

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
August 15, 2019**

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

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

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I 9:00 A.M. SDAB-D-19-126

**Pending Postponement**

To comply with an Order to immediately de-energize the Sign and keep it turned off 24 hours a day until the Sign is moved back to the approved location or acquire a Development Permit to allow the Sign to remain in its current location on the building, cease any display of Off-premises advertising or dismantle and remove the Sign from the property. One of these options must be completed by January 31, 2020

6528 - 104 Street NW  
Project No.: 129905784-003

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II 1:30 P.M. SDAB-D-19-128

To comply with a Stop Order to cease the General Industrial Use and remove all related materials by July 31, 2019

16268 - 141 Street NW  
Project No.: 160890356-002

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III 1:30 P.M. SDAB-D-19-127

To comply with an Order to cease the General Industrial Use and remove all related materials by July 31, 2018

16204 - 141 Street NW  
Project No.: 160890356-001

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**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-19-126

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 129905784-003

ORDER TO: Comply with an Order to immediately de-energize the Sign and keep it turned off 24 hours a day until the Sign is moved back to the approved location or acquire a Development Permit to allow the Sign to remain in its current location on the building, cease any display of Off-premises advertising or dismantle and remove the Sign from the property. One of these options must be completed by January 31, 2020

*Pending Postponement*

DECISION OF DEVELOPMENT COMPLIANCE: Order Issued

DECISION DATE: July 9, 2019

DATE OF APPEAL: July 20, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6528 - 104 Street NW

LEGAL DESCRIPTION: Plan 3553P Blk 32 Lots 1-4

ZONE: DC1 Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

***Grounds for Appeal***

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

The Appellant respectfully appeals the *Municipal Government Act* Order (“Order”) (129905784-003) dated July 9, 2019 on the following grounds:

1. The Order failed to consider or properly interpret the *Edmonton Zoning Bylaw*.
2. The Appellant has submitted an application for a development permit.
3. The Order failed to properly consider the relevant facts and apply them to the consideration and interpretation of both the *Municipal Government Act* and the *Edmonton Zoning Bylaw* (and other related planning documents).
4. Such further and other reasons as may be presented at the hearing of this matter.

<i>General Matters</i>
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**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

...

- (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;

...

**General Provisions from the (DC1) DIRECT DEVELOPMENT CONTROL PROVISION CPR WEST (“DC1”):**

A **Fascia On-premises Sign** is a listed Use (DC1, section nn).

A **Fascia Off-premises Sign** is **NOT** a listed Use.

A **Minor Digital On-premises Sign** is a listed Use (DC1, section oo).

A **Minor Digital Off-premises Sign** and a **Minor Digital On-premises Off-premises Sign** is **NOT** a listed Use.

Under Section 7.9(2), **Fascia On-premises Signs** means “a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 7.9(1), **Fascia Off-premises Signs** means “Fascia Off-premises Signs a Fascia Sign, which is a Permanent Sign, displays Off-premises Advertising and contains no Digital Copy.”

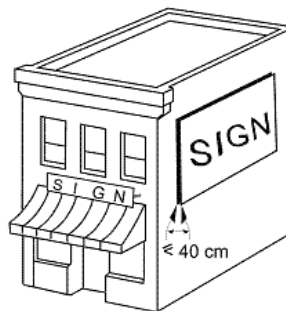
Under Section 7.9(8), **Minor Digital On-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

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 7.9(7), **Minor Digital on-premises Off-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under Section 6.1, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Under Section 6.1, **On-Premises Advertising** means “Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.”

Under Section 6.1, **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.”

The **General Purpose** of the **DC1** is “to provide transition for the area to become a pedestrian-oriented, urban style commercial mixed use area, while respecting the character of 104 Street and Gateway Boulevard. This Provision enhances the pedestrian environment by incorporating pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential uses.”

**Section 7(I)** of the **DC1** provides that Signs shall be provided with the intent to complement a pedestrian-oriented environment. Signs shall comply with the regulations found in Schedule 59 E, except that:

- i. the maximum Height of a Freestanding Sign shall be 6.0 metres;
- ii. a Projecting Sign may be used to identify businesses that are located entirely at or above the second Storey level; and

- iii. the top of a Projecting Sign on a building two Storeys or higher shall not extend more than 75 cm above the floor of the second or third Storey, nor higher than the windowsill level of the second or third Storey.

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-13-019	To install an On-premises Fascia Minor Digital Sign (Ziebart)	February 21, 2013; that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to conditions.
SDAB-D-12-200	To install an Off-premises Minor Digital Sign (3.0 metres by 6.0 metres Double sided facing North/South)	October 5, 2012; that the appeal be DENIED and the decision of refusal by the Development Authority CONFIRMED.

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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.

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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](http://edmonton.ca/developmentcompliance)

July 9, 2019

Our File: 129905784-003

### **MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner of the property located at 6528 - 104 STREET NW in Edmonton, Alberta, legally described as Plan 3553P Blk 32 Lots 1-4. This property is zoned DC1 Bylaw 18636 - CPR West in accordance with the Strathcona Junction Area Redevelopment Plan and Section 710 of the Edmonton Zoning Bylaw 12800.

This Property was inspected by Development Compliance Officer Brendan Bolstad on July 4, 2019. 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:**

Our investigation revealed that the digital Sign approved on December 5, 2012 by Development Permit 129905784-001 has been displayed in the wrong location on the building. The approved location for the Sign is on the west side of the large vehicle access door. A copy of the approved plans have been included for your reference.

Section 23.1(19) of the Edmonton Zoning Bylaw states:  
Notwithstanding subsection 23.1(2), it is an offence to display a Fascia Sign, Roof Sign or Projecting Sign in contravention of Development Permit.

Additionally, our inspection revealed that both On-premises and Off-premises Advertising is being displayed on the Sign. Development Permit 129905784-001 approved the installation of an On-Premises Fascia Minor Digital Sign, which may only display On-Premises Advertising.

On-Premises Advertising means Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.

Off-Premises Advertising means Copy that directs attention to a business, activity, product, service, or entertainment that cannot be considered as the principal products produced, offered for sale, or obtainable on the Site where the Sign is displayed.

As of July 4, 2019, the Sign meets the definition of a Minor Digital On-premises Off-premises Sign. Section 7.9(7) of the Edmonton Zoning Bylaw 12800 states:

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

You do not have a Development Permit to display a Minor Digital On-premises Off-premises Sign at the property. Further, Minor Digital On-premises Off-premises Signs are not a listed Use in the DC1 zone at 6528 - 104 Street, which means that a Development Permit can not be issued for this type of Sign.

Section 23.1(18) of the Edmonton Zoning Bylaw 12800 states:  
it is an offence to display a Fascia Sign, Roof Sign or Projecting Sign without a valid and approved Development Permit when a Development Permit is required.

ORDER:

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

Immediately de-energize the Sign and keep it turned off 24 hours a day. The Sign must remain de-energized until one of the following options is completed (A, B or C):

A) Move the Sign back to the approved location on the building, as per Development Permit 129905784-001. Cease any display of Off-premises Advertising.

OR

B) Acquire a Development Permit to allow the Sign to remain in its current location on the building. Cease any display of Off-premises Advertising.

OR

C) Dismantle & remove the Sign from the property. All parts of the Sign, including the support structure must be removed.

One of the options A, B, or C must be completed before January 31, 2020.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after August 13, 2019, and again after January 31, 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.

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 780-442-7190.

Regards,



Brendan Bolstad  
Development and Zoning  
Development Services  
Phone Number: 780-442-7190  
Email Address: [Brendan.Bolstad@edmonton.ca](mailto:Brendan.Bolstad@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 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;
- (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.

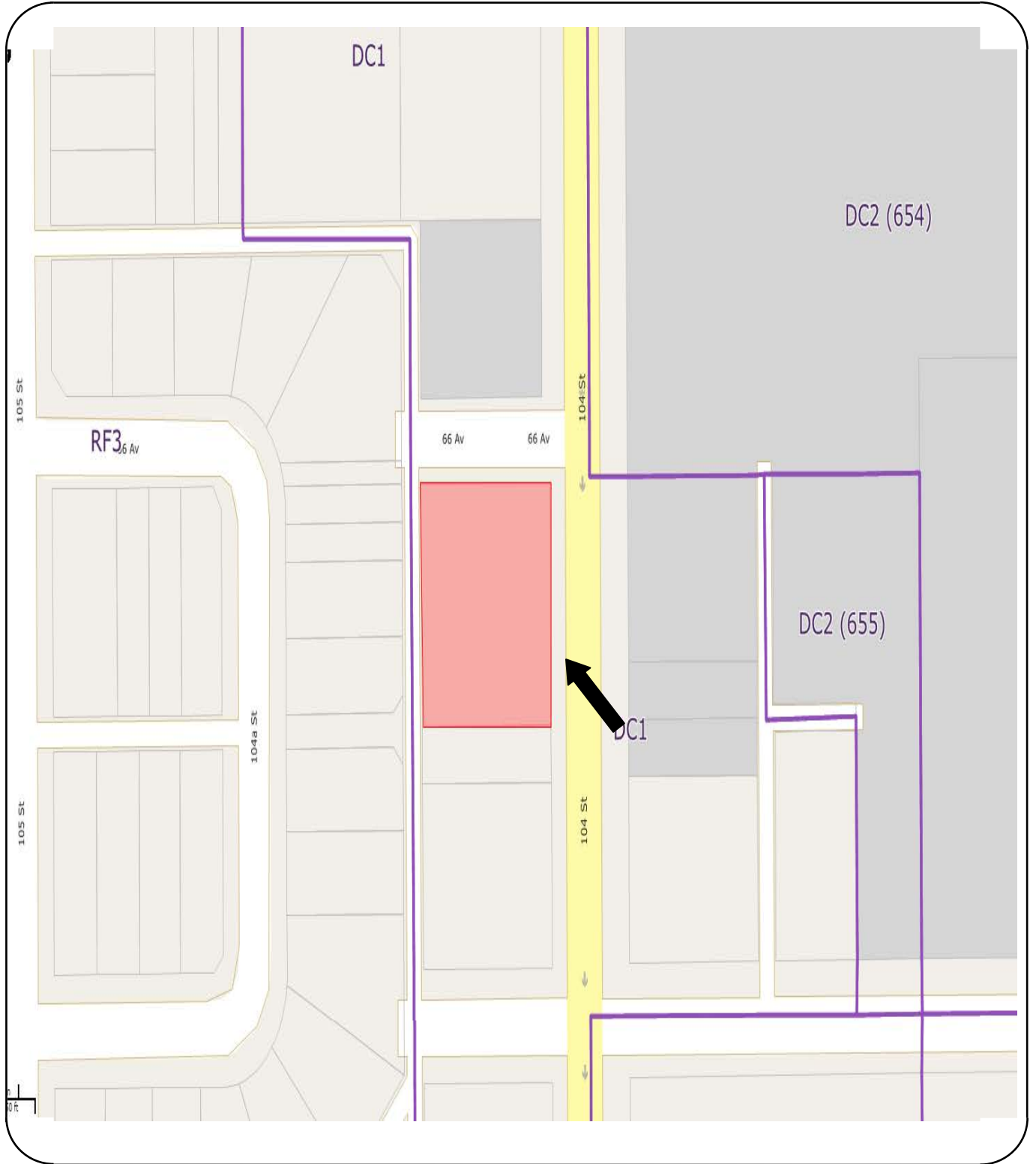
**(2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

**(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**
- 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 or the application for the development permit was deemed to be refused under section 683.1(8).
- (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) 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**
- 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.
- (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-19-126



ITEMS II & III: 1:30 P.M.

FILE: SDAB-D-19-127 and 128

APPEALS FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 160890356-001  
160890356-002

ORDERS TO: Cease the General Industrial Use and remove all related materials by July 31, 2019

DECISION OF DEVELOPMENT COMPLIANCE: Orders Issued

DATE OF ORDERS: June 26, 2019

DATE OF APPEALS: July 16, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16204 - 141 Street NW  
16268 - 141 Street NW

LEGAL DESCRIPTION: Plan 5392AE Lots 66-68  
Plan 5392AE Lots 69-70

ZONE: AG Agricultural Zone

OVERLAY: N/A

STATUTORY PLAN: Carlton Neighbourhood Structure Plan  
Palisades Area Structure Plan

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***Grounds for Appeal***

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

We are solicitors for 1756282 Alberta Ltd., owners of the above captioned lands. Our client received Stop Orders in respect of the activities taking place on the lands on or about June 26, 2019. We hereby appeal the referenced Stop Orders on the grounds that:

- The impugned activities on our client's land are authorized by a development permit or permits issued at some point prior to our client's acquisition of the lands;



- The impugned activities on the land have been ongoing at the subject site continuously for at least 20 years with no material impact on the use, enjoyment, and value of neighbouring parcels of land, or the amenities of the neighbourhood;
- In the event the impugned activities are not authorized by a prior development permit or permits, the Stop Orders require that the activities be ceased within a time frame that cannot be met; and
- Such further and other grounds as may be presented at the hearing of the within appeal.

<b><i>General Matters</i></b>
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**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 clauses (a.4) and (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.

**Non-conforming use and non-conforming buildings**

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-

conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 610.1 states that the **General Purpose** of the (AG) **Agricultural Zone** is “to conserve agricultural and rural Uses.”

Within the (AG) Agricultural Zone, **General Industrial Use** is not a listed use.

Section 7.5(3) provides the following definition:

**General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

***Requirement for a Development Permit***

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.

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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.

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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](http://edmonton.ca/developmentcompliance)

June 26, 2019

Our File: 160890356-001

1756282 ALBERTA LTD  
16806 - 118 AVENUE NW  
EDMONTON AB T5V 1M8

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 16204 - 141 STREET NW in Edmonton, Alberta, legally described as Plan 5392AE, Lots 66-68.

This Property was inspected by Development Compliance Officer Justin Hogberg, on June 21, 2019. 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 (AG) Agricultural Zone in accordance with Section 610 of Edmonton Zoning Bylaw 12800. Our investigation revealed a General Industrial Use (storage of industrial goods and equipment) has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a General Industrial Use 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.

Section 7.5(3) of the Edmonton Zoning Bylaw states:  
General Industrial Uses means development used principally for one or more of the following activities:

- a) the processing of raw materials;
- b) the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d) the storage or transshipping of materials, goods and equipment;
- e) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f) the training of personnel in general industrial operations.

ORDER:

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

Cease the General Industrial Use and remove all related materials by July 31, 2019.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after July 31, 2019 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.

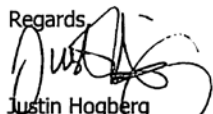
Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 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.

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 780-496-6220.

Regards,



Justin Hogberg  
Development and Zoning  
Development Services  
Phone Number: 780-496-6220

Fax Number: 780-496-6054  
Email Address: Justin.Hogberg@edmonton.ca



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](http://edmonton.ca/developmentcompliance)

June 26, 2019

Our File: 160890356-002

1756282 ALBERTA LTD  
16806 - 118 AVENUE NW  
EDMONTON AB T5V 1M8

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 16268 - 141 STREET NW in Edmonton, Alberta, legally described as Plan 5392AE, Lots 69-70.

This Property was inspected by Development Compliance Officer Justin Hogberg, on June 21, 2019. 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 (AG) Agricultural Zone in accordance with Section 610 of Edmonton Zoning Bylaw 12800. Our investigation revealed a General Industrial Use (storage of industrial goods and equipment) has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a General Industrial Use 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.

Section 7.5(3) of the Edmonton Zoning Bylaw states:  
General Industrial Uses means development used principally for one or more of the following activities:

- a) the processing of raw materials;
- b) the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d) the storage or transshipping of materials, goods and equipment;
- e) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f) the training of personnel in general industrial operations.

ORDER:

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

Cease the General Industrial Use and remove all related materials by July 31, 2019.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after July 31, 2019 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.

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 780-496-6220.

Regards,

Justin Hogberg  
Development and Zoning  
Development Services  
Phone Number: 780-496-6220

Hearing Date: Thursday, August 15, 2019

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Fax Number: 780-496-6054

Email Address: Justin.Hogberg@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 Board;
- (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.

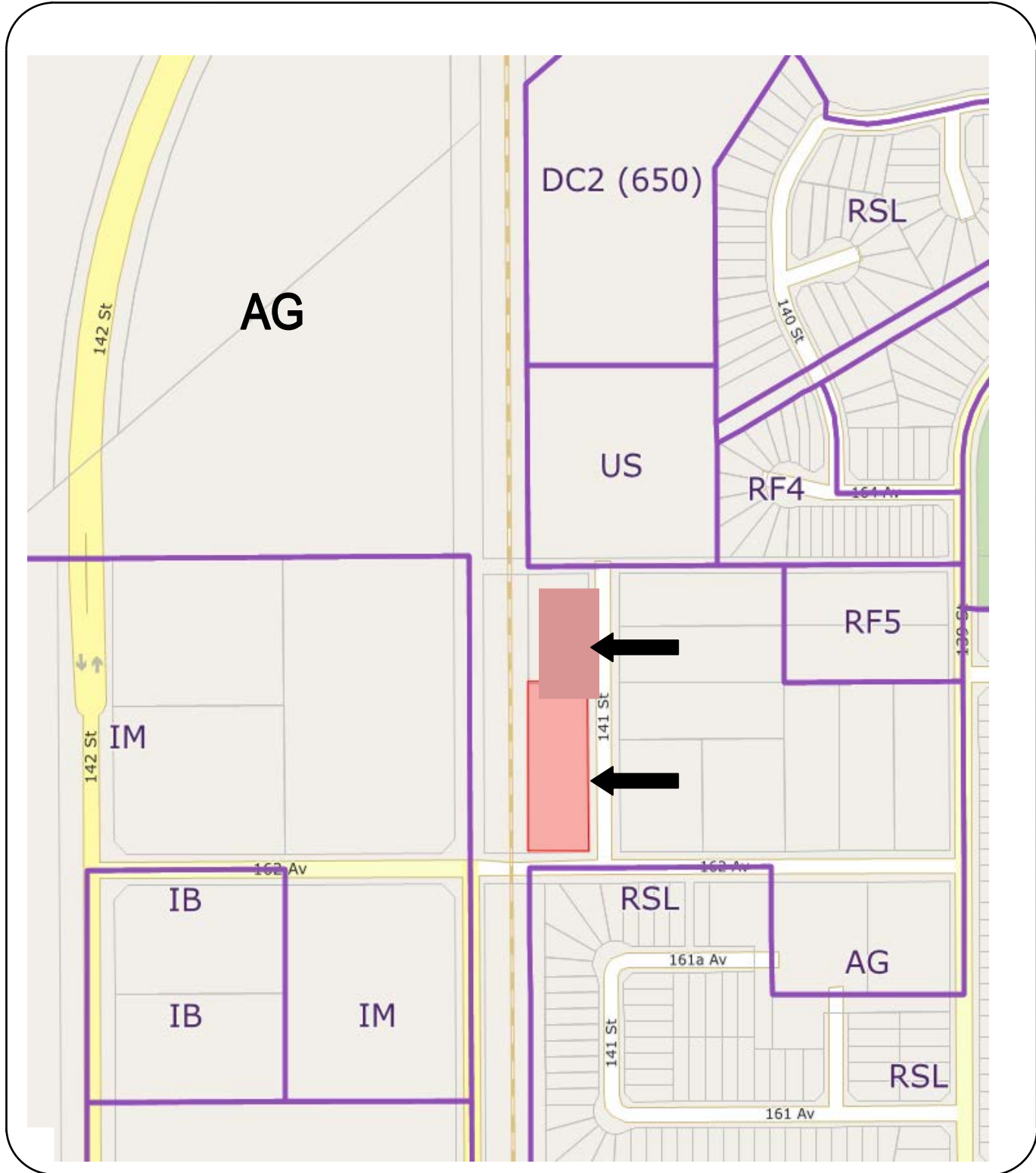
**(2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

**(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.

<b>Enforcement of stop order</b>	<p><b>646(1)</b> 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><b>(2)</b> 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><b>(3)</b> If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
<b>Permit</b>	<p><b>683</b> 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>
<b>Grounds for appeal</b>	<p><b>685(1)</b> If a development authority</p> <ul style="list-style-type: none"> <li>(a) fails or refuses to issue a development permit to a person,</li> <li>(b) issues a development permit subject to conditions, or</li> <li>(c) issues an order under section 645,</li> </ul> <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><b>(2)</b> 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><b>(3)</b> 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><b>(4)</b> 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"> <li>(a) is made by a council, there is no appeal to the subdivision and development appeal board, or</li> <li>(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.</li> </ul>
<b>Appeals</b>	<p><b>686(1)</b> 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"> <li>(a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> <li>(i) within 21 days after the date on which the decision is made under section 642, or <ul style="list-style-type: none"> <li>(A) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.</li> <li>(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,</li> </ul> </li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(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,</li> </ul>

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-19-127 and 128

