

**OFFICE CONSOLIDATION**

**BYLAW NUMBER 50M2011**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO CONTINUE THE LICENCE AND COMMUNITY  
STANDARDS APPEAL BOARD**

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(Amended by 38M2016)

**WHEREAS** pursuant to section 8 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, Council may provide for a system of licences, 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 or 546 may request Council to review the order;

**AND WHEREAS** pursuant to section 203(1) and (2)(e) of the *Municipal Government Act*, 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 19(1) of the *Weed Control Act*, S.A. 2008, c. W-5.1, Council must establish an independent appeal panel to determine appeals of notices issued pursuant to that Act;

**AND WHEREAS** Council considered it advisable to establish a single appeal board to hear appeals of the above noted matters and passed Bylaw 48M2007 to establish the Licence and Community Standards Appeal Board;

**AND WHEREAS** Council has approved C2011-75 and considers it advisable to continue the Licence and Community Standards Appeal Board;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

**Title**

1. This bylaw may be cited as the "Licence and Community Standards Appeal Board Bylaw".

**Definitions**

2. In this bylaw:

"*appellant*" means a person who is seeking an appeal to the *Board*;

"*Board*" means the Licence and Community Standards Appeal Board continued by this bylaw;

"*City*" means The City of Calgary, a municipal corporation and, where the context so

requires, the area included within the boundaries of the municipality;

“*City Clerk*” means the person appointed as City Clerk pursuant to the City Clerk Bylaw 73M94, or that person’s designate;

“*City Manager*” means the chief administrative officer of the *City*;

“*community standards appeal*” means an appeal pursuant to section 9 of this bylaw;

“*Council*” means the Municipal Council of the *City*;

“*licence*” means a licence or permit issued by the *City* pursuant to the:

- (i) The Alarm Services Bylaw 31M95;
- (ii) Bicycle Courier Licensing Bylaw 48M90;
- (iii) Business Licence Bylaw 32M98;
- (iv) Combative Sports Commission Bylaw 53M2006;
- (v) The Concert Bylaw 4M83;
- (vi) Dating and Escort Service Bylaw 48M2006;
- (vii) Downtown Pushcart Vendor Licence Bylaw 3M97;
- (viii) Exotic Entertainers Bylaw 47M86;
- (ix) Extended Dance Event Bylaw 34M2000;
- (x) Livery Transport Bylaw 6M2007;
- (xi) Massage Licence Bylaw 51M97;

“*licence appeal*” means an appeal pursuant to section 6 of this bylaw;

“*person*” includes a corporation and other legal entities;

“*remedial order*” means an order issued pursuant to section 545 of the *Municipal Government Act* and the Community Standards Bylaw 5M2004;

“*weed notice appeal*” means an appeal pursuant to section 13 of this bylaw.

### Interpretation

3. (1) Where this bylaw refers to another bylaw or any act or regulation, it includes a reference to any bylaw, act or regulation that may be amended or substituted in its place.
- (2) Each provision of this bylaw is independent of all other provisions and if any

provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.

### Continuation of the Licence and Community Standards Appeal Board

4. (1) The Licence and Community Standards Appeal Board established by Bylaw 48M2007 is hereby continued.
- (2) The Licence and Community Standards Appeal Board has jurisdiction to hear and determine:
  - (a) *licence appeals*;
  - (b) *community standards appeals*; and
  - (c) *weed notice appeals*.

### Appeal Fees

5. (1) An *appellant* who files a notice of appeal with the *Board* must, at the time such notice of appeal is filed, pay to the *City* a fee of \$100.00 in respect of each such notice of appeal.
- (2) Notwithstanding subsection (1), an *appellant* who files a notice of appeal in respect of *weed notice appeal* must pay a fee of \$500.00.
- (3) A notice of appeal will not be considered as having been filed unless the notice of appeal and applicable fee have been received by the *City Clerk* within the prescribed time period for filing a notice of appeal.
- (4) The fees referred to in this section will not be waived or refunded under any circumstances.

### Licence and Permit Appeals

6. (1) The *Board* may hear appeals of:
  - (a) the refusal, revocation or suspension of a *licence*, or conditions applied to a *licence*, by the Chief Licence Inspector or the Manager of Livery Transport Services of the *City*;
  - (b) the refusal, revocation or suspension by the Chief of Police of an alarm system permit as provided for in the Alarm Services Bylaw 31M95;
  - (c) the refusal of the Manager of Livery Transport Services of the *City* allow a change of colour of a Livery Vehicle;
  - (d) the refusal of the Manager of Livery Transport Services of the *City* to grant an application under section 104(1) and (2) or section 118 of the Livery Transport Bylaw 6M2007; or

- (e) an order regarding critical defects issued by the Manager of Livery Transport Services of the *City*.
- (2) Only a *person* who holds or has applied for a *licence* may seek an appeal relating to that *licence* or *licence* application.
- (3) When hearing an appeal pursuant to subsection (1), the *Board* may:
  - (a) confirm the refusal, revocation or suspension,
  - (b) direct that a *licence* or permit be issued,
  - (c) reinstate the revoked *licence* or permit,
  - (d) remove or vary the suspension,
  - (e) impose conditions on the *licence* or permit and licensee or permit holder.
- 7. (1) An *appellant* seeking an appeal pursuant to subsection 6(1) must submit a notice of appeal to the *City Clerk* within 30 days of the date on which the *appellant* received notice that the *licence* or permit was refused, revoked, varied or suspended.
- (2) The *City Clerk* must, upon receipt of a notice of appeal pursuant to subsection (1), schedule a hearing within 30 days from the date the notice of appeal is received.
- 8. A notice of appeal filed pursuant to subsection 7(1) must state the name of the *appellant*, a daytime telephone number at which the *appellant* may be reached, an address to which documents in relation to the appeal may be delivered, a copy of the decision or order being appealed and the reasons for the appeal.

### Community Standards Appeals

- 9. (1) The *Board* may hear appeals of the following:
  - (a) a *remedial order*,
  - (b) an order issued pursuant to section 545 of the *Municipal Government Act* regarding contraventions of other bylaws or enactments that the *City* is authorized to enforce;
  - (c) a decision of the Director, Water Resources, pursuant to section 11 of the Lot Grading Bylaw 32M2004;
  - (d) an order issued pursuant to section 546 of the *Municipal Government Act*.
- (2) Only a *person* who is the subject of an order or decision set out in subsection (1) may seek an appeal of the order or decision.

- (3) Notwithstanding subsection (2), if an order or decision is issued in respect of a premises, the owner of the premises, the occupant of the premises or the *person* responsible for the contravention may appeal the order or decision.
  - (4) When hearing an appeal pursuant to subsection (1), the *Board* may confirm, vary, substitute or cancel the order or decision.
10. (1) An *appellant* seeking an appeal pursuant to subsection 9(1)(a), (b) or (c) must submit a notice of appeal to the *City Clerk* within 14 days of the date the order was issued.
- (2) An *appellant* seeking an appeal pursuant to subsection 9(1)(d) must submit a notice of appeal to the *City Clerk* within 7 days of the date the order was issued.
- (3) The *City Clerk* must, upon receipt of a notice of appeal pursuant to subsection (1) or (2), schedule a hearing within 30 days from the date the notice of appeal is filed.
11. A notice of appeal filed pursuant to subsections 10(1) or (2) must state the name of the *appellant*, the municipal address of the property to which the order relates, a daytime telephone number at which the *appellant* may be reached, an address to which documents in relation to the appeal may be delivered, a copy of the decision or order being appealed and the reasons for the appeal.
12. A decision of the *Board* delivered orally is a decision served pursuant to section 548 of the *Municipal Government Act*.

### **Weed Notice Appeals**

13. (1) The *Board* may hear appeals of inspector's notices, local authority's notices and debt recovery notices pursuant to section 19 of the *Weed Control Act*, S.A. 2008, c. W-5.1.
- (2) A notice of appeal in respect of a *weed notice appeal* must be received by the *City Manager*, or sent by certified or registered mail, within the time specified in the notice for doing the thing required by the notice or 10 days, whichever is less.
- (3) A notice of appeal filed pursuant to subsection (2) must be heard by the *Board* within 5 days of the receipt of the notice of appeal by the *City Manager*.
- (4) A notice of appeal pursuant to this section must be in writing and include:
- (a) the name and address of the *appellant*;
  - (b) a copy of the notice in respect of which the appeal is being taken;
  - (c) the legal description of the land affected;
  - (d) the grounds for appeal.

14. Notwithstanding subsection 5(4)
  - (a) if the *appellant* is successful in a *weed notice appeal*, the appeal fee must be refunded to the *appellant*;
  - (b) if the *appellant* is partially successful in a *weed notice appeal*, the appeal fee may be refunded to the *appellant* in whole or in part at the sole discretion of the *Board*.

### Composition of the Board

15. The *Board* is a committee of *Council*.
16.
  - (1) The *Board* is composed of up to five members who are appointed by resolution of *Council*.
  - (2) Members of the *Board* are appointed for one-year terms commencing January 1 and ending December 31, unless otherwise specified by *Council*.
  - (3) Members of *Council* may not be appointed to the *Board*.
  - (4) Members of the *Board* shall not serve more than a cumulative maximum of ten terms.

(38M2016, 2016 October 04)
  - (5) Any terms served by a member prior to January 1, 2017 are not included in the calculation of terms served for the purposes of subsection (4).

(38M2016, 2016 October 04)
17. In the event that a member of the *Board* is absent from two (2) consecutive meetings of the *Board* without first providing the Chair with notice of and reasons for the member's absence (the sufficiency of such reasons to be determined by the Chair in the Chair's sole discretion), that member is deemed to have resigned his or her position as a member of the *Board*.
18. Vacancies on the *Board* caused by retirement or resignation of a member of the *Board* may be filled by resolution of *Council* for the balance of that member's term only and the *Board* may continue to operate and conduct business until vacancies are filled provided that quorum requirements are met.
19. The remuneration and expenses payable to each member of the *Board* will be determined by the *City Clerk*.

### Procedures

20. The quorum of the *Board* is three members.
21.
  - (1) The members of the *Board* must annually appoint a Chair of the *Board* and a Vice-Chair of the *Board* prior to the first meeting in a calendar year.
  - (2) In the event that the Chair or Vice-Chair are not in attendance at a meeting of the

*Board*, the members present may elect a chair who will chair the meeting of the *Board* for the duration of that meeting only.

22. The *Board* has the power to establish such other rules relating to matters of the procedures, operation and conduct of business of the *Board* as are deemed appropriate by the *Board*.
23. The *Board* must schedule a meeting not less frequently than once each calendar month and as otherwise determined necessary by the Chair, in the Chair's sole discretion.
24. A *person* who requests a transcript of a hearing of the *Board* must pay to the *City*:
  - (a) the actual cost of the preparation of the transcript; and
  - (b) a \$25.00 administration fee.

### **Repeal**

25. The Licence and Community Standards Appeal Board Bylaw 48M2007, as amended, is repealed.
26. Bylaw 70M94, Being a By-Law of the City of Calgary to Delegate Appeals from Certain Enforcement Orders to the License Appeal Board, is hereby repealed.

### **Consequential Amendments**

27. (1) The Alarm Services Bylaw 31M95, as amended, is further amended by:
  - (a) replacing the words "License Appeal Board" in subsections 2(1)(g), 11(4), 14(2)(c), 25(4)(q) and 25(4)(r)(i) and (ii) with "Licence and Community Standards Appeal Board";
  - (b) replacing the words "licence Appeal Board" in subsection 11.1(1) with "Licence and Community Standards Appeal Board"; and
  - (c) replacing the words "License Appeal Bylaw" in subsection 24(4)(q) with "Licence and Community Standards Appeal Board Bylaw, as amended".
- (2) The Bicycle Courier Licensing Bylaw 48M90, as amended, is further amended by replacing the words "License Appeal Board" in subsections 2(i) and 12(2) with "Licence and Community Standards Appeal Board".
- (3) The Business Licence Bylaw 32M98, as amended, is further amended by replacing the words "*Licence Appeal Board*" in subsections 12(1) and 12(8) with "*Licence and Community Standards Appeal Board*".
- (4) The Community Standards Bylaw 5M2004, as amended, is further amended by:
  - (a) replacing the words "Community Standards and Licence Appeal Board" in subsection 48(1) with "Licence and Community Standards Appeal Board";

- (b) replacing the words "Community Standards Appeal Board" in subsections 37(3), (5), (6), (7) and (8) with "Licence and Community Standards Appeal Board";
  - (c) deleting section 4; and
  - (d) deleting subsections 48(2), (3) and (4).
- (5) The Concert Bylaw 4M83, as amended, is further amended by replacing the words "Licence Appeal Board" in subsection 11.1(a) with "Licence and Community Standards Appeal Board".
- (6) The Dating and Escort Service Bylaw 48M2006, as amended, is further amended by:
- (a) deleting subsection 2(n) and replacing it with the following:
    - "(n) *"Licence and Community Standards Appeal Board"* means the board authorized under the Licence and Community Standards Appeal Board Bylaw to hear licence appeals";
  - (b) replacing the words "Licence Appeal Board" in subsections 9(1) and (6) with "Licence and Community Standards Appeal Board"; and
  - (c) replacing the words "City Licence Appeal Board Bylaw" in subsection 10(1) with "Licence and Community Standards Appeal Board Bylaw, as amended".
- (7) The Downtown Pushcart Vendor Licence Bylaw 3M97, as amended, is further amended by replacing the words "License Appeal Board Bylaw" in subsections 2(a) and 3(b) with "Licence and Community Standards Appeal Board Bylaw".
- (8) The Drainage Bylaw 37M2005, as amended, is further amended by replacing the words "Community Standards Appeal Board" in subsection 18(2)(k) with "Licence and Community Standards Appeal Board".
- (9) The Exotic Entertainers Bylaw 47M86, as amended, is further amended by replacing the words "Licence Appeal Board" in subsections 20(2) and (7) with "Licence and Community Standards Appeal Board".
- (10) The Lot Grading Bylaw 32M2004, as amended, is further amended by replacing the words "Community Standards Appeal Board" in subsections 9(6), 11(7) and 11(9) with "Licence and Community Standards Appeal Board".
- (11) The Massage Licence Bylaw 51M97, as amended, is further amended by:
- (a) replacing the words "Licence Appeal Board" in subsection 2(k) with "Licence and Community Standards Appeal Board"; and



- (b) replacing the words "Licence Appeal Board Bylaw Number 47M83" in subsection 10(1) with "Licence and Community Standards Appeal Board Bylaw, as amended".
- (12) The Water Utility Bylaw 40M2006, as amended, is further amended by replacing the words "Community Standards Appeal Board" in section 46(3) with "Licence and Community Standards Appeal Board".

**Coming Into Force**

28. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS 19<sup>TH</sup> DAY OF SEPTEMBER, 2011.

READ A SECOND TIME THIS 19<sup>TH</sup> DAY OF SEPTEMBER, 2011.

READ A THIRD TIME THIS 19<sup>TH</sup> DAY OF SEPTEMBER, 2011.

(Sgd.) N. Nenshi  
MAYOR

(Sgd.) D. Garner  
CITY CLERK