

REGIONAL SERVICE COMMISSION DISPUTES AND THE MGB

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INTRODUCTION

Generally, the MGB may hear disputes between Regional Service Commissions (RSCs) and municipalities and among RSCs.¹ There are some exceptions.

Disputes relating to public utilities² (water, wastewater, electricity, gas, etc.), are the main exception, and these disputes are heard by the [Alberta Utilities Commission](#). These disputes involve:

- Compensation for an RSC's acquisition of a public utility facility,³
- Rates, tolls or charges for a public utility,⁴
- An RSC's use of any road, square, bridge, subway or watercourse in the course of providing a public utility,⁵ or
- The use of a water supply, sewage disposal system or waste management facility.⁶

Other exceptions include:

- When the dispute involves compensation for an expropriation, the dispute is heard by the [Land Compensation Board](#).⁷
 - However, disputes between an RSC and a municipality (except an improvement district or special area) involving a municipality's consent to allow an expropriation are heard by the MGB.⁸

¹ Section 602.15 of the [Municipal Government Act](#), RSA 2000, c. M-26 (the Act) sets the appeal jurisdiction and is reproduced for reference at the end of this Bulletin.

² "Public Utility" is defined by section 1(1)(y) of the Act.

³ See section 602.14 of the Act.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Public Utilities Act*, RSA 2000, c. P-45, s. 112.

⁷ See section 602.13 of the Act. Under the [Expropriation Act](#), RSA 2000, c. E-13, s. 27(1), the Land Compensation Board has jurisdiction in respect to expropriations in all but a few specific cases.

⁸ See section 602.15(1)(b) of the Act.

- When the dispute is under the jurisdiction of another board under an enactment of the legislature, such as the [Alberta Transportation Safety Board](#).⁹

If there is any doubt over the jurisdiction of the MGB to hear a dispute involving an RSC, the MGB may consider and decide its jurisdiction in advance of hearing the merits of the dispute.

HOW TO SUBMIT A DISPUTE INVOLVING AN RSC TO THE MGB

To submit a dispute involving an RSC to the MGB:

1. Prepare a letter including,
 - a. a summary of the facts of the dispute,
 - b. the appealing party's position on the dispute, and
 - c. the appealing party's desired outcome.
2. Identify all of the other parties involved in the dispute.
3. Send the letter to the MGB by fax, email or regular mail.

Municipal Government Board
Alberta Municipal Affairs
15th Floor, Commerce Place
10155 102 Street
Edmonton, AB T5J 4L4

Fax: 780-427-0986

E-mail: mgbmail@gov.ab.ca

After the MGB receives the letter, the MGB will assign a case manager to contact the parties and make appropriate arrangements.

HOW TO RESPOND TO A DISPUTE INVOLVING AN RSC

To respond to the MGB respecting a dispute involving an RSC:

1. Prepare a letter including,
 - a. a summary of any additional or disputed facts of the dispute,

⁹ See section 602.15(1)(a) of the Act.

- b. the responding party's position on the dispute, and
 - c. the responding party's desired outcome.
2. Identify any additional parties involved in the dispute.
3. Send the response to the MGB by the date required.

RULES GOVERNING REGIONAL SERVICE COMMISSION DISPUTES

The MGB's [Residual Rules of Procedure](#) are designed, in part, to address disputes involving RSCs. Briefly speaking, parties involved in RSC disputes can expect the following:

- The MGB will confirm receipt of the dispute letter.
- The MGB will circulate copies of the dispute letter to the other parties named in the dispute as well as member municipalities of the RSC(s) involved in the dispute as set out in enabling regulation(s). The MGB will ask the other parties for a response by a certain date. The MGB will circulate copies of any response letters.
- If there are any questions about the MGB's jurisdiction to hear the dispute, the MGB may hold a preliminary hearing to consider it.
- The MGB will schedule a hearing, with notice to all of the parties to the dispute.

Parties may also expect case management instructions, as may be required under section 8.1 of the MGB's Residual Rules of Procedure. Case management instructions are designed to make a dispute resolution process more efficient. These instructions may involve prehearing conferences or preliminary hearings, disclosure of evidence, disclosure of legal argument, and setting or adjourning deadlines and dates.

After any hearing, the MGB may ask for further information, or may issue a decision in writing.

LEGISLATION

Part 15.1 of the Act reads in part:

Interpretation

602.01(1) In this Part,

- (d) "commission" means a regional services commission

Other Disputes

602.15(1) If

(a) there is a dispute between a commission and another commission or a commission and any municipal authority and the matter in dispute is not under the jurisdiction of the Alberta Utilities Commission or the Alberta Transportation Safety Board or any other board or tribunal created by an enactment, or

(b) there is a dispute between a commission and a municipal authority, other than an improvement district or special area, in respect of an expropriation that requires the municipal authority's consent under section 602.13(2), any party involved in the dispute may submit it to the Municipal Government Board.

(2) If a dispute is submitted to the Municipal Government Board, each party involved in the dispute must submit a written statement to the Board and to the other parties involved in the dispute that sets out

(a) a summary of the facts and its position in the dispute, and

(b) an address to which any notice or decision of the Board is to be sent.

(3) The Municipal Government Board must hold a hearing after the written statements have been submitted or after a time period established by the Board for submission of the statements has expired, whichever occurs first.

Order

602.16(1) On concluding a hearing, the Municipal Government Board may make any order it considers appropriate.

(2) The order may

(a) include terms and conditions, and

(b) be effective on a future date or for a limited time.

(3) The Board must send its order, and its reasons if requested, to the parties involved in the dispute.

(4) An order of the Municipal Government Board under this section is binding on the parties involved in the dispute.

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