

Development Appeal Board Guide



Development Appeal Board

Planning and Development
P.O. Box 1260, Banff, Alberta T1L 1A1
P 403.762.1215

www.banff.ca

WHAT IS THE DEVELOPMENT APPEAL BOARD?

The Town of Banff Development Appeal Board (DAB) consists of seven members including two Councillors, three members of the public, and two representatives nominated by the Federal Minister of Heritage. The DAB is responsible for hearing all appeals of stop orders and decisions made with respect to development permit applications and subdivision applications. The DAB may confirm, revoke, or vary decisions of a Development Approving Authority being either the Municipal Planning Commission or a Development Officer.

WHO CAN FILE AN APPEAL?

An applicant (or agent) for a development permit or a person affected by an order, decision, or development permit may appeal to the Development Appeal Board. The applicant for subdivision approval (or agent), the Town Council, a school authority, Her Majesty the Queen in Right of Canada, or any adjacent lessee or licensee, may initiate appeals related to subdivisions.

WHAT IS THE TIME LIMIT FOR FILING AN APPEAL?

A Notice of Appeal must be filed within 14 calendar days of the date of issuance of the decision except in the case of a subdivision decision where the applicant (or agent), Her Majesty the Queen in Right of Canada, or Town Council have 30 calendar days from the date of issuance of the decision during which to file a Notice of Appeal.

HOW DOES THE APPEAL PROCESS WORK?

Once the Town of Banff has received a Notice of Appeal and the associated processing fee, and the appeal is deemed to be valid, a hearing date is set for the Development Appeal Board. The DAB must hold a hearing within 30 calendar days after receipt of a Notice of Appeal.

Before the Hearing:

The DAB is required to give at least five (5) days' notice in writing of the hearing to the appellant, to the Development Approving Authority, and to those owners required to be notified under the Banff Land Use Bylaw and any other person that the DAB considers to be affected by the appeal and should be notified. Legal counsel may be retained to assist with appeal proceedings.

Prior to the hearing, the DAB must make available for public inspection all relevant documents and materials respecting the appeal including the application for the development permit, the decision, and the Notice of Appeal, or the stop order.

During the Hearing:

According to law, the DAB must hear:

- a) The appellant or agent for the appellant,
- b) The Development Approving Authority,
- c) Any other person who was given notice of the hearing and who wishes to be heard, and
- d) Any other person who claims to be affected by the order, decision or permit and that the DAB agrees to hear.

In determining an appeal, the DAB:

- a) Shall comply with the Municipal Government Act, the Incorporation Agreement, the Banff National Park Management Plan, any applicable statutory plan, and subject to s. 4.15.6 (of Land Use Bylaw 31-3);
- b) Shall impose the same conditions in its decision as a Development Approving Authority is required to impose in a development permit;
- c) May impose the same conditions as a Development Approving Authority may impose; and
- d) May exercise the same discretion as a Development Approving Authority.

After the Hearing:

The DAB must give its decision in writing together with planning reasons for the decision within 15 calendar days after concluding the hearing. Appeals of DAB decisions lie with the Alberta Court of Appeal on matters of law or jurisdiction.

WHAT IS THE PROCESSING FEE?

The fee for processing an appeal is \$250.00, which may be refunded at the discretion of the DAB.

Notice of Appeal



Appeals of Orders, Decisions, and Development Permits

Attention: Secretary, Development Appeal Board
110 Bear Street, P.O. Box 1260, Banff, Alberta T1L 1A1
T 403. 762.1215

www.banff.ca

Civic Address (subject of order, decision, or permit): _____ Unit No.: _____

Legal Description: Lot(s)/Unit: _____ Block: _____ Plan(LTO): _____

Land Use District: _____

Name(s) of Appellant(s): _____

What decision, order, or Development Permit is being appealed? _____

What specific aspects of the decision, order, or Development Permit are being appealed? (attach additional information/pages if necessary) _____

Please state how you are affected by the decision, order, or Development Permit and the reasons for the appeal: (attach additional information/pages if required) _____

(continued on next page)

Name of Appellant(s): _____

Mailing Address: _____

City/Province: _____ Postal Code: _____ Email: _____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

Name of Agent for Appellant(s): _____

Mailing Address: _____

City/Province: _____ Postal Code: _____ Email: _____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

Authorization of Agent

I/We _____ authorize _____
(name(s) of appellant(s)) (name of authorized agent)

to act as agent on my/our behalf with regard to the appeal concerning _____
(civic address of subject property)

Signature(s) of Appellant(s)

Date

For Office Use Only

File No.: _____

Roll #: _____

Application Fee: _____

Received by: _____