

**NOTICE OF DECISION**

**NO. DL 044/16**

**FILE NO. 16/IMD/003**

Appellant, Town of Drayton Valley

Respondent, Brazeau County

Janet Hutchison  
Hutchison Law  
190 Broadway Business Square  
130 Broadway Boulevard  
Sherwood Park, AB T8H 2A3

Gwendolyn Stewart Palmer  
Shores Jardine  
2250 Bell Tower  
10104 103 Avenue  
Edmonton, AB T5J 0H8

Citation: Town of Drayton Valley v Brazeau County (*re: Brazeau County Bylaw 892-15*)  
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**Re: Appeal to the Municipal Government Board  
Intermunicipal Dispute – Section 690 Municipal Government Act (Act)  
Bylaw under appeal: Brazeau County Bylaw 892-15, amending the Land Use  
Bylaw from Agriculture to Direct Control.**

This letter is in response to a written request of the parties for a postponement of the dates set in DL 034/16.

**Before:** L. Yakimchuk, Presiding Officer  
B. Hisey, Member

C. Miller Reade, Case Manager

**Panel**

[1] This postponement request was scheduled to be heard by three members; however, one panel member was unable to attend the hearing. The remaining two members of the MGB continued as a quorum of the MGB pursuant to sections 489 and 490 of the Act.

**Background and Party Positions**

[2] On March 1, 2016, Brazeau County (Brazeau) gave third reading and adopted Bylaw 892/15, changing the districting in its Land Use Bylaw for the East ½ of 3-49-7-W5M from

Agriculture to Direct Control. On March 31, 2016, the Town of Drayton Valley (Drayton Valley) filed an appeal with the MGB stating that Bylaw 892/15 has or may have a detrimental effect upon it.

[3] The MGB held a preliminary hearing on this matter on May 24, 2016 to establish a date for merit hearing by determining a schedule for mediation and setting exchange dates for submissions between the parties. The parties put forward a schedule which included mediation that would complete at the end of June. The schedule with a few modifications, including a requirement to report back on the progress of the meditation by June 30<sup>th</sup> was established in DL 034/16. After starting their mediation, Drayton Valley and Brazeau have advised the MGB that additional time is needed to pursue mediation and the parties had scheduled dates into September. Other scheduling commitments necessitate a hearing date in early January 2017. When contacted by email about this postponement request, the Landowner requested that they be informed of any new dates in relation to this matter.

**Decision**

[4] After considering the request of the parties, the MGB grants the postponement request. The MGB orders the following actions to occur on or before the following dates.

<b>Action</b>	<b>Date</b>
Drayton Valley and Brazeau County Mediation Progress Report	August 29, 2016
Drayton Valley First Submission (with Will-Say Statements)	October 24, 2016
Brazeau County Response (with Will-Say Statements)	November 21, 2016
Landowner Response	November 28, 2016
Brazeau County Rebuttal	December 12, 2016
Drayton Valley Rebuttal	December 19, 2016

All submissions are due by 12 noon on the date noted above. Submissions may be made electronically to [mgbmail@gov.ab.ca](mailto:mgbmail@gov.ab.ca), and will be followed up with 5 hard copies (including one unbound) to the MGB within three business days. All other parties are to be sent one hard copy.

[5] While this hearing is scheduled for January 10 to 12, 2017, the MGB’s office is closed from December 23, 2016 to January 6, 2017. Therefore, any requests to withdraw this dispute must be received by the MGB no later than Tuesday December 6, 2016, in order to ensure that adequate notice can be mailed to the parties.

[6] The MGB requests that this decision letter be published on both municipal websites to ensure that the public are aware of the amended timelines in this dispute. If possible, copies of submissions for this hearing are requested to be placed on the municipal website, or a hard copy may be made available at the municipal office during regularly scheduled office hours. If copies of these documents are requested, the municipalities may provide them at a cost established by the municipality.

**Reasons**

[7] The MGB understands that the municipalities are pursuing mediation, but are unable to complete the mediation within the original estimated time. The revised schedule acknowledges these new mediation dates, which are now anticipated to conclude on September 21, 2016. The August 29, 2016 reporting date ensures that the MGB is made aware of any outstanding issues that require resolution through a merit hearing, or the potential for additional requests for postponement.

[8] Although the parties requested this postponement, a new schedule of dates was not provided. In response, and being mindful of scheduling, the merit hearing has been scheduled for an early date in 2017.

Dated in the City of Edmonton, in the Province of Alberta on the 20<sup>th</sup> day of July 2016.

MUNICIPAL GOVERNMENT BOARD



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L. Yakimchuk, Presiding Officer

cc: Dwight Dibben, Town of Drayton Valley  
Marco Schoenenger, Brazeau County  
Andrew Dick, Alberta Environment and Parks  
Peter (Doanh) Ngo, Alberta Transportation  
Michael Scheidl, Alberta Municipal Affairs  
Avalie Peck and Dennis McGinn