SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.
October 28, 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-26-247

Operate a Centre City Temporary Parking Lot, valid until June 30, 2033 was refused because The development permit for Centre City Temporary Parking was not issued by June 30, 2026

9610 - 102A AVENUE NW
Project No.: 650458641-002

TO BE RAISED

II 10:30 A.M. SDAB-D-26-256

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

10730 - 99 STREET NW
Project No.: 579505386-001

TO BE RAISED

ITEM I: 9:00 A.M. FILE: SDAB-D-26-247

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	650458641-002
APPLICATION TO:	Operate a Centre City Temporary Parking Lot, valid until June 30, 2033
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	August 4, 2026
DATE OF APPEAL:	August 24, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	9610 - 102A AVENUE NW
LEGAL DESCRIPTION:	Plan ND Blk 7 Lot 1
ZONE:	MU - Mixed Use Zone
OVERLAY:	N/A
STATUTORY PLAN:	The Quarters Downtown 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:

> 1. Procedural Refusal (Subsection 6.120.2.4) The refusal under Subsection 6.120.2.4 is procedural. The applicant submitted the development permit application on March 13, 2026, well before the June 30 deadline. Any delay in issuance was administrative and outside the applicants control. This clause is not related to the merits of the development, and the Board

has authority to approve the development notwithstanding this timing requirement.
2. Setback Variance (Subsection 6.120.3.3) The applicant is seeking a variance to the 2.0?m setback along 102A Avenue. The site is physically constrained by an existing building encroachment and limited lot depth. The applicant intends to provide a revised plan which will remove the 2.0 m buffer with the northern property , and which will include a physical buffer consisting of a 2.5 ft iron fence and a 1 ft vegetated soil strip, along 102A Ave, which meets the intent of the Bylaw by protecting the public realm and providing landscaping. The variance is minor, site specific, and does not unduly interfere with neighbouring parcels.

3. Access and Maneuvering (Subsection 6.120.3.4 and 5.80.5.5.3) The Development Authority applied the access and drive aisle standards rigidly, without using the broad discretion intended by the City Centre Temporary Parking Bylaw. The revised plan will provide a usable driving aisle of approximately 4.7?m, which exceeds the 3.6?m Part?5 standard and fully resolves refusal reason #6. The angled stall configuration and physical buffer ensure safe and functional maneuvering. Any remaining concerns can be addressed through reasonable conditions.

4. Pathway Requirement (Subsection 6.120.3.6) The applicant will install the required pathway connecting the parking lot to the adjacent sidewalk. This fully addresses refusal reason #4 and can be secured through a condition of approval.

5. Landscaping (Subsections 6.120.4.3 and 6.120.4.4) The landscaping deficiency relates only to quantities and can be addressed through a condition of approval. Subsection 6.120.4.3 allows landscaping requirements to be met through trees, shrubs, or Low Impact Development features. The revised plan will include a 1 ft vegetated soil strip that qualifies as Low Impact Development for constrained downtown sites. Currently, the City has already planted at least 3 trees on its sidewalk abutting 102A Ave. Any additional landscaping can be provided as required by the Board. However, the applicant seeks variance for this requirement, if necessary.

6. Landscape Plan Formatting (Subsection 5.60.11.3.1) The landscape plan formatting issue is technical and can be addressed through a condition of approval. This is not a substantive reason to refuse the development.

7. Request to the Board The applicant respectfully requests that the Board approve the revised plan as described, (to be submitted), including the 4.7?m drive aisle, the south buffer fence and LID strip, and the required pathway. The applicant reserves the right to submit additional or alternate plan, and/or additional reasons for the appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on September 17, 2026:

> **"That the appeal hearing be postponed to October 27, 28, 29 or 30, 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 2.80.2.6, **Centre City Temporary Parking** is a **Permitted Use** in the **MU - Mixed Use Zone**.

Under section 2.80.2, a **Standalone Parking Facility** is **not** a Permitted use in the **MU - Mixed Use Zone**.

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 8.10, **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, 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."

Section 2.80.3.6 states "**Centre City Temporary Parking** must comply with **Section 6.120**."

Section 2.80.1 states that the **Purpose** of the **MU - Mixed Use Zone** is:

> To allow for varying scales of mixed use development that enables the growth and development anticipated in the Nodes and Corridors as directed by Statutory Plans. This Zone allows for a range of Uses and supports housing, recreation, commerce, and employment opportunities. Site and building design in this Zone promotes development that

enhances the public realm and publicly accessible amenities to create vibrant, walkable destinations at a scale inviting to pedestrians.

6.120 Centre City Temporary Parking

General Regulations

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

Development Planner's Determination

1) Issue Date: The development permit for Centre City Temporary Parking was not issued by June 30, 2026 (Subsection 6.120.2.4).

[unedited]

Parking Design Regulations

Section 6.120.3.3 states "The minimum Setback Abutting a Street is 2.0 m."

Section 6.120.3.4 states:

Surface Parking Lots must be designed to:

3.4.1. include adequate, safe, and convenient:

3.4.1.1. vehicle access;
3.4.1.2. provisions for pedestrians and active mobility users;
3.4.1.3. Drive Aisles; and
3.4.1.4. ramps,

to the satisfaction of the Development Planner in consultation with the City department responsible for transportation planning;
[...]

Under section 8.20, **Setback** means "the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level."

Development Planner's Determination

2) Setback: The setback abutting 102A Ave. NW is 0 instead of 2 m (Subsection 6.120.3.3).

3) Surface Parking Lot Design: The surface parking lot has not been designed to include adequate, safe, and convenient vehicle access and drive aisles to the satisfaction of the Development Planner in consultation with the City department responsible for transportation planning (Subsection 6.120.3.4).

[unedited]

Section 6.120.3.6 states "All Sites must provide a Pathway through the Landscaped Setback Area Abutting a Street to connect the Surface Parking Lot to adjacent sidewalks."

Under section 8.20, **Pathway** means "a Hard Surfaced path of travel that is located on private property that cannot be used for motor vehicles."

Development Planner's Determination

4) Pathway: The site does not provide a pathway through the landscape setback abutting the street to connect the surface parking lotto the adjacent sidewalk (Subsection 6.120.3.6).

[unedited]

Landscaping Regulations

Section 6.120.4.3 states:

A minimum of 1 tree and 4 shrubs per 20.0 m2 of total Setback area must be provided, except:

4.3.1. the Development Planner may approve a development that does not provide the minimum number of trees and shrubs, if the development provides low impact development (LID) installations that include plantings, to the satisfaction of the Development Planner in consultation with the City departments responsible for lot grading, drainage and landscaping.

Section 6.120.4.4 states "Landscaping provided in accordance with Subsection 4.3 must be provided along the perimeter of Surface Parking Lots Abutting Streets to enhance the view and soften the edge."

Development Planner's Determination

5) Landscaping Quantities: There is 1 tree instead of 5 around the perimeter of the site (Subsections 6.120.4.3 and 6.120.4.4).

[unedited]

Section 5.80 - Parking, Access, Site Circulation, and Bike Parking

Drive Aisle Regulations

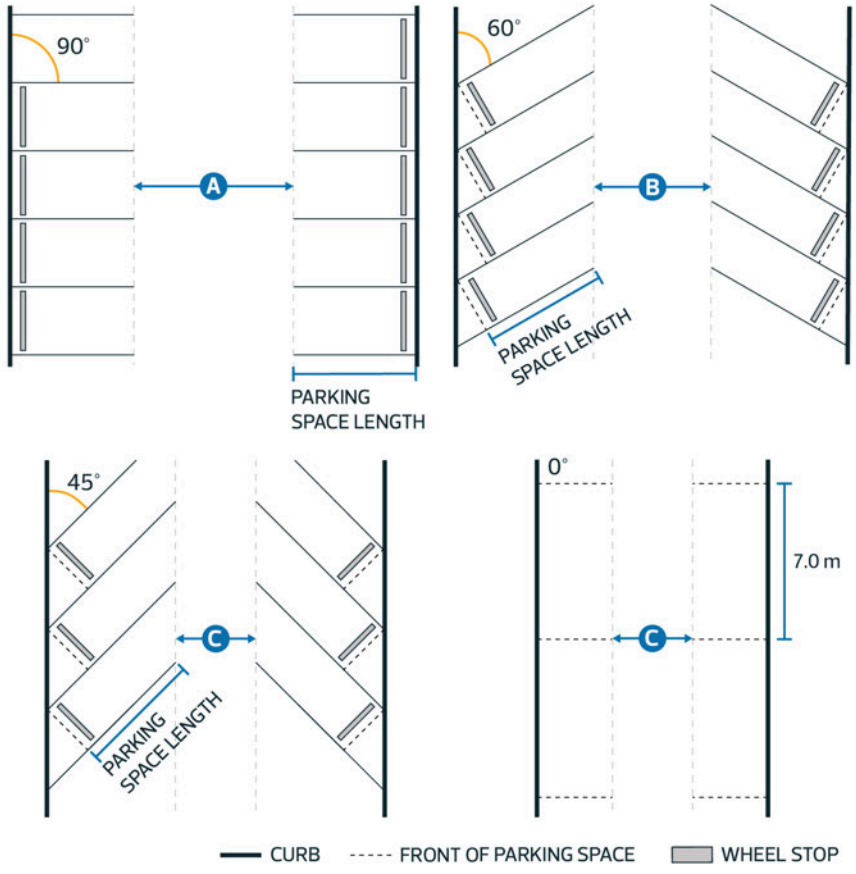
Section 5.80.5.5 states:

Drive Aisles must comply with Table 5.5:

Table 5.5. Minimum Drive Aisle Widths

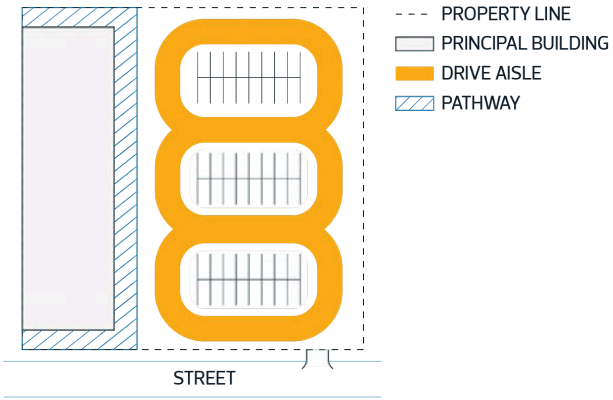
Subsection	Regulation	Width	Symbol
5.5.3.	**45° parking and parallel parking space**	**3.6 m**	**C**

Diagram for Subsection 5.5



Under section 8.20, **Drive Aisle** means:

> the area that provides circulation for vehicles within Parkades or Surface Parking Lots, and does not include a Street, Pathway, or vehicle access.



Development Planner's Determination

6) Drive Aisle Width: The drive aisle is 1.76 m wide instead of 3.6 m (Subsection 5.80.5.5.3).

[unedited]

Section 5.60 - Landscape Plan Requirements

Section 5.60.11.3 states:

Landscape plans must comply with:

11.3.1. Subsection 1.1.3 of Section 7.130; and

11.3.2. City Design and Construction Standards for Landscaping on City-owned land, where applicable.

Development Planner's Determination

7) Landscape Plan: The landscape plan is missing information and is not to the standard established in the landscape plan standards document published at edmonton.ca/newbuildings (Subsection 5.60.11.3.1).

[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

Application for Development Permit

Project Number: **650458641-002**
Application Date: MAR 13, 2026
Printed: August 4, 2026 at 2:58 PM
Page: 1 of 2

This document is a Development Permit Decision for the development application described below.

Applicant

Property Address(es) and Legal Description(s)
9610 - 102A AVENUE NW
Plan ND Blk 7 Lot 1

Scope of Application
To operate a Centre City Temporary Parking Lot, valid until June 30, 2033.

Details

Development Category:	Gross Floor Area (sq.m.):
Lot Grading Needed?: Y	New Sewer Service Required:
NumberOfMainFloorDwellings:	Overlay:
Site Area (sq. m.):	Statutory Plan:

Development Application Decision
Refused

Issue Date: Aug 04, 2026 **Development Authority:** BUCCINO, SAMANTHA

Reason for Refusal

1) Issue Date: The development permit for Centre City Temporary Parking was not issued by June 30, 2026 (Subsection 6.120.2.4).

2) Setback: The setback abutting 102A Ave. NW is 0 instead of 2 m (Subsection 6.120.3.3).

3) Surface Parking Lot Design: The surface parking lot has not been designed to include adequate, safe, and convenient vehicle access and drive aisles to the satisfaction of the Development Planner in consultation with the City department responsible for transportation planning (Subsection 6.120.3.4).

4) Pathway: The site does not provide a pathway through the landscape setback abutting the street to connect the surface parking lotto the adjacent sidewalk (Subsection 6.120.3.6).

5) Landscaping Quantities: There is 1 tree instead of 5 around the perimeter of the site (Subsections 6.120.4.3 and 6.120.4.4).

6) Drive Aisle Width: The drive aisle is 1.76 m wide instead of 3.6 m (Subsection 5.80.5.5.3).

7) Landscape Plan: The landscape plan is missing information and is not to the standard established in the landscape plan standards document published at edmonton.ca/newbuildings (Subsection 5.60.11.3.1).

Rights of Appeal

The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26,
Section 683 through 689 of the Municipal Government Act.

Fees

THIS IS NOT A PERMIT

P0702003

Edmonton

Application for Development Permit

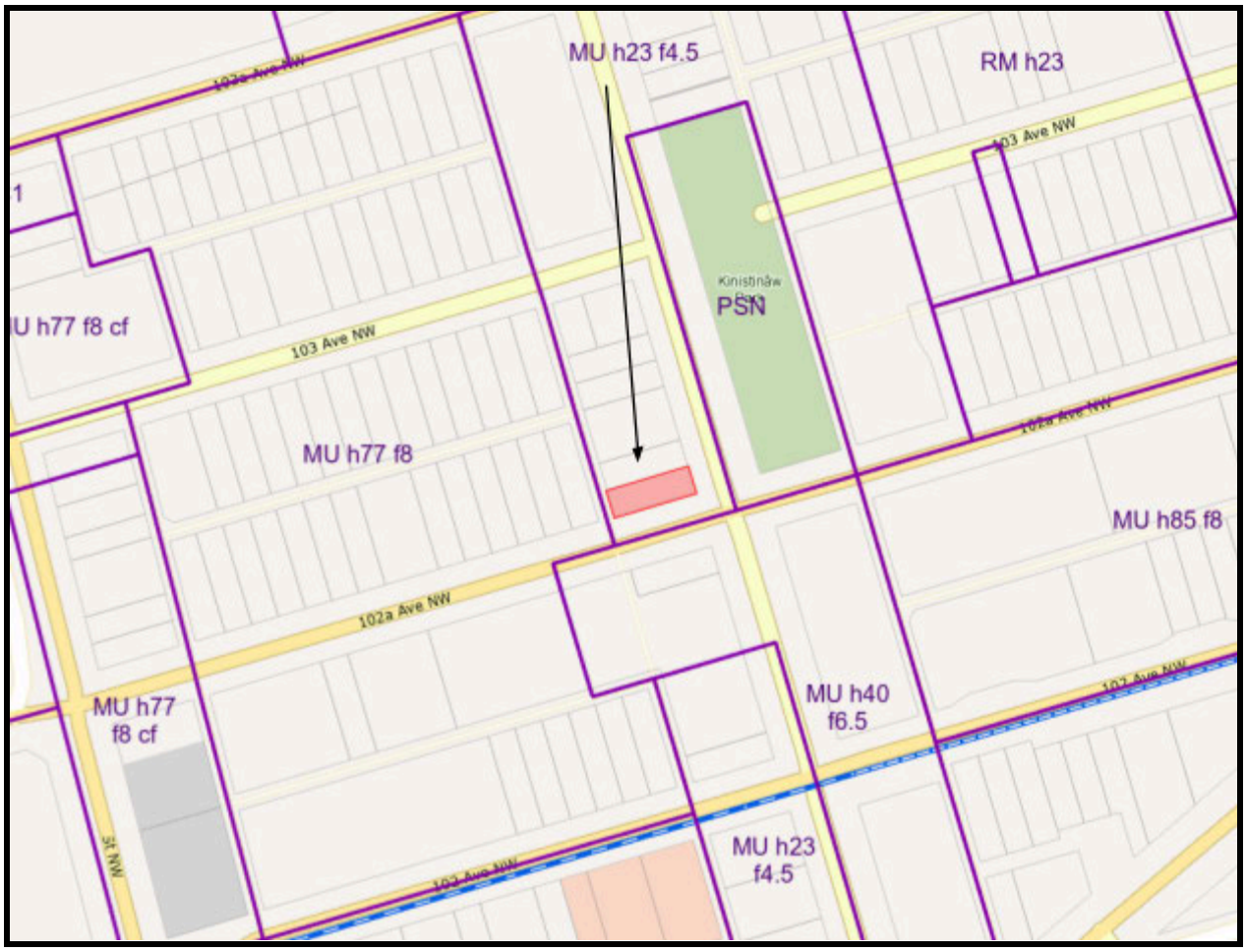
Project Number: **650458641-002**
Application Date: MAR 13, 2026
Printed: August 4, 2026 at 2:58 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	$500.00	$500.00	00387I000020372	Mar 27, 2026
Major Dev. Application Fee	$960.00	$960.00	00387I000020372	Mar 27, 2026
Development Permit Inspection Fee	$575.00	$575.00	00387I000020372	Mar 27, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$2,035.00	$2,035.00		

THIS IS NOT A PERMIT

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-247

N

ITEM II: 10:30 A.M. FILE: SDAB-D-26-256

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:	
APPLICATION NO.:	579505386-001
ORDER TO:	Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site AND 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 9, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10730 - 99 STREET NW
LEGAL DESCRIPTION:	Plan 5825NY Lot B
ZONE:	MU - Mixed Use Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	Central District Plan

Grounds for Appeal

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

Pursuant to sections 645, 685 and 686 of the Municipal Government Act, the Appellant appeals the Development Authority's Order dated August 25, 2026 (the "Order"). The Appellant asks that the Order be revoked or, alternatively, varied, on the following grounds. These grounds may be supplemented after disclosure of the Development Authority's record and in accordance with the Board's procedures.

Grounds of Appeal

1. The evidence does not establish Centre City Temporary Parking

The Order rests on the conclusion that the Property "has been developed" as Centre City Temporary Parking. The evidence presently known to the Appellant establishes, at most, that third parties have parked vehicles on vacant land. It does not establish that the Property was developed, organized, managed or held out as a parking facility, or identify anyone operating such a facility.

That distinction is required by the Bylaw. Centre City Temporary Parking is defined as a temporary Surface Parking Lot that, among other things, "was operating as a Surface Parking Lot as of January 1, 2024." "Operating" must add something to the mere presence of vehicles. Ordinarily, one would expect evidence such as authorization, signage, allocated spaces, parking arrangements, supervision, fees, or other coordinated activity. None is present here.

Treating parked vehicles alone as proof of an operating Surface Parking Lot would effectively read "operating" out of the definition and convert any accessible parcel inadvertently used by unauthorized motorists into a parking operation. Here, there is no evidence of any commercial or organized parking activity: the Appellant receives no fees or other benefit, provides no authorization or parking arrangements, and does not advertise, allocate, manage or supervise parking on the Property. Although commercial gain may not be essential to every Surface Parking Lot, its absence, together with the absence of any organized activity, supports the Appellant's position that the mere presence of vehicles does not establish that the regulated use is being operated.

The City's approach would also require the same evidentiary standard to be applied to materially similar historical evidence. That could unnecessarily raise questions about when an alleged use began, the regulatory regime then applicable, and section 643 of the Municipal Government Act. The Appellant does not ask the Board to decide any historical or nonconforming-use issue. The point is simply that physical evidence consistent with an activity is not, without more, proof that the corresponding regulated use was being operated.

2. The Appellant did not operate, authorize or allow the alleged use

The Appellant does not operate a parking lot, has not authorized anyone to do so, receives no parking revenue or other benefit, and does not consent to parking on the Property. It does not direct vehicles, allocate spaces, maintain parking signage or enter into parking arrangements.

The Appellant advised the City in writing that the vehicles were unauthorized and invited ticketing or towing. When information later suggested, without conclusively establishing, that some vehicles might be associated with Hiep Thanh Trading Ltd., a nearby business unrelated to the Appellant, counsel wrote to that company directing that any parking activity cease and copied the City.

Unauthorized third-party conduct does not become a development operated or "allowed" by the owner merely because the owner has not made access physically impossible. Even if "allow" were interpreted as extending to knowing acquiescence (which the Appellant does not concede) the Appellant did not acquiesce. It withheld consent, expressly opposed the alleged use, directed that it cease and sought the City's assistance with enforcement. If the City maintains otherwise, it bears the burden of establishing the factual basis for that conclusion.

3. Permanent physical measures are premature and disproportionate

The Order permits measures ranging from towing vehicles to installing secured fencing, concrete bollards or parking stoppers, potentially all at the Appellant's expense. Physical alterations would impose capital cost and continuing responsibilities for approvals, inspection, maintenance and liability.

The Appellant's position is that the Order is unsupported and should be revoked, nothing more. If, however, the Board concludes that some remedial measure is warranted, enforcement should begin with the least intrusive measure directed at the complained-of conduct, namely, enforcement against the unauthorized vehicles and their owners. The Appellant previously invited the City to pursue ticketing or towing and remains willing to cooperate with reasonable steps necessary to facilitate that enforcement. Any initial remedial direction should therefore be limited to those measures and should impose no residual cost consequences on the Appellant.

4. A development-permit application is neither appropriate nor available

In summary, rather than as an independent ground of appeal, the Appellant neither conducts nor wishes to conduct the alleged use. Requiring it to

apply for permission to operate a parking lot would impose costs and obligations in respect of a use it does not undertake and does not want.

Last, the irony of the Development Authority's proposed Order is that section 6.120 provides that a Development Permit for Centre City Temporary Parking must not be issued after June 30, 2026, yet the City issued the Order on August 25, 2026 (i.e., after June 30). The Appellant is therefore being directed to apply for a permit that the Development Authority is prohibited from issuing. That is not a lawful path to compliance; it is an administrative impossibility.

Relief Requested

The Appellant respectfully requests that the Board:

(a) allow the appeal and revoke the Order;
(b) alternatively, vary the Order by removing requirements unsupported by the evidence, unavailable in law, or unnecessary or disproportionate to achieving compliance; and
(c) grant such further or other relief as the Board considers appropriate.

The Appellant has separately asked the Development Authority to withdraw the Order and disclose its factual and legal basis. This appeal preserves the Appellant's statutory rights while leaving room for resolution without a contested hearing.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on September 24, 2026:

"That the appeal hearing be scheduled for October 28, 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:*

Under section 2.80.2.6, **Centre City Temporary Parking** is a **Permitted Use** in the **MU - Mixed Use Zone**.

Under section 2.80.2, a **Standalone Parking Facility** is **not** a Permitted Use in the **MU - Mixed Use Zone**.

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 8.10, **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, 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 8.20, **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 2.80.3.6 states "**Centre City Temporary Parking** must comply with **Section 6.120**."

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

Section 2.80.1 states that the **Purpose** of the **MU - Mixed Use Zone** is:

> To allow for varying scales of mixed use development that enables the growth and development anticipated in the Nodes and Corridors as directed by Statutory Plans. This Zone allows for a range of Uses and supports housing, recreation, commerce, and employment opportunities. Site and building design in this Zone promotes development that enhances the public realm and publicly accessible amenities to create vibrant, walkable destinations at a scale inviting to pedestrians.

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.

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-21-110	To install a Minor Digital Off-Premises Sign (2 digital panels 6.9m x 3.6m facing E/W) (BILL CO. INCORPORATED).	July 22, 2021; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.
SDAB-D-16-200	To revise the size of a Freestanding Minor Digital Off-Premises Sign (approved by the Subdivision and Development Appeal Board, SDAB-D15-097)	August 23, 2016; WITHDRAWN.
SDAB-D-15-097	To extend the duration of Freestanding Minor Digital Off-premises Sign (10.37m x 3.08m Double Sided facing East/West)	June 5, 2015; The Appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED

		as applied for to the Development Authority subject to conditions.
SDAB-D-11-168	To construct/replace an Off-Premises Freestanding Sign with an Off-Premises Freestanding Animation Sign (3m x 6m - double sided facing East/West)	August 9, 2011; WITHDRAWN.

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: 579505386-001

MUNICIPAL GOVERNMENT ACT ORDER

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 10730 - 99 Street NW in Edmonton, Alberta, legally described as Plan 5825NY Lot B.

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 MU - Mixed Use Zone in accordance with Section 2.80 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.

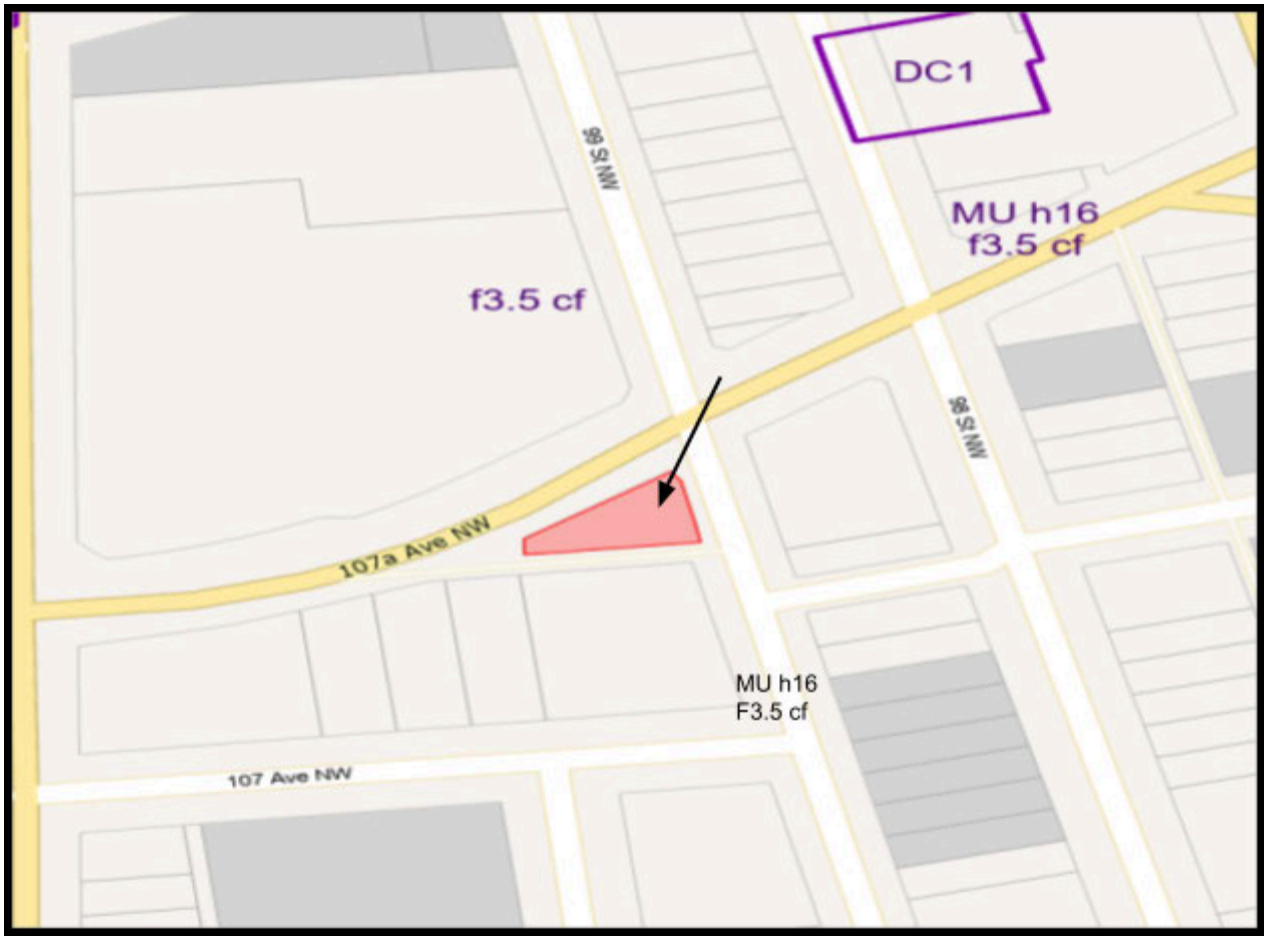
The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

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-26-256

N