



Subdivision and Development Appeal Board

Mandate and Composition

Mandate	<p>The Calgary Subdivision and Development Appeal Board (SDAB) is a quasi-judicial board established in accordance with the <i>Municipal Government Act</i> and The City of Calgary Bylaw 25P95, the Subdivision and Development Appeal Board Bylaw.</p> <p>The SDAB hears appeals regarding decisions made by The City of Calgary subdivision and development authorities and renders decisions based on the evidence presented.</p>
Composition	Minimum of 15, maximum of 25 Members

2018 Annual Report Message from the Chair



I am pleased to present the 2018 Annual Report of the Calgary Subdivision and Development Appeal Board. This report highlights statistics and other observations about the Board's operations in 2018, and previews changes for the year ahead.

Due to the legalization of cannabis in October 2018, there was an unprecedented increase in the number of appeals filed related to cannabis store development permits. Appeal volumes increased from 119 in 2017 to 194 in 2018, with 113 appeals related to cannabis; approximately 58% of all appeals filed.

Over half of all appeals filed were related to commercial development (107, or 55%), a quarter related to single residential properties (49, or 25%), followed by multi-residential and mixed use developments (each at 6%, 12 and 11 appeals, respectively). Appeals against refusals made up 50% (97 appeals) of the total numbers filed, while appeals against approved applications made up 48% (93 appeals) of the total.

Council also approved amendments to the Subdivision and Development Appeal Board Bylaw 25P95 by altering the Board's quorum requirements, providing greater flexibility in terms of scheduling appeals, and allowing the Board to sit in consecutive panels. These amendments provide the Board with the ability to hear appeals in an expedited manner.

Leading up to the legalization of cannabis in October, hearings for both cannabis related appeals and non-cannabis related appeals were scheduled throughout the rest of 2018 and into March 2019. This led some business owners, developers, and community members to express concerns about the significance of the delay in resolving all types of appeals. In an effort to improve service and ensure appeals, both cannabis and non-cannabis, were heard in as timely and fair a manner as possible, additional meeting dates were added in November and December 2018 and January 2019. The Calgary SDAB decided to bring forward 58 cannabis-related appeals and schedule them into these newly opened earlier dates. As a result, the latest-scheduled appeals of early March 2019 were rescheduled to early January 2019 and many appeals were resolved in much shorter time-frames.

The Canada Post strike in late 2018 impacted how the Board notified potentially affected parties of an appeal. As a result, the Board launched an advertising/media campaign to raise awareness of the rescheduling of appeals. The campaign encouraged public stakeholders to consult calgarysdab.ca or contact 311.

In this report ...

- ① How many appeals did the Board receive?
- ② What sorts of developments are appealed the most?
- ③ How many appeals were allowed or denied?
- ④ Who is new on the Board in 2019?
- ⑤ Who
- ⑥ What changes will the Board see in 2019?

On Wednesday, November 21, 2018, the Alberta Gaming Liquor and Cannabis Commission announced a temporary moratorium on the issuance of new cannabis store licenses due to issues with cannabis supply for retailers. Although some additional licences have been issued since that time, it is not clear when the moratorium will be lifted.

The increase in workload was very demanding on both the Board and Administration. An incredible amount of work has been done over the last half of 2018 and into 2019. The Board continues to benefit from the administrative support from City Clerk's office staff. Additionally, the Board has been successful in issuing decisions on cannabis-related appeals within 15 days of a hearing's conclusion, on average.

In total, 80% of the 2018 appeals have been resolved – that is 155 appeals! At the time of writing this letter: 26% of appeals were denied; 14% were allowed; 11% were allowed in part; and 10% were struck; 19% withdrawn; and 20% are still in process, either awaiting hearing or pending the issuance of the decision.

The number of appeals filed as a proportion of development and subdivision applications remains low, at 4.2% for development applications and 3.2% for subdivision applications.

There were eight applications for leave of appeal to the Court of Appeal on decisions issued in 2018. One has been heard so far, and it was denied.

The Board's work to support transparency and accessibility around the appeal process continued through 2018, with increased efforts to advertise new and rescheduled appeals. On December 10, 2018, Council approved an amendment to Land Use Bylaw 1P2007 which allows for the Board to adapt its advertising strategy in 2019. The Board will phase out newspaper ads in 2019. This will save an anticipated \$60,000 per year. The Board will continue with its robust online communication of appeals through its website, as well as its mailed Notice of Hearings to affected parties. Further, the Board will continue to provide Board Reports and site plans on the Board's website.

The Board has continued to invest in training for its members in order to strengthen the Board's expertise and foster sound succession planning. The Province has recently mandated that all SDAB Members and Clerks attend sanctioned training by no later than April 1, 2019. To this end, the Board hosted a training session on January 25, 2019 and those members in attendance, and all of the Board's clerks, successfully completed the course. Members who have not completed this training session by April 1, 2019 will not be permitted to sit on appeals.

I would like to welcome the Board's newest members: Kristi Beunder, Collin Campbell, Tim Creelman, Brent Foden, Gordon Murray, Nabeel Peermohamed, Tanisha Singh, and Jacob Weber.

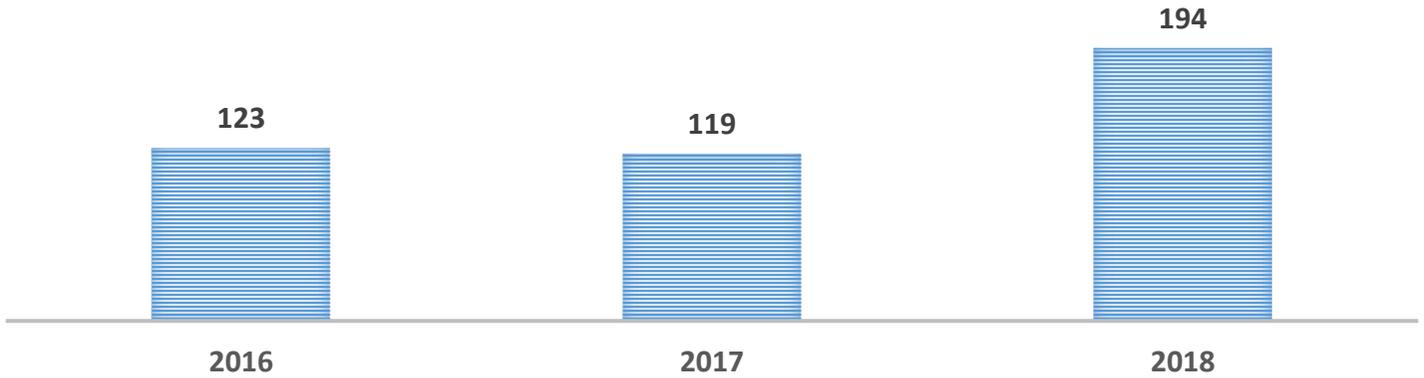
As always, I thank the entire Board for their exemplary public service, the Board Solicitor and Administration for their incredible support, and the participants in the appeal process for their cooperation with the Board's processes.

Respectfully,

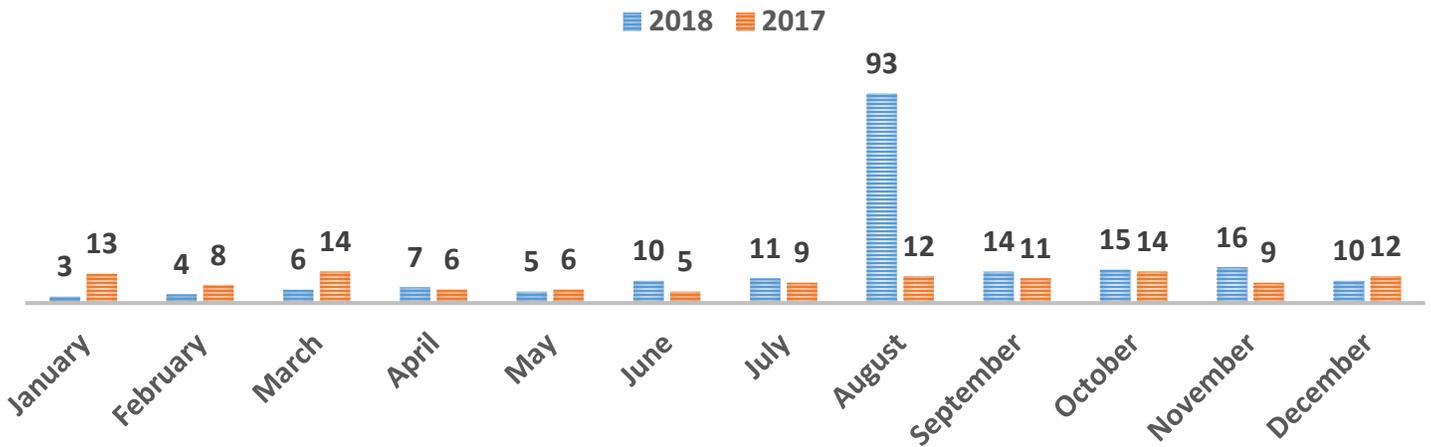


Bill Chomik, Chair

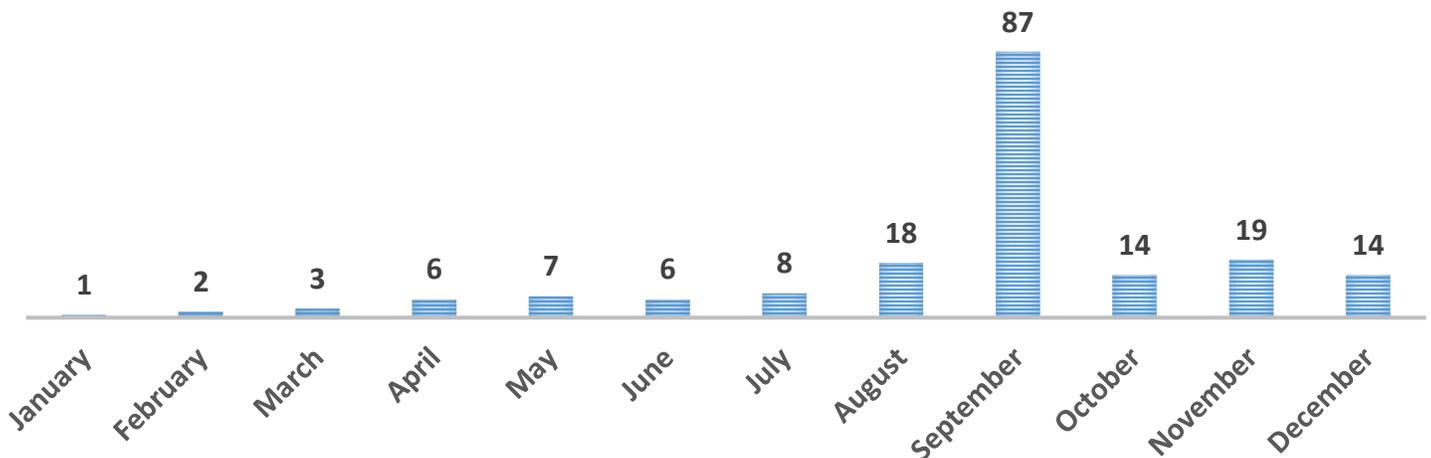
TOTAL APPEALS FILED BY YEAR



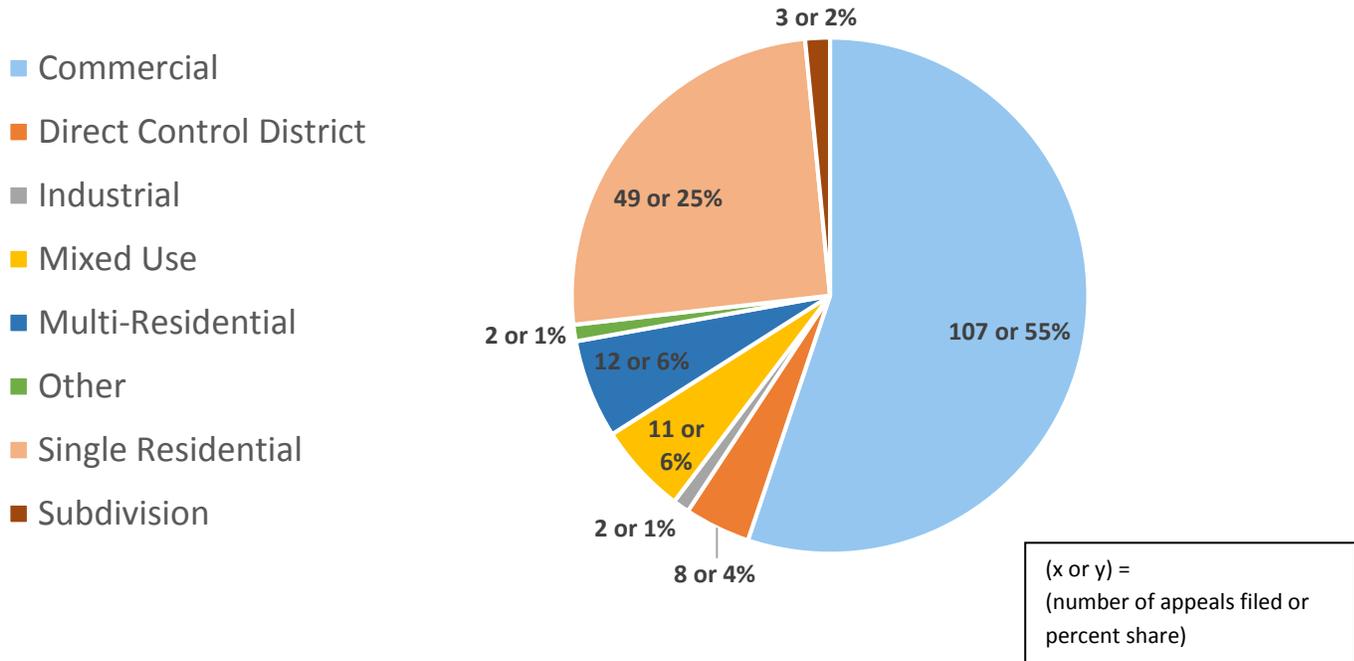
APPEALS FILED BY MONTH



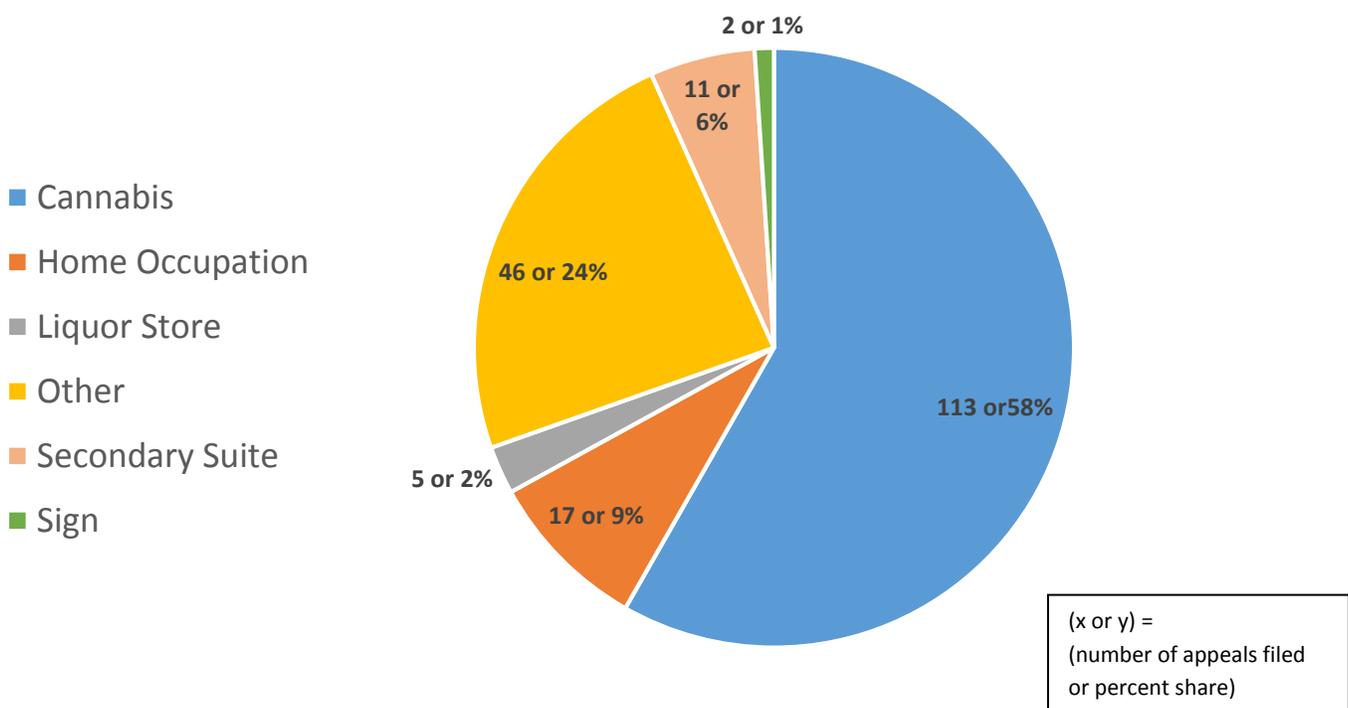
2018 APPEAL HEARINGS OPENED BY MONTH



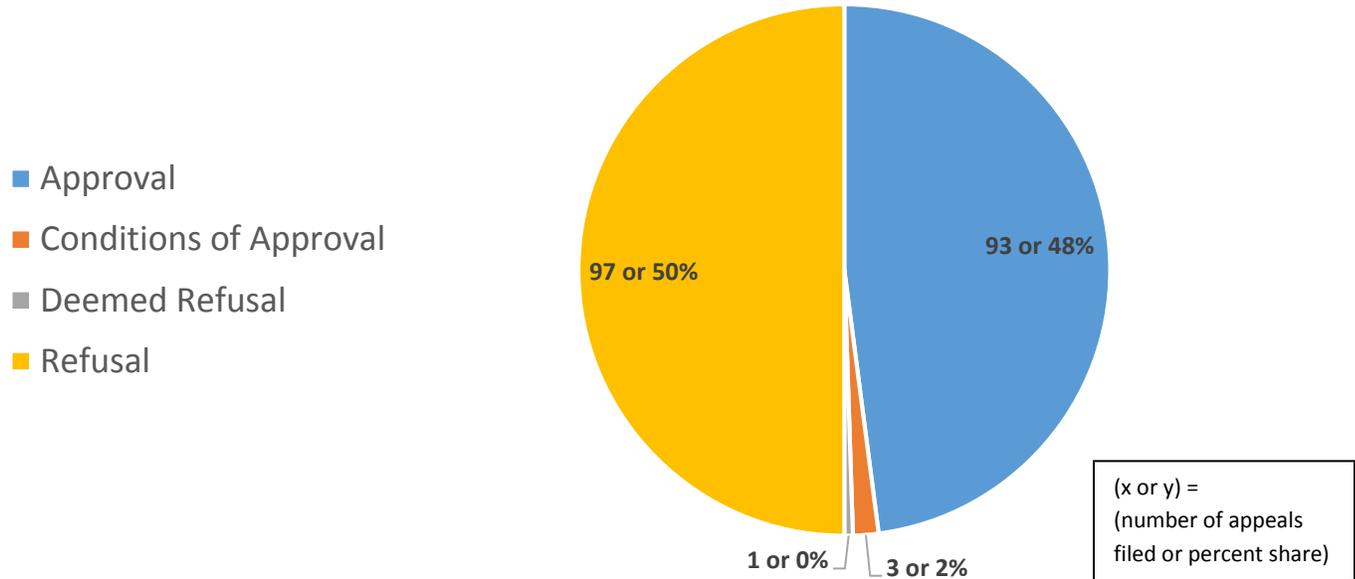
2018 APPEALS BY PROPERTY TYPE



2018 APPEALS BY PROPERTY USE



2018 APPEALS AGAINST ...



2018 APPEALS BY OUTCOME

