



Subdivision and Development Appeal Board

MANDATE

The Subdivision and Development Appeal Board hears appeals regarding decisions made by The City of Calgary subdivision and development authorities and renders decisions based on the evidence presented. The Board is independent from The City of Calgary Planning Department and is comprised of citizen members required to be residents of Calgary. The SDAB makes decisions in an impartial manner and applies the principles of natural justice and procedural fairness, which include but is not limited to the right to a public hearing; a duty to be fair; the right for all affected parties to be heard; the right to an adjournment if the SDAB determines it is merited; and the right to legal counsel. Please refer to www.calgarysdab.ca for further information on our activities and mandate.

COMPOSITION

The SDAB composition, as stated in The City of Calgary Land Use Bylaw 1P2007, is a minimum of 15 and a maximum of 25 residents of Calgary. The current SDAB complement is 23, and represents a balanced gender profile of people with experience/skillsets in the fields of architecture, design, planning, finance, law, development, community involvement, human resources, business, and others.

ANNUAL UPDATE & KEY ACCOMPLISHMENTS

- Provide a summary of the committee's work that has been completed in the last year. **To fulfill its mandate, the SDAB hears appeals throughout the year and renders decisions on those appeals. The SDAB heard 103 appeals in 2021, and rendered 95 written decisions. The Board along with SDAB administration and the Board's legal counsel also convened for internal procedural meetings and participated in various training sessions with both internal and external facilitators. The SDAB also interviewed candidates for the 2022 year, and made its recommendations to City Council.**

- What are the initiatives and projects the committee is currently working on? **The SDAB is currently streamlining its procedures for chair and vice-chair nomination processes. We are preparing to return to in-person hearings and exploring the notion of conducting hybrid (in-person and virtual) hearings in the future, as soon as laws permit. We are also installing additional technology in our main hearing room to be able to transition to paperless hearings.**



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- Are there any accomplishments achieved or opportunities presented that Council should be aware of?

The SDAB continued to successfully hold virtual hearings throughout 2021, experiencing few technical difficulties and receiving no public complaints about the delivery format. We were able provide written decisions to appeals in a record-breaking 16 days after the conclusion of the hearing. We have received feedback from the public that the decisions are clear, understandable and concise, and that the quick turn-around is greatly appreciated. Further, a number of our decisions were appealed to the Alberta Court of Appeal in 2021; none were granted leave by the Court, with the Court commending the SDAB on well-thought out and well-written decisions.

- This section may include narrative and/or statistics.

The Board heard 2 subdivision permit appeals, and 101 development permit appeals. Of the development permit appeals, a majority of the appeals centred on a combination of single detached dwellings and secondary suites, both backyard suites above garages and basement suites. Other common appeals included change of use, multi-residential dwelling and new accessory building applications. Of the 103 appeals heard in 2021, 8 appeals were withdrawn, 32 appeals involved an overturning of the Development Authority's decision, while 13 appeals involved an amending of the Development Authority's decision.

CHALLENGES

- Provide details to any challenges or limitations the committee faced within the past year. **COVID-related public health matters initially caused some availability issues with our administrative staff, however additional resources were added to the SDAB's staffing complement which resolved the issues in the fall of 2021. Another matter that has raised concerns is the provincially-mandated mandatory requirement for the presence of the tribunal's chair or vice-chair at all hearings. This is an onerous rule given the number of hearings we conduct per year, one that we are coping with but, nonetheless, presents scheduling pressures.**

WORKPLAN FOR THE NEXT YEAR

- Provide an outline of the committee workplan for the year 2022-2023. **The SDAB will simply continue to hold hearings as required by the Municipal Government Act (MGA) and The City of Calgary Land Use Bylaw 1P2007. Our plans call for the resumption of in-person hearings and continued performance in issuing fair, well-reasoned decisions within the timelines dictated by the MGA.**



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OPERATIONS

- Describe how the Board, Commission or Committee has been operating, including, but not limited to:
 - o Number of meetings held since May 2021 (include task force or sub-committee meetings) **The SDAB held 53 meetings since May 2021.**
 - o How did Members participate in meetings (remote, hybrid?) **All meetings in 2021 were held virtually.**
 - o How was public participation in meetings incorporated (access to meetings, agendas or minutes) **The public is invited to attend all hearings of the SDAB, advertised through the SDAB website. Further, as required by law, affected parties are informed in writing of appeals having been registered against developments in the parties' communities.**
 - o Any barriers to accessibility and participation? **The only barrier we have experienced in the virtual world we operated within in 2021 was the lack of proper technologies by a limited number of parties to fully participate in the hearings. They were able to participate by telephone in these circumstances.**
 - o Any issues or opportunities you would like to note for future operations as we move from pandemic to endemic protocols **None.**
 - o Other **None**

Respectfully submitted,

Bill Chomik, Chair
Calgary Subdivision and Development Appeal Board