

## ***Development Appeals Board***

Under *The Planning and Development Act, 2007 (Act)* a municipality with a zoning bylaw is required to have a Development Appeals Board. The Board must be appointed within 90 days after the zoning bylaw comes into effect. The Board's purpose is to resolve disagreements about the administration of the zoning bylaw under the Act. It may also deal with orders issued under *The Municipalities Act (the MA Act)*.

### **Board Membership**

A Board is made up of no fewer than three members appointed by council (except approving authorities as discussed below). Council determines the term of office for each member of the Board, the manner in which vacancies can be filled and remuneration and expenses, if any, payable to each member. Municipal employees and members or employees of a planning commission of which the municipality is a member cannot be appointed to the Board. A member of a municipal council cannot be a Board member except in the case of a District Development Appeals Board. The new Act permits municipalities to jointly establish District Development Appeals Boards which provide more flexibility in the organization and operation of Development Appeals Boards. [Sections 214 and 215] An approving authority can determine the eligibility, number and term of office of persons appointed to the Board. An approving authority can prescribe the procedures and any other matters to be followed by the Board. [Section 27]

### **Board Jurisdiction**

After review of a development permit application, the municipality's Development Officer must notify the applicant in writing of the decision made on the application, and of the right to appeal the decision. The decision, concerning either existing or proposed development, may be appealed by any person affected by:

- a) the approval of development permit where it is alleged the Development Officer misapplied the zoning bylaw in approving the proposal;
- b) the refusal of the Development Officer to issue a development permit because the proposal contravenes the zoning bylaw;

To continue this read on Development Appeals Boards and Board Jurisdiction, please visit:

<http://www.municipal.gov.sk.ca/Appeals/Information-Guide>

There has also been some interest in the WaterWolf region of the possibility of creating a Regional Development Appeals Board. This topic will be further discussed at the WaterWolf meeting on June 15 in Hanley. For more info please contact:

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