



**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: July 5, 2017
Project Number: 241001611-001
File Number: SDAB-D-17-107

Notice of Decision

- [1] On June 21, 2017, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **May 24, 2017**. The appeal concerned the decision of the Development Authority, issued on May 2, 2017, to refuse the following development:

**Operate a Major Home Based Business. (Administration office for
General Contractor - SLM Exterior Renovation Inc.).**

- [2] The subject property is on Plan 0024588 Blk 52 Lot 37, located at 3613 - 22 Street NW, within the (RPL) Planned Lot Residential Zone. The Meadows Area Structure Plan and the Wild Rose Neighbourhood Structure Plan apply to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- A copy of the Development Permit application with attachments, and the refused Development Permit;
 - The Development Officer’s written submission and a photograph of the business associated trailer parked on the street; and
 - Photographs and signatures of support submitted by the Appellant.
- [4] The following exhibits were presented during the hearing and form part of the record:
- Exhibit A – An unsigned Canada Post Confirmation receipt submitted by the Development Officer
 - Exhibit B – A signed Canada Post Confirmation receipt submitted by the Development Officer

Preliminary Matters

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

[7] The Presiding Officer raised a jurisdictional issue regarding when the appeal was filed and explained to the Appellant that the Board is constrained by the 14-day limitation period prescribed by section 686(1) of the *Municipal Government Act*, RSA 2000, c M-26, which states:

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 [...]

[8] The Presiding Officer indicated that the Board must therefore determine whether the Appellant filed his appeal within the 14-day limitation period. If the appeal was filed late, the Board has no authority to hear the development appeal.

Summary of Hearing on the Preliminary Matter:

i) Position of the Appellant, Mr. S. Laflamme:

[9] Mr. Laflamme provided the following responses to questions from the Board:

- a. The notice was delivered by Canada Post to his community mailbox on May 4, 2017. After receiving notice of the delivery by registered mail, he went to the postal outlet about two days later to pick up the decision. However, Mr. Laflamme could not provide the actual date of pick up.
- b. He subsequently filed his appeal on May 24, 2017, which he admitted may have been one day late.

ii) Position of the Development Officer, Mr. K. Yeung, representing Ms. J. Kim

[10] Mr. Yeung provided the Board with a copy of a Canada Post confirmation, marked *Exhibit A*, which indicated that the registered mail was delivered to the Appellant on May 4, 2017.

[11] The Board noted that the Canada Post confirmation did not contain Mr. Laflamme's signature.

[12] At this point the Presiding Officer adjourned the hearing in order to allow the Development Officer some time to provide the Board with additional information regarding the date on which the registered mail was sent from Sustainable Development and received by the Appellant.

[13] When the hearing reconvened, Mr. Yeung submitted a copy of the signed registered mail delivery confirmation, marked *Exhibit B*.

iii) Rebuttal of the Appellant, Mr. Laflamme

[14] Mr. Laflamme confirmed that the registered mail delivery confirmation contained his signature.

Decision:

[15] The Board does not assume jurisdiction.

Reasons for Decision

[16] Section 686(1)(a)(i) of the *Municipal Government Act* states:

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 [...]

[17] Based on the evidence, marked *Exhibit A* and *Exhibit B*, the Board determined that the Development Officer refused the development permit application on May 2, 2017. The decision of refusal was delivered to the Appellant via registered mail on May 4, 2017. The registered mail delivery confirmation, marked *Exhibit B*, contained the signature of the Appellant and confirmed that the notice of refusal was delivered to the Appellant on May 4, 2017.

[18] Based on the evidence provided, the Board finds that the 14-day appeal period ended on May 18, 2017 and the appeal was not filed until May 24, 2017, outside the 14-day appeal period. Therefore, pursuant to section 686(1)(a) of the *Municipal Government Act* the appeal was not filed on time and the Board does not have jurisdiction to hear the appeal.



Mr. W. Tuttle, Presiding Officer
Subdivision and Development Appeal Board

Board members in attendance: Mr. V. Laberge, Mr. J. Kindrake, Mr. R. Handa, Mr. R. Hachigian

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.
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.



**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: July 5, 2017
Project Number: 242835983-001
File Number: SDAB-D-17-108

Notice of Decision

- [1] On June 21, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on **May 29, 2017**. The appeal concerned the decision of the Development Authority, issued on May 10, 2017, to approve the following development:

Demolish an existing Minor Digital Off-premises Sign and install (1) Freestanding Minor Digital Off-premises Sign (14.63 metres by 4.25 metres – south side Static and north side Digital).

- [2] The subject property is on Plan 1621104 Blk 14 Lot 2B, located at 2750 - 91 Street NW, within the DC2.247 Site Specific Development Control Provision.
- [3] The following documents were received prior to the hearing and form part of the record:
- A copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
 - The Appellant's written submission; and
 - An e-mail from the Respondent requesting that the Board revoke their development permit.

Preliminary Matters

- [4] The Presiding Officer referenced an e-mail received from the Respondent, Outfront Media Canada L.P. on June 16, 2017, advising the Board that they would not be attending the hearing and would like to withdraw their application for the proposed Sign.

Decision

- [5] The development permit is **REVOKED**.

Reasons for Decision

[6] Section 687(3) of the *Municipal Government Act* states:

In determining an appeal, the subdivision and development appeal board

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

[7] Based on the request submitted by the Respondent on June 16, 2017 to withdraw their development permit application for the proposed Sign, the development permit is revoked.



Mr. W. Tuttle, Presiding Officer
Subdivision and Development Appeal Board

Board members in attendance: Mr. V. Laberge, Mr. J. Kindrake, Mr. R. Handa, Mr. R. Hachigian

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.
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.