

BY-LAW OF THE CITY OF LETHBRIDGE TO ESTABLISH
A COMMUNITY REQUIREMENTS APPEAL BOARD

WHEREAS section 8 of the *Municipal Government Act*, RSA 2000, Chapter M-26 provides that Council may provide for a system of licenses, permits and approvals and provide for an appeal, the body that is to decide the appeal and related matters;

AND WHEREAS section 203(1) and (2)(e) of the *Municipal Government Act*, provides that Council may delegate a duty to decide appeals if the delegation is to a council committee and authorized by bylaw;

AND WHEREAS section 547 of the *Municipal Government Act*, provides that a person who receives a written order under section 545 or 546 may by written notice request Council to review the order;

AND WHEREAS section 19(1) of the *Weed Control Act* SA 2008, Chapter W-5.1, provides that Council shall establish an independent appeal panel to determine appeals of notices issued pursuant to that Act;

AND WHEREAS section 14(5) of the *Agricultural Pests Act*, RSA 2000 Chapter A-8, provides that Council shall annually appoint a committee to hear and determine appeals issued pursuant to this Act.

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

Title

1. This By-law may be cited as "The Lethbridge Community Requirements Appeal Board By-law".

Definitions

2. In this By-law:
 - (1) "ACT" means the Municipal Government Act.
 - (2) "APPELLANT" means a person who is seeking an appeal to the Board by written notice.
 - (3) "CITY" means the City of Lethbridge.
 - (4) "CLERK" means the City Clerk or their designate to act as Clerk of the Community Requirements Appeal Board and as a non-voting member of the Board.
 - (5) "COUNCIL" means the Municipal Council of the City of Lethbridge.

- (6) "BOARD" means the Community Requirements Appeal Board of the City of Lethbridge, established pursuant to this By-law.
- (7) "LICENSE" means any license issued by the City of Lethbridge for the following:
 - (a) Animal Licenses pursuant to the Animal Care and Control Bylaw 6475;
 - (b) Business Licenses pursuant to the Lethbridge License Bylaw 5658.
- (8) "MEMBER(S)" means the member(s) of the Community Requirements Appeal Board duly appointed pursuant to this By-law.
- (9) "ORDER" means a written order or notice issued to a person pursuant to:
 - (a) Section 545 of the Act;
 - (b) Section 546 of the Act;
 - (c) the *Weed Control Act*;
 - (d) the *Agricultural Pests Act*;
 - (e) the Unsightly Property Bylaw 5630;
 - (f) the Weed Control Bylaw 6044; or
 - (g) The Minimum Property Standards Bylaw 5747.
- (10) All other terms used in this By-law shall have the meaning assigned to them by the Municipal Government Act.

Membership

- 3. The Board shall be composed of citizens at large appointed by resolution of Council each for a term up to three years.
- 4. A person who is an employee of the City may not be appointed as a Member of the Community Requirements Appeal Board.
- 5. A person who is a member of Council may not be appointed as a Member of the Community Requirements Appeal Board.
- 6. Members may be removed from office at any time by resolution of Council.
- 7. Where a Member ceases to be a Member before the expiration of their term, Council may appoint another eligible person for the unexpired portion of the term of that Member.
- 8. The Members must elect one of themselves as Chair of the Board after each Organizational Meeting of Council.

Panels

- 9. A panel consisting of up to five Members of the Board shall hear an appeal.

10. The Panel will elect a Chair to conduct the appeal hearing.
11. Three Members constitute quorum for making all decisions and for taking any action or permitted to be taken by the Board.

Jurisdiction

12. The Board may decide appeals of:
 - (1) Licenses; and
 - (2) Orders.
13. When hearing an appeal pursuant to section 12(1), the Board may:
 - (1) Confirm the refusal of the License;
 - (2) Direct that a license be issued;
 - (3) Reinstate a revoked License;
 - (4) Remove or vary a suspension of a License; and/or
 - (5) Amend, strike or impose new conditions on a License and licensee.
14. When hearing an appeal pursuant to section 12(2), the Board may confirm, vary, substitute, or cancel the Order.
15. The Board may only hear appeals commenced by a person who is either:
 - (1) The subject of an Order;
 - (2) A Licensee; or
 - (3) Owner of a property, business, or animal subject to a License.

Appeal Fees

16. Appeals made pursuant to section 14 of the *Agricultural Pests Act* must be accompanied by a deposit of \$100 to be refunded to the Appellant upon successful appeal.
17. Appeals made pursuant to section 19 of the *Weed Control Act* must be accompanied by a deposit of \$500 to be refunded as follows:
 - (1) If the Appellant is successful, the full \$500 shall be refunded; or
 - (2) If the Appellant is partially successful, the refund may be in whole or in part, at the discretion of the Panel.

Hearings and Decisions

18. A Member who is unable to attend the whole or part of any hearing of an Appeal shall not participate in the deliberations or decisions made by the Board upon the Appeal.
19. The hearings of an appeal shall be held in public.
20. The Board shall meet for the hearing of appeals as frequently as is necessary and in any event within thirty (30) days of receipt of a notice of appeal with the exception of the following:
 - (1) Agricultural Pest Notice Appeals must be heard within five (5) days of receipt of the notice of appeal pursuant to section 14(6) of the *Agricultural Pests Act*;
 - (2) Weed Control Notice Appeals must be heard and determined within five (5) days of receipt of the notice pursuant to section 13(1) of the *Weed Control Regulation*.
21. The Board shall give its decision upon an appeal in writing together with reasons for the decision within thirty (30) days of the conclusion of the hearing, with the exception of Weed Control Notice Appeals, which are to be heard and determined within five (5) days of receipt of the notice.
22. The decision of the majority of the Members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board. In the event of a tie vote, the Appeal shall be deemed to be dismissed.
23. The procedure of meetings of the Board shall, as far as applicable, adhere to the Procedure By-law of the City of Lethbridge.

Clerk

24. The Clerk of the Board and/or their Designate shall:
 - (1) Perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under the ~~Municipal Government Act~~ and other corresponding Acts.
 - (2) Attend all meetings of the Board and shall keep the following records with respect thereto:
 - (a) the minutes of all meetings and hearings;
 - (b) all appeals;
 - (c) records of all notices of hearings and of persons to whom they were sent;
 - (d) copies of all written representations of the Board;

- (e) notes as to each representation;
 - (f) the names and addresses of those making representations at the hearing;
 - (g) the decision of the Board;
 - (h) the reason for the decision of the Board;
 - (i) the vote of the Members of the Board on the decision;
 - (j) records of all notices of decision and of persons to whom they were sent;
 - (k) all notices, decision and orders made on appeal from the decisions of the Board; and
 - (l) such other matters as the Board may direct or the Clerk may determine.
- (3) Notify all Members of the Board of the arrangements for the holding of each hearing and other meetings of the Board.
- (4) Make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
- (a) The written notice of appeal, and
 - (b) the Order, License, or License refusal subject to the appeal.

Consequential Amendments

25. The following bylaws are amended as follows:

- (1) Minimum Property Standards Bylaw 5747 be amended as follows:
 - (a) section 2(1)(j) is repealed and replaced with "(j) indicate that an appeal lies from the Remedial Order to the Community Requirements Appeal Board, if a notice of appeal is filed in writing with the Office of the City Clerk within fourteen (14) days of the receipt of the Remedial Order;"
 - (b) section 3(3) is repealed and replaced with "A Decision of the Community Requirements Appeal Board, delivered orally, is a decision served pursuant to Section 548 of the Municipal Government Act.";
- (2) Unsightly Property Bylaw 5630 be amended as follows:
 - (a) section 8 is repealed and replaced with "The Community Requirements Appeal Board may review an order in accordance with section 547 of the Act.";

- (b) section 9 is repealed and replaced with "A person who received an order may request that the Community Requirements Appeal Board review the order by written notice filed within seven (7) days of receipt of the order, to the Office of the City Clerk at the following address:
Office of the City Clerk
Second Floor, City Hall
910 4 Ave S
Lethbridge AB T1J 0P6
 - (c) section 10 is repealed and replaced with "After reviewing the order the Community Requirements Appeal Board may confirm, vary, substitute or cancel the order in accordance with section 547(2) of the Act.";
 - (d) section 11 is repealed and replaced with "A person affected by the decision of the Community Requirements Appeal Board under section 10 of this bylaw may appeal to the Court of King's Bench within fifteen (15) days after the date of the decision in accordance with section 548 of the Act."
- (3) Weed Control Bylaw 6044 be amended such that section 29 is repealed and replaced with "Council herein designates the Community Requirements Appeal Board as the independent appeal panel to determine appeals of inspector's notices, local authority's notices and debt recovery notices.";
- (4) Animal Care and Control Bylaw 6475 be amended as follows:
- (a) section 9(14) be included to read "In the event of a license that is refused, revoked or suspended, the licensee may appeal to the Community Requirements Appeal Board by written notice sent to the Office of the City Clerk within fourteen (14) days of the receipt of such decision."
 - (b) section 11.1 be included to read "In the event of a license that is refused, revoked or suspended, a licensee may appeal to the Community Requirements Appeal Board by written notice sent to the Office of the City Clerk within fourteen (14) days of the receipt of such decision."
 - (c) section 14(12) be included to read "In the event of a license that is refused, revoked or suspended, the licensee may appeal to the Community Requirements Appeal Board by written notice sent to the Office of the City Clerk within fourteen (14) days of the receipt of such decision."
- (5) Lethbridge License Bylaw 5658 be amended as follows:
- (a) section 5.02 is repealed and replaced with "In every case where:
 - (1) An application for a license or taxi operator license has been refused,
 - (2) A license or taxi operator license has been issued, subject to conditions,

(3) A license or taxi operator license has been revoked, or
 (4) A license or taxi operator license has been suspended,
 the applicant may appeal to the Community Requirements Appeal Board."

- (b) section 5.04 is repealed and replaced with "The Community Requirements Appeal Board after hearing an appeal pursuant to Section 5.02 may:
- (1) direct a license be issued without conditions,
 - (2) direct a license be issued with conditions, or
 - (3) uphold the decision of the Regulatory Services Manager on grounds which appear just and reasonable to the Community Requirements Appeal Board."

Coming Into Force

26. This Bylaw shall come into force upon third and final reading.

READ A FIRST TIME this 13 day of May, A.D. 2025

 MAYOR

_____ CITY CLERK

READ A SECOND TIME this 27 day of May, A.D. 2025

 MAYOR

_____ CITY CLERK

READ A THIRD TIME this 27 day of May, A.D. 2025

 MAYOR

_____ CITY CLERK