



LAND AND PROPERTY RIGHTS TRIBUNAL

Citation: 2056598 Alberta Ltd. v Rocky View County (Subdivision Authority), 2025 ABLPRT 51
Date: 2025-02-07
File No. S24/ROCK/CO-030
Decision No. LPRT2025/MG0051
Municipality: Rocky View County

In the matter of an appeal from a decision of Rocky View County Subdivision Authority (SA) respecting the proposed subdivision of SE 10-24-3 W5M (subject land) under Part 17 of the *Municipal Government Act*, Chapter M-26 RSA 2000, (*Act*).

BETWEEN:

2056598 Alberta Ltd.

Appellant

- and -

Rocky View County (Subdivision Authority)

Respondent Authority

BEFORE: D. Mullen, Presiding Officer
E. Williams, Member
L. Yakimchuk, Member
(Panel)

K. Lau, Case Manager
H. Dungale, Board Officer

DECISION

APPEARANCES

See Appendix A

This is an appeal to the Land and Property Rights Tribunal (LPRT or Tribunal). A preliminary hearing was held via videoconference, on January 30, 2025.

PRELIMINARY MATTERS

[1] This preliminary hearing was scheduled to consider a postponement request from the Appellant and determine appropriate disclosure dates.

BACKGROUND

[2] This appeal concerns an application for a subdivision to create one 20.23 ha (50 acre) Agricultural First Parcel Out in the A-GEN district of the Land Use Bylaw (LUB) leaving a remnant parcel of 37.75 ha (93.27 acres) in Rocky View County (County). The subject lands are directly north of Highway 8 and about 6.5 km (4 miles) west of the City of Calgary.

[3] The SA refused the application for the following reasons:

1. The use of land in the vicinity of the subject proposal may conflict with the proposed subdivision in accordance with section 9(h) of the Matters Related to Subdivision and Development Regulation.
2. Access to the proposed subdivision was not satisfactory to the Subdivision Authority in accordance with Section 11(b) of the Matters Related to Subdivision and Development Regulation.

[4] The Appellant appealed the decision as it is their position that both of the SA's reasons for refusing the application are erroneous. First, lands in the vicinity of the subject parcel will not conflict with the subdivision. Second, access arrangements are satisfactory and flow from multiple agreements between various landowners and the municipality.

[5] The *Act* requires the LPRT to set a hearing within 60 days of receipt of a notice of appeal. Prior to the scheduled hearing the Appellant advised that they would be requesting a postponement of the merit hearing.

ISSUES

[6] This preliminary hearing focused on two issues:

1. When should the merit hearing proceed?
2. What is the appropriate timing of disclosure?

SUMMARY OF APPELLANT'S POSITION

[7] The Appellant requested a postponement prior to the hearing and proposed the following dates:

April 16, 2025:	Subdivision Authority submission
April 30, 2025:	Appellant submission
May 14, 2025:	Submissions from Adjacent Landowners, Referral Agencies or other interested parties
June 20, 2025:	Appellant's rebuttal submission
August 19-21, 2025:	Hearing

The Appellant suggested the hearing will require three days.

SUMMARY OF ADJACENT LANDOWNER'S POSITION

[8] The representative for the Adjacent Landowner (who is also a part owner of the subject lands) had no objection to the postponement or the dates as suggested.

SUMMARY OF TRANSPORTATION and ECONOMIC CORRIDORS (TEC) POSITION

[9] TEC had no objection to the postponement or the dates as suggested.

SUMMARY OF THE SA'S POSITION

[10] The SA had no objection to the postponement or the dates as suggested.

FINDINGS

1. The LPRT finds it appropriate to grant a postponement in this case.

DECISION

[11] The LPRT postpones the merit hearing to **August 19, 20 and 21 (as needed), 2025** at 9 AM. The hearing will proceed via videoconference, and the deadlines for submissions are as follows:

April 16, 2025:	Subdivision Authority submission
April 30, 2025:	Appellant submission
May 14, 2025:	Submissions from Adjacent Landowners, Referral Agencies or other interested parties
June 20, 2025:	Appellant's rebuttal submission
August 19-21, 2025:	Hearing

[12] All submissions are due at 12 noon on the dates above. Submissions are to be made electronically to lprt.appeals@gov.ab.ca with a copy sent to kellie.lau@gov.ab.ca as well as to the other parties.

REASONS

[13] With respect to the postponement request, the LPRT recognizes that the 60-day timeline specified in the *Act* for scheduling a hearing may not provide sufficient time for the parties to prepare and in this case ensure adequate disclosure. All the parties have agreed to the rescheduled hearing date and disclosure deadlines, and the LPRT accepts them as reasonable.

[14] Please note, this Panel is not seized with the matter, and a different Panel may hear the merits of the appeal.

Dated at the City of Okotoks in the Province of Alberta this 7th day of February 2025.

LAND AND PROPERTY RIGHTS TRIBUNAL

(SGD) D. Mullen, Member

APPENDIX A

PARTIES WHO ATTENDED, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING

NAME	CAPACITY
R. Harrison	Appellant, Legal Counsel
B. Gervan	Appellant
C. Shelton	SA Representative
K. Hamilton	Rocky View County Engineering
T. Richelhoff	Alberta Transportation and Economic Corridors
C. Elgart	Adjacent Landowner, Legal Counsel