



Bylaw No. 2005-4

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Office Consolidation

THE REGINA APPEAL BOARD BYLAW

No. 2005-4

Including Amendments to March 31, 2021

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.**

AMENDMENTS

DATE PASSED

Bylaw No. 2011-30

April 26, 2011

Bylaw No. 2012-16

March 12, 2012

Bylaw No. 2016-2

March 29, 2016

Bylaw No. 2019-9

February 25, 2019

Bylaw No. 2020-70

October 28, 2020

Bylaw No. 2020-61

January 1, 2021

Bylaw No. 2021-25

March 31, 2021

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;
 - (b.1) the refusal, revocation or suspension of any licence pursuant to *The Residential Short Term Accommodation Licensing Bylaw* No. 2020-70
 - (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;
 - (c.3) the refusal, revocation, suspension or placement of conditions on any licence pursuant to *The Body Rub Establishment Licensing Bylaw* No. 2020-61;
 - (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, #2020-70, s.2, 2020, #2020-61, s.41, ss.2, 2020)

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:

Approved as to form this _____ day of _____, 200_____.

City Solicitor

“**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; (#2016-2, s. 19, 2016)

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;
 - (a.2.1) review the refusal, revocation or suspension of any licence pursuant to *The Residential Short Term Accommodation Licensing Bylaw* No. 2020-70 after providing the applicant or licensee the opportunity to be heard;

- (a.3) review the refusal, revocation, suspension or placement of conditions on any licence pursuant to *The Body Rub Establishment Licensing Bylaw No. 2020-61* after providing the applicant or licensee 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, #2020-70, s.3, 2020, #2020-61, s.41, ss.3, 2020)

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(1) The Board shall consist of five citizen members appointed by resolution of Council.

- (2) Unless removed from office, the appointment of the members to the Board shall be for up to three-year staggered terms as may be set by resolution of Council.

- (3) No person shall be eligible to serve on the Board for longer than nine consecutive years.

(#2021-25, s.4, 2021)

Quorum and Voting

6(1) Subject to subsection (2), 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.

- (2) Notwithstanding subsection (1), if one or more members are disqualified from hearing the appeal, two members shall constitute a quorum.

(#2021-25, s.5, 2021)

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.

Chair

7.1 The Board shall elect a chairperson from the members of the Board.

Meetings

7.2 The Board meets at the call of the Secretary to the Board in consultation with the chairperson to determine the hearing dates for the year and any further hearing dates required, when appeals are filed.

Procedures

7.3 The Board may do one of the following:

- (a) establish its own procedures for conducting business at meetings, which must be in writing and be publicly available; or
- (b) adopt the procedural requirements of *The Procedure Bylaw*, Bylaw 9004.

Remuneration

7.4(1) The rates of remuneration for the chairperson of the Board are \$60 for each meeting where appeals are conducted and an additional \$60 for each meeting required to write the decisions for appeals.

(2) The rates of remuneration for the members of the Board, other than the chairperson, are \$30 for each meeting where appeals are conducted and an additional \$30 for each meeting required to write the decisions for appeals.

(#2021-25, s.6, 2021)

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.
- (5.1) Where the Board reviews the refusal, revocation or suspension of any licence pursuant to *The Residential Short Term Accommodation Licensing Bylaw No. 2020-70*, the Board may:
- (a) confirm the decision of the Licence Inspector;
 - (b) set aside the decision of the Licence Inspector;
 - (c) order the Licence Inspector to make further inquiry into the facts of the case; or vary the suspension imposed by the Licence Inspector.
- (6) Where the Board reviews the refusal, revocation, suspension or placement of conditions on any licence pursuant to *The Body Rub Establishment Licensing Bylaw No. 2020-61*, the Board may:
- (a) confirm the decision of the Licence Inspector;
 - (b) set aside the decision of the Licence Inspector;

- (c) order the Licence Inspector to make further inquiry into the facts of the case;
or
- (d) vary the suspension or placement of conditions by the Licence Inspector.
(#2011-30, s. 5, 2011; #2012-16, s. 62, 2012, #2019-9, s. 51(4), 2019, #2020-70, s.4, 2020, #2020-61, s.41, ss.4, 2020)

Secretary

9(1) The City Clerk or their 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 their name in the capacity of Secretary to the Board, in the stead of the City Clerk, to resolutions passed at any meeting.
(#2021-25, s. 7-8, 2021)

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 FIACCO
Mayor

RANDY MARKEWICH
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 <i>The Cities Act</i> to other designated officers.
STATUTORY AUTHORITY:	Sections 55, 100 and 329 of <i>The Cities Act</i>
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