

SDAB or MGB?

Appeals to a Subdivision and Development Appeal Board (SDAB)

The SDAB hears appeals from decisions on development permits, stop orders, and some subdivisions.

An SDAB provides a means for interested parties to appeal:

- A decision of a development authority on a development application or any conditions of approval;
- A decision of a subdivision authority on a subdivision application or any conditions of approval;
- A development authority's decision to issue a stop order (*MGA* s.645).

Appeals to the Municipal Government Board (MGB)

When provincial interests are affected by the decision of a subdivision authority, the MGB hears those subdivision appeals. The MGB hears subdivision appeals where the subject land is:

- Located in the Green Area (classified under the *Public Lands Act*);
- Not within a city and is located within 800 metres of the centre line of a highway where the speed limit is 80 km per hour or more;

- Adjacent to or contains a body of water;
- Within 300 metres of the working area of a wastewater treatment plant;
- Within 300 metres of the disposal area of an operating or non-operating landfill, or the working area of an operating storage site;
- Within 450 metres of the working area of an operating landfill, or the disposal area of a non-operating hazardous waste management facility.

When a subdivision application is circulated, the affected Government Department may agree, in writing to vary the distance stated above. If the Government Department stated that they are granting a variance of the distance, an appeal can be heard by the SDAB. The Government Department may include a statement where the appeal should be heard.

Jurisdiction

The subdivision authority's decision must state if an appeal lies with the SDAB or the MGB (*MGA* s. 656(2)).

If an appeal is made to the wrong board, the appeal must be sent to the appropriate appeal board for consideration (*MGA* s.678).