



Refer to: J.S. Grundberg, Q.C.
Direct Line: (780) 497-4812
E-mail: jgrundberg@brownleelaw.com
Your File No.: 21/MD-002
Our File No.: 71112-0132/JSG/AGU

VIA EMAIL: lpert.appeals@gov.ab.ca

November 19, 2021

Land Property Rights Tribunal
2nd Floor, 1229 – 91 Street
EDMONTON AB T6X 1E9

Attention: Rick Duncan, Case Manager

Dear Sir:

Re: 21/MD-002 – Intermunicipal Dispute
Appellant: Village of Duchess (the “Village”)
Respondent: County of Newell (the “County”)

1. Provision of Various Documents

Further to your letter of October 26, 2021, please find attached the Statutory Declaration of Matt Fenske, Chief Administrative Officer for the County.

In addition, please find our Sharefile Link which will enable you to download the following:

- (1) Land Use Bylaw 2016-21 (the “LUB”). We also provide a Certified hard copy;
- (2) Land Use Bylaw 1892-17;
- (3) Intermunicipal Development Plan Bylaw No 1780-13 and No 455-13 (the “IDP”). We also provide a Certified hard copy; and
- (4) A revised Fringe District Landowner List and zoning map.

2. Notice of Appeal – Affected Landowners.

On November 10, 2021, we provided the LPRT with a landowner list for the purposes of notice. Upon recent review, we discovered a minor error: one of the parcels was mislabeled. We have corrected the error and provide the revised list namely the “Fringe Area Landowner List”.

On the issue of notice, we wish to respond to the Village’s correspondence of November 16, 2021. The Village’s Notice of Appeal filed on October 21, 2021 provides that the first reason for appeal in Part 4: Reasons for Appeal is the removal of the Fringe District in the former LUB.

Indeed, there is no mention of other districts in the Notice of Appeal, either in relation to impugned uses or subdivision provisions.

However, in the Village's correspondence of November 16, 2021, the Village asserts the area affected by the appeal is all the land in the IDP Boundary as shown on Map 6 of the IDP which includes six land use districts. The County's position, as outlined in our letter of November 10, 2021, remains that the Village cannot expand the appeal from the Fringe District to all six land use districts and therefore notice of the appeal should only be given to the affected landowners, namely landowners in the Fringe District.

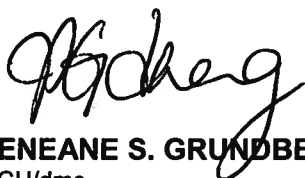
Therefore there is a disagreement between the County and the Village as to the affected lands and landowners. We will discuss with the Village's legal counsel how to address this and will speak to the scheduling of this issue before the panel at the December 14, 2021 preliminary hearing.

Nevertheless, given your request for these names and addresses, we are also attached a list of landowners, namely the "Disputed Landowner List".

Yours truly,

BROWNLEE LLP

PER:



JENEANE S. GRUNDBERG, Q.C.

AGU/dmc

Encl. Statutory Declaration of M Fenske (County)
revised Fringe District Landowner List and Zoning Map
Disputed Landowner List
Sharefile Link: <https://brownleelaw.sharefile.com/d-seb033c20e3464f098974ff59f76ffdc8>

cc: McLennan Ross, Attn: Gavin Fitch (via email: gfitc@mross.com)
cc: Town of Newell, Attn: Matt Fenske (via email: fenskem@newellmail.ca)
cc: Town of Newell, Attn: Geoff Tiffin (via email: tiffing@newellmail.ca)
cc: Town of Newell, Attn: Maria Jackson (via email: jacksonm@newellmail.ca)