


Implementation Fact Sheet

Amendments to the Municipal Government Act, 2015-17

Intermunicipal Collaboration Frameworks - Arbitration

Legislation	Municipal Government Act (MGA) 
Regulation	Intermunicipal Collaboration Frameworks Regulation
Category	Planning and Development
Section Number	s.708.4, s.708.5, s.708.28, s. 708.34, s.708.35, s.708.36, s.708.38

Previous MGA requirements:

The MGA gives municipalities the option to engage in cooperative initiatives with neighbouring municipalities through mechanisms such as intermunicipal agreements, mutual aid agreements, and regional services commissions. Additionally, the MGA allows two or more municipalities to voluntarily, collaboratively plan for future growth and development through intermunicipal development plans passed by bylaws by each participating municipal council.

What's changed?

- All municipalities will be required to adopt an intermunicipal collaboration framework (ICF) with each municipality they share a common border with by April 1, 2020. [s.708.28](#)
- Arbitration applies to municipalities who are unable to create or review the framework by April 1, 2020. [s.708.34](#)

What do municipalities need to know?

When Does Arbitration Apply?

- Where municipalities are not able to create the framework by April 1, 2020, the dispute must be referred to an arbitrator. [s.708.35\(1\)](#)
 - The arbitrator must be chosen by the municipalities, or if they cannot agree, by the Minister. [s.708.35\(2\)](#)
 - Arbitration ends if municipalities create a framework by agreement. [s.708.35\(4\)](#)
 - The *Arbitration Act* does not apply to an ICF arbitration. [s.708.5](#)

The Arbitrators Role

- The arbitrator must, by order, create a framework for the municipalities by April 1, 2021. [s.708.36\(1\)](#)
- The arbitrator must be independent and impartial and not act as an advocate for any party. [Regulation s.8](#)
- The arbitrator may conduct the arbitration in any manner that the arbitrator considers appropriate to facilitate the just and timely resolution of the disputed issues. [Regulation s.11](#)
- The arbitrator may, as part of the arbitration process, attempt mediation with the municipalities. [s.708.36\(2\)](#)
- The arbitrator must consider the services and infrastructure provided for in other frameworks to which the municipalities are parties; the consistency of services provided to residents; equitable sharing of costs among municipalities; environmental concerns within the municipalities; and the public interest. [s.708.38](#)

The Arbitration Process

- An arbitrator must convene a preliminary meeting within 21 days of the selection or appointment of the arbitrator. [Regulation s.12](#)
- Unless the arbitrator decides otherwise, the parties must identify facts they do not dispute. [Regulation s.15](#)
- A party must provide to the arbitrator and to the other parties a copy of all documents it intends to rely on in the arbitration. [Regulation s.16\(1\)](#)

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- The arbitrator may order a party to produce documents the arbitrator considers to be relevant. **Regulation s.16(2)**
- The arbitrator may appoint one or more experts to report on specific issues. **Regulation s.17**
- An arbitrator may solicit written submissions from the public. **Regulation s.18**
- Subject to the arbitrator's discretion, hearings are open to the public. **Regulation s.19**
- The arbitrator is required to make an order as soon as possible after the conclusion of the arbitration and provide it to the parties and the Minister. **Regulation s.20**
- Where the framework is created by the arbitrator, the parties to the framework must amend their bylaws to be consistent with the framework. **s.708.4**




Arbitration Costs

- Subject to an order of the arbitrator or an agreement of the parties, the costs of an arbitrator must be paid in proportion to each municipality's equalized assessment. **s.708.41**

When does this change take place?

- These sections come into force April 1, 2018.
- Municipalities must establish an ICF by April 1, 2020 (within two (2) years of the sections coming into force April 1, 2018); an extra year is allowed for arbitration if required. **s.708.28(1)**

What resources are/will there be available to assist?

- [Municipal Affairs Regional Training Session](#). 
- [Elected Officials Education Program](#) (EOEP) – www.eoep.ca (AAMDC/AUMA) 
- Related Implementation Fact Sheet – Intermunicipal Collaboration Frameworks
- [Modernized Municipal Government Act, 2016](#) 



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