

CHRISTOPHER S. DAVIS
5204 - 20th Street S.W.
Calgary, Alberta T3E 7Z7

June 14, 2021

Office of the City Clerk
The City of Calgary
700 Macleod Trail
Calgary, AB T2P 2M5

Dear Mayor Naheed Nenshi and Honourable Members of Calgary City Council,

**Re: Technical Amendments arising from Notification Changes to the Public
Municipal Public Works (section 534 MGA)
Council Combined Meeting - Monday June 21, 2021**

I am writing this letter to Calgary City Council as legal counsel for citizens affected by public works projects. Historically, such works were advertised in Calgary newspapers in accordance with section 534 of the *Municipal Government Act* (MGA). While it is perfectly reasonable to try to save costs by not having to pay for several pages of newspaper ads associated with section 534 notices, perhaps proper public notice and cost savings may be achieved by continuing to have a “placeholder” ad, with a link to the City’s webpage, at the time that section 534 notices are made on the City’s website. I appreciate that the City intends to also send letters to affected parties, but that may be either on the tax roll or based on the land titles certificate. These addresses are not always accurate.

Much in the same way that the City is advertising many notices, complete abandonment of the “newspaper of record” notifications may be unfortunate and have the unintended effect of affected citizens missing out on adequate notification.

Sincerely,

Chris Davis

Chris Davis

Copied to:

Executive, Alberta Expropriation Association

Public Submission

City Clerk's Office

In accordance with sections 43 through 45 of [Procedure Bylaw 35M2017](#), the information provided **may be included** in the written record for Council and Council Committee meetings which are publicly available through www.calgary.ca/ph. Comments that are disrespectful or do not contain required information may not be included.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Personal information provided in submissions relating to matters before Council or Council Committees is collected under the authority of Bylaw 35M2017 and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act of Alberta, and/or the Municipal Government Act (MGA) Section 230 and 636, for the purpose of receiving public participation in municipal decision-making. Your name and comments will be made publicly available in the Council agenda. If you have questions regarding the collection and use of your personal information, please contact City Clerk's Legislative Coordinator at 403-268-5861, or City Clerk's Office, 700 Macleod Trail S.E., P.O. Box 2100, Postal Station 'M' 8007, Calgary, Alberta, T2P 2M5.

- ✓ I have read and understand that my name and comments will be made publicly available in the Council agenda. My email address will not be included in the public record.

First name (required) Donald

Last name (required) Mallon

What do you want to do? (required) Submit a comment

Public hearing item (required - max 75 characters) PFC2021-0503 Discontinuance public notification of S. 534 via newspaper

Date of meeting Jun 21, 2021

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Please be advised I am a lawyer who has practiced for 42 years in the field of land-owner rights. With all due respect, should the City of Calgary pass the resolution to alter the placement of its Notices of Completion of public works to its website instead of newspapers, the resolution will be ineffective and the notices will not be in compliance of the M.G.A. The Supreme Court of Canada has said that provisions such as S. 534 are remedial and that they are to be interpreted strictly against authorities such as the City and broadly in favour of landowners. A website is not a newspaper and your resolution will not have the effect of changing provincial legislation. By failing to advertise in a "newspaper" you will in effect not be advertising at all. I applaud that you additionally place the completion notices on your website. I encourage that practice to continue. However, the reasoning for general newspaper advertising is that the general public is provided notice, not just those who are searching for such notices. I hope you find these remarks of value.