



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

**10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-6079 F: 780-577-3537
sdab@edmonton.ca
edmontonsdab.ca**

Date: April 22, 2016
Project Number: 185757370-001
File Number: SDAB-D-16-090

Notice of Decision

- [1] On April 7, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **March 15, 2016**. The appeal concerned the decision of the Development Authority, issued on **February 22, 2016**, to refuse the following development:

construct an addition to an Accessory Building (addition to a barn, 14.9m x 11.5m) and exterior alterations.

- [2] The subject property is on Plan 7521733 Blk 2 Lot 2, located at 2360 - 28 AVENUE SW, within the RR Rural Residential Zone.
- [3] The following documents, which were received prior to the hearing and are on file, were read into the record:
- Canada Post confirmation of delivery;
 - A Minor Development Permit application;
 - Plans submitted to the Board;
 - A refused development permit; and
 - The Development Officer's written submissions.

Preliminary Matter

- [4] Prior to the hearing, the Board raised a jurisdictional issue regarding the time at which the appeal was filed. The Board explained to the Appellant that it is constrained by the 14-day limitation period prescribed by Section 686(1)(a)(i) of the *Municipal Government Act*, R.S.A 2000, c. M-26.
- [5] The Appellant, Mr. T. Davies, confirmed for the Board that he had signed for the notice of refusal on February 27, 2016, as evidenced by the Canada Post confirmation of delivery. However, he assumed that the 14-day limitation period was calculated based on business days, not calendar days. Consequently, although he began working on his appeal on May 13th, 2016, he did not file it until March 15th, 2016.

- [6] The Development Officer, Mr. J. Xie, stated that he did have contact with the Appellant prior to the issuance of the written refusal and advised him that the proposed development would be refused. He could not remember whether that contact had been made verbally or via e-mail. He advised the Board that, as a matter of standard procedure, he likely would have mentioned the 14-day limitation period when he made contact with the Appellant prior to issuing the written refusal, but he could not recall whether or not he had mentioned it on that specific occasion.

Decision

- [7] The Board determined that it is unable to assume jurisdiction, pursuant to Section 686(1)(a)(i), which stipulates that an appeal must be filed within 14 days of notification of a decision regarding a development permit.

Reasons for Decision

- [8] The Canada Post receipt is dated February 27th, 2016, and the Appellant confirmed that he had received and signed for the delivery.
- [9] The Board heard from the Appellant that he worked on his appeal prior to March 15th, 2016, but he had based his calculation of the 14-day limitation period on work days and not calendar days.
- [10] The Board notes that the appeal was formally filed on March 15th, 2016. Given that date, the appeal has been filed in excess of the 14-day requirement, pursuant to Section 686(1)(a)(i). The Board was provided with no reasons to dispute these dates.
- [11] The Board has no authority to supersede the direction provided in Section 686(1)(a)(i).

Mr. V. Laberge, Presiding Officer
Subdivision and Development Appeal Board

Important Information for the Applicant/Appellant

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
2. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

SDAB-D-16-091

Application No. 182946014-001

An appeal by Pro Consulting Design & Build to change the Use from Professional, Financial and Office Support Services to a Child Care Services and to construct interior alterations (114 children - 9, 0-11 months/ 10, 12-19 months/ 20, 19 months-3 yrs/ 19, 3-4.5 yrs/ 26, 4.5-6 yrs & 30, 6-12 yrs) and to construct exterior alterations (develop on-site outdoor play space) (Maria Montessori) on Plan 6197HW Lot A, located at 11050 – 156 Street NW, was **WITHDRAWN**.

SDAB-D-16-048

Application No. 183991922-001

An appeal by Pattison Outdoor Advertising to Construct a Freestanding Off-Premises Sign on Plan 5718AE Blk 27 Lots 27-28 was **WITHDRAWN**.