



5120-52 Street  
PO Box 6837  
Drayton Valley, T7A 1A1  
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## SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

*Thursday, May 28, 2020, 1:30 p.m.*  
*Town of Drayton Valley Council Chambers/Teleconference*

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### Agenda

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Please use following link to register and access the hearing:  
<http://tiny.cc/TODVAppealsBoardMay28>

**1.0 Call to Order**

**2.0 Elections of Chair and Vice Chair**

**3.0 Additions or Deletions to Agenda**

**4.0 Adoption of Agenda**

**5.0 Appeal**

**5.1 Appeal #2020-01**

Appellant: IVCBC Holdings Ltd.

Against the decision of the Development Authority of Town of Drayton Valley to allow the Community Mat and Shelter Program as a permitted accessory use

Legal Description: Lot 14, Block 50, Plan 1422152

Municipal Description: 5012 – 56 Avenue

**6.0 Deliberations (Private)**

**7.0 Adjournment**

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**Appeal – #2020-01**

**Exhibit 1 – Notice of Appeal**



5120-52 Street  
PO Box 6837  
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Tel: (780) 514-2200  
Fax: 780-542-5753  
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## SUBDIVISION AND DEVELOPMENT APPEAL BOARD NOTICE OF APPEAL

APPEAL OF THE: (check one box only)			
File No.	Development Permit	Subdivision Application	Order
Unknown	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of order

APPELLANT (required)			
Appellant Name: IVC BC Holdings Ltd		Home Phone No.: 780-202-2277	Work Phone No. : 
Mailing address: PO Box 5286	City/Town: Drayton Valley	Province: AB	Postal Code: T7A 1R4
Email address: brachris@telus.net			

APPELLANT'S REPRESENTATIVE (if different than above)			
Representative Name: Brenda Christie/Martina Verhaeghe		Home Phone No.: 780-202-2277	Work Phone No. : 
Mailing address: PO Box 5286	City/Town: Drayton Valley	Province: AB	Postal Code: T7A 1R4

SITE INFORMATION			
Municipal Address: 5012-56 Ave	Legal Description: Lot: 14      Block: 50      Plan: 1422152	Quarter/Section/Township/Range/Meridian: 	

REASON FOR APPEAL (required)
See attached.

SIGNATURE OF APPELLANT/REPRESENTATIVE 	DATE (YYYY/MM/DD) 2020/04/30
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FOR OFFICE USE ONLY			
File No.	Date Received Stamp	Fee	Receipt #
2020 - 01		\$ 300.00	#0423452



April 30, 2020

To the Clerk of the Subdivision and Development Appeals Board for the Town of Drayton Valley, accept the below as an Appeal of the Decision of the Development Authority for the Town of Drayton Valley deeming the use of a Community Mat and Shelter Program at 5012 56 Avenue (Alliance Church) as a permitted accessory use, per the correspondence received below.

As no permit has been produced by the Town of Drayton Valley it is assumed this use was deemed approved as a permitted use (per the Development Authorities indication of the same) accessory to the Place of Worship. The appeal is being filed pursuant to the position such an approval is a misinterpretation of the land use bylaw as follows:

1. The Development authority has erred in the assumption such a permitted use, if permissible, did not require a development permit to be issued. Municipal Government Act Section 683 states: "Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw." Section 8 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT of the Town Land Use Bylaw does not list this or any other similar use as development not requiring a permit to be issued; therefore the Development Authority has deemed a use to be approved without meeting the requirements of the land use bylaw which is both a variance to the provisions of the bylaw and a misinterpretation of this section and the requirement for a permit which has not been produced although requested and has likely not been applied for nor issued.
2. The Development authority has erred in the interpretation of the Land Use Bylaw in evaluating the Community Mat Program as an accessory use to the primary and principal use of the site, a place of worship, with strictly clearly and simply states "a building/grounds used for religious ceremonies". The FCSS program of Drayton Valley has a government funded HOMELESSNESS AND POVERTY REDUCTION Coordinator and program which has existed for more than 7 years and as a government funded and staffed program it is not a subordinate function of the Alliance Church, it is a is not a religious accessory use related to and performed in conjunction with religious ceremonies. It is a program for sheltering homeless for short and long term with the goal of connecting people to programs and longer term living and housing situations. FCSS and Senior government programs are not a common subordinate use of religion.
3. Further to Point 2, the Development Authority has erred in interpreting a Community Mat and Homeless shelter program as a "Club" subordinate and associates with a place of worship as follows:
  - a) A **Club** means a development used for the meeting, socializing and recreation of various **ORGANIZATIONS**, this definition is not applicable in this situation; homeless individuals neither come together for meetings, socializing or recreation or are they themselves MEMEBERS of a public or private organization.
  - b) The most similar use to the Community Mat and Homeless shelter program would be a **Public use** meaning the use of land or a building by a government agency, school board, or regional health authority. (religion is not mentioned); or
  - c) alternatively, the other most likely use would be **Group care facility** means a facility which provides residential services to seven or more individuals of whom one or more

are unrelated and who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times.

4. Further evidence there is a misinterpretation by the Development Authority is the incompatible land use issues which would be created by accepting such an interpretation, namely, this would now introduce this use as an accepted accessory use within not only the C2 district but also: R1B STANDARD RESIDENTIAL DISTRICT; R1N LOW DENSITY NARROW LOT RESIDENTIAL DISTRICT; R1Z ZERO LOT LINE RESIDENTIAL DISTRICT; R2 GENERAL RESIDENTIAL DISTRICT; R3 MEDIUM DENSITY RESIDENTIAL DISTRICT; R4 HIGH DENSITY RESIDENTIAL DISTRICT; RMS MANUFACTURED HOUSING SUBDIVISION DISTRICT; C1 CENTRAL COMMERCIAL DISTRICT; IPU INSTITUTIONAL AND PUBLIC USES DISTRICT; etc, etc. It cannot be assumed to be in the public good for a use with obvious land use conflict potential to be located in almost every location throughout the Town of Drayton Valley, nor can it be assumed that this was the intention of the bylaw in its drafting. Places of worship may be benign developments, but assuming every place of worship can be assumed to be granted an accessory use for a homeless program is not a beneficial interpretation of the bylaw for the Community and does not meet the greater public good.
5. In assigning a use to this proposal, the most similar and suitable use designation for the mat program and the proposed residential use is a **Group care facility** or potentially a **Social care facility** (dwelling authorized by a provincial authority for persons who Are physical, mental, or socially challenged, etc.) Further it should be noted that this is by its nature an institutional use and is dictionary where it is found within the bylaw, not a permitted use not requiring a permit.
6. On the note of validly filing this appeal, given that no valid permit appears to have been issued or produced, though evidenced by the attached correspondence for the Development Authority an approval appears to be a deemed approval, we note we have the right to appeal "other decisions of the Development Authority". The SDAB training Manual (source below) states on Page 31, *"There are 4 types of appeals that a Subdivision and Development Appeal Board (SDAB) may consider: subdivision, development, stop order, and other decisions of the development authority:*
  4. *Other Decisions of the Development Authority: A development authority, in the performance of its duties and functions under the MGA and the LUB, may be required to make other decisions not specifically listed above with respect to matters such as the expiry of permits and the fulfilment of conditions imposed on a permit. These decisions may also be subject appeal to the SDAB."* We clarify it is our position that the "Deemed approval without the requirement for a permit" position of the Development Authority was a decision which was made qualifying as a performance / decision which is validly subject to appeal. (Source: <https://open.alberta.ca/dataset/75cd7ff7-410f-4619-bc65-40d2f00bc52c/resource/55c717ae-2400-42fc-98ef-33f8d86dbecc/download/sdab-training-guidebook-version-7-2018.pdf>)
7. With regards to the date of issuance, it was indicted that this program has only recently begun at this location. As such we are filing this appeal within 21 days of the April 17<sup>th</sup> Ministerial Order which would have extended the beginning of any appeal period to that same point. As it appears the development authority has voiced the position that this order somehow extends this period until October 1, 2020 we note we have correspondence from the Ministry of Municipal Affairs Advisory Staff that the Ministries position is that the March order is rescinded and that the beginning date for any appeal of any approval issued (or deemed the same) in April

prior to April 17 would begin the approval filing period on that date. We will remind the Clerk an appeal is required and expected to be held within 30 days of receiving this appeal and pursuant to section 18.2 of the Town land use bylaw on receipt of an appeal, the secretary shall immediately advise the developer that all construction must cease until a decision has been made by the Board; it is our expectation this includes illegally established use of the site impacting adjacent users in contravention of their right to natural justice due to the misapplication and interpretation of the bylaw which prevented them from being given notice and being able to voice their concerns.

**brechris@telus.net**

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**From:** Matt Ellis <mellis@draytonvalley.ca>  
**Sent:** April 26, 2020 3:57 PM  
**To:** brechris@telus.net  
**Cc:** Lola Strand; Annette Driessen; Lowani Mubanga; Debbi Weber; Winston Rossouw; Merlin Klassen; BMcintosh@landmarkcinemas.com; leonard.claffey@servus.ca; draytonrx1@valuedrug.ca; char99@telus.net; bbjanz@telus.net  
**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda et. al

Yes, I confirm both. Everything regarding the isolation trailer, either now or in the future- there will be no Development Permit issued with a new site plan for the trailer and a future Development Permit will not be issued for a Development Permit at this location.

Best Regards,



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**From:** brechris@telus.net <brechris@telus.net>  
**Sent:** April 24, 2020 6:43 PM  
**To:** Matt Ellis <mellis@draytonvalley.ca>  
**Cc:** Lola Strand <fcss@draytonvalley.ca>; Annette Driessen <community@draytonvalley.ca>; Lowani Mubanga <lmubanga@draytonvalley.ca>; Debbi Weber <dweber@draytonvalley.ca>; Winston Rossouw <wrossouw@draytonvalley.ca>; Merlin Klassen <mklassen@draytonvalley.ca>; BMcintosh@landmarkcinemas.com; leonard.claffey@servus.ca; draytonrx1@valuedrug.ca; char99@telus.net; bbjanz@telus.net  
**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Matt:

Can you please confirm that a different development permit will not be issued with the correct site plan/dimensions of the trailer? And can you also confirm that the Town will not approve a future application for a self isolation trailer in this same location?

Thanks.

**Charmain Hammond, Blain Janzen and Brenda Christie**

On behalf of IVCBC Holdings Ltd.

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**From:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Sent:** April 24, 2020 5:20 PM

**To:** [brechris@telus.net](mailto:brechris@telus.net)

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com); [leonard.claffey@servus.ca](mailto:leonard.claffey@servus.ca); [draytonrx1@valuedrug.ca](mailto:draytonrx1@valuedrug.ca); [char99@telus.net](mailto:char99@telus.net); [bbianz@telus.net](mailto:bbianz@telus.net)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda, Blaine, Charmain and others

Please be advised that Development Permit DV20-009 for the temporary isolation trailer at 5012 56 Avenue has been cancelled. Please find the attached cancelled Development Permit and confirming letter. I apologize for any inconvenience.

Best Regards,



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**From:** [brechris@telus.net](mailto:brechris@telus.net) <[brechris@telus.net](mailto:brechris@telus.net)>

**Sent:** April 23, 2020 7:04 PM

**To:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com); [leonard.claffey@servus.ca](mailto:leonard.claffey@servus.ca); [draytonrx1@valuedrug.ca](mailto:draytonrx1@valuedrug.ca); [char99@telus.net](mailto:char99@telus.net); [bbianz@telus.net](mailto:bbianz@telus.net)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Matt:

As previously requested, can you please provide the actual application submitted for this permit?

We were able to find the appeal form on the Town's website and will be submitting the form and \$300 appeal fee by end of day on Friday.

Regards,

Blain Janzen, Charmain Hammond & Brenda Christie

On behalf of IVCBC Holdings Ltd.

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**From:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Sent:** April 23, 2020 4:52 PM

**To:** 'brechris@telus.net' <[brechris@telus.net](mailto:brechris@telus.net)>

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; 'BMcintosh@landmarkcinemas.com' <[BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com)>

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda, Charmaine and Blaine,

Building on my message from this morning, I wish to answer your remaining questions in [blue](#). I believe we can all agree that none of us prefers to be in this situation for a variety of reasons. To say that our world has been turned upside down since early March, I believe would be an understatement. However, we are all doing the best we can under these tough circumstances.

Best Regards,



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**From:** Matt Ellis

**Sent:** April 23, 2020 8:01 AM

**To:** [brechris@telus.net](mailto:brechris@telus.net)

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda, Charmaine and Blaine,

Thank you for your message that I received this morning. I am sure we can all agree this is a difficult time and I don't think that any of us want to be in this situation. However, it is a situation where we are called upon to make quick decisions, where the needs of the affected parties are met as much as possible and mitigate possible impacts to adjacent/surrounding landowners as best we can.



Since my message from yesterday, FCSS Program Manager, Lola Strand and Director of Emergency Management (DEM) Merlin Klassen have provided me additional clarifications that I am sure will be of interest to you. Regarding the Community Mat Program/Day Shelter at the Alliance Church, Lola and Merlin have confirmed **this is temporary to meet the requirements to provide accommodations for vulnerable individuals in the community until either the pandemic is declared over by the Province or the requirements to provide these services to the community are relaxed.** However, as we don't know when either of these will happen, we are unable to put an exact date on it- but the triggering event to these services being discontinued at the Alliance Church are either those two events I mentioned- pandemic being declared over by the Province (through rescinding the Public Health Emergency) or the AHS requirements being relaxed. The same goes with the isolation trailer, although the isolation trailer is more temporary in nature because it will only be brought to the site for the Alliance Church if/when it is required.

I am also happy to amend the Development Permit to state the trailer will only be brought to the site if/when notification of a presumed positive or confirmed positive case of COVID-19 is received.

I am able to answer some of your questions and address the issues you raised below in red. The remaining questions/issues will be addressed in a following message.

Best Regards,



**From:** [brechris@telus.net](mailto:brechris@telus.net) <[brechris@telus.net](mailto:brechris@telus.net)>

**Sent:** April 22, 2020 9:35 AM

**To:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Matt:

Thank you for providing the information but we are missing the actual application as requested. I believe this is a public document and as such can we please be provided with a copy? Can you also send an appeal form or provide me with the location on your website that I can obtain a copy?

Firstly, we would like to say that we are disappointed in the stance the Town has taken in regards to this application. The purpose of Part 17 of the *Municipal Government Act* is:

**617** The purpose of this Part and the regulations and bylaws

under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

The first issue is the fact that the Town's FCSS department is operating the mat program in a zone that does not allow it as a permitted or discretionary use. It is further compounded by the lack of communication in regards to the placement of a temporary structure which again is not a permitted or discretionary use within the Town's land use bylaw. The accessory building allowed would be based on the use as a place of worship and not a homeless program. We realize these are extenuating times and decisions are required to be made quickly but that doesn't mean a disregard of the legislation. I agree that we must meet these requirements as stated in the MGA. I believe the key wording here is in subsection (b), specifically, "without infringing on the rights of individuals for any public interest, except to the extent that it is necessary for the overall greater public interest". Providing accommodations for homeless persons is an identified public need for not only in Drayton Valley, but all Canadian communities and it is a need the Town is required to meet for the overall public interest. Although I am unable to get into the specific details of certain programs because it falls outside my purview for Planning/Development, providing safe accommodation to homeless persons improves health and social outcomes for the greater community. Therefore, the provision of a Community Mat Program which FCSS is required by AHS to expand to a 24-hour program meets the public interest and meets this requirement of the MGA.

In reviewing the Development Permit approval, it states:

*The following conditions are standard of development and MUST be complied with:*

**1. Easements shall not be encroached upon by any structures unless otherwise approved in this permit.**

**5. The issuance of this Development Permit does not supersede, or suggest violation of any caveat, easement, restrictive covenant or other encumbrance registered on title. It is the responsibility of the Applicant/Owner to research the Certificate of Title for the existence of any encumbrance.**

There is a caveat registered on this property a copy of which is attached. So while your permit is stating that the easement must not be ignored, you have in fact done that. I have reviewed the caveat that you attach (registration number 182 116 777) as well as the original agreement (registration number 072 186 707) that is also included as schedule D in the amending agreement. Section 5.a of the most recent agreement (182 116 777) states that it must be read together with the original agreement (072 186 707). As the most recent agreement is the most relevant, I will focus on that one, but I do provide Section 5 below.

## **5. General**

**(a) This Agreement shall be read together with the Original Easement Agreement hereto confirm that, except as modified herein, all covenants and conditions of the Original Easement Agreement remain unchanged, unmodified and in full force and**

Of the original agreement (072 186 707), Section 1.1 explains that IVCBC and its successors and any future owners of the lots that IVCBC owns or owned in the past, is required to grant full and free common access from adjacent public roads and through the common area located shall be granted at all times (see below). In summary, all the owners within



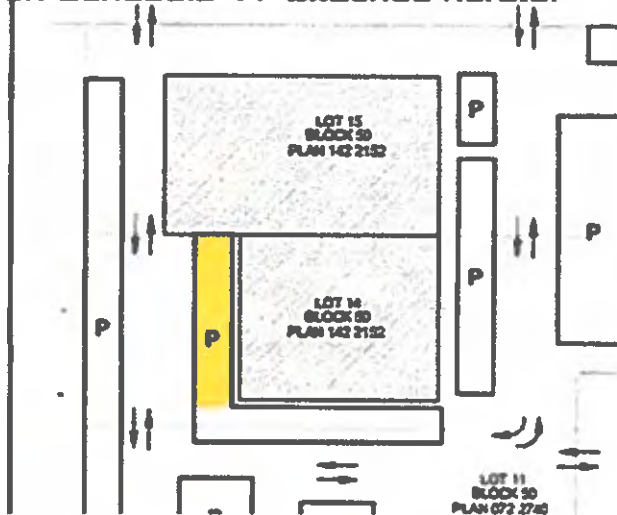
the shopping plaza are required to provide free and clear access from adjacent roadways and over the lots they occupy so that everyone benefits and the common area is allowed to be used by anyone. We know this is typical for shopping plazas and similar developments.

- 1.1 IVCBC, for itself and for its successors in title to the IVCBC Lands, I successors in title to the IVCBC Lands and any future owners of the Lands and, together with tenants, customers, and invitees, the full and easement (in common with IVCBC, its successors and its invitees) at a and to pass through and utilize the Common Area located upon or with or without vehicles, for the purpose of gaining access to and egress fr and parking.

Granted, Section 3.e of the new the new agreement Of the new agreement (182 116 777), requires the common parking areas identified with "P" (provided below) shall be provided and one of these areas is in the approved location of the isolation trailer at the rear of the Alliance Church (yellow picture below).

- e) Recital D is hereby deleted in its entirety and replaced with the following:

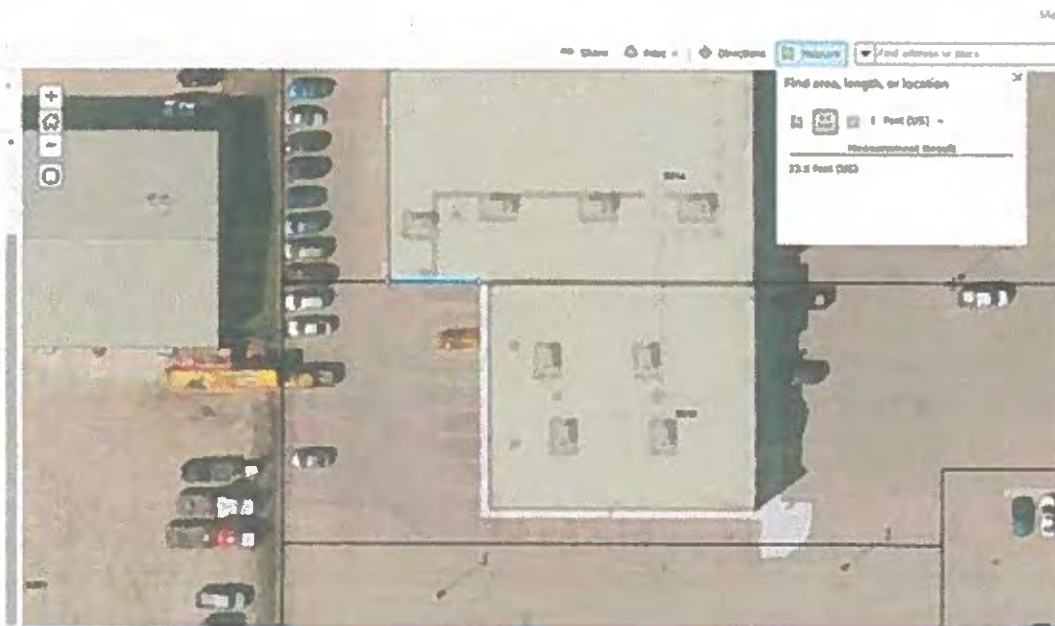
"The IVCBC Lands will also share a common parking area (the "Parking Lot on Schedule "A" attached hereto."



However, Section 3.f.iii permits the owner of Lot 14 (Alliance Church) to expand the premises to the westerly boundary (rear fenceline) of the lot, provided the expanded premises does not extend past the wall of the building on Lot 15 (Value Drug Mart) and the expanded premises does not interfere with the access route (section provided below)

- ii. the owner of Lot 14 (as defined on Schedule "B") is permitted to expand constructed on Lot 14 to the westerly boundary of the Lot 14, so long as premises does not interfere with the Access Route and does not expand pas constructed on Lot 15 (as defined on Schedule "B" and as shown on Schedu

The distance from the sidewalk at the rear of the Alliance Church to the rear wall of Value Drug Mart was measured with our GIS software to be 33 feet (see below). While I can measure this area myself to verify, our GIS Technician confirms the measurement tool on our GIS developed by ESRI, a world leader in GIS software portal is pretty accurate within a few meters. While I recognize the oversight regarding the length of the trailer on the approved site plan (and I sincerely apologize for that), the trailer is much less than 33 feet wide. Therefore, the trailer can easily be provided behind the Alliance Church without interfering with the access route from 56 Avenue. Although the trailer is obviously not attached to the building, it serves the same purpose an addition to the building and is therefore an extension of the premises on this property. We are satisfied that neither the original mutual access agreement/easement (072 186 707), or the newer agreement (192 116 777) have been contravened with the issuance of Development Permit DV20 009 for the isolation trailer.



It is a bit of a stretch to call the Homeless Mat Program a club or association, especially when it is being administered by the Town of Drayton Valley and The Drayton Valley & District FCSS. The place of worship definition in the Town's Land Use Bylaw means a building or grounds used for religious ceremonies and as such that is the permitted use; not a homeless program. Homeless shelters are controversial not only in Alberta but across North America. I would think the courts would look at the Town's definition of clubs and associations and deem that homeless shelters would not fit under that category. For the definition of the Community Mat Program, a difficulty in administering planning policy such as a Land Use Bylaw, is that not all land uses are specifically defined or can possibly be specifically mentioned in a definition. This is a challenge that Planners/Development Officers in all municipalities face, although some more than others. However, where a proposed use does not exactly fit a given land use definition, the definition that fits the proposed use the most is the one that must be used. The definition for Clubs/Associations is the one that fits the use of a Community Mat Program and day shelter the closest (definition provided below). The Community Mat Program/day shelter fits each element of this definition:

- It is an organized group of people who come to the space for a social/other purpose (in this case, homeless persons come to the space for warmth or shade during the pandemic), and
- Although the Community Mat Program is operated by FCSS (and the space provided by the Alliance Church), the definition states the use may be either private or public in nature. There is nothing in this definition that states the use cannot be provided by the Town or any other public body or organization affiliated with the Town. As a Permitted Use in the governing C2 district, the Community Mat program and day shelter which the Town is required to provide, is permitted to operate in this location.

**Clubs and associations** mean a group of persons organized to meet for social, like purposes, whether public or private in nature. This does not include a business consumption of cannabis, such as, but not limited to, a cannabis lounge. [added]

We raise the following concerns to this approval:

1. The Town does not provide a definition of transitional housing in the land use bylaw nor is it a permitted or discretionary use under C2. As mentioned above, the Community Mat Program is not a long term housing solution such as transitional housing. Rather, a Community Mat Program functions as a:
  - temporary overnight shelter for individuals who are homeless without any immediate housing options, and
  - a connection to community resources that can help individuals access safe, sustainable housing options over the long term. The Community Mat program is not housing, but serves as a connection that may be used to access housing. However, as mentioned earlier, the Community Mat Program fits the definition for Clubs and Associations, which is a Permitted Use in the C2 district.
2. The Town does not provide a definition of a homeless shelter or facility in the land use bylaw nor is it a permitted or discretionary use under C2. Please see answer to #1 above
3. The Development Authorities discretion power is limited and cannot include approving a use not listed in the permitted or discretionary uses under Section 640 of the MGA. We would disagree with your statement that the Mat Program would be classified as a club/association. As mentioned earlier, the Community Mat Program fits all the elements of the definition for Clubs, Associations and Lodges.
4. Would the Town not require a land use amendment in order to allow for this use in C2? An LUB amendment would not be required because as the LUB is currently written, the Community Mat Program fits the definition for Clubs and Associations, which is listed as a Permitted Use in the C2 district.
5. How long has the mat program been operating out of the Church? Lola can confirm, but my understanding is the Community Mat Program has been operating in this location since April 20.
6. The development permit approval was granted to FCSS. How does it then become a club/association when administered by a municipal entity? The Land Use Bylaw does not deal with how FCSS is affiliated with the Town. The LUB addresses the use of the property in question, in this case the Alliance Church. The use-Community Mat Program at this property fits the definition for Clubs and Associations- there is nothing that states the organization that offers the service cannot be affiliated with the Town.
7. The Town has not advised and provided the adjacent property owners and tenants with a copy nor published the permit approval. Will this be published in the next issue of the Western Review or will letters be sent to the adjacent properties or it that also exempt in these circumstances? The Community Mat Program is a Permitted Use in the C2 zone. Therefore, notification to adjacent/surrounding landowners is not required.
8. The stamped approval is for a structure 6 ft by 12 ft. We were advised today the structure was 12 ft by 60 ft and looking at the site plan, it is definitely larger than what has been identified on approved on the plan. This is an oversight and I sincerely apologize for. A Revised site plan will be issued shortly.
9. The Ministerial Order is not directing the Town/FCSS to place the trailer on this property but advising if you have adequate room that it is advisable. The document you attached also refers to hotels being used (see Page 2). Because it is not convenient for the operation of the program does not mean it is being ordered. The Town has many facilities currently closed because of the Public Health Emergency and as such could provide adequate space not only for the mat program but would also allow for the required distancing. Page 2 of the explanation of Dr. Hinshaw's Order limits the use of a hotel room for the social isolation unit to individual who face family violence (see below). The hotel room option is, therefore, not recommended for homeless individuals who do not face family violence.



Operators are encouraged to prioritize moving clients who have a suspected or confirmed case of COVID-19 to an external, assisted isolation space. For shelters providing services for clients who are homeless, this may mean moving the client to an isolation space or facility that has been identified by shelter networks in various cities and locations around the province. For clients who are facing family violence, this may mean securing a hotel room for the client.

While the Town does have a number of buildings, which are currently closed to the public, we still have employees in this buildings and adhering to the 2 meters/6 foot social distancing requirements. Utilizing these facilities is not possible as individual workspaces (offices and cubicles) would need to be secured from the common area used for the Mat Program, equipment/other apparatus would need to be secured from the area for the mat program and the social distancing requirements between employees and Mat Program clients cannot be guaranteed. All other options were considered for the Community Mat Program and self-isolation trailer and the option that was chosen at the Alliance Church is the only one that meets the needs of the various parties involved, to the further extent possible.

10. The Province has not declared a general state of emergency at this point nor has the Town declared a local state of emergency. Without that declaration, does the Town have the authority to approve the development permit without adhering to the applicable legislation?
11. In regards to the appeal information on the permit approval: The Minister of Municipal Affairs issued MSD: 036/20 on April 17, 2020 rescinding MSD: 022/20. The only portion of Ministerial Order 036/20 issued by Minister of Municipal Affairs Kaycee Madau that deals with the appeal timeline for Development Permits (MGA, Section 686(1)) is Section 8 of the order. However, this part of the Order does not state the appeal deadline referred to in Section 686(1) of the MGA is reverted back to the original 21 day appeal period. Rather, this section of the Order states that where the normal timeline stipulated in the MGA either began or ended during the period from March 25 to April 17, 2020, the timeline is modified so that it starts on April 17 (see below). So far, it is our understanding the appeal deadline for Development Permits is still October 1, 2020. However, I am reaching out to Municipal Affairs to confirm the length of this appeal period and will update you accordingly.

**8. Where the normal timeline associated with a requirement under the sections of the *Municipal Government Act* or its associated regulations as listed in the attached Appendix either began or ended during the period between March 25, 2020 and the date this Order is signed, the timeline is hereby modified such that the timeframe for taking action is to be calculated as starting on the date this Order is signed.**

We know we are facing extraordinary times and everyone is being asked to do what they can to help fight this deadly virus but does that include a disregard for the rights of individuals and businesses? At this point, the Town of Drayton Valley has not experienced any cases which can change rapidly. We believe that the process was contravened when the mat program was set up in the church and further contravened by rushing the development permit approval for the temporary self-isolation trailer when many other options exist, including but not limited to Town facilities.

I would like to stress, as mentioned earlier, the Community Mat Program at the Alliance Church is only temporary for the duration of the pandemic or AHS advises HCSS that it is no longer required. As for the self-isolation trailer, this is also temporary and will only be brought to the site upon a presumptive or confirmed positive case of an individual that uses the Community Mat Program at the Alliance Church.

We have reached out to Municipal Affairs for interpretation of the health order by Dr. Hinshaw as well as interpretation of whether the *Emergency Act* applies in this situation.

Regards,

**Blain Janzen, Charmain Hammond, Brenda Christie**  
On behalf of IVCBC Holdings Ltd.

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**From:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Sent:** April 21, 2020 4:59 PM

**To:** [brechris@telus.net](mailto:brechris@telus.net)

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>

**Subject:** Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda,

As requested earlier today, please find Development Permit DV20-009 for the Temporary Isolation Shelter issued to Drayton Valley and District Family and Community Support Services (FCSS) at 5012 56 Avenue (Alliance Church) as well as the applicable C2 (General Commercial) district of Land Use Bylaw 2007/24/D.

Lola and I appreciate your concerns as business owners and landowners who are located adjacent to the intended site of the emergency self-isolation trailer. As Senior Planner for the Town, it is my role to ensure the needs of all community members are met as much as reasonably possible when making land use decisions. This means that it's my responsibility to weigh the needs of neighbouring/surround landowners, business owners and their customers, residents as well as persons of vulnerable populations such as the homeless population in our community. While the intersecting environmental, social and economic factors are priorities that are considered in our decisions, the first priority is always health and safety of the broader community. While I serve as the Town's Senior Planner, I also serve in the role as Assistant Director of Emergency Management (Assistant DEM). In this role my Manager- Director of Emergency Management (CEM) Merlin Klassen and I are tasked with ensuring the Town is prepared for an emergency situation and if/when an emergency situation does arise we lead the response on behalf of the Town to minimize loss of life, damage to property and damage to the economy. I assure you these are responsibilities that I do not take lightly.

The existing use at this location, is as we know a Place of Worship. General Manager of Community Services, Annette Driessen and FCSS Program Manager Lola Strand have confirmed to me that FCSS was required by Alberta Health Services (AHS) to provide a daytime shelter, as part of its Community Mat Program for the health and safety of the homeless population in our community during the COVID-19 pandemic. This is not something that FCSS chose to provide to enhance its existing Community Mat Program in the community, it is required by AHS. A Community Mat Program falls within the definition of a Club and Association, which is provided below:

***Clubs and associations mean a group of persons organized to meet for social, li purposes, whether public or private in nature. This does not include a bus consumption of cannabis, such as, but not limited to, a cannabis lounge. [add***

Clubs/Associations and Places of Worship are all listed as Permitted Uses in the governing C2 district of the LUB. Community Mat Programs are also commonly provided as part of the services that churches and similar organizations offer to the community. Again, FCSS is required by AHS to provide a day use shelter as part its Community Mat Program and this is a Permitted Use in the C2 District.

Not only is FCSS required to provide a day-time shelter as part of its Community Mat Program which is permitted in the C2 district, Chief Medical Officer of Health (CMOH) Order 07-2020 issued by CMOH Dr. Deena Hinshaw, requires an external self-isolation facility for all temporary shelters in case an individual within that premises tests positive (or is presumed positive before a confirming test result) for COVID-19. The only viable option identified by FCSS is the isolation trailer that is required to be brought on site within 4 hours of that individual being placed in isolation because of a presumptive positive test (which is later confirmed by the actual test result). As the Town and neighbouring Brazeau County do not have any positive cases of COVID-19 so far (as of April 21, 2020), it is a very possible the trailer would not be required. Obviously, the opposite is also possible, that the trailer could be required. Lola has assured me and I understand that she has communicated this with you, that the trailer will only be placed on the site if/when it is required after a presumptive positive/confirmed positive of COVID-19. Based on experiences in other Alberta municipalities, AHS has recommended against the use of hotel rooms for self-isolation. FCSS has also determined that a hotel room in a separate location from the Mat Program used as a self-isolation facility is not feasible because this would require:

- an employee of the Mat Program to supervise hotel room for the self-isolation unit to ensure the individual does not leave;
- an employee to supervise the Mat Program in the Alliance Church;
- an employee to deliver meals as needed

I recognize the LUB lists a Dwelling Units at street level, which includes work camp trailers, are listed as a Discretionary Use in the C2 district. Under normal circumstances, this would require Council approval with the surrounding property owners within 60 meters of the subject property prior to the Council meeting, those same property owners being notified after the Council meeting and the Council decision would be subject to an appeal period where anyone who feels affected by the decision can appeal to the Subdivision and Development Appeal Board (SDAB). The length of this appeal period is normally 21 days following the decision. However, the appeal period for Development Permits was recently extended to October 1, 2020 by Ministerial Order 022/2020, issued by Minister of Municipal Affairs Kaycee Madu on March 31, 2020. Under the circumstances surrounding the ongoing Public Health Emergency with COVID-19, which are certainly not normal, notifying the surrounding property owners within 60 meters of the subject site two weeks prior to a decision, holding a Council meeting for the decision and subjecting the decision to a lengthy appeal period was deemed to be an unreasonable requirement for the Town/FCSS to meet, when FCSS was ordered by the Province (through AHS and the CMOH) to provide the self-isolation trailer.

Related to emergency management, Section 11(c) of the Emergency Management Act, permits a municipality to enter into agreements, make payments or grants to persons or organizations for the provisions of services in the implementation of emergency plans or programs. In this case, the emergency plan is the Province's Emergency Pandemic Plan that all Alberta municipalities right now in the time of a Public Health Emergency are required to help implement and part of that implementation is the provision of a self-isolation facility associated with a FCSS Community Mat Program. Furthermore, in his capacity as Alberta Emergency Management Agency (AEMA) Field Officer, John Swist has also confirmed verbally to me the normal public consultation requirements would not be required given the extraordinary circumstances.

The proposed trailer for the self-isolation unit may actually be placed on the subject property with no Development Permit approval at all, as Section 8.1 of the LUB exempts any use of land or building which is exempt (from requiring municipal approval in the form of a Development Permit) under Section 618 of the Municipal Government Act (MGA) or any other Federal or Provincial legislation. As Dr. Hinshaw's order (attached hereto) issued under the Public Health Act requires a isolation space (which in the case of the Community Mat Program at the Alliance Church is a camp-trailer (aka self-isolation trailer), it can be argued that no Development Permit is required, despite it being defined as a Discretionary Use in the D2 district of the LUB.

Although the Town is authorized under the LUB and Dr. Hinshaw's Order to exempt the trailer from the requirement for a Development Permit, we chose to issue the Development Permit as an accountability measure to confirm the trailer is removed after the pandemic is declared over by the Province or Dr. Hinshaw's Order is lifted. Therefore, Condition 3 of

the Development Permit requires the trailer to be removed within 14 days of the pandemic being declared over or the CMOH Order being lifted. The exact wording of this condition is provided below.

### **3. The Trailer shall be removed within 14 days following the lifting of the Public Health Emergency or once Dr. Hinshaw's CMOH Order 07-2020 is whichever comes first.**

Again, the trailer will only be placed on the site (behind the building for the Alliance Church) if/when it is needed. If the trailer is actually needed, it will most likely be removed sooner than 14 days following the pandemic being declared over or lifting of the Order. But, this condition was written to include this amount of time to recognize the periods of time that the company in charge of transporting the trailer to/from the site is unavailable due to other business commitments.

Other possible issues related to the trailer I would like to address are explained below:

**Security-** As mentioned earlier, an employee of the Community Mat Program will supervise the trailer if/when it is brought to the site to ensure a person inside the trailer does not leave;

**Garbage-** Garbage is addressed in Condition 4 of the Development Permit. Also, due to the nature of the trailer being an isolation unit where the person staying inside the trailer is not permitted to leave, there would be very little, if any, opportunity for litter to accumulate surrounding the trailer

**Sewage-** the trailer consists of a self-contained system, similar to an RV, to accommodate black water and grey water. Arrangements have been made with the contractor supplying the trailer unit to also provide a vac truck if/when periodically needed to dispose of sewage.

**Aesthetics-** the trailer will be located behind the building where it is deemed to be the least visible to traffic, thereby mitigating aesthetic impacts as much as possible.

To summarize:

- FCSS is required to provide a day use shelter as part of its existing Community Mat Program;
- The CMOH Order, under the Public Health Act, requires a self-isolation facility by provided as part of a day use shelter in case someone tests positive (or is presumed to be positive for COVID-19)
- A Community Mat Program is deemed to be a Permitted Use as part of the existing Place of Worship in the C2 district of the LUB
- A Dwelling Unit at street level, which includes camp trailers is deemed to be a Discretionary Use in the C2 district of the LUB
- It could be argued the camp trailer is exempt from the requirements for a Development Permit under Section 8.1 of the LUB because it is required as part of the Order issued by Dr. Hinshaw under Public Health Act.
- A hotel room is deemed not to be a feasible alternative for providing the self-isolation unit and AHS recommends against it
- Although it can be argued that a Development Permit is not required for the trailer, the Town issued one anyway to implement the conditions that it be removed within 14 days of the pandemic being declared over or the CMOH Order being lifted, whichever comes first as an accountability measure.
- The Emergency Management Act allows the Town to enter into agreements (in this case, in the form of a Development Permit) with organizations to implement Emergency Management Plans, or parts thereof
- Under normal circumstances, surrounding landowners within 60 meters of the subject property would have been notified and a Council meeting held prior to the decision. However, current circumstances are certainly not normal. As such, notifying surrounding landowners for two weeks, holding a Council meeting and subjecting the decision to an appeal period is not considered to be reasonable at this time.



- The trailer will only be moved onto the site if/when it is needed in the event of a presumptive positive case of COVID-19 (that is later determined to be positive)
- Security, sewage, garbage and aesthetics measures are addressed either through the conditions of the Development Permit or the identified location on the stamped/approved site plan as part of the Development Permit.

If you have any questions or wish to discuss further, please do not hesitate to contact me. I assure you this approach was not an easy one to take as Senior Planner and Assistant DEM. However, in my role I must consider community health and safety as well as the needs of surrounding landowners and the approach taken here is the one deemed to meet those objectives to the fullest extent possible and in the most efficient manner as possible for the Town to comply with the Order issued by CMOH Dr. Deena Hinshaw.

I have a attached Development Permit DV20-009 with the stamped site plan, and Clarification or CMOH Order 07-2020 for your reference.

Best Regards,



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**IVCBC HOLDINGS LTD.**

**PO Box 5286**

**Drayton Valley AB T7A 1R4**

April 30, 2020

Town of Drayton Valley

Subdivision & Development Appeal Board

RE: Community Mat Program

Homelessness and poverty are issues faced by many municipalities throughout North America and beyond. There is a need for social programs to support individuals struggling with mental health, addiction and other common factors facing the homeless but, in the desire, to provide these services, the rights of public should not be ignored.

The impact on locating a social program such as the Mat Program affects the surrounding area and as such, the adjacent property owners and tenants at a minimum, should be consulted or given the opportunity to provide input.

*If you are allowed to put a shelter anywhere you want in the city, it takes away a fundamental right of the public to have meaningful input into what occurs in their city... [Public input] is fundamental to local democracy. Paul Sutherland, Toronto City Councillor, April 2002 (quoted in La- key, 2002b, p. B5).*

A study in Vancouver stated it appeared crime increased by 56% within 100 metres of the shelter with theft from vehicles, other thefts and vandalism driving the increase. There was a noted increase or property crime within 400 metres but didn't extend much beyond that. It suggested that security may be needed to be provided within a 2 – 3 block radii of the shelter.

These factors appear not to have been considered by the Town in the location of the Mat Program. We did speak to a Town employee that was at the Alliance Church site who stated they are only responsible for what happens inside the facility not outside. As the major property owner and responsible for the maintenance of the common parking lot, this is a concern for us. Our Community and the businesses within this commercial development have suffered the last few years with the economic downturn, then forced closure as a result of the pandemic and now potentially increased additional rent costs for the increased maintenance/clean-up of the area. In recent days, we have been made aware of the alleged incidents by the tenants:

1. An individual suspected to be under the influence of a substance, followed the tenant to the back door and the tenant in fear, quickly closed the door and locked it.
2. Garbage bins have been rooted through.
3. Individuals utilizing drugs in the parking lot: the RCMP were called but could not do anything as they were not harming anyone.
4. An individual urinating on the Landmark Cinema building.
5. An altercation amongst the clientele of the program.

While these particular events may be any member of the general public, it is suspect that such an increase in incidents is suddenly occurring.

Landmark Cinema is currently closed but we are concerned with the potential issues that might arise when they re-open. Staff and customers leaving after the movie (particularly the late movie) with limited people around, may be afraid with individuals in close proximity to the parking. Does the potential exist that they may be approached for money or food? Does the potential exist that patrons may chose not to go to the movie due to fear of theft items or damage to their vehicles?

Not that you have to be senior to be concerned or afraid, but most of the businesses are frequented by seniors who would mostly likely be more afraid than a younger more physically opposing individual.

Within this commercial development, the property owners collectively paid \$93,341 in 2019 for property taxes. Should this not entitle us to some basic rights of consultation? When choosing this location, did the Drayton Valley & District FCSS and the Town of Drayton Valley in its approval, consider the potential for increased crime, the safety of the general public and the potential impact on the surrounding businesses? Was any consideration given to the potential need for security outside the facility?

As is evident in our appeal, we do not agree with the Town's interpretation that Mat Program meets the definition of a club and is a permitted use with in the C2 zoning. We only became aware of the program being operated within the Alliance Church by accident when we were advised by a member of the general public that a 12 ft X 60 ft self-isolation trailer was being moved on site in contravention of the existing easement agreement. Additionally, no consideration was given to the possible damage to the privately owned parking lot that the trailer would have been moved across. Fortunately, the development permit approval for the self-isolation trailer was cancelled.

The Town does need to address the issue of social care in their land use bylaw but should do so under the process established in the *Municipal Government Act* and with an appropriate level of public consultation. As that has not happened, we do not feel the Town or Church should be operating the program at this location or any other location until properly addressed in the bylaw.

Regards,



Charmain Hammond, Blain Janzen, Vera Janzen

Cc: T-Bones Specialty Foods

Fix-it Naturally

Landmark Cinemas

Value Drug Mart

Subway

Edward Jones

Servus Credit Union

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**Appeal – #2020-01**

**Exhibit 2 and Exhibit 3 – Notice of Hearing**



5120-52 Street  
PO Box 6837  
Drayton Valley, T7A 1A1  
Tel: (780) 514-2200  
Fax: 780-542-5753  
info@draytonvalley.ca

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD NOTICE OF HEARING

### NOTICE OF HEARING – #2020-01

May 12, 2020

**RE: APPEAL #2020-01**  
**Community Mat and Shelter Program as a permitted accessory use**  
**Appellant: IVCBC Holdings Ltd.**  
**Description: Lot 14, Block 50, Plan 1422152**  
**Municipal Description: 5012 – 56 Avenue**

In accordance with the *Municipal Government Act*, Section 686(3), you are hereby notified that the Subdivision and Development Appeal Board ("SDAB") will hold a hearing to consider an appeal of the decision of the Development Authority of Town of Drayton Valley to allow the Community Mat and Shelter Program as a permitted accessory use on the above described property as follows:

DATE: Thursday, May 28, 2020  
TIME: 1:30 p.m.  
LOCATION: Via teleconference

If you are affected by the above appeal, you **may** be entitled to make submissions to the SDAB. Here is what you can do:

- 1) you can provide visual or written submissions in advance of the hearing by sending an email to [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca); and
- 2) you can attend via conference call and make a presentation at the hearing.

**Important Information:** In order to comply with provincial health regulations, we will be facilitating the SDAB hearing via teleconference. If you wish to participate on the conference call, contact the SDAB Clerk to receive the required instructions to access the hearing.

If you wish to submit visual or written material to the SDAB, please email your submissions to the Clerk at [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca) **no later than 1:00 p.m. on May 22, 2020**. Materials submitted will be included in the hearing package prepared for the SDAB and will be distributed to the SDAB and made available to the appeal participants prior to the hearing.

If you are unable to meet the above submission deadline, please contact the Clerk at [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca).

PLEASE BE ADVISED THAT YOUR ENTIRE SUBMISSION WILL FORM PART OF THE PUBLIC RECORD.

Any visual or written material received by the Clerk of the SDAB in advance of the hearing will form part of the public record and will be made available for public inspection pursuant to section 686(4) of the *Municipal Government Act*.

While the Clerk of the SDAB will accept visual or written material in advance of the hearing, the ultimate decision as to whether any or all of the materials will be considered by the SDAB remains with the SDAB.

Since the SDAB and appeal participants may not have an opportunity to review any materials you bring with you to the hearing prior to the hearing, the SDAB may be required to adjourn the hearing to allow the SDAB and appeal participants opportunity to review any materials you bring with you to the hearing and, if necessary, for the appeal participants to provide responding materials.

Relevant documents and materials respecting the appeal will be available for public inspection **after 1:30 p.m. on May 26, 2020**. To request review of materials, please email [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca).

If you have any questions concerning this appeal, please contact Sabine Landmark, SDAB Clerk, at 780-514-2213.



## Campers come home

Campers returned to town on Monday after the first long weekend of this season. The weekend weather was nice for the first few days with the weekend ending with rain.

Photo Brandy Fredrickson

# Drayton Valley Weekly News Report cont'd.

*Continued from pg. 15*

1:44 pm – Drayton Valley – 56 Ave – Complainant reported unknown culprit entered her yard overnight and stole several bags of bottles

3:36 pm – Drayton Valley – Rotary Park – Complainant reported observing a drug deal in the park. Members responded and viewed video taken by complainant, unable to identify the suspects. Patrols of the area failed to locate the two involved

5:05 pm – Brazeau County – Complainant called from Tomahawk reporting that his brother was at his parents' residence in breach of his conditions. The complainant is suffering some mental health issues and made a similar complaint a couple days prior. Member contacted complainants mother who advised his brother wasn't there, and the complainant won't stop calling her.

5:47 pm – Tomahawk – The complainant from the above file reported that someone had tapped his phone and was sending him messages. The complainant called back several hours later reporting someone had stolen his coat. No one stole anything, he is suffering mental health issues and believed to be using drugs

8:24 pm – Drayton Valley – Omniplex – Complainant reporting youth in pickup trucks racing through the area. Patrols were made

8:39 pm – Drayton Valley – 50 Ave/54 St – Complainant reported a female possibly suicidal, saying concerning things. Members attended and determined the female was experiencing some mental

health issues and talking expressively about bible verses, the rapture and end times, and perhaps believed Covid 19 was related. She was not suicidal

10:37 pm – Drayton Valley – Complainant reported repeated texts and calls from her ex who was calling her derogatory names and making some non-physical threats. Both parties were spoken to and the suspect was warned to stop or he'd face charges.

11:54 pm – Drayton Valley – Power Center Blvd – Security for a business reported a suspicious male on a bike, wearing a face mask, last seen headed toward Poplar Ridge area. Member made patrols but the masked cyclist wasn't located

### May 10

2:30 am – Brazeau County – RR81 – Complainant reported someone had been in his unlocked car, the suspect left when complainant turned on lights. Complainant had a suspect in mind. Member attended and searched the area but no suspect was located

3:46 am – Drayton Valley – 53 Ave – Complainant reported there were 15 people outside his apartment and he feared they were going to kill him.

Members responded and arrested the complainant to prevent more calls for service and so he could sober up in cells safely. This complainant had made multiple similar calls in recent days, all unfounded and believed related to drug use

4:06 am – Drayton Valley – 55A Ave – Complainant reported a car alarm activated in the area, then was turned off. Member patrolled the area but located nothing suspicious

5:03 am – Drayton Valley – 50 St – Complainant reported hitting a deer near Sekura Auctions. No damage to vehicle, but deer badly injured. Member attended and euthanized the deer due to its back legs being broken. Second call received for same deer on roadway

6:48 am – Drayton Valley – 50 St – alarm going off at a bank. Member attended, bank was secure. May have been caused by a short power outage

6:48 am – Drayton Valley – 50 St – alarm going off at a Pizza shop. Member attended, premise secure, likely caused by power outage

7:26 am – Tomahawk – Complainant reported there were people locked inside a business basement. Complainant was belligerent on the phone. Members attended, complainant reported his phone stolen (unsure how he called police) and there was an RCMP member locked in the basement. No one was in the basement and when members were on scene the complainant denied having called. Mental health and drug use issues

9:06 am – Drayton Valley – 50 St – Complaint of an audible alarm activated inside a beer store. Member attended, premise secure. Property rep contacted to attend and reset the alarm

9:19 am – Drayton Valley – 50 St – Complaint received of a male in a hotel room, possibly suicidal. Members responded and gained entry to the room. The male was located and wasn't suicidal, though he had been in a very deep sleep.

10:31 am – Brazeau County – Buck Creek Rd – Report of an abandoned truck. Had been reported before but couldn't be located. Complainant advised the truck was now out in the open and another truck was with it. Member attended and located two persons – both known to police – in the second truck "having coffee." The initially reported truck wasn't stolen, but was unregistered/uninsured and in a Provincial Park. Vehicle was towed from the area

4:12 pm – Tomahawk – Complainant called to report two people arguing in the room above him. Members responded, no argument, complainant having mental health issues compounded by suspected drug use

4:48 pm – Drayton Valley – 53 Ave – Complainant reported people surrounding his residence, requested Edmonton Police as unhappy with local police. Member attended, got the male to open his

door. No people surrounding his residence, member reached an agreement to follow up the next day and try to get him in a rehab program as meth use was causing most of his issues

5:55 pm – Drayton Valley – 47A Ave – Complainant reported finding a young boy wandering the alley. Members unable to identify the 4-year-old and contacted CFS. CFS and attending members located the father's residence and found him in a deep sleep on the couch after he had not responded to knocking. CFS intervened and directed that the child was to remain at the mother's residence until further notice

6:47 pm – Drayton Valley – 54 St – Complainant reported hearing a single gun shot in the area. Members patrolled the area but were unable to locate the source, several witnesses reported a loud bang, suggested it may have been a backfire or fireworks

9:11 pm – Drayton Valley – 53 Ave – Complainant once again reported (imaginary) people surrounding his residence

9:44 pm – Drayton Valley – 50 St – Complainant reported a female banged a shopping cart into security shutters at a business. Members attended and found no damage. Female, who is

known to police, was located and warned against continuing her uncivilized behaviour

10:01 pm – Tomahawk – Complainant requested assistance in removing a tenant who was causing repeated issues. Members had dealt with the male multiple times in recent days. Members responded but the male was not located in his room or in the area

11:38 pm – Drayton Valley – 53 Ave – Complainant called 911 multiple times for people outside his residence. Complainant was hiding inside. Multiple calls from the same male

11:50 pm – Brazeau County – Members attended a residence to assist EMS with a male who had passed out, possibly related to some "bad weed from the street." Members weren't required

### May 11

1:16 am – Drayton Valley – 53 Ave – Hangup 911 call, related to the earlier complaints of people surrounding a residence. Member attended, male wished to go to a hotel, he was taken to a hotel and agreed to stop calling police

1:59 am – Drayton Valley – Industrial Road – Anonymous complaint of a male "bothering people". Members attended and found that the suspect had left and had been arguing with the anonymous complainant.

*Continued on pg. 17*



## TOWN OF DRAYTON VALLEY

### NOTICE OF HEARING

SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
MAY 28, 2020 - 1:30 P.M. TELECONFERENCE

In accordance with the *Municipal Government Act*, Section 686(3), you are hereby notified that the Subdivision and Development Appeal Board ("SDAB") will hold a hearing to consider an appeal of the decision of the Development Authority of the Town of Drayton Valley as follows:

#### APPEAL #2020-01

Against Community Mat and Shelter Program as a permitted accessory use

Appellant: IVCBC Holdings Ltd.

Description: Lot 14, Block 50, Plan 1422152

Municipal Description: 5012 - 56 Avenue

If you are affected by the above appeal, you may be entitled to make submissions to the SDAB. Written submissions for inclusion in the agenda package for the Subdivision and Development Appeal Board regarding this appeal must be received no later than 1:00 p.m. on May 22, 2020. Since offices are closed due to the COVID-19 pandemic, it is encouraged that all submissions be sent via email to [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca).

Before the commencement of the hearing, a copy of the application and supporting documentation will be available for inspection by the public. Please contact the SDAB Clerk at 780-514-2213 or at [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca) to make arrangements to view these documents.

In order to comply with provincial health regulations, we will be facilitating the SDAB hearing via teleconference. If you wish to participate on the conference call, contact the SDAB Clerk to receive the required instructions to access the hearing.

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**Appeal – #2020-01**

**Exhibit 4 – Submission of the Development Authority**



<b>SUBJECT:</b>	<b>Town of Drayton Valley- Subdivision and Development Appeal Board (SDAB) hearing 2020-001</b>
<b>MEETING:</b>	May 28, 2020 Subdivision and Development Appeal Board (SDAB)
<b>PRESENTED BY:</b>	Matt Ellis Senior Planner

## 1. PROPOSAL AND BACKGROUND:

The subject property, municipally known as 5012 56 Avenue (**see Attachment 1- Site Photos**) is in a commercial plaza divided into six separate lots and approximately 400 meters north of the Downtown. The property is surrounded by:

- Retail and Professional Services (Value Drug Mart) to the north
- Restaurant (Subway) and financial services (Edward Jones) to the east
- Financial Services (Servus Credit Union) to the southeast
- Common parking lot to the south
- Light Industrial business to the west

As shown in Figure One below surrounding uses include include a theatre (Cardium Theatre) and a commercial plaza-type building that includes two businesses (T-Bones Specialty Foods and Fix-It Naturally Health Wellness Spa).

**Figure 1- Surrounding Uses**



### Prior to COVID-19 Pandemic

Prior to the onset of the COVID-19 pandemic in March-April 2020, the Owner (DV Alliance Church, represented by Pastor John Hazen) utilized the property for regular church services and related functions. The building was also used during the winter month of 2020 for the Church's Common Ground Café



where homeless individuals can visit during the day to escape the cold and have some coffee or food. This was essentially seen to be the equivalent as any individual landowner who opens their doors to the public for socialization during the colder months. The Common Ground Café at the Alliance Church was offered in addition to the Community Mat Program at the Baptist Church (4401 50 Avenue) where homeless individuals could find overnight accommodation from 9:00pm-7:00am during the late fall to early spring months (October-April).

### During COVID-19 Pandemic

In early April 2020, the Applicant (Drayton Valley and District Family and Community Support Services or FCSS, represented by Lola Strand) was required by Alberta Health Services (AHS) to expand the Community Mat Program to include a Day Program throughout the duration of the pandemic.

The reasons for this requirement of a Community Mat and Day Program are that individuals experiencing homelessness are at greater risk of contracting illnesses, including COVID-19, due to the following factors:

- **Little to no access to facilities.** Homeless individuals who are sleeping in the open (referred to as “sleeping rough”), sleeping in their vehicles or have other precarious living arrangements already have limited to no access for handwashing/sanitizing facilities to reduce chances of contracting the virus. Furthermore, public building that normally have restrooms such as libraries and coffee shops are required by the Province to be closed during the pandemic.
- **Limited income.** Persons with little to means of income do not have the disposable funds to gather essential items such as cleaning supplies to sanitize their living space or food.
- **Underlying medical conditions.** Homeless persons often have underlying medical conditions that compromises their immune systems, caused by exposure to the elements by living on the street and limited access to medical services.
- **Limited access to information.** While most people get updates about the virus and how to limit their chances of contracting COVID-19 through internet or television, homeless individuals already have minimal access to internet and television. Now, as several community spaces, such as libraries and other community support agencies have closed their doors to the public to limit the spread of the virus, these individuals have no free access to a computer to learn how to limit their susceptibility to the virus.
- **Limited support network.** While several people can rely on friends and family for financial support, food, clothing, shelter or emotional support during emergencies, homeless individuals who are socially isolated, lack this much needed support network.

Where a Public Health Emergency has been declared, Sections 52.1 and 52.6 of the Public Health allow a public health authority to:

*“(a) acquire or use any real or personal property;  
 (b) authorize or require any qualified person to render aid of a type the person is qualified to provide;  
 (c) authorize the conscription of persons needed to meet an emergency;  
 (d) authorize the entry into any building or on any land, without warrant, by any person; (e) provide for the distribution of essential health and medical supplies and provide, maintain and co-ordinate the delivery of health services” (See Attachment 2- Public Health Act Sections).*

Furthermore, in accordance with Section 75, the provisions of the Public Health Act prevail “over any enactment that it conflicts or is inconsistent with, including the Health Information Act, and a regulation under this Act prevails over any other bylaw, rule, order or regulation with which it conflicts” (**See Attachment 2- Public Health Act Sections**).

The Owner, Pastor John Hazen offered his Church to FCSS to serve as the premises for the new 24-hour Community Mat Program. Pastor Hazen and FCSS saw this as a natural extension of the previously offered Common Ground Café. Prior to locating the Community Mat and Day Programs to the Alliance Church, the Applicant (FCSS) sought confirmation regarding the required approvals from the Development Authority.

The Development Authority determined, at the time, the Community Mat and Day Programs fit the definition of Clubs/Associations which is listed as a Permitted Use in the C2 district of Land Use Bylaw 2007/24/D. Clubs and Associations are defined in Land Use Bylaw 2007/24/D as,

*“a group of persons organized to meet for social, literary, athletic, political or other purposes, whether public or private in nature”* (Town of Drayton Valley, Land Use Bylaw 2007/24/D, Page 5).

Since this determination, the Development Authority was advised by legal counsel that the Community Mat and Programs more closely fit the land use definition for a Lodge. Land Use Bylaw 2007/24/D defines a Lodge as a, “meeting place of a fraternal or similar organization” (**See Attachment 2- Public Health Act Sections**).

Regardless of the Community Mat and Day Programs being defined as a Club/Association or Lodge, both uses are listed as Permitted Uses in the C2 district. Furthermore, the fact that “Clubs, Associations, Places of Worship and Lodges” are all listed together on the same line in the list of Permitted Uses in the C2 district, is indicative that when Land Use Bylaw 2007/24/D was adopted, Council viewed all these uses to be compatible and may co-exist with the other land uses that are listed as Permitted Uses in the C2 district.

Lastly, Section 8.1 of Land Use Bylaw 2007/24/D exempts, “any use of land or a building which is exempt under Section 618 or under any other federal or provincial legislation” from the requirement to obtain a Development Permit.

The Development Authority believed, due to the following reasons that a Development Permit was not required for the 24-hour Community Mat Program:

- Is a requirement of AHS, which operates under the Public Health Act and likewise, meets or exceeds AHS requirements for the use;
- Is defined as a Club/Association or Lodge and listed as a Permitted Use in the General Commercial (C2) district of Land Use Bylaw 2007/24/D,
- Section 8.1 of Land Use Bylaw 2007/24/D exempts a use of land or a building from the requirement to obtain a Development Permit,

Therefore, the Community Mat Program moved into the Alliance Church and opened its doors to the public on April 20, 2020. The appeal was received from the Appellants on May 1, 2020.

Since opening the program at the Alliance Church, the Community Mat Program has seen unprecedented use. The maximum capacity approved by Alberta Health Services at the subject location is 18 clients. The Applicant confirms that during the month of May, the Program has ranged from a low of 4 clients to a high of 16 clients.

## Re-launch Strategy

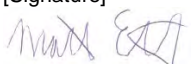
As part of the Province's COVID-19 Re-launch Strategy, CMOH Order 19-2020 (**see Attachment 3-CMOH Order 19-2020**) was issued on May 14, 2020 to allow Places of Worship to resume services with conditions starting on June 1, 2020. The building for the Alliance Church lacks the amount of floor area and layout to allow both the Community Mat and Day Programs and Church Services to exist simultaneously in the same building. Therefore, due to CMOH Order 19-2020 that allow services at the Alliance Church to resume and the current utilization levels of the 24-hour Community Mat Program, Council will reconsider a re-location of the Community Mat Program at the Council meeting held on May 27, 2020. The Development Authority will present Further information to the Board as it relates to Council's decision on May 27, 2020.

## 2. ATTACHMENTS:

1- Site Photos

2- Public Health Act Sections

3- CMOH Order 19-2020

REPORT PREPARED BY: Matt Ellis, Senior Planner	[Signature] 	REVIEWED BY:	[Signature]
APPROVED BY:	[Signature]		

## **ATTACHMENT 2**

### **Site Photos**



Front view of the subject site  
looking from the east

May 22, 2020



Side view of the subject  
site looking from the south

May 22, 2020



Side view of the subject  
site looking from the south

May 22, 2020

## **ATTACHMENT 2**

### **Public Health Act Sections**

#### **Definitions**

**1** In this Act,

(hh.1) “public health emergency” means an occurrence or threat of

- (i) an illness,
- (ii) a health condition,
- (iii) an epidemic or pandemic disease,
- (iv) a novel or highly infectious agent or biological toxin, or
- (v) the presence of a chemical agent or radioactive material that poses a significant risk to the public health;

#### **State of public health emergency**

52.1(1) Where, on the advice of the Chief Medical Officer, the Lieutenant Governor in Council is satisfied that:

- (a) a public health emergency exists or may exist, and
- (b) prompt co-ordination of action or special regulation of persons or property is required in order to protect the public health, the Lieutenant Governor in Council may make an order declaring a state of public health emergency relating to all or any part of Alberta.

#### **Powers during emergency**

52.6(1) On the making of an order under section 52.1 or 52.2 and during the state of public health emergency the Minister or the regional health authority may do any or all of the following for the purpose of preventing, combating or alleviating the effects of the public health emergency and protecting the public health:

- (a) acquire or use any real or personal property;
- (b) authorize or require any qualified person to render aid of a type the person is qualified to provide;
- (c) authorize the conscription of persons needed to meet an emergency;
- (d) authorize the entry into any building or on any land, without warrant, by any person;
- (e) provide for the distribution of essential health and medical supplies and provide, maintain and co-ordinate the delivery of health services.

**ATTACHMENT 3**

**CMOH Order 19-2020**





**Office of the Chief Medical Officer of Health**  
 10025 Jasper Avenue NW  
 PO Box 1360, Stn. Main  
 Edmonton, Alberta T5J 2N3  
 Canada

## **RECORD OF DECISION – CMOH Order 19-2020 which modifies CMOH Orders 01-2020, 02-2020 and 07-2020**

### **Re: 2020 COVID-19 Response**

Whereas I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta.

Whereas the investigation has confirmed that COVID-19 is present in Alberta and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health.

Whereas under section 29(2.1) of the *Public Health Act* (the Act), I have the authority by order to prohibit a person from attending a location for any period and subject to any conditions that I consider appropriate, where I have determined that the person engaging in that activity could transmit an infectious agent. I also have the authority to take whatever other steps that are, in my opinion, necessary in order to lessen the impact of the public health emergency.

Whereas I made:

- (a) Record of Decision – CMOH Order 01-2020 on March 16, 2020;
- (b) Record of Decision – CMOH Order 02-2020 on March 17, 2020; and
- (d) Record of Decision – CMOH Order 07-2020 on March 27, 2020.

Whereas having determined that it is possible to permit Albertans to attend certain locations or places, and engage in certain activities, within the Cities of Calgary and Brooks where the risk of COVID-19 transmission can be mitigated if persons adhere to public health measures and guidelines, I hereby make the following Order which applies despite any provision of Record of Decision – CMOH Order 01-2020, 02-2020 and 07-2020:

### **Part 1 - Application**

1. This Order applies within the cities of Calgary and Brooks, Alberta.

### **Part 2 – Phased relaunch**

2. Effective May 14, 2020, any provision in any of Record of Decision – CMOH Order 01-2020, 02-2020 and 07-2020 that prevents the operation of a retail business, day care, museum or art gallery or limits its normal course of operation is of no force or effect.
3. For the purposes of Part 2 of this Order, “day care” is defined as any of the following child care programs licensed under the *Child Care Licensing Act*.
  - (a) a “day care program” as defined in the *Child Care Licensing Regulation*;



- (b) an “out of school care program” as defined in the *Child Care Licensing Regulation*;
  - (c) an “innovative child care program” as defined in the *Child Care Licensing Regulation*.
4. Effective May 25, 2020, any provision in any of Record of Decision – CMOH Order 01-2020, 02-2020 and 07-2020 that prevents the operation of a hair salon, barber shop, restaurant, bar or pub or limits its normal course of operation is of no force or effect.
5. The operator of a business or entity referred to in section 2 or 4 of this Order must, as of the date that any provision of Record of Decision – CMOH Order 01-2020, 02-2020 or 07-2020 no longer applies to the operator:
- (a) implement practices to minimize the risk of transmission of infection among persons working at or attending the business or entity;
  - (b) provide procedures for rapid response if a person develops symptoms of illness while working at or attending the business or entity;
  - (c) ensure that persons working at or attending the business or entity maintain high levels of sanitation and personal hygiene;
  - (d) comply, to the extent possible, with any applicable Alberta Health guidance found at: <https://www.alberta.ca/biz-connect.aspx>.
6. An operator referred to in section 5 of this Order must
- (a) complete a plan that sets out how the operator will meet the requirements of section 5 of this Order; and
  - (b) within 7 days of the public being able to attend the location where the place of business or entity, as applicable, is operating, post the plan on a public website or in a place at the location where it can be readily seen by persons attending the location.
7. An operator of a business or entity listed or described in Appendix A must ensure that the place of business or entity is closed to the public.
8. Part 2 of this Order is rescinded effective May 31, 2020.

### **Part 3 – Relaunch as of June 1, 2020**

9. Part 3 of this Order is effective June 1, 2020.


10. If any of sections 11 to 17 of this Order are inconsistent or in conflict with a provision in Record of Decision – CMOH Order 01-2020, 02-2020 or 07-2020 the section of this Order prevails to the extent of the inconsistency or conflict.
11. A person may attend a location where any business or entity is operating, except a business or entity that is listed or described in Appendix A. For greater certainty, any business or entity other than a business or entity listed or described in Appendix A is permitted to offer or provide goods and services to members of the public at a location that is accessible to the public.
12. An operator of a business or entity listed or described in Appendix A must ensure that the place of business or entity is closed to the public.
13. An operator may operate a place of worship and a person may attend any place of worship.
14. A student may attend any class or program offered at any school, except a school that is listed or described in Appendix A.
15. An operator of a school listed or described in Appendix A must ensure that the school is closed to the public.
16. For the purposes of this Order, “school” includes
  - (a) a school as defined in section 4 of Record of Decision – CMOH Order 01-2020;
  - (b) a place referred to in section 5 of Record of Decision – CMOH Order 01-2020; and
  - (c) an institution, program, training provider or entity referred to in section 6 of Record of Decision – CMOH Order 01-2020.
17. Despite section 15 of this Order, a person may attend a school listed or described in Appendix A for the purposes of receiving, offering or providing the following child care programs licensed under the *Child Care Licensing Act*:
  - (a) a “day care program” as defined in the *Child Care Licensing Regulation*;
  - (b) an “out of school care program” as defined in the *Child Care Licensing Regulation*;
  - (c) an “innovative child care program” as defined in the *Child Care Licensing Regulation*.
18. An operator of a place of worship and an operator of a business, entity or school other than a business, entity or school listed or described in Appendix A must:

- (a) implement practices to minimize the risk of transmission of infection among persons working at or attending the place of worship, business, entity or school;
  - (b) provide procedures for rapid response if a person develops symptoms of illness while working at or attending the place of worship, business, entity or school;
  - (c) ensure that persons working at or attending the place of worship, business, entity or school maintain high levels of sanitation and personal hygiene;
  - (d) comply, to the extent possible, with any applicable Alberta Health guidance found at: <https://www.alberta.ca/biz-connect.aspx>.
19. An operator referred to in section 18 of this Order must
- (a) complete a plan that sets out how the operator will meet the requirements of section 18 of this Order; and
  - (b) within 7 days of the public being able to attend the location where the place of worship, business, entity or school, as applicable, is operating, post the plan on a public website or in a place at the location where it can be readily seen by persons attending the location.
20. For greater certainty, any provision in any of Record of Decision – CMOH Order 01-2020, 02-2020 and 07-2020 that limits the normal course of operation of a place of worship, business, entity or school, other than a business, entity or school listed or described in Appendix A, is of no force or effect.

#### Part 4 – General

21. Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or a class of person from the application of this Order.
22. This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 14 day of May, 2020.

  
Deena Hinshaw, MD  
Chief Medical Officer of Health



**Document:** Appendix A to Record of Decision – CMOH Order 18-2020 and 19-2020

**Subject:** Businesses, Entities and Schools Closed to the Public

**Date Issued:** May 14, 2020

**Scope of Application:** As per Record of Decision – CMOH Order 18-2020 and 19-2020

## Overview

This document outlines the businesses, entities and schools that must be closed to the public while Record of Decision - CMOH Orders 18-2020 and 19-2020 remain in effect.

### 1. Personal Service Business or Entity

- a business or entity offering or providing a personal service, as defined in section 10 of Record of Decision - CMOH Order 07-2020, excluding:
  - Hair styling and barber services.

### 2. Wellness Service Business or Entity

- a business or entity offering or providing a wellness service, including massage therapy services and reflexology services.

### 3. Health Service Business or Entity

- a business or entity offering or providing a non-essential health service, as defined in section 8 of CMOH Order 07-2020, that is provided by a person other than a regulated member of a college established under the *Health Professions Act*.

### 4. Recreational or Entertainment Business or Entity

- a business or entity offering or providing access to a recreational facility or an entertainment facility, including:
  - Indoor gyms, indoor fitness centres, recreation centres;
  - Pools as defined in the *Public Swimming Pools Regulation*;
  - Arenas;
  - Science centres;
  - Community centres;
  - Libraries;
  - Indoor children's play centres;
  - Theatres, movies theatres, auditoriums, concert halls, and community theatres;
  - Casinos;
  - Bingo halls;
  - Racing entertainment centres;
  - Amusement parks and water parks;
  - Nightclubs; and
  - Banquet halls and conference centres.

**5. Festival or Event Business or Entity**

- a business or entity offering or providing any of the following activities:
  - Festivals;
  - Concerts;
  - Exhibitions;
  - Sporting events or competitions.

**6. Schools (K-12)**

- a school as defined in sections 4(a), 4(b) and 4(c) of Record of Decision - CMOH Order 01-2020.
- a pre-school program as defined in the *Child Care Licensing Regulation*.
- an early childhood service program within the meaning of the *Early Childhood Services Regulation*.

**Appeal – #2020-01**

**Exhibit 4 – Submission of the Appellant**

Submissions and comments to the Drayton Valley SDAB Re: APPEAL #2020-01

Community Mat and Shelter Program as a permitted accessory use in a Place of Worship.

*Prepared by Martino Verhaeghe, RPP, MCIP on behalf of Appellant IVCBC Holding Ltd.*

**Purpose of Submission:**

This report has been prepared for consideration by the Town of Drayton Valley (Town) Subdivision and Development Appeals Board (SDAB) regarding the operation of a Community Mat and Shelter Program at 5012 56<sup>th</sup> Ave (Alliance Church). To the knowledge of IVCBC Holdings Ltd., based on information and correspondence with the Town Planning Administration regarding a subsequently withdrawn development proposal contemplating a building be moved on site for isolation of homeless individuals whom may have contracted the Covid-19 Corona Virus as a support for a Community Mat and Shelter Program, this use has begun operation at this location and deemed to be a permitted use (club) by the Town not requiring a permit be issued.

It is the Appellant's position, several items related to the interpretation of the Town of Drayton Valley Land Use Bylaw, and subsequent decision of the Development Authority, are inconsistent and/or contrary to applicable legislation and bylaws governing use of land within the Town. The Appellant contests the legitimacy of several interpretations indicated to justify the location of this use, the process undertaken to approve the location, the rationale for the lack of issuance/production of a development permit via the Town's position a development permit is not required, and to identify evidence based impacts to adjacent users which would support an alternative position that such interpretations would be consistent with the intentions of the Land Use Bylaw. The above has culminated in a decision contrary to the established laws, bylaws and processes necessary to ensure clear and transparent land use and permitting processes which do not abrogate the adjacent landowner's right to respond to a use which unduly impacts the adjacent landowners through additional costs, lack of competitiveness and public nuisance.

**Additional Issue Identified Regarding Inconsistent identification of Use:**

Prior to supporting arguments on the Appeal filed, the Appellant seeks to identify an inconsistency with information received by the Appellant from the Town Planning Department, indicating this use is approved as a Club accessory to the Place of Worship, and the SDAB Appeal notice Re: Appeal 2020 – 01, identifying this as a Community Mat and Shelter Program as a permitted accessory use in a Place of Worship. This detail may be an authentic administrative error, however as the Town has not been able or willing to provide to the Appellant, a Development Permit issued for this use which would establish a concise understanding of the interpretations being argued by the Town at the hearing, the Appellant is compelled to raise a concern if this is a reframing of the development's categorization and (beyond mudding the issue) have limited the Appellants capacity to put forward a complete and effective argument due to the timeframes for written submissions. Should the position of planning administration's written submissions/arguments appear to have pivoted from those indicated in previous correspondence, the Appellant may seek additional time for review this alteration to provide adequate response. We note if a permit had been issued, clarity would not continue to be a concern.



### **Detail of Arguments and information in support of the Appeal.**

The Development Authority has not produced a permit for the use and our assumption in this Appeal is they have deemed a Community Mat and Shelter Program at the Alliance Church (Principal Use) location as an accessory use (Club) and this use is exempt from requiring a permit. (within Attachment 2) The appeal is being filed pursuant to the position such an approval is a misinterpretation of the land use bylaw and other relevant evaluations or processes have not been followed as necessary due to this interpretation.

1. **The Development authority has erred in the interpretation the application and issuance of a permit was not required and this as an exempt use.** *Municipal Government Act (MGA)* Section 683 states: "Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw." (within attachment 5).

Section 8 [Development Not Requiring a Development Permit] has been used as justification citing clause 8.1 "any use of land or a building which is exempt under sections 618 of the Act or under any other federal or provincial legislation" (within attachment 4). Further, the Town Land Use Bylaw does not list this or any other similar use as a development not requiring a permit to be issued.

*MGA* Section 618 (within attachment 65 exempts specific areas and provincial authority resource or infrastructure developments and is not applicable to this Development.

Assuming the exemption is interpreted to exist under Public Health Order 07-2020 (within Attachment 9) and Shelter exemptions (within Attachment 10) as inferred by the Town (within Attachment 2) as a "Club" or as a "Shelter", we note:

- If this is identified as a Club or Place of Worship use (being the Development Authorities stated position on the classification of this use), The Order, per clause 5 explicitly restricts any social or private gathering, including but not limited to religious services or informal events.
- If this is identified as a Shelter (being the Development Authorities stated position on why this is an exempt use under the Land Use Bylaw) the Shelter exemption clearly identifies on page 1 that a Shelter is not viewed as the same or a similar use as a club (location for social or private gathering) nor a place of worship as it specifically mentions those uses remain prohibited.
- Further, a complete review of the Cited order (and related exemption) provide no direction, approval or exemption from the need to adhere to the *MGA* or local land use approvals.

The above demonstrates the Development Authority has no local land use exemption, no provincial legislative exemption, nor an exemption under Order as repeatedly implied to the Appellant.

Further the operation of the Community Mat and Shelter program shows FCSS and the Town view and identify this use as exempt from closure under order 07-2020 via its identification as a shelter, rather than identification as a "Club" which by definition means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations; which were prohibited from operation.

2. The Development authority has erred in the interpretation of the Land Use Bylaw in evaluating the Community Mat Program as an accessory use to the primary and principal use of the site, a place of worship, simply defined as “a building/grounds used for religious ceremonies” as:
  - Firstly, the Appellant contests the premise the Town’s definition for a place of worship provides for a robust variety of community related and social services which is so expansive as to include the assumption of a 24-hr homeless shelter and commercial kitchen; and
  - Secondly, the approval identified is a community mat program and shelter operating as a 24-hour homeless shelter which now makes this the principal use of the build as it is no longer secondary and ancillary to the daily and regular of the site. The Approval which has been deemed to be granted by the Town has established a new principal use of the site as the very nature of this development is persistent and continuous.
  - Regardless of the findings of the SDAB on if a Community Mat program is accepted as a permitted accessory use (club) in a place of worship, the principal use of the building/site has changed, and a permit must be required.
  - We note a 24-hour Community homeless shelter is not mentioned or defined in the Town’s Land Use Bylaw, and therefore can be argued to be prohibited in the Town of Drayton Valley LUB.
  - As no permit has been issued which can identify a limit or restricted the timeframe, this use may continue to be the primary use of the facility, this change in the principal use of the lands is a permanent conversion of the property’s use unless addressed specifically under a valid development permit.
  
3. Further, it is the Appellants position the Bylaw has been misapplied in identifying this use as a club accessory to a Place of Worship, because responsible public servants knowing and deliberately acted in a fashion consistent with public health orders have identified this as a 24 hour full scale homeless shelter and not as a club as evidenced by:
  - Alberta Health Services, by knowingly inspecting and allowing the operation of the facility as commercial kitchen and shelter, which it would be required to shutdown if identified as a club or a place of worship since both violate Health Order 07-2020;
  - Town of Drayton Valley by directly invoking Health Order 07-2020 to validate their decision to view this use as exempt from requiring a permit be applied for and issued;
  - FCSS program operators which continue to work in the facility on a 24-hour basis providing meals, shelter and observation in the building; and
  - The use of moneys from the Alberta Government exclusively purposed for homeless shelter programs was accessed for the operation of this operations; these funds are not accessible for clubs and associations as the Alberta government cancelled those funding programs at the same approximate time these funds where announced.

The relevant authorities’ actions and use of conditional funds recognized as a 24-hour Homeless Shelter which is exclusive in its use and not restricted like other places of worship or clubs for private and social gathering prohibited at the time this operation was announced as available for use (April 26 on FCSS facebook)

4. In addition, it is the Appellant's position the Development Authority has simply erred in the use of the correct definition for the use which is stated to be approved. As stated in the Town Correspondence (Attachment 2), the Town cites the use as:

- *Clubs and associations mean a group of persons organized to meet for social, literary, athletic, political, or other purposes, whether public or private in nature.*

The above definition seeks to identify a group of users which might be identified as part of a club; however this is not a valid definition of a classification of a development or use. The correct definition is provided for in the Land Use Bylaw as:

- *Private lodge/club means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations.*
  - A **Club** means a development used for the meeting, socializing and recreation of various **ORGANIZATIONS**, this definition is not applicable in this situation; homeless individuals neither come together for meetings, socializing or recreation at this facility as those forms of gathering where and in many cases still are restricted under Health Orders.
  - The most similar use to the Community Mat and Homeless shelter program would be a **Public use** meaning the use of land or a building by a government agency, school board, or regional health authority. (religion is not mentioned); or
  - alternatively the other most likely use would be **Group care facility** means a facility which provides residential services to seven or more individuals of whom one or more are unrelated and who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times.
5. The Appellant would argue the concept of this interpretation is incompatible within other areas of the land use should a similar and consistent application be accepted as this use would not only affect the C2 district but also: R1B STANDARD RESIDENTIAL DISTRICT; R1N LOW DENSITY NARROW LOT RESIDENTIAL DISTRICT; R1Z ZERO LOT LINE RESIDENTIAL DISTRICT; R2 GENERAL RESIDENTIAL DISTRICT; R3 MEDIUM DENSITY RESIDENTIAL DISTRICT; R4 HIGH DENSITY RESIDENTIAL DISTRICT; RMS MANUFACTURED HOUSING SUBDIVISION DISTRICT; C1 CENTRAL COMMERCIAL DISTRICT; IPU INSTITUTIONAL AND PUBLIC USES DISTRICT.
- It cannot be assumed to be in the public good for a use with obvious land use conflict potential to be located in almost every location throughout the Town of Drayton Valley, nor can it be assumed that this was the intention of the bylaw in its drafting. Places of worship may be benign developments, but assuming every place of worship can be assumed to be granted an accessory use for a homeless program is not a beneficial interpretation of the bylaw for the Community and does not meet the greater public good.
6. In assigning a use to this proposal, the most similar and suitable use designation for the mat program and the proposed residential use is a **group care facility** or potentially a **social care facility** (dwelling authorized by a provincial authority for persons who are physical, mental, or socially challenged, etc.) Further it should be noted that this is by its nature an institutional use and is discretionary where it is found within the bylaw, not a permitted use, nor exempt from requiring a permit.

7. We identify in addition to the land use concerns noted above, the placement of this use at this location poses an objective and evidence-based risk to the existing owner's commercial operations in the immediate vicinity. Submitted as evidence (Attachment 6) is a research findings article published by the Criminology Journal Analysis on the Effect of Emergency Winter Homeless Shelters on Property Crime published in 2018. These findings show an empirical increase in property related crimes of 56% within the immediate vicinity of these forms of development. The findings demonstrate a legitimate concern of financial impact to the adjacent commercial users and recommendations suggest that dedicated security is the most effective method of mitigating negative impacts to the businesses and the patrons of those businesses. In seeking quotes from local business which provide this service, the anticipated cost of providing this form of mitigation through only 1 person and 1 vehicle is likely to cost \$500 to \$600 a day which is an untenable cost to be born by those operations even if shared among them as this amounts to an estimated cost of more than \$180,000 per year. The competitive capacity of the surrounding operations would be stripped in order to effectively mitigate the impacts which can be reasonably expected to occur based on the criminology study.
8. In preparing for the appeal, the Appellant has identified surrounding tenants have not been contacted or referred the notice of appeal. It is the position of the Appellant that while this may meet a minimum requirement under the law, it is indicative of a concern that those whom are affected by such decisions are not being provided with what is considered a reasonable expectation for notice and preferably consultation prior to the implementation of such a development. We would advise based on the attached research, significant impacts can be expected within 100m of this facility and statistically relevant impacts up to 400m from the site. We feel it is a valid consideration of the SDAB, should further information or public commentary be required to uphold our appeal, that the SDAB be aware of its prerogative to direct that additional persons be contacted in order to obtain further information, based on the distances shown to be impacted under the study.
9. On the note of validly filing this appeal, given that no valid permit appears to have been issued or produced, though evidenced by the attached correspondence for the Development Authority, an approval appears to be a deemed approval, we note we have the right to appeal "other decisions of the Development Authority". The SDAB training Manual (source below) states on Page 31, *"There are 4 types of appeals that a Subdivision and Development Appeal Board (SDAB) may consider: subdivision, development, stop order, and other decisions of the development authority:*  
*4. Other Decisions of the Development Authority: A development authority, in the performance of its duties and functions under the MGA and the LUB, may be required to make other decisions not specifically listed above with respect to matters such as the expiry of permits and the fulfilment of conditions imposed on a permit. These decisions may also be subject appeal to the SDAB."* We clarify it is our position that the "Deemed approval without the requirement for a permit" position of the Development Authority was a decision which was made qualifying as a performance / decision which is validly subject to appeal. (Source: <https://open.alberta.ca/dataset/75cd7ff7-410f-4619-bc65-40d2f00bc52c/resource/55c717ae-2400-42fc-98ef-33f8d86dbecc/download/sdab-training-guidebook-version-7-2018.pdf> )
10. With regards to the date of issuance, it was indicated that this program has only recently begun at this location. As such we are filing this appeal within 21 days of the April 17<sup>th</sup> Ministerial

*Order* which would have extended the beginning of any appeal period to that same point. As it appears the development authority has voiced the position that this order somehow extends this period until October 1, 2020 we note we have correspondence from the Ministry of Municipal Affairs Advisory Staff that the Ministries position is that the March order is rescinded and that the beginning date for any appeal of any approval issued (or deemed the same) in April prior to April 17 would begin the approval filing period on that date.

Reference Materials: (Attachments)

1. The Development Permit and application - Not Produced or issued
2. Appeal filed with the Town of Drayton Valley
3. Development Appeal Notice SDAB Re: APPEAL #2020-01 Community Mat and Shelter Program as a permitted accessory use in a Place of Worship.
4. Relevant Citing and Sections of the Drayton Valley Land Use Bylaw
5. Relevant Citing and Sections of the Municipal Government Act
6. Evidence Based Impacts: Criminology Journal Analysis on the Effect of Emergency Winter Homeless Shelters on Property Crime – Journal of Experimental Criminology published 2018.
7. Letters of support provided from tenants received by Appellant.
8. Clarification on applicability of appeal timeframes
9. Public health Order 07-2020
10. Public Health Order Exemption for Shelters to 07-2020

**Attachment 1 – Subject Development Approval and application information (not yet produced)**



# THE COMMUNITY MAT PROGRAM AND DAY PROGRAM ARE OPEN

During this time of Public Health Emergency, we are working closely with the Province of Alberta and Alberta Health Services to offer the Community Mat Program and Day Program.

UNTIL FURTHER NOTICE

OPEN: 24 hours a day, 7 days a week

LOCATION: Alliance Church (5014-56 Ave)

FOR MORE INFO CONTACT (780)514-2221



**Attachment 2 - Appeal Filed.**



5120-52 Street  
PO Box 6837  
Drayton Valley, T7A 1A1  
Tel: (780) 514-2200  
Fax: 780-542-5753  
info@draytonvalley.ca

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD NOTICE OF APPEAL

### APPEAL OF THE: (check one box only)

File No.	Development Permit	Subdivision Application	Order
Unknown	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of order

### APPELLANT (required)

Appellant Name: IVCBC Holdings Ltd		Home Phone No.: 780-202-2277	Work Phone No.:
Mailing address: PO Box 5286	City/Town: Drayton Valley	Province: AB	Postal Code: T7A 1R4
Email address: brechris@telus.net			

### APPELLANT'S REPRESENTATIVE (if different than above)

Representative Name: Brenda Christie/Martino Verhaeghe		Home Phone No.: 780-202-2277	Work Phone No.:
Mailing address: PO Box 5286	City/Town: Drayton Valley	Province: AB	Postal Code: T7A 1R4

### SITE INFORMATION

Municipal Address: 5012-56 Ave	Legal Description: Lot: 14 Block: 50 Plan: 1422152	Quarter/Section/Township/Range/Meridian:
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### REASON FOR APPEAL (required)

See attached.

### SIGNATURE OF APPELLANT/REPRESENTATIVE

### DATE (YYYY/MM/DD)

*B. Christie*

2020/04/30

### FOR OFFICE USE ONLY

File No.	Date Received Stamp	Fee	Receipt #



April 30, 2020

To the Clerk of the Subdivision and Development Appeals Board for the Town of Drayton Valley, accept the below as an Appeal of the Decision of the Development Authority for the Town of Drayton Valley deeming the use of a Community Mat and Shelter Program at 5012 56 Avenue (Alliance Church) as a permitted accessory use, per the correspondence received below.

As no permit has been produced by the Town of Drayton Valley it is assumed this use was deemed approved as a permitted use (per the Development Authorities indication of the same) accessory to the Place of Worship. The appeal is being filed pursuant to the position such an approval is a misinterpretation of the land use bylaw as follows:

1. The Development authority has erred in the assumption such a permitted use, if permissible, did not require a development permit to be issued. Municipal Government Act Section 683 states: "Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw." Section 8 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT of the Town Land Use Bylaw does not list this or any other similar use as development not requiring a permit to be issued; therefore the Development Authority has deemed a use to be approved without meeting the requirements of the land use bylaw which is both a variance to the provisions of the bylaw and a misinterpretation of this section and the requirement for a permit which has not been produced although requested and has likely not been applied for nor issued.
2. The Development authority has erred in the interpretation of the Land Use Bylaw in evaluating the Community Mat Program as an accessory use to the primary and principal use of the site, a place of worship, with strictly clearly and simply states "a building/grounds used for religious ceremonies". The FCSS program of Drayton Valley has a government funded HOMELESSNESS AND POVERTY REDUCTION Coordinator and program which has existed for more than 7 years and as a government funded and staffed program it is not a subordinate function of the Alliance Church, it is a is not a religious accessory use related to and performed in conjunction with religious ceremonies. It is a program for sheltering homeless for short and long term with the goal of connecting people to programs and longer term living and housing situations. FCSS and Senior government programs are not a common subordinate use of religion.
3. Further to Point 2, the Development Authority has erred in interpreting a Community Mat and Homeless shelter program as a "Club" subordinate and associates with a place of worship as follows:
  - a) A **Club** means a development used for the meeting, socializing and recreation of various **ORGANIZATIONS**, this definition is not applicable in this situation; homeless individuals neither come together for meetings, socializing or recreation or are they themselves MEMEBERS of a public or private organization.
  - b) The most similar use to the Community Mat and Homeless shelter program would be a **Public use** meaning the use of land or a building by a government agency, school board, or regional health authority. (religion is not mentioned); or
  - c) alternatively, the other most likely use would be **Group care facility** means a facility which provides residential services to seven or more individuals of whom one or more



are unrelated and who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times.

4. Further evidence there is a misinterpretation by the Development Authority is the incompatible land use issues which would be created by accepting such an interpretation, namely, this would now introduce this use as an accepted accessory use within not only the C2 district but also: R1B STANDARD RESIDENTIAL DISTRICT; R1N LOW DENSITY NARROW LOT RESIDENTIAL DISTRICT; R1Z ZERO LOT LINE RESIDENTIAL DISTRICT; R2 GENERAL RESIDENTIAL DISTRICT; R3 MEDIUM DENSITY RESIDENTIAL DISTRICT; R4 HIGH DENSITY RESIDENTIAL DISTRICT; RMS MANUFACTURED HOUSING SUBDIVISION DISTRICT; C1 CENTRAL COMMERCIAL DISTRICT; IPU INSTITUTIONAL AND PUBLIC USES DISTRICT; etc, etc. It cannot be assumed to be in the public good for a use with obvious land use conflict potential to be located in almost every location throughout the Town of Drayton Valley, nor can it be assumed that this was the intention of the bylaw in its drafting. Places of worship may be benign developments, but assuming every place of worship can be assumed to be granted an accessory use for a homeless program is not a beneficial interpretation of the bylaw for the Community and does not meet the greater public good.
5. In assigning a use to this proposal, the most similar and suitable use designation for the mat program and the proposed residential use is a **Group care facility** or potentially a **Social care facility** (dwelling authorized by a provincial authority for persons who Are physical, mental, or socially challenged, etc.) Further it should be noted that this is by its nature an institutional use and is dictionary where it is found within the bylaw, not a permitted use not requiring a permit.
6. On the note of validly filing this appeal, given that no valid permit appears to have been issued or produced, though evidenced by the attached correspondence for the Development Authority an approval appears to be a deemed approval, we note we have the right to appeal "other decisions of the Development Authority". The SDAB training Manual (source below) states on Page 31, *"There are 4 types of appeals that a Subdivision and Development Appeal Board (SDAB) may consider: subdivision, development, stop order, and other decisions of the development authority:*
  4. *Other Decisions of the Development Authority: A development authority, in the performance of its duties and functions under the MGA and the LUB, may be required to make other decisions not specifically listed above with respect to matters such as the expiry of permits and the fulfilment of conditions imposed on a permit. These decisions may also be subject appeal to the SDAB."* We clarify it is our position that the "Deemed approval without the requirement for a permit" position of the Development Authority was a decision which was made qualifying as a performance / decision which is validly subject to appeal. (Source: <https://open.alberta.ca/dataset/75cd7ff7-410f-4619-bc65-40d2f00bc52c/resource/55c717ae-2400-42fc-98ef-33f8d86dbecc/download/sdab-training-guidebook-version-7-2018.pdf>)
7. With regards to the date of issuance, it was indicted that this program has only recently begun at this location. As such we are filing this appeal within 21 days of the April 17<sup>th</sup> Ministerial Order which would have extended the beginning of any appeal period to that same point. As it appears the development authority has voiced the position that this order somehow extends this period until October 1, 2020 we note we have correspondence from the Ministry of Municipal Affairs Advisory Staff that the Ministries position is that the March order is rescinded and that the beginning date for any appeal of any approval issued (or deemed the same) in April

prior to April 17 would begin the approval filing period on that date. We will remind the Clerk an appeal is required and expected to be held within 30 days of receiving this appeal and pursuant to section 18.2 of the Town land use bylaw on receipt of an appeal, the secretary shall immediately advise the developer that all construction must cease until a decision has been made by the Board; it is our expectation this includes illegally established use of the site impacting adjacent users in contravention of their right to natural justice due to the misapplication and interpretation of the bylaw which prevented them from being given notice and being able to voice their concerns.



**brechris@telus.net**

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**From:** Matt Ellis <mellis@draytonvalley.ca>  
**Sent:** April 26, 2020 3:57 PM  
**To:** brechris@telus.net  
**Cc:** Lola Strand; Annette Driessen; Lowani Mubanga; Debbi Weber; Winston Rossouw; Merlin Klassen; BMcintosh@landmarkcinemas.com; leonard.claffey@servus.ca; draytonrx1@valuedrug.ca; char99@telus.net; bbjanz@telus.net  
**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda et. al

Yes, I confirm both. Everything regarding the isolation trailer, either now or in the future- there will be no Development Permit issued with a new site plan for the trailer and a future Development Permit will not be issued for a Development Permit at this location.

Best Regards,



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**From:** brechris@telus.net <brechris@telus.net>  
**Sent:** April 24, 2020 6:43 PM  
**To:** Matt Ellis <mellis@draytonvalley.ca>  
**Cc:** Lola Strand <fcss@draytonvalley.ca>; Annette Driessen <community@draytonvalley.ca>; Lowani Mubanga <lmubanga@draytonvalley.ca>; Debbi Weber <dweber@draytonvalley.ca>; Winston Rossouw <wrossouw@draytonvalley.ca>; Merlin Klassen <mklassen@draytonvalley.ca>; BMcintosh@landmarkcinemas.com; leonard.claffey@servus.ca; draytonrx1@valuedrug.ca; char99@telus.net; bbjanz@telus.net  
**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Matt:

Can you please confirm that a different development permit will not be issued with the correct site plan/dimensions of the trailer? And can you also confirm that the Town will not approve a future application for a self isolation trailer in this same location?

Thanks.

**Charmain Hammond, Blain Janzen and Brenda Christie**

On behalf of IVCBC Holdings Ltd.

**From:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Sent:** April 24, 2020 5:20 PM

**To:** [brechris@telus.net](mailto:brechris@telus.net)

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com); [leonard.claffey@servus.ca](mailto:leonard.claffey@servus.ca); [draytonrx1@valuedrug.ca](mailto:draytonrx1@valuedrug.ca); [char99@telus.net](mailto:char99@telus.net); [bbjanz@telus.net](mailto:bbjanz@telus.net)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda, Blaine, Charmain and others

Please be advised that Development Permit DV20-009 for the temporary isolation trailer at 5012 56 Avenue has been cancelled. Please find the attached cancelled Development Permit and confirming letter. I apologize for any inconvenience.

Best Regards,



**From:** [brechris@telus.net](mailto:brechris@telus.net) <[brechris@telus.net](mailto:brechris@telus.net)>

**Sent:** April 23, 2020 7:04 PM

**To:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com); [leonard.claffey@servus.ca](mailto:leonard.claffey@servus.ca); [draytonrx1@valuedrug.ca](mailto:draytonrx1@valuedrug.ca); [char99@telus.net](mailto:char99@telus.net); [bbjanz@telus.net](mailto:bbjanz@telus.net)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Matt:

As previously requested, can you please provide the actual application submitted for this permit?

We were able to find the appeal form on the Town's website and will be submitting the form and \$300 appeal fee by end of day on Friday.

Regards,

Blain Janzen, Charmain Hammond & Brenda Christie



On behalf of IVCBC Holdings Ltd.

**From:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>  
**Sent:** April 23, 2020 4:52 PM  
**To:** 'brechris@telus.net' <[brechris@telus.net](mailto:brechris@telus.net)>  
**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; 'BMcintosh@landmarkcinemas.com' <[BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com)>  
**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda, Charmaine and Blaine,

Building on my message from this morning, I wish to answer your remaining questions in blue. I believe we can all agree that none of us prefers to be in this situation for a variety of reasons. To say that our world has been turned upside down since early March, I believe would be an understatement. However, we are all doing the best we can under these tough circumstances.

Best Regards,



**From:** Matt Ellis  
**Sent:** April 23, 2020 8:01 AM  
**To:** [brechris@telus.net](mailto:brechris@telus.net)  
**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com)  
**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda, Charmaine and Blaine,

Thank you for your message that I received this morning. I am sure we can all agree this is a difficult time and I don't think that any of us want to be in this situation. However, it is a situation where we are called upon to make quick decisions, where the needs of the affected parties are met as much as possible and mitigate possible impacts to adjacent/surrounding landowners as best we can.

Since my message from yesterday, FCSS Program Manager, Lola Strand and Director of Emergency Management (DEM) Merlin Klassen have provided me additional clarifications that I am sure will be of interest to you. Regarding the Community Mat Program/Day Shelter at the Alliance Church, Lola and Merlin have confirmed **this is temporary to meet the requirements to provide accommodations for vulnerable individuals in the community until either the pandemic is declared over by the Province or the requirements to provide these services to the community are relaxed.**

However, as we don't know when either of these will happen, we are unable to put an exact date on it- but the triggering event to these services being discontinued at the Alliance Church are either those two events I mentioned- pandemic being declared over by the Province (through rescinding the Public Health Emergency) or the AHS requirements being relaxed. The same goes with the isolation trailer, although the isolation trailer is more temporary in nature because it will only be brought to the site for the Alliance Church if/when it is required.

I am also happy to amend the Development Permit to state the trailer will only be brought to the site if/when notification of a presumed positive or confirmed positive case of COVID-19 is received.

I am able to answer some of your questions and address the issues you raised below in red. The remaining questions/issues will be addressed in a following message.

Best Regards,



Matt Ellis, BES, RPP, MCIP  
Senior Planner &  
Assistant Director of Emergency Management  
Town of Drayton Valley  
5120-52 Street, Box 6837 Drayton Valley, AB T7A 1A1  
P: 780-514-2203 | F: 780-542-5753 | C: 780-514-2963  
E: [mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)



**From:** brechris@telus.net <[brechris@telus.net](mailto:brechris@telus.net)>

**Sent:** April 22, 2020 9:35 AM

**To:** Matt Ellis <[mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)>

**Cc:** Lola Strand <[fcss@draytonvalley.ca](mailto:fcss@draytonvalley.ca)>; Annette Driessen <[community@draytonvalley.ca](mailto:community@draytonvalley.ca)>; Lowani Mubanga <[lmubanga@draytonvalley.ca](mailto:lmubanga@draytonvalley.ca)>; Debbi Weber <[dweber@draytonvalley.ca](mailto:dweber@draytonvalley.ca)>; Winston Rossouw <[wrossouw@draytonvalley.ca](mailto:wrossouw@draytonvalley.ca)>; Merlin Klassen <[mklassen@draytonvalley.ca](mailto:mklassen@draytonvalley.ca)>; [BMcintosh@landmarkcinemas.com](mailto:BMcintosh@landmarkcinemas.com)

**Subject:** RE: Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Matt:

Thank you for providing the information but we are missing the actual application as requested. I believe this is a public document and as such can we please be provided with a copy? Can you also send an appeal form or provide me with the location on your website that I can obtain a copy?

Firstly, we would like to say that we are disappointed in the stance the Town has taken in regards to this application. The purpose of Part 17 of the *Municipal Government Act* is:

**617** The purpose of this Part and the regulations and bylaws



under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

The first issue is the fact that the Town's FCSS department is operating the mat program in a zone that does not allow it as a permitted or discretionary use. It is further compounded by the lack of communication in regards to the placement of a temporary structure which again is not a permitted or discretionary use within the Town's land use bylaw. The accessory building allowed would be based on the use as a place of worship and not a homeless program. We realize these are extenuating times and decisions are required to be made quickly but that doesn't mean a disregard of the legislation. I agree that we must meet these requirements as stated in the MGA. I believe the key wording here is in subsection (b), specifically, "without infringing on the rights of individuals for any public interest, except to the extent that it is necessary for the overall greater public interest". Providing accommodations for homeless persons is an identified public need for not only in Drayton Valley, but all Canadian communities and it is a need the Town is required to meet for the overall public interest. Although I am unable to get into the specific details of certain programs because it falls outside my purview for Planning/Development, providing safe accommodation to homeless persons improves health and social outcomes for the greater community. Therefore, the provision of a Community Mat Program which FCSS is required by AHS to expand to a 24-hour program meets the public interest and meets this requirement of the MGA.

In reviewing the Development Permit approval, it states:

*The following conditions are standard of development and MUST be complied with:*

**1. Easements shall not be encroached upon by any structures unless otherwise approved in this permit.**

**5. The issuance of this Development Permit does not supersede, or suggest violation of any caveat, easement, restrictive covenant or other encumbrance registered on title. It is the responsibility of the Applicant/Owner to research the Certificate of Title for the existence of any encumbrance.**

There is a caveat registered on this property a copy of which is attached. So while your permit is stating that the easement must not be ignored, you have in fact done that. I have reviewed the caveat that you attach (registration number 182 116 777) as well as the original agreement (registration number 072 186 707) that is also included as schedule D in the amending agreement. Section 5.a of the most recent agreement (182 116 777) states that it must be read together with the original agreement (072 186 707). As the most recent agreement is the most relevant, I will focus on that one, but I do provide Section 5 below.

## 5. General

- (a) This Agreement shall be read together with the Original Easement Agreement hereto confirm that, except as modified herein, all covenants and conditions of the Original Easement Agreement remain unchanged, unmodified and in full force and

Of the original agreement (072 186 707), Section 1.1 explains that IVCBC and its successors and any future owners of the lots that IVCBC owns or owned in the past, is required to grant full and free common access from adjacent public roads and through the common area located shall be granted at all times (see below). In summary, all the owners within



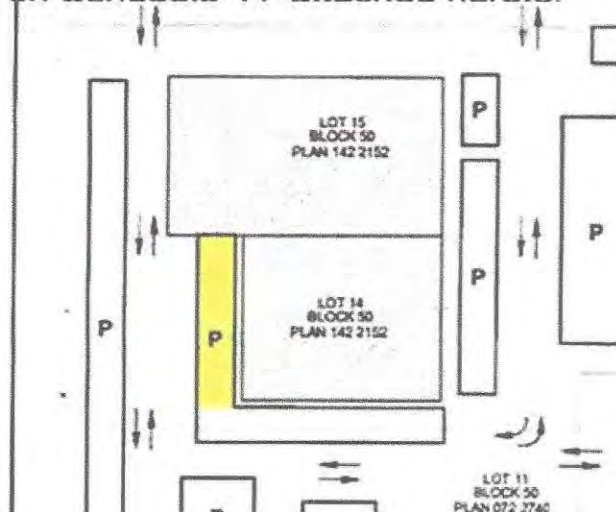
the shopping plaza are required to provide free and clear access from adjacent roadways and over the lots they occupy so that everyone benefits and the common area is allowed to be used by anyone. We know this is typical for shopping plazas and similar developments.

- 1.1 IVCBC, for itself and for its successors in title to the IVCBC Lands, its successors in title to the IVCBC Lands and any future owners of the Lands and, together with tenants, customers, and invitees, the full and easement (in common with IVCBC, its successors and its invitees) at a and to pass through and utilize the Common Area located upon or with or without vehicles, for the purpose of gaining access to and egress from and parking.**

Granted, Section 3.e of the new the new agreement Of the new agreement (182 116 777), requires the common parking areas identified with "P" (provided below) shall be provided and one of these areas is in the approved location of the isolation trailer at the rear of the Alliance Church (yellow picture below).

- e) Recital D is hereby deleted in its entirety and replaced with the following:

"The IVCBC Lands will also share a common parking area (the "Parking Lot on Schedule "A" attached hereto."



However, Section 3.f.iii permits the owner of Lot 14 (Alliance Church) to expand the premises to the westerly boundary (rear fenceline) of the lot, provided the expanded premises does not extend past the wall of the building on Lot 15 (Value Drug Mart) and the expanded premises does not interfere with the access route (section provided below)

- ii. the owner of Lot 14 (as defined on Schedule "B") is permitted to expand constructed on Lot 14 to the westerly boundary of the Lot 14, so long as premises does not interfere with the Access Route and does not expand past constructed on Lot 15 (as defined on Schedule "B" and as shown on Schedu



The distance from the sidewalk at the rear of the Alliance Church to the rear wall of Value Drug Mart was measured with our GIS software to be 33 feet (see below). While I can measure this area myself to verify, our GIS Technician confirms the measurement tool on our GIS developed by ESRI, a world leader in GIS software portal is pretty accurate within a few meters. While I recognize the oversight regarding the length of the trailer on the approved site plan (and I sincerely apologize for that), the trailer is much less than 33 feet wide. Therefore, the trailer can easily be provided behind the Alliance Church without interfering with the access route from 56 Avenue. Although the trailer is obviously not attached to the building, it serves the same purpose an addition to the building and is therefore an extension of the premises on this property. We are satisfied that neither the original mutual access agreement/easement (072 186 707), or the newer agreement (182 116 777) have been contravened with the issuance of Development Permit DV20-009 for the isolation trailer.



It is a bit of a stretch to call the Homeless Mat Program a club or association, especially when it is being administered by the Town of Drayton Valley and The Drayton Valley & District FCSS. The place of worship definition in the Town's Land Use Bylaw means a building or grounds used for religious ceremonies and as such that is the permitted use; not a homeless program. Homeless shelters are controversial not only in Alberta but across North America. I would think the courts would look at the Town's definition of clubs and associations and deem that homeless shelters would not fit under that category. For the definition of the Community Mat Program, a difficulty in administering planning policy such as a Land Use Bylaw, is that not all land uses are specifically defined or can possibly be specifically mentioned in a definition. This is a challenge that Planners/Development Officers in all municipalities face, although some more than others. However, where a proposed use does not exactly fit a given land use definition, the definition that fits the proposed use the most is the one that must be used. The definition for Clubs/Associations is the one that fits the use of a Community Mat Program and day shelter the closest (definition provided below). The Community Mat Program/day shelter fits each element of this definition:

- It is an organized group of people who come to the space for a social/other purpose (in this case, homeless persons come to the space for warmth or shade during the pandemic), and
- Although the Community Mat Program is operated by FCSS (and the space provided by the Alliance Church), the definition states the use may be either private or public in nature. There is nothing in this definition that states the use cannot be provided by the Town or any other public body or organization affiliated with the Town. As a Permitted Use in the governing C2 district, the Community Mat program and day shelter which the Town is required to provide, is permitted to operate in this location.



**Clubs and associations** mean a group of persons organized to meet for social, like purposes, whether public or private in nature. This does not include a business consumption of cannabis, such as, but not limited to, a cannabis lounge. [added]

We raise the following concerns to this approval:

1. The Town does not provide a definition of transitional housing in the land use bylaw nor is it a permitted or discretionary use under C2. As mentioned above, the Community Mat Program is not a long term housing solution such as transitional housing. Rather, a Community Mat Program functions as a:
  - temporary overnight shelter for individuals who are homeless without any immediate housing options, and
  - a connection to community resources that can help individuals access safe, sustainable housing options over the long term. The Community Mat program is not housing, but serves as a connection that may be used to access housing. However, as mentioned earlier, the Community Mat Program fits the definition for Clubs and Associations, which is a Permitted Use in the C2 district.
2. The Town does not provide a definition of a homeless shelter or facility in the land use bylaw nor is it a permitted or discretionary use under C2. Please see answer to #1 above
3. The Development Authorities discretion power is limited and cannot include approving a use not listed in the permitted or discretionary uses under Section 640 of the MGA. We would disagree with your statement that the Mat Program would be classified as a club/association. As mentioned earlier, the Community Mat Program fits all the elements of the definition for Clubs, Associations and Lodges.
4. Would the Town not require a land use amendment in order to allow for this use in C2? An LUB amendment would not be required because as the LUB is currently written, the Community Mat Program fits the definition for Clubs and Associations, which is listed as a Permitted Use in the C2 district.
5. How long has the mat program been operating out of the Church? Lola can confirm, but my understanding is the Community Mat Program has been operating in this location since April 20.
6. The development permit approval was granted to FCSS. How does it then become a club/association when administered by a municipal entity? The Land Use Bylaw does not deal with how FCSS is affiliated with the Town. The LUB addresses the use of the property in question, in this case the Alliance Church. The use-Community Mat Program at this property fits the definition for Clubs and Associations- there is nothing that states the organization that offers the service cannot be affiliated with the Town.
7. The Town has not advised and provided the adjacent property owners and tenants with a copy nor published the permit approval. Will this be published in the next issue of the Western Review or will letters be sent to the adjacent properties or it that also exempt in these circumstances? The Community Mat Program is a Permitted Use in the C2 zone. Therefore, notification to adjacent/surrounding landowners is not required.
8. The stamped approval is for a structure 6 ft by 12 ft. We were advised today the structure was 12 ft by 60 ft and looking at the site plan, it is definitely larger than what has been identified on approved on the plan. This is an oversight and I sincerely apologize for. A Revised site plan will be issued shortly.
9. The Ministerial Order is not directing the Town/FCSS to place the trailer on this property but advising if you have adequate room that it is advisable. The document you attached also refers to hotels being used (see Page 2). Because it is not convenient for the operation of the program does not mean it is being ordered. The Town has many facilities currently closed because of the Public Health Emergency and as such could provide adequate space not only for the mat program but would also allow for the required distancing. Page 2 of the explanation of Dr. Hinshaw's Order limits the use of a hotel room for the social isolation unit to individual who face family violence (see below). The hotel room option is, therefore, not recommended for homeless individuals who do not face family violence.



Operators are encouraged to prioritize moving clients who have a suspected or confirmed case of COVID-19 to an external, assisted isolation space. For shelters providing services for clients who are homeless, this may mean moving the client to an isolation space or facility that has been identified by shelter networks in various cities and locations around the province. For clients who are facing family violence, this may mean securing a hotel room for the client.

While the Town does have a number of buildings, which are currently closed to the public, we still have employees in this building, and adhering to the 2 meters/6 foot social distancing requirements. Utilizing these facilities is not possible as individual workspaces (offices and cubicles) would need to be secured from the common area used for the Mat Program, equipment/other apparatus would need to be secured from the area for the mat program and the social distancing requirements between employees and Mat Program clients cannot be guaranteed. All other options were considered for the Community Mat Program and self-isolation trailer and the option that was chosen at the Alliance Church is the only one that meets the needs of the various parties involved, to the further extent possible.

10. The Province has not declared a general state of emergency at this point nor has the Town declared a local state of emergency. Without that declaration, does the Town have the authority to approve the development permit without adhering to the applicable legislation?
11. In regards to the appeal information on the permit approval: The Minister of Municipal Affairs issued MSD: 036/20 on April 17, 2020 rescinding MSD: 022/20. The only portion of Ministerial Order 036/20 issued by Minister of Municipal Affairs Kaycee Madau that deals with the appeal timeline for Development Permits (MGA, Section 686(1)) is Section 8 of the order. However, this part of the Order does not state the appeal deadline referred to in Section 686(1) of the MGA is reverted back to the original 21 day appeal period. Rather, this section of the Order states that where the normal timeline stipulated in the MGA either began or ended during the period from March 25 to April 17, 2020, the timeline is modified so that it starts on April 17 (see below). So far, it is our understanding the appeal deadline for Development Permits is still October 1, 2020. However, I am reaching out to Municipal Affairs to confirm the length of this appeal period and will update you accordingly.

**8. Where the normal timeline associated with a requirement under the sections of the *Municipal Government Act* or its associated regulations as listed in the attached Appendix either began or ended during the period between March 25, 2020 and the date this Order is signed, the timeline is hereby modified such that the timeframe for taking action is to be calculated as starting on the date this Order is signed.**

We know we are facing extraordinary times and everyone is being asked to do what they can to help fight this deadly virus but does that include a disregard for the rights of individuals and businesses? At this point, the Town of Drayton Valley has not experienced any cases which can change rapidly. We believe that the process was contravened when the mat program was set up in the church and further contravened by rushing the development permit approval for the temporary self-isolation trailer when many other options exist, including but not limited to Town facilities.

I would like to stress, as mentioned earlier, the Community Mat Program at the Alliance Church is only temporary for the duration of the pandemic or AHS advises ECSS that it is no longer required. As for the self-isolation trailer, this is also temporary and will only be brought to the site upon a presumptive or confirmed positive case of an individual that uses the Community Mat Program at the Alliance Church.

We have reached out to Municipal Affairs for interpretation of the health order by Dr. Hinshaw as well as interpretation of whether the *Emergency Act* applies in this situation.



Regards,

**Blain Janzen, Charmain Hammond, Brenda Christie**  
On behalf of IVCBC Holdings Ltd.

**From:** Matt Ellis <mellis@draytonvalley.ca>

**Sent:** April 21, 2020 4:59 PM

**To:** brechris@telus.net

**Cc:** Lola Strand <fcss@draytonvalley.ca>; Annette Driessen <community@draytonvalley.ca>; Lowani Mubanga <lmubanga@draytonvalley.ca>; Debbi Weber <dweber@draytonvalley.ca>; Winston Rossouw <wrossouw@draytonvalley.ca>; Merlin Klassen <mklassen@draytonvalley.ca>

**Subject:** Development Permit DV20-009 Temporary Isolation Shelter- 5012 56 Avenue

Hello Brenda,

As requested earlier today, please find Development Permit DV20-009 for the Temporary Isolation Shelter issued to Drayton Valley and District Family and Community Support Services (FCSS) at 5012 56 Avenue (Alliance Church) as well as the applicable C2 (General Commercial) district of Land Use Bylaw 2007/24/D.

Lola and I appreciate your concerns as business owners and landowners who are located adjacent to the intended site of the emergency self-isolation trailer. As Senior Planner for the Town, it is my role to ensure the needs of all community members are met as much as reasonably possible when making land use decisions. This means that it's my responsibility to weigh the needs of neighbouring/surround landowners, business owners and their customers, residents as well as persons of vulnerable populations such as the homeless population in our community. While the intersecting environmental, social and economic factors are priorities that are considered in our decisions, the first priority is always health and safety of the broader community. While I serve as the Town's Senior Planner, I also serve in the role as Assistant Director of Emergency Management (Assistant DEM). In this role my Manager- Director of Emergency Management (CEM) Merlin Klassen and I are tasked with ensuring the Town is prepared for an emergency situation and if/when an emergency situation does arise we lead the response on behalf of the Town to minimize loss of life, damage to property and damage to the economy. I assure you these are responsibilities that I do not take lightly.

The existing use at this location, is as we know a Place of Worship. General Manager of Community Services, Annette Driessen and FCSS Program Manager Lola Strand have confirmed to me that FCSS was required by Alberta Health Services (AHS) to provide a daytime shelter, as part of its Community Mat Program for the health and safety of the homeless population in our community during the COVID-19 pandemic. This is not something that FCSS chose to provide to enhance its existing Community Mat Program in the community, it is required by AHS. A Community Mat Program falls within the definition of a Club and Association, which is provided below:

***Clubs and associations mean a group of persons organized to meet for social, li purposes, whether public or private in nature. This does not include a bus consumption of cannabis, such as, but not limited to, a cannabis lounge. [add***

Clubs/Associations and Places of Worship are all listed as Permitted Uses in the governing C2 district of the LUB. Community Mat Programs are also commonly provided as part of the services that churches and similar organizations offer to the community. Again, FCSS is required by AHS to provide a day use shelter as part its Community Mat Program and this is a Permitted Use in the C2 District.



Not only is FCSS required to provide a day-time shelter as part of its Community Mat Program which is permitted in the C2 district, Chief Medical Officer of Health (CMOH) Order 07-2020 issued by CMOH Dr. Deena Hinshaw, requires an external self-isolation facility for all temporary shelters in case an individual within that premises tests positive (or is presumed positive before a confirming test result) for COVID-19. The only viable option identified by FCSS is the isolation trailer that is required to be brought on site within 4 hours of that individual being placed in isolation because of a presumptive positive test (which is later confirmed by the actual test result). As the Town and neighbouring Brazeau County do not have any positive cases of COVID-19 so far (as of April 21, 2020), it is very possible the trailer would not be required. Obviously, the opposite is also possible, that the trailer could be required. Lola has assured me and I understand that she has communicated this with you, that the trailer will only be placed on the site if/when it is required after a presumptive positive/confirmed positive of COVID-19. Based on experiences in other Alberta municipalities, AHS has recommended against the use of hotel rooms for self-isolation. FCSS has also determined that a hotel room in a separate location from the Mat Program used as a self-isolation facility is not feasible because this would require:

- an employee of the Mat Program to supervise hotel room for the self-isolation unit to ensure the individual does not leave;
- an employee to supervise the Mat Program in the Alliance Church;
- an employee to deliver meals as needed

I recognize the LUB lists a Dwelling Units at street level, which includes work camp trailers, are listed as a Discretionary Use in the C2 district. Under normal circumstances, this would require Council approval with the surrounding property owners within 60 meters of the subject property prior to the Council meeting, those same property owners being notified after the Council meeting and the Council decision would be subject to an appeal period where anyone who feels affected by the decision can appeal to the Subdivision and Development Appeal Board (SDAB). The length of this appeal period is normally 21 days following the decision. However, the appeal period for Development Permits was recently extended to October 1, 2020 by Ministerial Order 022/2020, issued by Minister of Municipal Affairs Kaycee Madu on March 31, 2020. Under the circumstances surrounding the ongoing Public Health Emergency with COVID-19, which are certainly not normal, notifying the surrounding property owners within 60 meters of the subject site two weeks prior to a decision, holding a Council meeting for the decision and subjecting the decision to a lengthy appeal period was deemed to be an unreasonable requirement for the Town/FCSS to meet, when FCSS was ordered by the Province (through AHS and the CMOH) to provide the self-isolation trailer.

Related to emergency management, Section 11(c) of the Emergency Management Act, permits a municipality to enter into agreements, make payments or grants to persons or organizations for the provisions of services in the implementation of emergency plans or programs. In this case, the emergency plan is the Province's Emergency Pandemic Plan that all Alberta municipalities right now in the time of a Public Health Emergency are required to help implement and part of that implementation is the provision of a self-isolation facility associated with a FCSS Community Mat Program. Furthermore, in his capacity as Alberta Emergency Management Agency (AEMA) Field Officer, John Swist has also confirmed verbally to me the normal public consultation requirements would not be required given the extraordinary circumstances.

The proposed trailer for the self-isolation unit may actually be placed on the subject property with no Development Permit approval at all, as Section 8.1 of the LUB exempts any use of land or building which is exempt (from requiring municipal approval in the form of a Development Permit) under Section 618 of the Municipal Government Act (MGA) or any other Federal or Provincial legislation. As Dr. Hinshaw's order (attached hereto) issued under the Public Health Act requires a isolation space (which in the case of the Community Mat Program at the Alliance Church is a camp-trailer (aka self-isolation trailer), it can be argued that no Development Permit is required, despite it being defined as a Discretionary Use in the D2 district of the LUB.

Although the Town is authorized under the LUB and Dr. Hinshaw's Order to exempt the trailer from the requirement for a Development Permit, we chose to issue the Development Permit as an accountability measure to confirm the trailer is removed after the pandemic is declared over by the Province or Dr. Hinshaw's Order is lifted. Therefore, Condition 3 of



the Development Permit requires the trailer to be removed within 14 days of the pandemic being declared over or the CMOH Order being lifted. The exact wording of this condition is provided below.

### **3. The Trailer shall be removed within 14 days following the lifting of the Public Health Emergency or once Dr. Hinshaw's CMOH Order 07-2020 is whichever comes first.**

Again, the trailer will only be placed on the site (behind the building for the Alliance Church) if/when it is needed. If the trailer is actually needed, it will most likely be removed sooner than 14 days following the pandemic being declared over or lifting of the Order. But, this condition was written to include this amount of time to recognize the periods of time that the company in charge of transporting the trailer to/from the site is unavailable due to other business commitments.

Other possible issues related to the trailer I would like to address are explained below:

**Security-** As mentioned earlier, an employee of the Community Mat Program will supervise the trailer if/when it is brought to the site to ensure a person inside the trailer does not leave;

**Garbage-** Garbage is addressed in Condition 4 of the Development Permit. Also, due to the nature of the trailer being an isolation unit where the person staying inside the trailer is not permitted to leave, there would be very little, if any, opportunity for litter to accumulate surrounding the trailer

**Sewage-** the trailer consists of a self-contained system, similar to an RV, to accommodate black water and grey water. Arrangements have been made with the contractor supplying the trailer unit to also provide a vac truck if/when periodically needed to dispose of sewage.

**Aesthetics-** the trailer will be located behind the building where it is deemed to be the least visible to traffic, thereby mitigating aesthetic impacts as much as possible.

To summarize:

- FCSS is required to provide a day use shelter as part of its existing Community Mat Program;
- The CMOH Order, under the Public Health Act, requires a self-isolation facility by provided as part of a day use shelter in case someone tests positive (or is presumed to be positive for COVID-19)
- A Community Mat Program is deemed to be a Permitted Use as part of the existing Place of Worship in the C2 district of the LUB
- A Dwelling Unit at street level, which includes camp trailers is deemed to be a Discretionary Use in the C2 district of the LUB
- It could be argued the camp trailer is exempt from the requirements for a Development Permit under Section 8.1 of the LUB because it is required as part of the Order issued by Dr. Hinshaw under Public Health Act.
- A hotel room is deemed not to be a feasible alternative for providing the self-isolation unit and AHS recommends against it
- Although it can be argued that a Development Permit is not required for the trailer, the Town issued one anyway to implement the conditions that it be removed within 14 days of the pandemic being declared over or the CMOH Order being lifted, whichever comes first as an accountability measure.
- The Emergency Management Act allows the Town to enter into agreements (in this case, in the form of a Development Permit) with organizations to implement Emergency Management Plans, or parts thereof
- Under normal circumstances, surrounding landowners within 60 meters of the subject property would have been notified and a Council meeting held prior to the decision. However, current circumstances are certainly not normal. As such, notifying surrounding landowners for two weeks, holding a Council meeting and subjecting the decision to an appeal period is not considered to be reasonable at this time.



- The trailer will only be moved onto the site if/when it is needed in the event of a presumptive positive case of COVID-19 (that is later determined to be positive)
- Security, sewage, garbage and aesthetics measures are addressed either through the conditions of the Development Permit or the identified location on the stamped/approved site plan as part of the Development Permit.

If you have any questions or wish to discuss further, please do not hesitate to contact me. I assure you this approach was not an easy one to take as Senior Planner and Assistant DEM. However, in my role I must consider community health and safety as well as the needs of surrounding landowners and the approach taken here is the one deemed to meet those objectives to the fullest extent possible and in the most efficient manner as possible for the Town to comply with the Order issued by CMOH Dr. Deena Hinshaw.

I have a attached Development Permit DV20-009 with the stamped site plan, and Clarification or CMOH Order 07-2020 for your reference.

Best Regards,



**Matt Ellis, BES, RPP, MCIP**  
**Senior Planner &**  
**Assistant Director of Emergency Management**  
 Town of Drayton Valley  
 5120-52 Street, Box 6837 Drayton Valley, AB T7A 1A1  
 P: 780-514-2203 | F: 780-542-5753 | C: 780-514-2963  
 E: [mellis@draytonvalley.ca](mailto:mellis@draytonvalley.ca)



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IVCBC HOLDINGS LTD.  
PO Box 5286  
Drayton Valley AB T7A 1R4

April 30, 2020

Town of Drayton Valley  
Subdivision & Development Appeal Board

RE: Community Mat Program

Homelessness and poverty are issues faced by many municipalities throughout North America and beyond. There is a need for social programs to support individuals struggling with mental health, addiction and other common factors facing the homeless but, in the desire, to provide these services, the rights of public should not be ignored.

The impact on locating a social program such as the Mat Program affects the surrounding area and as such, the adjacent property owners and tenants at a minimum, should be consulted or given the opportunity to provide input.

*If you are allowed to put a shelter anywhere you want in the city, it takes away a fundamental right of the public to have meaningful input into what occurs in their city... [Public input] is fundamental to local democracy. Paul Sutherland, Toronto City Councillor, April 2002 (quoted in La- key, 2002b, p. B5).*

A study in Vancouver stated it appeared crime increased by 56% within 100 metres of the shelter with theft from vehicles, other thefts and vandalism driving the increase. There was a noted increase or property crime within 400 metres but didn't extend much beyond that. It suggested that security may be need to be provided within a 2 – 3 block radii of the shelter.

These factors appear not to have been considered by the Town in the location of the Mat Program. We did speak to a Town employee that was at the Alliance Church site who stated they are only responsible for what happens inside the facility not outside. As the major property owner and responsible for the maintenance of the common parking lot, this is a concern for us. Our Community and the businesses within this commercial development have suffered the last few years with the economic downturn, then forced closure as a result of the pandemic and now potentially increased additional rent costs for the increased maintenance/clean-up of the area. In recent days, we have been made aware of the alleged incidents by the tenants:

1. An individual suspected to be under the influence of a substance, followed the tenant to the back door and the tenant in fear, quickly closed the door and locked it.
2. Garbage bins have been rooted through.
3. Individuals utilizing drugs in the parking lot: the RCMP were called but could not do anything as they were not harming anyone.
4. An individual urinating on the Landmark Cinema building.
5. An altercation amongst the clientele of the program.



While these particular events may be any member of the general public, it is suspect that such an increase in incidents is suddenly occurring.

Landmark Cinema is currently closed but we are concerned with the potential issues that might arise when they re-open. Staff and customers leaving after the movie (particularly the late movie) with limited people around, may be afraid with individuals in close proximity to the parking. Does the potential exist that they may be approached for money or food? Does the potential exist that patrons may chose not to go to the movie due to fear of theft items or damage to their vehicles?

Not that you have to be senior to be concerned or afraid, but most of the businesses are frequented by seniors who would mostly likely be more afraid than a younger more physically opposing individual.

Within this commercial development, the property owners collectively paid \$93,341 in 2019 for property taxes. Should this not entitle us to some basic rights of consultation? When choosing this location, did the Drayton Valley & District FCSS and the Town of Drayton Valley in its approval, consider the potential for increased crime, the safety of the general public and the potential impact on the surrounding businesses? Was any consideration given to the potential need for security outside the facility?

As is evident in our appeal, we do not agree with the Town's interpretation that Mat Program meets the definition of a club and is a permitted use with in the C2 zoning. We only became aware of the program being operated within the Alliance Church by accident when we were advised by a member of the general public that a 12 ft X 60 ft self-isolation trailer was being moved on site in contravention of the existing easement agreement. Additionally, no consideration was given to the possible damage to the privately owned parking lot that the trailer would have been moved across. Fortunately, the development permit approval for the self-isolation trailer was cancelled.

The Town does need to address the issue of social care in their land use bylaw but should do so under the process established in the *Municipal Government Act* and with an appropriate level of public consultation. As that has not happened, we do not feel the Town or Church should be operating the program at this location or any other location until properly addressed in the bylaw.

Regards,



Charmain Hammond, Blain Janzen, Vera Janzen

Cc: T-Bones Specialty Foods

Fix-it Naturally

Landmark Cinemas

Value Drug Mart

Subway

Edward Jones

Servus Credit Union

**Attachment 3 - Development Appeal Notice SDAB Re: APPEAL #2020-01 Community Mat and Shelter Program as a permitted accessory use in a Place of Worship.**



5120-52 Street  
PO Box 6837  
Drayton Valley, T7A 1A1  
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## SUBDIVISION AND DEVELOPMENT APPEAL BOARD NOTICE OF HEARING

### NOTICE OF HEARING – #2020-01

May 12, 2020

**RE: APPEAL #2020-01**  
**Community Mat and Shelter Program as a permitted accessory use**  
**Appellant: IVCBC Holdings Ltd.**  
**Description: Lot 14, Block 50, Plan 1422152**  
**Municipal Description: 5012 – 56 Avenue**

In accordance with the *Municipal Government Act*, Section 686(3), you are hereby notified that the Subdivision and Development Appeal Board ("SDAB") will hold a hearing to consider an appeal of the decision of the Development Authority of Town of Drayton Valley to allow the Community Mat and Shelter Program as a permitted accessory use on the above described property as follows:

DATE: Thursday, May 28, 2020  
TIME: 1:30 p.m.  
LOCATION: Via teleconference

If you are affected by the above appeal, you **may** be entitled to make submissions to the SDAB. Here is what you can do:

- 1) you can provide visual or written submissions in advance of the hearing by sending an email to [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca); and
- 2) you can attend via conference call and make a presentation at the hearing.

**Important Information:** In order to comply with provincial health regulations, we will be facilitating the SDAB hearing via teleconference. If you wish to participate on the conference call, contact the SDAB Clerk to receive the required instructions to access the hearing.

If you wish to submit visual or written material to the SDAB, please email your submissions to the Clerk at [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca) **no later than 1:00 p.m. on May 22, 2020**. Materials submitted will be included in the hearing package prepared for the SDAB and will be distributed to the SDAB and made available to the appeal participants prior to the hearing.

If you are unable to meet the above submission deadline, please contact the Clerk at [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca).



PLEASE BE ADVISED THAT YOUR ENTIRE SUBMISSION WILL FORM PART OF THE PUBLIC RECORD.

Any visual or written material received by the Clerk of the SDAB in advance of the hearing will form part of the public record and will be made available for public inspection pursuant to section 686(4) of the *Municipal Government Act*.

While the Clerk of the SDAB will accept visual or written material in advance of the hearing, the ultimate decision as to whether any or all of the materials will be considered by the SDAB remains with the SDAB.

Since the SDAB and appeal participants may not have an opportunity to review any materials you bring with you to the hearing prior to the hearing, the SDAB may be required to adjourn the hearing to allow the SDAB and appeal participants opportunity to review any materials you bring with you to the hearing and, if necessary, for the appeal participants to provide responding materials.

Relevant documents and materials respecting the appeal will be available for public inspection **after 1:30 p.m. on May 26, 2020**. To request review of materials, please email [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca).

If you have any questions concerning this appeal, please contact Sabine Landmark, SDAB Clerk, at 780-514-2213.

#### **Attachment 4 - Relevant Citing and Sections of the Drayton Valley Land Use Bylaw**

Accessory use means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

Clubs and associations mean a group of persons organized to meet for social, literary, athletic, political, or other purposes, whether public or private in nature. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

Permitted use means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit shall be issued with or without conditions as provided for in this bylaw

Place of worship means a building and grounds used for religious ceremonies.

Principal use means the primary purpose, in the opinion of the Development Authority, for which the building or site is used. No more than one (1) principal use must be located upon a site unless specifically permitted otherwise in this Bylaw. [added by Bylaw 2012/20/D]

Private lodge/club means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

Public use means the use of land or a building by a government agency, school board, or regional health authority.

Social care facility means development of a detached dwelling as a facility which is authorized, licensed or certified by a Provincial authority to provide room and board for foster children or physically, mentally, socially, developmentally or behaviourally challenged persons, or for the rehabilitation of its residents either through independent or professional care, guidance and supervision. The residential character of the development must be maintained. This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge. [added by Bylaw 2018/09/D]

7. CONTROL OF DEVELOPMENT No development other than that listed in section 8 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued. Attention is drawn to the definition of Development in section 3 of the bylaw.

8. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT Ordinarily, the following types of development shall not require a development permit:

8.1 any use of land or a building which is exempt under sections 618 of the Act or under any other federal or provincial legislation,

**Attachment 5 - Relevant Citing and Sections of the Municipal Government Act**

Non-application of this Part 618(1) This Part and the regulations and bylaws under this Part do not apply when a development or a subdivision is effected only for the purpose of (a) a highway or road, (b) a well or battery within the meaning of the Oil and Gas Conservation Act, or (c) a pipeline or an installation or structure incidental to the operation of a pipeline. (2) This Part and the regulations and bylaws under this Part do not apply to (a) the geographic area of a Metis settlement, or (b) a designated area of Crown land in a municipal district or specialized municipality. (3) The Minister responsible for the Public Lands Act may make regulations designating one or more areas of Crown land under that Minister's administration for the purposes of subsection (2)(b). (4) The Lieutenant Governor in Council may, by regulation, exempt an action, person or thing from the application of all of or any provision of this Part or of the regulations or bylaws under this Part. (5) The Lieutenant Governor in Council may include terms and conditions in a regulation under subsection (4).

Permit 683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

**Attachment 6 – Evidence Based Impacts: Criminology Journal Analysis on the Effect of Emergency Winter Homeless Shelters on Property Crime – Journal of Experimental Criminology published 2018.**

This is a pre-print of an article published in the *Journal of Experimental Criminology*. The final authenticated version is available online at <https://doi.org/10.1007/s11292-017-9320-4>.

# Effect of Emergency Winter Homeless Shelters on Property Crime

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## 1 Abstract

*Objectives.* We evaluate the effect of emergency winter homeless shelters on property crimes in the nearby communities.

*Methods.* Every winter between 2009 and 2016, the City of Vancouver, Canada opened shelters to protect the homeless from harsh winter conditions. The city opened 19 shelters, but only five to nine of them were open in any one winter. Using the variation in timing and placement of the shelters, we contrast crime rates in the surrounding areas when the shelters are open and closed.

*Results.* The presence of a shelter appears to cause property crime to increase by 56% within 100m of that shelter, with thefts from vehicles, other thefts, and vandalism driving the increase. However, when a homeless shelter opened, rates of breaking and entering commercial establishments were 34% lower within 100m of that shelter. The observed effects are concentrated close to shelters, within 400 meters, and dissipate beyond 400 meters. Consistent with a causal effect, we find a decreasing effect of shelters with increasing distance from the shelter.

*Conclusions.* While homeless shelters are a critical social service, in Vancouver they appear to impact property crime in the surrounding community. Shelters may warrant greater security to control property crime, but the data suggest any increase in security need not extend beyond 400 meters, about 2 to 3 blocks, from the shelters.

Keywords: community design, homeless shelters, property crime, Vancouver

## 2 Introduction

Homeless shelters offer temporary accommodations and social services to those lacking permanent housing. Studies suggest that the benefits of this type of public health intervention on its target population and surrounding community are numerous. Comparative evaluations of homeless populations reveal that both, sheltered youth and women, have better health outcomes than their unsheltered counterparts, with these sheltered populations respectively reporting fewer serious health issues, and better physical and mental health (Klein, et al., 2000; Nyamathi, Leake, & Gelberg, 2000).



Unsurprisingly, occupants of homeless shelters also report greater access to food than their peers on the streets (Regional Steering Committee on Homelessness, 2012). While compared to the general population sheltered homeless people have a greater mortality rate (Barrow, Herman, Cordova, & Struening, 1999; Hwang, 2000), sheltered homeless populations seem to have fewer risk factors for mortality in comparison to unsheltered homeless individuals (Montgomery, Szymkowiak, Marcus, Howard, & Culhane, 2016).

Despite the potential benefits of sheltering the homeless, neighborhood stakeholders such as property owners, business owners, and residents often oppose the establishment of such shelters in their neighborhoods. In addition to concerns about property values and business disruption, the risk that shelters might increase crime rates is a primary driver of their reticence. This study addresses this issue, providing empirical evidence for the effect of emergency homeless shelters on crime. This paper begins with an overview of the existing literature related to homeless shelters and crime. The following sections discuss the data used in the study, the difference-in-differences analysis method employed, the results, and the conclusions drawn based upon the results.

### 3 Prior Literature

Criminological theories support the possibility of crime increasing after the implementation of homeless shelters. Specifically, routine activity and lifestyle victimization theories both propose mechanisms for how homeless individuals affect crime rates whereas broken windows theory proposes mechanisms for how the built environment of a neighborhood, such as shelters, could influence crime. In accordance with routine activity theory, crime might increase after a shelter opening due to the convergence of motivated offenders, suitable targets, and the absence of capable guardians (Cohen & Felson, 1979). For example, homeless individuals may commit acquisitive crimes due to a lack of basic necessities, be suitable targets due to their vulnerability, and may frequent areas with an absence of security. Shelters may vary in the degree of police and security presence. Lifestyle victimization theory suggests that the opening of homeless shelters could lead to more crime, as homeless individuals tend to experience high-risk lifestyles that make them easier targets for crimes (Anderson, 2014). High rates of victimization (Fitzpatrick, La Gory, & Ritchey, 1993; Kushel, Evans, Perry, Robertson, & Moss, 2003) and offending (Redburn & Buss, 1986; Snow, Baker, & Anderson, 1989) among the homeless support these theories. Although congruent with the notion that shelters could increase crime, broken windows theory proposes that the increase could be due to the social disorder signaled by the existence of a shelter and the presence of homeless people in proximity of shelters. According to the theory, crimes can occur anywhere once communal barriers, the sense of mutual regard and the obligations of civility, are lowered by physical signs of social disorder that seem to signal that “no one cares” (Wilson & Kelling, 1982). Therefore, because of its anonymity, the high population turnover, and the past experience of “no one caring”, homeless shelters could signal the presence of the breakdown of community controls, indicating to potential criminals that the surrounding area is not preoccupied with or has lost control of those locations.

Depending on design and implementation, shelters could reduce crime and the reduction could still be consistent with routine activity, lifestyle victimization, and broken windows theories. Routine activity

theory suggests that crime could decrease after shelters open as this infrastructure might make homeless people less vulnerable and less likely to be motivated to commit crimes out of necessity. This theory also proposes that homeless shelters could be linked to a decline in crime rates when paired with increased security and/or police presence, as adequate police and security planning could offset the risk of any increase in crime or reduce crime altogether. Likewise, lifestyle victimization supports the possibility that the opening of homeless shelters could lead to less crime, as the shelter may directly address the aspects of a high-risk lifestyle that puts the homeless at greatest risk. Broken windows theory also posits that crime could decrease near homeless shelters since these structures could remove signs of social disorder and may signal to potential offenders that stakeholders care about their community. Altogether, criminological theories suggest that homeless shelters could affect crime, but it is unclear in what direction the change would be.

While prior empirical research has shown that certain features of the built environment affect incidences of crime in its surrounding community, it has not extensively covered the effect of homeless shelters on crime. Instead, most studies have greatly focused on the topic of abandoned housing, transit, business improvement districts, and indigent housing (MacDonald, 2015). Although the topic of indigent housing is closely related to that of homeless shelters, indigent housing provides long-term stays to those in need and does not provide the same resources as homeless shelters. Thus, applying conclusions from indigent housing studies to the topic of homeless shelters would be speculative.

Since prior research has neither confirmed nor disproven the influence of homeless shelter on crime in either direction, our analysis will examine the roll out of emergency winter shelters in Vancouver and assess the effect of the activation of these shelters on crime in the surrounding community.

## 4 Emergency Winter Shelters in Vancouver

In 2008, Vancouver's homeless population numbered 1,570 people, with more than 50% unsheltered (Thomson, 2016). That same year, Dawn Bergman, a homeless Vancouver woman, died when her shopping cart caught fire. Shelters at the time did not allow shopping carts and, fearing her possessions would be stolen, Ms. Bergman refused the efforts of Vancouver police officers encouraging her to stay at a shelter during an unusually cold winter night. As a result of her death, Vancouver created a Winter Response Strategy to better manage the city's emergency winter shelter needs. Every year from 2009 to 2016, as part of its Winter Response Strategy program, the city of Vancouver opened seasonal shelters to protect the homeless from the harsh winter conditions. Consequently, although the homeless population grew 17% between 2008 and 2016, the percentage of the homeless population who were unsheltered declined to 29%.

Since the start of the program, numerous news articles have discussed the openings of emergency winter shelters. In combination with homeless counts conducted on seven occasions between 2008 and 2016, inclusively, these articles provide details on these facilities and their operation. From the end of 2008 to 2016, Vancouver opened winter shelters in 19 different locations. The city commissioned seven operators to manage the shelters with RainCity Housing and Support Society managing more than half of the homeless shelters. The shelters generally operate at or near capacity with the number of beds ranging between 30 and 200. In addition, many also offered services such as access to showers and

connections to housing options. Although nearly all shelters catered towards a clientele of all gender and ages, in practice shelters served a predominantly male and adult population; roughly 70% of shelter stays involved homeless men. At the time of their stay in these shelters, an estimated 83% of homeless shelter occupants had been homeless for over a month. Approximately 38% of Vancouver's sheltered homeless population reported suffering from mental illness and 53% from an addiction.

Shelters were mostly located within or in close proximity to Vancouver's Central Business District, although some were in more commercial areas than others. Table 1 shows the timing and locations of the shelters. Table 1 shows that several shelters were operational by January 2009, the winter following Ms. Bergman's death, though one had been operational for the winters of 2007 and 2008. For logistical and political reasons that are not always clear, the majority of the 19 locations in which shelters were opened only hosted a shelter for three or fewer winters. Most shelters typically started operating in December prior to the year listed in the column headings in Table 1 and closed towards the end of the following April. However, sometimes shelters would not open until late December or January. As a result, we focus our attention on January to March when all emergency shelters were operational.

Table 1: Timing and Placement of Emergency Winter Homeless Shelters in Vancouver

Shelter Address	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
134 East Cordova Street		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
51B W Cordova Street				✓	✓	✓	✓	✓	✓	✓	✓
320 Hastings Street				✓	✓	✓	✓	✓	✓	✓	✓
201 Central Street				✓	✓	✓	✓	✓	✓	✓	✓
1442 Howe Street				✓		✓	✓				
1435 Granville Street				✓	✓						
1642 West 4th Avenue					✓	✓					
747 Cardero Street					✓	✓					
677 East Broadway Street					✓	✓					
1648 East 1st Avenue					✓	✓					✓
518 Richards Street							✓				
2950 Prince Edward Street							✓				
119 East Cordova Street							✓			✓	✓
1210 Seymour Street								✓			
2610 Victoria Drive								✓			
21 East 5th Avenue								✓	✓		
862 Richards Street								✓	✓		
1647 East Pender Street										✓	
900 Pacific Street											✓

The timing and placement of the shelters was not random. The placement often was a result of availability and suitability of space and an organization capable of managing the shelter. While current crime conditions were not an overt ingredient in the decision to place a shelter, crime could have

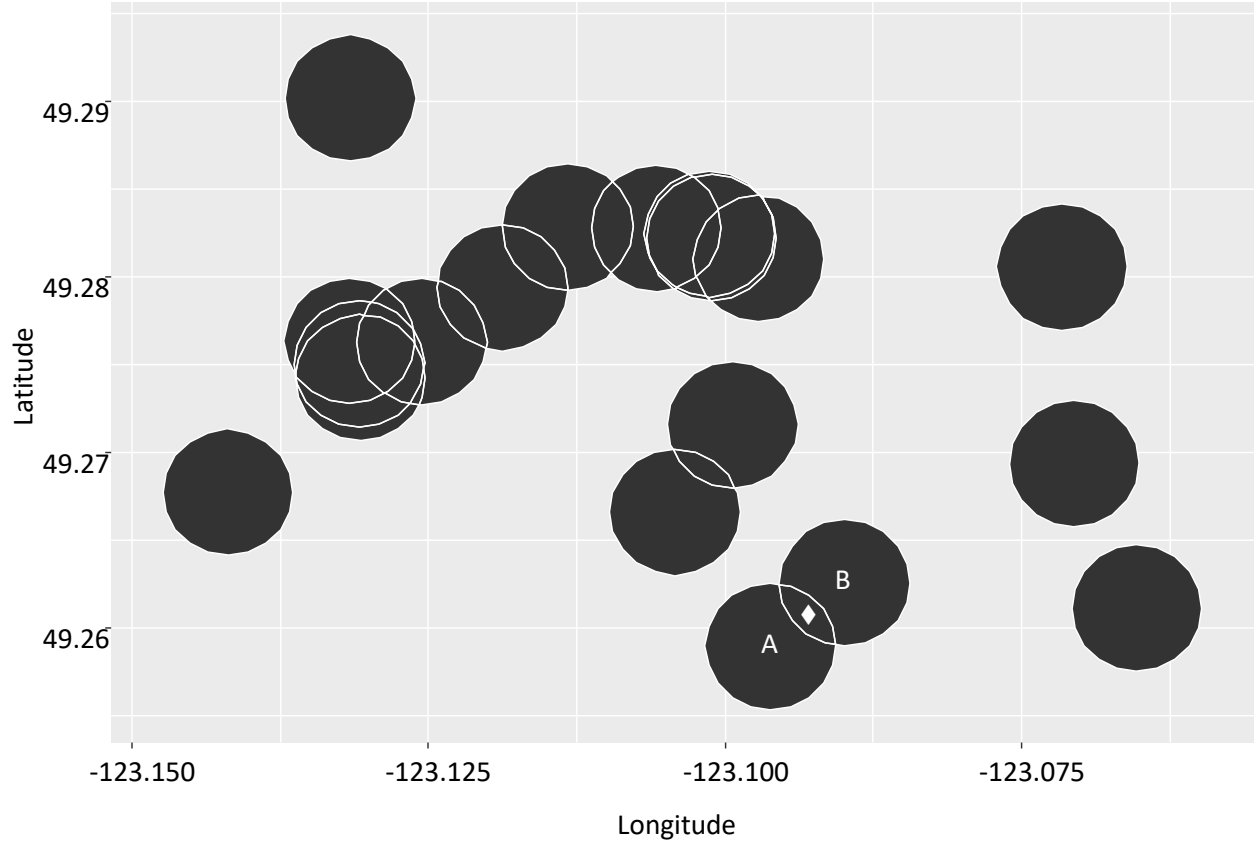
created conditions conducive to the opening of a shelter. For example, an office building may have closed down due to crime, thus providing available space for a shelter to move in. Consequently, in our analyses, we treat the shelter openings and closings as exogenous shocks to the community, but we also check for signals of crime trends in advance of the shelter openings.

## 5 Data and Methods

Vancouver publishes data on crimes reported to the Vancouver Police Department (VPD) (City of Vancouver, Canada, 2017). For every crime incident, the data indicate the type of offense as well as the year and the month in which it occurred. The reported crimes fall into eight categories: Commercial breaking and entering, residential breaking and entering, homicide, mischief (vandalism or property destruction), attacks against a person, theft from vehicle, theft of vehicle, and non-vehicle related theft. The dataset also included the geographic location of each property crime by indicating its approximate address and geographic coordinates. For privacy concerns, VPD does not make publicly available the location of offenses against a person. Therefore, our analysis focuses on property crimes. We included data from 2006 through 2016. We started with 2006 to provide three years of data before the start of the emergency winter shelter program.

Combining the crime timing and locations with the shelter openings and locations shown in Table 1, we aim to discern whether having an active homeless shelter influences crime in the surrounding community. Because shelters open and close at various times and places, we can use each area as its own control and contrast crime in an area when the shelter is open and when it is closed. We considered an area to have a shelter if it was within a given radius around an active shelter. We used radii of 100m, 200m, 300m, 400m, and 500m and report the results for each of these. We included a crime in the analysis only if it occurred between January and March (when the shelter program was active) and occurred in an area that was within the buffer radius of a location that had a shelter at some time during the study period. Figure 1 shows the geography for a 400m buffer radius. These are the buffers for all 19 shelters that were active between 2009 and 2016, but not all of them were active in every year.

Figure 1: Shelter buffers for a 400m buffer radius. White outlines mark areas where shelter buffers overlap.



Buffers around each shelter can overlap and occurs to a greater extent when considering larger radii. To accommodate the overlap in the analysis we carved the collection of circles into the set of non-overlapping regions. In Figure 1 this produced 41 non-overlapping regions. A crime occurring in the location marked with a diamond in Figure 1 will be labeled as a crime near an open shelter if shelter A is open, shelter B is open, or both shelter A and shelter B are open (and not near a shelter if both shelter A and B are closed).

We organized the data so that for each year, for each of the 41 regions, we had an indicator of whether there was an active shelter within the buffer radius and the number of crimes reported within the region. We used a Poisson regression model to model the crime counts

$$y_{it} \sim \text{Poisson}(\lambda_{it})$$

$$\log(\lambda_{it}) = \beta_1 \text{shelter}_{it} + \alpha_i + \gamma_t \quad (1)$$

where  $y_{it}$  is the number of crimes reported in region  $i$  at time  $t$ ,  $\text{shelter}_{it}$  is a 0/1 indicator of whether there was an active shelter within the buffer radius for region  $i$  at time  $t$ ,  $\alpha_i$  is a fixed effect for region  $i$ , and  $\gamma_t$  is a fixed effect for year  $t$ , with  $\gamma_1$  fixed at 0 making 2006 the reference year. Since  $\alpha_i$  captures the crime rate for region  $i$  and  $\gamma_t$  captures the crime trends,  $\exp(\beta_1)$  measures how many times larger the crime rate is with an active shelter nearby. We used a sandwich estimator for the standard errors to



account for overdispersion in the crime count outcome, but not to account for spatial or temporal correlation. We used a Poisson model with robust standard errors instead of a negative binomial model because the former is more efficient and robust (Wooldridge, 2010). We relied on a permutation test to address spatial and temporal correlation.

We conducted a permutation test of  $\beta_1 = 0$ . Confidently estimating the correct null distribution for  $\hat{\beta}_1$  using traditional statistical theory is challenging. The null distribution would need to address correlation in space and time while also addressing areas that multiple shelters overlap. Permutation tests sidestep these issues by simulating the reference distribution under the null hypothesis that shelter timing and placement are uncorrelated with crime. Fisher's exact test for testing the independence of two categorical variables is the best known permutation test (Fisher, 1935). In this special case, Fisher showed that, rather than having to simulate or enumerate all the possible permutations of the observed categories yielding a contingency table matching the observed table margins, the hypergeometric distribution could compute tail probabilities over the permutation distribution.

We cannot enumerate all possible permutations of the timing and locations of shelters. Instead to simulate the reference distribution we randomly shuffled the timing and locations of the active shelters, effectively randomly shuffling the checkmarks in Table 1. We fixed the marginal distribution of the number of open shelters in each year to match the observed number of open shelters that year and permuted the shelter openings using Patefield's algorithm (Patefield, 1981). This restricts the permutation test from considering implausible scenarios, such as having all shelters open or all shelters closed in a given year. For each permutation, we relabeled all of the regions (like those shown in Figure 1) as having an active shelter or no shelter. Then we refit the model (1), storing the estimated coefficient  $\hat{\beta}_1$  from each model fit. We repeated this 2,000 times and used the collection of 2,000 estimates of  $\hat{\beta}_1$  as the null distribution. This process generates the null distribution showing us the distribution of  $\hat{\beta}_1$  we should expect when shelter timing and locations are random and unrelated to crime (Figure 2 in the results shows an example).

Permutation tests can be underpowered in designs such as equation (1) when the error structure is complex, so permutation test p-values will be conservative (Wang & DeGruttola, 2016). While most traditional tests provide a test that the average treatment effect is 0, the permutation test described here (as with Fisher's exact test) provides a test of the sharp null hypothesis that there is no effect on crime for any of the shelters (Imbens & Rubin, 2015).

We conducted these analyses for total property and mischief crime as well as separately for each individual crime type.

## 6 Results

We found strong evidence that the presence of a shelter is associated with an increase in property and mischief crime, with a decreasing effect with increasing distance from the shelter. When shelters open we find that within 100 meters of the shelter total property and mischief crimes increase by 56.3%. The permutation test assures us that an effect of this magnitude is outside of what we should expect from chance variation. Figure 2 shows the permutation test null distribution for what the model in (1) would

estimate to be the percent increase in property crime attributable to a shelter opening if in fact shelters and crime were unrelated. When we randomly shuffle the shelter openings (and break any relationship between crime and shelters) the histogram in Figure 2 shows the estimates that we should expect if shelters have no effect. Estimated effects between a decrease of 30% or an increase of 30% in property crime could reasonably occur by random chance. However, our estimate was an increase of 56.3%, marked in Figure 2 by a vertical line, well outside the normal random variation we would expect by chance. Because we generated the null distribution through simulation, the histogram's spread properly accounts for spatial and temporal correlation and for multiple shelters operating within the same areas.

Figure 2: Null distribution for the effect of shelters on total property crime within 100m

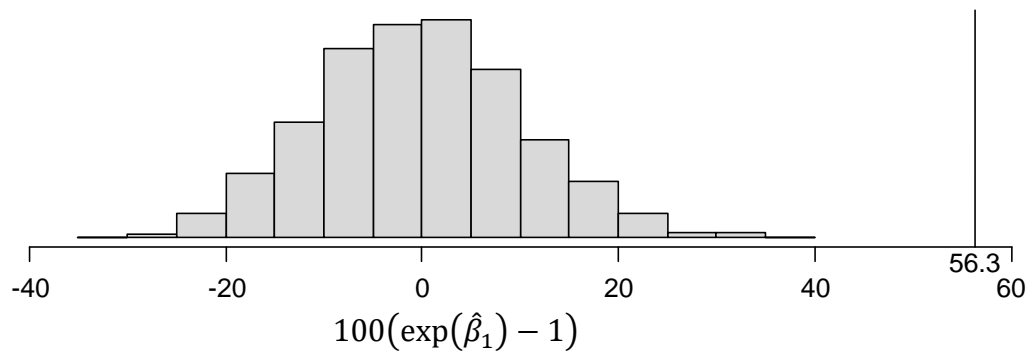


Table 2 shows the percent increase in crime attributable to the opening of an emergency winter homeless shelter for each of the property crime categories. We varied the size of the radius around each homeless shelter in order to assess the range of the shelter's effect. The primary drivers of the increase were thefts from vehicles, other thefts, and mischief to some degree. Other thefts appear to double after the opening of a shelter compared to years when the shelters are not open.

Shelters did not affect all crime categories in the same direction. We find strong evidence that rates of breaking and entering commercial buildings was substantially lower when a homeless shelter was nearby. Within 200 meters of a shelter, the percentage of break-ins of commercial establishments declined by 27%.

Table 2: Percent increase in crime for areas within a given radius of an open homeless shelters

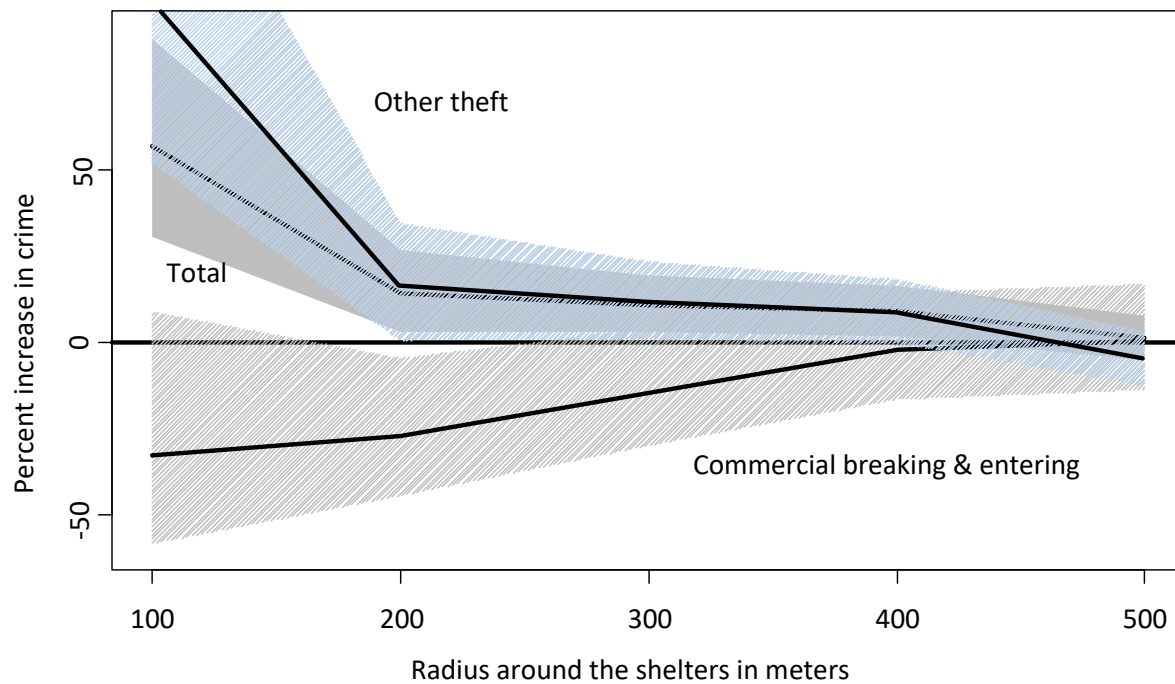
	Average crime count per year within 300m of shelters	Radius around shelters				
		100m	200m	300m	400m	500m
<b>Total Property and Mischief Crime</b>	1780	56.3 (30.2, 87.7) <0.001*	14.0 (2.9, 26.4) 0.005*	10.8 (2.9, 19.3) 0.007*	8.7 (1.5, 16.5) 0.009*	0.9 (-5.3, 7.6) 0.444
<b>Break and Enter Residential</b>	75	82.5 (-13.8, 286.3) 0.009*	9.4 (-22.0, 53.4) 0.295	-0.7 (-21.6, 25.9) 0.430	-1.4 (-18.4, 19.1) 0.444	2.5 (-14.4, 22.9) 0.433
<b>Break and Enter Commercial</b>	137	-33.5 (-58.9, 7.5) 0.035	-27.1 (-44.4, -4.5) 0.001*	-14.9 (-30.1, 3.7) 0.040	-2.5 (-16.7, 14.1) 0.467	0.3 (-13.8, 16.7) 0.397
<b>Theft from Vehicle</b>	538	42.9 (2.2, 99.9) 0.007*	15.8 (-1.5, 36.1) 0.024	20.7 (7.3, 35.8) <0.001*	15.1 (2.0, 29.9) 0.012*	12.0 (0.6, 24.7) 0.053
<b>Theft of Vehicle</b>	57	-39.9 (-72.2, 29.8) 0.059	-19.8 (-47.7, 23.1) 0.088	-2.4 (-26.6, 29.9) 0.376	-11.0 (-29.7, 12.6) 0.099	-9.5 (-26.2, 11.0) 0.157
<b>Other Theft</b>	709	98.1 (51.0, 159.7) <0.001*	16.4 (0.7, 34.6) 0.023	11.5 (1.0, 23.1) 0.015*	8.5 (-0.3, 18.0) 0.040	-5.1 (-12.5, 2.9) 0.104
<b>Mischief</b>	264	26.3 (-9.7, 76.7) 0.033	28.3 (8.2, 52.1) <0.001*	8.5 (-4.8, 23.7) 0.097	7.8 (-4.0, 21.0) 0.060	2.3 (-7.9, 13.6) 0.428

Note: For each crime type and for each radius we show the estimated percent change in crime ( $100(\exp(\hat{\beta}_1) - 1)$ ), a 95% confidence interval accounting for overdispersion (but are not valid since they do not account for spatial/temporal correlation or shelter overlap), and the permutation test p-value (without any adjustment for multiple comparisons). The p-values marked with \* remain significant after a Benjamini-Hochberg adjustment for multiple comparisons. The second column shows the average number of crimes per year within 300 meters of the shelter areas to give the reader an idea of the additional number of crimes that occur when shelters open.

When arguing for cause of an observed effect, the gradient criterion, one of the Hill criteria for providing evidence of a causal relationship, suggests that higher doses of a treatment should result in a larger corresponding response (Hill, 1965). In the case of shelters, we should see a stronger effect of the shelters in areas closest to them and a smaller effect as we expand the radius to include areas farther away from the shelters. Indeed, Table 2 demonstrates a decreasing effect with increasing radius. Figure

3 shows graphically the Table 2 results for other theft, commercial breaking and entering, and in the background, total property and mischief crime. All of these crime categories show that near the shelter the effect is strong, but converges toward a null effect once we consider a radius of 500 meters, further supporting the conclusion that shelters are causing the changes in crime.

Figure 3: Percent change in crime as a function of the shelter buffer radius



Note: The figure shows the point estimate and the pointwise 95% confidence intervals

The observed effects potentially could be attributable to city officials placing shelters in areas that are already experiencing crime changes. If this is the case, then the opening of a shelter should be correlated with the crime in the *prior* year. As a falsification test we dropped the data from 2006 and replaced the model (1) with a model predicting crime the year prior as shown in (2).

$$\log(\lambda_{i,t-1}) = \beta_0 + \beta_1 \text{shelter}_{it} + \alpha_i + \gamma_{t-1} \quad (2)$$

For almost all crime types and at all radii around shelters we find shelters not to be predictive of crime levels in the prior year. The one exception might be mischief crimes at 100 meters (p-value = 0.01, but Benjamini-Hochberg adjusted p-value = 0.19). That is, increases in vandalism and property damage may precede the placement of shelters. Though not statistically significant after accounting for multiple comparisons, there is a decreasing relationship with the prior year's mischief crimes with an increasing radius, indicating that disorder already may be developing in places where shelters open. For other crime types we see no trend by distance from shelter in the relationship between shelter openings and the prior year's crime, with point estimates equally likely to be positive or negative and generally large p-values.



## 7 Discussion

This study aimed to examine the effect of homeless shelters on crime in Vancouver. The opening of a shelter appears to be linked with a significant increase in property crime in the shelter's immediate vicinity. An exception to this finding was that incidences of commercial breaking and entering decreased. The effect of the shelter decreases with distance from the shelter offering further support that the observed effect is causal.

In an attempt to further explore the commercial environment and the relationship with commercial breaking and entering, we gathered data on the number of business licenses within 200m of each shelter location. All but three shelters were in heavily commercial areas with 50 or more businesses licensed within 200m of the shelter. While we are interested in uncovering more about the impact of siting shelters in different kinds of neighborhoods and how this moderates the treatment effect, the lack of variation in Vancouver makes this infeasible.

Routine activity theory may offer an explanation for the observed decrease in the occurrences of commercial breaking and entering. Local businesses may increase security, such as using roll-up sheet doors, cameras, and security personnel. It is also possible that by providing shelter to homeless people, these individuals may be less motivated to seek shelter in empty businesses during the night. Indeed, the CEO of the Downtown Vancouver Business Improvement Association noted that many fewer homeless were sleeping in the alcoves of retail storefronts and the downtown had a sharp decline in trespassing after the shelters opened (Gauthier, 2017).

The increase in property crimes could be explained by one or a combination of three mechanisms. First, these results may provide support for the broken windows theory. The presence of homeless shelters and the potential increase of the homeless population could increase social disorder, which could consequently increase crime committed by the homeless and non-homeless. Second, it is possible that homeless shelters encourage the convergence of suitable targets, motivated offenders, and a lack of guardians, therefore resulting in crime. Third, there is a possibility that homeless shelters generate crime by attracting a homeless population whose lifestyle choices put them at risk of being victimized. However, because we do not have data on the circumstances leading to each crime, we are not able to identify which of these three mechanisms contributed to these changes in crime.

It is possible that these results do not reflect an increase in new crime. Indeed, crime that would have been committed elsewhere in the city might have been displaced to the area surrounding homeless shelters. Moreover, crime might have been affected by increased detection associated with changes in police presence and in the behavior of the people present in the area near shelters.

Regardless of the reason for the increase in crime rates, these findings indicate that greater security or policing intervention may be necessary to minimize the potential negative effects shelters have on the surrounding community and to address crime that was committed, but had remained undetected until the implementation of homeless shelters. Police interventions such as place-based interventions focusing on crime and disorders associated with the homeless could potentially reduce crime, as it appears to have done in Los Angeles (Berk & MacDonald, 2010). Since our research demonstrates a rapidly decreasing effect with increasing radius away from the shelters, security measures and police

interventions need not be extensive and may be confined to a small area within 400 meters (2 to 3 blocks in Vancouver) of the shelters.

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**Attachment 7 - Letters of support provided from tenants received by Appellant.**



Box 7230, 5203 - 50th Street, Drayton Valley, Alberta T7A 1S5  
Phone (780) 542-5366 • Fax (780) 542-5121  
[www.valuedrugmart.com](http://www.valuedrugmart.com)

To whom it may concern:

As a long term resident of Drayton Valley (22 years), I value the people, the growth and vibrancy that this town has to offer. That is one of the many reasons I chose to open up my business, Value Drug Mart, in the heart of town as the main owner and pharmacist for the past 15 years. As a healthcare provider I am well aware of the challenges that face the highly vulnerable within our population, specifically in Drayton Valley because of the economic downturn. It is with that, that I understand community programs such as the MAT program must exist to ensure that these vulnerable populations have a safe and secure environment to go to. On a daily basis, I myself as a pharmacist have dealt with these susceptible people in the form of the opioid crisis where I have experience in combating the crisis with the opioid dependency program. We have had great success, but it is evident there is still much ground to gain.

I am writing to you because in recent months we have had issues stemming from the opening of the community MAT program at the Alliance Church located next to our store. A lot of this is driven from the extensive loitering and at times panhandling that has been going on day and night from people in the program. This has made some of our staff and customers very uncomfortable at times. Although their feelings do not reflect mine, as an owner of a business I do take them seriously as it does affect my business. They need to feel safe at ALL times but I am bombarded with statements from staff and customers daily about this issue. Secondly, we have had drug use and other inappropriate use of our restroom that we have had to contact the RCMP for. Finally, we have had our mechanical room broken into, had to ban a number of people from the program from the store for theft and have our garbage gone through nightly creating a mess with locks continually being cut off. Let me be clear that I do not assume that everyone involved in the program is to blame but unfortunately the few always seem to ruin it for the many!

Another potential area of concern as a business owner is that I myself was never personally consulted or notified of the opening of the MAT program. Amidst all the issues with COVID-19, the MAT program was opened up, and we as business owners are facing huge economic shortfalls, on top of the shortfalls we have already faced in this town. Again, I do understand the need for such a program in town, however such a program should not be located among retail businesses.

Going forward, I would like to know what protective measures the MAT program will take to protect the businesses in town. I will also have to increase protective measures for my staff to include always having two employees open and close the store to ensure safety, closing washrooms to the public so no drug use occurs inside the facility, and increasing vigilance for theft. This is on top of the COVID measures I have already had to enact.

I look forward to hearing from you and I hope we can have an engaging discussion regarding the MAT program and its future plans in the community of Drayton Valley.

Regards,



Corwin Felstad BSc Pharm.  
Owner/Pharmacist  
Drayton Valley Value Drug Mart  
5014-56 Avenue Box 7230  
Drayton Valley, AB T7A 1S5  
(780)542-5366 ext 1

**All Your Family Needs**



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[www.landmarkcinemas.com](http://www.landmarkcinemas.com)*

May 22, 2020

Transmitted by Email to [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca)

Town of Drayton Valley  
5120 - 52<sup>nd</sup> Street  
Drayton Valley, Alberta, T7A 1A1

Attention: Town of Drayton Valley, Subdivision & Development Appeal Board

**Re: Town of Drayton Valley Appeal No: 2020-01  
Community Mat & Shelter Program as a Permitted Accessory Use  
Appellant; IVCBC Holdings Ltd.  
Description: Lot 14, Block 50, Plan 1422152  
Municipal Description: 5012 – 56<sup>th</sup> Avenue, Drayton Valley, AB**

I am writing on behalf of Landmark Cinemas Canada Limited Partnership, in support of the Appeal that has been filed by IVCBC Holdings Ltd., the Owner of the Cardium Theatre, and Landmark's Landlord in those Premises.

Landmark is a Calgary based Motion Picture Theatre Operator. We have been in business since 1965. We operate 46 Cinemas, with 330 screens throughout the four Western Provinces, the Yukon Territory and the Province of Ontario. We have operated the Cardium Theatre, Drayton Valley, under a long-term Lease since January 2007.

Our Guests and Employees share the common parking area, adjacent to the Cardium, by way of legal access and egress Agreements, with other Owners and Tenants in the vicinity – the Drayton Valley Alliance Church, Value Drug Mart, Servus Credit Union, Subway Restaurants, T-Bones Specialty Foods are some of our neighbors who share the parking areas.

As you will be aware, we are currently closed due to Government Order, as a result of the Covid-19 pandemic. We will reopen the Cardium just as soon as we are permitted to, and as soon as Landmark is comfortable that we can assure the safety of our Guests, our Employees and the Community of Drayton Valley.

Landmark wants to assure you that our support of this Appeal is not predicated on any lack of sympathy for the plight of the homeless and disadvantaged in Drayton Valley. We understand the need for, and fully support, the providing of assistance to those less fortunate members of the Community who require it. Our support of the Appeal is because we feel that the location selected for the Community Mat & Shelter Program is inappropriate for that use. Had we received any advance notice of the fact that the program was commencing at the Alliance Church, we would have vigorously opposed it at that time.

The economic health of Landmark's business requires that for the more than two hours that they spend at the Cardium Theatre whenever they attend a movie, our Guests have no apprehension for the security of themselves or their family or their vehicles. Our Guests have many options when they come to selecting where they spend their Entertainment budget and security issues are a serious impediment to them selecting the Cardium Theatre as their first choice. In addition, the majority of Landmark's employees at the Cardium are young people who exit the Cinema later in the evening and their safety is of paramount concern to us and their parents.

Recent activities by participants in the Mat & Shelter program, around the Alliance Church, the parking lot, and the Cardium Theatre give us reason to be concerned. Panhandling, aggressive behavior, accosting the public, sleeping on sidewalks, public urination on the Cardium building and vehicle damage are examples of the behavior that will have our Guests going elsewhere for their Entertainment.

We trust that there are alternative locations within Drayton Valley, where this behavior will not have as great an impact on the surrounding property Owners and Tenants. We hope that the Appeal by IVCBC Holdings Ltd. will be successful and that those who are most negatively affected at the current location will be able to return to the unencumbered operation of their business and property.

If the decision is made to reject the Appeal, we would ask that it be made with the requirement that there must be 24 hour security provided for the parking lot and the surrounding businesses and that security be provided under contract by a professional, bonded security company and at the expense of the Operators of the Community Mat & Shelter Program.

Thank you for this opportunity to express our "Concerns" regarding the issues and also our "Support" for the IVCBC Holdings Ltd. Appeal. I can be reached at the address above, or at my Office phone number [403] 254-3990, if there are questions regarding this correspondence.

Yours Truly,

**Landmark Cinemas Canada Limited Partnership**



William D. Walker  
Chief Executive Office

Cc Brian F. McIntosh, Vice Chairman, Landmark Cinemas  
Ryan Dion, Regional Vice President Operations, Landmark Cinemas  
Brandy Campbell, General Manager, Cardium Theatre, Drayton Valley

Edward Jones  
5508B 50 Street  
Drayton Valley, AB  
T7A1R8

Town of Drayton Valley  
5120 52 Street  
Drayton Valley, AB  
T7A1A1

April 30, 2020

To whom it may concern;

It has come to our attention, that our business neighbor, the Drayton Valley Alliance Church has opened up an emergency homeless shelter under the FCSS Mat Program partnered with Alberta Health Service. This change was not brought forward to the other business owners or residents in the area to inform us of what was going to take place.

The Town did not take into consideration the security and safety of the other businesses and residents when this was approved. Given the current Covid-19 Crisis, we are concerned for the sensitivity of social distancing requirements, the cleanliness of the parking lot and the increased amount of garbage.

Over the last two weeks, we have noticed a significant increase of attendance to the church, loitering and garbage in this area. We have also witnessed verbal confrontations between individuals attending the church in the parking lot at different times that causes undo concern as to the safety of our business and clients.

As a long time community member and a close neighbor to the business, proper notice and consultation of the additional activity and service at the church, warranted a respectful awareness of the changes.

We are requesting you find an alternate location to provide this service as some of our clients have also expressed their concerns and could be a deterrent to attend my business.

Yours truly,



Laurie Lainchbury

Financial Advisor, Edward Jones



**Attachment 8 - Clarification on applicability of appeal timeframes**

## Martino Verhaeghe

---

**From:** Martinoverhaeghe@gmail.com  
**Subject:** FW: Request for clarification on MA order rescinding previous order -Timelines under MGA Part 17.

**From:** [REDACTED]  
**Date:** April 24, 2020 at 1:02:58 PM MDT  
**To:** [REDACTED]  
**Subject:** RE: Request for clarification on MA order rescinding previous order -Timelines under MGA Part 17.

Hi Martino,

Thanks for your email. As we discussed this morning, on April 17, 2020, the Minister of Municipal Affairs issued a new Ministerial Order MO MSD 36/20, which rescinded and replaced MO MSD 22/20. MSD 22/20 was issued to allow municipal councils and administrations the opportunity to adapt their operations and public meeting and hearing processes to comply with the public health orders designed to stop the spread of COVID-19, while ensuring that the public had access to essential services and could continue to engage with their local government.

After considering feedback from many different areas, in consultation with RMA and AUMA, ministerial order MSD 36/20 was signed.

In response to your questions, for the most part, the timelines and deadlines revert to the existing timelines and deadlines in the MGA. For matters that either started or ended between March 25 and April 17, 2020, the period for appeal will start on April 17, 2020. This will provide certainty for applicants and the public for numerous planning, subdivision, and development activities prior to the beginning of the construction season.

Please let me know if you have any further questions.

Thanks,

[REDACTED]

[REDACTED]

Planning Advisor, Cross-Ministry Initiatives  
Municipal Policy and Planning  
Alberta Municipal Affairs

T: 825-468-4276

E: [karyn.mcalpine-tran@gov.ab.ca](mailto:karyn.mcalpine-tran@gov.ab.ca)

**Attachment 9 - Public health Order 07-2020**



**Office of the Chief Medical  
Officer of Health**  
10025 Jasper Avenue NW  
PO Box 1360, Stn. Main  
Edmonton, Alberta T5J 2N3

## **RECORD OF DECISION – CMOH Order 07-2020**

### **Re: 2020 COVID-19 Response**

I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta.

This investigation has confirmed that COVID-19 is present in Alberta and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health.

Under section 29(2.1) of the *Public Health Act* (the Act), I have the authority by order to prohibit a person from attending a location for any period and subject to any conditions that I consider appropriate, where I have determined that the person engaging in that activity could transmit an infectious agent. I also have the authority to take whatever other steps that are, in my opinion, necessary in order to lessen the impact of the public health emergency.

Therefore, having determined that certain activities could transmit COVID-19 as an infectious agent and that certain other steps are necessary to lessen the impact of the public health emergency, I hereby make the following Order:

Effective immediately, all persons in the Province of Alberta must adhere to the following restrictions and comply with the following prohibitions:

#### **Outdoor places**

1. The gathering of persons in excess of 15 people in a group, in an outdoor location, is prohibited.
2. Any persons gathering in an outdoor location must maintain a minimum of 2 metres distance from one another.

#### **Gatherings**

3. Subject to section 4 of this Order,
  - (a) the gathering of persons in excess of 15 people in a group, in an indoor location, is prohibited; and
  - (b) any persons gathering in an indoor location must maintain a minimum of 2 metres distance from one another.
4. Persons gathering in an indoor location who are all members of the same household are excepted from the requirement in section 3(b) of this Order.



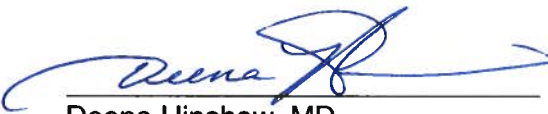
5. For greater certainty, sections 1 through 3 apply to any type of public or private gathering, including but not limited to, weddings, funerals, religious services, informal events etc.

### **Places of business**

6. The following types of non-essential places of business are no longer permitted to offer or provide services to the public at a location that is accessible to the public:
  - (a) any place of business offering or providing non-essential health services;
  - (b) any place of business offering or providing personal services;
  - (c) any place of business offering or providing wellness services, including but not limited to massage therapy services and reflexology services; and
  - (d) any retail store, including a retail store located in a shopping centre, or other similar place of business offering or providing only non-essential goods or services.
7. Despite section 6(a), health professionals can offer or provide non-essential health services at a place of business only if the services are deemed urgent by the health professional providing the service.
8. For the purposes of this Order, a “non-essential health service” includes any service that is generally done to protect, promote or maintain health of an individual and where an interruption in the provision of services will not result in an individual’s life, health or safety being immediately endangered.
9. For the purposes of this Order, an essential service is a service considered critical to preserving life, health, public safety and basic societal functioning.
10. For the purposes of this Order, a “personal service” means any of the following activities performed on, in or to a person’s skin, hair, nails or teeth or other parts of the body of a person, for the primary purpose of enhancing, preserving or altering the person’s appearance:
  - (a) puncturing;
  - (b) cutting;
  - (c) shaving;
  - (d) exfoliating;
  - (e) applying pressure;
  - (f) inserting, implanting, attaching or removing objects;
  - (g) applying suction;
  - (h) using energy-emitting equipment;
  - (i) removing;
  - (j) styling;

- (k) applying or injecting cosmetic products.
11. Any place of business that is still permitted to operate that offers or provides services to the public at a location that is accessible to the public must:
    - (a) prevent the risk of transmission of infection to co-workers and members of the public by a worker or member of the public;
    - (b) provide for rapid response if a worker or member of the public develops symptoms of illness while at the place of business; and
    - (c) maintain high levels of workplace and worker hygiene.
  12. Restaurants, cafes, coffee shops, food courts and other food-serving facilities, including those with a minors-allowed liquor license can continue to offer or provide take-out, drive thru and food delivery services only. For greater certainty, no dine-in services are permitted to be offered or provided.
  13. Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or classes of persons from the application of this Order.
  14. This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 27 day of March, 2020.



Deena Hinshaw, MD  
Chief Medical Officer of Health



**Attachment 9 - Public Health Order Exemption for Shelters to 07-2020**



March 30, 2020

AR 169674

**Re: Exemptions and Clarifications for Operators of Shelters and Temporary or Transitional Housing Facilities, related to Chief Medical Officer of Health Orders**

On March 16, 2020, in my capacity as Chief Medical Officer of Health (CMOH), I declared a state of public health emergency in Alberta, due to the presence of COVID-19 in the province. The Government of Alberta recognizes that the operators of shelters and temporary or transitional housing facilities provide an essential service in Alberta, particularly during this time of emergency. This includes the operators of any site for Albertans facing homelessness or family violence. I am pleased to provide the following exemptions and clarifications related to my recent Orders.

**CMOH Order 07-2020, Clauses 1-5**

On March 27, 2020, under CMOH Order 07-2020 Clause 3, I announced that indoor gatherings in excess of 15 people in a group are prohibited and that any people gathering in an indoor location must maintain a minimum of 2 metres distance from one another. Clause 5 confirms that these gatherings applies to any type of public or private gathering, including but not limited to, weddings, funerals, religious services, informal events etc.

- The clause 3 prohibition does not apply to the the normal operations of shelters and temporary or transitional housing settings. Normal operations of essential services that include more than 15 people may proceed, but risk mitigation strategies such as physical distancing must be in place.
- Non-essential indoor and outdoor gatherings that include more than 15 people, such as informal social gatherings, are subject to CMOH 07-2020 and must not proceed.
- CMOH Order 07-2020 is available at <https://open.alberta.ca/publications/cmoh-order-07-2020-2020-covid-19-response>.

**Physical distancing in shelter settings**

I am providing the following exemption and clarification for residents of shelters and transitional or temporary housing facilities who do not have COVID-19 symptoms:

- Under ideal circumstances, the 2 metre distance applies to the head to toe placement of mats, cots and beds; however, recognizing the current space limitations in many shelters and the necessity of providing adequate beds to vulnerable Albertans, the minimum requirement for head to toe placement of mats, cots and beds is 1 metre.
- For shelters that operate on a 24 hour basis, shelter operators must facilitate 2 metres of physical distance between clients during normal daytime operations.

#### Clients who require isolation due to suspected or confirmed cases of COVID-19

Operators are encouraged to prioritize moving clients who have a suspected or confirmed case of COVID-19 to an external, assisted isolation space. For shelters providing services for clients who are homeless, this may mean moving the client to an isolation space or facility that has been identified by shelter networks in various cities and locations around the province. For clients who are facing family violence, this may mean securing a hotel room for the client.

- In the event that an operator of a shelter or temporary or transitional housing facility determines they have adequate space to set up a separate room or section specifically for client isolation or if a group of operators determined to designate one of their facilities as an isolation-only shelter; the operator(s) must follow the requirement, under CMOH 07-2020, to ensure 2 meters of distance between people, including within sleeping arrangements. Alberta Health Services public health in each Zone should be consulted to ensure these spaces can meet environmental health and infection, prevention and control standards.

#### Symptomatic staff and volunteers

On March 25, 2020, under CMOH Order 05-2020, I required that any person who is exhibiting any of the following symptoms: cough, fever, shortness of breath, runny nose or sore throat, which are not related to a pre-existing illness or health condition, must be in isolation for a minimum of 10 days from the start of their symptoms, or until the symptoms resolve, whichever is longer.

- Staff and volunteers at shelters and transitional or temporary housing facilities must follow this requirement and must stay home if exhibiting any of the above-listed symptoms.
- CMOH Order 05-2020 can be found at <https://open.alberta.ca/publications/cmoh-order-05-2020-2020-covid-19-response>.

Finally, please be advised that Alberta Health and Alberta Health Services are currently preparing a resource for shelters that amalgamates COVID-19 prevention and outbreak management information. Once this is available, it will replace the *Guidance for Providers of Services to Albertans Experiencing (or at-risk of) Homelessness: 2019*

*Novel Coronavirus (COVID-19) Prevention and Preparation* document that was released on March 16. We anticipate this document will also meet the information needs of the Alberta Council of Women's Shelters as well as other shelter-related needs identified by CSS (e.g., a clear process for requesting PPE and a consistent screening protocol).

This is the best guidance that can be offered at this time and we will continue to work with CSS to assess the situation going forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Deena', followed by a large, stylized flourish or initial.

Deena Hinshaw, BSc, MD, MPH, CCFP, FRCP  
Chief Medical Officer of Health





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**Appeal – #2020-01**

**Exhibit 6 – Letter in Support of the Appeal**

## Sabine Landmark

---

**From:** Brian F. McIntosh - Landmark Cinemas Canada <BMcIntosh@landmarkcinemas.com>  
**Sent:** May 22, 2020 12:44 PM  
**To:** Sabine Landmark  
**Cc:** Brenda Christie / Drayton Valley  
**Subject:** RE: LANDMARK CINEMAS / SUBMISSION FOR APPEAL #2020-01  
**Attachments:** Drayton Valley - Cardium Theatre - Letter In Support of IVCBC Appeal #2020-01 - May 22. 2020.pdf

**For the attention of the Clerk:**

- Attached is a submission from Landmark Cinemas relative to Appeal #2020-01 – in support of Appellant IVCBC Holdings Ltd.

Regards,  
Brian F. McIntosh  
Vice Chairman



*Suite 100, 14505 Bannister Road SE  
Calgary, Alberta, T2X 3J3  
Phone: (403) 254-3990  
Fax: (403) 266-1529  
[www.landmarkcinemas.com](http://www.landmarkcinemas.com)*

May 22, 2020

Transmitted by Email to [admin-support@draytonvalley.ca](mailto:admin-support@draytonvalley.ca)

Town of Drayton Valley  
5120 - 52<sup>nd</sup> Street  
Drayton Valley, Alberta, T7A 1A1

Attention: Town of Drayton Valley, Subdivision & Development Appeal Board

**Re: Town of Drayton Valley Appeal No: 2020-01  
Community Mat & Shelter Program as a Permitted Accessory Use  
Appellant; IVCBC Holdings Ltd.  
Description: Lot 14, Block 50, Plan 1422152  
Municipal Description: 5012 – 56<sup>th</sup> Avenue, Drayton Valley, AB**

I am writing on behalf of Landmark Cinemas Canada Limited Partnership, in support of the Appeal that has been filed by IVCBC Holdings Ltd., the Owner of the Cardium Theatre, and Landmark's Landlord in those Premises.

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Our Guests and Employees share the common parking area, adjacent to the Cardium, by way of legal access and egress Agreements, with other Owners and Tenants in the vicinity – the Drayton Valley Alliance Church, Value Drug Mart, Servus Credit Union, Subway Restaurants, T-Bones Specialty Foods are some of our neighbors who share the parking areas.

As you will be aware, we are currently closed due to Government Order, as a result of the Covid-19 pandemic. We will reopen the Cardium just as soon as we are permitted to, and as soon as Landmark is comfortable that we can assure the safety of our Guests, our Employees and the Community of Drayton Valley.

Landmark wants to assure you that our support of this Appeal is not predicated on any lack of sympathy for the plight of the homeless and disadvantaged in Drayton Valley. We understand the need for, and fully support, the providing of assistance to those less fortunate members of the Community who require it. Our support of the Appeal is because we feel that the location selected for the Community Mat & Shelter Program is inappropriate for that use. Had we received any advance notice of the fact that the program was commencing at the Alliance Church, we would have vigorously opposed it at that time.

The economic health of Landmark's business requires that for the more than two hours that they spend at the Cardium Theatre whenever they attend a movie, our Guests have no apprehension for the security of themselves or their family or their vehicles. Our Guests have many options when they come to selecting where they spend their Entertainment budget and security issues are a serious impediment to them selecting the Cardium Theatre as their first choice. In addition, the majority of Landmark's employees at the Cardium are young people who exit the Cinema later in the evening and their safety is of paramount concern to us and their parents.

Recent activities by participants in the Mat & Shelter program, around the Alliance Church, the parking lot, and the Cardium Theatre give us reason to be concerned. Panhandling, aggressive behavior, accosting the public, sleeping on sidewalks, public urination on the Cardium building and vehicle damage are examples of the behavior that will have our Guests going elsewhere for their Entertainment.

We trust that there are alternative locations within Drayton Valley, where this behavior will not have as great an impact on the surrounding property Owners and Tenants. We hope that the Appeal by IVCBC Holdings Ltd. will be successful and that those who are most negatively affected at the current location will be able to return to the unencumbered operation of their business and property.

If the decision is made to reject the Appeal, we would ask that it be made with the requirement that there must be 24 hour security provided for the parking lot and the surrounding businesses and that security be provided under contract by a professional, bonded security company and at the expense of the Operators of the Community Mat & Shelter Program.

Thank you for this opportunity to express our "Concerns" regarding the issues and also our "Support" for the IVCBC Holdings Ltd. Appeal. I can be reached at the address above, or at my Office phone number [403] 254-3990, if there are questions regarding this correspondence.

Yours Truly,

**Landmark Cinemas Canada Limited Partnership**



William D. Walker  
Chief Executive Office

Cc Brian F. McIntosh, Vice Chairman, Landmark Cinemas  
Ryan Dion, Regional Vice President Operations, Landmark Cinemas  
Brandy Campbell, General Manager, Cardium Theatre, Drayton Valley