SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Friday, 9:00 A.M.
October 16, 2026

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM

TO BE RAISED

I 9:00 A.M. SDAB-D-26-269

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered complete the following by October 15, 2026:
1. Landscape the site in accordance with the attached Approved Landscape Plan; and
2. Request for landscape inspection at edmonton.ca/landscapeinspectionrequest once the landscaping is installed.

20210 - 118A AVENUE NW
Project No.: 097631233-003

II 11:00 A.M. SDAB-D-26-270

Leave as built a non-conforming Residential Use building in the form of a Row House

10021 - 89 AVENUE NW
Project No.: 634921250-002

POSTPONED - NOVEMBER 26, 206

III 1:30 P.M. SDAB-D-26-271

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by September 30, 2026:
1. Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site.
AND
2. Prevent any recurrence of the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) by installing permanent durable barriers such as secured fencing, concrete bollards or parking stoppers on the interior of the site.

10579 - 108 STREET NW
Project No.: 573605177-001

TO BE RAISED

ITEM I: 9:00 A.M. FILE: SDAB-D-26-269

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:	
APPLICATION NO.:	097631233-003
ORDER:	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered complete the following by October 15, 2026: 1. Landscape the site in accordance with the attached Approved Landscape Plan; and 2. Request for landscape inspection at edmonton.ca/landscapeinspectionrequest once the landscaping is installed.
DECISION OF THE DEVELOPMENT AUTHORITY:	Order Issued
ORDER DATE:	August 5, 2026
DATE OF APPEAL:	August 26, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	20210 - 118A AVENUE NW
LEGAL DESCRIPTION:	Plan 0726719 Blk 1 Lot 5
ZONE:	BE - Business Employment Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	West Henday District Plan

Grounds for Appeal

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

> I represent Milan Developments Ltd. ("Milan") with respect to the above matter.
> My client is appealing a Stop Order. The grounds of appeal are as follows:
>
> 1. The landscaping was installed in full compliance with the landscaping plan. The City waited 13 years to inspect.
>
> 2. The Stop Order does not indicate that it was issued by the development authority.
>
> 3. The Stop Order was not sent or given to Milan on the day it was issued.
>
> 4. Such further and other grounds as may be raised at the hearing of this appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on September 1, 2026:

> **"That the appeal hearing be scheduled October 16, 2026."**

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).

…

(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:*

Section 2.120.1 states that the **Purpose** of the **BE - Business Employment Zone** is:

> To allow for light industrial and a variety of small commercial businesses with a higher standard of design that carry out their operations in a manner where no Nuisance is created or apparent outside an enclosed building. This Zone is intended to be compatible with any Abutting non-industrial Zone, while also serving as a transition Zone to buffer medium and heavy industrial Zones. This Zone is generally located on the periphery of industrial areas, Abutting Arterial and Collector Roads, or along mass transit routes.

7.200 Inspections, Enforcement and Penalties

2.1. It is an offence for any person to:

2.1.1. contravene; or
2.1.2. cause, permit or undertake a contravention of; or
any provisions of this Bylaw.
2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions

of this Bylaw.

2.2. Without restricting the generality of Subsection 2.1, 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 or allow a building or structure;
2.2.2. make or allow an addition or alteration to a building or structure;
2.2.3. commence or allow a Use or change of intensity of Use; or
2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

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.

City of Edmonton
Development Services
Development Approvals & Inspections
Landscaping Securities & Inspections

City of Edmonton
Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
edmonton.ca/landscapingmajordevelopments

August 5, 2026

Our File: 097631233-003
Sent Via: Registered Mail

MUNICIPAL GOVERNMENT ACT ORDER

Dear

An Alberta Land Titles search identifies HENDAY HEATED STORAGE HOLDING CORPORATION. as the registered owner(s) of the property located at 20210 - 118A Avenue NW in Edmonton, Alberta, legally described as Plan 0726719 Blk 1 Lot 5.

A review of City of Edmonton development permits records indicates that a landscape security in the amount of $34,800.00 was provided to the City of Edmonton by Milan Developments in accordance with the Development Permit No. 097631233-003. Landscape securities are collected by the City of Edmonton to ensure that landscaping is installed as per the approved landscape plan.

This Property was virtually inspected by Inspections and Compliance Officer Kira Vanderveen, on July 13, 2026. City of Edmonton Inspections and Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

The inspection found that the landscaping installed at the property does not comply with conditions of Development Permit #097631233-003, which state:

"Landscaping shall be in accordance to the approved landscape, Section 55 and to the satisfaction of the Development Officer".

Subsection 7.200 of Edmonton Zoning Bylaw 20001 states:

"2.3 It is an offence for any person to undertake development in contravention of a Development Permit, including any conditions of approval."

Order:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered complete the following by October 15, 2026:

1. Landscape the site in accordance with the attached Approved Landscape Plan; and
2. Request for landscape inspection at edmonton.ca/landscapeinspectionrequest once the landscaping is installed.

Consequences for Non-Compliance:

The property may be inspected after October 15, 2026 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.

Non-compliance with the Order constitutes forfeiture of any held Landscape Security to the City of Edmonton for its use to procure and install landscaping on site, including any additional costs associated with carrying out these activities. All the costs and expenses in doing so will be paid for by using the Landscape Security held by the City of Edmonton. The City of Edmonton may also charge an Administrative Fee of up to 10% of the value of the work completed to a maximum of $5,000.00. The administrative fee charged will reflect the expenses incurred by the City of Edmonton in carrying out this Order.

If a Landscape Security has not been made available to the City of Edmonton, or costs to carry out the remedial landscaping work exceed the available security, the City of Edmonton may add the costs and expenses to carry out the Order to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act.

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.

Please contact the writer using the contact information below to discuss the matter. The writer can help you to understand this Order letter, advise you on how the property can be brought into compliance, and can consider requests for extensions to the deadline.

Regards,

Kira Vanderveen, PL#114
Inspections and Compliance Officer
Phone: (780) 220-0397
Email: kira.vanderveen@edmonton.ca

Adding amounts owing to tax roll

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

(a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;

(b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;

(c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;

(d), (e) repealed 1999 c11 s35;

(f) costs associated with tax recovery proceedings related to the parcel;

(g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;

(g.1) if the municipality has passed a bylaw requiring the owner or occupant of a 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 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

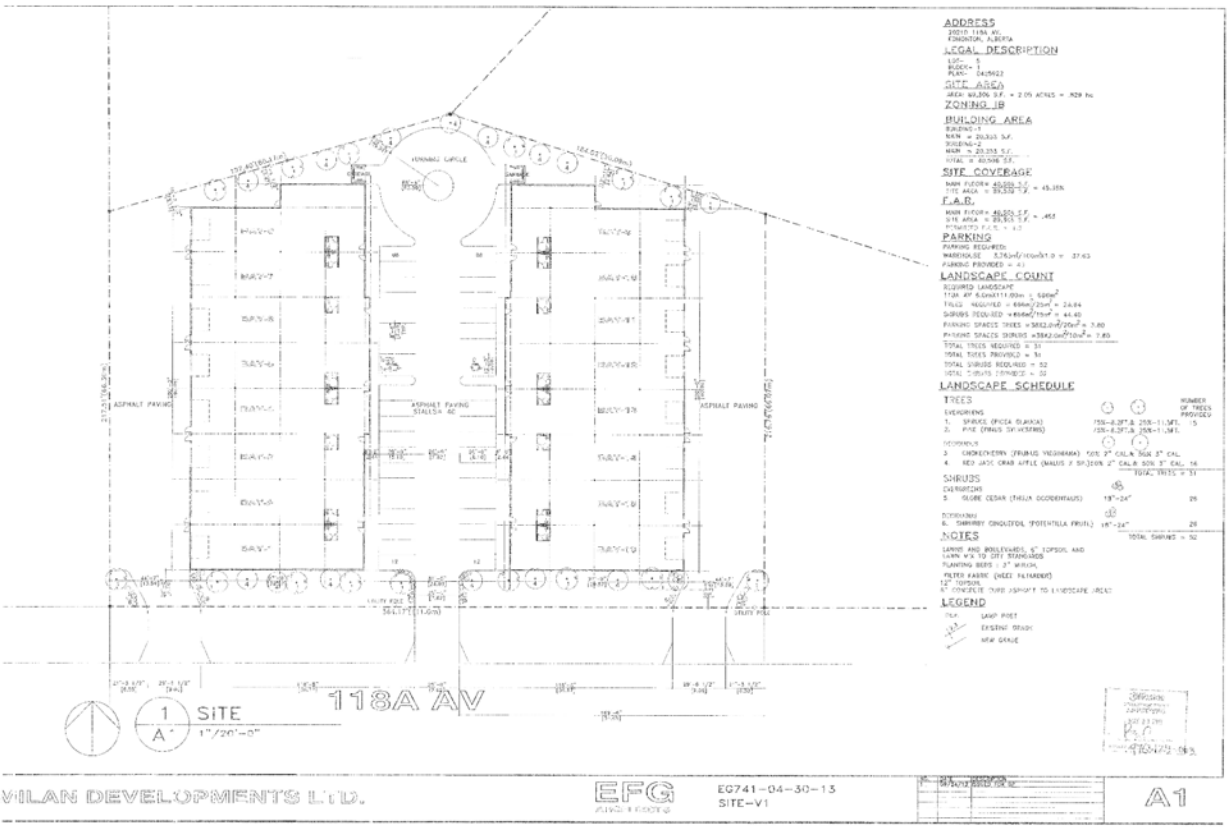
public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

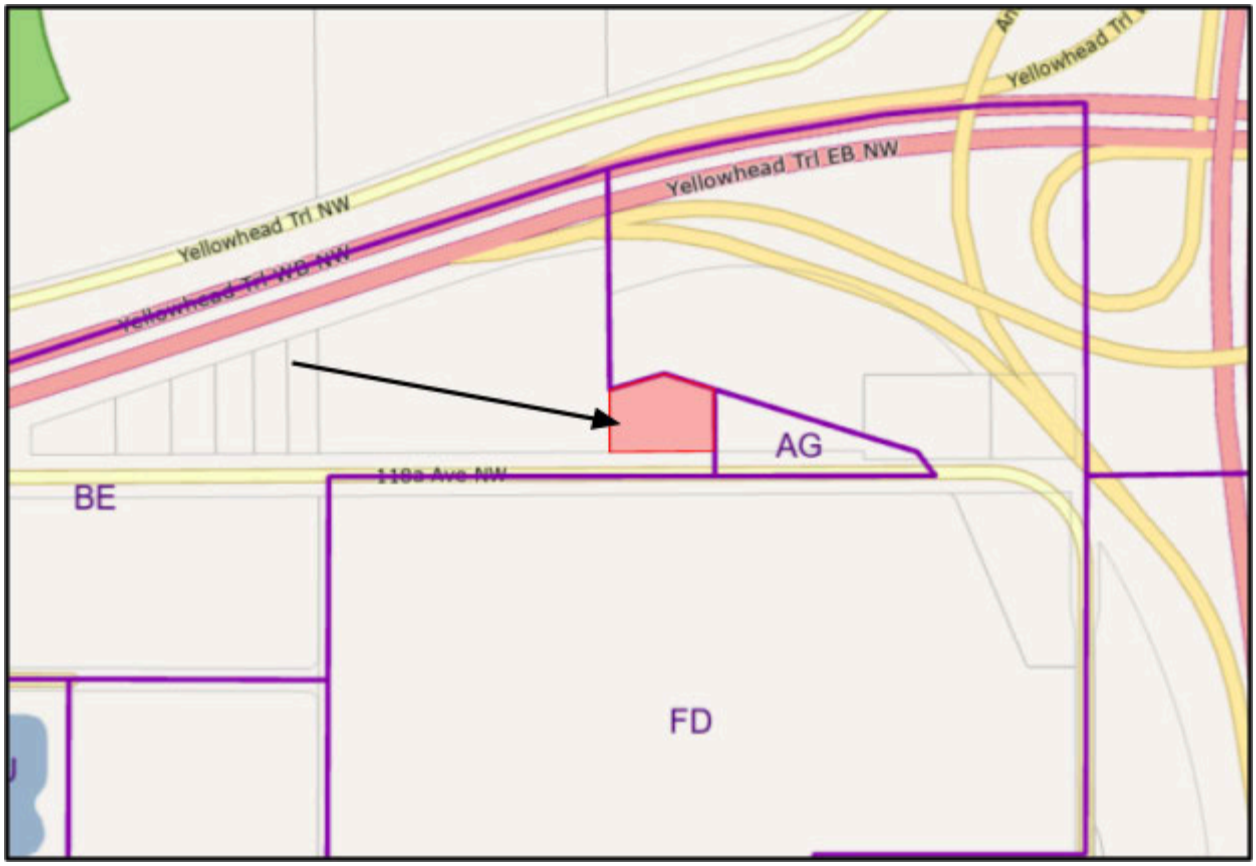
(a) the application for the development permit, the decision and the notice of appeal,

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.


ADDRESS
LEGAL DESCRIPTION
SITE AREA
ZONING IB
BUILDING AREA
SITE COVERAGE
F.A.R.
PARKING
LANDSCAPE COUNT
LANDSCAPE SCHEDULE
TREES
SHRUBS
NOTES
LEGEND
ASPHALT PAVING
118A AV
1 SITE
A1
1"/20'-0"
VILAN DEVELOPMENTS LTD.
EFG
EG741-04-30-13
SITE-V1
A1



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-269

N

ITEM II: 11:00 A.M. FILE: SDAB-D-26-270

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	634921250-002
APPLICATION TO:	Leave as built a non-conforming Residential Use building in the form of a Row House
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	September 4, 2026
DATE OF APPEAL:	September 19, 2026
RESPONDENT:	
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10021 - 89 AVENUE NW
LEGAL DESCRIPTION:	Plan 7995R Blk 116 Lots 21-22
ZONE:	RM - Medium 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:

> I am writing as the owner and resident of the property immediately adjacent to the west side lot line of the proposed medium-scale residential development. I strongly object to the requested side setback variance and

wish to highlight a significant discrepancy regarding the site measurements.

While the Citys review identifies the proposed setback as 1.41 m, my own review of the plans and site boundary indicates that the true physical setback to the building projection is actually 1.20 m. Bringing a multi-unit structure to within 1.20 m of our shared boundary represents an even more dramatic departure from standard zoning rules and creates severe, unmitigated material impacts on our home.

Under Section 687(3)(d) of the Municipal Government Act, the Board must determine that a variance will not materially interfere with or affect the use, enjoyment, or value of neighbouring properties. As outlined below, this reduction severely harms our land use.

1. Discrepancy in Setback Measurement
The applicant's documentation and City notice reference a 1.41 m setback; however, measuring to the actual exterior finish/structural wall placement along the west lot line shows a true clearance of only 1.20 m.

2. Loss of Natural Light for Home-Based Art Studio
My spouse operates a home-based studio as a professional acrylic landscape artist, relying on consistent, natural daylight entering our home and workspace to render fine color nuances accurately. Acrylic paint dries rapidly under fluctuating lighting conditions, making reliable ambient sunlight essential. Placed just 1.20 m from our lot line, this structure will cast heavy, long-standing shadows over our workspace, directly disrupting my spouses professional livelihood and artistic practice.

3. Impact on Backyard Grape Cultivation & Microclimate
Outside our home, my primary hobby is cultivating backyard grapevines. Successfully growing fruiting vines in Edmontons climate requires maximizing heat retention and direct sunlight throughout the growing season. A 1.20 m setback builds a towering mass immediately along our sun trajectory, significantly lowering microclimate temperatures, blocking vital light, and threatening the health and yield of our vines.

4. Severe Impairment of Privacy & Direct Overlook
The proposed design includes two elevated covered balconies and multiple window openings positioned along the west facade facing directly into our yard. At a distance of only 1.20 m from the lot line, these features completely eliminate our privacy. Occupants on the upper balconies will have direct sightlines into our private outdoor living space and home interior.

5. Preservation of Neighbourhood Character & Historical Connection
Our home holds deep history within the neighbourhood. It was loved and maintained for decades by the previous owners, who cared for the property

so deeply that a memorial bench was commissioned in the park directly across the street dedicated to the history and stewardship of this house. Allowing an imposing building mass just 1.20 m from our boundary severely degrades the character, open spacing, and spatial heritage of this block.

Conclusion & Requested Decision
Whether evaluated at the City's stated 1.41 m or the actual 1.20 m distance, this variance creates severe material harm. We respectfully request that the Board deny the requested side setback variance and require the developer to adhere to standard Zoning Bylaw setbacks or redesign the west facade to remove upper balconies and direct window sightlines.

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.

Non-conforming use and non-conforming buildings

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

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

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

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

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

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

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

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

General Provisions from the *Zoning Bylaw 20001:*

Under section 2.40.2.2, a **Residential Use** is a **Permitted Use** in the **RM - Medium Scale Residential Zone**.

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

> 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.

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.

Side Setbacks

Section 2.40.4.4

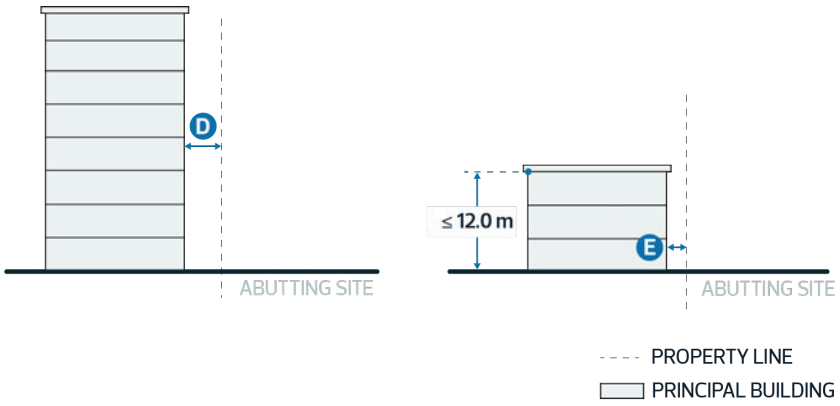
4.4. Development must comply with Table 4.4:

Table 4.4 Building Regulations

Setbacks Abutting Sites

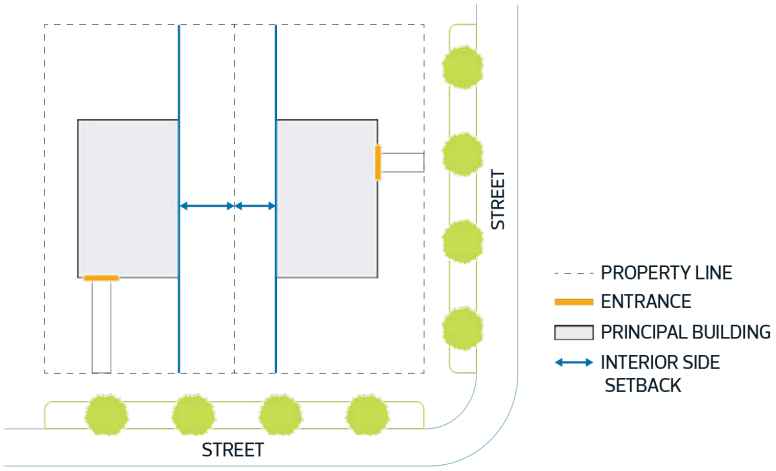
Subsection	Regulation	Value	Symbol
4.4.7.	**Minimum Interior Side Setback for buildings less than or equal to 12.0 m in Height**	**1.5 m**	**E**

Diagram for Subsections 4.4.6 and 4.4.7



Under section 8.20, **Interior Side Setback** means:

the distance that a development or a specified portion of a development must be from an Interior Side Lot Line. An Interior Side Setback is not an Interior Side Yard.



Development Planner's Determination

Reduced Side Setbacks - The distance from the row house to the property lines shared with 10011-89 Avenue NW (east side lot line) is 1.34m and with 10027-89 Avenue NW (west side lot line) is 1.41m instead of 1.5m (Section 2.40.4.4.7).

[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: **634921250-002**
Application Date: OCT 30, 2025
Printed: September 4, 2026 at 12:21 PM
Page: 1 of 2

Development Permit

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.

Applicant

Property Address(es) and Legal Description(s)
10021 - 89 AVENUE NW
Plan 7995R Blk 116 Lots 21-22

Specific Address(es)

Suite:	1, 10021 - 89 AVENUE NW
Suite:	2, 10021 - 89 AVENUE NW
Suite:	3, 10021 - 89 AVENUE NW
Suite:	4, 10021 - 89 AVENUE NW
Entryway:	1, 10021 - 89 AVENUE NW
Entryway:	2, 10021 - 89 AVENUE NW
Entryway:	3, 10021 - 89 AVENUE NW
Entryway:	4, 10021 - 89 AVENUE NW
Building:	1, 10021 - 89 AVENUE NW

Scope of Permit

To leave as built a non-conforming Residential Use building in the form of a Row House.

Details

1. Titled Lot Zoning: RM
2. Number of Principal Dwelling Units To Construct:
3. Overlay:
4. Number of Secondary Suite Dwelling Units to Construct:
5. Statutory Plan:
6. Backyard Housing or Secondary Suite Included?: No
7. Neighbourhood Classification: Redeveloping
8. Development Category / Class of Permit: Discretionary Development

Development Permit Decision

Approved

Issue Date: Sep 04, 2026 **Development Authority:** ANGELES, JOSELITO

Subject to the Following Conditions

GENERAL CONDITIONS:

This Development Permit is NOT valid until the notification period expires as specified Section 7.190.

This Development Permit authorizes the construction to leave as built a non-conforming Residential Use building in the form of a Row House.

The development must be constructed in accordance with the approved drawings.

Subject to the Following Advisements

GENERAL ADVISEMENTS:

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

P0702003

Project Number: **634921250-002**
Application Date: OCT 30, 2025
Printed: September 4, 2026 at 12:21 PM
Page: 2 of 2

Development Permit

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.

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

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. 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.

Variances

Reduced Side Setbacks - The distance from the row house to the property lines shared with 10011-89 Avenue NW (east side lot line) is 1.34m and with 10027-89 Avenue NW (west side lot line) is 1.41m instead of 1.5m (Section 2.40.4.4.7).

Rights of Appeal

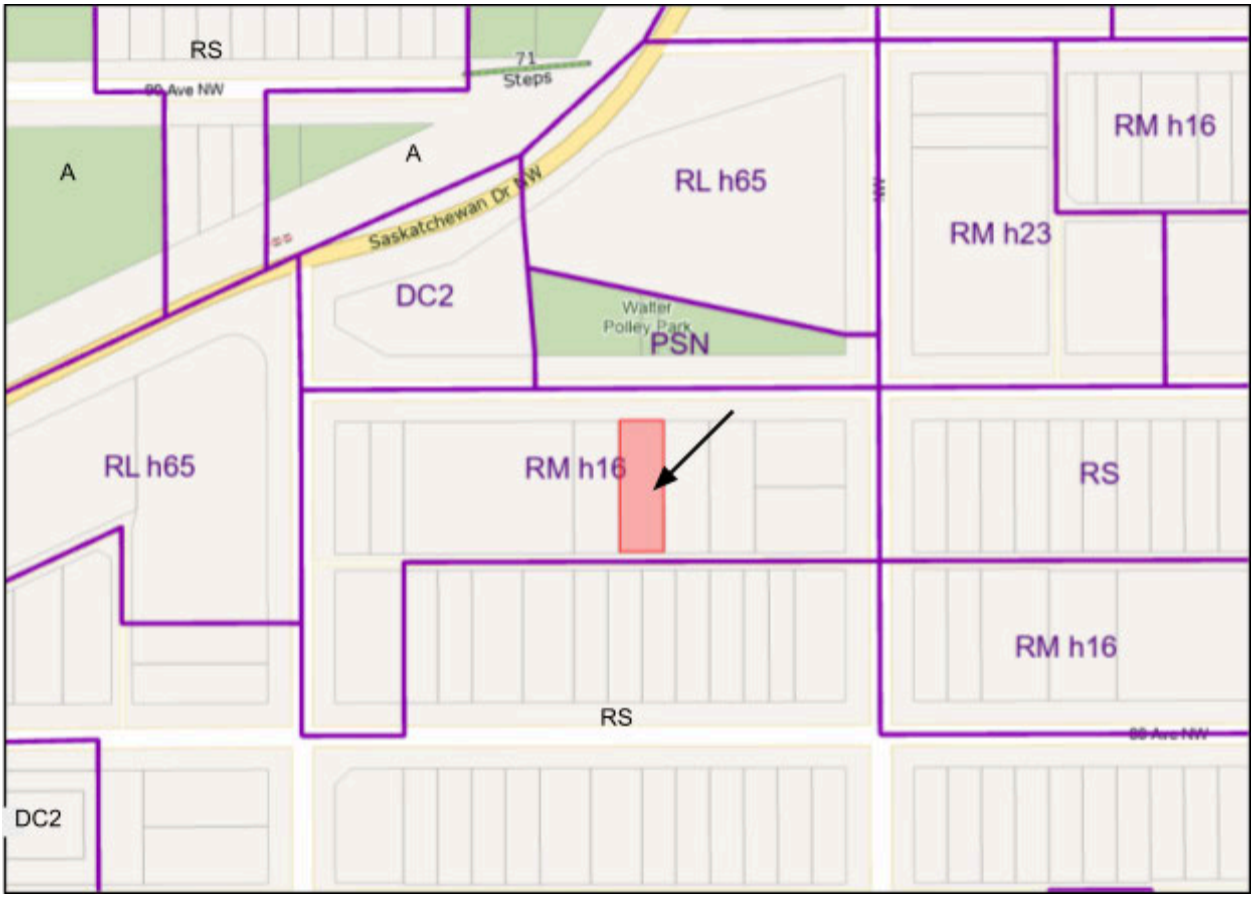
This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Notice Period Begins: Sep 15, 2026 **Ends:** Oct 06, 2026

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	$190.00	$190.00	10023377	Nov 28, 2025
Variance Fee	$47.50	$47.50	10388883	Jul 09, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$237.50	$237.50		

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-270

N

POSTPONED - NOVEMBER 26, 206

ITEM III: 1:30 P.M. FILE: SDAB-D-26-271

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:	
APPLICATION NO.:	573605177-001
ORDER:	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by September 30, 2026: 1. Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site. AND 2. Prevent any recurrence of the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) by installing permanent durable barriers such as secured fencing, concrete bollards or parking stoppers on the interior of the site.
DECISION OF THE DEVELOPMENT AUTHORITY:	Order Issued
ORDER DATE:	August 17, 2026
DATE OF APPEAL:	September 15, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10579 - 108 STREET NW
LEGAL DESCRIPTION:	Plan B4 Blk 7 Lot 167
ZONE:	DC - Direct Control Zone (21437) (Schedule F (Central McDougall / Queen Mary Park - Area 2)
OVERLAY:	N/A
STATUTORY PLAN:	North Edge Area Redevelopment Plan
DISTRICT PLAN:	Central District Plan

Grounds for Appeal

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

Documentation supporting the appeal is available in the file.

General Matters

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

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

(3) A person who receives a notice referred to in subsection (2) may appeal 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.

685(4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) …

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and 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.

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;

…

Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses

Section 7.10, *Repeal, Enactment and Transition Procedures*, states the following:

1. Edmonton Zoning Bylaw 12800, as amended, is repealed.

2. The regulations of this Bylaw come into effect on January 1, 2024 (the "effective date").

3. The regulations of this Bylaw apply from the effective date onward:

   3.1 subject to the regulations for non-conforming Uses as outlined in the Municipal Government Act; and

   3.2 despite the effect it might have on rights, vested or otherwise.

4. Regulations for zoning, land use, or development in any other Bylaw must not apply to any part of the city described in this Bylaw except as otherwise provided for in this Bylaw.

5. Development Permit applications must be evaluated under the regulations of this Bylaw as of the effective date, even if the application was received before this date.

6. Any Direct Control Zone regulations that were in effect immediately prior to the effective date of this Bylaw will continue to be in full force and effect and are hereby incorporated into Part 4 of this Bylaw.

Section 7.20.4, *General Rules of Interpretation - Direct Control Zones and Existing Development Permits*, states the following:

4.1. For the purpose of any Direct Control Zone passed on or before December 31, 2023:

   4.1.1. the definitions of the listed Uses in the Direct Control Zone must be interpreted in compliance with either Land Use Bylaw 5996 as it appeared on June 13, 2001, or Zoning Bylaw 12800 as it appeared on December 31, 2023, whichever is applicable;

   4.1.2. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

   4.1.3. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on December 31, 2023.

4.2. For the purpose of any Direct Control Zone passed on or after January 1, 2024:

4.2.1 where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.2.2. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on the date of decision for the Development Permit application.

4.3. Where there is a discrepancy between this Bylaw and any previous land use bylaw, the existing Direct Control Zone must not be interpreted to provide any additional rights than are otherwise contemplated in the Direct Control Zone.

…

4.4. For the purpose of any Development Permit issued on or before December 31, 2023, the Use identified in the permit is interpreted to have the same Use definition as set out in the applicable previous land use bylaw on the date on which the Development Permit was issued.

…

4.6. For all Direct Control Zones created prior to August 24, 1998, that contain Single Detached Housing, Semi-detached Housing, Duplex Housing or Secondary Suite as a listed Use:

4.6.1. the maximum number of Single Detached Housing Dwellings per Lot is 1;

4.6.2. the maximum number of Semi-detached Housing or Duplex Housing Dwellings per Site is 2; and

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1, unless specifically noted otherwise in the Direct Control Zone.

Section 7.40, *Application of General and Specific Development Regulations*, states the following:

1. General Development Regulations

1.1 The General Development Regulations in Part 5 apply to all developments on all Sites. These regulations take precedence except where the regulations of a

Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

2. Specific Development Regulations

2.1 The Specific Development Regulations in Part 6 apply to specific developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

Section 7.80, *Application of Direct Control Zones*, states the following:

5.1 Unless specifically excluded or modified by a regulation of a Direct Control Zone, all regulations in the Zoning Bylaw apply to development in a Direct Control Zone. Site plans and building elevations cannot exclude or modify regulations of the Zoning Bylaw.

Section 7.100, *Authority and Responsibility of the Development Planner, Variance to Regulation*s, states the following:

4.3 A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified:

4.3.1. within the Direct Control Zone;

4.3.2. within an applicable regulation of a previous land use bylaw where such regulation has been referred to in the Direct Control Zone; or

4.3.3. within an applicable regulation of this Bylaw.

4.4. In the case of a conflict between Subsection 4.3 and the applicable Direct Control Zone, the Development Planner must comply with the provisions of the applicable Direct Control Zone.

General Provisions from the *DC - Direct Control Zone (21437) (Schedule F (Central McDougall / Queen Mary Park - Area 2) ("DC")*:

Under section 3.4, **Centre City Temporary Parking** is a **Listed Use** in the **DC.**

Section 4.5 states "Centre City Temporary Parking must comply with Section 6.120 of the Zoning Bylaw."

Section 1.1 states that the **Purpose** of the **DC** is:

To accommodate a business residential mixed use node that creates a compatible and diverse mixture of residential, office, and commercial land uses at a human scale with a built form that has a strong relationship

> to the street and accommodates pedestrian activity along the 105 Avenue Multi-use Trail Corridor.

General Provisions from the *Zoning Bylaw 20001:*

Under section 8.10, **Centre City Temporary Parking** means:

> a temporary Surface Parking Lot that does not have another principal Use on the Site other than Signs and that was operating as a Surface Parking Lot as of January 1, 2024.

Under section 8.20, a **Surface Parking Lot** means "an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles."

Under section 8.10, **Standalone Parking Facility** means:

> a development consisting of vehicle parking, which does not have another principal Use on the Site other than Signs. This can be on the ground or within a structure.
>
> Typical examples include: Parkades and Surface Parking Lots.

Under section 8.20, **Parking Area** means "means an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle."

Section 6.120.2.4 states "**Development Permits** for **Centre City Temporary Parking** must not be issued after June 30, 2026."

7.110 Approvals Required and Development

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.

7.200 Inspections, Enforcement and Penalties

2.1. It is an offence for any person to:

2.1.1. contravene; or
2.1.2. cause, permit or undertake a contravention of; or
any provisions of this Bylaw.
2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions of this Bylaw.

2.2. Without restricting the generality of Subsection 2.1, 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 or allow a building or structure;
2.2.2. make or allow an addition or alteration to a building or structure;
2.2.3. commence or allow a Use or change of intensity of Use; or
2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

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.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

August 25, 2026 Our File: 573605177-001

MUNICIPAL GOVERNMENT ACT ORDER

An Alberta Land Titles search identifies 1504153 Alberta Ltd as the registered owner(s) of the property located at 10579 - 108 Street NW in Edmonton, Alberta, legally described as Plan B4 Blk 7 Lot 167.

This Property was inspected by Development Compliance Officer Cory Unreiner, on August 13, 2026. 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 DC - Direct Control (DC (21437)) Zone in accordance with Section DC 21437 of Edmonton Zoning Bylaw 20001. **Our investigation revealed a Commercial Use: Centre City Temporary Parking (Surface Parking Lot) has been developed without a Development Permit.**

The City of Edmonton has not issued a Development Permit to develop a Commercial Use: Centre City Temporary Parking (Surface Parking Lot) which is contrary to Subsection 7.110.1 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.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

Section 7.200 of Edmonton Zoning Bylaw 20001 states:

General Offences

2.1. It is an **offence** for any person to:

2.1.1. contravene; or

2.1.2. cause, permit or undertake a contravention of; or

2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions of this Bylaw.

2.2. Without restricting the generality of Subsection 2.1, 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 or allow a building or structure;

2.2.2. make or allow an addition or alteration to a building or structure;

2.2.3. commence or allow a Use or change of intensity of Use; or

2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

Per Section 8.10 Standalone Parking Facility: means a development consisting of vehicle parking, which does not have another principal Use on the Site other than Signs. This can be on the ground or within a structure. Typical examples include: Parkades and **Surface Parking Lots**.

Per Section 8.20, Surface Parking Lot means: an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles.

Per Section 8.20, Parking Area means: an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle.

Per Section 6.120, Centre City Temporary Parking means: a temporary Surface Parking Lot that does not have another principal Use on the Site other than Signs and that was operating as a Surface Parking Lot as of January 1, 2024.

Per Subsection 6.120.2.4, Development Permits for Centre City Temporary Parking must not be issued after June 30, 2026.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by **September 30, 2026**:

1. Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site.

AND

2. Prevent any recurrence of the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) by installing permanent durable barriers such as secured fencing, concrete bollards or parking stoppers on the interior of the site.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **September 30, 2026** 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. This may include the City entering the land, installing permanent durable barriers like secured fencing, concrete bollards or parking stoppers on the interior of the site, and towing any vehicle(s) parked on the unauthorized Commercial Use: Centre City Temporary Parking (Surface Parking Lot). Seized vehicles may be towed to the Police Seized Vehicle Lot at the owners' expense.

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 an appeal with the Subdivision and Development Appeal Board within **21 calendar days** of the date of this Order
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.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

Regards,

Cory Unreiner
Development Compliance Officer
780-868-8812
cory.unreiner@edmonton.ca

Adding amounts owing to tax roll

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

(a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;

(b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;

(c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

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

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

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 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

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

(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

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

(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.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

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.

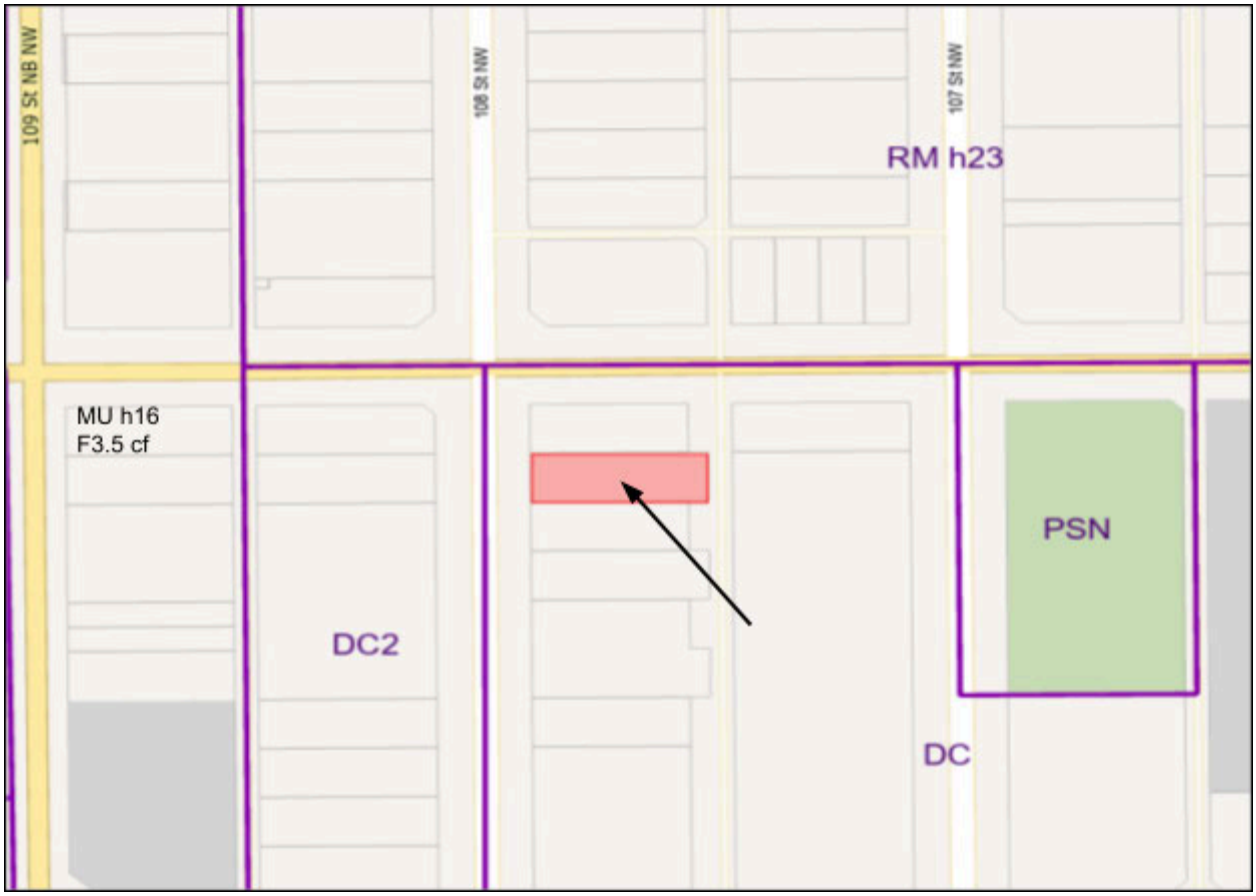
The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-271

N