



Licence and Community Standards Appeal Board Report

MANDATE

The Licence and Community Standards Appeal Board hears and determines appeals of business licences, remedial orders, and appeals from other Bylaw Orders including weed notice appeals, agricultural pest notice appeals, appeals pursuant to the Responsible Pest Ownership Bylaw including the Professional Dog Walker Bylaw, and other appeals as set out in any other Bylaw of the City of Calgary. Decisions are made by the Board.

COMPOSITION

10 Public Members. The size of the Board was expanded from 5 to 10 in anticipation of an increase in volume of appeals and that became effective January 1, 2022. Some Board members are required to have experience in animal behaviour as required by the Responsible Pet Ownership Bylaw. Each panel would typically consist of 5 members, but quorum is 3.

ANNUAL UPDATE & KEY ACCOMPLISHMENTS

- As mentioned above, during the past year the mandate of LCSAB has been expanded to hear appeals from the Responsible Pet Ownership Bylaw which would include the Professional Dog Walker Permits, and appeals related to the Agricultural Pest Act. During the past year, LCSAB has continued to review and update the Board Procedures including guidelines for the acceptance of digital materials as part of submissions, and to ensure that the information on the website is current.

CHALLENGES

- The biggest challenge of LCSAB is the generation of work, meaning the complete lack of appeals in recent years. Typically, the Board has seen 5 or 6 appeals per year but there have been as few as zero. We will give credit to the Bylaw Enforcement staff and other administration for the lack of appeals as we do believe their objective is to achieve compliance rather than prosecution, but LCSAB is totally at the mercy of the residents who must pay the \$100 fee and file the Notice of Appeal. If they do not do that, LCSAB has no work. In recent months, there has been an increase in the volume of appeals with the expanded mandate and that was expected, but unfortunately, the Board has no control over whether Calgarians would actually take the step file an appeal related to whatever order has been given to them.



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WORKPLAN FOR THE NEXT YEAR

- The LCSAB performs a very valuable service to Calgarians by providing an opportunity to have their position heard from a tribunal independent of the City Administration on decisions that have been made against them by the City Administration. While it is difficult for the LCSAB to generate new appeals for the reasons outlined above, The Board continues to look for improvements to the Procedures to make the process more comfortable and less intimidating for Appellants.

OPERATIONS

In 2022, 15 appeals were filed of which two were withdrawn. Three of the appeals were under the Responsible Pet Ownership Bylaw and the others were Remedial Orders. There have been no new appeals filed to this point in 2023.

- Since March of 2020 when the State of Emergency was declared, LCSAB moved to handling appeals remotely. A new procedure for properly handling appeals remotely had to be developed and it has been working well. The only real difference is that the Board cannot announce the decision following their deliberations, and so the parties are not aware of the decision of the Board until the written decision document is provided, which usually takes a few weeks to complete. The LCSAB targets the timely delivery of the written decisions but certainly well within the 60 days of the conclusion of the hearing which is the allowable time under the Bylaw.
- Obviously under the current circumstances, there are no issues with accessibility or participation.
- The agenda for LCSAB is available but not published, so rarely do we see members of the public in attendance. That said, the Decisions of the LCSAB are public. In the past when we met in-person, there were university students who would occasionally attend to observe, but I am not aware of that occurring since the move to remote hearings. The Board has become accustomed to the remote meetings but look forward to the days when we can again return to the in-person hearings.

Completed by Rick Smith

Chair -- Licence and Community Standards Appeal Board

Dated – April 22, 2023