

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 19, 2020**

**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-20-037

Construct a Single Detached House with front attached Garage, balconies, Basement development (NOT to be used as an additional Dwelling), covered deck (13.41m x 3.66m) with Privacy Screen, fireplace, Unenclosed Front Porch with Privacy Screen and to demolish Single Detached House and attached Garage
13911 – Valleyview Drive NW
Project No.: 351549587-001

II 10:30 A.M. SDAB-D-20-038

To comply with an Order to immediately de-energize the Sign and keep it turned off 24 hours a day. The Sign must remain de-energized until one of the following options is completed (A or B):

A) Acquire a Development Permit to display the Minor Digital Off-premises Freestanding Sign.

OR

B) Dismantle and remove the Sign from the property. All parts of the Sign, including the support structure must be removed.

One of the options A or B must be completed before March 17, 2020

3530 - 91 Street NW
Project No.: 304478275-002

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-20-037

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 351549587-001

APPLICATION TO: Construct a Single Detached House with front attached Garage, balconies, Basement development (NOT to be used as an additional Dwelling), covered deck (13.41m x 3.66m) with Privacy Screen, fireplace, Unenclosed Front Porch with Privacy Screen and to demolish Single Detached House and attached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 21, 2020

DATE OF APPEAL: February 21, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13911 – Valleyview Drive NW

LEGAL DESCRIPTION: Plan 2630KS Blk 2 Lot 8

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

My name is Andre Bourgeois. I am the applicant for this minor development permit. As discussed on phone, I want to appeal the decision. Please see attached documents and reasons below for appeal:

Rationale:

Neighbour consultation:

refer to attached "community consultation.png" and "intro letter Jan 8 2020.pdf" The neighbours were notified, engaged, and immediate affected neighbours are in full support of the application.

Reduced Rear setback:

refer to attached "Rear Setback and Projection.png" There is no proposed detached garage. The attached garage causes the house to encroach into the rear yard but the absence of a detached garage creates an open rear yard.

Driveway:

refer to attached "existing driveways off Valleyview Drive.png" There are many driveways along Valleyview Drive. I feel the proposed driveway will compliment the immediate neighbour's driveway.

Height:

refer to attached "Goodwin Conforming Elev.pdf"

This image shows a conforming house with slope roof. A conforming house has more mass. The height projection in the proposed house is only a small portion of the overall building area.

Projection eave to back property line:

refer to attached "Rear Setback and Projection.png"

The existing house eave projects more than the proposed. Existing eave is 8.3m from back property line.

Projection eave to front property line:

refer to attached "Front eave projection.png"

Proposed eaves are 0.9m. Only a portion of the front eave projects 0.3m more than allowed. The remainder of front eave is further away from front property line. I feel it is reasonable to calculate an average eave along the front.

Projection - rear unenclosed deck to back property line:

refer to attached "Development Decision precedent.pdf"

I attached a recent approved Development permit as precedent - with an attached garage, reduced rear setback and eave projections. This precedent approved similar projections. I feel it is reasonable to assume the Development officer would approve this also.

Additional comments:

refer to attached refer to "Shadow Study.pdf"

The proposed house casts shadow on immediate neighbours, but based on the shadow study, the height projection portion has little impact.

Please advise if you received the attached and the notes above. Thanks!

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering

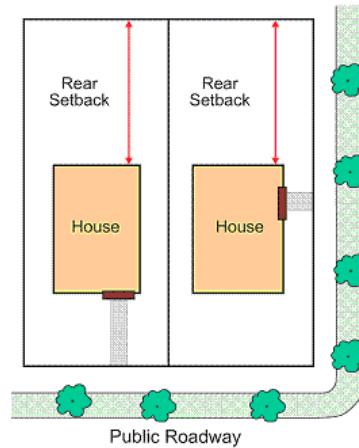
input from affected parties on the impact of a proposed variance to the Overlay regulations.

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

Reduced Rear Setback - The distance from the Single Detached House to the rear property line is 10.4 m (28% of site depth) instead of 14.6m (40% of site depth) (Section 814.3.4). [unedited]

Rear Attached Garage

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officer’s Determination

Driveway - The driveway is located off of Valleyview Drive NW (front) instead of just from the alley (Section 814.3.17). [unedited]

Height

Section 814.3(5) states “The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.”

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

Height - The Single Detached House has a height of 10.4m above average grade instead of 8.9m (814.3.5). [unedited]

Projection into Setbacks

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Eaves

Section 44.1(a) states the following features may project into a required Setback or Separation Space as provided for below:

verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. [...]

Development Officer’s Determination

Projection - The distance from the eave to the back property line (rear lot line) is 9.5m, instead of 14.0m (Section 44.1) [unedited]

Projection - The distance from the eave to the front property line (front lot line) is 6.4m, instead of 6.7m (Section 44.1) [unedited]

Platform Structures

Section 44.3 states the following features may project into a required Setback or Separation Space as provided for below:

- a) ...
- b) Platform Structures provided such projections do not exceed 2.0 m into any other Setbacks or Separation Spaces with a depth of at least 4.0 m;

- c) Platform Structures provided such projections do not exceed 0.6 m into any other Setbacks or Separation Spaces with a depth of less than 4.0 m; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 m or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard;
- e) ...

Under section 6.1, **Platform Structure** means:

an elevated structure intended for use as outdoor Amenity Area that may project and/or be recessed from the wall of a building, may be surrounded by guardrails, parapet walls or similar features. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer's Determination

Projection - The distance from the rear unenclosed deck to the back property line (rear lot line) is 6.7m, instead of 12.6m (Section 44.3)
[unedited]

<i>Community Consultation</i>

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to


approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(5) – Height 814.3(17) – Driveway Access
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback

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.

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>			Project Number: 351549587-001 Application Date: JAN 07, 2020 Printed: February 21, 2020 at 11:18 AM Page: 1 of 2									
This document is a Development Permit Decision for the development application described below.													
Applicant	Property Address(es) and Legal Description(s) 13911 - VALLEYVIEW DRIVE NW Plan 2630KS Blk 2 Lot 8												
	Specific Address(es) Entryway: 13911 - VALLEYVIEW DRIVE NW Building: 13911 - VALLEYVIEW DRIVE NW												
Scope of Application To construct a Single Detached House with front attached Garage, balconies, Basement development (NOT to be used as an additional Dwelling), covered deck (13.41m x 3.66m) with Privacy Screen, fireplace, Unenclosed Front Porch with Privacy Screen and to demolish Single Detached House and attached Garage.													
Permit Details <table border="0" style="width: 100%; font-size: small;"> <tr> <td style="width: 50%;"># of Dwelling Units Add/Remove: 0</td> <td style="width: 50%;"># of Primary Dwelling Units To Construct: 1</td> </tr> <tr> <td># of Secondary Suite Dwelling Units To Construct:</td> <td>Class of Permit: Class B</td> </tr> <tr> <td>Client File Reference Number:</td> <td>Lot Grading Needed?:</td> </tr> <tr> <td>Minor Dev. Application Fee: Single Detached House</td> <td>New Sewer Service Required: N</td> </tr> <tr> <td>Secondary Suite Included?: N</td> <td>Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</td> </tr> </table>				# of Dwelling Units Add/Remove: 0	# of Primary Dwelling Units To Construct: 1	# of Secondary Suite Dwelling Units To Construct:	Class of Permit: Class B	Client File Reference Number:	Lot Grading Needed?:	Minor Dev. Application Fee: Single Detached House	New Sewer Service Required: N	Secondary Suite Included?: N	Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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Secondary Suite Included?: N	Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay												
Development Application Decision Refused Issue Date: Feb 21, 2020 Development Authority: BERNUY, MICHELLE Reason for Refusal Reduced Rear Setback - The distance from the Single Detached House to the rear property line is 10.4 m (28% of site depth) instead of 14.6m (40% of site depth) (Section 814.3.4). Driveway - The driveway is located off of Valleyview Drive NW (front) instead of just from the alley (Section 814.3.17). Height - The Single Detached House has a height of 10.4m above average grade instead of 8.9m (814.3.5). Projection - The distance from the eave to the back property line (rear lot line) is 9.5m, instead of 14.0m (Section 44.1) Projection - The distance from the eave to the front property line (front lot line) is 6.4m, instead of 6.7m (Section 44.1) Projection - The distance from the rear unenclosed deck to the back property line (rear lot line) is 6.7m, instead of 12.6m (Section 44.3) Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.													
Fees <table border="0" style="width: 100%; font-size: small;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%;">Fee Amount</th> <th style="width: 10%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Permit Inspection Fee</td> <td>\$211.00</td> <td>\$211.00</td> <td>914425094642001</td> <td>Jan 07, 2020</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Permit Inspection Fee	\$211.00	\$211.00	914425094642001	Jan 07, 2020
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THIS IS NOT A PERMIT													



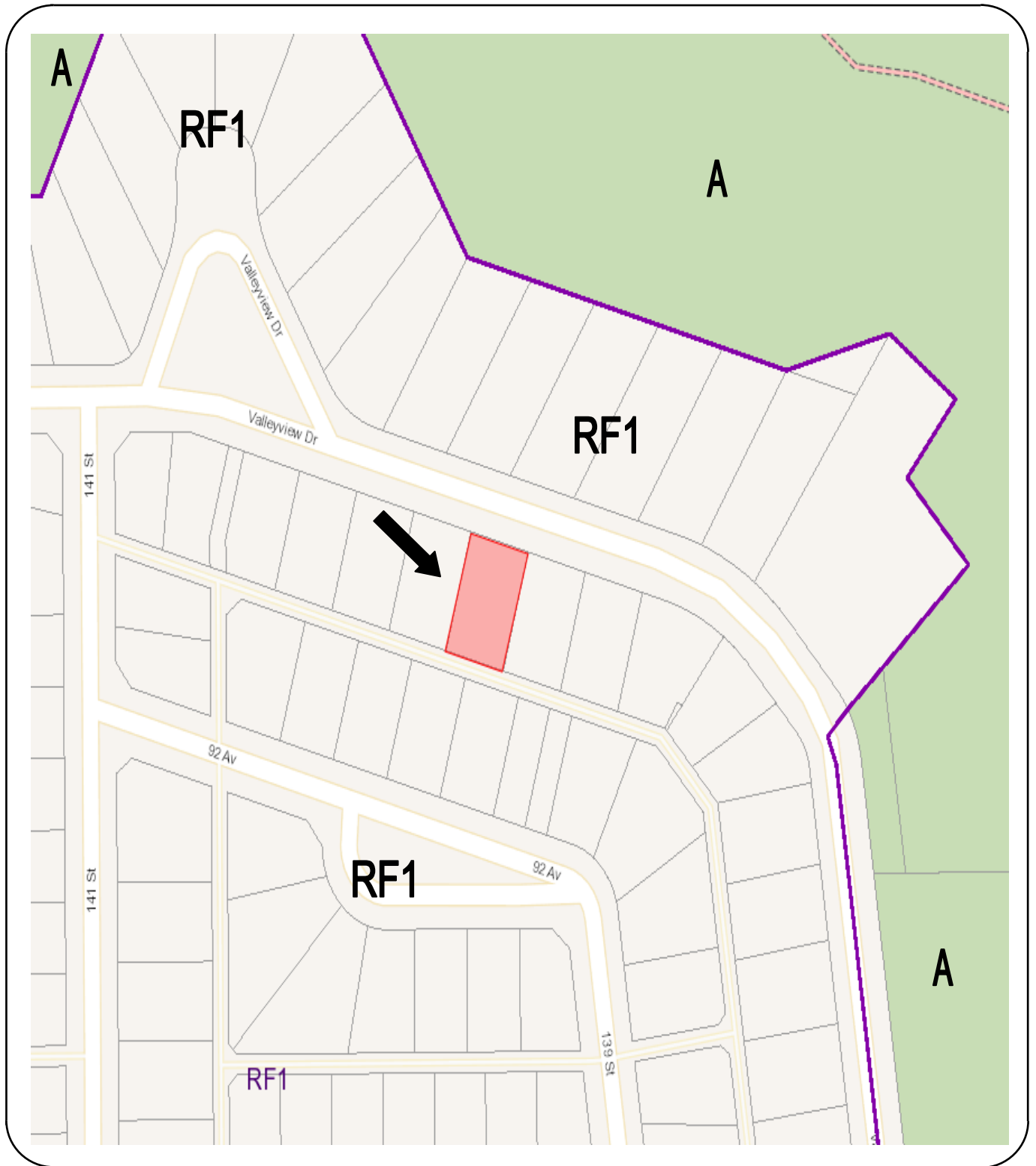
Project Number: **351549587-001**
Application Date: JAN 07, 2020
Printed: February 21, 2020 at 11:18 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$502.00	\$502.00	914425094642001	Jan 07, 2020
Lot Grading Fee	\$148.00	\$148.00	914425094642001	Jan 07, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$861.00</u>	<u>\$861.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-037



ITEM II: 10:30 A.M.

FILE: SDAB-D-20-038

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 304478275-002

ORDER TO: Immediately de-energize the Sign and keep it turned off 24 hours a day. The Sign must remain de-energized until one of the following options is completed (A or B):

A) Acquire a Development Permit to display the Minor Digital Off-premises Freestanding Sign.

OR

B) Dismantle and remove the Sign from the property. All parts of the Sign, including the support structure must be removed.

One of the options A or B must be completed before March 17, 2020.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: January 15, 2020

DATE OF APPEAL: January 29, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3530 - 91 Street NW

LEGAL DESCRIPTION: Plan 7921939 Blk 12 Lot 1

ZONE: (US) Urban Services Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are the solicitors for Icewerx Consulting Inc. Our client appeals the Municipal Government Act Order issued by the City of Edmonton for these reasons:

1. The Municipal Government Act Order is improperly issued.
2. There is a valid development permit to operate the off premises digital sign currently located on the above noted property.
3. Such further and other reasons that may be raised during the hearing.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on February 13, 2020:

"That the appeal hearing be scheduled for March 19, 2020 at the written request of Legal Counsel for the Appellant and with the consent of the City of Edmonton."

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

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.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(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.

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.

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or

- (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
- or
- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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*:

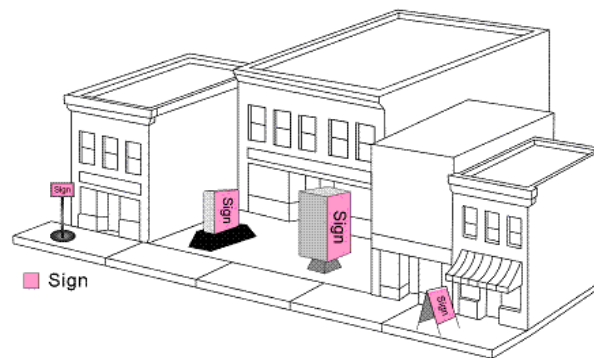
Under section 510.3(25), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(US) Urban Services Zone**.

Under section 7.9(6), **Minor Digital Off-premises Sign** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Freestanding Sign** means:

a Sign supported independently of a building.



Section 510.1 states that the **General Purpose** of the **(US) Urban Services Zone** is “to provide for publicly and privately owned facilities of an institutional or community service nature.”

Enforcement and Penalties

Section 23.1(18) states “Notwithstanding subsection 23.1(2), it is an offence to display a Freestanding Sign without a valid and approved Development Permit when a Development Permit is required.”

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-S-14-170	To change the Use of an existing Private Education Services building to Accessory storage space to an existing Community Recreation Services / Religious Assembly / Childcare Services Use building.	August 14, 2014; that the appeal be ALLOWED and the DEVELOPMENT GRANTED.

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.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

2nd Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada



edmonton.ca/developmentcompliance

January 15, 2020

Our File: 304478275-002

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

The property at 3530 - 91 Street NW, legally described as Plan 7921939 Blk 12 Lot 1 in Edmonton, Alberta was inspected by Development Compliance Officer Brendan Bolstad on December 24, 2019. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

This property is zoned US (Urban Services Zone) in accordance with Section 510 of Edmonton Zoning Bylaw 12800.

ZONING BYLAW INFRACTION:

Our investigation revealed that a Minor Digital Off-premises Freestanding Sign is displayed without a Development Permit. A photograph of the Sign has been included for your reference.

Section 23.1(18) of the Edmonton Zoning Bylaw 12800 states:

Notwithstanding subsection 23.1(2), it is an offence to display a Freestanding Sign without a valid and approved Development Permit when a Development Permit is required.

Minor Digital Off-premises Signs means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation. This type of Sign is a Discretionary Use in the Urban Services Zone.

(continued on next page)

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

Immediately de-energize the Sign and keep it turned off 24 hours a day. The Sign must remain de-energized until one of the following options is completed (A or B):

A) Acquire a Development Permit to display the Minor Digital Off-premises Freestanding Sign.

OR

B) Dismantle and remove the Sign from the property. All parts of the Sign, including the support structure must be removed.

One of the options A or B must be completed before March 17, 2020.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(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.

Affected persons may appeal this Order by filing within 21 days to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

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 c11 s35;
- (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;
- (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.

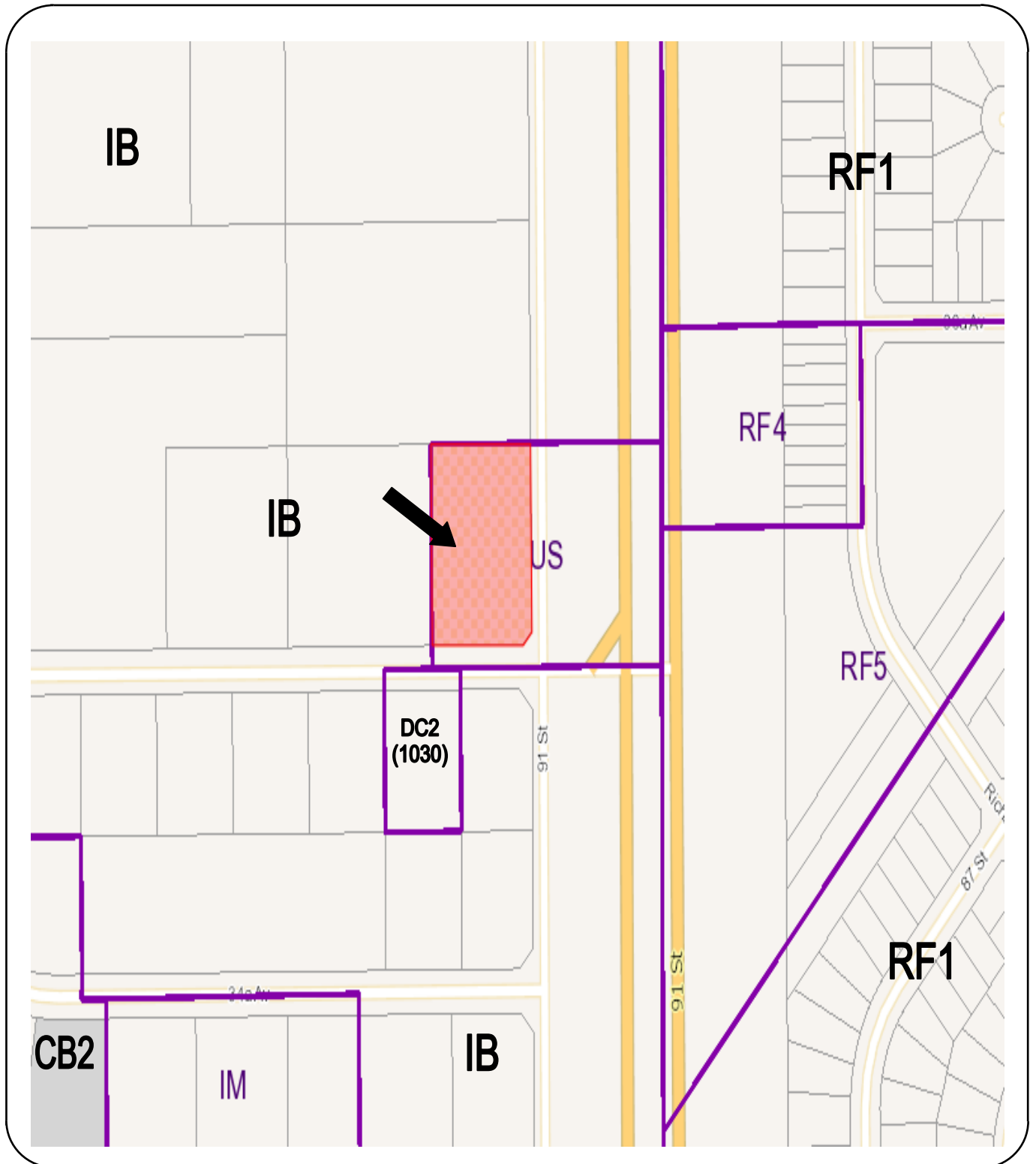
(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(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	<p>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.</p> <p>(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.</p> <p>(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
Permit	<p>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.</p>
Grounds for appeal	<p>685(1) If a development authority</p> <ul style="list-style-type: none"> (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, <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p>(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.</p> <p>(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 or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p>(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> (a) is made by a council, there is no appeal to the subdivision and development appeal board, or (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
Appeals	<p>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</p> <ul style="list-style-type: none"> (a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> (i) with respect to an application for a development permit, <ul style="list-style-type: none"> (A) within 21 days after the date on which the written decision is given under section 642, or (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, <p>or</p> <ul style="list-style-type: none"> (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (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-20-038

