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**NOTICE OF DECISION:**

**DL 050/21**  
**FILE: 21/IMD-001**

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**CITATION:** City of Grande Prairie v. County of Grande Prairie No. 1 (Re: County of Grande Prairie No. 1 Bylaw 3152 and Bylaw 2680-21-002 / Plan 012 2048; Lot 2; Pt. SE-20-71-6-W6)

**Re: Notice of Appeal - Intermunicipal Dispute – Section 690 *Municipal Government Act***  
**Appealed by: City of Grande Prairie**  
**Bylaws under Appeal: County of Grande Prairie No. 1 Bylaw 3152 and Bylaw 2680-21-002 / Plan 012 2048; Lot 2; Pt. SE-20-71-6-W6**

This letter is to confirm the Land and Property Rights Tribunal (Tribunal), formerly known as the Municipal Government Board (MGB), acknowledges receipt of the August 3, 2021 correspondence from the City of Grande Prairie withdrawing its appeal.

**BEFORE:** H. Kim, Presiding Officer  
W. Jackson, Side Panel Member  
D. Piecowye, Side Panel Member

R. Duncan, Case Manager

A brief background of the appeal, an overview of the April 23, 2021 postponement request, a summary of the August 3, 2021 withdrawal submission, and the MGB's decisions/reasons are provided below. Appendix A provides a list of the exhibits that have been submitted to the MGB at this time. Since the MGB became the Tribunal effective June 2, 2021, the terms Tribunal and MGB will be used interchangeably.

**BACKGROUND**

[1] On February 25, 2021, the City of Grande Prairie (City) filed a notice of appeal and statutory declaration regarding County of Grande Prairie No. 1 (County) Bylaw 3152 and Bylaw

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2680-21-002 / Plan 012 2048; Lot 2; Pt. SE-20-71-6-W6. The County adopted both bylaws on February 8, 2021.

[2] The City's statutory declaration stated that the amendments to County Bylaw 3152 (Cowan Area Structure Plan (Cowan ASP)) and County Bylaw 2680-21-002 / Plan 012 2048; Lot 2; Pt. SE-20-71-6-W6 [County Land Use Bylaw (LUB)] will permit development that is not compatible with future City growth. The City argued that the purpose behind specific provisions of the City of Grande Prairie & County of Grande Prairie No. 1 Intermunicipal Development Plan (IDP) is to ensure subdivision and development meet City standards when the parcel is annexed by the City. If these provisions are ignored, the City and the developer will need to engage in costly upgrades following annexation. The provisions of the IDP ensure continuous industrial development standards in this area to avoid incompatible systems between development in the Long Term Annexation Area and the City.

[3] An objection to the proposed amendments was sent to the County on January 11, 2021, with a request to initiate the dispute resolution process specified by the IDP. The City stated that mediation was not possible as the County refused to engage in the Dispute Resolution Process set out in the IDP.

[4] On April 19, 2021, the County submitted a statutory declaration to the MGB. The County argued the amendments to the Cowan ASP and LUB are not detrimental to the City. The amendments allow industrial development, which is consistent with the purpose of the Cowan ASP and the IDP. The Cowan ASP was drafted prior to 2016 to provide a framework for future industrial development and contains general land use and servicing concepts that serve as a guide for subsequent rezoning and subdivision. The Cowan ASP also included references to annexation by the City as the trigger for certain types of subdivision and development within the subject lands. Moreover, the City annexed 15,500 acres of land for future development in 2016.

[5] The County confirmed the City notified the County of its objections on January 11, 2021 and provided detailed comments on the amendments to the two bylaws on January 27, 2021. Despite discussions between senior administrators, the County indicated that the two municipalities were unable to agree on the interpretation of the IDP. Although the municipalities have not undertaken formal mediation, the County remains committed to negotiating a resolution of this matter.

[6] The County's statutory declaration also identified that the area in dispute is 11.75 hectares (29.03 acres) and that the affected landowner does not support the annexation of his property.

[7] On March 24, 2021, the MGB received correspondence from D. Cowan, an affected landowner. Mr. Cowan stated he does not agree with the appeal filed by the City and confirmed he is opposed to his property being annexed by the City to facilitate the IMD.

[8] On March 26, 2021, the MGB received a joint submission from the solicitors of the two municipalities. The MGB was informed that the two municipalities had scheduled a mediation session for April 20, 2021. The solicitors expected the merit hearing would take one day, provided a tentative document exchange timeline, and suggested the merit hearing be held on June 2, 2021.

[9] During the March 31, 2021 proceedings, the solicitors confirmed the information contained in the joint submission and indicated they could advise the MGB if additional time for mediation would be required by April 23, 2021. Although the suggested exchange timeline did not provide a date for the affected landowner to submit documents, the solicitors agreed the affected landowner could submit documents the same day as the County.

[10] Mr. Cowan informed the MGB that he had provided a written submission regarding this matter and agreed that he could submit any additional documents to the MGB on May 19, 2021.

[11] Following the March 31, 2021 preliminary hearing, the MGB issued Decision Letter 021/21 to confirm the oral instructions issued during the proceedings. DL 021/21 established

- The merits of this appeal are to be heard via WebEx commencing at 9:00 am on June 2, 2021.
- The City and the County are to provide a written submission by April 23, 2021 advising the MGB if additional time is required for the completion of the intermunicipal mediation.
  - The written request for an extension is to be signed by the municipalities and Mr. Cowan and is to suggest a new document exchange timeline and merit hearing date.
- The City is to submit its documents, legal argument, and “will say” statements by May 12, 2021.
- The County is to submit its response documents, legal argument, and “will say” statements by May 19, 2021.
- Affected landowners are to submit additional information or written documents by May 19, 2021.
- The City is to submit its rebuttal on May 26, 2021, and
- The City and the County are responsible for retaining and scheduling the services of a court reporter for the merit hearings.

## **POSTPONEMENT REQUEST**

[12] On April 23, 2021, the MGB received correspondence from the City solicitor identifying that the two municipalities intend to continue their negotiations and mediation in an attempt to resolve the matters raised in this Statutory Appeal. In accordance with DL 021/21, the MGB was requested to adjourn the scheduled dates to allow for the City and County to continue their negotiations. As the solicitors were still discussing dates, they proposed providing the required submission deadlines and merit hearing dates to the MGB by May 7, 2021. An email provided by

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the County solicitor on May 4, 2021 confirmed Mr. Cowan was in agreement with delaying the proceedings.

[13] A joint proposal from the City and the County on May 6, 2021 suggested a document exchange timeline and merit hearing dates. Correspondence from Mr. Cowan confirmed he was in agreement with the proposed dates.

[14] After considering the written submission of the parties, the MGB accepted the postponement request submitted by the parties. DL 029/21 established:

- The merits of this appeal were to be heard via WebEx commencing at 9:00 am on Monday, September 13, 2021.
- The City and the County are to provide a written mediation status report by 4:00 pm on Monday, July 26, 2021.
  - If additional time is required, the written request must be signed by the municipalities and Mr. Cowan.
  - The request must provide the MGB with a suggested document exchange timeline and merit hearing date.
- The City is to submit its documents, legal argument, and “will say” statements to the County and MGB by 2:00 pm on Monday, August 9, 2021.
- The County is to submit its response documents, legal argument, and “will say” statements by 2:00 pm on Monday, August 23, 2021.
- The affected landowners are to provide any additional information or written submission by 2:00 pm on Monday, August 23, 2021.
- The City is to submit its rebuttal to the MGB and the County by 2:00 pm on Monday, August 30, 2021.

## **WITHDRAWAL**

[15] On July 21, 2021, the Tribunal received an update on the mediation between the City and the County. The correspondence stated that the two municipalities had agreed to meet on July 30, 2021. As there was only one outstanding issue, the City solicitor requested a postponement of the adjournment request deadline specified by DL 029/21. Although the County solicitor was in agreement, the request did not provide correspondence from Mr. Cowan regarding this matter or an alternative document exchange and merit hearing dates.

[16] On July 30, 2021, the Case Manager was informed by telephone that the City would be withdrawing its appeal. Correspondence from the City and the County on August 3, 2021 confirmed the City is withdrawing its appeal of Bylaws 3152 and 2680-21-002.

**TRIBUNAL DECISION**

[17] The Tribunal acknowledges receipt of the correspondence from the City withdrawing its appeal of Bylaws 3152 and 2680-21-002. This file is now closed.

**REASONS**

[18] The Tribunal appreciates the efforts of the two municipalities to resolve their dispute at the local level. Although DL 029/21 specified a document exchange timeline and merit hearing date, the City was not due to submit its documents, legal argument and “will say” statements until August 9, 2021. Since the City was requesting the delay, the Tribunal was not convinced the additional time would harm the other parties or unreasonably disrupt the Tribunal’s schedule. In accordance with Rule 16.2 of the Intermunicipal Dispute Procedure Rules, the Tribunal granted the delay request.

[19] The significance of timeliness for an intermunicipal dispute is magnified owing to the fact that the provision of the bylaw or amendment that is the subject of the appeal is deemed to be of no effect and does not form part of the bylaw until the issue is resolved and can have a significant impact on the affected landowners. The municipalities have resolved their dispute and the City has withdrawn its appeal. The correspondence from Mr. Cowan specified by DL 029/21 is no longer needed as he can now proceed in accordance with the County Bylaws.

[20] In accordance with Intermunicipal Dispute Procedure Rule 15, the Tribunal accepts the agreement between the two municipalities. The Tribunal also waives the need for the municipalities to provide additional supporting information. Although DL 029/21 specifies a September 15, 2021 merit hearing, the municipalities are not required to provide any other submissions regarding this matter. Moreover, the merit hearing is cancelled and the Tribunal has closed this file.

DATED at the City of Edmonton, in the Province of Alberta, this 6<sup>th</sup> day of August, 2021.

**MUNICIPAL GOVERNMENT BOARD**

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(SGD) H. Kim, Presiding Officer

**APPENDIX "A"****EXHIBITS**

<b>NO.</b>	<b>ITEM</b>
1-A	February 19, 2021, Notice of Appeal for Intermunicipal Dispute and Statutory declaration from the City of Grande Prairie.
2-MGB	February 25, 2021, Notice Acknowledgement and Instructions correspondence from the MGB.
3-MGB	March 8, 2021 hearing notification letter from MGB.
4-R	Maps of area under appeal from County of Grande Prairie No. 1.
5-R	Signed copy of County of Grande Prairie No. 1 Bylaw 3039 – Cowan Area Structure Plan (Cowan ASP).
6-R	Signed copy of County of Grande Prairie Bylaw 3152 to amend Bylaw 3039.
7-R	Signed copy of County of Grande Prairie No. 1 Bylaw 2680-21-002 to amend County Land Use Bylaw 2680.
8-R	March 19, 2021 County of Grande Prairie No. 1 Statutory Declaration.
9-PL	March 24, 2021 correspondence from D. Cowan.
10-A&R	March 26, 2021 correspondence (joint submission) from K. Elhatton-Lake solicitor for the City of Grande Prairie and K. Becker Brookes solicitor for the County of Grande Prairie No. 1.
11-A	April 23, 2021 correspondence from K. Elhatton-Lake solicitor for the City of Grande Prairie.
12-R	May 5, 2021 correspondence from K. Becker Brookes solicitor for the County of Grande Prairie No. 1 with response from D. Cowan.
13-R	May 6, 2021 correspondence from K. Becker Brookes solicitor for the County of Grande Prairie No. 1 with attachment from D. Cowan.

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- 14-A                      July 21, 2021 correspondence from K. Elhatton-Lake, solicitor for the City.
- 15-LPRT                  July 26, 2021 correspondence postponement request instructions.
- 16-A                      August 3, 2021 correspondence from K. Elhatton-Lake, solicitor for the City.