

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
September 17, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-118

Install a Roof mounted Minor Digital
Off-premises (PATTISON | PARK VIEW GP
LTD)

10752 - Jasper Avenue NW
Project No.: 363348492-001

II 1:30 P.M. SDAB-D-20-119

ORDER:

Pursuant to Section 645 of the Municipal
Government Act, R.S.A. 2000, you are
hereby ordered to:

1. Acquire a Development Permit for the
Secondary Suite before September 11, 2020.
OR
2. Decommission the Secondary Suite before
September 11, 2020.

17320 - 86 Avenue NW
Project No.: 350335350-001

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-118

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 363348492-001

APPLICATION TO: Install a Roof mounted Minor Digital Off-premises
(PATTISON | PARK VIEW GP LTD)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 13, 2020

DATE OF APPEAL: August 1, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10752 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 7 Lot 92

ZONE: DC2.1068 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

We are requesting a further extension in the lifetime of this Sign for two years in anticipation of the demolition of the subject building and the complete redevelopment of the site. We are satisfied with the current conditions imposed by the Board.

All of the circumstances extant at the prior approval of the Sign remain except that the site has been re-zoned to accommodate an extensive redevelopment and a Development Permit application To construct a Multi-unit Housing building (podium with 2 apartment towers) with a total of 941 Dwellings, 6 General Retail Stores on the main floor, 1 Child Care Services on the second floor, and 5 Storeys of underground parkade (The Parks), and to demolish the existing buildings in that regard has been submitted under Job No 359740018-002 and is expected to be issued soon.

No complaints regarding the subject Sign have been received.

The Development Officer failed to follow the directions of Council insofar as she did not consider the propriety of granting the required variances in the circumstances extant.

Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

The Board is advised that the Appellant requested the hearing be scheduled for September 17, 2020.

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.

(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.

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 written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the DC2.1068 Site Specific Development Control Provision (Charter Bylaw 18899) ("DC2"):

Under DC2.1068.3.43, a **Minor Digital Off-premises Sign** is a **Listed Use** in the **DC2**.

DC2.1068.4.9 states the following with respect to Signs:

- a. Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.
- b. Major Digital Signs shall be oriented to Jasper Avenue NW.
- c. ...
- d. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3 of the Zoning Bylaw shall be submitted with the Development Permit application for the principal buildings to the satisfaction of the Development Officer.
- e. The Development Officer shall have regard for visual harmony and the compatibility of the proposed sign with the architectural character and finish of the development and with the design, location and appearance of other signs on the development.

DC2.1068.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Development Control Provision to accommodate a mixed use development which includes two residential towers connected by a medium rise link building, and street related commercial uses fronting onto Jasper Avenue NW and 108 Street NW.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, **Roof Signs** means a Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.



Under section 6.2, **Off-Premise Sign** means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

General Provisions

Section 59.2(15) states “Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs.”

Development Officers Determination

1. Section 59.2(15) - Minor Digital Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs.

The proposed Minor Digital Off-premises Sign is mounted on the Roof, contrary to Section 59.2(15).

[unedited]

Section 59.2(3) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended

Medical Treatment Services Use to the satisfaction of the Development Officer.

Development Officers Determination

2. Section 59.2(3) - Minor Digital Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

The proposed Minor Digital Off-premises Sign faces directly towards Apartments located at 10803 - JASPER AVENUE NW.

[unedited]

Height

Schedule 59F.3(6)(b) states “the maximum Height shall be 8.0 m.”

Under section 6.2, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officers Determination

3. Section 59F.3(6)(b) - The maximum Height of Minor Digital Off-premises Sign shall be 8.0 m.

**Required Sign Height: 8 m
Proposed sign Height: 9.75 m
Exceeds by: 1.75 m**

[unedited]

Separation Distance

Schedule 59F.3(6)(e) states:

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than <u>8.0 m²</u> or Off-premises Signs
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>

Development Officers Determination

4. Section 59F.6(e) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, less than 20m² by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

**Area of Existing: 18.6 m²
 Location: 10745 - JASPER AVENUE NW
 Required Separation Distance: 100 m
 Proposed Separation Distance: 70 m
 Deficient by: 30 m**


[unedited]


Previous Subdivision and Development Appeal Board Decisions

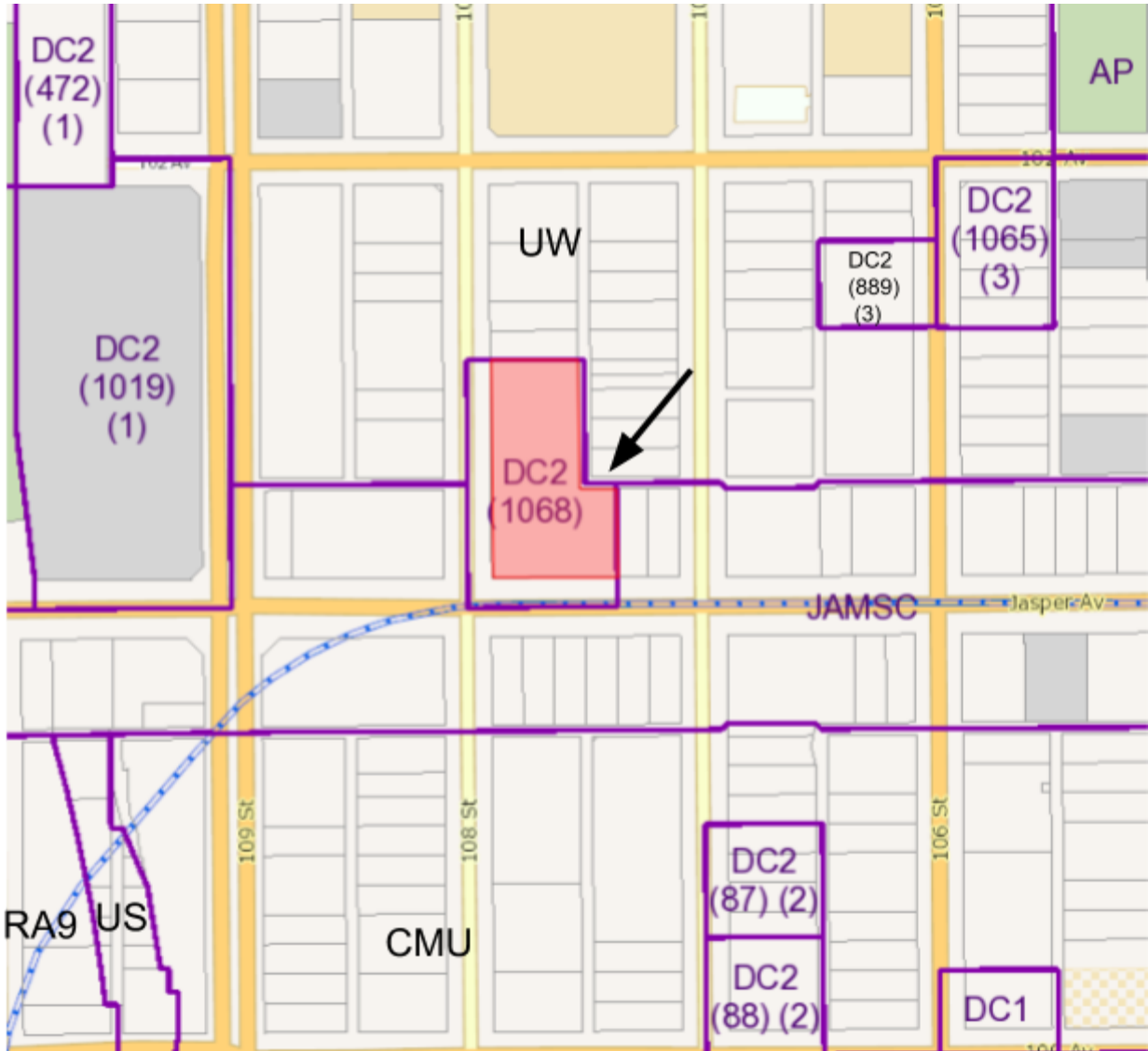
Application Number	Description	Decision
SDAB-D-17-083	To install a Roof mounted Minor Digital Off-premises Sign (Single sided facing SW)	March 21, 2017; The appeal is ALLOWED and the Development Authority's decision is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.
SDAB-D-11-285	Construct an Off-premises Roof Sign (Digital Static Sign - two-sided)	December 23, 2011; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 34.65 metres in the minimum required separation distance between any other Off-premises sign be permitted, subject to conditions.

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.

	<p>Application for Sign Combo Permit</p>	<p>Project Number: 363348492-001 Application Date: MAY 27, 2020 Printed: July 13, 2020 at 2:14 PM Page: 1 of 2</p>
<p>This document is a Development Permit Decision for the development application described below.</p>		
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 10752 - JASPER AVENUE NW Plan NB Blk 7 Lot 92</p>	
<p>Scope of Application To install a Roof mounted Minor Digital Off-premises (PATTISON PARK VIEW GP LTD).</p>		
<p>Permit Details</p>		
<p>ASA Sticker No./Name of Engineer: Construction Value: 100000</p>	<p>Class of Permit: Class B Expiry Date:</p>	
<p>Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0</p>	<p>Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0</p>	
<p>Development Application Decision Refused Issue Date: Jul 13, 2020 Development Authority: MERCIER, KELSEY</p>		
<p>THIS IS NOT A PERMIT</p>		

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 363348492-001 Application Date: MAY 27, 2020 Printed: July 13, 2020 at 2:14 PM Page: 2 of 2																				
<p>Reason for Refusal</p> <p>1. Section 59.2(15) - Minor Digital Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs.</p> <p>The proposed Minor Digital Off-premises Sign is mounted on the Roof, contrary to Section 59.2(15).</p> <p>2. Section 59.2(3) - Minor Digital Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.</p> <p>The proposed Minor Digital Off-premises Sign faces directly towards Apartments located at 10803 - JASPER AVENUE NW.</p> <p>3. Section 59F.3(6)(b) - The maximum Height of Minor Digital Off-premises Sign shall be 8.0 m.</p> <p>Required Sign Height: 8 m Proposed sign Height: 9.75 m Exceeds by: 1.75 m</p> <p>4. Section 59F.6(e) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, less than 20m² by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.</p> <p>Area of Existing: 18.6 m² Location: 10745 - JASPER AVENUE NW Required Separation Distance: 100 m Proposed Separation Distance: 70 m Deficient by: 30 m</p> <p>Rights of Appeal</p> <p>The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>																						
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$467.00</td> <td style="text-align: right;">\$467.00</td> <td>06556798</td> <td>Jun 05, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Dev Appl Fee - Digital Signs	\$467.00	\$467.00	06556798	Jun 05, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$467.00	\$467.00		
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<p>THIS IS NOT A PERMIT</p>																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-118

▲
N

ITEM II: 1:30 P.M.

FILE: SDAB-D-20-119

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 350335350-001

ORDER TO: 1. Acquire a Development Permit for the Secondary Suite before September 11, 2020.

OR

2. Decommission the Secondary Suite before September 11, 2020.

DECISION DATE: August 18, 2020

DATE OF APPEAL: August 18, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17320 - 86 Avenue NW

LEGAL DESCRIPTION: Plan 5908RS Blk 7 Lot 23A

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

This appeal is to remove the order requiring us to obtain a development permit and all other requirements thereto. The basis for this appeal is that

1. The house was purchased on March 5, 2001 and the seller representation and listing says that the seller held the permit for the secondary suite. We the purchasers in good faith purchased the house on the basis that the suite was perfectly legal (See attached). There was a renter in the suite when the house was purchased who had lived there for four years.
2. The statute of limitations for filing a court action is 10 years at the most thus we are left with no legal remedy against the seller.
3. The secondary suite has existed for over 25 years and should be grandfathered if in fact no permit was issued as long as it conforms to applicable safety codes. Further it may well be that there is a statute of limitations for the requirement to obtain a permit.
4. Although requested we do not know when the act for secondary suites permits was enacted. It may well be that the suite existed prior to such enactment.

<i>General Matters</i>

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.

(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.

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 written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(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 110.2(5), **Secondary Suites**, where developed with Single Detached Housing, Semi-Detached Housing or Duplex Housing, is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.”

<i>Requirement for a Development Permit</i>
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Section 5.1 states:

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.

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.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

2nd Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada

edmonton.ca/developmentcompliance

July 30, 2020

Our File: 350335350-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Albertan Land Titles search identifies you as the registered owner(s) of the property located at 17320 - 86 AVENUE NW in Edmonton, Alberta, legally described as Plan 5908RS Blk 7 Lot 23A.

This Property was inspected by Development Compliance Officer Colin Poitras, on March 11, 2020. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned RF1 (Single Detached Residential Zone) in accordance with Section 110 of Edmonton Zoning Bylaw 12800. Our investigation revealed a Secondary Suite located on the main floor has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop this Secondary Suite which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act.

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.

Secondary Suite means:

Development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a

common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

1. Acquire a Development Permit for the Secondary Suite before September 11, 2020.

OR

2. Decommission the Secondary Suite before September 11, 2020. This includes:
 - create/restore interior access between the upper and lower living areas to create free flow access between floors;
 - remove the stove and 220 volt outlet and 220 breaker from electrical panel associated with the Secondary Suite;
 - remove any other cooking facilities (including 120 volt appliances) associated with the Secondary Suite;
 - ensure the occupancy is at or below the maximum of one family plus one tenant, or the building is at or below the maximum of 3 unrelated tenants;
 - schedule a decommission inspection by contacting Development Compliance by phone at 780-944-1420 or email at developmentcompliance@edmonton.ca.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after September 11, 2020 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(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 fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

You can make a permit application online at selfserve.edmonton.ca.

For more information related to obtaining a Development Permit, we suggest you consult a technical advisor at:

Service Centre, Edmonton Tower

2nd Floor, 10111 104 Avenue
Edmonton, T5J 0J4
Phone: 780-442-5054

Additional information is available at:
www.edmonton.ca/residential_neighbourhoods/secondary-suites.aspx

If you have any questions in regards to this matter, please contact the writer.

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 780-944-5475.

Regards,



Colin Poitras
Development and Zoning
Development Services
Phone Number: 780-944-5475
Email Address: colin.poitras@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 c11 s35;
 - (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 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 Bo
 - (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.

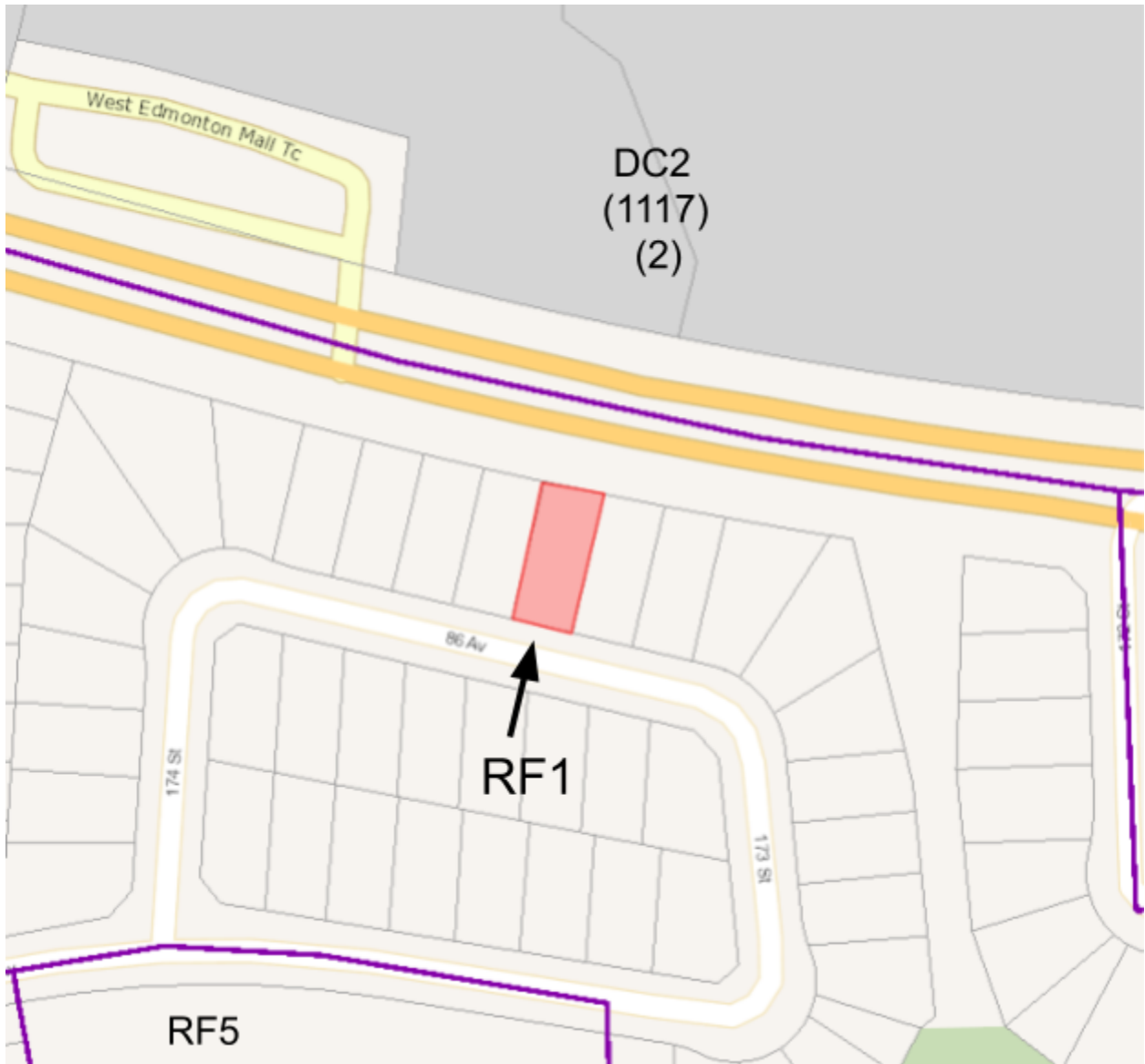
Stop order

- 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.
- (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.

Enforcement of stop order	<p>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.</p> <p>(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.</p> <p>(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
Permit	<p>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.</p>
Grounds for appeal	<p>685(1) If a development authority</p> <ul style="list-style-type: none"> (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, <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p>(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.</p> <p>(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 or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p>(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> (a) is made by a council, there is no appeal to the subdivision and development appeal board, or (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
Appeals	<p>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</p> <ul style="list-style-type: none"> (a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> (i) with respect to an application for a development permit, <ul style="list-style-type: none"> (A) within 21 days after the date on which the written decision is given under section 642, or (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, <p>or</p> <ul style="list-style-type: none"> (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (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-20-119

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