

Subdivision and Development Appeal Board, and Licence and Community Standards Appeal Board Bylaw Amendments

RECOMMENDATIONS:

That Council:

- 1) Give three readings to the proposed amending Bylaw 55M2022 in Attachment 1, that amends sections of the Subdivision and Development Appeal Board Bylaw 25P95, and
- 2) Give three readings to the proposed amending Bylaw 56M2022 in Attachment 2, that amends sections of the Licence and Community Standards Appeal Board Bylaw 50M2011.

HIGHLIGHTS

- Administration is recommending bylaw changes to the Subdivision and Development Appeal Board (“SDAB”) Bylaw 25P95, and the Licence and Community Standards Appeal Board (“LCSAB”) Bylaw 50M2011 to ensure consistency with the Municipal Government Act (“MGA”), add clarity, and improve readability.
- **What does this mean to Calgarians?** As Calgarians engage in the appeal process, improved readability of the bylaws will help with better understanding of the process and rights.
- **Why does this matter?** Implementation of the proposed amendments will support the effective and efficient interpretation of the SDAB and LCSAB bylaws by interested parties including board members, Administration, and Calgarians.
- Implementation of the proposed changes to these bylaws will:
 - Better align the SDAB and LCSAB bylaws with the MGA;
 - Remove inconsistencies and repetitions;
 - Consolidate information and minimize cross references between bylaw sections, and;
 - Enhance plain language over legal terms, where possible.
- The proposed amendments to the SDAB and LCSAB (the “Boards”) bylaws will allow the Boards to continue to meet their legislative mandates and continue to deliver quality services to Calgarians.
- Background and Previous Council Direction is included as Attachment 3.

DISCUSSION

The MGA requires Council to create bylaws to establish the SDAB and LCSAB. Municipal bylaws must be consistent with the provincial legislation. In the event of a conflict or inconsistency between the Boards’ bylaws and the MGA, the provincial legislation prevails. Board leadership and legal counsel provided feedback to Administration for suggested changes to the bylaws. These suggestions form the amending bylaws which remove inconsistencies and increase efficiency and readability of the bylaws.

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EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | | | |
|--------------------------|---|-------------------------------------|---|
| <input type="checkbox"/> | Public engagement was undertaken | <input checked="" type="checkbox"/> | Dialogue with interested parties was undertaken |
| <input type="checkbox"/> | Public/interested parties were informed | <input checked="" type="checkbox"/> | Public communication or engagement was not required |

Detailed review and analysis were done of the MGA, the SDAB Bylaw 25P95, the LCSAB Bylaw 50M2011, and several other bylaws listed in Attachment 3. Board leadership, Administration, and legal counsel were engaged in this work and have requested the amendments listed in Attachment 1 and 2 be approved by Council.

IMPLICATIONS

Social

The proposed amendments will improve understanding, interpretation, and application of the Board's mandate and governing legislation, leading to better interactions with Calgarians.

Environmental

Not Applicable.

Economic

Not Applicable.

Service and Financial Impact

No anticipated financial impact.

RISK

Misalignment between the MGA and municipal bylaws may result in increased challenges of the Boards' decisions, thus lengthening the appeal process, increasing costs, and eroding confidence in the tribunals.

ATTACHMENTS

1. **Proposed Bylaw 55M2022**
2. **Proposed Bylaw 56M2022**
3. Background and Previous Direction

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen (City Solicitor & General Counsel)	Law, Legislative Services and Security	Approve
Katarzyna Martin (City Clerk/ Director)	Law, Legislative Services and Security	Approve