

2011-2013 CALGARY QUASI-JUDICIAL BOARDS REPORT

EXECUTIVE SUMMARY

The 2011-2013 Calgary Quasi-Judicial Boards Report conveys the activities of the Calgary Assessment Review Board (ARB), the Calgary Subdivision and Development Appeal Board (SDAB), and the Calgary Licence and Community Standards Appeal Board (LCSAB). The Report is created for the purpose of highlighting the Boards' achievements and challenges for Council and Calgarians.

Each Board section of the Report was written by the Chairs of the Boards, and summarizes developments from the years 2011 to 2013.

ADMINISTRATION RECOMMENDATION

That the Priorities and Finance Committee recommends that Council receive the 2011-2013 Calgary Quasi-Judicial Boards Report for information.

RECOMMENDATION OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2014 SEPTEMBER 30:

That the Administration Recommendation contained in Report PFC2014-0651 be approved.

PREVIOUS COUNCIL DIRECTION / POLICY

The Quasi-Judicial Boards Report is an opportunity for the Boards to explain their mandates and communicate their success and challenges to Calgarians. The Calgary Boards have prepared triennial reports in the past, conveying information about their operations to stakeholders. The reports have been available in digital format on all three Boards' websites and at their offices in a paper version.

Whereas reports were, in the past, distributed to members of Council and senior management through direct correspondence, the Boards are, for the first time, presenting this triennial report through the formal Council/Committee reporting process in a gesture of openness. This approach was adopted by Council as a recommendation in Report PFC2013-0431, the Report on the Subdivision and Development Appeal Board, by which "the Board will produce annual reports for presentation to Council through the Quasi-Judicial Boards division of the City Clerk's Office." Conveying the Boards' efforts and successes in this manner should serve to enhance the transparency of the Boards' operations and enhance public confidence in them as institutions.

BACKGROUND

The Calgary Quasi-Judicial Boards Triennial Report is created to highlight activities of the Calgary ARB, the Calgary SDAB, and the Calgary LCSAB. It is an opportunity for the Boards to express the responsibility they have for the mandates entrusted to them.

The role of a quasi-judicial board is to provide a reasonably quick and efficient means of resolving disputes. The intent is to provide a prompt and fair decision-making process with less formality than is found in court proceedings. A quasi-judicial board is not obliged to follow strict

2011-2013 CALGARY QUASI-JUDICIAL BOARDS REPORT

court procedures; they are designed to have more informal and flexible processes and are intended to be more accessible to parties.

The most important imperative of a quasi-judicial board is to apply the rules of natural justice and procedural fairness in adjudicating matters that come before it. These rules include principles such as the following:

- Parties must have advance notice of hearings.
- Parties must have an opportunity to be heard.
- Parties have a right to an impartial decision-maker.
- Parties have a right to legal representation.
- Parties have a right to know the reasons for decision.

The Calgary Quasi-Judicial Boards are independent, impartial Boards established under various provisions of the *Municipal Government Act* (MGA), and charged with holding hearings and determining complaints or appeals based on the written and verbal evidence presented. In most cases, the Boards hear matters anew, admitting relevant and material evidence to be submitted for their consideration. In some cases, however, hearings are restricted to a consideration of evidence that is available from the record of a decision that is under appeal.

Board members are citizens who dedicate considerable time in order to contribute their subject-matter expertise to hearing appeals or complaints. ARB members have a wide range of experience in property evaluation, real estate, law, construction, property management and other fields. SDAB members must meet Council-adopted membership qualifications (PAC2009-21) which include experience in the operations of administrative tribunals, community representation, architecture, law, engineering/construction, and urban planning/development. The LCSAB is comprised of individuals that have experience in quasi-judicial boards, with strong listening skills, an ability to be open-minded and objective, and the ability to consider appeals based on facts and governing legislation. Members of the quasi-judicial boards receive honoraria in recognition of the time they contribute in service to their board.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Not applicable.

Stakeholder Engagement, Research and Communication

None.

Strategic Alignment

The production of the 2011-2013 Calgary Quasi-Judicial Boards Report aligns with Council's 2012-2014 Fiscal Plan for Calgary:

- make it easier for the public to get the information they need and to participate in public hearings (CFP-Z9); and,
- to increase transparency and accountability throughout the organization (CFP-Z10).

2011-2013 CALGARY QUASI-JUDICIAL BOARDS REPORT

The Triennial Report also links to the Corporate Administration business plan as it:

- facilitates the development of governance practices that allow for open and transparent decision-making (3Z1);
 - further enhancing the independence of The City's Quasi-Judicial Boards from Administration (3Z1.3);
 - while ensuring that all Quasi-Judicial Boards hearings comply with MGA (3Z1.4).
- enhance the openness of municipal government by making more information publicly available and easier to access (3Z2);
 - by increasing public education and enhancing access to information relating to the complaint/appeal processes of the Quasi-Judicial Boards (3Z2.3).
- increase transparency and accountability throughout the organization. (3Z5)

Social, Environmental, Economic (External)

None.

Financial Capacity

Current and Future Operating Budget:

The City Clerk is responsible for the management of the budget, support and resources of the Quasi-Judicial Boards. For the purposes of this Report, no budget implications were identified, since the Quasi-Judicial Boards Triennial Report is for information purposes only.

Current and Future Capital Budget:

The City Clerk is responsible for the management of the budget, support and resources of the Quasi-Judicial Boards. For the purposes of this Report, no budget implications were identified, since the Quasi-Judicial Boards Triennial Report is for information purposes only.

Risk Assessment

None.

REASON FOR RECOMMENDATION:

The attached report is for information purposes only and provides an overview of the Calgary Quasi-Judicial Boards activities for 2011 to 2013.

ATTACHMENT

Calgary Quasi-Judicial Boards 2011-2013 Report