

ARB

ASSESSMENT REVIEW BOARD

SDAB

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

LCSAB

LICENCE AND COMMUNITY STANDARDS APPEAL BOARD

PREFACE

Quasi-Judicial Boards are a division of the City Clerk's Office and are comprised of the following:

- » Assessment Review Board (ARB) - Hears complaints from taxpayers who disagree with local improvements and the assessed values of property and business accorded by The City of Calgary Assessment business unit.
- » Subdivision and Development Appeal Board (SDAB) - Hears appeals with respect to decisions of The City of Calgary Development Authority and the Subdivision Authority regarding development permits, subdivision decisions and enforcement orders.
- » Licence and Community Standards Appeal Board (LCSAB) - Hears appeals with respect to decisions of the Manager of City of Calgary Livery Transport Services, Chief Licence Inspector, Chief of Police, Chief Building Inspector and Bylaw Enforcement Officers.

Quasi-Judicial Boards are charged with holding hearings and determining facts based on the written and verbal evidence presented. The bodies function at arm's length from decision-makers and are expected to exercise their role in an unbiased manner.

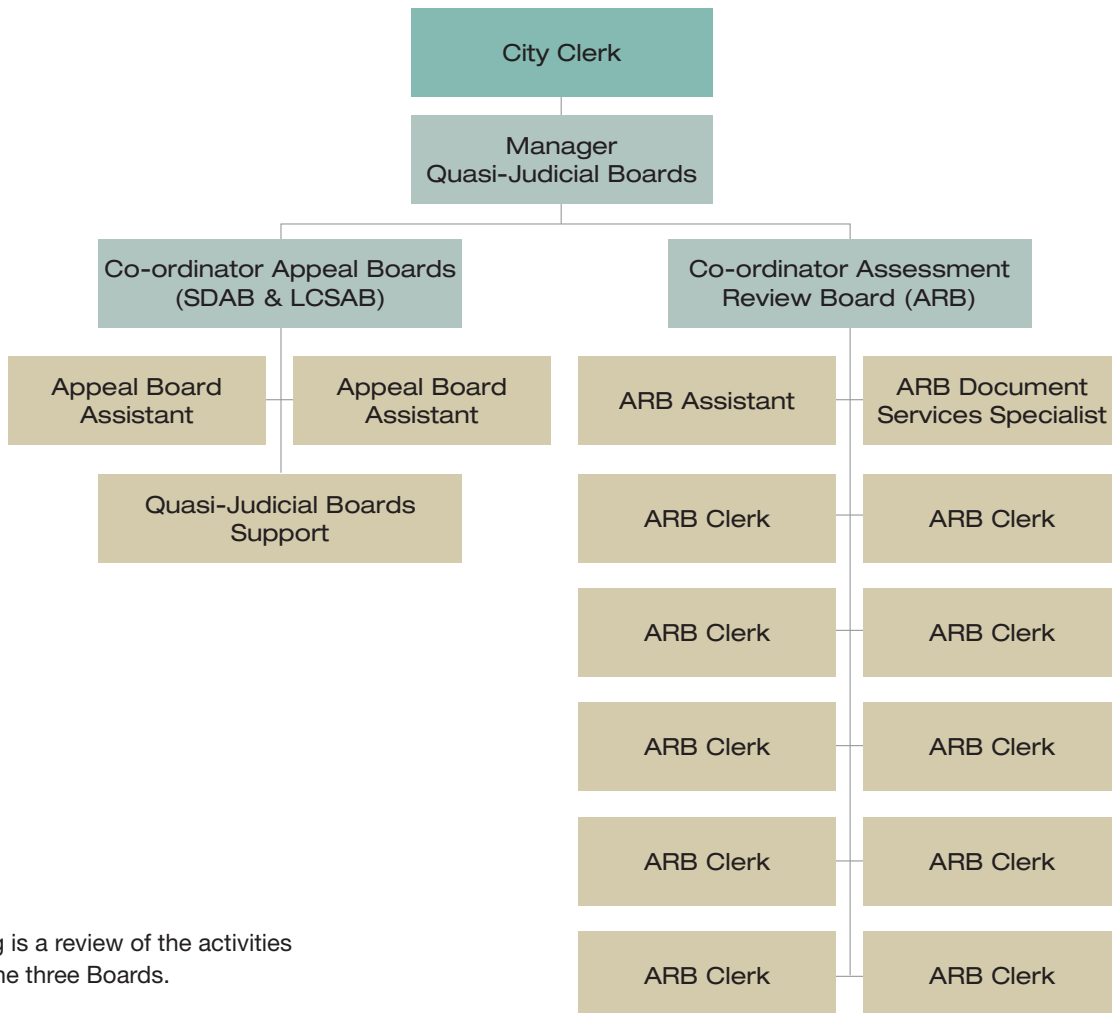
To emphasize the independence and autonomy of the Boards as quasi-judicial bodies, the location of the administration and all Board hearings are now located at the Deerfoot Junction III building, 1212 31 Ave. N.E.

The role of the Boards' administration is to provide administrative support to the various Boards, including but not limited to:

- » Ensuring compliance with the various legislation and regulations that govern the Boards.
- » Receiving, reviewing and processing all appeals/ complaints and associated fees.
- » Notifying all parties of appeal dates and times including submission deadlines.
- » Ensuring that documents submitted by all parties are assembled in a report prepared for review by the Boards and the parties.
- » Assisting in preparing a record of the proceedings of the hearing.
- » Distributing Board decisions once signed by the Presiding Chairman.
- » Maintaining the Boards' various websites.
- » Providing the courts required records of the hearing upon appeal.

The following is the structure of the Quasi-Judicial Boards' administration.

ADMINISTRATION ORGANIZATION CHART



The following is a review of the activities for 2010 of the three Boards.

Quasi-Judicial

Appeal Board



Licence a



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Assessment R

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ARB

ASSESSMENT REVIEW BOARD

Review Board

2010 was a very interesting year. With the introduction of Bill 23, the entire complaint/appeal process changed. The *Municipal Government Act* (MGA) was amended and Regulation 238/2000 was replaced by Regulation 310/09 (Matters Relating to Assessment Complaint Regulation – MRAC). The result was the establishment of a Local Assessment Review Board (LARB) to hear complaints on single-residential and business assessments, and a Composite Assessment Review Board (CARB) to hear non-residential complaints (industrial, commercial) and multi-residential complaints.

The major difference between these boards is the fact that the Presiding Officer on CARB must be a provincially appointed Municipal Government Board (MGB) member (which the municipality pays for), whereas an MGB member cannot sit on a LARB hearing.

The result of these changes is one level of complaint with the only avenue of appeal to the Court of Queen's Bench on a point of law or jurisdiction. Other significant changes were:

- » 60 days to file a complaint, as compared to 30 in the past (from date of assessment notice).
- » Notice of hearing dates on single-residential and business (LARB) has been expanded from 21 days to 35 days. On industrial, commercial and multi-residential (CARB), these dates have been expanded to 70 days from 52 days. The result of this is an extension of the hearing process.
- » Significant change to disclosure of evidence dates:
 - » On CARB, 42 days before the hearing for the complainant (previously 21), 14 days for the respondent (assessor) (previously seven).
 - » On LARB, 21 days for the complainant (as compared to sufficient time), seven days for the respondent (previously sufficient time).
- » The requirement that all hearings must have written decisions rendered within 30 days of the last hearing day for that complaint.
- » A new standard complaint form for the entire province with considerably more detail than is required at that stage in the complaint process.
- » The ability of CARB to award costs.
- » Legislation now prevents the Assessment business unit from issuing amended assessment notices while a complaint is in place for property, but neglected to include business.

2010 Annual Business and Property Assessment notices were mailed 2010 January 04, with a final date for filing of complaints of 2010 March 05.

Hearings before the LARB commenced on 2010 May 03 and for CARB on 2010 June 07. Initially six boardrooms were utilized but with the addition of five additional boardrooms becoming available on 2010 June 21, 11 boards per day conducted hearings five days per week. On occasion the Appeal Board hearing room was used to handle postponed hearings. Hearings were completed on 2010 December 17 with final written reasons mailed 2010 December 23, being within the legislated deadline of 2010 December 31.

Amended and Supplemental Assessment notices are generated throughout the year, with new filing deadlines dependant upon the date the respective notices were mailed. The last of these were mailed in late 2010 December, with final date for complaint of late 2011 February. Hearings for these complaints will not be completed until 2011 May due to the notice and evidence filing periods.

The marrying of the two cultures, local members with MGB members, worked out with greater success than was initially anticipated.

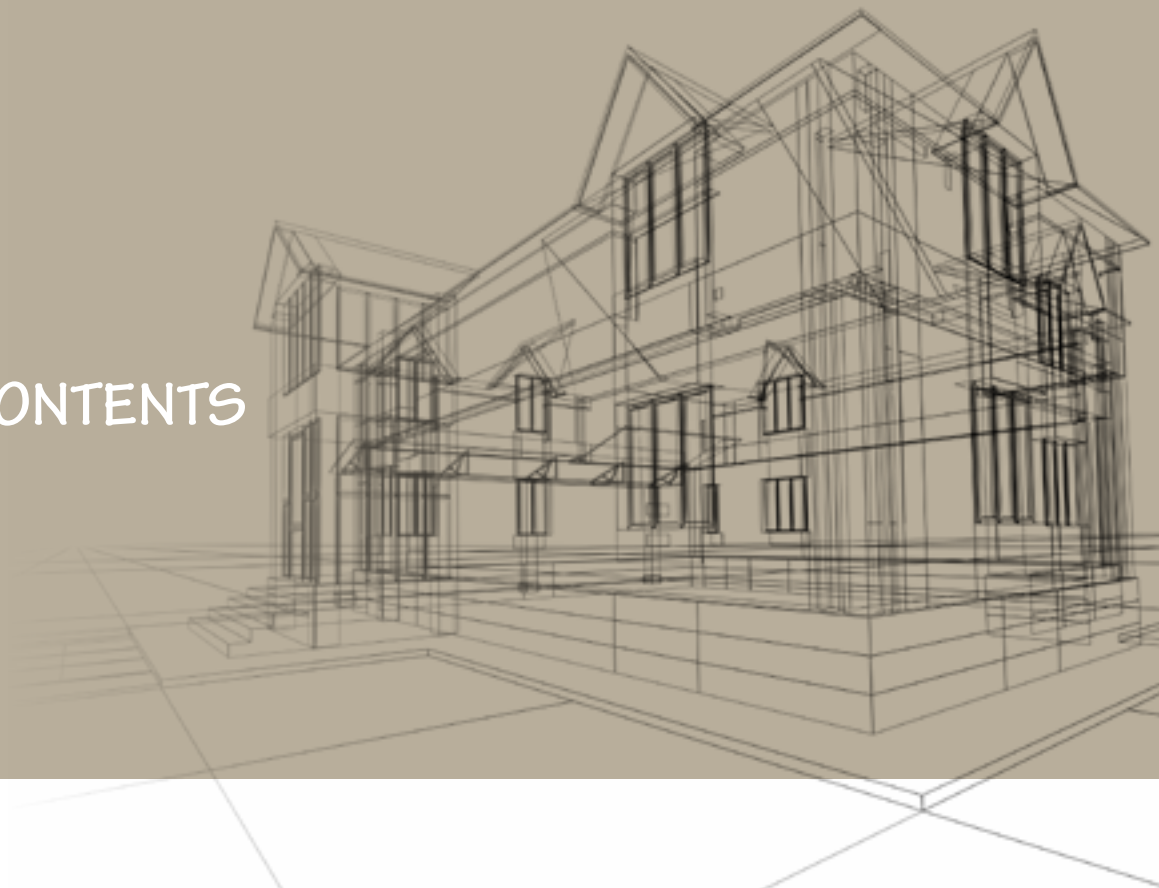
The Board wishes to thank the Manager of the Quasi-Judicial Boards, the ARB Co-ordinator and staff for their administrative support and dedication in 2010. Without that support, the year would not have been as successful as it was.

Yours truly,



W. A. (Walt) Paterson
General Chairman, Assessment Review Board

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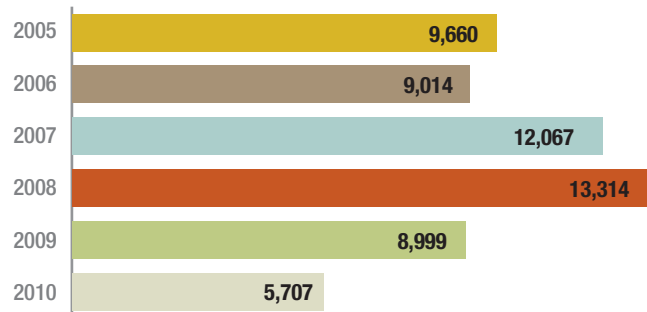


ASSESSMENT REVIEW BOARD JURISDICTION

The Calgary Assessment Review Board is an independent Board, duly appointed by City Council as per the *Municipal Government Act*, supporting Regulations and The City of Calgary Bylaw 55M98 and administered by the City Clerk's Office, not the Assessment business unit.

BOARD ACTIVITY

The total number of complaints over recent years increased up until 2008, but since then has declined:



The major categories which have decreased this past year are single residential and residential condominiums.

For 2010, a total of 1,620 (28.4 per cent) of the complaints were withdrawn. Of this, 287 (17.7 per cent) were withdrawn upon receipt of reduced Amended Assessment notices issued by the Assessment business unit and therefore no hearings were required.

As well, Assessor Reduced Agreements, which were revised by mutual consent of the parties totalled 184.

The actual number of hearings by the Boards was 4,025, which resulted in the Boards having 2,964 written decisions. (The difference between heard and written is a result of written decisions on some complaints being combined).

Eleven panels of three members were scheduled each day, five days a week, with six or seven residential hearings scheduled per panel per day.

Having consideration for their complexity, one to eight hearings were scheduled per panel per day for non-residential (commercial, industrial, etc.) properties.

ISSUES

WORKLOAD

The volume of complaints in 2010 dropped significantly, especially residential complaints. However, under Bill 23 and the resultant changes to the MGA and the new Regulation 310/09, all hearings require written decisions with reasons. For each day of hearings, one to two days are required for decision-making and writing. This causes a considerable strain on Board members.

As previously mentioned, the only avenue for appeal is to the Court of Queen's Bench on a point of law or jurisdiction only. On the LARB (single-residential and business), there were 1,451 written decisions – only five have been appealed to Queen's Bench, one of which has already been dismissed. Of the remaining, one is by The City, two from agents and one business; none from individuals.

Complaints on industrial, commercial and multi-residential (CARB) have remained relatively stable. However, appeals (leave applications) to Queen's Bench, which have been filed by both Assessment and agents, have reached the 60-plus mark (including 300+ properties). To some extent this was anticipated, with new legislation.

EVIDENCE

It was anticipated that as there was only one complaint level (Queen's Bench appeals can only be on a point of law or jurisdiction), the quality of evidence would improve considerably. This was not the case.

In the majority of complaints on CARB hearings, neither party had seen the subject or the comparables that were used in support of their position.

There were numerous cases where the parties to the hearings were not the individuals who were responsible for that particular file. This was especially true of the Assessment business unit. The Board questions the interest of the party when this occurs.

LEGISLATION

The new legislation commencing in 2010 has some flaws which need to be corrected. Boards were not consulted by Municipal Affairs prior to initiating this change. The following are considered to be problems:

- » The requirement to provide written reasons on all residential hearings is a tremendous waste of Board members' time. Only two were appealed to Queen's Bench. In the past only those requested at the hearing were provided with written reasons or if they were appealed, the Board would provide a written decision.
- » Agents file complaints with as many as 15-plus reasons for complaints and then at the actual hearing only deal with one or two. Issue Statements should be reinstated on disclosure date.
- » Provincially appointed members, in some cases, were not qualified to be Presiding Officers or to write decisions.

POSTPONEMENTS

The legislation requires that all requests for postponements be in writing and must be for exceptional circumstances.

Postponement Requests (2006-2010)

	2006	2007	2008	2009	2010
Postponements granted	700	1019	783	742	567

OPERATING BUDGET

Operating Budget Assessment Review Board 2006-2010

	2006	2007	2008	2009	2010
Revenues (filing fees)	(\$285,960)	(\$356,724)	(\$385,730)	(\$2,025,262) ¹	(\$1,327,091) ¹
Revenues (other)	(\$268)	(\$2,467)	(\$721)	(\$1,072)	(\$1,421)
Refunded filing fees	\$139,915	\$172,291	\$135,239	\$1,045,573	\$665,067
Net revenue	(\$146,313)	(\$186,900)	(\$251,212)	(\$980,761)	(\$663,445)
Expenditures	\$1,059,139	\$1,255,500	\$1,584,480	\$1,729,913	\$3,065,652 ²
Net budget	\$912,826	\$1,068,600	\$1,333,268	\$749,152	\$2,402,207

Note 1: Council approved an increase to filing fees in 2009.

Note 2: Expenses for 2010 increased significantly due to the following new legislation changes:

- Payment of honorariums and expenses for the Provincial members
- Hiring of six additional staff to support the increase in workload
- Court costs and associated legal costs
- Honorariums for Board members to write decisions for all complaints heard

COMPLAINT VOLUME

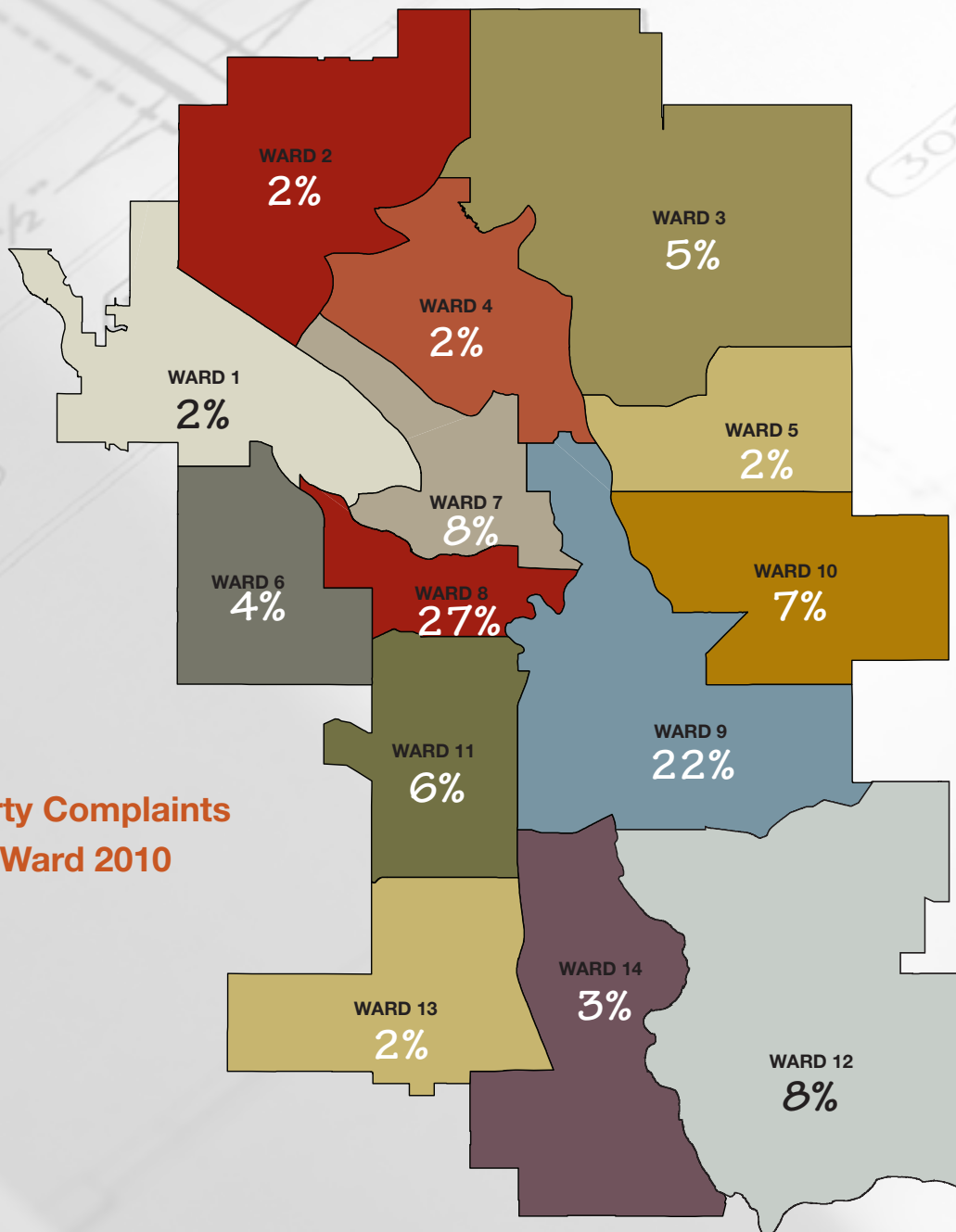
Property Complaints by Ward 2010

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7
2006	598	160	499	155	156	418	874
2007	852	568	606	212	177	531	769
2008	700	1024	699	393	370	571	981
2009	312	264	363	158	160	610	575
2010	103	91	221	81	99	175	316

	Ward 8	Ward 9	Ward 10	Ward 11	Ward 12	Ward 13	Ward 14	Total
2006	1496	1158	143	864	341	164	268	7294
2007	2180	1319	158	1210	951	207	386	10126
2008	1676	1423	542	1205	1047	330	595	11556
2009	1965	1171	386	778	552	137	291	7722
2010	1120	897	288	231	323	92	113	4150



**Property Complaints
by Ward 2010**



2010 LARB Complaint Summary as of January 31, 2011

LARB	Received/ Filed	Withdrawn	Outstanding	Heard by Board
Residential (single house)	629	129	6	494
Residential (condominiums)	227	47	5	175
Farmland	0	0	0	0
Split Class	18	4	0	14
Business	1,601	698	34	869
2010 Totals	2,475	878	45	1,552

2010 CARB Complaint Summary as of January 31, 2011

CARB	Received/ Filed	Withdrawn	Outstanding	Heard by Board
Residential-Multi (apartment buildings)	336	69	0	267
Non-Residential (commercial, industrial, etc.)	2,326	582	16	1,728
Non-Residential (condominiums)	516	77	0	439
Split Class	54	14	1	39
2010 Totals	3,232	742	17	2,473

2010 ARB Complaint Summary as of January 31, 2011

Total	Received/ Filed	Withdrawn	Outstanding	Heard by Board
LARB	2,475	878	45	1,552
CARB	3,232	742	17	2,473
2010 Totals	5,707	1,620	62	4,025

2010 LARB Decision Summary

LARB	Confirmed by Board	Reduced by Board	Increased by Board	Assessor Reduced Recommend	Denied/Dismissed
Residential (single house)	215	236	1	5	37
Residential (condominiums)	49	109	0	0	17
Farmland	0	0	0	0	0
Split Class	5	8	0	1	0
Business	539	236	3	70	21
2010 Totals	808	589	4	76	75

2010 CARB Decision Summary

CARB	Confirmed by Board	Reduced by Board	Increased by Board	Assessor Reduced Recommend	Denied/Dismissed
Residential-Multi (apartment buildings)	185	67	0	9	6
Non-Residential (commercial, industrial, etc.)	840	797	4	69	17
Non-Residential (condominiums)	335	91	0	8	5
Split Class	22	17	0	1	0
2010 Totals	1,382	972	4	87	28

2010 ARB Decision Summary

Total	Confirmed by Board	Reduced by Board	Increased by Board	Assessor Reduced Recommend	Denied/Dismissed
LARB	808	589	4	76	75
CARB	1,382	972	4	87	28
2010 Totals	2,190	1,561	8	163	103

Appealed to the Municipal Government Board Summary 2006-2009 as of February 28, 2011

Year	Received/Filed	Withdrawn	Heard by Board	Dismissed as invalid/other	Current Outstanding
2006	2,468	569	1,897	0	2
2007	4,250	851	3,394	0	5
2008	4,159	982	3,166	1	10
2009	3,225	356	2,846	3	20
2010 – QB	N/A	N/A	N/A	N/A	N/A

2010 Appeals to the Court of Queen's Bench as of February 28, 2011

Type	Received/Filed (individual roll numbers)	Leave to Appeal - Allowed	Leave to Appeal - Denied	Heard/Merit	Withdrawn	Abandoned	Outstanding
CARB	63 (174)	0	0	0	0	1	62
LARB	5 (136)	0	1	0	0	0	4
Total QB	68 (310)	0	1	0	0	1	66

AGENTS

Agents act on behalf of property and/or business owners who do not want to be involved in the complaint/hearing process.

The Agents pay the fee, file the complaints, submit the respective evidence, perhaps communicate with the assessor and attend the hearing (and then perhaps file an appeal to the Court of Queen’s Bench).

Complaints Filed by Agents 2006-2010

	2006	2007	2008	2009	2010
Total Complaints Filed	9,010	11,947	13,695	8,999	5,707
Complaints Filed by Agents	6,118	8,270	8,202	5,531	4,614
Percentage	68%	69%	60%	62%	81%



BOARD MEMBERS

Board appointments for the Assessment Review Board (ARB) were for the calendar year 2010 January 01 to December 31. As per new legislation, implemented in 2010, City Council appointed three persons (one presiding officer and two members) to each Local Assessment Review Board and two persons (members only) to the Composite Assessment Review Boards. The ARB completed the 2010 assessment year with 36 members and a General Chairman. Notice for new members was published in various newspapers and on The City website. Thirty-seven applications were received, 22 were interviewed and 15 were selected.

During the training phase one individual elected not to continue, and during the year, one elected to retire due to health reasons.

All members attended the Municipal Affairs two-day Assessment training course and the two-day Foundations of Administrative Justice, Introduction to Administrative Justice

course. These courses have become mandatory under the new legislation and must be successfully completed before members can sit on hearings. Further in-house training was provided on evidence, the new legislation and for new members a course on the principles of appraisal.

It is the opinion of the General Chairman that the existing members of the Local Assessment Review Board are a highly professional group.

The presiding officers for the Composite Assessment Review Boards, who hear non-residential and multi-residential complaints, must be members of the Alberta Municipal Government Board (provincial), as per new legislation. The City or Assessment Review Board has no input into who the municipality receives as presiding officers or the selection of these members. However, the municipality must pay for these member's honorariums and subsidize their expenses as they are from all over Alberta.



CALGARY ASSESSMENT REVIEW BOARD MEMBERS:

Ang, Helen	Appointed in 2010.	McEwen, Clive	Appointed in 2009. Presiding Officer 2010.
Blake, Arlene	Appointed in 2010.	Morice, Dale	Appointed 1990 to 1995 and re-appointed 1999. Presiding Officer 1999.
Charuk, Peter	Appointed in 2010.	Nesry, Yvette	Appointed 2010.
Clark, Ray	Appointed in 2010.	O'Hearn, Jade	Appointed 2006.
Cochrane, Richard	Appointed 1999.	Pask, Phil	Appointed 2009.
Coolidge, Kate	Appointed member and Presiding Officer 2010.	Paterson, Walter	Appointed 1993. Presiding Officer 1999. Deputy Chairman 2001. General Chairman 2003.
Deschaine, Raymond	Appointed 1999.	Peters, Maurice	Appointed 2010.
Farn, Ken	Appointed in 2009.	Pollard, Douglas	Appointed 2010.
Fraser, Ian	Appointed 2001. Presiding Officer 2002.	Pratt, Jim	Appointed 2010.
Glenn, Richard	Appointed 2009.	Rankin, Jim	Appointed 2004.
Grace, Peggy	Appointed 2010.	Reuther, Ed	Appointed 2004. Presiding Officer 2006.
Jerchel, Borodin	Appointed 2008.	Rourke, Sherry	Appointed 1996. Presiding Officer 2005.
Joseph, Jim	Appointed 2007.	Roy, Ron	Appointed 2010.
Julien, Dwight	Appointed 2008.	Steele, Donald	Appointed 2009.
Kelly, Ken	Appointed 2003. Presiding Officer 2005.	Usselman, Terry	Appointed 1999. Presiding Officer 2001.
Kerrison, Jim	Appointed 2004.	Wong, Alfredo	Appointed 2009.
Kodak, Robert	Appointed 2010.	Zacharopoulos, Ike	Appointed 2008. Presiding Officer 2008.
Massey, Joseph	Appointed 2008. Presiding Officer 2010.	Zindler, Allan	Appointed 2010.
Mathias, John	Appointed 1999. Presiding Officer 2008.		

ALBERTA MUNICIPAL GOVERNMENT BOARD (PROVINCIAL) MEMBERS:

Acker, Joseph	Hudson, Thomas	Mowbrey, Robert	Schmidt, Jack
Barry, Susan	Irwin, Peter	Naboulsi, Hatem	Thomas, David
Chillibeck, Myron	Irwin, Robert	Noonan, John	Trueman, Darryl
Fleming, James	Kashuba, Steven	Patrick, Lynn	Vercillo, Michael
Garten, Warren	Kim, Heesung	Petry, Paul	Wesseling, Frank
Gilmour, Jeffrey	Kipp, Wayne	Reimer, Robert	Williams, Earl
Golden, Tom	Krysa, Jerry	Robert, Tom	Wood, Lana
Griffin, Chris	Loven, Larry	Sadlowski, Ted	Zezulka, Jerry
Helgeson, Ted	Lundgren, Lillian	Sanduga, Dean	
Horrocks, Bryan	Marchand, Don		

Quasi-Jud

Appeal



Licence



Subdivis



Assessment

SDAB

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

SDAB

I am pleased to present the 2010 Report of the Subdivision and Development Appeal Board (SDAB or Board). This report contains information on the operations of the Board in the year 2010 including statistics on appeal volume, types of appeals filed and decisions rendered.

The volume of appeals filed in 2010 are in line with the average number of appeals historically before the Board. Significant is the increase in the number of appeals allowed by the Board in 2010. The Board attributes this largely to the fact that since 2010 January the Development Authority does not attend the hearings for appeals pertaining to so-called Stream 3 Development Permit applications; therefore, they do not refute the evidence presented at the hearing by appellants and other parties. In addition, there are a number of complex 2010 appeals that are outstanding.

In concurrence with the trend of the last few years, the Board experienced an increase in complexity of appeals and an increase in the number of legal counsels, agents and professional experts involved. In addition, the implementation of the new Land Use Bylaw on 2008 June 01 created challenges for the Board in the past two years.

In order to operate in a more efficient and effective manner, to improve scheduling of appeals and to reduce waiting times for hearings as much as possible, in 2008 Council amended the SDAB Bylaw (Bylaw 25P95) to allow the Board to hear less complex, specified appeals in small panels of a minimum of three and a maximum of five members.

For approximately two years, the Board has been operating with small and large panels. The small panels largely have been successful. Relatively less complex appeals can be heard more expeditiously, resulting in the participants receiving their hearing and decision in a timely manner. Further complementary amendments to the SDAB Bylaw were made in 2010.

The number of Board decisions that are the subject of an application for leave to the Alberta Court of Appeal continues to be low compared to other SDABs and administrative tribunals in Alberta. In 2010 there were two leave applications filed. It must be noted, no decision of the Board has been overturned by the Court of Appeal since 2001. This is a remarkable record for a quasi-judicial tribunal.

Furthermore, given the adversarial nature of the appeal process, it is remarkable that the customer survey results during 2010 indicate that the overall majority of respondents felt they received a fair and unbiased hearing.

Finally, I would like to thank the Board members for their participation, the SDAB Administration for their dedicated service, the Board solicitor for providing legal counsel and the participants in the appeal process for enabling the Board to discharge its duties and obligations under the requirements of the *Municipal Government Act*.

Sincerely,



H. J. (Rick) Grol
Chairman, Subdivision and Development Appeal Board

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD JURISDICTION

The Subdivision and Development Appeal Board (SDAB or Board) of The City of Calgary is a quasi-judicial tribunal established in accordance with the *Municipal Government Act* and The City of Calgary Bylaw 25P95 (SDAB Bylaw). The Board hears appeals with respect to decisions of the Development Authority and the Subdivision Authority regarding development permits, subdivision decisions and enforcement orders pursuant to the *Municipal Government Act*.

ORGANIZATIONAL STRUCTURE

The Board is a quasi-judicial body that is independent from the Development and Subdivision Authority, and is made up of persons appointed by City Council to exercise development and subdivision powers and duties on behalf of the municipality.

Board members are appointed annually by City Council. The Board consists of a total of 12 members: 10 citizen members and a maximum of two members of Council. In adjudicating appeals, the Board, as a quasi-judicial tribunal, oversees its own procedures given to it under the *Municipal Government Act*.

The Development Authority is either made up of development officers, who are part of the Development & Building Approvals (DBA) business unit of the Planning, Development & Assessment (PDA) department, or, in the case of specific larger developments, Calgary Planning Commission, in exercising development powers.

The City Appeal Boards, a division of the Quasi-Judicial Boards under the City Clerk's Office, processes appeals filed with the Board, and is responsible for the SDAB Administration as well as providing assistance to the Board in adjudicating appeals.

MANDATE OF THE SDAB THE BOARD'S MISSION

The mandate of the Subdivision and Development Appeal Board is:

- » Pursuant to the *Municipal Government Act* to hear appeals on development permits, subdivision decisions and enforcement orders and make decisions on those appeals.
- » To render decisions based on evidence presented at the hearing, the arguments made and the circumstances and merits of the case.
- » To consider and apply the provisions of the provincial legislation and land use policies, applicable statutory plans, The City of Calgary Land Use Bylaw and other relevant City of Calgary bylaws and policies.
- » To make decisions in an impartial manner and to apply the principles of natural justice and procedural fairness, which includes but is not limited to: the right to a public hearing; a duty to be fair; the right for all affected parties to be heard; the right to an adjournment if the SDAB determines it is merited; and the right to legal counsel.

The mission of the Subdivision and Development Appeal Board and the SDAB Administration is to:

- » Ensure that the citizens of Calgary are provided with a forum that will consider their appeals in a fair and unbiased manner.
- » Ensure compliance with all relevant legislation.
- » Ensure that appeals are heard in a timely manner.
- » Ensure that all relevant information regarding an appeal is made available to the Board and the parties involved in an appeal.
- » Ensure that the Board's decisions provide a synopsis of the issues and the reasons for the decision.
- » Ensure that the Board's decisions are written to the highest standard required for decisions of quasi-judicial tribunals.
- » Establish procedures to ensure that the public is aware of the quasi-judicial nature of the Board and (the limitations of) its jurisdiction.
- » Provide assistance/information to parties involved in the appeal process about the Board's procedures and the appeal process.
- » Provide the public with access to SDAB information and appeal submission options via the Internet and other means.

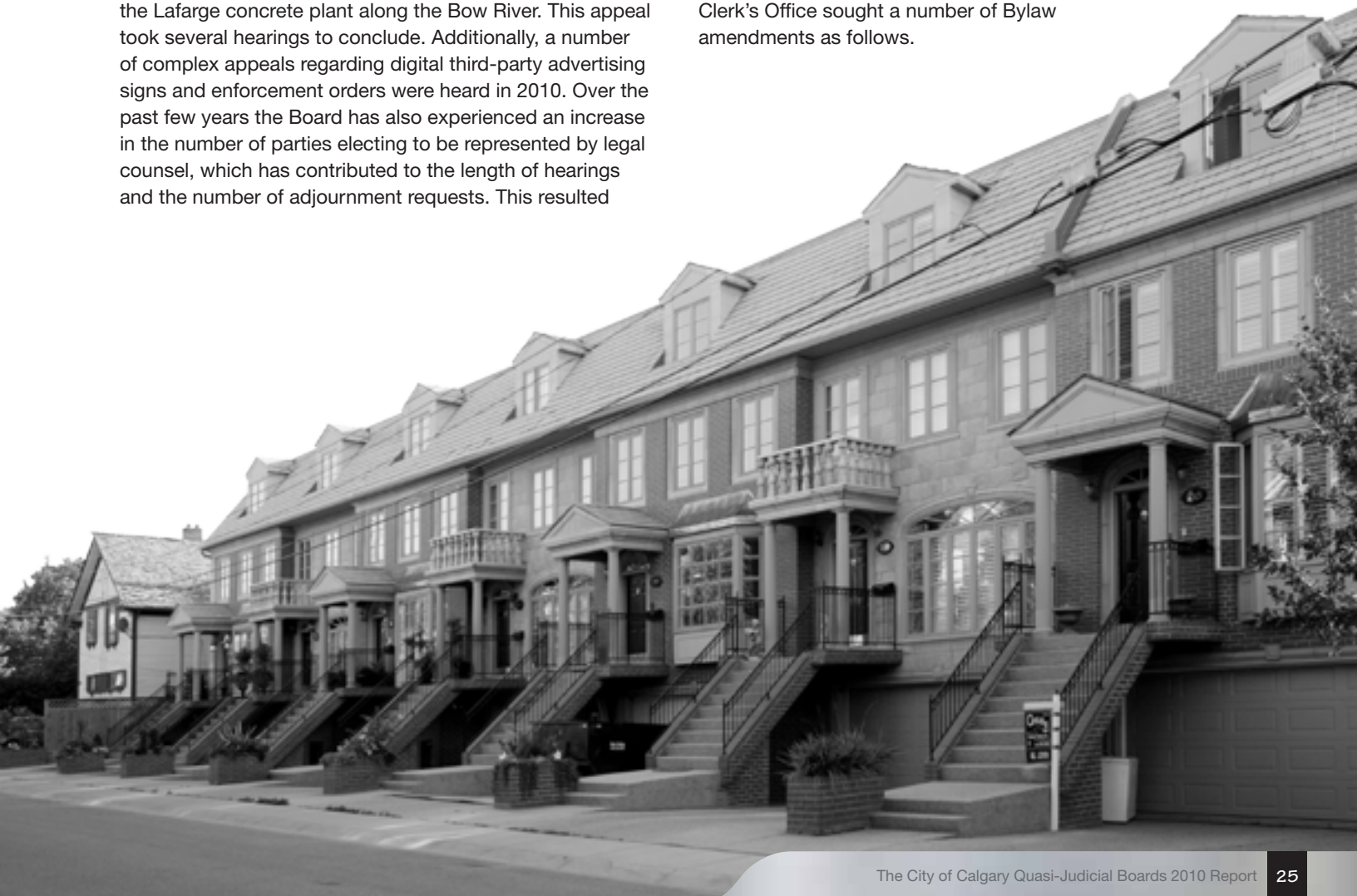
BOARD EFFICIENCIES

In the last few years, the Board experienced an increase in complexity of appeals and felt the growth of development in Calgary, due to many large development projects being appealed. In addition, the implementation of the new Land Use Bylaw 1P2007, on 2008 June 01 created challenges for the Board. The volume of the new Land Use Bylaw is almost three times the preceding bylaw, Land Use Bylaw 2P80, and is far more prescriptive, which resulted in many interpretation issues when adjudicating SDAB appeals. This resulted in a high number of appeals in 2009.

Particularly in 2010, the Board dealt with a significant number of complex appeals: one was an appeal regarding the Lafarge concrete plant along the Bow River. This appeal took several hearings to conclude. Additionally, a number of complex appeals regarding digital third-party advertising signs and enforcement orders were heard in 2010. Over the past few years the Board has also experienced an increase in the number of parties electing to be represented by legal counsel, which has contributed to the length of hearings and the number of adjournment requests. This resulted

in an additional backlog of appeals before the Board and clogged up the agenda of the Board meetings. The timeframe in which the Board is required to hear appeals (within 30 days of receipt of notice of appeal) is established by the *Municipal Government Act*. In any event, many parties typically seek an adjournment in order to prepare for the hearings, and under the rules of natural justice and procedural fairness, the Board is obliged to grant such adjournment requests.

Nevertheless, in an effort to avoid creating a backlog of appeals, improving scheduling of appeals and reducing waiting times for hearings, the Board and the City Clerk's Office sought a number of Bylaw amendments as follows.



BOARD EFFICIENCIES

1. SMALL PANEL AND LARGE PANEL HEARINGS

Council in 2008 amended the SDAB Bylaw (Bylaw 25P95) to allow the Board to hear less complex appeals, specifically appeals pertaining to development permits respecting garages, decks, signs, home occupations, enforcement orders, etc. in a small panel, which has a minimum of three and a maximum of five Board members. The maximum number of Board members on the large panel remained the same: 10 members.

2. INCREASED NUMBER OF CITIZEN BOARD MEMBERS AND SCHEDULING

In 2008, the Bylaw amendments also resulted in the number of citizen Board members being increased from eight members to 10 and the Chairman being allowed to schedule meetings as necessary. This enabled the Board to increase the number of hearings to a weekly alternating schedule: one week a large panel meeting, and a small panel meeting in the next week, whereas in the past the Board only sat every other week.

The total number of Board meetings (i.e. hearing dates) in 2010 was 55, while it had 51 and 54 in 2009 and 2008 respectively. When there are no appeals for a meeting, the scheduled meeting is cancelled.

In 2009, City Administration at the direction of Council further reviewed the aforementioned amendments to the SDAB Bylaw, resulting in additional amendments being approved by Council. The number and types of appeals that could be heard by a small Board panel was increased and the terminology of the description of the appeals was brought into concurrence with the development use terminology of the Land Use Bylaw. In addition, the Board was given the flexibility, when warranted, to move appeals between the small and large panel due to legal complexities. This was done by allowing a maximum of seven members for all panels.

While maintaining the minimum quorum of five members for large panel hearings, the maximum number of Board members that can sit on the large Board panel was reduced from 10 to seven members to provide more efficient and effective Board hearings.

The small panels have been successful. Relatively less complex appeals can be heard expeditiously. The result is that participants in these appeals can expect a hearing and a Board decision in a shorter time frame than in the past. In prior years, these types of appeals were scheduled on the normal agenda, sometimes after relatively complex appeals were finished.

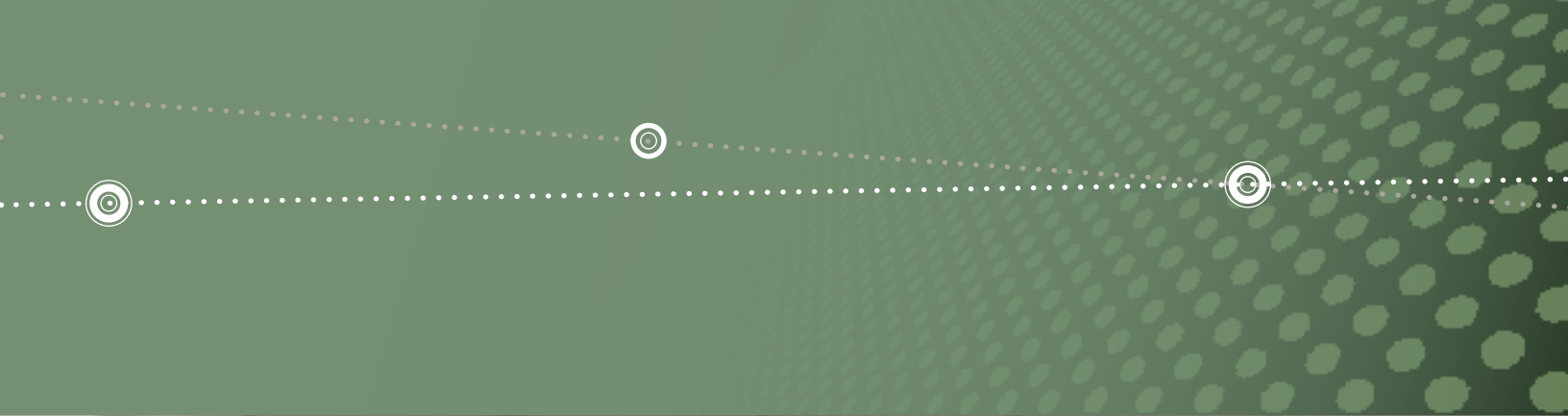
Board member attendance rotates between small and large panels. Panel members are selected by the Chairman ensuring that panels are well balanced based on the members' skills, expertise, experience and background.

In order to deal with large or very complex appeals, the Board will schedule special meeting dates outside of the regular meeting schedule. These types of appeals can take several hearing days to conclude, due to the complexity of the issues and the number of participants (appellants, affected persons, agents/legal counsels, consultants, etc.). This ensures that other appeals are not delayed in being heard on the regularly scheduled meeting dates. However, the availability of the Engineering Traditions Committee Room in Historic City Hall has typically been a major limiting factor in finding sufficient space for additional meetings.

3. SMALL PANEL HEARING ROOM

A hearing room suitable for the small panel hearings was constructed at the SDAB Administration office. This enabled the Board to meet more regularly and to hear small panel appeals on a more expedited basis in order to be more responsive to the needs of the citizens of Calgary.

The experience of 2009 and 2010 is that the small panels are often taking less than eight hours to finish their agendas.



BOARD CHALLENGES

INCREASING LEGAL COUNSEL INVOLVEMENT

The increasing number of legal counsel being retained by parties appearing before the Board, the increasing number of involved professional experts, consultants, agents and expert witnesses during the appeal process, and more sophisticated presentations by individuals appearing before the Board at the hearings are a continuing trend. In more than half of the cases before the Board, lawyers are involved. Many years ago the frequency of counsel participation in appeals before the Board was less than 10 per cent of the cases. Even some community associations are now retaining legal counsel.

In some cases legal counsel can be a benefit as they guide their clients to seek a solution or compromise. In other cases, however, the Board has observed that the involvement of some agents in relatively simple cases has led to more protracted and, in some cases, delayed hearings.

Regarding larger and complex developments, the Board has noted a more adversarial approach by involved parties: not surprising with increasing densities in a city of more than a million residents and the pace of redevelopment the city has seen over the last few years. In addition, there is a continuing trend in our society that citizens pursue litigation more often. This results in longer Board hearings, more adjournments being sought by parties in order to prepare for the hearing, more issues being raised and lengthier written decisions. Because the Board is bound by the rules of natural justice and procedural fairness to ensure a fair hearing for all parties involved, the Board's ability to control

the length of time it takes to hear an appeal is limited. Furthermore, under the law the Board has to address the relevant issues in its decisions and provide reasons for its findings and decisions. As a result, the Board ensures that its written decisions meet the legal standards by addressing, as much as possible, the relevant issues of an appeal. The outcome is that it takes more time to write decisions that meet the expected standard for a quasi-judicial tribunal.

As a result of case law, the legal standards for quasi-judicial tribunals have, over the years, steadily increased to levels almost equal to the standards required by the courts. Well-reasoned and well-written Board decisions avoid expensive Court of Appeal cases (and hence the associated costs to The City due to legal fees for City and Board counsels) and further delays in the issuance of a development permit, which would be held up pending the outcome of the Court of Appeal decision.

The increasing ability for citizens to access The City's bylaws, plans, policy documents and records, as well as the increased use of information gained through the Internet, social media and other sources is evident during Board hearings. As a result, the Board is seeing many laypersons present evidence and well-documented material at hearings that thoroughly challenges the Development and Subdivision Authority's decisions and/or applicant's arguments.



DEVELOPMENT AUTHORITY APPEARANCE AT HEARINGS

Another significant challenge for the Board is the fact that, as of 2010 January, the Development Authority decided to not send representation to many “Stream 3” hearings. “Stream 3” applications are those that are processed by DBA planning technicians instead of planners, and typically include such things as decks, garages, small additions and signs, etc.

As a quasi-judicial tribunal, the Board is not an evidence seeking body; that means that all parties involved in the appeal process, including but not limited to the Development Authority, should present their own verbal evidence to the Board regarding an appeal. If the Development Authority does not refute the evidence of the appellants and or other parties presented at the hearing, the Board has no choice but to accept the evidence of the other parties. This may not always result in a fair outcome. In 2010 this resulted in the high number of decisions of the Development Authority being overturned (36.1 per cent).

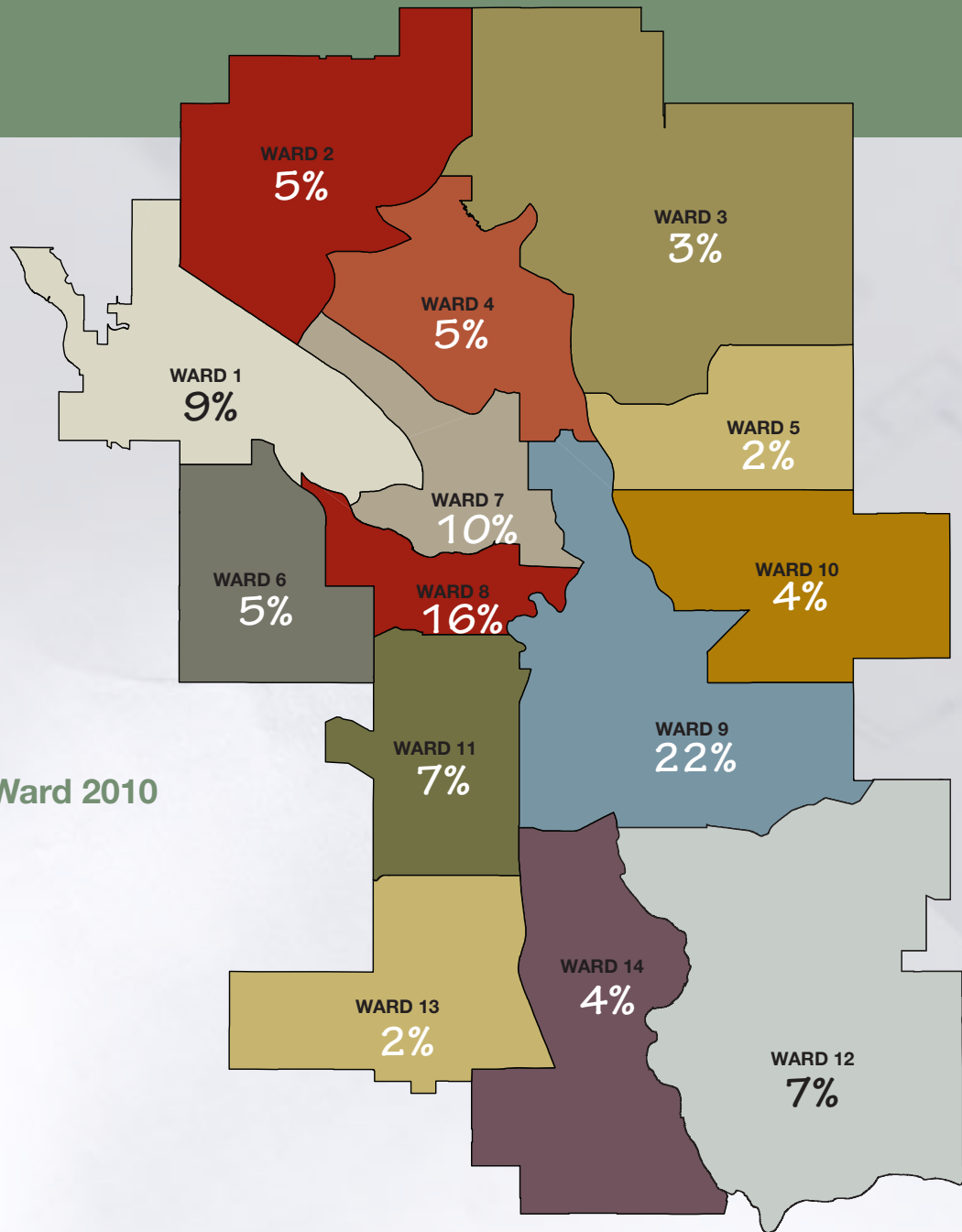
In addition, the absence of representatives from the Development Authority at hearings has resulted in more adjournments of appeals. In some instances, the Board required further clarification of facts and issues raised by the parties, but because of the Development Authority’s absence they could not be immediately addressed. The Board has advised the Planning, Development and Assessment (PDA) department of its concerns regarding the lack of representation from the Development Authority, to no avail. In the Board’s opinion, this is not in the ultimate interest of the citizens of Calgary, nor is it befitting good public service. In some cases it is in fact to the detriment of applicants or other affected parties.

SCHEDULING APPEALS

The Board acknowledges that the appropriate scheduling of appeals continues to be a challenge. Typically the number of appeals is related to the number of decisions the Development and Subdivision Authority render in a certain period and whether controversial development permit applications are approved or refused. In 2010, the Board continued to focus on better scheduling of appeals in order to reduce the waiting time for parties to an appeal. Using small and large panels has made a significant difference. However, the Board cannot always anticipate the number of appeals in a certain month or time of year. Similarly, the Board cannot always anticipate the number of small panel items versus large panel items in a certain month, which also creates challenges for scheduling.

The Board endeavours to seek efficiencies by scheduling special meetings for complex appeals, which can take many hours of hearing time, creating backlogs in the agendas. As stated previously, the Board’s ability to schedule additional meetings was limited by the availability of the Engineering Traditions Committee Room for Board hearings. Furthermore, the availability of Board members for meetings also plays a role. Board members are volunteer members and serve part-time next to their regular employment. The Chairman is responsible for scheduling appeals and the scheduling of Board members on the appeal panels. Members are not always able to take time off from their occupations when needed. Nevertheless, the Board tries to be as accommodating and as efficient as possible, while serving the needs of the citizens of Calgary as much as possible.

Appeals by Ward 2010



Appeals by Ward 2006-2010

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8	Ward 9	Ward 10	Ward 11	Ward 12	Ward 13	Ward 14	Total
2006	20	11	26	12	11	9	25	30	30	6	19	20	15	8	242
2007	27	7	25	9	5	18	27	45	22	10	15	14	13	4	241
2008	23	8	17	14	10	21	27	42	29	19	19	12	21	8	270
2009	26	16	17	22	7	13	36	32	32	35	35	17	9	3	300
2010	21	11	7	12	4	12	23	36	49	9	15	15	4	9	227

APPEAL VOLUME

The Board processes appeals of the decisions of the Development Authority or Subdivision Authority, with respect to a specific development permit, subdivision application or enforcement order. Therefore, the appeal volumes mentioned in this report are a reflection of the number of decisions of the Authority that are being appealed, and are in no way related to the number of appellants.

In 2009 the Board processed 300 appeals, and in 2010, the Board processed 227 appeals. This is a decrease, which is largely the result of a change in the Development Authority's processes in 2010 regarding the issuance of enforcement orders. Prior to 2010, the Development Authority would often issue an order in combination with a refusal of a development permit application for a use or development that had commenced. Appellants would then appeal both decisions, resulting in two appeals being heard by the Board at the same hearing. Now the Development Authority does not automatically issue an enforcement order at the same time an application is refused. This process change explains the reduced number of appeals regarding stand-alone enforcement orders in 2010. However, the overall volume of appeals is in the same league as the historical average number of appeals.

Although the appeal volume of 2010 is a reduction from 2009, the number of appeals in 2009 was relatively high as a result of the new Land Use Bylaw coming into effect, which created interpretation issues.

Twenty-one appeals are outstanding from 2010 and will be heard in 2011. This is not uncommon, as parties sought adjournments either to attempt to resolve the issues or to prepare for the hearings.

One notable observation is the significant increase in the number of appeals allowed. During 2010 the number of appeals allowed by the Board (in other words, the decision

of the Development Authority was overturned or reversed) was 36.1 per cent. The number of appeals allowed in part (meaning the Board approved the development but varied the decision of the Development Authority by imposing additional conditions on the permit) was 26.3 per cent. These outcomes combined indicate that a total of 62.4 per cent of the appeals were allowed either in full or in part. Historically, of the total number of appeals processed, the combined percentage of those which were allowed or allowed in part has been in the order of 35 to 40 per cent. The 2010 increase in the number of appeals allowed in full or in part could be attributed to the absence of Development Authority representation at many hearings, especially pertaining to "Stream 3" applications. Also, there were only 31 appeals withdrawn in 2010, which is half of the historical average for withdrawals.

Per ward, the number of appeals is the highest in wards seven, eight and nine. This is in keeping with the historical trend that the number of appeals tends to be higher in inner-city areas.

Based on a calculation of the number of hours the Board sat per hearing and the number of decisions rendered per meeting, in 2009 the average time per appeal worked out to 76 minutes. This is a reduction from previous years, due to the Board utilizing small panels for simpler hearings. In 2010, the Board spent an average of 110 minutes per appeal. The average time per appeal is much higher in 2010 due to the complexity of appeals and developments like the Lafarge concrete plant, several digital third party advertising signs, the BFI landfill, and the Calgary Exhibition and Stampede Indian Village. Additionally, there were interpretation issues pertaining to the Land Use Bylaw and some particular appeals of enforcement orders, all of which took multiple hearings to conclude. Also, as mentioned above, the increasing number of lawyers and expert witnesses involved in the appeal process is a contributing factor.

A key indicator regarding appeal volume is the comparison between the number of appeals filed on development permit applications versus the total number of applications received by the DBA business unit in one year. In 2010, the ratio was 4.0 per cent. As indicated in the following chart, this is a fairly small decrease from the 4.7 per cent in 2009 and 4.3 per cent in 2008. The number of applications processed by the Development Authority has continued to increase over the last five years, but the percentage of applications appealed is holding steady at around 4.0 or 5.0 per cent, which is the historical correlation.

One observation that stands out regarding Change of Use applications is the increasing number of appeals regarding liquor stores. In many cases it is existing liquor store operators appealing the approval of newly approved liquor stores.

The following charts provide a summary of appeal activity for the years 2006 to 2010.

Total Number of Appeals 2006-2010

	2006	2007	2008	2009	2010
Appeals Filed	268	275	320	320	268
Appeal Hearings (appeals grouped for the same development)	242	241	270	300	227
Appeals Withdrawn	74	67	62	66	31
Appeals Heard and Decided	168	174	208	234	175
Appeals Outstanding as of 2011 February 04					21

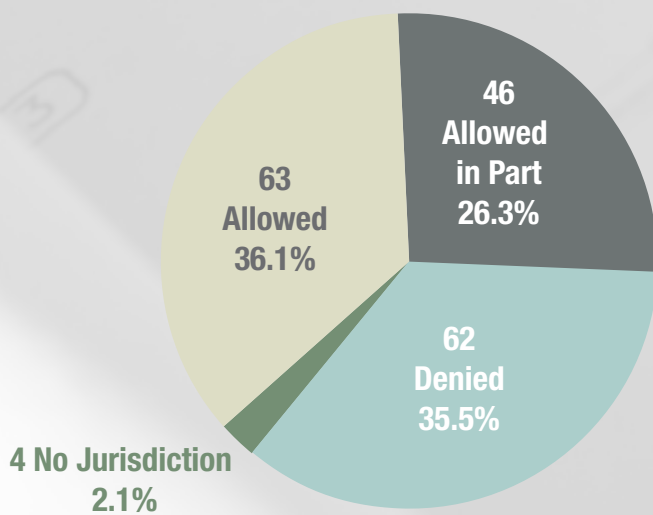
Types of Appeal Hearings 2006-2010

	Development Permits	Enforcement Orders	Subdivisions	TOTAL	DP Decisions	DP Appeals Filed on DP	Number of Orders issued by DA	Appeals filed on Orders
2006	180	58	4	242	4,349	4.1%	N/A	N/A
2007	152	86	3	241	4,532	3.4%	362	24.0%
2008	186	81	3	270	4,341	4.3%	312	26.0%
2009	219	80	1	300	4,645	4.7%	244	33.0%
2010	197	27	3	227	4,872	4.0%	116	23.0%

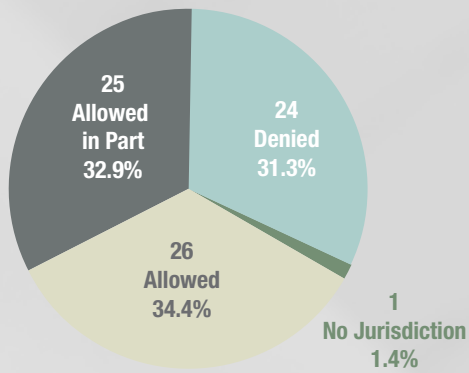
Type of Development Permit Appeal Hearings

	Change of Use	Sign	Home Occupation	Residential/ Multi-res	Commercial/ Industrial	Misc.	TOTAL DP Appeal Hearings
2006	21	20	22	91	25	1	180
2007	19	12	12	79	24	6	152
2008	36	24	8	95	17	6	186
2009	30	60	18	88	13	10	219
2010	36	35	12	97	13	4	197

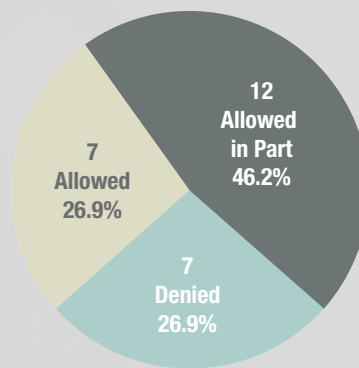
Decisions Rendered Breakdown 2010



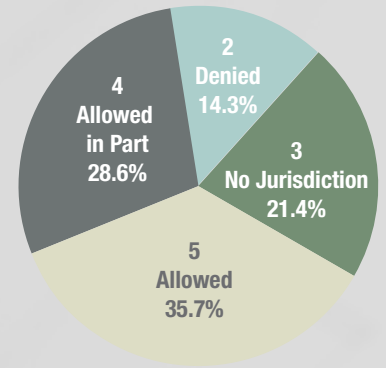
Decision Breakdown by Appeal Type 2010



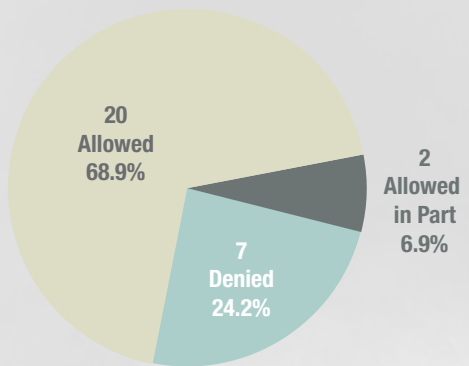
Residential/Multi-Residential Total 76



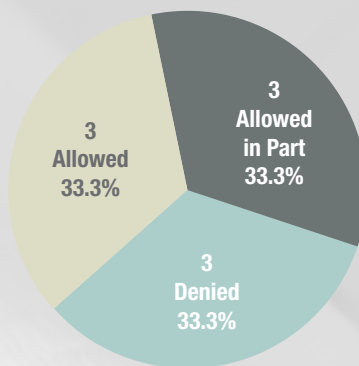
Change of Use Total 26



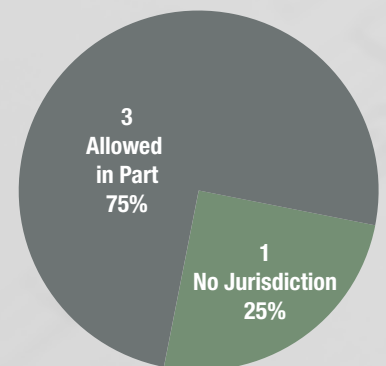
Commercial/Industrial Total 14



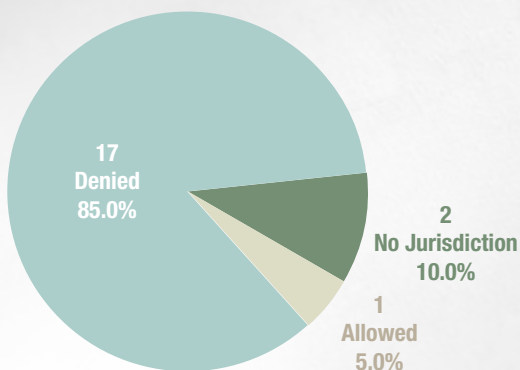
Sign Total 29



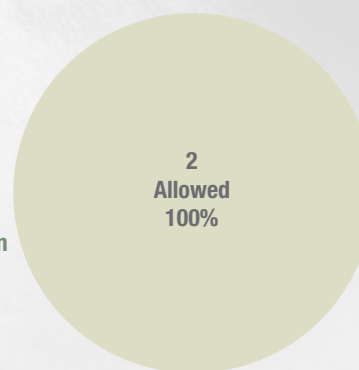
Home Occupation Total 9



Miscellaneous Total 4



Enforcement Orders Total 20



Subdivisions Total 2

SDAB OPERATIONS

OPERATING BUDGET

The operating budget for the SDAB and LCSAB in 2010 was \$691,083. Expenditures were \$700,966 and revenues were \$9,883. The Boards' operating budget summary for the years 2006 to 2010 inclusive is as follows:

SDAB+LCSAB OPERATING BUDGET

	2006	2007	2008	2009	2010
Revenues (filing fees)	(7,395)	(7,965)	(9,353)	(6,802)	(9,883)
Expenditures	459,350	524,851	697,713	890,431	700,966
Net budget	451,955	516,886	688,360	883,629	691,083

NEW SDAB HEARING ROOM

In the past, many outsiders felt there was a too familiar relationship between the Development Authority and the Board, partly due to the fact that the SDAB Administration was, in effect, part of PDA. Having the SDAB Administration part of City Clerk's, and aiming to have all hearings held outside of City Hall, is an important step in eliminating and preventing this perception. To that end, a large multi-functional hearing room, mimicking the Engineering Traditions Committee Room, has been constructed in the same building as the SDAB Administration. Effective 2011 January, all meetings of the Board are held at this location. Having all appeal hearings at a location outside City Hall emphasizes and strengthens the arm's length relationship of the Board with the Development Authority. Additionally, an abundance of free parking is available for the public at this location.

TRAINING MEMBERS

The Board continued providing its members with periodic training to assist them in their role of adjudicating appeals within the Board's jurisdiction, thereby ensuring efficiency at hearings and ultimately improving the decision-making ability of the Board in rendering decisions in an effective and efficient manner.

Given the change in Board membership that occurs annually, it is critical that members are provided with the necessary training to ensure their understanding of the quasi-judicial nature of the Board, its jurisdiction and legislation, the applicable policies and procedures, the Land Use Bylaw, statutory and non-statutory documents, etc.

To provide this training, the SDAB works in conjunction with the Board solicitor and other City departments and business units to arrange the necessary training sessions. In addition, the Chairman is actively involved in regular monitoring of the performance of new members to ensure that the members focus on the quasi-judicial role of the Board, its jurisdiction, and that they have an understanding of the rules of natural justice and procedural fairness. To achieve this, within the resources available, every year a few members are provided the opportunity to attend an external course regarding administrative justice.

LEGAL COUNSEL - BOARD SOLICITOR

Prior to 2009, the City Law department provided the Board with legal counsel while, at the same time, acting as solicitor to the Development and Subdivision Authority. In order to avoid conflicts and to emphasize the independence of the Board in relationship to the Authority, it was decided that the Board would benefit from having its own legal counsel/solicitor. Therefore, as of 2009 January 01, after a careful selection process, J. Patrick Stopa, Q.C. of the local law firm Caron & Partners LLP was selected. Mr. Stopa has extensive experience with municipal and planning law and has experience at all levels of court; in addition to the Calgary SDAB, he acts as counsel to several southern Alberta municipalities and associated subdivision and development appeal boards.

The Board established an internal protocol to assist the Board Chairman in utilizing the services of Board counsel in an effective and efficient manner within the resources available. For the past two years the Board has been pleased with the services of Mr. Stopa, who successfully appeared before the Alberta Court of Appeal on behalf of the Board on several occasions.

SDAB WEBSITE

Through its website (as part of The City of Calgary's website) the Board endeavours to provide the public access to information regarding the appeal process, Board procedures, filing an appeal online, and past Board decisions. The SDAB website (calgary.ca/sdab) has been modified over the years and is regularly updated to provide the public with detailed information on the appeal process, tips for preparing for a hearing and presenting at the hearing, as well as a decision search engine which allows the public access to the past written decisions of the Board. The website further contains biographies of Board members so the public has an insight into the background and qualifications of the members.

The website also includes the capability to submit an appeal electronically, which eliminates the need to visit the City Appeal Boards' office. The Calgary SDAB was the first municipality in Alberta to offer the service of filing an appeal online, which started in 2003. More and more appellants file their appeal online: the number has steadily increased over the last few years to 64 per cent in 2010.

Appeals filed online 2006-2010

	2006	2007	2008	2009	2010
Total Appeals Filed	268	275	320	320	268
Appeals Filed Online	115	133	187	198	172
	43%	48%	58%	62%	64%

CUSTOMER SATISFACTION

SDAB Administration monitor customer feedback through a survey that is used to track customer satisfaction, the customer's understanding of the appeal process, and their opinion of the hearing (i.e. was it fair?). The survey is circulated to individuals who were directly involved in each appeal process. The surveys are forwarded to the Board Chairman for review to determine areas for improvement and comments. If needed, the SDAB Administration will follow up with a response to the survey.

Consistent with previous years and taking into account the increasingly adversarial nature of the appeal process, the Board is pleased that the majority of the respondents

felt that they received a fair hearing. This is in accordance with the fact that the Board, over the last few years, received fewer and fewer letters from parties to an appeal with complaints about the Board proceedings regarding a particular appeal or the outcome of an appeal. Letters of note are typically associated with the outcome of the appeal itself. It is natural to expect that people are disappointed when the decision of the Board goes against their case and ecstatic when the Board rules in their favour. It is of note that the Board also received some letters and verbal communications praising the Board and the SDAB Administration.



ALBERTA COURT OF APPEAL ACTIVITY

ALBERTA COURT OF APPEAL ACTIVITY

The decisions of the Board can be appealed to the Alberta Court of Appeal on a question of law or jurisdiction. In 2010, two applications for leave to appeal were filed with the Court of Appeal regarding an SDAB decision. These two cases are still outstanding and will be heard by the Court in 2011. Since 2001, in only one case the Court of Appeal granted leave to appeal; however, the appeal was subsequently dismissed by the Court of Appeal.

Needless to say, compared to other subdivision and development appeal boards and administrative tribunals in Alberta, the Board continues to have a significantly low number of leave to appeal applications to the Court of Appeal respecting its decisions. It is significant to note that no decision of the Board has been overturned by the Court of Appeal in more than 10 years.

Number of Appeal Applications to the Court of Appeal 2006-2010

	2006	2007	2008	2009	2010
SDAB decisions	168	174	208	234	175
Appeals filed to Court of Appeal	3	2	6	6	2
	2%	1%	3%	3%	1%

Breakdown of Applications for Leave to the Court of Appeal 2006-2010

	2006	2007	2008	2009	2010
Court Dismissed Leave	2	1	6	6	0
Withdrawn Leave	1	0	0	0	0
Court Granted Leave	0	1	0	0	0
Outstanding Leave	0	0	0	0	2
Total Leave Applications	3	2	6	6	2
Appeals dismissed by Court of Appeal	0	1*	0	0	0
Appeals allowed by Court of Appeal	0	0	0	0	0
Total Appeals to Court of Appeal	0	1	0	0	0
SDAB Decisions Overturned by Court of Appeal. (Have not had a decision of SDAB overturned since 2000.)	0	0	0	0	0

* The first Leave granted to the Court of Appeal since 2001.

BOARD MEMBERS

Council appoints the members of the Board. The Board is comprised of 10 citizen members and a maximum of two members of Council. The SDAB members bring a wide range of skills, education and necessary experience to the Board including building and development, architecture, planning, law, business and community experience.

Citizen members are appointed for a one-year term effective the calendar year. However, the Council members on the Board are appointed during Council's Organizational Meeting in October of each year for a term of one year effective November 01.

The following lists the Board members for the year 2010:

CITIZEN MEMBERS:

Armstrong, Kerry	Appointed 2008
Aussant, Louis	Appointed 2010
Attrel, John	Appointed 2010
Bures, Meg	Appointed 2008
Dowling, Angela	Appointed 2010
Grol, Rick – <i>Chairman</i>	Appointed 1997
Merchant, Bob	Appointed 2002
Scott, Bill	Appointed 1999
Wallace, Andrew	Appointed 2008
Wiwchar, Karen	Appointed 2010

COUNCIL MEMBERS:

Hodges, Dale	Appointed 1984
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For the year 2011, the Board members are:

CITIZEN MEMBERS:

Armstrong, Kerry	Appointed 2008
Attrel, John	Appointed 2010
Bures, Meg	Appointed 2008
Corkum, Brian	Appointed 2011
Dowling, Angela	Appointed 2010
Grol, Rick – <i>Chairman</i>	Appointed 1997
Haggis, Sally	Appointed 2011
Madison, Stefne	Appointed 2011
Smith, Terry	Appointed 2011
Wallace, Andrew	Appointed 2008

COUNCIL MEMBERS:

Carra, Gian-Carlo	Appointed 2011
Hodges, Dale	Appointed 1984

Quasi-Judicial

Appeal Board



Licence



Subdivis



Assessment

Board

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LCSAB

LICENCE AND COMMUNITY STANDARDS APPEAL BOARD

Review

LCSAB

The Licence and Community Standards Appeal Board is a quasi-judicial board of The City of Calgary. For the Licence portion, we hear appeals for licence revocations, suspensions and refusals under a number of bylaws such as Livery Transport, Business Licences, Alarm Services, and the Combative Sports Commission.

For Community Standards we hear appeals of remedial orders related to neighbourhood nuisance, safety and liveability issues.

The Board has been evolving over the years and continues to evolve. Beginning in 2009, we began to hear appeals under sections 545 and 546 of the *Municipal Government Act*. These are the sections dealing with orders to remedy contraventions, dangers and unsightly properties, generally with respect to excavations and structures. Of the seven appeals heard in 2010, two were Section 546 appeals. These appeals bring a different perspective in terms of a much shorter notice period for hearing the appeals, and are very much more detailed and complex, involving counsel and witnesses for both the appellant and respondent.

During 2009/2010 the Board was comprised of five members: two Aldermen and three citizen members. I extend my thanks to these Board members for their dedication and hard work, as well as to the Board's counsel.

Also many thanks to The City of Calgary Appeal Board staff for their very competent assistance.



Lyle Berge,
Chair, Licence and Community Standards Appeal Board (2009-2010)



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LICENCE AND COMMUNITY STANDARDS APPEAL BOARD JURISDICTION

The Licence and Community Standards Appeal Board (LCSAB) is a quasi-judicial board established under the *Municipal Government Act* and The City of Calgary Bylaw 48M2007. The Board hears appeals with respect to decisions of the Manager of Livery Transport Services, Chief Licence Inspector, Chief of Police, Chief Building Inspector and Bylaw Enforcement Officers.

ORGANIZATIONAL STRUCTURE

As of the 2010 organizational meeting of Council, the LCSAB consists of five citizen members. Citizen members are currently appointed for one and two-year terms. The members have a diverse background from law, business and community involvement.

The City Appeal Boards administration provides administrative support (i.e. process associated fees, receive submissions from the parties, etc.) and provides assistance to the Board at their meetings.

OPERATING BUDGET

The operating budget for LCSAB is incorporated with the SDAB; therefore, please see page 35 for the operating budget.

LCSAB OPERATIONS

NEW HEARING ROOM

In 2010, the Board began to conduct meetings in a hearing room at the Quasi-Judicial Boards administration offices, located at 1212 31 Ave. N.E., emphasizing the Board's at arm's length relationship with City Administration. These hearings were previously conducted at Historic City Hall. The benefits of the new hearing room include:

- » A private room for City Administration.
- » The new hearing room will eliminate scheduling conflicts in the Engineering Traditions Committee Room.
- » The convenience of a private deliberation room for Board members which will eliminate the need for the parties and the public to vacate the hearing room when the Board deliberates.
- » Free parking for staff, Board members and the public.
- » An accessible location off Deerfoot Trail with access to public transit. Calgary Transit stops in front of the building.

LEGAL COUNSEL - BOARD SOLICITOR

In the past, the Law Department provided counsel to the Board. In order to avoid conflicts, the LCSAB now has independent external counsel. Since 2009, the Board has retained J. Patrick Stopa, Q.C. of the law firm Caron & Partners LLP. Mr. Stopa is the firm's lead counsel as city solicitors to urban municipal clients and to municipal boards. He has appeared before all levels of court in Alberta and before various boards, commissions and tribunals.

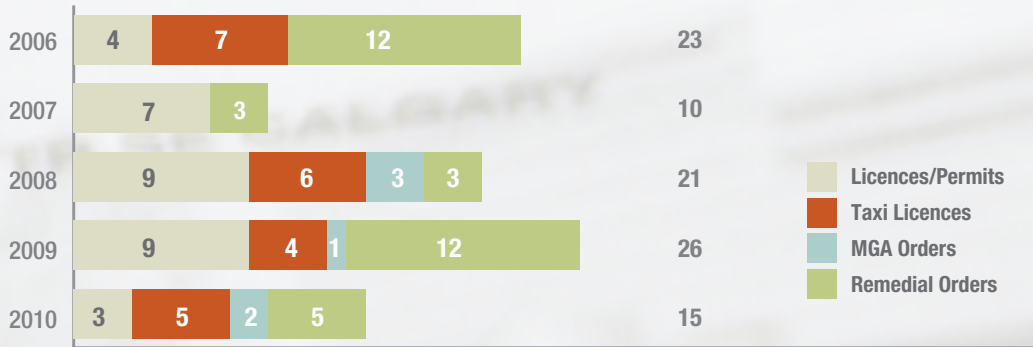
LCSAB WEBPAGE

In 2008, a webpage was developed as part of the City Clerk's website (calgary.ca/cityclerks). Its purpose is to provide the public with information on tips for presenting to the Board, and outlines the appeal process. The webpage also provides downloads for the Board's procedural manual, brochure and notices of appeal.

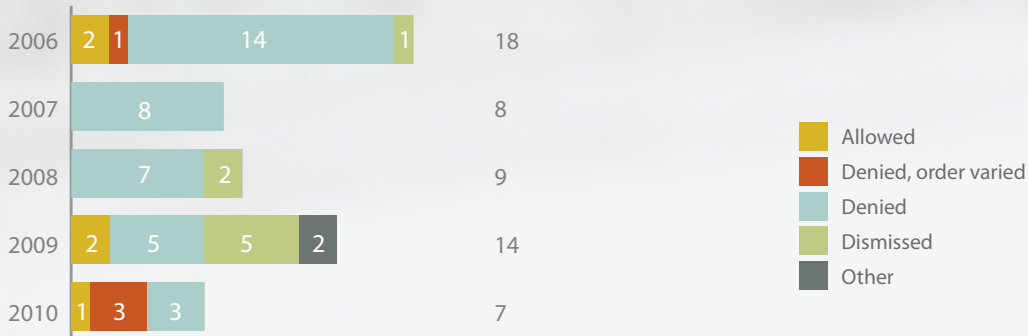
2010 ACTIVITY



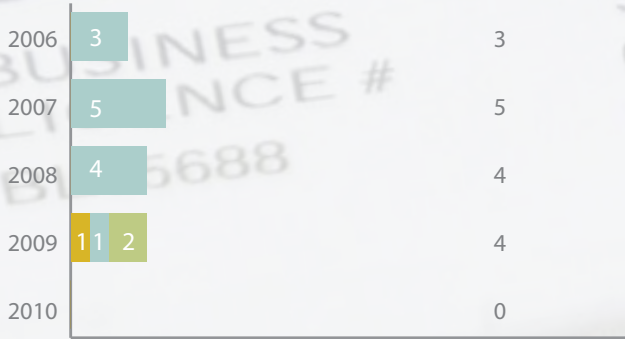
Appeal Type 2006-2010



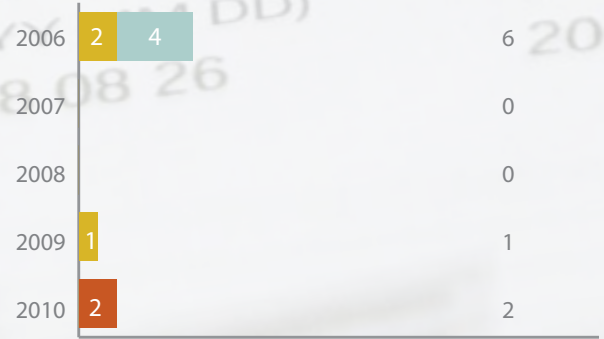
Decisions Rendered 2006-2010



Licences/Permits Decisions 2006-2010



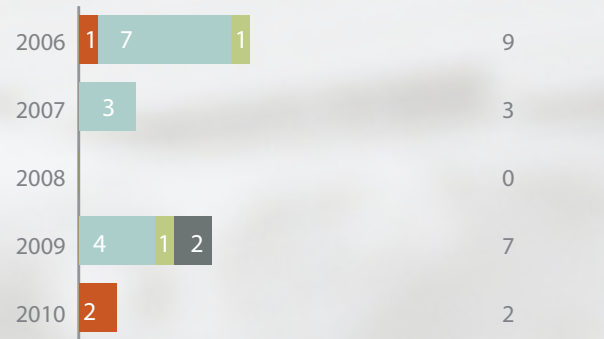
MGA Orders 2006-2010



Taxi Licences Decisions 2006-2010



Remedial Orders Decisions 2006-2010



Number of meetings 2006-2010

	2006	2007	2008	2009	2010
LAB	7	4	n/a	n/a	n/a
CSAB	4	3	n/a	n/a	n/a
LCSAB	N/A	1	8	7	10
TOTALS	11	8	8	7	10

LAB and CSAB were amalgamated in June 2007
 These are only meetings that had a hearing (these exclude meetings that had only withdrawals, adjournments, dismissals or admin. matters)

BOARD MEMBERS

Members to the Licence and Community Standards Appeal Board are appointed annually at the organizational meeting of City Council, which is typically held in October. Therefore, appointments are from November 01 to October 31.

From 2009 November to 2010 October the Board was comprised of the following members:

CITIZEN MEMBERS:

Atkins, Jo Anne Appointed 2005

Berge, Lyle – *Chairman* Appointed 2005

Smith, Rick Appointed 2009

COUNCIL MEMBERS:

Connelly, Joe Appointed 2009

Hodges, Dale Appointed 2009

From 2010 November to 2011 October the Board was comprised of the following members:

CITIZEN MEMBERS:

Atkins, Jo Anne Appointed 2005

Goldstein, Teresa Appointed 2010

Smith, Rick – *Chairman* Appointed 2009

Snowdon, Dylan Appointed 2010

Solomon, Glenn Appointed 2010



