



CITY OF
Lethbridge

Office of the City Clerk

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

February 28, 2025

Re: Appeal of Stop Work Order DEN00744
Appellant: William Van Der Wiede
Land Use: Small Parcel Low Density Residential (R-SL)

UPON HEARING representations made by the Development Officer, the Appellant, and other interested parties on Thursday, February 13, 2025, it is the decision of the Subdivision and Development Appeal Board that the appeal is **DENIED** and the decision of the Development Authority regarding Stop Order DEN00744 on January 6, 2025 to remove a secondary suite located at 754 Aberdeen Crescent West is hereby **UPHELD**.

The Board received written and oral submissions from the Appellants, the Development Authority and from numerous other interested parties. The Board acknowledges and appreciates all of these submissions.

AND UPON CONSIDERING the relevant provisions of the South Saskatchewan Regional Plan, Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows:

- The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.
- A compliance letter was requested in May 2024. The City responded with a letter noting, "*the property is NON-COMPLIANT with the zoning. Our records indicate that a secondary suite has been illegally developed. Potential buyers should note that enforcement action is possible.*"
- An inspection was completed by Planning and Design on August 12, 2024 where it was confirmed that the house was being rented, with separate tenants living upstairs, and separate tenants living in the basement. One of the bedrooms from the approved floor plan of the building permit in 2006 had been converted to a full kitchen. There were no approvals on file for a second kitchen on the property.
- The Appellant was sent a letter on August 13, 2024 by Planning and Design advising of the illegal secondary suite located at 754 Aberdeen crescent West. The Appellant was given two option to bring the property into compliance:
 - Remove the illegal secondary suite on or before December 11, 2024. This included the kitchen facilities and hook ups, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, and all locking doorways separating the unit from the main floor

- Make a rezoning application by September 10, 2024 to a different land use district in which secondary suites are a permitted use.
- The landowner indicated he did not want to fully remove the kitchen and did not want to apply for rezoning. As a result, a Stop Order was issued on the property.
- The landowner requested that the Board amend the Stop Order so that not all of the kitchen facilities and hook ups in the illegal secondary suite needed to be removed.
- In reviewing and weighing all the evidence, the Board therefore finds that the appeal does not merit approval, and the decision of the Development Authority is to uphold the Stop Order for the following reasons:
 - The secondary suite is an illegal development that was never approved by the City;
 - The use is neither a permitted or discretionary use under the current zoning;
 - The Appellant was given the opportunity to apply for rezoning but did not do so, meaning remediation is the only option that is left;
 - The Board does not have the ability to amend the remediation order. At this point there is only one standard for all remediation for all properties, and that is what was proposed by Planning and Design
 - The definitions in the Land Use Bylaw are created by City Council and the Board does not have the discretion to vary those definitions.

CONCLUSION:

For the reasons set out above, the appeal is denied and the decision of the Development Authority is upheld.

An appeal against this decision may be made to the Alberta Court of Appeal on a question of law or jurisdiction only. Should you wish to do so, it is recommended that you retain legal counsel.

Please contact this Office if you have any questions regarding the decision. A copy of this decision has been mailed to the owner of the property, and the persons who filed the appeal.

Yours truly,



Evan Neilsen, Board Chair,
Subdivision & Development Appeal Board

cc Appellant/Neighbouring Property Owners