

**TOWN OF OLDS
BYLAW NO. 2026-12**

Subdivision and Development Appeal Board Bylaw

A bylaw of the Town of Olds, in the Province of Alberta, to establish a Subdivision and Development Appeal Board.

WHEREAS pursuant to Section 627 of the ***Municipal Government Act***, RSA 2000, Chapter M-26, as amended (the "**Act**"), a municipality must by bylaw establish a subdivision and development appeal board;

NOW THEREFORE the Council of the Town of Olds duly assembled enacts as follows:

Short Title

- 1) The short title of this bylaw shall be the "**SDAB Bylaw.**"

Definitions

- 2) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in the ***Municipal Government Act***.
- 3) In this Bylaw, the following terms shall have the meanings shown:

"Act" means ***the Municipal Government Act***, RSA 2000, Chapter M-26 as amended from time to time, together with all Regulations passed thereunder;

"Board Member" means a person appointed to the Board;

"Clerk" means the person(s) appointed and qualified to carry out the functions of the clerk of the Board in accordance with this Bylaw and the Act;

"Common Law Bias" means a situation where a Board Member's personal or private interests may or may be perceived as influencing the Board Member on a matter before the Board including but not limited to: direct or indirect Pecuniary Interest, pre-judgment, closed mindedness, undue influence, relationship with any of the parties involved in the matter including family members, close friends and business associates;

"Conflict of Interest" means both Common Law Bias and Pecuniary Interest;

"Designated Officer" has the same meaning as in the Act;

"Development Authority" has the same meaning as in the Act;

"Municipality" means the municipal corporation of the Town of Olds together with its jurisdictional boundaries, as the context requires;

"Panel" means members of the Board convened to hear an appeal;

"Pecuniary Interest" has the same meaning as prescribed in Part 5, Division 9 of the Act;

"Presiding Officer" means that Board Member who is chairing a Board or Panel meeting;

"Board" means the Subdivision and Development Appeal Board established pursuant to this Bylaw;

"Subdivision Authority" has the same meaning as in the Act; and

"Subdivision and Development Appeal Board" has the same meaning as in the Act.

Establishment of the Board and Composition

- 4) The Subdivision and Development Appeal Board is hereby established and authorized to exercise the functions of the Subdivision and Development Appeal Board for the Municipality in accordance with the Act.
- 5) The Board shall be composed of a minimum of three (3) Board Members.

Powers and Duties of Board

- 6) The Board shall hear and decide upon appeals made with respect to a decision made by the Subdivision Authority and the failure or refusal to make a decision by the Subdivision Authority in accordance with the Act.
- 7) The Board shall hear and decide upon appeals made against a decision or order made by the Development Authority and the failure or refusal to make a decision by the Development Authority in accordance with the Act.

Board Members

- 8) A Board Member shall not include:
 - a) an employee of the Municipality, or
 - b) any person who carries out Subdivision or Development Authority powers, duties or functions on behalf of the Municipality.
- 9) Board Members shall be not less than 18 years of age.

Terms of Board Member Appointment

- 10) All Board Members shall be appointed for a two (2) or three (3) year term, unless this bylaw is repealed or amended.
- 11) A Board Member may resign from the Board at any time by providing written notice to the Municipality to that effect.
- 12) The Municipality may remove a Board Member at any time if:
 - a) in the opinion of the Municipality, a Board Member is not performing his/her duties in accordance with the Act, this Bylaw or the rules of natural justice,
 - b) a Board Member is absent for more than three (3) consecutive meetings of a Panel to which he/she has been assigned without reasonable cause, or

- c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.
- 13) Notwithstanding any vacancy in the membership of the Board, the remaining Board Members may exercise and perform the powers and duties of the Board.
- 14) In the event that a vacancy occurs on the Board with more than one (1) year left in the Board Member's term, the Municipality shall appoint a replacement Board Member within six (6) months of the notice of the vacancy and the person so appointed to fill such vacancy shall hold office for the balance of the period that his/her predecessor would have held the position of Board Member.
- 15) Upon being appointed as a Board Member, an individual must successfully complete the training as prescribed by the Act prior to participating in a Board appeal hearing.

Appointment and Duties of Chair and Vice-Chair of the Regional Board

- 16) At its organizational meeting held in any calendar year, the Board shall appoint a Chair and Vice-Chair from amongst the Board Members.
- 17) The Chair and Vice-Chair shall hold office for a period of two (2) years from the date of appointment.
- 18) The Chair, and in his/her absence, the Vice-Chair, shall:
 - a) preside at meetings of the Board; and
 - b) serve as the Presiding Officer for a Panel hearing an appeal if the Chair or Vice-Chair is assigned to hear the appeal.
- 19) In the absence of the Chair or Vice-Chair, the Board Members of every Panel hearing an appeal shall select a Presiding Officer from among themselves who shall:
 - a) preside over and be responsible for the conduct of the hearing;
 - b) vote on matters submitted to the Panel unless disqualified to do so; and
 - c) sign orders, decisions and documents issued by the Board.

Authorization of Appointment of the Clerk to the Board

- 20) The position of Clerk of the Board is hereby established to carry out the powers, duties and functions of a Designated Officer of the Municipality which shall be the powers, duties and functions of a Clerk prescribed by the Act.
- 21) Jiayi Wang is hereby appointed into the position of Clerk to the Board.

Clerk of the Board

- 22) The Clerk of the Board shall provide administrative and logistical support to the Board in accordance with the Act and shall:
 - a) not have a vote in any proceedings of the Board;

- b) give at least five (5) days written notice of a hearing of an appeal to:
 - i) in the case of an appeal against an order, decision or a failure to make a decision by a development authority, the parties indicated in the Act; and
 - ii) in the case of an appeal against a decision or a failure to make a decision by the subdivision authority, the parties indicated in the Act;
- c) notify Board Members of the meetings of the Board, including hearings;
- d) prepare and maintain a file of written minutes of the business transacted at all meetings, including hearings, of the Board;
- e) for each Board appeal hearing, record and issue a decision of the Board and its findings, with reasons, to all affected parties in accordance with the Act;
- f) obtain legal counsel to advise the Board when required;
- g) be authorized to sign on behalf of the Board any order, decision, approval, notice, or any other thing made, given or issued by the Board; and
- h) undertake such other duties as the Board may require.

Filing an Appeal

- 23) A party may appeal to the Board in accordance with the Act.
- 24) A notice of appeal is deemed to be filed with the Board on the date that all information requirements related to a notice of appeal prescribed in the Act and the applicable appeal fee are received by the Clerk within the time period for filing a notice of appeal prescribed in the Act.

Establishment of Board Panels for Individual Hearings

- 25) Where a matter has been appealed to the Board, the following Panels may be established at the discretion of the Municipality:
 - a) a Panel consisting of three (3) Board Members
- 26) A decision of a Panel is the decision of the entire Board.

Appeal Hearings

- 27) Within thirty (30) days of receiving written notice of an appeal that is filed in accordance with the provisions of the Act, the Board shall hold a public hearing to hear an appeal from:
 - a) a decision of a Subdivision Authority or Development Authority;
 - b) a Subdivision Authority or Development Authority's refusal or failure to make a decision within the time allowed for a decision established in the Act; or

- c) an order issued by a Development Authority.
- 28) The hearings of the Board shall be in public, but the Board may at any time recess and deliberate and make its decisions in private.
- 29) The Board shall hear all those persons from whom it is required to hear by the applicable provisions of the Act.
- 30) A request for adjournment of a hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.
- 31) The Board may adjourn an appeal hearing to a specific time and date upon its own volition to request technical information, legal opinions, or other information desired by the Board.
- 32) Upon conclusion of a hearing, the Board shall deliberate and reach its decision in private and in doing so shall determine an appeal in accordance with the provisions of the Act.
- 33) Audio and/or video recordings of hearings may be made by the Clerk. No other recordings of appeal hearings shall be permitted. Recordings of appeal hearings, if made, shall be retained for at least six (6) months following the adjournment of the hearing and after that time may be destroyed subject to legal and/or legislative requirements.

Quorum and Voting at Hearings

- 34) A quorum of the Board shall be as follows:
 - a. two (2) Board Members for a panel of the Board consisting of three (3) Board Members; and
 - b. three (3) Board Members for a panel of the Board consisting of five (5) Board Members.
- 35) All Board Members must vote on all matters before the Board unless a Board Member declares a Conflict of Interest.
- 36) Where a Board Member of a Panel hearing an appeal absents or declares a Conflict of Interest, the Clerk may appoint a replacement Board Member to the Panel.
- 37) Only those Board Members present at the entire hearing of an appeal shall be able to vote on the appeal, provided those Board Members voting form a quorum.
- 38) The majority vote of those Board Members present and voting constitutes the decision of the Panel and Board.
- 39) In the event of a tie vote, the appeal shall be deemed to be denied.

Rules of Order

- 40) The Board shall conduct appeal hearings in accordance with:

- a) the provisions of the Act and related Regulations;
- b) the principles of natural justice and procedural fairness; and
- c) the policies and procedures established by the Administrative Committee.

Conflict of Interest

- 41) Where a Board Member is of the opinion that he/she may have a Conflict of Interest in respect of a matter before the Board, the Board Member shall absent him/herself from the Board proceedings while that matter is being discussed. Prior to leaving the meeting, the Board Member shall:
 - a) declare that he/she has a Conflict of Interest; and
 - b) describe in general terms the nature of the Conflict of Interest.
- 42) All Board Members are bound to adhere to and comply with the Pecuniary Interest provisions of the Act.
- 43) The Clerk shall cause a record to be made in the hearing minutes of the Board Member's absence and reasons for it.

Notice of Decisions and Record of Hearing

- 44) After the conclusion of an appeal hearing, the Clerk shall:
 - a) under the direction of the Presiding Officer, prepare the decision or order of the Board and the reasons for the decision in compliance with the Act; and
 - b) arrange for the order or decision of the Board to be signed and distributed in accordance with the requirements of the Act.
- 45) The Board shall issue its decision in writing, together with reasons for the decision, within fifteen (15) days of the conclusion of a hearing.
- 46) A decision of the Board is not final until notification of the decision is issued in writing.
- 47) The Clerk shall maintain a record of the appeal hearing in accordance with the Act.

Subdivision Endorsement

- 48) If a Subdivision Authority fails or refuses to endorse a plan of subdivision or other instrument as approved by the Board on appeal, the Presiding Officer of the Panel that heard the appeal, or in his/her absence any other Board Member of the Panel that heard the appeal is authorized to endorse the subdivision instrument.

Number and Gender References

- 49) All references in this Bylaw shall be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or a female person, or a corporation or a partnership.

Severability

50) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Transition and Effective Date

51) Bylaw No. 2018-43 is hereby repealed.

52) This Bylaw shall come into force and effect when it has received third reading and has been duly signed whichever date occurs last.

Read a first time this 27th day of April 2026.

Read a second time this 27th day of April 2026.

Received Unanimous Consent for presentation of third reading this 27th day of April 2026.

Read a third time this 27th day of April 2026.



Dan Daley,
Mayor



Brent Williams,
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 28 day of April 2026.