

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 8, 2017**

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

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

I	9:00 A.M.	SDAB-D-17-029	Construct an Accessory structure (rear detached Shed, 18.29m x 11.58m) 3127 - 28 Avenue SW Project No.: 223402350-003
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TO BE RAISED

II	10:30 A.M.	SDAB-D-17-007	Comply with an Order to revert the building back to a Single Detached House AND acquire a Development Permit for interior alterations to complete the work AND reduce the number of occupants living in the building down to a single Household. This Order must be complied with before January 17, 2017 9267 - 110A Avenue NW Project No.: 111305898-001
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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-17-029

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 223402350-003

APPLICATION TO: Construct an Accessory structure (rear detached Shed, 18.29m x 11.58m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 5, 2017

DATE OF APPEAL: January 15, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3127 - 28 Avenue SW

LEGAL DESCRIPTION: Plan 0824617 Blk 1 Lot 2B

ZONE: RR Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Decoteau Area Structure Plan

Grounds for Appeal

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

1. Height - The overall height of the accessory building is 4.4 m to the midpoint of the roof, instead of 4.3 m.
2. This project should be approved for the following reasons:
 - a) This is a very small difference, only 10cm, and only the SDAB has the authority to relax the maximum height of a building.
 - b) A development authority fails to issue a development permit within 40 days of receipt of the application. The City of Edmonton received my application on June 7, 2016. [unedited]

Board Officer's Comments

Section 684 of the *Municipal Government Act* states: "An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days after receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40-day period."

Section 11.3(1)(b) of the *Edmonton Zoning Bylaw* states: "In approving a Development Permit Application pursuant to Section 11.2, the Development Officer shall adhere to the following: ...except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio or Density regulations".

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Officer is dated January 5, 2017. The Notice of Appeal was filed on January 15, 2017.

Determining an Appeal

Hearing and decision

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

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

(i) the proposed development would not

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

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 240.1 states that the **General Purpose** of the **RR Rural Residential Zone** is:

... to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Section 6.1(2) states:

Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Accessory Buildings: Height

Section 50.3(2) states:

In a Residential Zone:

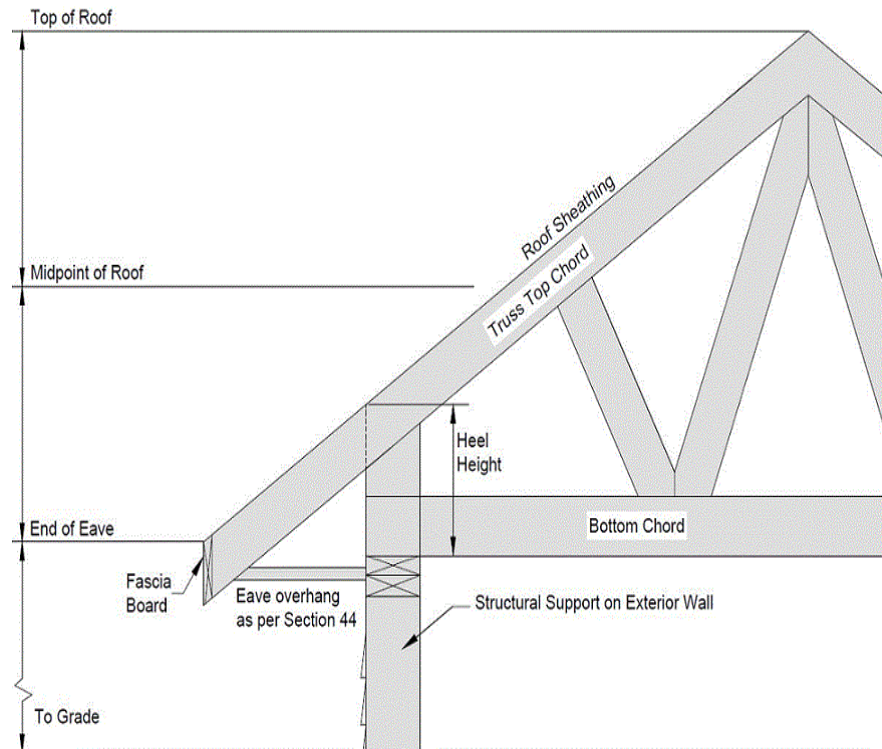
...

2. an Accessory building or structure shall not exceed 4.3 m in Height, except:

- a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
- b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with Section 87.
- c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with Section 997; and
- d. as provided in subsections 50.4, 50.5.

Section 52(1)(a) provides as follows:

1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or




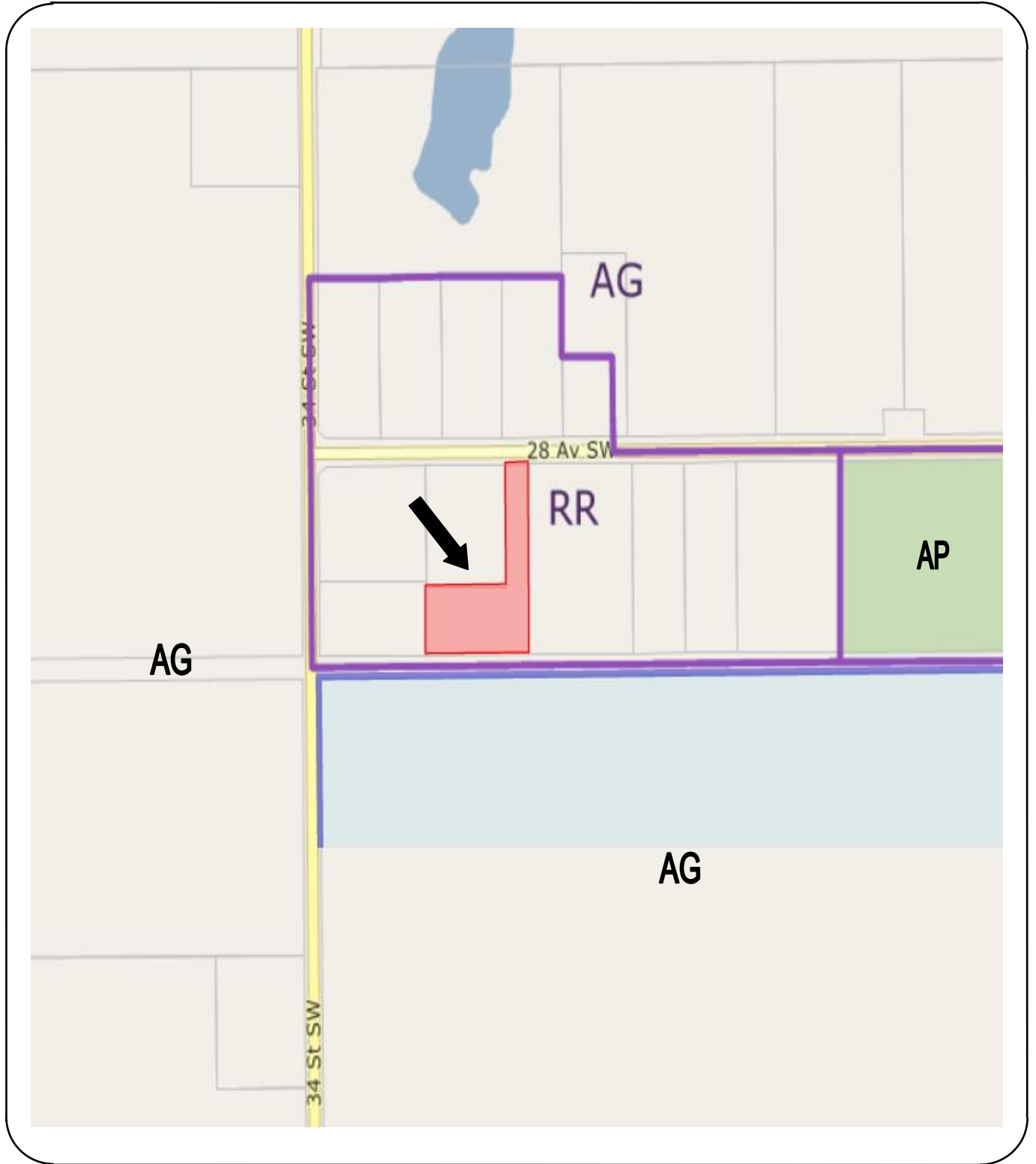
Development Officer’s Determination

1. Height - The overall Height of the Accessory Building is 4.54m to the midpoint of the roof, instead of 4.3m (Reference Section 50.3(2) & 52.1(a)) [unedited]

Notice to Applicant/Appellant

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

	<p style="text-align: right;">Project Number: 223402350-003 Application Date: JUN 07, 2016 Printed: January 26, 2017 at 2:35 PM Page: 1 of 1</p>																																																		
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>																																																			
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit</p>																																																			
<p>Applicant</p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p style="margin-left: 20px;">3127 - 28 AVENUE SW Plan 0824617 Blk 1 Lot 2B</p>																																																		
<p>Scope of Application</p> <p style="margin-left: 20px;">To construct an Accessory structure (rear detached Shed, 18.29m x 11.58m)</p>																																																			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> Building Area (sq. ft.): 2280 Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%; padding-left: 10px;"> Class of Permit: Class B Type of Accessory Building: Shed (040) </td> </tr> </table>		Building Area (sq. ft.): 2280 Stat. Plan Overlay/Annex Area: (none)	Class of Permit: Class B Type of Accessory Building: Shed (040)																																																
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<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>																																																			
<p>Development Application Decision</p> <p>Refused</p> <p>Reasons for Refusal</p> <p style="margin-left: 20px;">1. Height - The overall Height of the Accessory Building is 4.54m to the midpoint of the roof, instead of 4.3m (Reference Section 50.3(2) & 52.1(a))</p> <p>Rights of Appeal</p> <p style="margin-left: 20px;">The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p>																																																			
<p>Issue Date: Jan 05, 2017 Development Authority: McARTHUR, JORDAN Signature: _____</p>																																																			
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee</td> <td style="text-align: right;">\$102.00</td> <td style="text-align: right;">\$102.00</td> <td style="text-align: right;">03341984</td> <td style="text-align: right;">Jun 07, 2016</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">03341984</td> <td style="text-align: right;">Jun 07, 2016</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: right;">03341984</td> <td style="text-align: right;">Jun 07, 2016</td> </tr> <tr> <td>Existing Without Building Permit Penalty Fee</td> <td style="text-align: right;">\$102.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Existing Without Development Permit Penalty Fee</td> <td style="text-align: right;">\$108.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DP Notification Fee</td> <td style="text-align: right;">\$41.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$465.50</td> <td style="text-align: right; border-top: 1px solid black;">\$214.50</td> <td></td> <td></td> </tr> <tr> <td colspan="5" style="padding-left: 20px;">(\$251.00 outstanding)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee	\$102.00	\$102.00	03341984	Jun 07, 2016	Safety Codes Fee	\$4.50	\$4.50	03341984	Jun 07, 2016	Dev. Application Fee	\$108.00	\$108.00	03341984	Jun 07, 2016	Existing Without Building Permit Penalty Fee	\$102.00				Existing Without Development Permit Penalty Fee	\$108.00				DP Notification Fee	\$41.00				Total GST Amount:	\$0.00				Totals for Permit:	\$465.50	\$214.50			(\$251.00 outstanding)				
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-029



TO BE RAISED
ITEM II: 10:00 A.M.

FILE: SDAB-D-17-007

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 111305898-001

APPLICATION TO: Comply with an Order to revert the building back to a Single Detached House AND acquire a Development Permit for interior alterations to complete the work AND reduce the number of occupants living in the building down to a single Household. This Order must be complied with before January 17, 2017

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: November 28, 2016

DATE OF APPEAL: December 14, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9267 - 110A AVENUE NW

LEGAL DESCRIPTION: Plan 3816P Lot 11

ZONE: DC1 Direct Development Control Provision (Area 6 - McCauley)

OVERLAY: N/A

STATUTORY PLAN: Boyle Street / McCauley Area Redevelopment Plan

Grounds for Appeal

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

We are solicitors for Darcy Severin and 1223382 Alberta Ltd. for the matter above and this appeal is sent to the Subdivision and Development Appeal Board (the "Board") with their express direction and on their behalf.

Our client received an order (the "Order") pursuant to section 645 of the Municipal Government Act, RSA 2000, c M-26, (the "Act") ordering our clients to take certain actions at 9267— 110A Avenue NW, and legally described as Lot 11, Block, Plan 3816P (the "Premises"). Our client, 1223382 Alberta Ltd., is the registered owner of the Premises.

The Order was dated November 28, 2016, and was sent by regular mail, so it did not come to our clients' attention until December 1, 2016. Pursuant to section 686 of the Act, our clients bring this appeal within 14 days after the date he was first notified of the Order.

The Order demands that our client reverts the Premises back to a Single Detached House, to acquire a Development Permit for interior alterations, and to reduce the occupants to that of a single Household. The Premises have undergone significant alterations and renovations to allow six dwellings (the "Tenants") to be located within the Premises.

In bringing this appeal, we request that the Board make an order, decision, and/or issue a development permit to effectively allow our clients to continue operating the Premises with multi-family dwellings under one roof.

We are seeking these actions in our appeal to the Board on the basis that the proposed development would not interfere with the amenities of the neighbourhood. For example, the Premises has six designated stalls at the rear of the Premises to minimize the need for the Tenants to use street parking. Further, the proposed development would not interfere with the enjoyment or value of neighboring parcels. This is because the immediate vicinity currently has multi-family apartments on both sides of the Premises (e.g. 9263 110A Avenue NW and 9271 110 A Avenue NW). There is also a low rise apartment building across the street from the Premises (RA7).

In the alternative, we would request that the Board grant an order or decision to extend the Order to give our clients additional time to apply for a development permit and/or rezoning of the Premises. This would enable our clients to continue renting to the Tenants in six dwellings, so that they are not forcibly evicted from their residence during the middle of winter.

The Board has jurisdiction to hear this matter pursuant to section 687 of the Act. This appeal is brought on the basis that an order pursuant to section 645 of the Act was issued against our clients, because he did not have a development permit. Section 687 of the Act gives the Board the discretion to make an "order or decisions or issue... a development permit even though the proposed development does not comply with the land use bylaw".

In summary, we therefore request that you grant an order, decision, and/or issue a development permit to allow our clients to continue operating the Premises with multiple family dwellings. Granting this on appeal will not interfere with the neighborhood amenities nor should it affect neighboring parcels that already contain multi-family dwellings.

In the alternative, we request that you provide our clients with an extension to have a reasonable opportunity to apply for the necessary permits and/or zoning to operate the Premises as a multi-family dwelling.
[unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1),
after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Stop Order is dated November 28, 2016. The Notice of Appeal was filed on December 14, 2016. In his Grounds for Appeal, the Appellant states that he received notice of the Stop Order on December 1, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

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

(i) the proposed development would not

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

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

and

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

Stop order

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

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

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

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

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

within the time set out in the notice.

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

General Provisions from the *Edmonton Zoning Bylaw*:

The subject property falls under the **Boyle Street McCauley Area Redevelopment Plan – DC1 Direct Development Control Provision (Area 6) – McCauley**. Section 2 of this direct control district states:

Rationale

To provide a district which will accommodate affordable housing options designated to promote the family-oriented character of the neighbourhood in order to achieve the intent of Section 7.2.7 of this plan. This District is intended to provide the bulk of low density housing opportunities in the Boyle Street/McCauley ARP area. In order to achieve these objectives, this range of housing options may include innovative forms of housing such as Semi-detached Housing and Duplex Housing on single lots. Semi-detached Housing where the dwellings are back-to back and the two dwellings are joined in whole or in part at the rear only, and in which one dwelling faces the front of the lot and the other dwelling faces the rear of the lot. This may also include Secondary Suites as well as Garage Suites and Garden Suites under certain conditions.

Under section 3(m) of this direct control district, **Single Detached Housing** is a **Listed Use**. Apartment Housing is not listed.

Section 7.2(9) of the *Edmonton Zoning Bylaw* states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 7.2(1) states:

Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under Section 6.1(27) states:

Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Under Section 6.1(51) of the *Edmonton Zoning Bylaw*, **Household** means:

- i. one or more persons related by blood, adoption, foster care, marriage relationship; or
- ii. a maximum of three unrelated persons;
all living together as a single social and economic housekeeping group and using cooking facilities shared in common.

For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

<i>Approval Required for Development</i>

Section 5 of the *Edmonton Zoning Bylaw* states:

5.1 No Person:

1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
 2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.
-

Notice to Applicant/Appellant

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



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

REGULAR MAIL

November 28, 2016

Our File: 111305898-001



Dear Sir/Madam:

A check with the Land Titles Office discloses that you are the registered owner of the property located at 9267 - 110A AVENUE NW, legally described as Plan 3816P Lot 11. This property is zoned DC1 Area 6 (McCauley Direct Development Control District) in accordance with Section 710 of the Edmonton Zoning Bylaw.

On November 9, 2016 Development Compliance Officer Brendan Bolstad from the City of Edmonton having Authority to exercise development powers under Section 542 of the Municipal Government Act R.S.A. 2000, conducted an interior land-use inspection of the building noted above.

LAND USE INFRACTION:

Our investigation revealed that an Apartment House with 6 dwellings has been developed. The City of Edmonton has not issued a development permit for an Apartment House at this property, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1 and Section 23.2(2) of the Edmonton Zoning Bylaw 12800.

According to section 7.2(1) of the Edmonton Zoning Bylaw 12800: Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class. Apartment Housing is not a listed use in this DC1 Zone, which means that a development permit may not be issued for this use at the property.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:

1. Revert the building back to a Single Detached House.

AND

2. Acquire a Development Permit for interior alterations to complete the work.

AND

3. Reduce the number of occupants living in the building down to a single Household.

This Order must be complied with before January 17, 2017.

CONSEQUENCES FOR NON-COMPLIANCE:

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

The property will be inspected on January 18, 2017 to determine compliance with this Order.

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

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

1) ACQUIRED A DEVELOPMENT PERMIT FOR INTERIOR ALTERATIONS

AND,

2) REVERTED THE BUILDING BACK TO SINGLE DETACHED HOUSING

AND,

3) REDUCED THE NUMBER OF OCCUPANTS IN THE BUILDING TO A SINGLE HOUSEHOLD;

By January 17, 2017, The City of Edmonton may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

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

If you have any questions in regards to this matter, please contact the writer at 780-442-7190.

Regards,

Brendan Bolstad
Development and Zoning
Development Services
Phone Number: 780-442-7190
Email Address: 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 c.11 s.35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

Stop order

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

**Enforcement of
stop order**

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

- (3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

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

Grounds for appeal

- 685(1)** If a development authority
 - (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,

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

- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

Appeals

- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,
 - (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,
 - or
 - (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-007

