



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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

Date: December 15, 2017
Project Number: 260582475-001
File Number: SDAB-D-17-239

Notice of Decision

- [1] On December 7, 2017, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **November 19, 2017**. The appeal concerned the decision of the Development Authority, issued on November 1, 2017, to refuse the following development:

Construct an Accessory Building with a Rooftop Terrace (Shed with roof terrace, 3.66 metres by 3.05 metres)

- [2] The subject property is on Plan 1425229 Blk 2 Lot 64, located at 2103 - 26 Street NW, within the RPL Planned Lot Residential Zone. The Laurel Neighbourhood Structure Plan and the Meadows Area Structure Plan apply to the subject property.
- [3] 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 refused Development Permit;
 - The Development Officer’s written submissions;
 - The Appellant’s written submissions; and
 - A letter from a neighbouring property owner in support of the development.

Preliminary Matters

- [4] 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.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] 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 Appellant, Mr. Patel*

- [7] Mr. Patel purchased the house in August 2017.
- [8] The house is small and has a rear attached garage.
- [9] He wanted to construct a shed to use for storage.
- [10] All of the garages in the rear lane are built in line with each other.
- [11] The City understood that he was building a deck and informed him that he only needed a Building Permit.
- [12] He saw another property in the City that has a garage with a roof top deck. He wanted to build a deck on this property similar to the other property.
- [13] He hired a contractor and, after the development was completed, he called the City for an inspection. At that time, he was told he did not have a Development Permit for the structure.
- [14] He did not intentionally build without a permit but received wrong information from the City.
- [15] He could not comply with the railing to be stepback 1.0 metres.
- [16] In response to questions by the Board, he stated that the immediate neighbour does not have an objection but did not provide written documentation.
- [17] A letter was received in support from the neighbour behind his property.
- [18] The Rooftop Terrace will be used as a sitting area in the summer.
- [19] The siding on the shed will be consistent with the principal dwelling.
- [20] There is a covered porch on the back of the house but no deck.
- [21] He referred to the photographs in his submission showing the structure.
- [22] He could only construct the railing on the one side of the shed.

ii) Position of the Development Officer, Ms. Lai

- [23] The Development Authority provided written submissions and did not attend the hearing.

Decision

[24] The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.

Reasons for Decision

[25] The proposed application is to construct an Accessory Building with a Rooftop Terrace (Shed with roof terrace, 3.66 metres by 3.05 metres). This development is accessory to a Single Detached House which is Permitted Use in the RPL Planned Lot Residential Zone.

[26] The entire area of the roof of the Accessory Building has been developed with a Rooftop Terrace complete with stairs to provide access to the roof as well a railing which circumvallates the structure.

[27] Rooftop Terraces are regulated by Section 61 of the *Edmonton Zoning Bylaw*. Section 61 requires that Rooftop Terrace be Stepbacked from the building facade. This proposed develop violates three of the regulations, namely:

Section 61(1)(a) states:

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

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

[28] In order for this structure to be approved, the Board would have to grant variances to all three of these regulations.

[29] The Board declines to grant these variances.

- [30] The test for the Board to determine whether a variance should be granted is set out in Section 687 of the *Municipal Government Act*, which states in determining an appeal, the subdivision and development appeal board, 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 the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
- [31] In this case, the development is effectively a cube with a Rooftop Terrace that in effect overhangs all four facades of the structure. It presents much as a “lookout tower” which, at 2.6 metres above grade, presents significant and material overlook issues into the surrounding lots and negatively impact the privacy of other developments in the neighbourhood.
- [32] This is particularly problematic in the RPL zone, whose general purpose is “to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while **maintaining the privacy and independence** afforded by Single Detached Housing forms.” (emphasis added)
- [33] Based on the above, it is the opinion of the Board that the development unduly interferes with the amenities of the neighbourhood, and materially interferes with or affects the use, enjoyment or value of neighbouring parcels of land.
- [34] For these reasons, the appeal is denied and the development is refused.



Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

Board Members in Attendance

Mr. V. Laberge; Mr. A. Nagy; Ms. G. Harris; Ms. K. Thind

Important Information for the Applicant/Appellant

1. 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.
2. 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.



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3537
sdab@edmonton.ca
edmontonsdab.ca*

Date: December 15, 2017
Project Number: 166059547-003
File Number: SDAB-D-17-240

Notice of Decision

- [1] On December 7, 2017, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **November 21, 2017**. The appeal concerned the decision of the Development Authority, issued on November 10, 2017, to refuse the following development:

Convert a Duplex to 3 Dwellings of Apartment Housing

- [2] The subject property is on Plan I11 Blk 45 Lot 19, located at 10532 - 79 Avenue NW, within the RA7 Low Rise Apartment Zone. The Medium Scale Residential Infill Overlay applies to the subject property.
- [3] 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 refused Development Permit;
 - The Development Officer’s written submissions;
 - The Appellant’s written submissions; and
 - Online responses.

Preliminary Matters

- [4] 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.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] 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 Appellant, Mr. Michaelson, who was accompanied by his coworker, Mr. Devine

- [7] The Appellant provided the Board with a submission showing photographs of the subject property.
- [8] The subject property has a basement entrance in the front.
- [9] Cement patios were added to both the front and back of the house for amenity areas.
- [10] Parking is available in the garage and in front of the garage doors. There is room to park three, possibly four cars, outside the garage.
- [11] The Side Setback cannot be changed because the building already exists.
- [12] They referred to a City of Edmonton website as evidence that the dwelling had three suites in it when Mr. Michaelson had purchased the property and that taxes were assessed upon three suites.
- [13] Mr. Michaelson lives across the rear lane from the subject Site.
- [14] The subject Site is within walking distance to the University.
- [15] Tenants of the dwelling are generally University students that do not have a vehicle and either ride a bike or walk to the University.
- [16] There is not a lot of affordable housing in the area and the suites are rented at a lower price to accommodate this.
- [17] There is a high rise development two blocks from the subject Site that will have more of an impact on the neighbourhood.
- [18] The basement suite was developed in the 1960's with two bathrooms, two kitchens and each unit has a bedroom and living room. Both units have been used for several years.
- [19] The Setback requirements are what the City is using for a new development, not for what has existed for several years.
- [20] Regardless if the proposed development is a Duplex or a three-plex, the number of tenants will remain the same; the units will just be separated. The parking and amenity space will not change.
- [21] Mr. Michaelson stated that he owns other developments in the area and one bedroom suites are rented out faster. Small affordable suites are in high demand.

- [22] They disagree with the Development Officer's parking calculation. The upstairs unit, consisting of 3 bedrooms, requires 1.7 parking spaces. The basement units, each consisting of 1 bedroom, require 1 parking space. This amounts to 3.7 parking spaces. However, there are more than the required parking spaces available as two vehicles can park in the garage and three or four can park outside the garage area. However, most tenants do not have a vehicle and ride a bike or take public transportation.
- [23] With regard to the Amenity Area, they stated that the adjacent apartment building has balconies on the suites but the basement suites do not have balconies or walkouts patios.
- [24] The subject Site has cement patios in the front and rear of the property for Amenity Space. The subject Site is being used the same way it was built years ago.
- [25] The Side Setback has existed since the Dwelling was built years ago and cannot be changed now.
- [26] There is a 24 suite Apartment Building across the rear lane from the subject Site. Students cannot afford to buy condominiums in this area.
- [27] With regard to the conditions recommended by the Development Officer, they stated that they do not agree with the condition regarding the Sanitary Sewer Trunk Charge. In their opinion, the Use change will not increase the load upon the existing sanitary sewer system. They are agreeable to the other conditions recommended by the Development Officer.
- [28] The Presiding Officer clarified with the Appellant that the submitted plans show that one of the basement units consists of two bedrooms and requires 1.5 parking spaces. They stated that there is one bedroom and one living room on the north side of the dwelling. The Site Plan was marked in error showing two bedrooms. They could develop a third bedroom suite if the living room is removed.
- [29] They confirmed that there are no parking restrictions in the area. At most times, parking is available and people tend to park in this area with the close proximity of Whyte Avenue.
- [30] They confirmed that the double garage is available for tenants to use.
- ii) *Position of the Development Officer, Mr. Robinson*
- [31] The Development Authority provided written submissions and did not attend the hearing.

Decision

[32] The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:

1. The development shall be constructed in accordance with the stamped and approved drawings.
2. The area hard surfaced for a driveway shall comply with Section 54.6.
3. Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55.
4. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices as set out in Section 51.
5. Amenity Areas identified on the site plan shall comply with Section 46.
6. All access locations and curb crossings shall have the approval of the City Transportation prior to the start of construction as set out in Section 53(1).

TRANSPORTATION CONDITIONS:

1. Access from the site to the alley exists and is acceptable. A crossing permit is not required for access to the alley.
2. The sidewalk connection to 79 Avenue is acceptable to Transportation Planning and Engineering, and must be maintained.
3. Any garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.

ADVISEMENTS:

1. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies.

Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

2. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 - the start/finish date of project;
 - accommodation of pedestrians and vehicles during construction;
 - confirmation of lay down area within legal road right of way if required;
 - and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx

3. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f). The alley, sidewalks and boulevard will be inspected by Transportation Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

FIRE RESCUE SERVICES ADVISEMENTS:

1. Edmonton Fire Rescue Services Access Guidelines for Part 9 Buildings specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building) must be a minimum 1.5 metres of clear width (gates must be non-locking) and no greater than 45 metres.
2. Ensure that the protection of adjacent properties has been provided in accordance with EFRS Adjacent Property Protection Guidelines and AFC 5.6.1.2. This information has been included for your information and implementation during the construction of this project. For additional information please see:
https://www.edmonton.ca/programs_services/fire_rescue/adjacent-property-protection.aspx

Reference: AFC 5.6.1.2 Protection of Adjacent Building

3. Partial Occupancy Conditions as per AFC 5.6.1.12. For additional information please see: Occupancy of Buildings Under Construction STANDATA

Reference: 5.6.1.12 Fire Separations in Partly Occupied Buildings

4. Ensure that a Fire Safety Plan is prepared for this project, in accordance with the EFRS Construction Site Fire Safety Plan Template:
https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-constaspx

A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions at this time, please contact Technical Services at cmsfpts@edmonton.ca.

Reference: 5.6.1.3. Fire Safety Plan

WASTE MANAGEMENT ADVISEMENTS:

1. This is a residential property and therefore falls under the *City of Edmonton Bylaw 17555*, requiring the waste services is provided by the City of Edmonton.
2. This site with 3 units would receive hand collection as the method of pickup for garbage and recycle. Their needs to be a 1.0 metres clearance distance in front of the enclosure to allow for easy access during collection and prevention of damage. The minimum can per resident is two which would require a total of eight cans.

Please refer to the Waste Storage guidelines for all the information regarding hand collection.

DEVELOPMENT ADVISEMENTS:

1. Lot grades must comply with the *Edmonton Drainage Bylaw 16200*. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
2. Any future deck development greater than 0.6 metres (2 feet) in height will require development and building permit approvals.
3. Any future deck enclosure or cover requires a separate development and building permit approval.
4. Unless otherwise stated, all above references to "section numbers" refer to the authority under the *Edmonton Zoning Bylaw 12800*.

5. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the *Municipal Government Act*, the *Safety Codes Act* or any caveats, restrictive covenants or easements that might be attached to the Site.

[33] In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The minimum required Site Area of 800 square metres as per Section 210.4(3) is varied to allow a deficiency of 395.15 metres, thereby decreasing the minimum required to 404.85 square metres.
2. The minimum required Site Width of 20.0 metres as per Section 210.4(4) is varied to allow a deficiency of 9.96 metres, thereby decreasing the minimum required to 10.04 metres.
3. The minimum required number of parking spaces of 5 as per Section 54.2, Schedule 1(a)(1) is varied to allow a deficiency of 3, thereby decreasing the minimum required to 2 parking spaces.
4. The minimum required (west) Side Setback of 3.0 metres as per Section 823.4(1)(d) is varied to allow a deficiency of 1.97 metres, thereby decreasing the minimum required to 1.03 metres. The minimum required (east) Side Setback of 3.0 metres as per Section 823.4(1)(d) is varied to allow a deficiency of 1.78 metres, thereby decreasing the minimum required to 1.22 metres.
5. The Private Outdoor Amenity Area requirement of Section 823.4(3) is waived.

Reasons for Decision

[34] Apartment Housing is a Permitted Use in the RA7 Low Rise Apartment Zone.

[35] The General Purpose of the RA7 Low Rise Apartment Zone is to provide a Zone for Low Rise Apartments.

[36] The subject Dwelling was constructed sometime shortly after June 1959 when a Building Permit was issued for Duplex Housing.

[37] A Compliance Certificate was issued by the Development Officer in April 1992 showing that the Site was compliant with a Duplex Use.

[38] The proposed development does not change any exterior aspects to the building on the subject Site.

- [39] The proposed development will allow the bottom dwelling in the Duplex Housing to be divided into two separate Dwellings. The division of the bottom unit in the Duplex into two separate dwellings is what necessitates this application for a Development Permit for Apartment Housing. Given that Apartment Housing is a Permitted Use, the issue is limited to whether or not the variances will be granted.
- [40] The Board notes that the Development Officer provided a Community Consultation summary and finds that the requirements of Section 823.6(1) have been complied with.
- [41] The first two variances deal with the Site Area and the Site Width. These variances are granted for the following reasons:
- a. The proposed development has no external alterations to the structure and does not significantly affect the intensity of the current allowed Use.
 - b. The current allowed Use as a Duplex involves two, three bedroom units. The proposed development will most likely result in one, three bedroom unit and two, one bedroom units.
 - c. Granting the proposed development will potentially result in a less intense Use or an equivalent intensity Use as the number of bedrooms will not increase but may decrease by one.
 - d. As a result, the Board finds that the proposed Use will not significantly intensify the current Use of the land; therefore, it is not being over built for the size and Width of the Site.
 - e. The Board notes that although Apartment Housing is a Permitted Use in the RA7 Low Rise Apartment Zone, the sole general purpose is to provide a Zone for Low Rise Apartments.
 - f. As a result, this lot represents a hardship as it is too small to ever build the Permitted Use that is the sole purpose of the RA7 Low Rise Apartment Zone.
- [42] With regard to the variance in parking, an issue arose during the hearing whether or not the proposed development requires 4 or 5 parking spaces. This arose due to the room in the northern lower unit. The Site Plan was labelled as two bedrooms which was not correct as one of those rooms should have been labeled as a living room. The Board notes that there is no other living room shown on the plans for that northern lower unit. The Board accepts the evidence of the Appellant that the current use of the second bedroom is a living room. The Board acknowledges that the drawing of the second room appears to be configured as a bedroom with an entrance to the room that is a single door and contains a built in closet. Accordingly, the Board finds that the room is a two bedroom dwelling unit and that five parking stalls are required under the *Edmonton Zoning Bylaw*.

- [43] The Board granted a variance of three parking stalls to allow for the proposed development to proceed. The nature of the small units in the basement, as well as their proximity to Whyte Avenue and the University of Alberta, leave the Board to accept the evidence of the Appellant that the proposed development will not attract a high amount of parking needs. The current tenants and likely tenants often have, and will use bicycles or public transportation. The Board notes that the subject Site is not too distant from 109 Street and Whyte Avenue, which are both transit corridors.
- [44] With regard to the Side Setback variance, the Board notes that there should be 3.0 metre Side Setbacks for an Apartment House. The Board grants a variance in the Side Setbacks for the following reasons:
- a. The building from the outside does not have the appearance of a traditional Apartment Building but appears to be a Single Detached Residential development from the streetscape.
 - b. As the building is a one storey structure, the encroachment on the Side Yard will not have a sun shadowing effect on the adjacent property as there would be if it was a two storey building.
 - c. The Board notes that the building has existed since 1959 with no complaints to the Side Setback from adjacent property owners.
- [45] The Board waives the requirement for the Private Outdoor Amenity Area. Although the subject Site lacks the Private Outdoor Amenity for each unit, the subject Site contains a large communal Amenity Area in the front and back yards including two separate cement patios. As a result, the lack of Private Outdoor Amenity Area is compensated by the communal Amenity Areas which will not have a significant impact on the amenities of the neighbourhood.
- [46] The Board grants all of the above variances to allow the proposed development to proceed, which is in accordance with the General Purpose of the RA7 Low Rise Apartment Zone.
- [47] The proposed development is in accordance with the Policies set out in the *Municipal Development Plan*. The Policies includes:
- Section 4.4.1.1: Provide a broad and varied housing choice incorporating housing for various demographic and income groups in all neighbourhoods.
- Section 4.4.1.3: Develop a strategy to address the distribution of housing types within neighbourhoods.
- Section 4.5.1.2: Encourage new development and infill redevelopment to incorporate affordable housing that is visually indistinguishable form market housing.

- [48] The Board accepts the evidence submitted that the proposed development will provide more affordable housing choices for this area which is close to the University and Whyte Avenue. In accordance with the above listed Policies in the *Municipal Development Plan*, the proposed development supports the notion that affordable housing to be located in all different types of neighbourhoods.
- [49] For all of the above reasons, the Board finds that the granting the requested variances 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.
- [50] The Board imposed the conditions recommended by the Development Officer in their written report with the exception of the following condition:
- PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$1788. The SSTC charge is quoted at year 2017 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor cashiers, Sustainable Development, 10111 104 Avenue NW.
- [51] The Development Officer did not attend the hearing and in their written submission provided no authority, reasons, or other justification for imposing the Sanitary Sewer Trunk Charge condition. The Appellant objected to the payment of this Charge indicating that the subject Site is used as a three unit Apartment Housing with two, one bedroom units in the basement or two, three bedroom units. The change in Use for the proposed development will not increase the load upon the existing sanitary sewer system. In light of no response from the Development Officer, the Board declines to add the requested Sanitary Sewer Trunk Charge as a condition of the approved development.
- [52] Based on the above, the appeal is allowed and the development granted.



Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

Board Members in Attendance

Mr. V. Laberge; Mr. A. Nagy; Ms. G. Harris; Ms. K. Thind

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.