

DEVELOPMENT APPEALS BOARD

INFORMATION SHEET

INTRODUCTION

The Development Appeals Board consists of 3 members appointed by R.M. Council. The Board is to adjudicate appeals under the provisions of *The Planning and Development Act* dealing with misapplication of the Zoning Bylaw in issuing a development permit, refusal to issue a development permit because it would contravene the Zoning Bylaw, and any of the conditions of a Zoning Order issued on the property.

HOW DO I APPEAL TO THE BOARD?

A Notice of Appeal can be made by written request. The Notice of appeal (attached to this information sheet) should contain the address of the subject property, name and address of the appellant, nature of infraction, reason for appeal, and grounds for appeal. Your Notice of Appeal must be received by the Secretary of the Development Appeals Board, R.M. Planning Department, within **30 days** after the date on which the Development Permit was issued or denied, or from the date of the issuance of the Order to remedy a contravention. The Application fee, as set out in the Zoning Bylaw 2.7.1 Application fees, will need to accompany the Appeal.

WHEN WILL MY APPEAL BE HEARD?

Your appeal must be heard by the Board within 30 days of receipt of your Notice of Appeal, or at the first or second regularly scheduled meeting following receipt of the Appeal Notice. You will be notified by **registered mail** of the location, date and time. It is important that you pick up your registered mail.

DO I NEED TO ATTEND THE HEARING?

If you do not wish to attend the hearing, you may send someone to represent you. If you do not attend or are not represented, the Board may proceed with the hearing and make its decision based on your written Notice of Appeal and the information provided by the R.M.'s representative.

WHAT HAPPENS AT A HEARING?

The Board members and parties to the appeal will be introduced. Anyone giving evidence before the Board will be asked to affirm that the evidence being presented is the truth. You will be asked to explain the situation to the Board. The R.M.'s representative will then be given an opportunity to make its case to the Board. There will be an opportunity for questions from both you and the R.M.'s representative. Board members may also have questions of both you and the R.M.'s representative. The Board will allow you the opportunity to make any closing statements.

WHEN WILL THE BOARD MAKE ITS DECISION?

The Board will make its decision after the hearing. The Board must render a formal written decision, with reasons, within 30 days of the date of the hearing; however, an attempt is made to provide a decision within 7 working days of the appeal hearing. The written decision must be provided to you by registered mail within 10 days of the date of the decision. The Board's written decision is not final for 30 days following the date of decision. This is to allow time for any of the parties to appeal the decision.

CAN I APPEAL THE DECISION OF THE DEVELOPMENT APPEALS BOARD?

The Minister, the Council, the applicant or any other person may appeal to the Saskatchewan Municipal Board within 20 days after the date of receipt of the Record of Decision of the Development Appeals Board. Information on how to appeal to the Saskatchewan Municipal Board will be contained in the written decision which you receive from the Development Appeals Board.

For additional information please call (306)627-3226

Note: This is an information sheet only and has no legislative sanction. For legislative certainty, consult *The Planning and Development Act, 2007*.

Zoning Bylaw:

2.6.4 Decisions Which an Applicant Cannot Appeal

A person cannot appeal a decision of Council to:

- a) Refuse a use or intensity of use not permitted in a Zoning District;
- b) Refuse a discretionary use or intensity of a discretionary use; and
- c) Refuse a rezoning of the person's land.