

THE COMMUNICATOR

Alberta Development Officers Association (ADOA)

November 2024

Fall Issue

In this Issue:

- Words from Editor
- Introduction Jenny Bruns
- Conference Update
- Alberta Dreams
- Brownlee Legal Corner



Words from the Editor

As always, please share your stories and ideas with me and I would love to share them in the communicator. Until then, I will continue to share stories that I find interesting.

Walt Disney, I loved Disney when I was young. I went to Disneyland as a child, an adult and as a Mother and it was great every single time. My son was 4 years old when him and I went to Disneyland. We stayed at a hotel that was a bit of a distance to the park so we took a bus there. Every day on the bus we would drive by a playground at a local school and my son would ask if we could stop and play there on our way to Disneyland, the happiest place on earth. He was clearly easier to please than I thought.

We haven't been to Disneyworld in Florida yet but my story is about Florida Disney, not California Disney and their planning. It was 1959 and Walt Disney Productions was on the hunt for a second park. They wanted a park that would be easily accessible to developed roads and enough land that they could control the area surrounding.

In order to avoid a land price increases due to the purchaser being Walt Disney, they purchased the land under several different names, and eventually purchased 27443 acres. The land was mostly swamp at the time so landowners were glad to sell their land. Some of the land was sold for just \$100 an acre when the average cost of an acre of land in Florida in 1964 was \$285 (in 2024 an average acre of land in Florida is \$7190.) It wasn't until almost all the land was purchased for the park that it was revealed that Walt Disney Productions was the purchaser.

The company, Walt Disney Productions stated that in order for them to be successful, the park would need to be a special district, now called Lake Buena Vista. The district was established in 1968. In addition to the regular privileges of an incorporated city, the special district did not have to adhere to any current or future land use bylaws. Pretty cool.

ShannaLee Simpson



Introducing Jenny Bruns, the ADOA new Secretary

Hi, I've been working in Planning and Development for the County of Barrhead for the last 22 years. My passion for local government, especially in development and economic development, led me to complete my Applied Land Use Planning (ALUP) program from the University of Alberta, as well as my NACLLA Level I and II and the CGLM designation with the Society of Local Government Managers. I've been involved in a wide range of planning projects, including small-scale residential developments, multi-lot residential, industrial parks and gravel pits, and tourism!



My home life includes two beautiful girls, one 19 and attending the University of Alberta (but not in Planning despite my encouragement!) and one 15, just heading into Grade 10. They are both amazing, smart, beautiful and kind (just like everyone else's kids)! I also have my supportive husband Chris and our cute little Shih Tzu - Rocky Balboa to tend to. I love spending summers camping with friends and soaking up sunshine at the Pembina River in our county, and walk every day to clear the head and keep the blood moving! I work hard in our community to make it better through the work I do, and through volunteering with organizations like the Barrhead Music Festival, annual Volunteer Appreciation Events, and other organizations as the kids pass through activities.

I love collaborating with my fellow development officers and provincial counterparts and strongly believe in advocating for a voice at the table; we have a lot of knowledge to share with one another. I am excited to contribute my energy to the board and support the ongoing growth and development of Albertas Development Officers!





Alberta Dreams was our charity for this years conference and the membership was very generous. The total amount raised for them was \$4571.45.

Thank you so much to everyone that donated a silent auction item, purchased an item or participated in the 50/50 draw.

Below are the details from the Alberta Dreams on how the money was spent.

Dream #1224 – Ellie’s Magical Trip to Disney World

The Alberta Development Officers Association’s generosity will help make a dream come true for 6-year-old Ellie , a brave little girl who has faced more challenges in her young life than most can imagine. Ellie was born with only half her corpus callosum—the part of the brain that connects the two hemispheres—leading to a seizure disorder that began when she was just 8 months old.

Her journey has included numerous hospitalizations, harsh medications, special diets, and even clinical trial drugs, as her family continues searching for ways to control her seizures. Despite these challenges, Ellie remains a happy, fearless child who loves reading, showing off her Highland dance moves, and riding roller coasters. She also adores playing dress-up with her little sister, embracing every moment of fun she can.

Thanks to the funds raised through ADOA’s recent event, Alberta Dreams is excited to send Ellie and her family to Disney World, where she’ll get to meet her favorite princesses, ride thrilling roller coasters, and toss a coin into the wishing fountain. For this young girl, this magical trip will be a well-deserved escape into a world of wonder and joy.



ADOA LEGAL CORNER with:



BROWNLEE LLP
Barristers & Solicitors

**MUNICIPAL INSPECTION AUTHORITY:
SECTIONS 542 and 543 of the *Municipal Government Act***

The ability to conduct an effective inspection is critical to the enforcement of the Land Use Bylaw. Thankfully, municipalities have broad inspection authority under the *Municipal Government Act*, RSA 2000, c M-6 (“MGA”). From an evidentiary perspective, inspections are a critical precursor to any municipal enforcement action including enforcing the requirements of a Development Permit or Land Use Bylaw. Accordingly, the importance of ensuring that the inspection is conducted lawfully and in an efficient and effective manner cannot be understated. What follows is an overview of the statutory inspection authority and the requirements imposed on its proper use.

A. Inspection Authority

Inspection authority for private property arises from sections 542 and 543 of the MGA. If the MGA or any other enactment or bylaw authorizes or requires anything to be inspected, remedied or enforced by the municipality, a **Designated Officer** of the municipality may, after giving **reasonable notice** to the owner or occupier of the land or structure to be inspected, enter the land or structure **at any reasonable time** and carry out the inspection.

i. Designated Officer

As set out above, it is only a Designated Officer of a municipality, or a person delegated inspection authority by a Designated Officer, who has the authority to enter onto lands or into structures to perform an inspection. Designated Officers are addressed at sections 1(h) and 210 of the MGA.

Becoming a Designated Officer of a municipality is not automatic. In order to conduct inspections, an individual must be a properly appointed Designated Officer by Municipal Council, or be exercising the properly delegated authority of a Designated Officer. When appointed, the appointment bylaw must describe the functions, duties and powers of the designated officer, and may give that officer any title deemed appropriate. A designated officer can delegate that authority to a subordinate only in writing, who can then exercise the delegated enforcement powers. Where a designated officer has not been appointed at all, or has not been appointed in relation to specific duties or functions, the authority to undertake that duty or function resides in the Chief Administrative Officer. As an inspection conducted by an unauthorized person would be, at the very least, invalid, and at worst, a possible source of

municipal liability, it is imperative that those conducting inspections ensure that they are properly authorized.

Inspections are not limited simply to entry into private property. As part of their authority under Section 542, Designated Officers can request production of any materials to assist in the inspection, remedy, enforcement or action. This includes the ability to make copies of any materials produced, which can be very supportive in establishing that a contravention has occurred.

Critically, the Designated Officer must display or produce identification upon request showing that the person is authorized to make the entry.

ii. Reasonable Notice

The municipality must provide reasonable notice of the inspection to the owner or occupant of the lands or structure before proceeding. No definition is provided for “reasonable notice”, however. Accordingly, what is reasonable will be determined by the circumstances of the specific case. For example, where there is a concern that too much notice may result in the presence of the contravention being hidden or removed, the municipality may opt for a relatively short notice period, such as 24 hours. In other circumstances, where the discovery of a possible contravention is unlikely to be hindered by the notice period provided, it would be prudent to provide a lengthier notice period, such as a few days. Regardless of the amount of notice provided, that notice should be in writing.

iii. Reasonable Time

“Any reasonable time” has been interpreted as a time that is, as a baseline, within normal working hours, and/or is mutually agreeable to the owner or occupant and the Designated Offer.

It should be noted that the *MGA* allows for doing away with the reasonable notice and/or reasonable time stipulations only in emergency or in extraordinary circumstances, when a Designated Officer may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant. What would constitute “emergency” or “extraordinary” circumstances would be highly situation-dependent.

B. Dealing with Refusals or Interference

Owners/Occupants can, and often do, object to inspection or may interfere with efforts to conduct proper inspection. Objections can be express or implied, with examples of implied objections including physical inaccessibility to the property or unavailability of the owner or occupant.

In the absence of consent on the part of the owner or occupant of the lands or structure to be inspected, it will be necessary for a Designated Officer to seek authority to inspect by way of Court Order under section 543 of the *MGA*. This section authorizes an application to the Court of King’s Bench for an Order authorizing the inspection. These Orders are relatively easy to seek, as all that is required by the Court in order to establish the grounds for issuing the Order is that the individual

seeking authorization has the authority to conduct the inspection, that proper notice has been given, and that access for the inspection has been refused or hindered by the actions or non-actions of the owner, occupant or both. Unlike many other types of applications which may require as much as ten clear days' notice, an application to enter and inspect under Section 543 can be heard in as little as four days, or even without notice to the owner or occupant, if the circumstances warrant it.

The Court may issue an order restraining an owner or occupant from preventing or interfering with the entry, inspection, enforcement or action, or requiring the production of anything to assist in the inspection, remedy, enforcement or action.

Effective use of the inspection authority greatly enhances the ability of a municipality to effectively and efficiently enforce the Land Use Bylaw and the terms of any permits issued under it. It is a cornerstone to meeting the purpose of a municipality's planning authority – achieving orderly, economical and beneficial development and use of lands.

This article is meant to provide general guidance on the Statutory source of a municipality's authority for inspection and the requirements imposed on its proper use. An article on the practical considerations for conducting effective inspections is to follow.

The Brownlee Municipal Law Team is pleased to offer our services in a number of planning and development areas, including processing development permit applications, addressing environmental or cross-jurisdictional issues, and passing or amending land use bylaws. **For more information, please contact a member of the Brownlee LLP Municipal Team on our Municipal Helpline at 1-800-661-9069 (Edmonton) or 1-877-232-8303 (Calgary).**

2024-2025 Board of Directors

Board Member	Role	Municipality	Contact
Jordan Ruegg	President	Smoky Lake County	jruegg@smokylakecounty.ab.ca (780) 656-3730
Jenny Bruns	Secretary	County of Barrhead	jbruns@countybarrhead.ab.ca
Diane Cloutier	Treasurer Chair Conference Committee Liaison		dcloutier@mcsnet.ca (780) 623-8836
ShannaLee Simpson	Communications Chair	County of Newell	simpsons@newellcounty.ca (403)-794-2312
Roger Garnett	Vice President	County of Vermilion River	rgarnett@county24.com (780) 846-2244
Kristy Sidock	Education chair	Town of Three Hills	ksidock@threehills.ca 403-443-5822
Steve Chipchase	Membership chair	Sturgeon County	schipchase@sturgeoncounty.ca 780-939-0628

Diane Burtnick	Executive Assistant	admin@adoa.ca (780) 913- 4214
----------------	---------------------	---

Contact Us

Send us an e-mail or give us a call for more information about our membership and our non-profit group.

Phone: (780) 913-4214

E-mail: admin@adoa.net

ADOA Office

Alberta Development Officers Association
#48, 134 Village Way
Strathmore, AB T1P 1A2

Visit us on the web at www.adoa.net