



EDMONTON TRIBUNALS

Subdivision &
Development
Appeal Board

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COMMONLY USED TERMS

Quasi-judicial body

A group that has legal power to decide on claims or disputes, but is not associated with any government department.

Unlike the courts, which may hear cases about a variety of subject matters, a quasi-judicial body is created for a specific purpose and may only hear cases on certain subjects. For example, the Workers' Compensation Board would not be able to hear child welfare cases, and the Subdivision and Development Appeal Board cannot hear criminal cases. These boards only hear cases within their areas.

Like the courts, a quasi-judicial body makes decisions based on evidence. This evidence is submitted by the parties involved in the case. The body's decisions are final and must be obeyed.

These decisions can usually only be appealed to a higher court on a *question of law*. This means you may be able to argue that the quasi-judicial body made a ruling outside of its subject area, or made a mistake in process. You can't appeal your case on the grounds that you did not like the outcome.

A quasi-judicial hearing can be less formal than a full court process. The judges are not robed and there is not usually a need for traditional examination and cross-examination of witnesses. There are also fewer rules about what evidence can be presented.

Stop order

A municipality's development authority may send a written "stop order" to a property owner when their development is, in some way, not legal. The stop order requires the owner to stop development and gives a list of steps that must be followed by the owner to make their property a legal development.

Sign appeal

Permits are needed to put up signs. When you are appealing a decision about a sign development permit, that is a sign appeal.

Direct control appeal

Sometimes a specific area of a city needs special rules to maintain its unique character, manage unusual land conditions, or allow for certain uses. In Alberta, these areas can be made “direct control districts” or “direct control zones.” If an appeal to the Subdivision and Development Appeal Board regards a development in a direct control district, this is known as a direct control appeal.

The designation of direct control districts is set out under section 641 of the *Municipal Government Act*.

Adjournment

An adjournment is a temporary stop to a hearing. An adjourned hearing is not ended or cancelled. It will pick up from where it left off, at a later time or on a different day.

Legal counsel, agent, designated representative

Instead of going to the hearing yourself, you may choose to be represented by someone else. This person would be known as your legal counsel, your agent, or your designated representative.

Legal counsel is a lawyer.

An agent or designated representative is someone, not a lawyer, you have designated to represent you.

To designate someone (including a lawyer) to represent you, provide the name and contact information for your chosen representative, in writing, to the Subdivision and Development Appeal Board and state that you wish for this person to be your designated representative.

Permitted use

If a use of a property is allowed in a certain area, or zone, it is a permitted use. For example, an area zoned for “commercial use” may allow shops whereas one zoned for “residential use” may only allow homes. If your development permit is for a “permitted use” in your zone, and if it meets all other regulations, the City of Edmonton Development Planner must approve it.

For details, see [City of Edmonton Zoning Bylaw 12800](#)

Discretionary use

A discretionary use of a property is one that may or may not be approved. The Development Planner will decide on a case by case basis, taking into account things such as negative impact on the neighbourhood or value to the community.

Variances

A Development Planner may choose to allow a development that does not meet all the development regulations. This is done by “granting a variance” which means allowing a change to the usual rules in this case.

Semi-formal hearing

A semi-formal hearing is a less formal way of describing a quasi-judicial hearing. See quasi-judicial body, above.

Appellant

The Appellant is the party that files an appeal, because they disagree with a decision of the Development Authority. An Appellant can be one person or a group, such as a non-profit organization, religious organization or corporation.

Respondent

The party that responds to the Appellant’s case.

Board Member

Board members are the people who make up the Subdivision and Development Appeal Board. They hear appeals and make rulings based on evidence. Board members are not City employees, they are citizen volunteers. Often, board members have legal or planning backgrounds which means they have knowledge and expertise that helps them review permit decisions.

Board Officer

Board officers are professional staff who support the Board. Board officers can answer questions from the public, assist with hearing procedures and manage the appeal file. Board officers help make sure that the Board’s decisions are legally correct and that they match municipal and planning laws.