



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

*10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-6079 F: 780-577-3537
sdab@edmonton.ca
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SDAB-D-16-237

Application No. 224507305-001

An appeal by **Pattison Outdoor Advertising / Ogilvie LLP** to install (1) Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m facing E/W) was **TABLED TO NOVEMBER 3, 2016.**



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Date: October 7, 2016
Project Number: 220621200-001
File Number: SDAB-D-16-204

Notice of Decision

- [1] On September 22, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **July 27, 2016**. The appeal concerned the decision of the Development Authority, issued on June 21, 2016 to refuse the following development:

Develop a Secondary Suite in the Basement of a Single Detached House, existing without permits.

- [2] The subject property is on Plan I17 Blk 52 Lot 8, located at 10033 - 81 Avenue NW, within the CB2 General Business Zone. The Pedestrian Commercial Shopping Street Overlay applies to the subject property.

August 10, 2016 Hearing

Subdivision and Development Appeal Board Motion:

"That the hearing for SDAB-D-16-204 be TABLED to September 21 or 22, 2016, at the written request of the Appellant."

September 22, 2016 Hearing

Subdivision and Development Appeal Board Motion:

"SDAB-D-16-204 shall be raised from the table."

- [3] The following documents were received and form part of the record:
- A Development Permit Application, including the plans;
 - The Refused Development Permit;
 - The Development Officer's written submission; and
 - A copy of a Canada Post Registered Mail Delivery submitted by the Development Officer.

Preliminary Matters

- [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 Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The Presiding Officer referenced section 686(1)(a)(i) of the *Municipal Government Act* and indicated that there was a late filing issue to be addressed. The Presiding Officer stated that the decision of refusal by the Development Officer is dated June 21, 2016. Fourteen days from the decision date is July 5, 2016 and the Notice of Appeal was filed on July 27, 2016.
- [7] The Presiding Officer confirmed that a Canada Post Registered Mail Delivery was submitted by the Development Officer.

Summary of Hearing*i) Position of the Appellant, Mr.O. Moyen (Jesus Reigns Forever Ministries):*

- [8] Mr. Moyen confirmed that he signed the Canada Post Registered Mail Delivery on June 24, 2016, before leaving the country for a vacation.
- [9] The Presiding Officer referenced section 686(1)(a)(i) of the *Municipal Government Act* and indicated that the Board has jurisdiction to hear the Appeal if the Notice of Appeal was filed within 14 days from the Notice of Decision.
- [10] Mr. Moyen indicated that he was in the United States for a month and did not have the opportunity to file an Appeal.

The Presiding Officer indicated that an Appeal can be filed on-line.

- [11] Mr. Moyen confirmed that he was aware his Development Permit application was Refused when he signed the Canada Post Registered Mail Delivery and he filed his Appeal in person at the Subdivision and Development Appeal Board office when he returned from his trip.

ii) Position of the Development Officer, Mr C. Lee:

- [12] Mr. Lee indicated that the Appellant has owned the subject property for a number of years and has filed a number of Appeals in the past. In his opinion, the Appellant was aware of the time period to file an Appeal.

iii) Rebuttal of the Appellant

[13] Mr. Moyer stated that he was sorry for not filing the Appeal on-time but hoped his Appeal would still be heard.

Decision

[14] **The Board does not assume jurisdiction.**

Reasons for Decision

[15] Presented before the Board was a Canada Post Registered Mail Delivery confirmation that indicated that Mr. O. Moyer picked up and signed the package that contained the Notice of Decision by the Development Officer on June 24, 2016.

[16] Mr. Moyer confirmed in his evidence before the Board that he did indeed receive and sign for the package that contained the Notice of Decision on June 24, 2016.

[17] Further, Mr. Moyer indicated that he read the Notice of Decision and knew his Development Permit application had been Refused. He indicated he left the country immediately after receiving the Notice of Decision and returned to the country after the 14-day time period.

[18] Section 686(1)(a)(i) of the *Municipal Government Act* is clear that an Appeal to this Board must be filed within 14 days of the date which the person is notified of the Decision.

[19] Mr. Moyer was notified of the Decision of his Development Permit application on June 24, 2016. The Appeal was filed on July 27, 2016 which is past the 14-day time period.

[20] Accordingly, the Board does not have jurisdiction to hear this Appeal.

Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

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 NW, Edmonton.



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SDAB-D-16-192

Application No. 189366222-001

An appeal by **Vishal Kapoor / Permit Masters** to change the Use from General Retail to Minor Alcohol Sales (AKP Liquors) was **WITHDRAWN**.