

Edmonton Subdivision and Development Appeal Board

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Date: July 22, 2015
Project Number: 169949883-001
File Number: SDAB-D-15-122

Notice of Decision

This appeal dated May 25, 2015, from the decision of the Development Authority for permission to:

Construct a Semi-Detached House with front verandas, fireplaces, Basement developments (NOT to be used as additional Dwellings) and to demolish an existing Single Detached House and Accessory Building (detached Garage)

On Plan 426HW Blk 29 Lot N, located at 9614 - 72 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on June 17, 2015. The decision of the Board was as follows:

Summary of Hearing:

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.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to approve an application to construct a Semi-Detached House with front verandas, fireplaces, Basement developments (NOT to be used as additional Dwellings) and to demolish an existing Single Detached House and Accessory Building (detached Garage), with variances granted in the minimum required Site Width and minimum required Side Setbacks, subject to conditions, and subsequently appealed by an adjacent property owner.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

1. A written submission from the Development Authority.
2. An email from the Respondent/Applicant to the Sustainable Development Department requesting the cancellation of the approved development permit dated June 25, 2015.
3. An email from the Development Authority dated July 6, 2015, acknowledging the request to cancel the development permit and advising the Board that the Sustainable Development Department would not be attending the hearing.

4. An email from the Appellant dated July 6, 2015, acknowledging receipt of the emails from the Respondent and the Sustainable Development Department advising that she would not be attending the hearing scheduled on July 7, 2015.

The Board reviewed the written evidence provided and made the following decision.

Decision:

that the decision of the Development Authority be REVOKED based on the written request of the Respondent.

Reasons for Decision:

The Board finds the following:

1. Section 17.1(3) of the *Edmonton Zoning Bylaw* states that the Development Officer shall suspend a Development Permit upon receipt of a filed notice of appeal to the City of Edmonton from the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*, and Section 21.1 of this Bylaw.
2. Section 17.2(2) of the *Edmonton Zoning Bylaw* states that notwithstanding subsection 17.2(1), the Development Officer shall not cancel a Development Permit that has been appealed to the Subdivision and Development Appeal Board, the Alberta Court of Queen's Bench or the Alberta Court of Appeal.
3. Section 687(3) of the *Municipal Government Act* states that in determining an appeal, the Subdivision and Development Appeal Board 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.
4. Accordingly, the approved development permit has been revoked.

Important Information for 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*, R.S.A. 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 5th Floor, 10250 – 101 Street, Edmonton.

Mr. V. Laberge, Presiding Officer
Subdivision and Development Appeal Board