



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: June 9, 2016
Project Number: 187690328-002
File Number: SDAB-D-16-131

Notice of Decision

- [1] On May 25, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on May 2, 2016. The appeal concerned the decision of the Development Authority, issued on April 15, 2016, to approve the following development:

Construct an addition and exterior alterations (enlarge front veranda 3.08m x 4.83m, enlarge rear covered deck 5.28m x 4.26m and enlarge rear uncovered deck 5.79m x 6.70m) to an existing Single Detached House

- [2] The subject property is on Plan 6483KS Blk 1 Lot 2, located at 11 - Wedgewood Crescent NW, within the RR Rural Residential Zone. The West Jasper Place (South) Area Structure Plan applies to the subject property.

- [3] The following documents, which were received prior to the hearing and are on file, were read into the record:

- Appellant's written submissions, including attachments and photographs;
- Copies of the development permit application with plans;
- Copies of the approved development permit decision;
- Development Officer's written submissions;
- Copy of SDAB decision file number SDAB-D-11-226; and
- Respondent's written submissions.

Preliminary Matter

- [4] At the outset of the appeal hearing, the Presiding Officer disclosed that he and the Appellant are members of the same Rotary Club, but he did not believe his membership would impact his ability to provide a fair and impartial hearing. The parties in attendance confirmed that they did not oppose the composition of the panel.

- [5] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c. M-26.

Summary of Hearing

i) *Position of the Appellant, Ms. W. Lickacz*

- [6] The Appellant was accompanied by two agents, Ms. Kruger and Mr. Uhrich, who have been assisting her with respect to this appeal.
- [7] Ms. Lickacz submitted that the proposed development is actually not a minor development permit, but constitutes an application for a major development permit. Further, the development actually exists, therefore, it is not an application for a proposed development. In support, she referred to a photograph from her submissions, and argued that the proposed rear veranda already exists, with a large piece of concrete surrounding this veranda.
- [8] Ms. Lickacz submitted that the information provided to the Board is not representative of the Site, and does not provide an accurate reflection of the development. When questioned about this point, she clarified that variances other than those identified by the Development Officer are required for the development.
- [9] Ms. Lickacz did not identify which additional variances are required. She referred to City documents which indicate that lot grading was completed in 2014, but she stated that as of July 2014, lot grading is still incomplete. She also referred to two 2012 letters from her lawyer, and an email from an engineer with respect to lot grading and various concerns stemming from the conditions set out in the 2011 Development Permit that had been granted for the principal building.
- [10] The Board clarified that the 2011 Permit approved by the Board had associated conditions. If not appealed to the Alberta Court of Appeal, then the Permit with its conditions remains valid. If the conditions have been violated, then the issue becomes a City enforcement matter. The appeal before this Board relates to the proposed development with only one variance required to Site Area. As such, the Appellant was asked to direct her submissions to the variance and/or whether the Development Officer had misinterpreted the *Edmonton Zoning Bylaw*.
- [11] Ms. Lickacz indicated her understanding that other avenues would need to be pursued, and expressed disappointment that her concerns would need to be addressed through enforcement within the existing system. She stated that she has suffered undue stress and strain arising from the neighbouring development.
- [12] When questioned about how the variance and lot size has contributed to the Appellant's hardship, she responded that the design and size of the home on the lot goes from property line to property line. This is a mature neighbourhood with 100 years old trees. When development started, the roots of the tree were cut and after four years of ongoing construction, the trees are deteriorating. In 27 years of living on the property, her basement has never flooded, but her basement now floods all the time. There was no lot

grading or geotechnical report completed as per the conditions of the 2011 permit. In her view, the technicality of the lot variance should not be viewed in isolation from the totality of the situation.

ii) *Position of the Development Officer, Ms. F. Hamilton*

- [13] The Development Officer was accompanied by legal counsel for the City of Edmonton, Mr. M. Gunther.
- [14] Mr. Gunther explained that the lots in the Wedgewood Crescent subdivision range in size from 0.40 hectares to 0.65 hectares, and fall under the RR Rural Residential Zone (“RR Zone”). Under the *Edmonton Zoning Bylaw*, developments within the RR Zone must be a minimum Site Area of 1.0 hectare, therefore, any development on the Wedgewood Crescent will require a variance to the Site Area requirement and if approved, become a Class B Development Permit which triggers notice requirements under the *Edmonton Zoning Bylaw*.
- [15] Mr. Gunther acknowledged the concerns raised by the Appellant but submitted that a Subdivision and Development Appeal Board hearing is not the appropriate forum to address those concerns. The issue before this Board is limited to whether the variance to Site Area should be granted for the proposed development. He referred to the Board’s test for granting a variance under Section 687(3)(d) of the *Municipal Government Act*.
- [16] Mr. Gunther submitted that while some of the activities occurring on the subject property may be interfering with the Appellant’s use and enjoyment of her own property, the question before this Board is whether the variance to Site Area for the proposed development will meet the test under Section 687(3)(d).
- [17] Mr. Gunther suggested that an alternative to granting the variance would be to refuse all variances and effectively sterilize the use of all properties within the subdivision. However, he referred to a similar situation for a property in the AG Agricultural Zone (“AG Zone”), wherein the Development Authority refused the application solely on the basis that it did not meet the minimum Site Area requirements of the AG Zone. That decision was appealed to the Board, and the Board revoked the decision of the Development Authority. In that case, the Board held that the Development Authority was effectively sterilizing the property, and that the Authority was in fact obliged to issue the permit, given that the property was remote and located within the River Valley without impacts upon other properties.
- [18] Ms. Hamilton explained that the subject development is marginally larger than the decks and veranda which were approved alongside the 2011 permit for the Single Detached House located on the same property. In her view, it did not seem appropriate to refuse the variance, since the same variance was previously granted for the principal building, which would have been more impactful than the proposed enlargement to the decks and

veranda. She stated that the construction of the decks and veranda are in compliance with the regulations under the RR Zone.

- [19] When questioned about the concerns raised by the Appellant, Ms. Hamilton explained that several files have been opened to address those concerns. She is aware that an extension for lot grading has been granted, which should be completed by October 2016. Should that remain incomplete after the deadline, Bylaw enforcement will follow up with the Applicant.

iii) Position of the Respondent, Mr. S. Roa

- [20] Mr. Roa explained that he has no intent to cause delays or problems for his neighbours. He and his family are looking forward to moving into the completed property, and he has been working with City employees to ensure compliance with guidelines and regulations.
- [21] He noted that the photographs submitted by the Appellant depict the Site after heavy rainfall from several days ago. He has noticed that all properties along Wedgewood Crescent experience the same issues during heavy rainfall. Referring to one of the Appellant's photographs, he drew attention to the tree line along the property, which shows that the water actually flows toward his property, and this issue will be resolved by final grading and surveying by the engineer.
- [22] He observed that two other properties in the neighbourhood are under construction, but these properties have been able to proceed more quickly than his own development because the owners are permitting multiple contractors to work on-site at once. In his case, he is only permitting one contractor onto the subject Site in an attempt to reduce the impact upon his neighbours. He has no intentions to delay the development.
- [23] Upon questioning by the Board, he indicated that he does not live on the property, but to obtain insurance, he must enter the house approximately once a week.

vi) Rebuttal of the Appellant

- [24] Ms. Lickacz stated that Mr. Roa does not have an occupancy permit. In her view, the fact that no occupancy permit has been issued after four years is indicative of the non-compliance issues.

Decision

- [25] The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED, subject to the CONDITIONS as set out in the approved Development Permit, 187690328-002, issued on April 15, 2016.

Reasons for Decision

- [26] Single Detached Housing is a Permitted Use in the RR Rural Residential Zone (“RR Zone”).
- [27] The subject property was approved for development in a 2011 decision of the Subdivision and Development Appeal Board, which approved a lot size variance. That decision (SDAB-D-11-226) granted a development permit for the construction of a Single Detached House with attached garage; rear covered and uncovered decks, front veranda, fireplace; balcony and basement development.
- [28] The matter before this Board today relates to a proposed enlargement of the previously approved rear covered and uncovered decks, and front veranda.
- [29] The Appellant submitted that the development of the Single Detached House has caused various concerns, including non-compliance with the drainage and lot grading conditions set out in the 2011 approved permit. While the Board sympathizes with the Appellant’s situation, her concerns relate to the enforcement of a previous decision of the Board, which this particular panel does not have the jurisdiction to address. Once the Board renders its decision, the enforcement of that decision falls outside the purview of the Board.
- [30] With respect to the variance that is the subject matter of this appeal, the test for whether the Board ought to grant a variance is laid out in Section 687(3)(d) of the *Municipal Government Act*, which states:

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

...

(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.

- [31] The Board accepts that the properties within the Wedgewood Crescent subdivision are unique. The lots in this subdivision fall under the RR Zone. Section 240.4(1) of the *Edmonton Zoning Bylaw* stipulates that the minimum Site Area of properties within the RR Zone must be a minimum of 1.0 hectares. However, none of the lots within the Wedgewood Crescent subdivision comply with this requirement. As such, all developments in this area will require a variance to the Site Area.
- [32] In this case, the subject property is 0.44 hectares, representing a deficiency of 0.56 hectares to the minimum required Site Area. Although the Board could refuse the proposed development solely on the basis of this deficiency, to do so would not only potentially set a precedent for the sterilization of all developments within this subdivision, but also to effectively fetter the discretion granted to the Board under Section 687(3)(d) of the *Municipal Government Act*. Rather than abdicating its legislated responsibility by resorting to a perfunctory refusal of all developments along Crestwood Crescent, the Board must look to the legal test legislated under Section 687(3)(d), and determine whether the circumstances warrant the variance requested.
- [33] The Appellant's concerns relate to the enforcement of the conditions in the 2011 Development Permit, and no submissions were made with respect to the Site Area deficiency. The Development Officer, on the other hand, has noted that with the exception of the Site Area deficiency – which is characteristic of all lots within Wedgewood Crescent – the proposed development complies with all other aspects of the regulations under the RR Zone. The Board also notes that no other neighbours within the 60 metre notification area submitted letters of opposition or appeared in opposition to the development.
- [34] In the absence of any information to the contrary, the Board finds that the proposed development and Site Area variance will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. As such, the appeal is denied and the development is granted.

Mr. B. Gibson, Presiding Officer
Subdivision and Development Appeal Board

Board Members in attendance

Mr. M. Young; Ms. K. Thind; Ms. E. Solez

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. 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.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.



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Date: June 9, 2016
Project Number: 180578101-002
File Number: SDAB-D-16-501

Notice of Decision

- [1] On May 25, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on December 10, 2015. The appeal concerned the deemed refusal of the Development Authority for the following development permit application:

Demolish an existing building

- [2] The subject property is on Plan ND Blk 13 Lots 17-28, OT, located at 10415 – 96 Street NW, within the CB2 General Business Zone. The Pedestrian Commercial Shopping Street Overlay and Boyle Street McCauley Area Redevelopment Plan apply to the subject property.
- [3] The following documents, which were received prior to the hearing and are on file, were read into the record:
- Appellant's written submissions, with attachments;
 - Copies of the Development Permit application;
 - Email correspondence from the Community League; and
 - Copies of the Board's Notices of Adjournment dated January 29, 2016 and March 30, 2016.

Preliminary Matter

- [4] 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.
- [5] The Applicant made an application to the development authority for a development permit for the demolition of the building located at 10415 – 96 Street and at 10419 – 96 Street, and for subsequent reclamation of the lands legally described as Plan 5784HW, Block 13, Lots 17-28 and 31. The development permit application was submitted on October 14, 2015 and was completed on October 22, 2015 when the Applicant submitted the required development permit application fee.

- [6] The Development Authority did not provide any indication as to its decision with respect to this development application. Pursuant to Section 684 of the *Municipal Government Act*, RSA 2000, c M-26, and to Section 16(1) of the *Edmonton Zoning Bylaw*, an application is deemed to have been refused if the development officer fails to make a decision within 40 days of receipt of a development permit application.
- [7] The Board determined that the development application was deemed refused on December 1, 2016, that being 40 days from October 22, 2015, the date that the Applicant completed his development permit application. As the Applicant filed the Notice of Appeal on December 10, 2016, the Board was satisfied that the appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*.

Summary of Hearing

i) *Position of the Appellant, Mr. D. Crocker*

- [8] The Appellant was represented by Mr. G. Plester, legal counsel for the court-appointed receiver of the subject property. The receivership was appointed in January 2014, and the receiver has not sold the property.
- [9] Prior to the appointment of the receivership, the subject development was used as a salvage operation, resulting in much leftover debris on the site. Following the court order, the receiver has removed debris, miscellaneous refuse, and graffiti from the site.
- [10] In the receiver's view, the demolition of the building is the best way to make the property appealing to potential buyers.
- [11] The day prior to the hearing, Edmonton City Council passed a resolution to issue a Notice of Intent to Designate a Municipal Historic Resource upon the owner of the subject property, pursuant to Section 26 of the *Historical Resources Act*, RSA 2000, c H-9. Mr. Plester stated that on the morning of the hearing, the receiver was indeed in receipt of such notice.
- [12] Section 26(2) of the *Historical Resources Act* states:
- A council of a municipality, after giving the owner 60 days' notice, may by bylaw designate any historic resource within the municipality whose preservation it considers to be in the public interest, together with any land in or on which it is located that may be specified in the bylaw, as a Municipal Historic Resource.
- [13] Upon the issuance of a Notice of Intention pursuant to Section 26(2), the demolition of the subject property is prohibited pursuant to subsections 26(6) and (8), which state:
- (6) Notwithstanding any other Act, no person shall

- (a) destroy, disturb, alter, restore or repair an historic resource that has been designated under this section, or
- (b) remove any historic object from an historic resource that has been designated under this section,

without the written approval of the council or a person appointed by the council for the purpose.

...

- (8) On the service of a notice of intention under subsection (2), subsection (6) applies to the historic resource and land as if a bylaw under subsection (2) had been passed until the council passes the bylaw or revokes the notice of intention or until the expiry of 120 days from the receipt of the notice.

- [14] Mr. Plester submitted that subsections 26(6) and (8) operate to stay the demolition of any lands subject to such a Notice, unless the 120 days period has expired without Council passing a Bylaw pursuant to Section 26(2), or Council revokes the Notice. In effect, even if the Board were to grant the demolition permit, the receiver would be barred from acting upon that permit until one of the preconditions under subsection 26(8) is met.
- [15] Upon questioning by the Board, Mr. Plester acknowledged that unless in reference to planned development, demolition permits are not expressly regulated in the *Edmonton Zoning Bylaw*. However, guidance can be provided by other municipalities, who require pre-demolition reports such as Hazardous Materials Surveys and Asbestos Studies to determine the measures that must be taken for the demolition. In this regard, the receiver has been diligent in commissioning such reports.
- [16] Mr. Plester also recognized the community concerns regarding the demolition of a potential historical resource. He reiterated that in the receiver's view, there is no risk for demolition before City Council has had the opportunity to designate the property as a Municipal Historical Resource through Bylaw. In addition, it was the receiver's understanding that while there are those in support of the historical resource designation, there are also community members who support neighbourhood revitalization through the demolition and redevelopment of the Site.
- [17] In response to the Board's questioning about nuisance issues on the subject property, Mr. Plester stated that to his knowledge, the only complaints were with respect to the graffiti and refuse, which have been addressed by the receiver. He explained that the property is in the shape of a long rectangle. The western portion that faces the street consists of a wall face, while the other side faces a fenced yard that is secured with a lock. The building itself is sealed off, and some of the walls have been covered by cardboard with some structural damage.

[18] Finally, he submitted that although adjournment until the City makes a decision with respect to the historical resource designation is a possibility, to do so would result in additional costs to both the City and his client. In his view, there is no prejudice with proceeding with the appeal hearing.

ii) *Position of the Development Authority*

[19] The Development Authority was represented by Mr. P. Belzile, Development Officer, and Ms. V. Ferenc-Berry, legal counsel from the City of Edmonton Law Branch.

[20] Ms. Ferenc-Berry confirmed the Appellant's submission that there is nothing explicit in the *Edmonton Zoning Bylaw* that would make it inappropriate for the Board to allow the demolition permit.

[21] Mr. Belzile provided a summary of the procedures involved with processing a demolition permit application. Generally, a demolition permit is issued in a matter of minutes upon receipt, unless the City's internal business process platform issues a warning that the property has been added to the historical resources database. At that point, the application is forwarded to the Heritage Planner for further review. Before Sustainable Development can issue the demolition permit, Council must pass a memorandum stating that it will not proceed with designating the subject property as a historical resource.

[22] Ms. Ferenc-Berry explained that part of the information provided to City Council prior to the motion to issue a Notice of Intention included the Heritage Planner's Statement of Significance. The Statement identified that the subject building, the Edmonton Iron Works Building, was built in 1909 and represents an extremely rare turn of the century industrial building.

[23] It was the City's position that although the statutory protections triggered by the Notice of Intention provides some measure of security, a further way to provide greater assurance that the subject building will not be demolished is to postpone the appeal hearing. Ms. Ferenc-Berry noted that there exists the risk that at some point, the receiver shall act upon and fulfill its obligations to the Court, and move forward with demolition of the building. She submitted there is a difference between the protections afforded by statute compared to an outright refusal of a demolition permit.

[24] The Board noted that accidental demolition could still occur, notwithstanding a refusal of the demolition permit. Ms. Ferenc-Berry acknowledged this point, and also agreed that the real impact of the issuance of a demolition permit is that it speeds up the process in the event that the City chooses to not proceed with the historical designation.

[25] Upon questioning by the Board, Ms. Ferenc-Berry also acknowledged that absent an express prohibition against demolition, a property owner has the right to demolish a building on his or her property.

iii) Position of the Community League, Boyle Street Community League

- [26] The Community League was represented by Mr. J. Reiniger and Mr. A. White, President of the Boyle Street Community League.
- [27] Ms. Reiniger provided a historical summary of the Edmonton Iron Works Building, and its significance to the agricultural industry in Edmonton and surrounding areas circa 1900 and to urban development in its earlier years. He explained that since the 1960s, the Boyle Street neighbourhood has been dealing with a form of urban clearcutting of historically significant buildings. Now, the Edmonton Iron Works Building remains one of only two other historical buildings in the Boyle Street community.
- [28] It was the Community League's view that a demolition permit expedites the demolition of the subject property without providing an opportunity for the City to designate it as a historical resource. Of particular concern is that the receiver has not expressed any specific plans with respect to redevelopment of the subject property. The Community League is therefore opposed to the demolition of a historical building *simpliciter*.
- [29] Mr. Reiniger expressed the view that should the building be demolished, he hopes that it will not be replaced with a big glass building; rather, it should serve as an opportunity to develop something that melds the old with the new.
- [30] Mr. White expressed the view that should the building be demolished, he would like to see development occur immediately afterward, preferably family-oriented housing.

iv) Rebuttal of the Appellant

- [31] Should the Board decide to grant the demolition permit, it will not impact the City's ability to fully consider the option of designating the subject building as a Historical Resource. It was Mr. Plester's understanding that City Council is moving toward protecting the Site through the enactment of a Bylaw within several months.
- [32] Further, a hearing of the Subdivision and Development Appeal Board is not the appropriate forum for considering the appropriateness of designating the subject property as a Historical Resource, which also has financial implications. Mr. Plester referred the Board to Section 621(1) of the *Municipal Government Act*, which states:

Except as provided in this Part and in section 28 of the *Historical Resources Act*, nothing in this Part or the regulations or bylaws under this Part gives a person a right to compensation.

- [33] In effect, Section 621 prevents a property owner from being compensated for expropriation of his or her land, unless the property was designated as a Municipal Historic Resource pursuant to Section 28 of the *Historical Resources Act*. Mr. Plester submitted that the legislation specifically sets out that it is not the landowner who bears the cost of maintaining a designated Historical Resource, but the public. As such, Council is the appropriate forum for discussions pertaining to Historical Resource designation.

- [34] With respect to the concern about accidental demolition, Mr. Plester stated that the receiver has been in discussions with the City of Edmonton Law Branch, and that the receiver understands the limitations placed upon it with respect to the demolition of the subject building by virtue of the *Historical Resources Act*. Should the City require further assurances, Mr. Plester submitted that it could also place a covenant on the land pursuant to Section 29 of the *Historical Resources Act*.
- [35] Mr. Plester did not agree that a further postponement of the appeal hearing would provide greater assurances. In his view, the limitations placed upon the receiver by the *Historical Resources Act* are sufficient. Further, he noted that the City has had ample opportunity to consider the matter: the application for the demolition permit was made in October 2015, and the City still has yet to make a decisive determination as to whether it wishes to expropriate the land or deem it a Historical Resource.

Decision

- [36] The appeal is ALLOWED and the deemed refusal of the Development Authority is REVOKED. The development application to demolish the property located at 10415 – 96 Street NW and 10419 – 96 Street NW is GRANTED as applied for to the Development Authority.

Advisement

The subject property is currently before City Council with respect to its potential designation as a Municipal Historic Resource. The Applicant-Appellant is reminded of its requirement to comply with all conditions as set out in the *Historical Resources Act*, including Section 26 of the same Act.

Reasons for Decision

- [37] The matter before this Board concerns a development application for the demolition of a building *simpliciter*, that is, without an accompanying application for a new development on the Site upon which the building to be demolished is located.
- [38] Absent Section 12.2(14) of the *Edmonton Zoning Bylaw*, which states that “A Development Permit is not required for... demolition of a building or structure where a Development Permit has been issued for a new development on the same site, and the demolition of the existing building or structure is implicit in that permit”, the *Edmonton Zoning Bylaw* provides no further guidance with respect to a development permit application for the demolition of a building *simpliciter*.
- [39] In the absence of an express prohibition within the Bylaw, the Board finds that a property owner may demolish a building on his or property as of right.

[40] Even if the Board's interpretation of the Bylaw is incorrect, the Board finds that the development permit for the demolition of the building located at 10415-96 Street NW and 10419 – 96 Street NW should be granted for the following reasons:

- 1) City Council has issued a Notice of Intention to Designate a Historical Resource with respect to the subject property. The issuance of such Notice triggers Section 26 of the *Historical Resources Act*, which prevents the demolition of the subject property for a period of 120 days, or until City Council revokes its Notice of Intention. The Board is of the view that Section 26 provides sufficient protection from the accidental demolition of the subject building.
- 2) The Community League emphasized the historical significance of the subject building. However, it is the Board's view that the matter concerning the determination of the subject building as a Historical Resource is appropriately before City Council. Further, the Board's jurisdiction to hear appeals stems, in part, from Section 685 of the *Municipal Government Act*. This provision stipulates that the grounds for an appeal to the Subdivision and Development Appeal Board are limited to decisions of the Development Authority. The designation of a building as a Municipal Historic Resource is a decision of City Council, made pursuant to Section 26 of the *Historical Resources Act*, and therefore, outside the jurisdiction of this Board.

[41] For the above stated reasons, the appeal is allowed and the development permit is granted.

Mr. B. Gibson, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance

Mr. M. Young; Ms. K. Thind; Ms. E. Solez

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. 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.
6. 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.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.