

PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: July 8, 2021

DIVISION: 9

FILE: 06828004

APPLICATION: N/A

SUBJECT: Stop Order Appeal

COMPLIANCE ISSUE: The operation of a U-Haul Business without proper permits.

GENERAL LOCATION: Located within the hamlet of Cochrane Lake.

LAND USE DESIGNATION: Direct Control 36 District (DC-36)

ENFORCEMENT ACTION: Stop Order Posted on-site June 7, 2021

ENFORCING OFFICER: Camilo Conde

STOP ORDER POSTED DATE: June 7, 2021
APPEAL DATE: June 28, 2021

AIR PHOTO & ENFORCEMENT CONTEXT:



Administration Resources

Camilo Conde, Development Compliance Officer

EXECUTIVE SUMMARY:

On April 20, 2021, an initial complaint had come in regarding several businesses operating from the parcel, including a woodcutting business, a storage business, and what the complainant called the outside storage of several Thaland Trucks (U-Hauls).

On April 21, 2021, Officer Conde attended the subject parcel and spoke to the subject of the complaint, who indicated the woodchipping business had been operating from the parcel but would leave at the end of the month to a new parcel. The subject stated that the U-Hauls on site were for personal storage and the Officer did not see signs of advertising on site.

The officer told the subject as long as the woodchipping business was removed by the end of the month as well as ensuring the U-Haul trucks are removed in a timely manner. The officer would then return to check on his progress.

On May 27, 2021, a second complaint was received that the U-Haul business was in full operation.

On June 1, 2021, four additional complainants listed their concerns with the U-Haul business operating on-site causing excessive speeding traffic.

On June 2, 2021, Officer Conde attended the subject parcel and found several indications the U-Haul drop-off and pick-up. Officer Conde also observed an office that was not present when the property was first attended.

On June 3, 2021, Officer Conde 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. Both the letter and Order were complete and sent for signature.

On June 7, 2021, Officers attended the property and placed the Stop Order on the U-Haul office key drop-off area where it would be visible to all.

On June 21, 2021, Officer Conde attended the site to see if any progress had been made. There was no indication of the property being brought into compliance.

On June 24, 2021, the subject indicated he would be appealing the order.

On June 28, 2021, the subject appealed the Stop order.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none">• <i>Land Use Bylaw</i>• <i>DC-36</i>	LAND USE: <ul style="list-style-type: none">• Commercial Business is not a listed use within the Development Cell of the Direct Control District
	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none">• Rocky View County Council

APPEAL BOARD JURISDICTION:

Section 645 of the *Municipal Government Act* authorizes the development authority to issue a Stop Order when a development, land use, or use of a building does not comply with any of Part 17 of the *Municipal Government Act*, the Subdivision and Development Regulation, or a development permit or subdivision approval. A Stop Order may require any one of the following: the landowner, person in possession of the land, or person responsible for the contravention, to:

- Stop the development or use of the land;
- Demolish, remove or replace the development, or;
- Take any other actions required to bring the development or use of the land or building into compliance.

SDAB's jurisdiction on a Stop Order Appeal is based solely on the following:

- Whether the SDAB felt the Stop Order was issued properly and legally; and
- Whether enough time has been provided for compliance.

An SDAB is not responsible for determining if this is an appropriate use for the property or determine the outcome of any permits proposed, that jurisdiction falls back to either Council or Administration for consideration.

APPEAL:

See attached exhibits.

Respectfully submitted,

"Heather McInnes"

Supervisor
Development and Compliance

CC/ltt

ATTACHMENTS

ATTACHMENT 'A': Compliance Information
ATTACHMENT 'B': Stop Order Letter
ATTACHMENT 'C': Stop Order posted on Property
ATTACHMENT 'D': Aerials
ATTACHMENT 'E': Notice of Appeal



ATTACHMENT 'A': COMPLIANCE INFORMATION

SUBJECT OF COMPLAINT: Daniel Grant	OWNER: Wan Wei Xie
DATE OF FIRST COMPLAINT: April 20, 2021	DATE OF STOP ORDER: June 3, 2021
SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING DATE: July 08, 2021	
APPELLANT: Daniel Grant	
GROSS AREA: ± 4.05 hectares (± 10.01 acres)	LEGAL DESCRIPTION: SE-28-26-04-W05M; 264059 RGE RD 43
APPEAL BOARD: Subdivision and Development Appeal Board	



ROCKY VIEW COUNTY

STOP ORDER

Section 645, *Municipal Government Act*
R.S.A. 2000, c. M-26, as amended

June 3, 2021

TO:

Xie, Wan Wei
264059 Range Road 43
Cochrane, AB
T4C 2A8

☐ HAND DELIVERED / POSTED ON PROPERTY

☐ REGISTERED MAIL

Dear Sir/Madam:

RE: Lot:1 Block:1 Plan:9610101 (the "Lands")

In my capacity as a Development Compliance Officer for the Rocky View County, I hereby issue a Stop Order pursuant to section 645 of the *Municipal Government Act*, with respect to the following lands:

SE-28-26-04-W05M
(the "Lands")

Municipal Address: **264059 RGE RD 43**

The Direct Control District 36 states:

Direct Control District 36 (DC-36)

The purpose and intent of the Existing Homestead Cell is to provide for the use of certain portions of the land for the existing residence and associated facilities.

7.1 List of Permitted Uses

- dwelling, single detached
- accessory buildings
- fences

7.2 List of Discretionary Uses

- home occupations
- guest cottage

Further, Part 17 of the *Municipal Government Act* and **Part 2, Section 18.1** of the Rocky View County Land Use Bylaw allows a Development Authority to issue a Stop Order where a development or use of land or buildings does not comply with the *Municipal Government Act*, the Land Use Bylaw, or a development permit or subdivision approval.

At present, the Lands do not comply with the Rocky View County Land Use Bylaw given:

A commercial business is operating from the parcel, and commercial businesses are not listed uses within the Direct Control District.

Accordingly, you are hereby ordered to stop the unauthorized development and use of the aforementioned lands and the buildings thereon and comply with the Land Use Bylaw by:

Cease any and all commercial activity on the parcel, and remove all signage indicating commercial activity;

AND

Cease all living within Recreational Vehicles/ Trailers

within **twenty-one (21) days** of the date of this Order, **being on or before June 24, 2021**

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal *together with the applicable appeal fee of \$500* must be received by the Secretary of the Subdivision and

Development Appeal Board within twenty-one (21) days of posting of this letter. The completed Notice of Appeal Form and payment of Appeal Fee can be sent via:

Mail/Deliver: **Clerk, Subdivision and Development Appeal Board**
 262075 Rocky View Point Rocky View County, AB, T4A 0X2

Please make cheques payable to “Rocky View County”.

EMAIL **Arrangements can also be made to email your Notice of Appeal and pay over the phone. Please see www.rockyview.ca for further details.**

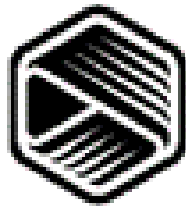
Please be advised that Rocky View County has the authority, in the event that this Stop Order is not complied with within the time limit provided, to enter onto the Lands in accordance with Section 542 of the *Municipal Government Act* to take whatsoever actions are determined by Rocky View County to bring the Lands into compliance, and may seek an Injunction or other relief from the Court of Queen’s Bench of Alberta pursuant to Section 554 of the *Municipal Government Act*. Further, Rocky View County has the authority to add the costs and expenses for carrying out this Stop Order to the tax roll for the Lands pursuant to Section 553(1)(h.1) of the *Municipal Government Act*.

YOURS TRULY,

ROCKY VIEW COUNTY

Per:

Development Authority



ROCKY VIEW COUNTY

STOP ORDER

PURSUANT TO THE *MUNICIPAL GOVERNMENT ACT* – SECTION 645

TO: **Xie, Wan Wei**
264059 Range Road 43

Municipal Address: **264059 Range Road 43**

Part 2, Section 18.1 of the Rocky View County Land Use Bylaw allows a Development Authority to issue a Stop Order where a development or use of land or buildings does not comply with the *Municipal Government Act*, the Land Use Bylaw, or a development permit or subdivision approval.

At present, the Lands do not comply with the Rocky View County Land Use Bylaw given **The operation of a commercial business, as well as the living within Recreational Vehicles**.

You are hereby ordered 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

Failure to comply with the order and/or make the necessary application will have Rocky View County taking whatever actions that are determined to bring the Lands into compliance, which may require seeking legal action for a court order or other relief from the Court of Queen's Bench of Alberta pursuant to Section 554 of the *Municipal Government Act*.

You are further notified that you may appeal this Stop Order, within **twenty-one (21) days**, to the Rocky View County Clerk, Subdivision and Development Appeal Board in accordance with Section 686 of the *Municipal Government Act*. Notwithstanding any such appeal, this Stop Order must be complied with pending the outcome of the appeal and are required to ensure that no more activity on the land is occurring pending a decision. Please note the Board does not have authority to approve this use only consider whether it was issued legally and with enough time for compliance.

Dated at the Rocky View County Hall, in the Province of Alberta, this **June 24, 2021**.

Development Authority

No person shall remove, tamper with or alter this notice without the written consent from Rocky View County.



07 06 2021

OFFICE

DROP

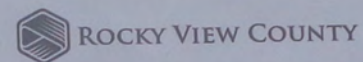
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OFFICE

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**STOP ORDER**PURSUANT TO THE MUNICIPAL
GOVERNMENT ACT – SECTION 645TO: Xie, Wan Wei
264059 Range Road 43

Municipal Address: 264059 Range Road 43

Part 2, Section 19.1 of the Rocky View County Land Use Bylaw allows a Development Authority to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, or a development permit or subdivision approval.

At present, the Lands do not comply with the Rocky View County Land Use Bylaw given The operation of a commercial business, as well as the living within Recreational Vehicles.

You are hereby ordered 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

Failure to comply with the order and/or make the necessary application will have Rocky View County taking whatever actions that are determined to bring the Lands into compliance, which may require seeking legal action for a court order or other relief from the Court of Queen's Bench of Alberta pursuant to Section 554 of the Municipal Government Act.

You are further notified that you may appeal this Stop Order, within twenty-one (21) days, to the Rocky View County Clerk, Subdivision and Development Appeal Board in accordance with Section 666 of the Municipal Government Act. Notwithstanding any such appeal, this Stop Order must be complied with pending the outcome of the appeal and are required to ensure that no more activity on the land is occurring pending a decision. Please note the Board does not have authority to approve this use only consider whether it was issued legally and with enough time for compliance.

Dated at the Rocky View County Hall, in the Province of Alberta, this June 24, 2021.

A handwritten signature in black ink, likely belonging to a representative of the Development Authority.

Development Authority

No person shall remove, tamper with or alter this notice
without the written consent from Rocky View County.

07 06 2021







Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information

Name of Appellant(s)

Daniel Grant

Mailing Address

264059 RANGE ROAD 43

Municipality

COCHRANE

Province

AB

Postal Code

T4C 2A8

Site Information

Municipal Address

264059 RANGE ROAD 43 COCHRANE T4C 2A8

Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)

LOT 1, BLOCK 1, PLAN: 9610101

Property Roll #

06828004

Development Permit, Subdivision Application, or Enforcement Order #

I am appealing: (check one box only)**Development Authority Decision**

- ☐ Approval
☐ Conditions of Approval
☐ Refusal

Subdivision Authority Decision

- ☐ Approval
☐ Conditions of Approval
☐ Refusal

Decision of Enforcement Services

- ☒ Stop Order
☐ Compliance Order

Reasons for Appeal (attach separate page if required)

see attached

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Daniel Grant

Appellant's Signature

June 28, 2021

Date



Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Submitting an Appeal

Appeals must be submitted on time and with the required fee

Sections 547, 645, 678, and 686 of the *Municipal Government Act*, RSA 2000, c M-26, and Rocky View County's *Master Rates Bylaw* require that your Notice of Appeal be submitted to the Subdivision and Development Appeal Board (SDAB) or Enforcement Appeal Committee (EAC) within the legislated timeframe and with the required fee. Fees are as follows:

Subdivision and Development Appeal Board	Fee
Development Authority decision – appeal by the owner of the subject property	\$350.00
Development Authority decision – appeal by an affected party	\$250.00
Development Authority decision – appeal of a Stop Order issued under section 645 of the <i>Municipal Government Act</i>	\$500.00
Subdivision Authority decision (paid at time of application and used as a credit on endorsement fees except where the owner appeals the subdivision)	\$1,000.00
Enforcement Appeal Committee	
Compliance Order - appeal as per section 545 or 546 of the <i>Municipal Government Act</i>	\$500.00

How to submit your appeal and pay your fee

You can submit your Notice of Appeal by mail or deliver it in person. Arrangements can also be made to e-mail your Notice of Appeal and pay over the phone. If you e-mail your appeal to the SDAB clerk, you must call the SDAB clerk for verbal confirmation of receipt. Regardless of how you submit your Notice of Appeal, it must be received on or before the final appeal deadline.

Mail or deliver to:

Clerk, Subdivision and Development Appeal Board
262075 Rocky View Point
Rocky View County, AB, T4A 0X2

Please make cheques payable to "Rocky View County".

What happens after my appeal is submitted?

Once your Notice of Appeal is submitted on time and with the required fee, the appeal will be heard by the SDAB or EAC within 30 days. The Clerk of the SDAB will be in touch with you about the appeal hearing. You and the landowners who are adjacent to the property in question will receive a written Notice of Hearing.

More information

For more information about filing an appeal or SDAB/EAC procedures, please contact the SDAB Clerk at:

Phone: 403-230-1401

Email: sdab@rockyview.ca

Website: www.rockyview.ca

NOTICE OF APPEAL**RE: STOP ORDER DELIVERED JUNE 3, 2021****LOCATION: LOT 1, BLOCK 1, PLAN:9610101****ADDRESS: 264059 RANGE ROAD 43 COCHRANE T4C 2A8**

Please be advised that the stop order is being appealed for the following reasons and considerations:

- 1) There is no one living in an RV on the site as stated in the Stop Order. There have been a number of unfounded and unsubstantiated claims and this constant complaints is very bothersome.
- 2) U-Haul were pushed out of their location in the town of Cochrane and the landowner here rented them space to conduct their rental business. They provide a valuable service in the area and when they were moved out of Cochrane their was a significant outcry on social media. This was much larger and more vocal than the few neighbors complaining about this operation. The greater good of the community would be to allow them to stay. They represent no noise, no bother and much less traffic that the courier delivery trucks servicing the adjacent Village. At the most it represents less than 10 vehicle movements per day.
- 3) This land has a rezoning application being prepared and the new zoning will allow this type of commercial business. This rezoning application and development permit will be submitted in the next 90 days.
- 4) We are requesting a stay of enforcement until July 15, 2022 to enable this rezoning application to be made or to relocate the business.
- 5) The Cochrane Lake area is inundated with ASP for residential lots. The community at large will need to accept service types of businesses which provide needed rentals, storage and sale of goods.
- 6) With minimal impact we request a complete stay of enforcement. In light of the erroneous facts stated in the complaints about the RV and in light of the greater good to the community we file this Appeal of the Stop order and stay of enforcement

I am Daniel Grant, occupant on the land since 2013 and authorized by Wan Wei Xie to act on their behalf.. Phone me for payment of the Appeal fee. [REDACTED]

DB Grant June 23, 2021

