

# SDAB Timelines for Appeal

## Timelines for Various Appeals

### SUBDIVISION APPROVALS

With a subdivision application, an appeal must be lodged 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 of the *MGA*. If a decision is sent by regular mail, section 678(3) of the *MGA* provides the date of receipt of the decision is deemed to be 5 days from the date the decision is mailed.

### DEVELOPMENT PERMIT APPEALS

Section 686 of the *MGA* provides that a notice of appeal, containing reasons, must be filed within 14 days of the date on which the applicant received notice of the decision or after the date of a deemed refusal or within 14 days of an affected person receiving notice of the decision in accordance with the land use bylaw (LUB).

The LUB sets out how notice of development permits can be issued for example notification in writing, by posting at the site, by posting at a specific location, or by placing a notice in the newspaper. An appeal period ends 14 days after the last date that notice was given. If the notice is mailed, section 23 of the Interpretation Act states that the mail is deemed to be delivered 7 full days after it was placed in a mailbox.

### STOP ORDERS

Section 685(1) of the *MGA* provides that a person affected by an order under section 645 may appeal to the SDAB. Section 686(1) goes on to provide that a person making an appeal under section 685(1) must commence the appeal within 14 days of the date the person was notified of the order.

A stop order must specify a time within which compliance must occur. This time must be reasonable and provide the ability to file an appeal with respect to the order. The SDAB may need to extend the time for compliance if it confirms the issuance of a stop order.

### Notice of Hearing

#### ADEQUATE NOTICE OF HEARING

Advance notice must be provided to parties of a hearing to allow them reasonable time to prepare. The *MGA* stipulates who must be notified in the case of subdivision, development, and stop orders, and requires notice be given at least 5 days before the scheduled date of the hearing.

#### TIME LIMIT TO HOLD A HEARING

Pursuant to section 680(3) of the *MGA*, once an appeal has been filed, the SDAB must open an appeal within 30 days and is required to provide a written decision with reasons within 15 days of concluding a hearing.