

Development Appeal Process

- After the hearing, the Secretary prepares the decision, which is signed by the Chair of the Board and the Secretary. Notification of the decision is then provided to:
 - the appellant;
 - the Minister;
 - all affected parties, including those that attended the hearing; and
 - City Council.

The decision is not in effect for 30 days from the date of the decision. This allows time for any of the parties to appeal the decision.

- Within 20 days of receiving notice of the decision, any person may appeal the decision in writing to the Planning Appeals Committee, Saskatchewan Municipal Board.

If an appeal is made, the Board's decision does not take effect.

If no appeal is made, the Board's decision takes effect.

If you are considering applying for an appeal, please contact Planning and Development Services and administration will assist you through the application process.



City of
Prince Albert

Planning & Development Services

City of Prince Albert
1084 Central Avenue

P: 306-953-4370
Email: pds@citypa.com

OFFICE HOURS

8:00 a.m. — 4:45 p.m.
Monday to Friday

www.citypa.ca

This brochure has no legal status and cannot be used as an official interpretation of the various codes and regulations currently in effect. Users are advised to contact Planning and Development Services for assistance, as the City of Prince Albert accepts no responsibility to persons relying solely on this information.

Development Appeal Process

Information on the process for appealing a decision on an existing or proposed development

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What is an Appeal & How to Appeal

What is a development appeal?

When a person or company disagrees with a decision made by City Council or a Development Officer in relation to a proposed development permit or subdivision application and would like to contest the decision, an appeal may be made.

Can I appeal?

A person has the right to appeal a zoning bylaw in the following instances:

- An alleged misapplication of a zoning bylaw in the issuance of a development permit;
- A refusal to issue a development permit because it would contravene the zoning bylaw;
- The issuance of an order

A person has the right to appeal a subdivision in the following instances:

- A refusal of an application for a proposed subdivision;
- An approval in part of an application for a proposed subdivision;
- Conditions of approval of a proposed subdivision;
- A revocation of approval of a proposed subdivision;
- A failure to enter into a subdivision agreement within a proposed time limit.

A person has the right to appeal a development permit in the following instances:

- Conditions of approval of an approved development permit

An appeal cannot be made in the following instances:

- Where a Council refuses to rezone a person's land;
- An application for discretionary use has been denied by Council;
- Where a use or intensity of use is prohibited

How do I appeal?

A Development Appeal Application must be completed along with payment (\$50 application fee). Supporting documentation should also be included with the application. The application can be submitted in person at Planning and Development Services, 3rd Floor, City Hall, or mailed to:

Planning & Development Services
City Hall
1084 Central Avenue
Prince Albert SK S6V 7P3

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What is a Development Appeals Board?

Is a Board that is required under *The Planning and Development Act, 2007*. The members of the Board are appointed by City Council to hear and determine appeals in accordance with the Zoning Bylaw and *The Planning and Development Act, 2007*. The City's Board consists of 5 members of the general public, as well as a Secretary from the Planning Division.

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Once an application has been submitted, the following steps need to be followed in accordance with *The Planning and Development Act, 2007*:

- The Secretary of the Development Appeals Board sets up a meeting (public hearing), within 30 days of the application being received, for the appeal to be heard by the Development Appeals Board.
- Once a date, time and location for the hearing has been established (at least 10 days before the hearing), the Secretary, is required to provide notice to:
 - the appellant (registered letter advising of date, time and location of hearing);
 - City Council; and
 - landowners within 75 meters of the property affected by the appeal.
- All additional material and supporting documentation must be filed with the Secretary no later than 5 days before the hearing. All relevant material and supporting documentation being presented to the Development Appeals Board will be made public prior to the hearing
- At the hearing, the appellant (or representative), City administration, and any other person that was notified of the hearing and would like to speak at the hearing, are given an opportunity to present their case to the Board. Notes are taken by the Secretary which are for the Board's use only. The written record is a summary of the evidence presented and is the decision as well as the public record.

Please note: the appellant does not need to attend the hearing or have anyone attend on their behalf. Attendance is voluntary.

In making a decision, the Board is bound by certain policies, legislation and bylaws (i.e. Zoning Bylaw, National Building Code, *Planning and Development Act, 2007*, etc.) The Board can confirm, revoke or vary the decision of the Development Officer or City Council and can add conditions to the decision. The decision will outline the facts, state the decision and the reason(s) for the decision.

