

Our File: 16/IMD/04

September 19, 2016

**Agent, Town of Drayton Valley**

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**Appellant, Town of Drayton Valley**

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**Respondent, Brazeau County**

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**Notice of Acknowledgement and Instructions**

**Re: Intermunicipal Dispute – Section 690 Municipal Government Act**  
**Appealed by: Town of Drayton Valley**  
**Bylaw under Appeal: Bylaw 905-16, Brazeau County Land Use Bylaw**

This letter is to advise that on September 15, 2016, the MGB received a notice of appeal from the Appellant's Agent, along with the required statutory declaration respecting this dispute.

A summary of the appeal

The Town of Drayton Valley's (Drayton Valley) statutory declaration states that the dispute is being filed because the Brazeau County Land Use Bylaw (Bylaw 905-16) adopted by Brazeau County (Brazeau) has, or may have, a detrimental effect upon it. The statutory declaration sets out a number of reasons for detriment, and is attached to this notice.

Instructions

Section 691(1)(a) of the *Municipal Government Act (Act)* requires the MGB begin a hearing within **60** days after receiving an appeal, unless all parties agree to a later time that is acceptable to a panel of the MGB. If all parties do not agree, the MGB must begin the hearing **no later than November 15, 2016**.

Please take note of the following information and undertake the requested actions:

- Under section 690(4) of the *Act*, Bylaw 905-16 is deemed to be of no effect.
- The MGB requests that by **Thursday, October 3, 2016 at 4:00 pm**, the Respondent, Brazeau County provide the names and mailing addresses of the owners of the lands that are the subject of the appealed bylaw. The MGB requires this information in order to provide notice under section 691(2). If possible, this listing should be provided electronically to [mgbmail@gov.ab.ca](mailto:mgbmail@gov.ab.ca).
- Under Section 690(3) of the *Act*, Brazeau County must submit to the MGB and to Drayton Valley, a statutory declaration stating the reasons that mediation was not possible, or that mediation was not successful and the reasons it was not successful, or that mediation is being proposed, or is ongoing. The deadline for receiving this declaration is **Friday, October 14, 2016 at 4:00 pm**.
- The MGB proposes that a preliminary hearing take place on **November 2 or 3, 2016**, in Edmonton. A formal hearing notice will be issued by the MGB when the precise date and location is confirmed. This hearing will initiate the proceedings and deal with necessary preliminary matters, including:
  - Status of and potential for mediation;
  - Identification of any issues relating to this appeal, including the need for any studies;
  - Exchange dates for submissions, responses and rebuttals;
  - Date for the continuation of the hearing and an estimate of time required for a merit hearing.

Legal counsel should discuss their availability prior to this preliminary hearing and be prepared to provide the MGB with potential evidence exchange and merit hearing dates, as well as an estimate of time required to make their presentation at a merit hearing.

If it is not possible to attend this preliminary hearing, please advise the MGB Intermunicipal Dispute Case Manager in writing before **October 14, 2016 at 4:00 pm** of the reasons attendance is not possible and provide a list of alternative dates.

- The MGB requests copies of each municipality's submissions to be posted on their municipal website for review by the owners of the lands covered by the ASP, and for the public. In addition, a copy is to be made available for viewing at the municipal office by the public, and if copies are requested, these are to be provided upon payment of a reasonable fee. These actions are to be complete by **October 21, 2016 at 4 pm**.

- The MGB requests that Brazeau County provide a copy of Bylaw 905-16 for the file.
- Please note that Drayton Valley and Brazeau County are responsible for retaining the services of a court reporter for the hearing. All associated costs of retaining the court reporter are to be shared between the municipalities and a written transcript is to be provided at no charge to the MGB. Copies of the transcript for the municipalities or the landowner are to be ordered directly from the court reporter with each municipality or landowner responsible for their own costs.

Attached you will find a copy of the MGB's Intermunicipal Dispute Procedure Rules. If you have any questions, you may contact me in a number of ways.

Main Phone: 780-427-4864  
Voice Mail/Direct Line: 780-422-8120  
Fax: 780-427-0986  
E-mail: [cindy.millerreade@gov.ab.ca](mailto:cindy.millerreade@gov.ab.ca)

Or write to the address shown on the letterhead. **After September 23, 2016 please note that the MGB will be located at 1229 91 Street SW, Edmonton, AB, T6X 1E9.**

Please note that submissions may be delivered electronically to [mgbmail@gov.ab.ca](mailto:mgbmail@gov.ab.ca), with a hard copy mailed or couriered to the MGB. Please contact the MGB to confirm the delivery address.

Yours truly,



*For* Cindy Miller Reade RPP MCIP  
Case Manager

cc: Dennis McGinn and Avalie Peck, Landowners, Box 6062 Drayton Valley, Alberta T7A 1R6  
Peter (Doanh) Ngo, Alberta Transportation  
Andrew Dick, Alberta Environment and Parks  
Michael Scheidl, Manager, Municipal Dispute Resolution Services, Municipal Affairs