Wood Buffalo TRIBUNALS
Community Standards Appeal Committee

NOTICE OF DECISION

FILE NO.	**CSAC 2026-001**
APPEAL	**Appeal against the conditional approval of a Hen License application**
LEGAL DESCRIPTION:	**Lot 47, Block 44, Plan 0828607**
CIVIC ADDRESS:	**164 Snowy Owl Way, Fort McMurray, Alberta**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Community Standards Appeal Committee ("the Committee") pursuant to Community Standards Appeal Committee Bylaw No. 19/001, the Appeal Hearing was held on Thursday, October 29, 2026, in room 7203, 9909 Franklin Avenue, Fort McMurray, Alberta.

BETWEEN:

Annie and Darrell Simms ("the Appellants")

-and-

The Regional Municipality of Wood Buffalo ("the Municipality")

Madelaine and Brendon Amyotte ("the Hen License Applicant")

BEFORE:

Thomas Morris (Chair)

Alex McKenzie

Lindsay Yayechnick

Administration:

Heather Fredeen, Clerk for the Community Standards Appeal Committee

PROCEDURAL MATTERS

[1] The parties confirmed that they had no objections to the composition of the Committee or the Committee's processes.

[2] The Committee confirmed it had no bias in relation to the matter.

PRELIMINARY MATTERS

[3] Legal Counsel for the Municipality advised that pages 37 and 38 of the hearing package were not legible in digital copies provided to the parties. Hard copies of the pages were distributed by Legal Counsel to the Appellants and the Hen License Applicant. The Committee confirmed that the corresponding pages in its copy of the hearing package were legible. No objections were raised to the Municipality providing the hard-copy documents to the parties.

SUMMARY OF HEARING

Submission of the Municipality

[4] The Licensing Authority submitted that the Municipality's approach to addressing non-compliance is founded on education, communication, and voluntary compliance. The Licensing Authority explained that the Municipality seeks to work collaboratively with residents to achieve compliance with municipal bylaws, rather than focusing solely on identifying instances of non-compliance or pursuing enforcement measures.

[5] This Appeal arises from the conditional approval of a Backyard Hen License for the property described as 164 Snowy Owl Way, Fort McMurray, Alberta. The license application was submitted on September 10, 2026, and a conditional approval was issued by the Licensing Authority on September 11, 2026. Notice of the conditional approval was sent to neighbouring residents as per the process for Backyard Hen Licensing requirements (Page 16).

[6] The Licensing Authority advised that, following the filing of the Appeal and a subsequent review of the license application, it was determined that the Subject Property did not appear to comply with the privacy fence requirements prescribed by the Backyard Hen Bylaw. The Licensing Authority acknowledged that this deficiency was not identified during the original review of the application and, as a result, was not considered prior to the issuance of the conditional approval.

[7] The Licensing Authority referred to section 3(w) of the Bylaw, which defines a privacy fence as a solid fence with a continuous height of no less than two metres, or the maximum height permitted under Land Use Bylaw No. 26/001 (the “Land Use Bylaw”), whichever is less. The Licensing Authority explained that the purpose of the privacy fence requirement is to create a visual barrier that conceals the enclosed parcel and prevents entry by predators.

[8] The Licensing Authority further submitted that section 5.23.2 of the Land Use Bylaw permits a maximum fence height of two metres on the Subject Property. Accordingly, to satisfy the definition of a privacy fence under the Backyard Hen Bylaw 23/004 (the “Backyard Hen Bylaw”), the fence must maintain a continuous height of two metres.

[9] In support of its position, the Licensing Authority referred the Committee to the Hen License Applicant's submitted materials, and page 30 of the hearing package, which identifies the shed as being six feet in height. The Licensing Authority also referenced a photograph on page 44 of the hearing materials and submitted that the photograph demonstrates the existing fence is lower than the shed. Based on this evidence, the Licensing Authority submitted that the fence is less than two metres in height and therefore does not meet the definition of a privacy fence as required by the Backyard Hen Bylaw.

[10] The Licensing Authority acknowledged that this deficiency should have been identified during the Municipality's review of the application prior to the issuance of the conditional approval. The Licensing Authority advised that the Municipality is reviewing its application review processes to ensure future applications are subject to a more comprehensive assessment and to reduce the likelihood of similar oversights occurring in the future.

[11] Through questioning by the Committee, the Licensing Authority confirmed that a site inspection of the Subject Property was conducted as part of the application review process. The Licensing Authority further confirmed that the dimensions of the coop provided by the Hen License Applicant consisted of a site plan identifying a shed measuring approximately six feet by six feet and six feet in height.

[12] The Licensing Authority advised that the site plan submitted by the Hen License Applicant formed part of the information relied upon in reviewing the application and demonstrated the proposed location of the coop on the Subject Property.

[13] In response to questions from the Committee regarding setback requirements, the Licensing Authority advised that the Backyard Hen Bylaw requires a coop to be located a minimum of three metres from a dwelling.

[14] When asked whether the Committee could determine from the submitted materials that the coop was located a minimum of three metres from a dwelling, the Licensing Authority advised that it could not confirm the distance based on the information before it and did not have measurements available to verify compliance with that requirement.

[15] In response to questions from the Appellants, the Licensing Authority advised that the license application itself did not indicate that hens had been present on the property prior to the submission of the application. The Licensing Authority explained that the application process is completed through an online submission system consisting primarily of checkboxes and required information fields.

[16] The Licensing Authority acknowledged that the Municipality was aware that hens had been kept on the property prior to the submission of the license application.

[17] When asked whether the presence of hens on a property before obtaining a license would disqualify an applicant from obtaining a Backyard Hen License, the Licensing Authority advised that it would not. The Licensing Authority stated that the proper procedure is to obtain a license before keeping hens; however, the Municipality has received and processed applications where hens were already present on the property.

[18] The Licensing Authority reiterated that the Municipality's approach to addressing such circumstances is founded on education, communication, and voluntary compliance. The Licensing Authority advised that, where appropriate, the Municipality works with property owners to achieve compliance with the requirements of the Backyard Hen Bylaw rather than treating the prior presence of hens as an automatic disqualification from the licensing process.

[19] In response to questions from the Hen License Applicant regarding the privacy fence requirements, the Licensing Authority reiterated that the definition of a privacy fence is contained in section 3(w) of the Backyard Hen Bylaw. The Licensing Authority explained that a privacy fence must be a solid fence with a continuous height of no less than two metres, or the maximum height permitted

under the Land Use Bylaw, whichever is less, and must create a visual barrier that conceals the enclosed parcel and prevents entry by predators.

[20] The Licensing Authority further advised that, pursuant to the Land Use Bylaw No. 26/001, a fence height of two metres is permitted on the Subject Property. Accordingly, the Licensing Authority submitted that a privacy fence meeting the requirements of the Backyard Hen Bylaw must maintain a continuous height of two metres.

[21] When questioned regarding the relationship between the height of the coop and the height of the fence, the Licensing Authority advised that its assessment was based on the materials and photographs submitted as part of the application. The Licensing Authority noted that the application materials identified the shed as being six feet in height and submitted that the photographs contained within the hearing package clearly demonstrated that the fence was lower than the shed.

[22] Based on the information before it, the Licensing Authority submitted that the fence was less than six feet, or two metres, in height and therefore did not satisfy the definition of a privacy fence as required by the Backyard Hen Bylaw.

[23] Through questioning by the Committee, the Licensing Authority confirmed that no previous Backyard Hen License had been issued for the Subject Property and that this was the first license application for the property.

Submission of the Appellants

[24] The Appellants submitted that they are not opposed to responsible backyard hen keeping generally; however, they believe the Subject Property is not an appropriate location for a Backyard Hen License due to the proximity of neighbouring residences and adjacent municipal land. The Appellants argued that the keeping of hens at the Subject Property has negatively affected the use and enjoyment of their property and asked the Committee to deny the license.

[25] The Appellants identified three primary grounds for their appeal:

a) the license should not have been approved because the property did not meet the requirements of the Backyard Hen Bylaw at the time of approval;

b) the current hen operation does not comply with the Backyard Hen Bylaw and demonstrates a pattern of non-compliance; and

c) the condition of the property is inconsistent with the requirements of the Community Standards Bylaw.

[26] With respect to the original approval, the Appellants submitted that the Subject Property did not satisfy the privacy fence requirements prescribed by the Backyard Hen Bylaw. The Appellants argued that, as a mandatory requirement was not met, the license should not have been approved.

[27] The Appellants further submitted that there is a history of non-compliance associated with the property. In support of this position, the Appellants alleged that hens were kept on the property prior to obtaining a license, that more than the permitted number of hens had previously been maintained on the property, that hens had escaped from the enclosure on multiple occasions, and that adjoining neighbours were not notified of the application. The Appellants expressed concern that these issues demonstrated an ongoing risk of future non-compliance.

[28] The Appellants also submitted that the condition of the property, including alleged mud, debris, odours, and sanitation concerns associated with the keeping of hens, has adversely affected neighbouring properties. The Appellants argued that these conditions are inconsistent with the standards established under the Community Standards Bylaw.

[29] The Appellants advised that the alleged odours, noise, escaped hens, and condition of the neighbouring property have substantially affected their family's use and enjoyment of their backyard. The Appellants stated that they no longer use their patio and outdoor living space as they once did and have reconsidered planned improvements to their property as a result of the impacts they attribute to the hen operation.

[30] The Appellants concluded by requesting that the Committee deny the Backyard Hen License on the basis that the property did not meet the bylaw requirements at the time of approval, that there is a demonstrated pattern of non-compliance, and that the operation has negatively affected both neighbouring properties and the surrounding community.

[31] In response to questions from the Committee regarding debris originating from the hen enclosure, the Appellants submitted that feathers, straw, and dirt are regularly blown onto their property during windy conditions. The Appellants further submitted that soil and other materials have accumulated along the fence line, creating a

difference in elevation between the two properties. The Appellants also noted the existence of a bare strip of land adjacent to the fence, which they attributed to the hens.

[32] In response to questions regarding efforts to resolve their concerns directly with the Hen License Applicant, the Appellants advised that they communicated their concerns by text message. The Appellants submitted that they subsequently filed a complaint with Bylaw Services and later became aware of the license application. The Appellants indicated that no further discussions took place after those steps were taken.

[33] When asked about the proximity of the coop to their residence, the Appellants estimated that the coop was located approximately five feet or less from their dwelling. The Appellants advised that this estimate was based on their observations of the property and the photographs contained within the hearing materials.

Submission of the Hen License Applicant

[34] The Hen License Applicant submitted that their backyard hen operation is rooted in principles of food sovereignty, Indigenous stewardship, education, responsibility, and community connection. As a Métis family, they explained that caring for hens provides an opportunity to teach their children about food production, animal care, sustainability, and respect for living things.

[35] The Hen License Applicant advised that the hens provide eggs for their family and form part of their children's homeschooling experience. They submitted that the hens contribute to learning opportunities relating to responsibility, compassion, and sustainable food systems.

[36] The Hen License Applicant further submitted that the hens have become a positive feature within the neighbourhood. They stated that neighbouring families and children regularly visit the hens and that they have welcomed educational visits from local daycare groups and other community members.

[37] In response to concerns raised by the Appellant, the Hen License Applicant submitted that a personal dislike of animals should be distinguished from evidence of a legitimate nuisance or health concern. They noted that the Subject Property is located adjacent to a pond and natural area where wildlife, birds, feathers, and animal noise are common.

[38] The Hen License Applicant advised that they take their responsibilities as animal owners seriously and have implemented measures to ensure the health, safety, and welfare of both the hens and neighbouring residents. They submitted that the hens are housed in a dedicated coop and enclosed run, that the coop is regularly cleaned and maintained, and that the hens are provided with appropriate shelter and care.

[39] The Hen License Applicant acknowledged that hens had escaped the enclosure on previous occasions. However, they advised that corrective measures have since been implemented, including confining the hens to the enclosed run and trimming their flight feathers to prevent future escapes.

[40] The Hen License Applicant further submitted that Bylaw Officers attended the property on two occasions and did not identify concerns related to odours or excessive noise. They noted that no complaints had been raised by other neighbouring residents and that other neighbours had expressed support for the hens.

[41] With respect to the condition of the property, the Hen License Applicant submitted that the Community Standards Bylaw does not require a property owner to maintain a grassed yard and that their yard is maintained in a manner that reflects their family's needs and values. They disputed the suggestion that the property was unsanitary or improperly maintained and advised that waste is routinely removed and the coop regularly cleaned.

[42] Finally, the Hen License Applicant advised that they are willing to make changes to achieve compliance with applicable bylaw requirements, including modifications to the fencing, relocation of the coop, or the use of a different coop structure. The Hen License Applicant submitted that they wish to continue working cooperatively with the Municipality and their neighbours to address concerns and ensure compliance moving forward.

[43] In response to questions from the Committee regarding setback requirements, the Hen License Applicant advised that they were not aware that the Backyard Hen Bylaw requires a coop to be located a minimum of three metres from a dwelling. The Hen License Applicant stated that they understood the required setback to be one metre and advised that they would be willing to relocate the coop or use a different coop structure if required to achieve compliance.

[44] When questioned about the location of the coop relative to the dwelling, the Hen License Applicant explained that photographs in the hearing materials depicted the coop adjacent to a deck rather than the dwelling itself. The Hen License Applicant estimated that the coop was located approximately six feet from the dwelling.

[45] The Committee also inquired about the construction and placement of the coop and enclosure. The Hen License Applicant advised that the enclosure was secured using bolts and concrete blocks and that the hen house was fastened to pallets which were weighted with concrete blocks.

[46] In response to questions from the Appellants, the Hen License Applicant confirmed that they currently keep six hens on the property.

[47] The Hen License Applicant advised that measures implemented to prevent hens from escaping the enclosure have been successful and that there have been no further instances of hens leaving the property since those measures were introduced.

[48] The Hen License Applicant explained that the hens are secured in the hen house overnight through a combination of an automatic door and a locking mechanism on the main access door. The Hen License Applicant advised that members of the household routinely check that the hens have returned to the hen house at the end of the day before the enclosure is secured.

[49] In response to questions regarding the number of hens previously kept on the property, the Hen License Applicant advised that a seventh hen had been removed several months prior to the hearing.

[50] The Hen License Applicant further advised that the hens' flight feathers are clipped on an ongoing basis, approximately every one to two weeks, as part of the measures implemented to prevent future escapes from the enclosure.

Submissions in Favor of the Appeal

[51] No submissions were received in favor of the Appeal.

Submissions in Opposition to the Appeal

[52] No Submissions were received in opposition to the Appeal.

Final Questions of the Committee

[53] In response to questions from the Committee, the Municipality confirmed that the attending Bylaw Officer did not take physical measurements of the fence or other structures on the property during the inspection.

[54] The Municipality explained that its typical licensing process involves conducting a site inspection following the expiration of the appeal period and the issuance of license approval. The Municipality advised that, in most cases, coops and related structures are installed after the application and notification process has been completed. As a result, staff generally rely on submitted site plans during the application review stage and subsequently verify compliance through on-site measurements once the structures have been installed.

[55] The Municipality further advised that the attending Officer followed this standard process, notwithstanding that the coop was already present on the property at the time the application was submitted.

[56] When asked specifically whether the height of the privacy fence should have been reviewed as part of the application process, the Municipality acknowledged that this requirement was overlooked. The Municipality advised that the failure to identify the fence height deficiency during the review process was an error and that the issue was simply missed during the assessment of the application.

[57] In response to questioning by the Committee, the Hen License Applicant submitted that the hens have been on the property for two years.

Closing Comments – Municipality

[58] In closing submissions, Legal Counsel for the Municipality advised that, upon further review of the application, it was determined that the Subject Property did not appear to satisfy the privacy fence requirements established by the Backyard Hen Bylaw. Legal Counsel acknowledged that this deficiency was overlooked during the initial review process and that the conditional approval was issued without consideration of that requirement.

[59] Legal Counsel further submitted that the appeal was being heard as a hearing de novo and that the Committee could consider all of the evidence before it in reaching its decision.

[60] Legal Counsel advised that section 27 of the Backyard Hen Bylaw grants the Committee authority to direct that a license be issued with conditions, issued without conditions, or denied. The Municipality submitted that, in exercising this authority, the Committee should consider not only the current state of compliance but also whether any identified deficiencies are capable of being remedied through the imposition of reasonable conditions.

[61] Legal Counsel submitted that the Municipality's longstanding approach to bylaw administration is to pursue voluntary compliance wherever possible and to work collaboratively with property owners to achieve compliance through education, cooperation, and clearly defined requirements.

[62] Accordingly, while leaving the ultimate determination to the Committee, Legal Counsel requested that the Committee's decision be guided by the evidence before it, the requirements of the Backyard Hen Bylaw, and the objective of achieving compliance where corrective action is reasonably attainable.

Closing Comments – Hen License Applicant

[63] In closing submissions, the Hen License Applicant advised that they were unaware of the privacy fence requirements prescribed by the Backyard Hen Bylaw at the time of the application. The Hen License Applicant submitted that, if provided sufficient time and notice, they would be willing to make any necessary modifications to the fence to achieve compliance with the bylaw requirements.

[64] The Hen License Applicant further advised that they were willing to relocate or modify the coop, if necessary, to comply with any applicable setback or licensing requirements. The Hen License Applicant submitted that they remained committed to working with the Municipality to address any deficiencies identified through the appeal process and to bring the property into compliance.

Closing Comments – Appellants

[65] The Appellants reiterated that their primary concern is the impact the backyard hen operation has had on their ability to use and enjoy their property. The Appellants submitted that the homes within the area are situated on relatively small lots, in close proximity to one another, and that the design of the neighbourhood, including walkout basements and elevated decks, results in neighbouring properties being highly visible despite the presence of fencing.

[66] The Appellants submitted that the hens had been kept on the property for approximately two years and argued that, notwithstanding that period of time, the property has not achieved compliance with the requirements of the Backyard Hen Bylaw. The Appellants expressed concern that this demonstrated a pattern of ongoing non-compliance.

[67] The Appellants maintained that the history of non-compliance, together with the impacts they alleged the operation has had on their enjoyment of their backyard and outdoor living space, supported their position that the Backyard Hen License should not be upheld.

[68] The Appellants concluded by requesting that the Committee allow the appeal and deny the Backyard Hen License for the Subject Property.

[69] Upon conclusion, the Chair asked the parties present, if they felt that the hearing was conducted in a fair manner. No issues were brought to the Committee's attention.

FINDINGS OF FACT

[70] The Committee makes the following findings of fact:

i. The Subject Property is located at 164 Snowy Owl Way, legally described as Lot 47, Block 44, Plan 0828607.

ii. The Hen License Application was submitted on September 10, 2026, and the conditional approval was issued on September 11, 2026.

iii. The Licensing Authority submitted that the existing fence did not meet the definition of a privacy fence under the Backyard Hen Bylaw and acknowledged that this deficiency was overlooked during the application review process.

iv. The material before the Committee indicated that the existing fence was lower than the six-foot shed shown in the application materials.

v. No evidence was provided to verify compliance with the minimum coop setback requirements under the Backyard Hen Bylaw.

DECISION

[71] **It is the decision of the Community Standards Appeal Committee to allow the appeal. The conditional approval of the Hen License for the property located at 164 Snowy Owl Way and the Backyard Hen License is revoked, and the Backyard Hen License is denied.**

REASONS FOR THE DECISION

[72] The Committee considered all evidence and submissions presented by the Appellants, the Hen License Applicant, and the Licensing Authority.

[73] The Committee accepts the evidence of the Licensing Authority that the existing fence did not satisfy the privacy fence requirements prescribed by the Backyard Hen Bylaw. The Committee further accepts that this requirement was not considered during the review of the application prior to the issuance of the conditional approval.

[74] Compliance with the privacy fence requirement is mandatory under the Backyard Hen Bylaw. Based on the evidence before it, the Committee was not satisfied that the Subject Property met that requirement.

[75] The Committee also heard evidence regarding the location of the coop. However, insufficient evidence was provided to establish that the coop complied with the minimum setback requirements contained in the Backyard Hen Bylaw.

[76] As the Committee was not satisfied that the Subject Property complied with mandatory requirements of the Backyard Hen Bylaw, it finds that the conditional approval cannot stand.

[77] Accordingly, the appeal is allowed, the conditional approval is revoked, and the Backyard Hen License is denied.

[78] The decision of the Community Standards Appeal Committee is final and binding on all parties, subject only to appeal to the Court of Kings' Bench under section 548 of the Municipal Government Act, R.S.A 2000, c. M-26

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 12th day of November 2026.

CHAIR: ATIA 20(1)

Thomas Morris

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE CSAC:

Exhibit #	Description	Filing Date
	Subject Area Map	
1.	Notice of Appeal	2026-09-24
2.	Notice to Adjacent Property Owners re: Hen License	2026-09-22
3.	Notice to Applicant re: Hen License Approval	2026-09-22
4.	Appellant – Evidence Disclosure	2026-10-21
5.	Municipality – Evidence Disclosure	2026-10-22
6.	Hen License Applicant – Evidence Disclosure	2026-10-23

APPENDIX "B"

REPRESENTATIONS

PERSON APPEARING		CAPACITY
1.	Julie Murphy	Bylaw Services Supervisor, Bylaw Services Regional Municipality of Wood Buffalo
2.	Tiffany Primmer	Municipal Legal Counsel, Legal Services Regional Municipality of Wood Buffalo
3.	Annie & Darrell Simms	Appellants - Subject Property Owner
4.	Madelaine Amyotte	Hen License Applicant