissions (including the validity of the appeal and the merits) then subsequently make a ruling on validity and if necessary merits.

Often, the first option will be the most appropriate; dealing with the validity of the appeal as a preliminary matter will often be the most expedient. If there is no valid appeal, there is no need to hear evidence and consider all of the merits.

However, sometimes, there is a large overlap between the validity of the appeal and the merits. For example, if there is an issue respecting whether the appellant is an “affected person” (in the event of a development permit appeal), this may have a large overlap in relation to the planning merits of whether the development permit ought to be issued.

The Board may wish to consider an adjournment to obtain the advice of legal counsel.

C. What are common examples of irrelevant considerations?

An irrelevant consideration is an argument raised that does not go to the planning merits. Irrelevant considerations sometimes raised in the context of an SDAB hearing include the following:

- the length to which the applicant has gone to seek approval;
- the financial benefit that would accrue to the municipality through increased taxes;
- whether the applicant is a long time member of the community, or alternately someone who does not reside in the community;
- whether the development or subdivision is to assist the applicant’s family member;
- whether the applicant is of a poor moral character.

QUESTION ‘BREAK’ #3

A. If an affected person before the SDAB objects to a member participating in the process, how does the SDAB address that objection?

There are a number of steps that can be taken to address an objection. The impugned member, not the entire Board, decides whether the member continues with the proceedings; the member should be mindful, however, that if they stay involved in the proceedings and the Court of Appeal ultimately determines that there was a bias, the Board’s decision will be deemed to be invalid. Therefore, it is sometimes best to “err on the side of caution” and excuse oneself, even if the allegation of bias is a weak allegation.

If the objection is raised, the Chair could ask for further information to clarify the nature of the concern. The Board member may wish to retire with the other Board members and seek their input *in camera*. The Board member may wish to respond and to clarify why the Board member feels that they could sit in the proceedings with an open mind. The Chair could ask whether, given the clarification provided by the Board member, the party raising the objection continues to have concerns respecting the Board member sitting.

B. Why is allowing questioning by one party of the other party important, and how can this best be achieved to ensure the hearing is efficient and orderly?

Common law principles of natural justice and fairness require:

- the SDAB to provide the affected parties’ with a meaningful right to be heard and meaningful opportunity to know the case against them;
- that the SDAB should only decide the case on the best evidence available to it.

Allowing submissions to the SDAB to be ‘tested’ by questioning and allowing the parties to ask questions of each other are effective means of meeting all of these requirements of the common law. Questioning is often most efficient if all parties are given an opportunity to present their case and then, towards the close of the hearing, questions of each other are allowed. If one party (the questioner) is required to ask questions of the other party prior to the questioner presenting their case, the questioner will often try to present their case rather than simply ask questions for clarification.

Further, questioning can be controlled and less argumentative if all questions are posed through the chair.

C. What should SDAB members do both inside the hearing and outside the hearing to ensure the appearance of impartiality?

Board members should adhere to the following principles:

- **Prior determination** - No Board member should ever state, prior to rendering a written decision, that his or her mind is absolutely made up with respect to a particular application.
- **Disclosure of Evidence** - A Board member must rely on evidence presented at the Board hearing. If the Board member receives evidence prior to the Board hearing, those facts should be disclosed at the Board hearing, and all parties should be given an opportunity to respond to those facts.
- **Municipal Land** - Generally municipal councillors may sit on hearings respecting land owned by the Municipality.
- **Pecuniary Interest** - A Board member should not have any involvement on a matter in which they have a pecuniary interest.
- **Municipal Position** - Under circumstances where the municipality is either supporting or opposing the development, the Board should distance itself from municipal employees or advisors who have had previous involvement with the development.
- **Board Practice** - The Board should, at the commencement of the hearing, ask whether the parties have an objection to any of the Board members sitting. If there is a potential issue that may not be known to all of the parties, it would be appropriate for the Board member to provide details.

QUESTION ‘BREAK’ #4

A. What conditions should the SDAB impose in relation to municipal servicing issues?

These types of conditions should be worded generally to allow municipal administration to resolve the detail of the servicing requirements in accordance with any unique site-specific engineering issues. While the SDAB may have the authority to address technical servicing issues (such as the width of a road or the nature of construction of a road), we recommend that these issues be left to be determined within the scope of a development agreement. Municipalities will generally have standard servicing requirements; as the municipality will take over the servicing after construction by the developer, it should be for the municipality, and not the SDAB to determine these servicing standards. Further, specific servicing issues can be discussed and resolved “in the field”; difficulty can be created if the SDAB makes a decision on technical servicing issues and later, additional information becomes available that supports another alternative. We recommend the following conditions:

- the Developer must construct or pay for improvements and services required to properly service the development (or subdivision) pursuant to a Development

Agreement, on terms satisfactory to the Municipality, pursuant to the requirements of Section 650 (or s. 655) of the *Municipal Government Act*;

- the Developer shall comply with the requirements of the Development Agreement.

QUESTION 'BREAK' #5

A. What requirements should be met for the SDAB to approve a top of bank setback variance?

The Board should satisfy itself that the proposed development is suitable for the proposed site and that all of the preconditions in the Land Use Bylaw for approving a setback variance have been satisfied. Do not impose a condition that leaves suitability to be determined after the decision is made.

For example, if the Land Use Bylaw requires that the development authority shall not approve a variance of a top of bank setback without a geotechnical report evidencing that the proposed site is safe for the proposed development, then the Board must ensure that the required report has been submitted before approving the setback variance.

If the Board requires additional information that is central to its approval, the preferred approach is for the Board to adjourn the public hearing to allow the applicant an opportunity to obtain the information, and require that the information be presented when the public hearing is reconvened. The Board should not issue the approval subject to a condition that the applicant provide information satisfactory to another body/person.

B. If the SDAB is considering varying a standard, what is the test for doing so and how should the decision be written?

The test for varying a standard in relation to a development permit is set out in the MGA s. 687(3)(d). The Board should refer to the test, and indicate the rationale or justification for granting the variance. For example, if the Board is varying a front yard setback requirement, the Board could indicate that the variance is of a minor nature, and that there are other lots in the vicinity where the buildings within the front yard are constructed at or within the setback, thereby making the proposed development in keeping with the amenities of the surrounding area.

C. What weight should an SDAB give to facts respecting the impact of a proposed development on economic impact respecting adjacent businesses?

An SDAB must decide appeals on the basis of planning merit and planning issues. Generally, evidence relating to a concern of additional business competition is irrelevant to land use planning or planning merit and should not be given weight by the SDAB. The Board must consider impact on land use, and not simply financial impact.

However, the Board must consider issues relating to economical use of land (MGA s. 617). Therefore, there are Alberta cases where the courts have confirmed that Land Use Bylaws may properly impose spatial separation requirements for certain types of business, where the municipal Council is concerned that a particular area is saturated with a certain type of use (e.g. pawnshops).

CHAIR'S REMARKS

SAMPLE SUBDIVISION & DEVELOPMENT APPEAL BOARD (SDAB) CHAIRMAN'S ADDRESS <i>(For Reference Only)</i>	
CALL THE HEARING TO ORDER	<i>I call this meeting of the Subdivision and Development Appeal Board to Order.</i>
CHAIR INTRODUCTION	<i>My name is _____ and I will Chair this hearing. All questions and comments shall be directed through me.</i>
BOARD INTRODUCTIONS	<i>Will the Board members please introduce themselves?</i>
SDAB ADMINISTRATIVE STAFF INTRODUCTIONS	<i>Will our administrative staff please introduce themselves?</i>
ADOPT AGENDA	<i>Are there any additions/deletions/changes to the Agenda? Can I have a motion to adopt the Agenda? All in favour?</i>
CONFIRM RECORD OF PROCEEDINGS	<i>Can I have a motion to confirm the record of proceedings for the meeting of? All in favour?</i>
ASK THE SECRETARY TO READ THE FIRST APPEAL	<i>Will the secretary please read the first appeal?</i>
CALL FOR APPELLANT TO COME FORWARD ➔	<i>Will the Appellant please come forward to the presentation table and introduce him/her self?</i>
OBJECTIONS TO BOARD?	<i>To Appellant: Do you object to any of the present Board members hearing this appeal? To Audience: Does anyone in the audience affected by this appeal object to any of the present Board members hearing this appeal?</i>

**OUTLINE THE HEARING
PROCESS**

The hearing process will be as follows:

- 1) *Administration will make a presentation first -
 - a) *there will be an opportunity for the Board to ask questions of clarification;**
- 2) *the Appellant will then make a presentation;
 - a) *there will be an opportunity for the Board to ask questions of clarification;**
- 3) *the Board will then hear from those affected persons in the audience:
 - a) *first, those in favour of the appeal,*
 - b) *then those in the audience opposed to the appeal;**
- 4) *the Secretary will read into the record any written submissions received;*
- 5) *the hearing will recess for a few minutes (if deemed necessary by the Chair);*
- 6) *upon reconvening there will be an opportunity for the Board to ask questions of clarification;*
- 7) *any person who has presented will then be given an opportunity to ask questions for clarification, through the chair, of other persons who have presented*
- 8) *brief summaries or closing comments will follow:
 - a) *first, Administration will have an opportunity for closing comments;*
 - b) *then the Appellant will have an opportunity for closing comments;*
 - c) *then other parties will have an opportunity for closing comments.**
- 9) *I will provide closing direction and the Board's review and decision will be issued in writing within 15 days following the hearing. If you wish to receive a copy of the decision, it is important for you to enter your name and mailing address on the sign in sheet on the table at the entry to the hearing room.*
- 10) *[optional comments on decorum and purpose] The purpose of the appeal hearing is for the appellant and affected parties to provide the Board with information in relation to the appeal. The Board must base its decision on planning merits. Affected persons will be given an opportunity to speak. Please ensure that all comments are directed through the chair. We would ask that comments be of proper decorum and succinct; if another person has already made a point, simply state that you agree with the point.*

If any presenter is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Board. If you are reading from a written statement, please leave a copy with the Board as this will assist the secretary in preparing the minutes, and the Board in making its decision.

CONFIRM THE HEARING PROCESS	<i>Does the appellant have any concerns with the process I have outlined? Does anyone in the audience have any concerns with the process as outlined?</i>
DEVELOPMENT OFFICER OR PLANNER PRESENTATION	<i>....., please proceed with your presentation. To Board: Does the Board have any questions for clarification?</i>
PRESENTATION OF POTENTIAL CONDITIONS	<i>The potential conditions of approval should be placed on the overhead so that the audience may view.</i>
APPELLANT PRESENTATION	<i>The Appellant may now make his/her presentation. To Board: Does the Board have any questions for clarification?</i>
CALL FOR OTHERS TO SPEAK ON APPEAL NOTE: NORMALLY, ALLOW PERSONS SUPPORTING THE APPEAL TO BE HEARD FIRST, FOLLOWED BY PERSONS OPPOSING THE APPEAL.	<i>Is there anyone in the audience who wishes to speak in support of the appeal? Would you please come forward and introduce yourself to the Board and outline how you are affected? You may now make your presentation. Is there anyone in the audience who wishes to speak against the appeal? Would you please come forward and introduce yourself to the Board and outline how you are affected? You may now make your presentation</i>
READ INTO RECORD ADDITIONAL INFORMATION (WHEN APPLICABLE)	<i>The Board has received additional comments (or letters) not previously contained in the appeal package. I will call on the secretary to read in for the record additional submissions in relation to the appeal. [The secretary may read this in word for word, or indicate that only a summary is being provided orally and that the parties may review the written submissions]A letter (or phone call) from..... in support / in opposition of the appeal.</i>
BRIEF RECESS (WHEN APPLICABLE)	<i>The hearing will recess for a few minutes. [Direct the parties and the audience to the appropriate waiting area, or the Board can retire to another room.]</i>
CALL THE HEARING BACK TO ORDER (WHEN APPLICABLE)	<i>I call this meeting of the Subdivision and Development Appeal Board back to Order.</i>

BOARD QUESTIONS	To Board: <i>Does the Board have any questions for clarification for Administration? Does the Board have any questions for clarification for the Appellant? Does the Board have Are there any questions for any other person?</i>
OTHER QUESTIONS	To the audience: <i>Does any other person who has presented have any questions for clarification of any other presenter? If so, please direct the questions through the Chair.</i>
SUMMARIES – following all submissions	
DEVELOPMENT OFFICER OR PLANNER’S FINAL COMMENTS	<i>Would the Development Officer (or Planner) please make any brief, final comments?</i>
APPELLANT’S FINAL COMMENTS	<i>Would the Appellant please make any brief, final comments?</i>
POTENTIAL CONDITIONS OF APPROVAL (WHEN APPLICABLE)	Ask the Appellant: <i>Have you reviewed the potential conditions of approval provided to you? Do you have any concerns or comments?</i>
OTHER PERSON’S FINAL COMMENTS	Ask the other persons: <i>Would any other person who has made representations please make any brief, final comments.</i>
FAIR HEARING?	Ask the persons who have made representations: <i>Do the persons who have made representations feel that you have had a fair hearing?</i>
CONCLUDE AND GIVE CLOSING ADVICE TO APPELLANT AND OTHER PRESENTERS	<i>This hearing is now concluded. In accordance with Provincial legislation, the Board is required to hand down a decision within 15 days from the date of today's hearing. No decision is binding on the Board until it issues a written decision.</i>
ASK THE SECRETARY TO READ NEXT APPEAL	<i>Will the Secretary please read the next appeal?</i>
GO BACK TO ➔	(There is no need to repeat the hearing process if the parties for the second appeal were in attendance when the process was first announced.)

The contents of this publication are intended to provide general information. Readers should not rely on the contents herein to the exclusion of independent advice as each case is unique and will depend on the particular circumstances.

SDAB DECISION WRITING TIPS

1) Getting Started on a Well-Written Decision

Board decisions should be well-organized, concise and clear in thought and expression. Decisions are written to be read and understood. It is useful to:

- Stop and ask yourself, “Who is our audience?”
 - Try to think the way the reader will think rather than to write as a writer.
 - Keep in mind that a well-written board decision usually reduces the likelihood that firstly, a court challenge will be commenced and secondly, if commenced, the challenge will be successful.
- a) **Outline sketch** – a good first step after the hearing is for the full board to sketch out the facts, issues, statutory considerations, relevant case law and policies and reports, the board’s conclusions on each key issue, and the reasons for those conclusions.
- b) **First draft** – for complex decisions, it is usually best to focus on the process of getting all of the issues on paper and worry about finishing the product in the next draft. Often in the early stages of decision writing, it is best to work through the main issues first and sort out details later.
- c) **Review and set aside first draft** – have the full board review the first draft for the purpose of adding in anything that has been missed. Review should be made of notes, written exhibits, questions and motions for the purpose of ensuring nothing of significance has been missed. When all of the relevant material has been added, the process of organizing and rewriting begins. If time permits, we recommend setting the first draft aside and then reviewing it in a couple of days. This will allow for the process of reflection and second thought to weave its way into the decision.
- d) **Prepare revisions and final draft** – this is the time to focus on organization (see recommendations below) and fine tuning.

2) Elements of a Decision and Recommended Organization

A written decision must state more than the board’s conclusion. Decisions are “what” the board has decided to do and reasons are “why” the board decided to do it. The “what” and “why” should be provided for each major issue raised before the board. The following discussion is a review of the key elements of a well-written decision. Each element below is discussed in the order that we recommend it be discussed within the written decision, in most cases.



- a) **Facts and assumptions** - a reader should know the context of the board's decision at the beginning and the assumptions upon which the board's decision rests. Accordingly, most decisions begin with a story, namely a series of factual statements which are meant to identify who the players are and what is being decided.
- i) **Organize facts** – to reduce the chances of missing key facts and to clearly identify relevant and preferred facts, it is useful to organize the hearing evidence by presenter or by issue. An example of organization by presenter is:
- (1) facts according to the appellant,
 - (2) facts according to the respondent,
 - (3) facts preferred by the board and why (where relevant facts conflict).
- ii) **Exclusion of facts** - a decision to exclude facts because of lack of relevancy is a decision that must be thoroughly considered by the board. Exclusion may leave a party feeling that his case has not been fully heard. However, listing or noting irrelevant facts (evidence) can be time-consuming and confusing and is generally not strictly necessary.
- b) **Issues** - an attempt should be made by the board to clearly define what it is that the board must decide. Issues are questions the board is trying to answer. It is not enough to state what the parties say the dispute is about, the board must make a determination as to what the issues are and state the issues.

Stating the issues of the appeal can be as simple as answering the question of, "What must the board decide in this appeal?" The issues should be a simple statement that focuses the writer's mind (in the decision making process) and the reader's mind (in the reading process).

- c) **Rules, Statutes, Cases, Policies, Reports** – a decision should include a statement of the rules, statutes, case law, council or board policies, and reports, relied upon by the board to address the issues of the appeal.

In the context of an SDAB appeal, a written decision may include a statement of the specific portions of the following:

- i) the *MGA*, the *Subdivision and Development Regulations*, and the *Water Act*,
- ii) the Land Use Bylaw, the Municipal Development Plan, and relevant Area Structure Plan or concept plan;
- iii) inter-municipal plans or agreements;
- iv) Council or board policy documents;
- v) water, soils, or geotechnical reports.

- d) **Application, Analysis and Reasons** – a written decision and reasons should tell the reader how the facts, issues, and rules stated fit together, and, why the Board reached its conclusion instead of another.

The application, analysis and reasons portion of a written decision should include:

- i) discussion of which rules and principles:
 - (1) were relied upon by the board,
 - (2) were most significant or persuasive to the board,
 - (3) are the basis for the board’s decision;
- ii) examination of the relevant evidence in the light of the applied rules and principles;
- iii) some comparison and weighing of alternative arguments or approaches and why these alternatives were rejected by the board; and
- iv) (if the board is recommending changes to the appellant’s proposal) discussion of the basis for the board recommendations, and, explanation of the improved results or reduced problems expected due to the board’s recommendations.

Application, analysis and reasons should be as candid as possible. This section of the decision should clearly explain how the key elements of the hearing (the facts, issues, rules, principles, reports et al.) were combined and analyzed to lead to the board’s conclusion. The reader should be able to identify what persuaded the board to come to its conclusion: e.g. acceptance or rejection of particular evidence, a previous line of case law, consideration of council or board policy. This is the core of the decision.

The key to this part of the written decision is to always keep in mind: “why?” Why was the appellant’s evidence more relevant than the respondent’s evidence? There must be a reason and if so what is it?

- e) **Conclusion(s)** - this is where the board states exactly what the consequences of its conclusions are: who gets what. The conclusion should provide an answer for each issue in the appeal.

- i) conditional approval – where the board’s conclusions impose conditions intended to improve the appellant’s proposal as presented, the following should clearly be identified by the board within its conditional conclusions:
 - (1) the steps the appellant must take to satisfy the condition(s);
 - (2) who can determine whether the condition(s) has been satisfied (e.g. a planner, a hydrologist, the board);
 - (3) what problem or issue is meant to be addressed by satisfaction of the condition(s); and
 - (4) time for compliance with the condition;

- f) **Right of Appeal** - the board may include a statement informing the appellant of his/her rights of appeal, but this is not a legal requirement.
- g) **Board Signature** – the final decision should be signed, and the SDAB Bylaw may indicate who has signing authority.

3) **Role of Board Secretary**

The board has no authority to delegate the formation of its decision or reasons to a person who has not been appointed as a board member. However, board members may be assisted by the board secretary in styling and structuring the expression of the board's decision and reasons. Accordingly, the secretary may assist the SDAB in decision writing through the following:

- a) **Note Taking (and perhaps tape recording) During Hearing** – detailed hearing notes greatly assist in later discussion and writing of the decision;
- b) **List of major issues** – it is very useful for the secretary to compile a list of the major issues raised during the appeal. The list can be drafted initially by reviewing the appeal notice and written submissions; additional issues may be added to the list during the appeal hearing. This list will serve as a handy reference for both the board's deliberations and the drafting of the decision.
- c) **Grammatical Review of Decision** – the secretary should review the decision for clerical, spelling or grammatical errors or accidental omissions:
 - i) slang, colloquialisms, and trendy jargon should be avoided (if used, they should appear in quotations);
 - ii) writing should be simple and clear, avoiding complex or unfamiliar words;
- d) **Substantive Review of Decision** – the secretary should review and comment on the framing of the decision and reasons. The detailed hearing notes will serve as a useful reference. Relevant input here includes:
 - i) noting internal contradictions (in language and principles cited) within the decision and reasons;
 - ii) deleting erroneous references to the evidence;
 - iii) adding relevant references to the evidence; and
 - iv) editing out unnecessary paragraphs, sentences, words and thoughts;
- e) **Jurisdictional, Legal and Procedural Research** – the secretary should ensure the decision correctly references relevant provisions from legislation, statutory plans, the land use bylaw and any other planning documents, and sets out key principles;
- f) **Citations** – the secretary should confirm the correctness of any board references to statutory provisions, bylaws, policies, rules, or case law;

- g) **Organization** – the secretary should assist the Board in organizing the written decision and in checking for internal logic; and
- h) **Summary of Evidence and Presenters** – the secretary should ensure accurate record of evidence submitted to the Board and of presenters, and, should provide a summary of the evidence for inclusion in the written decision.

When the secretary has completed a draft decision, the draft decision should be reviewed by the board to consider and approve each change or suggestion made.

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