

*Appeal No. SDAB-2-2020 REGIONAL SDAB – TOWN OF ROCKY MOUNTAIN HOUSE
Hearing Commenced: September 10, 2020*

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

*CHAIR: Joseph Henderson
PANEL MEMBER: Lynda Petten
PANEL MEMBER: Jocelyn Robinson*

BETWEEN
MR. BARRY BOURNE

Appellant

AND

TOWN OF ROCKY MOUNTAIN HOUSE

Represented by Dean Schweder, Director of Planning and Community Development
and Charlene Johnson, Senior Development Officer

FOR

APPEAL OF DEVELOPMENT PERMIT APPROVAL 268268-20-D0041 (#20/41), CONDITION #5:

Development Permit approval granted to Barry Bourne, for development of Light Repair Services and Dwelling Unit, located on Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, Alberta. Appeal of condition #5 of the Development Permit approval, “That screening in the form of a fence to be erected along the side and rear property lines with a minimum height of 2 metres with the style and material being approved by the development authority”.

DECISION

The appeal of Development Permit approval 268268-20-D0041 (#20/41) for Light Repair Services and Dwelling Unit, located on Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, Alberta, is denied in part except with the following changes:

That the Applicant is required to adhere to all conditions listed under the original Development Permit approval, except condition #5, which is replaced with the following:

- a. That screening in the form of a fence be erected along the north side and rear (west) property lines with a minimum height of 2 metres, with the style and material being approved by the development authority, to enclose the yard to the most westerly point of the library wall on the south side; **OR**
- b. that the business be operated within the fully contained front porch area, requiring that the front porch be enclosed with a solid material that completely screens any business items, and with a style and material that matches the existing building and meets the development authority’s approval. The front porch must be fully enclosed, so as to not allow for any visible business items, and therefore cannot be enclosed with a material such as lattice; **AND**

- c. if any outdoor storage for the business is required under Option (b) above, it must be enclosed within a screened fenced area, with a fencing height of no less than 2 metres.

JURISDICTION AND ROLE OF THE BOARD:

1. The Subdivision and Development Appeal Board (the Board) is governed by the *Municipal Government Act*, RSA 2000, c M-26 (MGA) as amended, in particular s. 685, 686, 687 and 688.
2. The Board is established by the Town of Rocky Mountain House, Bylaw 2018/34V – *Regional SDAB Bylaw* (November 2018). The duty and purpose of the Regional Board is to hear and make decision on appeals for which it is responsible under the MGA and the Town of Rocky Mountain House Bylaw 11/11LU (May 2012), *Land Use Bylaw*, as amended.
3. None of the parties had any objection to the constitution of the Board.
4. The Board determined there were no other preliminary issues to decide.
5. Along with the Agenda, the following exhibits constituted documents for the Hearing:
 - a. Exhibit #1: Notice of Appeal, filed August 14, 2020 by Barry Bourne;
 - b. Exhibit #2: Notice of Appeal Hearing – Notice requirements;
 - c. Exhibit #3: Letter to Adjacent Landowners and Distribution List;
 - d. Exhibit #4: Development Authority Report, including References to Legislation/Bylaws;
 - e. Exhibit #5: Letter from Adjacent Landowner – not in support of Appeal;
 - f. Exhibit #6: GIS Photo from Development Authority showing 3 Residential Properties that provided signatures (document provided at hearing).

BACKGROUND:

6. On July 28, 2020, the Development Authority approved Development Permit 268268-20-D0041 (#20/41) to Barry Bourne, for Light Repair Services and Dwelling Unit, with conditions on the lands legally described as:

Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, Alberta.
7. The lands on Lots 20-21, Block 18, Plan 101AJ are zoned (C) Central Commercial.
8. The applicant, as outlined on the Development Permit approval is subject to a twenty-one (21) day appeal period, with the deadline to appeal on AUGUST 18, 2020.
9. The Appellant in this case is the Applicant, appealing a condition of the permit, specifically condition #5, whereby “That screening in the form of a fence to be erected along the side and rear property lines with a minimum height of 2 metres with the style and material being approved by the development authority”. Notice

of Appeal was submitted to the Town Office and to the Regional SDAB on August 14, 2020. The Clerk of the SDAB received the documents on August 17, 2020.

10. A written submission was received by the Town from adjacent landowner, Patrick Felt on August 25, 2020, who was in favour of a screening fence and who had concerns with the subject property.
11. Notice of the Appeal and the SDAB Hearing was:
 - Emailed and a hard copy left for the Applicant/Appellant on Tuesday, August 25, 2020;
 - Emailed and a hard copy provided to the Development Authority on Tuesday, August 25, 2020;
 - Mailed to adjacent landowners near the subject site on Tuesday, August 25, 2020; and
 - Advertised in the Mountaineer, the local newspaper, on Tuesday, September 1, 2020.
 - Available on the Town's website and on the Regional SDAB website on September 2, 2020.
12. A public hearing package was available for viewing as of Wednesday, September 2, 2020, at the Town of Rocky Mountain House Office, located at 5116 – 50th Avenue, as well as online at the Regional Subdivision and Development Appeal website at www.pcps.ca.

SUMMARY OF EVIDENCE AND ARGUMENT:

The Development Authority

13. The Development Authority presented in their report that the building, built as a residence, located at 4932 52 Street is a non-conforming building under the current zoning of Central Commercial. Section 643 of the *Municipal Government Act (MGA)* outlines legislative requirements for non-conforming uses and buildings. The applicant/appellant, Mr. Barry Bourne had rented out the building initially as a residence and subsequently as a restaurant for a number of years and was allowed to do so under Section 643 (1)(2) & (7) of the *MGA*, however the Development Authority, in October 2017 was advised by a health inspector that renovations would be required for the building to be habitable for the renters.
14. The Development Authority discussed with Mr. Bourne, that under Section 643(5) of the *MGA*, that a "*nonconforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered*". Mr. Bourne was provided with a copy of the Central Commercial Land Use Bylaw zoning and advised that any uses on the property must comply with the Land Use Bylaw, if the residential use discontinued for a period of 6 months or more.
15. An application was received by the Development Authority for this property in July of 2018 for a restaurant. All necessary permits were taken out and approvals were received from the health inspector and Regional Fire for the restaurant. According to the Development Authority, the business operated from January 2019 to January 2020 at which point they became aware of the closure of the restaurant.

16. Mr. Bourne proceeded to rent the building out as a residence, despite the concerns that were raised by a health inspector and communicated to the Development Authority in 2017, regarding the property requiring renovations to make it habitable for renters. The Development Authority became aware of residential renters in the property following reports to the RCMP of possible criminal activity on the property.
17. The Development Authority had a discussion with Mr. Bourne regarding the 'use' on the property not complying with the Land Use Bylaw. As per Section 643(2) of the *Municipal Government Act*, once the use had changed from residential to restaurant, the 'use' could not be changed back to residential for the non-conforming building.
18. The Development Authority and Mr. Bourne discussed potential uses that would comply with the Land Use Bylaw. On June 23, 2020, Mr. Bourne submitted an application for Light Repair Services, with a Dwelling Unit.
19. The Development Authority approved the Development Permit application with relaxation on the dwelling, as dwellings under the Land Use Bylaw are required to be above the ground floor in the Central Commercial zoning and Mr. Bourne's dwelling is on the main floor.
20. The Development Authority outlined that Mr. Bourne was required to get a building permit in order to have the fire separation between the business and the dwelling unit. They indicated that this is an unusual situation as not only is the building non-conforming but having a business on the front porch of a building is unusual and open for all the public to see. Further, Light Repair Services is a discretionary use in the district. The Development Authority considered the following in their decision to approve Mr. Bourne's Development Permit application with CONDITIONS:
 - a. Section 2.9 of the Land Use Bylaw notes that for Discretionary uses, the Development Authority may impose "*any conditions...to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of the neighbouring parcels of land...*". The Development Authority outlined that fencing was added as a condition to meet this requirement of Section 2.9 under the Land Use Bylaw, as well as to screen the storage of any bikes, tools and/or parts associated with the Light Repair Services from adjacent sites and roadways. In addition, the building being used as a residence on the ground floor, though the Land Use Bylaw does not allow this, and ongoing concerns from neighbours and law enforcement also impacted their decision to have fencing on the property.
 - b. Section 3.30 of the Land Use Bylaw refers to Fencing and Screening, whereby the "*Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are coterminous with a residential property line or are adjacent to lanes or roads that abut a neighbouring residential parcel. Such screening shall be at least 1.83 m (6 ft) in height.*" The Development Authority outlined that as the property in question abuts a residential property to the west, screening of 2 m (6.5 ft) would be required.

- c. Under 4.9 of the Land Use Bylaw, Central Commercial District requires that *"all outdoor storage areas be located to the rear or sides of the principle building and screened from view from adjacent sites and public roadways."* The Development Authority indicates that a fence would allow for the proper screening of any outdoor storage.
- d. The Development Authority refers to Section 4.12 of the Land Use Bylaw, which refers to Light Industrial District. The Development Authority acknowledges that although this is not the Light Industrial District, that a similar requirement of fencing would also be appropriate to mitigate any potential outdoor storage and/or nuisance that would allow the business to operate.
21. The Development Authority indicated that they had a discussion with Mr. Bourne, after the decision date of his permit, explaining their reasoning for the fencing. Mr. Bourne did not think fencing was necessary. After the discussion, the Development Authority allowed for a relaxation on the fencing requirement for the south side yard, due to the proximity of the property to the wall of the library and the privacy that the Library wall already offered.
22. The Development Authority indicated that they had further discussions with Mr. Bourne regarding alternatives in relation to his building permit, as he did not wish to install a fire barrier between the business and the dwelling unit. He was advised that any changes to his plans, such as moving the roof over the deck to remove the need for a fire wall, would require that he re-apply for another Development Permit. The Development Authority also indicated that they would not commit to the removal of the fencing condition, until they could review the completed new application.
23. The Development Authority outlined in their presentation to the SDAB, that although Mr. Bourne received signatures from some of the neighbours, only one of those signatures represents a directly adjacent neighbour. The Development Authority further explained that the adjacent neighbour was told they would have to pay for a portion of the fence and therefore submitted a signature initially supporting Mr. Bourne's appeal against the fencing requirement. The adjacent neighbour also wasn't aware that the building would become a dwelling as opposed to a business. Subsequently, the neighbour submitted a letter in favour of a fence, after learning that he would not be required to pay for a portion of the fencing. Ms. Johnson explained that the condition of fencing would also mitigate the concerns raised by the neighbor on the north side.
24. In response to a question from the SDAB regarding how the property would be labelled for use, the Development Authority outlined that the property would be labelled commercial, and that the permit allowed for a dwelling under a relaxation.
25. In response to a question from the SDAB regarding fencing responsibility, the Development Authority indicated that in this particular situation, fencing is the responsibility of the property owner who wishes to have the business on the property.
26. In response to a question from the SDAB regarding the age of the building and how long it has been vacant, the Development Authority indicated that although they

have records for the property that date back to 1990, the building is much older than that. They also indicated that the building has been vacant since the restaurant business closed towards the end of 2019.

27. The Chair asked whether there is potential for the fencing to be between the house and the library with fencing on each end of the house, to minimize the amount of fencing required. The Development Authority indicated that there were concerns from neighbour on the north side and that a change in the business location, from the porch to the side yard, would change the property to be considered as a business and no one would be allowed to live onsite.
28. Mr. Bourne had no questions for the Development Authority at the Appeal hearing.

THE APPLICANT/APELLANT

29. Mr. Barry Bourne received approval, with conditions, from the Development Authority for a Development Permit of Light Repair Services and Dwelling Unit, located on Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, on July 28, 2020, with conditions attached to the Permit.
30. Mr. Bourne submitted an appeal on August 14, 2020 for condition #5 listed on the Development Permit 268268-20-D0041 (#20/41). Condition #5 states "That screening in the form of a fence to be erected along the side and rear property lines with a minimum height of 2 metres with the style and material being approved by the development authority".
31. Mr. Bourne outlined that, as stated in his letter, he appeals condition #5 but agrees to everything else.
32. He stated that, to his knowledge there is no requirement for commercial lots to have fencing under the Land Use Bylaw.
33. Mr. Bourne indicated that when he went to his neighbours, they all supported the concept of what he was promoting, with the exception of one gentleman that didn't hear his presentation. He indicated that the members of the commercial district on the "street" were mostly in support.
34. Mr. Bourne contacted his immediate neighbours to the north and south of his property in question and indicated in his Appeal documents, that neither of these neighbours felt that a screening fence is required between their properties and his. He also stated in his Appeal submission that the commercial neighbours to the east also expressed that they did not feel that a screening fence was necessary along the north, south and west property lines.
35. Mr. Bourne submitted signatures from 52 Street businesses, indicating they did not require a screening fence.
36. Mr. Bourne stated that a screening fence may be required where such property lines are coterminous and approached his neighbours to the west of his property. He indicated that they all indicated that they do not require a screening fence to be erected along his north, south and west boundaries.

37. Mr. Bourne submitted signatures from three of his 53 Street neighbours.
38. Mr. Bourne stated that the fencing condition boils down to one individual, Mr. Patrick Felt, his adjacent neighbour to the north who has problems with Mr. Bourne. Mr. Bourne spoke to the "allegations" made by Mr. Felt in his letter to the SDAB (see Exhibit #5), that included utility theft, property theft, and other questionable activity. Mr. Bourne indicated that in the 5 to 6 years that he has owned the property, Mr. Felt has only contacted him once, when someone drove between their properties with a vehicle and never about the issues identified in Mr. Felt's letter.
39. Mr. Bourne stated that screening will not protect Mr. Felt's property as anyone can gain access to Mr. Felt's property.
40. Mr. Bourne outlined that some of the concerns raised by Mr. Felt could have been activity done by anyone, not necessarily his tenants.
41. Mr. Bourne provided a solution to Mr. Felt's concerns - that he gives his tenant a 30-day lease, and if there are no problems, he extends the lease. If he receives any complaints, he doesn't extend the lease. He encourages any of his neighbours to reach out to him if there are any problems with the tenant, so he can address any issues accordingly. He stated that no residents have advised him of any problems, and it is not his interest to fight with problematic tenants or deal with complaints from neighbours.
42. Mr. Bourne, in response to questions from the SDAB regarding the date of closure of the restaurant, indicated that the restaurant closed in September of 2019.
43. Mr. Bourne, in response to questions from the SDAB regarding the "visual barrier", indicated that he was willing to put up a "visual barrier" such as lattice on the north and south sides of the front porch.
44. Mr. Bourne also stated that he spoke with the building inspector, and he was advised that he would not require a firewall if the deck was not attached to the house. He indicated that should he detach the front porch, he would need to remove the roof, but would still be willing to install a visual barrier, such as lattice.
45. Mr. Holmes, who is Mr. Bourne's tenant inquired as to whether moving the business to the rear would help the situation and stated that the business has not yet commenced.
46. In response to questions from the Development Authority regarding the proposed plans for the business in the winter season, Mr. Bourne indicated that there would not be much business occurring through the winter season, unless the weather was nice.
47. Mr. Holmes added that he spoke to the neighbours, including Mr. Felt, about any issues with his proposed business plans and received no concerns and stated that he was not sure why Mr. Felt changed his mind.
48. The Development Authority in response to a question from the SDAB regarding fencing requirements for other businesses, indicated that fencing is not necessarily required when the business is contained within the business premises.

49. The Development Authority in response to a question from the SDAB regarding the neighbour complaint, indicated that the neighbour complaint was a consideration in their decision regarding a screening fence.
50. The Development Authority in response to a question from the SDAB regarding fencing between businesses, versus between a business and a residence, indicated that each permit is considered on an individual basis and any decision is tailored to the particular application, and the Land Use Bylaw.

WRITTEN SUBMISSION

51. On August 25, 2020, the SDAB Clerk received a letter from the adjacent neighbour north of the property in question, Mr. Patrick Felt, Owner/Operator of the Rocky Mountain Denture Clinic.
52. Mr. Felt's letter outlined that he was approached by an individual regarding the subject property, and the individual setting up the small engine repair business.
53. Mr. Felt, in his letter indicated that the individual who approached him inquired as to whether he would be interested in having a fence erected, as per the town development agreement. At the time of this initial dialogue, he did not want a fence erected, as he did not want to share in the cost of a fence and didn't see it as a necessary part of the agreement.
54. Mr. Felt indicated in his letter that he was not made aware of the fact that the property would also be rented out as a residence and a commercial business.
55. Mr. Felt stated in his letter, that Mr. Bourne has had a constant run of tenants over the years that have caused damage to his property, and that he has experienced theft of power, water and belongings. He also stated that there have been holiday trailers parked in the rear yard with occupants exposing themselves to his staff members, that his yard has been littered with drug paraphernalia on a regular basis, and that the ongoing traffic of questionable individuals and their habits has been problematic.
56. Mr. Felt stated that he would not have a problem with the property in question, if a responsible and respectful business owner (such as the previous coffee house restaurant) were contained in the building.
57. Mr. Felt closes his letter by stating that he sees no other option than to have a "properly esthetically pleasing fence erected between our properties at no cost to us" and that he is concerned for his patient's safety and well-being, and for the patrons and families that frequent the library and the park across the street from him.
58. According to the Development Authority, Mr. Felt was under the impression that he would be responsible to pay for half of the fence, when he signed the support document for Mr. Bourne. The Development Authority advised Mr. Felt that he would not be responsible for fencing.

FINDINGS AND REASON

59. Under the *Municipal Government Act*, the Subdivision and Development Appeal Board is required to consider the proposed development, including any conditions, and to decide whether it meets the regulations listed under Statutory Documents. In this specific instance, the Board is responsible to review the decision of the Development Authority, including the Appealed condition for fencing, under the Development Permit issued by the Development Authority for the Light Repair Services and Dwelling Unit, located on Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, Alberta.
60. The Board found that, under the Central Commercial District, the building located at 4932 – 52 Street is non-conforming as per Section 643 of the *Municipal Government Act*, as it was constructed as a residence and is located in a Central Commercial District.
61. The Board also acknowledges that the Development Authority allowed for the Development Permit approval with conditions for the Light Repair Services and Dwelling Unit, despite Section 643(2) of the *Municipal Government Act* that states that “*A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect*”. As the restaurant had been in operation for a period of at least 9 months, the residential use of the building was discontinued according to both the Applicant/Appellant and the Development Authority. Subsequently, the Development Authority may have disallowed the dwelling portion of the building that was not in compliance with the Land Use Bylaw but chose to approve the Dwelling Unit under a relaxation.
62. The SDAB acknowledges and accepts the approval of the Development Permit for Light Repair Services with Dwelling Unit, as a discretionary use, as listed under the Central Commercial District zoning.
63. The primary concerns expressed by the Applicant/Appellant, Mr. Bourne, and the written submission of neighbour, Mr. Felt, can be grouped into the following categories:
 - a. The Statutory Authority to require fencing on the subject parcel (Land Use Bylaw and other Statutory legislation that allows the Development Authority to impose a fencing requirement on the subject property);
 - b. Whether a Screening Fence would contribute to the Compatibility, Use, Enjoyment and Value of the Neighbourhood;

Statutory Authority to Require Fencing

64. Mr. Bourne states in his written Appeal submission and again in his verbal presentation, that there is no bylaw requirement for screening fencing between Central Commercial lots under the land use bylaw. However, Section 4.9 Central Commercial District states that “*all outdoor storage areas shall be located to the rear or sides of the principle building and screened from view from adjacent sites and public roadways*”. Section 3.30 Fences and Screening, outlines that “*the Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are coterminous with a residential property line or are adjacent to lanes or roads that abut a neighbouring residential*

parcel. Such screening shall be at least 1.83 m (6 ft) in height". Section 2.9 Decisions on Discretionary Uses, outlines that "The Development Authority, in its discretion, may approve an application for a development permit for a discretionary use subject to any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of the neighbouring parcels of land". As the application is for a discretionary use on a Commercial District, the parcel is adjacent to residential properties, and the proposed use of Light Repair Services may require outdoor storage, the Board is satisfied that the Development Authority has the authority to require a screening fence on the subject parcel, for the application in question.

Whether a Screening Fence would contribute to the Compatibility, Use, Enjoyment and Value of the Neighbourhood

65. The SDAB discussed the Development Authority's decision, whether to require a screening fence under the Development Permit approval granted to Barry Bourne, for development of Light Repair Services and Dwelling Unit, located on Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, Alberta. It was acknowledged that the Development Authority's desire is to have any outdoor storage screened from view. The SDAB also recognized the applicant/appellant's desire to not be required to fence his property, by presenting the various written signatures in his support. In addition, the SDAB reviewed the letter written by the neighbour to the north, Mr. Felt, requesting that fencing be included as a condition of the Development Permit approval, to mitigate theft and other criminal activity from occurring on the property.
66. The SDAB takes a long-term view of the proposed development and considers the impact of a commercial business with outdoor storage, particularly when adjacent to any residential district, and where concerns have been noted. Consequently, recognizing that there may be impacts to the compatibility, use, enjoyment and value of a neighbourhood, with a commercial business that has outdoor storage, the Board refers to Section 2.9, Decisions on Discretionary Uses, Section 3.30 Fences and Screening, and Section 4.9, Central Commercial District of the Land Use Bylaw.
67. There is also recognition by the SDAB, that a principle concern regarding the property in question is the outdoor storage component of the Development Permit approval for Light Repair Services and Dwelling Unit. Considering the size of the property, it would be difficult to operate the Light Repair Services as well as to have a Dwelling Unit that is contained within the property, however, an option may be to entirely enclose the front porch, to mitigate the requirement for any outdoor storage, provided the work does not change the footprint of the building in question.

Other Comments of the SDAB

68. The SDAB does not feel that the particular reference to Section 4.12 Light Industrial District, made by the Development Authority applies to this particular permit and subsequently does not reference this Section in their decision.
69. The SDAB notes that, the renovation requirements of the health inspector to make the building habitable for renters outlined in the Development Authority's presentation, falls under Alberta Health and the Alberta Building Code, of which the SDAB has no jurisdiction.

70. Information provided by the Development Authority during the course of this Appeal regarding the Firewall, was taken as information only, as the SDAB does not have any jurisdiction under the Building Code and further notes that the Fire wall is not the subject of the appeal.
71. The SDAB does not have the authority to address any complaints that are criminal in nature from neighbours and suggests that any of these types of complaints be referred to the Royal Canadian Mounted Police (RCMP).

CLOSING

The appeal of Development Permit approval 268268-20-D0041 (#20/41) for Light Repair Services and Dwelling Unit, located on Lots 20-21, Block 18, Plan 101AJ, at 4932 – 52 Street in Rocky Mountain House, Alberta, is **DENIED IN PART**, except with the following changes:

That the Applicant is required to adhere to all conditions listed under the original Development Permit approval, except condition #5, which is replaced with the following:

- a. that screening in the form of a fence be erected along the north side and rear (west) property lines with a minimum height of 2 metres, with the style and material being approved by the development authority; **OR**
- b. that the business be operated within the fully contained front porch area, requiring that the front porch be enclosed with a solid material that completely screens any business items, and with a style and material that matches the existing building and meets the development authority's approval. The front porch must be fully enclosed, so as to not allow for any visible business items, and therefore cannot be enclosed with a material such as lattice; **AND**
- c. if any outdoor storage for the business is required under Option (b) above, it must be enclosed within a screened fenced area, with a fencing height of no less than 2 metres.

This decision can be appealed to the Alberta Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found under section 688 of the *Municipal Government Act* which requires an application for leave to appeal to be filed and serviced **within 30 days** of this decision.

Dated at the Town of Rocky Mountain House, in the Province of Alberta this 22th day of September, 2020 and signed by the Chair on behalf of all three panel members who agree that the content of the decision adequately reflects the hearing, deliberations and decision of the Board.



SDAB Chair, Joseph Henderson