BOARD ORDER: **MGB 031/14**

FILE: **14/IMD/001**

IN THE MATTER OF THE *Municipal Government Act* being Chapter M-26 of the Revised Statutes of Alberta 2000 (Act).

AND IN THE MATTER OF AN APPEAL pursuant to Section 690 of the Act by Wheatland County respecting the adoption of Bylaw No. 1657 by Kneehill County on January 14, 2014.

CITATION: Wheatland County v Kneehill County (*Re: Bylaw 1657 an Amendment to the Kneehill County Land Use Bylaw (Bylaw 1564) to add Direct Control DC4 District)*, 2014 ABMGB 31

BEFORE:

Members:

T. Golden, Presiding Officer
M. Axworthy, Member
R. McDonald, Member

Case Manager:
C. Miller Reade
R. Duncan

Assistant Case Manager:
A. Drost

[1] This is an interim decision of the Municipal Government Board (MGB) from a preliminary hearing held in the Town of Drumheller on June 25, 2014, to receive an update on the mediation process, establish merit hearing dates, and determine the standing of interested ratepayers.

OVERVIEW

[2] Although the parties are still discussing the matters under dispute, they agreed that a merit hearing should be scheduled since they have not yet reached an agreement. The Appellant, Wheatland County (Wheatland) wishes to prepare further submissions about traffic impacts and the Respondent (Kneehill) will need time to comment. The MGB selected November 17, 2014 for the merit hearing to begin.

[3] A group of area landowners (Ratepayers) also requested intervener status. The MGB permitted the Ratepayers to participate, provided their submissions are limited to the issues raised by the municipalities, who are the main parties in this dispute.

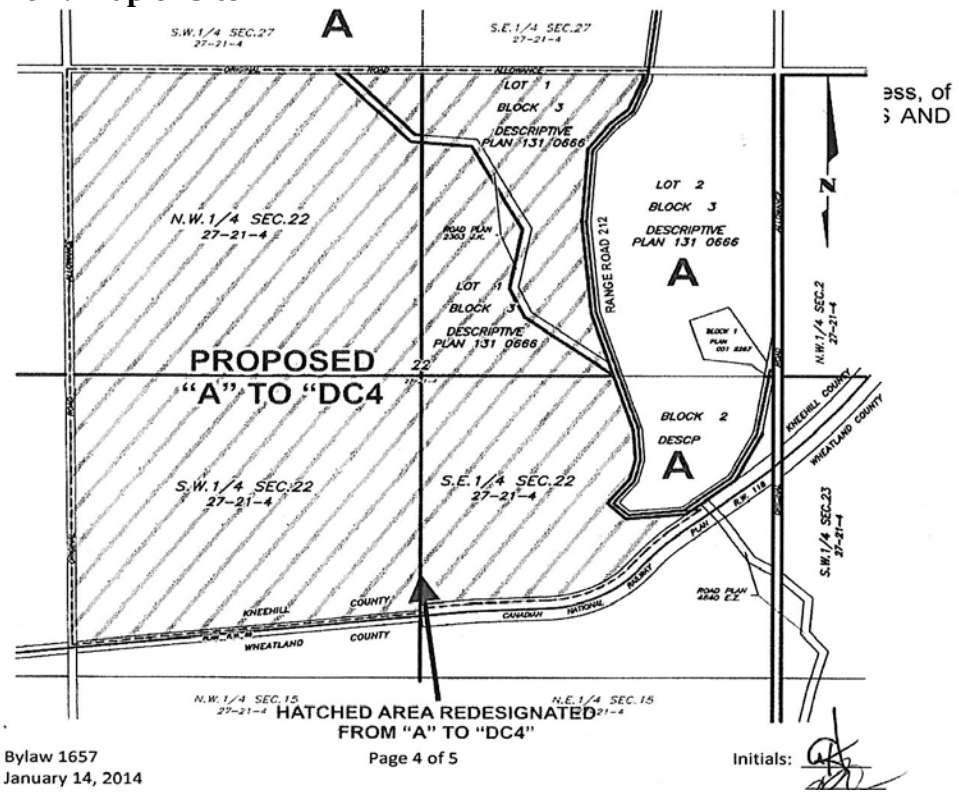
BOARD ORDER: **MGB 031/14**

FILE: **14/IMD/001**

BACKGROUND

[4] As described in MGB DL 017/14, Wheatland has filed an inter-municipal dispute related to Kneehill's Bylaw No. 1657 (DC4 Bylaw), which it claims has or may have a detrimental effect upon it. The gist of Wheatland's complaint is that the roadway analysis required in the DC4 Bylaw does not provide clarity as to how the anticipated racetrack development will affect road access, what upgrades may be necessary and who will be responsible to pay for them. The proposed site is illustrated in the map below:

Figure 1: Map of Site



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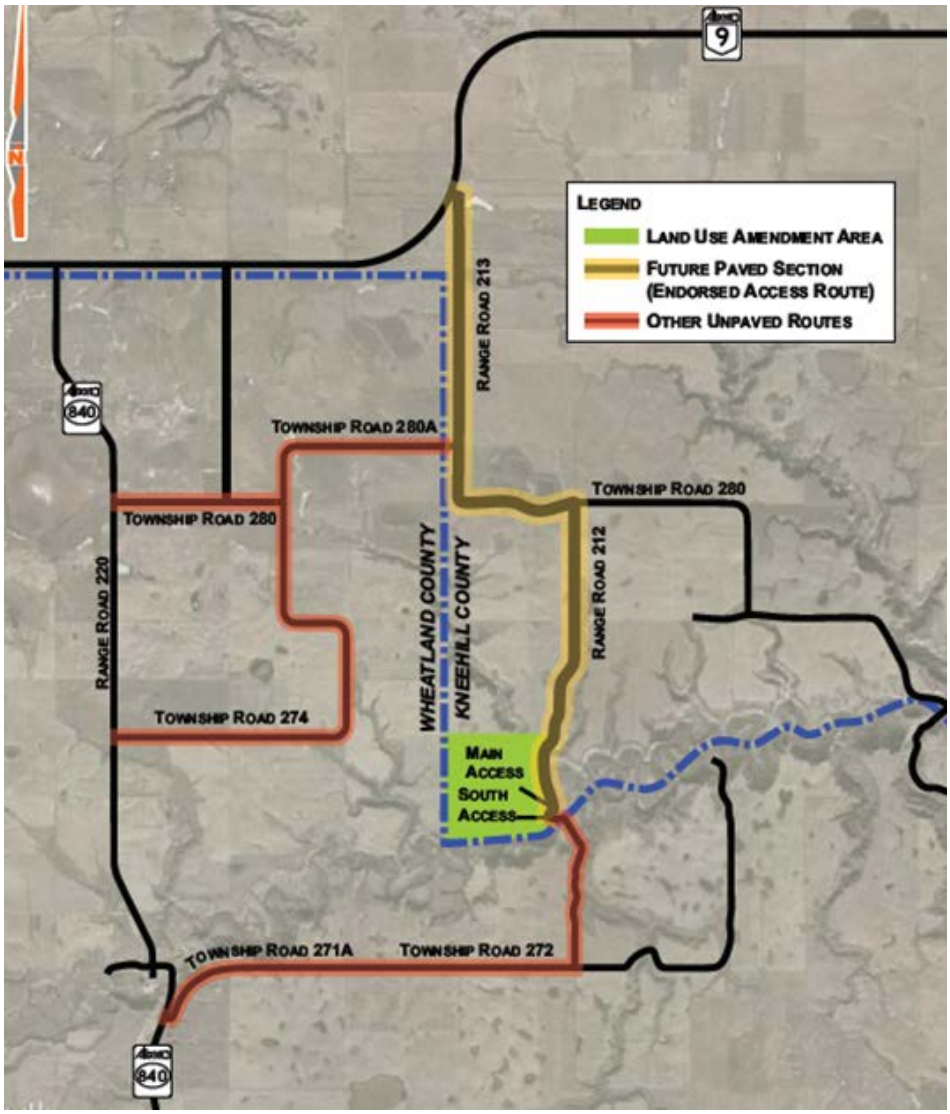
Initials:

Additional Information: Access Roadways

[5] In the interests of clarity, the MGB requested an additional map prior to the current preliminary showing the existing traffic routes into the area. The map, produced by Watt Consulting Group, is reproduced below:

Figure 2: Map of Access Routes



Preliminary Hearings

[6] A preliminary hearing occurred by teleconference on March 26, 2014 to open proceedings, determine if negotiation had commenced, and set a hearing date. At that hearing, Wheatland advised that the parties believed a Transportation Impact Assessment (TIA) might resolve the dispute and were preparing a joint term of reference to this end. The parties anticipated that the Landowner would have a TIA prepared by May, and asked for another

preliminary in late June to let these activities occur. Accordingly, DL 017/14 set this preliminary for June 25, 2014.

Wheatland Report on Submission

[7] A TIA was completed in due course and negotiation has continued between the two municipalities and the Landowner. However, on June 11, 2014, Wheatland stated that the study failed to include the requested analysis of the intersection between Township Road 274 and Range Road 220. Wheatland also advised it was prepared to withdraw its appeal, subject to:

a) Provision of analysis on the intersection from the Watt Consulting Group (Watt), and
b) Kneehill and the Developer agreeing to develop the main access to the site in the TIA.

Negotiation Status Report

[8] On June 18, 2014, Wheatland confirmed acceptance of the TIA; however, it remained concerned that the Area Structure Plan (ASP) and DC4 Bylaw do not require compliance with the TIA, which bases its conclusions on the premise that the Landowner will pave and erect signage directing traffic to the primary access (Primary Access) from Highway 9.

[9] To address these concerns, Wheatland requested that Kneehill amend the DC4 Bylaw to require construction of the Primary Access according to the Watt TIA as a condition of any development or subdivision approval. However, Kneehill's position is that amending the DC4 Bylaw is inappropriate, and that the matter can still be addressed as a condition of development or subdivision approval. The Landowner advised that Kneehill, as the development or subdivision authority, will address TIA recommendations in any application, at which point Wheatland will still have an opportunity to comment.

Affected Landowners (Ratepayers)

[10] On June 23, 2014, MGB administration received a written request from counsel for a group of landowners (Ratepayers), requesting an opportunity to be heard. The MGB provided the Ratepayers with an agenda for the June 25, 2014 preliminary hearing along with some supporting materials. The TIA was not included as it was prepared by the Landowner and had not yet been accounted for as a submission.

[11] In their written request, the Ratepayers stated that they wished to be heard on the following:

1. The ASP and DC Bylaw are drafted such that there is no assurance that the developer will be responsible for the cost of roadways required to give access to the development (Section 650 and 655 of the MGA) and, in the absence of a completed TIA, there is no

realistic method of assessing those liabilities. That is a potential "detriment" to the MD of Wheatland and its Ratepayers – some of whom we (Municipal Counsellors Inc.) represent;

2. The access roadways will have to be expanded and upgraded within the Rosebud River Valley which has been recognized as an environmentally significant area by Kneehill County. Adverse impacts on water bodies are detrimental to all Albertans, including the residents of Wheatland County. Without a completed TIA there is no ability to assess whether any roadway alterations will be done in the least environmentally disruptive manner possible, which is a detriment to residents of Wheatland County.

ISSUES

1. What information is required to proceed to a merit hearing?
2. What are possible dates, and how much time is needed for a merit hearing?
3. What, if any, standing should the Ratepayers receive?

SUMMARY OF WHEATLAND'S POSITION

Issues Outstanding

[12] Wheatland reiterated its position that the text of the DC4 Bylaw should be amended to set the Primary Access as the route in the Watt TIA and that the TIA requirements should apply to any development or subdivision on site. Section 641 of the Act establishes what can be included in a direct control bylaw, and it is permissible to designate an access route and standards.

Merit Hearing Dates

[13] Wheatland requested time to retain a traffic engineer to perform their own TIA or analyse the Watt TIA to assess the impact if a primary access road is not established. Three months, or September 26, 2014, could be an appropriate time for this activity to occur. At the merit hearing, they expect to call one or two witnesses.

[14] If the merit hearing were to occur during the week of November 17, 2014, Wheatland suggested that information exchanges begin on September 26, 2014. Kneehill and the Landowner would respond to Wheatland's submissions by October 24, 2014. Rebuttal would take place on November 7, 2014. These dates were not discussed with the other parties.

Standing of Ratepayers

[15] Wheatland does not object to the request by the Ratepayers to have limited status to participate in the hearings. The Ratepayers are strongly impacted by road usage, which is central to this dispute.

SUMMARY OF KNEEHILL'S POSITION

Issues Outstanding

[16] Kneehill's position is still that the amendment of the bylaw is inappropriate under current circumstances. Alternatives have been discussed and further negotiation is possible. The main issue is now "What will happen with the routing of traffic from the site?"

Merit Hearing Dates

[17] One month should be ample time to consider the issue with the existing TIA.

[18] It would be inappropriate to give Wheatland three months to produce a TIA, while giving Kneehill only one month to respond. If Wheatland is to produce its own TIA evidence, this should be submitted by the beginning of September. The response date of October 24, 2014 is acceptable, as is Wheatland's suggested merit hearing date.

[19] Kneehill anticipates calling up to three witnesses and suggests three days for the merit hearing.

Standing of Ratepayers

[20] Kneehill County is opposed to the Ratepayers receiving intervener status in this dispute. Drawing the MGB's attention to Section 690 of the Act, Kneehill argued that a dispute is between two municipalities. Further, Section 691(2) states "The Municipal Government Board is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal." The right to call evidence is different than the ability to make submissions.

[21] Intervener status has not previously been granted in an intermunicipal dispute. Kneehill had no objection to the Ratepayers receiving notice of appeal and attending the hearing to make submissions on the issues under dispute, but they should not receive intervener status. Citing Rule 9F of the MGB Intermunicipal Dispute (IMD) Procedure Rules, Kneehill noted that the MGB can determine the effect and extent to which the Ratepayers can participate in the hearing. Kneehill does not object to the Ratepayers being provided copies of submissions and being

allowed to respond by the Rebuttal date put forward by Wheatland. However, the response should be limited to the issues of detriment set out by Wheatland.

SUMMARY OF LANDOWNER'S POSITION (BADLANDS)

[22] Counsel for the Landowner stated that his client is aware that, in a dispute, the Landowner does not have the same standing as the two municipalities. The Landowner is serving as a resource through this process, supporting the municipalities to proceed with the dispute in a timely manner. The TIA was prepared by the Landowner to help facilitate the negotiation process and focus the discussion. In response to the Ratepayers request for a copy of the TIA, the Landowner provided one to the Ratepayers' counsel.

Information Requirements and Time Requested

[23] The Landowner does not have any objection to the proposed information exchange dates or the merit hearing. The TIA can be peer reviewed, but the Landowner feels that the report has refined the issues under appeal. The Landowner submits that this process has taken time and any effort which would expedite the hearing process is appreciated.

Standing of Ratepayers

[24] The Landowner does not object to the Ratepayers being informed about the dispute but opposes the Ratepayers being given standing as interveners. Intermunicipal disputes are between municipalities. Ratepayers, as residents of the municipalities, are included in the process. Disputes are about detriment to the municipality, not detriment to the individual. Detriment is about balancing public good and individual rights as set out in Section 617 of the Act. The Landowner accepts that the Exhibit 6 map defines the area around the site where the Ratepayers live or own land.

[25] Section 690 defines a party for the purposes of an intermunicipal dispute. Even the Landowner has only a peripheral role in an intermunicipal dispute, as the dispute and the issues of detriment are between Kneehill and Wheatland. Finally, everything before the MGB in this dispute has had a public hearing where the Ratepayers have had the opportunity to speak.

SUMMARY OF RATEPAYERS' POSITION

Standing

[26] The Ratepayers seek to participate in the hearing and request intervener status as allowed at hearings before what was previously the EUB (Energy and Utilities Board).

[27] The IMD Procedure Rules recognize principles of Natural Justice and contemplate an opportunity for Ratepayers to be heard. As the most affected people, and as users of the roads, the Ratepayers would like access to the documents in the hearing, including the TIA, in order to make submissions. To illustrate the properties belonging to the Ratepayers, a photograph was produced showing lands owned by the Ratepayers and the land affected by Bylaw 1657.

[28] The Ratepayers have two concerns: first, the ASP and DC bylaws give no assurance that the developer "will be responsible for the cost of roadways required to give access to the development"; second, expansion and upgrading of the access roadways will impact the Rosebud River Valley. Intervener status or similar is requested to receive all the information distributed between the parties, and to be given an opportunity to make submissions.

[29] While an inter-municipal dispute is a dispute between municipalities, Section 690 does not restrict the participants. Although public hearings have occurred for both the DC4 and BMR Area Structure Plan, the public is satisfied neither with the outcome of the hearings nor with the adoption of the bylaws.

[30] There are only limited opportunities for the landowners to express their opinions and be heard. As some of the most affected people and as users of the roads they should be able to have access to the documents used in the dispute. The Ratepayers request they be able to attend the hearing and have some latitude to present limited evidence. In particular, they would like to include a biologist to review the TIA, as they are concerned about the impact of the roads.

FINDINGS

1. Does the Bylaw give sufficient clarity about:
    a. to what extent will roads within Wheatland be used to access the proposed development?
    b. to what extent will road upgrades be necessary within Wheatland, and who is to pay for them?
2. Wheatland requires additional information about the access routes.
3. Ratepayers are frequent users of municipal roads who must ultimately pay for their upkeep; they are affected to that extent by the issues raised in this inter-municipal dispute.
4. Adverse effects on biology were not raised as a source of detriment in this dispute, and are not at issue before the MGB.
5. The ratepayers should have access to information about this dispute.

DECISION

[31] Upon hearing the positions of the parties at the hearing, their agreement on the matters above, and noting that the negotiation process continues, the MGB makes the following decision:

[32] The merit hearing is scheduled for **Monday, November 17, 2014** at **10:00 a.m.,** and will **continue on November 18 and 19th starting at 9 a.m. (if needed).** The location of the merit hearing will be confirmed by MGB administration and a notice will be sent to both municipalities, the Landowner, and Counsel for the Ratepayers. Notice of the hearing is to be posted on both Kneehill and Wheatland County's websites.

[33] The MGB sets the following timeline for information exchange, reporting, and merit hearing:

Date and Time	**Action**
Friday, September 12, 2014	Wheatland County Submissions
Friday, October 24, 2014	Kneehill County's Response, Landowner's Response
Friday, November 7, 2014	Rebuttal by Ratepayer and Wheatland
Monday, November 17, 2014	Hearing

[34] All submissions are due no later than **12:00 noon** on the dates noted. Electronic submissions may be made available to all parties. The MGB's submissions are to be emailed to mgbmail@gov.ab.ca. Five hard copies (one unbound) are to be delivered to the Municipal Government Board's Edmonton office within three (3) business days following the due date. One hard copy is to be delivered to both municipalities, the Landowner and the Counsel for Ratepayers within three (3) business days.

Will-say statements are to be provided to all parties using the above submission criteria for any witnesses called.

[35] The municipalities must post a hearing notice provided by the MGB on their municipal websites. Any municipal submissions noted above are to be posted on their respective municipal websites for public viewing within three (3) business days of their respective due date.

Standing of Ratepayers

[36] Ratepayers may participate at the hearing within the following parameters:

- Submissions at the merit hearing will be made through a single spokesperson. Others in attendance may then make additional points provided they relate to appropriate issues and do not repeat prior points.

- Submissions are limited to issues under dispute as set out above. These issues do not include the biological or environmental impact of traffic changes.
- Ratepayers' submissions to the MGB will be due on the rebuttal date on November 7, 2014.
- The MGB will provide copies of previous submissions to the Ratepayers.

Court Reporter Requirement

[37] The two municipalities, Kneehill and Wheatland, will be responsible for retaining the services of a court reporter for the merit hearing. The cost associated with retaining the court reporter will be shared equally between the municipalities. Written transcripts must be provided to the MGB at no cost to the Board.

REASONS

[38] The MGB appreciates that ongoing discussions have taken place between the parties, and there has been significant progress toward resolving the dispute. Wheatland remains concerned that the TIA does not answer its questions about access routes to the site. In addition, since the TIA is not included within the DC4 Bylaw, there remains a concern that the proposed upgrades to the Primary Access route (paving of the primary access, signage to the site from Highway 9) will not occur, resulting in use of the two access routes located in Wheatland County. As there remains a claim of detriment of the DC4 Bylaw by Wheatland, it is necessary to schedule a merit hearing.

Merit Hearing Dates

[39] Dates for the merit hearing and submissions have been chosen to ensure adequate time to prepare and review materials, and accommodate the parties' schedules. The MGB accepts that Wheatland requires time to analyse the existing Watt TIA or complete a new analysis, as it was anticipated that the TIA prepared by the Landowner would capture Wheatland's concerns of road usage on the other two routes to the Development. The exchange dates will accommodate this activity.

[40] The September 12, 2014 submission date will allow Kneehill time to respond to either a new TIA or an analysis of the Watt TIA. While Kneehill requested an earlier exchange date in September, the chosen date would allow all parties six weeks to analyse Wheatland's submission and prepare for rebuttals. The merit hearing date proposed by the MGB would accommodate all schedules. Finally, posting the materials on the municipal websites will allow the Ratepayers and other members of the public to review the submissions.

Standing of Ratepayers

[41] Section 691(2) states that the MGB

> *is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal.*

[42] This provision sets inter-municipal dispute proceedings apart from many other tribunal hearings where the public (or broad categories of interested persons) have more extensive rights to participate. The limitation in Section 691(2) is consistent with the fact that inter-municipal disputes are primarily disputes between elected municipal councils about land planning policies - themselves passed through a legislative process following public consultation. Further, inter-municipal disputes have the unusual and disruptive effect of suspending legislation until litigation is complete. By restricting the scope for third party participation, the legislature intends to encourage timely resolution that will become difficult if many parties are allowed to participate and raise new issues without restriction.

[43] While Section 690 does not grant third party participation rights, it does not prevent such participation outright. Rather, the extent to which third parties may participate is a discretionary matter for the MGB to consider on a case by case basis. Section 9.1 of the MGB's IMD Procedure Rules state as much:

> *At a preliminary hearing, the Board may do one or more of the following:*
>
> > *f) Determine whether a person is affected by an inter-municipal dispute and the extent to which that person is entitled to participate in the proceeding.*

In this case, the map Exhibit 6 illustrates that the group of represented Ratepayers owns the majority of the lands surrounding the BMR Area Structure Plan lands. The Ratepayers reside in both municipalities and, through taxes, pay for maintenance and (sometimes) construction of roads. They will all be affected to a varying but significant extent by impact of the anticipated development on traffic. While the Ratepayers' concerns would also have been considered during the preparation, and during the public hearings for the ASP and the DC4 Bylaw, the MGB believes they should have an opportunity to be heard at the merit hearing - at least on a limited basis.

[44] However, it must not be forgotten that the right to appeal a bylaw on the basis of detriment is limited to a neighbouring municipality; given this fact, the contextual features described above, and the importance of reaching a resolution within a timeframe that is fair to directly affected landowner (in this case BRDC) the MGB is reluctant to expand its inquiry to

include issues not raised by the municipalities, such as the effect of potential road upgrades on the natural environment.

[45] Accordingly, the MGB directs the Ratepayers to restrict their submissions to issues raised in the notice of appeal, as refined through this preliminary hearing process. In addition, no further materials or witnesses will be considered. For further clarity, the MGB notes the issues before it do not include the effects of expanding or upgrading access roadways on the biology or environment of the Rosebud River Valley.

[46] Given the number of interested persons, it is suggested that the Ratepayers' make their submissions primarily through a single spokesperson. Others in attendance may then make additional points provided they relate to the appropriate issues and were not previously covered.

[47] The panel hearing the merits may give additional instructions as they deem fit.

DATED at the City of Edmonton, in the Province of Alberta, this 28th day of August 2014.

MUNICIPAL GOVERNMENT BOARD

(SGD.) T. Golden, Presiding Officer

APPENDIX "A"

PERSONS WHO WERE IN ATTENDANCE OR MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

NAME	CAPACITY
J. Klauer	Counsel for the Appellant
A. Parkin	Wheatland County Representative
B. Barclay	Counsel for the Respondent
A. Hoggan	Kneehill County Representative
C. Davis	Council for the Landowner
J. Zelazo	Landowner, Badlands Recreation Development Corporation
S. Trylinski	Council for the Ratepayers
G. Koester	Observer for Wheatland County
B. Armstrong	Observer for Wheatland County
T. Arzzier	Adjacent Landowner
A. Andersen	Adjacent Landowner
H. Andersen	Adjacent Landowner
S. Andersen	Adjacent Landowner
V. Andersen	Adjacent Landowner
E. Christensen	Adjacent Landowner
D. Christensen	Adjacent Landowner
V. Christian	Adjacent Landowner
E. Clark	Adjacent Landowner
J.C. Clark	Adjacent Landowner
M. Clark	Adjacent Landowner
R. Clark	Adjacent Landowner
W. Clark	Adjacent Landowner
N. DeBernando	Adjacent Landowner
M. Fanti	Adjacent Landowner
R. Hamm	Adjacent Landowner
B.J. Janzen	Adjacent Landowner
K. Janzen	Adjacent Landowner
R. King	Adjacent Landowner
B. Long	Adjacent Landowner
D. Poulsen	Adjacent Landowner
P. Pallesen	Adjacent Landowner
L. Skibsted	Adjacent Landowner
R. Skibsted	Adjacent Landowner

APPENDIX "B"

DOCUMENTS RECEIVED AND CONSIDERED BY THE MGB:

NO.	ITEM
Exhibit 1	Information Package including List of Information
Exhibit 2	Transportation Impact Assessment (TIA)
Exhibit 3	Map of Endorsed Access Routes
Exhibit 4	Landowner, Badlands Motorsports Resort Submission of June 24
Exhibit 5	Ratepayers' Submission of June 23
Exhibit 6	Aerial Photo showing location of Ratepayers' lands and the area covered by the DC4 Bylaw.

APPENDIX "C" APPLICABLE LEGISLATION

Municipal Government Act

Part 12

Section 488(1)(j) of the Act gives the MGB the authority "to decide intermunicipal disputes pursuant to Section 690."

Section 488.01 of the Act requires that the MGB "must act in accordance with any applicable [Alberta Land Stewardship Act] ALSA regional plan."

Section 523 of the Act allows that the MGB "may make rules regulating its procedures."

Part 17

Section 617 is the main guideline from which all other provincial and municipal planning documents are derived. Each and every plan must comply with the philosophy expressed in 617.

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- *(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and*
- *(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,*

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

Section 690 and 691 set out the process for filing an intermunicipal dispute, and the actions that must be undertaken by the MGB and the municipalities in dispute.

690(1) If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it and if it has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, it may, if it is attempting or has attempted to use mediation to resolve the matter, appeal the matter to the Municipal Government Board by

(a) filing a notice of appeal and statutory declaration described in subsection (2) with the Board, and

(b) giving a copy of the notice of appeal and statutory declaration described in subsection (2) to the adjacent municipality

within 30 days after the passing of the bylaw to adopt or amend a statutory plan or land use bylaw.

(2) When appealing a matter to the Municipal Government Board, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and provide a statutory declaration stating

(a) the reasons why mediation was not possible,

(b) that mediation was undertaken and the reasons why it was not successful, or

(c) that mediation is ongoing and that the appeal is being filed to preserve the right of appeal.

(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating

(a) the reasons why mediation was not possible, or

(b) that mediation was undertaken and the reasons why it was not successful.

(4) When the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1)(a), the provision of the statutory plan or amendment or land use bylaw or amendment that is the subject of the appeal is deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date the Board receives the notice of appeal and statutory declaration under subsection (1)(a) until the date it makes a decision under subsection (5).

(5) If the Municipal Government Board receives a notice of appeal and statutory declaration under subsection (1)(a), it must, subject to any applicable ALSA regional plan, decide whether the provision of the statutory plan or amendment or land use bylaw or amendment is detrimental to the municipality that made the appeal and may

(a) dismiss the appeal if it decides that the provision is not detrimental, or

(b) order the adjacent municipality to amend or repeal the provision if it is of the opinion that the provision is detrimental.

(6) A provision with respect to which the Municipal Government Board has made a decision under subsection (5) is,

(a) if the Board has decided that the provision is to be amended, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from the date of the decision until the date on which the plan or bylaw is amended in accordance with the decision, and

(b) if the Board has decided that the provision is to be repealed, deemed to be of no effect and not to form part of the statutory plan or land use bylaw from and after the date of the decision.

(6.1) Any decision made by the Municipal Government Board under this section in respect of a statutory plan or amendment or a land use bylaw or amendment adopted by a municipality must be consistent with any growth plan approved under Part 17.1 pertaining to that municipality.

(7) Section 692 does not apply when a statutory plan or a land use bylaw is amended or repealed according to a decision of the Board under this section.

(8) The Municipal Government Board's decision under this section is binding, subject to the rights of either municipality to appeal under section 688.

691 (1) The Municipal Government Board, on receiving a notice of appeal and statutory declaration under section 690(1)(a), must

(a) commence a hearing within 60 days after receiving the notice of appeal or a later time to which all parties agree, and

(b) give a written decision within 30 days after concluding the hearing.

(2) The Municipal Government Board is not required to give notice to or hear from any person other than the municipality making the appeal, the municipality against whom the appeal is launched and the owner of the land that is the subject of the appeal.

INTERMUNICIPAL DISPUTE PROCEDURE RULES

Under section 523, and established by the MGB in 2013, the Intermunicipal Dispute Procedure Rules set out additional administrative actions for processing, hearing and determining intermunicipal disputes:

Part B: Communication with and Representation before the Board

5. Representation

5.1 Persons who participate in Board proceedings may represent themselves or be represented by another person.

5.2 Upon the Board's or the Board administration's request, a person who acts for another person must provide

a) Proof authorization to act for the other person, and

b) An address for service by the date requested by the Board or the Board administration.

Part D: Case Management and Preliminary Hearings

9. Preliminary Hearings

9.1 At a preliminary hearing, the Board may do one or more of the following:

f) Determine whether a person is affected by intermunicipal dispute and the extent to which that person is entitled to participate in the proceeding.