

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
December 14, 2017**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-17-242	Construct a Semi-detached House with front uncovered decks, Rooftop Terraces, Basement developments (NOT to be used as an additional Dwelling), Fireplaces, and rear uncovered decks (Unit 1: 3.66 metres by 5.69 metres, Unit 2: 3.66 metres by 5.89 metres), and to demolish an existing Single Detached House. 10507 - 69 Avenue NW Project No.: 256534906-001
---	-----------	---------------	---

II	10:30 A.M.	SDAB-D-17-243	Comply with an Order to cease the Cannabis Retail Sales Use immediately and remove all related materials from the property by December 3, 2017 7809 - 109 Street NW Project No.: 267413235-001
----	------------	---------------	--

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-242

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 256534906-001

APPLICATION TO: Construct a Semi-detached House with front uncovered decks, Rooftop Terraces, Basement developments (NOT to be used as an additional Dwelling), Fireplaces, and rear uncovered decks (Unit 1: 3.66 metres by 5.69 metres, Unit 2: 3.66 metres by 5.89 metres), and to demolish an existing Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 17, 2017

DATE OF APPEAL: November 27, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10507 - 69 Avenue NW

LEGAL DESCRIPTION: Plan 3543HW Blk 4 Lot 7

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

I wish to appeal this decision because I believe this project refused isn't any different than other buildings being built in the dense neighborhoods. I got refused because of the height, the overall height whether it is a flat roof here or a pitched roof is overall the same and doesn't make the total building any higher. The way the city measures their building height is different from the total height of the building which I am under the in the zoning bylaw. I am also appealing a rooftop terrace set back from the front back and side (as if I

wasn't over height the developing officer said she would be able to grant me a variance) and also not a one neighbor complained or wrote back during the neighborhood consultation period.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, [...]

...

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

- ...
- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(9), **Semi-detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under Section 7.2(7), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

Section 140.1 states the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.

Under section 6.1(93), **Rooftop Terrace** means:

a raised surface on which people can stand, that is located on top of a roof or partially recessed within the roof structure of a building, does not project beyond any Façade of the Storey below, is surrounded by guardrails, parapet walls or similar feature, and is intended for use as an Amenity Area.

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Under Section 52.1(b), for the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay

Development Officer's Determination

The proposed Height of the Semi-detached House is 9.65 metres, instead of 8.9 metres, contrary to Section 814.3.5.

The proposed height of of the Semi-detached House to the highest point of the parapet of the flat roof is 9.8 metres, instead of 9.3 metres, contrary to Section 52.1.b.

Stepback

Section 61(1)(a) states:

On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations:

- a. On an Interior Site, the minimum Stepback shall be:
 - i. 1.0 metres from any building Façade facing a Front Lot Line;
 - ii. 2.0 metres from any building Façade facing a Rear Lot Line;
 - iii. 1.0 metres from any building Façade facing a Side Lot Line, where the Site Width is less than 10.0 metres; and
 - iv. 2.0 metres from any building Façade facing a Side Lot Line, where the Site Width is 10.0 metres or greater.

Under Section 6.1(108), **Stepback** means “the horizontal distance a building façade is stepped back, on a horizontal plane, from the building façade immediately below it.”

Development Officer’s Determination

The distance from the building facade facing the Front Lot Line (along 69 Avenue NW) to the Rooftop Terrace is 0.60 metres, instead of 1.0 metres, contrary to Section 61.1.a(i).

The distance from the building Facade facing a Rear Lot Line (facing the alley) to the Rooftop Terrace is 1.82 metres, instead of 2.0 metres, contrary to Section 61.1.a(ii).

The distance from a building Facade facing a Side Lot Line (abutting 10511 69 Avenue NW and 10503 69 Avenue NW) to a Rooftop Terrace is 1.37 metres, instead of 2.0 metres, contrary to Section 61.1.a(iv).

<i>Community Consultation</i>

Section 814.5 states:

1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:
 - a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
 - b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
 - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Table 814.5(2)

Tier Number	Recipient Properties:	Affected Parties:	Regulation proposed to be varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) – Height

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **256534906-001**
 Application Date: JUL 05, 2017
 Printed: November 28, 2017 at 9:09 AM
 Page: 1 of 3

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

Property Address(es) and Legal Description(s)

10507 - 69 AVENUE NW
 Plan 3543HW Blk 4 Lot 7

Specific Address(es)

Entryway: 10507 - 69 AVENUE NW
 Entryway: 10509 - 69 AVENUE NW
 Building: 10507 - 69 AVENUE NW

Scope of Application

To construct a Semi-detached House with front uncovered decks, Rooftop Terraces, Basement developments (NOT to be used as an additional Dwelling), Fireplaces, and rear uncovered decks (Unit 1: 3.66m x 5.69m, Unit 2: 3.66m x 5.89m), and to demolish an existing Single Detached House.

Permit Details

of Dwelling Units Add/Remove: 2
 Client File Reference Number:
 Minor Dev. Application Fee: Semi-Detached House
 Secondary Suite Included?: N

Class of Permit: Class A
 Lot Grading Needed?: Y
 New Sewer Service Required: Y
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **256534906-001**
 Application Date: JUL 05, 2017
 Printed: November 28, 2017 at 9:09 AM
 Page: 2 of 3

Application for Minor Development Permit

Reason for Refusal

1. Section 814.3.5: The maximum Height shall not exceed 8.9 m.

The proposed Height of the Semi-detached House is 9.65m, instead of 8.9m, contrary to Section 814.3.5.

2. Section 52.1.b: For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay

The proposed height of of the Semi-detached House to the highest point of the parapet of the flat roof is 9.8m, instead of 9.3m, contrary to Section 52.1.b.

2. Section 61.1.a(i): On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations: On an Interior Site, the minimum Stepback shall be 1.0m from any building Facade facing a Front Lot Line.

The distance from the building facade facing the Front Lot Line (along 69 Avenue NW) to the Rooftop Terrace is 0.60m, instead of 1.0m, contrary to Section 61.1.a(i).

3. Section 61.1.a(ii): On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations: On an Interior Site, the minimum Stepback shall be 2.0m from any building Facade facing a Rear Lot Line.

The distance from the building Facade facing a Rear Lot Line (facing the alley) to the Rooftop Terrace is 1.82m, instead of 2.0m, contrary to Section 61.1.a(ii).

4. Section 61.1.a(iv): On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations: On an Interior Site, the minimum Stepback shall be 2.0 m from any building Fa?ade facing a Side Lot Line, where the Site Width is 10.0 m or greater.

The distance from a building Facade facing a Side Lot Line (abutting 10511 69 Avenue NW and 10503 69 Avenue NW) to a Rooftop Terrace is 1.37m, instead of 2.0m, contrary to Section 61.1.a(iv).

In accordance with Section 11.3.1(b), there shall be no variance from maximum Height, Floor Area Ratio or Density regulations. Also, It was determined that there is no unnecessary hardship or practical difficulty particular to the Use, character, or situation of the land or building which are not generally common to other land in the same Zone.

In the opinion of the Development Officer, the proposed development would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties, and would not be reasonably compatible with the surrounding developments.

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 17, 2017 Development Authority: LEE, RACHEL

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	04269485	Jul 06, 2017

THIS IS NOT A PERMIT



Application for Minor Development Permit

Project Number: **256534906-001**
Application Date: JUL 05, 2017
Printed: November 28, 2017 at 9:09 AM
Page: 3 of 3

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$280.00	\$280.00	04269485	Jul 06, 2017
Dev. Application Fee	\$475.00	\$475.00	04269485	Jul 06, 2017
Development Permit Inspection Fee	\$200.00	\$200.00	04269485	Jul 06, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,521.00	\$2,521.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-242



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-243

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 267413235-001

APPLICATION TO: Comply with an Order to cease the Cannabis Retail Sales Use immediately and remove all related materials from the property by December 3, 2017

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: November 29, 2017

DATE OF APPEAL: December 1, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7809 - 109 Street NW

LEGAL DESCRIPTION: Plan 7734AM Blk 174 Lot 16

ZONE: CB1 Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

We respectfully submit this letter as an appeal to The City Of Edmonton's decision to force the closure of The MediJoint Medicinal Cannabis Dispensary, located at #102 7809-109 Street Edmonton, Alberta.

We are a Medicinal Cannabis Dispensary that prides ourselves on our strong commitment and desire to provide a safe and secure facility for our patients to access their medicine. We go to great lengths to ensure all of the products in our dispensary come from reputable, established providers with NO ties to organized crime. So we may ensure the quality of medicine we offer our patients.

Upon entering our dispensary we require all patients existing and new to check in with our security guard posted at the door. Each and every individual must provide a Government issued picture ID and proof of a valid prescription. Once those parameters are met patients then fill out an application form containing their medical history and list of medication to ensure no adverse interactions of medications. Please see attached form.

Prior to opening the dispensary we looked to The City Of Vancouver's guidelines and regulations' ensuring that the facility is more than 300 meters away from any schools, daycares, playgrounds, churches, liquor stores and paraphernalia stores. The landlord and existing tenants of our building were all informed of our intentions and were excited with the addition of our dispensary to the building. Since opening we have received and overwhelmingly positive response from the community at large, providing education on the medical uses and benefits with an emphasis on symptom control and safe consumption.

All staff serving patients are required to take The Clinical Cannabinoid Medicine Curriculum offered by The Medical Cannabis Institute out of Irving, California. The first ever comprehensive online CME Certified curriculum in clinical cannabinoid medicine, to enable our staff to not only identify the products best suited to our patients wants and needs, but also to guide dosing and safe consumption.

All of our staff share the knowledge and belief that Cannabis is a power medicine created by nature with powerful healing properties.

To date we have over 650 patients ranging from 18-98 all suffering from ailments ranging from depression, anxiety, insomnia to patients suffering from severe mental illness and physical ailments and diseases such as Fibromyalgia, MS, Epilepsy, cancer, HIV/AIDS and many others. Our patients come to us from all across Alberta seeking advice and help in a clean, secure environment where they have access to high quality medicine. Without our facility most of our patients would turn to the black market risking contaminated, uncontrolled products and dosaging. Many being left with no access to their medicine at all. After learning of the appeal process we reached out to our patients to ask for letters of support and to sign a petition, and received an overwhelming response in the last 24 hours. Please find attached said letters and signed petition.

We are doing everything within our power, striving to achieve the utmost in professionalism and privacy for patients well being and medical needs.

Upon legalization come July we are wanting to maintain a Medicinal facility knowing that many of our patients would not feel comfortable being thrust into the culture of the recreational community, with plans to open similar facilities across the province.

We please implore you to reconsider your decision to force the closure of our dispensary.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) ...
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

...

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is “to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.”

Cannabis Retail Sales is not a listed use in the CB1 Zone.

Section 7.4(9) states: “**Cannabis Retail Sales** means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution.”

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

5th Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



November 24, 2017

Our File: 267413235-001



MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Albertan Land Title search identifies you as the registered owner(s) of the property located at 7809 - 109 STREET NW, legally described as Plan 7734AM Blk 174 Lot 16.

This Property was inspected by Development Compliance Officer M. Doyle on November 21, 2017.

ZONING BYLAW INFRACTION:

This property is zoned CB1 (Low Intensity Business Zone) in accordance with Section 330 of the Edmonton Zoning Bylaw. Our investigation revealed that a Cannabis Retail Sales Use has developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a Cannabis Retail Sales Use which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

Cannabis Retail Sales means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution.

Cannabis Retail Sales is neither Permitted nor Discretionary in the underlying zone.

Section 5.1 of Edmonton Zoning Bylaw states:
Requirement for a Development Permit:

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, YOU ARE HEREBY ORDERED TO:

- 1) CEASE THE CANNABIS RETAIL SALES USE IMMEDIATELY, AND
- 2) REMOVE ALL RELATED MATERIALS FROM THE PROPERTY BY DECEMBER 3, 2017.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an Order may be added to the tax roll of the property. Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both a fine and imprisonment.

The property will be inspected on December 4, 2017 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT:

- 1) CEASE THE CANNABIS RETAIL SALES USE IMMEDIATELY, AND
- 2) REMOVE ALL RELATED MATERIALS FROM THE PROPERTY BY DECEMBER 3, 2017.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-423-5374.

Regards,



Michael Doyle
Development and Zoning
Development Services
Phone Number: 780-423-5374
Email Address: Michael.Doyle@edmonton.ca

**Adding
Amounts
Owing to tax
roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c.11 s.35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

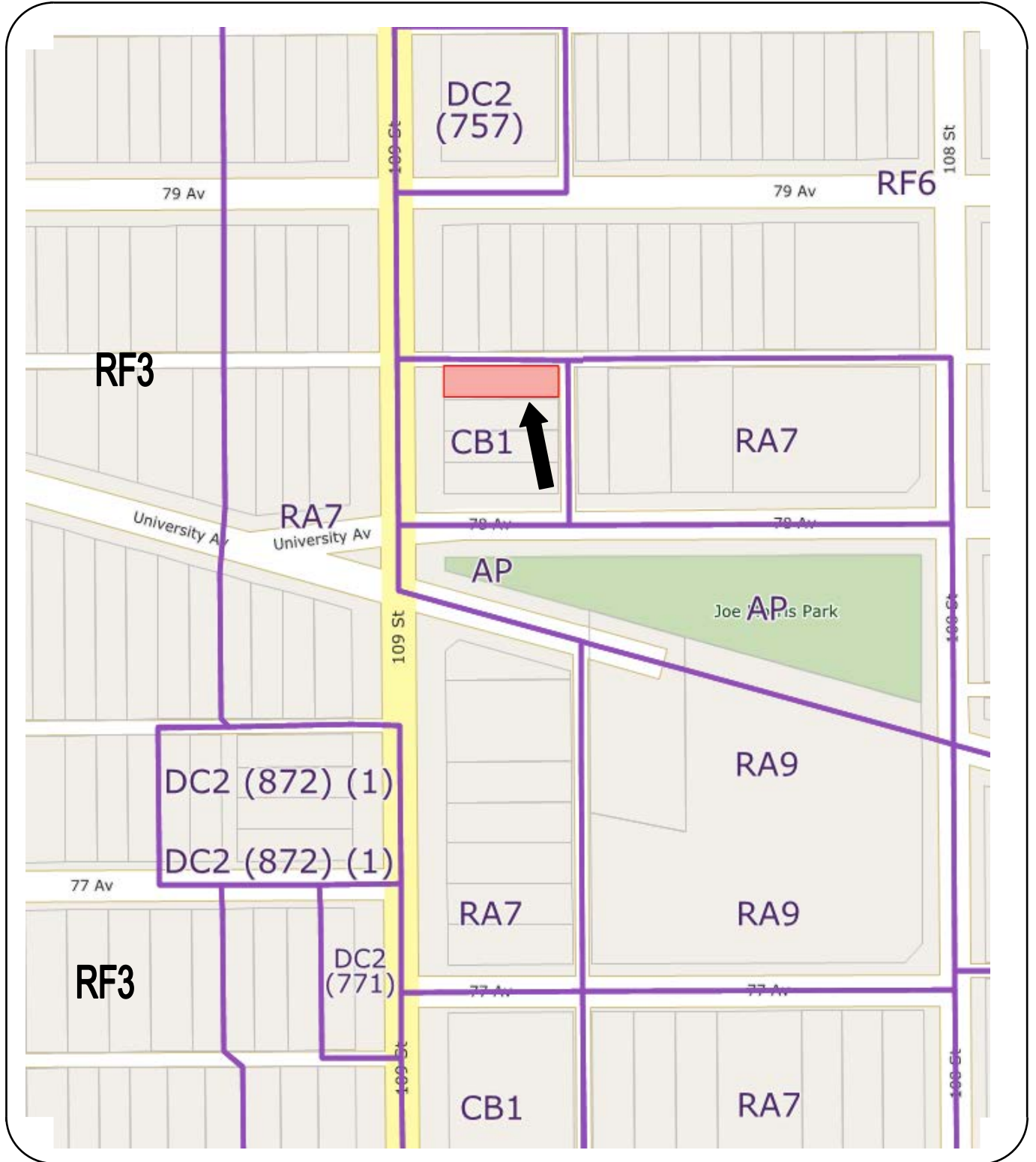
Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Enforcement of
stop order**

- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

- (3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.
- Permit**
- 683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.
- Grounds for appeal**
- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,
- the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.
- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.
- Appeals**
- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 21 days,
- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,
- or
- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
- (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
- (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-243

