



Municipal Government Board Appeals

2020 MGA Review

OVERVIEW

Private sector appeals are an effective tool in ensuring and promoting municipal accountability. Local appeals through Subdivision and Development Appeal Boards often have an inherent bias and focus less on policy and more on local resident feedback. Higher level appeals are often limited to the Court of Queen's Bench which is a costly and time-consuming process for industry and municipalities. The further risk of time and cost often dissuades industry from challenging municipal decisions and policy. The MGB is also often better positioned to rule on matters of development and construction given the roster of expert board members they are able to call on.

RECOMMENDATION (IN-SCOPE)

BILD Alberta supports undertaking the Option 1 outlined in the Discussion Guide, including:

Amend the MGA to expand the role of the MGB to hear appeals for all provincial regulator-related developments.

- o Reduce the barrier for appeals, costs for developers, and strain on the court system.***
- o Identifies ancillary improvements required to support the decisions of a provincial regulator on a matter of provincial interest.***

BILD Alberta Commentary:

We support Option 1 as this removes the ability for municipalities to override provincial approvals. We firmly believe that matters of provincial interest and authority should be the responsibility of the provincial government. Municipalities often face local political pressures when dealing with these matters and it should be entirely within the realm of the province to manage them.

As previously noted in BILD Alberta submissions, there is a need to further expand MGB appeals to more development matters as detailed below.

RECOMMENDATIONS (CURRENTLY OUT-OF-SCOPE)

Additional appeals were deemed out-of-scope as part of this review but the industry still considers expanded appeals to the MGB to be a critical component of red tape reduction and municipal accountability. While municipalities raised concerns about the capacity of the MGB to take on additional appeals, this would reduce cases required to go before the Court of Queen's Bench.

The lack of an alternative appeals process (outside of local SDABs) other than the Court of Queen's Bench creates a situation where developers do not have the capacity to challenge a municipality as it means their project comes to a halt. Court processes are lengthy and impact financial and staff resources of both municipalities and applicants. Industry will often acquiesce with actions that do not comply with provincial legislation to avoid additional delays. Creation of a more comprehensive and impartial appeals process on matters such as offsite levies and engineering standards would encourage a more efficient, transparent, and inclusive policy development at the local level.

1. Increase the authority of the Municipal Government Board or create a provincial level appeal board, specifically for applicants, in order to provide a forum for challenging municipal accountability and decision-making for items such as:

- a) Decisions related to extraction of aggregates and other natural resources;
- b) Engineering standards and approvals;
- c) Offsite levies (further discussed in BILD Alberta's Offsite Levy submission);
- d) Zoning decisions; and
- e) Permit decisions and timelines.