

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

Board Order No.: 2021-SDAB-015
File No.: 06513005; DC202012-0282
Appeal by: Highland Properties Inc.
Hearing Date: August 19, 2021
Decision Date: September 2, 2021
Board Members: Crystal Kissel, Chair
Wendy Metzger
Tricia Fehr
Hazel George
Morrie M. Goetjen

DEVELOPMENT APPEAL DECISION

INTRODUCTION

[1] This is an appeal against a stop order issued by the Development Authority, Development Compliance to cease outside storage of commercial vehicles, the use of Recreational Vehicles as dwelling units, and the violation of several Development Permit Conditions at 262199 Balzac Boulevard Block:2 Plan:9310884; NE-13-26-01-W05M (the Lands).

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

DECISION

[3] The appeal is allowed in part and the Stop Order issued July 28, 2021 under DC202012-0282 is varied.

BACKGROUND

[4] The Lands are approximately 9.72 hectares (24.02 acres) in size and are owned by Highland Properties Inc.

[5] The Lands' land use designation is Business, Recreation District (B-REC) & Direct Control 150 District (DC-150). This requires this application to be assessed under Rocky View County Land Use Bylaw C-8000-2020 for the B-REC district and Rocky View County Land Use Bylaw C-4841-97 (the Land Use Bylaw) for DC-150.

[6] On December 17, 2020 a Development Compliance investigation file was opened due to an allegation of people residing within recreational vehicles within the campground.

[7] On January 1, 2021, the Development Authority attended the Lands and found numerous trailers with non-standard skirting around them, numerous commercial vehicles parked on the property, sheds, and sea cans.

[8] On May 12, 2021, the Development Authority attended the Lands again and found many recreational vehicles which had skirting, decks, and other structures built around them as well as numerous commercial vehicles parked on-site. It was determined a Stop Order would be issued to bring the property into compliance.

[9] On July 28, 2021, the Stop Order was posted on the Lands and the Development Authority spoke to with landowner and conducted a walkthrough of the property, identifying violations.

[10] On August 3, 2021, Highland Properties Inc. (the Appellant) submitted an appeal of the Development Authority, Development Compliance's stop order on the Lands.

[11] 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, Applicant, 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;
- (2) Suleman Hussain, Highland Properties, the Appellant; and
- (3) John Elstone, Manager Balzac Campground, 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 intended to send out a compliance officer on August 18, 2021 to inspect the property, however, there was no one available to inspect the site prior to the hearing.

Suleman Hussain and John Elstone submissions – the Appellant

[17] Storage is being removed from the property but the Appellant would like more time to complete the removal.

[18] Taking more time to comply with the stop order than given should not be seen as an issue.

[19] 11 commercial vehicles have been removed from the property since the stop order was issued, and that it was a massive improvement from what it was before.

[20] Nothing further is being allowed to be stored on the property.

[21] The Appellant would like until the end of the year to comply with the terms of the stop order as that is the most realistic time frame to complete the work.

[22] The dump trucks located on the property have been sold and there are 4 additional inoperable vehicles on the site that will be towed out the week of the hearing.

[23] Currently negotiations are underway with the Hutterite colony to remove the empty ATCO trailer from the property.

[24] 80% of the recreational vehicles have complied in the removal of the decking on their sites.

[25] Everyone who resides in the campground has been notified that they will need to leave with the exception of two individuals who work on power lines and are not currently on site. However, they will be notified when they return to the site.

[26] Everyone living in the RV's on the Lands will be leaving in October of 2021.

Suleman Hussain and John Elstone rebuttal submissions – The Appellant

[27] The Appellant believes that Bucars RV Centre is judging the campground based on the residents that live there rather than any actual evidence. Generally, the people who live there are not as fortunate as others and it is inappropriate to pass judgment on people in less fortunate circumstances.

[28] The Appellant stated that they have sent a lot of business to Bucars this year and they have been excellent corporate citizens so their comments were surprising to read.

[29] The Appellant is also concerned about theft in the area, so they worked with the RCMP to run the VIN numbers on abandoned vehicles on the property. Any vehicles that were stolen were removed.

[30] The Appellant stated that Bucars complaint about harassment is not justified as they have no evidence that the people phoning them are from the campground.

[31] The Appellant believes that Bucars sees them as competition.

[32] The Appellant admits that the campground does have a bad reputation. However, with the input of Mr. Elstone they are trying to improve it. None of us are oil paintings, we all have warts.

[33] Both the wood stoves and shanties have been addressed.

[34] The Appellant noted that while Titan Contracting complains about the campground being an eyesore, the Appellant also consider Titan Contracting to be an eyesore as it is a construction company.

[35] The Appellant stated that the letter from Ralph's Motorsports is ironic because Ralph's has asked for help storing materials and they were not charged by the Appellant.

[36] The Appellant wished the companies that submitted letters would be factual rather than defamatory with their comments.

[37] There have never been Sea-Cans converted to living quarters on the site.

[38] Year round living on the site will not continue.

[39] They do not need any more grief, they are embarrassed and ashamed of the site and will clean it up.

[40] They are founding members of the Balzac Business community.

[41] The Appellant has already taken steps to rectify the Lands and they will not wait until the 11th hour to comply with the stop order. They are asking that the Board allow them to do the right thing.

FINDINGS & REASONS FOR DECISION

[42] The Board finds that outside storage of commercial vehicles, the use of Recreational Vehicles as dwelling units is not permitted in either Business, Recreation District (B-REC) and Direct Control 150 District (DC-150), as outlined in section 376 of the *Land Use Bylaw* for B-REC and section 2.2.0 of DC-150.

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

[44] 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.

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

[46] The Board finds that there was not sufficient time allowed to bring the property into compliance.

[47] The Board finds that the date to fully comply with the Stop Order shall be extended to November 1, 2021; and that should the violation continue to occur past that the County has the ability to pursue further enforcement.

CONCLUSION

[48] For the reasons set out above, the appeal is allowed in part and the Stop Order issued July 28, 2021 under DC202012-0282 is varied.

Dated at Rocky View County, in the Province of Alberta on September 2, 2021.



Crystal Kissel, Chair
Subdivision and Development Appeal Board

EXHIBIT LIST

Documents presented at the hearing and considered by the Board

- | NO. | ITEM |
|------------|--|
| 1. | Development Authority Report (22 pages) |
| 2. | Development Authority Presentation (6 pages) |
| 3. | Letters of Opposition of Appeal (5 pages) |