



Lesser Slave River

Title:	SOIL CONSERVATION ACT APPEAL COMMITTEE POLICY
Policy Number:	AG-63-12
Effective Date:	2022-09-28
Resolution:	303-22
Department Responsible:	Community Services
Supersedes Policy No:	N/A
Next Review Date:	September 28, 2025

POLICY STATEMENT:

The *Soil Conservation Act* and its corresponding Regulation is provincial legislation that is delegated to local authorities to administer, direct and enforce within their jurisdiction. Under this Act, there is provision for an appeal process that can be initiated by a person who considers themselves aggrieved by a Notice issued upon their land.

The Soil Conservation Appeal Committee shall be the Municipal District of Lesser Slave River No. 124 (Municipal District) Agricultural Service Board as established under the Agricultural Service Board Establishment Bylaw 2020-19 and further defined in the Agriculture Services Administration Policy J.1.

The Soil Conservation Act Appeal Committee will hear and determine appeals in accordance with the *Soil Conservation Act*, its corresponding Regulations, and this Policy.

PRINCIPLE:

1.0 OBJECTIVES

1.1 Establish a *Soil Conservation Act* Appeal Committee to hear and determine appeals made as per the provisions in the *Soil Conservation Act* and its corresponding Regulations.

2.0 APPEAL COMMITTEE

2.1 The Agricultural Service Board shall be the Soil Conservation Act Appeal Committee.

3.0 NOTICE OF APPEAL

3.1 A person who has been issued a Notice under section (4) of the Act may appeal it to the Appeal Committee.

3.2 The appellant will provide the Notice of the Appeal to the Local Authority of the Municipal District.

- 3.3 For the purposes of this policy, the Local Authority will be the Chief Administrative Officer of the Municipal District.
- 3.4 The Notice of Appeal must be in writing and set out:
- 3.4.1 the name of the appellant,
 - 3.4.2 an address for service on the appellant;
 - 3.4.3 the legal description of the land in respect of which the appeal is being taken;
 - 3.4.4 the grounds of the appeal; and
 - 3.4.5 be accompanied with a deposit in the amount of \$50.

4.0 RESPONSIBILITIES

4.1 Local Authority (Chief Administrative Officer):

- 4.1.1 on being served with a notice of appeal, the Local Authority shall forthwith furnish the notice of appeal to the Appeal Committee; and
- 4.1.2 will designate a Secretary to the Appeal Committee.

4.2 Secretary to the Appeal Committee:

- 4.2.1 compiles information, reports and evidence and provides agenda and meeting packages to members, the appellant and to any person who, in the opinion of the Appeal Committee, is substantially affected by the appeal;
- 4.2.2 makes and keeps a record of the Appeal Committee proceedings; and
- 4.2.3 signs orders, decisions, notices, and other items given by the Appeal Committee on its behalf.

4.3 Appeal Committee:

- 4.3.1 the appeal committee shall, as soon as conveniently possible, hear the appeal;
- 4.3.2 will remain independent;
- 4.3.3 will confirm, quash or vary the Notice;
- 4.3.4 may, with respect to a deposit paid, return the deposit or any portion of it to the appellant at the conclusion of the appeal; and
- 4.3.5 send a copy of the order of the appeal committee, together with a copy of the written reasons for it, if any, shall be served within 30 days from the conclusion of the hearing:
 - 4.3.5.1 on the appellant at the address for service set out in the notice of appeal; and

4.3.5.2 in accordance with section 20 of the Act, on any person who, in the opinion of the appeal committee, is substantially affected by the order.

4.4 Appeal Committee Chair:

4.4.1 will preside over the hearing and ensure it is conducted fairly and in a businesslike manner;

4.4.2 will ensure the hearing takes place in the prescribed order of presentation; and

4.4.3 will ensure that questions are relevant and irrelevant information is minimized.

4.5 Soil Conservation Officer:

4.5.1 will provide information, documents, details, evidence, and answers to relevant questions that arise during the hearing; and

4.5.2 will act in a professional and business-like manner during the hearing.

4.6 Appellant:

4.6.1 will provide the information, documents, details and answers to relevant questions that arise during the hearing; and

4.6.2 will act in a professional and business-like manner during the hearing.

5.0 HEARING ORDER OF PRESENTATION

5.1 Call to Order

5.2 Election of Chair

5.3 Introductions

5.4 Call for Objections

5.5 Hearing Purpose and Procedure

5.6 Notice of Appeal Read into Minutes

5.7 Soil Conservation Officer Report Read into Minutes

5.8 Appellant Statement and Presentation

5.9 Soil Conservation Officer Statement and Presentation

5.10 Appellant Summary or Rebuttal

5.11 Soil Conservation Officer Summary or Rebuttal

5.12 Questions from the Appeal Committee

5.13 Chair Final Remarks and Hearing Summation

5.14 Deliberation of the Appeal Committee (Closed session)

5.15 Determination of Appeal

5.16 Adjournment

6.0 APPEAL COMMITTEE REMUNERATION

6.1 Travel and subsistence will be covered as per Subsistence and Travel Expenses Policy K.20.

6.2 Remuneration to members at large will be based on rates prescribed in Policy A. 9 Council Appointed Board Member Honoraria.



Chief Administrative Officer

09/28/22

Date



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09/28/22

Date

RELATED DOCUMENTS:

K.20 Subsistence and Travel Expenses Policy

A.9 Council Appointed Board Member Honoraria