

BYLAW #1057-24
The City of Beaumont General Appeals Committee Bylaw

WHEREAS Section 145 of the *Municipal Government Act*, RSA 2000, c M-26 ("Municipal Government Act"), allows the council of a municipality to pass a bylaw in relation to the establishment and function of Council Committees and other bodies;

Section 8(d) of the Municipal Government Act allows the council of a municipality to pass bylaws that provide for an appeal, the body that is to decide the appeal, and related matters; and

Council wishes to establish a Committee to hear appeals from decisions of the Chief Administrative Officer, when set out in other bylaws;

Council therefore enacts:

PART I – DEFINITIONS, AND INTERPRETATION

Definitions

1 In this bylaw:

- (a) "Appeal Committee" means an entity, created by bylaw, used for the purpose of hearing appeals of administrative decisions under bylaws, as permitted under those bylaws;
- (b) "Chief Administrative Officer" means the chief administrative officer of the City or delegate;
- (c) "City" means the municipal corporation of The City of Beaumont;
- (d) "Committee" means the General Appeals Committee, established by this bylaw;
- (e) "Council" means the elected governing body of the City;
- (f) "Council Committee" means a committee, task force, or other entity established by Council under the Municipal Government Act by way of bylaw, but does not include the Subdivision Development Appeal Board or the Assessment Review Board;
- (g) "Council Committee Bylaw" means bylaw 1027-23, the City's Council Committee bylaw, as amended or repealed and replaced from time to time;
- (h) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c M-26; and
- (i) "Subdivision and Development Appeal Board" means the

Subdivision and Development Appeal Board appointed pursuant to Bylaw 948-19, as amended or repealed and replaced from time to time.

Interpretation

- 2 The following rules apply to interpretation of this bylaw:
 - (a) headings, titles, and margin notes in this bylaw are for ease of reference only;
 - (b) gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
 - (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
 - (d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – MANDATE

Committee
Established

- 3 The General Appeals Committee is established as a Council Committee.
- 4 The General Appeals Committee is an Appeal Committee.

Permitted Review
Hearings

- 5 The Committee is authorized to conduct review hearings on matters and decisions as set out in the City's bylaws.

PART III – MEMBERSHIP

Membership

- 6 The Committee is composed of the members of the Subdivision and Development Appeal Board.

PART IV – APPLICATION FOR REVIEW HEARING

- Application Process
- 7 A person may appeal to the Committee on any matter set out in the Committee's mandate.
 - 8 The application must be in a form approved by the Chief Administrative Officer.
 - 9 Unless otherwise specified in another enactment, the application must be received by the Chief Administrative Officer no later than 14 days after the date the decision or notice is received by the applicant.
 - 10 As part of the application, the applicant must pay the appeal fee as set out in the City's Fees and Charges Bylaw or the enactment that allows for the appeal.
- Scheduling Review Hearing
- 11 Unless otherwise specified in another enactment:
 - (a) the Chief Administrative Officer will forward the application to the Committee within five (5) days of receiving the application;
 - (b) the Committee must hold a review hearing within thirty (30) days of receiving the application from the Chief Administrative Officer; and
 - (c) the Committee must provide the applicant with at least seven (7) days' notice of the date of the review hearing.

PART V – REVIEW HEARING

- Review Hearing Panel
- 12 The Chair of the Committee will appoint between two (2) and five (5) members of the Committee to form a panel to conduct the review hearing.
 - 13 If the Chair of the Committee is not available, the members of the panel will appoint a Chair for the review hearing, from among the members of the panel.
 - 14 Quorum for a review hearing is all members of the panel who were present for the entire review hearing, and in any case at least two (2) members.

Persons Entitled to Present	<p>15 The following persons are entitled to present at the review hearing:</p> <ul style="list-style-type: none"> (a) The applicant; (b) If the decision or notice is in respect of a property and the applicant is not the owner of the property, the owner of the property; and (c) The Chief Administrative Officer. <p>16 Any person who is entitled to present at the review hearing will be given a reasonable amount of time to present the person's information and argument.</p> <p>17 The Chair of the panel may permit any other person to present at a review hearing and may set limits on the time and content of the presentation.</p>
Hearing Procedures	<p>18 The Chair of the panel will provide an overview of the hearing procedure at the start of the hearing.</p>
Questions by the Panel Authority of Committee	<p>19 The panel may ask questions of the hearing participants.</p> <p>20 The Committee's powers are as set out in the enactment that the decision or notice was made under.</p> <p>21 Where the Committee's powers are not specified, the Committee is authorized to confirm, vary, or reverse the decision that is being appealed.</p>
Decision of the Committee	<p>22 At the conclusion of the presentations, the panel may adjourn the review hearing to prepare the Committee's decision.</p> <p>23 In arriving at its decision, the majority vote of those members of the panel who were present for the entire review hearing will constitute the decision of the Committee.</p> <p>24 If there are an equal number of votes for and against the appeal, the appeal is denied.</p> <p>25 Within seven (7) days of the conclusion of a review hearing, the Committee must provide its decision, including the written reasons of the majority.</p> <p>26 In the event of a tied vote the Committee is only required to provide the reasons the appeal is denied.</p> <p>27 The dissenting members of the panel may provide reasons for the dissent.</p>

- 28 The decision and reasons must be provided to every person who was entitled to present at the review hearing.
- No Costs Award 29 Unless specified in another enactment, the Committee is not authorized to award costs.

PART VI – COMMITTEE PROCEDURES

- Relationship to Other Enactments 30 The Committee shall establish rules, procedures, and processes for the conduct of its members, its business, review hearings, and meetings so long as those rules are consistent with this bylaw, the Municipal Government Act and the Council Committees Bylaw.
- 31 The Committee may alter the rules, procedures, and processes set out in the Council Committees Bylaw where they are inconsistent with administrative fairness and administrative justice.
- 32 Where there is a conflict between the provisions of this bylaw and the provisions in the Council Committees Bylaw the provisions of this bylaw take precedence.
- Records of Proceedings 33 The Committee must keep a record of all the Committee's proceedings.
- 34 The records of the Committee, including information and documents submitted before or during a review hearing, are public records and must be made available for public inspection, upon request.
- 35 Records that contain personal information, or that may be kept private under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, may be redacted or withheld from public viewing.

PART VII – GENERAL

Consequential
Amendments

36 Schedule A of Bylaw 1041-23, the 2024 Fees and Charges Bylaw, is amended by inserting the following line after "SDAB Appeal Fee – Development Permits and Stop Orders - \$125.00 Per Item":

"General Appeals Committee – Appeal Fee - \$125.00 Per Item"

FIRST READING: July 9, 2024

SECOND READING: July 9, 2024

THIRD READING: July 9, 2024

SIGNED THIS 11th day of July, 2024


MAYOR


CLERK