
Appeal File Number: 021-STU-003
Application Number: 2020-S-032
Appeal Against: Subdivision Authority of Sturgeon County
Appellant: Murray and Theresa Stratton
Date and Location of Hearing: March 2, 2021
Held via Videoconference
Date of Decision: March 15, 2021
SDAB Members: Chair Julius Buski, Alanna Hnatiw, Dave Kluthe, Allan Montpellier,
Amanda Papadopolous

NOTICE OF DECISION

IN THE MATTER OF an appeal by Murray and Theresa Stratton of conditions #5 and #6 of the Subdivision Authority's approval of Subdivision application 2020-S-032 at Plan 8220054; Lot 3A – Carbondale, within Sturgeon County.

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the "SDAB" or "Board") on an appeal filed with the SDAB pursuant to sections 678 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the "MGA" or "Act").
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County's Land Use Bylaw 1385/17 (the Land Use Bylaw or LUB), and Sturgeon County's Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received prior to the hearing and form part of the record:
- The Notice of Appeal;
 - A copy of the subdivision application with attachments;
 - The Planning Officer's written decision; and
 - Planning and Development Services Report

PROCEDURAL MATTERS

- [4] The appeal was filed on time and in accordance with section 678 of the MGA.

PRELIMINARY MATTERS

- [5] Mr. Stratton requested an adjournment of the hearing to a future date that is convenient for the Board. The reasons for this request include:

- He is having difficulty obtaining the information he requires for his submission to the Board.
- He has reached out to the individuals he would like to gain advice from, but the response has been slow.

SUBDIVISION AUTHORITY'S POSITION

- [6] Jonathan Heemskerck, representative for the Subdivision Authority, supported the adjournment request.

ISSUES

- [7] The Board considered the following issue:
- Is it reasonable to grant an adjournment to allow the Appellant additional time to prepare for the merit hearing?

DECISION

- [8] **The Board GRANTS an adjournment to March 16, 2021 at 2:00 p.m.**

REASONS FOR THE DECISION

- [9] The Board recognizes that the timelines for an SDAB hearing in the MGA are short; pursuant to section 686(2) of the MGA, an SDAB must hear an appeal within 30 days of the appeal being received. In the context of an SDAB hearing, the principles of natural justice mean that affected persons have a right to be heard and have a fair opportunity to state their case. In determining that an adjournment to March 16, 2021 is reasonable, the Board considered it appropriate to give the Appellant additional time to receive the information he has requested in order to prepare his case.
- [10] The Board heard from the representative of the Subdivision Authority who is supportive of the adjournment request.
- [11] The Board finds that an adjournment of two weeks, to March 16, 2021, is appropriate considering that the Appellant has identified the information he requires to prepare his case and has made requests for this information. Should additional time be required, the Appellant may request an additional adjournment at the March 16, 2021 hearing for the Board to consider at that time.
- [12] Due to the reasons stated above, the Board has decided to grant an adjournment of the merit hearing to March 16, 2021 at 2:00 p.m. No additional notice of the merit hearing is required.

Dated at the Town of Morinville, in the Province of Alberta, this 15th day of March 2021.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the subdivision application with attachments;
- The Planning Officer's written decision; and
- Planning and Development Services Report