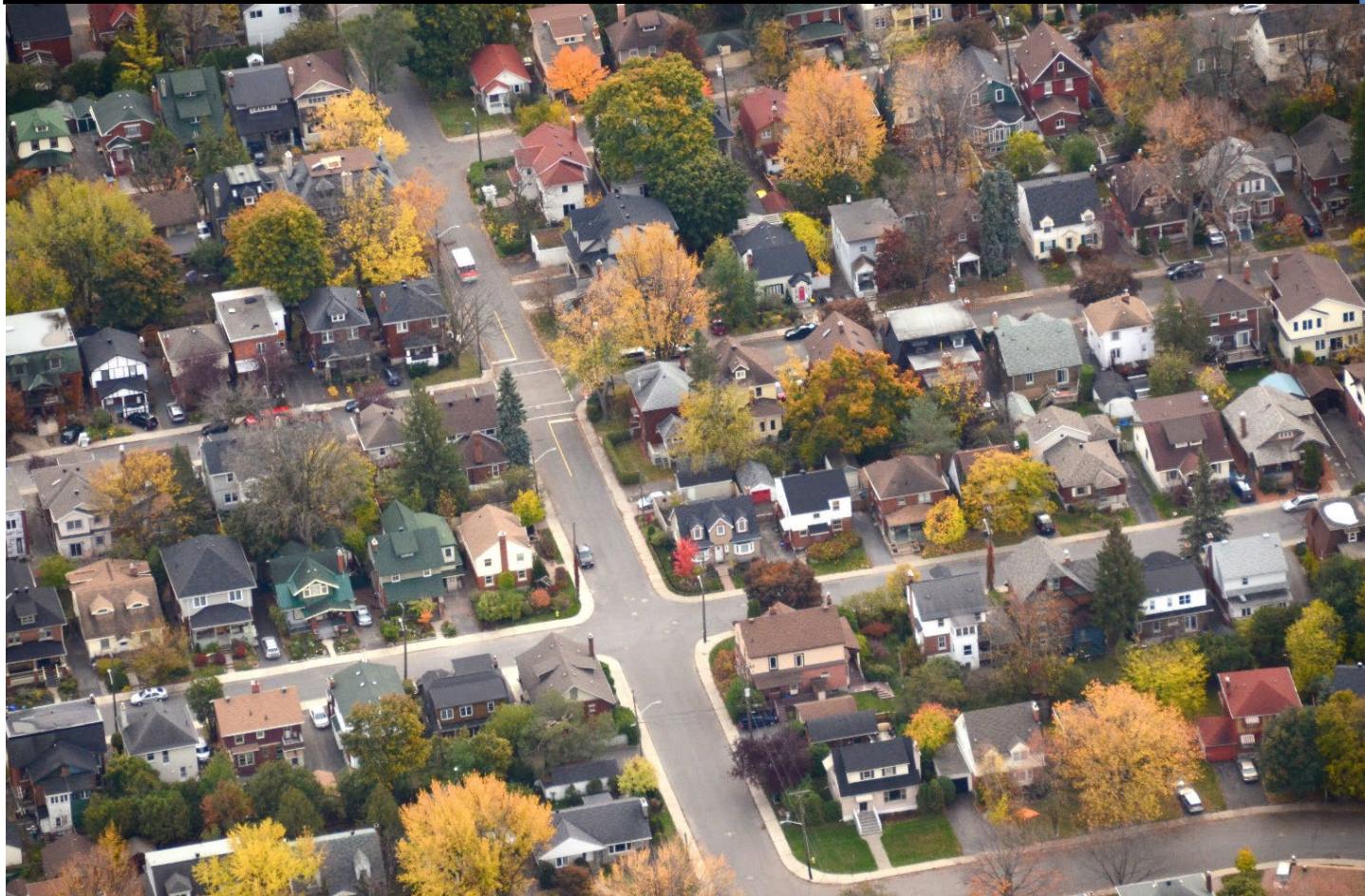


2026

DEVELOPMENT APPEALS BOARD

Policy and Procedures



CITY CLERK'S OFFICE
CITY OF SASKATOON
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DEVELOPMENT APPEALS BOARD

The Planning and Development Act, 2007, requires that a Development Appeals Board be established in conjunction with the adoption of a zoning bylaw. The function of the Development Appeals Board is to hear and determine appeals in accordance with its jurisdiction identified below.

Composition

The Development Appeals Board is appointed by resolution of City Council in accordance with *The Planning and Development Act, 2007*. The Board is composed of five members of the general public. No person who is a member of City Council, employee of a Planning Commission, or employee of the municipality is eligible to be appointed as a member of the Board.

Board Members are appointed for a two-year term and can be re-appointed. Except in unusual circumstances, a member may not serve more than six years.

Jurisdiction

The Saskatoon Development Appeals Board adjudicates appeals under the provisions of Sections 19, 58, 60, 67, 71, 72, 73, 86, 91, 176, 219 through 228 and 242 of *The Planning and Development Act, 2007*.

Remuneration

Remuneration, as determined by City Council on June 26, 2024, came into effect on January 1, 2025, and is as follows:

Panel Chairperson	\$150 for up to and including 4 hours per day \$25 per hour for each additional hour per day as required
Panel Member	\$100 for up to and including 4 hours per day \$25 per hour for each additional hour per day as required

In addition, the member who writes the decision of the Board shall receive a further \$50.00 for each decision written by the member.

Roles and Responsibilities of Board Positions

Board Member

The following are expectations of all Board Members:

- Be familiar with hearing procedures.
- Attend hearings and advise the Secretary if they are unable to attend or anticipate arriving late.
- Review the hearing documents prior to the hearing.
- Declare any conflict of interest with respect to appeals and inform the Secretary of the Board of

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- any potential conflict of interest well in advance of the hearing.
- Conduct themselves in an appropriate manner:
 - Allow the Chair to direct the hearing.
 - Be mindful of comments made during an appeal and how those may be perceived by the parties to appeal.
 - Be respectful to the direction being provided by the Chair to the parties to appeal.
 - Stay focused on the issues at hand.
 - Avoid casual chats during Board hearings.
- Contribute at the hearing by asking questions and participating in discussion/deliberation and decision-making in accordance with established procedures.
- Point out any evidence that is not relevant to the appeal.
- Decisions are based on evidence presented, not on personal feelings or opinions.
- Render a decision in writing, together with reasons, within 30 days of the conclusion of the hearing.

Board Chair

In addition to the general duties of being a member, the following are added responsibilities of the Chair:

- Assume responsibilities January 1 to December 31 of the year appointed.
- Provide leadership and attend to all matters necessary for the proper operation of the Development Appeals Board, ensuring that the City's obligations are met in accordance with the legislative requirements contained in *The Planning and Development Act, 2007*.
- Ensure legal counsel is provided, if required, in the areas relevant to the jurisdiction of the Development Appeals Board and in the procedures of administrative tribunals.
- Take responsibility for training/orientation of Board Members regarding hearings, rules of evidence, decision-making and decision-writing of an administrative tribunal or quasi-judicial board.
- Serve as Chair at the hearings.
- Ensure Records of Decision are completed in a timely manner and follow up as appropriate.
- Ensure that members conduct themselves in an appropriate manner.
- Ensure Board directives, policies and appropriate conduct are adhered to at the hearings.
- Prepare an annual report for City Council containing a summary of the Board's activities.

The following guidelines may be helpful to the Chair:

- Point out any evidence that is not relevant to the appeal.
- Maintain order. Ask for a recess if members could use a few minutes to gather their thoughts.

Vice-Chair

In addition to the general duties of being a Board Member, the Vice-Chair carries out the duties of the Chair when the Chair is not able to or is absent.

Board Secretary

The Secretary is responsible for all administrative and operational matters of the Board to ensure compliance with relevant sections of *The Planning and Development Act, 2007*.

The duties and responsibilities of the Secretary include:

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- Facilitate any Board training and Board orientation as required.
- Review received Notices of Appeal for completion. The appeal must be in the prescribed form and contain information as set out in Subsection 220(1) of *The Planning and Development Act, 2007*.
- Serve Notice of Hearing at least 10 days prior to the sitting of the Board.
- Collect appeal fees.
- Schedule hearings and produce hearing documentation for Board Members.
- Process requests for appeal withdrawal.
- Prepare request for a court reporter for recording of hearings and production of transcript.
- Assist in preparation of decisions.
- Distribute decisions to parties within 10 days of the date on which the decision is made, including instructions regarding appeals to the [Saskatchewan Municipal Board, Planning Appeals Committee \(SMB-PAC\)](#)
- Transmit appealed records to the SMB-PAC.
- Arrange for legal opinions by the Board's legal counsel, as required.
- Update the Board Policy and Procedures, as required.

Conflict of Interest

The onus is on each Board Member to make immediate disclosure to the Secretary or Chair upon becoming aware that they are or may be in a conflict of interest in connection with an appeal. Where the possibility of a conflict exists, a member must not sit in on that hearing. If the member becomes aware of a conflict during a hearing, the member must immediately advise the Chair, excuse themselves from the remainder of the hearing, and take no part in deliberations on the decision.

Where there is merely a possibility of a conflict, the best course of action is always to withdraw from the hearing. It is costly for all concerned if Board decisions are challenged on the basis of perceived bias, and a reasonable perception of bias (rather than actual proof of bias) is all that needs be shown to invalidate a decision.

It is not possible to outline all circumstances where conflicts of interest might arise for Board Members, but the following examples represent clear instances where a Board Member should disclose a potential conflict:

- The member is a director or officer or shareholder or has some other material interest in any “person” (including a corporation or partnership) that has a direct interest in the appeal. “Material interest” will include the existence of a material contract between the Appellant and the “person” in which the member has a material interest.
- The member is a director or officer or shareholder or has some other material interest in any “Person” (including a corporation or partnership) that is a direct business competitor with the Appellant.
- The member is a director or officer or shareholder or has some other material interest in any “person” (including a corporation or partnership) that has a direct interest in the appeal.
- The member has any other financial interest in the outcome of the appeal.
- The Appellant is a member of the member's family or is a friend of the member.
- The member bears personal antipathy towards the Appellant.
- There is, for some other reason, a reasonable basis for believing that the member may not act impartially towards one of the parties.
- The member has received a copy of the Notice of Hearing as a neighbouring property owner.

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The above instances are taken from general law. Additionally, no member may hear or vote on any decision that relates to a matter where they have a financial (pecuniary) interest within the meaning of Section 115 of *The Cities Act*.

"Financial interest" means an interest that a member of a council has in any matter if:

- "(1) Subject to subsection (2), a member of council has a financial interest in a matter if:*

 - (a) the member or someone in the member's family has a controlling interest in, or is a director or senior officer of, a corporation that could make a financial profit from or be adversely affected financially by a decision of council, a council committee or a controlled corporation; or*
 - (b) the member of council or a closely connected person could make a financial profit from or be adversely affected financially by a decision of council, a council committee or a controlled corporation.*
- (2) A member of council does not have a financial interest by reason only of any interest:*

 - (a) that the member or a closely connected person may have as a voter, taxpayer or public utility customer of the city;*
 - (b) that the member or a closely connected person may have by reason of being appointed:*
 - (i) by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the city; or*
 - (ii) as the representative of the council on another body;*
 - (c) that the member or a close connected person may have with respect to any allowance, honorarium, remuneration or benefit to which the member or person may be entitled by being appointed by the council to a position described in clause (b);*
 - (d) that the member may have with respect to any allowance, honorarium, remuneration or benefit to which the member may be entitled by being a member of council;*
 - (e) that the member or a closely connected person may have by being employed by the Government of Canada, the Government of Saskatchewan or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the member or person is an employee;*
 - (f) that someone in the member's family may have by having an employer, other than the city, that is monetarily affected by a decision of the city;*
 - (g) that the member or a closely connected person may have by being a member or director of a non-profit organization as defined in Section 125 or a service club;*
 - (h) that the member or a close connected person may have:*
 - (i) by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service, emergency measures organization or other volunteer organization or service; or*
 - (ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services;*
 - (i) that the member of a closely connected person may hold in common with the majority of voters of the city or, if the matter affects only part of the city, with the majority of voters in that part;*
 - (j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member of council;*
 - (k) that a member may have by discussing or voting on a bylaw that applies to businesses or business activities when the member or a closely connected person has an interest in a business, unless the only business affected by the bylaw is the business or the member or closely connected person; or*
 - (l) that the member may have by being the publisher of a newspaper who publishes advertisements for or on behalf of the city in that newspaper, as long as only the regular advertising rate is charged and the advertisement before council for consideration is for a notice or other matter required by statute or regulation to be published in a newspaper.*
- (3) Clause (2)(g) and (h) do not apply to a member of council who is an employee of an organization, club or service mentioned in those clauses."*

A suggestion by a party to an appeal that a member may be in a conflict of interest, or that there is reason to believe that the member is biased or will not be impartial, must never be dismissed out of hand. The Board should always take the time to consider whether there is a reasonable apprehension of bias. The Board Chair may wish to consult with legal counsel to the Board if required. Where the allegation of conflict or bias is clearly unfounded, then after deliberation, the Board may proceed as originally constituted. If there is real doubt, the simple and sensible solution is to, as the member, to remove herself/himself from participating in that particular hearing in order to avoid future challenges. Bear in mind that the Board must consider not only actual bias, but the perception of bias.

Board Orientation and Training

Orientation and annual training for Board Members, as determined by City Council on April 24, 2024, came into effect on January 1, 2025. The intent of these is to ensure that new and continuing members have a sound understanding of DAB objectives, purpose and values, Board mandate, enabling legislation, Board processes, and expectations regarding member conduct.

The Ministry of Government Relations has created a series of webinars that are available to Board members for their information and participation can be accessed [HERE](#).

The Development Appeals Board Guide – Provincial Publication and *The Practice Essentials for Administrative Tribunals* are also good general resources for Board members. These documents are part of the Board member training material which is provided to members via Dropbox link at the start of each Development Appeals Board year.

Legal Counsel

The Board may retain the services of legal counsel. All requests for legal counsel must be approved by the Board Secretary.

Board Meetings

The Secretary shall ensure that at the first meeting each year, members appoint a Chair and Vice-Chair.

The Secretary shall schedule hearing dates for the year, and this schedule shall act as a guideline. There may be times when hearings will need to be held between scheduled hearing dates. This may occur when there are a number of hearings for the scheduled date or in the case of not being able to meet the 30-day hearing requirement. Meetings will be conducted in accordance with quasi-judicial proceedings. Quasi-judicial proceedings are similar to court proceedings, but less formal.

BOARD MEMBER CONDUCT

Role of a Board Member vs. Other Positions

Board Members are appointed for their knowledge and expertise in various development related topics. Many Board Members hold other positions in the community that should be kept separate from their role as Board Member. This does not mean that Members cannot rely upon their general

knowledge of development-related matters, but it does mean that if Members rely upon any specific knowledge of a matter that they gained outside the hearing, they must disclose the point to the parties, so they have an opportunity to respond. If in doubt, the safest course of action is to disclose.

Independence and Impartiality: The Rule Against Bias

Board Members have a responsibility to look at the way they conduct themselves not from their own points of view, but from the perspective of others. Board Members must act independently and impartially, much like judges. A decision-maker must hear a complaint with an open mind and without being influenced by external forces. A bias exists when a decision is influenced by a monetary or personal interest, or anything else that would influence the decision. Bias can arise from things a Board Member may have written or said about the case or about the parties.

Decision-makers must not only avoid bias, but also avoid creating a perception of bias. A party challenging a Board decision in court does not have to prove actual bias; a reasonable perception of bias is enough. A perceived bias exists when the circumstances suggest to a reasonable observer that there may be bias, even though the Board Member is not actually biased.

The perception that persons other than Board Members have been actively involved in the decision-making process is a common source of bias allegations. The “test” is whether a reasonable observer would think that, in the circumstances, a fair hearing is possible.

Out-of-Hearing Conduct

In avoiding a perception of bias, Board Members should keep discussions with individuals from any of the parties inside or outside the hearing room to a minimum. Board Members should be cautious during breaks and avoid mingling with any party involved in a complaint.

Board Members should remember that few places are totally private and any discussion between Board Members should take place in a private area. No discussion of the hearing should take place outside the hearing room, except with fellow Board Members.

In-Hearing Conduct

All Board Members have a responsibility not only to be fair, but also to appear fair. This includes not acting inappropriately (rudeness, overly aggressive conduct, lack of impartiality, indiscretion, or closed-mindedness). This has two implications:

- Board Members have a responsibility to look at the way they conduct themselves, not only from their point of view, but also from the perspective of others.
- Board Members should not take criticisms, comments, or advice on the issue of fairness as an affront to their dignity. It may be that a member created an unintended impression.

Body language and tone of voice can convey a wrong message to a complainant. Lack of eye contact, raised eyebrows, an angry, sympathetic, incredulous, or impatient tone of voice can conflict with the words a Board Member uses. All actions and expressions contribute to the appearance of fairness.

Parties are often willing to accept bad news if they feel that they have been heard through a fair process by an open-minded Board. But an air of impatience, indifference, or hostility can ruin that impression. Try to look at the proceedings through the eyes of the parties who may be directly and personally affected by your Board’s decision.

Virtual Hearing Conduct – Appellant Hybrid Option

Appeals held before the Development Appeals Board are heard in-person. However, where the Secretary has been made aware of special circumstances necessitating an Appellant to appear virtually a request may be made and considered.

In keeping with general practices with boards and committees throughout the Corporation the following rules are to be adhered to:

- A Microsoft Teams meeting invite will be provided prior to the hearing.
- Board Members should be mindful of background noise and mute their microphones when not speaking.
- Both the Appellant's video camera and the video camera in the meeting room will be turned on during the hearing.

Be prepared. Have appeal documents ready.

Receipt of Appeal Application

A Notice of Appeal must be received within 30 days after the date on which the Development Permit was issued or denied, or from the date of the issuance of the Order to Remedy Contravention.

The Notice of Appeal shall contain the following information:

- reasons for appeal
- summary of supporting facts for each reason
- an indication of the relief sought
- the prescribed fee

Late Submissions

The Secretary shall determine whether the Notice of Appeal has been received from the Appellant within the 30-day appeal deadline. If the Notice of Appeal has been received past the deadline, the Secretary shall provide a letter notifying the Appellant.

Appeal Materials

Documents for the appeal hearing will be prepared prior to the hearing date and include the following:

- Development Permit denial letter or Order to Remedy Contravention or report recommending denial of a Subdivision Application
- Notice of Appeal as submitted by the Appellant
- Notice of Hearing
- Any additional evidence

All documents will be stamped "For Identification Only" followed by an A (Appellant), R (Respondent) or B (Board) designation and a consecutive number. For example, the Notice of Appeal will be marked A.1. All privacy information outlined in [The Freedom of Information and Protection of Privacy](#)

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Act will be redacted. All documents, submissions, and other materials submitted to the Board by the parties, as well as the Board's decision, will be available to the public on the City's website.

Additional material from the Appellant and/or Respondent shall be received by the Secretary **no later than five days prior to the date of the hearing**. The material will be marked as an Exhibit and provided to the Board, and to the parties of appeal.

The Secretary will accept written materials from neighbouring property owners. Although there is no provision in *The Planning and Development Act, 2007* regarding a deadline date for acceptance of this material, the Board has implemented for administrative efficiencies a deadline of 12:00 p.m. (noon) on the hearing date for the receipt of neighbour letters. Any written material from neighbouring property owners will be forwarded to the Board.

The Board is not obliged to accept or consider additional or late material. If there is no objection to submission of the material from either the Appellant or the Respondent, the material will be entered as an Exhibit. If there is an objection by either party of the appeal, the Board will rule on its acceptance based on the content of the objection. If the objection holds, the document will not be entered as an official Exhibit; however, it will remain on file as an official record. Any material received by the Secretary and rejected as an Exhibit at the hearing, will be identified as "information only" and become part of the file, but not included as evidence or marked as an Exhibit.

Scheduling of Appeals

The Secretary shall schedule all appeals with due consideration for the Board members, the Respondent, and the Appellant. Hearings will be scheduled twice per month commencing at 4:00 p.m. The Board will normally hear one or two appeals during a hearing.

A Notice of Hearing must be served no later than 10 days prior to the date of the hearing. Notice must be served by personal service, ordinary mail, or registered mail, to the Appellant, the owner where the owner and the Appellant are not the same person, the council, and each assessed owner of adjacent property or property within a radius of 75 metres from the boundary of the Appellant's land that is the subject of the appeal.

Notices sent by ordinary mail within the municipality must be sent 10+4 days prior to the hearing date and will include a copy of Section 221 of *The Planning and Development Act*, as well as a copy of an "Information Sheet" (Appendix A – Frequently Asked Questions Sheet).

Requests for postponements will be considered and will be at the discretion of the Board. Such requests will generally be granted unless they are recurrent and deemed by the Board to be unreasonable and/or stalling the process. Requests for a postponement received prior to the distribution of the Notice of Hearing will be accommodated and the Notice of Hearing will reflect the change. Requests for postponements received after distribution of the Notice of Hearing must be placed before the Board for consideration of a postponement to a suitable date.

Withdrawal of Appeals

Written requests to the Secretary to withdraw an appeal can be accommodated at any time prior to the hearing. However, a withdrawal request should be provided as soon as possible to provide timely notice to all of the affected parties. Appeal fees can only be refunded if the appeal is withdrawn before Hearing Notices are distributed (typically at least 15 days prior to the hearing).

Where the withdrawal notification has been received after the documents have been distributed to the affected parties, and the docket has been prepared, the Board Secretary shall make a notation on the docket that the appeal has been withdrawn.

HEARINGS

Hearings of the Development Appeals Board are open to the public and the media may attend. Subsection 224(1) of *The Planning and Development Act, 2007* requires that the Board hear any of the parties, being the Appellant, City, and any other person who wishes to be heard in support of or objecting to the application.

Scope of the Appeal

Appeals will be limited to those issues outlined in the Development Permit denial letter, Order to Remedy Contravention or report to City Council recommending that a subdivision application be denied. The Board must decide all appeals based on the facts presented.

Section 221 of *The Planning and Development Act* governs the determination of an appeal as follows:

- “221 *In determining an appeal, the board hearing the appeal:*
- (a) *is bound by any official community plan in effect;*
 - (b) *must ensure that its decisions conform to the uses of land, intensity of use and density of development in the zoning bylaw;*
 - (c) *must ensure that its decisions are consistent with any provincial land use policies and statements of provincial interest; and*
 - (d) *may, subject to clauses (a) to (c), confirm, revoke or vary the approval, decision, any development standard or condition, or order imposed by the approving authority, the council or the development officer, as the case may be, or make or substitute any approval, decision or condition that it considers advisable if, in its opinion, the action would not:*
 - (i) *grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district;*
 - (ii) *amount to a relaxation so as to defeat the intent of the zoning bylaw; or*
 - (iii) *injuriously affect the neighbouring properties.”*

Hearing Docket

A hearing docket will be prepared and contain the details of each appeal together with supporting evidence/submissions received from the Appellant and/or Respondent. An email will be provided with a link to the City's website to retrieve appeal documents.

Hearings will be heard in the order in which they appear on the scheduled list. Where the Appellant is not present at the time that the appeal is called, the appeal will be moved to the end of the list.

In the case where the Appellant is not in attendance, the Board will be guided by the proceedings outlined under 'Failure to Appear' below.

Quorum

A majority of the members of the Board constitutes a quorum for the purpose of a meeting or a hearing. Typically, a Panel of at least three Board members hears an appeal.

Conducting Hearings

The Chair ultimately controls the procedures and rules to be followed at the hearings. The Chair will set the ground rules and maintain order. (Appendix B – Procedures for Chairing a Hearing).

Recording of Hearings

Hearings of the Development Appeals Board are open to the public. No video and/or audio recordings are permitted (including but not limited to personal computers, table devices, cellular telephones, digital recording devices, etc.) from a member of the public, including the media.

A party may request that a hearing or a part of a hearing be recorded and that a transcript be prepared. Where such a request is made at least two days before the hearing, the Chair of the Board shall Order in writing that the recording be made by an official court reporter appointed by the Board. (Appendix C – Court Reporter Request and Order).

In the event that the Board determines that it wishes to record a hearing for its own internal purposes, such recording will not be provided to the parties, nor to the Saskatchewan Municipal Board-Planning Appeals Committee. Access to the recording will be limited to the Board Members and the Secretary.

A summary of proceedings (hearing notes) for the use of Board Members and the Secretary only will be recorded in written form by the Secretary of the Board, in keeping with the categories outlined on the Record of Decision form. The Secretary's notes and the notes of the Board members are considered transitory records and will be destroyed once a decision is rendered.

Failure to Appear

If an Appellant is not present at the hearing, the appeal will be moved to the end of the docket. If the Appellant is still not in attendance. The Board will make a decision on whether to proceed in the Appellant's absence or to postpone the hearing.

Proceed: If the Board decides to consider the appeal in the absence of the Appellant, then any written materials filed by the Appellant will be reviewed and the Respondent will be given an opportunity to respond and/or make a recommendation. If the Appellant has not filed written materials, then the Board will ask the Respondent if there is a recommendation. If there is a recommendation from the Respondent, the Board will consider it.

Postpone: If a hearing has been adjourned and rescheduled to a later date, it is suggested the Board proceed with the hearing on the rescheduled date whether the Appellant is in attendance or not, unless it has been made aware of special circumstances.

Decisions

The Chair will assist in the preparation of a written decision, providing reasons for each decision, in accordance with an established decision outline (Appendix D – Record of Decision Template).

Members of the Board should take notes during the hearing process. The Secretary will be available to assist the Board during the decision-making process by providing a summary of the proceedings, if necessary, and to document any additional information as well as the Board's decision. The Secretary will provide administrative support.

Decisions on appeals shall be signed by the Chair or Acting Chair.

The Board must render its decision in writing, together with reasons, within 30 days of the conclusion of the hearing. A copy of the written decision is forwarded by the Secretary by registered mail to the Appellant and all persons who made representations at the public hearing within 15 days of the date of the decision. The decision will be accompanied with information regarding the right of appeal to the Planning Appeals Committee, Saskatchewan Municipal Board.

In the event a further clarification is needed after the decision is rendered, the Chair may request additional information from the Appellant and/or Respondent. In the case where only one party is consulted, the other party will be advised accordingly. Any clarification requests must be acknowledged in the Record of Decision.

APPENDICES

Appendix A: Frequently Asked Questions Sheet



Development Appeals Board
c/o Office of the City Clerk
222 – 3rd Avenue North
Saskatoon SK S7K 0J5

www.saskatoon.ca
tel (306) 975-3240

HEARING PREPARATION

Preparing for your Hearing

- Prepare a clear and concise written presentation to summarize the key issues and concerns you wish to communicate to the Board. This can be helpful to guide your verbal presentation at the hearing.
- Consider taking photographs of the site and the surrounding area.
- Consider asking persons affected by the appeal (neighbours, community association, etc.) to write letters outlining their position, or compile a letter of objection signed by affected parties (you are responsible for communicating the results of the appeal when you collect and submit a letter signed by multiple parties).
- The Board considers each application on its own merits and weighs all planning evidence presented. It does not make its decision solely based on the support or opposition from affected parties.

Submitting Material to the Board

Parties to an appeal (Appellant, Respondent, owner, potentially affected parties) should provide all written and/or visual material that they wish for the Board to review to development.appeals.board@saskatoon.ca. Additional material from the Appellant and/or Respondent shall be received by the Secretary no later than five days prior to the date of the hearing. All material relating to an appeal will be made available to the public and may be referenced in the Board's public written decision.

Hearing Procedures

DAB hearings are open to the public. Persons who file an appeal are encouraged to make a verbal presentation to the Board. If desired, parties may have someone, or an agent, speak on their behalf.

The Chair maintains order during the hearing. The Board Members and parties to the appeal will be introduced. Anyone giving evidence before the Board will be asked to affirm. The Appellant will follow with their argument with the opportunity for the Respondent and Board to ask questions. The Respondent will have an opportunity to present their argument and the Appellant and Board will have an opportunity to ask questions. The Appellant is provided the opportunity for final comments then the hearing is closed.

The Board relies on written evidence presented, as well as verbal submissions made at hearings, as the basis for its decisions. It is therefore critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

Listed below are some suggestions that will assist you in making a presentation to the DAB:

- Present your opinion regarding any errors in fact or interpretation.
- State the detailed issues about the site in the context of the surrounding properties and the impact on the community.

Board Deliberations

Following the hearing the Board will deliberate, in private, the outcome of the appeal. The Board must render its written decision, with reasons, within 30 days of the date of the hearing. The Board's decision is not final until it is signed and issued.

Appealing your decision (Saskatchewan Municipal Board – Planning Appeals Committee)

The Development Appeals Board decision may be appealed to the Saskatchewan Municipal Board within 30 days after the date of receipt of the Record of Decision. Information on how to appeal to the SMB will be contained in the written decision.

Appendix B: Procedures for Chairing a Hearing

This is a meeting of the Development Appeals Board. The Board consists of members of the public who have been appointed by City Council to serve a neutral position on the Board. The Board will hear the Appellant, the City, and any neighbouring property owners, with the Appellant having the final comments. The Board will make a determination based on the evidence presented at the hearing in accordance with Section 219 of *The Planning and Development Act*. Section 221 guides the Board in determining an appeal,

The Chair will oversee procedural rulings and any rulings will be final for the purpose of the hearing. Please address all comments and questions through the Chair. (*In the event that the Board chooses to record the proceedings, no one other than Board Members or staff will be permitted to access the recording*).

My name is << >>, I am the Chair of the Board. The other Board Members are << >>. The Secretary of the Board is << >> of the City Clerk's Office.

I would ask that the City's representative introduce themselves (and anyone else representing the City).

(To the Appellant) Would you please state your name for the record of the Board. (ask for spelling and who they are representing, if relevant)

Also, if anyone else is present for this hearing, would you please identify yourself and state your name and interest in the appeal for the record.

I will now review the documents on file which have been identified as follows: (Read these from the document list provided).

Does either the Appellant or the City have any objection to any one of these documents being formalized as an exhibit?

Hearing no objections, the documents will now be formalized as Exhibits.

The Board has established that all persons who give evidence before the Board will be required to affirm that the evidence they give will be the truth.

I will now ask the Appellant and City representative to affirm.

Do you solemnly affirm that the evidence you are about to give in this matter is the whole truth and nothing but the truth?

(To the Appellant) Would you please proceed with your statement with respect to this appeal.

(To the City's representative) Does the City have any questions of the Appellant at this time?

(To Board Members) Do Board Members have any questions of the Appellant at this time?

(To the City's representative) Please proceed with your statement on this appeal.

(To the Appellant) Do you have any questions of the City's representative at this time?

(To Board Members) Do members of the Board have any questions they wish to ask the City's representative at this time?

(To the Gallery) Is there anyone else present who wishes to address this matter? If so, please identify yourself and take the following affirmation:

Do you solemnly affirm that the evidence you are about to give in this matter is the whole truth and nothing but the truth?

(To the Appellant) Do you have any new additional comments to make or any rebuttal comments, based upon the evidence presented by the City or others who have presented evidence?

(To the Appellant) Prior to concluding the hearing, you may summarize your case or make any closing statements.

(To the Board) Do Board Members have any final questions?

This will close the hearing. The Board will review the evidence and make its decision. The Board will render its written decision with reasons within 30 days after the date of the hearing, and you will receive it by registered mail. The Board's written decision is not final for 30 days following the date on the decision. This is to allow time for any of the parties to appeal to the Planning Appeals Committee.

You will have 30 days from receipt of the decision to launch a further appeal. Details regarding an appeal to the Saskatchewan Municipal Board, Planning Appeals Committee will be provided with the written decision.

Appendix C: Court Reporter Request and Order



Development Appeals Board
c/o Office of the City Clerk
222 – 3rd Avenue North
Saskatoon SK S7K 0J5

www.saskatoon.ca
tel (306) 975-3240

REQUEST FOR COURT REPORTER

Date of Request: _____

Requested by: _____

Hearing Date: _____

Hearing Time: _____

Hearing Location: Committee Rm E

Secretary: _____

Board Members: _____

This will confirm that _____ has requested a court reporter attend the hearing of the Saskatoon Development Appeals Board for the property located at _____ being represented by _____.

ORDER FOR RECORDING OF HEARING

At the request of _____, I hereby order that this hearing, or portion of hearing, be recorded by **Veritext Legal Solutions**, Saskatoon, SK., with or without a transcript copy of the recording. Any costs associated with the recording will be charged against the party requesting the recording. Any party to the appeal may request through the Development Appeals Board that a transcript be produced from this recording and the party making the request for the transcript production will be charged for that service. If a transcript is requested and produced, a copy will be provided to the other party of the appeal and to the Planning Appeals Committee, Saskatchewan Municipal Board, in the event that a further appeal is filed with their office.

Dated at Saskatoon, SK, this _____ day of _____, 20____.

Chair, Development Appeals Board

CONFIRMATION OF BOOKING

This will confirm that **Royal Reporting Services Ltd.** has been booked to attend the above-noted hearing.

(Name of Reporting Service Employee)

(Signature of DAB Secretary)

Appendix D: Record of Decision Template

RECORD OF DECISION

SASKATOON DEVELOPMENT APPEALS BOARD

APPEAL NO.: 20

RESPONDENT: City of Saskatoon, Community Services Division, Planning and Development, Community Standards

In the matter of an appeal to the City of Saskatoon, Development Appeals Board by:

respecting the property located at:

Lot: **Block:** **Plan:**

Civic Address:

IN ATTENDANCE:

Before

, Chair
, Vice-Chair
, Member
, Member
, Member

**Appeared for
the Appellant**

**Appeared for
the Respondent** , , Title, Department, Division, City of Saskatoon

The appeal was heard in Committee Room _____, _____ Floor, City Hall, City of Saskatoon on _____, 20_____.

PRELIMINARY ISSUES:

GROUNDS AND ISSUES:

THE APPELLANT, , filed an appeal under Subsection 219(1)(b) of *The Planning and Development Act, 2007*, regarding the development permit denial for (insert reason for denial) at (insert property address).

The property is zoned (insert zoning) under *Zoning Bylaw No. 8770*, and the development permit was denied due to the following deficiencies:

EXHIBITS:

Exhibit A.1: Application to Appeal received on , 20 .

Exhibit R.1: Letter dated , 20 , from the Development Services Department, Community Services Division, to .

Exhibit R.2: Site Plan and Location Plan submitted by the Planning and Development Department, Community Services Division.

Exhibit B.1: Notice of Hearing dated , 20 .

EVIDENCE AND ARGUMENT OF THE APPELLANT:

EVIDENCE AND ARGUMENT OF THE RESPONDENT:

RULES AND STATUTES:

Section 219, Subsections (1) – (5) of *The Planning and Development Act, 2007* governs the right of appeal, as follows:

- “219 (1) *In addition to any other right of appeal provided by this or any other Act, a person affected may appeal to the board if there is:*
- (a) *an alleged misapplication of a zoning bylaw in the issuance of a development permit;*
 - (b) *a refusal to issue a development permit because it would contravene the zoning bylaw; or*
 - (c) *an order issued pursuant to subsection 242(4).*
- (2) *Notwithstanding subsection (1), there is no appeal pursuant to clause (1)(b) if a development permit was refused on the basis that the use in the zoning district for which the development permit was sought:*
- (a) *is not a permitted use or a permitted intensity of use;*

- (b) is a discretionary use or a discretionary intensity of use that has not been approved by resolution of council; or
 - (c) is a prohibited use.
- (3) *In addition to the right of appeal provided by section 58, there is the same right of appeal from a discretionary use as from a permitted use.*
- (4) *An appellant shall make his appeal pursuant to subsection (1) within 30 days after the date of the issuance of or refusal to issue a development permit, or of the issuance of the order, as the case may be.*
- (5) *Nothing in this section authorizes a person to appeal a decision of the council:*
 - (a) refusing to rezone the person's land; or
 - (b) rejecting an application for approval of a discretionary use."

Section 221 of *The Planning and Development Act, 2007*, governs the determination of an appeal as follows:

- "221 *In determining an appeal, the board hearing the appeal:*
- (a) *is bound by any official community plan in effect;*
 - (b) *must ensure that its decisions conform to the uses of land, intensity of use and density of development in the zoning bylaw;*
 - (c) *must ensure that its decisions are consistent with any provincial land use policies and statements of provincial interest; and*
 - (d) *may, subject to clauses (a) to (c), confirm, revoke or vary the approval, decision, any development standard or condition, or order imposed by the approving authority, the council or the development officer, as the case may be, or make or substitute any approval, decision or condition that it considers advisable if, in its opinion, the action would not:*
 - (i) *grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district;*
 - (ii) *amount to a relaxation so as to defeat the intent of the zoning bylaw; or*
 - (iii) *injuriously affect the neighbouring properties."*

Section of Zoning Bylaw requires

APPLICATION /ANALYSIS:

In determining the appeal, the Board was governed by Section 221 of *The Planning and Development Act, 2007*.

- 1. Does the granting of this appeal grant to the applicant a special privilege inconsistent with the restrictions on the neighbouring properties in the same zoning district?**
- 2. Does the granting of this appeal amount to a relaxation of the provisions of the Zoning Bylaw so as to defeat the intent of the Zoning Bylaw?**

3. Does the granting of this appeal injuriously affect the neighbouring properties?

DECISION:

**DATED AT SASKATOON, SASKATCHEWAN, THIS _____ DAY OF _____,
20**

CITY OF SASKATOON DEVELOPMENT APPEALS BOARD

, Chair

TAKE NOTICE that in accordance with Subsection 226(1) of *The Planning and Development Act*, the minister, the council, the Appellant or any other person may appeal a decision of the Development Appeals Board to the Saskatchewan Municipal Board. In the event that no such appeal is made, this Decision becomes effective after the expiry of 30 days from the date of the Decision of the Development Appeals Board.

A Notice of Appeal form can be downloaded from www.publications.gov.sk.ca (select Saskatchewan Municipal Board from the Ministry list and select Notice of Appeal to the Planning Appeals Committee). The Notice of Appeal must be filed, **within 30 days after being served with this Record of Decision**, to:

Planning Appeals Committee
Saskatchewan Municipal Board
4th Floor, Room 480, 2151 Scarth Street
Regina, SK S4P 2H8
(Telephone: 306-787-6221; FAX: 306-787-1610; info@smb.gov.sk.ca)

An appeal **fee of \$50** is also required by the Planning Appeals Committee. Cheques should be made payable to Minister of Finance. Your appeal will be considered received on the date the appeal fee and the Notice of Appeal have both been received.

For additional information, please contact the Planning Appeals Committee, Saskatchewan Municipal Board, at the address and/or telephone number indicated above.

A **copy of the Notice of Appeal** must also be provided to the Saskatoon Development Appeals Board, c/o The Secretary, Development Appeals Board, City Clerk's Office, City Hall, Saskatoon, SK, S7K 0J5.