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SUBDIVISION AND DEVELOPMENT APPEAL BOARD NOTICE OF DECISION

NOTICE OF DECISION – #2020-01

June 22, 2020

RE: APPEAL #2020-01
Community Mat and Shelter Program
Appellant: IVCBC Holdings Ltd.
Description: Lot 14, Block 50, Plan 1422152
Municipal Description: 5012 – 56 Avenue
Hearing Dates: May 28, 2020 and June 12, 2020

SDAB Members: Heather Anderson
Graham Long
Charlie Miner, Chair

INTRODUCTION

- [1] This is the decision of the Town of Drayton Valley Subdivision and Development Appeal Board (the "SDAB").
- [2] This appeal hearing was conducted at the Town of Drayton Valley Council Chambers with attendance in-person as well as by teleconference to accommodate physical distancing necessitated by the COVID-19 pandemic.
- [3] In accordance with the Notice of Hearing, the hearing opened on May 28, 2020. The hearing was adjourned and resumed on June 12, 2020.
- [4] IVCBC Holdings Inc (the "Appellant") filed a Notice of Appeal which was received on May 1, 2020 (the "Notice of Appeal").
- [5] The Notice of Appeal indicated it was an appeal of a development permit approval by the Development Authority of the Town of Drayton Valley (the "Development Authority") to allow a Community Mat and Shelter Program as a use on the property legally described as Lot 14, Block 50, Plan 1422152 and municipally described as 5012 – 56 Avenue (the "Property")
- [6] The Appellant referenced a number of grounds of appeal in their Notice of Appeal which can be summarized as follows:
 - a. The Development Authority erred in his interpretation of the Land Use Bylaw 2007/24D (the "LUB") that the Community Mat and Shelter Program was a permitted use and did not require a development permit;
 - b. The Development Authority erred in his interpretation of the LUB that the Community Mat and Shelter Program was an accessory use to the principal or primary use on the Property; and

- c. The Development Authority erred in his interpretation of the LUB that the Community Mat and Shelter Program was a “club” as defined in the LUB.

PROCEDURAL MATTER – SDAB COMPOSITION AND HEARING PROCESS

- [7] None of the parties or any person present at the hearing affected by this appeal raised objections to any of the SDAB members hearing this appeal.
- [8] No one objected to the hearing process or to using electronic means for the hearing.
- [9] There were no other jurisdictional or preliminary matters raised at the outset of the hearing by any party or any person present at the hearing affected by this appeal.

EXHIBITS

- [10] Appendix “A” attached to this decision includes a list of materials received by the SDAB related to this appeal, and a list of persons who made oral presentations at the hearing.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- [11] The SDAB’s decision is to dismiss the appeal.

SUMMARY OF THE DEVELOPMENT AUTHORITY’S POSITION

- [12] The Development Authority, Mr. Matt Ellis, presented his report to the SDAB.
- [13] On May 28, 2020, the Development Authority made an oral recommendation that the appeal be dismissed. He advised the SDAB that the Town Council had passed a motion to relocate the Community Mat and Shelter Program because the Program was at capacity and needed a bigger location and because the Alliance Church, the landowner of the Property, wished to reconvene the services for their congregation and could not accommodate both uses at the Property.
- [14] The Development Authority advised the SDAB that the Community Mat and Shelter Program was to relocate by Monday, June 1, 2020.
- [15] On June 12, 2020, the Development Authority provided evidence that the Community Mat and Shelter Program was no longer located at the Property.

SUMMARY OF THE APPELLANT'S POSITION

- [16] The Appellant, IVCBC Holdings Inc, was represented by Ms. Brenda Christie and Mr. Martino Verhaeghe. Their presentation is written as THE APPELLANT’S POSITION.
- [17] The Appellant, represented by Mr. Verhaeghe, presented the Appellant’s position to the SDAB.
- [18] The Appellant advised the Development Authority has misinterpreted the LUB in allowing the Community Mat and Shelter Program at the Property.

[19] The Appellant did not dispute the evidence from the Development Authority that the Community Mat and Shelter Program was no longer located or operating at the Property.

FINDINGS OF FACT

[20] The Property is located at Lot 14, Block 50, Plan 1422152 and municipally described as 5012 – 56 Avenue.

[21] The Property is zoned General Commercial (C2) district of Land Use Bylaw 2007/24/D.

[22] In early April 2020, the Drayton Valley and District Family and Community Support Services (“FCSS”) was required by Alberta Health Services (AHS) to expand the Community Mat Program to include a 24-hour Program throughout the duration of the pandemic.

[23] On May 1, 2020, the Appellant filed a Notice of Appeal with the SDAB.

[24] The Community Mat and Shelter Program is no longer located on the Property.

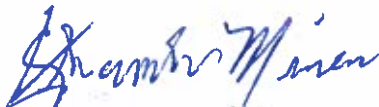
REASONS FOR THE DECISION

[25] The Community Mat and Shelter Program is no longer being operated at the Property.

[26] As a result of the Community Mat and Shelter Program no longer being located at or operating at the Property, the appeal of the development at the Property no longer exists and the matter is dismissed.

DATED at the Town of Drayton Valley, in the Province of Alberta, this 22nd day of June 2020.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD



Charlie Miner, Chair

Pursuant to section 688 of the *Municipal Government Act*, RSA 2000, c M-26, an appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to this decision of the Subdivision and Development Appeal Board.

APPENDIX A
Exhibit Listing and Speakers

Exhibit #	Document Name/Description	Document Date	Document Origin
Exhibit 1	Notice of Appeal	April 30, 2020	Brenda Christie (Representing Appellant IVCBC Holdings Inc.)
Exhibit 2	Notice of Hearing	May 12, 2020	SDAB
Exhibit 3	Notice of Hearing – Newspaper	May 21, 2020	SDAB
Exhibit 4	Submission of the Development Authority	May 22, 2020	Matt Ellis (Town of Drayton Valley Development Authority)
Exhibit 5	Submission of the Appellant	May 22, 2020	Martino Verhaeghe (Representing Appellant IVCBC Holdings Inc.)
Exhibit 6	Letter in Support of the Appeal	May 22, 2020	Landmark Cinemas
Exhibit 7	Letter from Appellant	May 28, 2020 (at hearing)	Brenda Christie (Representing Appellant IVCBC Holdings Inc.)
Exhibit 8	Report from Development Authority	May 28, 2020 (at hearing)	Matt Ellis (Town of Drayton Valley Development Authority)
Exhibit 9	Report from Development Authority	June 8, 2020	Matt Ellis (Town of Drayton Valley Development Authority)

Name	Capacity
Matt Ellis	Development Authority, Town of Drayton Valley
Brenda Christie	Representing Appellant
Martino Verhaeghe	Representing Appellant
Blane Janzen	Appellant