

Appeal Hearing

The Board holds hearings as required. Hearings are on Thursdays at 6 p.m. in Council Chambers (1st floor, City Hall 910 – 4 Avenue South.)

Anyone who is affected by an appeal may make a written, verbal and/or visual presentation to the Board. The Board can only consider relevant planning matters when rendering its decision.

Preparing for the Hearing

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB no later than 12:00 Noon on the Wednesday prior to the hearing.

If you are unable to meet this submission deadline, please bring 12 copies of the materials to the hearing and it will be distributed to at the start of the hearing.

All documents (including the appeal letters) are public and available to anyone who would like to review it.

Individuals can appoint a representative to speak on their behalf.

Meeting Procedure

The Chairman will announce each appeal and the Development or Subdivision Officer will be called upon to present their application.

The Chairman will then hear:

- The appellant(s) (person appealing)
- Individual(s) against the appeal
- Any others wishing to speak to the appeal
- Questions from the Board
- Rebuttal from the appellant(s)

Be prepared to summarize your presentation. The Board may limit your presentation to five minutes.

Speaking to the Board

It is important you do not speak to the members of the Board about an appeal outside the hearing as that may disqualify members from participating in the appeal process.

Postponing the hearing

A written request to postpone the hearing can be submitted. The request must contain your reasons for requesting a postponement and be submitted before the start of the hearing. Any postponements are at the discretion of the Board.

Failing to attend the hearing

If you are not at the hearing when it begins, the Board may proceed without you. If you cannot attend the hearing, you should clearly describe your position on the appeal form or file a written submission ahead of time.

Withdrawal of an appeal

Any withdrawals of an appeal must be in written form.

Decision

The Board may approve or deny the appeal and add conditions to an approval or refusal.

The decision of the SDAB may be given verbally after the Hearing. The decision is not official, nor can it be acted upon until it is issued in writing.

The Board will issue its decision in writing within 15 days after the hearing.

What if the decision is unfavorable?

The SDAB is the final approving authority on development matters within the City of Lethbridge. If any affected person feels the Board erred in law or jurisdiction in making its decision, they may seek their own legal advice with regard to appealing the matter to the Court of Appeal of the Province of Alberta. This has to be done within 30 days of the date of the decision.

City of Lethbridge Subdivision & Development Appeal Board (SDAB)



What is the Subdivision and Development Appeal Board?

The Subdivision and Development Appeal Board (SDAB) is an independent quasi-judicial body established by City Council to hear appeals from individuals who have been affected by a decision of the Development or Subdivision Authority.

What can be appealed?

A decision of the Development Officer, Subdivision Officer or Municipal Planning Commission in relation to a development permit application, a subdivision application or an enforcement order.

The most commonly appealed decisions are:

- A Development permit decision
- An order of the Development Authority to stop construction or the present use of a property
- Subdivision decision

Who can appeal?

In the case of Development decisions:

The applicant or anyone who is affected by the decision

In the case of Subdivision decisions:

- The applicant
- A Provincial Government Department if the application is required to be referred to that department
- A school authority

What is the cost to appeal?

There is no charge to file an appeal.



Where do I get appeal form?

A Letter of Appeal form needs to be completed. It may be obtained from:

Office of the City Clerk, 2nd Floor, City Hall
910 – 4 Avenue South
Lethbridge, Alberta

City of Lethbridge Website: www.lethbridge.ca

By telephoning the Office of the City Clerk at:
(403) 329-7329 or (403) 329-7355

Office hours: 8 a.m. - 4:30 p.m., Monday to Friday

When must the appeal be filed?

Written appeals must be filed with the SDAB Secretary within 21 days of notification of a decision.

For further information on appeals:

SDAB/ Office of the City Clerk

Phone: (403) 329-7329

Fax: (403) 320-7575

Email: david.sarsfield@lethbridge.ca

What happens when an appeal is filed?

An appeal hearing will be arranged by the Secretary of the Board. This hearing will take place within 30 days of the appeal being filed. Both the appellant and the applicant will be notified of the hearing in writing at least five days prior to the hearing.

In the case of a Development decision:

Letters advising of the appeal will be mailed to property owners affected by the appeal (i.e., owners of neighbouring radius), as well as the Community Association or the Business Revitalization Zone.

In the case of a Subdivision decision:

Letters announcing the appeal hearing will be mailed to the adjacent landowners.