

OFFICE CONSOLIDATION

BYLAW NUMBER 50M2011

**BEING A BYLAW OF THE CITY OF CALGARY
TO CONTINUE THE LICENCE AND COMMUNITY
STANDARDS APPEAL BOARD**

(Amended by 38M2016, 48M2021, 72M2021, 17M2022, 56M2022)

WHEREAS pursuant to section 8 of the Municipal Government Act, R.S.A. 2000, c. M-26, Council may provide for a system of licences, permits and approvals and provide for an appeal, the body that is to decide the appeal and related matters;

AND WHEREAS pursuant to section 547 of the Municipal Government Act, a person who receives a written order under section 545 or 546 may by written notice request Council to review the order;

(56M2022, 2022 December 20)

AND WHEREAS pursuant to section 203(1) and (2)(e) of the Municipal Government Act, Council may delegate a duty to decide appeals if the delegation is to a council committee and authorized by bylaw;

AND WHEREAS pursuant to section 19(1) of the Weed Control Act, S.A. 2008, c. W-5.1, Council must establish an independent appeal panel to determine appeals of notices issued pursuant to that Act;

AND WHEREAS pursuant to section 14(5) of the Agricultural Pests Act, R.S.A. 2000, c. A-8, Council must appoint a committee to hear and determine appeals of notices issued pursuant to that Act;

(17M2022, 2022 March 30)

AND WHEREAS Council considered it advisable to establish a single appeal board to hear appeals of the above noted matters and passed Bylaw 48M2007 to establish the Licence and Community Standards Appeal Board;

AND WHEREAS Council has approved C2011-75 and considers it advisable to continue the Licence and Community Standards Appeal Board;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS
FOLLOWS:**

Title

1. This bylaw may be cited as the "Licence and Community Standards Appeal Board Bylaw".

Definitions

2. In this bylaw:

“*Agricultural Pest Notice Appeal*” means an appeal pursuant to section 14 of this bylaw;
(56M2022, 2022 December 20)

“*appellant*” means a person who is seeking an appeal to the *Board*;

“*Board*” means the Licence and Community Standards Appeal Board continued by this bylaw;

“*City*” means The City of Calgary, a municipal corporation and, where the context so requires, the area included within the boundaries of the municipality;

“*City Clerk*” means the person appointed as City Clerk pursuant to the City Clerk Bylaw 73M94, or that person’s designate;

“*City Manager*” means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;
(72M2021, 2022 January 01)

DELETED BY 48M2021, 2021 JUNE 08;

“*Council*” means the Municipal Council of the *City*;

“*Designated RPO Member*” means a member of the Board designated by Council to hear appeals under the Responsible Pet Ownership Bylaw pursuant to section 16(6);
(48M2021, 2021 June 08)

“*licence*” means a licence or permit issued by the *City* pursuant to the:

- (i) The Alarm Services Bylaw 31M95;
- (ii) Bicycle Courier Licensing Bylaw 48M90;
- (iii) Business Licence Bylaw 32M98;
- (iv) Combative Sports Commission Bylaw 53M2006;
- (v) The Concert Bylaw 4M83;
- (vi) Dating and Escort Service Bylaw 48M2006;
- (vii) Downtown Pushcart Vendor Licence Bylaw 3M97;
- (viii) Exotic Entertainers Bylaw 47M86;
- (ix) Extended Dance Event Bylaw 34M2000;
- (x) Livery Transport Bylaw 20M2021;
- (xi) Massage Licence Bylaw 52M2012;

- (xii) The Body Rub Licence Bylaw 53M2012;
- (xiii) Responsible Pet Ownership Bylaw 47M2021;

(48M2021, 2021 June 08)
(56M2022, 2022 December 2022)

“licence appeal” means an appeal pursuant to section 6 of this bylaw;

“person” includes a corporation and other legal entities;

“remedial order” means an order issued pursuant to section 545 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 to enforce that Act, or any other enactment or bylaw that the municipality is authorized to enforce including:

- (i) the Community Standards Bylaw 5M2004;
- (ii) the Encroachment Bylaw 9M2020;
- (iii) the Responsible Pet Ownership Bylaw 47M2021;
- (iv) the Parks & Pathways Bylaw 11M2019; or
- (v) any other *City* bylaw that may be enforced by way of a remedial order;
(48M2021, 2021 June 08)

“weed notice appeal” means an appeal pursuant to section 13 of this bylaw.

Interpretation

- 3. (1) Where this bylaw refers to another bylaw or any act or regulation, it includes a reference to any bylaw, act or regulation that may be amended or substituted in its place.
- (2) Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.

Continuation of the Licence and Community Standards Appeal Board

- 4. (1) The Licence and Community Standards Appeal Board established by Bylaw 48M2007 is hereby continued.
- (2) The Licence and Community Standards Appeal Board has jurisdiction to hear and determine:
 - (a) *licence appeals*;
 - (b) *remedial order* appeals and appeals from other decisions and orders pursuant to section 9 of this bylaw;
 - (c) *weed notice appeals*;

- (d) *agricultural pest notice appeals*;
- (e) appeals pursuant to the Responsible Pet Ownership Bylaw 47M2021 in accordance with section 6.1 of this bylaw; and
- (f) appeals as set out in any other bylaw of the City that authorizes an appeal to the *Board*.

(48M2021, 2021 June 08)
(56M2022, 2022 December 20)

Appeal Fees

5. (1) An *appellant* who files a notice of appeal with the *Board* must, at the time such notice of appeal is filed, pay to the *City* a fee of \$100.00 in respect of each such notice of appeal.
- (2) Notwithstanding subsection (1), an *appellant* who files a notice of appeal in respect of *weed notice appeal* must pay a fee of \$500.00.
- (3) A notice of appeal will not be considered as having been filed unless the notice of appeal and applicable fee have been received by the *City Clerk* within the prescribed time period for filing a notice of appeal.
- (4) Except as set out in section 14 and subsection 14.1(4)(b), the fees referred to in this section will not be waived or refunded under any circumstances.

(56M2022, 2022 December 20)

Licence and Permit Appeals

6. (1) The *Board* may hear appeals of:
- (a) the refusal, revocation or suspension of a *licence*, or conditions applied to a *licence*, by the Director, Development, Business & Building Services;
 - (b) the refusal, revocation or suspension of a *licence*, or conditions applied to a *licence*, by the Director, Emergency Management & Community Safety;
 - (c) an order regarding critical defects as specified in Schedule “C” of the Livery Transport Bylaw 20M2021;
 - (d) the refusal, revocation or suspension by the Chief of Police of an alarm system permit as provided for in the Alarm Services Bylaw 31M95.
- (2) Only a *person* who holds or has applied for a *licence* may seek an appeal relating to that *licence* or *licence* application.
- (3) When hearing an appeal pursuant to subsection (1), the *Board* may:

(56M2022, 2022 December 20)

- (a) confirm the refusal, revocation or suspension,
- (b) direct that a *licence* or permit be issued,
- (c) reinstate the revoked *licence* or permit,
- (d) remove or vary the suspension,
- (e) impose conditions on the *licence* or permit and licensee or permit holder.

6.1 (1) The Board may also hear appeals under the Responsible Pet Ownership Bylaw 47M2021 respecting the following decisions on permits, *licences*, conditions, and designations:

- (a) the decision to refuse to issue or renew a *licence* or permit or to revoke such a *licence* or permit pursuant to sections 5, 10, 31, 32, 34, and 39 of the Responsible Pet Ownership Bylaw;
- (b) the decision to designate an Animal as a Nuisance Animal or the denial of an application to lift a Nuisance Animal designation;
- (c) the decision to designate an Animal as a Vicious Animal;
- (d) a decision to impose a condition on the owner of an Animal or a *licence* or permit holder pursuant to:
 - (i) section 47(1) or 47(3) (Nuisance Animal Conditions imposed by the Director);
 - (ii) section 57(1) or 57(3) (Vicious Animal Conditions imposed by the Director); or
 - (iii) section 33 (conditions on Livestock *licences* and permits);
(17M2022, 2022 March 30)
- (e) a decision to
 - (i) refuse to issue;
 - (ii) revoke; or,
 - (iii) impose conditions on

a Dogwalker Permit pursuant to section 11.1 of the Responsible Pet Ownership Bylaw.
(17M2022, 2022 March 30)

(2) Only a *person* who is the owner of the Animal that is the subject of the decision may seek an appeal pursuant to subsection (1).

(2.1) Despite subsection (2), only a *person* who applied for, holds, or held a Dogwalker

Permit may appeal pursuant to subsection (1)(e).

(17M2022, 2022 March 30)

- (3) When hearing an appeal pursuant to subsection (1), the *Board* may:
 - (a) confirm the refusal or revocation of the *licence* or permit;
 - (b) direct that a *licence* or permit be issued;
 - (c) reinstate the revoked *licence* or permit;
 - (d) confirm, remove, or vary a condition imposed pursuant to sections 33, 47(1), 47(3), 57(1), 57(3) of the Responsible Pet Ownership Bylaw;
 - (e) confirm or remove a Nuisance Animal designation;
 - (f) confirm or remove a Vicious Animal designation; and
 - (g) impose conditions on an Animal, *licence* or permit or the licensee or permit holder.

- (4) The *Board* cannot remove or vary conditions that are imposed on the Owner of an Animal under the provisions of the Responsible Pet Ownership Bylaw except for those identified as subject to appeal in section 6.1(1).

(48M2021, 2022 January 01)

- (5) The *Board* cannot remove or vary conditions that are imposed on the holder of Dogwalker Permit except a condition imposed pursuant to section 11.1(5) of the Responsible Pet Ownership Bylaw.

(17M2022, 2022 March 30)

- (6) Capitalized terms used in this section that are defined in the Responsible Pet Ownership Bylaw have the meaning as set out in that bylaw.

(56M2022, 2022 December 20)

7. (1) A notice of appeal pursuant to subsection 6(1) must be received by the City Clerk within 30 days after the date on which the notice is received that the licence or permit was refused, revoked, varied or suspended.

(48M2021, 2021 June 08)
(56M2022, 2022 December 20)

- (2) The *City Clerk* must, upon receipt of a notice of appeal pursuant to subsection (1), schedule a hearing within sixty (60) days from the date the notice of appeal is received.

(48M2021, 2021 June 08)

- 7.1 (1) An *appellant* seeking an appeal pursuant to subsection 6.1(1) must submit a notice of appeal to the *City Clerk* within fourteen (14) days after the date on which the *appellant* received notice of the decision under the Responsible Pet Ownership Bylaw 47M2021 that is subject to the appeal.

(56M2022, 2022 December 20)

- (2) The *City Clerk* must, upon receipt of a notice of appeal pursuant to subsection (1), schedule a hearing within sixty (60) days from the date the notice of appeal is filed.

(48M2021, 2022 January 01)

8. A notice of appeal filed pursuant to subsection 7(1) or 7.1(1) must state the name of the *appellant*, a daytime telephone number at which the *appellant* may be reached, an address to which documents in relation to the appeal may be delivered, a copy of the decision or order being appealed and the reasons for the appeal.

(48M2021, 2022 January 01)

Remedial Order Appeals and Other Appeals

(48M2021, 2021 June 08)

9. (1) The *Board* may hear appeals of the following:
- (a) a *remedial order*;
 - (b) DELETED BY 56M2022, 2022 DECEMBER 20.
 - (c) a decision of the Director, Water Resources, pursuant to section 11 of the Lot Grading Bylaw 32M2004;
 - (d) an order issued pursuant to section 546 of the *Municipal Government Act*.
- (2) Only a *person* who is the subject of an order or decision set out in subsection (1) may seek an appeal of the order or decision.
- (3) Notwithstanding subsection (2), if an order or decision is issued in respect of a premises, the owner of the premises, the occupant of the premises or the *person* responsible for the contravention may appeal the order or decision.
- (4) When hearing an appeal pursuant to subsection (1), the *Board* may confirm, vary, substitute or cancel the order or decision.
10. (1) An *appellant* seeking an appeal pursuant to subsection 9(1)(a), (b) or (c) must submit a notice of appeal to the *City Clerk* within 14 days after the date the order is received.

(48M2021, 2021 June 08)
(56M2022, 2022 December 20)

- (2) An *appellant* seeking an appeal pursuant to subsection 9(1)(d) must submit a notice of appeal to the *City Clerk* within 7 days after the date the order is received.

(48M2021, 2021 June 08)
(56M2022, 2022 December 20)

- (3) The *City Clerk* must, upon receipt of a notice of appeal pursuant to subsection (1) or (2), schedule a hearing within sixty (60) days from the date the notice of appeal is filed.

(48M2021, 2021 June 08)

11. A notice of appeal filed pursuant to subsections 10(1) or (2) must state the name of the *appellant*, the municipal address of the property to which the order relates, a daytime telephone number at which the *appellant* may be reached, an address to which documents in relation to the appeal may be delivered, a copy of the decision or order being appealed and the reasons for the appeal.
12. A decision of the *Board* delivered orally is a decision served pursuant to section 548 of the *Municipal Government Act*.

Weed Notice Appeals

13. (1) The *Board* may hear appeals of inspector's notices, local authority's notices and debt recovery notices pursuant to section 19 of the *Weed Control Act*, S.A. 2008, c. W-5.1.
 - (2) A notice of appeal in respect of a *weed notice appeal* must be received by the *City Manager*, or sent by certified or registered mail, within the time specified in the notice for doing the thing required by the notice or 10 days, whichever is less.
 - (3) A notice of appeal filed pursuant to subsection (2) must be heard by the *Board* within 5 days of the receipt of the notice of appeal by the *City Manager*.
 - (4) A notice of appeal pursuant to this section must be in writing and include:
 - (a) the name and address of the *appellant*;
 - (b) a copy of the notice in respect of which the appeal is being taken;
 - (c) the legal description of the land affected;
 - (d) the grounds for appeal.
14. Notwithstanding subsection 5(4)
 - (a) if the *appellant* is successful in a *weed notice appeal*, the appeal fee must be refunded to the *appellant*;
 - (b) if the *appellant* is partially successful in a *weed notice appeal*, the appeal fee may be refunded to the *appellant* in whole or in part at the sole discretion of the *Board*.

Agricultural Pest Notice Appeals

- 14.1 (1) The *Board* may hear appeals of inspector's notices pursuant to section 14 of the *Agricultural Pests Act*, R.S.A. 2000, c. A-8.
 - (2) A notice of appeal in respect of an agricultural pest notice must be received by the *City Manager*, or sent to the *City Manager* in a manner as specified in the *Agricultural Pests Act*, within the time specified in the notice for taking any measure or 10 days after service of the notice, whichever is less.

- (3) A notice of appeal pursuant to this section must be in writing and include:
 - (a) the name and address of the *appellant*;
 - (b) a copy of the notice in respect of which the appeal is being taken;
 - (c) the legal description of the land affected;
 - (d) the grounds for appeal.
- (4) A notice of appeal under this section must be accompanied by a deposit in the amount of \$100, which, notwithstanding subsection 5(4), must be refunded if the *appellant* is successful in their appeal.

(56M2022, 2022 December 20)
- (5) An appeal pursuant to subsection (1) must be heard by the *Board* within 5 days of the receipt of the notice of appeal by the *City Manager*.
- (6) Upon hearing an appeal, the *Board* may confirm, rescind or vary the notice that was issued.
- (7) The *City Manager* shall, on determination of the appeal, send a copy of the decision to the appellant together with the written reasons, if any, in a manner as specified in the *Agricultural Pests Act*.

(17M2022, 2022 March 30)

Composition of the Board

15. The *Board* is a committee of *Council*.
16.
 - (1) The *Board* is composed of up to ten members who are appointed by resolution of *Council*.

(48M2021, 2021 June 08)
 - (2) Members of the *Board* are appointed for one-year terms commencing January 1 and ending December 31, unless otherwise specified by *Council*.
 - (3) Members of *Council* may not be appointed to the *Board*.
 - (4) Members of the *Board* shall not serve more than a cumulative maximum of ten terms.

(38M2016, 2016 October 04)
 - (5) Any terms served by a member prior to January 1, 2017 are not included in the calculation of terms served for the purposes of subsection (4).

(38M2016, 2016 October 04)
 - (6) When appointing members to the *Board*, *Council* must designate two or more members as *Designated RPO Members* to hear appeals of decisions made under the Responsible Pet Ownership Bylaw 47M2021.

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(48M2021, 2021 June 08)
(56M2022, 2022 December 20)

17. If a member of the *Board* is absent from two (2) consecutive meetings of the *Board* without first providing the Chair with notice of and reasons for the member's absence (the sufficiency of such reasons to be determined by the Chair in the Chair's sole discretion), that member is deemed to have resigned his or her position as a member of the *Board*.

(56M2022, 2022 December 20)
18. Vacancies on the *Board* caused by retirement or resignation of a member of the *Board* may be filled by resolution of *Council* for the balance of that member's term only and the *Board* may continue to operate and conduct business until vacancies are filled provided that quorum requirements are met.
19. The remuneration and expenses payable to each member of the *Board* will be determined by the *City Clerk*.

Procedures

20.
 - (1) The members of the *Board* may hear appeals in panels of no more than five (5) members, so long as the quorum requirements are satisfied.
 - (2) The quorum of the *Board* is any three members except that quorum for hearings under section 6.1 requires that two members of the panel be *Designated RPO Members*.
 - (3) A panel of the *Board* has all the powers, duties and responsibilities of the *Board*.
 - (4) Each member of the *Board* present at a meeting of the *Board* shall have a vote except for the member chairing the meeting who shall not vote except to break a tie amongst the remaining members of the *Board*.
 - (5) The decision of the majority of the members present at the hearing of an appeal constitutes the decision of the *Board*.
 - (6) A decision of a panel is a decision of the *Board*.

(48M2021, 2021 June 08)
21.
 - (1) The members of the *Board* must annually appoint a Chair of the *Board* and a Vice-Chair of the *Board* prior to the first meeting in a calendar year.
 - (2) In the event that the Chair or Vice-Chair are not in attendance at a meeting of the *Board*, the members present may elect a chair who will chair the meeting of the *Board* for the duration of that meeting only.
22. The *Board* has the power to establish such other rules relating to matters of the procedures, operation, and conduct of business of the *Board* as are deemed appropriate by the *Board*.

(56M2022, 2022 December 20)
23. The *Board* may schedule meetings as deemed necessary in the Chair's sole discretion.

(48M2021, 2021 June 08)

24. A *person* who requests an audio recording of a hearing of the *Board* must pay to the *City* a fifty dollar (\$50.00) administration fee.

(48M2021, 2021 June 08)

25. DELETED BY 48M2021, 2021 JUNE 08.

26. DELETED BY 48M2021, 2021 JUNE 08.

Consequential Amendments

27. (1) The Alarm Services Bylaw 31M95, as amended, is further amended by:
- (a) replacing the words “License Appeal Board” in subsections 2(1)(g), 11(4), 14(2)(c), 25(4)(q) and 25(4)(r)(i) and (ii) with “Licence and Community Standards Appeal Board”;
 - (b) replacing the words “licence Appeal Board” in subsection 11.1(1) with “Licence and Community Standards Appeal Board”; and
 - (c) replacing the words “License Appeal Bylaw” in subsection 24(4)(q) with “Licence and Community Standards Appeal Board Bylaw, as amended”.
- (2) The Bicycle Courier Licensing Bylaw 48M90, as amended, is further amended by replacing the words “License Appeal Board” in subsections 2(i) and 12(2) with “Licence and Community Standards Appeal Board”.
- (3) The Business Licence Bylaw 32M98, as amended, is further amended by replacing the words “*License Appeal Board*” in subsections 12(1) and 12(8) with “*Licence and Community Standards Appeal Board*”.
- (4) The Community Standards Bylaw 5M2004, as amended, is further amended by:
- (a) replacing the words “Community Standards and Licence Appeal Board” in subsection 48(1) with “Licence and Community Standards Appeal Board”;
 - (b) replacing the words “Community Standards Appeal Board” in subsections 37(3), (5), (6), (7) and (8) with “Licence and Community Standards Appeal Board”;
 - (c) deleting section 4; and
 - (d) deleting subsections 48(2), (3) and (4).
- (5) The Concert Bylaw 4M83, as amended, is further amended by replacing the words “Licence Appeal Board in subsection 11.1(a) with “Licence and Community Standards Appeal Board.

- (6) The Dating and Escort Service Bylaw 48M2006, as amended, is further amended by:
 - (a) deleting subsection 2(n) and replacing it with the following:
 - “(n) *“Licence and Community Standards Appeal Board”* means the board authorized under the Licence and Community Standards Appeal Board Bylaw to hear licence appeals”;
 - (b) replacing the words “Licence Appeal Board” in subsections 9(1) and (6) with “Licence and Community Standards Appeal Board”; and
 - (c) replacing the words “City Licence Appeal Board Bylaw” in subsection 10(1) with “Licence and Community Standards Appeal Board Bylaw, as amended”.
- (7) The Downtown Pushcart Vendor Licence Bylaw 3M97, as amended, is further amended by replacing the words “License Appeal Board Bylaw” in subsections 2(a) and 3(b) with “Licence and Community Standards Appeal Board Bylaw”.
- (8) The Drainage Bylaw 37M2005, as amended, is further amended by replacing the words “Community Standards Appeal Board” in subsection 18(2)(k) with “Licence and Community Standards Appeal Board”.
- (9) The Exotic Entertainers Bylaw 47M86, as amended, is further amended by replacing the words “Licence Appeal Board” in subsections 20(2) and (7) with “Licence and Community Standards Appeal Board”.
- (10) The Lot Grading Bylaw 32M2004, as amended, is further amended by replacing the words “Community Standards Appeal Board” in subsections 9(6), 11(7) and 11(9) with “Licence and Community Standards Appeal Board”.
- (11) The Massage Licence Bylaw 51M97, as amended, is further amended by:
 - (a) replacing the words “Licence Appeal Board” in subsection 2(k) with “Licence and Community Standards Appeal Board”; and
 - (b) replacing the words “Licence Appeal Board Bylaw Number 47M83” in subsection 10(1) with “Licence and Community Standards Appeal Board Bylaw, as amended”.
- (12) The Water Utility Bylaw 40M2006, as amended, is further amended by replacing the words “Community Standards Appeal Board” in section 46(3) with “Licence and Community Standards Appeal Board”.

Coming Into Force

28. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS 19TH DAY OF SEPTEMBER, 2011.

READ A SECOND TIME THIS 19TH DAY OF SEPTEMBER, 2011.

READ A THIRD TIME THIS 19TH DAY OF SEPTEMBER, 2011.

(Sgd.) N. Nenshi
MAYOR

(Sgd.) D. Garner
CITY CLERK