

**JOINT SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
DECISION**

Hearing Date: March 4, 2025  
Development Application 020020-24-D0082  
Applicant: Kuzuk Consulting Ltd.  
Location: Lot 2A & 3A, Block 1, Plan 192 2628, in SW 13-51-20-W4  
Proposed Development: Discretionary – Recreational Use (private 6-stall  
campground)

**A. INTRODUCTION**

1. On January 6, 2025, the Beaver County Development Authority issued a decision refusing a development permit for a Discretionary – Recreational Use (private 6-stall campground).
2. The Applicant appeals the refusal of the development permit.

**B. PRELIMINARY ISSUE**

3. There was a preliminary issue of whether the appeal had been filed on time.
4. The Notice of Refusal letter states that an appeal must be filed within 28 days of the date of the letter, being January 6, 2025. The Applicant submitted the appeal on February 4, 2025.
5. The Board made a motion that this preliminary issue would be addressed by way of written submissions of the Parties on the following timelines:
  - (a) The Applicant must submit its written submissions by no later than 12:00pm (noon) February 21, 2025;
  - (b) The Development Authority and any other affected parties must submit their written submissions by no later than 12:00pm (noon) February 27, 2025;
  - (c) The Applicant must submit its written reply submissions (if any) by no later than 12:00pm (noon) March 3, 2025.

6. The Applicant provided its written submissions on February 18, 2025.
7. The Development Authority provided its written submissions on February 26, 2025.
8. Ken and Sharon Meachem, who are adjacent landowners, provided written submissions on February 24, 2025.
9. The Applicant did not provide written reply submissions.

**C. SUMMARY OF WRITTEN SUBMISSIONS**

Applicant

10. The Applicant provided various calculations of the dates:
  - (a) As no specific date was provided, the Applicant proceeded with the understanding that the deadline was 28 business days from end of day on January [6], 2025 (January 26 in original, which is assumed to be a mistype), which was to end of day on February 13, 2025.
  - (b) The letter of rejection was received via Canada Post on January 15, 2025. With a calculation of 28 calendar days, this would be to end of day on February 12, 2025.
  - (c) The email sent by the Municipal Planning Services was time stamped at 4:29pm on January 6, 2025. This places day 1 to end at 4:29pm on January 7, 2025 and day 28 to end at 4:29pm on February 4, 2025 based on calendar days.
11. In all three points above, the Applicant has successfully met the deadline.
12. In this situation, the final date and time is left open to self-calculation and interpretation. The Applicant's request for appeal should be considered since there is ambiguity in the deadline.

Development Authority

13. The Applicant's development permit application form selected "yes" for Electronic Communication Authorization in compliance with section 608(1) of the *Municipal Government Act*, RSA 2000 c M-26 (the "MGA").
14. The Notice of Refusal letter was issued and sent to the Applicant by email on January 6, 2025. The decision was posted to the Applicant by mail on January 8, 2025.
15. The Applicant confirmed in its written submissions that the Notice of Refusal was received by email on January 6, 2025.
16. Under section 686(1)(a)(i) of the *MGA*, an appeal must be filed within 21 days of the date the notice is given. Because the notice was provided electronically, the deadline for the Applicant/landowner to appeal the decision was January 27, 2025.
17. The Development Authority applied section 23(1)(a) of the *Interpretation Act*, RSA 2000, c I-8 to account for potential mail delivery delays, extending the appeal period by 7 days for anyone receiving the notice via mail.
18. As a result, the final deadline for the appeal submission was February 3, 2025. If the appeal period was 21 days, the appeal period would have typically ended on January 27, 2025. The Applicant effectively received an additional 7 days to appeal the decision.
19. The Applicant only submitted a partial payment of the appeal fee on February 4, 2025. The Applicant paid \$200.00, which does not align with Bylaw 24-1155 which establishes the appeal fee as \$300.00.
20. In response to the Applicant's first point, Section 10.2.3 of the Beaver County Land Use Bylaw No. 24-1154 (the "LUB"), explicitly states that appeal periods are based on calendar days and that written Notice of Appeal, accompanied by the applicable fee, must be served within 21 calendar days after the date on which the decision of the development permit was given.

21. In response to the Applicant's second point, the Notice of Refusal clearly states that an appeal must be made "within 28 days of the date of this letter".
22. As the Applicant acknowledged service of the refusal letter on January 6, 2025, the 7-day extension for notice by mail should no longer apply.
23. The time stamp on the January 6, 2025 email is not relevant to the calculation of the appeal period, and the notice was delivered during the County's regular business hours.
24. Section 22(7) of the *Interpretation Act* states that "if an enactment provides that anything is to be done within a time after, from, of or before a specific day, the time does not include that day". As such, the 28-day appeal period starts on January 7, 2025 and includes the last day, February 3, 2025.
25. In response to the Applicant's comments that "the final date and time is left open to self-calculation and interpretation", the Applicant never reached out to Beaver County or the Municipal Planning Services for clarification. The Notice of Refusal letter states that they could contact the Manager of Legislative Services for any questions they may have about appeal deadlines;
26. If there had been any uncertainty regarding the deadline, the Applicant should have clarified in advance, rather than waiting until the assumed final day to submit the appeal.

Affected Parties, Ken and Sharon Meachem

27. They provided their calculations of the relevant appeal period and appeal deadline. In all of their calculations, the Applicant had missed the appeal deadline.
28. The Applicant had the chance to read the LUB and fill in the appeal form as of January 7, 2025. The appeal form was signed on January 25, 2025, and they believe that the Applicant knew February 3, 2025 was the deadline.

29. They have not seen any evidence that the Applicant asked for clarification on whether the appeal period was business or calendar days.

30. The Applicant was provided 28 days to submit the appeal and they still did not abide by the set deadline.

**D. DECISION**

31. The Board does not have jurisdiction to hear the appeal as the appeal was not filed in time.

**E. REASONS**

32. Both the *MGA* and the *LUB* state that appeals must be made within 21 days after the date on which the written decision is given.

33. The *LUB* provides that notice of the written decision is given to an applicant by either ordinary mail or email based on what is specified in the development permit application.

34. In the present case, the Applicant checked “yes” to receiving communications electronically on the development permit application.

35. The Notice of Refusal was sent and received, by email, on January 6, 2025, as acknowledged by the Applicant, in accordance with the *LUB*.

36. Therefore, the 21 days expired on January 27, 2025.

37. Even applying a 28-day appeal period, per the Notice of Refusal letter, the Applicant would have had to submit the appeal by February 3, 2025.

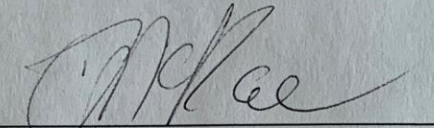
38. The Applicant submitted the appeal on February 4, 2025, and paid only part of the required fee.

39. The Board finds that the appeal was not filed in time under the *MGA* or the *LUB*. The Board does not have the authority to waive or extend a limitation period under the *MGA*.

40. The Board therefore does not have the jurisdiction to consider this appeal.
41. The Applicant may reapply for a development permit once the resubmission interval set out in section 8.6.10 of the LUB expires.

Dated this 11 day of March, 2025.

Per:



Chair  
Joint Subdivision and Development  
Appeal Board

#### **IMPORTANT INFORMATION**

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c. M-26.