

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
September 19, 2019**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I	9:00 A.M.	SDAB-D-19-153	Construct a front addition and interior alterations to a Single Detached House (3rd level, add 2 bedrooms, 2 bathrooms: 1st and 2nd levels, extend living room and new front entrance; basement, extend foundation and add bonus room, NOT to be used as an additional Dwelling).  17620 - 57 Avenue NW Project No.: 323977703-001
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**TO BE RAISED**

II	10:30 A.M.	SDAB-D-19-127	Comply with an Order to cease the General Industrial Use and remove all related materials by July 31, 2018  16204 - 141 Street NW Project No.: 160890356-001
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**TO BE RAISED**

III	10:30 A.M.	SDAB-D-19-128	Comply with a Stop Order to cease the General Industrial Use and remove all related materials by July 31, 2019  16268 - 141 Street NW Project No.: 160890356-002
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**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-19-153

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY THE COMMUNITY LEAGUE

APPELLANT:

APPLICATION NO.: 323977703-001

APPLICATION TO: Construct a front addition and interior alterations to a Single Detached House (3rd level, add 2 bedrooms, 2 bathrooms: 1st and 2nd levels, extend living room and new front entrance; basement, extend foundation and add bonus room, NOT to be used as an additional Dwelling).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: July 31, 2019

DATE OF APPEAL: August 26, 2019

NOTIFICATION PERIOD: August 8, 2019 through August 29, 2019

RESPONDENT: A. Quadri

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17620 - 57 Avenue NW

LEGAL DESCRIPTION: Plan 7921041 Blk 10 Lot 26

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

- 1) Angular plain issues, particularly to the north of said property

- 2) Flanking, to the north, east and south of property
- 3) Development regulations, extending front door too close to side walk, impacting neighbors
- 4) Parking as well as traffic concerns

The Lessard Community League is appealing this permit as the extensive renovations will impact our community, and some of our effected members have valid concerns

*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.

(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 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.

**Non-conforming use and non-conforming buildings**

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

**(2)** A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

**(3)** A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

**(4)** A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

**(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except**

- (a) to make it a conforming building,**
- (b) for routine maintenance of the building, if the development authority considers it necessary, or**
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.**

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**General Provisions from the *Edmonton Zoning Bylaw*:**

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

Under section 7.8(14), **Single Detached House** 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.”

Under Section 110.1, 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.

***Non-conforming buildings***

Section 110.4(8) states the minimum Front Setback shall be 4.5 metres, except that:

- a. the minimum Front Setback shall be 3.0 metres when a Treed Landscaped Boulevard is provided at the front of the Lot and vehicular access is from a Lane; and
- b. the minimum distance between the Front Lot Line and the door of an attached Garage shall be 5.5 metres.

Section 110.4(9) states the minimum Rear Setback shall be 7.5 metres, except on a Corner Site, where a primary Dwelling with an attached Garage faces the flanking public roadway, it may be reduced to 4.5 metres.

Section 110.4(10) states Side Setbacks shall be established on the following basis:

- a. Side Setbacks shall total at least 20 percent of the Site Width, with a minimum Side Setback of 1.2 metres on each side;
- b. where there is no Lane abutting the Site, one Side Setback shall be at least 3.0 metres for vehicular access, unless there is an attached Garage or a Garage that is an integral part of a Dwelling;

- c. on a Corner Site where the building faces the Front Lot Line or the Side Lot Line, the minimum Side Setback abutting the flanking Side Lot Line shall be 20 percent of the Site Width, to a maximum of 4.5 metres;
- d. on a Corner Site where the building faces the flanking Side Lot Line the minimum Side Setback abutting the flanking Side Lot Line shall be 4.5 metres. If the Dwelling does not have an attached Garage also facing the flanking Side Lot Line, the minimum Side Setback may be reduced to 3.0 metres, in order to increase the Private Outdoor Amenity Area in the interior Side Yard; and
- e. on a Corner Site where Semi-detached Housing faces the flanking Side Lot Line and the Site Area is less than 600 square metres, Side Setbacks shall be a minimum of 1.2 metres for the interior Side Setback, and a minimum of 2.5 metres for the flanking Side Setback. However, if an attached Garage faces the flanking Side Lot Line, the Side Setback from the flanking Side Lot Line to the Garage shall be a minimum of 4.5 metres.

Section 11.3(2) states the Development Officer may approve, with or without conditions as a Class B Discretionary Development, an enlargement, alteration or addition to a non-conforming building if the non-conforming building complies with the Uses prescribed for that land in this Bylaw and the proposed development would not, in their opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

#### **Development Officer's Determination**

Non-Conforming Building - This existing Single Detached House no longer conforms to current zoning rules, which may have changed since it was originally constructed. This addition does not increase the non-conformity of the building setbacks. (Section 11.3.2).


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#### **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.

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	<p>Project Number: <b>323977703-001</b>          Application Date: JUN 27, 2019          Printed: July 31, 2019 at 11:38 AM          Page: 1 of 3</p>				
<h2>Home Improvement Permit</h2>					
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p>					
<p><b>Applicant</b></p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<p><b>Property Address(es) and Legal Description(s)</b>          17620 - 57 AVENUE NW          Plan 7921041 Blk 10 Lot 26</p> <hr/> <p><b>Location(s) of Work</b>          Entryway: 17620 - 57 AVENUE NW          Building: 17620 - 57 AVENUE NW</p>				
<p><b>Scope of Permit</b>          To construct a front addition and interior alterations to a Single Detached House (3rd level, add 2 bedrooms, 2 bathrooms: 1st and 2nd levels, extend living room and new front entrance; basement, extend foundation and add bonus room, NOT to be used as an additional Dwelling).</p>					
<p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 50%;">Class Of Permit: Class B</td> <td style="border: none; width: 50%;">Site Area (sq. m.): 544.46</td> </tr> <tr> <td style="border: none;">Stat. Plan Overlay/Annex Area: (none)</td> <td style="border: none;"></td> </tr> </table>		Class Of Permit: Class B	Site Area (sq. m.): 544.46	Stat. Plan Overlay/Annex Area: (none)	
Class Of Permit: Class B	Site Area (sq. m.): 544.46				
Stat. Plan Overlay/Annex Area: (none)					
<p>I/We certify that the above noted details are correct.          Applicant signature: _____</p>					
<p><b>Development Permit Decision</b>          Approved  <b>Issue Date:</b> Jul 31, 2019    <b>Development Authority:</b> HETHERINGTON, FIONA</p>					



Project Number: **323977703-001**  
 Application Date: JUN 27, 2019  
 Printed: July 31, 2019 at 11:38 AM  
 Page: 2 of 3

## Home Improvement Permit

**Subject to the Following Conditions**

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(Reference Section 17.1).

This Development Permit authorizes the development of a front addition and interior alterations to a Single Detached House (3rd level: add 2 bedrooms and 2 bathrooms; 1st and 2nd levels: extend living room and new front entrance; basement, extend foundation and add bonus room (NOT to be used as an additional Dwelling)). The development shall be constructed in accordance with the stamped and approved drawings.

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).

Immediately upon completion of the addition, the site shall be cleared of all debris.

As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development.

**Advisements:**

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

**Variances**

Non-Conforming Building - This existing Single Detached House no longer conforms to current zoning rules, which may have changed since it was originally constructed. This addition does not increase the non-conformity of the building setbacks. (Section 11.3.2).

**Rights of Appeal**

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** Aug 08, 2019

**Ends:** Aug 29, 2019

**Building Permit Decision**

No decision has yet been made.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$425.00	\$425.00	851858446215001	Jun 27, 2019

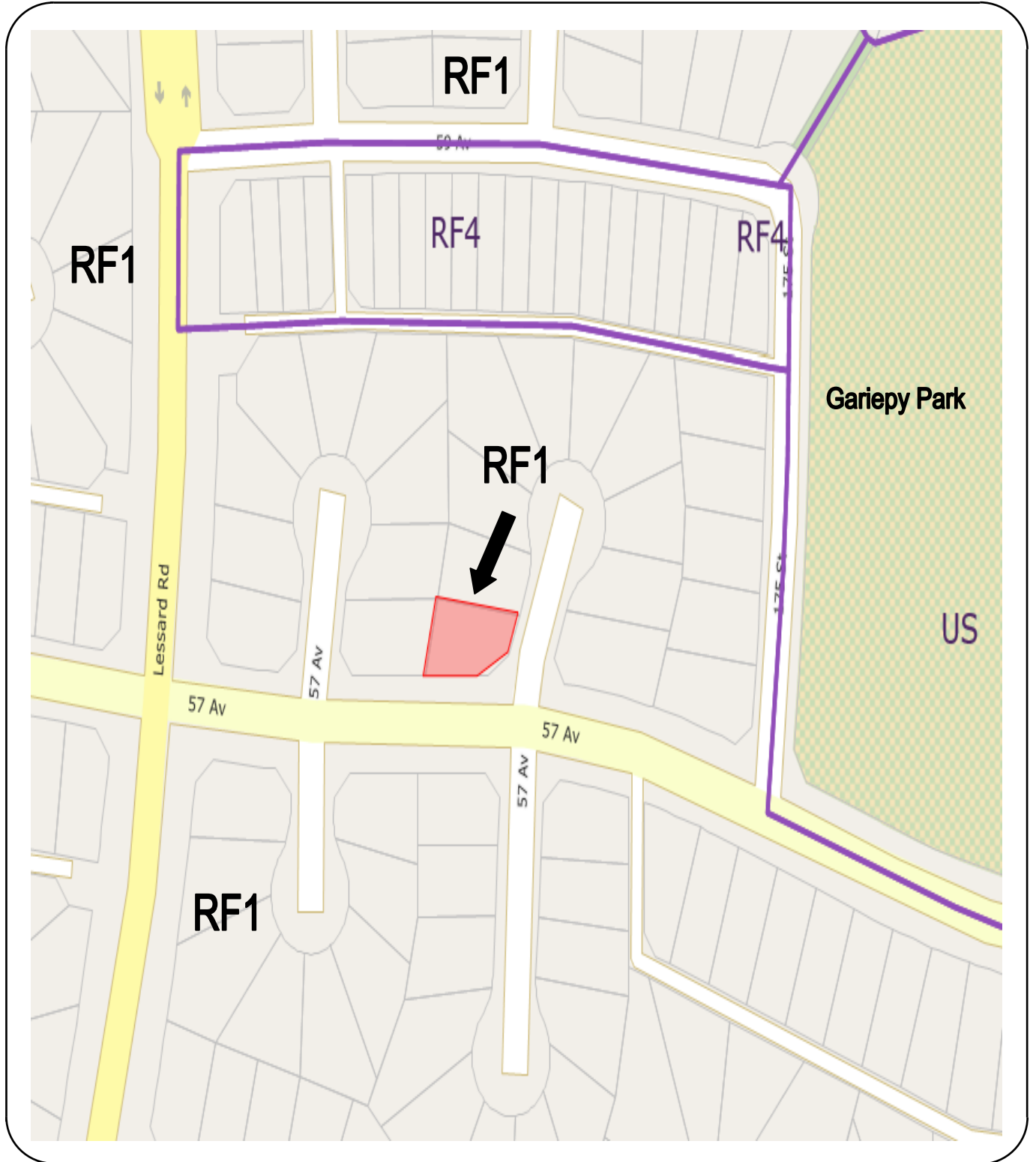


Project Number: **323977703-001**  
Application Date: JUN 27, 2019  
Printed: July 31, 2019 at 11:38 AM  
Page: 3 of 3

## Home Improvement Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$39.00	\$39.00	851858446215001	Jun 27, 2019
Building Permit Fee (Construction Value)	\$975.00	\$975.00	851858446215001	Jun 27, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,439.00</u>	<u>\$1,439.00</u>		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-153



**TO BE RAISED**

ITEMS II & III: 10:30 A.M.

FILE: SDAB-D-19-127 and 128

APPEALS FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 160890356-001  
160890356-002

ORDERS TO: Cease the General Industrial Use and remove all related materials by July 31, 2019

DECISION OF DEVELOPMENT COMPLIANCE: Orders Issued

DATE OF ORDERS: June 26, 2019

DATE OF APPEALS: July 16, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16204 - 141 Street NW  
16268 - 141 Street NW

LEGAL DESCRIPTION: Plan 5392AE Lots 66-68  
Plan 5392AE Lots 69-70

ZONE: AG Agricultural Zone

OVERLAY: N/A

STATUTORY PLAN: Carlton Neighbourhood Structure Plan  
Palisades Area Structure Plan

***Grounds for Appeal***

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

We are solicitors for 1756282 Alberta Ltd., owners of the above captioned lands. Our client received Stop Orders in respect of the activities taking place on the lands on or about June 26, 2019. We hereby appeal the referenced Stop Orders on the grounds that:

- The impugned activities on our client's land are authorized by a development permit or permits issued at some point prior to our client's acquisition of the lands;
- The impugned activities on the land have been ongoing at the subject site continuously for at least 20 years with no material impact on the use, enjoyment, and value of neighbouring parcels of land, or the amenities of the neighbourhood;
- In the event the impugned activities are not authorized by a prior development permit or permits, the Stop Orders require that the activities be ceased within a time frame that cannot be met; and
- Such further and other grounds as may be presented at the hearing of the within appeal.

<b><i>General Matters</i></b>
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The Subdivision and Development Appeal Board made and passed the following motion on August 15, 2019:

“That SDAB-D-19-127 and SDAB-D-19-128 be postponed to Thursday, September 19, 2019, at the verbal request of the Appellant and with the consent of the City of Edmonton.”

**Appeal Information:**

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 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.

**Non-conforming use and non-conforming buildings**

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

**(2)** A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

**(3)** A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

**(4)** A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

**(5)** A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

**(6)** If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 610.1 states that the **General Purpose** of the (AG) **Agricultural Zone** is “to conserve agricultural and rural Uses.”

Within the (AG) Agricultural Zone, **General Industrial Use** is not a listed use.

Section 7.5(3) provides the following definition:

**General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

***Requirement for a Development Permit***

Section 5.1 states:

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

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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.

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City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

5th Floor, Edmonton Tower  
10111 104 Avenue NW  
Edmonton, AB T5J 0J4  
Canada



[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)

June 26, 2019

Our File: 160890356-001

1756282 ALBERTA LTD  
16806 - 118 AVENUE NW  
EDMONTON AB T5V 1M8

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 16204 - 141 STREET NW in Edmonton, Alberta, legally described as Plan 5392AE, Lots 66-68.

This Property was inspected by Development Compliance Officer Justin Hogberg, on June 21, 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.

ZONING BYLAW INFRACTION:

This property is zoned (AG) Agricultural Zone in accordance with Section 610 of Edmonton Zoning Bylaw 12800. Our investigation revealed a General Industrial Use (storage of industrial goods and equipment) has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a General Industrial Use which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw states:  
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Section 7.5(3) of the Edmonton Zoning Bylaw states:  
General Industrial Uses means development used principally for one or more of the following activities:

- a) the processing of raw materials;
- b) the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d) the storage or transshipping of materials, goods and equipment;
- e) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f) the training of personnel in general industrial operations.

ORDER:

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

Cease the General Industrial Use and remove all related materials by July 31, 2019.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after July 31, 2019 to determine compliance with this Order.

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 the prescribed time 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 780-496-6220.

Regards,



Justin Hogberg  
Development and Zoning  
Development Services  
Phone Number: 780-496-6220

Fax Number: 780-496-6054  
Email Address: Justin.Hogberg@edmonton.ca

City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

5th Floor, Edmonton Tower  
10111 104 Avenue NW  
Edmonton, AB T5J 0J4  
Canada  
  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)

June 26, 2019

Our File: 160890356-002

1756282 ALBERTA LTD  
16806 - 118 AVENUE NW  
EDMONTON AB T5V 1M8

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 16268 - 141 STREET NW in Edmonton, Alberta, legally described as Plan 5392AE, Lots 69-70.

This Property was inspected by Development Compliance Officer Justin Hogberg, on June 21, 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.

ZONING BYLAW INFRACTION:

This property is zoned (AG) Agricultural Zone in accordance with Section 610 of Edmonton Zoning Bylaw 12800. Our investigation revealed a General Industrial Use (storage of industrial goods and equipment) has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a General Industrial Use which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw states:  
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Section 7.5(3) of the Edmonton Zoning Bylaw states:  
General Industrial Uses means development used principally for one or more of the following activities:

- a) the processing of raw materials;
- b) the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d) the storage or transshipping of materials, goods and equipment;
- e) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f) the training of personnel in general industrial operations.

ORDER:

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

Cease the General Industrial Use and remove all related materials by July 31, 2019.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after July 31, 2019 to determine compliance with this Order.

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 the prescribed time 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 780-496-6220.

Regards,

Justin Hogberg  
Development and Zoning  
Development Services  
Phone Number: 780-496-6220



Hearing Date: Thursday, September 19, 2019

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Fax Number: 780-496-6054

Email Address: Justin.Hogberg@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 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 Bo
- (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.

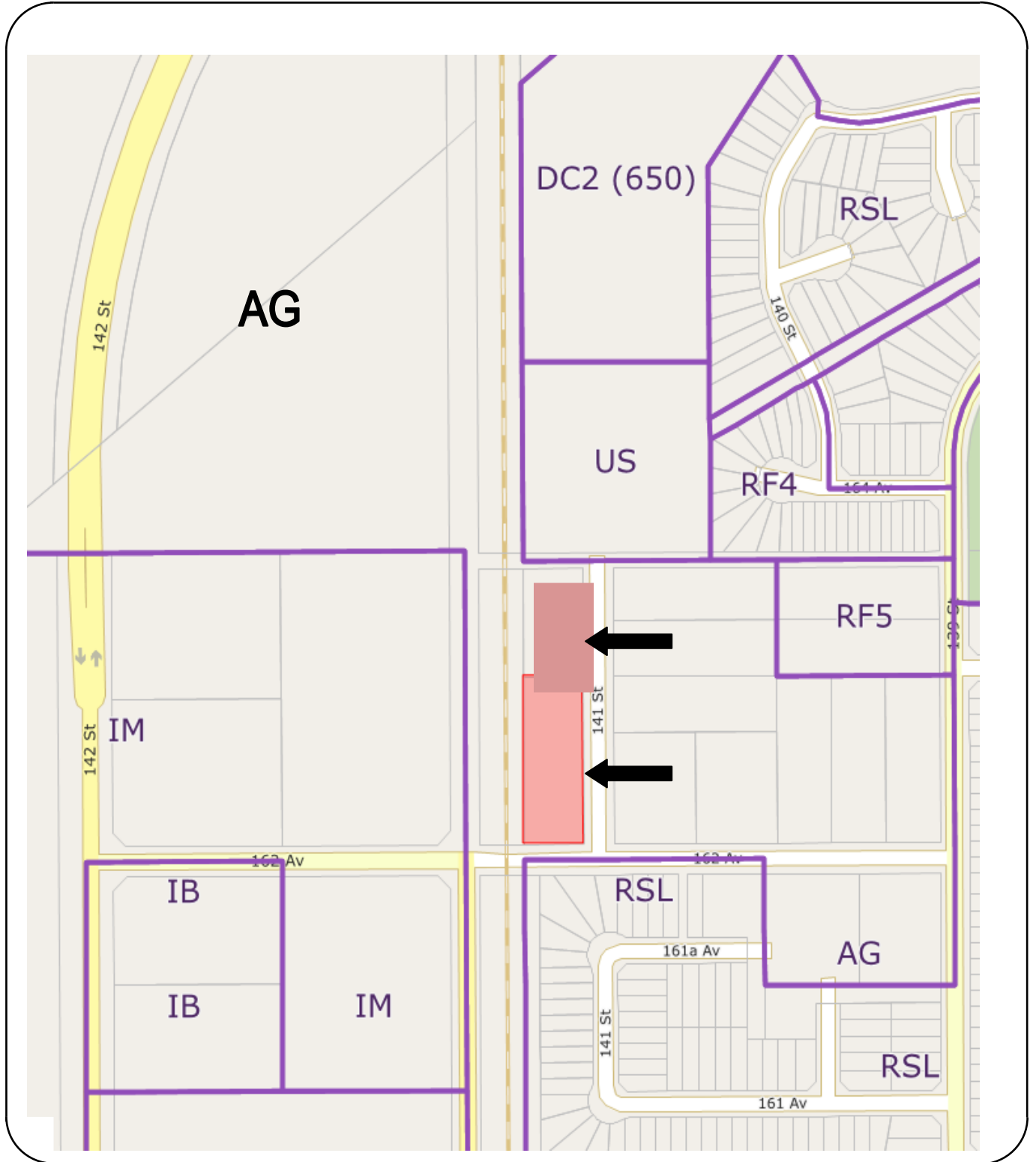
**(2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

**(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**
- 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.
- (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.
- (3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.
- 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.
- (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).
- (4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
- (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**
- 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) within 21 days after the date on which the decision is made under section 642, or
    - (A) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
    - (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) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

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-19-127 and 128

