

**PRELIMINARY HEARING
NOTICE OF DECISION**

FILE NO. **SDAB 2021-002**

APPLICATION No.: **2019-DP-00486**

DEVELOPMENT: **Addition – Breezeway connecting Principal Building
and Accessory Building**

LEGAL DESCRIPTION: **Lot 17, Block 4, Plan 974RS**

CIVIC ADDRESS: **118 Hill Drive, Fort McMurray**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“the Municipal Government Act”), a Preliminary Hearing was conducted electronically via Microsoft Teams, on Thursday, February 25, 2021 at 6:30 p.m..

BETWEEN:

Appellant: Jessica Debleyser and Daniel Harrison (“the Appellants”)
Andrew S. Rice (Agent)

-and-

Respondent: The Regional Municipality of Wood Buffalo (“the Municipality”)

BEFORE:

R. Wells, Chair
A. Austin
K. Carruthers
T. Tupper

Administration:

H. Fredeen, Clerk for the Subdivision and Development Appeal Board
S. Soutter, Manager, Legislative Services

[1] Prior to the onset of the hearing, Board Member N. Mahgoub declared a conflict of interest due to a professional relationship with the Appellants and therefore recused himself from the hearing and disconnected from the meeting.

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- [2] Board Chair, A. McKenzie also declared a conflict of interest due to a personal relationship with the Appellants and therefore recused himself from the hearing and disconnected from the meeting.
- [3] In the absence of Board Chair, A. McKenzie, Vice-Chair R. Wells assumed the Chair.
- [4] The Chair confirmed with the parties in attendance that there were no objections to the constitution of the Panel (the “Board”).

PRELIMINARY MATTERS

- [5] In order for the Board to maintain jurisdiction of the appeal, it is necessary for the Board to open the appeal hearing and adjourn the matters to a date mutually agreeable by the Appellants and the Municipality
- [6] The sole purpose of the hearing was to set a merit hearing date and disclosure timelines. The Board confirmed that no evidence on the merits was to be presented.
- [7] Prior to the hearing the Appellant submitted that the next available hearing date of Thursday, March 18, 2021 could not be accommodated due to employment obligations and requested that the appeal hearing be heard on Thursday, April 15, 2021 at 6:30 p.m. (Exhibit J1)
- [8] C. Hanly, Municipal Legal Counsel, submitted written comments indicating that although the Municipality prefers the merit hearing date to be scheduled as soon as possible, they have no objection to the proposed April 15, 2021 but indicated that they will oppose any future requests for adjournment in this matter. (Exhibit J2).
- [9] During the hearing, A. Rice, Legal Counsel to the Appellants also indicated a scheduling conflict with the March 18, 2021 meeting date and submitted a preference for an April 15, 2021 merit hearing date.
- [10] No further comments were provided by either party regarding the proposed April 15, 2021 merit hearing date.

DECISION

[11] In accordance with section 686 of the *Municipal Government Act* the appeal hearing is scheduled for:

Date: April 15, 2021

Location: Conducted Electronically via Microsoft Team
Fort McMurray, AB

Time: Hearing commences at 6:30 p.m.

[12] The deadlines for disclosure of evidence are as follows:

- Appellant's Disclosure, 12:00 Noon, April 1, 2021
- Respondent's (Municipality) Disclosure 12:00 Noon, April 1, 2021
- Any other Party (including Affected Parties) 12:00 Noon, April 1, 2021

Note: Any evidence filed after the April 1, 2021 deadline will be at the Board's discretion to consider.

[13] Electronic disclosure submissions must adhere to the following guidelines:

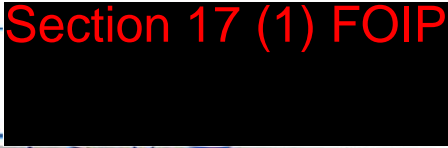
- Disclosure submissions must be filed via email to the Clerk at sdab@rmwb.ca.
- Disclosure submissions, must be filed in PDF format (if you do not have the technology to create a PDF, please contact the Clerk as far in advance as possible).
- When compiling disclosure evidence, parties are encouraged to use the PDF bookmark feature to organize attachments etc.
- Disclosure submissions must **not** include page numbers or attachment references. Page numbers will be inserted by the Clerk, the hearing package will be made available to the parties in advance of the hearing.
- All security settings, permissions, password protections, etc. must be disabled from the PDF prior to submitting to the Clerk

- [14] In accordance with the requirements laid out in section 686(3) of *the Municipal Government Act*, a notice of the hearing including details for the submission of disclosure will be sent out.
- [15] The hearing package consisting of the compiled evidentiary submission's will be posted to the Municipal website www.rmwb.ca/sdab on Friday April 2, 2021 at which time a link to the package will be emailed to all parties..
- [16] The Board requests that the parties familiarize themselves with the hearing package and use the hearing package when referring to any submissions. Any submissions received after the deadline date will not be uploaded into the hearing package. It is at the discretion of the board to accept any evidence that is not submitted in accordance with this decision.

REASONS FOR THE DECISION

- [17] As both parties agreed with the date proposed the Board granted the request.
- [18] It is so ordered.
- [19] The decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to appeal to the Court of Appeal under Section 688 of the *Municipal Government Act*, R.S.A 2000, c. M-26

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 10TH day of MARCH 2021.


CHAIR-
Rene Wells

APPENDIX "A"**DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:**

EXHIBIT NO.	ITEM	DATE FILED
J1	Email dated February 5, 2021 – Appellant J. Debleyser requesting Merit hearing date of April 15, 2021	2021-02-05
J2	Letter dated February 22, 2021 – Response to Appellant’s proposed merit hearing date of April 15, 2021	2021-02-22

APPENDIX “B”**REPRESENTATIONS****PERSON APPEARING****CAPACITY**

1.	Andrew S. Rice, Masuch Law LLP	Legal Counsel - Appellant
2.	Jessica Debleyser	Appellant – 118 Hill Drive, Fort McMurray
3.	Daniel Harrison	Appellant – 118 Hill Drive, Fort McMurray
4.	Caitlin Hanly	Legal Counsel - Regional Municipality of Wood Buffalo
5.	Camille Goodheart	Legal Counsel - Regional Municipality of Wood Buffalo
6.	Maxwell Jenkins	Legal Counsel - Regional Municipality of Wood Buffalo
7.	Tracey Tester	Development Authority- Regional Municipality of Wood Buffalo