

Appeal File Numbers:	024-STU-015
Stop Order File Number:	F24/0081
Appeal Against:	Development Authority of Sturgeon County
Appellant:	Matthew Peter
Date and Location of Hearing:	October 1, 2024 Council Chambers and Through Electronic Communications
Date of Decision:	October 15, 2024
SDAB Members:	Julius Buski, (Chair), Lee Danchuk, Amanda Papadopoulos, and Lili Terry

NOTICE OF DECISION

IN THE MATTER OF an appeal by Matthew Peter against the Development Authority’s issuance of a stop order regarding unauthorized development and exceeding the maximum number of recreational vehicles allowed on a parcel at Plan 1722925; Block 1; Lot 2, (NE11-55-25-W4M) 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 section 686 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*.
- [3] The following documents were received and form part of the record:
 - a. The Notice of Appeal;
 - b. A copy of the Development Authority’s stop order;
 - c. Planning & Development Services Report; and
 - d. The Appellant’s submission.

PROCEDURAL MATTERS

- [4] There were no objections to the proposed hearing process as outlined by the Chair.
- [5] There were no objections to the composition of the Board hearing the appeal.

PRELIMINARY MATTER

[6] The Board noted that section 686(1)(a)(ii) of the *Municipal Government Act* requires the appeal of a stop order to be filed within 21 days after the date on which the order is made. The stop order was made on July 25, 2024 and the appeal was received 50 days later on September 13, 2024. The Chair asked the parties to make submissions with respect to this preliminary matter.

DEVELOPMENT AUTHORITY'S SUBMISSION ON THE PRELIMINARY MATTER

[7] Tyler McNab, Program Lead, Development & Safety Codes, Planning & Development Services, submitted that the stop order was issued via hand delivery and electronic communication on July 25, 2024 and via registered mail on July 26, 2024; therefore, the deadline to submit an appeal was August 19, 2024. The Development Authority requested that the Board dismiss the appeal.

APPELLANT'S SUBMISSION ON THE PRELIMINARY MATTER

[8] The Appellant, Matthew Peter, submitted that at the time the stop order was served, he was dealing with matters related to other government agencies and became overwhelmed by multiple processes. As a result, he missed the deadline to submit his appeal for the stop order. In consideration of these exceptional circumstances, he requested that the Board hear the appeal.

DECISION OF THE BOARD

[9] **The Board determined that it does not have jurisdiction to hear the appeal.**

REASONS FOR THE DECISION

[10] Section 686(1)(a)(ii) of the *Municipal Government Act* states that an appeal of a stop order may be commenced by filing a notice of appeal within 21 days after an order is made. The stop order was made on July 25, 2024 and the appeal was received 50 days later on September 13, 2024.

[11] The Appellant acknowledged that the appeal was not filed in time, but submitted there were extenuating circumstances in his personal affairs warranting an extension of the legislated appeal deadline.

[12] The Board finds that the deadlines in the *Municipal Government Act* are to be interpreted strictly as the intent of the scheme of the Act is that subdivision and development decisions and/or stop orders, including any appeal process, should be concluded expediently to ensure certainty for all parties involved.

[13] For these reasons, the Board finds that it does not have jurisdiction to hear the appeal.

Dated at the Town of Morinville, in the Province of Alberta, this 15th day of October, 2024.

A handwritten signature in blue ink, appearing to read 'J. Buski', is centered on the page.

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 Stop Order;
- Planning & Development Services Report
- Appellant's Submission