

Things You Should Know

If you are unable to attend the Hearing on the date and/or time scheduled, you may request the hearing be adjourned to another date and time. The request must be made in writing to the SDAB Clerk. The Clerk does not have the authority to decide if the Hearing will be adjourned to another date and time. As such, the Clerk will take your request before the SDAB, during the originally scheduled Hearing, and the SDAB will decide if the Hearing will be adjourned to an alternate date and time. You will then be notified of their decision.

You may see a copy of all of the evidence for the subject Hearing prior to the scheduled Hearing date. Contact the Clerk of the SDAB and he/she will arrange for you to see the subject evidence. If a request is not made to see the evidence prior to the Hearing, it will be provided during the Hearing.

SDAB Members

In accordance with the Municipal Government Act, SDAB Members **may not have discussions with anyone**, including other SDAB members, with respect to a subject appeal. They also **may not** attend the subject development site or investigate the appeal in any way. SDAB Members must not make a decision regarding the Hearing, prior to the Hearing being held, and must attend the Hearing with an open mind capable of persuasion.

Development Permit Appeals

In making a decision on a development appeal the SDAB:

- must act in accordance with any applicable Land Stewardship Act regional plan;
- must comply with any land use policies;
- must comply with any statutory plans and land use as described in the land use bylaw;
- must have regard to but is not bound by the subdivision and development regulations;
- In determining a development appeal, the SDAB may allow a development that does not comply with the land use bylaw, so long as the proposed development:
 - ⇒ conforms with the use prescribed in the land use bylaw;
 - ⇒ does not unduly interfere with the amenities of the neighborhood; and
 - ⇒ does not materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

Subdivision Appeals

In making a decision on a subdivision appeal, the SDAB:

- must act in accordance with any applicable Land Stewardship Act regional plan;
- must have regard to any statutory plan;
- must conform with the uses of land referred to in a land use bylaw;
- must be consistent with the land use policies;
- must have regard to but is not bound by the subdivision and development regulations;
- may confirm or revoke or vary the approval or decision or any conditions imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- may in addition to other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this part.



SDAB Powers

The MGA also places limits on what an SDAB can do. An SDAB must stay within the terms of the legislative job description as set out by the MGA and its regulations; act fairly and reasonably within the limits imposed by administrative law and the principles of natural justice; and act in accordance with its enabling bylaw such as a Land Use Bylaw.

