

NOTICE OF DECISION:

DL 042/20

FILE: S20/SOUT/SV-024

Appellant: B. van Os of Alberta Environment and Parks

Respondent: M. Gallagher, Counsel for Summer Village of South View

IN THE MATTER OF AN APPEAL filed by Alberta Environment and Parks (AEP) concerning Lots 1-5, Lot P, Block 1, Plan 2647KS

CITATION: Alberta Environment and Parks v Summer Village of South View (Subdivision Authority), 2020 ABMGB 42

Before: H. Kim, Presiding Officer
D. Mullen, Member
S. Steinke, Member

Case Manager: K. Lau

BACKGROUND

[1] The subject application is for an adjustment of the boundary of five developed lakefront residential lots, to increase the area of each lot by including parts of a reserve lot located between the residential lots and the bed and shore of the adjacent lake, along with a boundary adjustment between two of the residential lots. The application was conditionally approved on July 15, 2020. On August 10, 2020 AEP filed an appeal of the subdivision approval, citing a number of reasons.

[2] The merit hearing for the above matter was scheduled for 9am on October 15, 2020 via WebEx videoconference. On October 9, 2020, the exhibits that had been received to date were distributed, including a submission from the SA's legal representative dated October 8, 2020 which set out arguments with respect to the jurisdiction of the Municipal Government Board (MGB) in this matter.

PRELIMINARY MATTER

[3] At the outset of the hearing, AEP requested a postponement to allow time to retain legal representation to respond to the position of the SA, including the argument with respect to jurisdiction of the MGB. AEP suggested that a two-week postponement might be sufficient, but stated that counsel had not yet been retained as it was subject to approval that had not yet been obtained.

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[4] The SA agreed that it was reasonable to allow time for AEP to obtain representation by counsel. Suggested dates were considered, and agreed to by the parties in attendance.

DECISION

[5] The hearing is postponed to **November 10, 2020** at 9 AM by WebEx videoconference. The following disclosure deadlines are set as agreed to:

- AEP shall submit disclosure to the SA and the MGB by email no later than noon on **November 3, 2020**.
- The SA shall submit rebuttal disclosure, if any, to AEP and the MGB by email no later than noon on **November 6, 2020**.

[6] Electronic submissions to the MGB are to be sent to mgbmail@gov.ab.ca with a copy to kellie.lau@gov.ab.ca.

[7] The dates of the hearing and disclosure may be adjusted by the Case Manager after consultation with the parties.

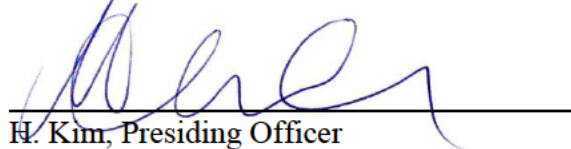
REASONS

[8] The SA's legal argument with respect to jurisdiction of the MGB was submitted on October 8, 2020 and distributed on October 9, 2020, two business days prior to the start of the merit hearing. Procedural fairness dictates that the Appellant be allowed time to secure legal representation and respond to the SA's argument. Accordingly, the MGB agrees to a postponement.

[9] AEP requested two weeks to retain and prepare legal argument to support its position, and the hearing and disclosure dates were agreed to by the parties; however, as AEP had not yet retained counsel, it is possible that the dates might be required to be adjusted. Under the circumstances, the MGB determined that it would be reasonable and efficient, should adjustment be required, to have the dates modified by agreement between the parties and the Case Manager instead of by further hearing and order.

Dated at the City of Edmonton, in the Province of Alberta, this 19th day of October 2020.

MUNICIPAL GOVERNMENT BOARD



H. Kim, Presiding Officer