



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: January 20, 2017
Project Number: 234354185-001
File Number: SDAB-D-17-503

Notice of Decision

- [1] On January 5, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on **December 12, 2016**. The appeal concerned the decision of Community Standards to issue the following Order on November 22, 2016:

To remove the large recreational vehicle from the front yard of your property, and refrain from parking it there between November 1 and March 31. You must comply with this Order before December 13, 2016

- [2] The subject property is on Plan 7822562 Blk 57 Lot 72, located at 184 Dunluce Road NW, within the RF1 Single Detached Residential Zone.
- [3] The following documents were received prior to the hearing and form part of the record:
- A copy of the Stop Order and written submission received from the Community Standards Branch

Preliminary Matters

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] Prior to the hearing, the Board raised a jurisdictional issue regarding when 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) of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“*Municipal Government Act*”), which states:

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

(i) the date on which the person is notified of the order or decision or the issuance of the development permit.

[7] The Board must therefore determine whether the Appellant filed his appeal within the 14-day limitation period. If the appeal was filed late, the Board has no authority to hear the matter.

Summary of Hearing on Preliminary Matter

i. Position of the Appellant, Mr. G. Moholitny:

[8] Mr. Moholitny advised the Board that the Order was issued and mailed to Mr. & Mrs. Bhatti, who are named on the certificate of title for 184 Dunluce Road NW. Mr. Moholitny purchased the property from them several years ago but for financial reasons his name is not on title.

[9] Mr. Moholitny holds any mail he receives for Mr. Bhatti, who comes to pick it up every couple of weeks. Mr. Bhatti came to the house to pick up the mail on December 10 or 11, 2016 and he advised Mr. Moholitny of the issuance of the Order at that time. Mr. Moholitny proceeded to file his appeal on December 12, 2016.

ii. Position of Ms. T. Sustrik, representing the Community Standards Branch:

[10] Ms. Sustrik advised that the Order was mailed to the property owners listed on the certificate of title, namely Baljit & Jaskaran Bhatti, on November 22, 2016. It was noted that Mr. Moholitny was not listed on the title.

[11] It is the practice of their branch to mail Orders on the same day that they are issued. This Order was sent via regular mail that is picked up by Canada Post daily prior to 5:00 p.m.

Decision

[12] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*.

Reasons for Decision on Preliminary Matter

- [13] The Board accepts the evidence of Mr. Moholity, the Appellant, that he is not named on the certificate of title for 184 Dunluce Road NW but he is the owner of the Recreational Vehicle that is the subject of this Stop Order. Accordingly, he is an affected person pursuant to Section 685(1) of the *Municipal Government Act*.
- [14] The Order was issued and mailed to the owners identified on the certificate of title, Baljit & Jaskaran Bhatti. Mr. Moholity was advised of the issuance of the Order by Mr. Bhatti on the weekend of December 10 and 11, 2016 and he subsequently filed his appeal on December 12, 2016.
- [15] The Board finds that Mr. Moholity was not notified of the Stop Order until December 10 or 11, 2016. Pursuant to Section 686(1)(a)(i) the 14-day appeal period commences on the day he was notified. The appeal was filed on December 12, within the required 14-day appeal period.

Summary of Hearing*i) Position of the Appellant, Mr. G. Moholity:*

- [16] He purchased this property located at the end of a cul-de-sac in a quiet neighbourhood approximately three years ago.
- [17] He has made many improvements to the property over the past three years and has received numerous compliments from many of his neighbours.
- [18] The motorhome was purchased one and a half years ago and he has been parking it on the driveway since then.
- [19] He has never received any complaints from any of the neighbours.
- [20] There is an EPCOR box located in the side yard which makes it impossible to park the motorhome in the side yard.
- [21] He acknowledged that parking the motorhome on his driveway does not comply with the requirements of the *Edmonton Zoning Bylaw*. However, none of his neighbours object and in his opinion it is not a safety concern.
- [22] Although it would be his preference to get approval to park the motorhome on his driveway, he asked that the Board consider an extension to the Order if it is upheld because it is difficult to move the motorhome at this time of the year.
- [23] In response to questions from the Board, Mr. Moholity reiterated that none of the neighbours have ever complained about the motorhome and that the most affected

- property to the north is being used as a rental property. His neighbours have provided verbal support.
- [24] He referred to the aerial photo contained in the written submission from Community Standards to illustrate that there is no sidewalk at the front of his property. He acknowledged that the rear end of the motorhome does encroach into the street but that it could be parked closer to the garage door.
- [25] He has investigated several storage facilities but they are expensive and he does not have any other options for storing the motorhome at this time.
- [26] The motorhome has been parked at this location without being moved since September or October 2015.
- [27] Mr. Moholitny acknowledged that the Order was issued correctly and that he would be prepared to apply for a Development Permit to park the motorhome on his property if that is the required process.
- [28] He agreed that parking the motorhome on the driveway does have a visual impact on the neighbourhood.
- ii) *Position of Community Standards, Ms. T. Sustrik:*
- [29] A Compliance Officer was patrolling in this neighbourhood on November 2, 2016 and observed the motorhome parked on the driveway of this property.
- [30] On November 3, 2016 it was determined that there was no Development Permit or Development Permit application on file to allow the motorhome to be parked on the driveway and that it was in violation of the regulations contained in Section 45.3 of the *Edmonton Zoning Bylaw*.
- [31] A Notice to Comply was subsequently issued to the legal owners with a compliance date of November 17, 2016.
- [32] An Officer re-attended the site on November 21, 2016 and found that the motorhome had not been removed.
- [33] The Stop Order and a ticket were issued to the legal owners named on the Land Title on November 22, 2016.
- [34] The 32-foot motorhome is parked in the Front Yard of this site abutting the curb on Dunluce Road.
- [35] When asked about the Appellant's request for a delay in enforcing the Stop Order, Ms. Sustrik acknowledged that it is inconvenient for the Appellant to move the motorhome at

this time of year. However, it was her opinion that the motorhome needs to be moved to comply with the requirements of the *Edmonton Zoning Bylaw*.

iii) Rebuttal of the Appellant

[36] Mr. Moholitny had nothing to add in rebuttal.

Decision

[37] The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The Stop Order is UPHELD.

Reasons for Decision

[38] The Appellant acknowledged that parking his motorhome on the driveway does not comply with the requirements of the *Edmonton Zoning Bylaw* and that the Stop Order was issued correctly.

[39] Based on evidence provided by the Appellant, the motorhome has been parked at this location for the last one and one-half years and has not been moved since September or October 2015.

[40] The motorhome is parked in the Front Yard of this site which does not comply with the requirements of Section 45.3 and Section 45.4 of the *Edmonton Zoning Bylaw*.

[41] Accordingly, the Board finds that the Stop Order was issued properly in accordance with requirements of 645 of the *Municipal Government Act* by a duly appointed official and the Appeal is denied. The Board trusts that the Development Authority will consult with the Appellant with respect to the timing and enforcement of the Stop Order.

Mr. M. Young, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance: Mr. N. Somerville, Mr. J. Kindrake, Mr. J. Wall, Ms. D. Kronewitt Martin

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*, RSA 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 Stop Order appeal 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.



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Date: January 20, 2017
Project Number: 176981065-003
File Number: SDAB-D-16-264

Notice of Decision

- [1] The Subdivision and Development Appeal Board (the “Board”), at a hearing on October 26, 2016, made and passed the following motion:

"That the hearing for SDAB-D-16-264 be tabled to November 23 or 24, 2016, at the written request of the Appellant and with the verbal consent of the Development Authority."

- [2] The Subdivision and Development Appeal Board, at a hearing on November 23, 2016, made and passed the following motion:

“That the hearing for SDAB-D-16-264 be TABLED to December 7 or 8, 2016 at the verbal request of the Appellant and in agreement with the Development Officer on the condition that the Appellant provide legible elevation drawings, a site plan, and a cross-section plan to the Development Officer on or before December 1, 2016.”

- [3] The Subdivision and Development Appeal Board, at a hearing on December 8, 2016, made and passed the following motion:

“The hearing for SDAB-D-16-264 be TABLED to January 4 or 5, 2017 at the verbal request of the Development Officer and the consent of the Appellant.”

- [4] On January 5, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on **October 3, 2016**. The appeal concerned the decision of the Development Authority, issued on September 26, 2016, to refuse the following development:

To construct exterior alterations to an approved Accessory Building (rear detached Garage, 7.3 metres by 6.1 metres).

- [5] The subject property is on Plan ND Blk 34 Lot 26, located at 10927 - 97 Street NW, within the DC1 (Area 5) Northwest McCauley Direct Development Control Provision. The Boyle Street / McCauley Area Redevelopment Plan applies to the subject property.
- [6] The following documents were received prior to the hearing and form part of the record:
- A copy of the Boyle Street / McCauley Area Redevelopment Plan;
 - A copy of the Development Permit application with attachments and the refused Development Permit;
 - The Development Officer's written submission; and
 - An e-mail from a property owner in opposition to the proposed development.
- [7] The following exhibits were presented during the hearing and form part of the record:
- Exhibit A - Photographs of a large house and detached garage located across the rear lane that exceed the height and size regulations and information about the van used by the Appellants.

Preliminary Matters

- [8] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [9] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [10] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the "*Municipal Government Act*").
- [11] The Presiding Officer explained to the parties that this site is zoned DC1 Direct Development Control District. City Council has taken special control of the site. The Board's authority is limited under Section 641(4)(b) of the *Municipal Government Act*, which states:
- Despite section 685, if a decision with respect to a development permit application in respect of a direct control district, 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.
- [12] Parties must make submissions to the Board with regards to how the Development Officer did or did not follow the directions of Council.

Summary of Hearing*i) Position of the Appellant, Mr. S. Lutic, Mr. D. Lee and Mr. K. Mah:*

- [13] The Photographic Arts Society of Alberta (Camera Club) is a non-profit organization with over 100 members.
- [14] They made the application for a larger, taller garage to accommodate club activities as well as provide secure storage for an oversized van and large lighting and photographic equipment.
- [15] On-street parking is very limited in this neighbourhood and the larger garage with an 18-foot driveway will allow them to park more vehicles on site, some inside the garage and some on the driveway.
- [16] This will address the concern of the neighbour who submitted an email complaining about vehicles protruding into the rear lane and will help alleviate some of the parking problems in this neighbourhood.
- [17] There have been numerous vehicle break-ins in this area and the larger garage will provide secure indoor storage for their modified camper van, which will not fit in a smaller garage.
- [18] Mr. Lee submitted photographs of a new house and detached over-height garage that have recently been built across the rear lane from their site, marked Exhibit A.
- [19] The Presiding Officer noted that that site was located in a different Zone and may have different development regulations.
- [20] Mr. Lee noted that there is a mix of housing types and sizes located along 97 Street with smaller houses located next to three-storey apartment buildings.
- [21] The van is used for photo outings. It is currently parked outside the city on an acreage which is not always convenient for the camera club.
- [22] Their non-profit organization acquired the property three or four years ago and the principle building is used for a club house for meetings and gatherings. Photographic equipment is stored inside the detached Garage. No one resides in the existing small Single Detached House.
- [23] The camera club is comprised of mainly retirees. There are approximately 100 members and 10 to 15 members attend the site at any one time.
- [24] No changes have been made to the Single Detached House on the property and the proposed garage will be used to provide secure storage for the van and camera equipment.

ii) Position of the Development Officer, Mr. B. Liang:

- [25] Section 8.4.16.4.9 of the Northwest McCauley Direct Development Control District states that a Development Officer may grant relaxations to the regulations contained in Sections 50 through 70 of the *Land Use Bylaw* and the provisions of this District, if, in his opinion, such a variance would be in keeping with the general purpose of this District.
- [26] It was his opinion that the variance required in Site Coverage promotes the conservation and rehabilitation of existing housing stock in this area and does not adversely affect the amenities, use and enjoyment of neighbouring properties.
- [27] Section 8.4.16.4.8 of the Northwest McCauley Direct Development Control District states that development in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 50 to 79 inclusive, of the *Land Use Bylaw*. The Land Use Bylaw in effect at the time of the approval of the Area Redevelopment Plan was *Land Use Bylaw 5996* and this is the Land Use Bylaw that he used in this case.
- [28] Section 61 of *Land Use Bylaw 5996* regulates Accessory Buildings.
- [29] Section 61.3.2 states that the Height of an Accessory Building shall not exceed 3.7 metres. The Height of the proposed detached Garage is 4.1 metres.
- [30] In this case, Mr. Liang believed he was bound by Section 11.6.2 of *Land Use Bylaw 5996*, which states that the Development Officer shall not vary maximum Height regulations. It was his opinion that the entire *Land Use Bylaw*, including the administrative sections, had to be used in his review.
- [31] At this point a discussion occurred regarding the method used to calculate the height of the proposed Accessory Building. Mr. Liang calculated a height of 4.1 metres by scaling the plans. A panel member calculated the height of 4.5 metres using the dimensions on the plans. In response to a question, Mr. Liang indicated that he did not confirm the roof the proposed Garage as a 5/12 pitch.
- [32] The proposed detached garage is accessory to the approved Single Detached House on this site. It was his opinion that the use of the structure for a photography club would trigger a development permit application for a change of use.

iii) *Rebuttal of the Appellant*

- [33] Mr. Lee advised that the submitted drawings were prepared by GMH Architects at a cost of \$400.00.
- [34] The garage will be used to park vehicles and store photographic equipment.

Decision

- [35] 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 the following CONDITIONS:
1. This approval is based on the revised plans submitted and reviewed by the Board.
 2. This Development Permit authorizes the development of exterior alterations to an approved Accessory building (rear detached Garage, 7.3 metres by 6.1 metres).
 3. The Accessory Building shall not be used as a Dwelling.
 4. The Accessory Building shall not exceed 4.5 metres in Height.
 5. Eave projections shall not exceed 0.46 metres into required Yards or Separation spaces less than 1.2 metres.
 6. The design and use of exterior finishing materials used on the Accessory building shall be similar to, or better than, the standard of surrounding development.
- [36] In granting the development, the following variances to *Land Use Bylaw 5996* were allowed:
1. The maximum allowable Height of an Accessory Building or Structure of 3.7 metres as per Section 61.3.2 is varied to allow an excess of 0.8 metres, thereby increasing the maximum allowed to 4.5 metres.
 2. The maximum allowable Site Coverage of an Accessory Building or Structure of 36.79 square metres (12 percent) as per Section 61.3.3 is varied to allow an excess of 7.80 square metres, thereby increasing the maximum allowed to 44.59 square metres (14.54 percent).

Reasons for Decision

- [37] This Site is in the DC1 (Area 5) Northwest McCauley Direct Control Provision, which is part of the Boyle Street McCauley Area Redevelopment Plan. Throughout these reasons, the DC1 (Area 5) Northwest McCauley Direct Control Provision will be referred to as “the DC1”.
- [38] Single Detached and Duplex Housing where lawfully existing on a site in this District on the effective date of *Land Use Bylaw 5996* on the same site only, is a listed Use in the DC1. The proposed detached Garage is an Accessory building to the existing Single Detached House.
- [39] Although there was some discussion during the course of the hearing about the current use being made of the Single Detached House and whether this would require a new development permit for the house, that issue was not before the Board. The existing Single Detached House has a valid development permit. The appeal before the Board related to the Development Authority’s refusal to grant a development permit for the

proposed Accessory building. The Board accepts the Appellant's evidence that the proposed Garage will be used to park a van and to store equipment, which are uses typical for a Garage that is Accessory to a Single Detached House. Accordingly, given the unchallenged validity of the development permit for the Single Detached House, the Board has limited its review on this appeal to the refusal of the Development Authority to issue a development permit with respect to the proposed Garage.

- [40] Section 641(4)(b) of the *Municipal Government Act* states that an appeal with respect to a development permit application in respect of a Direct Control District 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.
- [41] To determine the directions of Council, the Board must look to the provisions of the DC1 to determine the development criteria for the subject Site.
- [42] Section 8.4.16.4.8 of the DC1 states "development in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 50 to 79 inclusive, of the Land Use Bylaw".
- [43] Section 2.7 of the *Edmonton Zoning Bylaw*, which is the current land use bylaw, states that "unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision".
- [44] The Alberta Court of Appeal, in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309, ruled that Section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of a previous land use bylaw.
- [45] In this case, there is an express cross-reference in the DC1 to the previous land use bylaw, which was *Land Use Bylaw 5996*. Therefore, the provisions of *Land Use Bylaw 5996* apply to the proposed development.
- [46] Section 8.4.16.4.9 of the DC1 states that "the Development Officer may grant relaxations to the regulations contained in Sections 50 through 79 of the *Land Use Bylaw* and the provisions of the District, if, in his opinion, such a variance would be in keeping with the General Purpose of this District and would not adversely affect the amenities, use and enjoyment of neighbouring properties."
- [47] The Development Officer used this variance power when considering Section 61.3.3 of *Land Use Bylaw 5996* and determined that it would be acceptable to grant the required relaxation in the maximum allowable Site Coverage for the proposed Accessory building.

- [48] However, it was his opinion that Section 8.4.16.4.9 did not give him the discretion to vary the requirements of Section 61.3.2 and grant a relaxation in the maximum allowable Height for the proposed Accessory building. It was his opinion that Section 11 of *Land Use Bylaw 5996*, which states that a Development Officer cannot vary the maximum allowable Height, prohibited him from granting the required relaxation.
- [49] The Board finds that Section 8.4.16.4.9 does, in fact, give the Development Officer the discretion to consider granting a relaxation to the maximum allowable Height, notwithstanding the general prohibition in Section 11. The specific authority in Section 8.4.16.4.9 of the DC1 to grant relaxations with respect to the regulations in Section 61, including those governing Height, overrides the general prohibition against granting variances to Height in situations not governed by the DC1.
- [50] Accordingly, the Board finds that the Development Officer did not follow the directions of Council because he failed to consider whether it would be appropriate to grant a relaxation with respect to maximum allowable Height.
- [51] Council's directions, as contained in Section 8.4.16.4.9 of the DC1, are that relaxations may be granted if, in the opinion of the Development Officer, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use and enjoyment of neighbouring properties.
- [52] Section 8.4.16.2 of the DC1 states that the Rationale of the District is "To provide for a District which will promote the conservation and rehabilitation of the existing housing stock until this area is redeveloped for low intensity business uses in order to achieve the intent of Section 7.2.3 of this Plan."
- [53] With respect to the size of the variance required with respect to the Height of the proposed garage, the Board's determination is different from that of the Development Officer. The Development Officer determined the Height of the proposed Garage by scaling the plans and assuming that the pitch of the roof was 5/12 as indicated on the plans. However, the actual pitch of the roof as shown on the plans is not 5/12, which means that using a scale to determine Height is not appropriate. The Board determined the Height to the mid-point of the roof by using the dimensions indicated on the plans. The Board has determined that the Height of the proposed Accessory building is 4.5 metres, meaning it would require a variance of 0.8 metres.
- [54] The Board is of the view that granting a 0.8 metre variance with respect to maximum Height is in keeping with the General Purpose of the District in that it will promote conservation and rehabilitation of the existing housing stock until this area is redeveloped for low intensity business uses.

- [55] Further, the Board is of the opinion that the variance in maximum Height will not adversely affect the amenities, use and enjoyment of neighbouring properties. The proposed Garage is appropriately set back from the interior side lot line and is roughly adjacent to the neighbouring detached Garage. It is also set further back from the flanking side lot line than the Single Detached House. This means that the massing effect resulting from the increased Height will be minimized.
- [56] The Board also notes that the *Edmonton Zoning Bylaw* was amended in March 2008 to increase the Accessory building height regulation from 3.7 metres to 4.3 metres in order to provide additional general storage space in detached garages to accommodate oversized vehicles, Major Home Based Businesses and other uses. Under this regulation, a variance of only 0.2 metres would be required.
- [57] With respect to the relaxation required to Section 61.3.3 of *Land Use Bylaw 5996* regarding maximum Site coverage of Accessory buildings, the relaxation required is 2.5 percent, from 12 percent to 14.54 percent, a variance of 7.80 square metres, thereby increasing the maximum allowed Site Coverage of the Accessory building to 44.59 square metres.
- [58] The Board finds that this variance is in keeping with the General Purpose of the District in that it will promote conservation and rehabilitation of the existing housing stock until this area is redeveloped for low intensity business uses.
- [59] As well, the Board is of the opinion that this variance will not adversely affect the amenities, use and enjoyment of neighbouring properties. The increase in Site coverage does not create any issues with respect to Amenity Area, total Site Coverage or Setbacks. Further, the location of the proposed Garage allows for a larger Driveway. This will address the concern of the only affected neighbour who voiced an objection to the proposed development. He was concerned that vehicles parked on the Driveway impeded travel in the lane.
- [60] For all of the above reasons, the appeal is allowed and the development permit is issued with the conditions noted.

Mr. M. Young, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance: Mr. N. Somerville; Mr. J. Kindrake; Mr. J. Wall, Ms. D. Kronewitt Martin

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street NW, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. 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*, RSA 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.
6. 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 NW, 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.