

Topic: Jackfish Lake Municipal Reserve Damage – Order to Remedy – Order Review

Introduction:

This report is being provided to Council to provide background and process related to the Order to Remedy issued to and received by 1709790 Alberta Ltd and Visionary Concepts Ltd. As per Section 545 of the Municipal Government Act, a person who receives a written order may by written notice request Council to review the order within 14 days after the date of the order is received. A written request was received and this report provides direction with regards to this review and the decision to be made by Council.

Facts (Background Information):

An Order to Remedy was issued to 1709790 Alberta Ltd. And Visionary Concepts Ltd. outlining the requirements for remedying the illegal tree clearing of Reserve lands owned by Parkland County, which was in contravention of the Jackfish Lake Area Structure Plan Bylaw 32-97.

Subsequently a representative for the named companies requested some flexibility in terms of the due date of the detailed site plan and landscape design in the Order to Remedy. Administration provided this flexibility, revising the dates to allow more time for the representative to provide the proposed plans.

Additionally, as part of his correspondence, the representative formally asked Council to review the order. This request was made within 14 days as per the MGA so staff has made that arrangement, and that is the reason for the appointment before you this morning.

Analysis:

There is no set process with regards to the order review. The MGA identifies that Council can review the order and after reviewing it can confirm, vary, substitute or cancel the order.

Advice from Reynolds, Mirth, Richards and Farmer is that the applicant be afforded an opportunity to be heard by Council. Council is under no requirement to ask questions of the applicant, but may do so if they wish.

Council is not required to provide reasons for any decision they make.

Given the above information, recommended process is:

1. Administration Report – Highlight if required by Council
2. Presentation - Representative for 1709790 Alberta Ltd and Visionary Concepts Ltd
3. Questions by Council
4. Decision by Council.

Alternatives:

1. Confirm the Order – no changes, order stands as is
2. Vary/substitute the Order – change details in the requirements or change or add new requirements.
3. Cancel the Order – no requirement for reclamation

Conclusion/Summary:

Administration recommends that Council Confirm the Order and it stands as originally issued; unless the Subject commits to full reclamation at which time Administration would recommend leniency on the Order dates to accommodate the subjects willingness to address the situation.

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