



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: Village of Duchess v County of Newell ABLPRT 895

Date: 2021-12-21

File No. 21/IMD-002

Decision No. LPRT2021/MG0895

Municipalities: Village of Duchess v County of Newell

The Municipal Government Board (“MGB”) is continued under the name Land and Property Rights Tribunal (“Tribunal”), and any reference to Municipal Government Board or Board is a reference to the Tribunal.

In the matter of a proceeding commenced under Part 17 of the *Municipal Government Act*, being Chapter M-26 RSA 2000, (the “MGA”).

And in the matter of an appeal filed under Section 690 of the *MGA*.

BETWEEN:

Village of Duchess

- and -

County of Newell

BEFORE: F. Wesseling, Presiding Officer
A. Bandol, Member
M. Weatherall, Member
(the “Panel”)

R. Duncan, Case Manager
M. Mercado

DECISION

ATTENDEES
See Appendix A

WRITTEN SUBMISSIONS
See Appendix B

[1] This decision letter provides the instructions issued by the Land and Property Rights Tribunal (Tribunal) subsequent to the preliminary hearing held on Tuesday, December 14, 2021 via WebEx.

[2] A brief background of the appeal, a summary of the December 14, 2021 proceedings, and the Tribunal's decisions/reasons are provided below. Appendix A is a list of the people that attended the preliminary hearing, while Appendix B is a list of the exhibits that have been submitted to the Tribunal at this time.

BACKGROUND

[3] On October 21, 2021, the Tribunal received a notice of appeal from the Village of Duchess (Village) regarding the County of Newell (County) Land Use Bylaw 2016-21 (Bylaw 2016-21). The reasons for the Village's appeal include:

- Bylaw 2016-21 removed the Fringe District around the Village. This conflicts with the County of Newell & Village of Duchess Intermunicipal Development Plan (IDP) that was established to control and direct appropriate development in the interface area between the two municipalities. This also conflicts with the policies of the IDP.
- Bylaw 2016-21 makes substantial changes to the uses listed in the old Fringe District. Previously prohibited uses in the fringe area around the Village will negatively impact the quality of life of its residents. The Village now has no protection against the approval of such unwanted and impactful uses. Moreover, the Village does not support some of the new permitted or discretionary uses permitted by Bylaw 2016-21 within the IDP boundary.
- The County failed to meaningfully engage with the Village early enough for the Village to have any influence on the passage of Bylaw 2016-21. The IDP requires the County to provide the Village with opportunities to consult on matters of mutual interest. Although the Village requested a delay, the County gave 2nd and 3rd reading of Bylaw 2016-21 on September 23, 2021.

[4] The Village stated that mediation was not possible because the County insisted on passing Bylaw 2016-21 prior to the October 18, 2021 municipal election. The Village submitted a letter of concerns to the County on September 1, 2021 prior to 2nd reading of the Bylaw 2016-21. However, the accelerated schedule followed by the County in approving the Bylaw left no time for proper consultation.

[5] The Village stated that it is filing the appeal under section 690 of the *MGA* to preserve its rights and in the hope and expectation that this dispute can be resolved through negotiation or mediation.

[6] The Tribunal sent a letter to both municipalities on October 26, 2021, acknowledging receipt of the appeal from the Village and requesting the County to provide the contact information for the landowners in the area under appeal. In its correspondence of November 10, 2021, the County noted that Bylaw 2016-21 covers the entire municipality. The County limited the list of landowners to those within the A-GEN Agriculture, General District of the impugned bylaw and the confines of the IDP boundary.

[7] On November 12, 2021, the Tribunal requested the Village to clarify the area affected by the appeal. The November 16, 2021 response from the Village identified that the area under appeal is all the land within the IDP boundary. The Village explained that the IDP has six land use districts. Bylaw 2016-21 reduced the number of land use districts in the IDP to four and eliminated the Fringe District by rezoning these lands as A-GEN. Moreover, the new land use districts of Bylaw 2016-21 within the IDP boundary differ in some material ways from the old districts in terms of density, permitted uses, prohibited uses, and rezoning requirements. In addition, the Bylaw 2016-21 may apply to subdivision or development applications within the IDP boundary in different ways than the old Land Use Bylaw.

[8] Correspondence from the County on November 19, 2021 objected to the Village expanding the appeal area from the Fringe District to include the six land use districts within the IDP. The required statutory declaration included as part of this correspondence stated that:

- The Village has failed to follow the Dispute Settlement Process outlined in the IDP prior to filing its Notice to Appeal.
- The Notice of Appeal does not comply with section 690 of the *MGA* in that:
 - It does not specify the provisions of Bylaw 2016-21 that have a detrimental effect on the Village,
 - It does not specify reasons as to why the provisions have a detrimental effect on the Village, and
 - The Village has made no effort to commence or implement mediation nor has it properly indicated why mediation is not possible.
- The uses in the land use districts are changes to form, not substance, and are not detrimental when considered in the context of federal and provincial legislation or the County's planning framework that includes the County's Subdivision Authority Bylaw 2018-21.
- The Village did not respond to the County's efforts to discuss Bylaw 2016-21. The Village agreed to a meeting one-day before the scheduled date for 2nd and 3rd reading (which was delayed from September 9, 2021 to September 23, 2021).
- The Village provides no reason for why it did not respond to the County's August 3, 2021 invitation to have an IDP Committee meeting.

[9] Correspondence from S. Stanway, a reporter for the **Brooks Bulletin** newspaper, requested permission to record the proceedings. On December 7, 2021 the Tribunal confirmed that this matter would be considered at the start of the December 14, 2021 preliminary hearing.

[10] On December 9, 2021, the Village informed the Tribunal that the two municipalities agreed to enter mediation and agreed to a proposed schedule for the appeal that is predicated on mediation taking place. However, the Village identified that the County will request a second preliminary hearing to address concerns related to the area affected by the appeal.

[11] The Village expressed concerns about conducting a second preliminary hearing during the mediation process. The purpose of mediation is to give the parties the opportunity to discuss and, hopefully, resolve the matters in dispute. In this case, that would include the scope issue. Furthermore, the purpose of mediation is to direct time and money away from formal legal proceedings into an informal dispute resolution process. The Village contends the County's approach runs counter to the purpose of mediation and will result in increased legal costs for both parties.

[12] The Village proposed the following dates for a preliminary hearing on scope, if directed by the Tribunal:

- Submissions by the County (as Applicant) on January 10 or 12, 2022,
- Submissions by the Village on January 17 or 19, 2022, and
- Preliminary Hearing on January 24 or 26, 2022.

[13] Based on the Tribunal allowing three months for the mediation, the Village suggested the following document exchange timeline and merit hearing dates:

- Submissions by the Village (as Appellant) on March 14 or 29, 2022,
- Submissions by the County on March 21 or April 5, 2022, and
- Merit Hearing during the week of March 28 or April 12-13, 2022.

[14] The Village stated that it would prefer the later proposed dates as this would give the parties more time between the end of the mediation and the beginning of the hearing.

[15] The December 9, 2021 correspondence from the County confirmed the municipalities have agreed to pursue mediation and have taken steps to retain mediators so they can begin the process in January 2022. However, the County stated that the outstanding issues included the scheduling of a preliminary hearing to determine the scope of the appeal and the identification of affected landowners.

[16] The County argued that conducting a preliminary hearing well in advance of the merit hearing would provide a number of benefits. First, it would help focus the issues and streamline the merit hearing by determining which land use districts are under appeal. If the appeal includes all the parcels within the IDP area, more than two days will be required for the merit hearing. Second, it would limit the complexity of the merit hearing by determining what lands are affected and which landowners should be participating. Having to accommodate all the landowners in the IDP area will exacerbate the complexity of the merit hearing. Third, it will reduce the scope of the mediation by reducing the number of issues. Fourth, it would provide clarity for the County by specifying which bylaw applies in the area under dispute. This uncertainty has already impacted the approval of a development permit for a Dog and Cat Grooming business.

[17] The County proposed the following options for the second preliminary hearing and merit hearing:

January 24, 2022 Scope Preliminary Hearing Option 1	
January 10, 2022	Submissions by the County (as Applicant).
January 17, 2022	Submissions by the Village and Landowners.
January 24, 2022	Preliminary Hearing.
January 26, 2022 Scope Preliminary Hearing Option 2	
January 12, 2022	Submissions by the County (as Applicant).
January 19, 2022	Submissions by the Village and Landowners.
January 26, 2022	Preliminary Hearing.
Week of March 28, 2022 Merit Hearing Option B	
March 14, 2022	Submissions by the Village (as Applicant).
March 21, 2022	Submissions by the County and Landowners.
Week of March 28, 2022 (2 Days)	Merit Hearing.
April 12, 13 or 19, 2022 Merit Hearing Option A (County Preferred Option)	
March 29, 2022	Submissions by the Village (as Applicant)
April 5, 2022	Submissions by the County and Landowners
April 12-13, April 19, 20, 22, 2022 (2 days)	Merit Hearing.

[18] Although not preferred, the County identified a third option in which the scope determination would be deferred until the merit hearing. This option would use the merit hearing filing dates. The County also identified that if it is not successful in limiting the scope, or if the Tribunal decides to address the scope issue at the start of the merit hearing, additional hearing days (totaling 3-4 days) would likely be required.

The County argued that the additional correspondence from the Village is attempting to expand the reasons for appeal and increase the area under appeal from the Fringe District to the entire IDP area. This would increase the number of affected landowners from 40 to 111 and expand the number of parcels from 95 to 179.

DECEMBER 14, 2021 PRELIMINARY HEARING SUMMARY

[19] During the December 14, 2021 preliminary hearing, the Tribunal considered the request to record the proceedings and the merit hearing process.

Recording of Proceedings

[20] The positions of Ms. Stanway, the Village, and the County along with the Tribunal's decision and reasons related to the request to record the proceedings are provided below.

S. Stanway

[21] The correspondence from Ms. Stanway requested the Tribunal's permission to record the hearing.

[22] During the December 14, 2021 preliminary hearing, Ms. Stanway confirmed that she was requesting the Tribunal's permission to record the proceedings. This included the preliminary hearings and the merit hearing. The recording would only be used to ensure the accuracy of her reporting. She informed the Tribunal that she had been granted permission to record in some courtrooms, but not in others. Ms. Stanway indicated that she did have a notebook, but that the recording simplifies the process and allows her to attribute statements to the correct person.

Village Position

[23] The Village stated that it had no concerns with Ms. Stanway recording the proceedings, as long as the Tribunal stipulated the recording could not be used for any other purposes.

County Position

[24] The County identified it had no concerns as long as the Tribunal were to order that the recording could not be used for any other purpose.

Tribunal Decision and Reasons

[25] The Tribunal denied the request to record the proceedings.

[26] Rule 24.1 of the *Tribunal Intermunicipal Dispute Procedure Rules* allows the Tribunal to permit a third party to make a "verbatim record" of the proceeding. For intermunicipal dispute hearings, it is the practice of the Tribunal to order the municipalities to provide a court reporter and submit written transcripts. As the purpose of this preliminary hearing was to establish a document exchange timeline and set merit hearing dates, the Tribunal waived the court reporter requirement for this hearing.

[27] The Tribunal appreciates Ms. Stanway is attempting to ensure the accuracy of her newspaper article. However, the Tribunal was provided with no evidence to conclude there were any impediments that would diminish her ability to take accurate notes during the proceedings. Moreover, the WebEx virtual hearing platform features allow parties to see the names of the people that are speaking, so this should have assisted Ms. Stanway with her identification of the presenters.

[28] The Panel assigned to the December 14, 2021 preliminary hearing is not seized. Ms. Stanway can make a similar request to other Panels that may be assigned to proceedings regarding this matter.

Preliminary Hearing Summary

[29] The oral submissions of the Village and the County related to the merit hearing process are summarized below. This is followed by the Tribunal decision and reasons.

Position of Village

[30] The Village stated that it filed its appeal under section 690 of the *MGA* to preserve its rights and in hope that this dispute can be resolved through mediation. It confirmed that the Village and the County met on November 29, 2021 and the two municipalities have agreed to mediation. The municipalities have also applied for funding from Alberta Municipal Affairs to assist with the cost of mediation. It is anticipated that the mediation process would begin in early January 2022.

[31] The Village argued that conducting a second preliminary hearing during the mediation process would be counterproductive and costly. The purpose of mediation is to take the dispute out of the legal process and permit the parties to embark upon a less costly process that will allow them to craft a solution themselves.

[32] The Village understands the County would like certainty about which bylaw is applicable in the IDP area. However, the County was able to address the Dog and Cat Grooming permit issue identified in the County's written submission, so there was no consequence. Moreover, the Village noted that there were no landowners present at this preliminary hearing, so there is nothing to substantiate the claim that the larger dispute area will somehow overwhelm the merit hearing.

[33] During its oral submission, the Village indicated that it was in agreement with providing a status update to the Tribunal for the mediation and that it was in agreement with the proceedings being conducted virtually.

Position of the County

[34] The County argued that it is necessary and prudent for the Tribunal to conduct a preliminary hearing to deal with the scope issue as soon as possible.

[35] The core of the Village's appeal is the removal of the former Fringe District, the new and unacceptable land uses, and the inadequate consultation. However, the wording of the Village's appeal and its subsequent correspondence makes it difficult for the County to know which provisions to change. Moreover, the Village did not engage in the dispute resolution process when requested by the County.

[36] The County explained that an appeal under section 690 of the *MGA* is unique in that it automatically suspends the bylaw being appealed, so it is imperative to conduct a preliminary hearing to address the scope issue as quickly as possible. This will decrease the number of issues to be addressed during the merit hearing and reduce the amount of affected landowners involved in this appeal. It will also inform the mediation and halt the Village's attempt to increase the area under appeal.

[37] The County indicated that it would prefer the merit hearing be scheduled for later in April and that an update on the status of the mediation could be provided to the Tribunal.

Tribunal Decision and Reasons

[38] After considering the oral and written submission of the municipalities, the Tribunal's decisions and reasons are provided below.

Decision

[39] The Tribunal will defer the preliminary matter related to the scope of the appeal until the merit hearing. The merit hearing will commence at 9:00am on April 12, 2022 and, if deemed necessary by the Tribunal, continue on April 13, 19, and 20, 2022. The merit hearing will be conducted via WebEx.

[40] The Village and the County are to submit a written mediation status report to the Tribunal by 2:00pm on Monday, January 31, 2022. Any adjustment to the merit hearing dates identified above must be received by the Tribunal by 2:00pm on Monday, January 31, 2022. The written merit hearing adjustment request must suggest suitable dates and must be communicated in writing to the other municipality by 2:00pm on Thursday, January 27, 2022.

[41] The Village and the County are to submit a second written mediation status report by 4:00pm on Monday, February 28, 2022 advising the Tribunal if the municipalities were able to address the scope issue during the mediation process and/or narrow the number of merit hearing issues. The municipalities may also make a request for additional time for the completion of the mediation. If additional time is required, the written request must be signed by both municipalities and provide the Tribunal with an alternative document exchange timeline and merit hearing dates.

Scope

[42] The document exchange timeline for the scope issues is identified below.

The County is to submit its documents, legal argument, and “will say” statements regarding the scope issue to the Village and Tribunal by 2:00pm on Monday, March 14, 2022. Subject to *Freedom of Information and Privacy Act (FOIP)* requirements, both the Village and the County will arrange to have the documentation available for viewing by affected landowners and the public at their respective municipal offices during normal business hours. Subject to *FOIP* requirements, the municipalities are to also publish the submission on their respective websites.

The Village is to submit its scope issue response documents, legal argument, and “will say” statements to the County and Tribunal by 2:00pm on Monday, March 21, 2022. Subject to *FOIP* requirements, both the Village and the County will arrange to have the documentation available for viewing by affected landowners and the public at their respective municipal offices during normal business hours. Subject to *FOIP* requirements, the municipalities are to publish the submission on their respective websites.

Affected landowners are to provide their written submission regarding the scope issue to the Tribunal, the Village, and the County by 2:00pm on Monday, March 21, 2022. Copies of these submissions may be made available for viewing by other landowners and/or the public at the Village and the County municipal offices during normal business hours.

The County is to submit its scope issue rebuttal to the Village and the Tribunal by 2:00pm on Monday, March 28, 2022. Subject to *FOIP* requirements, both the Village and the County will arrange to have the documentation available for viewing by affected landowners and the public at their respective municipal offices during normal business hours.

Merits

[43] The following identifies the document exchange timeline for the merits of the intermunicipal dispute.

The Village is to submit its documents, legal argument, and “will say” statements related to the merits of the intermunicipal dispute to the County and Tribunal by 2:00pm on Monday, March 21, 2022. Subject to *FOIP* requirements, both the Village and the County will arrange to have the documentation available for viewing by affected landowners and the public at their respective municipal offices during normal business hours. Subject to *FOIP* requirements, the municipalities are to publish the submission on their respective websites.

The County is to submit its response documents, legal argument, and “will say” statements related to the merits of the intermunicipal dispute to the Village and Tribunal by 2:00pm on Monday, March 28, 2022. Subject to *FOIP* requirements, both the Village and the County will arrange to have the documentation available for viewing by affected landowners and the public at their respective municipal offices during normal business hours. Subject to *FOIP* requirements, the municipalities are to publish the submission on their respective websites.

Affected landowners are to provide their written submission regarding the merits of the intermunicipal dispute to the Tribunal, the Village, and the County by 2:00pm on Monday, March 28, 2022. Copies of these submissions may be made available for viewing by other landowners and/or the public at the Village and the County municipal offices during normal business hours.

The Village is to submit its rebuttal related to merits of the intermunicipal dispute to the Village and the Tribunal by 2:00pm on Monday, April 4, 2022. Subject to *FOIP* requirements, both the Village and the County will arrange to have the documentation available for viewing by affected landowners and the public at their respective municipal offices during normal business hours.

[44] The submissions to the Tribunal are to be emailed to lppt.appeals@gov.ab.ca and richard.duncan@gov.ab.ca. Eight hard copies (one unbound) are to be delivered to the Tribunal’s Edmonton office within two (2) business days following the due date. One hard copy is to be delivered to other parties within two (2) business days.

[45] The Village and the County are responsible for retaining and scheduling the services of a court reporter for the merit hearings. All associated costs of retaining the court reporter are to be shared equally between the municipalities. Written transcripts are to be provided at no charge to the Tribunal no later than seven (7) days after the completion of the merit hearing. Upon payment of a reasonable fee, the written transcripts may be provided by the municipalities to affected landowners.

Reasons

[46] The Tribunal understands the importance of scheduling hearings of this type in an efficient and timely manner. However, allowing the Village and the County to attempt mediation prior to the merit hearing document exchange process gives the municipalities the opportunity to resolve their differences at the local level. This may reduce the time and costs associated with conducting a public hearing and having the Tribunal resolve their dispute. Moreover, there was no evidence to indicate that the mediation attempt would prejudice any of the other parties involved in this intermunicipal dispute. The Tribunal notes that the mediation process and people involved in these discussions is at the discretion of the municipalities.

[47] The Tribunal was not convinced that conducting a preliminary hearing regarding the scope of the appeal in January 2022 would streamline the merit hearing process, reduce the complexity of the merit hearing, assist the mediation process, or provide the bylaw clarity being sought by the County.

[48] It is doubtful whether the preliminary hearing to consider the scope issue would streamline the proceedings. The document exchange timelines and merit hearing dates submitted by the Village and the County suggested the merit hearing should take two days. However, the submission of the County stated that the merit hearing would likely take three to four days total if the Tribunal deferred the scope issue to the merit hearing or if the County was unsuccessful in its attempt to narrow the scope. Since the Tribunal has not considered the scope issue as yet, there are no assurances the preliminary hearing would reduce the amount of time required by the County for the merit hearing. Moreover, the reduction in the total number of hearing days required for these proceedings would be minimal.

[49] The number of landowners involved in an intermunicipal dispute can create complexity during the merit hearing process. However, the Tribunal did not receive any written or oral submissions from affected landowners in regard to this preliminary hearing. Moreover, there were no landowners in attendance during this hearing. There is no evidence to indicate the Tribunal will receive a large number of written and/or oral submissions from affected landowners that would overwhelm the merit hearing process or impact the amount of time required for the completion of the merit hearing.

[50] Although the document exchange process and merit hearing dates established by the Tribunal allow time for mediation, the Tribunal is not involved in the mediation discussions between the municipalities. The issues and the scope of these discussions are determined by the municipalities with the assistance of the mediator. There is nothing to suggest that the results of a preliminary hearing to determine the scope of the appeal would constrain the discussions between the municipalities.

[51] The Tribunal accepts the scope issue may create some uncertainty for the landowners and the County. However, the County was able to address the Dog and Cat Grooming business permit issue in a way that will allow the approval to comply with the standards of both bylaws. Even if a preliminary hearing were conducted to limit the number of properties under appeal, the County will still have to address the applicable bylaw issue for the properties in the appeal area.

[52] There is some disagreement about the length of time required for the merit hearing. The timeline provided by the Village suggests the merit hearing will take 2 days, with or without the scope preliminary hearing. The County indicated that with or without the scope preliminary hearing the merit hearing may take three to four days. To ensure the efficiency of these proceedings, the Tribunal has scheduled four days for the merit hearing. The County indicated that it is available on April 12, 13, 19 and 20, 2022. The Village identified it is available April 12 and 13, 2022, but did not provide any information about April 19 and 20, 2022. The merit hearing dates selected by the Tribunal are consistent with the availability of the County. As the Village may not be available on April 19 and 20, 2022, the Tribunal will accept alternative merit hearing date suggestions for the final two days as part of the January 31, 2022 mediation status update. If the Village changes the April 19 and 20, 2022 merit hearing dates it must inform the County by January 27, 2022.

[53] The written mediation status report due on Monday, January 31, 2022 allows the municipalities to demonstrate the progress they are making to resolve their issues and communicate the efforts being made to address the scope issue and/or narrow the merit issues. Moreover, this gives the solicitors for both municipalities the ability to suggest adjustments to the merit hearing dates to accommodate their availability.

[54] The second status report due on Monday, February 28, 2022 gives the Village and the County the opportunity to inform the Tribunal about the mediation and whether the two municipalities were able to resolve some of the issues and/or narrow the scope of the appeal. Moreover, the Tribunal will consider a joint request by the municipalities for a short postponement if more time is needed to complete the mediation process. Any joint postponement request must suggest a suitable document exchange timeline and agreed upon merit hearing dates.

[55] The document exchange timeline established by the Tribunal is within the dates suggested by the County. The Tribunal understands the County is the applicant for the scope issue, while the Village is the appellant for the intermunicipal dispute. The Tribunal is satisfied the document exchange dates will provide the parties with enough time to develop their submissions. In brief, the document exchange dates are:

Date	Summary of Required Action
January 31, 2022	The Village and the County are to submit a status update to the Tribunal.
February 28, 2022	The Village and the County are to submit a second status update to the Tribunal. This status update should indicate if the municipalities were able to narrow the scope of the appeal and/or identify if more time is needed to complete the mediation.
March 14, 2022	The County is to submit its documentation and submissions related to the scope of the appeal issue.
March 21, 2022	The Village is to submit: <ul style="list-style-type: none"> • its response to the scope of the appeal issue; and • its documentation related to the merits of the intermunicipal dispute.
March 21, 2022	Affected landowners are to submit their response to the scope of the appeal issue.
March 28, 2022	The County is to submit: <ul style="list-style-type: none"> • its rebuttal to the scope of the appeal issue; and • its response to the merits of the intermunicipal dispute.
March 28, 2022	Affected landowners are to submit their response to the merits of the intermunicipal dispute.
April 4, 2022	The Village is to submit its rebuttal to the merits of the intermunicipal dispute.
April 12, 2022	The merit hearing is to commence. If deemed necessary by the Tribunal, the merit hearing will continue on April 13, 19, and 20, 2022.

[56] The Tribunal will follow the restrictions on gatherings, workplace guidance documents, and other orders issued by the Chief Medical Officer of Health (CMOH) to protect public health and limit the spread of COVID-19. At this time, the CMOH has stated that working from home is mandatory unless the employer requires the employee's physical presence to operate effectively. Tribunal Members and personnel must also comply with Government of Alberta policies, such as “work from home” and “travel restriction”, currently in place to minimize the risk of transmission of infection among public service employees as well as the public. Section 18.1 of the *Tribunal Intermunicipal Dispute Procedure Rules* identifies that the Tribunal may conduct hearings in-person, by telephone or other form of electronic conference. In keeping with its current practice, the Tribunal will conduct the merit hearing using the WebEx videoconferencing platform.


[57] The Village and the County will be responsible for retaining the services of a court reporter for the merit hearing. The costs associated with the court reporter will be shared equally by the municipalities, and

a copy of the written transcript will be provided to the Tribunal at no cost as it is part of the record for this hearing.

[58] The panel is not seized with this matter.

Dated at the City of Edmonton in the Province of Alberta this 21st day of December, 2021.

LAND AND PROPERTY RIGHTS TRIBUNAL


F. Wesseling, Presiding Officer

APPENDIX A

PARTIES IN ATTENDANCE

NAME	CAPACITY
S. Stanway	Brooks Bulletin
G. Fitch	Village of Dutchess, Legal Counsel, McLennan Ross LLP
J. Grundberg	County of Newell, Legal Counsel, Brownlee LLP
T. Steidel	Mayor, Village of Dutchess
D. Reid-Mickler	Councillor, Village of Dutchess
D. Horvath	ORRSC, Planner
Y. Cosh	Chief Administrative Officer, Village of Dutchess
D. Short	Division 1 Councillor, County of Newell
A. Philpott	Division 8 Councillor, County of Newell
M. Fenske	Chief Administrative Officer, County of Newell
G. Tiffin	Manager of Planning, Development and Engineering, County of Newell
M. Jackson	Supervisor of Planning and Development, County of Newell
B. Conger	Community Planning Manager, ISL Engineering and Land Services
A. Gulamhusein	County of Newell, Legal Counsel, Brownlee LLP
A. Ferris	County of Newell, Legal Counsel, Brownlee LLP

APPENDIX B

DOCUMENTS RECEIVED PRIOR TO THE PRELIMINARY HEARING

NO.	ITEM
1-V	October 21, 2021 correspondence from G. Fitch, McLennan Ross LLP, on behalf of the Village – Notice of Appeal for Intermunicipal Dispute and Statutory Declaration (Intermunicipal Dispute Appeal).
2-LPRT	October 26, 2021 correspondence from the Land and Property Rights Tribunal (LPRT) acknowledgement and instruction correspondence to the Village and the County.
3-C	November 10, 2021 correspondence from J. Grundberg, Brownlee LLP, solicitor for the County.
4-LPRT	November 12, 2021 correspondence from the LPRT to the Village and the County.
5-V	November 16, 2021 correspondence from G. Fitch on behalf of the Village.
6-C	November 19, 2021 correspondence from J. Grundberg and statutory declaration from the County.
7-P	December 7, 2021 correspondence from S. Stanway.
8-V	December 9, 2021 correspondence from G. Fitch on behalf of the Village.
9-C	December 9, 2021 correspondence from J. Grundberg on behalf of the County.