



# NOTICE OF APPEAL Application Form

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address		Development Permit/Subdivision Application File Number	
APPELLANT INFORMATION			
Name of Appellant		Agent Name (If applicable)	
Mailing Address (for notification purposes)			
City	Province	Postal Code	
Phone Number (Day)		Email	
<b>The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal</b>			

**APPEAL AGAINST** (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
Approval	Approval	Stop Order
Conditions of Approval	Conditions of Approval	
Refusal	Refusal	

**REASONS FOR APPEAL** Section 678 and 686 of the *Municipal Government Act* requires that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)

**FOIP Notification:** This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the SDAB Clerk at [municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca).

Signature of appellant/agent	Date (MM/DD/YYYY)
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## INSTRUCTIONS FOR FILING AN APPEAL

### THE NOTICE OF APPEAL FORM MUST:

- Be received by the Subdivision and Development Appeal Board (SDAB) within 21 days of the written decision being made and sent out by the Development Authority or the Subdivision Authority as specified in the Municipal Government Act (MGA);
- Be accompanied by the filing fee, made payable to “Town of Canmore”;
- State specific reasons for the appeal; and
- Be signed by the appellant, or their acting agent.

**Please note:** Appeals must be accompanied by the fee at the time of filing. Contact the Clerk at **403.678.1550** or at [municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca), to arrange payment if filing by email or fax.

**Filing the Appeal:**      **In-person or mail:**  
Town of Canmore  
Subdivision and Development Appeal Board  
902 7<sup>th</sup> Avenue  
Canmore AB T1W 3K1

**Email:**  
[municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca)

**Fax:**  
403.678.1534

**Payment:**              Appeal fees may be paid by cheque payable to the Town of Canmore upon submission.  
Payment can also be made in-person by debit, VISA or MasterCard at the Civic Centre located at:  
902 7<sup>th</sup> Avenue, Canmore AB.

Business hours are 8:30 a.m. to 4:30 p.m. Monday to Friday.

**Refund:**                 A refund of the appeal fee will only be granted if the appeal is withdrawn prior to the scheduling of the hearing. No refunds can be made once a hearing is held, regardless of the appeal outcome.

For further information regarding appeal deadlines, fee payment options, or the appeal process, please go to our website at <https://www.canmore.ca/your-government/council/boards-and-committees/subdivision-development-appeal-board>

## WHAT IS THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)?

The SDAB is a quasi-judicial authority (similar to a judge) that is made of public members who are appointed by Council. The board consists of between five and seven members. Only one member shall be a member of Council.

The SDAB makes decisions on appeals related to Stop Orders and decisions made with respect to development permits and subdivision applications. When considering appeals, the SDAB owes a duty of fairness to participants in the hearing process.

## WHO CAN FILE AN APPEAL?

### Subdivision appeals:

The applicant (or agent) can file an appeal if their application for subdivision has been:

- Refused;
- Approved with conditions unacceptable to them;  
OR
- If a subdivision authority fails or refuses to make a decision within 60 days of application being deemed complete by the file manager.

The decision of a subdivision authority may be appealed by the applicant (or agent), Town Council, provincial government department or a school board.

### Development permit appeals:

The applicant (or agent) can file an appeal if their application has been:

- Refused;
- Approved with conditions unacceptable to them;
- Issued a stop order;  
OR
- A party will be affected by a new development or new use of a property;
- If the Development Authority fails or refuses to make a decision within 40 days of the application being deemed complete by the file manager.

## WHAT IS THE TIME LIMIT FOR FILING AN APPEAL?

The MGA sets out timelines within which appeals to the SDAB must be filed. If an appeal is filed outside of the time required by the MGA, the SDAB does not have jurisdiction to hear the appeal.

**Subdivision appeals:** Appeals are allowed within 14 days after receipt of the written decision of the Subdivision Authority (SA).

**Development permit appeals:** MGA s. 686 provides that appeals must be made within 21 days of;

- a) the date of the written decision on the application, or
- b) the date of the deemed refusal.

**Stop order appeals:** Appeals are allowed within 21 days of the date on which the Stop Order was made.

## WHAT IS THE FEE TO FILE AN APPEAL?

The fee to file a Notice of Appeal is \$300 for an appeal related to small scale development and \$500 for an appeal related to medium or large scale development and must be submitted as part of your appeal. Payment can be made by cheque made out to “Town of Canmore”, or can be made in-person by debit, VISA or MasterCard at the Civic Centre located at 902 7<sup>th</sup> Avenue. Business hours are 8:30 a.m. - 4:30 p.m. Monday to Friday.

## HEARING PROCEDURE

Once the Town of Canmore has received the Notice of Appeal and the applicable fees have been processed, a hearing date is set. The SDAB must hold a hearing within 30 calendar days after receipt of a Notice of Appeal.

## TIME OF THE HEARING

The Town of Canmore SDAB holds their hearings during business hours on weekdays. Please inform the Clerk upon submission of your appeal if this timing does not work for you, in which case an alternative time may be scheduled.

## BEFORE THE HEARING

The Clerk is required to give at least 5 days' notice in writing of the hearing to:

- the appellant;
- the development authority whose order, decision or development permit is subject to appeal;
- those owners required to be notified under the Land Use Bylaw; and
- any other person that the SDAB considers to be affected by the appeal and should be notified.

Prior to the hearing, the SDAB must make available for public review, all relevant documents and materials with respect to the appeal, including the application for the development permit, the decision and the notice of appeal, or the stop order.

## DURING THE HEARING

At the hearing, the SDAB must hear:

- the appellant or any person acting on behalf of the appellant (agent);
- the Subdivision Authority or the Development Authority (as applicable);
- any other person who was given notice of the hearing, and who wishes to be heard, or a person acting on behalf of that person; and
- any person who claims to be affected by the order, decision or permit and that the SDAB agrees to hear.

The person who files the appeal is expected to give a verbal presentation to the SDAB (a written and/or visual presentation is also permitted). Prior to the hearing, the Clerk will advise of the deadline for any submission to the SDAB.

**All documents submitted and presented become public documents.**

Some suggestions for preparing your presentation for the SDAB:

- Determine the relevant planning issues associated with the appeal;
- prepare a clear, concise and logical written presentation;
- review the contents of the SDAB hearing package provided by the Clerk; and
- avoid the inclusion of non-relevant issues that are outside the Board's jurisdiction and cannot be considered, such as business competition, comments regarding someone's character, financial impact on the applicant, financial status of the applicant, and whether the development is occupied by renters or owners.

**Note that the SDAB is not bound by previous decisions and will not hear arguments about precedent.**

## AFTER THE HEARING

The SDAB must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing. Appeals of the SDAB decision are to the Court of Appeal and are limited to matters of law or jurisdiction.

## POSTPONEMENT OR NOT ATTENDING YOUR HEARING

You may submit a written request to postpone your hearing, including the reasons for the request, either to the Board at the time of the hearing or to the Clerk prior to the hearing. Hearings will only be postponed at the discretion of the Board.

If you are not in attendance when your appeal is called, the SDAB may proceed without you.

## WITHDRAWAL OF YOUR APPEAL

Written withdrawal must be submitted to the Clerk as soon as possible to help the Board and municipality use its resources effectively. Note that a refund of the appeal fee shall only be granted if the appeal is withdrawn prior to the scheduling of the hearing.