

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**June 4, 2026**

**River Valley Room**  
**City Hall, 1 Sir Winston Churchill Square NW, Edmonton,**  
**AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**River Valley Room**

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**TO BE RAISED**

|   |           |               |  |
|---|-----------|---------------|--|
| I | 9:00 A.M. | SDAB-S-26-002 | Tentative plan of subdivision to create 202 residential lots, one (1) multi-unit housing lot (MHL), and one (1) non-credit Municipal Reserve (MR) lot, from Lot C, Plan 3186 TR located north of 41 Avenue SW and west of 91 Street SW; THE ORCHARDS AT ELLERSLIE<br><br>9220 - 41 AVENUE SW<br>Project No.: 566895013-012 |
|---|-----------|---------------|--|

|    |           |               |  |
|----|-----------|---------------|--|
| II | 1:30 P.M. | SDAB-D-26-134 | To construct a Residential Use building in the form of a 4 Dwelling Row House (NOT to be used as a Lodging House) with unenclosed front porches, Basement development (unit 3 only, NOT to be used as an additional Dwelling) and 3 Secondary Suites in the Basements (units 1, 2, & 4); and to demolish a Single Detached House<br><br>11921 - 89 AVENUE NW<br>Project No.: 608166987-002 |
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**NOTE:**        *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-S-26-002

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 566895013-012

APPLICATION TO: Tentative plan of subdivision to create 202 residential lots, one (1) multi-unit housing lot (MHL), and one (1) non-credit Municipal Reserve (MR) lot, from Lot C, Plan 3186 TR located north of 41 Avenue SW and west of 91 Street SW; THE ORCHARDS AT ELLERSLIE

DECISION OF THE SUBDIVISION AUTHORITY: Approved with Conditions

DECISION DATE: April 2, 2026

DATE OF APPEAL: April 13, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9220 - 41 AVENUE SW

LEGAL DESCRIPTION: Plan 3186TR Lot C

ZONE(S): Small Scale Flex Residential (RSF)  
Neighbourhood Commercial (CN)  
Medium Scale Residential (RM)

OVERLAY: N/A

STATUTORY PLAN(S): Ellerslie Area Structure Plan  
The Orchards at Ellerslie Neighbourhood Structure Plan

DISTRICT PLAN: Ellerslie District Plan

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*Grounds for Appeal*

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

Scheffer Andrew Ltd., representing Brookfield Residential (Alberta) LP, appeals Condition II.8 of the subdivision approval issued under File No. LDA25-0485. Field LLP will attend the appeal to make submissions at the hearing on behalf of Brookfield Residential. We note that counsel is unavailable April 29, May 1, May 4, May 5, May 21, and May 22 and we request that this information be considered when scheduling the appeal.

#### Background

The lands being subdivided are Lot C, Plan 3186TR. Lot C, Plan 3186 TR is owned by Lakshmi Enterprises Ltd. Brookfield Residential (Alberta) LP has entered into a Sales Agreement for the Lands with the owner. Lot R1, Plan 3186 TR was deemed to be the reserve parcel required by the Planning Act. We note that Lot R1, Plan 3186 TR is owned by the City of Edmonton by virtue of its status as a Reserve parcel and should be considered Municipal Reserve for the purposes of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

#### Condition II.8 states:

that the owner provide 50% cash in lieu for the construction of Orchards Green SW within Lot R1, Plan 3186 TR, as shown on Enclosure I. The developer must provide a cost estimate when submitting the engineering drawings. The cost estimate must include the construction of Orchards Green SW to an approved Complete Streets Design and cross section, including a shared pathway, sidewalk connection and landscaping. Payment shall be received no later than 24 months following the owner's execution of the development servicing agreement for Phase 1. The owner's 50% payment is conditional on the City receiving approved capital funding for the remaining 50% required for the construction of Orchards Green SW. If City Council does not approve capital funding for Orchards Green SW within 24 months of the owner executing the development servicing agreement for Phase 1, or if any portion of Lot R1, Plan 3186 TR is sold, leased, or otherwise disposed of, this condition will be waived;

Brookfield Residential requests that the SDAB revoke Condition II.8.

A subdivision condition must serve a legitimate planning objective under Part 17 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended (the Act). It is accepted planning practice that a condition must work to achieve a legitimate planning objective under the Act, must not be imposed for some other purpose, must be reasonably achievable, and must not be unreasonable, discriminatory, vague, or uncertain. Amongst other things, section 655 of the Act, enables the Subdivision Authority to impose conditions on a subdivision approval issued by it, including, the requirement to construct or pay for the

construction of a road required to give access to the subdivision. In our opinion, Condition II.8 not a valid reason is unreasonable as it is not required for access and is contrary to established development practices and City policy. Therefore, s. 655 of the Act does not support the requirement for this condition. Further, Condition II.8 is being imposed for purposes other than achieving legitimate planning objections, as the condition relies on approvals that are contingent by other decision making authorities.

#### Ground of Appeal #1: Existing Access is Sufficient to Provide Access to Subdivided Lands

A Trip Generation Memo (dated 2 April 2025) was prepared by Shawn Benbow, P. Eng, Senior Transportation Engineer with Scheffer Andrew Ltd. which concluded that the proposed access to 91 Street SW, a collector roadway, is sufficient to serve the subdivided lots. The number of lots being subdivided does not trigger upgrades to other roadways to based on the proposed traffic volumes generated by the subdivision.

#### Grounds of Appeal #2: Proposed Condition is Contrary to City Policy

We acknowledge that The Orchards at Ellerslie Neighbourhood Structure Plan Bylaw, as amended (The Orchards NSP), identifies that there will be a future collector road constructed through Lot R1, Plan 3186TR to complete the ultimate collector road network within the Orchards neighbourhood. However, it is established land development practice in Alberta that the funding and construction of all on-site infrastructure, including the construction of collector roadways is the responsibility of the owner of the lands where the infrastructure is required. Where a 3rd party is required to construct off-site infrastructure within adjacent properties, there is a negotiation between the landowners to assign costs. In other instances, the City has mechanisms to proportionately assign costs to benefitting landowners, such as an offsite levy bylaw or arterial road assessment bylaw.

#### Grounds of Appeal #3: Proposed Condition Unfairly Burdens Brookfield Residential

As identified above, the City's policy is to require landowner's burdened by collector roadways to be responsible for the construction of those collector roads. Condition II.8 is a departure from the standard practice without supporting planning rationale. We note that when subdivision of adjacent lands occurred to the north between 2018 & 2021, the City did not require contributions from that developer and the road primarily benefits landowners to the north by providing access to 41 Avenue SW and not the lands being subdivided. When City Administration recommended The Orchards NSP for approval to Council, Administration and Council were aware that a portion of collector road was within Lot R1 and that construction was the responsibility of the City. Requiring that Brookfield Residential provide a cost estimate and 50% of the costs to construct the collector roadway therefore unfairly burdens Brookfield Residential.

Grounds of Appeal #4: Proposed Condition Improperly Delegates Authority

A subdivision authority is required to make the factual and planning judgements necessary to fulfill the obligations assigned to it, especially regarding suitability of the site. The subdivision authority cannot avoid that duty by deferring the real decision to a different body through a condition. It is accepted practice that the subdivision authority may not defer the decision by use of a condition, nor is it open to it to subdelegate the power to make a decision on suitability to another body, such as a municipal council. Condition II.8 is contingent on approval from a separate and independent approving authority and as a result confirms that the condition is not necessary for the subdivision to be realized.

In conclusion, Condition II.8 is not a valid condition imposed under s. 655 and is contrary to City policy and established land development practice. Section 655 of the Act permits a municipality to require construction or payment only for a road required to give access to the subdivision. The approval itself shows that the permanent Orchards Green SW segment within Lot R1 is not treated as road required to give access. Condition II.8 is a contingent 50/50 cash contribution dependent on future City capital funding and will be waived if the City is unable to secure matching funds for the construction of the road. In our opinion, that is the structure of a municipal capital project, not a condition supported by s. 655 required to provide legally necessary access under the Municipal Government Act. In conclusion, Brookfield Residential respectfully requests that the Board revoke Condition II.8 in its entirety.

*General Matters*

**Appeal Information:**

**The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on April 15, 2026:**

**“That the appeal hearing be scheduled to a date to be determined in June, 2026.”**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Subdivision Appeals**

**Appeals**

**678(1)** The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
  - (ii) the location of school reserve allocated to it, or
  - (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with 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 Protected areas or the Minister of Forestry, Parks and Tourism, or

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

(b) in all other cases, with the subdivision and development appeal board.

**(2.1)** Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

**(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

**(4)** A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

**(5)** If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal 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.

#### **Hearing and decision**

**680(1)** The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and
- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

**(1.1)** For the purposes of subsection (1), "owner" has the same meaning as in section 653.

(2) In determining an appeal, the board hearing the appeal

- (a) repealed 2020 c39 s10(48);
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

(2.1) In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

(2.2) Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

...

#### **Approval of application**

**654(1)** A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,

- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

**(1.1)** Repealed 2018 c11 s13.

**(1.2)** If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

**(2)** A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

**(3)** A subdivision authority may approve or refuse an application for subdivision approval.

**Conditions of subdivision approval**

**655(1)** A subdivision authority may impose the following conditions or any other conditions permitted to be imposed by the subdivision and development regulations on a subdivision approval issued by it:

- (a) any conditions to ensure that this Part, including section 618.3(1), and the statutory plans and land use bylaws and the regulations under this Part affecting the land proposed to be subdivided are complied with;
- (b) a condition that the applicant enter into an agreement with the municipality to do any or all of the following:

(i) to construct or pay for the construction of a road required to give access to the subdivision;

(ii) to construct or pay for the construction of

(A) a pedestrian walkway system to serve the subdivision, or

(B) pedestrian walkways to connect the pedestrian walkway system serving the subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent subdivision,

or both;

(iii) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the subdivision, whether or not the public utility is, or will be, located on the land that is the subject of the subdivision approval;

(iv) to construct or pay for the construction of

(A) off-street or other parking facilities, and

(B) loading and unloading facilities;

(v) to pay an off-site levy or redevelopment levy imposed by bylaw;

(vi) to give security to ensure that the terms of the agreement under this section are carried out.

**(2)** A municipality may register a caveat under the Land Titles Act in respect of an agreement under subsection (1)(b) against the certificate of title for the parcel of land that is the subject of the subdivision.

**(3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the agreement has been complied with.

**(4)** Where a condition on a subdivision approval has, prior to the coming into force of this subsection, required the applicant to install a public utility or pay an amount for a public utility referred to in subsection (1)(b)(iii), that condition is deemed to have been validly imposed, whether or not the public utility was located on the land that was the subject of the subdivision approval.

**General Provisions from the Zoning Bylaw 20001:**

Section 2.20.1 states that the **Purpose** of the **RSF - Small Scale Flex 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. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Section 2.90.1 states that the **Purpose** of the **CN - Neighbourhood Commercial Zone** is:

To allow for small scale activity centres to support Local Nodes, as directed by Statutory Plans, that become community focal points for commercial businesses, services, social gathering and limited Residential Uses that are integrated with the neighbourhood. These activity centres can accommodate both vehicle-oriented and pedestrian oriented developments.

Section 2.40.1 states that the **Purpose** of the **RM - Medium Scale Residential Zone** is:

To allow for multi-unit Residential development that ranges from approximately 4 to 8 Storeys and may be arranged in a variety of configurations. Single Detached Housing, Semi-detached Housing, and Duplex Housing are not intended in this Zone unless they form part of a larger multi-unit Residential development. Limited opportunities for community and commercial development are permitted to provide services to local residents.

***Previous Subdivision and Development Appeal Board Decision***

| <b>Application Number</b>              | <b>Description</b>  | <b>Decision</b>              |
|--|---|------------------------------|
| Project No. 566895013-006 / LDA25-0280 | Tentative plan of subdivision to create one (1) commercial lot from Lot C, Plan 3186 TR and Lot 1, Block 1, Plan 252 1164, located north of 41 Avenue | November 6, 2025; WITHDRAWN. |

|  |  |  |
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|  | SW and east of Ewing Trail<br>SW; THE<br>ORCHARDS                      AT<br>ELLERSLIE |  |
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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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Subdivision Authority

6th Floor, Edmonton Tower  
10111 – 104 Avenue NW  
Edmonton, Alberta T5J 0J4

April 2, 2026

File No. LDA25-0485

RE: Tentative plan of subdivision to create 202 residential lots, one (1) multi-unit housing lot (MHL), and one (1) non-credit Municipal Reserve (MR) lot, from Lot C, Plan 3186 TR located north of 41 Avenue SW and west of 91 Street SW; **THE ORCHARDS AT ELLERSLIE**

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**I The Subdivision by Plan is APPROVED on April 2, 2026, subject to the following conditions:**

1. that the owner dedicate non-credit MR as a 0.50 ha lot, as shown on the "Conditions of Approval" map, Enclosure I;
2. that the owner enter into a Servicing Agreement with the City of Edmonton pursuant to Section 655 of the Municipal Government Act;
3. that the owner enter into a Deferred Servicing Agreement with the City of Edmonton, pursuant to Section 655 of the Municipal Government Act;
4. that concurrent with registration of the plan of survey, the City of Edmonton shall register against the proposed MHL a claim of interest by caveat of the Deferred Servicing Agreement pursuant to Section 655 of the Municipal Government Act;
5. that the owner prepare the necessary plans and documentation to grant new or carry forward existing easements and restrictive covenants in favour of the City of Edmonton, EPCOR Distribution & Transmission Inc., EPCOR Water Services Inc., and EPCOR Drainage Services, as required by the aforementioned agencies or shown on the engineering drawings that are deemed to be part of the Servicing Agreement;
6. that the owner register a public access easement for a future 1.8 m concrete sidewalk, within the MHL, as shown on the "Conditions of Approval" map, Enclosure I. The City shall be a party to the easement;
7. that the owner dedicate, clear and level 41 Avenue SW as required for road right of way, and said dedication shall conform to an approved Concept Plan or to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;

8. that the owner be permitted to register this plan of subdivision in phases in sequential order, as shown on the "Conditions of Approval" map, Enclosure I;
  9. That the approved subdivisions LDA25-0280, LDA25-0473, and LDA25-0447 be registered prior to or concurrent with this application to provide the logical extension of roads and underground infrastructure;
  10. that the owner register a Disturbed Soil restrictive covenant in favour of EPCOR Drainage Services, against the lots flanking the walkway, as shown on the "Conditions of Approval" map, Enclosure I;
  11. that the owner register a Berm and Fence restrictive covenant and easement in favour of the City of Edmonton against the lots backing onto 41 Avenue SW, as shown on the "Conditions of Approval" map, Enclosure I; and
  12. that the owner pay all outstanding property taxes prior to the endorsement of the plan of survey.
- II The Servicing Agreement required in Clause I (2) shall contain, among other things, the following conditions:**
1. that the owner pay all servicing costs, assessments, roadway modification costs (including but not limited to sidewalk, shared pathway and/or transit infrastructure), construction costs and inspection costs required by this subdivision;
  2. that the owner pay all costs specified in the Servicing Agreement prior to endorsement of the plan of survey;
  3. that the owner pay the Drainage Assessments applicable to this subdivision;
  4. that the owner pay the Arterial Roadway Assessments applicable to this subdivision;
  5. that the owner pay the Fire hall Offsite Levy applicable to this subdivision;
  6. that the owner submits an Erosion and Sediment Control (ESC) Plan specific for this development and for implementation during and after construction in accordance with the City of Edmonton ESC Guidelines and Field Manual;
  7. that the owner submit detailed engineering drawings and technical studies in accordance with the City of Edmonton Design and Construction Standards, and that Complete Streets design and cross-section details for the alleys and roadways be determined through the engineering drawing review and approval process, and as a result, may require adjustments to the road right-of-way to the satisfaction of the City Departments and affected utility agencies;
  8. that the owner provide 50% cash in lieu for the construction of Orchards Green SW within Lot R1, Plan 3186 TR, as shown on Enclosure I. The developer must provide a cost estimate when submitting the engineering drawings. The cost estimate must include the construction of Orchards Green SW to an approved Complete Streets Design and cross section, including a shared pathway, sidewalk connection and landscaping. Payment shall be received no later than 24 months following the owner's execution of the development servicing agreement for Phase 1. The owner's 50% payment is conditional on the City receiving approved capital funding for the remaining 50% required for the construction of Orchards Green SW. If City Council does not

- approve capital funding for Orchards Green SW within 24 months of the owner executing the development servicing agreement for Phase 1, or if any portion of Lot R1, Plan 3186 TR is sold, leased, or otherwise disposed of, this condition will be waived;
9. that the owner construct Orchards Wynd SW to a transit collector roadway standard, including the roundabouts at 91 Street SW and Orchards Green SW and a 3 m shared pathway, with Phase 1, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  10. that the owner construct Orchards Green SW to a transit collector roadway standard, including a 3 m shared pathway, with Phase 1, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  11. that the owner construct a temporary 4 m paved surface emergency access with T-bollards, with Phase 1, to the satisfaction of Subdivision and Development Coordination as shown on the "Conditions of Approval" map, Enclosure I;
  12. that the owner construct a residential reverse housing alley within the proposed 8 m north/south alley right-of-way, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  13. that the owner construct a 1.8 m concrete sidewalk east of the reverse housing development, with a connection to the adjacent path, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  14. that the owner construct a 1.8 m concrete sidewalk within the walkways, with connections to adjacent paths, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  15. that the owner construct a 3 m hard surface shared pathway with lighting, and bollards, within the greenway (non-credit MR parcel) with connections to the adjacent shared pathways, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  16. that the owner provide accommodations for temporary major drainage, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  17. that the owner construct underground utilities including watermain, sanitary and storm sewer main extensions, to the satisfaction of EPCOR Water Services Inc. and Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  18. that the owner install bollards along the 6m alley adjacent to the Urban Village Park, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;

19. that the owner construct a 1 m berm centered on property line and 1.8 m noise attenuation fence contained wholly within private property, in conformance with the Complete Streets Design and Construction Standards, for all lots backing onto 41 Avenue SW, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I;
  20. that the owner construct all fences wholly on privately-owned land, to the satisfaction of Subdivision and Development Coordination, as shown on the "Conditions of Approval" map, Enclosure I; and
  21. that the owner is responsible for the landscape design and construction within the non-credit Reserve lot, road rights of way, and walkways, to the satisfaction of City Departments and affected utility agencies.
- III. That the Deferred Servicing Agreement required in Clause I (3) requires that upon further subdivision or upon the issuance of a development permit, whichever occurs first, that the owner, or its successor in title, will be required to complete, among other things, the following:**
1. that the owner submit detailed engineering drawings and technical studies in accordance with the City of Edmonton Design and Construction Standards, to the satisfaction of the City Departments and affected utility agencies; and
  2. that the owner construct a 1.8 m concrete sidewalk with lighting within in the MHL, with connections to adjacent sidewalks, to the satisfaction of Subdivision and Development Coordination, as conceptually shown on the "Conditions of Approval" map, Enclosure I.

Enclosure I is a map of the subdivision identifying major conditions of this approval.

Municipal Reserve for Lot C, Plan 3186 TR were previously addressed through land dedication under Plan 3186 TR.

An arterial road plan of approximately 0.86 ha was created from Lot C, Plan 3186 TR under LDA25-0364 to dedicate part of 41 Avenue SW. The associated MR credit of 0.086 ha was not addressed at that time; therefore, the Deferred Reserve Caveat registered against Lot 1, Block 2, Plan 252 1164 should be reduced by 0.086 ha.

Please be advised that the approval is valid for one (1) year from the date on which the subdivision approval is given to the application. An extension beyond that time may be granted by the City of Edmonton. An appeal may be lodged in accordance with Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 - 103 Avenue NW, Edmonton Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact [subdivisions@edmonton.ca](mailto:subdivisions@edmonton.ca).

Regards,



Kristen Rutherford  
Acting Subdivision Authority

KR/mn/Posse #566895013-001

Enclosure

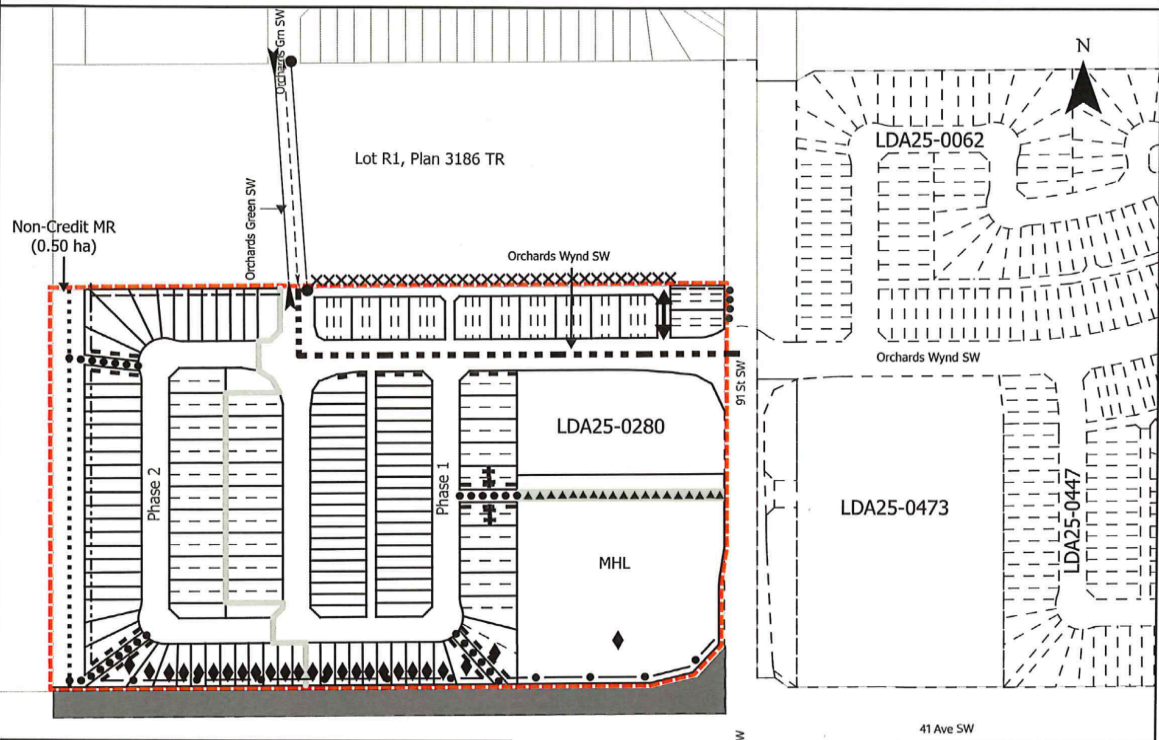
**ENCLOSURE I**

**SUBDIVISION CONDITIONS OF APPROVAL MAP**

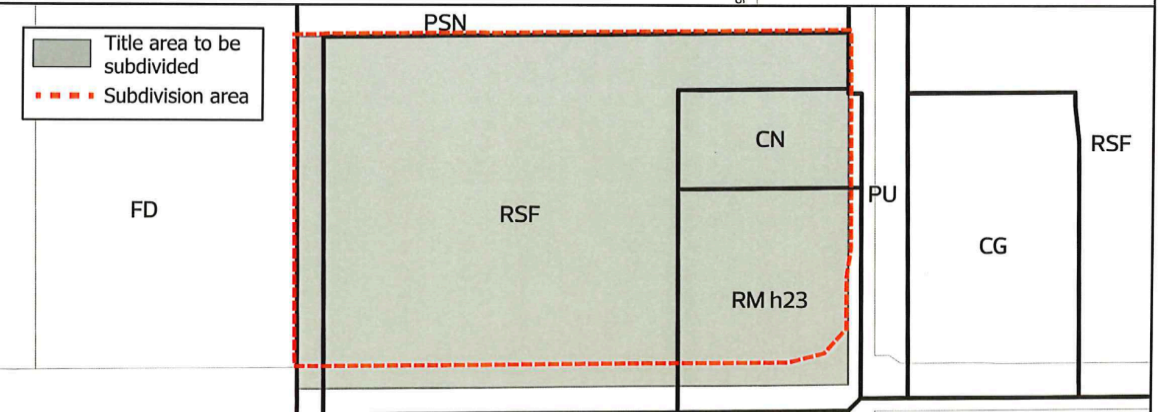
April 2, 2026

LDA25-0485

- |   |                                  |   |
|---|----------------------------------|---|
| Limit of Proposed Subdivision           | 1.8 m Concrete sidewalk          | Bollards                                |
| Phasing Line                            | 3 m Hard surface shared use path | Temporary major drainage                |
| 1.2 m Uniform fence                     | 1.8 m Concrete sidewalk with DSA | Underground Utilities                   |
| 1.8 m Uniform Fence as per Zoning Bylaw | Temporary 4m Emergency Access    | Restrictive Covenant re: Berm and Fence |
| 1.8 m Uniform screen fence              | Construct collector roadway      | Restrictive Covenant re: Disturbed Soil |
| Berm and Noise Attenuation Fence        | Reverse housing alley            | Register public access easement         |
|   |                                  | Dedicate, clear and level               |



NOTE: All roads shown on this map are within the SW quadrant





AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT(S):

APPLICATION NO.: 608166987-002

APPLICATION TO: Construct a Residential Use building in the form of a 4 Dwelling Row House (NOT to be used as a Lodging House) with unenclosed front porches, Basement development (unit 3 only, NOT to be used as an additional Dwelling) and 3 Secondary Suites in the Basements (units 1, 2, & 4); and to demolish a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: April 17, 2026

DATE OF APPEAL: May 7, 2026

RESPONDENT: THC Homes

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11921 - 89 AVENUE NW

LEGAL DESCRIPTION: Plan 2520887 Blk 8 Lot 1A

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Scona District Plan

***Grounds for Appeal***

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

Appellant 1

Our appeal is based on the fact that the provisions of the Edmonton Zoning Bylaw were relaxed, varied or misinterpreted by the Development Planner. Examples of this include, but are not limited to, the following:

- i) Zoning bylaws were misinterpreted as this development was classified as a row house, however it should have been classified as a lodging house.
- ii) Zoning bylaw provisions were varied in instances regarding waste disposal and collection, and soft landscaping.

Additional arguments will be provided prior to the hearing.

Appellant 2

This appeal is submitted on the grounds that the provisions of the bylaw were incorrectly applied and that certain requirements were inappropriately relaxed. It is our position that the development, as approved, does not align with the necessary classifications or the standards mandated by the governing bylaw.

***General Matters***

**Appeal Information:**

**The Subdivision and Development Appeal Board (“SDAB” or “Board”) made and passed the following motion on May 13, 2026:**

**“That the appeal hearing be scheduled for June 4, 2026.”**

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, **Row Housing** means:

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.20, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

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.

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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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|   |  |  |   |
|---|--|--|---|
|    | Project Number: <b>608166987-002</b><br>Application Date: JUN 10, 2025<br>Printed: April 17, 2026 at 12:58 PM<br>Page: 1 of 9  |  |   |
|   | <h2>Development Permit</h2>  |  |   |
| 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 Zoning Bylaw as amended.  |  |  |   |
| <b>Applicant</b>  | <b>Property Address(es) and Legal Description(s)</b><br>11921 - 89 AVENUE NW<br>Plan 2520887 Blk 8 Lot 1A  |  |   |
|   | <b>Specific Address(es)</b><br>Suite: 11921 - 89 AVENUE NW<br>Suite: 11923 - 89 AVENUE NW<br>Suite: 11925 - 89 AVENUE NW<br>Suite: 11927 - 89 AVENUE NW<br>Suite: BSMT, 11921 - 89 AVENUE NW<br>Suite: BSMT, 11923 - 89 AVENUE NW<br>Suite: BSMT, 11927 - 89 AVENUE NW<br>Entryway: 11921 - 89 AVENUE NW<br>Entryway: 11923 - 89 AVENUE NW<br>Entryway: 11925 - 89 AVENUE NW<br>Entryway: 11927 - 89 AVENUE NW<br>Building: 11921 - 89 AVENUE NW |  |   |
| <b>Scope of Permit</b><br>To construct a Residential Use building in the form of a 4 Dwelling Row House (NOT to be used as a Lodging House) with unenclosed front porches, Basement development (unit 3 only, NOT to be used as an additional Dwelling) and 3 Secondary Suites in the Basements (units 1, 2, & 4); and to demolish a Single Detached House.   |  |  |   |
| <b>Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     1. Titled Lot Zoning: RS<br/>                     3. Overlay:<br/>                     5. Statutory Plan:<br/>                     7. Neighbourhood Classification: Redeveloping                 </td> <td style="width: 50%; vertical-align: top;">                     2. Number of Principal Dwelling Units To Construct: 4<br/>                     4. Number of Secondary Suite Dwelling Units to Construct: 3<br/>                     6. Backyard Housing or Secondary Suite Included?: Yes<br/>                     8. Development Category / Class of Permit: Permitted Development                 </td> </tr> </table>               |  | 1. Titled Lot Zoning: RS<br>3. Overlay:<br>5. Statutory Plan:<br>7. Neighbourhood Classification: Redeveloping | 2. Number of Principal Dwelling Units To Construct: 4<br>4. Number of Secondary Suite Dwelling Units to Construct: 3<br>6. Backyard Housing or Secondary Suite Included?: Yes<br>8. Development Category / Class of Permit: Permitted Development |
| 1. Titled Lot Zoning: RS<br>3. Overlay:<br>5. Statutory Plan:<br>7. Neighbourhood Classification: Redeveloping  | 2. Number of Principal Dwelling Units To Construct: 4<br>4. Number of Secondary Suite Dwelling Units to Construct: 3<br>6. Backyard Housing or Secondary Suite Included?: Yes<br>8. Development Category / Class of Permit: Permitted Development  |  |   |
| <b>Development Permit Decision</b><br>Approved<br><b>Issue Date:</b> Apr 17, 2026 <b>Development Authority:</b> SELTZ, AARON<br><b>Subject to the Following Conditions</b><br>Zoning Conditions:<br><p>This Development Permit authorizes the construction of a Residential Use building in the form of a 4 Dwelling Row House (NOT to be used as a Lodging House) with unenclosed front porches, Basement development (unit 3 only, NOT to be used as an additional Dwelling) and 3 Secondary Suites in the Basements (units 1, 2, &amp; 4); and to demolish an existing Single Detached House.</p> <p>The development must be constructed in accordance with the approved drawings.</p> <p>The development must be demolished in accordance with the approved drawings.</p> |  |  |   |
| PG702003  |  |  |   |



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## Development Permit

A Building Permit (for demolition) is required prior to demolition of the existing building.

Immediately upon demolition of the building, the Site must be cleared of all debris.

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).

Landscaping must be installed and maintained in accordance with Section 5.60.

A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).

Pathway(s) connecting the main entrance of the Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum unobstructed width of 0.9 m (Subsection 5.80.2.1.1).

Unenclosed steps require a minimum setback of 0.6 m from Lot lines (Subsection 2.10.4.6.). If the unenclosed steps are oriented toward the Interior Side Lot Line, a minimum distance of 1.1 m must be maintained between the Interior Side Lot Line and the unenclosed steps (Subsection 2.10.4.8.1.). If the unenclosed steps are oriented away from the Interior Side Line and have a landing less than or equal to 1.5 m<sup>2</sup>, a minimum distance of 0.15 m must be maintained from the Interior Side Lot line and the unenclosed steps (Subsection 2.10.4.8.2.)

Screening must be provided for the waste collection area, to the satisfaction of the Development Planner (Subsection 5.120.4.1.5)

Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).

The Secondary Suite must have a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building (Section 8.20).

A Hard Surfaced Pathway connecting the main entrance of the Secondary Suite directly to an Abutting sidewalk or to a Driveway is required, which must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).

The Secondary Suite must have less Floor Area than the principal Dwelling (Section 8.20).

The Secondary Suite must not be separated from the principal Dwelling by a condominium conversion or subdivision (Section 8.20).


The development must not be used as a Lodging House. A Lodging House means a building, or part of a building, containing 4 or more Sleeping Units that are rented out individually.

This Development Permit will be revoked if the conditions of this permit are not met.

### Landscaping Conditions:

1. Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.

2. Any change to an approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

|  |  |
|--|--|
|   | <p>Project Number: <b>608166987-002</b><br/>         Application Date: JUN 10, 2025<br/>         Printed: April 17, 2026 at 12:58 PM<br/>         Page: 3 of 9</p> |
| <h2>Development Permit</h2>  |  |
| <p>3. Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.</p> <p>Transportation Conditions:</p> <ol style="list-style-type: none"> <li>1. The existing approximate 6.88 m private driveway to 89 Avenue NW located approximately 12.9 m from the easterly property line, must be removed from the back of the existing sidewalk and restored with grassed boulevard to the north property line within the road right-of-way to the City of Edmonton Complete Streets Design and Construction Standards.</li> <li>2. Access is proposed to the alley and does not require a crossing permit. The area between the property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination. This area within the alley road right-of-way must not exceed a slope of 8%.</li> <li>3. The minimum separation distance from the tree identified on City property is 3 meters.</li> </ol> <p>If the project comes into conflict with tree roots 2 inches or greater in diameter during excavation, Urban Forestry must be notified for further consultation. Roots 2" or greater in diameter play an integral role in tree structure, stability as well as health, and the removal of them could have a negative impact on the tree. The significance of that impact will be determined by the Forester as well as if any compensation will be required from the proponent.</p> <p>Prior to construction, a Public Tree Permit is required for all work, including haul routes, within 5 meters of a boulevard/open space tree and 10 meters of a natural stand as per Public Tree Bylaw 18825. Trees will require physical tree protection fencing and possibly anti-compaction methods as part of the overall protection plan. For more information on City of Edmonton Tree Protection, please visit the Public Tree Permit Webpage.</p> <p>If tree damage occurs, all costs related to remediative tree work, including full tree removal, will be enforced and shall be covered by the proponent as per the Corporate Tree Management Policy (C456C). This includes compensation for tree value as well as operational and administrative fees.</p> <ol style="list-style-type: none"> <li>4. Permanent objects including steps, railings, retaining walls, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.</li> <li>5. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <a href="https://utility-safety.ca/wheres-the-line/submit-a-locate-request/">https://utility-safety.ca/wheres-the-line/submit-a-locate-request/</a>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; <a href="http://www.digshaw.ca">www.digshaw.ca</a>) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.</li> <li>6. Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.</li> <li>7. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:             <ol style="list-style-type: none"> <li>a. the start/finish date of project;</li> <li>b. accommodation of pedestrians and vehicles during construction;</li> <li>c. confirmation of lay down area within legal road right of way if required;</li> <li>d. and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.</li> </ol>             It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: <a href="https://www.edmonton.ca/business_economy/oscam-permit-request.aspx">https://www.edmonton.ca/business_economy/oscam-permit-request.aspx</a> </li> </ol> |  |
| <p>P0702003</p>  |  |



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## Development Permit

### EPCOR Conditions:

1. Prior to the release of drawings for Building Permit review (except for Building Permits for demolition, excavation, or shoring), an Infill Fire Protection Assessment (IFPA) conducted by Edmonton Fire Rescue, Fire Protection Engineer, must be completed.

1a. The proposed development must comply with any requirements identified in the IFPA.

1b. Should the IFPA determine that upgrades to the municipal fire protection infrastructure are required, the owner must enter into a Servicing Agreement with the City for construction of those improvements or alternatively the owner can contact EPCOR to explore the option of having EPCOR complete the work at the owner's expense. The Servicing Agreement with the City or EPCOR must be entered into prior to the release of drawings for Building Permit review.

2. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

### Waste Services Conditions:

Waste Services has reviewed the proposed plan "PLOT PLAN" dated March 19, 2026 and has no concerns to identify during this review.

This review follows Waste Services' current standards and practices and will expire when the Development Permit expires.

Adding any number of additional dwellings beyond what is indicated in this letter may result in changes to your waste collection. Waste Services reserves the right to adjust the collection method, location, or frequency to ensure safe and efficient service.

### Additional information about waste service at your proposed development:

Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.

Refer to Developer Standards for Residential Waste Collection for developments receiving residential collection.

To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:

Access to containers and removal of obstructions.

Container set out, and

The responsibility for wear and tear or damages.

The green cart equivalency program while maintaining 1.0 m spacing between carts and any other objects such as vehicles, fences, power poles, etc. has been approved for this proposed development with 7 dwellings, allowing it to receive Curbside Collection. Each unit will be charged the waste utility rate. The City will provide a total of 11 carts: 7 x 240 L for garbage and 1 x 120 L and 3 x 240 L for food scraps.

### Please note:

Residents would be required to share their food scraps carts.

Residents will be required to set out garbage and food scraps carts on collection day as per the set-out instructions.



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## Development Permit

Residents would use blue bags for recycling.

Due to the width of the development lot not being able to accommodate the space required for setting out carts for Curbside Service, the carts from this development will be collected from the rear lane as well as 89 Avenue. This will allow for the cart spacing requirements to be met, utilizing the Curbside Collection program. It is the responsibility of the applicant or owner to ensure residents have access to the rear lane for waste set out.

In order for Curbside Collection to occur off of 89 Avenue, appropriate 'no parking' signs need to be installed at the expense of the applicant. The applicant must contact Parks and Roads Services via [parkingassets@edmonton.ca](mailto:parkingassets@edmonton.ca) to arrange for signage installation. Waste carts for the property will not be delivered until Waste Services verifies that the 'no parking' signage has been properly installed.

A minimum of 7.5 m unobstructed overhead space is required above the collection area to allow proper servicing of the containers.

If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.

If the waste enclosure or room is incomplete or does not match the approved drawings upon resident move-in, Waste Services reserves the right to select an alternate location for the waste containers to ensure safe and efficient waste collection. The alternate location may be in a parking stall, loading area, green space, etc.

For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the owner to ensure all residents have access to the rear lane for waste set out.

### Subject to the Following Advisements

Zoning Advisements:

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

An issued 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, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see [https://www.edmonton.ca/residential\\_neighbourhoods/gardens\\_lawns\\_trees/public-tree-permit](https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit). All new installations, above and below ground, within 5m of a City tree require forestry consultation.

In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.

City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.

A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made



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## Development Permit

via EPCOR's Builder and Developer web portal in My Account. Visit [epcor.com/newconnection](http://epcor.com/newconnection) and click 'ONLINE APPLICATION' for instructions on the plan submission process.

The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for review and approval.

For more information on Lot Grading requirements, plans and inspections refer to the website:  
[https://www.edmonton.ca/residential\\_neighbourhoods/residential-lot-grading](https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading)

### Transportation Advisements: SUBDIVISION PLANNING (TRANSPORTATION) - Advisement:

1. If Waste Services have concerns with the site submission as it relates to carts/bins, then any revisions to the design of the parking/waste area must be recirculated to Subdivision and Development Coordination. This may result in further changes to the site plan or additional conditions.

Drainage Services Advisements:  
DP#608166987-002 To construct a Residential Use building in the form of a 4 Dwelling Row House with unenclosed front porches and 3 secondary suites in the basement and to demolish a single detached house. File No.51-013-109-240 (Windsor Park)

To: Aaron Seltz

The Development Servicing Agreements unit of City Planning has no objection to the captioned Development Permit for the property located at 11921 - 89 AVENUE NW(Plan 2520887 Blk 8 Lot 1A,Windsor Park), subject to the following conditions:

### APPLICABLE ASSESSMENTS CONDITIONS

#### Development Assessments

APPLICABLE ASSESSMENTS  
Permanent Area Contribution (PAC)  
Storm and Sanitary PACs are not applicable since the property is not within any active PAC basin.

Expansion Assessment (EA)  
Expansion Assessment charge is being paused the end of the June 2026.(exact date to be determined by the SSSF Oversight Committee); therefore EAs are deferred for this DP.  
EA may apply at the time of the future application of subdivision, development permit or servicing connection application.

Arterial Roadway Assessment (ARA)  
Arterial Roadway Assessment are not applicable since the property is not within any active PAC basin.

Sanitary Sewer Trunk Charge (SSTC)  
SSTC is applicable to the lot in question; however, SSTC charges will be paused until the end of the June 2026. (exact date to be determined by the SSSF Oversight Committee); therefore SSTC is deferred for this DP.  
SSTC may apply at the time of the future application of subdivision, development permit or servicing connection application.

For information purposes, the following SSTC rates are for 2026. SSTC rate depends on the type of development:  
1 – Industrial / Commercial / Institution: \$8,818 per hectare  
2 – One or two Dwelling Residential (no secondary, garden or garage suite): \$1,764 per dwelling

## Development Permit

3 – Two Dwellings Residential (one secondary, garden or garage suite): \$1,764 per dwelling for secondary garden or garage suite \$781  
 4 – Multi-Family Residential: \$1,259 per dwelling

The SSTC charge should be paid when the development permit application is made or when a sanitary services connection is applied.

Any sewer main extensions required to service the site and any onsite servicing requirements are in addition to the above noted PAC and SSTC assessments and will be at the developer's cost.

Please note that the SSTC rates are subject to adjustment at the end of the year. The final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

### Additional Notes

The drainage assessments provided in this response are preliminary and for the purpose of information and discussion only. The assessment is made based on information currently available to our Department. Should such information changes in the future, a new assessment may be made.

Confirmation of the exact amount for the applicable drainage assessments will be made when an application for a subdivision, development permit, or sewer service connection is received.

In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.

More information about the above charges can be found on the City of Edmonton's website:

#### Permanent Area Contributions

[https://www.edmonton.ca/city\\_government/utilities/permanent-area-contributions.aspx](https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx)

#### Sanitary Servicing Strategy Expansion Assessment

[https://www.edmonton.ca/city\\_government/utilities/expansion-assessment-charge-ea.aspx](https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx)

#### Arterial Roadway Assessment

[https://www.edmonton.ca/projects\\_plans/roads/design\\_planning/arterial-roadway-assessments.aspx](https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx)

#### Sanitary Sewer Trunk Charge

[https://www.edmonton.ca/city\\_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx](https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx)

### EPCOR Advisements:

1. The site is currently not serviced with water. A new water service may be constructed for this site directly off of EPCOR's 150 mm water main along the lane east of 120 Street adjacent to the subject site.

2. EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design and to ensure the supply will meet plumbing code and supply requirements.

3. For information on water and/or sewer servicing requirements, please contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass@epcor.com](mailto:wass@epcor.com) or at 780-496-5444. EPCOR Strongly encourages all applicants to contact IWASS early in development planning to learn about site specific minimum requirements for on-site water and/or sewer servicing.

3a. For information and to apply for a new water service please go to [www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html](http://www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html).

## Development Permit

4. For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass@epcor.com](mailto:wass@epcor.com) or at 780-496-5444.

5. For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at [EWSinspections@epcor.com](mailto:EWSinspections@epcor.com) or 780-412-3850.

6. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

7. Due to the built-form in this development, verification that the Required Fire Flow of this development does not exceed the Available Fire Flow at this site is required to support this application. Edmonton Fire Rescue Services, Fire Protection Engineer must assess if Fire Protection of this site is adequate via an Infill Fire Protection Assessment (IFPA).

8. Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.

9. Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).

10. The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.

11. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

12. The advisements and conditions provided in this response are firm and cannot be altered.

Should you require any additional information, please contact Sarah Chileen at [schileen@epcor.com](mailto:schileen@epcor.com).

### Fire Rescue Services Advisements:

Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal, however, we have the following advisements for your implementation and information:

Travel distance from the emergency access route to each principal entrance must not exceed 45m.

[https://www.edmonton.ca/sites/default/files/public-files/B19-04\\_Small\\_Building\\_Access\\_Policy.pdf?cb=1737101329](https://www.edmonton.ca/sites/default/files/public-files/B19-04_Small_Building_Access_Policy.pdf?cb=1737101329)


Emergency access path widths must be a minimum of 0.9m and the path must be of a hard surface and accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.

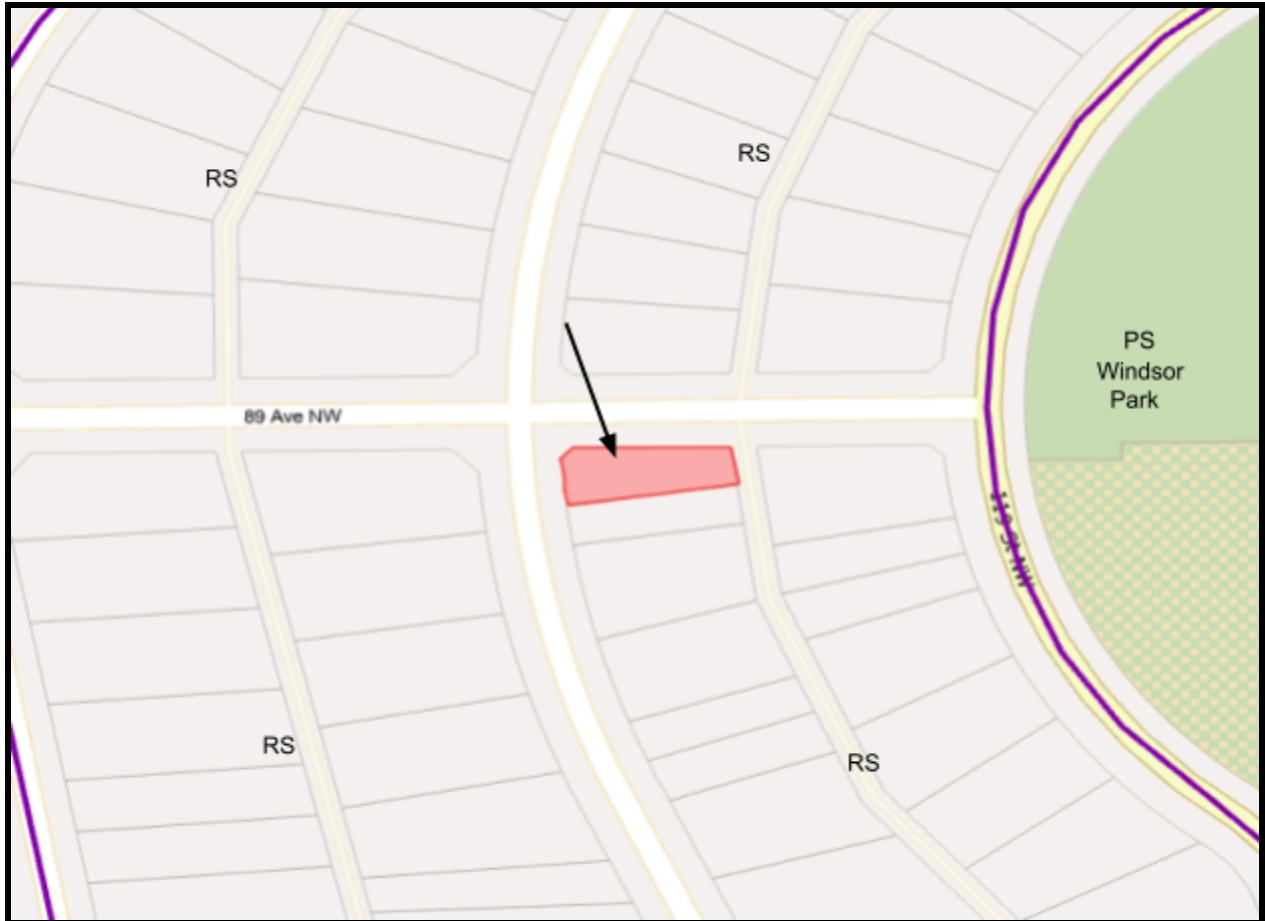
[https://www.edmonton.ca/sites/default/files/public-files/B19-04\\_Small\\_Building\\_Access\\_Policy.pdf?cb=1737101329](https://www.edmonton.ca/sites/default/files/public-files/B19-04_Small_Building_Access_Policy.pdf?cb=1737101329)

The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be provided to the fire department as the authority having jurisdiction. Edmonton Fire Rescue Services may review your plan prior to a site visit and/or at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

|   | Project Number: <b>608166987-002</b><br>Application Date: JUN 10, 2025<br>Printed: April 17, 2026 at 12:58 PM<br>Page: 9 of 9 |             |                 |              |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
|--|---|-------------|-----------------|--------------|-----------|-----------|------------------------|------------|------------|-----------------|--------------|----------------------|------------|------------|-----------------|--------------|-----------------|----------|----------|-----------------|--------------|-----------------|----------|----------|-----------------|--------------|-----------------------------------|----------|----------|-----------------|--------------|-----------------------------------|----------|----------|-----------------|--------------|-------------------|--------|--|--|--|--------------------|------------|------------|--|--|
| <h2 style="margin: 0;">Development Permit</h2>   |   |             |                 |              |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
| <p>A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).</p> <p>You can locate a copy of the FSP guide for your reference here:<br/> <a href="https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771">https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771</a></p> <p>To meet the requirements of the National Fire Code - 2023 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered.</p> <p>Reference: NFC(2023-AE) 5.6.1.2 Protection of Adjacent Building<br/>                 1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.<br/> <a href="https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-plan-construction-sites">https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-plan-construction-sites</a></p> <p>Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation:<br/>                 Measures to mitigate fire spread to adjacent buildings<br/> <a href="https://open.alberta.ca/dataset/cb3d1662-1354-45c8-aab8-29b91f2a6c35/resource/699821b7-26ed-40ec-a5a0-6ba344cdc514/download/ma-standata-interpretation-building-23-bci-030-23-fci-012-2025-03.pdf.pdf">https://open.alberta.ca/dataset/cb3d1662-1354-45c8-aab8-29b91f2a6c35/resource/699821b7-26ed-40ec-a5a0-6ba344cdc514/download/ma-standata-interpretation-building-23-bci-030-23-fci-012-2025-03.pdf.pdf</a></p> <p>Kind regards,<br/>                 Matthew McKellar<br/>                 FSCO Group B, Level II</p> <p>Please send ALL FRS DP review inquiries to <a href="mailto:cmsfpts@edmonton.ca">cmsfpts@edmonton.ca</a></p> <p><b>Rights of Appeal</b><br/>                 This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> |   |             |                 |              |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fees</th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>development permit fee</td> <td style="text-align: right;">\$1,020.00</td> <td style="text-align: right;">\$1,020.00</td> <td>04400J001001513</td> <td>Nov 27, 2025</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$1,020.00</td> <td style="text-align: right;">\$1,020.00</td> <td>019001001001882</td> <td>Jun 10, 2025</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$490.00</td> <td style="text-align: right;">\$490.00</td> <td>019001001001882</td> <td>Jun 10, 2025</td> </tr> <tr> <td>lot grading fee</td> <td style="text-align: right;">\$490.00</td> <td style="text-align: right;">\$490.00</td> <td>04400J001001513</td> <td>Nov 27, 2025</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$500.00</td> <td>019001001001882</td> <td>Jun 10, 2025</td> </tr> <tr> <td>development permit inspection fee</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$500.00</td> <td>04400J001001513</td> <td>Nov 27, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$4,140.00</td> <td style="text-align: right; border-top: 1px solid black;">\$4,140.00</td> <td></td> <td></td> </tr> </tbody> </table>  |   | Fees        | Fee Amount      | Amount Paid  | Receipt # | Date Paid | development permit fee | \$1,020.00 | \$1,020.00 | 04400J001001513 | Nov 27, 2025 | Dev. Application Fee | \$1,020.00 | \$1,020.00 | 019001001001882 | Jun 10, 2025 | Lot Grading Fee | \$490.00 | \$490.00 | 019001001001882 | Jun 10, 2025 | lot grading fee | \$490.00 | \$490.00 | 04400J001001513 | Nov 27, 2025 | Development Permit Inspection Fee | \$500.00 | \$500.00 | 019001001001882 | Jun 10, 2025 | development permit inspection fee | \$500.00 | \$500.00 | 04400J001001513 | Nov 27, 2025 | Total GST Amount: | \$0.00 |  |  |  | Totals for Permit: | \$4,140.00 | \$4,140.00 |  |  |
| Fees   | Fee Amount  | Amount Paid | Receipt #       | Date Paid    |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
| development permit fee   | \$1,020.00  | \$1,020.00  | 04400J001001513 | Nov 27, 2025 |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
| Dev. Application Fee   | \$1,020.00  | \$1,020.00  | 019001001001882 | Jun 10, 2025 |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
| Lot Grading Fee  | \$490.00  | \$490.00    | 019001001001882 | Jun 10, 2025 |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |
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| P0702003   |   |             |                 |              |           |           |                        |            |            |                 |              |                      |            |            |                 |              |                 |          |          |                 |              |                 |          |          |                 |              |                                   |          |          |                 |              |                                   |          |          |                 |              |                   |        |  |  |  |                    |            |            |  |  |



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-26-134

