

**BYLAW NO. B-47/2022  
OF THE CITY OF AIRDRIE  
IN THE PROVINCE OF ALBERTA**

Being a bylaw of the City of Airdrie, to establish the General Appeal Board

**WHEREAS** pursuant to section 203 (1) and 2 (e) of the *Municipal Government Act*, RSA, 2000 c. M-26 and amendments thereto, Council may delegate a duty to decide appeals if the delegation is to a council committee and authorized by bylaw;

**AND WHEREAS** pursuant to section 8 of the *Municipal Government Act*, Council may provide for a system of licenses, permits and approvals and provide for an appeal, the body that is to decide the appeal and related matters;

**AND WHEREAS** pursuant to section 547 of the *Municipal Government Act*, a person who has received an order under section 545 and 546 may request Council to review the order;

**NOW THEREFORE** the Council of the City of Airdrie in Council duly assembled enacts as follows:

**Part 1 - Interpretation and application**

**Title**

- 1 This bylaw may be referred to as the “**General Appeal Board Bylaw**”.

**Definitions**

- 2 Unless otherwise specified, words used in this bylaw have the same meaning as defined in the *Municipal Government Act*, including its regulations.
- 3 In this bylaw,
- (a) “Appellant” means a person, or their authorized representative, who filed a notice of appeal;
  - (b) “Board” means the General Appeal Board;
  - (c) “Citizen Member” means a Council Committee member that is not a member of Council;
  - (d) “City Clerk” means a person appointed as City Clerk or that person’s designate;
  - (e) “City of Airdrie” or “City” means the City of Airdrie as a municipal

corporation established pursuant to the laws of the Province of Alberta and the area within the jurisdictional boundaries of the City of Airdrie, as the context of this bylaw requires;

- (f) “Council” means the municipal of the City of Airdrie;
- (g) “Panel” means members of the General Appeal Board convened to hear a complaint;
- (h) “Municipal Government Act” mean the *Municipal Government Act*, RSA 2000, c M-26, and its regulations, as amended or replaced from time to time; and
- (i) “Organizational Meeting” means the annual Organizational Meeting of Council held pursuant to the *Municipal Government Act*.

### Interpretation

- 4 Each provision of this bylaw is independent of all other provisions. If any provision is declared invalid by a court of competent jurisdiction in the Province of Alberta, then all other provisions of this bylaw remain valid and enforceable.
- 5 Nothing in this bylaw relieves a person from complying with any provision of federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or licence.
- 6 Any heading or sub-heading in this bylaw is included for guidance purposes and convenience only and does not form part of this bylaw.
- 7 Specific reference to other bylaws, statutes, and regulations are intended to refer to the current laws applicable within the Province of Alberta as at the time this bylaw is enacted, and as may be amended or replaced from time to time.

## Part 2 - Board Establishment

### Establishment

- 8 The City of Airdrie’s General Appeal Board is hereby established.

### Mandate and Authority

- 9 The mandate and authority of the Board is to hear and decide on matters required or permitted to be heard under:
  - (a) *Animal Control Bylaw*, B-33/2016
  - (b) *Community Standards Bylaw*, B-09/2012

- (c) *Drainage Bylaw*, B-03/2014;
- (d) *Lot Grading Bylaw*, B-34/2007;
- (e) *Public Conveyance and Vehicles for Hire Bylaw*, B-10/2019;
- (f) *Security Alarm Systems Bylaw*, B-22/2010;
- (g) *Sewer Bylaw*, B-11/2015;
- (h) *Traffic Bylaw*, B-24/2016; **and**
- (i) *Waste Management Bylaw*, B-07/2017;
- (j) ***Waterworks Bylaw B-04/2025; and***
- (k) **any other bylaw that authorizes the Board to hear and decide on matters required or permitted to be heard pursuant to that bylaw.**

~~and any other bylaw that authorizes the Board to hear and decide on matters required or permitted to be heard pursuant to that bylaw.~~

### **Part 3 - Terms of Appointments**

#### **Board Appointments**

- 10 Members appointed to City of Airdrie's Subdivision and Development Appeal Board are hereby appointed to the General Appeal Board.
- 11 A member's appointment to the General Appeal Board ends on the date their appointment to Subdivision and Development Appeal Board ends.

#### **Chair and Vice-Chair**

- 12 The chair and vice-chair of the Subdivision and Development Appeal Board are the chair and vice-chair of the General Appeal Board, respectively.
- 13 The Chair:
  - (a) presides at hearings;
  - (b) ensures that all hearings are conducted in a fair and impartial manner;
  - (c) is authorized to rule that evidence presented at a hearing is irrelevant to the matter at issue and may direct the members to disregard the evidence;
  - (d) may limit verbal submissions if the chair determines it to be repetitious or

unrelated to the matter; and

- (e) approves and signs the final draft of a decision.
- 14 In the event of absence or inability of the chair to preside at a hearing or meeting, the vice-chair presides and has the same rights and responsibilities as the chair.
- 15 In the event of absence or inability of both the chair and vice-chair to preside at a hearing or meeting, the members present must elect one of its members to preside as acting chair for that hearing or meeting. The acting chair has the same rights and responsibilities as the chair.

## **Part 4 - Appeals**

### **Appeals**

- 16 If the Board receives an appeal where the bylaw on the matter is silent as to the appeal procedure, the procedures in this bylaw are to be followed.
- 17 To commence an appeal to the Board, a person must submit a notice of appeal in a form by the City Clerk along with the appeal fee. An appeal is not considered received until the appeal fee is paid.
- 18 The notice of appeal must be received by the City Clerk within the timeframes set out in the *Municipal Government Act* or the applicable bylaw. If no time frame set out, the notice of appeal must be received within 14 days after the date the Appellant was notified of the issue to which an appeal is sought.
- 19 Only a person who holds or has applied for a licence may appeal a decision related to that licence or licence application.

## **Part 5 - Hearings**

### **Quorum**

- 20 Hearings are held with odd numbered Panels, in groups of no less than 3 members and no more than 5 members.
- 21 A member participating remotely is deemed to be present at the meeting and counts towards quorum.

### **Panel**

- 22 Members must disclose any conflict of interest in the same manner as required of an elected official under the *Municipal Government Act* and any code of conduct that Council has adopted. If a conflict is declared that member must not sit in a Panel or deliberate on the matter before the Panel.

- 23 If for any reason a member of the Panel cannot continue to participate in a hearing, the hearing may proceed without that member but only if enough other members are present to still achieve quorum. If not, the hearing will be adjourned and may be re-heard by a new Panel.

### **Hearing and decisions**

- 24 The Board must hold an appeal hearing within 30 days after the City Clerk received the notice of appeal.
- 25 The Board must give at least 10 days' notice in writing of the hearing to the Appellant.
- 26 The Board must render its decision in writing to the Appellant within 15 days after concluding the hearing.
- 27 The Board may determine its own hearing procedures where those procedures do not conflict with any legislation, bylaws, or Council policies. If there is a conflict, the legislation, bylaw, or Council policy prevails over the Board's procedures.
- 28 The City Clerk, or their designate, must attend all Board hearings and meetings.
- 29 A Panel may question any person who makes a presentation before the Panel at any point during or following their presentation.
- 30 The Board may seek clarification from Council for bylaw decisions.
- 31 A Panel hears appeals in public, but it may at any time recess and deliberate in private.
- 32 Only the City Clerk, or their designate, may use digital or electronic devices to record or livestream during a hearing.
- 33 Appellants are encouraged to limit their hearing presentations to 15 minutes. All other presenters are encouraged to limit their hearing presentations to 5 minutes.
- 34 A group must select one representative from the group to present to the Panel on its behalf.
- 35 The chair may recess or adjourn a hearing for any reason.
- 36 The majority decision constitutes the decision of the Board.

## **Part 6-Reimbursement and fees**

### **Compensation and Reimbursement**

- 37 Members are not eligible for compensation or cost reimbursement for the attendance at hearings, meetings, or training.

### **Appeal Fees**

- 38 Appellants must pay an appeal fee, set in the *User Fees and Charges Bylaw*, to file an appeal with the Board.<sup>1</sup>
- 38.1 Despite the *Committees Bylaw*, meetings are not video streamed, and recordings of meetings are not published by the City.<sup>2</sup>
- 39 The City Clerk, or their designate, may refund appeal fees at their discretion.

## **Part 7-General**

### **Repeal of previous bylaw**

- 40 Bylaw No.B-33/2007 and any amendments thereto, is hereby repealed in its entirety.

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<sup>1</sup> Bylaw B-44/2023

<sup>2</sup> Bylaw B-18/2024

**Effective date**

- 36 This bylaw is effective when it receives third reading and is signed by the Mayor and the CAO or Designate, in accordance with the *Municipal Government Act*.

READ a first time this 17<sup>th</sup> day of October, 2022.

READ a second time this 17th day of October, 2022.

READ a third time this 17th day of October, 2022.

Executed this 18 day of October, 2022.

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"P. Brown"

Mayor

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"C. Satink"

City Clerk

Consolidated

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City Clerk

**SCHEDULE “A” - Code of Conduct**

- 1 This code of conduct establishes a standard of conduct for General Appeal Board members as an effort to maintain public confidence and respect for the administrative tribunal process.
- 2 Given the quasi-judicial nature of the Board, where there is a conflict between this bylaw and the *Elected Officials’ Code of Conduct* Bylaw B-43/2022 and the *Citizen Members Code of Conduct* B-44/2022, this code of conduct prevails.
- 3 Members must
  - a. endeavor to ensure that those persons appearing before them receive a full and fair hearing, and the knowledgeable and unbiased application of the Province of Alberta’s laws and the City of Airdrie’s bylaws and policies;
  - b. approach every hearing with an open mind and avoid doing or saying anything that could cause anyone to think otherwise;
  - c. endeavor to conduct all hearings expeditiously, preventing unnecessary delay, while ensuring the opportunity of all parties to present their case; and
  - d. show respect for the Board, the hearing process, and the parties appearing before them through their demeanor, timeliness, dress, and conduct throughout any hearing.
- 4 Members must not
  - a. give preferential treatment to any person or communicate directly or indirectly with any person with an interest in a hearing except in the presence of the hearing Panel and the parties appearing at the hearing. For further clarity, Members must not meet with applicants, appellants, developers, or special interest groups to discuss the matters under appeal prior to the hearing, or the decision being issued by the Board;
  - b. visit subject properties, businesses, or attend open houses related to the subject property or the parties, or complete research outside the hearing specific to any subject properties for any matter before the Board;
  - c. discuss or comment on matters or parties before the Board or the Board’s decisions to the media or anyone else external to the Board; or
  - d. divulge any confidential information presented in connection with any hearing, in perpetuity, unless the information is otherwise made public.
- 5 Members must ensure that decisions are made and written in accordance with their subjective good faith understanding of generally accepted administrative law practices and procedural rules as required by law.