

----- **MGB SUBDIVISION APPEAL PROCEDURE RULES** -----

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PREFACE

These *Subdivision Procedure Rules* were established under section 523 of the *Municipal Government Act*. They apply to all Municipal Government Board subdivision appeals filed or still open on or after January 1, 2013 and replace the Board's "Procedure Guide", dated January 2000.

Informal bulletins explaining MGB subdivision hearings and the subject matter they deal with can be found on the Municipal Government Board website:

<http://www.mgb.alberta.ca>

For further enquiries you can also contact the Municipal Government Board office at 780-427-4864 (outside Edmonton call 310-0000 to be connected toll free) or by email mgbmail@gov.ab.ca

Purpose of the *Rules*

The purpose of the *Subdivision Procedure Rules* is to

- Provide information about the steps required to pursue subdivision appeals before the MGB.
- Ensure a fair, open and accessible process in accordance with the principles of natural justice.
- Increase the efficiency and timeliness of appeal proceedings.

Operating Principles

These *Rules* recognize the following principles:

- Parties must have a fair opportunity to be heard and to understand and respond to one another's positions.
- Procedures should be accessible and easy to follow.
- Parties are encouraged to resolve as many issues as possible through informal discussions before the hearing.

Part A – Interpretation and Application of these Rules

1. *Definitions*
- 1.1 “**Act**” means the *Alberta Municipal Government Act*, RSA 2000, c M-26, as amended from time to time.
- 1.2 “**Applicant**” means the person who filed a subdivision application with the subdivision authority whose decision is under appeal.
- 1.3 “**Board**” means the Municipal Government Board and includes any panel of the Municipal Government Board.
- 1.4 “**Board administration**” means staff engaged to assist the Board and Chair carry out their duties.
- 1.5 “**Board member**” means a member of the Board appointed by the Lieutenant Governor in Council pursuant to section 486 of the *Act*.
- 1.6 “**Case manager**” means a board member or member of the board administration designated by the Chair as such.
- 1.7 “**Chair**”, for the purposes of these *Rules*, means the person to whom the powers of the Administrator have been delegated under section 486(4) of the *Act*.
- 1.8 “**Days**” means calendar days.
- 1.9 “**Intervenor**” means
- (a) A municipality when it is participating as an intervenor pursuant to these *Rules* or section 508 of the *Act*; or
 - (b) A person who has an interest that may be affected by an appeal but is not a party and whom the Board permits to participate in its proceedings to the extent of that interest.
- 1.10 “**Panel**” means a panel selected pursuant to section 487 of the *Act*.
- 1.11 “**Party**” means a person entitled to notice under section 679 of the *Act*.
- 1.12 “**Person**” includes a natural person, government agency, corporate or other legal entity.

- 1.13 “**Regulation**” means the *Subdivision and Development Regulation*, as amended from time to time.
- 1.14 “**Rules**” means these *Subdivision Procedure Rules*.
2. **Application of These Rules**
- 2.1 Subject to Rules 2.2 and 2.3, these *Rules* apply to subdivision appeals filed with the Board in accordance with section 678 of the Act.
- 2.2 These *Rules* apply only to the extent they are consistent with the Act and regulations made under the Act.
- 2.3 The Board may give specific procedural directions which, to the extent of those directions, waive or modify the *Rules* for any given case.
3. **Effect of Non-compliance**
- 3.1 If a person fails to comply with the *Rules* or with an order of the Board, a panel may
- (a) Limit or bar the presentation of evidence or argument or give it less weight, where the person has disregarded a Rule or Board decision concerning the exchange of evidence or argument,
 - (b) Order the non-complying person to reimburse another person for costs incurred as a result of the non-compliance, or
 - (c) Take any other action it deems appropriate.

Part B – Communication with and Representation Before the Board

4. **Communication with the Board**
- 4.1 Unless made during a hearing, preliminary hearing, or case management meeting, communications with the Board about specific ongoing proceedings must be made through the Board administration.
- 4.2 The Board administration may copy correspondence received to other persons in order to facilitate Board proceedings.
5. **Representation**
- 5.1 Persons entitled to participate in Board proceedings may represent themselves or be represented by another person.

5.2 Upon the Board's or the Board administration's request, a person who acts for another person must provide

- (a) Proof of authorization to act for the other person, and
- (b) An address for service

by the date requested by the Board or the Board administration.

Part C – Procedures for Filing Appeal

6. Commencement of Appeals

See s. 678(4) - contents of Notice of Appeal

6.1 A notice of appeal on a subdivision matter under s. 678(2)(a) of the Act may be filed with the Board using the Notice of Subdivision Appeal Form attached to these *Rules* as Appendix "A".

6.2 If a notice of appeal is filed with the Board and the Board administration determines that it should have been filed with the local Subdivision and Development Appeal Board, the Board administration will notify the parties before referring the matter to the Subdivision Development Appeal Board. Any party who disagrees with the proposed referral may request a preliminary hearing to decide the jurisdictional question finally.

7. Late or Incomplete Notices of Appeal

7.1 The Board administration may notify persons who have filed late appeals that their appeals will not be processed, subject to Board direction under Rule 7.3.

7.2 The Board administration may direct a person who has filed an incomplete application to

- (a) File a completed *Notice of Subdivision Appeal* form, or
- (b) Provide any information necessary to complete the appeal form

within the appeal period prescribed under the *Act*.

7.3 A person who has received a notice or direction under Rules 7.1 or 7.2 may request a preliminary hearing to determine the question of lateness or incompleteness and its effect on the appeal.

Part D – Case Management and Preliminary Hearings

8. Case Management

- 8.1 A case manager may do one or more of the following:
- (a) Direct parties or intervenors to
 - (i) Clarify or focus the issues in dispute.
 - (ii) Identify any relevant agreed facts.
 - (iii) Identify any witnesses to be called and provide a summary of the evidence intended to be introduced through those witnesses.
 - (b) Provide parties or intervenors with copies of correspondence received, decisions, authorities and other information relevant to an appeal.
 - (c) Direct disclosure of material or information from any party or intervenor to facilitate a fair, orderly and timely process or to promote compliance with these *Rules*.
 - (d) Direct that communication with the Board or disclosure of some or all material or information be made or remade in approved electronic format or in hard copy, or any combination of both.
 - (e) Direct that evidence be submitted to the Board by affidavit by a particular date.
 - (f) Establish or reschedule dates for hearings, disclosure, or exchanges of information.
 - (g) Hold meetings or discussions with parties or intervenors to facilitate any of the above.
 - (h) Refer any matter to a panel for a preliminary hearing.
- 8.2 A party who disagrees with a case manager's directive may request a preliminary hearing.
- 8.3 A Board member who has acted as a case manager in respect of a matter will not participate in any subsequent hearings concerning the same matter unless all affected participants consent.

9. Preliminary Hearings

9.1 At a preliminary hearing, a panel may do one or more of the following:

- (a) Direct the parties to pursue discussions on their own, with a case manager, or with another independent facilitator by specified dates and monitor the progress of such discussions.
- (b) Determine whether further disclosure is required and direct parties or intervenors to provide or expand particulars, evidence summaries, legal analyses, authorities, or any other relevant documents or material.
- (c) Establish dates for hearings.
- (d) Give directions for disclosure or exchange of material, including the timing for the production of the material, the persons to whom the material must be produced, measures to protect confidential information, and any further directions it deems necessary.
- (e) Determine whether procedures, filing or disclosure requirements established by legislation or the Board have been met and determine the effects of any defects.
- (f) Determine whether a person may participate in a proceeding and the extent of that participation.
- (g) Determine what matters are properly before the Board or whether one or more grounds of complaint should be struck out as frivolous or not reasonably supportable.
- (h) Determine requests for postponements, withdrawals, or joint recommendations.
- (i) Make any order it deems appropriate to establish procedures by which the subdivision appeal hearing may proceed in a fair and expeditious manner.

9.2 Board members who have heard or participated in a panel for a preliminary hearing may also hear or participate in panels for any subsequent hearings concerning the same proceeding if so scheduled by the Chair.

Part E – Prehearing Submissions and Disclosure

10. Subdivision Authority Submissions

*The MGB
circulates
material
forwarded to it
to prevent
surprises and
unnecessary
delays*

*Regulation s.5
lists referral
agencies*

*The Subdivision
Authority's
representative
should bring
complete copies
of the LUB and
relevant
statutory plans
to the hearing*

10.1 A subdivision authority whose decision has been appealed must provide the Board with the following material no later than 15 days after the date it is requested by the Board or Board administration:

- (a) All information submitted with the original subdivision application.
- (b) The subdivision authority's letter comprising its decision on the subdivision application, together with
 - (i) Recommendations and reports to the subdivision authority including comments from municipal administrations.
 - (ii) Minutes of the meeting where the subdivision authority considered the application for subdivision.
 - (iii) Any other reports considered by the subdivision authority to make its decision.
- (c) Possible conditions to be applied upon approval.
- (d) Time extension agreements, where applicable.
- (e) Copies of all letters from referral agencies and area and adjacent landowners.
- (f) List of adjacent landowners and contact information.
- (g) Relevant excerpts from the Land Use Bylaw, Municipal Development Plan, Area Structure Plan or any other statutory plan, including all provisions relating to a relevant district. Applicable excerpts include, but are not limited to, purpose provisions, discretionary and permitted uses, standards, and policies.
- (h) Any applicable excerpts of plans under the *Alberta Land Stewardship Act* or other regional plans.
- (i) Any conceptual scheme prepared in support of the application or adopted by by-law or resolution by the municipality.
- (j) An accurate area map or maps showing land uses,

together with aerial and site photographs that give a detailed graphic explanation of the improvements and the physical conditions of the lands that are the subject of the appeal and surrounding lands including easements and rights-of-way registered on the property.

- (k) If any transportation requirements are at issue, any relevant municipal master plan or policy directive addressing
 - (i) Access
 - (ii) Road widening
 - (iii) Service roads
 - (iv) Road alignments
 - (v) Any other relevant issue.
- (l) If public reserves are at issue, any relevant policy documents concerning environmental, municipal, or other reserves.
- (m) Any other information requested by a panel or a case manager that is necessary to expedite the appeal.

**11. Other
Submissions**

11.1 The Board will allow relevant written material to be filed in addition to that forwarded by the Subdivision Authority under these *Rules* and may, on its own initiative, order the filing of any additional material it deems relevant.

**Notice of
submissions
prevents unfair
surprises and
delays**

11.2 A person intending to file additional material must provide the Board with reasonable notice of its intent. Where the material includes legal briefs, technical reports, or other complex documents, the notice must be sufficient to allow the Board or Board administration to arrange for circulation of the material before the hearing so that the affected parties may review and respond to it. Where material is not complex, the Board may allow it to be filed at the hearing without prior distribution provided it is satisfied that doing so does not have a significant effect on the fairness of the hearing.

11.3 If a panel finds that a party has not had a fair opportunity to review and respond to material submitted to the Board, it may grant an adjournment or make any other order it deems appropriate to ensure a fair and expedient resolution of the appeal.

11.4 The Board will not consider material filed after it has adjourned a hearing following oral submissions.

Notwithstanding this Rule, the Board may provide special permission or directions to file such material in circumstances it deems appropriate.

12. Form of Documents

- 12.1 Material filed must be clear and understandable. All pages must be numbered consecutively, throughout the entire text and graphic content, even if there are dividers or tabs.
- 12.2 Unless otherwise directed by a case manager or the Board, parties must file five (5) hard copies of their additional material with the Board.
- 12.3 Documents may be filed electronically with the permission of the Board or the Board administration.
- 12.4 The Cover Page in Appendix "B" may form the first page of each disclosure document filed with the Board.

Part F - Orders for Further Disclosure or to Protect Confidential Information

13. Orders for Disclosure

Sharing information before the hearing prevents surprise, encourages resolution through discussion, and facilitates efficient presentations to the Board

- 13.1 A party may request, in writing, an order for further disclosure. Such a request must
 - (a) Identify as precisely as possible the information or material required and the issue(s) to which it relates,
 - (b) Provide details explaining how the disclosure requested may be relevant to the issue(s) before the Board, and
 - (b) Identify the person who will be required to disclose the information.
- 13.2 When entertaining a request made under this Rule, the Board may consider whether
 - (a) The material requested should have been disclosed under these *Rules*, a preliminary hearing decision, or other legal requirement;
 - (b) The material requested is
 - (i) Within the control of another person,
 - (ii) Not readily available from another source,

- (iii) Potentially relevant to the proceedings before the Board, and
- (iv) Reasonably required by the person requesting the information to make their own submissions.

13.3 After considering a request under this Rule, a panel may

- (a) Order disclosure within a specific time of all or some of the material requested by the other party, with or without conditions, including conditions to protect any confidential information.
- (b) Refuse to order disclosure of the information requested.
- (c) Give any other direction it deems to be appropriate.

14. Disclosure of Confidential Information

14.1 Upon request, the Board may make any order it deems appropriate to help protect the confidential nature of information contained in documents filed with it.

Sealing Orders

14.2 An order under Rule 14.1 may include a sealing order restricting public access to certain Board records (or parts thereof), subject to any overriding legal requirement to disclose them.

Confidentiality on Production of Documents

14.3 Where the Board determines that information in documents containing confidential or sensitive material must be disclosed to another party, the Board may, if it deems it appropriate

- (a) Order the first person to make and disclose a non-sensitive summary or extract of the original.
- (b) Order the material to be provided to the other person subject to a signed undertaking satisfactory to the panel.
- (c) Order restrictions on the use of information by observers to a hearing where confidential information is presented.
- (d) Make any other arrangement suitable in the context of an open hearing to allow access to the information without unnecessarily compromising its sensitive nature.

Part G – Withdrawals, Recommendations and Postponements

- 15. Withdrawals**
- 15.1 A party may request to withdraw an appeal that it initiated before the Board.
- 15.2 Withdrawal requests are to be submitted to the Board in writing at least 15 days in advance of the scheduled hearing.
- 15.3 The Board may reject a withdrawal or ask for further supporting information.
- 15.4 Subject to waiver from the Board or Board administration, a party who submits a withdrawal less than 15 days in advance of the hearing shall appear on the hearing date scheduled to explain the reason for the late withdrawal.
- 16. Recommendations**
- 16.1 Where two or more parties reach an agreement concerning an issue before the Board, they may provide the Board with a joint recommendation.
- 16.2 Recommendations are to be submitted to the Board in writing.
- 16.3 The Board may accept or reject a recommendation or ask for supporting information.
- 16.4 Subject to waiver from the Board or case manager, parties must be prepared to proceed at the hearing date scheduled to explain the recommendation and to provide other submissions as may be required.
- 17. Postponements**
- 17.1 A request to postpone a scheduled hearing must
- (a) Subject to (d), be delivered to the Board and other parties in writing at least 15 days before the hearing is scheduled to begin,
 - (b) Include reasons for the postponement,
 - (c) Suggest suitable replacement dates for the hearing, or in the case of a request for postponement *sine die*, include reasons why a specific date cannot be identified.
 - (d) If the need for a postponement arises less than 15 days before a scheduled hearing, the person requesting the adjournment must notify the Board as soon as the need arises.
- Late Postponement Requests**

17.2 The Board may consider the following factors as relevant to deciding postponement requests:

- (a) Whether the request is based on
 - (i) a serious impediment to the attendance of a party, witness or agent, such as illness, injury or impassable weather conditions, or
 - (ii) a serious issue affecting the fairness of the Board's proceedings.
- (b) The degree and likelihood of prejudice or cost to other persons, if the request is granted and to the person seeking the postponement, if the request is denied.
- (c) The number of persons affected by the delay and whether they have consented to the postponement.
- (d) The likelihood of unreasonable disruption to the Board's schedule.
- (e) Where the request is based on relevant pending Board or Court decisions
 - (i) Whether the decision(s) is expected within 30 days, and
 - (ii) Whether the relevant proceedings have been pursued expeditiously.
- (f) Legislated timelines for hearings and decisions.
- (g) Any other factor the Board deems relevant.

17.3 The Board may accept or reject a request for a postponement.

17.4 Subject to waiver from the Board or Board administration, all parties must be prepared to proceed at the hearing date scheduled in case the request is not granted.

Part H – Hearing Procedures

- 18. Location of Hearings**
- 18.1 Hearings will be scheduled in Edmonton or Calgary, whichever is closer to the land that is the subject of the appeal.
- 18.2 Notwithstanding Rule 18.1, the Board or Board administration may choose a different location, having consideration for the convenience and cost to those attending the hearing and to the Board.
- 19. Mode of Hearings**
- 19.1 At the discretion of the Board, hearings may be conducted by way of
- (a) An in-person hearing.
 - (b) A telephone or other form of electronic conference.
 - (c) Written materials and submissions delivered to the Board.
 - (d) Any combination of (a), (b) or (c) or any other means a panel or case manager deems appropriate.
- 20. Cost of Participation**
- 20.1 Subject to an award for costs under Part J, persons who participate in Board proceedings do so at their own expense.
- 21. Intervenors**
- 21.1 In addition to persons entitled to notice under section 679 of the Act, the Board may also hear from persons who can demonstrate to the Board's satisfaction that they are affected by the subdivision application.
- 22. Identification of participants and Notice of Oral Submissions**
- 22.1 A panel or case manager may make any arrangements they deem necessary to identify all participants at a hearing and ensure an orderly hearing process.
- 22.2 Subject to waiver from the panel, persons intending to make oral submissions at a hearing must notify the case manager of their intent within a reasonable time before the hearing begins.

- 23. Consolidation**
- 23.1 The Board may order that separate proceedings be consolidated.
- 23.2 When two or more matters are consolidated
- (a) Findings and final determination of the issues before the Board may be applied to all the participants in the consolidated hearing,
 - (b) Parties and intervenors to each of the original separate proceedings are parties and intervenors to the consolidated proceeding, and
 - (c) Evidence presented in each of the separate proceedings is evidence in the consolidated proceeding.
- 24. Matters Heard at the Same Time or One After Another**
- 24.1 The Board may order that two or more matters be heard at the same time or one after the other.
- 24.2 Where two or more matters are heard at the same time or one after the other, the Board may order that the same evidence be admitted for more than one proceeding.
- 25. Severance**
- 25.1 The Board may sever a single proceeding into two or more separate hearings dealing with separate participants or separate issues.
- 25.2 Where a proceeding is severed, evidence and submissions already made may be applied to the separate hearings that ensue, unless otherwise ordered by a panel.
- 26. Admission of Evidence from Other Proceedings**
- 26.1 The Board may admit evidence that was previously heard by a tribunal, Court or another panel of the Board if the Board finds that doing so does not significantly affect the fairness of the proceeding.
- 26.2 When making an order under this Rule, the Board may consider, without limitation, whether the matters, parties, and counsel involved in the other proceeding are the same, and whether testimony given in the other proceeding was subject to cross examination.
- 27. Recording of Proceedings**
- 27.1 No person shall make an audio, video, photographic or other electronic record of Board proceedings or a verbatim record without obtaining permission from the Board before the hearing.

- 27.2 If the Board permits a party to make a verbatim record of the proceedings, the Board is to receive paper and electronic copies of the record, as applicable, at no cost to itself and the Board may apply one of more of the following conditions:
- (a) The costs of recording and transcription, including expedited transcription, if requested by the Board, and copies for the Board are to be borne by the person who requested the record, unless others agree to share the costs.
 - (b) Other persons specified by the Board are to receive additional copies of any transcription or recording, provided they cover the cost of the copies they receive.
 - (c) The process of recording or transcription will not interrupt the orderly conduct of Board proceedings.
 - (d) The recording or transcription proposed will be, in the view of the panel, of sufficient accuracy.
 - (e) Any other condition the Board finds appropriate.
- 27.3 The Board may provide for the recording of its own proceedings where
- (a) A transcript may be requested by the Court of Appeal under section 688 of the Act, or
 - (b) The Board otherwise deems it necessary to do so.
- 27.4 The Board will not provide access to recordings or transcripts made under Rule 24.3(a) except as necessary to fulfill its responsibility under section 688 of the Act or other legal requirement including freedom of information and protection of privacy legislation.

Part I – Recusal of Panel Members

28. Withdrawal of Panel Members owing to Apprehension of Bias

- 28.1 Where a panel member becomes aware of circumstances that he or she believes may raise a reasonable apprehension of bias, that member will
- (a) Disclose the circumstances and withdraw from the panel, or

- (b) Disclose the circumstances and give the affected parties an opportunity to:
 - (i) Waive any objection to the member sitting on the panel, or
 - (ii) Give reasons as to why the panel member should or should not withdraw.

28.2 A party may ask a panel member to withdraw because of a reasonable apprehension of bias. A party who makes such a request must do so as soon as the circumstances giving rise to it become known and must provide reasons for the request.

28.3 Where a member has been asked to withdraw, the panel will give an opportunity to the parties to address the question of whether the circumstances raise a reasonable apprehension of bias.

28.4 The decision to grant or dismiss a request to withdraw must be made by the member in question.

28.5 A Board member may confer with other panel members before deciding whether or not to withdraw.

*See
section 489 -
Quorum*

- 28.6 A panel from which one or more members has withdrawn may
- (a) Proceed to hear the matters before it, subject to the existence of a quorum, or
 - (b) Make arrangements to reschedule a matter so that it may be heard by a full panel.

Part J - Post Hearing Procedures

29. Costs

*See
section 501*

- 29.1 When determining whether to award costs, the Board may consider whether the person(s) against whom they are to be awarded
- (a) Has abused the Board's process.
 - (b) Has acted contrary to an agreed-upon or Board-directed process.
 - (c) Has caused unreasonable delays, postponements or expense.

- (d) Has acted unreasonably or engaged in conduct worthy of an order to reimburse another person for costs and expenses incurred as a result of that conduct.

29.2 Where the Board does not otherwise direct, a request for costs must

- (a) Be filed with the Board no later than 30 days after the date of the Board's decision.
- (b) Specify the total sum sought for costs together with a description of how the amount is calculated and an itemized list of any expenses sought to be recovered.
- (c) Specify the reasons why an award of costs is appropriate in the circumstances.

***30. Rehearings/
Reviews***

30.1 A party or intervenor may request the Board to rehear, review, vary or rescind any matter or decision under the discretionary power granted by section 504 of the Act.

***Application
Process***

30.2 A request under this Rule must include

- (a) A detailed statement explaining how the request meets the grounds for a rehearing or review listed under this Rule; and
- (b) The following background information:
 - (i) Name of the applicant.
 - (ii) Name of municipality in which the property is located.
 - (iii) Names of parties and intervenors to the appeal or complaint.
 - (iv) Board decision number.
 - (v) Address, phone number and contact persons for all parties and intervenors at the earlier hearing.
 - (vi) Proof that a copy of the request has been sent to the other parties and intervenors.

30.3 Requests must be made no later than 30 days following the

date of the decision.

30.4 After a request is filed pursuant to this Rule, the Chair may:

- (a) Refer the matter to a case manager for case management,
- (b) Refer the request to the panel that originally heard the matter for further directions, final determination, or both, or
- (c) Refer the request to a new panel for further directions, final determination, or both.

*Grounds for
a Rehearing or
Review*

30.5 The Board may exercise its power under section 504 of the Act in the following circumstances:

- (a) New facts, evidence or case-law that was not reasonably available at the time of the hearing, and that could reasonably have affected the decision's outcome had it been available,
- (b) A procedural defect during the hearing which caused prejudice to one or more of the parties,
- (c) Other material errors that could reasonably have changed the outcome of the decision, or
- (d) Any other circumstance the Board considers reasonable.

30.6 The following are generally not sufficient grounds to grant a rehearing or review:

- (a) Disagreement with a decision.
- (b) A party's failure to provide evidence or related authorities that were reasonably available at the time of the hearing.

- 31. Endorsement of Subdivision Plans where the SA Fails or Refuses to Endorse**
- 31.1 The Presiding Officer of the panel that heard the appeal is the member of the Board authorized to endorse the instrument pursuant to subsection 682(2) if the Subdivision Authority fails or refuses to endorse it.
- 31.2 Where it is not convenient or practical for the presiding officer of the panel who heard the appeal to endorse the instrument, the Chair may designate another Board member as the authorized member.
- 31.3 Before endorsing an instrument, the authorized member may request submissions about whether it is appropriate to endorse the instrument from any person(s) he or she deems sufficiently affected.
- 31.4 The Chair may designate additional members to sit with the authorized member as a panel to consider any submissions made under this rule.
- 32. Access to Board Decisions**
- 32.1 The Board may publish its decisions or have them published in any form, including posting them on the Internet.
- 33. Access to other Board Records**
- 33.1 Records filed with the Board will be made available for public viewing upon appointment at the Board's offices in Edmonton during the Board's regular office hours subject to
- (a) Restrictions imposed by Board orders, freedom of information and protection of privacy legislation or other legal requirements, and
 - (b) Payment of any prescribed fee if copies are required following viewing.

APPENDIX "A"

NOTICE OF SUBDIVISION APPEAL FORM

As per section 678(1) of the *Municipal Government Act (Act)*, the decision of a subdivision authority on an application for subdivision approval may be appealed (a) by the applicant for the approval, (b) by a government department if the application is required by the *Subdivision and Development Regulation* to be referred to that department, (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or (d) by a school authority.

Part 1 – General Information – Please Print

A notice for subdivision appeal under section 678 of the *Act* should contain the following information and must be filed within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681.

PROPERTY UNDER APPEAL

Name of Municipality	Subdivision Authority (if applicable)	Subdivision Authority File Number
Does the land that is the subject of the appeal contain, or is it adjacent to, or near, any of the following? (Check ALL that apply)		
<input type="checkbox"/> Highway (#)	<input type="checkbox"/> Body of Water (Name, if named)	<input type="checkbox"/> Landfill <input type="checkbox"/> Sewage Treatment Facility <input type="checkbox"/> Green Area
Legal Description	Lot	Block
Plan	AND/OR	Portion
Section	Township	Range
Meridian		

APPELLANT (Landowner or department lodging the appeal)

Name (Last)	(First)	Telephone Number (daytime)
Address (Street, PO Box, RR)	(Suite, Apartment)	(Town/City/Village)
	(Province)	(Postal Code)
E-mail Address		Fax Number

LANDOWNER INFORMATION (if different from Appellant)

Name (Last)	(First)	Telephone Number (daytime)
Address (Street, PO Box, RR)	(Suite, Apartment)	(Town/City/Village)
	(Province)	(Postal Code)
E-mail Address		Fax Number

AGENT INFORMATION AND CERTIFICATION (if Appellant is Represented by an Agent)

Name of Organization			
Contact Name (Last)	(First)	Telephone Number (daytime)	
Address (Street, PO Box, RR)	(Suite, Apartment)	(Town/City/Village)	(Province) (Postal Code)
E-mail Address		Fax Number	
I (We) hereby authorize _____ to act on my (our) behalf on matters pertaining to this subdivision appeal			
_____	_____	_____	_____
Signature of Owner(s)	Date	Signature of Owner(s)	Date

APPENDIX "B"

COVER PAGE

MGB FILE NO.		RECEIVED	EXHIBIT NO. _____
IN THE MATTER OF	A SUBDIVISION APPEAL		
APPELLANT			
SUBDIVISION AUTHORITY			FOR MGB USE ONLY
DOCUMENT			
NAME (ORGANIZATION)			
ADDRESS FOR SERVICE			
EMAIL			
TELEPHONE			
(FOR PERSON FILING THIS DOCUMENT)			