

**LAND &
PROPERTY
RIGHTS
TRIBUNAL**

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Our File: 21/IMD-002

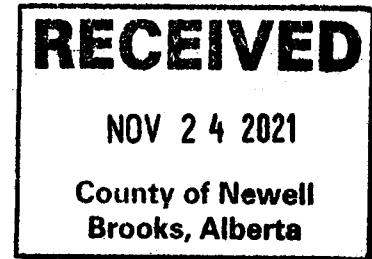
November 17, 2021

Appellant, Village of Duchess

Gavin S. Fitch
McLennan Ross LLP
1900 Eau Claire Tower
600 – 3rd Avenue SW
Calgary AB T2P 0G5

Respondent, County of Newell

Jeneane S. Grundberg
Brownlee LLP
2200, 10155 – 102 Street
Edmonton AB T5J 4G8



**Re: Notice of Preliminary Hearing
Intermunicipal Dispute – Section 690 *Municipal Government Act*
Appealed by: Village of Duchess
Bylaws under Appeal: County Newell Bylaw 2016-21**

This letter is to advise you that the Land and Property Rights Tribunal (Tribunal) has received a notice of appeal from the Village of Duchess (Village) regarding County of Newell (County) Land Use Bylaw 2016-21.

Alleged detrimental effect

The Village is of the opinion that by deleting the “Fringe” Land Use District and substituting the “General Agricultural” Land Use District, Bylaw 2016-21, does not capture the impact some activities have on urban settlement. In summary, the Village contends:

- The removal of the “Fringe” Land Use District, including the list of uses and subdivision policies, conflicts directly with the policies of the Intermunicipal Development Plan (IDP),
- By deleting the “Fringe” Land Use District and substituting the General Agricultural Land Use District, Bylaw 2016-21 does not capture the impact previously prohibited agricultural and non-agricultural activities will have on the Village,
- By deleting the “Fringe” Land Use District, Bylaw 2016-21 unilaterally changes policy which is central to the function of the IDP,
- Bylaw 2016-21 does not contain a comprehensive map, either in paper or digital form, which depicts a clear legend and the individual parcels of land which have been assigned zoning.

Effect of filing appeal

Section 691(1)(a) of the *Municipal Government Act (Act)* requires the Tribunal to conduct an intermunicipal dispute appeal hearing regarding this matter. Section 690(4) of the *Act* states the bylaw provisions under appeal are deemed to be of no effect in the areas outlined in the statutory declaration until the Tribunal makes its decision. Section 691(2) of the *Act* requires the Tribunal to hear from the municipality making the appeal, the municipality against whom it is launched, and the owners of the land that is the subject of the appeal.

A preliminary hearing is scheduled as follows

DATE: Tuesday, December 14, 2021
TIME: 10:00 AM
LOCATION: The proceedings will be conducted via WebEx

Instructions for participation in preliminary hearing

If you plan to participate in the preliminary hearing and/or wish to make an oral submission to the Tribunal during the proceedings, please advise the Tribunal office by 12:00 noon on Thursday, December 9, 2021. Written submissions pertaining to the preliminary hearing should be received by the Tribunal no later than 12:00 noon on Thursday, December 9, 2021. Copies of all written submissions received by the Tribunal will be forwarded to the Village and the County prior to the preliminary hearing and may be made available to the public.


Copies of the documents for this Intermunicipal Dispute appeal should be available for viewing at the Village and the County municipal offices during regular business hours and may be available on the municipal websites. You may also wish to contact:

Yvonne Cosh
Chief Administrative Officer
Village of Duchess
PO Box 158
Duchess AB T0J 0Z0
Phone: 403-378-4452
Email: administration@villageofduchess.com

Geoff Tiffin
Manager of Planning, Development & Engineering
County of Newell
183037 Range Road 145
PO Box 130
Brooks AB T1R 1B2
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Email: tiffing@newellmail.ca

Written submissions regarding this matter should be sent to the Tribunal Case Manager at the address below. For more information about the appeal process or to notify the Tribunal that you plan to attend and/or wish to make an oral presentation at the preliminary hearing, please contact:

Yours truly,


For: Rick Duncan
Case Manager

cc: Yvonne Cosh, Chief Administrative Officer, Village of Duchess
Matt Fenske, Chief Administrative Officer, County of Newell
Geoff Tiffin, Manager of Planning, Development & Engineering, County of Newell
Sabhago Oad, Highway and Roadside Planning Engineer, Alberta Transportation
Michael Scheidl, Manager, Municipal Dispute Resolution Services, Municipal Affairs
Interested parties