

Ways to avoid Development Appeals

Information:

Under *The Planning and Development Act, 2007* (Act), any municipality or district with an approved zoning bylaw must establish a development appeals board within 90 days after the zoning bylaw comes into effect. A development appeals board enhances local and regional planning and development by providing an opportunity for independent review of planning decisions. A development appeals board is a quasijudicial board, appointed by council which consists of a minimum of three members responsible for hearing appeals and making decisions in a formal manner, similar to a court. A development appeals board is considered to be an administrative tribunal, created by government to provide the public with an accessible, independent and competent forum for a review of decisions in matters that affect the public's economic, cultural and personal interests.

The RM of Meota Council has been charging the fees for these appeals to the Hamlet Board (if applicable). These appeals are costly; this brief will discuss ways to avoid going to appeal.

Specifics:

- **Types of Appeals: Enforcement Orders, Denial of Permitted Use, Misapplication of Zoning Bylaw.**
- **Ways to avoid an appeal:**
 - 1. Public Education**
 - a. Education to new landowners on development requirements and consequences
 - b. Contact RM to determine if permits are required. Do not start building without approved permits.
 - c. Review Permit FAQ handout
 - d. Education regarding appeal costs all RM ratepayers cover the appeal costs through taxation.
 - 2. Surveying**
 - a. Have SLS layout/stake the building not just the property pins. #1 way to prevent building in the wrong spot.
 - b. RPSR is a requirement of structures over 200 sq. ft. and if not done by the applicant the RM will have it done on the landowner behalf.
 - 3. Communication between all parties (Landowner, Contractor, RM, Planner, Building Official)**
 - a. Communication with contractor regarding the Building and Planning regulations
 - b. Contact with municipal staff and consultants.
 - c. Consultation with Hamlet boards.
 - d. Communication with Neighbouring properties.
 - 4. Understanding bylaws and building requirements**
 - a. Plan development to have some wiggle room (ie. 5ft setback build 6ft or more away.)
 - b. Review bylaws prior to permit submission.
 - 5. Title insurance or RPSR before purchasing property to know buildings abide by setbacks.**
- RM of Meota uses Western Municipal Consulting as their Appeal Board. This board consists of retired: Planners, Lawyers, Assessors, etc.
- RM of Meota also uses Northbound Planning for development officer services, this includes the retention of Register Professional Planner (RPP).

- **Notes:**
 - Only a Saskatchewan Land Surveyor is legally able to determine property boundaries and pins.
 - Zoning Bylaw has little flexibility, legislation only allows for a 10% variance for some regulations.
 - Appeals are one option to have non-conforming development to become legal.
 - Buildings have had to be moved due to appeal.
- 3 Tests when determining an appeal:
 - Grants Special Privilege
 - Defeats the Zoning Bylaw
 - Injurious affect neighbouring properties
- For more info on appeals please visit: <https://www.saskatchewan.ca/government/municipal-administration/community-planning-land-use-and-development/appealing-decisions-made-by-municipalities>