

**ROCKY VIEW COUNTY  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Board Order No.: 2021-SDAB-01  
File No.: 06828004; DC202104-0084  
Appeal by: Grant, Daniel  
Hearing Date: 2021 July 8  
Decision Date: 2021 July 23  
Board Members: Crystal Kissel, Chair  
Wendy Metzger  
Tricia Fehr  
Hazel George  
Morrie M. Goetjen

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**DEVELOPMENT APPEAL DECISION**

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**INTRODUCTION**

[1] This is an appeal against a stop order issued by the Development Authority, Development Compliance to cease any and all commercial activity on the parcel, and remove all signage indicating commercial activity and cease all living within Recreational Vehicles/Trailers at 264059 Range Road 43 (SE-28-26-04-W05M) (the Lands).

[2] Upon notice being given this appeal was heard electronically on July 8, 2021 in accordance with the Meeting Procedures (COVID-19 Suppression) Regulation, Alberta Regulation 50/2020.

**DECISION**

[3] The appeal is denied and the Stop Order issued June 7, 2021 under DC202104-0084 is upheld.

**PRELIMINARY MATTER**

[4] Prior to considering the merits of the appeal, the Board had to make a decision with respect to whether or not the appeal was filed on time in accordance with section 686(1) of the *Municipal Government Act*.

## **BACKGROUND**

[5] The Lands are 4.05 hectares (10.01 acres) in size and owned by Wan Wei Xie (the Owner).

[6] The Lands' land use designation is Direct Control District 36 (DC-36) which requires that the application be assessed with Rocky View County *Land Use Bylaw C-4841-97* (the *Land Use Bylaw*).

[7] On April 20, 2021, an initial complaint regarding several businesses operating from the Lands, including a woodcutting business, a storage business, and the outside storage of several Thaland Trucks (U-Hauls).

[8] On June 3, 2021, the Development Authority conducted a search on U-Haul's website and found the subject parcel is listed as both a pick-up and drop-off location. It was determined that a Stop Order would be issued to bring the property into compliance.

[9] On June 7, 2021, the stop order was posted on the Lands. The date on the stop order was not updated by the Development Authority, Development Compliance to June 7, 2021 and included an appeal date of June 24, 2021.

[10] On June 28, 2021, Daniel Grant (the Appellant) submitted an appeal of the Development Authority, Development Compliance's stop order on the Lands.

[11] It was determined that the appeal was received on time in accordance with section 686(1)(b) of the *Municipal Government Act* RSA 2000, c M-26 (MGA).

[12] A notice of hearing was circulated to the Appellant, Development Authority, and adjacent landowners in accordance with the MGA and Rocky View County Council Policy C-327, *Circulation and Notification Standards*.

## **SUMMARY OF EVIDENCE**

[13] The Board heard verbal submissions from:

- (1) Camilo Conde, Development Compliance Officer for the Development Authority;  
and
- (2) Daniel Grant, the Appellant.

[14] The written documents submitted as exhibits and considered by the Board are listed in the exhibit list at the end of this decision.

### *Development Authority's submissions*

[15] The Development Authority read from its report that was included in the agenda.

[16] The Development Authority pointed out that although the stop order was dated for June 3, 2021 it was not posted on the lands until June 7, 2021, thereby extending the appeal date from June 24, 2021 to June 28, 2021.

[17] The Development Authority stated that the existing zoning of the Lands does not support the business.

*Daniel Grant submissions – the Appellant*

[18] The Appellant would like to have the stop order cancelled.

[19] The Appellant made multiple comments regarding having a stay of enforcement for a year on the stop order to allow him to apply for rezoning and development on the Lands.

[20] The Appellant stated that he wanted the U-Haul business to stay in business, the business is much like SR-1; it serves the public and needs to stay in business.

[21] The Appellant stated that the business is a public service.

[22] The Appellant stated that there is no factual basis to substantiate that there are people living in RV's on the Lands.

[23] The Appellant argued that the neighbours do not know where the property begins and ends, and that the people living in RV's are actually on the neighbouring Lands.

[24] The Lands are unoccupied by the owner, the Appellant is the tenant of the Lands.

[25] The Appellant argued that the stop order should be thrown out based on the misinformation included in the stop order regarding people living on the Lands.

[26] The Appellant stated that there have been ongoing conversations with Rocky View County for a few years and that he has been to the Rocky View County offices to discuss it.

[27] The Appellant stated that no permits had been applied for on the Lands.

[28] The Appellant stated that the woodcutting business was moved to an adjacent property on June 1, 2021; however, the Appellant also argued that the woodcutting business was never on the Lands and was only using the Lands for access.

[29] The Appellant stated that the U-Haul business has been on the Lands since April of 2021.

[30] The Appellant stated that the rezoning application for the Lands has been planned for a few years.

*Daniel Grant's rebuttal submissions – the Appellant*

[31] The dates on the stop order when the appeal could be submitted were confusing due to when the order was posted on the Lands.

## **FINDINGS & REASONS FOR DECISION**

[32] The Board finds that a Commercial Business is not a listed use within the Development Cell of the Direct Control (DC-36) District.

[33] The Board finds it has the authority to make a decision on the matter pursuant to section 687 of the *Municipal Government Act*.

[34] The Board reviewed all evidence and arguments, written and verbal, submitted by the parties and focused on the most relevant evidence and arguments in outlining its reasons.

[35] The Board finds that the stop order was issued properly under section 645 of the *Municipal Government Act*.

[36] The Board finds that there was sufficient time given for the property to come into compliance.

## **CONCLUSION**

[37] For the reasons set out above, the appeal is denied and the Stop Order issued June 7, 2021 under DC202104-0084 is upheld.

Dated at Rocky View County, in the Province of Alberta on July 23, 2021.



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Crystal Kissel, Chair  
Subdivision and Development Appeal Board

**EXHIBIT LIST**

Documents presented at the hearing and considered by the Board

- | <b>NO.</b> | <b>ITEM</b>                                |
|------------|--|
| 1.         | Development Authority Report (15 pages)    |
| 2.         | Letters in Support of Appeal (2 pages)     |
| 3.         | Letters in Opposition of Appeal (16 pages) |