

PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: August 19, 2021

DIVISION: 7

FILE: 06513005

APPLICATION: N/A

SUBJECT: Stop Order Appeal

COMPLIANCE ISSUE: The outside storage of commercial vehicles, the use of Recreational Vehicles as dwelling units, and the violation of several Development Permit Conditions.

GENERAL LOCATION: Located approximately 0.81 kilometres (1/2 mile) north of Highway 566 and on the west side of Highway 2.

LAND USE DESIGNATION: Business, Recreation District (B-REC) & Direct Control 150 District (DC-150)

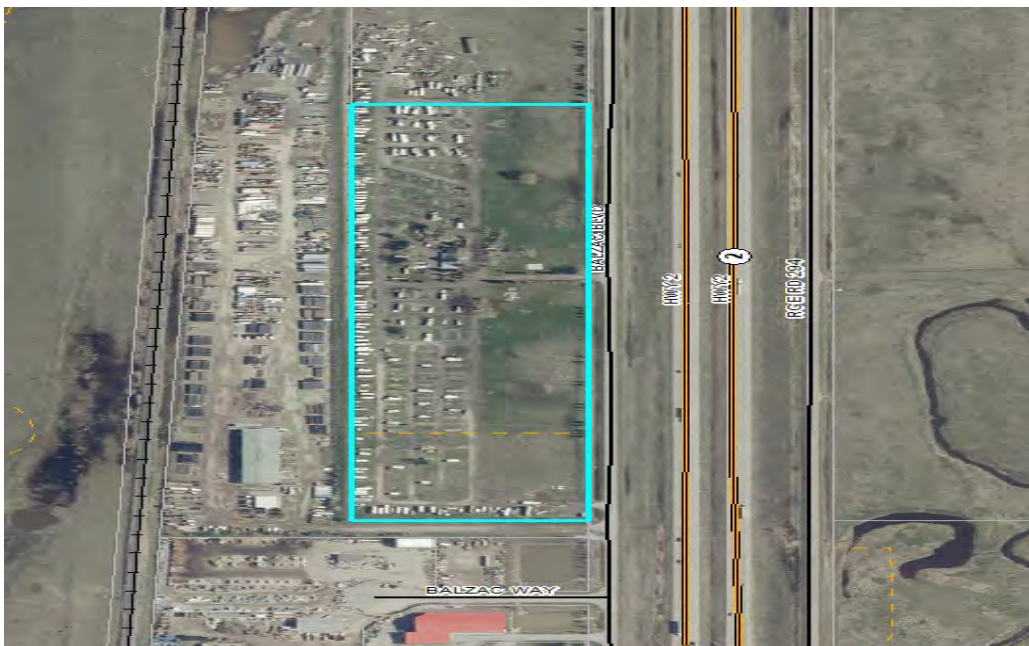
ENFORCEMENT ACTION: Stop Order posted on-site July 28, 2021.

ENFORCING OFFICER: Camilo Conde

STOP ORDER POSTED DATE:
July 28, 2021

APPEAL DATE:
August 3, 2021

AIR PHOTO & ENFORCEMENT CONTEXT:



Administration Resources

Camilo Conde, Development Compliance Officer

**EXECUTIVE SUMMARY:**

On December 17, 2020, Supervisor Heather McInnes sent an email requesting that a file be opened and assigned due to an allegation of people residing within recreational vehicles within the campground. The request for a file to be opened was requested by Rocky View County Executive Director, Theresa Cochran.

On December 18, 2020, Officer Wiebe was assigned the file and commenced the investigation. Officer Wiebe compiled the information from parcel information and found the permit corresponding to the campground under Development Permit, PRDP20182207.

On December 22, 2020, Officer Wiebe contacted the complainant to get further information on the complaint from the complainant. The complainant indicated they were concerned with the state of the campground. The complainant stated the campground appeared to have deteriorated over time, with individuals appearing to reside within campers for longer than six months at a time. The complainant also alleged that a trucking business was operating from the parcel at the time.

On January 1, 2021, Officer Wiebe attended the subject property and found numerous trailers with non-standard skirting around them, numerous commercial vehicles parked on the property, sheds, and sea cans. Officer Wiebe posted in his report that he would return with another Officer at a later date to conduct a more thorough inspection of the property.

On April 4, 2021, the file was reassigned to Officer Conde as Officer Wiebe was no longer employed with the County.

On May 12, 2021, Officers Conde and Usher attended the property. Officer Conde spoke to the gentleman working the front counter of the campground. Officer Conde inquired if the property owner was on-site, to which the front counter employee replied that the owner had just left.

Officer Conde told the front counter employee that he was conducting an inspection and would most likely return with a Stop Order should the violations outlined in Officer Wiebe's report remain. Both Officers Conde and Usher conducted a drive around the parcel and located many recreational vehicles which had skirting, decks, and other structures built around them. The Officers noted there were numerous commercial vehicles parked on-site in various spots.

Officer Conde returned from that inspection to speak with Supervisor McInnes on a recommendation to bring the property into compliance, as there would be much effort to gain full compliance with the Land Use Bylaw and the issued Development Permit. Supervisor McInnes recommended a Stop Order be placed on the property to ensure if the work was not complete by the deadline, the County would have a variety of options to deal with the non-compliance if necessary.

On July 28, 2021, Officer Conde and Senior Safety Codes Officer Jamie Nott attended the property to issue the Stop Order and conduct an updated inspection of the potential violations. Officer Conde spoke to the same front counter employee and handed him the letter version of the Stop Order. Officer Conde told the front counter employee that the posted order would be placed on the front door and that the Officers could remain on-site until the owner made his way to the parcel. When the owner arrived on-site, Officer Conde, Senior Safety Codes Officer Nott, and the owner conducted a thorough walk-around of the parcel outlining the camping spots which had violations including the construction of sheds, decks, stairs, etc. as well as being skirted with material which was not factory provided.

During the walk through the property, several sea cans, commercial vehicles, and recreational vehicles, which appeared to be converted to residences were noted. The owner admitted to giving an outdoor storage space to a landscaping company, which he said would be moving to the North end of the property. Officer Conde reminded the owner that an application would need to be submitted before he could continue to allow that storage of vehicles, in addition to needing to apply for the appropriate permits for further expansion of the campground and accessory buildings. The owner



claimed they would apply as necessary and begin the process of having the property brought into compliance with respect to the recreational vehicles.

Officer Conde instructed the owner that they had 21 days from the date of the order to comply, and that should the violation continue to occur past that the County would have the ability to pursue further enforcement. Officer Conde gave the owner his business card and told the owner that should he need more time or have any issues with bringing the property into compliance, to give the officer a call and more appropriate arrangements could be made. The Officers then left the property and returned to the office.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • Land Use Bylaw (C-4841-97); • DC-150. 	LAND USE: <ul style="list-style-type: none"> • Campground, Tourist
	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 Regulations, or a development permit or subdivision approval. A Stop Order may require any one of the following: the landowner, the person in possession of the land, or the 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.

The Subdivision Appeal Board's (SDAB) 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.

The 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.



ROCKY VIEW COUNTY

Respectfully submitted,

“Heather McInnes”

Supervisor
Development and Compliance

CC/lt

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 'F': Relevant Photos



ATTACHMENT 'A': COMPLIANCE INFORMATION

SUBJECT OF COMPLAINT: The outside storage of commercial vehicles, the use of Recreational Vehicles as dwelling units, and the violation of several Development Permit Conditions	OWNER: Highland Properties Inc.
DATE OF FIRST COMPLAINT: December 18, 2020	DATE OF STOP ORDER: July 28, 2021
SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING DATE: August 19, 2021	
APPELLANT: Suleman Hussain	
GROSS AREA: ± 9.72 hectares (± 24.02 acres)	LEGAL DESCRIPTION: NE-13-26-01-W05M; 262199 BALZAC BV
APPEAL BOARD: Court of Appeal	



STOP ORDER

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

July 28, 2021

TO:

**Highland Properties Inc.
2800 - 88 Street SE
Calgary, AB
T1X 0L5**

☐ **HAND DELIVERED / POSTED ON PROPERTY**

☐ **REGISTERED MAIL**

Dear Sir/Madam:

RE: Block:2 Plan:9310884 (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:

NE-13-26-01-W05M
(the "Lands")

Municipal Address: **262199 BALZAC BV**

Land Use Bylaw C-8000-2020 states:

Table 2 – Development Not Requiring a Development Permit

x) Vehicle (Commercial)

The outside parking of a maximum of one (1) vehicle (commercial) on a Residential District parcel equal to or greater than 1.60 ha (3.95 ac), or an Agricultural District parcel that contains a dwelling parcel

Part 8: Definitions

“Vehicle (Recreation)”

- means a vehicle designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks), which will permit its use for sleeping or living purposes for one or more persons on a short-term basis. Vehicle (Recreation) may include but not limited to motorized watercraft, 5th wheels, and recreational vehicles (RVs). **Vehicle (Recreation) shall not be used as a Dwelling Unit**

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:

There are multitudes of permanent Recreational Vehicles on site in which individuals are residing, in addition to the outside storage of commercial vehicles without the appropriate development permit approvals.

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 all year round living within all recreational vehicles

AND

Remove any or move any commercial vehicles not located within the designated approved storage area to the approved storage area, or off the parcel

within **twenty-one (21) days** of the date of this Order, **being on or before August 18, 2021**

- 3 -

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: **Highland Properties Inc.**
2800 - 88 Street SE

Municipal Address: **262199 BALZAC BV**

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 outside storage of commercial vehicles outside of the permitted area, as well as the living within Recreational Vehicles year-round.**

You are hereby ordered to:

Cease all year round living within all recreational vehicles

AND

Remove any or move any commercial vehicles not located within the designated approved storage area to the approved storage area, or off the parcel

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 **August 18, 2021.**

Development Authority

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

BALZAC

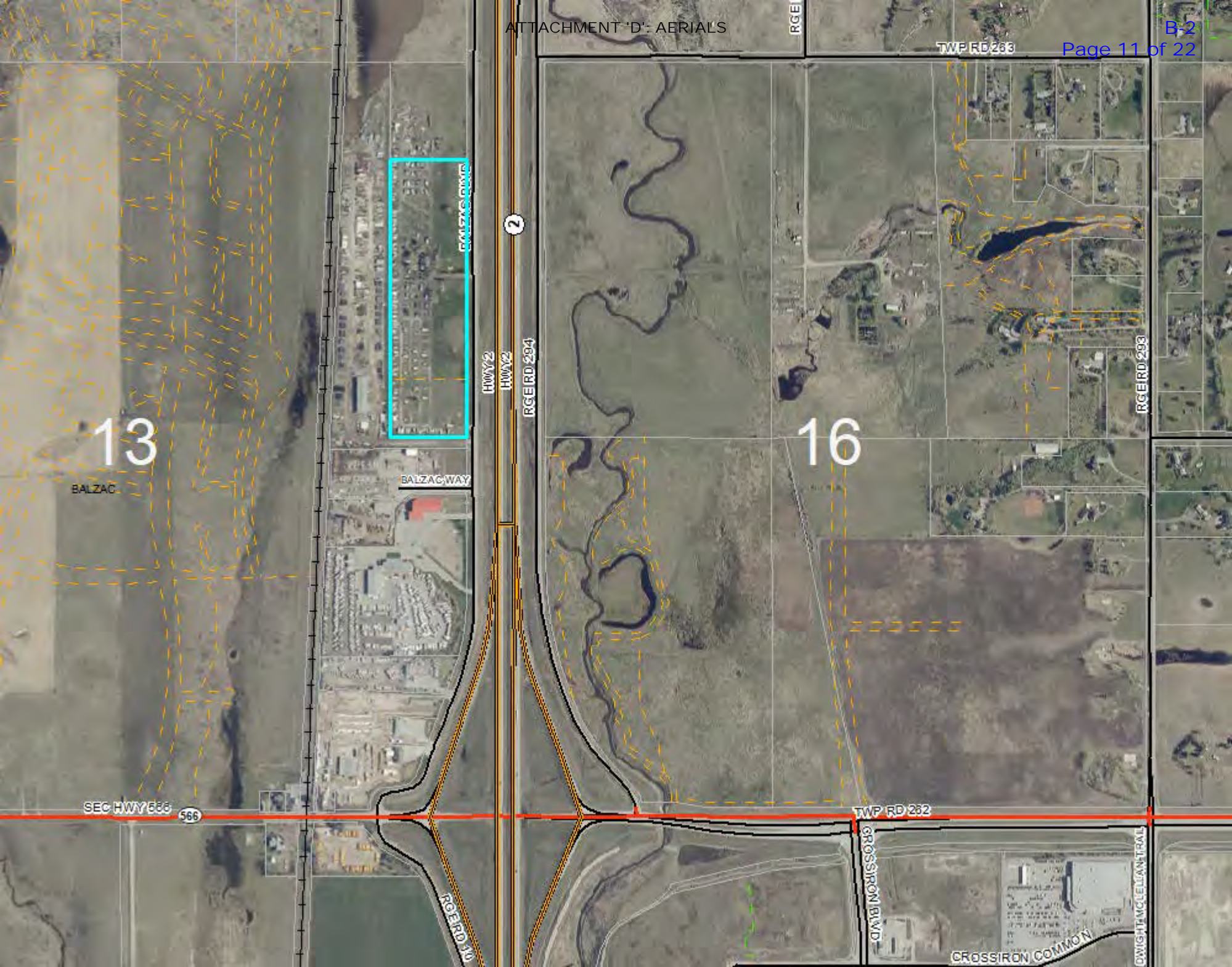
BALZAC BLVD

HWY 2

HWY 2

2

RG RD 204



**Notice of Appeal**

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Highland Properties Inc			
Mailing Address 262 195 Balzac Blvd	Municipality Rocky View County	Province AB	Postal Code T4B-2T3
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 262 195 Balzac Blvd	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) NE-13-26-01-05		
Property Roll # 06513005	Development Permit, Subdivision Application, or Enforcement Order # DP20182207		
I am appealing: (check one box only)			
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input checked="" type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
<p>Main reason is time. This stop order was given to us without any prior warning or communications. I personally walked the property with officer Camilo Figueroa-Conde as to what he expects and needs done. I am working on everything and have been removing commercial vehicles prior to the stop order. The two tax paying/beneficial to the community companies using just land space as storage will need more time to find a new yard and to remove all their equipment. Everything else will be cleaned up or removed in a timely manner. Thanks!</p>			

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.

Appellant's Signature

Aug 3/21
Date

ATTACHMENT E: RELEVANT PHOTO



ATTACHMENT 'F': RELEVANT PHOTOS



2021.07.28 10:31

ATTACHMENT 'F': RELEVANT PHOTOS



2021.07.28 10:30

ATTACHMENT 'F': RELEVANT PHOTOS



2021.07.28 10:29

ATTACHMENT 'F': RELEVANT PHOTOS



2021.07.28 10:29

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2021.07.28 10:21