



## Part A – Purpose

*The Planning and Development Act, 2007* (the Act) requires a hearing be held as part of the adoption process for planning bylaws and for certain land use decisions. The purpose of a public hearing under the Act is to provide council with information so that the council may make a fair and informed decision. Council must receive any written submissions and invite those persons in attendance to speak to the proposal under consideration. The submissions or representations may state opposition to the proposal, support for the proposal, or identify specific concerns regarding parts of the proposal. In evaluating the submissions and representations, council should carefully consider the reasons given in support of a position.

When entering a bylaw hearing, council must be prepared to listen, and to be persuaded by valid arguments to approve, deny, or alter the bylaw, to the extent allowed in law. If the hearing is for a discretionary use, council must exercise the discretion to approve, deny, or approve with conditions, after hearing the public input.

A hearing is not intended as a public relations exercise for council to justify, to answer questions about, or to convince the public to agree with the proposal. For a council to do so would indicate council has already decided the issue, denying the public a fair hearing.

## Part B – Requirements to hold a hearing

A hearing is required under the Act where the following are being adopted:

- An official community plan, zoning bylaw or any amendment thereto.
- A bylaw to impose or amend development levies.
- A bylaw to sell or exchange dedicated lands (municipal or public reserves, buffer strips, walkways, etc.).
- A resolution approving a discretionary use where a hearing is required by the zoning bylaw.

The Act requires that notice be given of the hearing date, time, location and procedure for a hearing, in compliance with Part X of the Act, and, in the case of a discretionary use, the wording of the zoning bylaw. Deviation from the notice requirements often voids any action taken on the

proposal. (Refer to Notice requirements in the Act for bylaws and to the zoning bylaw for discretionary uses.)

## Part C: Recommended Process

Most commonly the hearing is held during the time of a council meeting and in council chambers, but it can be at any other time and location, as specified in the notice. The recommended process for the hearing is as follows:

- The hearing is open to the public and is held before council therefore, a full council must be present (at least a quorum) with a member of council chairing the hearing.
- The chairperson formally opens the hearing. If the hearing is held during a council meeting, the council must, by resolution, suspend the council meeting and move to enter the public hearing. The hearing should begin at the time specified in the notice.
- The chairperson must clearly identify the bylaw or matter for which the hearing is being held. Council may be considering more than one bylaw or use approval etc. at any point in time; and the bylaw number alone is not sufficient. Therefore, copies of the notice and bylaw, or other public report, should be available to attendees, and the chairperson should read a summary of the intent of the bylaw or proposal at the start of the hearing.
- If the matter is controversial and many persons have appeared for the hearing, it is advisable that the chairperson establish the procedures to be followed in this meeting. (These often include recognition by the chair before speaking, time limits, procedures for presenting copies of written briefs if any, use of a lectern, and the opportunity for council to ask the presenter for elaboration or explanation of matters presented.)
- The chairperson asks the gallery if anyone wishes to make a presentation. All those signifying they wish to speak are listed and heard in turn.
- Minutes must be taken, and must summarize any verbal presentations.
- The chairperson asks the administrator to present any written representations received.
- The chairperson asks for further representations and, if there are none, closes the hearing.
- If the hearing is held during a regular council meeting, council then moves to resume the council meeting. Council then may enter debate on the subject of the

hearing. Note: Some Councils ask the public to leave at this point so they can discuss the matter in private. In most cases, this is not proper or legal. Council meetings are to be open and public. There are rare cases where “in camera” council meetings may be needed, but not for zoning or discretionary use decisions after advertising.

Hearings are often short, with few, if any, appearing to speak. However, if the hearing extends beyond a reasonable time, council may suspend the hearing setting a time to recommence at a later date, in order to accommodate all those wishing to speak. (No action on the bylaw is possible until the hearing is concluded.) A council may also hold more than one hearing (if advertised). Some resort areas have held a hearing in the municipality, and also held a hearing in a city where most of the ratepayers live.

Under the principles of natural justice, council must give fair opportunity for any person to be heard and give fair consideration to any comments received. The public hearing is an essential part in the process of the council's authority to manage the use of land.

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For more information contact the Community Planning Branch of Saskatchewan Ministry of Municipal Affairs.

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For subdivision application forms and more detail about the subdivision approval process and the municipal reserve options visit:

[www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca)