

NOTICE OF DECISION

NO. DL 062/16

FILE NO. 16/IMD/003

Appellant, Town of Drayton Valley

Respondent, Brazeau County

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Citation: Town of Drayton Valley v Brazeau County (*re: Brazeau County Bylaw 892-15*)
2016 ABMGB 62

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 044/16.

Before: F. Wesseling, Presiding Officer
E. Bruton, Member
E. Williams, Member

K. Lau, Case Manager
C. Miller Reade, Case Manager
A. Chell, Assistant Case Manager

Background and Party Positions

[1] 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.

[2] 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 conclude 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 30th was established in DL 034/16. After starting their mediation, Drayton Valley and Brazeau County requested that the hearing be postponed to January 2017. The MGB granted this request in DL 044/16, with the requirement that the parties submit a Mediation Progress Report by August 29, 2016.

[3] The parties have met the August 29th deadline for the Progress Report. This report states that mediation meetings were held on July 21, 2016 and August 15, 2016. Both parties are of the opinion that sufficient progress was made at these meetings, but that further mediation is required in order to determine whether this dispute can be resolved by agreement. The parties have scheduled additional mediation meetings for September 21, 2016 and October 20, 2016 to continue mediation, and have requested a second postponement of the merit hearing. In light of these additional meetings, the MGB requires an updated Mediation Progress Report to be submitted by October 24, 2016. The Landowners 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 new dates set for the merit hearing are May 2-4, 2017. The MGB orders the following actions to occur on or before the following dates.

<i>Action</i>	<i>Date</i>
Mediation Progress Report #3	October 27, 2016
Drayton Valley First Submission (with Will-Say Statements)	February 16, 2017
Brazeau County Response (with Will-Say Statements)	March 23, 2017
Landowner Response	March 30, 2017
Drayton Valley Rebuttal	April 13, 2017

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

[5] 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

[6] 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 October 20, 2016. The parties have met the August 29th reporting deadline, and the board is satisfied that they are continuing negotiations in good faith. The deadlines set by the MGB ensure that the parties move forward in a timely manner.

Dated in the City of Edmonton, in the Province of Alberta on the 28th day of September 2016.

MUNICIPAL GOVERNMENT BOARD



F. Wesseling, 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