

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 23, 2025**

**Hearing Room No. 3
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

I 9:00 A.M. SDAB-D-25-009

Construct an Accessory building (mutual detached Garage, 12.2m x 5.9m)

10320 - 147 STREET NW
Project No.: 541344126-002

II 10:30 A.M. SDAB-D-25-010

Construct an Accessory building (detached Garage, 12.19m x 6.70m).

10404 - 135 STREET NW
Project No.: 530992780-002

III 1:30 P.M. SDAB-D-25-011

Cease the Minor Industrial Use by removing any commercial vehicles and trailers from the property, including those parked inside storage buildings.

555 - 23 AVENUE NW
Project No.: 542688336-001

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-25-009AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 541344126-002

APPLICATION TO: Construct an Accessory building (mutual detached Garage, 12.2m x 5.9m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 24, 2024

DATE OF APPEAL: December 26, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10320 - 147 STREET NW

LEGAL DESCRIPTION: Plan 2421625 Blk 8 Lot 4A

ZONE: RS-Small Scale Residential

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

<i>Grounds for Appeal</i>

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

I would like to address the site coverage at 10320-147 Street, particularly in light of the recent updates and adjustments from Waste Services regarding waste collection.

Over the past few months, we have worked diligently to adapt to the ongoing changes in Waste Services guidelines, which have significantly impacted our

project planning. Initially, we were informed that a 4-car garage was not allowed anymore on the inside lot and that only a 2-car garage was permitted, or at most maybe a 3-car garage. In response, we revised and resubmitted all necessary documentation to comply with these new requirements.

Recently, we were made aware that a 4-car garage may again be allowed, provided it meets specific criteria. While the proposed 4-car garage slightly exceeds the site coverage by 3%, we believe a variance was a reasonable request given the extensive adjustments and effort already undertaken to comply with the evolving requirements.

This project has already faced considerable delays and challenges due to these frequent changes, leading to frustration for both our team and our clients. A 4-car garage aligns with the original design intent and addresses the practical needs of future residents and investors, ensuring the property's long-term viability and appeal.

We kindly request your support in approving this variance, as it will allow us to move forward with confidence and deliver a project that meets our client and tenants needs.

Thank you for your understanding and consideration.

[unedited]

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 the decision in accordance with subsection (2.1).

...

(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 the decision in accordance with subsection (2.1).

(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 is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(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 board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Single Detached Housing** means:

a building that contains 1 principal Dwelling and has direct access to ground level.

Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

Section 2.10.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Coverage

Section 2.10.4.1.7 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations			
Subsection	Regulation	Value	Symbol
Site Coverage			
4.1.7	Maximum Site Coverage	45%	-

Under section 8.20, **Site Coverage** means:

the total horizontal area on a Site:

- a. covered by buildings and structures that are 1.8 m or more in Height above Grade; or
- b. covered by a Parkade that is 1.0 m or more in Height above Grade.

This definition includes cantilevers, but does not include steps, eaves, cornices, or other similar projections.

Development Officer's Determination

Total Site Coverage - In total all buildings (row house and detached garage) covers 48% of the site, instead of 45% (Subsection 2.10.4.1.7.).

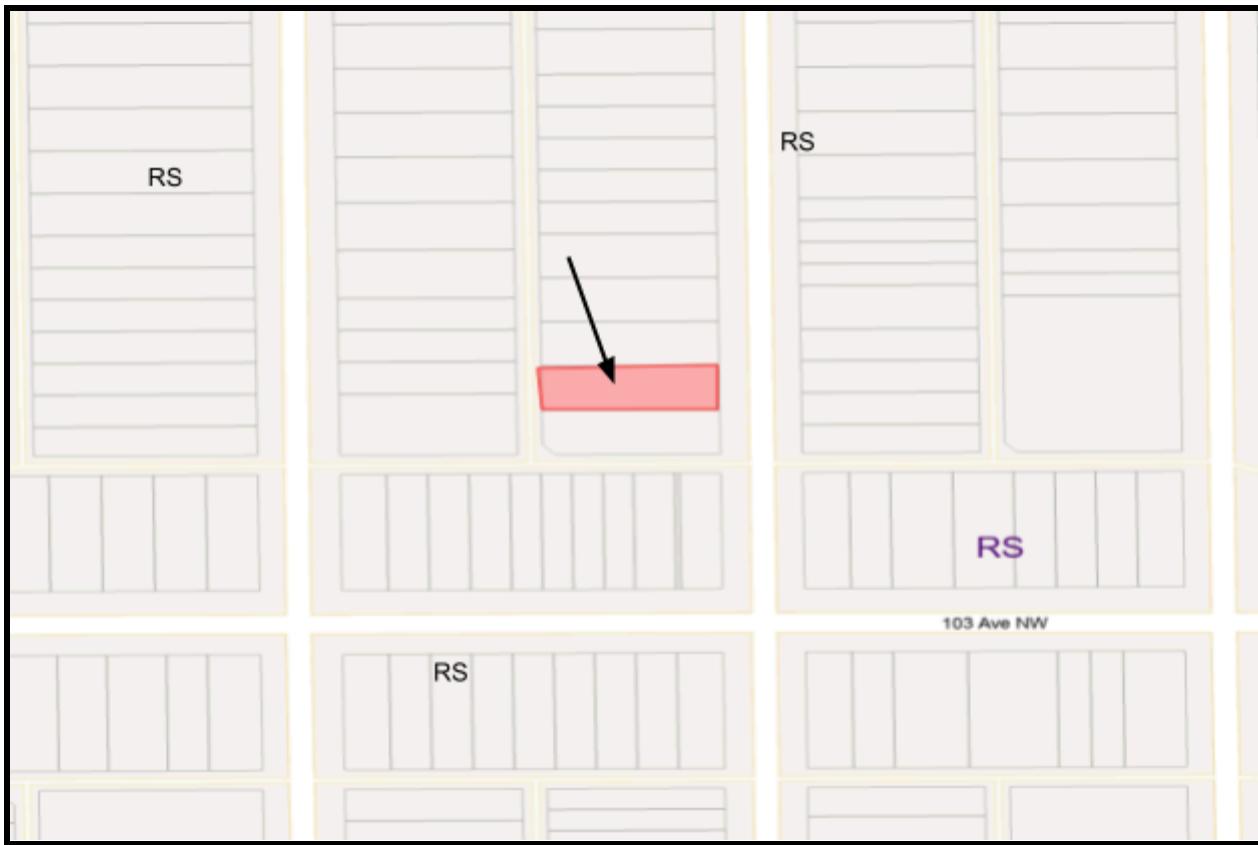
[unedited]

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.

Edmonton	Project Number: 541344126-002 Application Date: NOV 18, 2024 Printed: December 24, 2024 at 8:42 AM Page: 1 of 2																
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Permit</h3>																	
<p>This document is a Development Permit Decision for the development application described below.</p>																	
Applicant	Property Address(es) and Legal Description(s) 10320 - 147 STREET NW Plan 2421625 Blk 8 Lot 4A																
Location(s) of Work	Suite: 1, 10320 - 147 STREET NW Suite: 2, 10320 - 147 STREET NW Suite: 3, 10320 - 147 STREET NW Suite: 4, 10320 - 147 STREET NW Entryway: 1, 10320 - 147 STREET NW Entryway: 2, 10320 - 147 STREET NW Entryway: 3, 10320 - 147 STREET NW Entryway: 4, 10320 - 147 STREET NW Building: 1, 10320 - 147 STREET NW																
Scope of Application To construct an Accessory building (mutual detached Garage, 12.2m x 5.9m).																	
Details																	
Development Category: Discretionary Development Site Area (sq. m.): 604.78	Overlay: Statutory Plan:																
Development Application Decision Refused																	
Issue Date: Dec 24, 2024 Development Authority: ZHOU, ROWLEY																	
Reason for Refusal Total Site Coverage - In total all buildings (row house and detached garage) covers 48% of the site, instead of 45% (Subsection 2.10.4.1.7.).																	
Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																	
Building Permit Decision No decision has yet been made.																	
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THIS IS NOT A PERMIT																	

	<p>Project Number: 541344126-002 Application Date: NOV 18, 2024 Printed: December 24, 2024 at 8:42 AM Page: 2 of 2</p> <p>Application for Accessory Building Permit</p>			
Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$259.60	\$259.60		
THIS IS NOT A PERMIT				



ITEM II: 10:30 A.M.FILE: SDAB-D-25-010AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 530992780-002

APPLICATION TO: Construct an Accessory building (detached Garage, 12.19m x 6.70m).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 17, 2024

DATE OF APPEAL: December 27, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10404 - 135 STREET NW

LEGAL DESCRIPTION: Plan 3875P Blk 76 Lot 1

ZONE: RS-Small Scale Residential

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

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

The proposed development requires one variance to the driveway access regulation of Edmonton Zoning Bylaw 20001. We will demonstrate that the proposed development i) conforms with the uses prescribed in the applicable zone and ii) will not interfere with the amenities, use, enjoyment or value of neighbouring parcels of land, in accordance with Section 687(3) of the Municipal Government

Act. As a result, we respectfully request that the Development Authority's decision be overturned and that the development permit be approved.

[unedited]

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 the decision in accordance with subsection (2.1).

...

(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 the decision in accordance with subsection (2.1).

(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

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(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

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Hearing and Decision

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(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,

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This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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Section 2.10.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

RS - Small Scale Residential Zone - General Regulations

Section 2.10.6.1 states “Vehicle access must be from an Alley where a Site Abuts an Alley.”

Development Officer’s Determination

Vehicular Access - Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1).

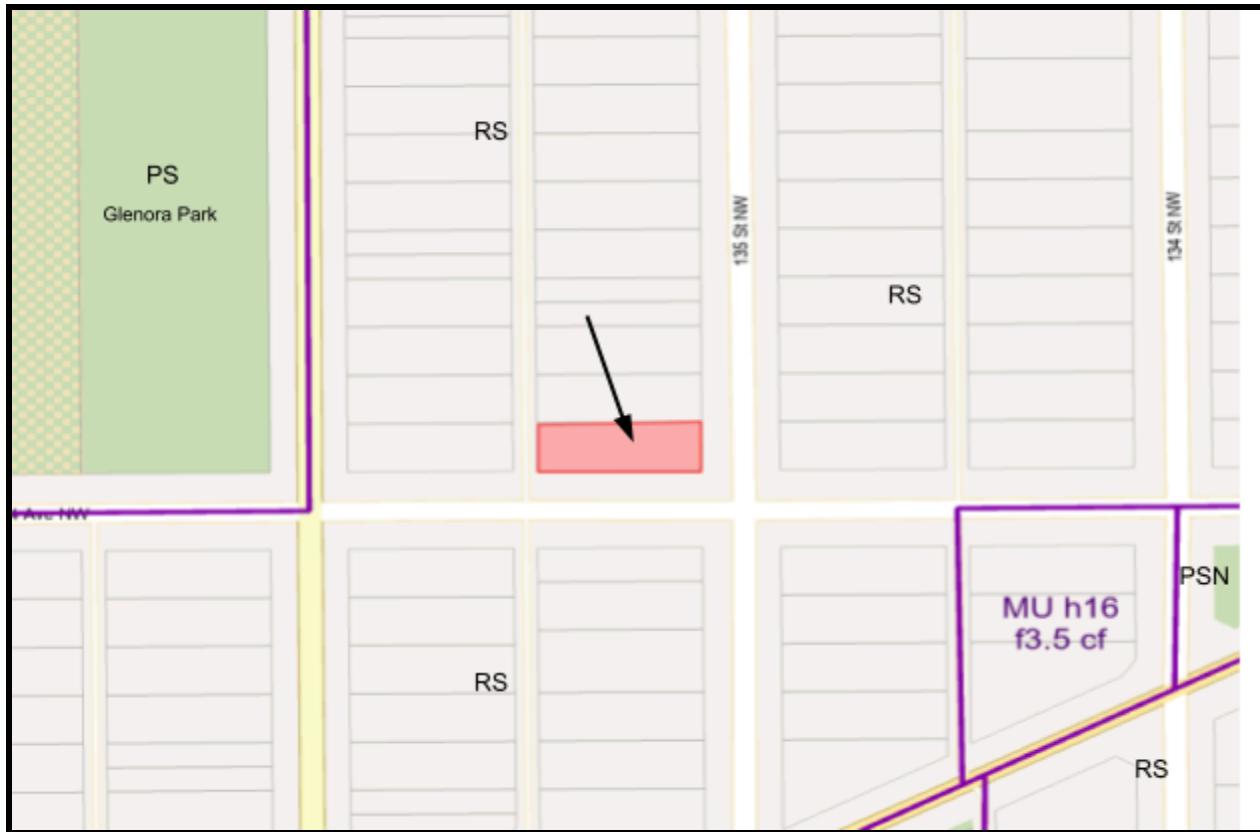
Proposed: Vehicular access off of 104 Avenue NW.

[unedited]

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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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-010



N

ITEM III: 1:30 P.M.FILE: SDAB-D-25-011

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE
OFFICER

APPELLANT:

APPLICATION NO.: 542688336-001

ORDER TO: Cease the Minor Industrial Use by removing any commercial vehicles and trailers from the property, including those parked inside storage buildings.

DECISION OF THE
DEVELOPMENT
COMPLIANCE OFFICER: Order Issued

DECISION DATE: December 18, 2024

DATE OF APPEAL: December 28, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 555 - 23 AVENUE NW

LEGAL DESCRIPTION: Plan 9222519 Lot 3

ZONE: AG-Agriculture Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: Aster Neighbour Structure Plan
North Saskatchewan River Valley Area Redevelopment Plan
The Meadows Area Structure Plan

DISTRICT PLAN: Millwoods and Meadows District Plan

<i>Grounds for Appeal</i>

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

The trailers on the property are just there for the winter, they are not working at the moment. They will be gone in the summer. If you can allow us to park them till June that will be appreciated.

[unedited]

General Matters

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 the order in the notice 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 the decision in accordance with subsection (2.1).

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(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 the decision in accordance with subsection (2.1).

(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 is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

- (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 board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
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- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Zoning Bylaw 20001*:

Section 2.230. 2 lists the following **Permitted Uses**:

Agricultural Uses

- 2.1. Agriculture

Residential Uses

- 2.2. Home Based Business
- 2.3. Residential, limited to:
 - 2.3.1. Backyard Housing
 - 2.3.2. Secondary Suite
 - 2.3.3. Single Detached Housing
 - 2.3.4. Supportive Housing

Community Uses

- 2.4. Community Service, limited to those existing as of January 1, 2024
- 2.5. Outdoor Recreation Service, limited to those existing as of January 1, 2024
- 2.6. Special Event

Sign Uses

- 2.7. Fascia Sign
- 2.8. Freestanding Sign
- 2.9. Portable Sign

Under section 8.10, **Minor Industrial** means:

A development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- handling, storing, or shipping equipment, goods, and materials;
- training, research and development laboratories; or

- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Any resulting Nuisance is less impactful than those permitted under the Major Industrial Use.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, contractor and construction services, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, materials storage, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.

Section 2.230.1 states that the **Purpose of the AG - Agriculture Zone** is:

To conserve agricultural land and allow activities that support the Agriculture Use. Subdivision of agricultural Lots is not permitted unless it occurs in accordance with applicable statutory plans and the regulations of this Zone.

Section 2.260.1 states that the Purpose of the **RVO - North Saskatchewan River Valley and Ravine System Protection Overlay** is:

To provide a development Setback from the North Saskatchewan River Valley and Ravine System and mitigate the risks associated with top-of-bank landslides, erosions, and other environmental hazards.

Section 7.110.1 states:

1.1. No person may:

1.1.1. undertake, or cause or allow to be undertaken, a development; or

1.1.2. carry on, or cause or allow to be carried on, a development,

without a Development Permit issued under this Section.

Section 7.200.2.1 states:

2.1. It is an offence for any person to:

2.1.1. contravene; or

2.1.2. cause, allow or permit a contravention of, any provisions of this Bylaw.

Section 7.200.2.2 states:

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

- 2.2.1. construct a building or structure;
- 2.2.2. make an addition or alteration to a building or structure;
- 2.2.3. commence or undertake a Use or change of intensity of Use; or
- 2.2.4. place a Sign on land, or on a building or structure.

<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-02-240	To park gravel trucks	September 9, 2002; "that the appeal be DENIED and the development REFUSED."

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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December 18, 2024

Our File: 542688336-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 555 - 23 AVENUE NW in Edmonton, Alberta, legally described as Plan 9222519 Lot 3.

This Property was inspected by Development Compliance Officer Brendan Bolstad on December 12, 2024. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned AG (Agriculture Zone) in accordance with Section 2.230 of Edmonton Zoning Bylaw 20001. Our investigation revealed that a **Minor Industrial Use** (commercial trucks & trailers being stored on-site) has been developed without a Development Permit. Please note: Minor Industrial Uses are not allowed in the AG zone. It is not possible to acquire a Development Permit for this type of activity in the AG zone.

Commencing a Use, or causing or allowing a Use to be carried on without a Development Permit is contrary to Subsections 7.110.1, 7.200.2.1 & 7.200.2.2 of Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

1.1. No person may:

- 1.1.1. undertake, or cause or allow to be undertaken, a development; or
- 1.1.2. carry on, or cause or allow to be carried on, a development,

without a Development Permit issued under this Section.



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Subsection 7.200.2.1 of Edmonton Zoning Bylaw 20001 states:

2.1 It is an offence for any person to:

- 2.1.1. contravene; or
- 2.1.2. cause, allow or permit a contravention of,
any provisions of this Bylaw.

Subsection 7.200.2.2 of Edmonton Zoning Bylaw 20001 states:

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

- 2.2.1. construct a building or structure;
- 2.2.2. make an addition or alteration to a building or structure;
- 2.2.3. commence or undertake a Use or change of intensity of Use; or**
- 2.2.4. place a Sign on land, or on a building or structure.

Minor Industrial Use means:

Minor Industrial means a development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- handling, storing, or shipping equipment, goods, and materials;
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Any resulting Nuisance is less impactful than those permitted under the Major Industrial Use.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, contractor and construction services, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, materials storage, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.



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ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following actions by **January 12, 2025** :

- Cease the Minor Industrial Use by removing any commercial vehicles and trailers from the property, including those parked inside storage buildings.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **January 12, 2025** 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 **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, 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.

Regards,

Brendan Bolstad
Development Compliance Officer
780-405-6284
brendan.bolstad@edmonton.ca



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Site photo:





Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal 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 Land and Property Rights Tribunal was related to the parcel;
- (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.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

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 the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and



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development appeal board or to the Land and Property Rights Tribunal.

(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 the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

(b) in all other cases, 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 is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(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.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board 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 board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) 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 board hearing an appeal referred to in subsection (1) 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.



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Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079

Fax 780-577-3537

Email sdab@edmonton.ca

