SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
November 19, 2026

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

TO BE RAISED

I 9:00 A.M. SDAB-D-26-308

Construct exterior alterations (parking pad in the front yard, 8.9m x 6.8m)

3532 - 13 AVENUE NW
Project No.: 656513197-002

TO BE RAISED

II 10:00 A.M. SDAB-D-26-290

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by October 18, 2026: 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
10321 - 106 STREET NW
Project No.: 660416019-001

TO BE RAISED

III 10:00 A.M. SDAB-D-26-291

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by October 18, 2026: 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
10305 - 106 STREET NW
Project No.: 660416019-002

NOTE: ***Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.***

TO BE RAISED

ITEM I: 9:00 A.M. FILE: SDAB-D-26-308

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	656513197-002
APPLICATION TO:	Construct exterior alterations (parking pad in the front yard, 8.9m x 6.8m)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	September 15, 2026
DATE OF APPEAL:	October 6, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	3532 - 13 AVENUE NW
LEGAL DESCRIPTION:	Plan 7823020 Blk 32 Lot 30
ZONE:	RS - Small Scale Residential Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	Mill Woods and Meadows District Plan

Grounds for Appeal

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

> We appeal the September 15, 2026 refusal of development permit application 656513197-002 for the front parking area at 353213 Avenue NW. We ask the Subdivision and Development Appeal Board to approve the reduced parking area shown on the site plan submitted with our application, subject to appropriate conditions.

We submitted the application to address an existing unapproved parking area. The proposed plan reduces that area to approximately 8.9 m by 6.8 m while retaining space for two vehicles. If approved, we intend to remove the excess surface outside the approved area and restore it in accordance with City requirements. We ask the Board to assess the smaller area proposed in our application, rather than the larger area currently on the property.

We acknowledge that the proposed parking area requires a variance from the Zoning Bylaw restriction on front yard parking. The Development Planner also raised concerns about the number of driveways with street access and whether the access leads directly to a garage or parking area. We ask the Board to consider the complete arrangement shown on our plan and grant any variances required to approve that proposal.

The property is a pie shaped lot with a detached garage behind the house and an access route alongside the dwelling. The City approved the existing garage in 2018, and its stamped plan documents this layout. We ask the Board to consider that physical context when evaluating the proposed reduced parking area.

We believe that reducing and restoring the excess area will limit the proposals effect on the frontage and that the proposed configuration can be approved without unduly interfering with neighbourhood amenities or materially affecting neighbouring properties. We intend to provide photographs, the 2018 garage records, and any neighbour statements received in support of our presentation at the hearing.

We respectfully request that the Board vary the refusal and approve the reduced parking area shown on our submitted plan, with appropriate conditions for removal and restoration of the excess area.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on October 15, 2026:

> **"That the appeal hearing be postponed to either November 18 or 19, 2026."**

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

Grounds for Appeal

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

…

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642**,** or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

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

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

…

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

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

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

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

…

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

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

(i) the proposed development would not

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

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

and

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

General Provisions from the *Zoning Bylaw 20001:*

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

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

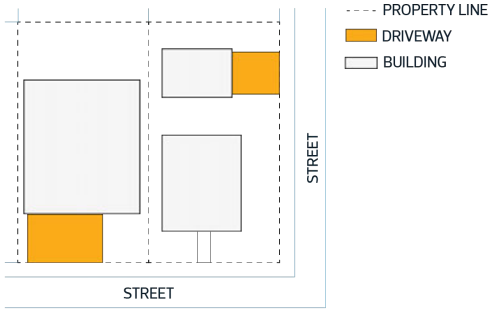
> Means a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.
>
> This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Single Detached Housing** means "a building that contains 1 principal Dwelling and has direct access to ground level.

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

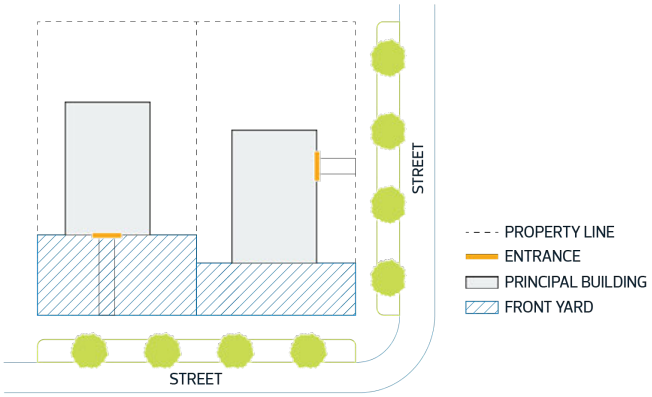
Under section 8.20, **Driveway** means:

> an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



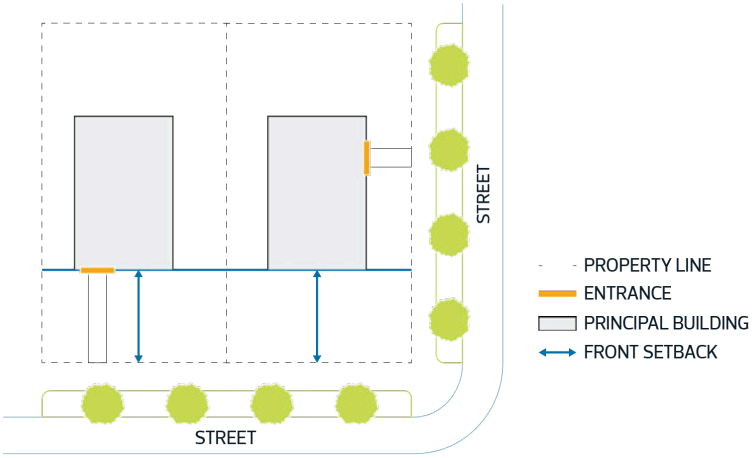
Under section 8.20, **Front Yard** means:

> the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 8.20, **Front Setback** means:

> the distance that a development or a specified portion of a development, must be from a Front Lot Line. A Front Setback is not a Front Yard.



Under 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."

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."

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

> To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and

commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

2.1.2 For Multi-unit Housing, Row Housing and Cluster Housing a Pathway with a minimum unobstructed width of 0.9 m must connect main entrances of Dwellings to shared waste collection areas and Parking Areas, where provided.

Driveways

2.1.3. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

2.1.4. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.

2.1.5 A Driveway provided from a Street must comply with the following:

2.1.5.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.5.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the

combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

2.1.5.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.5.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

2.1.6. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within:

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

2.1.7. For Zero Lot Line Development, a Parking Area must not encroach on the easement area.

Development Planner's Determination

Driveway Location - Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Subsection 5.80.2.1.6).
Proposed: Vehicle parking space is located in the front yard.

[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: **656513197-002**
Application Date: APR 30, 2026
Printed: September 15, 2026 at 2:27 PM
Page: 1 of 1

Application for
Driveway Extension Permit

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

Applicant

Property Address(es) and Legal Description(s)
3532 - 13 AVENUE NW
Plan 7823020 Blk 32 Lot 30

Location(s) of Work
Suite: 3532 - 13 AVENUE NW
Entryway: 3532 - 13 AVENUE NW
Building: 3532 - 13 AVENUE NW

Project Name:
Driveway Extension

Scope of Application
To construct exterior alterations (parking pad in the front yard, 8.9m x 6.8m).

Details

Development Category: Discretionary Development
Site Area (sq. m.): 926.45
Overlay:
Statutory Plan:

Development Application Decision
Refused

Issue Date: Sep 15, 2026 **Development Authority:** OLTHUIZEN, JORDYN

Reason for Refusal
Driveway Location - Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Subsection 5.80.2.1.6).
Proposed: Vehicle parking space is located in the front yard.

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

Building Permit Decision
No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	$195.00	$195.00	01625I000000083	Apr 30, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$195.00	$195.00		

THIS IS NOT A PERMIT

P0702003

SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-308

N

TO BE RAISED

ITEM II: 10:00 A.M. FILE: SDAB-D-26-290

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:	
APPLICATION NO.:	660416019-001
ORDER TO:	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by October 18, 2026: 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
DECISION DATE:	September 10, 2026
DATE OF APPEAL:	September 30, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10321 - 106 STREET NW
LEGAL DESCRIPTION:	Plan B2 Blk 5 Lots 155-156
ZONE:	DC2.1039 - Site Specific Development Control Provision
OVERLAY:	N/A
STATUTORY PLAN:	Capital City Downtown Plan
DISTRICT PLAN:	Central District Plan

Grounds for Appeal

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

> Situate Inc represents Cidex Holdings Ltd (Cidex), registered owner of the lands at 10305 and 10321 – 106 Street NW, legally described as Plan B2, Block 5, Lots 153 to 156. On Cidex's behalf, we are appealing the Stop Orders dated September 10, 2026 for the surface parking lot on the subject site.
>
> **Background**
>
> The site's current zone is DC2.1039 - Direct Control Zone and the site is utilized as a surface parking lot. When the City amended Zoning Bylaw 20001 to add Centre City Temporary Parking (CCTP) as a use into the Zoning Bylaw's standard zones, they did not undertake that work for any direct control zones. That work was left to individual property owners to apply for rezoning to amend the direct control zone and add CCTP as a use, so that a subsequent development permit could be applied for.
>
> We are currently in the process of amending the DC2 zone to include CCTP as a use and update the deadline to obtain a development permit for CCTP. The proposed rezoning is supported by City Administration, and the public hearing is scheduled for November 3, 2026. Concurrent to the rezoning process, we are also preparing the development permit application for CCTP, with the aim to submit the application prior to the public hearing.
>
> **Reasons for Appeal**
>
> 1. The current compliance deadline does not allow a reasonable time to comply.
>
> We cannot receive a development permit until the rezoning to allow for CCTP as a use in the direct control zone is approved. Under the current timeline, Council will decide on the proposed rezoning on November 3, 2026, which leaves less than four weeks before the November 30, 2026 stop order deadline. We intend to submit the permit application concurrently with the rezoning application; however, the engineering and plans required for the application cannot realistically be completed, reviewed, and approved in that window.
>
> 2. Our project team is diligently expediting the rezoning and development permit processes to achieve compliance as quickly as possible.
>
> The rezoning application, including the DC zone amendments, was submitted on June 29, 2026. The proposed rezoning goes to public hearing 127 days (approx. 4.2 months) after application submission, which is a

month less than the City's target timeline of 160 days (approx. 5.3 months). We are also aiming to submit a concurrent development permit application, so that the permit process can occur more quickly compared to waiting for the rezoning process to be completed before initiating the permit process.

3. Ceasing operations on November 30th would cause significant, unnecessary hardship with no corresponding planning benefit.

The surface parking lot is currently utilized by several monthly tenants with long-term leases. Ceasing operations would lead to significant uncertainty for tenants and additional costs with little benefit to the City of Edmonton or Cidex for what will likely be a matter of weeks between the November 30th deadline and when we are able to obtain an approved permit for CCTP.

For these reasons, we appeal the stop order and respectfully ask the Board to pause enforcement while we complete the rezoning process and subsequent development permit process to obtain a valid permit for Centre City Temporary Parking.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on October 8, 2026

> **"That the scheduled appeal hearing on October 28, 2026 be postponed until November 19 or 20, 2026 or another mutually agreed upon date."**

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 *DC2.1039 - Site Specific Development Control Zone ("DC2")*:

Under section 3, **Centre City Temporary Parking** is **not** a Listed Use in the **DC2.**

Section 1 states that the **General Purpose** of the **DC2** is:

> To accommodate a high density residential tower on a podium allowing a mix of other uses with a design that ensures the integration of the building within the Warehouse Campus Neighbourhood including active and inviting pedestrian oriented streetscapes.

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.

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September 10, 2026

Our File: 660416019-002

MUNICIPAL GOVERNMENT ACT ORDER

An Alberta Land Titles search identifies Cidex Holdings Ltd. and Albari Holdings Ltd. as the registered owner(s) of the property located at 10305- 106 Street NW in Edmonton, Alberta, legally described as Plan B2 Blk 5 Lots 153-154.

This Property was inspected by Development Compliance Officer Cory Unreiner, on August 17, 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 Site Specific Development Control Provision (DC2 (1039)) Zone in accordance with Section DC2 (1039) 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.

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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.

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ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by **October 18, 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 **October 18, 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.

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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

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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

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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

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(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

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(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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

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

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

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

the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

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Subdivision and Development Appeal Board

File your appeal online at:

https://sdab.edmonton.ca

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

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

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

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

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

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079 **Fax** 780-577-3537 **Email** sdab@edmonton.ca

SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-290

N

TO BE RAISED

ITEM III: 10:00 A.M. FILE: SDAB-D-26-291

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:	
APPLICATION NO.:	660416019-002
ORDER TO:	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by October 18, 2026: 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
DECISION DATE:	September 10, 2026
DATE OF APPEAL:	September 30, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10305 - 106 STREET NW
LEGAL DESCRIPTION:	Plan B2 Blk 5 Lots 153-154
ZONE:	DC2.1039 - Site Specific Development Control Provision
OVERLAY:	N/A
STATUTORY PLAN:	Capital City Downtown Plan
DISTRICT PLAN:	Central District Plan

Grounds for Appeal

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

> Situate Inc represents Cidex Holdings Ltd (Cidex), registered owner of the lands at 10305 and 10321 – 106 Street NW, legally described as Plan B2, Block 5, Lots 153 to 156. On Cidex's behalf, we are appealing the Stop Orders dated September 10, 2026 for the surface parking lot on the subject site.
>
> **Background**
>
> The site's current zone is DC2.1039 - Direct Control Zone and the site is utilized as a surface parking lot. When the City amended Zoning Bylaw 20001 to add Centre City Temporary Parking (CCTP) as a use into the Zoning Bylaw's standard zones, they did not undertake that work for any direct control zones. That work was left to individual property owners to apply for rezoning to amend the direct control zone and add CCTP as a use, so that a subsequent development permit could be applied for.
>
> We are currently in the process of amending the DC2 zone to include CCTP as a use and update the deadline to obtain a development permit for CCTP. The proposed rezoning is supported by City Administration, and the public hearing is scheduled for November 3, 2026. Concurrent to the rezoning process, we are also preparing the development permit application for CCTP, with the aim to submit the application prior to the public hearing.
>
> **Reasons for Appeal**
>
> 1. The current compliance deadline does not allow a reasonable time to comply.
>
> We cannot receive a development permit until the rezoning to allow for CCTP as a use in the direct control zone is approved. Under the current timeline, Council will decide on the proposed rezoning on November 3, 2026, which leaves less than four weeks before the November 30, 2026 stop order deadline. We intend to submit the permit application concurrently with the rezoning application; however, the engineering and plans required for the application cannot realistically be completed, reviewed, and approved in that window.
>
> 2. Our project team is diligently expediting the rezoning and development permit processes to achieve compliance as quickly as possible.
> The rezoning application, including the DC zone amendments, was submitted on June 29, 2026. The proposed rezoning goes to public hearing 127 days (approx. 4.2 months) after application submission, which is a month less than the City's target timeline of 160 days (approx. 5.3

months). We are also aiming to submit a concurrent development permit application, so that the permit process can occur more quickly compared to waiting for the rezoning process to be completed before initiating the permit process.

3. Ceasing operations on November 30th would cause significant, unnecessary hardship with no corresponding planning benefit.

The surface parking lot is currently utilized by several monthly tenants with long-term leases. Ceasing operations would lead to significant uncertainty for tenants and additional costs with little benefit to the City of Edmonton or Cidex for what will likely be a matter of weeks between the November 30th deadline and when we are able to obtain an approved permit for CCTP.

For these reasons, we appeal the stop order and respectfully ask the Board to pause enforcement while we complete the rezoning process and subsequent development permit process to obtain a valid permit for Centre City Temporary Parking.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on October 8, 2026

> **"That the scheduled appeal hearing on October 28, 2026 be postponed until November 19 or 20, 2026 or another mutually agreed upon date."**

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 *DC2.1039 - Site Specific Development Control Zone ("DC2")*:

Under section 3, **Centre City Temporary Parking** is **not** a Listed Use in the **DC2.**

Section 1 states that the **General Purpose** of the **DC2** is:

> To accommodate a high density residential tower on a podium allowing a mix of other uses with a design that ensures the integration of the building within the Warehouse Campus Neighbourhood including active and inviting pedestrian oriented streetscapes.

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.

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September 10, 2026 Our File: 660416019-002

MUNICIPAL GOVERNMENT ACT ORDER

An Alberta Land Titles search identifies Cidex Holdings Ltd. and Albari Holdings Ltd. as the registered owner(s) of the property located at 10305- 106 Street NW in Edmonton, Alberta, legally described as Plan B2 Blk 5 Lots 153-154.

This Property was inspected by Development Compliance Officer Cory Unreiner, on August 17, 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 Site Specific Development Control Provision (DC2 (1039)) Zone in accordance with Section DC2 (1039) 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.

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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.

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ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by **October 18, 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 **October 18, 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.

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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

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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

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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

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(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

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(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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

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

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

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

the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

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Subdivision and Development Appeal Board

File your appeal online at:

https://sdab.edmonton.ca

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

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

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

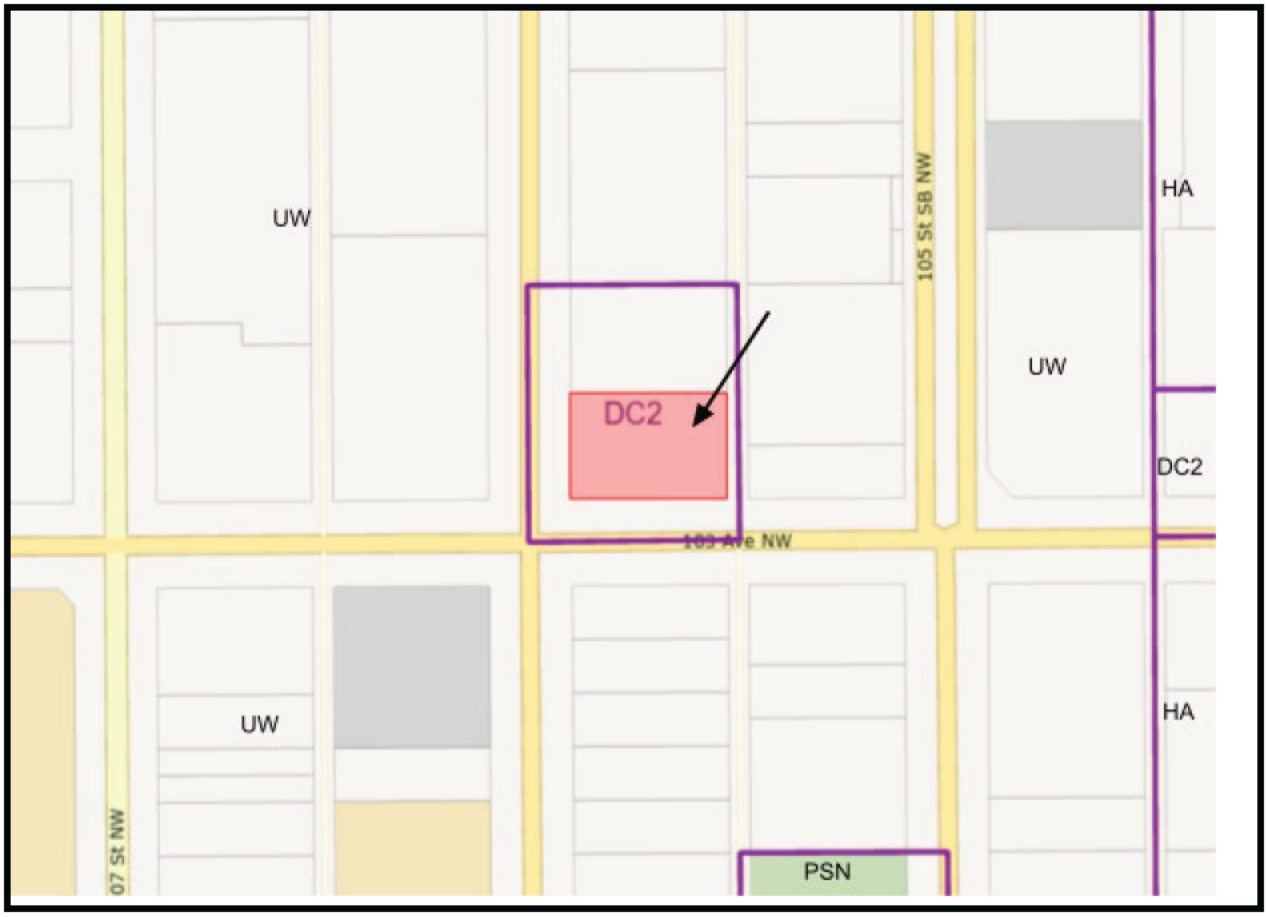
The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

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

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079 **Fax** 780-577-3537 **Email** sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-291

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