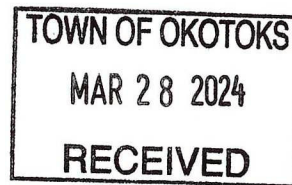




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*Office of the Minister  
MLA, Calgary-Hays*



AR114083

March 21, 2024

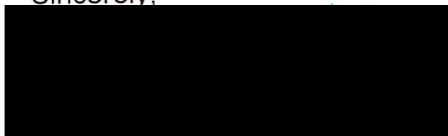
Mr. Greg Clark  
Chair  
Calgary Metropolitan Region Board  
305, 602 - 11 Avenue SW  
Calgary AB T2R 1J8

Dear Mr. Clark:

I am pleased to inform you that the amendments to the dispute resolution and appeal bylaw of the Calgary Metropolitan Region Board have been approved. A signed copy of Ministerial Order No. MSD:020/24 is attached. Please note, the expanded scope for appeals outlined in the bylaw only applies to board decisions made after the Ministerial Order is signed.

Thank you again for your diligent work and leadership to complete the requested amendments to the dispute resolution and appeal bylaw.

Sincerely,



Ric McIver  
Minister

Attachment: Ministerial Order No. MSD:020/24

cc: Peter Brown, Mayor, City of Airdrie  
Jyoti Gondek, Mayor, City of Calgary  
Doug Lagore, Official Administrator, City of Chestermere  
Jeff Genung, Mayor, Town of Cochrane  
Deliah Miller, Reeve, Foothills County  
Craig Snodgrass, Mayor, Town of High River  
Tanya Thorn, Mayor, Town of Okotoks  
Crystal Kisel, Reeve, Rocky View County  
Brandy Cox, Deputy Minister, Municipal Affairs  
Gary Sandberg, Assistant Deputy Minister, Municipal Services Division, Municipal Affairs  
Jordon Copping, Chief Officer, Calgary Metropolitan Region Board



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MLA, Calgary-Hays*

MINISTERIAL ORDER NO. MSD:020/24

I, Ric McIver, Minister of Municipal Affairs, pursuant to sections 488(1)(e.1) and 708.08(2) of the *Municipal Government Act*, make the following order:

1. The Calgary Metropolitan Region Board Dispute Resolution and Appeal Bylaw as amended, dated February 9, 2024, and attached as Schedule A to this order, is hereby approved.
2. The Land and Property Rights Tribunal shall hear appeals of decisions of the Calgary Metropolitan Region Board on applications submitted pursuant to the board's Regional Evaluation Framework, in accordance with sections 8 and 9 of the Dispute Resolution and Appeal Bylaw.
3. Ministerial Order No. MSD: 071/21 is hereby rescinded.

Dated at Edmonton, Alberta, this 25 day of March, 2024.



Ric McIver  
Minister of Municipal Affairs

**CALGARY METROPOLITAN REGION BOARD  
DISPUTE RESOLUTION AND APPEAL BYLAW**

WHEREAS the Calgary Metropolitan Region Board is a Growth Management Board established pursuant to Part 17.1 of the *Municipal Government Act*, RSA 2000, c. M-26 and the Calgary Metropolitan Region Board Regulation, AR 190/2017;

AND WHEREAS the Calgary Metropolitan Region Board is required, by s. 708.23(1) of the *Municipal Government Act*, to establish by bylaw an appeal and/or dispute resolution mechanism for the purpose of resolving disputes arising from actions taken or decisions made by the Board;

NOW THEREFORE the Calgary Metropolitan Region Board, duly assembled, hereby enacts as follows:

**1. DEFINITIONS 1.1.** This Bylaw may be referred to as the "Dispute Resolution and Appeal Bylaw".

**1.2.** In this Bylaw

- (a) "Administration" means the Administration of the Calgary Metropolitan Region Board.
- (b) "Board" means the Calgary Metropolitan Region Board.
- (c) "Complainant" means a Participating Municipality that has submitted a Notice of Dispute in accordance with Part 4 of this Bylaw.
- (d) "Challenger" means a Participating Municipality which challenged CMRB Administration's recommendation of approval.
- (e) "Developer Appellant" means a Developer with Standing who has filed a Notice of Appeal under Section 9 of this Bylaw.
- (f) "Developer Funded Plan" means a statutory plan that has been prepared at the cost of a developer or group of developers.
- (g) "Developer with Standing" means a developer that has funded the cost of a Developer Funded Plan or if the cost of the Developer Funded Plan was funded by a group of developers, then an agreed upon representative of the group of developers.
- (h) "Dispute Resolution Committee" means the Committee established by the Board pursuant to Part 5 of this Bylaw for the purpose of participating in dispute resolution proceedings on behalf of the Board.
- (i) "Notice of Dispute" means a written notice of dispute filed with the Board in accordance with Part 4 of this Bylaw.
- (j) "Participating Municipality" has the meaning set out in the Calgary Metropolitan Region Board Regulation.
- (k) "Regional Evaluation Framework" means the Regional Evaluation Framework prepared by the Board and approved by the Minister pursuant to Section 12 of the Regulation.
- (l) "Regulation" means the Calgary Metropolitan Region Board Regulation, AR 189/2017, as amended from time to time.

**1.3.** For the purpose of this Bylaw a reference to a day shall be deemed to be a reference to a calendar day. If the time set out in this Bylaw for doing a thing expires or falls on a weekend or a holiday, as defined in the *Interpretation Act*, RSA 2000, c. I-8, the thing may be done on the day next following that is not a holiday.

**1.4.** For the purpose of this Bylaw a reference to the CO shall be deemed to be a reference to the CMRB's Chief Officer or their designate.

## **2. PURPOSE**

**2.1.** The purpose of this Bylaw is to establish a dispute resolution and appeal process for resolving disputes arising from actions taken or decisions made by the Board, in accordance with the requirements of the *Municipal Government Act* and Regulation.

## **3. APPLICATION OF BYLAW**

**3.1.** The grounds for submitting a decision of the Board to the dispute resolution and appeal process set out in this Bylaw are as follows:

(a) Breach of process or procedural unfairness, which for the purposes of this Bylaw shall mean a breach of the requirements of procedural fairness or the Board's established procedures, or;

(b) Discriminatory treatment, which for the purpose of this Bylaw shall mean a failure to treat Participating Municipalities equally and/ or equitably where no reasonable distinction exists between the Participating Municipalities to justify the inconsistent treatment.

Decisions which do not satisfy one or more of the grounds set out in Section 3.1 herein are final, and are not subject to the dispute resolution and appeal process set out in the Bylaw.

**3.2.** The following decisions of the Board are not subject to the dispute resolution and appeal process set out in this Bylaw:

(a) Decisions with respect to the preparation and submission of the Growth Plan, pursuant to s. 7(1) of the Regulation;

(b) Decisions with respect to the preparation and submission of the Regional Evaluation Framework, pursuant to s. 12(1) of the Regulation, and;

(c) Decisions with respect to the preparation and review of the Servicing Plan, pursuant to s. 14 of the Regulation

regardless of whether the grounds set out in Section 3.1 of this Bylaw are satisfied.

**3.3.** The following decisions of the Board are not subject to the appeal process set out Section 8 in this Bylaw:

(a) ) Any decisions or action taken outside of applications submitted pursuant to the Regional Evaluation Framework.

**3.4.** Notwithstanding Section 3.2(b) and 3.3 of this Bylaw, decisions of the Board on applications submitted pursuant to the Regional Evaluation Framework are subject to the dispute resolution and appeal process set out in this Bylaw provided that one or more of the grounds set out in Section 3.1 of this Bylaw are satisfied.

**3.5.** Nothing in this Bylaw shall limit a Participating Municipality's ability to seek judicial review of Board decisions or actions that are not subject to dispute resolution or appeal pursuant to this Bylaw or decisions of the Dispute Resolution Committee pursuant to Part 5 of this Bylaw.

#### **4. NOTICE OF DISPUTE**

**4.1.** A Participating Municipality may dispute a decision of the Board, in accordance with the requirements of Part 3 of this Bylaw, by filing a written Notice of Dispute with the Board within twenty-eight (28) days of the date of the decision being disputed.

**4.2.** The CO may extend the period referred to in Section 4.1 herein by a maximum of fourteen (14) days if, in the opinion of the CO, there are special or extenuating circumstances which warrant an extension. A Complainant may request an extension of the period referred to in Section 4.1 herein by submitting a request in writing to the CO, which request may be made prior to or after the expiry of the period referred to Section 4.1 herein.

**4.3.** The decision of the CO on a request for an extension made pursuant to Section 4.2 shall be provided in writing to the Complainant within five (5) business days of receipt of the request. If the CO refuses the request, the Complainant may seek a review of the CO's decision by the Board by submitting a written request for a review to the CO within ten (10) days of receipt of the written refusal.

**4.4.** A Notice of Dispute must include:

- (a) a description of the decision of the Board being disputed;
- (b) the grounds on which the decision is disputed;
- (c) reasons for the dispute, and;
- (d) a certified copy of a resolution of the Council of the Complainant authorizing the submission of the Notice of Dispute.

**4.5.** The CO must, within three (3) business days of receipt of a Notice of Dispute, determine whether the Notice of Dispute complies with the requirements of Section 4.4 herein, and;

(a) if the Notice of Dispute complies with the requirements of Section 4.4 herein, provide written acknowledgement of the complete Notice of Dispute to the Complainant, or;

(b) if the Notice of Dispute does not comply with the requirements of Section 4.4 herein, provide written notice to the Complainant that the Notice of Dispute is incomplete and requiring any outstanding documents and information to be submitted within five (5) business days of the written notice provided however that in determining whether the Notice of Dispute complies with the requirements of Section 4.4 herein the CO shall not make a substantive determination as to whether the grounds set out in Section 3.1 of this Bylaw have been satisfied.

**4.6.** If the outstanding documents and information are provided within five (5) business days of a written notice issued in accordance with Section 4.5(b) herein, the Chair and CO of the Board, or their designates, shall provide written acknowledgment of receipt of the complete Notice of Dispute to the Complainant.

**4.7.** The CO may reject a Notice of Dispute if the Complainant, after receiving written notice in accordance with Section 4.5(b) herein, fails to provide the outstanding documents and information within five (5) business days of said written notice, and shall advise with the Complainant in writing of the rejection.

## **5. ESTABLISHMENT OF A DISPUTE RESOLUTION COMMITTEE**

**5.1.** The Board hereby establishes a Dispute Resolution Committee for the purpose of:

- (a) participating in Facilitated Discussions and Mediations on behalf of the Board, and;
- (b) making recommendations to the Board regarding Notices of Dispute,

pursuant to this Bylaw and in accordance with the Terms of Reference adopted by the Board from time to time.

## **6. FACILITATED DISCUSSIONS**

**6.1.** The CO shall appoint a facilitator from a list of individuals approved by the Board from time to time and schedule a Facilitated Discussion between the Complainant and the Dispute Resolution Committee to occur within thirty (30) days of written acknowledgement of a complete Notice of Dispute.

**6.2.** The Complainant and the Dispute Resolution Committee shall participate in the Facilitated Discussion in good faith, with the objective of resolving the matters set out in the Notice of Dispute.

**6.3.** The CO may extend the period referred to in Section 6.1 herein by a maximum of fourteen (14) days if, in the opinion of the CO, there are special or extenuating

circumstances which warrant an extension. A Complainant may request an extension of the period referred to in Section 6.1 herein by submitting a request in writing to the CO, which request may be made prior to or after the expiry of the period referred to Section 6.1 herein.

**6.4.** The decision of the CO on a request for an extension made pursuant to Section 6.3 shall be provided in writing to the Complainant within five (5) business days of receipt of the request. If the CO refuses the request, the Complainant may seek a review of the decision by the Board by submitting a written request for a review to the CO which request for review must be submitted within ten (10) days of receipt of the refusal.

**6.5.** A Facilitated Discussion may be continued beyond time periods referred to in Sections 6.1 and 6.3 herein with the agreement of the Complainant and the Dispute Resolution Committee.

**6.6.** The Facilitated Discussion shall be conducted in accordance with the Terms of Reference for the Dispute Resolution Committee adopted by the Board from time to time.

**6.7.** Following the conclusion of the Facilitated Discussion, the Dispute Resolution Committee shall make a recommendation to the Board in accordance with its Terms of Reference, which shall include an assessment of whether or not the grounds for submitting a Notice of Dispute set out in Section 3.1 of this Bylaw have been satisfied, unless the Notice of Dispute is withdrawn in accordance with Part 9 of this Bylaw. The Board may accept, reject or modify the Dispute Resolution Committee's recommendation.

**6.8.** If a Notice of Dispute is not resolved to the Complainant's satisfaction following the Board's decision on the Dispute Resolution Committee's recommendation, the Complainant may:

(a) request that the Notice of Dispute be submitted to Mediation in accordance with Part 7 of this Bylaw, or;

(b) elect to proceed directly to an appeal hearing in accordance with Part 8 of this Bylaw.

The Complainant's request or election must be made in writing to the Board within five (5) business days of the Board's decision.

**6.9.** The Board shall pay the costs of the facilitator and any other external or third-party costs incurred by the Board with respect to the Facilitated Discussion. The Complainant shall be responsible for its own costs with respect to the Facilitated Discussion.

## **7. MEDIATION**

**7.1.** The CO shall appoint a mediator from a list of individuals approved by the Board from time to time and schedule a Mediation between the Complainant and

the Dispute Resolution Committee to occur within thirty (30) days of the Complainant's request in accordance with Section 6.8 herein.

**7.2.** The Complainant and the Dispute Resolution Committee shall participate in the Mediation in good faith, with the objective of resolving the matters set out in the Notice of Dispute.

**7.3.** The CO may extend the timeline referred to in Section 7.1 herein by a maximum of fourteen (14) days if, in the opinion of the CO, there are special or extenuating circumstances which warrant an extension. A Complainant may request an extension of the period referred to in Section 7.1 herein by submitting a request in writing to the CO, which request may be made prior to or after the expiry of the period referred to Section 7.1 herein.

**7.4.** The decision of the CO on a request for an extension made pursuant to Section 7.3 shall be provided in writing to the Complainant within five (5) business days of receipt of the request. If the CO refuses the request, the Complainant may seek a review of the decision by the Board by submitting a written request for a review to the CO which request for review must be submitted within ten (10) days of receipt of the refusal.

**7.5.** Mediation may be continued beyond the time periods referred to in Sections 7.1 and 7.3 herein with the agreement of the Complainant and the Dispute Resolution Committee.

**7.6.** The Mediation shall be conducted in accordance with the Terms of Reference for the Dispute Resolution Committee adopted by the Board from time to time.

**7.7.** Following the conclusion of the Mediation the Dispute Resolution Committee shall make a recommendation to the Board in accordance with its Terms of Reference, unless the Notice of Dispute is withdrawn in accordance with Part 9 of this Bylaw. The Board may accept, reject or modify the Dispute Resolution Committee's recommendation.

**7.8.** If a Notice of Dispute is not resolved to the Complainant's satisfaction following the Board's decision on the Dispute Resolution Committee's recommendation, the Complainant may request that the Notice of Dispute be submitted to the Appeal Committee in accordance with Part 8 of this Bylaw. The Complainant's request must be made in writing to the Board within five (5) business days of the Board's decision.

**7.9.** The Board shall pay the costs of the mediator and any other external or third-party costs with respect to the Mediation. The Board and the Complainant shall each be responsible for their own costs with respect to the Mediation.

## **8. APPEAL**

**8.1.** Participating Municipalities disputing a decision of the Board on applications submitted pursuant to the Regional Evaluation Framework may appeal the decision to the Land and Property Rights Tribunal.



**8.2.** In the event that a Participating Municipality is appealing a decision of the Board where CMRB Administration recommended refusal of an application pursuant to the Regional Evaluation Framework, CMRB Administration will be the Respondent in the appeal process.

**8.3.** In the event that a Participating Municipality is appealing a decision of the Board where CMRB Administration recommended approval of an application pursuant to the Regional Evaluation Framework, and one or more Participating Municipalities challenged Administration's recommendation, the Participating Municipality(ies) who filed the challenge will be the Respondent(s) in the appeal process.

**8.4.** At the discretion of the Appellant either a written or an oral hearing may be requested from the Land and Property Rights Tribunal.

**8.5.** The Appellant and the Respondent(s) shall be responsible for their own costs with respect to the appeal process.

**8.6.** Without limitation to Section 3.6 of this Bylaw, a decision by the Appeal Committee is final, and not subject to further dispute or appeal.

## **9. APPEAL BY A DEVELOPER WITH STANDING**

**9.1** A Developer with Standing may initiate an appeal of a decision of the Board on an application submitted pursuant to the Regional Evaluation Framework on the ground set out in Section 3.1(a) of this Bylaw by filing a written notice of appeal with the Board within 28 days of the date of the decision being disputed.

**9.2** A Developer Appellant's Notice of Appeal must include:

- (a) a description of the decision of the Board being appealed;
- (b) the grounds on which the decision is appealed; and
- (c) reasons for the appeal.

**9.3** If a Participating Municipality(ies) does not dispute the decision of the Board, then the Board shall submit the Developer Appellant's Notice of Appeal to the Land and Property Rights Tribunal.

**9.4** If a Participating Municipality disputes the decision of the Board pursuant to Section 4 of this Bylaw, then:

- (a) The hearing of a Developer Appellant's appeal will not proceed until after completion of any Facilitated Discussions and Mediations between the Participating Municipality(ies) and the Dispute Resolution Committee pursuant to Section 6 and 7 of this Bylaw.
- (b) The CO shall provide the Developer Appellant with written notice of the Board's decision pursuant to Section 7.7 of this Bylaw.
- (c) Within five (5) business days of the CO providing such written notice, the Developer Appellant may request that the Board submit its Notice of Appeal to the Land and Property Rights Tribunal:
  - (i) if a request is made, then the Board shall submit the Developer Appellant's Notice of Appeal to the Land and Property Rights Tribunal;
  - or

(ii) in the absence of a request, then the Developer Appellant's Notice of Appeal will be deemed to be withdrawn.

**9.5** In the event that a Developer Appellant is appealing a decision of the Board where CMRB Administration recommended refusal of an application pursuant to the Regional Evaluation Framework, CMRB Administration will be the Respondent in the appeal process.

**9.6** In the event that a Developer Appellant is appealing a decision of the Board where CMRB Administration recommended approval of an application pursuant to the Regional Evaluation Framework, and one or more participating Municipalities challenged CMRB Administration's recommendation, the Participating Municipality(ies) that filed the challenge will be the Respondent(s) in the appeal process.

**9.7** A Participating Municipality that:

- (a) has adopted the statutory plan that is the subject of a Developer Appellant's Notice of Appeal, and
- (b) has not appealed the decision of the Board

may participate in the appeal process as a Respondent.

**9.8** At the discretion of the Developer Appellant either a written or an oral hearing may be requested from the Land and Property Rights Tribunal.

**9.9** The Developer Appellant and the Respondent(s) shall be responsible for their own costs with respect to the appeal process.

## **10. WITHDRAWAL OF NOTICE OF DISPUTE**

**10.1.** A Complainant may withdraw its Notice of Dispute at any time throughout the dispute resolution and appeal process set out in this Bylaw.

## **11. MANDATORY PARTICIPATION**

**11.1.** Participation in the dispute resolution and appeal procedures set out in this Bylaw is mandatory if a Participating Municipality wishes to dispute a decision of the Board. Subject to Section 6.8(b) of this Bylaw, a Complainant must participate in each stage of the dispute resolution or appeal procedure before proceeding to the next stage, unless otherwise agreed upon by the Complainant and the Board.

## **12. GENERAL**

**12.1.** This Bylaw shall come into force upon approval of the Minister in accordance with s. 708.08(2) of the *Municipal Government Act*.

**12.2.** The Board shall review this Bylaw within one year of the Bylaw being utilized to solve a dispute.

**12.3.** If any provision of this Bylaw is deemed invalid by legislation or a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.