



Please send completed form to [safehealthyenvironments@ahs.ca](mailto:safehealthyenvironments@ahs.ca)

See reverse for directions.

<b>Applicant Information</b>		
Name <i>(first, last)</i>		Date <i>(dd-mm-yyyy)</i>
Mailing Address		
City	Postal Code	Phone
Name of Business Subject to Application		
Street Address or Land Location of Property		Municipality
Regulation and Section Subject to Waiver		
Reason for Application		
Hardship in Particular Case		
Public Health Protection		
Signature of Applicant		Date Signed <i>(dd-mm-yyyy)</i>

### **Completing the Application:**

For a waiver to be granted, there are two mandatory conditions that must be met by the applicant to the satisfaction of the AHS Waiver Committee: (1) Hardship in the particular case; and (2) Protection of Public Health. The applicant should ensure that they address both of these conditions in any written or oral submissions they present to the AHS Waiver Committee.

### **Hardship In The Particular Case:**

Hardship in the particular case occurs when compliance with a regulatory requirement places an individual in a position of hardship that goes beyond what would be suffered by others who must comply with the same requirement. The applicant must explain why the regulatory requirement causes him/her/they to suffer a hardship in their particular case. In other words, why is the applicant's case unique? It is not enough that the regulation causes the applicant a hardship as most rules and regulatory requirements cause a hardship to some degree or another. The hardship must be particular to the applicant in order for the AHS Waiver Committee to evaluate the application.

### **Protection of Public Health:**

The second condition that must be met by the applicant is to address how the public health will be protected in the event a waiver is granted. This requires the applicant to explain how the public health will be protected if the regulatory requirement is waived. The applicant needs to demonstrate how an adequate (not absolute) degree of public health protection will be maintained for the AHS Waiver Committee to grant the application.

### **Example of a Waiver Scenario:**

An Alberta summer village passed a bylaw requiring all cottage owners to upgrade their private sewage disposal holding facilities to allow the installation of a communal sewage line. A cottage owner hires a contractor to carry out this improvement but discovers the location of the new sewage holding tank would be less than 10 meters from their existing water well. Section 15(2)(a) of the *Nuisance and General Sanitation Regulation* does not allow locating any watertight septic tank, pump-out tank or other watertight compartments of a sewage or wastewater system within 10 metres of a water well that supplies water intended or used for human consumption. The contradiction between the summer village's bylaw and the *Nuisance and General Sanitation Regulation* leaves the cottage owner in contravention of both requirements. In this scenario, the owner can apply for a waiver because the owner has no alternative locations for the required septic tank on the property due to the home's location and other permanent lot features. However, for the owner to succeed in their waiver application, the owner needs to prove that (1) the 10-meter separation requirement causes hardship to the owner in the particular case (e.g., limitations of location options caused by the property's configuration), and (2) they can ensure an adequate degree of public health protection (i.e., protecting the well water to ensure its safety for human consumption.)

**Note:** In the event that you have specific questions regarding the procedure of a waiver hearing, AHS Legal Counsel will contact you after the waiver application has been received and before the date of the hearing. AHS legal counsel can answer any procedural questions that you may have, if appropriate.