Appeals to a Subdivision and Development Appeal Board (SDAB)

A SDAB hears appeals from:
- Decisions of a subdivision authority on a subdivision application or any conditions of approval;
- Decisions of a development authority on a development permit application or any conditions of approval;
- A development authority’s decision to issue a stop order (MGA s.645), and;
- Other decisions of the development authority.

Appeals to the Municipal Government Board (MGB)

When provincial interests are affected by the decision of a subdivision authority, the MGB hears the subdivision appeals.

The MGB hears subdivision appeals where the subject land is:
- Located in the Green Area (classified under the Public Lands Act);
- Adjacent to, or contains all or part of, the bed and shore of a body of water;
- Not within a city and is located within 1.6 kilometres of the centre line of a highway right of way;
- Within 300 metres of the working area of an operating wastewater treatment plant (sewage treatment facility);
- Adjacent to or contains all or part of land identified as a historical resource or site under the Historical Resources Act or Public Lands Act;
- Within 300 metres of (i) the disposal area of an operating or non-operating landfill or (ii) the working area of an operating storage site, or;
- Within 450 metres of (i) the working area of an operating landfill or (ii) the working area or disposal area of an operating or non-operating hazardous waste management facility.

When a subdivision application is circulated, the affected government department may agree, in writing to vary the distance stated above. If the government department grants a variance of the distance, an appeal can be heard by the SDAB. The government department may include a statement where the appeal should be heard.

Jurisdiction

The subdivision authority’s decision must state if an appeal lies with the SDAB or the MGB (MGA s. 656(2)(a)).

If an appeal is made to the wrong board, the board must refer the appeal to the appropriate appeal board for consideration (MGA s.678(5)).