



CITY OF *Lethbridge*

Office of the City Clerk

January 28, 2025

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed on the Stop Worker Order issued on January 6, 2025 for an unapproved secondary suite located at 754 Aberdeen Crescent West.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE:	Thursday, February 13, 2025
TIME:	5:00 p.m.
LOCATION:	Council Chambers, Main Floor, City Hall 910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB, no later than 12:00 noon on the Wednesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board

Appeal regarding 754 Aberdeen suite

In the spring of 2024 I purchased 754 Aberdeen Crescent West, a rented property with tenants occupying the upstairs and also a downstairs illegal suite, with a closing date of May 1, 2024. The downstairs suite was not connected internally with the upstairs unit, had a separate entrance, and legally sized windows accessible for emergency egress. On July 3rd, 2024, I was written a warning letter from a development officer (DO) with the City of Lethbridge (CofL) and on August 13th 2024 I received a compliance letter that gave until Dec 11th, 2024 to bring the suite into compliance as described following*, or to pursue rezoning the property and bringing the suite up to code for legal suites. I considered rezoning the basement and bringing the suite up to code for legal suites, however decided against that route, due to in part the costs involved, and their being some uncertainty regarding the standard to which the suite would be required to meet (requirements communicated by building inspectors changed from conversation to conversation). The resident of the suite, after receiving notice from me that they needed to vacate, moved out in November, and the suite remains vacant to date.

*The requirements contained in the initial letter and the Stop Order follow-up letter (January 6, 2025) are paraphrased as follows: *“remove all kitchen facilities and hookups in the illegal secondary suite including but not limited to; gas and/or electric hookups for cooking facilities including 220V outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating the main floor from any units in the basement”*

Please consider the following points in support of my appeal:

-Prior actions of goodwill:

-I have respectfully attempted to appeal directly to the DO prior to appealing before the board.

-I have vacated the illegal suite prior to the required date. The suite remains vacant.

-Unfixed Standard: The City of Lethbridge has not provided a fixed target of compliance, as they require compliance to their enforcement letters, which provide a incomplete and ‘living’ standard as indicated in the letters: *“ remove all kitchen facilities and hook ups in the illegal secondary suite including but not limited to: gas ...”*. This has been confirmed in a phone-call and follow-up email with the DO.

-A Standard beyond what is otherwise required: The City of Lethbridge requires compliance with a standard other than code, zoning, or that which is legally necessary.

When I have referred the DO to possible inconsistencies between the CofL requirements and what is required by building code, zoning, or is legally required, I have been informed by the DO that I am not being asked to comply with zoning, code, law in particular, but as this is an enforcement matter I am required to comply with the CofL requirements specifically. By implication I am required to comply with the CofL letters even if the requirements go beyond zoning, code, or law.

-Definitions unnecessarily burdensome: The City of Lethbridge may be acting with an interpretation of what constitutes a 'kitchen' and/or 'suite', in particular regarding establishing the presence of a illegal suite, that are beyond what is essential for the purpose of removing the illegal suite at 754 Aberdeen, and fails to recognize and facilitate the legitimate use of non-specific features in the continued compliant use of this property, and so is acting in a manner that is unnecessarily burdensome.

-Requirements beyond necessary or sufficient: The CofL is requiring more than what is needed to correct the situation. Features are required to be removed despite these features having legitimate and legal functions if they were to continue as features of 754 Aberdeen after illegal suite removal and zoning compliance. For example, the cabinets and counters formerly used as part of the illegal suite kitchen could continue to be used as a non-kitchen feature of 754 Aberdeen after the illegal suite no longer exists. In this way portions of the CofL requirements are unnecessary and experienced as gratuitously punitive.

-Remediation proposals rejected: I have in my verbal correspondence with the CofL proposed to have the plumbing and electrical inspected, reworked as necessary, brought up to code, and all this with a valid CofL building permit, and be retained as features of 754 Aberdeen following suite deconstruction, however this and similar proposals have been rejected by the city, but rather it has been insisted that the utilities be completely removed and that the basement be brought to a pre-illegal suite condition. The legal and legitimate use of these utilities for the purpose of remaining as features of the property after the suite has been deconstructed and compliance with zoning restored have been rejected.

My request:

I request that the suite be deconstructed only as is absolutely necessary, and not in a manner specified by the CofL letters, namely the most recent 'Stop Order' letter. I am requesting that I be considered compliant after completing the following*:

-re-establish the connection (stairway) between the upstairs and the downstairs. This will reconnect the two units as one house. The basement will no longer be a separate living unit, and it will not be rented as such either.

-remove the oven/stove plugged into the 220V. This 220V will be either left as is, or if changed out, will in either case be completed by a licensed electrician operating with a CofL building permit.

-have the sink plumbing brought up to code by a licensed plumber as per building permits.

*Note, this list is short because many items listed in the enforcement letter do not apply to this circumstance, features such as dishwashers or gas pipe hook-ups.

By making these changes only I believe that the suite will have been substantially deconstructed, and the house reconnected as one unit. Those features remaining will continue to add value to the property when lived in as one unit. For example, a mudroom area, cabinets for storage, and if it is feasible to replace the oven/stove with a stacked washer+dryer, this area can be used as a mudroom+laundry room.

I respect the CofL and intend to comply by removing the suite and renting-out or otherwise living in 754 Aberdeen as one entire house/unit. Thank you for considering my appeal.

William Van Der Weide



Jan 21, 2025



GATEWAY TO OPPORTUNITY

Planning & Design
 Main Floor, City Hall
 910 – 4th Avenue South
 Lethbridge, AB, T1J 0P6

P. 403-320-3920
 W. Lethbridge.ca
 E. PlanningandDesign@lethbridge.ca

STOP ORDER

Our File: **DEN00744**

Date: January 6, 2025

REGISTERED MAIL

VAN DER WIEDE, WILLIAM
 67 ETON RD W
 LETHBRIDGE AB T1K 4T9

RE: Contravention of Section 12 of Land Use Bylaw 6300 – Permits Required

Subject: Secondary Suite Located at 754 ABERDEEN CRES W, Lethbridge, AB

As noted in previous correspondence, you were required to bring the building at the above-noted address into compliance with Land Use Bylaw 6300 by September 10, 2024. You have failed to meet the deadline, therefore, the use of this building is in contravention of:

Section 12 Except as provided in Section 13, a person may not commence any Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.

Further, Section 645 of the Municipal Government Act and Section 40(1) of the City of Lethbridge Land Use Bylaw 6300 allows a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, or a development permit or subdivision approval.

Accordingly, William Van Der Wiede is hereby Ordered to:

- 1. Immediately upon being served with this Order:**
 - a. Remove all kitchen facilities and hook ups in the illegal secondary suite including but not limited to: gas and/or electric hookups for cooking facilities including 220v outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating the main floor from any units in the basement;**

... Page 2

FOIP

Any personal information provided in response to this letter is collected under the Alberta Municipal Government Act and in accordance with Section 33(c) of the Freedom of Information and Protection of Privacy Act. ***Please note that such information may be made public.*** If you have any questions about the collection or use of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or phone at (403) 320-7329.



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Planning & Design
Main Floor, City Hall
910 – 4th Avenue South
Lethbridge, AB, T1J 0P6

P. 403-320-3920
W. Lethbridge.ca
E. PlanningandDesign@lethbridge.ca

2. Comply with this Order by May 7, 2025. This date will allow existing tenants adequate time to find alternate accommodations.

Interior alterations to bring this building into compliance may require Building Permits.

We are hereby providing notice pursuant to Section 542 of the Municipal Government Act, that a site inspection will be conducted by a Development Officer, on or around June 6, 2025 to assess compliance with this Order.

Failure to comply with this Order may result in a caveat being registered against the property, in addition to other remedies available to the Development Authority, including injunctive relief from the Courts, or other remedies available under applicable legislation.

Additionally, failing to comply with this Order may also result in an offence ticket, pursuant to Bylaw 6300, and the Provincial Offences Procedure Act of Alberta, which may result in a fine of up to \$10,000.00.

You have the right to appeal this Order to the Subdivision and Development Appeal Board within 21 days from the date of this Order.

Sincerely,

A handwritten signature in black ink that reads "Leda K. Tittsworth".

Leda Kozak Tittsworth
Development Officer

cc: Secretary – Subdivision and Development Appeal Board
General Manager – Planning and Design Services
Manager – Development Services
Manager – Building Inspection Services

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 Main Floor, City Hall
 910 – 4th Avenue South
 Lethbridge, AB, T1J 0P6

P. 403-320-3920
 W. Lethbridge.ca
 E. PlanningandDesign@lethbridge.ca

Our File #: **DEN00744**

Date: August 13, 2024

VAN DER WIEDE, WILLIAM
 67 ETON RD W
 LETHBRIDGE AB T1K 4T9

RE: **Contravention of Section 12 of Land Use Bylaw 6300**

Subject: **Secondary Suite Located at 754 ABERDEEN CRES W, Lethbridge, AB**

A site inspection conducted on August 12, 2024 confirmed that the single detached dwelling at the above noted address contains an illegal secondary suite. This property is zoned R-SL (Small Parcel Low Density Residential) and a Secondary Suite is not allowable use under Land Use Bylaw 6300.

Your options to bring this property into compliance are:

1. **On or before December 11, 2024**, remove the illegal secondary suite. This date will allow existing tenants adequate time to find alternate accommodations. You must remove all kitchen facilities and hook ups in the illegal secondary suite including but not limited to: gas and/or electric hookups for cooking facilities including 220v outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating this unit from the main floor.
- Or,
2. **On or before September 10, 2024**, make a Rezoning Application to have the property rezoned to a land use district in which Secondary Suites are a permitted use. Following approval of the rezoning application, a Building Permit Application for a "Secondary Suite, New" through the Planning & Development Services Department will be required.

Failure to commence any one of these options by the specified dates will result in a Stop Order being issued for the removal of the illegal secondary suite.

FOIP

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Main Floor, City Hall
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Lethbridge, AB, T1J 0P6

P. 403-320-3920
W. Lethbridge.ca
E. PlanningandDesign@lethbridge.ca

... Page 2

Please contact me at 403-320-4082 or by email at leda.kozaktittsworth@lethbridge.ca by September 3, 2024 to advise which option you will be proceeding with.

Sincerely,

A handwritten signature in black ink that reads "Leda K. Tittsworth".

Leda Kozak Tittsworth
Development Officer
403-320-4082
leda.kozaktittsworth@lethbridge.ca

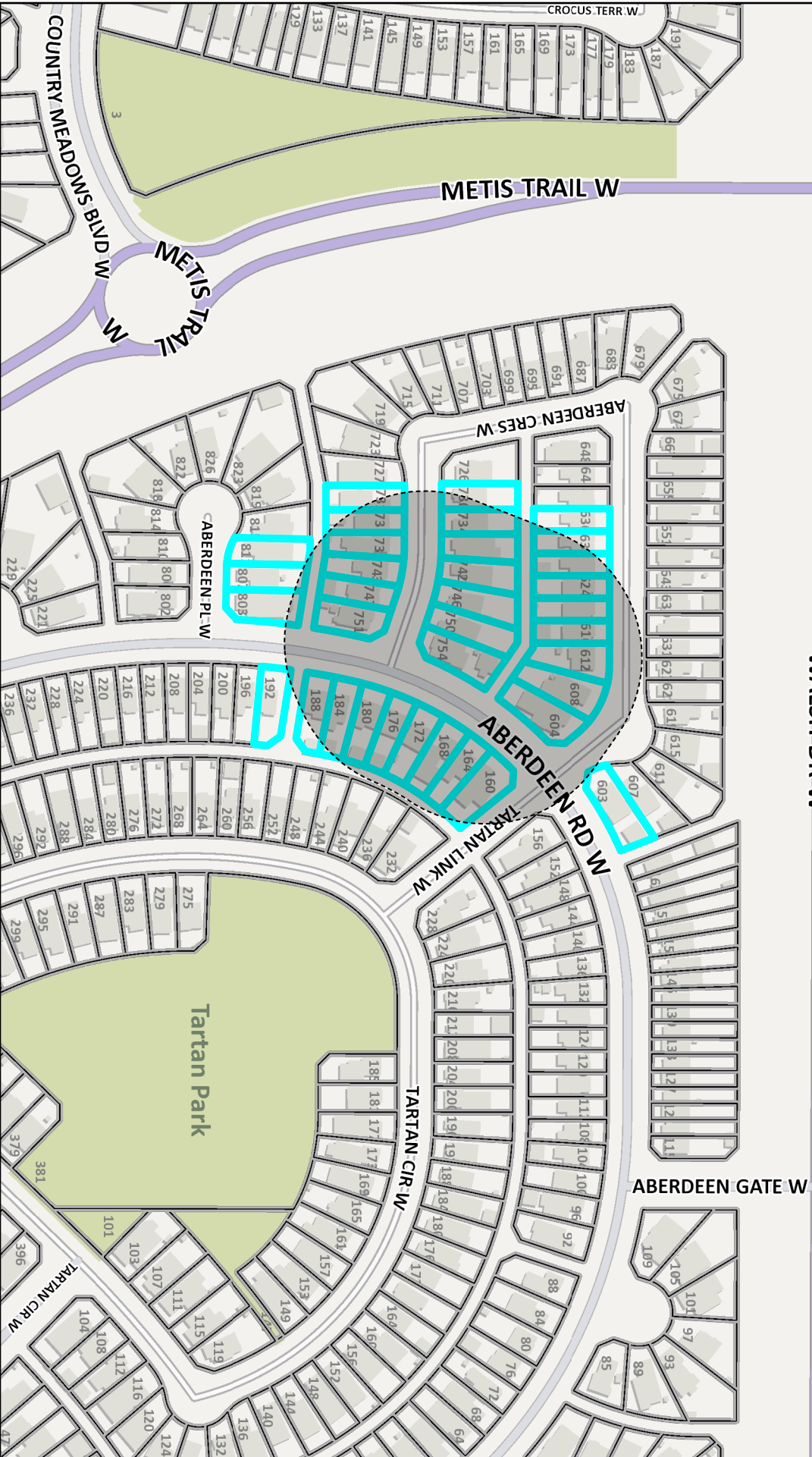
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Parcel Locator WebMAP

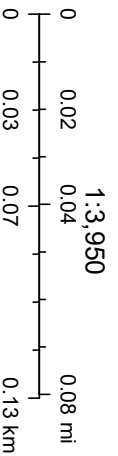
2825

WALSH DR W



January 27, 2025

Parcels



Sources: Esri, HERE, Garmin, Intermap, Incentiv P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri



Development Authority's Written Submission

For the Subdivision and
Development Appeal Board
Hearing on February 13, 2025



APPLICATION NO.

DEN00744

LOCATION

754 Aberdeen Cres W

LAND USE DISTRICT

R-SL Small Parcel Low Density Residential

APPELLANT

William Van Der Weide

LANDOWNER

William Van Der Weide

CURRENT DEVELOPMENT

Single detached dwelling, Permitted
Secondary Suite, Not an allowable use

DEVELOPMENT

Existing unapproved secondary suite within a single detached dwelling in the Small Parcel Low Density Residential District.

Appendix A: Drawings

ADJACENT DEVELOPMENT

North

Single Detached Dwelling

South

Single Detached Dwelling

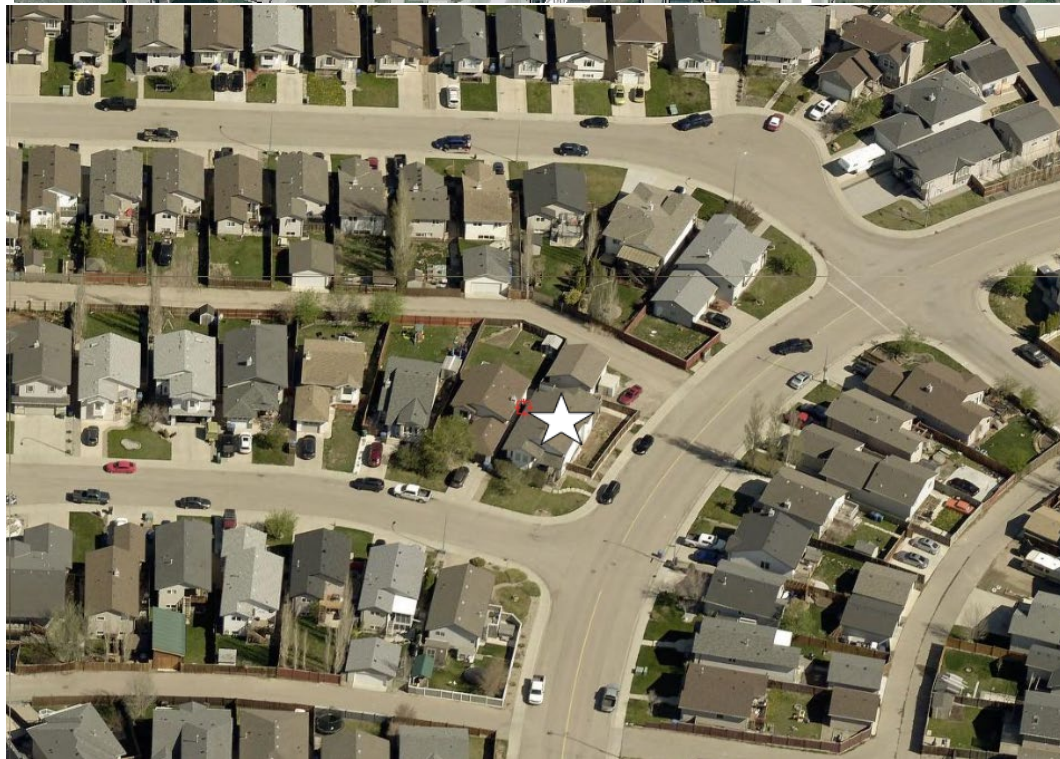
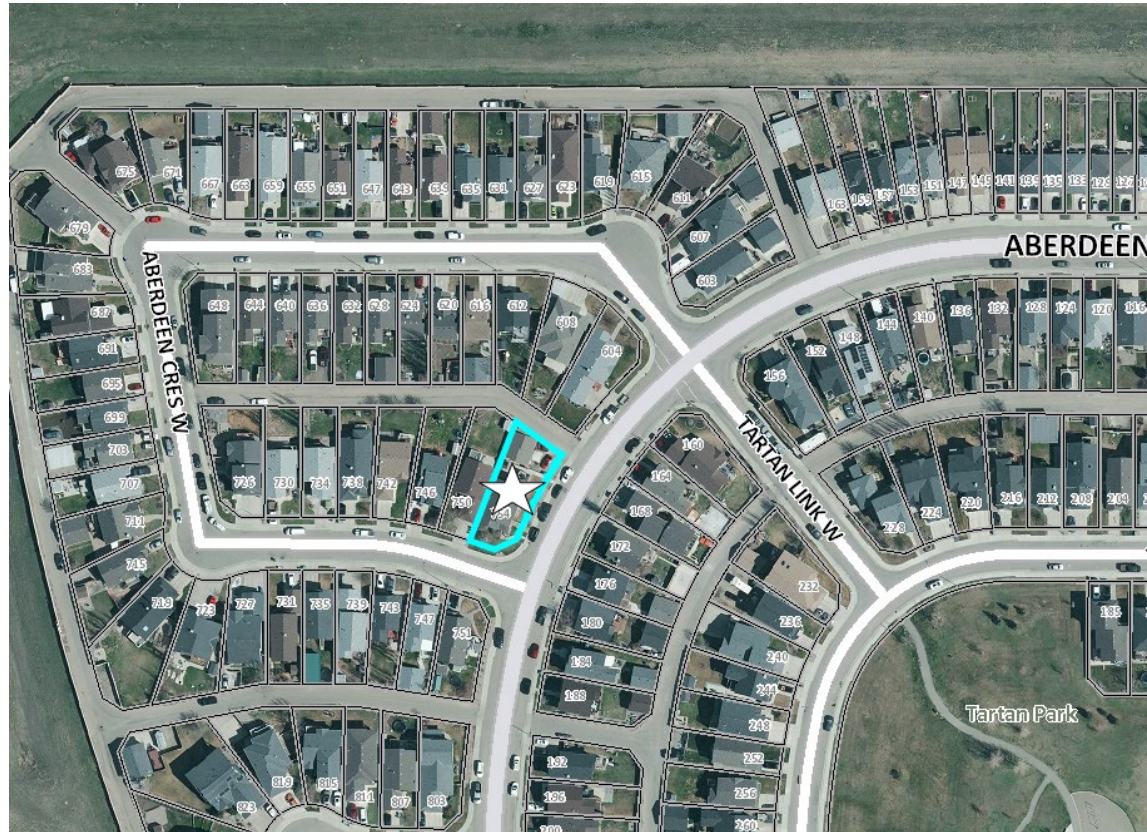
East

Single Detached Dwelling

West

Single Detached Dwelling

CONTEXT MAP



NOTIFICATION SUMMARY**Appendix B: Notification Letters, Map & Responses****Neighbourhood:** West Highlands**Neighbourhood Associations(s):** N/A**LAND USE BYLAW SUMMARY****Use:** Existing Secondary Suite

Proposed Use	Permitted/Discretionary
Single Detached dwelling	Permitted
Secondary suite	Not an allowable use

EVALUATION**Background**

- The property was approved as a single detached dwelling.
- Basement development for the property was applied for in 2006. The approved floor plans showed three bedrooms, a bathroom, and a family room. No kitchen or separation from the main dwelling was indicated.
- February 2024, it came to the City's attention that the basement had a secondary suite.
- The property is located within the Small Parcel Low Density Residential (R-SL) district in which secondary suites are not listed as a permitted or discretionary use, and are therefore not an allowable use.
- May 2024, a compliance letter had been requested for the property. The compliance letter noted "*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.*"
- A letter requesting an inspection of the property was requested in July 2024.
- The inspection was completed August 12, 2024. At the inspection, it was confirmed 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 are no approvals on file for a second kitchen on the property.
- August 13, 2024 a letter was sent to the property owner providing two options.
 - Option 1 required the complete removal of the secondary suite by December 11, 2024:
"remove the illegal secondary suite. This date will allow existing tenants adequate time to find alternate accommodations. You must remove all kitchen facilities and hook ups in the illegal secondary suite including but no limited to: gas and/or electric hookups for cooking facilities including 220v outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating this unit from the main floor."
 - Option 2 required a rezoning application to have the property rezoned to a land use district in which Secondary Suites are a permitted use.
 - The first option above is the standard option provided, and because it is located in a district which does not allow for a secondary suite the second option was provided to them to rezone the property.
 - Following multiple conversations with the landowner, the landowner indicated he did not want to fully remove the kitchen and did not want to apply for rezoning. A Stop Order was subsequently issued at the Landowner's request, as he wished to submit an appeal.
 - The Stop Order was sent by registered mail. Canada Post tracking showed the Stop Order was delivered January 8, 2025.

Context

This Application was heard before the Appeal Board because:

- The landowners submitted the appeal.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 4 Definitions

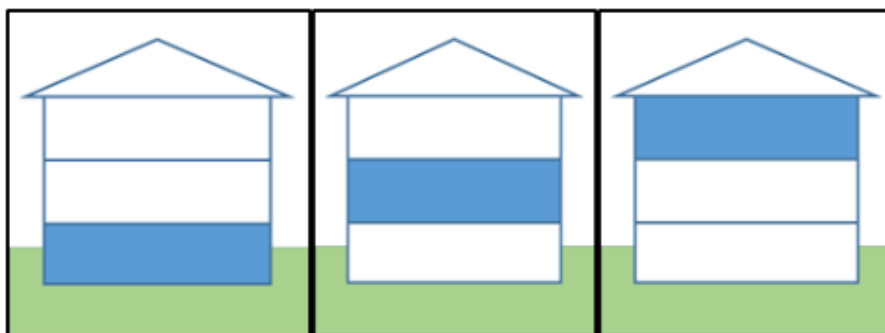
Dwelling – means Development which consists of a Building, or portion(s) thereof, containing one or more Dwelling Units to be Used primarily as a residence.

Dwelling, Single Detached or Single Detached Dwelling – means a Dwelling which contains not more than one Dwelling Unit which may be rented to a maximum of four (4) individuals. Manufactured Home/Tiny Home is a separate Use.

Dwelling Unit – means one or more rooms operated or intended to be operated as a residence for a Household containing cooking, sleeping and sanitary facilities only for that unit.

Secondary Suite – means a second self-contained Dwelling Unit located on a Parcel in which the principal use is a Single Detached Dwelling. A Secondary Suite may take the following forms:

House suite: A suite incorporated into a Single Detached Dwelling and may be located in the Basement, on the main storey or on an upper storey or a combination thereof.



- Section 5 Compliance with Other Legislation
A person or activity complying with this Bylaw must also comply with:
 - (1) the requirements of the Alberta Building Code
 - (2) the requirements of any federal, provincial or municipal legislation or regulation.
 - (3) The conditions of any caveat, covenant, easement, contract or agreement affecting the Use or Development of land or Buildings.

- Section 12 When a Permit is Required
Except as provided in Section 13, a person may not commence any Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.

- Section 31(1)(c) Appeal Process
An appeal can be made by an affected person to the Subdivision and Development Appeal Board if the Development Authority: issues an Order as described in Section 40 or Section 29.

- Section 31(3)(c) Notice Served by Appellant:
The appeal shall be commenced by serving a written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board through the City Clerk's Office within 21 days after: in the case of the recipient of an Order, the date of the Order.

- Section 40(a) Stop Orders
If the Development Authority finds that a Development or Use of land or Buildings is not in accordance with the Act, a Development Permit, any document or instrument by which Developments are approved, a subdivision approval, or this Bylaw, the Authority may issue an Order pursuant to Section 645 of the *Municipal Government Act*. The order:
 - (a) may be appealed in accordance with Section 31 of this Bylaw.

- Section 48(1)(b) Dwelling Units on a Parcel
No person shall construct, locate or cause to be constructed or located more than one Dwelling Unit on a Parcel, unless: the Dwelling Unit has an approved Secondary Suite, is a Two-Unit Dwelling, Four-Plex Dwelling, an Apartment Dwelling or Townhouse Dwelling or forms part of a comprehensively-planned Development.

- Section 90(1) R-SL Small Parcel Low Density Residential
Purpose: For the Development of Single Detached Dwellings on small Parcels of various widths.

- Section 90(2) R-SL Small Parcel Low Density Residential
Permitted Uses:
 - (a) Accessory Buildings,
 - (b) Dwelling, Single Detached,
 - (c) Home Occupations – Type A.

- Section 90(3) R-SL Small Parcel Low Density Residential
Discretionary Uses:
 - (a) Group Homes
 - (b) Home Occupations – Type B

(c) Home Occupations – Type C

- Municipal Government Act, Section 645(1)(a) Stop Order
Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with this Part or a land use bylaw or regulation under this Part, the development authority may act under subsection (2).
- Municipal Government Act, Section 645(2) Stop Order
If subsection (1) applies, the development authority 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
 - (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under the Part, a development permit or a subdivision approval, within the time set out in the notice.
- Municipal Government Act, Section 645(3) Stop Order
A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.
- Municipal Government Act, Section 685(1)(c) Grounds for appeal
If a development authority issues an order under section 645, the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

APPLICATION OF FACTS

- A secondary suite had been constructed within a single detached dwelling without development permit approvals and building permit approvals.
- The R-SL Small Parcel Low Density Residential District does not allow for secondary suites.
- Compliance letter was issued for the property in May 2024, at which time future property owners were made aware the property was non-compliant and subject to enforcement.
- An inspection conducted confirmed the property was being rented out as two separate dwelling units.

- The landowner was provided with two options to bring the property into compliance.
- The landowner was provided an opportunity to request a rezoning of the property, which, if approved, would have provided the landowner an opportunity to obtain permits for the secondary suite.
- The current basement layout is not in accordance with the approved floorplans for the basement development.
- The property was never approved to have a kitchen in the basement.

CONCLUSION

A Stop Order was issued, sent by registered mail, on January 6, 2025, in which the Appellant/Landowner was Ordered to:

1. Immediate upon being served with this Order:
 - (a) Remove all kitchen facilities and hook ups in the illegal secondary suite including but not limited to: gas and/or electric hookups for cooking facilities including 220v outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating the main floor from any units in the basement;
 - (b) Comply with this Order by May 7, 2025. This date will allow existing tenants adequate time to find alternative accommodations.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

754 Aberdeen Cres W

DEN00744

INTRODUCTION

Application No.:

DEN00744

Location:

754 Aberdeen Cres W

Land Use District:

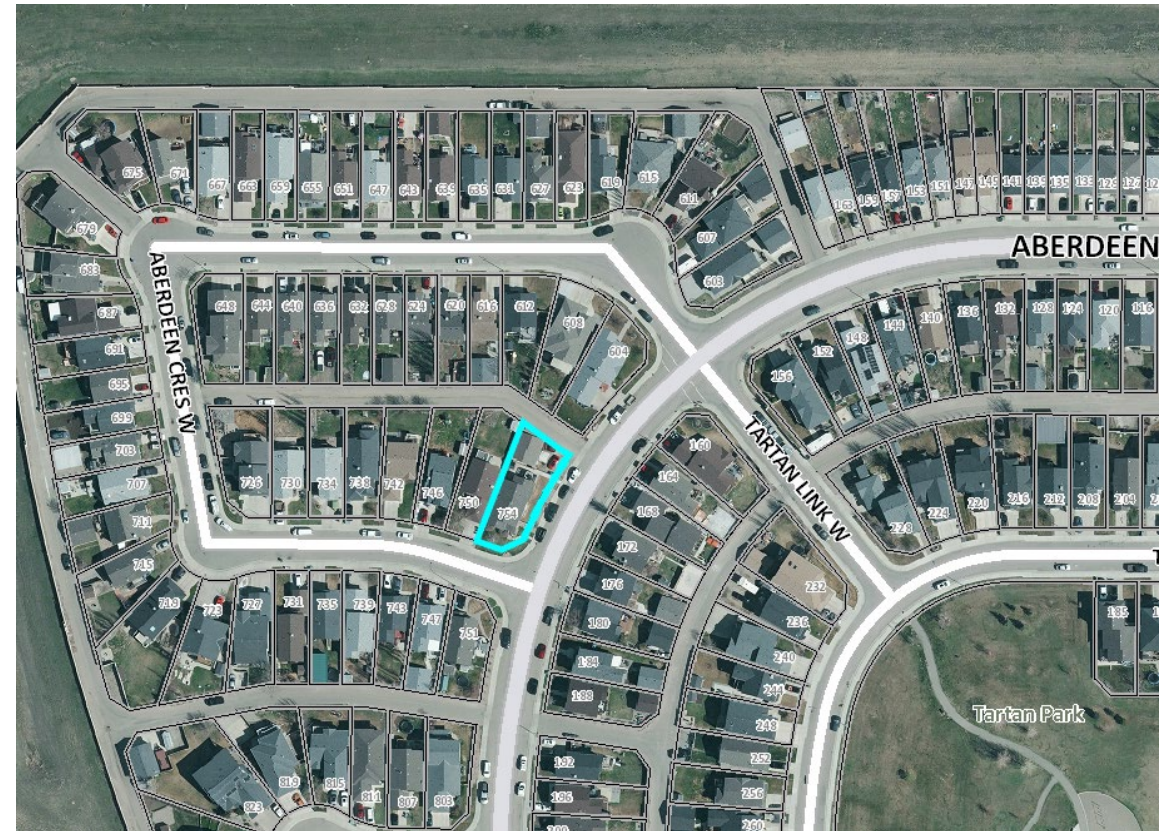
R-SL Small Parcel Low Density Residential

Current Development:

Single Detached Dwelling, Permitted
Secondary Suite, Not an allowable use

Development:

Existing unapproved secondary suite within a single detached dwelling.



VISUAL CONTEXT



Background

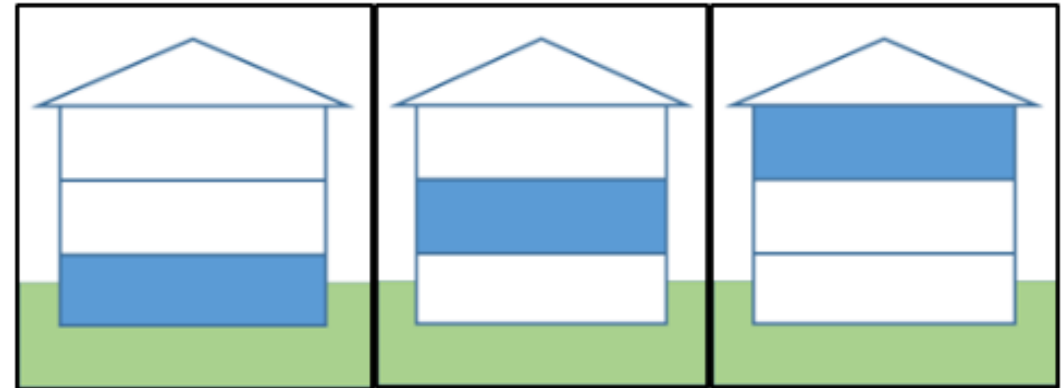
- Approved as a single detached dwelling.
- Approved basement floorplans did not show a kitchen.
- City became aware of a secondary suite on the property February 2024.
- Secondary suites are not allowed in the R-SL district.
- Following an inspection, landowner was provided 2 options:
 - Rezone, or
 - Remove the suite.

LAND USE BYLAW 6300

Definitions

Secondary Suite means a second self-contained Dwelling Unit located on a Parcel in which the Principal use is a Single Detached Dwelling. A Secondary Suite may take the following forms:

House suite: A suite incorporated into a Single Detached Dwelling and may be located in the Basement, on the main storey or on an upper storey or a combination thereof.



LAND USE BYLAW 6300

Section 12 When a Permit Is Required

Except as provided in Section 13, a person may not commence a Development unless the person has been issued a Development Permit in respect of it pursuant to this Land Use Bylaw.

LAND USE BYLAW 6300

Section 40(a) Stop Orders

If the Development Authority finds that a Development or Use of land or Buildings is not in accordance with the Act, a Development Permit, any document or instrument by which Developments are approved, a subdivision approval, or this Bylaw, the Authority may issue an order pursuant to Section 645 of the Municipal Government Act. The order:

(a) May be appealed in accordance with Section 31 of this Bylaw.

MUNICIPAL GOVERNMENT ACT

Section 645(1)(a) Stop Orders

If a development authority finds that a development, land use or use of a building is not in accordance with this Part or a land use bylaw or regulation under this Part, the development authority may act under subsection (2).

Section 645(2)(b) Stop Orders

If subsection (1) applies, the development authority 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 demolish, remove or replace the development.

EVALUATION SUMMARY

- A secondary suite has been constructed within a single detached dwelling without development or building approvals.
- R-SL district does not allow for secondary suites.
- Compliance letter indicated property was non-compliant
- 2 options were provided to the landowner
- Current basement layout is not in accordance with the approved floorplans.

CONCLUSION

A Stop Order was issued, sent by registered mail on January 6, 2025 (delivered January 8, 2025), in which the Appellant/Landowner was Ordered to:

1. Immediately upon being served with this Order:
 - (a) Remove all kitchen facilities and hook ups in the illegal secondary suite including but not limited to: gas and/or electric hookups for cooking facilities including 220v outlets, wires, breakers or gas pipes and connections, kitchen cupboards, kitchen sinks and plumbing, dishwashers, microwaves, any and all locking doorways separating the main floor from any units in the basement;
 - (b) Comply with this Order by May 7, 2025. This date will allow existing tenants adequate time to find alternative accommodations.