



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

*10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
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3537
sdab@edmonton.ca
edmontonsdab.ca*

Date: September 7, 2017
Project Number: 246837973-001
File Number: SDAB-D-17-168

Notice of Decision

- [1] On September 7, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on August 10, 2017. The appeal concerned the decision of the Development Authority, issued on July 21, 2017, to refuse the following development:

Install a Freestanding Minor Digital On-premises Sign (Hosanna Lutheran Church)

- [2] The subject property is on Plan 789NY Blk 4 Lot 24A, located at 9009 - 163 Street NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copies of the refused permit, permit application, and plans;
 - Canada Post receipt confirming delivery of the refused permit decision;
 - Development Officer's written submissions dated August 21, 2017; and
 - Letter of support from the community league.

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 referenced section 686(1)(a)(i) of the *Municipal Government Act* which states that a development appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of the appeal, containing reasons with the Board within 14 days after the date on which the person is notified of the order or decision or the issuance of the development permit.
- [6] Mr. M. Masi, representing the LED Pros sign company confirmed that the Canada Post delivery confirmation had been signed by an authorized company employee on July 25, 2017 and that the appeal was filed 16 days later on August 10, 2017.

- [7] The employee who signed for the refusal passed the information on to the Project Manager. However, he did not act on it for several days because he assumed that the appeal period was calculated on business days and not calendar days.
- [8] Mr. Masi acknowledged that the appeal was filed outside of the 14 day appeal period but hoped that their mistake would not penalize his client, the Hosanna Lutheran Church. The Church was not aware that the appeal was filed outside of the 14 day appeal period.
- [9] Mr. Masi provided the following information in response to questions from the Board:
- a) It is his practice to contact the Development Officer when a development permit application is refused to get some advice on filing an appeal. However, it usually takes several days to make contact with the Development Officer.
 - b) He acknowledged that the timing of filing an appeal was mishandled by their company.
- [10] The Presiding Officer noted that information regarding the right of appeal and the timing of filing an appeal is contained on the development permit application and refusal. The Appellant confirmed that this information was printed on the refusal decision.

Decision

- [11] The Board does not have jurisdiction to hear this appeal

Reasons for Decision

- [12] The Board applied the provisions of section 686(1)(a)(i) of the *Municipal Government Act*, and finds that the appeal was filed outside of the allowable 14 days.
- [13] The Board determined that the Appellant was notified of the decision of the Development Authority to refuse this application when notice was delivered by Canada Post Registered Mail to LED Pros on July 25, 2017.
- [14] A representative from LED Pros attended the hearing and acknowledged that the appeal was filed on August 10, 2017, 16 days after notice of the refusal was received.

[15] The Board does not have jurisdiction to extend the time for filing an appeal. Having determined that the appeal was filed more than 14 days following the date on which the Appellant received notice of the decision of the Development Authority, the Board cannot take jurisdiction to hear this appeal.

Mr. B. Gibson, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance: Mr. M. Young; Ms. N. Hack; Mr. A. Bolstad; Mr. A. Peterson

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 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 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

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.



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SDAB-D-17-169

Project No. 124059029-003

To install a Freestanding Minor Digital On-premises Off-premises Sign (10.36 metres by 3.05 metres facing south) was **TABLED** to September 27 or 28, 2017



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SDAB-S-17-006

Project No. 168014476-001/LDA15-009

To create 99 Single Detached residential lots, 168 Semi-detached residential lots, two (2) Municipal Reserve (non-credit) lots, one (1) Multiple Family residential lot and three (3) Public Utility lots was **TABLED** to October 25 or 26, 2017