

Bylaw 4893-2026

A BYLAW OF THE CITY OF MEDICINE HAT to establish a subdivision and development appeal board.

WHEREAS the *Municipal Government Act R.S.A. 2000*, Chapter M-26, as amended, requires a council to establish a Subdivision and Development Appeal Board.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

- 1.1. This Bylaw may be referred to as the “Subdivision and Development Appeal Board Bylaw”.

2. PURPOSE

- 2.1. The purposes of this Bylaw are to:
 - (a) Establish the Subdivision and Development Appeal Board;
 - (b) To prescribe the functions and duties of the Subdivision and Development Appeal Board; and
 - (c) To establish rules of procedure and conduct that govern the Subdivision and Development Appeal Board.

3. INTERPRETATION

- 3.1. In this Bylaw:
 - (a) “**Act**” means the Municipal Government Act, RSA 2000, c. M-26;
 - (b) “**Council**” means the Council of the City of Medicine Hat;
 - (c) “**Elector**” means a person who is eligible to vote at an election for Council members under the *Local Authorities Election Act R.S.A. 2000 c.L-21*;
 - (d) “**Municipal Planning Commission**” means the Municipal Planning Commission established by Council pursuant to the Act;
 - (e) “**SDAB**” means the subdivision and development appeal board established under this Bylaw.
- 3.2. The titles and headings used in this Bylaw are inserted for convenience of reference only and shall not affect the interpretation or construction of this Bylaw.

4. ESTABLISHMENT AND COMPOSITION

- 4.1. The subdivision and development appeal board for the City of Medicine Hat is hereby established.

- 4.2. The SDAB must consist of not less than five (5) members and up to seven (7) members as follows:
 - (a) at least four (4) Electors of the City of Medicine Hat who shall not be employees or officers of the City of Medicine Hat or members of Council; and
 - (b) one (1) member of Council.
- 4.3. A person who carries out SDAB powers, duties, and functions on behalf of the City or who is a member of the Municipal Planning Commission may not be appointed as a member of the SDAB.
- 4.4. Council will, by resolution, appoint Electors for a term of no more than three (3) years, effective as of the date of appointment or some other date as determined by Council.
- 4.5. Council will by resolution, at its annual organizational meeting, appoint a Council member to the SDAB and another Council member as an alternate.
- 4.6. A vacancy on the SDAB may be filled by resolution of Council.
- 4.7. In the event of the absence or inability to act as a member of the SDAB, Council may appoint a member of Council or an Elector of the City of Medicine Hat as a member of the SDAB to act in the place of a member who is absent or unable to act for such period of time as that member is absent or unable to act.
- 4.8. An SDAB panel hearing an appeal must not include more than one (1) member of Council, unless authorized in accordance with the Act.
- 4.9. The members of the SDAB may be entitled to such remuneration and travelling or other expenses as may be fixed by Council by resolution.

5. TERMINATION OF APPOINTMENT

- 5.1. The conflict-of-interest rules regarding pecuniary interests contained in the Act apply to SDAB members who are Councillors, also applies, with any necessary modifications, to the SDAB members described in Section 4.2 (a) of this Bylaw.
- 5.2. Council may by resolution terminate the appointment of a member of the SDAB referred to in Section 4.2 (a) if:
 - (a) the member violates the rules of conflict-of-interest referred to in Section 5.1;
 - (b) the member uses information gained through their position as a member of the SDAB to gain a pecuniary benefit in respect of any matter in which they have a pecuniary interest; or
 - (c) the member otherwise conducts themselves in a manner that Council considers improper.
- 5.3. Council may by resolution terminate the appointment of a member of the SDAB if the member is absent from more than three (3) consecutive meetings of the SDAB.

- 5.4. The appointment of a member of the SDAB who is a member of Council shall automatically terminate if the member ceases to be a member of Council.

6. CHAIR

- 6.1. The members must hold an inaugural meeting in the first month of each calendar year and shall appoint, by majority vote, one (1) member to serve as Chair and one (1) member to serve as Vice Chair. The Chair and Vice Chair shall each serve a one (1) year term ending at the inaugural meeting held in the following year.
- 6.2. The Vice Chair must act as Chair of the SDAB in the event of the absence or inability to act as the Chair.
- 6.3. If the Chair or Vice Chair are absent from or unable to act at a hearing of the SDAB, the members present must elect, by a majority vote, a member to act as Chair at that hearing.
- 6.4. A Chair or Vice Chair may be re-elected for successive terms as Chair or Vice Chair, as the case may be.
- 6.5. The Chair must:
- (a) preside over and be responsible for the conduct of hearings;
 - (b) sign orders, decisions and documents issued by the SDAB; and
 - (c) ensure that all SDAB hearings are conducted in a fair and impartial manner.
- 6.6. All members must bring administrative or procedural concerns to the attention of the Chair.

7. FUNCTIONS AND DUTIES

- 7.1. The SDAB must:
- (a) hear Subdivision and Development appeals in accordance with Section 678 and Section 686 of the Act, and this Bylaw; and
 - (b) carry out reviews of Orders in accordance with Section 8 of the Unsightly Property Bylaw, Bylaw 3117.

8. HEARINGS AND PROCEDURE

- 8.1. No SDAB member shall participate in a hearing unless the member is qualified to participate in a hearing in accordance with the Act.
- 8.2. The SDAB must hold appeal hearings as required in accordance with the provisions of the Act.
- 8.3. The hearings of an appeal must be held in public and all persons who wish to attend shall be entitled to do so.
- 8.4. Members of the public in attendance at a hearing must:

- (a) address the SDAB through the Chair;
- (b) maintain order and quiet; and
- (c) not applaud or otherwise interrupt any speech or action of the members or any other person addressing the SDAB.

8.5. The SDAB must make reasonable efforts to provide an official video recording of each hearing that will be made publicly available on the City's YouTube channel within three (3) days following the hearing.

8.6. The procedure of hearings of the SDAB must, as far as applicable, adhere to the meeting procedures of Procedure Bylaw 4725 of the City of Medicine Hat, as amended or replaced from time to time.

9. QUORUM

9.1. Three (3) members shall constitute a quorum for SDAB appeal hearings.

9.2. In the event quorum is not met for a hearing, the SDAB must open the hearing for the purpose of deciding to adjourn the hearing to a different date and time.

10. DELIBERATION AND DECISIONS

10.1. A member who is absent from part of a hearing must not take part in the SDAB deliberations or any decisions made by the SDAB with respect to the appeal.

10.2. The decision of the majority of the members present at the hearing of an appeal must be deemed to be the decision of the SDAB.

10.3. After hearing an appeal, the SDAB may deliberate and make its decision in a meeting closed to the public.

10.4. If the SDAB desires at the hearing of an appeal, to request further technical information, legal opinions, or other assistance, it may recess the hearing pending receipt of such information. A date and time to reconvene must be established before the recess.

10.5. In the event of a tie vote, a motion must be deemed to have been decided in the negative.

10.6. A decision of the SDAB is not final until it has been given in writing together with reasons for the decision.

11. CITY CLERK

11.1. The City Clerk must act as the secretary of the SDAB.

11.2. The City Clerk may delegate any or all of their functions and duties under this Bylaw to another employee of the City.

11.3. In their capacity as secretary to the SDAB, the City Clerk or designate must:

- (a) receive all notices of appeal;

- (b) upon receipt of a notice of appeal, schedule a hearing and provide notice of the hearing in accordance with the Act;
- (c) receive all documentation from the development authority or subdivision authority and the appellant no later than one (1) week prior to the hearing to allow sufficient time for the compilation and distribution of hearing materials;
- (d) compile and provide the agenda and hearing package to members and make the agenda and hearing package available to the public four (4) days prior to the hearing;
- (e) make and maintain a written record of the proceedings, including a summary of the evidence presented, which may include:
 - (i) the notice of appeal;
 - (ii) the decisions of the subdivision authority or development authority or the stop order under appeal;
 - (iii) all exhibits filed in the appeal;
 - (iv) a list of persons who gave evidence at the hearing;
 - (v) all written arguments presented at the hearing; and
 - (vi) the written decisions of the SDAB;
- (f) sign such documents on behalf of the SDAB as may be required to sign in order to carry out their functions and duties under this Section or as may be required to sign by the SDAB;
- (g) communicate the decision of the SDAB in accordance with the Act; and
- (h) carry out such other functions and duties as may be assigned to them by the SDAB.

12. NOTICE OF APPEAL

12.1. A notice of appeal may be filed with the City Clerk's Office by:

- (a) completing the Notice of Appeal form found on the City of Medicine Hat's website: <https://forms.medicinehat.ca/City-Clerk/Subdivision-and-Development-Appeal-Form>;
- (b) mailing the notice to the City Clerk's Office at City Hall, 580 First Street SE, Medicine Hat, AB, T1A 8E6; or
- (c) hand delivering the notice of appeal to the City Clerk's Office, at the address in subsection (b).

12.2. A person filing a notice of appeal under this section must pay the fee established by resolution of Council.

12.3. A notice of appeal is deemed to be filed with the SDAB on the date that it is received and paid in full.

13. REPEAL

- 13.1. Bylaw 3009, the Subdivision and Development Appeal Board Bylaw and all amendments hereto, are hereby repealed.

14. TRANSITIONAL

- 14.1. Despite the repeal of Bylaw 3009 or any provision of this Bylaw, the subdivision and development appeal board established by Bylaw 3009 is continued as the subdivision and development appeal board established under this Bylaw until such time as appointments are made in accordance with this Bylaw.
- 14.2. Every person who, immediately prior to the coming into force of this Bylaw, was a current appointed member of the subdivision and development appeal board pursuant to Bylaw 3009 shall be deemed to have been appointed under this Bylaw and shall continue to hold office for the remainder of the term for which that person was appointed, unless the appointment is sooner revoked, the member resigns, or the member otherwise ceases to hold office in accordance with this Bylaw.

15. COMING INTO FORCE

- 15.1. This Bylaw comes into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on August 17, 2026.

READ A SECOND TIME in open Council on _____.

READ A THIRD TIME in open Council on _____.

SIGNED AND PASSED on _____.

MAYOR – Linnsie Clark

CITY CLERK – Amanda Peterson