



MUNICIPAL DISTRICT OF PEACE NO. 135

PREPARED BY: Nasar Iqbal	ADOPTED BY:	NUMBER: ASB – 11
REVISED BY: Nasar Iqbal	COUNCIL	SUPERSEDES: Page 1 of 3
TITLE: Weed Control Act Appeal Panel		DATE: April 28, 2014 Revised Feb.27, 2020

PURPOSE OF THIS POLICY:
 To provide for an appeal process that can be initiated by a person who has been given an inspector's notice, local authority's notice or debt recovery notice under the *Weed Control Act* and Regulations.

POLICY STATEMENT:

- 1. Appeal Panel**
 - a. Council will annually establish an independent Appeal Panel to determine appeals of inspector's notices, local authority's notices and debt recovery notices.
 - b. The Appeal Panel will hear and determine the appeal within 5 days of receipt of the notice of appeal by the Chief Administrative Officer.
 - c. The Appeal Panel may confirm, rescind or vary the inspector's notice, local authority's notice or debt recovery notice.
 - d. The Appeal Panel will consist of the following four appointed members:
 - i. Three members of the M.D. of Fairview No. 136 Council. OR
 - ii. Three members of the Clear Hills County Council
 - iii. The M.D. of Peace A.S.B. Chairman as a non-voting member.
 - e. Chairperson of the Appeal Panel will be elected by the vote of the majority of the members at each appeal hearing.
 - f. A quorum of the Appeal Panel will be a minimum of two voting members.
- 2. Appeals**
 - a. A person who is given an inspector's notice, local authority's notice or debt recovery notice may, in accordance with the regulations, appeal it to the Appeal Board.
 - b. The appellant will provide notice of the appeal to the Chief Administrative Officer of the municipality in which the land subject to the notice is located.
 - c. The notice of appeal must be delivered personally or sent by certified or registered mail within the time specified in the notice for doing the task required by the notice or 10 days, whichever is less.
 - d. The notice of appeal must be in writing and include:
 - i. the name and address of the appellant,
 - ii. a copy of the notice in respect of which the appeal is being taken,



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- iii. the legal description of the land affected,
- iv. the grounds for appeal, and
- v. a \$500 appeal fee if the appellant is fully successful in an appeal or review, the \$500 appeal fee will be refunded to the appellant.

3. Secretary to the Appeal Panel

- a. The Secretary to the Appeal Panel will be appointed by resolution of Council.
- b. The Chief Administrative Officer can designate a Secretary to the Appeal Panel in the event of absence by the Council appointed Secretary.

4. Responsibilities

- a. Chief Administrative Officer:
 - i. Will call a hearing within five days upon receipt of a notice of appeal, and
 - ii. will send a copy of the decision together with the written reasons, if any, to the appellant by certified or registered mail.
- b. Appeal Panel Members:
 - i. will hear and determine an appeal within five days from the day of receipt of the notice of appeal,
 - ii. will confirm, rescind or vary the notice
 - iii. will determine the amount of appeal fee refund (whole or part) if the appellant is partially successful in an appeal or review, and will remain independent.
- c. Appeal Panel Chairperson:
 - i. will preside over the hearing and ensure it is conducted fairly and in a business-like manner,
 - ii. will ensure the hearing takes place in the prescribed order of presentation, and
 - iii. will ensure that questions are relevant and irrelevant information is minimized.
- d. Appeal Panel Secretary:
 - i. compiles and provides agenda and meeting packages to members,
 - ii. makes and keeps a record of the Appeal Panel proceedings, and
 - iii. signs orders, decisions, notice and other items given by the Appeal Panel on its behalf.



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- e. Weed Inspector:
 - i. will provide the information, documents, details, and answers to relevant questions that arise during the hearings, and
 - ii. will act in a professional and business-like manner during the hearing.

- f. Appellant:
 - i. will provide the information, documents, details, and answers to relevant questions that arise during the hearing, and
 - ii. will act in a professional and business-like manner during the hearing.

5. Hearing Order of Presentation

- a. Call to Order
- b. Election of Chair
- c. Introductions
- d. Call for Objections
- e. Hearing Purpose and Procedure
- f. Notice of Appeal
- g. Weed Inspector Report
- h. Appellant Statement and Presentation
- i. Weed Inspector Final Comments
- j. Appellant's Summary or Rebuttal
- k. Questions from the Appeal Panel
- l. Chair Final Remarks and Hearing Summation
- m. Deliberation of the Appeal Panel (In-Camera)
- n. Appeal Panel Decision
- 1. Adjournment