



**EDMONTON
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*Subdivision &
Development
Appeal Board*

*10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-6079 F: 780-577-3537
sdab@edmonton.ca
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SDAB-D-18-200

Application No. 263481709-002

An appeal to construct an Accessory Building, existing without permits (shed (2.21 m x 3.11 m)), located at 9725 – 85 Avenue NW, was POSTPONED to March 27 or 28, 2019.



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December 12, 2018

Group Three Property Management
300, 10240 - 124 Street NW
Edmonton AB T5N 3W6

Notice of Postponement Decision

RE: SDAB-D-18-201 / Project No. 287222895-001, to change the Use from General Retail Stores to Cannabis Retail Sales at 4304 – 167 Avenue NW

The Presiding Officer introduced the panel and confirmed with the parties in attendance that there was no opposition to the composition of the panel. She then asked the parties to speak only to a Postponement Request which has been submitted by an affected party - Edmonton Public Library (EPL).

Summary of Preliminary Item – Postponement Request

i) Position of an Affected Party – Edmonton Public Library (EPL)

- [1] J. Nielsen, Director of Facilities and Operations, appeared on behalf of EPL to request a postponement. EPL only became aware of the proposed development and today's hearing after receiving a phone call late yesterday afternoon from the City of Edmonton Planning Department.
- [2] Mr. Nielsen confirmed the subject library branch is located within a site within the 60 metre notification area; however, they did not receive any notice of this appeal and received no notification of the proposed development from their site's property owner. They feel it should be a requirement of the Subdivision and Development Appeal Board ("SDAB") to notify the tenant.
- [3] The library requires sufficient time to properly prepare for a hearing and explain why they are in opposition to the proposed development. If the hearing were to proceed today, it would constitute an unfair process, as the EPL would not have a full opportunity to present their case. The Board would not have all of the facts and would be making a decision based on one side of the story.

- [4] They dispute that the EPL branch in question is not a “real” library, as submitted by the Respondent, and want to present evidence to the hearing regarding this issue.
- [5] They could be available for a hearing either the week of January 7 or January 14, 2019.

ii) *Position of Development Authority*

- [6] M. Gunther, Law Branch, and I. Welch appeared to represent Development & Zoning Services.
- [7] It was somewhat inadvertent that EPL found out about today’s hearing. Mr. Gunther asked the Development Officer to follow up with them to determine if they were coming as he assumed they had been notified. That phone call was their first notice of this hearing.
- [8] The Board, under the *Municipal Government Act*, RSA 2000, c M-26 (the “MGA”), must notify not only people or parties who are required to be notified but also any party that the SDAB considers to be affected. That was the subject of a matter made to the Court of Appeal regarding *World Health*. Their tenants were not provided notice and it was determined at the Court of Appeal that notice should have been provided and the case was ultimately sent back to the Board for a new hearing.
- [9] EPL has had less than 24 hours of notice; therefore, granting a postponement is the proper decision. It is not a reasonable decision not to give EPL notice in a situation where EPL is the reason that a Development Permit has been denied.
- [10] Mr. Gunther provided the following responses to questions from the Board:
- a) The section of the MGA which directs that the EPL should have received notice is 686(3)(c):

(3) The subdivision and development appeal board must give at least 5 days’ notice in writing of the hearing

.....

(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.

In cases where the only variance to issuing a permit is the existence of a library or the existence of a school or there is a setback issue regarding two competing stores, he believes these other parties should be notified by the Board in the event of an appeal. Here the fairness issue can be addressed by allowing the requested adjournment.

- b) The Court has actually granted leave as to whether the Board should turn its mind as to who else should be notified as per the *World Health* decision noted above. The Board should give notice to the hold-up or the entity that is causing the problem. In this case, it is the library. In the cases where there is a setback issue, the most proper and most reasonable approach is that the library, relevant school Board or other cannabis store at issue regarding the setback should be given notice; separate notice should be given to a party that is identified in a variance.
- c) There is a difficulty when a party comes to a hearing saying they have a meaningful contribution to the hearing process and have received less than 24 hours' notice of the hearing. Here EPL wants to make meaningful submission to the process.
- d) Mr. Gunther suggested if EPL and school boards were given notice by the Board of appeals in future proceedings, they would not be in the situation of an affected party not being able to present their full case.
- e) While Mr. Nielsen has been sent down here to speak to this issue, he is not necessarily the person who would provide a full case or presentation to the Board. This does not allow EPL to bring their best foot forward and results in a procedural fairness issue.
- f) Mr. Gunther confirmed that he would be in agreement with the adjournment request and is not saying that there should be a reassessment of who should be notified if the postponement is granted. He recognized that *World Health* was actually decided on a different issue – the adequacy of notice.
- g) He referred to two other Court of Appeal Decisions. In the *Liquor Depot* case, the court ruled that notice did not need to be given as it was a Class A permit with no variance. Leave was granted in the *Sobey's* case by Justice Slather; however, it did not proceed to court as the matter was resolved privately between the parties.
- h) Mr. Gunther confirmed that the earliest day in January that he and the Development Officer would be available for a hearing on this matter would be the week of January 7, 2019.

iii) Position of the Appellant

- [11] M. Podmoroff appeared to represent Group Three Property Management as well as Lucid Cannabis.
- [12] Adjourning today's hearing is prejudicial to the Appellant and adds just one more delay to what has been a very lengthy development process. There would be large financial implications resulting from a further delay.
- [13] The Board must determine if the library is an affected party. There is no reason why the library cannot demonstrate today how they would be affected.

- [14] He questions if it is the duty of the Board to notify a tenant. Sophisticated tenants such as EPL should ensure their leases include a clause regarding notification. The owners of all properties within the notification area would have been notified. The real affected parties (the site owners) do not object to the proposed development.
- [15] The Development Officer's late notification to EPL appears to be a tactic to delay this hearing. He doubts that the Development Authority gave notice to EPL when it granted approval for two liquor stores on affected lands.
- [16] Mr. Podmoroff provided the following responses to questions from the Board:
- a) In his opinion, EPL is not an affected party of this development. They would not have any losses as a result of this development and there would be no harm to the library. They do not own the property so there would be no economic losses to them or an inability to attract certain tenants.
 - b) An adjournment to January 2019 would be an excessive delay and it could put him out of a contract with his landlord; however, he could be available the week of January 14, 2019 if the Board grants the postponement request.

The Board Officer discussed possible earlier hearing dates with the parties and December 13, 2018, at 9:00 a.m. was agreed upon by all parties, if the Board decided to grant the adjournment.

Decision regarding Postponement

- [17] The Subdivision and Development Appeal Board (the "Board") made and passed the following motion on December 5, 2018:

"That SDAB-D-18-201 is TABLED to December 13, 2018, at 9:00 a.m. Only Parties in attendance today will be notified thereof. This panel is not seized of this appeal."

Reasons for Decision regarding Postponement

- [18] The Board heard evidence from all those parties in attendance today regarding this postponement request made by the Edmonton Public Library. The Board accepted the evidence that the EPL did not receive notice of today's hearing until late in the afternoon of December 4th, which is less than 24 hours prior to the commencement of the hearing.
- [19] The Board finds that this is a first request for a postponement of this matter. The Edmonton Public Library is a tenant of a site within the notification zone; the Appellant and Respondent have each submitted arguments about Edmonton Public Library in evidence for this hearing; and, if its operations are found to be a "library", it is the very development for which a variance is required. Therefore, the Board finds that Edmonton Public Library is an affected party to this appeal.

[20] While the Board recognizes the adjournment may create additional costs for the Appellant, it finds the interests of fairness favour granting the Postponement Request in order to allow the EPL sufficient opportunity to make full submissions at the rescheduled hearing.

Should you require further information in this regard, please contact the Subdivision & Development Appeal Board Office at 780-496-6079.



Ms. S. LaPerle, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance:

Ms. C. Cherniawsky, Ms. L. Gibson, Mr. J. Kindrake, Ms. M. McCallum

cc: Development & Zoning Services – I Welch / H. Luke
Edmonton Public Library – G. Monai / J. Nielsen
City of Edmonton Law Branch – M. Gunther



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Permit Experts
203, 4103 - 97 Street NW
Edmonton AB T6E 6E9

Date: December 18, 2018
Project Number: 270831691-008
File Number: SDAB-D-18-202

Notice of Decision

- [2] On December 5, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on November 21, 2018. The appeal concerned the decision of the Development Authority, issued on October 25, 2018, to approve the following development:

Construct a third-storey addition with a roof patio and interior alterations to a Health Service (Cannabis Counselling)

- [3] The subject property is on Plan 4575S Blk 12 Lot 9, located at 9629 - 82 Avenue NW, within the CB2 General Business Zone. The Main Streets Overlay and Strathcona Area Redevelopment Plan apply to the subject property.

- [4] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
- The Development Officer’s written submissions;
- The Appellants’ written submissions; and
- The Applicants’ written submissions.

- [5] The following exhibits were presented during the hearing and form part of the record:

- Exhibit A – Stamped technical review from Development Officer
- Exhibit B – Approved plans for the Cannabis Retail Sales

Preliminary Matters

- [6] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

- [7] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[8] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”).

Summary of Hearing

i) Position of the Appellants, K. Jesse and M. Jesse

[9] When the Appellants initially received the notice regarding the proposed development they were of the understanding that two additional floors would be added to the building –the roof top patio would take up the entire fourth floor and would overlook their backyard. After viewing the plans, they now understand that there will be a partial third storey plus a patio on that same level.

[10] Their biggest concern is privacy. Their backyard faces the south side of the proposed development and all of the 2nd and 3rd floor windows of the proposed development will overlook their backyard and their bedroom windows. They are concerned about the security and safety of their family as they often use their backyard. If these windows were to be frosted, many of their concerns would be alleviated.

[11] They are also concerned because the notice they received referred to the development as a “Health Service” Use. They believe the neighbourhood is being misled as to the nature of the business – it appears that the incoming business is actually a retail store and they are getting ready to run a cannabis lounge. The drawings they looked at show that the third floor is considered a lounge and the second floor contains a large commercial kitchen. They do not believe that the second floor and patio are being developed strictly for the use of employees.

[12] The change from Health Service to a retail store is of concern to them because they believe people will be smoking pot on the patio and will also be ingesting cannabis products in the alley behind their home. Clients of the business will have easy access to the alley as there is a walkway directly beside the subject site leading from the sidewalk on the south side of Whyte Avenue into the alley.

[13] Customers can easily park at the rear and use the walkway to access the front of the business, causing congestion in the alley. They would like to see this walkway blocked off. The Appellants do not know who the owner of this walkway is.

[14] They referred to the notes written in red on the blue development permit in the file that states that clarification of the nature of the activities being conducted at this location is required.

ii) Position of the Development Officer, I. Welch

[14] Mr. Welch provided some history of the subject premises. Prior to legalization, many facilities secured space under the Health Services classification with the sub-use of

medical cannabis clinics and counseling services. This was the closest Use available to the Development Authority under the *Edmonton Zoning Bylaw*.

- [15] The entire existing building was initially approved as a Health Services in January, 2018. After legalization, an application for a Cannabis Retail Sales Use was allowed by this Board in November, 2018, for the basement and main floor of the building only. The second floor remained as it had been previously classified as Health Services.
- [16] The current application is to construct a third-storey addition with a roof patio and perform interior alterations to the second floor of the existing Health Services Use. After contacting the Applicant's agent for clarification, the Development Officer decided that the 2nd and 3rd floors would be correctly classified as Health Services Use as these areas will be used as office space and for educational purposes. Two Uses (Cannabis Retail Sales and Health Services) can both take place in the same building even though they are operated by the same business.
- [17] The Board and all parties were provided a copy of the Development Officer's stamped technical review for reference. (marked Exhibit A)
- [18] The Development Officer has no concerns with the open space on the second floor as shown on the drawings as office space. There are many cases now where people work in communal open spaces.
- [19] Currently no Cannabis Lounge is permitted in any zone in Edmonton; however, this will likely change in the future.
- [20] He made an error in his calculations and the *Edmonton Zoning Bylaw* requires one loading space, but none has been provided.
- [21] Mr. Welch provided the following responses to questions from the Board:
- a) The smoking of cannabis could potentially be permitted on the patio because it is classed as Health Services and not Cannabis Retail Sales. It would be similar to people smoking on a private deck.
 - b) The City does not consider the hours of operation for a business when reviewing applications. That would be regulating users as opposed to uses.
 - c) He is not able to comment on whether enough washroom space is being provided given that the floor plans show occupant loads of 25 persons for each of the 2nd and 3rd floors. He is not familiar with the building codes and this would be reviewed when a building permit is applied for. If changes are required at that point they are sent back to him for re-stamping.
 - d) The building was classified as Professional Financial Support Services prior to being re-classed as a Health Services Use in January 2018.

- e) He confirmed that Cannabis Lounges are currently not allowed. He is unable to speculate as to whether the Applicants are actually preparing to be a Cannabis Lounge should this Use become permitted by the *Edmonton Zoning Bylaw*.
- f) The Applicants have chosen not to allocate one of the parking spaces at the rear of the building as a loading zone. Many older buildings were designed without a loading zone. Given that Whyte Avenue is quite a wide avenue with substantial street parking available, Transportation Services has indicated they approve of no loading space.
- g) Mr. Imai confirmed that the first floor drawings should not have been stamped “approved” as they are not part of the current application. This was an error.
- h) The definition of Health Services was reviewed by the Board:

Health Services means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services, and medical Cannabis clinics and counseling services.

For the lack of any other option, the Development Officer considers that this definition best fits the current application. A new application would have to be made to operate a cannabis retail lounge in the future.

- i) Mr. Welch does not know who owns the breezeway.
- j) Frosting all of the windows overlooking the alley may be a security concern as the business owners would not be able to see what is going on in the alley and it may be contrary to CPTED requirements.

iii) Position of the Respondent/Applicant, Fire and Flower

- [22] T. Jamison and L. Holmes appeared on behalf of Fire and Flower. The head office for Fire and Flower is in Edmonton and they have recently opened up several stores here. This location is unique as they own the building rather than leasing it.
- [23] They initially applied for a Development Permit in January for the entire building. After receiving approval for Health Services, they went through the City’s lottery process and made two new separate Development Permit applications in July. The first was for the change of Use to Cannabis Retail Sales for the main floor and the basement. The second Development Permit application was for the renovations to the second floor as well as the addition of a third floor.
- [24] The plan is to fence the site and have security guards posted in the back alley. No smoking will be permitted behind the building.

- [25] The patio will be located on the north side of the building overlooking Whyte Avenue. Initially they thought that the 2nd and 3rd storey windows looking towards the Appellants' property would be within a stairwell; however, they later confirmed this is not the case and they will be proceeding with the approved stamped drawings that the Board has before them. (Exhibit B)
- [26] They have hosted a number of education sessions for various groups of people at their Jasper Avenue location and plan to do the same at this location. The open area on the second floor is designed as an open concept space to be used as both a work space and to run the education sessions for specific groups. However, the use for the second floor has not yet been finalized. Their current head office is at capacity and they may need to use the space to add an entire department of staff.
- [27] There are no current plans to run a Cannabis Lounge as this would be illegal. If this Use were to become legal, a Development Permit would have to be applied for from the City under that zoning classification.
- [28] They referred to a photo in their submission showing that, with the third storey added, the building would be 11.2 metres in height; significantly less than the maximum permitted height of 14.5 metres.
- [29] There will be no public access from the rear of the building – everyone will have to use the front entrance.
- [30] Their property is just the building itself. They do not own the breezeway.
- [31] The Applicants provided the following responses to questions from the Board:
- a) Everyone must show ID at the front door – both customers of the Cannabis Retail Sales on the main floor or anyone attending a session upstairs. The only access to the second floor is through the first floor retail sales area. While smoking could legally occur on the patio this will depend on company policy. The company currently has a strict policy in place of no consumption within the retail or the office space.
 - b) A variety of employees will host the educational sessions depending on who the audience is and what the session is about. It could be a mix of employees that operate the retail space as well public relations staff or advisory board members. All employees are highly trained. They currently do not employ therapists or a doctor.
 - c) The hours of the Cannabis Retail Sales operation are currently 10:00 a.m. to 8:00 p.m. at their other Edmonton locations. The hours of the Health Services on the second floor have not yet been determined. If the space ends up being used as a department, it would be regular working hours. Education sessions do not typically go beyond 8:00 p.m.
 - d) They confirmed that the patio will be facing Whyte Avenue and would not be visible from the lane as it would be blocked by the partial third storey addition.

- e) As per AGLC requirements, they have to glaze the main floor windows. This glazing allows them to see out but people on the outside cannot see in.
- f) Security cameras will be located both inside and outside of the premises.
- g) They are willing to work with the Appellants and put some type of glazing on the windows facing south to alleviate their privacy concerns.
- h) Their security plans which include installing a fence around the parking area, use of security cameras and posting security guards have been approved by AGLC.
- i) The majority of cannabis consumption is not by smoking. While there may be an occasional staff party where cannabis can be smoked on the patio, they believe the smell will be confined to Whyte Avenue on these occasions. They are cognizant of optics and do not want people to think their employees use cannabis on site.

vi) *Rebuttal of the Appellants*

- [32] Two different Uses in one building makes no sense to them.
- [33] They agree an office can be an open space; however, they do not believe a commercial kitchen should be called office space.
- [34] If a whole department moves into the second floor, where is everyone going to park?

Decision

- [35] The appeal is DENIED and the decision of the Development Authority to approve the proposed development is CONFIRMED. The development is GRANTED subject to the conditions imposed by the Development Authority.
- [36] In granting the development, the following variance to the *Edmonton Zoning Bylaw* is allowed:
1. The minimum required 1 loading space as per section 54.4, Schedule 3, is varied to allow a deficiency of 1 loading space, thereby decreasing the minimum required to 0 loading spaces.

Reasons for Decision

- [37] The subject site is located on Whyte Avenue in a CB2 Commercial Business Zone where Health Services is a Permitted Use.

- [38] The proposed development (to construct a third-storey addition with a roof top patio and interior alterations to a previously approved Health Service (Cannabis Counselling)) was approved by the Development Officer on October 25, 2018.
- [39] In 2018, three separate Development Permit applications were issued for the subject building:
- a) In January 2018, the Applicants received approval for a Development Permit to change the use for the entire building on the subject site from a Professional, Financial and Office Support Service to a Health Service Use (Cannabis Consulting) That decision was not appealed and it is final.
 - b) In July 2018, the Applicants filed two new Development Permit applications. One was for a Cannabis Retail Sales Use in the basement and on the main floor of the building. It was approved by this Board in SDAB-D-18-171. The Applicants also applied for changes to the previously approved Health Services Use in the remaining portions of the building.
 - c) The more recent Health Services application is the subject of this appeal. It involves interior alterations to the second floor and the addition of a third floor and outside patio area.
- [40] The Appellants live directly across the lane from the subject site in an RF3 Small Scale Infill Development Zone. They appeared before the Board to express three objections:
- a) The Appellants argued that the proposed Use Class (Health Services) is incorrect and that the development will be used as Cannabis Lounge. They sought information about the activities going on in the building and whether or not the development is properly classified, particularly given that a Cannabis Retail Sales Use was approved for the basement and the main floor.
 - b) They argued that intensification of the Use will result in increasing pressures on parking.
 - c) The Appellants contend that the proposed development creates privacy, security and nuisance concerns as the rear facing windows on the second and third floor enable oversight of their rear yard. Also, they believe smoking from the patio will send smoke to their property and that customers accessing the development from the rear and imbibing in the lane will create security problems.
- [41] The Board first considered whether or not the Development Officer had properly classified the Use as Health Services. The Board finds that the Development Officer's classification was correct for the following reasons:
- a) Health Services is defined in section 7.4(26) of the *Bylaw* as

Health Services means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services, and **medical Cannabis clinics and counseling services**. [Emphasis added].

- b) Cannabis Lounge is defined in section 7.4(8) of the *Bylaw* as

Cannabis Lounges means development where the primary purpose of the facility is the sale of Cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution.

- c) According to the evidence, the proposed development will be used mainly as a place to counsel and provide educational sessions to individuals and select groups on the use of cannabis and related products. It may also be used in part as a flexible work area for staff. Per company policy, cannabis is not to be consumed on the premises and is not offered to members of the public. The proposed development is distinct from the Cannabis Retail Sales approved for the main floor and basement of the building. Customers of the main floor Cannabis Retail Sales are not permitted to purchase cannabis on the main floor and then access the upper floor area and consume their purchases. Currently Cannabis Lounges are not allowed and are not what the Applicants intend to use the area for.
- d) The Board heard evidence that the fields of recreational cannabis and medical cannabis are developing. The Board accepts the Development Officer's explanation that the *Edmonton Zoning Bylaw* was amended in response to the changing legal and social environment regarding cannabis. In January 2018, City Council expanded the list of typical uses in the definition of Health Services to include "medical Cannabis clinics and counseling services" to specifically encompass the type of educational and counselling activities described by the Applicants.
- e) The Board notes that a building may have multiple Uses. The Board finds that the approval of a Cannabis Retail Sales for the main floor and basement did not alter the previously approved Health Services (Cannabis Consulting) Use for the remainder of the building. That approval was not appealed and consequently it is final. The application under review is for an alteration to and expansion of the previously approved Permitted Use, Health Services (Cannabis Consulting).

[42] The Board considered the Appellants' concerns about potential parking congestion and noted that the proposed development provides the required number of off-street parking spaces.

[43] The only required variance for this Permitted Use is waiver of one loading space. The Board accepts the Development Officer's opinion that the waiver of a loading space will not have a material adverse impact given the width of the street front and the nature of the business. Further, the Transportation Department had no concerns with allowing on-

street loading in this case. The Board notes also that additional off-street parking spaces were provided in lieu of a loading space which should help with the Appellants' parking concern.

[44] The Board finds that waiving the requirement of one loading space will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

[45] Finally, the Board considered the Appellants' nuisance, security and privacy concerns.

a) The Board notes that the Appellants were able to gather more information subsequent to filing their appeal and indicated that some of their main concerns regarding privacy and cannabis smoke have been largely assuaged as they now understand that the building will be a total of three stories and the roof top patio will be located on the front of the third story facing Whyte Avenue.

b) The Board considered that the Applicants indicated a willingness to address the Appellants' concerns about frosting and oversight from the 2nd and 3rd storey windows. However, and as this was not identified as a basis for refusal or variance and as it may have CPTED implications, the Board leaves this to the parties to discuss and declines to add frosting of windows as a condition of approval.

c) Similarly, the Board is imposing no conditions with respect to the breezeway which allows access from the lane along-side the building because it is not owned by the Applicants. The submitted site plan indicates this area is located on the abutting lot rather than the subject site.

[46] For the above reasons, the appeal is denied

Kathy Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance:

Ms. S. LaPerle, Ms. L. Gibson, Mr. J. Kindrake, Ms. M. McCallum

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.