

Implementation Fact Sheet

Municipal Government Act (MGA)

Appeals Amendments 2020

Relevant *MGA* sections

s.488(1)(i.1), s.678(2)(a)(i), s.678(2)(a)(ii), s.685(2.1)(a)(i), and s.685(2.1)(a)(ii).

Previous *MGA* requirements

The subdivision appeal bodies in Alberta are the Land and Property Rights Tribunal (LPRT, formerly the Municipal Government Board) for matters with a provincial interest, and the Subdivision and Development Appeal Boards (SDABs) for local decisions.

Prior to recent amendments, the *Municipal Government Act (MGA)* directed subdivision appeals to the LPRT if they were within a specified distance of green areas, highways, water bodies, sewage treatment or waste management facilities, or historical sites. The LPRT did not hear matters related to development permits or land use bylaw amendments. If the affected government body agreed, in writing, to vary the distance, development permit appeals went to the local SDAB.

What is changing?

The changes to the *MGA* expand the LPRT appeal provisions to include any subdivision or development appeal where the municipal approval is related to a licence, permit, approval or other authorization granted by:

- The Natural Resources Conservation Board (NRCB)
- The Energy Resources Conservation Board (ERCB)
- The Alberta Energy Regulator (AER)
- The Alberta Energy and Utilities Board (AEUB)
- The Alberta Utilities Commission (AUC)
- Alberta Environment and Parks

What do municipalities need to know?

Amendments ensure subdivision and development appeals related to decisions of a provincial regulator are heard by an appeal body that is intended to hear matters of provincial interest. s.685(1)(ii)

- The LPRT will now hear development appeals related to a provincial regulator decision. s.488(1)(i.1), s.685(2.1)(a)(i)(A-B)
- The LPRT role will be expanded to include subdivision and development appeals related to NRCB, ERCB, AER, AEUB, AUC or Alberta Environment and Parks approvals. s.678(2)(a)(i)(C-D) and s.685(2.1)(a)(i)(C-D)
- Regulation making authority was expanded for situations where a subdivision or development appeal should remain at a local level. s.694(h.2)
- Municipalities, as part of their written decision, under s.656(2) and s.685(1.1) must state whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board. s.685(1.1)
- A provision was added requiring the board receiving a misdirected notice of appeal to refer the appeal to the correct board. s.686(1.1)
 - For example, if an oversized shed permit is appealed to the local SDAB, the SDAB, once they determine the permit is related to a provincial approval, is responsible for ensuring the appeal is referred to the LPRT.

When do the changes take effect?

The amendments came into force December 9, 2020.

For more information, visit: alberta.ca/red-tape-reduction-implementation-act.aspx

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What resources are available to assist?

To learn more, visit:

[Bill 48, the Red Tape Implementation Act, 2020 \(No. 2\)](#)

Questions:

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For more information, visit: alberta.ca/red-tape-reduction-implementation-act.aspx

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