Bylaw No. 2005-4

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.
THE REGINA APPEAL BOARD BYLAW

No. 2005-4

Including Amendments to February 25, 2019

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

a) the original bylaw and of all bylaws amending it; and

b) the fact of passage of the original and all amending bylaws.
<table>
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<th>AMENDMENTS</th>
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<td>Bylaw No. 2011-30</td>
<td>April 26, 2011</td>
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BYLAW NO. 2005-4

THE REGINA APPEAL BOARD BYLAW

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose
1 The purpose of this Bylaw is to establish a local appeal board for appeals of:

(a) orders to remedy property nuisances;
(b) orders to enforce property standards;
(c) the suspension or revocation of business licences;
(c.1) the refusal or revocation of any licences pursuant to Bylaw 9635, being The Taxi Bylaw, 1994;
(c.2) the refusal, revocation, suspension or placement of conditions on any licence pursuant to The Vehicles for Hire Bylaw No. 2019-9;
(d) orders issued pursuant to The Weed Control Act; and
(e) any other orders issued pursuant to section 328 of The Cities Act, unless another appeal body is prescribed by bylaw.

#2011-30, s. 2, 2011, #2012-16, s. 62, 2012, #2019-9, s.51(2), 2019

Statutory Authority
2 The authority for this Bylaw is sections 55, 100 and 329 of The Cities Act and section 34 of The Weed Control Act.

#2011-30, s. 3, 2011

Interpretation
3 In this Bylaw:

“Act” means The Cities Act;

“City” means the municipal corporation of the City of Regina or the geographical area contained within its limits, as the context requires;
“Board” means the Regina Appeal Board established in section 4 and which takes the place of the Property Control and Licence Review Committee. Any references in other bylaws to that Committee or to the Licensing Review Committee are deemed to be the Regina Appeal Board;

“Council” means the Council of the City of Regina;

“Licensing Bylaw” means Bylaw No. 9565, titled “The Licensing Bylaw”, or any successor to that bylaw;

“Regina Community Standards Bylaw” means Bylaw No. 2016-2, titled “The Regina Community Standards Bylaw”, or any successor to that bylaw;

Establishment of Local Appeal Board

4(1) The Regina Appeal Board is hereby established and designated as a local appeal board pursuant to section 329 of the Act.

(2) The Board shall, where requested:

(a) hear appeals of orders made pursuant to section 328 of the Act in accordance with section 329 of the Act, unless another appeal body is specifically prescribed by bylaw;

(a.1) review the refusal or revocation of licences pursuant to Bylaw 9635, being The Taxi Bylaw, 1994, after providing the applicant or licensee with an opportunity to be heard;

(a.2) review the refusal, revocation, suspension or placement of conditions on any licence pursuant to The Vehicles for Hire Bylaw No. 2019-9 after providing the applicant, licensee or individual to which a condition relates, the opportunity to be heard;

(b) hear appeals of orders made pursuant to The Regina Community Standards Bylaw in accordance with that bylaw and section 329 of the Act; and

(c) review the refusal, suspension or revocation of licences pursuant to The Licensing Bylaw, after providing the applicant or licensee with an opportunity to be heard.

(#2012-16, s. 62, 2012, #2016-2, s. 20, 2016, #2019-9, s. 51(3), 2019)
Appeals pursuant to The Weed Control Act
4.1(1) The Regina Appeal Board is hereby established and designated as the committee empowered to hear appeals of orders issued pursuant to The Weed Control Act.

(2) The Board shall, where a notice of appeal is filed in accordance with The Weed Control Act, hear appeals made pursuant to section 34 The Weed Control Act in accordance with section 34 of The Weed Control Act.

(#2011-30, s. 4, 2011)

Membership
5 The Board shall consist of three members of Council appointed by resolution of Council.

Quorum and Voting
6 A majority of the whole Board is necessary to form a quorum and no business is to be transacted unless there is a quorum present.

7 A majority vote by those present shall be a vote of the Board, but on any question on which there is an equality of votes, the question shall be deemed to be decided in the negative.

Appeal Decisions
8(1) On an appeal pursuant to section 329 of the Act or pursuant to The Regina Property Maintenance Bylaw, the Board may:

(a) confirm, modify or repeal the order appealed from; or

(b) substitute its own order or decision for the order being appealed from.

(2) Where the Board reviews the refusal, suspension or revocation of a licence pursuant to The Licensing Bylaw, the Board may issue, reinstate, refuse, suspend or revoke the licence in accordance with the provisions of The Licensing Bylaw.

(3) On an appeal pursuant to section 34 of The Weed Control Act, the Board shall determine the appeal in accordance with The Weed Control Act.

(4) Where the Board reviews the refusal to issue or renew a licence or a revocation of a licence pursuant to Bylaw 9635, being The Taxi Bylaw, 1994, the Board may:

(a) confirm the decision of the Licence Inspector;

(b) set aside the decision of the Licence Inspector; or
(c) order the Licence Inspector to make further inquiry into the facts of the case.

(5) Where the Board reviews the refusal, revocation, suspension or placement of conditions on any licence pursuant to The Vehicles for Hire Bylaw No. 2019-9, the Board may:

(a) confirm the decision of the Licence Inspector;

(b) set aside the decision of the License Inspector;

(c) order the License Inspector to make further inquiry into the facts of the case; or

(d) vary the suspension or placement of conditions by the License Inspector.

(#2011-30, s. 5, 2011; #2012-16, s. 62, 2012, #2019-9, s. 51(4), 2019)

Secretary
9(1) The City Clerk or his or designate shall act as Secretary to the Board.

(2) Where a designate of the City Clerk acts as Secretary to the Board, that designate may exercise the powers of the City Clerk with respect to the Board, including that of signing his or her name in the capacity of Secretary to the Board, in the stead of the City Clerk, to resolutions passed at any meeting.

Repeal and Coming Into Force
10(1) Bylaw No. 9442 is hereby repealed.

(2) This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS ____________ 24th ____________ DAY OF ____________ JANUARY ____________ 2005.

READ A SECOND TIME THIS ____________ 24th ____________ DAY OF ____________ JANUARY ____________ 2005

READ A THIRD TIME AND PASSED THIS ____________ 24th ____________ DAY OF ____________ JANUARY ____________ 2005

PAT FIAっこ RANDY MARKEWICH
Mayor City Clerk (SEAL)

CERTIFIED A TRUE COPY
City Clerk
ABSTRACT

BYLAW NO. 2005-4

THE REGINA APPEAL BOARD BYLAW

PURPOSE:
To establish a local appeal board to hear appeals related to property nuisances, property standards, the revocation or suspension of business licences and other orders made pursuant to section 328 of the Act.

ABSTRACT:
This Bylaw establishes the Regina Appeal Board as a local appeal board and provides for its powers and terms of reference. This Board takes the place of the Property Control and Licence Review Committee with the potential for expanded jurisdiction should Council give powers to make orders under The Cities Act to other designated officers.

STATUTORY AUTHORITY:
Sections 55, 100 and 329 of The Cities Act

MINISTER’S APPROVAL:
N/A

PUBLIC HEARING:
N/A

PUBLIC NOTICE:
N/A

REFERENCE:
Executive Committee, January 19, 2005, EX05-8
Executive Committee, September 29, 2004, EX04-40
Secretariat Committee, September 7, 2004, SEC04-7

AMENDS/REPEALS:
Repeals Bylaw 9442

CLASSIFICATION:
Administrative and Regulatory

ORIGINATING DEPARTMENT:
Legal Department