

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Tuesday, 9:00 A.M.
March 2, 2021

River Valley Room
City Hall, 1 Sir Winston Churchill Square

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM: RIVER VALLEY ROOM**

I 9:00 A.M. SDAB-D-21-032

To construct an addition to a Single Detached House (Main floor addition), existing without permits

12040 - 96 Street NW
Project No.: 356785153-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-032

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 356785153-002

APPLICATION TO: Construct an addition to a Single Detached House (Main floor addition), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Deemed Refusal

DECISION DATE: January 4, 2021

DATE OF APPEAL: January 22, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12040 - 96 Street NW

LEGAL DESCRIPTION: Plan 569R Blk 6 Lot 30

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Alberta Avenue / Eastwood Area Redevelopment Plan

Grounds for Appeal

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

1. Received bylaw Ticket No. 47859092 Dated May 15, 2019 in the name of Satnam Singh asking to respond by June 30, 2019.
2. Responded to the Bylaw Ticket within specified time on May 30, 2019

3. Submitted required maps/drawings of the pre-existing deck now covered with required Fees on June 11, 2019 Project No 315712416-001.
4. Maps approved by **David Nguyen** email dated September 18, 2019. Objection: Asking double fee for the covered Deck. We requested drop the ticket or waive off double fee.
5. Just before the Court date City cancelled Permit Application dated Sept 30, 2019 and sent another ticket No. 47859114 dated October 04, 2019 of \$ 1000/- in the name of Monika Singh. This was the beginning of Intentional Harassment.
6. Ticket No. 47859092 in the name of Satnam Singh was fought in the Court dated October 31, 2019. The Honb. Judge was told that City has issued another ticket in the name of Monika Singh (wife of Satnam Singh) and cancelled our Permit application as well. Honb. Judge showed his inability to cancel the bylaw ticket but indicated he might do something about the second ticket.
7. Satnam Singh requests the court to allow him to pay the fine through Community service. Court allows until Sep. 01, 2020. (Due to Covid 19 Community service not available, Satnam Singh takes an extension until Feb 3, 2021).
8. Second Permit application No. 345821611-001 submitted dated Nov 04, 2019.
9. City officials involved **Glenn Alexander** and **Purvi Patel**. The City officials started calling it a building instead of a covered Deck/Shed. Demanded double Permit fee for a Building and floor plan of the Covered Deck/Shed to show Living Room, Bed Rooms, Kitchen and Washroom. Demanded Structural Engineering design and Architect maps.
10. We pleaded it was pre-existing deck on 4x4 wooden pillars covered to make a shed for just \$ 4000/- to store house hold junk. City officials kept forcing us to concede that it is a huge building asking main floor plan of the 90 year old home as well.
11. The Ticket No. 47859114 of \$ 1000 in the name of Monika Singh scheduled for April 02, 2020. We issued summons to 3 officials' **Glenn Alexander, Purvi Patel** and **David Nguyen**.
12. Just before the Court date City Officials cancelled our Second Permit Application on Feb 05, 2020 issuing a ticket third time Ticket No. 47859140 dated Feb 06, 2020 of \$ 2500/- in the name of Satnam Singh. A well calculated pattern of Harassment, issuing a new ticket just prior to Court date.
13. The Court date April 02, 2020 was adjourned by Madam Solicitor due to no show up of summoned officials and scare of Covid 19, rescheduled to December 10, 2020.
14. Third Permit application No. 356785153-002 submitted dated March 05, 2020.
15. Month of March, 2020 Covid 19 attacks Canada, City Offices/ Courts close down.

16. **Ms. Gail Hickmore** agrees to sit with us to discuss the matter when offices reopen (email March 18, 2020).
17. Just before the Court date (Ticket No. 47859114 of Monika Singh Dec 10, 2020) the city officials again issue another ticket of \$ 2500/- dated Nov 27, 2020 in the name of Satnam Singh. Once again a well calculated pattern of Harassment adopted by City officials.
18. Monika Singh attends the court date on Dec 10, 2020. The three summoned city officials again absent. Monika Singh takes an adjournment. Next court date June 3, 2022.
19. City official **Ms. Melissa Ziober** sends a registered letter dated Jan 4, 2021 stating our third Permit Application has been rejected, allowing us 21 days to file an appeal with SDAB.
20. The City officials' 13 of them named: **1 Melissa Ziober, 2 Melanie Reid, 3 Gail Hickmore, 4 Harry Luke, 5 Pere Bekederemo, 6 Steven Gowda, 7 Purvi Patel, 8 Glenn Alexander, 9 Jamie, 10 Andrea, 11 Jeff, 12 Lyla, 13 David Nguyen** linked/involved continue harassing us through threatening letters/ emails demanding to concede it is a building or else they will send both of us to Jail for a period of 12 months and through Madam Solicitor threatening us with an illegal Caveat received on Jan 13, 2021 but predated to Dec 10, 2020.
21. While City officials were on vacation from Dec 24, 2020 to Jan 07, 2021 they ruined our Christmas and New Year, wanted us to run around and get floor maps, structural engineering and architect maps ready and get a builder to convert the shed into a building during the peaking second wave of Pandemic.

<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.

....

(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).

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, [...]

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.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

Permit deemed refused

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 683.1(8).

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

(11) If the development authority refuses the application for a development permit, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reasons for the refusal.

Fees

630.1 A council may establish and charge fees for matters under this Part.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development 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 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale 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.

Section 21.3 states the following with respect to **Appeals**:

A Development Permit Application shall, at the option of the applicant, be deemed to be refused in accordance with the provisions of Section 16 of this Bylaw, and the applicant shall appeal in writing to the Subdivision and Development Appeal Board within 21 days after the date of expiry of the time period specified in section 16 of this Bylaw.

Section 16.1 states the following with respect to **Decisions on Development Permit Applications:**

if the Development Officer does not make a decision on an application for a Development Permit within 40 days after the applicant's receipt of an acknowledgment that the application is complete in accordance with Section 11.2 of this Bylaw, the application shall, at the option of the applicant, be deemed to be refused.

Section 11.1(1)(b) states:

the Development Officer shall receive all applications for development and shall review each Development Permit Application to ascertain whether it is complete in accordance with the information requirements and section 11.2 of this Bylaw, and shall, if the application complies with such requirements, enter the application in the register of applications.

Section 11.2 Determining Complete Development Applications

1. Unless extended by an agreement in writing between the applicant and the Development Officer, the Development Officer shall within 20 days after receipt of an application for development:
 - a. issue a written acknowledgment to the applicant advising that the application is complete; or
 - b. issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.
2. If the required documentation and information is not provided by the date set in the notice issued pursuant to section 11.2(1)(b), the Development Officer shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.
3. Upon receipt of the required documentation and information by the date set in the notice issued pursuant to section 11.2(1)(b), the Development Officer shall issue a written acknowledgment to the applicant advising that the application is complete.
4. Notwithstanding the issuance of a written acknowledgement issued pursuant to sections 11.2(1)(a) and 11.2(3), the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.”

Section 19.1(1), Development Permit Application Fees, states every Development Permit Application shall be accompanied by the required fee.

Development Officer's Determination

Date of application: March 5, 2020

Written notice was sent via email December 17, 2020 to [REDACTED], stating the following:

After completing the initial review on your application March 5, 2020, the following items remain outstanding:


1. Fees: this is an addition and not covered deck
\$257.00 additional DP fees - the total is \$433.00, you have paid \$176.00
Existing without permit fees: \$433.00 Development Permit and \$112.00 Building Permit
2. Full Main floor plan, including the addition
3. Engineering documents for the addition to the house


The 3 outstanding items are required by or on December 24, 2020.

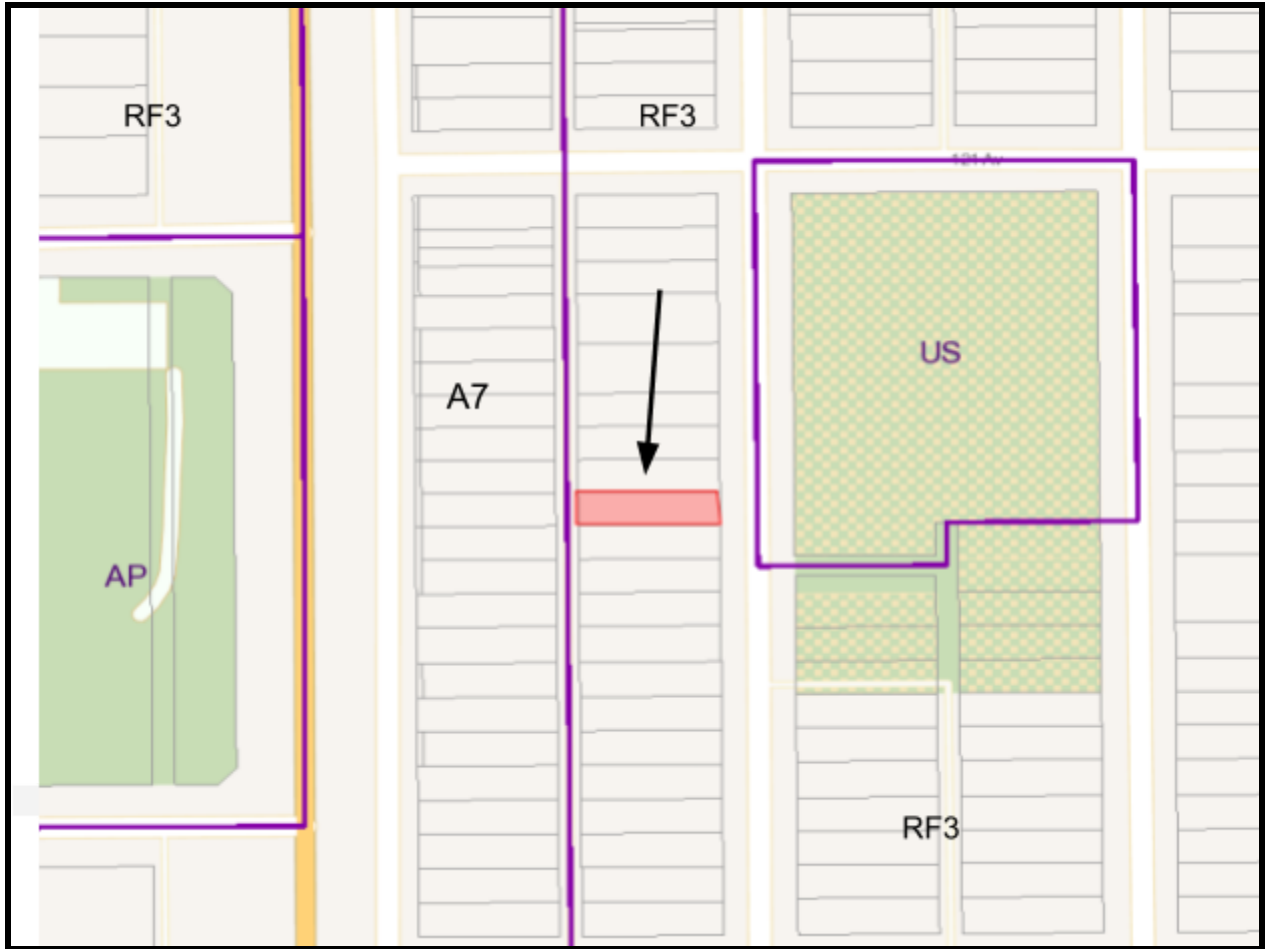
Notice to Applicant/Appellant

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>Application for Addition Permit</h2>		Project Number: 356785153-002 Application Date: MAR 05, 2020 Printed: January 4, 2021 at 12:29 PM Page: 1 of 3
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s)	12040 - 96 STREET NW Plan 569R Blk 6 Lot 30
		Location(s) of Work	Suite: 12040 - 96 STREET NW Entryway: 12040 - 96 STREET NW Building: 12040 - 96 STREET NW
Scope of Application			To construct an addition to a Single Detached House (Main floor addition), existing without permits.
Permit Details			Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
		Site Area (sq. m.): 377.4	
Development Application Decision			Refused Issue Date: Jan 04, 2021 Development Authority: ZIOBER, MELISSA
THIS IS NOT A PERMIT			

	<h2>Application for Addition Permit</h2>	<p>Project Number: 356785153-002 Application Date: MAR 05, 2020 Printed: January 4, 2021 at 12:29 PM Page: 2 of 3</p>
Reason for Refusal		
Reasons for Refusal:		
The application is deemed Refused based on the following:		
Section 11.2(1) and Section 11.2(1)(b), pursuant to Section 11.2(2)		
11.2 Determining Complete Development Applications		
11.1(b) issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.		
Date of application: March 5, 2020		
11.2(2) If the required documentation and information is not provided by the date set in the notice issued pursuant to section 11.2(1) (b), the Development Officer shall issue a written notice to the applicant stating that the application has been refused and the reason for the refusal.		
Written notice was sent via email December 17, 2020 to [REDACTED]		
After completing the initial review on your application March 5, 2020, the following items remain outstanding:		
1. Fees: this is an addition and not covered deck \$257.00 additional DP fees - the total is \$433.00, you have paid \$176.00		
Existing without permit fees: \$433.00 Development Permit and \$112.00 Building Permit		
2. Full Main floor plan, including the addition		
3. Engineering documents for the addition to the house		
The 3 outstanding items are required by or on December 24, 2020.		
MGA Sections 683.1(6)-(8) and 685(3)		
683.1(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.		
683.1(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.		
683.1(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.		
685(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).		
THIS IS NOT A PERMIT		

	<h2 style="margin: 0;">Application for Addition Permit</h2>	Project Number: 356785153-002 Application Date: MAR 05, 2020 Printed: January 4, 2021 at 12:29 PM Page: 3 of 3																																													
<p>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.</p>																																															
<p>Building Permit Decision No decision has yet been made.</p>																																															
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right; font-weight: normal;">Fee Amount</th> <th style="text-align: right; font-weight: normal;">Amount Paid</th> <th style="text-align: left; font-weight: normal;">Receipt #</th> <th style="text-align: left; font-weight: normal;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$112.00</td> <td style="text-align: right;">\$112.00</td> <td>933820042749001</td> <td>Mar 05, 2020</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$433.00</td> <td style="text-align: right;">\$176.00</td> <td>933820042749001</td> <td>Mar 05, 2020</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>933820042749001</td> <td>Mar 05, 2020</td> </tr> <tr> <td>Existing Without Permit Building Penalty Fee</td> <td style="text-align: right;">\$112.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Existing Without Permit Dev Application Penalty Fee</td> <td style="text-align: right;">\$433.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$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;">\$1,094.50</td> <td style="text-align: right; border-top: 1px solid black;">\$292.50</td> <td></td> <td></td> </tr> <tr> <td colspan="5">(\$802.00 outstanding)</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee (Construction Value)	\$112.00	\$112.00	933820042749001	Mar 05, 2020	Development Application Fee	\$433.00	\$176.00	933820042749001	Mar 05, 2020	Safety Codes Fee	\$4.50	\$4.50	933820042749001	Mar 05, 2020	Existing Without Permit Building Penalty Fee	\$112.00				Existing Without Permit Dev Application Penalty Fee	\$433.00				Total GST Amount:	\$0.00				Totals for Permit:	\$1,094.50	\$292.50			(\$802.00 outstanding)				
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SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-032