Wood Buffalo TRIBUNALS
Subdivision and Development Appeal Board

EXHIBIT LIST

File Number	Appellant
SDAB 2024-003	Daniel Roy

Legal Description	Civic Address
Lot 3, Block 10, Plan 5642 NY	193 MacKenzie Avenue, Fort Chipewyan

Exhibit #	Description	Filing Date
	Subject Area Map	**2024-09-08**
P1.	Request for Postponement	2024-08-12
P2.	Merit Hearing Availability – Orlagh O'Kelly (1 page)	2024-09-19
1.	Notice of Appeal – Daniel Roy (2 page)	2024-08-22
2.	Development Permit (6 pages)	2024-08-22
3.	Commentary in Support of the Appeal – Beverely Tourangeau (1 page)	2024-09-10
4.	Written Letters of Support re: Liquor Store – Appellant (97 pages)	2024-09-12
5.	Evidence Disclosure – Planner's Report (15 pages)	2024-09-13
6.	Notice of Appeal – Orlagh O'Kelly (9 pages)	2024-09-19
7.	Written Submission re Hours of Operation – Orlagh O'Kelly (1 page)	2024-09-19
8.	Municipality Email Correspondence re: Oral Presentation time limitations (3 pages)	2024-09-25
9.	Appellant R. Homersham re Oral Presentation time limitations (1 page)	2024-09-27
10.	Appellant O. O'Kelly re Oral Presentation time limitations (2 pages)	2024-09-27
11.	Written Submission – Mary Kutschke (1 page)	2024-10-04
12.	Planner's Report re: 2023-DP-00125 (60 pages)	2024-10-15
13.	Written Letters of Support re: Liquor Store – Appellant (31 pages)	2024-10-18
14.	Evidence Disclosure - Applicant D. Roy vs. Mikisew Cree First Nations (616 pages)	2024-10-21
15.	Evidence Disclosure -Appellant D. Roy vs. RMWB (129 pages)	2024-10-21
16.	Evidence Disclosure – Appellant O. O'Kelly (124 pages)	2024-10-22

Received by the Subdivision and Development Appeal Board September 13, 2024

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

REQUEST FOR POSTPONEMENT

Property Under Appeal

Property Owner/Business Name: Daniel Roy	Date of Hearing: September 19, 2024
Legal Land Description:(i.e. Lot, Block, Plan or ATS 1/4 Sec-Twp-Rng-Mer): Lot 3, Block 10, Plan 5642NY	
Civic Address: 193 Mackenzie Avenue	
Development Permit Number (If applicable): 2023-DP-00125	File No.: SDAB 2024-003

Person Requesting Postponement

Name (If the person requesting is a company, enter the complete legal name of the company): Regional Municipality of Wood Buffalo (Nabil Malik, Planner III, P&D & Shailesh Makwana, Acting Supervisor, P&D)			
Mailing Address: 9909 Franklin Avenue	City/Town: Fort McMurray	Province: AB	Postal Code: T9H 2K4
Telephone Number (Daytime): Nabil: 780-793-1021	Alternate Telephone Number: Shailesh: 780-793-1047	Email Address: nabil.malik@rmwb.ca / shailesh.makwana@rmwb.ca	

Capacity to Act

☐ Appellant ☐ Agent	☐ Other (consent of Appellant required)	☒ Respondent (Municipality)

Reasons for Postponement (attached copies of supporting documentation)

The Development Authority is requesting a postponement of the hearing scheduled for September 19, 2024. The Development Officer responsible for the permit approval and the addition of condition #26 will be unavailable on this date. As the Lead Planner for Fort Chipewyan, the Development Officer possesses a comprehensive understanding of the community, which is crucial for addressing the complexities associated with the Development Permit approval. Their presence at the hearing is essential to provide context and clarify the rationale for condition #26. In addition, it has been brought to the attention of the Development Authority that the approval of 2023-DP-00125, will be appealed by an interested party. To be mindful of the time of this Board, it is recommended that both matters be heard concurrently at the future date.

(Attach a separate sheet if required)

The Board will make their decision based on the information you have provided on this form unless you intend to attend in person. Do you wish to appear at the hearing to speak to the postponement in person?

☐ Yes	☒ No

Please indicate any date(s) you are not available should your request be granted

September 13- 27, 2024

Nabil Malik	FOIP section 17(1)	September 10, 2024
Person Requesting Postponement	Signature	Date

NB: Upon receiving this fully completed page 1, the Clerk will forward it to the other party

Protection of Privacy

The personal information you provide on this form is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer, 7th Floor 9909 Franklin Avenue, Fort. McMurray AB T9H 2K4 ; or call 780.788.2222

To be completed by the person NOT requesting the Postponement

Name (If the person requesting is a company, enter the complete legal name of the company)
Daniel Roy

Mailing Address	City/Town	Province	Postal Code
FOIP section 17(1)			

Telephone Number (Daytime)	Alternate Telephone Number	Email Address
FOIP section 17(1)		FOIP section 17(1)

Capacity to Act

☒ Appellant ☐ Agent	☐ Other (consent of Appellant required)	☐ Respondent (Municipality)

Do you consent to the request for postponement?

☒ Yes	☐ No

If NO, please give reasons for the refusal:
Time is of essence for me, I have a limited timeline due to the winter road to bring in all my materials. With the other parties deadline to submit an appeal to 2023-DP-00125 of September 19, 2024, per the legislation, I will gladly accept postponing this appeal meeting pretty much anytime before October 19, 2024

The Board will make their decision based on the information you have provided on this form unless you intend to attend in person. Do you wish to appear at the hearing to speak to the postponement in person?

☐ Yes	☒ No

Please indicate any date(s) you are not available should your request be granted

Daniel Roy — Party NOT Requesting Postponement

FOIP section 17(1) — Signature

Sept 12, 2024 — Date

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From: Shelley Metera
To: Subdivision and Development Appeal Board
Cc: Orlagh O"Kelly
Subject: Notice of Appeal re: Development Permit Number 2023-DP-00125
Date: Thursday, September 19, 2024 11:27:26 AM
Attachments: image001.jpg
SDAB_Notice_of_Appeal-3-7.pdf
FINAL Appendix A - To File September 19 2024.pdf
MCFN C&C Trailer Sca_20240919_105940.pdf

External Message - Please be cautious when opening links or attachments in email

Good morning, Ms. Fredeen

Attached are the following documents for filing:

1. Notice of Appeal, with Appendix “A”

2. Agent Authorization – Affected Property Owner, signed by Councillor Paul Tuccaro, for each of:

    a. Mikisew Cree First Nation acting through 1112958 Alberta Ltd.
    b. Mikisew Cree First Nation acing through Cree-Ations Enterprises Limited
    c. Mikisew Cree First Nation acting through Mistee Seepee Development Corporation Ltd.

This email also follows our telephone conversation this morning, wherein you provided our office with further information regarding the Subdivision and Development Appeal Board appeal process. We can confirm that Ms. Orlagh O’Kelly has availability to attend a virtual appeal hearing within the next 30 days as follows:

October 2, 3
October 10
October 15, 16, 17

We also confirm that you have kindly agreed to provide us with a link to the appeal hearing scheduled for this evening at 4 pm, and we will await receipt of the same.

Thank you for all of your kind help with this matter. Please contact our office should you require anything further concerning our Notice of Appeal.

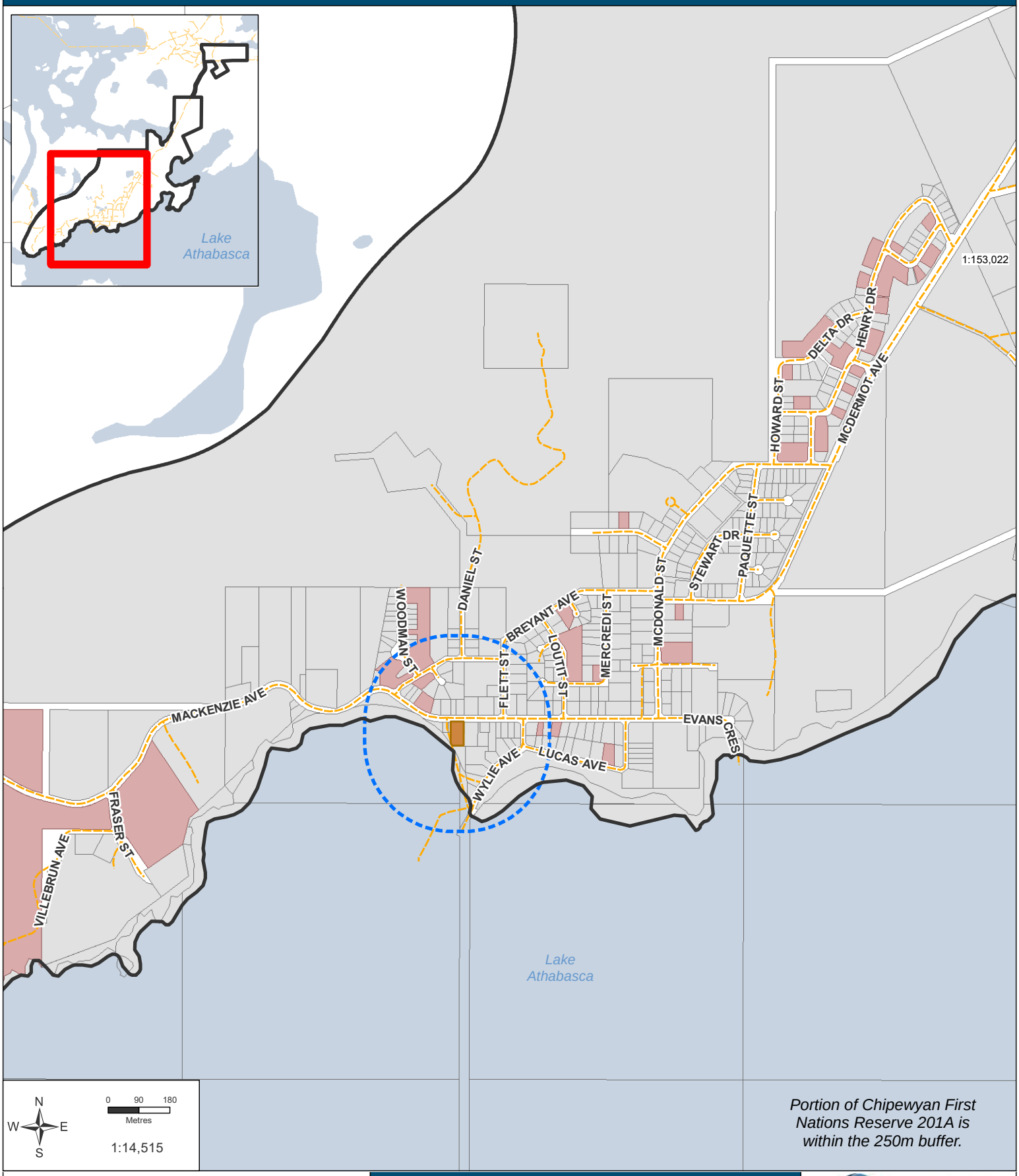
Shelley Metera
Paralegal

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1
amiskwaciwâskahikan – Treaty 6

t : 587-525-8348
e: shelley.metera@okellylaw.ca w : www.okellylaw.ca

This message, including attachments, is for the addressee(s) only. It may contain privileged, confidential or other information exempt from disclosure. If you received this email in error please notify the sender and delete this email message and all attachments.

SUBJECT PROPERTY MAP
Notification



Subject Area
First Nation Reserves
Adjacent Owners
Buffer 250m

193 MacKenzie Avenue
Lot 3, Block 10, Plan 5642NY

Regional Municipality of Wood Buffalo

Map Produced for the Community Development Planning Branch
TICK113788_193_MACKENZIE AVENUE
06 Sep 2024

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOTICE OF APPEAL

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

SDAB 2024-003
Received by the Subdivision and Development Appeal Board
August 22, 2024

Section 1 – Property Information

Legal Land Description: (i.e. Lot, Block, Plan or ATS 1/4 Sec-Twp-Rng-Mer)

Lot	Block	Plan	ATS
3	10	5642NY	

Civic Address: 193 MacKenzie Ave.

Development Permit Number or type of Order: 2023-DP-00125

Section 2 - Appellant Information

NB: At the time of the appeal hearing the individual acting as agent must produce the completed and signed Agent Authorization Form

Appellant Name (If the Appellant is a company, enter the complete legal name of the company)

Daniel Roy (I do not yet have an official name for the business)

Agent Name (if applicable) | Contact Name (if different) and position held

Mailing Address | City/Town | Province | Postal Code

FOIP section 17(1)

Telephone Number (Daytime) | Alternate Telephone Number | Email Address

FOIP section 17(1) | FOIP section 17(1) | FOIP section 17(1)

Section 3 – Appeal (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application	Notice of Order
☐ Approval	☐ Approval	☐ Notice of Order
☒ Condition of Approval	☐ Condition of Approval	
☐ Refusal	☐ Refusal	

☒ I/We are the Applicant or Land Owner of the subject property

☐ I/We are a person affected by an order, decision or development permit

Section 4 – Reasons for Appeal

Section 678 and 686 Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal. In support of your appeal, you are requested to provide a full statement of the grounds and reasons of your appeal. You may include any photographs, drawings or plans for clarification.

I/We hereby appeal the decision of the Approval Authority for the following reason(s):

Hours of operation, I do not believe it is reasonable to expect regular working folks to finish work at 5pm and have time to address family needs like picking up kids, picking up food, preparing food...all before 6pm. I believe 8pm is a reasonable compromise

(Attach a separate page if required)

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION

August 22, 2024
Date

FOIP section 17(1)

If an Agent is representing the property owner, a consent to a property inspection.

Registered Owner: I/We hereby give permission to the Regional Municipality of Wood Buffalo to do a site inspection and take photographs of the property as a matter

FOIP section 17(1)

Signature of Registered Owner

Please return the completed form and prescribed filing fee to:

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4
Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy
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Office Use Only

Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:

[1] Agent – A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

AGENT AUTHORIZATION

Section 1 - Principal Information

Registered Property Owner(s) Name	Registered Owner(s)
DANIEL ROY	DANIEL ROY

Registered Address	FOIP section 17(1)

Section 2 - Agent Information

Agent Name	Contact Name (if different) and position held
ROBERT HOMERSHAM	

Mailing Address	City/Town	Province	Postal Code
FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)	

Telephone Number	Alternate Telephone Number	Email Address
FOIP section 17(1)		FOIP section 17(1)

Section 4 – Acknowledgement and Certification

By signing below, I/We do hereby authorize the above noted agent to act solely on my/our behalf with respect to:

1. I/We provide authority to the agent, as identified in section 2, to represent the registered owner(s) identified in section 1 to:
   (a) file an appeal/request for review on behalf of the registered owner(s) described on this form;
   (b) discuss the issues or matters of the appeal/review with the municipality;
   (c) prepare and submit disclosure regarding the appeal/review;
   (d) represent the registered owner(s) at hearings before the subdivision and development appeal board and
2. I understand that the registered owner continues to be subject to all provisions required by the *Municipal Government Act* and its attendant regulations and any authorization of an agent is not a substitute for any of those provisions.
3. I understand that the registered owner is liable for any costs awarded against the agent by a subdivision and development appeal board, or for any change in the permit or order that may result from a hearing.
4. The agent has disclosed the qualifications, professional designations, certifications, or affiliations of the agent, if any, with respect to the appeal.
5. I may revoke authorization at any time in writing to the subdivision and development appeal board clerk.

FOIP section 17(1)	DANIEL ROY	10/15/2024
Signature of the Principal	Printed name of the Signatory Person and Title	Date *(mm/dd/yyyy)*

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Permit Number
2023-DP-00125

August 16, 2024

Applicant

DANIEL ROY

FOIP section 17(1)

Owner

DANIEL ROY

FOIP section 17(1)

RE: Liquor Store, Office & Warehouse
193 MACKENZIE AVENUE
Lot: 3 Block: 10 Plan: 5642NY

Your application for a development permit at the above location has been approved by the Development Officer. This approval is subject to the conditions as outlined in the enclosed Development Permit.

PLEASE READ PERMIT CONDITIONS CAREFULLY AND RETURN A SIGNED COPY TO OUR OFFICE.

This development permit shall expire and no longer be valid after one year from the date of decision of the permit if no construction has been initiated. Any other necessary permits shall be in place prior to commencement of any construction or occupancy. In the case of a change of use within an existing structure, where no significant construction of reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

IMPORTANT NOTE

1. Under the Municipal Government Amendment Act, this approval may be appealed within twenty one (21) days after the day of decision being posted. Should this decision be appealed within twenty one (21) days after the Date of Decision, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the Permit may be modified or nullified thereby. Commencement of the approved Development prior to expiry of the appeal period is at your own risk.
2. An appeal shall contain statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 9909 Franklin Avenue, Fort McMurray, AB T9H 2K4 within the prescribed time period of twenty one (21) days.
3. Upon delivery of Notice of Appeal, the appellant shall pay to the Regional Municipality of Wood Buffalo, where the appellant is the owner of the site, or his agent, a fee of $1000.00.

Compliance with other legislation - A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

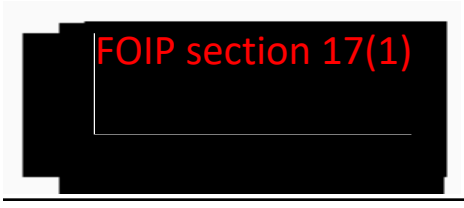
a. the requirements of the Safety Codes Act, Environment Protection and Enhancement Act and Natural Resources Conservation Board Act;

b. the requirements of any other Federal, Provincial, or Municipal statue, regulation code or standard; and

c. the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

The Municipality is not responsible for not does the Municipality have any obligation whatsoever to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

REGIONAL MUNICIPAILITY OF WOOD BUFFALO
Planning & Development Department
per:



August 16, 2024

Date

Nabil Malik
Planner III
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
Nabil.Malik@rmwb.ca

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Permit Number
2023-DP-00125

Applicant: Daniel Roy **Issued :** August 16, 2024

Development Permit

193 MACKENZIE AVENUE

	Lot	Block	Plan		Section	Township	Range	
	3	10	5642NY		7	112	7	

New Commercial Industrial or Institutional Development

Liquor Store, Office & Warehouse

Advertising Date August 29, 2024

- **This development was approved by the Development Officer and is subject to the conditions attached to this permit.**
- **All conditions stated on this development permit must be complied with.**
- **You have one year from Date of Decision to commence construction. All appropriate building/mechanical permits must be applied for and issued. In the case of a change of use within an existing structure where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.**

Regional Municipality of Wood Buffalo
Planning & Development Department
per:

FOIP section 17(1)

Issued : August 16, 2024
Date

Nabil Malik
Planner III
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
Nabil.Malik@rmwb.ca

Permit: 2023-DP-00125

193 MACKENZIE AVENUE
Lot: 3 Block: 10 Plan: 5642NY

Advisory Notes:

1. Any signage proposed for this development shall require a separate application and approval.
2. Any sump required for the development shall be installed so that discharge is as per the requirements of the Sewage Bylaw.
3. The developer shall install all appropriate signage at access/egress locations in accordance with the requirements of the Engineering Department.
4. Site services shall be in accordance with the Engineering Standards of the Regional Municipality of Wood Buffalo.
5. A Utility Installation Permit is required from the developer and shall be obtained from Engineering Services Division prior to installing underground utilities.
6. It shall be the developer's responsibility and expense to terminate, at the main, all sanitary and water services which will not be utilized in this development.
7. If a route haul permit is required for this development, it shall be applied for through the Planning and Development Department.
8. Any damage to the streets, sidewalks, curbs or landscaped boulevards caused by this development shall be the full responsibility of the developer to restore.
9. All required Safety Code permits under the Safety Code Act in the: building, mechanical,electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695.
10. A Health Certificate may be required for this development. Please contact the Health Inspector for the necessary information.
11. A Municipal Business License is required for this development. Please contact the Licensing Enforcement Officer for information and an application.
12. The Alberta Fire Code applies in and around buildings existing or being constructed on a site. Complete project plans and specifications, construction fire safety plans, and fire related activities requiring Fire Prevention Permits shall be reviewed by the Fire Authority prior to the commencement of any work related thereto. Inquiries and permit applications shall be submitted to the Fire Authority.
13. All Federal, Provincial and Municipal statutes and regulations shall be met, including the Alberta Building Code.

Conditions:

1 The business must have all valid licenses/approvals from the provincial government prior to starting operations and shall be in compliance with the provincial legislation.
2 This development is classified as a Liquor Store, Office and Warehouse and is a Discretionary Use in the HC- Hamlet Commercial District.
3 Any temporary or auxiliary buildings/signs placed on site during construction shall be removed prior to occupancy.
4 Construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.
5 The garbage and waste material shall be stored in weather-proof and animal-proof containers and shall be visually screened in a manner compatible with the design and external materials of the principal buildings on the site. If a wood screen fence is used, it shall be constructed in accordance with drawing 10-301 of the Engineering Servicing Standards.
6 The building location, orientation, capacity and/or use shall be as indicated on the approved drawings. Any changes to the approved plans shall be submitted to the Development Officer for further approval.
7 A minimum of 19 on-site parking stalls shall be provided as indicated on the approved plan. All parking stalls shall be hard surfaced with asphalt pavement, concrete or other similar paving material and shall be completed prior to the issuance of an Occupancy Permit. Should a seasonal allowance be required for paving the parking lot, the developer shall provide a written request for the seasonal allowance together with an automatically renewable and irrevocable letter of credit equal to 100 percent of the cost of paving the parking lot. A minimum of 2of the required stalls shall be accessible parking stalls. These parking stalls shall be hard-surfaced, level, located close to an entrance, and shall be designated with the International Symbol of Access.
8 A minimum of one loading space shall be provided for this development. Loading shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets or lands.
9 All parking stalls shall be graded such that no slope in any direction is less than 0.5% and not more than 4%, to the satisfaction of the Development Officer. All soft landscaped areas shall have a minimum slope of 2% away from buildings.
10 A final site grading plan shall be prepared to the satisfaction of the Engineering Department and shall be approved prior to occupancy of any buildings.
11 The applicant may need to enter into a Development Agreement with the Municipality to pay for the installation of public utilities, other than telecommunication systems or works, which are necessary to serve the development.
12 Any excess fill must be deposited on a site approved by the Municipality. Please contact the Engineering Department and/or the Environmental Branch of the Public Works Department.
13 Any and all easements required by the Municipality or any franchise utility as a result of this development shall be provided by the developer at no cost to the Municipality or any franchise utility and shall be registered on title by Utility Right-of-Way Plan.
14 Should it be necessary to alter any on site Municipal or franchise utilities, all cost shall be borne by the developer.
15 There shall be no unauthorized use of any adjoining Public Utility Lot or Reserve Land during the course of the approved development construction. The developer may apply to the Development Officer to utilize these lands.
16 All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.

17 Before any construction starts, the applicant shall ensure that the site is fully fenced, as per the approved fencing plan, in order to prevent any damage to Municipal infrastructure and landscaping surrounding the site, to ensure controlled and safe access and egress of the site, and to provide safe pedestrian access on and through any municipal lands adjacent to the site. The site access locations shall be established as per the fencing plan and will be maintained and operated to the satisfaction of the Development Authority. The fencing is to remain in place and in good working condition until all construction activities have ceased and a Full Development Completion Certificate has been issued.

18 Any required removal or modification of existing on-site underground storage tanks and the management of identified contaminants shall be undertaken to the satisfaction of the appropriate authorities prior to the construction of the approved development and all applicable permits received from the local Fire Authority.

19 A Development Completion Certificate is required and shall be applied for by the applicant on completion of the conditions of development and prior to occupancy.

20 A water meter permit may be required. Please contact Underground Services Division for details at 780-799-7493. 780-788-1456 ext. 5832

21 A service connection permit may be required. Please apply at https://www.rmwb.ca/en/permits-and-development/applications-licences-and-permits.aspx.

22 All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695 or follow up on our permitting website: https://aca.woodbuffalo.ab.ca/citizenaccess/

23 Engineering securities of $40,000 in total [including (a) $10,000 for 1 approach, (b) $20,000 for service connections ($10,000/water + $10,000/sanitary each), and (c) $10,000 for a new storm outfall, shall be provided before issuance of the development permit. This is also a damage deposit for any damage to municipal property including roads, sidewalks, curb and gutter, underground infrastructure, boulevard, parks, URWs. All must be restored to original or better condition.

24 Construction activities will be completed in adherence to all environment and regulatory requirements which include, but are not limited to the Federal Fisheries Act and the Provincial Environmental Protection and Enhancement Act. Construction activities will implement effective sediment control measures at all stages of construction until disturbed soil has been addressed and the fish bearing water body is effectively protected from any impacts.

25 The applicant shall provide security in a form acceptable to the Municipality in the amount of $7,150.00 as a guarantee for the installation and maintenance of the construction fencing.

26 The hours of operation for the Liquor Store is limited to:
9:00am- 6:00pm, Monday to Sunday.
Outside of the permitted hours of operation, the sale of alcohol or any other products is prohibited and the premises shall remain closed to the public .

Received by the Subdivision and Development Appeal Board September 10, 2024
(From: Beverely Tourangeau)

Wood Buffalo TRIBUNALS
Subdivision and Development Appeal Board

NOTIFICATION OF APPEAL BOARD HEARING

August 6, 2024

Dear Property Owner/Occupant,

Please be advised that the Subdivision and Development Appeal Board for the Regional Municipality of Wood Buffalo has received an appeal against Condition No. 26 (see below), of an approved Development Permit Application No. 2023-DP-00125 for a Liquor Store, Office and Warehouse at the following property:

193 MacKenzie Avenue
Fort Chipewyan, AB
(see enclosed map).

> Condition No. 26 "*the hours of operation for the Liquor Store is limited to 9:00 a.m. – 6:00 p.m., Monday to Sunday. Outside of the permitted hours of operation, the sale of alcohol or any other products is prohibited, and the premises shall remain closed to the public*"

In accordance with section 686 of the *Municipal Government Act, R.S.A 2000, c. M-26,* an Appeal Hearing must be held by the Subdivision and Development Appeal Board upon receipt of a Notice of Appeal.

As you own property/reside within the vicinity of the development, this gives you the legal right to make your comments known to the Subdivision and Development Appeal Board.

The appeal hearing is set as follows:

Date:	**Thursday, September 19, 2024**
Format:	**Virtually via Microsoft Teams**
Time:	**4:00 p.m.**

In accordance with section 629 of the *Municipal Government Act*, the Subdivision and Development Appeal Board may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence. If you wish to submit written comments regarding this appeal, please submit your written submission by email to sdab@rmwb.ca by **12:00 p.m. noon on Thursday, September 12, 2024**.

If you wish to attend or make a verbal presentation at the appeal hearing, please email your request to the Clerk at sdab@rmwb.ca prior to **12:00 p.m. noon, on Wednesday, September 18, 2024**. Affected parties/adjacent residents will be given a maximum of **five (5) minutes** of time during the hearing to present their evidence. Registered attendees and presenters will be emailed the Microsoft Teams virtual participation link and instructions on the morning of the hearing.

For further information on the Subdivision and Development Appeal Board appeal hearing process please visit www.rmwb.ca/sdab. ***(See reverse for more important information).***

Should you have any questions or concerns regarding this notice of hearing, please contact the undersigned at the information provided below.

Sincerely,
Heather Fredeen

Heather Fredeen
Clerk of the Subdivision and Development Appeal Board
T: 780-743-7001 F: 780-743-7028 E: sdab@rmwb.ca

I am for the Liquor Store
I am from Fort Chipewyan
Beverly

FOIP section 17(1)

Received by the Subdivision and Development Appeal Board September 12, 2024

To Whom It May Concern:

Please accept this letter as proof of our/my support for the liquor store that Mr. Daniel Roy is proposing in the Hamlet of Fort Chipewyan.

Historically there have been two liquor stores in Fort Chipewyan, unfortunately one was lost to fire a few years ago and was never reopened. Mr. Roy, a long time resident of Fort Chipewyan has decided to open a new establishment to serve the community.

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Sincerely;

Name: Brian Lepine Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: STANLEY SHORTMAN Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Freda Fraser **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely:

Name: FOIP section 17(1) [redacted] **Signature:** FOIP section 17(1) [redacted] Lucy Fraser

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1) [redacted]

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Sincerely;

Name: Peggy Bourke **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

Please sign and text image to FOIP section 17(1)

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Sincerely;

Name: Richard Michael **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: [illegible] Signature [redacted] FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

Please sign and text image to : [redacted] FOIP section 17(1)

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Sincerely;

Name: [illegible] Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Sylvia Cardinal Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Waylen Tourangeau Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Honesty Grandjambe **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

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Name: FOIP section 17(1) Signature FOIP section 17(1)

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Sincerely;

Name: Rebecca Peters **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Tim Flett **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: DOREEN NEWMAN **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Tyler Flett **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: Irene Shortman **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Mary Jane Shortman **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: John McKay **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

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Sincerely;

Name: DAVid Castor Jr Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☒ Yes ☐ No

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Sincerely;

Name: DAVID SIMPSON Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: [illegible] Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☒ Yes ☐ No

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Sincerely;

Name: Emma Voyageur **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: FOIP section 17(1) **Signature:** Paul Auger

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Marc Megan **Signature:** FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: NORMA SEPP **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: Bethany Thacker **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: KIRK THACKER Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Harrison WHitefish **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Sandra Nadeau **Signature:** FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Jeannette Antoine Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: [illegible] Signature: FOIP section 17(1)

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Sincerely;

Name: Peter Courtorelle **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Dezarae Lantorelle Signatur FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Bob Nadeau Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Jennifer Stewart Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Edward Grondjambe **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☐ **Yes** ☐ **No**

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Sincerely;

Name: Debbie Grandjambe Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Kaylee Courtoreille Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Patricia Courtoreille **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: ERNEST THACKER Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☒ Yes ☐ No

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Name: Leo Williamson Signatur FOIP section 17(1)

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Name: HAROLD WYLIE Signatu FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Kevin Kosla Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☐ Yes ☐ No

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Sincerely;

Name: Amanda Cardinal **Signatu** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: [illegible] Signature: FOIP section 17(1)

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Name: Darrell Piche Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Desmond Flett **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

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Sincerely;

Name: STANLEY WYLIE **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: [redacted] Signature [redacted]

FOIP section 17(1)

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Name: Calvin Whitford Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Peter Gibot Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Freddy Marcel **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Sheldon Flett **Signature:** FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: Carmen Cardinal **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: [illegible] Signature: [redacted] FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Katie Jacko Signature: FOIP section 17(1)

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Name: Lorraine Cardinal Signature: FOIP section 17(1)

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Name: Don Martin Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Dawn MacDonald **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: Jennifer Courtorelle Signature: FOIP section 17(1)

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Name: Vicki Woods Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Cody Desjarlais Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Guy Thacker Signat FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Calvin Waquan Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☒ Yes ☐ No

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Name [illegible] Signature FOIP section 17(1)

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Sincerely;

Name: Tommy Rod

Signat FOIP section 17(1)

Fort Chipewyan Resident: ☒ Yes ☐ No

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FOIP section 17(1)

Sincerely;

Name: ARCHIE WAQUAN **Signature:** [redacted]

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerel

Name: FOIP section 17(1) **Signature:** Karen Fersovitch

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

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Name: FOIP section 17(1) Signature: Sept 9/24

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Name: Dave Woods Signatur FOIP section 17(1)

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Name: Mildred Woods Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Tom Woods **Signature** FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: Flossie Cyprean Signat FOIP section 17(1)

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Name: Bruce Inglis **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: SAMUEL WYLIE **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: Clara Shortman Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Mary Kutschke **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: Tammy Flett Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: David Thacker Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Gracie Thacker Signature: FOIP section 17(1)

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Name: JOHN Pache Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Wayne Lyon **Signature** FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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This new store will create needed employment in the community as well as offer healthy competition for customers.

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Sincerely;

Name: Alice Martin Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Steven Thache Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Garnett Courtoreille Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Dana Courtoreille Signatur FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: RICHARD TUCCARO Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Desmond Courtoreille **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Corrie Marcel Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Dalton Fleth Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Kurt-S Girard Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☒ Yes ☐ No

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Sincerely;

Name: Keith Lynch Signature FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Fredrick Ellingson Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Wade Bohart Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☐ Yes ☑ No

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Sincerely;

Name: Scott Adam Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: LINDA BERRY Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

REPORT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File:	2023-DP-00125
Appellants:	Daniel Roy
Subject:	Development Permit 2023-DP-00125 Condition #26
Legal Description:	Lot 3, Block 10, Plan 5642NY
Civic Address:	193 MacKenzie Avenue, Fort Chipewyan
Land Use Designation:	HC – Hamlet Commercial District
Development Permit Application:	May 3, 2023
Development Permit Approval:	August 16, 2024
Appeal Application Date:	September 19, 2024

Introduction

1. This appeal stems from the approval of *Development Permit 2023-DP-00125*, an application for a "Liquor Store, Office and Warehouse Sales" use at 193 MacKenzie Avenue in Fort Chipewyan (Approved Development Permit 2023-DP-00125: Attachment 1), legally described as Lot 3, Block 10, Plan 5642NY, referred to as the "Subject Property" (Subject Property Map: Attachment 2).

2. The approval for Development Permit 2023-DP-00125 includes Condition #26, which restricts the operational hours of the liquor store. While Alberta Gaming, Liquor and Cannabis (AGLC) permits retail liquor stores to operate from 9 a.m. to 2 a.m., Monday through Sunday, Condition #26 limits the store's hours from 9 a.m. to 6 p.m., Monday through Sunday.

3. Condition #26 states:

> The hours of operation for the Liquor Store are limited to 9:00 a.m. – 6:00 p.m., Monday to Sunday. Outside the permitted hours of operation, the sale of alcohol or any other products is prohibited, and the premises shall remain closed to the public.

4. The proposed uses are Discretionary Uses in the HC- Hamlet Commercial District and within the authority of the Development Officer to approve. Therefore, it is also within the authority of the Subdivision and Development Appeal Board (SDAB) to consider the appeal.

5. The approval of Development Permit 2023-DP-00125 was publicized on the Regional Municipality of Wood Buffalo's (referred to as the "Municipality") website. Approval notifications were distributed to property owners within a 200-meter radius of the Subject Property. Notifications were also provided to the leadership and offices of the

three nations: Athabasca Chipewyan First Nation, the Fort Chipewyan Métis Nation, and Mikisew Cree First Nation. Additionally, notifications were posted at the Fort Chipewyan municipal office and Mamawi Hall.

Chronology

6. On May 1, 2023, the Development Authority received the application for a Liquor Store, Office, and Warehouse Sales.

7. On May 3, 2023, the Development Authority began the property file and planning review.

8. On May 8, 2023, the Development Authority informed the applicant, Daniel Roy, via his agent, Edward Le Clerc, that the planning review had identified deficiencies in the application. The applicant was instructed to provide the missing or incomplete information necessary to continue processing the Development Permit application.

9. Between May 2023 and July 2023, the Development Authority worked with the applicant via his agent to work towards rectifying the deficiencies in the application, which included submitting more detailed drawings and technical information.

10. On July 19, 2023, the Development Authority had assessed that it had received all of the missing or incomplete information that was requested.

11. On July 21, 2023, the Development Authority informed the applicant that, due to community concerns about alcohol-related issues, the application would undergo a more thorough and extended review process. This process would include enhanced opportunities for community engagement. This extended review process is authorized under Section 17.2(b) of Land Use Bylaw 99/059.

12. Section 17.2(b) states that: The Development Officer may:

    > refer development permit applications to the Municipal Planning Commission for those uses listed as “Permitted Uses” or “Discretionary Uses – Development Officer” which the Development Officer wishes to refer to the Municipal Planning Commission.

    Furthermore, Section 17.3 states that:

    > In the absence of a Municipal Planning Commission, the Development Officer shall perform its duties and responsibilities.

    Since the Municipality does not have a Municipal Planning Commission, the Development Officer performed the duties and responsibilities of the Municipal Planning Commission for this Development Permit application.

13. In accordance with Sections 17.2(b) and 17.3 of Land Use Bylaw 99/059, the Development Authority advised the applicant that it intended to solicit feedback from the broader community, including community leadership, in Fort Chipewyan. This process included opportunities for community members to provide feedback before a decision was made. Furthermore, the applicant was also advised that interested

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parties could appeal any decision made by the Development Authority to the Subdivision and Development Appeal Board

14. On July 25, 2023, the Development Authority circulated the application to both internal and external reviewers. Notifications were also sent to all property owners within the Fort Chipewyan hamlet boundary, as well as to the offices of the three nations: Athabasca Chipewyan First Nation, the Fort Chipewyan Métis Nation, and Mikisew Cree First Nation. A deadline of August 17, 2023, was provided for residents and reviewers to provide comments. The decision to notify all property owners exceeded the Municipality's standard process but was deemed important and within the discretionary authority of the Development Authority. The normal process is to notify adjacent property owners within a 100-meter radius of a proposed development.

15. On August 17, 2023, the Development Authority was notified by the Municipality's Indigenous and Rural Relations Department that community leadership had requested a one-week extension to the August 17, 2023, deadline. This request was granted, and the deadline was moved to August 25, 2023.

16. On August 18, 2023, the Development Authority forwarded the comments from internal and external reviewers to the applicant through the applicant's agent. It was emphasized that the comments must be addressed before the application could proceed to the next step of the Development Permit review process. Comments were received from the following internal reviewers: Engineering Department, Safety Codes Services Branch, and Regional Emergency Services Department.

17. By August 25, 2023, the Development Authority received 10 letters from individual residents of Fort Chipewyan and one letter from Mikisew Cree First Nation (signed by Chief Tuccaro on behalf of the Nation's membership). Overall, the feedback opposed the development of the liquor store. None of the letters expressed support for the development. Commentors referred to the current issues within the community related to drugs and alcohol, including the escalation of crime in the community.

18. Between September 2023 and June 2024, the Development Authority worked with the applicant to address the comments provided by internal and external reviewers. The applicant was advised that the Development Permit application could only be considered complete and proceed to the next stage (rendering a decision) once all comments had been satisfactorily addressed.

19. Between December 2023 and February 2024, there was a period during which the applicant was not in communication with the Development Authority. Towards the end of this time period, the applicant notified the Development Authority that his agent was no longer able to fulfill their duties. Consequently, the applicant assumed responsibility for the tasks previously managed by the agent and resumed direct communication with the Development Authority.

20. In July 2024, the Development Authority was prepared to render a decision on the Development Permit application, having received all required information requested and that was deemed satisfactory to the reviewers who requested the additional information. The applicant had also submitted the necessary securities to the Municipality.

21. The major items that were requested by the reviewers and were addressed by the

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applicant were submitting new technical drawings required by Regional Emergency Services, the Engineering Department, and the Safety Codes branch. These technical drawings included revised grading plans, revised building plans, and a revised site plan.

22. On August 16, 2024, the Development Authority approved and issued Development Permit 2023-DP-00125, with Condition #26, which restricted the hours of operations for the Liquor Store.

Discussion

23. The Development Authority determined that there were no justifiable planning reasons to refuse the Development Permit. The Development Permit application is in alignment with planning policies such as the Municipal Development Plan (2011) and the Fort Chipewyan Area Structure Plan (2018), as well as regulations including Land Use Bylaw 99/059.

24. Section C.2.4 of the Municipal Development Plan emphasizes the importance of balanced growth in Fort Chipewyan. It states that future development should be encouraged to concentrate near the Community Core and that efforts should be made to direct development into this area to optimize the use of underutilized lands.

25. According to the Fort Chipewyan Area Structure Plan, the Subject Property is situated within the designated "Community Core" area. The Community Core is envisioned to be the heart of the Hamlet and a hub for commercial, institutional and residential uses. The Community Core is intended to be a vibrant, compact and mixed-use area with services and businesses that serve the community. Furthermore, existing vacant industrial lands in the Community Core have been identified to provide opportunities for development that respects the nearby Lake Athabasca. The Subject Property had also sat vacant until the applicant submitted their plans to develop it.

26. The Fort Chipewyan Area Structure Plan further supports the development of retail commercial, public service, and residential uses within the Community Core, as outlined in Policy 3.2.1. Additionally, Policy 3.3.1 allows a mix of commercial uses including retail uses in the Community Core.

27. The Land Use Bylaw 99/059 zones the Subject Property as HC - Hamlet Commercial District (Section 110.3). Liquor Store, Office, and Warehouse Sales are all Discretionary Uses in this district.

28. In approving the Development Permit application, the Development Authority decided to impose a condition that restricts the hours of operation. This authority is granted under Section 27.2(a) of Land Use Bylaw 99/059.

29. Section 27.2, states:

    [T]he Development Authority may, with respect to “Discretionary Uses – Development Officer” and “Discretionary Uses – Planning Commission”, impose such conditions as the Development Authority deems appropriate, having regard for the regulations of this Bylaw and the provisions of any statutory plan in effect, including but not limited to the following:

    (a) limiting hours or operation;

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(b) limiting number of patrons;
(c) establishing landscaping requirements;
(d) requiring noise attenuation;
(e) requiring special parking provisions;
(f) regarding the location, character and appearance of buildings;
(g) regarding the grading of a site or other such procedures as are necessary to protect the site from other developments or to protect other developments from the site;
(h) establishing the period of time during which a development may continue;
(i) ensuring the development is compatible with surrounding development; and
(j) ensuring the development complies with and is compatible with the development regulations or the land use district regulations of this Bylaw.

30. According to the Alberta Liquor, Gambling, and Cannabis Retail Liquor Store Handbook (2024), which outlines the AGLC's policies and requirements for Retail Liquor Store licensees, retail stores are permitted to operate from 9 a.m. to 2 a.m., Monday through Sunday. However, Condition #26 of Development Permit 2023-DP-00125 restricts the Liquor Store's hours of operation to 9 a.m. to 6 p.m., Monday through Sunday.

31. The Development Authority imposed Condition #26 in response to concerns raised by individual residents and Mikisew Cree First Nation, who submitted letters regarding the Development Permit application. By restricting the Liquor Store's hours of operation, the Development Authority aimed to address the concern around accessibility and availability of alcoholic beverages within the community.

Recommendation:

32. The Development Authority recommends that the Subdivision and Development Appeal Board uphold the decision to restrict the Liquor Store's hours of operation as outlined in Condition #26, from 9 a.m. to 6 p.m., Monday through Sunday.

Rationale:

33. Based on the merits of the Development Permit application, the Development Authority found no grounds to refuse the application. However, considering the feedback from community members and the letter from Chief Tuccaro on behalf of the Mikisew Cree First Nation, it was important for the Development Authority to address the concerns raised. Within its authority, the Development Authority is empowered to impose conditions where appropriate, such as restricting the hours of operation for a proposed development. By restricting the Liquor Store's hours of operation, the Development Authority aimed to mitigate a primary community concern regarding the accessibility and availability of alcoholic beverages.

Attachments:

1. Approved Development Permit 2023-DP-00125
2. Subject Property Map
3. Public Notice- Pre-Decision
4. Public Notice- Post-Decision

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REPORT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FILE #

Prepared By:	Signature	
	Nabil Malik Planner/ Development Officer	Date
Reviewed and Supported By:	Signature	
	Shailesh Makwana Supervisor Community Development Planning	Date
Presented to:	Subdivision and Development Appeal Board	

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Permit Number
2023-DP-00125

August 16, 2024

Applicant

DANIEL ROY

FOIP section 17(1)

Owner

DANIEL ROY

FOIP section 17(1)

RE: Liquor Store, Office & Warehouse Sales
193 MACKENZIE AVENUE
Lot: 3 Block: 10 Plan: 5642NY

Your application for a development permit at the above location has been approved by the Development Officer. This approval is subject to the conditions as outlined in the enclosed Development Permit.

PLEASE READ PERMIT CONDITIONS CAREFULLY AND RETURN A SIGNED COPY TO OUR OFFICE.

This development permit shall expire and no longer be valid after one year from the date of decision of the permit if no construction has been initiated. Any other necessary permits shall be in place prior to commencement of any construction or occupancy. In the case of a change of use within an existing structure, where no significant construction of reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

IMPORTANT NOTE

1. Under the Municipal Government Amendment Act, this approval may be appealed within twenty one (21) days after the day of decision being posted. Should this decision be appealed within twenty one (21) days after the Date of Decision, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the Permit may be modified or nullified thereby. Commencement of the approved Development prior to expiry of the appeal period is at your own risk.
2. An appeal shall contain statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 9909 Franklin Avenue, Fort McMurray, AB T9H 2K4 within the prescribed time period of twenty one (21) days.
3. Upon delivery of Notice of Appeal, the appellant shall pay to the Regional Municipality of Wood Buffalo, where the appellant is the owner of the site, or his agent, a fee of $1000.00.

Compliance with other legislation - A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

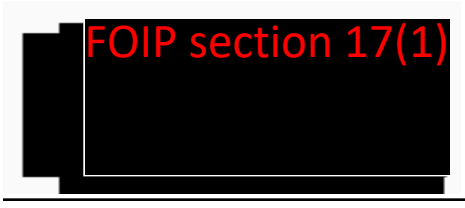
a. the requirements of the Safety Codes Act, Environment Protection and Enhancement Act and Natural Resources Conservation Board Act;

b. the requirements of any other Federal, Provincial, or Municipal statue, regulation code or standard; and

c. the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

The Municipality is not responsible for not does the Municipality have any obligation whatsoever to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

REGIONAL MUNICIPAILITY OF WOOD BUFFALO
Planning & Development Department
per:



August 16, 2024

Date

Nabil Malik
Planner III
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
Nabil.Malik@rmwb.ca

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Permit Number
2023-DP-00125

Applicant: Daniel Roy **Issued :** August 16, 2024

Development Permit

193 MACKENZIE AVENUE

Lot	Block	Plan		Section	Township	Range	
3	10	5642NY		7	112	7	

New Commercial Industrial or Institutional Development

Liquor Store, Office & Warehouse Sales

Advertising Date August 29, 2024

- **This development was approved by the Development Officer and is subject to the conditions attached to this permit.**
- **All conditions stated on this development permit must be complied with.**
- **You have one year from Date of Decision to commence construction. All appropriate building/mechanical permits must be applied for and issued. In the case of a change of use within an existing structure where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.**

Regional Municipality of Wood Buffalo
Planning & Development Department
per:

[redacted] FOIP section 17(1)

Issued : August 16, 2024
Date

Nabil Malik
Planner III
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
Nabil.Malik@rmwb.ca

Permit: 2023-DP-00125

193 MACKENZIE AVENUE
Lot: 3 Block: 10 Plan: 5642NY

Advisory Notes:

1. Any signage proposed for this development shall require a separate application and approval.
2. Any sump required for the development shall be installed so that discharge is as per the requirements of the Sewage Bylaw.
3. The developer shall install all appropriate signage at access/egress locations in accordance with the requirements of the Engineering Department.
4. Site services shall be in accordance with the Engineering Standards of the Regional Municipality of Wood Buffalo.
5. A Utility Installation Permit is required from the developer and shall be obtained from Engineering Services Division prior to installing underground utilities.
6. It shall be the developer's responsibility and expense to terminate, at the main, all sanitary and water services which will not be utilized in this development.
7. If a route haul permit is required for this development, it shall be applied for through the Planning and Development Department.
8. Any damage to the streets, sidewalks, curbs or landscaped boulevards caused by this development shall be the full responsibility of the developer to restore.
9. All required Safety Code permits under the Safety Code Act in the: building, mechanical,electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695.
10. A Health Certificate may be required for this development. Please contact the Health Inspector for the necessary information.
11. A Municipal Business License is required for this development. Please contact the Licensing Enforcement Officer for information and an application.
12. The Alberta Fire Code applies in and around buildings existing or being constructed on a site. Complete project plans and specifications, construction fire safety plans, and fire related activities requiring Fire Prevention Permits shall be reviewed by the Fire Authority prior to the commencement of any work related thereto. Inquiries and permit applications shall be submitted to the Fire Authority.
13. All Federal, Provincial and Municipal statutes and regulations shall be met, including the Alberta Building Code.

Conditions:

1 The business must have all valid licenses/approvals from the provincial government prior to starting operations and shall be in compliance with the provincial legislation.

2 This development is classified as a Liquor Store, Office and Warehouse Sales and is a Discretionary Use in the HC- Hamlet Commercial District.

3 Any temporary or auxiliary buildings/signs placed on site during construction shall be removed prior to occupancy.

4 Construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.

5 The garbage and waste material shall be stored in weather-proof and animal-proof containers and shall be visually screened in a manner compatible with the design and external materials of the principal buildings on the site. If a wood screen fence is used, it shall be constructed in accordance with drawing 10-301 of the Engineering Servicing Standards.

6 The building location, orientation, capacity and/or use shall be as indicated on the approved drawings. Any changes to the approved plans shall be submitted to the Development Officer for further approval.

7 A minimum of 19 on-site parking stalls shall be provided as indicated on the approved plan. All parking stalls shall be hard surfaced with asphalt pavement, concrete or other similar paving material and shall be completed prior to the issuance of an Occupancy Permit. Should a seasonal allowance be required for paving the parking lot, the developer shall provide a written request for the seasonal allowance together with an automatically renewable and irrevocable letter of credit equal to 100 percent of the cost of paving the parking lot. A minimum of 2of the required stalls shall be accessible parking stalls. These parking stalls shall be hard-surfaced, level, located close to an entrance, and shall be designated with the International Symbol of Access.

8 A minimum of one loading space shall be provided for this development. Loading shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets or lands.

9 All parking stalls shall be graded such that no slope in any direction is less than 0.5% and not more than 4%, to the satisfaction of the Development Officer. All soft landscaped areas shall have a minimum slope of 2% away from buildings.

10 A final site grading plan shall be prepared to the satisfaction of the Engineering Department and shall be approved prior to occupancy of any buildings.

11 The applicant may need to enter into a Development Agreement with the Municipality to pay for the installation of public utilities, other than telecommunication systems or works, which are necessary to serve the development.

12 Any excess fill must be deposited on a site approved by the Municipality. Please contact the Engineering Department and/or the Environmental Branch of the Public Works Department.

13 Any and all easements required by the Municipality or any franchise utility as a result of this development shall be provided by the developer at no cost to the Municipality or any franchise utility and shall be registered on title by Utility Right-of-Way Plan.

14 Should it be necessary to alter any on site Municipal or franchise utilities, all cost shall be borne by the developer.

15 There shall be no unauthorized use of any adjoining Public Utility Lot or Reserve Land during the course of the approved development construction. The developer may apply to the Development Officer to utilize these lands.

16 All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.

17 Before any construction starts, the applicant shall ensure that the site is fully fenced, as per the approved fencing plan, in order to prevent any damage to Municipal infrastructure and landscaping surrounding the site, to ensure controlled and safe access and egress of the site, and to provide safe pedestrian access on and through any municipal lands adjacent to the site. The site access locations shall be established as per the fencing plan and will be maintained and operated to the satisfaction of the Development Authority. The fencing is to remain in place and in good working condition until all construction activities have ceased and a Full Development Completion Certificate has been issued.

18 Any required removal or modification of existing on-site underground storage tanks and the management of identified contaminants shall be undertaken to the satisfaction of the appropriate authorities prior to the construction of the approved development and all applicable permits received from the local Fire Authority.

19 A Development Completion Certificate is required and shall be applied for by the applicant on completion of the conditions of development and prior to occupancy.

20 A water meter permit may be required. Please contact Underground Services Division for details at 780-799-7493. 780-788-1456 ext. 5832

21 A service connection permit may be required. Please apply at https://www.rmwb.ca/en/permits-and-development/applications-licences-and-permits.aspx.

22 All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695 or follow up on our permitting website: https://aca.woodbuffalo.ab.ca/citizenaccess/

23 Engineering securities of $40,000 in total [including (a) $10,000 for 1 approach, (b) $20,000 for service connections ($10,000/water + $10,000/sanitary each), and (c) $10,000 for a new storm outfall, shall be provided before issuance of the development permit. This is also a damage deposit for any damage to municipal property including roads, sidewalks, curb and gutter, underground infrastructure, boulevard, parks, URWs. All must be restored to original or better condition.

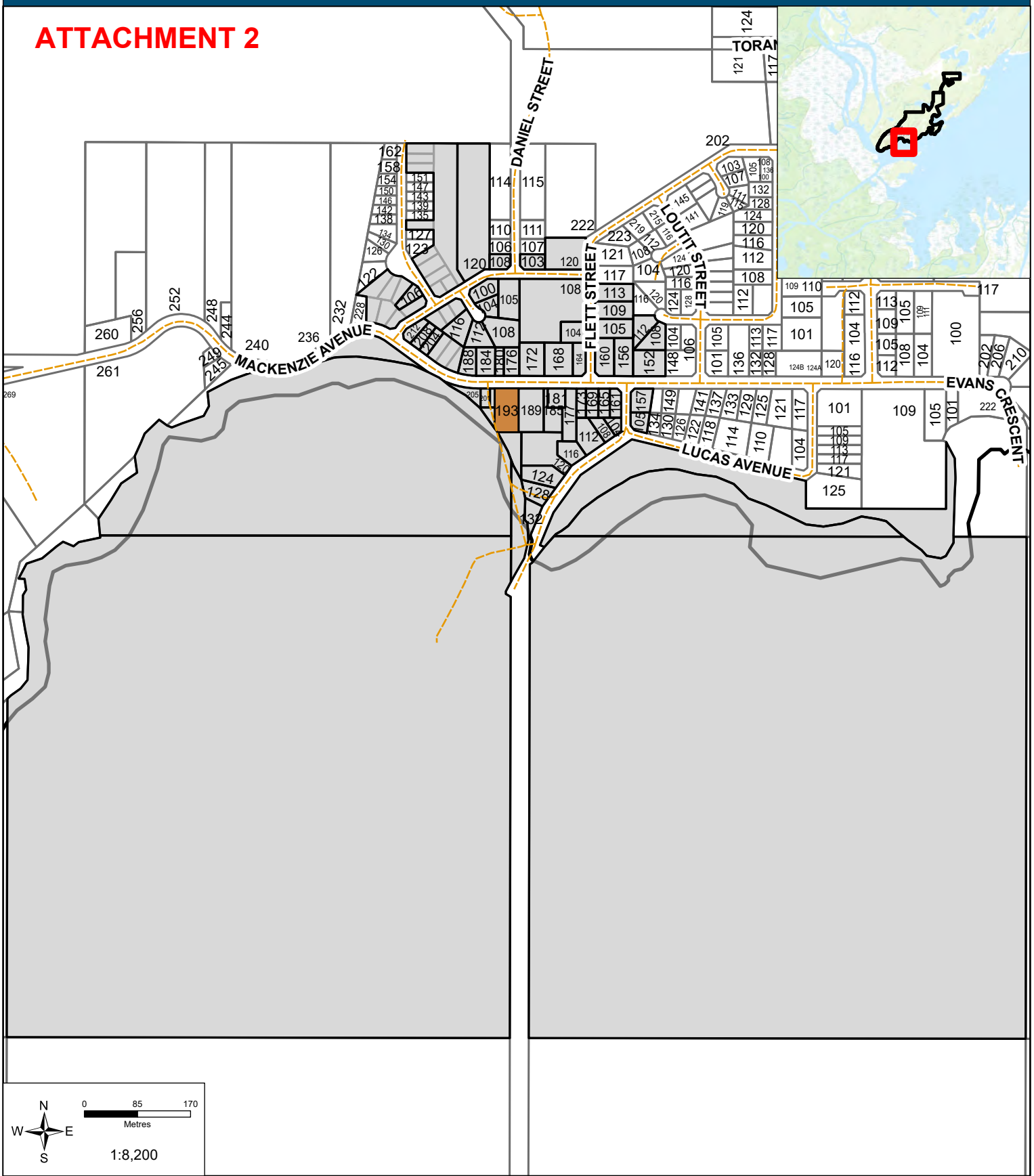
24 Construction activities will be completed in adherence to all environment and regulatory requirements which include, but are not limited to the Federal Fisheries Act and the Provincial Environmental Protection and Enhancement Act. Construction activities will implement effective sediment control measures at all stages of construction until disturbed soil has been addressed and the fish bearing water body is effectively protected from any impacts.

25 The applicant shall provide security in a form acceptable to the Municipality in the amount of $7,150.00 as a guarantee for the installation and maintenance of the construction fencing.

26 The hours of operation for the Liquor Store is limited to:
9:00am- 6:00pm, Monday to Sunday.
Outside of the permitted hours of operation, the sale of alcohol or any other products is prohibited and the premises shall remain closed to the public .

SUBJECT AREA MAP
Notification

ATTACHMENT 2



Survey Parcels

Adjacent Properties within 200 m

Subject

193 MACKENZIE AVENUE
Lot 3, Block 10, Plan 5642NY

Regional Municipality of Wood Buffalo

Map Produced for the Community Development Planning Branch
ProTestingUpdate
08 Aug 2024

REGIONAL MUNICIPALITY OF WOOD BUFFALO

July 28, 2023

NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit
LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue;
FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a **Liquor Store, Office and Warehouse** at the property listed above.

You are being informed of this Development Permit **before a decision is rendered** because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by **4:30 p.m. on August 17, 2023**. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent **in writing** to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca
Mail: Nabil Malik, Planner III
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

Email: Brett.Williamson@rmwb.ca
Mail: Brett Williamson, Planner II
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

REGIONAL MUNICIPALITY OF WOOD BUFFALO

August 29, 2024

NOTICE TO ADJACENT PROPERTY OWNERS

Application for Development Permit 2023-DP-00125
LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue
FORT CHIPEWYAN, ALBERTA

It was the decision of the Development Officer to approve Development Permit **2023-DP-00125** which allows the Applicant to develop a **Liquor Store, Office and Warehouse** at the above-named site. A physical copy of the Development Permit 2023-DP-00125 is available at the Fort Chipewyan municipal contact office.

You are being informed of this development because you are a property owner within a 200-metre radius of the subject property. You have the right to appeal this decision to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of this notice. Appeal Forms are available from the Planning and Development Services Division or the Fort Chipewyan municipal contact office and must be forwarded to:

By mail: The Regional Municipality of Wood Buffalo
Attention: Legislative Services
9909 Franklin Avenue – 7th Floor
Fort McMurray, AB, T9H 2K4

By e-mail: SDAB@rmwb.ca

If a reply is not received by **September 19, 2024** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

If you have questions regarding the application, please contact the undersigned. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email SDAB@rmwb.ca.

Sincerely,c

FOIP section 17(1)

Nabil Malik, Planner III
Planning & Development Services
Nabil.Malik@rmwb.ca | 780-793-1021

SDAB 2024-003 Received by the Subdivision and Development Appeal Board September 19, 2024

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOTICE OF APPEAL

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Section 1 – Property Information

Legal Land Description: (i.e. Lot, Block, Plan or ATS 1/4 Sec-Twp-Rng-Mer)

Lot	Block	Plan	ATS
3	10	5642NY	

Civic Address

193 Mackenzie Avenue, Fort Chipewyan, Alberta

Development Permit Number or type of Order
2023-DP-00125

Section 2 - Appellant Information

NB: At the time of the appeal hearing the individual acting as agent must produce the completed and signed Agent Authorization Form.

Appellant Name (If the Appellant is a company, enter the complete legal name of the company)
MIKISEW CREE FIRST NATION (CREE-ATIONS ENTERPRISES LIMITED, MISTEE SEEPEE DEVELOPMENT CORPORATION LTD. and 1112958 ALBERTA LTD.)

Agent[1] Name (if applicable)	Contact Name (if different) and position held
Orlagh O'Kelly	

Mailing Address	City/Town	Province	Postal Code
FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)

Telephone Number (Daytime)	Alternate Telephone Number	Email Address
FOIP section 17(1)		orlagh.okelly@okellylaw.ca

Section 3 – Appeal (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application	Notice of Order
☐ Approval	☐ Approval	☐ Notice of Order
☐ Condition of Approval	☐ Condition of Approval	
☐ Refusal	☐ Refusal	

☐ I/We are the Applicant or Land Owner of the subject property

☐ I/We are a person affected by an order, decision or development permit

Section 4 – Reasons for Appeal

Section 678 and 686 Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal. In support of your appeal, you are requested to provide a full statement of the grounds and reasons of your appeal. You may include any photographs, drawings or plans for clarification.

I/We hereby appeal the decision of the Approval Authority for the following reason(s):

SEE APPENDIX A

(Attach a separate page if required)

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION

SEPTEMBER 19, 2024

Date

FOIP section 17(1)

Signature of Appellant/Agent

If an Agent is representing the property owner, a letter is required from the owner giving consent to a property inspection.

Registered Owner: I/We hereby give permission to the Regional Municipality of Wood Buffalo to do a site inspection and take photographs of the property as necessary for the purpose of this Appeal.

Signature of Registered Owner

Please return the completed form and prescribed filing fee to:

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4
Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act.* The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4 ; or call 780.788.2222

For Office Use Only				
Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:

[1] Agent – A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

APPENDIX A

Mikisew Cree First Nation, Cree-Ations Enterprises Ltd., Mistee Seepee Development Corporation Ltd and 1112958 Alberta Ltd.

APPEAL OF PERMIT NUMBER 2023-DP-00125

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1. This is an appeal of the permit number 2023-DP-00125 granted to Daniel Roy for a liquor store located at 193 Mackenzie Avenue, Lot: 3 Block: 10 Plan 5642NY in the hamlet of Fort Chipewyan in the municipality Regional Municipality of Wood Buffalo ("**RMWB**"). The discretionary permit was granted pursuant to the Land Use Bylaw No. 99/059.

2. The proposed Liquor Store will be located at the centre of the hamlet and looking out over the lakefront. The Liquor Store is approximately 1 kilometre from MCFN's Dog Head 218 Reserve and 12km from MCFN's Alison Bay Reserve 219.

STATEMENT OF FACTS

3. The Appellants, Cree-Ations Enterprises Ltd ("**Cree'Ations**"), Mistee Seepee Development Corporation Ltd. ("**Mistee Seepee**") and 1112958 Alberta Ltd, are corporations registered under the *Business Corporations Act* RSA 2000, c B-9. (collectively referred to as the "**Corporations**"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("**MCFN**"). MCFN cannot hold title to lands in fee simple except through such corporations.

4. The Appellant, Mikisew Cree First Nation, has nine (reserves) in what is now known as RWMB, including two reserves in close proximity to Fort Chipewyan (Dog Head and Allison Bay). MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred to as the Regional Municipality of Wood Buffalo. Neither RMWB nor the province of Alberta existed in 1899.

5. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.

6. The Appellant submits that one of the Crown's oral promises in Treaty No. 8 was to control intoxicants in MCFN's territories ("**Promise**"). The Promise was consistent with the one provided, sometimes explicitly, in other numbered Treaties, such as Treaty No. 6. To break this Promises, is to breach the Treaty.

7. MCFN has an asserted Treaty right to protection from intoxicants, i.e. the liquor trade, and Treaty right to health ("**Treaty Right**").

8. The Crown, including in delegating powers to RWMB and/or acting through RMWB owes MCFN:

    a. a duty to consult where there are potential impacts to this Treaty Right;
    b. a duty to accommodate MCFN in relation to any impacts to this Treaty Right;
    c. a duty of honourable Treaty implementation, including implementation of the Promise;
    d. a duty to uphold the Promise;
    e. obligations to honour the Treaty, the Promise and the Treaty Right pursuant to the Honour of the Crown.

9. RMWB owes common law duties to act reasonably (including having regard to reconciliation) and act procedurally fairly, including the duty to consult in administrative law.

10. MCFN is a Treaty partner with the Crown. MCFN has constitutional status by virtue of Treaty No. 8 and affirmed in section 35(1) of the *Constitution Act, 1982*, Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

11. RMWB is a creature of provincial statute. RMWB was established as the result of an amalgamation and renaming into a "Specialized Municipality" effective August 14, 1996, by Order in Council 354/96 (Amalgamated Improvement District No. 143 and City of Fort McMurray).

12. MCFN, through the Corporations, owns at least 27 residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:

    a. 5 units at 125 Mackenzie Avenue – Plan 5642NY, Block 9, Lot 9 – Registered Owner: Mistee Seepee Development Corporation Ltd.
    b. Fourplex Units at 105 Loutit St – Plan 5642NY, Block 5, Lot 12 – Registered Owner: Cree-Ations Enterprises Limited

c. House at 103 Logan Crescent – Plan 5642NY, Block 6, Lot 17 – Registered Owner: Mistee Seepee Development Corporation Ltd.
d. House at 100 Tourangeau Ave – Plan 5642NY, Block 1, Lot 7 – Registered Owner: Mistee Seepee Development Corporation Ltd.
e. Triplex Units at 112 MacKay Crescent
f. House at 109 McDonald Street – Plan 8322365, Block 3, Lot 9B – Registered Owner: Cree-Ations Enterprises Limited
g. House at 105 McDonald Street – Plan 8322365, Block 3, Lot 12A – Registered Owner: Cree-Ations Enterprises Limited
h. House at 112 Mercredi Street – Plan 5642NY, Block 6, Lot 10 – Registered Owner: 1112958 Alberta Ltd.

13. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store.

14. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.

15. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has recently declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("**SOLE**").

16. On July 28, 2023, a general "Notice to Adjacent Property Owners" was posted ("**Notice**"). MCFN did not receive this directly, nor were members living on MCFN reserves provided this notice.

17. On or about August 17, 2023, MCFN submitted "comments and concerns" pursuant to this Notice an extensive submission, through legal counsel, objecting to the Liquor Store ("**MCFN Objection**") including as follows:

a. Including the results of a Survey, which were overwhelmingly opposed to the Liquor Store;
b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
c. The SOLE;
d. Incidents of crime and suicide, which were requested but never provided by the RCMP;

e. Health statistics requested but not provided by Nunee Health.

18. The Fort Chipewyan Royal Canadian Mounted Police ("**RCMP**") detachment records whether occurrences are linked to alcohol. MCFN is, again, requesting production of this information in support of this appeal. The RCMP is a contract police force through RMWB and Alberta and, as such, the RMWB ought to have known or sought these occurrence statistics before making a decision on the Liquor Store.

19. RWMB never responded to the MCFN Objection, despite two MCFN follow-ups on September 1 and 11, 2023.

20. No response was received until the Decision was posted on August 29, 2024.

21. Almost a year later, the RMWB approved the Liquor Store ("**Decision**"). In making the Decision, RMWB:
    a. Provided MCFN with no prior notice of the Decision;
    b. Did not consult MCFN;
    c. Did not accommodate MCFN;
    d. Did not respond to, nor consider the MCFN Objection;
    e. Breached the Promise and/or the Treaty No. 8.

22. The Decision did not contain reasons.

23. Following the Decision, MCFN led a protest where many community members participated. The Athabasca tribal Council, on September 9, 2024, wrote to the RMWB Mayor Sandy Bowman in support of this protest.

24. on September 10, 2024, Mayor Bowman asserted that the municipality had conducted "community engagement". MCFN was not involved in any community engagement with MCFN or its representatives.

GROUNDS OF APPEAL

25. The Appellant appeals the Decision approving the Liquor Store on the following grounds.

    a. The Decision was unreasonable including that:
        i. There are no reasons to understand how if the decision is justified, transparent on the record, including in light of the MCFN Objection;
        ii. The Decision did not consider the MCFN Objection;
        iii. The Decision did not consider the Survey;

iv. The Decision did not consider the SOLE;
v. The Decision did not consider whether the presence of another liquor store in close proximity, for a small population;
vi. The Decision did not consider available statistics on the role of alcohol in the RCMP occurrences.;
vii. The Decision did not consider the public interest, including reconciliation.

b. The Decision was procedurally unfair in that no prior notice was provided to MCFN and that the RMWB failed to fulfill the common law duty to consult owed to MCFN.

c. The Decision-makers failed to comply with the constitutional duty to consult with MCFN based on asserted Treaty Rights and the Promise.

d. The Decision-makers failed to comply with the duty to accommodate MCFN.

e. The Decision breached the duty to honourably implement Treaty No. 8, the Honour of the Crown, the Treaty Right and/or the Treaty Promise, including in failing to consider at all or any impact on the proliferation of intoxicants in Fort Chipewyan, a community the RMWB knows or ought to know is dealing with addictions challenges ("**Infringements**"), and the known harmful effects the Decision would have on the Neighbouring Properties and Reserve lands.

f. The Infringements are not justified.

g. Such other grounds as MCFN may submit and this Tribunal may permit.

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
AGENT AUTHORIZATION – AFFECTED PROPERTY OWNER[1]

Section 1 - Principal Information

Registered Name	Registered Owner(s)
Mikisew Cree First Nation acting through 1112958 Alberta Ltd.	1112958 Alberta Ltd.

Registered Address
112 Mercredi Street, Fort Chipewyan, Alberta

Section 2 - Agent Information

Agent Name	Contact Name (if different) and position held
FOIP section 17(1)	

Mailing Address	City/Town	Province	Postal Code
FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)

Telephone Number	Alternate Telephone Number	Email Address
FOIP section 17(1)		FOIP section 17(1)

Section 4 – Acknowledgement and Certification

By signing below, I/we acknowledge and certify that:

1. I/We provide authority to the agent, as identified in section 2, to represent the registered owner(s) identified in section 1 to:
   (a) file an appeal/request for review on behalf of the registered owner(s) described on this form;
   (b) discuss the issues or matters of the appeal/review with the municipality;
   (c) prepare and submit disclosure regarding the appeal/review;
   (d) represent the registered owner(s) at hearings before the subdivision and development appeal board and
2. I understand that the registered owner continues to be subject to all provisions required by the *Municipal Government Act* and its attendant regulations and any authorization of an agent is not a substitute for any of those provisions.
3. I understand that the registered owner is liable for any costs awarded against the agent by a subdivision and development appeal board, or for any change in the permit or order that may result from a hearing.
4. The agent has disclosed the qualifications, professional designations, certifications, or affiliations of the agent, if any, with respect to the appeal.
5. I may revoke authorization at any time in writing to the subdivision and development appeal board clerk.

FOIP section 17(1) FOIP section 17(1) 09/19/2024

Signature of the Principal — Printed name of the Signatory Person and Title — Date *(mm/dd/yyyy)*

[1] Affected Persons - the term affected person is not defined in the *Municipal Government Act*. The Board determines affected persons on a case-by-case basis. For example, an affected person could be someone who feels their enjoyment, use or value of their property may be affected by the proposed development. The onus is on the person to show how they are affected by the development.

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Fort McMurray AB T9H 2K4 ; or call 780.788.2222

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
AGENT AUTHORIZATION – AFFECTED PROPERTY OWNER[1]

Section 1 - Principal Information

Registered Name	Registered Owner(s)
Mikisew Cree First Nation acting through Cree-Ations Enterprises Limited.	Cree-Ations Enterprises Limited.

Registered Address
105 Loutit Street, 109 McDonald Street and 105 McDonald Street, Fort Chipewyan, Alberta

Section 2 - Agent Information

Agent Name	Contact Name (if different) and position held
FOIP section 17(1)	

Mailing Address	City/Town	Province	Postal Code
FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)	FOIP section 17(1)

Telephone Number	Alternate Telephone Number	Email Address
FOIP section 17(1)		orlagh.okelly@okellylaw.ca

Section 4 – Acknowledgement and Certification

By signing below, I/we acknowledge and certify that:

1. I/We provide authority to the agent, as identified in section 2, to represent the registered owner(s) identified in section 1 to:
   (a) file an appeal/request for review on behalf of the registered owner(s) described on this form;
   (b) discuss the issues or matters of the appeal/review with the municipality;
   (c) prepare and submit disclosure regarding the appeal/review;
   (d) represent the registered owner(s) at hearings before the subdivision and development appeal board and
2. I understand that the registered owner continues to be subject to all provisions required by the *Municipal Government Act* and its attendant regulations and any authorization of an agent is not a substitute for any of those provisions.
3. I understand that the registered owner is liable for any costs awarded against the agent by a subdivision and development appeal board, or for any change in the permit or order that may result from a hearing.
4. The agent has disclosed the qualifications, professional designations, certifications, or affiliations of the agent, if any, with respect to the appeal.
5. I may revoke authorization at any time in writing to the subdivision and development appeal board clerk.

FOIP section 17(1) FOIP section 17(1) 09/19/2024

Signature of the Principal | Printed name of the Signatory Person and Title | Date *(mm/dd/yyyy)*

[1] Affected Persons - the term affected person is not defined in the *Municipal Government Act*. The Board determines affected persons on a case-by-case basis. For example, an affected person could be someone who feels their enjoyment, use or value of their property may be affected by the proposed development. The onus is on the person to show how they are affected by the development.

Protection of Privacy
The personal information you provide on this form is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Fort McMurray AB T9H 2K4 ; or call 780.788.2222

Wood Buffalo TRIBUNALS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
AGENT AUTHORIZATION – AFFECTED PROPERTY OWNER[1]

Section 1 - Principal Information

Registered Name	Registered Owner(s)
Mikisew Cree First Nation acting through Mistee Seepee Development Corporation Ltd.	Mistee Seepee Development Corporation Ltd.

Registered Address
125 Mackenzie Avenue, 103 Logan Crescent, 100 Tourangeau Avenue, Fort Chipewyan, Alberta

Section 2 - Agent Information

Agent Name	Contact Name (if different) and position held
Orlagh O'Kelly	

Mailing Address	City/Town	Province	Postal Code
403, 10113 - 104 Street NW	Edmonton	Alberta	T5J 1A1

Telephone Number	Alternate Telephone Number	Email Address
587-525-8348		orlagh.okelly@okellylaw.ca

Section 4 – Acknowledgement and Certification

By signing below, I/we acknowledge and certify that:

1. I/We provide authority to the agent, as identified in section 2, to represent the registered owner(s) identified in section 1 to:
   (a) file an appeal/request for review on behalf of the registered owner(s) described on this form;
   (b) discuss the issues or matters of the appeal/review with the municipality;
   (c) prepare and submit disclosure regarding the appeal/review;
   (d) represent the registered owner(s) at hearings before the subdivision and development appeal board and
2. I understand that the registered owner continues to be subject to all provisions required by the *Municipal Government Act* and its attendant regulations and any authorization of an agent is not a substitute for any of those provisions.
3. I understand that the registered owner is liable for any costs awarded against the agent by a subdivision and development appeal board, or for any change in the permit or order that may result from a hearing.
4. The agent has disclosed the qualifications, professional designations, certifications, or affiliations of the agent, if any, with respect to the appeal.
5. I may revoke authorization at any time in writing to the subdivision and development appeal board clerk.

FOIP section 17(1) FOIP section 17(1) 09/19/2024

Signature of the Principal | Printed name of the Signatory Person and Title | Date *(mm/dd/yyyy)*

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Received by the Subdivision and Development Appeal Board September 19, 2024

VIA ELECTRONIC MAIL
sdab@rmwb.ca

September 19, 2024

Clerk of the Subdivision and Development Appeal Board
7th Floor, 9909 Franklin Avenue
Fort McMurray, Alberta T9H 2K4

Attention: Ms. Heather Fredeen

Orlagh O'Kelly, Lawyer
E: orlagh.okelly@okellylaw.ca

Shelley Metera, Paralegal
E: shelley.metera@okellylaw.ca

Dear Ms. Fredeen:

Re: SDAB Appeal of Permit Number 2023-DP-00125

We are counsel to Mikisew Cree First Nation owning properties and acting through the following corporations in the hamlet of Fort Chipewyan in the Regional Municipality of Wood Buffalo:

- Mistee Seepee Development Corporation Ltd.
- Cree-Ations Enterprises Limited
- 1112958 Alberta Ltd.

We understand an appeal of the proposed liquor store hours is being heard today. Please be advised that Mikisew opposes the liquor store all together and certainly opposes longer hours, into a period (after 6:00PM) when the residents know alcohol related crime and violence increase.

Sincerely,

O'KELLY LAW

FOIP section 17(1)

Orlagh O'Kelly
Counsel
oo/sm

403-10113 104 ST NW Edmonton, Alberta T5J 1A1 t: 587.525.8348 www.okellylaw.ca

From: Heather Fredeen on behalf of Subdivision and Development Appeal Board
Cc: Gwendolyn Stewart - Palmer; Sonia Soutter; Jade Brown; Subdivision and Development Appeal Board
Bcc: Chris Davis; orlagh.okelly@okellylaw.ca; [redacted]; Nabil Malik; Shailesh Makwana; Brett Williamson
Subject: RE: SDAB 2024-003 Hearing Notification Addendum
Date: Wednesday, September 25, 2024 8:33:00 AM
Attachments: image001.png

Good morning Chris,

Thank you for your email responding to the Board's email regarding hearing times.

As you can see, we have sent a copy of your email to the parties, and we will provide a copy to the Board for its information.

The Board is mindful of its need to provide procedural fairness to all parties to the hearing. Should there be a need to continue the hearing on another date, the Board will be asking the parties for their availability for other mutually convenient times.

The parties should be ready to discuss their availability, if required.

Thank you.

Wood Buffalo TRIBUNALS

Heather Fredeen
Tribunal Clerk

T: 780-743-7001 |rmwb.ca
9909 Franklin Avenue
Fort McMurray | ᓂᐢᑕᐊᔨᔮᐤ | Nis awâyâw | Ełídlı̨ Kuę́
Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

STATEMENT OF CONFIDENTIALITY: The information contained in this email message and any attachments may be confidential and legally privileged and is for the use of the intended recipient(s) only. If you are not an intended recipient, please: (1) notify me immediately by replying to this message; (2) do not use, disseminate, distribute or reproduce any part of the message or any attachment; and (3) destroy all copies of this message and any attachments. Thank you.

From: Chris Davis <Chris.Davis@rmwb.ca>
Sent: Tuesday, September 24, 2024 7:31 PM
To: Subdivision and Development Appeal Board <SDAB@rmwb.ca>
Cc: Gwendolyn Stewart - Palmer <Gwendolyn@shoresjardine.com>; Sonia Soutter <Sonia.Soutter@rmwb.ca>; Jade Brown <Jade.Brown@rmwb.ca>
Subject: RE: SDAB 2024-003 Hearing Notification Addendum

Dear SDAB Secretary (Heather):

While I hope that the hearing will proceed on Monday October 28th in an efficient manner so that completing the hearing will be achievable that evening without needing to adjourn to a second date, that ambition should not manifest itself in the Board's imposing time

limitations on any presenters. In my view, that could be construed as procedurally unfair by the parties.

As a quasi-judicial administrative tribunal, the SDAB is bound to apply procedural fairness and to allow all parties to fully and reasonably explore their right to make their appeal (or objection). Even in council hearings where time limits of 5 minutes are often typical, the courts have ruled that fairness considerations extending such limits may apply (*Robertson v Edmonton (City)* (1990), 49 MPLR37 as cited in Laux / Stewart-Palmer (p. 7-23). The expectations for a fair and impartial hearing are even higher for an appeal board (*Hutterian Brethren Church of Starland v Starland No. 47 (M.D.)* and Laux / Stewart-Palmer (p. 10-31).

Unfortunately, to give effect to a full and fair appeal hearing, providing significant latitude to presenters may take the hearing well into the evening and may, unfortunately, compel that the Board consider of a continuation date. We should come prepared with our calendars should that eventuality occur.

Please confirm that this email will form part of the appeal record and will be conveyed to the appeal panel and to all parties (and their legal counsel) to the appeal.

Sincerely and respectfully,

Christopher Davis

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Chris Davis BComm LLB
Manager | Senior Legal Counsel
Legal Services Department

Assistant | Alisha Pittman
Alisha.Pittman@rmwb.ca

T: 780-788-1583 | **M: 403-701-775** | rmwb.ca
9909 Franklin Avenue
Fort McMurray | ᓂᐢᑕᐊᔨᔭ° | Nistawâyâw | Ełídlı̨ Kuę́
Alberta T9H 2K4

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From: Heather Fredeen <Heather.Fredeen@rmwb.ca> **On Behalf Of** Subdivision and Development Appeal Board
Sent: September 24, 2024 1:05 PM
Cc: Subdivision and Development Appeal Board <SDAB@rmwb.ca>; Gwendolyn Stewart - Palmer <Gwendolyn@shoresjardine.com>; Sonia Soutter <Sonia.Soutter@rmwb.ca>; Jade Brown <Jade.Brown@rmwb.ca>
Subject: SDAB 2024-003 Hearing Notification Addendum

Good afternoon,

The Board has received notice from Ms. O'Kelly that due to other commitments on October 29, 2024, she will not be able to attend the hearing if we are not able to complete the hearing on October 28, 2024.

The Board is committed to completing the hearing on October 28, 2024, and since the hearing is to commence at 4:00 pm on October 28, 2024, we are hopeful that there should be sufficient time for the hearing.

At the beginning of the hearing on October 28, 2024, the Board will provide some direction as to how late into the evening it is prepared to sit, and as part of that direction the Board may impose time limits on the length of time for oral submissions so that it can hear those who wish to speak.

If you have any questions or concerns, please let me know.

Regards,



Heather Fredeen
Tribunal Clerk

T: 780-743-7001 |rmwb.ca
9909 Franklin Avenue
Fort McMurray | ᓂᐦᐧᐊᕽᐟᐣᐤ | Nis awâyâw | Ełídlı̨ Kuę́
Alberta T9H 2K4

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From: Robert Homersham
To: Subdivision and Development Appeal Board
Cc: Gwendolyn Stewart - Palmer; Daniel Roy; orlagh.okelly@okellylaw.ca
Subject: Appeals of Development Permit No. 2023-DP-00125 (193 MacKenzie Ave, Fort Chipewyan)
Date: Friday, September 27, 2024 10:53:50 AM

External Message - Please be cautious when opening links or attachments in email

Good morning,

Please be advised that I have been retained by Daniel Roy with respect to his appeal of one of the conditions of the DP approval and with respect to responding to the appeal of the DP filed on behalf of the Mikisew Cree First Nation. Please include me on the distribution list and provide all the materials that have been filed with the tribunal (or provide me with a link to such).

It has come to my attention that Ms O'Kelly has advised the tribunal that she is unavailable on October 29, and that the tribunal's response was to try (through time limits on speakers) to complete the hearing in one sitting on October 28. Please note my objection to this potential truncation of the hearing to accommodate the schedule of one of the appellants. I admit I am not yet aware of the tribunal's procedures in these circumstances, but they cannot be less than the common law requirements for a full and fair hearing.

Regards,

Robert Homersham
Barrister & Solicitor

FOIP section 17(1)
[redacted]

[redacted]

terra-legal.com

Terra Legal is a trade name of Robert A. Homersham Professional Corporation

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From: Orlagh O"Kelly
To: Robert Homersham; Subdivision and Development Appeal Board
Cc: Gwendolyn Stewart - Palmer; FOIP section 17(1)
Subject: Re: Appeals of Development Permit No. 2023-DP-00125 (193 MacKenzie Ave, Fort Chipewyan)
Date: Friday, September 27, 2024 11:00:51 AM

External Message - Please be cautious when opening links or attachments in email

Good morning:

In response to the below:

At an adjournment of the Appellant, Daniel Roy, appeal on September 19, I advised the SDAB I was not available on October 29 and, as such, it was scheduled for October 28, 2024. I was surprised to see the inclusion of this date as I had previously submitted that it did not work. That being said, my client also has concerns about rushing a hearing on matters of such importance to the community and where the duty to consult and accommodate is explicitly being raised.

Sincerely,

Orlagh O'Kelly
Lawyer

O'Kelly Law

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1
amiskwaciwâskahikan – Treaty 6
t : 587-525-8348 **direct** : 825-480-4542
e: orlagh.okelly@okellylaw.ca w : www.okellylaw.ca

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From: Robert Homersham <rhomersham@terra-legal.com>
Date: Friday, September 27, 2024 at 10:53 AM
To: SDAB@rmwb.ca <SDAB@rmwb.ca>
Cc: Gwendolyn@shoresjardine.com <Gwendolyn@shoresjardine.com>, Daniel Roy FOIP section 17(1) Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>
Subject: Appeals of Development Permit No. 2023-DP-00125 (193 MacKenzie Ave, Fort Chipewyan)

Good morning,

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Regards,

Robert Homersham
Barrister & Solicitor

FOIP section 17(1)
[redacted]

FOIP section 17(1) [redacted]
[redacted]

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Received by the Subdivision and
Development Appeal Board
2024-10-04

3 October 2024

Mary Kutschke
FOIP section 17(1)

Wood Buffalo Tribunals
Clerk of the Subdivision and Development Appeal Board
Heather Fredeen
Fax: 780 743 7028
sdab@rmwb.ca

Regarding File No: SDAB 2024-003
Development Permit: 2023-DP-00125

Dear Heather Fredeen,

I am supporting the approval of a new business in Fort Chipewyan. I am aware that the new business is a Liquor Store, Offices and Warehouse. **The property is in municipal designated jurisdiction.**

I do understand and appreciate my community's concerns regarding the known social disturbance and issues. However, selling alcohol is not illegal. My stance is let the free market decide if the liquor store is a profit-making business.

From,

FOIP section 17(1)

Mary Kutschke
Resident of Fort Chipewyan

REPORT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File:	2024-003
Appellants:	Daniel Roy; O'Kelly Law
Subject:	Development Permit 2023-DP-00125
Legal Description:	Lot 3, Block 10, Plan 5642NY
Civic Address:	193 MacKenzie Avenue, Fort Chipewyan
Land Use Designation:	HC – Hamlet Commercial District
Development Permit Application:	May 3, 2023
Development Permit Approval:	August 16, 2024
Appeal Application Date:	October 28, 2024

Received by the Subdivision and Development Appeal Board on October 15, 2024

Introduction

1. This appeal stems from the approval of *Development Permit 2023-DP-00125*, an application for a "Liquor Store, Office and Warehouse Sales" (Land Use Bylaw 99/059 Definitions: Attachment 1) use at 193 MacKenzie Avenue in Fort Chipewyan (Approved Development Permit 2023-DP-00125: Attachment 2), legally described as Lot 3, Block 10, Plan 5642NY, referred to as the "Subject Property" (Subject Property Map: Attachment 3).

2. The approval for Development Permit 2023-DP-00125 contains conditions, including Condition #26, which restricts the operational hours of the liquor store. While Alberta Gaming, Liquor and Cannabis (AGLC) permits retail liquor stores to operate from 9 AM to 2 AM, Monday through Sunday, Condition #26 limits the store's hours from 9 AM to 6 PM, Monday through Sunday.

3. Condition #26 states:

> The hours of operation for the Liquor Store are limited to 9:00 a.m. – 6:00 p.m., Monday to Sunday. Outside of the permitted hours of operation, the sale of alcohol or any other products is prohibited, and the premises shall remain closed to the public.

4. In the Land Use Bylaw 99/059, the proposed uses are Discretionary Uses in the HC-Hamlet Commercial District and within the authority of the Development Officer to approve. Therefore, it is also within the authority of the Subdivision and Development Appeal Board (SDAB) to consider the appeal.

5. The approval of Development Permit 2023-DP-00125 was publicized on the Regional Municipality of Wood Buffalo's (referred as to the "Municipality") website. Notifications of the approval were distributed to property owners within a 200-meter radius of the Subject Property (Public Notice- Post-Decision: Attachment 4). Notifications were also

provided to the leadership and offices of the three nations: Athabasca Chipewyan First Nation, the Fort Chipewyan Métis Nation, and Mikisew Cree First Nation. Additionally, notifications were posted at the Fort Chipewyan municipal office and Mamawi Hall. The normal process is to notify adjacent property owners within a 100-meter radius of a proposed development.

Chronology

6. On May 1, 2023, the Development Authority received the application for a Liquor Store, Office and Warehouse Sales.

7. On May 3, 2023, the Development Authority began the property file and planning review.

8. On May 8, 2023, the Development Authority informed the applicant, Daniel Roy, via his agent, Edward Le Clerc, that the planning review had identified deficiencies in the application. The applicant was instructed to provide the missing or incomplete information necessary to continue processing of Development Permit application.

9. Between May 2023 and July 2023, the Development Authority worked with the applicant via his agent to work towards rectifying the deficiencies in the application, which included submitting more detailed drawings and technical information.

10. On July 19, 2023, the Development Authority had assessed that it had received all of the missing or incomplete information that was requested.

11. On July 21, 2023, the Development Authority informed the applicant that, due to community concerns about alcohol-related issues, the application would undergo a more thorough and extended review process. This process would include enhanced opportunities for community engagement. As such, the application would be “referred” to the Municipal Planning Commission. This extended review process is authorized under Section 17.2(b) of Land Use Bylaw 99/059.

12. Section 17.2(b) states that: The Development Officer may:

    > refer development permit applications to the Municipal Planning Commission for those uses listed as “Permitted Uses” or “Discretionary Uses – Development Officer” which the Development Officer wishes to refer to the Municipal Planning Commission.

    Furthermore, Section 17.3 states that:

    > In the absence of a Municipal Planning Commission, the Development Officer shall perform its duties and responsibilities.

    Since the Municipality does not have a Municipal Planning Commission, the Development Officer performed the duties and responsibilities of the Municipal Planning Commission for this Development Permit application.

13. In accordance with Sections 17.2(b) and 17.3 of Land Use Bylaw 99/059, the Development Authority advised the applicant that it intended to solicit feedback from the broader community, including community leadership, in Fort Chipewyan. This process included opportunities for community members to provide feedback before a decision was made. Furthermore, the applicant was also advised that interested

parties could appeal any decision made by the Development Authority to the Subdivision and Development Appeal Board.

14. On July 25, 2023, the Development Authority circulated the application to both internal and external reviewers. Notifications were also sent to all property owners within the Fort Chipewyan hamlet boundary, as well as to the offices of the three nations: Athabasca Chipewyan First Nation, the Fort Chipewyan Métis Nation, and Mikisew Cree First Nation (Public Notice- Pre-Decision: Attachment 5). A deadline of August 17, 2023, was provided for residents and reviewers to provide comments. The decision to notify all property owners exceeded the Municipality's standard process but was deemed important and within the discretionary authority of the Development Authority. The normal process is to notify adjacent property owners within a 100-meter radius of a proposed development.

15. On August 17, 2023, the Development Authority was notified by the Municipality's Indigenous and Rural Relations Department that community leadership had requested a one-week extension to the August 17, 2023, deadline. This request was granted, and the deadline was moved to August 25, 2023.

16. On August 18, 2023, the Development Authority forwarded the comments from internal and external reviewers to the applicant through the applicant's agent. It was emphasized that the comments must be addressed before the application could proceed to the next step of the Development Permit review process. Comments were received from the following internal reviewers: Engineering Department, Safety Codes Services Branch, and Regional Emergency Services Department.

17. By August 25, 2023, the Development Authority received 9 letters from individual residents of Fort Chipewyan, a 10th letter was received however it was a duplicate letter that was sent and addressed to two different members of the Planning and Development Department (Pre-Decision Resident Letters: Attachment 6) and one letter from Mikisew Cree First Nation, signed by Chief Tuccaro on behalf of the Nation's membership (Pre-Decision Mikisew Cree First Nation Letter: Attachment 7). Overall, the feedback opposed the development of the Liquor Store. None of the letters expressed support for the development. Commentors referred to the current issues within the community related to drugs and alcohol, including the escalation of crime in the community.

18. Between September 2023 and June 2024, the Development Authority worked with the applicant to address the comments provided by internal and external reviewers. The applicant was advised that the Development Permit application could only be considered complete and proceed to the next stage (rendering a decision) once all comments had been satisfactorily addressed.

19. Between December 2023 and February 2024, there was a period during which the applicant was not in communication with the Development Authority. Towards the end of this time period, the applicant notified the Development Authority that his agent was no longer able to fulfill their duties. Consequently, the applicant assumed responsibility for the tasks previously managed by the agent and resumed direct communication with the Development Authority.

20. In July 2024, the Development Authority was prepared to render a decision on the Development Permit application, having received all required information requested

and that was deemed satisfactory to the reviewers who requested the additional information. The applicant had also submitted the necessary securities to the Municipality.

21. The major items that were requested by the reviewers and were addressed by the applicant were submitting new technical drawings required by Regional Emergency Services, the Engineering Department, and the Safety Codes branch. These technical drawings included revised grading plans, revised building plans, and a revised site plan.

22. On August 16, 2024, the Development Authority approved and issued Development Permit 2023-DP-00125 with conditions, including Condition #26 which restricted the hours of operations for the Liquor Store.

Discussion

23. The Development Authority determined that there were no justifiable planning reasons to refuse the Development Permit. The Development Permit application is in alignment with planning policies such as the Municipal Development Plan (2011) and the Fort Chipewyan Area Structure Plan (2018), as well as regulations including Land Use Bylaw 99/059.

24. Section C.2.4 of the Municipal Development Plan (Section C.2.4, Municipal Development Plan: Attachment 8) emphasizes the importance of balanced growth in Fort Chipewyan. It states that future development should be encouraged to concentrate near the Community Core and that efforts should be made to direct development into this area to optimize the use of underutilized lands.

25. According to the Fort Chipewyan Area Structure Plan, the Subject Property is situated within the designated "Community Core" area (Fort Chipewyan Area Structure Plan Generalized Land Use Concept Map: Attachment 9). The Community Core is envisioned to be the heart of the Hamlet and a hub for commercial, institutional and residential uses. The Community Core is intended to be a vibrant, compact and mixed-use area with services and businesses that serve the community (Community Core Definition, Fort Chipewyan Area Structure Plan: Attachment 10). Furthermore, existing vacant industrial lands in the Community Core have been identified to provide opportunities for development that respects the nearby Lake Athabasca. Based on the Municipality's available digital imagery, the Subject Property has sat vacant at least as far back as 2011. (Aerial Images 193 MacKenzie Avenue 2011, 2018 & 2023: Attachment 11).

26. The Fort Chipewyan Area Structure Plan further supports the development of retail commercial, public service, and residential uses within the Community Core, as outlined in Policy 3.2.1. Additionally, Policy 3.3.1 allows a mix of commercial uses including retail uses in the Community Core (Fort Chipewyan Area Structure Plan Policy 3.2.1 and 3.31: Attachment 12).

27. The Land Use Bylaw 99/059 zones the Subject Property as HC - Hamlet Commercial District (Section 110). Liquor Store, Office, and Warehouse Sales are all Discretionary Uses- Development Officer in this district (Land Use Bylaw 99/059, Section 110 HC - Hamlet Commercial District: Attachment 13).

28. In approving the Development Permit application, the Development Authority decided

to impose a condition that restricts the hours of operation. This authority is granted under Section 27.2(a) of Land Use Bylaw 99/059.

29. Section 27.2, states:

    [T]he Development Authority may, with respect to "Discretionary Uses – Development Officer" and "Discretionary Uses – Planning Commission", impose such conditions as the Development Authority deems appropriate, having regard for the regulations of this Bylaw and the provisions of any statutory plan in effect, including but not limited to the following:

    (a) limiting hours or operation;
    (b) limiting number of patrons;
    (c) establishing landscaping requirements;
    (d) requiring noise attenuation;
    (e) requiring special parking provisions;
    (f) regarding the location, character and appearance of buildings;
    (g) regarding the grading of a site or other such procedures as are necessary to protect the site from other developments or to protect other developments from the site;
    (h) establishing the period of time during which a development may continue;
    (i) ensuring the development is compatible with surrounding development; and
    (j) ensuring the development complies with and is compatible with the development regulations or the land use district regulations of this Bylaw.

30. According to the Alberta Liquor, Gambling, and Cannabis (AGLC) Retail Liquor Store Handbook (2024), which outlines the AGLC's policies and requirements for Retail Liquor Store licensees, retail stores are permitted to operate from 9 AM to 2 AM, Monday through Sunday (Retail Liquor Store Handbook (2024), 4.1 Hours of Service: Attachment 14). However, Condition #26 of Development Permit 2023-DP-00125 restricts the Liquor Store's hours of operation to 9 AM to 6 PM, Monday through Sunday.

31. The Development Authority imposed Condition #26 in response to concerns raised by individual residents and Mikisew Cree First Nation, who submitted letters regarding the Development Permit application. By restricting the Liquor Store's hours of operation, the Development Authority aimed to address the concern around accessibility and availability of alcoholic beverages within the community.

Recommendation:

32. The Development Authority recommends that the Subdivision and Development Appeal Board uphold the decision to approve 2023-DP-00125 and to restrict the Liquor Store's hours of operation as outlined in Condition #26, from 9 AM to 6 PM, Monday through Sunday.

Rationale:

33. Based on the merits of the Development Permit application, the Development Authority found no grounds to refuse the application. However, considering the feedback from community members and the letter from Chief Tuccaro on behalf of the Mikisew Cree First Nation, it was important for the Development Authority to address

the concerns raised. Within its authority, the Development Authority is empowered to impose conditions where appropriate, such as restricting the hours of operation for a proposed development. By restricting the Liquor Store's hours of operation, the Development Authority aimed to mitigate a primary community concern regarding the accessibility and availability of alcoholic beverages.

Attachments:

1. Land Use Bylaw 99/059 Definitions
2. Approved Development Permit 2023-DP-00125
3. Subject Property Map
4. Public Notice- Post-Decision
5. Public Notice- Pre-Decision
6. Pre-Decision Resident Letters
7. Pre-Decision Mikisew Cree First Nation Letter
8. Section C.2.4, Municipal Development Plan
9. Fort Chipewyan Area Structure Plan Generalized Land Use Concept Map
10. Community Core Definition, Fort Chipewyan Area Structure Plan
11. Aerial Images 193 MacKenzie Avenue 2011, 2018 & 2023
12. Fort Chipewyan Area Structure Plan Policy 3.2.1 and 3.31
13. Land Use Bylaw 99/059, Section 110 HC - Hamlet Commercial District
14. Retail Liquor Store Handbook (2024), 4.1 Hours of Service

REPORT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FILE #

Prepared By:	Signature	October 11, 2024
	Nabil Malik Planner/ Development Officer	Date
Reviewed and Supported By:	Signature	October 11, 2024
	Shailesh Makwana Supervisor Community Development Planning	Date
Presented to:	Subdivision and Development Appeal Board	

Land Use Bylaw 99/059 Definitions

Section 10. Definitions
In the Land Use Bylaw 99/059, unless the context requires otherwise:

LIQUOR STORE means a building or part of a building used for the display and retail sale of alcoholic beverages for consumption off-site.

OFFICE means a development that provides professional, management, administrative, and similar office and business support services, and financial services. (BL 08/001)

WAREHOUSE SALES means development for the use of a large enclosed warehouse type building where a range of goods are displayed and/or stored for wholesale or retail sales.

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Permit Number
2023-DP-00125

August 16, 2024

Applicant

DANIEL ROY

FOIP section 17(1)

Owner

DANIEL ROY

FOIP section 17(1)

RE: [redacted]**ehouse Sales**
193 MACKENZIE AVENUE
Lot: 3 Block: 10 Plan: 5642NY

Your application for a development permit at the above location has been approved by the Development Officer. This approval is subject to the conditions as outlined in the enclosed Development Permit.

PLEASE READ PERMIT CONDITIONS CAREFULLY AND RETURN A SIGNED COPY TO OUR OFFICE.

This development permit shall expire and no longer be valid after one year from the date of decision of the permit if no construction has been initiated. Any other necessary permits shall be in place prior to commencement of any construction or occupancy. In the case of a change of use within an existing structure, where no significant construction of reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.

IMPORTANT NOTE

1. Under the Municipal Government Amendment Act, this approval may be appealed within twenty one (21) days after the day of decision being posted. Should this decision be appealed within twenty one (21) days after the Date of Decision, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the Permit may be modified or nullified thereby. Commencement of the approved Development prior to expiry of the appeal period is at your own risk.
2. An appeal shall contain statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 9909 Franklin Avenue, Fort McMurray, AB T9H 2K4 within the prescribed time period of twenty one (21) days.
3. Upon delivery of Notice of Appeal, the appellant shall pay to the Regional Municipality of Wood Buffalo, where the appellant is the owner of the site, or his agent, a fee of $1000.00.

Compliance with other legislation - A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

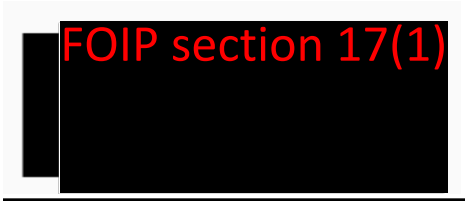
a. the requirements of the Safety Codes Act, Environment Protection and Enhancement Act and Natural Resources Conservation Board Act;

b. the requirements of any other Federal, Provincial, or Municipal statue, regulation code or standard; and

c. the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

The Municipality is not responsible for not does the Municipality have any obligation whatsoever to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

REGIONAL MUNICIPAILITY OF WOOD BUFFALO
Planning & Development Department
per:



August 16, 2024

Date

Nabil Malik
Planner III
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
Nabil.Malik@rmwb.ca

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Permit Number
2023-DP-00125

Applicant: Daniel Roy **Issued :** August 16, 2024

Development Permit

193 MACKENZIE AVENUE

	Lot	Block	Plan		Section	Township	Range	
	3	10	5642NY		7	112	7	

New Commercial Industrial or Institutional Development

Liquor Store, Office & Warehouse Sales

Advertising Date August 29, 2024

- **This development was approved by the Development Officer and is subject to the conditions attached to this permit.**
- **All conditions stated on this development permit must be complied with.**
- **You have one year from Date of Decision to commence construction. All appropriate building/mechanical permits must be applied for and issued. In the case of a change of use within an existing structure where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within one year of the decision of the development permit.**

Regional Municipality of Wood Buffalo
Planning & Development Department
per:

FOIP section 17(1)

Issued : August 16, 2024
Date

Nabil Malik
Planner III
Planning and Development Dept.
Land Services Branch
Regional Municipality of Wood Buffalo
Nabil.Malik@rmwb.ca

Permit: 2023-DP-00125

193 MACKENZIE AVENUE
Lot: 3 Block: 10 Plan: 5642NY

Advisory Notes:

1. Any signage proposed for this development shall require a separate application and approval.
2. Any sump required for the development shall be installed so that discharge is as per the requirements of the Sewage Bylaw.
3. The developer shall install all appropriate signage at access/egress locations in accordance with the requirements of the Engineering Department.
4. Site services shall be in accordance with the Engineering Standards of the Regional Municipality of Wood Buffalo.
5. A Utility Installation Permit is required from the developer and shall be obtained from Engineering Services Division prior to installing underground utilities.
6. It shall be the developer's responsibility and expense to terminate, at the main, all sanitary and water services which will not be utilized in this development.
7. If a route haul permit is required for this development, it shall be applied for through the Planning and Development Department.
8. Any damage to the streets, sidewalks, curbs or landscaped boulevards caused by this development shall be the full responsibility of the developer to restore.
9. All required Safety Code permits under the Safety Code Act in the: building, mechanical,electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695.
10. A Health Certificate may be required for this development. Please contact the Health Inspector for the necessary information.
11. A Municipal Business License is required for this development. Please contact the Licensing Enforcement Officer for information and an application.
12. The Alberta Fire Code applies in and around buildings existing or being constructed on a site. Complete project plans and specifications, construction fire safety plans, and fire related activities requiring Fire Prevention Permits shall be reviewed by the Fire Authority prior to the commencement of any work related thereto. Inquiries and permit applications shall be submitted to the Fire Authority.
13. All Federal, Provincial and Municipal statutes and regulations shall be met, including the Alberta Building Code.

Conditions:

1 The business must have all valid licenses/approvals from the provincial government prior to starting operations and shall be in compliance with the provincial legislation.

2 This development is classified as a Liquor Store, Office and Warehouse Sales and is a Discretionary Use in the HC- Hamlet Commercial District.

3 Any temporary or auxiliary buildings/signs placed on site during construction shall be removed prior to occupancy.

4 Construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.

5 The garbage and waste material shall be stored in weather-proof and animal-proof containers and shall be visually screened in a manner compatible with the design and external materials of the principal buildings on the site. If a wood screen fence is used, it shall be constructed in accordance with drawing 10-301 of the Engineering Servicing Standards.

6 The building location, orientation, capacity and/or use shall be as indicated on the approved drawings. Any changes to the approved plans shall be submitted to the Development Officer for further approval.

7 A minimum of 19 on-site parking stalls shall be provided as indicated on the approved plan. All parking stalls shall be hard surfaced with asphalt pavement, concrete or other similar paving material and shall be completed prior to the issuance of an Occupancy Permit. Should a seasonal allowance be required for paving the parking lot, the developer shall provide a written request for the seasonal allowance together with an automatically renewable and irrevocable letter of credit equal to 100 percent of the cost of paving the parking lot. A minimum of 2of the required stalls shall be accessible parking stalls. These parking stalls shall be hard-surfaced, level, located close to an entrance, and shall be designated with the International Symbol of Access.

8 A minimum of one loading space shall be provided for this development. Loading shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets or lands.

9 All parking stalls shall be graded such that no slope in any direction is less than 0.5% and not more than 4%, to the satisfaction of the Development Officer. All soft landscaped areas shall have a minimum slope of 2% away from buildings.

10 A final site grading plan shall be prepared to the satisfaction of the Engineering Department and shall be approved prior to occupancy of any buildings.

11 The applicant may need to enter into a Development Agreement with the Municipality to pay for the installation of public utilities, other than telecommunication systems or works, which are necessary to serve the development.

12 Any excess fill must be deposited on a site approved by the Municipality. Please contact the Engineering Department and/or the Environmental Branch of the Public Works Department.

13 Any and all easements required by the Municipality or any franchise utility as a result of this development shall be provided by the developer at no cost to the Municipality or any franchise utility and shall be registered on title by Utility Right-of-Way Plan.

14 Should it be necessary to alter any on site Municipal or franchise utilities, all cost shall be borne by the developer.

15 There shall be no unauthorized use of any adjoining Public Utility Lot or Reserve Land during the course of the approved development construction. The developer may apply to the Development Officer to utilize these lands.

16 All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.

17 Before any construction starts, the applicant shall ensure that the site is fully fenced, as per the approved fencing plan, in order to prevent any damage to Municipal infrastructure and landscaping surrounding the site, to ensure controlled and safe access and egress of the site, and to provide safe pedestrian access on and through any municipal lands adjacent to the site. The site access locations shall be established as per the fencing plan and will be maintained and operated to the satisfaction of the Development Authority. The fencing is to remain in place and in good working condition until all construction activities have ceased and a Full Development Completion Certificate has been issued.

18 Any required removal or modification of existing on-site underground storage tanks and the management of identified contaminants shall be undertaken to the satisfaction of the appropriate authorities prior to the construction of the approved development and all applicable permits received from the local Fire Authority.

19 A Development Completion Certificate is required and shall be applied for by the applicant on completion of the conditions of development and prior to occupancy.

20 A water meter permit may be required. Please contact Underground Services Division for details at 780-799-7493. 780-788-1456 ext. 5832

21 A service connection permit may be required. Please apply at https://www.rmwb.ca/en/permits-and-development/applications-licences-and-permits.aspx.

22 All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695 or follow up on our permitting website: https://aca.woodbuffalo.ab.ca/citizenaccess/

23 Engineering securities of $40,000 in total [including (a) $10,000 for 1 approach, (b) $20,000 for service connections ($10,000/water + $10,000/sanitary each), and (c) $10,000 for a new storm outfall, shall be provided before issuance of the development permit. This is also a damage deposit for any damage to municipal property including roads, sidewalks, curb and gutter, underground infrastructure, boulevard, parks, URWs. All must be restored to original or better condition.

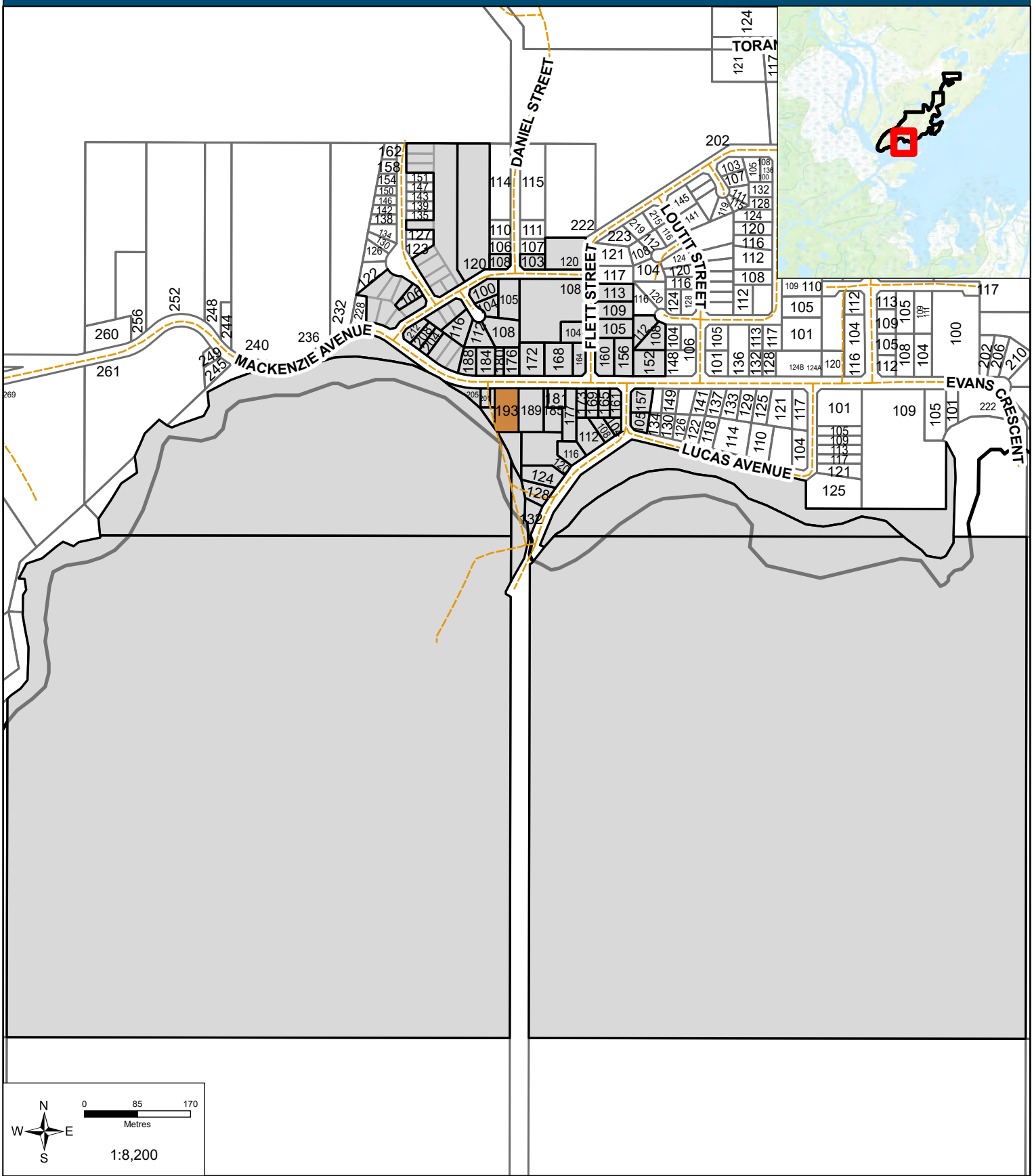
24 Construction activities will be completed in adherence to all environment and regulatory requirements which include, but are not limited to the Federal Fisheries Act and the Provincial Environmental Protection and Enhancement Act. Construction activities will implement effective sediment control measures at all stages of construction until disturbed soil has been addressed and the fish bearing water body is effectively protected from any impacts.

25 The applicant shall provide security in a form acceptable to the Municipality in the amount of $7,150.00 as a guarantee for the installation and maintenance of the construction fencing.

26 The hours of operation for the Liquor Store is limited to:
9:00am- 6:00pm, Monday to Sunday.
Outside of the permitted hours of operation, the sale of alcohol or any other products is prohibited and the premises shall remain closed to the public .

ATTACHMENT 3

SUBJECT AREA MAP
Notification



Survey Parcels

Adjacent Properties within 200 m

Subject

193 MACKENZIE AVENUE
Lot 3, Block 10, Plan 5642NY

Regional Municipality of Wood Buffalo

Map Produced for the Community Development Planning Branch
ProTestingUpdate
08 Aug 2024

Exhibit 12

August 29, 2024

NOTICE TO ADJACENT PROPERTY OWNERS

Application for Development Permit 2023-DP-00125
LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue
FORT CHIPEWYAN, ALBERTA

It was the decision of the Development Officer to approve Development Permit **2023-DP-00125** which allows the Applicant to develop a **Liquor Store, Office and Warehouse** at the above-named site. A physical copy of the Development Permit 2023-DP-00125 is available at the Fort Chipewyan municipal contact office.

You are being informed of this development because you are a property owner within a 200-metre radius of the subject property. You have the right to appeal this decision to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of appeal must be received by the Secretary of the Subdivision and Development Appeal Board within 21 days of the date of this notice. Appeal Forms are available from the Planning and Development Services Division or the Fort Chipewyan municipal contact office and must be forwarded to:

By mail: The Regional Municipality of Wood Buffalo
Attention: Legislative Services
9909 Franklin Avenue – 7th Floor
Fort McMurray, AB, T9H 2K4

By e-mail: SDAB@rmwb.ca

If a reply is not received by **September 19, 2024** it shall be assumed that you have no comments or concerns regarding this application. Any major concerns arising from this circulation will be heard by the Subdivision and Development Appeal Board.

If you have questions regarding the application, please contact the undersigned. Questions regarding the appeal process must be directed to the Clerk of the Subdivision & Development Appeal Board at 780-743-7001 or email SDAB@rmwb.ca.

Sincerely,c

FOIP section 17(1)

Nabil Malik, Planner III
Planning & Development Services
Nabil.Malik@rmwb.ca | 780-793-1021

July 28, 2023

NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit
LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue;
FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a **Liquor Store, Office and Warehouse** at the property listed above.

You are being informed of this Development Permit **before a decision is rendered** because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by **4:30 p.m. on August 17, 2023**. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

Your concerns/comments may be sent **in writing** to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca
Mail: Nabil Malik, Planner III
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

Email: Brett.Williamson@rmwb.ca
Mail: Brett Williamson, Planner II
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

From: [redacted]
To: Brett Williamson
Cc: Nabil Malik; [redacted]
Subject: Fwd: Liquor, store, office and warehouse (Fort Chipewyan,AB)
Date: Friday, August 4, 2023 11:11:18 PM

External Message - Please be cautious when opening links or attachments in email

File number 2023 – DP – 00125 – application for development permit lot 3 blocked 10 plan 5642NY; 193 McKenzie Avenue; Fort Chipewyan, Alberta
Sent from my iPhone

Begin forwarded message:

From: [redacted]
Date: August 4, 2023 at 9:55:24 PM MDT
To: nabil.malik@rmwb.ca
Cc: brett.williamson@rmwb.ca, [redacted]
Subject: Liquor, store, office and warehouse (Fort Chipewyan,AB)

Building a liquor store in the Hamlet of Fort Chipewyan, AB. Could potentially have negative impacts on the community. These may include:

1) increased alcohol consumption: The presence of a liquor store may lead to increased access and availability of alcohol, which can contribute to higher levels of alcohol consumption and related problems like binge drinking, and alcohol addiction and impaired driving.
2) health, and social issues: alcohol abuse can have detrimental effects on individuals and mental health. It can also lead to an increase in domestic violence, rates, and social disruptions within the community.
3) cultural and traditional values: Fort Chipewyan has a rich cultural heritage and strong sense of tradition. Introducing liquor store made class with traditional values and cultural practises potentially eroding the community identity and sense of unity.
4) economic impact: while liquor store may generate revenue for the government and create job opportunities. The negative consequences associated with alcohol abuse can result in increased healthcare cost and decreased productively within the community.
5) environmental concerns: alcohol consumption can contribute to littering and public disturbances, potentially impacting the cleanliness and tranquillity of the hamlet.

It is important to thoroughly consider these potential negative impacts before proceeding with the establishment of the liquor store in Fort Chipewyan, community involvement, care, planning, and measures to address any potential negative consequences should be taken into account to ensure the well-being and

Harmony of the community.
Also: with respect to,transparency, focus on the hamlet residents and Métis and First Nations opening a plebiscite.

Concerned Resident, First Nation.

[redacted]
Sent from my iPad

From: [redacted]
To: Nabil Malik
Subject: File # 2023-DP-00125
Date: Thursday, August 17, 2023 1:07:17 PM

External Message - Please be cautious when opening links or attachments in email

I'm writing this in regards to the liquor store that is being developed just down the street from me. I live on [redacted], Main Street Fort Chipewyan. I've lived here all my life. It's been quiet neighborhood. Putting up a liquor store is going to cause a lot of problems in my neighborhood. With break ins, people hanging around & drinking & more disturbances. I've enjoyed living here & I do not see any benefits from this development. I for one, do not wish to have this in my quiet neighborhood.
This is just my thoughts & concerns, I hope you take them into consideration.
[redacted])

From: [redacted]
To: Nabil Malik
Subject: File # 2023-DP-00125 Proposed Liquor Store
Date: Thursday, August 17, 2023 12:39:16 PM

External Message - Please be cautious when opening links or attachments in email

Good afternoon, I am writing in regards to the proposed planning for a liquor store being built in the Hamlet of Fort Chipewyan. As a community member I am against this plan. Our community struggles daily with alcohol and drugs as it is and I feel this would just make things worst than what they are now. We need to be helping our community members with their daily addiction problems not add to it.Our community has been hit with suicides, shootings, and assaults causing harm due to alcohol.
Instead of building a liquor store maybe the person applying to build should use the property for something like a treatment centre or something that can help heal the community instead of making money off their addiction.
This will be very saddening to see happen if the proposed plan is approved.

Thank you
[redacted]
Sent from my iPad

From: [redacted]
To: Nabil Malik; Brett Williamson
Subject: File # 2023-DP00125
Date: Thursday, August 17, 2023 11:23:14 AM

External Message - Please be cautious when opening links or attachments in email

Good Day Mr. Malik

This email is to express my deepest concern regarding this potential Liquor Store, Office and Warehouse planned for our community of Fort Chipewyan, AB
This community has/is in the depths of a Drug and Alcohol CRISIS, we already have one Liquor Store to contend with on a daily basis.

Allowing this development permit to go through would not be effective in building healthy relationships (Indigenous Relations) for the RMWB as a whole.
It does not matter if it is an Indigenous individual/company applying for this permit, at the end of the day another Liquor Store will hurt this community tremendously.

I am requesting as a community member to **NOT** permit this development to go through.

Without Prejudice

[redacted]

From: [redacted]
To: Nabil Malik
Subject: File # 2023-DP-00125
Date: Tuesday, August 15, 2023 11:01:37 AM

External Message - Please be cautious when opening links or attachments in email

I'm sending this email in regards to a development permit for a liquor store in our community of Fort Chipewyan. I have lived here for the past 50+ years, I've seen the turmoil of what addictions have done to families in our beautiful little town. And another liquor store is just adding to this turmoil. We need more positive developments here instead of negative ones. And this liquor store is a negative development. Because WHO is going to benefit from it ? Not our community members. The person who is benefiting is the person who is bringing this liquor store here, he will be the only one filling his pockets with money that should be going to the children who's parents will find it much easier to access liquor just down Main Street. And what about the other businesses that are on Main Street ? They will not benefit from it, this is going to cause more break-ins & cause more unwanted ruckus to our quiet downtown. What this beautiful community needs is a development that will make people come together, not tear them apart.
Thank you for taking the time in reading my email. Please take it into consideration when you make the decision on this matter.
Thank you again.

From: Brett Williamson
To: Nabil Malik
Subject: FW: File #2023-DP-00125
Date: Thursday, August 17, 2023 2:15:38 PM

Another letter of opposition for the Liquor Store

Thank you,

Brett Williamson
Planner II
Community Development Planning

T: 780-793-1042| rmwb.ca
Office: 309 Powder Drive
Mailing: 9909 Franklin Avenue
Fort McMurray | ᓂᐢᑕᐊᔨᔅᐤ | Nisŧawâyâw | Ełídlı̨ Kuę́
Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

STATEMENT OF CONFIDENTIALITY: The information contained in this email message and any attachments may be confidential and legally privileged and is for the use of the intended recipient(s) only. If you are not an intended recipient, please: (1) notify me immediately by replying to this message; (2) do not use, disseminate, distribute or reproduce any part of the message or any attachment; and (3) destroy all copies of this message and any attachments. Thank you.

-----Original Message-----
From: [redacted]
Sent: Thursday, August 17, 2023 1:18 PM
To: Brett Williamson <Brett.Williamson@rmwb.ca>
Subject: File #2023-DP-00125

External Message - Please be cautious when opening links or attachments in email

This email is regarding the development of a liquor store in my community of Fort Chipewyan. I have resided here my entire life & I have seen the destruction that alcohol & drugs have done to families here. We DO NOT NEED another liquor store, especially down Main Street. The liquor store that is here, is “out of the way”, so that makes people have to make an effort to go farther to get their alcohol.
We need more positive environments here in our community , not more negative ones. As for me , I do not wish to have this development go forward. Please take my thoughts into consideration.

Thanks,
[redacted]

August 11, 2023

Regional Municipality of wood buffalo

ATTN: Bret Williamson

RE: file number 2023 – DP-00125

To: Bret

This let er is in regard to the notice of the application for development permit for the building of a liquor store, office and warehouse.

As a community member, I have seen firsthand the damage alcohol has on our small community. the amount of alcohol related issues is high, 2 deaths, multiple fights causing injuries and people having to get medivacced to fort McMurray or Edmonton depending on injuries, the burning down of buildings, drinking and driving causing injuries. Numerous family members are affected by their family members addictions, young children losing their parents to alcohol abuse causing turmoil for these young children.

I believe that fort Chipewyan does not need another liquor store in this community.

Thank you for taking the time to read my let er of concern for my community.

[redacted]

August 11, 2023

Regional Municipality of wood bu alo

ATTN: Nabil Malik

RE: le number 2023 – DP-00125

To: Nabil

This le er is in regard to the no e of the applica or development permit for the building of a liquor store, office and warehouse.

As a community member, I have seen rsthand the damage alcohol has on our small community. the amount of alcohol related issues is high, 2 deaths, mu p ghts causing injuries and people having to get medivacced to fort McMurray or Edmonton depending on injuries, the burning down of buildings, drinking and driving causing injuries. Numerous family members are ected by their family members add ons, young children losing their parents to alcohol abuse causing turmoil for these young children.

I believe that fort Chipewyan does not need another liquor store in this community.

Thank you for taking the me to read my le er of concern for my community.

[redacted]

From: Brett Williamson
To: Nabil Malik
Subject: FW: New liquor store development
Date: Monday, August 14, 2023 11:46:21 AM

FYI

Thank you,

Brett Williamson
Planner II
Community Development Planning

T: 780-793-1042| rmwb.ca
Office: 309 Powder Drive
Mailing: 9909 Franklin Avenue
Fort McMurray | ᓂᐢᑕᐊᔭᐤ | Nisŧawâyâw | Ełídlı̨ Kuę́
Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

STATEMENT OF CONFIDENTIALITY: The information contained in this email message and any attachments may be confidential and legally privileged and is for the use of the intended recipient(s) only. If you are not an intended recipient, please: (1) notify me immediately by replying to this message; (2) do not use, disseminate, distribute or reproduce any part of the message or any attachment; and (3) destroy all copies of this message and any attachments. Thank you.

-----Original Message-----
From: [redacted]
Sent: Friday, August 11, 2023 1:15 PM
To: Brett Williamson <Brett.Williamson@rmwb.ca>
Subject: New liquor store development

External Message - Please be cautious when opening links or attachments in email

Good day!

I am submitting my concerns regarding the application for the development of the new liquor store in Fort Chipewyan, as a concerned mother and community member, I believe that introducing a second liquor store into our community would be the worst possible decision that we could make for Fort Chipewyan, the families and especially our children. Our community has had tremendous difficulties with alcohol and drug abuse to the extent that our people have lost their lives to murder, suicide and alcohol addiction. The RMWB needs to consider all these issues before granting the right to build this new business. I have worked with our youth community for many years as a volunteer and a youth coordinator. I have witnessed many different occasions where our kids were affected directly by alcohol. whether they were dealing with it in family matters or having an issue them selves. We need to understand the importance of allowing our children to grow up in a safe and healthy environment and by moving forward with this proposal we are not doing that.
I hope these concerns will help you understand what we have been through as a community when it comes to addictions.

Sincerely,

[redacted]

From: [redacted]
To: Nabil Malik; Brett Williamson
Subject: Proposed liquor store
Date: Tuesday, August 15, 2023 3:38:02 PM

External Message - Please be cautious when opening links or attachments in email

Hello Mr. Malik and Mr. Williamson,
Thank you for giving me a chance to participate in having my opinion heard. There was recently a state of local emergency declared following a string of suicide and suicide attempts among Fort Chipewyan community members. These are not just present day mental health crisis situations. This stems from intergenerational trauma within our community members and families. I do not support the opening of this liquor store. Our people have struggled with addictions and alcohol and alcohol is the easiest, yet one of the worst ways to deal with these issues, I believe that alcohol is the "gateway drug" to start indulging in illegal substance abuse. Our community members are having babies at young ages, continuing to indulge in a non-sober lifestyle. As their babies grow up, they learn and watch their parents in these non-healthy life choices. Not properly parenting their children, not helping them go to school, not helping them with "how to be a productive member of society". When those babies become teenagers, they get their hands on alcohol as well and follow in their parents, grandparents and other family members foot steps. Children are running around all hours of the night, living a life with no rules, no consequences and no respect as their homes are being filled with alcoholism.
It would be nice to see the community, the Municipality and both, ACFN AND MCFN, bands rally together to put money, time and effort into parenting classes, treatment centres, healing lodges and cultural camps. Intergenerational Trauma will never be conquered or healed if we just keep feeding our isolated community alcohol and making it easier to access. Thank you for your time and I sincerely hope that you'll take my opinion into serious consideration.

[redacted]
MCFN member

MIKISEW CREE FIRST NATION

MIKISEW CREE FIRST NATION
ALLISON BAY INDIAN RESERVE #219
BOX 90, FORT CHIPEWYAN, ALBERTA T0P 1BO
PHONE: (780) 697-3740 FAX: (780) 697-3826

August 17, 2023

VIA ELECTRONIC MAIL

Nabil Malik, Planner III
Brett Williamson, Planner II
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB, T9H 2K4

Dear Mssrs. Malik and Williamson:

Re: File Number 2023-DP-00125- Application for Development Permit
LOT 3 BLOCK 10 PLAN 5642NY
193 Mackenzie Avenue;
FORT CHIPEWYAN ALBERTA

I am a resident of Fort Chipewyan and the duly elected Chief of the Mikisew Cree First Nation ("**Mikisew**"). I write on my own behalf, and on behalf of Mikisew Cree First Nation, to strongly oppose the above noted application for a Liquor Store, Office and Warehouse in the centre of Fort Chipewyan, at 193 Mackenzie Avenue ("**Application**") - a discretionary permit application under the *Land Use Bylaw No. 99/059*.[1]

I also write with the support and unanimous approval of the Mikisew Chief and Council, and 84.51 per cent of the 71 Mikisew members who were able to participate in a Mikisew initiated survey, opened on August 15, 2023 and closed on August 17, 2023 ("**Survey**").[2]

1. **No Notice and No Consultation**

The July 28, 2023, Notice to Adjacent Property Owners, invited those who "live within the hamlet boundaries of Fort Chipewyan" to provide any concerns or comments on the proposed Application. I am a resident of Fort Chipewyan.[3]

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[1] RMWB Bylaw No. 99/059: available at: https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf.

[2] Tab 2, Survey – Comparison of Responses by Mikisew members versus not: Q4: "Do you agree with a Liquor Store being licensed in the RMWB Hamlet of Fort Chipewyan?" and All Data from Survey.

[3] Tab 1, Notice dated July 28, 2023, Notice to Adjacent Property Owners.

However, to my knowledge, no similar notice was provided to Mikisew members living in the neighbouring Dog Head Reserve 218 and Allison Bay Reserve 219. No consultation occurred with Mikisew's leadership. At minimum, we find this to be in breach of the spirit of "Reconciliation" and the Truth and Reconciliation Commission's Calls to Action. We also note that Mikisew has been provided no information or records relating to this Application as would normally be applicable such a decision, including the information and data on any harms/impacts assessment of another liquor store in our small community.

Similarly, the limited time and lack of notice has restricted our ability to respond. Nevertheless, given the gravity of the proposal to our community, we have marshalled the best response possible in the three (3) days since we officially took office (August 14, 2023).

2. Duty Consult

By failing to even notify our Nation, Mikisew submits that the Regional Municipality of Wood Buffalo ("**RMWB**") has already breached the duty to consult and the honour of the Crown.

The "duty to consult" arises where there is a potential impact to aboriginal and Treaty rights, as protected under section 35 of the *Constitution Act, 1982*. Treaty 8 includes explicit written promises. It also includes oral promises, gleaned from the Crown's official records and our own oral histories. These in turn guide the duty to consult and the honour of the Crown, the latter which always applies to our relations.

Crown records on Treaty 8

Crown records confirm that Treaty 8 was intended to protect our health and to control the liquor trade. In the short time we had to prepare, we can offer you the following to support this assertion.

First, according to Dr. Pat McCormack's research of Crown records, a primary impetus for Treaty 8 was to control the "liquor trade".[4]

Second, the Crown records around Treaty 8 confirm that promises were made in relation to our health, for instance, as follows: "We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country."[5]

Oral promises in Treaty 8

Our oral histories confirm what was promised in Treaty 6 – our people would be protected from the scourge of "fire water" and alcohol would be restricted, if not prohibited on reserves.[6] For example, an interpreter during those negotiations explained as followed:

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[4] Patricia A. McCormack, *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s*, UBC press, 2010, at pp. 166-167.

[5] Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. R. Duhamel, FRSC Queen's Printer and Controller of Stationery Ottawa, 1966, 1899, Cat No.: Ci 72-0866, IAND Publication No. QS-0576-000-EE-A-16, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

[6] This is the thesis in Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours*), University of Regina Press, 2016.

> "They asked for an ox and a cow [for each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; **the exclusion of fire water in the whole of Saskatchewan**; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve."[7]

Alexander Morris explained that this was indeed part of the oral promises. According to an INAC Treaty 6 report, Alexander Morris noted that the "**exclusion of intoxicating liquor** and the provision of schools had already been offered in the proposed terms."

Harold Johnson, the late Woodland Cree person and lawyer, also noted that Treaty 6 included this oral promise. Although less documented by written records and although time does not permit the inclusion of the basis for this position, Mikisew submits that Treaty 8 included the same oral promise.[8]

Conclusion on Treaty, Duty to Consult and Honour of the Crown

Allowing the Application will impact not only Mikisew' Treaty rights, but the solemn Treaty relationship between Mikisew and the Crown, as represented by the municipality, a creature of provincial statute in this case, responsible with the administration of municipal affairs.[9] This certain impact gives rise to at least a potential impact on the Mikisew's Treaty Rights, giving rise to a duty to consult which was in no way complied with. Further and/or in the alternative, the requirement to consider the "public interest" and the Honour of the Crown should have at least required notice to and consultation with Mikisew in this process.[10]

3. Mikisew and RMWB

We are concerned that RMWB will take an individualistic approach to this Application, failing to consider the interests of Mikisew as collective. As such, we remind RMWB that, according to our records, a majority of Fort Chipewyan residents are Mikisew members. An estimated 583 Fort Chipewyan residents of approximately 1000 are Mikisew members.

Further our reserves are neighbouring the hamlet of Fort Chipewyan, separated only by federal Crown lands. Indeed, our communities are intertwined, and our reserve residents depend on many services and businesses in Fort Chipewyan. It would be incorrect to consider this Application, given its effects on our members, as disconnected from Mikisew and our members living on reserve. Although Mikisew can pass

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[7] John Leonard Taylor, *Treaty Research Report Treaty Six (1876)*, Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985 at p.

[8] Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours)*, University of Regina Press, 2016.

[9] Felix Hoehn and Michael Stevens, Local Governments and the Crown's Duty to Consult, 2018 55-4 *Alberta Law Review* 971, 2018 CanLIIDocs 88, ; Angela D'Elia Decembrini and Shin Imai, Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest, 2019 56-3 *Alberta Law Review* 935, 2019 CanLIIDocs 364.

[10] See for example: *Fort McKay First Nation v Prosper Petroleum* Ltd, 2020 ABCA 163 (CanLII), at para 39; *Three Sisters Mountain Village Properties Ltd. v Town of Canmore*, 2022 ABLPRT 671 (CanLII), at paras 186-192; *AltaLink Management Ltd. v. Alberta (Utilities Commission)*, 2021 ABCA 3424; *Municipal Government Act*, RSA 2000, c M-26, s 686. (3)(c).

its own intoxicant by-laws under the *Indian Act* or its inherent powers, they cannot control the flow from Fort Chipewyan onto reserve if a new liquor store is permitted by RMWB. Neither is such a unilateral approach consistent with the Calls To Action (which include local governments) and the RMWB's own Policy.[11]

4. The effects of Alcohol on Mikisew and the community

Alcohol is a known agent of harm in our community. It perpetuates and enhances intergenerational traumas. It is a leading, if not the leading, cause of crime in Fort Chipewyan. Due to time constraints, we do not have the data from the Royal Canadian Mounted Police, but anecdotally, we know that alcohol and drugs have caused and contributed to many violent crimes in our community.

It is important that RMWB know that, historically, alcohol was used as an agent of genocide[12], at worst, or as tool in bad faith dealings with First Nations.[13] When approaching this Application, it is expected that RMWB be aware of this past.

Further, and consistent with what our Chief and Council know about alcohol's impacts on our community, our Survey's 42 comments were unanimously not in support of the Application, stating for example:

> "My only comment is that people know how much alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone."
>
> "We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leadership and RCMP can barely even handle all the crime, addiction, and abuse happening now with 1 liquor store."
>
> "RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!"[14]

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[11] Call to Action #43, 57:; RMWB, *Council Policy: Public Engagement, PRC-130*, May 10, 2022;RMWB, *Responding to the Truth and Reconciliation Commission's Calls to Action: Principles for a Collaborative Pathway Forward*.

[12] Saggers, Sherry; Gray, Dennis (2 November 1998). *Dealing with Alcohol: Indigenous Use in Australia, New Zealand and Canada*. Cambridge University Press. ISBN 9780521629775; Lesley Elena (2019). "Cultural Impairment and the Genocidal Potential of Intoxicants: Alcohol use in Colonial North America". *Genocide Studies and Prevention*. **13** (1): 88–97. doi:10.5038/1911-9933.13.1.1622.O. Laughland and T.Silverstone, "Liquid genocide: alcohol destroyed Pine Ridge reservation – then they fought back", *The Guardian* September 29, 2017.

[13] *"Benjamin Franklin, The Autobiography of Benjamin Franklin, Section Fourty Eight"* where Benjamin Franklin stated, among other thing that the Indians were promised that if "they continue sober during the Treaty" they would be given plenty rum when the Treaty concluded in 1788. See also the Toronto Purchase, *Treaty 13*, where 96 gallons of rum was included in the explicit terms of the Treaty in 1805.

[14] Tab 3, Survey – Comments in response to Q6.

In relation to the final comment, Mikisew has requested the data from RCMP. We understand that this data, too, reflects that a high proportion of criminal/violent incidents in Fort Chipewyan and on reserve involve alcohol. We will provide this information as soon as we receive the same.

Finally, we also understand that there are several negative health effects from alcohol, either through these acute violent incidents (stabbings, beatings, shootings, drinking and driving and suicides) or through chronic health issues, known to often be caused by alcohol. For example, cancer is the leading cause of death in Canada and the use of alcohol is believed to cause nearly 7,000 of those cancer deaths each year.[15] After looking at this data and others, Harold Johnson calculated that approximately half of his people (Woodland Cree in Saskatchewan) would die an alcohol related death. We have requested the information regarding alcohol and community health from Nunee Health and will, also, provide any response to RMWB as soon as possible.

5. Conclusion: requested Decision

We ask that you consider the present and historical harm of alcohol in our community, which includes the majority of Fort Chipewyan residents, in denying the Application.

In the alternative, if you are considering approving the Application, we ask for a further opportunity to provide more fulsome submissions than those above.

We welcome, going forward, collaboration to create, as the respondents to the Survey suggest, a gathering place or a mental health centre instead of another liquor store.

If you have any questions about the above or enclosed, we would be pleased to discuss further. Your attention to this matter is appreciated.

Hiy Hiy,

FOIP section 17(1)

Chief Billy-Joe Tuccaro,
Mikisew Cree First Nation

cc. Mayor Sandy Bowman and RMWB Council (council@rmwb.ca and mayor@rmwb.ca)
Minister of Indigenous Relations, Rick Wilson (ir.ministeroffice@gov.ab.ca)
Minister of Indigenous Services Canada, Patty Hajdu (patty.hajdu@parl.gc.ca)
Dennis Fraser, Indigenous Relations RMWB (dennis.fraser@rmwb.ca)

[15] Canadian Centre on Substance Use and Addiction, *Canada's Guidance on Alcohol and Health: Final Report*, January 2023, pages 10-11.

July 28, 2023

NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit
LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue;
FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a **Liquor Store, Office and Warehouse** at the property listed above.

You are being informed of this Development Permit **before a decision is rendered** because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by **4:30 p.m. on August 17, 2023**. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

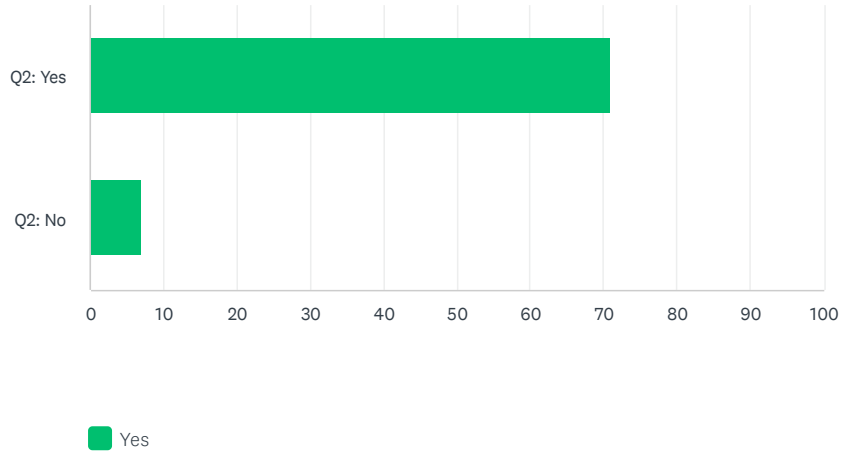
Your concerns/comments may be sent **in writing** to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca
Mail: Nabil Malik, Planner III
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

Email: Brett.Williamson@rmwb.ca
Mail: Brett Williamson, Planner II
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head , consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

Answered: 78 Skipped: 0

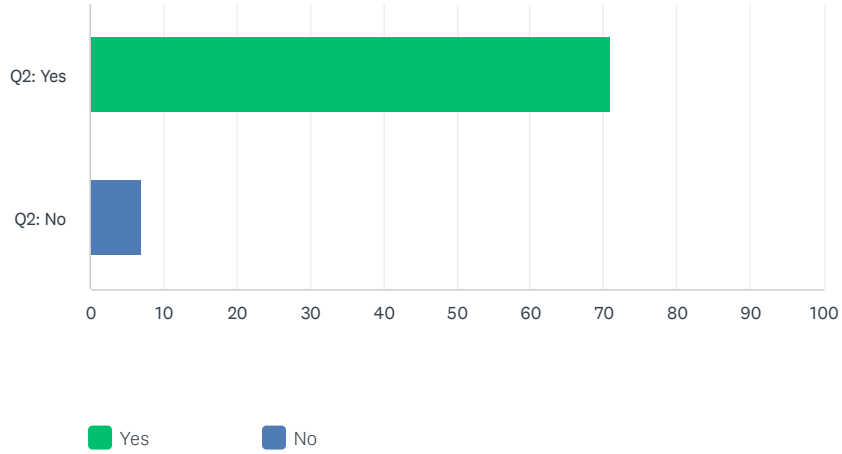


	YES	TOTAL
Q2: Yes (A)	100.00% 71	91.03% 71
Q2: No (B)	100.00% 7	8.97% 7
Total Respondents	78	78

	IF YOU ARE WILLING, PLEASE PROVIDE YOUR NAME AND/OR STATUS NUMBER FOR THE SOLE PURPOSE OF CONFIRMING YOU ARE A MCFN MEMBER (IF YOU DO NOT WISH TO ANSWER, PLEASE ENTER N/A)	TOTAL
Q2: Yes (A)	57	57
Q2: No (B)	4	4

Q2 Are you a MCFN member?

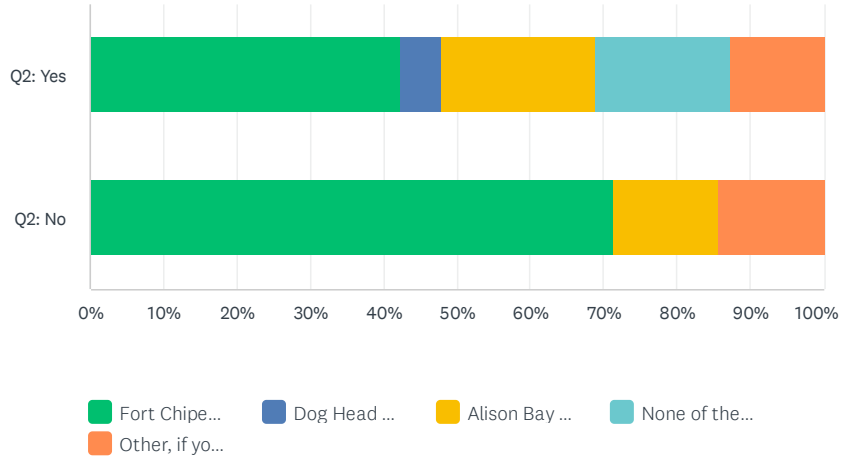
Answered: 78 Skipped: 0



	YES	NO	TOTAL
Q2: Yes (A)	100.00% 71	0.00% 0	91.03% 71
Q2: No (B)	0.00% 0	100.00% 7	8.97% 7
Total Respondents	71	7	78

Q3 Where do you live:

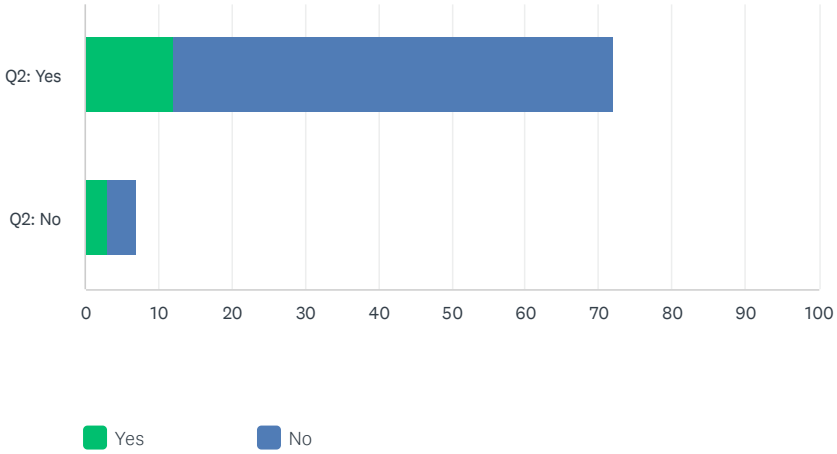
Answered: 78 Skipped: 0



	FORT CHIPEWYAN	DOG HEAD RESERVE 218	ALISON BAY RESERVE 219	NONE OF THE ABOVE	OTHER, IF YOU WISH TO SPECIFY WHERE YOU LIVE:	TOTAL
Q2: Yes (A)	42.25% 30	5.63% 4	21.13% 15	18.31% 13	12.68% 9	91.03% 71
Q2: No (B)	71.43% 5	0.00% 0	14.29% 1	0.00% 0	14.29% 1	8.97% 7
Total Respondents	35	4	16	13	10	78

Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

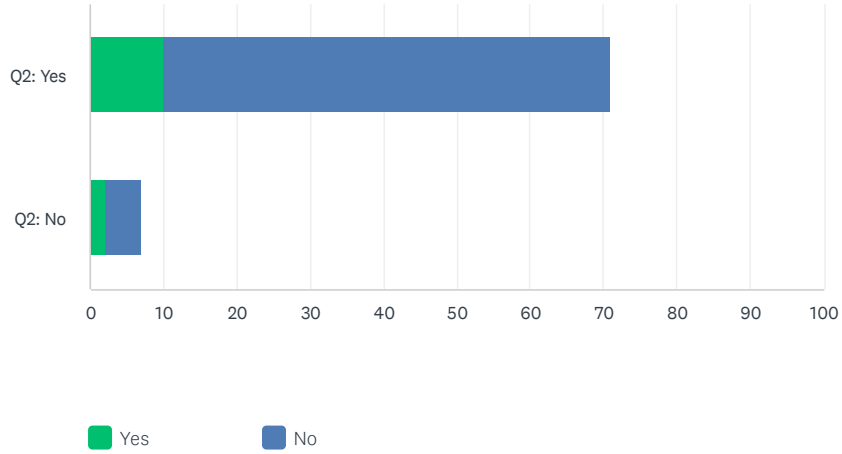
Answered: 78 Skipped: 0



	YES	NO	TOTAL
Q2: Yes (A)	16.90% 12	84.51% 60	92.31% 72
Q2: No (B)	42.86% 3	57.14% 4	8.97% 7
Total Respondents	15	64	78

Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?

Answered: 78 Skipped: 0



	YES	NO	TOTAL
Q2: Yes (A)	14.08% 10	85.92% 61	91.03% 71
Q2: No (B)	28.57% 2	71.43% 5	8.97% 7
Total Respondents	12	66	78

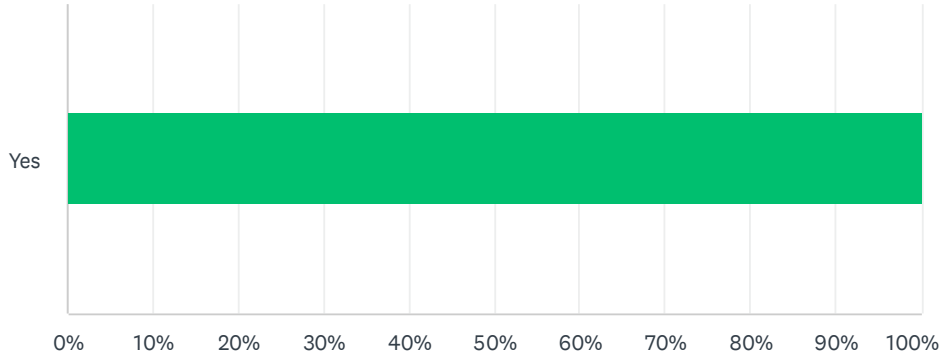
Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44% 1
Total Respondents	41	41

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head , consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

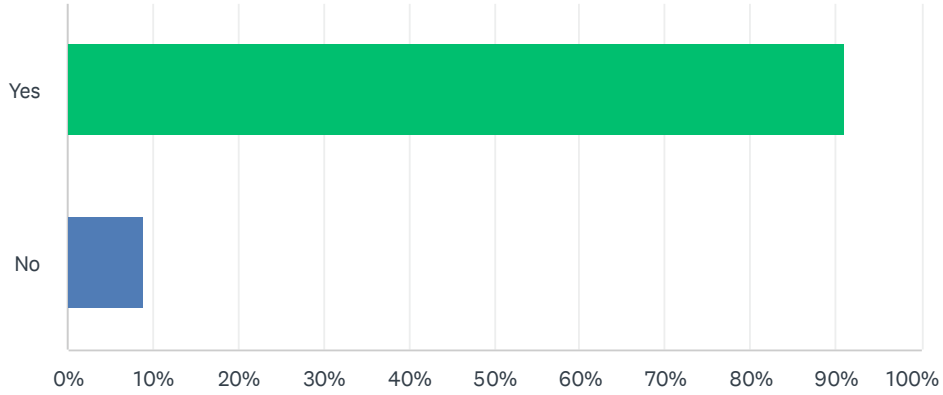
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	79
Total Respondents: 79		

Q2 Are you a MCFN member?

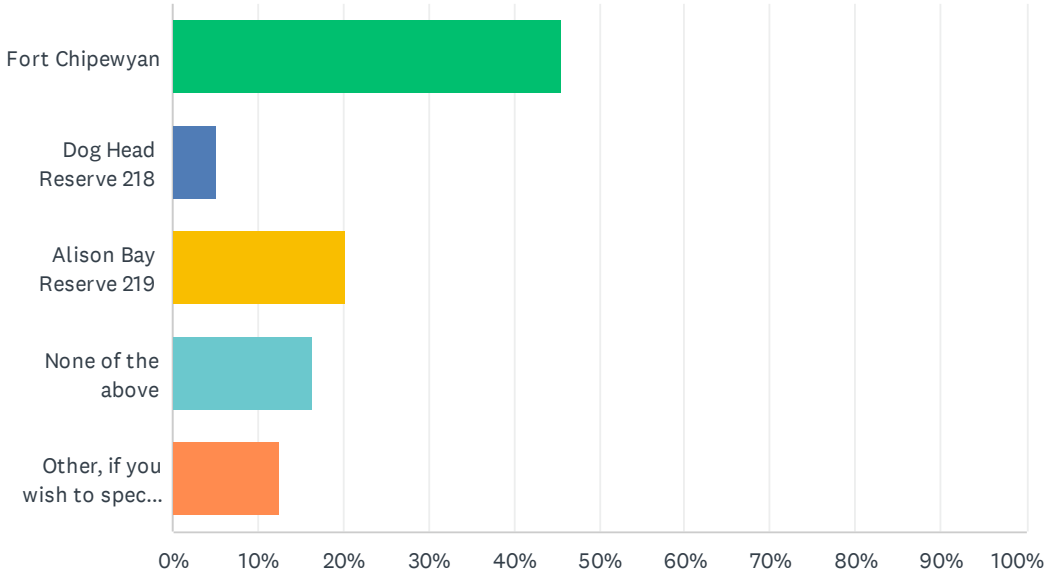
Answered: 78 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	91.03%	71
No	8.97%	7
Total Respondents: 78		

Q3 Where do you live:

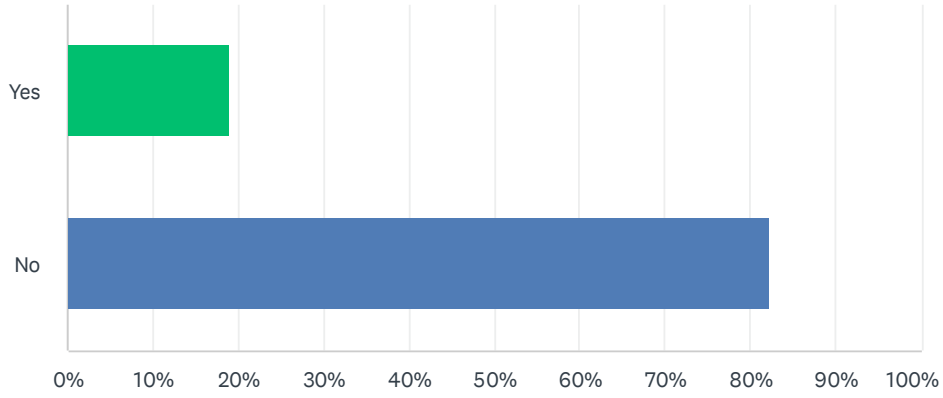
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Fort Chipewyan	45.57%	36
Dog Head Reserve 218	5.06%	4
Alison Bay Reserve 219	20.25%	16
None of the above	16.46%	13
Other, if you wish to specify where you live:	12.66%	10
TOTAL		79

Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

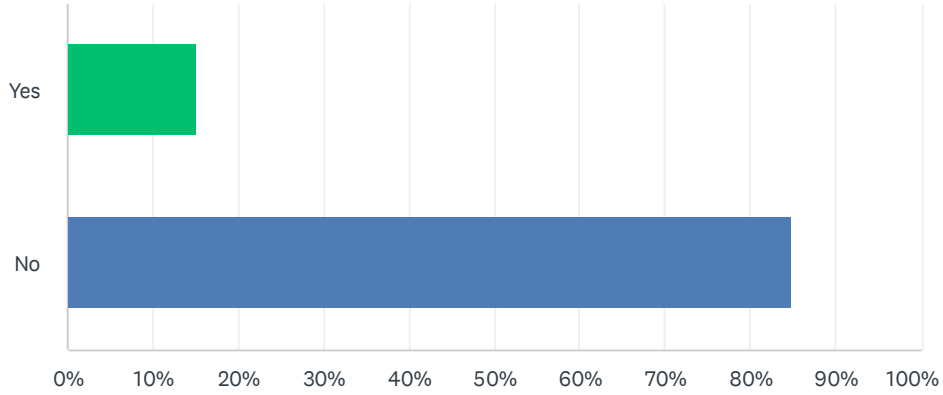
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	18.99%	15
No	82.28%	65
Total Respondents: 79		

Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?

Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	15.19%	12
No	84.81%	67
Total Respondents: 79		

Q6 Do you have any comments regarding this survey:

Answered: 42 Skipped: 37

Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44% 1
Total Respondents	41	41

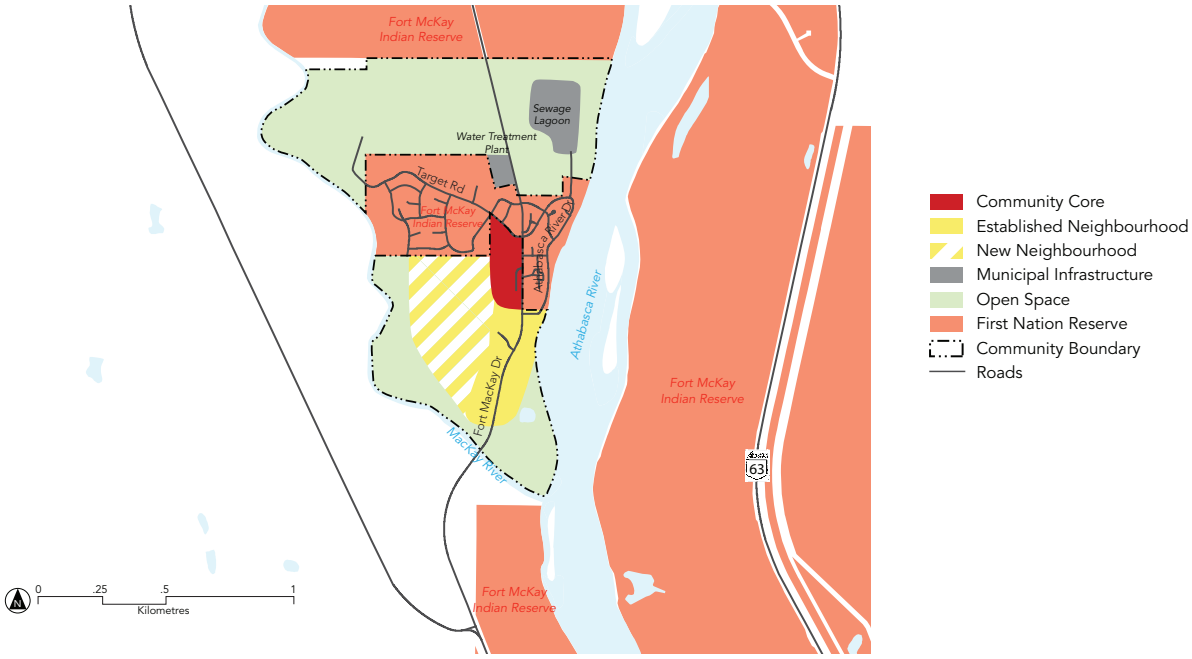
#	Q2: YES	DATE
1	The liquor store that's in question isn't on a reserve, not sure why this is a question.	8/16/2023 8:24 PM
2	We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leaderships and RCMP can barley even handle all the crime, addiction, and abuse happening now with 1 liquor store.	8/16/2023 2:37 PM
3	I strongly disagree to even have a liquor store in Fort chip let alone another. Our community suffers with addiction with alcohol /drugs. You really think that brining another liquor store would do good for our community. Alcohol doesn't cure trauma/depression. Why not open a clinic that specializes in mental health and addictions. Get out people on the right track not feeding their addiction by adding another liquor store. I believe Fort Chipewyan should be a dry reserve. A community I know in MB has a dry reserve, to see the beauty in the community. The activity's for the children and more job opportunity's for the adults is amazing. I strongly disagree having another liquor store. Although I don't live in Fort chip I see from a far how liquor/drugs affects the community.	8/16/2023 2:21 PM
4	We don't need another liquor store in Fort Chipewyan.	8/16/2023 1:06 PM
5	A big fat No for putting up another liquor store please don't let this happen who ever is trying to do this should worry about all what's happening with drugs and alcohol so No no for putting up another problem	8/16/2023 11:53 AM
6	Liquor stores destroys families and lives. Not needed in such a tiny place lije Ft. Chipewyan.	8/16/2023 7:20 AM
7	Don't need better liquor store. We would do better if there was no liquor store in Fort Chipewyan	8/16/2023 6:04 AM
8	We do not want another liquor store. We don't want more problems with drugs and alcohol. Please and thanks	8/16/2023 5:15 AM
9	RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!	8/16/2023 12:43 AM
10	We don't need more liquor stores	8/16/2023 12:35 AM
11	100% not in support of having another liquor store.	8/15/2023 11:40 PM
12	Open a Tim Hortons	8/15/2023 11:33 PM
13	We have a major issue in the community with alcohol and drugs right now. Why have 2 liquor stores open when we don't even have one AA meeting place that is open 24 hrs a day people have problems all the time not just 9-5 during working hours. If ppl have some place to go in the evening and even to camp a safe place for kids to to go when they're parents are partying and on drugs so they can provided for and protected as the cops can't do anything at peoples residence. I would like to know who applied for the liquor store seems like they don't care for the ppl except just to make dollar at peoples expense and the children that have to live with it.	8/15/2023 11:31 PM
14	My only comment is that people know how alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone	8/15/2023 11:16 PM
15	Profiting from addictions is gross.	8/15/2023 11:09 PM
16	Unacceptable as our people are struggling enough with alcohol and drugs.	8/15/2023 7:35 PM
17	Why do we need another liquor store when the one we have here has already ruined young lives we need a damn treatment centre that people can actually go to, also why make another liquor store when there should be a cannabis store	8/15/2023 5:10 PM
18	We have enough problems with one liquor store here and with the meth and crack situation, and violence against our members like myself. I STRONGLY DISAGREE this this liquor store. We as members are already losing our young ones mind set to this problem.	8/15/2023 5:05 PM
19	Too much addictions within the community. It does more harm than good. Death comes from Liquor and my people are tired of seeing all the death.	8/15/2023 3:10 PM
20	Our community does not need another liquor store!!!!!	8/15/2023 3:06 PM
21	the last thing we need is another liquor store, let alone one. i don't agree with this at all.	8/15/2023 2:52 PM

22	We have enough problems as it is in Fort chip just because someone doesn't wanna walk up a hill doesn't mean we need another place of alcohol that is ruining our community as a nation mikisew should be against this. this liquor store should be denied. Everyone always blames liquor and the liquor store when something happens I flat out say NO thank you to this liquor store application.	8/15/2023 2:52 PM
23	Alcohol addiction is a very high in this community and we do not need another one!!!!	8/15/2023 2:32 PM
24	We don't need another liquor outlet	8/15/2023 2:23 PM
25	We have enough tragedy in Fort Chipewyan without another liquor store	8/15/2023 2:04 PM
26	N/A	8/15/2023 1:59 PM
27	Liquor ruined our culture and the way the world sees us as people, we shouldn't even have one on our land let alone two. Have more cultural healing instead of poison	8/15/2023 1:50 PM
28	Make something useful. The last thing the community needs is another liquor store. What idiot even proposed that idea.	8/15/2023 1:44 PM
29	I'm a non drinking individual, making a sober community and banning liquor will make an issue worth. People will find a way to drink one way or another, most likely in an dangerous manner. Whether there's 2 liquor stores or not, isn't the issue.	8/15/2023 1:39 PM
30	Think back on when they had the VLT's. it hurt the families. and the children mostly,,,,,there enough drugs in Ft. Chip without a liquor. Store,,,,,,big mistake. Don't don't. do. . it plz,,,,,,you will make the family pitiful. ,,,,,especially the children,,,,	8/15/2023 1:30 PM
31	It doesn't matter to me we will never stop the liquor can't even evict people from homes or stop the hard drugs what's the difference	8/15/2023 1:26 PM
32	Alcohol and drugs have a big impact on our community in regards to violence and suicides, as a member we should not condone this behaviour and should be helping our nation succeed in life and sobriety	8/15/2023 1:19 PM
33	It's time for healing not more destruction. Liquor is killing the people! Invest in a rehabilitation center please!!!	8/15/2023 1:08 PM
34	There are enough social problems in the community. There is gang violence associated with drug use, children are able to access alcohol from the established liquor store here. We do not need another liquor store. We need adequate programs for the families and children to deal with the existing problems and trauma.	8/15/2023 1:05 PM
35	alcohol is killing our people and is a breach of our treaty	8/15/2023 12:57 PM
36	It's a ridiculous idea to even think about bringing more alcohol into the community, when we all know there is already a severe crisis with our younger people ! They no not need another liquor store they need a rehabilitation centre or a facility to go to get clean and get healthy , why is the chief and council not worried about the health of our people !??? they do not care about the next generation??	8/15/2023 12:44 PM
37	With all the alcohol and drug related problems in our community, I hope this doesn't get approved.	8/15/2023 12:44 PM
38	Why are you going to get another liquor store on the reserve when there is one already not to mention the issues the reserve is facing this last two years. This is absolutely reckless for chief and council to profit off of addictions that have brought so much crazy behaviours. Why don't you make effort to do better for our members!	8/15/2023 12:41 PM
39	One is good enough make a dame rehab center	8/15/2023 12:37 PM
40	Drugs and alcohol are a big problem in the community, there does not need to be another liquor store. We are trying to get our people clean and healthy, not add to the problem. Ive moved away from chip because there has been far too much violence because of drugs and alcohol in the community.	8/15/2023 12:36 PM

#	Q2: NO	DATE
1	too much problems in this community with drugs and alcohol already another liquor store is just gonna make things worst for the community	8/17/2023 11:14 AM

Fort MacKay

Generalized Land Development Concept



C.2.3

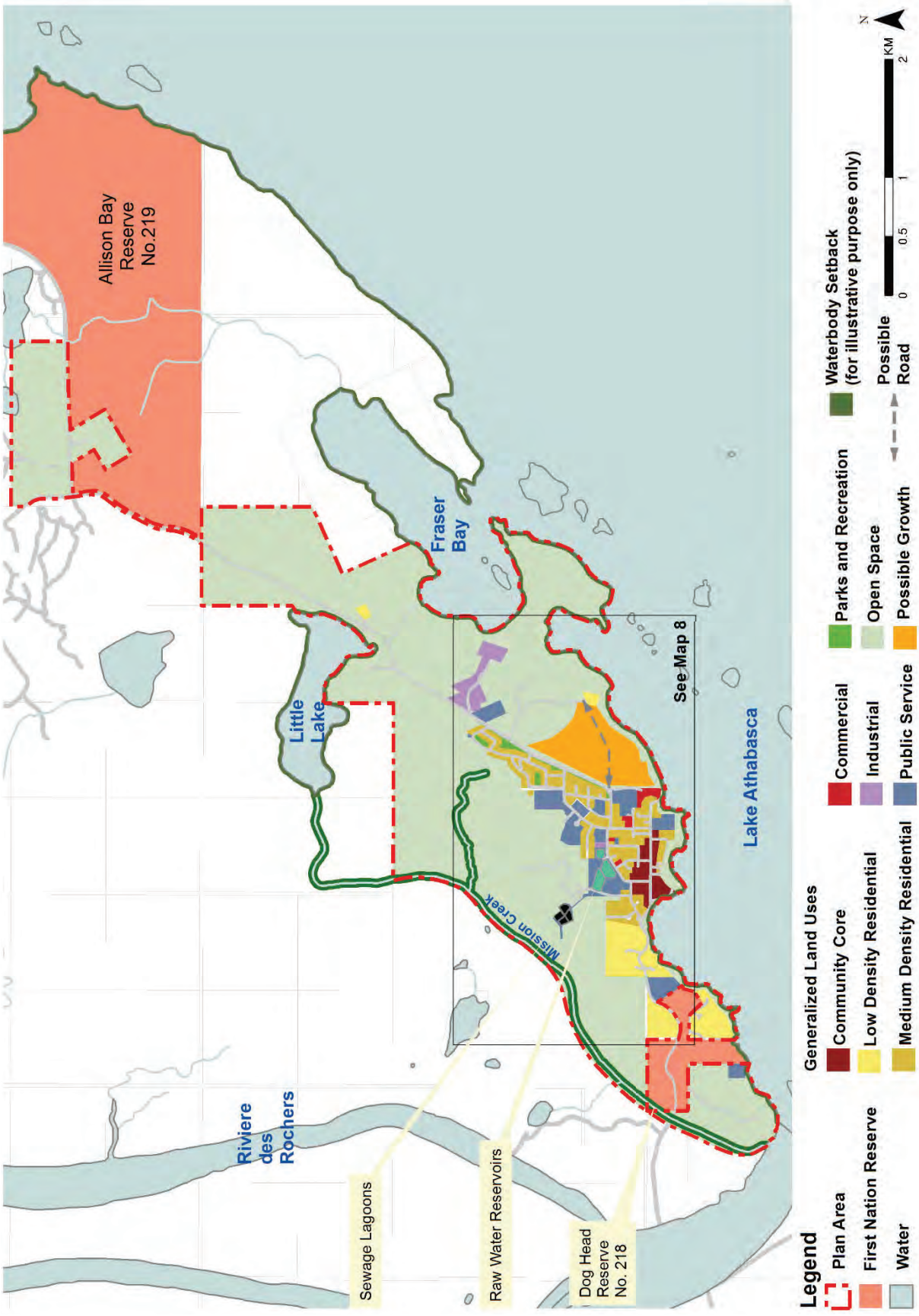
Accommodate balanced growth in Fort MacKay

Located at the confluence of the Athabasca and MacKay Rivers, Fort MacKay is a community comprised of First Nations and Métis people and lies adjacent to the Fort McKay Indian Reserve. The community is in close proximity to mining operations in the north, which creates opportunities for employment and may increase the need for additional housing. The Municipality will support modest growth on land leased by the Fort MacKay Métis to provide for some residential development together with complementary commercial and institutional uses that can assist in the creation of a defined Community Core. Although large lots with single detached housing will remain the primary residential form, a wider range of housing forms and densities will be encouraged to satisfy the needs of all age and income groups. The demand for industrial lands is best accommodated outside the community in locations that allow for greater accessibility while minimizing land use conflicts.

C.2.4

Accommodate balanced growth in Fort Chipewyan

The community of Fort Chipewyan, located on the western shores of Lake Athabasca, is Wood Buffalo's most historic community and the oldest continual settlement in Alberta. Its population is expected to increase modestly over the next two decades. The Municipality will support the provision of a range of housing in the existing community and in new residential areas in order to satisfy the needs of residents of all ages and income levels. Areas to be identified for future development will be encouraged to concentrate near the Community Core and infill development will be encouraged to make efficient use of underutilized lands both in the Community Core and surrounding areas. Development in areas identified as significant to the community or environmentally sensitive areas will be limited to ensure these areas remain protected. Lakefront areas will be protected and preserved and made accessible to all. Local food production will be encouraged to ensure a more self-sustaining community.



MAP 7: GENERALIZED LAND USE CONCEPT

GENERALIZED LAND USE CONCEPT AND LAND USE CLASSIFICATIONS

Map 7 and Map 8 show the proposed Generalized Land Use Concept for Fort Chipewyan. These maps provide an illustration of the approximate locations of future land uses. The land use classifications are described below. Map 9 identifies the location of the Possible Growth area in relation to environmental and built constraints.

Community Core

The Community Core is the heart of the Hamlet and a hub for commercial, institutional and residential uses. The Community Core is intended to be a vibrant, compact and mixed-use area with services and businesses that serve the community. The existing development pattern of commercial uses, public services, office space, single detached dwellings and manufactured homes, and Elders housing will continue. New opportunities for live-work housing and higher density residential forms, such as four-plexes and low-rise apartments, could help increase housing supply and benefit residents from proximity to services. Existing vacant industrial lands in the Community Core provide opportunities for further development, including light industrial activities that respect nearby Lake Athabasca.

Commercial

The Commercial area is intended to allow for the development of commercial and retail uses outside of the Community Core.

Industrial

The Industrial area is intended for a wide range of general industrial uses, such as warehousing, office buildings, lay-down yards and service uses. Industrial land use is identified primarily east of McDermot Avenue, away from residential areas. Here, Industrial areas are intended to accommodate a range of light and medium industrial uses. In the downtown, Industrial lands are intended to be low intensity in nature to ensure that they do not negatively affect surrounding uses through the generation of emissions, noise, odors and other nuisances.

Low Density Residential

The Low Density Residential area is intended to preserve the existing rural character. The Low Density Residential area is intended to provide housing, primarily in the form of single detached dwellings and manufactured homes.

Medium Density Residential

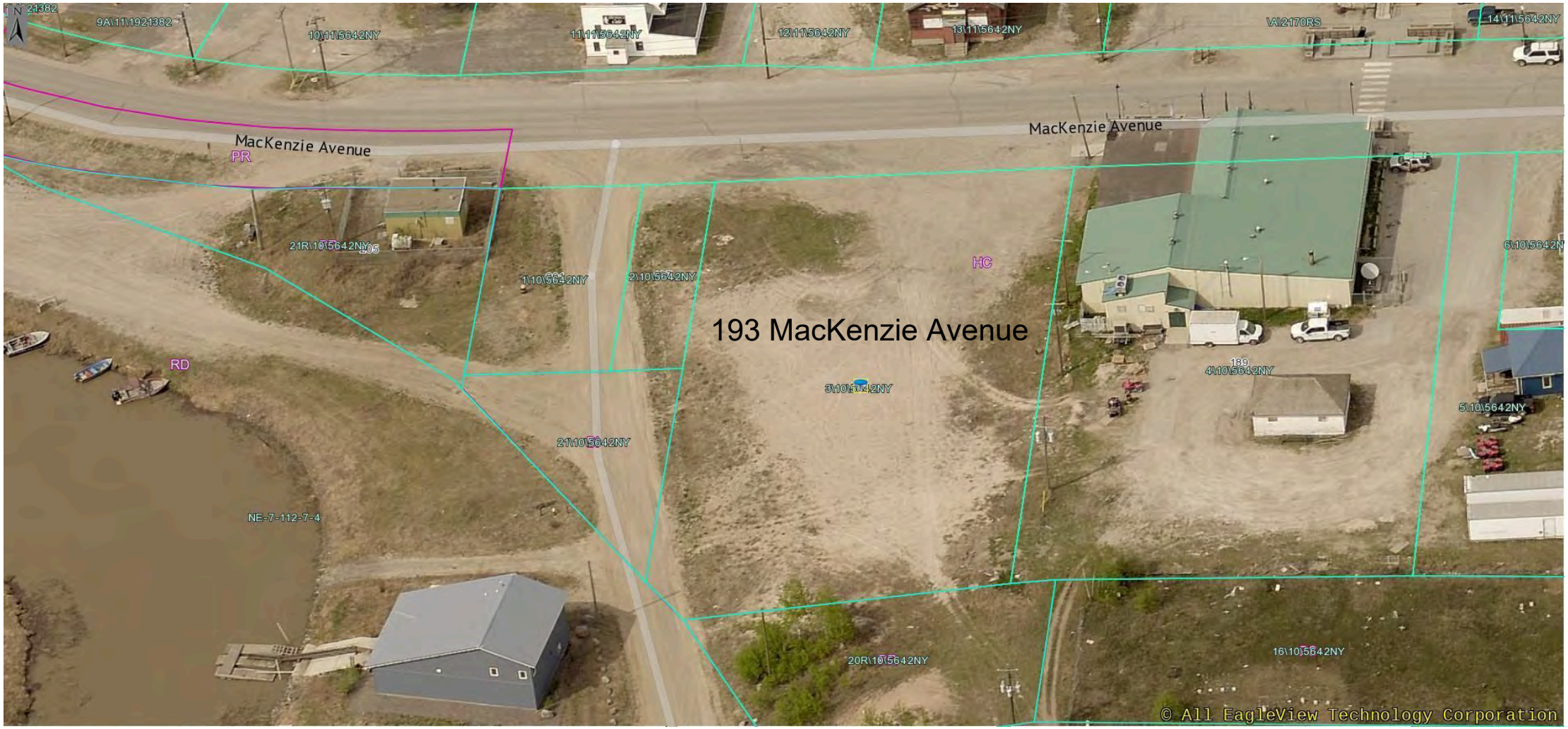
The Medium Density Residential area is intended to allow for a range of housing types and other compatible community services within the existing residential areas that surround the Community Core. The existing development pattern consists largely of single detached dwellings and manufactured homes, with some multi-unit housing forms near the Community Core. Where lands are suitable, new multi-unit developments and developments suitable for Elders could help diversify and increase the supply of housing.

193 MacKenzie Avenue (May 2011)



05/24/2011

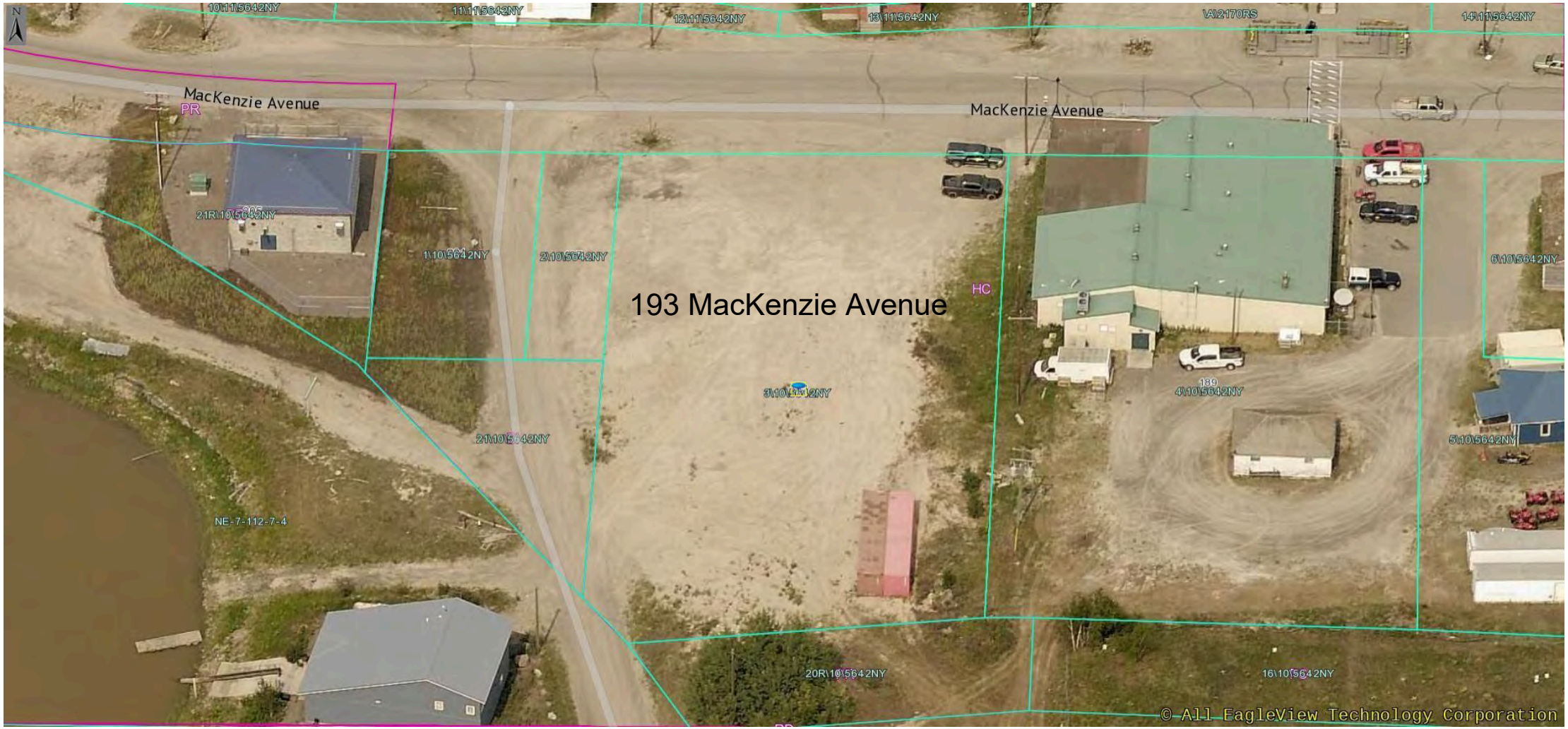
193 MacKenzie Avenue (May 2018)



05/22/2018

Exhibit 12

193 MacKenzie Avenue (July 2023)



07/20/2023

Objective 3.2 Support the establishment of a vibrant, mixed use core area

In areas identified as Community Core:

3.2.1 Retail commercial, public service, and residential uses will be directed to locate in the Community Core, as shown on Map 7 and Map 8. Uses may include but are not limited to retail development, health and education services, community gathering spaces, and housing. Tourism-related commercial uses will also be encouraged.

3.2.2 New developments will be encouraged to demonstrate enhancements to the public realm. Examples include street furniture, public art, landscaping, street facing plazas, lighting, wayfinding, connections to pedestrian paths and street facing retail uses.

Objective 3.3 Provide increased opportunities for local retail and commercial activities

In areas identified as Community Core or Commercial:

3.3.1 A mix of commercial uses, such as offices, restaurants, grocery stores, gas bars and car washes, and other retail uses, will be allowed.

3.3.2 Amenities and tourism-related commercial uses, such as restaurants, cafes, vehicle rentals, supply stores and local art galleries, will be allowed.

3.3.3 Tourist accommodations, such as bed and breakfasts, lodges and hotels, will be allowed.

3.3.4 Development will be required to demonstrate compatibility with adjacent uses.

In areas identified as Community Core, Low Density Residential, Medium Density Residential or Possible Growth:

3.3.5 Home businesses, home occupations, live-work developments and bed and breakfasts will be allowed.

(e) Floor Area Ratio (maximum): 5.0 **(BL 09/017)**
(f) Landscaping as per Section 72 of Part 5 (General Regulations).

109.6 Regulations for Residential Units Above Ground Floor Commercial

(a) residential dwelling units and commercial premises shall not be permitted on the same storey of a building;
(b) the residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premises shall not be permitted;
(c) a minimum of 4.0 sq. meters of private amenity area shall be provided for each dwelling unit in the building;
(d) on-site parking for the residential dwelling unit shall be provided in accordance with the parking requirements for apartment buildings in Part 7 of this bylaw. Parking for the residential units shall be provided in addition to the parking requirements for the commercial premises; and
(e) where a building contains residential dwelling units above commercial premises, all parking for the residential use shall be provided on-site. Shared parking, off-site parking and or/money in lieu of parking for the residential units shall not be permitted.

(BL 02/002)

110. HC - Hamlet Commercial District

110.1 Purpose

The purpose of this District is to provide for commercial development in established hamlets.

110.2 Permitted Uses

The following are permitted uses:

(a) **DELETED (BL 05/013)**
(b) Gas Bar **(BL 04/012)**
(c) Hotel
(d) Motel
(e) Retail Store, Convenience and General
(f) Service Station, Major and Minor

110.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Buildings
(b) Animal Service Facility, major and minor **(BL 04/012)**
(c) Auctioneering Facility
(d) Automotive Equipment and Repair
(e) Automotive/ Recreational Vehicle Sales and Rentals
(f) Business Support Facility
(g) Child Care Facility

(h) Commercial Entertainment Facility
(i) Commercial Recreation Facility, Indoor and Outdoor
(j) Community Service Facility
(k) Contractor, Limited
(l) **DELETED (BL 05/013)**
(m) Drinking Lounge, Major **(BL 05/013)**
(n) Drinking Lounge, Minor **(BL 05/013)**
(o) Dwelling Units above Ground Floor Commercial only on Lots 3-8, Block 16, Plan 832 2978; Lots 9, 15, 17-18, Block 17, Plan 832 2978; Lots 16A-16B, Block 17, Plan 902 3066; Lots 1-4, Block 3, Plan 792 0314; Lots 1-3, 5-7, Block 11, Plan 792 0314 (Hamlet of Anzac) **(BL 08/037)**
(p) **DELETED (BL 05/013)**
(q) Equipment Rental
(r) Essential Public Service
(s) Farmers Market/ Flea market
(t) Financial Institution
(u) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(v) Food Service, Major Restaurant **(BL 05/013)**
(w) Food Service, Minor Restaurant **(BL 05/013)**
(x) Food Service, Mobile Catering **(BL 05/013)**
(y) Food Service, Take Out Restaurant **(BL 05/013)**
(z) Funeral Home
(aa) Greenhouse / Nursery
(bb) Hostel
(cc) Household Equipment Repair
(dd) Liquor Store
(ee) Nightclub **(BL 05/013)**
(ff) Office
(gg) Parking Lot
(hh) Personal Service Business
(ii) Public Use/Utility
(jj) Recreational Vehicle Park (on Lot 7, Block 11, Plan 792 0314)
(kk) Recycling Depot
(ll) Recyclable Materials Drop-Off Center **(BL 08/001)**
(mm) Religious Assembly
(nn) **DELETED (BL 07/002)**
(oo) Satellite Dish Antenna
(pp) Security residence
(qq) Warehouse Sales

110.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission

(a) Single Detached Dwelling in Fort Chipewyan **(BL 01/043)**

110.5 Requirements

(a)	Minimum Lot Area	465.0 m^2
(b)	Minimum Lot Width	16.0 m
(c)	Minimum yard setbacks	
	Front:	At the discretion of the Development Officer
	Side:	4.5 m or ten percent (10%) of the lot width, whichever is less.
	Rear:	7.5 m

Note: Commercial uses constructed adjacent to existing similar uses may be built without side yard setbacks at the discretion of the Development Officer, and with appropriate fire wall ratings. When a commercial use is adjacent to a residential use a side yard of at least 4.5 m shall be provided.

(d)	Maximum Height	10.0 m 12.2 m only for Lot 5, Block 11, Plan 792 0314

(BL 07/002)

111. BI Business Industrial District

111.1 Purpose

The purpose of this District is to provide for the development of a wide range of compatible commercial businesses and general industrial uses in the Urban Service Area, and in the hamlets of the Rural Service Area, which do not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, bright light or dust.

111.2 Permitted Uses

DELETED (BL 01/043, BL 04/012, BL 06/030)

111.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Building **(BL 06/030)**
(b) Animal Service Facility, Major and Minor **(BL 06/030)**
(c) Auctioneering Facility **(BL 06/030)**
(d) Automotive and Equipment Repair and Storage **(BL 06/030)**
(e) Automotive/Recreational Vehicle Sales and Rental **(BL 06/030)**
(f) Broadcasting House **(BL 06/030)**
(g) Business Support Services Facility **(BL 06/030)**
(h) Commercial School **(BL 06/030)**
(i) Commercial Recreational Facility, Indoor **(BL 17/020)**
(j) Contractor, General and Limited **(BL 06/030)**
(k) Custom Manufacturing **(BL 06/030)**

AGLC
Choices Albertans can trust.

SECTION: PREMISES MANAGEMENT

NUMBER: 4.1

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: HOURS OF LIQUOR SERVICE

POLICIES

4.1.1 The retail liquor store may set its hours of operation between the maximum allowable hours of 9:00 a.m. and 2:00 a.m., Monday through Sunday. Stores may operate reduced hours. *(Amended Dec 2020)*

4.1.2 *(Deleted Feb 2021)*

4.1.3 A Class D licensed premises must be closed:

a) *(Deleted Dec 2019)*

b) at all times other than the hours endorsed for liquor sales on the licence, unless the premises is also a Class A licensed premises.

4.1.4 The retail liquor store licence must be prominently displayed in the liquor sales area at all times. *(Amended Feb 2021)*

4.1.5 On the date Daylight Savings Time takes effect or ends, liquor sales must end before clocks are adjusted and may not re-start until the next business day.

GUIDELINES

4.1.6 Municipalities will notify stores if they must remain closed during municipal elections.

DATE ISSUED: February 18, 2021 AUTHORITY: Original signed by Len Rhodes

To Whom It May Concern:

Please accept this letter as proof of our/my support for the liquor store that Mr. Daniel Roy is proposing in the Hamlet of Fort Chipewyan.

Historically there have been two liquor stores in Fort Chipewyan, unfortunately one was lost to fire a few years ago and was never reopened. Mr. Roy, a long time resident of Fort Chipewyan has decided to open a new establishment to serve the community.

The new premises are to be a purposely built facility that is conveniently located on the main street of Fort Chipewyan which will have all the amenities required for both the public and employees.

This new store will create needed employment in the community as well as offer healthy competition for customers.

The hours of operation purposed are an issue for most as 6 p.m. is extremely early when you consider many people work until 5:00 pm, Also the last flight into the community is approximately 7:00 p.m. Extending the hours of operation to 9:00 p.m. will provide the community and visitors with convenient access to the services offered by Mr. Roy.

Sincerely;

Name: Lloyd Waquan Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

Please sign and text image to FOIP section 17(1)

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Sincerely;

Name: Alice Rigney **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: Lily Marcel **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely,

Name: FOIP section 17(1) **Signature:** CHARLES FRASER

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: Leonard Shortmoe **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to : FOIP section 17(1)

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Sincerely;

Name: RAYMOND. F. LADOUCEUR **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

Please sign and text image to FOIP section 17(1)

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Sincerely; CR. Cardinal

Name: Fondrick Cardinal Signat [redacted] FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: CODY MARCEL Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name FOIP section 17(1) Signature: Janice Marcel

Fort Chipewyan Resident: ☑ Yes ☐ No

Please sign and text image to FOIP section 17(1)

To Whom It May Concern:

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Sincerely;

Name: Wayne Marcel Signature: FOIP section 17(1) [redacted]

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Reuben Marcel Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Randall Toccaro Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Keegan McKay Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: James L. Hansen **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Lacey Marcel **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely; FOIP section 17(1)

Name: [redacted] **Signature:** Robert Fewell

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Irene Cardinal **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Dwight Courbre Jr. Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely; FOIP section 17(1)

Name: [redacted] **Signature:** William Tuccaro

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Tom MacDonald Signat FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Lance Lavidette Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: August Marcel Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Georgette Bruno Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Terry WhiteKnife **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Sincerely;

Name: Arianna WhiteKnife **Signature:** FOIP section 17(1)

Fort Chipewyan Resident: ☑ **Yes** ☐ **No**

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Name: Greg Marcel Signature FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: FOIP section 17(1) Signature: Darlene Gardner

Fort Chipewyan Resident: ☑ Yes ☐ No

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Name: Loriedale Paquette Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

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Sincerely;

Name: Cathryn Philpotts **Signature** FOIP section 17(1)

Fort Chipewyan Resident: ☒ **Yes** ☐ **No**

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Sincerely;

Name: THOMAS ROBINSON Signatur FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No SEPT 22- 24

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Sincerely;

Name: Richard Morrell Signature: FOIP section 17(1)

Fort Chipewyan Resident: ☑ Yes ☐ No

Please sign and text image to : FOIP section 17(1)

Received by the Subdivision and
Development Appeal Board October 21, 2024

REGIONAL MUNICIPALITY OF WOOD BUFFALO
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

IN THE MATTER OF THE APPEAL OF DEVELOPMENT PERMIT 2023-DP-00125

BETWEEN:

Mikisew Cree First Nation

Appellant

- AND –

Regional Municipality of Wood Buffalo

Respondent

DOCUMENT: **MEMORANDUM OF ARGUMENT OF THE APPLICANT, DANIEL ROY**

Prepared by Terra Legal[1]

Attn: Robert Homersham

Counsel for the Applicant/Appellant, Daniel Roy

[1] Terra Legal is a registered trade name of Robert A. Homersham Professional Corporation

I. Introduction:

1. On May 1, 2023, the Applicant, Daniel Roy, submitted a development permit application to the Regional Municipality of Wood Buffalo ("RMWB") Development Authority (the "Development Authority") for a liquor store at 193 Mackenzie Avenue, Fort Chipewyan (the "Development").

2. The Applicant is the registered owner of 193 Mackenzie Avenue.

3. On July 19, 2023, the Development Authority informed the Applicant that it was now in receipt of a complete application.[2]

4. On July 21, 2023, the Development Authority informed the Applicant that it was extending its review of the development permit application to address alcohol-related concerns expressed by the community.[3]

5. On July 25, 2023, the Development Authority circulated notice of the development permit application to all property owners within the Fort Chipewyan hamlet boundary, as well as to the offices of Athabasca Chipewyan First Nation, Fort Chipewyan First Nation, and Mikisew Cree First Nation ("MCFN").[4]

6. The deadline for providing comments to the Development Authority was August 25, 2023. The Development Authority received ten (10) letters from Fort Chipewyan residents and one (1) letter from MCFN opposing the Development.[5]

7. The letters from residents focused on the deleterious effects of alcohol in Fort Chipewyan and expressed concern that having a second liquor store in the hamlet would exacerbate this problem.

8. The letter from MCFN, with attachments including a survey of its members, totaled twenty-two (22) pages. It included comments on the deleterious effects of alcohol in its community and, additionally, alleged lack of notice and consultation with MCFN in contravention of RMWB's constitutional duty to consult.

9. On August 16, 2024, almost a year after it conducted its extended review, the Development Authority approved Development Permit No. 2023–DP-00125 for a liquor store at 193 Mackenzie Avenue (the "Development"), in the Hamlet of Fort Chipewyan, and issued a Notice of Decision and Conditions of

[2] SDAB Report, Ex. 5, p. 110, para. 10.
[3] SDAB Report, Ex. 5, p. 110, para. 11.
[4] SDAB Report, Ex. 5, p. 111, para. 14.
[5] SDAB Report, Ex. 5, p. 111, para. 17.

Approval on August 16, 2024 (the "Approval").[6] One of those Conditions, #26, limits the Development's hours of operation of the Liquor Store to 9:00am – 6:00pm. Monday to Sunday. [7]

10. The Development Authority restricted the Development's operating hours "to address the concern around the accessibility and availability of alcoholic beverages within the community."[8]

11. The Appellant, MCFN, filed a Notice of Appeal on September 19, 2024, seeking to overturn the Approval.[9]

II. Issues Raised on Appeal by MCFN

12. The Appellant raises the following grounds of appeal:[10]

i. lack of reasons for the Approval;

ii. the Development Authority has a common law duty to consult with MCFN and failed to comply with that duty;

iii. the Development Authority has a constitutional duty to consult with MCFN and failed to comply with that duty;

iv. the Development Authority has duty to accommodate MCFN and failed to comply with that duty;

v. the Development Authority is a delegate of the Crown and in that capacity breached its duty under Treaty No. 8 by "failing to consider at all or any impact on the proliferation of intoxicants in MCFN residents in Fort Chipewyan and on its reserve lands.

III. Arguments of the Applicant

13. SDAB has no Jurisdiction on Matters of Constitutional Law. It is settled law that the RMWB SDAB does not have jurisdiction to decide questions of constitutional law.[11] Accordingly, the issues raised by

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[6] Exhibit List prepared for the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board ("SDAB Report"), September 13, 2024, re: Appeal No. 2024-003, Exhibit 2, p. 5.
[7] SDAB Report, Ex. 2, p. 10.
[8] SDAB Report, Ex. 5, p. 113, para. 31.
[9] SDAB Report, Ex. 6.
[10] SDAB Report, Ex. 6.
[11] Boll v. Woodlands County Municipal Planning Commission, 2016 ABCA 344 (CanLII), para. 8 (Boll v Woodlands County); Paul First Nation v Parkland (County), 2006 ABCA 128 (CanLII), para. 12 (Paul First Nation v. Parkland (County); Kappo v. Subdivision and Development Appeal Board (Municipal District of Greenview No. 16), 2003 ABCA 146 (CanLII) para. 12, (Kappo v MD of Greenview); Designation of Constitutional Decision Makers Regulation, Alberta Regulation 69/2006 (Designation of Constitutional Decision Makers Regulation), all of which are attached as Schedules A – D, respectively, to this Memorandum.

the Appellant on appeal to the SDAB described in sections 12 ii. – v. above are not property before the SDAB.

14. **No Duty of Consultation on the Crown Regarding Private Lands.** Notwithstanding that the SDAB has no jurisdiction to decide questions of constitutional law, the Alberta Court of Appeal ("ABCA") has opined that "there is no duty of consultation on the Crown or landowners on privately owned lands."[12] The ABCA distinguished the British Columbia Supreme Court decision in *Hupacasath First Nation v British Columbia (Minister of Forests)*, which found that a duty to consult can arise in some instances involving private lands, on the basis that the facts in *Hupacasath* that the federal government was extensively involved in the transfer of private lands into a publicly funded government program.[13] Subsequent decisions in 2017 by the Supreme Court of Canada in *Clyde River (Hamlet) v Petroleum Geo-Services Inc.*[14] and *Chippewas of the Thames First Nation v Enbridge Pipelines Inc.*[15] may have expanded the duty to consult but, in any event, the SDAB has no jurisdiction to decide such constitutional matters. Section 636(c)(ii) of the *Municipal Government Act* ("MGA") does have a duty of municipalities to consult "the Indian band of any adjacent Indian reserve" with respect to preparing a municipal development plan, but this statutory duty does not extend to consultation on development permit applications.[16]

15. **Lack of Reasons for the Approval.** Section 642(c) of the MGA specifies that a decision of a development authority on an application for a development permit must

> be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision was given.

Section 642(d) of the MGA requires that if a development authority refuses an application for a development permit, it "must provide the reasons for refusal." The regulations referred to in section 642(c) are the Subdivision and Development Regulation,[17] which have no requirement for a development authority to provide reasons for its decisions. The requirement applies only to decisions of a subdivision authority.[18] The RMWB Land Use Bylaw follows section 642(d) of the

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[12] Paul First Nation v. Parkland (County), para. 14.
[13] Paul First Nation v. Parkland (County), para. 14.
[14] *Clyde River (Hamlet) v Petroleum Geo-Services Inc.*, 2017 SCC 40 (CanLII), Clyde River, attached as Schedule E to this Memorandum.
[15] *Chippewas of the Thames First Nation v Enbridge Pipelines Inc.*, 2017 SCC 41 (CanLII) CTFN v Enbridge, attached as Schedule F to this Memorandum.
[16] *Municipal Government Act*, RSA 2000, c. M-26 (CanLII), (MGA)
[17] Subdivision and Development Regulation, Alberta Regulation 43/2002 (Subdivision and Development Regulation), attached as Schedule G to this Memorandum.
[18] Subdivision and Development Regulation, sec. 8.

MGA, requiring reasons for a decision on a development permit application only if the application is refused:

> 29.2(a) When a development permit application is refused, the Development Officer shall communicate in writing a notice of decision to the applicant or his agent stating the reasons for refusal.[19]

16. There is no statutory obligation to provide reasons for approval of a development permit application. If there exists a common law or equitable duty, which the Appellant has not specifically argued, then this duty is, in our view, cured rather expeditiously through the appeal process to the SDAB, wherein the Development Authority has set out its reasons for approval.

17. Relief Requested. The Applicant respectfully requests that for the foregoing reasons, the SDAB dismiss this Appeal in its entirety.

[19] Regional Municipality of Wood Buffalo Consolidated Land Use Bylaw No. 95/059 (LUB), attached as Schedule H to this Memorandum.

Schedule "A"

Boll v. Woodlands County Municipal Planning Commission

In the Court of Appeal of Alberta

Citation: Boll v. Woodlands County Municipal Planning Commission, 2016 ABCA 344

Date: 20161103
Docket: 1603-0195-AC
Registry: Edmonton

2016 ABCA 344 (CanLII)

Between:

Jonas Boll and Pipistrel Aircraft Canada Inc.

Applicants
(Appellants)

- and -

Woodlands County Municipal Planning Commission and Woodlands County Subdivision and Development Appeal Board

Respondents
(Respondents)

Reasons for Decision of
The Honourable Mr. Justice Ronald Berger

Application for Permission to Appeal

(Development Permit No. 15-009-2016)

Reasons for Decision of
The Honourable Mr. Justice Ronald Berger

[1] The applicants sought a development permit to construct a hangar on private lands adjacent to the airport within AS-Airport Service District (Air Side Commercial) of the Woodlands County Land Use Bylaw 407/13.

[2] The Municipal Planning Commission (the "MPC") approved the Development Permit inclusive of a variance of the setback requirements but, importantly, not to the extent requested by the applicants.

[3] The applicants appealed to the *Woodlands County Subdivision and Development Appeal Board* (the "*SDAB*") without success. They now seek leave to appeal to this Court.

[4] The applicants contend that the federal government has jurisdiction over aerial transportation, including the physical structure of airports and airport buildings and airport hangars. They submit that the County does not have the authority to pass bylaws relating to the regulation of aeronautics. The applicants maintain that the *SDAB* is similarly constrained.

[5] In the result, the critical question is whether the *SDAB* improperly exercised its jurisdiction, as the applicants frame it, "through the guise of *Municipal Land Use Bylaws*." Put another way, if the County and the *SDAB* purported to exercise a jurisdiction which neither possesses, is the impugned decision *ultra vires*?

[6] In order to determine whether the *SDAB* erred in upholding the impugned variance of the setback (and concurrently, in upholding 48 conditions attached to their decision) it is necessary to decide whether the adjudication is a nullity? It is a nullity only if the *SDAB* (and the *MPC* before it) acted without jurisdiction and the Bylaw is ultra vires. The Bylaw is ultra vires only if the issues concerning the construction of the applicant's hangar fall within the scope of aeronautics.

[7] Mindful of all of the foregoing, the central issue is whether the applicants have raised a question of law or jurisdiction of sufficient importance and with a reasonable chance of success (***Municipal Government Act***, RSA 2000, c M-26 s. 688(3)).

[8] *SDAB*s are not in the category of decision-makers that enjoy the jurisdiction to decide constitutional issues. See: *Designation of Constitutional Decision Makers Regulations*, Alta. Reg. 69/2006; ***Kappo v. SDAB (Municipal District of Greenview No. 16)***, 2003 ABCA 146; ***Paul First Nation v. Parkland (County)***, 2006 ABCA 128. Put another way, the *SDAB* had no alternative but to adhere to the Bylaw; it has no power to declare the Bylaw invalid. See: ***Coffman v. Ponoka (County No. 3)*** 1998 ABCA 269; ***Mather v. Gull Lake (Summer Village of)*** 2007 ABCA 123.

[9] That determination, as I see it, is sufficient of itself, to deny the application.

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[10] In my opinion, it would be inappropriate for this Court on this record to pronounce upon the lawfulness of the regulation of planning matters in the vicinity of an airport. In my view, proper adjudication of that issue necessitates a constitutional challenge before the Court of Queen's Bench. That recourse remains open to the applicants and, if pursued, might well warrant review by a panel of this Court on a proper record. I would add only that the two "interested parties" should be advised by counsel of record that should an application be brought in the Court of Queen's Bench, they may wish to seek status as respondents or intervenors as they see fit.

[11] It follows, accordingly, that I need not address the admissibility of certain affidavits which, on reflection, do not at this time impinge on the disposition of the application.

[12] In the result, the application for permission to appeal is denied.

Application heard on September 28, 2016

Reasons filed at Edmonton, Alberta
this 3rd day of November, 2016

Berger J.A.

2016 ABCA 344 (CanLII)

Appearances:

P.J. Major, Q.C.
for the Applicants (Appellants)

J.S. Grundberg
for the Respondent (Respondent) Woodlands County Municipal Planning Commission

K.L. Becker Brookes
for the Respondent (Respondent) Woodlands County S.D.A.B

2016 ABCA 344 (CanLII)

Schedule "B"

Paul First Nation v Parkland (County)

In the Court of Appeal of Alberta

Citation: Paul First Nation v. Parkland (County), 2006 ABCA 128

Date: 20060419
Docket: 0503-0363-AC
Registry: Edmonton

2006 ABCA 128 (CanLII)

Between:

**Chief Daniel Paul, Councillor Casey Bird,
Councillor Calvin Bird, Councillor Simon House,
Councillor Everette House and
Councillor Percival Rain for and on behalf of
the Paul First Nation**

Applicants

- and -

Parkland County and the Subdivision and Development Appeal Board of Parkland County and Her Majesty The Queen in Right of the Province of Alberta

Respondents

**Reasons for Decision of
The Honourable Mr. Justice Keith Ritter**

Application for Leave to Appeal the Decision of the Subdivision and Development Appeal Board of Parkland County dated October 24, 2005
In respect of Permit #05-D-057 and Permit #05-D-058

Reasons for Decision of
The Honourable Mr. Justice Keith Ritter

2006 ABCA 128 (CanLII)

[1] The applicants, Chief Daniel Paul, Councillor Casey Bird, Councillor Calvin Bird, Councillor Simon House, Councillor Everette House, and Councillor Percival Rain for and on behalf of the Paul First Nation ("Paul Band") apply for leave to appeal the decision of the Subdivision and Development Appeal Board of Parkland County ("SDAB") approving the development of a gravel pit by Burnco Rock Products Ltd. ("Burnco"). The Paul Band asks that leave be given with respect to the following three grounds:

(1) Did the SDAB err in law and lose jurisdiction by failing to properly notify the Paul Band prior to the decision to grant Burnco Permit #05-D-057 and Permit #05-D-058 ("Permits")?

(2) Did the SDAB err in law and lose jurisdiction by issuing the Permits to Burnco in the face of uncontradicted evidence that the Crown did not consult with the Paul Band?

(3) Did the SDAB make a patently unreasonable finding of fact or fail to consider relevant factors when it found the Aboriginal and Treaty rights of the Paul Band and its members to practice cultural traditions, or other permitted purposes, should not be infringed by the decision to grant Burnco the Permits?

Background

[2] On October 24, 2005, the SDAB held a public hearing for the purpose of considering two appeals of the Parkland County Development Authority's decision to issue the Permits authorizing Burnco to extract and process gravel from the N½ 22-53-3-W5M and SE 16-53-3 W5M, respectively.

[3] The SDAB sent notice of the appeal hearing to Burnco and adjacent land owners on October 11, 2005 and advertised additional notice of hearing in the local newspaper three days later. These steps comply with the SDAB's statutory obligations for notice of appeals of this nature under s. 686(3) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 ("MGA").

[4] The Paul Band's evidence is that it first learned of the hearing earlier on the day it was held. Dennis Paul appeared at the hearing at the request of the Chief of the Paul Band and made representations on behalf of the Paul Band opposing the issuance of the Permits. Many nearby residents and landowners also opposed the issuance of the Permits. Dennis Paul did not request an adjournment.

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[5] Following the public hearing, the SDAB denied the appeals and issued the Permits, subject to a variance of the conditions previously imposed by the Parkland County Development Authority.

Standard of Review

[6] Leave to appeal a SDAB decision may be granted on questions of law or jurisdiction if they are of sufficient importance to merit further appeal and if the appeal has a reasonable chance of success: MGA, s.688(3), ***Seabolt Watershed Association v. Yellowhead (County)***, 2002 ABCA 124, 303 A.R. 347, at para. 9. If the applicant is unable to establish a reasonable prospect that the decision may be reversed using the least deferential standard of the Pushpanathan analysis (correctness), leave should not be granted: ***R & S Resource Services Ltd. v. Red Deer (County)***, 2004 ABCA 354, 3 M.P.L.R. (4th) 212, para.12.

Analysis

1. Notice

[7] The SDAB complied with the provisions of s 686(3) of the MGA. At the hearing, Dennis Paul did not ask for an adjournment. While there may be cases where it should be obvious that an adjournment should be granted even though it is not requested, this is not one of them. The Paul Band is unable to show anything on the record that should have alerted the SDAB that the Paul Band received inadequate notice of the hearing. However, the Paul Band argues that the SDAB owed it a broader obligation of notice under the Crown's alleged duty to consult with it. Since this issue is intertwined with the issue of the duty to consult with the Paul Band, I will deal with it in conjunction with the next issue.

Duty To Consult

[8] The Paul Band argues that the Crown was required to consult with the Band before issuing the Permits and the SDAB should have ensured that consultation occurred.

[9] The Paul Band is a recognized "First Nation" and is a "Nation" within the meaning of the *Indian Act*, R.S.C. 1985, c.I-5. The Paul Band's members are all "Indians" within the meaning of s 91(24) of the *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c.3, reprinted in R.S.C. 1985, App.II, No.5, and are "Aboriginal Peoples" within the meaning of s.35(1) of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c.11. The Paul Band's reserve is located at the South end of Range Road 33. This road will also serve the proposed development. Members of the Paul Band make extensive use of Range Road 33 and are particularly concerned as to their use of this road for the purpose of a pilgrimage to Lac St. Anne located some distance North of the Paul Band's lands. The Paul Band also use this road to access adjacent lands for hunting and herb gathering. The Paul Band argue that these access rights constitute additional aboriginal rights that are, or may be, affected by the proposed developments.

2006 ABCA 128 (CanLII)

[10] The Paul Band alleges that Burnco consulted all stakeholders excepting the Paul Band for up to three years before the Permits were issued. The Paul Band states that the duty to consult applies to lands for which the Crown has knowledge of the potential existence of their aboriginal rights and where conduct is being contemplated may adversely affect these rights: See ***Haida Nation v British Columbia (Minister of Forests)***, 2004 SCC 73, [2004] 3 S.C.R. 511, at para. 35 ("***Haida***"). The Provincial Crown or its delegate is required to consult a First Nation, both with respect to Aboriginal rights and Treaty rights: ***Haida***. In this case, the Paul Band asserts that both forms of rights should have been the subject of consultation.

[11] It is not clear as to who should have consulted with the Paul Band. Generally the obligation to consult aboriginal bands rests with either the provincial or federal governments or their designates. Under the municipal government scheme in force in Alberta, the designate of the province would seem to be the counsel for the municipal authority. It is not likely that an SDAB is equipped to deal with issues of this nature. In an earlier decision involving the same parties, the SDAB stated that it did not have the ability to consult.

[12] I conclude that there is no duty on the part of the SDAB to consult with the Paul Band, nor need the SDAB ensure that Burnco consult with the Paul Band as there is no obligation on the part of Burnco to consult with it: See *Haida*, para. 52-56. First, a SDAB does not possess the authority to decide constitutional issues. In ***Paul v. British Columbia (Forest Appeals Commission)***, 2003 SCC 55, [2003] 2 S.C.R. 585, the Supreme Court determined that inferior tribunals could decide constitutional issues provided they had the jurisdiction to decide general issues of law. However, SDABs do not have the jurisdiction to decide general issues of law: ***Kappo v. SDAB (Municipal District of Greenview No. 16)***, 2003 ABCA 146, ***sub nom. Sturgeon Lake Cree Nation v. Greenview (Municipal District) No. 16***, 14 Alta. L.R. (4th) 250, leave to appeal to S.C.C. refused (2004), 361 A.R. 200 ("***Kappo***"). Therefore, SDABs are precluded from deciding constitutional issues. The issues presented by the Paul Band are constitutional.

[13] Even if the reasoning in ***Kappo*** is incorrect, recent provincial legislation that is now in force restricts most inferior tribunals from deciding constitutional questions: *Designation of Constitutional Decision Makers Regulation*, Alta. Reg. 69/2006. SDABs are not included in the category of decision makers that enjoy the jurisdiction to decide constitutional issues. Therefore, if this matter was referred back to the SDAB, it could not entertain the issues posed by the Paul Band.

[14] The Paul Band also argues that the Supreme Court's decisions in ***Haida*** **and** ***Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)***, 2005 SCC 69, [2005] 3 S.C.R. 388 support its claim to a right of consultation on the part of the SDAB. However, both cases relate to Crown owned lands on which development was proposed. The reasoning behind each does not lend itself to consideration of developments on privately owned lands. There is no duty of consultation on the Crown or landowners regarding privately owned lands. While the British Columbia Supreme Court determined in ***Hupacasath First Nation v. British Columbia (Minister of Forests)***, [2005]

2006 ABCA 128 (CanLII)

B.C.J. No. 2653, 2005 BCSC 1712 that a duty to consult can arise in some instances involving private lands, any such duty must be restricted to the facts of that case as it involved an operative transfer of the lands into a publically funded government program followed by an attempt to transfer the lands out of that program. The extensive involvement of the government was the primary factor that precipitated the duty to consult in that instance. Here, there is no allegation that government is involved in the proposed Burnco development. Therefore, the duty to consult does not arise.

[15] Having come to this conclusion, it follows that an enhanced right of notice does not exist where aboriginal bands are affected by developments on private lands near their reserves. Therefore, leave on the first two grounds is refused.

Fact Finding Errors

[16] I need not consider whether the alleged errors can be grounds for a leave application as they are premised on the ability of the Paul Band to argue constitutional issues before the SDAB. Having concluded that leave is to be denied on the constitutional issues, the alleged failure of the SDAB to make proper fact findings is rendered moot. Leave to appeal on this ground is also denied.

Conclusion

[17] Leave to appeal on all proposed grounds having been denied this application is dismissed.

Application heard on March 28, 2006

Reasons filed at Edmonton, Alberta
this 19th day of April, 2006

Ritter J.A.

Appearances:

G.T. Laboucan
for the Applicants

T.G. Rothwell and A.L. Edgington
for the Respondent, Her Majesty The Queen In Right of the Province of Alberta

S.C. McNaughton
for the Respondent, Parkland County

A.J. Jordan, Q.C.
for Burnco Rock Products Ltd.

2006 ABCA 128 (CanLII)

Schedule "C"

Kappo v. Subdivision and Development Appeal Board (Municipal District of Greenview No. 16)

Kappo v. Subdivision and Development Appeal Board (Municipal District of Greenview No. 16), 2003 ABCA 146

Date: 20030501
Docket: 0303-0022-AC

2003 ABCA 146 (CanLII)

IN THE COURT OF APPEAL OF ALBERTA

REASONS FOR DECISION OF THE
HONOURABLE MR. JUSTICE RITTER

BETWEEN:

RICHARD KAPPO, COUNCILLOR
OF THE STURGEON LAKE CREE NATION,
on behalf of the STURGEON LAKE CREE NATION

Applicant

- and -

THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
(MUNICIPAL DISTRICT OF GREENVIEW NO. 16) and
THE MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Respondents

Appeal from the Decision of
The Subdivision and Development Appeal Board
(Municipal District of Greenview No. 16)
Dated December 17, 2002

COUNSEL:

J.R.W. Rath
J.P. Tannahill
For the Applicant

S.C. McNaughtan
For the Respondents

2003 ABCA 146 (CanLII)

REASONS FOR DECISION OF THE
HONOURABLE MR. JUSTICE RITTER

2003 ABCA 146 (CanLII)

RITTER J.A.:

[1] The applicant applies for leave to appeal a decision of the Subdivision and Development Appeal Board of the Municipal District of Greenview No. 16 (the "SDAB"), which authorized Kanatic Energy (1995) Ltd. to construct an RV Park on 39.86 hectares of land it owns in the Municipal District. In order to obtain leave, the applicant must show that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success: ***Municipal Government Act***, R.S.A. 2000, c. M-26 (the "MGA"), s. 688(3); ***Seabolt Watershed Assn. v. Yellowhead (County) Subdivision and Development Appeal Board*** (2002), 303 A.R. 347, 29 M.P.L.R. (3d) 197, 2002 ABCA 124 at para. 9.

[2] The issue of law advanced by the applicant is whether the SDAB erred in law when it failed to apply its discretionary authority to determine whether there had been sufficient consultation with the applicant by the planning authority which authorized the development. The argument advanced is that, under s. 35 of the ***Constitution Act, 1982***, being Schedule B to the ***Canada Act 1982*** (U.K.), 1982, c. 11 (the "***Constitution Act***"), the application of the authority granted to the SDAB is to be accomplished subject to consideration of aboriginal rights as interpreted by the courts. These rights are said to require consultation with the applicant prior to the authorization of projects that impact on its treaty rights respecting hunting and fishing. Here, the SDAB declined to consider the existence or adequacy of consultation, which the applicant argues breached its duties under the ***Constitution Act***.

[3] The respondent argues that the SDAB does not have the jurisdiction to interpret and apply constitutional law. Consequently, the issue advanced was never, and could not be, before it. In turn, the respondent submits, there is no issue of law for this court to consider and leave should be refused.

Background

[4] On April 23, 2001, the Municipal District of Greenview No. 16 (the "Municipal District") received an application to amend its Land Use Bylaw to reclassify the NE 1/4 20-70-24-5 (the "Land") from "agricultural" to "rural commercial". On the same date, the Municipal District received a development permit application proposing that the Land be used for an RV Campground.

[5] On May 1, 2001, the Municipal District advised the developer that the Sturgeon Lake Area Structure Plan (the "ASP") would have to be amended in order for the Municipal District to proceed with the application for the re-zoning of the Land under the Land Use Bylaw. This

2003 ABCA 146 (CanLII)

resulted in a request from the agent of the developer that the ASP be amended to include the Land as a development area.

[6] On June 20, 2001, the Municipal District notified the applicant that it had received a request to amend the ASP. The applicant was invited to appoint a member to sit on the committee which was to review the ASP and make recommendations for changes. This invitation did not include any information regarding the underlying reason for reconsidering the ASP. The Municipal District also used local newspaper advertising to seek applicants to this committee.

[7] On July 10, 2002, after holding a public meeting, the council of the Municipal District gave final reading to a Bylaw which amended the ASP and on September 16 and 20, 2002, the Municipal District provided notice to its residents of a public hearing on September 25, 2002 to address the application to amend the Land Use Bylaw in order to re-zone the Lands from agricultural to rural commercial. Following this hearing, the Land Use Bylaw was amended.

[8] On October 9, 2002, the Development Authority of the Municipal District issued a development permit to the developer for the proposed RV Park. Notice of this decision was published in the local newspaper in accordance with the Land Use Bylaw. The applicant then filed an appeal with the respondent, and on December 17, 2002, the SDAB held a hearing to consider the appeal.

[9] At the appeal, the applicant submitted that the Municipal District had failed to meet its obligations to consult with the Sturgeon Lake Cree Nation (the “Band”), as the public processes and notices undertaken by the Municipal District were insufficient to satisfy the constitutional requirements relating to the Band’s aboriginal or treaty rights. However, the SDAB denied the appeal, holding that its jurisdiction was restricted by the provisions of s. 687 of the MGA and that it was unable to deal with the issue raised by the appellant.

Analysis

[10] The applicant argues that s. 35 of the ***Constitution Act*** compelled the SDAB to consider the issue of adequacy of consultation with the Band which the applicant represents. Much of the argument advanced by the applicant related to the geneses of this duty, however I need not restate the history of decisions relating to aboriginal rights for the purposes of this decision, as the respondent does not dispute the existence of a body of law that establishes a requirement of consultation in some circumstances by some government bodies and agencies. Generally, where applicable, the relevant authority is required to consult whenever there has been an aboriginal or treaty right that has been infringed, as part of the process of determining whether the

2003 ABCA 146 (CanLII)

infringement can be justified. This obligation was clearly established by the Supreme Court in ***Delgamuukw v. British Columbia,*** [1997] 3 S.C.R. 1010 at 1113, 153 D.L.R. (4th) 193 at para. 168, where Lamer J., speaking for the majority, stated:

> There is always a duty of consultation. Whether the aboriginal group has been consulted is relevant to determining whether the infringement of aboriginal title is justified, in the same way that the Crown's failure to consult an aboriginal group with respect to the terms by which reserve land is leased may breach its fiduciary duty at common law: ***Guerin*** [***v. Canada***, [1984] 2 S.C.R. 335, 13 D.L.R. (4th) 321]. The nature and scope of the duty of consultation will vary with the circumstances. In occasional cases, when the breach is less serious or relatively minor, it will be no more than a duty to discuss important decisions that will be taken with respect to lands held pursuant to aboriginal title. Of course, even in these rare cases when the minimum acceptable standard is consultation, this consultation must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples whose lands are at issue. In most cases, it will be significantly deeper than mere consultation. Some cases may even require the full consent of an aboriginal nation, particularly when provinces enact hunting and fishing regulations in relation to aboriginal lands.

[11] The respondent argues that a statutorily created administrative body such as the SDAB owes its existence to the statute which created it and acquires whatever jurisdiction it enjoys from that statute. In the case of the SDAB, it owes its existence to the MGA. Section 627 of the MGA requires that all municipalities in Alberta establish a subdivision and development appeal board. Further, council of each municipality must establish procedures and must prescribe the functions and duties of the subdivision and development appeal board for that municipal district.

> Section 687(3) of the MGA provides that, in determining an appeal, the SDAB:
>
> (a) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
>
> (b) must have regard to but is not bound by the subdivision and development regulations;
>
> (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
>
> (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

[12] There is nothing in the MGA which gives the SDAB the power to determine constitutional issues nor is there a general power given to SDABs to determine issues of law. In ***Cuddy Chicks Ltd. v. Ontario (Labour Relations Board)***, [1991] 2 S.C.R. 5, 81 D.L.R. (4th) 121 (***Cuddy Chicks***), the Supreme Court held that an administrative tribunal which has been given power to interpret law holds a concomitant power to determine whether that law is constitutionally valid. Section 52(1) of the ***Constitution Act*** neither specifies which bodies may rule on constitutional issues nor confers jurisdiction on an administrative tribunal. Jurisdiction over the parties, subject matter and remedy sought must be conferred on the administrative body by its enabling legislation.

[13] Here, jurisdiction has been conferred by the enabling legislation over the subject matter and the parties. However, when pressed about remedy, the applicant suggested that, for example, restrictions on use of public land not part of the development could have been made conditions of approval. However, such conditions are not within the jurisdiction of the SDAB, as it has no jurisdiction to confer a remedy that affects the use of land which is not the subject of the appeal. Other suggested remedies included restrictions on the number of hunting and fishing licences. These would involve the SDAB directing departments of government over which the SDAB has no jurisdiction and which were not before the SDAB.

[14] The applicant argues that the decision of the Supreme Court in ***Slaight Communications Inc. v. Davidson***, [1989] 1 S.C.R. 1038, 59 D.L.R. (4th) 416 (***Slaight Communications***) is to be preferred to ***Cuddy Chicks***. However, it is clear that the decision in ***Slaight Communications*** only stands for the principle that where a discretion is granted to a judicial officer or body, the discretion must be exercised in compliance with the Constitution. It does not deal with situations where there is no jurisdiction to deal with any of the subject matter, the parties or the remedy.

[15] For leave to be granted, there must be an arguable error: ***K & C Silviculture Farms (Alberta) Ltd. v. Lacombe (County) Subdivision and Development Appeal Board***, [2001] A.J. No. 717, 2001 ABCA 133; ***Sasorith v. Lindsay,*** [2001] A.J. No. 715, 2001 ABCA 130. An

2003 ABCA 146 (CanLII)

arguable error is not made out where there is binding Supreme Court authority which states that the SDAB did not have jurisdiction to deal with the issue raised by the applicant.

Conclusion

[16] The applicant is not able to meet the requirements for leave. His application is dismissed.

APPLICATION HEARD on APRIL 17th, 2003

DECISION FILED at EDMONTON, Alberta
this 1st day of May, 2003

_____
RITTER J.A.

2003 ABCA 146 (CanLII)

Schedule "D"

Designation of Constitutional Decision Makers Regulation, Alberta Regulation 69/2006

(Consolidated up to 216/2022)

ALBERTA REGULATION 69/2006

Administrative Procedures and Jurisdiction Act

DESIGNATION OF CONSTITUTIONAL DECISION MAKERS REGULATION

Definitions

1 In this Regulation,

(a) "Charter" means the *Canadian Charter of Rights and Freedoms*;

(b) "labour arbitrator" means

(i) an arbitrator or arbitration board referred to in Part 2, Division 14.1 of the *Labour Relations Code*;

(i.1) a voluntary arbitration board appointed under Part 2, Division 15 of the *Labour Relations Code*;

(ii) a compulsory arbitration board appointed under Part 2, Division 16 of the *Labour Relations Code*;

(iii) a public emergency tribunal established under Part 2, Division 18 of the *Labour Relations Code*;

(iv) an arbitrator, arbitration board or other body referred to in Part 2, Division 22 of the *Labour Relations Code*;

(v) a construction industry disputes resolution tribunal under Part 3, Division 6 of the *Labour Relations Code*;

(vi) a compulsory arbitration board established under Part 6 of the *Public Service Employee Relations Act*;

(vii) an arbitrator appointed under Part 7 of the *Public Service Employee Relations Act*,

(viii) an interest arbitration board established under Part 3 of the *Police Officers Collective Bargaining Act*;

(ix) an arbitrator, a grievance arbitration board or other body referred to in Part 4 under the *Police Officers Collective Bargaining Act*;

(c) "Law Society entity" means the Benchers or a panel, committee or subcommittee of the Benchers or any other entity established, by or under the *Legal Profession Act*.

Authorization

2 The decision makers listed in column 1 of the Schedule have jurisdiction to determine the questions of constitutional law set out opposite them in column 2.

Form of notice

3 The notice for the purpose of section 12(1) of the Act is set out in Schedule 2.

4 Repealed AR 245/2017 s3.

Coming into force

5 This Regulation comes into force on the coming into force of section 8 of the *Administrative Procedures Amendment Act, 2005*.

Schedule 1

Column 1	Column 2
Decision Maker	Jurisdiction
Labour Relations Board	all questions of constitutional law
Law Society entity	all questions of constitutional law
a human rights tribunal appointed under the *Alberta Human Rights Act*	questions of constitutional law arising from the federal or provincial distribution of powers under the Constitution of Canada
labour arbitrators	all questions of constitutional law
Workers' Compensation Board	questions of constitutional law arising from the federal or provincial distribution of powers under the Constitution of Canada
Appeals Commission established under the *Workers'*	questions of constitutional law arising from the federal or

Compensation Act	provincial distribution of powers under the Constitution of Canada
Law Enforcement Review Board	questions of constitutional law relating to the Charter
Alberta Securities Commission	questions of constitutional law that relate to the Charter or arising from the federal or provincial distribution of powers under the Constitution of Canada
Alberta Utilities Commission	all questions of constitutional law
Alberta Energy Regulator	all questions of constitutional law

AR 69/2006 Sched.1;254/2007;89/2013;189/2015

Schedule 2

(Administrative Procedures and Jurisdiction Act (section 12))

Notice of Question of Constitutional Law

To: The Minister of Justice of Alberta:

To: The Attorney General of Canada:

AND

To: (decision-maker before which question will be raised)

From: _____

Address: _____

Phone: _____

Lawyer (if any): _____

Date of hearing: _____

I intend to raise the following question(s) of constitutional law. Attached are the details of my argument:

Question(s): _____

I intend to seek the following relief: _____

_____

Estimated time needed to call evidence and make arguments before the decision-maker: _____

Dated: _____

Signed: _____

Details of Argument

Details are to include:

- The grounds to be argued and reasonable particulars of the proposed argument, including a concise statement of the constitutional principles to be argued, references to any statutory provision or rule on which reliance will be placed and any cases or authorities to be relied upon.
- The law in question, the right or freedom alleged to be infringed or denied or the aboriginal or treaty right to be determined, as the case may be.
- The material and documents that will be filed with the decision-maker.
- List of witnesses intended to be called to give evidence before the decision-maker and the substance of their proposed testimony.

AR 69/2006 Sched. 2;170/2012;216/2022

Schedule "E"

Clyde River (Hamlet) v Petroleum Geo-Services Inc.

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Hamlet of Clyde River, Nammautaq Hunters & Trappers Organization — Clyde River and Jerry Natanine *Appellants*

v.

Petroleum Geo-Services Inc. (PGS), Multi Klient Invest As (MKI), TGS-NOPEC Geophysical Company ASA (TGS) and Attorney General of Canada *Respondents*

and

Attorney General of Ontario, Attorney General of Saskatchewan, Nunavut Tunngavik Incorporated, Makivik Corporation, Nunavut Wildlife Management Board, Inuvialuit Regional Corporation and Chiefs of Ontario *Interveners*

Hameau de Clyde River, Nammautaq Hunters & Trappers Organization — Clyde River et Jerry Natanine *Appelants*

c.

Petroleum Geo-Services Inc. (PGS), Multi Klient Invest As (MKI), TGS-NOPEC Geophysical Company ASA (TGS) et procureure générale du Canada *Intimées*

et

Procureur général de l'Ontario, procureur général de la Saskatchewan, Nunavut Tunngavik Incorporated, Makivik Corporation, Conseil de gestion des ressources fauniques du Nunavut, Inuvialuit Regional Corporation et Chiefs of Ontario *Intervenants*

Indexed as: Clyde River (Hamlet) *v.* Petroleum Geo-Services Inc.

2017 SCC 40

File No.: 36692.

2016: November 30; 2017: July 26.*

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

Répertorié : Clyde River (Hameau) *c.* Petroleum Geo-Services Inc.

2017 CSC 40

N° du greffe : 36692.

2016 : 30 novembre; 2017 : 26 juillet*.

Présents : La juge en chef McLachlin et les juges Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown et Rowe.

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Constitutional law — Inuit — Treaty rights — Crown — Duty to consult — Decision by federal independent regulatory agency which could impact upon treaty rights — Offshore seismic testing for oil and gas resources potentially affecting Inuit treaty rights — National Energy Board authorizing project — Whether Board's approval process triggered Crown's duty to consult — Whether

EN APPEL DE LA COUR D'APPEL FÉDÉRALE

Droit constitutionnel — Inuits — Droits issus de traités — Couronne — Obligation de consultation — Décision d'un organisme de réglementation fédéral indépendant qui pourrait avoir une incidence sur des droits issus de traités — Essais sismiques extracôtiers liés aux ressources pétrolières et gazières et susceptibles d'avoir une incidence sur des droits issus de traités des Inuits —

* This judgment was amended on October 30, 2017, by adding the footnotes that now appear at paras. 31 and 47 of the English and French versions of the reasons.

* Ce jugement a été modifié le 30 octobre 2017, par adjonction des notes en bas de page qui figurent maintenant aux par. 31 et 47 des versions anglaise et française des motifs.

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Exhibit 14

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Crown can rely on Board's process to fulfill its duty — Role of Board in considering Crown consultation before approval of project — Whether consultation was adequate in this case — Canada Oil and Gas Operations Act, R.S.C. 1985, c. O-7, s. 5(1)(b).

The National Energy Board (NEB), a federal administrative tribunal and regulatory agency, is the final decision maker for issuing authorizations for activities such as exploration and drilling for the production of oil and gas in certain designated areas. The proponents applied to the NEB to conduct offshore seismic testing for oil and gas in Nunavut. The proposed testing could negatively affect the treaty rights of the Inuit of Clyde River, who opposed the seismic testing, alleging that the duty to consult had not been fulfilled in relation to it. The NEB granted the requested authorization. It concluded that the proponents made sufficient efforts to consult with Aboriginal groups and that Aboriginal groups had an adequate opportunity to participate in the NEB's process. The NEB also concluded that the testing was unlikely to cause significant adverse environmental effects. Clyde River applied for judicial review of the NEB's decision. The Federal Court of Appeal found that while the duty to consult had been triggered, the Crown was entitled to rely on the NEB to undertake such consultation, and the Crown's duty to consult had been satisfied in this case by the NEB's process.

Held: The appeal should be allowed and the NEB's authorization quashed.

The NEB's approval process, in this case, triggered the duty to consult. Crown conduct which would trigger the duty to consult is not restricted to the exercise by or on behalf of the Crown of statutory powers or of the royal prerogative, nor is it limited to decisions that have an immediate impact on lands and resources. The NEB is not, strictly speaking, "the Crown" or an agent of the Crown. However, it acts on behalf of the Crown when making a final decision on a project application. In this context, the NEB is the vehicle through which the Crown acts. It therefore does not matter whether the final decision maker is Cabinet or the NEB. In either case, the decision constitutes Crown action that may trigger the duty to consult.

Projet autorisé par l'Office national de l'énergie — Le processus d'approbation de l'Office a-t-il donné naissance à l'obligation de consulter de la Couronne? — La Couronne peut-elle s'en remettre au processus de l'Office pour satisfaire à son obligation? — Rôle de l'Office dans l'appréciation de la consultation incombant à la Couronne avant l'approbation d'un projet — La consultation a-t-elle été adéquate en l'espèce? — Loi sur les opérations pétrolières au Canada, L.R.C. 1985, c. O-7, art. 5(1)b).

L'Office national de l'énergie (ONÉ), tribunal administratif fédéral et organisme de réglementation, prend en dernier ressort la décision d'autoriser ou non des activités telles la recherche et l'exploitation des ressources pétrolières et gazières dans certains endroits désignés. Les promoteurs ont demandé à l'ONÉ l'autorisation de mener des essais sismiques extracôtiers liés aux ressources pétrolières et gazières au Nunavut. Les essais proposés pourraient avoir des incidences négatives sur les droits issus de traités des Inuits de Clyde River, qui se sont opposés aux essais sismiques, affirmant qu'il n'avait pas été satisfait à l'obligation de consultation en ce qui a trait à ces essais. L'ONÉ a accordé l'autorisation demandée. Il a conclu que les promoteurs avaient déployé suffisamment d'efforts pour consulter les groupes autochtones et que ces groupes avaient eu une possibilité adéquate de participer au processus d'évaluation environnementale de l'ONÉ. L'ONÉ a également conclu que les essais n'étaient pas susceptibles de causer des effets environnementaux négatifs et importants. Clyde River a demandé le contrôle judiciaire de la décision de l'ONÉ. La Cour d'appel fédérale a jugé que l'obligation de consulter avait pris naissance, mais que la Couronne pouvait s'en remettre à l'ONÉ pour que celui-ci procède à la consultation, et que le processus de l'ONÉ avait permis de satisfaire à l'obligation de consulter de la Couronne en l'espèce.

Arrêt : Le pourvoi est accueilli et l'autorisation de l'ONÉ est annulée.

Dans la présente affaire, le processus d'approbation de l'ONÉ a donné naissance à l'obligation de consulter. Les mesures de la Couronne susceptibles de donner naissance à l'obligation de consulter ne se limitent pas à l'exercice, par la Couronne ou en son nom, de la prérogative royale ou de pouvoirs conférés par la loi, et ne se limitent pas non plus aux décisions qui ont une incidence immédiate sur les terres et les ressources. L'ONÉ n'est pas, à proprement parler, « la Couronne » ou un mandataire de la Couronne. Cependant, il agit pour le compte de la Couronne lorsqu'il prend une décision définitive à l'égard d'une demande de projet. Dans ce contexte, l'ONÉ est le moyen par lequel la Couronne agit. Par conséquent, il importe

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The substance of the duty does not change when a regulatory agency holds final decision-making authority.

It is open to legislatures to empower regulatory bodies to play a role in fulfilling the Crown's duty to consult. While the Crown always holds ultimate responsibility for ensuring consultation is adequate, it may rely on steps undertaken by a regulatory agency to fulfill its duty to consult. Where the regulatory process being relied upon does not achieve adequate consultation or accommodation, the Crown must take further measures. Also, where the Crown relies on the processes of a regulatory body to fulfill its duty in whole or in part, it should be made clear to affected Indigenous groups that the Crown is so relying. The NEB has the procedural powers necessary to implement consultation, and the remedial powers to, where necessary, accommodate affected Aboriginal claims, or Aboriginal and treaty rights. Its process can therefore be relied on by the Crown to completely or partially fulfill the Crown's duty to consult.

The NEB has broad powers to hear and determine all relevant matters of fact and law, and its decisions must conform to s. 35(1) the *Constitution Act, 1982*. It follows that the NEB can determine whether the Crown's duty has been fulfilled. The public interest and the duty to consult do not operate in conflict here. The duty to consult, being a constitutional imperative, gives rise to a special public interest that supersedes other concerns typically considered by tribunals tasked with assessing the public interest. A project authorization that breaches the constitutionally protected rights of Indigenous peoples cannot serve the public interest. When affected Indigenous groups have squarely raised concerns about Crown consultation with the NEB, the NEB must usually address those concerns in reasons. The degree of consideration that is appropriate will depend on the circumstances of each case. Above all, any decision affecting Aboriginal or treaty rights made on the basis of inadequate consultation will not be in compliance with the duty to consult. Where the Crown's duty to consult remains unfulfilled, the NEB must withhold project

peu que le décideur ultime soit le Cabinet ou l'ONÉ. Dans les deux cas, la décision constitue une mesure de la Couronne qui peut donner naissance à l'obligation de consulter. La substance de cette obligation ne change pas lorsqu'un organisme de réglementation détient le pouvoir de prendre la décision définitive.

Il est loisible aux législateurs d'habiliter des organismes de réglementation à contribuer à la réalisation de l'obligation de consulter de la Couronne. Bien que ce soit toujours à la Couronne qu'incombe la responsabilité ultime de veiller au caractère adéquat de la consultation, elle peut s'en remettre aux mesures prises par un organisme de réglementation pour satisfaire à son obligation de consulter. Lorsque le processus réglementaire auquel s'en remet la Couronne ne lui permet pas de satisfaire adéquatement à son obligation de consulter ou d'accommoder, elle doit prendre des mesures supplémentaires pour ce faire. De plus, lorsque la Couronne s'en remet aux processus d'un organisme de réglementation pour satisfaire en tout ou en partie à son obligation, il doit être clairement indiqué aux groupes autochtones touchés que la Couronne s'en remet à un tel processus. L'ONÉ dispose des pouvoirs procéduraux nécessaires pour mener des consultations, ainsi que des pouvoirs de réparation lui permettant de prendre, au besoin, des mesures d'accommodement à l'égard des revendications autochtones ou des droits ancestraux ou issus de traités touchés. La Couronne peut donc s'en remettre au processus de l'ONÉ pour satisfaire, en tout ou en partie, à l'obligation de consulter qui lui incombe.

L'ONÉ dispose de vastes pouvoirs l'autorisant à entendre et à trancher toute question pertinente de droit et de fait, et ses décisions doivent respecter le par. 35(1) de la *Loi constitutionnelle de 1982*. Par conséquent, l'ONÉ peut décider s'il a été satisfait à l'obligation de consulter de la Couronne. L'intérêt public et l'obligation de consulter ne sont pas incompatibles en l'espèce. En tant qu'impératif constitutionnel, l'obligation de consulter fait naître un intérêt public spécial, qui l'emporte sur les autres préoccupations dont tiennent habituellement compte les tribunaux administratifs appelés à évaluer l'intérêt public. Lorsque l'autorisation accordée à l'égard d'un projet viole les droits constitutionnels des peuples autochtones, cette autorisation ne saurait servir l'intérêt public. Lorsque les groupes autochtones touchés soulèvent directement auprès de l'ONÉ des préoccupations concernant la consultation qui a été menée par la Couronne, l'ONÉ doit habituellement traiter de ces préoccupations dans des motifs. L'étendue de l'analyse qui conviendra variera selon les circonstances propres à chaque cas. Par-dessus tout, toute décision touchant des droits ancestraux ou issus

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approval. Where the NEB fails to do so, its approval decision should be quashed on judicial review.

While the Crown may rely on the NEB's process to fulfill its duty to consult, the consultation and accommodation efforts in this case were inadequate and fell short in several respects. First, the inquiry was misdirected. The consultative inquiry is not properly into environmental effects *per se*. Rather, it inquires into the impact on the right itself. No consideration was given in the NEB's environmental assessment to the source of the Inuit's treaty rights, nor to the impact of the proposed testing on those rights. Second, although the Crown relies on the processes of the NEB as fulfilling its duty to consult, that was not made clear to the Inuit. Finally, and most importantly, the process provided by the NEB did not fulfill the Crown's duty to conduct the deep consultation that was required here. Limited opportunities for participation and consultation were made available. There were no oral hearings and there was no participant funding. While these procedural safeguards are not always necessary, their absence in this case significantly impaired the quality of consultation. As well, the proponents eventually responded to questions raised during the environmental assessment process in the form of a practically inaccessible document months after the questions were asked. There was no mutual understanding on the core issues — the potential impact on treaty rights, and possible accommodations. As well, the changes made to the project as a result of consultation were insignificant concessions in light of the potential impairment of the Inuit's treaty rights. Therefore, the Crown breached its duty to consult in respect of the proposed testing.

Cases Cited

Applied: *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650; **distinguished:** *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74, [2004] 3 S.C.R. 550; **referred to:** *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41, [2017] 1 S.C.R. 1099; *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511; *R.*

de traités prise sur la base d'une consultation inadéquate ne respectera pas l'obligation de consulter. Lorsque la Couronne n'a pas satisfait à son obligation de consulter, l'ONÉ doit refuser d'approuver le projet. S'il l'approuve, sa décision devrait être annulée à l'issue d'un contrôle judiciaire.

Bien que la Couronne puisse s'en remettre au processus mené par l'ONÉ pour satisfaire à son obligation de consulter, les efforts de consultation et d'accommodement déployés dans le présent cas ont été inadéquats et lacunaires à plusieurs égards. Premièrement, la consultation était mal orientée. Le processus consultatif ne vise pas vraiment les effets environnementaux en tant que tels, mais plutôt les effets sur le droit lui-même. Dans son évaluation environnementale, l'ONÉ n'a pas pris en considération la source des droits issus de traités des Inuits, ni l'incidence des essais proposés sur ces droits. Deuxièmement, il n'a pas été indiqué clairement aux Inuits que la Couronne s'en remettait aux processus de l'ONÉ pour satisfaire à son obligation de consulter. Enfin, élément le plus important, le processus de l'ONÉ n'a pas permis de satisfaire à l'obligation de la Couronne de mener la consultation approfondie qui était requise dans la présente affaire. Très peu de possibilités de participation et de consultation ont étés offertes. Il n'y a pas eu d'audiences en l'espèce ni d'aide financière à l'intention des participants. Bien que ces garanties procédurales ne soient pas toujours nécessaires, leur absence dans la présente instance a réduit de façon importante la qualité de la consultation. De plus, les promoteurs ont finalement répondu aux questions soulevées durant le processus d'évaluation environnementale, mais au moyen d'un document pratiquement inaccessible, et ce, des mois après que les questions aient été posées. Il n'existait aucune compréhension mutuelle sur les points fondamentaux — à savoir les effets potentiels sur les droits issus de traités et les possibles accommodements. En outre, les changements apportés au projet par suite de la consultation ne représentaient que des concessions négligeables au regard de l'atteinte potentielle aux droits issus de traités des Inuits. En conséquence, la Couronne a manqué à son obligation de consulter en ce qui concerne les essais proposés.

Jurisprudence

Arrêt appliqué : *Rio Tinto Alcan Inc. c. Conseil tribal Carrier Sekani*, 2010 CSC 43, [2010] 2 R.C.S. 650; **distinction d'avec l'arrêt :** *Première nation Tlingit de Taku River c. Colombie-Britannique (Directeur d'évaluation de projet)*, 2004 CSC 74, [2004] 3 R.C.S. 550; **arrêts mentionnés :** *Chippewas of the Thames First Nation c. Pipelines Enbridge inc.*, 2017 CSC 41, [2017] 1 R.C.S. 1099; *Nation haïda c. Colombie-Britannique (Ministre des*

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v. Kapp, 2008 SCC 41, [2008] 2 S.C.R. 483; *Ross River Dena Council v. Yukon*, 2012 YKCA 14, 358 D.L.R. (4th) 100; *Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53, [2010] 3 S.C.R. 103; *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2015 FCA 222, [2016] 3 F.C.R. 96; *McAteer v. Canada (Attorney General)*, 2014 ONCA 578, 121 O.R. (3d) 1; *Town Investments Ltd. v. Department of the Environment*, [1978] A.C. 359; *R. v. Conway*, 2010 SCC 22, [2010] 1 S.C.R. 765; *Quebec (Attorney General) v. Canada (National Energy Board)*, [1994] 1 S.C.R. 159; *Standing Buffalo Dakota First Nation v. Enbridge Pipelines Inc.*, 2009 FCA 308, [2010] 4 F.C.R. 500; *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257; *Kainaiwa/Blood Tribe v. Alberta (Energy)*, 2017 ABQB 107; *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817; *Qikiqtani Inuit Assn. v. Canada (Minister of Natural Resources)*, 2010 NUCJ 12, 54 C.E.L.R. (3d) 263.

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Nader R. Hasan, *Justin Safayeni* and *Pam Hrick*, for the appellants.

Sandy Carpenter and *Ian Breneman*, for the respondents Petroleum Geo-Services Inc. (PGS), Multi Klient Invest As (MKI) and TGS-NOPEC Geophysical Company ASA (TGS).

Mark R. Kindrachuk, *Q.C.*, and *Peter Southey*, for the respondent the Attorney General of Canada.

Manizeh Fancy and *Richard Ogden*, for the intervener the Attorney General of Ontario.

Richard James Fyfe, for the intervener the Attorney General of Saskatchewan.

Dominique Nouvet, *Marie Belleau* and *Sonya Morgan*, for the intervener Nunavut Tunngavik Incorporated.

Written submissions only by *David Schulze* and *Nicholas Dodd*, for the intervener the Makivik Corporation.

Marie-France Major and *Thomas Slade*, for the intervener the Nunavut Wildlife Management Board.

Kate Darling, *Lorraine Land*, *Matt McPherson* and *Krista Nerland*, for the intervener the Inuvialuit Regional Corporation.

Isaac, Thomas, and Anthony Knox. « The Crown's Duty to Consult Aboriginal People » (2003), 41 *Alta. L. Rev.* 49.

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Nader R. Hasan, *Justin Safayeni* et *Pam Hrick*, pour les appelants.

Sandy Carpenter et *Ian Breneman*, pour les intimées Petroleum Geo-Services Inc. (PGS), Multi Klient Invest As (MKI) et TGS-NOPEC Geophysical Company ASA (TGS).

Mark R. Kindrachuk, *c.r.*, et *Peter Southey*, pour l'intimée la procureure générale du Canada.

Manizeh Fancy et *Richard Ogden*, pour l'intervenant le procureur général de l'Ontario.

Richard James Fyfe, pour l'intervenant le procureur général de la Saskatchewan.

Dominique Nouvet, *Marie Belleau* et *Sonya Morgan*, pour l'intervenante Nunavut Tunngavik Incorporated.

Argumentation écrite seulement par *David Schulze* et *Nicholas Dodd*, pour l'intervenante Makivik Corporation.

Marie-France Major et *Thomas Slade*, pour l'intervenant le Conseil de gestion des ressources fauniques du Nunavut.

Kate Darling, *Lorraine Land*, *Matt McPherson* et *Krista Nerland*, pour l'intervenante Inuvialuit Regional Corporation.

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Maxime Faille, *Jaimie Lickers* and *Guy Régimbald*, for the intervener the Chiefs of Ontario.

The judgment of the Court was delivered by

KARAKATSANIS AND BROWN JJ. —

I. Introduction

[1] This Court has on several occasions affirmed the role of the duty to consult in fostering reconciliation between Canada's Indigenous peoples and the Crown. In this appeal, and its companion *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41, [2017] 1 S.C.R. 1099, we consider the Crown's duty to consult with Indigenous peoples before an independent regulatory agency authorizes a project which could impact upon their rights. The Court's jurisprudence shows that the substance of the duty does not change when a regulatory agency holds final decision-making authority in respect of a project. While the Crown always owes the duty to consult, regulatory processes can partially or completely fulfill this duty.

[2] The Hamlet of Clyde River lies on the northeast coast of Baffin Island, in Nunavut. The community is situated on a flood plain between Patricia Bay and the Arctic Cordillera. Most residents of Clyde River are Inuit, who rely on marine mammals for food and for their economic, cultural, and spiritual well-being. They have harvested marine mammals for generations. The bowhead whale, the narwhal, the ringed, bearded, and harp seals, and the polar bear are of particular importance to them. Under the *Nunavut Land Claims Agreement* (1993), the Inuit of Clyde River ceded all Aboriginal claims, rights, title, and interests in the Nunavut Settlement Area, including Clyde River, in exchange for defined treaty rights, including the right to harvest marine mammals.

Maxime Faille, *Jaimie Lickers* et *Guy Régimbald*, pour l'intervenant Chiefs of Ontario.

Version française du jugement de la Cour rendu par

LES JUGES KARAKATSANIS ET BROWN —

I. Introduction

[1] À plusieurs reprises, la Cour a confirmé la place que tient l'obligation de consultation de la Couronne lorsqu'il s'agit de favoriser la réconciliation entre les peuples autochtones du Canada et la Couronne. Dans le présent pourvoi, ainsi que dans le pourvoi connexe *Chippewas of the Thames First Nation c. Pipelines Enbridge inc.*, 2017 SCC 41, [2017] 1 R.C.S. 1099, nous examinons l'obligation de la Couronne de consulter les peuples autochtones avant qu'un organisme de réglementation indépendant n'autorise un projet susceptible d'avoir des incidences sur leurs droits. Selon la jurisprudence de notre Cour, la substance de cette obligation ne change pas lorsqu'un organisme de réglementation détient le pouvoir de prendre la décision définitive à l'égard d'un projet. Bien que la Couronne soit toujours tenue de consulter, elle peut satisfaire partiellement ou totalement à cette obligation dans le cadre du processus de réglementation.

[2] Le hameau de Clyde River est situé sur la côte nord-est de l'île de Baffin, au Nunavut. La communauté se trouve dans une plaine inondable entre la Baie Patricia et la cordillère arctique. La plupart des résidents sont des Inuits et ils comptent sur les mammifères marins pour se nourrir et assurer leur bien-être économique, culturel et spirituel. Ils récoltent les mammifères marins depuis des générations. Ils accordent une importance particulière à la baleine boréale, au narval, au phoque annelé, au phoque barbu, au phoque du Groenland et à l'ours polaire. Aux termes de l'*Accord sur les revendications territoriales du Nunavut* (1993), les Inuits de Clyde River ont cédé l'ensemble de leurs revendications, droits, titres et intérêts ancestraux dans la région du Nunavut, qui comprend Clyde River, contre des droits définis par traité, notamment le droit de récolter des mammifères marins.

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[3] In 2011, the respondents TGS-NOPEC Geophysical Company ASA, Multi Klient Invest As and Petroleum Geo-Services Inc. (the proponents) applied to the National Energy Board (NEB) to conduct offshore seismic testing for oil and gas resources. It is undisputed that this testing could negatively affect the harvesting rights of the Inuit of Clyde River. After a period of consultation among the project proponents, the NEB, and affected Inuit communities, the NEB granted the requested authorization.

[4] While the Crown may rely on the NEB's process to fulfill its duty to consult, considering the importance of the established treaty rights at stake and the potential impact of the seismic testing on those rights, we agree with the appellants that the consultation and accommodation efforts in this case were inadequate. For the reasons set out below, we would therefore allow the appeal and quash the NEB's authorization.

II. Background

A. *Legislative Framework*

[5] The *Canada Oil and Gas Operations Act*, R.S.C. 1985, c. O-7 (*COGOA*), aims, in part, to promote responsible exploration for and exploitation of oil and gas resources (s. 2.1). It applies to exploration and drilling for the production, conservation, processing, and transportation of oil and gas in certain designated areas, including Nunavut (s. 3). Engaging in such activities is prohibited without an operating licence under s. 5(1)(a) or an authorization under s. 5(1)(b).

[6] The NEB is a federal administrative tribunal and regulatory agency established by the *National Energy Board Act*, R.S.C. 1985, c. N-7 (*NEB Act*). In this case, it is the final decision maker for issuing an authorization under s. 5(1)(b) of *COGOA*. The NEB has broad discretion to impose requirements for authorization under s. 5(4), and can ask parties to

[3] En 2011, les intimées TGS-NOPEC Geophysical Company ASA, Multi Klient Invest As et Petroleum Geo-Services Inc. (les promoteurs) ont demandé à l'Office national de l'énergie (ONÉ) l'autorisation de mener des essais sismiques extracôtiers liés aux ressources pétrolières et gazières. Nul ne conteste que ces essais pourraient avoir des incidences négatives sur les droits de récolte des Inuits de Clyde River. Après une période de consultation entre les promoteurs du projet, l'ONÉ et les communautés inuites touchées, l'ONÉ a accordé l'autorisation demandée.

[4] Bien que la Couronne puisse s'en remettre au processus mené par l'ONÉ pour satisfaire à son obligation de consulter, vu l'importance des droits issus de traités reconnus en jeu et l'incidence que les essais sismiques pourraient avoir sur ces droits, à l'instar des appelants nous estimons que les efforts de consultation et d'accommodement en l'espèce ont été inadéquats. Pour les motifs qui suivent, nous sommes donc d'avis d'accueillir le pourvoi et d'annuler l'autorisation de l'ONÉ.

II. Contexte

A. *Cadre législatif*

[5] La *Loi sur les opérations pétrolières au Canada*, L.R.C. 1985, c. O-7 (*LOPC*), vise en partie à promouvoir la recherche et l'exploitation responsables des ressources pétrolières et gazières (art. 2.1). Elle s'applique à la recherche, notamment par forage, à la production, à la rationalisation de l'exploitation, à la transformation et au transport du pétrole et du gaz dans certains endroits désignés, notamment au Nunavut (art. 3). Il est interdit de se livrer à de telles activités sans avoir obtenu le permis de travaux prévu à l'al. 5(1)a) ou l'autorisation prévue à l'al. 5(1)b).

[6] L'ONÉ est un tribunal administratif fédéral et un organisme de réglementation établi par la *Loi sur l'Office national de l'énergie*, L.R.C. 1985, c. N-7 (*Loi sur l'ONÉ*). En l'espèce, c'est lui qui prend en dernier ressort la décision d'accorder ou non l'autorisation prévue à l'al. 5(1)b) de la *LOPC*. L'ONÉ est investi d'un large pouvoir discrétionnaire

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provide any information it deems necessary to comply with its statutory mandate (s. 5.31).

B. *The Seismic Testing Authorization*

[7] In May 2011, the proponents applied to the NEB for an authorization under s. 5(1)(b) of *COGOA* to conduct seismic testing in Baffin Bay and Davis Strait, adjacent to the area where the Inuit have treaty rights to harvest marine mammals. The proposed testing contemplated towing airguns by ship through a project area. These airguns produce underwater sound waves, which are intended to find and measure underwater geological resources such as petroleum. The testing was to run from July through November, for five successive years.

[8] The NEB launched an environmental assessment of the project.[1]

[9] Clyde River opposed the seismic testing, and filed a petition against it with the NEB in May 2011. In 2012, the proponents responded to requests for further information from the NEB. They held meetings in communities that would be affected by the testing, including Clyde River.

[10] In April and May 2013, the NEB held meetings in Pond Inlet, Clyde River, Qikiqtarjuaq, and Iqaluit to collect comments from the public on the project. Representatives of the proponents attended these meetings. Community members asked basic questions about the effects of the survey on marine mammals in the region, but the proponents were unable to answer many of them. For example, in

[1] This assessment was initially required under the *Canadian Environmental Assessment Act*, S.C. 1992, c. 37. Since its repeal and replacement by the *Canadian Environmental Assessment Act, 2012*, S.C. 2012, c. 19, s. 52, the NEB has continued to conduct environmental assessments in relation to proposed projects, taking the position that it is still empowered to do so under *COGOA*.

qui l'habilite à assortir de conditions, en vertu du par. 5(4), les autorisations qu'il délivre, et il peut demander aux parties tout renseignement qu'il juge nécessaire pour s'acquitter du mandat que lui confère la loi (art. 5.31).

B. *L'autorisation relative aux essais sismiques*

[7] En mai 2011, les promoteurs ont demandé à l'ONÉ, aux termes de l'al. 5(1)b) de la *LOPC*, l'autorisation d'effectuer des essais sismiques dans la baie de Baffin et le détroit de Davis, lieux adjacents à la région où les Inuits peuvent, conformément à des droits issus de traités, récolter des mammifères marins. Les essais proposés prévoyaient que des canons à air seraient remorqués par navire à travers une région visée par le projet. Ces canons produisent des ondes sonores sous-marines qui permettent de trouver et de mesurer les ressources géologiques sous-marines tel le pétrole. Les essais devaient avoir lieu de juillet à novembre, pendant cinq années consécutives.

[8] L'ONÉ a procédé à une évaluation environnementale du projet[1].

[9] Clyde River s'est opposé aux essais sismiques et a présenté à l'ONÉ une pétition à l'encontre de ces essais en mai 2011. En 2012, les promoteurs ont répondu à des demandes de renseignements supplémentaires de l'ONÉ. Ils ont tenu des assemblées dans des communautés qui seraient touchées par les essais, notamment à Clyde River.

[10] En avril et en mai 2013, l'ONÉ a tenu des assemblées dans les hameaux de Pond Inlet, Clyde River, Qikiqtarjuaq et Iqaluit afin de recueillir les commentaires des membres du public concernant le projet. Des représentants des promoteurs ont assisté à ces assemblées. Les membres des communautés ont posé des questions de base au sujet de l'effet des essais sur les mammifères marins de la région, mais

[1] Cette évaluation était initialement exigée par la *Loi canadienne sur l'évaluation environnementale*, L.C. 1992, c. 37. Depuis l'abrogation de cette loi et son remplacement par la *Loi canadienne sur l'évaluation environnementale (2012)*, L.C. 2012, c. 19, art. 52, l'ONÉ continue de mener des évaluations environnementales relativement aux projets proposés, considérant qu'il possède toujours le pouvoir de le faire en vertu de la *LOPC*.

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Exhibit 14

Pond Inlet, a community member asked the proponents which marine mammals would be affected by the survey. The proponents answered: "That's a very difficult question to answer because we're not the core experts" (A.R., vol. III, at p. 541). Similarly, in Clyde River, a community member asked how the testing would affect marine mammals. The proponents answered:

> . . . a lot of work has been done with seismic surveys in other places and a lot of that information is used in doing the environmental assessment, the document that has been submitted by the companies to the National Energy Board for the approval process. It has a section on, you know, marine mammals and the effects on marine mammals.

(A.R., vol. III, at p. 651)

[11] These are but two examples of multiple instances of the proponents' failure to offer substantive answers to basic questions about the impacts of the proposed seismic testing. That failure led the NEB, in May 2013, to suspend its assessment. In August 2013, the proponents filed a 3,926-page document with the NEB, purporting to answer those questions. This document was posted on the NEB website and delivered to the hamlet offices. The vast majority of this document was not translated into Inuktitut. No further efforts were made to determine whether this document was accessible to the communities, and whether their questions were answered. After this document was filed, the NEB resumed its assessment.

[12] Throughout the environmental assessment process, Clyde River and various Inuit organizations filed letters of comment with the NEB, noting the inadequacy of consultation and expressing concerns about the testing.

les promoteurs n'ont pas été en mesure de répondre à bon nombre de celles-ci. Par exemple, à Pond Inlet, un membre de la communauté a demandé aux promoteurs quels mammifères marins seraient touchés par les essais. Ceux-ci ont donné la réponse suivante : [TRADUCTION] « Il est très difficile de répondre à cette question parce que nous ne sommes pas des experts à ce sujet » (d.a., vol. III, p. 541). De même, à Clyde River, un membre de la communauté voulait savoir quel serait l'effet des essais sur les mammifères marins. Les promoteurs ont répondu ce qui suit :

> [TRADUCTION] . . . il y a eu beaucoup de travaux en matière d'essais sismiques à d'autres endroits, et une grande partie de cette information est utilisée dans la réalisation de l'évaluation environnementale, le document qui a été soumis à l'Office national de l'énergie par les entreprises pour les besoins du processus d'approbation. Il comporte une section sur, vous savez, les mammifères marins et les effets sur ceux-ci.

(d.a., vol. III, p. 651)

[11] Ce ne sont là que deux exemples des nombreux cas où les promoteurs n'ont pas su donner de réponses concrètes à des questions de base au sujet des répercussions des essais sismiques proposés. C'est ce qui a amené l'ONÉ à suspendre son évaluation en mai 2013. En août 2013, les promoteurs ont déposé auprès de l'ONÉ un document de 3 926 pages censé répondre à ces questions. Ce document a été affiché sur le site Web de l'ONÉ et envoyé aux bureaux des hameaux. La majeure partie de ce document n'a pas été traduite en inuktitut. Aucun effort additionnel n'a été déployé pour vérifier si les communautés avaient accès à ce document, et si elles avaient obtenu des réponses à leurs questions. Après le dépôt du document, l'ONÉ a repris son évaluation.

[12] Tout au long du processus d'évaluation environnementale, Clyde River et diverses organisations inuites ont déposé auprès de l'ONÉ des lettres de commentaires dans lesquelles ils affirmaient que la consultation était inadéquate et ils exprimaient leurs inquiétudes au sujet des essais.

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[13] In April 2014, organizations representing the appellants and Inuit in other communities wrote to the Minister of Aboriginal Affairs and Northern Development and to the NEB, stating their view that the duty to consult had not been fulfilled in relation to the testing. This could be remedied, they said, by completing a strategic environmental assessment[2] before authorizing any seismic testing. In May, the Nunavut Marine Council also wrote to the NEB, with a copy to the Minister, asking that any regulatory decisions affecting the Nunavut Settlement Area's marine environment be postponed until completion of the strategic environmental assessment. This assessment was necessary, in the Council's view, to understand the baseline conditions in the marine environment and to ensure that seismic tests are properly regulated.

[14] In June 2014, the Minister responded to both letters, "disagree[ing] with the view that seismic exploration of the region should be put on hold until the completion of a strategic environmental assessment" (A.R., vol. IV, at p. 967). A Geophysical Operations Authorization letter from the NEB soon followed, advising that the environmental assessment report was completed and that the authorization had been granted.

[15] In its environmental assessment report, the NEB discussed consultation with, and the participation of, Aboriginal groups in the NEB process. It concluded that the proponents "made sufficient efforts to consult with potentially-impacted Aboriginal groups and to address concerns raised" and that

[13] En avril 2014, des organisations représentant les appelants et des Inuits d'autres communautés ont écrit au ministre des Affaires autochtones et du Nord et à l'ONÉ, affirmant qu'à leur avis il n'avait pas été satisfait à l'obligation de consultation en ce qui a trait aux essais. Selon ces organisations, il était possible de remédier à cette situation en réalisant une évaluation environnementale stratégique[2] avant que des essais sismiques ne soient autorisés. En mai, le Conseil du milieu marin du Nunavut a lui aussi écrit à l'ONÉ, avec copie au ministre, et demandé que toute décision réglementaire touchant le milieu marin de la région du Nunavut soit reportée jusqu'à ce que l'évaluation environnementale stratégique soit terminée. De l'avis du Conseil, cette évaluation était nécessaire pour que l'on comprenne les conditions de référence du milieu marin et pour veiller à ce que les essais sismiques soient adéquatement réglementés.

[14] En juin 2014, le ministre a répondu à ces deux lettres, exprimant son [TRADUCTION] « désaccord avec l'idée de suspendre l'exploration sismique de la région jusqu'à ce que l'évaluation environnementale stratégique soit terminée » (d.a., vol. IV, p. 967). Peu de temps après, une lettre émanant de l'ONÉ qui accordait l'autorisation de mener des travaux géophysiques a suivi, indiquant que le rapport d'évaluation environnementale était terminé et que l'autorisation avait été accordée.

[15] Dans son rapport d'évaluation environnementale, l'ONÉ a traité de la consultation et de la participation des groupes autochtones dans le cadre de son processus. Il a conclu que les promoteurs [TRADUCTION] « ont déployé suffisamment d'efforts pour consulter les groupes autochtones susceptibles

[2] At the time, the Department of Aboriginal Affairs and Northern Development was preparing a strategic environmental assessment — specifically, the "Eastern Arctic Strategic Environmental Assessment" — for Baffin Bay and Davis Strait, meant to examine "all aspects of future oil and gas development." Once complete, it would "inform policy decisions around if, when, and where oil and gas companies may be invited to bid on parcels of land for exploration drilling rights in Baffin Bay/Davis Strait" (Letter to Cathy Towtongie et al. from the Honourable Bernard Valcourt, A.R., vol. IV, at pp. 966-67).

[2] À cette époque, le ministère des Affaires indiennes et du Nord canadien préparait une évaluation environnementale stratégique — plus précisément l'[TRADUCTION] « Évaluation environnementale stratégique dans l'Arctique de l'Est » — pour la baie de Baffin et le détroit de Davis, qui visait l'examen de « tous les aspects de l'exploitation pétrolière et gazière future ». Une fois terminée, cette évaluation « guiderait les décisions de politique générale concernant l'opportunité d'inviter les sociétés pétrolières et gazières à soumissionner à l'égard de parcelles de terre afin d'y obtenir des droits d'exploration par forage dans la baie de Baffin et le détroit de Davis, ainsi que le moment où cela pourrait se faire et les endroits qui seraient visés » (lettre de l'honorable Bernard Valcourt à Cathy Towtongie et autres, d.a., vol. IV, p. 966-967).

"Aboriginal groups had an adequate opportunity to participate in the NEB's [environmental assessment] process" (A.R., vol. I, at p. 24). It also determined that the testing could change the migration routes of marine mammals and increase their risk of mortality, thereby affecting traditional harvesting of marine mammals including bowhead whales and narwhals, which are both identified as being of "Special Concern" by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The NEB concluded, however, that the testing was unlikely to cause significant adverse environmental effects given the mitigation measures that the proponents would implement.

C. *The Judicial Review Proceedings*

[16] Clyde River applied to the Federal Court of Appeal for judicial review of the NEB's decision to grant the authorization. Dawson J.A. (Nadon and Boivin JJ.A. concurring) found that the duty to consult had been triggered because the NEB could not grant the authorization without the minister's approval (or waiver of the requirement for approval) of a benefits plan for the project, pursuant to s. 5.2(2) of *COGOA* (2015 FCA 179, [2016] 3 F.C.R. 167). The Federal Court of Appeal characterized the degree of consultation owed in the circumstances as deep, as that concept was discussed in *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511, at para. 44, and found that the Crown was entitled to rely on the NEB to undertake such consultation.

[17] The Court of Appeal also concluded that the Crown's duty to consult had been satisfied by the nature and scope of the NEB's processes. The conditions upon which the authorization had been granted showed that the interests of the Inuit had been sufficiently considered and that further consultation would be expected to occur were the proposed testing to be followed by further development

d'être touchés et pour répondre aux préoccupations qu'ils ont soulevées », et que « les groupes autochtones ont eu une possibilité adéquate de participer au processus d'évaluation environnementale de l'ONÉ » (d.a., vol. I, p. 24). L'ONÉ a également conclu que les essais pouvaient modifier les routes migratoires des mammifères marins et augmenter le risque de mortalité chez ces animaux, situation qui influerait sur la récolte traditionnelle des mammifères marins, notamment les baleines boréales et les narvals, deux espèces qualifiées d'« espèces préoccupantes » par le Comité sur la situation des espèces en péril au Canada (COSEPAC). L'ONÉ a toutefois conclu que les essais n'étaient pas susceptibles de causer des effets environnementaux négatifs et importants compte tenu des mesures d'atténuation que les promoteurs mettraient en œuvre.

C. *La demande de contrôle judiciaire*

[16] Clyde River a demandé à la Cour d'appel fédérale le contrôle judiciaire de la décision de l'ONÉ accordant l'autorisation. La juge Dawson (avec l'appui des juges Nadon et Boivin) a conclu que l'obligation de consulter avait pris naissance, parce que l'ONÉ ne pouvait pas accorder l'autorisation tant que le ministre n'aurait pas approuvé (ou renoncer à l'obligation d'approuver) un plan de retombées économiques relativement au projet, conformément au par. 5.2(2) de la *LOPC* (2015 CAF 179, [2016] 3 R.C.F. 167). La Cour d'appel fédérale a considéré que les circonstances requéraient une consultation approfondie, suivant le sens donné à cette notion dans l'arrêt *Nation haïda c. Colombie-Britannique (Ministre des Forêts)*, 2004 CSC 73, [2004] 3 R.C.S. 511, par. 44, et elle a jugé que la Couronne pouvait s'en remettre à l'ONÉ pour que celui-ci procède à la consultation.

[17] La Cour d'appel a également conclu que, du fait de la nature et de l'étendue des processus de l'ONÉ, il avait été satisfait à l'obligation de consulter incombant à la Couronne. Les conditions auxquelles l'ONÉ avait accordé son autorisation montraient qu'il avait suffisamment pris en compte les intérêts des Inuits et qu'il était permis de s'attendre à ce que de nouvelles consultations soient

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activities. In the circumstances, a strategic environmental assessment report was not required.

III. Analysis

[18] The following issues arise in this appeal:

1. Can an NEB approval process trigger the duty to consult?

2. Can the Crown rely on the NEB's process to fulfill the duty to consult?

3. What is the NEB's role in considering Crown consultation before approval?

4. Was the consultation adequate in this case?

A. *The Duty to Consult — General Principles*

[19] The duty to consult seeks to protect Aboriginal and treaty rights while furthering reconciliation between Indigenous peoples and the Crown (*Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650, at para. 34). It has both a constitutional and a legal dimension (*R. v. Kapp*, 2008 SCC 41, [2008] 2 S.C.R. 483, at para. 6; *Carrier Sekani*, at para. 34). Its constitutional dimension is grounded in the honour of the Crown (*Kapp*, at para. 6). This principle is in turn enshrined in s. 35(1) of the *Constitution Act, 1982*, which recognizes and affirms existing Aboriginal and treaty rights (*Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74, [2004] 3 S.C.R. 550, at para. 24). And, as a legal obligation, it is based in the Crown's assumption of sovereignty over lands and resources formerly held by Indigenous peoples (*Haida*, at para. 53).

menées si les essais proposés étaient suivis d'autres activités de mise en valeur. Dans les circonstances, un rapport d'évaluation environnementale stratégique n'était pas nécessaire.

III. Analyse

[18] Le présent pourvoi soulève les questions suivantes :

1. Un processus d'approbation de l'ONÉ peut-il donner naissance à l'obligation de consulter?

2. La Couronne peut-elle s'en remettre au processus de l'ONÉ pour satisfaire à l'obligation de consulter?

3. Quel est le rôle de l'ONÉ dans l'appréciation de la consultation incombant à la Couronne avant l'approbation d'un projet?

4. La consultation a-t-elle été adéquate en l'espèce?

A. *L'obligation de consulter — principes généraux*

[19] L'obligation de consulter vise la protection des droits ancestraux et issus de traités tout en favorisant la réconciliation entre les peuples autochtones et la Couronne (*Rio Tinto Alcan Inc. c. Conseil tribal Carrier Sekani*, 2010 CSC 43, [2010] 2 R.C.S. 650, par. 34). Elle revêt à la fois une dimension constitutionnelle et une dimension légale (*R. c. Kapp*, 2008 CSC 41, [2008] 2 R.C.S. 483, par. 6; *Carrier Sekani*, par. 34). Sa dimension constitutionnelle découle du principe de l'honneur de la Couronne (*Kapp*, par. 6). Ce principe est lui-même consacré au par. 35(1) de la *Loi constitutionnelle de 1982*, qui reconnaît et confirme les droits existants ancestraux et issus de traités (*Première nation Tlingit de Taku River c. Colombie-Britannique (Directeur d'évaluation de projet)*, 2004 CSC 74, [2004] 3 R.C.S. 550, par. 24). Et, en tant qu'obligation légale, elle découle de la proclamation de la souveraineté de la Couronne sur des terres et ressources autrefois détenues par les peuples autochtones (*Haïda*, par. 53).

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[20] The content of the duty, once triggered, falls along a spectrum ranging from limited to deep consultation, depending upon the strength of the Aboriginal claim, and the seriousness of the potential impact on the right. Each case must be considered individually. Flexibility is required, as the depth of consultation required may change as the process advances and new information comes to light (*Haida*, at paras. 39 and 43-45).

[21] This Court has affirmed that it is open to legislatures to empower regulatory bodies to play a role in fulfilling the Crown's duty to consult (*Carrier Sekani*, at para. 56; *Haida*, at para. 51). The appellants argue that a regulatory process alone cannot fulfill the duty to consult because at least some direct engagement between "the Crown" and the affected Indigenous community is necessary.

[22] In our view, while the Crown may rely on steps undertaken by a regulatory agency to fulfill its duty to consult in whole or in part and, where appropriate, accommodate, the Crown always holds ultimate responsibility for ensuring consultation is adequate. Practically speaking, this does not mean that a minister of the Crown must give explicit consideration in every case to whether the duty to consult has been satisfied, or must directly participate in the process of consultation. Where the regulatory process being relied upon does not achieve adequate consultation or accommodation, the Crown must take further measures to meet its duty. This might entail filling any gaps on a case-by-case basis or more systemically through legislative or regulatory amendments (see e.g. *Ross River Dena Council v. Yukon*, 2012 YKCA 14, 358 D.L.R. (4th) 100). Or, it might require making submissions to the regulatory body, requesting reconsideration of a decision, or seeking a postponement in order to carry out further consultation in a separate process before the decision is rendered. And, if an affected Indigenous group is (like the Inuit of Nunavut) a party to a modern treaty and perceives the process to be deficient, it should, as it did here, request such direct Crown engagement in a timely manner (since parties to treaties

[20] Une fois que l'obligation a pris naissance, son contenu se situe sur un continuum qui va de la consultation limitée à la consultation approfondie, selon la solidité de la revendication autochtone et la gravité de l'impact potentiel sur le droit concerné. Il faut procéder au cas par cas et faire preuve de souplesse, car le caractère approfondi de la consultation nécessaire peut varier au fur et à mesure que se déroule le processus et que sont mis au jour de nouveaux renseignements (*Haïda*, par. 39 et 43-45).

[21] Notre Cour a affirmé qu'il est loisible aux législateurs d'habiliter des organismes de réglementation à contribuer à la réalisation de l'obligation de consulter de la Couronne (*Carrier Sekani*, par. 56; *Haïda*, par. 51). Les appelants plaident qu'un processus réglementaire ne peut à lui seul assurer le respect de l'obligation de consulter, parce qu'il faut au moins un certain dialogue direct entre « la Couronne » et la communauté autochtone touchée.

[22] À notre avis, bien que la Couronne puisse s'en remettre aux mesures prises par un organisme de réglementation pour satisfaire, en tout ou en partie, à son obligation de consulter et, lorsque cela se justifie, à son obligation d'accommoder, c'est toujours à elle qu'incombe la responsabilité ultime de veiller au caractère adéquat de la consultation. Sur le plan pratique, cela ne signifie pas qu'un ministre doive dans chaque cas se demander explicitement s'il a été satisfait à l'obligation de consulter, ou qu'il doive participer directement au processus de consultation. Lorsque le processus réglementaire auquel s'en remet la Couronne ne lui permet pas de satisfaire adéquatement à son obligation de consulter ou d'accommoder, elle doit prendre des mesures supplémentaires pour ce faire. Elle pourrait devoir combler les lacunes soit au cas par cas, soit de manière plus systématique au moyen de modifications législatives ou réglementaires (voir, par ex., *Ross River Dena Council c. Yukon*, 2012 YKCA 14, 358 D.L.R. (4th) 100). Elle pourrait également exiger la présentation d'observations à l'organisme de réglementation, demander le réexamen de la décision ou solliciter le report de l'audience afin de mener d'autres consultations dans le cadre d'un processus distinct avant que la décision ne soit rendue. Par ailleurs, si un groupe autochtone

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are obliged to act diligently to advance their respective interests) (*Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53, [2010] 3 S.C.R. 103, at para. 12).

[23] Further, because the honour of the Crown requires a meaningful, good faith consultation process (*Haida*, at para. 41), where the Crown relies on the processes of a regulatory body to fulfill its duty in whole or in part, it should be made clear to affected Indigenous groups that the Crown is so relying. Guidance about the form of the consultation process should be provided so that Indigenous peoples know how consultation will be carried out to allow for their effective participation and, if necessary, to permit them to raise concerns with the proposed form of the consultations in a timely manner.

[24] Above all, and irrespective of the process by which consultation is undertaken, any decision affecting Aboriginal or treaty rights made on the basis of inadequate consultation will not be in compliance with the duty to consult, which is a constitutional imperative. Where challenged, it should be quashed on judicial review. That said, judicial review is no substitute for adequate consultation. True reconciliation is rarely, if ever, achieved in courtrooms. Judicial remedies may seek to undo past infringements of Aboriginal and treaty rights, but adequate Crown consultation *before* project approval is always preferable to after-the-fact judicial remonstration following an adversarial process. Consultation is, after all, "[c]oncerned with an ethic of ongoing relationships" (*Carrier Sekani*, at para. 38, quoting D. G. Newman, *The Duty to Consult: New Relationships with Aboriginal Peoples* (2009), at p. 21). As the Court noted in *Haida*, "[w]hile Aboriginal claims can be and are pursued through litigation, negotiation is a preferable way of reconciling state and Aboriginal

touché est (comme les Inuits du Nunavut) partie à un traité moderne et juge que le processus est déficient, il devrait, comme ce fut le cas en l'espèce, demander une intervention directe de la Couronne en temps opportun (puisque les parties aux traités sont tenues d'agir de façon diligente pour faire valoir leurs intérêts respectifs) (*Beckman c. Première nation de Little Salmon/Carmacks*, 2010 CSC 53, [2010] 3 R.C.S. 103, par. 12).

[23] De plus, étant donné que l'honneur de la Couronne commande que celle-ci agisse de bonne foi et tienne une véritable consultation (*Haïda*, par. 41), lorsque la Couronne s'en remet aux processus d'un organisme de réglementation pour satisfaire en tout ou en partie à son obligation, il doit être clairement indiqué aux groupes autochtones touchés que la Couronne s'en remet à un tel processus. Les peuples autochtones doivent être avisés de la forme que prendra le processus de consultation, afin de savoir comment les consultations se dérouleront, de pouvoir y participer activement et, au besoin, d'être en mesure de soulever en temps opportun leurs préoccupations au sujet de la forme des consultations proposées.

[24] Par-dessus tout, et peu importe le processus de consultation entrepris, toute décision touchant des droits ancestraux ou issus de traités prise sur la base d'une consultation inadéquate ne respectera pas l'obligation de consulter, laquelle est un impératif constitutionnel. En cas de contestation, la décision devrait être annulée à l'issue d'un contrôle judiciaire. Cela dit, le contrôle judiciaire ne saurait remplacer une consultation adéquate. On ne parvient que rarement, voire jamais, à une véritable réconciliation dans une salle d'audience. Un recours judiciaire peut tendre à corriger des atteintes passées à des droits ancestraux ou issus de traités, mais une consultation adéquate par la Couronne *avant* que le projet ne soit approuvé est toujours préférable à des remontrances judiciaires formulées après le fait, au terme d'une procédure contradictoire. Après tout, la consultation [TRADUCTION] « s'attache au maintien de relations constantes » (*Carrier Sekani*, par. 38, citant D. G. Newman, *The Duty to Consult : New Relationships with Aboriginal Peoples* (2009),

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interests" (para. 14). No one benefits — not project proponents, not Indigenous peoples, and not non-Indigenous members of affected communities — when projects are prematurely approved only to be subjected to litigation.

B. *Can an NEB Approval Process Trigger the Duty to Consult?*

[25] The duty to consult is triggered when the Crown has actual or constructive knowledge of a potential Aboriginal claim or Aboriginal or treaty rights that might be adversely affected by Crown conduct (*Haida*, at para. 35; *Carrier Sekani*, at para. 31). Crown conduct which would trigger the duty is not restricted to the exercise by or on behalf of the Crown of statutory powers or of the royal prerogative, nor is it limited to decisions that have an immediate impact on lands and resources. The concern is for adverse impacts, however made, upon Aboriginal and treaty rights and, indeed, a goal of consultation is to identify, minimize and address adverse impacts where possible (*Carrier Sekani*, at paras. 45-46).

[26] In this appeal, all parties agreed that the Crown's duty to consult was triggered, although agreement on *just what* Crown conduct triggered the duty has proven elusive. The Federal Court of Appeal saw the trigger in *COGOA*'s requirement for ministerial approval (or waiver of the requirement for approval) of a benefits plan for the testing. In the companion appeal of *Chippewas of the Thames*, the majority of the Federal Court of Appeal concluded that it was not necessary to decide whether the duty to consult was triggered since the Crown was not a party before the NEB, but suggested the only Crown action involved might have been the 1959 enactment

p. 21). Comme notre Cour l'a souligné dans *Haïda*, « [m]ême si les revendications autochtones sont et peuvent être réglées dans le cadre de litiges, il est préférable de recourir à la négociation pour concilier les intérêts de la Couronne et ceux des Autochtones » (par. 14). Il n'est à l'avantage de personne — promoteurs du projet, peuples autochtones ou membres non autochtones des communautés touchées — qu'un projet soit approuvé prématurément mais fasse ensuite l'objet d'un litige.

B. *Un processus d'approbation de l'ONÉ peut-il donner naissance à l'obligation de consulter?*

[25] L'obligation de consulter prend naissance lorsque la Couronne a connaissance, concrètement ou par imputation, de l'existence potentielle d'une revendication autochtone ou de droits ancestraux ou issus de traités susceptibles de subir des effets préjudiciables en raison d'une mesure prise par la Couronne (*Haïda*, par. 35; *Carrier Sekani*, par. 31). Les mesures de la Couronne susceptibles de donner naissance à l'obligation de consulter ne se limitent pas à l'exercice, par la Couronne ou en son nom, de la prérogative royale ou de pouvoirs conférés par la loi, et ne se limitent pas non plus aux décisions qui ont une incidence immédiate sur les terres et les ressources. Il faut se demander si la mesure a des effets préjudiciables, quelle qu'en soit la cause, sur des droits ancestraux ou issus de traités. D'ailleurs, un des objectifs de la consultation consiste à cerner les effets préjudiciables, à les réduire au minimum et à y remédier si possible (*Carrier Sekani*, par. 45-46).

[26] Dans le présent pourvoi, toutes les parties ont reconnu que l'obligation de consulter de la Couronne avait pris naissance, mais elles ont été incapables de s'accorder sur la *nature exacte* de la mesure de la Couronne qui a donné naissance à cette obligation. La Cour d'appel fédérale a considéré que l'élément ayant fait naître l'obligation est l'exigence prévue par la *LOPC* qui requiert que le ministre approuve (ou renonce à l'obligation d'approuver) un plan de retombées économiques pour les essais. Dans l'affaire connexe *Chippewas of the Thames*, les juges majoritaires de la Cour d'appel fédérale ont conclu qu'il n'était pas nécessaire de

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of the *NEB Act*[3] (*Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2015 FCA 222, [2016] 3 F.C.R. 96). In short, the Federal Court of Appeal in both cases was of the view that only action by a minister of the Crown or a government department, or a Crown corporation, can constitute Crown conduct triggering the duty to consult. And, before this Court in *Chippewas of the Thames*, the Attorney General of Canada argued that the duty was triggered by the NEB's approval of the pipeline project, because it was state action with the potential to affect Aboriginal or treaty rights.

[27] Contrary to the Federal Court of Appeal's conclusions on this point, we agree that the NEB's approval process, in this case, as in *Chippewas of the Thames*, triggered the duty to consult.

[28] It bears reiterating that the duty to consult is owed by the Crown. In one sense, the "Crown" refers to the personification in Her Majesty of the Canadian state in exercising the prerogatives and privileges reserved to it. The Crown also, however, denotes the sovereign in the exercise of her formal legislative role (in assenting, refusing assent to, or reserving legislative or parliamentary bills), and as the head of executive authority (*McAteer v. Canada (Attorney General)*, 2014 ONCA 578, 121 O.R. (3d) 1, at para. 51; P. W. Hogg, P. J. Monahan and W. K. Wright, *Liability of the Crown* (4th ed. 2011), at pp. 11-12; but see *Carrier Sekani*, at para. 44). For this reason, the term "Crown" is commonly used to symbolize and denote executive power. This was described by Lord Simon of Glaisdale in *Town Investments Ltd. v. Department of the Environment*, [1978] A.C. 359 (H.L.), at p. 397:

[3] *National Energy Board Act*, S.C. 1959, c. 46.

décider si l'obligation de consulter s'appliquait, puisque la Couronne n'était pas partie à l'instance devant l'ONÉ, mais ils ont évoqué l'idée que la seule mesure de la Couronne en cause pourrait être l'adoption en 1959 de la *Loi sur l'ONÉ*[3] (*Première Nation des Chippewas de la Thames c. Pipelines Enbridge Inc.*, 2015 CAF 222, [2016] 3 R.C.F. 96). Bref, dans les deux affaires la Cour d'appel fédérale était d'avis que seule une mesure prise par un ministre ou un ministère du gouvernement, ou une société d'État, peut constituer une mesure de la Couronne donnant naissance à l'obligation de consulter. Et devant notre Cour, dans le pourvoi *Chippewas of the Thames*, la procureure générale du Canada a plaidé que c'est l'approbation du projet de pipeline par l'ONÉ qui a donné naissance à l'obligation, puisqu'il s'agissait d'une mesure de l'État susceptible d'avoir une incidence sur des droits ancestraux ou issus de traités.

[27] Contrairement aux conclusions de la Cour d'appel fédérale sur ce point, nous sommes d'avis qu'en l'espèce, tout comme dans *Chippewas of the Thames*, c'est le processus d'approbation de l'ONÉ qui a donné naissance à l'obligation de consulter.

[28] Il importe de répéter que l'obligation de consulter incombe à la Couronne. En un sens, la « Couronne » s'entend de la personnification de Sa Majesté de l'État canadien dans l'exercice des prérogatives et des privilèges qui lui sont réservés. Cependant, la Couronne désigne aussi la souveraine dans l'exercice de son rôle législatif officiel (lorsqu'elle sanctionne les projets de loi, qu'elle refuse de les sanctionner ou qu'elle réserve sa décision), et en tant que chef du pouvoir exécutif (*McAteer c. Canada (Attorney General)*, 2014 ONCA 578, 121 O.R. (3d) 1, par. 51; P. W. Hogg, P. J. Monahan et W. K. Wright, *Liability of the Crown* (4e éd. 2011), p. 11-12; mais voir *Carrier Sekani*, par. 44). Pour cette raison, le mot « Couronne » est couramment employé comme symbole du pouvoir exécutif et pour désigner ce pouvoir. C'est ce que lord Simon of Glaisdale a décrit dans *Town Investments Ltd. c. Department of the Environment*, [1978] A.C. 359 (H.L.), p. 397 :

[3] *Loi sur l'Office national de l'énergie*, S.C. 1959, c. 46.

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The crown as an object is a piece of jewelled headgear under guard at the Tower of London. But it symbolises the powers of government which were formerly wielded by the wearer of the crown; so that by the 13th century crimes were committed not only against the king's peace but also against "his crown and dignity": *Pollock and Maitland, History of English Law*, 2nd ed. (1898), vol. I, p. 525. The term "the Crown" is therefore used in constitutional law to denote the collection of such of those powers as remain extant (the royal prerogative), together with such other powers as have been expressly conferred by statute on "the Crown."

[29] By this understanding, the NEB is not, strictly speaking, "the Crown". Nor is it, strictly speaking, an agent of the Crown, since — as the NEB operates independently of the Crown's ministers — no relationship of control exists between them (Hogg, Monahan and Wright, at p. 465). As a statutory body holding responsibility under s. 5(1)(b) of *COGOA*, however, the NEB acts on behalf of the Crown when making a final decision on a project application. Put plainly, once it is accepted that a regulatory agency exists to exercise executive power as authorized by legislatures, any distinction between its actions and Crown action quickly falls away. In this context, the NEB is the vehicle through which the Crown acts. Hence this Court's interchangeable references in *Carrier Sekani* to "government action" and "Crown conduct" (paras. 42-44). It therefore does not matter whether the final decision maker on a resource project is Cabinet or the NEB. In either case, the decision constitutes Crown action that may trigger the duty to consult. As Rennie J.A. said in dissent at the Federal Court of Appeal in *Chippewas of the Thames*, "[t]he duty, like the honour of the Crown, does not evaporate simply because a final decision has been made by a tribunal established by Parliament, as opposed to Cabinet" (para. 105). The action of the NEB, taken in furtherance of its statutory powers under s. 5(1)(b) of *COGOA* to make final

[TRADUCTION] La couronne, en tant qu'objet, est une coiffure ornée de bijoux conservée sous garde à la tour de Londres. Mais elle symbolise les pouvoirs du gouvernement qui étaient auparavant exercés par la personne portant la couronne; c'est ainsi qu'au 13e siècle, les crimes étaient commis non seulement contre la paix du roi, mais aussi contre « sa couronne et sa dignité » : *Pollock and Maitland, History of English Law*, 2e éd. (1898), vol. I, p. 525. Par conséquent, on utilise l'expression « la Couronne » en droit constitutionnel pour désigner l'ensemble des pouvoirs de cette nature qui subsistent (la prérogative royale), ainsi que les autres pouvoirs que la loi confère expressément à « la Couronne ».

[29] Selon cette interprétation, l'ONÉ n'est pas, à proprement parler, « la Couronne ». Il n'est pas non plus, à proprement parler, un mandataire de la Couronne, étant donné que — comme l'ONÉ exerce ses activités de manière indépendante des ministres de la Couronne — il n'existe entre eux aucun lien de dépendance (Hogg, Monahan et Wright, p. 465). Cependant, en tant qu'organisme créé par la loi à qui incombe la responsabilité visée à l'al. 5(1)b) de la *LOPC*, l'ONÉ agit pour le compte de la Couronne lorsqu'il prend une décision définitive à l'égard d'une demande de projet. En termes simples, dès lors que l'on accepte qu'un organisme de réglementation existe pour exercer le pouvoir de nature exécutive que le législateur concerné l'autorise à exercer, toute distinction entre les mesures de cet organisme et celles de la Couronne disparaît rapidement. Dans ce contexte, l'ONÉ est le moyen par lequel la Couronne agit, d'où l'emploi interchangeable dans *Carrier Sekani* des expressions « mesure gouvernementale » et « mesure [. . .] de la Couronne » (par. 42-44). Par conséquent, il importe peu que le décideur ultime dans un projet soit le Cabinet ou l'ONÉ. Dans les deux cas, la décision constitue une mesure de la Couronne qui peut donner naissance à l'obligation de consulter. Comme l'a affirmé en dissidence le juge Rennie de la Cour d'appel fédérale dans *Chippewas of the Thames*, « [l]'obligation,

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decisions respecting such testing as was proposed here, clearly constitutes Crown action.

C. *Can the Crown Rely on the NEB's Process to Fulfill the Duty to Consult?*

[30] As we have said, while ultimate responsibility for ensuring the adequacy of consultation remains with the Crown, the Crown may rely on steps undertaken by a regulatory agency to fulfill the duty to consult. Whether, however, the Crown is capable of doing so, in whole or in part, depends on whether the agency's statutory duties and powers enable it to do what the duty requires in the particular circumstances (*Carrier Sekani*, at paras. 55 and 60). In the NEB's case, therefore, the question is whether the NEB is able, to the extent it is being relied on, to provide an appropriate level of consultation and, where necessary, accommodation to the Inuit of Clyde River in respect of the proposed testing.

[31] We note that the NEB and *COGOA* each predate judicial recognition of the duty to consult. However, given the flexible nature of the duty, a process that was originally designed for a different purpose may be relied on by the Crown so long as it affords an appropriate level of consultation to the affected Indigenous group (*Beckman*, at para. 39; *Taku River*, at para. 22). Under *COGOA*, the NEB has a significant array of powers that permit extensive consultation. It may conduct hearings, and has broad discretion to make orders or elicit information in furtherance of *COGOA* and the public interest (ss. 5.331, 5.31(1) and 5.32). It can also require

comme l'honneur de la Couronne, ne s'envole pas en fumée simplement parce qu'une décision sans appel a été rendue par un tribunal établi par le Parlement, plutôt que par le Cabinet » (par. 105). La mesure qu'a prise l'ONÉ dans l'exercice du pouvoir qu'il possède, en vertu de l'al. 5(1)b) de la *LOPC*, de prendre la décision ultime concernant des essais tels ceux proposés en l'espèce, constitue manifestement une mesure de la Couronne.

C. *La Couronne peut-elle s'en remettre au processus de l'ONÉ pour satisfaire à l'obligation de consulter?*

[30] Comme nous l'avons déjà dit, bien que la Couronne demeure ultimement responsable de veiller au caractère adéquat de la consultation, celle-ci peut s'en remettre aux mesures prises par un organisme de réglementation pour satisfaire à l'obligation de consulter. Cependant, la question de savoir si la Couronne est en mesure de le faire, en tout ou en partie, dépend de la réponse à la question de savoir si les attributions que la loi confère à l'organisme habilitent ce dernier à faire ce que l'obligation exige dans les circonstances particulières (*Carrier Sekani*, par. 55 et 60). En conséquence, dans le cas de l'ONÉ, la question consiste à décider si celui-ci peut, dans la mesure où la Couronne s'en remet à lui, assurer un niveau de consultation adéquat et, au besoin, accorder aux Inuits de Clyde River des mesures d'accommodement à l'égard des essais proposés.

[31] Nous constatons que tant l'ONÉ que la *LOPC* sont antérieurs à la reconnaissance judiciaire de l'obligation de consulter. Toutefois, compte tenu du caractère souple de cette obligation, la Couronne peut s'en remettre à un processus qui a été initialement conçu pour une autre fin, tant que ce processus rend possible un niveau approprié de consultation du groupe autochtone touché (*Beckman*, par. 39; *Taku River*, par. 22). En vertu de la *LOPC*, l'ONÉ dispose d'un large éventail de pouvoirs qui permettent une consultation étendue. Il peut tenir des audiences, en plus de posséder un vaste pouvoir discrétionnaire l'habilitant à rendre des ordonnances ou obtenir

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studies to be undertaken and impose preconditions to approval (s. 5(4)). In the case of designated projects, it can also (as here) conduct environmental assessments, and establish participant funding programs to facilitate public participation (s. 5.002).[4]

[32] *COGOA* also grants the NEB broad powers to accommodate the concerns of Indigenous groups where necessary. The NEB can attach any terms and conditions it sees fit to an authorization issued under s. 5(1)(b), and can make such authorization contingent on their performance (ss. 5(4) and 5.36(1)). Most importantly, the NEB may require accommodation by exercising its discretion to deny an authorization or by reserving its decision pending further proceedings (ss. 5(1)(b), 5(5) and 5.36(2)).

[33] The NEB has also developed considerable institutional expertise, both in conducting consultations and in assessing the environmental impacts of proposed projects. Where the effects of a proposed project on Aboriginal or treaty rights substantially overlap with the project's potential environmental impact, the NEB is well situated to oversee consultations which seek to address these effects, and to use its technical expertise to assess what forms of accommodation might be available.

[34] In sum, the NEB has (1) the procedural powers necessary to implement consultation; and (2) the remedial powers to, where necessary, accommodate affected Aboriginal claims, or Aboriginal and treaty rights. Its process can therefore be relied on by the Crown to completely or partially fulfill

[4] While s. 5.002 (participant funding) and s. 5.331 (public hearings) of *COGOA* were not in force at the time the NEB considered and authorized the project at issue here, they were added later (see S.C. 2015, c. 4, ss. 7 and 13).

des renseignements pour l'application de la *LOPC* et dans l'intérêt public (art. 5.331, par. 5.31(1), art. 5.32). Il peut également exiger que des études soient entreprises et imposer des conditions préalables à l'approbation (par. 5(4)). Dans le cas de projets désignés, il peut aussi (comme c'est le cas en l'espèce) réaliser des évaluations environnementales et créer un programme d'aide financière pour faciliter la participation du public (art. 5.002)[4].

[32] La *LOPC* confère aussi à l'ONÉ de vastes pouvoirs d'accommodement afin de répondre, au besoin, aux préoccupations des groupes autochtones. L'ONÉ peut assortir l'autorisation qu'il accorde en vertu de l'al. 5(1)b) de toute condition qu'il juge appropriée, et peut faire dépendre la prise d'effet de cette autorisation de l'exécution de ces conditions (par. 5(4) et 5.36(1)). Plus important encore, l'ONÉ peut exiger que des accommodements soient apportés soit en exerçant son pouvoir discrétionnaire de refuser une autorisation, soit en réservant sa décision pendant le règlement d'autres questions (al. 5(1)b), et par. 5(5) et 5.36(2)).

[33] L'ONÉ a également acquis une importante expertise institutionnelle, tant en effectuant des consultations qu'en évaluant les effets environnementaux des projets proposés. Lorsque les effets d'un projet proposé sur un droit ancestral ou issu d'un traité chevauchent considérablement les répercussions environnementales potentielles du projet, l'ONÉ est bien placé pour superviser les consultations visant l'examen de ces effets, et pour utiliser son expertise technique afin d'évaluer les formes d'accommodement possibles.

[34] En somme, l'ONÉ dispose (1) des pouvoirs procéduraux nécessaires pour mener des consultations et (2) des pouvoirs de réparation lui permettant de prendre, au besoin, des mesures d'accommodement à l'égard des revendications autochtones ou des droits ancestraux ou issus de traités touchés. La

[4] Même si les art. 5.002 (aide financière) et 5.331 (audiences publiques) de la *LOPC* n'étaient pas en vigueur lorsque l'ONÉ a examiné et autorisé le projet litigieux en l'espèce, ils ont été ajoutés à la loi par la suite (voir L.C. 2015, c. 4, art. 7 et 13).

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the Crown's duty to consult. Whether the NEB's process did so in this case, we consider below.

Couronne peut donc s'en remettre au processus de l'ONÉ pour satisfaire, en tout ou en partie, à l'obligation de consulter qui lui incombe. Nous allons examiner ci-après si le processus de l'ONÉ a permis de satisfaire à cette obligation en l'espèce.

D. *What Is the NEB's Role in Considering Crown Consultation Before Approval?*

D. *Quel est le rôle de l'ONÉ dans l'appréciation de la consultation incombant à la Couronne avant l'approbation d'un projet?*

[35] The appellants argue that, as a tribunal empowered to decide questions of law, the NEB *must* exercise its decision-making authority in accordance with s. 35(1) of the *Constitution Act, 1982* by evaluating the adequacy of consultation before issuing an authorization for seismic testing. In contrast, the proponents submit that there is no basis in this Court's jurisprudence for imposing this obligation on the NEB. Although the Attorney General of Canada agrees with the appellants that the NEB has the legal capacity to decide constitutional questions when doing so is necessary to its decision-making powers, she argues that the NEB's environmental assessment decision in this case appropriately considered the adequacy of the proponents' consultation efforts.

[35] Les appelants soutiennent que, en tant que tribunal administratif habilité à trancher des questions de droit, l'ONÉ *doit* exercer son pouvoir décisionnel en conformité avec le par. 35(1) de la *Loi constitutionnelle de 1982*, et ce, en évaluant le caractère adéquat de la consultation avant d'accorder une autorisation pour des essais sismiques. À l'inverse, les promoteurs plaident que rien dans la jurisprudence de notre Cour ne permet d'imposer cette obligation à l'ONÉ. Bien que la procureure générale du Canada soit d'accord avec les appelants pour dire que l'ONÉ possède la capacité juridique de trancher des questions constitutionnelles lorsque cela est nécessaire dans l'exercice de ses pouvoirs décisionnels, elle soutient que, dans sa décision relative à l'évaluation environnementale en l'espèce, l'ONÉ a examiné de manière appropriée le caractère adéquat des efforts de consultation déployés par les promoteurs.

[36] Generally, a tribunal empowered to consider questions of law must determine whether such consultation was constitutionally sufficient if the issue is properly raised. The power of a tribunal "to decide questions of law implies a power to decide constitutional issues that are properly before it, absent a clear demonstration that the legislature intended to exclude such jurisdiction from the tribunal's power" (*Carrier Sekani*, at para. 69). Regulatory agencies with the authority to decide questions of law have both the duty and authority to apply the Constitution, unless the authority to decide the constitutional issue has been clearly withdrawn (*R. v. Conway*, 2010 SCC 22, [2010] 1 S.C.R. 765, at para. 77). It follows that they must ensure their decisions comply with s. 35 of the *Constitution Act, 1982* (*Carrier Sekani*, at para. 72).

[36] En général, un tribunal administratif habilité à examiner des questions de droit doit décider si une consultation de ce genre était suffisante sur le plan constitutionnel dans le cas où cette question est régulièrement soulevée devant lui. Le pouvoir d'un tribunal administratif « de statuer en droit emporte celui de trancher une question constitutionnelle dont il est régulièrement saisi, sauf lorsqu'il est clairement établi que le législateur a voulu le priver d'un tel pouvoir » (*Carrier Sekani*, par. 69). Les organismes de réglementation investis du pouvoir de trancher des questions de droit ont le devoir et le pouvoir d'appliquer la Constitution, sauf si le pouvoir de statuer sur la question constitutionnelle a clairement été écarté (*R. c. Conway*, 2010 CSC 22, [2010] 1 R.C.S. 765, par. 77). Il s'ensuit qu'ils doivent s'assurer que leurs décisions sont conformes à l'art. 35 de la *Loi constitutionnelle de 1982* (*Carrier Sekani*, par. 72).

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[37] The NEB has broad powers under both the *NEB Act* and *COGOA* to hear and determine all relevant matters of fact and law (*NEB Act*, s. 12(2); *COGOA*, s. 5.31(2)). No provision in either statute suggests an intention to withhold from the NEB the power to decide the adequacy of consultation. And, in *Quebec (Attorney General) v. Canada (National Energy Board)*, [1994] 1 S.C.R. 159, this Court concluded that NEB decisions must conform to s. 35(1) of the *Constitution Act, 1982*. It follows that the NEB can determine whether the Crown's duty to consult has been fulfilled.

[38] We note that the majority at the Federal Court of Appeal in *Chippewas of the Thames* considered that this issue was not properly before the NEB. It distinguished *Carrier Sekani* on the basis that the Crown was not a party to the NEB hearing in *Chippewas of the Thames*, while the Crown (in the form of BC Hydro, a Crown corporation) was a party in the utilities commission proceedings in *Carrier Sekani*. Based on the authority of *Standing Buffalo Dakota First Nation v. Enbridge Pipelines Inc.*, 2009 FCA 308, [2010] 4 F.C.R. 500, the majority of the Federal Court of Appeal in *Chippewas of the Thames* reasoned that the NEB is not required to evaluate whether the Crown's duty to consult had been triggered (or whether it was satisfied) before granting a resource project authorization, except where the Crown is a party before the NEB.

[39] The difficulty with this view, however, is that — as we have explained — action taken by the NEB in furtherance of its powers under s. 5(1)(b) of *COGOA* to make final decisions is *itself* Crown conduct which triggers the duty to consult. Nor, respectfully, can we agree with the majority of the Federal Court of Appeal in *Chippewas of the Thames* that an NEB decision will comply with s. 35(1) of the *Constitution Act, 1982* so long as the NEB ensures the proponents engage in a "dialogue" with potentially affected Indigenous groups (para. 62). If the Crown's duty to consult has been

[37] L'ONÉ dispose, tant en vertu de la *Loi sur l'ONÉ* que de la *LOPC*, de vastes pouvoirs l'autorisant à entendre et à trancher toute question pertinente de droit et de fait (*Loi sur l'ONÉ*, par. 12(2); *LOPC*, par. 5.31(2)). Aucune disposition de l'une ou l'autre de ces lois ne tend à indiquer que le législateur entendait priver l'ONÉ du pouvoir de statuer sur le caractère adéquat de la consultation. De plus, dans *Québec (Procureur général) c. Canada (Office national de l'énergie)*, [1994] 1 R.C.S. 159, notre Cour a conclu que les décisions de l'ONÉ doivent respecter le par. 35(1) de la *Loi constitutionnelle de 1982*. Par conséquent, l'ONÉ peut décider s'il a été satisfait à l'obligation de consulter de la Couronne.

[38] Nous constatons que, dans l'affaire *Chippewas of the Thames*, les juges majoritaires de la Cour d'appel fédérale ont considéré que l'ONÉ n'avait pas été régulièrement saisi de cette question. Ils ont distingué cette affaire de l'arrêt *Carrier Sekani* sur la base que, dans *Chippewas of the Thames*, la Couronne n'était pas partie à l'audience devant l'ONÉ, tandis que dans *Carrier Sekani* la Couronne (par l'entremise de BC Hydro, une société d'État) était partie à l'instance devant la commission des services d'utilité publique. Se fondant sur l'arrêt *Première nation dakota de Standing Buffalo c. Enbridge Pipelines Inc.*, 2009 CAF 308, [2010] 4 R.C.F. 500, les juges majoritaires de la Cour d'appel fédérale dans *Chippewas of the Thames* ont estimé que l'ONÉ n'est pas tenu de se demander si l'obligation de consulter incombant à la Couronne a pris naissance (ou s'il a été satisfait à cette obligation) avant d'autoriser un projet lié aux ressources, sauf dans le cas où la Couronne est une partie à l'instance devant l'ONÉ.

[39] Toutefois, la difficulté que soulève cette opinion est que — comme nous l'avons expliqué — les mesures prises par l'ONÉ en application de son pouvoir de rendre des décisions définitives en vertu de l'al. 5(1)b) de la *LOPC* sont *elles-mêmes* des mesures prises par la Couronne qui donnent naissance à l'obligation de consulter. Nous ne pouvons pas non plus, soit dit en tout respect, souscrire à l'opinion des juges majoritaires de la Cour d'appel fédérale dans l'affaire connexe *Chippewas of the Thames* selon laquelle une décision de l'ONÉ respecte le par. 35(1) de la *Loi constitutionnelle de 1982* dans

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triggered, a decision maker may only proceed to approve a project if Crown consultation is adequate. Although in many cases the Crown will be able to rely on the NEB's processes as meeting the duty to consult, because the NEB is the final decision maker, the key question is whether the duty is fulfilled prior to project approval (*Haida*, at para. 67). Accordingly, where the Crown's duty to consult an affected Indigenous group with respect to a project under *COGOA* remains unfulfilled, the NEB must withhold project approval. And, where the NEB fails to do so, its approval decision should (as we have already said) be quashed on judicial review, since the duty to consult must be fulfilled prior to the action that could adversely affect the right in question (*Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257, at para. 78).

[40] Some commentators have suggested that the NEB, in view of its mandate to decide issues in the public interest, cannot effectively account for Aboriginal and treaty rights and assess the Crown's duty to consult (see R. Freedman and S. Hansen, "Aboriginal Rights vs. The Public Interest", prepared for Pacific Business & Law Institute Conference, Vancouver, B.C. (February 26-27, 2009) (online), at pp. 4 and 14). We do not, however, see the public interest and the duty to consult as operating in conflict. As this Court explained in *Carrier Sekani*, the duty to consult, being a constitutional imperative, gives rise to a special public interest that supersedes other concerns typically considered by tribunals tasked with assessing the public interest (para. 70). A project authorization that breaches the constitutionally protected rights of Indigenous peoples cannot serve the public interest (*ibid.*).

[41] This leaves the question of what a regulatory agency must do where the adequacy of Crown

la mesure où l'ONÉ s'assure que les promoteurs participent à des « discussions » avec les groupes autochtones susceptibles d'être touchés (par. 62). Si l'obligation de la Couronne de consulter a pris naissance, un décideur ne peut approuver un projet que si la consultation incombant à la Couronne est adéquate. Même si dans bien des cas la Couronne peut s'en remettre aux processus de l'ONÉ pour satisfaire à son obligation de consulter, étant donné que c'est l'ONÉ qui prend la décision définitive, la question fondamentale consiste à décider s'il a été satisfait à l'obligation avant l'approbation du projet (*Haïda*, par. 67). En conséquence, lorsque la Couronne n'a pas satisfait à son obligation de consulter les groupes autochtones touchés par un projet visé par la *LOPC*, l'ONÉ doit refuser d'approuver le projet. S'il l'approuve, sa décision devrait (comme nous l'avons dit précédemment) être annulée à l'issue d'un contrôle judiciaire, puisque l'obligation de consulter doit être respectée avant la prise de mesures susceptibles d'avoir des effets préjudiciables sur le droit en question (*Nation Tsilhqot'in c. Colombie-Britannique*, 2014 CSC 44, [2014] 2 R.C.S. 257, par. 78).

[40] Certains auteurs affirment que, comme l'ONÉ a pour mission de trancher des questions dans l'intérêt public, il ne peut, de manière effective, tenir compte des droits ancestraux et issus de traités et apprécier l'obligation de consulter de la Couronne (voir R. Freedman et S. Hansen, « Aboriginal Rights vs. The Public Interest », préparé pour une conférence du Pacific Business & Law Institute, Vancouver, C.-B. (26-27 février 2009) (en ligne), p. 4 et 14). À notre avis, cependant, l'intérêt public et l'obligation de consulter ne sont pas incompatibles. Comme l'a expliqué la Cour dans *Carrier Sekani*, en tant qu'impératif constitutionnel, l'obligation de consulter fait naître un intérêt public spécial, qui l'emporte sur les autres préoccupations dont tiennent habituellement compte les tribunaux administratifs appelés à évaluer l'intérêt public (par. 70). Lorsque l'autorisation accordée à l'égard d'un projet viole les droits constitutionnels des peuples autochtones, cette autorisation ne saurait servir l'intérêt public (*ibid.*).

[41] Il reste à déterminer ce qu'un organisme de réglementation doit faire dans les cas où se soulève

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consultation is raised before it. When affected Indigenous groups have squarely raised concerns about Crown consultation with the NEB, the NEB must usually address those concerns in reasons, particularly in respect of project applications requiring deep consultation. Engagement of the honour of the Crown does not predispose a certain outcome, but promotes reconciliation by imposing obligations on the manner and approach of government (*Haida*, at paras. 49 and 63). Written reasons foster reconciliation by showing affected Indigenous peoples that their rights were considered and addressed (*Haida*, at para. 44). Reasons are "a sign of respect [which] displays the requisite comity and courtesy becoming the Crown as Sovereign toward a prior occupying nation" (*Kainaiwa/Blood Tribe v. Alberta (Energy)*, 2017 ABQB 107, at para. 117 (CanLII)). Written reasons also promote better decision making (*Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, at para. 39).

[42] This does not mean, however, that the NEB is always required to review the adequacy of Crown consultation by applying a formulaic "*Haida* analysis", as the appellants suggest. Nor will explicit reasons be required in every case. The degree of consideration that is appropriate will depend on the circumstances of each case. But where deep consultation is required and the affected Indigenous peoples have made their concerns known, the honour of the Crown will usually oblige the NEB, where its approval process triggers the duty to consult, to explain how it considered and addressed these concerns.

E. *Was the Consultation Adequate in This Case?*

[43] The Crown acknowledges that deep consultation was required in this case, and we agree. As

devant lui la question du caractère adéquat de la consultation incombant à la Couronne. Lorsque les groupes autochtones touchés soulèvent directement auprès de l'ONÉ des préoccupations concernant la consultation qui a été menée par la Couronne, l'ONÉ doit habituellement traiter de ces préoccupations dans des motifs, plus particulièrement s'il s'agit d'une demande d'approbation de projet requérant une consultation approfondie. Le fait que l'honneur de la Couronne soit en jeu ne permet pas de préjuger d'un résultat donné, mais favorise la réconciliation en imposant des obligations quant à l'approche et à la façon de faire du gouvernement (*Haïda*, par. 49 et 63). L'existence de motifs écrits favorise la réconciliation, parce que ces motifs montrent aux peuples autochtones touchés que leurs droits ont été considérés et comment on en a tenu compte (*Haïda*, par. 44). Des motifs constituent [TRADUCTION] « une marque de respect [qui] démontre la courtoisie dont doit faire preuve la Couronne en tant que souverain envers une nation qui occupait le territoire avant elle » (*Kainaiwa/Blood Tribe c. Alberta (Energy)*, 2017 ABQB 107, par. 117 (CanLII)). Les motifs écrits favorisent également une meilleure prise de décision (*Baker c. Canada (Ministre de la Citoyenneté et de l'Immigration)*, [1999] 2 R.C.S. 817, par. 39).

[42] Cependant, cela ne signifie pas, contrairement à ce qu'affirment les appelants, que l'ONÉ est toujours tenu d'examiner le caractère adéquat de la consultation qui a été menée en appliquant mécaniquement l'« analyse requise par l'arrêt *Haïda* ». Des motifs explicites ne sont pas non plus requis dans tous les cas. L'étendue de l'analyse qui conviendra variera selon les circonstances propres à chaque cas. Mais dans les cas où une consultation approfondie est nécessaire et que les peuples autochtones touchés ont fait connaître leurs préoccupations, l'honneur de la Couronne obligera généralement l'ONÉ, lorsque son processus d'approbation donne naissance à l'obligation de consulter, à expliquer de quelle manière il a considéré ces préoccupations et il en a tenu compte.

E. *La consultation a-t-elle été adéquate en l'espèce?*

[43] La Couronne reconnaît qu'une consultation approfondie était requise dans le cas qui nous

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this Court explained in *Haida*, deep consultation is required "where a strong *prima facie* case for the claim is established, the right and potential infringement is of high significance to the Aboriginal peoples, and the risk of non-compensable damage is high" (para. 44). Here, the appellants had *established treaty rights* to hunt and harvest marine mammals. These rights were acknowledged at the Federal Court of Appeal as being extremely important to the appellants for their economic, cultural, and spiritual well-being (para. 2). Jerry Natanine, the former mayor of Clyde River, explained that hunting marine mammals "provides us with nutritious food; enables us to take part in practices we have maintained for generations; and enables us to maintain close relationships with each other through the sharing of what we call 'country food'" (A.R., vol. II, at p. 197). The importance of these rights was also recently recognized by the Nunavut Court of Justice:

> The Inuit right which is of concern in this matter is the right to harvest marine mammals. Many Inuit in Nunavut rely on country food for the majority of their diet. Food costs are very high and many would be unable to purchase food to replace country food if country food were unavailable. Country food is recognized as being of higher nutritional value than purchased food. But the inability to harvest marine mammals would impact more than . . . just the diet of Inuit. The cultural tradition of sharing country food with others in the community would be lost. The opportunity to make traditional clothing would be impacted. The opportunity to participate in the hunt, an activity which is fundamental to being Inuk, would be lost. The Inuit right which is at stake is of high significance. This suggests a significant level of consultation and accommodation is required.
>
> (*Qikiqtani Inuit Assn. v. Canada (Minister of Natural Resources)*, 2010 NUCJ 12, 54 C.E.L.R. (3d) 263, at para. 25)

occupe, et nous en convenons. Comme notre Cour l'a expliqué dans l'arrêt *Haïda*, une consultation approfondie est requise dans « les cas où la revendication repose sur une preuve à première vue solide, où le droit et l'atteinte potentielle sont d'une haute importance pour les Autochtones et où le risque de préjudice non indemnisable est élevé » (par. 44). En l'espèce, les appelants possèdent des *droits issus de traités établis* leur permettant de chasser et de récolter des mammifères marins. La Cour d'appel fédérale a reconnu que ces droits étaient extrêmement importants pour le bien-être économique, culturel et spirituel des appelants (par. 2). Jerry Natanine, l'ancien maire de Clyde River, a fourni les explications qui suivent à ce sujet : [TRADUCTION] « [la chasse aux mammifères marins] nous fournit des aliments nutritifs, en plus de nous permettre d'exercer des pratiques observées depuis des générations et d'entretenir d'étroites relations les uns avec les autres grâce au partage de ce que nous appelons les "aliments traditionnels" » (d.a., vol. II, p. 197). Récemment, la Cour de justice du Nunavut a également reconnu l'importance de ces droits :

> [TRADUCTION] Le droit inuit qui nous intéresse en l'espèce est le droit de récolter les mammifères marins. Le régime alimentaire de nombreux Inuits au Nunavut se compose en grande partie d'aliments traditionnels. Le coût des aliments est très élevé, et plusieurs habitants seraient dans l'incapacité d'acheter des aliments pour remplacer les aliments traditionnels si ceux-ci n'étaient plus disponibles. Il est reconnu que les aliments traditionnels ont une valeur nutritive plus élevée que les aliments achetés. Cependant, l'incapacité de récolter des mammifères marins n'aurait pas uniquement des répercussions sur le régime alimentaire des Inuits. La tradition culturelle qu'ont les Inuits de partager les aliments traditionnels entre eux dans la communauté serait perdue. La fabrication de vêtements traditionnels serait aussi touchée. Les Inuits perdraient la possibilité de participer à la chasse, une activité qui constitue un aspect fondamental de l'identité inuite. Le droit des Inuits qui est en jeu est d'une grande importance, d'où la nécessité d'une consultation approfondie et de mesures d'accommodement substantielles.
>
> (*Qikiqtani Inuit Assn. c. Canada (Minister of Natural Resources)*, 2010 NUCJ 12, 54 C.E.L.R. (3d) 263, par. 25)

[44] The risks posed by the proposed testing to these treaty rights were also high. The NEB's environmental assessment concluded that the project could increase the mortality risk of marine mammals, cause permanent hearing damage, and change their migration routes, thereby affecting traditional resource use. Given the importance of the rights at stake, the significance of the potential impact, and the risk of non-compensable damage, the duty owed in this case falls at the highest end of the spectrum.

[45] Bearing this in mind, the consultation that occurred here fell short in several respects. First, the inquiry was misdirected. While the NEB found that the proposed testing was not likely to cause significant adverse environmental effects, and that any effects on traditional resource use could be addressed by mitigation measures, the consultative inquiry is not properly into environmental effects *per se*. Rather, it inquires into the impact on the *right*. No consideration was given in the NEB's environmental assessment to the source — in a treaty — of the appellants' rights to harvest marine mammals, nor to the impact of the proposed testing on those rights.

[46] Furthermore, although the Crown relies on the processes of the NEB as fulfilling its duty to consult, that was not made clear to the Inuit. The significance of the process was not adequately explained to them.

[47] Finally, and most importantly, the process provided by the NEB did not fulfill the Crown's duty to conduct deep consultation. Deep consultation "may entail the opportunity to make submissions for consideration, formal participation in the decision-making process, and provision of written reasons to show that Aboriginal concerns were considered and to reveal the impact they had on the decision" (*Haida*, at para. 44). Despite the NEB's broad powers under *COGOA* to afford those advantages, limited opportunities for participation and consultation were made available to the appellants.

[44] Les essais proposés comportent également des risques importants pour ces droits issus de traités. Selon l'évaluation environnementale de l'ONÉ, ce projet est susceptible d'accroître le risque de mortalité chez les mammifères marins, de causer des dommages permanents à leur ouïe et de modifier leurs routes migratoires, situation qui a en conséquence une incidence sur l'utilisation des ressources traditionnelles. En raison de l'importance du droit en jeu, de la portée des effets potentiels et du risque de préjudice non indemnisable, l'obligation qui s'impose dans la présente affaire se situe à l'extrémité supérieure du continuum.

[45] Dans cette optique, la consultation qui a eu lieu en l'espèce a été lacunaire à plusieurs égards. Premièrement, la consultation était mal orientée. Bien que l'ONÉ ait conclu que les essais proposés n'étaient pas susceptibles d'avoir des effets environnementaux négatifs importants, et que tout effet sur l'utilisation des ressources traditionnelles pourrait faire l'objet de mesures d'atténuation, le processus consultatif ne vise pas vraiment les effets environnementaux en tant que tels, mais plutôt les effets sur le *droit*. Dans son évaluation environnementale, l'ONÉ n'a pas pris en considération la source — un traité — des droits des appelants de récolter des mammifères marins, ni l'incidence des essais proposés sur ces droits.

[46] Deuxièmement, il n'a pas été indiqué clairement aux Inuits que la Couronne s'en remettait aux processus de l'ONÉ pour satisfaire à son obligation de consulter. L'importance du processus ne leur a pas été expliquée adéquatement.

[47] Enfin, élément le plus important, le processus de l'ONÉ n'a pas permis de satisfaire à l'obligation de la Couronne de mener une consultation approfondie. Une telle consultation « pourrait comporter la possibilité de présenter des observations, la participation officielle à la prise de décisions et la présentation de motifs montrant que les préoccupations des Autochtones ont été prises en compte et précisant quelle a été l'incidence de ces préoccupations sur la décision » (*Haïda*, par. 44). Malgré les vastes pouvoirs que la *LOPC* confère à l'ONÉ pour offrir de telles mesures avantageuses, les appelants n'ont bénéficié

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Unlike many NEB proceedings, including the proceedings in *Chippewas of the Thames*, there were no oral hearings. Although the appellants submitted scientific evidence to the NEB, this was done without participant funding. Again, this stands in contrast to *Chippewas of the Thames*, where the consultation process was far more robust. In that case, the NEB held oral hearings, the appellants received funding to participate in the hearings, and they had the opportunity to present evidence and a final argument.[5] While these procedural protections are characteristic of an adversarial process, they may be required for meaningful consultation (*Haida*, at para. 41) and do not transform its underlying objective: fostering reconciliation by promoting an ongoing relationship (*Carrier Sekani*, at para. 38).

[48] The consultation in this case also stands in contrast to *Taku River* where, despite its entitlement to consultation falling only at the midrange of the spectrum (para. 32), the Taku River Tlingit First Nation, with financial assistance (para. 37), fully participated in the assessment process as a member of the project committee, which was "the primary engine driving the assessment process" (paras. 3, 8 and 40).

[49] While these procedural safeguards are not always necessary, their absence in this case significantly impaired the quality of consultation. Although the appellants had the opportunity to question the proponents about the project during the NEB meetings in the spring of 2013, the proponents were unable to answer many questions, including

[5] The NEB process in *Chippewas of the Thames* was undertaken pursuant to the *NEB Act*, not *COGOA*. Under the *NEB Act*, the NEB had at the relevant time, and still has today, explicit statutory powers to conduct public hearings (s. 24) and provide participant funding for such hearings (s. 16.3). As noted above, Parliament conferred similar powers upon the NEB under *COGOA* in 2015.

que de très peu de possibilités de participation et de consultation. Contrairement à de nombreuses autres instances de l'ONÉ, y compris celle dans l'affaire *Chippewas of the Thames*, il n'y a pas eu d'audiences en l'espèce. Bien que les appelants aient soumis des éléments de preuve scientifique à l'ONÉ, ils l'ont fait sans recevoir d'aide financière à l'intention des participants. Une autre situation qui contraste avec l'affaire *Chippewas of the Thames*, où le processus de consultation a été beaucoup plus robuste. Dans cette affaire, l'ONÉ a tenu des audiences, les appelants ont reçu des fonds pour y participer et ils ont eu l'occasion de présenter des éléments de preuve et des observations finales[5]. Quoique ces garanties procédurales constituent des caractéristiques d'un processus contradictoire, elles peuvent être nécessaires pour qu'une véritable consultation ait lieu (*Haïda*, par. 41) et elles ne transforment pas l'objectif sous-jacent de cette consultation, soit encourager la réconciliation tout en favorisant le maintien de relations constantes (*Carrier Sekani*, par. 38).

[48] La consultation qui s'est déroulée en l'espèce contraste également avec celle tenue dans l'affaire *Taku River* où, même si elle avait droit uniquement à un niveau de consultation se trouvant à mi-chemin du continuum (par. 32), la Première Nation Tlingit de Taku River a obtenu de l'aide financière (par. 37) et a participé pleinement au processus d'évaluation en tant que membre du comité responsable du projet, comité qui était le « principal moteur du processus d'évaluation » (par. 3, 8 et 40).

[49] Bien que ces garanties procédurales ne soient pas toujours nécessaires, leur absence en l'espèce a réduit de façon importante la qualité de la consultation. Même si les appelants ont eu la possibilité d'interroger les promoteurs au sujet du projet lors des rencontres organisées par l'ONÉ au printemps 2013, ces derniers ont été incapables de répondre à

[5] Le processus suivi par l'ONÉ dans l'affaire *Chippewas of the Thames* s'est déroulé conformément à la *Loi sur l'ONÉ*, et non à la *LOPC*. En vertu de la *Loi sur l'ONÉ*, l'ONÉ possédait au moment pertinent, et possède encore aujourd'hui, le pouvoir explicite de tenir des audiences publiques (art. 24) et de verser de l'aide financière en vue de faciliter la participation à de telles audiences (art. 16.3). Comme il a été indiqué précédemment, le Parlement a conféré à l'ONÉ des pouvoirs similaires dans la *LOPC* en 2015.

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basic questions about the effect of the proposed testing on marine mammals. The proponents did eventually respond to these questions; however, they did so in a 3,926 page document which they submitted to the NEB. This document was posted on the NEB website and delivered to the hamlet offices in Pond Inlet, Clyde River, Qikiqtajuak and Iqaluit. Internet speed is slow in Nunavut, however, and bandwidth is expensive. The former mayor of Clyde River deposed that he was unable to download this document because it was too large. Furthermore, only a fraction of this enormous document was translated into Inuktitut. To put it mildly, furnishing answers to questions that went to the heart of the treaty rights at stake in the form of a practically inaccessible document dump months after the questions were initially asked in person is not true consultation. "'[C]onsultation' in its least technical definition is talking together for mutual understanding" (T. Isaac and A. Knox, "The Crown's Duty to Consult Aboriginal People" (2003), 41 *Alta. L. Rev.* 49, at p. 61). No mutual understanding on the core issues — the potential impact on treaty rights, and possible accommodations — could possibly have emerged from what occurred here.

de nombreuses questions, y compris des questions de base sur les effets des essais proposés sur les mammifères marins. Les promoteurs ont finalement répondu à ces questions; cependant, ils l'ont fait dans un document de 3 926 pages, qu'ils ont soumis à l'ONÉ. Ce document a été affiché sur le site Web de l'ONÉ et remis aux bureaux des hameaux de Pond Inlet, Clyde River, Qikiqtajuak et Iqaluit. Toutefois, l'Internet est lent au Nunavut, et la bande passante est coûteuse. L'ancien maire de Clyde River a déclaré avoir été incapable de télécharger le document, puisque celui-ci était trop volumineux. De plus, une fraction seulement de cet énorme document a été traduite en inuktitut. Le moins que l'on puisse dire, c'est que le fait de répondre à des questions qui touchent à l'essence des droits issus de traités en cause au moyen d'un amas documentaire pratiquement inaccessible, et ce, des mois après que les questions aient été posées en personne ne constitue pas une véritable consultation. Selon des auteurs, le mot [TRADUCTION] « "consultation", dans son sens le moins technique, s'entend de l'action de se parler dans le but de se comprendre les uns les autres » (T. Isaac et A. Knox, « The Crown's Duty to Consult Aboriginal People » (2003), 41 *Alta. L. Rev.* 49, p. 61). Aucune compréhension mutuelle sur les points fondamentaux — à savoir les effets potentiels sur les droits issus de traités et les possibles accommodements — n'aurait pu vraiment aboutir de ce qui s'est déroulé dans la présente affaire.

[50] The fruits of the Inuit's limited participation in the assessment process here are plain in considering the accommodations recorded by the NEB's environmental assessment report. It noted changes made to the project as a result of consultation, such as a commitment to ongoing consultation, the placement of community liaison officers in affected communities, and the design of an Inuit Qaujimajatuqangit (Inuit traditional knowledge) study. The proponents also committed to installing passive acoustic monitoring on the ship to be used in the proposed testing to avoid collisions with marine mammals.

[50] Les fruits de la participation limitée des Inuits au processus d'évaluation en l'espèce ressortent clairement de l'examen des mesures d'accommodement consignées dans le rapport d'évaluation environnementale de l'ONÉ. Il y est fait état des changements apportés au projet par suite de la consultation, par exemple un engagement à poursuivre les consultations, l'affectation d'agents de liaison auprès de la communauté dans les communautés touchées et un projet d'étude sur les Inuit Qaujimajatuqangit (connaissances traditionnelles inuites). Les promoteurs se sont aussi engagés à doter le navire devant être utilisé pour les essais proposés d'appareils de surveillance acoustique passive afin d'éviter les collisions avec des mammifères marins.

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[51] These changes were, however, insignificant concessions in light of the potential impairment of the Inuit's treaty rights. Further, passive acoustic monitoring was no concession at all, since it is a requirement of the Statement of Canadian Practice With Respect to the Mitigation of Seismic Sound in the Marine Environment which provides "minimum standards, which will apply in all non-ice covered marine waters in Canada" (A.R., vol. I, at p. 40), and which would be included in virtually all seismic testing projects. None of these putative concessions, nor the NEB's reasons themselves, gave the Inuit any reasonable assurance that their constitutionally protected treaty rights were considered as *rights*, rather than as an afterthought to the assessment of environmental concerns.

[52] The consultation process here was, in view of the Inuit's established treaty rights and the risk posed by the proposed testing to those rights, significantly flawed. Had the appellants had the resources to submit their own scientific evidence, and the opportunity to test the evidence of the proponents, the result of the environmental assessment could have been very different. Nor were the Inuit given meaningful responses to their questions regarding the impact of the testing on marine life. While the NEB considered potential impacts of the project on marine mammals and on Inuit traditional resource use, its report does not acknowledge, or even mention, the Inuit treaty rights to harvest wildlife in the Nunavut Settlement Area, or that deep consultation was required.

IV. Conclusion

[53] For the foregoing reasons, we conclude that the Crown breached its duty to consult the appellants in respect of the proposed testing. We would allow the appeal with costs to the appellants, and quash the NEB's authorization.

Appeal allowed with costs.

[51] Cependant, ces changements ne représentaient que des concessions négligeables au regard de l'atteinte potentielle aux droits issus de traités des Inuits. En outre, la surveillance acoustique passive ne constituait aucunement une concession, puisqu'elle est exigée par l'Énoncé des pratiques canadiennes d'atténuation des ondes sismiques en milieu marin, lequel énonce des « normes minimales, qui s'appliquent dans toutes les eaux marines du Canada libres de glace » (d.a., vol. I, p. 40), et qui figureraient virtuellement dans tous les projets d'essais sismiques. Aucune de ces soi-disant concessions, ni les motifs eux-mêmes exposés par l'ONÉ, n'ont donné aux Inuits une assurance raisonnable que leurs droits issus de traités protégés par la Constitution avaient été considérés en tant que *droits*, plutôt que comme un aspect accessoire de l'évaluation des préoccupations environnementales.

[52] Compte tenu des droits issus de traités établis que possèdent les Inuits et des risques que posent pour ces droits les essais proposés, le processus de consultation qui s'est déroulé en l'espèce a comporté d'importantes lacunes. Si les appelants avaient disposé des ressources nécessaires pour présenter leur propre preuve scientifique, et s'ils avaient eu l'occasion de vérifier la validité de la preuve des promoteurs, le résultat de l'évaluation environnementale aurait pu être bien différent. Les Inuits n'ont pas non plus reçu de réponses concrètes à leurs questions au sujet de l'effet des essais sur la vie marine. Bien que l'ONÉ ait examiné les répercussions potentielles du projet sur les mammifères marins et sur l'utilisation traditionnelle des ressources par les Inuits, son rapport ne reconnaît pas, ni même ne mentionne, l'existence des droits issus de traités des Inuits de récolter des ressources fauniques au Nunavut ou le fait qu'une consultation approfondie était nécessaire.

IV. Conclusion

[53] Pour ces motifs, nous concluons que la Couronne a manqué à son obligation de consulter les appelants au sujet des essais proposés. Nous sommes d'avis d'accueillir le pourvoi, avec dépens en faveur des appelants, et d'annuler l'autorisation de l'ONÉ.

Pourvoi accueilli avec dépens.

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Solicitors for the appellants: Stockwoods, Toronto.

Solicitors for the respondents Petroleum Geo-Services Inc. (PGS), Multi Klient Invest As (MKI) and TGS-NOPEC Geophysical Company ASA (TGS): Blake, Cassels & Graydon, Calgary.

Solicitor for the respondent the Attorney General of Canada: Attorney General of Canada, Saskatoon.

Solicitor for the intervener the Attorney General of Ontario: Attorney General of Ontario, Toronto.

Solicitor for the intervener the Attorney General of Saskatchewan: Attorney General of Saskatchewan, Regina.

Solicitors for the intervener Nunavut Tunngavik Incorporated: Woodward & Company, Victoria; Nunavut Tunngavik Incorporated, Iqaluit.

Solicitors for the intervener the Makivik Corporation: Dionne Schulze, Montréal.

Solicitors for the intervener the Nunavut Wildlife Management Board: Supreme Advocacy, Ottawa.

Solicitors for the intervener the Inuvialuit Regional Corporation: Inuvialuit Regional Corporation, Inuvik; Olthuis Kleer Townshend, Toronto.

Solicitors for the intervener the Chiefs of Ontario: Gowling WLG (Canada), Ottawa.

Procureurs des appelants : Stockwoods, Toronto.

Procureurs des intimées Petroleum Geo-Services Inc. (PGS), Multi Klient Invest As (MKI) et TGS-NOPEC Geophysical Company ASA (TGS) : Blake, Cassels & Graydon, Calgary.

Procureure de l'intimée la procureure générale du Canada : Procureure générale du Canada, Saskatoon.

Procureur de l'intervenant le procureur général de l'Ontario : Procureur général de l'Ontario, Toronto.

Procureur de l'intervenant le procureur général de la Saskatchewan : Procureur général de la Saskatchewan, Regina.

Procureurs de l'intervenante Nunavut Tunngavik Incorporated : Woodward & Company, Victoria; Nunavut Tunngavik Incorporated, Iqaluit.

Procureurs de l'intervenante Makivik Corporation : Dionne Schulze, Montréal.

Procureurs de l'intervenant le Conseil de gestion des ressources fauniques du Nunavut : Supreme Advocacy, Ottawa.

Procureurs de l'intervenante Inuvialuit Regional Corporation : Inuvialuit Regional Corporation, Inuvik; Olthuis Kleer Townshend, Toronto.

Procureurs de l'intervenant Chiefs of Ontario : Gowling WLG (Canada), Ottawa.

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Schedule "F"

Chippewas of the Thames First Nation v Enbridge Pipelines Inc.

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Chippewas of the Thames First Nation
Appellant

v.

Enbridge Pipelines Inc.,
National Energy Board and
Attorney General of Canada *Respondents*

and

Attorney General of Ontario,
Attorney General of Saskatchewan,
Nunavut Wildlife Management Board,
Suncor Energy Marketing Inc.,
Mohawk Council of Kahnawà:ke,
Mississaugas of the New Credit First Nation
and Chiefs of Ontario *Interveners*

Chippewas of the Thames First Nation
Appelante

c.

Pipelines Enbridge inc.,
Office national de l'énergie et
procureure générale du Canada *Intimés*

et

Procureur général de l'Ontario,
procureur général de la Saskatchewan,
Conseil de gestion des ressources fauniques
du Nunavut, Suncor Energy Marketing Inc.,
Mohawk Council of Kahnawà:ke,
Mississaugas of the New Credit First Nation
et Chiefs of Ontario *Intervenants*

Indexed as: Chippewas of the Thames First Nation *v.* Enbridge Pipelines Inc.

2017 SCC 41

File No.: 36776.

2016: November 30; 2017: July 26.

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

Répertorié : Chippewas of the Thames First Nation *c.* Pipelines Enbridge inc.

2017 CSC 41

N° du greffe : 36776.

2016 : 30 novembre; 2017 : 26 juillet.

Présents : La juge en chef McLachlin et les juges Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown et Rowe.

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Constitutional law — Aboriginal rights — Treaty rights — Crown — Duty to consult — Decision by federal independent regulatory agency which could impact Aboriginal and treaty rights — Pipeline crossing traditional territory of First Nation — National Energy Board approving modification of pipeline — Whether Board's contemplated decision on project's approval amounted to Crown conduct triggering duty to consult — Whether Crown consultation can be conducted through regulatory process — Role of regulatory tribunal when Crown not a party to regulatory process — Scope of duty to consult — Whether there was adequate notice to First Nation that Crown was relying on Board's process to fulfill its duty to consult — Whether Crown's consultation obligation fulfilled — Whether Board's written reasons were sufficient

EN APPEL DE LA COUR D'APPEL FÉDÉRALE

Droit constitutionnel — Droits ancestraux — Droits issus de traités — Couronne — Obligation de consultation — Décision d'un organisme de réglementation fédéral indépendant qui pourrait avoir une incidence sur des droits ancestraux et issus de traités — Pipeline traversant le territoire traditionnel d'une première nation — Approbation par l'Office national de l'énergie d'une modification du pipeline — La décision envisagée par l'Office relativement à l'approbation du projet peut-elle être considérée comme une mesure de la Couronne ayant donné naissance à l'obligation de consulter? — La consultation incombant à la Couronne peut-elle être menée dans le cadre d'un processus réglementaire? — Rôle d'un tribunal administratif lorsque la Couronne n'est pas partie au processus réglementaire — Étendue

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to satisfy Crown's obligation — National Energy Board Act, R.S.C. 1985, c. N-7, s. 58.

The National Energy Board (NEB), a federal administrative tribunal and regulatory agency, was the final decision maker on an application by Enbridge Pipelines Inc. for a modification to a pipeline that would reverse the flow of part of the pipeline, increase its capacity, and enable it to carry heavy crude. The NEB issued notice to Indigenous groups, including the Chippewas of the Thames First Nation (Chippewas), informing them of the project, the NEB's role, and the NEB's upcoming hearing process. The Chippewas were granted funding to participate in the process, and they filed evidence and delivered oral argument delineating their concerns that the project would increase the risk of pipeline ruptures and spills, which could adversely impact their use of the land. The NEB approved the project, and was satisfied that potentially affected Indigenous groups had received adequate information and had the opportunity to share their views. The NEB also found that potential project impacts on the rights and interests of Aboriginal groups would likely be minimal and would be appropriately mitigated. A majority of the Federal Court of Appeal dismissed the Chippewas' appeal.

Held: The appeal should be dismissed.

When an independent regulatory agency such as the NEB is tasked with a decision that could impact Aboriginal or treaty rights, the NEB's decision would itself be Crown conduct that implicates the Crown's duty to consult. As a statutory body with the delegated executive responsibility to make a decision that could adversely affect Aboriginal and treaty rights, the NEB acted on behalf of the Crown in approving Enbridge's application. Because the authorized work could potentially adversely affect the Chippewas' asserted Aboriginal and treaty rights, the Crown had an obligation to consult.

The Crown may rely on steps taken by an administrative body to fulfill its duty to consult so long as the

de l'obligation de consulter — La première nation a-t-elle été avisée adéquatement du fait que la Couronne s'en remettait au processus de l'Office pour satisfaire à son obligation de consulter? — La Couronne s'est-elle acquittée de son obligation de consulter? — Les motifs écrits de l'Office étaient-ils suffisants pour satisfaire à l'obligation de la Couronne? — Loi sur l'Office national de l'énergie, L.R.C. 1985, c. N-7, art. 58.

L'Office national de l'énergie (ONÉ), tribunal administratif fédéral et organisme de réglementation, était le décideur ultime concernant une demande présentée par Pipelines Enbridge inc. en vue que soit apportée à une canalisation une modification qui aurait pour effet d'inverser le sens de l'écoulement dans une partie du pipeline, d'accroître sa capacité et de permettre le transport de pétrole brut lourd. L'ONÉ a envoyé un avis à des groupes autochtones, y compris aux Chippewas of the Thames First Nation (Chippewas), afin de les informer du projet, du rôle de l'ONÉ et du processus d'audience à venir. Les Chippewas ont obtenu les fonds nécessaires pour participer au processus, et ils ont déposé des éléments de preuve et présenté des observations orales à l'audience faisant état de leur crainte que le projet n'augmente le risque de ruptures du pipeline et de déversements, ce qui pourrait avoir des effets préjudiciables sur leur utilisation du territoire. L'ONÉ a approuvé le projet, estimant que les groupes autochtones susceptibles d'être touchés avaient été suffisamment renseignés à son sujet et avaient eu l'occasion de faire connaître leurs points de vue. L'ONÉ a également conclu que les effets éventuels du projet sur les droits et les intérêts des groupes autochtones seraient vraisemblablement négligeables et atténués de façon convenable. Les juges majoritaires de la Cour d'appel fédérale ont rejeté l'appel des Chippewas.

Arrêt : Le pourvoi est rejeté.

Lorsqu'un organisme de réglementation indépendant tel l'ONÉ doit rendre une décision susceptible de porter atteinte à des droits ancestraux ou issus de traités, la décision de l'ONÉ constituerait en soi une mesure de la Couronne emportant pour celle-ci une obligation de consulter. En tant qu'organisme d'origine législative investi du pouvoir délégué de rendre une décision susceptible de porter atteinte à des droits ancestraux et issus de traités, l'ONÉ agissait au nom de la Couronne lorsqu'il a approuvé la demande d'Enbridge. Comme les travaux autorisés étaient susceptibles de porter atteinte aux droits ancestraux et issus de traités invoqués par les Chippewas, la Couronne avait une obligation de consulter.

La Couronne peut se fonder sur les mesures prises par un organisme administratif pour satisfaire à son obligation

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agency possesses the statutory powers to do what the duty to consult requires in the particular circumstances, and so long as it is made clear to the affected Indigenous group that the Crown is so relying. However, if the agency's statutory powers are insufficient in the circumstances or if the agency does not provide adequate consultation and accommodation, the Crown must provide further avenues for meaningful consultation and accommodation prior to project approval. Otherwise, a regulatory decision made on the basis of inadequate consultation will not satisfy constitutional standards and should be quashed.

A regulatory tribunal's ability to assess the Crown's duty to consult does not depend on whether the government participated in the hearing process. The Crown's constitutional obligation does not disappear when the Crown acts to approve a project through a regulatory body such as the NEB. It must be discharged before the government proceeds with approval of a project that could adversely affect Aboriginal or treaty rights. As the final decision maker on certain projects, the NEB is obliged to consider whether the Crown's consultation was adequate if the concern is raised before it. The responsibility to ensure the honour of the Crown is upheld remains with the Crown. However, administrative decision makers have both the obligation to decide necessary questions of law and an obligation to make decisions within the contours of the state's constitutional obligations.

The duty to consult is not the vehicle to address historical grievances. The subject of the consultation is the impact on the claimed rights of the current decision under consideration. Even taking the strength of the Chippewas' claim and the seriousness of the potential impact on the claimed rights at their highest, the consultation undertaken in this case was manifestly adequate. Potentially affected Indigenous groups were given early notice of the NEB's hearing and were invited to participate in the process. The Chippewas accepted the invitation and appeared before the NEB. They were aware that the NEB was the final decision maker. Moreover, they understood that no other Crown entity was involved in the process for the purposes of carrying out consultation. The circumstances of this case made it sufficiently clear to the Chippewas that the NEB process was intended to constitute Crown consultation and accommodation. Notwithstanding the Crown's failure to provide timely notice that it intended to

de consulter, dans la mesure où ce dernier dispose du pouvoir légal de faire ce que l'obligation de consulter impose dans les circonstances, et dans la mesure où il est clairement indiqué au groupe autochtone touché que la Couronne s'en remet à ce processus. Toutefois, si les pouvoirs que la loi confère à l'organisme sont insuffisants dans les circonstances, ou si l'organisme ne prévoit pas des consultations et des accommodements adéquats, la Couronne doit prévoir d'autres avenues de consultation et d'accommodement véritables avant que le projet ne soit approuvé. Autrement, la décision que l'organisme de réglementation aura prise sans consultation adéquate ne respectera pas les normes constitutionnelles et devrait être annulée.

Le pouvoir d'un tribunal administratif d'apprécier l'obligation de consulter de la Couronne n'est pas tributaire de la participation du gouvernement au processus d'audience. L'obligation constitutionnelle de la Couronne ne disparaît pas lorsqu'elle s'engage dans le processus d'approbation d'un projet par l'intermédiaire d'un organisme de réglementation tel l'ONÉ. Il doit être satisfait à cette obligation avant que le gouvernement n'approuve un projet susceptible d'avoir un effet préjudiciable sur des droits ancestraux ou issus de traités. En tant que décideur ultime en ce qui concerne certains projets, l'ONÉ doit, lorsque la question est soulevée devant lui, se demander si les consultations par la Couronne relativement à un projet donné ont été adéquates. La responsabilité de veiller à ce que l'honneur de la Couronne soit préservé continue de reposer sur cette dernière. Toutefois, les décideurs administratifs ont l'obligation de trancher les questions de droit pertinentes soulevées devant eux, ainsi que l'obligation de rendre leurs décisions dans le respect des obligations constitutionnelles de l'État.

L'obligation de consulter n'est pas un moyen approprié de régler des griefs historiques. La consultation s'intéresse à l'effet sur les droits revendiqués de la décision actuellement considérée. Même en considérant de la façon la plus favorable aux Chippewas la solidité de leur revendication et la gravité de l'impact potentiel sur les droits qu'ils invoquent, la consultation menée en l'espèce a manifestement été adéquate. Les groupes autochtones susceptibles d'être touchés ont été avisés à l'avance de la tenue des audiences de l'ONÉ et ont été invités à participer au processus. Les Chippewas ont accepté l'invitation et ils ont comparu devant l'ONÉ. Ils savaient que l'ONÉ était le décideur ultime. De plus, ils comprenaient qu'aucun autre organisme de l'État ne participait au processus pour effectuer des consultations. Les circonstances indiquaient de façon suffisamment claire aux Chippewas que le processus de l'ONÉ constituait le processus de consultation et d'accommodement de la Couronne. Malgré son

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rely on the NEB's process to fulfill its duty to consult, its consultation obligation was met.

The NEB's statutory powers under s. 58 of the *National Energy Board Act* were capable of satisfying the Crown's constitutional obligations in this case. Furthermore, the process undertaken by the NEB in this case was sufficient to satisfy the Crown's duty to consult. First, the NEB provided the Chippewas with an adequate opportunity to participate in the decision-making process. Second, the NEB sufficiently assessed the potential impacts on the rights of Indigenous groups and found that the risk of negative consequences was minimal and could be mitigated. Third, in order to mitigate potential risks, the NEB provided appropriate accommodation through the imposition of conditions on Enbridge.

Finally, where affected Indigenous peoples have squarely raised concerns about Crown consultation, the NEB must usually provide written reasons. What is necessary is an indication that the NEB took the asserted Aboriginal and treaty rights and interests into consideration and accommodated them where appropriate. In this case, the NEB's written reasons are sufficient to satisfy the Crown's obligation. Unlike the NEB's reasons in the companion case *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, [2017] 1 S.C.R. 1069, the discussion of Aboriginal consultation was not subsumed within an environmental assessment. The NEB reviewed the written and oral evidence of numerous Indigenous groups and identified, in writing, the rights and interests at stake. It assessed the risks that the project posed to those rights and interests and concluded that the risks were minimal. Nonetheless, it provided written and binding conditions of accommodation to adequately address any negative impacts on the asserted rights from the approval and completion of the project.

Cases Cited

Applied: *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, [2017] 1 S.C.R. 1069; *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650; **referred to:** *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC

omission de donner avis en temps utile de son intention de s'en remettre au processus de l'ONÉ pour s'acquitter de son obligation de consulter, la Couronne a respecté son obligation de mener des consultations.

Du fait des pouvoirs que l'art. 58 de la *Loi sur l'Office national de l'énergie* confère à l'ONÉ, ce dernier était en mesure de satisfaire aux obligations constitutionnelles de la Couronne dans le présent cas. En outre, le processus mené par l'ONÉ en l'espèce était suffisant pour satisfaire à l'obligation de consulter qui incombait à la Couronne. Premièrement, l'ONÉ a fourni aux Chippewas une possibilité adéquate de participer au processus décisionnel. Deuxièmement, l'ONÉ a suffisamment apprécié les effets potentiels du projet sur les droits des groupes autochtones, ce qui l'a amené à conclure que le risque d'effets préjudiciables était minime et pouvait être atténué. Troisièmement, l'ONÉ a pris des mesures d'accommodement appropriées pour atténuer les risques potentiels du projet sur les droits des groupes autochtones en imposant des conditions à Enbridge.

Enfin, lorsque des groupes autochtones touchés soulèvent directement des préoccupations concernant les consultations incombant à la Couronne, l'ONÉ doit habituellement motiver sa décision par écrit. Ce qu'il faut, c'est que l'ONÉ indique qu'il a pris en considération les droits ancestraux et issus de traités invoqués et qu'il a pris des accommodements à leur égard lorsqu'il convenait de le faire. En l'espèce, les motifs écrits exposés par l'ONÉ sont suffisants et permettent de satisfaire à l'obligation de la Couronne. Contrairement aux motifs de l'ONÉ dans l'affaire connexe *Clyde River (Hameau) c. Petroleum Geo-Services Inc.*, 2017 CSC 40, [2017] 1 R.C.S. 1069, l'analyse de la consultation menée auprès des Autochtones n'était pas intégrée dans une évaluation environnementale. L'ONÉ a examiné les éléments de preuve présentés par écrit et de vive voix par de nombreux groupes autochtones et il a identifié, par écrit, les droits et intérêts en jeu. Il a apprécié les risques que le projet posait à l'égard de ces droits et intérêts et conclu qu'ils étaient minimes. Néanmoins, il a imposé par écrit, sous forme de conditions contraignantes, des mesures d'accommodement en vue de remédier adéquatement à tout effet préjudiciable sur les droits invoqués par suite de l'approbation et de la réalisation du projet.

Jurisprudence

Arrêts appliqués : *Clyde River (Hameau) c. Petroleum Geo-Services Inc.*, 2017 CSC 40, [2017] 1 R.C.S. 1069; *Rio Tinto Alcan Inc. c. Conseil tribal Carrier Sekani*, 2010 CSC 43, [2010] 2 R.C.S. 650; **arrêts mentionnés :** *Nation haïda c. Colombie-Britannique (Ministre des Forêts)*, 2004

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73, [2004] 3 S.C.R. 511; *Quebec (Attorney General) v. Canada (National Energy Board)*, [1994] 1 S.C.R. 159; *Ocean Port Hotel Ltd. v. British Columbia (General Manager, Liquor Control and Licensing Branch)*, 2001 SCC 52, [2001] 2 S.C.R. 781; *Standing Buffalo Dakota First Nation v. Enbridge Pipelines Inc.*, 2009 FCA 308, [2010] 4 F.C.R. 500; *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257; *R. v. Conway*, 2010 SCC 22, [2010] 1 S.C.R. 765; *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, 18 B.C.L.R. (5th) 234; *Kainaiwa/Blood Tribe v. Alberta (Energy)*, 2017 ABQB 107; *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817.

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National Energy Board Act, R.S.C. 1985, c. N-7, ss. 3, 22(1), Part III, 30(1), 52, 54(1), 58.
Oil Pipeline Uniform Accounting Regulations, C.R.C., c. 1058.

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David C. Nahwegahbow and *Scott Robertson*, for the appellant.

Douglas E. Crowther, *Q.C.*, *Joshua A. Jantzi* and *Aaron Stephenson*, for the respondent Enbridge Pipelines Inc.

Jody Saunders and *Kristen Lozynsky*, for the respondent the National Energy Board.

Peter Southey and *Mark R. Kindrachuk*, *Q.C.*, for the respondent the Attorney General of Canada.

Manizeh Fancy and *Richard Ogden*, for the intervener the Attorney General of Ontario.

CSC 73, [2004] 3 R.C.S. 511; *Québec (Procureur général) c. Canada (Office national de l'énergie)*, [1994] 1 R.C.S. 159; *Ocean Port Hotel Ltd. c. Colombie-Britannique (General Manager, Liquor Control and Licensing Branch)*, 2001 CSC 52, [2001] 2 R.C.S. 781; *Première nation dakota de Standing Buffalo c. Enbridge Pipelines Inc.*, 2009 CAF 308, [2010] 4 R.C.F. 500; *Nation Tsilhqot'in c. Colombie-Britannique*, 2014 CSC 44, [2014] 2 R.C.S. 257; *R. c. Conway*, 2010 CSC 22, [2010] 1 R.C.S. 765; *West Moberly First Nations c. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, 18 B.C.L.R. (5th) 234; *Kainaiwa/Blood Tribe c. Alberta (Energy)*, 2017 ABQB 107; *Baker c. Canada (Ministre de la Citoyenneté et de l'Immigration)*, [1999] 2 R.C.S. 817.

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David C. Nahwegahbow et *Scott Robertson*, pour l'appelante.

Douglas E. Crowther, *c.r.*, *Joshua A. Jantzi* et *Aaron Stephenson*, pour l'intimée Pipelines Enbridge inc.

Jody Saunders et *Kristen Lozynsky*, pour l'intimé l'Office national de l'énergie.

Peter Southey et *Mark R. Kindrachuk*, *c.r.*, pour l'intimée la procureure générale du Canada.

Manizeh Fancy et *Richard Ogden*, pour l'intervenant le procureur général de l'Ontario.

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Richard James Fyfe, for the intervener the Attorney General of Saskatchewan.

Marie-France Major and *Thomas Slade*, for the intervener the Nunavut Wildlife Management Board.

Martin Ignasiak, *W. David Rankin* and *Thomas Kehler*, for the intervener Suncor Energy Marketing Inc.

Francis Walsh and *Suzanne Jackson*, for the intervener the Mohawk Council of Kahnawà:ke.

Nuri G. Frame, *Jason T. Madden* and *Jessica Labranche*, for the intervener the Mississaugas of the New Credit First Nation.

Maxime Faille, *Jaimie Lickers* and *Guy Régimbald*, for the intervener the Chiefs of Ontario.

The judgment of the Court was delivered by

KARAKATSANIS AND BROWN JJ. —

I. Introduction

[1] In this appeal and in its companion, *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, [2017] 1 S.C.R. 1069, this Court must consider the Crown's duty to consult with Indigenous peoples prior to an independent regulatory agency's approval of a project that could impact their rights. As we explain in the companion case, the Crown may rely on regulatory processes to partially or completely fulfill its duty to consult.

[2] These cases demonstrate that the duty to consult has meaningful content, but that it is limited in scope. The duty to consult is rooted in the need to avoid the impairment of asserted or recognized rights that flows from the implementation of the specific project at issue; it is not about resolving broader claims that transcend the scope of the proposed project. That said, the duty to consult requires

Richard James Fyfe, pour l'intervenant le procureur général de la Saskatchewan.

Marie-France Major et *Thomas Slade*, pour l'intervenant le Conseil de gestion des ressources fauniques du Nunavut.

Martin Ignasiak, *W. David Rankin* et *Thomas Kehler*, pour l'intervenante Suncor Energy Marketing Inc.

Francis Walsh et *Suzanne Jackson*, pour l'intervenant Mohawk Council of Kahnawà:ke.

Nuri G. Frame, *Jason T. Madden* et *Jessica Labranche*, pour l'intervenante Mississaugas of the New Credit First Nation.

Maxime Faille, *Jaimie Lickers* et *Guy Régimbald*, pour l'intervenant Chiefs of Ontario.

Version française du jugement de la Cour rendu par

LES JUGES KARAKATSANIS ET BROWN —

I. Introduction

[1] Dans le présent pourvoi et le pourvoi connexe, *Clyde River (Hameau) c. Petroleum Geo-Services Inc.*, 2017 CSC 40, [2017] 1 R.C.S. 1069, la Cour est appelée à examiner l'obligation qui incombe à la Couronne de consulter les peuples autochtones avant qu'un organisme de réglementation indépendant n'approuve un projet susceptible de porter atteinte à leurs droits. Comme nous l'expliquons dans le pourvoi connexe, la Couronne peut s'en remettre à des processus réglementaires pour satisfaire, en tout ou en partie, à son obligation de consulter.

[2] Il ressort de ces décisions que l'obligation de consulter a un contenu significatif, mais que sa portée est limitée. L'obligation de consulter tire son origine du besoin d'éviter qu'il soit porté à des droits revendiqués ou reconnus une atteinte découlant de la mise en œuvre d'un projet donné; elle n'a pas pour objet de résoudre des revendications plus larges dépassant le cadre du projet en question. Cela dit,

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an informed and meaningful opportunity for dialogue with Indigenous groups whose rights may be impacted.

[3] The Chippewas of the Thames First Nation has historically resided near the Thames River in southwestern Ontario, where its members carry out traditional activities that are central to their identity and way of life. Enbridge Pipelines Inc.'s Line 9 pipeline crosses their traditional territory.

[4] In November 2012, Enbridge applied to the National Energy Board (NEB) for approval of a modification of Line 9 that would reverse the flow of part of the pipeline, increase its capacity, and enable it to carry heavy crude. These changes would increase the assessed risk of spills along the pipeline. The Chippewas of the Thames requested Crown consultation before the NEB's approval, but the Crown signalled that it was relying on the NEB's public hearing process to address its duty to consult.

[5] The NEB approved Enbridge's proposed modification. The Chippewas of the Thames then brought an appeal from that decision to the Federal Court of Appeal, arguing that the NEB had no jurisdiction to approve the Line 9 modification in the absence of Crown consultation. The majority of the Federal Court of Appeal dismissed the appeal, and the Chippewas of the Thames brought an appeal from that decision to this Court. For the reasons set out below, we would dismiss the appeal. The Crown is entitled to rely on the NEB's process to fulfill the duty to consult. In this case, in light of the scope of the project and the consultation process afforded to the Chippewas of the Thames by the NEB, the Crown's duty to consult and accommodate was fulfilled.

l'obligation de consulter exige une véritable possibilité de dialogue avec les groupes autochtones dont les droits peuvent être touchés.

[3] L'appelante, Chippewas of the Thames First Nation (Chippewas de la Thames), vit depuis longtemps près de la rivière Thames dans le Sud-Ouest de l'Ontario, où ses membres poursuivent des activités traditionnelles qui sont au cœur de leur identité et de leur mode de vie. La canalisation 9 de Pipelines Enbridge inc. traverse son territoire traditionnel.

[4] En novembre 2012, Enbridge a demandé à l'Office national de l'énergie (ONÉ) d'approuver, à l'égard de la canalisation 9, une modification qui aurait pour effet d'inverser le sens de l'écoulement dans une partie du pipeline, d'accroître sa capacité et de permettre le transport de pétrole brut lourd. Ces changements aggraveraient les risques de déversements le long du pipeline qui ont été évalués. Les Chippewas de la Thames ont demandé à la Couronne de les consulter avant que l'ONÉ n'approuve le projet, mais la Couronne a répondu qu'elle s'en remettait au processus d'audience publique de l'ONÉ pour satisfaire à son obligation de consulter.

[5] L'ONÉ a approuvé la modification proposée par Enbridge. Les Chippewas de la Thames ont alors interjeté appel de cette décision à la Cour d'appel fédérale, soutenant que l'ONÉ n'avait pas compétence pour approuver le changement proposé à la canalisation 9 en l'absence de consultations menées par la Couronne. Les juges majoritaires de la Cour d'appel fédérale ont rejeté l'appel et les Chippewas de la Thames ont porté cette décision en appel devant la Cour. Pour les motifs exposés ci-après, nous sommes d'avis de rejeter l'appel. La Couronne est autorisée à s'en remettre au processus de l'ONÉ pour satisfaire à son obligation de consulter. En l'espèce, compte tenu de la portée du projet et du processus de consultation de l'ONÉ dont ont bénéficié les Chippewas de la Thames, la Couronne a satisfait à son obligation de consultation et d'accommodement.

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II. Background

A. *The Chippewas of the Thames First Nation*

[6] The Chippewas of the Thames are the descendants of a part of the Anishinaabe Nation that lived along the shore of the Thames River in southwestern Ontario prior to the arrival of European settlers in the area at the beginning of the 18th century. Their ancestors' lifestyle involved hunting, fishing, trapping, gathering, growing corn and squash, performing ceremonies at sacred sites, and collecting animals, plants, minerals, maple sugar and oil in their traditional territory.

[7] The Chippewas of the Thames assert that they have a treaty right guaranteeing their exclusive use and enjoyment of their reserve lands. They also assert Aboriginal harvesting rights as well as the right to access and preserve sacred sites in their traditional territory. Finally, they claim Aboriginal title to the bed of the Thames River, its airspace, and other lands throughout their traditional territory.

B. *Legislative Scheme*

[8] The NEB is a federal administrative tribunal and regulatory agency established under s. 3 of the *National Energy Board Act*, R.S.C. 1985, c. N-7 (*NEB Act*), whose functions include the approval and regulation of pipeline projects. The *NEB Act* prohibits the operation of a pipeline unless a certificate of public convenience and necessity has been issued for the project and the proponent has been given leave under Part III to open the pipeline (s. 30(1)).

[9] The NEB occupies an advisory role with respect to the issuance of a certificate of public convenience and necessity. Under ss. 52(1) and 52(2), it can submit a report to the Minister of Natural Resources setting out: (i) its recommendation on whether a certificate should be issued based on its consideration of certain criteria; and (ii) the terms

II. Contexte

A. *Les Chippewas de la Thames*

[6] Les Chippewas de la Thames sont les descendants d'une partie de la Nation Anishinaabe qui vivait au bord de la rivière Thames, dans le Sud-Ouest de l'Ontario, avant que les colons européens ne s'établissent dans cette région au début du 18e siècle. Leurs ancêtres avaient un mode de vie axé sur la chasse, la pêche, le piégeage, la cueillette et la culture du maïs et de la courge; ils célébraient des cérémonies sur des sites sacrés et pouvaient trouver sur leur territoire traditionnel des animaux, des plantes, des minéraux, du sucre d'érable et de l'huile.

[7] Les Chippewas de la Thames soutiennent qu'ils possèdent un droit issu de traités qui leur garantit l'utilisation et la jouissance exclusives de leurs terres de réserve. Ils affirment par ailleurs posséder des droits ancestraux de récolte ainsi que le droit d'accéder à des sites sacrés sur leur territoire traditionnel et de les protéger. Enfin, ils revendiquent le titre ancestral sur le lit de la rivière Thames et sur son espace aérien, ainsi que sur d'autres terres de leur territoire traditionnel.

B. *Régime législatif*

[8] L'ONÉ est un tribunal administratif fédéral et un organisme de réglementation constitué sous le régime de l'art. 3 de la *Loi sur l'Office national de l'énergie*, L.R.C. 1985, c. N-7 (*Loi sur l'ONÉ*). Il a notamment pour fonction d'approuver et d'encadrer les projets de pipeline. La *Loi sur l'ONÉ* interdit l'exploitation d'un pipeline sans qu'un certificat d'utilité publique ait été délivré à l'égard du projet et que le promoteur ait été autorisé aux termes de la partie III à mettre le pipeline en service (par. 30(1)).

[9] L'ONÉ exerce un rôle consultatif pour ce qui est de la délivrance des certificats d'utilité publique. Les paragraphes 52(1) et 52(2) prévoient qu'il peut présenter au ministre des Ressources naturelles un rapport où figurent : (i) sa recommandation motivée à savoir si un certificat devrait être délivré eu égard à certains critères; (ii) les conditions qu'il estime

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and conditions that it considers necessary or desirable in the public interest to be attached to the project should the certificate be issued. The Governor in Council may then direct the NEB either to issue the certificate or to dismiss the application (s. 54(1)).

[10] Under s. 58 of the *NEB Act*, however, the NEB may make orders, on terms and conditions that it considers proper, exempting smaller pipeline projects or project modifications from various requirements that would otherwise apply under Part III, including the requirement for the issuance of a certificate of public convenience and necessity. Consequently, as in this case, smaller projects and amendments to existing facilities are commonly sought under s. 58. The NEB is the final decision maker on s. 58 exemptions.

C. *The Line 9 Pipeline and the Project*

[11] The Line 9 pipeline, connecting Sarnia to Montreal, opened in 1976 with the purpose of transporting crude oil from western Canada to eastern refineries. Line 9 cuts through the Chippewas of the Thames' traditional territory and crosses the Thames River. It was approved and built without any consultation of the Chippewas of the Thames.

[12] In 1999, following NEB approval, Line 9 was reversed to carry oil westward. In July 2012, the NEB approved an application from Enbridge, the current operator of Line 9, for the re-reversal (back to eastward flow) of the westernmost segment of Line 9, between Sarnia and North Westover, called "Line 9A".

[13] In November 2012, Enbridge filed an application under Part III of the *NEB Act* for a modification to Line 9. The project would involve reversing the flow (to eastward) in the remaining 639-kilometre segment of Line 9, called "Line 9B", between North Westover and Montreal; increasing the annual capacity of Line 9 from 240,000

utiles, dans l'intérêt public, de rattacher au projet dans le cas où le certificat serait délivré. Le gouverneur en conseil peut ensuite donner instruction à l'ONÉ de délivrer le certificat ou de rejeter la demande (par. 54(1)).

[10] En vertu de l'art. 58 de la *Loi sur l'ONÉ*, cependant, l'ONÉ peut, par ordonnance et aux conditions qu'il estime indiquées, soustraire les projets de pipeline de petite envergure ou les modifications apportées à un projet à l'application de diverses exigences autrement applicables sous le régime de la partie III, notamment à l'obligation d'obtenir un certificat d'utilité publique. Par conséquent, comme c'est le cas en l'espèce, les demandes concernant les projets de moindre envergure et les modifications à des installations existantes sont habituellement fondées sur l'art. 58. C'est donc l'ONÉ qui est le décideur ultime en ce qui concerne les exemptions prévues à l'art. 58.

C. *La canalisation 9 et le projet*

[11] La canalisation 9, qui relie Sarnia à Montréal, a été mise en service en 1976 afin de transporter du pétrole brut de l'Ouest du Canada jusqu'aux raffineries de l'Est. La canalisation 9 traverse le territoire traditionnel des Chippewas de la Thames ainsi que la rivière Thames. Elle a été approuvée et construite sans que les Chippewas de la Thames aient été consultés.

[12] En 1999, après approbation de l'ONÉ, le débit de la canalisation 9 a été inversé vers l'ouest. En juillet 2012, l'ONÉ a approuvé une demande d'Enbridge, l'exploitante actuelle de la canalisation 9, visant à ce qu'il soit inversé de nouveau (et s'écoule vers l'est) dans le tronçon le plus à l'ouest, entre Sarnia et North Westover, appelé « canalisation 9A ».

[13] En novembre 2012, Enbridge a présenté une demande de modification à la canalisation 9 fondée sur la partie III de la *Loi sur l'ONÉ*. Le projet consistait à inverser (vers l'est) le sens de l'écoulement pour le tronçon restant de la canalisation 9, appelé « canalisation 9B », d'une longueur de 639 kilomètres entre North Westover et Montréal,

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to 300,000 barrels per day; and allowing for the transportation of heavy crude. While the project involved a significant increase of Line 9's throughput, virtually all of the required construction would take place on previously disturbed lands owned by Enbridge and on Enbridge's right of way.

[14] Enbridge also sought exemptions under s. 58 from various filing requirements which would otherwise apply under Part III of the *NEB Act*, the *Oil Pipeline Uniform Accounting Regulations*, C.R.C., c. 1058, and the NEB's Filing Manual. The most significant requested exemption was to dispense with the requirement for a certificate of public convenience and necessity, which as explained above is subject to the Governor in Council's final approval under s. 52 of the *NEB Act*. Without the need for a Governor in Council-approved certificate, the NEB would have the final word on the project's approval.

[15] In December 2012, the NEB, having determined that Enbridge's application was complete enough to proceed to assessment, issued a hearing order, which established the process for the NEB's consideration of the project. This process culminated in a public hearing, the purpose of which was for the NEB to gather and review information that was relevant to the assessment of the project. Persons or organizations interested in the outcome of the project, or in possession of relevant information or expertise, could apply to participate in the hearing. The NEB accepted the participation of 60 interveners and 111 commenters.

D. *Indigenous Consultation on the Project*

[16] In February 2013, after Enbridge filed its application and several months before the hearings, the NEB issued notice to 19 potentially affected Indigenous groups, including the Chippewas of the Thames, informing them of the project, the NEB's role, and the NEB's upcoming hearing process.

à accroître la capacité annuelle de la canalisation 9, qui passerait de 240 000 à 300 000 barils par jour, et à permettre le transport de pétrole brut. Si le projet impliquait une augmentation importante du débit de la canalisation 9, la presque totalité des travaux nécessaires devaient toutefois avoir lieu sur des terres déjà perturbées appartenant à Enbridge et dans les limites de l'emprise d'Enbridge.

[14] Se fondant sur l'art. 58, Enbridge a également demandé d'être soustraite à certaines exigences en matière de dépôt prévues par la partie III de la *Loi sur l'ONÉ*, par le *Règlement de normalisation de la comptabilité des oléoducs*, C.R.C., c. 1058, et par le Guide de dépôt de l'ONÉ. Elle demandait surtout à être exemptée de l'obligation d'obtenir un certificat d'utilité publique qui, comme nous l'avons expliqué, est assujetti à l'approbation finale du gouverneur en conseil en vertu de l'art. 52 de la *Loi sur l'ONÉ*. Sans cette obligation concernant l'obtention d'un certificat approuvé par le gouverneur en conseil, l'ONÉ aurait le dernier mot sur l'approbation du projet.

[15] En décembre 2012, après avoir déterminé que la demande d'Enbridge était assez complète pour qu'il puisse procéder à son évaluation, l'ONÉ a rendu une ordonnance d'audience qui fixait la marche à suivre pour l'examen du projet. Le processus a abouti à une audience publique qui devait permettre à l'ONÉ de recueillir et d'examiner des renseignements pertinents pour l'examen du projet. Les personnes ou organisations intéressées par l'issue du projet, ou possédant des informations ou des compétences pertinentes, pouvaient présenter une demande de participation à l'audience. L'ONÉ a accédé à la demande de 60 intervenants et de 111 auteurs d'une lettre de commentaires.

D. *Consultation des peuples autochtones au sujet du projet*

[16] En février 2013, après le dépôt de la demande d'Enbridge et plusieurs mois avant les audiences, l'ONÉ a envoyé un avis à 19 groupes autochtones susceptibles d'être touchés par le projet, y compris aux Chippewas de la Thames, afin de les informer du projet, du rôle de l'ONÉ et du processus d'audience à

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Between April and July 2013, it also held information meetings in three communities upon their request.

[17] In September 2013, prior to the NEB hearing, the Chiefs of the Chippewas of the Thames and the Aamjiwnaang First Nation wrote a joint letter to the Prime Minister, the Minister of Natural Resources, and the Minister of Aboriginal Affairs and Northern Development. The letter described the asserted Aboriginal and treaty rights of both groups and the project's potential impact on them. The Chiefs noted that no Crown consultation with any affected Indigenous groups had taken place with respect to the project's approval, and called on the Ministers to initiate Crown consultation. No response arrived until after the conclusion of the NEB hearing.

[18] In the meantime, the NEB's process unfolded. The Chippewas of the Thames were granted funding to participate as an intervener, and they filed evidence and delivered oral argument at the hearing delineating their concerns that the project would increase the risk of pipeline ruptures and spills along Line 9, which could adversely impact their use of the land and the Thames River for traditional purposes.

[19] In January 2014, after the NEB's hearing process had concluded, the Minister of Natural Resources responded to the September 2013 letter. The response acknowledged the Government of Canada's commitment to fulfilling its duty to consult where it exists, and stated that the "[NEB's] regulatory review process is where the Government's jurisdiction on a pipeline project is addressed. The Government relies on the NEB processes to address potential impacts to Aboriginal and treaty rights stemming from projects under its mandate" (A.R., vol. VI, at p. 47). In sum, the Minister indicated that he would be relying solely on the NEB's process to fulfill the Crown's duty to consult Indigenous peoples on the project.

venir. D'avril à juillet 2013, l'ONÉ a également tenu des séances d'information dans trois communautés, à la demande de celles-ci.

[17] En septembre 2013, avant l'audience de l'ONÉ, les chefs des Chippewas de la Thames et de la Aamjiwnaang First Nation ont écrit conjointement au premier ministre, au ministre des Ressources naturelles et au ministre des Affaires autochtones et du Nord. Dans leur lettre, ils décrivaient les droits ancestraux et issus de traités invoqués par les deux groupes et les répercussions potentielles du projet sur ces droits. Les chefs soulignaient le fait que la Couronne n'avait consulté aucun des groupes touchés au sujet de l'approbation du projet et ils ont demandé aux ministres d'amorcer un processus de consultation menée par la Couronne. Ils n'ont reçu une réponse qu'une fois l'audience de l'ONÉ terminée.

[18] Entre-temps, le processus de l'ONÉ a suivi son cours. Les Chippewas de la Thames ont obtenu les fonds nécessaires pour y participer en qualité d'intervenants. Ils ont déposé des éléments de preuve et présenté des observations orales à l'audience. Ils ont dit craindre que le projet n'augmente le risque de ruptures du pipeline et de déversements le long de la canalisation 9, ce qui pourrait avoir des effets préjudiciables sur leur utilisation traditionnelle du territoire et de la rivière.

[19] En janvier 2014, une fois le processus d'audience de l'ONÉ terminé, le ministre des Ressources naturelles a répondu à la lettre qu'il avait reçue en septembre 2013. La réponse faisait état de l'engagement du gouvernement du Canada à s'acquitter de l'obligation de consulter lorsqu'elle existe et précisait que [TRADUCTION] « le processus d'examen réglementaire [de l'ONÉ] est le cadre dans lequel la question de la compétence du gouvernement à l'égard d'un projet de pipeline est examinée. Le gouvernement s'en remet au processus de l'ONÉ pour l'examen des effets potentiels sur les droits ancestraux et issus de traités que peuvent avoir les projets qui relèvent de son mandat » (d.a., vol. VI, p. 47). En somme, le ministre indiquait qu'il s'en remettait exclusivement au processus de l'ONÉ pour satisfaire à l'obligation qui incombe à la Couronne de consulter les peuples autochtones au sujet du projet.

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III. The Decisions Below

A. *The NEB's Decision, 2014 LNCNEB 4 (QL)*

[20] The NEB approved the project, finding that it was in the public interest and consistent with the requirements in the *NEB Act*. It explained that the approval "enables Enbridge to react to market forces and provide benefits to Canadians, while at the same time implementing the Project in a safe and environmentally sensitive manner" (para. 20). The NEB imposed conditions on the project related to pipeline integrity, safety, environmental protection, and the impact of the project on Indigenous communities.

[21] In its discussion of Aboriginal Matters (Chapter 7 of the NEB's reasons), the NEB explained that it "interprets its responsibilities, including those outlined in section 58 of the NEB Act, in a manner consistent with the *Constitution Act, 1982*, including section 35" (para. 293). It noted that proponents are required to make reasonable efforts to consult with Indigenous groups, and that the NEB hearing process is part of the consultative process. In deciding whether a project is in the public interest, the NEB "considers all of the benefits and burdens associated with the project, balancing the interests and concerns of Aboriginal groups with other interests and factors" (para. 301).

[22] The NEB noted that, in this case, the scope of the project was limited. It was not an assessment of the current operating Line 9, but rather of the modifications required to increase the capacity of Line 9, transport heavy crude on Line 9, and reverse the flow of Line 9B. Enbridge would not need to acquire any new permanent land rights for the project. Most work would take place within existing Enbridge facilities and its existing right of way. Given the limited scope of the project, the NEB was satisfied that potentially affected Indigenous groups had received adequate information about the project. It was also satisfied that potentially affected Indigenous groups had the opportunity to share their views about the project through the NEB hearing process and through discussions with Enbridge.

III. Les décisions des juridictions inférieures

A. *La décision de l'ONÉ, 2014 LNCONE 4 (QL)*

[20] L'ONÉ a approuvé le projet, estimant qu'il était dans l'intérêt public et qu'il répondait aux exigences de la *Loi sur l'ONÉ*. Il a expliqué que sa décision « donne à Enbridge la possibilité de réagir aux forces du marché et procure des avantages à la population canadienne. Elle permet également la mise en œuvre du projet d'une manière sécuritaire et écologique » (par. 20). L'ONÉ a assorti le projet de conditions relatives à l'intégrité et à la sécurité du pipeline, à la protection de l'environnement et à ses effets sur les communautés autochtones.

[21] Dans son analyse des questions autochtones (chapitre 7 de ses motifs), l'ONÉ explique qu'il « conçoit ses attributions, dont celles conférées par l'article 58 de la Loi, en conformité avec la *Loi constitutionnelle de 1982,* notamment l'article 35 » (par. 293). Il indique que les promoteurs doivent faire des efforts raisonnables pour consulter les groupes autochtones, et que le processus d'audience de l'ONÉ fait partie du processus de consultation global. Pour décider si un projet est d'intérêt public, l'ONÉ « en examine l'ensemble des retombées et des inconvénients et met en balance les intérêts et préoccupations des Autochtones, d'une part, et tous les autres facteurs et intérêts, d'autre part » (p. 301).

[22] L'ONÉ a noté qu'en l'espèce le projet était d'envergure limitée. Ce faisant, il ne se prononçait pas sur la canalisation 9 alors en exploitation, mais sur les modifications requises pour accroître sa capacité, permettre le transport de pétrole brut lourd et inverser le sens d'écoulement de la canalisation 9B. Il ne serait pas nécessaire pour Enbridge d'acquérir de nouveaux droits fonciers permanents pour réaliser le projet. La plupart des travaux se dérouleraient dans les limites de l'emprise et des installations existantes d'Enbridge. Compte tenu de l'envergure limitée du projet, l'ONÉ a estimé que les groupes autochtones susceptibles d'être touchés avaient été suffisamment renseignés à son sujet. Il a ajouté que ceux-ci avaient eu l'occasion de faire connaître leurs points de vue sur le projet à la faveur du processus d'audience de

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The NEB expected that Enbridge would continue consultations after the project's approval.

[23] While Enbridge acknowledged that the project would increase the assessed risk for some parts of Line 9, the NEB found that "any potential Project impacts on the rights and interests of Aboriginal groups are likely to be minimal and will be appropriately mitigated" (para. 343) given the project's limited scope, the commitments made by Enbridge, and the conditions imposed by the NEB. While the project would occur on lands used by Indigenous groups for traditional purposes, those lands are within Enbridge's existing right of way. The project was therefore unlikely to impact traditional land use. The NEB acknowledged that a spill on Line 9 could impact traditional land use, but it was satisfied that "Enbridge will continue to safely operate Line 9, protect the environment, and maintain comprehensive emergency response plans" (*ibid.*).

[24] The NEB imposed three conditions on the project related to Indigenous communities. Condition 6 required Enbridge to file an Environmental Protection Plan for the project including an Archaeological Resource Contingency plan. Condition 24 required Enbridge to prepare an Ongoing Engagement Report providing details on its discussions with Indigenous groups going forward. Condition 26 "directs Enbridge to include Aboriginal groups in Enbridge's continuing education program (including emergency management exercises), liaison program and consultation activities on emergency preparedness and response" (*ibid.*).

B. *Appeal to the Federal Court of Appeal, 2015 FCA 222, [2016] 3 F.C.R. 96*

[25] The Chippewas of the Thames brought an appeal from the NEB's decision to the Federal Court of Appeal pursuant to s. 22(1) of the *NEB Act*. They

l'ONÉ et de leurs discussions avec Enbridge. L'ONÉ s'attendait à ce qu'Enbridge poursuive les consultations une fois le projet approuvé.

[23] Bien qu'Enbridge ait reconnu que le projet ferait augmenter le risque évalué à l'égard de certains tronçons de la canalisation 9, l'ONÉ a conclu que « les effets éventuels du projet sur les droits et les intérêts des groupes autochtones seront vraisemblablement négligeables et atténués de façon convenable » (par. 343), compte tenu de la portée limitée du projet, des engagements pris par Enbridge et des conditions imposées par l'ONÉ. Quoique le projet doive être réalisé sur des terres utilisées par les groupes autochtones à des fins traditionnelles, ces terres sont situées dans les limites de l'emprise actuelle d'Enbridge. Le projet n'aurait donc vraisemblablement pas d'effets sur les utilisations traditionnelles des terres. L'ONÉ a reconnu qu'un déversement sur la canalisation 9 pourrait avoir des effets sur les utilisations traditionnelles des terres, mais il était convaincu qu'« Enbridge continuera[it] d'exploiter la canalisation 9 de façon sécuritaire, de veiller à la protection de l'environnement et de s'appuyer sur des plans exhaustifs d'intervention en cas d'urgence » (*ibid.*).

[24] L'ONÉ a imposé à l'égard du projet trois conditions relatives aux communautés autochtones. La condition 6 obligeait Enbridge à présenter un plan de protection de l'environnement incluant un plan d'urgence relatif aux ressources archéologiques. La condition 24 exigeait d'Enbridge qu'elle prépare un rapport d'engagement permanent contenant des détails sur les discussions à venir avec les groupes autochtones. Enfin, la condition 26 « demand[ait] qu'Enbridge inclue les groupes autochtones dans son programme d'éducation permanente (y compris les exercices de sécurité civile), son programme de liaison et ses consultations en matière de protection civile et d'intervention » (*ibid.*).

B. *Appel à la Cour d'appel fédérale, 2015 CAF 222, [2016] 3 R.C.F. 96*

[25] Les Chippewas de la Thames ont interjeté appel de la décision de l'ONÉ à la Cour d'appel fédérale, conformément au par. 22(1) de la *Loi sur*

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argued that the decision should be quashed, as the NEB was "without jurisdiction to issue exemptions and authorizations to [Enbridge] prior to the Crown fulfilling its duty to consult and accommodate" (para. 2).

[26] The majority of the Federal Court of Appeal (Ryer and Webb JJ.A.) dismissed the appeal. It concluded that the NEB was not required to determine, as a condition of undertaking its mandate with respect to Enbridge's application, whether the Crown had a duty to consult under *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511, and, if so, whether the Crown had fulfilled this duty.

[27] The majority also concluded that the NEB did not have a duty to consult the Chippewas of the Thames. It noted that while the NEB is required to carry out its mandate in a manner that respects s. 35(1) of the *Constitution Act, 1982*, the NEB had adhered to this obligation by requiring Enbridge to consult extensively with the Chippewas of the Thames and other First Nations.

[28] Rennie J.A. dissented. He would have allowed the appeal. In his view, the NEB was required to determine whether the duty to consult had been triggered and fulfilled. Given that the NEB is the final decision maker for s. 58 applications, it must have the power and duty to assess whether consultation is adequate, and to refuse a s. 58 application where consultation is inadequate.

IV. Analysis

A. *Crown Conduct Triggering the Duty to Consult*

[29] In the companion case to this appeal, *Clyde River*, we outline the principles which apply when an independent regulatory agency such as the NEB is tasked with a decision that could impact Aboriginal or treaty rights. In these circumstances, the NEB's decision would itself be Crown conduct that

l'ONÉ. Ils ont fait valoir que la décision devait être annulée, car « il n'entrait pas dans les pouvoirs de l'Office d'exempter et d'autoriser [Enbridge] avant que la Couronne ne se soit acquittée de son obligation de consulter l'appelante et de trouver des accommodements » (par. 2).

[26] Les juges majoritaires de la Cour d'appel fédérale (les juges Ryer et Webb) ont rejeté l'appel. Ils ont conclu que l'ONÉ n'avait pas à décider, pour remplir son mandat en ce qui concerne la demande d'Enbridge, si la Couronne était tenue à une obligation de consulter au sens de l'arrêt *Nation Haïda c. Colombie-Britannique (Ministre des Forêts)*, 2004 CSC 73, [2004] 3 R.C.S. 511, et, le cas échéant, si la Couronne avait satisfait à cette obligation.

[27] Les juges majoritaires ont également conclu que l'ONÉ n'était pas tenu de consulter les Chippewas de la Thames. Ils ont indiqué que, bien qu'il doive s'acquitter de son mandat conformément aux dispositions du par. 35(1) de la *Loi constitutionnelle de 1982*, l'ONÉ avait satisfait à cette obligation en exigeant d'Enbridge qu'elle participe à des consultations approfondies avec les Chippewas de la Thames et d'autres Premières Nations.

[28] Le juge Rennie, dissident, aurait accueilli l'appel. À son avis, l'ONÉ était tenu de déterminer si l'obligation de consulter avait pris naissance et si on y avait satisfait. Puisque l'ONÉ décide en dernier ressort des demandes fondées sur l'art. 58, il doit avoir le pouvoir et l'obligation de décider si une consultation est adéquate et de refuser une demande présentée au titre de l'art. 58 si la consultation est inadéquate.

IV. Analyse

A. *Mesures de la Couronne donnant naissance à l'obligation de consulter*

[29] Dans le pourvoi connexe *Clyde River*, nous exposons les principes applicables lorsqu'un organisme de réglementation indépendant tel que l'ONÉ doit rendre une décision susceptible de porter atteinte à des droits ancestraux ou issus de traités. Dans un tel cas, la décision de l'ONÉ constituerait

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implicates the Crown's duty to consult (*Clyde River*, at para. 29). A decision by a regulatory tribunal would trigger the Crown's duty to consult when the Crown has knowledge, real or constructive, of a potential or recognized Aboriginal or treaty right that may be adversely affected by the tribunal's decision (*Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650, at para. 31; *Clyde River*, at para. 25).

[30] We do not agree with the suggestion that because the Crown, in the form of a representative of the relevant federal department, was not a party before the NEB, there may have been no Crown conduct triggering the duty to consult (see C.A. reasons, at paras. 57 and 69-70).

[31] As the respondents conceded before this Court, the NEB's contemplated decision on the project's approval would amount to Crown conduct. When the NEB grants an exemption under s. 58 of the *NEB Act* from the requirement for a certificate of public convenience and necessity, which otherwise would be subject to Governor in Council approval, the NEB effectively becomes the final decision maker on the entire application. As a statutory body with the delegated executive responsibility to make a decision that could adversely affect Aboriginal and treaty rights, the NEB acted on behalf of the Crown in approving Enbridge's application. Because the authorized work — the increase in flow capacity and change to heavy crude — could potentially adversely affect the Chippewas of the Thames' asserted Aboriginal and treaty rights, the Crown had an obligation to consult with respect to Enbridge's project application.

B. *Crown Consultation Can Be Conducted Through a Regulatory Process*

[32] The Chippewas of the Thames argue that meaningful Crown consultation cannot be carried out

en soi une mesure de la Couronne emportant pour celle-ci une obligation de consulter (*Clyde River*, par. 29). Une décision d'un tribunal administratif donnerait naissance à l'obligation de la Couronne de consulter lorsque celle-ci a connaissance, concrètement ou par imputation, de l'existence d'un droit ancestral ou issu d'un traité, potentiel ou reconnu, sur lequel la décision pourrait avoir un effet préjudiciable (*Rio Tinto Alcan Inc. c. Conseil tribal Carrier Sekani*, 2010 CSC 43, [2010] 2 R.C.S. 650, par. 31; *Clyde River*, par. 25).

[30] Nous ne partageons pas l'opinion voulant que, parce que la Couronne n'a pas pris part à l'instance devant l'ONÉ par l'entremise d'un représentant du ministère fédéral compétent, il est possible qu'il n'y ait eu aucune de mesure de la Couronne ayant donné naissance à l'obligation de consulter (voir les motifs de la C.A., par. 57 et 69-70).

[31] Comme l'ont concédé les intimés devant la Cour, la décision relative à l'approbation du projet envisagée par l'ONÉ pouvait être considérée comme une mesure de la Couronne. Lorsque l'ONÉ accorde, sous le régime de l'art. 58 de la *Loi sur l'ONÉ*, une exemption quant à l'obligation relative au certificat d'utilité publique dont la délivrance est par ailleurs assujettie à l'approbation du gouverneur en conseil, c'est effectivement à l'ONÉ que revient la décision définitive sur l'ensemble de la demande. En tant qu'organisme d'origine législative investi du pouvoir délégué de rendre une décision susceptible de porter atteinte à des droits ancestraux et issus de traités, l'ONÉ agissait au nom de la Couronne lorsqu'il a approuvé la demande d'Enbridge. Comme les travaux autorisés — une augmentation de la capacité d'écoulement et une modification permettant le transport de pétrole brut lourd — étaient susceptibles de porter atteinte aux droits ancestraux et issus de traités invoqués par les Chippewas de la Thames, la Couronne avait une obligation de consulter relativement à la demande d'Enbridge.

B. *La consultation incombant à la Couronne peut être menée dans le cadre d'un processus réglementaire*

[32] Les Chippewas de la Thames soutiennent qu'une véritable consultation par la Couronne ne

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Exhibit 14

wholly through a regulatory process. We disagree. As we conclude in *Clyde River*, the Crown may rely on steps taken by an administrative body to fulfill its duty to consult (para. 30). The Crown may rely on a regulatory agency in this way so long as the agency possesses the statutory powers to do what the duty to consult requires in the particular circumstances (*Carrier Sekani*, at para. 60; *Clyde River*, at para. 30). However, if the agency's statutory powers are insufficient in the circumstances or if the agency does not provide adequate consultation and accommodation, the Crown must provide further avenues for meaningful consultation and accommodation in order to fulfill the duty prior to project approval. Otherwise, the regulatory decision made on the basis of inadequate consultation will not satisfy constitutional standards and should be quashed on judicial review or appeal.

[33] The majority of the Federal Court of Appeal in this case expressed concern that a tribunal like the NEB might be charged with both carrying out consultation on behalf of the Crown and then adjudicating on the adequacy of these consultations (para. 66). A similar concern was expressed in *Quebec (Attorney General) v. Canada (National Energy Board)*, [1994] 1 S.C.R. 159, where, in a pre-*Haida* decision, the Court held that quasi-judicial tribunals like the NEB do not owe Indigenous peoples a heightened degree of procedural fairness. The Court reasoned that imposition of such an obligation would risk compromising the independence of quasi-judicial bodies like the NEB (pp. 183-84).

[34] In our view, these concerns are answered by recalling that while it is the *Crown* that owes a constitutional obligation to consult with potentially affected Indigenous peoples, the NEB is tasked with making legal decisions that comply with the Constitution. When the NEB is called on to assess the adequacy of Crown consultation, it may consider what consultative steps were provided, but

peut être menée entièrement dans le cadre d'un processus réglementaire. Nous ne sommes pas d'accord. Comme nous le concluons dans l'arrêt *Clyde River*, la Couronne peut se fonder sur les mesures prises par un organisme administratif pour satisfaire à son obligation de consulter (par. 30). La Couronne peut ainsi s'en remettre à un organisme de réglementation dans la mesure où ce dernier dispose du pouvoir légal de faire ce que l'obligation de consulter impose dans les circonstances (*Carrier Sekani*, par. 60; *Clyde River*, par. 30). Toutefois, si les pouvoirs que la loi confère à l'organisme sont insuffisants dans les circonstances, ou si l'organisme ne prévoit pas des consultations et des accommodements adéquats, la Couronne doit prévoir d'autres avenues de consultation et d'accommodement véritables qui lui permettront de satisfaire à son obligation avant que le projet ne soit approuvé. Autrement, la décision que l'organisme de réglementation aura prise sans consultation adéquate ne respectera pas les normes constitutionnelles et devrait être annulée à l'issue d'un contrôle judiciaire ou d'un appel.

[33] En l'espèce, les juges majoritaires de la Cour d'appel fédérale ont dit craindre qu'un tribunal tel l'ONÉ soit tenu à la fois de mener des consultations au nom de la Couronne puis de se prononcer sur le caractère adéquat de ces consultations (par. 66). Notre Cour a exprimé une préoccupation semblable dans l'arrêt *Québec (Procureur général) c. Canada (Office national de l'énergie)*, [1994] 1 R.C.S. 159, lorsqu'elle a conclu, dans une décision antérieure à l'arrêt *Haïda*, que les tribunaux quasi judiciaires tel l'ONÉ n'ont pas à faire preuve d'un degré plus élevé d'équité procédurale à l'égard des peuples autochtones. La Cour a expliqué que le fait d'imposer une telle obligation pourrait porter atteinte à l'indépendance des tribunaux quasi judiciaires comme l'ONÉ (p. 183-184).

[34] À notre avis, il est possible de répondre à ces préoccupations en rappelant que, bien que ce soit à la *Couronne* qu'incombe l'obligation constitutionnelle de consulter les peuples autochtones potentiellement touchés, l'ONÉ est tenu de rendre des décisions juridiques qui sont conformes à la Constitution. Lorsqu'il est appelé à se prononcer sur le caractère adéquat de la consultation incombant à

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its obligation to remain a neutral arbitrator does not change. A tribunal is not compromised when it carries out the functions Parliament has assigned to it under its Act and issues decisions that conform to the law and the Constitution. Regulatory agencies often carry out different, overlapping functions without giving rise to a reasonable apprehension of bias. Indeed this may be necessary for agencies to operate effectively and according to their intended roles (*Ocean Port Hotel Ltd. v. British Columbia (General Manager, Liquor Control and Licensing Branch)*, 2001 SCC 52, [2001] 2 S.C.R. 781, at para. 41). Furthermore, the Court contemplated this very possibility in *Carrier Sekani*, when it reasoned that tribunals may be empowered with both the power to carry out the Crown's duty to consult and the ability to adjudicate on the sufficiency of consultation (para. 58).

C. *The Role of a Regulatory Tribunal When the Crown Is Not a Party*

[35] At the Federal Court of Appeal, the majority and dissenting judges disagreed over whether the NEB was empowered to decide whether the Crown's consultation was adequate in the absence of the Crown participating in the NEB process as a party. The disagreement stems from differing interpretations of *Carrier Sekani* and whether it overruled *Standing Buffalo Dakota First Nation v. Enbridge Pipelines Inc.*, 2009 FCA 308, [2010] 4 F.C.R. 500. In *Standing Buffalo*, the Federal Court of Appeal held that the NEB was not required to consider whether the Crown's duty to consult had been discharged before approving a s. 52 pipeline application when the Crown did not formally participate in the NEB's hearing process. The majority in this case held that the principle from *Standing Buffalo* applied here. Because the Crown (meaning, presumably, a relevant federal ministry or department) had not participated in the NEB's hearing process, the majority reasoned that the NEB was under no obligation to consider whether the Crown's duty to consult had been discharged before it approved Enbridge's s. 58 application (para. 59). In dissent, Rennie J.A.

la Couronne, l'ONÉ peut tenir compte des mesures de consultation offertes, mais son obligation de neutralité demeure la même. Un tribunal respecte sa compétence lorsqu'il exerce les fonctions que le législateur lui a attribuées dans une loi, et que ses décisions sont conformes à la loi et à la Constitution. Les organismes de réglementation cumulent bien souvent des fonctions différentes qui se chevauchent sans susciter une crainte raisonnable de partialité. En fait, ce cumul peut être nécessaire en ce qu'il permet aux organismes de remplir efficacement leur rôle (*Ocean Port Hotel Ltd. c. Colombie-Britannique (General Manager, Liquor Control and Licensing Branch)*, 2001 CSC 52, [2001] 2 R.C.S. 781, par. 41). D'ailleurs, notre Cour a envisagé cette possibilité dans l'arrêt *Carrier Sekani*, lorsqu'elle a expliqué que les tribunaux administratifs peuvent être investis autant du pouvoir de satisfaire à l'obligation de consulter qui incombe à la Couronne que de celui de se prononcer sur le caractère suffisant des consultations (par. 58).

C. *Le rôle d'un tribunal administratif lorsque la Couronne n'est pas une partie*

[35] À la Cour d'appel fédérale, les juges majoritaires et le juge dissident étaient en désaccord sur la question de savoir si l'ONÉ pouvait, même si la Couronne n'était pas partie à la procédure devant lui, décider si les consultations menées par cette dernière étaient adéquates. Le désaccord découle d'interprétations divergentes de l'arrêt *Carrier Sekani* et de la question de savoir si cet arrêt a pour effet d'écarter la décision *Première nation dakota de Standing Buffalo c. Enbridge Pipelines Inc.*, 2009 CAF 308, [2010] 4 R.C.F. 500. Dans *Standing Buffalo*, la Cour d'appel fédérale a conclu que l'ONÉ n'était pas tenu de se demander si la Couronne avait satisfait à son obligation de consulter avant d'approuver une demande fondée sur l'art. 52 sollicitant la délivrance d'un certificat relatif à un pipeline, dans les cas où la Couronne n'a pas officiellement participé au processus d'audience de l'ONÉ. Dans l'affaire qui nous occupe, les juges majoritaires ont conclu que le principe énoncé dans l'arrêt *Standing Buffalo* s'appliquait à l'espèce. Étant donné que la Couronne (c'est-à-dire, présumément, un ministère ou un organisme fédéral compétent) n'avait pas participé au processus d'audience

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reasoned that *Standing Buffalo* had been overtaken by this Court's decision in *Carrier Sekani*. Even in the absence of the Crown's participation as a party before the NEB, he held that the NEB was *required* to consider the Crown's duty to consult before approving Enbridge's application (para. 112).

[36] We agree with Rennie J.A. that a regulatory tribunal's ability to assess the Crown's duty to consult does not depend on whether the government participated in the NEB's hearing process. If the Crown's duty to consult has been triggered, a decision maker may only proceed to approve a project if Crown consultation is adequate. The Crown's constitutional obligation does not disappear when the Crown acts to approve a project through a regulatory body such as the NEB. It must be discharged before the government proceeds with approval of a project that could adversely affect Aboriginal or treaty rights (*Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257, at para. 78).

[37] As the final decision maker on certain projects, the NEB is obliged to consider whether the Crown's consultation with respect to a project was adequate if the concern is raised before it (*Clyde River*, at para. 36). The responsibility to ensure the honour of the Crown is upheld remains with the Crown (*Clyde River*, at para. 22). However, administrative decision makers have both the obligation to decide necessary questions of law raised before them and an obligation to make their decisions within the contours of the state's constitutional obligations (*R. v. Conway*, 2010 SCC 22, [2010] 1 S.C.R. 765, at para. 77).

de l'ONÉ, les juges majoritaires se sont dits d'avis que l'ONÉ n'avait pas l'obligation d'examiner si la Couronne avait respecté son obligation de consulter avant d'approuver la demande d'Enbridge fondée sur l'art. 58 (par. 59). Dans sa dissidence, le juge Rennie a estimé que l'arrêt *Standing Buffalo* avait été écarté par la décision de notre Cour dans *Carrier Sekani*. Il a conclu que, bien que la Couronne n'ait pas participé à la procédure devant l'ONÉ en tant que partie, l'ONÉ était *tenu* de prendre en compte l'obligation de consulter de la Couronne avant d'approuver la demande d'Enbridge (par. 112).

[36] Nous sommes d'accord avec le juge Rennie pour dire que le pouvoir d'un tribunal administratif d'apprécier l'obligation de consulter de la Couronne n'est pas tributaire de la participation du gouvernement aux audiences de l'ONÉ. Si l'obligation de la Couronne de procéder à une consultation a pris naissance, un décideur ne peut approuver un projet que si cette consultation est adéquate. L'obligation constitutionnelle de la Couronne ne disparaît pas lorsqu'elle s'engage dans le processus d'approbation d'un projet par l'intermédiaire d'un organisme de réglementation tel l'ONÉ. Il doit être satisfait à cette obligation avant que le gouvernement n'approuve un projet susceptible d'avoir un effet préjudiciable sur des droits ancestraux ou issus de traités (*Nation Tsilhqot'in c. Colombie-Britannique*, 2014 CSC 44, [2014] 2 R.C.S. 257, par. 78).

[37] En tant que décideur ultime en ce qui concerne certains projets, l'ONÉ doit, lorsque la question est soulevée devant lui, se demander si les consultations par la Couronne relativement à un projet donné ont été adéquates (*Clyde River*, par. 36). La responsabilité de veiller à ce que l'honneur de la Couronne soit préservé continue de reposer sur cette dernière (*Clyde River*, par. 22). Toutefois, les décideurs administratifs ont l'obligation de trancher les questions de droit pertinentes soulevées devant eux, ainsi que l'obligation de rendre leurs décisions dans le respect des obligations constitutionnelles de l'État (*R. c. Conway*, 2010 CSC 22, [2010] 1 R.C.S. 765, par. 77).

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D. *Scope of the Duty to Consult*

[38] The degree of consultation required depends on the strength of the Aboriginal claim, and the seriousness of the potential impact on the right (*Haida*, at paras. 39 and 43-45).

[39] Relying on *Carrier Sekani*, the Attorney General of Canada asserts that the duty to consult in this case "is limited to the [p]roject" and "does not arise in relation to claims for past infringement such as the construction of a pipeline under the Thames River in 1976" (R.F., vol. I, at para. 80).

[40] While the Chippewas of the Thames identify new impacts associated with the s. 58 application that trigger the duty to consult and delimit its scope, they also note that "[t]he potential adverse impacts to [the asserted] Aboriginal rights and title resulting from approval of Enbridge's application for modifications to Line 9 are cumulative and serious and could even be catastrophic in the event of a pipeline spill" (A.F., at para. 57). Similarly, the Mississaugas of the New Credit First Nation, an intervener, argued in the hearing that, because s. 58 is frequently applied to discrete pipeline expansion and redevelopment projects, there are no high-level strategic discussions or consultations about the broader impact of pipelines on the First Nations in southern Ontario.

[41] The duty to consult is not triggered by historical impacts. It is not the vehicle to address historical grievances. In *Carrier Sekani*, this Court explained that the Crown is required to consult on "adverse impacts flowing from the specific Crown proposal at issue — not [on] larger adverse impacts of the project of which it is a part. The subject of the consultation is the impact on the claimed rights of the *current* decision under consideration" (*Carrier Sekani*, at para. 53 (emphasis in original)). *Carrier Sekani* also clarified that "[a]n order compelling consultation is only appropriate where the proposed Crown conduct, immediate or prospective, may

D. *Étendue de l'obligation de consulter*

[38] L'étendue de la consultation requise dépend de la solidité de la revendication autochtone et de la gravité de l'impact potentiel sur le droit concerné (*Haïda*, par. 39 et 43-45).

[39] S'appuyant sur l'arrêt *Carrier Sekani,* la procureure générale du Canada fait valoir qu'en l'espèce l'obligation de consulter [TRADUCTION] « se limite au [p]rojet » et « ne s'applique pas relativement à des demandes relatives à des manquements passés tels que la construction d'un pipeline sous la rivière Thames en 1976 » (m.i., vol. I, par. 80).

[40] Bien qu'ils fassent état de nouveaux effets liés à la demande fondée sur l'art. 58 qui font naître l'obligation de consulter et en délimitent la portée, les Chippewas de la Thames soulignent aussi que [TRADUCTION] « [l]es éventuels effets préjudiciables aux droits ancestraux et au titre ancestral [invoqués] découlant de l'approbation de la demande d'Enbridge de modifier la canalisation 9 sont graves et cumulatifs, et pourraient même être catastrophiques advenant un déversement » (m.a., par. 57). De même, l'intervenante Mississaugas of the New Credit First Nation a soutenu à l'audience que, parce que l'art. 58 s'applique fréquemment à des projets distincts d'agrandissement et de réaménagement de pipelines, il n'y a pas de discussions ou consultations stratégiques de haut niveau au sujet des effets plus larges du pipeline sur les Premières Nations dans le Sud de l'Ontario.

[41] Des conséquences d'ordre historique ne font pas naître l'obligation de consulter. Il ne s'agit pas d'un moyen approprié de régler des griefs historiques. Dans *Carrier Sekani*, notre Cour a expliqué que la Couronne est tenue de mener des consultations sur les « effets préjudiciables de la mesure précise projetée par la Couronne, à l'exclusion des effets préjudiciables globaux du projet dont elle fait partie. La consultation s'intéresse à l'effet de la décision *actuellement* considérée sur les droits revendiqués » (*Carrier Sekani*, par. 53 (en italique dans l'original)). La Cour a également précisé dans cet arrêt que « [l]'ordonnance de consulter n'est indiquée

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adversely impact on established or claimed rights" (para. 54).

[42] That said, it may be impossible to understand the seriousness of the impact of a project on s. 35 rights without considering the larger context (J. Woodward, *Native Law* (loose-leaf), vol. 1, at pp. 5-107 to 5-108). Cumulative effects of an ongoing project, and historical context, may therefore inform the scope of the duty to consult (*West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, 18 B.C.L.R. (5th) 234, at para. 117). This is not "to attempt the redress of past wrongs. Rather, it is simply to recognize an existing state of affairs, and to address the consequences of what may result from" the project (*West Moberly*, at para. 119).

[43] Neither the Federal Court of Appeal nor the NEB discussed the degree of consultation required. That said, and as we will explain below, even taking the strength of the Chippewas of the Thames' claim and the seriousness of the potential impact on the claimed rights at their highest, the consultation undertaken in this case was manifestly adequate.

E. *Was There Adequate Notice That the Crown Was Relying on the NEB's Process in This Case?*

[44] As indicated in the companion case *Clyde River*, the Crown may rely on a regulatory body such as the NEB to fulfill the duty to consult. However, where the Crown intends to do so, it should be made clear to the affected Indigenous group that the Crown is relying on the regulatory body's processes to fulfill its duty (*Clyde River*, at para. 23). The Crown's constitutional obligation requires a meaningful consultation process that is carried out in good faith. Obviously, notice helps ensure the appropriate participation of Indigenous groups, because it makes clear to them that consultation

que lorsque la mesure projetée par la Couronne, qu'elle soit immédiate ou prospective, est susceptible d'avoir un effet préjudiciable sur des droits établis ou revendiqués » (par. 54).

[42] Cela dit, il peut se révéler impossible de bien saisir la gravité des effets d'un projet sur des droits visés à l'art. 35 si on ne tient pas compte du contexte plus large (J. Woodward, *Native Law* (feuilles mobiles), vol. 1, p. 5-107 à 5-108). Les effets cumulatifs d'un projet continu ainsi que le contexte historique peuvent donc être pertinents pour déterminer l'étendue de l'obligation de consulter (*West Moberly First Nations c. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, 18 B.C.L.R. (5th) 234, par. 117). Il n'est pas question de [TRADUCTION] « tenter de remédier à des manquements passés. Il s'agit plutôt simplement de reconnaître une situation existante et de remédier aux conséquences de ce qui peut résulter » du projet (*West Moberly*, par. 119).

[43] Ni la Cour d'appel fédérale ni l'ONÉ n'ont traité de l'étendue de la consultation requise. Cela étant, et comme nous l'expliquerons ci-après, même en considérant de la façon la plus favorable aux Chippewas de la Thames la solidité de leur revendication et la gravité de l'impact potentiel sur les droits qu'ils invoquent, la consultation menée en l'espèce a manifestement été adéquate.

E. *Le fait que la Couronne s'en remettait au processus de l'ONÉ a-t-il fait l'objet d'un avis suffisant?*

[44] Comme nous l'avons précisé dans l'arrêt connexe *Clyde River*, la Couronne peut s'en remettre à un organisme de réglementation tel l'ONÉ pour satisfaire à son obligation de consulter. Toutefois, lorsque la Couronne entend procéder de cette façon, il doit être clairement indiqué au groupe autochtone touché que la Couronne s'en remet au processus de l'organisme de réglementation pour satisfaire à son obligation (*Clyde River*, par. 23). L'obligation constitutionnelle de la Couronne exige le recours à un processus véritable de consultation, mené de bonne foi. De toute évidence, l'avis contribue à garantir

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is being carried out through the regulatory body's processes (*ibid.*).

[45] In this case, the Chippewas of the Thames say they did not receive explicit notice from the Crown that it intended to rely on the NEB's process to satisfy the duty. In September 2013, the Chippewas of the Thames wrote to the Prime Minister, the Minister of Natural Resources and the Minister of Aboriginal Affairs and Northern Development requesting a formal Crown consultation process in relation to the project. It was not until January 2014, after the NEB's hearing process was complete, that the Minister of Natural Resources responded to the Chippewas of the Thames on behalf of the Crown advising them that it relied on the NEB's process. At the hearing before this Court, the Chippewas of the Thames conceded that the Crown may have been entitled to rely on the NEB to carry out the duty had they received the Minister's letter indicating the Crown's reliance prior to the NEB hearing (transcript, at pp. 34-35). However, having not received advance notice of the Crown's intention to do so, the Chippewas of the Thames maintain that consultation could not properly be carried out by the NEB.

[46] In February 2013, the NEB contacted the Chippewas of the Thames and 18 other Indigenous groups to inform them of the project and of the NEB's role in relation to its approval. The Indigenous groups were given early notice of the hearing and were invited to participate in the NEB process. The Chippewas of the Thames accepted the invitation and appeared before the NEB as an intervener. In this role, they were aware that the NEB was the final decision maker under s. 58 of the *NEB Act*. Moreover, as is evidenced from their letter of September 2013, they understood that no other Crown entity was involved in the process for the purposes of carrying out consultation. In our view, the circumstances of this case made it sufficiently clear to the Chippewas of the Thames that the NEB process was intended to constitute Crown consultation and

une participation appropriée de la part des groupes autochtones, car il leur indique clairement que la consultation s'effectue dans le cadre du processus mené par l'organisme de réglementation (*ibid.*).

[45] En l'espèce, les Chippewas de la Thames disent ne pas avoir reçu de la Couronne un avis explicite indiquant qu'elle entendait satisfaire à son obligation dans le cadre du processus de l'ONÉ. Au mois de septembre 2013, les Chippewas de la Thames ont écrit au premier ministre, au ministre des Ressources naturelles et au ministre des Affaires autochtones et du Développement du Nord pour leur demander la mise sur pied d'un processus formel de consultation mené par la Couronne relativement au projet. Ce n'est qu'au mois de janvier 2014, après la fin des audiences de l'ONÉ, que le ministre des Ressources naturelles a répondu aux Chippewas de la Thames au nom de la Couronne et les a informés que celle-ci s'en remettait au processus de l'ONÉ. À l'audience devant notre Cour, les Chippewas de la Thames ont concédé que la Couronne aurait pu s'en remettre au processus de l'ONÉ pour satisfaire à son obligation s'ils avaient reçu avant la tenue des audiences la lettre du ministre les informant que la Couronne entendait agir ainsi (transcription, p. 34-35). Toutefois, comme ils n'ont pas été avisés à l'avance de l'intention de la Couronne de procéder ainsi, les Chippewas de la Thames soutiennent que la consultation ne pouvait être menée de manière adéquate par l'ONÉ.

[46] En février 2013, l'ONÉ a communiqué avec les Chippewas de la Thames et 18 autres groupes autochtones pour les informer de l'existence du projet et du rôle de l'ONÉ concernant son approbation. Les groupes autochtones ont été avisés à l'avance de la tenue des audiences et ont été invités à participer au processus de l'ONÉ. Les Chippewas de la Thames ont accepté l'invitation et ils ont comparu devant l'ONÉ en tant qu'intervenants. À ce titre, ils savaient que l'ONÉ était le décideur ultime aux termes de l'art. 58 de la *Loi sur l'ONÉ*. De plus, comme il ressort de leur lettre du mois de septembre 2013, ils comprenaient qu'aucun autre organisme de l'État ne participait au processus pour effectuer des consultations. Selon nous, les circonstances indiquaient de façon suffisamment claire aux Chippewas de la Thames que le processus de

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accommodation. Notwithstanding the Crown's failure to provide timely notice, its consultation obligation was met.

F. *Was the Crown's Consultation Obligation Fulfilled?*

[47] When deep consultation is required, the duty to consult may be satisfied if there is "the opportunity to make submissions for consideration, formal participation in the decision-making process, and provision of written reasons to show that Aboriginal concerns were considered and to reveal the impact they had on the decision" (*Haida*, at para. 44). As well, this Court has recognized that the Crown may wish to "adopt dispute resolution procedures like mediation or administrative regimes with impartial decision-makers" (*ibid.*). This list is neither exhaustive nor mandatory. As we indicated above, neither the NEB nor the Federal Court of Appeal assessed the depth of consultation required in this case. However, the Attorney General of Canada submitted before this Court that the NEB's statutory powers were capable of satisfying the Crown's constitutional obligations in this case, accepting the rights as asserted by the Chippewas of the Thames and the potential adverse impact of a spill. With this, we agree.

[48] As acknowledged in its reasons, the NEB, as a quasi-judicial decision maker, is required to carry out its responsibilities under s. 58 of the *NEB Act* in a manner consistent with s. 35 of the *Constitution Act, 1982*. In our view, this requires it to take the rights and interests of Indigenous groups into consideration before it makes a final decision that could impact them. Given the NEB's expertise in the supervision and approval of federally regulated pipeline projects, the NEB is particularly well positioned to assess the risks posed by such projects to Indigenous groups. Moreover, the NEB has broad

l'ONÉ constituait le processus de consultation et d'accommodement de la Couronne. Malgré son défaut de donner un avis en temps utile, la Couronne a respecté son obligation de mener des consultations.

F. *La Couronne a-t-elle satisfait à son obligation de consulter?*

[47] Lorsqu'une consultation approfondie est nécessaire, il peut être satisfait à l'obligation de consulter si la consultation comporte « la possibilité de présenter des observations, la participation officielle à la prise de décisions et la présentation de motifs montrant que les préoccupations des Autochtones ont été prises en compte et précisant quelle a été l'incidence de ces préoccupations sur la décision » (*Haïda*, par. 44). De même, la Cour a reconnu que la Couronne « peut décider de recourir à un mécanisme de règlement des différends comme la médiation ou un régime administratif mettant en scène des décideurs impartiaux » (*ibid.*). Cette liste n'est pas exhaustive et ne doit pas nécessairement être suivie dans chaque cas. Comme nous l'avons déjà mentionné, ni l'ONÉ ni la Cour d'appel fédérale n'ont évalué l'ampleur des consultations qui étaient requises en l'espèce. Toutefois, la procureure générale du Canada a fait valoir devant notre Cour que, du fait des pouvoirs que la loi confère à l'ONÉ, ce dernier était en mesure de satisfaire aux obligations constitutionnelles de la Couronne dans le présent cas, en tenant pour avérés les droits invoqués par les Chippewas de la Thames et les possibles effets préjudiciables d'un déversement. Nous sommes de cet avis.

[48] Comme il l'a reconnu dans ses motifs, l'ONÉ doit, en tant que décideur quasi judiciaire, s'acquitter des responsabilités qui lui incombent en vertu de l'art. 58 de la *Loi sur l'ONÉ* en conformité avec l'art. 35 de la *Loi constitutionnelle de 1982*. Selon nous, il doit en conséquence prendre en compte les droits et les intérêts des groupes autochtones avant de rendre une décision définitive qui pourrait avoir une incidence sur ces droits et intérêts. Vu l'expertise qu'il possède en ce qui concerne la surveillance et l'approbation de projets de pipeline réglementés par le fédéral, l'ONÉ est particulièrement bien placé

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jurisdiction to impose conditions on proponents to mitigate those risks. Additionally, its ongoing regulatory role in the enforcement of safety measures permits it to oversee long-term compliance with such conditions. Therefore, we conclude that the NEB's statutory powers under s. 58 are capable of satisfying the Crown's duty to consult in this case.

[49] However, a finding that the NEB's statutory authority allowed for it to satisfy the duty to consult is not determinative of whether the Crown's constitutional obligations were upheld in this case. The Chippewas of the Thames maintain that the process carried out by the NEB was not an adequate substitute for Crown consultation. In particular, the Chippewas of the Thames argue that the NEB's regulatory process failed to engage affected Indigenous groups in a "meaningful way in order for adverse impacts to be understood and minimized" (A.F., at para. 110). They allege that the NEB's process did not "apprehend or address the seriousness" of the potential infringement of their treaty rights and title, nor did it "afford a genuine opportunity for accommodation by the Crown" (A.F., at para. 113). By minimizing the rights of the affected Indigenous groups and relying upon the proponent to mitigate potential impacts, they allege the process undertaken by the NEB allowed for nothing more than "blowing off steam" (*ibid.*).

[50] Enbridge, on the other hand, argues not only that the NEB was capable of satisfying the Crown's duty to consult but that, in fact, it did so here. In support of its position, Enbridge points to the Chippewas of the Thames' early notice of, and participation in, the NEB's formal hearing process as well as the NEB's provision of written reasons. Moreover, Enbridge submits that far from failing

pour évaluer les risques que posent des projets de cette nature pour les groupes autochtones. De plus, l'ONÉ dispose de vastes pouvoirs l'habilitant à imposer aux promoteurs des conditions en vue d'atténuer de tels risques. En outre, le rôle permanent qu'il joue en tant qu'organisme de réglementation en ce qui concerne l'application de mesures de sécurité lui permet de veiller au respect à long terme de ces conditions. Nous concluons donc que les pouvoirs que la loi confère à l'ONÉ à l'art. 58 lui permettent de satisfaire à l'obligation de consulter de la Couronne en l'espèce.

[49] Toutefois, la conclusion suivant laquelle les pouvoirs conférés par la loi à l'ONÉ lui permettent de satisfaire à l'obligation de consulter n'est pas déterminante pour ce qui est de décider si la Couronne s'est acquittée de ses obligations constitutionnelles dans la présente affaire. Les Chippewas de la Thames soutiennent que le processus mené par l'ONÉ n'a pas constitué un substitut adéquat à des consultations menées par la Couronne. Plus particulièrement, ils plaident que le processus réglementaire de l'ONÉ n'a pas permis aux groupes autochtones de participer [TRADUCTION] « de manière utile pour que les effets préjudiciables soient bien compris et réduits au minimum » (m.a., par. 110). Ils allèguent que le processus de l'ONÉ n'a pas permis de « saisir ou considérer la gravité » des atteintes potentielles à leur titre et à leurs droits issus de traités, ni « constitué une véritable occasion en vue de la prise de mesures d'accommodement par la Couronne » (m.a., par. 113). En n'accordant pas suffisamment d'importance aux droits des groupes autochtones touchés et en s'en remettant au promoteur pour atténuer les effets potentiels du projet, ils affirment que l'ONÉ, dans le cadre de son processus, a tout au plus permis aux intéressés « de se défouler » (*ibid.*).

[50] Enbridge plaide pour sa part que non seulement l'ONÉ était en mesure de satisfaire à l'obligation de consulter de la Couronne, mais qu'il l'a effectivement fait en l'espèce. À l'appui de sa thèse, Enbridge signale que les Chippewas de la Thames ont été rapidement avisés du processus d'audience formel de l'ONÉ, qu'ils y ont participé et que l'ONÉ a exposé des motifs écrits. De plus, Enbridge soutient

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to afford a genuine opportunity for accommodation by the Crown, the NEB's process provided "effective accommodation" through the imposition of conditions on Enbridge to mitigate the risk and effect of potential spills arising from the project (R.F., at para. 107).

[51] In our view, the process undertaken by the NEB in this case was sufficient to satisfy the Crown's duty to consult. First, we find that the NEB provided the Chippewas of the Thames with an adequate opportunity to participate in the decision-making process. Second, we find that the NEB sufficiently assessed the potential impacts on the rights of Indigenous groups and found that the risk of negative consequences was minimal and could be mitigated. Third, we agree with Enbridge that, in order to mitigate potential risks to the rights of Indigenous groups, the NEB provided appropriate accommodation through the imposition of conditions on Enbridge.

[52] First, unlike the Inuit in the companion case of *Clyde River*, the Chippewas of the Thames were given a sufficient opportunity to make submissions to the NEB as part of its independent decision-making process (consistent with *Haida*, at para. 44). Here, the NEB held an oral hearing. It provided early notice of the hearing process to affected Indigenous groups and sought their formal participation. As mentioned above, the Chippewas of the Thames participated as an intervener. The NEB provided the Chippewas of the Thames with participant funding which allowed them to prepare and tender evidence including an expertly prepared "preliminary" traditional land use study (C.A. reasons, at para. 14). Additionally, as an intervener, the Chippewas of the Thames were able to pose formal information requests to Enbridge, to which they received written responses, and to make closing oral submissions to the NEB.

que loin d'avoir fait défaut de constituer une véritable occasion en vue de la prise de mesures d'accommodement par la Couronne, le processus de l'ONÉ s'est traduit par des [TRADUCTION] « mesures d'accommodement effectives » du fait qu'Enbridge s'est vue imposer des conditions destinées à atténuer les risques et les effets d'éventuels déversements découlant du projet (m.i., par. 107).

[51] À notre avis, le processus mené par l'ONÉ en l'espèce était suffisant pour satisfaire à l'obligation de consulter qui incombait à la Couronne. Premièrement, nous concluons que l'ONÉ a fourni aux Chippewas de la Thames une possibilité adéquate de participer au processus décisionnel. Deuxièmement, nous estimons que l'ONÉ a suffisamment apprécié les effets potentiels du projet sur les droits des groupes autochtones, ce qui l'a amené à conclure que le risque d'effets préjudiciables était minime et pouvait être atténué. Troisièmement, nous sommes d'accord avec Enbridge pour dire que l'ONÉ a pris des mesures d'accommodement appropriées pour atténuer les risques potentiels du projet sur les droits des groupes autochtones en imposant des conditions à Enbridge.

[52] Premièrement, contrairement aux Inuits dans l'affaire connexe *Clyde River*, les Chippewas de la Thames se sont vu offrir une possibilité suffisante de présenter des observations à l'ONÉ dans le cadre de son processus décisionnel indépendant (conformément aux prescriptions de l'arrêt *Haïda*, par. 44). En l'espèce, l'ONÉ a tenu une audience. Il a informé au préalable les groupes autochtones du processus et il les a invités à y participer formellement. Comme il a été indiqué précédemment, les Chippewas de la Thames ont participé au processus en tant qu'intervenants. L'ONÉ leur a fourni de l'aide financière qui leur a permis de préparer et de présenter des éléments de preuve, notamment une étude « préliminaire » sur l'utilisation traditionnelle des terres réalisée par des spécialistes (motifs de la C.A., par. 14). De plus, en qualité d'intervenants, les Chippewas de la Thames ont été en mesure de présenter de manière formelle à Enbridge des demandes de renseignements auxquelles cette dernière a répondu par écrit, et de présenter de vive voix à l'ONÉ des observations finales.

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[53] Contrary to the submissions of the Chippewas of the Thames, we do not find that the NEB minimized or failed to apprehend the importance of their asserted Aboriginal and treaty rights. Before the NEB, the Chippewas of the Thames asserted rights that had the potential to be impacted by the project: (a) Aboriginal harvesting and hunting rights; (b) the right to access and preserve sacred sites; (c) Aboriginal title to the bed of the Thames River and its related airspace or, in the alternative, an Aboriginal right to use the water, resources and airspace in the bed of the Thames River; and (d) the treaty right to the exclusive use of their reserve lands. In its written reasons, the NEB expressly recognized these rights. Moreover, in light of the rights asserted, the NEB went on to consider whether affected Indigenous groups had received adequate information regarding the project and a proper opportunity to express their concerns to Enbridge. It noted that the project was to occur within Enbridge's existing right of way on previously disturbed land. No additional Crown land was required. Given the scope of the project and its location, the NEB was satisfied that all Indigenous groups had been adequately consulted.

[53] Contrairement à ce qu'ont affirmé les Chippewas de la Thames, nous n'estimons pas que l'ONÉ a accordé trop peu d'importance aux droits ancestraux et issus de traités qu'ils invoquent, ou qu'il n'en a pas saisi l'importance. Devant l'ONÉ, les Chippewas de la Thames ont fait valoir des droits auxquels le projet était susceptible de porter atteinte : a) des droits ancestraux de récolte et de chasse; b) le droit d'accéder à des sites sacrés et de préserver ces sites; c) le titre ancestral sur le lit et l'espace aérien de la rivière Thames ou, subsidiairement, le droit ancestral d'utiliser l'eau, les ressources et l'espace aérien de la rivière Thames; et d) le droit issu de traités d'utiliser de manière exclusive leurs terres de réserve. Dans ses motifs écrits, l'ONÉ a expressément reconnu ces droits. De plus, l'ONÉ s'est demandé si, compte tenu des droits invoqués, les groupes autochtones touchés avaient reçu des renseignements suffisants concernant le projet et s'ils s'étaient vu offrir une possibilité appropriée de faire part de leurs préoccupations à Enbridge. Il a souligné que le projet serait réalisé sur l'emprise existante d'Enbridge dans des secteurs déjà perturbés et qu'aucune terre publique additionnelle n'était requise. Étant donné l'envergure du projet et son emplacement, l'ONÉ s'est dit convaincu que tous les groupes autochtones avaient été consultés adéquatement.

[54] Second, the NEB considered the potential for negative impacts on the rights and interests of the Chippewas of the Thames. It identified potential consequences that could arise from either the construction required for the completion of the project or the increased risk of spill brought about by the continued operation of Line 9.

[54] Deuxièmement, l'ONÉ a examiné la possibilité que le projet ait des effets préjudiciables sur les droits et les intérêts des Chippewas de la Thames. Il a fait état de possibles conséquences susceptibles de résulter des travaux de construction nécessaires pour mener à bien le projet ou du risque accru de déversements créé par l'exploitation continue de la canalisation 9.

[55] The NEB found that any potential negative impacts on the rights and interests of the Chippewas of the Thames from the modification of Line 9 were minimal and could be reasonably mitigated. The NEB found that it was unlikely that the completion of the project would have any impact on the traditional land use rights of Indigenous groups. Given the location of the project and its limited scope, as well as the conditions that the NEB imposed on Enbridge, the NEB was satisfied that the risk of

[55] L'ONÉ a conclu que tout effet préjudiciable que pourrait avoir le projet sur les droits et les intérêts des Chippewas de la Thames en raison de la modification de la canalisation 9 était minime et pouvait raisonnablement être atténué. L'ONÉ a estimé qu'il était peu probable que la réalisation du projet ait quelque effet sur les droits des groupes autochtones relatifs à l'utilisation traditionnelle des terres. Vu l'emplacement du projet et son envergure limitée, ainsi que les conditions qu'il a imposées à Enbridge,

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Exhibit 14

negative impact through the completion of the project was negligible.

[56] Similarly, the NEB assessed the increased risk of a spill or leak from Line 9 as a result of the project. It recognized the potential negative impacts that a spill could have on traditional land use, but found that the risk was low and could be adequately mitigated. Given Enbridge's commitment to safety and the conditions imposed upon it by the NEB, the NEB was confident that Line 9 would be operated in a safe manner throughout the term of the project. The risk to the rights asserted by the Chippewas of the Thames resulting from a potential spill or leak was therefore minimal.

[57] Third, we do not agree with the Chippewas of the Thames that the NEB's process failed to provide an opportunity for adequate accommodation. Having enumerated the rights asserted by the Chippewas of the Thames and other Indigenous groups, the adequacy of information provided to the Indigenous groups from Enbridge in light of those rights, and the risks to those rights posed by the construction and ongoing operation of Line 9, the NEB imposed a number of accommodation measures that were designed to minimize risks and respond directly to the concerns posed by affected Indigenous groups. To facilitate ongoing communication between Enbridge and affected Indigenous groups regarding the project, the NEB imposed Condition 24. This accommodation measure required Enbridge to continue to consult with Indigenous groups and produce Ongoing Engagement Reports which were to be provided to the NEB. Similarly, Condition 29 required Enbridge to file a plan for continued engagement with persons and groups during the operation of Line 9. Therefore, we find that the NEB carried out a meaningful process of consultation including the imposition of appropriate accommodation measures where necessary.

l'ONÉ s'est dit convaincu que le risque d'effets préjudiciables attribuable à l'achèvement du projet était négligeable.

[56] De même, l'ONÉ a évalué le risque accru de déversements ou de fuites de la canalisation 9 en raison du projet. Il a reconnu les effets néfastes qu'une fuite pourrait avoir sur l'utilisation traditionnelle des terres, mais il a conclu que ce risque était faible et qu'il pouvait être adéquatement atténué. Compte tenu de l'engagement d'Enbridge quant à la sécurité ainsi que des conditions imposées à cette dernière, l'ONÉ s'est dit confiant que la canalisation 9 serait exploitée de manière sécuritaire pendant toute la durée du projet. Le risque de préjudice aux droits invoqués par les Chippewas de la Thames en raison d'une fuite ou d'un déversement était en conséquence minime.

[57] Troisièmement, nous ne pouvons souscrire à la thèse des Chippewas de la Thames voulant qu'ils n'aient pas eu la possibilité d'obtenir des mesures d'accommodement adéquates dans le cadre du processus de l'ONÉ. Après avoir fait état des droits invoqués par les Chippewas de la Thames et d'autres groupes autochtones, du caractère adéquat des renseignements fournis aux groupes autochtones par Enbridge eu égard à ces droits, ainsi que des risques que posaient la construction et l'exploitation de la canalisation 9, l'ONÉ a imposé plusieurs mesures d'accommodement visant à réduire les risques au minimum et à répondre directement aux préoccupations des groupes autochtones touchés par le projet. Pour faciliter les communications entre Enbridge et les groupes autochtones touchés concernant le projet, l'ONÉ a imposé à Enbridge la condition 24. Cette mesure d'accommodement exigeait qu'Enbridge continue de consulter les groupes autochtones et dépose auprès de l'ONÉ des rapports d'engagement permanent. De même, la condition 29 exigeait qu'Enbridge dépose un plan de consultation continue des personnes et des groupes tout au long de l'exploitation de la canalisation 9. Par conséquent, nous concluons que l'ONÉ a mené un véritable processus de consultation, notamment en imposant au besoin des mesures d'accommodement appropriées.

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[58] Nonetheless, the Chippewas of the Thames argue that any putative consultation that occurred in this case was inadequate as the NEB "focused on balancing multiple interests" which resulted in the Chippewas of the Thames' "Aboriginal and treaty rights [being] weighed by the Board against a number of economic and public interest factors" (A.F., at paras. 95 and 104). This, the Chippewas of the Thames assert, is an inadequate means by which to assess Aboriginal and treaty rights that are constitutionally guaranteed by s. 35 of the *Constitution Act, 1982*.

[59] In *Carrier Sekani*, this Court recognized that "[t]he constitutional dimension of the duty to consult gives rise to a special public interest" which surpasses economic concerns (para. 70). A decision to authorize a project cannot be in the public interest if the Crown's duty to consult has not been met (*Clyde River*, at para. 40; *Carrier Sekani*, at para. 70). Nevertheless, this does not mean that the interests of Indigenous groups cannot be balanced with other interests at the accommodation stage. Indeed, it is for this reason that the duty to consult does not provide Indigenous groups with a "veto" over final Crown decisions (*Haida*, at para. 48). Rather, proper accommodation "stress[es] the need to balance competing societal interests with Aboriginal and treaty rights" (*Haida*, at para. 50).

[60] Here, the NEB recognized that the impact of the project on the rights and interests of the Chippewas of the Thames was likely to be minimal. Nonetheless, it imposed conditions on Enbridge to accommodate the interests of the Chippewas of the Thames and to ensure ongoing consultation between the proponent and Indigenous groups. The Chippewas of the Thames are not entitled to a one-sided process, but rather, a cooperative one with a view towards reconciliation. Balance and compromise are inherent in that process (*Haida*, at para. 50).

[58] Quoi qu'il en soit, les Chippewas de la Thames plaident que toute soi-disant consultation ayant eu lieu en l'espèce était inadéquate étant donné que l'ONÉ [TRADUCTION] « s'est employé à soupeser des intérêts multiples », de sorte que « l'Office a soupesé les droits ancestraux et issus de traités [des Chippewas de la Thames] au regard de nombreux facteurs économiques et d'intérêt public » (m.a., par. 95 et 104). Cette façon de faire, de prétendre les Chippewas de la Thames, ne constitue pas une méthode adéquate pour évaluer des droits ancestraux et issus de traités garantis par l'art. 35 de la *Loi constitutionnelle de 1982*.

[59] Dans *Carrier Sekani*, la Cour a reconnu que « [l]'aspect constitutionnel de l'obligation de consulter fait naître un intérêt public spécial » qui l'emporte sur des préoccupations d'ordre économique (par. 70). Une décision autorisant un projet ne saurait servir l'intérêt public s'il n'a pas été satisfait à l'obligation de consulter de la Couronne (*Clyde River*, par. 40; *Carrier Sekani*, par. 70). Toutefois, cela ne signifie pas que les intérêts des groupes autochtones ne peuvent être soupesés avec d'autres intérêts à l'étape des accommodements. C'est d'ailleurs pour cette raison que l'obligation de consulter n'a pas pour effet de créer en faveur des groupes autochtones un droit de « veto » sur les décisions finales de la Couronne (*Haïda*, par. 48). Des accommodements convenables reposent plutôt « sur la nécessité d'établir un équilibre entre des intérêts sociétaux opposés et les droits ancestraux et issus de traités des Autochtones » (*Haïda*, par. 50).

[60] En l'espèce, l'ONÉ a reconnu que les effets du projet sur les droits et les intérêts des Chippewas de la Thames seraient vraisemblablement minimes. Il a néanmoins imposé des conditions à Enbridge pour accommoder les intérêts des Chippewas de la Thames et pour faire en sorte que les consultations se poursuivent entre le promoteur et les groupes autochtones. Les Chippewas de la Thames n'ont pas droit à un processus unilatéral, mais plutôt à un processus coopératif visant à favoriser la réconciliation. La mise en équilibre et le compromis font partie intégrante de ce processus (*Haïda*, par. 50).

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G. *Were the NEB's Reasons Sufficient?*

[61] Finally, in the hearing before us, the Chippewas of the Thames raised the issue of the adequacy of the NEB's reasons regarding consultation with Indigenous groups. The Chippewas of the Thames asserted that the NEB's process could not have constituted consultation in part because of the NEB's failure to engage in a *Haida*-style analysis. In particular, the NEB did not identify the strength of the asserted Aboriginal and treaty rights, nor did it identify the depth of consultation required in relation to each Indigenous group. As a consequence, the Chippewas of the Thames submit that the NEB could not have fulfilled the Crown's duty to consult.

[62] In *Haida*, this Court found that where deep consultation is required, written reasons will often be necessary to permit Indigenous groups to determine whether their concerns were adequately considered and addressed (para. 44). In *Clyde River*, we note that written reasons foster reconciliation (para. 41). Where Aboriginal and treaty rights are asserted, the provision of reasons denotes respect (*Kainaiwa/Blood Tribe v. Alberta (Energy)*, 2017 ABQB 107, at para. 117 (CanLII)) and encourages proper decision making (*Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, at para. 39).

[63] We agree with the Chippewas of the Thames that this case required the NEB to provide written reasons. Additionally, as we recognized in the companion case *Clyde River*, where affected Indigenous peoples have squarely raised concerns about Crown consultation with the NEB, the NEB must usually provide written reasons (*Clyde River*, at para. 41). However, this requirement does not necessitate a formulaic "*Haida* analysis" in all circumstances (para. 42). Instead, where deep consultation is required and the issue of Crown consultation is raised with the NEB, the NEB will be obliged to "explain how it considered and addressed" Indigenous concerns (*ibid.*). What is necessary is an indication that

G. *Les motifs exposés par l'ONÉ sont-ils suffisants?*

[61] Enfin, à l'audience devant nous, les Chippewas de la Thames ont soulevé la question du caractère suffisant des motifs exposés par l'ONÉ sur les consultations avec les groupes autochtones, affirmant que le processus de l'ONÉ ne pouvait avoir constitué une consultation, notamment parce que l'ONÉ n'a pas procédé à une analyse de type *Haïda*. Plus particulièrement, l'ONÉ n'a pas déterminé la solidité des droits ancestraux et issus de traités invoqués ni l'ampleur des consultations nécessaires auprès de chacun des groupes autochtones. En conséquence, les Chippewas de la Thames soutiennent que l'ONÉ ne peut avoir satisfait à l'obligation de consulter incombant à la Couronne.

[62] Dans l'arrêt *Haïda*, notre Cour a conclu que, dans les cas où des consultations approfondies sont requises, des motifs écrits sont souvent nécessaires pour permettre aux groupes autochtones de constater si on a adéquatement considéré leurs préoccupations et répondu à celles-ci (par. 44). Dans *Clyde River*, nous faisons remarquer que des motifs écrits favorisent la réconciliation (par. 41). Lorsque des droits ancestraux ou issus de traités sont invoqués, la rédaction de motifs écrits dénote le respect (*Kainaiwa/Blood Tribe c. Alberta (Energy)*, 2017 ABQB 107, par. 117 (CanLII)) et favorise une meilleure prise de décision (*Baker c. Canada (Ministre de la Citoyenneté et de l'Immigration)*, [1999] 2 R.C.S. 817, par. 39).

[63] À l'instar des Chippewas de la Thames, nous sommes d'avis que la présente affaire requérait que l'ONÉ expose des motifs écrits. De plus, comme nous le reconnaissons dans le pourvoi connexe *Clyde River*, lorsque des groupes autochtones touchés soulèvent directement devant l'ONÉ des préoccupations concernant les consultations incombant à la Couronne, l'ONÉ doit habituellement motiver sa décision par écrit (*Clyde River*, par. 41). Toutefois, cette exigence n'oblige pas dans tous les cas à procéder mécaniquement à l'« analyse requise par l'arrêt *Haïda* » (par. 42). Lorsqu'une consultation approfondie est requise et que la question de la consultation menée par la Couronne est soulevée devant l'ONÉ,

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the NEB took the asserted Aboriginal and treaty rights into consideration and accommodated them where appropriate.

[64] In our view, the NEB's written reasons are sufficient to satisfy the Crown's obligation. It is notable that, unlike the NEB's reasons in the companion case *Clyde River*, the discussion of Aboriginal consultation in this case was not subsumed within an environmental assessment. The NEB reviewed the written and oral evidence of numerous Indigenous interveners and identified, in writing, the rights and interests at stake. It assessed the risks that the project posed to those rights and interests and concluded that the risks were minimal. Nonetheless, it provided written and binding conditions of accommodation to adequately address the potential for negative impacts on the asserted rights from the approval and completion of the project.

[65] For these reasons, we reject the Chippewas of the Thames' assertion that the NEB's reasons were insufficient to satisfy the Crown's duty to consult.

V. Conclusion

[66] We are of the view that the Crown's duty to consult was met. Accordingly, we would dismiss this appeal with costs to Enbridge.

Appeal dismissed with costs to Enbridge Pipelines Inc.

Solicitors for the appellant: Nahwegahbow, Corbiere, Rama, Ontario.

Solicitors for the respondent Enbridge Pipelines Inc.: Dentons Canada, Calgary; Enbridge Law Department, Calgary.

ce dernier devra « expliquer de quelle manière il a considéré » les préoccupations autochtones « et il en a tenu compte » (*ibid.*). Ce qu'il faut, c'est que l'ONÉ indique qu'il a pris en considération les droits ancestraux et issus de traités invoqués et qu'il a pris des accommodements à leur égard lorsqu'il convenait de le faire.

[64] À notre avis, les motifs écrits exposés par l'ONÉ sont suffisants et permettent de satisfaire à l'obligation de la Couronne. Il convient de souligner que, contrairement aux motifs de l'ONÉ dans l'affaire connexe *Clyde River*, l'analyse de la consultation menée auprès des Autochtones dans le présent cas n'était pas intégrée dans une évaluation environnementale. En l'espèce, l'ONÉ a examiné les éléments de preuve présentés par écrit et de vive voix par de nombreux intervenants autochtones et il a identifié, par écrit, les droits et intérêts en jeu. Il a apprécié les risques que le projet posait à l'égard de ces droits et intérêts et conclu qu'ils étaient minimes. Néanmoins, il a imposé par écrit, sous forme de conditions contraignantes, des mesures d'accommodement en vue de remédier adéquatement à la possibilité d'effets préjudiciables sur les droits invoqués par suite de l'approbation et de la réalisation du projet.

[65] Pour ces raisons, nous rejetons l'argument des Chippewas de la Thames selon lequel les motifs exposés par l'ONÉ sont insuffisants pour satisfaire à l'obligation de consulter incombant à la Couronne.

V. Conclusion

[66] Nous sommes d'avis qu'il a été satisfait à l'obligation de consulter incombant à la Couronne. En conséquence, nous rejetterions le pourvoi, avec dépens en faveur d'Enbridge.

Pourvoi rejeté avec dépens en faveur de Pipelines Enbridge inc.

Procureurs de l'appelante : Nahwegahbow, Corbiere, Rama, Ontario.

Procureurs de l'intimée Pipelines Enbridge inc. : Dentons Canada, Calgary; Enbridge Law Department, Calgary.

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Exhibit 14

Solicitor for the respondent the National Energy Board: National Energy Board, Calgary.

Solicitor for the respondent the Attorney General of Canada: Attorney General of Canada, Toronto.

Solicitor for the intervener the Attorney General of Ontario: Attorney General of Ontario, Toronto.

Solicitor for the intervener the Attorney General of Saskatchewan: Attorney General of Saskatchewan, Regina.

Solicitors for the intervener the Nunavut Wildlife Management Board: Supreme Advocacy, Ottawa.

Solicitors for the intervener Suncor Energy Marketing Inc.: Osler, Hoskin & Harcourt, Calgary; Suncor Law Department, Calgary.

Solicitor for the intervener the Mohawk Council of Kahnawà:ke: Mohawk Council of Kahnawake Legal Services, Mohawk Territory of Kahnawà:ke, Quebec.

Solicitors for the intervener the Mississaugas of the New Credit First Nation: Pape Salter Teillet, Toronto.

Solicitors for the intervener the Chiefs of Ontario: Gowling WLG (Canada), Ottawa.

Procureur de l'intimé l'Office national de l'énergie : Office national de l'énergie, Calgary.

Procureure de l'intimée la procureure générale du Canada : Procureure générale du Canada, Toronto.

Procureur de l'intervenant le procureur général de l'Ontario : Procureur général de l'Ontario, Toronto.

Procureur de l'intervenant le procureur général de la Saskatchewan : Procureur général de la Saskatchewan, Regina.

Procureurs de l'intervenant le Conseil de gestion des ressources fauniques du Nunavut : Supreme Advocacy, Ottawa.

Procureurs de l'intervenante Suncor Energy Marketing Inc. : Osler, Hoskin & Harcourt, Calgary; Suncor Law Department, Calgary.

Procureur de l'intervenant Mohawk Council of Kahnawà:ke : Mohawk Council of Kahnawake Legal Services, Mohawk Territory of Kahnawà:ke, Québec.

Procureurs de l'intervenante Mississaugas of the New Credit First Nation : Pape Salter Teillet, Toronto.

Procureurs de l'intervenant Chiefs of Ontario : Gowling WLG (Canada), Ottawa.

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Schedule "G"

Subdivision and Development Regulation, Alberta Regulation

(Consolidated up to 216/2022)

ALBERTA REGULATION 84/2022

Municipal Government Act

MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION

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Interpretation

1(1) In this Regulation,

(a) "abandoned well" means an abandoned well as defined by the AER;

(b) "Act" means the *Municipal Government Act*;

(c) "AER" means the Alberta Energy Regulator;

(d) "AER Directive 079" means AER Directive 079, *Surface Development in Proximity to Abandoned Wells*;

(e) "building site" means a portion of the land that is the subject of an application on which a building can or may be constructed;

(f) "hazardous waste management facility" means hazardous waste management facility as defined in the *Waste Control Regulation* (AR 192/96);

(g) "landfill" means landfill as defined in the *Waste Control Regulation* (AR 192/96);

(h) "rural municipality" means a municipal district, improvement district, special area or the rural service area of a specialized municipality;

(i) "service road" means a road for the purpose of providing and consolidating means of access to a controlled highway at a point where access is permitted by the Minister of Transportation and Economic Corridors;

(j) "sour gas" means natural gas having a hydrogen sulphide content of 10 moles per kilomole or greater, or such lesser or greater hydrogen sulphide content that the AER may stipulate in a particular case;

(k) "sour gas facility" means

(i) any of the following, if it emits, or on failure or on being damaged may emit, sour gas:

(A) a gas well as defined in the *Oil and Gas Conservation Rules* (AR 151/71);

(B) a processing plant as defined in the *Oil and Gas Conservation Act*;

(C) a pipeline as defined in the *Pipeline Act*;

(ii) anything designated by the AER as a sour gas facility pursuant to section 3;

(l) "storage site" means storage site as defined in the *Waste Control Regulation* (AR 192/96);

(m) "subdivision and development appeal board" includes an intermunicipal subdivision and development appeal board;

(n) "unsubdivided quarter section" means

(i) a quarter section, lake lot, river lot or settlement lot that has not been subdivided except for public or quasi-public uses or only for a purpose referred to in section 618 of the Act, or

(ii) a parcel of land that has been created pursuant to section 86(2)(d) of the *Planning Act*, RSA 1980, on or before July 6, 1988, or pursuant to section 29.1 of the *Subdivision Regulation* (AR 132/78), from a quarter section, lake lot, river lot or settlement lot if that parcel of land constitutes more than 1/2 of the area that was constituted by that quarter section, lake lot, river lot or settlement lot;

(o) "wastewater collection system" means wastewater collection system as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);

(p) "wastewater treatment plant" means wastewater treatment plant as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93);

(q) "water distribution system" means water distribution system as defined in the *Environmental Protection and Enhancement Act*;

(r) "well licensee" means a licensee as defined in the *Oil and Gas Conservation Act*.

(2) The definitions in Part 17 of the Act and section 1 of the Act, to the extent that they do not conflict with Part 17, apply to this Regulation.

AR 84/2022 s1;216/2022

Bylaw, plan prevails

2 Nothing in this Regulation may be construed to permit a use of land unless that use of land is provided for under a statutory plan or is a permitted or discretionary use under a land use bylaw.

AER designations

3(1) The AER may designate any well, battery, processing plant or pipeline, as defined in the *Oil and Gas Conservation Act*, not included in section 1(1)(k)(i) as a sour gas facility for the purpose of this Regulation, if it emits, or on failure or on being damaged may emit, sour gas.

(2) The AER may designate as a sour gas facility for the purpose of this Regulation

(a) a well for which a well licence has been issued under the *Oil and Gas Conservation Act*,

(b) a battery, as defined in the *Oil and Gas Conservation Act*, the location and construction of which has been approved by the AER,

(c) a processing plant, as defined in the *Oil and Gas Conservation Act*, forming part of a gas processing scheme approved by the AER under that Act, or

(d) a pipeline for which a permit has been issued under the *Pipeline Act*

if the operation of the well, battery, processing plant or pipeline has not commenced at the time the designation is made and the AER is satisfied that when it is in operation it will emit, or on failure or on being damaged may emit, sour gas.

(3) The AER must furnish a copy of each designation and each revocation of a designation made by it under this section to the municipality where the affected sour gas facility is or is to be located.

Part 1
Subdivision and Development Appeal Board Training Requirements

Clerk training requirements

4(1) Before being appointed as a clerk of a subdivision and development appeal board under section 627.1 of the Act, a person must successfully complete a training program set or approved by the Minister.

(2) A clerk of a subdivision and development appeal board must complete a refresher training program set or approved by the Minister every 3 years after that person's appointment.

Board member training requirements

5 A member of a subdivision and development appeal board must,

(a) before participating in any hearing as a member of a panel of the board, successfully complete a training program set or approved by the Minister, and

(b) every 3 years following that member's appointment, successfully complete a refresher training program set or approved by the Minister.

Part 2
Subdivision Applications

Application

6(1) The owner of a parcel of land, or a person authorized by the owner of a parcel of land, may apply for subdivision of that parcel of land by submitting a complete application for subdivision to the appropriate subdivision authority.

(2) Subject to section 653.1 of the Act, a complete application for subdivision consists of

(a) the required fee,

(b) a copy of the current land title for the land that is the subject of the application,

(c) a copy of any agreement made under section 664.1 of the Act, and

(d) at the discretion of the subdivision authority, the information required under subsections (3) and (4).

(3) The applicant must submit the number of sketches or plans of the proposed subdivision that the subdivision authority requires, drawn to the scale that the subdivision authority requires,

(a) showing the location, dimensions and boundaries of

(i) the land that is the subject of the application,

(ii) each new lot to be created,

(iii) any reserve land,

(iv) existing rights of way of each public utility, and

(v) other rights of way,

(b) clearly outlining the land that the applicant wishes to register in a land titles office,

(c) showing the location, use and dimensions of buildings on the land that is the subject of the application and specifying those buildings that are proposed to be demolished or moved,

(d) showing the approximate location and boundaries of the bed and shore of any body of water that is contained within or bounds the proposed parcel of land,

(e) if the proposed lots or the remainder of the titled area are to be served by individual wells and private sewage disposal systems, showing

(i) the location of any existing or proposed wells,

(ii) the location and type of any existing or proposed private sewage disposal systems, and

(iii) the distance from any wells or disposal systems referred to in subclause (i) or (ii) to existing or proposed buildings and property lines,

and

(f) showing the existing and proposed access to the proposed parcels and the remainder of the titled area.

(4) The applicant must submit, as required by the subdivision authority,

(a) if a proposed subdivision is not to be served by a water distribution system, a report that meets the requirements of section 23(3)(a) of the *Water Act*,

(b) an assessment of subsurface characteristics of the land that is to be subdivided including but not limited to susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on-site sewage disposal system,

(c) if a proposed subdivision is not to be served by a wastewater collection system, information supported by the report of a person qualified to make it respecting the intended method of providing sewage disposal facilities to each lot in the proposed subdivision, including the suitability and viability of that method,

(d) a description of the use or uses proposed for the land that is the subject of the application,

(e) information provided by the AER as set out in AER Directive 079 identifying the location or confirming the absence of any abandoned wells within the proposed subdivision,

(f) if an abandoned well is identified in the information submitted under clause (e),

(i) a map showing the actual wellbore location of the abandoned well, and

(ii) a description of the minimum setback requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079,

(g) information provided by the AER identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision,

(h) if the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 flood, and

(i) if any portion of the parcel of land that is the subject of the application is situated within 1.5 kilometres of a sour gas facility, information provided by the AER regarding the location of the sour gas facility.

(5) Subsection (4)(e) does not apply in respect of an application for subdivision solely in respect of a lot line adjustment.

(6) Subsection (4)(e) does not apply if the information to be provided under subsection (4)(e) was previously provided to the appropriate subdivision authority within one year prior to the application date.

(7) The subdivision authority may require an applicant for subdivision to submit, in addition to a complete application for subdivision,

(a) a conceptual scheme that relates the application to future subdivision and development of adjacent areas, and

(b) any additional information required by the subdivision authority to determine whether the application meets the requirements of section 654 of the Act.

Application referrals

7(1) For the purposes of subsection (6)(d)(i) and (j), "adjacent" means contiguous or would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.

(2) For the purposes of subsection (6)(e)(i), "adjacent" means contiguous or would be contiguous if not for a railway, road or utility right of way or reserve land.

(3) For the purposes of subsection (6)(n), "adjacent land" means land that is contiguous to the land that is the subject of the application and includes

(a) land that would be contiguous if not for a highway, road, river or stream, and

(b) any other land identified in a land use bylaw as adjacent land for the purpose of notifications under section 692 of the Act.

(4) For the purposes of subsection (6)(k)(i), "adjacent to" means

(a) contiguous or would be contiguous if not for a highway, road, river or stream, or

(b) identified in a land use bylaw as adjacent land for the purpose of notification under sections 653, 679, 680 and 692 of the Act.

(5) For the purposes of subsection (6)(e)(ii), the Deputy Minister of the Minister responsible for administration of the *Public Lands Act* may, in an agreement with a municipality, further define the term "body of water" but the definition may not include dugouts, drainage ditches, man-made lakes or other similar man-made bodies of water.

(6) On an application for subdivision being determined or deemed under section 653.1 of the Act to be complete, the subdivision authority must send a copy to

(a) each school board that has jurisdiction in respect of land that is the subject of the application, if the application may result in the allocation of reserve land or money in place of reserve land for school board purposes,

(b) the Deputy Minister of Environment and Protected Areas, if any of the land that is the subject of the application is within the distances referred to in section 17,

(c) if the proposed subdivision is to be served by a public utility, as defined in the *Public Utilities Act*, the owner of that public utility,

(d) the Deputy Minister of the Minister responsible for administration of the *Highways Development and Protection Act*, if the land that is the subject of the application is not in a city and

(i) is adjacent to a highway, or

(ii) is within 1.6 kilometres of the centre line of a highway right of way, unless a lesser distance is agreed to by the Deputy Minister of the Minister responsible for administration of the *Highways Development and Protection Act* and the municipality in which the land that is the subject of the application is located,

(e) the Deputy Minister of the Minister responsible for administration of the *Public Lands Act*, if the proposed parcel

(i) is adjacent to the bed and shore of a body of water, or

(ii) contains, either wholly or partially, the bed and shore of a body of water,

(f) the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act*, if the land that is the subject of the application is within the Green Area, being that area established by Ministerial Order under the *Public Lands Act* dated May 7, 1985 (M.O. 71/85), as amended or replaced from time to time, except that for the purposes of this Regulation the Green Area does not include

(i) land within an urban municipality, and

(ii) any other land that the Deputy Minister of the Minister responsible for the administration of the *Public Lands Act* states, in writing, may be excluded,

(g) the AER, in accordance with section 12(1),

(h) if an abandoned well is identified on a proposed subdivision, the well licensee of the abandoned well,

(i) the Deputy Minister of Environment and Protected Areas, if any of the land that is the subject of the application is situated within a Restricted Development Area established under Schedule 5 of the *Government Organization Act*,

(j) the Deputy Minister of Environment and Protected Areas, if any of the land that is the subject of the application is adjacent to works, as defined in the *Water Act*, that are owned by the Crown in right of Alberta,

(k) the Deputy Minister of the Minister responsible for the administration of the *Historical Resources Act*, if

(i) any of the land that is the subject of the application is adjacent to or contains, either wholly or partially,

(A) land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*, or

(B) public land set aside for use as a historical site under the *Public Lands Act*,

or

(ii) the Deputy Minister and the municipality have agreed in writing to referrals in order to identify and protect historical sites and resources within the land that is the subject of the application,

(l) if the land is situated within an irrigation district, the board of directors of the district,

(m) the municipality within which the land that is the subject of the application is located, if the council, municipal planning commission or a designated officer of that municipality is not the subdivision authority for that municipality,

(n) each municipality that has adjacent land within its boundaries, unless otherwise provided for in the applicable municipal or intermunicipal development plan, and

(o) any other persons and local authorities that the subdivision authority considers necessary.

(7) Notwithstanding subsection (6), a subdivision authority is not required to send an application for a subdivision described in section 652(4) of the Act to any person referred to in subsection (6).

(8) Notwithstanding subsection (6), a subdivision authority is not required to send a complete copy of an application for subdivision to any person referred to in subsection (6) if the land that is the subject of the application is contained within either

(a) an area structure plan, or

(b) a conceptual scheme described in section 6(7)(a).

AR 84/2022 s7;216/2022

Decision time limit

8 A subdivision authority must make a decision on an application for subdivision within

(a) 21 days from the date of an application being determined or deemed under section 653.1 of the Act to be complete in the case of an application for a subdivision described in section 652(4) of the Act if no referrals were made pursuant to section 7(7),

(b) 60 days from the date of an application under section 6(1) being determined or deemed under section 653.1 of the Act to be complete, or

(c) the time agreed to pursuant to section 681(1)(b) of the Act.

Relevant considerations

9 In making a decision as to whether to approve an application for subdivision, the subdivision authority must consider, with respect to the land that is the subject of the application,

(a) its topography,

(b) its soil characteristics,

(c) storm water collection and disposal,

(d) any potential for the flooding, subsidence or erosion of the land,

(e) its accessibility to a road as defined in section 616(aa) of the Act,

(f) the availability and adequacy of a water supply, a sewage disposal system and solid waste disposal,

(g) in the case of land not serviced by a licensed water distribution and wastewater collection system, whether the proposed subdivision boundaries, lot sizes and building sites comply with the requirements of the *Private Sewage Disposal Systems Regulation* (AR 229/97) in respect of lot size and distances between property lines, buildings, water sources and private sewage disposal systems as identified in section 6(4)(b) and (c),

(h) the use of land in the vicinity of the land that is the subject of the application, and

(i) any other matters that it considers necessary to determine whether the land that is the subject of the application is suitable for the purpose for which the subdivision is intended.

Reasons for decision

10 The written decision of a subdivision authority provided under section 656 of the Act must include the reasons for the decision, including an indication of how the subdivision authority has considered

(a) any submissions made to it by the adjacent landowners, and

(b) the matters listed in section 9.

Part 3
Subdivision and Development Conditions

Road access

11 Every proposed subdivision must provide to each lot to be created by it

(a) direct access to a road as defined in section 616(aa) of the Act, or

(b) lawful means of access satisfactory to the subdivision authority.

Sour gas facilities

12(1) A subdivision authority must send a copy of a subdivision application and a development authority must send a copy of a development application for a development that results in a permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, to the AER if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AER and the subdivision authority.

(2) If a copy of a subdivision application or development application is sent to the AER, the AER must provide the subdivision authority or development authority with its comments on the following matters in connection with the application:

(a) the AER's classification of the sour gas facility;

(b) minimum development setbacks necessary for the classification of the sour gas facility.

(3) A subdivision authority and development authority shall not approve an application that does not conform to the AER's setbacks unless the AER gives written approval to a lesser setback distance.

(4) An approval under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

Gas and oil wells

13(1) In this section, "gas or oil well" does not include an abandoned well.

(2) For the purposes of this section, distances are measured from the well head to the building or proposed building site.

(3) A subdivision application or a development application shall not be approved if it would result in a permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, being located within 100 metres of a gas or oil well or within a lesser distance approved in writing by the AER.

(4) An approval of the AER under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

Location of abandoned wells

14(1) An application for a development permit in respect of the following must include information provided by the AER identifying the location or confirming the absence of any abandoned wells within the parcel on which the building is to be constructed or, in the case of an addition, presently exists:

(a) a new building that will be larger than 47 square metres;

(b) an addition to or an alteration of an existing building that will result in the building being larger than 47 square metres.

(2) Subsection (1) does not apply if the information to be provided under subsection (1) was previously provided to the subdivision or development authority within one year prior to the application date.

Setback requirements

15(1) Subject to section 16, an application for the following made on or after the coming into force of this section shall not be approved if it would result in the building site or building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079:

(a) a subdivision, other than a subdivision solely in respect of a lot line adjustment;

(b) a development permit in respect of a building referred to in section 14(1)(a) or (b).

(2) For the purposes of this section, distances are measured from the wellbore to the building site.

Transitional

16(1) In this section, “existing building” means a building that existed on November 1, 2012.

(2) An application for a development permit in respect of the following shall not be approved if it would result in a building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, unless with respect to that building the development authority varies those minimum setback requirements after consulting with the well licensee, and the building will not encroach further onto the abandoned well:

(a) an addition to or an alteration of

(i) an existing building that is larger than 47 square metres, or

(ii) an existing building that will result in the building being larger than 47 square metres;

(b) a repair to or the rebuilding of an existing building larger than 47 square metres that is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation.

Distance from wastewater treatment, landfill, waste sites

17(1) In this section,

(a) "disposal area" means those areas of a parcel of land

(i) that have been used and will not be used again for the placing of waste material, or

(ii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility or landfill;

(b) "professional engineer" means professional engineer as defined in the *Engineering and Geoscience Professions Act*;

(c) "working area" means those areas of a parcel of land

(i) that are currently being used or will be used for the processing of wastewater,

(ii) that are currently being used or that still remain to be used for the placing of waste material, or

(iii) where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site.

(2) Subject to subsection (6), a subdivision authority shall not approve an application for subdivision for school, hospital or residential use

(a) unless

(i) the property line of the proposed lot for school, hospital or residential use is 300 metres or more from the working area of an operating wastewater treatment plant, or

(ii) on considering the matters referred to in section 9, each proposed lot includes a suitable building site for school, hospital or residential use that is 300 metres or more from the working area of an operating wastewater treatment plant,

or

(b) if the application would result in a property line of a lot created by subdivision for any of those uses being located

(i) within 450 metres of the working area of an operating landfill,

(ii) within 300 metres of the disposal area of an operating or non-operating landfill,

(iii) within 450 metres of the working area or disposal area of an operating or a non-operating hazardous waste management facility, or

(iv) within 300 metres of the working area of an operating storage site.

(3) Subject to subsection (6), a development authority shall not issue a development permit for a school, hospital or residence, nor may a school, hospital or residence be constructed, if the building site

(a) is within 300 metres of the working area of an operating wastewater treatment plant,

(b) is within 450 metres of the working area of an operating landfill,

(c) is within 300 metres of the disposal area of an operating or non-operating landfill,

(d) is within 450 metres of the working area or disposal area of a non-operating hazardous waste management facility,

(e) is within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or

(f) is within 300 metres of the working area of an operating storage site.

(4) Subject to subsection (6), a development authority shall not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the building site for an existing or a proposed school, hospital or residence.

(5) Subject to subsection (6), a subdivision authority shall not approve an application for subdivision, and a development authority shall not issue a permit, for the purposes of developing a wastewater treatment plant, landfill, hazardous waste management facility or storage site unless

(a) with respect to a wastewater treatment plant, the working area of the wastewater treatment plant is situated at least 300 metres,

(b) with respect to a landfill,

(i) the working area of a landfill is situated at least 450 metres, and

(ii) the disposal area of the landfill is situated at least 300 metres,

(c) with respect to a hazardous waste management facility, the working area or disposal area of a hazardous waste management facility is situated at least 450 metres, and

(d) with respect to a storage site, the working area of a storage site is situated at least 300 metres

from the property line of a school, hospital or residential use or building site proposed for a school, hospital or residence.

(6) The requirements contained in subsections (2) to (5) may be varied by a subdivision authority or a development authority if the applicant submits a report from a professional engineer that addresses the criteria for a variance stipulated in the Guideline for Setback Reviews published by the Department of Environment and Parks in May, 2022, as amended from time to time.

(7) A variance under subsection (6) may be for the purpose of applications for subdivision or development generally or for the purpose of a specific application.

Distance from highway

18 Subject to section 20, a subdivision authority shall not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 1.6 kilometres of the centre line of a highway right of way unless

(a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,

(b) a single parcel of land is to be created from an unsubdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,

(c) an undeveloped single residential parcel is to be created from an unsubdivided quarter section and is located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,

(d) the land is contained within an area where the municipality and the Minister of Transportation and Economic Corridors have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or

(e) the land is contained within an area structure plan satisfactory to the Minister of Transportation and Economic Corridors at the time of the application for subdivision and the proposed use of the land is permitted under that plan.

AR 84/2022 s18;216/2022

Service roads

19(1) In this section, "provide" means dedicate by caveat or by survey or construct, as required by the subdivision authority.

(2) Subject to section 20, if the land that is the subject of an application for subdivision is within an area described in section 7(6)(d), a service road satisfactory to the Minister of Transportation and Economic Corridors must be provided.

(3) Subsection (2) does not apply if the proposed parcel complies with section 18 and access to the proposed parcel of land and remnant title is to be solely by means other than a highway.

AR 84/2022 s19;216/2022

Waiver

20(1) The requirements of sections 18 and 19 may be varied by a subdivision authority with the written approval of the Minister of Transportation and Economic Corridors.

(2) An approval under subsection (1) may refer to applications for subdivision generally or to a specific application.

AR 84/2022 s20;216/2022

Security conditions

21(1) A development authority may

(a) require an applicant for a development permit to provide information regarding the security and crime prevention features that will be included in the proposed development, and

(b) attach conditions to the development permit specifying the security and crime prevention features that must be included in the proposed development.

(2) Subsection (1) applies even if the land use bylaw does not provide for those conditions to be attached to a development permit.

Approval by council not part of development permit application

22 A development authority may not require, as a condition of a completed development permit application, the submission to and approval by council of a report regarding the development.

Part 4
Registration, Deferral and Endorsement

Registration

23 A proposed plan of subdivision must comply with section 665(2) of the Act.

Deferral

24 If a subdivision authority orders that the requirement to provide all or part of municipal reserve, school reserve or municipal and school reserve be deferred, the caveat required to be filed in a land titles office under section 669 of the Act must be filed in accordance with the requirements of the land titles office for registration of a deferred reserve caveat on title.

Endorsement

25 When a subdivision authority endorses an instrument pursuant to section 657 of the Act, the endorsement must contain at least the following information:

(a) the percentage of school reserve or municipal reserve or municipal and school reserve required to be provided under the Act, if any;

(b) the percentage of money required to be provided in place of all or part of the reserve land referred to in clause (a), if any;

(c) the percentage of reserve land referred to in clause (a) ordered to be deferred, if any;

(d) the area covered by an environmental reserve easement, if any.

Part 5
Provincial Appeals

LPRT distances

26(1) In this section,

(a) "waste management facility" means a landfill, hazardous waste management facility or storage site;

(b) "wastewater treatment plant" means a sewage treatment facility.

(2) In section 678(2)(a)(i)(B) of the Act and subsection (3)(e)(i), "historical site" means land identified on the *Listing of Historic Resources* maintained by the Minister responsible for the administration of the *Historical Resources Act*.

(3) The following are the distances for the purposes of section 678(2)(a) of the Act with respect to land that is subject to an application for subdivision:

(a) the distance with respect to a body of water described in section 7(6)(e);

(b) the distance, from a highway, described in section 18 or the distance, from a highway, described in an agreement under section 7(6)(d)(ii);

(c) the distance, described in section 17, from a wastewater treatment plant;

(d) the distances, described in section 17, from the disposal area and working area of a waste management facility;

(e) the distance with respect to

(i) a historical site, or

(ii) a historical site or a historical resource described in an agreement under section 7(6)(k)(ii).

Appeals removed from list

27(1) The following are removed from the list of circumstances where a notice of appeal of a decision of a development authority may be filed with the Land and Property Rights Tribunal:

(a) an appeal where the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act, as referred to in section 685(2.1)(a)(i)(A) of the Act;

(b) an appeal where the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, as referred to in section 685(2.1)(a)(i)(B) of the Act.

(2) Subject to subsections (3) and (4), the appeals referred to in subsection (1) may be commenced by filing a notice of appeal with the subdivision and development appeal board.

(3) If the land that is the subject of an appeal referred to in subsection (1) is subject to a licence, permit, approval or other authorization referred to in section 685(2.1)(a)(i)(C) or (D) of the Act, then, despite subsection (1), the appeal may be commenced by filing a notice of appeal with the Land and Property Rights Tribunal.

(4) Subsection (1) does not apply to an appeal if the notice of appeal was filed with the Land and Property Rights Tribunal before May 12, 2021.

Appeals related to designated land

28 The circumstances listed in sections 678(2)(a)(i) and 685(2.1)(a)(i) of the Act where a notice of appeal may be filed with the Land and Property Rights Tribunal do not include appeals where the land that is the subject of the application is designated land as defined in the *Canmore Undermining Review Regulation* (AR 34/2020).

Additional circumstances where appeal may be filed

29(1) In this section, "Minister" means the Minister of Environment and Protected Areas.

(2) In addition to the circumstances listed in sections 678(2)(a)(i) and 685(2.1)(a)(i) of the Act, a notice of appeal may be filed with the Land and Property Rights Tribunal where the land that is the subject of the application is the subject of a licence, permit, approval or other authorization granted by the Minister or granted under any Act the Minister is responsible for under section 16 of the *Government Organization Act*.

(3) Subsection (2) does not apply where the land that is the subject of the application is designated land as defined in the *Canmore Undermining Review Regulation* (AR 34/2020).

AR 84/2022 s29;216/2022

Part 6
Transitional, Repeal, Expiry and Coming into Force

Transitional

30 An application for subdivision or development made under the *Subdivision and Development Regulation* (AR 43/2002) and received by the appropriate subdivision authority or development authority on or before May 31, 2022 shall be continued to its conclusion under that Regulation as if that Regulation had remained in force and this Regulation had not come into force.

Repeal

31 The *Subdivision and Development Regulation* (AR 43/2002), the *Subdivision and Development Appeal Board Regulation* (AR 195/2017) and the *Subdivision and Development Appeal Regulation* (AR 94/2021) are repealed.

Expiry

32 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2032.

Coming into force

33 This Regulation comes into force on June 1, 2022.

Schedule "H"

Regional Municipality of Wood Buffalo Consolidated Land Use Bylaw

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Consolidated Version
Of
Land Use Bylaw

(being Bylaw No. 99/059 of the Regional Municipality of Wood Buffalo, as amended by Bylaw No. 17/014, consolidated and printed under the authority of the Chief Administrative Officer of the Regional Municipality of Wood Buffalo)

This is certified to be a true copy of consolidated Bylaw No. 99/059 of the Regional Municipality of Wood Buffalo.

_____

Audrey Rogers
Chief Legislative Officer

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The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 17/014) refers to Bylaw No. 17/014.

PART 1 - Enactment and Interpretation

1. Title

This Bylaw is cited as the "Regional Municipality of Wood Buffalo Land Use Bylaw".

2. Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Regional Municipality of Wood Buffalo.

3. Application

The provisions of this Bylaw apply to all land and buildings within the boundaries of the Regional Municipality of Wood Buffalo.

4. Conformity with Bylaw

No person shall commence any development unless it is in accordance with the terms and conditions of this Bylaw.

5. Repeal of Existing Land Use Bylaws

Bylaw No. 84/2, being the Land Use Bylaw for the Regional Municipality of Wood Buffalo - Fort McMurray Urban Service Area, and all subsequent amendments thereto are hereby rescinded.

The Land Use Order adopted pursuant to Ministerial Order No. 881/92, being the Land Use Order for the Regional Municipality of Wood Buffalo - Rural Service Area - Fort Chipewyan and Area, and all subsequent amendments thereto are hereby rescinded, except that the sign provisions of Section 3.12 are carried forward and remain in effect until such time as a new Rural Sign Bylaw is proclaimed by Municipal Council.

The Land Use Order adopted pursuant to Ministerial Order No. 655/93, being the Land Use Order for the Regional Municipality of Wood Buffalo - Rural Service Area, and all subsequent amendments thereto are hereby rescinded, except that the sign provisions of Section 3.12 are carried forward and remain in effect until such time as a new Rural Sign Bylaw is proclaimed by Municipal Council.

6. Effective Date

This Bylaw comes into effect upon the date of its third reading by Council and is signed by the Mayor and the Regional Clerk.

7. Land Use Map

7.1 The Regional Municipality of Wood Buffalo is hereby divided into districts and the boundaries of each and every district are delineated on the Land Use Maps.

7.2 The Land Use Maps, as may be amended or replaced by Bylaw as required, are the maps incorporated as Appendix "A" of this Bylaw.

7.3 Boundaries between districts shall be determined as follows:

(a) where a district boundary is indicated as approximately following a street, lane or other public thoroughfare, the boundary shall be the center line thereof;
(b) where a district boundary is indicated as approximately following lot lines, the boundary shall be the lot lines thereof;
(c) where a district boundary is indicated as approximately following the limits of the Urban Service Area or a hamlet boundary, it shall be deemed to be following the limits of the Urban Service Area or the hamlet boundary;
(d) where a district boundary is shown as approximately following the center of pipelines, railway lines, or utility easements it shall be deemed to follow the center line of the right-of-way thereof;
(e) Where a district boundary is shown as approximately following the edge of shore lines of rivers, lakes or other bodies of water or water courses, it shall be deemed to follow such lines and in the event of change in such edges or shorelines, it shall be deemed as moving with the same;
(f) where a district boundary is shown as being parallel to, or as an extension of, a feature noted in subsection (e) it shall be so construed;
(g) where a district boundary is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow such line and in the event of change in such line, it shall be deemed as moving with that line;
(h) where none of the above provisions apply, and where appropriate, the district boundaries shall be determined by dimensions indicated on the Land Use Map or by measurements scaled from the digital version of that map.

7.4 This Land Use Bylaw does not apply to First Nation Reserves.
7.5 This Land Use Bylaw applies to Metis Settlements.

8. Interpretation and Clarification

This Bylaw shall be interpreted as follows:

(a) “shall” means mandatory compliance;
(b) “may” means discretionary compliance or a choice in applying regulations and provisions of this Bylaw;
(c) “lot” also includes the words “parcel” and “plot”;
(d) “person” includes a corporation or business as well as an individual;
(e) “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”;
(f) words used in the present tense include the future tense;
(g) words used in the singular include the plural;
(h) any word defined in the Municipal Government Act S.A., 1994, Chapter M-26.1 as amended, or the Subdivision and Development Regulation (AR 212/95) shall have the same meaning and bear the same interpretation as set forth in the Municipal Government Act S.A., 1994, Chapter M-26.1, as

Exhibit 14

amended, or the Subdivision and Development Regulation (AR 212/95) unless specifically defined otherwise in this Bylaw.

(i) when a question respecting the interpretation of a provision of this Bylaw arises, which in the opinion of the Development Officer or Wood Buffalo Planning Commission warrants clarification, the Development Officer or Wood Buffalo Planning Commission shall prepare a written statement of interpretation for consideration by Council. Every statement of interpretation approved by Council shall be entitled "Clarification of Interpretation", shall be numbered, shall state the provision interpreted and shall be appended to this Bylaw.

(j) R1, R1M, R1S, R1E, R2, R3, R4, RMU and RMH-2 are urban residential districts. CR and SE are country residential districts. HR is a hamlet residential district.

9. **Transition**

An application for a development permit or amendment to the Land Use Bylaw commenced prior to the coming into force of this Bylaw shall be evaluated under the provisions of Bylaw 84/2, as amended.

10. **Definitions**

In this Bylaw, unless the context requires otherwise:

ABATTOIR means the use of land or building in which animals are slaughtered and may include the packing, treating, storing and sale of the produce.

ACCESSORY BUILDING OR USE means a building or use which is subordinate to, exclusively devoted to, and located on the same site as the principal building or use. Where a structure is attached to a principal building on a site by a roof, an open or enclosed structure, a floor or foundation, or any structure below grade allowing access between the building and the structure, it is considered part of the principal building and shall meet all the requirements of that building.

ACT means the Municipal Government Act, S.A. 1994, c. M - 26.1 as amended or replaced from time to time.

ADJACENT refers to those lands that are next to the parcel of land that is subject to a development permit or subdivision application and includes lands that would be next to the subject parcel if not for a river, stream, railway, road, utility right-of-way, or reserve land.

ADULT ENTERTAINMENT FACILITY means: **(BL 00/70)**

(a) adult mini-theaters which are any premises wherein live performances, motion pictures, video tapes, digital video discs, slides or similar electronic photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory to some other business activity which is conducted on the premises;

(b) erotic dance clubs which are any premises other than adult mini-theatres wherein live performances, the main feature of which is the nudity or partial nudity of any person, are performed as a principal use or an

accessory to some other business activity which is conducted on the premises;

(c) adult video store which are businesses where the main feature of more than 50% of the inventory of the business is used to sell, rent, lease and/or loan "X-rated adult video tapes, digital video discs or other similar electronic or photographic reproductions, the main feature of which are the depiction of sexual activities and the display of persons in states of nudity or partial nudity;

(d) love boutiques/shops which are retail or wholesales businesses where the main feature of more than 50% of the inventory of the business is used to which the principal activity is the display and sale of non-clothing merchandise and/or products intended to be used for sexual pleasure;

(e) massage service establishment (for adult use only) that is distinguished or characterized by its emphasis on sexually oriented materials or entertainment depicting and/or describing, conduct or acts of a secularly explicit nature. For example, to provide live entertainment for its patrons which includes the display of nudity. **(BL 04/012)**

AIRPORT means:

(a) any area of land or water, including the frozen surfaces thereof, or other supporting surface used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft or helicopter, and;

(b) includes any building, installation or equipment in connection therewith, operated by the Department of National Defense or for which an airport license has been issued by the Ministry of Transport.

AIRPORT RESERVE means lands within the airport not identified for a specific use but protected as reserve lands. This may include lands which have no development potential due to terrain, water courses, etc. **(BL 12/011)**

AIRSIDE means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is secured and controlled. **(BL 12/011)**

AIRSIDE BUSINESS INDUSTRIAL means lands within the airport reserved for commercial/light industrial development purposes which require direct access to the airport airside areas such as runways and taxiways. **(BL 12/011)**

AIRSIDE RESERVE means lands within the airport reserved for aircraft manoeuvring including runways, taxiways, aprons, electronic and visual navigational aids, and associated utilities. **(BL 12/011)**

AIRPORT SUPPORT means lands reserved for airport support functions including maintenance structures, equipment storage sheds, sand sheds, fire halls, air traffic control tower and other airport related supporting functions. **(BL 12/011)**

AMATEUR RADIO ANTENNA means an installation consisting of an antenna or antenna array, mounted on a metal tower or support structure, designed for the purpose of the reception and transmission of radio signals by federally licensed amateur radio operators.

AMENITY SPACE means an area comprised of on-site space, either communal or private, indoor or outdoor, that is designed for active or passive recreational use.

ANIMAL SERVICE FACILITY, MAJOR means development for the purposes of treatment, boarding, training, or grooming of animals and includes retail sales of associated products. This may include such uses as veterinary clinics, grooming, boarding and breeding kennels, impounding and quarantining facilities, and animal shelters, but does not include the sale of animals.

ANIMAL SERVICE FACILITY, MINOR means development for the purposes of outpatient care treatment and grooming of animals and includes retail sales of associated products. Typical uses are pet grooming salons and small animal veterinary clinics.

APARTMENT BUILDING means development comprised of three or more dwelling units contained within a building having shared entrance facilities, in which the dwellings are arranged in any horizontal or vertical configuration, and which does not conform to the definition of any other residential use.

APARTMENT HOTEL means development consisting of dwellings contained within a building or a part of a building having a principal common entrance. Dwellings are suitable for use by one or more persons for more than five consecutive days, and includes cooking facilities within each dwelling, furnished including dishes and linen, and either maid service, telephone service, or desk service is provided.

AQUACULTURE FACILITY means a facility for breeding and/or raising fin-fish or shellfish. **(BL 07/055)**

ARCADE means a development where five or more mechanical or electronic games are provided for public entertainment for any consideration, but does not include adult entertainment, casino, or bingo.

AUCTIONEERING FACILITY means development intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment, but does not include flea markets.

AUTOMOTIVE AND EQUIPMENT REPAIR means development used for the servicing and mechanical repair of automobiles, light trucks, utility vehicles, motorcycles, snowmobiles, and similar vehicles and the sale, installation or servicing of related accessories and parts. This includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops.

AUTOMOTIVE and EQUIPMENT REPAIR and STORAGE means the servicing, mechanical repair and storage of automobiles, light trucks, and utility vehicles, motorcycles, snowmobiles, and similar vehicles and the sale, installation, servicing or storage of related accessories and parts, this includes transmission shops, muffler shops, tire shops, body shops, automotive glass shops and upholstery shops.

AUTOMOTIVE/RECREATIONAL VEHICLE SALES AND RENTAL means development used for the retail sale or rental of new or used automobiles, recreational vehicles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale of parts. This use

includes automobile dealerships, rental agencies, and motorcycle dealerships, but does not include dealerships for the sale of trucks with a gross vehicle rating greater than 4,000 kg.

AUTOMOTIVE WRECKER means a development used for the storing, junking, dismantling, wrecking or crushing of 3 or more motor vehicles, not in running condition, or parts of them, and may include the sale of parts of such vehicles.

BALCONY means a platform attached to and projecting from the face of a building with or without a supporting structure above the first-storey, normally surrounded by a railing and used as an outdoor amenity area with access only from within the building. **(BL 04/012)**

BARE LAND CONDOMINIUM UNIT means a bare land unit as defined in the Condominium Property Act, RSA 1980 c. C-22.

BASEMENT means that portion of a building that is located wholly or partially below grade, the ceiling of which does not extend more than 1 metre above grade.

BASEMENT SUITE means a dwelling unit that is located on the basement level of a single detached or semi-detached dwelling.

BED AND BREAKFAST means a secondary commercial use of a single detached dwelling, whereby temporary accommodation with or without meals is provided for remuneration to members of the travelling public. Bed and breakfast establishment is not allowed in a boarding house, manufactured home, family care dwelling or group home.

BOARD means the Subdivision and Development Appeal Board established by separate Bylaw.

BOARDING HOUSE means development of a dwelling unit where accommodation is provided for compensation, consisting of three or more Sleeping Units without cooking facilities. **(BL 04/012, BL 08/001)**

BOXOUT means the projection of non-livable space outside the foundation. Examples include, chimneys, built-in shelves, and built-in china cabinets. **(BL 04/012)**

BREEDER (DOG) means an occupant of a dwelling on a residential site who maintains up to two dogs for breeding purposes, and their puppies as long as such pups are less than six months old.

BROADCASTING HOUSE means development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

BUILDING includes anything constructed or placed on, in, over or under land including supporting structures of any type but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

BUILDING HEIGHT means the vertical distance of a building measured from the average grade adjacent to the building to the highest point of the roof.

BUILDING SEPARATION means the minimum distance between two abutting buildings.

BULK OIL AND CHEMICAL STORAGE means a development where refined or crude oil or liquid or solid chemical is stored outdoors.

BUSINESS SUPPORT FACILITY means development for support services to business generally, which for example include: the use of minor mechanical equipment for batch printing; processing and binding; drafting; word and photographic processing services; office maintenance or security services; business related equipment sale, rental, service, repair.

CAMPGROUND means a planned development for the use of recreational vehicles, campers and tents and is not used as a year round storage. A Campground shall be developed in association with a Resort Facility. **(BL 04/012, BL 07/034)**

DELETED (BL 04/012)

CANTILEVER means the projection of habitable or livable space outside the foundation, and it is typically floor to ceiling space. Cantilevers include any floor space that a person can enter, **such** as closets, cantilevered room space, bay windows that create floor space, etc. **(BL 04/012)**

CARNIVAL means temporary development providing a variety of shows, games and amusement rides, for a period of less than 30 days, in which the patrons take part.

CASINO means development providing facilities for patrons to participate in gaming opportunities as the principal use, and includes bingos.

CEMETERY means development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cineriums, columbariums, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

CHILD CARE FACILITY means a development licensed by the province to provide personal care, maintenance, supervision or education, without overnight accommodation for seven or more children at one time for more than 3 but less than 24 consecutive hours in a day. This definition includes daycare centers, nurseries, kindergartens, nursery schools and play schools and other similar uses.

CLUSTER HOUSING means a development of multiple dwellings other than apartment buildings and may include duplex and semi-detached dwellings located on a site or several such developments located on adjoining lots, which are designed to be architecturally integrated.

COMMERCIAL ENTERTAINMENT FACILITY means an enclosed facility in which:

(a) a fee is charged to the public for the provision of a performance; or
(b) a minimum fee is charged for admission to the facility or sale of any item, food, or beverage therein, which includes the provision of a performance and, without limiting the generality of the foregoing, may include facilities for movies, live theatres, and dancing, but does not include an adult entertainment facility.

COMMERCIAL RECREATION FACILITY, INDOOR means a facility in which the public participate in recreational activity, and without limiting the generality of the

foregoing, may include amusement arcades where more than five mechanical or electronic games are provided, billiard or pool halls, bowling alleys, fairs, racquet courts, roller skating, gymnasiums and simulated golf.

COMMERCIAL RECREATION FACILITY, OUTDOOR means a development providing facilities for entertainment and amusement activities which primarily take place out-of-doors, where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, and simulated golf establishments.

COMMERCIAL SCHOOL means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school.

COMMUNITY FACILITY means a building or premises intended for use by the general public. This includes community recreational facilities, community service facilities, places of religious assembly, education service facilities, and medical or health service centre. **(BL 13/041)**

COMMUNITY RECREATION FACILITY means an indoor recreation facility intended to serve the community at large. Typical uses include swimming pools, hockey rinks, gymnasiums, tourist information/interpretive centre or a multi-purpose facility.

COMMUNITY SERVICE FACILITY means a development for use by the public or public groups for cultural or community activities. Typical uses include museums, libraries, and public and private clubs.

CONTRACTOR, GENERAL means development used for industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

CONTRACTOR, LIMITED means development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual households and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles.

COUNCIL means the Municipal Council of the Regional Municipality of Wood Buffalo.

COUNTRY INN means development of a building designed and containing between five and fifteen sleeping units which is operated to provide temporary accommodation for the travelling public and includes a dining room or kitchen facilities for the provision of meals to registered guests and one parking space for each unit.

CUSTOM MANUFACTURING means development used for small scale on-site production of goods by hand manufacturing, primarily involving the use of hand tools and provided such developments have fewer than five production employees.

DATING and ESCORT SERVICES means any business activity which offers to provide or does provide introductions for a person or persons with another person or persons for a period of companionship of short duration, for which service or introduction of a fee is charged or imposed for each occasion companionship is provided or for each occasion an introduction is made.

DECK means an uncovered or unenclosed amenity area that is attached to a dwelling. **(BL 08/001)**

DETENTION FACILITY means a development used to hold, confine or to provide regulated or temporary residential facilities for young or adult individuals either awaiting trial on criminal charges or as part of the disposition of criminal charges, or released from custody under the supervision of the National Parole Board, a parole or Probation Officer or similar authority. Typical uses are a remand center, jail, or half-way house.

DEVELOPMENT means:

(a) an excavation or stockpile and the creation of either of them;
(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
(d) a change in intensity of use of land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

DEVELOPMENT AUTHORITY means the Development Officer or Municipal Planning Commission of the Regional Municipality of Wood Buffalo, or both, as the case may be.

DEVELOPMENT COMPLETION CERTIFICATE means a document or certificate issued by the Development Officer confirming that the requirements and conditions of a development permit have been met.

DEVELOPMENT OFFICER means the person appointed to the office established by Section 16 of this Bylaw.

DEVELOPMENT PERMIT means a document authorizing the commencement of a development pursuant to the provisions of this Bylaw.

DISCRETIONARY USE means the use of land or of a building which is listed in the column captioned Discretionary Uses in a table of uses for the land use districts in this Bylaw, and for which a development permit may be issued.

DRINKING LOUNGE, MAJOR means an establishment that seats 100 persons or more or has more than 120 m^2 of public space, where the primary purpose is the sale of alcoholic beverages to the public for consumption on the premises. This use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Entertainment is a very minor component of operation. Typical uses include but are not limited to bars, pubs, beverage rooms and cocktail lounges. **(BL 05/013)**

DRINKING LOUNGE, MINOR means an establishment that seats less than 100 persons or has a public space of less than 120 m^2, where the primary purpose is the sale of alcoholic

beverages to the public for consumption on the premises. This use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Entertainment is very minor component of the operation. Typical uses include but are not limited to bars, pubs, beverage rooms and cocktail lounges. **(BL 05/013)**

DELETED (BL 05/013)

DELETED (BL 04/012)

DUPLEX means development of a building containing only two dwellings, with one being placed over the other in whole or in part with individual and separate entrances to each dwelling from grade or landscaped area.

DWELLING means a self-contained living quarter including sleeping, kitchen, eating and sanitary facilities for the domestic use of one or more persons. **(BL 04/012)**

DWELLING UNIT means a complete building or self-contained portion of a building used by a household, containing sleeping, kitchen and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building. **(BL 04/012)**

DELETED (BL 05/013)

DELETED (BL 05/013)

EDUCATIONAL SERVICE FACILITY means a publicly or privately supported development used for education and includes its administrative offices. Typical uses include elementary and secondary schools but does not include commercial schools. Uses also include colleges and on-site student housing. **(BL 01/043)**

EQUIPMENT RENTAL means development used for the rental of tools, appliances, **recreation** craft, office machines, furniture, light construction equipment, or similar items, but does not include the rental of motor vehicles or industrial equipment.

ESSENTIAL PUBLIC SERVICE means a development which is necessary for the continued health, safety or welfare of the residents of the Municipality. This includes fire **stations**, police stations, municipal offices or other similar facility. **(BL 01/043)**

EXTENSIVE AGRICULTURE means those agricultural operations producing crops or **livestock** which require large tracts of land (larger than 32.38 ha).

EXTENSIVE RECREATION means uses which locate in areas to take advantage of natural physical features and to provide for non-facility oriented recreational activities such as hunting, trail riding, snowmobiling, hiking, cross-country skiing, rustic camping and similar uses.

FAMILY CARE DWELLING means a dwelling used to accommodate persons who are parents, brothers, sisters, sons or daughters of the residents of another dwelling on the same parcel, and who provide personal care to or require personal care from those residents, provided that:

(a) such personal care is necessary due to elderly age, physical disability and/or mental handicap;

(b) the need for such personal care is verified; and
(c) such family relationship is proven.

FARMERS/FLEA MARKET means development used for the sale of new or used goods and food products by multiple vendors renting tables and/or space in an enclosed building. Vendors may vary from day to day, although the general layout of space to be rented remains the same, and such operations are usually conducted on weekends and holidays only.

DELETED (BL 08/001)

FLEET SERVICE means development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long term lease. This **includes** ambulance services, taxi services, bus lines, messenger and courier services, but does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg.

FLOOD PLAIN means the area of land along a river, stream, or creek that is potentially at risk to flooding from time to time.

FLOOR AREA RATIO means the numerical value obtained by dividing the gross floor area of all buildings on a site, excluding parking structures, by the total area of the site.

FOOD SERVICE, DRIVE-IN or DRIVE-THROUGH means an establishment providing services at drive-up windows for patrons in motor vehicles. **(BL 05/013)**

FOOD SERVICE, MAJOR RESTAURANT means an establishment where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises. Minors are never prohibited from any portion of the public space of the establishment at any time during the hours of operation. This use typically has a varied menu, with fully equipped kitchen preparation area. This use has a capacity of 100 or more persons or 120 m^2 or more of public space. The use may include drive-through food pick-up service when appropriate approvals are received. **(BL 05/013)**

FOOD SERVICE, MINOR RESTAURANT means an establishment where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises. Minors are never prohibited from any portion of the public space of the establishment at any time during the hours of operation. This use typically has a varied menu, with fully equipped kitchen and preparation area. This use has a capacity of less than 100 persons and less than 120 m^2 of public space. The use may include drive-through food pick-up service when appropriate approvals are received. **(BL 05/013)**

FOOD SERVICE, MOBILE CATERING means an establishment using a vehicle or fleet of vehicles for the delivery and sale of food to the public from the vehicle or vehicles. **(BL 05/013)**

FOOD SERVICE, TAKE OUT RESTAURANT means an establishment where the primary purpose is the sale of limited types of prepared food and beverages to the public for consumption off the premises and may include a waiting area. **(BL 05/013)**

FOURPLEX means a development comprised of four dwelling units each having a separate, direct entrance from grade or landscaped area.

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FUNERAL HOME/CREMATORIUM means development used for the preparation of the dead for burial, the holding of funeral services, and the purification and reduction of the human body by heat.

GARAGE means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles.

GARAGE SALE means the sale of used household goods by the occupant of a dwelling for a maximum of two (2) consecutive days and for a maximum of three (3) sales in one calendar year starting on January 1. A garage sale may also be called a yard sale, lawn sale, moving sale, rummage sale, renovation sale, tag sale, attic sale, or junk sale, but does not include Home Business or Home Occupation. **(BL 13/014)**

GAS BAR means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This use does not include Minor and Major Service Stations. **(BL 04/012)**

GENERAL INDUSTRIAL means the following activities:

(a) the processing of raw or finished materials;
(b) the manufacturing or assembly of goods, products or equipment;
(c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
(d) the storage or transshipping of materials, goods and equipment, including petro-chemical products and supplies;
(e) the training of personnel in general industrial operations. It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses. A general industrial development shall not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, bright light or dust.

GREENHOUSE/PLANT NURSERY means development for the growing, acclimatizing, propagating, harvesting, displaying and selling of bedding, household, and ornamental plants and may include accessory uses related to the storing, displaying, and selling of gardening, nursery and related products.

GROSS FLOOR AREA means the sum of the areas of all floors of a building measured to the outside surfaces of the exterior walls, or where buildings are separated by firewalls, to the centerline of the fire wall and includes all floors totally or partially above grade, and all floors totally below grade developed for commercial, industrial or institutional use, and includes all mechanical and electrical equipment areas.

GROUP HOME means a development using a dwelling unit as a facility which is authorized, licensed or certified by a provincial authority to provide room and board for foster children or for physically, mentally, socially, developmentally or behaviorally challenged persons and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character

of the development shall be maintained with the occupants living together as a single housekeeping group using shared kitchen facilities. A group home may incorporate accommodations for resident staff as an accessory use.

GUEST RANCH means development of a privately owner-occupied ranch house which includes sleeping facilities which are rented on a daily basis to registered guests and meals are prepared in a residential kitchen.

HABITABLE ROOM means any room in a dwelling other than a non-habitable room. **(BL 01/043)**

HAMLET means an unincorporated community established by an order of the Minister of Municipal Affairs or designated as a hamlet by Council pursuant to the Act.

DELETED (BL 08/001)

HEIGHT means the maximum vertical distance between the average grade and the highest point of a building that is not a roof stairway entrance, ventilating fan, skylight, steeple, chimney, smoke stack, firewall, parapet wall, flag pole, or similar device not structurally essential to the building.

HOME BUSINESS means the secondary use of a principal dwelling, its accessory buildings and site, or combination thereof, by at least one (1) permanent resident of the dwelling, to conduct a business activity or occupation. A home business does not include:

(a) adult entertainment service;
(b) automotive and equipment repair and storage;
(c) automotive sales, rental or storage and recreational vehicle sales; **(BL 00/068)**
(d) dating or escort service;
(e) industrial vehicle and equipment sales, rental or storage;
(f) services or sales except the type of sales or services as listed in Part 5, Section 70.1(e) of this Bylaw; and
(g) veterinary services.

HOME OCCUPATION means the secondary use of a principal dwelling by only the permanent residents of the dwelling to conduct a business activity that does not require client visits to the residence, (consulting service, making crafts for sale elsewhere, etc.), as compared to a Home Business which permits limited client visits to the residence. A Home Occupation does not include:

(a) adult entertainment service;
(b) automotive and equipment repair and storage;
(c) automotive and recreation vehicle sales, rental or storage;
(d) dating or escort service;
(e) industrial vehicle and equipment sales, rental or storage;
(f) services or sales except the type of sales or services as listed in Part 5, Section 69.1(g) of this Bylaw; and
(g) veterinary services**.**

HOSPITAL means an institutional development used to provide in-patient and out-patient health care to the public. Typical developments include a community health center and a full service hospital.

HOSTEL means development of an establishment operated to provide temporary accommodation to transients for remuneration and may include recreational facilities but may not include additional services such as room service.

HOTEL means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory eating and drinking establishments, meeting rooms, personal service shops, and general retail shops. A hotel shall have on-site check-in facility. **(BL 01/043)**

HOUSEHOLD EQUIPMENT REPAIR means development used for the provision of repair services to goods, equipment and appliances normally found within the home.

INDUSTRIAL SUPPORT FACILITY means development providing support services to industry. Typical uses include printing and duplicating services, building security, cleaning or maintenance services, laboratories, oilfield services, construction trade or construction contractor.

DELETED (BL 04/012)

INTENSIVE AGRICULTURE means a commercial agricultural operation other than an intensive livestock operation which, due to the nature of the operation, requires a relatively small tract of land (i.e. 4.08 to 32.38 ha). Without restricting the generality of the foregoing, this shall include greenhouses, market gardens, sod farms, bee keeping, tree farms, horse holding areas, and dog holding areas, and may include a supporting dwelling unit.

INTENSIVE LIVESTOCK OPERATION means a feedlot or covered facility of significant investment or permanence capable of confining livestock for growing or finishing for market at a density of more than one (1) livestock manure unit per 185.8 m^2.

Livestock Type	Threshold #	Livestock Type	Threshold #
Beef Feeder (225 – 545 kg)	300	Poultry (broilers)	1,000 m^2
Dairy Cows (milking)	All	Poultry (breeders)	500
Piggery (sows farrow to finish)	30	Poultry (layers)	5,000
Piggery (sows farrow to wean)	50	Poultry (turkey boilers)	3,000
Piggery (feeders only)	300	Sheep (ewes)	650
Veal	100	Other	Discretionary
Horses (PMU)	75		

KENNEL means a development used for the breading, boarding or training of four or more dogs which are not owned by the occupant of the dwelling site.

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KITCHEN means facilities for the preparation of cooking of food and includes any room containing counters, cabinets, plumbing, appliances or wiring which taken together, may be intended or used for the preparation or cooking of food. **(BL 04/012)**

LAND FARM means a site used for the treatment of soils contaminated by hydrocarbons and non-hazardous organic oil field waste, whereby the soil in question is remedied through aeration or cultivation into agricultural or other suitable lands.

LANDING means the entrance area at the top of exterior stairs to a building required by Alberta Building Code. The full arc of the swing of the doors shall be over a landing, and the landing shall be at least as wide as the stairs itself. A landing implies the requirement for stairs needed to access it. Landing areas larger than 1.8 m^2 shall be classified as decks. **(BL 00/011, BL 04/012)**

LANDSCAPING means the modification and enhancement of a site through the use of any or all of the following elements:

(a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;
(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but excluding monolithic concrete and asphalt in the form of patios, walkways, paths and parking lots. **(BL 01/102)**

LAND USE DISTRICT means an area of the municipality established as a land use district by this Bylaw.

LANDSIDE BUSINESS INDUSTRIAL means lands within the airport reserved for commercial/light industrial development purposes which does not require access to the airside. **(BL 12/011)**

LIQUOR STORE means a building or part of a building used for the display and retail sale of alcoholic beverages for consumption off-site.

LIVESTOCK MANURE UNIT means the number of livestock needed to produce sufficient manure to meet the nitrogen requirements of 0.404 ha of crop land. In this Bylaw each 454 kg of live animal weight equals one (1) livestock manure unit.

LOT means:

(a) a quarter section;
(b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
(c) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed in a land titles office;
(d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
(e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision. (Municipal Government Act, S.A. 1994, c. M - 26.1)

LOT COVERAGE means that percentage of a lot which may be covered by buildings or structures, including accessory buildings, and decks whether attached or not. Patios,

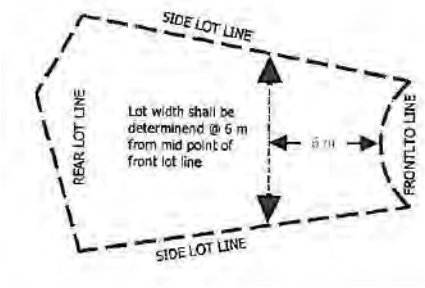
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pavement, swimming pools and hard landscaping shall not be considered as part of lot coverage, however, these structures shall not be so extensive that they reduce the area of green soft landscaping to below the minimum standard required by this Bylaw.

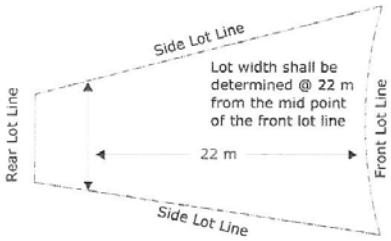
LOT DEPTH means the length of a line joining the mid points of the lot frontage and rear lot line. **(BL 08/001)**

LOT WIDTH, CORNER means a lot that has public road frontage on two sides, where additional width is required to meet setback requirements, possible utility easements and create a lot with usable outdoor living space. The corner lot widths shall be a minimum of two meters wider than the minimum lot width as identified in the appropriate zoning districts for lots less than 15 m wide. **(BL 04/012)**

LOT WIDTH, IRREGULAR means a pie-shaped or other similar irregularly shaped lots whereby either the front or rear lot lines do not meet the minimum lot width as identified in the appropriate zoning district. In this case the Lot Width shall be determined by the distance measured 6 m perpendicular to and at the mid-point of the front yard lot line between the side lot lines as shown in the figure below. The arc length measure at the curb shall not be less than 70% of the minimum lot width.



For a reverse pie lot, the width is the horizontal distance between the side lot lines measured 22 m from the front lot line.



For other lots where the lot width cannot be reasonably calculated by these methods, a Development Officer shall determine the lot width having regard to access, shape and buildable area of the lot, and the lot width and location of buildings on abutting lots. **(BL 04/012, BL 08/001)**

LOT WIDTH REGULAR means a lot having both the front and rear lot lines as measured between the side lot lines that is equal to or greater than the minimum lot width as identified in the appropriate zoning districts. **(BL 04/012)**

MANUFACTURED HOME means a building or structure prefabricated or factory built in one or two sections that is constructed on a chassis, may or may not be equipped with wheels, is designed to be moved from one place to another, provides self-contained year-

round residential accommodation, is complete and ready for occupancy when placed on the site except for incidental connection to utilities, and is built to the CSA Z240 Standard. This does not apply to modular homes, recreational vehicles or industrial camp trailers.

MANUFACTURED HOME PARK means a development on a lot under single ownership and managed by a park operator that is designed to accommodate numerous manufactured homes on leased sites in a community setting.

MANUFACTURED HOME PARK DWELLING SITE means that portion of manufactured home park which has been reserved for the placement of a manufactured home and related accessory buildings.

MARKET GARDEN means the growing of vegetables or fruit for commercial purposes.

MASSAGE SERVICE means a business providing the application of physical external manipulation of the soft tissues of the human body by another person. It includes massages administered as part of a skin care treatment by an aesthetician (where the massage is for the purpose of product application and is a minor or incidental part of the treatment), but does not include massages administered by medical or therapeutic professionals registered or entitled to practice under provincial legislation. **(BL 04/012)**

MEDICAL CLINIC means a use where human health that are preventative, diagnostic, therapeutic or rehabilitative are provided with overnight accommodation for a limited number of patients. **(BL 13/027)**

MILITARY FACILITY means a development, other than an office, operated by the Department of National Defense.

MODULAR HOME means a prefabricated or factory-built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy.

MOTEL means development for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access, and may include accessory eating and drinking establishments. A motel shall have on-site check-in facility. **(BL 01/043)**

MUNICIPAL PLANNING COMMISSION means The Wood Buffalo Planning Commission referenced under Section 11 of this Bylaw.

MUNICIPALITY means the Regional Municipality of Wood Buffalo.

NATURAL RESOURCE EXTRACTION and PROCESSING means the development of oil, gas, gas facilities, sand and gravel, and logging operations.

NIGHTCLUB means an establishment where the primary purpose is the sale of alcoholic beverages to the public for consumption on the premises, in a facility where entertainment facilities take up more than ten percent (10%) of the floor area. This use typically has a limited menu and minors are prohibited from patronizing the establishment. Typical uses include but are not limited to dance clubs, cabarets and nightclubs. **(BL 05/013)**

NON-CONFORMING BUILDING means a building:

(a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and

(b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw. (Municipal Government Act, S.A. 1994, c. M - 26.1)

NON-CONFORMING USE means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and

(b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw. (Municipal Government Act, S.A. 1994, c. M - 26.1)

NON-HABITABLE ROOM means a space in a dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entry ways, corridors or storage areas. **(BL 01/043)**

OFFICE means a development that provides professional, management, administrative, and similar office and business support services, and financial services. **(BL 08/001)**

OIL SANDS MINING, EXTRACTION and UPGRADING means Alberta Energy and Utilities Board approved commercial oil sands mining and upgrading operations, including but not limited to associated industrial infrastructure, offices, laboratories, on-site security, on-site project accommodations integral to the oil sands mining, extraction and upgrading, processing of by-products and utilities and co-generation facilities.

OIL SANDS PILOT PROJECT means Alberta Energy and Utilities Board approved pilot operations to test oil sands extraction technologies, including but not limited to monitoring and laboratory functions, on-site project accommodations integral to the oil sands pilot project, upgrading and test drilling programs. **(BL 06/001)**

ON-SITE SECURITY means a secondary building/buildings or portion of a building used solely in order to provide surveillance for the maintenance and safety of the principle development or the natural habitat located on the lands. On-site security can consist of a security suite and/or other secondary buildings necessary to provide the security service. **(BL 08/001)**

OUTDOOR RECREATION FACILITY means development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.

PARCEL OF LAND means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office, (Municipal Government Act, S.A. 1994, c. M - 26.1).

PARK means development of land for recreational activities of the general public which do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and public washrooms.

PARKING LOT/STRUCTURE means an area of land or a structure providing for the parking of motor vehicles.

PERMITTED USE means the use of land or of a building which is listed in the column captioned "Permitted Uses" in a table of uses for the land use districts in this Bylaw, and for which a development permit shall be issued.

PERSONAL SERVICE FACILITY means development used for the provision of personal services to an individual which are related to the health, care and appearance of the body, or the cleaning and repair of personal effects and includes barber shops, hairdressers, beauty salons, tanning salons, massage service, shoe repairs shops and dry cleaning establishments. Health services entail the provision of physical and mental health services on an outpatient basis and services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. This use does not include any facilities for patients to overnight, general retail business or adult entertainment facilities. **(BL 04/012, BL 08/001)**

POST-WILDFIRE RECOVERY PERIOD has the meaning set out in Bylaw 16/013, the Wood Buffalo Recovery Committee Bylaw. **(BL 16/012)**

PRINCIPAL BUILDING OR USE means a building or use which, in the opinion of the Development Authority, is the main purpose for which the building or site is ordinarily used.

PRINCIPAL LIVING ROOM WINDOW means the main or largest glazed area of a Living Room. **(BL 01/043)**

PRIVATE UTILITY means any building, structure, plan or equipment used to provide one or more of the following for public or private consumption, benefit, convenience or use:

(a) water or steam;
(b) fuel;
(c) electric power;
(d) heat;
(e) public transportation operated by or on behalf of the municipality;
(f) irrigation;
(g) sewage disposal;
(h) drainage; or
(i) waste management. **(BL 07/055)**

PROJECT ACCOMMODATION means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. **(BL 06/001)**

PUBLIC ROAD means the right-of-way for a Primary Highway, Secondary Highway, street, or lane that is registered at Land Titles and is used or intended to be used to accommodate vehicle traffic.

PUBLIC SPACE means space within an establishment, which is open to the public and not restricted to employees only. This definition does not include kitchens, administrative offices, and food or drink preparation areas. **(BL 05/013)**

PUBLIC USE means a development of a building for the operation of public utilities.

PUBLIC UTILITY means a right-of-way used to provide one or more of the following for public consumption, benefit, convenience or use:

(a) water or steam;
(b) sewage disposal;
(c) public transportation operated by or on behalf of the municipality;
(d) irrigation;
(e) drainage;
(f) fuel;
(g) electric power;
(h) heat;
(i) waste management;

and includes the thing that is provided for public consumption, benefit, convenience or use.

RECREATIONAL EQUIPMENT means a powered boat, unpowered boat, all-terrain vehicle, snowmobile, personal watercraft or other similar equipment, or any of them on a utility trailer.

RECREATIONAL VEHICLE means a vehicle or portable structure designed to be carried on a motor vehicle, towed behind a motor vehicle, or designed and built to be transported on its own wheels, to provide temporary living accommodation. For the purpose of this Bylaw this includes such vehicles as motor homes, campers not mounted on a truck, holiday trailers, tent trailers and 5th wheel units but does not include manufactured homes or utility trailers. **(BL 07/034)**

DELETED (BL 04/012, BL 07/034)

RECYCLING DEPOT means development used for the buying and temporary storage of bottles, cans, tetrapaks, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. Pick-up and delivery of goods is permitted.

RECYCLED MATERIAL DROP-OFF CENTER means a development used for the collection and temporary and outdoor storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, plastics, paper, metal, glass and similar household goods, but shall not include hazardous materials. Recyclable material left at the drop-off center shall be periodically removed and taken to recycling depot for final recycling. **(BL 08/001)**

REGULATION means the Subdivision and Development Regulation AR 212/95.

RELATED INDUSTRIAL FACILITY means those industries related to oil sands extraction and upgrading and include, but are not limited to, processing, fabricating, storage, transportation, receiving or distribution of goods or materials.

RELIGIOUS ASSEMBLY means a development and any related meeting halls used for spiritual worship and related religious, charitable, educational or social activities, but does not include a school. A religious assembly may include an area not exceeding 150.0 m^2 for the display and sale of religious items, at the discretion of the Development Authority. A religious assembly may include a single family dwelling for the resident religious leader, provided it is an accessory to the principal use. **(BL 08/001)**

RESEARCH AND DEVELOPMENT means premises used for the purpose of conducting research and developing products or services, but does not include retail or wholesale of those products or services. **(BL 07/055)**

RESIDENTIAL SALES CENTRE means development of a show home or temporary building used for a limited period of time for the purpose of marketing residential land and buildings.

RESORT FACILITY means commercial development which offers guest accommodation, as well as complimentary recreational opportunities. The resort may include dining and beverage facilities, concessions and picnic areas. Typical uses include fishing lodges, ski resorts, golf courses, riding, and boating and fishing facilities. **(BL 07/034)**

RETAIL STORE, GENERAL means development used for the retail sale of consumer goods from within an enclosed building, but does not include a liquor store. This type of retail store may include food preparation and consumption areas with a maximum capacity of twelve persons. **(BL 08/001)**

RETAIL STORE, CONVENIENCE means development used for the retail sale of those goods required by area residents or employees on a day to day basis in an enclosed building which does not exceed 275 sq. m. in gross floor area. Typical uses include small food stores, drug stores, video sales and rentals, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter, but does not include a liquor store. This type of retail store may include food preparation and consumption areas with a maximum capacity of twelve persons. **(BL 08/001)**

RETAINING WALL means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock. or similar materials, but does not include a foundation wall. **(BL 04/012)**

RURAL SERVICE AREA means that portion of the Regional Municipality of Wood Buffalo located outside of the Fort McMurray Urban Service Area.

SATELLITE DISH ANTENNA means:

(a) a combination of an antenna or dish antenna, the purpose of which is to receive signals from orbiting satellites;

(b) a low noise amplifier (LNA) situated at the focal point of the receiving component, the purpose of which is to magnify and transfer signals;

(c) a cable, the purpose of which is to transmit signals; and
(d) other associated components.

SCREENING means a fence, berm or hedge used to visually separate areas or functions.

SECRETARY means the secretary of the Subdivision and Development Appeal Board.

SECURITY SUITE means a single dwelling unit forming part of a development, or may be developed in a separate structure on-site, and used solely to accommodate a person or persons related as a family, or employee whose official function is to provide surveillance for the maintenance and safety of the development. **(BL 08/001)**

SEMI-DETACHED DWELLING means development of a dwelling unit joined side by side to one other dwelling unit with a common wall and each dwelling unit having at least one separate entrance.

SENIOR CITIZEN HOUSING means development of a building designed for the long term housing of senior citizens sharing a common cooking, eating and housekeeping facilities but who do not require medical or institutional type care.

SEPARATION SPACE means open space around dwellings separating them from adjacent buildings or activities and providing daylight, ventilation and privacy. Separation space is not a yard. **(BL 01/043)**

SERVICE STATION, MAJOR means development used for the servicing, washing, and repairing of vehicles and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories, and may include minor eating and drinking establishments.

SERVICE STATION, MINOR means development used for the routine washing, servicing and repair of vehicles within a building containing not more than three service bays and the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.

SETBACK means the distance that a development must be set back from a property line or any other features of a site specified by the Bylaw. A setback is not a yard.

SHOPPING CENTRE means any group of permitted or discretionary uses, designed, developed and managed as a single unit by a single owner or tenant, or a group of owners or tenants, either in a mall type setting or on a common site.

SIGN means any structure, device, light or fixture, or any part thereof, used to identify, advertise or attract attention to any person, object, product, event, place, organization, institution, development, business, group, profession, enterprise or industry and is intended to be seen from on or off the site.

SINGLE DETACHED DWELLING means a building containing one dwelling unit, including a modular home but does not include a manufactured home. **(BL 04/012)**

SITE means an area of land consisting of one or more abutting lots in one ownership.

SLEEPING UNIT means a habitable room, not equipped with self-contained cooking facilities, consisting of a lockable entry and providing accommodations for not more than two persons. **(BL 08/001)**

SPECIAL EVENT means a temporary activity that:

(a) changes the use of land or a building, or that changes the intensity of use of land or a building;
(b) does not exceed ten (10) consecutive calendar days, excluding the time required to erect and dismantle the event, which shall not exceed an additional ten (10) cumulative calendar days;
(c) does not occur for more than fifteen (15) cumulative days in one calendar year, starting on January 1, excluding the time required to erect and dismantle the event;
(d) is not part of a use at the site for which there is an existing Development Permit; and
(e) may include a Carnival or a Festival but does not include Project Accommodation or a Garage Sale. **(BL 12/039, 13/014)**

SPECTATOR SPORTS FACILITY means development providing facilities intended for sports and athletic events which are held primarily for public entertainment, where patrons attend on a recurring basis. Typical uses include coliseums, stadia, arenas, animal racing tracks and vehicle racing tracks.

STAFF ACCOMMODATION means a residential building or buildings containing dwelling units which are used to house support staff for the operation of a recreational or commercial facility on the same site as that use. **(BL 08/001)**

STORAGE FACILITY means a site designed for the storage of goods or materials or equipment. No permanent buildings or structures are permitted.

STRUCTURE means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground but not including pavements, curbs, walks or open air surfaced areas or movable vehicles.

SUBDIVISION means the division of a parcel of land into one or more smaller parcels by a plan of subdivision or other instrument.

SWIMMING POOL means an artificial body of water, excluding ponds, of more than 10.0 m^2 in area used for swimming, bathing or diving.

TELECOMMUNICATIONS TOWER means an installation consisting of an antenna or antenna array, mounted on a metal tower or support structure, designed for the purpose of the reception and transmission of cellular telephone or radio signals by federally licensed operators.

TEMPORARY PROJECT ACCOMMODATION means a temporary residential complex used to house camp workers by various contracting firms on a temporary basis of more than 28 days and less than 1 year. The camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. **(BL 04/012, BL 06/001)**

DELETED (BL 16/014)

TERMINAL RESERVE means lands within the airport reserved for the airport terminal building and associated infrastructure. **(BL 12/011)**

TOWNHOUSE means a multiple dwelling comprised of three or more dwelling units separated from each other by walls extending from foundations to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, linked, patio, garden court or other housing which meets those criteria.

TRAPPERS CABIN means development of a structure used for temporary habitation, located in isolated areas, not exceeding 74.2 m^2 in total floor area.

DELETED (BL 04/012)

TRIPLEX means a development comprised of three dwelling units each having a separate, direct entrance from grade or landscaped area.

TRUCK AND MOBILE HOME SALES means development used for the retail sale or rental of new or used trucks, motor homes, mobile homes, and automobiles together with incidental maintenance services and the sale of parts and accessories.

URBAN SERVICE AREA means the Fort McMurray Urban Service Area.

UTILITY TRAILER means a portable structure, designed to be pulled by a motor vehicle, to allow for the transport of goods and possessions, but is not to be used as temporary accommodation.

VERANDAH means an entrance consisting of a roof and floor where the front and sides of the structure remains open to the outside elements and is considered to be part of the principal dwelling. **(BL 08/001)**

VIOLATION TICKET means a violation ticket issued pursuant to the Provincial Offenses Procedure Act, as amended, and the regulations thereunder. **(BL 01/095)**

VISITING STUDENTS SUPERVISED HOUSING UNIT means the use of dwelling unit for the provision of room, board, care, maintenance, and supervision by two adult house parents of no more than eight children or young adults, enrolled and attending school facilities within the Regional Municipality of Wood Buffalo.

WAREHOUSE SALES means development for the use of a large enclosed warehouse type building where a range of goods are displayed and/or stored for wholesale or retail sales.

WAREHOUSE AND STORAGE means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles or parts thereof, or any waste material.

WASTE MANAGEMENT FACILITY means a sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site approved or registered pursuant to the Environmental Protection and Enhancement Act for the processing, treatment, storing, recycling or landfilling municipal, hazardous or industrial waste, but does not include an automobile wrecker.

YARD means a part of a lot upon or over which no building or structure other than a boundary fence is erected except for specifically permitted encroachments and accessory buildings.

YARD, FRONT means a yard extending across the full width of a lot and situated between the front lot line and the nearest exterior wall of the principal building, with the exception of irregular shaped corner lots where the front yard will be determined by the Development Officer. **(BL 04/012)**

YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest exterior wall of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building.

YARD, INTERIOR SIDE means a side yard other than an exterior side yard.

YARD, EXTERIOR SIDE means a side yard immediately adjoining a street.

YOUTH ASSESSMENT CENTRE means an institutional development to provide rehabilitation, education and treatment including meals, sleeping accommodation and incidental care, to youths in a supervised environment. **(BL 02/044)**

ZERO LOT LINE means a residential development approach in which buildings are permitted to be located on one or more property lines with no yard between the building and the property line.

11. **Reserved for future use.**
12. **Reserved for future use.**
13. **Reserved for future use.**

PART 2 - Control of Development

14. **Subdivision and Development Appeal Board**

14.1 The Subdivision and Development Appeal Board established by Bylaw shall perform such duties as are specified in Bylaw 95/033, as amended or replaced from time to time, and the Act.

15. **The Wood Buffalo Planning Commission**

15.1 The Wood Buffalo Planning Commission established by Bylaw shall perform such duties as are specified in Bylaw 86/41, as amended or replaced from time to time.

15.2 The Municipal Planning Commission is hereby authorized to act as a "Development Authority".

16. **Development Officer**

16.1 The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by the Chief Administrative Officer or their designate, and is authorized to act as a "Development Authority."
(BL 06/009)

17. **Duties and Responsibilities of Development Officer**

17.1 The Development Officer shall:

(a) receive and process all applications for development permits;
(b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto, and ensure that copies are available to the public at a reasonable charge;
(c) keep a register of all applications for development, including the decisions therein and the reasons therefore, for a minimum period of seven (7) years;
(d) issue decisions for development permit applications for those uses listed as "Permitted Uses" in the subject land use district;
(e) issue decisions for development permit applications for those uses listed as "Discretionary Uses – Development Officer" in the subject land use district; and
(f) refer all applications for "Discretionary Uses – Planning Commission" to the Municipal Planning Commission for a decision.

17.2 The Development Officer may:

(a) refer development permit applications to the Municipal Planning Commission for those uses not listed either as Permitted Uses or Discretionary Uses in the subject land use district; and
(b) refer development permit applications to the Municipal Planning Commission for those uses listed as "Permitted Uses" or "Discretionary Uses – Development Officer" which the Development Officer wishes to refer to the Municipal Planning Commission.
(c) refer any other planning or development matter to the Municipal Planning Commission for its review, support or advice.

17.3 In the absence of a Municipal Planning Commission, the Development Officer shall perform its duties and responsibilities.

18. **Duties and Responsibilities of the Planning Commission**

18.1 The Municipal Planning Commission shall:

(a) issue decisions for development permit applications for those uses listed as "Discretionary Uses – Planning Commission" in the subject land use district and any other applications referred to it by the Development Officer.

(b) where a proposed development contains multiple uses, and those uses have different approving authorities, issue decisions for development permit applications for those uses which are both "Permitted Uses" and "Discretionary Uses – Planning Commission" or "Discretionary Uses – Development Officer" and "Discretionary Uses – Planning Commission" under the terms of this Bylaw.

(c) if a proposed use of land or a building is not listed as a "Permitted Use", "Discretionary Use – Development Officer" or "Discretionary Use – Planning Commission" in the Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a use listed under that land use district and may issue a development permit.

19. **Development Requiring a Development Permit**

19.1 Except as otherwise provided in this Bylaw, no person shall undertake any development in the Municipality unless a development permit has first been issued pursuant to this Bylaw, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

19.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such approvals or licenses that may be required by other regulatory departments or agencies.

20. **Development Not Requiring a Development Permit**

20.1 A development permit is not required for the following developments provided that they comply with the requirements of this Bylaw:

(a) any development exempted under the Act;
(b) use of building for election or census purposes;
(c) works of maintenance and repair if such maintenance and repair does not constitute structural alteration or change of use or intensity of use;
(d) **DELETED (BL 06/030)**
(e) **DELETED (BL 06/030)**
(f) internal alterations to residential buildings as long as such alteration does not constitute an increase in the number of dwelling units;
(g) temporary or portable buildings where the sole purpose of which is incidental to the construction of permanent structure for which a permit has been issued; **(BL 04/012)**

(h) completion, maintenance or repair of a street, lane or utility undertaken upon publicly owned lands, or an easement for same, on behalf of government (municipal, provincial, federal) authorities or agencies;

(i) topsoil removal or clearing of land if area is less than 1,000 m^2, or if such removal or clearing is part of a development for which a permit has been issued, or if a development agreement allowing for the removal or clearing has been signed by the Municipality for the area concerned;

(j) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where a development permit allows for such landscaping;

(k) in the Rural District, the excavation or construction of any dugout provided that all setback regulations are maintained;

(l) gates, fences or walls under 1.0 m in height in the front yard and 2.0 m in the side and rear yards, except in the Rural District;

(m) in the Rural District, gates, fences or walls under 2.5 m in height;

(n) accessory buildings not exceeding 10.0 square m; **(BL 00/011)**

(o) **DELETED (BL 08/001)**

(p) a television aerial or satellite dish in all residential areas, provided that such television aerial or satellite dish is not located in the front yard and all district setback and height regulations are met;

(q) in the Rural District, the erection of towers, flagpoles, satellite dishes and other poles not exceeding 4.5 m in height from grade;

(r) trappers' cabins;

(s) project accommodation housing 20 or fewer workers and located on a site for 28 days or less; **(BL 06/001)**

(t) the occupancy of vacant space in a shopping center in a C3 District provided:

  (i) the proposed use must be a Permitted Use in that land use district; and

  (ii) the proposed use must be retail, personal service or office.

(u) Where the proposed use is not a Permitted Use; is not retail, personal services or office; or is the first use into new shopping centre space for which the uses have not been specified, a development permit is required. **(BL 00/011, BL 01/043)**

(v) a development that is subject to a valid development agreement for:

  (i) constructing, widening, altering, redesigning or maintaining a public roadway;

  (ii) traffic management projects and devices;

  (iii) vehicular and pedestrian bridges and walkways;

  (iv) water reservoirs, water lines, storm and sanitary sewer installations;

  (v) street furniture, tennis courts, playgrounds, public park landscaping, municipal recreation equipment and civic buildings with a gross area under 75.0 m^2;

  (vi) constructing and maintaining public utilities;

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(vii) stripping, grading or filling of land, including temporary storage and sale of topsoil in an area governed by a development agreement, but excluding topsoil processing or screening.

(w) a project listed in subsection (v) undertaken by the Municipality;

(x) occupancy of vacant spaces in a district other than the C3 District provided:

(i) the proposed use is a Permitted Use in the land use district;
(ii) the proposed use is the same land use classification as the previous use of that space; and
(iii) the proposed use does not change or add to the site development on the lot. **(BL 01/043)**

(y) telecommunications towers; **(BL 06/030)**

(z) home occupation; **(BL 06/030)**

(aa) a deck of up to 0.6 metres in height. **(BL 08/001)**

(bb) a Special Event on public land, on a public roadway, or in a publicly operated facility which has obtained a Special Event Permit and is subject to the provisions of Council Policy PRL-130; **(BL 13/014)**

(cc) a Garage Sale; **(BL 13/014)**

(dd) a Special Event that is held entirely within the existing building(s) on a site and where the site has sufficient on-site parking to accommodate persons attending the Special Event and the site is more than 100 metres from the boundary of a parcel of land with an existing residential use;

(ee) a Special Event with event attendance of less than 150 persons at any one time;

(ff) a Special Event that is seasonable, does not occur for more than 90 consecutive calendar days, and is accessory to a principal agricultural use, where the site has sufficient on-site parking to accommodate all persons attending the Special Event, for example, a corn maze or Christmas tree sale lot; **(BL 13/014)**

(gg) a Special Event that is a school event held within school facilities, or if outside, on school-owned properties; **(BL 13/014)**

(hh) A Special Event that is held by a religious assembly on a property owned by the religious assembly. **(BL 13/014)**

21. **DELETED (BL 00/011, BL 01/043, BL 04/012, BL 06/030)**

22. **Development Permit Application Requirements**

22.1 A development permit application shall be made to the Development Officer on the prescribed form, and shall be signed by the owner or his agent. The following information shall be required to accompany the application:

(a) four (4) site plans at a scale of 1:100, unless otherwise acceptable to the Development Officer, plus ten (10) copies of the site plan reduced to standard page sizes showing:

(i) north arrow;
(ii) plan scale;
(iii) legal description of property;

(iv) municipal address;
(v) location and dimensions of property lines;
(vi) location of any existing and/or proposed buildings (dimensioned to property lines) or structures including utility poles, retaining walls, fences, trees, landscaping, sidewalks and other physical features;
(vii) existing utility rights-of-way and easements;
(viii) proposed front, rear and side yard setbacks (dimensioned to property lines);
(ix) proposed parking areas (dimensioned), entrances and exits and off-street loading areas;
(x) location of any on-site water and sewer services; and
(xi) grade elevations at all corners of building.

(b) four building plans and elevations of any proposed buildings, including a description of the exterior finished materials plus ten (10) copies of the floor plans and elevations reduced to standard 8 ½" x 11" or 11" x 17" pages sizes; **(BL 00/011)**

(c) engineering plans or a statement of intent respecting the provision of water and sewer services, and franchise utilities for the development;

(d) a map indicating the land uses on all parcels of land located within 30.0 m of the site proposed to be developed (required for discretionary uses only);

(e) a copy of the current certificate of title. If the applicant is not the owner and is represented by an agent, written consent of the owner shall also be provided by the agent;

(f) the estimated commencement and completion dates;

(g) a signed consent form allowing right-of-entry on the subject parcel by the Development Officer;

(h) a lot grading plan;

(i) the applicable development permit fee as outlined in Appendix "B" of this Bylaw;

(j) parking provisions as per Part 7 of this Bylaw; and

(k) the payment of an off-site levy or redevelopment levy required under an off-site levy or redevelopment levy Bylaw.

22.2 In addition, the Development Authority may require the following: **(BL 12/012)**

(a) detailed landscape plans, indicating all existing and proposed site features including berms or other proposed forms of screening, trees, shrubs and grassed areas, and whether any vegetation is to be removed;

(b) detailed studies showing the potential impacts of the proposed development on traffic patterns, utilities, and drainage in the area;

(c) photos or slides showing the subject parcel in its current state;

(d) detailed plans or studies showing engineering flood protection measures;

(e) detailed plans or studies showing engineered slope stability protection measures; and

(f) Sun/shadow impact study, prepared by a qualified, registered Professional Engineer or Architect, to professional standards;

(g) Wind impact study:

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(i) A preliminary Wind Impact Statement shall be prepared by a qualified, registered Professional Engineer, to professional standards, or

(ii) A detailed Wind Impact Study shall be prepared by a qualified, registered Professional Engineer, and shall be based on a scale model simulation analysis, prepared to professional standards;

(h) Conceptual Site Development plans;

(i) Details regarding architectural design;

(j) Detailed sketches and 3-dimensional graphics showing all aspects of the proposed Development;

(k) A comprehensive sign design plan setting out the type, size, location, design and character of signage proposed for the site;

(l) Comprehensive reports demonstrating how the Development meets the applicable Urban Design Regulations;

(m) Building Height impact assessment;

(n) Pedestrian circulation study.

(o) any other information deemed necessary by the Development Authority to properly evaluate the application.

(BL 12/012)

22.3 The Development Authority may deal with an application without all of the required information if, in the opinion of the Development Authority, a decision can be properly made on an application without such information.

22.4 Notwithstanding Section 22.1, 22.2 and 22.3 a development permit application shall be made to the Development Officer on the form prescribed for developments in the area shown in Figure 22.1, Schedule A-4 to this Land Use Bylaw, and shall be signed by the owner or his agent.

(a) In addition to the information required in Section 22.1, the following information must accompany the application:

(i) a list of inputs and outputs (e.g., energy, fuels and lubricants, water, materials, products, wastes, etc.) and other resource needs (e.g., training, logistics, transportation) generally associated with your operation, or anticipated operations.

(A) A Development Officer may consider an application for a development permit that does not provide all the information required by subjection 22.4.a(i) if, in the opinion of the Development Officer the information provided is sufficient to show that the development permit provisions of the bylaw shall be met.

(ii) a statement of confirmation that the applicant has obtained a list of existing business resource needs and waste production of operations on nearby sites from the Municipality.

(iii) Provide an environmental management plan that describes how the facility will avoid in the case of a flood, the release into the environmental of a substance in an amount, concentration or level

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or at a rate of release that causes or may cause a significant adverse effect. The Development Authority may also require the environmental management plan to address any or all of:

(A) Material Sand solid waste in general;
(B) Liquid waste;
(C) Noxious odours;
(D) Noise and vibration;
(E) Energy efficiency;
(F) Traffic.

(iv) A construction management plan indicating how the following goals will be addressed:

(A) minimize waste, e.g., by selecting products that conform to required material dimensions;
(B) separate waste materials for recycling where possible;
(C) manage hazardous materials and wastes;
(D) minimize construction truck traffic;
(E) minimize health impacts of indoor air quality on construction personnel;
(F) maintain local water quality by minimizing pollution.

(v) Signed statements from a professional engineer:

(A) description of strategies that are being used to provide pedestrians and cyclists with safe and clearly marked pathways that are separated from heavy traffic. Details of strategies must be included on a site or landscape plan;
(B) confirmation of the use of a hydronic-compatible heating system.
(C) building energy performance report, indicating an improvement in energy efficiency of either 25% over the Model National EnerCode for Buildings (MNECB) baseline determined for your building or 15% improvement over the ASHRAE 90.1 (2004) standard;
(D) if the development is to connect to a District Energy System, the District Energy System will be considered as part of the building for purposes of assessing this requirement;
(E) for build-to-suit applications, part of the required performance improvement may be from process changes, as follows:

(I) up to 15% of the total improvement over MNECB or

(II) up to 10% the total improvement over ASHRAE

Exhibit 14

(F) statement of intent from engineer indicating all HVAC equipment to be installed will be designed as non-hydro chlorofluorocarbon (HCFC) or low-HCFC;

(G) report of feasibility of pooling backup systems with other buildings;

(H) evaluation of options considered for stormwater recycling, describing which , if any, were implemented;

(I) evaluation of options considered for using reclaimed wastewater, describing which, if any, were implemented.

(vi) signed statements from either a professional engineer or a registered architect:

(A) description of opportunities that were considered to reduce resource needs and waste generation. Example of strategies include, but are not limited, to the following:

(I) options to recover waste heat and/or water, e.g., from wastewater or industrial process, for reuse or sale to nearby businesses;

(II) discussion of opportunities with neighbouring businesses.

(B) outline of strategies that were considered to maximize land use efficiency. The statement must indicate which strategies were implemented and how.

(C) description of site design for universal accessibility. Details of accessibility must be included on a site plan.

(D) description of opportunities for coordinated heating/cooling were considered, and which, if any, were implemented.

(E) statement of intent specifying the performance of fixtures and/or fittings to be used.

(b) In addition to the information required in Section 22.1, the following information shall be required to accompany the application:

(i) Obtain existing business resource needs and waste production of operations on nearby sites from the Development Authority.

(BL 07/055)

22.5 For any new development in the area shown in Figure 22.1, the Development Authority may require the following in addition to the information listed in Section 22.4:

(a) Detailed plans or studies demonstrating compliance with Section 91 of this Land Use Bylaw.

(BL 07/055)

Exhibit 14



(Figure 22.1)
Highway 63 North Eco-Industrial Park site map
Part of Lot 3, Block 1, Plan 042 1905

(BL 07/055)

23. **DELETED (BL 08/001)**

24. **Referral of a Development Permit Application**

24.1 The Development Officer may refer a development permit application to any internal municipal department and to any external agency in order to receive comment and advice.

24.2 Upon receipt of an application for a development permit for a development listed as a Discretionary Use, the Development Officer may send a written notice to all adjacent landowners indicating the location and nature of the proposed development, and indicating opportunities for comment.

25. **Incomplete Applications**

25.1 Where a development permit application does not contain all the necessary information or does not contain sufficient details to make a proper decision, the Development Officer may deem the development permit application to be incomplete. The Development Officer may return the application form and all submissions to the applicant, together with the application fee, less $375.00 for administration costs. **(BL 04/031)**

25.2 The application, so returned, shall be deemed not to have been presented until all required information and details have been submitted to the Development Officer.

25.3 A development permit application shall not be deemed to be complete until the development permit application fee required under Section 22.1(i) of this Bylaw has been paid to the Municipality.

26. **Development Permit Decisions**

26.1 In making a decision on an application for a permitted use, the Development Officer:

(a) shall approve, with or without conditions, a development permit application where the proposed development conforms with this Bylaw; or

(b) may refuse a development permit application if the proposed development does not conform with this Bylaw.

26.2 In making a decision on an application for a "Discretionary Use-Development Officer", the Development Officer:

(a) may approve a development permit application which meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or

(b) may refuse a development permit application even though it meets the requirements of this Bylaw.

26.3 In making a decision on an application for a "Discretionary Use – Planning Commission", the Municipal Planning Commission:

(a) may approve a development permit application which meets the requirements of this Bylaw, with or without conditions, based on the merits of the application including any approved statutory plan or approved policy affecting the site; or

(b) may refuse a development permit application even though it meets the requirements of this Bylaw.

26.4 In reviewing a development permit application for a "Discretionary Use – Planning Commission", the Municipal Planning Commission shall have regard to:

(a) the circumstances and merits of the application, including but not limited to:

(i) the impact of such nuisance factors as smoke, airborne emissions, odours and noise on nearby properties;

(ii) the design, character and appearance of the development being compatible with and complementary to the surrounding properties; and

(iii) the servicing requirements for the proposed development;

(b) the purpose and intent of any statutory plans adopted by the Municipal District.

26.5 A development permit may be issued on a temporary basis and the Development Authority may specify the length of time that the permit remains in effect.

26.6 Notwithstanding any provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard for discretionary uses when deemed necessary to do so.

27. Conditions of Development Permits

27.1 The Development Authority may, with respect to any use:

(a) require that as a condition of issuing a development permit, the applicant enter into an agreement with the Municipality to do any or all, but not limited to, the following:

(i) to construct or pay for the construction of a road required to give access to the development;

(ii) to construction or pay for the construction of a pedestrian walkway system to serve the development, or pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;

(iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;

(iv) to construct or pay for the construction of off-street or other parking facilities and loading and unloading facilities;

(v) to pay an off-site levy or redevelopment levy imposed by Bylaw;

(vi) to give security to ensure that the terms of the agreement under this section are carried out;

(vii) repair, reinstate, or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planning which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;

(viii) install or construct or pay for the installation or construction of landscaping, berming, and fencing on the development, public roadways and public lands adjacent to the development; and

(ix) reestablish or restore all survey monuments including Alberta Survey Control monuments which may be damaged or destroyed or otherwise harmed by development or building operations upon the site or adjacent to the site.

(b) require the applicant to make satisfactory arrangements for the supply of utilities including but not limited to, natural gas, cable, water, electric power, sewer service, vehicular and pedestrian access, or any or all of them, including payment of the cost of installation or construction of any such utility or facility by the applicant.

27.2 In addition to Subsection 27.1, the Development Authority may, with respect to "Discretionary Uses – Development Officer" and "Discretionary Uses – Planning Commission", impose such conditions as the Development Authority deems appropriate, having regarding for the regulations of this Bylaw and the provisions of any statutory plan in effect, including but not limited to the following:

(a) limiting hours or operation;
(b) limiting number of patrons;
(c) establishing landscaping requirements;
(d) requiring noise attenuation;
(e) requiring special parking provisions;
(f) regarding the location, character and appearance of buildings;
(g) regarding the grading of a site or other such procedures as are necessary to protect the site from other developments or to protect other developments from the site;
(h) establishing the period of time during which a development may continue;
(i) ensuring the development is compatible with surrounding development; and
(j) ensuring the development complies with and is compatible with the development regulations or the land use district regulations of this Bylaw.

27.3 If, in the opinion of the Development Authority, satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage, or access, and the development is located in the Urban Service Area, a hamlet, or intended for use by the general public, the Development Authority shall refuse to issue a development permit.

27.4 The Municipality may register a caveat pursuant to the provisions of the Act and the Land Titles Act in respect of a development agreement against the Certificate of Title for the land that is the subject of the development. Said caveat shall be discharged when the agreement has been complied with.

27.5 A development permit comes into effect fourteen (14) days after its issuance. Where an appeal has been lodged with the Board, no development shall be commenced pursuant to the development permit until all appeals are finally determined and the issuance of the development permit has been upheld.

27.6

(a) A development permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. Construction includes, but is not limited to site surface preparation or excavation. Furthermore:

(i) work such as engineering studies, geotechnical investigation, site surveys, soil analysis environmental assessment and the like shall

not be considered as construction in the context of this section; and

(ii) in the case of a change of use within an existing structure, where no significant construction or reconstruction is necessary, the applicant shall have the new Use in operation within one year of the approval of the development permit.

(b) Notwithstanding section (a) above, if a Building Permit is issued for the development near the end of the one year period, one three month extension to the Development Permit may be granted.

(c) Where a development permit is issued for a site where any other development permit has been approved, all previous permits shall be invalid if the physical aspects of the development conflict, or both could not occur simultaneously upon the site in conformity with the regulations of this Bylaw.

(d) Notwithstanding section (a) above, time shall not run during an appeal of the development permit to the Subdivision and Development Appeal Board; **(BL 06/030)**

(i) the Subdivision and Development Appeal Board has issued a written decision of its approval of the development permit and there is no appeal from this decision of the Subdivision and Development Appeal Board; or

(ii) **DELETED (BL 06/030)**

(BL 04/012)

27.7 When a development permit application has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a development permit on the same parcel of land for the same or similar use shall not be accepted by the Development Officer until six (6) months after the date of the refusal.

27.8 The Development Authority shall consider and decide on applications for development permits within forty (40) days of the receipt of the application in its complete form. If a decision is not made within forty (40) days, the application shall, at the option of the applicant, be deemed refused.

27.9 If a decision is not made within forty (40) days of the receipt of the applicant in its complete form, the applicant may enter into an agreement with the Development Authority try to extend the forty (40) day period using the prescribed time extension form.

27.10 The Development Authority may, with respect to any development permit issued pursuant to this Bylaw, require the developer to provide a security deposit to ensure that the conditions of the development permit are fulfilled. The amount and nature of the security deposit shall be determined by the Development Authority.

27.11 If, after a development permit is issued, the Development Officer becomes aware that:

(a) the application for the development contained a misrepresentation; or

(b) facts concerning the application or the development permit were not disclosed which should have been disclosed at the time the application was considered; or

(c) the development permit was issued in error,

the Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it. **(BL 00/011)**

27.12 The Development Authority may with any development permit issued pursuant to this Bylaw, require the applicant to provide a start and completion date for the proposed development to the satisfaction of the Development Authority. **(BL 06/030)**

Once construction of a development has commenced, it shall continue with reasonable dispatch. If in the opinion of the Development Officer, the development is not being constructed with reasonable dispatch, the Development Officer may suspend or cancel the notice of decision or the development permit by notice in writing to the holder of it. When a development permit ceases to be valid, a new development permit is required before further development may proceed. Such application shall be dealt with as if it were a first application and there shall be no obligation to approve such application on the basis that a previous application had been approved for that development. **(BL 04/012)**

28. Variance Authority (BL 02/081)

28.1 Variance to Regulations

28.2 The Development Authority may, subject to Section 28.2, allow a variance and approve a development permit for a permitted or discretionary issue, with or without conditions, which does not comply with the regulations of this Bylaw provided that the Development Authority determines that:

(a) the proposed variance would not result in a development that will:

(i) unduly interfere with the amenities of the neighbourhood;
(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
(iii) A variance is a reasonable response to the physical characteristics of the lot which are not generally common to other lots in the immediate vicinity of the proposed use. **(BL 08/001)**

(b) the proposed development conforms with the use prescribed for the land or building in this Bylaw;

(c) the development would be consistent with the general purpose or character of the district; and

(d) there are mechanisms to mitigate the effects on adjacent lots.

28.3 Limitation of Variance

28.4 In approving an application for the development permit pursuant to Section 28.1, the Development Authority shall adhere to the following:

(a) The Development Authority may allow a variance in regard to front, side and rear yard setback requirements of up to fifty percent (50%) for existing or new principal or accessory buildings, decks and signs and up to one hundred percent (100%) for principal buildings existing on the site prior to adoption of Bylaw 99/059.

(b) The Development Authority may allow a variance to increase the permitted building height by ten percent. (10%).

(c) The Development Authority may allow a variance to increase the permitted lot coverage by:

(i) up to five percent (5%) of the maximum total lot coverage; and

(ii) up to two percent (2%) of the maximum lot coverage for accessory buildings.

(d) The Development Authority may allow a variance and issue a development permit for an addition to a not-conforming building, provided that the addition complies with this Bylaw.

(BL 02/081)

(e) The Development Authority should consider any known concerns and opinions of area residents and landowners.

(f) **DELETED (BL 03/056, BL 08/001)**

28.5 A variance will not be allowed if the granting of the variance results in a development which does not meet the requirements of the Subdivision and Development Regulation (AR 43/2002, or amendments thereto.)

28.6 In the event that a variance is granted, the Development Authority shall specify the nature of the approved variance in the development permit approval.

(BL 00/011, BL 02/081)

29. Notification of Decision

29.1 When a development permit application is approved, the Development Officer or designate shall:

(a) communicate in writing, a notice of decision to the applicant or his agent, and make a copy available of the approval in the Municipal Office;

(b) for permitted uses involving the imposition of variances, "Discretionary Uses – Development Officer" and "Discretionary Uses – Planning Commission", publish a notice locally. Such notice shall state the location and address of the property for which the application has been made, the nature of the approval, and the decision of the Development Authority;

(c) for "Discretionary Uses - Planning Commission", mail a notice of decision to adjacent landowners or other affected parties or land owners as determined by the Development Authority. **(BL 06/030)**

29.2 When a development permit application is refused, the Development Officer shall:

(a) communicate in writing a notice of decision to the application or his agent stating the reasons for the refusal;

(b) for "Discretionary Uses – Development Officer" and "Discretionary Uses Planning Commission", publish a notice locally. Such notice shall state the location and address of the property for which the application has been made, the nature of the refusal and the decision of the Development Authority.

29.3 For the purposes of this Bylaw, issuance of the notice of the decision of the Development Authority is deemed to have been given on the day when the notice of decision has been published in the newspaper or five (5) calendar days after the notice of decision has been mailed to the applicant and adjacent landowners or occupants or other affected parties or land owners as determined by the Development Authority. **(BL 06/030)**

30. **Appealing a Decision**

30.1 A decision on a development permit application may be appealed by serving a written notice of appeal to the secretary of the Subdivision and Development Appeal Board within fourteen (14) days of issuance of the notice of decision.

30.2 The notice of appeal shall be accompanied by the applicable development permit appeal fee as outlined in Appendix "B".

30.3 A development permit issued for a Permitted Use may only be appealed if the provisions of this Bylaw were relaxed, varied or misinterpreted.

31. **The Appeal Process**

31.1 The Subdivision and Development Appeal Board must give a least five (5) days notice in writing of the appeal hearing:

(a) to the appellant;
(b) to the development authority whose order, decision or development permit is the subject of the appeal;
(c) to the owners of all adjacent properties;
(d) in the Urban Service Area, to all property owners within 60.0 m of the property that is the subject of the appeal, except 30.0 m for an appeal of a decision on a variance application for an existing development;
(e) in the Rural Service Area, to all property owners within 120.0 m of the property that is the subject of the appeal except 30.0 m for an appeal of a decision on a variance application for an existing development; and
(f) to any other person that the Chairman of the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified. **(BL 06/030)**

(BL 03/067)

31.2 When a notice of appeal has been served on the Secretary of the Subdivision and Development Appeal Board with respect to a decision to approve a development permit application, the development permit shall not be effective before:

(a) the decision on the permit has been upheld by the Board; or
(b) the Secretary of the Subdivision and Development Appeal Board has received written notification from the appellant that the appeal has been withdrawn.

31.3 If the decision to approve a development permit application is reversed by the Board, the development permit shall be null and void.

31.4 If a decision to refuse a development permit application is reversed by the Board, the Board shall direct the Development Officer to issue a development permit in accordance with the decision of the Board.

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31.5 If the decision to approve a development permit application is varied by the Board, the Board shall direct the Development Officer to issue a development permit in accordance with the terms of the decision of the Board.

32. Development Completion Certificate

32.1 Where required as a condition of a development permit, upon completion of the approved development, the owner of the development shall apply for a Development Completion Certificate.

32.2 Application for a Development Completion Certificate shall be made on the prescribed form, shall list as completed all the requirements and conditions of approval of the development permit, and shall be accompanied by two copies of a Real Property Report.

32.3 Where the Development Authority is satisfied that all the requirements and conditions of the development permit have been met, a Development Completion Certificate shall be issued.

32.4 Where the Development Authority is not satisfied that all the requirements and conditions of the development permit have been met, the Approving Authority may require, as a condition of issuing a Development Completion Certificate, the delivery of a security bond in an amount satisfactory to the Approving Authority to ensure fulfillment of the outstanding requirements of the development permit.

33. Non-conforming Buildings and Uses

33.1 Developments which are considered as a non-conforming building or use shall be dealt with as provided for under the Act. For convenience, the Act's provision are outlined below:

(a) If a development permit was issued on or before the day on which this Bylaw came into force, and the Bylaw made the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw.

(b) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw.

(c) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations shall be made to it or in it.

(d) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(e) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

(i) to make it a conforming building;

(ii) for routine maintenance of the building, if the Development Authority considers it necessary, or

Exhibit 14

(iii) in accordance with a land use bylaw that provides minor variance powers to the Development Authority for the purposes of this section.

(f) If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

(g) The land use or the use of a building is not affected by a change of ownership or tenancy.

34. **DELETED (BL 16/011, BL 16/018)**
35. **Reserved for future use**
36. **Reserved for future use**

Exhibit 14

Appendix B (BL 04/031)

1. Development permit applications, Land Use Bylaw, Municipal Development Plan, Area Structure Plan and Area Redevelopment Plan amendments, compliance certificate requests shall be accompanied by the required fees as set out in this appendix.

(a) Residential Development

Development	Fee
Single detached dwelling	$75.00
Semi-detached and Duplex Dwellings	$75.00 per unit
Triplex Dwellings	$75.00 per unit
Fourplex Dwellings	$75.00 per unit
Townhouses	$75.00 per unit
Apartment Buildings	$250.00 + $37.50 per unit
Manufactured Homes	$75.00 per unit
Demolitions	$200.00 ($150.00 between July 19, 2004 and December 31, 2004)
Home Occupations	$20.00
Home Businesses	$75.00
Basement Suites	$100.00
Family Care Dwellings	$100.00
Lot Grading	$100.00 ($50.00 between July 19, 2004 and December 31, 2004)
Lot Clearing & Grubbing	$100.00 ($50.00 between July 19, 2004 and December 31, 2004)
Development Approval Letter/ Site Plan Approval	$20.00

(b) Commercial/Industrial and Institutional Development

Development	Fee
New commercial, industrial and institutional developments	$250 + $2.50/$m^2$ for first 500 m^2 of gross floor area + $1.25/$m^2$ for area over 500m^2 gross floor area ($10,000 maximum)
Additions to commercial, industrial and institutional developments (based on addition only)	$250 + $2.50/$m^2$ for first 500 m^2 of gross floor area + $1.25/$m^2$ for area over 500m^2 gross floor area ($10,000 maximum)

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Development	Fee
Religious Assembly, Educational Service Facility, Daycare Centre	$250 + $2.50/m^2 for first 500m^2 of gross floor area+ $1.25/m^2 for area over 500m^2 gross floor area ($10,000 maximum)
Oil sands mining, extraction and upgrading projects and oil sands pilot projects	$10/$100,000 of construction value
Additions to oil sands mining, extraction and upgrading projects and oil sands pilot projects (based on addition only)	$10/$100,000 of construction value
Change of use or change of occupancy within existing commercial, industrial and institutional buildings	$250.00
First use within new commercial, industrial and institutional building, if not approved with the development permit	$250.00
Shared occupancy with an existing business, if a discretionary use in the land use district	$250.00
Demolitions	$200.00 ($150.00 between July 19, 2004 and December 31, 2004)
Special Events	$200.00 ($150.00 between July 19, 2004 and December 31, 2004)
Temporary Uses or Building (less than 180 days)	$200.00 ($150.00 between July 19, 2004 and December 31, 2004)
Temporary Uses or Building (180 days or more)	$250 + $2.50/m^2 for first 500m^2 of gross floor area+ $1.25/m^2 for area over 500m^2 gross floor area ($10,000 maximum)
Lot grading	$100.00 ($50.00 between July 19, 2004 and December 31, 2004)
Clearing and Grubbing	$100.00 ($50.00 between July 19, 2004 and December 31, 20014)
Development Approval Letter	$20.00
Work Camps	$250.00 + $1.25/camp bed (camp design capacity)

Development	Fee
Outdoor Storage or Use (no buildings or structures)	$250.00 (lot area less than 0.4 ha) $500.00 (lot area 0.4 ha or greater)
RV Parking Permit	$40.00
Residential Sales Centre	$200.00 ($100.00 between July 19, 2004 and December 31, 2004)
Golf Course (9 per holes)	$1,000.00 + 50% of the original fee for each additional submission
RV Park	$250.00 + $10.00 per stall ($125.00 +$5.00 per stall between July 19, 2004 and December 31, 2004)
Request for Landscaping Inspection	First and Second Inspection Request: Free of Charge Third and each subsequent request: $250.00 ($125.00 between July 19. 2004 and December 31, 2004)

2. Application for compliance certificates shall be accompanied by the free as indicated in this Appendix.

Type of Development	Fee
Single Detached, Semi-detached Manufactured home	$75.00 per dwelling unit
Apartment Building	$150.00 per principal building
Commercial, Industrial, Institutional Buildings	$150.00 per principal building
Townhouses – Individual Units	$75.00
Townhouse Cluster – 6 Units or less	$150.00
Townhouse Cluster – More than 6 Units	$30.00 per dwelling unit
The fee will be doubled for all compliance certificate requests on a RUSH BASIS	

3.

Application for Variances	$60.00 ($45.00 between July 19, 2004 and December 31, 2004)

4. Appeals to Subdivision and Development Appeal Board

Appeal of a Decision on:	Fee
1. Variances for an Existing Development	$75.00

Exhibit 14

Appeal of a Decision on:	Fee
2. Issuance of a Stop Order 3. Variances for a new multi-family residential, commercial or industrial development 4. Conditions of a development approval for multi-family residential, commercial or industrial development 5. Development Refusal for multi-family residential, commercial or industrial development 6. Subdivision Refusal	$1,000.00 ($500.00 between July 19, 2004 and December 31, 2004)

Conditions of a Subdivision Appeal	
1. Variance for a new development (other than multi-family residential, commercial or industrial) 2. Conditions of a development approval for the types of development (other than multi-family residential, commercial or industrial) 3. Development Refusal for the types of development (other than multi-family residential, commercial or industrial)	$500.00 ($250.00 between July 19, 20045 and December 31, 2004)

5.

Letter of Zoning Confirmation	$40.00

6.

File Search	$40.00 per hour ($40.00 minimum)

7. Bylaw Amendments/Adopt Bylaws

(a) Land Use Bylaw Amendments

(i) Text Amendments

Application Received and Deemed Completed	Fee
Between July 19 and December 31, 2004	$1,125.00
Between January 1 and December 31, 2005	$1,1562.50
After December 31, 2005	$2,000.00

(ii) Map District Amendments

Class 1	Rl, RlE, RIM, RIS, RIP, RMH, RMH-1, RMH-2, R2, CR, HR, SE, SH
Class 2	R3, R3-1, R4
Class 3	Cl, C2, C3, C4, C4-A, C5, HC
Class 4	Bl, BIU, SI
Class 5	EP, PS, PR, UE, RD
Class 6	All DC Districts

Table 1. Amendment Application Fees for Applications Received and Deemed Completed Between July 19 and December 31, 2004

		To					
		Class 1	Class 2	Class 3	Class 4	Class 5	Class 6
From	Class 1	$1,150.00	$1,650.00	$1,700.00	$1,700.00	$700.00	$2,200.00
	Class 2	$1,150.00	$1,150.00	$1,700.00	$1,700.00	$700.00	$2,200.00
	Class 3	$1,700.00	$1,750.00	$1,150.00	$1,700.00	$700.00	$2,200.00
	Class 4	$1,200.00	$1,200.00	$1,200.00	$1,200.00	$700.00	$2,200.00
	Class 5	$1,175.00	$1,675.00	$1,675.00	$ 1,675.00	$675.00	$2,200.00
	Class 6	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$2,200.00

Table 2. Amendment Application Fee for Applications Received and Deemed Between January 1 and December 31, 2005

		To					
		Class 1	Class 2	Class 3	Class 4	Class 5	Class 6
From	Class 1	$1,575.00	$2,325.00	$2,350.00	$2,350.00	$850.00	$3,100.00
	Class 2	$1,575.00	$1,575.00	$2,350.00	$2,350.00	$850.00	$3,100.00
	Class 3	$2,350.00	$2,350.00	$1,575.00	$ 2,350.00	$850.00	$3,100.00
	Class 4	$1,600.00	$1,600.00	$1,600.00	$ 1,600.00	$850.00	$3,100.00
	Class 5	$1,587.50	$2,337.50	$2,337.50	$2,337.50	$837.50	$3,100.00
	Class 6	$3,100.00	$3,100.00	$3,100.00	$3,100.00	$3,100.00	$3,100.00

Table 3. Amendment Application Fees for Applications Received and Deemed after December 31, 2005.

		To					
		Class 1	Class 2	Class 3	Class 4	Class 5	Class 6
From	Class 1	$2,000.00	$3,000.00	$3,000.00	$3,000.00	$1,000.00	$4,000.00
	Class 2	$2,000.00	$2,000.00	$3,000.00	$3,000.00	$1,000.00	$4,000.00
	Class 3	$3,000.00	$3,000.00	$2,000.00	$3,000.00	$1,000.00	$4,000.00
	Class 4	$2,000.00	$2,000.00	$2,000.00	$2,000.00	$1,000.00	$4,000.00
	Class 5	$2,000.00	$3,000.00	$3,000.00	$3,000.00	$1,000.00	$4,000.00
	Class 6	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$4,000.00

Where an application to amend the Land Use Bylaw involves amendment within two or more of the above categories, the highest fee shall apply.

Where additional districts to those listed above are added to this Bylaw, the amendment fee for the most similar district as listed above shall be used.

(b) Statutory Plan Amendments

(i) Amendments to Municipal Development Plan

Application received and deemed completed	Fee
Between July 19 and December 31, 2004	$1,750.00
Between January 1 and December 31, 2005	$2,375.00
After December 31, 2005	$3,000.00

(ii) Amendments to any Area Structure Plan

Application received and deemed completed	Fee
Between July 19 and December 31,2004	$1,750.00
Between January 1 and December 31, 2005	$2,375.00
After December 31, 2005	$3,000.00

(iii) Amendments to any Area Redevelopment Plan

Application received and deemed completed	Fee
Between July 19 and December 31, 2004	$1,750.00
Between January 1 and December 31,2005	$2,375.00
After December 31, 2005	$3,000.00

(iv) Application to Adopt any Area Structure Plan

Application received and deemed completed	Fee
Between July 19 and December 31,2004	$2,000.00
Between January 1 and December 31, 2005	$2,500.00
After December 31, 2005	$3,000.00

Where an application to concurrently amend the Land Use Bylaw and a Statutory Plan, or two (2) Statutory Plans for the same site, the application fee shall be the sum of the highest fee and 50% of any other amendment application fees.

As a public hearing is required in relation to an application for a Land Use Bylaw amendment, Area Structure Plan amendment, Area Redevelopment Plan amendment, or Municipal Development Plan amendment, an advertising and notification fee is required. The advertising fee shall be determined at the time of application.

8.

Amendment Fee Refund	
1. Prior to Circulation of File	85% of Original Fee
2. During or After Circulation of File	50% of Original Fee
3. After First Reading of a Proposed Bylaw	30% of Original Fee
4. After Advertising of a Bylaw in the Newspaper	No Refund

9. When a use is not listed in this Appendix the fee shall be determined by the Development Officer and shall be consistent with those fees listed in the fee schedule for similar uses or applications within the same or similar use class.

10. When a development has commenced prior to the issuance of a development permit for the development the development application fee shall be two (2) times the fee listed in this Appendix.

11. When an application will require circulation to adjoining property owners or where the decision on a development application will require notification to adjoining property owners, the applicant shall pay a $50.00 notification fee in addition to the fee specified in this Appendix.

12. When a decision on the development matter requires advertisement, the applicant shall pay an advertising fee in addition to the fee specified in this Appendix. The advertising fee shall be determined at the time of application.

13. When a development agreement is required as a condition of a development permit, a $500.00 development agreement preparation fee is required and shall be remitted with the composite engineering drawings

14. When a developer requires substantial changes to the Municipality's standard development agreement, the developer shall be required to pay the Municipality's legal costs associated with the review of the requested changes.

15. When a developer initiates changes to a development application after submission, the developer shall pay an additional fee equivalent to 25% of the original application fee to a maximum of $5.00 per resubmission.

PART 3 - Enforcement and Penalties (BL 01/095)

The purpose of this part is to ensure that development is undertaken in an orderly, economical and beneficial manner and that the provisions of this bylaw are enforced consistently and fairly.

37. **Enforcing the Land Use Bylaw**

37.1 General Provisions

(a) The enforcement powers granted under this Bylaw are in addition to any enforcement powers the Municipality or any of its officers may have under the Municipal Government Act or any other applicable legislation.

(b) A Bylaw Enforcement Officer may enforce the provisions of the Municipal Government Act, this Bylaw, the conditions of a development permit and the conditions of a subdivision approval. Enforcement may be by Violation Ticket, notice of violation or any other authorized action to ensure compliance.

(c) For the purpose of this Bylaw, a Stop Order is an Order in writing authorized by the Municipal Government Act, as amended, issued pursuant to subsection 37.4 hereof.

(d) Regional Council shall, from time to time, taking into account social and economic factors including the resources available to it and the various demands made upon those resources by the residents of the Municipality, allocate resources to the Manager of Planning and Development Department, who shall then determine the extent of enforcement made under this Bylaw so as to optimize the use of those resources.

(e) An enforcement remedy provided in this Bylaw may be used alone or in conjunction with any other enforcement remedy authorized by this or any other Bylaw or by statute or regulation.

37.2 Offences and Penalties

(a) Any person who

(i) contravenes or causes, allows or permits a contravention of any provision of this Bylaw;

(ii) contravenes or fails to comply with a development permit or conditions forming part thereof;

(iii) authorizes or proceeds with any development that is at variance with the description, specifications or plans that were the basis for the issuance of a development permit;

(iv) continues development after a development permit has expired, been revoked or suspended;

(v) having been issued a Stop Order, does not complete the corrective measures described therein within the time specified therein;

(vi) displays a sign in an abandoned state; or

(vii) displays a Portable Sign without a valid development permit outside the Urban Service Area or displays a portable sign which is not over an approved Portable Sign maker.

is guilty of an offence and is liable upon summary conviction to a fine not exceeding $10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.

(b) where contravention is of a continuing nature, a separate offence is deemed to occur on each day the offence continues.

(c) notwithstanding Section 3b) of the Regional Municipality of Wood Buffalo General Penalty Bylaw, for each offence and for each and every subsequent offence (including each and every day an offence is continued after the first day) the penalty shall be in accordance with Schedule 37A.

37.3 Violation Tickets

(a) In accordance with the Provincial Offences Procedures Act, where there is reasonable and probable grounds to believe that an offence has been committed, a Bylaw Enforcement Officer may issue a Violation Ticket alone or in conjunction with any other enforcement remedy to which the Municipality may be entitled to exercise.

(b) The Municipality is not required to issue a Violation Ticket before commencing any other enforcement action under the Municipal Government Act, the Provincial Offences Procedure Act, this Bylaw, or at all.

(c) Where a contravention is of a continuing nature, a Violation Ticket may be issued for each day the offence continues.

37.4 Stop Orders

(a) On finding that a development, land use, or use of a building is not in accordance with the Municipal Government Act or the regulations under the Act, this Bylaw, a development permit or subdivision approval or the conditions of either of them, a Development Officer may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention or any or all of them to:

(i) stop the development or use of the land or building in whole or in part as directed by the notice;

(ii) demolish, remove or replace the development, or

(iii) carry out any other actions required by the notice so that the development, use of the land or building complies with the Act or the regulations under the Act, this Bylaw, a development permit or subdivision approval.

within the time set out in the notice.

(b) The Municipality may register a caveat against the certificate of title for the land that is subject to the Stop Order, provided that the caveat is discharged when the Stop Order has been complied with.

(c) The costs and expenses incurred by the Municipality in carrying out a Stop Order may be placed on the tax roll of the land subject to the Stop Order.

(d) A person in a Stop Order may appeal to the Subdivision and Development Appeal Board.

37.5 Right of Entry

(a) After reasonable notice to the owner or occupant in accordance with the Act, a Development Officer or Bylaw Enforcement Officer may enter property at reasonable times to ascertain if Bylaw requirements are being met.

(b) If a person fails or refuses to comply with an Order of a Development Officer, Bylaw Enforcement Officer or the Subdivision and Development Appeal Board, a Development Officer or Bylaw Enforcement Officer may enter on the land or building and take any action necessary to carry out the order.

(c) A person shall not prevent or obstruct a Development Officer or Bylaw Enforcement Officer from carrying out any official duty under this Bylaw or the Act. If consent is not given the Municipality may apply for an authorizing order.

37.6 Compliance with Other Legislation

(a) A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out development in accordance with:

(i) the requirements of the Safety Codes Act, Environmental Protection and Enhancement Act and Natural Resource Conservation Board Act;

(ii) the requirements of any other Federal, Provincial or Municipal statute, regulation, code or standard; and

(iii) the conditions of any caveat, covenant, easement, or other instrument affecting a building or land.

(b) The Municipality has no responsibility or obligation to determine what other legislation may apply to a development, nor monitor or enforce compliance with such legislation.

(BL 01/095)

38. **DELETED (BL 01/095)**
39. **DELETED (BL 01/095)**
40. **Reserved for future use**
41. **Reserved for future use**
42. **Reserved for future use**

Exhibit 14

Schedule 37A - Specified Penalties for Offences (BL 01/095)

1. $200.00 Minimum Penalty for contraventions of this Bylaw, not otherwise specified below.
2. $200.00 Minimum Penalty for:
    (a) Undertaking Development prior to the issuance of a Development Permit;
    (b) Contravention of an Approved Development Permit or the Conditions of an Approved Development Permit;
    (c) Contravention of the Conditions of a Subdivision Approval;
    (d) Development with expired Development Permit or continuing development after Development Permit revocation or suspension;
    (e) Sign developed without a required development permit;
    (f) Sign in an Abandoned State;
    (g) Display a Portable Sign without a valid Development Permit or Portable Sign is not over an approved Portable Sign Marker.
3. $300.00 Minimum Penalty for:
    (a) Maintaining unsafe or unsightly premises
4. $1000.00 Minimum Penalty for:
    (a) Contravention of a Stop Order or other Order issued under this Bylaw or the Act.

PART 4 - Amending the Bylaw

43. Bylaw Amendments

43.1 Any amendment to this Bylaw shall be made pursuant to the Act.

44. Contents of an Amendment Application

44.1 A Land Use Bylaw amendment application shall be made to the Municipality in writing on the prescribed form and shall be signed by the applicant or his agent. The following information shall be required to accompany an application to amend this Bylaw:

(a) A copy of the certificate of title for the lands involved, including any restrictive covenants and caveats;

(b) If the applicant is not the registered owner of the land involved in the application, a letter from the property owner authorizing the amendment application;

(c) If the owner of the land is registered as a numbered company, the names of the principals of the numbered company;

(d) Colour photographs that provided a comprehensive visual account of the entire site and the adjacent area;

(e) Twenty-five (25) copies of a site plan showing the land involved in the application, existing land uses and development within a 90 m radius of the site boundary, containing:

(i) North arrow
(ii) Plan scale
(iii) Property lines
(iv) Yard Dimensions/building height
(v) Curbs and sidewalks
(vi) Easements
(vii) Utility rights of way
(viii) Location of free standing signs
(ix) Locations of existing buildings
(x) Required bylaw setbacks
(xi) Existing and proposed landscaping
(xii) Changes to existing development or site
(xiii) Existing and proposed parking lot layout
(xiv) Topography and elevations
(xv) Vehicle access and egress locations
(xvi) Existing residential density
(xvii) Lot coverage

Where applicable the following information is also required:

(A) Floodway and floodplain boundaries
(B) Commercial floor area ratio

(BL 04/012)

Exhibit 14

45. The Amendment Process

45.1 Upon receipt of a complete application, it shall be referred to:

(a) the Municipal Administration for the drafting of a proposed Land Use Bylaw amendment;
(b) Council for first reading and to establish a date for a public hearing to be held prior to second reading.

45.2 The Municipality may refer an amendment application to any agency in order to receive comment and advice.

45.3 A notice of the application shall be published. This notice shall contain:

(a) the legal description of the land;
(b) the purpose of the proposed amendment;
(c) the one or more places where a copy of the proposed amendment may be inspected by the public during reasonable hours;
(d) the date, place, and time that Council will hold a public hearing on the proposed amendment;
(e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and
(f) an outline of the procedures by which the public hearing will be conducted.

45.4 If the amendment involves the re-designation of land to a different land use district:

(a) a notice shall also be communicated in writing to the owner(s) of the subject land, and to all adjacent landowners or, in the Urban Services Area, to all landowners within 30.0 m of the subject lands or other affected parties or land owners as determined by the development authority. **(BL 06/030)**
(b) a sign shall be placed on the subject land describing the nature of the proposed amendment, except if the amendment is to correct an error or is being adopted in conjunction with the adoption and implementation of a statutory plan undertaken on behalf of the Municipality, for which a public consultation process has taken place. **(BL 01/043)**

45.5 Council, after considering:

(a) any representations made at the public hearing; and
(b) any municipal development plan, area structure plan, and area redevelopment plan affecting the application and the provisions of this Bylaw:
(c) may make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or defeat the proposed amendment.

45.6 Where an application for an amendment has been refused by Council, the Municipality shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.

45.7 If deemed necessary, the Municipality may initiate an amendment to this Bylaw without a land owner's consent.

46. **Reserved for future use**
47. **Reserved for future use**

PART 5 - General Regulations

48. **Applicability**

48.1 This Part shall apply to all land use districts under this Bylaw.

49. **Adult Entertainment Facility**

49.1 These provisions are intended to provide locations for Adult Entertainment Facilities in order to:

(a) minimize potential hazards due to traffic congestion, visual distractions and other dangers;
(b) protect surrounding uses from the potential adverse effects of adult entertainment establishments

49.2 A site containing an adult entertainment facility shall be located minimum of;

(a) 150.0 m from the boundary of a residential district;
(b) 150.0 m from a lot containing an apartment building within a commercial district;
(c) 150.0 m from a lot containing child care facilities, arenas, elementary schools, junior high schools, high schools, public parks, municipal buildings, senior citizens housing, religious assemblies;
(d) 25.0 m from any other adult entertainment facility

49.3 Notwithstanding Section 49.2(a), land may be designated as residential land use district within 150.0 m of an existing Adult Entertainment Facility. **(BL 01/043)**

(BL 00/070)

50. **Accessory Buildings and Uses**

50.1 An accessory building shall not be used as a dwelling unit but may be used as a security suite.
50.2 In an urban district, an accessory building shall not be located in a front yard.
50.3 An accessory building shall not be located on an easement or utility right-of-way. **(BL 04/012)**
50.4 In all districts, an accessory building is subject to the side and rear yard setback regulations of that district.
50.5 Notwithstanding Section 50.4, in all urban and hamlet residential districts, an accessory building shall be set back a minimum of 1.0 m from the side and rear property lines in a rear yard unless the accessory building is:

(a) less than 2.0 m in height, unless the accessory building would be located on an easement in which case Section 66.1 applies; **(BL 00/011)**
(b) a mutual garage erected on common property line and the common wall is a firewall;
(c) a detached garage with its vehicle door facing the lane in which case a rear year setback of either 1.0 or 6.0 m is required. No intermediate setback between 1.0 m and 6.0 m shall be permitted;

Exhibit 14

(d) **DELETED (BL 00/011);** or

(e) a detached garage located on a corner lot in which case a minimum setback of 3.0m is required from the property line paralleling the flanking roadway.

50.6 Maximum height restrictions for accessory buildings are as follows:

(a) 4.6 m in all urban districts;

(b) 4.6 m in all country residential and hamlet districts on lots smaller than 0.405 hectares;

(c) 7.0 m in all country residential and hamlet districts on lots 0.405 hectares or larger;

(d) in all other districts, as specified by the district in which the accessory building is located.

50.7 In residential districts, the maximum site coverage for accessory buildings shall be:

(a) in urban residential districts, 12% of the lot area of 60.0 m^2, whichever is greater;

(b) in all other residential districts, 12% of the lot area or 140.0 m^2, whichever is less, for parcels under 2.0 hectares. For parcels 2.0 hectares and larger, the maximum site coverage of accessory buildings shall be 350.0 m^2.

(c) notwithstanding Section 50.7(a) the maximum size of all accessory building permitted on an urban service lot shall be 100 m^2 regardless of the site coverage considerations. **(BL 04/012)**

50.8 In all commercial and industrial districts, accessory buildings are subject to the site provisions of that district.

50.9 Notwithstanding Section 50.8 above, where an accessory building is located on a site which abuts a site in a residential district, the maximum height of the accessory building shall not be greater than the maximum height permitted for the principal building in the abutting residential district.

50.10 An accessory building shall not be developed or approved on a lot prior to the issuance of a development permit for the principal building or use on the lot.

50.11 An accessory building shall be located a minimum of 1.0 m from the principal building on a lot.

50.12 An accessory building on a site in a residential district shall be similar to and complement the principal building in exterior material, colour and appearance. **(BL 00/011)**

50.13 Decks, balconies, sunrooms and the like shall not be constructed on top of an accessory building unless the setbacks of the accessory building comply with the allowable setbacks for the principal building in that district. **(BL 04/012)**

51. Amenity Space

51.1 Amenity space shall be provided in accordance with amenity space requirements in the land use district.

52. Bare Land Condominium

52.1 For the purpose of this Bylaw a bare land condominium plan is a plan of subdivision.

52.2 A bare land condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable land use district.

53. Basement Suites

53.1 Basement suites shall be restricted to single detached and semi-detached dwelling and manufactured homes. **(BL 08/001)**

53.2 A maximum of one (1) basement suite may be permitted per single detached or semi-detached dwelling.

53.3 A basement suite shall comply with the Safety Codes Act or its successor.

53.4 On-site parking shall be provided for a basement suite pursuant to Part 7 of this Bylaw. Parking on the front or side yard shall be prohibited in all urban and hamlet residential districts where lots are less than 0.405 hectares, except on a driveway. All parking stalls shall be available for passenger vehicles and accessible to the street at all times.

53.5 A basement suite shall be limited to a maximum of one (1) less the number of bedrooms than the principal dwelling on the lot. **(BL 08/001)**

54. Bed and Breakfast Establishments

54.1 No noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the bed and breakfast establishment. At all times, the privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained.

54.2 Interior and exterior alternations, additions or renovations to accommodate some residential function in the existing dwelling so that some of the existing space may be used for bed and breakfast establishment, may be allowed as long as such alternations, additions, or renovations comply with the Safety Code Act and/or any applicable bylaw.

54.3 The operator of the bed and breakfast establishment must be a permanent resident of the single detached dwelling.

54.4 A maximum of two (2) guest rooms shall be permitted per single detached dwelling, except:

(a) in rural residential districts, where an additional two (2) guest rooms may be allowed at the discretion of the Development Authority; and

(b) in the Rural District, where an additional four (4) guest room are allowed.

54.5 One (1) on-site parking space per guest room and one (1) on-site parking space for each off-site employee shall be provided in addition to the residential parking spaces provided pursuant of Part 7 of this Bylaw.

54.6 One (1) non-illuminated sign or plaque shall be permitted on the dwelling in urban and hamlet residential districts. The maximum sign or plaque dimensions shall be 20 cm by 30.5 cm. No other form of on-site advertising is permitted.

54.7 One (1) identification sign shall be permitted in all rural districts. The maximum sign size shall be 0.4 m^2 and the maximum height shall be 1.2 m. The sign may be indirectly illuminated.

55. **Boarding House**

55.1 A boarding house may only be permitted in a single detached dwelling.

55.2 A boarding house shall provide on-site parking in accordance with Part 7 of this Bylaw.

56. **Building Design, Character and Appearance**

56.1 The exterior finish of a building in the Urban Service Area and all hamlets shall be completed by October 31st of the year following the year in which the development permit is issued unless otherwise stipulated in the development permit.

56.2 The design, character, siting, external finish, architectural appearance and landscaping of all buildings, including accessory buildings or structures shall be to the satisfaction of the Development Authority.

57. **Compliance Certificates**

57.1 The registered owner, or a person with legal or equitable interest in a lot, may, upon payment of the fee set out in Appendix "B", apply for a Compliance Certificate.

57.2 The applicant for a Compliance Certificate shall submit a Real Property Report for the lot.

57.3 A Compliance Certificate may be issued when the buildings as shown on the Real Property Report provided by the applicant are located on the lot in accordance with the separation distance and yard and building setbacks regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued for the site.

57.4 The Compliance Certificate shall only cover those buildings or parts thereof, shown on the Real Property Report.

57.5 A Compliance Certificate shall not be issued if there is insufficient information provided by the applicant to determine if buildings as shown are in accordance with the yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued for the site.

57.6 A Compliance Certificate is not a development permit.

58. **Corner Lot Restrictions**

58.1 On a corner lot in the Urban Service Area, no fence, wall, tree, hedge or other structure exceeding 0.6 m in height above grade shall be permitted in a corner visibility triangle created by the property lines that form the corner and a straight line connecting the two points 7.5 m back along these property lines measured from their intersection (see Figure 58.1).

Figure 58.1 - Corner Lot Restriction in Urban Service Area

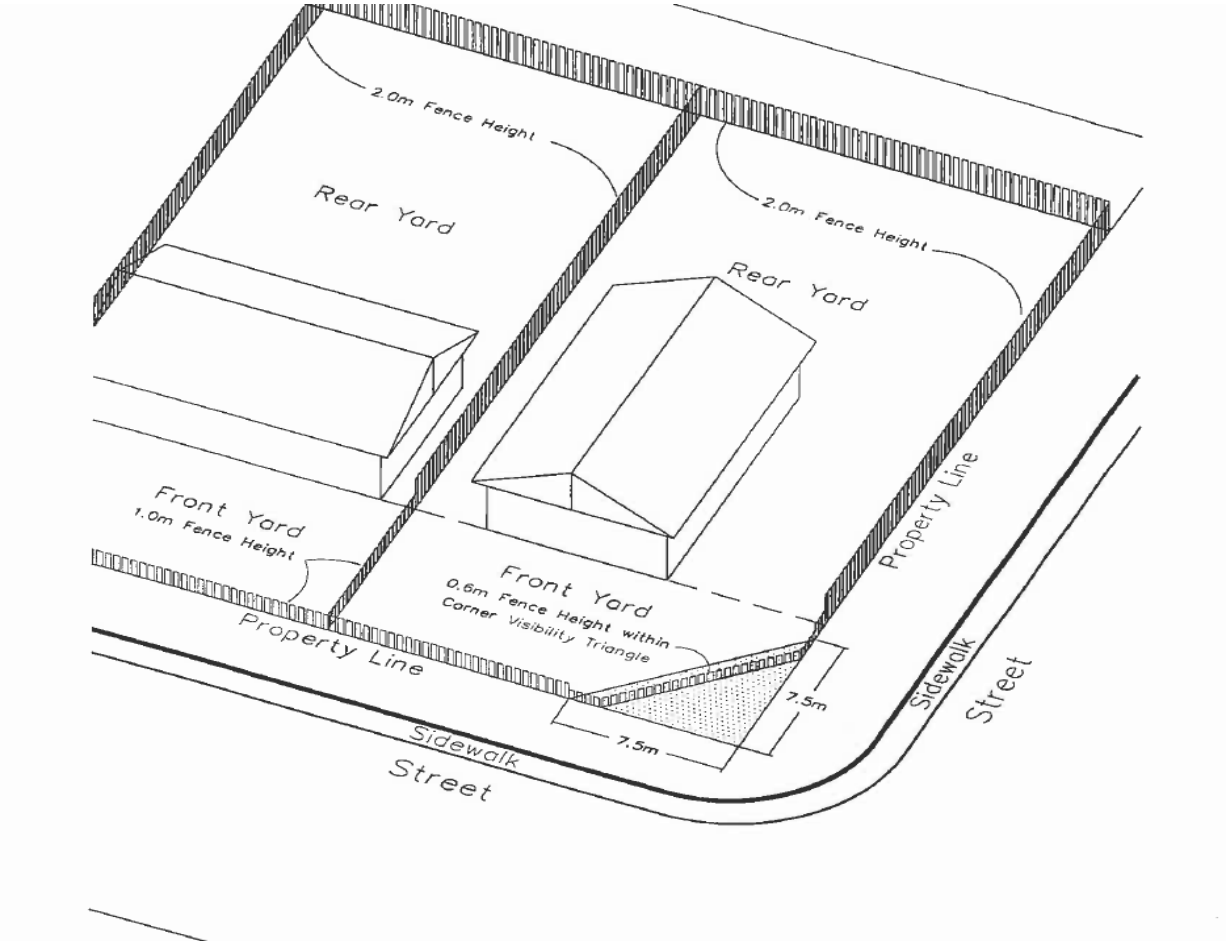
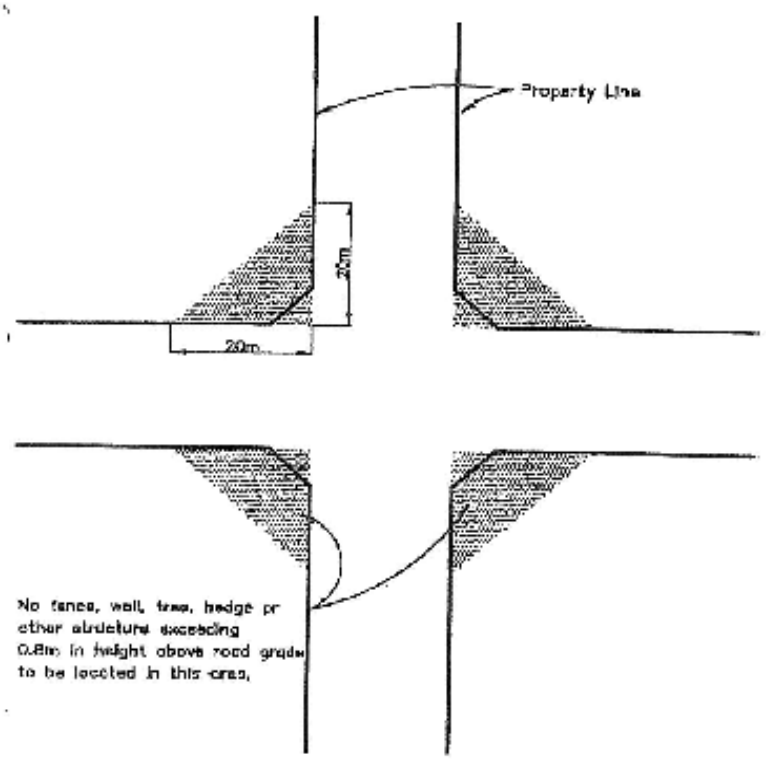


Exhibit 14

58.2 On a corner lot within the Rural Service Area, no fence, wall, tree, hedge or other structure exceeding 0.8 m in height above grade shall be permitted in a corner visibility triangle created by the property lines that form the corner and a straight line connecting the two points 20.0 m back along these property lines measured from their intersection (see Figure 58.2)

Exhibit 14

Figure 58.2
20m Corner Lot Restriction



58.3 Notwithstanding Section 58.2 above, on hamlet residential and rural residential lots the Development Officer may allow a reduction in the corner visibility triangle requirement to a minimum of 7.5 m where the lot size and configuration are such that traffic and pedestrian safety will not be compromised by such a reduction.

59. **Decks**

59.1 A deck must:

(a) meet the required front yard setback of the principal building;
(b) be located at least 1.0 m from the side property line;
(c) notwithstanding (b) above, be located at least 3.0 m from the side property line on the street side of a corner site;
(d) not be located within the 7.5 m corner visibility triangle; and
(e) be located at least 3.0 m from the rear property line.

59.2 When a deck becomes covered or enclosed it shall be considered an addition to the building and is required to meet the district requirements for the principal.

59.3 **DELETED (BL 04/012, BL 08/001)**

59.4 A deck shall be included in the calculation of lot coverage.

59.5 A deck may encroach into a 2.7 m side yard that is required for vehicle access to the rear yard when there is no detached garage on the lot. **(BL 04/012)**

59.6 A deck shall be limited in the height to no more than the main floor level of the principal building. **(BL 08/001)**

60. **Development in the Flood Plain (Clearwater River/Athabasca River Flood Plan Area)**

60.1 **DELETED (BL 13/032, BL 16/021)**

60.2 **DELETED (BL 13/032, BL 16/021)**

60.3 **DELETED (BL 13/032, BL 16/021)**

60.4 **DELETED BL 08/001, BL 13/032, BL 16/021)**

60.5 The Development Authority may require the applicant for a development permit for lots partially or wholly contained in the Flood Risk Overlay Appendix "C" to enter into a save harmless agreement with the Municipality, relieving the Municipality of responsibility for any damage or loss caused through flooding or subsidence.

60.6 The Development Authority may permit minor renovations and repairs to an existing building located below the 250.0 m contour interval without requiring flood proofing of that building.

60.7 **DELETED (BL 13/032, BL 16/021)**

60.8 **DELETED (BL 13/032, BL 16/021)**

60.9 **DELETED (BL 13/032, BL 16/021)**

61. **Development Near Water Bodies and Watercourses**

61.1 **DELETED (BL 13/032, BL 16/021)**

61.2 The Development Authority may require the applicant for a development permit for lots located in areas prone to flooding or subsidence to enter into a save harmless agreement with the municipality, relieving the municipality of responsibility for any damage or loss caused through flooding or subsidence.

61.3 A minimum building setback of 30.0 m is required from the high water mark of a water body to which the Public Lands claims ownership, or at a setback specified in an Area Structure Plan approved by Council. **(BL 08/001)**

61.4 A minimum building setback of 30.0 m is required from the highest valley break of any named watercourse unless the Development Authority is satisfied by a submission of a geotechnical engineering study prepared by a professional engineer that a lesser setback is warranted.

62. **Development Setbacks from Slopes**

62.1 A minimum building setback of 30.0 m is required from the top or bottom of an escarpment slope or any other steep slope where the grade exceeds 30% unless the Development Authority is satisfied by a submission of a geotechnical engineering study prepared (signed and stamped) by a professional engineer that a lesser setback is warranted.

62.2 Where a slope is unstable a minimum building setback of 30.0 m is required from the unstable portion of the slope.

62.3 Where a development permit has been issued pursuant to Section 62.1, the Development Authority that may require a security deposit be submitted to the Municipality to ensure that development is carried out in conformity with the approved engineering and construction measures.

63. **Development Setbacks from Highways**

63.1 A minimum building setback of 41.0 m is required from the right-of-way of a primary highway or secondary highway or a municipal road outside of hamlet boundaries.

63.2 In the Rural Service Area, an approach to a primary highway shall be developed to the satisfaction of Alberta Transportation and Utilities, and in the case of an approach to a secondary highway or local road, to municipal engineering standards.

63.3 No development permit shall be issued for a development located within 0.8 km of the centre point of the intersection of two primary highways unless a permit has been issued by Alberta Transportation and Utilities.

64. **Development Surrounding Airports**

64.1 **DELETED (BL 06/030)**

64.2 The following regulations apply to subdivision and development surrounding all other airports which are certified or registered by Transport Canada:

(a) all new proposed uses and development applications proposed to locate within the Fort McMurray Regional Airport, Airport Vicinity Boundary a shown on (MAP C – Fort McMurray Regional Airport Vicinity Boundary), shall be circulated to the Fort McMurray Airport Authority for comment and to ensure that such developments shall not interfere with the safe and efficient operation of the Fort McMurray Regional Airport **(BL 12/011)**

(b) any new development which, in the opinion of the Development Authority may cause dangerous conditions that could interfere with the safe and efficient operation of the airport shall be referred to the Fort McMurray Airport Authority for comments. **(BL 12/011)**

64.3 Development in proximity to the Fort McMurray Airport shall conform to any Federal regulations, including the Federal Zoning Regulations respecting Fort McMurray Airport.

65. **Drive-thru Service**

65.1 Where a drive-thru component is proposed as part of a development, it shall be accessory to the development and may be approved or refused at the discretion of the Development Authority. Typical examples include bank drive-thru automated tellers and fast food windows.

66. **Easements**

66.1 A development permit shall not be issued for a development, other than a fence, that encroaches in or over a utility easement or right-of-way without the written consent of the person whom the easement is registered to or the person whose utility line is located in the easement.

67. **Family Care Dwelling (Garden Suites)**

67.1 A family care dwelling may be permitted on a parcel in the CR – Country Residential, SE – Suburban Estate and HR – Hamlet Residential, districts as a temporary development pursuant to Section 26.5 of this Bylaw.

67.2 An applicant for a development permit for a family care dwelling must be the registered owner of the lot and the occupant of the principal dwelling.

67.3 An applicant for a family care dwelling must provide documentation to the satisfaction of the Development Authority demonstrating the need for the family care dwelling and familial relationship between the occupant of the principal dwelling, and the occupant(s) of the family care dwelling.

67.4 A temporary development permit for a family care dwelling may be issued for up to five years, at which time an application may be made for a continuance of the use.

67.5 The family care unit shall be removed:

(a) once the occupant for whom the dwelling unit was approved ceases to occupy it;

(b) upon the registered owner ceasing to occupy the principal dwelling on the lot.

67.6 A family care dwelling may be permitted at the discretion of the Development Authority if it can be demonstrated that the dwelling would not:

(a) unduly interfere with the amenities of the neighbourhood;

(b) materially interfere with or affect the use and enjoyment of adjacent properties;

(c) result in excess demand on municipal services, utilities and public roadway access.

67.7 Where communal water distribution and sewage collection systems exist, a family care dwelling must be serviced by extending such services from the principal dwelling.

67.8 A family care dwelling shall comply with the Safety Code Act and Alberta Sewage Treatment and Disposal Regulation.

67.9 A family care dwelling is not an accessory building.

67.10 A family care dwelling shall:

(a) not exceed 4.5 m in height and 60.0 m^2 in size;
(b) not be located in the front yard;
(c) maintain a minimum side yard of 1.5 m;
(d) maintain a rear yard of;

(i) 2.0 m; except
(ii) 3.0 m where the family care dwelling has a window opening on the wall facing the rear parcel line;

(e) be setback a minimum of 2.4 m from the principal dwelling and 1.5 m from all other buildings on the same site; and
(f) in combination with the principal dwelling only, shall not result in a site coverage in excess of 45% of the lot area.

68. Fencing and Screening

68.1 Screening in the form of fences, hedges landscaped berms or other means is required along the property lines of all commercial and industrial lots where such lines are coterminous with a residential property. Such screening shall be at least 1.8 m high. Length, height and width of the screening shall be at the discretion of the Development Officer. **(BL 08/001)**

68.2 In all residential land use districts, the maximum height of a fence as measured from grade shall be:

(a) 2.0 m for that portion of the fence which does not extend beyond the most forward portion of the principal building on the lot;
(b) 1.0 m for that portion of the fence which extends beyond the most forward portion of the principal building on the lot;
(c) in the case of corner lots, 0.6 m within the triangular area 7.5 m back of the intersecting front property lines, regardless of whether or not a corner cut has been taken (see Figure 58.1).

69. Home Occupation

69.1 A Home Occupation does not require a development permit provided it meets the following requirements:

(a) occupy no more than 30 percent of the gross floor area of the principal dwelling and shall not occupy any portion of an accessory building on the lot;
(b) no noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the Home Occupation. The privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained at all times.
(c) generate no client or customer pedestrian or vehicular traffic;
(d) be operated solely by the permanent resident(s) of the dwelling unit and employ no outside employees at the residence;

(e) except as permitted by Section 76.2 involve no parking or maintenance of a commercial vehicle on or about the property. **(BL 00/011)**

(f) has no identification sign on or about the property nor any indication that the Home Occupation is located or operated from the property;

(g) sales shall be limited to goods and articles produced on the site and may include the sale of prepackaged goods by distributorship, mail order or telephone sales. Goods may be held on a temporary basis for distribution to customers but no on-site display of goods is permitted;

(h) interior alterations to accommodate the Home Occupation may be allowed as long as such alternations comply with the Safety Codes Act and/or any applicable bylaw;

(i) obtain the necessary business license from the Municipality;

(j) any storage of materials or goods related to the Home Occupation must be located within the principal building. No exterior storage or storage within an accessory building is permitted. **(BL 01/043)**

70. **Home Business**

70.1 A Home Business requires a development permit which may be issued as a temporary use for one (1) year, and which may be renewed annually at the discretion of the Development Authority provided it meets the following requirements:

(BL 00/068)

(a) a home business shall not occupy more than 30 percent of the gross floor area of the principal dwelling plus the area of one accessory building;

(b) no noise, vibration, dust, smoke, odours, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the Home Business. The privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained at all times;

(c) interior or exterior alterations, additions or renovations to accommodate the Home Business may be allowed as long a s such alterations, additions or renovations comply with the Safety Codes Act and/or any applicable bylaws;

(d) all business vehicle trips shall be restricted to:

(i) Monday to Saturday between the hours of 7:00 am to 10:00 pm; and

(ii) Sundays and Statutory Holidays between the hours of 10:00 am an 6:00 pm;

(e) sales shall be limited to goods and articles produced on the site and may include the sale of prepackaged goods by distributorship, mail order or telephone sales. Goods may be held on a temporary basis for distribution to customers but no on-site display of goods is permitted;

(f) obtain the necessary business license from the Municipality;

(g) **DELETED (BL 00/011)**

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(h) notwithstanding the above provisions, a Home Business permit for the purpose of rental of recreational vehicles shall be granted for one year period and renewal for the permit shall be issued on an annual basis. **(BL 00/068)**

70.2 A Home Business located in an urban residential or country residential district shall also meet all the specific performance standards listed below:

(a) Any storage of materials or goods related to the home business must be located within the principal building and accessory building(s)/garage. No exterior storage is permitted;

(b) the Home Business shall be operated by the permanent resident(s) of the principal building, and may employ no more than one (1) non-resident employee on-site;

(c) the Home Business may have up to one (1) commercial vehicle of a maximum size of 7,000 kg G.V.W. used in conjunction with the home business parked and maintained on the site;

(d) the Home Business shall provide at least one (1) on-site parking space in addition to the residential parking spaces provided pursuant to Part 8 of this Bylaw. Parking in the front or side yards is prohibited except on a driveway. Where a commercial vehicle is associated with the business, a separate off-street parking space shall be provided un less the vehicle is also used for non-business personal travel;

(e) demonstrate to the satisfaction of the Development Authority that traffic generated by the Home Business will not significantly impact traffic flow in the neighbourhood;

(f) one (1) non-illuminated sign or plaque shall be permitted on the dwelling. The maximum sign or plaque dimensions are 20 cm by 30.5 cm. No other form of on-site advertising is permitted; and

(g) a Home Business shall not be approved if, in the opinion of the Development Authority, the business is more appropriately located in commercial or industrial district. **(BL 00/011)**

70.3 A Home Business located in a hamlet residential or rural residential district shall also meet all the specific performance standards listed below;

(a) exterior storage of materials and operation of the home business may be permitted if, in the opinion of the Development Authority, there is adequate site coverage to adequately screen the exterior storage and operation area, and to site it behind the principal dwelling;

(b) the Home Business shall be operated by the permanent resident(s) of the principal building, and may employ no more than two (2) non-resident employees on-site;

(c) the Home Business may have up to three (3) commercial vehicles with accessory trailers used in conjunction with the Home Business parked and maintained on the site;

(d) all parking shall be provided on-site. Parking in the front or side yards is prohibited except on a driveway;

(e) demonstrate to the satisfaction of the Development Authority that traffic generated by the Home business will not significantly impact traffic flow in the district; and

(f) one (1) non-illuminated identification sign shall be permitted. The maximum sign size is 0.37 m^2 and the maximum height is 1.2 m. The sign shall advertise the business name only and may be indirectly illuminated.

(g) the display of goods may be approved by the Development Authority on a discretionary basis.

71. Land Farms (Soil Reclamation Sites)

71.1 Subject to the provisions of this Bylaw, land farming is supported for the remediation of non-hazardous oil field waste and soils contaminated by biodegradable petroleum hydrocarbons. They shall not be used for the disposal of hazardous waste materials.

71.2 Land farms are required to locate in areas that:

(a) have soils that are clay-based or of a fine-grain;

(b) are slightly sloped to ease site drainage;

(c) are bermed to prevent runoff to adjacent lands; and

(d) have a minimum separation distance of 1.0 m between the base materials and the highest point of the seasonal high water table.

71.3 Land farm operations are encouraged to locate at existing landfill sites wherever possible.

71.4 Land farm operations are required to comply with the applicable standards of the Alberta Energy and Utilities Board, Alberta Environmental Protection, and the local Regional Health Authority.

72. Landscaping (BL 02/080)

72.1 General Purpose

The intent of these landscaping regulations is to contribute to a reasonable standard of livability and appearance for developments, from the initial placement of the landscaping through to its mature state, provide positive overall image for the Municipality and encourage good environmental stewardship.

72.2 Applicability

(a) The provision of landscaping in accordance with this bylaw shall be a condition of the issuance of a Development Permit for all new developments, in any district in the Urban Service Area, unless specifically modified or excluded in an Area Structure Plan Bylaw.

(b) Landscaping shall be required as a condition of a Development Permit on existing development if the consequence of the proposed work enlarges or increases the intensity of use. This section shall not apply to developments that consist of interior alterations or improvements or change of use that does not alter the building shell.

(c) The landscape plans require approval by a Development Officer as a condition of development permit approval. Any changes to an approved

landscape plan require the approval of a Development Officer prior to the landscaping being installed.

(d) The provision of site landscaping is a permanent obligation of a Development Permit, shall be installed in accordance to the approved landscape plan and shall be maintained in accordance with accepted horticultural practices.

72.3 Landscape Plan and Content

(a) Every application for development, listed in subsection 72.2, except individual Manufactured Homes, Single Detached Dwellings, Semi-detached Dwellings and Duplexes, shall include landscape plans for the site proposed for development as well as all adjacent boulevards, drawn at a scale of 1:500 or larger, which clearly indicates and accurately identifies the following:

(i) north arrow; the property lines, dimensions of the site and identification of adjacent land uses;

(ii) adjacent public area features, such as streets, lanes, driveways, vehicular entrances, sidewalks, street furniture and boulevard trees;

(iii) overheard, surface and underground utilities, limits of easements and adjacent PUL or MR sites;

(iv) outlines of all existing and proposed structures including the building footprints at grade, location and type of underground structures and overhangs within the first two storeys;

(v) all physical features, existing or proposed, including but not limited to building entrances, porches, decks, walkways, other hard surfacing or hard landscape features, parking areas, curbs, lighting, fencing, walls, screens, planning beds, recreation facilities and garbage collection areas, Materials, colours and patterns shall be included;

(vi) existing and final site grading, including the established lot boundaries, elevations, berming shown in half metre contours, direction of site drainage, proposed catch basins rim elevation, top and bottom of retaining wall elevations and existing elevations of plant material to be retained;

(vii) the height and material of all fencing, screening and walls;

(viii) existing trees and shrubs labeled by common name, botanical name, size and condition of health. The sizes shall be graphically illustrated by the spread or canopy. In addition, the caliper of tree trunks shall be identified. The landscape plan shall graphically illustrate the spread of trees to be removed or relocated by the proposed construction;

(ix) proposed trees, shrubs, flower bed and ground covers labeled with a key to a cross-referenced plant list identifying the common and botanical names, quantity, size and method of planting, grass mix for sod and/or seed;

(x) the method of watering the proposed landscaping; and
(xi) detailed landscape installation notes to Contractor.
(xii) A Development Officer may consider an application for a Development Permit that does not provide all the information required by subsection 72.3(a) if, in the opinion of a Development Officer the information provided is sufficient to show that the landscaping provisions of the bylaw shall be met.

72.4 Letter of Credit

(a) As a condition of a Development Permit approval, a guaranteed security, from the property Developer/Owner to ensure that the landscaping is provided and installed in accordance to recognized horticultural practices. The following forms of security are acceptable:

(i) cash to the value equal to 100% of the landscaping cost; or
(ii) an irrevocable and automatically renewable Letter of Credit in the amount of 100% of the landscaping cost.

(b) The projected cost of the landscaping shall be calculated by the Developer/Owner and shall be based on the information proved on the approved landscape plan. If, in the reasonable opinion of the Development Officer, these projected costs are inadequate, the Development Officer may establish a higher landscaping cost for the purposes of determining the value of the landscaping security.

(c) Where development on a site is approved in phases, the landscape security need only to be provided on that portion of the site to be approved in each phase plus the amount required to minimally landscape the balance of the site should future development not proceed in a timely fashion. Landscape security shall be required in subsequent phases on the remainder of the site at the time these phases are approved for development.

(d) If cash is offered as the landscape security, it shall be held by the Municipality, without interest payable, until, by confirmation through inspection by a Development Officer, the landscaping has been installed and is successfully growing.

(e) Partial refund or an amended Letter of Credit to reduce the security may be considered upon receipt of a written request by the Developer/Owner, at the sole discretion of a Development Officer when any of the following events occur:

(i) the required landscape has been properly installed;
(ii) the required landscaping has been well maintained and is in a healthy condition after a minimum of sixty (60) days.

(f) In the event that the Developer/Owner does not complete the required landscaping or fails to maintain the landscaping in a healthy condition for the specified period of time, and the cash or the proceeds from the Letter of Credit are insufficient for the Municipality to complete the required work, should it elect to do so, then the Developer/Owner shall pay such deficiency to the Municipality immediately upon being invoiced. The Municipality shall provide an accounting to the Developer/Owner

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indicating how the proceeds of the Letter of Credit were applied, within sixty (60) days of completing or maintaining the landscaping.

(g) Upon receipt of a written request from the parties involved in the development, including but not limited to the property Developer/Owner, Condominium Association or the Issuer of the Letter of Credit, an inspection of the finished landscaping may be scheduled by a Development Officer. A Letter of Landscape Compliance shall accompany the formal request for inspection. Inspection shall only be made during the normal growing season, approximately May 15 through October 15. All reasonable efforts shall be made by a Development Officer to perform the inspection within ten (10) days of receipt of the inspection request.

(h) Upon approval of the landscape development by a Development Officer, the Letter of Credit shall be fully released if the required landscaping has been well maintained and is in healthy condition after a minimum of sixty (60) days.

72.5 General Requirements

(a) Where landscaping is required by this bylaw, no development shall be commenced unless:

(i) Development Officer has approved the landscape plans; and

(ii) the required security for the landscaping pursuant to subsection 72.4 has been submitted to the satisfaction of a Development Officer.

(b) Any landscaping between the property line and the existing curb must be incorporated into the landscape plans and shall be landscaped concurrently with the development to the standards required in this bylaw.

(c) The Developer/Owner of a parcel abutting a boulevard shall landscape and maintain the boulevard abutting the parcel by grading, placing topsoil, seeding or performing other work that may be necessary to establish and maintain a turf boulevard, including weed control, with all landscape and maintenance of the boulevard being entirely at the Developer's/Owner's expense.

(d) At the discretion of a Development Officer, the boulevard area may be used in the partial fulfillment of the landscape requirements.

(e) As a condition of a Development Permit, all required landscaping and planting shall be carried out to the satisfaction of a Development Officer within one (1) year from the date of building occupancy or within two (2) years from the date of Development Permit issuance, whichever is sooner.

(f) All that portion of a site area not occupied by buildings, parking areas, on site circulation or designated storage areas shall be landscaped. At the discretion of a Development Officer, an industrial site which is not visible from a public roadway, and does not abut either a commercial or residential district may be exempt from this requirement.

(g) A Development Officer may require landscaping of areas within a site that are intended for future development if, in the opinion of a Development Officer, the lack of landscaping creates a potential negative visual impact,

given the visibility of these areas from adjacent properties and public roadways.

(h) Trees and shrubs shall be providing in accordance with subsection 72.6:

(i) for Multi-Family Residential developments, the number of trees and shrubs provided shall be determined on the basis of the following:

(A) one tree for each 35 m^2 and one shrub for each 25 m^2 of any required yard; and

(B) planting as per subsection 72.7 in the parking areas.

(ii) For Non-Residential development, the number of trees and shrubs provided shall be determined on the basis of the following:

(A) one tree and one shrub for each 25 m^2 of any required yard;

(B) planting as per subsection 72.7 in the parking areas; and

(C) should the landscaping be used as a visual screen or for noise attenuation measures the amount of landscaping may be increased under these special conditions.

(i) Existing natural landscaping retained on site may be considered as part of the landscape requirement, with prior written approval of a Development Officer, if the vegetation is deemed appropriate and is properly protected during construction.

(j) All landscaped areas shall be designed and constructed to facilitate effective surface drainage.

(k) Notwithstanding any provisions of this Section, landscaping shall conform to the Corner Lot Restrictions in Section 58 of this Bylaw.

72.6 Specifications for Plant Material

(a) All plants used shall be suitable for the specific application and shall be hardy to this region and to the actual site conditions. The most current edition of the Alberta Horticultural Guide shall be used as a reference.

(b) All plant material shall meet the horticultural standards of the most current edition of the "Guide Specifications for Nursery Stock", produced by the Canadian Nursery Trade Association.

(c) Trees required for a landscaped area shall meet the following standards at the time of planting:

(i) deciduous trees shall have a minimum caliper width of 50 mm measured from 100 mm above the root ball;

(ii) coniferous trees shall be at least 1.8 m high;

(iii) deciduous shrubs shall be at least 600 mm high;

(iv) coniferous shrubs shall be at least 600 mm high or wide.

(d) A landscape proposal with alternate plant material sizes in combination with increased quantities may be considered, if in the opinion of a Development Officer, the proposal will fulfill the overall intent of the landscape provisions of this bylaw.

(e) Where a tree does not survive, the Developer/Owner must replace it with a tree of similar type and size.

(f) In the event that plant material required in an approved development is inappropriate or fails to survive, a Development Officer may allow or require alternate materials to be submitted.

(g) All shrub material shall be planted in beds to reduce maintenance. The shrub beds shall have an appropriate ground cover (mulch, bark chips, pea gravel). The provision of this is intended to reduce maintenance (helps with the retention of moisture). An appropriate minimum depth for ground cover is 100 mm.

(h) Minimum topsoil depth shall be as follows: 100 mm for sodded areas, 150 mm for seeded areas and 450 mm for planting beds. The Municipality reserves the right to request soil test results should the topsoil be of questionable nature.

72.7 Landscaping Requirements for Parking Areas

(a) A parking area having eight or more parking spaces and which is visible from an adjacent site in a residential district, park, or is visible from a public roadway other than a lane, shall be fenced or have screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscape plan approved by a Development Officer.

(b) An at-grade, off-street parking lot sized to accommodate 25 or more vehicles shall provide dispersed landscaped areas within the interior of the parking area(s) to provide visual relief and break up large areas of parking into smaller cells. The landscaping treatment shall be in the form of:

(i) landscaped islands;
(ii) tree lines separating facing rows of parking stalls; or
(iii) some combination of forms.

(c) Off-street parking shall be separated from a public street by a landscape area of at least 1.2 m as measured from the outside edge of the parking lot curb to the edge of the public road right of way and 1.5 m from all other property lines with the exception of C-5 and all districts which abut to a residential district, in which case they shall conform to Section 130.5.3.

(d) Trees/shrubbery required, shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

(e) All landscaping shall be protected from parking and traffic circulation areas, by concrete curbs or other approved barriers having a minimum height of 150 mm or separated from the street or parking area by a curbed sidewalk.

(f) A landscape island must be designed to protect plant material from damage, and finished with tree grates, ground cover vegetation, or hard landscaping.

(g) In addition to trees required under Section 72.5 (g), one tree for every 5 stalls shall be provided for parking lots with 25 or more stalls.

(h) The ratio of trees to parking stalls required under subsection (g) above may be reduced by a Development Officer where site conditions, including but not limited to location, size, sight lines and climatic factors, warrant a lesser ratio.

72.8 Landscaping for Residential Districts

(a) The Developer/Owner of the property shall be responsible for the placement and proper maintenance of landscaping on the site. A Development Officer may require as a condition of development permit approval that the Developer/Owner provide a guaranteed security in accordance with the provisions of subsection 72.5 of this bylaw.

(b) All yards and boulevards adjacent to a public roadway, other than a lane, shall be seeded or sodded within 12 consecutive months of the occupancy of the development. Alternate forms of soft landscaping may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens.

(c) The tree and shrub planting requirements of subsection 72.5 (g) shall not apply to Manufactured Homes, Single Detached Dwellings, Semi-detached Dwellings, or Duplexes housing types.

(d) All multi-family developments shall have a designated garbage storage area within the proposed project. Garbage and waste material shall be stored in weather proof and animal proof containers. Garbage bins and other materials shall be visually screened from all adjacent lots and public thoroughfares as well as internal units.

72.9 Landscaping for Commercial and Urban Industrial Districts

(a) A minimum of 10% of the site shall be landscaped except in the C-5 district where 100% site coverage for the building is permissible.

(b) Hard-surfaced areas such as walkways and plazas shall be enhanced with landscaping at the discretion of a Development Officer. Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalk or walkways to connect with public sidewalks and walkways adjacent to roadways or within right of ways abutting the site.

(c) All planting shall be installed to the finished grade. Where, in the opinion of a Development Officer, this is not practical, planters may be used. Such planters shall be of adequate design, having sufficient soil capacity and insulation to promote healthy growth.

(d) All boulevards adjacent to the development site shall be seeded or sodded excepting those ditch areas required for drainage, where suitable surface treatment shall be applied. Any surface treatment other than grass or tree planting on the boulevards shall receive prior approval.

(e) Where a landscaped area is required adjacent to a boulevard, the tree species and planting shall be similar to, or complement, the existing boulevard trees.

(f) Any permitted, outside storage of goods, material or equipment shall be kept in a clean and orderly condition at all times and shall be screened by

means of a fence or landscaping from the public thoroughfare and adjacent residential areas.

(g) Any trash collection area, open storage area or outdoor service area, including any loading or unloading or vehicular service area that is visible from an adjoining site in a Residential or Commercial District or from a public roadway other than a lane, shall be screened to minimize visual impact. The location, thickness and height of such screen planting at maturity shall, in conjunction with a change in grade or other natural or man-made features, be sufficient to minimize visual impact from any Residential or Commercial District from the public roadway. Such screen planting shall be maintained to provide effective screen from the ground to a height of 2.0 m. If, in the opinion of a Development Officer, screen planting cannot be reasonably expected to survive, earth berming, masonry walls, wood fencing or man-made features may be permitted as a substitution.

(h) If the height of materials in an outdoor storage area would limit the effectiveness of the screen planting required by subsection 72.5, a fence, wall, earth berm, or a combination thereof may be substituted, subject to the approval of a Development Officer.

(i) Garbage and waste materials shall be stored in weather proof and animal proof containers. Garbage bins and other materials shall be visually screened from all adjacent lots and public thoroughfares.

(j) The landscape buffer between residential and commercial or industrial areas shall be a minimum of 3.0 meters unless otherwise approved by a Development Officer. The landscape buffers:

(i) shall include a mix of deciduous and coniferous trees with at least 60% of these trees being coniferous;
(ii) shall include trees which are at least 6 m high at maturity; and
(iii) may include shrubs in addition to trees provided that the shrubs are at least 2.0 m high in maturity.

(k) In addition to general landscape requirements a Development Officer may require that a fence or combination of a fence and soft landscaping be provided to a minimum height of 1.8 m where a commercial/industrial site abuts a residential district, a public street or a lane separating the site from a residential district.

(l) Where perimeter landscaping is required in commercial and industrial districts along a public roadway (other than a lane) or adjacent to a public use district, the landscaped area:

(i) shall be at least 6.0 m wide;
(ii) in the case of deciduous trees, shall be planted at regular intervals;
(iii) in the case of coniferous trees, shall be planted in clusters;
(iv) trees must be at least 2.0 m from the property line;
(v) trees must be at least 6.0 m high at maturity.

(m) Where landscaping along a blank wall is required in commercial and industrial districts along a public roadway (other than a lane) or adjacent to a public use district, the landscape area:

(i) in the case of deciduous trees, shall be planted at regular intervals;
(ii) in the case of coniferous trees, shall be planted in clusters;
(iii) trees must be at least 6.0 m high at maturity;
(iv) shrubs may be planted between the trees provided they are at least 2.0 m high at maturity.

(n) No existing landscaping shall be removed from a Commercial site without prior written permission of the Municipality. The written request to remove existing plant material shall be accompanied by a strategy or plan illustrating how the aesthetics of the site are either improved or maintained.

(o) A Developer may be permitted to provide money in lieu of landscaping to provide landscaping on adjacent public property where there are physical impediments to landscaping on site or where off site landscaping would benefit the Municipality. Agreement to this is at the sole discretion of a Development Officer.

73. **Lighting**

73.1 Outdoor lighting shall be located so that rays of light:

(a) are not directed at an adjacent site;
(b) do not adversely affect an adjacent site;
(c) do not adversely affect traffic safety.

74. **Lot Grading and Drainage**

74.1 The Development Authority may require, as a condition of a development permit, that a developer submit a lot grading plan to the Municipality for approval.

74.2 Grading of a lot associated with an approved development shall conform to the lot grading plan approved by the Municipality.

74.3 If a person alters the approved lot drainage on a site so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighbouring properties.

74.4 Any retaining wall over 1.0 m in height must be designed and inspected after construction by a professional engineer. The land owner shall provide to the municipality the design and inspection report, both bearing the seal and signature of a professional engineer.

75. **Number of Dwelling Units on a Parcel**

75.1 The number of dwelling units permitted on a parcel shall be one.

75.2 Notwithstanding Section 75.1, a second or additional dwelling unit(s) on a parcel shall be permitted if such unit(s) is:

(a) contained in a building designed for, or divided into, two or more dwelling units and is located in a land use district which permits multiple units;

(b) a manufactured home forming part of a manufactured home park or project accommodation for which a development permit has been issued; **(BL 06/001)**

(c) a building as defined in the Condominium Property Act that is the subject of an approved condominium plan registered with Alberta Registries;

(d) a Family Care Dwelling (garden suite) pursuant to Section 67 of this Bylaw;

(e) **DELETED (BL 00/011)**

75.3 Additional dwelling units may be permitted in the Rural District at the discretion of the Development Authority if it can be demonstrated that the unit(s) would not:

(a) unduly interfere with the amenities of the neighbourhood;

(b) materially interfere with or affect the use and enjoyment of adjacent properties;

(c) adversely impact the environment;

(d) result in excess demand on municipal services, utilities and public roadway access.

75.4 Notwithstanding Section 75.1, a second or additional dwelling unit on a parcel may be permitted if such unit is on a lot greater than 1.0 ha in size in Country Residential, Hamlet Residential or Rural District subject to the regulations contained in that district. **(BL 00/011)**

75.5 Each apartment building with fifty (50) or more dwelling units shall have at least one barrier free suite for use by disabled persons. **(BL 00/011)**

76. Objects Prohibited or Restricted in Yards

76.1 No person shall keep or permit in any yard in any district any object or chattel which, in the opinion of the Development Authority is unsafe, unsightly or adversely affects the amenities of the district. This includes, but shall not be limited to, dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, and diesel fuel and gasoline products. **(BL 08/001)**

76.2 Except as otherwise permitted under Section 76 of this Bylaw, no motor vehicle other than a passenger vehicle, recreational vehicle and/or one (1) commercial vehicle having a gross vehicle weight (G.V.W.) of more than 3,000 kg G.V.W. but less than 7,000 kg, G.V.W. shall be parked on a site in a residential district for longer than is necessary for loading or unloading.

76.3 Only one recreational vehicle or utility trailer may be kept on a residential lot in the urban service area provide it meets the rear and front yard setback requirements for accessory buildings in that district unless the recreational vehicle or utility trainer is less than 2.0 m in height, then the required setback is 0.0 m. **(BL 08/001)**

76.4 On a residential site in an urban residential district, the recreational vehicle or utility trailer, may be parked in the front yard or, in the case of a corner lot, in the flanking side yard, as long as the following requirements are met: **(BL 08/001)**

(a) the most forward part of the body of the recreational vehicle or utility trailer shall be set back at least 1.5 m from the interior edge of the

sidewalk, or where no sidewalk exists, 1.5 m from the interior edge of the curb;

(b) notwithstanding subsection (a) above, a 5th wheel recreational vehicle shall be set back at least 0.5 m from the interior edge of the sidewalk, or where no sidewalk exists, 1.5 m from the interior edge of the curb;

(c) the hitch of the recreational vehicle or utility trailer shall not encroach over the interior edge of the sidewalk, or where no sidewalk exists shall be set back at least 0.5 m from the interior edge of the curb;

(d) the recreational vehicle or utility trailer shall be set back a minimum of 1.0 m from a side or rear property line;

(e) the recreational vehicle or utility trailer shall be parked on an approved paved, concrete or gravel driveway; and

76.5 Where the manner in which an RV is parked creates a safety or liability issue, or a complaint is received from an impacted property, and the RV does not meet the requirements of Section 76.4, above, a development permit is required and may be issued at the discretion of the Development Officer on a case-by-case basis having regard for the characteristics of the site and adjacent sites.

76.6 No occupant of a principal dwelling in a residential district shall permit a recreational vehicle to be used on their lot for living and sleeping accommodation for longer than a two week period per calendar year. **(BL 08/001)**

76.61 Subsections 76.3, 76.4(e) and 76.6 do not apply to Recreational Vehicles during the Post-Wildfire Recovery Period. **(BL 16/012)**

76.62 Subject to subsection 76.63, during the Post Wildfire Recovery Period:

(a) one Recreational Vehicle may remain parked on residential lot in the Urban Service Area and used as a residence;

(b) no more than two Recreational Vehicles may remain parked on a residential lot in the Rural Service Area and used as residences. **(BL 16/012)**

76.63 A Development Officer may require a Recreational Vehicle parked on a residential lot pursuant to subsection 76.62 to be removed from the lot or relocated within the lot if in the opinion of the Development Officer:

(a) the size of a Recreational Vehicle;

(b) the location of a Recreational Vehicle on a lot;

(c) the cumulative impact of the number of Recreational Vehicles on a lot; or

(d) lack of availability of utility services to a Recreational Vehicle creates a material risk to the health or safety of any person. **(BL 16/012)**

76.7 No livestock, fowl, or fur-bearing animals, other than domestic pets, shall be permitted in any residential districts, except for horses, donkeys, goats, llamas, alpacas, and other similar animals, kept as pets and/ or for personal enjoyment, at Saprae Creek, Conklin, Janvier and Anzac, whereby parcels greater than 0.809 ha are permitted a maximum of (3) horses, conditional upon the horses being confined within a fence constructed to the satisfaction of the Development Officer. **(BL 00/011, BL 01/043)**

76.8 Notwithstanding section 76.7, on residential lots in the hamlets of Conklin and Janvier, the keeping of animals, including livestock, is permitted at the discretion of the Development Authority in accordance with the provisions for Intensive Agriculture contained in Section 116.6 of this Bylaw.

76.9 Notwithstanding Section 76.1, on hamlet residential lots in the Hamlets of Conklin and Janvier up to two (2) dismantled or wrecked vehicles may be stored in a rear yard provided that the vehicles are, in the opinion of the Development Officer, adequately screened from view and are not unsafe.

76.10 A motor vehicle shall not be parked in a front yard except on an approved driveway. **(BL 01/043)**

77. Oil Sands Mining, Extraction and Upgrading

77.1 The provision of any land use district and any other provisions of Part 5 – General Regulations do not apply to Oil Sands Mining, Extraction and Upgrading developments. The Development Officer may impose conditions not inconsistent with the Alberta Energy and Utilities Board approval.

77.2 Any permit application for associated industrial infrastructure shall be accompanied by:

(a) the disposition area: and
(b) the proposed location of the facility

77.3 An applicant for a development permit for this use shall not be issued a development permit until evidence in writing satisfactory to the Development Authority is provided that the applicant holds a current license, permit, approval or other authorization granted by the Alberta Energy and Utilities Board ("AEUB") and that the applicant holds any and all other licenses, permits approvals or other authorizations required by any applicable federal, provincial, or municipal law or regulation.

Subject to receipt of the information described in the preceding paragraph, the Development Officer shall approve the application to the extent that it complies with the license, permit, approval or other authorization of the AEUB in accordance with the provisions of section 619 of the *Municipal Government Act*, S.A. 1994, c. M-26.1, as amended.

78. Oil Sands Pilot Projects

78.1 The provision of any land use district and any other provisions of Part 5 – General Regulations do not apply to Oil Sands Pilot Projects. The Development Officer may impose conditions.

78.2 Any permit application for associated industrial infrastructure shall be accompanied by:

(a) the disposition area; and
(b) the proposed location of the facility

78.3 An applicant for a development permit for this use shall not be issued a development permit until evidence in writing satisfactory to the Development Authority is provided that the applicant holds a current license, permit, approval or other authorization granted by the Alberta Energy and Utilities Board ("AEUB")

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and that the applicant holds any and all other licenses, permits, approvals or other authorizations required by any applicable federal, provincial or municipal law or regulation.

78.4 Subject to receipt of the information described in the preceding paragraph, the Development Officer shall approve the application to the extent that it complies with the license, permit, approval or other authorization of the AEUB in accordance with the provisions of section 619 of the *Municipal Government Act*, S.A. 1994, C. M-26.1, as amended.

79. **Parking and Loading Facilities**

79.1 All developments shall provide parking and loading spaces in conformity with Part 7 of this Bylaw.

80. **Permitted Encroachments**

80.1 The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted:

(a) Front yard:

(i) 2.0 m for balconies;
(ii) 1.0 m for cantilevers, eaves, gutters, landings, window sills, steps and stairs and verandahs.

(b) Rear Yard:

(i) 2.0 m for balconies;
(ii) 1.0 m for boxouts, cantilevers, eaves, gutters, landings, window sills, steps and stairs and verandahs.

(c) Side Yard (interior):

(i) 0.6m for boxouts (maximum width of 2m), eaves, gutters, landings, window sills, steps and stairs and verandahs.

(d) Side Yard (exterior);

(i) 0.9 m for landings;
(ii) 0.6 m for boxouts (maximum width of 2m), cantilevers, eaves, gutters, landings, window sills and steps and stairs.

(BL 04/012, 08/001)

80.2 In a zero lot line situation such as townhouses, balconies and decks may be extended to the lot line/common wall, provide that the common wall is extended for separation/privacy.

80.3 No encroachment will be permitted if, in the opinion of the Development Authority, it may interfere with a loading space, parking area, driveway, pedestrian circulation and/or other vehicle circulation or access. **(BL 08/001)**

80.4 No portion of the building foundation is permitted to encroach into a minimum required setback, unless through variance powers being granted, unless it is an underground parking structure which is completely underground as per section 133.3. **(BL 04/012)**

80.5 No encroachments will be permitted into the 2.7 m side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished

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grade to the lowest point of the projection encroachment is maintained. **(BL 04/012)**

80.6 The encroachment length limitations are as follows:

(a) The individual encroachment maximum length shall not exceed 3.1 m;

(b) The sum of all encroachments maximum length shall not exceed 1/3 of the length of the building wall (not including the garage walls). This does not apply to the front or rear yards. **(BL 04/012)**

81. **DELETED (BL 07/034)**

82. **Relocation of Buildings**

82.1 Except as otherwise provided for in this Bylaw, no person shall relocate a building or structure, or portion thereof, onto a site without first obtaining a development permit for the relocated building or structure. The relocated building or structure shall comply with the appropriate district regulations.

82.2 Excepting a manufactured home, modular home, or portable accessory building, a relocated building or structure shall be considered a Discretionary Use – Development Officer in all residential districts. A relocated building or structure in any other district shall be considered a Discretionary Use – Planning Commission.

82.3 Any renovations or improvements required to ensure that the relocated building or structure complies with this bylaw shall be listed as conditions of the development permit, and such conditions shall be met within one year of the relocation.

82.4 Where a development permit has been issued pursuant to Section 82 of this Bylaw, the Development Authority may be as a condition of the development permit require the developer to provide a security deposit for any maintenance, repairs or improvements associated with the building relocation, or for repair of roads, sidewalks, boulevards that may be caused by the relocation.

83. **Removal of Top Soil**

83.1 Except as provided for under Section 20.1(i) the removal of top soil required a development permit.

84. **Satellite Dish and Amateur Radio Antennas**

84.1 All satellite dish and amateur radio antennas shall be located on the same site as the intended signal user.

84.2 No satellite dish antenna which is accessory to the principal use of a site shall be located in, or encroach onto, a front or side yard in any residential district.

84.3 A satellite dish antenna larger than 1.0 m in diameter shall not be located on a roof top except for apartment buildings or greater in height and buildings in non-residential districts.

84.4 Where any portion of a satellite dish antenna is more than 3.0 m above grade, it shall be screened and located to the satisfaction of the Development Authority.

84.5 Location restrictions for satellite dish antennas may be waived where the applicant can demonstrate, to the satisfaction of the Development Authority that compliance would interfere with signal reception.

84.6 Except in the Rural District, an applicant for a development permit for an amateur radio antenna shall notify and provide comments of all landowners located within 75.0 m from the boundary property.

84.7 An amateur radio antenna shall conform to the site regulations respecting accessory buildings and uses as per section 50 of this Bylaw.

84.8 The maximum height of an amateur radio antenna in urban and hamlet residential districts shall be 19.0 m.

84.9 Antennas shall not be illuminated unless required by Transport Canada regulations, and except for a manufacturer's logo shall not exhibit or display any advertising.

85. Security Suite

85.1 A security suite in an urban district shall only be permitted as an accessory use to a warehouse use or storage use.

85.2 Only one (1) security suite shall be permitted per lot in a Plan of Subdivision. In a Plan of Condominium only one (1) security suite shall be permitted per Plan of Condominium.

85.3 The maximum floor area of a security suite shall not exceed 70.0 m^2.

85.4 In addition to the number of parking stalls required for the principal use under Part 7 of this Bylaw, one additional parking stall shall be provided for the security suite.

85.5 A minimum of 6.0 m^2 of private amenity space shall be provided for the resident of the security suite.

85.6 A security suite may be located in a manufactured home but shall not be located in a recreational vehicle.

86. Subdivision of Land

86.1 Where an application for a development permit involves a subdivision of land, no permit will be issued until a subdivision for the land has been registered.

86.2 The subdivision of an existing lot in an R1E district lot shall not be approved if the subdivision results in a lot that is smaller than the smallest lot created by the original subdivision without prior adoption of an Area Redevelopment Plan that includes the lot that is proposed to be subdivided.

87. Project Accommodation (BL 06/001)

87.1 Notwithstanding section 20.1 (s), all project accommodations that are an accessory use to industrial or resource development require a development permit.

87.2 A development permit for a temporary project accommodation may be issued for up to one (1) year, at which time an application may be made for continuance of the use for one (1) additional year, after which a new development permit approval is required. **(BL 04/012)**

87.3 An application for a development permit for a project accommodation must provide the following information:

(a) the location, type and purpose of the camp;

(b) adjacent land uses;

(c) the method of supplying water, and sewage and waste disposal to the camp. The proposed method of sewage disposal must comply with the Alberta

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Private Sewage Treatment and Disposal Regulation and be to the satisfaction of the Regional Health Authority;

(d) the number of persons proposed to live in the camp;

(e) the MLL (miscellaneous lease) number issued by Alberta Environment Protection;

(f) the start date for development, date of occupancy by residents, and removal date for the camp; and

(g) reclamation measures once the camp is no longer needed, at the discretion of the Development Authority **(BL 08/011)**.

87.4 Hamlet boundaries Project Accommodation must: **(BL 06/001, BL 08/001)**

(a) be linked to a specific project for which a valid and current Development Permit has been issued and;

(i) be located on Lots 1-3, Block 1, Plan 1987TR within the Urban Service Area;

(ii) be located outside of the hamlet boundaries in the Rural Service Area; and

(iii) can only accommodate workers for this project;

(iv) accommodated workers may only work on this project; and

(v) be located on the same site as the project;

(BL 08/001, BL 09/005)

(b) be able to accommodate a minimum of twenty (20) persons and maximum of three hundred (300) persons;

(c) be secured by the installation of appropriate fencing around the project accommodation and onsite security staff;

(d) provide adequate on-site parking for private vehicles to the same standards of a Hotel/Motel;

(e) be removed from the site when the project is completed;

(f) post security with the Municipality of Wood Buffalo sufficient to remove and/or reclaim the site if the project accommodation remains on site after the project is either completed or if work has stopped to the extent that the Municipality no longer feels the project accommodation is necessary to the project, or to reclaim the site if needed after the project accommodation has been removed from the site;

(g) and be separated from adjacent land uses.

87.5 **DELETED (BL 06/001, BL 09/005)**

87A. **DELETED (BL 16/014)**

88. **Separation Distance Between Multi-Family Residential Dwelling Units on the Same Lot or Site (BL 01/043)**

88.1 In the case of multi-family residential buildings adjacent to each other on the same lot or site, the following required separation spaces shall apply:

(a) in addition to the required setback provisions in any district, the minimum required distance between residential dwelling units on the same lot or site shall be:

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(i) in front of a Principal Living Room Window a separation space with a minimum depth of 9.0 m shall be provided;
(ii) in front of a Habitable Room Window other that a Principal Living Room Window, a separation space with a minimum depth of 6.0 m shall be provided; and
(iii) in front of a Non-Habitable Room Window, an Entry or a Blank Wall, a separation space with a minimum depth of 3.0 m shall be provided.

(BL 01/043)

89. **Non Standard Garage Door Locations for an Attached Garage**

89.1 Where a garage door entrance on an attached garage is facing the side or rear property lines it must:

(a) have sufficient room for accessing and exiting the garage; and
(b) there is no negative impact on the adjacent property.

(BL 04/012)

90. **Campground (BL 07/034)**

A campground shall be developed to the satisfaction of the Development Authority and include the following:

90.1 General Requirements

(a) Campgrounds shall operate in accordance with section 76.1 of Part 5 (General Regulations).
(b) Manufactured and modular homes are not permitted in a campground except as provided in section 90.1 (h) (ii) of this Regulation.
(c) Only commercially designed and manufactured skirting is permitted on recreational vehicles.
(d) Recreational vehicles are only permitted in recreational vehicle stalls.
(e) Campground design and maintenance shall comply with Wildland/Urban Interface recommendations provided in the Province of Alberta FireSmart Manual.
(f) Animal proof garbage cans shall be provided throughout the campground.
(g) Campground Layout

(i) The layout shall promote the conservation and management of habitat, wetlands and steep slopes.
(ii) The layout shall take advantage of existing clearing and open areas.
(iii) The layout shall maintain and promote natural systems connectivity.
(iv) A minimum thirty (30 m) metre natural/landscaped defensible space buffer must be provided and maintained to the satisfaction of the RMWB Emergency Services Department. The Applicant in its submission shall identify and provide justification for any deviations or non-conformance to the standards sought by the Applicant.

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(v) Amenity Space:

(A) A minimum of five (5%) percent of the total area of the campground shall be set aside in locations suitable as amenity spaces.

(B) Tent camping is not permitted in Amenity Spaces

(C) A communal fire pit and cook hut, benches and picnic tables shall be provided in the Amenity Spaces.

(D) For campgrounds consisting of more than ten (10) recreational vehicle stalls a play structure shall be provided in the Amenity Spaces.

(vi) Pedestrian circulation routes to public facilities and major recreational activity areas must be provided. Walking trails shall be provided as alternatives to the main campground road.

(vii) Recreational Vehicle Stall requirements:

(A) Minimum stall size: Width – 6.0 metres Length – 16.0 metres.

(B) Minimum natural/landscaped buffer between stalls: 4 metres.

(C) Stalls proposed for year-round use shall be hard surfaced.

(D) Site amenities for each stall must be include a cleared 4.0 metres x 4.0 metres minimum activity pad and picnic table in addition to the stall.

(viii) Fences and Stall Boundaries:

(A) Fences shall be uniform in design and maintained in a safe and attractive condition by the park operator throughout the site.

(B) All stall boundaries shall be visible and clearly defined on the ground by permanent flush stakes or makers, with a stall number.

(C) Campgrounds consisting of more than twenty (20) recreational vehicle stalls must contain a permanent stall location map at the entrance to the campground.

(ix) Transportation:

(A) All roads provided within the campground shall be developed to RMWB Engineering Standards designated for the rural area.

(B) Roadways proposed for year-round use shall be hard surfaced.

(C) Municipal roads leading to a campground must be brought by the applicant to a condition capable of sustaining the volume and type of traffic to be generated by the proposed campground.

(D) Campgrounds proposed to be open year-round shall maintain roadways year-round.

(E) Street lighting shall be provided in accordance with Section 73.1 of Part 5 (General Regulations).

(F) Regulatory signature must be installed to RMWB Engineering Standards.

(x) Parking Requirements:

(A) A minimum one (1) parking stall per recreational vehicle stall.

(B) A minimum one (1) visitor parking stall per ten (10) recreational vehicle stalls must be provided in centralized locations.

(C) Parking stalls proposed for year-round use shall be hard surfaced.

(D) Parking stalls must be developed in accordance with Part 7 (Parking and Loading Requirements).

(xi) Utility Services Requirements:

(A) Sewage disposal systems, potable water holding tanks, and electrical servicing shall meet all relevant provincial and federal regulations.

(B) Utility and telecommunication services shall be located below ground.

(C) A winterized sewage disposal facility (dump station) shall be provided that is easily accessible and separated from the recreational vehicle stalls and amenity spaces.

(D) Electrical services shall be provided in all recreational vehicle stalls and be minimum 30 amperes service.

(E) Potable water shall be provided in all recreational vehicle stalls and in centralized locations and meet RMWB Engineering Standards.

(F) Sanitary sewage collection shall be provided in all recreational vehicle stalls and meet RMWB Engineering Standards.

(G) Washroom facilities shall be provided in centralized locations.

(H) Campgrounds proposed to be open year-round shall provide laundry and shower facilities in centralized location.

(xii) Notwithstanding anything in Section 90.1 (g)(xi),

(A) The applicant shall, in its submission, identify and provide justification for any deviations or non-conformances sought in the application of the RMWB Engineering Standards.

(B) Utility services may be adjoining in order to maximize site servicing efficiencies.

(h) Safety

(i) Campgrounds shall develop a fire safety plan and have fire preparedness equipment in place to the satisfaction of the RMWB Emergency Services Department.

(ii) A Security Residence is required for any Campground containing more than fifty (50) Recreational Vehicle stalls and must be located at the main entrance to the Campground.

(i) Accessory Developments

(i) The location, design standards and site requirements of any developments, uses and services such as decks, recreational buildings, equipment storage facilities, fire pits, cook shacks, fire wood storage and any other similar uses or services that may be associated with or required within a campground may be approved at the discretion of the Development Authority.

(j) A Development Completion Certificate is required for a Campground prior to occupancy.

(k) Project Accommodation using Recreational Vehicles as the residential complex is not permitted within the boundaries of the Urban Service Area and Rural Hamlet

(l) Permits

All permits issued for a Campground shall expire three (3) years after approval at which time a new application shall be submitted if the development is to remain in operation.

(BL 07/034)

91. **Design Guideline for North Eco-Industrial Park (BL 07/055)**

91.1 Notwithstanding any other section in Part 5, the following regulations apply to any new development in the area shown in Figure 22.1, Schedule A-4 to this Land Use Bylaw. Developments must conform to 22 of the 43 following design guidelines, as listed below in Section 91.1(a) – 91.1(i).

(a) Pre-Development Planning

(i) An "Integrated Design Process" is used for site and facility design, to identify and take advantage of synergies between various building systems and industrial process.

(b) Parcel Layout and Organization

(i) Significant building elements are oriented to take advantage of passive solar heating and cooling; and natural lighting and/or ventilation.

(ii) Building surface area is reduced through consolidation with other buildings, to minimize heat loss. Building consolidation is achieved within the site, or by siting building(s) next to the side lot line.

(iii) Site grading directs snow melt and runoff away from roads and pedestrian areas to avoid icy conditions.

(iv) Buildings are sited at the minimum front setback line.

(v) For corner lots, building are sited on both setback lines adjacent to the streets.

(vi) The overall development footprint (including building, warehousing, access roads and parking) is minimized by the use of stackable or alternative warehousing techniques, the use of joint logistics facilities, and by clustering buildings.

(vii) Service areas are designed to be used jointly by adjacent buildings and parcels. e.g. for waste collection and sorting, shipping and receiving, parking, or outdoor lunch areas.

(viii) Site layout is designed to provide for future expansion and development in a manner which maintains and enhances the essential integrity of the original development.

(ix) Site is designed to facilitate snow removal and accommodate snow removal equipment.

(x) Snow storage is located in areas that maximize sunlight and melt, or other characteristics such as increased solar reflectivity.

(c) Access and Movement

(i) Design the parcel to accommodate access into / from the site for a range of transportation modes in a manner that minimizes environmental impact and conflict between modal types.

(ii) The size of parking and loading areas are minimized.

(iii) Continuous, direct, safe pedestrian routes through parking areas are provided through the use of safe barriers between areas for pedestrian and vehicle movement. Barriers may include, but are not limited to landscaping, separated walkways, raised crosswalks, curbs and bumpers.

(iv) Trees and shrubs are planted throughout the parking area to intercept precipitation, reduce surface heating, enhance appearance and protect pedestrians from the elements.

(v) No parking is located between the principal building and the adjacent public roadway.

(vi) Parking facilities are connected to those of an adjacent parcel.

(vii) A shared / combined parking agreement meeting the requirements of section 134.1 and approved by the Development Authority is in place with one or more other property owners.

(viii) All paving materials are recycled.

(ix) End-of-trip facilities such as showers and lockers for staff and secure bicycle and ski storage are provided.

(x) Provide outdoor amenities such as benches, and meeting and/or recreation areas.

(xi) Permeable paving materials are used for pedestrian, cycling and dedicated emergency access routes.

(d) Landscape and Open Space

(i) Trees are planted to the west and north of buildings to protect them from prevailing winter winds.

(ii) Significant landscaped roofs and walls incorporating appropriate native vegetation are included in the building design.

(iii) Well-designed outdoor areas for eating, meeting and/or recreation that are protected from the elements and include comfortable amenities such as benches.

(iv) Parks and pedestrian paths and areas are located and landscaped to maximize winter solar exposure and minimize exposure to wind. Where wind barriers are used, they must be integrated with the overall landscape design.

(e) Energy Efficiency

(i) Natural lighting is a significant part of the building illumination strategy, while minimizing any associated heat loss.

(ii) At least 10% of energy needed by the development is produced on site from renewable sources (solar, geoexchange [earth energy], wind, biomass) or via co-generation.

(iii) A binding agreement signed by the developer or owner committing to purchasing Green Certificates for more than 50% of the building's energy requirements.

(iv) Buildings are plumbed to be retrofit-ready for solar hot water heating systems.

(v) Seasonal and/or user-controlled shading techniques are used to take advantage of winter sunlight while minimizing unwanted heat gain in the summer.

(vi) Lighting energy demand minimized by minimizing lighting, using high-efficiency luminaries and bulbs, and maximizing user control.

(vii) Recover and reuse heat for outdoor amenities. Strategies can include, but are not limited to the following:

(A) Melting snow on pedestrian paths, sidewalks, etc.

(B) Outdoor heated spaces, shelters, etc.

(f) Water, Wastewater and Stormwater

(i) Stormwater Best Management Practices applicable to cold climate Sites are used.

(ii) Surface runoff management is integrated into landscape design. Strategies can include, but are not limited to the following:

(A) Direct roof runoff to infiltration basins

(B) Capture roof runoff for irrigation

(C) Develop green roofs to help reduce stormwater runoff

(D) Incorporate dry-wells and percolation swales to help manage stormwater.

(iii) Parking and other paved areas are designed to minimize negative impacts on surface runoff volume and quality. Strategies can include, but are not limited to the following:

(A) Install oil/water separators for high traffic areas.

(B) Install sediment traps onsite where aggregate or material storage is required.

(iv) Buildings are plumbed to provide a cost-effective opportunity to retrofit with non-potable systems.

(v) A report evaluating the availability of reclaimed stormwater or wastewater that could be used to displace potable water in your operations, and the potential for your operations, and the potential for operations to offer reclaimed stormwater or wastewater to other businesses for their use, has been prepared by a professional engineer.

(g) Building Design and Materials

(i) Recycling and composting stations are incorporated into staff and kitchen spaces.

(ii) All lighting installations which are visible from the exterior of the development are designed to enhance the appearance and presentation of both building and property.

(iii) Outdoor lighting is designed to minimize the amount of light produced. Light-coloured or reflective edges are used along driveways or walkways to help delineate them at night.

(h) Construction

(i) The landscape plan includes plants salvaged prior to site clearing activities, and describes how they will be salvaged, stored and planted to ensure a high survival rate.

(i) Signage

(i) Signage is integrated with the building itself to keep the number of signs to a minimum and to maintain as clean and natural an environment as possible.

(BL 07/055)



(Figure 91.1)
Highway 63 North Eco-Industrial Park site map
Part of Lot 3, Block 1, Plan 042 1905

91A. Additional Provisions: Intensive Agriculture

(a) The keeping of birds and animals, including livestock, shall be limited to one animal unit per acre (0.404 ha). For the purposes of this section, "one animal or bird unit" means:

Type of Animal	# of Animals = 1 unit
Horse, donkey, mule, cattle, buffalo, hog or steer (over 1 year old)	1
Colts or calves up to one year old, sheep, goats, ewes	2
Deer, Elk	3
Llamas, alpacas, adult ostriches	5
Ducks, geese, turkeys or other fowl, rabbits, chinchillas, adult emus, young ostriches	10
Young emus	20
Mink	77

(b) Adequate fencing and/or buffering shall be constructed to the satisfaction of the Development Authority to ensure the on-site confinement of animals and to reduce the impact of noise or visual presence on surrounding properties.

(c) Adequate measures to provide for the disposal of animal wastes shall be provided to the satisfaction of the Development Authority and the Regional Health Authority.

(BL 08/001)

91A.1. Additional Provisions: Intensive Livestock Operations

Intensive livestock operations shall comply with the provisions of the Code of Practice for Responsible Livestock Development and Manure Management, as amended from time to time.

(BL 08/001)

92. **Additional Provisions – Natural Resource Extraction**

(a) An application for a development permit for natural resource extraction shall require:

(i) a disposition;
(ii) location and area of the site affected by the development;
(iii) the expected life of the development;
(iv) the condition in which the site is to be left when the operation is complete,
(v) including the action which is to be taken for restoring the site to its original, or similar, state.

(b) The applicant shall keep the area subject to the development permit in a clean and tidy condition and free from debris.

(c) All operations shall be in accordance with the Alberta Environmental Protection and Enhancement Act and Regulations for conservation and reclamation.

(d) A disturbed area shall be reclaimed to a land capability equivalent to the pre-disturbance land capability (eg: agricultural land) or a post-disturbance condition and land use satisfactory to the Approving Authority.

(e) Sand, gravel, and logging operations shall not be permitted within 0.8 km of an existing country residential district, hamlet boundary or the Urban Service Area.

(f) One (1) security suite, or more as required by the operation based on demonstrated need, may be permitted for each extraction operation.

92A. Special Events **(BL 13/014)**

92A.1 Special Events are a discretionary use in all residential and mixed use districts, and in an all other districts where the site on which the Special Event occurs is less than 100 metres from the boundary of a parcel of land with an existing residential use.

92A.2 Special Events are a permitted use in all agricultural, commercial and industrial districts, and on lands districted MR – Municipal Reserve, PS – Public Service, PR – Parks and Recreation, or PUL – Public Utility Lot where the site on which the Special Event occurs is more than 100 metres from the boundary of a parcel of land with an existing residential use.

92A.3 A complete application for a Special Event Development Permit shall include, but may not be limited to, the following:

(a) A site plan which identifies where the Special Event is proposed to take place and the facilities and structures which comprise the Special Event or are required to support it;

(b) A context plan identifying how the Special Event relates to surrounding land uses;

(c) A parking and traffic management plan which is satisfactory to the Development Authority;

(d) Building plans of any proposed temporary structures over $10m^2$;

(e) A signage plan that details sign content and location;

(f) An emergency response plan; and

(g) Hours of operation of the proposed event.

92A.4 Applications for a Special Event Development Permit shall be considered using the following criteria:

(a) Compatibility of the Special Event with its proposed site;

(b) Compatibility of the Special Event with surrounding land uses;

(c) Availability of parking and/or transit to accommodate the expected event attendance;

(d) Emergency preparedness, as determined by Regional Emergency Services;

(e) Mitigation measures for any potential health and safety risks;

(f) Identification and mitigation of potential nuisance factors such as, but not exclusive to, pollution, noise, visual blight, dust, traffic congestion, garbage disposal and recycling; and

(g) The proposed hours of operation of the Special Event.

92A.5 The Development Authority may, as a condition of issuing a development permit for a Special Event, impose conditions respecting the following matters:

(a) The operation of the Special Event in accordance with the application submitted to and the plans approved by the Development Authority;
(b) Requirements for police, EMS, and fire services to be provided at the event and at the cost of the event organizer;
(c) Mitigation of potential nuisance factors that may be caused by the Special Event, including but not exclusive to pollution, noise, visual blight, dust, traffic congestion, garbage disposal, and recycling;
(d) The time or times during which the Special Event may be carried out; and
(e) Any other conditions that in the opinion of the Development Authority may be necessary for the Special Event to operate in a manner that meets the criteria for Special Events in the Municipality.

(BL 13/014)

PART 6 - Land Use Districts

93. R1 - Single Detached Residential District

93.1 Purpose

The purpose of this District is to provide for low density residential development in the form of single detached dwellings in the Urban Service Area.

93.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Park
(d) Public Utility
(e) Satellite Dish Antenna
(f) Single Detached Dwelling

(BL 07/036, BL 16/020)

93.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Bed and Breakfast Establishment
(c) Home Business
(d) Project Accommodation **(BL 06/001)**
(e) Public Use
(f) Religious Assembly
(g) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(h) Visiting Students Supervised Housing Unit

93.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite
(b) Boarding House
(c) Child Care Facility
(d) Educational Service Facility (accessory to a Religious Assembly only)
(e) Group home

93.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

Exhibit 14

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard (minimum):	1.2 m

In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior lot to provide vehicular access to the rear yard. **(BL 00/011)**

(c)	Side Yard, Exterior (minimum):	3.0 m
(d)	Rear Yard (minimum):	4.6 m
(e)	Building Height (maximum):	10.0 m for principal building
(f)	Lot Width (minimum):	12.2 m
(g)	Lot Depth (minimum):	32.0 m
(h)	Lot Area (minimum):	400.0 m^2
(i)	Lot Coverage (maximum):	45 percent including accessory buildings
(j)	Landscaping:	a minimum of 30 percent of the lot area shall be landscaped with soft landscaping.

94. R1E - Single Family Estate Residential District

94.1 Purpose

The purpose of this District is to provide for low density single detached residential development on large lots in the Urban Service Area.

94.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Park
(d) Public Utility
(e) Satellite Dish Antenna
(f) Single Detached Dwelling

94.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Bed and Breakfast
(c) Boarding House
(d) Home Business
(e) Project Accommodation **(BL 06/001)**
(f) Public Use
(g) Religious Assembly
(h) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(i) Visiting Students Supervised Housing Unit

Exhibit 14

94.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite
(b) Child Care Facility
(c) Educational Service Facility (accessory to a Religious Assembly only)
(d) Family Care Dwelling

94.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):	7.6 m
(b)	Side Yard, Interior (minimum):	1.8 m

In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior lot to provide vehicular access to the rear yard. **(BL 00/011)**

(c)	Side Yard, Exterior (minimum):	7.0 m
(d)	Rear Yard (minimum):	10.0 m
(e)	Building Height (maximum):	10.0 m for principal building
(f)	Lot Width (minimum):	24.0 m
(g)	Lot depth (minimum):	36.0 m
(h)	Lot Area (minimum):	1,133.0 m^2
(i)	Lot Coverage (maximum):	45 percent including accessory building
(j)	Floor Area (minimum):	130.0 m^2 for principal building, excluding the area of an attached garage
(k)	Landscaping:	a minimum of 30 percent of the lot area shall be landscaped with soft landscaping

95. RIM - Mixed Form Single Detached Residential District

95.1 Purpose

The purpose of this district is to provide for mixed low density residential development in the form of single detached dwellings and manufactured/ modular homes in the Urban Service Area.

95.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Manufactured Home

Exhibit 14

(d) Park
(e) Public Utility
(f) Satellite Dish Antenna
(g) Single Detached Dwelling

(BL 07/036, BL 16/020)

95.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Bed and Breakfast
(c) Boarding House
(d) Home Business
(e) Project Accommodation **(BL 06/001)**
(f) Public Use
(g) Religious Assembly
(h) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(i) Visiting Students Supervised Housing Unit

95.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite
(b) Child Care Facility
(c) Educational Service Facility (accessory to a Religious Assembly only)
(d) Family Care Dwelling
(e) Group Home

95.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Front Yard (minimum): 6.0 m
(b) Side Yard, Interior (minimum): 1.2 m except for the following:
    (i) In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior lot to provide vehicular access to the rear yard. **(BL 00/011)**
    (ii) For manufactured homes, one (1) interior side yard shall be 4.6 m.
(c) Side Yard, Exterior (minimum): 3.0 m
(d) Rear Yard (minimum): 3.0 m
(e) Building Height (maximum): 10.0 m for principal building
(f) Lot Width (minimum): 12.2 m
(g) Lot Depth (minimum): 30.5 m

Exhibit 14

(h)	Lot Area (minimum):	372.0 m^2
(i)	Lot Coverage (maximum):	45 percent including accessory buildings
(j)	Landscaping:	a minimum of 30 percent of the lot area shall be landscaped with soft landscaping.

95.6 Additional Provisions: Manufactured Homes

(a) The undercarriage of manufactured homes shall be completely screened from view by the foundation, skirting, or by such other means satisfactory to the Development Authority.

(b) All accessory buildings, additions, porches, and skirting shall be of a quality and appearance equivalent to the manufactured home.

(c) Existing manufactured homes may be replaced with single detached dwellings subject to meeting the requirements of this District. The replacement of single detached dwellings with manufactured homes will not be permitted.

96. R1S - Single Family Small Lot Residential District

96.1 Purpose

The purpose of this District is to provide for low density residential development on small lots with provisions for zero lot line development in the Urban Service Area.

96.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) **DELETED (BL 08/001)**
(c) Duplex
(d) Home Occupation
(e) Park
(f) Public Utility
(g) Satellite Dish Antenna
(h) Semi-Detached Dwelling
(i) Single Detached Dwelling

(BL 07/036, BL 16/020)

96.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Bed and Breakfast
(c) Boarding House **(BL 08/001)**
(d) Fourplex **(BL 00/011)**
(e) Home Business
(f) Project Accommodation **(BL 06/001)**

Exhibit 14

(g) Public Use
(h) Religious Assembly
(i) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(j) Townhouse **(BL 00/011)**
(k) Triplex **(BL 00/011)**
(l) Visiting Students Supervised Housing Unit

96.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite
(b) Child Care Facility
(c) Educational Service Facility (accessory to a Religious Assembly only)
(d) Group Home

96.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):	4.5 m, except the setback shall be a minimum of 6.0 m for a garage attached to the front of a dwelling unit. **(BL 04/023)**
	(i) Front yard (minimum)	9.0 m for a garage attached to the front of the dwelling unit without a rear lane for Portion of Lot 1A, Plan 012 3208 as depicted as site 4 on the Stonecreek Site Map. **(BL 07/024)**
(b)	Side Yard, Interior (minimum):	1.2 m

In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior lot to provide vehicular access to the rear yard. **(BL 00/011)**

The interior side yard may be reduced to zero on one side of a lot if the following conditions are met:

(i) The owner of the adjacent lot grants a 1.0 m private maintenance access easement. Such easements are to be registered by caveat against the title of the adjacent site. **(BL 17/006)**
(ii) All roof drainage from the residence shall be contained to the lot and diverted to the municipal storm drainage system by eavestroughs and downspouts or other suitable means. Surface drainage to the adjacent lot will not be permitted.

Exhibit 14

	(iii)	The development is designed comprehensively and comprises at least 12 lots.	
(c)	Side Yard, Exterior (minimum):		3.0 m
(d)	Rear Yard (minimum):		4.6 m
(e)	Lot Width (minimum):		
	(i)	Semi-Detached and Duplex Dwellings	7.6 m per unit **(BL 04/012)**
	(ii)	All Other Uses	9.0 m
(f)	Lot Depth (minimum):		30.0 m
(g)	Lot Area (minimum):		
	(i)	Semi-Detached Dwelling:	228.0 m^2
	(ii)	Duplex Dwellings:	456.0 m^2 **(BL 04/012)**
	(iii)	All Other Uses:	270.0 m^2 **(BL 04/012)**
(h)	Building Height (maximum):		10.0 m for principal building
(i)	Lot Coverage (maximum):		45 percent including accessory buildings
(j)	Landscaping: of		a minimum of 30 percent the lot area shall be landscaped with soft landscaping

(k) Triplex and Fourplex dwellings shall comply with the regulations of the R2 district. Townhouses shall comply with the regulations of the R3 district. **(BL 00/011)**

(l) Dwellings shall be required to have garages accessible from the lane only for a portion of Lot 1A, Plan 012 3208 as depicted as site 6 on Stonecreek Site Map. **(BL 07/024)**

Figure 96.1 **(BL 07/024)**

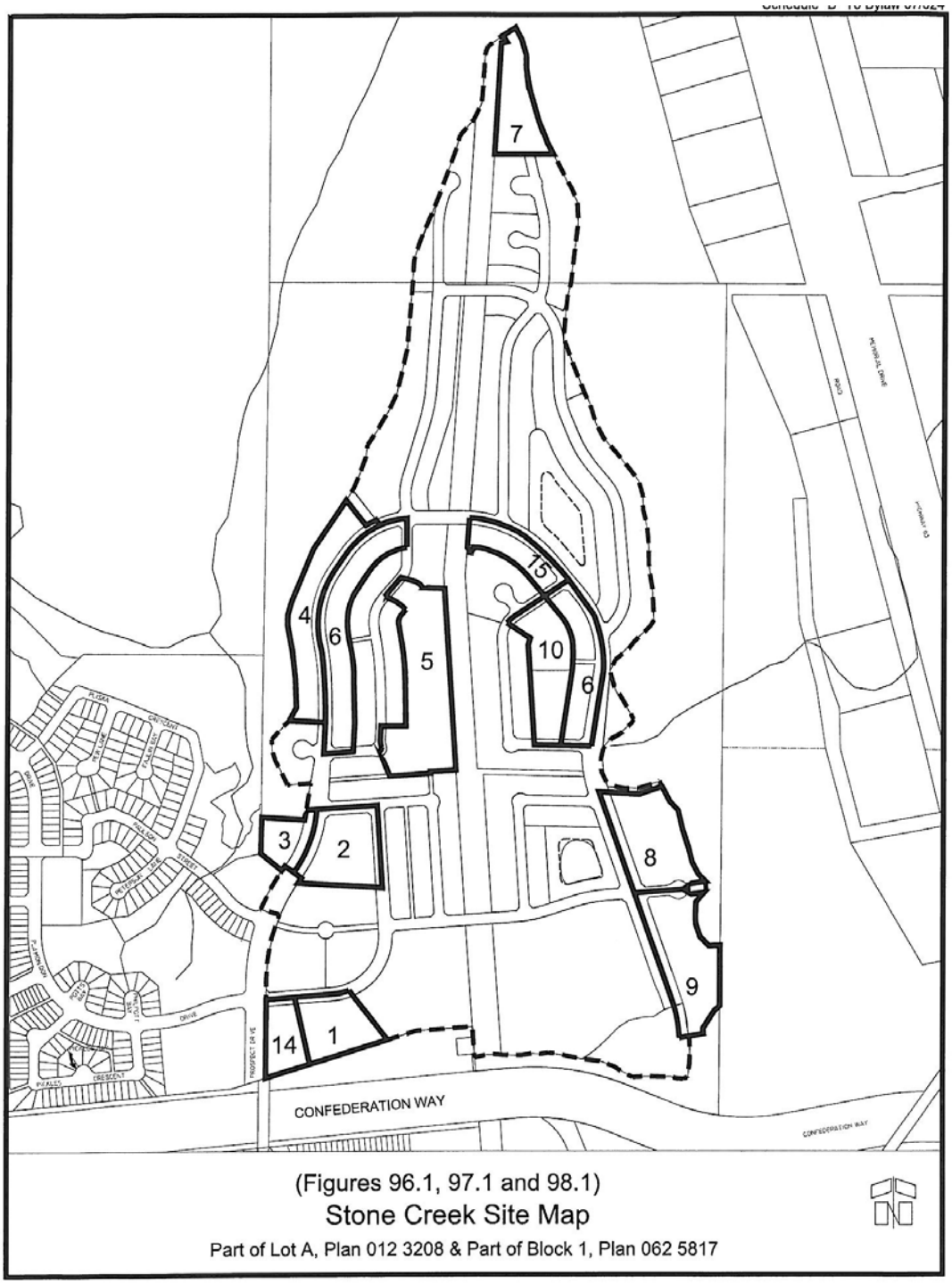


Exhibit 14

97. R2 - Low Density Residential District

97.1 Purpose

The purpose of this district is to provide for mixed forms of low density residential development in the Urban Service Area.

97.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Duplex
(c) Home Occupation
(d) Park
(e) Public Utility
(f) Satellite Dish Antenna
(g) Semi-Detached Dwelling
(h) Single Detached Dwelling

DELETED (BL 07/036, BL 16/020)

97.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Boarding House
(c) Cluster Housing **(BL 00/060)**
(d) Fourplex
(e) Home Business
(f) **DELETED (BL 01/043)**
(g) Project Accommodation **(BL 06/001)**
(h) Public Use
(i) Religious Assembly
(j) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(k) Triplex
(l) Visiting Students Supervised Housing Unit

97.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite
(b) Child Care Facility
(c) Group Home (**BL 01/043)**

97.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

Exhibit 14

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard, Interior (minimum):	1.2 m, except for the following:
	(i) In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior lot to provide vehicular access to the rear yard; **(BL 00/011)**	
	(ii) For a semi-detached dwelling, one (1) interior side yard may be reduced to zero when a common wall is located on the property line;	
	(iii) For a triplex or fourplex, zero for internal units;	
	(iv) For Cluster Housing, 3.0 m or ½ the height of the principal building(s) whichever is greater. **(BL 00/060)**	
(c)	Side Yard, Exterior (minimum):	
	(i) Triplex, Fourplex:	4.0 m
	(ii) Cluster House:	6.0 m **(BL 00/060)**
	(iii) All Other Uses:	3.0 m **(BL 00/060)**
(d)	Rear Yard (minimum):	
	(i) Triplex, Fourplex:	6.0 m
	(ii) Cluster House:	7.5 m **(BL 00/060)**
	(iii) All Other Uses:	4.6 m **(BL 00/060)**
(e)	Building Height (maximum):	10.0 m for principal building
(f)	Lot Width (minimum):	
	(i) Semi-Detached, Triplex, Fourplex:	7.6 m per unit, except 6.8 m per unit for Lot 9, Block 2, Plan 3969ET. **(BL 01/006)**
	(ii) Cluster Housing:	30.0 m **(BL 00/060)**
	(iii) All Other Uses:	12.2 m **(BL 00/060)**
(g)	Lot Depth (minimum):	30.0 m
(h)	Lot Area (minimum):	
	(i) Semi-Detached:	228.0 m^2 per unit
	(ii) Triplex, Fourplex:	297.0 m^2 per unit
	(iii) Cluster Housing:	0.2 ha **(BL 00/060)**
	(iv) All Other Uses:	366.0 m^2 **(BL 00/060)**
(i)	Lot Coverage (maximum):	45 percent including accessory Building
(j)	Landscaping:	a minimum of 30 percent of the lot area shall be landscaped with soft landscaping. **(BL 00/060)**
(k)	Density (maximum):	Cluster Housing 30 units/ha **(BL 00/060)**

Exhibit 14

Cluster Housing 45 units/ha only on that portion of Lot 9, Plan 982 4820 **(BL 02/036)**

Cluster Housing 42 units/ha on that portion of Lot 2, Block 1, Plan 022 5478 **(BL 03/003)**

(l) Dwellings shall be required to have garages accessible from the land only for a portion of Lot 1A, Plan 012 3208 as depicted as site 15 on the Stonecreek Map.

Exhibit 14

Figure 97.1 **(BL 07/024)**

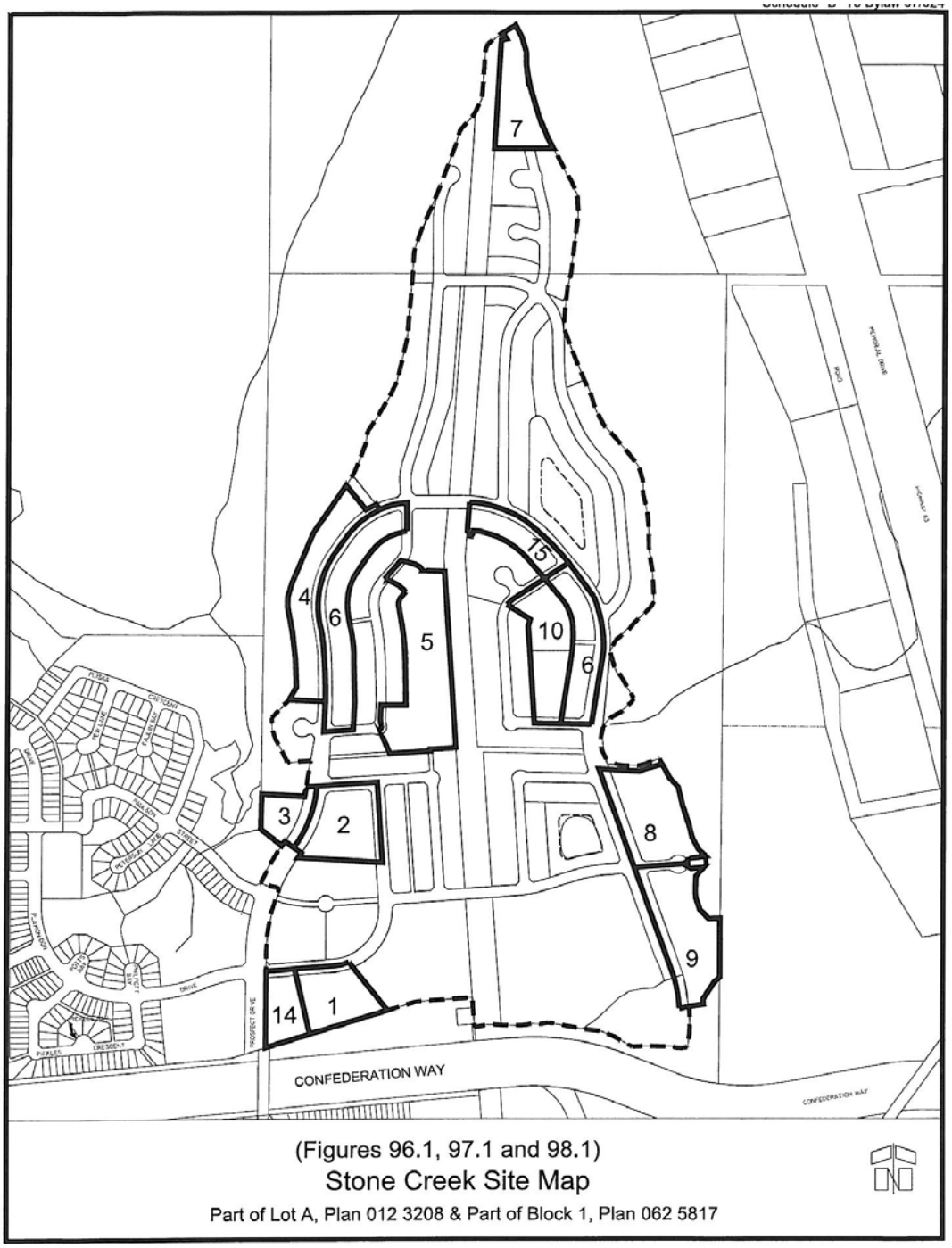


Exhibit 14

98. R3 - Medium Density Residential District

98.1 Purpose

The purpose of this District is to provide for the development of medium density residential housing in the form of cluster housing, townhouses, low rise apartments and other dwelling types of similar density in the Urban Service Area.

98.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Apartment Building with density of less than 60 units per ha. **(BL 01/102)**
(c) Community Service Facility, only on Lot 13, Block 2, Plan 9121064 **(BL 02/002)**
(d) Cluster Housing
(e) Fourplex
(f) Home Occupation
(g) Park
(h) Parking Lot or Structure
(i) Public Utility
(j) Satellite Dish Antenna
(k) Town House
(l) Single Detached Dwelling **(BL 00/011)**
(m) Semi-detached Dwelling **(BL 00/011)**
(n) Triplex

DELETED (BL 07/036, BL 16/020)

98.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Apartment Building with density of 60 units per ha or greater. **(BL 01/102)**
(c) Apartment Hotel (only on Lots 1, 2 and 3, Block 6, Plan 616AO) **(BL 00/051)**
(d) Basement Suite **(BL 08/001)**
(e) Boarding House
(f) **DELETED (BL 01/043)**
(g) Home Business
(h) Office (for on-site residential property administration only) (only on Lot 2, Block 15, Plan 032 6193) **(BL 05/010)**
(i) Project Accommodation **(BL 06/001)**
(j) Public Use
(k) Religious Assembly
(l) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(m) Senior Citizen Housing
(n) Visiting Students Supervised Housing Unit

Exhibit 14

98.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Child Care Facility
(b) Country Inn
(c) Educational Service Facility (accessory to a Religious Assembly only)
(d) Group Home **(BL 01/043)**

98.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Front Yard (minimum): 6.0 m

(i) Front Yard (minimum) may be reduced to 0.3 m, at the discretion of the Development Authority, for all R3 lots at the following locations:

(A) Lots 3-4, Block 24, Plan 072 3383
(B) Lot 14, Block 25, Plan 072 3383
(C) Lot 1, Blocks 35-36, Plan 072 5263
(D) Lot 49-50, Block 47, Part of Block 22, Plan 062 5851
(E) Lot 12, Block 49, Part of Block 22, Plan 062 5851
(F) Lot 21, Block 44, Part of Block 22, Plan 062 5851

as depicted on the Eagle Ridge Site shown as Figure 98.2.

(BL 07/059)

(b) Side Yard, Interior (minimum):

(i) For a triplex, fourplex, 1.2 m, except for the following:

(A) In a laneless subdivision, expecting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior lot to provide vehicular access to the rear yard. **(BL 00/011)**
(B) Zero for internal units

(ii) For all other uses, 3.0 m or ½ the height of the principal building(s), whichever is greater

(c) Side Yard, Exterior (minimum): 6.0 m
(d) Rear Yard (minimum): 7.5 m
(e) Building Separation (minimum): 3.0 m where more than one residential building is located on a site
(f) Building Height (maximum): maximum 12.2 m at any eave line for principal building
(g) Lot Width (minimum):

(i) Triplex, Fourplex: 7.6 m per unit

Exhibit 14

(ii)	Cluster Housing, Apartment Building	30.0 m
(iii)	Street-oriented Town-housing (interior lot)	6.0 m
(iv)	Street-oriented Town-housing (corner lot or lot with end unit)	10.0 m per unit **(BL 01/043)**

(h) Lot Area (minimum):

(i)	Triplex, Fourplex:	297.0 m^2 per unit
(ii)	Street-oriented Town Housing (interior lot)	185.5 m^2 per unit
(iii)	Street-oriented Town housing (corner lot)	297.0 m^2 per unit
(iv)	Non-street Oriented Town Housing	0.2 ha
(v)	Cluster Housing	0.2 ha
(vi)	Apartment Building	0.14 ha

(i) Density (maximum):

(i)	Cluster Housing, Town Housing	145 units/ha
(ii)	Apartment Building	90 units/ha, except 229 units/ha for Lots 10-14, Block 5, Plan 616 AO **(BL 02/046)** 90 units/ha for the portion of Lots 5 and 6. Plan 982 4820 zoned as R3-Medium Density Residential District **(BL 05/027)**

(iii) Portion of Lot 1A, Plan 012 3208 as depicted as site 1 on the attached map, (Figure 98.1), a maximum density of 105.1units/ha; **(BL 07/024, BL 10/013)**

(iv) Portion of Lot 1A, Plan 012 3208 as depicted as site 2 on the attached map, (Figure 98.1), a maximum density of 48.5 units/ha; **(BL 07/024, BL 09/018)**

(v) Portion of Lot 1A, Plan 012 3208 as depicted as site 3 on the attached map, (Figure 98.1), a maximum density of 55.6 units/ha; **(BL 07/024, BL 09/018)**

(vi) Lot 168, Block 5, Plan 102 3470 depicted as Site 5 on the following map, (Figure 98.1), a maximum density of 57.6 units/ha; **(BL 07/024, BL 11/007)**

(vii) Portion of Lot 1A, Plan 012 3208 as depicted as site 7 on the attached map, (Figure 98.1), a maximum density of 7.75 units/ha; **(BL 07/024, BL 10/013)**

(viii) Portion of Lot 1A, Plan 012 3208 as depicted as site 8 on the attached map, (Figure 98.1), a maximum density of 113.0 units/ha; **(BL 07/024)**

(ix) Lot 4, Block 7, Plan 092 3934 depicted as Site 9 on the following map, (Figure 98.1), a maximum density of 54.1 units/ha; and **(BL 07/024, BL 11/007)**

(x) Portion of Lot 1 A, Plan 012 3208 as depicted as site 10 on the attached map, (Figure 98.1), a maximum density of 37.9 units/ha. **(BL 07/024, BL 09**/018)

(j) Private Amenity Area (minimum):

(i)	For at grade units	6.0 m^2 per unit **(BL 01/043)**
(ii)	For above grade units	4.0 m^2 per unit

(k) Landscaping: A minimum of 30 percent of the site area plus all adjoining Municipal boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations) **(BL 01/043, BL 01/102)**

(l) Single Detached and Semi-detached dwellings shall comply with the regulations of the R2 District. **(BL 00/011)**

(m) Building Separation as per Section 88. (**BL 01/102)**

(n) Garbage Disposal:

Garbage and waste materials shall be stored in weatherproof and animal-proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority. **(BL 01/102)**

(o) Playground Structures:

Every Apartment Building, Townhouse development or Cluster Housing development containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m^2 for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The play structure shall conform to CSA standards. **(BL 01/102)**

Exhibit 14

Figure 98.1 **(BL 07/024)**

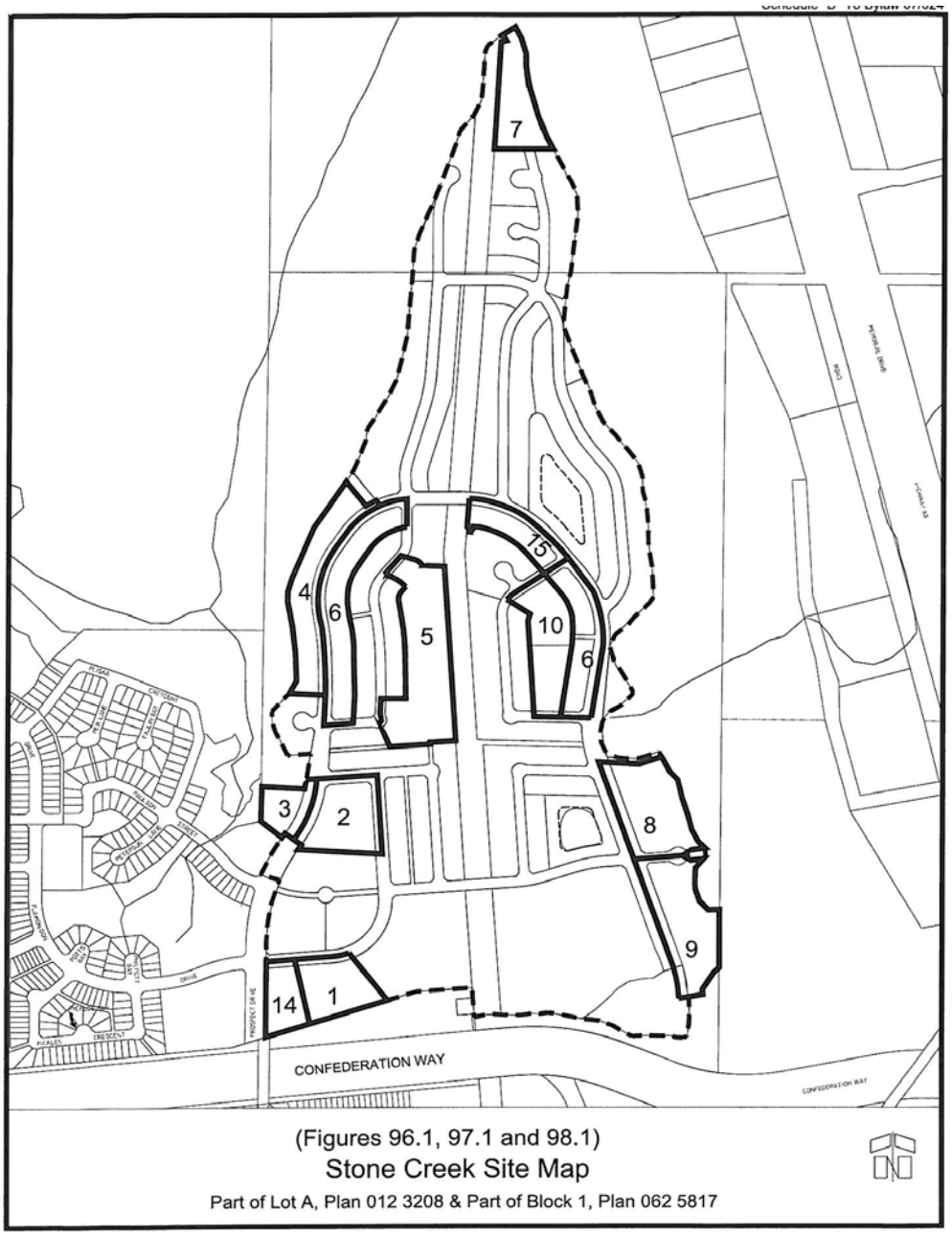


Exhibit 14

Figure 98.2 **(BL 07/059)**



Exhibit 14

99. R4 - High Density Residential District

99.1 Purpose

The purpose of this District is to provide for the development of high rise apartment buildings, with an opportunity for ground floor commercial development, in the Urban Service Area.

99.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Apartment Building with density of less than 60 units per ha. **(BL 01/102)**
(c) Apartment Hotel, only on Lot 3, Plan 982 4720 **(BL 02/002)**
(d) Home Occupation
(e) Office **(BL 09/019)**
(f) Park
(g) Parking Lot or Structure
(h) Personal Service Facility
(i) Public Use/Utility
(j) Retail, Convenience
(k) Senior Citizen Housing

DELETED (BL 07/036, BL 16/020)

99.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Apartment Building with a density of 60 units per ha or greater. **(BL 01/102)**
(b) Bed and Breakfast
(c) Home Business
(d) Project Accommodation **(BL 06/001)**
(e) Religious Assembly
(f) Satellite Dish Antenna
(g) Townhouse

99.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Apartment Hotel
(b) Boarding House
(c) Child Care Facility
(d) Cluster Housing
(e) Country Inn
(f) Educational Service Facility (accessory to a Religious Assembly only)
(g) Group Home
(h) **DELETED (BL 08/001)**
(i) Hostel

(j) Office (for on-site residential property administration only)

99.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Front Yard (minimum):

(i)	Building height 12.2 m or less:	6.0 m
(ii)	Building height over 12.2 m	9.1m

(b) Side Yard (minimum): 6.0 m

(c) Rear Yard (minimum): 7.5 m

(d) Building Separation (minimum): 3.0 m where more than one residential building is located on a site

(e) Building Height (maximum): 46.0 m

(f) Density (maximum): 647 units/ha **(BL 09/019)**

(g) Private Amenity Area (minimum): 4.0 m^2 per unit

(h) Convenience retail stores and personal service facilities: **(BL 08/001)**

(i) shall be limited to the main floor of an apartment building containing at least 150 dwelling units;

(ii) shall provide a separate, outside principal entrance;

(iii) may reduce the required front yard to zero.

(i) Landscaping: A minimum of 30 percent of the site area plus all adjoining Municipal boulevards shall be landscaped in accordance with Section 72 of Part 5 General Regulations) **(BL 01/102)**

(j) Building Separation as per Section 88. (**BL 01/102)**

(j.1) An apartment hotel on Lot 3, Plan 982 4720 shall be subject to the site provisions of the C5 District. **(BL 02/002)**

(k) Garbage Disposal:

Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority. **(BL 01/102)**

(l) Playground Structures:

Every Apartment Building, Townhouse development or Cluster Housing development containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m^2 in area for each dwelling unit on the site or lot and

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shall be considered part of the landscaped area. The play structure shall conform to CSA standards. **(BL 01/102)**

100. RMH - Manufactured Home Residential District

100.1 Purpose

The purpose of this district is to provide for the development of manufactured home parks and manufactured home subdivisions in the Urban Service Area, with provisions for zero lot line development.

100.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Manufactured Home
(d) Manufactured Home Park
(e) Park
(f) Public Utility

DELETED (BL 07/036, BL 16/020)

100.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Home Business
(c) Project Accommodation **(BL 06/001)**
(d) Public Use
(e) Residential Sales Center, dwelling based or portable **(BL 01/043)**
(f) Satellite Dish Antenna
(g) Single Detached Dwelling

100.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite **(BL 08/001)**
(b) Child Care Facility

100.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Manufactured Home Subdivisions

(i)	Front Yard (minimum):	6.0 m (except 2.0 m on all residential lots in Blocks 28, 29, 30 and 31, Plan 1347 TR)

(ii) Side Yard, Interior (minimum): 1.2 m on one side 3.0 m on the second side **(BL 00/073)**

The interior side yard may be reduced to zero on one side of a lot if the following conditions are met:

(A) the owner of the adjacent lot grants a 3.0 m private maintenance access easement. Such easements are to be registered by caveat against the title of the adjacent site. **(BL 17/006)**

(B) all roof drainage from the residence shall be contained to the lot and diverted to the municipal storm drainage system by eaves troughs and downspouts or other suitable means. Surface drainage to the adjacent lot will not be permitted.

(C) the development is designed in a comprehensive manner and is composed of at least 12 single family lots.

(D) the zero lot line side shall not be located on an exterior side yard.

(iii) Rear Yard (minimum): 2.0 m **(BL 00/011)**

(iv) Building Height (maximum): 5.0 m for manufactured homes
6.0 m for single detached dwellings **(BL 00/073, BL 01/043)**

(v) **DELETED (BL 04/012)**

(vi) Lot Area (minimum): 260.0 m^2

(vii) Lot Coverage (maximum): 45 percent including accessory buildings

(viii) Landscaping: a minimum of 30 percent on the lot area shall be landscaped with soft landscaping

(ix) Side Yard, exterior (minimum): 3.0 m **(BL 00/011)**

(b) Manufactured Home Parks

(i) Site Area (minimum): 8.0 ha

(ii) Each manufactured home, attached structures, and accessory buildings shall be located entirely within the bounds of a manufactured home park dwelling site as shown on an approved site plan.

(iii) Each manufactured home park dwelling site shall:

(A) have a minimum area of 232.0 m^2 and width of 9.0 m;

(B) abut a paved internal road and have a driveway access with a minimum width of 4.3 m;

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(C) be clearly defined on the ground by permanent flush stakes or markers and permanently addressed with a site number; and

(D) be provided with a manufactured home stand upon which a manufactured home may be securely blocked, leveled and anchored.

(iv) Each manufactured home, including attached structures shall be located a minimum of:

(A) 3.0 m from any manufactured home or attached structure located on an adjacent dwelling site; **(BL 00/073)**

(B) 3.0 m from the property line of the manufactured home park;

(C) 3.0 m from a paved internal road;

(D) 15.2 m from any manufactured home or attached structure located on the opposite side of a paved internal road.

(v) Every manufactured home park shall provide, to the satisfaction of the Development Authority:

(A) a lighted, enclosed common storage area;

(B) a minimum of ten (10) percent of the total site area to be devoted to park and recreational uses at convenient and accessible location;

(C) a landscaped buffer at least 3.0 m in width around the perimeter of the site;

(D) all municipal services, a paved private road system, street lighting, and garbage collection facilities; and

(E) landscaping as per Section 72 of Part 5 (General Regulations).

100.6 Additional Provisions: Manufactured Homes

(a) The undercarriage of manufactured homes shall be completely screened from view by the foundation, skirting, or by such other means satisfactory to the Development Authority.

(b) All accessory buildings, additions, porches, and skirting shall be of a quality and appearance equivalent to the manufactured home.

101. RMH-2 Small Zero Lot Line Manufactured Home Residential District

101.1 Purpose

The purpose of this district is to provide for zero lot line residential development in the form of mobile homes and modular homes.

101.2 Limitations

(a) The RMH-2 land use designation shall only be permitted for Mobile Home Subdivisions.

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101.3 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory buildings
(b) Home Occupation
(c) Manufactured Home
(d) **DELETED (BL 04/012)**
(e) Park
(f) Public Utility

DELETED (BL 07/036, BL 16/020)

101.4 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Educational Service Facility, specific to parts of Common Property, Plan 992 4071 **(BL 04/001)**
(c) Home Business
(d) Project Accommodation **(BL 06/001)**
(e) Public Use
(f) Religious Assembly
(g) Residential Sales Center, dwelling based or portable **(BL 01/043)**
(h) Satellite Dish Antenna
(i) Single Detached Dwelling

101.5 Discretionary Uses - Planning Commission

The following are uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite **(BL 08/001)**
(b) Child Care Facility

101.6 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Front Yard (minimum): 6.0 in
(b) Side Yard:

a minimum of 0.0 m on one side and a minimum of 3.8 m on the other side where:

(i) the owner of the adjacent site grants a 3.0 m private access and maintenance easement which shall be registered against the title of that adjacent site;
(ii) all roof drainage is directed from the building onto the building site by eavestroughs and downspouts or other suitable means;
(iii) it is a requirement of this district that a minimum of twelve (12) lots utilize the zero lot line concept before an area would be given approval; and

(iv) on a corner parcel the zero lot line side shall not be located on the street side of the corner site.

(c)	Rear Yard (minimum):	2.0 m
(d)	Lot Width (minimum):	10.0 m
(e)	Lot Depth (minimum):	30.0 m
(f)	Lot Area (minimum):	260.0 m^2
(g)	Lot Coverage (maximum):	40 percent
(h)	Building Height (maximum):	5.0 m
(i)	Floor Area (minimum):	90.0 m^2
(j)	Landscaping:	a minimum of 30 percent of the lot area shall be landscaped with soft landscaping

101.7 Accessory Buildings

Notwithstanding Section 101.6, accessory buildings shall comply with the following standards:

(a) Side Yard:

(i) a minimum of 1.0 m on one side and 3.8 m on the other side for accessory building; or

(ii) a minimum of 0.0 m on one side and a minimum of 3.8 m on the other side for accessory buildings where:

(A) the owner of the adjacent site grants a 3.0 m private access and maintenance easement which shall be registered against the title of that adjacent site; and

(B) all roof drainage is directed from the building onto the building site by eavestroughs and downspouts or other suitable means.

(b)	Rear Yard (minimum):	1.0 m
(c)	Building Height (maximum):	5.0 m

102. CR - Country Residential District

102.1 Purpose

The purpose of this district is to provide for multi-lot (more than 3) country residential subdivision and development in the Rural Service Area.

102.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Essential Public Service
(c) Home Occupation
(d) Manufactured Home, except on all lots in registered subdivision plans 4480RS and 9421594, (Gregoire Lake Estates), and any subsequent lots created by subdivision of lots in registered subdivision plans 4480RS or

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9421594, where manufactured homes are neither a permitted nor a discretionary use.

(e) Park
(f) Public Use/Utility
(g) Satellite Dish Antenna
(h) Single Detached Dwelling

102.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Bed and Breakfast, specific to Lot 3, Plan 982 3452 **(BL 03/059)**
(c) Home Business

102.4 Discretionary Use - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite
(b) Boarding House
(c) Child Care Facility
(d) Community Service Facility
(e) Family Care Dwelling
(f) Intensive Agriculture

102.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):	7.6 m
(b)	Side Yard, (minimum):	7.6 m, except 3.0 m in the Gregoire Lake Estates Subdivision **(BL 01/043)**
(c)	Rear Yard (minimum):	7.6 m
(d)	Lot Area:	
	(i) Minimum:	1.0 ha
	(ii) Maximum:	4.0 ha
(e)	Building Height (maximum):	10.0 m

102.6 Additional Provisions

Country residential development shall only be allowed if the Development Authority is satisfied that:

(a) adequate access exists to a public road;
(b) no conflict will result with adjacent land owners;
(c) the developer will be responsible for constructing all internal roads;
(d) the development can be serviced with water and sanitary sewage in compliance with the Nuisance and General Sanitation Regulation of the

Public Health Act and the Alberta Private Sewage Treatment and Disposal Regulation.

103. HR - Hamlet Residential District

103.1 Purpose

The purpose of this district is to provide for the development of a variety of residential uses in the hamlets of the Rural Service Area.

103.2 Permitted Uses

(a) The following are permitted uses:
(b) Accessory Building
(c) Essential Public Service
(d) Home Occupation
(e) Manufactured Home
(f) Park
(g) Public Use/Utility
(h) Satellite Dish Antenna
(i) Semi-Detached Dwelling
(j) Single Detached Dwelling

103.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Apartment Building
(c) Bed and Breakfast
(d) Family Care Dwelling
(e) Fourplex
(f) Home Business
(g) Residential Sales Center, dwelling based or portable **(BL 01/043)**
(h) Townhouse
(i) Triplex

103.4 Discretionary Use - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite **(BL 08/001)**
(b) Boarding House **(BL 08/001)**
(c) Child Care Facility
(d) Educational Service Facility (accessory to a Religious Assembly only)
(e) Group Home
(f) Manufactured Home Park
(g) Religious Assembly

103.5 Site Provisions

In addition to the General Regulations contained in Part 5, and except for an apartment, townhouse, triplex, fourplex and manufactured home park, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):	7.5 m
(b)	Side Yard (minimum):	
	(i) Apartment Building:	4.6 m
	(ii) All Other Uses:	3.0 m
(c)	Rear Yard (minimum):	7.5 m
(d)	Building Height (maximum):	10.0 for principal building
(e)	Lot Width (minimum):	
	(i) Unserviced Lot, or Municipal Water or Sewer Only:	30.0 m
	(ii) Municipal Water and Sewer:	15.0 m
(f)	Lot Area (minimum):	
	(i) Unserviced Lot:	1,860.0 m^2
	(ii) Municipal Water Only:	930.0 m^2
	(iii) Municipal Sewer Only:	1,400.0 m^2
	(iv) Municipal Water and Sewer:	560.0 m^2
	(v) For Gregoire Lake Estates only, existing residential lots registered prior to the passage of this bylaw which are less than the listed minimum areas are deemed to be conforming.	
(g)	Floor Area (minimum):	55.0 m^2
(h)	Lot Coverage (maximum):	45 percent including accessory building

103.6 Additional Provisions: Manufactured Home

(a) The undercarriage of manufactured homes shall be completely screened from view by the foundation, skirting, or by such other means satisfactory to the Development Authority.

(b) All accessory buildings, additions, porches, and skirting shall be of a quality and appearance equivalent to the manufactured home.

103.7 Additional Provisions: Apartment Building, Townhouse, Triplex, Fourplex

For all apartment, townhouse, triplex and fourplex developments, the site provisions of the R3 (Medium Density Residential District) shall apply.

103.8 Site Provisions: Manufactured Home Park

(a) Density:

(i) site shall not be less than 2.0 ha;

(ii) density shall not exceed 20 units per ha.

(b) Stalls:

(i) each stall shall not be less than 420.0 m^2 in area and 14.0 m in width;

(ii) each stall shall front onto an internal access road rather than a public street. All stalls shall be at least 3.0 m from the manufactured home park property boundary;

(iii) each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.

(c) Setbacks:

(i) the minimum yard (front, side and rear) for each stall shall be 3.0 m;

(ii) in addition each manufactured home unit shall be separated from every other unit by at least 6.0 m.

(d) Building Requirements (for manufactured home units):

(i) minimum ground floor area: 54.0 m^2 (excluding additions);

(ii) minimum width: 3.6 m;

(iii) each manufactured home unit shall be placed on suitable hard surfaced base within the stall;

(iv) all mobile home units shall provide skirting around the base of the unit that is of a manufactured or similar type to harmonize with the unit within 60 days of the placement of the unit in the stall;

(v) all additions, porches, garages and accessory structures shall be of an equivalent quality and appearance as the manufactured home unit and shall compliment the exterior;

(vi) all mobile homes shall have current C.S.A. certification (or the equivalent, thereof as determined by the Development Officer).

(e) Internal Roads:

(i) all internal roads shall have a minimum right-of-way of 9.0 m with a carriage way of 4.5 m;

(ii) all roads shall be hard surfaced, well drained and maintained to the satisfaction of the Development Officer.

(f) Utilities:

(i) manufactured home parks shall be connected to municipal services;

(ii) street lighting and other utilities shall be to the same standard as that in a conventional residential neighbourhood.

(g) Common Areas:

(i) at least 5% of the gross site area shall be developed as playground space/amenity area in locations convenient to all manufactured home park residents;

(ii) a storage compound shall be provided for recreational vehicles and other equipment at the ratio of 14 m^2 per unit.

(h) Landscaping:

(i) landscaping as per Section 72 of Part 5 (General Regulations);

(ii) screen fences or walls shall be erected around laundry yards, refuse collection areas and storage areas to the satisfaction of the Development Officer.

104. SE - Suburban Estate Residential District

104.1 Purpose

The purpose of this district is to provide for multi-lot (more than 3) country residential development with specific development criteria for the Hamlet of Saprae Creek.

104.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building **(BL 00/011)**
(b) Home Occupation
(c) Park
(d) Public Use/Utility
(e) Satellite Dish Antenna
(f) Single Detached Dwelling

104.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Family Care Dwelling
(c) Home Business
(d) Manufactured Home

104.4 Discretionary Use – Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Community Service Facility
(b) Intensive Agriculture
(c) Outdoor Recreation Facility
(d) Residential Sales Centre **(BL 08/001)**

104.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district:

(a) for single detached dwellings, the site provisions under Country Residential (CR) District shall apply, except that residential lots registered under Plan 852 1969 prior to 1992, and which are less than 0.8 ha in size, are deemed to be conforming.
(b) the minimum floor area of a single detached dwelling shall be 112.0 m^2, excluding the area of an attached garage.
(c) Manufactured homes are a discretionary use only in accordance with the following:

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(i) development permits may be issued for manufactured homes east of Spruce Valley Drive.

(ii) temporary development permits for manufactured homes may be issued for lots west of Spruce Valley Drive in conjunction with the development of a single detached dwelling.

(iii) a temporary development permit for a manufactured home, issued in accordance with subsection (ii) above, shall be valid for a maximum term of two (2) years.

(iv) a development permit for a manufactured home may only be issued in conjunction with the simultaneous issuance of a development permit for a single detached dwelling.

(v) notwithstanding subsection (iii) above, the manufactured home shall be removed upon completion of the single detached dwelling.

(vi) An irrevocable letter of credit in the amount of $5,000.00 shall be provided prior to issuance of the development permit for the manufactured home as a security to ensure compliance with the requirements of this section.

(vii) upon the removal of a manufactured home from a lot west of Spruce Valley Drive subsection (ii) above shall no longer apply to that lot.

(d) Intensive agriculture and market gardens may be approved east of Spruce Valley Drive provided such use is not inconsistent with the restrictive covenant registered on the lots in Saprae Creek Subdivision.

(e) The re-subdivision of Lots 159, 165, 175, 194, 195 and 207, Block 1, Plan 8521969 may be permitted if all parcels to be created have a minimum lot area of 0.8 ha and have a minimum lot frontage of 50 m. Consolidation of residential parcels for the purpose of facilitating re-subdivision shall not be permitted. **(BL 00/084)**

(f) Notwithstanding Section (a), all new residential lots on lots 1 and 2, Block 1, Plan 032 5670 as shown on Schedule “A” attached hereto and forming part of this Bylaw, shall have a minimum area of 0.8 hectares. **(BL 05/036)**

Figure 104.1

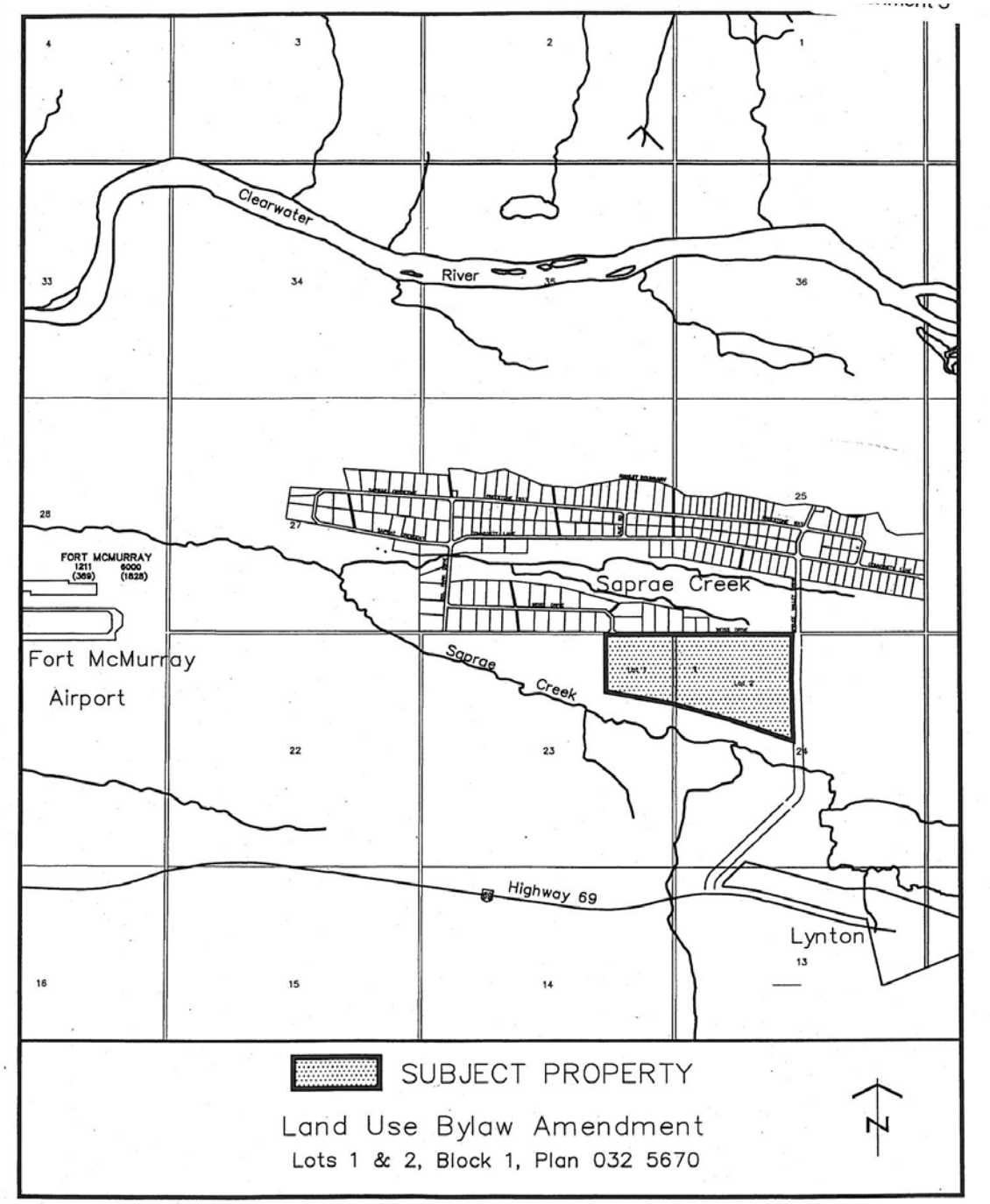


Exhibit 14

105. CI - Community Commercial District

105.1 Purpose

The purpose of this District is to provide for the development of neighbourhood and community oriented retail and service commercial facilities that are intended to serve the needs of the residents of adjacent residential neighbourhoods in the Urban Service Area.

105.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Animal Service Facility, Minor
(c) Child Care Facility
(d) Financial Institution
(e) Gas Bar **(BL 04/012)**
(f) **DELETED (BL 08/001)**
(g) Liquor Store
(h) Office
(i) Personal Service Facility
(j) Retail Store, Convenience
(k) Satellite Dish Antenna
(l) **DELETED (BL 04/012)**

(BL 07/036, BL 16/020)

105.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Animal Service Facility, Major, specific to Lot 81, Block 82, Plan 812 3174 **(BL 01/069)**
(b) Automotive/Recreational Vehicle Sales & Rentals, specific to Lot 1, Block 20, Plan 315TR **(BL 02/073)**
(c) Drinking Lounge, Minor **(BL 05/013)**
(d) Dwelling Units attached to Ground Floor Commercial
(e) **DELETED (BL 01/017)**
(f) **DELETED (BL 05/013)**
(g) Essential Public Service
(h) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(i) Food Service, Minor Restaurant **(BL 05/013)**
(j) Food Service, Take Out Restaurant **(BL 05/013)**
(k) Household Equipment Repair
(l) Project Accommodation **(BL 06/001)**
(m) Public Use/Utility
(n) Recyclable Materials Drop-Off Center **(BL 08/001)**

105.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

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(a) Arcade
(b) Commercial Schools
(c) Community Service Facility
(d) **DELETED (BL 05/013)**
(e) Eating and Drinking Facility – Minor (only for Lot 1, Plan 982 0716) **(BL 01/017)**

105.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district:

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard Interior (minimum):	4.6 m **(BL 08/001)**
	Side Yard Exterior (minimum):	6.0 m **(BL 08/001)**
(c)	Rear Yard (minimum):	7.6 m
(d)	Building Height (maximum):	10.0 for principal building
(e)	Lot Width (minimum):	15.0 m
(f)	Lot Area (maximum):	1.2 ha
(g)	Floor Area Ratio (maximum):	1.0

(h) Individual business premises shall be limited to a gross floor area not exceeding 275.0 m^2
(i) Landscaping as per Section 72 of Part 5 (General Regulations)

106. C2 - Mixed/Transitional Commercial District

106.1 Purpose

The purpose of this District is to provide for a mixture of residential, retail, and service commercial uses outside of the Central Business core of the Urban Service Area. **(BL 01/043)**

106.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Animal Service Facility, Minor
(c) Automotive and Equipment Repair and Storage, only on Lots 14-25, Block 8, Plan 6344AY **(BL 02/002)**
(d) Automotive/Recreational
(e) Broadcasting Studio
(f) Business Support Facility
(g) Commercial Entertainment Facility
(h) Commercial Recreation Facility, Indoor
(i) Commercial School
(j) Community Service Facility
(k) Contractor, Limited
(l) Custom Manufacturing
(m) Equipment Rental
(n) Essential Public Service
(o) Financial Institution

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(p) Gas Bar **(BL 04/012)**
(q) **DELETED (BL 08/001)**
(r) Hostel
(s) Household Equipment Repair
(t) Office
(u) Park
(v) Personal Service Facility
(w) Public Use/Utility
(x) Religious Assembly
(y) Retail Store, Convenience and General
(z) Satellite Dish Antenna
(aa) Service Station, Minor and Major
(bb) Vehicle Sales and Rental

DELETED (BL 07/036, BL 16/020)

106.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Apartment Hotel
(b) Arcade
(c) Automotive Equipment and Repair
(d) **DELETED (BL 00/011)**
(e) **DELETED (BL 05/013)**
(f) Drinking Lounge, Major **(BL 05/013)**
(g) Drinking Lounge, Minor **(BL 05/013)**
(h) Dwelling Units above Ground Floor Commercial
(i) **DELETED (BL 05/013)**
(j) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(k) Food Service, Major Restaurant **(BL 05/013)**
(l) Food Service, Minor Restaurant **(BL 05/013)**
(m) Food Service, Mobile Catering **(BL 05/013)**
(n) Food Service, Take Out Restaurant **(BL 05/013)**
(o) Funeral Home and Crematorium
(p) Hotel
(q) Liquor Store
(r) Motel
(s) Nightclub **(BL 05/013)**
(t) Parking Lot/Structure
(u) Project Accommodation **(BL 06/001)**
(v) Recyclable Materials Drop-Off Centre **(BL 08/001)**

106.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Adult Entertainment Facility

(b) Automotive and Equipment Repair and Storage, Lower Townsite Only **(BL 02/002)**
(c) Boarding House
(d) Carnival
(e) Casino
(f) Child Care Facility
(g) Commercial Recreation Facility, Outdoor
(h) Country Inn
(i) Educational Service Facility (accessory to a Religious Assembly only)
(j) Group Home

106.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every commercial development in this district.

(a) Front Yard (minimum): None required.
(b) Side Yard (minimum):

(i)	Abutting HR, RI, R1E, RIM, R1S, R2 and R3, if Building Height is:	
	10.5 m or less:	4.6 m
	10.5 m to 12.8 m	6.1 m
	12.8 m or more:	7.6 m
(ii)	Abutting R4, if Building Height is:	
	10.5 m or less:	3.0 m
	10.5 m to 12.8 m:	4.6 m
	12.8 m or more:	6.1 m
(iii)	All other cases:	None required if firewall provided

(c) Rear Yard (minimum):

(i) none, except
(ii) 4.6 m if abutting residential district. **(BL 00/011)**

(d) Building Height (maximum): 12.2 m for principal building
(e) Floor Area Ratio (maximum): 2.0
(f) Landscaping as per Section 72 of Part 5 (General Regulations).

106.6 Regulations for Residential Units Above Ground Floor Commercial

(a) Residential dwelling units and commercial premises shall not be permitted on the same storey of a building;
(b) The residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling until to a commercial premise shall not be permitted;
(c) A minimum of 4.0 square meters of provide amenity area shall be provided for each dwelling unit in the building;
(d) On-site parking for the residential dwelling units shall be provided in accordance with the parking requirements for apartment buildings in Part 7

of this Bylaw. Parking for the residential units shall be provided in addition to the parking requirements for the commercial premises; and

(e) Where a building contains residential dwelling units above commercial premises, all parking for the residential use shall be provided on-site. Shared parking, off-site parking and/or money in lieu of parking for the residential units shall not be permitted.

(BL 02/002)

106.7 Outside Storage Restrictions

(a) Outside storage will be prohibited for all developments approved after the passage of this amending Bylaw 02/002 with the exception of:

(i) Automotive/Recreational vehicles being displayed for sale at a facility approved for this purpose;

(ii) Automotive Equipment and Repair and Storage facilities if stored in an enclosed and visually screened compound to the satisfaction of the Development Officer; and

(iii) Temporary/seasonal garden centres.

(b) All outside storage facilities approved prior to this amending bylaw will be deemed legal non-conforming and are subject to the provisions of Section 33.

(BL 02/002)

107. C3 - Shopping Centre Commercial District

107.1 Purpose

The purpose of this District is to provide for the comprehensive development of commercial retail, service and community facilities in a shopping centre form, or as planned complex of free standing structures on a single site. Development of these centres shall be limited to sites located adjacent to arterial roadways and major collectors in the Urban Service Area.

107.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Animal Service Facility, Minor
(c) Business Support Facility
(d) Child Care Facility
(e) Commercial Entertainment Facility
(f) Commercial Recreation Facility, Indoor
(g) Commercial School
(h) Community Service Facility
(i) Essential Public Service Facility
(j) Financial Institution
(k) Gas Bar **(BL 04/012)**
(l) **DELETED (08/001)**
(m) Liquor Store

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(n) Office
(o) Parking Lot/Structure
(p) Personal Service Facility
(q) Public Use/Utility
(r) Retail Store, General and Convenience
(s) Service Station, Major and Minor
(t) Shopping Centre

(BL 07/036, BL 16/020)

107.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Arcade
(b) Automotive and Equipment Repair
(c) **DELETED (BL 05/013)**
(d) Drinking Lounge, Major **(BL 05/013)**
(e) Drinking Lounge, Minor **(BL 05/013)**
(f) Dwelling Units above Ground Floor Commercial
(g) **DELETED (BL 05/013)**
(h) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(i) Food Service, Major Restaurant **(BL 05/013)**
(j) Food Service, Minor Restaurant **(BL 05/013)**
(k) Food Service, Take Out Restaurant **(BL 05/013)**
(l) Hotel
(m) Nightclub **(BL 05/013)**
(n) Project Accommodation **(BL 06/001)**
(o) Recyclable Materials Drop-Off Center **(BL 08/001)**
(p) Satellite Dish Antenna
(q) Warehouse and Storage, Specific to Lot 3, Block 2. Plan 3359TR and Lot 8, Block 2, Plan 922 0321 **(BL 03/006)**

107.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Automotive/Recreational Vehicle Sales and Rental
(b) Carnival
(c) Casino
(d) Custom Manufacturing
(e) Farmers/Flea Market
(f) Warehouse Sales

107.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Front Yard (minimum): 6.1 m
(b) Side Yard (minimum):

Exhibit 14

	(i)	Abutting Residential District:	7.6 m
	(ii)	All Other Cases:	6.1 m
(c)	Rear Yard (minimum):		
	(i)	Abutting Residential District:	7.6 m
	(ii)	All Other Cases:	6.1 m
(d)	Building Height (maximum):		
	(i)	Retail and Shopping:	12.0 m
	(ii)	Non-Retail:	20.0 m
(e)	Lot Width (minimum):		15.0 m
(f)	Site Area (minimum):		1.0 ha for comprehensively designed development which may consist of smaller individual lots.
(g)	Floor Area Ratio (maximum):		2.0

(h) Loading, outdoor storage or garbage facilities shall not encroach more than 5.0 m in any required side or rear yard.

(i) Landscaping as per Section 72 of Part 5 (General Regulations).

107.6 Regulations for Residential Units above Ground Floor Commercial

(a) Residential dwelling units and commercial premises shall not be permitted on the same storey of a building;

(b) The residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premise shall not be permitted;

(c) A minimum of 4.0 sq. meters of private amenity area shall be provided for each dwelling until in the building;

(d) On-site parking for the residential dwelling units shall be provided in accordance with the parking requirements for apartment buildings in Part 7 of this bylaw. Parking for the residential units shall be provided in addition to the parking requirements for the commercial premises; and

(e) Where a building contains residential dwelling units above commercial premises, all parking for the residential use shall be provided on-site. Shared parking, off-site parking and or/money in lieu of parking for the residential units shall not be permitted.

(BL 02/002)

108. C4 - Highway Commercial District

108.1 Purpose

The purpose of this district is to provide for the development of commercial and related uses which require large sites, and locations along primary highways, secondary highways, and urban arterials, that are intended to serve Wood Buffalo residents and the traveling public.

108.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Animal Service Facility, Minor
(c) Automotive and Equipment Repair
(d) Automotive/Recreational Vehicle Sales and Rentals
(e) Business Support Facility
(f) Commercial Recreation Facility, Indoor and Outdoor
(g) Commercial School
(h) Contractor, Limited
(i) **DELETED (BL 05/013)**
(j) Equipment Rental
(k) Essential Public Service
(l) Fleet Service
(m) Gas Bar **(BL 04/012)**
(n) Hostel
(o) Hotel
(p) Motel
(q) Park
(r) Parking Lot/Structure
(s) Public Use/Utility
(t) Religious Assembly
(u) Retail, Convenience
(v) Service Station, Major and Minor

DELETED (BL 07/036, BL 16/020)

108.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Commercial Entertainment Facility
(b) Drinking Lounge, Major **(BL 05/013)**
(c) Drinking Lounge, Minor **(BL 05/013)**
(d) **DELETED (BL 05/013)**
(e) Farmers/Flea Market
(f) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(g) Food Service, Major Restaurant **(BL 05/013)**
(h) Food Service, Minor Restaurant **(BL 05/013)**
(i) Food Service, Mobile Catering **(BL 05/013)**
(j) Food Service, Take Out Restaurant **(BL 05/013)**
(k) Funeral Home/Crematorium
(l) Liquor Store
(m) Nightclub **(BL 05/013)**
(n) Office **(BL 08/001)**
(o) Project Accommodation **(BL 06/001)**
(p) **DELETED (BL 04/012)**
(q) Recycling Depot
(r) Recyclable Materials Drop-Off Center **(BL 08/001)**

(s) Satellite Dish Antenna

108.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Adult Entertainment Facility
(b) Animal Service Facility, Major
(c) Auctioneering Facility
(d) Carnival
(e) Casino
(f) Contractor, General
(g) Educational Service Facility (accessory to a Religious Assembly only)
(h) Greenhouse/Plant Nursery
(i) Personal Service Facility **(BL 00/002)**
(j) **DELETED (BL 07/034)**
(k) Spectator Sports Facility
(l) Truck and Manufactured Home Sales
(m) Warehouse Sales

108.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):		
	(i)	Fronting on Primary Highway if no Service Road:	45.0 m
	(ii)	Where there is a Service Road:	7.6 m
(b)	Side Yard (minimum):		
	(i)	Abutting a Residential District	6.0 m
	(ii)	All Other Cases:	4.6 m
(c)	Rear Yard (minimum):		4.6 m **(BL 08/001)**
(d)	Building Height (maximum):		12.0 m for principal building
(e)	Lot Width (minimum):		
	(i)	No Service Road:	45.7 m
	(ii)	Fronting Service Road:	No Minimum
(f)	Lot Area (minimum):		929.0 m^2
(g)	Floor Area Ratio (maximum):		2.0
(h)	Landscaping as per Section 72 of Part 5 (General Regulations).		

108.6 Additional Provisions **(BL 07/055)**

(a) Purpose

Exhibit 14

Notwithstanding Section 108.1, the intent of this district is to allow for the development of an attractive industrial park that demonstrates innovation and high levels of environmental and economic performance.

The purpose of this district is to provide for a wide range of light and medium industrial uses. Development in this district must also minimize environmental impacts through the application of "eco-industrial" practices. Uses in this district should not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, light, dust or other objectionable or dangerous conditions.

(b) Permitted Uses

Notwithstanding Section 108.2, there are no permitted uses in this district.

(c) Prohibited Uses

Notwithstanding Sections 108.2, 108.3 and 108.4, the following uses are prohibited:

(i) Adult Entertainment Facility
(ii) Automotive and Equipment Storage
(iii) Campground **(BL 07/034)**
(iv) Casino
(v) Commercial Entertainment Facility
(vi) Commercial Recreation Facility, Outdoor
(vii) Contractor, General
(viii) Drinking Lounge, Minor
(ix) Drinking Lounge, Major
(x) Educational Service Facility (accessory to a Religious Assembly only)
(xi) Fleet Service
(xii) Liquor Store
(xiii) Manufactured Home Sales
(xiv) Nightclub
(xv) Recreational Vehicle Park
(xvi) Religious Assembly
(xvii) Spectator Sports Facility
(xviii) Warehouse Sales

(d) Discretionary Uses – Development Officer

Notwithstanding Section 108.3, the following are discretionary uses that may also be approved by the Development Officer:

(i) Accessory Building
(ii) Animal Service Facility, Major & Minor
(iii) Aquaculture Facility
(iv) Auctioneering Facility
(v) Automotive and Equipment Repair
(vi) Automotive Sales/Rental
(vii) Business Support Services Facility

(viii) Carnival
(ix) Childcare Facility
(x) Commercial Recreation Facility, Indoor
(xi) Commercial School
(xii) Contractor, Limited
(xiii) Custom Manufacturing
(xiv) Equipment Rentals
(xv) Essential Public Service
(xvi) Gas Bar
(xvii) Greenhouse/Plant Nursery
(xviii) Health Service Facility
(xix) Hostel
(xx) Hotel
(xxi) Household Equipment Repair
(xxii) Motel
(xxiii) Office **(BL 17/014)**
(xxiv) Park
(xxv) Parking Lot/Structure
(xxvi) Personal Service Facility
(xxvii) Private Utility
(xxviii) Public Use/Utility
(xxix) Recreational Vehicle Sales & Rental
(xxx) Retail Store, Convenience
(xxxi) Service Station, Major & Minor
(xxxii) Truck Sales

(e) Discretionary Uses – Planning Commission

Notwithstanding Section 108.4, the following are discretionary uses that may be also be approved by the Municipal Planning Commission:

(i) Farmers/Flea Market

(f) Site Provisions

In addition to the General Regulations contained in Part 5, and notwithstanding Section 108.5, the following standards shall apply to every development in this District, subject to Section 63:

(i)	Front Yard (minimum):		
	(A)	Fronting on Primary Highway if no service road	45 m
	(B)	Where there is a service road	7.5 m
(ii)	Side Yard (minimum)		
	(A)	Abutting a Residential District	6.0 m
(iii)	Rear Yard (minimum):		
	(A)	Abutting a Residential District	4.5 m
	(B)	If firewall provided	None required
	(C)	All other cases	2.0 m

Exhibit 14

(iv)	Maximum setback:	30.0 m
(v)	Building Height (maximum)	Lesser of 4.5 storeys or 17.5 m
(vi)	Lot Width (minimum):	
	(A) Abutting a public lane	15.0 m
	(B) Not abutting a public lane	40.0 m
(vii)	Lot Area (minimum):	0.1 ha
(viii)	Floor Area Ratio (maximum):	2.0
(ix)	Lot Depth (minimum)	None required
(x)	Coverage (maximum)	90%
(xi)	Landscaping as per Section 72 of Part 5 (General Regulations) and Subsection 108.6 (h).	

(g) Additional Requirements: Parking and Loading Areas

(i) Parking shall be provided as required in Part 7 of this Bylaw and as provided in this Section.

(ii) Notwithstanding Section 136(d), each use shall provide one (1) preferential parking space for disabled persons for every 20 required parking spaces (minimum of 1 space).

(iii) Each use shall provide one (1) preferential parking space for every 20 required parking spaces (minimum of 1 space) for use only by any of the following types of vehicle:

(A) Car pool /van pool /car share vehicles

(B) Gas/electric hybrid, electric, and hydrogen fueled vehicles

(C) Cars that are selected as the most fuel efficient model for any given year, as measured by Natural Resources Canada's Office of Energy Efficiency.

(iv) Preferential parking spaces shall be in a convenient location and may be located within the front, side or rear yard of a building.

(v) Preferential parking spaces shall count towards the total parking spaces required in Part 7 of this Bylaw.

(vi) Notwithstanding Section 72.7:

(A) Development of driveways, parking areas, and other paved expanses shall provide for actively landscaped boulevards, medians and borders.

(B) Parking areas sized to accommodate 25 or more vehicles shall be subdivided into blocks not to exceed 400 square meters in paved area. Such subdivision shall be achieved using islands and medians of sufficient width to sustain existing or new tree and shrub plantings as a strong visual border and screen.

(vii) Parking areas shall be located, designed, and landscaped in accordance with the Design Guidelines in Part 5, Section 91.

(viii) Where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the

obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m. Where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.

(h) Additional Requirements: Landscaping and Screening

(i) Notwithstanding Section 72.9(l)(i), a continuous landscaping strip not less than 4.0 m wide shall be provided along a public right-of-way.

(A) Between a parking or loading area and the right-of-way, the landscaping strip shall be designed to be:

1. At least 75% opaque in all seasons between grade level and 1.5m above grade;
2. Less than 25% opaque in all seasons between 1.5m and 2.5m above grade; and
3. At least 50% opaque in growing season between 2.5m and 4.0m above grade.

(B) Between a building or display area and the right-of-way, the landscaping strip shall be designed to provide good visibility for signage and displays.

(ii) Notwithstanding Section 72.7(a), the Development Authority may permit openings through required fencing & screening areas between lots in order to facilitate shared facilities (parking, storage areas, etc.) and pedestrian movement.

(iii) Landscaped areas must be located in such a way as to create continuity of landscaped areas with those on adjacent parcels and park areas.

(iv) Landscape areas must be concentrated or clustered to avoid sparse tree plantings and create functional green spaces that are not easily damaged by automobiles.

(v) Choose plants that reduce the need for maintenance, pesticide use, and irrigation. Plants must be:

(A) Species native to the area, as identified on the native plant list available from the Development Authority.

(B) Include a combination of groundcover, shrubs and trees, planted to provide a multi-storey vegetative community.

(C) Hardy, drought-tolerant, perennial species.

(vi) Tree trunks must be protected from winter snow clearing equipment.

(vii) The landscape must be designed in conformance with Crime Prevention through Environmental Design (CPTED) principles.

(viii) In landscape areas, trees must be planted in clusters, double rows or triangles instead of as a single tree row and must be spaced in accordance to recognized horticultural practice.

(ix) Design to minimize landscaping irrigation requirements. Strategies can include, but are not limited to the following:

(A) not installing an irrigation system

(B) use of collected stormwater

(C) use of other non-potable water

(D) use of a temporary and/or high efficiency drip irrigation system

(i) Building Design, Character and Appearance

(i) The front façade must be designed to create visual interest by articulating the facade into a series of intervals. One or more of the following methods may be used:

(A) Modulating the façade - stepping back or extending forward a portion of it;

(B) Use the pattern of fenestration to reinforce the façade modulation;

(C) Incorporating any merchandising display windows into the façade;

(D) Changing materials, colours, patterns, and textures within the building plane to reinforce the articulation both horizontally and vertically;

(E) Designing the building with visually distinct bottom, middle, and top;

(F) As an alternative to detailing the entire front facade, less architecturally significant portions of the front facades of buildings may be set back and screened from public view by mature, dense landscaping.

(ii) Blank walls facing public streets are not permitted.

(iii) Create visual interest through articulation of building walls adjacent to pedestrian/cyclist access routes. One or more of the following methods may be used: changes to materials, textures, colours and patterns, facade modulation; substantial, clustered landscape elements, and fenestration providing a sense of transparency.

(iv) Express the structural system (or implied structural system) of the building through visible exterior elements.

(v) For flat Roofs, distinguish the cornice from the wall by using suitable wood, metal, or stone materials, and/or by changing colour.

(vi) Define the entry. One or more of the following methods may be used:

(A) facade and structural elements such as overhangs, columns, pilasters, window placement

(B) signage
(C) feature extra-height lobby space, distinctive doorways, a distinctive landscaped entry area, and/or changes in paving materials, textures or colour;
(D) use wood or stone planting boxes.

(vii) In multi-building complexes, a consistent architectural concept must be maintained through the use of complementary building design, material and colors.

(viii) All mechanical, electrical, pollution control or waste handling equipment ancillary to a building must be screened from view from public rights of way. Such screening may be achieved through landscaping or by using materials identical to, or structurally and visually compatible with, the principal building on the site.

(A) At the discretion of the Development Authority, equipment and facilities that are intended to provide educational or aesthetic benefit, such as alternative water treatment facilities, innovative recycling systems, etc., may be exempt from this requirement.

(ix) Building design, character and materials for all development must be consistent with principles and regulations outlined in the Gateway South Zone.

(j) Signage

(i) In addition to the sign provisions contained in Part 7 of this Bylaw, the following requirements must be met:
(A) The maximum height of freestanding signs is restricted to the highest roof line of the building.
(B) All signs must be architecturally compatible with the other buildings and structures on a site.
(C) A comprehensive sign design or multiple tenant sign is required for highway commercial sites, to ensure harmony and reduce sign clutter.
(D) Portable signs are not permitted.
(E) All signs must be consistent with principles and regulations outlined in the Gateway South Zone.

(ii) Notwithstanding the sign provisions contained in Part 7 of this Bylaw, additional signage may be permitted if the signage is considered informative, educational, or profiles Eco-Industrial Networking, subject to the approval of the Development Authority.
(A) Signs must not be floodlit in such a manner as to cause interference to Highway traffic.

(k) Additional Requirements: Other

(i) An outdoor display area visible from a public roadway may not exceed the lesser of:
(A) 30 m in width, as measured along the front lot line; and
(B) 33% of the lot width.

(ii) In addition to Section 131.1(c)(iv) of this Bylaw, on corner lots, access from a public roadway must be at the side or rear of the building.

(iii) Grading and Drainage Plan must be submitted to the municipality for approval. In addition to requirements of Section 74, the plan must show how the developer intends to meet the intent and all requirements of the relevant Stormwater Master Plan.

(iv) Minimize light pollution throughout site by using fixtures that provide absolute cut-off (vertical cut-off at 90 degrees above nadir)

(BL 07/055)



(Figure 108.1)
Highway 63 North Eco-Industrial Park site map
Part of Lot 3, Block 1, Plan 042 1905

109. C5 - Central Business District

109.1 The purpose of this District is to provide for the intensive development of retail, office, residential and public uses in the Central Business core of the Urban Service Area.

109.2 Permitted Uses **(BL 16/020)**

The following are Permitted Uses:

(a) Accessory Building
(b) Apartment Hotel
(c) Broadcasting House
(d) Business Support Services Facility
(e) Commercial Entertainment Facility
(f) Commercial Recreation Facility, Indoor
(g) Commercial School
(h) Community Service Facility
(i) Essential Public Service Facility
(j) Financial Institution
(k) **DELETED (BL 08/001)**
(l) Hostel
(m) Hotel
(n) Household Equipment Repair
(o) Motel
(p) Office
(q) Park
(r) Parking Lot/Structure
(s) Personal Service Facility
(t) Public Use/Utility
(u) Religious Assembly
(v) Retail Store, Convenience and General
(w) **DELETED (BL 02/002)**

(BL 07/036, BL 16/020)

109.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Animal Service Facility, Minor
(b) Arcade
(c) Carnival
(d) **DELETED (BL 02/002)**
(e) Drinking Lounge, Major **(BL 05/013)**
(f) Drinking Lounge, Minor **(BL 05/013)**
(g) Dwelling Units above Ground Floor Commercial
(h) **DELETED (BL 05/013)**
(i) Food Service, Major Restaurant **(BL 05/013)**
(j) Food Service, Minor Restaurant **(BL 05/013)**
(k) Food Service, Take Out Restaurant **(BL 05/013)**

(l) Gas Bar **(BL 04/012)**
(m) Home Business
(n) Liquor Store
(o) Nightclub **(BL 05/013)**
(p) Project Accommodation **(BL 06/001)**
(q) Recyclable Materials Drop-Off Center **(BL 08/001)**
(r) Satellite Dish Antenna
(s) Service Station, Minor **(BL 02/002)**
(t) Shopping Centre

109.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Adult Entertainment Facility
(b) **DELETED (BL 02/002)**
(c) Automotive/Recreational Vehicle Sales and Rental
(d) Boarding House
(e) Casino
(f) Child Care Facility
(g) Custom Manufacturing
(h) Educational Service Facility (accessory to a Religious Assembly only)
(i) Funeral Home/Crematorium
(j) Group Home
(k) Service Station, Major
(l) Spectator Sports Facility

109.5 Site Provisions

In addition to the General Regulations contained in Part 5 the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):		None required.
(b)	Side Yard (minimum):		
	(i)	Abutting RI, R1E, RIM, R1S, R2 and R3, if Building Height is:	
		(A) 10.5 m or less	4.6 m
		(B) 10.5 m to 12.8m:	6.1 m
		(C) 12.8 m or more:	7.6 m
	(ii)	Abutting R4, if Building Height is:	
		(A) 10.5 m or less:	3.0 m
		(B) 10.5 m to 12.8 m:	4.6 m
		(C) 12.8 m or more:	6.1 m
	(iii)	All Other Cases:	None required if firewall provided.
(c)	Rear Yard (minimum):		4.6 m if abutting residential district
(d)	Building Height (maximum):		46.0 m for principal building

Exhibit 14

(e) Floor Area Ratio (maximum): 5.0 **(BL 09/017)**
(f) Landscaping as per Section 72 of Part 5 (General Regulations).

109.6 Regulations for Residential Units Above Ground Floor Commercial

(a) residential dwelling units and commercial premises shall not be permitted on the same storey of a building;
(b) the residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premises shall not be permitted;
(c) a minimum of 4.0 sq. meters of private amenity area shall be provided for each dwelling unit in the building;
(d) on-site parking for the residential dwelling unit shall be provided in accordance with the parking requirements for apartment buildings in Part 7 of this bylaw. Parking for the residential units shall be provided in addition to the parking requirements for the commercial premises; and
(e) where a building contains residential dwelling units above commercial premises, all parking for the residential use shall be provided on-site. Shared parking, off-site parking and or/money in lieu of parking for the residential units shall not be permitted.

(BL 02/002)

110. HC - Hamlet Commercial District

110.1 Purpose

The purpose of this District is to provide for commercial development in established hamlets.

110.2 Permitted Uses

The following are permitted uses:

(a) **DELETED (BL 05/013)**
(b) Gas Bar **(BL 04/012)**
(c) Hotel
(d) Motel
(e) Retail Store, Convenience and General
(f) Service Station, Major and Minor

110.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Buildings
(b) Animal Service Facility, major and minor **(BL 04/012)**
(c) Auctioneering Facility
(d) Automotive Equipment and Repair
(e) Automotive/ Recreational Vehicle Sales and Rentals
(f) Business Support Facility
(g) Child Care Facility

Exhibit 14

(h) Commercial Entertainment Facility
(i) Commercial Recreation Facility, Indoor and Outdoor
(j) Community Service Facility
(k) Contractor, Limited
(l) **DELETED (BL 05/013)**
(m) Drinking Lounge, Major **(BL 05/013)**
(n) Drinking Lounge, Minor **(BL 05/013)**
(o) Dwelling Units above Ground Floor Commercial only on Lots 3-8, Block 16, Plan 832 2978; Lots 9, 15, 17-18, Block 17, Plan 832 2978; Lots 16A-16B, Block 17, Plan 902 3066; Lots 1-4, Block 3, Plan 792 0314; Lots 1-3, 5-7, Block 11, Plan 792 0314 (Hamlet of Anzac) **(BL 08/037)**
(p) **DELETED (BL 05/013)**
(q) Equipment Rental
(r) Essential Public Service
(s) Farmers Market/ Flea market
(t) Financial Institution
(u) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(v) Food Service, Major Restaurant **(BL 05/013)**
(w) Food Service, Minor Restaurant **(BL 05/013)**
(x) Food Service, Mobile Catering **(BL 05/013)**
(y) Food Service, Take Out Restaurant **(BL 05/013)**
(z) Funeral Home
(aa) Greenhouse / Nursery
(bb) Hostel
(cc) Household Equipment Repair
(dd) Liquor Store
(ee) Nightclub **(BL 05/013)**
(ff) Office
(gg) Parking Lot
(hh) Personal Service Business
(ii) Public Use/Utility
(jj) Recreational Vehicle Park (on Lot 7, Block 11, Plan 792 0314)
(kk) Recycling Depot
(ll) Recyclable Materials Drop-Off Center **(BL 08/001)**
(mm) Religious Assembly
(nn) **DELETED (BL 07/002)**
(oo) Satellite Dish Antenna
(pp) Security residence
(qq) Warehouse Sales

110.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission

(a) Single Detached Dwelling in Fort Chipewyan **(BL 01/043)**

Exhibit 14

110.5 Requirements

(a)	Minimum Lot Area	465.0 m^2
(b)	Minimum Lot Width	16.0 m
(c)	Minimum yard setbacks	
	Front:	At the discretion of the Development Officer
	Side:	4.5 m or ten percent (10%) of the lot width, whichever is less.
	Rear:	7.5 m

Note: Commercial uses constructed adjacent to existing similar uses may be built without side yard setbacks at the discretion of the Development Officer, and with appropriate fire wall ratings. When a commercial use is adjacent to a residential use a side yard of at least 4.5 m shall be provided.

(d)	Maximum Height	10.0 m 12.2 m only for Lot 5, Block 11, Plan 792 0314

(BL 07/002)

111. BI Business Industrial District

111.1 Purpose

The purpose of this District is to provide for the development of a wide range of compatible commercial businesses and general industrial uses in the Urban Service Area, and in the hamlets of the Rural Service Area, which do not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, bright light or dust.

111.2 Permitted Uses

DELETED (BL 01/043, BL 04/012, BL 06/030)

111.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Building **(BL 06/030)**
(b) Animal Service Facility, Major and Minor **(BL 06/030)**
(c) Auctioneering Facility **(BL 06/030)**
(d) Automotive and Equipment Repair and Storage **(BL 06/030)**
(e) Automotive/Recreational Vehicle Sales and Rental **(BL 06/030)**
(f) Broadcasting House **(BL 06/030)**
(g) Business Support Services Facility **(BL 06/030)**
(h) Commercial School **(BL 06/030)**
(i) Commercial Recreational Facility, Indoor **(BL 17/020)**
(j) Contractor, General and Limited **(BL 06/030)**
(k) Custom Manufacturing **(BL 06/030)**

(l) Drinking Lounge, Major **(BL 05/013)**
(m) Drinking Lounge, Minor **(BL 05/013)**
(n) **DELETED (BL 05/013)**
(o) Equipment Rentals **(BL 06/030)**
(p) Essential Public Service Facility **(BL 06/030)**
(q) Fleet Service **(BL 06/030)**
(r) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(s) Food Service, Minor Restaurant **(BL 05/013)**
(t) Food Service, Mobile Catering **(BL 05/013)**
(u) Food Service, Take Out Restaurant **(BL 05/013)**
(v) Gas Bar **(BL 04/012)**
(w) General Industrial
(x) Household Equipment Repair
(y) Industrial Support Facility
(z) Office **(BL 08/001)**
(aa) Parking Lot/Structure
(bb) Project Accommodation **(BL 06/001)**
(cc) Recycling Depot
(dd) Retail Store, Convenience
(ee) Satellite Dish Antenna
(ff) Security Suite
(gg) Service Station, Major and Minor
(hh) Warehouse and Storage

111.4 Discretionary Uses Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Adult Entertainment Facility
(b) Bulk Oil and Chemical Storage
(c) Carnival
(d) Casino
(e) Single Detached Dwelling (hamlets only)
(f) Spectator Sports Facility
(g) Warehouse Sales

111.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard (minimum):	
(i)	If Required for Vehicular Access to Rear of Lot:	6.0 m
(ii)	One Side if Firewall Provided:	None required
(iii)	All Other Cases:	1.2 m

Exhibit 14

(c) Rear Yard (minimum):

(i)	If Firewall Provided:	None required
(ii)	Abutting Railway Line:	4.6 m
(iii)	All Other Cases:	1.2 m
(d)	Building Height (maximum):	12.0 m
(e)	Lot Width (minimum):	15.0 m
(f)	Lot Area (minimum):	0.2 ha
(g)	Floor Area Ratio (maximum):	2.0

(h) Landscaping as per Section 72 of Part 5 (General Regulations).

111.6 Additional Requirement: Security Suite

Notwithstanding any other regulation in this Bylaw, the approval of a security suite is subject to the following provisions:

(a) shall only be allowed as part of a warehouse or other storage facility development, subject to conformity with the Alberta Safety Code;
(b) one (1) suite shall be permitted per site;
(c) maximum floor area shall be 70.0 m^2;
(d) during the construction of a development a trailer or other removable structure may be used, as long as such facility is used for a temporary period (i.e. the construction period).

111.7 Additional Requirements: Dwellings in Hamlets

For single detached dwellings, manufactured and modular homes in hamlets, site provisions are at the discretion of the Development Authority.

111.8 Additional Requirements for Canvas Quonset Buildings

Fabric covered quonset buildings may be approved at the discretion of the Development Officer subject to the following:

(a) a fabric covered quonset building shall be accessory to a principal building on the site;
(b) a development permit for a fabric covered quonset building shall only be issued as a temporary development for a maximum period of two (2) years except where it is evident that a longer term is required; **(BL 04/012)**
(c) a development permit for a fabric covered quonset building shall only be issued after or simultaneous to the issuance of a development permit for a principal building;
(d) a fabric covered quonset building shall only be approved for storage use; and
(e) the Development Officer may require that the fabric covered quonset building match the colour of the principal building wherever possible; and
(f) Section 111.8 applies to all natural and synthetic fabric coverings on Quonset developments as determined by the Development Officer.

111.9 Additional Provisions **(BL 07/055)**

(a) Purpose

Notwithstanding Section 111.1, the intent of this District is to allow for the development of an attractive industrial park that demonstrates innovation and high levels of environmental and economic performance.

The purpose of this District is to provide for a wide range of light and medium industrial uses. Development in this District must also minimize environmental impacts through the application of "eco-industrial" practices. Uses in this District should not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, light, dust or other objectionable or dangerous conditions.

(b) Prohibited Uses

Notwithstanding Sections 111.2, 111.3 and 111.4, the following uses are prohibited:

(i) Adult Entertainment Facility
(ii) Automotive/Recreational Vehicle Sales and Rental
(iii) Business Support Services Facility
(iv) Casino
(v) Contractor, Limited
(vi) Custom Manufacturing
(vii) Drinking Lounge, Major
(viii) Drinking Lounge, Minor
(ix) Single Detached Dwelling (hamlets only)
(x) Spectator Sports Facility
(xi) Warehouse Sales

(c) Discretionary Uses – Development Officer

Notwithstanding Section 111.3, the following are discretionary uses that may also be approved by the Development Officer:

(i) Aquaculture Facility
(ii) Carnival
(iii) Greenhouse/Plant Nursery
(iv) Manufactured Home Sales
(v) Office
(vi) Park
(vii) Personal Service Facility **(BL 15/028)**
(viii) Public Use/Utility
(ix) Private Utility
(x) Research & Development
(xi) Truck Sales
(xii) Waste Management Facility

(d) Discretionary Uses - Planning Commission

Notwithstanding Section 111.4, the following are discretionary uses that may also be approved by the Municipal Planning Commission:

(i) Commercial School
(ii) Food Service, Drive-In or Drive Through
(iii) Food Service, Major Restaurant
(iv) Food Service, Minor Restaurant
(v) Food Service, Mobile Catering
(vi) Food Service, Take Out Restaurant
(vii) Related Industrial Facility

(e) Site Provisions

In addition to the General Regulations contained in Part 5, and notwithstanding Section 111.5, the following standards shall apply to every development in this district.

(i)	Front Yard (minimum):	6.0 m
(ii)	Side Yard (minimum)	
	If Required for Vehicular Access to Rear of Lot:	6.0 m
	If Firewall Provided:	None required
	All Other Cases:	1.2 m
(iii)	Rear Yard (minimum):	
	If Firewall Provided:	None required
	Abutting Railway Line:	4.5 m
	All Other Cases:	1.2 m
(iv)	Maximum setback:	30.0 m
(v)	Building Height (maximum):	14.0 m
(vi)	Lot Width (minimum):	
	Abutting a public lane	15.0
	Not abutting a public lane	40.0 m
(vii)	Lot Area (minimum):	0.2 ha
(viii)	Floor Area Ratio (maximum):	2.0
(ix)	Lot Depth (minimum)	None required
(x)	Coverage (maximum)	90%
(xi)	Landscaping as per Section 72 of Part 5 (General Regulations) and Subsection 111.9 (g).	

(f) Additional Requirements: Parking and Loading Areas

(i) Parking shall be provided as required in Part 7 of this Bylaw and as provided in this section.
(ii) Notwithstanding Section 136(d), each use shall provide 1 preferential parking space for disabled persons, for every 20 required parking spaces (minimum of 1 space).
(iii) Notwithstanding Section 136(d), each use shall provide 1 preferential parking space for every 20 required parking spaces (minimum of 1 space) for use only by the following types of vehicle:
(A) Car pool/van pool/car share vehicles
(B) Gas/electric hybrid, hydrogen, or electric fueled vehicles

(C) Cars that are selected as the most fuel efficient model for any given year, as measured by Natural Resources Canada's Office of Energy Efficiency

(iv) All preferential parking spaces shall be located close to a suitable building entry.

(v) Preferential parking spaces shall count towards the total required parking spaces required in Part 7 of this Bylaw.

(vi) Notwithstanding Section 72.7 of this Bylaw:

(A) Development of driveways, parking areas, and other paved areas shall incorporate actively landscaped boulevards, medians and borders.

(B) Parking areas sized to accommodate 25 or more vehicles shall be subdivided into blocks not to exceed 400 square meters in paved area. Such subdivision shall be achieved using islands and medians of sufficient width to sustain existing or new tree and shrub plantings as a strong visual border and screen.

(vii) Where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m. Where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.

(g) Additional Requirements: Landscaping and Screening

(i) Notwithstanding Section 72.9(l)(i), a continuous landscaping strip not less than 4.0 m wide shall be provided along a public right-of-way.

(A) Between a parking or loading area and the right-of-way, the landscaping strip shall be designed to be:

1. At least 75% opaque in all seasons between grade level and 1.5 m above grade;
2. Less than 25% opaque in growing season between 2.5 m and 4.0 m above grade.
3. At least 50% opaque in growing season between 2.5 m and 4.0 m above grade.

(B) Between a building or display area and the right-of-way, the landscaping strip shall be designed to provide good visibility for signage and displays.

(ii) Notwithstanding Section 72.7(a), the Development Authority may permit openings through required fencing & screening areas

between lots in order to facilitate shared facilities (parking, storage areas, etc.) and pedestrian movement.

(iii) Landscaped areas must be located in such a way as to create continuity of landscaped areas with those on adjacent parcels and park areas.

(iv) Landscaped areas must be concentrated or clustered to avoid sparse tree plantings and to create functional green spaces that are not easily damaged by automobiles.

(v) Choose plants that:

(A) Are species native to the area, as identified on the native plant list available from the Development Authority.

(B) Provide a complex multi-storey vegetative community through inclusion of a combination of groundcover, shrubs and trees;

(C) Are hardy, drought-tolerant, perennial species, reducing the need for maintenance, pesticide use, and irrigation.

(vi) Tree trunks must be protected from winter snow clearing equipment.

(vii) The landscape must be designed in conformance with Crime Prevention Through Environmental Design (CPTED) principles.

(viii) In landscape areas, trees must be planted in clusters, double rows or triangles instead of as a single tree row and must be spaced in accordance to recognized horticultural practice.

(ix) Design to minimize landscaping irrigation requirements. Strategies can include, but are not limited to the following:

(A) Not installing an irrigation system

(B) Use of collected stormwater

(C) Use of other non-potable water

(D) Use of a temporary and/or high efficiency drip irrigation system

(h) Building Design, Character and Appearance

(i) The Front Façade must be designed to create visual interest by articulating the facade into a series of intervals. One or more of the following methods may be used:

(A) Modulating the façade – stepping back or extending forward a portion of it;

(B) Use the pattern of fenestration to reinforce the façade modulation;

(C) Incorporating any merchandising display windows into the façade;

(D) Changing materials, colours, patterns, and textures within the building plane to reinforce the articulation both horizontally and vertically;

(E) Designing the building with visually distinct bottom, middle, and top.

(F) As an alternative to detailing the entire front façade, less architecturally significant portions of the front facades of buildings may be set back and screened from public view by mature, dense landscaping.

(ii) Blank walls facing public streets are not permitted.

(iii) Create visual interest through articulation of building walls adjacent to pedestrian/cyclist access routes. One or more of the following methods may be used: changes to materials, textures, colours and patterns, facade modulation; substantial, clustered landscape elements, and fenestration providing a sense of transparency.

(iv) Express the structural system (or implied structural system) of the building through visible exterior elements.

(v) For flat Roofs, distinguish the cornice from the wall by using suitable wood, metal, or stone materials, and/or by changing colour.

(vi) Define the entry. One or more of the following methods may be used:

(A) façade and structural elements such as overhangs, columns, pilasters, window placement

(B) Signage

(C) Feature extra-height lobby space, distinctive doorways, a distinctive landscaped entry area, and/or changes in paving materials, textures or colour

(D) Use wood or stone planting boxes;

(vii) In multi-building complexes, a consistent architectural concept must be maintained through the use of complementary building design, material and colours.

(viii) All mechanical, electrical, pollution control or waste handling equipment ancillary to a building must be screened from view from public rights of way. Such screening may be achieved through landscaping or by using materials identical to, or structurally and visually compatible with, the principal building on the site.

(A) At the discretion of the Development Authority, equipment and facilities that are intended to provide educational or aesthetic benefit, such as alternative water treatment facilities, innovative recycling systems, etc. may be exempt from this requirement.

(ix) Building design, character and material for all development must be consistent with principles and regulations outlined in section the Gateway South Zone.

(i) Signage

(i) In addition to the provisions in the Sign Bylaw (01/068), the following requirements must be met:

(A) The maximum height of freestanding signs is restricted to the highest roofline of the building.
(B) All signs must be architecturally compatible with the other buildings and structures on a site.
(C) A comprehensive sign design or multiple tenant sign is required for highway commercial sites, to ensure harmony and reduce sign clutter.
(D) Portable signs are not permitted.
(E) All signs must be consistent with principles and regulations outlines in section the Gateway South Zone.

(ii) Notwithstanding the Sign Bylaw (01/068), additional signage may be permitted if the signage is considered informative, educational, or profiles Eco-Industrial Networking; subject to the approval of the development authority.
(A) Signs must not be floodlit in such a manner as to cause interference to Highway traffic.

(j) Additional Requirements: Other

(i) An outdoor display area visible from a public roadway may not exceed the lesser of:
(A) 30 m in width, as measured along the front lot line; and
(B) 33% of the lot width.

(ii) In addition to Section 131.1(c)(iv) of this Bylaw, on corner lots, access from a public roadway must be at the side or rear of the building.

(iii) Grading and Drainage Plan must be submitted to the municipality for approval. In addition to requirements of Section 74, the plan must show how the developer intends to meet the intent and all requirements of the relevant Stormwater Master Plan.

(iv) Minimize light pollution throughout site by using fixtures that provide absolute cut-off (vertical cut-off at 90 degrees above nadir)."

(BL 07/055)

Figure 111.1. Highway 63 North Eco-Industrial Park Site Map

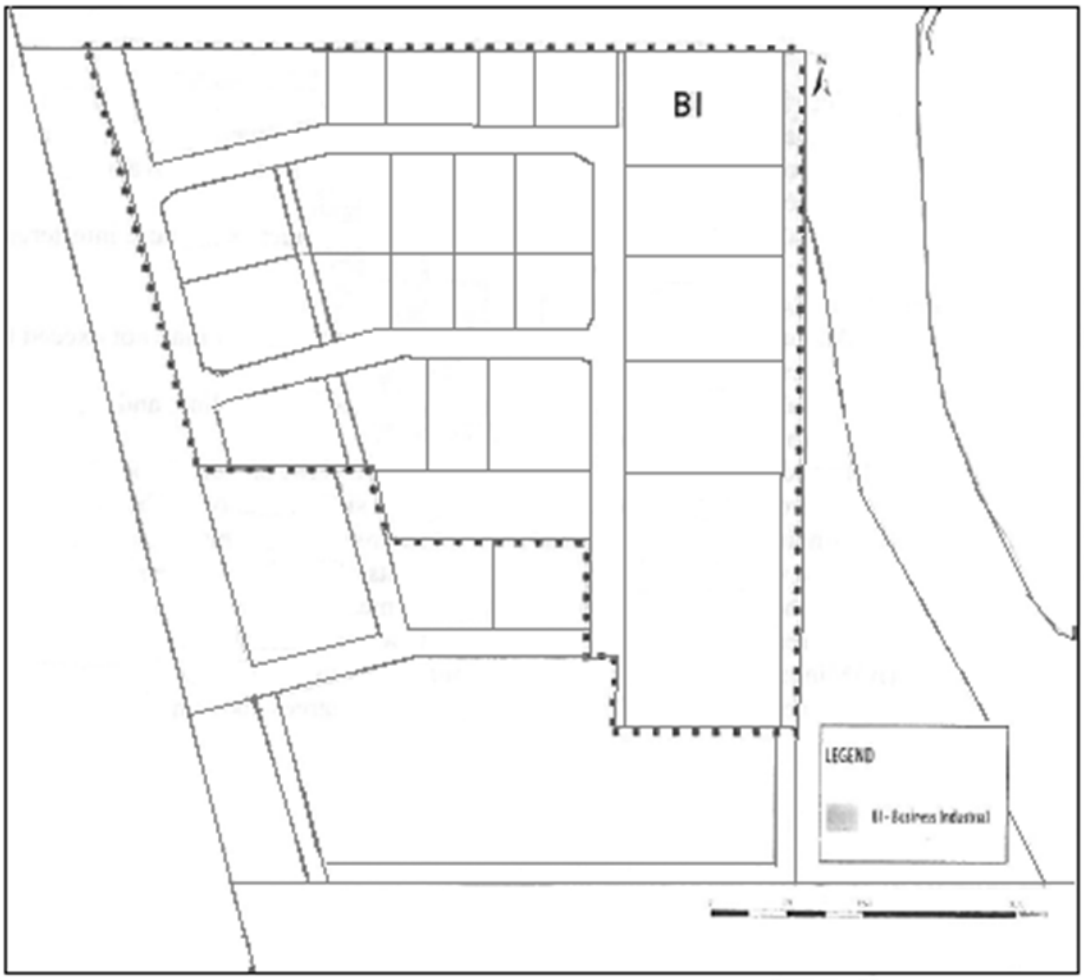


Exhibit 14

112. EP Environmental Preservation District

112.1 Purpose

The purpose of this District is to provide for the preservation of natural open space and the protection of environmentally sensitive lands from incompatible development.

112.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building **(BL 01/043)**
(b) Home Occupation

DELETED (BL 07/036, BL 16/020)

112.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Home Business
(b) Outdoor Recreation Facility
(c) Park
(d) Parking Lot/Structure
(e) Public Use/Utility

112.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Market Garden
(b) Manufactured Home existing prior to the passing of this bylaw
(c) Single Detached Dwelling existing prior to the passing of this bylaw

112.5 Site Provisions

(a) Notwithstanding Section 16, all developments require a development permit.
(b) Clearing, tree cutting, trail construction, irrigation, or similar activity Require prior permission be obtained from the Development Authority.
(c) Any development permit applications or request for clearing, tree cutting, trail construction, irrigation, or similar activity which requires the restoration and rehabilitation of a site upon completion of such activity shall be accompanied by detailed landscaping plan prepared to the satisfaction of the Development Authority.
(d) The extraction of sand, gravel, or aggregate is not permitted.
(e) Development permit applications for:

(i) any swimming and wading pool;
(ii) any water foundation and /or water sculpture ;
(iii) any water reservoir and water tank;
(iv) any ornamental pond or lake;
(v) any water retaining excavation, structure or vessel that could affect sub-soil characteristics;

(f) shall be accompanied by a report, satisfactory to the Development Authority, by a qualified, registered professional Engineer, detailing the structural components of the proposal which will limit any risk to the bank stability.

113. PS - Public Services District

113.1 Purpose

The purpose of this district is to provide for the development of buildings and uses for the delivery of educational, health, government, and other institutional services.

113.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building **(BL 01/043)**
(b) Community Recreation Facility **(BL 11/016)**
(c) Community Service Facility
(d) Educational Service Facility
(e) Essential Public Service
(f) Park
(g) Parking Lot/Structure
(h) Public Use/Utility
(i) Religious Assembly

(BL 07/036, BL 16/020)

113.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Cemetery
(b) Hospital
(c) Medical Clinic **(BL 13/027)**
(d) Outdoor Recreation Facility **(BL 12/025)**
(e) Project Accommodation **(BL 06/001)**
(f) Recyclable Materials Drop-Off Center **(BL 08/001)**
(g) Spectator Sports Facility (hamlets only)
(h) Youth Assessment Center, specific to a portion of Block 46, Plan 752 0462 **(BL 02/044)**.

113.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Child Care Facility
(b) Detention Facility
(c) Group Home
(d) Military Facility

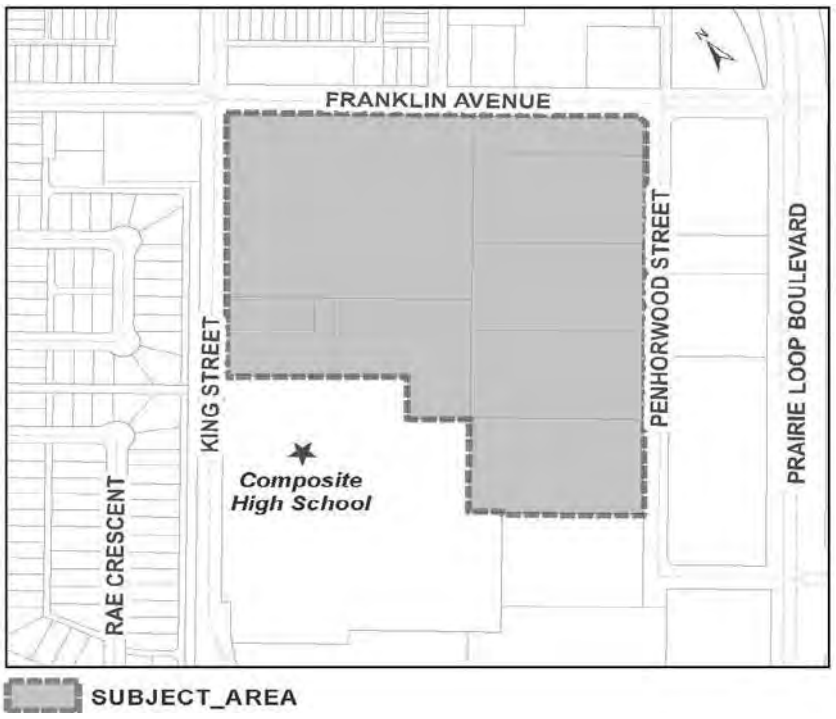
113.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard (minimum):	6.0 m
(c)	Rear Yard (minimum):	6.0 m
(d)	Building Height (maximum):	12.2 m except 14.7 m on Lot 14, Block 14, Plan 032 0719 **(BL 04/041)**

113.6 The following regulations apply to any new development on Lots 1-5, Block 2, Plan 503TR, Lot 12, Block 2, Plan 5030TR; Lot 1, Plan 3790 NY; Lot 15MR, Block 2, Plan 922 0240; Lot 2, Block 2, Plan 772 2192 as identified in the area shown in Figure 113.1. **(BL 15/026)**

Figure 113.1 – Keyano College Cleawater Campus Site Map



(a) Purpose

The purpose of this type of Node is to provide more detailed urban design direction and development standards for the successful integration of a higher density mixed-use, walkable, transit-oriented node associated with, but extending beyond the existing regulations of the Public Service District.

(b) General Regulations

Where a conflict exits between the regulations contained within this overlay district and the underlying Public Service District, the regulations contained within this overlay district shall apply.

(c) Permitted Uses

Notwithstanding the Permitted Uses of the Public Service District, within the Public Service Keyano College Node the following uses shall apply:

(i) Retail Store, General and Convenience Office
(ii) Food Service, Mayor Restaurant
(iii) Food Service, Take Out Restaurant
(iv) Commercial Entertainment Facility

(d) Discretionary Uses – Development Officer

Notwithstanding the Discretionary Uses of the Public Service District, within the Public Service Keyano College Node the following uses shall apply:

(i) Drinking Lounge, Major
(ii) Drinking Lounge, Minor

(e) Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district:

(i)	Front Yard Setback (minimum):	1.0 m
(ii)	Front Yard Setback (maximum):	3.0 m
(iii)	Side Yard:	0.0 m
(iv)	Rear Yard:	0.0 m
(v)	Building Height (maximum):	12 Storeys
(vi)	Landscaping:	10%
(vii)	Floor Area Ratio (maximum):	5 FAR

(f) Additional Regulations

(i) There shall be a minimum of 2.5 barrier free sidewalk where there are active at-grade frontages. This sidewalk can be provided in the municipal boulevard where there is sufficient width available.

(ii) No residential uses shall be permitted on the ground floor of a building.

(iii) Loading, storage and trash collection area is encouraged to be located internally within the development. However, where this is not possible, they shall be located to the rea or sides of the principal building and shall be screened from view from any adjacent sites and public streets.

(iv) Along with transit-oriented development principles, sites large than 1.0 ha must plan for integrating a bus stop on site along the Franklin Avenue and King Street corridors.

(v) No storage, loading or similar use may occur within the front yard setback.

(g) Built Form Regulations

(i) City Blocks

(A) A mid-Block opening into the campus shall be provided for blocks exceeding 150.0 m in length, or after every 150.0 m interval.

(B) Through Block Connections for pedestrians, bikes and parking access shall be a minimum with of 5.0 m to accommodate both pedestrian bicycle access.

(ii) Siting

(A) Along Franklin Avenue and King Street, development shall front the public street and be located within 3.0 m of the property line.

(B) Notwithstanding the above, up to 50% of the development fronting onto a public street may be setback up to 5.0 m to provide for outdoor patio space or retail spill-out zone. The outdoor patio space or spill-out may be covered with an arcade or cantilever.

(C) Direct access to transit stops or situations shall be provided in the site at convenient locations and shall be connected to pedestrian infrastructure.

(D) There shall be a direct, uninterrupted barrier free sidewalk from the front entrance of the building to the public sidewalk, or road right-of-way if no sidewalk exists at the perimeter property, and/or transit stop.

(iii) Massing

(A) Buildings along Franklin Avenue and King Street shall be a minimum height of 6.0 m.

(B) The ground floor of any development within this district shall have a minimum ground floor building height of 4.5 m.

(C) Development within this Node shall consist of a podium and tower. The podium level of a building can extend upwards to a maximum height of 6 storeys. Development of more than 6 storeys shall stepback a minimum of 3.0 m to a maximum of 5.0 m. This stepback can be accommodated anywhere within, or at the 6th storeys of a development. A stepback can be reduced to 1.5 m at the discretion of the development authority if the building design provides a visual break through design, materials, and/or colours.

(h) Architectural Elements

(i) The building face of all development shall be articulated by recession and/or architectural projections at a minimum of 20.0 m intervals

(ii) Blank walls facing public streets or public spaces shall not be permitted.

(iii) A minimum of 60% of the ground floor façade of a building facing a public street shall contain transparent glazing comprised of windows and entrances.

(iv) Non-residential development facing public streets shall provide weather protection in the form of awnings or canopies for a minimum of 80% of the overall Building Frontage and must comply with the following:

(A) Awnings or canopies must project a minimum of 1.5 m and a maximum of 2.5 m over the public side walk along Franklin Avenue and King Street.

(B) Awnings or canopies must provide a minimum of 2.5 m and a maximum of 4.0 m of vertical clearance over the sidewalk

(v) The Primary Entry Doors must be located on the side of the building facing the public streets. Secondary entrances can exist on the side or rear of a development.

(i) Parking

(i) No additional parking is permitted between the public street and the front facade along Franklin Avenue and King Street.

(ii) Surface parking shall generally be located to the rear of the building.

(iii) Parking structures and surface parking lots shall be connected to public streets or Primary Entry Doors of surrounding buildings by defined pedestrian pathways.

(iv) A parking structure is permitted to front Franklin Avenue or King Street provided that 100% of the ground floor of the parking structure fronting onto Franklin Avenue or King Street, excluding any related mechanical room or pedestrian or vehicular access, is occupied by active uses such as retail, food and beverage commercial, or office. These ground floor uses must maintain a minimum depth of 12.0 m.

(v) Site access will be limited to 3 curb cuts per 180 m. Access must be a minimum of 12.0 m from an intersection and a maximum of 9.0 m wide for surface parking or 14.0 m wide for garage access."

(BL 15/026)

114. PR Parks and Recreation District

114.1 Purpose

The purpose of this district is to provide for the development of land for parks and recreational facilities intended for the use and enjoyment of the public at large.

114.2 Permitted Uses **(BL 16/020)**

(a) Accessory Building
(b) Park
(c) Parking Lot/Structure
(d) Public Utility/Use

(BL 07/036, BL 16/020)

114.3 Discretionary Uses - Development Officer

(a) Community Recreation Facility
(b) Outdoor Recreation Facility
(c) Project Accommodation **(BL 06/001)**
(d) Recyclable Materials Drop-Off Center **(BL 08/001)**
(e) Sand and gravel extraction and associated processing and shipping activities within the West ½ of Section 31, Township 90, Range 9 W4M **(BL 06/037)**
(f) Sand and gravel extraction and associated processing and shipping activities within part of Section 30, Township 90, Range 9, W4M **(BL 10/018)**
(g) Sand and gravel extraction and associated processing and shipping activities within part of NW ¼, NE ¼, SE ¼ 18-91-9, W4M **(BL 11/004)**

Exhibit 14

(h) Spectator Sport Facility
(i) Recyclable Materials Drop-Off Centre **(BL 08/001)**
(j) Resort Facility

114.4 Discretionary Uses - Planning Commission

DELETED (BL 01/043)

114.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a)	Front Yard (minimum)	6.0 m, except 41.0 m when the site is adjacent to the primary or secondary highway
(b)	Side Yard (minimum):	6.0 m
(c)	Rear Yard (minimum):	6.0 m
(d)	Building Height (maximum):	12.2 for principal building

114.6 Additional Requirements: Float Plane Base

In addition to the above regulations, the development of a float plane base in the Urban Service Area is subject to the following:

(a)	Side Yard, Interior (minimum):	1.2 m
(b)	Side Yard, Exterior (minimum):	3.0 m
(c)	Building Height (maximum):	6.0 m for principal building
(d)	Accessory development may include office buildings, fuel storage and maintenance facilities integral to the operation of the base	
(e)	Fuel storage facilities shall be located to the satisfaction of the Development Authority in accordance with Provincial Regulations.	

115. UE - Urban Expansion District

115.1 Purpose

The purpose of this district is to protect land in the Rural Service Area suited for future urban and hamlet expansion from premature subdivision and development.

115.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Essential Public Service
(c) Outdoor Recreation Facility
(d) Park
(e) Public Use/Utility

Exhibit 14

115.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Extensive Agriculture
(c) Intensive Agriculture
(d) Market Garden
(e) **DELETED (BL 08/001)**
(f) Recreation Vehicle Park specific to NW ¼ Sec 17 and SW ¼ Sec 20-88-9-W4M **(BL 03/019)**
(g) Resort Facility specific to N ½ Sec 15-88-8, NW ¼ Sec 17, and SW ¼ Sec 20-88-9-W4M **(BL 03/019, BL 10/012)**
(h) Satellite Dish Antenna
(i) **DELETED (BL 06/030)**
(j) Temporary Project Accommodation **(BL 06/001)**

115.4 Discretionary Use - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Airport
(b) Automotive Wrecker
(c) Manufactured Home (accessory to Intensive or Extensive Agriculture)
(d) Natural Resource Extraction and Processing **(BL 00/011)**
(e) Storage Facility
(f) Single Detached Dwelling (accessory to Intensive or Extensive Agriculture)
(g) Security Suite
(h) Temporary Building or Structure
(i) Waste Management Facility

115.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

(a) Lot Area (minimum): 2.0 ha
(b) The subdivision of one (1) lot from an unsubdivided quarter may be allowed to accommodate an existing residence and related improvements, provided the balance is retained for agricultural purposes.
(c) All other standards shall be at the discretion of the Development Authority.

115.6 **DELETED (BL 08/001)**

116. RD - Rural District

116.1 Purpose

The purpose of this district is to manage development in the Rural Service Area, outside established hamlets, including the accommodation of oil sands mining, extraction and upgrading.

Exhibit 14

116.2 Permitted Uses

The following are permitted uses:

(a) Extensive Agriculture
(b) Home Occupation
(c) Oil Sands Mining, Extraction and Upgrading
(d) Oil Sands Pilot Projects
(e) On-site security
(f) Park
(g) Trapper's Cabin
(h) Utilities/Co-generation

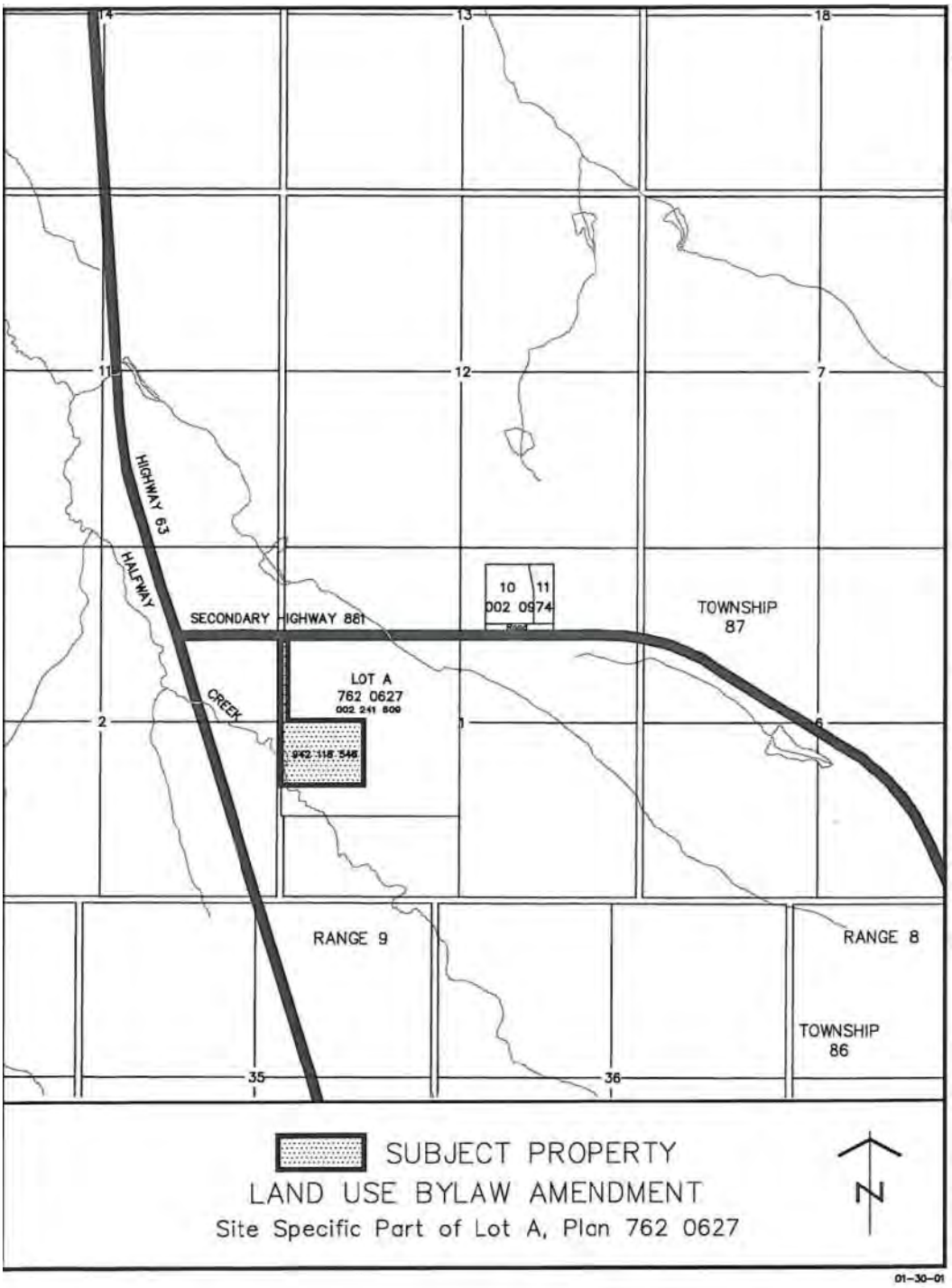
116.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Building
(b) Airport
(c) Bed and Breakfast
(d) Campground **(BL 04/012)**
(e) Cemetery
(f) Community Recreation Facility
(g) Country Inn
(h) **DELETED (BL 05/013)**
(i) Drinking Lounge, Minor **(BL 05/013)**
(j) Educational Service Facility (accessory to a Religious Assembly only)
(k) Family Care Dwelling
(l) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(m) Food Service, Minor Restaurant **(BL 05/013)**
(n) Food Service, Take Out Restaurant **(BL 05/013)**
(o) Gas Bar **(BL 04/012)**
(p) General Contractor only on part of Lot A, Plan 762 0627, as shown on Schedule A, attached hereto and forming part of this Bylaw **(BL 01/067)**
(q) Guest Ranch
(r) Home Business
(s) Hotel
(t) Industrial Support Facility **(BL 04/012)**
(u) Intensive Agriculture
(v) Kennel
(w) Manufactured/Modular Home
(x) Market Garden
(y) Motel
(z) Natural Resource Extraction and Upgrading
(aa) Outdoor Recreation Facility
(bb) Project Accommodation **(BL 06/001)**
(cc) Public Use/Utility
(dd) **DELETED (BL 04/012)**
(ee) Religious Assembly

(ff) Resort Facility
(gg) Retail Store, Convenience
(hh) Satellite Dish Antenna
(ii) Security Suite
(jj) Service Station, Minor
(kk) Single Detached Dwelling
(ll) Spectator Sports Facility
(mm) Staff Accommodation **(BL 08/001)**
(nn) **DELETED (BL 06/030)**
(oo) Waste Management Facility

Figure 116.3


14
13
18
11
12
7
HIGHWAY 63
HALFWAY
SECONDARY HIGHWAY 881
10
11
002 0974
TOWNSHIP
87
LOT A
762 0627
002 241 809
CREEK
2
1
6
942 118 545
RANGE 9
RANGE 8
TOWNSHIP
86
35
36
SUBJECT PROPERTY
LAND USE BYLAW AMENDMENT
Site Specific Part of Lot A, Plan 762 0627
N
01-30-01

116.4 Discretionary Uses - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Abattoir
(b) Intensive Livestock Operation

116.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a)	Front Yard (minimum):	40.0 m
(b)	Side Yard, Interior (minimum):	15.0 m
(c)	Side Yard, Exterior (minimum):	40.0 m
(d)	Rear Yard (minimum):	10.0 m
(e)	Lot Area (minimum):	
(i)	Extensive Agriculture	32.0 ha
(ii)	Market Garden	4.0 ha
(iii)	Intensive Agriculture:	2.0 ha
(iv)	All Other Uses:	At discretion of Development Authority

116.6 **DELETED (BL 08/001)**
116.7 **DELETED (BL 08/001)**
116.8 **DELETED (BL 08/001)**

117. HG - Hamlet General District

117.1 Purpose

The purpose of this District is to provide for a wide variety of uses in the hamlets of the Rural Service Area.

Exhibit 14

117.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Educational Service Facility
(c) Essential Public Service
(d) Home Occupation
(e) Manufactured Home
(f) Manufactured Home Park
(g) Park
(h) Public Use/Utility
(i) Satellite Dish Antenna
(j) Semi-Detached Dwelling
(k) Single Detached Dwelling

117.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Apartment Building
(c) Bed and Breakfast
(d) Child Care Facility
(e) Commercial Uses (all uses in the C4 district may be approved at the discretion of the Development Officer and shall comply with the regulations of the C4 District)
(f) Family Care Dwelling
(g) Fourplex
(h) Home Business **(BL 04/012)**
(i) Industrial Uses (all uses in the BI District may be approved at the discretion of the Development Officer and shall comply with the regulations of the BI District)
(j) Institutional Uses (all uses in the PS District may be approved at the discretion of the Development Officer and shall comply with the regulations of the PS District)
(k) Outdoor Recreation Facility
(l) Religious Assembly
(m) Resort Facility (specific to units 7-11, Condominium Plan 962 0928 and NW ¼ sec 33-76-7-4 **(BL 02/042)**
(n) Spectator Sports Facility
(o) Temporary Project Accommodation (specific to NW ¼ Sec 33-76-7-4) **(BL 02/042, BL 06/001)**
(p) Townhouse

117.4 Discretionary Use - Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) None

117.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to all permitted uses:

(a)	Front Yard (minimum):	7.5 m
(b)	Side Yard (minimum):	
	(i) Apartment Building:	4.6 m
	(ii) All Other Uses:	3.0 m
(c)	Rear Yard (minimum):	7.5 m
(d)	Building Height (maximum):	10.0 m for principal building
(e)	Lot Width (minimum):	
	(i) Unserviced Lot, or Municipal Water or Sewer Only:	30.0 m
	(ii) Municipal Water and Sewer:	15.0 m
(f)	Lot Area (minimum):	
	(i) Unserviced Lot:	1,860.0 m^2
	(ii) Municipal Water Only:	930.0 m^2
	(iii) Municipal Sewer Only:	1,400.0 m^2
	(iv) Municipal Water and Sewer:	560.0 m^2
(g)	Floor Area (minimum):	55.0 m^2

117.6 Additional Provisions: Manufactured Homes

(a) The undercarriage of manufactured homes shall be completely screened from view by the foundation, skirting, or by such other means satisfactory to the Development Authority.

(b) All accessory buildings, additions, porches, and skirting shall be a quality and appearance equivalent to the manufactured home.

117.7 Site Provisions: Apartment, Townhouse, Fourplex

For all apartment, townhouse and fourplex developments, the site provisions of the Medium Density Residential (R3) District shall apply.

117.8 Site Provisions: Commercial Uses

For all commercial uses listed as permitted or discretionary in the Highway Commercial (C4) District, the site provisions of that District shall apply.

Exhibit 14

117.9 Site Provisions: Industrial Uses

For all business, general industrial uses listed as permitted or discretionary in the Business Industrial (BI) District, the site provisions of that District shall apply.

117.10 Site Provisions: Institutional Uses

For all institutional uses listed as permitted or discretionary in the Public Service (PS) District, the site provisions of that District shall apply.

117.11 Site Provisions: Manufactured Home Park

(a) Density:

(i) site shall not be less than 2.0 ha;
(ii) density shall not exceed 20 units per ha.

(b) Stalls:

(i) each stall shall not be less than 420.0 m^2 in area and 14.0 m in width;
(ii) each stall shall front onto an internal access road rather than a public street. All stalls shall be at least 3.0 m from the manufactured home park property boundary;
(iii) each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.

(c) Setbacks:

(i) the minimum yard (front, side and rear) for each stall shall be 3.0 m;
(ii) in addition each manufactured home until shall be separated from every other until by at least 6.0 m.

(d) Building Requirements (for manufactured home units):

(i) minimum ground floor area: 54.0 m^2 (excluding additions);
(ii) minimum width: 3.6 m;
(iii) each manufactured home unit shall be placed on suitable hard surfaced base within the stall;
(iv) all mobile home units shall provide skirting around the base of the unit within 60 days of the placement of the unit in the stall;
(v) all additions, porches, garages and accessory structures shall be on all equivalent quality and appearance as the manufactured home unit and shall complement the exterior;

(e) Internal Roads:

(i) all internal roads shall have a minimum right-of-way of 9.0m with a carriage way of 4.5 m;
(ii) all roads shall be hard surfaced, well drained and maintained to the satisfaction of the Development Officer.

(f) Utilities:

(i) manufactured home parks shall be connected to municipal services;

(ii) street lighting and other utilities shall be to the same standards as that in a conventional residential neighbourhood.

(g) Common Areas:

(i) at least 5 % of the gross site area shall be developed as playground space/amenity area in locations convenient to all manufactured home park residents;

(ii) a storage compound shall be provided for recreational vehicles and other equipment at the ratio of 14.0 m^2 per unit.

(h) Landscaping:

(i) landscaping as per Section 72 of Part 5 (General Regulations);

(ii) screen fences or walls shall be erected around laundry yards, refuse collection areas and storage area to the satisfaction of the Development Officer.

118. DC Direct Control District

118.1 Purpose

The purpose of this District is to provide for the creation of specific land use regulations where the circumstances are such that control by other Districts would be inappropriate or inadequate, having regard to any applicable statutory plans, existing or future surrounding developments and the public interest.

118.2 Application

(a) This District shall only be applied where the following conditions are met:

(i) the development is, in the opinion of Council, considered appropriate for the site, having regarding for the policies and objectives of any statutory plan and compatibility with the scale and charter of surrounding development;

(ii) the use of any other District to accommodate the development would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of such District be utilized; or

(iii) the development is of a unique form or nature not contemplated or reasonably regulated by another District.

(b) In addition to the information required by this bylaw for an amendment application, the applicant shall also provide the following information:

(i) support rational explaining why the District is desirable for the site, having regard for the conditions of application set out in (a) above;

(ii) a list of uses proposed for the site;

(iii) a narrative documenting the options and concerns of surrounding property owns and residents obtained through a public information program, and how the proposed development responds to those concerns, together with a summary of the methods used to obtain such input;

(iv) plans and elevations that would help to substantiate the need for the district; and

(v) any other information as may be required by Council.

(c) Notwithstanding (b) above, Council may consider an application for this District, if, in the opinion of Council, the application is of such a nature as to enable a decision to be made without all of the required information.

118.3 Uses

In approving a Direct Control District, Council shall specify those uses which may be permitted or discretionary in the District.

118.4 Development Permits

In approving this District, Council shall specify which uses shall be decided upon by the Development Officer, by the Municipal Planning Commission and by Council.

118.5 Development Controls

In approving this district, Council shall specify those regulations, in addition to the general regulations of this bylaw, which shall apply to uses in this District.

119. R1P - Planned Unit Residential District

119.1 Purpose

The purpose of this District is to provide for residential development on small lots in a wide variety of forms, including manufactured homes, single detached dwellings, semi-detached dwellings and townhouses. Boarding houses, group homes, bed and breakfasts and other accessory uses which generate parking will not be permitted in this District due to the small lots.

119.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Duplex
(c) Home Occupation
(d) Manufactured Home (except for River Lot 1, part of Block X, Plan 198AS; and part of the west ½, Block X, Plan 616AO **(BL 01/016)**
(e) Park
(f) Public Utility
(g) Semi-detached Dwelling
(h) Single Detached Dwelling
(i) Townhouse

(BL 07/036, BL 16/020)

119.3 Discretionary Uses - Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Home Business
(c) Project Accommodation **(BL 06/001)**

(d) Public Use
(e) Residential Sales Centre (dwelling based or portable) **(BL 01/043)**
(f) Satellite Dish Antenna

119.4 Discretionary Uses - Planning Commission

The following are uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite

119.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a) Front Yard (minimum)

(i) 6.0 m; or
(ii) 3.0 m if the lot has access to the rear lane

(b) Side Yard

(i) a minimum of 1.2 m for each side yard except a minimum of 3.0 m on the side of a corner site; or
(ii) a minimum of 0.0 m on one side and a minimum of 2.7 m on the other side subject to the following requirements:
(A) the owner of the adjacent site grants a 1.0 m private access and maintenance easement which shall be registered against the title of that adjacent site;
(B) all roof drainage is directed from the building on to the building site by eavestroughs and downspouts or other suitable means;
(C) it is a requirement of this District that a minimum of twelve (12) lots utilize the zero lot line concept before an area would be given approval; and
(D) the zero lot line side shall not be located on the street side of a corner lot.

(iii) a minimum of 0.0 m on one side and a minimum of 1.2 m on the interior side yard or 3.0 m on the exterior side yard, for semi-detached dwellings only. **(BL 04/012)**

(c) Rear Yard (minimum)

(i) 5.0 m; or
(ii) 6.0 m if the site has access to a rear lane.

(d) Lot Width (minimum)

(i) 7.6 m for single detached dwellings and manufactured homes;
(ii) 7.6 m per dwelling unit for semi-detached and duplex dwellings; **(BL 04/012)**
(iii) 6.0 m per dwelling unit for townhouses (interior lot and interior unit);
(iv) 7.2 m per dwelling until townhouses (end unit); and
(v) 9.0 m per dwelling until for townhouses (corner lot)

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(e) Lot Depth (minimum)

(i) 24.2 m for manufactured homes with a rear lane;
(ii) 26.2 m for manufactured homes without a rear lane; and
(iii) 31.0 m for single detached, duplexes and semi-detached dwellings **(BL 04/012)**

(f) Lot Area (minimum)

(i) 184.0 m^2 per dwelling unit for manufactured homes with a rear lane;
(ii) 200.0 m^2 per dwelling until for manufactured homes without a rear lane;
(iii) 235.6 m^2 for single detached, duplexes and semi-detached dwellings. **(BL 04/012)**

(g) Lot Coverage (maximum)

(i) 50 percent for single detached, semi-detached, duplexes, and manufactured homes; and **(BL 04/012)**
(ii) 45 percent for townhouses

(h) Building Height (maximum)

(i) 10.0 m for single detached, semi-detached, duplexes and townhouses; and **(BL 04/012)**
(ii) 6.0 m for manufactured homes.

(i) Landscaping

(i) a minimum of 20 percent of the lot area shall be landscaped with soft landscaping.

(j) Density (maximum)

(i) 42 units/ha for townhouses.

(k) All manufactured homes shall be placed on permanent foundations. Every foundation shall form a complete basement. The width and length of every foundation shall be the same width and length as the manufactured home placed on it.

119.6 Accessory Buildings

In addition to Section 50, accessory buildings shall comply with the following standards:

(a) Side Yard

Where an accessory building is located on a site which allows for zero lot line development it may be located a minimum of 0.0 m on one side where:

(i) the owner of the adjacent site grants a 1.0 m private access and maintenance easement which shall be registered against the title of that adjacent site;
(ii) all roof drainage is directed from the building onto the building site by eavestroughs
(iii) the principal building is located in a zero lot line configuration.

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120. SH Small Holdings District (BL 00/001)

120.1 Purpose

The purpose of this District is to provide large lot acreages intended for residential, small scale agricultural pursuits and other compatible uses on lands that are potentially susceptible to flooding which are located below the 250 m contour.

If it can be demonstrated, through legal survey, that lands in this District are above the 250 m contour, or if lands between 248 m and 250 m can be demonstrated through certified geotechnical and environmental impact assessment to support smaller parcel sizes, subdivision to smaller lot sizes (minimum of 1.0 ha) may be considered. The provisions of the CR-Country Residential District shall apply to all SH – Small Holdings lots that are less than 2.0 ha in size without amendment to this Land Use Bylaw.

120.2 Permitted Uses:

(a) Accessory Building
(b) Essential Public Service
(c) Home Occupation
(d) Manufactured/Modular Home
(e) Park
(f) Public Use
(g) Public Utility
(h) Satellite Dish Antenna
(i) Singe Detached Dwelling
(j) **DELETED (BL 12/039, BL 13/014)**

120.3 Discretionary Uses – Development Officer

(a) Amateur Radio Antenna
(b) Campground **(BL 04/012)**
(c) Family Care Dwelling
(d) Home Business
(e) Market Garden
(f) **DELETED (BL 04/012)**
(g) Temporary Building or Structure

120.4 Discretionary Uses – Planning Commission **(BL 04/012)**

(a) Bed and Breakfast
(b) Camp Site
(c) Community Service Facility
(d) Country Inn
(e) *Guest Ranch
(f) *Intensive Agriculture (**as per Section 76.7 keeping of animals)
(g) *Kennel
(h) *Recreational Vehicle Park
(i) *Resort Facility
(j) *Outdoor Recreation Facility

Exhibit 14

120.5 Site Provisions

In addition to the general provision contained in Part 5, (of the Land Use Bylaw), the following standards shall apply to every Development in this District.

(a)	Lot Area (minimum):	2.0 ha Those uses identified with an * must be on parcels 4.0 ha or greater
(b)	Front Yard, (minimum):	7.6 m for principal building 15.0 m for all other buildings and structures
(c)	Side Yard, (minimum):	7.6 m for principal building
(d)	Rear Yard, (minimum):	7.6 m for principal building
(e)	Building Height, (maximum):	10.0 m

120.6 Additional Provisions

Small Holdings development shall only be allowed if the Development Authority is satisfied that:

(a) adequate access exists to a public road;
(b) no conflict will result with adjacent land owners;
(c) the developer will be responsible for constructing all internal roads;
(d) the development can be serviced with water and sanitary sewage in compliance with the Nuisance and General Sanitation Regulation of the Public Health Act and the Alberta Private Sewage Treatment and Disposal Regulation;
(e) the development meets the requirements of Section 60 – Development in the Flood Plain (Clearwater River/Athabasca River Flood Plain Area) and Section 61 – Development Near Water Bodies and Water Courses, of this Bylaw.

(i) **DELETED (BL 12/039, BL 13/014)**

121. RMH – 1 Modified Manufactured Home District (BL 00/074)

121.1 Purpose

The purpose of this District is to provide for the development of manufactured home subdivisions which will allow for an attached garage in the Urban Service Area.

121.2 Permitted Uses:

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Manufactured Home

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(d) Park
(e) Public Utility

121.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Home Business
(c) Project Accommodation **(BL 06/001)**
(d) Public Use
(e) Residential Sales Center **(BL 06/029)**
(f) Satellite Dish Antenna

121.4 Discretionary Uses – Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Basement Suite **(BL 08/001)**
(b) Child Care Facility

121.5 Site Provisions

In addition to the general provisions contained in Part 5, (of the Land Use Bylaw), the following standards shall apply to every development in this District.

(a)	Front Yard (minimum):	6.0 m but can be reduced to 4.5 m when the lot is served by a rear yard lane. **(BL 06/029)**
(b)	Side Yard, Interior (minimum):	1.2 m each side with an attached garage In a laneless subdivision, excepting corner lots, a manufactured home without an attached garage shall provide one (1) 2.7 m side yard to provide vehicular access to the rear yard.
(c)	Side Yard, Exterior (minimum):	3.0 m
(d)	Rear Yard (minimum):	2.0 m
(e)	Building Height (maximum):	6.0 m
(f)	Lot Width (minimum):	12.2 m
(g)	Lot Depth (minimum):	30 m
(h)	Lot Area (minimum):	366 m^2
(i)	Lot Coverage (maximum):	45 percent **(BL 02/076)**
(j)	Landscaping:	A minimum of 30 percent of the lot area shall be

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landscaped with soft landscaping.

121.6 Additional Provisions

(a) The undercarriage of manufactured homes shall be completely screened from view by the foundation, skirting or by such other means satisfactory to the Development Authority.

(b) All accessory building, additions, porches and skirting shall be of a quality and appearance equivalent to the manufactured home. **(BL 00/074)**

122. SI - Support Industrial District (BL 01/099)

122.1 Purpose

The purpose of this District is to provide for the development of heavier industrial uses, which support the oil sands industry and which may have larger land requirements and create some nuisance effects on adjacent sites.

122.2 Permitted Uses

The following are permitted uses:

(a) **DELETED (BL 06/030)**

122.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Building **(BL 06/030)**
(b) Automotive and Equipment Repair and Storage **(BL 06/030)**
(c) Bulk Oil and Chemical Storage
(d) Business Support Facility
(e) Contractors, General **(BL 06/030)**
(f) Custom Manufacturing **(BL 06/030)**
(g) Equipment Rental **(BL 06/030)**
(h) Essential Public Service **(BL 06/030)**
(i) Fleet Service **(BL 06/030)**
(j) Gas Bar **(BL 04/012)**
(k) General Industrial **(BL 06/030)**
(l) Industrial Support Facility
(m) Public Use/Utility **(BL 06/030)**
(n) Recycling Depot
(o) Satellite Dish Antenna **(BL 06/030)**
(p) Security Suite
(q) Service Station, Major and Minor
(r) Warehouse and Storage **(BL 06/030)**

122.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District subject to Section 63.

(a) Front yard (minimum):

(i) 41.0 m (if adjacent to a Primary or Secondary Highway) this must be a natural or landscaped buffer and cannot be utilized by any building, facilities or storage.

(ii) all other cases 12.0 m

(b) Side yard (minimum):

(i) 41.0 m (if adjacent to a Primary or Secondary Highway) this must be a natural or landscaped buffer and cannot be utilized by any building, facilities or storage.

(ii) all other cases 12.0 m

(c) Rear yard (minimum)

(i) 41.0 m (if adjacent to a Primary or Secondary Highway) this must be a natural or landscaped buffer and cannot be utilized by any building, facilities or storage.

(ii) all other cases 12.0 m

(d) Lot Area (minimum):

(i) Adjacent to a Primary or Secondary Highway 2.0 ha

(ii) All other cases 1.0 ha

(e) Lot Frontage (minimum): 60.0 m

(f) Lot Depth (minimum) 60.0 m

(BL 01/099)

123. **DC-R4 - Direct Control High Density Residential District (BL 02/002)**

123.1 Purpose

The purpose of this District is to establish special land use and development regulations to accommodate medium/high density residential development and to ensure a high and comprehensive standard of form and appearance appropriate to the site in conformance with the Lower Townsite Area Redevelopment Plan. This District is also intended to provide the Municipality with the necessary control over development to address the issues of flooding, flood protection and the necessity for filling land within the Clearwater River Valley Flood Plain Area, as well as the environmental circumstances, unique character and recreational opportunities of the Clearwater River Valley and the servicing and transportation challenges in this area.

123.2 Discretionary Use – Development Officer

The following are discretionary uses that may be approved by the Development Officer having regard for the polices contained in the Lower Townsite Area Redevelopment Plan:

(a) Accessory Building
(b) Amateur Radio Antenna
(c) Child Care Facility
(d) Educational Services Facility (accessory to a Religious Assembly only)
(e) Home Business
(f) Home Occupation

(g) Public Use
(h) Residential Sales Center
(i) Park
(j) Parking Lot or Structure
(k) Project Accommodation **(BL 06/001)**
(l) Public Utility
(m) Satellite Dish Antenna
(n) Senior Citizen Housing

123.3 Discretionary Use – Regional Council

The following are discretionary uses that may be approved by Regional Council having regard for the policies contained in the Lower Townsite Area Redevelopment Plan:

(a) Apartment Building
(b) Cluster Housing
(c) Religious Assembly

123.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following minimum standards shall apply to every development in this District. The Development Authority may require a higher standard than those contained in Part 5 or the standards contained in this District to achieve the vision of the Lower Townsite Area Redevelopment Plan and to address the unique character and limitations of the area.

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard, Interior (minimum) the principal building(s), whichever is greater	3.0 m or ½ the height of
(c)	Side Yard, Exterior (minimum):	6.0 m
(d)	Rear Yard (minimum):	7.5 m
(e)	Building Separation (minimum):	In accordance with Section 88 **(BL 01/043)**
(f)	Building Height (maximum):	
	(i) Apartment Building	18.0 m at any eave line for principal building, except Regional Council may allow additional height where site landscaping exceeds 30 percent of the lot area or site area, (additional height will be proportionate to the amount of additional landscaping), or where it is of the opinion that the amenity of the development benefits the community.

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	(ii)	Townhousing, Cluster Housing and Religious Assembly	10.0 m
(g)	Lot Width (minimum):		
	(i)	Apartment building	30.0 m
	(ii)	Cluster Housing	7.5 m per unit
	(iii)	Street-oriented Townhousing (interior lot)	6.0 m per unit
	(iv)	Street-oriented Townhousing (corner lot or end unit)	10.0 m per unit
(h)	Lot Area (minimum):		
	(i)	Street-oriented Townhousing (interior lot)	185.5 m^2 per unit
	(ii)	Street-oriented Townhousing (corner lot or end unit)	297.0 m^2 per unit
	(iii)	Non-street oriented Townhousing	0.2 ha
	(iv)	Cluster Housing	0.2 ha
	(v)	Apartment Building	0.14 ha
(i)	Density (maximum):		
	(i)	Cluster Housing, Townhousing	60 units/ha
	(ii)	Apartment Building	90 units/ha, except Regional Council may allow additional density where site landscaping exceeds 30 percent of the lot area or site area, (additional density will be proportionate the amount of additional landscaping), or where it is of the opinion that the amenity of the development benefits the community.
(j)	Private Amenity Area (minimum)		
	(i)	For at-grade units:	6.0 m^2 per unit
	(ii)	For above-grade units:	4.0 m^2 per unit

(k) Landscaping

A minimum of 30 percent of the site area plus adjoining Municipal boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations)

(l) Parking

Parking shall be provided in accordance with Part 7.

(m) Notwithstanding Subsection 61.4 of this Bylaw and subsections (a), (b), (c), and (d) above, all buildings, structures, parking lots, etc. shall maintain

a minimum setback of 30.0 m from the highest valley break of the Clearwater River as determined by a qualified professional engineer.

(n) In addition to the private amenity area identified in subsection (j) above any residential developments in this District shall provide playground area with play structure(s) to the satisfaction of the Development Authority. The playground area shall be considered part of the landscaped area.

(BL 02/002)

124. C4A Arterial Commercial District (BL 02/002)

124.1 Purpose

The purpose of this District is to provide for the development of commercial and related uses which are normally located in highly visible locations along major arterial roadways that are not adjacent to highways.

124.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Automotive/Recreational Vehicle Sales and Rentals
(c) Broadcast Facility
(d) Business Support Facility
(e) Commercial Entertainment Facility
(f) Commercial Recreational Facility, Indoor
(g) Community Recreational Facility
(h) **DELETED (BL 05/013)**
(i) **DELETED (BL 05/13)**
(j) Essential Public Service
(k) Financial Institution
(l) Gas Bar **(BL 04/012)**
(m) **DELETED (BL 08/001)**
(n) Hotel
(o) Liquor Store
(p) Motel
(q) Office
(r) Park
(s) Personal Service Facility
(t) Public Use/Utility
(u) Retail Store, General & Convenience
(v) Service Station Minor

(BL 07/036, (BL 16/020)

124.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Animal Service Facility, Minor
(b) Arcade
(c) Automotive Equipment & Repair

(d) Custom Manufacturing, only on Lot 10A, Plan 982 2224 **(BL 02/002)**
(e) Drinking Lounge, Minor **(BL 05/013)**
(f) Dwelling units above Ground Floor Commercial
(g) Equipment Rental
(h) Food Service, Drive-In or Drive-Through **(BL 05/013)**
(i) Food Service, Major Restaurant **(BL 05/013)**
(j) Food Service, Minor Restaurant **(BL 05/013)**
(k) Food Service, Mobile Catering **(BL 05/013)**
(l) Food Service, Take Out Restaurant **(BL 05/013)**
(m) Hostel
(n) Nightclub **(BL 05/013)**
(o) Parking Lot/Structure
(p) Project Accommodation **(BL 06/001)**
(q) Recyclable Materials Drop-Off Center **(BL 08/001)**
(r) Religious Assembly
(s) Service Station, Major
(t) Shopping Centre

124.4 Discretionary Uses – Notification to Adjacent Land Owner Required

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Adult Entertainment Facility
(b) Contractor, Limited
(c) Warehouse Sales

124.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District:

(a)	Front Yard (minimum):		None Required
(b)	Side Yard (minimum):		
	(i)	Abutting Residential District	7.6 m
	(ii)	All Other Cases	3.0 m if no firewall provided. None required if firewall provided.
(c)	Rear Yard (minimum):		
	(i)	Abutting Residential District	7.6 m
	(ii)	All other cases	6.1 m
(d)	Building Height (maximum):		12.0 m
(e)	Lot Width (minimum):		
	(i)	Vehicular-Oriented uses	As per Section 135
	(ii)	All other cases	12.19 m

(f) Loading, outdoor storage or garbage facilities shall not encroach more than 5.0 m in any required side or rear yard.
(g) Landscaping as per Section 72 of Part 5 (General Regulations)

Exhibit 14

125. DC-R2 Direct Control Low Density Residential (BL 02/045)

125.1 Purpose

The purpose of this District is to establish a special land use and development regulations to accommodate offices on a site specific basis within the R2 – Low Density Residential District. The District is intended to provide the municipality with the necessary control over parking and future development on the site.

125.2 Discretionary Uses

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Building
(b) **DELETED (BL 08/001)**
(c) Home Occupation
(d) Home Business
(e) Office
(f) Personal Service Facility **(BL 08/001)**
(g) Project Accommodation **(BL 06/001)**
(h) Semi-detached Dwelling
(i) Single Detached Dwelling

125.3 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District:

(a)	Front Yard (minimum)	6.0 m
(b)	Side Yard, Interior (minimum)	1.2 m, except the following:
	(i) In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 m (minimum) interior side yard to provide vehicular access to the rear yard.	
	(ii) For a semi-detached dwelling, one (1) interior side yard may be reduced to zero when a common wall is located on the property line.	
(c)	Side Yard, Exterior (minimum):	
	(i) All Uses	3.0 m
(d)	Rear Yard (minimum):	
	(i) All Uses	4.6 m
(e)	Building Height (maximum):	10.0 m for principal building
(f)	Lot Width (minimum):	
	(i) Semi-Detached	7.6 m per unit
	(ii) All Uses	12.2 m
(g)	Lot Depth (minimum):	30.0 m
(h)	Lot Area (minimum):	

	(i) Semi-Detached	228.0 m^2 per unit
	(ii) All Uses	366.0 m^2
(i)	Lot Coverage (maximum):	45 percent including accessory buildings
(j)	Density (maximum)	Cluster Housing 30 units/ha
(k)	Landscaping	A minimum of 30 percent of the lot area shall be landscaped with soft landscaping.

126. **R3-1 Medium Density Residential District (BL 02/070)**

126.1 Purpose

The purpose of this District is to provide for the development of medium density residential housing in the form of cluster housing, townhouses, low rise apartments and other dwelling types of similar density in the Urban Service Area and allowing high rise apartment.

126.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Apartment Building with density of less than 60 units per ha
(c) Cluster Housing
(d) Fourplex
(e) Home Occupation
(f) Park
(g) Parking Lot or Structure
(h) Public Utility
(i) Satellite Dish Antenna
(j) Town House
(k) Triplex

126.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Apartment Building with density of 60 units per ha or greater or building height exceeding 12.2 m
(c) Boarding House
(d) Home Business
(e) Project Accommodation **(BL 06/001)**
(f) Public Use
(g) Religious Assembly
(h) Residential Sales Center (dwelling based or portable)
(i) Senior Citizen Housing
(j) Visiting Students Supervised Housing Unit

Exhibit 14

126.4 Discretionary Uses – Planning Commission

The following are discretionary uses that may be approached by the Municipal Planning Commission:

(a) Child Care Facility
(b) Educational Service Facility (accessory to Religious Assembly only)

126.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District:

(a)	Front Yard (minimum):		
	(i)	Building height 12.2 m or less	6.0 m
	(ii)	Building height over 12.2 m	9.1 m
(b)	Side Yard (minimum):		6.0 m
(c)	Rear Yard (minimum):		7.5 m
(d)	Building Height (maximum):		55.0 m
(e)	Lot Width (minimum):		
	(i)	Triplex, Fourplex	7.6 m per unit
	(ii)	Cluster Housing, Apartment Building	30.0 m
	(iii)	Street-oriented Townhousing (interior lot)	6.0 m per unit
	(iv)	Street-oriented Townhousing (corner lot or lot with end unit)	10.0 m per unit
(f)	Lot Area (minimum):		
	(i)	Triplex, Fourplex	297.0 m^2 per unit
	(ii)	Street-oriented Townhousing (interior lot)	185.5 m^2 per unit
	(iii)	Street-oriented Townhousing (corner lot)	297.0 m^2 per unit
	(iv)	Non-street oriented Townhousing	0.2 ha
	(v)	Cluster Housing	0.2 ha
	(vi)	Apartment Building	0.14 ha
(g)	Density (maximum):		
	(i)	Cluster Housing, Townhousing	60 units/ha
	(ii)	Apartment Building	145 units/ha
(h)	Private Amenity Area (minimum):		
	(i)	For at grade units	6.0 m^2 per unit
	(ii)	Apartment Building	145 units/ha

(i) Landscaping

A minimum of 30 percent of the site area plus all adjoining Municipal boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations)

(j) Building Separation as per Section 88

(k) Garbage Disposal

Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

(l) Playground Structures

Every Apartment Building, Townhouse development or Cluster Housing development containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m^2 for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The play structure shall conform to CSA standards.

(BL 02/070)

127. DC – RMH Direct Control Manufactured Home District (BL 03/018)

127.1 Purpose

The purpose of this District is to provide for the development of unique form of manufactured housing that creates an appropriate and aesthetically suitable transition between the single detached housing in Confederation Heights and the manufactured housing in Morgan Heights. The District will allow development to be approved by a Development Officer while maintain the development control of a Direct Control District.

127.2 Direct Control Uses

The following are uses that may be approved at the discretion of the Development Officer in the Direct Control District:

(a) Accessory Building
(b) Amateur Radio Antenna
(c) Home Business
(d) Home Occupation
(e) Manufactured Home, excluding single wide Manufactured Home
(f) Park
(g) Project Accommodation **(BL 06/001)**
(h) Public Use/Utility
(i) Satellite Dish Antenna

127.3 Site Provisions

In reviewing development applications in this District, the Development Officer shall have regard for the General Regulations contained in Part 5 and the following guidelines:

(a)	Front Yard (minimum):	6.0 m
(b)	Side yard, interior (minimum):	1.2 m
(c)	Side yard, exterior (minimum):	3.0 m
(d)	Rear Yard (minimum):	4.6 m
(e)	Building Height (maximum):	10.0 m
(f)	Lot Width (minimum):	12.2 m
(g)	Lot depth (minimum):	30.0 m

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(h)	Lot Area (minimum):	366 m^2
(i)	Lot coverage (maximum):	45 percent
(j)	Landscaping:	A minimum of 30 percent of the lot area shall be landscaped with soft landscaping.

(k) Each manufactured home in this District shall include an attached garage.

127.4 Discretionary Use – Planning Commission

(a) Basement Suite **(BL 08/001)**

127.5 Additional Provisions

(a) The undercarriage of a manufactured home shall be completely screened from view by the foundation, skirting, or by other such means satisfactory to the Development Authority.

(b) All accessory buildings, additions, porches and skirting shall be of a quality and appearance equivalent to the manufactured home.

(BL 03/018)

128. BIU Business Industrial Unserviced Lot District (BL 03/057)

128.1 Purpose

The purpose of this District is to provide for the development of industrial uses located on unserviced lots outside the urban area.

128.2 Permitted Uses

The following are permitted uses:

(a) **DELETED (BL 06/030)**

128.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer: **(BL 06/030)**

(a) Accessory Building
(b) Auctioneering Facility
(c) Business Support Facility
(d) Contractor, General and Limited
(e) Essential Public Service **(BL 06/030)**
(f) Equipment Rental
(g) Fleet Service
(h) General Industrial
(i) Industrial Support Facility
(j) Parking Lot/Structure
(k) Public Use/Utility **(BL 06/030)**
(l) Recycling Depot
(m) Satellite Dish Antenna
(n) Security Suite

(o) Warehouse and Storage

128.4 Discretionary Uses Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

(a) Automotive Wrecker
(b) Spectator Sports Facility
(c) Warehouse Sales

128.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District subject to Section 63.

(a) Front Yard (minimum):

(i) 40.0 m (if adjacent to Primary or Secondary Highway) this must be a natural or landscaped buffer and cannot be utilized by any building, facilities, parking or storage.
(ii) All other cases 12.0 m

(b) Side yard (minimum):

(i) 40.0 m (if adjacent to Primary or Secondary Highway) this must be a natural or landscaped buffer and cannot be utilized by any building, facilities or storage.
(ii) All other cases 12.0 m

(c) Rear Yard (minimum):

(i) 40.0 m (if adjacent to Primary or Secondary Highway) this must be a natural or landscaped buffer and cannot be utilized by any building, facilities, parking or storage.
(ii) All other cases 12.0 m

(d) Lot Area (minimum):

(i) Adjacent to a Primary or Secondary Highway 2.0 ha
(ii) All other cases 1.0 ha

(e) Lot Frontage (minimum): 60.0 m
(f) Lot Depth (minimum): 60.0 m
(g) Building Height (maximum): 20.0 m
(h) Floor Area Ratio (maximum): 1.0

128.6 General Requirement

Adequate emergency response capability must be considered when development proposals are evaluated.

128.7 Additional Requirement: Security Suite

Notwithstanding any other regulation in this Bylaw, the approval of a security suite is subject to the following provisions:

Exhibit 14

(a) shall only be allowed as part of a warehouse or other storage facility development (e.g. auctioneering, rental equipment), subject to conformity with the Alberta Safety Code;
(b) one (1) suite may be permitted per site;
(c) maximum floor area shall be 70.0 m^2;
(d) during the construction of a development, a trailer or other removable structure may be used, as long as such facility is used for a temporary period (i.e., the construction period).

128.8 Additional Requirements for Canvas Quonset Buildings

Fabric covered Quonset buildings may be approved at the discretion of the Development Officer subject to the following:

(a) a fabric covered quonset building shall be accessory to a principal building on the site;
(b) development permit for a fabric covered quonset building shall only be issued as a temporary development for a maximum period of two (2) years except where it is evident that a longer term is required;
(c) a development permit for a fabric covered quonset building shall be issued after or simultaneous to the issuance of a development permit for a principal building;
(d) a fabric covered quonset building shall only be approved for storage use;
(e) the Development officer may require that a fabric covered quonset building match the colour of the principal building whenever possible; and Section 128.7 applies to all natural and synthetic fabric coverings on quonset developments as determined by the Development Officer.

(BL 03/057)

129. A – Airport District (BL 03/064)

129.1 Purpose

The purpose of this District is to provide for the continued operation of an airport and to allow development on airport property that will provide for economic and financial viability for the airport.

129.2 Permitted Uses Not Requiring a Development Permit

(a) Development covered by the Aeronautics Act as amended **(BL 06/030)**
(b) Within the Airport District, 'airside' developments for aviation related purposes shall not require a development permit.
(c) The Airport District is divided into the following six (6) sub-areas as shown on Map B: Airport District:

1. Airport Reserve
2. Airside Reserve
3. Airside Business Industrial
4. Landside Business Industrial
5. Airport Support
6. Terminal Reserve

Exhibit 14

(d) Except sub-area 'Landside Business Industrial,' all sub-areas are planned for accommodating 'airside' related land uses and developments wherein development permits shall not be required.

(e) The Municipality shall be responsible for approving developments on the sub-area 'Landside Business Industrial.'

(BL 12/011)

129.3 Permitted Uses locating within Landside Business Industrial sub-area requiring a Development Permit.

(a) Animal Service Facility, Minor
(b) Automotive and Equipment Repair and Storage
(c) Automotive/Recreational Vehicle Sales and Rental
(d) Child Care Facility
(e) Commercial Entertainment Facility
(f) Commercial Recreational Facility, Indoor
(g) Commercial School
(h) Community Service Facility
(i) Contractor General
(j) Contractor Limited
(k) Drinking Lounge (Major and Minor)
(l) Essential Public Service
(m) Equipment Rental
(n) Fleet Service
(o) Food Service, Drive-In or Drive-Through
(p) Food Service, Major Restaurant
(q) Food Service, Minor Restaurant
(r) Food Service, Take Out Restaurant
(s) Gas Bar
(t) General Industrial
(u) Hotel / Motel
(v) Liquor Store
(w) Office
(x) On-Site Security
(y) Park
(z) Parking Lot/Structure
(aa) Public Use
(bb) Retail Store (General and Convenience)
(cc) Service Station (Major and Minor)
(dd) Storage Facility
(ee) Warehouse and Storage
(ff) Warehouse Sales

(BL 05/013, BL 06/030, BL 12/011)

129.4 Discretionary Uses

The following discretionary uses that may be approved by the Development Officer:

(a) Animal Service Facility, Major
(b) Arcade
(c) Apartment Hotel
(d) Auctioneering Facility
(e) Casino
(f) Private Utility
(g) Security Suite
(h) Shopping Centre

(BL 06/030, BL 08/001, BL 12/011)

129.5 Federal Regulations

The Airport Authority must abide by all federal regulations for airports, airport operations and airport safety. Federal regulation supersedes all municipal regulation. The federally approved Fort McMurray Airport Zoning Regulations C.R.C., c.82 shall be of paramount concern to the Airport Authority and the Regional Municipality of Wood Buffalo.

(BL 12/011)

129.6 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to developments locate within the Landside Business Industrial sub-area on airport property: **(BL 12/011)**

(a)	The front yard shall be considered to be that portion of the lot abutting the internal roadway:	
(b)	Front yard (minimum):	none required;
(c)	Side yard (minimum):	1.5 m
(d)	Rear Yard (minimum):	Transitional set back from the runway (if applicable based on the Fort McMurray Airport Zoning Regulations C.R.C., c. 82, otherwise not required. **(BL 12/011)**
(e)	Building Height (maximum):	I. 45.0 m (maximum) and approved by the Airport Authority; and II. Conforming to the Fort McMurray Airport Zoning Regulations C.R.C., c. 82 Note: If the Fort McMurray Airport Zoning Regulations are repealed, then the maximum

building height will be 45.0m and approved by the Airport Authority.

(BL 12/011)

(f) Floor area ratio (maximum): as approved by the Development Officer

(g) Landscaping: as per Section 72 of Part 5 (General Regulations) and only in the front yard;

(h) Notwithstanding Part 5, parking requirement shall be determined by the Airport Authority based on the total parking provided on the airport property, the availability of parking stalls and the potential for future revenue generation; and

(BL 12/011)

(i) Notwithstanding Part 5, no use shall be allowed that will cause smoke, steam, electrical interference, or undue attraction for birds and wildlife.

129.7 Conformity with Bylaw

(a) No person shall commence any development unless it is in accordance with the terms and conditions of this Bylaw.

(b) No development will be approved that does not meet the height restrictions in the vicinity of the airport.

(BL 03/064)

200. **DC-UER Direct Control Urban Estate Residential District (BL 03/066)**

200.1 Purpose

The purpose of this District is to establish a site specific Direct Control District the estate residential development with limited urban services.

200.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Single Detached Dwelling
(c) Home Occupation
(d) Home Occupation
(e) Satellite Dish Antenna

(BL 07/036, BL 16/020)

200.3 Discretionary Uses

The following are discretionary uses that may be approved by the Development Officer:

(a) Amateur Radio Antenna
(b) Bed and Breakfast
(c) Boarding House
(d) Project Accommodation **(BL 06/001)**
(e) Residential Sales Center
(f) Family Care Dwelling

200.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District:

(a)	Front Yard (minimum):	7.5 m
(b)	Side yard, interior (minimum):	2.5 m
(c)	Rear yard, exterior (minimum):	10.0 m
(d)	Lot Frontage (minimum):	20.0 m
(e)	Lot Depth (minimum)	75.0 m
(f)	Lot Coverage (maximum):	
	(i) Principal building (maximum):	35 percent
	(ii) Accessory building (maximum):	a total of 140.0 m^2

200.5 Additional Regulations

(a) The individual lots shall be serviced with water and sewage in compliance with the Nuisance and General Sanitation Regulations of the Public Health Act and the Alberta Private Sewage Treatment and Disposal Regulation.

(b) The siting of the structures and construction techniques shall be in conformance with the recommendations of a geo-technical report prepared by a qualified professional geo-technical engineer.

(BL 03/066)

201. R3-2 Special Medium Density Residential District (BL 04/010)

201.1 Purpose

The purpose of this District is to provide for the development of medium density residential housing in the form of low-rise apartments.

201.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Home Occupation
(b) Parking Lot or Structure
(c) Public Utility
(d) Satellite Dish Antenna

(BL 07/036, BL 16/020)

201.3 Discretionary Use – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Apartment Building with density of up to 145 units per ha.
(b) Home Business
(c) Project Accommodation **(BL 06/001)**
(d) Public Use

201.4 Discretionary Use – Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

Exhibit 14

None

201.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a)	Front Yard (minimum):	5.3 m
(b)	Side Yard, Interior (minimum):	2.0 m
(c)	Rear Yard (minimum):	3.0 m
(d)	Building Height (maximum):	maximum 12.2 m at any eave line for principal building
(e)	Lot Width (minimum):	30.0 m
(f)	Lot Area (minimum):	0.14 ha
(g)	Density (maximum):	145 units per ha
(h)	Private Amenity Area (minimum):	
	(i) For at grade units:	6.0 m^2 per unit
	(ii) For above grade units:	4.0 m^2 per unit

(i) Landscaping

A minimum of 30 percent of the site area plus all adjoining Municipal boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations)

(j) Building Separation as per Section 88

(k) Garbage Disposal

Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

(BL 04/010)

202. **R2-1 Modified Medium Density Residential District (BL 04/053)**

202.1 Purpose

The purpose of this District is to provide for mixed forms of medium density residential development.

202.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Park
(d) Public Utility
(e) Satellite Dish Antenna
(f) Cluster Housing
(g) Townhouse
(h) Apartment, Low Rise Walk Up Buildings (Maximum 3 storey)

Exhibit 14

202.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Boarding House
(b) Home Business
(c) Project Accommodation **(BL 06/001)**
(d) Public Use
(e) Religious Assembly
(f) Residential Sales Center (dwelling based or portable)
(g) Senior Citizen Housing

202.4 Discretionary Uses – Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Child Care Facility
(b) Group Home
(c) Education Service Facility (accessory to a Religious Assembly only)

202.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a)	Front Yard (minimum):	6.0 m
(b)	Interior Side Yard (minimum)	3.0 m or ½ the height of the principal building(s) to the peak, whichever is greater.
(c)	Exterior Side Yard (minimum):	6.0 m
(d)	Rear Yard (minimum):	7.5 m
(e)	Building Separation (minimum):	refer to Section 88
(f)	Building Height (maximum):	
	(i) Cluster & Townhouses	10 m to peak for principal building
	(ii) Low Rise Apartment	10 m main eave line for principal building with total height to peak not exceeding 3 m
(g)	Lot Width (minimum):	30.0 m
(h)	Lot Area (minimum):	
	(i) Cluster & Townhouses	0.2 ha
	(ii) Low Rise Apartments	0.14 ha
(i)	Density (maximum):	45 units/ha
(j)	Private Amenity Area (minimum)	

Exhibit 14

	(i) For at grade units	6.0 m^2 per unit
	(ii) For above grade units	4.0 m^2 per unit
(k)	Landscaping:	A minimum of 30 percent of the site area plus all adjoining Municipal Boulevard shall be landscaping accordance with Section 72 of Part 5 (General Regulations) (Bylaw No. 01/102)
(l)	Garbage Disposal:	Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority.
(m)	Playground Structures:	Every development containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m^2 for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The play structure shall conform to CSA standards.

(BL 04/053)

203. **DC-R3 Direct Control Medium Density Residential District (BL 04/025)**

203.1 Purpose

The purpose of this District is to establish a special land use and development regulations to accommodate townhouses on a site specific basis. The District is intended to provide the Municipality with the necessary control over the nature and location, site design and appearance of development on the site.

203.2 Discretionary Uses

The following are discretionary uses that may be approved by the Development Officer:

(a) Accessory Building

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(b) Home Business
(c) Home Occupation
(d) Project Accommodation **(BL 06/001)**
(e) Townhouses

203.3 Site Provisions

In addition to the General Regulations contained in Part 5, the following minimum standards shall apply to every development in this District. The Development Authority may require a higher standard than those contained in Part 5 or the standards contained in this District to address the character and limitations of the site.

(a)	Front yard (minimum):	6.0 m
(b)	Side yard, interior (minimum)	3.0 m or ½ height of the principal building, whichever is greater
(c)	Side yard, exterior (minimum):	4.5 m
(d)	Rear yard, (minimum):	7.5 m
(e)	Building separation (minimum):	6.0 m
(f)	Building height (maximum):	10.0 m
(g)	Density (maximum):	40 units per hectare
(h)	Private Amenity Area (minimum):	4.0 m^2 per unit
(i)	Landscaping:	as per Section 72
(j)	Garbage Disposal:	Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority.
(k)	Parking:	as per Part 5

(BL 04/025)

204. C3A – Timberlea Shopping Centre Commercial District (BL 04/049)

204.1 Purpose

The purpose of this District is to provide for the development of retail and service commercial facilities in Timberlea in the form of a shopping centre or as a comprehensively planned complex of freestanding structures on a single site. Development of these centres shall be limited to sites located adjacent to arterial roadways and major collectors.

204.2 Permitted Uses

The following are permitted uses:

(a) Accessory Building
(b) Animal Service Facility
(c) Business Support Facility

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(d) Childcare Facility
(e) Commercial Entertainment Facility
(f) Commercial Recreation Facility, Indoor
(g) Commercial School
(h) Community Service Facility
(i) Essential Public Service Facility
(j) Financial Institution
(k) Gas Bar
(l) **DELETED (BL 08/001)**
(m) Liquor Store
(n) Office
(o) Personal Service Facility
(p) Public Use/Utility
(q) Retail Store, General and Convenience
(r) Service Station, Major and Minor
(s) Shopping Centre

204.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

(a) Arcade
(b) Automotive and Equipment Repair
(c) Eating and Drinking Facility, Major and Minor
(d) Drive-In Food Facility
(e) Dwelling units above ground floor commercial **(BL 06/038, BL 08/001)**
(f) Project Accommodation **(BL 06/001)**
(g) Recyclable Materials Drop-Off Center **(BL 08/001)**
(h) Satellite Dish Antenna
(i) Farmer/Flea Market

204.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District:

(a)	Front Yard (minimum)	6.1 m
(b)	Side Yard (minimum)	
	(i) Abutting Residential District:	7.6 m
	(ii) All other cases: 6.1 m	
(c)	Rear Yard (minimum)	
	(i) Abutting Residential District:	7.6 m
	(ii) All other cases:	6.1 m
(d)	Building Height (maximum)	
	(i) Retail and Shopping:	12.0 m
	(ii) Non-Retail:	20.0 m
(e)	Lot Width (minimum):	15.0 m

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(f)	Site Area (minimum): comprehensively	1.0 ha for designed development, which may consist of smaller individual lots
(g)	Floor Area Ratio (maximum):	2.0

(h) Loading, outdoor storage or garbage facilities shall not encroach more than 5.0 m in any required side or rear yard.

(i) Landscaping shall be provided as per Section 72 of Part 5 (General Regulations)

(j) Parking shall be provided as per Part 7 (Parking and Loading Requirements)

(k) Individual business premises shall be limited to a maximum gross floor area of 5,000.0 m^2, excluding grocery stores.

204.5 Regulations for Dwelling Units above Ground Floor Commercial **(BL 06/038, BL 8/001)**

(a) Residential dwelling units and commercial premises shall not be permitted on the same storey of a building;

(b) The residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premises shall not be permitted;

(c) A minimum of 4.0 square meters of private amenity shall be provided for each dwelling unit in the building;

(d) On-site parking for the residential dwelling units shall be provided in accordance with the parking requirements for apartment buildings in Part 7 of this bylaw. Parking for the dwelling units shall be provided in addition to the parking requirements for the commercial premises; and

(e) Where a building contains residential dwelling units above commercial premises, all parking for the residential use shall be provided on-site. Shared parking, off-site parking and/or money in lieu of parking for the residential units shall not be permitted.

(BL 04/049, BL 06/038)

205. DC – C5 Direct Control Central Business District (BL 05/041)

205.1 Purpose

The purpose of this District is to provide for the intensive development of retail, office, residential and public uses in the Central Business core of the Urban Service Area.

205.2 Permitted Uses **(BL 16/020)**

The following are permitted uses:

(a) Accessory Building
(b) Apartment Hotel
(c) Broadcasting House

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(d) Business Support Services Facility
(e) Commercial Entertainment Facility
(f) Commercial Recreation Facility, Indoor
(g) Commercial School
(h) Community Services Facility
(i) Essential Public Service Facility
(j) Financial Institution
(k) Health Service Facility
(l) Hostel
(m) Hotel
(n) Household Equipment Repair
(o) Motel
(p) Office
(q) Park
(r) Parking Lot/Structure
(s) Personal Service Facility
(t) Public Use/Utility
(u) Religious Assembly
(v) Retail Store, Convenience and General

(BL 07/036, BL 16/020)

205.3 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer

(a) Animal Service Facility, Minor
(b) Arcade
(c) Carnival
(d) Drinking Lounge, Major
(e) Drinking Lounge, Minor
(f) Dwelling Units above Ground Floor Commercial
(g) Food Service, Major Restaurant
(h) Food Service, Minor Restaurant
(i) Food Service, Take Out Restaurant
(j) Gas Bar
(k) Home Business
(l) Liquor Store
(m) Nightclub
(n) Recyclable Materials Drop-Off Center **(BL 08/001)**
(o) Satellite Dish Antenna
(p) Service Station, Minor
(q) Shopping Center

205.4 Discretionary Uses – Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission:

(a) Adult Entertainment Facility
(b) Automotive/Recreation Vehicle Sales and Rental

(c) Boarding House
(d) Casino
(e) Child Care Facility
(f) Custom Manufacturing
(g) Educational Service Facility (accessory to Religious Assembly only)
(h) Funeral Home/Crematorium
(i) Group Home
(j) Service Station, Major
(k) Spectator Sports Facility

205.5 Site Provisions

In addition to the General Regulations contained in Part 5 the following standards shall apply to every development in this District.

(a)	Front Yard (minimum)	None required
(b)	Side Yard (minimum)	
	(i) Abutting R1, R1E, R1M, R1S, R2 and R3 if Building Height is:	
	10.5 m or less:	4.6m
	10.5 m to 12.8 m	6.1m
	12.8 or more	7.6 m
	(ii) Abutting R4, if Building Height is:	
	10.5 m or less:	3.0 m
	10.5 m to 12.8 m	4.6 m
	12.8 m or more:	6.1 m
	(iii) All Other Cases:	None required if firewall provided
(c)	Rear Yard (minimum):	4.6 m if abutting residential District
(d)	Building Height (maximum):	115.0 m for principal building
(e)	Floor Area Ratio (maximum):	13.1
(f)	Landscaping	as per section 72 of Part 5 (General Regulations)

205.6 Regulations for Dwelling Units Above Ground Floor Commercial **(BL 08/001)**

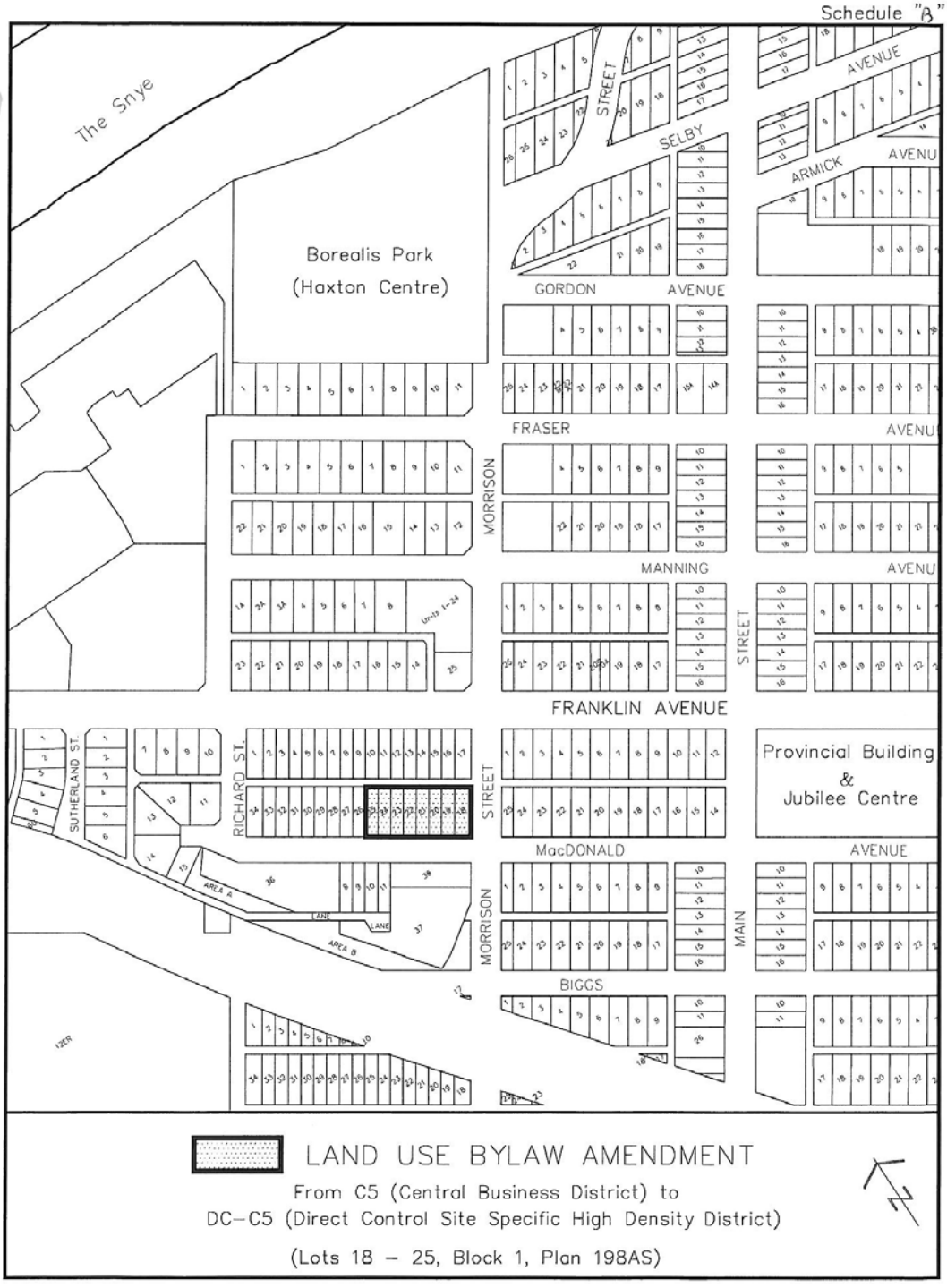
(a) Residential dwelling units and commercial premises shall not be permitted on the same storey of a building;
(b) The residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit to a commercial premises shall not be permitted;
(c) A minimum of 4.0 sq metres of private amenity area shall be provided for each dwelling unit in the building;
(d) On-site parking for the residential dwelling units shall be provided in accordance with the parking requirements for apartment buildings in Part 7 of this bylaw. Parking for the residential dwelling units shall be provided in addition to the parking requirements for commercial premises; and

(e) Where a building contains residential dwelling units above commercial premises, all parking for the residential uses shall be provided on-site. Shared parking, off-site parking and or/money in lieu of parking for the residential units shall not be permitted.

(BL 05/041)

Exhibit 14

Schedule "B"


The Snye
Borealis Park
(Haxton Centre)
STREET
SELBY
AVENUE
ARMICK
GORDON
AVENUE
FRASER
MORRISON
MANNING
STREET
FRANKLIN AVENUE
SUTHERLAND ST.
RICHARD ST.
STREET
Provincial Building
&
Jubilee Centre
MacDONALD
AVENUE
AREA A
AREA B
LANE
LANE
MORRISON
MAIN
BIGGS
LAND USE BYLAW AMENDMENT
From C5 (Central Business District) to
DC–C5 (Direct Control Site Specific High Density District)
(Lots 18 – 25, Block 1, Plan 198AS)

206. **Reserved for Future Use**

207. **R5-MU - Apartment and Commercial Mixed Use District (BL 06/017)**

207.1 Purpose

The purpose of this District is to provide for the development of multi-family housing in the form of 4 to 6 storey apartment buildings, with an opportunity for ground floor commercial development.

207.2 Permitted Uses:

The following are permitted uses:

(a) Accessory Buildings
(b) Apartment Buildings with density of up to 80 units per ha
(c) **DELETED (BL 08/001)**
(d) Home Occupation
(e) Office, only on the ground floor
(f) Personal Service Facility, only on the ground floor
(g) **DELETED (BL 12/001)**
(h) Senior Citizen Housing

207.3 Discretionary Uses: Development Officer **(BL 12/001, 13/034)**

The following are discretionary uses that may be approved by Development Officer:

(a) Apartment Buildings with density of 81 units per ha or greater
(b) Apartment units located on the ground floor
(c) Child Care Facility, only on the ground floor
(d) Cluster Housing
(e) Drinking Lounge, Major **(BL 12/001)**
(f) Drinking Lounge-Minor, only on the ground floor
(g) Financial Institution, only on the ground floor
(h) Food Service, Major Restaurant **(BL 12/001)**
(i) Food Service, Minor Restaurant **(BL 12/001)**
(j) Food Service, Take Out Restaurant **(BL 12/001)**
(k) Gas Bar **(BL 12/001)**
(l) Home Business
(m) Liquor Store **(BL 13/034)**
(n) Parking lot or Structures
(o) Personal Service Facility **(BL 12/001)**
(p) Public Use, only on the ground floor
(q) Retail Store General **(BL 12/001)**
(r) Retail Store Convenience **(BL 12/001)**
(s) Take Out Restaurant
(t) Townhouses

Exhibit 14

207.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a)	Front yard (minimum):	
	(i) for 4 storey buildings	6.0 m
	(ii) for 6 storey buildings	9.1 m
(b)	Side Yard, Interior (minimum)	3.0 m
(c)	Side Yard, Exterior (minimum):	6.0 m
(d)	Rear Yard (minimum):	7.6 m
(e)	Building Separation (minimum):	6.0 m where more than one building is located on the site
(f)	Building Height (maximum):	maximum 6 storeys or 21m to the top of the parapet of the principal building
(g)	Lot Width (minimum):	30.0 m
(h)	Lot Area (minimum):	0.14 ha
(i)	Density (maximum):	200 units per ha
(j)	Private Amenity Area (minimum):	a minimum of 6 m^2 for every unit **(BL 12/001)**

(k) Convenience retail stores, financial institutions, minor restaurants and drinking lounges, offices and personal service facilities shall: **(BL 08/001)**

(i) **DELETED (BL 12/001)**

(ii) abut a 4-lane urban divided arterial road or a major collector residential road;

(iii) be oriented towards a 4-lane urban divided arterial road or major collector residential road;

(iv) **DELETED (BL 12/001)**

(v) notwithstanding Section 207.4(a), provide a minimum front yard setback of 1.5m;

(vi) conform to the signage requirements outlined in the Municipal Sign Bylaw (01/068) for fascia, protruding and A-Board signs.

(vii) notwithstanding Section 207.4 (k)(vi), all signs shall be of similar appearance, colour and material as the building for which the sign may be placed upon or abutting; and

(viii) notwithstanding Part 7, parking for ground floor commercial uses shall be provided at 2.5 stalls per 100 m^2 of gross floor area and shall be separated from required residential parking.

(l) Landscaping

A minimum of 10 percent of the site area plus all adjoining Municipal Boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations)

(m) Garbage Disposal

Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

(n) Parking-Residential

For every one bedroom and two bedroom dwelling unit at least one resident parking space per unit must be provided in an underground parking structure. The balance of the required resident parking, together with the visitor parking spaces, may be provided at grade in accordance with Part 7.

(o) Playground Structures

Every Apartment site containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m^2 for each dwelling unit on the lot or site and shall be considered part of the landscaped area. The play structure shall conform to CSA standards.

(p) Architectural Guidelines

(i) Building facades shall incorporate variation into the overall pattern through the use of the following elements, balconies and entry canopies, color change, cornice and parapet walls, horizontal relief details, texture change and windows;
(ii) Building facades greater than 50 metres in length shall incorporate changes in plane of at least 1 metre for a distance of not more than 15 metres;
(iii) All doors, overhead doors, vents and louvers are to be finished in a colour that is consistent with the overall colour scheme of the building;
(iv) All joints, edges, openings and corners shall be articulated and detailed through the use of reveals, ribs, offsets and/or changes in plane;
(v) Primary exterior walls shall be finished with high quality materials such as brick, cultured stone, architectural detailed pre-cast concrete, coloured split-faced concrete block, architectural tile, acrylic stucco, hardi plank or exposed aggregate. Any other cladding elements must be secondary to the preceding list of materials.

(BL 06/017)

208. R5 - Apartment Density Residential District (BL 06/017)

208.1 Purpose

The purpose of this District is to provide for the development of multi-family housing in the form of 4 to 6 storey apartment buildings.

208.2 Permitted Uses:

The following are permitted uses:

(a) Accessory Buildings
(b) Apartment Buildings with density of up to 80 units per ha
(c) Home Occupation
(d) Parking Lot or Structure

Exhibit 14

(e) Senior Citizen Housing

208.3 Discretionary Uses: Development Officer

The following are discretionary uses that may be approved by Development Officer:

(a) Apartment Buildings with density of 81 units per ha or greater
(b) Child Care Facility
(c) Cluster Housing
(d) Home Business
(e) Townhouses

208.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District.

(a)	Front yard (minimum):	
	(i) for 4 storey buildings	6.0 m
	(ii) for 6 storey buildings	9.1 m
(b)	Side Yard, Interior	(minimum) 3.0 m
(c)	Side Yard, Exterior (minimum):	6.0 m
(d)	Rear Yard (minimum):	7.6 m
(e)	Building Separation (minimum):	6.0 m where more than one building is located on the site.
(f)	Building Height (maximum):	maximum 6 storeys or 21m to the top of the parapet of the principal building.
(g)	Lot Width (minimum):	30.0 m
(h)	Lot Area (minimum):	0.14 ha
(i)	Density (maximum):	200 units per ha
(j)	Private Amenity Area (minimum):	
(i)	For every unit:	8 m^2

(k) Landscaping

A minimum of 40 percent of the site area plus all adjoining Municipal Boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations).

(l) Garbage Disposal

Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

(m) Parking

For every one bedroom and two bedroom dwelling unit at least one resident parking space per unit must be provided in an underground parking structure. The balance of the required resident parking, together with the visitor parking spaces, may be located at grade in accordance with Part 7.

(n) Playground Structures

Every Apartment site containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m^2 for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The play structure shall conform to CSA standards.

(o) Architectural Guidelines

(i) Building facades shall incorporate variation into the overall pattern through the use of the following elements, balconies, and entry canopies, colour change, cornice and parapet walls, horizontal relief details, texture change and windows;

(ii) Building facades greater than 50 metres in length shall incorporate changes in plane of at least 1 metre for a distance of not more than 15 metres;

(iii) All doors, overhead doors, vents and louvers are to be finished in a colour that is consistent with the overall colour scheme of the building;

(iv) All joints, edges, openings and corners shall be articulated and detailed through the use of reveals, ribs, offsets and/or changes in plane;

(v) Primary exterior walls shall be finished with high quality materials such as brick, cultured stone, architectural detailed pre-cast concrete, coloured split-faced concrete block, architectural tile, acrylic stucco, hardi plank or exposed aggregate. Any other cladding element must be secondary to the preceding list of materials.

(BL 06/017)

209. LBL – R4 Longboat Landing District (BL 10/036)

209.1 Purpose

The purpose of this District is to establish special land use and development regulations to accommodate medium/high density residential development and to ensure a high and comprehensive standard of form and appearance appropriate to the site in conformance with the Lower Townsite Area Redevelopment Plan for Longboat Landing. This District it also intended to provide the Municipality with the necessary control over development to address the issues of flooding, flood protection and the necessity for filling land within the Clearwater River Valley Flood Plain Area, as well as the environmental circumstance, unique character and recreational opportunities of the Clearwater River Valley and the servicing and transportation challenges in this area.

209.2 Permitted Uses:

The following are permitted uses:

(a) Accessory Building
(b) Home Occupation
(c) Park
(d) Parking Lot or Structure

Exhibit 14

209.3 Discretionary Use – Development Officer

The following are discretionary uses that may be approved by the Development Officer having regard for the policies contained in the Lower Townsite Area Redevelopment Plan (2009) and the Longboat Landing Outline Plan (2009):

(a) Apartment Building
(b) Child Care Facility
(c) Educational Service Facility (accessory to a Religious Assembly only)
(d) Food Service, Minor Restaurant
(e) Home Business
(f) Public Use
(g) Public Utility
(h) Religious Assembly
(i) Residential Sales Center
(j) Retail, Convenience
(k) Senior Citizen Housing
(l) Townhouse

209.4 Discretionary Uses – Planning Commission

The following are discretionary uses that may be approved by the Municipal Planning Commission having regard for the policies contained in the Lower Townsite Area Redevelopment Plan (2009) and the Longboat Landing Outline Plan (2009):

(a) Cluster Housing
(b) Community Service Facility

209.5 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District. The Development Authority may require a higher standard than those contained in Part 5 or the standards contained in this District to achieve the vision of the Lower Townsite Area Redevelopment Plan and to address the unique character and limitations to the area.

(a)	Front Yard Setback (minimum):	3.0 m
(b)	Side Yard Setback (minimum):	3.0 m
(c)	Rear Yard Setback (minimum):	3.0 m
(d)	Building Separation (minimum):	in accordance with Section 88
(e)	Building Height (maximum):	
	(i) Apartment Building:	46.0m
	(ii) Religious Assembly	12.2m
	(iii) Townhousing, Cluster Housing	12.2m

In the LBL-R4 District, building height means the vertical distance of a building measured from the average grade adjacent to the building to the eaves.

(BL 12/019)

(f) **DELETED (BL 11/014)**

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(g) Lot Width (minimum):

(i)	Apartment Building:	30.0 m
(ii)	Cluster Housing:	7.5 m per unit
(iii)	Street-Oriented	
(iv)	Townhousing (interior lot)	4.5 m per unit
(iv)	Street-Oriented Townhousing (corner lot or end unit)	9.0 m

(h) Lot Area (minimum):

(i)	Street-Oriented Townhousing (interior lot)	50.0 m^2 per unit
(ii)	Street-Oriented Townhousing (corner lot or end unit):	85. 0 m^2 per unit
(iii)	Non-Street Oriented Townhousing	0.2 ha
(iv)	Cluster Housing:	0.2 ha
(v)	Apartment Building:	0.14 ha

(i) Private Amenity Area (minimum):

(i)	For at-grade units:	6.0 m^2 per unit
(ii)	For above grade units:	4.0 m^2 per unit

(j) Convenience Retail Stores:

(i) shall be limited to the main floor of an apartment building containing at least 50 dwelling units;

(ii) shall be limited to the ground floor of a residential building along Prairie Loop Boulevard;

(iii) shall provide a separate, outside principal entrance;

(iv) may reduce the required front yard to zero.

(k) Landscaping:

(i) A minimum of 30 percent of the entire site area of Longboat Landing plus all adjoining municipal boulevards shall be landscaped in accordance with Section 72 of Part 5 (General Regulations).

(ii) One tree for each 35 m^2 and one shrub for each 25 m^2 of any required yard.

(iii) One (1) tree shall be sited for every five (5) stalls in a parking lot with 25 stalls or greater as per Section 72.7 of this Bylaw.

(l) Garbage Disposal:

Garbage and waste materials shall be stored in weatherproof and animal proof containers and shall be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Authority.

(m) Parking

Parking shall be provided in accordance with Part 7 of this Bylaw.

(n) Notwithstanding Subsection 61.4 of this Bylaw and Subsection (a), (b), (c) and (d) above, all buildings, structures, parking lots, etc. shall maintain a minimum setback of 30.0 m from the highest valley break of the Clearwater River as determined by a qualified professional engineer.

(o) In addition to the private amenity area identified in Subsection (i) above, any residential development containing 100 or more dwelling units in this District shall provide playground area with play structure(s) to the

Exhibit 14

satisfaction of the Development Authority. The playground area shall be considered part of the landscaped area.

(i) Playground or playgrounds shall be provided with a minimum of 1.0 m^2 for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The play structure shall conform to CSA standards.

(BL 10/036)

210. GD - Gateway District (BL 12/02, BL 15/022)

210.1 Purpose

The purpose of this district is to provide for predominantly vehicle oriented commercial development along high volume, high visibility corridors. Developments approved under this district will be of a high standard in terms of architectural design, use of materials, use of signage and public art, landscaping and the relationship between buildings, structures and open spaces.

210.2 Use Table

Permitted Uses	Discretionary Uses (DO)	Discretionary Uses (MPC)
– Animal Service Facility, Minor – Business Support Facility – Casino – Hotel up to a height of 14.0 m – Drinking Lounge, Minor – Equipment Rental – Fleet Service – Medical Clinic – Liquor Store – Automotive/Recreational Vehicle Sales and Rental – Nightclub – Parking lot/Structure – Personal Service Facility – Public Utility – Commercial Recreation Facility, Indoor – Food Service, Major Restaurant – Food Service, Minor Restaurant – Retail Store, General – Retail Store, Convenience – Service Station, Major – Service Station, Minor	– Animal Service Facility, Major – Hotel with a height of 14.0 m or greater – Drinking Lounge, Major – Food Service, Drive-in or Drive-Through – Essential Public Service – Funeral Home/Crematorium – Office (maximum floor area of 5000 m^2) – Public Use Commercial Entertainment Facility – Automotive and Equipment Repair – Religious Assembly	– Animal Service Facility

210.3 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this district.

	Site Standard
a) Lot Area (minimum):	0.5 ha
b) Lot Width (minimum):	30.0m
c) Front Yard Setback (minimum):	4.5m
d) Side Yard Setback (minimum):	6.5m where the lot is adjacent to a residential district 4.5m in all other cases
e) Rear Yard Setback (minimum):	6.5m where the lot is adjacent to a residential district 4.5m in all other cases
f) Building Height (maximum):	30.0m for Hotel 14.0m in all other cases

g) Landscaping (minimum):	10%
h) Floor Area Ratio (maximum):	1.5 May be exceeded to a maximum of 2.5 as per section L20.5c

210.4 Additional Regulations

(a) Loading, outdoor storage or garbage facilities are not permitted in a front yard setback or a setback visible from a public street corridor.

(b) Within the Urban Service Area, highway setback required under Section 63.1 (Bylaw No. 99/059) may be reduced to 10.0m with approval from Alberta Transportation.

(c) There shall be a minimum 2.5m barrier free sidewalk along active at-grade frontages.

(d) The layout of the site, structures, and parking areas shall facilitate the movement of pedestrian and vehicle traffic through the use of safe barriers such as landscaping, separated walkways, and raised crosswalks.

210.5

(a) In addition to the setback requirements of this district, the Development Officer may, as a condition of approval, require an additional setback for that portion of a Hotel that exceeds 14.0 m in height in order to protect the amenity and privacy of development in any adjacent or abutting residential district. The Development Officer shall not require a total yard greater than the height of the building.

(b) The Development Officer may attach conditions to all permitted and discretionary uses regarding the size, location, screening and landscaping of the outdoor display areas and storages areas, to ensure that development is compatible with the appearance of surrounding developments.

(c) An application for a Hotel with a height of 14.0 m or greater may exceed a Floor Area Ratio of 1.5 to a maximum of 2.5 provided that a Traffic Impact Assessment and Servicing Studies support the proposed density based on infrastructure capacity and shall be at the discretion of the Development Authority. **(BL 12/021)**

210.6 Sitting

Direct access to transit stops or stations should be provided in the site at convenient locations and shall be connected to pedestrian infrastructure.

210.7 Massing

(a) The maximum building length shall be 80.0m.

(b) Where a High-Rise tower is part of a Hotel development, the tower:

i) Shall have a podium of 2-3 storeys;

ii) Shall be stepback a minimum of 3.0m from any street-facing façade of the podium;

iii) Shall have a maximum floor plate of 750.0m2. More than one tower is permitted on one podium provided there is a separation distance of at least 20.0m;

iv) Shall be oriented and designed to limit shadows on parks, schools and open spaces.

(c) Where a High-Rise bar building is part of a Hotel development, the building:

i) Shall have a podium of 2-3 storeys;
ii) Shall have a stepback of a minimum of 3.0m from any street-facing façade of the podium;
iii) Stepbacks from non-street facing facades of the podium may be required at the discretion of the Development Authority;
iv) Shall be oriented and designed to limit shadows on parks, schools and open spaces.

210.8 Architectural Elements

a) The building face of all development shall be articulated by recession and/or architectural projections at a minimum of 20.0m intervals.
b) Building design shall positively address the arterial and/or highway frontage through architectural detail, materiality and articulation of the building façade and/or landscape treatment facing these public street corridors.
c) Blank walls facing public street or public spaces shall not be permitted.
d) Building entrances shall be easily accessible by pedestrian traffic and clearly defined through the use of architectural elements."

211. DC-MI - Direct Control MacDonald Island District (BL 12/040)

211.1 Purpose

The purpose of this District is to establish special land use and development regulations to accommodate the development of MacDonald Island Park. The District is intended to provide the Municipality with the necessary control over the nature and location, site design and appearance of development on the site. As a Direct Control District, Council may approve any development for any use on any terms and conditions it considers appropriate.

211.2 Permitted Uses- Development Officer

The following are developments that may be approved by the Development Officer (without specific approval by Council):

(a) Accessory Building or Use
(b) Park
(c) Parking Lot/Structure
(d) Public Utility/Use

Developments (namely new developments or changes to existing or proposed developments) where referenced in a development permit issued by Council.

211.3 Discretionary Uses – Council

*Council may approve additional developments at their discretion, where those developments, in Council's view, are compatible with or enhance the existing or proposed developments for the lands within the District.

(a) Child Care Facility
(b) Commercial Entertainment Facility
(c) Commercial School
(d) Community Recreation Facility
(e) Community Service Facility
(f) Drinking Lounge, Minor
(g) Educational Service Facility
(h) Food Service, Major
(i) Hotel
(j) Outdoor Recreation Facility
(k) Personal Service Facility
(l) Recyclable Materials Drop-Off Centre
(m) Resort Facility
(n) Retail Store, General
(o) Spectator Sport Facility

211.4 Site Provisions

In addition to the General Regulations contained in Part 5, the following standards shall apply to every development in this District. The Development Authority may require a higher standard than those contained in Part 5 or the standards contained in this District to achieve the vision of the City Centre Area Redevelopment Plan and to address the unique character and limitations of the area:

(a)	Front Yard (minimum):	6.0 m
(b)	Side Yard (minimum):	6.0 m
(c)	Rear Yard (minimum):	6.0 m
(d)	Building Height (maximum):	12.2 m maximum or at the discretion of Regional Council
(e)	Landscaping:	As per Section 72 of Part 5
(f)	Parking:	Parking shall be provided in accordance with Part 7 of this Bylaw or at the discretion of Council.

211.5 Additional Provisions

(a)	Development Officer Authority	The development officer may approve additions, or changes that constitute less than 5%of the total Gross Floor area of all buildings on the Site. The development officer may approve revisions to fencing, screening, landscaping, and lighting.

(b)	Development not requiring a Development Permit	A Development Permits is not required for Special Events. **(BL12/040)**

PART 7 - Parking and Loading Requirements

130. General Provisions for Parking and Loading

130.1 The following requirements shall apply to all parking and loading facilities required by this Bylaw. Notwithstanding the requirements of this Section, specific rules contained in any land use district shall govern the parking and loading requirements for that district.

130.2 Where a building which requires parking or loading spaces is to be erected, the owner of the building shall provide the required parking and loading spaces at or before the time of occupancy of the building.

130.3 Parking areas which are intended for the use of general public shall only be used for the temporary parking of motor vehicles and shall not be used for extended or continued storage of motor vehicles, and without restricting the generality of the foregoing, no person shall permit a motor vehicle to be parked in a public parking area for a period in excess of 72 hours.

130.4 Parking areas and loading spaces shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system of sidewalks and on-site pedestrian spaces.

130.5 Location

(a) All parking stalls and loading spaces required by this Bylaw shall be located on the same site as the use requiring it.

(b) The location of on-site parking on a school site shall be to the satisfaction of the Development Authority. Senior high schools, colleges, universities, commercial and trade schools, and other similar institutions shall provide parking spaces in respect of the gymnasium if it is open to public.

(c) The development of a parking lot shall not be permitted right up to a property line, with the exception of development in the C5 District and individual Manufactured Homes, Single Detached Dwellings, Semi-detached Dwellings and Duplexes. A minimum of 1.5 m separation is required to all property lines to accommodate grade changes and/or site landscaping. A Development Officer may consider parking lot development up to a property line in a commercial district if the request is submitted with a comprehensive parking plan for adjacent properties and which has incorporated site landscaping in accordance with Section 72 of this Bylaw. **(BL 02/080)**

(d) Parking areas for large commercial developments and all Multi-family Residential Developments shall include separate pedestrian circulation sidewalks for the safe movement of people to the satisfaction of the Development Officer. **(BL 02/080)**

(e) The use of portable barriers to define parking aisles are not permitted. All internal parking islands, within a parking lot containing 25 or more stalls, shall be permanent. **(BL 02/080)**

130.6 Single Detached and Semi-detached Dwellings

For single detached and semi-detached dwellings, the required parking stalls shall:

(a) be accessible from a public thoroughfare;
(b) be surfaced with gravel, asphalt, concrete or a similar material.

130.7 Use Other than Single Detached or Semi-detached Dwellings

(a) the required parking spaces shall be surfaced to the satisfaction of the Development Authority, prior to occupancy unless an extension is granted for weather conditions.
(b) in a district other than a residential district, where a parking area is located on a site immediately adjacent to a residential district, there shall be no parking spaces or parking allowed within 2.0 m of the common boundary within the residential district, unless a fence or a wall and landscaping approved by the Development Authority is provided.

130.8 Apartment and Multiple-Family Developments

(a) parking spaces shall not be located in the front yard of the site or between the front of a building and the boundary of the street on which the building faces unless otherwise approved by the Development Authority.
(b) for apartment or multiple-family developments with more than 20 units, adequate loading space shall be provided to the satisfaction of the Development Authority.
(c) for apartment buildings located in the R5-MU and R5 districts, location of parking shall conform to the specific requirements given in the district.

(BL 06/017)

130.9 Basement Suites

(a) a minimum of one on-site parking stall shall be provided for each bedroom in a basement suite to a maximum of two on-site parking stalls.
(b) the on-site parking stall requirement for basement suites is in addition to the parking requirement for the single detached or semi-detached dwelling.
(c) all on-site parking stalls shall remain accessible for parking by passenger vehicles at all times and shall be directly accessible to the street at all times.

130.10 Boarding Houses

(a) one on-site parking stall be provided for each bedroom provided for compensation.
(b) when a development permit for a boarding house has been approved pursuant to this Bylaw, the on-site parking requirement for the single detached dwelling shall be reduced from 2 parking stalls to 1 parking stall.

130.11 Visitor Parking **(BL 04/012)**

(a) where parking stalls designated as visitor parking stalls shall not be condominimized must remain common property; and
(b) visitor parking stalls cannot be sold.

(BL 04/012)

131. **On-Site Parking Requirements**

131.1 Parking Standards

(a) in the Urban Service Area all parking spaces, loading spaces, maneuvering aisles and driveways shall be surfaced and maintained to the satisfaction of the Development Authority.

(b) in the Rural Service Area all parking spaces, loading spaces, maneuvering aisles and driveways shall be surfaced and maintained to the satisfaction of the Development Authority.

(c) Design and Construction.

A parking lot must be designed, located and constructed so that it:

(i) is accessible and appropriate for the nature and frequency of motor vehicles using it;

(ii) is paved and drained as required by the Development Authority,

(iii) does not interfere with traffic or traffic safety; and

(iv) driveway entrances onto a corner lot other than a residential district shall be setback a minimum of 25 m from any property boundary which fronts onto a street.

(d) if a parking area contains more than 25 stalls, it must be landscaped in conformance with Section 72 of this Bylaw,

(e) notwithstanding Section 120.1(a) of this Part, parking areas required for multi-attached buildings, multiple unit buildings, commercial buildings, industrial buildings and institutional buildings shall be hard surfaced with asphalt, concrete or other similar paving material and shall be maintained to the satisfaction of the Development Officer.

131.2 Size of Parking Stalls and Drive Aisle

(a) the minimum dimensions for the design and construction of parking facilities shall be as set out in Figure 7.1. The stall depth shall be measured from the face of the curb to the back of the stall and does not include potential overhang onto landscaped areas or pedestrian walkways. **(BL 00/011, BL 02/080)**

(b) for parallel parking, the length of the parking spaces shall be increased to 7 m, except that an end space with an open end shall be a minimum of 5.5 m.

(c) manoeuvring aisles and driveways serving as fire lanes shall be at least 6.1 m wide

(d) manoeuvring aisles and driveways intended for two-way truck movements shall be at least 9.0 m wide.

(e) parking stalls shall be clear of all obstructions, other than wheel stops.

(f) The maximum grade of a parking stall shall not exceed 4 percent in any direction.

(g) Notwithstanding Section 120.2(a) above, a minimum parking stall width of 3.1 m shall be provided wherever an end stall abuts a physical barrier.

131.3 Small Car Parking Spaces

Development shall be allowed for parking spaces for compact automobiles providing that:

(a) the minimum dimensions for the design of parking facilities shall be as set out in Figure 7.2.

(b) the compact automobile parking spaces account for a maximum of 15 percent of the total parking required.

(c) the compact automobile spaces are grouped together in a separate parking area designated for compact automobiles only.

(d) clear signage indicating that the stalls are for compact automobile parking are placed at the compact automobile parking stalls.

(e) small car parking stall are not permitted on multi-family developments. **(BL 04/012)**

131.4 Markings and Barriers

(a) the portion or portions of a parking lot used for parking must:

  (i) be marked off or physically divided to delineate clearly each parking stall, loading space or drive aisle;

  (ii) have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls or buildings;

(b) wheel stops shall not exceed 150 mm in height above the parking stall surface and shall be placed perpendicular to the parking stall depth, 600 mm from the front of the parking stall.

Exhibit 14

Figure 7.1 Parking Stall and Drive Aisle Requirements

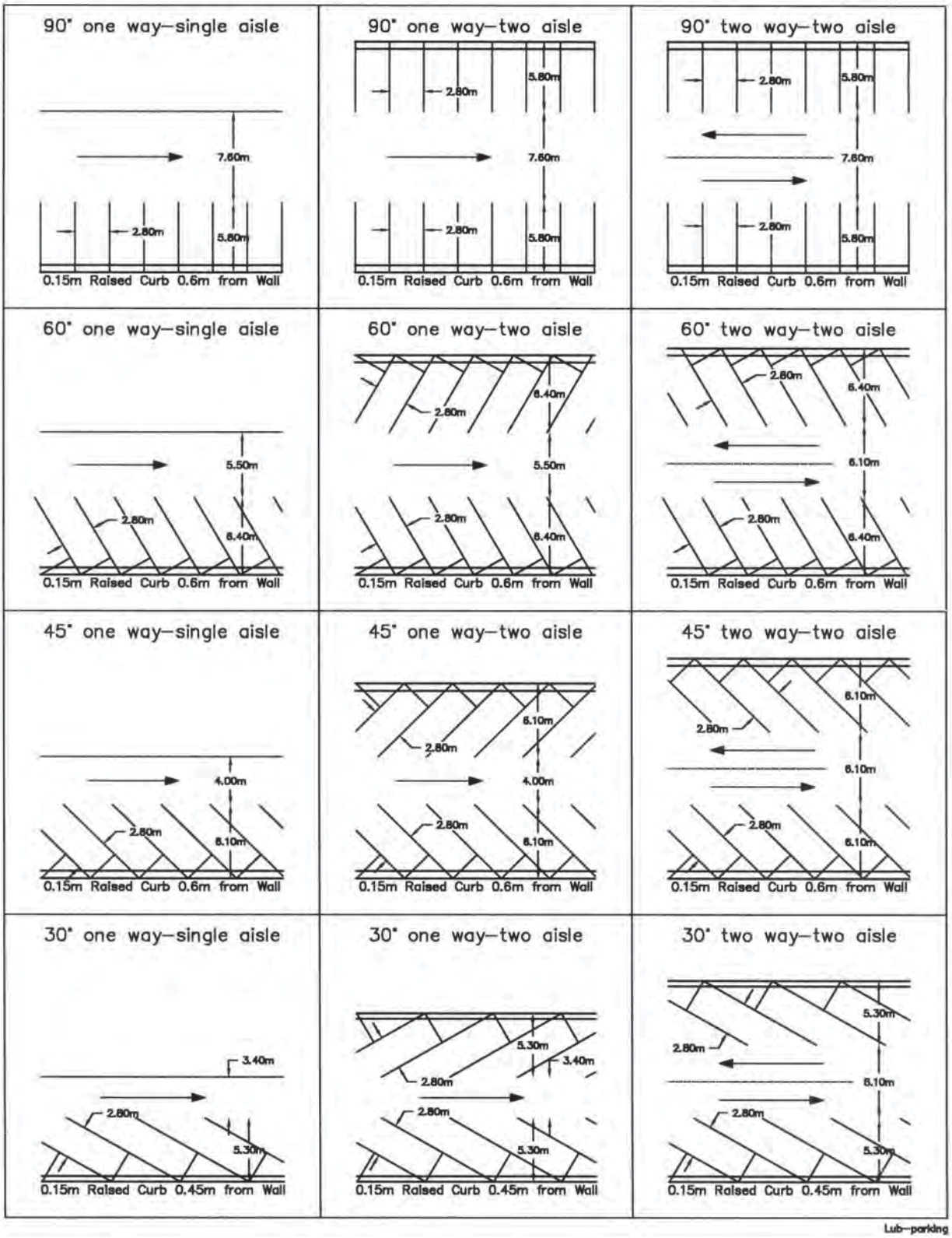
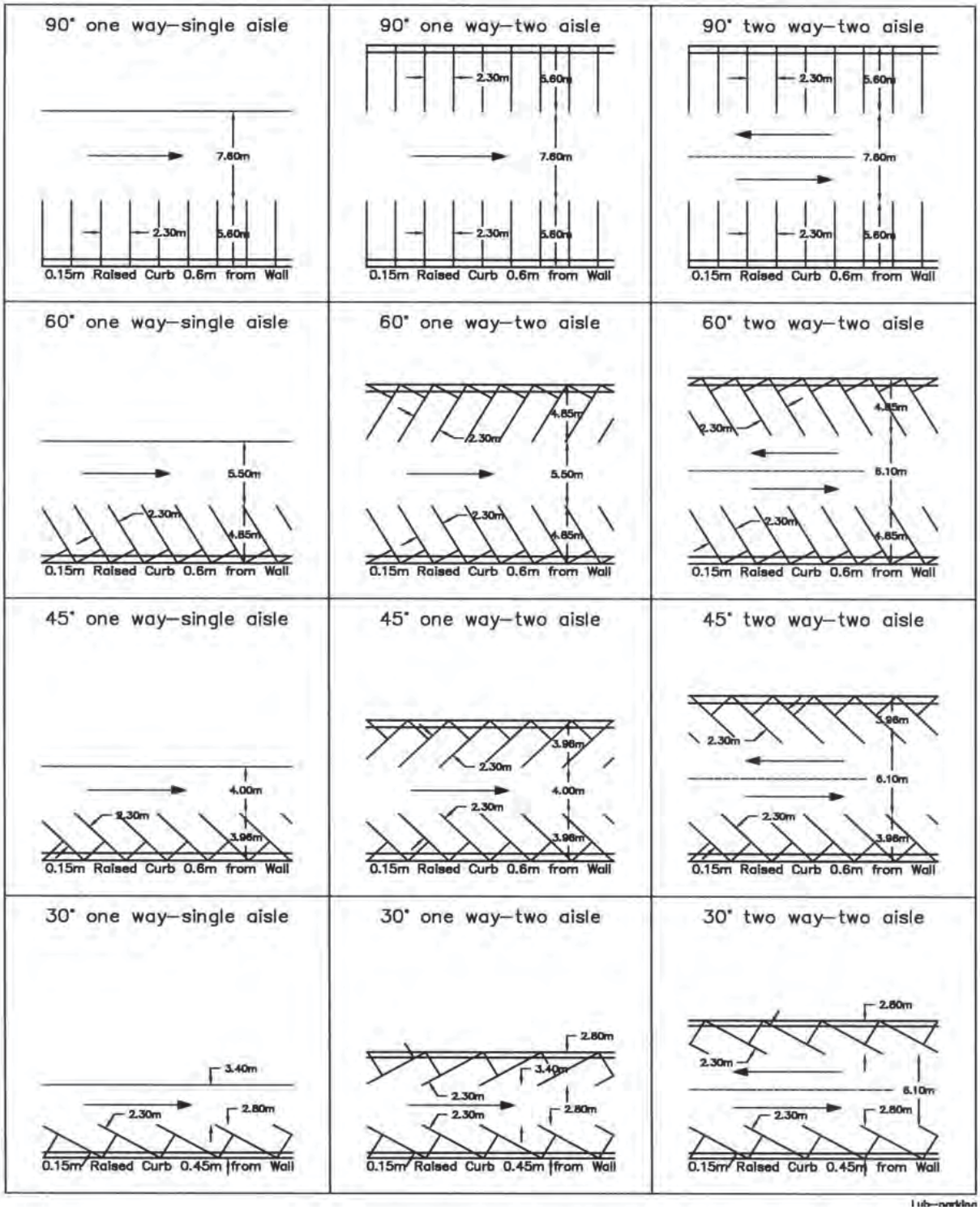


Figure 7.2 Small Car Parking Stall and Drive Aisle Requirements



131.5 Number of Parking Stalls Required

(a) Where the calculation of the required number of parking stalls or loading spaces results in a fraction number of parking spaces, the next higher number shall be taken.

(b) Where a development falls within 2 or more of the categories listed in this Part, it shall comply with all parking regulations applicable to all of the categories. The highest requirement shall be used.

(i) where intensification of development on an existing developed residential site is proposed, the development authority shall require as a condition of the development approval, that the existing development be modified to meet current parking stall number requirements under this Land Use Bylaw, as if the existing development was a new development. **(BL 00/082)**

(c) "Maximum working shift" means the time period during which the greatest number of employees are required to be present at the development.

(d) Parking stall requirements for uses other than those set out in this Part shall be determined by the Development Authority, having regard to similar uses for which specific parking stall requirements are set.

(e) The on-site parking stalls requirement for a use shall be as follows:

Number of On- Site Parking Stalls Required:

Accommodation/Food Establishments

Legend: GFA – Gross Floor Area
du - Dwelling Unit

Land Use Accommodation:	Minimum Parking Requirement
Apartment Hotel	1.25 stalls/guest room plus additional stalls in accordance with the parking requirements of this Part for any other uses which form part of the hotel/motel.
Lodging House	1.25 stalls/guest room plus additional stalls in accordance with the parking requirements of this Part for any other uses which form part of the hotel/motel.
Hotel/Motel	1 stall/ guest room plus additional stalls in accordance with the parking requirements of this Part for any other uses which form part of the hotel/motel.
Conference Rooms, Ballrooms, Banquet Rooms	10 stalls/100 sq. m GFA, except 6 stalls/100 sq. m GFA when forming part of a hotel/motel development.
Food:	
DELETED (BL 05/013)	
DELETED (BL 05/013)	
DELETED (BL 05/013)	
Food Service, Major Restaurant	1/3.5 m^2 Public Floor Area **(BL 05/013)**
Food Service, Minor Restaurant	1/3.5 m^2 Public Floor Area **(BL 05/013)**
Food Service, Mobile Catering	1 stall per employee **(BL 05/013)**
Food Service, Take Out	1/3.5 m^2 Public Floor Area (min. 3 stalls) **(BL 05/013)**
Food Service, Drive-In or Drive-Through	1/3.5 m^2 Public Floor Area (min. 3 stalls) **(BL 05/013)**
Drinking Lounge, Minor	1/3.0 m^2 Public Floor Area **(BL 05/013)**
Nightclub	1/3.0 m^2 Public Floor Area **(BL 05/013)**

Businesses

Legend: GFA – Gross Floor Area
du - Dwelling Unit

Land Use	Minimum Parking Requirement
Auto Dealership/ Auto Service	2 stalls/100 sq. m GFA
DELETED (BL 08/001)	
Equipment and Repair Shop	2 stalls/100 sq. m GFA
Industrial and Manufacturing Plants	0.33 stall/employee on maximum work shift
Laboratories	0.33 stalls/employee, minimum 5 stalls
Offices	2.8 stalls/100 sq. m GFA
Professional Services	2.2 stalls/100 sq. m GFA
Retail and Personal Services	2.2 stalls/100 sq. m GFA; for stores on site 0.4 ha or larger use shopping centre requirements
Warehouse and Wholesale Establishments	1.1 stalls/100 sq. m GFA up to 2000 sq. m GFA + 0.2 stalls/100 sq. m GFA thereafter

Education/Government/Health Services

Legend: GFA – Gross Floor Area
du - Dwelling Unit

Land Use	Minimum Parking Requirement
Education Services:	
Elementary/Junior High Schools	1 stall/employee + stalls for 15% of no. of employees for guest or 0.1 stalls/seat in gymnasium
Senior High School	0.2 stalls/student +0.83 stalls/staff + 0.1 stalls/seat in gymnasium
College/University	0.37 stalls/student
Technical College	0.82 stalls/student
Commercial School	0.67 stalls/student
Government Services:	
Government Services	4.1 stalls/100 sq. m GFA
Library	2.2 stalls/100 sq. m GFA
Health Services:	
Child Care Facility	1 stall/employee on duty, minimum 4 stalls
Hospital	1 stall/bed
Medical Clinic/Vet Clinic	4 stalls/100 sq. m GFA
Nursing Homes	0.2 stalls/bed

Residential

Legend: GFA – Gross Floor Area
du - Dwelling Unit

Land Use	Minimum Parking Requirement
Single Detached/ Semi-Detached/ Triplex/ Quaduplex	2 stalls/du
Townhouse/Cluster housing	2 stalls/unit + 0.15 stalls/du for visitors **(BL 04/012)**
Apartment – Bachelor/1 Bedroom	1 stall/du + 0.15 stalls/du for visitors
Apartment – 2 Bedroom	1.5 stalls/du +0.15 stalls/du for visitors
Apartment – 3 or more Bedroom	2 stalls/du + 0.15 stalls/du for visitors
Senior Citizen Housing	0.3 stalls/du
Mobile Home (in Subdivision)	2 stalls/du
Mobile Home Park	2 stalls/du + 0.15 stalls/du for visitors
Basement Suite	1 stall/bedroom to a maximum of 2 stalls
Boarding House	1 stall/rentable bedroom
Home Business	1 stall

Retail

Legend: GFA – Gross Floor Area
du - Dwelling Unit

Land Use	Minimum Parking Requirement
General Retail:	
Convenience Store **(BL 04/012)**	3.4 stalls/100 sq. m GFA
Discount Store	4.2 stalls/100 sq. m GFA
Furniture/Carpet Store	1.4 stalls/100 sq. m GFA
Hardware/Paint Store	3.9 stalls/100 sq. m GFA
Liquor Store	8.5 stalls/100 sq. m GFA
DELETED (BL 04/012)	
Service Station	2 parking stalls plus 1 stall per service bay plus parking requirements for other uses (eg. convenience stores) **(BL 04/012)**
Supermarket	4.1 stalls/100 sq. m GFA
Video Rental Store	2.2 stalls/100 sq. m GFA
Shopping Centers:	
Shopping Center (over 55,000 sq. m GFA)	5.8 stalls/100 sq. m GFA
Shopping Center (35,001 to 55,000 sq. m GFA)	5.2 stalls/100 sq. m GFA
Shopping Center (up to 35,000 sq. m GFA) **(BL 04/012)**	4.6 stalls/100 sq. m GFA

Social/Recreational Services

Legend: GFA – Gross Floor Area
du - Dwelling Unit

Land Use	Minimum Parking Requirement
Amusement Center/ Pinball Arcade/ Billiard Parlour	10 stalls/100 sq. m GFA
Bingo Hall	0.4 stalls/seat
Bowling Alley	5 stalls/alley
Church	10 stalls/100 sq. m GFA, with discretion use of adjacent sites
Curling Rink	8 stalls/sheet of ice + 5 stalls for staff + 0.1 stalls/seat for spectators
Golf Course	4 parking spaces per hole plus parking requirements for accessory uses **(BL 04/012)**
Health Spa/Sports Club	4.7 stalls/100 sq. m GFA
Racquet Sports Facility	4 stalls/court
Theatre and Cinema	0.3 stalls/seat

No variance from the on-site parking requirements in subsection 120.5(e), above, shall be granted.

132. **On-Site Loading Requirements**

132.1 A loading space shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the site before moving onto adjacent streets.

132.2 A loading space situated within a setback distance from a street or lane shall not be counted for the purposes of this section.

132.3 A loading space shall be a minimum width of 3.1 m and a minimum depth of 9.2 m and maintain a minimum overhead clearance of 4.3 m.

132.4 Minimum loading space dimensions may be changed by the Development Authority having regard to the types of vehicles that are likely to use the loading spaces.

132.5 Loading space requirements for uses other than those set out in this section shall be determined by the Development Authority, having regard to similar uses for which specific loading facility requirements are set.

132.6 Unless otherwise allowed by the Development Authority, the required on-site loading space for any use shall be as follows:

Required Number of Loading Spaces:

Use of Building or Site	Minimum Number of Loading Spaces
Drinking and Eating Establishments	1 space per 9000 sq. m of GFA
Funeral Homes	1 space per 9000 sq. m of GFA
Freight Terminals and Railroad Yards	1 space per 2000 sq. m of GFA
Hospitals, Sanatoria and Welfare Institutions	1 space per 9000 sq. m of GFA
Hotels	1 space per 9000 sq. m of GFA
Industrial and Manufacturing Plants	1 space per 2000 sq. m of GFA
Office Buildings	1 space per 9000 sq. m of GFA
Public or Quasi-Public Buildings	1 space per 9000 sq. m of GFA
Retail and Wholesale Establishments	1 space per 9000 sq. m of GFA
Sports Arenas	1 space per 9000 sq. m of GFA
Warehouses	1 space per 2000 sq. m of GFA

133. **Off-Site Parking**

133.1 Off-Site Parking - Commercial or Industrial Land Use Districts

Notwithstanding Section 119.5(a) of this Part, in a commercial or industrial district, the Development Authority may allow for the provision of required parking stalls on a site other than the proposed development site provided that the following conditions are met:

(a) the alternative site is within 100.0 m of the approved use, is used exclusively as a parking area and can be secured for a time period equal to that of the approved use.

(b) there is a convenient walkway from the off-site parking to the development that is the subject of the development permit application;

(c) the owner of the development proposing to use an off-site parking space has ownership and control of the site where the parking is proposed and has dedicated the site to parking for the benefit of the development in question.

In such cases, a condition of the development permit for the development may require that a restrictive covenant or caveat be registered against the title to the site on which parking spaces are located. The restrictive covenant or caveat shall stipulate that the parking spaces shall be maintained exclusively for the parking requirements of the development. The restrictive covenant or caveat may only be discharged with the Development Authority's approval.

133.2 Off-Site Parking Levy

The Development Authority shall not grant any variance from the parking standards in this Bylaw. The Development Authority, at their discretion, may permit an applicant to pay to the Municipality a payment equal to the cost of an equivalent public parking space provided elsewhere in the area up to a total of twenty (20) percent of the total required number. This money is to be used for the establishment of municipally owned parking spaces.

133.3 Underground Parkade **(BL 01/043, BL 05/011)**

(a) Where any portion of a parkade is above grade that portion must comply with the building front, side and rear yard setback requirements for that district.

(b) An underground parkade may be located closer to a property line than the principal building at the discretion of the Development Officer under the following conditions:

(i) A Development Officer may permit a parkade to encroach to the Property lines of the front, rear and side property lines provided the portion of the parkade roof deck is suitable for use as amenity space by a development permit. **(BL 09/019)**

(ii) No encroachments will be granted into registered easements or right of ways.

(iii) No encroachment will be permitted nearer than 1.0 m from any existing or proposed underground utility; and

(iv) In order to receive any encroachment consideration, detailed grading and building plans must be submitted along with as-built information on all underground utilities and written consultation statements from the franchise and municipal utilities.

(c) A level stop zone (minimum 4.5 m) for a standard size vehicle is required to ensure that a vehicle exiting an underground parkade can safely stop without interfering with pedestrian safety.

(d) The municipal boulevard, with the written approval of the Municipality, may be utilized as part of the level stop zone but shall maintain positive drainage to the streets shall not overlap the sidewalk and shall not obstruct the sight line of traffic or pedestrians.

(e) Entrance ramps shall be accessed from within the property. The approval for an entrance ramp directly off a municipal road is at the sole discretion of Engineering Services Division.

(f) The entrance ramp to an underground parkade shall commence at the property line and shall not be permitted to encroach onto the municipal road right of way or lane.

(BL 05/011)

134. **Multi-Use or Mixed-Use Developments**

(a) Notwithstanding Section 119.5(a) of this Appendix, developments containing or providing for more than one use shall provide parking stalls and loading spaces equal to the sum of the requirements of individual uses, unless the applicant can otherwise demonstrate to the Development Authority through the use of a qualified Transportation Engineer that, there is a complementary or overlapping use of the parking facilities which would warrant a reduction in the parking requirements, and

(b) Where a proposed use in a shopping centre has a higher minimum parking requirement than the minimum parking requirement for that shopping

centre under Section 131.5 of this Bylaw, the shopping centre must have sufficient on-site parking to accommodate the proposed use. **(BL 01/043)**

134.2 Combined or Shared Parking

(a) The Development Authority may allow 2 or more developments to share parking spaces. Up to 20% of the required parking may be combined or shared parking.

(b) Permission to share parking spaces may only be granted by the Development Authority in the following circumstances:

(i) the developments are in close proximity to each other and within 100 m of the site on which the parking spaces are located;

(ii) the demand for parking spaces for each development is not likely to occur at the same time;

(iii) the Development Authority is satisfied that the arrangement between the owners of the developments for the sharing of parking spaces is to be permanent unless an alternative permanent arrangement is made that is satisfactory to the Approving Authority; and

(iv) a legal agreement is provided and the parking arrangements are acceptable to the Development Authority. Any change of use requires a development permit and a new agreement. The Development Authority reserves the right to refuse an applicant not fully complying with parking requirements.

135. **Vehicular-Oriented Uses**

(a) Vehicular-oriented uses shall include drive-in food services, gas bars, minor and major services stations, drive-through vehicular services and such developments providing drive-in services in which patrons generally remain inside their vehicles.

(b) Vehicular-oriented uses shall be located only where the Development Authority is satisfied that the development will not adversely affect the functioning of surrounding public roadways.

(c) The minimum site width shall be 30.0 m.

(d) Queuing space shall be provided as follows:

(i) for drive-in food services, and other development having a service window, a minimum of 6 inbound queuing spaces shall be provided for vehicles approaching the service window;

(ii) for drive-through services, a minimum of 5 inbound queuing spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of 9 inbound queuing spaces shall be provided for each bay.

(iii) each queuing space shall be a minimum of 5.5 m long and 3.0 m wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

136. **Parking Spaces and Loading Zones for Disabled Persons**

Design Standards

(a) Locations:

(i) Parking spaces for disabled persons shall be located as close as possible to elevators, ramps, walkways, and building entrances. They shall also be located so that persons in wheelchairs can access the building.

(ii) Parking shall be arranged in such a way that users of wheelchairs are not required to pass behind parked cars.

(iii) For conditions requiring more than two parking spaces for disabled persons, no more than two stalls shall be placed adjacent to each other. If there are several accessible building entrances, a stall shall be located near each entrance.

(b) Design and Construction - Parking Spaces

(i) Parking stalls shall have minimum width of 2.3 m and length of 5.8 m. Access aisles of width of 1.5 m shall be placed on both sides of the stall. Parallel parking stalls shall be at least 7.0 m in length.

(ii) Each parking stall shall be clearly identified by painting the international symbol of accessibility. The symbol shall be in white on a blue background and has minimum size of 1.0 m by 1.0 m.

(iii) The access aisle shall be marked with diagonal striping with strip spacing of 0.6 m.

(iv) The access aisle shall lead to a curb cut to the adjacent sidewalk connecting to a building entrance. The curb cut shall have a minimum width of 0.92 m and shall have a desirable slope of no more than 1:12. A maximum slope of 1:8 may be used with the permission of the Development Authority.

(v) Parking stalls and the cross-slopes (in the longitudinal direction of the walk) of the sidewalk at the vicinity of the curb cut to the access aisle shall have a firm, slip-resistant and level surface with a maximum slope of 1:10. The areas of slope shall be painted with a non-skid yellow paint.

(vi) Each parking stall shall be marked with a wheelchair symbol sign with the message “Permit Required”, with black letterings on silver/white background, and shall have minimum dimensions of 450 mm by 610 mm. The sign shall be mounted at a height of at least 1.2 m from the pavement or sidewalk to the bottom of the sign and be positioned so as to be easily seen by drivers who are attempting to park.

(c) Design and Construction - Loading Zones

(i) Loading zone shall be made for side or rear loading/unloading operations.

(ii) Vehicles with side operating platforms which are 0.76 m wide by 1.05 m long can discharge patrons at sidewalk level. An area of 1.5 m by 1.5 m is required beyond the platform to allow a person in a wheelchair to turn around and move in a new direction.

(iii) A minimum height clearance of 3.0 m shall be provided for van type transporters.

(iv) A 0.92 m curb cut is needed for transporters with rear-mounted wheelchair lift.

(d) Number of Parking Stalls Required:

Parking for disabled person shall be included as part of and not in addition to, the applicable minimum parking requirement. The following number of parking stalls for disabled persons shall be provided:

Office	0.02 spaces per 100 sq. m GFA with a minimum of one (1) space.
DELETED (BL 08/001)	
Industrial	None, except spaces for employees needing them.
Restaurant	0.28 spaces per 100 sq. m GFA with a minimum of 1 space.
Retail	0.087 space per 100 sq. m GFA, with a minimum of 1 space.
Residential	1 stall/11-25 parking stalls required 2 stalls/26-50 parking stalls required 3 stalls/51-100 parking stalls required 1 additional stall/additional increment of 100 parking stalls required **(BL 08/001)**

137. **Reserve for future use**
138. **Reserve for future use**
139. **Reserve for future use**

Exhibit 14

PART 7A - Rural Service Area Sign Provisions (BL 01/068)

140. Establishment of Rural Service Area Sign Provisions

The following sign provisions shall be as set forth in PART 7A of this Bylaw, shall apply with respect to the Rural Service Area and may be amended in the same manner as any other part or section of this Bylaw.

141. General Rural Service Area Sign Provisions

141.1 Definitions

Notwithstanding any provision in Section 8 of this Bylaw to the contrary, the following terms in Part 7A shall be defined as follows:

AREA OF SIGN means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;

BILLBOARD SIGN means a sign supported by one or more uprights, braces or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the parcel upon which the billboard sign is located;

BYLAW ENFORCEMENT OFFICER means any Bylaw Officer appointed by the Regional Municipality of Wood Buffalo and includes a member of the Royal Canadian Mounted Police and/or a Special Constable;

CANOPY SIGN means a canopy or awning, which may be illuminated, and which projects from a structure or building and displays the building or proprietor's identification;

COMPREHENSIVE SIGN DESIGN PLAN means a coordinated signage design undertaken by one lot owner/developer or the owners/developers of two or more contiguous lots or on multiple tenant properties. Design coordination may include, but is not limited to, colour, area, shape, illumination, placement, and copy font size and style;

ELECTION SIGN means a sign connected with a municipal, school board, provincial or federal election or any election held pursuant to the Local Authorities Election Act, including, but not limited to, signs describing or promoting the election process or a candidate or party seeking election; **(BL 12/004)**

FASCIA SIGN means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimension exceed 1.5 m;

FREESTANDING SIGN means a sign supported by one or more uprights, braces or pylons and which stands independently of a building and contains only advertising copy related to the development within the parcel upon which the freestanding sign is located;

MURAL means a graphic design, or artwork, painted directly on to a structure, which does not convey an advertising message and does not include a fascia sign or an identification logo;

Exhibit 14

PORTABLE SIGN means a sign with a total area on one face of no greater than 4.6 m^2 mounted on a frame or on a trailer, stand or similar support which together with the support can be relocated to another location, and may include a copy that can be changed manually through the use of detachable characters;

PROJECTING SIGN means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground;

ROOF SIGN means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building;

SIGN means an **object** or device intended for the purpose of advertising or calling attention to any person, matter, or event;

SUBDIVISION DIRECTIONAL SIGN means a temporary sign for guiding or directing pedestrian or vehicular traffic to a new subdivision, new home areas or show homes, which may **incorporate** small banners and flags;

SUBDIVISION MARKETING SIGN means a temporary sign placed at the entrance to a new subdivision for the purpose of promoting vacant lots, new home areas or show homes, which may incorporate small banners or flags;

TEMPORARY SIGN means a sign which may or may not be portable in nature, and which is located on a parcel for a limited or specified period of time;

THIRD PARTY IDENTIFICATION SIGN means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located. Such a sign is not located on the parcel of the goods, products, services or facilities advertised;

UNDER-CANOPY SIGN means a sign, which is attached to the bottom face of a canopy;

WALL SIGN means a sign that is attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet;

141.2 Sign Development Permit Application Requirements

In place of Section 22 of this Bylaw, a development permit application for a sign must be completed and shall be accompanied by the following:

(a) The name(s), address(es) and telephone number(s) of the sign owner(s).
(b) Evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the site. So the Development Officer can determine ownership, a copy of the current title for the land that is the subject of the application must accompany the application.

{Note: An application for a sign permit must be signed by the registered owner of the property on which the sign is to be located. In signing the application, the landowner accepts responsibility for the sign and gives to the Municipality the right to enter the property for any enforcement procedures that may be necessary under Part 3 of this Bylaw.}

(c) The associated sign development permit fee.

(d) Two copies of the site plan drawn to scale and showing:

(i) the scale of the plan;
(ii) the north arrow;
(iii) a municipal address and legal description of the lot or building on which the sign is to be erected, altered, relocated;
(iv) the location of the proposed sign on the lot or building;
(v) the distance from the sign to property lines, roadway intersections, traffic control devices and from access points to the property;
(vi) the distance from the sign to buildings and other signs on the property;
(vii) distances to aerial power lines from freestanding and roof signs;

(e) Two copies of sign plans drawn to scale showing;

(i) the dimensions of the sign;
(ii) for a fascia sign, the amount of projection from the face of the building;
(iii) the method of attachment and character of the structure to which attachment will be made;
(iv) projection over a right-of-way or municipal property, where applicable;
(v) the height of the sign measured from grade to the underside of the sign.

(f) Two copies of building elevations where the sign will be attached to a building.

(g) Any other information as may reasonably be required by the Development Officer.

(h) Comprehensive Sign Design Plan

(i) A Development Officer may require, or an owner/developer may request, a comprehensive sign design plan as part of a development permit for a commercial or industrial development in accordance with the following:

(A) proposed signs within the site shall be consistent with each other in terms of their design, suitable for the land use district within which they are or proposed to be located and compatible in terms of design with the existing or proposed buildings with which they are or proposed to be associated;

(B) the overall area of the signs governed by the comprehensive sign design plan shall not exceed the total combined area of that which would be allowed if each sign were being considered individually within the site;

(C) there would be a greater degree of visual harmony in the resulting signage as compared to what might be

achieved through the application of individual, specific sign regulations.

(ii) Once a comprehensive sign design plan is approved, no sign governed by the comprehensive sign design plan shall be constructed or maintained in a manner contrary to the comprehensive sign design plan.

(i) For the purposes of Part 7A, a multiple tenant sign refers to a single sign and requires one development permit.

(j) The development permit application shall be considered to have been received by the Development Officer when the required fee as well as all of the information required pursuant to this subsection has been accepted by the Development Officer as being sufficient quantity and quality to enable evaluation of the application. If the fee and all the required information, as listed in this Bylaw, are not provided, the Development Officer shall not accept the application.

(k) For the purposes of Section 26 of this Bylaw, all development permit applications for signs shall be decided by the Development Officer.

(l) The Development Officer may modify, suspend or cancel a development permit:

(i) which has been obtained by fraud or misrepresentation, or by failure to disclose pertinent or correct information at the time of application;

(ii) which has been issued in error; or

(iii) when the development is not consistent with the development permit issued.

(m) A development permit expires when the constructing and erecting of a sign is not completed within twelve months from the date of its issuance or such period specified in the development permit in a manner satisfactory to a Development Officer or in the case of portable signs, when the permit expires as indicated on the approval.

(n) Upon application for an extension, a Development Officer may grant an extension of the effective period of a Development Permit only once.

(o) When a development permit expires, a new application is required together with the required fee. Such application shall be dealt with as a first application and there is no obligation to approve an application on the same basis that a previous development permit had been issued.

141.3 Sign Development Permit Fees

(a) A Development Permit fee, as amended by a resolution of Council from time to time, shall accompany each application for a sign development permit. The application fees for sign development permits are indicated in Appendix "B" of this Bylaw. (Note: an amendment to this Bylaw pursuant to Section 692 of the Act is not required should Council wish to alter the sign development permit fees.)

(b) The fees described above allow for one review of plans or field inspection to the initial sign application. Where additional review of structural

drawings or field inspections, as may be determined by the Development Officer, is required to complete the final approval, an additional fee per inspection equal to the original permit fee may be charged.

(c) Where a sign application has been approved or refused, no sign application fee shall be refunded. If, however, the application is withdrawn prior to approval or refusal by the Municipality, the Development Officer may refund to the applicant up to 50% of the fee paid.

(d) Should any person erect a sign or commence work preparatory to erecting a sign without first obtaining a permit, such person shall, before issuance of the permit, be subject to and make payment of double the amount determined under Appendix "B", in addition to any penalty which may be imposed in respect to the contravention.

141.4 All signs shall require a development permit unless otherwise specified under this Bylaw.

141.5 Signs Not Requiring a Permit

Subject to any provisions under Sections 69 and 70 to the contrary, no permit is required for the following signs provided they comply with this Bylaw:

(a) In all land use districts, a sign which is posted or exhibited inside a building.

(b) A sign posted or exhibited in or on an operating motor vehicle or trailer unit if the motor vehicle or trailer unit is not temporarily or permanently parked solely for the purpose of displaying the sign.

(c) Temporary advertisement not exceeding 2.0 m^2 relating to the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such signs relate.

(d) A statutory or official notice of a function of, or activity lawfully allowed to be undertaken by the Municipality.

(e) A traffic or directional sign authorized by the Municipality or Alberta Transportation.

(f) **DELETED (BL 12/004)**

(g) Subject to Section 141(8), a temporary sign if the temporary sign:

(i) is limited to advertising a lawn sale, garage sale or other special event;

(ii) is located on private property or is to be situated within a roadway right-of-way or other public property authorized for such purposes by the Municipality;

(iii) is not larger than 0.55 m^2; and

(iv) is removed from the parcel or roadway right-of-way or other public property authorized for such purposes by the Municipality within 72 hours of it being erected on the parcel.

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(h) Subject to Section 141(8), a temporary sign if the temporary sign:

(i) is limited to advertising the location of real estate for the purposes of public viewing together with the name/logo of the associated realtor(s)/real estate company(ies);
(ii) is not larger than 0.55 m^2; and
(iii) is removed within 72 hours of it being erected.

(i) Other temporary signs, not defined in Sections 141(5)(g) and (h), if all provisions and requirements of Section 149(5) are met.

(j) A sign that is posted or exhibited solely for the identification of the land or building on which it is displayed including signs for professional, corporate or trade nameplates identifying the occupants, if the sign:

(i) does not exceed 1.0 m^2 in area; and
(ii) is posted only at each entrance from which access from a public roadway to the building is provided.

(k) A sign that is posted or exhibited for sale, lease or rental of land or a building if the sign:

(i) is 3.0 m^2 or less in area; and
(ii) is posted only on each side of the building or land facing a different public roadway.

(l) A sign of a building contractor relating to constructional work in progress on the land on which such signs are erected, provided that:

(i) such signs shall be removed within fourteen (14) days of the issuance of an occupancy permit; and
(ii) such signs shall be limited in size to a maximum of 4.0 m^2 and limited in number to one sign for each boundary of the parcel under construction which fronts onto a public road.

(m) A subdivision marketing sign provided the sign:

(i) is wholly located within the subdivision being marketed;
(ii) is free-standing;
(iii) is not illuminated;
(iv) does not exceed 12 m^2 in sign area;
(v) does not exceed 5 m in sign height;
(vi) there are not more than two (2) subdivision marketing signs per site; and,
(vii) the sign is removed within 14 days after the completion of sale of all the lots in the subdivision, or within 14 days after the sale of all condominium units, or within 14 days after the construction of a new rental unit complex is completed. (Note: If required, a real estate sign may replace a subdivision marketing sign 14 days after the construction of a new rental unit complex is complete.)

(n) A subdivision directional sign provided the sign:

(i) is located at the nearest road intersection to the subdivision being marketed and/or on a public utility lot or major road authorized for such signs by the Municipality, provided approval of the

landowner of the property on which the sign is to be placed is obtained (in the case of private land), and the siting, aesthetic quality and appearance criteria of this Bylaw (and any established pursuant to the authorization granted by the Municipality) are satisfied;

(A) is free-standing;
(B) does not exceed 3 m^2 in sign area;
(C) does not exceed 3 m in sign height;
(D) is not located on any median, traffic control device or within 30 m from any major road intersection; and,
(E) the sign is removed within 14 days after the completion of sale of all the lots in the subdivision, or within 14 days after the sale of all condominium units, or within 14 days after the construction of a new rental unit complex is completed.

141.6 Non-Conforming Signs

(a) If a development permit for a sign has been issued on or before the day on which this Bylaw comes into force in the Municipality and amending Bylaw No. 01/068 would make the sign in respect of which the permit was issued a non-conforming use, the development permit continues in effect in spite of it coming into force of Amending Bylaw No. 01/068.

(b) A non-conforming sign may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future sign use must conform with the provisions of Amending Bylaw No. 01/068.

(c) A non-conforming sign may not be enlarged, altered, added to, and no structural alterations may be made to it or in it,

(i) except to make it a conforming sign;
(ii) for routine maintenance of the sign if the Municipality considers it necessary; or
(iii) in accordance with a bylaw that provides minor variance powers to the development authority for the purposes of this Section.

(d) If a non-conforming sign is damaged or destroyed to the extent of more than 75 % of the value of the sign, the sign may not be repaired or rebuilt except in accordance with the provisions of Amending Bylaw No. 01/068.

(e) Portable signs for which a sign development permit has been issued prior to the passage of Amending Bylaw No. 01/068 shall remain valid until expiry of the permits. These signs shall bear the required stickers in order to remain valid.

(f) Portable signs in existence before the passage of amending Bylaw No. 01/068, for which no sign development permits have been issued shall be removed within 30 days of the passage of amending Bylaw No. 01/068.

141.7 Development Permit Appeals Related to Signs

Appeals from decisions on development permits concerning signs, as with any other development permit appeals, shall be subject to the development permit appeal provisions of this Bylaw and the Municipal Government Act.

141.8 A permit for a sign may be issued if:

(a) the sign, with the exception of billboard signs and third party identification signs, as provided for in Sections 143 and 144 of this Bylaw, only advertises or draws attention to goods or services sold or provided on the parcel on which the sign is located; or

(b) the sign is an announcement for a community event and will be removed within 72 hours of that event, if so required by the Development Officer; or

(c) the sign is for the identification of a neighbourhood and is to be placed at the major entry points of the neighbourhood; or

(d) the sign is for the identification of subdivisions (or portions thereof), land use districts or layouts of a geographic location; and

the sign is specifically permitted by this Bylaw and complies with this Part of the Bylaw in all respects.

141.9 The Development Officer may require an engineer-approved plan prior to the issuance of a permit for a sign to ensure the safe design and placement of a sign, awning or canopy.

141.10 Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer.

141.11 No person shall erect or place a sign so that it would be considered, in the opinion of the Development Authority, to be a traffic hazard or obstruct the vision of vehicular traffic.

141.12 The maximum area of any sign under Part 7A shall be 18.5 m^2.

141.13 Except as otherwise specified in this Bylaw, all signs shall adhere to the building height requirements stipulated in the land use district in which the sign is located and there shall be strict adherence to the Fort McMurray Airport Vicinity Protection Area Regulations.

141.14 Where, in the opinion of the Development Officer, a proposed sign on a commercial or industrial property might be objectionable to a resident in any adjacent residential land use district, the Development Officer may impose such other regulations as they feel would protect the interests of residents including but not limited to periodic checks of the light being directed by a lighted sign as well as controlling the hours that lighted signs remain lighted.

141.15 Flashing, animated or interiorly illuminated signs shall not be permitted in any land use district where, in the opinion of the Development Officer, they might:

(a) affect residents in adjacent housing or residential land use districts, or

(b) interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.

141.16 Notwithstanding Section 141(15), no person shall exhibit or place an illuminated sign that permits or provides for:

(a) A current interrupting or flashing device unless there is a continuous source of concealed illumination on the translucent portions of the sign.

(b) A flashing beacon of a type that is the same or similar to those used by emergency vehicles.

(c) A flashing device, animator or revolving beacon within 50.0 m of the intersection of two or more public roadways.

(d) A device described in Section 141.16(c) that would be directly visible from any residential building within a distance of 50.0 m of the sign.

141.17 The area around sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.

141.18 The Development Officer may require the removal of any sign, at the sole expense of owner/developer, which is or has become unsightly or is in such a state of disrepair as to constitute a hazard.

141.19 All applications for signs within 0.8 km of Highways #63, #69 and #881 shall be referred to Alberta Transportation for their review and consideration and all of their requirements/regulations will be strictly adhered to by the Development Officer.

141.20 The Development Officer may require an encroachment agreement in the case of any permanent sign such as a freestanding sign, awning sign, canopy or under-canopy sign, projecting sign, roof sign, fascia sign or wall sign currently within or, due to unique on-site circumstances, required to be within property owned/under the control of the Municipality, including rights-of-way.

141.21 Non-Compliance/Contravention and Enforcement

(a) The Development Officer and/or the Bylaw Enforcement Officer is empowered to enforce Part 7A, and may order any person:

(i) to discontinue or refrain from proceeding with any work or doing anything that is in contravention of Part 7A;

(ii) to carry out any work or do anything to bring a sign into conformity with Part 7A; or

(iii) to repair, alter or remove any sign, as provided by Part 7A.

(b) If after the issue of an Order under Section 141.21(a) above, the steps required to be taken by the Order are not carried out within the time specified in the Order, the Development Officer and/or Bylaw Enforcement Officer may, without further notice, cause any sign which is the subject of such an Order pursuant to this Section, to be removed and impounded. The Development Officer shall release any impounded signs upon payment to the Municipality of an impounded fee of $150.00 plus a storage fee of $5.00 per day for the length of time that the signs remain impounded. Upon the expiry of thirty (30) days, the impounded sign becomes the property of the Municipality, and shall be treated as lost or unclaimed property pursuant to Section 610 of the Municipal Government Act. Redemption of a sign following impoundment shall not be deemed to be an admission by a sign owner that the sign contravened any provision of Part 7A or any other relevant provision of this Bylaw.

(c) Any person who:

(i) contravenes or fails to comply with any provision of Part 7A or any other relevant provision of this Bylaw or any permit issued hereunder;

(ii) causes or suffers or permits any act or thing to be done in contravention of, or in violation of, any provision of Part 7A or any other relevant provision of this Bylaw;

(iii) neglects or refrains from doing anything required to be done by any provision of Part 7A or any other relevant provision of this Bylaw; or,

(iv) obstructs or hinders any person in the performance of his duties under any provision of Part 7A or any other relevant provision of this Bylaw,

is guilty of an offence and is liable to a penalty under the provisions of the General Penalties Bylaw of the Municipality.

(d) Violation Ticket

(i) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened Part 7A or any other relevant provision of this Bylaw.

(ii) A Violation Ticket may be issued to such person, under the provisions of the General Penalties Bylaw of the Municipality.

(iii) Where a breach of Part 7A or any other relevant provision of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Ticket for each day that the offence continues.

(iv) Where a Violation Ticket is issued pursuant to this Section, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified in the Violation Ticket. Payment of a Violation Ticket does not relieve a person from complying with the provisions of Part 7A or any other relevant provision of this Bylaw.

142. **Awning and Canopy Signs (Illustration #1 & 2)**

142.1 Subject to Section 142(2), awning or canopy signs may be allowed in all land use districts excepting the CR - District, SH - District, HG - District, HR - District, SE - District and any other residential land use district in any hamlet.

142.2 In the CR - District, SH - District, HG - District, HR - District, SE - District and any other residential land use district in any hamlet, awnings or canopies shall not be attached to or be constructed so as to be considered a part of any sign other than a house or multiple-household dwelling name sign.

142.3 The awning or canopy sign shall have a clearance of not less than 3.0 m between the bottom of the canopy or awning and the sidewalk, walkway or ground level.

142.4 Where the front portion of a building extends or is allowed to extend out to the front property line, the canopy or awning sign shall not project more than 2.0 m over the sidewalk and in no case shall any support pillar/pole forming part of the awning or canopy sign project beyond the front property line.

142.5 Notwithstanding Sections 142.3 and 142.4, no canopy sign shall be permitted where, in the opinion of the Development Officer, the canopy or awning obstructs the free movement or access to pedestrians, vehicles or repairs to overhead utility lines.

142.6 The print or lettering of awnings and canopies in all land use districts shall be restricted to identification of the building name or the proprietor's identification.

143. **Billboard Signs (Illustration #3)**

143.1 A development permit for a billboard may be approved by the Development Officer in the A-District, HC-District, BI-District and the C4-District who shall take into consideration the following aspects in ensuring the proper design, character, location and construction of billboard signs: **(BL 04/016)**

(a) Billboard signs must be compatible with the general architectural lines and forms of adjacent development as well as the nature and function Highways #63, #69, #881 and Airport Road. **(BL 04/016)**

(b) All billboard signs must be of high quality construction.

(c) Given the importance of the image created by such signs, the amount of advertising copy thereupon should be kept to an absolute minimum and be of high quality, especially where located next to Highways #63, #69, #881 and Airport Road. **(BL 04/016)**

(d) All billboard signs must be positioned so that they do not severely obstruct the horizon line when viewed from vehicular traffic traveling past them from any direction.

143.2 A billboard may only contain poster panels or bulletins up to 3.0 m by 6.0 m in size.

143.3 The advertisement copy may be posted, glued, painted or otherwise fastened to the billboard in order to permit periodic replacement.

143.4 A billboard facing, including border and trim but excluding the base, apron, supports or other structural members shall not exceed 18.5 m^2 in area.

143.5 The maximum size of a billboard referred to in Section 143.4 applies to each facing of a billboard structure and facings may be placed back-to-back or in a V-shaped configuration.

143.6 A billboard sign shall not be located within a minimum distance of 150.0 m from any other billboard sign on the same side of the road.

143.7 Notwithstanding Section 143.6, a billboard sign shall not be located within a minimum distance of 30.5 m from another permanent sign.

143.8 A billboard sign shall not project within 5.0 m from the property line.

143.9 No part of any billboard sign shall be more than 9.1 m or less than 3.0 m above grade.

143.10 A billboard shall be located a minimum of 150 m from an intersection.

143.11 The Development Officer shall ensure that a billboard located at the intersection of any roadway with another public roadway is setback an appropriate distance for the purposes of safe and efficient movement of traffic.

143.12 Billboard facings may be illuminated by a constant source of light only, and shall not be lit by a flashing, animated or intermittent light source.

143.13 Notwithstanding Section 143.1, in the case of community-oriented or public service-type billboards, the Municipality may authorize the placement of such billboards on public roadways within any land use district having regard for the provisions of Section 143.

144. **Fascia/Wall Signs and Murals (Illustration #4 & #6)**

144.1 Wall and fascia signs may be allowed in all land use districts, excepting the A-District, CR - District, SH - District, HG - District, HR - District, SE - District and any other residential land use district in any hamlet, wherein it may be permissible to have one non-illuminated fascia sign or nameplate to identify a home business in accordance with Section 70 of this Bylaw. **(BL 06/023)**

Fascia Signs: (Illustration #4)

144.2 One fascia sign only will be permitted to indicate the name and nature of the occupancy for each occupant within the development. The sign shall not exceed a height of 1.5 m and a horizontal dimension greater than the length of the bay, which the proprietor's sign identifies. The fascia sign shall not exceed 25% of the building face or bay, which the sign identifies.

144.3 Subject to the provisions of Part 7A, fascia signs in land use districts other than residential land use districts are permitted and do not require a development permit provided that the sign:

(a) is placed below any second storey windowsill or any third storey windowsill, or at the roofline of a building with more than three storeys;

(b) in the absence of any second and third storey windows, the sign may be placed to the roofline;

(c) on a single storey building or a building with no windows, the sign may be placed to the roofline, provided that the sign does not exceed 30.0 m^2;

(d) does not extend more than 0.3 m perpendicularly from the supporting wall;

(e) has a minimum clearance height of 2.7 m from the bottom of the sign to the finished grade unless the sign projects more than 0.15 m and is placed over a lane, loading area, or parking lot, in which case the minimum vertical clearance must be 4.4 m; and,

(f) may be illuminated but shall not be a flashing sign except for a fascia sign attached to a movie theatre or any such entertainment facility.

144.4 Notwithstanding Section 144.2, developments which are considered by the Development Authority to be double fronting may apply for a fascia sign permit for the second fronting building face.

144.5 Notwithstanding Section 144.2, in developments containing more than two storeys, fascia signs shall only be permitted on the building face below the third storey offices and bays.

Wall Signs: (Illustration #6)

144.6 A wall sign in a commercial or industrial land use district shall not exceed an area of more than 35% of the wall to which it is attached.

144.7 Only one wall sign shall be allowed per building face and the advertising copy thereof/thereupon shall be limited to business identification (ie: logo and/or business name) only. The wall sign provided for herein may be a multiple-tenant sign but the advertising copy thereof/thereupon shall still be limited to business identification (ie: logo and/or business name) only.

144.8 A wall sign shall not extend beyond the limits of the wall to which it is attached.

144.9 Notwithstanding Sections 144.2 and 144.5, fascia and wall signs for a commercial or industrial building containing more than one bay shall maintain the same character and size of sign throughout the building face and from bay to bay.

Murals: (Illustration #6)

144.10 Notwithstanding Sections 144.5, a mural, not to be used to advertise the business within the building upon which the mural is painted or any other business, may encompass 100% of the wall to which it is painted provided that the mural complies with Section 56 of this Bylaw.

145. **Freestanding Signs (Illustration #5)**

145.1 Freestanding signs may be allowed in the A-District, CR - District, SH - District, HG - District, HR - District, SE - District and any other residential land use district in any hamlet under the following special provisions: **(BL 06/023)**

(a) one identification freestanding sign may be allowed to identify the name of multi-household complex, manufactured home community or a multi-parcel country residential subdivision, and which does not:

(i) exceed 3.0 m^2 in area; or
(ii) project within 0.6 m from the property line; or
(iii) exceed 3.5 m in height.

(b) Freestanding signs identifying the name of the community, neighbourhood or subdivision shall blend in with the architecture or development theme of the surrounding area.

(c) A neighbourhood identification sign shall not contain an advertisement in any form but may contain the name or logo of the company or companies, which developed the neighbourhood.

145.2 Within all other land use districts, the following shall apply:

(a) One freestanding sign may be allowed per parcel and where a parcel has in excess of 90.0 m of frontage, one additional freestanding sign may be erected for each additional 90.0 m, or portion thereof, of road frontage abutting the developed portion of the said parcel.

(b) Where a parcel is considered to be double fronting by the Development Authority, each frontage may have a freestanding sign provided that the signs are no closer than 90.0 m apart.

(c) Subject to Section 145.2(d), the maximum height of all freestanding signs shall not exceed 9.1 m above grade.

(d) In the case of a freestanding sign on a parcel adjacent to Highways #63, #69 and #881, and within 50.0 m of the edge of the right-of-way, no part of

any freestanding sign shall be more than 9.1 m or less than 3.0 m above the grade of Highways #63, #69 and #881.

(e) No sign permit shall be issued for any freestanding signs unless the area of the sign is less than 7.5 m^2 for the first 20.0 m of lineal frontage of the parcel upon which it is located, plus 1.0 m^2 for each additional 10.0 m of lineal frontage, up to a maximum of 14.0 m^2.

(f) The freestanding sign shall not project within 2.0 m of overhead utility lines.

(g) Freestanding signs may rotate at a number of revolutions per minute or consist of a "readograph" electronic message display system as determined by the Development Authority, who shall consider relevant traffic safety variables and legislation.

146. **Projecting Signs (Illustration #6)**

146.1 In all land use districts excepting the CR - District, SH - District, HG – District, HR - District, SE - District and any other residential land use district in any hamlet, a projecting sign may be permitted by the Development Authority in accordance with the following:

(a) For any building located less than 6.0 m from the property line, not more than one projecting sign, 2.3 m^2 or less in area, shall be erected.

(b) No part of an illuminated sign shall:

(i) extend more than 1.0 m above the top of the vertical face of the wall to which it is attached;

(ii) extend more than 2.5 m from the face of the building; or

(iii) be less than 3.0 m above ground or sidewalk grade.

(c) The space between the sign and supporting wall shall not be more than 0.6 m.

(d) There shall be only one projecting sign for each business frontage, provided that if a business frontage shall exceed 15.0 m, a further projecting sign be permitted for each additional 15.0 m or portion thereof.

(e) Subject to Section 146.1(a), the permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:

Amount of Projection	Maximum Area of Sign
2.5 m	2.3 m^2
2.1 m	2.6 m^2
1.8 m	3.2 m^2
1.5 m	4.5 m^2
1.2 m 1.0 m or less	5.6 m^2 7.0 m^2

Note: The area of the sign shall be computed exclusive of supports and structural members provided that such supports and structural members are

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free of advertising and are so constructed that they do not from part of the advertisement;

147. **Roof Signs (Illustrations #7 & #8)**

147.1 Roof signs may be allowed in all land use districts except the CR - District, SH - District, HG - District, HR - District, SE - District and any other residential land use district in any hamlet.

147.2 No roof sign shall exceed a height of 4.0 m as measured from the top of the roof sign to the top of the roofline or parapet.

147.3 No roof sign shall exceed 4.0 m^2 in area.

147.4 No portion of a sign shall overhang the roof on which it is located.

147.5 No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the discretion of the Development Officer.

148. **Third Party Identification Signs**

148.1 Third party identification signs may be allowed in the HC – District, C-4 District and BI – District subject to the provisions below.

148.2 Third party identification signs must be freestanding signs and meet the provisions of Section 145 above, and:

(a) no third party identification sign is to be located within 100.0 m of any other third party identification sign; and,

(b) the third party identification sign must be within 250.0 m of the business, organization or activity to which the sign refers.

148.3 The Development Officer shall require that a copy of the title for the property on which the third party identification sign is to be located accompanies the development permit application as well as evidence, in a form satisfactory to the Development Officer, that the owner of the property on which the third party identification sign is to be located has authorized its placement.

149. **Temporary and Portable Signs (Illustration #9)**

149.1 Intent

(a) Temporary and portable signs are intended to cater to on-site advertising of a temporary nature. They are not intended to be used as permanent advertisement for a business.

149.2 Temporary and portable signs may be approved in all land use districts excepting the CR - District, SH - District, HR - District, SE - District and any other residential land use district in any hamlet in accordance with the following provisions.

149.3 Subject to Section 149.7(d), The Development Officer may allow one temporary or portable sign (not both) per parcel announcing a special event, sale, relocation of a business, new business, or the future proposed development of a building or structure, or other function.

149.4 The area of the advertising surface of a temporary or portable sign referred to in Section 149.2 shall be at the discretion of the Development Officer but in no case shall it exceed 9.2 m^2 with no more than 4.6 m^2 on one side.

149.5 Temporary and portable signs must be wholly located within property boundaries and be set back a minimum of 3.0 m from a road.

149.6 A permit granted for a sign under Section 149 shall specify the period of time during which the sign is permitted to be exhibited.

149.7 No person shall:

(a) locate a temporary or portable sign so that it causes a traffic hazard, or conflicts with parking, loading, or walkway areas;

(b) in any land use district, locate a temporary or portable sign within the sight triangles indicated in Figure 58.2 of this Bylaw;

(c) locate a temporary or portable sign within roadway rights-of-way or on public property, except where such roadway rights-of-way or other public property has been authorized for such purposes by the Municipality;

(d) locate a sign within 25.0 m of another temporary or portable sign on the same frontage of the same parcel. Where a parcel is considered to be double fronting by the Development Officer, each frontage may have one temporary or portable sign (not both), provided that the signs are not closer than 25.0 m apart;

(e) erect or place on a parcel a temporary or portable sign if it has a flashing device, animator or flashing beacon attached to or operating in connection with it;

(f) subject to Section 149.6, exhibit a temporary or portable sign that is higher than 2.5 m above grade level; or,

(g) post or exhibit a temporary or portable sign in or on a vehicle of any type, including tractor-trailer units, if it is temporarily or permanently parked solely for the purpose of displaying the sign.

149.8 A development permit is required for inflatable, temporary signs and may be issued subject to the requirements and provisions of this Bylaw and, in addition, according the following:

(a) such signs shall be affixed securely;

(b) such signs shall be a minimum of 10.0 m from utility lines and road rights-of-way;

(c) the size, height and siting of such signs shall be at the discretion of the Development Officer in accordance with Section 56 of this Bylaw.

149.9 A community-oriented and/or public service-type cloth sign proposed to cross a public roadway may be authorized by the Development Officer provided the sign is to be located at least 6.5 m above the public roadway.

150. RURAL AREA SIGN PROVISIONS (BL 12/004)

150.1 An election sign is a permitted use in all land use districts and no development permit is required, provided the sign complies with the Land Use Bylaw.

150.2 Election Signs shall only be displayed or placed between:

(a) 12:00 noon on nomination day and 72 hours after the close of polls on election day for municipal and school board elections; or,

(b) 12:00 noon on the date the election is called and 72 hours after the close of polls on election day for provincial and federal elections.

150.3 **DELETED (BL 15/021)**

150.4 **DELETED (BL 13/018, BL 15/021)**

150.5 Where an Election Sign:

(a) **DELETED (BL 15/021)**

(b) poses, in the opinion of the Chief Administrative Officer or his delegate, a risk to public safety;

(c) has material structure damage; or

(d) has been vandalized,

the Municipality may give notice to a person responsible for the sign directing the person to remove or repair the sign.

150.6 Notwithstanding subsection (5) the Municipality may:

(a) **DELETED (BL 15/021)**

(b) where, regardless of location, the Election Sign poses, in the opinion of the Chief Administrative Officer or his delegate, an immediate and substantial public safety risk,

immediately proceed to remove the sign without notice.

150.7 Upon notice from the Municipality that an Election Sign poses a public safety risk, is structurally damaged, has been vandalized, or is otherwise not in compliance with this Bylaw, a person responsible for the sign shall repair or remove the sign as directed, failing which, the Municipality may, without limitation to any other remedy, proceed to remove and dispose of the sign.

150.8 Each candidate, must, prior to placing any election sign, provide the Municipality with the name and contact information of the person responsible for his or her election signs.

150.9 All election signs shall comply with the requirements of any relevant federal or provincial legislation and any other relevant municipal bylaws.

(BL 12/004)

151. **Reserve for future use**

152. **Reserve for future use**

153. **Reserve for future use**

154. **Reserve for future use**

PART 7B - Urban Area Sign Provisions

155. Establishment of Urban Service Area Sign Provisions

The following sign provisions shall be as set forth in PART 7B of this Bylaw, shall apply with respect to the Urban Service Area and may be amended in the same manner as any other part or section of this Bylaw.

156. General Urban Service Area Sign Provisions

156.1 Purpose

The purpose of Part 7B is to encourage the effective use of permanent, portable and temporary signs as a means of communication and advertising in a manner that reduces the negative effects of signs on safety and aesthetics. To meet these objectives, Part 7B contains regulations that can be equitably applied to individual districts and enforced.

156.2 Definitions

Notwithstanding any provision in Section 8 of this Bylaw to the contrary, the following terms in Part 7B shall be defined as follows:

AREA OF SIGN means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area;

ABANDONED SIGN means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, is no longer readable, or is no longer relevant;

A-BOARD SIGN means a self-supporting two sided A-shaped sign which is set upon, but not attached to, the ground and has no external supporting structure;

A-FRAME means any exposed structure mounted above a roof line for the express purpose of supporting a sign;

ANIMATED SIGN means a sign with action or motion, flashing, colour changes requiring electrical energy, electronic or manufactured sources, but not including wind actuated elements such as flags or banners. This definition also includes public service signs, signs with time and temperature displays, or mechanically rotating signs;

AWNING means a projection supported solely from the building, constructed with fabric or plastic skin stretched over a frame used for shelter from the weather and supported by the exterior wall of a building, and may be designed to be collapsible, retractable or capable of being folded against the wall of the supporting business;

AWNING SIGN means a sign, which is incorporated as part of the fabric of an awning;

BALLOON SIGN means a sign which is an inflated, three-dimensional device which incorporates a message and is anchored or affixed to a site or building;

BANNER SIGN means a sign constructed of non-rigid cloth, plastic or other fabric which is attached at all four corners to a pole, building or other supporting structure and is intended to be of a temporary nature but does not include flags;

BILLBOARD SIGN means a sign supported by one or more uprights, braces or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the parcel upon which the billboard sign is located;

BYLAW ENFORCEMENT OFFICER means any Bylaw Officer appointed by the Regional Municipality of Wood Buffalo and includes a member of the Royal Canadian Mounted Police and/or a Special Constable;

CANOPY means a solid non-retractable, projection which extends from the wall of a building for the purpose of affording protection from the weather and includes a structure commonly known as a theatre marquee, but does not include normal architectural features such as lintels, sills, moldings, architraves and pediments;

CANOPY SIGN means a sign attached to or constructed in or on a face of a canopy;

CARRIAGEWAY means that portion of a public roadway intended to carry vehicular traffic. Typically, in urban areas, the carriageway is defined by parallel curb lines;

CHANGEABLE COPY COMPONENT means a portion of a sign on which the copy can be changed automatically, and may include an electric message unit, or manually through the use of attachable letters, numbers or symbols;

CLEARANCE means the vertical distance between the lowest part of a sign and the finished grade;

COMMUNITY NOTICE BOARD means a structure erected by the Municipality for the purpose of posting of temporary notices of community interest;

COMPREHENSIVE SIGN DESIGN PLAN means a coordinated signage design undertaken by one lot owner/developer or the owners/developers of two or more contiguous lots or on multiple tenant properties. Design co-ordination may include, but is not limited to, colour, area, shape, illumination, placement, and copy font size and style;

CONSTRUCTION SITE IDENTIFICATION SIGN means a temporary sign for **providing** information or advertising related to the construction project only, and erected by an individual or firm on the premises undergoing construction;

COPY means the message on the sign face including, but not limited to, words, numbers, logos, **symbols**, and decorations;

COPY AREA means the entire area, which encloses the limits of the message, contained on the sign but excludes the main support structure. For multi or double-faced signs, copy area is **the** area of one face;

CURB EXTENSION means that line which extends from curb return to curb return along the same roadway;

CURB LINE means the line at the face of the nearest curb and in the absence of a curb, the line shall be established by Public Works and Engineering;

CURB RETURN means that point where a curved curb reverts back to the linear curb of the principle carriageway;

DIRECTIONAL SIGN means an on premise incidental sign designed to guide or direct pedestrian or vehicular traffic;

ELECTION SIGN means a sign connected with a municipal, school board, provincial or federal election or any election held pursuant to the Local Authorities Election Act, including, but not limited to, signs describing or promoting the election process or a candidate or party seeking election; **(BL 12/004)**

ENTERTAINMENT FACILITY means a facility where the primary function of the facility is the provision of entertainment to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a movie theatre, live theatre, night club, cocktail lounge, arena or sports complex;

FASCIA SIGN means a sign, or individual letters, attached, marked, painted or inscribed on, and parallel to, the face of a building wall but does not include a third party sign, canopy sign, an awning sign, a projecting sign or on site incidental signs;

FLAG means any fabric containing distinctive colours, patterns, symbols or stylised letters hung from a flagpole with mechanisms for raising and lowering the flag;

FREESTANDING SIGN means a sign supported by one or more uprights, braces or pylons and which stands independently of a building and contains only advertising copy related to the development within the parcel upon which the freestanding sign is located;

FRONTAGE means the entire length of the street facing property line of a lot;

GRADE means the finished ground surface directly beneath a sign;

HEIGHT means the vertical distance measured from the highest point on a sign to grade;

IDENTIFICATION SIGN means any sign, which contains no advertising but is limited to the name address and number of a building, institution or person;

ILLUMINATION means the lighting of any sign by artificial means including internal, direct, indirect or reflected;

INCIDENTAL SIGN: means a sign that has purpose secondary to the use of the site on which it is located, such as no parking, entrance, loading only, hours of operation and other similar devices for guidance. This would include ATM, poster and lottery signs;

INTERSECTION means the area within the connection (defined as that point where the curb return ends) of the portion of two or more public roadways intended for the use of vehicular traffic;

LOGO means a readily identifiable symbolic representation used exclusively by an individual company or person to simplify product or business recognition and which contains no additional advertising message;

MANSARD ROOF means a roof with a steep lower slope and a flatter upper portion;

MESSAGE means any image, graphic, picture, logo, symbol, wording, representation or letters used, or intended to be used, directly for advertising or for calling attention to any business, product, service, person, matter, object, or event;

MAINTENANCE means the cleaning, painting, repair or replacement of any defective parts of a sign without altering the basic structure or design of the sign. This includes changing the message or copy on a sign within the same sign structure due to a change or use or business name;

MULTI-FACED SIGN means a sign with three (3) or more sign faces;

MULTIPLE TENANT SIGN means a sign containing copy for two or more occupants or tenants located on a site;

MURAL means a graphic design, or artwork, painted directly on to a structure, which does not convey an advertising message and does not include a fascia sign or an identification logo;

NON-PROFIT ORGANIZATION means:

(a) a society, credit union or co-operative established under a law of Canada or Alberta;
(b) a corporation that is prohibited from paying dividends to its members and distributing
(c) the assets to its members on winding-up; or
(d) any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.

OFFICIAL SIGN means any sign, notice, placard or bulletin required to be displayed pursuant to the provisions of federal, provincial, or municipal legislation;

PERMANENT SIGN means a sign that cannot be readily relocated and is securely affixed directly or indirectly to a site or building;

PORTABLE SIGN means a temporary sign mounted on a frame or on a trailer, stand or similar support, which together with the support can be relocated to another location, to provide short term promotional advertising using manual changeable copy but excludes A-Board signs;

POSTER BOARD SIGN means an incidental poster size advertising sign, which is normally mounted on a building wall or within freestanding structure, to provide short-term promotional advertising copy in the form of pasted papers or plastic panels;

PRIVATE SALE SIGN means a temporary sign advertising a private sale of personal property and is restricted to private house sales, garage sales, and rummage sales;

PROJECTING SIGN means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground;

PROPOSED DEVELOPMENT INFORMATION SIGN means an official sign illustrating the relevant land use district(s) referred to on the sign for the purpose of a Land Use Bylaw amendment, subdivision appeal etc.;

REAL ESTATE SALE SIGN means a temporary sign advertising real estate for sale, rent or lease;

REAL ESTATE DIRECTIONAL SIGN means an A-Board sign used by a realtor to direct vehicles and pedestrians to an Open House or Show Home;

RIGHT-OF-WAY means a public road within the Municipality's care and control and includes:

(a) a public road that is a statutory road allowance,
(b) a public road created by a dedication,
(c) a public road created by a subdivision plan or survey plan, and
(d) a public road created by easement or other similar agreement allowing public traffic;

ROOF SIGN means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building, which is wholly supported by the said building;

ROTATING SIGN means a sign, or portion thereof, which moves three hundred and sixty degrees in a revolving or rotating manner and is propelled by an electrical or mechanical device;

RUNNING LIGHTS means a row of lights electronically controlled to create the appearance of motion or chasing action, which is designed to accentuate the sign copy;

SCINTILLATING LIGHTS means a group of lights electronically controlled to blink on and off at random so as to give the effect of twinkling lights;

SIGN means an object or device intended for the purpose of advertising or calling attention to any person, matter, or event;

SIGN FACE means the surface contained within the perimeter of the sign on which copy is, or may be, placed;

SIGN OWNER means either or all of the following:

(a) the sign company or individual who owns the sign,
(b) the owner of the business that is advertised on the sign, or
(c) the registered owner(s) of the property on which the sign is placed or any person authorized to act on the registered owner(s) behalf;

SIGN STRUCTURE means any structure, which supports a sign, including materials used to conceal or improve the appearance of the structural parts;

SUBDIVISION DIRECTIONAL SIGN means a temporary sign for guiding or directing pedestrian or vehicular traffic to a new subdivision, new home areas or show homes, which may incorporate small banners and flags;

SUBDIVISION ENTRANCE FEATURE SIGN means a permanent sign indicating the name of a subdivision, or a portion of the subdivision on which it is placed;

SUBDIVISION MARKETING SIGN means a temporary sign placed at the entrance to a new subdivision for the purpose of promoting vacant lots, new home areas or show homes, which may incorporate small banners or flags;

TEMPORARY SIGN means a sign which is not in a permanently installed or affixed position, intended to advertise community or civic projects, construction projects, real

estate or goods for sale or lease or other special or promotional events on a short term basis;

THIRD PARTY IDENTIFICATION SIGN means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located. Such a sign is not located on the parcel of the goods, products, services or facilities advertised;

TRANSIT SHELTER/TRANSIT BENCH SIGN means a sign displayed on a transit shelter or a transit bench for the purpose of advertising pursuant to an agreement with the Municipality;

UNDER AWNING/CANOPY SIGN means a sign which is suspended from and is entirely under a canopy or awning;

WALL SIGN means a sign that is attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet;

WINDOW SIGN means a sign which is painted on, attached to or installed on or inside a window that faces the outside and is intended to be seen from the outside of the building.

156.3 Sign Development Permit Application Requirements

In place of Section 22 of this Bylaw, a development permit application for a sign must be completed and shall be accompanied by the following:

(a) The name(s), address(es) and telephone number(s) of the sign owner(s).
(b) Evidence satisfactory to the Development Officer that the application is authorized by the registered owner(s) of the site. So the Development Officer can determine ownership, a copy of the current title for the land that is the subject of the application must accompany the application.

{Note: An application for a sign permit must be signed by the registered owner of the property on which the sign is to be located. In signing the application, the landowner accepts responsibility for the sign and gives to the Municipality the right to enter the property for any enforcement procedures that may be necessary under Part 3 of this Bylaw.}

(c) The associated sign development permit fee.
(d) Two copies of the site plan drawn to scale and showing:
    (i) the scale of the plan;
    (ii) the North arrow;
    (iii) a municipal address and legal description of the lot or building on which the sign is to be erected, altered, relocated;
    (iv) the location of the proposed sign on the lot or building;
    (v) the distance from the sign to property lines, roadway intersections, traffic control devices and from access points to the property;
    (vi) the distance from the sign to buildings and other signs on the property;
    (vii) distances to aerial power lines from freestanding and roof signs;

(e) Two copies of sign plans drawn to scale showing:

(i) the dimensions of the signs;
(ii) for a fascia sign, the amount of projection from the face of the building;
(iii) the method of attachment and character of the structure to which attachment will be made;
(iv) projection over a right-of-way or municipal property, where applicable;
(v) the height of the sign measured from grade to the underside of the sign.

(f) Two copies of buildings elevations where the sign will be attached to a building.

(g) Any other information as may reasonably be required by the Development Officer.

(h) Comprehensive Sign Design Plan

(i) A Development Officer may require, or an owner/developer may request, a comprehensive sign design plan as part of a development permit for a commercial or industrial development in accordance with the following:

(A) proposed signs within the site shall be consistent with each other in terms of their design, suitable for the land use district within which they are or proposed to be located and compatible in terms of design with the existing or proposed buildings with which they are or proposed to be associated;

(B) the overall area of the signs governed by the comprehensive sign design plan shall not exceed the total combined area of that which would be allowed if each sign were being considered individually within the site;

(C) there would be a greater degree of visual harmony in the resulting signage as compared to what might be achieved through the application of individual, specific sign regulations.

(ii) Once a comprehensive sign design plan is approved, no sign governed by the comprehensive sign design plan shall be constructed or maintained in a manner contrary to the comprehensive sign design plan.

(i) For the purposes of Part 7B, a multiple tenant sign refers to a single sign and requires one development permit.

(j) The development permit application shall be considered to have been received by the Development Officer when the required fee as well as all of the information required pursuant to this subsection has been accepted by the Development Officer as being sufficient quantity and quality to enable evaluation of the application. If the fee and all the required information, as

listed in this Bylaw, are not provided, the Development Officer shall not accept the application.

(k) For the purposes of Section 26 of this Bylaw, all development permit applications for signs shall be decided by the Development Officer.

(l) The Development Officer may modify, suspend or cancel a development permit:

(i) which has been obtained by fraud or misrepresentation, or by failure to disclose pertinent or correct information at the time of application;

(ii) which has been issued in error; or

(iii) when the development is not consistent with the development permit issued.

(m) A development permit expires when the constructing and erecting of a sign is not completed within twelve months from the date of its issuance or such period specified in the development permit in a manner satisfactory to a Development Officer or in the case of portable signs, when the permit expires as indicated on the approval for the portable sign marker.

(n) Upon application for an extension, a Development Officer may grant an extension of the effective period of a development permit only once.

(o) When a development permit expires, a new application is required together with the required fee. Such application shall be dealt with as a first application and there is no obligation to approve an application on the same basis that a previous development permit had been issued.

156.4 Sign Development Permit Fees

(a) A Development Permit fee, as amended by a resolution of Council from time to time, shall accompany each application for a sign development permit. The application fees for sign development permits are indicated in Appendix "B" of this Bylaw. (Note: an amendment to this Bylaw pursuant to Section 692 of the Act is not required should Council wish to alter the sign development permit fees.)

(b) The fees described above allow for one review of plans or field inspection to the initial sign application. Where additional review of structural drawings or field inspections, as may be determined by the Development Officer, is required to complete the final approval, an additional fee per inspection equal to the original permit fee may be charged.

(c) Where a sign application has been approved or refused, no sign application fee shall be refunded. If, however, the application is withdrawn prior to approval or refusal by the Municipality, the Development Officer may refund to the applicant up to 50% of the fee paid.

(d) Should any person erect a sign or commence work preparatory to erecting a sign without first obtaining a permit, such person shall, before issuance of the permit, be subject to and make payment of double the amount determined under Appendix "C", in addition to any penalty which may be imposed in respect to the contravention.

156.5 Except as otherwise provided for in Part 7B, no person shall develop, construct, erect, paint, enlarge, relocate or structurally alter any sign on any property, other than for general maintenance, without first obtaining the permission of the Development Officer through the issuance of a development permit.

156.6 Signs that require a development permit shall be deemed to be a discretionary use at the Development Officer level in all land use districts unless otherwise stated in Part 7B. (Note: The Development Officer has been granted the authority by Regional Council to approve signs in DC - Direct Control Districts.)

156.7 No development permit is required for the following sign types provided they comply with Part 7B and other relevant provisions of this Bylaw:

(a) A-Board Signs
(b) Construction Site Identification Signs
(c) Incidental Signs
(d) Election Signs
(e) Portable Signs located over an approved marker
(f) Real Estate Sale Signs
(g) Real Estate Directional Signs
(h) Subdivision Directional Signs
(i) Subdivision Marketing Signs
(j) Subdivision Entrance Feature Signs
(k) Display of flags representing a country, a Canadian province or territory, and a Canadian municipality
(l) Posters in approved Poster Board Sign holders
(m) Community Notice Boards
(n) Posters and signs approved for Transit shelter/transit bench signs and bus signs
(o) Official signs
(p) Fascia/Wall Signs and Murals
(q) Private Sale Signs
(r) Religious symbols provided they do not exceed 0.4 m^2 in sign area and are not illuminated
(s) The name and/or address of a building when it is sculptured or formed out of the fabric of the building face and is not illuminated
(t) Street numbers or letters displayed on a building where the total copy area does not exceed 1.0 m^2
(u) Signs located inside a building and not intended to be viewed from the outside a non-illuminated fascia or free-standing sign located on the site of a residential dwelling unit which states only the name of the building or the persons occupying the building, or both, provided that the sign area does not exceed 0.2 m^2
(v) Replacement of existing panel(s) within a free standing or fascia sign provided:

(i) the sign otherwise conforms to these regulations and has a valid Development Permit; and
(ii) the additional panel(s) do not alter the existing sign structure;

(iii) the sign conforms to any applicable comprehensive sign design plan.

156.8 Non-Conforming Signs

(a) If a development permit for a sign has been issued on or before the day on which this Bylaw comes into force in the Municipality and Amending Bylaw No. 01/068 would make the sign in respect of which the permit was issued a non-conforming use, the development permit continues in effect in spite of the coming into force of Amending Bylaw No. 01/068.

(b) A non-conforming sign may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future sign use must conform with the provisions of Amending Bylaw No. 01/068.

(c) A non-conforming sign may not be enlarged, altered, added to, and no structural alterations may be made to it or in it,

(i) except to make it a conforming sign;
(ii) for routine maintenance of the sign if the Municipality considers it necessary; or
(iii) in accordance with a bylaw that provides minor variance powers to the development authority for the purposes of this Section.

(d) If a non-conforming sign is damaged or destroyed to the extent of more than 75 % of the value of the sign, the sign may not be repaired or rebuilt except in accordance with the provisions of Amending Bylaw No. 01/068.

(e) Portable signs for which a sign development permit has been issued prior to the passage of Amending Bylaw No. 01/068 shall remain valid until expiry of the permits. These signs shall bear the required stickers in order to remain valid.

(f) Portable signs in existence before the passage of Amending Bylaw No. 01/068, for which no sign development permits have been issued shall be removed within 30 days of the passage of Amending Bylaw No. 01/068.

156.9 Development Permit Appeals Related to Signs

Appeals from decisions on development permits concerning signs, as with any other development permit appeals, shall be subject to the development permit appeal provisions of this Bylaw and the Municipal Government Act.

156.10 Non-Compliance/Contravention and Enforcement

(a) The Development Officer and/or the Bylaw Enforcement Officer is empowered to enforce Part 7B, and may order any person:

(i) to discontinue or refrain from proceeding with any work or doing anything that is in contravention of Part 7B;
(ii) to carry out any work or do anything to bring a sign into conformity with Part 7B; or,
(iii) to repair, alter or remove any sign, as provided by Part 7B.

(b) If after the issue of an Order under Section 156.10(a) above, the steps required to be taken by the Order are not carried out within the time specified in the Order, the Development Officer and/or Bylaw Enforcement

Officer may, without further notice, cause any sign which is the subject of such an Order pursuant to this Section, to be removed and impounded. The Development Officer shall release any impounded signs upon payment to the Municipality of an impounded fee of $150.00 plus a storage fee of $5.00 per day for the length of time that the signs remain impounded. Upon the expiry of thirty (30) days, the impounded sign becomes the property of the Municipality, and shall be treated as lost or unclaimed property pursuant to Section 610 of the Municipal Government Act. Redemption of a sign following impoundment shall not be deemed to be an admission by a sign owner that the sign contravened any provision of Part 7B or any other relevant provision of this Bylaw.

(c) Any person who:

(i) contravenes or fails to comply with any provision of Part 7B or any other relevant provision of this Bylaw or any permit issued hereunder;

(ii) causes or suffers or permits any act or thing to be done in contravention of, or in violation of, any provision of Part 7B or any other relevant provision of this Bylaw;

(iii) neglects or refrains from doing anything required to be done by any provision of Part 7B or any other relevant provision of this Bylaw; or,

(iv) obstructs or hinders any person in the performance of his duties under any provision of Part 7B or any other relevant provision of this Bylaw,

is guilty of an offence and is liable to a penalty under the provisions of the General Penalties Bylaw of the Municipality.

(d) Violation Ticket

(i) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened Part 7B or any other relevant provision of this Bylaw.

(ii) A Violation Ticket may be issued to such person, under the provisions of the General Penalties Bylaw of the Municipality.

(iii) Where a breach of Part 7B or any other relevant provision of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Ticket for each day that the offence continues.

(iv) Where a Violation Ticket is issued pursuant to this Section, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified in the Violation Ticket. Payment of a Violation Ticket does not relieve a person from complying with the provisions of Part 7B or any other relevant provision of this Bylaw.

156.11 Except as otherwise specified in this Bylaw, all signs shall adhere to the building height requirements stipulated in the land use district in which the sign is located and there shall be strict adherence to the Fort McMurray Airport Vicinity Protection Area Regulations.

156.12 The Development Officer may require the removal of any sign, at the sole expense of owner/developer, which is or has become unsightly or is in such a state of disrepair as to constitute a hazard.

156.13 All applications for signs within 0.8 km (0.5 miles) of Highways #63 and #69 shall be referred to Alberta Transportation for their review and consideration and all of their requirements/regulations will be strictly adhered to by the Development Officer.

156.14 Safety Provisions

(a) No sign shall be erected, operated, used or maintained if the sign obstructs or interferes with:

(i) the orderly and safe movement of vehicular or pedestrian traffic;
(ii) the sight lines required by vehicular or pedestrian traffic by this or any other bylaw;
(iii) the visibility or interpretation of any traffic signal, sign or device;
(iv) displays lights that may be mistaken for the flashing lights customarily associated with police, fire, or ambulance or other emergency vehicles, or customarily associated with danger;
(v) makes use of the words STOP, LOOK and DANGER, or any other words, symbols or characters which may interfere with, mislead or confuse traffic; or,
(vi) emits or causes to be emitted any sound, smoke or vapour.

(b) No sign structure shall:

(i) block any portion of an exterior staircase, fire escape, fire tower or balcony serving as a horizontal exit; or
(ii) interfere with:
(A) any opening for a standpipe, required light, ventilation or exit from the premises;
(B) the free use of any window above the ground floor; or,
(C) free passage on the roof.

(c) All signs shall maintain the required distance from overhead power lines as prescribed in the Electrical Protection Act of Alberta.

(d) All signs and advertising structures shall be kept in a safe, clean and tidy condition, and may be required to be renovated or removed if not properly maintained.

156.15 Locational, Structural and Appearance Provisions

(a) Except as provided for in Part 7B, all signs shall be placed on private property and no sign or sign support structure shall be located on, or project over, a public right-of-way.

(b) Except for an official sign, a portable sign on an approved marker and/or as otherwise provided for in Part 7B, no sign shall be located on public

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property without the prior consent of the appropriate public body and must not be:

(i) within 30.5 m from any intersection of two arterial roadways;
(ii) on any traffic control signal, sign or device; or,
(iii) on any median.

(c) No projecting, canopy or awning sign shall be placed over a street where the street is less than 10.0 m wide.

(d) Any sign, which projects more than 0.15 m over a lane, loading area or parking lot, shall maintain a minimal vertical clearance of 4.4 m.

(e) Subject to Section 181, no sign shall be placed in a parking or loading area or reduce the number of parking stalls and loading area required by this Bylaw.

(f) No person shall place a motor vehicle, recreational vehicle, boat or a trailer unit on a site, other than on their own residential lot or an approved sales facility, where the purpose for locating the motor vehicle, recreational vehicle, boat or trailer unit on the site is to display a sign or to advertise the motor vehicle, recreational vehicle, boat or trailer unit for sale.

(g) All roof, canopy and projecting signs, or any combination of these signs, shall be constructed so that the structural support elements of the sign(s) are concealed or designed to be an integral part of the sign design and no angle iron bracing, guide wires or similar support elements are visible from a public right-of-way.

(h) All signs shall be securely built, constructed and erected according to the Alberta Safety Codes Act and the regulations of this Bylaw.

(i) Except for banners, flags, permitted temporary and portable signs, and window signs conforming in all respects with the requirements of Part 7B and any other relevant provisions of this Bylaw, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to rigid wall, frame, or structure.

(j) All support structures shall be structurally sound and shall be concealed or form an integral part of the sign design.

(k) A Development Officer may require sign to be enhanced with landscaping or architectural features to improve aesthetics.

(l) Signs and awnings should be located with careful consideration of the building design and facade and adjacent signs. Consistency in the type and size of fascia signage used shall be encouraged.

(m) The message(s) conveyed by signage shall not be overstated but shall be direct; shall contain a limited number of styles and colours and use subdued or muted background colours.

156.16 Illumination Provisions

(a) An electrically illuminated sign shall conform to the Alberta Safety Codes Act.

(b) Except as otherwise provided for in Part 7B or elsewhere in this Bylaw, no flashing, intermittent, scintillating or running lights, or lights used to produce animation shall be permitted.

(c) No animated signs or signs with flashing, scintillating or running lights shall be placed such that they cause variations in light intensity on any surrounding residential premises.

(d) The use of spot or reflector lights directed at oncoming traffic is prohibited on any sign.

(e) While in operation, not more than one third of the light source of an animated, scintillating or running lights component of a sign shall be turned off or dimmed at any time.

(f) The addition of running or scintillating lights, or animation to an existing sign requires a development permit.

(g) Illumination of signs shall be permitted only in commercial, industrial or institutional land use districts but may be considered in other districts at the discretion of the Development Officer.

(h) Notwithstanding Section 156.16(g), where, in the opinion of the Development Officer, a proposed sign on a commercial, industrial or institutional property might be objectionable to residents in any adjacent residential land use district, the Development Officer may impose such other regulations to protect the interests of residents including but not limited to periodic checks of the light being directed by a lighted sign as well as controlling the hours that lighted signs remain lighted.

156.17 Changeable Copy Provisions

(a) The use of changeable copy, including both electronic and manual changeable copy, shall only be permitted on fascia, canopy, freestanding, temporary, portable and window signs.

(b) The changeable copy component of identification signs shall not exceed 50 percent of the sign area.

(c) Entertainment facility and spectator sports establishment signs may use the entire area of the sign for changeable copy.

156.18 Sign Owner/Developer Responsibilities

(a) The Development Officer may require an encroachment agreement in the case of any permanent sign such as a freestanding sign, awning sign, canopy or under-canopy sign, projecting sign, roof sign, fascia sign or wall sign currently within or, due to unique on-site circumstances, required to be within property owned/under the control of the Municipality, including rights-of-way.

(b) Whenever any permanent sign is installed or erected either wholly or partly over property owned/under the control of the Municipality, including rights-of-way, the owner may be required, as a condition of development approval, to obtain and at all times maintain in full force and effect a policy of liability insurance covering bodily injury and/or property damage for claims arising out of the ownership of such sign in an amount satisfactory to the Municipality for so long as the sign or any portion thereof remains

over property owned/under the control of the Municipality, including rights-of-way. When liability insurance is required, the Municipality shall be named as co-insured on any such insurance policy. Also, an endorsement in the form satisfactory to the Municipality shall form part of such insurance policy. The owner shall provide the Municipality with a certified copy of such an insurance policy and any renewal thereof. When liability insurance is required and the owner does not obtain or maintain such insurance or allows such insurance to lapse without renewal thereof, the permit issued for such sign shall be deemed to be revoked and the owner shall forthwith remove, take down, or demolish the sign.

(c) In addition to the maintenance of the insurance required by Section 156(18)(b), every owner of a sign which is installed or erected over public property shall enter into an agreement with the Municipality in the form satisfactory to the Municipality to indemnify against and to save the Municipality harmless from any and all liability resulting from injury to person or damage to the property which results from the presence, collapse or failure of the sign.

(d) No sign shall be erected which promotes intolerance, hatred or ridicule of any race, religion or other segment of society.

(e) A sign shall be removed when it is abandoned or upon expiry of the sign development permit.

(f) Where a tenant panel is removed from a sign, the owner shall install a blank panel until such time as a new tenant panel is installed.

(g) Section 156(18)(e) shall also apply in the case of sign markers for portable signs.

(h) All signs shall comply with the requirements of any relevant federal or provincial legislation and any other relevant municipal bylaws.

156.19 Sign Co-ordination for Multiple Occupancy Sites

(a) Individual business identification signs for separate businesses or outlets placed on the facade of a single building shall be similar in terms of size, construction materials and placement.

(b) Where sign guidelines (included as part of an approved urban design plan) and/or a Comprehensive Sign Design Plan (included as part of an approved development permit) exist, any signs placed on the building shall conform with those guidelines.

(c) Where a panel is removed from a multiple-tenant sign, the owner shall install a blank panel until such time as a new tenant panel is installed.

(d) The copy on an individual business identification pane on a freestanding sign shall be limited to the name of the business and/or its logo.

(e) Where more than one business is identified on the same freestanding sign, the business identification panels shall be of similar character.

157. **Permanent Sign Provisions**

Sections 158 through 170 that follow constitute the permanent sign provisions of this Part.

158. **Awning and Canopy Signs (Illustrations #10 & #11)**

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1. Subject to the provisions of Part 7B, awning and canopy signs are permitted in all multi-family residential districts provided that they refer to on-site building name and address identification only.

2. Subject to the provisions of Part 7B, awning and canopy signs are discretionary in all land use districts, except residential districts, provided that the sign:

   (a) is not suspended from, or be supported by, the supporting structure in any way that poses a hazard to pedestrians;
   (b) does not project above or below the upper and lower edges of a canopy;
   (c) has a minimum vertical clearance height of 2.7 m from finished grade to the lowest point on the sign be maintained unless the sign projects over a lane, loading area, or parking lot, in which case the minimum vertical clearance shall be 4.4 m;
   (d) does not project beyond the outer edges of the building unless the business extends along two or more frontages, in which case the sign may wrap around the building and extend along the entire length of the combined frontages; and,
   (e) does not project over a public right-of-way without a written agreement with the municipality with regard to liability waivers, indemnity and insurance, as per Section 156.18.

3. Notwithstanding Section 158.2 above, awning and canopy signs may be permitted in the R4 District in association with approved ground floor commercial development.

4. Where more than one business premises fronts a street under a single awning or canopy, not more than one awning sign or canopy sign shall be permitted per business.

159. **Billboard Signs**

159.1 All billboards within the Urban Service Area existing at the time of the passage of Amending Bylaw No. 01/068 shall be allowed to continue and any alteration to these billboards shall require approval from Alberta Transportation.

160. **Fascia/Wall Signs and Murals (Illustrations #4 & 6)**

Fascia:

160.1 Subject to the provisions of Part 7B, in all multi-family residential districts fascia signs are permitted and do not require a development permit provided the sign:

   (a) is used only for on-site building name, address, and vacancy information;
   (b) does not exceed 2.0 m^2 in sign area; and,
   (c) does not advertise a home office or home occupation.

160.2 Subject to the provisions of Part 7B, when fascia/wall signs/and murals are associated with a non-residential use provided for in any residential district, such signs shall be as determined by the Development Officer who shall consider the relevant provisions of Section 160 as well as the nature of the residential development on the subject site itself and on adjacent sites.

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160.3 Subject to the provisions of Part 7B, fascia signs in land use districts other than residential land use districts are permitted and do not require a development permit provided that the sign:

(a) is placed below any second storey windowsill or any third storey windowsill, or at the roofline of a building with more than three storeys;
(b) in the absence of any second and third storey windows, the sign may be placed to the roofline;
(c) on a single storey building or a building with no windows, the sign may be placed to the roofline, provided that the sign does not exceed 30.0 m^2;
(d) does not extend more than 0.3 m perpendicularly from the supporting wall;
(e) has a minimum clearance height of 2.7 m from the bottom of the sign to the finished grade unless the sign projects more than 0.15 m and is placed over a lane, loading area, or parking lot, in which case the minimum vertical clearance must be 4.4 m; and,
(f) may be illuminated but shall not be a flashing sign except for a fascia sign attached to a movie theatre or any such entertainment facility.

160.4 Notwithstanding Section 160.3, fascia signs shall be allowed in the R4 District in association with approved ground floor commercial development.

160.5 In addition to above, fascia signs which are company logos, or an identification sign formed of individual letters, shall be allowed above the first floor provided only one such sign is located on an exterior wall of a building and the sign is used to identify the principal tenant of the building.

160.6 Where a building is divided into units, some or all with individual frontages, and where individual fascia signs are proposed for the individual frontages, the sign area of an individual fascia sign is limited to the equivalent of 25 percent or the exterior area of the individual unit;

160.7 Fascia signs may be placed on the exterior front, side or rear of a building.

160.8 A sign located on the side of a mechanical or elevator penthouse above a roof-line shall, for the purposes of Part 7B, be considered to be a fascia sign.

Wall Signs:

160.9 A wall sign in a commercial or industrial land use district shall not exceed an area of more than 35% of the wall to which it is attached.

160.10 Only one wall sign shall be allowed per building face and the advertising copy thereof/thereupon shall be limited to business identification (ie: logo and/or business name) only. The wall sign provided for herein may be a multiple-tenant sign but the advertising copy thereof/thereupon shall still be limited to business identification (ie: logo and/or business name) only.

160.11 A wall sign shall not extend beyond the limits of the wall to which it is attached.

Murals:

160.12 Notwithstanding Section 160.9, a mural, is not to be used to advertise the business within the building upon which the mural is painted or any other business, may encompass 100% of the wall to which it is painted provided that the mural complies with Section 56 of this Bylaw.

161. **Flags (Illustration #12)**

161.1 Subject to the provisions of Part 7B, flags are permitted in all commercial and industrial districts, the DC District and in the R4 District in association with approved commercial developments and do not require a development permit provided the flag:

(a) does not project within 0.6 m of the nearest curb line;
(b) has a minimum clearance of 2.7 m above grade unless the sign projects over a lane, loading area, or parking lot, in which case, there must a vertical clearance of 4.4 metres; and,
(c) if attached to the facade of a building wall, does not exceed the top of the first or second story parapet wall, or the roofline of a building.

161.2 The location of a flag, including the supporting system, shall be entirely on private property and shall not interfere with fire escapes, vehicular and pedestrian traffic, utilities, or municipal public works.

161.3 Only one flag is permitted per business premise, except that where the premise is located on a site that has a minimum frontage of 30.0 m, up to four flags may be permitted.

161.4 A flag may project over a street provided that the encroachment does not exceed 25 percent of the municipal sidewalk immediately in front of the business premises or property.

161.5 Unless otherwise determined by municipal or senior government protocol in the case of a flag associated with a public, institutional or government building, facility or place, a flag:

(a) shall not exceed a maximum size of 18 m^2 (ie: 3.0 m by 6.0 m);
(b) may be wholly supported by a freestanding support to a maximum height of 12.2 m above grade; and
(c) may be mounted on a roof to a maximum height from the top of the roof of 3.0 m, including the support system.

162. **Freestanding Signs (Illustration #13)**

162.1 Subject to the provisions of Part 7B, freestanding signs are permitted for apartment and multi-family dwellings, provided they be a maximum of 1.1 sq. m in area and a maximum height from grade of 1.5 m.

162.2 Subject to the provisions of Part 7B, freestanding signs are discretionary in all commercial, industrial, UE, PR, PS Districts, in the DC District and in the R4 District in association with approved commercial developments and in association with churches in any land use district provided that:

(a) the minimum site frontage is 15.0 m;
(b) no more than one (1) sign is allowed per site, except:

(i) if a parcel abuts more than one public roadway (except a lane or alley), the site may be allowed one additional freestanding sign for each additional abutting roadway, to a maximum of three (3) freestanding signs per site; or

(ii) if a site frontage is greater than 45.0 m, one additional freestanding sign may be permitted for each 30.0 m in excess of the first 45.0 m of frontage abutting the parcel, to a maximum of three (3) freestanding signs per site;

(c) the sign does not exceed the maximum height allowed for the district or 10.7 m whichever is less;

(d) the sign area is calculated on the basis of 0.3 m^2 for each lineal metre of street frontage, to a maximum of 23.0 m^2. When a freestanding sign has more than one sign face, the sign area maximum of 23.0 m^2 applies to each sign face. In no case shall the sign area of a sign face exceed 23.0 m^2.

162.3 Where the support(s) of a freestanding sign are an integral part of the sign, the area of the support(s) shall be included in the maximum allowable sign area.

162.4 In districts where the available development setback is less than 3.0 m, a freestanding sign may be constructed to the property line, as long as no portion of the sign or its supports extend beyond/over any property line.

162.5 With the exception of 162(4), the support(s) of a freestanding sign shall not be located within 3.0 m of any property line or 5.0 m of a curb line of a public roadway, whichever is greater, and the sign face shall not be located within 1.0 m of any property line.

162.6 The support(s) of a freestanding sign shall not be located within the corner visibility triangle being 7.5 m of the intersecting extensions of the property lines.

162.7 All freestanding signs requiring power shall be connected to an underground electrical source. All light fixtures, switches and wiring shall be weather-proofed unless a permanent rigid sealed structure is provided which ensures that the electrical installation is kept dry at all times. All wiring and conduits shall be placed within building walls, located underground, or concealed from view.

163. **Incidental Signs (Illustration #14)**

163.1 An incidental sign is a permitted use in all districts, except residential districts and does not require a development permit, provided the sign:

(a) is a freestanding in an approved poster board holder or fascia only;
(b) does not exceed 1.1 m^2 in sign area;
(c) does not exceed 1.5 m in sign height;
(d) is wholly located within the property line of the site; and,
(e) does not interfere or be confused with official signs.

164. **Poster Board Holders (Illustration #15)**

164.1 Poster board sign holders are permitted in all commercial, industrial Districts, in the DC District and in the R4 District in association with approved commercial developments provided that:

(a) does not exceed 0.8 m^2 in sign area per side;
(b) does not exceed 1.2 m in height;
(c) is not placed so that it extends beyond the property line;
(d) does not impede or obstruct the view of pedestrians or street traffic;
(e) Poster board signs are limited to two per business.

165. **Projecting Signs (Illustration #16)**

165.1 Subject to the provisions of Part 7B, projecting signs are a permitted use in all commercial and industrial land use districts, in the DC District and in the R4 District in association with approved commercial developments provided the sign:

(a) does not exceed 4.5 m^2 in sign area;
(b) is attached to the structure to which it refers;
(c) on a one-storey building, does not extend above a roofline or parapet, with the exception of a projecting sign for an entertainment facility such as a movie theatre;
(d) on a two or more storey building, does not extend more than 1.0 m above the floor level of the second storey, but not higher than a windowsill on the second storey;
(e) has a minimum clearance height of 2.7 m unless the sign projects over a parking lot, in which case, a vertical clearance of 4.4 m is required;
(f) maintains a maximum separation distance of 0.3 m between the sign and the structure to which it is attached is maintained;
(g) is not supported by an A-frame;
(h) does not project over public property unless the municipality agrees in writing as per Section 156.18, in which case, the sign may not project more than 1.0 m over public property and within 0.9 m of a public right-of-way used for the passage of motor vehicles; and,
(i) may be illuminated but shall not be a flashing sign except for a projecting sign attached to a movie theatre or any such entertainment facility.

165.2 Except for corner signs, the sign shall be placed at right angles to the wall or face to which it is attached.

165.3 There shall be only one projecting sign for each business frontage, provided that if a business frontage shall exceed 15.0 m, a further projecting sign be permitted for each additional 15.0 m or portion thereof.

166. **Roof Signs (Illustrations #2, #7, & #8)**

166.1 Subject to the provisions of Part 7B, roof signs are permitted in industrial districts and may be approved in a DC District provided the sign:

(a) is architecturally integrated with the building on which it is located, with other signs and buildings on the property, and with other signs and buildings on any property abutting the property on which it is located;
(b) does not exceed a height of 4.0 m measured from the top of the sign to the top of the roofline or parapet;
(c) does not exceed 4.0 m^2 in area;
(d) does not overhang a building; and,
(e) does not have changeable copy.

166.2 No more than one roof sign shall be allowed per building except where the sign(s) are architecturally integrated into a mansard roof.

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166.3 A sign located on the side of a mechanical or elevator penthouse above a roofline shall, for the purposes of this Bylaw, be considered to be a fascia sign and be limited to advertising business identification (ie: logo/business name) only.

167. **Subdivision Entrance Feature Signs (Illustration # 17)**

167.1 Subject to the provisions of Part 7B, subdivision entrance feature signs are permitted in all land use districts provided the sign:

(a) is freestanding;
(b) does not exceed a height of 3.0 m in sign height;
(c) does not exceed 6.0 m^2 in area;
(d) incorporates the name of the neighbourhood, subdivision or area; and,
(e) is architecturally integrated with any architectural or design theme or style of the neighbourhood, subdivision or area at which it is located.

168. **Third Party Identification Signs**

168.1 Subject to the provisions of Part 7B, third party identification signs are permitted in all commercial and industrial land use districts, in the DC District and the R4 District in association with approved commercial developments provided the sign:

(a) is a freestanding sign and complies with the freestanding sign provisions of Part 7B, except that:

(i) no third party identification sign is to be located within 100.0 m of any other third party identification sign; and,
(ii) the third party identification sign must be within 250.0 m of the business, organization or activity to which the sign refers.

168.2 The Development Officer shall require that a copy of the title for the property on which the third party identification sign is to be located accompanies the development permit application as well as evidence, in a form satisfactory to the Development Officer, that the owner of the property on which the third party identification sign is to be located has authorized its placement.

169. **Under Awning /Canopy Signs (Illustration #18)**

169.1 Subject to the provisions of Part 7B, under awning/canopy signs are permitted in all districts where an approved awning or canopy exists provided that the sign:

(a) does not project beyond the front edge of the canopy/awning; and,
(b) maintains the 2.7 m minimum vertical clearance required for canopy and awning signs from finished grade to the lowest point of the sign unless the sign projects over a parking lot, in which case, the minimum vertical clearance shall be 4.4 m;

169.2 Only one under canopy/awning sign may be permitted per entrance per business located behind the canopy/awning.

170. **Window Signs (Illustration #19)**

170.1 Subject to the provisions of Part 7B, permanent window signs are permitted in all commercial and industrial land use districts, in the DC District and the R4 District

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in association with approved ground floor commercial development, provided the sign:

(a) is placed in the interior of premises and shall be limited to windows located at the first and second storey of a building; and,

(b) only identify the name of the business, including the professional designation are permitted above the first storey of a building.

170.2 The number of window signs is not restricted, provided that the total area of such signs does not exceed 25 percent of the window area.

171. **Reserved for future use**
172. **Reserved for future use**
173. **Reserved for future use**
174. **Reserved for future Use**
175. **Temporary and Portable Sign Provisions**

Sections 176 through 183 that follow constitute the temporary and portable sign provisions of this Part.

176. **A-Board Signs (Illustration #20)**

176.1 Up to six A-Board signs per organization are permitted as a temporary sign in rights-of-way, as per Section 183 of Part 7B and do not require a development permit.

176.2 An A-Board sign is a permitted use in all commercial and industrial land use districts, the DC District and the R4 District in association with approved commercial development and does not require a development permit provided the sign:

(a) does not exceed 0.8 m^2 in sign area per side;
(b) does not exceed 1.2 m in height;
(c) is placed along the curb on the outside edge of the sidewalk and shall allow a minimum of 1.0 m width for pedestrian traffic;
(d) is not placed so that it extends beyond the sidewalk edge;
(e) is only placed on concrete sidewalks and not on grassed areas;
(f) does not impede or obstruct the view of pedestrians or street traffic;
(g) is only allowed on sidewalks during the hours when the business is open to the public; and,
(h) A-Board signs are limited to one per business and are to be placed directly in front of the business subject to the requirement that an A-Board sign maintain a minimum separation distance of 10 m from any other A-Board sign.

176.3 A-Board signs shall be constructed of a rigid material such that a rigid and stable frame is created.

176.4 A real estate A-Board directional sign is a permitted use in all residential districts provided the signs are only used in conjunction with an Open House or Show Home by a realtor and are only displayed on the days that the property is open to the public and are subject to the provisions under Real Estate Directional Signs.

177. **Balloon (Inflatable) Signs (Illustration #21)**

177.1 Subject to the provisions of Part 7B, balloon signs are discretionary in all commercial, industrial, the PS and PR Districts and the DC District in association with approved commercial development provided that:

(a) not more than one balloon sign is erected per premise at a time;
(b) when located at grade, the sign must not project over a property line when inflated and be setback from any property line by an amount equal to the height of the display when inflated;
(c) when located at grade, the balloon sign is not allowed within 3.0 m of any access/egress to/from a property or within 10.0 m of any intersection;
(d) For sites where a balloon sign can only be accommodated in a parking stall, the balloon sign may be approved provided that the parking requirements of the site are met with the balloon in place.
(e) when located on a roof, the balloon sign must not extend/project over the face of the building and must not exceed the maximum height allowed for the district;
(f) the sign is not be displayed for more than 60 consecutive days on a premise, and that the premise remain free of a balloon sign for 30 consecutive days thereafter.

178. **Banner Signs (Illustration #22)**

178.1 Subject to the provisions of Part 7B, banner signs are discretionary in all commercial, industrial, the PS and PR Districts, the DC District and in the R4 District in association with approved commercial developments provided that:

(a) no more than one banner sign per business premise be displayed at any one time; and,
(b) the sign not be located at a premise for more than 60 consecutive days, and that the premise remain free of a banner sign for 30 consecutive days thereafter.

178.2 If attached to the exterior wall of a building, the banner sign shall:

(a) have a maximum sign area equal to 25% of the surface area of the wall on which it is located; and,
(b) does not extend either in whole, or in part, above the exterior wall.

178.3 If not attached to the exterior wall of a building, the banner sign shall have a minimum distance between grade and the bottom of the banner sign of 6.0 m.

178.4 A community-oriented and/or public service-type cloth sign proposed to cross a public roadway may be authorized by the Development Officer provided the sign is to be located at least 6.5 m above the public roadway.

179. **Construction Site Identification Signs (Illustration #23)**

179.1 A construction site identification sign is a permitted use in all land use districts and does not require a development permit provided the sign:

(a) is a freestanding or fascia sign;
(b) does not exceed 4.9 m in height;

(c) does not exceed 11.9 m^2 in sign area;
(d) is wholly located upon the site of the structure or land use to which it refers;
(e) is located within 15.0 m of the main entrance of the construction site; and,
(f) is removed within 14 days after an occupancy permit has been issued or 14 after construction is deemed complete.

179.2 Not more than one construction site identification sign is permitted per street frontage.

180. **Election Signs (BL 12/004)**

180.1 An election sign is a permitted use in all land use districts and no development permit is required, provided the sign complies with the Land Use Bylaw.

180.2 Election Signs shall only be displayed or placed between:

(a) 12:00 noon on nomination day and 72 hours after the close of polls on election day for municipal and school board elections; or,
(b) 12:00 noon on the date the election is called and 72 hours after the close of polls on election day for provincial and federal elections.

180.3 **DELETED (BL 15/021)**

180.4 **DELETED (BL 13/018, BL 15/021)**

180.5 Where an Election Sign:

(a) **DELETED (BL 15/021)**
(b) poses, in the opinion of the Chief Administrative Officer or his delegate, a risk to public safety;
(c) has material structure damage; or
(d) has been vandalized,
(e) the Municipality may give notice to a person responsible for the sign directing the person to remove or repair the sign.

180.6 Notwithstanding subsection (5) the Municipality may:

(a) **DELETED (BL 15/021)**
(b) where, regardless of location, the Election Sign poses, in the opinion of the Chief Administrative Officer or his delegate, an immediate and substantial public safety risk, immediately proceed to remove the sign without notice.

180.7 Upon notice from the Municipality that an Election Sign poses a public safety risk, is structurally damaged, has been vandalized, or is otherwise not in compliance with this Bylaw, a person responsible for the sign shall repair or remove the sign as directed, failing which, the Municipality may, without limitation to any other remedy, proceed to remove and dispose of the sign.

180.8 Each candidate, must, prior to placing any election sign, provide the Municipality with the name and contact information of the person responsible for his or her election signs.

180.9 All election signs shall comply with the requirements of any relevant federal or provincial legislation and any other relevant municipal bylaws. **(BL 12/004)**

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181. **Portable Signs (Illustration #25)**

181.1 Intent

(a) Portable signs are intended to cater to on-site advertising of a temporary nature. They are not intended to be used as permanent advertisement for a business.

(b) The sign owners, not the Municipality, shall decide who has the benefit of the message/copy on a portable sign on a site.

(c) Only in the circumstance where a portable sign is used to advertise events, activities or provide related information on behalf of the Municipality or non-profit organizations may the sign be located on a site other than where the event or activity takes place.

181.2 Subject to the provisions of Part 7B, portable signs are permitted in all commercial, industrial, the PS and PR Districts, in the DC District and the R4 District in association with approved ground floor commercial development, and in association with churches in any land use district provided the sign:

(a) does not exceed 4.6 m^2 in sign area;

(b) does not exceed a height of 3.1 m;

(c) is two sided only with copy on both sides of the sign and that the copy refers to a business, event, or land use located on the site;

(d) has a legible message and if the message is interfered with, the permit holder must ensure that the message is promptly corrected;

(e) has a uniform background colour;

(f) does not use or employ red, green, or amber lights; and,

(g) where a message on a portable sign relates to a specific event, the message shall be removed within seventy-two hours after the end of the event.

181.3 Portable signs shall only be permitted on a property if the signs are placed over an approved portable sign marker.

181.4 A development permit for a portable sign marker will be issued to the registered property owner. **(BL 03/056)**

181.5 For the purposes of determining the location and number of portable sign markers allowable on a property, the Development Officer shall:

(a) ensure that the marker (and therefore the portable sign) is wholly located within the property boundaries;

(b) refer the application to any internal/external department considered necessary including but not limited to the Streets and Engineering Department, the Fire Department and the RCMP to help ensure that the siting of portable sign markers does not affect public safety in any way whatsoever;

(c) ensure that no portable sign marker is allowed within 3.0 m of any access/egress to/from a property or within 10.0 m of any intersection;

(d) maintain a minimum separation distance of 25.0 m from another portable sign marker authorized under Part 7B; and,

(e) maintain a minimum separation distance of 10 m from a permanent sign authorized under Part 7B;

Exhibit 14

181.6 Once a portable sign marker is approved, it shall be the responsibility of the landowner to place and permanently affix the marker(s) on site, weather permitting. A portable sign marker shall consist of an engraved metal plate, containing the permit information, securely attached to a concrete pad that is not less than 60 cm by 60 cm in size and not less than 5 cm in thickness. The concrete pad shall be placed in the approved location, shall be placed so it is does not protrude above ground level, must not be able to be easily removed, and must be satisfactory to the Development Officer. **(BL 03/056)**

181.7 The Development Officer will keep a record/map the location of approved portable sign markers.

181.8 Subject to Section 156.18, a portable sign marker shall be valid for a period of up to five years from the date of approval and once a portable sign marker is approved and installed on site, no further development permit is required for any portable sign placed directly over or in contact with the approved portable sign marker for as long as the approval for the sign marker is valid. Only one portable sign will be permitted per marker.

181.9 For existing developed sites where a portable sign marker can only be accommodated in a parking stall, the portable sign marker may be approved provided that the parking requirements of the site are met, or a variance is granted.

181.10 Where a site does not have a setback area available for a portable sign location, the Development Officer may permit the support structure of the sign, but not the sign area, to encroach onto an adjacent road right-of-way to a maximum of 1.0 m provided that this would not affect the safety of vehicle of pedestrian or materially affect the use, enjoyment, or value of neighbouring properties.

181.11 New developments must be designed to accommodate portable sign markers outside of parking areas.

181.12 No electrical cord for a portable sign shall pass over a sidewalk, pedestrian walkway, roadway, driveway, aisle or parking space.

181.13 With the exception of portable signs, that have received approval from the Municipality, used to advertise events, activities or provide related information on behalf of the Municipality or non-profit organizations, any portable sign not located over a permanent marker is in contravention of Part 7B and shall be subject to enforcement procedures pursuant to Section 156.10.

182. **Other Temporary Signs**

182.1 Poster Board Signs

Poster board signs do not require a development permit if placed in an approved poster board holder.

182.2 Private Sale Signs

Private sale signs do not require a development permit provided the sign:

(a) is limited to advertising a lawn sale, garage sale or other special event;

(b) is located on private property or is to be situated within a roadway right-of-way or other public property authorized for such purposes by the Municipality;

(c) is not larger than 0.55 m^2; and,

(d) is removed from the parcel or roadway right-of-way or other public property authorized for such purposes by the Municipality within 72 hours of it being erected on the parcel.

182.3 Proposed Development Information Signs

Proposed development information signs do not require a development permit but the Municipality shall place such signs on the property which is the subject of the proposed development sign, or on a property as close in proximity thereto as possible (which may require placement within a road right-of-way), so as to not affect the safety of vehicular or pedestrian traffic or materially affect the use, enjoyment, or value of adjacent properties.

182.4 Real Estate Sale and Real Estate Directional Signs

(a) A real estate sale sign is a permitted use in all land use districts and does not require a development permit provided the sign is temporary and advertises only the site upon which the sign is located.

(b) No more than one real estate sign shall be allowed per street frontage.

(c) In all residential districts, real estate signs shall:

(i) not exceed 1.5 m^2 in sign area; and,

(ii) not exceed 2.0 m in height.

(d) In all other districts, real estate signs shall:

(i) not exceed 3.0 m^2 m in sign area; and,

(ii) not exceed 3.1 m in height.

(e) A real estate directional sale sign is a permitted use in all land use districts and does not require a development permit provided the sign is temporary and complies with the provisions of Section 183.

182.5 Subdivision/Builder Marketing Sign

(a) A subdivision marketing sign is a permitted use in all districts when associated with the development of a subdivision and does not require a development permit provided the sign:

(i) is wholly located within the subdivision being marketed;

(ii) is free-standing;

(iii) is not illuminated;

(iv) does not exceed 12 m^2 in sign area;

(v) does not exceed 5 m in sign height;

(vi) there are not more than two (2) subdivision marketing signs per subdivision or any phase thereof; and,

(vii) the sign is removed within 14 days after the completion of sale of all the lots in the subdivision, or within 14 days after the sale of all condominium units, or within 14 days after the construction of a new rental unit complex is completed.

(Note: If required, a real estate sign may replace a subdivision marketing sign 14 days after the construction of a new rental unit complex is complete.)

182.6 Subdivision Directional Sign

(a) A subdivision directional sign is a permitted use in all districts when associated with the development of a subdivision and does not require a development permit provided the sign:

(i) is a single sign located at the nearest road intersection to the subdivision being marketed and/or on a public utility lot or major road authorized for such signs by the Municipality, provided approval of the landowner of the property on which the sign is to be placed is obtained (in the case of private land), and the siting, aesthetic quality and appearance criteria of this Bylaw (and any established pursuant to the authorization granted by the Municipality) are satisfied;

(ii) is free-standing;

(iii) does not exceed 3 m^2 in sign area;

(iv) does not exceed 3 m in sign height;

(v) is not located on any median, traffic control device or within 30 m from any major road intersection; and,

(vi) the sign is removed within 14 days after the completion of sale of all the lots in the subdivision, or within 14 days after the sale of all condominium units, or within 14 days after the construction of a new rental unit complex is completed.

(vii) additional subdivision directional signs may be approved at the discretion of the Development Officer

183. **Temporary Signs in Rights-of-Way**

183.1 Only the following temporary signs are permitted within right-of-ways and do not require a development permit provided they comply with Sections 156 and 182:

(a) subdivision directional sign;

(b) **DELETED (BL 12/004);**

(c) official signs required to be displayed pursuant to federal, provincial or municipal legislation;

(d) portable signs or A-Board signs for non-profit organizations or municipal events or announcements with approval from the Development Officer;

(e) signs which are displayed by or on behalf of the Municipality, or on behalf of a department, a commission, a board, a committee or an official of the Municipality, and are restricted to:

(i) traffic control devices,

(ii) signs located on or in a transit shelter or a transit bench pursuant to the terms and conditions of an advertising agreement entered into by the Municipality and an advertising corporation, and

(iii) signs regarding construction, operation or maintenance of:

(A) a public utility owned or operated by the Municipality,

(B) a public utility operated by a person who has entered into a franchise agreement with the Municipality, or

(C) road or street maintenance;

183.2 Where a temporary sign is a private sale sign, a sign for non-profit organization, or a real estate directional sign, the sign shall:

(a) only be placed on the right-of-way if the temporary sign complies with the provisions of Part 7B;

(b) not be located such that it requires removal of or inhibits the growth of trees, shrubbery, or other landscaping;

(c) have a legible message, and if the message is interfered with, the sign owner shall ensure that the message is corrected;

(d) be located a minimum of:

(i) 1.0 m from any access,

(ii) 1.0 m from an intersection, and

(iii) 0.3 m from that portion of the public roadway intended for vehicular traffic.

(e) not be located on:

(i) a public roadway,

(ii) a median, namely, any part of a right-of-way not intended to be used by vehicular traffic, between two public roadways on which vehicular traffic flows in opposite directions, and includes traffic circles, cul-de-sacs, and concrete islands, and

(iii) a traffic control device, tree, light pole, fence, or any other structure than the temporary sign itself.

(f) have a message which relates to a special event and:

(i) is restricted to the name of the organization benefiting from the advertising, the logo of the organization benefiting from the advertising, and brief information describing the event and/or giving directions to the event;

(ii) excludes any additional advertising including slogans, and

(iii) is removed within twenty-four (24) hours after the end of the event, or removed immediately if the sign no longer fulfils its original purpose;

(g) be a maximum of:

(i) 1.1 m^2 in size, and

(ii) 1.2 m in height;

(h) be constructed as follows:

(i) made of sufficiently durable paper, cardboard, or other light materials to maintain its position and appearance for the period of display, or

(ii) made of metal or wood, provided that it collapses upon impact.

183.3 Temporary signs adjacent to Highways 63 & 69 require approval from Alberta Transportation.

Appendix “A”
Illustrations

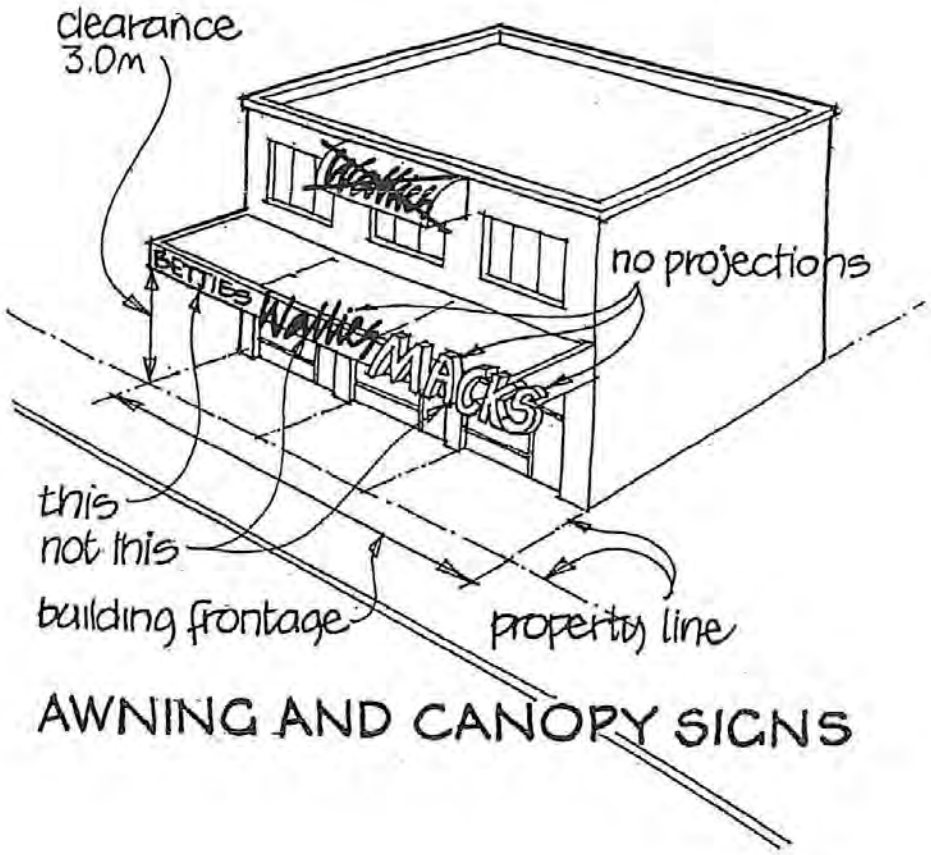


ILLUSTRATION 1

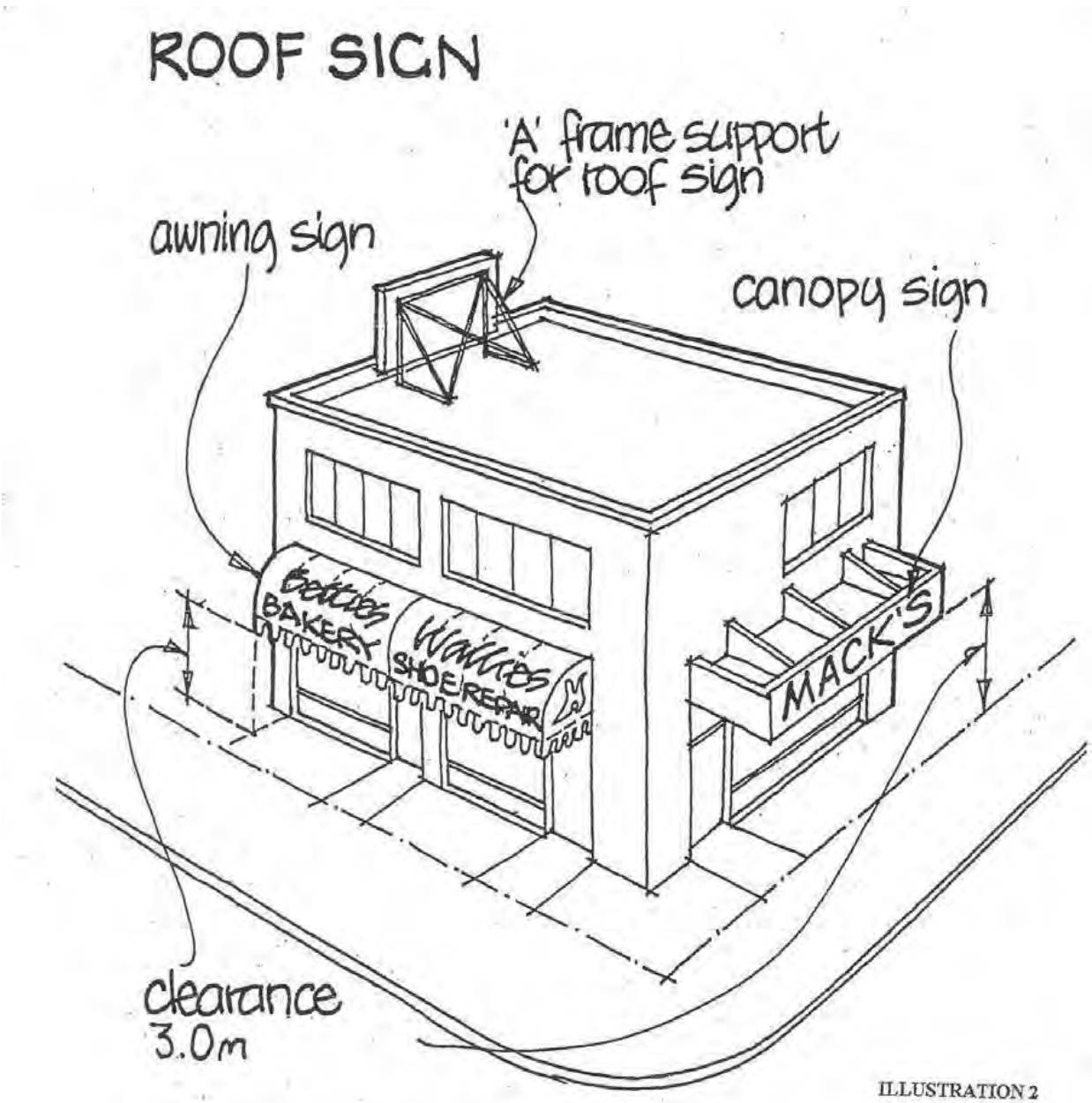
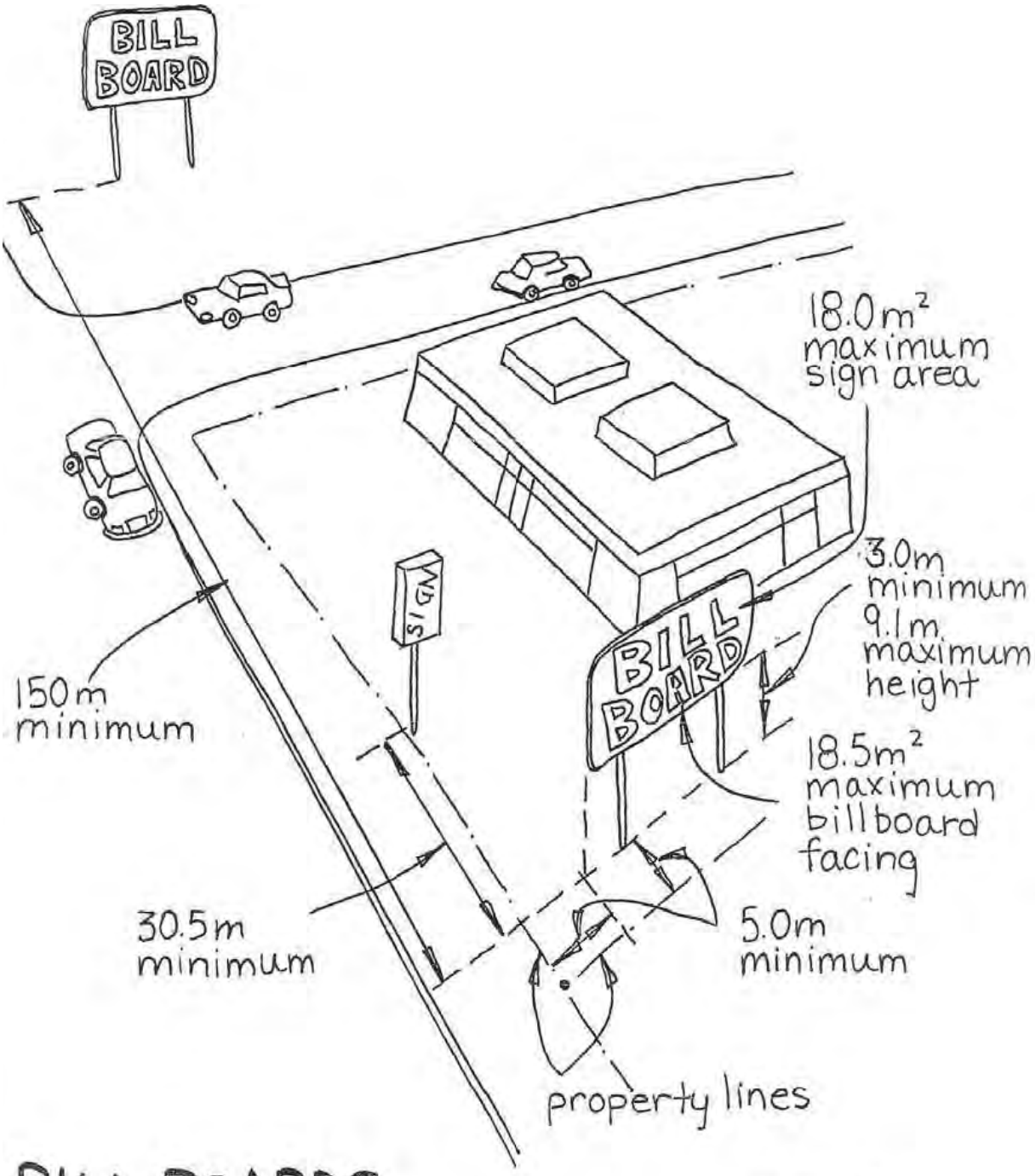


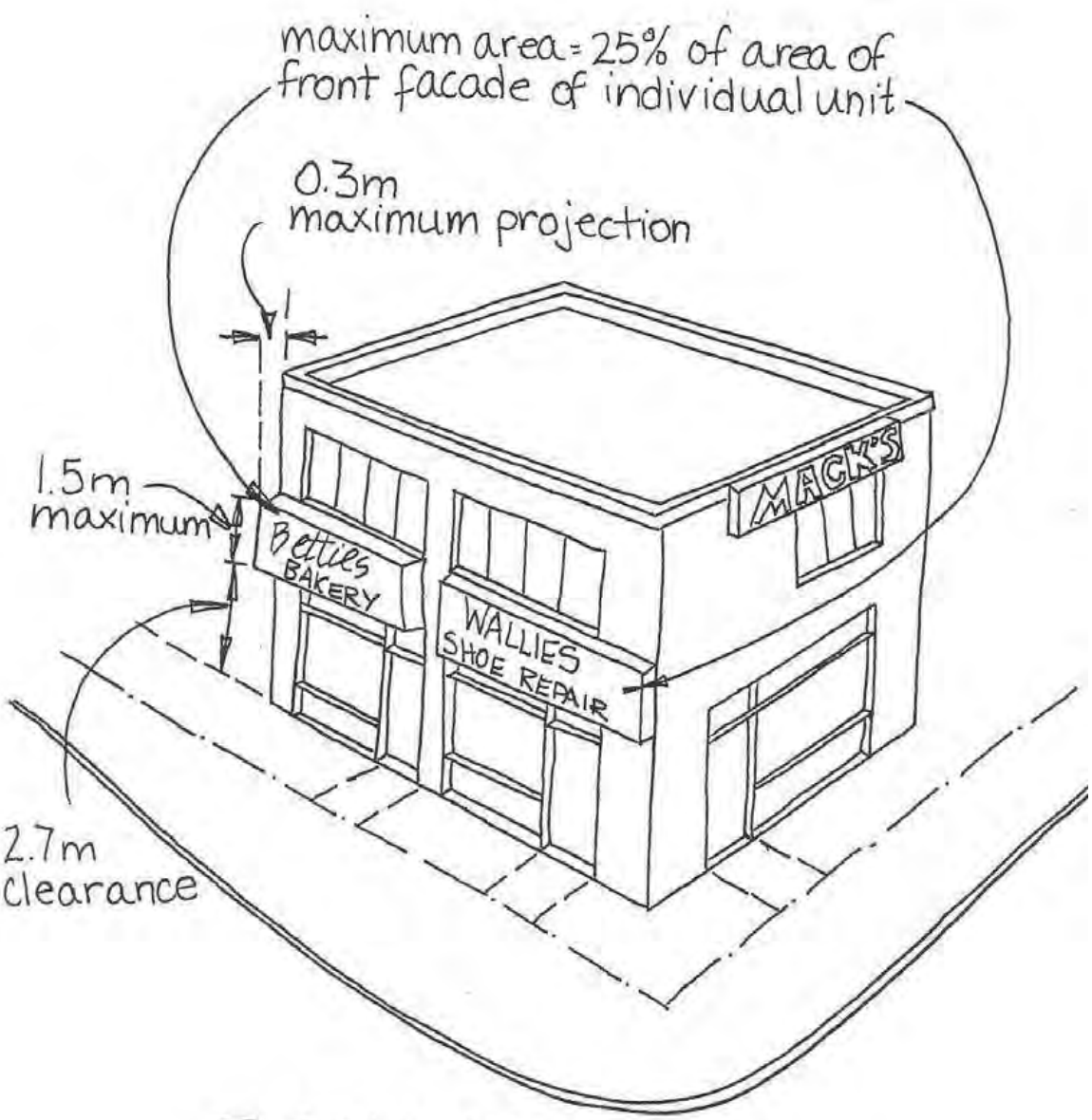
ILLUSTRATION 2

AWNING AND CANOPY SIGNS



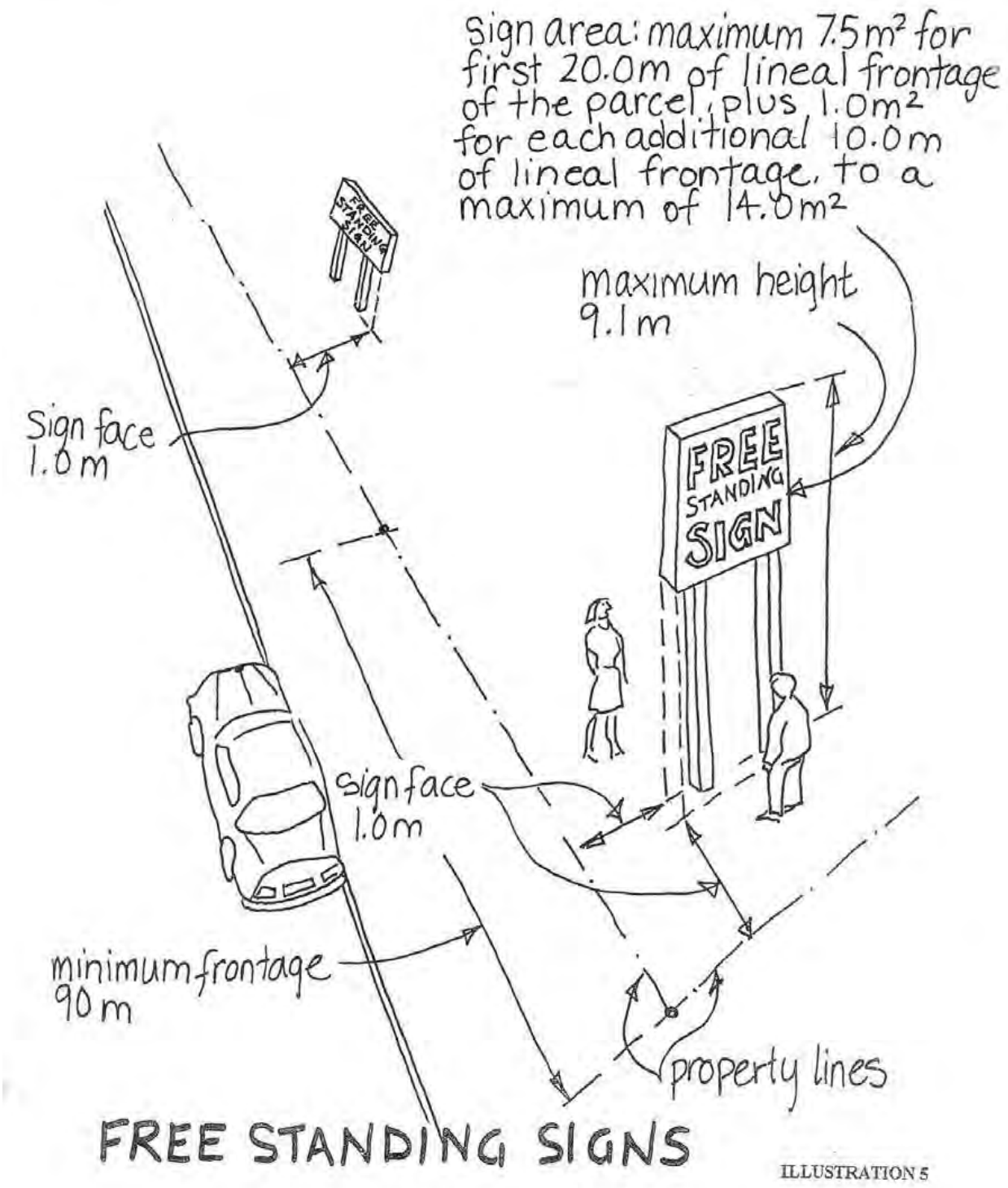
BILL BOARDS

ILLUSTRATION 3



FASCIA SIGNS

ILLUSTRATION 4


sign area: maximum 7.5m² for first 20.0m of lineal frontage of the parcel, plus 1.0m² for each additional 10.0m of lineal frontage, to a maximum of 14.0m²
maximum height 9.1m
FREE STANDING SIGN
sign face 1.0m
sign face 1.0m
minimum frontage 90m
property lines
FREE STANDING SIGNS
ILLUSTRATION 5

PAINTED WALL SIGN

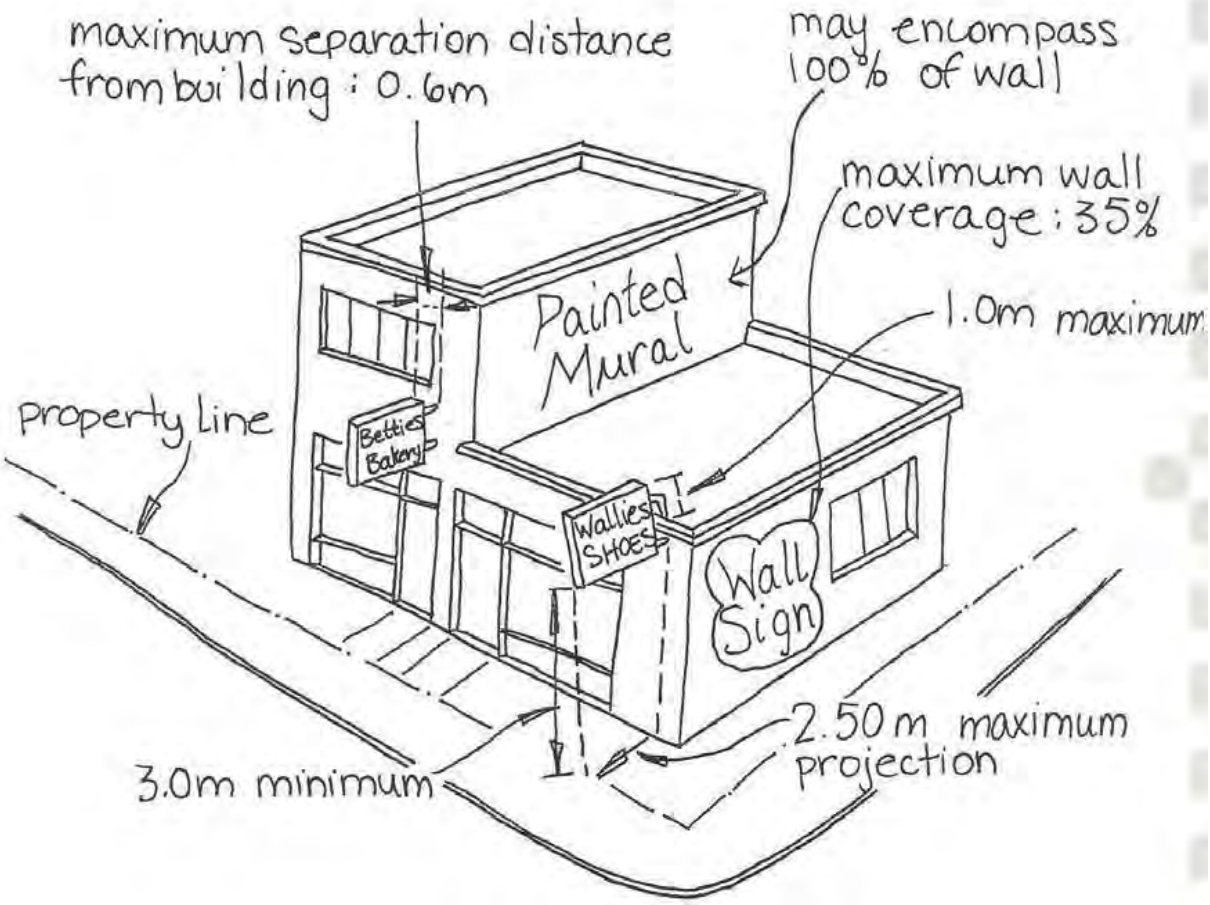
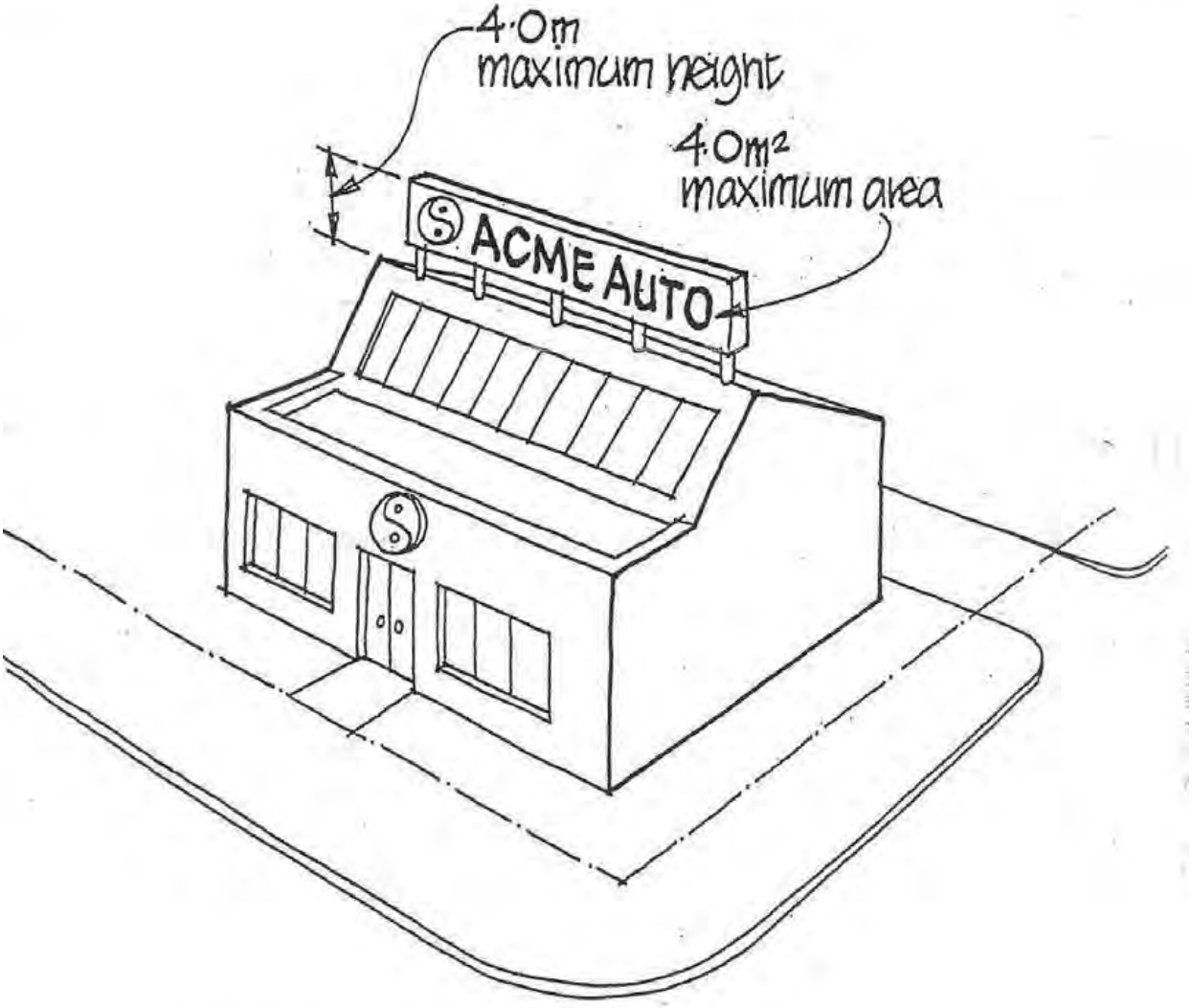


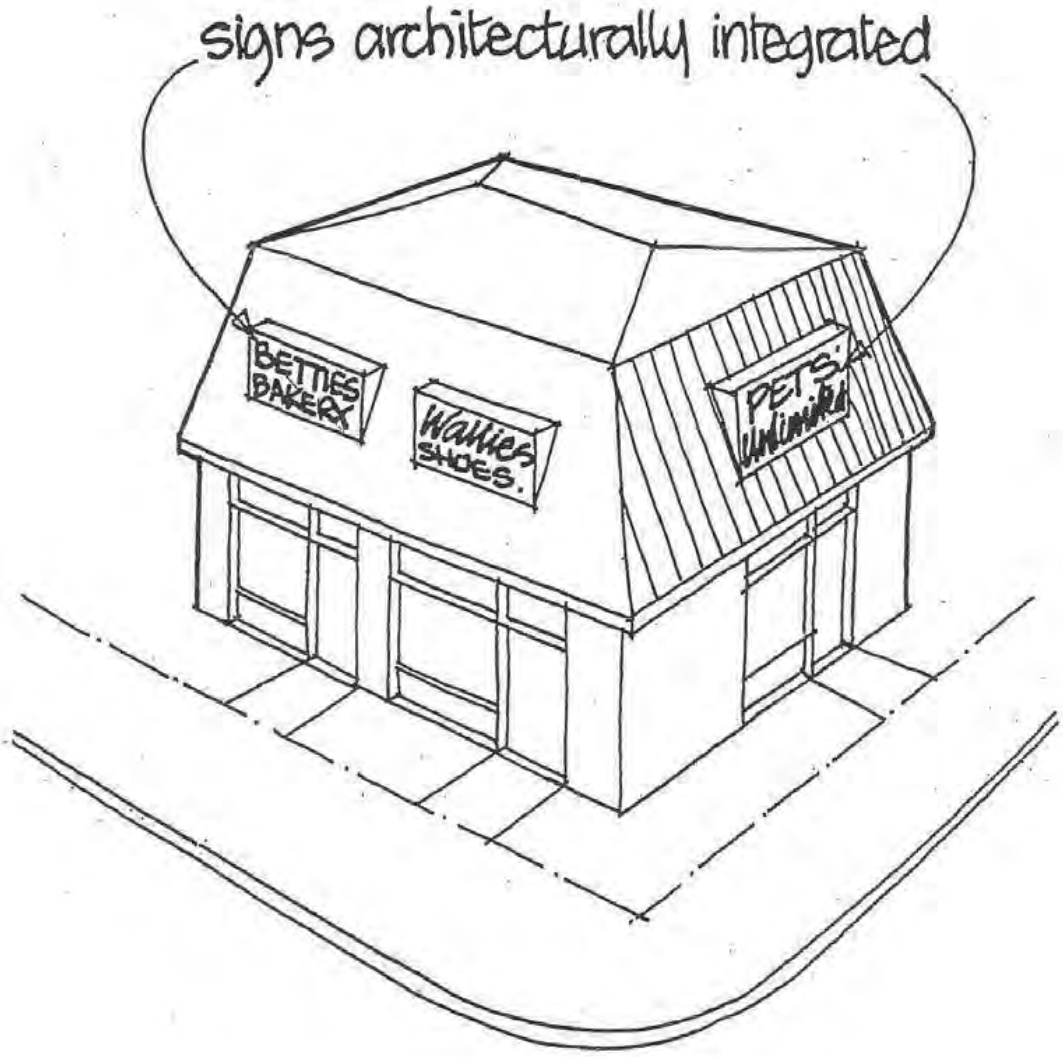
ILLUSTRATION 6

PROJECTING SIGNS



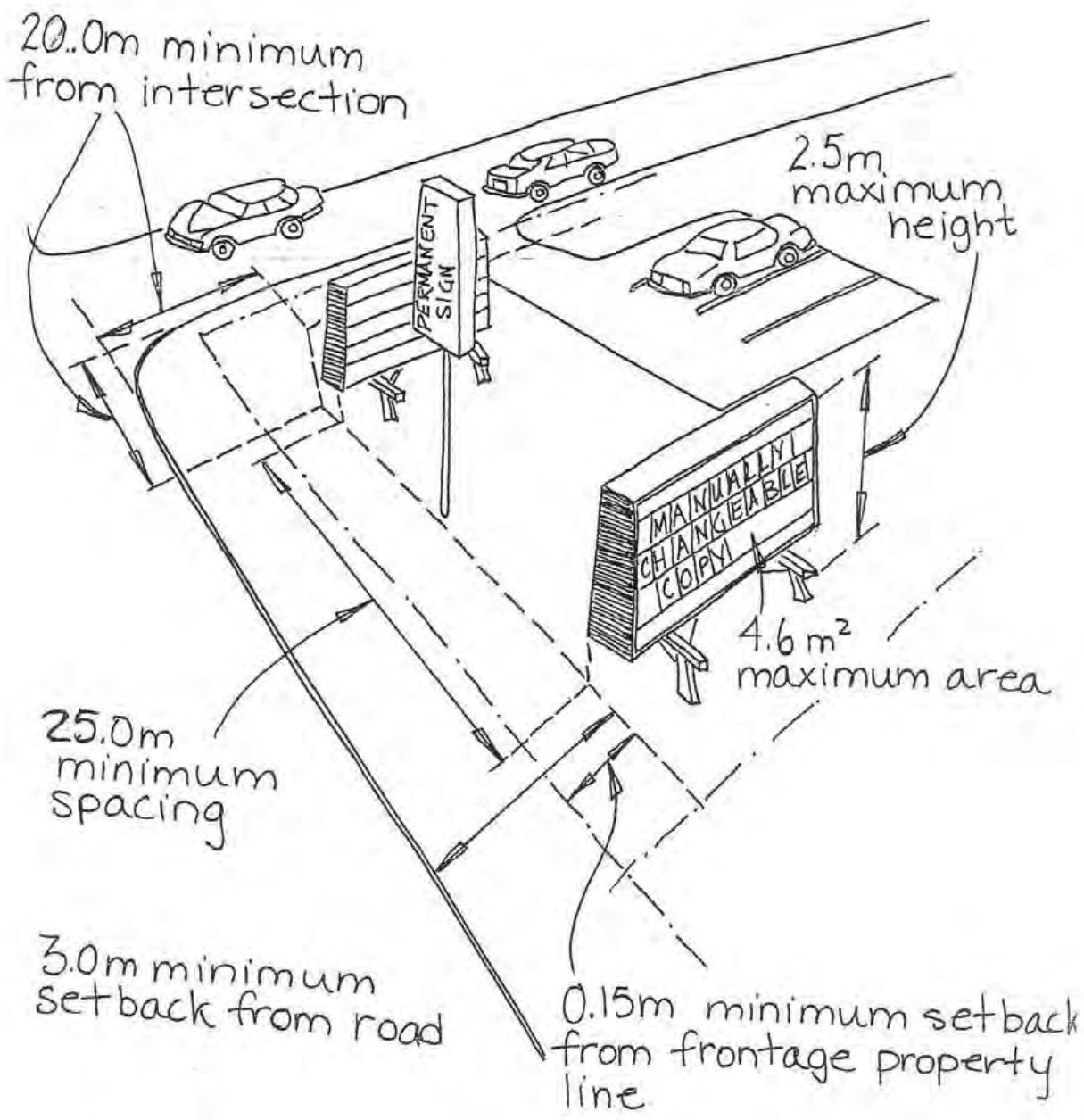
ROOF SIGNS

ILLUSTRATION 7



ROOF SIGNS · MANSARD

ILLUSTRATION 8



PORTABLE SIGNS

ILLUSTRATION 9

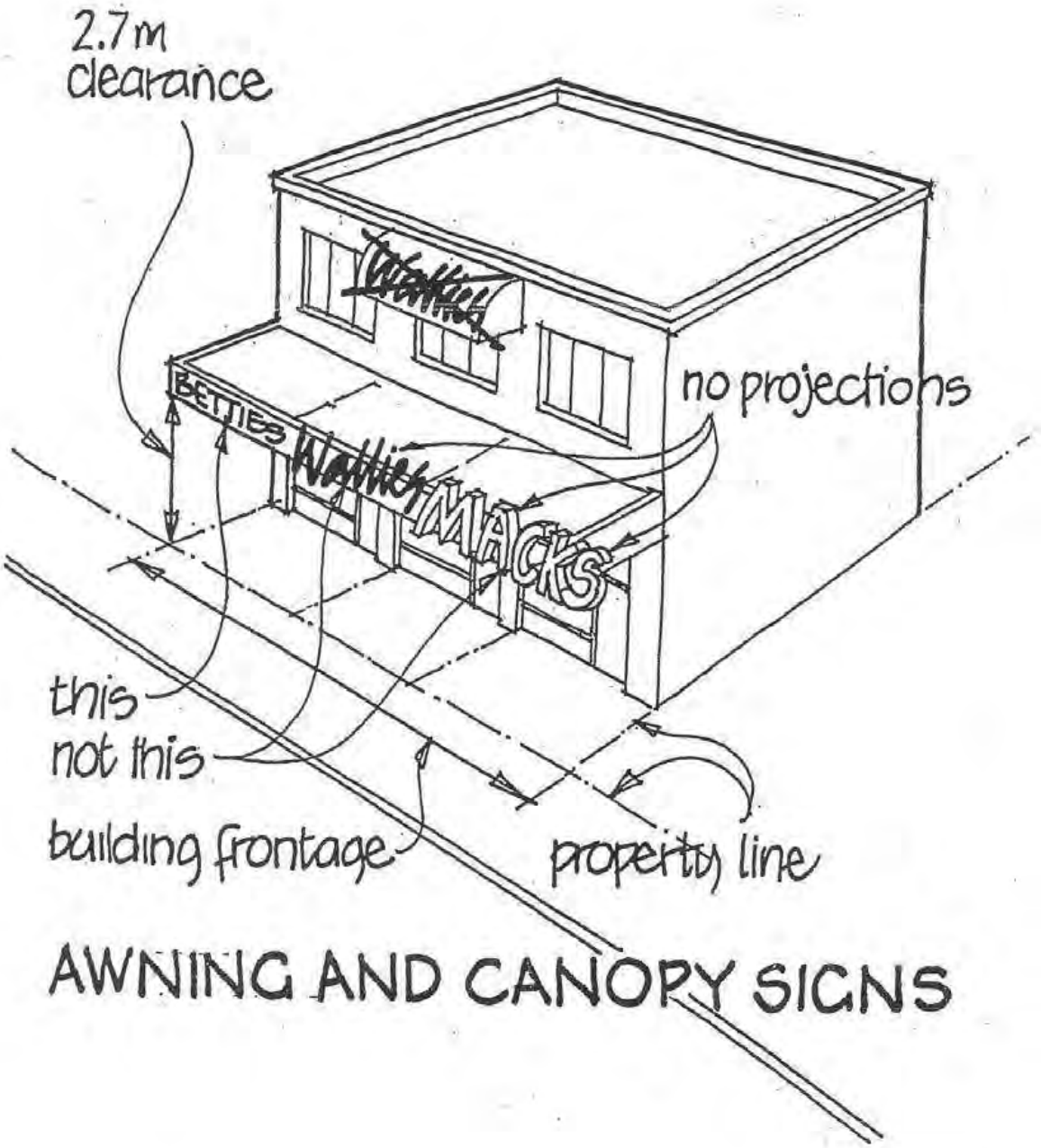
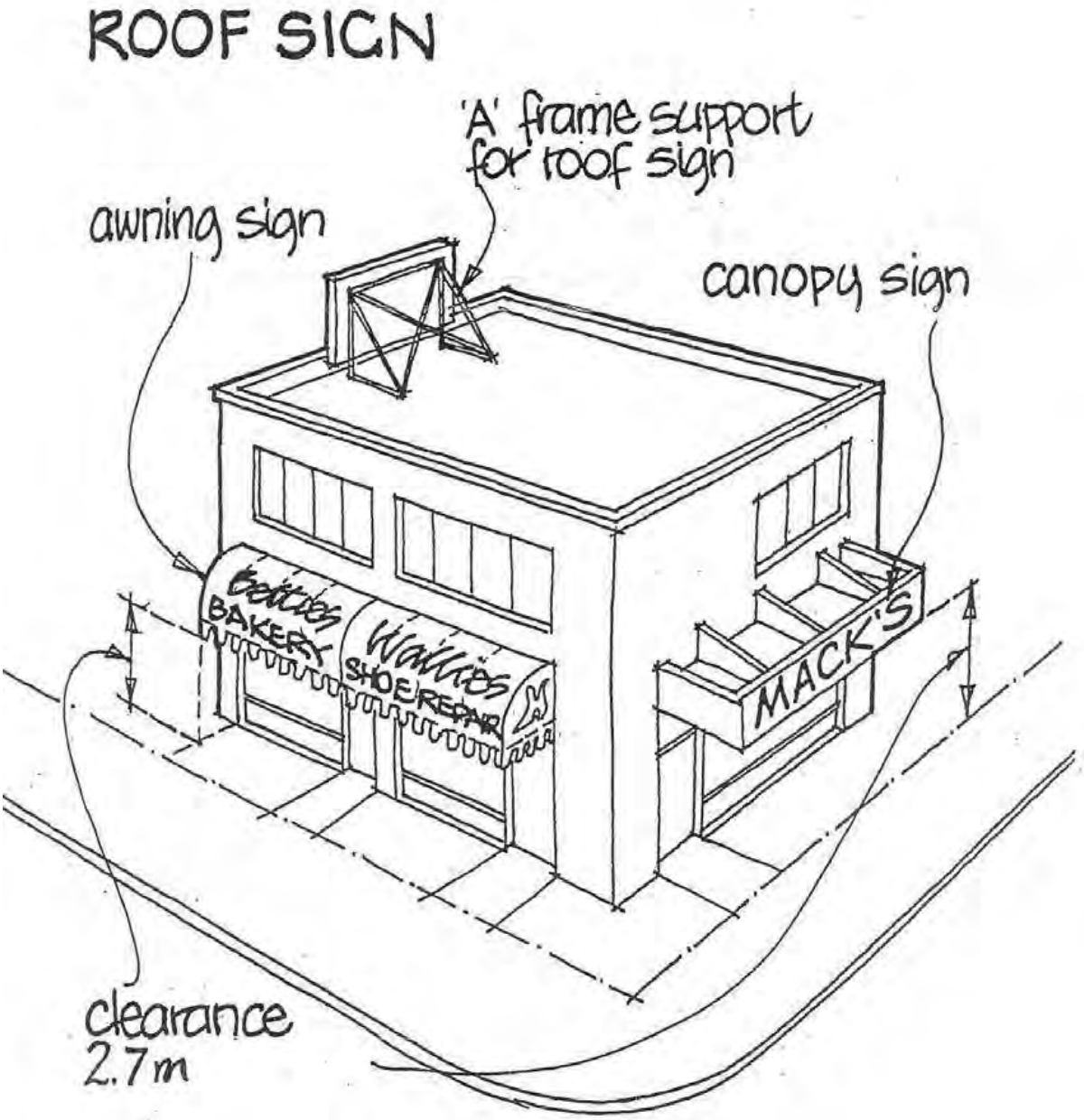
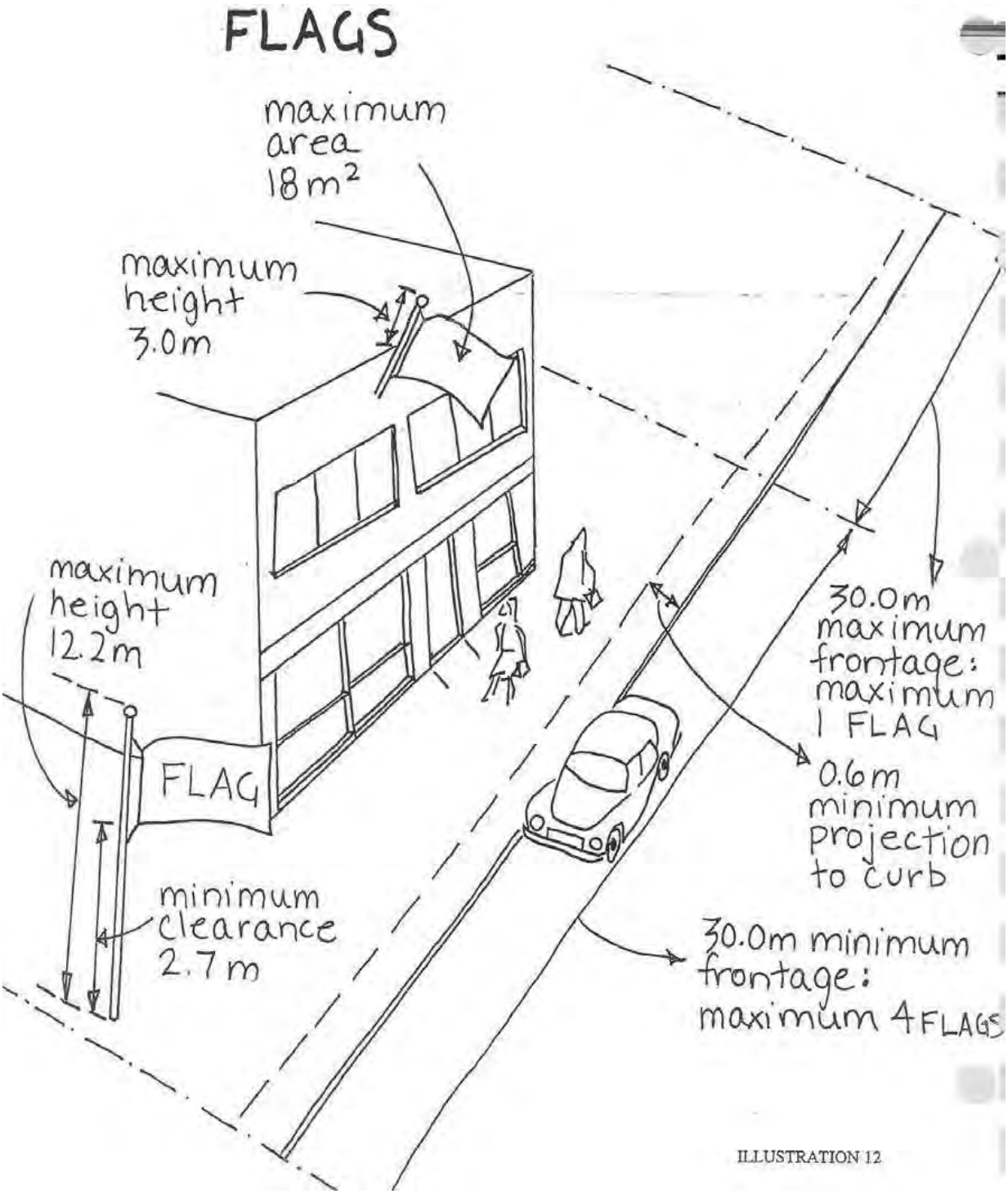


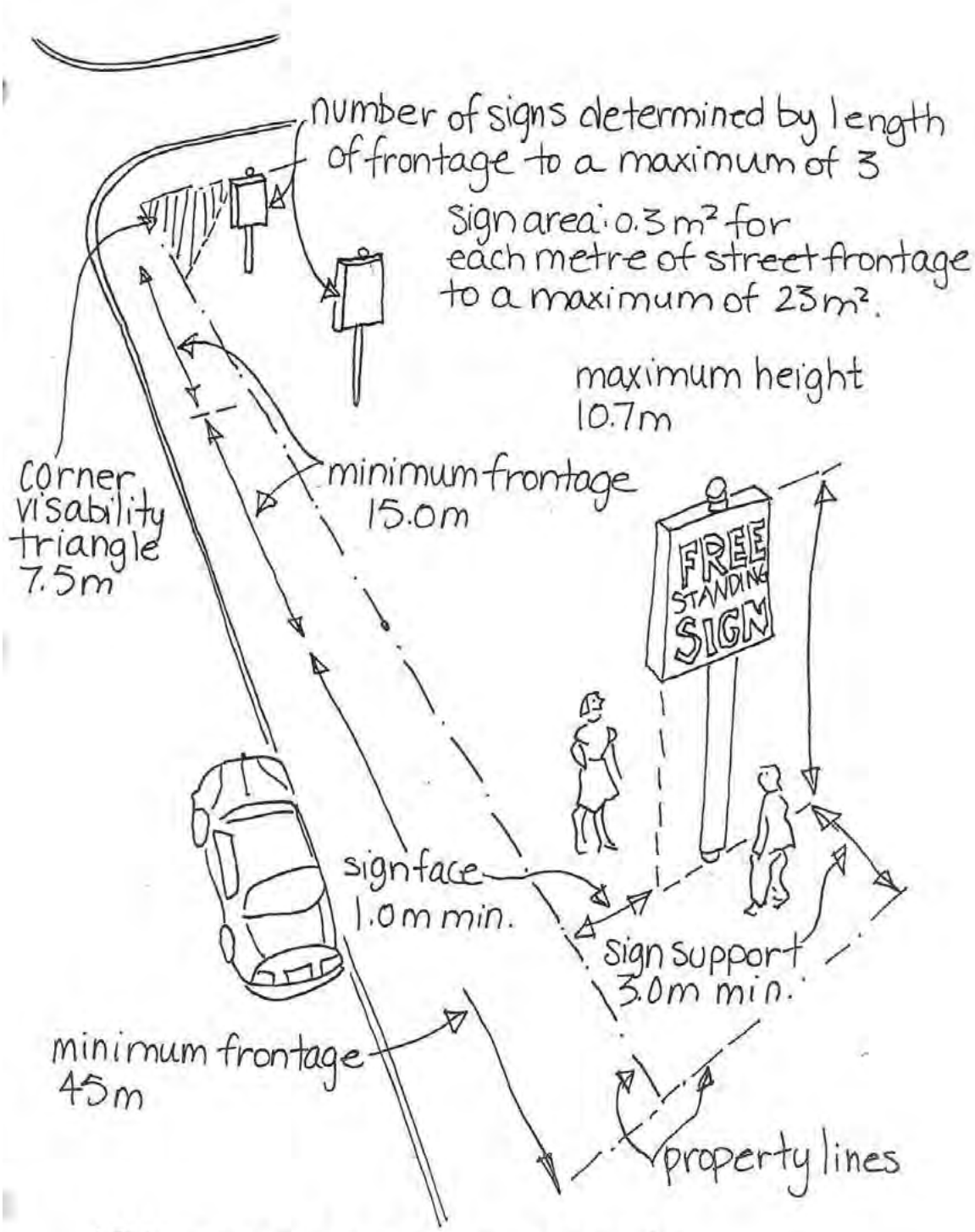
ILLUSTRATION 10



AWNING AND CANOPY SIGNS

ILLUSTRATION 11


FLAGS
maximum area 18 m²
maximum height 3.0m
maximum height 12.2m
FLAG
minimum clearance 2.7m
30.0m maximum frontage: maximum 1 FLAG
0.6m minimum projection to curb
30.0m minimum frontage: maximum 4 FLAGS
ILLUSTRATION 12


number of signs determined by length of frontage to a maximum of 3
sign area: 0.3 m² for each metre of street frontage to a maximum of 23 m².
maximum height 10.7m
corner visability triangle 7.5m
minimum frontage 15.0m
FREE STANDING SIGN
sign face 1.0m min.
sign support 3.0m min.
minimum frontage 45m
property lines
FREE STANDING SIGNS
ILLUSTRATION 13

INCIDENTAL SIGNS

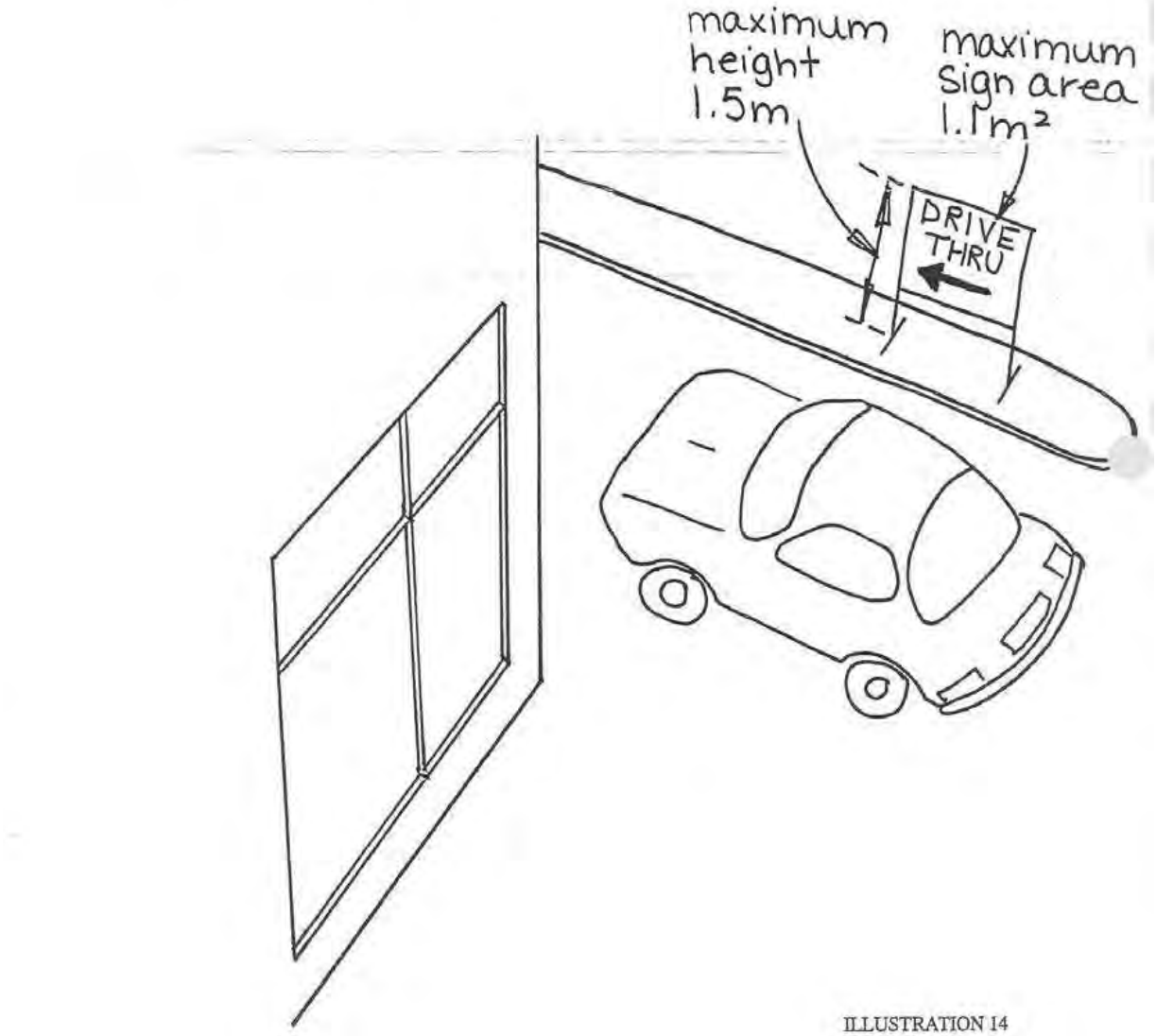


ILLUSTRATION 14

POSTER BOARD SIGN HOLDERS

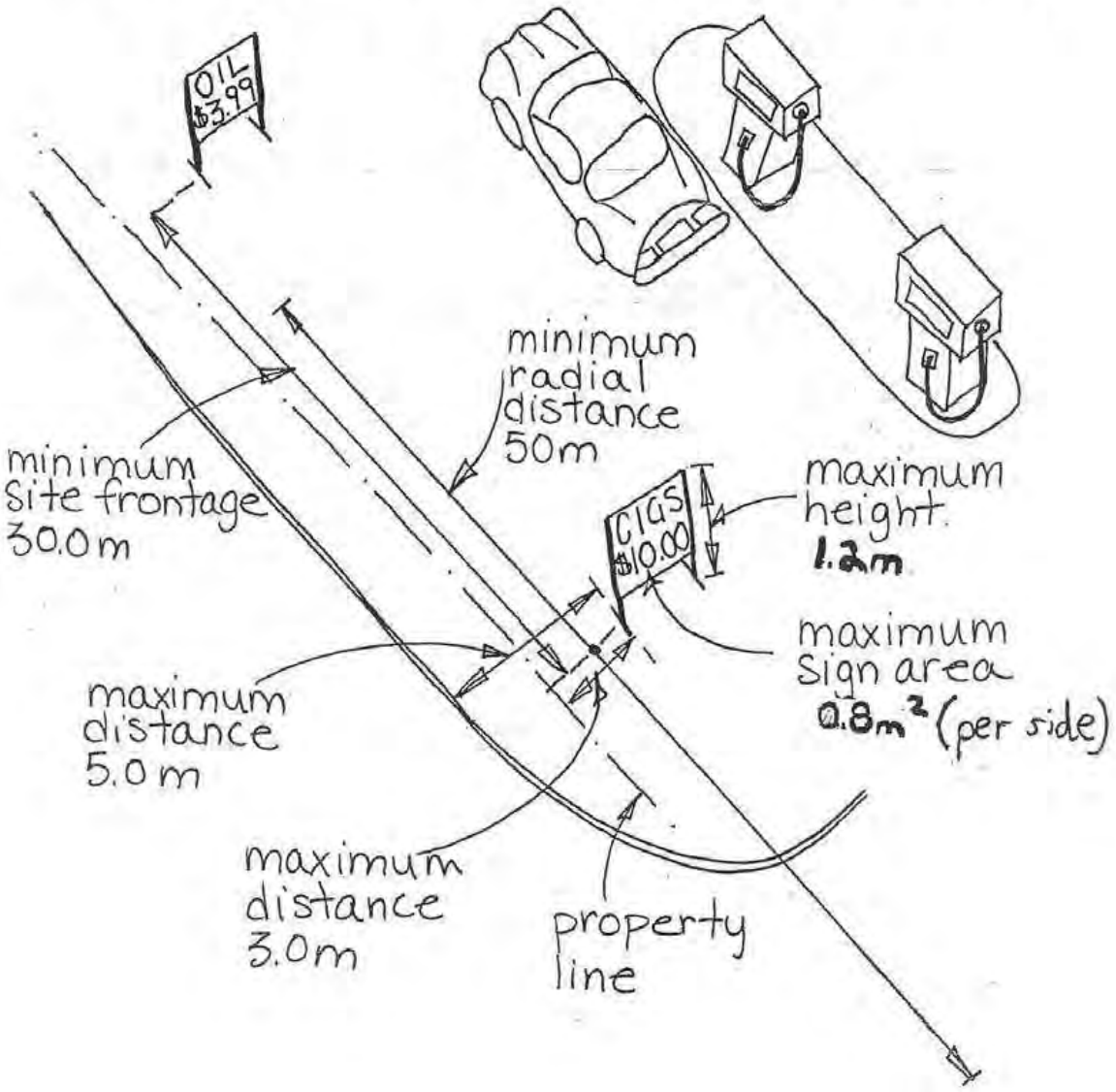
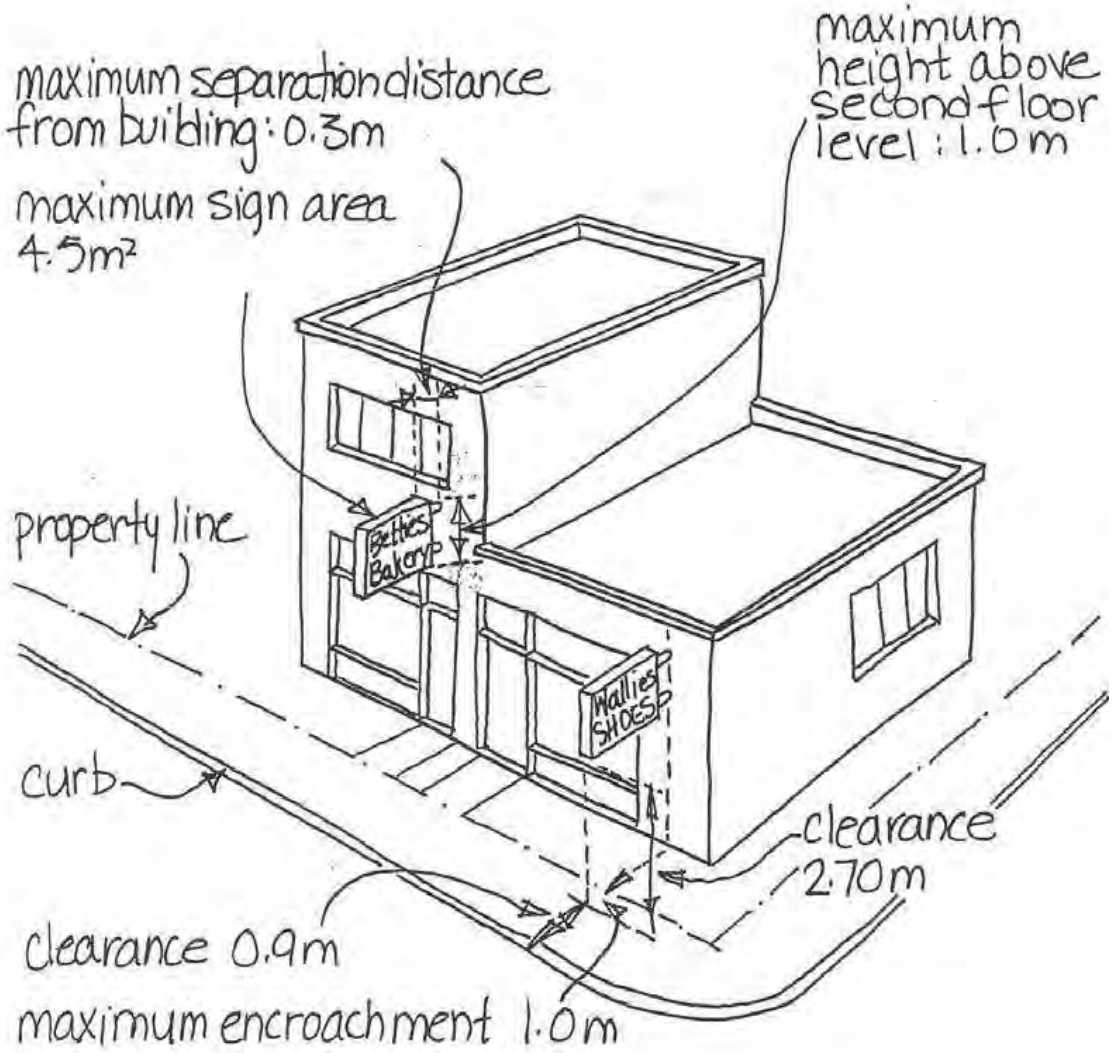
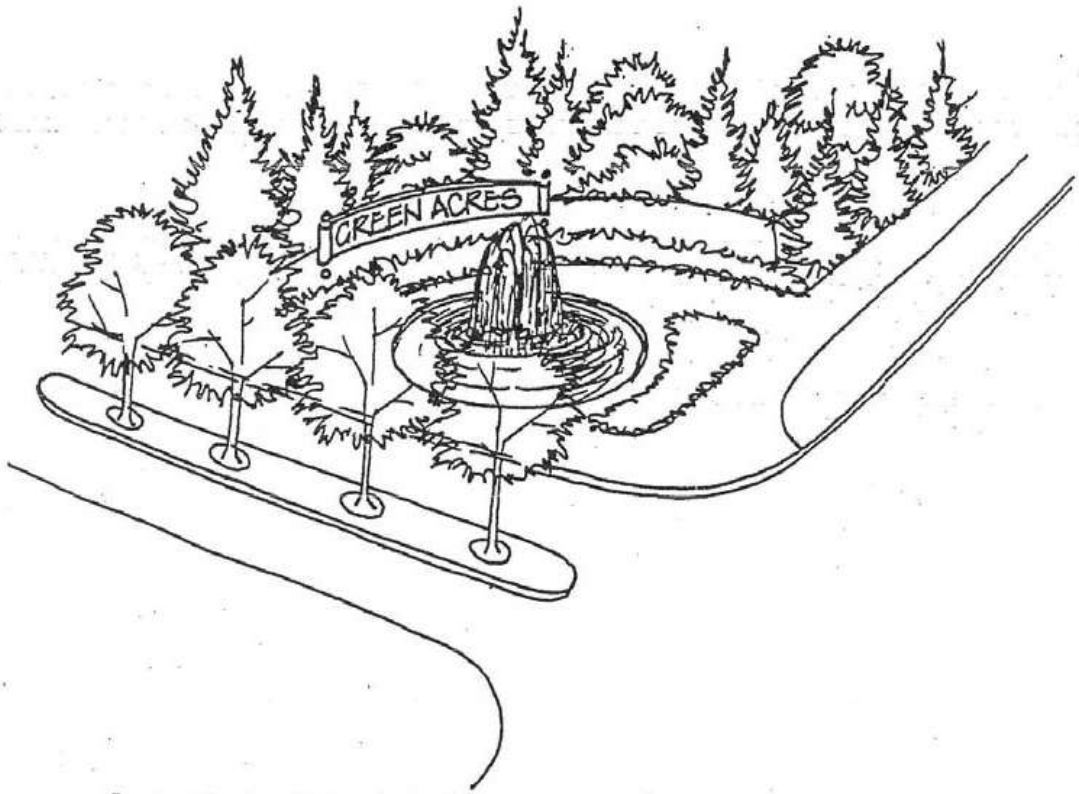


ILLUSTRATION 15



PROJECTING SIGNS

ILLUSTRATION 16



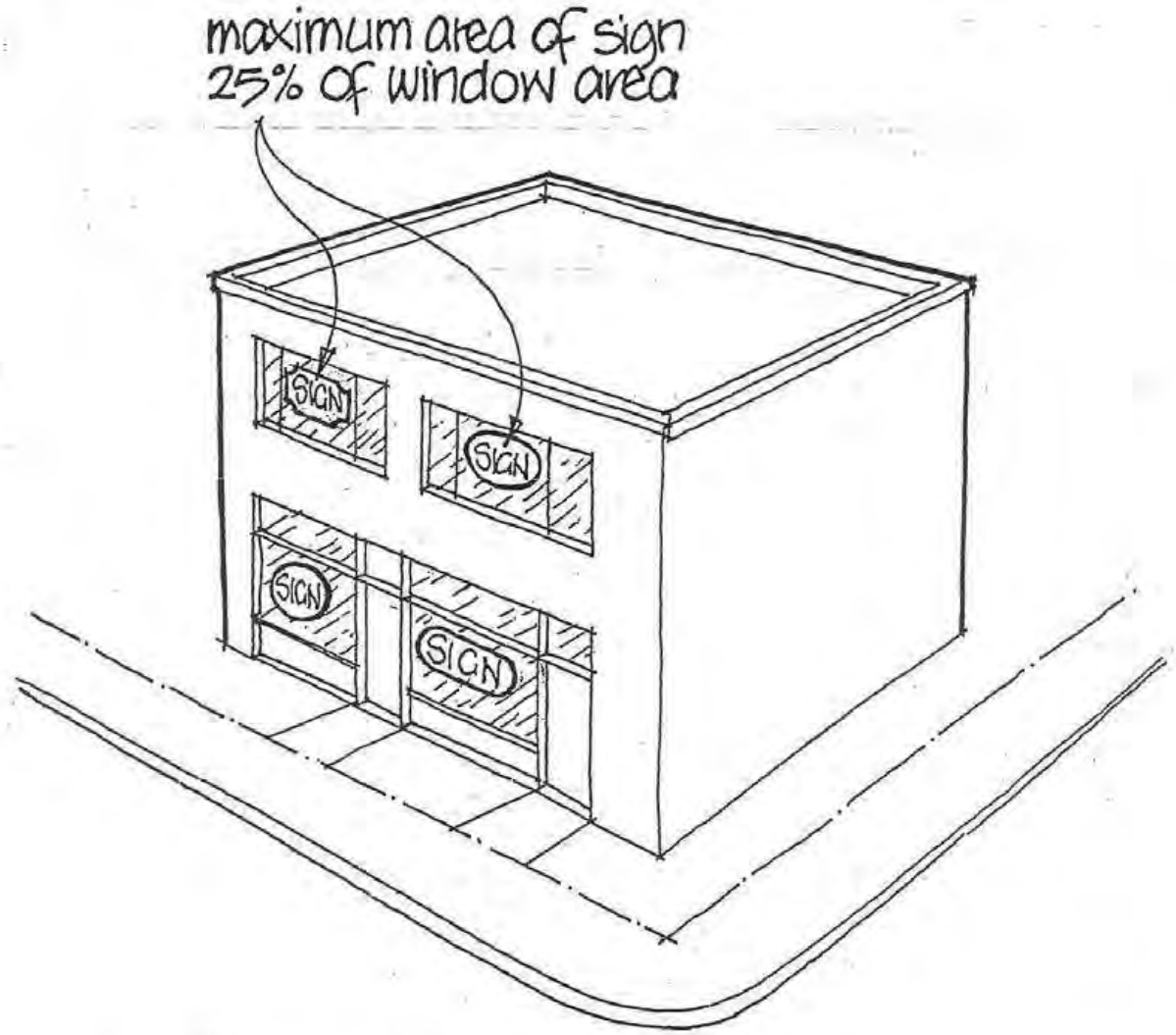
SUBDIVISION ENTRANCE FEATURE SIGN

ILLUSTRATION 17

UNDER AWNING/CANOPY SIGNS

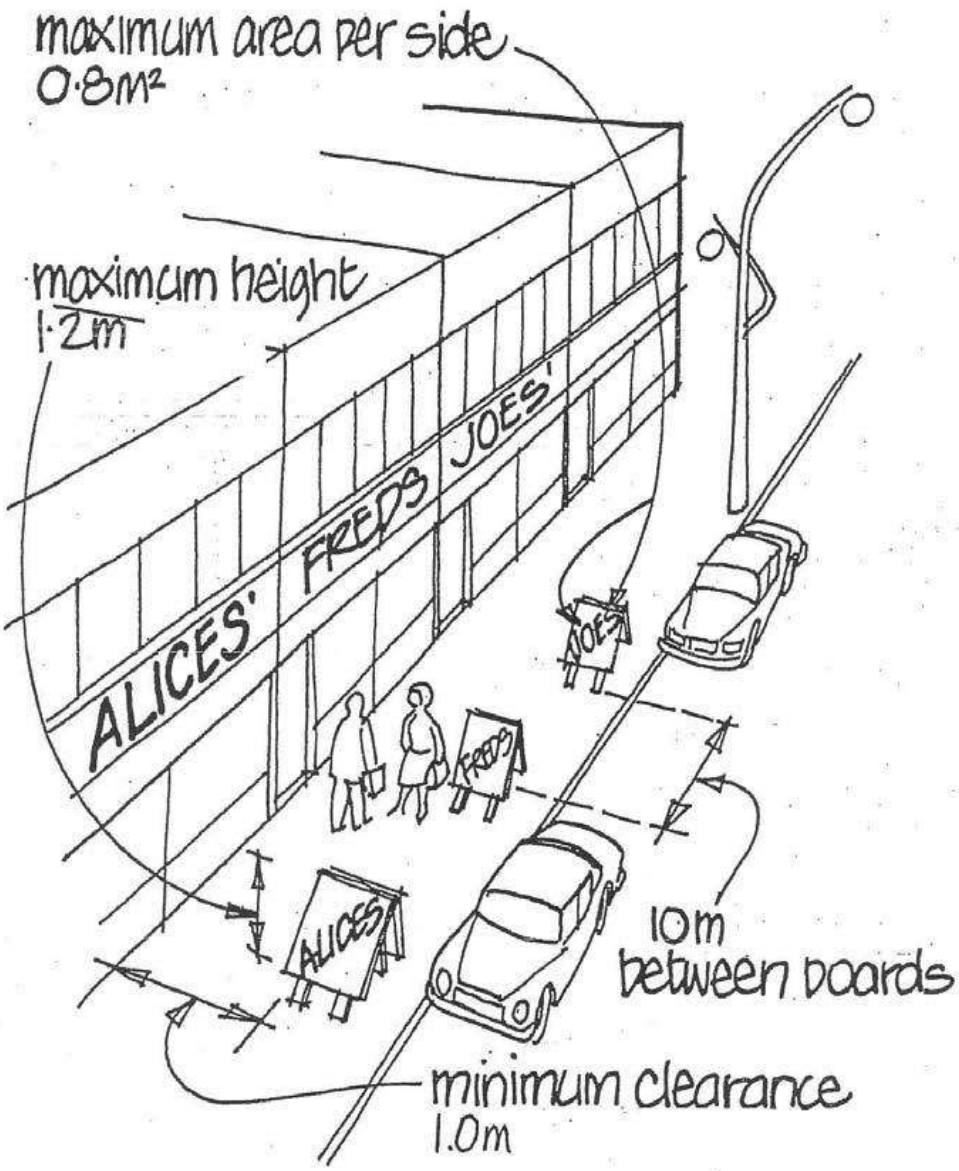


ILLUSTRATION 18



WINDOW SIGNS

ILLUSTRATION 19



'A' BOARDS

ILLUSTRATION 20

BALLOON (INFLATABLE) SIGNS

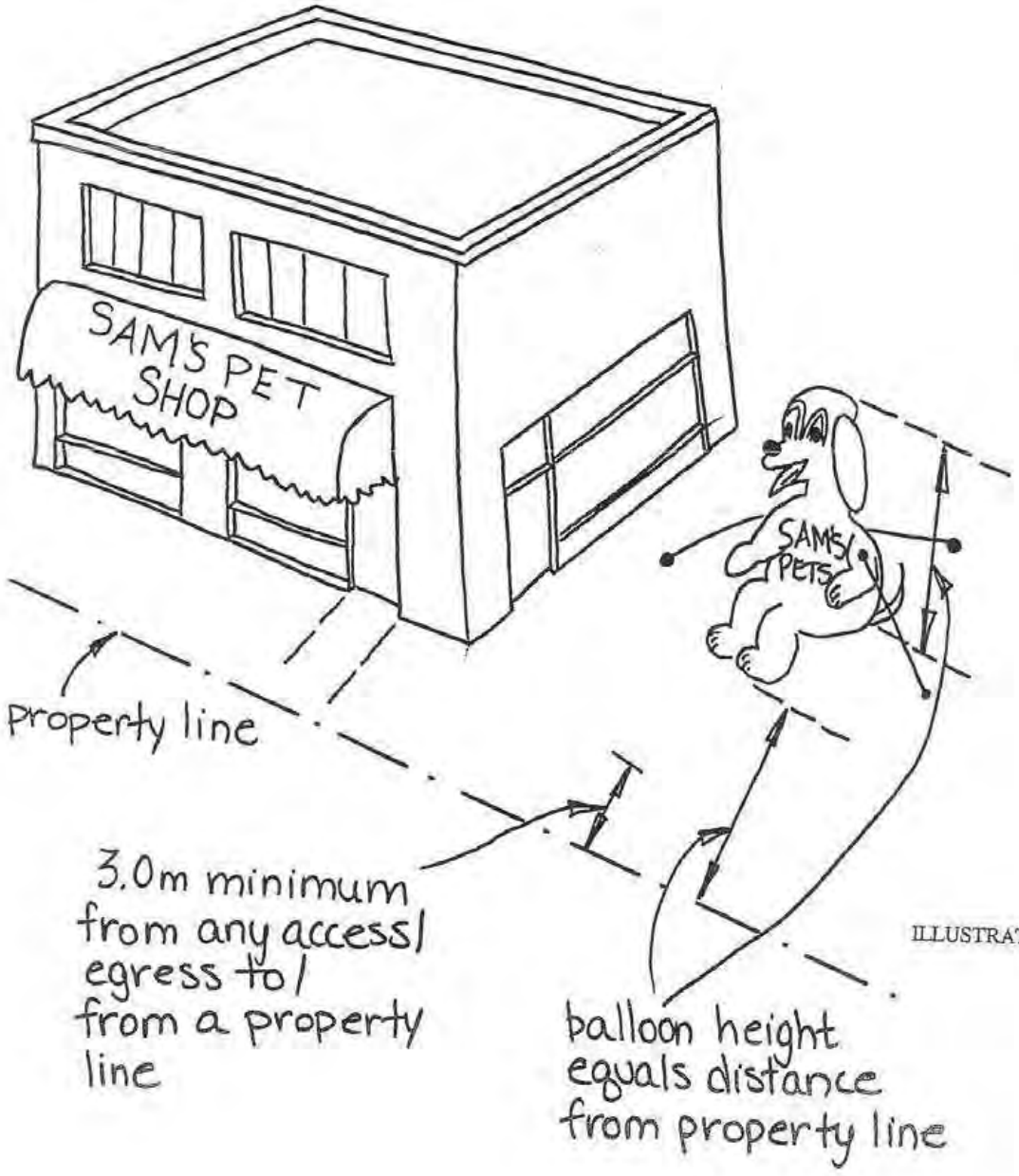


ILLUSTRATION 21

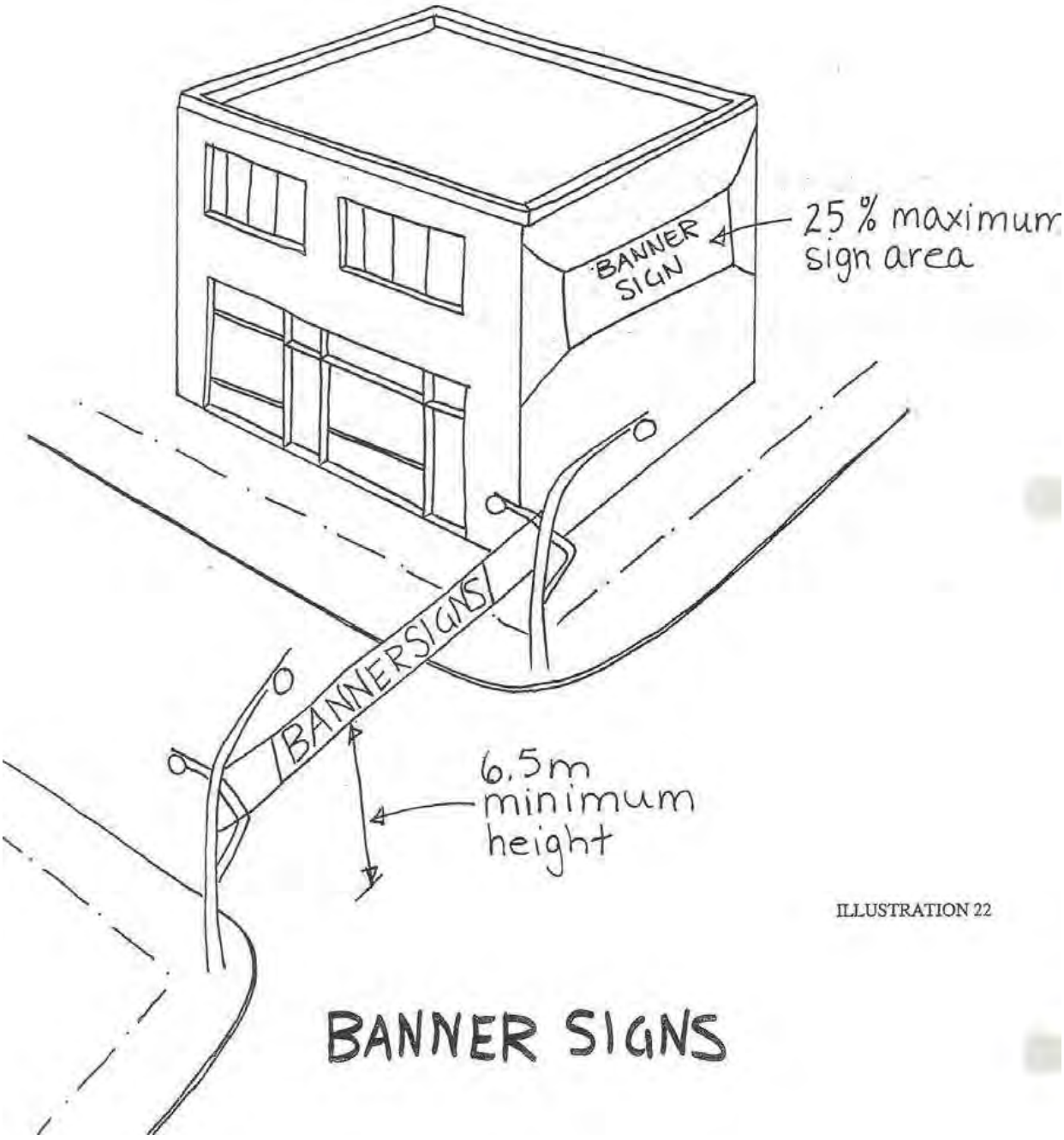
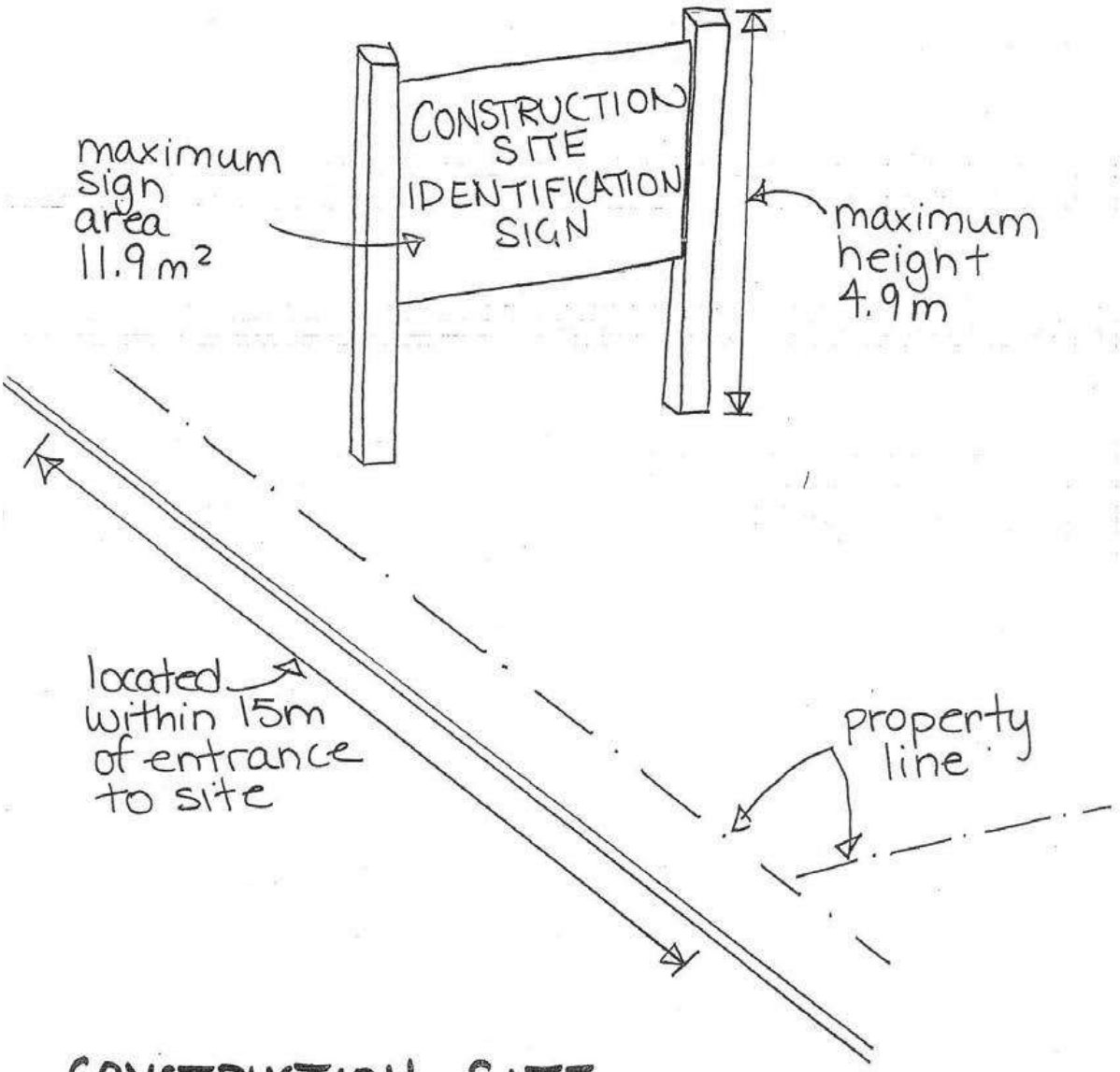


ILLUSTRATION 22

BANNER SIGNS



CONSTRUCTION SITE IDENTIFICATION SIGN

ILLUSTRATION 23

PORTABLE SIGNS

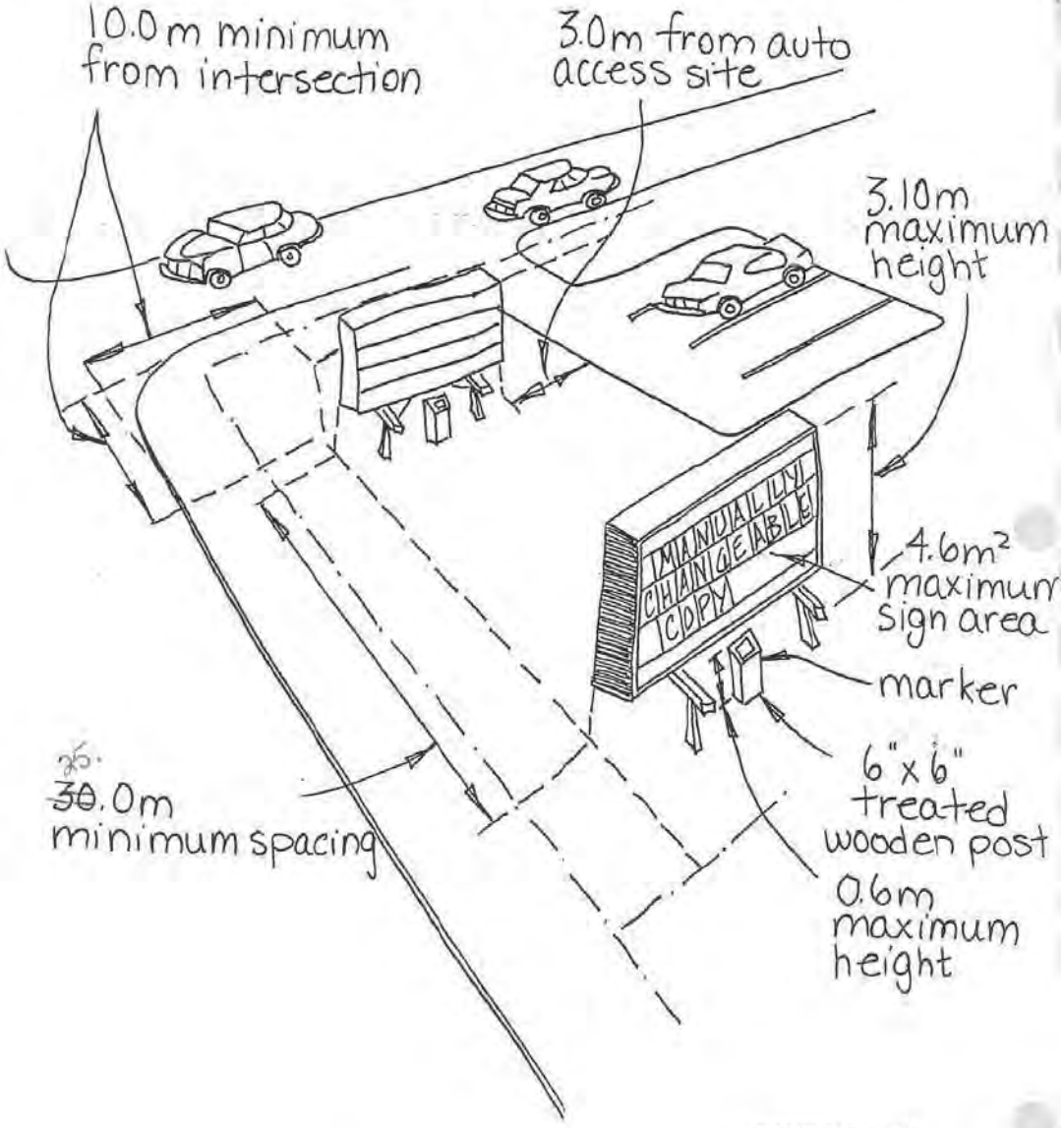


ILLUSTRATION 24

Appendix B – Sign Districts Chart: Rural Service Area **(BL 06/023)**

Type of Sign	A	HR	CR	SH	HG	SE	HC	BI	UE	PR/P	C4	RD	EP
Temporary Signs e.g. lawn sales, real estate	D	P	P	P	P	P	P	P	P	P	P	P	P
Land/Building Identification	D	P	P	P	P	P	P	P	P	P	P	P	P
Lease/Sale/Rental Signs	D	P	P	P	P	P	P	P	P	P	P	P	
Building Contractor Signs	D	P	P	P	P	P	P	P	P	P	P	P	
Subdivision Marketing and Directional Signs		P	P	P	P	P	P	P	P	P	P	P	P
Awning/Canopy Signs							D	D	D	D	D	D	
Awning/Canopy Signs for Building Identification Only		D	D	D	D	D							D
Billboards	D						D	D			D		
Fascia/Wall Signs	D						D	D	D	D	D	D	
Freestanding Signs	D						D	D	D	D	D	D	
Freestanding Signs for Building Identification Only		D	D	D	D	D							D
Projecting Signs							D	D	D	D	D	D	
Roof Signs							D	D	D	D	D	D	
3rd Party Identification Signs							D	D			D		
Portable Signs					D		D	D	D	D	D	D	D
Inflatable Signs					D		D	D	D	D	D	D	

P-Permitted Use
D- Discretionary Use

Appendix B – Signs District Chart Urban Service Area

Type of Sign	Special Districts				Residential			Commercial					Industrial
	DC	EP	PR	PS	UE	Single Family	Multi-Family	C1	C2	C3	C4	C5	BI
Temporary Signs in Right-Of-Ways	P	P	P	P	P	P	P	P	P	P	P	P	P
'A' Board	P						P-R4	P	P	P	P	P	P
Balloon(inflatable)	D		D	D				D	D	D	D	D	D
Banner	D		D	D			D-R4	D	D	D	D	D	D
Construction Site Identification	P	P	P	P	P	P	P	P	P	P	P	P	P
Elections	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable	P		P	P			P-R4	P	P	P	P	P	P
Posters in Approved Poster Board Holder	P		P	P			P-R4	P	P	P	P	P	P
Private Sale	P		P	P	P	P	P	P	P	P	P	P	P
Proposed Development	P	P	P	P	P	P	P	P	P	P	P	P	P
Real Estate Sale and Real Estate Directional	P	P	P	P	P	P	P	P	P	P	P	P	P
Subdivision/Builder Marketing	P		P	P	P	P	P	P	P	P	P	P	P
Subdivision Directional	P	P	P	P	P	P	P	P	P	P	P	P	P
Awnings/Canopy	D		D	D	D		P/D	D	D	D	D	D	D
Billboards*													
Fascia/Wall	P		P	P	P	D	P/D	P	P	P	P	P	P
Flags	P						P-R4	P	P	P	P	P	P
Freestanding	D		D	D	D	D	D-R4	D	D	D	D	D	D
Incidental	P		P	P	P			P	P	P	P	P	P
Poster Board Holders	D		D	D			D-R4	D	D	D	D	D	D
Projecting	P						P-R4	P	P	P	P	P	P
Roof	P												P
Subdivision Entrance	P	P	P	P	P	P	P	P	P	P	P	P	P
3rd Party Identification	P						P-R4	P	P	P	P	P	P
Under Awning/Canopy	P		P	P	P		P	P	P	P	P	P	P
Window	P						P-R4	P	P	P	P	P	P

P - Permitted Use
D - Discretionary Use

Note: Signs adjacent to Highways 63 and 69 may require approval from Alberta Transportation
*Billboards existing at passage of Amending Bylaw No. 01/068 can continue. New: community-orientated only

Appendix C

Fees

Unless as prescribed immediately below, the fee for a sign development permit shall be:

1. $60.00 for each sign, subject to the provisions of Section 6 of this Bylaw.
2. In the case of an application for a portable sign marker, the fee is $150.00 per sign marker. The applicant is responsible for all costs associated with the installation and maintenance of the marker.
3. In the case of a comprehensive sign design permit application, the minimum fee is $300.00. The fee for comprehensive sign designs involving more than 5 signs will be $500.00.

184. **Reserved for future use**
185. **Reserved for future use**
186. **Reserved for future use**
187. **Reserved for future use**
188. **Reserved for future use**
189. **Reserved for future use**
190. **Reserved for future use**
191. **Reserved for future use**
192. **Reserved for future use**
193. **Reserved for future use**
194. **Reserved for future use**
195. **Reserved for future use**
196. **Reserved for future use**
197. **Reserved for future use**
198. **Reserved for future use**
199. **Reserved for future use**

Exhibit 14

PART 7C – Signs Regulations for City Centre

7C.1 General City Centre Signs Provisions

1. Application

(a) The regulations contained in this Part 7C apply to the areas designated as the City Centre Special Area as shown on Appendix 1 – City Centre Districts and Corridors Map.

(b) Unless specifically excluded or modified by this Part, the regulations in Part 7B of this Bylaw shall apply to the areas designated as the City Centre Special Area as shown on Appendix 1 – City Centre Districts and Corridors Map.

(c) Where a discrepancy exits between Part 7B and Part 7C of this Bylaw, the provisions of Part 7C of this Bylaw shall prevail.

2. Definitions

(a) In addition to the definitions in Section 156(2) of this Bylaw, in this Part, the following words shall have the following meanings, unless the context requires otherwise:

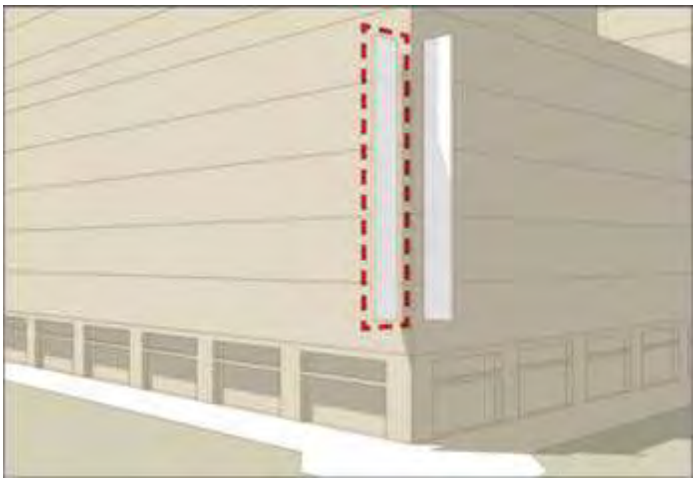
AWNING SIGN - means a Sign, which is incorporated as part of the fabric orplastic skin of Awning.



BLADE SIGN, HORIZONTAL - means a horizontal Sign extending generally perpendicular to the Building, often hanging from the Awning.



BLADE SIGN, VERTICAL - means a Sign extending out from the Building that runs parallel to the vertical axis of the Building.



BLADE ZONE means an area allocated for Vertical Blade Signs extending out from the Podium **portion** of a Building.

COMMERCIAL DEVELOPMENT - means development within the CBD1, BORE1, SCL1, **SCL2**, PRA1, PRA2, FRA1, and SR1 Districts, excluding any Residential uses within these Districts.

DEPTH - means the third dimension of a Sign that is not the Height or the Width, and generally refers to the thickness of the Sign.

DIGITAL SIGN - means any Sign that is remotely changed on or off Site and has a varying Message Duration. Digital Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign Face or its components. Digital Signs include moving effects, Message Transition effects, and video images.

ELECTRONIC MOVING COPY - means Copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other similar electronic technology where the Copy displays moving images.

ELECTRONIC STATIC COPY - means Copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other similar electronic technology where the Copy is fixed for a set period of time.

FASCIA SIGN - means a Sign, plain or illuminated, running parallel for its whole length to the face of the Building to which is attached.

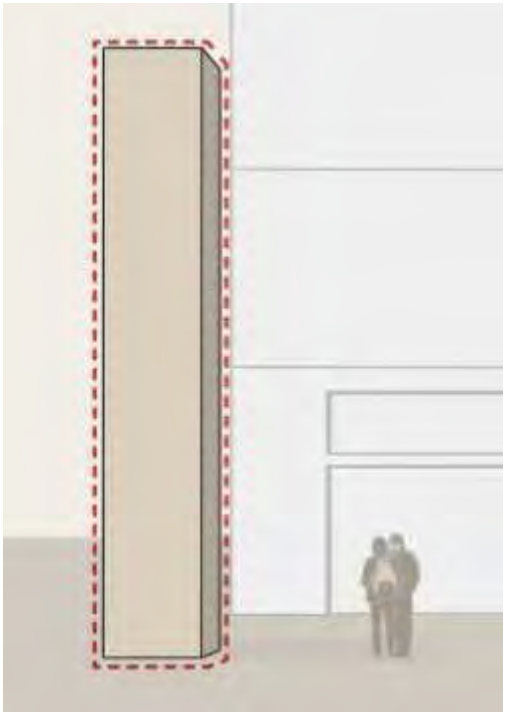


FIRST PARTY SIGN - means a Sign which identifies, advertises, promotes, or directs attention to the specific business, service, or activity on the Site on which the Sign is located, or identifies the name of the building. For example, City Dentist, Smith Shoes, Northern Law, Jones Building.

FIRST STOREY - means the Storey with the floor nearest to the average elevation of the surface of the ground where it meets the front wall of a Building.

FOOTPRINT - means the area of the ground surface that a sign covers, but does not include the sign foundation.

FREESTANDING SIGN - means a Sign supported by one or more uprights, braces or pylons and which stands independently of a Building and contains only Copy that identifies, advertises, promotes, or directs attention to the specific business, service, or activity on the Site on which the Sign is located.



GROUND PLANE ZONE - means, for the purpose of locating and allocating areas for Signs, the zone on the ground adjacent to a Building that is allocated for the location of signage.

INSTITUTIONAL DEVELOPMENT - means development within the PR-CC, PS-CC and RIVF Districts, excluding any Residential uses within these Districts.

INTERACTIVE COPY - means Copy which specifically changes so as to communicate directly with an observer.

MESSAGE DURATION - means the period of time that Copy is displayed on a Sign Face.

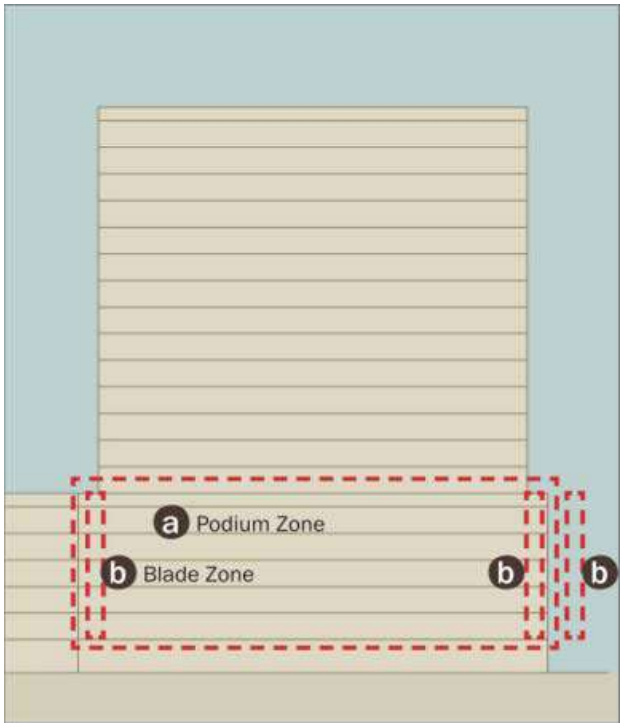
MESSAGE TRANSITION - means the period of time involved for each change of Copy displayed on a Sign Face.

NIT - means a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of computer displays, such as LCD and CRT monitors.

PROJECTION - means the distance that a Sign may extend from the vertical face of a Building.

PODIUM ZONE - means an area allocated for signage on the Podium of a Building. For the purpose of signage, the definition of the Podium Zone is the portion of any building between 4.5 metres and the top of the podium, or, for a single storey building, between 4.5

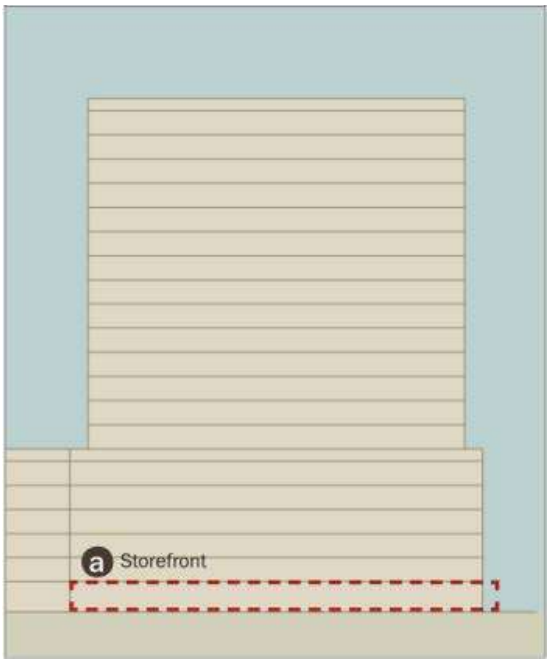
metres and the top of the building. For example, on a building that meets the maximum Podium height of six storeys or 20 metres, the Podium Zone would be the portion of the building between 4.5 metres and six storeys or 20 metres. For a single-storey building that meets the minimum building height requirement of 6 metres or two storeys, the Podium Zone would be the distance between 4.5 metres and 6 metres or the top of the second storeys.



SECOND PARTY SIGN - A sign which identifies, advertises, promotes, or directs attention to product or service sold or offered on the premises where the sign is located. For example, XYZ shoes available here, we sell ABC stereos, teeth whitening offered here.

SIGN - means any structure, device, light or fixture, or any part thereof, used to identify, advertise or attract attention to any person, object, product, event, place, organization, institution, development, business, group, profession, enterprise or industry and is intended to be seen from on or off the Site.

STOREFRONT ZONE - means an area allocated for signage located on the Ground Floor adjacent to the Street, including the Ground Floor portion of the Podium. The Storefront Zone has a maximum height of 4.5 metres. Within the Porch/Stoop/Terrace frontage type, both the first and second Storey are within the Storefront Zone.

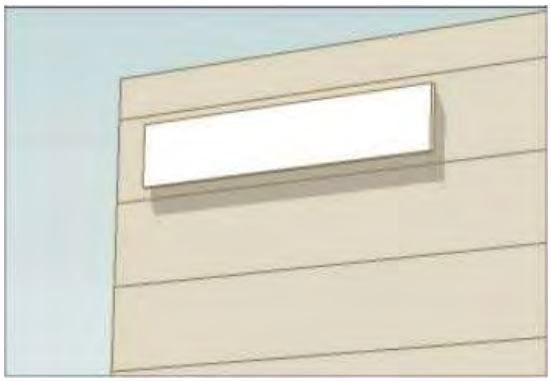


THIRD PARTY SIGN - means a Sign that advertises goods, products, services or facilities, or directs persons to a different location from where the Sign is located. Such a Sign is not located on the same parcel as the goods, products, services or facilities it advertises.

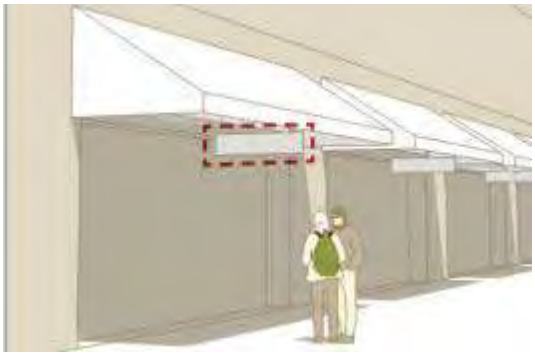
TOWER SIGN ZONE - means the area allocated for signage on a Tower.



TOWER TOP SIGN - means a Fascia Sign located within the top 25% of the Height of a Building Tower.

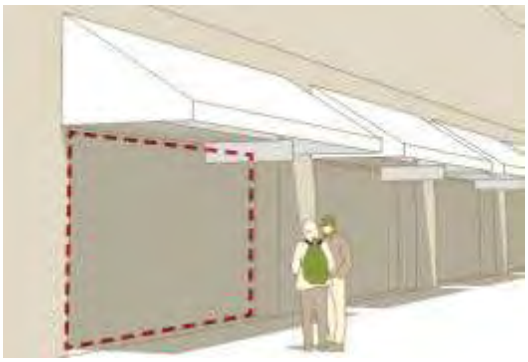


UNDER-CANOPY SIGN - means a Horizontal Blade Sign, which is attached to the bottom of a **Canopy**.



WIDTH - means the horizontal distance from one end of a Sign to the opposite end.

WINDOW SIGN - means a Sign which is painted on, attached to or installed on or inside a window that faces the outside and is intended to be seen from the outside of the Building.



3. **Design Review Panel**

(a) Prior to rendering a decision on a Development Permit application for specific types of Signs located within the City Centre Special Area, the Development Officer shall refer such applications to the Design Review Panel for review. The Development Officer shall not render a decision prior to receiving the Design Review Panel's recommendations. The specific types of Signs requiring referral to the Design Review Panel are as follows:

(i) Tower Top Sign;
(ii) Sign located within the Tower Sign Zone;
(iii) Third Party Sign;
(iv) Signs that cover greater than 30% of the Podium Zone for Buildings on the MacDonald Avenue Corridor.

(b) The Development Officer, in its discretion, may refer a Development Permit application to the Design Review Panel for any type of Sign that is considered to have a significant impact due to size, location, illumination, design or other factors.

4. **Sign Development Permit Application Requirements**

(a) Except as specifically modified in this Section, a Development Permit application for a Sign under this Part shall be in accordance with Section 156(3) of this Bylaw.

(b) In place of the requirements of Section 156(3)(e), a Development Permit application for a Sign shall be accompanied by one copy of Sign plans drawn to scale showing:

(i) the dimensions of the Sign including the Height, Width, Depth and Length;
(ii) the Projection from the face of the Building;
(iii) the method of attachment and character of the structure to which attachment will be made;
(iv) the Projection that encroaches over a Public Road or other municipal property, where applicable;

(v) calculations of the Sign Area;
(vi) the Height of the Sign measured from Grade to the underside of the Sign.

5. **Signs Exempt from Development Permits**

(a) Section 156(7) of this Bylaw is replaced with the following:

(i) No development permit is required for the following sign types provided they comply with Part 7C and other relevant provisions of this Bylaw:

(A) A-Board Signs;
(B) Construction Site Identification Signs;
(C) Incidental Signs;
(D) Election Signs;
(E) Portable Signs located over an approved marker;
(F) Real Estate Sale Signs;
(G) Real Estate Directional Signs;
(H) Subdivision Directional Signs;
(I) Subdivision Marketing Signs;
(J) Subdivision Entrance Feature Signs;
(K) Display of Flags that are not commercial in nature;
(L) Posters in approved Poster Board Sign holders;
(M) Community Notice Boards;
(N) Posters and Signs approved for Transit Shelter/Transit Bench Signs and bus Signs;
(O) Official Signs;
(P) Murals;
(Q) Private Sale Signs;
(R) Religious symbols provided they are not illuminated;
(S) Non-illuminated Signs that designate the name and address of a building;
(T) Signs located inside a Building and not intended to be viewed from the outside;
(U) A non-illuminated Fascia or Free-standing Sign located on the Site of a residential dwelling unit which states only the name of the Building or the persons occupying the Building, or both, provided that the Sign area does not exceed 0.2 m^2;
(V) Window Signs occupying less than 20% of a window area;
(W) Change of copy in a chanageable copy sign; and
(X) Replacement of existing panel(s) within a Free Standing or Facia Sign provided:

(I) the Sign otherwise conforms to these regulations and has a valid Development Permit;

(II) the additional panel(s) do not alter the existing Sign Structure; and

(III) the Sign conforms to any applicable Comprehensive Sign Design Plan.

6. **Non Conforming Portable Signs**

(a) Portable Signs for which a Sign Development Permit has been issued prior to the passage of Part 7C shall remain valid until expiry or cancellation of the permit. These Signs shall bear the required marker in order to remain valid.

(b) Portable Signs in existence before the passage of Part 7C, for which no Sign development permits have been issued shall be removed within 30 days of the passage of Part 7C.

7. **Changeable Copy Provisions**

(a) Section 156(17)(c) of this Bylaw does not apply.

8. **Sign Owner Responsibilities**

Section 156(18) is replaced with the following:

(a) The Development Officer may require that the Sign Owner enter into an encroachment agreement with the Municipality where any Permanent Sign such as a Freestanding Sign, Awning Sign, Canopy or Under-Canopy Sign, Projecting Sign, Roof Sign, Fascia Sign or Wall Sign is within, Municipal property on terms and conditions satisfactory to the Municipality.

(b) A Sign, or Sign marker, shall be removed when it is abandoned or upon expiry of the Sign Development Permit.

(c) Where a tenant panel is removed from a Sign, the Sign owner shall install a blank panel until such time as a new tenant panel is installed.

(d) All Signs shall comply with the requirements of any relevant federal or provincial legislation and any other relevant municipal bylaws.

9. **Sign Coordination for Multiple Occupancy Sites**

Section 156 (19) is replaced with the following:

(a) Where Sign guidelines (as part of an approved urban design plan) and /or a Comprehensive Sign Design Plan (as part of an approved Development Permit) exist, any Signs placed on the Building or Lot shall conform with the applicable guidelines and Plan.

(b) Where more than one business is identified on the same Freestanding Sign, the business identification panels shall be of similar character including shape, width and construction materials.

10. **Digital Signs**

(a) Digital Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer shall be satisfied that each Copy Area:

(i) does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;

(ii) is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of coming vehicle traffic;

(iii) is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways, and

(iv) Illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.

(b) Digital Signs shall be located or constructed such that Sign Illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, and shall not face a Hospital to the satisfaction of the Development Officer.

(c) The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1,100 lumens.

(d) Digital Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:

(i) ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign Face as its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the National Research Council of Canada;

(ii) Brightness level of the Sign shall not exceed 400 nits when measured from the Sign Face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; and

(iii) Signs abutting or adjacent to natural areas or public parks shall be de-energized daily between 12:00 AM – 5:00 AM.

(e) For all Sign Applications for Digital Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of the proposed Sign, and may refuse a permit that adversely impacts the built environment.

(f) Photovoltaic cells, solar panels, or solar collectors and ancillary equipment may be part of the Sign structure in order to provide electrical power solely to the Copy Area. Photovoltaic cells, solar panels, or solar collectors and

ancillary equipment may extend above the maximum Sign Height to the satisfaction of the Development Officer. It must be demonstrated that the additional Height is required to achieve sufficient solar exposure to provide electrical power to the Sign.

11. **Flags**

(a) Subject to the provisions of Part 7C, Flags are permitted in the City Centre Special Area and do not require a Development Permit provided the flag meets the provisions of Section 161 of this Bylaw.

(b) Multiple flags are permitted per institutional premise, provided that the flags are not commercial in nature.

12. **Temporary and Portable Signs**

(a) Sections 12 through 16 that follow constitute the Temporary and Portable Sign provisions of this Part.

(b) Unless otherwise stated, Temporary and Portable Signs are permitted for a maximum of one year; after one year an entirely new permit is required.

13. **A-Board Signs**

(a) An A-Board Sign is a permitted use in the City Centre Special Area in association with approved Commercial Development and does not require a Development Permit provided the sign meets the provisions of Section 176 of this Bylaw.

14. **Balloon (Inflatable) Signs**

(a) Subject to the provisions of Part 7C, Balloon Signs are discretionary in the City Centre Special Area, except within the CBD1 District, in association with approved commercial Development provided that the Sign meets the provisions of Section 177 of this Bylaw.

(b) New permits for Balloon Signs shall not be issued after January 1, 2015 in the CBD1 District.

15. **Banner Signs**

(a) Subject to the provisions of Part 7C, Banner Signs are discretionary in City Centre Special Area in association with approved Commercial and Institutional Developments provided that the Sign meets the requirements of Section 178 of this Bylaw.

16. **Portable Signs**

(a) Subject to the provisions of Part 7C, Portable Signs are permitted in the City Centre Special Area in association with approved Ground Floor Commercial Development, provided the Sign meets the provisions of Section 181 of this Bylaw.

(b) New permits for Portable Signs shall not be issued after January 1, 2015 in the CBD1 District.

(c) Subject to Section 16, a Portable Sign marker shall be valid for a period of up to one year from the date of approval and once a Portable Sign marker is

approved and installed on Site, no further Development Permit is required for any Portable Sign placed directly over or in contact with the approved Portable Sign marker for as long as the approval for the sign marker is valid. Only one Portable Sign will be permitted per marker.

7C.2 Signage Specifications and Sign Area Allocations

1. Application

(a) For this Part 7C.2, Sections 157 to 170 of this Bylaw are replaced by the following Sections 7C.2.2 to 7C.2.11.

2. General

(a) The Signs regulations that apply to a Building or Site depend on the Corridor, Land Use District or major zone in which the Building or Site is located.

(b) The City Centre Districts and Corridors Map, Appendix 1, sets out the Corridors and Land Use Districts that apply to each Lot or Parcel of Land.

(c) The Corridor type that applies to a specific Street or section of a Street is indicated by the colour and corresponding name shown on the City Centre Districts and Corridors Map, Appendix 1.

(d) On the City Centre Districts and Corridors Map, Appendix 1, where the Corridor type, as indicated by the mapping colour, extends through an intersection, that Corridor type shall be considered as the higher order Corridor and shall apply to the intersection, and to the intersecting Street until a distance of 30 m from the confluence of Lot lines at the corner, or until the next Lot line away from the corner, whichever distance is shorter.

(e) Where a Lot is adjacent to more than one Corridor type, the Corridor type that is adjacent to the Lot line shall be the Corridor type that applies to that portion of the Lot within 30 m of the Corridor. Where more than one Corridor type applies on a corner, then the higher order Corridor shall apply.

(f) The Land Use District that applies to a Lot is indicated by the colour and letter designations set out on the City Centre Districts and Corridors Map, Appendix 1.

(g) The location of the major zones including the Downtown Major Redevelopment Zone, the Franklin Avenue Re-urbanization Zone, the Neighbourhood Stabilization Zone and the Recreation Zone are set in the City Centre Zones Legend on the City Centre Districts and Corridors Map, Appendix 1.

3. Application of Specifications

(a) The specifications and Sign Area Allocations set out for the Downtown General District apply to Buildings and Sites within the Downtown Major Redevelopment Zone that are not subject to the following corridors:

(i) Franklin Avenue West
(ii) Morrison Street
(iii) MacDonald Avenue

(iv) Main Street

(b) The specifications and Sign Area Allocations set out for the Franklin Re-urbanization District apply to all Buildings and Sites within the Franklin Avenue Re-urbanization Zone that are not subject to the following corridors:

(i) Franklin Avenue East

(c) The specifications and Sign Area Allocations set out for the specific Corridors apply to the Buildings or Sites subject to the named Corridors.

(d) The specifications and Sign Area Allocations set out for the Gateway District apply to arears located within 100 m of the Highway 63 Right of Way for sites fronting on Hardin Street at the intersection of Hardin Street and Highway 63; and areas located within 100 m of the Highway 63 Right of Way for sites fronting on Morrison Street at the intersection of Morrison Street and Highway 63.

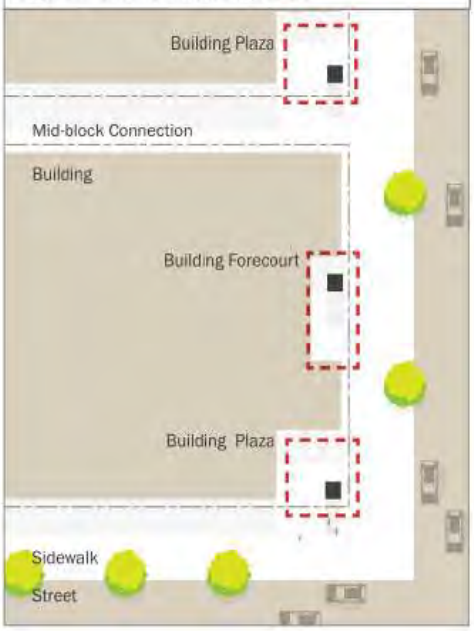
4. **Downtown General – Sign Area Allocation**

(a) The regulations in Table 1 apply to signs in the Downtown General District in the Ground Plane Zone.

(b) The following signs are permitted: Freestanding.

Table 1 – Downtown General, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	2m² *
Height	2m
Number	1 per lot
Party	1st
* area per sign face	
freestanding signs are limited to street corners and mid-block connections	

Figure 9 Ground Plane Sign Zone

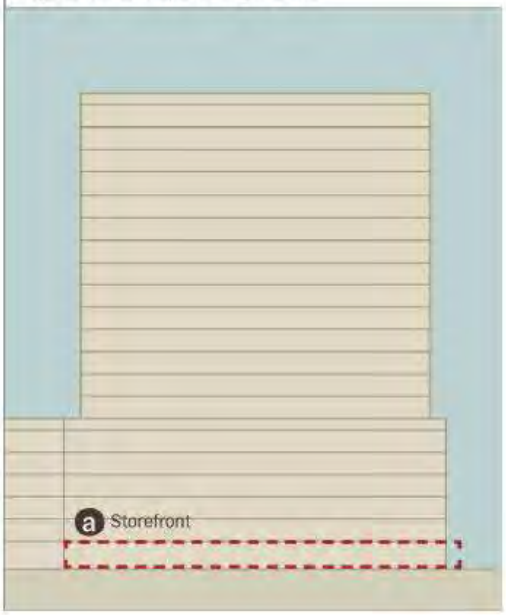


(c) The regulations in Table 2 apply to signs in the Downtown General District in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 2 – Downtown General, Storefront Sign Zone				
	maximum			
	Fascia	**Blade**	**Awning**	**Window**
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	$2m^2$	$0.6m^2$ *	$0.6m^2$	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
* area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 10 Storefront Sign Zone



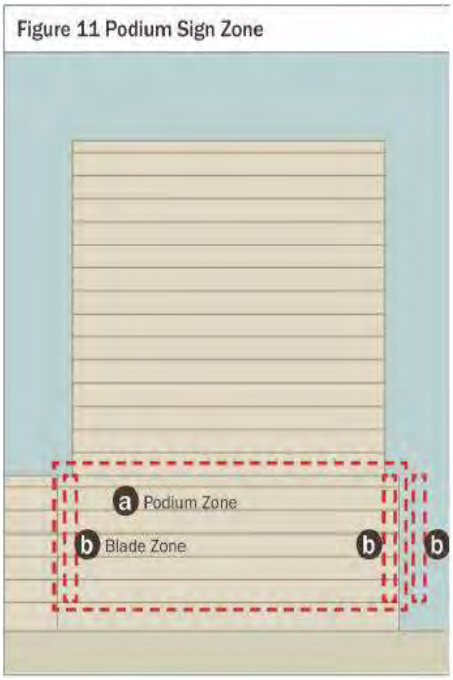
(e) The regulations in Table 3 apply to signs in the Downtown General District in the Podium Zone.

(f) The following signs are permitted: none

(g) The following signs are discretionary: Fascia, Blade.

Table 3 – Downtown General, Podium Sign Zone		
	maximum	
	Fascia	**Blade**
	a	b
Width	20% of podium width	2m
Height	20% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 11 Podium Sign Zone

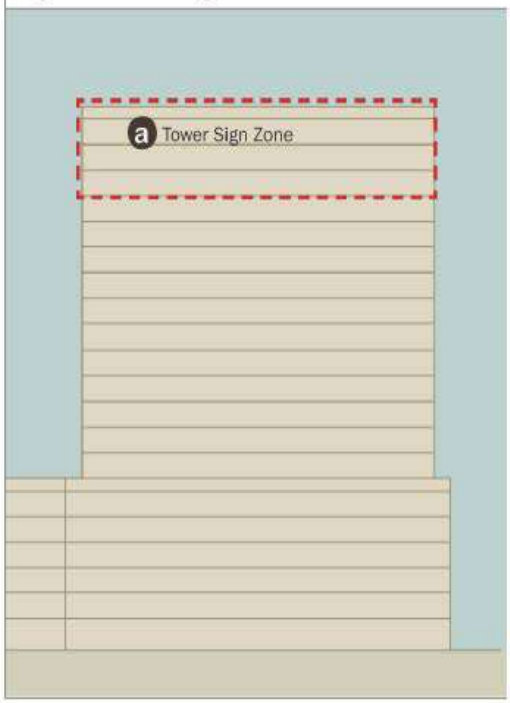


(h) The regulations in Table 4 apply to signs in the Downtown General District in the Tower Plane Zone.

(i) The following signs are permitted: Tower Top Sign.

Table 4 – Downtown General, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	6m
Height	2m
Sign Area	12m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 12 Tower Sign Zone



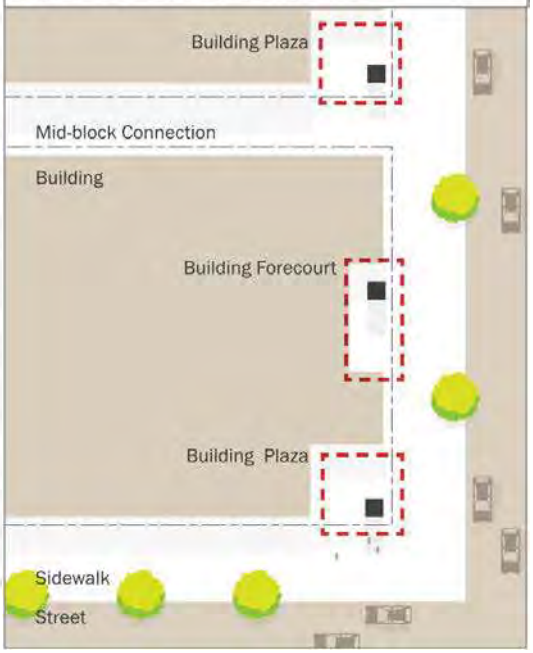
5. **Franklin Avenue West – Sign Area Allocation**

(a) The regulations in table 5 apply to signs in the Franklin Avenue West Corridor in the Ground Plane Zone.

(b) The following signs are permitted: Freestanding

Table 5 – Franklin Avenue West, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	6m² *
Height	6m
Number	1 per lot
Party	1st
* area per sign face	

Figure 13 Ground Plane Sign Zone



(c) The regulations in Table 6 apply to signs in the Franklin Avenue West Corridor in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 6 – Franklin Avenue West, Storefront Sign Zone				
	Maximum			
	Fascia	**Blade**	**Awning**	**Window**
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
*area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 14 Storefront Sign Zone



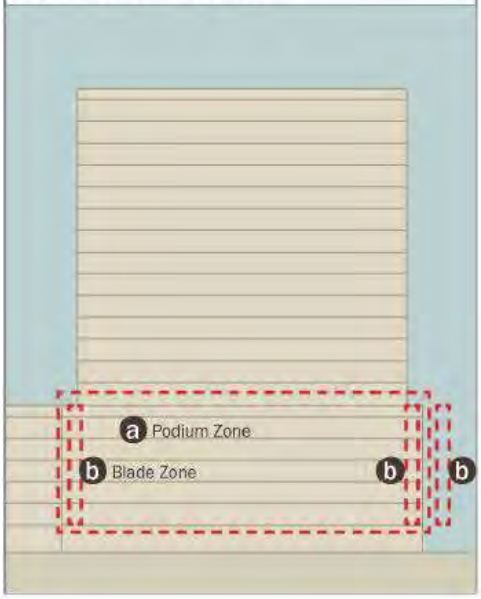
(e) The regulations in Table 7 apply to signs in the Franklin Avenue West Corridor in the Podium Zone.

Exhibit 14

(f) The following signs are discretionary: Fascia, Blade.

Table 7 – Franklin Avenue West, Podium Sign Zone		
	maximum	
	Fascia	**Blade**
	ⓐ	ⓑ
Width	20% of podium width	2m
Height	20% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 15 Podium Sign Zone

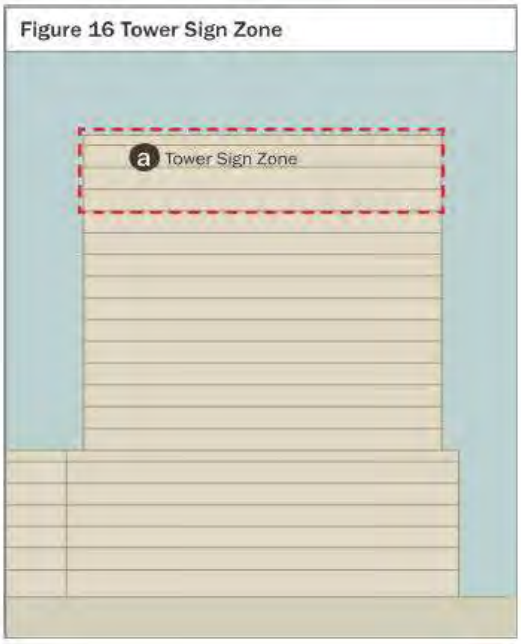


(g) The regulations in Table 8 apply to signs in the Franklin Avenue West Corridor in the Tower Plane Zone.

(h) The following signs are permitted: Tower Top Sign.

Table 8 – Franklin Avenue West, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	8m
Height	3m
Sign Area	24m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 16 Tower Sign Zone



6. Morrison Street – Sign Area Allocation

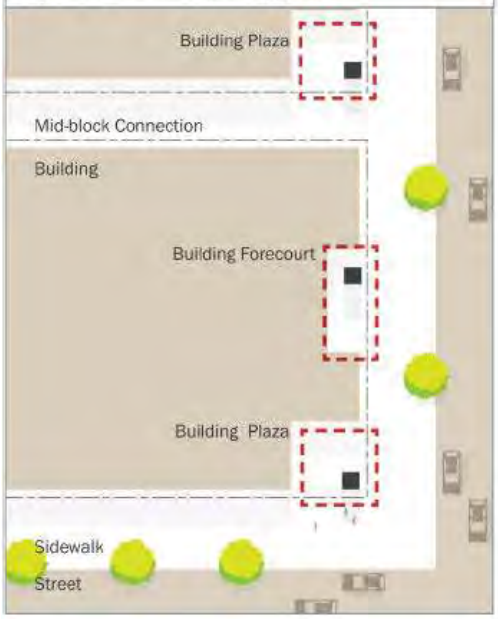
(a) The regulations in Table 9 apply to signs in the Morrison Street Corridor in the Ground Plane Zone.

Exhibit 14

(b) The following signs are permitted: Freestanding.

Table 9 – Morrison Street, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	2m² *
Height	2m
Number	1 per lot
Party	1st
* area per sign face	

Figure 17 Ground Plane Sign Zone

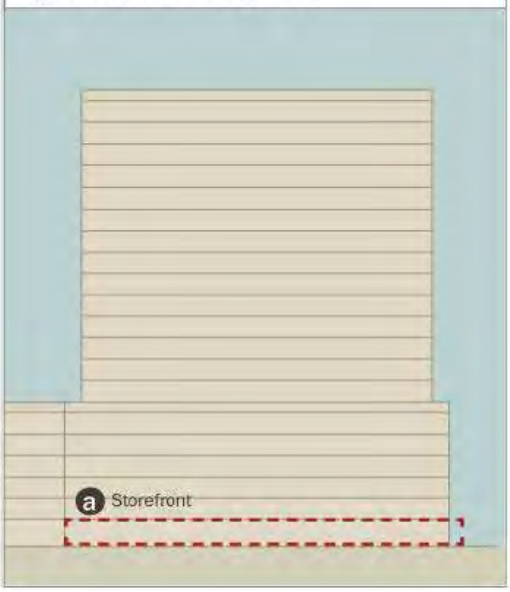


(c) The regulations in Table 10 apply to signs in the Morrison Street Corridor in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 10 – Morrison Street, Storefront Sign Zone				
	maximum			
	Fascia	Blade	Awning	Window
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
*area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 18 Storefront Sign Zone



(e) The regulations in Table 11 apply to signs in the Morrison Street Corridor in the Podium Zone.

(f) The following signs are permitted: none.

(g) The following signs are discretionary: Fascia, Blade.

Table 11 – Morrison Street, Podium Sign Zone		
	maximum	
	Fascia	**Blade**
	ⓐ	ⓑ
Width	20% of podium width	2m
Height	20% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 19 Podium Sign Zone

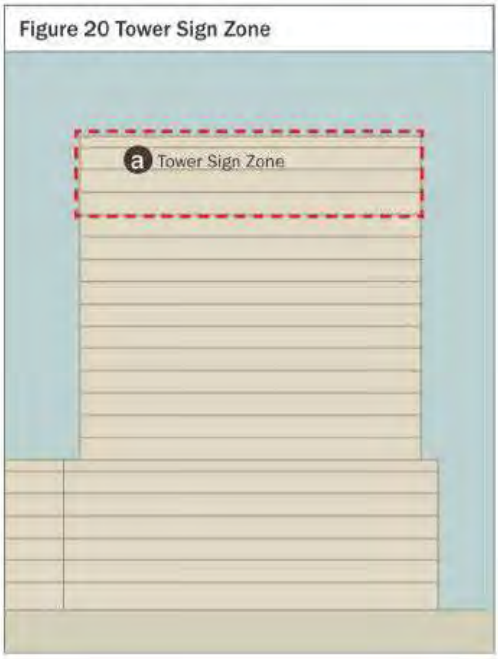


(h) The regulations in Table 12 apply to signs in the Morrison Street Corridor in the Tower Plane Zone.

(i) The following signs are permitted: Tower Top Sign.

Table 12 – Morrison Street, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	8m
Height	3m
Sign Area	24m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 20 Tower Sign Zone



7. MacDonald Avenue – Sign Area Allocation

(a) The regulations in Table 13 apply to signs in the MacDonald Avenue Corridor in the Ground Plane Zone.

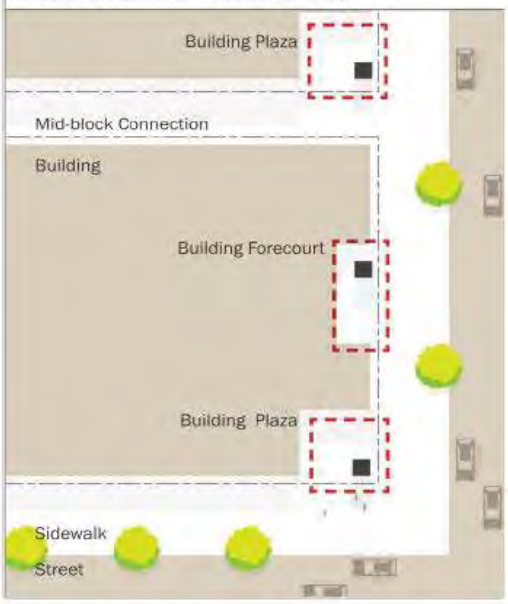
Exhibit 14

(b) The following signs are permitted: none.

(c) The following signs are discretionary: Freestanding.

Table 13 - MacDonald Avenue, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	9m² *
Height	9m
Number	1 per lot
Party	1st
* area per sign face	

Figure 21 Ground Plane Sign Zone



(d) The regulations in Table 14 apply to signs in the MacDonald Avenue Corridor in the Storefront Zone.

(e) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 14 – MacDonald Avenue, Storefront Sign Zone				
	maximum			
	Fascia	Blade	Awning	Window
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
*area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 22 Storefront Sign Zone

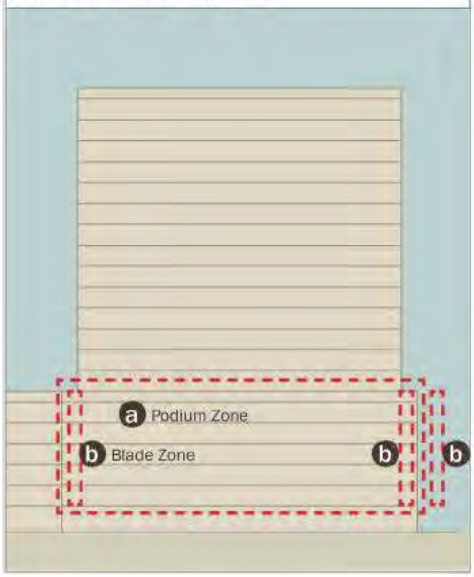


(f) The regulations in Table 15 apply to signs in the MacDonald Avenue Corridor in the Podium Zone.

(g) The following signs are permitted: Fascia, Blade.

Table 15 – MacDonald Avenue, Podium Sign Zone		
	maximum	
	Fascia	**Blade**
	ⓐ	ⓑ
Width	30% of podium width	2m
Height	30% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st, 2nd, 3rd	1st, 2nd, 3rd
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 23 Podium Sign Zone

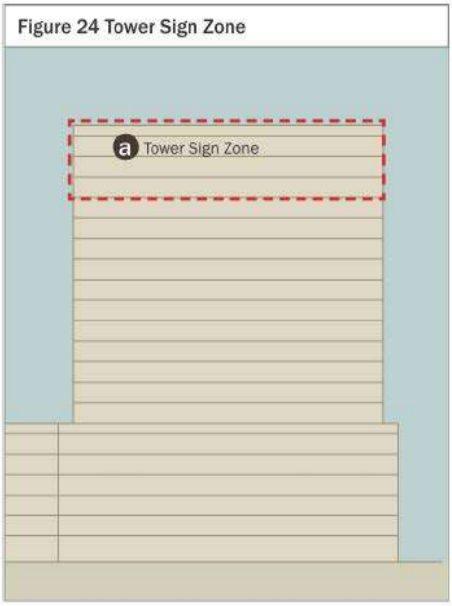


(h) The regulations in Table 16 apply to signs in the MacDonald Avenue Corridor in the Tower Plane Zone.

(i) The following signs are permitted: Tower Top Sign.

Table 16 – MacDonald Avenue, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	12m
Height	4m
Sign Area	48m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 24 Tower Sign Zone



8. Main Street – Sign Area Allocation

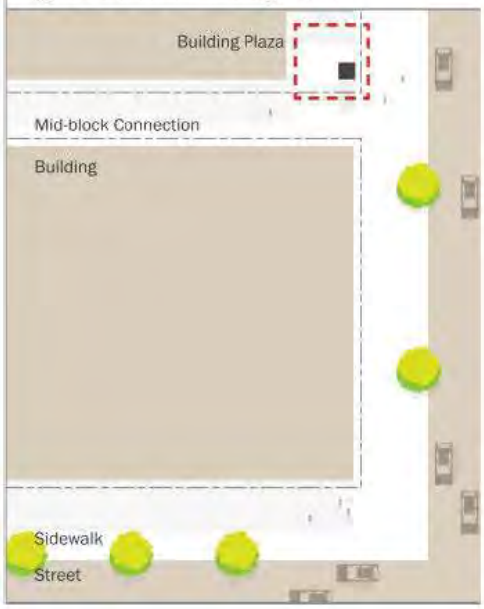
(a) The regulations in Table 17 apply to signs in the Main Street Corridor in the Ground Plane Zone.

Exhibit 14

(b) The following signs are permitted: Freestanding.

Table 17 – Main Street, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	2m² *
Height	2m
Number	1 per lot
Party	1st
* area per sign face	
freestanding signs are limited to mid-block connections	

Figure 25 Ground Plane Sign Zone



(c) The regulations in Table 18 apply to signs in the Main Street Corridor in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 18 – Main Street, Storefront Sign Zone				
	maximum			
	Fascia	**Blade**	**Awning**	**Window**
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
*area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 26 Storefront Sign Zone

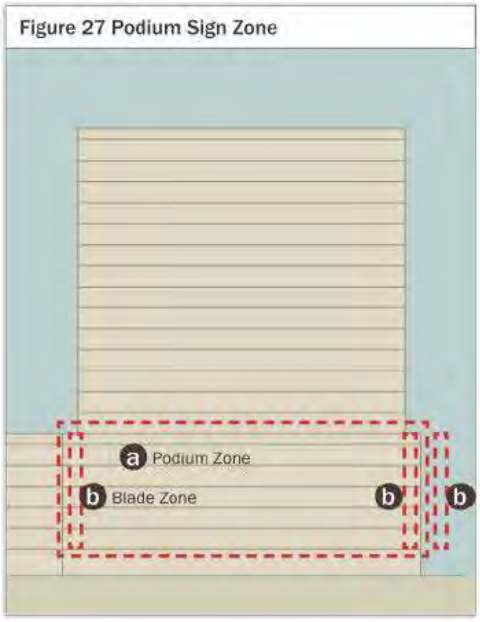


(e) The regulations in Table 19 apply to signs in the Main Street Corridor in the Podium Zone.

(f) The following signs are permitted: none.

(g) The following signs are discretionary: Fascia, Blade.

Table 19 – Main Street, Podium Sign Zone		
	maximum	
	Fascia	Blade
	a	b
Width	20% of podium width	2m
Height	20% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		



(h) The regulations in Table 20 apply to signs in the Main Street Corridor in the Tower Plane Zone.

(i) The following signs are permitted: Tower Top Sign.

Table 20 – Main Street, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	12m
Height	4m
Sign Area	48m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	



9. **Franklin Re-Urbanization General – Sign Area Allocation**

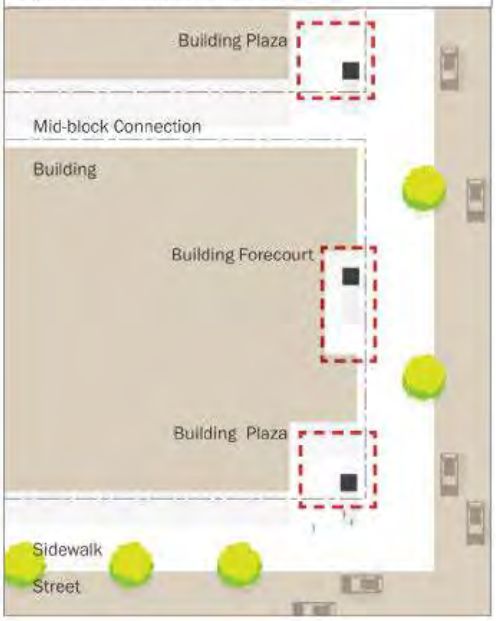
(a) The regulations in Table 21 apply to signs in the Franklin Re-urbanization District in the Ground Plane Zone.

Exhibit 14

(b) The following signs are permitted: Freestanding.

Table 21 – Franklin Re-urbanization General, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	2m² *
Height	2m
Number	1 per lot
Party	1st
* area per sign face	

Figure 29 Ground Plane Sign Zone

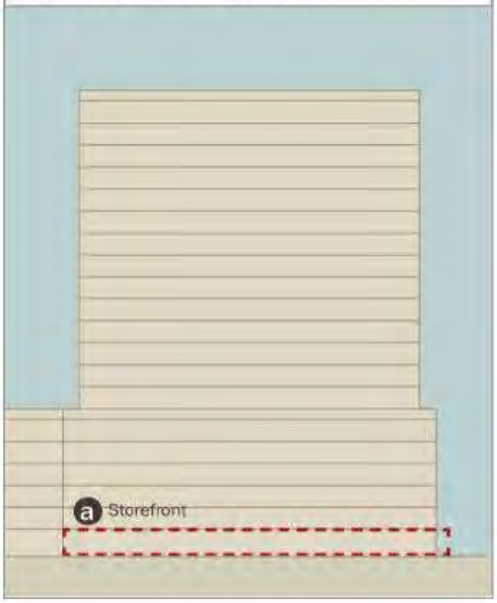


(c) The regulations in Table 22 apply to signs in the Franklin Re-urbanization in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 22 – Franklin Re-urbanization General, Storefront Sign Zone				
	maximum			
	Fascia	**Blade**	**Awning**	**Window**
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
* area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 30 Storefront Sign Zone



(e) The regulations in Table 23 apply to signs in the Franklin Re-urbanization in the Podium Zone.

(f) The following signs are permitted: none.

Exhibit 14

(g) The following signs are discretionary: Fascia, Blade.

Table 23 – Franklin Re-urbanization General, Podium Sign Zone		
	Maximum	
	Fascia	**Blade**
	ⓐ	ⓑ
Width	10% of podium width	2m
Height	10% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 31 Podium Sign Zone

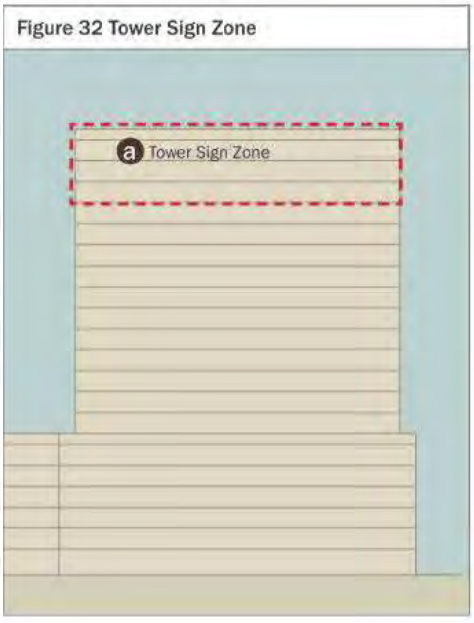


(h) The regulations in Table 24 apply to signs in the Franklin Re-urbanization in the Tower Plane Zone.

(i) The following signs are permitted: Tower Top Sign.

Table 24 – Franklin Re-urbanization Zone, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	8m
Height	3m
Sign Area	24m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 32 Tower Sign Zone



10. **Franklin Avenue East – Sign Area Allocation**

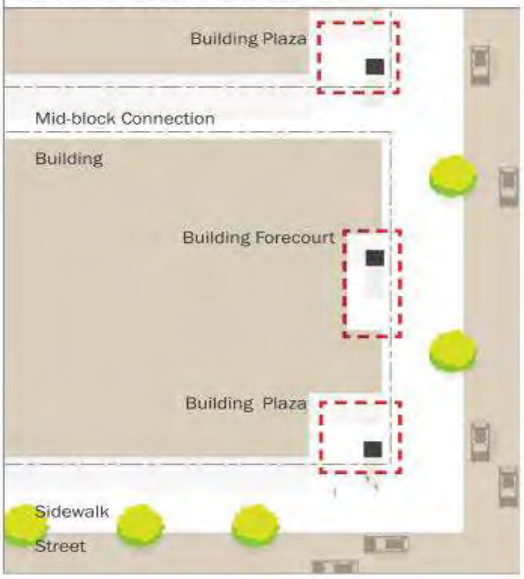
(a) The regulations in Table 25 apply to signs in the Franklin Avenue East Corridor in the Ground Plane Zone.

Exhibit 14

(b) The following signs are permitted: Freestanding.

Table 25 – Franklin Avenue East, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	2.25m²
Width	1.5m
Depth	1.5m
Sign Face Surface Area	7.55m² *
Height	5m
Number	1 per lot
Party	1st
* area per sign face	

Figure 33 Ground Plane Sign Zone

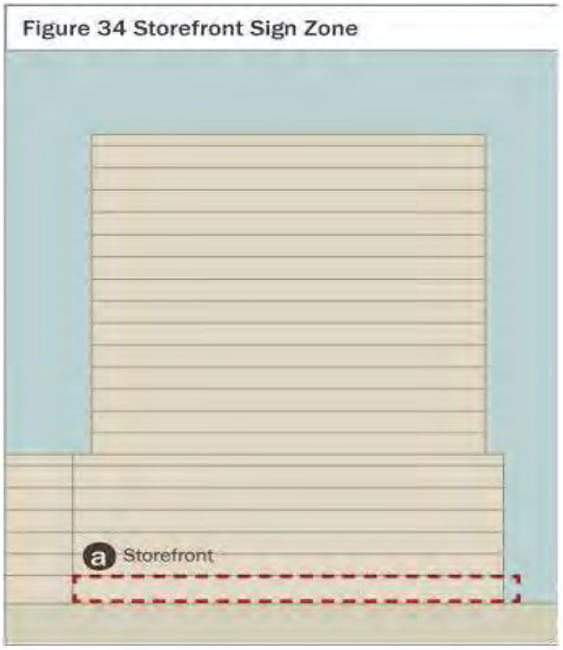


(c) The regulations in Table 26 apply to signs in the Franklin Avenue East Corridor in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 26 – Franklin Avenue East, Storefront Sign Zone				
	maximum			
	Fascia	**Blade**	**Awning**	**Window**
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
* area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 34 Storefront Sign Zone



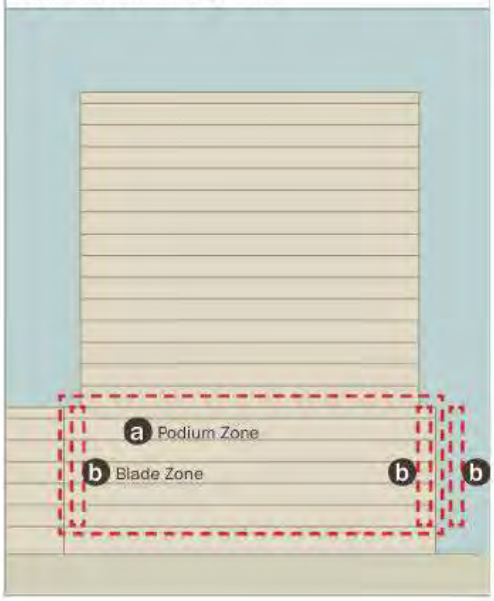
(e) The regulations in Table 27 apply to signs in the Franklin Avenue East Corridor in the Podium Zone.

Exhibit 14

(f) The following signs are discretionary: Fascia, Blade.

Table 27 – Franklin Avenue East, Podium Sign Zone		
	maximum	
	Fascia	**Blade**
	ⓐ	ⓑ
Width	20% of podium width	2m
Height	20% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 35 Podium Sign Zone

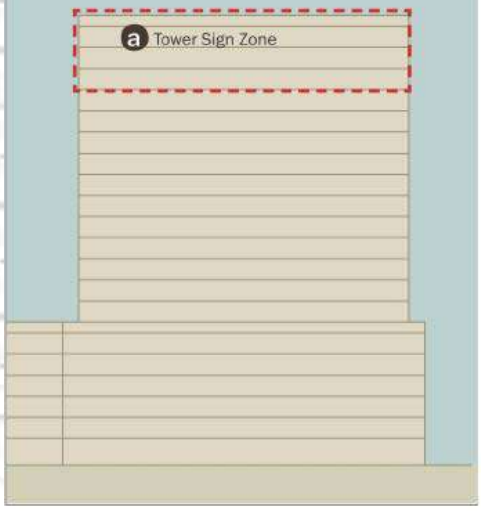


(g) The regulations in Table 28 apply to signs in the Franklin Avenue East Corridor in the Tower Plane Zone.

(h) The following signs are permitted: Tower Top Sign.

Table 28 – Franklin Avenue East, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	8m
Height	3m
Sign Area	24m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 36 Tower Sign Zone



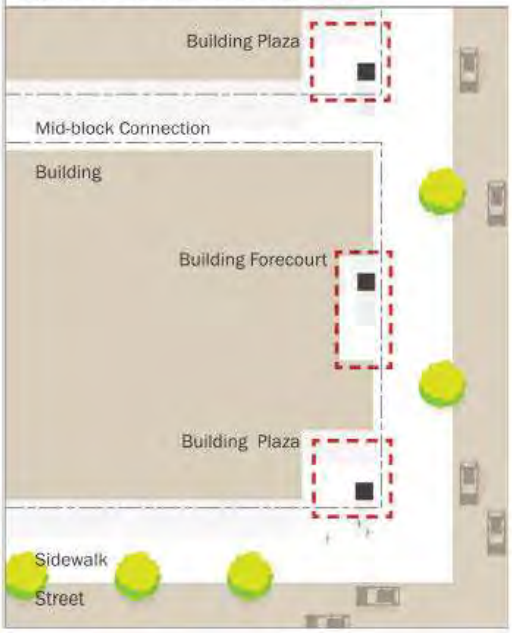
11. Central Business District Gateway Areas – Sign Area Allocation

(a) The regulations in Table 29 apply to signs in the Gateway District in the Ground Plane Zone.

(b) The following signs are permitted: Freestanding.

Table 29 – Central Business District Gateway Areas, Ground Plane Sign Zone	
	maximum
	Freestanding
Footprint	1m²
Width	1m
Depth	1m
Sign Face Surface Area	2m² *
Height	2m
Number	1 per lot
Party	1st
* area per sign face	

Figure 37 Ground Plane Sign Zone



(c) The regulations in Table 30 apply to signs in the Gateway District in the Storefront Zone.

(d) The following signs are permitted: Fascia, Blade, Awning, Window.

Table 30 – Central Business District Gateway Areas, Storefront Sign Zone				
	maximum			
	Fascia	**Blade**	**Awning**	**Window**
Width	2m	1.5m	1.5m	n/a
Height	1m	0.4m	0.4m	n/a
Sign Area	2m²	0.6m² *	0.6m²	40%
Projection	0.2m	2m	0.2m	n/a
Clearance	2.7m	2.7m	2.7m	n/a
Number	1**	1**	1**	1***
Party	1st	1st	1st	1st/ 2nd
* area per sign face				
** 1 sign per unit or per 10 linear metres				
*** 1 sign per storefront window				

Figure 38 Storefront Sign Zone

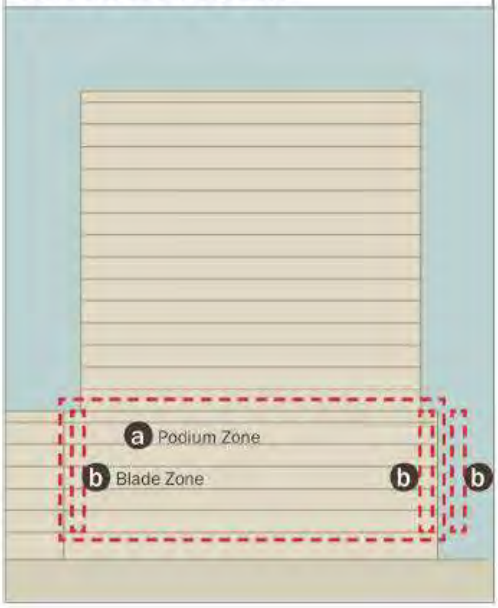


(e) The regulations in Table 31 apply to signs in the Gateway District in the Podium Zone.

(f) The following signs are discretionary: Fascia, Blade.

Table 31 – Central Business District Gateway Areas, Podium Sign Zone		
	maximum	
	Fascia	**Blade**
	ⓐ	ⓑ
Width	20% of podium width	2m
Height	20% of podium height	height of podium
Sign Area	not applicable	sign width x height of podium x 2 (two sign faces)
Projection	0.2m	2.5m
Depth	not applicable	0.4m
Number	*	3**
Party	1st	1st
* 1 sign per 60 linear metres of street face		
** restricted to area within 3m of a street facing corner		

Figure 39 Podium Sign Zone



(g) The regulations in Table 32 apply to signs in the Gateway District in the Tower Plane Zone.

(h) The following signs are permitted: Tower Top Sign.

Table 32 – Central Business District Gateway Areas, Tower Sign Zone	
	maximum
	Tower Top Sign
Width	12m
Height	4m
Sign Area	48m²
Projection	0.2m
Number	1*
Party	1st
* one per building façade	
Tower Zone is limited to the top 25% of a building tower.	

Figure 40 Tower Sign Zone



Exhibit 14

7C.3 **Signage Design Regulations**

These regulations are more general in nature to address Signs design issues that are not readily addressed by specific regulations

(a) **Overall design of Signs**. Signs should relate well to Buildings and enhance their architectural features with careful attention to detail, material size and location. Signs should complement the desired character of the Corridors, Districts and Zones as set out in Section 5 of the City Centre Area Redevelopment Plan, Bylaw No. 12/003, as well as the Building and Landscape Frontage type of the development. Signs should be considered as an integral part of the entire design of the Site and the Building and should be well integrated with building elements and site elements. While being oriented to an audience moving quickly in an automobile, Signs should be scaled and designed to relate well to people who may be walking by or cycling. Signs should be permanent in nature and convey a sense of permanence for the uses they advertise.

(b) **Location of Signs**. Signs should be located where they enhance and contribute to the desired character of the Corridor, District and Zone, set out in Section 5 of the City Centre Area Redevelopment Plan, Bylaw No. 12/003, and where they are effectively integrated and coordinated with the Building and Landscape Frontage type for the Development. The location of Signs should be designed to consider the cumulative effect of all Signs on the Site, and the surrounding area or corridor, not just the effect of the individual Sign. Signs should be located on same Site or Building as the use to which the Signs relate.

(c) **Size of Signs**. The size of Signs should fit with the desired character of the Corridor, District and Zone set out in Section 5 of the City Centre Area Redevelopment Plan, Bylaw No. 12/003. The size of Signs should be designed to consider the cumulative effect of all Signs on the Site, and the surrounding area or corridor, not just the effect of the individual Sign. The size of Signs should be considered in relation to the size of other Signs in the vicinity, and not be overly dominant.

(d) **Material, Colour and Lighting of Signs**. The material and colour of the casing, framing, housing and background Sign area (the areas not directly covered by letters or numbers) should be coordinated to be complementary with material and colour of the Buildings on the Site where the Sign is located The lighting for the Sign should be designed to fit with the lighting for the building and the desired character of the Corridor, District and Zone, set out in Section 5 of the City Centre Area Redevelopment Plan, Bylaw No. 12/003.

Exhibit 14

PART 8 - Parsons Creek Land Use Regulations (BL 10/017, 11/001)

8.1 Application

8.1.1. Notwithstanding Part 1, Section 3, the following regulations apply to all lands and buildings within the area shown in Schedule D of this Land Use Bylaw.

8.1.2. If not referenced or contained within a definition or regulation provided below, definitions and regulations as provided in Parts 1 through 5 inclusive shall apply.

8.1.3. If not referenced or contained within parking requirements provided below, requirements and regulations as provided in Part 7, Parking and Loading Requirements, shall apply.

8.2 Definitions

In this Part of the Bylaw unless the context requires:

8.2.1. **AUTOMATIVE SALES AND SERVICES** means a place of business where the prevailing use is the service, washing, maintenance, sales, storage or rental of motor vehicles and related accessories and parts, or the provision of services to consumers in motor vehicles. This includes gas bars, service stations, recreational vehicle s ales and rental facilities, transmission shops, tire shops, body shops, automotive glass shops and drive thru restaurant or service uses.

8.2.2. **BOARDWALK** means a walkway usually along a waterfront.

8.2.3. **COMMUNITY FACILITY** means a building or premises intended for use by the general public. This includes community recreational facilities, community service facilities, places of religious assembly, educational service facilities, and medical or health service centres.

8.2.4. **ENTERTAINMENT** is a building or premises where the prevailing use is for enjoyment of the public. This includes galleries, move cinemas, theatres, nightclubs, casinos and drinking lounges – but does not permit adult entertainment facilities.

8.2.5. **FACADE** is the exterior of any side of a building facing a public street or for the purposes of this Part a waterfront property line.

8.2.6. **FRONTAGE** means that part of a lot that abuts a street or waterfront.

8.2.7. **GOVERNMENT USE** means any use by any level of government or any agency or crown or municipal corporation.

8.2.8. **LODGING** means a place of business where the principal use is the provision of lodging/sleeping facilities. This includes hotels, hostels, bed and breakfasts, apartment hotels, country inns, and motels – but does not permit project accommodations or campgrounds.

8.2.9. **OFFICE** is a place of business where the principal use is the execution of professional or clerical duties.

8.2.10. **PARAPET** means a wall-like barrier at the edge of a roof. Where extending above a roof, it may be the portion of an exterior wall that continues above the line of the roof surface.

8.2.11. **PARKING STRUCTURE** means an area of land or a structure providing for the parking of motor vehicles.

8.2.12. **PEDWAY** means a walkway, usually enclosed, permitting pedestrians to go from building to building, without passing through traffic.

8.2.13. **PROMINENT ARCHITECTURAL FEATURE** means standing out beyond the façade.

8.2.14. **RESIDENTIAL USE** means a dwelling unit or group of dwelling units. This includes, but is not limited to single and semi-detached dwellings, townhouses, apartments, senior citizen housing, youth assessment centres, visiting students supervised housing units, boarding houses, child care facilities and group homes.

8.2.15. **RETAIL** means a place of business where the principal use is the s ale of goods or commodities directly to consumers.

8.2.16. **RESTAURANT** means a place of business where the principal use is the preparation and servicing of good to the public for consumption either on or off the premises – but does not include a drive thru.

8.2.17. **SEASONAL USES** means a place of business including retail, services and restaurant uses

a) that operates for no more than four (4) continuous months, without seasonable renewal;
b) that is located entirely within non-permanent buildings;
c) that has a maximum gross floor area not exceeding 25 square metres.

8.2.18. **SECONDARY SUITE** means an accessory dwelling unit

a) that is located on the same parcel as a single detached dwelling or semi-detached dwelling unit;
b) which includes a kitchen, separate entrance and a minimum of one (1) bedroom;
c) without limiting the generality of the foregoing, a secondary suite may include:

1. Secondary Suite – Attached above Grade – where the secondary suite is located above the first storey of a single detached dwelling or semi-detached dwelling

2. Secondary Suite – Attached at Grade – where the secondary suite is attached to the side or rear of a single detached dwelling or semi-detached dwelling

3. Secondary Suite – Attached Below Grade – where the secondary suite is located below the first storey of a single detached dwelling or a semi-detached dwelling

8.2.19. **SERVICE** means a place of business where the principal is the provision of services to a person or business. This includes professional, medical and financial services – but does not include adult entertainment facilities.

8.2.20. **SOFT LANDSCAPING** means consisting of vegetation such as trees, shrubs, hedges, ornamental planting, grass and organic ground cover.

8.2.21. **STOREY** means a level of a building above grade included between the surface of a floor and the ceiling or roof immediately above it.
8.2.22. **TANDEM PARKING** means allowing cars to park one behind the other.
8.2.23. **WATERFRONT** means the land on the edge of a body of water.

8.3 General Regulations

8.3.1. Permitted Encroachments

No encroachments may be permitted between the façade of any building and the street waterfront above the first storey-except the following:

a) Balconies, canopies, awnings, cantilevers, eaves, gutters, landings, window sills, steps, stairs, ramps, prominent architectural features, and verandahs may be permitted to encroach to within 1.0 m of the abutting lot line.

8.3.2. Variance Authority

The Development Authority may allow a 30% variance and approve a development permit for a permitted use, with or without conditions, which does not comply with the regulations to Part 8 – Parsons Creek Land Use Regulations provided that the Development Authority determines that:

a) the proposed variance would not result in a development that will:

1. unduly interfere with the amenities of the neighbourhood;
2. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
3. a variance is a reasonable response to the physical characteristics of the lot which are not generally common to other lots in the immediate vicinity of the proposed use;

b) the proposed development conforms with the use prescribed for the land or building in this Bylaw;

c) the development would be consistent with the general purpose or character of the district; and

d) there are mechanisms to mitigate the effects on adjacent lots.

8.3.3. Parking Requirements

a) Parkade Ramp Requirements

1. Entrance ramps shall be accessed from within the property. The approval for an entrance ramp directly off of a municipal road is at the sole discretion of the Engineering Services Division; and
2. The entrance ramp to an underground parkade shall commence at the property line and shall not be permitted to encroach onto the municipal road right-of-way or lane.

b) Number of On-Site Parking Stalls Required

Land Use:	Minimum Parking Requirement
Bed and Breakfast	1 stall/guest room plus additional stalls in accordance with the parking requirements of Part 7 for any other uses which form part of the Bed and Breakfast.
Casino	10 stalls/100 m^2 GFA
Community Recreational Facility	4.7 stalls/100 m^2 GFA
Community Service Facility	4 stalls/100 m^2 GFA
Country Inn	1 stall/guest room plus additional stalls in accordance with the parking requirements of Part 7 for any other uses which form part of the Country Inn.
Gallery	1.1 stalls/100 m^2 GFA
Hostel	0.33 stalls/guest room plus additional stalls in accordance with the parking requirements of Part 7 for any other uses which form part of the Hostel.

8.3.4. Development Requiring Advertisement

The following will require advertising to the general public through a public notice; a notice of the decision shall be mailed to the adjacent landowners or other affected parties or land owners as determined by the development authority and are subject to appeal.

a) Amateur Radio Antenna
b) Bed and Breakfast
c) Boarding House
d) Child Care Facility
e) Educational Service Facility (accessory to a Religious Assembly)
f) Home Business
g) Public Use
h) Religious Assembly
i) Residential Sales Centre
j) Secondary Suite
k) Visiting Students Supervised Housing Unit

8.3.5. Height Restrictions

The following will not be considered part of the height restriction, and may exceed the required building height;

a) Parapet

b) Spires, domes or other architectural feature that forms part of a Religious Assembly.

8.3.6. Change of Use

For any change of use or change of occupancy within an existing commercial, industrial and institutional use, the parking requirements for the original development permit shall be deemed appropriate for the life cycle of that building. The proposed change of use shall not be required to provide any additional parking.

8.3.7. Corner Lot Restrictions

a) In the case of a corner lot, no fence, wall, tree, hedge or other structure exceeding 0.6 metres in height shall be permitted in a corner visibility triangle created by the property line that forms the corner and a straight line connecting two points 7.5 metres back along these property lines measured from their intersection; and
b) Notwithstanding a) in the case of a structure that exceeds two (2) storeys, the visibility triangle is only required from grade to the ceiling of the second storey.

8.4 Land Use Districts

8.4.1. MD Main Street District

8.4.1.1 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

a) Apartment Building (Residential not permitted on First Storey)
b) Community Facility
c) Entertainment
d) Lodging
e) Office
f) Parking Structure
g) Restaurant
h) Retail
i) Service
j) Townhouse (Residential not permitted on First Storey)

8.4.1.2 Uses Not Permitted

The following uses are NOT permitted in this zone:

a) Adult Entertainment Facility
b) Automotive Recreational Vehicle Sales & Rental
c) Dating and Escort Services

8.4.1.3 General Site Provisions

a) More than one (1) building may be developed on one lot.
b) Where utility servicing is provided in the rear of building, rear lane access shall be accommodated.

8.4.1.4 Site Provisions

In any MD Main Street District, no development shall be permitted except where in addition to the General Provisions of Section 8.3:

8.4.1.4.1 The Front Yard Setbacks are:

a) Minimum setback 0.0 - 1.0 metres for at least 50% of the façade of the building.
b) Notwithstanding (a), where at least 50% of the façade of the building is located at or between 0.0 and 1.0 from the front property line, the remainder of the façade may be setback up to 5.0 metres.
c) Where any courtyard space is created pursuant to b) no such space may be used for storage, garbage, or parking.
d) No utility servicing equipment shall be located within the front yard of any building.

8.4.1.4.2 The Rear Yard Setbacks are:

a) Any main building may be located to a maximum of 2.5 metres from the rear property line.

8.4.1.4.3 The Side Yard Setbacks are:

a) Any main building may be located to a minimum of 0.0 metres from the side property line.

8.4.1.4.4 Building Height

a) No building shall be less than two (2) storeys above grade nor more than six (6) storeys.

8.4.1.4.5 First Storey Requirements

a) No more than 20% of the first storey area shall be utilized for lobbies and/or elevator space.
b) Notwithstanding the foregoing in the case of lodging, no lobby and elevator space shall exceed 50% of the first store floor space.

8.4.1.4.6 Lot Coverage Requirements

a) Maximum 90%

8.4.1.4.7 Parking Requirements

a) No parking area shall be permitted between the façade of the building and the property line.
b) All residential uses require a minimum of one (1) parking spot per dwelling unit.
c) On-street parking may be counted in the final parking calculation for each development where such parking is directly abutting the development site.

8.4.1.4.8 Landscaping Requirements

In addition to Section 72:

a) Minimum of 1 deciduous tree (min 50 mm caliper, canopy occurring 2.0 metres above finish grade) every 10 metres along the street frontage.

8.4.1.4.9 Floor Area Ratio

a) Maximum 0.72 **(BL 14/017)**

8.4.2. MDD Mixed Development District

8.4.2.1 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

a) Apartment Building
b) Community Facility
c) Entertainment (first storey only)
d) Lodging
e) Office
f) Parking Structure
g) Restaurant (first storey only)
h) Retail (first storey only)
i) Retail store, convenience (first storey only)
j) Service (first storey only)
k) Townhouses

8.4.2.2 Uses Not Permitted

The following uses are NOT permitted in this zone:

a) Adult Entertainment Facility
b) Automotive Recreational Vehicle Sales & Rental
c) Dating and Escort Services
d) Warehouse and Storage

8.4.2.3 General Site Provisions

a) More than one (1) building may be developed on one lot.
b) Where utility servicing is provided in the rear of building, rear lane access shall be accommodated.

8.4.2.4 Site Provisions

In any MDD Mixed Development District no development shall be permitted except where in addition to the General Provisions of Section 8.3:

8.4.2.4.1 The Front Yard Setbacks are:

a) Minimum setback 1.0 metres - Maximum setback 4.0 metres.
b) Where any courtyard space is created pursuant to a) no such space may be used for storage, garbage, or parking.
c) No utility servicing equipment shall be located within the front yard of any building.

8.4.2.4.2 The Rear Yard Setbacks are:

a) Any main building may be located to a minimum of 2.5 metres from the rear property line.

8.4.2.4.3 The Side Yard Setbacks are:

a) Any main building may be located to a minimum of 1.2 metres from the side of the property line.

8.4.2.4.4 The Frontage Requirements are:

a) The minimum building frontage shall be 6.0 metres.

8.4.2.4.5 Building Height

a) No building shall be less than three (3) storeys above grade nor more than six (6) storeys.

8.4.2.4.6 Lot Coverage Requirements

a) Maximum 75%

8.4.2.4.7 Parking Requirements

a) No parking area shall be permitted between the façade of the building and the property line.
b) All residential uses require a minimum of one (1) parking spot per dwelling unit.

8.4.2.4.8 Landscaping Requirements

In addition to Section 72

a) For areas abutting streets, minimum 1 deciduous tree (min 50 mm caliper, canopy occurring 2.0 metres above finish grade) every 10 metres along the street frontage.

8.4.2.4.9 Floor Area Ratio

a) Maximum 1.4 **(BL 14/017)**

8.4.2.4.10 Density

a) Maximum 60 units per hectare.
b) Notwithstanding 8.4.2.4 10 a), the maximum density may be exceeded if capacity can be demonstrated through the appropriate studies.

(BL 14/017)

8.4.3. CD Civic District

8.4.3.1 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

a) Community Facility
b) Entertainment
c) Government Use
d) Office
e) Parking Structure

Exhibit 14

f) Restaurant
g) Retail
h) Seasonal Uses

8.4.3.2 Uses Not Permitted

The following uses are NOT permitted in this zone:

a) Adult Entertainment Facility
b) Automotive Recreational Vehicle Sales & Rental
c) Dating and Escort Services
d) Residential Uses

8.4.3.3 General Site Provisions

a) More than (1) principal building may be developed on one lot.
b) Where utility servicing is provided in the rear of building, rear lane access shall be accommodated.

8.4.3.4 Site Provisions

In any CD Civic District no development shall be permitted except where in addition to the General Provisions of Section 8.3:

8.4.3.4.1 The Front Yard Setbacks are:

a) Minimum setback of 1.0 metres – Maximum setback of 4.0 metres from the public street.
b) A setback of 6.0 metres shall be required from the waterfront property line.
c) Where any courtyard space is created pursuant to a) and b), no such space may be used for storage, garbage, or parking.
d) No utility servicing equipment shall be located within the front yard of any building.

8.4.3.4.2 The Rear Yard Setbacks are:

a) any building may be located to a minimum 2.5 metres from the rear property line.

8.4.3.4.3 The Side Yard Setbacks are:

a) any building may be located to a minimum of 1.2 metres from the side property line.

8.4.3.4.4 Building Height

a) no building shall be less than two (2) storeys above grade nor more than four (4) storeys.

8.4.3.4.5 Building Separation

a) Minimum 12.0 metres between any two (2) principal buildings located on the same lot.
b) Where two buildings are adjoined by a pedway, the pedway must be a minimum of 5.0 metres from grade.

8.4.3.4.6 Lot Coverage Requirements

a) Maximum 65%

8.4.3.4.7 Parking Requirements

a) No surface parking shall be permitted.
b) A parking structure will be permitted.
c) On-street parking may be counted in the final parking calculation for each development where such parking is directly abutting the development site.

8.4.3.4.8 Landscaping Requirements

In addition to Section 72

a) For areas abutting streets, minimum of 1 deciduous tree (min 50mm caliper, canopy occurring 2.0 metres above finish grade) every 10 metres along the street frontage.

8.4.3.4.9 Floor Area Ratio

a) Maximum 1.0 **(BL 14/017)**

8.4.4. WD Waterfront District

8.4.4.1 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

a) Accessory Building
b) Amateur Radio Antenna
c) Educational Service Facility (accessory to a Religious Assembly only)
d) Entertainment
e) Home Business
f) Home Occupation
g) Lodging
h) Office (first storey only)
i) Park
j) Parking Structure
k) Public Use
l) Public Utility
m) Religious Assembly
n) Residential Sales Center (dwelling based or portable)
o) Residential Uses
p) Retail (first storey only)
q) Satellite Dish Antenna
r) Seasonal uses (on waterfront properties only)
s) Secondary Suite
t) Service (first storey only)

8.4.4.2 Uses Not Permitted

The following uses are NOT permitted in this zone:

Exhibit 14

a) Adult Entertainment Facility
b) Automotive Recreational Vehicle Sales & Services
c) Dating and Escort Services
d) Manufactured Homes

8.4.4.3 General Site Provisions

a) More than one (1) principal building may be developed on one lot except in the case of single family dwellings.
b) Where utility servicing is provided in the rear of building, rear lane access shall be accommodated.

8.4.4.4 Site Provisions

In any WD Waterfront District, no development shall be permitted except where in addition to the General Provisions of Section 8.3:

8.4.4.4.1 The Front Yard Setbacks:

a) Minimum setback of 1.0 metres – Maximum setback of 4 metres from the public street.
b) A setback of 6.0 m shall be required from the waterfront property line.
c) Notwithstanding b), in the case of a seasonal use, a setback of 0.0 metres shall be permitted from the waterfront.
d) Where any courtyard space is created pursuant to a) and b), no such space may be used for storage, garbage, or parking.
e) No utility servicing equipment shall be located within the front yard of any building.

8.4.4.4.2 The Rear Yard Setback:

a) Any main building may be located to a minimum of 2.5 metres from the rear property line.

8.4.4.4.3 The Side Yard Setbacks:

a) Any main building may be located a minimum of 1.2 metres from the side property line.

8.4.4.4.4 The Frontage Requirements

a) The minimum building frontage shall be 12.0 metres excluding residential and residential associated uses.

8.4.4.4.5 Building Height

a) No residential building shall be more than five (5) storeys.
b) No non-residential building shall be less than two (2) storeys above grade, not more than five (5) storeys.

8.4.4.4.6 Building Separation Requirements

a) Minimum 12.0 metres between any two (2) principal buildings located on the same lot.
b) Where two buildings are adjoined by a pedway, the pedway must be a minimum of 5.0 m from grade.

8.4.4.4.7 Lot Coverage Requirements

a) Maximum 75%

8.4.4.4.8 Parking Requirements

a) All surface parking must be contained on site.
b) A parking structure will be permitted.
c) No parking area shall be permitted between the façade of the building and the property line.
d) The first 10 percent of parking spaces may be surface parking; after 1 percent, 90 percent of the parking must be located underground or within a parking structure except in the case of a Single Family Dwelling, Semi-Detached Dwelling, Duplex or Townhouse.
e) In the case of a Single Family Dwelling, Semi-Detached Dwelling, Duplex or Townhome, tandem parking is permitted.

8.4.4.4.9 Landscaping Requirements

In addition to Section 72

a) For areas abutting streets, minimum of 1 deciduous tree (min 50 mm caliper, canopy occurring 2.0 metres above finish grade) every 10 metres along the street frontage.

8.4.4.4.10 Floor Area Ratio

a) Maximum 1.0 **(BL 14/017)**

8.4.5. ND Neighbourhood District

8.4.5.1 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

a) Accessory Building
b) Amateur Radio Antenna
c) Duplex
d) Education Service Facility (accessory to a Religious Assembly only)
e) Home Business
f) Home Occupation
g) Modular Home
h) Park
i) Public Use
j) Public Utility
k) Religious Assembly
l) Residential Sales Center (dwelling based or portable)
m) Retail Store, Convenience
n) Satellite Dish Antenna
o) Secondary Suite
p) Semi-Detached Dwelling
q) Single Detached Dwelling

8.4.5.2 Uses Not Permitted

The following uses are NOT permitted in this zone:

a) Adult Entertainment Facility
b) Automotive Recreational Vehicle Sales & Rental
c) Dating and Escort Services
d) Manufactured Homes

8.4.5.3 Site Provisions

In any ND Neighbourhood District, no development shall be permitted except where in addition to the General Provisions of Section 8.3:

8.4.5.3.1 The Front Yard Setback

a) Minimum setback 6.0 metres with front driveway.
b) Minimum setback 4.5 metres – Maximum setback 6.0 metres with rear lane access.

8.4.5.3.2 The Rear Yard Setback

a) Single Detached Dwelling – Minimum 4.6 metres with front driveway.
b) Single Detached Dwelling – Minimum 6.0 metres with rear lane access.
c) For all other uses – Minimum 7.5 metres.

8.4.5.3.3 The Side Yard Setback

a) Minimum 1.2 metres, except for the following:

(i) In a laneless subdivision, excepting corner lots, a dwelling without an attached garage shall provide one (1) 2.7 (minimum) interior side yard to provide vehicular access to the rear yard.

8.4.5.3.4 Lot Area

a) Single Detached Dwelling – Minimum 400.0 m^2.
b) Semi-Detached Dwelling – Minimum 228.0 m^2 per unit.
c) Duplex – 400.0 m^2.

8.4.5.3.5 Lot Width

a) Single Detached Dwelling – Minimum 12.2 metres with front driveway.
b) Single Detached Dwelling – Minimum 10.0 metres with rear lane access.
c) Semi-Detached – Minimum 7.6 metres per unit.
d) Duplex – Minimum 10.5 metres with front driveway.
e) Duplex – Minimum 7.0 metres with rear lane access.

8.4.5.3.6 Lot Coverage

a) 45 percent including accessory buildings.

8.4.5.3.7 Building Height

a) No building shall be more than three (3) storeys.

8.4.5.3.8 Parking Requirements

a) Minimum two (2) spaces are required for all residential uses.

b) there a secondary suite is proposed, an additional one (1) parking stall is required for all one (1) and two (2) bedroom units, and two (2) additional stalls are required for all three bedroom units.
c) Tandem parking is permitted

8.4.5.3.9 Landscaping Requirements

In addition to Section 72

a) Minimum of 30% of the lot must be soft landscaped.

8.4.5.3.10 Density

a) Maximum 19.83 unites per hectare
b) A minimum of 30 percent semi-detached dwellings with the exception of Block 1 and Block 33.

b) **(BL 14/017)**

8.4.6. MFD Multi-Family District **(BL 13/040)**

8.4.6.1 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

a) Accessory Building
b) Apartment Building
c) Child Care Facility
d) Cluster Housing
e) Fourplex
f) Home Business
g) Home Occupation
h) Park
i) Parking Lot or Structure
j) Senior Citizen Housing
k) Town House
l) Triplex

8.4.6.2 Uses Not Permitted

The following uses are NOT permitted in this zone:

a) Adult Entertainment Facility
b) Automotive/Recreational Vehicle Sales & Rental
c) Dating and Escort Services
d) Manufactured Homes

8.4.6.3 General Site Provisions

a) More than one (1) building may be developed on one lot.
b) Any required garbage enclosures or storage areas shall be located in the rear of the property.
c) Where utility servicing is provided in the rear of building, rear lane access shall be accommodated.

8.4.6.4 Site Provisions

8.4.6.4.1	The Front Yard Setbacks are:	4.5 m
8.4.6.4.2	The Rear Yard Setbacks are:	7.5 m
8.4.6.4.3	The Side Yard Setbacks:	
	a) Interior:	3.0 m
	b) Exterior:	6.0 m

8.4.6.4.4 Building Height:

a) No building shall be more than four (4) storeys.

8.4.6.4.5 Building Separation:

a) Where more than one residential building is located on a site, the building separation shall be 3.0 m.

8.4.6.4.6 Lot Coverage Requirements

a) Maximum 75%

8.4.6.4.7 Private Amenity Area (minimum):

a)	For at grade units:	6.0 m² per unit
b)	For above grade units:	4.0 m² per unit

8.4.6.5 Landscaping Requirements

In addition to Section 72:

Minimum 1 deciduous tree (min 50mm caliper, canopy occurring 2.0 metres above finish grade) every 10.0 metres along the street frontage.

8.4.6.6 Playground structures

Every apartment building, Townhouse development or Cluster Housing development containing 100 or more dwelling units on the lot or site shall provide a playground with a play structure. The playground shall be a minimum of 1.0 m² for each dwelling unit on the site or lot and shall be considered part of the landscaped area. The play structure shall conform to CSA standards.

8.4.6.7 Density

a) Maximum density of 200 units per hectare.
b) Notwithstanding Section 8.4.6.7, the maximum density may be exceeded if capacity can be demonstrated through the appropriate studies.

(BL 13/004, BL 14/017)

8.4.7. TCD Town Centre District **(BL 14/017)**

8.4.7.1 Purpose

The purpose of this District is to provide opportunities for commercial development that serves a number of neighbourhoods. Lodging, office, entertainment and essential public services may also be included within the shopping complexes.

8.4.7.2 Discretionary Uses – Development Officer

The following are discretionary uses that may be approved by the Development Officer:

Exhibit 14

a) Community Facility
b) Entertainment
c) Essential Public Service
d) Lodging
e) Office (above ground floor)
f) Restaurant – including drive thru facilities
g) Retail
h) Service

8.4.7.3 Uses Not Permitted

The following uses are NOT permitted in this zone:

a) Adult Entertainment Facility
b) Dating and Escort Services

8.4.7.4 General Site Provisions

a) More than one (1) building may be developed on one lot
b) Any required garbage enclosures or storage areas shall be located in the rear of the property.

8.4.7.5 Site Provisions

In any TCD Town Centre District no development shall be permitted except in addition to the General Provisions of Section 8.3:

8.4.7.5.1 The Front Yard Setbacks are:

a) Where any building is proposed within 40 metres of a public road, the minimum setback is 3.0 metres to a maximum of 9.0 metres.

8.4.7.5.2 The Rear Yard Setbacks are:

a) Any main building may be located to a minimum of 8.0 metres from the rear property line.

8.4.7.5.3 The Side Yard Setbacks are:

a) Any main building may be located to a minimum of 0.0 metres from the interior side property line.
b) Any main building may be located to a minimum of 3.0 metres from the exterior side property line.

8.4.7.5.4 Building Height

a) No building shall be more than two (2) storeys
b) Notwithstanding (a), in the case of lodging and office no building shall be more than six (6) storeys.

8.4.7.5.5 Parking Requirements

a) All required loading spaces shall b e located in the rear of the property.
b) For all retail uses the minimum parking requirements shall be 4.0 stalls per every 100 square metres of gross floor area.

8.4.7.5.6 Landscaping Requirements

Exhibit 14

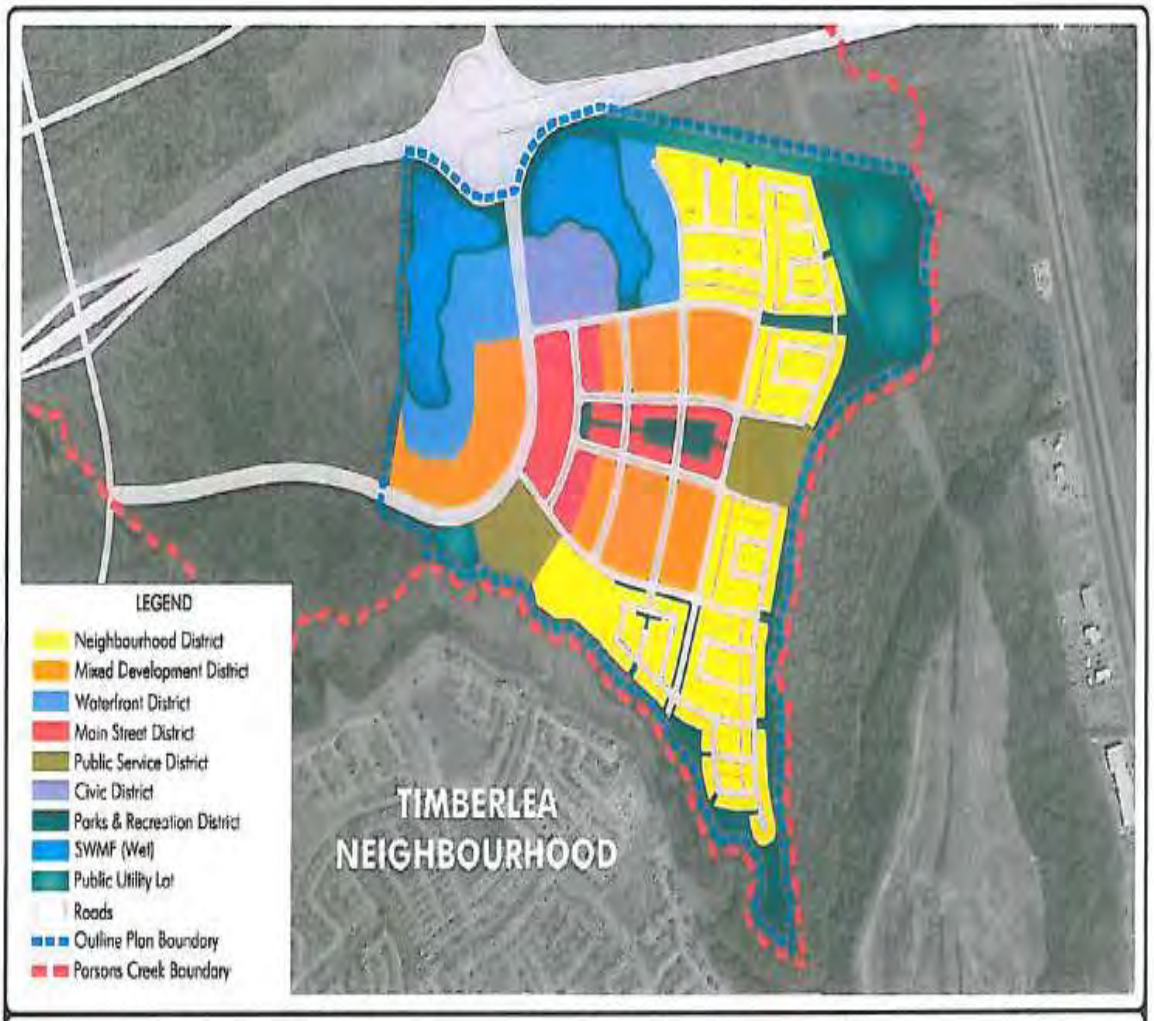
a) For areas abutting streets, one (1) deciduous tree (min 50 mm caliper, canopy occurring 2.0 metre above finish grade) every 10.0 metres along the street frontage.

8.4.7.5.7 Floor Area Ratio

a) Maximum 0.3

(BL 14/017)

Schedule D



Parsons Creek Land Use Regulations Map of Subject Area

1

PART 9 - City Centre Area Redevelopment Special Area (BL 12/012, BL 12/013)

9.1 General Purpose

9.1.1 The general purpose of this Part is to designate the City Centre area as a Special Area within the Regional Municipality of Wood Buffalo and to adopt the regulations in this Part to achieve the objectives of the City Centre Area Redevelopment Plan within the City Centre Special Area.

9.2 Application

9.2.1 This Part applies to the areas designated as the City Centre Special Area which includes the following areas as shown on Appendix 1 – City Centre Districts and Corridors Map:

1. The Downtown Major Redevelopment Zone
2. The Franklin Avenue Re-Urbanization Zone
3. The Neighbourhood Stabilization Zone
4. The Recreation Zone

9.2.2 The following Appendices are included in this Part:

1. Appendix 1 - City Centre Districts and Corridors Map
2. Appendix 2 - City Centre Floor Area Ratio Map
3. Appendix 3 - City Centre Height Map

9.3 Special Area Provisions

9.3.1 The regulations contained in this Part apply to the areas designated as the City Centre Special Area as shown on Appendix 1 – City Centre Districts and Corridors Map.

9.3.2 Unless specifically excluded or modified by this Part, the regulations in Parts 1 to 5 of this Bylaw shall apply to the areas designated as the City Centre Special Area as shown on Appendix 1 – City Centre Districts and Corridors Map.

9.4 Definitions

9.4.1 In addition to the definitions in Section 10 of this Bylaw, in this Part, the following words shall have the following meanings, unless the context requires otherwise:

ACCESSORY BUILDING OR USE has the meaning set out in Section 10 of this bylaw and includes, but is not limited to: **AMATEUR RADIO ANTENNA** and **SATELLITE DISH ANTENNA** as defined in Section 10 of this Bylaw, but does not include **ACCESSORY SURFACE PARKING**.

ACCESSORY SURFACE PARKING means an area of land used for parking of motor vehicles on the surface of the Site, which serves or is intended to serve the uses on the same Site, and may include but is not limited to customer parking, visitor parking and passenger pick up and drop off areas. **ACCESSORY SURFACE PARKING** also includes land used for parking of motor vehicles off the site where an arrangement for off-site

parking has been established under section 9.20.6. **ACCESSORY SURFACE PARKING** excludes parking offered for uses not located on the Site, except for cases where an arrangement for off-site parking has been established under section 9.20.6. **(BL 13/004)**

APARTMENT has the meaning set out in Section 10 of this bylaw and includes, but is not limited to: **SENIOR CITIZEN HOUSING** as defined in Section 10 of this Bylaw.

BEST AVAILABLE TECHNIQUES means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for the reduction of energy consumption.

BICYCLE PARKING means a rack, railing, locker, or other structurally sound device which is designed for the securing of one or more bicycles in an orderly fashion.

BUILD-TO LINE means the line up to which Buildings or landscaping must be constructed.

CaGBC means the Canada Green Building Council

CITY BLOCK AREA means the area located within the perimeter of the city block described by a line extending along the outside of the Lots and across the ends of the lanes that comprise the city block. **(BL 13/004)**

CITY CENTRE ADJUDICATING DEVELOPMENT OFFICER means the person appointed to the office established by Section 9.5.4 of this Bylaw.

COMMERCIAL means a Development designed to accommodate the buying and selling of goods and services. **COMMERCIAL** includes but is not limited to **FOOD AND BEVERAGE COMMERCIAL**; **LIMITED COMMERCIAL**; **OFFICE COMMERCIAL**; **RECREATION COMMERCIAL**; **RESTRICTED COMMERCIAL; RETAIL COMMERCIAL (<5,000 m^2 GFA)**; **RETAIL COMMERCIAL, LARGE FORMAT (>5,000B GFA)**; **SERVICE COMMERCIAL**; and **TOURISM COMMERCIAL**.

CORRIDOR means a Public Road designated as a Corridor on the City Centre Districts and Corridors map Appendix 1.

COURTYARD means an open area partially or fully enclosed by Buildings or other walls.

DESIGN REVIEW PANEL means the Wood Buffalo Design Review Panel as established by bylaw.

DISTRICT ENERGY means the energy that is provided by a central energy plant to more than one Building. The energy may be Electricity, Thermal Heat or Thermal Cooling or a combination of all three.

DISTRICT ENERGY SYSTEM means a system that provides sources of energy to more than one Building, via pipes or electrical cables, from a central energy plant. The energy sources may be Electricity, Thermal Heat or Thermal Cooling or a combination of all three. The central energy plant may comprise boilers, co-generation plant (combined heat and power) or absorption chillers, or other energy systems.

DELETED (BL 13/004)

FOOD AND BEVERAGE COMMERCIAL means a Development where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises, but does not include drive-thru food pick-up service. **FOOD AND BEVERAGE COMMERCIAL** includes, but is not limited to, **DRINKING LOUNGE, MINOR**; **FOOD SERVICE, MOBILE CATERING**; **FOOD SERVICE, TAKE OUT RESTAURANT**; **FOOD SERVICE, MAJOR RESTAURANT**; and **FOOD SERVICE MINOR RESTAURANT. FOOD AND BEVERAGE COMMERCIAL** does not include **DRINKING LOUNGE, MAJOR**; **FOOD SERVICE, DRIVE IN OR DRIVE THROUGH**; and **NIGHTCLUB** as defined in Section 10 of this Bylaw. **(BL 13/004)**

FORECOURT means an open area forming an entrance plaza for a single Building or several Buildings in a group.

GROSS FLOOR AREA means the sum of the areas of all floors of a Building measured to the outside surfaces of the exterior walls, or where Buildings are separated by firewalls, to the centerline of the fire wall and includes all floors totally or partially above grade, and all floors totally below grade and includes all mechanical and electrical equipment areas, but does not include Parking Structures.

GROUND FLOOR means the Storey of a Building where the floor of the Storey is at or nearest to the level of the ground around the Building.

HEIGHT has the meaning set out in section 10 of this bylaw, except that in relation to a Podium, the height shall be measured to the highest point of the Podium structure, not including the Tower portion or any other portion of the Building. **(BL 13/004)**

INSTITUTIONAL AND CIVIC means a Development for a public purpose and, may include but is not limited to such uses as schools, places of worship, community centres, health care facilities, public utilities and government Buildings. **INSTITUTIONAL AND CIVIC** includes, but is not limited to: **CHILD CARE FACILITY**; **COMMERCIAL SCHOOL**; **COMMUNITY SERVICE FACILITY**; **EDUCATIONAL SERVICE FACILITY**; **ESSENTIAL PUBLIC SERVICE**; **GROUP HOME**; **HEALTH SERVICE FACILITY**; **HOSPITAL**; **PUBLIC USE; PUBLIC FACILITY**; **RELIGIOUS ASSEMBLY**; and **VISITING STUDENTS SUPERVISED HOUSING UNIT** as defined in Section 10 of this Bylaw.

LEED GOLD COMPLIANCE METHOD means that the Canada Green Building Council (CaGBC) LEED 200912, Gold Standard, as amended, replaced or updated from time to time, be achieved with full accreditation and certification provided by the CaGBC.

LEED GOLD means the CaGBC LEED 2009, Gold Standard, as amended, replaced or updated from time to time.

LEED GUIDELINES means the CaGBC LEED 2009 Guidelines, as amended, replaced or updated from time to time.

LIMITED COMMERCIAL means a Development designed, intended and/or used for assembling, auctioning, warehousing and/or storage, cleaning, servicing, repair and maintenance of goods and materials. **LIMITED COMMERCIAL** includes, but is not limited to: **AUCTIONEERING FACILITY**; **CONTRACTOR, LIMITED**; **CUSTOM MANUFACTURING**; **EQUIPMENT RENTAL**; **FLEET SERVICE**; **HOUSEHOLD**

Exhibit 14

EQUIPMENT REPAIR; and **WAREHOUSE AND STORAGE** as defined in Section 10 of this Bylaw.

LIVE-WORK includes, but is not limited to: **SECONDARY OFFICE COMMERCIAL**; **RETAIL COMMERCIAL**; **HOUSEHOLD EQUIPMENT REPAIR**; artist studio; making, processing, and assembly of products on a small scale; and **PERSONAL SERVICE FACILITY** not including dry cleaning establishments. The entire unit occupied by the LIVE WORK shall be considered a Dwelling Unit, consisting of Habitable Rooms and Non-Habitable Rooms. The work use must not exceed 50.0 percent of the Gross Floor Area of the Dwelling Unit and no activity which generates noise level, dust, odors or emissions incompatible with adjacent uses shall be permitted. **(BL 14/032)**

LOT LINE, FRONT means any Lot line common to a Lot and a Street other than a lane, except that:

1. in the case of a corner Lot at the intersection of two Streets, the front Lot line is the shorter of the two Lot lines common to the Lot and a Street;
2. in cases where a Lot is contiguous to two Streets (except corner Lots), both Lot lines shall be considered as front Lot lines;

LOT LINE, REAR means the boundary of a Lot which lies the most opposite to and is not connected to the front Lot line and which is not contiguous to a Street other than a lane;

LOW WALL means a low structure, usually less than 1 m high, which serves to enclose or subdivide outdoor space, presenting a continuous surface, except where penetrated by walkways. The Low Wall is usually masonry, stone or concrete, but can be metal, wood or a combination of materials.

MID-BLOCK PUBLIC OPEN SPACE means an open space that forms part of a Through Block Connection, and it may include space in a public right of way, easement, or Public Road, or space on private land that is available for public use.

DELETED (BL 13/004)

MOBILE FOOD VENDING UNIT means a readily moveable non-motorized unit, of less than 20 square metres in size, designed for the storage, preparation, sale and distribution of food. **(BL 13/004)**

NEIGHBOURHOOD COMMERCIAL means a Development, that does not exceed a Gross Floor Area of 1,000 m^2, designed, intended or used to serve neighbourhood residents for: the purpose of receiving, storing and retailing consumer goods to the general public; or, providing personal services. **NEIGHBOURHOOD COMMERCIAL** includes, but is not limited to: **CHILD CARE FACILITY**; **PERSONAL SERVICE FACILITY**; **RETAIL STORE, GENERAL**; and **RETAIL STORE, CONVENIENCE** as defined in Section 10 of this Bylaw.

OFFICE COMMERCIAL means a Development designed, intended or used for the provision of professional, management, administrative, financial, health services, business, or similar services, or the administration of an industry, but shall not include **RETAIL COMMERCIAL** use. **OFFICE COMMERCIAL** includes, but is not limited to: **BROADCASTING HOUSE**; **BUSINESS SUPPORT**; **FINANCIAL INSTITUTION**; and **OFFICE** as defined in Section 10 of this Bylaw.

PARKING STRUCTURE means a Building or Structure designed for the parking of motor vehicles.

PRIVATE OUTDOOR AMENITY SPACE means an Amenity Space that is accessible directly from a Dwelling, and may include a Balcony, Deck, patio, Terrace or landscaped area, for private enjoyment of the resident of the Dwelling, which may include visual cues such as fencing, railing or signage indicating the space is private.

PODIUM means the continuous projecting base of a Building, distinct from the Tower or other portions of the Building. A Podium does not include a building for a spectator sports facility. **(BL 13/004)**

PORCH means a structure attached to a Building to shelter an entrance or to serve as a semi-enclosed space; usually roofed and generally open-sided; although it may be enclosed through the use of screens, glass or partial walls.

RECREATION COMMERCIAL means a Development of land, Buildings or Structures designed and equipped for the commercial conduct of sports, leisure and entertainment activities. **RECREATION COMMERCIAL**, includes, but is not limited to: **ARCADE**; **COMMERCIAL ENTERTAINMENT FACILITY**; **COMMERCIAL RECREATION FACILITY, INDOOR**; and **SPECTATOR SPORTS FACILITY** as defined in Section 10 of this Bylaw.

RESIDENTIAL means a Development that contains one or more Dwelling Units. **RESIDENTIAL** includes but is not limited to: **APARTMENT BUILDING**; **TOWNHOUSE**; **SENIOR CITIZEN HOUSING**; **DUPLEX**; **TRIPLEX**; **FOURPLEX**; **SINGLE DETACHED DWELLING**; **CLUSTER HOUSING**; **BASEMENT SUITE**; **SECONDARY SUITE**; **SEMI-DETACHED DWELLING**; and **TOWNHOUSE**, as defined in Section 10 of this Bylaw.

RESTRICTED COMMERCIAL means a Development that may involve alcohol, nudity or gambling. **RESTRICTED COMMERCIAL** includes, but is not limited to: **ADULT ENTERTAINMENT FACILITY**; **CASINO**; **DRINKING LOUNGE, MAJOR**; **DRINKING LOUNGE, MINOR**; and **NIGHTCLUB** as defined in Section 10 of this Bylaw.

RETAIL COMMERCIAL (<5,000 m^2 GFA) means a Development designed, intended or used for the purpose of receiving, storing and retailing goods to the general public provided that the Building or Structure in which the use is contained does not exceed a Gross Floor Area of 5,000 m^2. **RETAIL COMMERCIA**L includes, but is not limited to: **LIQUOR STORE**; **PERSONAL SERVICE FACILITY**; **RETAIL STORE, GENERAL; RETAIL STORE, CONVENIENCE;** and **SHOPPING CENTRE** as defined in Section 10 of this Bylaw.

RETAIL COMMERCIAL, LARGE FORMAT (>5,000 m^2 GFA) means a Development designed, intended or used for the purpose of receiving, storing and retailing goods to the general public and for the wholesaling of goods to retailers, where the Building or Structure in which the use is contained, is equal to or exceeds a Gross Floor Area of 5,000 m^2 and does not include the sale of motor vehicles, boats, and heavy equipment. **RETAIL COMMERCIAL, LARGE FORMAT** (>5,000 m^2 GFA) includes, but is not limited to: **LIQUOR STORE**; **PERSONAL SERVICE FACILITY**; **RETAIL STORE,**

GENERAL; **RETAIL STORE, CONVENIENCE**; and **SHOPPING CENTRE** as defined in Section 10 of this Bylaw, where the Building or Structure related to such use is equal to or exceeds a Gross Floor Area of 5,000 m^2.

SECONDARY OFFICE COMMERCIAL means a small scale office development designed, intended or used for the provision of professional, management, administrative, financial, health services, public service organizations, business, or similar services aimed at serving local residents, local households and locally owned businesses. Secondary Office Commercial excludes major offices that exceed a total Gross Floor Area of 5,000 m^2, which are better suited to be located in the Downtown Major Redevelopment Zone. Secondary Office Commercial uses do not exceed a total Gross Floor Area of 5,000 m^2 within the Building or Structure in which the use is contained. **(BL 14/032)**

SECONDARY SUITE means one or more Habitable Rooms used or intended for use as a Dwelling, with self-contained living facilities, and direct access to the exterior, without passing through any part of the Principal Dwelling Unit. The **SECONDARY SUITE** is subordinate to the Principal Dwelling Unit. **SECONDARY SUITE** includes, but is not limited to: BASEMENT **SUITE** as defined in Section 10 of this Bylaw.

SERVICE COMMERCIAL means a Development designed, intended or used for the provision of services to businesses, vehicles, households, individuals or animals, but does not include **PERSONAL SERVICE FACILITIES** or health care facilities. **SERVICE COMMERCIAL** specifically includes but is not limited to uses related to the sale, rental, servicing and repairing of motor vehicles, fuel, oils and accessories for motor vehicles, tools, equipment, and any similar goods and services. **SERVICE COMMERCIAL** includes, but is not limited to: **ANIMAL SERVICE FACILITY, MINOR**; **AUTOMOTIVE AND EQUIPMENT REPAIR**; **AUTOMOTIVE/RECREATIONAL VEHICLE SALES AND RENTAL**; **GAS BAR**; **RECYCLED MATERIALS DROP-OFF CENTRE**; **SECURITY SUITE**; **SERVICE STATION, MAJOR**; and **SERVICE STATION, MINOR** as defined in Section 10 of this Bylaw.

STOOP means a platform or small Porch, usually up several steps, at the entrance to a Building, usually a Dwelling or Dwellings.

STOREY means that portion of a Building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the Building that is situated between the top of any floor and the ceiling above it. A Storey is defined as having a vertical distance of less than 4.5m, and for any portion of a Storey that exceeds 4.5m the Building shall be defined to have an additional Storey for every 4.5m.

STREET means a Public Road, not including a Lane.

STREET FACING BUILD-TO LINE means a Build-To Line adjacent to a Public Road.

STREET FRONTAGE means the portion of the Site adjacent to a Public Road.

STREET TYPE means a set of requirements applicable to a designated Corridor, which requirements may include, but are not limited to, right of way width, travel lanes, sidewalks width, planting strips, and role in the road network.

TERRACE means a flat roof or a raised space or platform adjoining a Building, or an embankment with a level top. A Terrace is open to the sky and larger than a balcony, and may be above or below grade level.

THRESHOLD means the area of floor beneath a door, where two types of floor material meet; or the entrance to a Building.

THROUGH BLOCK CONNECTION means a grade level pedestrian, cycling, or vehicle access route that is accessible to the public and extends through a city block, and includes but is not limited to a pedestrian walkway, a Street, or an access route through public or private land, as illustrated in figures in section 9.10.3 and 9.11.3.

TOURISM COMMERCIAL means a Development designed, intended or used to attract people visiting an area, or provide sleeping accommodation for the travelling public, and includes associated services and facilities. **TOURISM COMMERCIA**L includes, but is not limited to: **APARTMENT HOTEL**; **BED AND BREAKFAST**; **CARNIVAL**; **COUNTRY INN**; **HOSTEL**; **HOTEL**; and **MOTEL** as defined in Section 10 of this Bylaw. **TOURISM COMMERCIAL** does not include **TEMPORARY PROJECT ACCOMMODATION** as defined in Section 10 of this Bylaw.

TOWER means a Building or a portion of a Building located on top of a Podium, with the Height of the Tower extending from the top of the Podium to the top of the Building. **(BL 13/004)**

TOWNHOUSE includes but is not limited to: **TOWNHOUSE** and **TRIPLEX** as defined in Section 10 of this Bylaw.

TRELLIS means an open grating or latticework overhead, of either metal or wood, and the supporting columns and framework.

URBAN FENCE means an open framework screen or fence, of either metal, wood, masonry or a combination, usually no more than 1.5m high, which serves to enclose or subdivide outdoor space, presenting a semi-transparent surface, except where penetrated by walkways.

9.5 Control of Development

9.5.1 Introduction

1. The provisions of Section 9.5 of this Bylaw apply to the City Centre Special Area in addition to the provisions of Part 2 of this Bylaw. Where a discrepancy exists between Section 9.5 and Part 2 of this Bylaw, the provisions of Section 9.5 of this Bylaw shall prevail.

9.5.2 Design Review Panel

1. The Design Review Panel shall perform such duties as are set out in the Wood Buffalo Design Review Panel Bylaw, as established by bylaw.
2. Prior to rendering a decision on a Development Permit application regarding a Site located within the City Centre Special Area, the Development Officer shall refer such applications to the Design Review Panel for review. The Development Officer shall not render a decision prior to receiving the Design Review Panel's recommendations.

Exhibit 14

3. Development Permit applications for Buildings with a Gross Floor Area of 1,000 m^2 or less on Sites within the Neighbourhood Stabilization Zone or the Recreation Zone, are exempt from referral to the Design Review Panel for review.
4. The Development Officer may exempt the following types of Development from referral to the Design Review Panel:

   (a) Developments with a Gross Floor Area of 1,000 m^2 or less;
   (b) A change of Use within an existing Building.

9.5.3 Limitation on Authority of Development Officer

1. For Development Permit Applications referred to the Design Review Panel, The Development Officer shall not have authority to make a decision on a Development Permit application within the City Centre Special Area that is inconsistent with the recommendations of the Design Review Panel.

9.5.4 City Centre Adjudicating Development Officer

1. The Office of the City Centre Adjudicating Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by Council, and is authorized to act as a "Development Authority".

9.5.5 Duties and Responsibilities of City Centre Adjudicating Development Officer

1. Where the Development Officer does not have the authority to make a decision on a Development Permit application pursuant to Section 9.5.3 of this Bylaw, the City Centre Adjudicating Development Officer shall receive and process the Development Permit application and issue a decision on the Development Permit application. In making a decision on a Development Permit application, the City Centre Adjudicating Development Officer is not bound to follow the recommendations of the Wood Buffalo Design Review Panel or the recommendations of the Development Officer.

9.5.6 Additional Powers

1. The Development Authority may require that, as a condition of issuing a Development Permit, the applicant enter into an agreement with the Municipality to:

   (a) Provide pedestrian access or pedestrian walkways, either by dedication of a public walkway or provision of an easement, in the Front Street Facing Setback and to construct and maintain these pedestrian walkways for use by the public;
   (b) Provide connections to Public Roads and pedestrian walkways, either by dedication of a public walkway or provision of an easement, in order to provide access for vehicles and pedestrians to the Development, surrounding Developments and services and amenities within the surrounding area; and

(c) Provide pedestrian access or pedestrian walkways, either by dedication of a public walkway or provision of an easement, to or along the Riverfront District, the Snye and the Clearwater River.

9.5.7 Reconstruction of Existing Buildings **(BL 13/004)**

1. Notwithstanding any of other provisions in this Bylaw, if a building or structure within the City Centre Special Area that lawfully existed at the date of adoption of this Part 9 is damaged or destroyed, then:

(a) Repair or reconstruction of the building or structure that commences within 1 year after the damage or destruction occurs and is completed as soon as reasonably practicable thereafter, and

(b) Continuation of uses within the building or structure that lawfully existed at the date of adoption of this Part 9 and that continue as soon as reasonably practicable after completion of the repair or reconstruction of the building or structure,

are deemed to be conforming, provided that the repair or reconstruction meets the provisions of:

(i) Section 60 – Development in the Floodplain (Clearwater River Athabasca River Flood Plain Area);
(ii) Section 61 – Development Near Water Bodies and Watercourses; and
(iii) Section 62 – Development Setbacks from Slopes.

(BL 13/004)

9.5.8 Exemptions **(BL 13/004)**

The following developments are exempt from the requirements in sections 9.7 to 9.15 inclusive and section 9.21:

Within a non-conforming building, enlargements or additions to a Residential Building, that constitute less than 5% of the Building or 100 m^2 in Gross Floor Area, whichever is greater, provided that such extensions do not result in an increase in the number of Dwellings within the Building or on the Site;

Within a Non-conforming building, enlargements or additions to a non-Residential Building, that constitute less than 5% of the Building or 100 m^2 in Gross Floor Area, whichever is greater.

9.6 Variance Powers

9.6.1 Non-Conforming Buildings

1. Notwithstanding Section 33 of this Bylaw, for Development Permit applications under this Part, the Development Authority may allow a variance and issue a Development Permit for a non-conforming Building in the following instances:

DELETED (BL 13/004)

DELETED (BL 13/004)

Exhibit 14

(a) To the Street Types in order to accommodate Site specific circumstances;
(b) **(BL 13/004)**
(c) To Building and Landscape Frontage Types to accommodate Site specific circumstances; and **(BL 13/004)**
(d) To the required Through Block Connections in order to accommodate Site specific circumstances. **(BL 13/004)**

2. The Development Authority may approve changes in use within a non-conforming Building without requiring the building to be brought into conformance, provided that the proposed use is a permitted or discretionary use. **(BL 13/004)**

9.6.2 Limitation on Variance

In approving an application for a Development Permit under Section 28.1 or 9.6.1 of this bylaw, the Development Authority shall adhere to the following regulations set out in this Section.

The Development Authority shall not allow a variance to the minimum Site size except as set out in this section. The Development Authority may allow a variance of up to 33% reduction to the minimum Site size required to achieve the maximum Floor Area Ratio set out in the City Centre Floor Area Ratio Map, if the Development meets all of the following criteria:

1. The Development meets all of the requirements set out in section 9.10 Downtown Major Redevelopment Zone Development Standards, or Section 9.11 Franklin Avenue Re-Urbanization Zone Development Standards as applicable to the Site; and
2. At least one corner of the Site is located at the intersection of two Public Roads; and
3. A minimum Setback of 10 metres is provided between the Tower and the Lot line adjacent to another site.

The Development Authority shall not allow a variance from the maximum Floor Area Ratio except as set out in this section. The Development Authority may allow a variance of the maximum Floor Area Ratio by up to 10%. **(BL 13/004)**

The Development Authority shall not allow a variance to the minimum Height except as set out in this section. The Development Authority may allow a variance of the maximum Height by up to 10%.

With respect to access routes for fire protection, the Development Authority shall not allow a variance to:

1. Building location and orientation,
2. the location of Public Roads,
3. the location of Through Block Connections, or
4. the width of vehicular entrances,

where the variance would result in a Development that does not have fire protection access routes that are at least 8m wide on at least two sides of a Building. **(BL 13/004)**

Exhibit 14

The Development Authority shall not allow a variance to the requirements under section 9.16.2 'Downtown Primary Office Employment Area' except as set out in this section. The Development Authority may allow a variance to the requirements under section 9.16.2 'Downtown Primary Office Employment Area' by up to 10%, including the resulting amount of a Building that shall be occupied by Office Commercial. The variance may be allowed to achieve other requirements of this Bylaw including, but not limited to: Building or Landscape Frontage Types, through block connections, retail uses on the ground floor, height requirements, Floor Area Ratio requirements, parking requirements, or the special urban design regulations. **(BL 13/004)**

Notwithstanding Section 28.2 the Development Authority may allow any variance in regard to front, side and rear setback requirements for existing or new principal or accessory buildings, decks and signs. **(BL 13/004)**

9.7 City Centre General Regulations

The following land use regulations are applicable to all Development in the City Centre Special Area Districts. Further regulation for specific Uses may be described under individual Land Use Districts.

9.7.1 Application of General Regulations

1. Except as specifically excluded or modified in this section, the General Regulations set out in Part 5 of this bylaw shall apply to Development within the City Centre Special Area.

9.7.2 Corner Lot Restrictions

1. The provisions of Section 58 of this Bylaw shall not apply to Development within the CBD1, BOR1, SCL1, and SCL2 Districts of this Part.

9.7.3 Development Setbacks from Highways

1. The provisions of Section 63 of this Bylaw shall not apply to Development within the CBD1 District of this Part.

9.7.4 Development in Proximity to Bus Rapid Transit Stations

1. The provisions of this Section apply to Development within a 100m radius of the confluence of Lot lines at the corners of the intersection of Franklin Avenue with Hospital Street, King Street, and Prairie Loop Boulevard, and the intersection of Prairie Loop Boulevard and Saline Creek Parkway. **(BL 14/032)**
2. Vehicular-oriented uses and Service Commercial Uses are not permitted in these areas.
3. For Buildings fronting onto a Street, at least 80% of the Ground Floor Street Frontage shall be designed to accommodate Retail Commercial, Recreation Commercial, or Food and Beverage Commercial Use along that Public Road.
4. Development providing only Residential Uses, without any Commercial Use, shall not be permitted.

5. In mixed-use Buildings, Residential entrances shall be designed separate from Commercial or Institutional entrances and address the Street in a prominent manner.

9.7.5 Drive-thru Service

1. Notwithstanding the provisions of Sections 50 and 65 of this Bylaw and any other provision of this Part 9, even where it is an Accessory Use, a drive-thru component shall not be allowed as part of any Development in the CBD1, BOR1, SCL1 or SCL2 Land Use Districts of this Part 9.
2. Within the FRA1, PRA1 and PRA2 Land Use Districts a drive-thru component proposed as part of a Development shall meet the following regulations:
   (a) the drive-thru shall be Accessory to the Principal Use of the Development;
   (b) the drive thru lane shall not be located between the Building it serves and Front Lot Line or a designated Corridor;
   (c) If the Site is located on Lot with two Front Lot Lines, then the drive thru lane may be located between the building and the front lot line, as long as the front lot line is not adjacent to a Corridor;
   (d) the entrance to the drive-thru lane shall not be on Franklin Avenue, Hospital Street, or King Street;
   (e) the primary entrance to the Building shall be a pedestrian oriented entrance; and
   (f) the drive-thru lane shall be at the rear of the Site, located between the Building it serves and the Rear Lot Line; If no rear lot line exists, then the rear lot line is deemed as the lot line most opposite a corridor, and if located on more than one corridor, then most opposite the higher order corridor.

(BL 13/004)

3. Notwithstanding any other provision of this Part 9, where it is an Accessory Use, a drive-thru component shall be considered as a Discretionary Use and may be approved or refused at the discretion of the Development Authority.

9.7.6 Landscaping

1. The provisions of Section 72 of this Bylaw shall apply to all Development within this Part, except for:
   (a) Developments where 100% Site coverage for Buildings is permitted and provided, at the discretion of the Development Authority; and
   (b) Additions to existing Buildings, where the addition is less than 1,000 m^2 in Gross Floor Area

(BL 13/004)

9.7.7 Waste Collection and Related Services

1. Any trash collection area, or storage area, shall be located adjacent to the lane and shall be within the Principal Building or within a screened area

Exhibit 14

directly adjacent to the Building. For Residential Developments other than Apartment Buildings, Commercial Developments in the Franklin Avenue Re-Urbanization Zone and for developments that are not adjacent to a lane, the trash collection area or storage area may be located separate from the Principal Building in a screened enclosure, not necessarily adjacent to a lane. **(BL 13/004)**

2. The gates and/or doors of the trash collection area or storage area must not open or encroach into an adjacent lane or Public Road.
3. The trash collection area or storage area shall not be accessible to the general public, and shall be located behind a lockable door or gate.

9.7.8 Signage

1. The Development Authority shall have regard for visual harmony and the compatibility of any proposed sign with the architectural character and finish of the Development and with the design, location and appearance of other signs on the Development.

9.7.9 Exterior Lighting

1. Decorative and security lighting shall be designed and finished in a manner consistent with the architectural theme of the Development and will be provided to ensure a well-lit environment for pedestrians, and to accentuate architectural elements, roof tops and public art.
2. Exterior lighting shall be designed such that it has no negative impact on adjacent Sites.
3. Exterior lighting associated with the Development shall be designed such that light shines downwards in order to avoid contributing to light pollution, except for lighting required to warn aircraft.
4. Detailed exterior lighting plans may be required for Developments exceeding 1,000 m^2 in Gross Floor Area at the discretion of the Development Authority.

9.7.10 Transparency

1. The Windows required for each Building and Landscape Frontage type shall be comprised of transparent, non-reflective, non-tinted, non-obscured glazing, except in the case of Restricted Commercial Uses where reflective tinted or obscuring glazing is permitted.

9.7.11 Green Building Standards

1. Compliance Methods depend upon the type, size and scope of Building works being proposed. These methods are set out in table 9.7-1 below. Where more than one compliance method is shown, the applicant may choose which compliance method to meet.

Table 9.7-1 Compliance Methods for Green Building Standards.

New Construction:	Compliance Method:
Gross Floor Area > 1,000 m^2	LEED Gold (9.7.11.2) Alternative A (9.7.11.3)
Gross Floor Area < 1,000 m^2	Alternative B (9.7.11.4)
Existing Building Extension:	Compliance Method:
Greater than 30% of existing Gross Floor Area and cumulative area is > 1,000 m^2	LEED Gold (9.7.11.2) Alternative A (9.7.11.3)
Less than 30% of existing Gross Floor Area	Alternative B (9.7.11.4)
Buildings with high process loads:	Compliance Method:
Ice arenas, data centres, Food and Beverage Commercial	(9.7.11.5)

2. The LEED Gold Compliance Method is applicable to Buildings that meet the following criteria:

   (a) New construction, Gross Floor Area greater than 1,000 m^2;
   (b) Existing Building extension greater than 30% existing Gross Floor Area and cumulative area is > 1,000 m^2.

   The LEED Gold Compliance Method requires that the project meets the applicable Canada Green Building Council (CaGBC) LEED 2009 Gold Standard for New Construction (NC) or Core and Shell (CS) as amended, replaced or updated from time to time. The choice of LEED credits, energy performance, water use reduction and ventilation rates are at the discretion of the applicant. If the LEED Gold Compliance Method is achieved, the mandatory performance standards in alternative A and B do not apply.

3. Alternative A is applicable for Buildings that meet the following criteria:

   (a) New construction, Gross Floor Area greater than 1,000 m^2;
   (b) Existing Building extensions greater than 30% existing Gross Floor Area and cumulative area is > 1,000 m^2.

   The required performance standards are as follows:

   (i) Provide an energy model demonstrating a percentage cost improvement in building energy use over the MNECB (Model National Energy Code for Buildings 1997) or ASHRAE (American Society of Heating, Refrigerating and Air Conditioning Engineers) baseline. Minimum performance improvements are:

	MNECB 1997	ASHRAE 90.1 2007
New Buildings	49%	40%
Core & Shell Buildings	45%	36%
Existing Building Extensions	45%	36%

(ii) Calculations shall follow the methodology and guidelines required under LEED NC or CS 2009 and the current LEED Canada Energy Modelling Rules. For mixed use projects that include both residential and commercial uses, where the commercial use is a Core and Shell, the entire building, including the Core and Shell component, must comply with the New Buildings performance standard.

(iii) The development is to achieve a minimum of 50% less potable water use than the water use baseline as defined in LEED NC or CS 2009 Water Efficiency WEc1: Water Use Reduction.

(iv) Landscaping & irrigation systems shall be designed to minimize the use of potable water. Designs shall integrate the use of drought tolerant plants, drip irrigation and demand based control systems. The use of captured rain water is encouraged to further reduce potable water demand.

(v) Office Commercial space must provide a 20% improvement on fresh air ventilation supply under ASHRAE 62.1 2007: Ventilation for Acceptable Indoor Air Quality, as amended, replaced or updated from time to time.

(vi) The additional energy associated with providing higher fresh air volumes shall be ameliorated through the design of the Building mechanical systems, which may include but are not limited to energy/heat recovery ventilators (ERV/HRV) regenerating units with a minimum efficiency of 80%.

(vii) Full documentation of designs, calculation and analysis shall be supplied to support this application. Approved compliance with Alternative A shall require the applicant to submit documentation; stamped and sealed by the Registered Professional of Record.

4. Alternative B is applicable for Buildings that meet the following criteria:

(a) New Construction, Gross Floor Area less than 1,000 m^2;

(b) Existing Building extension less than 30% existing Gross Floor Area, but greater than 5% of the building or 100 m^2 in area.

The required performance standards are as follows:

(i) Provide an energy model demonstrating a percentage cost improvement in building energy use over the MNECB (Model National Energy Code for Buildings 1997) or

ASHRAE ((American Society of Heating, Refrigerating and Air Conditioning Engineers) baseline. Minimum performance improvements are:

	MNECB 1997	ASHRAE 90.1 2007
New Buildings	40%	30%
Core & Shell Buildings	37%	26%
Existing Building Extension	37%	26%

Calculations shall follow the methodology and guidelines required under LEED NC or CS 2009 and the current LEED Canada Energy Modelling Rules. For mixed use projects that include both residential and commercial uses, where the commercial use is a Core and Shell, the entire building, including the Core and Shell component, must comply with the New Buildings performance standard.

(ii) The development is to achieve a minimum of 30% less potable water use than the water use baseline as defined in LEED NC or CS 2009 Water Efficiency WEc1: Water Use Reduction.

(iii) Landscaping & irrigation systems shall be designed to minimise the use of potable water. Designs shall integrate the use of drought tolerant plants, drip irrigation and demand based control systems. The use of captured rain water is encouraged to further reduce potable water demand.

(iv) Office Commercial space must provide a 20% improvement on fresh air ventilation supply under ASHRAE 62.1 2007: Ventilation for Acceptable Indoor Air Quality as amended, replaced or updated from time to time.

(v) The additional energy associated with providing higher fresh air volumes shall be ameliorated through the design of the Building mechanical systems, which may include but are not limited to Energy/heat recovery ventilators (ERV/HRV) regenerating units with a minimum efficiency of 80%.

(vi) Full documentation of designs, calculation and analysis shall be supplied to support this application. Approved compliance with Alternative B shall require the applicant to submit documentation; stamped and sealed by the Registered Professional of Record.

5. Buildings with high process loads such as ice arenas, data centres, Food and Beverage Commercial use, often result in the process load dominating the Building energy use, and therefore significant energy reductions overall can be difficult.

In such circumstances, the Building will be modeled with the process loads removed from the analysis, in order to test compliance with the criteria described for regular Buildings described in Table 9.7-1.

Furthermore, the equipment/machinery associated with the process load, will be required to demonstrate "Best Available Technique" (BAT) that meets energy efficient operation.

6. The following types of Developments are exempt from meeting the green building standards set out in this section: New Residential Building with less than 1,000 m^2 Gross Floor Area.
7. Where an extension to a building is undertaken, the green building standards set out in this section only apply to the extension, not the entire building.
8. An existing building shall not be deemed to be non-conforming only because it does not meet the green building standards in this section.

(BL 13/004)

9.7.12 Green Utilities

1. Within the Downtown Major Redevelopment Zone and the Franklin Avenue Re-urbanization Zone, the Development Authority may require, as a condition of issuance of a Development Permit, that the Development connect to infrastructure and services provided to enhance sustainability, including green utilities and telecommunications.
2. Within the Downtown Major Redevelopment Zone and the Franklin Avenue Re-urbanization Zone, the Development Authority may require, as a condition of issuance of a Development Permit, that the applicant provide a plan, to the satisfaction of the Development Authority, demonstrating how the Development could effectively connect to and utilize future green utilities when they become available to the subject Site. Green Utilities, may include, but are not limited to a district energy system, a district heating system, a district water heating system, and a reclaimed water use system.
3. Within the Downtown Major Redevelopment Zone and the Franklin Avenue Re-urbanization Zone, the Development Authority may require that the applicant provide a plan demonstrating that Building systems will be configured to connect to a District Energy System, when it becomes available, designed to address the following criteria:

   (a) The District Energy System will be designed to provide thermal energy to the Downtown Major Redevelopment Zone and the Franklin Avenue Re-urbanization Zone Device standards are provided in the Municipal Engineering Service Standards. **(BL 13/004)**

   (b) **DELETED (BL 13/004)**

   (c) All Buildings shall ensure that their building systems, mechanical, electrical, plumbing are designed and configured to connect to the Green Utility systems. The following provision shall be made:

(i) Adequate space is allowed in plant rooms for installation of heat exchangers, controls, metering.

(ii) Primary energy distribution systems are enabled to ensure that the District Energy System can connect, including:

(A) Pipework configured with valves, headers;

(B) Main electrical panels have spare ways for connections;

(d) Sleeves/ducts are provided for District Energy System pipes/wires to be connected with ease;

(e) In interests of economy and convenience, space is allowed for District Energy System pipes to run through Parking Structures associated with Buildings.

9.7.13 Mobile Food Vending Units

1. Mobile Food Vending Units are a Permitted Use in the Downtown Major Redevelopment Zone, the Franklin Avenue Re-urbanization Zone, and the Recreation Zone.
2. Mobile Food Vending Units are a temporary, mobile use, and are not to be stationed in a specific location as a permanent use.

(BL 13/004)

9.7.14 Design of Through Block Connections

1. Within the Downtown Major Redevelopment Zone and the Franklin Avenue Re-urbanization Zone, the Development Authority may require, as a condition of issuance of a Development Permit, that the applicant enter into an agreement with the Municipality to include public amenities such a landscaping, specific paving, lighting, seating, and other features that will enhance the use of the walkway, within the design of a Through Block Connection, where the Development Site is greater than 0.3 hectares, and the Building exceeds 2.0 FAR.

(BL 13/004)

9.7.15 Exemptions from Building and Landscape Frontage Types

1. The following Developments and Uses are exempt from the requirement to provide specific Building or Landscape Frontage Types: Park Use; and public plazas and squares.

9.7.16 Ground Floor Height Measurement

1. If a minimum Ground Floor Height is required, with a specific minimum floor to ceiling measurement, the ceiling shall be considered as the bottom of joists, rafters or supporting structure of the roof or floor structural system above; the floor shall be considered as the highest point of any flooring system. The ceiling does not include any non-structural ceiling surface materials such as suspended acoustical tile. Projections such as pendant lighting, exposed mechanical ducting, exposed electrical or communication

raceways, or the bottom chord of structural trusses may extend below the ceiling and shall not be included in the floor to ceiling measurement.

(BL 13/005)

9.8 The City Centre Districts and Corridors Map – The Regulating Plan

9.8.1 The Regulating Plan is set out in the City Centre Districts and Corridors Map, Appendix1. The City Centre Districts and Corridors Map sets out the Corridors and Land Use Districts that apply to each Lot or Parcel of Land.

9.8.2 The Corridor type that applies to a specific Street or section of a Street is indicated by the colour and corresponding name shown on the City Centre Districts and Corridors Map - Appendix 1.

9.8.3 On the City Centre Districts and Corridors Map - Appendix 1, where the Corridor type, as indicated by the mapping colour, extends through an intersection, that Corridor type shall be considered as the higher order Corridor and shall apply to the intersection, and to the intersecting Street until a distance of 30m from the confluence of Lot lines at the corner, or until the next Lot line away from the corner, whichever distance is shorter.

9.8.4 Where a Lot is adjacent to more than one Corridor type, the Corridor type that is adjacent to the Lot line shall be the Corridor type that applies to that portion of the Lot within 30 m of the Corridor. Where more than one Corridor type applies on a corner, then the higher order Corridor shall apply.

9.8.5 The Land Use District that applies to a Lot is indicated by the colour and letter designations set out on the City Centre Districts and Corridors Map - Appendix 1.

9.9 Interpretation of Development Standards Tables

9.9.1 In each table, the applicable Corridors are stated at the top of each column. Development on any Site adjacent to a Corridor shall follow the applicable regulations set out in the relevant table. Development on any Site not adjacent to a Corridor shall follow the regulations set out in the Downtown General, or Franklin Re-urbanization General columns as the case may be.

9.9.2 In each table, the far left column sets out the item to be regulated. A description of each of those items to be regulated is as follows:

1. Maximum Block Length regulates the maximum distance of the long edge of a city block bounded by Streets, measured from the Lot line of the Lot at one end of the block to the Lot line of the Lot at the other end of the block. Maximum block length is often combined with the maximum perimeter of the city block, measured along the outside of the Lots and the ends of the lane that comprise the block. The perimeter includes the sum of the front Lot lines, exterior side Lot lines and the width of each lane entrance. Maximum block length applies to the creation of new Streets and blocks.
2. Additional Through Block Connections regulates the number and frequency of connections through a block. Additional Through Block Connections may be required at the time of redevelopment of an existing block or the creation of a new Street or city blocks.
3. Lot Area regulates the minimum or maximum Lot area.

4. Lot Width regulates the minimum or maximum Lot width. Lot Width includes Lot Width Corner, Lot Width Irregular and Lot Width Regular.
5. Vehicular Entrances Permitted regulates whether driveways are permitted from the Street to the Site from a designated Corridor. This regulation does not control access provided from rear lanes; vehicle entrances are permitted from rear lanes unless specifically stated otherwise.
6. Vehicular Entrances regulates the location and proximity of driveways to each other.
7. Vehicular Entrance Width regulates the maximum width of driveway entrances, measured at the widest point of the dropped curb for the entrance.
8. Pedestrian Access Required regulates the number of Building entrances that are directly connected to the public sidewalk by a pedestrian walkway that is a minimum of 1.8 m wide.
9. Through Block Connection Types Permitted regulates the type of Through Block Connections permitted, and each type of Through Block Connection is identified in sections 9.10 to 9.11.
10. Front Street Facing Setback regulates the minimum distance required between the Building and the Front Lot line.
11. Side Yard Setback regulates the minimum width of the Side Yard.
12. Rear Yard setback regulates the minimum width of the Rear Yard.
13. Minimum Building or Podium Height regulates the minimum Height of Buildings or Podium Structures. **(BL 13/004)**
14. Maximum Podium Height regulates the maximum Height of Podium Structures. Maximum Podium Height does not apply to Spectator Sports Facilities. **(BL 13/004)**
15. Maximum Tower Height regulates the maximum Height of Tower Structures.
16. Tower Location regulates the location of Tower Structures in relation to other Towers and the Street facing portion of the Podium upon which the Tower is located.
17. Maximum Tower Floor Plate regulates the maximum area of a single Storey of the Tower.
18. Minimum Amount of Mid-Block Public Open Space regulates the minimum amount of mid-block public open space required as part of the through block connection. The Mid Block Public Open space is shown as ‘d’ and ‘e’ on figure 9.10.3-1. The amount of Mid-block open space provided is calculated by adding area ‘d’ plus the optional area ‘e’. The sum of ‘d’ plus ‘e’ shall not be less than the Minimum amount of Mid-block Open Space required. **(BL 13/004)**
19. Required Location of Mid-Block Public Open Space regulates the location of the Mid Block Public Open Space including the distance from the street, shown as “f”, and the maximum percentage that may be located adjacent to the street in location “e”, in figure 9.10.3-1. **(BL 13/004)**
20. Maximum Podium or Tower Span over East-West Through Block Connection regulates the maximum distance along an East-West lane that

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may be covered by a Podium or Tower portion of a Building, as illustrated in Figure 9.10.3-2.

21. Lot Coverage regulates the maximum Lot Coverage.
22. Structured Parking Setback regulates the setback of Parking Structures from all Lot lines.
23. Street-Facing Surface Parking Lot Setback regulates whether or not surface parking is permitted on the Site between the Building and the Street, and if permitted, the setback required between the Front Lot line and the Parking Lot.
24. Side Yard Surface Parking Lot Setback regulates whether or not surface parking is permitted between the Building and side Lot line, and if permitted, the setback required between the side Lot line and the Parking Lot.
25. Minimum Building or Landscaping Frontage Along Street-facing Build-To Line regulates the minimum percentage of the front setback line that shall be occupied by a Building. The front setback line is the line extending across the front of the Site at the front setback distance.
26. Building and Landscape Frontage Types Permitted regulates the type of Building and Landscape Frontage Type permitted on a Site, and each Building Frontage Type or Landscape Frontage Type is identified in section 9.10 and 9.11.

9.10 **Downtown Major Redevelopment Zone Development Standards**

9.10.1 General Standards Required for All Development in the Downtown Major Redevelopment Zone

1. Introduction

   (a) The following standards apply to all Development in the Downtown Major Redevelopment Zone unless noted otherwise in the Table for Specific Development Standards - Table 9.10-1 - in the Downtown Major Redevelopment Zone.

2. Connectivity

   (a) Connectivity Maximum Block Length: New Streets are intended to create blocks with a maximum block length of 180 m, and a perimeter no greater than 530 m, unless otherwise noted on Table of Specific Development Standards for the Downtown Major Redevelopment Zone. Exact location of these new Streets may vary up to 16 m, provided this provision is met. See Section 9.10.4 “Street Types” for further requirements.

   (b) Through Block Connections: In addition to the mapped Streets (existing and future) illustrated in the Districts and Corridors Map, any block face longer than 140 linear metres must provide an additional connection through the block as illustrated in Figure 9.10.3-1. Existing East –West aligned lanes may be utilized to achieve Through Block Connections as illustrated in Figure 9.10.3-1. These new connections should align with existing streets or

planned new Streets. See Section 9.10.4 “Street Types” for further requirements for Through Block Connections.

3. Site Access

   (a) Vehicular Entrances: A Site may have vehicular entrances that meet the Development Standards shown in Table of Specific Development Standards.

   (b) Vehicular Entrance Width: 8 m maximum width, not including any sidewalks or Landscaping.

4. Frontage Requirements

   (a) Minimum Building Frontage along Street-Facing Build-To Line: All private and public Street or path-facing Build-To Lines not occupied by Buildings or driveways are required to provide Building or Landscape Frontage between the sidewalk and the remainder of the Site. See Table of Specific Development Standards for permitted Building and Landscape Frontage Types.

   (b) Primary Street Frontage: The Primary Street Frontage shall be defined as the portion of the Building facing the Street (or the higher order Street Corridor if on a corner). The front façade of the Building shall be built to the Primary Street Frontage Build-To Line.

   (c) Secondary Street Frontage: The Secondary Street Frontage shall be defined as the portion of the Building facing the lower order Street, if on a corner. The front façade of the Building shall be built to the Secondary Street Frontage Build-To Line for a minimum of 30m from the corner or the Lot width, whichever is shorter. The Building Frontage Standards of this section shall apply to the portion of the Building that occupies the Build-To Line for 30 m from the corner or the Lot width, whichever is shorter.

5. Building Setbacks

   (a) Front Street Facing Setback: Varies according to Building and Landscape Frontage Type. See Section 9.10.5. “Building and Landscape Frontage Types” for standards.

   (b) Side yard setback, adjoining another Lot: See Table of Specific Development Standards.

   (c) Rear yard setback, adjoining another Lot: See Table of Specific Development Standards.

   (d) Rear yard setback, adjoining a lane: See Table of Specific Development Standards.

6. **DELETED (BL 13/004)**

7. Parking Siting and Screening

   (a) Parking Structure Setbacks: Parking Structure setbacks are the same as Principal Building setbacks. Parking Structures must comply with all Building Frontage requirements outlined in Section 9.10.5 “Building and Landscape Frontage Types.”

(b) Surface parking lots not directly serving a primary commercial, institutional, residential or other primary use on the site are not allowed within the CBD1 District. **(BL 13/004)**

(c) A low Wall and Trellis Landscape Frontage or an Urban Fence or Wall Landscape Frontage shall be provided along the boundary of surface parking lots or accessory surface parking lots adjacent to streets upon redevelopment of an existing development.

(BL 13/004)

8. Amenity Spaces

(a) A minimum Amenity Space of 3% of Gross Floor Area of Residential Uses, shall be required for Buildings over 2,000 m^2 to the satisfaction of the Development Authority, but in no case shall the Amenity Space be less than an average of 3 m^2 of Private Outdoor Amenity Space per Dwelling Unit (Total Private Outdoor Amenity Space for all Dwelling Units divided by the number of Dwelling Units shall be a minimum of 3 m^2).

(b) Amenity Spaces for Residential Uses may include but are not limited to meeting rooms, fitness facilities, outdoor space, Balconies, and the mid-block Public Open Spaces adjacent to Through Block Connections, and shall be exempt from Floor Area Ratio calculations.

(BL 13/004)

9. Dwelling Units Permitted

(a) The maximum number of Dwelling Units permitted is the number of Dwelling Units that can be achieved while complying with the Uses and applicable development standards, which may include but are not limited to, the maximum Height, maximum Floor Area Ratio, Building Frontage type, parking requirements, Permitted Uses and Discretionary Uses, and all other regulations that apply to the Development.

9.10.2 Tables of Specific Development Standards for Downtown Major Redevelopment Zone

1. Introduction

Tables 9.10-1 and 9.10-2 set out specific Development Standards for Lots fronting each of the Corridors within the Downtown Major Redevelopment Zone as set out in the City Centre Districts and Corridors Map, Appendix 1. See Sections 9.10.5 for an expanded presentation of regulations pertaining to Building and Landscape Frontage Types.

See section 9.10.3 Development Standards Illustrations for graphic illustrations of the Development Standards within the Development Standards Table

The Downtown General column applies to all Sites not fronting on a Corridor set out in the City Centre Districts and Corridors Map, Appendix 1.

Table 9.10-1	Regulating Plan Areas Downtown Major Redevelopment Zone								
Specific Development Standards by Area	Downtown General	Franklin Ave West	Morrison Street	MacDonald Avenue	Main Street	Hardin Street North	Hardin Street South	Father Mecredi Street	Prairie Loop Boulevard West
Connectivity and Urban Structure Standards									
Maximum Block Length	180m block length 530m block perimeter, except where noted	180m block length 530m block perimeter	85m block length 530m block perimeter	180m block length 530m block perimeter	85m block length 530m block perimeter	180m block length 530m block perimeter	85m block length 530m block perimeter	270m block length 645m block perimeter	200m block length 570m block perimeter
Additional Through-Block Connections	Required for block faces longer than 140m (all Downtown)	Required for block faces longer than 140m	Required for block faces longer than 140m	Required for block faces longer than 140m	Required for block faces longer than 140m	Required for block faces longer than 140m	Required for block faces longer than 140m	Required for block faces longer than 140m	Required for block faces longer than 140m
Site Access									
Vehicular Entrances Permitted	Driveways permitted except where noted	Driveways are Discretionary	Driveways are Discretionary **(BL 13/004)**	Driveways permitted except where noted	Driveways permitted except where noted	Driveways are Discretionary **(BL 13/004)**	Driveways are Discretionary **(BL 13/004)**	Driveways permitted except where noted	Driveways permitted except where noted
Vehicular Entrances	Min. 12m separation from intersection. Max. avg. 1 driveway per 30m of block frontage	Driveways are Discretionary, but shall at least meet: Min. 12m separation from intersection. Max. avg. 1 driveway per 30m of block frontage, right-in, right-out only	n/a	Min. 12m separation from intersection. Max. avg. 1 driveway per 30m of block frontage	Min. 12m separation from intersection. Max. avg. 1 driveway per 30m of block frontage	n/a	n/a	Min. 12m separation from intersection. Max. avg. 1 driveway per 30m of block frontage	Min. 12m separation from intersection. Max. avg. 1 driveway per 30m of block frontage
Vehicular Entrance Width	Max. 8m	n/a	n/a	Max. 8m	Max. 8m	n/a	n/a	Max. 8m	Max.8m

Table 9.10-1	Regulating Plan Areas Downtown Major Redevelopment Zone								
Specific Development Standards by Area	Downtown General	Franklin Ave West	Morrison Street	MacDonald Avenue	Main Street	Hardin Street North	Hardin Street South	Father Mecredi Street	Prairie Loop Boulevard West
Pedestrian Accesses Req'd	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Through Block Connection Types Permitted	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street	Narrow Street 1; Narrow Street 2; Lane / Universal Access Street
Building Siting and Massing									
Front Street Facing Setback	See Building Frontage Types to determine applicable setback	1m at grade. See Building Frontage Types for setbacks.	1m at grade. See Building Frontage Types for setbacks.	1m at grade. See Building Frontage Types for setbacks.	1m at grade. See Building Frontage Types for setbacks.	3m at grade. See Building Frontage Types for setbacks.	1m at grade. See Building Frontage Types for setbacks.	3m at grade. See Building Frontage Types for setbacks.	See Building Frontage Types to determine applicable setback.
Side Yard Setback	Min. 0m	Min. 0m	Min. 0m	Min. 0m	Min. 0m	Min. 0m	Min. 0m	Min. 0m	Min. 0m
Rear Yard Setback	Min. 0m **(BL 13/004)**	Min. 0m **(BL 13/004)**	Min. 0m **(BL 13/004)**	Min. 0m **(BL 13/004)**	Min. 0m **(BL 13/004)**	Min. 0m **BL 13/004)**	Min. 0m **(BL 13/004)**	Min. 0m **(BL 13/004)**	Min. 0m **(BL 13/004)**
Minimum Building or Podium Height **(BL 13/004)**	None	2 Storeys or 6m	2 Storeys or 6m	2 Storeys or 6m	2 Storeys or 6m	2 Storeys or 6m	2 Storeys or 6m	2 Storeys or 6m	2 Storeys or 6m
Maximum Podium Height	None	6 Storeys or 20m	6 Storeys or 20m	6 Storeys or 20m	6 Storeys or 20m	6 Storeys or 20m	6 Storeys or 20m	6 Storeys or 20m	6 Storeys or 20m
Maximum Tower Height	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map	See City Centre Height Map
Tower Location	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers	Min. 3m setback from Street face of Podium Min. 20m spacing between Towers

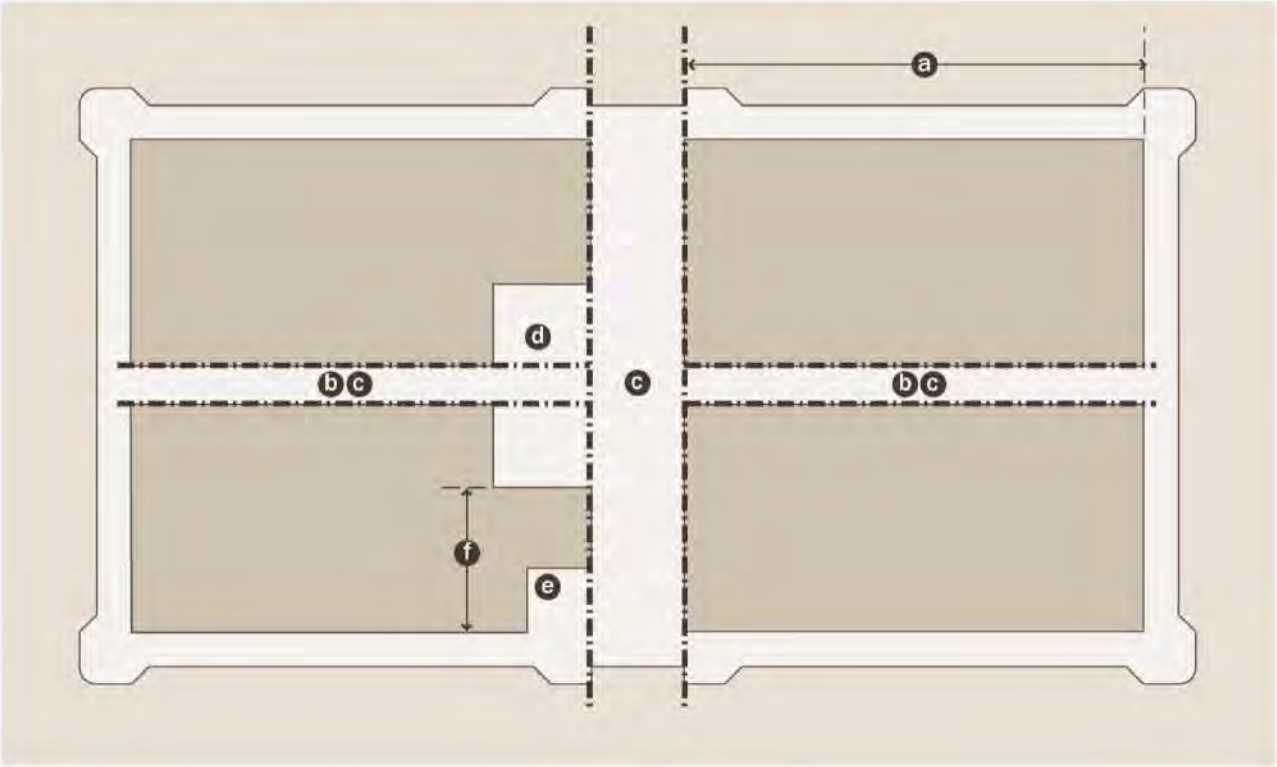
Table 9.10-1	Regulating Plan Areas Downtown Major Redevelopment Zone								
Specific Development Standards by Area	Downtown General	Franklin Ave West	Morrison Street	MacDonald Avenue	Main Street	Hardin Street North	Hardin Street South	Father Mecredi Street	Prairie Loop Boulevard West
Maximum Tower Floor Plate	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2	Residential: 1,200m^2 Office: 3,500m^2
DELETED (BL 13/004)									
Minimum amount of Mid-Block Public Open Space Required **(BL 13/004)**	600m^2	600m^2	600m^2	600m^2	600m^2	600m^2	600m^2	600m^2	600m^2
Required location of Mid-block Public Open Space **(BL 13/004)**	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.	Located adjacent to through block connection, a minimum of 25m from street, however up to 20% of the midblock public open space may be located adjacent to the street.
Maximum Podium or Tower Span over East-West Through Block Connection	75m	75m	75m	75m	75m	75m	75m	75m	75m
Lot Coverage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Table 9.10-2	Regulating Plan Areas Downtown Major Redevelopment Zone								
Specific Development Standards by Area	Downtown General	Franklin Ave West	Morrison Street	MacDonald Avenue	Main Street	Hardin Street North	Hardin Street South	Father Mecredi Street	Prairie Loop Boulevard West
Parking Siting									
Parking Structure Setback	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.
Street-facing Surface Parking Lot Setback	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted	Street-facing surface parking is not permitted
Side Yard Surface Parking Lot Setback	Min. 1.5m Min. 0m for attached Buildings and/or shared lots	Side yard surface parking is not permitted	Side yard surface parking is not permitted	Side yard surface parking is not permitted	Side yard surface parking is not permitted	Side yard surface parking is not permitted	Side yard surface parking is not permitted	Side yard surface parking is not permitted	Min. 1.5m Min. 0m for attached Buildings and/or shared Lots
Frontage Requirements									
Minimum Building or Landscape Frontage Along Street-facing Build-To Line	100%	100%	100%	100%	100%	100%	100%	100%	100%
Building and Landscape Frontage Types Permitted	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Podium Wrap Low Wall and Trellis Urban Fence	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Low Wall and Trellis Urban Fence or Wall	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Low Wall and Trellis Urban Fence or Wall	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Podium Wrap Low Wall and Trellis Urban Fence	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Low Wall and Trellis Urban Fence or Wall	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Low Wall and Trellis Urban Fence or Wall	Podium Linear Podium Porch / Stoop / Terrace Low Wall and Trellis Urban Fence or Wall **(BL 13/004)**	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Podium Wrap Low Wall and Trellis Urban Fence	Podium Linear Podium Forecourt Podium Porch / Stoop / Terrace Podium Wrap Low Wall and Trellis Urban Fence

Table 9.10-2	Regulating Plan Areas Downtown Major Redevelopment Zone								
Specific Development Standards by Area	Downtown General	Franklin Ave West	Morrison Street	MacDonald Avenue	Main Street	Hardin Street North	Hardin Street South	Father Mecredi Street	Prairie Loop Boulevard West
	or Wall **(BL 13/004)**	**(BL 13/004)**	**(BL 13/004)**	or Wall **(BL 13/004)**	**(BL 13/004)**	**(BL 13/004)**		or Wall **(BL 13/004)**	or Wall **(BL 13/004)**

9.10.3 Development Standards Illustrations

Figure 9.10.3-1 Through Block Pedestrian Connection and Public Space



a Through Block Connection required on all block faces longer than 140 linear metres

b Maintain east-west Though Block Connection on lanes within the Downtown Office Primary Employment Area, or relocate to within minimum distance from sidewalk

c Through Block Connections shall meet the Development Standards of Downtown Street Types

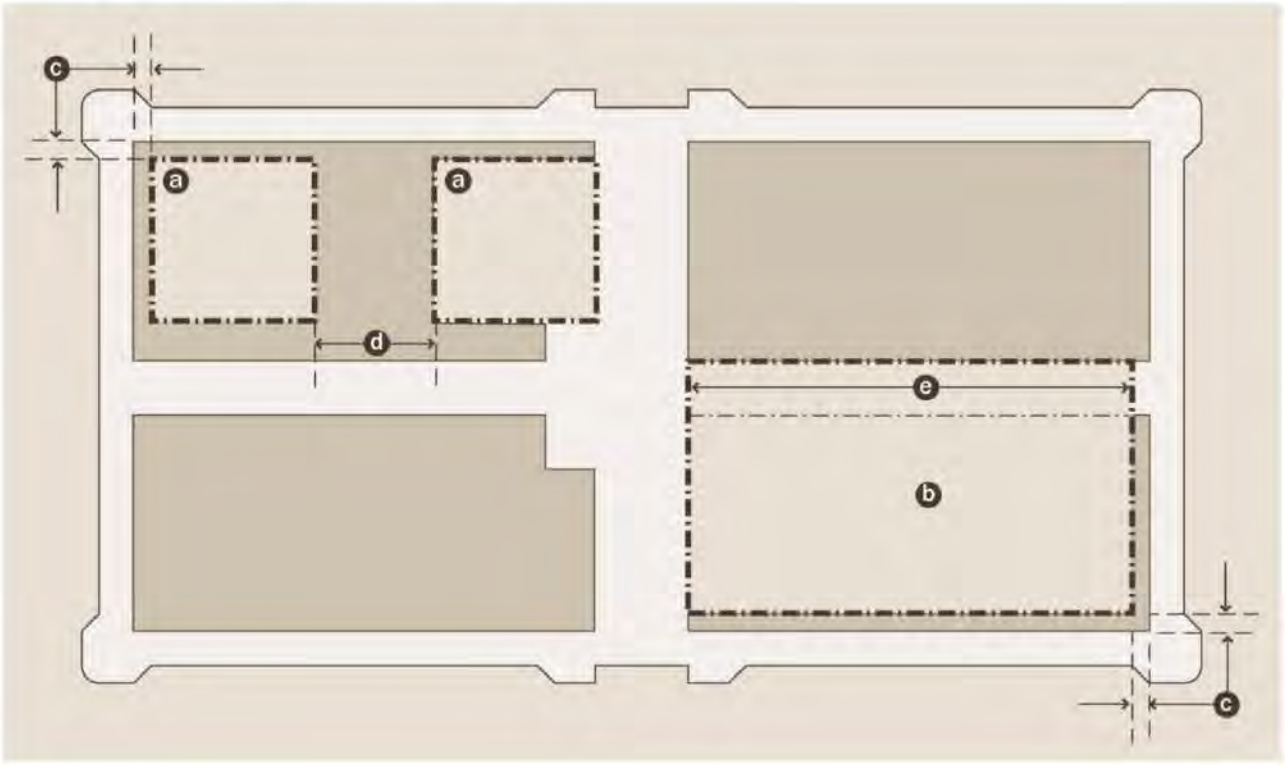
d Required public space adjacent to north-south Through Block Connection

e Optional location for public space adjacent to north-south or east-west Through Block Connection

f Minimum distance from sidewalk for required public open space and east-west Through Block Connection

Exhibit 14

Figure 9.10.3-2 Podium and Tower Building Layout



a Maximum residential tower floor plate

b Maximum office tower floor plate

c Minimum stepback from street facing façade of podium

d Minimum distance between towers

e Maximum distance that towers or podium may span over east-west Though Block Connection

Exhibit 14

9.10.4 Street Types

1. Purpose

The purpose of the streetscape standards in this Section is to facilitate each Corridor and Through Block Connection in creating an ordered and well-designed public realm, an inviting environment for pedestrians, and a functional, well connected environment that supports transit-oriented development.

2. General Standards

(a) Existing and New Street Requirements: Existing and new Streets within the Downtown Major Redevelopment Zone shall be constructed to meet the standards set out in this section 9.10.4. Each Corridor is named on the Districts and Corridors Map - Appendix 1. The regulations that apply to each Corridor are set out in this section, where the applicable Corridor name is set out in the title of the figure, and the specific standards are set out below the figure.

(b) Upon Subdivision or Development, the Development Authority may require that, as a condition of issuing a Development Permit, the applicant enter into an agreement with the Municipality to construct Public Roads required to provide access to the Development to the standards set out in this section.

(c) The exact alignment of new Streets may vary by up to 16m from the locations shown on the Districts and Corridors Map, provided that they fully connect or intersect with each of the Streets and intersections shown on the map.

(d) In addition to the mapped Streets (existing and future) illustrated in the Districts and Corridors Map, the Development Authority may require, for any development within a block face longer than 140m block length, the applicant enter into an agreement with the Municipality to provide an additional connection through the block, as illustrated in figure 9.10.3-1. This additional connection may be any one of the permitted Through Block Connections in accordance with this section, and should be located no closer than 15 m to an adjacent Street intersection. These new connections should align with other existing Streets or planned new Streets to facilitate the development and continuity of the pedestrian network. **(BL 13/004)**

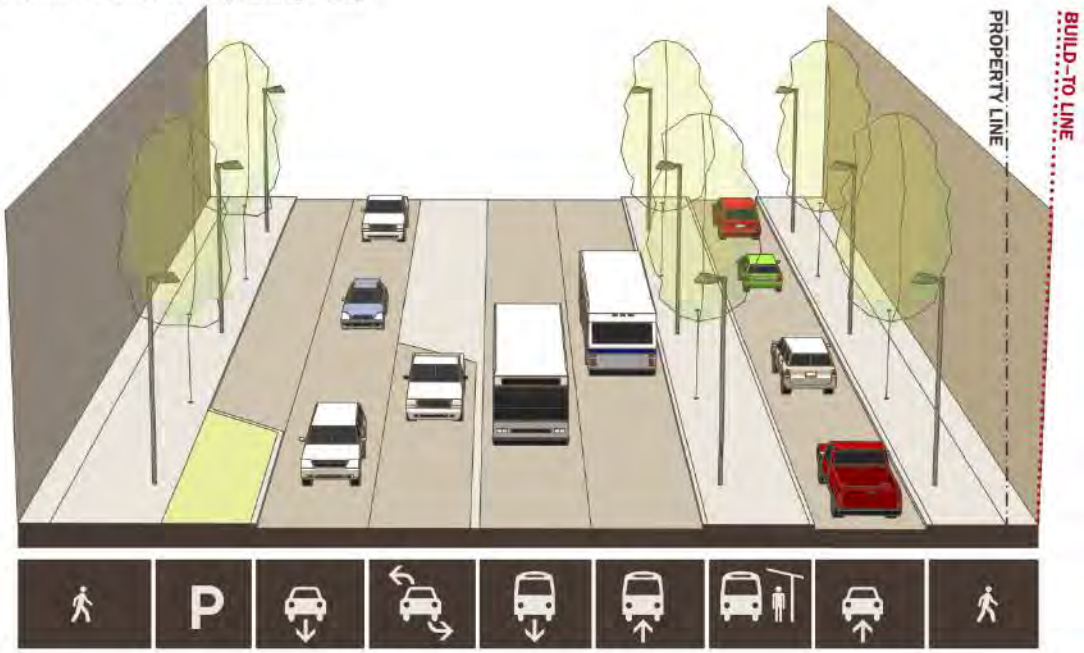
(e) Through Block Connections must comply with the Through Block Connection cross section designs in this Section. For Through Block Connections, the Development Authority may require that, as a condition of issuing a Development Permit, the applicant enter into an agreement with the Municipality to construct the Through Block Connection as part of a pedestrian walkway system. See Specific Development Standards for Development Standards for the Through Block Connections.

(f) The minimum setback from the Front Lot line to the Build-To Line is 1m along Public Roads designated as Corridors, except for Hardin

Street North where it is 3m. The minimum setback from the Front Lot line to the Build-To Line is 0 m along Public Roads that are not designated as Corridors. The maximum setback from the Front Lot line to the Build-To Line is 3 m along Public Roads, except for Hardin Street North where it is 5 m. **(BL 13/004)**

(BL 13/004)

Figure 9.10.4-1 Franklin Avenue West (looking east)



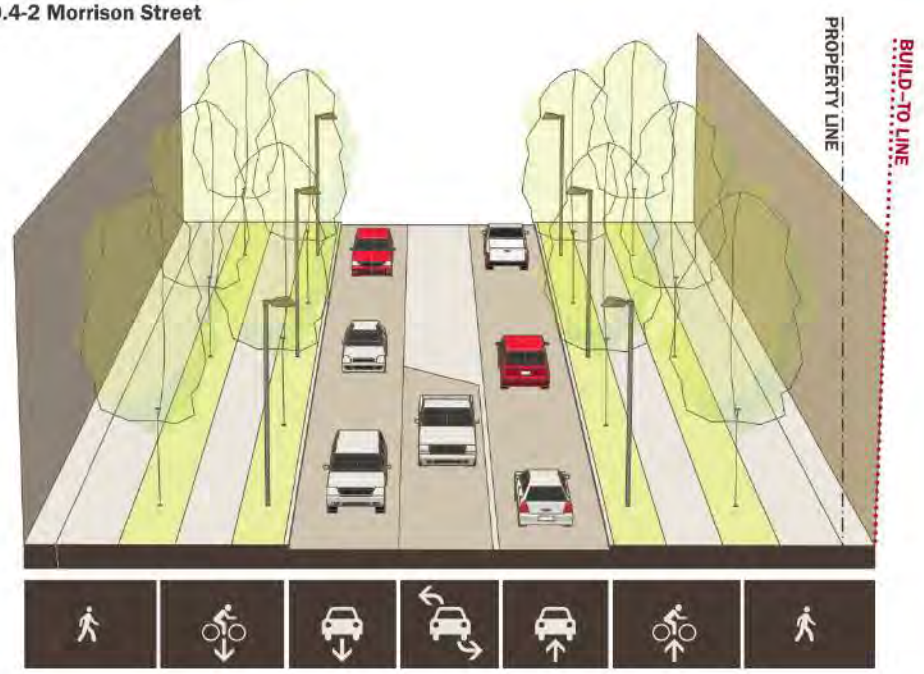
Thoroughfare Type	Boulevard
Character	Mixed-Use
Role in Network	Transit Spine
Right-of-Way Width	30m
Sidewalk Easement	1m – each side of street
Total Width	32m – Build-To Line to Build-To Line
Curb-to-Curb Width	21m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.5m
Parking Lanes	3m between curb flares (north side only)
Curb Radius	tbd
Transit Facilities	BRT two lanes
Bike Facilities	none
Sidewalks	3.5m, south | 4.5m, north (incl. easement)/ 3.5m
Planted Boulevard	3m, where occurs

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.

(BL 13/004)

Figure 9.10.4-2 Morrison Street



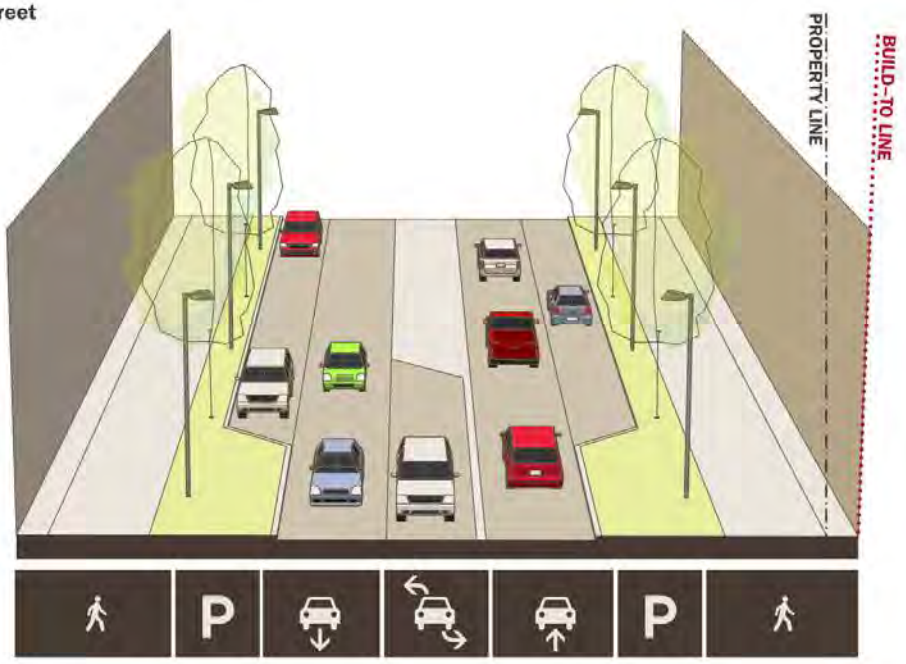
Thoroughfare Type	Street
Character	Civic Corridor
Role in Network	Connects to MacDonald Island Recreation Zone
Right-of-Way Width	25m
Sidewalk Easement	1m – each side of street
Total Width	27m – Build-To Line to Build-To Line
Curb-to-Curb Width	10.2m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.2m
Parking Lanes	none
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	1.8m cycle track – each side of street
Planting Strip	1.8m between cycle track and sidewalk
Sidewalks	3m – each side of street (incl. easement)
Planted Boulevard	1.8m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard and Planting Strip may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.

(BL 13/004)

Figure 9.10.4-3 Main Street



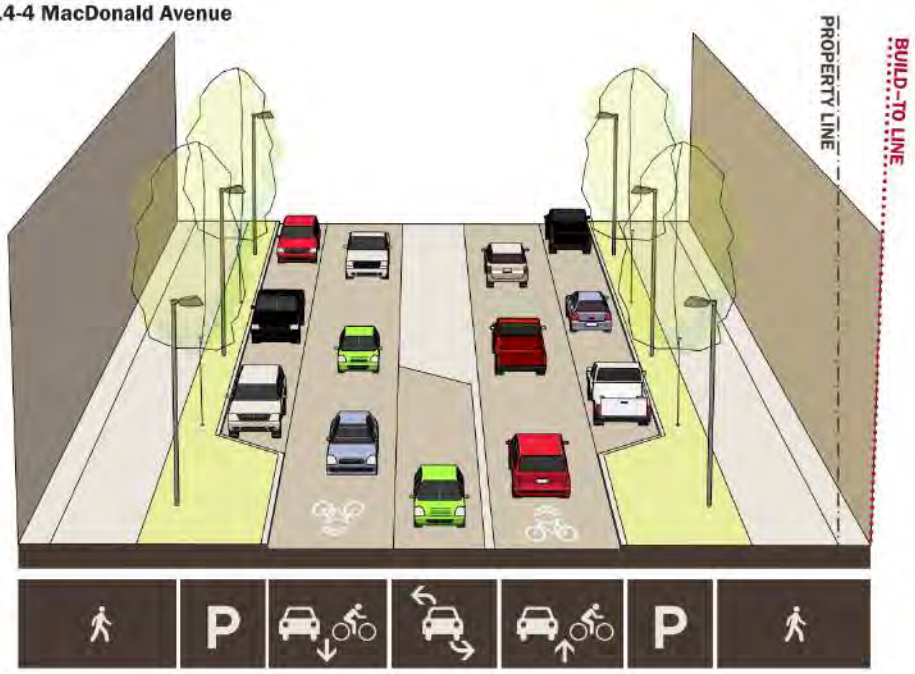
Thoroughfare Type	Street
Character	Small scale retail/ restaurant
Role in Network	Pedestrian Corridor
Right-of-Way Width	25m
Sidewalk Easement	1m – each side of street
Total Width	27m – Build-To Line to Build-To Line
Curb-to-Curb Width	15.2m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.2m
Parking Lanes	2.5m between curb flares
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	Shared street
Sidewalks	4.25m – each side of street (incl. easement)
Planted Boulevard	1.65m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.

(BL 13/004)

Figure 9.10.4-4 MacDonald Avenue



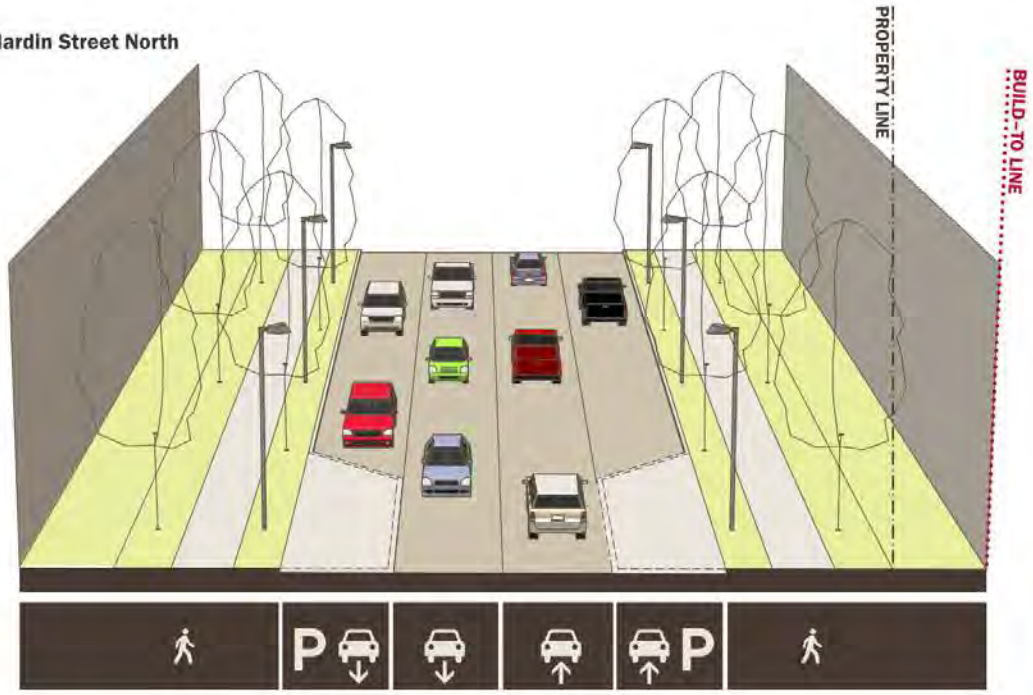
Thoroughfare Type	Street
Character	Entertainment Corridor
Role in Network	
Right-of-Way Width	24m
Sidewalk Easement	1m - each side of street
Total Width	27m - Build-To Line to Build-To Line
Curb-to-curb Width	16.2m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2 lanes
Travel Lane Width	4m with sharrow
Turning Lanes	1 left turn lane
Turning Lane Width	3.2m
Parking Lanes	2.5m between curb flares
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	4m shared lane
Sidewalks	3.75m - each side of street (incl. easement)
Planted Boulevard	1.65m - each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard and Planting Strip may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.

(BL 13/004)

Figure 9.10.4-5 Hardin Street North



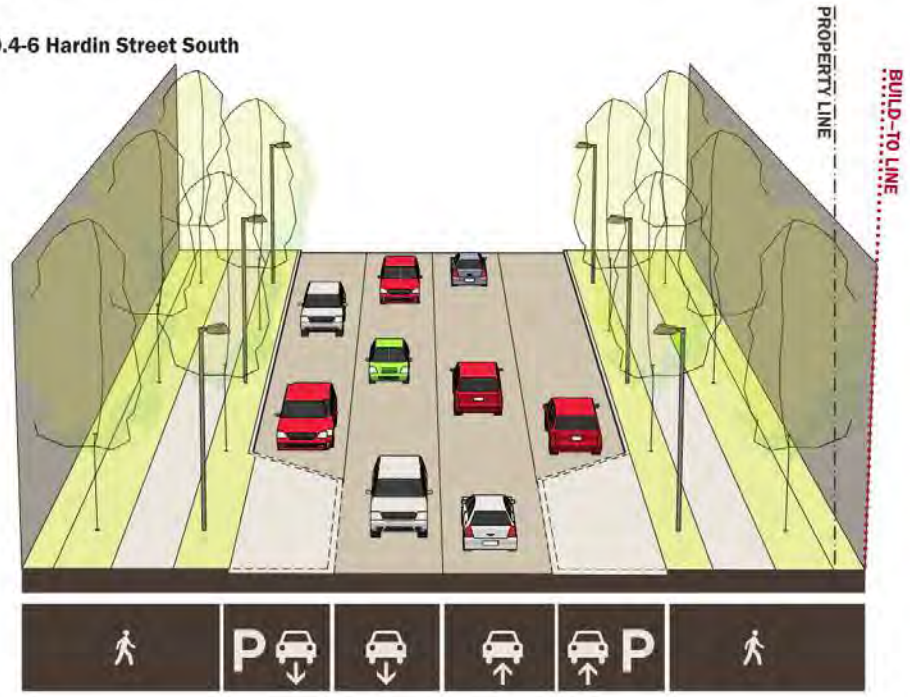
Thoroughfare Ttype	Grand Avenue
Character	Primarily Residential
Role in Network	
Right-of-Way Width	25m
Sidewalk Easement	3m – each side of street
Total Width	31m – Build-To Line to Build-To Line
Curb-to-Curb Width	14m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2/ 4 lanes
Travel Lane Width	3.5 m
Turning Lanes	n/a
Turning Lane Width	n/a
Parking Lanes	3.5m parking lane option
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	n/a
Planting Strip	4.85m – each side of street (incl. easement)
Sidewalks	2.0m – each side of street
Planted Boulevard	1.65 m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.
- Planting Strip may be interrupted with paved surfaces to provide pedestrian access from sidewalk to buildings.

(BL 13/004)

Figure 9.10.4-6 Hardin Street South



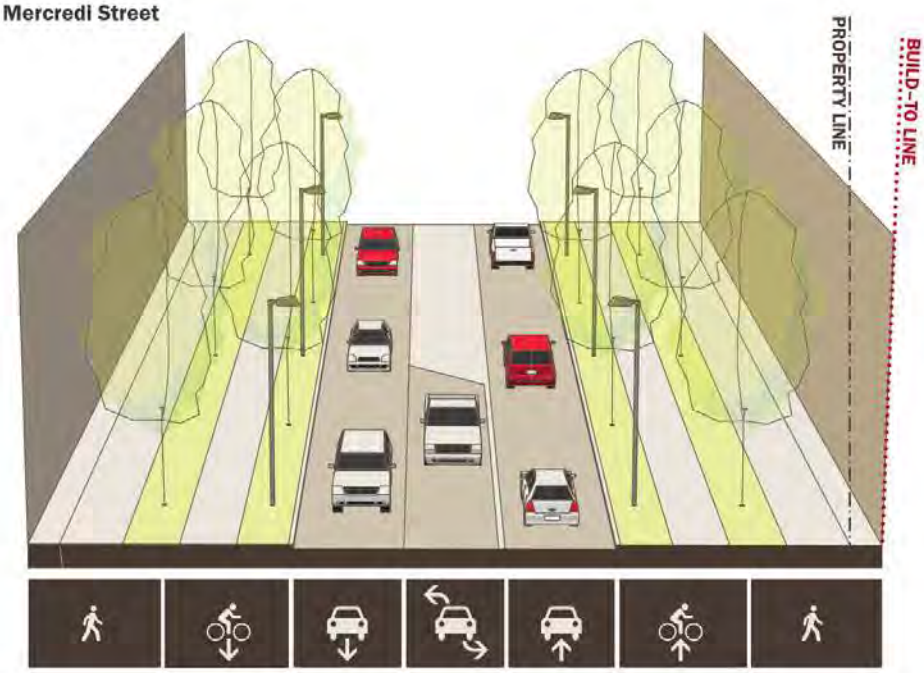
Thoroughfare Type	Grand Avenue
Character	Primarily Residential
Role in Network	
Right-of-Way Width	25m
Sidewalk Easement	1m – each side of street
Total Width	27m – Build-To Line to Build-To Line
Curb-to-Curb Width	14m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2/ 4
Travel Lane Width	3.5 m
Turning Lanes	n/a
Turning Lane Width	n/a
Parking Lanes	3.5m parking lane option
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	n/a
Planting Strips	1.65m – each side of street (incl. easement)
Sidewalks	3.2m –each side of street
Planted Boulevard	1.85m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.
- Planting Strip may be interrupted with paved surfaces to provide pedestrian access from sidewalk to buildings.

(BL 13/004)

Figure 9.10.4-7 Father Mercredi Street



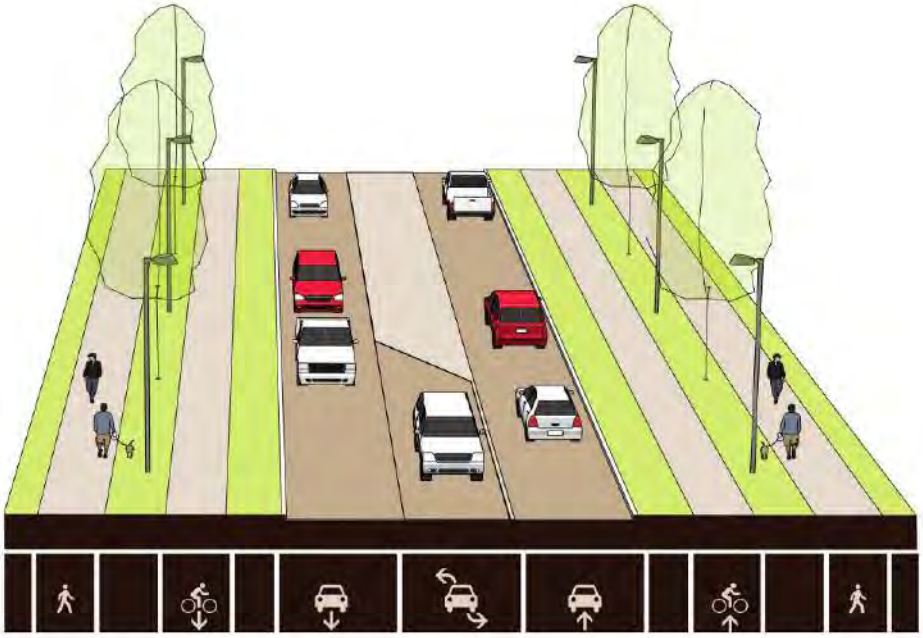
Thoroughfare Type	Street
Character	Mixed-Use
Role in Network	Connects to Snye Park
Right-of-Way Width	25m
Sidewalk Easement	tbd
Total Width	tbd
Curb-to-Curb Width	10.2m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.2m
Parking Lanes	none
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	1.8m cycle track – each side of street
Planting Strips	1.8m – each side of street
Sidewalks	3.0m – each side of street (incl. easement)
Planted Boulevard	1.8m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard and Planting Strip may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.

(BL 13/004)

Figure 9.10.4-8 Prairie Loop Boulevard West

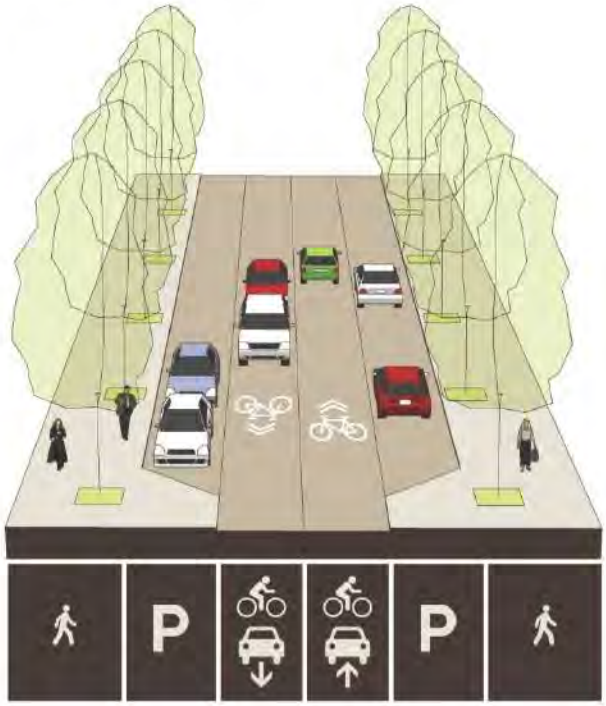


Thoroughfare type	Boulevard
Character	Mixed-Use
Role in Network	Perimeter Multimodal Access
Right-of-Way Width	varies
Sidewalk easement	varies
Total width	varies
Curb-to-curb width	varies
Traffic flow	Two-Way
Target speed	60kph
Through Travel Lanes	2
Travel Lane Width	3.5 m
Turning Lanes	1 left turn lane
Turning Lane Width	3.2 (3.7 with median)
Parking Lanes	na
Curb Radius	tbd
Transit facilities	na
Bike Facilities	1.8m cycle track
Sidewalks	vary in width
Planting Strips	vary

Notes:

- Street cross sections are representational in nature.
- While the cross section for Prairie Loop Boulevard varies along its length, this cross section is typical of the segment between Morrison Street and Main Street.

Figure 9.10.4.9 Narrow Street 1 (Through Block Connection)



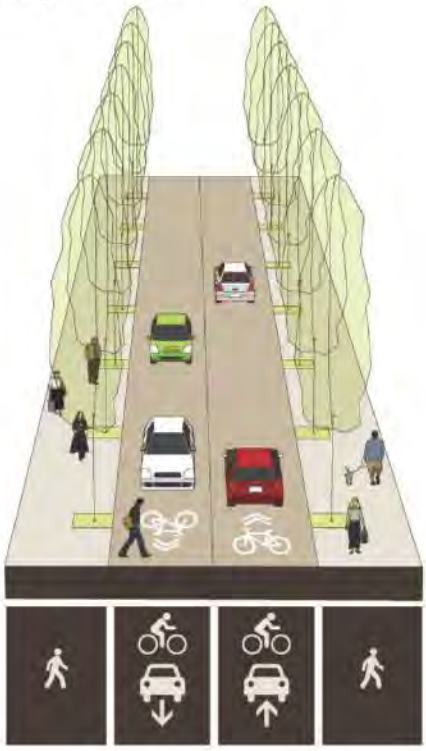
Type	Multimodal
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	17.2m - 18.2m
Curb-to-curb width	10m - 11m
Travel Lanes	1.5 - 2
Travel Lane Width	5m - 6m
Parking Lanes	2.5m between mountable curb flares
Bike Facilities	Shared lanes
Sidewalks	3.6m
Planting Strips	1.5m

Notes:

- When used to fulfill the requirement for Through Block Connections within the Downtown, Narrow Street 1 is required to have weather protection over one or both sidewalks.

Exhibit 14

Figure 9.10.4.10 Narrow Street 2 (Through Block Connection)

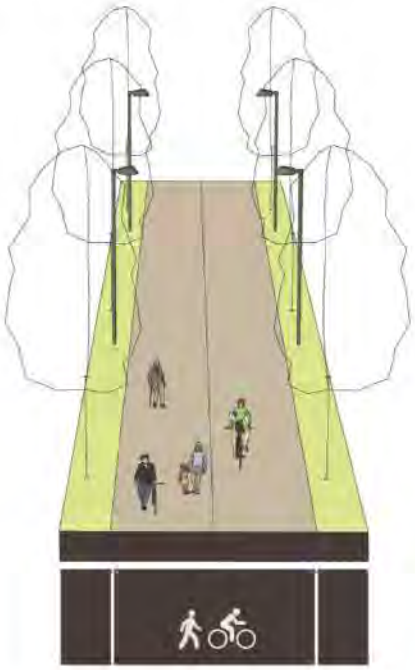


Type	Multimodal
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	12m
Shared lane width	6.1m (curbs optional)
Travel Lanes	2
Travel Lane Width	na
Parking Lanes	none
Bike Facilities	Shared lanes
Sidewalks	3m
Planting Strips	1.5m

Notes:

- When used to fulfill the requirement for Through Block Connections within the Downtown, Narrow Street 2 is required to have weather protection over one or both sidewalks.

Figure 9.10.4-11 Lane/Universal Access Street (Through Block Connection)



Type	Bike and Pedestrian Only
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	9.1m
Shared lane width	6.1m (curbs optional)
Travel Lanes	na
Travel Lane Width	na
Parking Lanes	na
Bike Facilities	Shared lanes
Sidewalks	na
Planting Strips	1.5m

Notes:

- Lanes and/or "Universal Access Streets" are private or public multi-use pathways designed for pedestrian and bicycle users, while simultaneously allowing for occasional vehicular access to individual buildings within the same street/alley space.
- Space shall be provided for landscaping, trees, lighting, and street furniture. These streetscape elements should reinforce the shared nature of these streets.
- Street lighting and landscaping shall be designed at a pedestrian scale.
- When used to fulfill the requirement for Through Block Connections within the Downtown, Lane/Universal Access is required to have weather protection over a portion of the central walkway.

9.10.5 Building and Landscape Frontage Types

9.10.5.1 Overview of Building and Landscape Frontage Types

1. Refer to the Regulating Plan and the Development Standards tables to determine which Building and Landscape Frontage Types are permitted along each Street. Each Street-facing Build-To Line shall comply with the Development Standards listed under the applicable Building and Landscape Frontage Type.
2. Podium Linear Building Frontage
   (a) The Podium Building Frontage, as set out in Figure 9.10.5-1, is a façade at the base of a Tower, or a façade as part of a Podium Building without a Tower. The Tower is stepped back a minimum of 3 m from the Street facing façade of the Podium as illustrated in figure 9.10.3-2. The Podium has a minimum Height of 2 Storeys or 6m along corridors, and a maximum Height of 6 Storeys or 20 m. **(BL 13/004)**
   (b) A Linear Building Frontage is characterized by a façade which is built up to the Build-To Line. The Building entrance is at sidewalk grade. Linear Building Frontages have substantial glazing on the Ground Floor, and may provide awnings or canopies cantilevered over the sidewalk. Building entries must either provide a canopy or awning and/or be recessed behind the front Building façade.
3. Podium Forecourt Building Frontage
   (a) The Podium Building Frontage, as set out in Figure 9.10.5.2, is a façade at the base of a Tower, or a façade as part of a Podium Building without a Tower. The Tower is stepped back a minimum of 3 m from the Street facing façade of the Podium as illustrated in figure 9.10.3-2. The Podium has a minimum Height of 2 Storeys or 6 m along corridors, and a maximum Height of 6 Storeys or 20 m. **(BL 13/004)**
   (b) A Forecourt Building Frontage may be created by recessing a portion of the facade for a portion of the Building Frontage. The Forecourt Building Frontage should be used in conjunction with the Linear Building Frontage. A Forecourt Building Frontage may be suitable for small-scale Courtyards, gardens and/or outdoor seating.
4. Podium Porch/Stoop/Terrace Building Frontage
   (a) The Podium Building Frontage, as set out in Figure 9.10.5.3, is a façade at the base of a Tower, or a façade as part of a Podium Building without a Tower. The Tower is stepped back a minimum of 3 m from the Street facing façade of the Podium as illustrated in figure 9.10.3-2. The Podium has a minimum Height of 2 Storeys or 6m along corridors, and a maximum Height of 6 Storeys or 20 m. **(BL 13/004)**

(b) The Setback Building Frontage is characterized by a façade which is set behind the Build-To Line and a Building entry Threshold, such as a Porch or Terrace, set between the Building and the Build-To Line. The Threshold may be elevated above or may be sunken below grade. The Building entry is accessed from this Threshold. Landscaping may be provided in the setback area between the Building and the sidewalk.

5. Podium Wrap Building Frontage

(a) The Podium Wrap Building Frontage, as set out in Figure 9.10.5-4, is a façade that forms the perimeter of a large single use Building that occupies an entire block, or most of a block. It must meet the Linear, Forecourt, or Porch/ Stoop/Terrace frontage requirements. The Podium Wrap Building has a minimum depth of 10m from the Build-To Line. It has a minimum Height of 2 Storeys or 6 m, and a maximum Height of 6 Storeys or 20 m.

6. Low Wall and Trellis Landscape Frontage

(a) As set out in Figure 9.10.5-5, Street-facing Lot lines not occupied by Buildings, driveways, or pedestrian paths must be screened with a low masonry or concrete wall and overhanging trellis structure

7. Urban Wall or Fence **(BL 13/004)**

(a) As set out in Figure 9.10.5-6, Street-Facing Lot lines not occupied by Buildings, driveways, or pedestrian paths must be screened with an open framework low wall or fence in either metal, wood, masonry, or a combination. **(BL 13/004)**

9.10.5.2 Medium sized Developments on existing Sites

1. The Building and Landscape Frontage types shall be provided as set out in this Bylaw for Development that meets the lesser of the following criteria:

(a) the total cumulative additions or new Buildings on the Site exceeds 30% of the Gross Floor Area of the Building that existed on the Site as of the date of adoption of this Part 9; or

(b) additions and/or new Buildings exceed 2,000m^2 in Gross Floor Area.

2. For Developments greater than 100 m^2 and less than or equal to 1,000m^2 in Gross Floor Area, or where the total cumulative additions and/or new Buildings on the Site is greater than 5% and less than or equal to 15% of the Gross Floor Area of the Building that existed on the Site as of the date of adoption of this Part 9, the following requirements apply:

(a) As an exception to providing the Building or Landscape Frontage Type for the entire site. A Low Wall and Trellis Landscape Frontage or an Urban Fence or Wall Landscape Frontage may be provided along the boundary of surface parking lots or accessory

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surface parking lots adjacent to streets or adjacent to a through block connection.

3. For Developments between 1,000m^2 and 2000 m^2 in Gross Floor Area, or where the total cumulative additions and/or new Buildings on the Site is between 15% and 30% of the Gross Floor Area of the Building that existed on the Site as of the date of adoption of this Part 9, the following requirements apply:

   (a) As an exception to providing the Building Frontage Type on the entire Site, the Building Frontage Type is only required on the front of the addition and /or new Building; and

   (b) As an exception to providing the Landscape Frontage Type for the entire Site, the Landscape Frontage Type is only required along the length of the Site along the entire Street frontage faced by the addition and/or new Building; or

   (c) If the Site is adjacent to a Corridor, as an exception to providing the Landscape Frontage Type for the entire Site, the Landscape Frontage Type is only required along the length of the Site along the Corridor.

(BL 13/004)

9.10.5.3 Podium Linear Building Frontage

Podium Linear Building Frontages shall conform to Figure 9.10.5-1 and the following standards:

1. Front Setback: The front façade of the Building must be built to the Street Facing Build-To Line. If the Site lies at the corner of two Streets, the façades facing each of the Streets must be built to the Street Facing Build-To Lines for both Street Frontage Lot lines.
2. Ground Floor height: The Ground Floor must measure a minimum of 4.5 m, floor to ceiling.
3. Minimum Building Height along Corridors: 2 Storeys or 6m. **(BL 13/004)**
4. Minimum Building depth: Buildings must be a minimum of 12m deep in order to accommodate retail uses on the Ground Floor.
5. Weather Protection: Awnings or canopies must be provided for a minimum of 80% of the overall Building frontage and must comply with the following:

   (a) Awnings or canopies must project a minimum of 1.5m and a maximum of 2.5 m over the sidewalk along a Corridor.

   (b) Awnings or canopies must project a minimum of 1.0m and a maximum of 2.5 m over the sidewalk not located along a Corridor.

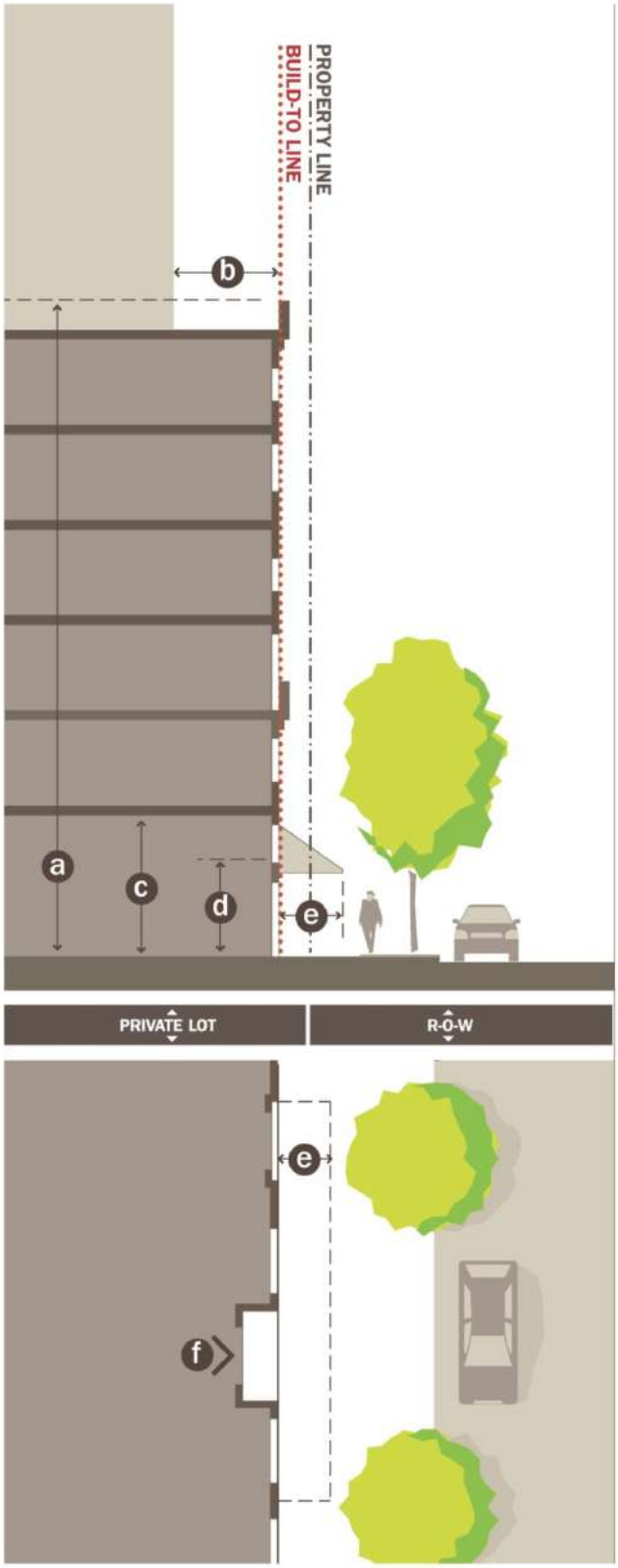
   (c) Awnings or canopies must provide a minimum of 2.5m and a maximum of 4 m of vertical clearance over the sidewalk.

(BL 13/004)

6. Windows: Transparent Ground Floor windows shall be provided along a minimum of 60% of the Ground Floor, Street-facing façade area.

7. Primary Entry Doors: Primary Building entries must face the Street, and a minimum of 40% of each primary entry shall be transparent.

Figure 9.10.5-1 Podium Linear Frontage



a Podium height

b Tower step back from Build To Line

c Ground floor height

d Awning / canopy height

e Awning / canopy depth

f Primary entry, recess optional

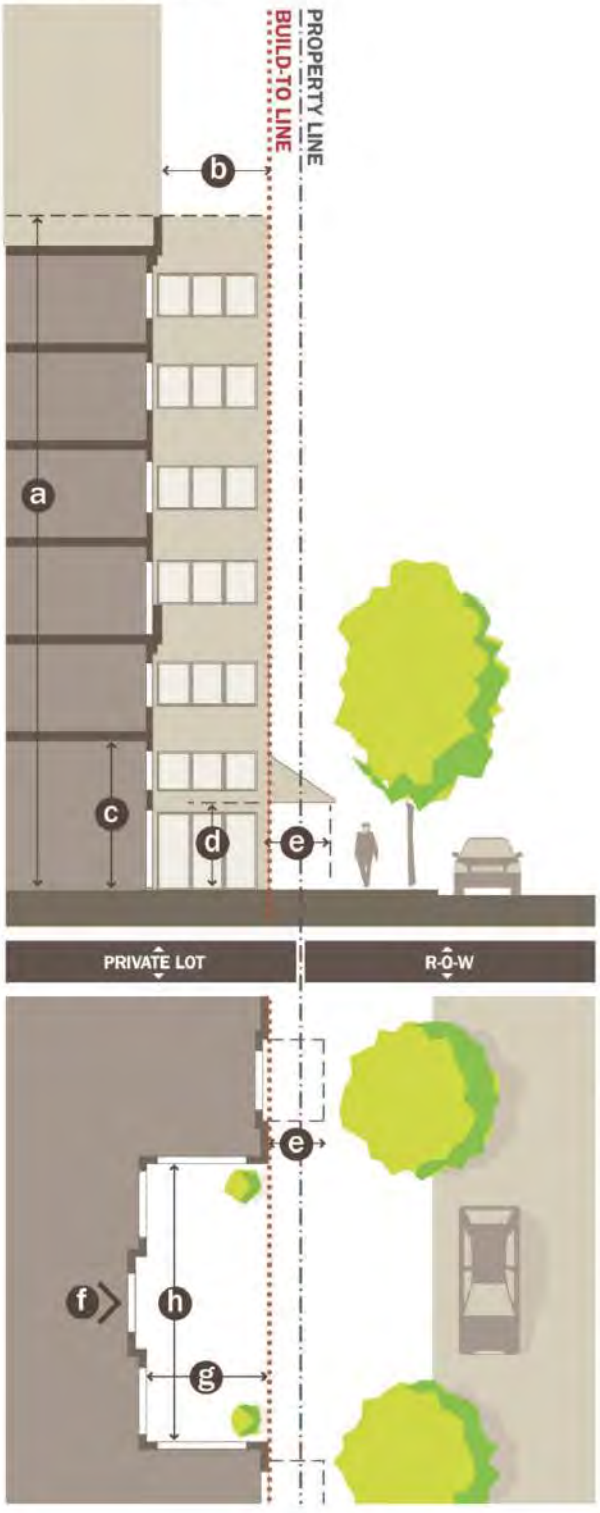
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9.10.5.4 Podium Forecourt Building Frontage

Podium Forecourts shall conform to Figure 9.10.5-2 and the following standards:

1. Courtyard Setback: The Courtyard portion of a Forecourt shall be set back from the Build-To Line a minimum of 3 m and a maximum of 10 m. The Courtyard portion of a Forecourt shall be open to the sky. Courtyards shall be landscaped and/or hardscaped.
2. Courtyard Length: The Courtyard portion of a Forecourt shall span a minimum of 6 m along the Primary Street Frontage façade and shall comprise no more than 50% of the Primary Street Building Frontage. **(BL 13/004)**
3. Forecourt Frontage: The Forecourt frontage shall incorporate the Linear Frontage type for Building faces that are not part of the Courtyard.
4. Ground floor height: The Ground Floor shall measure a minimum of 4.5 m, floor-to-ceiling.
5. Minimum Building Height along Corridors: 2 Storeys or 6m. **(BL 13/004)**
6. Weather Protection: Awnings or canopies must be provided for a minimum of 80% of the overall Building frontage and must comply with the following: **(BL 13/004)**
   (a) Awnings or canopies must project a minimum of 1.5m and a maximum of 2.5 m over the sidewalk or Courtyard along a Corridor.
   (b) Awnings or canopies must project a minimum of 1.0m and a maximum of 2.5 m over the sidewalk or Courtyard not located along a Corridor.
   (c) Awnings or canopies must provide a minimum of 2.5 m and a maximum of 4m of vertical clearance over the sidewalk.
7. Windows: Transparent windows shall be provided along at least 50% of the Courtyard-facing Ground Floor façade area. See “Linear Frontage” for window requirements for the remainder of the façade.
8. Primary Entry Doors: Primary Building entries shall face the Street and/or the Courtyard, and a minimum of 40% of each primary entry shall be transparent.
9. Fences: Fences and walls with pedestrian openings are permitted within the Courtyard setback but each fence or wall may be no greater than 0.9 m in height and must be a minimum of 20% transparent.
10. Surface Parking: Surface Parking is not allowed in the Courtyard portion of a Forecourt; nor is surface parking allowed on the Site between the Building and the Street.

Figure 9.10.5-2 Podium Forecourt



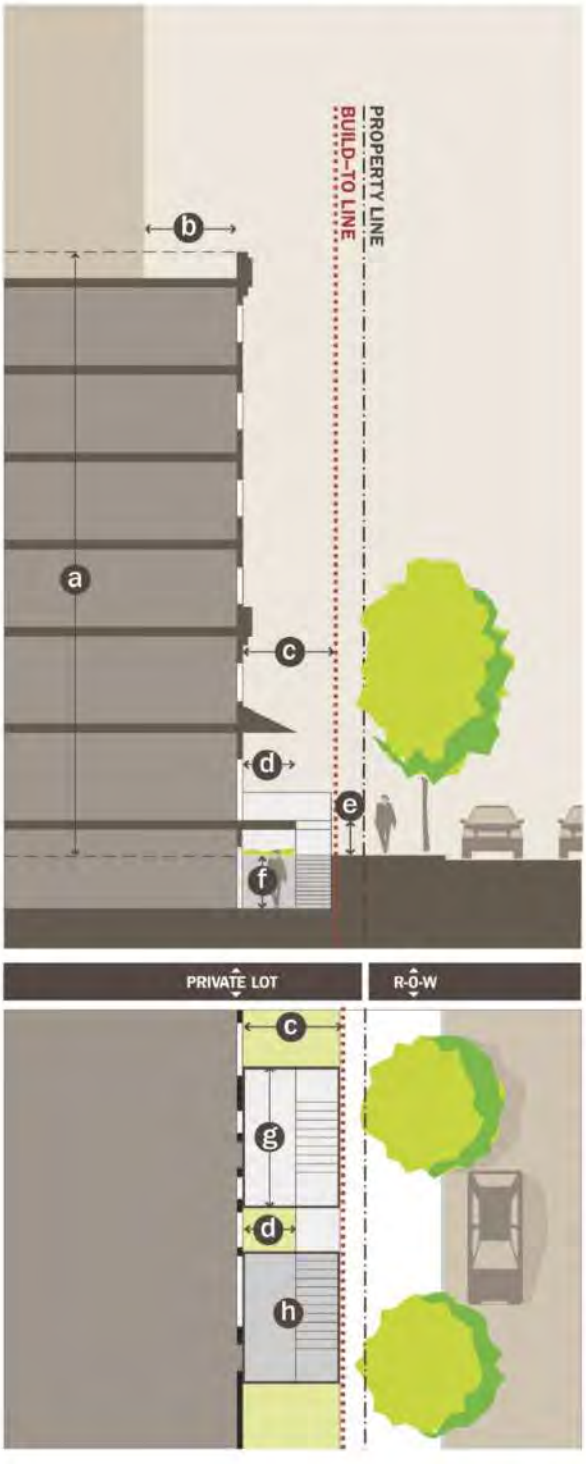
a Podium height
b Tower step back from Build To Line
c Ground floor height
d Awning / canopy height
e Awning / canopy depth
f Primary entry, recess optional
g Forecourt setback from Build To Line
h Forecourt width

9.10.5.5 Podium Porch/Stoop/Terrace Frontage

Porch/Stoop/Terrace Frontages shall conform to Figure 9.10.5-3 and to the following standards:

1. Street-Facing Setback: The Building shall be set back a minimum of 1.5 m and a maximum of 4.5 m from the Build-To Line. The entry Threshold, including a roof over the Threshold, and steps to the Threshold may extend up to the Build-To Line.
2. Threshold Dimensions: The entry Threshold (such as a Porch, Stoop, Terrace, patio, or light court) shall conform with the following minimum standards (note: dimensions may vary from the standards below to accommodate universal access if necessary):
   (a) Minimum of 1.5m depth (clear) from Building façade to front of Threshold.
   (b) Minimum 1.8m width (clear) along the Building façade.
   (c) The Threshold shall be no more than 1.8 m above grade. An additional Threshold may be provided to access a lower level and shall be no more than 1.5 m below grade.
   (d) The Threshold shall cover an area of no more than 15 m^2 per Building entry. **(BL 13/004)**
   (e) The entry Threshold may be covered by a roof no larger than the Threshold itself.
3. Minimum Building Height along Corridors: 2 Storeys or 6m. **(BL 13/004)**
4. Primary Entry Doors: In order to provide adequate "eyes" on the Street, Ground Floor Residential uses shall provide individual Building entries to individual Residential units. Building entries shall face the Street and be a minimum 10% transparent.
5. Windows: Transparent windows shall be provided along at least 20% of the Street-facing façade area. Windows shall be vertically oriented. Vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.
6. Fences: Fences are permitted within the Primary Frontage Setback and Secondary Frontage Setback but shall be no greater than 0.9 m high and shall be a minimum of 50% transparent.
7. Landscaping: Landscaping shall be provided in the Primary Frontage Setback and Secondary Frontage Setback. Hardscaping is permitted only to provide access to the Threshold; all other areas shall be planted.
8. Surface Parking: Surface Parking shall not be permitted on the Site in between the Building and the Street.

Figure 9.10.5-3 Podium Porch/Stoop/Terrace Frontage



a Podium height
b Tower step back from Build To Line
c Setback from Build To Line
d Threshold depth
e Threshold height above grade
f Threshold depth below grade
g Threshold width
h Threshold area

9.10.5.6 Podium Wrap Building Frontage

Podium Wrap Buildings shall conform to Figure 9.10.5-4 and the following standards:

1. Frontage Type: The Wrap Frontage shall incorporate the Linear Frontage, the Forecourt Frontage Type or the Porch/Stoop/Terrace Frontage Type standards for Building façades adjacent to the Build-To Line.
2. Ground floor height: The Ground Floor must measure a minimum of 4.5m, floor-to-ceiling.
3. Minimum Building Height along Corridors: 2 Storeys or 6 m. **(BL 13/004)**
4. Ground floor height: The Ground Floor shall measure a minimum of 4.5 m, floor-to-ceiling.
5. Minimum Depth: The Ground Floor shall have a minimum depth of 10 m.
6. Weather Protection: Awnings or canopies must be provided for a minimum of 80% of the overall Building frontage and must comply with the following:

   (a) Awnings or canopies must project a minimum of 1.5 m and a maximum of 2.5 m over the sidewalk along a Corridor.

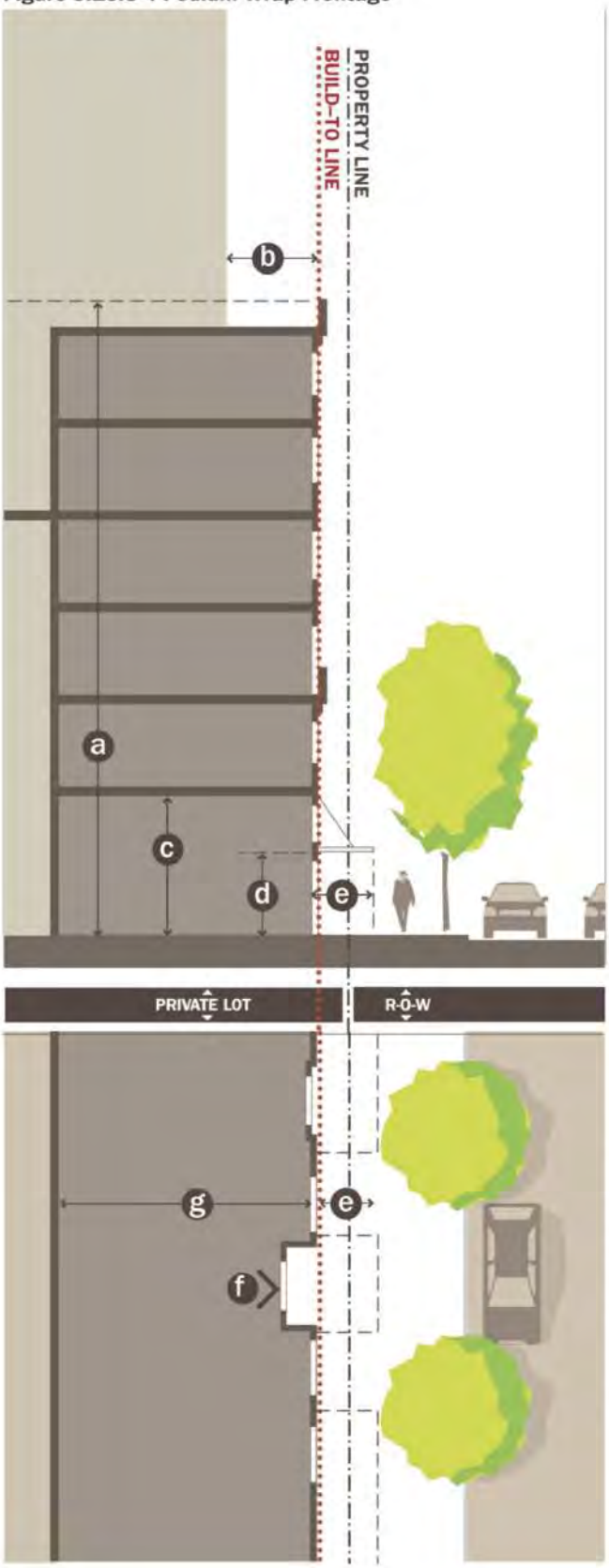
   (b) Awnings or canopies must project a minimum of 1.0 m and a maximum of 2.5 m over the sidewalk not located along a Corridor.

   (c) Awnings or canopies must provide a minimum of 2.5 m and a maximum of 4 m of vertical clearance over the sidewalk.

   (BL 13/004)

7. Windows: Transparent windows must be provided along at least 50% of the Courtyard-facing Ground Floor façade area. See "Linear Frontage" for window requirements for the remainder of the façade.
8. Primary Entry Doors: Primary Building entries must face the Street and/or the Courtyard and, and a minimum of 40% of each primary entry shall be transparent.
9. Fences: Fences and walls with pedestrian openings are permitted within the Courtyard setback but may be no greater than 0.9m high and must be a minimum of 20% transparent.
10. Surface Parking: Surface Parking is not allowed in the Courtyard portion of a Forecourt; nor is surface parking allowed on the Site between the Building and the Street.

Figure 9.10.5-4 Podium Wrap Frontage



a Podium height
b Tower step back from Build To Line
c Ground floor height
d Awning / canopy height
e Awning / canopy depth
f Primary entry, recess optional
g Ground floor depth

9.10.5.7 Low Wall and Trellis Landscape Frontage

Low Wall and Trellis Screening shall conform to Figure 9.10.5-5 and the following standards:

1. Along all public or private Street-facing frontage, surface parking areas shall be screened with a Low Wall and Trellis along the Build-To Line. The Low Wall and Trellis shall be set back a minimum of 0m and a maximum of 1.5 m from the Build-To Line. Any setback area between the sidewalk along the Public Road and the wall shall be planted or paved with stamped concrete or masonry pavers.

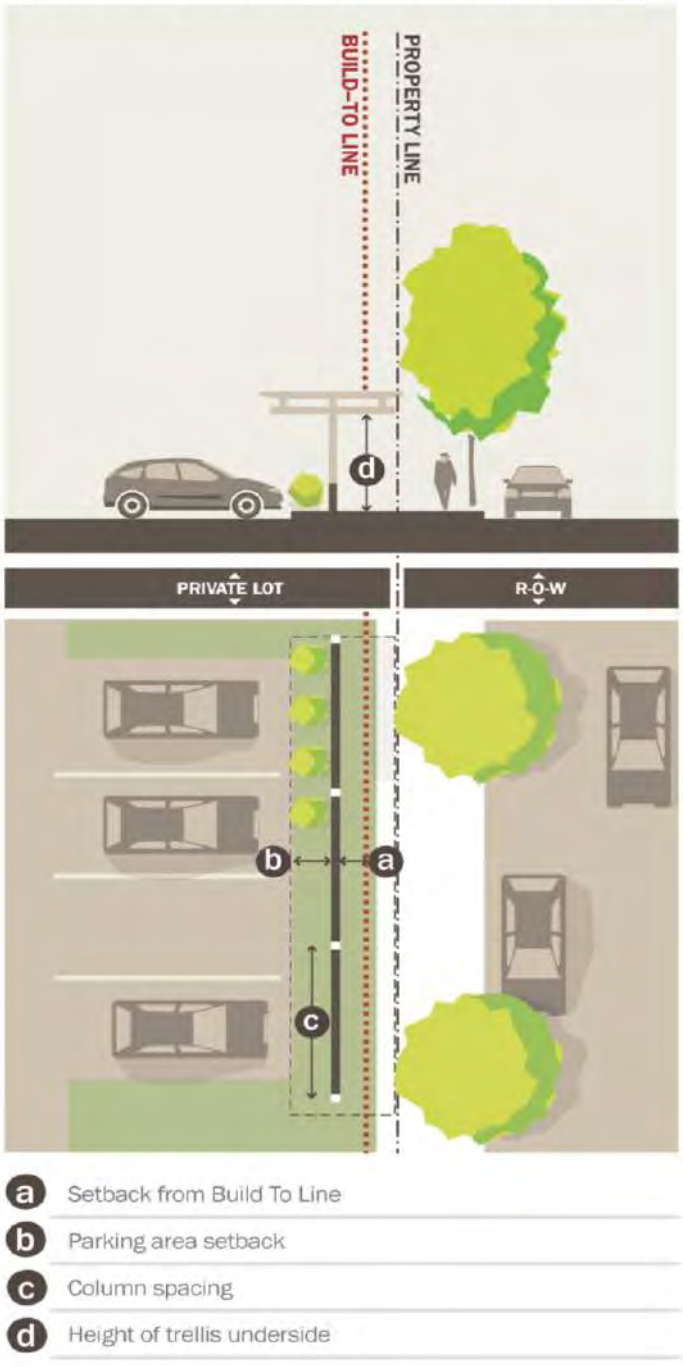
2. The underside of the Trellis portion of a Low Wall and Trellis shall be a minimum of 2.4 m above grade and a maximum of 4.1 m above grade. The Trellis shall be constructed of heavy timber or steel (or a similar material) and shall consist of open structure with no decking or awning material. The Trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 9 m on center.

3. The Low Wall portion of a Low Wall and Trellis shall be a minimum of 0.5 m high and a maximum of 0.9 m high and have a minimum depth of 0.4m. The Low Wall shall be constructed of wood, masonry, and/or concrete.

4. Parking shall be set back a minimum of 1.0 m from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this set back area.

5. Openings in the Low Wall and Trellis are allowed for pedestrian pathways, sidewalks, plazas, and driveways.

Figure 9.10.5-5 Low Wall and Trellis Landscape Frontage



9.10.5.8 Urban Fence or Wall Landscape Frontage **(BL 13/004)**

Urban Fence or Wall Landscape Frontage shall conform to Figure 9.10.5-6 and the following standards:

1. Along all public or private Street-facing frontage, surface parking areas shall be screened with a wall and/or fence along the Build-To Line. Walls shall be wood masonry, and/or concrete; fences shall be made of wrought iron, steel, or a similar material (but not chain-link) and must be dark in color. The fence shall be at least 0.6m high and no more than 0.9 m high. Fences may be no more than 50% sight obscuring. The wall shall be at least 0.6 m high and no more than 0.9 m high.

2. The Urban Fence or Wall shall be set back a maximum of 1.5 m from the sidewalk. The area between the Urban Fence or Wall shall be hardscaped with either masonry pavers or stamped concrete.

3. The surface parking area shall be set back, at a minimum, an additional 1.5 m to provide room for required landscaping and stormwater infiltration and/or retention.

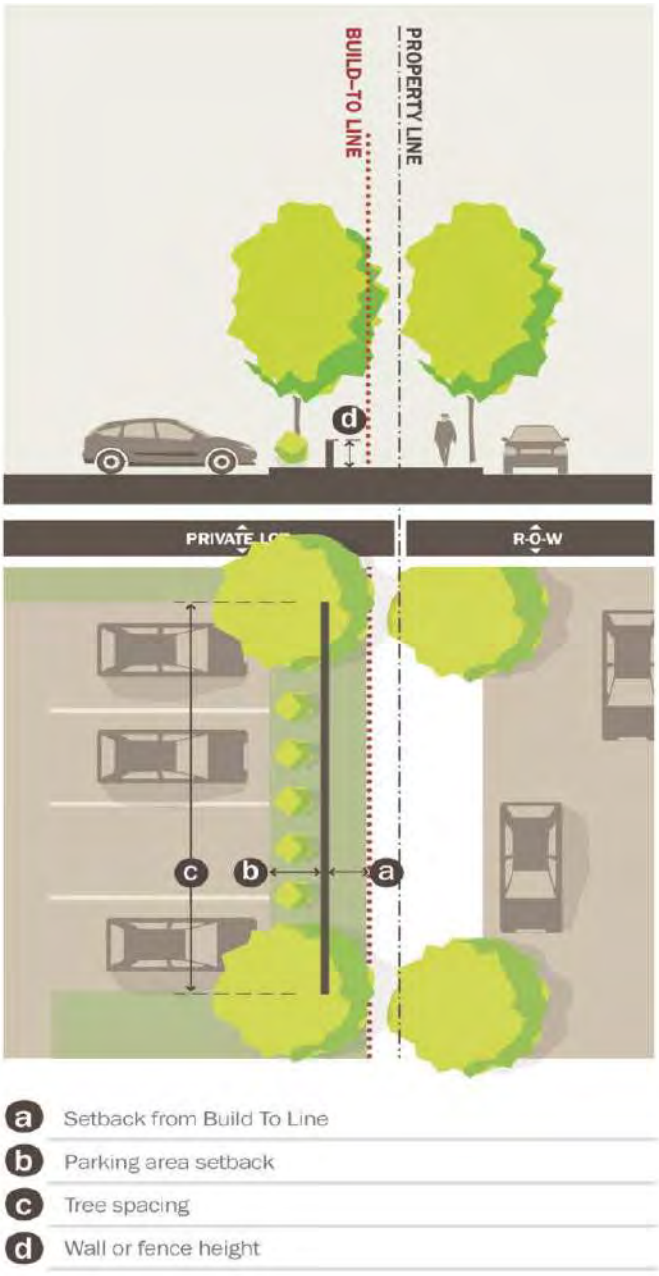
4. In addition to the required fence or wall, trees and shrubs shall be provided. One large tree is required every 9 linear metres minimum along all public or private Street-facing frontages, except where it is necessary to ensure adequate traffic visibility. The minimum shrub height shall be the same as the height of the wall or fence, and the maximum height shall be no more than 1.8m.

5. Openings in the Urban Fence or Wall are allowed for pedestrian pathways, sidewalks, plazas, and driveways.

6. Ground cover plants must fully cover any remaining landscaped area between the parking area and the Urban Fence or Wall.

(BL 13/004)

Figure 9.10.5-6 Urban Fence or Wall Landscape Frontage



9.11 Franklin Avenue Re- Urbanization Development Standards (BL 12/013)

9.11.1 General Standards Required for All Development in the Franklin Avenue Re-Urbanization Zone

1. Introduction

   (a) The following standards apply to all Development in the Franklin Avenue Re-Urbanization Zone unless noted otherwise in the Table for Specific Development Standards - Table 9.11-1 - for Franklin Avenue Re-Urbanization.

2. Connectivity

   (a) Maximum Block Length: New Streets are intended to create blocks with a maximum block length of 180m, and a perimeter no greater than 530 m, unless otherwise noted on the Table of Specific Development Standards for Franklin Avenue Re-Urbanization. Exact location of these new Streets may vary up to 16 m, provided this provision is met. See Section 9.11.4 “Street Types” for further requirements.

   (b) Through Block Connections: In addition to the mapped Streets (existing and future) illustrated in the Districts and Corridors Map, any block face longer than 140 linear metres must provide an additional connection through the block as illustrated in Figure 9.11.3-1. Existing East –West aligned lanes shall also be utilized for Through Block Connections as illustrated in Figure 9.11.3-1. These new connections should to align with existing Streets or planned new Streets. See Section 9.11.4 “Street Types” for further requirements for Through Block Connections.

3. Site Access

   (a) Vehicular Entrances: A Site may have vehicular entrances that meet the Development Standards shown in the Table of Specific Development Standards.

   (b) Vehicular Entrance Width: 8 m maximum width, not including any sidewalks or landscaping.

   (c) Pedestrian Access: All Buildings must provide at least one Building entrance that is directly connected to the public sidewalk by a walkway that is a minimum of 1.8 m wide. This Building entrance must be operable during normal business hours (See Figure 9.11.3-3)

4. Frontage Requirements

   (a) Minimum Building Frontage along Street-Facing Build-To Line: All Street or path-facing Build-To Lines not occupied by Buildings or driveways are required to provide Building or Landscape Frontage between the sidewalk and the remainder of the Lot. See the Table of Specific Development Standards for permitted Building and Landscape Frontage Types.

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(b) Primary Street Frontage: The Primary Street Frontage shall be defined as the portion of the Building facing the Street (or the higher order Street Corridor if on a corner). The front façade of the Building shall be built to the Primary Street Frontage Build-To Line.

(c) Secondary Street Frontage: The Secondary Street Frontage shall be defined as the portion of the Building facing the lower order Street, if on a corner. The front façade of the Building shall be built to the Secondary Street Frontage Build-To Line for a minimum of 30 m from the corner or the Lot width, whichever is shorter. The Building Frontage Standards of this section shall apply to the portion of the Building that occupies the Build-To Line for 30 m from the corner or the Lot width, whichever is shorter.

5. Building Setbacks

(a) Front Street Facing Setback: Varies according to Building and Landscape Frontage Type. See Section 9.11.5. "Building and Landscape Frontage Types" for Development Standards.

(b) Side yard setback, adjoining another Lot: See Table of Specific Development Standards.

(c) Rear yard setback, adjoining another Lot: See Table of Specific Development Standards.

(d) Rear yard setback, adjoining a lane: See Table of Specific Development Standards.

(e) Building siting requirements are illustrated in figures 9.11.3-2 and 9.11.3-3.

6. Parking Siting and Screening

(a) Parking Structure Setbacks: Parking Structure setbacks are the same as Principal Building setbacks. Parking Structures must comply with all Building Frontage requirements outlined in Section 9.11.5 "Building and Landscape Frontage Types."

(b) Surface Parking: Street-facing setbacks: See Section 9.11.5 "Building and Landscape Frontage Types" for setback and Landscaping requirements for surface parking areas.

(c) Parking siting requirements are illustrated in figures 9.11.3-2 and 9.11.3-3.

7. Amenity Spaces **(BL 13/004)**

(a) A minimum Amenity Space of 3% of Gross Floor Area of Residential Uses, shall be required for Buildings over 2,000 m^2 to the satisfaction of the Development Authority, but in no case shall the Amenity Space be less than an average of 3 m^2 of Private Outdoor Amenity Space per Dwelling Unit. Some units may have less than 3 m^2 of Private Outdoor Amenity Space, but the amount of Private Outdoor Amenity Space divided by the number of units shall be a minimum of 3 m^2.

(b) Amenity Spaces for Residential Uses may include but are not limited to meeting rooms, fitness facilities, outdoor space, Balconies, and the mid-block Public Open Spaces adjacent to Through Block Connections, and shall be exempt from Floor Area Ratio calculations.

(BL 13/004)

8. Dwelling Units Permitted

(a) The maximum number of Dwelling Units permitted is the number of Dwelling Units that can be achieved while complying with the Uses and applicable development standards, which may include but are not limited to, the maximum Height, maximum Floor Area Ratio, Building Frontage type, parking requirements, Permitted Uses and Discretionary Uses, and all other regulations that may apply to the Development.

9.11.2 Tables of Specific Development Standards for Franklin Avenue Re-Urbanization

1. Introduction

Tables 9.11-1 and 9.11-2 set out specific Development Standards for Sites fronting each of the Corridors within the Franklin Avenue Re-Urbanization Zone as set out in the City Centre Districts and Corridors Map, Appendix 1. See Section 9.11.5 for an expanded presentation of regulations pertaining to Building and Landscape Frontage Types.

See Section 9.11.3 Development Standards Illustrations for a graphic illustration of the Development Standards within the Development Standards Table.

The Franklin Re-Urbanization General column applies to all Sites not fronting on a Corridor set out in the City Centre Districts and Corridors Map, Appendix 1.

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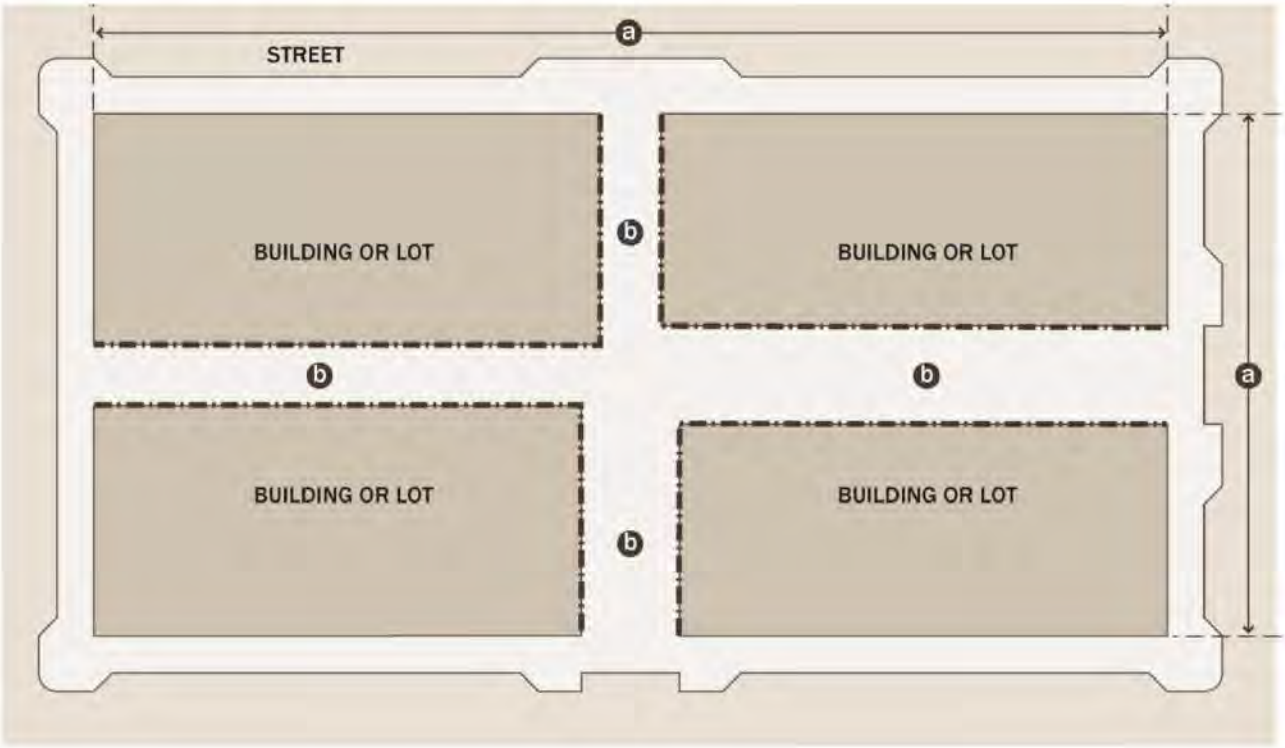
Table 9.11-1	Regulating Plan Areas Franklin Avenue Re-Urbanization Zone				
Specific Development Standards by Area	Franklin Re-Urbanization General	Franklin Ave East	Prairie Loop Boulevard East	Hospital Street	King Street North
Connectivity and Urban Structure Standards					
Maximum Block Length	185 m block length 530 m block perimeter, except where noted	180 m block length 530 m block perimeter	250 m block length 750 m block perimeter	185 m block length 530 m block perimeter	85 m block length 530 m block perimeter
Additional Through-Block Connections	Required for block faces longer than 140 m	Required for block faces longer than 140 m	Required for block faces longer than 140 m	Required for block faces longer than 140 m	Required for block faces longer than 140 m
Lot Area	Min. 360 m^2 for single detached	n/a	n/a	n/a	n/a
Lot Width	Min. 12 m (single det.)	n/a	n/a	n/a	n/a
Site Access					
Vehicular Entrances Permitted	Driveways permitted	Driveways permitted	Driveways permitted	Driveways permitted	Driveways permitted
Vehicular Entrances	Min. 12 m separation from intersection. Max. avg. 1 driveway per 30 m of block frontage	Min. 12 m separation from intersection. Max. avg. 1 driveway per 30 m of block frontage, right-in right-out only	Min. 12 m separation from intersection. Max. avg. 1 driveway per 30 m of block frontage	Min. 12 m separation from intersection. Max. avg. 1 driveway per 30 m of block frontage	Min. 12 m separation from intersection. Max. avg. 1 driveway per 30 m of block frontage
Vehicular Entrance Width	Max. 9m (surface) Max. 14 m (garage)	Max. 9m (surface) Max. 14 m (garage)	Max. 9m (surface) Max. 14 m (garage)	Max. 9m (surface) Max. 14 m (garage)	Max. 9m (surface) Max. 14 m (garage)
Pedestrian Accesses Req'd	Min. 1	Min. 1	Min. 1	Min. 1	Min. 1
Through Block Connection Types Permitted	Parking Street; Narrow Street 1; Narrow Street 2; Multi-Use Path; Lane / Universal Access Street	Parking Street; Narrow Street 1; Narrow Street 2; Multi-Use Path; Lane / Universal Access Street	Parking Street; Narrow Street 1; Narrow Street 2; Multi-Use Path; Lane / Universal Access Street	Parking Street; Narrow Street 1; Narrow Street 2; Multi-Use Path; Lane / Universal Access Street	Parking Street; Narrow Street 1; Narrow Street 2; Multi-Use Path; Lane / Universal Access Street

Table 9.11-1	Regulating Plan Areas Franklin Avenue Re-Urbanization Zone				
Specific Development Standards by Area	Franklin Re-Urbanization General	Franklin Ave East	Prairie Loop Boulevard East	Hospital Street	King Street North
Building Sitting and Massing					
Front Street Facing Setback	See Building Frontage Types to determine applicable setback	See Building Frontage Types to determine applicable setback	See Building Frontage Types to determine applicable setback	See Building Frontage Types to determine applicable setback	See Building Frontage Types to determine applicable setback
Side Yard Setback	Min. 0 m **(BL 13/004)**	Min. 0 m **(BL 13/004)**	Min. 0 m **(BL 13/004)**	Min. 0 m **(BL 13/004)**	Min. 0 m **(BL 13/004)**
Rear Yard Setback	Min. 0m **(BL 13/004)** Min. 4.5 m for single detached, duplex, semi-detached, townhouse.	Min. 0m **(BL 13/004)** Min. 4.5 m for single detached, duplex, semi-detached, townhouse.	Min. 0m **(BL 13/004)** Min. 4.5 m for single detached, duplex, semi-detached, townhouse.	Min. 0m **(BL 13/004)** Min. 4.5 m for single detached, duplex, semi-detached, townhouse.	Min. 0m **(BL 13/004)** Min. 4.5 m for single detached, duplex, semi-detached, townhouse.
Minimum Building Height **(BL 13/004)**	na	2 Storeys or 6 m	2 Storeys or 6 m	2 Storeys or 6 m	2 Storeys or 6 m
Lot Coverage	Max. 45% including accessory Buildings for single detached, duplex, semi-detached. N/A for other uses.	Max. 45% including accessory Buildings for single detached, duplex, semi-detached. N/A for other uses.	Max. 45% including accessory Buildings for single detached, duplex, semi-detached. N/A for other uses.	Max. 45% including accessory Buildings for single detached, duplex, semi-detached. N/A for other uses.	Max. 45% including accessory Buildings for single detached, duplex, semi-detached. N/A for other uses.

Table 9.11-2	Regulating Plan Areas Franklin Avenue Re-Urbanization Zone				
Specific Development Standards by Area	Franklin Re-Urbanization General	Franklin Ave East	Prairie Loop Boulevard East	Hospital Street	King Street North
Parking Siting					
Structured Parking Setback	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.	Same as primary building setback. Must comply with Building Frontage requirements.
Street-facing Surface Parking Lot Setback	See Landscape Frontage Types	Street-facing surface parking is not permitted	See Landscape Frontage Types	See Landscape Frontage Types	See Landscape Frontage Types
Side Yard Surface Parking Lot Setback	Min. 1.5 m Min. 0m for attached Buildings and/or shared lots	Side yard surface parking is not permitted	Min. 1.5 m Min. 0m for attached Buildings and/or shared lots	Min. 1.5 m Min. 0m for attached Buildings and/or shared lots	Min. 1.5 m Min. 0m for attached Buildings and/or shared lots
Frontage Requirements					
Minimum Building or Landscape Frontage Along Street-facing Build-To Line	100%	100%	100%	100%	100%
Building and Landscape Frontage Types Permitted	Linear Forecourt Porch/Stoop /Terrace Wrap Landscape Low Wall and Trellis Urban Wall or Fence Landscape Setback	Linear Forecourt Porch/Stoop /Terrace Wrap Landscape Low Wall and Trellis	Linear Forecourt Porch/Stoop /Terrace Wrap Landscape Low Wall and Trellis Urban Wall or Fence Landscape Setback	Linear Forecourt Porch/Stoop /Terrace Wrap Landscape Low Wall and Trellis Urban Wall or Fence Landscape Setback	Linear Forecourt Porch/Stoop /Terrace Wrap Landscape Low Wall and Trellis Urban Wall or Fence Landscape Setback

9.11.3 Development Standards Illustrations

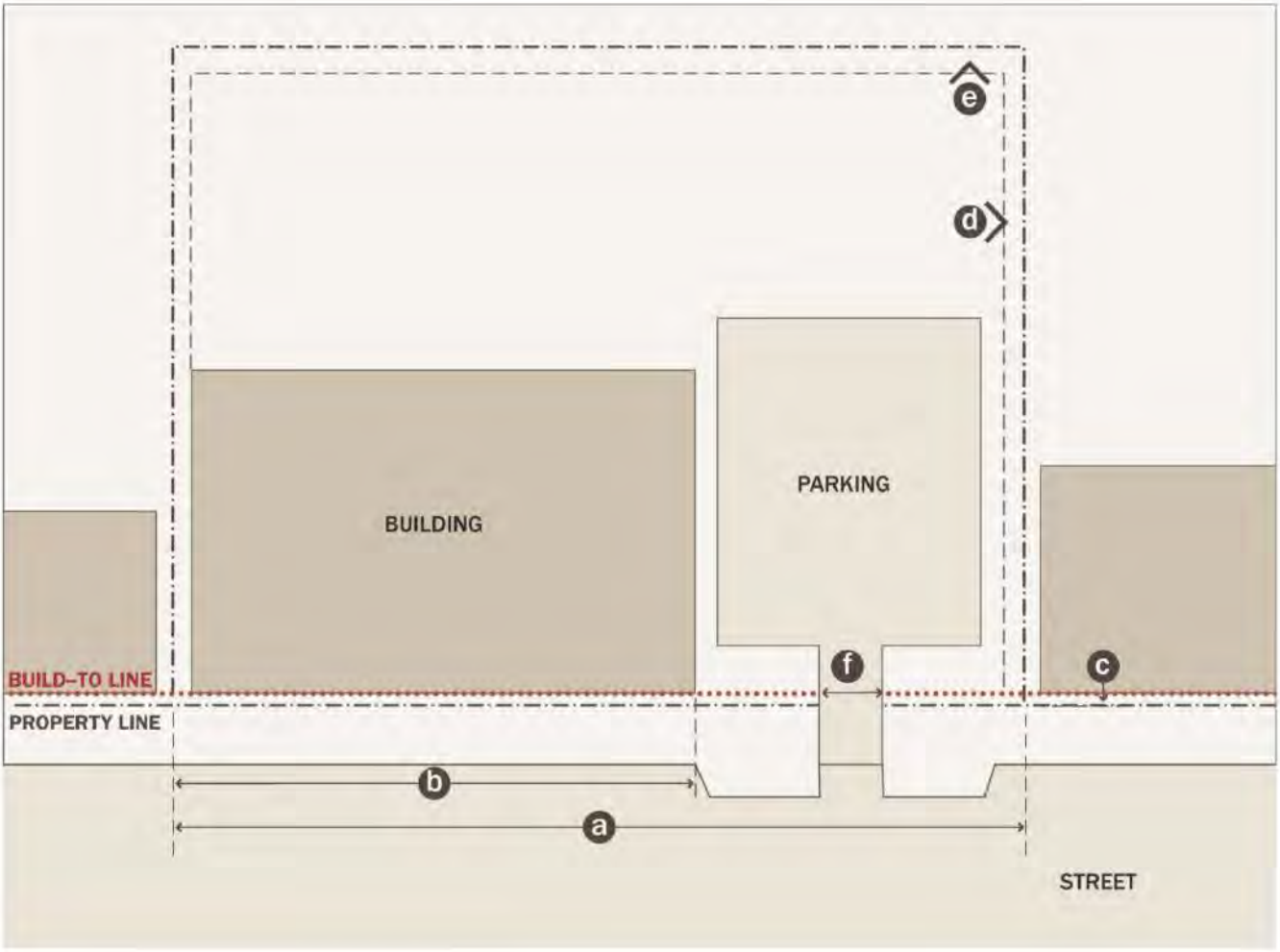
Figure 9.11.3-1 Through Block Pedestrian Connection



a Through Block Connection required on block faces longer than 140 linear metres

b Through Block Connection

Figure 9.11.3-2 Building Siting



a Total street-facing frontage along the Build-To Line

b Minimum Building or Landscape Frontage

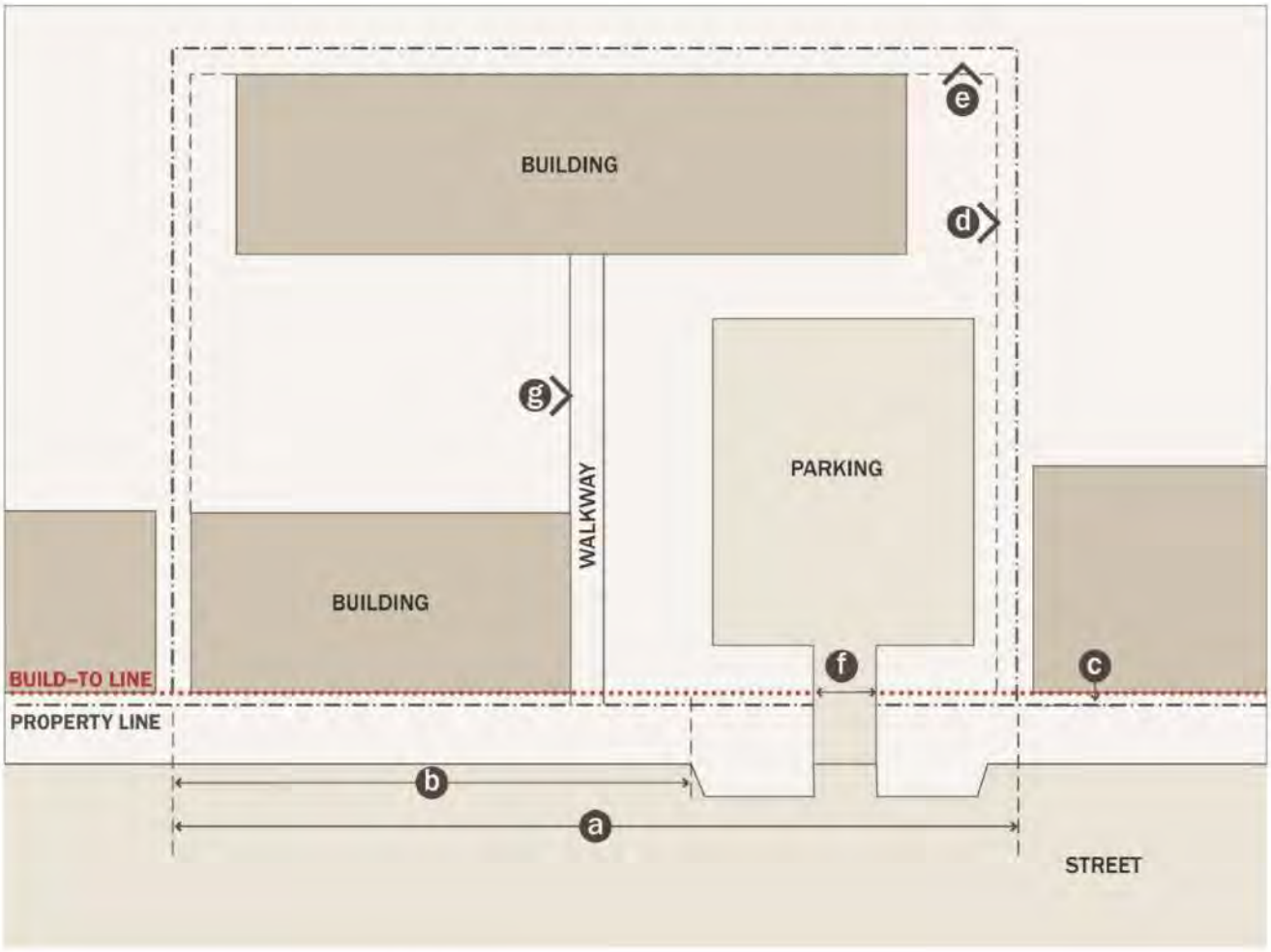
c Build-To Line distance from the Property Line. The building or parking lot screening front setback is determined by the Building or Landscape Frontage Type

d Side yard setback determined by the Table of Specific Development Standards

e Rear yard setback determined by the Table of Specific Development Standards

f Maximum driveway width determined by the Table of Specific Development Standards

Figure 9.11.3-3 Building Siting for Buildings at the Rear of a Lot



- a Total street-facing frontage along the Build-To Line
- b Minimum Building or Landscape Frontage
- c Build-To Line distance from the Property Line. The building or parking lot screening front setback is determined by the Building or Landscape Frontage Type
- d Side yard setback determined by the Table of Specific Development Standards
- e Rear yard setback determined by the Table of Specific Development Standards
- f Maximum driveway width determined by the Table of Specific Development Standards
- g Building entrance directly connected to the public sidewalk by a walkway

9.11.4 Street Types

1. Purpose

(a) The purpose of the streetscape standards in this Section is to facilitate each Corridor and Through Block Connection in creating an ordered and well-designed public realm, an inviting environment for pedestrians, and a functional, well connected environment that supports transit-oriented development.

2. General Standards

(a) Existing and New Street Requirements: Existing and new Streets within the Franklin Avenue Re-Urbanization Zone shall be constructed to meet the standards set out in this section 9.11.4. Each Corridor is named on the Districts and Corridors Map - Appendix 1. The regulations that apply to each Corridor are set out in this section, where the applicable Corridor name is set out in the title of the figure, and the specific standards are set out below the figure.

(b) Upon Subdivision or Development, the Development Authority may require that, as a condition of issuing a Development Permit the applicant enter into an agreement with the Municipality to construct Public Roads required to provide access to the Development, to the standards set out in this section.

(c) The exact alignment of New Streets may vary by up to 16 m from the locations shown on the Districts and Corridors Map, provided that they fully connect/intersect with each of the Streets and intersections shown on the map.

(d) In addition to the mapped Streets (existing and future) illustrated in the Districts and Corridors Map, the Development Authority may require, for any development within a block face longer than 140m block length, the applicant enter into an agreement with the Municipality to provide an additional connection through the block, as illustrated in figure 9.11.3-1. This additional connection may be any one of the permitted Through Block Connections in accordance with this section, and should be located no closer than 15m to an adjacent Street intersection. These new connections should align with other existing Streets or planned new Streets to facilitate the development and continuity of the pedestrian network. **(BL 13/004)**

(e) Through Block Connections must comply with the Through Block Connection cross section designs in this Section. For Through Block Connections, the Development Authority may require, as a condition of issuing a Development Permit, that the applicant enter into an agreement with the Municipality to construct the Through Block Connection as part of a pedestrian walkway system. See Specific Development Standards for Development Standards for the Through Block Connections.

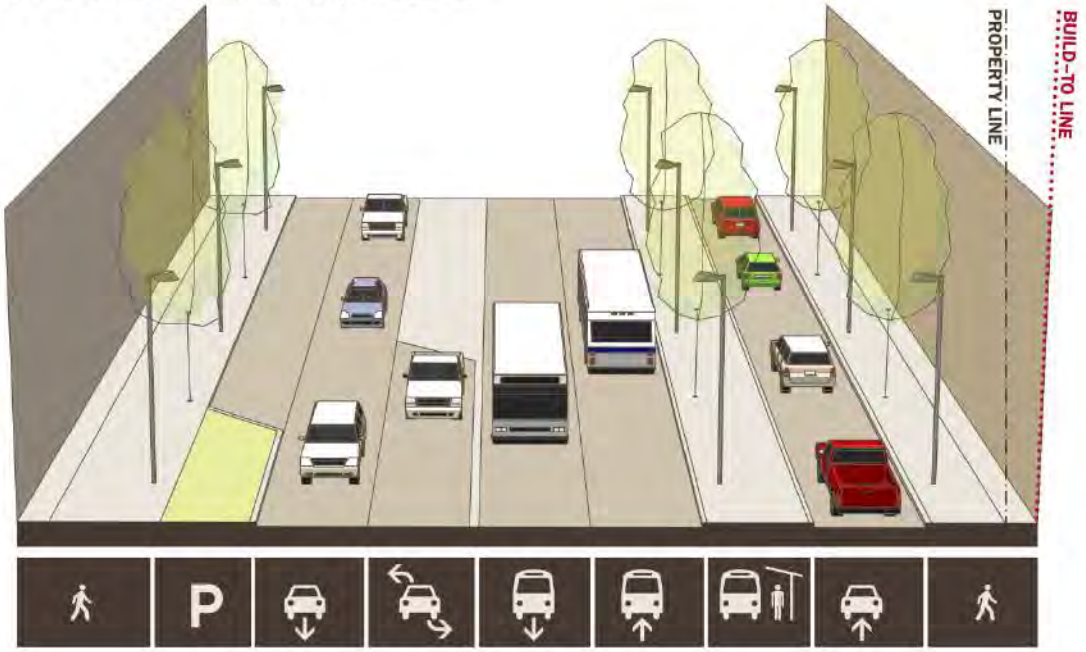
(f) The minimum setback from the Front Lot line to the Build-To Line is 1 m along Public Roads designated as Corridors, except Prairie

Loop Boulevard. The minimum setback from the Front Lot line to the Build-To Line is 0m along Prairie Loop Boulevard and Public Roads that are not designated as Corridors. The maximum setback from the Front Lot line to the Build-To Line is 3 m along Public Roads. **(BL 13/004)**

Exhibit 14

(BL 13/004)

Figure 9.11.4-1 Franklin Avenue East (looking east)

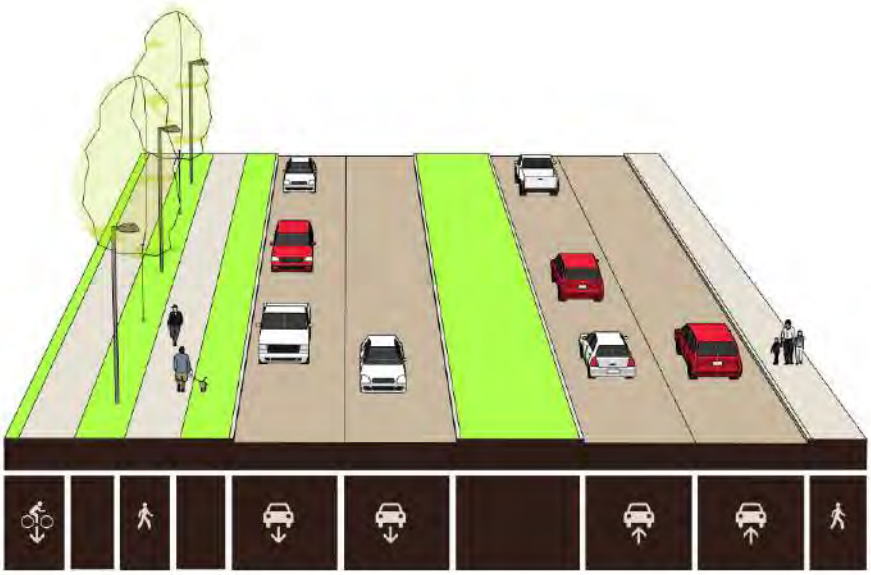


Thoroughfare Type	Boulevard
Character	Mixed-Use
Role in Network	Transit Spine
Right-of-Way Width	30m
Sidewalk Easement	1m – each side of street
Total Width	32m – Build-To Line to Build-To Line
Curb-to-Curb Width	21m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.5m
Parking Lanes	3m between curb flares (north side only)
Curb Radius	tbd
Transit Facilities	BRT two lanes
Bike Facilities	none
Sidewalks	3.5m, south | 4.5m, north (incl. easement)/ 3.5m
Planted Boulevard	3m, where occurs

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.

Figure 9.11.4-2 Prairie Loop Boulevard East **(BL 13/004)**



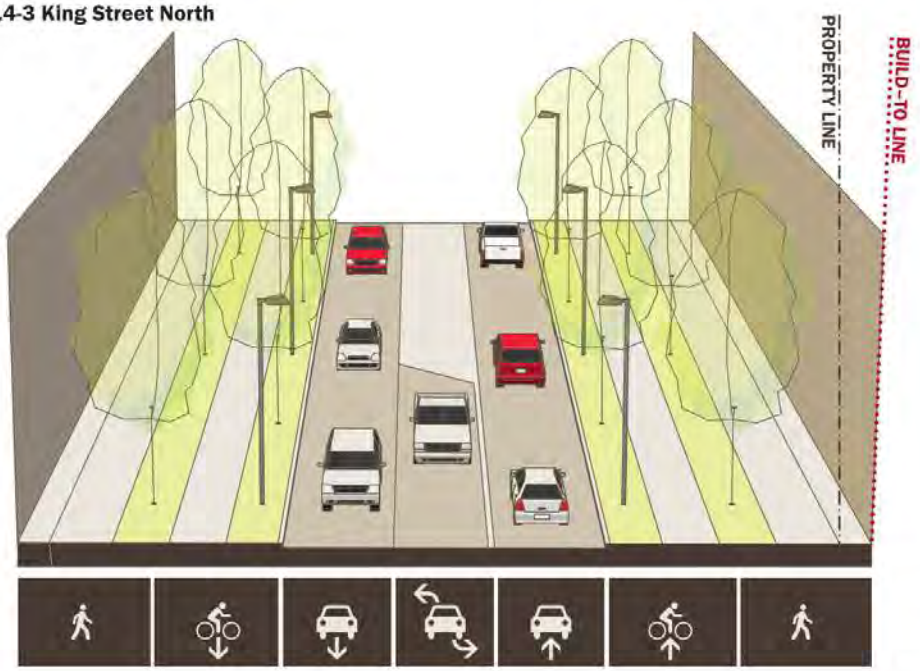
Thoroughfare type	Boulevard
Character	Primarily Commercial
Role in Network	Perimeter Multimodal Access
Right-of-Way Width	varies
Sidewalk easement	varies
Total width	varies
Curb-to-curb width	varies
Traffic flow	Two-Way
Target speed	60kph
Through Travel Lanes	2/ 4 lanes
Travel Lane Width	varies
Turning Lanes	1 left turn lane
Turning Lane Width	3.2 (4.55 median typical)
Parking Lanes	na
Curb Radius	tbd
Transit facilities	na
Bike Facilities	1.8m cycle track
Sidewalks	vary
Planting Strips	2 at 1.8m

Notes:

- Street cross sections are representational in nature.
- While the cross section for Prairie Loop Boulevard varies along its length, this cross section is typical of the majority of Prairie Loop Boulevard East.

(BL 13/004)

Figure 9.11.4-3 King Street North



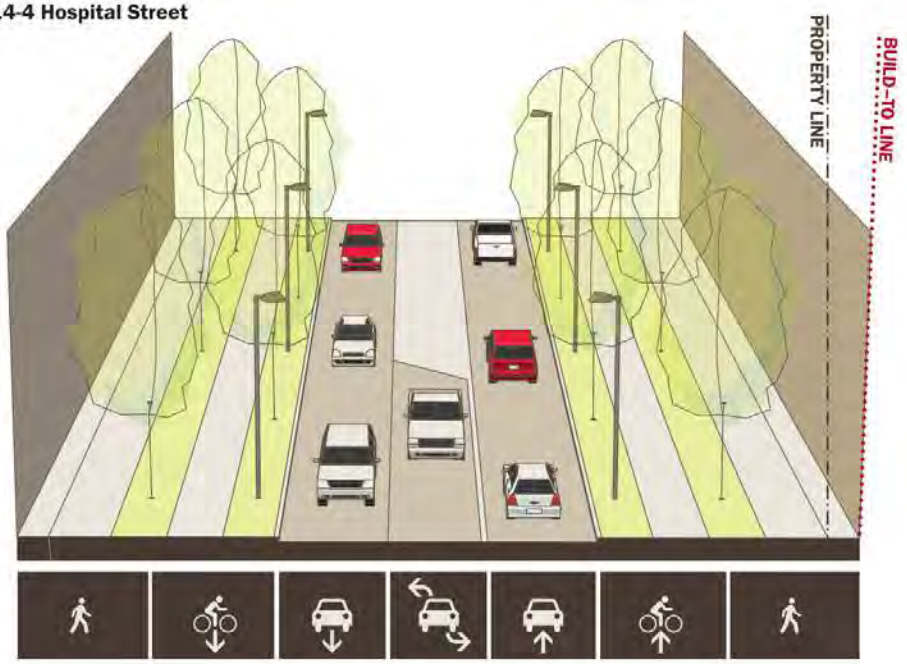
Thoroughfare Type	Street
Character	
Role in Network	
Right-of-Way Width	25m
Sidewalk Easement	1m
Total Width	27m
Curb-to-Curb Width	10.2m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.2m
Parking Lanes	none
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	1.8m cycle track – each side of street
Planting Strips	1.8m – each side of street
Sidewalks	3.0m – each side of street (incl. easement)
Planted Boulevard	1.8m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard and Planting Strip may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.

(BL 13/004)

Figure 9.11.4-4 Hospital Street

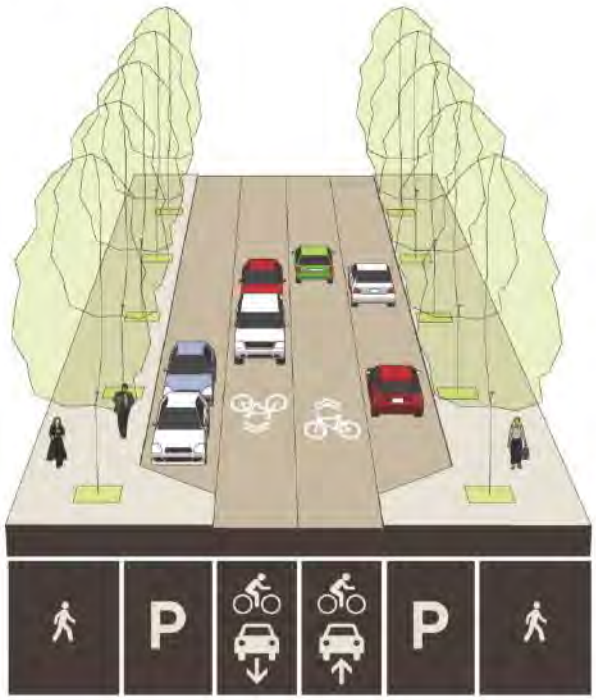


Thoroughfare Type	Street
Character	
Role in Network	
Right-of-Way Width	25m
Sidewalk Easement	1m
Total Width	27m
Curb-to-Curb Width	10.2m
Traffic Flow	Two-Way
Target Speed	30kph
Through Travel Lanes	2
Travel Lane Width	3.5m
Turning Lanes	1 left turn lane
Turning Lane Width	3.2m
Parking Lanes	none
Curb Radius	tbd
Transit Facilities	n/a
Bike Facilities	1.8m cycle track – each side of street
Planting Strips	1.8m – each side of street
Sidewalks	3.0m – each side of street (incl. easement)
Planted Boulevard	1.8m – each side of street at curb

Notes:

- Within the curb-to-curb width specified, the travel lane configuration may vary at intersections.
- Street cross sections are representational in nature.
- Planted Boulevard and Planting Strip may be interrupted with paved surfaces to provide pedestrian access from parked car to sidewalk.

Figure 19.11.4-5 Narrow Street 1 (Through Block Connection)

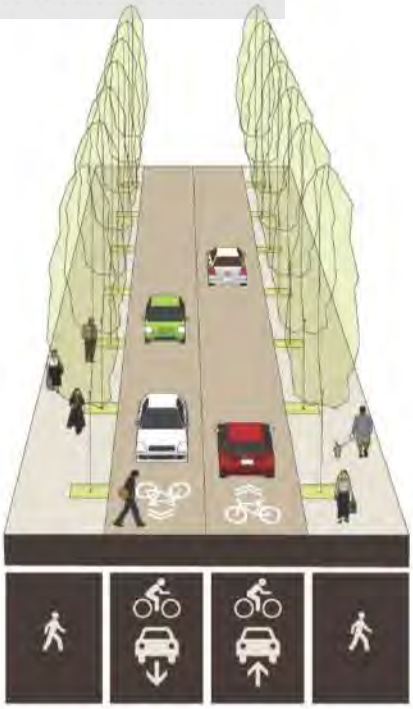


Type	Multimodal
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	17.2m - 18.2m
Curb-to-curb width	10m - 11m
Travel Lanes	1.5 - 2
Travel Lane Width	5m - 6m
Parking Lanes	2.5m between mountable curb flares
Bike Facilities	Shared lanes
Sidewalks	3.6m
Planting Strips	1.5m

Notes:

- "Narrow Street 1" may be used as a public or private street or private drive aisle. Private drive aisles are public or private streets on commercial or residential developments which access either buildings or parking areas. These streets are used to improve connectivity and pedestrian access on large development sites, and must connect at both ends to any one of the Street Types listed in this section.
- Provide landscaping and add pedestrian-scaled lighting to improve safety and attractiveness.
- Provide a parking lane on either side of the street to support retail, office, and residential developments.

Figure 19.11.4-6 Narrow Street 2 (Through Block Connection)

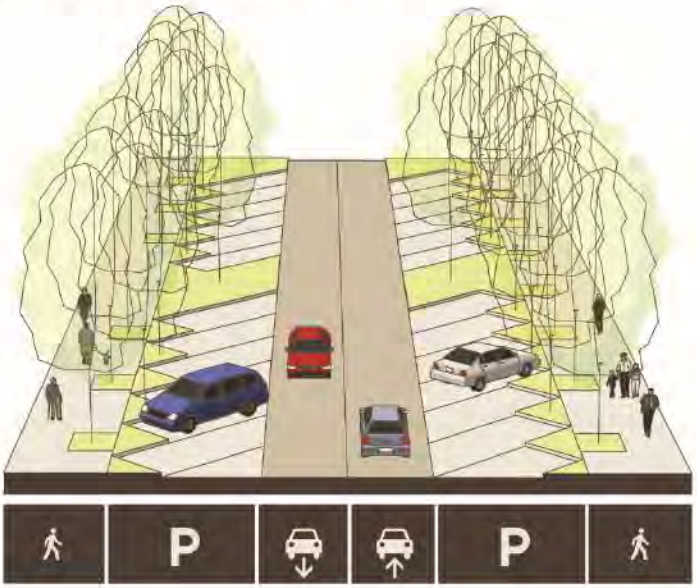


Type	Multimodal
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	12m
Shared lane width	6.1m (curbs optional)
Travel Lanes	2
Travel Lane Width	na
Parking Lanes	none
Bike Facilities	Shared lanes
Sidewalks	3m
Planting Strips	1.5m

Notes:

- "Narrow Street 2" may be used as a private street or drive aisle. Private drive aisles are private streets on commercial or residential developments which access either buildings or parking areas. These streets are used to improve connectivity and pedestrian access on large development sites, and must connect at both ends to any one of the Street Types listed in this section.
- Travel lanes are narrow and travel speeds are slow, to improve pedestrian and bicycle safety and the safety of turning movements.
- Street lighting and landscaping shall be designed at a pedestrian scale.

Figure 9.11.4-7 Parking Street (Through Block Connection)



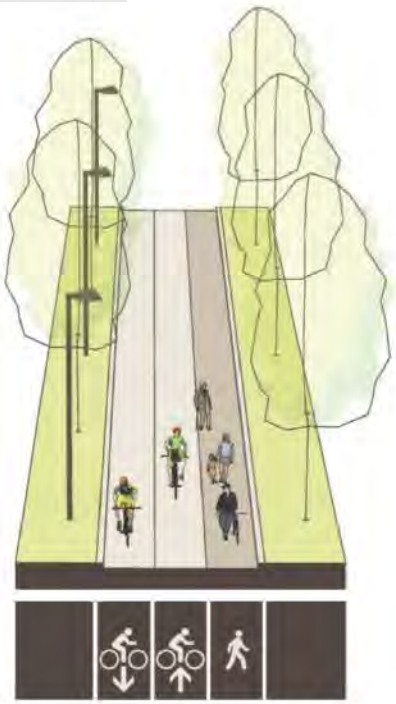
Type	Multimodal
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	24.4m
Curb-to-curb width	17m
Travel Lanes	2
Travel Lane Width	3m
Parking Lanes	5.5m
Bike Facilities	Shared lanes
Sidewalk	2.0m min
Planting Strips	1.7m min

Notes:

- "Parking Street" may be used as a public or private street or private drive aisle. Private drive aisles are public or private streets on commercial or residential developments which access either buildings or parking areas. These streets are used to improve connectivity and pedestrian access on large development sites, and must connect at both ends to any one of the Street Types listed in this section.
- Turning movements typically occur from within the main travel lanes; however, short (1 to 2 car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
- Street lighting and landscaping shall be designed at a pedestrian scale.
- The parking street illustration is representational in nature. Landscaping may be provided on one side only, parking may be angled, perpendicular, or parellel, drive lanes may be two way, or one way. While a range of configurations are possible, the parking street should provide a pedestrian corridor, landscaping and access to parking.

(BL 13/004)

Figure 19.11.4-8 Multi-Use Path (Through Block Connection)



Type	Bike and Pedestrian Only
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	9.1m
Shared lane width	6.1m (curbs optional)
Travel Lanes	na
Travel Lane Width	na
Parking Lanes	na
Bike Facilities	Shared lanes
Sidewalks	na
Planting Strips	1.5m

Notes:

- "Multi-Use Paths" are private pedestrian and bicycle only pathways which cross through large development sites. These pathways are used to improve connectivity and to satisfy the requirement for "Through-Block Connections." A "Multi-Use Path" shall connect at both ends to any one of the Street Types listed in this section.
- Provide landscaping and add pedestrian-scaled lighting to improve safety and attractiveness.

Figure 19.11.4-9 Lane/Universal Access Street (Through Block Connection)



Type	Bike and Pedestrian Only
Character	Mixed-Use
Role in Network	Through Block Connection; Emergency Access
Right-of-Way Width / Easement	9.1m
Curb-to-curb width	6.1m (curbs optional)
Travel Lanes	na
Travel Lane Width	na
Parking Lanes	na
Bike Facilities	Shared lanes
Sidewalks	6.1m
Planting Strips	1.5m

Notes:

- Lanes and/or "Universal Access Streets" are private or public multi-use pathways designed for pedestrian and bicycle users, while simultaneously allowing for occasional vehicular access to individual buildings within the same street/alley space.
- Space shall be provided for landscaping, trees, lighting, and street furniture. These streetscape elements should reinforce the shared nature of these streets.
- Street lighting and landscaping shall be designed at a pedestrian scale.

9.11.5 Building and Landscape Frontage Types

9.11.5.9 Overview of Building and Landscape Frontage Types

Refer to the Regulating Plan and the Development Standards tables to determine which Building and Landscape Frontage Types are permitted along each Street. Each Street-facing Build-To Line shall comply with the Development Standards listed under the applicable Building and Landscape Frontage Type.

1. Linear Building Frontage

   (a) A Linear Building Frontage, as set out in Figure 9.11.5.1, is characterized by a façade that is built up to the Build-To Line. The Building entrance is at sidewalk grade. Linear Building Frontages have substantial glazing on the Ground Floor, and often provide awnings or canopies cantilevered over the sidewalk. Building entries must either provide a canopy or awning and/or be recessed behind the front Building façade.

   (b) Along Corridors in the Franklin Re-Urbanization Zone, the Linear Building has a minimum Height of 6 m or 2 Storeys.

2. Podium Forecourt Building Frontage

   (a) A Forecourt Building Frontage, as set out in Figure 9.11.5.2, may be created by recessing a portion of the façade for a portion of the Building frontage. The Forecourt Building Frontage should be used in conjunction with the Linear Building Frontage. A Forecourt Building Frontage may be suitable for gardens and/or outdoor seating.

   (b) Along Corridors in the Franklin Re-Urbanization Zone, the Forecourt Building has a minimum Height of 6 m or 2 Storeys.

3. Podium Porch/Stoop/Terrace Building Frontage

   (a) The Setback Building Frontage, as set out in Figure 9.11.5.3, is characterized by a façade which is set behind the Build-To Line and a Building entry Threshold, such as a porch or terrace, set between the Building and the Build-To Line. The Threshold may be elevated above or sunken below grade. The Building entry is accessed from this Threshold. Landscaping may be provided in the setback area between the Building and the sidewalk.

   (b) Along Corridors in the Franklin Re-Urbanization Zone, the Porch/Stoop/Terrace Building has a minimum Height of 2 Storeys or 6 m, and a maximum Height of 6 Storeys or 20 m.

4. Wrap Building Frontage

   (a) The Wrap Building Frontage, as set out in Figure 9.11.5.4, is a façade that forms the perimeter of a large single use Building that occupies an entire block, or most of a block. It can meet the Linear, Forecourt or Porch /Stoop/Terrace frontage requirements. The Wrap Building has a minimum depth of 10m from the Build-To Line. It

has a minimum Height of 2 Storeys or 6 m, and a maximum Height of 6 Storeys or 20 m.

(b) Along Corridors in the Franklin Re-Urbanization Zone, the Wrap Building has a minimum Height of 2 Storeys or 6m, and a maximum Height of 6 Storeys or 20 m.

5. Landscape Building

(a) A Landscape Building Frontage, as set out in Figure 9.11.5.5, is set back from the Street-facing Lot line by a wide landscaped strip between the Building and the sidewalk. This frontage type is appropriate along Streets where the existing streetscape may not be conducive to pedestrian-oriented Ground Floor retail or Residential, such as where there is no on-street parking or where Streets are very wide. Ground floor entries must still be provided along and connected to the sidewalk.

(b) Along Corridors in the Franklin Re-Urbanization Zone the Landscape Building has a minimum Height of 2 Storeys or 6 m, and a maximum Height of 6 Storeys or 20 m.

6. Low Wall and Trellis Landscape Frontage

(a) As set out in Figure 9.11.5-6, Street-facing Lot lines not occupied by Buildings, driveways, or pedestrian paths must be screened with a low masonry or concrete wall and overhanging trellis structure.

7. Urban Wall or Fence

(a) As set out in Figure 9.11.5.7, Street-Facing Lot lines not occupied by Buildings, driveways, or pedestrian paths must be screened with an open framework wall or fence of either metal, wood, masonry, or a combination.

8. Landscape Setback

(a) As set out in Figure 9.11.5.8, Street-facing Lot lines not occupied by Buildings, driveways, or pedestrian paths must be set back behind a planted landscape area consisting of trees, shrubs, and groundcover plants.

9.11.5.10 Medium sized Developments on existing Sites **(BL 13/004)**

1. The Building and Landscape Frontage types shall be provided as set out in this Bylaw for Development that meets the lesser of the following criteria:

(a) the total cumulative additions or new Buildings on the Site exceeds 30% of the Gross Floor Area of the Building that existed on the Site as of the date of adoption of this Part 9; or

(b) additions and/or new Buildings exceed 2,000 m^2 in Gross Floor Area.

2. For Developments greater than 100 m^2 and less than or equal to 1,000 m^2 in Gross Floor Area, or where the total cumulative additions and/or new

Buildings on the Site is greater than 5% and less than or equal to 15% of the Gross Floor Area of the Building that existed on the Site as of the date of adoption of this Part 9, the following requirements apply:

(a) As an exception to providing the Landscape or Building Frontage Type on the entire Site, A Low Wall and Trellis Landscape Frontage or an Urban Fence or Wall Landscape Frontage may be provided along the boundary of surface parking lots or accessory surface parking lots adjacent to streets or adjacent to a through block connection.

3. For Developments between 1,000 m^2 and 2000 m^2 in Gross Floor Area, or where the total cumulative additions and/or new Buildings on the Site is between 15% and 30% of the Gross Floor Area of the Building that existed on the Site as of the date of adoption of this Part 9, the following requirements apply:

(a) As an exception to providing the Building Frontage Type on the entire Site, the Building Frontage Type is only required on the front of the addition and /or new Building; and

(b) As an exception to providing the Landscape Frontage Type for the entire Site, the Landscape Frontage Type is only required along the length of the Site along the entire Street frontage faced by the addition and/or new Building; or

(c) If the Site is adjacent to a Corridor, as an exception to providing the Landscape Frontage Type for the entire Site, the Landscape Frontage Type is only required along the length of the Site along the Corridor.

(BL 13/004)

9.11.5.11 Linear Building Frontage

Linear Building Frontages shall conform to Figure 9.11.5-1 and the following standards:

1. Ground Floor height: The Ground Floor must measure a minimum of 4.5 m, floor to ceiling.

2. Minimum Building Height along Corridors: 6m. **(BL 13/004)**

3. Ground Floor. The Ground Floor shall have a minimum depth of 10m.

4. Weather Protection: Awnings or canopies must be provided for a minimum of 50% of the overall Building frontage and must comply with the following:

(a) Awnings or canopies must project a minimum of 1.5 m and a maximum of 2.5 m over the sidewalk along a Corridor.

(b) Awnings or canopies must project a minimum of 1.0 m and a maximum of 2.5 m over the sidewalk not located along a Corridor.

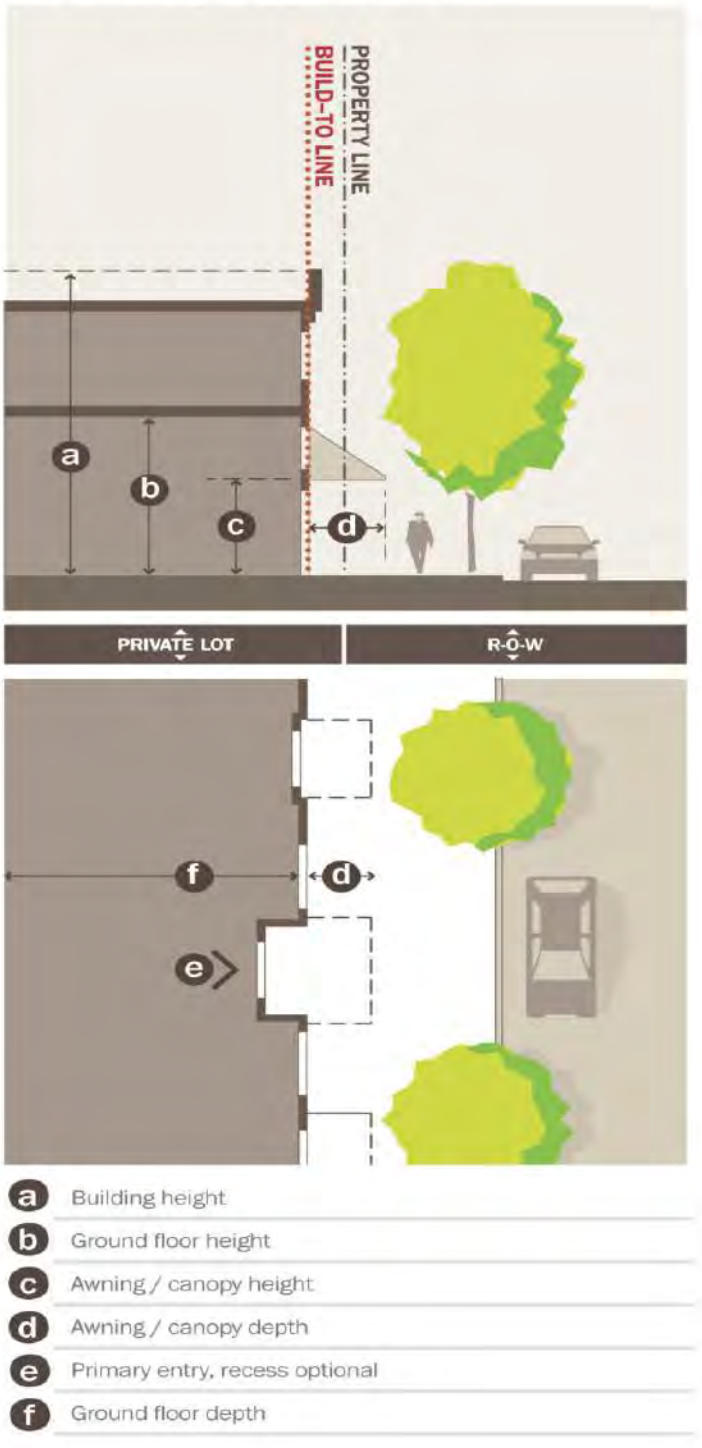
(c) Awnings or canopies must provide a minimum of 2.5 m and a maximum of 4 m of vertical clearance over the sidewalk. **(BL 13/004)**

5. Building Entrances: Building entrances must either be covered by an awning or canopy or be covered by being recessed behind the front Building façade. If only a recessed entry is provided, it must be recessed behind the front façade a minimum of 1m and a maximum of 1.8m.

6. Windows: Transparent Ground Floor windows must be provided along a minimum of 60% of the Ground Floor, Street-facing façade area.

7. Primary Entry Doors: Primary Building entries must face the Street, and a minimum of 40% of each primary entry shall be transparent.

Figure 9.11.5-1 Linear Building Frontage



9.11.5.12 Forecourt Building Frontage

Forecourts shall conform to Figure 9.11.5-2 and the following standards:

1. Courtyard Setback: The Courtyard portion of a Forecourt shall be set back from the Primary Street Frontage (and Secondary Street Frontage) Lot line/Principal Building façade a minimum of 3 m and a maximum of 9 m. The Courtyard portion of a Forecourt shall be open to the sky. Courtyards shall be landscaped and/or hardscaped.

2. Courtyard Length: The Courtyard portion of a Forecourt shall span a minimum of 6 m along the Primary Street Frontage façade and shall comprise no more than 50% of the Primary Street Building Frontage. Courtyards may also span a minimum of 6m along the Secondary Street Frontage façade and shall comprise no more than 50% of the overall Secondary Street Building Frontage.

3. Forecourt Frontage: The Forecourt Frontage shall incorporate the Linear Frontage type for Building faces on the Primary and Secondary Street Frontages that are not part of the Courtyard.

4. Ground Floor height: The Ground Floor must measure a minimum of 4.5m, floor-to-ceiling.

5. Minimum Building Height along Corridors: 6 m or two Storeys. **(BL 13/004)**

6. Weather Protection: Awnings or canopies must be provided for a minimum of 50% of the overall building frontage and must comply with the following: **(BL 13/004)**

(a) Awnings or canopies must project a minimum of 1.5 m and a maximum of 2.5 m over the sidewalk or Courtyard along a Corridor

(b) Awnings or canopies must project a minimum of 1.0 m and a maximum of 2.5 m over the sidewalk or Courtyard not located along a Corridor.

(c) Awnings or canopies must provide a minimum of 2.5 m and a maximum of 4 m of vertical clearance over the sidewalk.

(BL 13/004)

7. Windows: Transparent windows must be provided along at least 50% of the Courtyard-facing Ground Floor

Figure 9.11.5-2 Forecourt Building Frontage

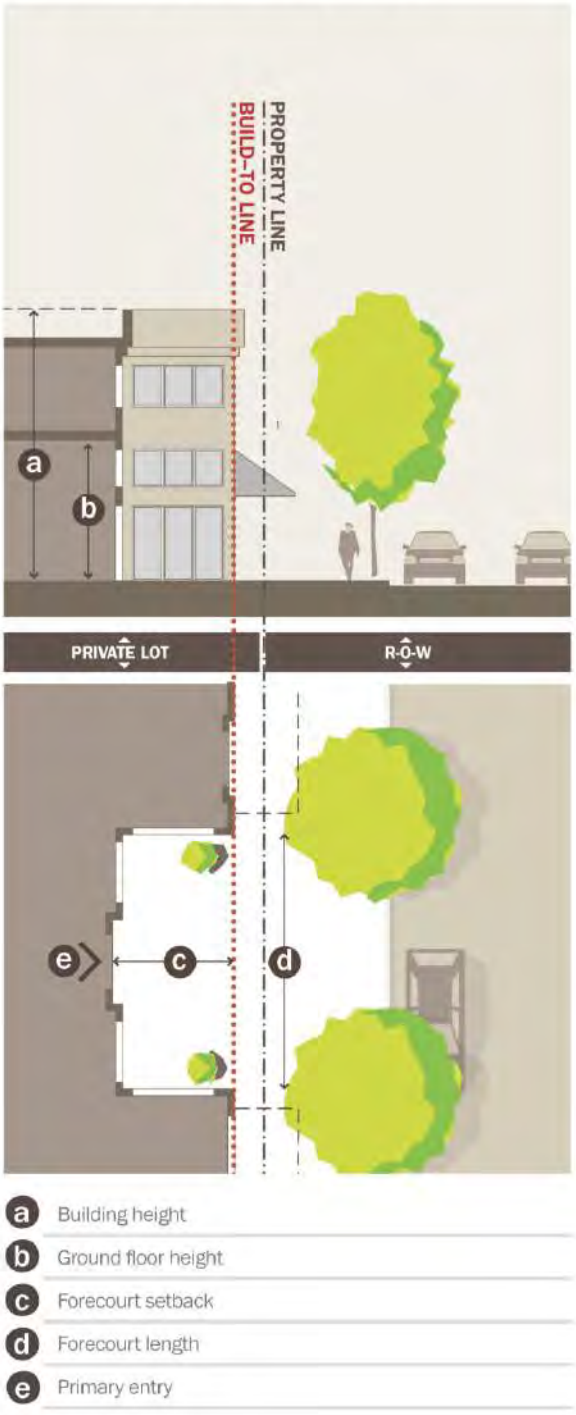


Exhibit 14

façade area. See “Linear Frontage” for window requirements for the remainder of the façade.

8. Primary Entry Doors: Primary Building entries must face the Street and/or the Courtyard, and a minimum of 40% of each primary entry shall be transparent.

9. Fences: Fences and walls with pedestrian openings are permitted within the Courtyard setback but may be no greater than 0.9m high and must be a minimum of 20% transparent.

10. Parking: Parking is not allowed in the Courtyard portion of a Forecourt; nor is parking allowed on the Lot between the Building and the Street.

9.11.5.13 Porch/Stoop/Terrace Frontage

Porch/Stoop/Terrace Frontages shall conform to Figure 9.11.5-3 and the following standards:

1. Street-Facing Setback: The Building shall be set back a minimum of 1.5 m and a maximum of 4.5 m from the Build-To Line. The entry Threshold, including a roof over the Threshold, and steps to the Threshold may extend up to the Build-To Line.

2. Threshold Dimensions: The entry Threshold (such as a Porch, Stoop, Terrace, patio, or light court) shall conform with the following minimum standards (note: dimensions may vary from the standards below to accommodate universal access ramps if necessary):

(a) Minimum of 1.5 m depth (clear) from Building façade to front of Threshold.

(b) Minimum 1.8 m width (clear) along the Building façade.

(c) The Threshold height shall be no more than 1.8 m above grade. An additional Threshold may be provided to access a lower level and shall be no more than 1.5 m below grade.

(d) The Threshold shall cover an area of no more than 15 m^2 per Building entry. **(BL 13/004)**

(e) The entry Threshold may be covered by a roof no larger than the Threshold itself.

3. Minimum Building Height along Corridors: 6m or 2 Storeys. **(BL 13/004)**

4. Primary Entry Doors: In order to provide adequate "eyes" on the Street, Ground Floor Residential Uses shall provide individual Building entries to individual Residential Dwelling Units. Building entries shall face the Street and be a minimum 10% transparent.

5. Windows: Transparent windows shall be provided along at least 20% of the Street-facing façade area. Windows shall be vertically oriented. Vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.

6. Fences: Fences are permitted within the Primary

Figure 9.11.5-3 Porch/Stoop/Terrace Frontage

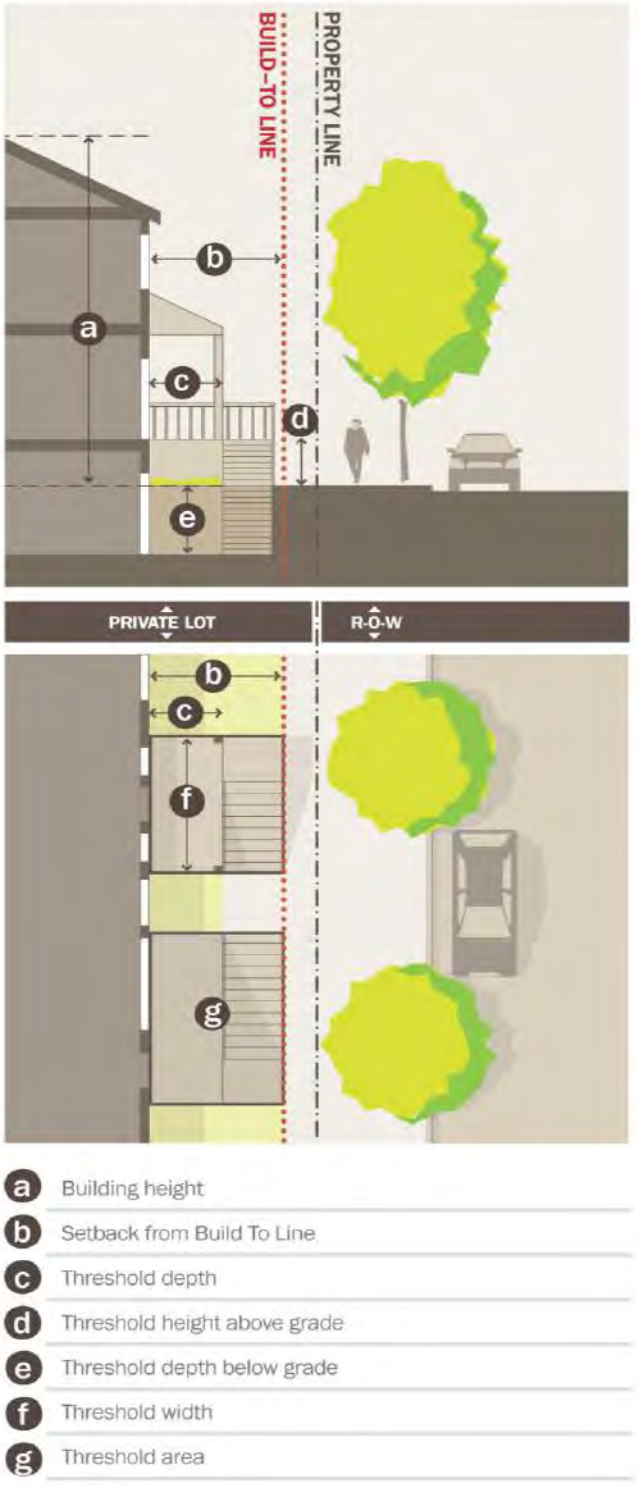


Exhibit 14

Frontage Setback and Secondary Frontage Setback but shall be no greater than 0.9 m high and shall be a minimum of 50% transparent.

7. Landscaping: Landscaping shall be provided in the Primary Frontage Setback and Secondary Frontage Setback. Hardscaping is permitted only to provide access to the Threshold; all other areas shall be planted.

8. Surface Parking: Surface Parking shall not be permitted on the Lot in between the Building and the Street.

9.11.5.14 Wrap Building Frontage

Wrap Buildings shall conform to Figure 9.11.5-4 and the following standards:

1. Frontage Type: The Wrap Frontage shall incorporate the Linear Frontage, the Forecourt Frontage Type or the Porch/Stoop/Terrace Frontage Type standards for Building façades adjacent on the Build-To Line.

2. Minimum Building Height along Corridors: 6 m or 2 Storeys. **(BL 13/004)**

3. Ground floor height: The Ground Floor shall measure a minimum of 4.5 m, floor-to-ceiling.

4. Minimum depth: The Ground Floor shall have a minimum depth of 10 m.

5. Weather Protection: Awnings or canopies must be provided for a minimum of 50% of the overall Building frontage and must comply with the following:

(a) Awnings or canopies must project a minimum of 1.5 m and a maximum of 2.5 m over the sidewalk along a Corridor.

(b) Awnings or canopies must project a minimum of 1.0 m and a maximum of 2.5 m over the sidewalk not located along a Corridor.

(c) Awnings or canopies must provide a minimum of 2.5 m and a maximum of 4 m of vertical clearance over the sidewalk. **(BL 13/004)**

6. Windows: Transparent windows must be provided along at least 50% of the Courtyard-facing Ground Floor façade area.

7. Primary Entry Doors: Primary Building entries must face the Street and/or the Courtyard, and a minimum of 40% of each primary entry shall be transparent.

8. Fences: Fences and walls with pedestrian openings are permitted within the Courtyard setback but may be no greater than 0.9 m in height and must be a minimum of 20% transparent. Fences used to screen parking areas shall follow the Surface Parking Screening Options standards.

9. Parking: Parking is not allowed in the Courtyard portion of a Forecourt; nor is parking allowed on the Lot between the Building and the Street.

Figure 9.11.5-4 Wrap Building Frontage

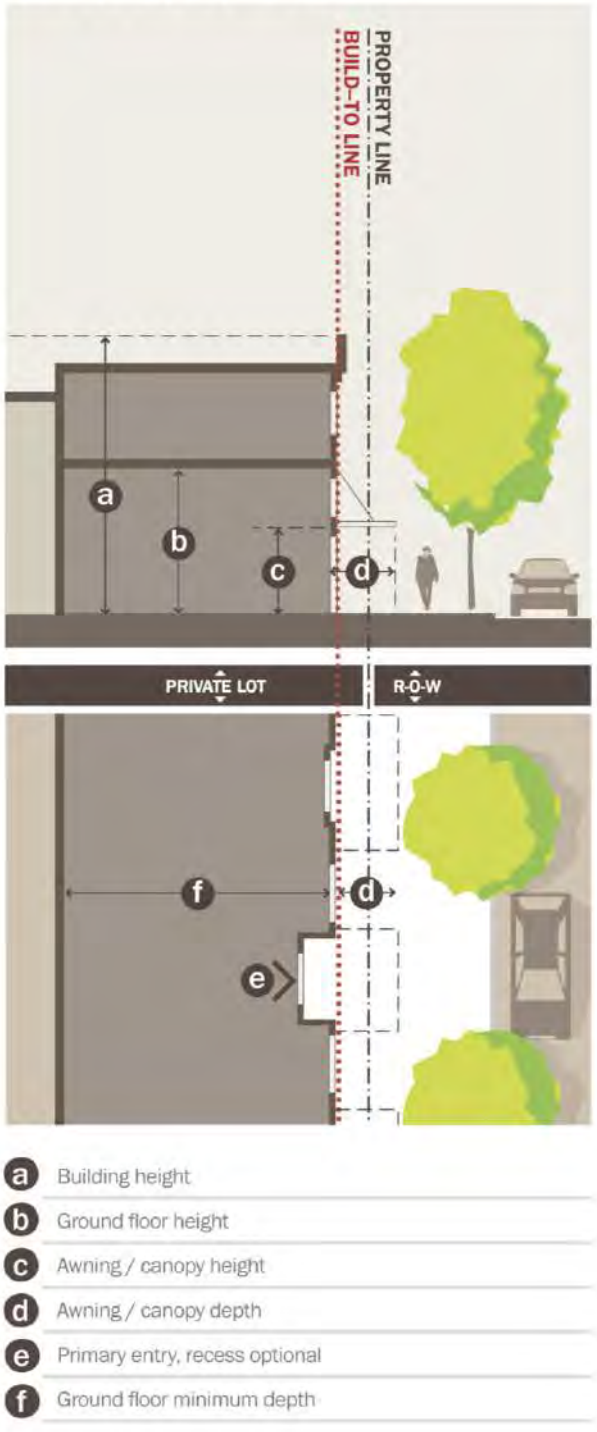


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9.11.5.15 Landscape Building Frontage

1. Landscape Building Frontages shall conform to Figure 9.11.5-5 and the following standards:

Front Setback: The front façade of the Building must be set back from the Street-facing Lot line a minimum of 1m and a maximum of 4.5 m. **(BL 13/004)**

2. Ground Floor height: The Ground Floor shall measure a minimum of 4.5 m, floor-to-ceiling.

3. Minimum Building Height along Corridors: 6 m. **(BL 13/004)**

4. Minimum Building Depth: Buildings must be a minimum of 10 m deep.

5. Building Entrances: Building entrances must either be covered by an awning or canopy or be covered by being recessed behind the front Building façade. If an awning or canopy is provided, it must provide a minimum vertical clearance of 2.5 m and a maximum clearance of 4.5 m. If only a recessed entry is provided, it must be recessed behind the front facade a minimum of 1m and a maximum of 1.8 m.

6. Windows: Transparent Ground Floor windows must be provided along a minimum of 60% of the Ground Floor, Street-facing façade area.

7. Primary Entry Doors: All Buildings must provide at least one Building entrance that faces the Street and is directly connected to the public sidewalk via a sidewalk measuring a minimum of 1.8 m wide. A minimum of 40% of each primary entry shall be transparent.

8. Service and Utility Equipment: Building service and utility equipment and outdoor storage of garbage and/or recycling is not permitted along the Street-facing Building façade or within the required setback from Build-To Line.

Figure 9.11.5-5 Landscape Building Frontage

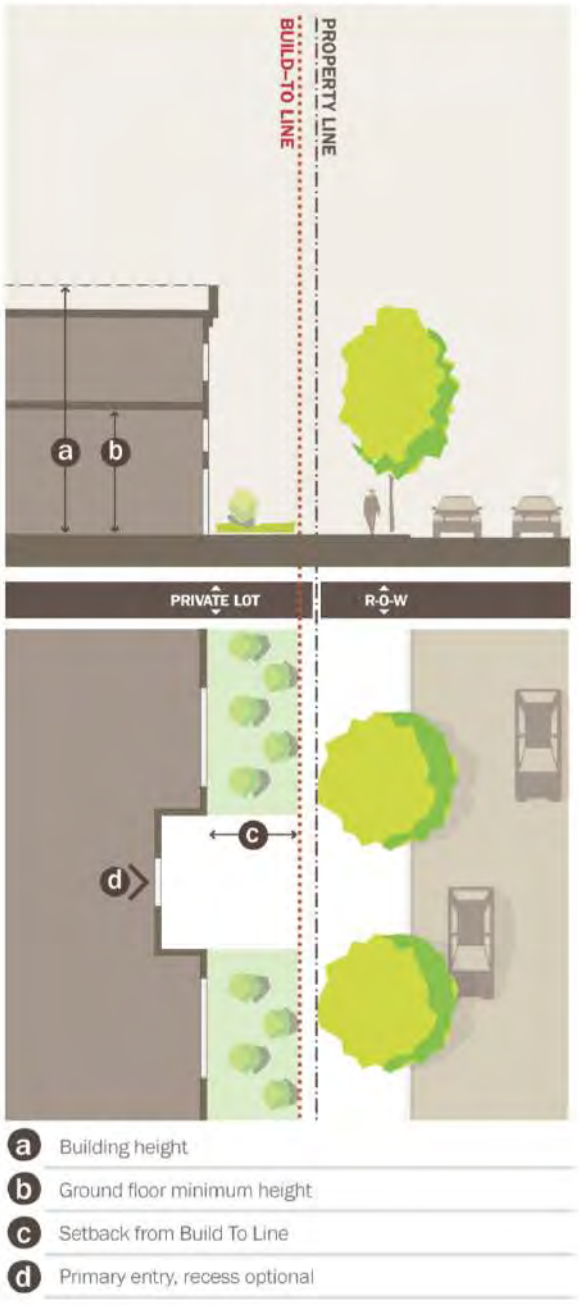


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9.11.5.16 Low Wall and Trellis Landscape Frontage

Low Wall and Trellis Landscape Frontage shall conform to Figure 9.11.5-6 and the following standards:

1. Along all public or private Street-facing frontages, surface parking areas shall be screened with a Low Wall and Trellis along the Build-To Line. The Low Wall and Trellis shall be set back a minimum of 0m and a maximum of 1.5 m from the Build-To Line. Any setback area between the sidewalk and the wall shall be planted or paved with stamped concrete or masonry pavers.

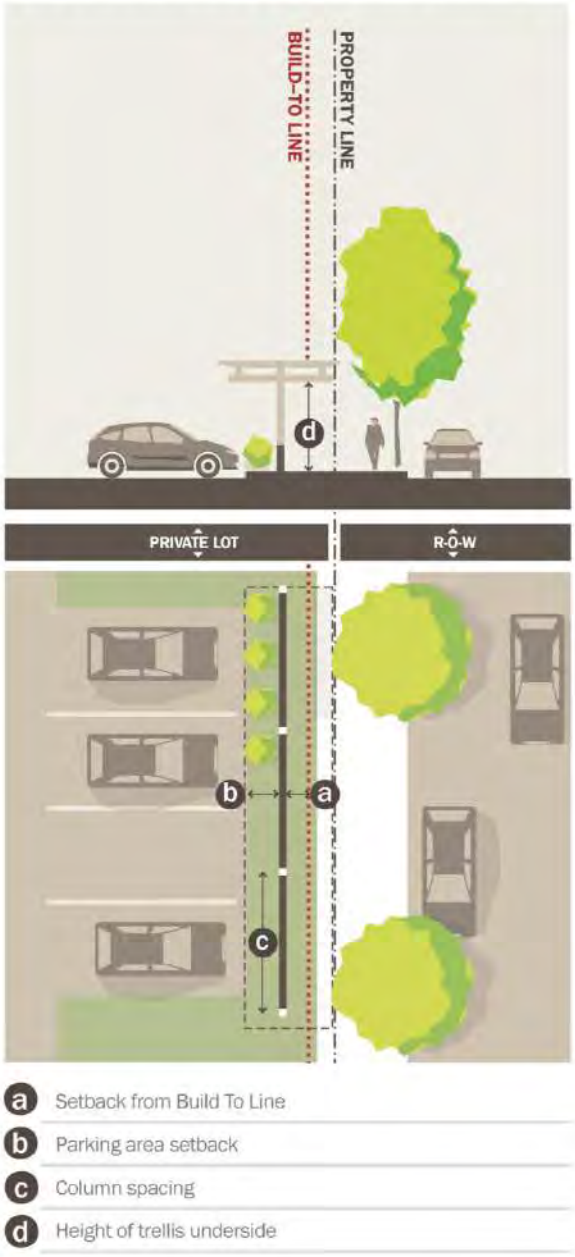
2. The underside of the Trellis portion of a Low Wall and Trellis shall be a minimum of 2.4 m above grade and a maximum of 4.1 m above grade. The Trellis shall be heavy timber or steel (or a similar material) and shall consist of open structure with no decking or awning material. The Trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 9 m on center.

3. The Low Wall portion of a Low Wall and Trellis shall be a minimum of 0.5 m and a maximum of 0.9 m and have a minimum depth of 0.4 m. The Low Wall shall be wood, masonry, and/or concrete.

4. Surface Parking shall be set back a minimum of 1.0 m from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this area.

5. Openings in the Low Wall and Trellis are allowed for pedestrian pathways, sidewalks, plazas, and driveways.

Figure 9.11.5-6 Low Wall and Trellis Landscape Frontage



9.11.5.17 Urban Fence or Wall Landscape Frontage

Urban Fence or Wall Screening shall conform to Figure 9.11.5-7 and the following standards:

1. Along all public or private Street-facing frontage, surface parking areas shall be screened with a wall and/or fence along the Build-To Line. Walls shall be wood masonry, and/or concrete; fences shall be made of wrought iron, steel, or a similar material (but not chain-link) and must be dark in color. The fence shall be at least 0.6 m high and no more than 0.9 m high. Fences may be no more than 50% sight obscuring. The wall shall be at least 0.6 m high and no more than 0.9 m high.

2. The Urban Fence or Wall shall be set back a maximum of 1.5 m from the sidewalk. The area between the Urban Fence or Wall shall be hardscaped with either masonry pavers or stamped concrete.

3. The surface parking area shall be set back, at a minimum, an additional 1.5 m to provide room for required landscaping and stormwater infiltration and/or retention.

4. In addition to the required fence or wall, trees and shrubs shall be provided. One large tree is required every 9 linear metres minimum along all public or private Street-facing frontages, except where it is necessary to ensure adequate traffic visibility. The minimum shrub height shall be the same as the height of the wall or fence, and the maximum height shall be no more than 1.8 m.

5. Openings in the Urban Fence or Wall are allowed for pedestrian pathways, sidewalks, plazas, and driveways.

6. Ground cover plants must fully cover any remaining landscaped area between the parking area and the Urban Fence or Wall.

Figure 9.11.5-7 Urban Fence or Wall Landscape Frontage

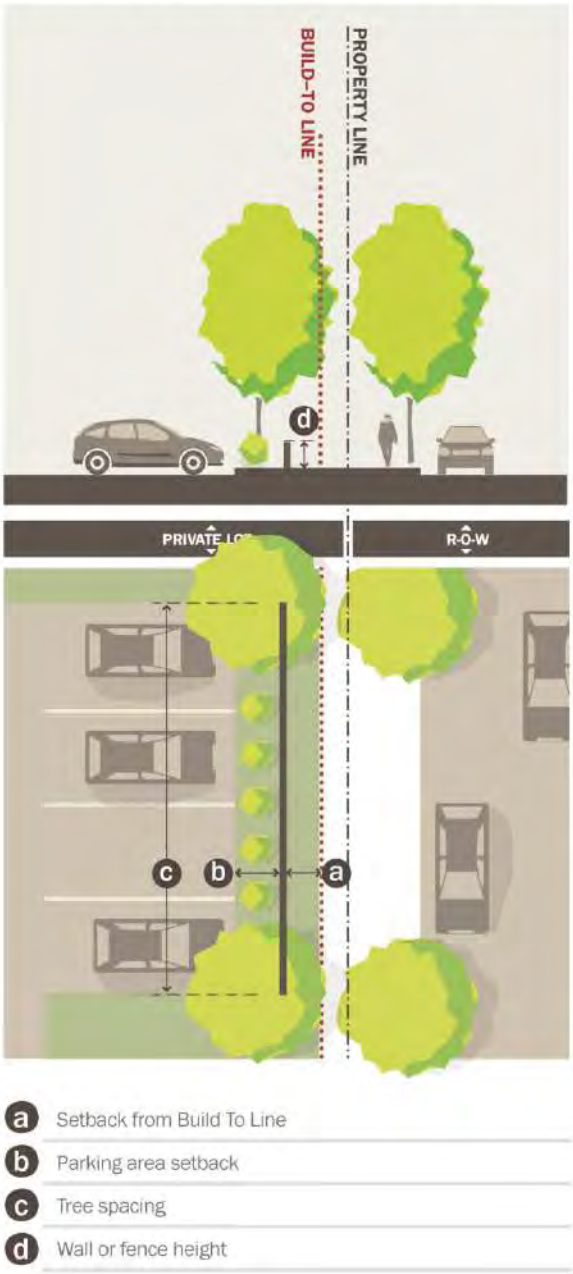


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9.11.5.18 Landscape Setback Frontage

Landscape Setback Frontages shall conform to Figure 9.11.5-8 and the following standards:

1. Along all public or private Street-facing frontages, surface parking shall be set back a minimum of 3 m behind the Build-To Line.

2. The surface parking area shall be screened with a continuous row of hedges or shrubs immediately adjacent to the parking area, except where there is a driveway. The shrubs shall be a minimum of 0. m high and must be mostly opaque year round.

3. In addition to the required shrubs, one large tree is required every 9 linear metres minimum along all public or private Street-facing frontages. The shrubs/hedge shall be interrupted with a gap of up to 0.6 m wide in order to accommodate trees.

4. Grass or ground cover plants must fully cover the remainder of the landscaped area between the parking area and the sidewalk.

5. A 0.9 m high masonry wall may be substituted for the shrubs but the trees and groundcover plants are still required.

6. Openings in the Setback are allowed for pedestrian pathways, sidewalks, plazas, and driveways.

Figure 9.11.5-8 Setback Landscape Frontage

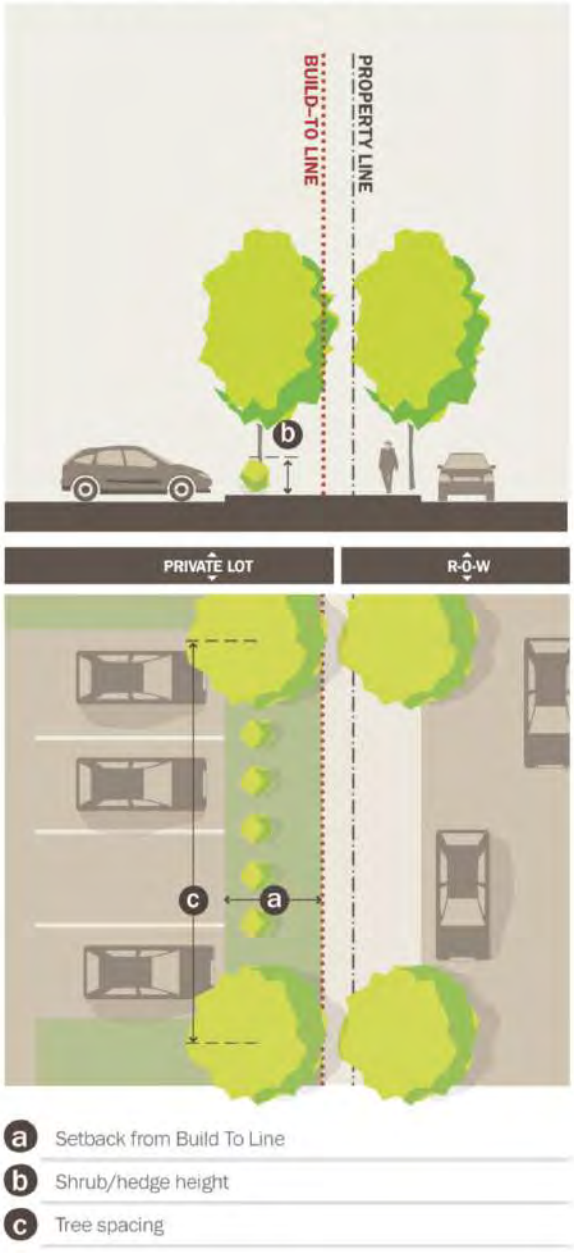


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9.12 Neighbourhood Stabilization Zone Development Standards (BL 12/013)

9.12.1 General Standards Required for all Development in the Neighbourhood Stabilization Zone.

1. Introduction

(a) Notwithstanding that it is contained in this Part 9, the development standards and regulations set out in Parts 1 to 8 of this Bylaw apply to the Neighbourhood Stabilization Zone.

(b) Except as specifically set out in this Section 9.12.1., the standards and regulations set out in this Part 9 do not apply to the Neighbourhood Stabilization Zone.

(c) The Control of Development regulations set out in section 9.5 of this Part 9, and the City Centre General Regulations set out in section 9.7 of this Part 9, apply to the construction of new Buildings with a Gross Floor Area in excess of 1,000 m^2 in the Neighbourhood Stabilization Zone, except that the following Districts are exempt from Sections 9.5 and 9.7:

(d) LDL-R4 – Longboat Landing District.

(e) The standards that apply to the Development on Prairie Loop Boulevard and Franklin Re-Urbanization General set out in table 9.11-1 shall apply to Development in the SR1 South Riverfront District.

(f) The standards set out in section 9.11.1 – General Standards Required for All Development in the Franklin Avenue Re-Urbanization Zone, apply to Development in the SR1 South Riverfront District.

(g) The standards that apply to the Development on Prairie Loop Boulevard, Franklin Avenue East, and Franklin Re-Urbanization General set out in table 9.11-1 shall apply to Development in the LBL-C Longboat Landing Commercial District. **(BL 14/032)**

2. Dwelling Units Permitted

(a) For the SR1 South Riverfront District, the maximum number of Dwelling Units permitted is the number of Dwelling Units that can be achieved while complying with the Uses and applicable development standards, which may include but are not limited to, the maximum Height, maximum Floor Area Ratio, Building Frontage type, parking requirements, Permitted Uses and Discretionary Uses, and all other regulations that may apply to the Development.

9.13 **Recreation Zone Development Standards (BL 12/013)**

9.13.1 General Standards Required for all Development in the Recreation Zone

1. Introduction

   (a) Notwithstanding that it is contained in this Part 9, the development standards and regulations set out in Parts 1 to 8 of this Bylaw apply to the Recreation Zone.

   (b) Except as specifically set out in this section 9.13.1., the standards and regulations set out in this Part 9 do not apply to the Recreation Zone.

   (c) The Control of Development regulations set out in section 9.5 of this Part 9, and the City Centre General Regulations set out in section 9.7 of this Part 9, apply to the construction of new Buildings with a Gross Floor Area in excess of 1,000m^2 in the Recreation Zone.

2. Dwelling Units Permitted

No Dwellings are permitted in the Recreation Zone.

9.14 **Height**

1. The maximum Height of Buildings is set out in the City Centre Height Map in Appendix 3. On the City Centre Height map:

   (a) For areas indicated with Height as Up to 3 Storeys, the maximum Height is 3 Storeys.

   (b) For areas indicated with Height as Up to 5 Storeys, the maximum Height is 5 Storeys.

   (c) For areas indicated with Height as Up to 10 Storeys, the maximum Height is 10 Storeys.

   (d) For areas indicated with Height as Up to 15 Storeys, the maximum Height is 15 Storeys.

   (e) For areas indicated with Height as Up to 25 Storeys, the maximum Height is 25 Storeys.

   (f) For areas indicated with Height as unlimited, no maximum Height shall apply.

(BL 13/004)

2. As an exception to the maximum Heights set out on the City Centre Height Map, in order to create a gateway feature, one tall Building, of unlimited Height, is permitted in each of the following locations:

   (a) Within 100 m of the Highway 63 Right of Way for Sites fronting on Hardin Street at the intersection of Hardin Street and Highway 63;

   (b) Within 100 m of the Highway 63 Right of Way for Sites fronting on Morrison Street at the intersection of Morrison Street and Highway 63; and

   (c) Within 100 m of the Macdonald Drive Right of Way for Sites fronting on Franklin Avenue at the intersection of Franklin Avenue and Macdonald Drive.

3. After one tall Building, higher than the maximum Height set out on the City Centre Height Map, is approved within 100m of the Highway 63 Right of Way for Sites fronting on Hardin Street at the intersection of Hardin Street and Highway 63, no further Buildings that exceed the maximum Height are permitted in this location.
4. After one tall Building, higher than the maximum Height set out on the City Centre Height Map, is approved within 100 m of the Highway 63 Right of Way for Sites fronting on Morrison Street at the intersection of Morrison Street and Highway 63, no further Buildings that exceed the maximum Height are permitted in this location.
5. After one tall Building, higher than the maximum Height set out on the City Centre Height Map, is approved within 100 m of the Macdonald Drive Right of Way for Sites fronting on Franklin Avenue at the intersection of Franklin Avenue and Macdonald Drive, no further Buildings that exceed the maximum Height are permitted in this location.

9.15 **Floor Area Ratio**

1. The maximum permitted Floor Area Ratio is set out in the City Centre Floor Area Ratio Map - Appendix 2. On the City Centre Floor Area Ratio Map:
   (a) For areas indicated with a maximum Floor Area Ratio of 5, the maximum Floor Area Ratio is 5.0.
   (b) For areas indicated with a maximum Floor Area Ratio of 7.5, the maximum Floor Area Ratio is 7.5.
   (c) For areas indicated with a maximum Floor Area Ratio of 10, the maximum Floor Area Ratio is 10.0.
2. For buildings located within the area identified with a maximum Floor Area Ratio of 10, as shown on the City Centre Floor Area Ratio Map – Appendix 2, the Maximum Floor Area ratio is as follows:
   (a) For sites greater than 0.3 hectares in area, the maximum Floor Area Ratio is 10.0.
   (b) For sites less than or equal to 0.3 hectares in area, where an addition is proposed to an existing building that has a floor area ratio of 2.0 or greater, the maximum Floor Area Ratio is 5.0.
   (c) For sites less than or equal to 0.3 hectares in area, where no building exists or where the existing building has a floor area ratio of less than 2.0, the maximum Floor Area Ratio is 2.0.

(BL 13/004)

3. For buildings located within the area identified with a maximum Floor Area Ratio of 7.5, as shown on the City Centre Floor Area Ratio Map – Appendix 2, the Maximum Floor Area ratio is as follows.
   (a) For sites greater than 0.3 hectares in area, the maximum Floor Area Ratio is 7.5.

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(b) For sites less than or equal to 0.3 hectares in area , where an addition is proposed to an existing building that has a floor area ratio of 2.0 or greater, the maximum Floor Area Ratio is 5.0.

(c) For sites less than or equal to 0.3 hectares in area, where no building exists or where the existing building has a floor area ratio of less than 2.0, the maximum Floor Area Ratio is 2.0.

(BL 13/004)

4. In cases where Floor Area Ratio boundaries do not follow Lot lines, the Floor Area Ratio that applies to a specific potion of the Site shall be calculated by scaling the area from the City Centre Floor Area Ratio Map and applying the Floor Area Ratio to the portion of the Site scaled from the map. In these cases an averaging of Floor Area Ratios over the Site is not permitted.
5. The provisions limiting the maximum Floor Area Ratio to 2.0 for Sites less than or equal to 0.3 hectares in area, as set out in sections 9.15.2 and 9.15.3, do not apply when the City Block Area is less than 0.7 hectares. **(BL 13/004)**

9.16 Downtown Major Redevelopment Zone Uses

9.16.1 Permitted and Discretionary Uses **(BL 13/004)**

1. The Permitted and Discretionary Uses for each Land Use District in the Downtown Major Redevelopment Zone are set out in Table 9.16-1, and 9.16-2. In the tables, the applicable Land Use Districts are stated at the top of each column, and the types of Permitted or Discretionary Uses at the left end of each row. A Permitted Use is indicated by a solid circle at the intersection of the Land Use District column and the Use row. A Discretionary Use is indicated by an open circle at the intersection of the Land Use District column and the Use row.
2. The applicable Land Use Districts are set out in the Regulating Plan: City Centre Districts and Corridors Map, Appendix 1.

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Table 9.16-1

Land Use Districts within the Downtown Major Redevelopment Zone

Land Uses	Land Use Districts			
	CBD1 – Central Business District	BOR1 - Borealis	SCL1 – Snyeside /Clearwater Core	SCL2 – Snyeside /Clearwater High Density
	● = Permitted Use ○ = Discretionary Use			
Food and Beverage Commercial	●	●	○	○
Institutional and Civic	●	●	●	●
Neighbourhood Commercial	●	●	○	○
Office Commercial	●	●		
Park	●	●	●	●
Parking Structure	●	●	●	●
Recreation Commercial	●	●	○	○
Residential	●	●	●	●
Retail Commercial (<5,000 m^2 GFA)	●	●		○
Retail Commercial, Large Format (>5,000 m^2 GFA)	○			
Restricted Commercial	○			
Service Commercial	○			
Tourism Commercial	●	●	●	●
Home Occupation	●	●	●	●
Home Business	○	○	○	○
Accessory Surface Parking	○	○	○	○
Accessory Building or Use	●	●	●	●

Table 9.16-2

Additional Land Use Districts within the Downtown Major Redevelopment Zone

Land Uses	Land Use Districts PR-CC Parks and Recreation City Centre
● = Permitted Use ○ = Discretionary Use	
Cemetery	○
Community Recreation Facility	○
DELETED (BL 13/004)	
Food and Beverage Commercial	○
Institutional and Civic	○
Recreation Commercial	○
Recyclable Materials Drop-Off Centre	○
Retail Commercial (<5,000 m^2 GFA)	○
Outdoor Recreation Facility	○
Park	●
Parking Lot/Structure	●
Public Use	●
Public Utility	●
Resort Facility	○
Accessory Surface Parking	○
Accessory Building or Use	●

9.16.2 Downtown Primary Office Employment Area

1. Within the area designated as Downtown Primary Office Employment Area on the City Centre Districts and Corridors Map, Appendix 1, the following regulations apply:

   (a) Office Commercial shall be the Principal Use in any Building and shall occupy at least 60% of the Gross Floor Area.

   (b) Residential, Food and Beverage Commercial, Institutional and Civic, Recreation Commercial, Retail Commercial (<5,000 m^2 GFA), Neighbourhood Commercial, Restricted Commercial, Service Commercial, and Tourism Commercial, and other uses not defined as Office Commercial will be considered at the discretion of the Development Authority only if secondary to Office Commercial use, where the Gross Floor Area of all these above named uses combined is less than 40% of the Gross Floor Area of the Building.

(c) Retail Commercial, Large Format (>5,000 m^2 GFA) is not permitted within the Downtown Primary Office Employment Area.

(d) Notwithstanding the foregoing, sections 9.16.2.1(a) and 9.16.2.1(b) do not apply to:

(i) The Lots within the Downtown Primary Office Employment Area on the lands bounded by Hardin Street, Franklin Avenue, Haineault Street, and Highway 63, if the primary use on the Ground Floor, and the Storey above the Ground Floor, continues to be Retail Commercial, Retail Commercial Large Format, or Food and Beverage Commercial, and these uses form part of a Shopping Centre.

(ii) Buildings existing at the date of adoption of this Part 9.

(iii) Buildings on Sites that, because of their size, are allowed a Maximum Floor Area Ratio of 2.0.

(iv) Buildings constructed to a Floor Area Ratio of 2.0 or less; **(BL 13/004)**

(v) Additions of less than 1,000 m^2 to Buildings existing at the date of adoption of this Part 9; **(BL 13/004)**

(e) If only a portion of a Building is located within the Downtown Primary Office Employment Area, then:

(i) Office Commercial shall be the Principal Use occupying a portion of the Gross Floor Area of the entire Building in an amount equal to:

(ii) at least 60% of the Gross Floor Area of the portion of the Building that is located in the Downtown Primary Office Employment Area.

The minimum Office Commercial Use requirement may be met with the amount of Office Commercial Use located throughout the entire Building even though only a portion of the Building is located within the Downtown Primary Office Employment Area. [For example, if 10,000 m^2 of a 50,000 m^2 Building projects into the Downtown Primary Office Employment Area, then at least 60% of the 10,000 m^2 = 6,000 m^2 shall be Office Commercial in the entire 50,000 m^2 Building]. **(BL 13/004)**

9.16.3 Snyeside Clearwater Residential Area (**BL 13/004)**

1. Within the Snyeside Clearwater Residential area shown on the City Centre Districts and Corridors map, Appendix 1, the following regulations apply:

(a) The R1 Single Detached Residential District regulations shall apply to Sites that meet any one of the following conditions:

(i) a Site area of less than or equal to 0.3 hectares; or

(ii) a Lot frontage of less than or equal to 50 m; or

(iii) a Lot depth of less than or equal to 50 m.

(b) A Site plan, to the satisfaction of the Development Officer, shall be submitted prior to Development of Sites that meet all of the following conditions:

(i) a Site area greater than 0.3 hectares; and
(ii) a Lot frontage greater than 50 m; and
(iii) a Lot depth greater than 50 m.

The Site plan shall show the ultimate build-out of the entire Site and demonstrate how the overall Development will meet the requirements of this Bylaw. The additional Uses, Heights, and Floor Area Ratios set out in Part 9, beyond those permitted in the R1 Single Detached Residential District, shall not be allowed until a Site plan has been submitted to the satisfaction of the Development Officer, in addition to all other requirements. **(BL 13/004)**

9.16.4 Site Provisions for PR-CC Parks and Recreation City Centre District

1. In addition to the General Regulations contained in Part 5, the following regulations shall apply to every Development in the PR-CC Parks and Recreation City Centre District.

(a) Front Yard (minimum): 6.0 m
(b) Side Yard (minimum): 6.0 m
(c) Rear Yard (minimum): 6.0 m

2. In addition to the above regulations, the development of a float plane base in the PR-CC Parks and Recreation City Centre District is subject to the following:

(a) Side Yard, Interior (minimum): 1.2 m
(b) Side Yard, Exterior (minimum): 3.0 m
(c) Accessory Development may include office Buildings, fuel storage, and maintenance facilities integral to the operation of the base.
(d) Notwithstanding Tables 9.16-1 and 9.16-2 even where Accessory to a Principal Use that is a Permitted Use, in all cases, fuel storage shall be considered to be a Discretionary Use.
(e) Further to Section 9.16.2.4, the Development Authority may require that any fuel storage be located and developed to the satisfaction of the Development Authority in accordance with Provincial Regulations.

9.17 Franklin Avenue Re-Urbanization Zone Uses (BL 12/013)

9.17.1 Permitted and Discretionary Uses **(BL 13/004)**

1. The Permitted and Discretionary Uses for each Land Use District in the Franklin Avenue Re-Urbanization Zone are set out in Table 9.17-1 and 9.17-2. In the tables, the applicable Land Use Districts are stated at the top of each column, and the types of Permitted or Discretionary Uses at the left end of each row. A Permitted Use is indicated by a solid circle at the intersection of the Land Use District column and the Use row. A

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Discretionary Use is indicated by an open circle at the intersection of the Land Use District column and the Use row.

2. The applicable Land Use Districts are set out in the Regulating Plan: City Centre Districts and Corridors Map, Appendix 1.

Table 9.17-1

Land Use Districts within the Franklin Avenue Re-Urbanization Zone:

Land Uses	Land Use Districts		
	PRA1 – Prairie West of Queen Mixed Use	PRA2 – Prairie East of Queen Mixed Use	FRA1 – Franklin Core
	● = Permitted Use ○ = Discretionary Use		
Food and Beverage Commercial	●	●	●
Institutional and Civic	●	●	●
Limited Commercial	○	○	○
Office Commercial	●	●	●
Park	●	●	●
Parking Lot/ Structure	●	●	●
Recreation Commercial	●	●	●
Residential	●	●	●
Restricted Commercial	○	○	○
Retail Commercial (<5,000 m^2 GFA)	●	●	●
Retail Commercial, Large Format (>5,000 m^2 GFA)	●		○
Service Commercial	●	●	●
Tourism Commercial	○	○	●
Home Occupation	●	●	●
Home Business	○	○	○
Accessory Surface Parking	●	●	●
Accessory Building or Use	●	●	●

Table 9.17-2

Additional Land Use Districts within the Franklin Avenue Re-Urbanization Zone

Land Uses	Land Use Districts	
	PR-CC – Parks and Recreation City Centre	PS-CC – Public Services City Centre
	● = Permitted Use ○ = Discretionary Use	
Apartment Building		○
Cemetery	○	○
Community Recreation Facility	○	
DELETED (BL 13/004)		
Food and Beverage Commercial	○	○
Fuel sales associated with boating facilities **(BL 13/004)**		○
Institutional and Civic	○	● **(BL 13/004)**
Recreation Commercial	○	○
Recyclable Materials Drop-Off Centre	○	○
Retail Commercial (<5,000 m^2 GFA)	○	○
Outdoor Recreation Facility	○	●
On-site security	●	●
Park	●	●
Parking Lot/ Structure	●	●
Public Use	●	●
Public Utility	●	●
Resort Facility	○	
Accessory Surface Parking	●	●
Accessory Building or Use	●	●

9.17.2 Site Provisions

1. In addition to the regulations contained in Part 5 of this Bylaw, the following regulations shall apply to every Development in the PR-CC Parks and Recreation City Centre District, and the PS-CC Public Services City Centre district.

   (a) Front Yard (minimum): 6.0 m
   (b) Side Yard (minimum): 6.0 m
   (c) Rear Yard (minimum): 6.0 m

2. In addition to the above regulations, the development of a float plane base in the PR-CC Parks and Recreation City Centre district is a discretionary use subject to the following: **(BL 13/004)**

(a) Side Yard, Interior (minimum): 1.2 m
(b) Side Yard, Exterior (minimum): 3.0 m
(c) Accessory Development may include office Buildings, fuel storage, and maintenance facilities integral to the operation of the base.
(d) Notwithstanding Tables 9.17-1 and 9.17-2 even where Accessory to a Principal Use that is a Permitted Use, in all cases, fuel storage shall be considered to be a Discretionary Use.
(e) Further to Section 9.17.2.d, the Development Authority may require that any fuel storage be located and developed to the satisfaction of the Development Authority in accordance with Provincial Regulations.

9.18 **Neighbourhood Stabilization Zone Uses (BL 12/013)**

9.18.1 Permitted and Discretionary Uses **(BL 13/004)**

1. The applicable Land Use Districts are set out in the land use map incorporated as Appendix A referred to in Part 1 of this Bylaw, except that if a Land Use District is displayed on the City Centre Districts and Corridors Map Appendix 1, then the District on that map shall apply.
2. The Permitted and Discretionary Uses for each Land Use District in the Neighbourhood Stabilization Zone are set out in Part 6 of this Bylaw, except for those applicable Districts that are displayed on the City Centre Districts and Corridors Map Appendix 1.
3. The Permitted and Discretionary Uses for the applicable Land Use Districts in the Neighbourhood Stabilization Zone are set out in Table 9.18-1. In the table, the applicable Land Use Districts are stated at the top of each column, and the types of Permitted or Discretionary Uses at the left end of each row. A Permitted Use is indicated by a solid circle at the intersection of the Land Use District column and the Use row. A Discretionary Use is indicated by an open circle at the intersection of the Land Use District column and the Use row.

Table 9.18-1 Land Use Districts within the Neighbourhood Stabilization Zone **(BL 14/032)**

Land Uses	Land Use Districts: SR1 South Riverfront	LBL-C Longboard Landing Commercial
	● = Permitted Use	○ = Discretionary Use
Food and Beverage Commercial		●
Institutional and Civic	○	○
Live-Work		○
Office Commercial	●	
Secondary Office Commercial		●
Park	●	
Parking Lot/ Structure	●	●
Residential	●	●
Retail Commercial (<5,000m^2 GFA)	●	●
Home Occupation	●	●
Home Business	○	○
Accessory Surface Parking	●	●
Accessory Building or Use	○	○

9.19 Recreation Zone Uses and Regulations (BL 12/013)

9.19.1 Permitted and Discretionary Uses **(BL 13/004)**

1. The Permitted and Discretionary Uses for each Land Use District in the Recreation Zone are set out in Table 9.19-1. In the table, the applicable Land Use Districts are stated at the top of each column, and the types of Permitted or Discretionary Uses at the left end of each row. A Permitted Use is indicated by a solid circle at the intersection of the Land Use District column and the Use row. A Discretionary Use is indicated by an open circle at the intersection of the Land Use District column and the Use row.
2. The applicable Land Use Districts are set out in the Regulating Plan: City Centre Districts and Corridors Map, Appendix 1.

Exhibit 14

Table 9.19-1

Land Use Districts in Recreation Zone

Land Uses	Land Use Districts RIVF - Riverfront
	● = Permitted Use ○ = Discretionary Use
Community Recreation Facility	○
DELETED (BL 13/004)	
Food and Beverage Commercial	○
Fuel sales associated with boating facilities **(BL 13/004)**	○
Institutional and Civic	○
Recreation Commercial	○
Retail Commercial (<5,000m^2 GFA)	○
Outdoor Recreation Facility	●
Park	●
Parking Lot and Parking Structure	●
Public Use	●
Public Utility	●
Accessory Surface Parking	○
Accessory Building or Use	●

9.19.2 Site Provisions

1. In addition to the regulations contained in Part 5 of this Bylaw, the following standards shall apply to every Development in the RIVF Riverfront district:

   (a) Front Yard (minimum): 6.0 m
   (b) Side Yard (minimum): 6.0 m
   (c) Rear Yard (minimum): 6.0 m
   (d) Building Height (maximum): 12.2 m for principal Building.

2. In addition to the above regulations, the development of a float plane base in the RIVF Riverfront district is a discretionary use subject to the following: **(BL 13/004)**

   (a) Side Yard, Interior (minimum): 1.2 m
   (b) Side Yard, Exterior (minimum): 3.0 m
   (c) Building Height (maximum): 6.0 m for principal Building
   (d) Accessory Development may include office Buildings, fuel storage, and maintenance facilities integral to the operation of the base.
   (e) Notwithstanding Table 9.19-1 even where Accessory to a Principal Use that is a Permitted Use, in all cases, fuel storage shall be considered to be a Discretionary Use.

(f) Further to Section 9.19.2.e, the Development Authority may require that any fuel storage be located and developed to the satisfaction of the Development Authority in accordance with Provincial Regulations.

9.20 PARKING AND LOADING

9.20.1 Parking and Loading Facilities

1. Notwithstanding the provisions of Part 7 of this Bylaw pertaining to parking and loading requirements, each Development in any District in this Part shall provide vehicular and Bicycle Parking in accordance with Table 9.20-1 Number of On-site Parking Stalls Required, and Table 9.20-2 - Number of Bicycle Parking Spaces Required.
2. For specific uses set out in Part 7 that do not appear in this section 9.20, the parking requirements in Part 7 shall prevail. **(BL 13/004)**
3. In Table 9.20-1The word 'Arena Spectator Seating and Floor Area', for which 0 parking spaces are required, only includes the spectator seating and the general floor area used by patrons; it does not include any Retail Uses, Food Service / Restaurant, Offices, Hotels, Commercial uses, or other uses that may be included as part of the Arena structure. These other uses are required to provide parking as set out in Table 9.20-1.

(BL 13/004)

9.20.2 Vehicular Parking

1. A Parking Structure that is part of the Building Podium shall be screened in a way that does not disrupt the continuity of the Street Wall and the character of the District. Screens may include, but are not limited to, public art and Street fronting Retail uses.
2. A Parking Structure developed below grade shall be permitted to be built to the Lot line.
3. Surface Parking Lots:
   (a) The storage of materials inclusive of accumulated snow on non-Accessory Surface Parking Lots shall be in a location away from the Public Road to improve safety and visibility; and
   (b) Lighting for the non-Accessory surface Parking Lots shall be a minimum of 6 LUX.

9.20.3 Access

1. Driveway ramps for underground Parking Structures shall not exceed a slope of 6% for the first 4.5m from the Lot line, or as may be prescribed by the Engineering Department of the Municipality from time to time.
2. For Residential, Hotel, and Institutional Uses, passenger drop-off areas and lay-bys may be located within the Front Setback, provided there is adequate space available and that sidewalk continuity is maintained to the satisfaction of the Engineering Department.

Table 9.20-1 - Number of On-Site Parking Stalls Required

Residential Uses		
	Number of Required Parking Spaces by Zone	
Land Use Accommodation:	DRZ	FRZ; NSZ AND RZ **(BL 13/004)**
Bachelor Suite Minimum parking requirement per unit Maximum parking requirement per unit	 0.5 1	 0.5 1
1 Bedroom Dwelling Unit Minimum parking requirement per unit Maximum parking requirement per unit	 0.5 1	 1 1.5
2 Bedroom Dwelling Unit Minimum parking requirement per unit Maximum parking requirement per unit	 1 1.5	 1 1.5
3 or more Bedroom Dwelling Unit Minimum parking requirement per unit Maximum parking requirement per unit	 1 2	 1 2
Cottage Cluster Residential **(BL 13/004)** Minimum parking requirement per unit Maximum parking requirement per unit	 1 1.5	 1 1.5
Secondary Suite **(BL 13/004)** Minimum parking requirement per unit Maximum parking requirement per unit	 1 1.5	 1 1.5
Visitor Parking Minimum parking requirement per unit Maximum parking requirement per unit	 1.0 per 10 units 1.0 per 5 units	 1.0 per 10 units 1.0 per 5 units
Legend: DRZ - Downtown Major Redevelopment Zone *FRZ – Franklin Avenue Re-Urbanization Zone* *NSZ – Neighbourhood Stabilization Zone **(BL 13/004)*** *RZ – Recreation Zone **(BL 13/004)***		

Non-Residential Uses		
	Number of Required Parking Spaces by Zone	
Land Use	DRZ	FRZ; NSZ AND RZ **(BL 13/004)**
Food Service / Restaurant Minimum parking space requirement Maximum parking space requirement	 1.0 per 100 m^2 Public Floor Area 1.0 per 3.5 m^2 Public Floor Area **(BL 13/004)**	 1.0 per 100 m^2 Public Floor Area 1.0 per 3.5 m^2 Public Floor Area **(BL 13/004)**
Hotel Minimum parking space requirement	0.5 per guest room plus additional stalls in accordance with the parking requirements in this Part	1.0 per guest room plus additional stalls in accordance with the parking requirements in this Part
All Retail Uses (goods and services) under 5,000 m^2 GFA Minimum parking space requirement Maximum parking space requirement	 1.0 per 100 m^2 GFA 2.0 per 100 m^2 GFA	 1.0 per 100 m^2 GFA 4.0 per 100 m^2 GFA
Large Format Retail (5,000 m^2 GFA and greater) Minimum parking space requirement Maximum parking space requirement	 1.0 per 100 m^2 GFA 4.0 per 100 m^2 GFA	 1.0 per 100 m^2 GFA 4.0 per 100 m^2 GFA
Shopping Centre Minimum parking space requirement Maximum parking space requirement	 1.0 per 100 m^2 GFA 4.0 per 100 m^2 GFA	 1.0 per 100 m^2 GFA 4.0 per 100 m^2 GFA
Offices / Professional Services Minimum parking space requirement Maximum parking space requirement	 1.4 per 100 m^2 GFA 2.8 per 100 m^2 GFA	 1.4 per 100 m^2 GFA 2.8 per 100 m^2 GFA
Elementary / Junior High Schools Minimum parking space requirement	1.4 per classroom, plus auditorium requirements set out below **(BL 13/004)**	1.4 per classroom, plus auditorium requirements set out below **(BL 13/004)**
Senior High School Minimum parking space requirement	1.4 per classroom, plus 1.0 per 12 student capacity, plus auditorium requirements set out below **(BL 13/004)**	1.4 per classroom, plus 1.0 per 12 student capacity, plus auditorium requirements set out below **(BL 13/004)**
College / University Minimum parking space requirement	1.0 per 12 classroom seats plus auditorium requirements set out below **(BL 13/004)**	1.0 per 10 classroom seats plus auditorium requirements set out below **(BL 13/004)**

Non-Residential Uses		
	Number of Required Parking Spaces by Zone	
Land Use	DRZ	FRZ; NSZ AND RZ **(BL 13/004)**
Government Services / Library Minimum parking space requirement Maximum parking space requirement	 1.4 per 100 m^2 GFA 2.8 per 100 m^2 GFA	 1.4 per 100 m^2 GFA 2.8 per 100 m^2 GFA
Hospital Minimum parking space requirement	 1.0 per bed	 1.0 per bed
Nursing Home / Congregate Care Minimum parking space requirement	 0.2 per bed	 0.2 per bed
Church Minimum parking space requirement Maximum parking space requirement	 5 per 100 m^2 GFA 10 per 100 m^2 GFA	 5 per 100 m^2 GFA 10 per 100 m^2 GFA
Auditorium / Conference Centre / Exhibition Hall **(BL 13/004)** Minimum parking space requirement Maximum parking space requirement	 1 space per 10 seats or 1 per 5m^2 of floor area used by patrons, whichever is less 1 space per 3.5 seats or 1 per 3 m^2 of floor area used by patrons, whichever is greater	 1 space per 10 seats or 1 per 5 m^2 of floor area used by patrons, whichever is less 1 space per 3.5 seats or 1 per 3 m^2 of floor area used by patrons, whichever is greater
Arena Spectator Seating and Floor Area **(BL 13/004)** Minimum parking space requirement Maximum parking space requirement	 0 parking spaces (no minimum is required) 1 space per 3.5 seats or 1 per 3 m^2 of floor area used by patrons, whichever is greater	 0 parking spaces (no minimum is required) 1 space per 3.5 seats or 1 per 3 m^2 of floor area used by patrons, whichever is greater
Legend: DRZ - Downtown Major Redevelopment Zone *FRZ – Franklin Avenue Re-Urbanization Zone* *NSZ – Neighbourhood Stabilization Zone **(BL 13/004)*** *RZ – Recreation Zone **(BL 13/004)***		

9.20.4 Number of Bicycle Spaces Required

1. In addition to the required vehicular parking, Bicycle Parking shall be provided in accordance with Table 9.20.2.

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9.20.5 Size and Location of Bicycle Parking Facilities

1. Each Bicycle Parking space shall be a minimum of 0.6 m in width with a minimum clear length of 1.8 m. Bicycle Parking spaces shall have a vertical clearance of at least 2.0 m.
2. Required Bicycle Parking spaces shall be wholly provided on the same Site as the Development for which the Bicycle Parking is being provided.
3. Adequate access to and exit from individual Bicycle Parking spaces shall be provided with an aisle of not less than 1.5 m in width, to be provided and maintained beside or between each row of Bicycle Parking.
4. Required Bicycle Parking spaces and accesses shall be located on hard paved surfaces.
5. Bicycle Parking shall be separated from vehicular parking by a physical barrier or a minimum 1.5 m of open space.
6. Bicycle Parking spaces shall be visibly located where possible and provided in one or more of the following ways:
   (a) Secure bicycle storage rooms, lockers, racks, railings or other such device inside the Building, preferably at the ground level;
   (b) Secure bicycle storage rooms, lockers, racks, railings or other such device in any Accessory Parking Structure or surface Parking Lot; or
   (c) Within any Yard of a Site but not more than 15.0 m from a principal entrance of the Building.
7. Where Bicycle Parking is not visibly located on Site, directional signage shall be displayed indicating its location.
8. All Bicycle Parking spaces shall be situated to maximize visibility so as to discourage theft and vandalism, and shall be illuminated.

9.20.6 Off Site Parking in City Centre Special Area **(BL 13/004)**

Notwithstanding Section 130.5(a) of Part 7, in the City Centre Special Area, except for Residential uses, the Development Authority may allow for the provision of required parking stalls on a site other than the proposed development site provided that the following conditions are met:

1. the alternative site is within 180 m of the approved use, and can be secured for a time period equal to that of the approved use;
2. there is a convenient walkway from the off-site parking to the development that is the subject of the development permit application;
3. the owner of the development proposing to use an off-site parking space has ownership and control of the site where the parking is proposed and has dedicated the site to parking for the benefit of the development in question.

In such cases, a condition of the development permit for the development may require that a restrictive covenant or caveat be registered against the title to the site on which parking spaces are located. The restrictive covenant or caveat shall stipulate that the parking spaces shall be maintained exclusively for the parking requirements of the development. The

Exhibit 14

restrictive covenant or caveat may only be discharged with the Development Authority's approval.

Table 9.20-2 - Number of Bicycle Parking Spaces Required

	Number of Required Bicycle Parking Spaces by Zone	
Land Use:	DRZ	FRZ
All Residential Uses of 20 Dwellings or more.	10% of the number of vehicular parking spaces required under Table 9.20-1 to a maximum of 50 Bicycle Parking spaces.	5% of the number of vehicular parking spaces required under Table 9.20-1 to a maximum of 50 Bicycle Parking spaces
All Non-Residential Uses except for Educational Service Facilities	10% of the number of vehicular parking spaces required under Table 9.20-1, with 5 Bicycle Parking spaces being the minimum to be provided.	5% of the number of vehicular parking spaces required under Table 9.20-1, with 5 Bicycle Parking spaces being the minimum to be provided.
Education Service Facilities	10% of the number of vehicular parking spaces required under Table 9.20-1, with 5 Bicycle Parking spaces being the minimum to be provided.	10% of the number of vehicular parking spaces required under Table 9.20-1, with 5 Bicycle Parking spaces being the minimum to be provided.

9.21 **Urban Design Regulations**

9.21.1 Fundamental Design Regulations (**BL 14/032)**

Within the Downtown Major Redevelopment Zone the Franklin Avenue Re-Urbanization Zone, and the Longboat Landing Commercial District (LBL-C) where a Development follows the Fundamental Design Regulations (set out below), the Development Officer may vary the Building and Landscape Frontage types required in section 9.10 and 9.11 and set out in sections 9.10.5 and 9.11.5.

The Fundamental Design Regulations are as follows:

1. High quality public realm. Create a high quality public realm that supports the culture of walking. This means that the pedestrian access is convenient, and the environment is comfortable, memorable and attractive. Streets, Through Block Connections and public spaces work together to provide opportunities for civic, cultural, economic and social activities.
2. Pedestrian-friendly features. Create a pedestrian-friendly environment by orienting façades, entrances, outdoor seating areas, canopies, Landscaping and other features that lend visual interest and a human scale to the Street.
3. Visual and physical connections. Develop visual and physical connections into Buildings' active interior spaces from adjacent sidewalks. Face main entries, lobbies and other pedestrian-oriented Building elements to the sidewalk. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.
4. Flexible sidewalk-level spaces. Develop flexible spaces at the sidewalk-level of Buildings that can accommodate a variety of active uses.

Exhibit 14

5. Corners. On corner Lots wrap the façade treatment around the side of the Building to provide a consistent profile facing both Streets.

9.21.2 Special Urban Design Regulations

The regulations in this Section are required for all Development in the Downtown Major Redevelopment Zone and the Franklin Avenue Re-Urbanization Zone. The regulations in this section are also required for Buildings greater than 1,000m^2 in the Neighbourhood Stabilization Zone and the Recreation Zone These regulations are applied in addition to the Development Standards for Site design, Street Types, Through Block Connections and Building and Landscape Frontage Types. In conjunction with the other applicable Development Standards, the purpose of these Design Regulations is to ensure achievement of a high quality public realm and Building design.

The Special Urban Design Regulations are as follows:

1. Regulations for high quality public realm

   (a) Design quality. Plan rights-of-way, Through Block Connections and public open space as if they were outdoor rooms, designed with the same care to circulation, proportion of space, quality of materials, comfort, safety and attractiveness as indoor rooms.

   (b) Through Block Connection frontage. Orient Building elements such as main entries, lobbies, windows, and balconies to face Through Block Connections and public open space. Create a pedestrian-friendly environment within Through Block Connections and adjoining public spaces by orienting façades, entrances, outdoor seating areas, canopies, Landscaping and other features that lend visual interest and a human scale.

   (c) Seating opportunities. Include a wide variety of seating opportunities in the design of public open space, including benches, widened windowsills, widened edges of landscape planters, or wide steps. Integrated seating for pedestrians should be oriented to the active edge of the Site, the main entry of the Building, or toward a corner.

   (d) Through Block Connection weather protection. Develop integrated weather protection systems at the sidewalk-level to mitigate the effects of harsh weather, glare, shadow and reflection on pedestrian environment.

   (e) Public Art. Consider Including public art that meets a high standard of quality and permanence as part of a through block connection, ensuring that while the public art may be located on private land, it is visible and accessible to the public. Encourage Public Art as an integral part of larger developments and sites. **(BL 13/004)**

2. Regulations for Buildings

   (a) Quality and permanence. Use design principles, construction techniques and building materials that promote quality, permanence and adaptability in Buildings.

(b) Location of services and equipment. Building mechanical equipment that produces offensive odours, noise, and/or air movement should be located so as not to negatively impact the pedestrian environment. Incorporate service areas for large vehicle access in a manner that does not detract from the pedestrian environment. These service and equipment areas include loading areas, recycling dumpsters, trash collection and storage areas, and vehicle access locations.

(c) Pedestrian-scaled signage and lighting. Develop integrated identification, sign, and sidewalk oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian.

(d) Barrier free access. Integrate access systems for all people with the Building's overall design concept. Ensure barrier-free design features that facilitate movement for all people, such as elevators, lifts, and ramps, are well integrated into the overall design concept.

(e) Parking Structure design. Orient and screen Parking Structures to minimize exposure and visibility of parking floors along the Street-facing façade. Incorporate materials, colours and façade articulation to de-emphasize the visual difference between Parking Structure screening and habitable space within the same or adjacent Buildings.

(f) Building location. Locate Buildings to frame the public spaces and Streets, and create strong edges to the outdoor urban realm. Locate Buildings in the perimeter of the block, allowing for Courtyards in the interior.

(g) Weather protection. Incorporate features like covered sidewalks, walkways and atriums that provide shelter from the extreme cold weather conditions that characterize the local climate.

(h) Skyline. Design individual Building roofs to create visual interest and to ensure they work together to form a cohesive and attractive skyline. Consider tall Buildings that cluster together, particularly in the Downtown unlimited Height area, the Franklin transit nodes and gateways, as sculptural peaks that mark a specific neighborhood in the City Centre Special Area. These neighborhood markers work together as sculptural features to create a sense of drama, enhance the image of and call attention to the City Centre Special Area as a whole.

(i) Building rooftops. Design rooftops to contribute positively to the skyline and to establish a signature image for the District and the city as a whole. Locate necessary Building functions such as heating, ventilating and air conditioning systems, elevator penthouses, and other structures such as transmission towers to mitigate visual impacts, and to integrate them into the design of rooftop architecture. Develop rooftops as habitable space to offer special view opportunities from the tops of Buildings.

(j) Corners. Highlight Building corners by varying Building Heights, changing the façade plane, with large windows, awnings, canopies,

marquees, signs, or pedestrian entrances. Locate flexible sidewalk-level retail opportunities at Building corners.

(k) Towers. Design and orient Towers to maximize views, sun exposure at the Street level, Through Block Connection and adjoining open space, and to articulate the downtown skyline.

(l) Podiums. Enhance Podium roofs when they are visible from adjacent Developments through the use of patios, gardens or green roofs.

(m) Within the SCL 2 areas, encourage development of buildings of various heights to create variation along the skyline in these areas, and to reduce shadow impacts on adjacent parkland. Development of rows of buildings with similar heights in these areas is not encouraged. **(BL 13/004)**

3. Regulations for Specific Streets and Gateways

(a) MacDonald Avenue. Locate Buildings along MacDonald Avenue to provide a rhythm of fine-grained retail establishments with direct access to the Street that contain numerous shop fronts, entrances, and a variety of textures and Building materials to enhance the pedestrian environment. **(BL 13/004)**

(b) Gateways. Orient Building and Landscaping features toward designated gateways to identify district entrances and transitions from one Land Use District to another. Building features such as arches, arcades, columns and landscape features such as fountains, planting and sculptural art can be used to define gateways.

9.21.3 The Longboat Landing Commercial Urban Design Regulations **(BL 14/032)**

The regulations in this Section are required for all Development in the Longboard Landing Commercial District. In conjunction with the other applicable Development Standards, the purpose of these Design Regulations is to ensure achievement of a high quality public realm and building design.

The Longboat Landing Commercial Urban Design Regulations are as follows:

1. Site Development Plans

(a) Development within the LBL-C Land Use Area will orient buildings to minimize 100 % rear exposure of buildings to Prairie Loop Boulevard. Development will incorporate regular access to municipal walkways that are abutting Prairie Loop Boulevard and incorporate design elements such as building articulation every 20.0 m to create visual breaks in the face of buildings abutting Prairie Loop Boulevard.

(b) In compliance with Part 9 of the Land Use Bylaw the setback along Prairie Loop Boulevard is established as a maximum of 3.00 m and a minimum of 3.00 m, except the parcels identified on the City Centre Floor Area Ration Map as “Intensification Nodes” where the minimum is setback is 0 m.

(c) Special paving, landscaping and seating must be provided to create pedestrian interest along Prairie Loop Boulevard and to promote human-scale dimensions.

(d) Design sites and buildings to improve pedestrian comfort (microclimatic conditions) along Prairie Loop Boulevard and amenity or commercial areas. Encourage use of awnings, canopies, overhangs, colonnades, arcades and landscaping.

(e) Create an integrated transition between public and private realm (3.00 m front and side yard setbacks) through landscape treatment and site design to facilitate pedestrian movement and interaction resulting in pedestrian walkways and public open spaces.

(f) Pedestrian-scale lighting must be included in public-private transition areas or as an organizing element in larger surface parking areas; such as low-high lighting bollards and columns.

(g) Additional tree planting along the curbsides in the boulevard strip between the road and sidewalk is required.

2. Regulations for Building Façade Location and Form

(a) The design of sites and buildings will contribute to animated streetscapes. Design buildings with articulated building facades facing public streets and publically oriented spaces.

(b) Any development within the Intensification nodes will have windows directly facing Prairie Loop Boulevard.

(c) Pedestrian entrances will have a more prevailing and predominant design than the vehicle entrances, to remark human-scale access and composition of façade. Some elements to reach this can be entry porches, colonnades decks, and enhancing materials or colours around the pedestrian entrances.

(d) Where possible, blank, flat walls will be avoided along street frontages.

3. Intensification Nodes

(a) Two Intensification Nodes are herein defined: one at Franklin Avenue and Prairie Loop Boulevard, and another at Prairie Loop Boulevard and Saline Creek Parkway. Within those Nodes, the height limit is 15 storeys (see Appendix 3).

(b) The Intensification Nodes are also considered as Urban Gateways in the sense and intention defined in the City Centre Area Redevelopment Plan. As such Public Art is encouraged that is intended to narrate/relate a historical them of Fort McMurray.

4. Parking Placements

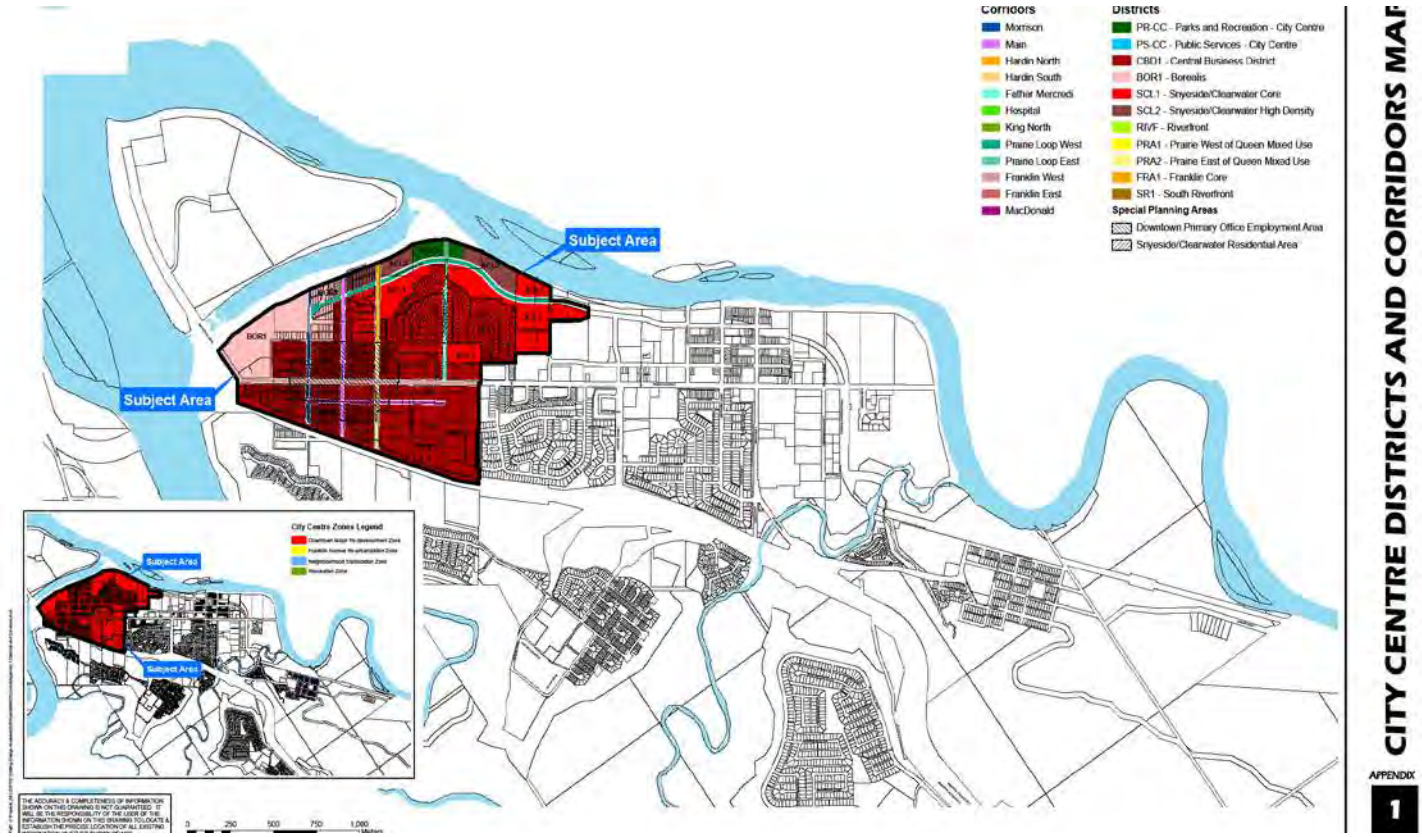
(a) Surface Parking abutting Prairie Loop Boulevard is permitted but must be screened from public view from Prairie Loop Boulevard and municipal sidewalks through a landscape buffer treatment.

(b) Underground parking is permitted and encouraged.

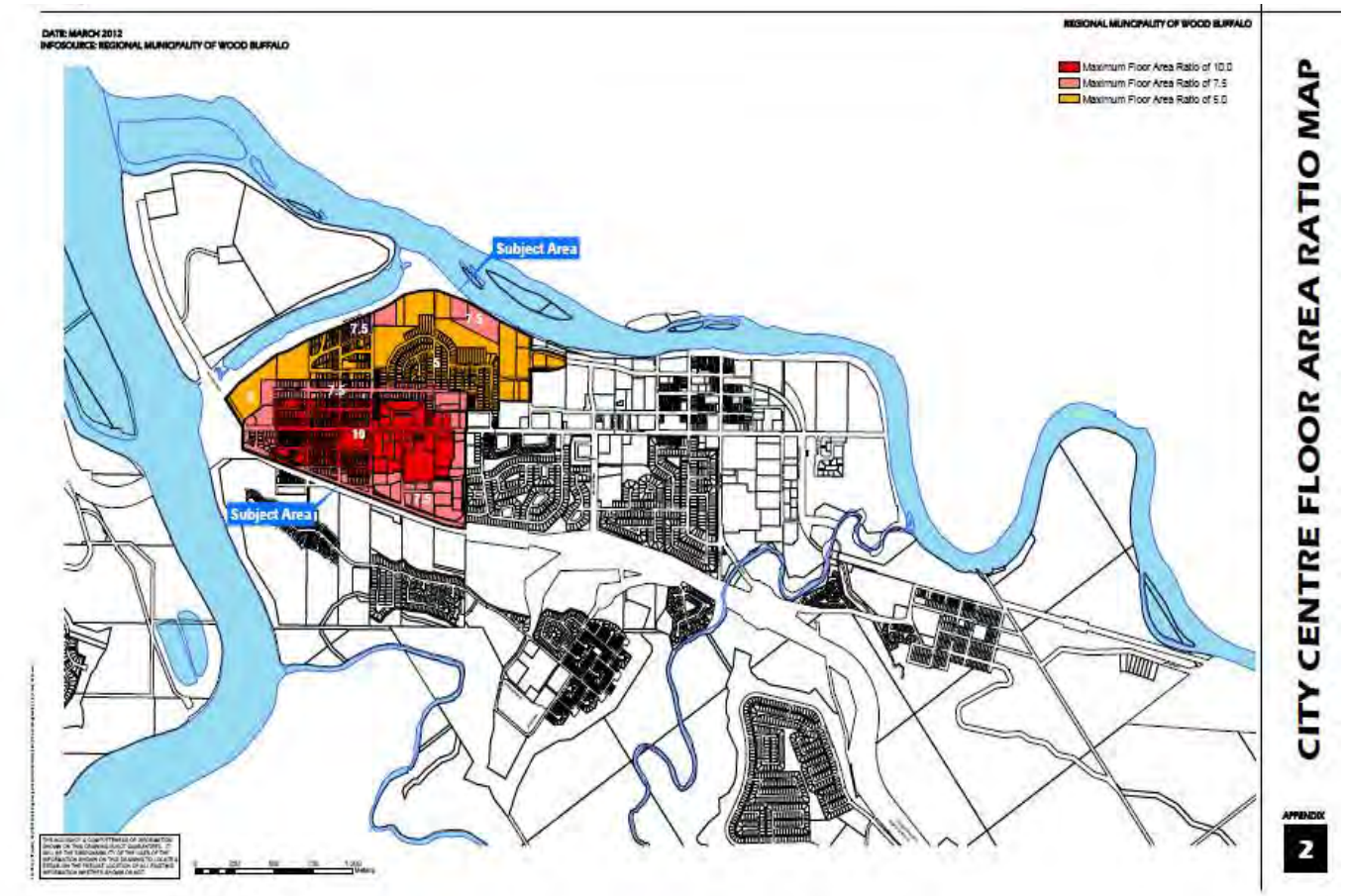
(c) Above ground structure parking is permitted, but facades must be treated to avoid an excessive presence of care on the streetscape.

Exhibit 14

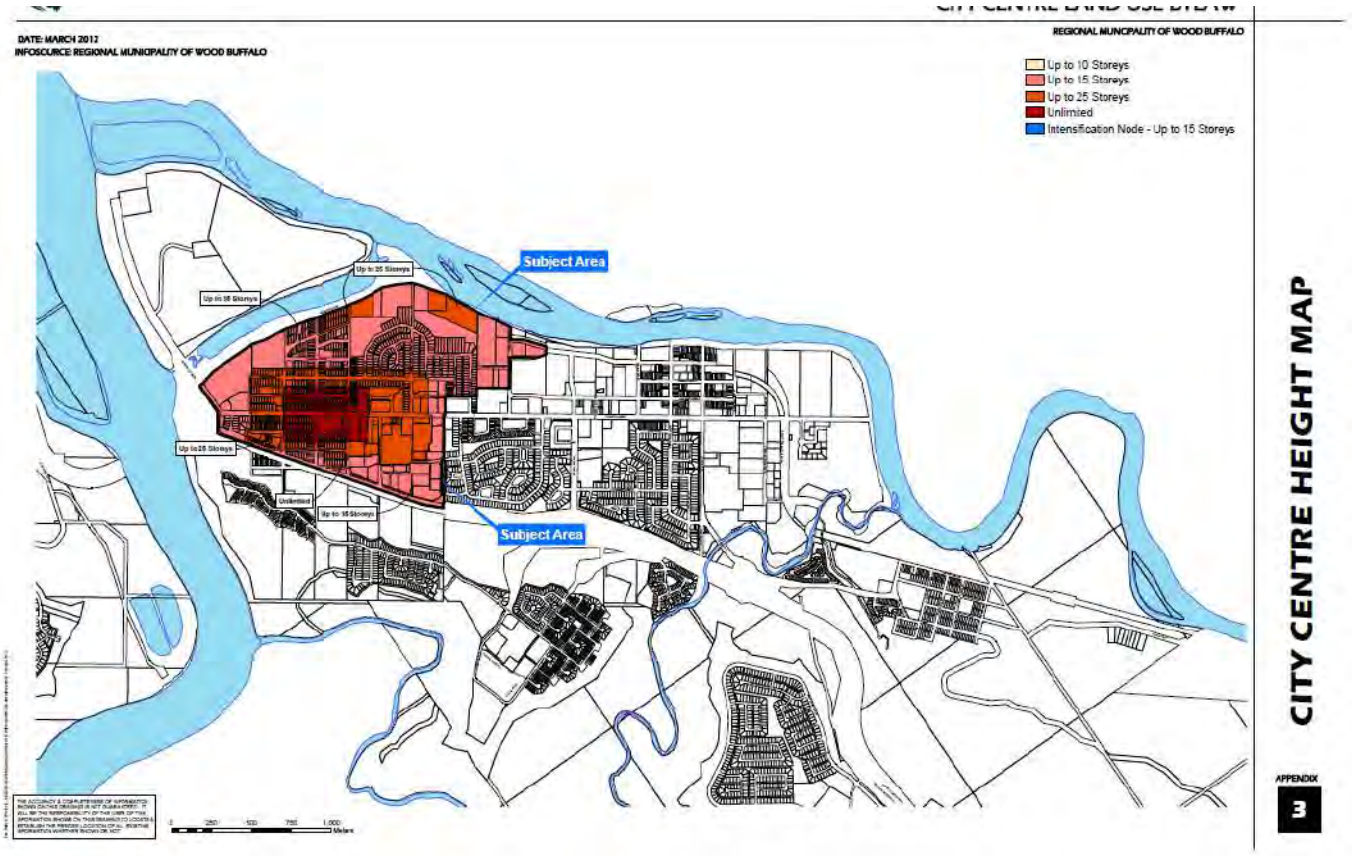
Appendix 1


Corridors
Morrison
Main
Hardin North
Hardin South
Fairfax Mercredi
Hospital
King North
Prairie Loop West
Prairie Loop East
Franklin West
Franklin East
MacDonald
Districts
PR-CC - Parks and Recreation - City Centre
PS-CC - Public Services - City Centre
CBD1 - Central Business District
BOR1 - Boreals
SCL1 - Snyeside/Clearwater Core
SCL2 - Snyeside/Clearwater High Density
RIVF - Riverfront
PRA1 - Prairie West of Queen Mixed Use
PRA2 - Prairie East of Queen Mixed Use
FRA1 - Franklin Core
SR1 - South Riverfront
Special Planning Areas
Downtown Primary Office Employment Area
Snyeside/Clearwater Residential Area
Subject Area
Subject Area
BOR1
City Centre Zones Legend
Subject Area
Subject Area
CITY CENTRE DISTRICTS AND CORRIDORS MAP
APPENDIX
1

Appendix 2


DATE: MARCH 2012
INFOSOURCE: REGIONAL MUNICIPALITY OF WOOD BUFFALO
REGIONAL MUNICIPALITY OF WOOD BUFFALO
Maximum Floor Area Ratio of 10.0
Maximum Floor Area Ratio of 7.5
Maximum Floor Area Ratio of 5.0
Subject Area
Subject Area
7.5
10
CITY CENTRE FLOOR AREA RATIO MAP
APPENDIX
2

Appendix 3


DATE: MARCH 2012
INFOSOURCE REGIONAL MUNICIPALITY OF WOOD BUFFALO
REGIONAL MUNICIPALITY OF WOOD BUFFALO
Up to 10 Storeys
Up to 15 Storeys
Up to 25 Storeys
Unlimited
Intensification Node - Up to 15 Storeys
Subject Area
Subject Area
CITY CENTRE HEIGHT MAP
APPENDIX
3

Part 10 Appendices

See link on website for Appendices

Appendix A

Land Use District Maps

See link on website for Mapping

Appendix D

Fort McMurray Airport Protection Area Regulations **(DELETED BL 03/064)**

PART 11 WILDFIRE RECOVERY OVERLAY (BL 16/020, 17/006)

A. Purpose of Overlay and Intention of Council

The purpose of this Overlay is to address the situation that has arisen as a result of the widespread destruction of properties within the Overlay Area, caused by the wildfire of May 2016.

The intention of Council is to establish a legal and land use planning framework for the Overlay Area that will provide certainty to owners whose properties were destroyed or damaged beyond repair, with respect to their available re-development options and the requirements they must meet to be assured of obtaining development approval to rebuild.

B. Overlay Area

The Overlay Area consists of the areas shown within the heavy dotted black lines on the diagrams that are Schedule "A" to this Part 11.

C. Application

This Part 11 applies only to lots or parcels of land within the Overlay Area that are within the following land use classifications:

1. R1;
2. R1M;
3. R1P;
4. R1S;
5. R2;
6. C1 (in the Waterways area only)
7. DC (in the Waterways area only).

D. Over-riding Effect of Overlay

Within the Overlay area and in respect of lots or parcels of land that are zoned as set out in Section (C) above, the provisions of this Part 11 apply notwithstanding anything to the contrary in this Bylaw. The range of possible uses on lots or parcels of land within the Overlay area that are zoned as set out in Section (C) above are the uses described in other provisions of this Bylaw for the applicable land use classifications unless modified explicitly by, or by necessary implication from, a provision of this Part 11. If there is an inconsistency or conflict between any provision of this Part 11 and any other provision of this Bylaw, the provisions of this Part 11 shall prevail within the Overlay area.

E. Interpretation of Terms

In this Part 11:

1. a reference to an application for a Development Permit means an application for which all necessary supporting information and documentation (including all relevant agreements affecting the property in question and all instruments registered on title) has been provided by the Applicant to the satisfaction of the Development Authority, and in respect of which the Development Authority has notified the Applicant in writing that the application is complete.

2. "Building Footprint" means the area and configuration of the ground floor of a building, measured from the exterior walls, including an attached garage but not including any projections.
3. "Multi-Site Development" means a group of three or more contiguous lots upon which some or all of the Dwelling Units and Accessory Buildings (if any) are attached or semi-attached to each other and the total configuration of structures comprises a distinct Development separate and apart from any other Development outside the contiguous lot group;
4. "Multi-Site Rebuilding Plan–pre-existing" means a plan for rebuilding a Multi-Site Development in its entirety either just as it was immediately prior to the May 2016 wildfire, or with changes only to the location or size or configuration of any Accessory Buildings that were part of the pre-wildfire Multi-Site Development;
5. "Multi-Site Rebuilding Plan–new" means a plan for rebuilding a Multi-Site Development in its entirety on the same group of contiguous lots or parcels of land as immediately prior to the May 2016 wildfire but with changes to location of property lines or locations of Principal Buildings or involving conversion of some or all of the Multi-Site Development to different types of residential use (for example, from townhomes to detached or semi-detached Dwelling Units).
6. "New Building Footprint" means a building to be constructed that differs in size, location on the lot, or building type as compared to the development lawfully in existence on that lot immediately prior to the wildfire.
7. "Pre-Existing Building Footprint" means a building that is the same size, in the same location on the lot, and of the same building type as compared to the development lawfully in existence on that lot immediately prior to the wildfire.

   For greater clarity and certainty: a Development Permit application to rebuild destroyed or damaged structures that does not impact more than two lots or parcels of land or Dwelling Units, is not a Multi-Site Rebuilding Plan even though it may involve or include, without limitation: conversion of pre-wildfire townhouse developments to either single detached or semi-detached dwellings, or conversion of all or a portion of a block, street or neighborhood to one or more new residential uses that may involve new property lines or subdivisions or different Building Footprints or different types of residential uses as compared to the property lines or subdivisions, building footprints or residential uses that existed immediately prior to the wildfire.

F. All Uses Discretionary subject to specific Council direction in this Part

All land uses within the Overlay area are discretionary uses but the discretion of the Development Authority to refuse to issue a Development Permit, or to issue a Development Permit with conditions, is subject to the specific directions of the Council set out in this Part.

G. Council Direction to the Development Authority – all parts of the Overlay area

1. The Development Authority, in exercising its authority and discretion to make decisions on Development Permit applications for lots or parcels of land within the Overlay area, may impose site-specific conditions upon a Development Permit as it deems advisable to address technical, planning or land use issues that are unique to a property or to a limited number of properties, including a requirement

to consolidate titles or obtain subdivision approval where appropriate, and including a requirement to obtain from an adjacent property owner any easement over the adjacent property that in the opinion of the Development Authority is necessary to provide adequate access for maintenance of a Development located anywhere in the Overlay Area, regardless of whether an instrument described as an easement or restrictive covenant is already registered either directly or by way of caveat on any relevant title.

2. The Development Authority shall not refuse to issue a Development Permit for a Single Detached Dwelling within the Overlay area, solely on the basis that the lot in respect of which the Development Permit is applied for is too small in width, length or area to meet the Development Regulations for such developments set out in other parts of this Bylaw. It is the intention of the Council that Single Detached Dwelling Developments on residential lots that meet the setback requirements of this Bylaw shall be allowed within the Overlay area.

H. Council Direction to the Development Authority – R1, R1M and C1 Zoning

An application for development approval to rebuild on a lot zoned R1, R1M or C1 must be approved by the Development Authority, with or without conditions as described in Section (G) of this Part:

1. regardless of whether the proposed rebuild Development conforms to the development regulations set out in other provisions of this Bylaw, if the Building Footprint of the proposed rebuild Development is the same as that of the Development that lawfully existed on that lot immediately prior to the wildfire; or
2. provided that the proposed rebuild Development conforms to the development regulations set out in other provisions of this Bylaw, if the Building Footprint of the proposed Development is not the same as that of the Development that lawfully existed on that lot immediately prior to the wildfire.

I. Council Direction to the Development Authority – R1P, R1S and R2 Zoning

1. Rebuilding to Pre-Existing Building Footprints - not more than two lots

When an application for approval to rebuild on a lot zoned R1P, R1S or R2 is for a proposed Development that:

(a) would be constructed to a Pre-Existing Building Footprint that was lawfully in existence immediately prior to the wildfire; and
(b) is not part of a Multi-Site Rebuilding Plan

then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority regardless of whether the proposed Development conforms to the development regulations set out in other provisions of this bylaw, provided that either:

(c) the proposed rebuild Development would not be attached to another rebuild Development on an adjacent lot; or

(i) if the proposed rebuild Development would be attached to only one other rebuild Development on an adjacent lot that meets conditions (a) and (b) of this subsection (I)(1), the Development

Exhibit 14

Permits for the two rebuild Developments are being issued at the same time.

2. Rebuilding to New Building Footprints - not more than two lots

When an application for approval to rebuild on a lot or lots zoned R1P, R1S or R2 is for a proposed Development that:

(a) may or may not be on a lot or lots that formed part of a Multi-Site Development immediately prior to the wildfire;
(b) would be constructed to a New Building Footprint; and
(c) is not part of a Multi-Site Rebuilding Plan

then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority if the proposed Development conforms to the development regulations, including but not limited to, setbacks, height restrictions on buildings and fences, maximum density and on-site parking requirements, as set out in other provisions of this Bylaw, provided that:

(d) the proposed rebuild Development

(i) would not be attached to another rebuild Development on an adjacent lot, or
(ii) would be attached to only one other rebuild Development on an adjacent lot that meets conditions (a) and (b) of this subsection (I)(2) or of subsection (I)(1) and the Development Permits for the two rebuild Developments are being issued at the same time; and
(iii) in the case of a proposed rebuild Development on a lot or lots that formed part of a Multi-Site Development immediately prior to the wildfire, would not in the opinion of the Development Authority have the effect of removing all re-development options for any other lot or parcel of land that was part of the pre-wildfire Multi-Lot Development.

3. Rebuilding to a Multi-Site Rebuilding Plan

(a) When a Development Permit application for approval to rebuild on lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan–Pre-Existing, then a Development Permit or Development Permits for the Multi-Site Rebuilding Plan--Pre-existing with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority regardless of whether the proposed new Development conforms to the development regulations set out in other provisions of this bylaw.
(b) When a Development Permit application for approval to rebuild on a lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan–New, then a Development Permit or Development Permits for the Multi-Site Rebuilding Plan–New with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority, if:

Exhibit 14

(i) the Multi-Site Rebuilding Plan-New as a whole conforms to development regulations, including but not limited to, setbacks, height restrictions on buildings and fences, maximum density and on-site parking requirements, as set out in other provisions of this Bylaw; and

(ii) in the opinion of the Development Authority the proposed Multi-Site Rebuilding Plan–New would not have the effect of removing all re-development options for any lot or parcel of land that was part of the pre-wildfire Multi-Site Development but is not included within the Multi-Site Rebuilding Plan–New.

J. General Provisions

1. Voluntary Waiver of Claims

A development for which a Development Permit has been issued under this Part 11 may be commenced before the time period for appeal to the Subdivision and Development Appeal Board has expired, if

(a) no appeal has been made by any person, including an appeal of conditions by the Development Permit holder; and

(b) the Development Permit holder has executed and delivered to the Development Authority a Voluntary Waiver of Claims in the form set out in Schedule B to this Part 11.

2. Public Notice Provisions

When a Development Permit has been issued under the provisions of either subsection (I)(2) or subsection (I)(3)(b) of this Part 11, then in addition to any other applicable notice provision the Development Authority shall ensure that notice of the Development Permit is posted to the Municipality's public website with a specific notation that the approved Development is not to the same Building Footprint as existed prior to the wildfire, and the notice shall remain on the Municipality's public website until the time for appeal to the Subdivision and Development Appeal Board has expired.

3. Modifications to the application of certain provisions of land use classifications

Within the Overlay Area the following regulations or requirements of land use classifications shall prevail over provisions of this Land Use Bylaw that apply outside the Overlay Area:

(a) In the R1M (Mixed Form Single Detached Residential) district, replacement of previously existing single detached dwellings with manufactured homes is allowed in the discretion of the Development Authority.

(b) In the R1S (Single Detached Small Lot Residential) district the requirement of a minimum of 12 lots as set out in clause 96.5(b)(iii) of this Land Use Bylaw does not apply.

(c) In the R2 (Low Density Residential) district the width of one only of the interior side yards of any lot may be reduced to zero if:

(i) the building design and construction provides for all roof drainage to be directed to the lot itself (with subsequent flow to the municipal storm drainage system) and does not provide for drainage to any adjacent lot; and

(ii) a 1.0 metre wide maintenance easement is obtained from the owner of the lot adjacent to the reduced side yard, and is registered against the title to that adjacent lot.

(d) In the RMH (Manufactured Home Residential) district:

(i) the requirement of a 3.0 metre private maintenance easement as set out in clause 100.5(a)(ii)(a) of this Land Use Bylaw is reduced to a 1.0 metre private maintenance easement, only in respect of residential lots located within Blocks 28, 29, 30 and 31 of Plan 1347TR, and subject to meeting all relevant requirements of the Alberta Building Code; and

(ii) the requirement of a minimum of 12 lots as set out in clause 100.5(a)(ii)(c) of this Land Use Bylaw does not apply.

(e) In the C1 (Community Commercial) district:

(i) Front Yard setbacks must be not less than 1.0 metre and not more than 3.0 metres;

(ii) Rear Yard setbacks must be not less than 4.6 metres;

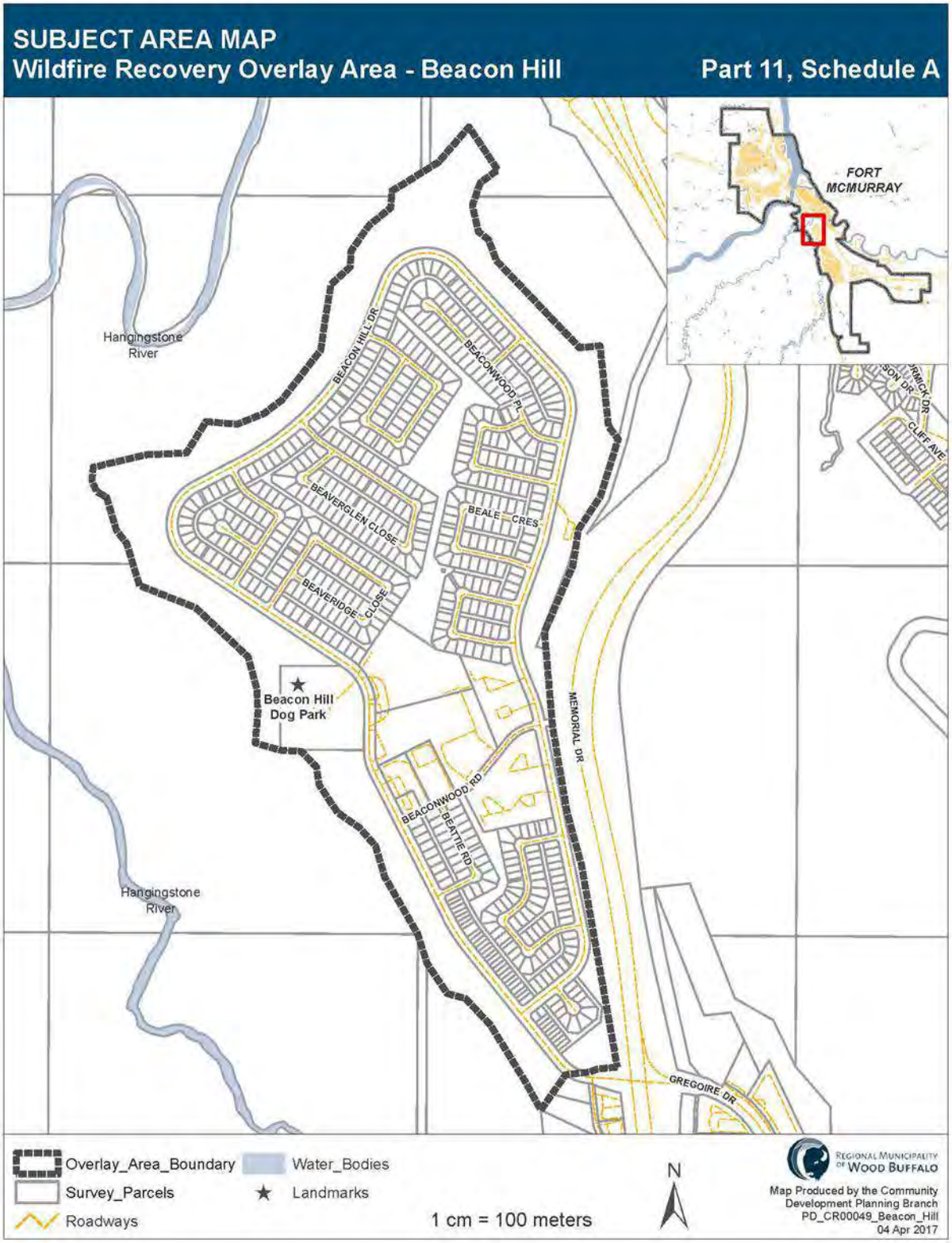
(iii) there is no restriction on Gross Floor Area for any individual business premises.

(f) In the DC (Direct Control) district, a Development Permit to rebuild the same or substantially the same Development that lawfully existed immediately prior to the wildfire may be issued with or without conditions by the Development Authority, with no requirement to bring the application to the Council.

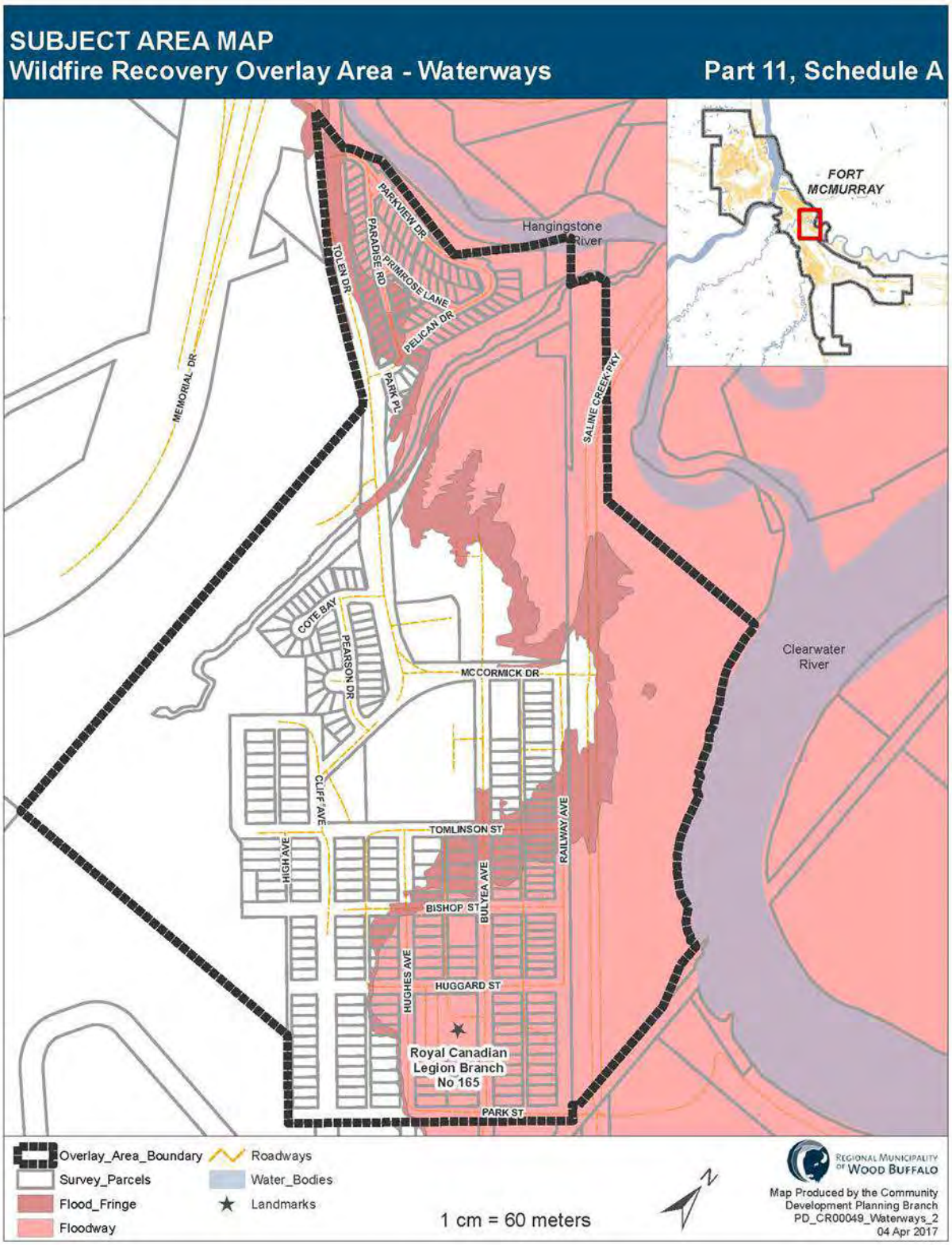
(BL 17/006)

Schedule A (BL 17/006)




SUBJECT AREA MAP
Wildfire Recovery Overlay Area - Beacon Hill
Part 11, Schedule A
FORT MCMURRAY
Hangingstone River
BEACON HILL DR
BEACONWOOD PL
BEAVERGLEN CLOSE
BEALE CRES
BEAVERIDGE CLOSE
Beacon Hill Dog Park
MEMORIAL DR
BEACONWOOD RD
BEATTIE RD
Hangingstone River
GREGOIRE DR
CLIFF AVE
Overlay_Area_Boundary
Survey_Parcels
Roadways
Water_Bodies
Landmarks
1 cm = 100 meters
N
REGIONAL MUNICIPALITY OF WOOD BUFFALO
Map Produced by the Community Development Planning Branch
PD_CR00049_Beacon_Hill
04 Apr 2017


SUBJECT AREA MAP
Wildfire Recovery Overlay Area - Stone Creek Area
Part 11, Schedule A
FORT MCMURRAY
STONECREEK LANDING
DIAMONDSTONE RIDGE
PROSPECT DR
Prospect Point Park
SHALESTONE PL
SILTSTONE PL
SHALESTONE WAY
PROSPECT BAY
SANDSTONE LANE
RIVERSTONE RIDGE
GRAVELSTONE WAY
Overlay_Area_Boundary
Survey_Parcels
Landmarks
Water_Bodies
Roadways
1 cm = 37 meters
N
REGIONAL MUNICIPALITY OF WOOD BUFFALO
Map Produced by the Community Development Planning Branch
PD_CR00049_Stone_Creek
04 Apr 2017


SUBJECT AREA MAP
Wildfire Recovery Overlay Area - Waterways
Part 11, Schedule A
FORT MCMURRAY
Hangingstone River
PARKVIEW DR
PARADISE RD
PRIMROSE LANE
PELICAN DR
TOLEN DR
MEMORIAL DR
PARK PL
SALINE CREEK PKY
COTE BAY
PEARSON DR
MCCORMICK DR
Clearwater River
CLIFF AVE
TOMLINSON ST
HIGH AVE
RAILWAY AVE
BULYEA AVE
BISHOP ST
HUGHES AVE
HUGGARD ST
Royal Canadian Legion Branch No 165
PARK ST
Overlay_Area_Boundary
Survey_Parcels
Flood_Fringe
Floodway
Roadways
Water_Bodies
Landmarks
1 cm = 60 meters
REGIONAL MUNICIPALITY OF WOOD BUFFALO
Map Produced by the Community Development Planning Branch
PD_CR00049_Waterways_2
04 Apr 2017

(BL 16/021)


SUBJECT AREA MAP
Wildfire Recovery Overlay Area - Wood Buffalo Area
Part 11, Schedule A
FORT MCMURRAY
THICKWOOD BLVD
J.W. MANN DR
WOOD BUFFALO WAY
WOLFF WAY
WESTWOOD DR
WESTWOOD CRES
WEBB DR
Woodlawn Cemetery
WARREN WAY
WANIANDY WAY
WOODWARD GATE
WOLVERINE DR
REAL MARTIN DR
WARREN RD
WILLIAMS RD
WILLIAMS DR
ERMINE CRES
WILSON DR
WILLIAMS PL
Overlay_Area_Boundary
Survey_Parcels
Landmarks
Water_Bodies
Roadways
1 cm = 76 meters
N
REGIONAL MUNICIPALITY OF WOOD BUFFALO
Map Produced by the Community Development Planning Branch
PD_CR00049_Wood_Buffalo
04 Apr 2017

Schedule B

VOLUNTARY WAIVER OF CLAIMS

LEGAL DESCRIPTION OF PROPERTY:

Lot	Block	Plan	Civic Address

Development Permit Number: _____ **Permit Approval Date:** _____

This "Voluntary Waiver of Claims" allows the undersigned development permit holder (hereinafter called "Permit Holder") to commence development in advance of expiry of the time within which an appeal of the development permit may be made to the Subdivision and Development Appeal Board (hereinafter called "the Appeal Period"). Execution of this document does not prevent Permit Holder from appealing some or all of the conditions of development approval.

Permit Holder hereby agrees that if an appeal of the development permit is made by a third party of if Permit Holder appeals any condition of the development permit, all work on the development will immediately cease pending the outcome of the appeal, and in such case Permit Holder waives all claims to compensation from the Regional Municipality of Wood Buffalo for any costs or damages whatsoever associated with: (a) commencement of work on the development prior to expiry of the Appeal Period; (b) cessation of work on the development pending disposition of the appeal; or (c) the outcome of the appeal.

Permit Holder acknowledges that execution of this Voluntary Waiver of Claims does not eliminate the need to comply with all conditions of the Development Permit, including conditions that must be satisfied before the development may commence.

Permit Holder further acknowledges that execution of this Voluntary Waiver of Claims does not eliminate any applicable requirements for a Business License, Building Permit or other required permits or approvals.

I HAVE READ, UNDERSTOOD AND AGREE TO THIS "VOLUNTARY WAIVER OF CLAIMS"

NAME OF DEVELOPMENT PERMIT HOLDER (Printed): _____

SIGNATURE OF DEVELOPMENT PERMIT HOLDER: _____

DATE: _____

The personal information on this form is being collected solely for the purpose of a Voluntary Waiver of Claims application and is protected from public disclosure pursuant to the *Freedom of Information and Protection of Privacy Act* of Alberta.

REGIONAL MUNICIPALITY OF WOOD BUFFALO
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

IN THE MATTER OF THE APPEAL OF DEVELOPMENT PERMIT 2023-DP-00125

BETWEEN:

Daniel Roy

Applicant/Appellant

- AND –

Regional Municipality of Wood Buffalo

Respondent

DOCUMENT: **MEMORANDUM OF ARGUMENT OF THE APPLICANT/APPELLANT, DANIEL ROY**

Prepared by Terra Legal[1]

Attn: Robert Homersham

Counsel for the Applicant/Appellant, Daniel Roy

[1] Terra Legal is a registered trade name of Robert A. Homersham Professional Corporation

I. Introduction:

1. The Regional Municipality of Wood Buffalo ("RMWB") Development Authority (the "Development Authority") approved Development Permit No. 2023–DP-00125 for a liquor store at 193 Mackenzie Avenue (the "Development"), in the Hamlet of Fort Chipewyan, and issued a Notice of Decision and Conditions of Approval on August 16, 2024 (the "Approval").[2]

2. Under the RMWB Land Use Bylaw 99/059 ("LUB")[3] the Land Use District for the Development is HC – Hamlet Commercial District, and Liquor Store is a discretionary use thereunder.[4]

3. Condition 26 of the Approval limits the hours of operation of the Liquor Store to 9:00am – 6:00pm. Monday to Sunday (the "Condition").[5]

4. The Applicant, Daniel Roy, appealed this Condition by Notice of Appeal dated August 22, 2024.[6]

II. Arguments of the Appellant

5. **Reasonableness.** In its Notice of Appeal, the Appellant argues that the restriction on the closing time to 6:00pm is unreasonable and would unfairly restrict the Development from being open for business when it is most convenient for customers, many of whom have work and family commitments during the hours of 9:00am to 6:00pm.[7]

6. **Support from the Community.** Ninety-eight (98) signed letters of support for the Development were received by the SDAB office in support of the Appeal and included in the initial Board Report. An additional thirty-one (31) letters of support were submitted on October 18, for a total of 128. All but one of those letters specifically object to the closing time of 6:00pm and propose that a 9:00pm closing time "will provide the community and visitors access to the services offered by Mr. Roy."[8]

7. **Competition is not a Proper Planning Consideration.** The above-referenced letters in Exhibit 4 describe that Fort Chipewyan "historically had two liquor stores ... [until] one was lost to fire a few years ago and was never reopened." This former restaurant and liquor store operated as Chadi's Restaurant on Loutit Street (near the location of the proposed Development) for several decades until it was destroyed by

[2] Exhibit List prepared for the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board ("SDAB Report"), September 13, 2024, re: Appeal No. 2024-003, Exhibit 2, p. 5.
[3] Land Use Bylaw
[4] Land Use Bylaw, sec. 110.3(dd).
[5] SDAB Report, Ex. 2, p. 10.
[6] SDAB Report, Ex. 1, p. 4.
[7] SDAB Report, Ex. 1, p. 4.
[8] SDAB Report, Ex. 3, p. 11 and Ex. 4, pp. 12-108.

arson on October 18, 2014.[9] Chadi's and the remaining liquor store, HEP Liquor Store on McDermont Avenue,[10] did operate concurrently and HEP Liquor Store has been the only liquor store servicing Fort Chipewyan since 2014.

Alberta Gaming, Liquor and Cannabis Commission ("AGLC") is the regulatory body for liquor for the Province of Alberta. It derives its authority from the *Gaming, Liquor and Cannabis Act*[11] and the Gaming, Liquor and Cannabis Regulation.[12] The AGLC publishes the Retail Liquor Store Handbook (the "Handbook"),[13] which regulates the operation of liquor stores in Alberta. Policy 4.1.1 of the Handbook states as follows:

> The retail liquor store may set its own hours of operation between the maximum allowable hours of 9:00 a.m. and 2:00 a.m., Monday through Sunday. Stores may operate reduced hours.[14]

The operating hours of HEP Liquor Store are 10am to 10pm Monday to Wednesday, 10am to 11pm Thursday to Saturday, and 12pm to 8pm on Sunday.[15] Proliferation of similar businesses resulting in an overservice of such businesses to its customers is a valid planning consideration. No argument or evidence in support of proliferation of liquor stores as a result of the Development has been raised by the Development Authority or the MCFN. Business competition, however, is not a valid planning consideration,[16] yet the clear effect of the Development Authority's imposition of Condition 26 will be to regulate competition to the detriment of the Applicant/Appellant without evidence of this Condition addressing the concerns raised by the Mikisew Cree First Nation ("MCFN").

8. **No Evidence that Condition 26 Addresses the Concerns Raised by MCFN.** In its Report to the Subdivision and Development Appeal Board, the Development Authority states that during its extended review process it received ten (10) letters from Fort Chipewyan residents and one (1) letter from MCFN opposing the Development.[17] The MCFN filed an appeal of the Decision[18] and submitted a letter opposing this Appeal[19] but no other letter of opposition were received by the SDAB office in respect of

---

[9] "Arson charge laid in fire that burned down Fort Chipewyan restaurant," Edmonton Journal, October 22, 2014, attached to this Memorandum as Schedule "A".

[10] Recent photo of HEP Liquor Store, attached to this Memorandum as Schedule "B".
[11] Gaming, Liquor and Cannabis Act, RSA 2000, c. G-1
[12] Gaming, Liquor and Cannabis Regulation, Alta Reg 143/196
[13] AGLC Retail Liquor Store Handbook
[14] AGLC Retail Liquor Store Handbook, Policy 4.1.1.
[15] Google search of HEP Liquor Store, attached to this Memorandum as Schedule "C".
[16] Actus Management v City of Calgary, 1975 CanLII 982 (AB CA), pp. 430-431, attached to this Memorandum as Schedule "D".
[17] SDAB Report, Ex. 5, p. 111, para. 17.
[18] SDAB Report, Ex. 6.
[19] SDAB Report, Ex. 7.

either appeal of the Decision. The MCFN letter "opposes the liquor store all together and certainly opposes longer hours, into a period (after 6:00PM) when the residents know alcohol related crime and violence increase." The MCFN offers no evidence to its bald assertion that "the residents know alcohol related crime and violence increase after 6:00pm." Nor does the MCFN offer any evidence that a second liquor store, even one with reduced operating hours, would reduce alcohol related violence and crime. HEP Liquor Store has generous evening operating hours, and it is located near the proposed Development, so it is hard to even infer that without the proposed Development or restricting operating hours of the proposed Development to not after 6:00pm would meaningfully reduce the opportunity to purchase liquor in Fort Chipewyan. Yet this is the rationale adopted by the Development Authority in imposing the reduced operating for the Development under Condition 26:

> By restricting the Liquor Store's hours of operation, the Development Authority aimed to address the concern accessibility and availability of alcoholic beverages within the community.[20]
>
> By restricting the Liquor Store's hours of operation, the Development Authority aimed to mitigate a primary community concern regarding the accessibility and availability of alcoholic beverages.[21]

The Handbook is a comprehensive set of policies and guidelines for the operation of liquor stores in Alberta. It includes the requirement of the licensee (eg, the Applicant) to be formally trained in the social and legal obligations of selling liquor and the management of liquor store premises.[22] No where in the Handbook does it recommend or even suggest that reducing operating hours would aid in reducing alcohol-related violence and crime.

Respectfully, in the complete absence of evidence-based arguments that the Development would result in an unwanted proliferation of liquor stores in Fort Chipewyan, the Development Authority cannot support the exercise of its planning discretion to impose Condition 26.

9. **Relief Requested.** The Appellant respectfully requests that for the foregoing reasons, the SDAB allow this Appeal by removing Condition 26 from the Decision.

[20] SDAB Report, Ex. 5, p. 113, para. 31.
[21] SDAB Report, Ex. 5, p. 113, para. 33.
[22] AGLC Retail Liquor Store Handbook, Policies 1.4 – 1.7 and 4.4 – 4.7, attached to this Memorandum as Schedule "E.

Schedule "A"

Edmonton Journal Article

Mix up your morning routine! Try PUZZMO, a twist on traditional puzzles >>

Page 856

Mix up your morning routine! Try PUZZMO, a twist on traditional puzzles >>

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Local News

Arson charge laid in fire that burned down Fort Chipewyan restaurant

RCMP have arrested and charged a 19-year-old man in connection with a fire that burned down one of the only restaurants in Fort Chipewyan. Volunteer firefighters and RCMP in the northeastern Alberta village were called to Chadi's Restaurant just after 3 a.m. Saturday to find the roof of the building engulfed in flames. The fire was put out before other structures were affected, but the restaurant was destroyed.

ejournal

Published Oct 22, 2014 • 1 minute read

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File photo of Chadi's Restaurant on Sept. 13, 2013 which burnt down due to arson on October 18th, 2014. PHOTO BY RYAN JACKSON /Edmonton Journal

RCMP have arrested and charged a 19-year-old man in connection with a fire that burned down one of the only restaurants in Fort Chipewyan.

Volunteer firefighters and RCMP in the northeastern Alberta village were called to Chadi's Restaurant just after 3 a.m. Saturday to find the roof of the building engulfed in flames. The fire was put out before other structures were affected, but the restaurant was destroyed.

An investigation determined arson was the cause of the fire, which was set just outside the building. The liquor store connected to the restaurant was also destroyed.

Exhibit 15

Jade Marcus Mckay, 19, of Fort Chipewyan was arrested Tuesday and charged with arson. His first court appearance is set for Nov. 6.

"It's definitely a major centre for activity in town," Cpl. George Cameron of Wood Buffalo RCMP said.

RCMP is asking anyone who may have witnessed the fire to please contact the detachment at 780-697-3665. Fort Chipewyan is about 600 kilometres northeast of Edmonton.

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The Actual Cost May Surprise You
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The story of an 82-year-old Italian who decided to take up triathlon at the age of 75 shows it's never too late to become more active.
Edmonton Journal

Here's The Average Price Of Gutter Protection For Houses In Canada
The Actual Cost May Surprise You
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COMMENTS

Schedule "B"

Photograph of HEP Liquor Store


ATCO
1-800-75-ATCO
ATCO
WILLIAMS SCOTSMAN
800-782-1500

Schedule "C"

Google Search Result for "HEP Liquor Store"

hep liquor store

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https://m.facebook.com › ...

HEP Liquor Store - Fort Chipewyan, AB, Canada

HEP Liquor Store, Fort Chipewyan, AB, Canada. 28 likes · 38 were here. Wine, Beer & Spirits Store.

Liquor Connect
https://www.liquorconnect.com › Licensees › Pages

hep liquor store

125 mcdermont avenue fort chipewyan, AB T0B 1B0. Establishment Type. liquor store. Phone. (780) 697-3314. Hours. MondayNo Info. TuesdayNo Info.

YellowPages.ca
https://www.yellowpages.ca › bus › Alberta › HEP-Liq...

HEP Liquor Store - FT CHIPEWYAN

125 McDermot Av, FT CHIPEWYAN, AB T0P 1B0 Get directions ». Rate this business. Closed now. Call. Directions. Add your photos. Details. Information. Reviews.

MapQuest
https://www.mapquest.com › ... › Fort Chipewyan

Hep Liquor Store - Fort Chipewyan

Hep Liquor Store is a retail establishment in Fort Chipewyan, AB that offers a selection of alcoholic beverages for purchase.

YellowPages.ca
https://www.yellowpages.ca › ... › Fort Chipewyan

HEP-Liquor-Store in Fort Chipewyan AB

HEP-Liquor-Store near Fort Chipewyan AB (1 Result(s)). Relevance; View Map · HEP Liquor Store. 125 McDermot Av, FT CHIPEWYAN, AB T0P 1B0. liquor stores.

Dun & Bradstreet
https://www.dnb.com › ... › FORT CHIPEWYAN

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Hep Liquor Store - Fort Chipewyan, AB

Fort Chip Lodge Fort Chipewyan, AB T0P 1B0. (780) 697-3314 (Voice). Get directions. To navigate the map with touch gestures double-tap and hold your finger ...

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Hep Liquor Store

4.5 47 Google reviews

Liquor store

Directions Save Share Ca

Address: 125 McDermot Ave, Fort Chipewyan, AB T0P 1

Hours: Sunday 12–8 p.m.
Monday 10 a.m.–10 p.m.
Tuesday 10 a.m.–10 p.m.
Wednesday 10 a.m.–10 p.m.
Thursday 10 a.m.–11 p.m.
Friday 10 a.m.–11 p.m.
Saturday 10 a.m.–11 p.m.

Suggest new hours

Phone: (780) 697-3314

Suggest an edit · Own this business?

Add missing information

Add website

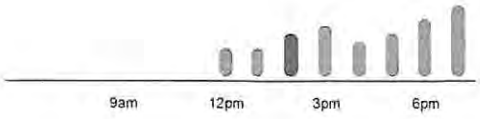
Questions and answers

Be the first to ask a question

Popular times

MON TUE WED THU FRI S

2 p.m.: Usually not too busy



Reviews

Google reviews Write a review

"Awesome workers and nice **selection** for a small

"**Price** are high but what is not in northern isolated

Schedule "D"

Actus Management v City of Calgary

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RE ACTUS MANAGEMENT LTD. AND CITY OF CALGARY

Alberta Supreme Court, Appellate Division, Sinclair, Clement and Haddad, JJ.A. September 5, 1975.

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Y. Goodman, for appellant.
M. D. Allen, for City of Calgary.
H. M. Beaumont, for Mrs. Pierzchalski.

The judgment of the Court was delivered by

CLEMENT, J.A.:—In this appeal by Actus Management Ltd. it is contended that the Development Appeal Board of Calgary was without jurisdiction in excluding a retail food store from

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a permit for a development of its land consisting of retail stores. The City Council had in 1973 resolved upon the preparation of a new general plan, and enacted development control By-law 8600. Under the related Land Uses Classification Guide Actus' land is classified as C-1 (Local Commercial District). It is contended that on the evidence before the Board such an exclusion is directed to restriction of trade and limitation of competition, not to planning, and that the Board has no jurisdiction to limit competition under the guise of planning.

The plot proposed for development consists of an area of seven lots fronting the Kensington Rd. and abutting 20th St. N.E. For some years it has been the site of an abandoned service station. Kensington Rd. is a major thoroughfare in Calgary which has, at this point at least, an appreciable amount of commercial development. The land use in the immediately surrounding district which the development is intended to serve is residential, including a number of apartment buildings. I infer that it will also serve in some measure passers-by on the thoroughfare, although evidence was not directed to this point.

In March of 1974, Actus by its agent made application under the development control by-law for a permit to use the land for retail stores, and it was approved by the development officer subject to conditions which are not in issue here. An appeal was taken by Pauline Pierzchalski to the Development Appeal Board on grounds which I think are best expressed in the minutes of the hearing:

> Mrs. P. Pierzchalski, appeared in support of the appeal and stated I am here on behalf of 6 small owner operated stores located in an area 8 blocks square in our neighbourhood. 400 citizens and taxpayers opposed the opening of a chain store. This is the fourth time in the last 3 years that we have appeared. Many people's existence rely on your decision here today. We still feel that we are sufficiently well served by the 6 grocery stores in our area. This is a prime example of big business unjust treatment to the small independent small grocery store. If any chain store is opened, it will destroy family businesses built up over many years. We have already won our appeals three times. This is not justice to allow this. The small chain store cannot then feel secure to up-grade their stores. We are not opposed to development on this site, just opposed to a duplication of uses. This type of thing mushrooms and monopolizes the industry.

It appears that in 1971 the same issue, amongst others, came before the Board on an application by another developer. Similar representations were then made by Mrs. Pierzchalski, with equal vigour, and she was supported in them by another

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housewife of the community. The statement of objections in that case was "accompanied with 204 signatures". The most that can be said of this is that, standing unchallenged, it gives an indication of the attitude at that time of some members of the community towards the inclusion of another retail food store in the proposed commercial development. There is nothing in the evidence bearing on the references by Mrs. Pierzchalski recorded in the minutes to other like proceedings and appeals. In the present case the notice of appeal asserts the support of "over 400 concerned citizens", but the appeal book discloses no proof of the assertion, nor any challenge to its validity.

I should state here that Mrs. Pierzchalski is not an owner of any of the small stores she referred to. It is clear that she was speaking only as what might be described as a concerned citizen living in the community, to object to another retail food store in a community already served by six groceries. She was supported by an individual who was plainly seeking political advantage in a forthcoming municipal election. Representations were made on behalf of Actus of which I extract the following from the minutes:

> The development is a single store development, small neighbourhood commercial centre approximately 7,100 sq. ft. comprising of several spaces within the development. The present site presently houses a delapidated abandoned service station. This is not too unlike adjacent commercial development . . . The development is one-storey and backs onto a laneway, has no door opening onto the lane, north of the lane are residences, to the east are apartments, and to the west is a drive-in restaurant. The proposed tenants would vary to something like a coin-op Laundry, dairy queen, electric repair shop, etc. . . . If it turns out to be a confectionary in the development, it will be small. This development will not take away from the trade at all on 19th Street.

The acting development officer of the city was also heard, as required by s. 128(5) (*a*) of the *Planning Act*, R.S.A. 1970, c. 276. His evidence was brief. At the opening of the hearing he outlined the location of the area on a vu-graph. At its conclusion he stated "That the development complies with the regulations of the City of Calgary Development Control Bylaw." That is all. It gave no assistance to the Board in determining the point on which this appeal arises. In the result Board order No. 74/122, after reciting the appearances at the hearing and the submissions made, provided:

> 4. IT IS ORDERED that the said decision of the Officer shall be confirmed and the development allowed subject to no retail food store.

The Board is not required to deliver reasons, and did not do

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so. The fact that Actus has appealed evidences its intention to include a retail food store in the development, if permitted to do so.

Neither the jurisdiction of the Board, nor its powers, are explicitly defined by the Act:

> 128(4) The development appeal board
>
> . . . . .
>
> (c) shall consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of a general plan that is under preparation or is adopted and to the development control or zoning by-law which is in force, as the case may be,
>
> . . . . .
>
> (6) In determining an appeal, a development appeal board
>
> (a) may confirm, reverse or vary the decision appealed from and may impose such conditions or limitations as it considers proper and desirable in the circumstances . . .

In the context of the Act the phrase "circumstances and merits of the case" necessarily includes the public interest in the proposed development, as distinct from a general interest in the benifts of planning inherent in a resolution by Council to propose a general plan, and the technical merits of the development in relation to the general plan. This interest is not defined, but its existence is postulated under the expressed planning purpose of the Act:

> 3. The purpose of this Act is to provide means whereby plans and related measures may be prepared and adopted to achieve the orderly and economical development of land within the Province without infringing on the rights of individuals except to the extent that it is necessary for the greater public interest.

The concepts of a general plan require professional and technical skill and research for their proper formulation as directed by s. 95 [am. 1971, c. 84, s. 13; further am. 1973, c. 43, s. 6], and a Land Use Classification Guide is related to them. But they are directed to the development of communities of people and are not to be viewed as an exercise in abstract planning. The underlying public interest of the people themselves in the nature and direction of the development of their community is recognized, and the section also recognizes that there may be cases in which that interest is in conflict with the acknowledged rights and aspirations of an individual in developing his property even when his proposal accords with the concepts of the general plan and the details of the development control in force. In such case, if the public interest is found to be greater, it will prevail over the rights of the individual. The observation of Robertson, C.J.O., in *Toronto v.*

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Presswood, [1944] 1 D.L.R. 569 at p. 585, [1944] O.R. 145, is appropriate here:

> It is of the very essence of the exercise of the power to regulate and control the location, erection and use of buildings for designated purposes, and to prohibit the erection or use of buildings for all or any of these purposes within defined areas, that there will be interference with vested rights.

The statutory directives of s. 128(4)(*c*) provide the foundation of the jurisdiction of the Board and their scope must be considered. I will turn first to the general plan and matters related to it.

A general plan must be directed to the objectives stated in the section empowering its preparation:

> 94(1) A council may resolve to prepare a general plan describing the manner in which the future development or re-development of the municipality may best be organized and carried out, having regard to considerations of orderliness, economy and convenience.

The words "orderliness, economy and convenience" in their context are broad planning directives which are complemented to some extent by the provisions of s. 95. They are used in a planning sense, and when occasion requires may serve as a criterion for provisions of the general plan. The part of the general plan of Calgary which is relevant here is directed to commercial districts, in respect of which this statement is made:

> The general purpose of commercial districts is to make provision for sites to be used for commercial and associated activities which serve the needs of the City of Calgary and the surrounding region; and in particular to facilitate efficient production, distribution and consumption of commercial goods and services.
>
> Areas designated as commercial districts recognize the need to:
>
> 1. Protect the community and environment from undesirable consequences of commercial operations, either acting alone or in combination with other existing or future uses.
>
> 2. Enhance the working environments of employees in commercial districts.
>
> 3. Locate commercial services and associated facilities for the greater public benefit, taking into account the dynamics of commercial activity.
>
> C-1 LOCAL COMMERCIAL DISTRICT
>
> The purposes of this district is to provide sites for the sale of convenience goods and services to adjacent residential areas, in individual stores or in shopping centres with a total floor space normally not exceeding 50,000 square feet.

Amongst the general causes for concern in respect of this facet of planning, the following is stated at p. 7.4:

> 4. Over provision of commercial areas and especially service stations resulting in vacancies and the substitution of unsatisfactory uses.

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As I have noted above, we are concerned here with land designated by the Land Uses Classification Guide for the purposes of development control as a local commercial district for which a wide range of uses is permitted, all of which are generally within the purposes expressed in the general plan for such a district. "Retail stores" are included amongst some 60 specified permitted uses.

A local commercial district is not planned as an independent enclave: rather, it is a neighbourhood shopping centre established primarily for the convenience of its adjacent residential community and to serve the needs of the residents. When we are dealing with such a district the public interest lies in the residential community which it serves. The statutory "considerations of orderliness, economy and convenience" are applicable to its planned development. The reach of these words cannot be determined in law in any particular case without evidence; but in my opinion their operation is not confined to the formulation of a general plan. Having regard to the Act as a whole they are matters that are proper to the consideration of a development appeal board, not only in respect of the technical merits of an application but also in ascertaining what is legitimate public interest in a proposed development.

At this point it is useful to consider the nature and function of a development appeal board. It is apparent from s. 108(3) that its members are not required to have expertise in the theory and practice of planning. These aspects are brought before them by the general plan and its related documents, and by the professional witness whose evidence is required under s. 128(5). I take it that the members are appointed as citizens of the community exercising their statutory discretions on the material before them from an over-all point of view. They must have "due regard" to all of such factors as are fairly and legally relevant, which means that they are to give to each such weight or significance as seems appropriate in relation to the whole. This involves the exercise of a discretion, but it is a *quasi*-judicial discretion which must be exercised judicially, not arbitrarily. It is vested (within the parameters of its jurisdiction) with the exclusive power of decision in contests between individual rights and the claims of public interest. In resolving the dispute the Board itself must ascertain the extent of the legitimate public interest in the proposed development and weigh that interest against the rights of the developer. The statement of Abbott, J., in *Memorial Gardens Ass'n (Canada) Ltd. v. Colwood Cemetery*

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Co. et al. (1958), 13 D.L.R. (2d) 97 at p. 101, [1958] S.C.R. 353 at p. 357, 76 C.R.T.C. 319, is adaptable here:

> As this Court held in the *Union Gas* case the question whether public convenience and necessity requires a certain action is not one of fact. It is predominantly the formulation of an opinion. Facts must, of course, be established to justify a decision by the Commission but that decision is one which cannot be made without a substantial exercise of administrative discretion. In delegating this administrative discretion to the Commission the Legislature has delegated to that body the responsibility of deciding, in the public interest, the need and desirability of additional cemetery facilities, and in reaching that decision the degree of need and of desirability is left to the discretion of the Commission.

The means provided by the statute for these purposes is a hearing. At the hearing of an appeal the intended developer will present his case. Notice of the hearing must be given "to all assessed owners of land who, in the Board's opinion, are affected": s. 128(4)(*b*). Such persons come to the hearing to speak their minds, and the Board must hear them, for it is from them that the Board will hear particular views on the public interest at stake. What they have to say may well be, to a greater or lesser extent, a *pot-pourri* of the relevant and the irrelevant, the cogent and the specious. The Board should, of course, decline to admit evidence which is patently irrelevant or improper, but the nature of the inquiry makes it clear to me that in general, questions of relevance cannot be satisfactorily determined piecemeal during the course of a hearing. For the most part the pieces must be dealt with after the whole is in. I adopt the statement of S.A. de Smith, *Judicial Review of Administrative Action*, 3rd ed. (1973), p. 297: "It is immaterial that an authority may have considered irrelevant matters in arriving at its decision if it has not allowed itself to be influenced by those matters . . .". From the whole the Board must cull out considerations not proper to the exercise of its jurisdiction and then come to a montage of the public interest in the question. It is not bound to treat the matter as though it were a trial, and indeed it is not legally equipped to do so; it can "obtain information in any way it thought best, always giving a fair opportunity to those who were parties in the controversy to correct or contradict any relevant statement prejudicial to their view": *City of Medicine Hat et al. v. Rosemount Rental Developments Ltd.* (1964), 43 D.L.R. (2d) 433 at p. 440, 49 W.W.R. 449 at p. 457 [affd 44 D.L.R. (2d) 508*n*, [1964] S.C.R. vi, 49 W.W.R. 576]. The two components of judgment must then be compared: the rights of the individual, and the legitimate and proper claims of public interest. If it is established that the Board was in-

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fluenced to its decision by irrelevant or improper evidence, then there is error in law and the Court must intervene; but if it does so it must refer the matter back, not substitute its own decision: s. 147(*c*) [am. 1971, c. 84, s. 20]. Otherwise the principle stated by Kane, J.A., in *City of Medicine Hat et al. v. Rosemount Rental Developments Ltd.*, at p. 448 D.L.R., p. 465 W.W.R., is applicable:

> I have said that the learned trial Judge held that there was no evidence before the Advisory Board that it was in the greater public interest to infringe on a private owner's right to use his own land and I have pointed to the evidence upon which, in my opinion, such a finding could be made. Counsel for the respondent, if I understand his argument correctly, went further, and argued that because of s. 2*a* [now s. 3], it was the function of the Judge on appeal to determine if such a finding was properly made. This would require the Judge to weigh the evidence. Normally, the function of an Appellate Court is confined to being satisfied that there was evidence to support the finding of the body appealed from. In my view, s. 2*a* does not impose any greater duty. The appeal is limited to a question of jurisdiction or of law. I do not think the Legislature ever intended that the Judge on appeal would substitute his finding on the evidence for that of the Council and the Advisory Board: *Memorial Gardens Association (Canada) Ltd. v. Colwood Cemetery Co.*, 13 D.L.R. (2d) 97 at p. 101, 76 C.R.T.C. 319 at p. 324, [1958] S.C.R. 353 at p. 358.

It will not be amiss to make two further references which are pertinent in amplification of the foregoing. In *Service Employees' Int'l Union, Local No. 333 v. Nipawin District Staff Nurses Ass'n of Nipawin et al.* (1973), 41 D.L.R. (3d) 6 at p. 11, [1975] 1 S.C.R. 382, [1974] 1 W.W.R. 653 at p. 657, Dickson, J., said:

> There can be no doubt that a statutory tribunal cannot, with impunity, ignore the requisites of its constituent statute and decide questions any way it sees fit. If it does so, it acts beyond the ambit of its powers, fails to discharge its public duty and departs from legally permissible conduct. Judicial intervention is then not only permissible but requisite in the public interest. But if the Board acts in good faith and its decision can be rationally supported on a construction which the relevant legislation may reasonably be considered to bear, then the Court will not intervene.

In *Re Simpson and City of Vancouver* (1974), 48 D.L.R. (3d) 215 at pp. 220-1, Carrothers, J.A., speaking for the majority of the Court of Appeal for British Columbia at pp. 220-1, adopted and added to the reasons of the trial Judge in that case:

> "Where, as here, there is direct statutory foundation for the ground given for the decision to approve or disapprove, and where it is not shown that that decision, despite its impact on an individual, was made in bad faith, or with the intention

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> of discriminating against that individual, or on a specious or totally inadequate factual basis there should, in my opinion, be no interference by the Court with municipal officials honestly endeavouring to comply with the duties imposed on them by the Legislature in planning the coherent and logical development of their areas."

A careful analysis of the facts of a particular case ought to show whether the decision meets these standards of correctness and it would only be in circumstances clearly indicating a wrong or improper decision that the decision ought to be interfered with. It ought not to be interfered with lightly: *Re Proposed Subdivision* (1954), 15 W.W.R. 143.

The very wide discretion given to the approving officer in respect of granting or withholding approval of a subdivision plan must also be exercised judicially and reasonably and he must not abuse or exceed these powers, and if the discretion is so exercised it cannot be interfered with: *Board of Education for Township of Etobicoke et al. v. Highbury Developments Ltd.* (1958), 12 D.L.R. (2d) 145, [1958] S.C.R. 196; *Re District of Delta* (1961), 27 D.L.R. (2d) 65, 34 W.W.R. 41 *sub nom. Re Approval of a Subdivision Plan (Delta District)*; and *Westminster Corp. v. London & North Western R. Co.*, [1905] A.C. 426.

In the light of these considerations I return the matter before the Development Appeal Board. Mrs. Pierzchalski raised two issues. One was competition in a form not relevant to the planning purposes of the Act or the general plan. The other was convenience in which there could well be a public interest as well as a technical planning interest. But her contentions were asserted in an emotional spirit of protectionism for small community stores against the advance of the chain store operation into the community. They were not supported by acceptable evidence from which the Board could ascertain, even by inference, the nature and extent of the legitimate public interest in the development, or whether it would be adversely affected by an additional retail food store. In my opinion the Board should not have taken into account the address given by Mrs. Pierzchalski, and it erred in law in attaching to the development permit a condition that infringed the rights of the developer when there was no evidence, nor support for a reasonable inference, that it was necessary to do so in the greater public interest.

This does not end the matter. Section 147(*c*) requires a further expression of opinion. Clearly the Act does not recognize the regulation of business competition as relevant to development planning, but excessive provision for particular facilities or services would, I think, be a factor that a qualified planning consultant might properly take into account in some circumstances having regard to what is prescribed by s. 95. When such is the case, a consequential effect on com-

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petition cannot affect the relevancy of the factor. In respect of commercial districts the general plan warns against "over provision of commercial areas". I would think that this is a directive in respect of economic considerations in relation to the needs and convenience of a community, and would warrant evidence on the point being heard by the Board.

The reasonable needs and requirements of the community must be taken into account in weighing the convenience of the residents as a whole. The residential area with which we are concerned is already served by six retail food stores which are each in themselves in effect a local commercial district within the area, although probably in the nature of non-conforming user as far as the Land Use Classification Guide is concerned. The power, accorded by and under the Act, to limit to designated areas any particular uses of land carries with it as an inevitable incident of its exercise some limitation on the right that would otherwise exist to set up a competitive business. The power is given to further the orderly and economic development of the community, in question, and I would think that evidence could be given as to whether or not a proposed development was excessive to reasonable need and convenience. Further than that, residents in such a district have some right to enjoy and maintain their surroundings without commercial invasion in excess of their needs or convenience.

The general plan itself invites special attention to excessive provision of one component of a commercial area, namely, service stations, but I think that this is a recognition of a power of selection, not a limitation of it. It may be that a new store will serve the community better so that in the long run the community will gain in over-all convenience. Or it may lead to foreseeable disadvantage to the envisaged development of the area. If this is so, I am unable to see why a development appeal board cannot in law single out for consideration a particular user of a local commercial district such as a retail food store. It would, I think, constitute a special aspect of a specific kind of development which is within the powers of a council to resolve under s. 106 and which is freely exercised in the compilation of a Land Use Classification Guide. Equally, it is open to a development appeal board within the broad discretions of s. 128(6)(*a*) to give it consideration when there is evidence which raises the point. I am of opinion that a development appeal board is entitled to look at a proposed development of this nature in a piecemeal fashion and consider each component in the light of the evidence and the statutory jurisdiction and directives. To hold otherwise would,

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I think, unjustifiably limit the discretions which a Board is called upon to exercise.

The general plan also recognizes that in respect of service stations, excess results in vacancies and warns against "the substitution of unsatisfactory uses". An alternate use which augments to excess a facility already provided for can equally result in vacancies and be an unsatisfactory substitute from the point of view of the public interest. In common observation commercial vacancies in a residential area are unsightly and it is conceivable they might affect property values in some cases. Beyond that, as I have said, people make up communities and planning is intended for their long-term benefit. They may have their own feelings about the area in which they live, and more and more these days they are asserting their interests in the nature and character of their community and how it should develop and go forward. Such interests are legitimate and must be acknowledged as an aspect of the public interest of the community, and be fairly considered when raised by the evidence.

There are two other points in appeal. It is urged that Mrs. Pierzchalski is not a person affected by a decision of a development officer (s. 110) nor is she aggrieved (s. 128(1) [rep. & sub. 1973, c. 43, s. 11]). The distinction between these two words is merely a statutory recognition of differing consequences of a decision. A person affected by a decision may be content with the consequences. If not, he may be said to feel aggrieved with it. At that stage his grievance is subjective, its validity is not determined; and in many cases it cannot be determined until he is heard. There may be cases in which it could be said without hearing his evidence that a person could not be considered aggrieved by a decision within the intendment of s. 128. This might appear clearly from the terms of his notice of appeal, either in themselves or in conjunction with the fact that he is not a part of the community affected. An apparent busy-body (see *Chitty's Law Journal*, vol. 22 (1974), p. 300) would not qualify as an aggrieved person, but short of that a development appeal board could not prejudge the validity of a person's appeal by rejecting it without a hearing. I do not think that this point is well taken by the appellant in the circumstances of the case as it came to the Development Appeal Board.

The final attack is on the condition that the term "food store" is too vague, indefinite, or uncertain to be enforceable. This point was not strongly urged, and I do not think it is sustainable. It is a term of common meaning. It is defined in

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other enactments to which the developer is subject such as licence By-law 8668. I would dismiss this ground of appeal also.

In the result the appeal should be allowed, the order of the Development Appeal Board vacated, and the matter referred back to it to be dealt with in accordance with the foregoing opinion. As the appeal raised issues which are of general concern I would not award costs to either party.

Appeal allowed.

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Exhibit 15

Schedule "E"

AGLC Retail Liquor Store Handbook

Policies 1.4 – 1.7 and 4.4 – 4.7

Retail Liquor Store Handbook

aglc.ca

AGLC
Choices Albertans can trust.

Retail Liquor Store Handbook

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SECTION:	GENERAL INFORMATION
NUMBER:	1.1

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SUBJECT: INTRODUCTION

POLICIES

1.1.1 Alberta Gaming, Liquor and Cannabis (AGLC) is established under the *Gaming, Liquor and Cannabis Act* (GLCA) and is governed by the requirements of the *Criminal Code*, the GLCA and the Gaming, Liquor and Cannabis Regulation (GLCR). *(Amended July 2018)*

1.1.2 AGLC is the province's liquor authority, responsible for administering and regulating the liquor industry in Alberta.

1.1.3 Board policies are approved by the Board of AGLC and signed by the Chair, on behalf of the Board.

1.1.4 Board policies related to liquor licence activities are conditions of the licence. This includes policies approved after the liquor licence is issued [Section 61(1) of the GLCA].

1.1.5 Guidelines are best business practices designed to help licensees meet operating requirements.

1.1.6 *(Deleted Nov 2022)*

1.1.7 *(Deleted Dec 2020)*

1.1.8 If a licence applicant, licensee or manager involved in the daily operation of a licensed premises does not have a working knowledge of the English language sufficient to understand the legislation and/or these policies, AGLC may request that the licensee have an interpreter present whenever: *(Amended Nov 2022)*

a) discussing details of the licence application;

b) an Inspector visits the premises to review the licensee's responsibilities;

c) the licensee acknowledges its responsibilities by signing the Operating Procedures form; and

d) the licensee attends a Board hearing.

GUIDELINES

1.1.9 The Retail Liquor Store Handbook, that contains Board policies and guidelines, may be accessed on AGLC's web site at aglc.ca. *(Amended Nov 2022)*

1.1.10 The GLCA and GLCR may be accessed on the King's Printer web site at kings-printer@gov.ab.ca. *(Amended Nov 2022)*

DATE ISSUED:	November 29, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	GENERAL INFORMATION
NUMBER:	1.2

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 2**

SUBJECT: DEFINITIONS

POLICIES

1.2.1 In this handbook,

a) "AGLC" means Alberta Gaming, Liquor and Cannabis Commission.

b) "Board" means the Board of AGLC.

c) "Common Carrier" means a business that provides merchandise transportation services to the general public in compliance with all applicable laws and regulations governing commercial transportation in Alberta. Examples of business that would be considered common carriers include, but are not necessarily limited to, national courier companies, postal services, and shipping companies. Examples of businesses that would not meet the definition of common carrier include restaurants, flower shops, and other businesses providing delivery of their own products and services, as well as specialized businesses that focus on a specific industry, like food delivery and/or passenger transportation. (Added Feb 2021)

d) "General Merchandise Liquor Store" refers to the specific liquor retail area associated with the primary business. (Added Mar 2021)

e) "GLCA" means the *Gaming, Liquor and Cannabis Act*.

f) "GLCR" means the Gaming, Liquor and Cannabis Regulation.

g) "Inspector" means an Inspector of AGLC, a police officer as defined in the *Police Act* or someone designated by AGLC as an Inspector under the GLCA.

h) "licensed premises" means all areas associated with the operations of the licensee, including, but not limited to:

i) areas liquor may be sold or consumed; and

ii) any storage room, lobby, hallway or other service areas used by the licensee in support of the areas where liquor may be sold or consumed.

i) "licensee" means the individual, partnership or corporation holding a liquor licence.

j) "liquor" means beverages that are intended for human consumption containing over one (1) % alcohol by volume (e.g., spirits, wine, liqueur, coolers, cider or beer).

k) "liquor agency" means a corporation or individual who is in the business of representing a liquor supplier in the sale of the supplier's liquor.

l) "liquor supplier' means

i) a manufacturer;

ii) a person who operates an establishment for making liquor outside Alberta;

iii) a person, other than AGLC, who is a distributor of liquor; and

iv) any person who has a connection, as specified in the GLCR, to a manufacturer or person described in described in 1.2.1 l) ii) and l) iii) above.

m) "municipality" means:

i) a city, town, village summer village, municipal district or specialized community;

ii) a town under the *Parks Town Act* (Alberta); or

iii) a municipality formed by special Act.
(Added Mar 2021)

n) "minor" means a person under the age of 18 years.

o) "primary business" refers to the business with which the general merchandise liquor store is affiliated. (Added Mar 2021)

p) "staff" means any person employed by the licensee or contracted by the licensee or a third party to perform assigned or delegated duties.

SECTION:	GENERAL INFORMATION
NUMBER:	1.3

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: CONTACTING AGLC

GUIDELINES

1.3.1 There are five (5) AGLC offices in the province. Normal office hours are 8:15 a.m. to 4:00 p.m. Monday to Friday, excluding statutory holidays. Outside normal office hours and when staff is unavailable, messages may be left on voice mail.

Alberta Gaming, Liquor and Cannabis Commission
50 Corriveau Avenue
St. Albert, Alberta T8N 3T5
Phone Number: 780-447-8600
Toll Free: 1-800-272-8876
Fax Number: 780-447-8912

Alberta Gaming, Liquor and Cannabis Commission
310, 6715 - 8 Street NE
Calgary, Alberta T2E 7H7
Phone Number: 403-292-7300
Fax Number: 403-292-7302

Alberta Gaming, Liquor and Cannabis Commission
3, 7965 - 49 Avenue
Red Deer, Alberta T4P 2V5
Phone Number: 403-314-2656
Fax Number: 403-314-2660

Alberta Gaming, Liquor and Cannabis Commission
100 - 11039 - 78 Avenue
Grande Prairie, Alberta T8W 2J7
Phone Number: 780-832-3000
Fax Number: 780-832-3006

Alberta Gaming, Liquor and Cannabis Commission
655 WT Hill Blvd South
Lethbridge, Alberta T1J 1Y6
Phone Number: 403-331-6500
Fax Number: 403-331-6506

1.3.2 AGLC's web site address is: aglc.ca.

DATE ISSUED:	June 1, 2012	AUTHORITY:	Original signed by Marguerite Trussler

SECTION:	GENERAL INFORMATION
NUMBER:	1.4

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LEGISLATION AND BOARD POLICIES

POLICIES

1.4.1 Licensees and their staff must comply with:

a) the GLCA;

b) the GLCR;

c) Board policies; and

d) all federal, provincial and municipal legislation.

1.4.2 Non-compliance with the legislation or Board policies may result in disciplinary action by the Board pursuant to Part 4 of the GLCA.

1.4.3 A licensee or manager approved by AGLC must notify AGLC immediately if charged with or convicted of an offence under:

a) the *Criminal Code* (Canada);

b) the *Excise Act* (Canada);

c) the *Food and Drugs Act* (Canada);

d) the *Controlled Drugs and Substances Act* (Canada);

e) a foreign Act or Regulation substantially similar to an offence under a), b), c) or d);

f) the GLCA; or

g) the GLCR.

1.4.4 If a licensee is at any time charged or convicted of an offence set out in any of the legislation listed in Subsection 1.4.3, the Board may take disciplinary action including, but not limited to, suspension or cancellation of the liquor licence/registration.

1.4.5 If a licensee misleads AGLC, fails to provide information or provides inaccurate information, the Board may take disciplinary action including, but not limited to, suspension or cancellation of the liquor licence.

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SECTION: GENERAL INFORMATION

NUMBER: 1.5

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LICENSEE'S RESPONSIBILITIES

POLICIES

1.5.1 *(Deleted Dec 2020)*

1.5.2 The operation of a licensed premises shall be carried out in a socially responsible manner (see Subsection 1.5.5).

1.5.3 *(Deleted Feb 2021)*

1.5.4 A licensee and its staff with information about illegal activities related to liquor, tobacco or gaming is required to contact the nearest AGLC office (see Subsection 1.3). This includes:

a) smuggled liquor or tobacco;

b) stolen liquor or tobacco;

c) homemade liquor, such as moonshine, wine or beer;

d) tobacco not marked for sale in Alberta; and

e) illegal gaming devices or illegal gaming houses.

GUIDELINES

1.5.5 Examples of operating a premises in a socially responsible manner include:

a) training staff to understand violations of the legislation and policies, in accordance with ProServe training as specified in Subsection 1.6; and

b) placing a high priority on maintaining a safe premises.

(Amended Dec 2020)

1.5.6 Licensees should be aware that the sale of liquor carries a risk of potential liability. Questions on liability should be directed to a lawyer

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SECTION: GENERAL INFORMATION

NUMBER: 1.6

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: PROSERVE LIQUOR STAFF TRAINING

POLICIES

1.6.1 A licensee must meet ProServe Liquor Staff Training certification requirements. Equivalency may be granted for certificates issued by other provinces if it was acquired within the last five years. The worker must apply to info@smartprograms.aglc.ca to have their certificate recognized. *(Amended Nov 2022)*

1.6.2 ProServe certification is mandatory for the following full time and part time staff:

a) positions where liquor is provided under the authority of a Class A, B, D, E, F and Duty Free licence (excluding Class D - Sacramental Wine Resale licence): (Amended Mar 2019)

i) licensed premises owners that are responsible for directly managing a licensed premises;

ii) licensed premises managers, supervisors, retailers, bartenders, servers, greeters, hosts and delivery service drivers; *(Amended Dec 2020)*

iii) security staff (directly employed or contracted by the licensee); and

iv) owners and managers of a company contracted to provide security.

b) positions where liquor is provided under the authority of a Special Event Licence (SEL) Public Resale - Commercial:

i) managers, supervisors, bartenders, servers, and drink ticket sellers;

ii) security staff (directly employed or contracted by the licensee); and

iii) owners and managers of a company contracted to provide security.

c) positions where liquor is provided under the authority of a SEL Public Resale - Community:

i) the licensee and designate(s); and

ii) a minimum of 25% of all bartenders/servers on-site. (Amended July 2019)

d) persons registered with AGLC as a liquor agency and their employees, or a third-party agent acting on their behalf, whose duties include the sampling of liquor products. (Amended Oct 2020)

1.6.3 ProServe certification is not required for staff working full time or part time:

a) as kitchen staff, bus persons, and cleaning staff in licensed premises;

b) (Deleted Mar 2019)

c) where liquor is provided under the authority of a Private Special Event licence;

d) where liquor is provided under the authority of a Class C licence (Note: the Board may require the licensee to meet ProServe training requirements if the Class C licensee has violated the GLCA, GLCR, or Board policies);

e) where liquor is provided under the authority of a Class D Sacramental Wine Resale licence; and

f) as a volunteer at a Class B licensed premises. (Added Jul 2021)

1.6.4 Persons requiring ProServe must be certified:

a) within 30 days of the employment start date for all new hires to positions identified in Section 1.6.2 a) and 1.6.2 d) or;

b) before a SEL Public Resale for staff in positions identified in Section 1.6.2 b) and c). (Amended Mar 2019)

1.6.5 *(Deleted Dec 2020)*

1.6.6 *(Deleted Dec 2020)*

1.6.7 A ProServe certificate must be maintained by successfully repeating the ProServe program, including passing the exam before the certificate expires. *(Amended Nov 2022)*

1.6.8 Licensee staff must provide proof of ProServe certification at the request of an AGLC Inspector. Proof of ProServe certification includes: *(Amended Dec 2020)*

a) printed certificate that has a QR code; or *(Amended Nov 2022)*

b) *(Deleted Dec 2020)*

c) *(Deleted Nov 2022)*

d) a clear digital image of the above (e.g. screen shot) saved on the staff member's mobile device. *(Amended Nov 2022)*

1.6.9 It is the responsibility of the licensee to ensure:

a) *(Deleted Dec 2020)*

b) at least one (1) ProServe certified staff member is on shift at all times.

1.6.10 An industry worker's ProServe certificate will be placed into conditional status when an employee at a licensed premises is found to violate any of the following: *(Amended Nov 2022)*

a) Section 75 GLCA: give, sell, or supply liquor to a minor;

b) Section 75.1 GLCA: sell or provide liquor to an intoxicated person, permit an intoxicated person to consume liquor or take part in a gaming activity or provincial lottery that is conducted in the licensed premises; and

c) AGLC Board policy: failure to ask for proof of age for those persons who appear to be under 25 years of age.

1.6.11 Industry workers whose ProServe certificate is placed into conditional status may continue working at a licensed premises, however, they are required to successfully retake the ProServe Liquor Staff training program and pay all required fees within 30 days from the date of notification by AGLC. Failure to do so will cancel their ProServe certificate. *(Amended Nov 2022)*

1.6.12 An Industry worker whose ProServe certificate is placed into conditional status may appeal their violation in writing to the Vice President, Regulatory Services, within 14 days of the date of notification by AGLC. The decision of the Vice President is final. *(Amended Nov 2022)*

1.6.13 An Industry worker whose violation appeal is unsuccessful will have 30 days from the date of the appeal outcome to recertify. *(Amended Nov 2022)*

1.6.14 If an industry worker incurs three violations within a five-year period they will be ineligible for further ProServe certification.

SECTION:	GENERAL INFORMATION
NUMBER:	1.6

SUBJECT: PROSERVE LIQUOR STAFF TRAINING

GUIDELINES

1.6.15 To aid compliance with ProServe Liquor Staff Training certification requirements, it is suggested licensees keep a log of employees that are ProServe certified. The log should include the following information: *(Amended Dec 2020)*

a) employee name as it appears on their certificate; *(Amended Nov 2022)*

b) SMART Training registration number; and

c) expiry date.

1.6.16 *(Deleted Dec 2020)*

1.6.17 The ProServe Liquor Staff Training program is at smartprograms.aglc.ca. *(Amended Nov 2022)*

SECTION:	GENERAL INFORMATION
NUMBER:	1.7

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: STAFF TRAINING SESSIONS

GUIDELINES

1.7.1 AGLC Inspectors are available to provide training sessions to licensee staff to help them gain a better understanding of their responsibilities and authority regarding liquor sales and the operation of a licensed premise.

1.7.2 *(Deleted, Jan., 2018)*

1.7.3 To arrange a staff training session, contact your nearest AGLC office (see Subsection 1.3 for AGLC contact information).

DATE ISSUED:	February 23, 2018	AUTHORITY:	Original signed by Gael MacLeod

SECTION:	GENERAL INFORMATION
NUMBER:	1.8

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: AUDIT

(Deleted February 2021)

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

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SECTION: APPLICATIONS

NUMBER: 2.1

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LICENCE FEES

POLICIES

2.1.1 A one-time, non-refundable fee of $200 must be submitted with all new licence applications.

2.1.2 *(Deleted Feb 2021)*

2.1.3 No application fee is required for a new licence following expiry of the existing licence.

2.1.4 An annual licence fee of $700 is due on the date of licence issue for retail liquor stores. *(Amended Mar 2021)*

2.1.5 An annual licence fee of $300 is due on the date of licence issue for general merchandise liquor stores. *(Added Mar 2021)*

2.1.6 *(Deleted Nov 2022)*

DATE ISSUED: November 29, 2022 AUTHORITY: Original signed by Len Rhodes

SECTION:	APPLICATIONS
NUMBER:	2.2

SUBJECT: APPLICATION REVIEW

POLICIES

2.2.1 Liquor licence applications are subject to review and approval by AGLC.

2.2.2 When reviewing applications, AGLC considers:

a) the appropriateness of the proposed premises;

b) the applicant's eligibility;

c) compliance with municipal requirements; and

d) the expressed views of the local community.

2.2.3 If AGLC does not support a licence application, the applicant may request a Board hearing. *(Amended Nov 2022)*

2.2.4 If a licence expires, liquor sales is prohibited until a new licence is issued. *(Amended Nov 2022)*

Reasons for Licence Refusal

2.2.5 Reasons for licence refusal are listed under Sections 8 and 10-13 of the GLCR. *(Amended Nov 2022)*

2.2.6 *(Deleted Nov 2022)*

2.2.7 *(Deleted Nov 2022)*

2.2.8 *(Deleted Nov 2022)*

2.2.9 AGLC may also refuse to issue a liquor licence:

a) if the applicant is not eligible to receive the licence; and

b) if the requirements of the GLCA, GLCR and Board policies have not been met.

2.2.10 An application for a retail liquor store licence will not be approved:

a) unless the primary purpose of the retail liquor store is the sale of liquor to the general public and to licensees ; and

b) if the primary purpose of obtaining the retail liquor store licence is to establish a warehousing and distribution system for liquor licensees.

GUIDELINES

2.2.11 First-time applicants should contact AGLC (see Section 1.3 for AGLC contact information).

2.2.12 A licensee should first consult this handbook and then contact AGLC when:

a) seeking a new licence or a new class of licence;

b) seeking an endorsement to an existing licence (e.g., delivery service);

c) planning to renovate the premises; or

d) planning to relocate.

2.2.13 Licensees are sent a reminder notice before their existing licence expires. *(Amended Nov 2022)*

2.2.14 The Board may take into account any of the following factors when making a decision respecting an application for a retail liquor store:

a) the extent and nature of opposition from community members or groups to establishment of a retail liquor store in a particular location;

b) the results of consultations with local authorities;

i) the nature of the primary business of the applicant and the clientele that frequent it; and

ii) whether the sale of liquor products is, in the opinion of the Board, primarily for the purpose of enhancing the sale of non-liquor products.

SECTION:	APPLICATIONS
NUMBER:	2.3

SUBJECT: OBJECTION TO AN APPLICATION

POLICIES

Class A, B, C, D, E or F Premises

2.3.1 AGLC will post all applications for the following types of licences on its website (aglc.ca/licences):

a) Class A, B, C, D, E and F liquor licence(s) for new premises; *(Amended Oct 2018)*

b) existing licensed premises applying for additional Class A, B, C, D, E or F licence(s); *(Amended Oct 2018)*

c) changes to the Class of liquor licence; and

d) relocations of existing licensed premises.

(Amended Dec 2020)

2.3.2 The following information will be posted on AGLC'S website:

a) name of the applicant;

b) name of the proposed premises;

c) municipal address of the proposed premises;

d) licence(s) applied for; and

e) the date that a written objection must be received by AGLC.

2.3.3 AGLC may not consider objections of the following nature as they are considered the responsibility of the municipality:

a) number of licensees in a community;

b) location;

c) space between licensed premises;

d) matters involving retail competition, community image and property values; and

e) objections of a social/moral concern regarding the sale of liquor, generally.

(Added Aug 2019)

2.3.4 For all new premises, objections must be submitted in writing and received by AGLC within 7 calendar days from the date the application is posted on AGLC website in order for the objection to

be considered during the current licensing process (See Subsection 2.3.16). *(Amended Apr and Dec 2020)*

2.3.5 For existing licensed premises, only written objections received by AGLC at least 90 days prior to the expiration of the current licence will be provided to the Board for consideration.

2.3.6 *(Deleted Nov 2022)*

2.3.7 The applicant will be notified in writing of all objections received, other than those described in Section 2.4.3. *(Amended Aug 2019)*

2.3.8 The applicant will be given 14 days from the date of notification to respond in writing to the objection; an extension may be requested by the applicant. No licence(s) will be issued until the objection and the applicant's response, if any, have been considered by the Board.

2.3.9 *(Deleted Nov 2022)*

2.3.10 If no objections to the issue of a new licence are received within the 7 calendar days AGLC will continue with the licensing process. *(Amended Apr and Dec 2020)*

2.3.11 If no objections to the issue of an existing licence are received within the 90 calendar days prior to the expiration of the current licence AGLC will continue with the licensing process. *(Amended Dec 2020)*

2.3.12 The Board will not consider an objection for an existing licensed premises where there is a sale, transfer or change in control. Should an objection be received during a sale, transfer or change in control, the Board will deal with the objection at least 90 days before the expiration of the new licence term.

Appearances Before the Board

2.3.13 *(Deleted Nov 2022)*

2.3.14 If an application is to be heard by a Panel of the Board under Section 94 of the GLCA, AGLC may, at its discretion, call an objector as a witness before such a hearing. *(Added Aug 2019)*

Other Liquor Licence(s)/Registrations

2.3.15 *(Deleted Nov 2022)*

2.3.16 Any objection to an application for a licence received after the specified time frames noted above will not be taken into consideration. The objector(s) will be advised accordingly.

GUIDELINES

2.3.17 A person requesting the floor plan/site plan of the applicant's proposed premises will be given 7 days from the date the application is posted to view the plans and to submit a written objection. *(Amended Dec 2020)*

2.3.18 Objections and/or requests to view the plans of proposed premises may be forwarded to:

Alberta Gaming, Liquor and Cannabis Commission
Director, Compliance
50 Corriveau Avenue
St. Albert, AB. T8N 3T5
Fax: 780-447-8913
Email: Inspections.Mailbox@aglc.ca

2.3.19 If a request to view the plans is received, AGLC will contact the stakeholder to arrange a time to view the floor plan/site plan at the nearest AGLC office to the proposed premises. See Section 1.3 for AGLC office locations.

SECTION:	APPLICATIONS
NUMBER:	2.4

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: CONVERSION FROM RETAIL LIQUOR STORE TO GENERAL MERCHANDISE LIQUOR STORE

POLICIES *(Added Mar 2021)*

2.4.1 An existing Class D Retail Liquor Store licence may be converted to a General Merchandise Liquor Store licence except under the following conditions:

a) if there is more than one Class D Retail Liquor Store in the same municipality.

b) no written support from the municipality.

c) less than 15 kilometres from an existing Class D Retail Liquor Store (see Section 3.6).

d) less than 15 kilometres from a hotel that has a Class D General Off Sales licence (see Section 3.6).

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SECTION:	**BUSINESS/FACILITY REQUIREMENTS**
NUMBER:	**3.1**

SUBJECT: SEPARATE BUSINESS REQUIREMENTS

POLICIES

3.1.1 A retail liquor store licence will not be issued to an applicant unless the business, under which activities authorized by the licence will be carried out, is separate from any other business. The following factors are used to determine whether a retail liquor store is a separate business from any other commonly-owned or affiliated business (non-liquor store): (Amended Apr 2020)

a) The retail liquor store is physically separate and detached from other businesses in accordance with Schedule 2 of the GLCR. (Amended Jun 2024)

b) The retail liquor store will operate as a separate viable business to make a reasonable profit for itself and will not be operated solely as a loss-leader in support of any commonly-owned or affiliated business.

c) The retail liquor store licensee is incorporated as a separate company (unless it is a sole proprietorship, a co-operative, or is prohibited by legislation).

Note: Multiple retail liquor stores may be operated by the separate company.

d) Separate financial records are maintained for the retail liquor store.

e) A commercial relationship exists between the retail liquor store and any other commonly-owned or affiliated business for the purposes of leasing space, purchasing equipment, product or supplies, or other necessary services.

f) Employees are hired by, and work for, the retail liquor store.

g) The retail liquor store has management separate from that of any other commonly-owned or affiliated business.

Note: For the purpose of this policy, a business would be affiliated with another business if one controls or operates the other or if they are commonly controlled or operated.

3.1.2 (Deleted Apr 2020)

3.1.3 A commercial relationship must exist between the retail liquor store and any other commonly-owned or affiliated business as per Subsection 3.1.1e).

3.1.4 Applicants must have a written agreement/contract in effect clearly stating the terms and conditions between the applicant and the commonly-owned or affiliated business for the purposes of leasing space, purchasing

equipment, product or supplies or any other necessary services. A copy of the written agreement/contract:

a) must be submitted to AGLC for review if:

   i) the liquor store is a new premises;

   ii) the liquor store is an existing licensed premises where a new licence is required as a result of a sale, assignment or transfer of the business; and

   iii) the existing agreement/contract has amendments.

b) does not have to be submitted to AGLC:

   i) for existing licensed premises when an application is being made for the issue of a new licence upon expiration of a current licence, and

   ii) there are no changes to the existing agreement/contract.

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SECTION: BUSINESS/FACILITY REQUIREMENTS

NUMBER: 3.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: FACILITY REQUIREMENTS

POLICIES

3.2.1 *(Deleted Feb 2021)*

3.2.2 *(Deleted Feb 2021)*

3.2.3 *(Deleted Feb 2021)*

3.2.4 Retail liquor stores and general merchandise liquor stores are independent businesses that must not represent themselves as acting as agents of AGLC. *(Amended Mar 2021)*

3.2.5 Facility requirements for retail liquor stores include a retail sales area, a product receiving capability and storage for reserve stock. An area for the return and storage of empty containers is optional. *(Amended Mar 2021)*

3.2.6 Drive-through windows are prohibited.

3.2.7 Retail liquor stores must normally store their liquor products on site. The Board may approve a separate warehouse to enable a retail liquor store licensee to service multiple liquor stores operated by the licensee and other licensees. However, warehouses may not be established for the sole purpose of supplying other licensees. All liquor orders and payment for liquor orders must be made at the retail liquor store. Licensees may pick up liquor orders assembled at the warehouse. If a separate warehouse is approved by the Board, it must be controlled and operated by the licensee and must be specifically listed, by address, on the retail liquor store licence.

3.2.8 *(Deleted Feb 2021)*

3.2.9 The owner of a retail liquor store or general merchandise liquor store must not have a direct or indirect financial interest in, or be involved in the management of, or be an employee, representative or agent of:

a) a liquor supplier or liquor agency which sells liquor to AGLC; or

b) AGLC.

(Amended Mar 2021)

3.2.10 *(Deleted Feb 2021)*

GUIDELINES

3.2.11 Additional optional receiving/storage design considerations to be taken into account include:

a) a loading dock area accessible to a 48-foot tractor trailer;

b) a receiving door wide enough to ensure that pallets can pass through the opening;

c) a delivery ramp, forklift or scissor lift may be appropriate; or

d) a storage area that can accommodate palletized products.

SECTION:	BUSINESS/FACILITY REQUIREMENTS
NUMBER:	3.3

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: STORE NAME AND SIGNS

POLICIES

3.3.1 Each retail liquor store must have a distinct business name which:

a) *(Deleted Feb 2021)*

b) is not registered by another business interest. For more information contact Alberta Registries at 780-427-7013 or servicealberta.gov.ab.ca.

3.3.2 Use of the term "Alberta Liquor Store" or "ALCB" is prohibited in a store name.

3.3.3 *(Deleted Feb 2021)*

3.3.4 *(Deleted Feb 2021)*

3.3.5 *(Deleted Feb 2021)*

3.3.6 Sign(s) or identification may not include graphics of:

a) cartoon character(s) which appeal to minors;

b) character(s) shown drinking or about to drink alcohol; or

c) character(s) which appear to be intoxicated.

3.3.7 Signage may not include the use of liquor or non-liquor brand name(s) or logo(s), or liquor or non-liquor manufacturer's company name(s) or logo(s).

3.3.8 The licensee must post AGLC's Fetal Alcohol Spectrum Disorder poster in a prominent location in its store. The poster is available for download on AGLC website at http://aglc.ca/responsibleliquorservice/postersandbrochures.asp

GUIDELINES

3.3.9 A common business name may be used when a number of retail liquor stores are operated by the same owner.

3.3.10 There is no restriction on the size of signs.

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SECTION:	BUSINESS/FACILITY REQUIREMENTS
NUMBER:	3.4

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: STRUCTURAL CHANGES

POLICY

3.4.1 The written approval of AGLC is required before making any major structural changes to a retail liquor store.

3.4.2 Major structural changes include:

a) removal or relocation of the walls enclosing a licensed premises; and

b) renovations that result in the premises no longer meeting licensing requirements (e.g. removal of storage areas).

3.4.3 General merchandise liquor stores cannot be relocated without the prior approval of AGLC. *(Added Mar 2021)*

GUIDELINES

3.4.4 A licensee planning major structural changes should contact AGLC in advance and arrange to present plans of the proposed changes.

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SECTION: BUSINESS/FACILITY REQUIREMENTS

NUMBER: 3.5

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: CHANGE OF STATUS (SALE, ASSIGNMENT, TRANSFER OR CLOSURE)

POLICIES

3.5.1 A liquor licensee cannot sell, assign or transfer a liquor licence.

3.5.2 A liquor licence is automatically cancelled when:

a) a licensee sells, assigns or transfers a portion of the business in which activities authorized by the liquor licence are carried out; and

b) the sale, assignment or transfer results in a change in control of the business.

3.5.3 A sale, assignment or transfer of 5% or more of a business:

a) that is a sole proprietorship, a partnership or a corporation; or;

b) that is a distributing corporation as defined in the *Business Corporations Act*; and

c) under which the activities authorized by a liquor licence are carried out;

must be reported to and approved by AGLC prior to the effective date of the sale, assignment or transfer.
(Amended Dec 2020)

3.5.4 *(Deleted Dec 2020)*

3.5.5 AGLC may, with respect to a sale, assignment or transfer as per Subsections 3.5.3:

a) approve it without conditions;

b) approve it with conditions;

c) approve it with changes to or removal of existing conditions; or

d) refuse to approve it.

3.5.6 Where AGLC refuses to approve a sale, assignment or transfer, after the sale, assignment or transfer takes effect, AGLC may treat the licensee as ineligible to hold a liquor licence and:

a) cancel or suspend the licence; (Note: A licensee may request a Board hearing if licence is cancelled or suspended) *(Amended Nov 2022)*

b) require a person to dispose of an interest in the business under which the activities authorized by the licensee are carried out; and/or

c) require a person to dispose of an interest in a licensed premises.

3.5.7 When a licensed premises must be closed due to significant damage by fire or other natural event, the licence is cancelled by AGLC. However, the licensee may obtain a new licence if the premises is restored to an acceptable condition, complies with current policies and the licensee continues to qualify to hold a liquor licence.

3.5.8 Existing licences may remain in effect if a licensee is placed in receivership or bankruptcy. The licence may continue for a period determined by the Board of AGLC and is subject to any conditions imposed on the licence by the Board.

3.5.9 AGLC shall refuse to grant a licence to a new owner when an Incident Report or disciplinary action is in progress against the existing licensee until such time as the Incident Report or disciplinary action has been dealt with by AGLC.

3.5.10 A licence application fee will not be charged when:

a) individual owners incorporate and a controlling interest in the business continues to be held by the original owners;

b) the transfer or assignment of shares does not result in a transfer of control of the business; or

c) only the name of the company or premises changes.

3.5.11 The seller of a licensed premises may apply for a refund of the annual licence fee when:

a) the premises have been sold; and

b) *(Deleted Nov 2022)*

3.5.12 A refund will not be paid when:

a) the premises are destroyed by fire;

b) the premises are closed or licence surrendered;

c) the licence has been cancelled by the Board;

d) there is a change of licence class; or

e) the licence is seasonal.

3.5.13 Refunds are based on the original annual licence fee less:

a) the prorated portion during which the licence was in effect; and

b) a $100 administration charge.

GUIDELINES

3.5.14 Prospective applicants wishing to purchase a licensed premises can find a list of the documents required by AGLC at aglc.ca.

3.5.15 A licensee selling or closing their premises permanently may sell their remaining liquor stocks to another licensee. The purchaser of the liquor stocks is responsible to ensure the product is legal and of acceptable quality (i.e., not adulterated or contaminated).

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SECTION: BUSINESS/FACILITY REQUIREMENTS

NUMBER: 3.6

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: DISTANCE REQUIREMENTS FOR GENERAL MERCHANDISE LIQUOR STORES

POLICIES *(Added Mar 2021)*

3.6.1 A general merchandise liquor store must normally be located 15 kilometres or more from the nearest retail liquor store or hotel with a general off sales licence.

3.6.2 Distance will be determined by measuring, in kilometres, the shortest driving distance on existing public roads from the exact physical location of the proposed general merchandise liquor store to the exact physical location of the nearest existing retail liquor store or hotel with a general off sales licence.

DATE ISSUED:	March 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	BUSINESS/FACILITY REQUIREMENTS
NUMBER:	3.7

SUBJECT: BUSINESS AND FACILITY REQUIREMENTS FOR GENERAL MERCHANDISE LIQUOR STORES

POLICIES *(Added Mar 2021)*

3.7.1 A general merchandise liquor store is affiliated with a primary business (i.e. the sale of consumable goods and non-liquor products) which operated prior to the approval of the liquor licence. The primary business must continue to operate in the same manner as when the liquor licence was approved.

3.7.2 Any significant change to the type of primary business the liquor licence is affiliated with must be approved by AGLC, in advance.

3.7.3 Operators must keep separate sets of records for liquor sales.

3.7.4 A person/company may own more than one (1) general merchandise liquor store and/or other licensed premises, except for a Class E manufacturer's licence. If the other licensed premises is a Class D retail liquor store, the business under which the liquor store operates must be separate from any other business.

3.7.5 The general merchandise liquor store must be situated in a permanent building and be operated as originally approved.

3.7.6 Stores offering a self-service style of operation must merchandise liquor product from an area which is:

a) physically separated from the products carried in the primary business, for example on a separate shelf, or in a dedicated corner, alcove or room; and

b) clearly visible from and in close proximity to the main sales counter; or

c) staffed by an adult at all times the liquor area of the store is opened.

3.7.7 General merchandise liquor stores must store their liquor products on site.

GUIDELINES

3.7.8 The store may be designed to provide self-service, over-the-counter service or a combination of service styles; however, primary consideration shall be given to the control of liquor products.

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.1

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: HOURS OF LIQUOR SERVICE

POLICIES

4.1.1 The retail liquor store may set its hours of operation between the maximum allowable hours of 9:00 a.m. and 2:00 a.m., Monday through Sunday. Stores may operate reduced hours. *(Amended Dec 2020)*

4.1.2 *(Deleted Feb 2021)*

4.1.3 A Class D licensed premises must be closed:

a) *(Deleted Dec 2019)*

b) at all times other than the hours endorsed for liquor sales on the licence, unless the premises is also a Class A licensed premises.

4.1.4 The retail liquor store licence must be prominently displayed in the liquor sales area at all times. *(Amended Feb 2021)*

4.1.5 On the date Daylight Savings Time takes effect or ends, liquor sales must end before clocks are adjusted and may not re-start until the next business day.

GUIDELINES

4.1.6 Municipalities will notify stores if they must remain closed during municipal elections.

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

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SECTION: PREMISES MANAGEMENT

NUMBER: 4.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LIQUOR PRODUCTS AND PRICING

POLICIES

4.2.1 A retail liquor store shall not possess, keep, sell or provide any liquor product at or from the store which has not been purchased directly from AGLC or from a liquor supplier or liquor agency authorized by AGLC to warehouse and distribute its products, or from other Class D licensees.

4.2.2 *(Deleted Feb 2021)*

4.2.3 *(Deleted Feb 2021)*

4.2.4 Retail liquor stores may set their own retail prices. *(Amended Feb 2021)*

4.2.5 Retail prices must be clearly displayed.

4.2.6 Upon customer request, receipts are to be provided for liquor purchases. *(Amended Feb 2021)*

4.2.7 Liquor products must be sold in sealed containers as supplied by the liquor supplier or liquor agent. Special considerations exist for draught beer and bulk wine sales, including:

a) the cap design should enable the purchaser to demonstrate that the container has not been opened during transportation;

b) available quantities and related prices must be clearly displayed;

c) disposable containers are acceptable, however, a container deposit may become necessary to ensure environmental concerns are addressed; and

d) *(Deleted Feb 2021)*

4.2.8 Wine may only be offered for sale directly to the consumer if the container size has a net quantity of 50ml, 100ml, 200ml, 250ml, 375ml, 500ml, 750ml, 1L, 1.5L, 2L, 3L, or 4L (litres). If a licensee imports a non-standard size wine, it can only be sold to:

a) licensees for the food service industry;

b) special event licensees; or

c) used for promotional purposes (this does not include on-packing or added-value promotions). *(Amended Feb 2021)*

4.2.9 *(Moved to 5.1.5 Feb 2021)*

DATE ISSUED: February 18, 2021 AUTHORITY: Original signed by Len Rhodes

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SECTION: PREMISES MANAGEMENT

NUMBER: 4.3

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: NON-LIQUOR PRODUCTS

POLICIES

4.3.1 A licensee may not sell or provide any non-liquor items except for liquor related products approved by AGLC.

4.3.2 Retail liquor stores are prohibited from selling the following:

a) (Deleted Feb 2023)

b) drinks marketed as having natural health benefits and/or "hangover" cures; and (Amended Feb 2023)

c) branded items of liquor suppliers or liquor agencies.

4.3.3 Non-liquor product sales will be no more than 10% of total dollar sales.

GUIDELINES

4.3.4 A list of the non-liquor items a retail liquor store may sell include the following: (Items not listed are prohibited.)

a) soft drinks, juices, energy drinks and water (maximum size not to exceed 2 litres); (Amended Feb 2023)

b) non-food items used in the preparation of cocktails (e.g. Tabasco sauce, Worcestershire sauce, hot buttered rum mix, mulled wine mixes and spices, hibiscus flowers, margarita rimmers and Clamato rimmers);

c) portable coolers; (Added Apr 2020)

d) ice and ice buckets;

e) de-alcoholized beer, wine, coolers (products that have one (1) % alcohol by volume or less);

f) liquor flasks (design must not be intended to conceal the fact that they may contain liquor), wine containers, decanters, wineskins, wine racks, wine brushes and wine preservers;

g) beer containers, beer can holders/attachable handles;

h) disposable drink containers, coasters, cocktail napkins;

i) glassware (beer mugs, wine glasses, shot glasses);

j) bottle openers, pour spouts, corkscrews, cocktail shakers, stir sticks, straws, wine stoppers, bottle tops; (Added Apr 2020)

k) bottle bags, gift bags, gift boxes, gift wrapping, bottle neck greeting tags, personalized stick on bottle labels;

l) liquor related books, magazines, and videos;

m) bar towels; legal limit breathalysers; and

n) other liquor related products, approved by AGLC beforehand, that are used in the sale, service and consumption of liquor.

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SECTION: PREMISES MANAGEMENT

NUMBER: 4.4

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: MINORS

POLICIES

4.4.1 It is an offence under the GLCA to sell or provide liquor to anyone under 18 years of age. Management and staff of a licensed premises are responsible to ensure liquor is not sold or provided to minors.

4.4.2 No minor may enter a Class D licensed retail liquor store, a hotel off sales room, a manufacturer's off sales room, or a duty free store unless accompanied by a parent, guardian or spouse who is an adult and who is in the licensed premises to purchase liquor for off-premises consumption. *(Amended Dec 2020)*

4.4.3 No minor may work as staff in a Class D licensed retail liquor store, a hotel off sales room, a manufacturer's off sales room, a duty free store; or any other premises where a "minors prohibited" condition has been imposed on the licence.

4.4.4 No minor may sell liquor products in a general merchandise liquor store. *(Added Mar 2021)*

4.4.5 Licensee staff are required to obtain valid identification and verify proof of age whenever a person who appears to be under 25 years of age attempts to buy liquor or to enter the Class D licensed premises unaccompanied by a parent, guardian or spouse who is an adult. If unsatisfied a person is at least 18 years of age, licensee staff must refuse entry or ask the person to leave.

4.4.6 For the purposes of Subsection 4.4.4, valid primary identification must:

a) have a photo;

b) have a name;

c) *(Deleted Nov 2019)*

d) be Government issued;

e) include date of birth;

f) not be expired;

g) have a unique identifier number; and

h) be an original (not a copy).

4.4.7 If the identification appears not to be genuine, licensee staff must request a second piece of identification. Valid secondary identification must:

a) have a name;

b) be Government issued;

c) have a unique identifier number; and

d) include date of birth.

4.4.8 A "No Minors" sign must be posted at all entrances to a licensed premises where minors are prohibited.

4.4.9 Under the supervision of the licensee, a minor may enter a Class D licensed premises to repair or service equipment or furnishings and remain on the premises for the time required to complete the service.

GUIDELINES

4.4.10 Identification should be carefully examined under good lighting and/or a black light should be used to ensure the:

a) photograph is a true likeness and has not been substituted;

b) the plastic laminate has not been tampered with; and

c) the lettering of the name, date of birth and other data have not been altered (lettering that has been altered will show up under a black light).

4.4.11 *(Deleted Nov 2019)*

4.4.12 Licensee staff may telephone police whenever a minor attempts to purchase liquor, is found consuming liquor or is found in a licensed premises where minors are prohibited.

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SECTION: PREMISES MANAGEMENT

NUMBER: 4.5

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: INTOXICATED PERSONS

POLICIES

4.5.1 Licensees and staff are prohibited from providing or selling liquor to anyone who appears to be intoxicated by liquor or a drug.

GUIDELINES

4.5.2 A person who is intoxicated by liquor or under the influence of a drug may:

a) stagger (have an unsteady walk);

b) have poor coordination;

c) slur their words;

d) have bloodshot eyes and/or breath that smells of alcohol;

e) be messy in appearance; or

f) behave in an overly bold, disruptive manner.

4.5.3 If licensee staff is aware an apparently intoxicated person drove to the licensed premises, the staff should suggest the person take a taxi and offer to call for one.

4.5.4 If an apparently intoxicated person leaves a licensed premise and gets into a motor vehicle to drive, licensee staff should note the licence plate number, model and colour of the vehicle and the direction the vehicle is travelling, and notify police immediately.

DATE ISSUED: February 16, 2012 AUTHORITY: Original signed by Marguerite Trussler

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.6

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: STAFFING REQUIREMENTS

POLICY

4.6.1 A retail liquor store must be staffed at all times it is open for business. It cannot be staffed by a person who is working in another adjacent business. *(Amended Feb 2021)*

4.6.2 *(Deleted Feb 2021)*

4.6.3 Retail liquor store owners and employees are prohibited from consuming liquor or being under the influence of alcohol while on duty.

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SECTION: PREMISES MANAGEMENT

NUMBER: 4.7

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: SECURITY

GUIDELINES

(Amended Jun 2021)

4.7.1 It is recommended licensees develop security procedures to deal with any emergency or safety issues that arise at the premises. Recommended security procedures include:

a) maintaining an ongoing product inventory system;

b) placing small, easily pocketed items close to point of sale counters;

c) locking up high value items or placing high value items in locations where access may be restricted to patrons;

d) encouraging staff to greet and make eye contact with all patrons upon entry;

e) requesting that backpacks and bags are left at a suitable place near the entrance of the store or not allowing them in the premises;

f) developing training/programs for staff on armed robberies, break and enters/thefts, shoplifting, physical assault, cash handling procedures, counterfeit currency, fraudulent use of credit cards, customers short-changing clerks, and issuing of *Petty Trespass Act* notices;

g) having Police contact information readily available to staff and reporting all incidents to the Police;

h) not keeping large sums of cash in cash registers or on the premises. Large stores should also consider the use of drop safes and an armoured car service. Post signs stating this policy;

i) maintaining an incident log book to record incidents (thefts, intoxication, minors etc.) and action taken by staff. The log book should include the date, time, type of incident and incident details;

j) ensuring premises staff are easily identifiable by a bright colored shirt, jacket, vest or other suitable garment with the word Staff written across the front or back;

k) ensuring a minimum of two staff in the store at all times;

l) contacting their local Police department and requesting a Crime Prevention through Environmental Design (CPTED) assessment to assist with making their premises safer. CPTED strategies aim to reduce victimization and deter offender decisions that precede criminal acts;

m) charging all individuals apprehended for shoplifting or employees stealing product or cash. Post signs stating this policy;

n) issuing *Petty Trespass Act* notices for all persons caught shoplifting, attempting to shoplift, loitering or being a nuisance; and

o) conducting criminal record checks on all employees or prospective employees (provided by the Police for a fee).

4.7.2 It is recommended staff be educated about the above procedures to provide them a guideline of how to act in the event of an emergency.

4.7.3 It is recommended licensees consider installing video surveillance as follows:

a) video surveillance recording devices and lighting at each entrance and exit of the premises, of sufficient quality to identify facial features of patrons entering the premises.

b) video surveillance recording devices and lighting to provide complete camera/surveillance coverage of patron areas of sufficient quality to identify facial features of patrons and staff;

c) video surveillance be in operation at all times the premises is open for business. Video surveillance recording devices display the date (including day, month, and year) and time, accurately and constantly on the frames of the recordings. The video surveillance recordings be retained for a minimum of 28 days;

d) each video camera be installed in a manner that will prevent the power source from being tampered with;

e) all cameras be linked to video recorders direct or via quad or matrix switchers and be recorded in real time (30 images per second); and

f) digital recording units meet the following minimum standards:

i) the digital video recording device (DVRD) record at 30 images per second per camera with a minimum pixel image common interchange format (CIF) recording;

ii) the DVRD may house a built-in security data container (SDC) or utilize external storage devices or secured cloud storage services;

iii) the DVRD archive recorded data to a CD, DVD, flash drive or a secured cloud storage service in compressed, authenticable format. A viewing or playback tool also be available to review this video, as well as a method for ensuring the authenticity of the video excerpt;

iv) Clearly written/printed signs be prominently displayed to advise of video surveillance equipment locations. Signage be placed such that the public has reasonable and adequate warning that surveillance is, or may be in operation, before entering any area under video surveillance; and

v) video surveillance and recordings need to meet all privacy legislative requirements any other applicable laws.

4.7.4 It is recommended additional crime deterrent measures such as the following be considered:

a) Store access control measures that include:

i) a security alarm system monitored by a security alarm company;

ii) height markers at all entrances and exits to allow for easy determination of height of a culprit in the case of a criminal proceeding;

iii) entrances and exits equipped with an audible tone or pager to alert staff when someone enters the premises so they can be greeted upon entry;

iv) ensuring customer access to the store is limited to the store front and is visible from the street, shopping centre parking lot or mall access;

v) in buildings with neighbouring tenants, floor to ceiling solid wall construction, especially where ceiling tiles are used (to prevent access from an adjoining business);

vi) window protective systems (aluminum shutters or bars);

vii) using deadbolt locks; and

viii) installing telephones and panic buttons in the cash register area and issuing remote panic buttons to staff;

b) ample windows and interior/exterior lighting to allow surveillance from the street. It is strongly recommended that licensees keep windows clear of coverings (including exterior landscaping and foliage) to allow clear visibility into the premises;

c) all customer parking areas be in front of buildings and be well lit;

d) public telephones and benches are not located in or near stores as they may attract loiterers, panhandlers, juveniles, prostitutes or drug dealers;

e) product racks not be so high as to restrict visibility and aisles remain free of any barriers that obstruct visibility;

f) vestibule spaces are highly recommended to create an additional layer of protection;

g) cash registers be at the front of the store. This will increase the perceived risk to an offender if he/she is greeted by the clerk immediately;

h) loading bays :

i) be constructed at truck deck (as opposed to ground) height to prevent forced entry; or

ii) have eight inch diameter cement filled steel tubes strategically placed around loading areas and areas where glass windows extend below truck deck height; and

iii) have steel (not wood) drop bars behind all loading doors to deter entry by prying;

i) theft prevention signage that displays:

i) security prevention methods in place;

ii) commitment to prosecute all thefts; and

iii) possible fines and sanctions.

j) identification entry systems:

i) using a magnetic lock entry system with an ID scanner at the front entrance vestibule to allow only people with valid ID to enter would assist with:

– incidents of theft, violence or otherwise unacceptable behavior, in or around the licensed premises.

– attempts by minors to enter the licensed premises.

Note: Pursuant to Section 69.2(1) of the GLCA, only a patron's name, age and photograph may be collected and used for the purpose of crime prevention and public safety. For more information on the collection, storage and disclosure of personal information see Guidelines for Licensed Premises: Collecting, Using and Disclosing Personal Information of Patrons at the OIPC website at www.oipc.ab.ca or contact the OIPC at 403-297-2728 or 1-888-878-4044. (Amended May 2022)

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.8

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: GIFT BASKETS/GIFT CERTIFICATES

POLICIES

4.8.1 A retail liquor store may offer gift baskets for sale provided the contents of the baskets are limited to liquor and authorized non-liquor product items.

4.8.2 A retail liquor store may offer gift certificates for sale.

4.8.3 *(Moved to 7.4.4 Feb 2021)*

4.8.4 *(Deleted Feb 2021)*

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.9

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: CHARITABLE ACTIVITIES/CAMPAIGNS

POLICIES

4.9.1 A retail liquor store may allow charitable organizations to conduct fund raising activities within the premises (premises includes areas where liquor is sold and stored, entrances, exits, hallways, etc.) as follows:

a) the selling of non-food items, which are recognized as part of a large national campaign, either through honour boxes or personal attendant supplied by the organization, such as:

i) Royal Canadian Legion Poppy Fund;

ii) Salvation Army Christmas Kettles;

iii) daffodil sales by Cancer Society; and

iv) S.P.C.A. lapel pins;

b) displaying cash boxes for cash donations;

c) food and gift bank depositories; and

d) the selling of raffle tickets by a personal attendant of the organization.

4.9.2 (Deleted May 2020)

GUIDELINES

4.9.3 A retail liquor store may allow all types of charitable activity to take place outside the store premises.

DATE ISSUED:	May 11, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.10

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: LIQUOR/FOOD SERVICE

POLICIES

4.10.1 A retail liquor store operator must not permit free liquor to be offered or given to a customer except for sealed bottles of liquor as a prize (see Subsection 7.4.1) or for legitimate tasting purposes (see Subsection 7.5).

4.10.2 Apart from tastings of liquor the only other occasion at which liquor may be served or consumed in a retail liquor store is during customer appreciation, anniversary or grand opening of the retail liquor store. The liquor may only be served to customers of legal drinking age.

4.10.3 A retail liquor store must not set aside an area in the liquor store to be presented as a place where liquor may be consumed in a leisurely manner (for example, as a bar or lounge).

4.10.4 Food, snacks or other edible products may only be offered in a retail liquor store:

a) during a customer appreciation, anniversary or grand opening of the retail liquor store; or

b) as part of a liquor tasting. The Class D licensee must provide, solely at its cost, the allowed food items (see Subsection 7.5). *(Amended Mar 2018)*

4.10.5 *(Moved to 7.5.11 Feb 2021)*

4.10.6 *(Moved to 7.5.12 Feb 2021)*

4.10.7 *(Deleted Feb 2021)*

4.10.8 *(Moved to 4.2.8 Feb 2021)*

DATE ISSUED: February 18, 2021 AUTHORITY: Original signed by Len Rhodes

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.11

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: DELIVERY SERVICE

POLICIES

4.11.1 Liquor delivery is subject to the following conditions:

a) Liquor must only be delivered to locations where liquor possession and consumption is legal (i.e., a private residence, temporary residence or office).

b) The delivery person must be at least 18 years of age and either be: *(Amended Dec 2020)*

i) the licensee;

ii) staff of the licensee, including contracted staff, whose actions are the responsibility of the licensee; or

iii) *(Deleted May 2024)*

iv) a delivery service licensee. If a store contracts with an individual or company (e.g. taxi) to deliver orders, that party must have a delivery service licence and only deliver to locations within Alberta. The store must demand proof that a licence is in effect. *(Amended May 2024)*

c) Liquor may be delivered by a common carrier (see Subsection 1.2.1). *(Added Feb 2024)*

d) Liquor must not be delivered to a minor or intoxicated person.

e) When an order is to be delivered to an individual who appears to be under age 25, the delivery person must check photograph identification (see Subsection 4.4.).

4.11.2 A liquor order must leave the retail liquor store during the maximum hours of operation, (9:00 a.m. to 2:00 a.m.); however, an additional 30 minutes is permite d for delivery. *(Amended Dec 2020)*

GUIDELINES

4.11.3 Retail liquor store operators may provide a delivery service.

4.11.4 A fee may be charged for delivery services.

4.11.5 The store may deliver more than one order at a time.

4.11.6 Delivery services exclusively to other licensees may commence at 7:00 a.m., any day of the week.

DATE ISSUED:	May 10, 2024	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PREMISES MANAGEMENT
NUMBER:	4.12

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: COLLECTION OF PERSONAL INFORMATION

POLICIES

4.12.1 Pursuant to Section 69.2(1) of the GLCA, a licensee may, but is not required to, collect a patron's name, age and photograph. No other information may be collected. The collection of this information may only be used for the purpose of crime prevention and public safety. (Amended May 2022)

4.12.2 Licensees must comply with privacy legislation and guidelines established by the Office of the Information and Privacy Commissioner (OIPC). For more information on the collection, storage, and disclosure of personal information please visit www.OIPC.ab.ca or contact the OIPC at 1-888-878-4044. (Amended May 2022)

DATE ISSUED:	May 19, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.1

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 2**

SUBJECT: GENERAL INFORMATION

POLICIES

5.1.1 AGLC is the sole importer of liquor into Alberta. All liquor offered for sale in a licensed premises must be purchased by the licensee from one of the following AGLC-approved sources:

a) St. Albert warehouse (i.e., Connect Logis cs Services Inc.);

b) a liquor supplier or liquor agency authorized to warehouse and distribute products (e.g., domes c brewery); or

c) a Class D retailer authorized to sell to licensees (i.e., retail liquor store, general merchandise liquor store, general off sales).

5.1.2 A licensee must keep a record of all liquor purchases (i.e., invoices and receipts) to prove the source of all liquor in the licensed premises.

5.1.3 *(Deleted Dec 2020)*

5.1.4 Two (2) or more licensees may consolidate their orders (i.e., place their orders together) to sa sfy minimum order requirements. The following condi ons apply:

a) A consolidated order must refer to only one (1) licence number and be shipped on one (1) bill of lading.

b) The licensee placing the order is responsible for full payment.

c) Once the licensee who placed the order receives it, the products may be distributed to other par cipa ng licensees.

d) The licensee who received the order is authorized to collect payment from other par cipa ng licensees for the wholesale price of their products, plus any por on of the freight costs.

Non-Beverage Liquor Products

5.1.5 A retail liquor store may sell cooking wines, cooking liquors, stomach/cocktail bi ers and herbal beverages provided the products are purchased as stated in 5.1.6 and 5.1.7 below. *(Amended Feb 2021)*

5.1.6 A Class D licensee may purchase the following liquor products directly from suppliers or distributors:

a) cooking wines containing 20% or less alcohol by volume and a minimum of 1.5 grams of salt per 100 ml;

b) cooking liquors containing 20% or less alcohol by volume not considered drinkable by AGLC;

c) stomach/cocktail b ers containing 20% or less alcohol by volume, or stomach/cocktail b ers of higher alcohol content sold in containers of 200 ml or less; and

d) herbal beverages containing 20% or less alcohol by volume.

5.1.7 A Class D licensee must purchase the following products from an AGLC-approved source:

a) cooking wines and spirits containing more than 20% alcohol by volume;

b) cooking wines and spirits containing 20% or less alcohol by volume and considered drinkable by AGLC;

c) stomach/cocktail b ers containing more than 20% alcohol by volume and sold in containers larger than 200 ml; and

d) herbal beverages containing more than 20% alcohol by volume.

5.1.8 *(Deleted Dec 2020)*

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SECTION: LIQUOR PURCHASES AND RETURNS

NUMBER: 5.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LIQUOR PURCHASES

GUIDELINES

5.2.1 *(Deleted Nov 2022)*

5.2.2 To place an order with Connect Logistics Services Inc. (CLS), or for information about its order days, minimum order quantities, product pickup and delivery, contact CLS during regular business hours: *(Amended Nov 2022)*

Hours: 8 a.m. – 4: 30 p.m. Monday through Friday
8 a.m. – 3:30 p.m. Sunday

Phone: 1-800-265-6784 toll-free across Alberta, or
780-418-6500 in the Edmonton area

Fax: 1-800-727-8960 toll-free across Alberta, or
780-458-8588 in the Edmonton area

5.2.3 Orders may also be placed through the CLS website (www.liquorconnect.com). To register for online services, call CLS at 1-800-265-6784.

5.2.4 Licensees may order brewery products from AGLC as follows:

a) To order Molson or Labatt beer, contact Brewers Distributor Ltd.:

Calgary and area 403-531-1080

Province-wide 1-800-661-2337

b) To order Big Rock beer, contact Big Rock Brewery:

Edmonton and area 780-413-6677

Calgary and area 403-720-3239

Red Deer & south 1-800-242-3107

North of Red Deer 1-800-381-4682

Fax 403-236-7523

c) To order Sleeman products, contact the Sleeman Distribution Centre:

Province-wide 1-888-517-8764

Fax 1-888-517-8760

(moved from 5.3.1 Nov 2022)

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.2

SUBJECT: LIQUOR PURCHASES

5.2.5 Licensees may also order product from Class E breweries, wineries and distilleries. Manufacturers' contact information can be located on AGLC's website using Search Liquor Licensees. Select 'Licensee Class', 'Class E' and 'Search'. (moved from 5.3.1.1 Nov 2022)

5.2.6 The following information is required to place an order:

a) name of licensed retail outlet;

b) AGLC licence number;

c) 6-digit product code for each item ordered (see the Liquor Wholesale Price list); and

d) quantities required (full case).

5.2.7 Retail Liquor Stores may sell to or purchase liquor from any authorized Class D retailer. Prices and quantities purchased are negotiable between the purchaser and the retailer. (moved from 5.4.1 and 5.4.2 Nov 2022)

5.2.8 Pricing information is available on AGLC'S website (aglc.ca). *(Amended Nov 2022)*

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.3

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: PURCHASES FROM CLASS E MANUFACTURERS

(Deleted Nov 2022)

Please see Section 5.2 for information regarding liquor purchases from Class E Manufacturers.

DATE ISSUED:	November 29, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.4

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: PURCHASES FROM CLASS D RETAILERS

(Deleted Nov 2022)

Please see Section 5.2 for information regarding liquor purchases from Class E Manufacturers

DATE ISSUED:	November 29, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.5

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: PURCHASES FROM A PRIVATE PARTY OR ESTATE

POLICIES

5.5.1 In exceptional circumstances, a retail liquor store may purchase liquor products from a private party or an estate. The retail liquor store licensee must obtain approval in writing from AGLC before making the purchase.

5.5.2 AGLC will approve this type of purchase only if it can be proven that the liquor products were initially purchased legally in Alberta.

DATE ISSUED:	February 16, 2012	AUTHORITY:	Original signed by Marguerite Trussler

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.6

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: ABSOLUTE/ETHYL ALCOHOL

POLICIES

5.6.1 *(Deleted Feb 2021)*

5.6.2 Retail liquor stores are not permitted to stock or sell absolute alcohol or ethyl alcohol. *(Amended Feb 2021)*

GUIDELINES

5.6.3 Inquiries received at a retail liquor store for the purchase of absolute alcohol are to be referred to AGLC. *(Amended Feb 2021)*

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.7

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: LIQUOR COST AND PAYMENT

POLICIES

5.7.1 Liquor cost to a licensee must be based on product prices at the time the order is placed.

5.7.2 Payment must be warehouse-specific, with a separate transaction for each order placed under a specific licence number.

5.7.3 Payment must be confirmed before an order is released to a licensee. The following forms of payment are acceptable:

a) certified cheque;

b) bank draft;

c) bank money order;

d) *(Deleted Nov 2022)*

e) online electronic payment through AGLC approved financial institutions (see list on aglc.ca); and *(Added Nov 2022)*

f) Third Party Payment Processor approved by AGLC (see aglc.ca).

5.7.4 *(Deleted Nov 2022)*

5.7.5 No form of credit is extended.

5.7.6 If for any reason a payment is rejected or reversed by the bank: *(Amended Nov 2022)*

a) any outstanding orders will not be released to the licensee, nor will the licensee be allowed to place any further orders until the amount owing is paid by approved payment method; and *(Amended Nov 2022)*

b) the licensee must pay any service charges determined by AGLC.

GUIDELINES

5.7.7 Repeated payment problems may result in licence suspension.

DATE ISSUED:	November 29, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.8

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: REFUNDS FOR DELIVERY PROBLEMS

(Deleted Dec 2020)

Please see the Connect Logistics Services Retail Handbook for information regarding refunds for delivery problems.

DATE ISSUED:	December 14, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.9

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: REFUNDS FOR FAULTY PRODUCT

POLICIES

5.9.1 Licensees that purchase products directly from AGLC through the Central AGLC Authorized Warehouse may request a refund from AGLC for faulty product. Faulty product includes:

a) a sealed bottle(s) which:

i) is partially filled;

ii) has a damaged cap or cork; or

iii) is contaminated with a foreign material;

b) bottle(s) that are missing from a sealed case, with no imprint in the case; and

c) faulty products included in a) or b) above and returned due to a customer complaint.

(Amended July 2023)

5.9.2 AGLC validates all faulty product claims.

5.9.3 Faulty product claims will be automatically deducted from consignment payments based on the product's duty paid price (invoice price plus any applicable customs duty/excise duty).

5.9.4 A claim for a refund must be received by AGLC within 30 days of product delivery, except for products returned by customers. Customer returns may be refunded up to one (1) year from the date of invoice. A return receipt is required for a faulty product return from a customer. If a product has been discontinued AGLC may decline to provide a refund. *(Amended July 2023)*

5.9.5 Requests for refunds beyond 30 days, excluding product returned by customers, will be allowed if the claim request includes written approval from the liquor agent.

5.9.6 Faulty bottles, and cases that are missing bottles, must be kept by the licensee until AGLC approves disposition.

5.9.7 Faulty products approved for credit by AGLC must immediately be destroyed. The product must not be made available for resale.

5.9.8 A licensee is authorized to destroy faulty liquor products under the following conditions:

a) the faulty product claim has been approved and AGLC provides written consent to destroy the faulty liquor product;

b) the product destruction is performed by an employee of the licensee on the licensed premises and in the presence of at least one witness; and

c) the product and destruction process is clearly visible in a video recording and retained for a minimum of 90 days.

(Added July 2023)

5.9.9 Refund amounts are based on the original wholesale price paid by the licensee to AGLC.

5.9.10 Licensees purchasing product from a retail liquor store must report faulty product claims to the retailer. The retailer may then initiate a claim with AGLC for those products purchased directly from AGLC.

5.9.11 Faulty kegs returned to a warehouse are assessed by AGLC. Only kegs at least 80% full by weight are eligible for refund. *(Amended July 2023)*

5.9.12 *(Deleted July 2023)*

5.9.13 *(Deleted Dec 2020)*

5.9.14 When AGLC issues a product recall, the licensee must immediately suspend sales of these products and remove them from store shelves. *(Amended Dec 2020)*

5.9.15 Licensees must deal with the recalled product as directed by AGLC, which may include returning it to the warehouse for a full refund.

GUIDELINES

5.9.16 To make a claim for refund, a licensee must complete a Faulty Product Claim Request form. The form can be found at aglc.ca. Completed forms must be sent to FaultyProduct@aglc.ca.

5.9.17 *(Deleted Dec 2020)*

5.9.18 *(Deleted Dec 2020)*

5.9.19 Refund claims are normally processed within 30 days of receipt of the claim, even if not validated by AGLC within that timeframe. However, the licensee must keep all bottles and cases listed on the form until AGLC approves disposition. Should any of the product be missing or otherwise ineligible, the licensee will be required to repay the refund.

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.9

RETAIL LIQUOR STORE HANDBOOK

PAGE 3 OF 3

SUBJECT: REFUNDS FOR FAULTY PRODUCT

5.9.20 Product analysis by AGLC for faulty product claims may be required.

5.9.21 If a product listed on a Faulty Product Claim Request is ineligible for refund, AGLC will advise the licensee and explain why. *(Amended Dec 2020)*

5.9.22 Dry breaks (no product spilled) should not be reported on a Faulty Product Claim Request form. Compensation for dry breaks is automatically processed each year, based on the licensee's purchases the previous year. Payment is made to each licensee to a maximum allowed in the Operating Guidelines (0.005% of wholesale purchases). Compensation for less than $5 and compensation to terminated licensees will not be issued. *(Amended Dec 2020)*

Products Causing Illness

5.9.23 Customer allegations of injury or illness resulting from a faulty product must be reported immediately to AGLC Product and Pricing Department:

Alberta Gaming, Liquor and Cannabis
50 Corriveau Avenue
St. Albert, Alberta T8N 3T5
Attention: Product and Pricing
Telephone: 780-447-8832
Email: Product@aglc.ca

DATE ISSUED:	July 6, 2023	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.10

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: EMPTY CONTAINER RETURNS

POLICIES

5.10.1 AGLC does not require retail liquor stores to accept containers for refund.

GUIDELINES

5.10.2 Empty beverage container returns in Alberta are governed by the Beverage Container Management Board (BCMB), a body delegated authority by *the Environmental Protection and Enhancement Act* to administer the Beverage Container Recycling Regulation.

5.10.3 *(Deleted Dec 2020)*

5.10.4 *(Deleted Dec 2020)*

5.10.5 *(Deleted Dec 2020)*

5.10.6 *(Deleted Dec 2020)*

5.10.7 *(Deleted Dec 2020)*

5.10.8 *(Deleted Dec 2020)*

5.10.9 For information on operating a container return depot, contact:

Beverage Container Management Board
Edmonton, AB. T6A 3M1
Phone: 780-424-3193
Toll Free: 1-888-424-7671
Fax 780-428-4620
bcmb.ab.ca
(Amended Dec 2020)

DATE ISSUED:	December 14, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.11

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: CUSTOMER RETURNS

POLICIES

5.11.1 A retail liquor store must accept full resalable containers of liquor returned for refund by a special event licensee, if the product was purchased at that retail liquor store. The customer must present a copy of the Special Event Licence (SEL) used at the event. A restocking fee may be charged. *(Amended Nov 2017)*

GUIDELINES

5.11.2 Retail liquor stores may accept full resalable containers of liquor sold to the general public and returned for refund.

5.11.3 Retail liquor stores may use the following as a guide for determining whether or not a returned product is in sellable condition:

a) closures are not weak, loose or damaged;

b) seal strips are intact;

c) label on bottle is intact; or

d) bottle is not cracked.

Note: This list is not exhaustive and store operators may use their discretion in determining whether the product is sellable or may have been damaged or tampered with

DATE ISSUED:	November 29, 2017	AUTHORITY:	Original signed by Gael MacLeod

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.12

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: PRODUCT RETURNS

POLICIES

5.12.1 Product Returns are allowed for the following reasons:

a) recalled product (either issued by the Canadian Food Inspection Agency, AGLC or the liquor agency);

b) stale-dated product (**Note**: stale-dated product refers to a product that has surpassed a "best before" date or "stale-date" indicated on the product label and/or container. Stale-dated does not refer to older/out-dated vintages of wine); or

c) faulty product.

5.12.2 Return of inventory to CLS for reasons other than outlined in 5.12.1 will not be allowed.

GUIDELINES

Returns to CLS:

5.12.3 The agency is responsible for approving all product returns from licensees. If the liquor agency approves a return, the agency must provide written authorization to CLS Customer Service. The authorization must specify which party (either the liquor agency or the licensee) will be responsible for the freight and re-stocking charges. Re-stocking charges apply even if the product will be returned to the supplier or destroyed. *(Amended Feb 2021)*

5.12.4 Once the agency has provided written authorization, CLS Customer Service will make arrangements for completion of a CLS Product Return Authorization form and the actual return of the product.

Returns from Other Warehouses

5.12.5 The supplier is responsible for approving all product returns from licensees.

5.12.6 Licensees must comply with each supplier's specified procedures.

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.13

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: PERSONAL IMPORTATION OF LIQUOR

GUIDELINES

5.13.1 Pursuant to section 89 of the Gaming, Liquor and Cannabis Regulation, an adult may import liquor purchased in a province or territory other than Alberta for personal use and consumption in Alberta in accordance with this policy:

a) An adult may bring liquor into Alberta from another province or territory in any quantity for personal use if the liquor is:

i) in the direct possession of the individual; or

ii) as part of the individual's baggage, where the individual and individual's baggage are being carried on board the same vehicle, aircraft, boat, or other conveyance.

b) An adult may cause liquor to be brought into Alberta from another province or territory in any quantity in the following manner:

i) contact a Class D (Retail Liquor Store) licensee and request that the product be brought into Alberta and the quantity desired; or

ii) contact a registered liquor agency and request that the product be brought into Alberta and the quantity desired.

Note: There are no minimum or maximum quantity requirements.

5.13.2 For the purposes of Subsection 5.13.1b) i) above, a Class D licensee, requested by an adult to bring a product into Alberta may contact a registered liquor agency to arrange for the importation, or refer the adult to another retail liquor store licensee or directly to an agency to make the arrangements.

5.13.3 Product imported pursuant to Subsections 5.13.1b) i) or 5.13.1b) ii) may be picked up from, or delivered by, the retail liquor store licensee to the adult who ordered it.

5.13.4 *(Deleted Feb 2021)*

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LIQUOR PURCHASES AND RETURNS
NUMBER:	5.14

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: FUTURES

POLICIES

5.14.1 In this section, Futures are defined as liquor products which are purchased by a liquor agency a minimum of 12 months prior to being bottled. Liquor Agency Futures Deposits (LAFD) are the deposits received from licensees for payments made by agencies to liquor manufacturers, or their representatives, for Futures products.

5.14.2 Licensees may pay a LAFD amount to an agency for Futures.

5.14.3 When registering the Futures product the agency must provide an invoice price which includes the LAFD received from the licensees. Due to the nature of Futures products, price changes will be allowed to be made as required, rather than on the normal bi-weekly basis.

5.14.4 When registering the Futures product, the agency must provide AGLC with a list of the LAFDs paid by all licensees for each product code. The following information is required by licensee:

a) licence number;

b) product code;

c) number of cases of each product code allocated to this licensee;

d) LAFD amount per case for each product code, which must be in whole dollars; and

e) total LAFD amount for each licensee for each product code [must agree to c) and d) above].

5.14.5 As is standard procedure, licensees will pay AGLC for the product when purchased. The payment will equal the wholesale amount less the LAFD paid to the agency.

5.14.6 Through the consignment payment process, AGLC will pay the agency its price, less the LAFD paid by each licensee.

5.14.7 The onus is on the agency to provide complete and accurate data on the LAFD received from licensees. AGLC will not be responsible for assuming any financial liability due to incomplete or inaccurate submissions. Any disagreements in the amount of the deposits paid by the licensee or received by the agency must be resolved between the two parties.

DATE ISSUED:	March 18, 2014	AUTHORITY:	Original signed by Marguerite Trussler

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SECTION: **ADVERTISING**

NUMBER: **6.1**

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: GENERAL INFORMATION

POLICIES

6.1.1 For all of Section 6,

a) "advertising" means the use of media to communicate a message to an audience through words, audio and/or visuals. It is communicated through various mass media, including but not limited to:

i) traditional media such as television, radio, newspapers, magazines, outdoor advertising, flyers, billboards, transit shelters, inflatables, commercial and corporate vehicles or direct mail; and

ii) new media, including but not limited to digital and social media advertising, organic social media posts on newsfeeds and/or profiles, email, search results, blogs, websites or short message service (SMS);

(Amended Aug 2019)

b) "liquor agency" includes all associated shareholders, directors, management, agents and employees of liquor agencies and suppliers; and

c) "records" are electronic or paper documents that summarize a transaction and include the documents to support these transactions. These documents include, but are not limited to, financial statements, invoices, receipts, vouchers, contracts, cancelled cheques, credit card receipts and emails. *(Added Apr 2016)*

6.1.2 A liquor agency, a licensee or a third party acting on their behalf (i.e., marketing company) may advertise in any medium not specifically prohibited, as long as the advertising complies with these policies, the Canadian Radio-t and Telecommunications Commission (CRTC) and any other regulator with jurisdiction.

6.1.3 All advertising must be:

a) accurate and verifiable; and

b) within the limits of good taste and propriety (i.e., not offensive to the general population).

6.1.4 Advertising must not:

a) *(Deleted Nov 2022)*

b) encourage non-drinkers to consume liquor;

c) promote irresponsible liquor consumption or service;

d) show heavy or prolonged liquor consumption;

e) give the impression liquor benefits a person's health;

f) disparage (put down) another company, business or product. *(Amended Nov 2022)*

6.1.5 Minors:

a) Advertising must not appeal to minors or be placed in any medium targeted specifically at minors.

b) No minor or anyone who may reasonably be mistaken for a minor may appear in advertising for a liquor product.

c) *(Deleted Nov 2022)*

d) The use or imitation of children's fairy tales, jingles, nursery rhymes, songs, musical themes or fictional characters from children's books is prohibited in liquor advertising.

6.1.6 A product endorsement by well-known personality or look-a-like should not imply that drinking liquor contributed to their success.

6.1.7 *(Deleted Feb 2021)*

6.1.8 Co-operative advertising (advertising by licensees that includes the specific mention of liquor manufacturers/suppliers/agencies), is permitted under the following conditions: *(Amended Apr 2016)*

a) the licensee must pay all costs pertaining to the advertising; and

b) all records for advertising must be kept by the licensee for a period of two years and provided to AGLC on request.

6.1.9 A liquor agency is not allowed to pay any advertising costs for a licensee, either directly or indirectly.

6.1.10 *(Deleted Jul 2022)*

6.1.11 *(Deleted Dec 2020)*

SECTION:	ADVERTISING
NUMBER:	6.1

SUBJECT: GENERAL INFORMATION

GUIDELINES

6.1.12 Advertising which promotes the responsible consumption of liquor (i.e., legal, moderate and safe) is highly recommended and supported by AGLC.

6.1.13 *(Deleted Dec 2020)*

6.1.14 References to brand advertising do not apply to Special Event licensees.

6.1.15 Corporate or brand identification may be used in public service or community advertising.

6.1.16 *(Deleted Dec 2020)*

6.1.17 A licensee and a manufacturer of non-liquor products may advertise jointly, as long as the advertising complies with Section 6 policies.

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SECTION: ADVERTISING

NUMBER: 6.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: ADVERTISING BY CLASS D LICENSEES AND DUTY FREE STORES

POLICIES

6.2.1 *(Deleted Feb 2021)*

6.2.2 Comparative price advertising is allowed. *(Amended Feb 2021)*

6.2.3 Brand advertising is acceptable, with the following conditions:

a) the licensee must receive permission in advance from the liquor supplier (or whoever owns/controls the brand identification) to use the brand logo, typeset or trademark; and

b) the licensee may not request or receive any benefit (money or other) from a liquor supplier for advertising its brands.

6.2.4 A licensee who also owns or operates another company or business may not:

a) conduct common/joint advertising featuring both business interests in the same advertising (joint advertising); or

b) use one business to promote the other (cross-market advertising/promotions) with the exception of loyalty programs. *(Amended Feb 2021)*

6.2.5 *(Deleted Dec 2020)*

6.2.6 The restrictions of Subsection 6.2.4 also apply to any retail liquor store which uses the trade mark name of another business or company not owned or operated by the licensee.

6.2.7 Class D liquor delivery service advertising must not promote the use, sale or consumption of liquor.

6.2.8 *(Deleted Feb 2021)*

DATE ISSUED: February 18, 2021 AUTHORITY: Original signed by Len Rhodes

SECTION:	ADVERTISING
NUMBER:	6.3

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: ADVERTISING BY SPECIAL EVENT LICENSEES

(Deleted Dec 2020)

Please see the Special Event Licence Policies and Guidelines at aglc.ca for policies regarding Advertising by Special Event Licensees.

DATE ISSUED:	December 14, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	ADVERTISING
NUMBER:	6.4

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: ADVERTISING CONTENT RESTRICTIONS

(Deleted Dec 2020)

Please see the Liquor Agency Handbook and Section 6.1 of the Retail Liquor Store Handbook for Advertising Content Restrictions.

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SECTION: ADVERTISING

NUMBER: 6.5

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: SPONSORSHIPS

POLICIES

6.5.1 Sponsorship may only involve a publicly advertised contest (see Subsection 6.5.3) or the donation of cash or non-liquor merchandise, a trophy and/or a prize by a licensee, agency or supplier, directly to an event or team. Donations to licensees are not permitted. *(Amended Mar 2024)*

6.5.2 *(Deleted Mar 2024)*

6.5.3 Sponsorship or co-sponsorship of a publicly advertised contest is allowed with the following restrictions:

a) participation in a contest or raffle must not be conditional on the purchase or consumption of liquor;

b) a contest sponsored by a liquor supplier must be directed only towards persons of legal drinking age; and

c) if the contest is conducted on licensed premises, the licensee must also comply with Subsection 7.7.1

6.5.4 *(Deleted Feb 2021)*

6.5.5 *(Deleted Mar 2024)*

6.5.6 *(Deleted Mar 2024)*

6.5.7 *(Deleted Mar 2024)*

6.5.8 *(Deleted Mar 2024)*

6.5.9 *(Deleted Dec 2020)*

6.5.10 *(Deleted Mar 2024)*

GUIDELINES

6.5.11 *(Deleted Mar 2024)*

6.5.12 Items displaying a corporate or brand logo may be donated to a registered charity for use as give-aways and raffle prizes.

SECTION:	ADVERTISING
NUMBER:	6.6

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: TRADE SHOWS

POLICIES

6.6.1 Participation in a trade show may be undertaken with a display booth. The following conditions apply: *(Amended Feb 2021)*

a) Participation in a trade show may be advertised. *(Amended Feb 2021)*

b) The display booth may advertise liquor and related products and staff may wear promotional clothing. Promotional and educational materials may be given away.

c) Tastings may be sold or provided as long as the conditions specified in Sections 7.5.1 and 7.5.2 are followed. *(Amended Feb 2021)*

d) *(Deleted Feb 2021)*

6.6.2 A retail liquor store may apply to sell liquor at a non-liquor industry trade show for off premises consumption. The licensee must obtain AGLC approval in advance, and meet all conditions of the approval.

GUIDELINES

6.6.3 A licensee participating in a trade show must also comply with the trade show operator's requirements for display booths and liquor tastings.

6.6.4 *(Deleted Feb 2021)*

SECTION:	ADVERTISING
NUMBER:	6.7

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: MARKET RESEARCH

(Deleted Dec 2020)

Please see the Liquor Agency Handbook at aglc.ca for policies regarding Market Research.

DATE ISSUED:	December 14, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	ADVERTISING
NUMBER:	6.8

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: HOSTING NO SALE FUNCTIONS

(Deleted Dec 2020)

Please see the Liquor Agency Handbook at aglc.ca for policies regarding Hosting No Sale Functions.

DATE ISSUED:	December 14, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PRODUCT PROMOTION
NUMBER:	7.1

RETAIL LIQUOR STORE HANDBOOK

PAGE 1 OF 1

SUBJECT: GENERAL INFORMATION

POLICIES

7.1.1 For all of Section 7:

a) "Product Promotion" means activities within licensed premises designed to encourage the sale of specific brand(s) of liquor.

b) "liquor agency" includes all associated shareholders, directors, management, agents, and employees of liquor agencies and suppliers; and

c) “records” are electronic or paper documents that summarize a transaction and include the documents to support these transactions. These documents may include, but are not limited to, financial statements, invoices, receipts, vouchers, contracts, cancelled cheques, credit card receipts, and emails. *(Amended Jul 2022)*

7.1.2 A product promotion must not encourage the irresponsible use, consumption or service of liquor.

7.1.3 A licensee may participate in a liquor agency’s local, regional, provincial or national corporate or brand promotion, with the following conditions:

a) Product promotions must be directed to consumers or patrons of a licensed premises, with the exception of tasting (see Subsection 7.5) and sampling (see Subsection 7.6).

b) The promotion must take place in a licensed premise.

7.1.4 *(Deleted Nov 2022)*

7.1.5 A product promotion may be co-sponsored by a third party.

7.1.6 As per Section 85 of the GLCR, product promotions not specifically addressed in Section 7 require the prior approval of AGLC. *(Amended Jul 2022)*

DATE ISSUED:	November 29, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PRODUCT PROMOTIONS
NUMBER:	7.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: PROHIBITED INDUCEMENTS AND BENEFITS

POLICIES

7.2.1 A liquor agency is prohibited from directing any promotional activity or items to a licensee that could directly benefit the licensee or their staff, and a licensee may not request or accept any such inducements.

7.2.2 Licensees are prohibited from asking for or receiving items of value from an agency as an inducement to stock an agency's product, provide improved shelf positioning to an agency's brand of liquor or for any other consideration.

7.2.3 A liquor agency is prohibited from participating in any way in a licensee's customer loyalty program, and a licensee may not request that a liquor agency participate in such a program.

7.2.4 To increase awareness, knowledge or information of a liquor agency's products or brand of products, an agency may pay the following education-related expenses for a licensee.

a) direct-route transportation, meals and accommodation to a winery, brewery or distillery or any other place the agency owns, represents or has an interest;

b) registration fees for conferences, seminars, workshops related to an agency's products; and

c) dinners/events designed to increase awareness of the liquor agency's products.

(Amended Jul 2022)

7.2.5 A liquor agency is prohibited from paying for a licensee's activities that are recreational or leisurely in nature. *(Amended Jul 2022)*

7.2.6 A liquor agency may not offer or provide to a licensee:

a) cash, rebates, coupons or credits of any monetary value;

b) a deposit into any account held by the licensee, directly or indirectly;

c) free liquor products, other than for sampling purposes as specified in Section 7.6; or

d) compensation for expenses related to:

i) interior decorating (e.g., painting, draperies, carpeting, decor), renovations or maintenance to a licensed premises, or any other property owned, rented or leased by a licensee or anyone directly or indirectly involved with the licensee;

ii) furniture, kitchen and bar equipment, or fixtures (except racks noted in Subsection 7.2.11b);

iii) refrigeration or dispensing equipment (exceptions for refrigerators noted in Subsection 7.2.11a); dispensing equipment in 7.2.12 and tap handles in 7.2.14) or

iv) *(Deleted Feb 2021)*

v) other items considered essential to operating a licensed premises, including building infrastructure and utilities.

7.2.7 A liquor agency may provide interior signs displaying the agency's brand to licensees. However, an agency is not permitted to provide signs that display the licensee's business name or signs necessary for the operation of the business (e.g. entry/exit signs and bathroom signs).

7.2.8 A liquor agency may offer a licensee tickets to sporting, cultural or entertainment events, with the following conditions:

a) tickets must be for events not normally paid for by the licensee; and

b) *(Deleted Jul 2022)*

c) no season tickets may be provided.

7.2.9 A liquor agency may pay for live entertainment at a licensee's premises. The agency shall pay for the entertainment directly, not through the licensee. *(Added Jul 2022)*

7.2.10 *(Deleted Dec 2020)*

7.2.11 Liquor agencies may provide a Class D Retail Liquor Store licensee with promotional refrigeration and racking that is portable and standalone. The following specifications regarding the equipment must be met:

a) Refrigerators:

i) a maximum size of 12 cubic feet;

ii) a maximum of two refrigerators from one particular agency;

iii) a maximum of four, agency-provided refrigerators in a licensed premises;

iv) ownership of the refrigerators must remain with the agency(s); and

v) services associated with the installation or maintenance of the refrigerators (i.e. electrical and power) must be the sole responsibility of the licensee.

b) Racks:

i) a maximum size of 36 inches x 48 inches x 72 inches;

ii) *(Deleted Jul 2022)*

iii) a maximum of four, agency-provided racks in a licensed premises

iv) ownership of the racks must remain with the agency(s); and

v) services associated with the installation of the racks (i.e. electrical and power) must be the sole responsibility of the licensee.

7.2.12 An agency may loan towers and proprietary branded dispensing equipment non-essential to the operation of a licensed premises to a licensee. Proprietary branded dispensing equipment is defined as:

a) stand-alone;

b) maximum dispensing capacity not to exceed 10 litres;

c) not utilized as the licensee's primary dispensing method; and

d) services associated to the equipment, including power or any other installation, must be the sole responsibility of the licensee.

(Added Feb. 2018)

7.2.13 A loan agreement must be in place and specify the type of equipment being loaned and the term of the agreement. Loan agreements can take any form as long as they contain the aforementioned information. The loan agreement must be provided to AGLC on request. A Promotional Agreement is not to be used as a loan agreement.

7.2.14 A liquor agency may provide a licensee with non-essential items, including:

- aprons or hats for staff
- bar towels
- bottle openers and corkscrews
- interior branded signs (must not contain or display the licensee's business name)
- clocks
- coasters
- condiment caddies
- draught tap handles
- drip mats
- flags, pennants and banners
- fruit slicers
- glasses and mugs
- ice buckets
- inflatables
- lapel pins
- mirrors
- napkins
- patio umbrellas
- place mats
- posters
- promotional fridges (see subsection 7.2.9.1a)
- promotional racks (see subsection 7.2.9.1b)
- sandwich boards
- sanitation stations *(Added Jul 2022)*
- serving trays
- tent cards and inserts

7.2.15 The following conditions apply to the non-essential items listed in subsection 7.2.10:

a) branding and co-branding of these items is permitted;

b) if liquor pricing is stated on any of these items, the prices must match those on the menu or the posted price and must be determined by the licensee; and

c) they cannot be sold to customers.

GUIDELINES

7.2.16 Liquor agencies and licensees may contact AGLC if unsure whether an item is considered essential or non-essential.

SECTION:	PRODUCT PROMOTIONS
NUMBER:	7.3

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: PROMOTIONAL AGREEMENTS

POLICIES

7.3.1 A liquor agency may provide a licensee with promotional items for its customers in exchange for the licensee promoting a specific brand(s) of liquor. Agencies and licensees must keep sufficient records of these activities in order to demonstrate compliance with legislation, regulation and policies. Records are not required for non-liquor items provided that are of an individual value of less than $5.00 (e.g. bottle openers, corkscrews) and added value items for existing inventory. *(Amended Jul 2022)*

7.3.2 Records must be kept by the agency and by the licensee on the licensed premises for a minimum of two years and be provided to AGLC upon request. The records include:

a) name of agency;

b) name of licensee;

c) duration of promotional agreement;

d) list of promotional items, the value of each item and/or services provided and their retail value;

e) the terms of the agreement, specifying product brands and quantities; and

f) name, address and phone number of every person who receives a give-away item with a value of more than $100.

(Amended Jul 2022)

7.3.3 Cash, cheques, gift cards or prepaid credit cards are prohibited as promotional items. *(Amended Jul 2022)*

7.3.4 Promotional agreements cannot result in excluding or prohibiting any competitor's product(s). *(Amended Jul 2022)*

7.3.5 *(Deleted Feb 2021)*

7.3.6 Promotional agreements that comply with these policies do not require AGLC approval.

GUIDELINES

7.3.7 *(Deleted May 2018)*

7.3.8 *(Deleted Jul 2022)*

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SECTION: **PRODUCT PROMOTIONS**

NUMBER: **7.4**

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LICENSEE PROMOTIONS

POLICIES

7.4.1 A licensee may conduct promotional activities in the licensed premises with the following conditions:

a) *(Deleted Feb 2021)*

b) A sealed bottle of liquor may be awarded as a prize on a Class D licensed premises, for off premises consumption.

c) The purchase or consumption of liquor cannot be required in order to participate in a competition, contest, draw, giveaway or similar promotion, and participants must be told that there is no such requirement.

d) The time, date and place of the draw must be clearly displayed on the premises. *(Amended Feb 2021)*

7.4.2 *(Deleted Feb 2021)*

GUIDELINES

7.4.3 *(Deleted Feb 2021)*

7.4.4 Retail liquor stores may give away merchandise, other than liquor or food, to promote the store (for example, key chains, baseball caps, ashtrays, etc.) provided the merchandise identifies the store and is not given to the store by liquor suppliers or liquor agencies.

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SECTION:	PRODUCT PROMOTIONS
NUMBER:	7.5

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LIQUOR TASTINGS

POLICIES

7.5.1 A liquor tasting is an activity that allows patrons the opportunity to taste featured liquor products. Liquor tastings may be conducted on a Class A, B, C, D or E licensed premises under the following conditions:

a) minors are not provided liquor;

b) no one is served the product to the point of intoxication;

c) the server has valid ProServe certification; and

d) tasting records are provided to AGLC on request. *(Added Mar 2018)*

7.5.2 Maximum tasting sizes are as follows:

a) beer and ciders - 112 ml (4 oz.); *(Amended Mar 2018)*

b) refreshment beverages (e.g. coolers/premixed) - 112 ml (4 oz.); *(Amended Mar 2018)*

c) wine - 56 ml (2 oz); *(Amended Mar 2018)*

d) spirits - 28 ml (1 oz); and *(Amended Dec 2020)*

e) liqueurs - 28 ml (1 oz). *(Amended Dec 2020)*

7.5.3 Liquor agencies are not licensed to sell liquor and as a result may not charge a fee to customers for liquor tastings. This includes tastings conducted by a Class D licensee on behalf of an agency. *(Added Dec 2018)*

7.5.4 A liquor agency may provide free individual tastings of liquor to patrons on a Class A, B, C, D or E licensed premises with the following conditions:

a) the liquor used for the tastings:

i) must be purchased from the licensee, at the licensee's cost of the product, or

ii) may be an unfinished product from a previous tasting(s) at another location(s), if the licensee permits the agency to use the product; *(Added Mar 2018)*

b) the liquor agency or its employee must be present on the licensed premises;

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c) the booth or area from which the tastings are offered must be staffed;

d) the tastings may be served by the liquor agency's employee or the licensee;

e) the liquor agency and licensee must maintain a written record of the tasting including:

i) the date, time and location; and

ii) the liquor product(s) along with the quantity and cost.

7.5.5 Tastings by liquor agencies must not be conducted outside of the licensed premises (for example, on a patio outside the store, in a tent outside the store, etc.).

7.5.6 A Class D licensee may conduct free tastings of liquor to patrons on behalf of a liquor agency, with the following conditions:

a) the liquor agency and the licensee must have a written Promotional Agreement. The Agreement must:

i) specify the date, time and location of the tasting; *(Amended Mar 2018)*

ii) identify the liquor product(s) that will be offered along with the quantity and the licensee's cost for the product(s); *(Amended Mar 2018)*

iii) identify staffing costs specific to the tasting (i.e., wages, benefits and administrative costs to a maximum of $25/hour); and *(Amended Mar 2018)*

iv) be signed by both the liquor agency and licensee before the tasting can take place.

b) the liquor agency representing the product(s) being tasted may be involved in the tasting; and *(Amended Dec 2018)*

c) items charged by the licensee to the liquor agency are limited to staffing costs and the licensee's cost of the product(s) being tasted. *(Added Mar 2018)*

7.5.7 A Class D licensee may conduct its own liquor tastings, independent of a liquor agency, and charge a fee to its customers, with the following conditions:

a) experts (e.g. manufacturer/agency representative) of the liquor product being tasted may be involved in the tasting for consumer education; *(Amended Dec 2018)*

b) the licensee is not allowed to charge back the costs of a tasting to a liquor agency;

c) *(Deleted Dec 2018)*

d) *(Deleted Apr 2020)*

7.5.8 Allowable food items in a Class D premises must be snack-sized portions that complement the liquor being tasted. Full course meals (catered or otherwise) are not permitted. *(Amended Apr 2020)*

7.5.9 Liquor tastings may be conducted by the retail liquor store operator to private groups, on an invitational basis, for educational purposes on or off the liquor store premises. For example, tasting by the glass during a training session at a private club is allowed if a qualified applicant obtains a Private Resale Special Event licence; (for more information, contact the Regulatory Division in St. Albert at 780-447-8837. Training sessions in the retail liquor store may only be conducted in licensed areas of the store.

7.5.10 *(Deleted Oct 2020)*

7.5.11 Off-premises liquor tastings (no mixed drinks) may be offered by a Class D Licensee at the retail store providing:

a) tasting sizes do not exceed maximum size limits set out in Subsection 7.5.2;

b) the liquor is in a sealed, tamper-proof/tamper-evident container;

c) tastings are not packaged in a manner that resembles a retail liquor product; and

d) information for each of the tasting products is provided to the consumer in a manner that clearly identifies:

i) the percentage of alcohol, volume and brand of liquor; and

ii) the ingredients/contents of each product provided. *(Added Dec 2020)*

7.5.12 Off-premises liquor tastings may be delivered. For information on delivery requirements, please see Subsection 4.11.1. *(Added Dec 2020)*

SECTION:	PRODUCT PROMOTION
NUMBER:	7.6

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: PRODUCT SAMPLING FOR LICENSEES

(Deleted Feb 2021)

Please see the Liquor Agency Handbook at aglc.ca for policies regarding Product Sampling for Licensees.

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PRODUCT PROMOTION
NUMBER:	7.7

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: PRODUCT SAMPLING FOR PUBLIC

(Deleted Feb 2021)

Please see the Liquor Agency Handbook at aglc.ca for policies regarding Product Sampling For Public.

DATE ISSUED:	February 18, 2021	AUTHORITY:	Original signed by Len Rhodes

SECTION:	PRODUCT PROMOTION
NUMBER:	7.8

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: GENERAL PRODUCT PROMOTIONS

POLICIES

7.8.1 A product promotion may involve a contest, competition or draw, and may be administered by a licensee on behalf of a liquor agency with the following conditions:

a) all patrons who enter a contest, competition or draw must be eligible under the conditions set by the liquor agency. Minors are not eligible;

b) participation cannot be conditional on the purchase or consumption of liquor;

c) all promotional items provided to a licensee by a liquor agency must be used only for the specified contest, competition or draw;

d) the closing date of a contest, competition or draw must be posted in the licensed premises; and

e) all draws must take place in the licensed premises on the date and time advertised (except draws conducted by the liquor agency).

7.8.2 Both the liquor agency and the licensee providing promotional give-away items must ensure the items reach patrons as intended and must meet the following conditions:

a) both the liquor agency and the licensee must maintain sufficient written records for two years of every promotional activity in a licensed premises involving a give-away item with an individual wholesale value of more than $100. The records must include the name of the licensed premises, a description of the give-away item and its wholesale value. The records must be provided to AGLC on request; *(Amended Jul 2022)*

b) a licensee conducting a promotion on behalf of a liquor agency must keep sufficient written records for two years of the name, address and telephone number of every person who receives a give-away item with a wholesale value of more than $100. The records must be provided to AGLC on request; and *(Amended Jul 2022)*

c) *(Deleted Jul 2022)*

7.8.3 *(Deleted Feb 2021)*

SECTION:	PRODUCT PROMOTION
NUMBER:	7.8

SUBJECT: GENERAL PRODUCT PROMOTIONS

7.8.4 *(Deleted Dec 2020)*

GUIDELINES

7.8.5 There is no limit to prize value.

7.8.6 A licensee may reduce the price of one or more products as part of a promotion.

7.8.7 *(Deleted Feb 2021)*

7.8.8 *(Deleted Dec 2020)*

SECTION:	PRODUCT PROMOTION
NUMBER:	7.9

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: ADDED-VALUE PRODUCT PROMOTIONS

POLICIES

7.9.1 An "added-value promotion" promotes a specific brand of liquor by offering consumers who purchase the brand at a retail liquor outlet a second item at no charge.

7.9.2 Acceptable added-value items include:

a) Liquor

i) A liquor agency may provide liquor added-value items to Class D licensees only. The liquor agency must maintain a record of all added-value liquor provided.

ii) The words "SAMPLE" or "NOT FOR RESALE" must be clearly and permanently marked on the container. A licensee may not deface or remove the label or tag. *(Amended Feb 2021)*

iii) The liquor provided as an added-value item may not exceed the 20% maximum value allowed under Subsection 7.9.4b), unless otherwise approved in writing by AGLC. *(Amended Jul 2022)*

iv) Added-value liquor items are subject to regular provincial mark-ups.

b) Money-off coupons for:

i) a liquor product, redeemable only by the liquor agency or a third party (i.e., coupon clearing house); or

ii) a non-liquor product, redeemable by the liquor agency or by non-liquor retailer of the product.

c) Non-perishable food items (e.g., packaged snack food, food seasoning, powdered drink mix); and

d) Objects of nominal value (e.g. corkscrew, bottle opener, wine glass, beer mug, shot glass, key ring, golf ball decal, figurine, CD, etc). *(Amended Feb 2021)*

7.9.3 An added-value promotion may be conducted as an on-pack, in-pack or near-pack promotion:

a) On-Pack

A liquor on-pack item must be attached to the liquor product with a plastic ring, elastic band, shrink wrap or similar method by:

i) the liquor agency, at its plant;

ii) the liquor agency's employee;

iii) Connect Logistics Services Inc., at the Liquor Distribution Centre in St. Albert (a fee is charged for this service); or

iv) the staff of a retail liquor store by arrangement with the liquor agency.

b) In-Pack

An in-pack item must be placed within the packaging of the liquor product (e.g., a case of beer or wine box) by the liquor agency at its plant.

c) Near-Pack

i) A near-pack item must be purchased, supplied and delivered to the retail liquor outlet by the liquor agency or the supplier of the item.

ii) The item must be offered only with the purchase of the specified product.

7.9.4 A liquor agency may conduct an added-value promotion in a retail liquor outlet (i.e. a Class D licensed premises or Duty Free Store), with the following conditions:

a) The promotion must be directed at consumers.

b) The cost of an added-value item must not exceed 20 per cent of the wholesale price of the liquor product being promoted, whether provided by the liquor agency or by a third party. A redemption rate may not be factored in when calculating cost. *(Amended Jul 2022)*

c) Only one added-value item may be offered with the purchase of each bottle or unit (e.g., case of beer) of the liquor being promoted.

d) Added-value items cannot be changed based on the amount of liquor purchased. For example, if an added-value item

associated with a particular liquor product is a bottle opener and a customer buys 3 bottles of the product, a customer is entitled to three bottle openers, not another value-added item of a higher value.

e) Added-value items provided by an agency may not be:

i) removed from a liquor product by a licensee;

ii) offered for sale separately; or

iii) provided to a licensee or licensee staff for their personal use or benefit (see Subsection 7.9.10).

f) A liquor agency may not purchase, order or obtain any non-liquor item to be used in an added-value promotion from any business in which a participating Class D licensee has a direct or indirect interest. *(Amended Oct 2023)*

g) A liquor agency may purchase liquor products to be used in an added value promotion from a participating Class D licensee at the licensee's cost of the product. *(Added Oct 2023)*

7.9.5 A Class D licensee may conduct their own added-value promotion, independent of a liquor agency, with the following additional conditions:

a) The items provided are of nominal value;

b) *(Deleted Feb 2021)*

c) The items may identify the licensee's premises; and.

d) Money-off coupons for liquor purchases are acceptable.

7.9.6 Tobacco products are prohibited as an added-value item.

7.9.7 No aspect of a licensee's business may be used as an added-value item, either directly or indirectly, without the prior approval of AGLC (e.g., coupon for money off a purchase at a licensed premises operated by the licensee; coupon for money off a ski lift ticket at a ski hill operated by the licensee).

7.9.8 Added-value promotions which do not comply with all of the policies in this section require the prior approval of AGLC.

7.9.9 AGLC reserves the right to set limits on the quantity of liquor provided to a licensee for an added-value promotion.

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SECTION: **INSPECTIONS**

NUMBER: **9.1**

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: GENERAL INFORMATION

POLICIES

9.1.1 *(Deleted Dec 2020)*

9.1.2 *(Deleted Dec 2020)*

9.1.3 *(Deleted Dec 2020)*

9.1.4 When an AGLC Inspector finds a licensee in contravention of the GLCA, the GLCR or Board policy, the Inspector may request the licensee to take appropriate steps to comply with the legislation or policy.

9.1.5 Any alleged violation observed by an AGLC Inspector or a report of potential problems received from police, fire, health, other government official or the general public will be investigated and may result in an Incident Report (see Subsection 10.1).

GUIDELINES

9.1.6 AGLC Inspectors visit licensed premises to:

a) check for compliance with the GLCA, GLCR and Board policies;

b) confirm no structural changes have been made to the premises affecting compliance with the licence;

c) advise licensees who want to apply for a new class of licence, a licence endorsement or a licence extension;

d) investigate complaints;

e) conduct audits on licensee books and records;

f) conduct training seminars; and

g) respond to licensee concerns about the operation of the licensed premises.

9.1.7 Inspections provide licensees with an opportunity to discuss with AGLC Inspectors:

a) proposed structural changes;

b) sale of the licensed premises;

c) change in shareholders or management; and/or

d) any questions they might have about the GLCA, the GLCR and Board policies.

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SECTION: **INSPECTIONS**

NUMBER: **9.1**

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: GENERAL INFORMATION

9.1.8 *(Deleted Dec 2020)*

9.1.9 AGLC Inspectors are available to meet with licensees to assist them in the interpretation of legislation and Board policies; however, Inspectors may report any violations they observe to the Board.

9.1.10 AGLC supports and encourages police "walk through" programs. Every police officer is considered an Inspector under the GLCA, and licensees and their staff are required to cooperate fully with police officers who enter the licensed premises.

SECTION:	INSPECTIONS
NUMBER:	9.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: LIQUOR SEIZURE AND ANALYSIS

(Deleted Nov 2022)

Please see Sections 103(4) and 106(1) GLCA for more information on liquor seizure and analysis.

DATE ISSUED:	November 29, 2022	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LICENSEE DISCIPLINE
NUMBER:	10.1

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: INCIDENT REPORTS

GUIDELINES

10.1.1 An AGLC Inspector who observes an alleged violation may prepare an Incident Report detailing the circumstances. *(Amended Dec 2020)*

10.1.2 The President & Chief Executive Officer or delegate may propose a penalty or refer the Incident Report to the Board for review and decision where circumstances warrant.

10.1.3 On reviewing an Incident Report, the Board may decide to impose a penalty with or without a hearing.

DATE ISSUED:	December 14, 2020	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LICENSEE DISCIPLINE
NUMBER:	10.2

RETAIL LIQUOR STORE HANDBOOK

SUBJECT: NOTICE OF ADMINISTRATIVE SANCTION

(Deleted Nov 2019)

Please see the Board Hearing Panel Rules and Procedures Document at** aglc.ca **for Information on Notice Of Administrative Sanction.

DATE ISSUED:	November 28, 2019	AUTHORITY:	Original signed by Len Rhodes

SECTION:	LICENSEE DISCIPLINE
NUMBER:	10.3

RETAIL LIQUOR STORE HANDBOOK | **PAGE 1 OF 1**

SUBJECT: BOARD HEARINGS

(Deleted Nov 2019)

Please see the Board Hearing Panel Rules and Procedures Document At aglc.ca ***For Information on Board Hearings.***

DATE ISSUED:	November 28, 2019	AUTHORITY:	Original signed by Len Rhodes

File: 2024-003
Appeal re: Development Permit 2023-DP-00125
Legal Description: Lot 3, Block 10, Plan 5624 NY

**MIKISEW CREE FIRST NATION,
CREE-ATIONS ENTERPRISES LTD., MISTEE SEEPEE DEVELOPMENT CORPORATION LTD and 1112958 ALBERTA LTD.**

(Appellants)

And

DANIEL ROY

(Appellant)

And

REGIONAL MUNICIPALITY OF WOOD BUFFALO

MIKISEW APPELLANTS

LEGAL ARGUMENT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD

OVERVIEW

1. The Appellants are Mikisew Cree First Nation and three Mikisew owned corporations with fee simple land in their traditional territory, which is now known as the hamlet of Fort Chipewyan in the Regional Municipality of Wood Buffalo. Mikisew members make up the majority of Fort Chipewyan residents.

2. The Appellants object to the development of a liquor store in the heart of Fort Chipewyan. They communicated their Objection to RMWB on August 17, 2023, and received no response nor engagement until the notification of the Discretionary Permit ("**Permit**"or "**Discretionary Permit**") on August 29, 2024.

3. The Development Officer in exercising its discretion to award this Permit failed to discharge the duty to consult and accommodate MCFN, failed in the duty of fairness owed to MCFN and failed to reasonably explain why the Development Officer rejected MCFN's Objection, notwithstanding almost unanimous community opposition to the Permit. In fact,

the Mayor of RMWB stated, in error, that the municipality had in engaged in extensive community engagement. They did not. In fact, the record before the SDAB indicates that RMWB engaged with the Appellant Daniel Roy on how to grant the Discretionary Permit notwithstanding the Objection.

4. Further and/or in the alternative, if the Development Officer was not responsible for discharging the duty to consult and accommodate; the Subdivision and Development Appeal Board has the authority to discharge this duty to consult and accommodate through this appeal.

5. If the duty to consult and accommodate has not been satisfied, the grant of the Permit must be set aside.

STATEMENT OF FACTS

6. The Appellants, Cree-Ations Enterprises Ltd ("**Cree'Ations**"), Mistee Seepee Development Corporation Ltd. ("**Mistee Seepee**") and 1112958 Alberta Ltd, are corporations registered under the *Business Corporations Act* RSA 2000, c B-9. (collectively referred to as the "**Corporations**"). The Corporations are wholly owned by Mikisew Cree First Nation and, in the case of Cree'Ations, their shares are held by Chief Billy-Joe Tuccaro in trust for Mikisew Cree First Nation ("**MCFN**"). MCFN cannot hold title to lands in fee simple except through such corporations.[1]

7. As promised under Treaty No. 8[2], the Appellant, MCFN, has nine (reserves) in what is now known as RWMB, including two reserves near Fort Chipewyan (Dog Head[3] and Allison Bay[4]).[5]

8. MCFN's ancestors entered into Treaty No. 8 in 1899 at Fort Chipewyan. Treaty No. 8 was a Nation-to-Nation agreement to share the land, including all of the land that is now referred

[1] **TAB 1:** Corporate Records of the Appellants.
[2] Treaty No. 8, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.
[3] **TAB 2:** Reserves, Dog Head 218, available at: https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE_NUMBER=08495&lang=eng
[4] **TAB 3** : Reserves, Allison Bay 219, available at: https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/RVDetail.aspx?RESERVE_NUMBER=06734&lang=eng
[5] **TAB 4** : Reserves, Mikisew Cree First Nation, Number 461, available at: https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/FNReserves.aspx?BAND_NUMBER=461&lang=eng.

to as RMWB.[6] Neither RMWB nor the province of Alberta existed in 1899. Over time, the Crown in right of Canada devolved, unilaterally, many of the Crown obligations to the province of Alberta. MCFN has objected to this devolution.[7]

A. Crown's Statutory Discretion over Land-Use Planning delegated to RMWB

9. RMWB is a creature of provincial statute and a local emanation of the Crown. RMWB is a creature of provincial statute. RMWB was established as the result of an amalgamation and renaming into a "Specialized Municipality" effective August 14, 1996, by *Order in Council 354/96* (Amalgamated Improvement District No. 143 and City of Fort McMurray).

10. Through the *Municipal Governments Act* ("**MGA**"), the provincial Crown has delegated control and management of land use planning over municipal lands to RMWB, including over a vast area in Northeastern Alberta, all of which is Treaty 8 territory and most of which MCFN considers to be its traditional territory. Through the Aboriginal Consultation Office, for example MCFN is consulted in much of RMWB.[8]

11. By the MGA, the provincial Crown has delegated statutory authority to RMWB over Fort Chipewyan's land use planning. The rules are outlined in a 500-page by-law developed by RMWB.[9] For the purposes of this appeal, the Crown's delegated statutory discretion includes the following:

    a. By Section 640 of the MGA, the provincial Crown requires RMWB to pass a land use bylaw.[10]

    b. Section 110 of RMWB's Land Use By-law No. 99/059 mandates that liquor stores are discretionary permits.

    c. Section 642 of the MGA delegates the authority to grant discretionary permits to RMWB.[11]

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[6] **TAB 5**: MCFN About Us, available at: https://www.mikisewcree.ca/about-us/
[7] NRTA 1930.
[8] Statement on October 28, 2024.
[9] Land Use Bylaw No. 99/059, section 110, see also: Generalized Land Use Concept from the Fort Chipewyan Area Structure Plan (ASP), https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/AreaStructurePlans/Fort-Chipewyan-Area-Structure-Plan.pdf
[10] *Municipal Government Act*, RSA 2000, c M-26, s 640.
[11] *Municipal Government Act*, RSA 2000, c M-26, s 642.

d. Section s. 687(3)(c) of the MGA delegates the power to SDAB to confirm, revoke or vary discretionary permits.[12]\

e. Section 617 provides that purpose of Part 17 of the MGA – Planning and Development – is to provide for land use planning "without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest."[13]

B. Treaty No. 8 Right

12. Treaty No. 8 is the foundation of Canada.

13. One of the Crown's primary motives for Treaty No. 8 was to impose law and order following the Klondike goldrush, and, as part of this, to control the "liquor trade" in MCFN's territory.[14]

14. Dr. Darcy Lindberg, a Cree (*nêhiyaw*) professor of law at the University of Victoria, is an expert in Treaty law making principles and Cree laws. He has provided opinion evidence on the Promise in Treaty No. 8, as follows:

> *…. the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law.*

[12] *Municipal Government Act*, RSA 2000, c M-26, s 687.
[13] *Municipal Government Act*, RSA 2000, c M-26, s 617.
[14] **TAB 6:** Dr. Lindberg Report, October 21, 2024.

15. Therefore, MCFN submits that they have a *recognized* Treaty right and nothing less than an *asserted* Treaty right to protection from intoxicants, i.e. the liquor trade ("**Treaty Right**").[15]

C. Adverse Impacts to Treaty Right and/or MCFN

16. Granting the Discretionary Permit could and will have adverse impacts on MCFN, including on its Treaty Right.

17. First, MCFN, through the Corporations, owns at least 27 neighbouring residential properties in the hamlet of Fort Chipewyan, including but not limited to the **Neighbouring Properties**:

    a. 5 units at 125 Mackenzie Avenue – Plan 5642NY, Block 9, Lot 9 – Registered Owner: Mistee Seepee Development Corporation Ltd.
    b. Fourplex Units at 105 Loutit St – Plan 5642NY, Block 5, Lot 12 – Registered Owner: Cree-Ations Enterprises Limited
    c. House at 103 Logan Crescent – Plan 5642NY, Block 6, Lot 17 – Registered Owner: Mistee Seepee Development Corporation Ltd.
    d. House at 100 Tourangeau Ave – Plan 5642NY, Block 1, Lot 7 – Registered Owner: Mistee Seepee Development Corporation Ltd.
    e. Triplex Units at 112 MacKay Crescent
    f. House at 109 McDonald Street – Plan 8322365, Block 3, Lot 9B – Registered Owner: Cree-Ations Enterprises Limited
    g. House at 105 McDonald Street – Plan 8322365, Block 3, Lot 12A – Registered Owner: Cree-Ations Enterprises Limited
    h. House at 112 Mercredi Street – Plan 5642NY, Block 6, Lot 10 – Registered Owner: 1112958 Alberta Ltd.[16]

18. The Neighbouring Properties house Mikisew Cree First Nation Members and/or staff and are in close proximity to the proposed Liquor Store.[17]

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[15] **TAB 6:** Dr. Lindberg Report, October 21, 2024.
[16] **TAB 7**: Land Title Documents.
[17] Statement to be provided on October 28, 2024.

19. Approximately 60 per cent of the population of Fort Chipewyan are MCFN members. The lack of housing on reserve makes it necessary for many of MCFN members to live in the nearby hamlet of Fort Chipewyan, including at the Neighbouring Properties.[18]

20. MCFN members living on reserve or in Fort Chipewyan live in a remote community, accessible boat, plane and, between December and March, by winter road. MCFN has recently declared a State of Local Emergency, in April 2023, due to suicide, mental issues and addictions to intoxicants, including alcohol ("**SOLE**").[19]

21. MCFN members have suffered intergenerational trauma. Alcohol is the source of much violence, abuse and trauma for MCFN members. Creating another liquor store, especially as the community is searching the residential school grounds (Holy Angels), is triggering.[20]

22. The RCMP data for occurrences confirms the adverse and collective impacts of alcohol in MCFN's community. For example, of the 697 occurrences reported to RCMP so far in 2024, as of October 21, 328 (47%) are reported as alcohol related. Of the 89 Prisoners at the detachment, detained in cells in 2024, 69 (79%) were intoxicated by alcohol. [21]

D. MCFN Objection to Liquor Store

23. On July 28, 2023, a general "Notice to Adjacent Property Owners" was posted ("**Notice**"). MCFN did not receive this directly, nor were members living on MCFN reserves provided this notice.

24. Despite having just had an election, on or about August 17, 2023, MCFN submitted an extensive and evidenced submissions pursuant to this Notice and objecting to the Liquor Store ("**MCFN Objection**"). The MCFN Objection included:

    a. Including the results of a Survey, which were overwhelmingly opposed to the Liquor Store;

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[18] Statement to be provided on October 28, 2024.
[19] **TAB 8:** W. Snowdon, CBC News, *Mikisew Cree First Nation declares state of local emergency following multiple suicides*, April 25, 2023, available at: https://www.cbc.ca/news/canada/edmonton/mikisew-cree-first-nation-suicide-mental-health-emergency-1.6821877.
[20] Statement to be provided on October 28, 2024.
[21] **TAB 9:** RCMP Data Summary, October 21, 2024.

b. Submissions based on Treaty No. 8, the duty to consult, the Promise and Treaty Right;
c. The MCFN State of Local Emergency relating to suicide and addictions;
d. Anecdotal incidents of crime and indication that RCMP should have this data.[22]

25. RMWB consults with MCFN on other land-use planning (for example the use of the Winter Road for industrial activities, such as hauling gravel.[23] RMWB has a public engagement framework and a reconciliation strategy.[24] Moreover, RMWB and MCFN have a Consultation protocol, which created legitimate expectations. The Consultation protocol and past practice, which will be addressed before the SDAB by Mitchel Bowers of the Government Industry Relations department, contained a clear, unambiguous and unqualified guarantee of "collaboration" about land-use issues.[25]

26. The Fort Chipewyan Royal Canadian Mounted Police ("**RCMP**") is a contract police force through RMWB and Alberta and, as such, the RMWB ought to have known or sought these occurrence statistics before issuing the Permit, in light of the concerns raised by MCFN.

27. RWMB never responded to the MCFN Objection, despite two MCFN follow-ups on September 1 and 11, 2023.[26]

28. No response was received until the Decision was posted on August 29, 2024.

29. So far as the Appellants know, there was no engagement nor consultation with MCFN other than the receipt of the MCFN Objection.

30. Almost a year later, the RMWB approved the Liquor Store ("**Decision**"). In making the Decision, RMWB:

a. Provided MCFN with no prior notice of the Decision;
b. Did not consult MCFN;
c. Did not accommodate MCFN;

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[22] **TAB 10:** MCFN Objection and enclosures.
[23] Statement to be provided on October 28, 2024.
[24] https://www.rmwb.ca/en/community-events-and-involvement/resources/Engagement/RMWB-Public-Engagement-Framework-2021.pdf
[25] **TAB 11** Consultation Protocol.
[26] **TAB 12**: MCFN Follow-up (September 1 and 11, 2023).

d. Did not respond to, nor consider the MCFN Objection.

31. The Decision did not contain reasons. For the first time on October 20, 2024, MCFN learned that RMWB did consult and consider the MCFN Objection but only with Daniel Roy and in the context of nevertheless permitting the Liquor Store.[27]

E. Continued Objection

32. Following the Decision, MCFN led a protest where many community members participated, on or about August 30, 2024. At that protest, a RMWB Councillor and local Métis president, Kendrick Cardinal, drove by on a quad yelling at protestors. He was subsequently charged for impaired driving for this very incident.[28] So far as MCFN knows, RMWB has not disciplined Mr. Cardinal.

33. The Athabasca Tribal Council, on September 9, 2024, wrote to the RMWB Mayor Sandy Bowman in support of this protest.[29]

34. On September 10, 2024, Mayor Bowman asserted that the municipality had conducted "community engagement"[30]. MCFN was not involved in any community engagement with MCFN or its representatives.

F. Witnesses

35. MCFN will provide 3-5 witnesses to speak about the impacts to the community, including a member of Chief and Council, an Elder and possibly staff, including at the Government Industry Relationship department.

ISSUES

36. The Appellants submit that the issue is whether the SDAB should revoke the Discretionary Permit, on any of the following grounds:
    a. The Decision to grant the Discretionary Permit was unreasonable.

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[27] RMWB Submissions.
[28] **TAB 13:** Article re: RWMB Councillor Kendrick Cardinal, available at: https://www.fortmcmurraytoday.com/news/councillor-kendrick-cardinal-charged-with-impaired-driving-fleeing-peace-officer
[29] RMWB Submissions: Letter to Mayor Bowman (Athabasca Tribal Council).
[30] **TAB 14:** Response from Mayor Bowman.

b. The Decision to grant the Discretionary Permit was unfair and/or in violation of the common law duty to consult.
c. The Decision did not discharge the duty to consult and accommodate ("**DTCA**") and/or the SDAB has the obligation to discharge the DTCA.

LEGAL ARGUMENT

37. RMWB owes common law duties to act reasonably (including having regard to reconciliation) and act procedurally fairly, including the duty to consult in administrative law. These duties are squarely before this Board and must be considered. The Appellants also submit that the

A. Reasonableness

38. Granting of the liquor store Permit was not a mandatory decision, it was a discretionary one.[31] The Development Officer, in this case, had a broad discretion to approve or deny discretionary uses.[32]

39. The Development Officer unreasonably exercised his discretion under the MGA (s. 642) and the Land-Use Bylaw (s. 110) to grant the permit. In doing so, the Decision does not reveal why the MCFN Objection was almost entirely ignored and only considered in the opening hours. (not consider RCMP or request RCMP; not explain etc).

B. Common Law Duty to consult/Procedural fairness

40. RMWB owed a duty of procedural fairness to members of the community affected by the discretionary decision to grant the Permit. This requirement and legitimate expectation of consultation exist independent of any constitutional law question. They are basic and foundational tenets of administration of law which this Board has unequivocal jurisdiction to determine.

41. The extent of the duty of procedural fairness owed to MCFN in this case is determined by reference to five factors:[33]

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[31] Land-use By-law, section 110.
[32] *Baron Real Estate Investments Ltd. v. Edmonton (Subdivision and Development Appeal Board),* 2018 ABCA 67 at para 16; contrast with: *Liquor Stores Limited Partnership v. Edmonton (City),* 2017 ABCA 435 at para 5.
[33] *Baker v. Canada (Minister of Citizenship and Immigration),* 1999 CanLII 699 (SCC), [1999] 2 SCR 817.

a. The nature of the decision: the discretionary decision to grant the Permit was an individualized decision taken after a formal notice-and-comment period. It was not a "legislative" decision and is therefore subject to a high degree of fairness.
b. The nature of the statutory scheme: the grant of the Permit is a final decision, which triggers a higher degree of fairness.
c. The impact on affected individuals: as set out in the RCMP data, in Professor Lindberg's expert opinion and as will be set out by witnesses at the hearing, the impact on the MCFN is highly significant, which means more procedural fairness is required.
d. The existence of legitimate expectations given that RMWB engaged in a consultation process, MCFN had a legitimate expectation that it would be entitled to more procedural fairness, including the opportunity to engage meaningfully with RMWB. Moreover, the Consultation Protocol and past practice created legitimate expectations that RMWB would engage in collaboration and consultation on land-use issues.[34]
e. The discretion of the decision-maker: RMWB had discretion to structure its consultation process and had ample scope to include meaningful engagement with MCFN.[35]

C. Duty to Consult and Accommodate

42. Here, on the record before the Board, the consultation was inadequate, which means the Board has to remedy it, or invalidate the municipality's decision. The adequacy of consultation is not a question of constitutional law and, therefore, the Board has jurisdiction.

i. Jurisdiction: DTAC is not a constitutional question

43. As preliminary matter, the duty to consult and accommodate ("**DTCA**") applies in this case, following the Supreme Court's binding decision in *Clyde River*.[36]

44. Consideration of the DTCA is not consideration of a constitutional question. While the Alberta government has sought, to limit the decision-makers who can consider

[34] *Canada (Attorney General) v. Mavi*, 2011 SCC 30 (CanLII), [2011] 2 SCR 504, at para 68.
[35] See also *R. (Moseley) v. London Borough of Haringey*, [2014] UKSC 56, at paras. 23-28.
[36] *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 (CanLII), [2017] 1 SCR 1069.

constitutional questions[37], including the SDAB, they have not done the same for the DTCA.[38] And where the provincial Crown has sought to limit consideration of section 35 constitutional issues, the Alberta Court of Appeal has confirmed that the Honour of the Crown is always at stake[39] and/or the province is being challenged for creating a circular and unconstitutional Consultation Regime.[40]

45. The Supreme Court has warned that tribunals should not take a narrow approach to respecting the Honour of the Crown: "if a tribunal is denied the power to consider consultation issues, or if the power to rule on consultation is split between tribunals so as to prevent anyone from effectively dealing with consultation arising from particular government actions, the government might effectively be able to avoid its duty to consult."[41] That warning is particularly apt here, where there is a serious risk that the duty to consult and accommodate will be unfulfilled, and the Honour of the Crown badly damaged.

ii. DTCA triggered

46. The Supreme Court has explained that the duty to consult and accommodate arises "when the Crown has knowledge, real or constructive, of the *potential* existence of the Aboriginal right or title and contemplates conduct that might adversely affect it".[42]

47. As Professor Lindberg explains in his expert opinion, Treaty 8 contains a clear Crown commitment to limiting trade in intoxicating liquors in order to safeguard the interests of First Nations. It is clear that granting the Permit, in the circumstances of this case, would adversely affect the rights and interests guaranteed by Treaty 8.

48. Here, RMWB had knowledge of the rights and interests in limiting the sale of intoxicating liquors well before it exercised its discretion to grant the Permit through the MCFN Objection on August 17, 2023.

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[37] *Fort McKay First Nation v Prosper Petroleum Ltd*, 2020 ABCA 163, at para 39; *Designation of Constitutional Decision Makers Regulation*, Alta Reg 69/2006.
[38] "Janna Promislow, "Irreconcilable? The Duty to Consult and Administrative Decision Makers", 2013 22-1 *Constitutional Forum* 63, 2013 CanLIIDocs 726, "**In Alberta, the legislature has allowed for specification of tribunals that have jurisdiction to decide constitutional questions under section 16 of the *APJA*.74 But legislatures have not yet responded to the duty to consult law in the same way**."
[39] *Fort McKay First Nation v Prosper Petroleum Ltd*, 2020 ABCA 163, at para 47.
[40] *Mikisew Cree First Nation v Alberta*, 2024 ABKB 578.
[41] *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council,* 2010 SCC 43, at para. 62.
[42] *Haida Nation v. British Columbia (Minister of Forests),* 2004 SCC 73, at para. 35.

49. Moreover, the Board also has knowledge, from the Disclosure and Professor Lindberg's expert opinion (to be further supported by witnesses), of the Indigenous rights and interests at issue and that they would be adversely affected by the grant of the Permit.

iii. RMWB and Board must engage DTAC

50. The RMWB Development Officer's decision to grant the liquor Permit is a final decision. As such, it is Crown action as both the Board and the municipality are statutory bodies holding responsibility delegated by the Crown in right of Alberta. They are acting on behalf of the Crown in determining who can hold a liquor licence and on what terms.

51. The Board falls within the scope of the principles set out by the Supreme Court in *Clyde River*:

> By this understanding, the NEB is not, strictly speaking, "the Crown". Nor is it, strictly speaking, an agent of the Crown, since — as the NEB operates independently of the Crown's ministers — no relationship of control exists between them (Hogg, Monahan and Wright, at p. 465). As a statutory body holding responsibility under s. 5(1)(b) of *COGOA*, however, the NEB acts on behalf of the Crown when making a final decision on a project application. Put plainly, once it is accepted that a regulatory agency exists to exercise executive power as authorized by legislatures, any distinction between its actions and Crown action quickly falls away. In this context, the NEB is the vehicle through which the Crown acts. Hence this Court's interchangeable references in *Carrier Sekani* to "government action" and "Crown conduct" (paras. 42-44). It therefore does not matter whether the final decision maker on a resource project is Cabinet or the NEB. In either case, the decision constitutes Crown action that may trigger the duty to consult. As Rennie J.A. said in dissent at the Federal Court of Appeal in *Chippewas of the Thames*, "[t]he duty, like the honour of the Crown, does not evaporate simply because a final decision has been made by a tribunal established by Parliament, as opposed to Cabinet" (para. 105). The action of the NEB, taken in furtherance of its statutory powers under s. 5(1)(b) of *COGOA* to make final decisions respecting such testing as was proposed here, clearly constitutes Crown action.[43]

[43] *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, at para. 29.

52. Given they are both engaging in Crown action, the next question is whether the municipality or the Board is able to provide "an appropriate level of consultation". .[44]

53. There is little doubt that a municipality *can* provide an appropriate level of consultation. In fact, the Consultation Protocol and past practice shows there are many instances of this. Indeed, municipalities, are governments in miniature, democratically elected with law-making and tax-raising capacity[45] to give voice to the interests of the community.[46] Just as the Crown cannot avoid *Charter* compliance by delegating powers to municipalities, it cannot avoid compliance with the duty to consult either .[47] .

    a. Here, the municipality had notice of a strong claim of interference with s. 35 and Treaty rights and was thus required to engage in meaningful consultation and accommodation.

    b. The municipality also has a "a significant array of powers that permit extensive consultation" .[48]

    c. Here, the municipality did not discharge the DTCA.

54. After that, the next question is the role of the Board in this consultation process: Can the Board itself discharge the DTCA? The Board has the procedural and remedial powers necessary to discharge the DTCA and the former jurisprudence is no longer good law given recent developments in the Supreme Court:

    a. In remedial terms, under s. 687(3)(c) of the MGA, the Board may "confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own", which clearly gives it the authority to set aside the municipality's decision and to impose any conditions it deems appropriate. It therefore has the power to ensure compliance with the DTCA.

    b. In procedural terms, under s. 687(1)(d), the Board "must hear… any other person who claims to be affected by the order, decision or permit and that the subdivision

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[44] *Clyde River*, at para. 30.
[45] *Godbout v. Longueuil (City),* [1997] 3 SCR 844, at para. 51.
[46] *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town),* 2001 SCC 40 (CanLII), [2001] 2 SCR 241, at para. 23.
[47] *Dickson v. Vuntut Gwitchin First Nation*, 2024 SCC 10, at para. 63; Hoehn and Stevens, "Local Governments and the Crown's Duty to Consult" (2018) 55 Alta LR 971, at p. 975; see also. P. Daly, Doré Duty, https://cbr.cba.org/index.php/cbr/article/view/4854/4548.
[48] *Clyde River*, at para. 31; Hoehn and Stevens, p. 985-986.

and development appeal board agrees to hear, or a person acting on behalf of that person", which clearly gives it the authority to hear from an "affected" Indigenous community. Beyond that, and subject to the requirement of producing written reasons in 15 days after the end of a hearing, the Board is "master in its own house". .[49] It can have as many hearing days as a matter requires, subject only to the requirement of producing reasons 15 days after the hearings end.

55. The Appellants note that the decision in *Paul First Nation v. Parkland (County)*,[50] has clearly been overtaken by subsequent jurisprudence, such as *Clyde River*, as outlined above.

56. The decision in *Kappo v. Subdivision and Development Appeal Board (Municipal District of Greenview No. 16)*,[51] has also clearly been overtaken by subsequent jurisprudence, namely the Supreme Court decisions in *Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur*,[52] and *Paul v. British Columbia (Forest Appeals Commission)*.[53] Together, these decisions establish broad jurisdiction in administrative tribunals to consider questions of *Charter* compliance (*Martin*) and constitutional compliance (*Paul*) and to grant constitutional remedies (*Conway*):

    a. In *Martin*, at para. 36 the Supreme Court restated the test: "one must ask whether the empowering legislation implicitly or explicitly grants to the tribunal the jurisdiction to interpret or decide *any* question of law" (emphasis added; *Paul*, at para. 8 adopts the same test). That is clearly the case here, as the Board must consider various legal instruments and interpret their scope to determine whether it should exercise its extensive remedial powers.

    b. In *Alberta Environment and Parks v Summer Village of South View (Subdivision Authority)*,[54] , the Municipal Government Board noted "A further consideration is that although the MGB has no power to declare bylaws invalid, it is well established that courts and tribunals with the power to decide questions of law should not give effect to legislation created that is ultra vires or otherwise unconstitutional".

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[49] *Prassad v. Canada (Minister of Employment and Immigration)*, [1989] 1 SCR 560.
[50] 2006 ABCA 128, at para. 11.
[51] 2003 ABCA 146.
[52] 2003 SCC 54, [2003] 2 SCR 504.
[53] 2003 SCC 55, [2003] 2 SCR 585. See also R. v. Conway, 2010 SCC 22, [2010] 1 SCR 765
[54] 2021 ABMGB 15, at para. 58.

iv. The Board must discharge the DTCA

57. If the Board itself cannot discharge the DTCA, then the Board is nonetheless competent to determine if there was adequate consultation by the RMWB. The Honour of the Crown is fundamental, especially in a field where the very purpose of Part 17 of the MGA involves upholding the "public interest".[55] As the Board can decide questions of law, it "must determine whether such consultation was constitutionally sufficient if the issue is properly raised".[56]Again, it has the procedural and remedial powers required: it can hear relevant evidence and legal submissions and make appropriate modifications to the municipality's decision in view of what is raised at the hearing. Indeed, the requirement to give written reasons allows the Board to "foster reconciliation by showing affected Indigenous peoples that their rights were considered and addressed"[57] (*Clyde River*, at para. 41). This jurisdiction has not been clearly excluded by statute. Indeed, because Part 17 of the MGA involves consideration of the public interest, respecting the Honour of the Crown is part and parcel of the Board's role.

58. Determining whether there was adequate consultation to ensure that the Honour of the Crown has been fulfilled is not a "constitutional question" within the meaning of s. 10(d) of the *Administrative Procedures and Jurisdiction Act.*[58] There is no challenge to any legislation (s. 10(d)(i)) and MCFN is not seeking to assert a "right" under the Constitution of Canada (s. 10(d)(ii)). MCFN is simply seeking to ensure respect for the *duty* to consult, fulfilling the Honour of the Crown.[59]

59. The Supreme Court explained in *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council* that it is important to take a narrow view of statutes that may be interpreted to exclude consideration of the duty to consult and accommodate required to fulfill the Honour of the Crown:

> The application to the Commission by the CSTC for a rescoping order to address consultation issues does not fall within this definition. *It is not a challenge to the constitutional validity or applicability of a law, nor a claim for a constitutional remedy under s. 24 of the Charter or s. 52 of the Constitution Act, 1982*. In broad terms, consultation under s. 35 of the

[55] *Fort McKay First Nation v Prosper Petroleum Ltd*, 2020 ABCA 163 (CanLII), at para 41.
[56] *Clyde River*, at para. 36.
[57] *Clyde River* at para 41-44.
[58] *Administrative Procedures and Jurisdiction Act*, RSA 2000, c A-3.
[59] *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, at para. 32.

> Constitution Act, 1982 is a constitutional question: Paul, para. 38. However, the provisions of the Administrative Tribunals Act and the Constitutional Question Act do not indicate a clear intention on the part of the legislature to exclude from the Commission's jurisdiction the duty to consider whether the Crown has discharged its duty to consult with holders of relevant Aboriginal interests.[60]

60. In all events, it is necessary to avoid a situation where there is "a gap in the regulatory scheme"[61]. It would plainly be nonsensical – and entirely undermining the autonomy of municipalities and the Board – if an Indigenous group had to go directly to cabinet to ensure that the DTCA could be discharged. Indeed, in view of the autonomy of municipalities, it is not even clear what the province could otherwise do to remedy a breach of the DTCA.

61. Similarly, it would be absurd, in an age of so-called "Reconciliation", to disallow MCFN any power to be consulted on and accommodated on a discretionary use of its traditional territory to allow for the sale of liquor contrary to Treaty No. 8 and in manner that has created harm in the community, as evidenced by the RCMP data alone.

CONCLUSION

62. For the any or all of the reasons outlined above, the Appellants respectfully request that the SDAB respect MCFN and revoke the Permit.

ALL OF WHICH IS RESPECTFULLY SUBMITTED ON OCTOBER 22, 2024

FOIP section 17(1)

Orlagh O'Kelly

O'KELLY LAW on behalf of the MCFN Appellants

[60] 2010 SCC 43, at para. 72. See also Fort McKay First Nation v Prosper Petroleum Ltd, 2020 ABCA 163, at para. 39.
[61] *McCauley Community League v Edmonton (City)*, 2012 ABCA 86, at para. 23.

Government of Alberta ■

Corporation/Non-Profit Search
Corporate Registration System

Date of Search: 2024/09/06
Time of Search: 11:30 AM
Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD
Service Request Number: 42885570
Customer Reference Number:

Corporate Access Number: 205120660
Business Number:
Legal Entity Name: CREE-ATIONS ENTERPRISES LIMITED

Name History:

Previous Legal Entity Name	Date of Name Change (YYYY/MM/DD)
512066 ALBERTA LTD.	1992/01/27

Legal Entity Status: Active
Alberta Corporation Type: Named Alberta Corporation
Registration Date: 1991/11/29 YYYY/MM/DD
Date of Last Status Change: 2013/04/30 YYYY/MM/DD

Revival/Restoration Date: 2008/10/06 YYYY/MM/DD

Registered Office:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Records Address:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

Primary Agent for Service:

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500-10220 103 AVE NW	EDMONTON	ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

Directors:

Last Name: MARCEL

First Name: ROXANNE
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: MCKENZIE
First Name: SHERRI
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Voting Shareholders:

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION
Street: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

Details From Current Articles:

The information in this legal entity table supersedes equivalent electronic attachments

Share Structure: AS PER SCHEDULE ATTACHED HERETO
Share Transfers Restrictions: AS PER SCHEDULE ATTACHED HERETO
Min Number Of Directors: 1
Max Number Of Directors: 11
Business Restricted To: NONE
Business Restricted From: NONE
Other Provisions: AS PER SCHEDULE "A" ATTACHED HERETO

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2023	2024/05/29

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2004/05/02	Status Changed to Struck for Failure to File Annual Returns
2008/10/06	Initiate Revival of Alberta Corporation
2008/10/06	Complete Revival of Alberta Corporation
2013/01/02	Status Changed to Start for Failure to File Annual Returns
2017/08/31	Service Provider Correct Legal Entity
2019/06/22	Change Address
2024/04/11	Change Director / Shareholder
2024/05/29	Enter Annual Returns for Alberta and Extra-Provincial Corp.

Attachments:

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2008/10/06
Restrictions on Share Transfers	ELECTRONIC	2008/10/06
Other Rules or Provisions	ELECTRONIC	2008/10/06
Letter - Spelling Error	10000807119434914	2014/10/16

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Government of Alberta ■

Corporation/Non-Profit Search

Corporate Registration System

Date of Search: 2024/09/06
Time of Search: 11:29 AM
Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD
Service Request Number: 42885534
Customer Reference Number:

Corporate Access Number: 203178280
Business Number:
Legal Entity Name: MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.

Legal Entity Status: Active
Alberta Corporation Type: Named Alberta Corporation
Registration Date: 1984/09/06 YYYY/MM/DD
Date of Last Status Change: 2015/01/22 YYYY/MM/DD

Registered Office:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Records Address:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

Primary Agent for Service:

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500-10220 103 AVE NW	EDMONTON	ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

Directors:

Last Name: MARCEL
First Name: ROXANNE
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: MCKENZIE
First Name: SHERRI
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Voting Shareholders:

Legal Entity Name: MIKISEW CAPITAL CORPORATION
Corporate Access Number: 206304669
Street: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2023	2024/02/16

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2014/11/02	Status Changed to Start for Failure to File Annual Returns
2019/06/22	Change Address
2024/02/16	Enter Annual Returns for Alberta and Extra-Provincial Corp.
2024/05/28	Change Director / Shareholder

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REGISTRAR OF
CORPORATIONS

Government of Alberta ■

Corporation/Non-Profit Search

Corporate Registration System

Date of Search: 2024/09/11
Time of Search: 11:12 AM
Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD
Service Request Number: 42912847
Customer Reference Number:

Corporate Access Number: 2011129588
Business Number: 855566873
Legal Entity Name: 1112958 ALBERTA LTD.

Legal Entity Status: Active
Alberta Corporation Type: Numbered Alberta Corporation
Registration Date: 2004/06/11 YYYY/MM/DD

Registered Office:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Records Address:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

Primary Agent for Service:

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500-10220 103 AVE NW	EDMONTON	ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

Directors:

Last Name: MARCEL
First Name: ROXANNE
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: MCKENZIE

First Name: SHERRI
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Voting Shareholders:

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION
Street: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

Details From Current Articles:

The information in this legal entity table supersedes equivalent electronic attachments

Share Structure: SEE ATTACHED SCHEDULE A
Share Transfers Restrictions: SEE ATTACHED SCHEDULE B
Min Number Of Directors: 1
Max Number Of Directors: 7
Business Restricted To: NONE
Business Restricted From: NONE
Other Provisions: SEE ATTACHED SCHEDULE C

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2024	2024/08/21

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2004/06/11	Incorporate Alberta Corporation
2019/06/22	Change Address
2020/02/18	Update BN

2024/05/28	Change Director / Shareholder
2024/08/21	Enter Annual Returns for Alberta and Extra-Provincial Corp.

Attachments:

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2004/06/11
Restrictions on Share Transfers	ELECTRONIC	2004/06/11
Other Rules or Provisions	ELECTRONIC	2004/06/11
Letter - Spelling Error	10000407119434911	2014/10/15

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Government of Alberta ■

Corporation/Non-Profit Search
Corporate Registration System

Date of Search: 2024/09/19
Time of Search: 02:01 PM
Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD
Service Request Number: 42970321
Customer Reference Number:

Corporate Access Number: 2011129588
Business Number: 855566873
Legal Entity Name: 1112958 ALBERTA LTD.

Legal Entity Status: Active
Alberta Corporation Type: Numbered Alberta Corporation
Registration Date: 2004/06/11 YYYY/MM/DD

Registered Office:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Records Address:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

Primary Agent for Service:

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500-10220 103 AVE NW	EDMONTON	ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

Directors:

Last Name: MARCEL
First Name: ROXANNE
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: MCKENZIE

First Name: SHERRI
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Voting Shareholders:

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION
Street: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

Details From Current Articles:

The information in this legal entity table supersedes equivalent electronic attachments

Share Structure: SEE ATTACHED SCHEDULE A
Share Transfers Restrictions: SEE ATTACHED SCHEDULE B
Min Number Of Directors: 1
Max Number Of Directors: 7
Business Restricted To: NONE
Business Restricted From: NONE
Other Provisions: SEE ATTACHED SCHEDULE C

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2024	2024/08/21

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2004/06/11	Incorporate Alberta Corporation
2019/06/22	Change Address
2020/02/18	Update BN

2024/05/28	Change Director / Shareholder
2024/08/21	Enter Annual Returns for Alberta and Extra-Provincial Corp.

Attachments:

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2004/06/11
Restrictions on Share Transfers	ELECTRONIC	2004/06/11
Other Rules or Provisions	ELECTRONIC	2004/06/11
Letter - Spelling Error	10000407119434911	2014/10/15

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



Government of Alberta ■

Corporation/Non-Profit Search
Corporate Registration System

Date of Search: 2024/09/19
Time of Search: 02:01 PM
Search provided by: ELDOR-WAL REGISTRATIONS (1987) LTD
Service Request Number: 42970338
Customer Reference Number:

Corporate Access Number: 206304669
Business Number: 896057296
Legal Entity Name: MIKISEW CAPITAL CORPORATION

Name History:

Previous Legal Entity Name	Date of Name Change (YYYY/MM/DD)
630466 ALBERTA LTD.	1995/01/10

Legal Entity Status: Active
Alberta Corporation Type: Named Alberta Corporation
Registration Date: 1994/11/01 YYYY/MM/DD
Date of Last Status Change: 2014/04/03 YYYY/MM/DD

Revival/Restoration Date: 2014/04/03 YYYY/MM/DD

Registered Office:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Records Address:
Street: 2500-10220 103 AVE NW
City: EDMONTON
Province: ALBERTA
Postal Code: T5J0K4

Email Address: CORPORATE.EDMONTON@DENTONS.COM

Primary Agent for Service:

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KRAWCHUK	LEANNE	C.		2500-10220 103 AVE NW	EDMONTON	ALBERTA	T5J0K4	LEANNE.KRAWCHUK@DENTONS.COM

Directors:

Last Name: MARCEL

First Name: ROXANNE
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: MCKENZIE
First Name: SHERRI
Street/Box Number: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Last Name: TUCCARO
First Name: PAUL
Street/Box Number: P.O. BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0

Voting Shareholders:

Last Name: CHIEF BILLY-JOE TUCCARO, IN TRUST FOR MIKISEW CREE FIRST NATION
Street: PO BOX 90
City: FORT CHIPEWYAN
Province: ALBERTA
Postal Code: T0P1B0
Percent Of Voting Shares: 100

Details From Current Articles:

The information in this legal entity table supersedes equivalent electronic attachments

Share Structure: SEE SCHEDULE ATTACHED.
Share Transfers Restrictions: NO SHARES IN THE CAPITAL OF THE CORPORATION SHALL BE TRANSFERRED WITHOUT THE SANCTION OF A MAJORITY OF THE DIRECTORS OF THE CORPORATION.
Min Number Of Directors: 1
Max Number Of Directors: 15
Business Restricted To: NONE.
Business Restricted From: NONE.
Other Provisions: SEE SCHEDULE ATTACHED.

Holding Shares In:

Legal Entity Name
MIKISEW MANUFACTURING LIMITED
MIKISEW MAINTENANCE LTD.

MIKISEW TOURISM CORP.
FORT PETROLEUM CORPORATION
BOREALIS AIR SERVICES LTD.
MIKISEW COMMERCIAL PROPERTIES LTD.
MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.
2000 PLUS LTD.

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2023	2024/05/29

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
2013/01/02	Status Changed to Start for Failure to File Annual Returns
2013/05/02	Status Changed to Struck for Failure to File Annual Returns
2014/04/03	Initiate Revival of Alberta Corporation
2014/04/03	Complete Revival of Alberta Corporation
2019/06/22	Change Address
2020/02/17	Update BN
2024/05/28	Change Director / Shareholder
2024/05/29	Enter Annual Returns for Alberta and Extra-Provincial Corp.

Attachments:

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2014/04/03
Other Rules or Provisions	ELECTRONIC	2014/04/03
Letter - Spelling Error	10000907119434923	2015/01/21

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.

Reserve/Settlement/Village Detail

Official Name DOG HEAD 218
Number 08495
Location LOCATED WITHIN THE FORT CHIPEWYAN SETTLEMENT
Hectares 34.8

List of First Nations on this Reserve

461	Mikisew Cree First Nation	PO BOX 90, FORT CHIPEWYAN, AB, T0P 1B0

Date modified:
2024-05-03

Reserve/Settlement/Village Detail

Official Name ALLISON BAY 219
Number 06734
Location 3 MILES NORTHEAST OF FORT CHIPEWYAN, ALBERTA, ON THE SHORES OF LAKE ATHABASCA
Hectares 1861.0

List of First Nations on this Reserve

461	Mikisew Cree First Nation	PO BOX 90, FORT CHIPEWYAN, AB, T0P 1B0

Date modified:
2024-05-03

Reserves/Settlements/Villages

Official Name Mikisew Cree First Nation

Number 461

No.	Name	Location	Hectares
06734	ALLISON BAY 219	3 MILES NORTHEAST OF FORT CHIPEWYAN, ALBERTA, ON THE SHORES OF LAKE ATHABASCA	1861
06747	CHARLES LAKE 225	ISLAND ON CHARLES LAKE, IN NE CORNER OF ALBERTA, INCLUDES PARTS OF SEC 26, 27, 34 & 35 TWP 125 RGE 4 W4M	64.50
06745	COLLIN LAKE 223	ON NORTH SHORE OF COLIN LAKE IN NE CORNER OF ALBERTA, IN PART OF SEC 7 TWP 122 RGE 1 & PART OF SEC 12 TWP 122 RGE 2	36.40
06746	CORNWALL LAKE 224	PART OF UNNAMED ISLAND IN CORNWALL LAKE, IN NE CORNER OF ALBERTA, IN PARTS OF SEC 15 & 22 TWP 122 RGE 4 W4M	69.30
06729	DEVIL'S GATE 220	10 KM NORTH OF FORT CHIPEWYAN	819.10
08495	DOG HEAD 218	LOCATED WITHIN THE FORT CHIPEWYAN SETTLEMENT	34.80
06733	OLD FORT 217	NEAR THE SE CORNER OF WOOD BUFFALO NATIONAL PARK ON E BANK OF ATHABASCA RIVER IN TWP 108 RGE 9 & 10 & TWP 109 RGE 9 W4M	1509
09136	PEACE POINT 222	WITHIN WOOD BUFFALO NATIONAL PARK AT PEACE POINT, ALBERTA	518
06735	SANDY POINT 221	ON NORTH SHORE OF LAKE ATHABASCA IN PART OF TWP 114 RGE 5 W4M 17 MILES EAST OF WOOD BUFFALO NATIONAL PARK	204

Date modified:
2024-05-03

ABOUT US

The Mikisew Cree First Nation (Mikisew) has lived on the ancestral lands of the Athabasca Delta and Wood Buffalo National Park in northeastern Alberta since time immemorial. The lives of our members are linked to the land and to a close understanding of traditions, history and a natural way of life. Many of our members live in the hamlet of Fort Chipewyan, and our traditional lands range over a large portion of Athabasca oil sands deposits.

For nearly 30 years, Mikisew Group, our wholly owned business arm, has worked toward the long-term, sustainable economic progress of our Nation and its members through employment and significant investments in education, training, social programs and infrastructure.

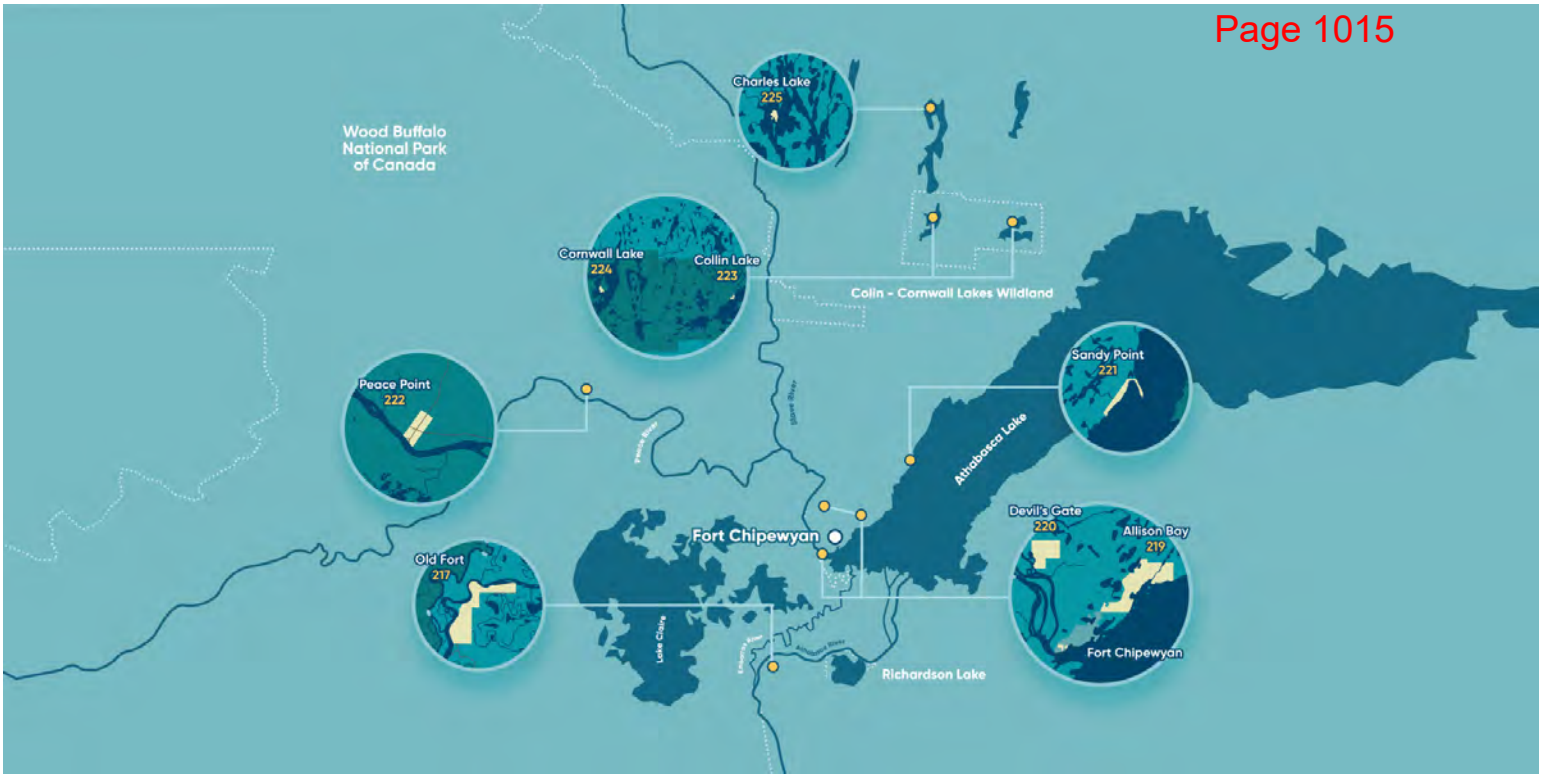
Our second major entity, the Mikisew Cree First Nation Government Industry Relations (GIR), was formed in 2001 to act as a liaison between resource developers, operators, government agencies and the community.

Highlights of our Nation

About
2,800 members

Most live in Fort McMurray, Edmonton, Fort Smith, the Northwest Territories and Fort Chipewyan

Language:
Woodlands Cree



Mikisew Entities

MIKISEW CREE
FIRST NATION GIR

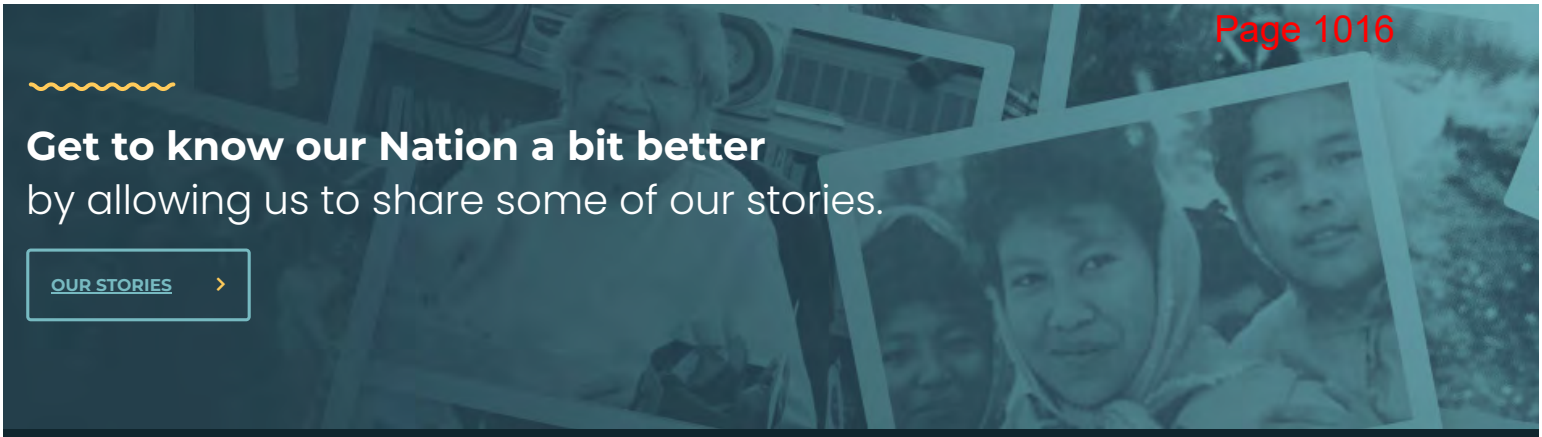
Government and Industry Relations (GIR)

As a department of the Mikisew Cree First Nation, GIR was established in January 2001. It is directed by Chief and Council, and is a liaison between resource developers, operators, governments and the community. GIR is the primary vehicle to bring the Mikisew Nation to the table as an equal participant in resource development, and ensures the Nation is meaningfully consulted. Learn more at mikisewgir.com.

MIKISEW
GROUP OF COMPANIES

Mikisew Group

Mikisew Group is the distinct business entity of the Mikisew Cree First Nation. It was created in 1991 to separate our business and political branches, and has become a leading oil sands partner specializing in site services, maintenance, logistics and construction. Learn more at mikisewgroup.com.



Get to know our Nation a bit better
by allowing us to share some of our stories.

OUR STORIES ›

Departments Directory

Forms

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Like to stay in the loop? **Join our email list and follow us on social media.**

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Report of Dr. Darcy Lindberg (PhD, LLM, JD, BA)

Provided on
October 22, 2024

1. Introduction

This is an opinion on the Crown's oral promises to Mikisew Cree First Nation during the creation of Treaty 8 to control intoxicants from trade and sale within Mikisew Cree First Nation's (MCFN) territories. These oral promises result in an implicit Treaty right of protection from intoxicants. In my opinion, the promises of a continuation of a 'way of life' within Treaty 8, as well as the the historical inclusion of terms dealing with control of intoxicants in treaties that preceded Treaty 8 support the finding of an implicit right from protection from intoxicants in Treaty 8. The interpretation of the promises and terms of Treaty 8 are informed by Cree law. Below I have outlined my opinion that has led me to this conclusion.

2. "Way of Life" Promises and Treaty 8

In the lead up to and negotiations of Treaty 8, the Crown made particular assurances to both Cree and Dene signatories that the treaty would not interfere with each peoples' respective way of life. ("the way of life promise"). Mikisew Cree First Nation would have understood the way of life promise as a protection of *nêhiyaw pimâtisiwin* or Cree way of living. Or to put another way, the maintenance of nêhiyaw pimâtisiwin was an oral but express term of the treaty. Historical records of the negotiations of Treaty 8 support this, including assurances of the maintenance of the Cree "way of life" by Crown representatives in the lead up to Treaty 8. For example, A.J. McKenna describes providing the same assurances to Indigenous peoples in Fort Chipewyan in 1899. In a letter to Clifford Sifton, he states:

> "The chief difficulty in dealing with the Indians in this country arose from the fact that they believed that the making of the treaty would lead to interference with their hunting upon which they must depend for a living….There should be as little interference as possible with hunting and fishing here."[1]

The treaty commissioners confirmed this in the negotiations of Treaty 8. As reported in the treaty commissioners' report:

[1] LAC, MG27 IID15 (Sifton papers), reel C-490, J. A. J. McKenna to Clifford Sifton, 26 July 1899, 8 – 10

> "We assured them that the treaty would not lead to any forced interference with their mode of life".[2]

Intoxication or the use of intoxicants was and is not considered a practice in accordance with nêhiyaw pimâtisiwin, and was and is seen as harmful towards it. This was commonly understood by both Cree peoples and Crown representatives around 1899. For example, in 1898, Inspector Snyder of the NWMP discusses the non-disruption of a way of life in a potential treaty. Significantly, Snyder ties in the maintenance of Cree and Dene ways of life with the prevention of liquor trading in the Fort Chipewyan area. Snyder states:

> "I had several long talks with the natives who came to see me in bodies...they were particularly troubled about is that they should be compelled to take treaty and live on reserves. I informed these Indians that they would not be compelled to take treaty and that their freedom would in no wise be interfered with, that the police were there more for their protection than for any interference with their ways, and so long as they obeyed the laws, the police would not trouble them, but that the police would prevent the white trappers setting out poison and fires, and the traders from trading liquor."[3]

In my opinion, MCFN would have understood that the continuation of nêhiyaw pimâtisiwin as an express term of the treaty, and that would include a right to protection from non-Indigenous ways of life that would harm MCFN living and ways of being.

3. Alcohol regulation and Treaty 6:

Controlling the exchange of intoxicants was long an issue in prior treaties between the Crown and Indigenous peoples. In particular, prohibiting intoxicants from being sold or traded was a common term discussed within the negotiations of previous treaties between Cree peoples and the Crown. For example, the written terms of Treaty 6 state:

> "Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or

[2] Canada *Sessional Papers* 1900, no. 14, Report of the Department of Indian Affairs for the year 1899, Report of Commissioners for Treaty No. 8, D. Laird, J. H. Ross, and J. A. J. McKenna, 22 September 1899, xxxv - xxxvi.
[3] Canada *Sessional Papers* 1898, no. 15, Report of the Commissioner of the North-West Mounted Police Force 1897, Appendix M, "Patrol Report -- Inspector A. E. Snyder, Edmonton to Jasper House, Athabasca District, 1897", 28 October 1897.

> hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced."[4]

Note this prohibition was not limited to reserves as it involved those "inhabiting reserves or living elsewhere within Her North-west Territories". [5]

Treaty 4, also involving Cree peoples and signed in 1874 at Fort Ellice and Fort Qu'Appelle, had a similar clause prohibiting the sale of alcohol to Cree (as well as Saulteaux and Stoney) signatories. These two treaties – two preceding agreements involving Cree peoples and the Crown - would provide an understanding of what the Crown intentions were for Treaty 8 and conditioned Cree signatories of the treaty to seek similar oral terms, including those requiring a right to control intoxicants.

Cree peoples within Treaty 8 territory had knowledge of the terms of Treaty 6 and expected similar terms. J. A. Macrae, a Department of Indian Affairs Inspector at the time leading up to Treaty 8, wrote to Treaty commissioner McKenna about this expectation:

> "[T]he Wood Crees and halfbreeds around Lesser Slave Lake who are closely connected with some of the Edmonton Indians may be found imbued with an intention to demand all those things which the Crees from the South always claim they were promised, and blame the Government for not embodying in the written treaty, asserting that they were amongst the terms".[6]

4. Alcohol Regulation and Treaty 7:

The control of intoxicants on Indigenous territories continued to be a significant issue during the lead up to and creation of Treaty 7. A large impetus for the Blackfoot peoples to sign Treaty 7 was protection from whiskey trading that was occurring in Blackfoot territories prior to the treaty. In 1874, Colonel James Macleod led the North West Mounted Police into the territory to

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[4] Treaty No. 6, online: Government of Canada < https://www.rcaanc-cirnac.gc.ca/eng/1100100028710/1581292569426>
[5] Ibid.
[6] LAC, RG10, Vol. 3848, file 75236-1, J. A. Macrae to J. A. J. McKenna, 3 December 1898.

stop the trade of whiskey by Americans to the Blackfoot. Lieutenant Governor David Laird recalled this history to Blackfoot, Nakoda Sioux and Tsuu Tina chiefs on Oct 17th, 1877:

> "The good Indian has nothing to fear from the Queen or her officers. You Indians know this to be true. When bad white men brought you whiskey, robbed you, and made you poor, and, through whiskey, quarrel amongst your selves, she sent the Police to put an end to it. You know how they stopped this and punished the offenders, and how much good this has done".[7]

Curiously, an express alcohol prohibition clause is absent from the written terms of Treaty 7. While a written clause regarding control of intoxicants on Indigenous territories that was in the preceding treaties was absent, it is uncontroversial that a prohibition of alcohol trading was a significant and immediate issue during the negotiation of Treaty 7.[8]

5. Alcohol Regulation in Treaty 8 Territory:

Although not as well-known as the campaign to end the whiskey trade in Treaty 7 territory, the Northwest Mounted Police had a similar and perhaps even longer engagement in Treaty 8 territory to address problems in liquor trading. As Richard Price notes:

> "In order to enforce the prohibition of poison traps as well as to look into the problems of destructive forest fires and the liquor trade, the Mounted Police, beginning in January 1897, made annual winter patrols to Lake Athabasca, Great Slave Lake, and parts of the Peace River region. Most of this law enforcement (under the Northwest Territories Act) was

[7] Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Coles Publishing Company, 1971) at 267.

[8] It is entirely possible that both the Blackfoot peoples and the treaty commissioners saw the NWMP as an answer to the question of alcohol trading, and did not find the need to put it as an explicit treaty term, as the challenge with alcohol trading was already being dealt with when Treaty 7 was completed. Another possible reason for the removal in the written terms of Treaty 7 (and thus subsequently in the written terms of Treaty 8 and beyond) was the development of the *Indian Act*. Section 79 of the *Indian Act*, enacted in 1876 included the following clause that prohibited the sale of liquor to Indigenous peoples: "79. Whoever sells, exchanges with, barters, supplies or gives to any Indian or non-treaty Indian in Canada, any kind of intoxicant or causes or procures the same to be done, or attempt the same or connives thereat, or opens or keeps, or causes to be. opened or kept, on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, exchanged or given, or is found in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour". See s. 79, The Indian Act, R.S.C. 1876, c. 14.

> directed against whites and half-breeds rather than Indians, and in fact the Indians were apparently pleased with the action taken to reduce the use of poison."[9]

Price notes that this was a primary reason for NWMP presence in Treaty 8 territory for a period prior to the treaty. Price states:

> "Until 1897, the Mounted Police had restricted their role in the District of Athabasca to maintaining outposts at three locations on the Athabasca River for the purpose of controlling trade (particularly the liquor trade) into the region."[10]

In the years preceding Treaty 8, the Crown began to increase NWMP presence in the territory in order to, in part, address increased liquor trading. As Pat McCormack notes:

> "In 1892 or 1893, the federal government removed the prohibition on liquor from southern districts but maintained it in the district of Athabasca. It established a seasonal NWMP detachment at Athabasca Landing to intercept liquor headed for northern posts." [11]

As more non-Indigenous people travelled through or attempted to habituate on the territory prior to Treaty 8, the NWMP role in control of intoxicants only increased. As McCormack notes:

> In the fall of 1896, the NWMP made plans to send an officer on a winter trip from Edmonton to Lake Athabasca "to prepare the way for the extension northward of general Police supervision" (Comptroller to the Commissioner, NWMP, 18 Dec. 1896, LAC, RG 18, v. 128). In addition to enforcing the law, the goal of this survey was "to collect information likely to be useful to the Government in their future dealings with that Territory," paying particular attention to the liquor trade and abuses of alcohol, the use of poison, fires, fisheries, fur, game (especially bison), lumber, hay supplies, and possibilities for settlement (LAC, RG 18, v. 128, L.W. Herchmer, Commissioner, to Inspector Routledge, 21 Dec. 1896.)"[12]

It is clear that the control of intoxicants was an issue between the Cree peoples and the Crown in Treaty 8 territory. Although it does not result in a written clause in the treaty, it is a clear term in the relations between the Crown and Cree signatories and can be implied as an oral term.

6. Cree Law Informs Treaty 8:

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[9] Richard Price, The Spirit of the Alberta Indian Treaties (3rd Ed) (University of Alberta Press: Edmonton, 1999) at 63.
[10] Ibid at 62.
[11] Patricia McCormack, Fort Chipewyan and the Shaping of Canadian History, 1788-1920s, "We like to be free in this country" (UBC Press: Vancouver, 2011) at 92.
[12] Ibid at 94.

From the perspective of Cree signatories, Treaty 8 is rooted in and interpreted through *nêhiyaw wiyasiwewin* or Cree law. It is trite to say that nêhiyaw wiyasiwewin has been used by Cree societies since time immemorial, including by the band of families that would become Mikisew Cree First Nation after Treaty 8. Cree law informed each part of the negotiations and the ultimate formation of Treaty 8, and has been operating within the treaty relationship ever since.

There are foundational legal principles that are integral to the continuation of nêhiyaw pimâtisiwin (Cree way of life) including those that govern treaty relationships between Cree peoples and other nations. A primary principle involving Cree treaty making is wîtaskêwin. Wîtaskêwin translates generally into 'living on the land together' or 'living in peace together'. It implies an obligation to ensure each other's good living on a territory. In a government-to-government context, it implies a respect of the autonomy of the other nation that one lives in close relations with. This includes dialogue and consultation on actions taken that would affect the health and good living of another's citizens and members. In the context of decisions on the sale of intoxicants within MCFN territories, wîtaskêwin may obligate the Crown to respect MCFN autonomy on an issue that is central to the well-being of its members.

Another significant principle regarding government-to-government relations is wâhkôtowin. The common translation for wahkôtowin is 'the law that governs relationships'. In a governance context, it ensures a metaphorical kinship between governments with material obligations that flow between these governments in a wahkôtowin relationship. One of the obligations is for governments who hold this type of government-to-government kinship is to provide good assistance towards the good living of the other government. In the context of control of intoxicants within MCFN territory, a full application of this principle would obligate the Crown to consult with MCFN when making decisions regarding the sale of intoxicants on their territory.

7. Conclusion:

The above supports my opinion that the Crown's oral promises to signatories on behalf of MCFN during the creation of Treaty 8, created an implied treaty right to control intoxicants from trade and sale within MCFN territories. The historical record shows that alcohol prohibition was an express concern in historic treaty negotiations between the Crown and Cree peoples, including within the lead up to Treaty 8. The way of life promises within Treaty 8 included protection from

influences that would a harm the continuation and maintenance of nehiyaw pimatisiwin, or Cree way of life. Finally, the operation of Cree treaty principles through Cree law creates a duty to consider and consult with MCFN regarding the administration of intoxicants in its territories.

LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0016 678 443	5642NY;9;9	852 259 582 Q

LEGAL DESCRIPTION
PLAN 5642NY
BLOCK 9
LOT 9
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;7;112

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
852 259 582	26/11/1985			NIL

OWNERS

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.
OF C/O 2800, 801 - 6 AVENUE S.W., CALGARY
ALBERTA T2P 4A3

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:51 A.M.

ORDER NUMBER: 51638415

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260001550
Account Number: 10518259
Legal Description (P/B/L): Plan: 5642NY Block: 9 Lot: 9
Civic Address: 125 MACKENZIE AVENUE FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$1,199.68
2023	$1,368.29
2022	$1,221.01
2021	$907.81
2020	$850.97

Tax Balance:
Current Taxes Outstanding: $35.99
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $35.99

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0014 050 330	5642NY;5;12	922 207 954

LEGAL DESCRIPTION
PLAN 5642NY
BLOCK 5
LOT 12
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;7;112;12;RL
ATS REFERENCE: 4;7;112;13;RL
ATS REFERENCE: 4;7;112;14;RL
ATS REFERENCE: 4;7;112;15;RL

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 882 209 239

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
922 207 954	17/07/1992	TRANSFER OF LAND	$34,000	$34,000

OWNERS

CREE-ATIONS ENTERPRISES LIMITED.
OF P.O. BOX 90
FORT CHIPEWYAN
ALBERTA T0P 1B0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4731PU	18/09/1968	UTILITY RIGHT OF WAY GRANTEE - MUNICIPALITY OF WOOD BUFFALO. AS TO PORTION OR PLAN:6100NY (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 952088020)

(CONTINUED)

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:51 A.M.

ORDER NUMBER: 51638395

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260000800
Account Number: 10518190
Legal Description (P/B/L): Plan: 5642NY Block: 5 Lot: 12
Civic Address: 105 LOUTIT STREET FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$1,068.63
2023	$992.92
2022	$860.16
2021	$868.66
2020	$764.60

Tax Balance:
Current Taxes Outstanding: $0.00
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $0.00

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

Return to Account Search

***NOTICE:**
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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0016 679 045	5642NY;6;17	852 259 582 N

LEGAL DESCRIPTION
PLAN 5642NY
BLOCK 6
LOT 17
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;7;112

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
852 259 582	26/11/1985			NIL

OWNERS

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.
OF C/O 2800, 801 - 6 AVENUE S.W., CALGARY
ALBERTA T2P 4A3

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4083PW	29/08/1968	UTILITY RIGHT OF WAY GRANTEE - MUNICIPALITY OF WOOD BUFFALO. "PART" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 952088257)

TOTAL INSTRUMENTS: 001

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:49 A.M.

ORDER NUMBER: 51638363

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260001010
Account Number: 10518210
Legal Description (P/B/L): Plan: 5642NY Block: 6 Lot: 17
Civic Address: 103 LOGAN CRESCENT FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$718.46
2023	$669.09
2022	$587.24
2021	$593.56
2020	$522.51

Tax Balance:
Current Taxes Outstanding: $21.55
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $21.55

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0016 682 080	5642NY;1;7	852 259 582 A

LEGAL DESCRIPTION
PLAN 5642NY
BLOCK 1
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;7;112

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
852 259 582	26/11/1985			NIL

OWNERS

MISTEE SEEPEE DEVELOPMENT CORPORATION LTD.
OF C/O 2800, 801 - 6 AVENUE S.W., CALGARY
ALBERTA T2P 4A3

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4083PW	29/08/1968	UTILITY RIGHT OF WAY GRANTEE - MUNICIPALITY OF WOOD BUFFALO. AS TO PORTION OR PLAN:6100NY (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 952088257)

TOTAL INSTRUMENTS: 001

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:50 A.M.

ORDER NUMBER: 51638389

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260000370
Account Number: 10518148
Legal Description (P/B/L): Plan: 5642NY Block: 1 Lot: 7
Civic Address: 100 TORANGEAU AVENUE FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$392.76
2023	$352.99
2022	$319.82
2021	$302.00
2020	$263.60

Tax Balance:
Current Taxes Outstanding: $11.78
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $11.78

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

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***NOTICE:**
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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0025 886 558	8322365;3;9B	942 019 491 +1

LEGAL DESCRIPTION

PLAN 8322365
BLOCK 3
LOT 9B
EXCEPTING THEREOUT:
A) THE NORTHERLY 4.96 METRES IN PERPENDICULAR WIDTH THROUGHOUT
EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;7;112;8;NW
ESTATE: FEE SIMPLE

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 932 048 992

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
942 019 491	21/01/1994	TRANSFER OF PART OF LAND		

OWNERS

CREE-ATIONS ENTERPRISES LIMITED.
OF P. O. BOX 180
FORT CHIPEWYAN
ALBERTA T0P 1B0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:51 A.M.

ORDER NUMBER: 51638405

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0011 259 819	8321682;1;21	992 079 615

LEGAL DESCRIPTION
PLAN 8321682
BLOCK 1
LOT 21
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;7;112;8;N
ATS REFERENCE: 4;7;112;17;S

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 972 315 180

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
992 079 615	31/03/1999	TRANSFER OF LAND	$20,000	$20,000

OWNERS

GUTHRIE MECHANICAL SERVICES LTD.
OF P.O. BOX 5175
FORT MCMURRAY
ALBERTA T9H 3G3
(DATA UPDATED BY: CHANGE OF NAME 192310666)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
852 046 445	08/03/1985	UTILITY RIGHT OF WAY GRANTEE - ALBERTA POWER LIMITED. "PART"
202 168 885	14/08/2020	MORTGAGE MORTGAGEE - BANK OF MONTREAL. 350-7 AVENUE SW,9 FLOOR

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS

CALGARY
ALBERTA T2P3N9
ORIGINAL PRINCIPAL AMOUNT: $60,000,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:53 A.M.

ORDER NUMBER: 51638512

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260003720
Account Number: 10518456
Legal Description (P/B/L): Plan: 8322365 Block: 3 Lot: 9B
Civic Address: 109 MCDONALD STREET FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$400.47
2023	$357.86
2022	$322.52
2021	$327.63
2020	$288.85

Tax Balance:
Current Taxes Outstanding: $0.00
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $0.00

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

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Assessment Report for this Property (No Charge)

Return to Account Search

***NOTICE:**
Water and wastewater service connections to residential properties in Anzac, Conklin, Draper, Gregoire Lake Estates, Janvier and Saprae Creek Estates may have been installed pursuant to the Rural Area Water and Wastewater Service Connection Bylaw 20/009. If applicable, any remaining payment for the service connections will be in accordance with the Instalment Payment Option for the Service Connection Fee as set out in Schedule "B" to the Bylaw. Instalments are included in Municipal Utility Invoices. Any arrears of instalments will be added to the subject property tax roll. For further information, please contact the Regional Municipality of Wood Buffalo's Pulse Line at **780-743-7000** or 1-800-973-9663.

LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0012 418 357	8322365;3;12A	932 048 993

LEGAL DESCRIPTION
PLAN 8322365
BLOCK 3
LOT 12A
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;7;112;8;NW

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 932 023 595

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
932 048 993	24/02/1993	TRANSFER OF LAND	$15,000	$15,000

OWNERS

CREE-ATIONS ENTERPRISES LIMITED.
OF P. O. BOX 180
FORT CHIPEWYAN
ALBERTA T0P 1B0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:53 A.M.

ORDER NUMBER: 51638497

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260003730
Account Number: 10518457
Legal Description (P/B/L): Plan: 8322365 Block: 3 Lot: 12A
Civic Address: 105 MCDONALD STREET FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$363.32
2023	$320.59
2022	$289.91
2021	$294.95
2020	$260.41

Tax Balance:
Current Taxes Outstanding: $0.00
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $0.00

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

If you would like to save a download of this report, select Print in your web browser and choose Save as PDF.

Assessment Report for this Property (No Charge)

Return to Account Search

***NOTICE:**
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LAND TITLE CERTIFICATE

S

LINC	SHORT LEGAL	TITLE NUMBER
0010 154 433	5642NY;6;10	132 315 333

LEGAL DESCRIPTION
PLAN 5642NY
BLOCK 6
LOT 10
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 012 300 397

REGISTERED OWNER(S)

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
132 315 333	02/10/2013	TRANSFER OF LAND	$100,000	$100,000

OWNERS

1112958 ALBERTA LTD.
OF PO BOX 90
FORT CHIPEWYAN
ALBERTA T0P 1B0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
4705PS	25/06/1968	UTILITY RIGHT OF WAY GRANTEE - MUNICIPALITY OF WOOD BUFFALO. AS TO PORTION OR PLAN:6100NY (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 952087974)

TOTAL INSTRUMENTS: 001

(CONTINUED)

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 17 DAY OF SEPTEMBER, 2024 AT 11:49 A.M.

ORDER NUMBER: 51638356

CUSTOMER FILE NUMBER:

END OF CERTIFICATE

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REGIONAL MUNICIPALITY OF WOOD BUFFALO

Tax Search **Tuesday, September 17, 2024**

Lawyer's Client File Number: 756719
Roll Number: 8260000960
Account Number: 10518205
Legal Description (P/B/L): Plan: 5642NY Block: 6 Lot: 10
Civic Address: 112 MERCREDI STREET FORT CHIPEWYAN AB T0P1B0 CANADA
Payment by Mortgage Company: No
Payment by TIPP: No

Tax Year	Tax Levy
2024	$489.56
2023	$459.10
2022	$414.66
2021	$420.79
2020	$370.49

Tax Balance:
Current Taxes Outstanding: $14.69
Arrears Taxes Outstanding: $0.00
Other Charges/Utility Transfers Outstanding: $0.00
Total Taxes Outstanding: $14.69

Additional unpaid accounts that may be added to taxes include:

Water/Sewer Charges (These amounts do not include final billing):

Current Utilities Outstanding: Not available-Contact Utility Billing
Current Outstanding Due Date:
Arrears Utilities Outstanding: Not available-Contact Utility Billing
Total Utilities Outstanding: Not available-Contact Utility Billing

If you would like to save a download of this report, select Print in your web browser and choose Save as PDF.

Assessment Report for this Property (No Charge)

Return to Account Search

***NOTICE:**
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Edmonton

Mikisew Cree First Nation declares state of local emergency following multiple suicides

'We can feel the grief amongst the people, the hurt,' says Chief Billy-Joe Tuccaro

Wallis Snowdon · CBC News · Posted: Apr 25, 2023 12:07 PM MDT | Last Updated: April 25, 2023



The Mikisew Cree First Nation says suicides and suicide attempts have been increasing in the remote community of Fort Chipewyan, Alta. (Jeff McIntosh/The Canadian Pres)

A First Nation in northern Alberta has declared a state of local emergency following a string of suicide and suicide attempts among community members.

The Mikisew Cree First Nation says immediate medical intervention is needed in Fort Chipewyan, Alta., to address a mounting mental health crisis among members.

Suicides and suicide attempts have been increasing in the remote community accessible only by plane, boat or ice road, about 280 kilometres north of Fort McMurray, the MCFN said in a statement Tuesday.

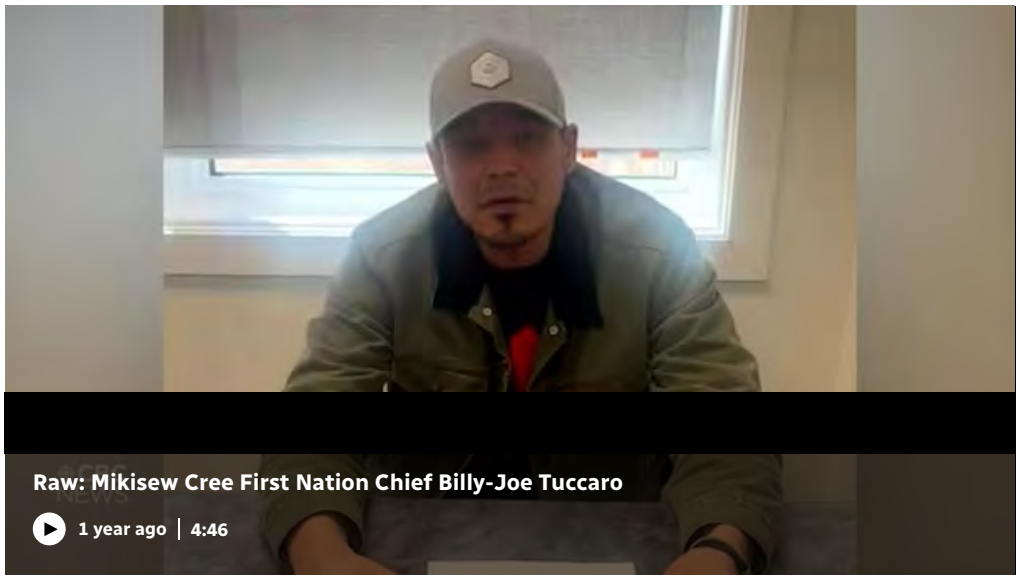
Community leaders fear that if additional mental health resources don't arrive soon, the trend will have a tragic ripple effect among members.

"Leadership is also gravely concerned about the imminent potential of suicidal clusters, suicidal ideations, and suicidal planning among our youth," the statement reads.

"Our nation urgently needs mental health support in our community to address the immediate and short-term crisis and sustained funding for mental health and addictions in the long term, focusing on health promotion, prevention and reclaiming cultural identity."

The state of local emergency was declared Monday following a vote by the chief and council.

WATCH | Chief Billy-Joe Tuccaro discusses the situation in Fort Chipewyan, Alta.



In a video posted to social media, Mikisew Cree First Nation Chief Billy-Joe Tuccaro said the community has called on the federal and provincial governments to provide immediate support and long-term, sustainable funding for community mental health supports.

In a video posted to social media, Chief Billy-Joe Tuccaro said the community has called on the federal and provincial governments, including Alberta Health Services and Indigenous Services Canada, to provide immediate support and long-term, sustainable funding for community mental health supports.

Rick Wilson, Alberta's minister of Indigenous relations, said he is "deeply concerned" by the situation.

"One death to suicide is too many," Wilson said in a statement. "I am committed to working with my government colleagues, including at the federal level, to understand what we can do to support Mikisew Cree First Nation and all Indigenous communities impacted by the loss of life due to suicide."

CBC News has requested comment from the federal government. Alberta Health Services declined to comment.

The community is also calling for a mental health crisis response team to be immediately dispatched to the community, Tuccaro said.

He did not provide an exact number but said multiple suicides have been reported.

He said outside support is needed to end a pattern of self-destructive behaviour in the community.

"We can feel the grief amongst the people, the hurt," he said.

"As the chief of the Mikisew Cree First Nation, I too get these calls about our membership wanting to hurt themselves. It's something that I take near and dear to my heart."

Tuccaro said the band and council can no longer turn a blind eye to the crisis unfolding in the community.

"Today, there is no more words," he said. "Today is a day of action. We can not stand by anymore and pretend that this is not a real issue."

In the video, Tuccaro urged anyone who is struggling to get help. He also shared a warning, urging parents to monitor their children's social media activity. Some sites are promoting risky behaviour among teenagers in the community, he said.

"Please, speak to your children," he said.

Co-ordinating response

Allan Adam, chief of the Athabasca Chipewyan First Nation, said ACFN plans to issue its own declaration and support a coordinated response to the suicide crisis in a community that also home for many ACFN members.

He said the two bands should work together to help "get a grip" on the crisis.

"It's affecting our young people our most," Adam said in an interview from Fort Chipewyan Tuesday. "That's a big problem here in the community.

"But they're not the only ones. It's people in general that are having all these issues."

Adam said the community is in the throes of a mental health crisis, exasperated by addiction to opioids and other drugs. People in the community who are suffering from depression often turn to drugs, leading to social disorder within the remote hamlet.

Mental health supports are important but the community must also focus on eliminating the drug trade, Adam said.

"These drug dealers need to be dealt with," Adam said. "Some of them are not from the community and they're plaguing our community, disrupting everything."

The Mikisew Cree First Nation takes a zero-tolerance approach to manufacturing, selling or possessing illegal drugs on the First Nation.

- **Not in Chip: Northern Alberta hamlet campaigning against drugs**

In February, the band issued a bylaw authorizing Wood Buffalo RCMP to search homes on reserve lands or buildings owned by the First Nation in an attempt to eliminate the drug trade.

The band warned that offenders could be banned from the reserve or properties owned by the nation.

"It's time we banded together and deal with the issue," Adam said. "If not, this crisis is going to keep on going."

Suicide rates have consistently been shown to be higher among First Nations people, Métis and Inuit in Canada than the rate among non-Indigenous people.

According to a 2019 report from Statistics Canada, the suicide rate among First Nations people in Canada was three times higher than the rate among non-Indigenous people.

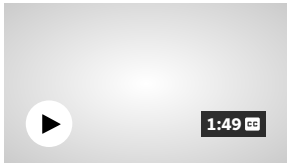
If you or someone you know is struggling, here's where to get help:

- ***Talk Suicide Canada**: 1-833-456-4566 (phone) | 45645 (text between 4 p.m. and midnight ET).*
- *Kids Help Phone: 1-800-668-6868 (phone), live chat counselling on **the website**.*
- *Canadian Association for Suicide Prevention: **Find a 24-hour crisis centre.***
- *This guide from the **Centre for Addiction and Mental Health** outlines how to talk about suicide with someone you're worried about.*

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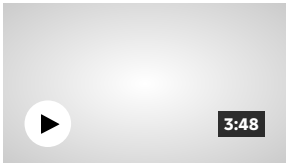
Corrections and clarifications | *Submit a news tip* | *Report error*

TRENDING VIDEOS



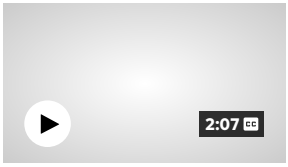
VIDEO

Canadian nun becomes a saint



VIDEO

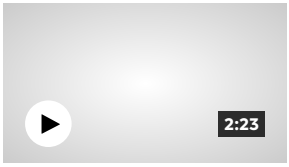
Waterloo man captures racially charged altercation on video



VIDEO

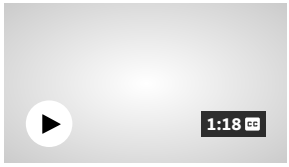
Kids' hockey game halted as parents brawl in the stands

The National



VIDEO

Heavy rain causes flooding on the North Shore



VIDEO

#TheMoment an elderly penguin got a wetsuit

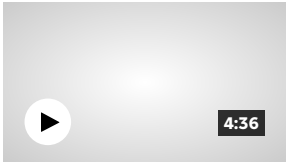
The National

RECOMMENDED FOR YOU

UPDATED

Police release new details on workplace death of 19-year-old at Halifax Walmart

Canada - Nova Scotia



117 homebuyers out millions, as Ontario builder admits to selling homes without legal approvals

Saloni Bhugra

Canada - Toronto

B.C. Greens mull role of potential kingmaker after tight election

Akshay Kulkarni

Canada - British Columbia

IN DEPTH

'It's like a cage': Foreign workers who quit Canadian Tire speak out about feeling trapped by work permits

Shaina Luck

Canada - Nova Scotia

Blade Runner 2049 producers sue Elon Musk, Tesla, Warner Bros. Discovery over robotaxi images

Brock Wilson

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[redacted]

[redacted]

From: Colford, Brandon (RCMP/GRC) <brandon.colford@rcmp-grc.gc.ca>
Date: Monday, October 21, 2024 at 3:17 PM
To: Orlagh O'Kelly <orlagh.okelly@okellylaw.ca>, Davison, Warren (RCMP/GRC) <warren.davison@rcmp-grc.gc.ca>
Cc: ceo <ceo@mikisewcree.ca>
Subject: RE: RCMP Data re: Alcohol Related Occurances

Hey Orlagh, sorry for the delay.

I called the Fort McMurray Detachment to run the sta:s :cs, but due to the linking process on PROS, all alcohol involved occurrences were not populated in the reports, so it was very inaccurate. I had to individually check every PROS file for the year so it took a few hours. I only looked up the occurrences from 2024/01/01 to today. If you need a wider range of dates, please let me know.

Out of the detachments 697 occurrences in 2024, **328** were alcohol related. A breakdown is as follows:

- 91 - Mischief
- 55 – Assault
- 34 - Breach of peace
- 32 – Provincial/municipal/liquor act
- 28 – Traffic related
- 22 – Wellbeing check
- 19 – Mental Health Act
- 10 - 911 hang ups
- 7 – Assist General Public
- 6 – U[ering Threats
- 6 - Assistance to provincial agency
- 5 – The\
- 4 – Fail to comply with condi:ons
- 2 – Crime preven:on
- 2 – break and Enter
- 1 – Sexual Assault
- 1 – Items lost
- 1 – trespass at night
- 1 - Trespass

- 1 – Public Mischief

Addi:onally , our detachment has lodged 87 Prisoners in cells in 2024. Out of the 87, **69** were intoxicated by alcohol. If you need anything further or have any ques:ons, please let me know!

Cst. Brandon COLFORD
Fort Chipewyan Detachment
P.O. Box 328 Fort Chipewyan, AB TOP 1B0
Tel: 780-697-3931
Fax: 780-697-3624

Royal Canadian Mounted Police / Gendarmerie Royale du Canada

Security Classification/Designation
Protected A

October 22, 2024

Mikisew Cree First Nation

PO Box 90

Fort Chipewyan, AB

T0P 1B0

ATTN: Orlagh O'KELLY

RE: RCMP Statistics – Alcohol Related Occurrences

As of October 21, 2024, the RCMP received 697 occurrences in 2024, 328 were alcohol related. A breakdown is as follows;

91 - Mischief

55 - Assault

34 - Breach of Peace

32 – Provincial/Municipal/Liquor Act

28 – Traffic Related

22 – Wellbeing Checks

19 – Mental Health Act

10 – 911 Hang-Ups

7 – Assist General Public

6 – Uttering Threats

6 – Assistance to Provincial Agency

5 – Theft

4 – Fail to Comply with Conditions

2 – Crime Prevention

Canada

2 – Break and Enter

1 – Sexual Assault

1 – Items Lost

1 – Trepass at Night

1 – Trepass

1 – Public Mischief

Additionally, our Detachment has lodged 87 prisoners in cells for 2024. Out of 87 prisoners, 69 prisoners were intoxicated by alcohol.

If you need clarification or require further information, please do not hesitate to the Detachment administration at 780-697-3931.

Thank you!

Sincerely,

B. Colford 64834

Cst. Brandon COLFORD

for: Sgt. Warren DAVISON

NCO i/c

Fort Chipewyan RCMP Detachment

Tuesday, October 22, 2024 at 12:09:39 Mountain Daylight Time

Subject:	Re: Chief Tuccaro & Mikisew Response- RMWB Application for Liquor Store 2023-DP-00125
Date:	Tuesday, October 22, 2024 at 12:09:39 PM Mountain Daylight Saving Time
From:	Orlagh O'Kelly
To:	nabil.malik@rmwb.ca, brett.williamson@rmwb.ca
CC:	Shelley Metera
Attachments:	image001.png, image002.png

From: Orlagh O'Kelly <orlagh@robertsokelly.com>
Sent: Thursday, August 17, 2023 3:36:49 PM
To: nabil.malik@rmwb.ca <nabil.malik@rmwb.ca>; breMwilliamson@rmwb.ca <breMwilliamson@rmwb.ca>
Cc: paMyhajdu@parl.gc.ca <paMyhajdu@parl.gc.ca>; council@rmwb.ca <council@rmwb.ca>; mayor@rmwb.ca <mayor@rmwb.ca>; ir.ministeroffice@gov.ab.ca <ir.ministeroffice@gov.ab.ca>; dennis.fraser@rmwb.ca <dennis.fraser@rmwb.ca>; Mikisew Chief and Council <chiefandcouncil@mikisewcree.ca>; Dr. Rohan Ghatak <ceo@mikisewcree.ca>
Subject: Chief Tuccaro & Mikisew Response- RMWB Applica[on f or Liquor Store 2023-DP-00125

Good a_ernoon:

On behalf of Chief Billy-Joe Tuccaro and Mikisew Cree First Na[on, please find enclosed in opposi[on t o the above-noted applica[on f or a liquor store in Fort Chipewyan.

Sincerely,

ROBERTS O'KELLY LAW • ADR

Orlagh O'Kelly LLB

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1
Amiskwaciwâskahikan – Treaty 6
T: 780 760 6752 E: orlagh@robertsokelly.com W: www.robertsokelly.com

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MIKISEW CREE FIRST NATION

MIKISEW CREE FIRST NATION
ALLISON BAY INDIAN RESERVE #219
BOX 90, FORT CHIPEWYAN, ALBERTA T0P 1BO
PHONE: (780) 697-3740 FAX: (780) 697-3826

August 17, 2023

VIA ELECTRONIC MAIL

Nabil Malik, Planner III
Brett Williamson, Planner II
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB, T9H 2K4

Dear Mssrs. Malik and Williamson:

Re: File Number 2023-DP-00125- Application for Development Permit
LOT 3 BLOCK 10 PLAN 5642NY
193 Mackenzie Avenue;
FORT CHIPEWYAN ALBERTA

I am a resident of Fort Chipewyan and the duly elected Chief of the Mikisew Cree First Nation ("**Mikisew**"). I write on my own behalf, and on behalf of Mikisew Cree First Nation, to strongly oppose the above noted application for a Liquor Store, Office and Warehouse in the centre of Fort Chipewyan, at 193 Mackenzie Avenue ("**Application**") - a discretionary permit application under the *Land Use Bylaw No. 99/059*.[1]

I also write with the support and unanimous approval of the Mikisew Chief and Council, and 84.51 per cent of the 71 Mikisew members who were able to participate in a Mikisew initiated survey, opened on August 15, 2023 and closed on August 17, 2023 ("**Survey**").[2]

1. **No Notice and No Consultation**

The July 28, 2023, Notice to Adjacent Property Owners, invited those who "live within the hamlet boundaries of Fort Chipewyan" to provide any concerns or comments on the proposed Application. I am a resident of Fort Chipewyan.[3]

---

[1] RMWB Bylaw No. 99/059: available at: https://www.rmwb.ca/en/mayor-council-and-administration/resources/Documents/Landusebylaw/Consolidated-Land-Use-Bylaw-99-059.pdf.

[2] Tab 2, Survey – Comparison of Responses by Mikisew members versus not: Q4: "Do you agree with a Liquor Store being licensed in the RMWB Hamlet of Fort Chipewyan?" and All Data from Survey.

[3] Tab 1, Notice dated July 28, 2023, Notice to Adjacent Property Owners.

However, to my knowledge, no similar notice was provided to Mikisew members living in the neighbouring Dog Head Reserve 218 and Allison Bay Reserve 219. No consultation occurred with Mikisew's leadership. At minimum, we find this to be in breach of the spirit of "Reconciliation" and the Truth and Reconciliation Commission's Calls to Action. We also note that Mikisew has been provided no information or records relating to this Application as would normally be applicable such a decision, including the information and data on any harms/impacts assessment of another liquor store in our small community.

Similarly, the limited time and lack of notice has restricted our ability to respond. Nevertheless, given the gravity of the proposal to our community, we have marshalled the best response possible in the three (3) days since we officially took office (August 14, 2023).

2. Duty Consult

By failing to even notify our Nation, Mikisew submits that the Regional Municipality of Wood Buffalo ("**RMWB**") has already breached the duty to consult and the honour of the Crown.

The "duty to consult" arises where there is a potential impact to aboriginal and Treaty rights, as protected under section 35 of the *Constitution Act, 1982*. Treaty 8 includes explicit written promises. It also includes oral promises, gleaned from the Crown's official records and our own oral histories. These in turn guide the duty to consult and the honour of the Crown, the latter which always applies to our relations.

Crown records on Treaty 8

Crown records confirm that Treaty 8 was intended to protect our health and to control the liquor trade. In the short time we had to prepare, we can offer you the following to support this assertion.

First, according to Dr. Pat McCormack's research of Crown records, a primary impetus for Treaty 8 was to control the "liquor trade".[4]

Second, the Crown records around Treaty 8 confirm that promises were made in relation to our health, for instance, as follows: "We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country."[5]

Oral promises in Treaty 8

Our oral histories confirm what was promised in Treaty 6 – our people would be protected from the scourge of "fire water" and alcohol would be restricted, if not prohibited on reserves.[6] For example, an interpreter during those negotiations explained as followed:

---

[4] Patricia A. McCormack, *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s*, UBC press, 2010, at pp. 166-167.

[5] Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. R. Duhamel, FRSC Queen's Printer and Controller of Stationery Ottawa, 1966, 1899, Cat No.: Ci 72-0866, IAND Publication No. QS-0576-000-EE-A-16, available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572.

[6] This is the thesis in Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours*), University of Regina Press, 2016.

> "They asked for an ox and a cow [for each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; **the exclusion of fire water in the whole of Saskatchewan**; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve."[7]

Alexander Morris explained that this was indeed part of the oral promises. According to an INAC Treaty 6 report, Alexander Morris noted that the "**exclusion of intoxicating liquor** and the provision of schools had already been offered in the proposed terms."

Harold Johnson, the late Woodland Cree person and lawyer, also noted that Treaty 6 included this oral promise. Although less documented by written records and although time does not permit the inclusion of the basis for this position, Mikisew submits that Treaty 8 included the same oral promise.[8]

Conclusion on Treaty, Duty to Consult and Honour of the Crown

Allowing the Application will impact not only Mikisew' Treaty rights, but the solemn Treaty relationship between Mikisew and the Crown, as represented by the municipality, a creature of provincial statute in this case, responsible with the administration of municipal affairs.[9] This certain impact gives rise to at least a potential impact on the Mikisew's Treaty Rights, giving rise to a duty to consult which was in no way complied with. Further and/or in the alternative, the requirement to consider the "public interest" and the Honour of the Crown should have at least required notice to and consultation with Mikisew in this process.[10]

3. Mikisew and RMWB

We are concerned that RMWB will take an individualistic approach to this Application, failing to consider the interests of Mikisew as collective. As such, we remind RMWB that, according to our records, a majority of Fort Chipewyan residents are Mikisew members. An estimated 583 Fort Chipewyan residents of approximately 1000 are Mikisew members.

Further our reserves are neighbouring the hamlet of Fort Chipewyan, separated only by federal Crown lands. Indeed, our communities are intertwined, and our reserve residents depend on many services and businesses in Fort Chipewyan. It would be incorrect to consider this Application, given its effects on our members, as disconnected from Mikisew and our members living on reserve. Although Mikisew can pass

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[7] John Leonard Taylor, *Treaty Research Report Treaty Six (1876)*, Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985 at p.

[8] Harold Johnson, *Firewater: How Alcohol Is Killing My People (and Yours)*, University of Regina Press, 2016.

[9] Felix Hoehn and Michael Stevens, Local Governments and the Crown's Duty to Consult, 2018 55-4 *Alberta Law Review* 971, 2018 CanLIIDocs 88, ; Angela D'Elia Decembrini and Shin Imai, Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest, 2019 56-3 *Alberta Law Review* 935, 2019 CanLIIDocs 364.

[10] See for example: *Fort McKay First Nation v Prosper Petroleum* Ltd, 2020 ABCA 163 (CanLII), at para 39; *Three Sisters Mountain Village Properties Ltd. v Town of Canmore*, 2022 ABLPRT 671 (CanLII), at paras 186-192; *AltaLink Management Ltd. v. Alberta (Utilities Commission)*, 2021 ABCA 3424; *Municipal Government Act*, RSA 2000, c M-26, s 686. (3)(c).

its own intoxicant by-laws under the *Indian Act* or its inherent powers, they cannot control the flow from Fort Chipewyan onto reserve if a new liquor store is permitted by RMWB. Neither is such a unilateral approach consistent with the Calls To Action (which include local governments) and the RMWB's own Policy.[11]

4. The effects of Alcohol on Mikisew and the community

Alcohol is a known agent of harm in our community. It perpetuates and enhances intergenerational traumas. It is a leading, if not the leading, cause of crime in Fort Chipewyan. Due to time constraints, we do not have the data from the Royal Canadian Mounted Police, but anecdotally, we know that alcohol and drugs have caused and contributed to many violent crimes in our community.

It is important that RMWB know that, historically, alcohol was used as an agent of genocide[12], at worst, or as tool in bad faith dealings with First Nations.[13] When approaching this Application, it is expected that RMWB be aware of this past.

Further, and consistent with what our Chief and Council know about alcohol's impacts on our community, our Survey's 42 comments were unanimously not in support of the Application, stating for example:

> "My only comment is that people know how much alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone."
>
> "We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leadership and RCMP can barely even handle all the crime, addiction, and abuse happening now with 1 liquor store."
>
> "RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!"[14]

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[11] Call to Action #43, 57:; RMWB, *Council Policy: Public Engagement, PRC-130*, May 10, 2022;RMWB, *Responding to the Truth and Reconciliation Commission's Calls to Action: Principles for a Collaborative Pathway Forward*.

[12] Saggers, Sherry; Gray, Dennis (2 November 1998). *Dealing with Alcohol: Indigenous Use in Australia, New Zealand and Canada*. Cambridge University Press. ISBN 9780521629775; Lesley Elena (2019). "Cultural Impairment and the Genocidal Potential of Intoxicants: Alcohol use in Colonial North America". *Genocide Studies and Prevention*. **13** (1): 88–97. doi:10.5038/1911-9933.13.1.1622.O. Laughland and T.Silverstone, "Liquid genocide: alcohol destroyed Pine Ridge reservation – then they fought back", *The Guardian* September 29, 2017.

[13] *"Benjamin Franklin, The Autobiography of Benjamin Franklin, Section Fourty Eight"* where Benjamin Franklin stated, among other thing that the Indians were promised that if "they continue sober during the Treaty" they would be given plenty rum when the Treaty concluded in 1788. See also the Toronto Purchase, *Treaty 13*, where 96 gallons of rum was included in the explicit terms of the Treaty in 1805.

[14] Tab 3, Survey – Comments in response to Q6.

In relation to the final comment, Mikisew has requested the data from RCMP. We understand that this data, too, reflects that a high proportion of criminal/violent incidents in Fort Chipewyan and on reserve involve alcohol. We will provide this information as soon as we receive the same.

Finally, we also understand that there are several negative health effects from alcohol, either through these acute violent incidents (stabbings, beatings, shootings, drinking and driving and suicides) or through chronic health issues, known to often be caused by alcohol. For example, cancer is the leading cause of death in Canada and the use of alcohol is believed to cause nearly 7,000 of those cancer deaths each year.[15] After looking at this data and others, Harold Johnson calculated that approximately half of his people (Woodland Cree in Saskatchewan) would die an alcohol related death. We have requested the information regarding alcohol and community health from Nunee Health and will, also, provide any response to RMWB as soon as possible.

5. Conclusion: requested Decision

We ask that you consider the present and historical harm of alcohol in our community, which includes the majority of Fort Chipewyan residents, in denying the Application.

In the alternative, if you are considering approving the Application, we ask for a further opportunity to provide more fulsome submissions than those above.

We welcome, going forward, collaboration to create, as the respondents to the Survey suggest, a gathering place or a mental health centre instead of another liquor store.

If you have any questions about the above or enclosed, we would be pleased to discuss further. Your attention to this matter is appreciated.

Hiy Hiy,

FOIP section 17(1)

Chief Billy-Joe Tuccaro,
Mikisew Cree First Nation

cc. Mayor Sandy Bowman and RMWB Council (council@rmwb.ca and mayor@rmwb.ca)
Minister of Indigenous Relations, Rick Wilson (ir.ministeroffice@gov.ab.ca)
Minister of Indigenous Services Canada, Patty Hajdu (patty.hajdu@parl.gc.ca)
Dennis Fraser, Indigenous Relations RMWB (dennis.fraser@rmwb.ca)

[15] Canadian Centre on Substance Use and Addiction, *Canada's Guidance on Alcohol and Health: Final Report*, January 2023, pages 10-11.

July 28, 2023

NOTICE TO ADJACENT PROPERTY OWNERS

File Number 2023-DP-00125 – Application for Development Permit
LOT 3 BLOCK 10 PLAN 5642NY; 193 Mackenzie Avenue;
FORT CHIPEWYAN ALBERTA

An application has been received by the Planning and Development department to develop a **Liquor Store, Office and Warehouse** at the property listed above.

You are being informed of this Development Permit **before a decision is rendered** because you live within the hamlet boundaries of Fort Chipewyan. A subject property Map is attached for your reference.

The subject property is zoned for HC – Hamlet Commercial where Liquor Store, Office and Warehouse sales are considered Discretionary Uses. *Discretionary Uses* are land uses which may be considered on a property AND include a twenty-one (21) day appeal period after a decision is rendered.

We ask that if you have any concerns or comments regarding this application that you forward these in writing referencing the above noted File Number, for the consideration of the Development Authority by **4:30 p.m. on August 17, 2023**. All received comments will be reviewed by the Development Authority prior to a decision. If a response is not received it is assumed, you have no comments/concerns regarding this application.

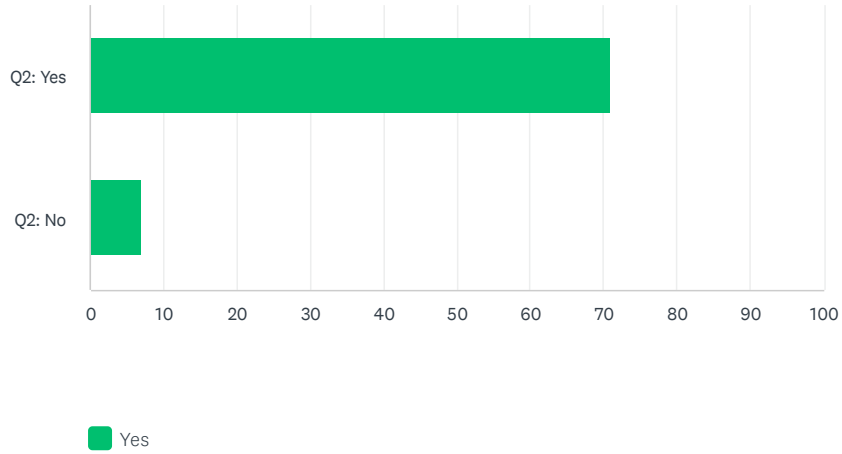
Your concerns/comments may be sent **in writing** to the Development Officer by one (1) of the following methods:

Email: Nabil.Malik@rmwb.ca
Mail: Nabil Malik, Planner III
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

Email: Brett.Williamson@rmwb.ca
Mail: Brett Williamson, Planner II
Planning & Development Department
Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, AB; T9H 2K4

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head , consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

Answered: 78 Skipped: 0

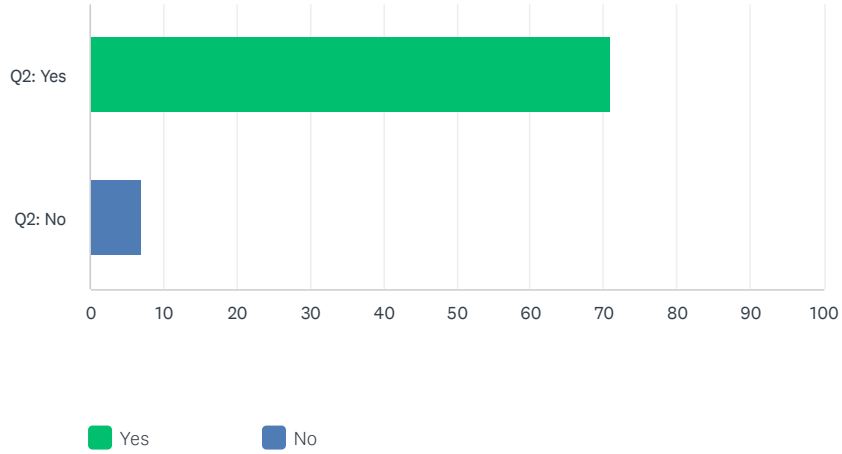


	YES	TOTAL
Q2: Yes (A)	100.00% 71	91.03% 71
Q2: No (B)	100.00% 7	8.97% 7
Total Respondents	78	78

	IF YOU ARE WILLING, PLEASE PROVIDE YOUR NAME AND/OR STATUS NUMBER FOR THE SOLE PURPOSE OF CONFIRMING YOU ARE A MCFN MEMBER (IF YOU DO NOT WISH TO ANSWER, PLEASE ENTER N/A)	TOTAL
Q2: Yes (A)	57	57
Q2: No (B)	4	4

Q2 Are you a MCFN member?

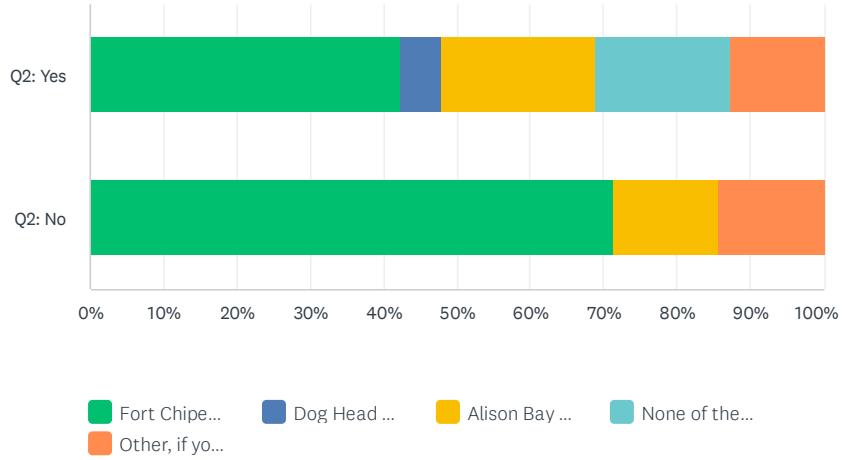
Answered: 78 Skipped: 0



	YES	NO	TOTAL
Q2: Yes (A)	100.00% 71	0.00% 0	91.03% 71
Q2: No (B)	0.00% 0	100.00% 7	8.97% 7
Total Respondents	71	7	78

Q3 Where do you live:

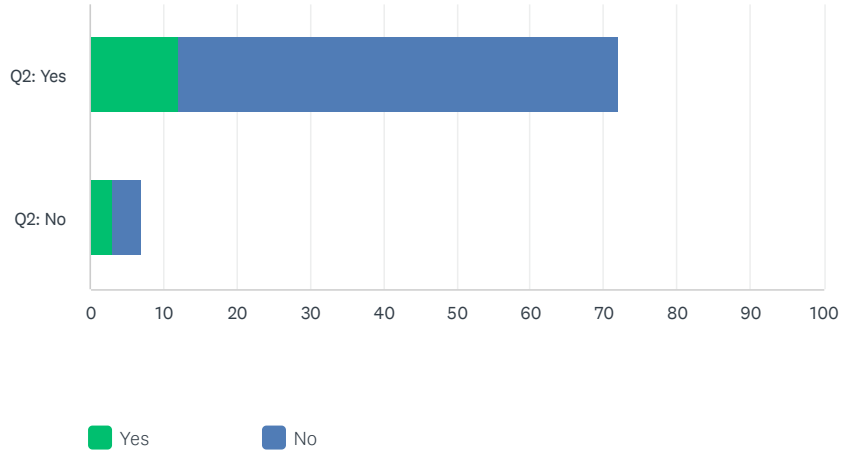
Answered: 78 Skipped: 0



	FORT CHIPEWYAN	DOG HEAD RESERVE 218	ALISON BAY RESERVE 219	NONE OF THE ABOVE	OTHER, IF YOU WISH TO SPECIFY WHERE YOU LIVE:	TOTAL
Q2: Yes (A)	42.25% 30	5.63% 4	21.13% 15	18.31% 13	12.68% 9	91.03% 71
Q2: No (B)	71.43% 5	0.00% 0	14.29% 1	0.00% 0	14.29% 1	8.97% 7
Total Respondents	35	4	16	13	10	78

Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

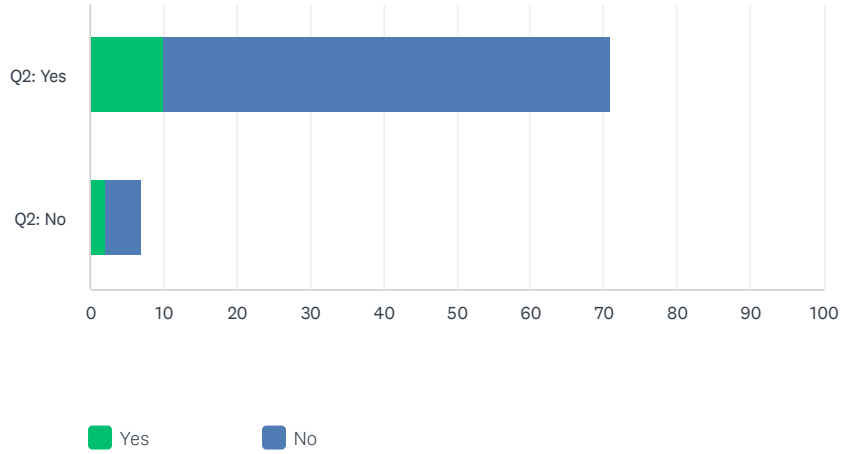
Answered: 78 Skipped: 0



	YES	NO	TOTAL
Q2: Yes (A)	16.90% 12	84.51% 60	92.31% 72
Q2: No (B)	42.86% 3	57.14% 4	8.97% 7
Total Respondents	15	64	78

Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?

Answered: 78 Skipped: 0



	YES	NO	TOTAL
Q2: Yes (A)	14.08% 10	85.92% 61	91.03% 71
Q2: No (B)	28.57% 2	71.43% 5	8.97% 7
Total Respondents	12	66	78

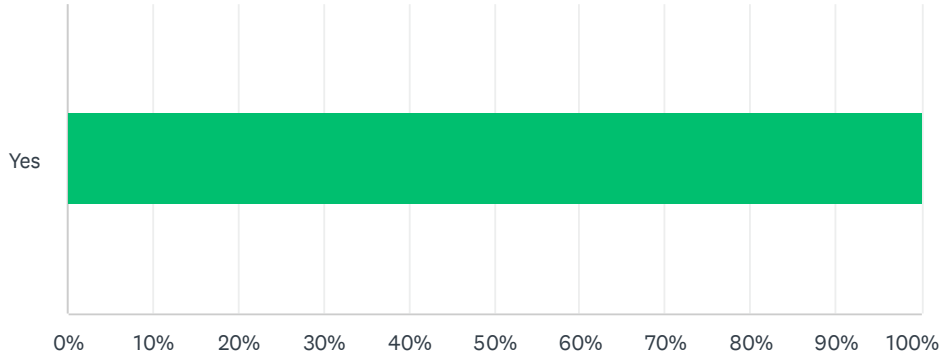
Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44% 1
Total Respondents	41	41

Q1 You are being asked to participate in a survey to better understand how MCFN members, living in Fort Chipewyan, Alison Bay or Dog Head , consider the application to licence a liquor store in Fort Chipewyan (the Hamlet), which is adjacent to MCFN reserve land. The data from the survey will be used to inform MCFN's position in response tot his liquor store application. The survey has only three questions. The survey is being conducted by MCFN, initiated by Chief and Council. It should take less than 3 (three) minutes to complete).PARTICIPATION: Your participation in this survey is voluntary. You may refuse to take part in the survey or exit the survey at any time without penalty. You are free to decline to answer any question you do not wish to answer for any reasons. BENEFITS: In completing this survey to the best of your ability, you will help MCFN develop a position on this application that is informed by MCFN members living in Fort Chipewyan, Dog Head or Alison Bay.RISKS: Since this survey is on the topic of alcohol on and near reserve, there is a risk that you may find this process suesntive and answering them may cause emotion discomfort/triggering. If you need additional support please call the 24-hour Hope for Wellness Help Line 1-855 242 3310.CONFIDENTIALITY: Your name will not be attached the information you provide, and all results will be anonymous. Your survey answers will be stored in a password protected electronic format. Your name and/or status number, if provided, will only be used to confirm you are a MCFN member.CONTACT: If you have any questions about completing the survey, please contact the MCFN Health Department.ELECTRONIC CONSENT: Please select your choice below. Clicking on the "Yes" button indicates that:- You have read the survey information provided above - You voluntarily agree to participate- You are 18 years of age or older- You understand the survey will take 3 minutes to complete1. I consent to participate in the survey, as described above

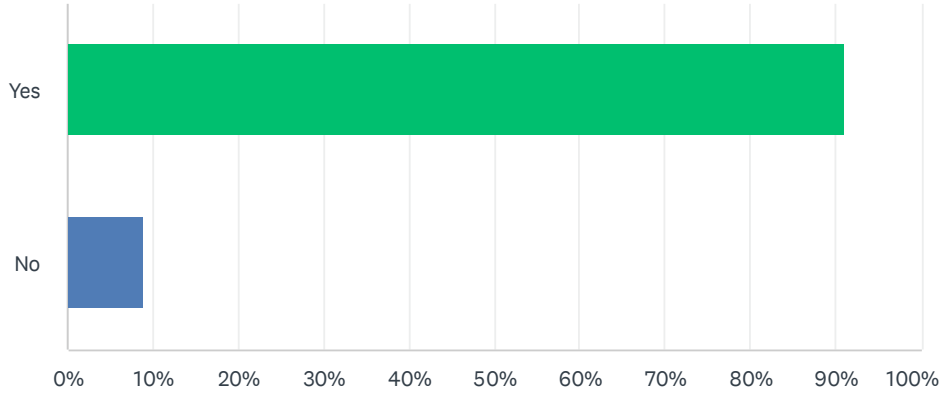
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	79
Total Respondents: 79		

Q2 Are you a MCFN member?

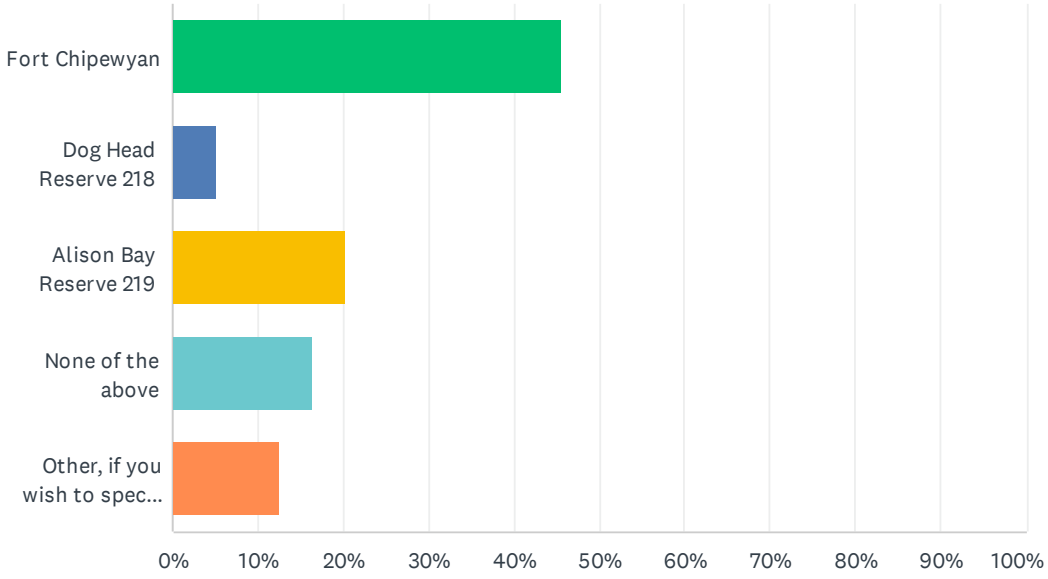
Answered: 78 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	91.03%	71
No	8.97%	7
Total Respondents: 78		

Q3 Where do you live:

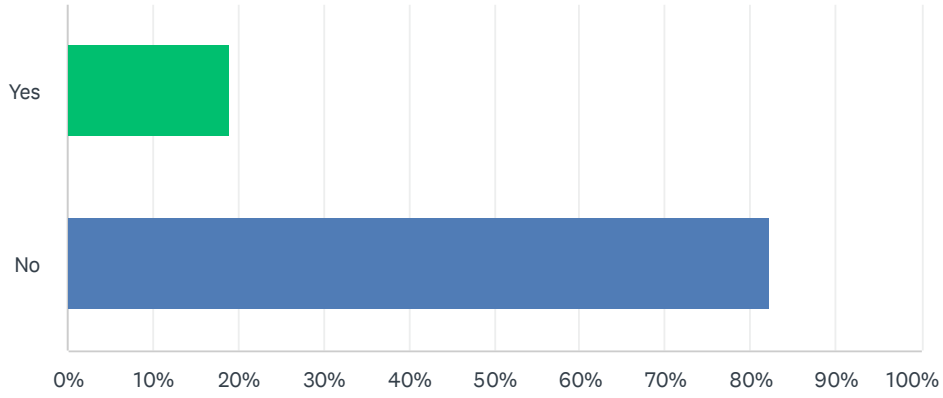
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Fort Chipewyan	45.57%	36
Dog Head Reserve 218	5.06%	4
Alison Bay Reserve 219	20.25%	16
None of the above	16.46%	13
Other, if you wish to specify where you live:	12.66%	10
TOTAL		79

Q4 Do you agree with another Liquor Store being licensed in the RMWB hamlet of Fort Chipewyan?

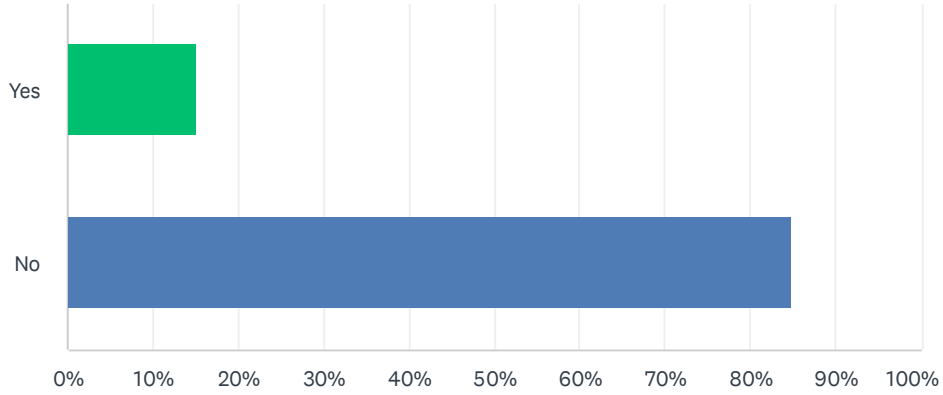
Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	18.99%	15
No	82.28%	65
Total Respondents: 79		

Q5 Do you agree with a Liquor Store being licensed on a MCFN reserve?

Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	15.19%	12
No	84.81%	67
Total Respondents: 79		

Q6 Do you have any comments regarding this survey:

Answered: 42 Skipped: 37

Q6 Do you have any comments regarding this survey:

Answered: 41 Skipped: 37

	DO YOU HAVE ANY COMMENTS REGARDING THIS SURVEY:	TOTAL
Q2: Yes	100.00% 40	97.56% 40
Q2: No	100.00% 1	2.44% 1
Total Respondents	41	41

#	Q2: YES	DATE
1	The liquor store that's in question isn't on a reserve, not sure why this is a question.	8/16/2023 8:24 PM
2	We have a major drug and alcohol problem in community with the 1 liquor store. This contributes to the mental health crisis we are still currently in. The thought of putting another liquor store in town is outrageous and would cause even more damage to this community. Leaderships and RCMP can barley even handle all the crime, addiction, and abuse happening now with 1 liquor store.	8/16/2023 2:37 PM
3	I strongly disagree to even have a liquor store in Fort chip let alone another. Our community suffers with addiction with alcohol /drugs. You really think that brining another liquor store would do good for our community. Alcohol doesn't cure trauma/depression. Why not open a clinic that specializes in mental health and addictions. Get out people on the right track not feeding their addiction by adding another liquor store. I believe Fort Chipewyan should be a dry reserve. A community I know in MB has a dry reserve, to see the beauty in the community. The activity's for the children and more job opportunity's for the adults is amazing. I strongly disagree having another liquor store. Although I don't live in Fort chip I see from a far how liquor/drugs affects the community.	8/16/2023 2:21 PM
4	We don't need another liquor store in Fort Chipewyan.	8/16/2023 1:06 PM
5	A big fat No for putting up another liquor store please don't let this happen who ever is trying to do this should worry about all what's happening with drugs and alcohol so No no for putting up another problem	8/16/2023 11:53 AM
6	Liquor stores destroys families and lives. Not needed in such a tiny place lije Ft. Chipewyan.	8/16/2023 7:20 AM
7	Don't need better liquor store. We would do better if there was no liquor store in Fort Chipewyan	8/16/2023 6:04 AM
8	We do not want another liquor store. We don't want more problems with drugs and alcohol. Please and thanks	8/16/2023 5:15 AM
9	RMWB should get the statistics from the RCMP on the crime rates in Fort Chip that are directly related to alcohol and base their decision on that!	8/16/2023 12:43 AM
10	We don't need more liquor stores	8/16/2023 12:35 AM
11	100% not in support of having another liquor store.	8/15/2023 11:40 PM
12	Open a Tim Hortons	8/15/2023 11:33 PM
13	We have a major issue in the community with alcohol and drugs right now. Why have 2 liquor stores open when we don't even have one AA meeting place that is open 24 hrs a day people have problems all the time not just 9-5 during working hours. If ppl have some place to go in the evening and even to camp a safe place for kids to to go when they're parents are partying and on drugs so they can provided for and protected as the cops can't do anything at peoples residence. I would like to know who applied for the liquor store seems like they don't care for the ppl except just to make dollar at peoples expense and the children that have to live with it.	8/15/2023 11:31 PM
14	My only comment is that people know how alcohol and hard drugs affect our community. To want to get another liquor store is a backstab to us community members who argue against it. Instead of opening another liquor store (when we already have one), I suggest alternative options like building a library or a community space where older teens can gather and engage in positive activities. This way, we focus on creating a healthier and more supportive environment for everyone	8/15/2023 11:16 PM
15	Profiting from addictions is gross.	8/15/2023 11:09 PM
16	Unacceptable as our people are struggling enough with alcohol and drugs.	8/15/2023 7:35 PM
17	Why do we need another liquor store when the one we have here has already ruined young lives we need a damn treatment centre that people can actually go to, also why make another liquor store when there should be a cannabis store	8/15/2023 5:10 PM
18	We have enough problems with one liquor store here and with the meth and crack situation, and violence against our members like myself. I STRONGLY DISAGREE this this liquor store. We as members are already losing our young ones mind set to this problem.	8/15/2023 5:05 PM
19	Too much addictions within the community. It does more harm than good. Death comes from Liquor and my people are tired of seeing all the death.	8/15/2023 3:10 PM
20	Our community does not need another liquor store!!!!!	8/15/2023 3:06 PM
21	the last thing we need is another liquor store, let alone one. i don't agree with this at all.	8/15/2023 2:52 PM

22	We have enough problems as it is in Fort chip just because someone doesn't wanna walk up a hill doesn't mean we need another place of alcohol that is ruining our community as a nation mikisew should be against this. this liquor store should be denied. Everyone always blames liquor and the liquor store when something happens I flat out say NO thank you to this liquor store application.	8/15/2023 2:52 PM
23	Alcohol addiction is a very high in this community and we do not need another one!!!!	8/15/2023 2:32 PM
24	We don't need another liquor outlet	8/15/2023 2:23 PM
25	We have enough tragedy in Fort Chipewyan without another liquor store	8/15/2023 2:04 PM
26	N/A	8/15/2023 1:59 PM
27	Liquor ruined our culture and the way the world sees us as people, we shouldn't even have one on our land let alone two. Have more cultural healing instead of poison	8/15/2023 1:50 PM
28	Make something useful. The last thing the community needs is another liquor store. What idiot even proposed that idea.	8/15/2023 1:44 PM
29	I'm a non drinking individual, making a sober community and banning liquor will make an issue worth. People will find a way to drink one way or another, most likely in an dangerous manner. Whether there's 2 liquor stores or not, isn't the issue.	8/15/2023 1:39 PM
30	Think back on when they had the VLT's. it hurt the families. and the children mostly,,,,,there enough drugs in Ft. Chip without a liquor. Store,,,,,,big mistake. Don't don't. do. . it plz,,,,,,you will make the family pitiful. ,,,,,especially the children,,,,	8/15/2023 1:30 PM
31	It doesn't matter to me we will never stop the liquor can't even evict people from homes or stop the hard drugs what's the difference	8/15/2023 1:26 PM
32	Alcohol and drugs have a big impact on our community in regards to violence and suicides, as a member we should not condone this behaviour and should be helping our nation succeed in life and sobriety	8/15/2023 1:19 PM
33	It's time for healing not more destruction. Liquor is killing the people! Invest in a rehabilitation center please!!!	8/15/2023 1:08 PM
34	There are enough social problems in the community. There is gang violence associated with drug use, children are able to access alcohol from the established liquor store here. We do not need another liquor store. We need adequate programs for the families and children to deal with the existing problems and trauma.	8/15/2023 1:05 PM
35	alcohol is killing our people and is a breach of our treaty	8/15/2023 12:57 PM
36	It's a ridiculous idea to even think about bringing more alcohol into the community, when we all know there is already a severe crisis with our younger people ! They no not need another liquor store they need a rehabilitation centre or a facility to go to get clean and get healthy , why is the chief and council not worried about the health of our people !??? they do not care about the next generation??	8/15/2023 12:44 PM
37	With all the alcohol and drug related problems in our community, I hope this doesn't get approved.	8/15/2023 12:44 PM
38	Why are you going to get another liquor store on the reserve when there is one already not to mention the issues the reserve is facing this last two years. This is absolutely reckless for chief and council to profit off of addictions that have brought so much crazy behaviours. Why don't you make effort to do better for our members!	8/15/2023 12:41 PM
39	One is good enough make a dame rehab center	8/15/2023 12:37 PM
40	Drugs and alcohol are a big problem in the community, there does not need to be another liquor store. We are trying to get our people clean and healthy, not add to the problem. Ive moved away from chip because there has been far too much violence because of drugs and alcohol in the community.	8/15/2023 12:36 PM

#	Q2: NO	DATE
1	too much problems in this community with drugs and alcohol already another liquor store is just gonna make things worst for the community	8/17/2023 11:14 AM

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

PROTOCOL AGREEMENT

An Agreement for Collaboration and a Renewed Relationship Between the Mikisew Cree First Nation and the Regional Municipality of Wood Buffalo

BETWEEN:

Mikisew Cree First Nation
(the "**MCFN**")

AND

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

1.0 PREAMBLE

A. The history of Turtle Island, now known as Canada, Alberta, and the Regional Municipality of Wood Buffalo (RMWB) has been shaped and greatly influenced by Indigenous Peoples with their own languages, cultures, traditions, and government structures.

B. Section 35 of the Constitution Act, 1982 explicitly recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada and indicates that the term "Aboriginal peoples of Canada" includes the First Nation, Inuit and Métis people of Canada, including the Mikisew Cree First Nation (MCFN), are recognized and affirmed.

C. The Municipality recognizes that the MCFN holds Aboriginal rights, Treaty rights and MCFN reserve land exists within or inside of the physical limits of the Municipal boundaries.

D. It is in the mutual interests of both Parties to foster a stronger and more defined collaborative government-to-government relationship.

E. The Municipality and the MCFN have the mutual objective of taking significant steps towards advancing truth and reconciliation through action and dialogue.

F. The Municipality and the MCFN wish to define their mutual relationship and establish and detail how the two Parties will collaboratively work together.

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

G. The Parties recognize that the commitment to discussions and processes provided for in this Agreement are steps towards truth and reconciliation and are expected to provide clarity and predictability for the MCFN, the Municipality, members of the MCFN and citizens of the Region.

H. The Parties are committed to truth and reconciliation, as defined by the Truth and Reconciliation Commission of Canada, through establishing and maintaining a mutually respectful relationship.

NOW THEREFORE the Parties enter into this Agreement with the intention and desire to establish a collaborative government-to-government protocol and relationship, in the spirit of taking action to achieve truth and reconciliation, for the shared benefit of the MCFN and the Municipality. The Parties agree as follows:

2.0 DEFINITIONS

2.1 For the purposes of this Agreement, the following definitions apply:

(a) "**Agreement**" means this Protocol Agreement between the Regional Municipality of Wood Buffalo and the MCFN

(b) **Capacity Support**" means funding provided by the Municipality through the *Indigenous Community Capacity Grant Program FIN-250* to the MCFN to assist the MCFN with implementing the commitments and responsibilities outlined in this Agreement

(c) "**Effective Date**" means the date this Agreement is fully executed by both Parties

(d) **"Indigenous"** means the original peoples of the land (First Nations (status and non-status), Métis and Inuit), distinct social and cultural groups sharing collective ancestral ties to the lands and natural resources within (and beyond) the boundaries of the Municipality

(e) "**Joint Committee**" means appointed staff or administration appointed by both Parties to fulfill the roles identified in Section 7.2

(f) "**Municipality**" or "**RMWB**" means the Regional Municipality of Wood Buffalo

(g) **"Parties"** collectively means the MCFN and the Municipality and individually either the MCFN or the Municipality, as the case requires

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

(h) **"Principles of Reconciliation"** means the ten guiding principles respecting the Government of Canada's relationship with Indigenous peoples published in 2018

(i) **"UN Declaration"** means the UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution adopted by the General Assembly*, 2 October 2007, A/RES/61/295

(j) **"Work Plan"** means an annual aspirational exercise involving both Parties where anticipated engagement work will be reviewed, considered and structured for the following year.

3.0 PURPOSE

3.1 The purpose of this Agreement is to:

(a) establish agreed processes for a renewed government-to-government relationship between the Municipality and the MCFN

(b) agree and confirm the responsibilities, processes and actions pursuant to which the two Parties will address matters of mutual interest

(c) establish a "Joint Committee" through which the Municipality and the MCFN will manage and collaborate on joint priorities

(d) formalize an engagement process with the MCFN on municipal projects, programs, policies or decisions that are of interest to, or may have impact on the MCFN.

4.0 PROTOCOL PRINCIPLES

4.1 The Parties recognize that the successful implementation of this Agreement will require systematic, timely and disciplined efforts by both Parties. The Parties agree to the following principles:

(a) acting in an open, good faith and transparent manner toward one another in dealing with the matters set out in this Agreement and when implementing this Agreement

(b) continuous education, knowledge and understanding of the Parties' mutual interests

(c) applying a results-driven approach to all discussions, negotiations and the implementation of this Agreement

(d) building a relationship based on trust and collaboration between the MCFN and the Municipality, applying the Principles of Reconciliation

(e) expanding the Municipality's knowledge of, and appreciation for, the MCFN history, culture and way of life.

5.0 ENGAGEMENT PROTOCOL

5.1 All high-level policies and initiatives undertaken by the Municipality with the MCFN will be on a government-to-government basis and not be viewed as public or stakeholder engagement.

5.2 Despite section 5.1, the Municipality will use its best efforts to engage with the MCFN on projects, programs, policies and decisions that may have an impact on the MCFN or its membership, in accordance with its current public engagement policies, including but not limited to:

(a) the *Public Engagement Administrative Procedure PRC-130-P01*; and

(b) the *Public Engagement Policy PRC-130*

as amended or as replaced from time to time.

5.3 The Parties agree to the following principles for engagement:

(a) sufficient prior notification and engagement by the Municipality with the MCFN where the Municipality reasonably believes that a municipal project, program, or policy may affect the interests of the MCFN

(b) at the request of the MCFN, further detailed information on any municipal project, program, or policy will be provided to the MCFN to allow the MCFN to assess their interest in or potential impact from such project, program, or policy and to meaningfully participate in any municipal engagement process

(c) reporting back to the MCFN on how the input from the MCFN has been considered and incorporated into any municipal decision.

5.4 The Parties agree to the following process for engagement undertaken by the Municipality:

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

(a) the Municipality will annually provide to the Joint Committee a list of projects, programs, policies and decisions to the MCFN that may impact the MCFN or its members

(b) The MCFN will advise the Municipality of the recommended level of engagement through the Joint Committee

(c) the Municipality will use its best efforts to follow the preferred engagement process recommended by the MCFN, considering time and resource constraints.

5.5 If a project, program, policy or decision is contemplated or initiated by the Municipality after the provision of the annual list to the MCFN through the Joint Committee, the proposed project, program, policy or decision will be submitted to the Joint Committee as soon as possible and the process outlined in Sections 8.2 (b) and (c) of this Agreement will be followed.

5.6 Nothing in this Agreement diminishes any engagement or notification requirements required by the Municipality under the *Municipal Government Act* RSA 2000 c-M-26 or any other enactment.

5.7 Nothing in this Agreement diminishes any "duty to consult" with the MCFN required by the Municipality under the *Indian Act*, RSC 1985, c. I-5, as amended, any other enactment or at common law.

6.0 MUTUAL INTEREST

6.1 The following areas of mutual interest have been identified and agreed upon by the Parties for collaboration. Where appropriate, separate agreements may be entered into by the Parties bi-laterally or with other appropriate partners:

(a) intergovernmental coordination

(b) partnerships and to lobby provincial and federal governments on priorities of mutual interest

(c) cultural and tourism development

(d) regional economic development

(e) land planning, zoning, and land-use

(f) employment

MIKISEW CREE FIRST NATION

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(g) emergency preparedness and management

(h) infrastructure

(i) municipal service agreements

(j) procurement and contracts

(k) property and other taxation issues

(l) social services

(m) housing initiatives

(n) policing

(o) transportation initiatives

(p) additional issues of interest that the Parties may identify from time to time.

7.0 JOINT COMMITTEE

7.1 To accomplish the objectives of this Agreement, the Parties will establish a Joint Committee as soon as practicable following the Effective Date of this Agreement.

7.2 The Joint Committee will:

(a) develop and submit an annual Work Plan based on the areas of mutual interest identified in Section 6.1

(b) collaboratively implement the annual Work Plan

(c) address any urgent issues that may arise

(d) establish sub-committees or working groups to undertake specific projects as required

(e) address any other issues that may arise during the implementation and term of this Agreement

(f) undertake other duties as may be agreed to by the Joint Committee.

7.3 The Joint Committee shall meet at least twice a year to undertake collaborative discussions related to the items identified under section 6.1.

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

7.4 The Joint Committee may refer disputes to the leadership of their governments for resolution through the established communication protocol outlined in section 8.0.

7.5 The Joint Committee membership will:

(a) consist of two representatives appointed from the RMWB's Indigenous and Rural Relations Department and two representatives appointed by the MCFN

(b) meetings will be chaired alternatively by one representative from the Municipality and one representative from the MCFN

(c) operate on the basis of consensus, to the greatest extent reasonably possible.

(d) establish procedures including but not limited to:

a. meeting frequency and locations

b. the process for involvement of other departments and representatives

7.6 The Joint Committee membership is appointed for each calendar year by the Parties and the membership shall be as identified in **Schedule "A"**.

8.0 COLLABORATIVE LEADERSHIP COMMUNICATION PROTOCOL

8.1 The Parties will establish a Collaborative Leadership Communication Protocol to provide a process for elected leadership of both Parties to provide direction on the implementation of this Agreement.

8.2 The purpose of the Collaborative Leadership Communication Protocol is to:

(a) act as an avenue through which elected leadership of the MCFN and the Municipality provide input on approaches to addressing mutual areas of interest and the annual Work Plans

(b) review the progress of the Joint Committee and other aspects of the Agreement

(c) strengthen the working relationship with elected leadership, manage issues and potential areas of conflict, and increase collaboration.

8.3 Discussions or conversations that occur as part of this established protocol are required to be reported back to their respective Councils on any discussions and/or recommendations.

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

9.0 IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UN Declaration)

9.1 The MCFN agrees to participate in collaborative discussions with the Municipality on the proposed municipal implementation of the UN Declaration as a framework for advancing truth and reconciliation, including but not limited to the following:

(a) providing input on any municipal policies concerning the UN Declaration

(b) providing input on any documents, plans or strategies for implementing the UN Declaration as a framework for advancing truth and reconciliation

(c) providing any other input or advice on the proposed implementation of the UN Declaration as a framework for advancing truth and reconciliation in Wood Buffalo.

10.0 FUNDING

10.1 The Municipality will provide Capacity Support to the MCFN through the *Indigenous Community Capacity Grant Program FIN-250*.

11.0 TERM AND TERMINATION

11.1 The term of this Agreement will commence on the Effective Date.

11.2 The Agreement will be reviewed on or before the third anniversary date of the Effective Date and every three years thereafter.

11.3 Either Party may terminate this Agreement upon:

(a) 90 days written notice to the other Party with a detailed explanation of the reason for termination; or

(b) upon the terms of this Agreement being incorporated by the Parties into a successor agreement or modified by mutual agreement of the Parties.

11.4 Upon written notice of termination being given by either Party, the Parties will meet within 30 days to seek to achieve an understanding for the reason(s) for termination and to discuss potential amendments to the Agreement or other solutions to avoid termination.

12.0 REPRESENTATIONS

12.1 The MCFN confirms that by entering into this Agreement:

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

(a) it has the authority and capacity to enter into this Agreement on its own behalf and on behalf of its members

(b) it has taken all necessary actions and has obtained all necessary approvals to enter into this Agreement for and on behalf of its members

(c) this Agreement is valid and best efforts will be made to meet all obligations contained within the Agreement.

12.2 The Municipality confirms that by entering into this Agreement:

(a) it has the authority to enter into this Agreement

(b) this Agreement is valid and best efforts will be made to meet all obligations contained within the Agreement.

13.0 GENERAL TERMS

13.1 This Agreement is a non-binding instrument which is intended to express the will of the Parties to collaborate on a range of matters of mutual interest but is not intended to be actionable pursuant to legal proceedings.

13.2 This Agreement, including the Forum, does not affect the jurisdiction or discretion of any decision-making authority of the Municipality or the MCFN.

13.3 Any notice, document or communication required or permitted to be given shall be in writing and delivered by hand, by registered mail or by email to the Party to which it is to be given as follows:

To: Regional Municipality of Wood Buffalo
Jubilee Building
6th Floor, 9909 Franklin Avenue
Fort McMurray, AB T9H 2K4

Attention: Director Indigenous and Rural Relations
E-mail: Director.IRR@RMWB.ca

To: Mikisew Cree First Nation
P.O. Box 90
Fort Chipewyan, AB T0P 1B0

Attention:
E-mail:

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

13.4 This Agreement may be amended from time to time by the Parties in writing.

13.5 If any part of this Agreement is deemed or found to be void or invalid:

(a) the invalidity of that part will not affect the validity of other parts of the Agreement; and

(b) the Parties will negotiate and attempt to reach agreement on a replacement for the part declared void or invalid.

IN WITNESS WHEREOF this Agreement is effective this ___ day of _____, 20___ and in making their best efforts to adhere to the terms established in this Agreement, the Parties have signed and executed this Agreement by their authorized representatives.

MIKISEW CREE FIRST NATION

FOIP section 17(1)

_____

Chief

_____

Melody Lepine, Acting Chief Executive Officer

REGIONAL MUNICIPALITY OF WOOD BUFFALO

_____

Sandy Bowman, Mayor

_____

Linda Ollivier, Interim Chief Administrative Officer

MIKISEW CREE FIRST NATION

REGIONAL MUNICIPALITY OF WOOD BUFFALO

SCHEDULE "A" – JOINT COMMITTEE

At the signing of this Agreement, the following representatives have been appointed to the initial Joint Committee:

Joint Committee Membership Representatives		
Mikisew Cree First Nation	**Representative #1**	**Representative #2**
Name		
Title		
Phone Number		
Email Address		
Municipality	**Representative #1**	**Representative #2**
Name		
Title		
Phone Number		
Email Address		

Tuesday, October 22, 2024 at 12:10:33 Mountain Daylight Time

Subject:	Re: Chief Tuccaro & Mikisew Response- RMWB Application for Liquor Store 2023-DP-00125
Date:	Monday, September 11, 2023 at 1:22:11 PM Mountain Daylight Saving Time
From:	Orlagh O'Kelly
To:	nabil.malik@rmwb.ca, brett.williamson@rmwb.ca
CC:	patty.hajdu@parl.gc.ca, council@rmwb.ca, mayor@rmwb.ca, ir.ministeroffice@gov.ab.ca, dennis.fraser@rmwb.ca, Mikisew Chief and Council, Doreen Cardinal-Somers
Category:	Filed to Clio
Attachments:	image001.png, image002.png, image003.png, image004.png

Good a&ernoon Sirs:

Could we please have confirma8on that Mikisew will be no8fied when a decision is made on this applica8on? If not, kindly advise where we can inquire about the status of this applica8on.

Sincerley,

ROBERTS O'KELLY LAW • ADR

Orlagh O'Kelly LLB

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1
Amiskwaciwâskahikan – Treaty 6
T: 780 760 6752 **E:** orlagh@robertsokelly.com **W**: www.robertsokelly.com

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From: Orlagh O'Kelly <orlagh@robertsokelly.com>
Date: Friday, September 1, 2023 at 6:20 PM
To: nabil.malik@rmwb.ca <nabil.malik@rmwb.ca>, bre]. williamson@rmwb.ca <bre]. williamson@rmwb.ca>
Cc: pa]y .hajdu@parl.gc.ca <pa]y .hajdu@parl.gc.ca>, council@rmwb.ca <council@rmwb.ca>, mayor@rmwb.ca <mayor@rmwb.ca>, ir.ministeroffice@gov.ab.ca <ir.ministeroffice@gov.ab.ca>, dennis.fraser@rmwb.ca <dennis.fraser@rmwb.ca>, Mikisew Chief and Council <chiefandcouncil@mikisewcree.ca>, Doreen Cardinal-Somers <ceo@mikisewcree.ca>
Subject: Re: Chief Tuccaro & Mikisew Response- RMWB Applica8on for Liquor Store 2023-DP-00125

Good evening:

May we please have an update on the applica8on? Mikisew expects to receive immediate no8fica8on on this ma] er, especially if no consulta8on is undertaken.

Sincerely,

Orlagh O'Kelly
Roberts O'Kelly LLP
403, 10113 104 street NW
Edmonton AB
T: 7807606752

From: Orlagh O'Kelly <orlagh@robertsokelly.com>
Sent: Thursday, August 17, 2023 3:36:49 PM
To: nabil.malik@rmwb.ca <nabil.malik@rmwb.ca>; bre]. williamson@rmwb.ca <bre]. williamson@rmwb.ca>
Cc: pa]y .hajdu@parl.gc.ca <pa]y .hajdu@parl.gc.ca>; council@rmwb.ca <council@rmwb.ca>; mayor@rmwb.ca <mayor@rmwb.ca>; ir.ministeroffice@gov.ab.ca <ir.ministeroffice@gov.ab.ca>; dennis.fraser@rmwb.ca <dennis.fraser@rmwb.ca>; Mikisew Chief and Council <chiefandcouncil@mikisewcree.ca>; Doreen Cardinal-Somers <ceo@mikisewcree.ca>
Subject: Chief Tuccaro & Mikisew Response- RMWB Applica8on for Liquor Store 2023-DP-00125

Good a&ernoon:

On behalf of Chief Billy-Joe Tuccaro and Mikisew Cree First Na8on, please find enclosed in opposi8on to the above-noted applica8on for a liquor store in Fort Chipewyan.

Sincerely,

ROBERTS O'KELLY LAW • ADR

Orlagh O'Kelly LLB

403, 10113 104 Street NW | Edmonton, Alberta | T5J 1A1
Amiskwaciwâskahikan – Treaty 6
T: 780 760 6752 E: orlagh@robertsokelly.com W: www.robertsokelly.com

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Councillor Kendrick Cardinal charged with impaired driving, fleeing peace officer

Cardinal was arrested after he was seen yelling at a protest against the construction of a liquor store in Fort Chipewyan.

Vincent McDermott

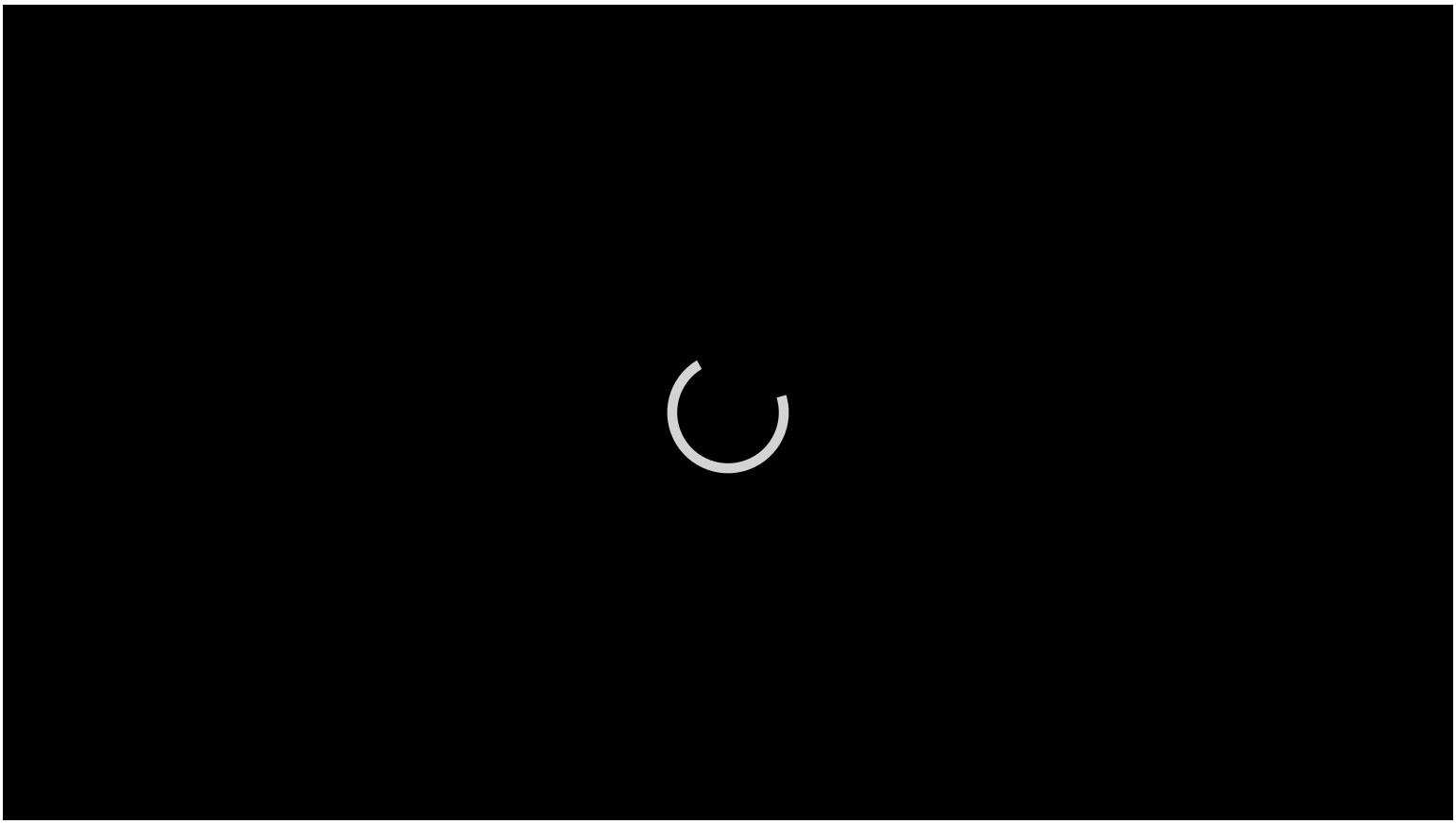
Published Sep 05, 2024 • Last updated Sep 05, 2024 • 3 minute read

Join the conversation



Councillor Kendrick Cardinal during a July 3, 2024 meeting in Fort McMurray. Screenshot/Regional Municipality of Wood Buffalo

Councillor Kendrick Cardinal has been charged with impaired driving, exceeding the legal alcohol limit while operating a vehicle and fleeing from a peace officer.



Wood Buffalo RCMP and a court check confirm Cardinal was arrested on Aug. 30. Police would not comment on the details of Cardinal's arrest because RCMP. Cardinal did not answer requests for comment.

However, Fort Chipewyan residents say Cardinal was arrested shortly after he appeared at a local protest against the opening of a liquor store.

A video posted by Chief Billy-Joe Tuccaro of the Mikisew Cree First Nation to his Facebook page shows

him outside the Fort Chipewyan office of the Regional Municipality of Wood Buffalo (RMWB). He is joined by elders and community members from the Fort Chipewyan Metis Nation, of which Cardinal is also president, and Athabasca Chipewyan First Nation.

Shortly after Tuccaro begins speaking, Cardinal arrives driving a quad with an unidentified person on the back.

STORY CONTINUES BELOW

Much of what Cardinal yells at the crowd is not clear in the video, but he can be heard yelling “what about freedom of choice?” and “look at you, can’t even fucking... freedom of choice!” He drives away as one person yells back “go home!”

This is not Cardinal’s first legal issue since he was elected to RMWB council in October 2021. Cardinal was charged with assault on May 14, 2021 after an assault was reported to police seven days earlier. On April 3, 2022, Cardinal was charged with driving a vehicle while unauthorized.

The assault charge was dropped in October 2022 after Cardinal completed therapy every two weeks for a year in Fort McMurray. Cardinal also said he and the complainant had resolved the issue. The driving charge was also dropped after Cardinal completed a driving course.

STORY CONTINUES BELOW

A video of Cardinal taking a swing at someone was widely shared on Facebook and Instagram last May, although no charges were filed after the incident. Cardinal is seen yelling “bring it on or fuck off!” while a man and woman are heard telling Cardinal to leave their property. The video ends when Cardinal lunges at someone.

An RMWB spokesperson said the organization cannot comment on Cardinal’s recent charges because the matter is now before the courts.

MCFN protests liquor store approval

Tuccaro argues it is irresponsible for the RMWB to approve a permit for the liquor store in Fort Chipewyan. Other elders and community members join him and share similar concerns. For years, community leaders have argued Fort Chipewyan faces a serious crisis of addictions, suicides and mental health issues.

A March 2023 inquiry into a 2015 suicide of a teenage girl agreed with local leaders that Fort Chipewyan has “tragically understaffed” health, policing and educational systems, while existing social programs are making few impacts in the community.

MCFN partnered with Wood Buffalo RCMP and passed a banishment law against people found to be selling drugs one month before the inquiry.

A municipal spokesperson confirmed a permit for a liquor store has been approved, but also acknowledged the concerns made by MCFN and some Fort Chipewyan residents.

All residents of the Fort Chipewyan area were told of the application, going beyond the standard practice of contacting addresses within 100 metres of a proposed development. Engagement and feedback periods were also broadened and extended.

The proposal was not popular with everyone, but the permit was approved when it was found it did not go against any regulations or policies. The business, however, will be restricted to 9 a.m. to 6 p.m.

A municipal spokesperson said the development officer is must follow the regulations and planning policies of the Municipal Governance Act and the Land-Use Bylaw. Residents were told details of the RMWB's appeal process.

"We acknowledge and respect the community's right to peacefully assemble and express their views. We remain in contact with MCFN and community leadership regarding this development permit," said a statement from the RMWB.

Get the news and events of Fort McMurray Wood Buffalo in your inbox every Friday morning by signing up for our newsletter.

vmcdermott@postmedia.com

COMMENTS

You must be logged in to join the discussion or read more comments.

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S

RAY

365 Bloor Street East, Toronto, Ontario, M4W 3L4

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Tuesday, October 22, 2024 at 12:20:35 Mountain Daylight Time

Subject: Re: Support for MCFN Protest
Date: Tuesday, October 22, 2024 at 12:20:35 PM Mountain Daylight Saving Time
From: Orlagh O'Kelly
To: chief, Mikisew Chief and Council, ceo

From: Mayor <Mayor@rmwb.ca>
Date: September 10, 2024 at 9:01:51 AM MDT
To: Karla.buffalo@atcfn.ca, Sherry Mercredi <sherry.mercredi@atcfn.ca>
Cc: Chief Billy-Joe Tuccaro <chief@mikisewcree.ca>, Chief Allan Adam <aadam@acfn.com>, chief@fmfn468.com, Chief Vern Janvier <chairman@cpventures.ca>, chiefpowder@fortmckay.com, Fred Russell <fred.russell@atcfn.ca>, CAO <CAO@rmwb.ca>
Subject: RE: Support for MCFN Protest

Good morning,

On behalf of Mayor Bowman, kindly find attached correspondence in response to your letter of August 30, 2024.

Kind regards,

Elyse Franks
Senior Executive Liaison
Office of the Mayor

T: 780-743-7009 | rmwb.ca
9909 Franklin Avenue
Fort McMurray | ᓂᐦᑕᐊᔭᐤ | Nistawâyâw | Ełídlı̨ Kuę́
Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional lands of the Cree, Dene, and the unceded territory of the Métis.

STATEMENT OF CONFIDENTIALITY: The information contained in this email message and any attachments may be confidential and legally privileged and is for the use of the intended recipient(s) only. If you are not an intended recipient, please: (1) notify me immediately by replying to this message; (2) do not use, disseminate, distribute or reproduce any part of the message or any attachment; and (3) destroy all copies of this message and any attachments. Thank you.

From: Sherry Mercredi <sherry.mercredi@atcfn.ca>

Sent: Friday, August 30, 2024 11:33 AM
To: Mayor <Mayor@rmwb.ca>
Cc: Chief Billy-Joe Tuccaro <chief@mikisewcree.ca>; Chief Allan Adam <aadam@acfn.com>; chief@fmfn468.com; Chief Vern Janvier <chairman@cpventures.ca>; chiefpowder@fortmckay.com; Karla Buffalo <karla.buffalo@atcfn.ca>; Fred Russell <fred.russell@atcfn.ca>
Subject: Support for MCFN Protest
Importance: High

External Message - Please be cautious when opening links or attachments in email

Good Morning,

Please see attached letter of support for MCFN Protest sent on behalf of Karla Buffalo.

Hiy hiy, Marsi cho – Thank you

Sherry Mercredi (She/Her)
Executive Assistant – Karla Buffalo, CEO

Athabasca Tribal Council
9206 McCormick Drive,
Fort McMurray, AB
T9H 1C7
*Office: 780-791-6538 ext *244*
Cell: 780-215-3975

Email: sherry.mercredi@atcfn.ca
Web: www.atcfn.ca

REGIONAL MUNICIPALITY OF WOOD BUFFALO

OFFICE OF THE MAYOR

September 10, 2024

Delivered via email karla.buffalo@atcfn.ca

Karla Buffalo, CEO
Athabasca Tribal Council
9206 McCormick Drive
Fort McMurray, AB
T9H 1C7

Re: Development Approval for Liquor Store in Fort Chipewyan

Dear Ms. Buffalo,

I am writing in response to your August 30, 2024, letter regarding the development permit application for a Liquor Store, Office and Warehouse (2023-DP-00125) on Mackenzie Avenue in Fort Chipewyan.

Thank you for sharing your concerns, particularly as it relates to addictions and mental health and the ongoing State of Local Emergency in Fort Chipewyan. I recognize and acknowledge these concerns and the perspective you've shared should very much help inform any next steps. In any process such as this one, we need to be sensitive to the current realities faced in Fort Chipewyan and be guided by it in our collective decision making.

In speaking with members of Administration, it is my understanding that due to the community's concerns regarding alcohol-related issues, and as noted in your correspondence, this application was assessed under a higher-level of scrutiny and a more comprehensive, lengthy review process was undertaken, which included opportunities for community engagement. I have been told that after a thorough review of the application, including community feedback, the development permit was approved as it complied with the regulations set out in the Government of Alberta's *Municipal Government Act* and the Municipality's *Land Use Bylaw*, which is what guides development decisions by the Regional Municipality of Wood Buffalo. In response to the feedback received, the permit includes a condition that restricts the business operating hours from 9 a.m. to 6 p.m.

Nonetheless, I understand your concerns and acknowledge them, and the concerns raised by community members since the approval of the development permit. As well, I completely and will always respect the community's right to peacefully assemble and express their views.

As has been shared as part of recent notifications to the community, there is a formal appeal process, overseen by the Subdivision and Development Appeal Board, an independent tribunal established by municipal Council. As an arms-length entity, the Subdivision and Development Appeal Board can take the concerns you've shared into account as part of this appeal process, and I would strongly encourage it to do so.

9909 Franklin Avenue, Fort McMurray, Alberta, Canada, T9H 2K4
T 780.743.7009 W rmwb.ca E mayor@rmwb.ca

REGIONAL MUNICIPALITY OF WOOD BUFFALO

OFFICE OF THE MAYOR

Anyone wishing to file an appeal or participate in an appeal hearing, can learn more about the process here: https://www.rmwb.ca/en/mayor-council-and-administration/subdivision-and-development-appeal-board.aspx. Appeals are due by September 19, 2024.

Once again, thank you for writing to express these very valid and understandable concerns on this important matter. Please contact me at any time should you have any additional thoughts or questions.

Sincerely,

FOIP section 17(1)

Sandy Bowman
Mayor

Cc: Chief Billy-Joe Tuccaro, Mikisew Cree First Nation
Chief Allan Adam, Athabasca Chipewyan First Nation
Chief Raymond Powder, Fort McKay First Nation
Chief Vern Janvier, Chipewyan Prairie Dene First Nation
Chief Neil Cheecham, Fort McMurray First Nation 468
Fred Russell, Chief Operating Officer, Athabasca Tribal Council
Councillors of the Regional Municipality of Wood Buffalo
Henry Hunter, Chief Administrative Officer, RMWB

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