

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY**

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HEARING DATE: January 16, 2023
February 6, 2023
March 6, 2023
FILE NO.: Stop Order Appeal

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Development Authority of Parkland County (the "Development Authority") issued a Stop Order (the "Stop Order") for five buildings without development permits and two buildings in non-compliance with their development permits, located at SE-21-53-02-W5M; 53310 Highway 43, Parkland County (the "Lands"). The recipients of the Stop Order were John Oshvalda and Monica Oshvalda (the "Appellants").

[2] On November 21, 2022, Marilyn Burns, Agent for John Oshvalda and Monica Oshvalda, filed an appeal of the Stop Order.

[3] The Subdivision and Development Appeal Board (the "Board") opened the appeal hearing on January 16, 2023 in person. The hearing continued by virtual means on February 6, 2023 and in person on March 6, 2023. The hearing closed on March 6, 2023.

PRELIMINARY MATTERS

A. Board Members

[4] At the outset of the hearings on January 16, 2023, February 6, 2023 and March 6, 2023, the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

B. January 16, 2023 Adjournment Request

[5] On January 4, 2023, Ms. Burns, agent for the appellants, requested further disclosure documents from the Development Authority in order to complete the Appellants' submissions, namely:

- a. Parkland County's complete file with respect to the Lands, including all emails and correspondence from January 2012 to present;
- b. application documents relating to Development Permit 12-D-440 before September 21, 2012; and
- c. page 2 of the application for Development Permit 17-D-354.

[6] Ms. Burns further asked for an adjournment for 15 days following the date she received the requested disclosure so that she could review it.

[7] On January 6, 2023, Ms. Gulamhusein, counsel for the Development Authority, provided to Ms. Burns and counsel for the Board:

- a. the application package for Development Permit 12-D-440;
- b. the application form for Development Permit 21-D-391;
- c. the deemed refusal letters for Development Permit 21-D-391, dated September 8, 2021, and November 2, 2021; and
- d. the November 1, 2022 Stop Order.

[8] The Development Authority took the position that the complete file with respect to the Lands, including all emails and correspondence from January 2012 to present, was not relevant to the appeal, and Ms. Burns had not explained why her disclosure request was being made at that late date. The Development Authority took the position that if the Appellants wished to obtain the complete file with respect to the Lands, they may submit a *Freedom of Information and Protection of Privacy Act* ("FOIP") request. The Development Authority consented to a short adjournment to allow the Appellants to review the provided documents; however, the Development Authority would not consent to a longer adjournment to accommodate a FOIP request.

[9] At the hearing on January 16, 2023, Ms. Burns requested an adjournment to allow the Appellants to review the 172-page agenda package and to make a FOIP request for the Development Authority's complete file with respect to the Lands. She requested an adjournment of 15 days following when she received the materials from the FOIP request, but in any event, she requested an adjournment of no less than three weeks. Ms. Burns indicated that the Appellants would not hold public events in the Steel Building (as defined in the Stop Order) while the appeal was ongoing.

[10] Ms. Burns stated that the reason she had asked for further disclosure is that the Appellants have found in their possession additional documents related to the Lands and believe that the Development Authority must have further documents. Ms. Burns stated that these documents were required to correct missing and inconsistent details in the Stop Order.

[11] In response to the Board's questions, Ms. Burns stated:

- a. Tradespeople typically dealt with permits, and the Appellants did not have those;
- b. The concerns with respect to the development permits have only been raised recently despite the fact that the Appellants' business has been operating since 2012;

- c. The previous adjournment in the appeal was at the request of counsel for the Development Authority, and therefore it should have no bearing on whether an adjournment should be granted now;
- d. The Stop Order applies to private buildings that are irrelevant and that have nothing to do with the Appellants' business; and
- e. There is no diner in Building #1 as claimed in the Stop Order. There is an AHS-approved food truck.

[12] Ms. Gulamhusein responded that the Development Authority had provided a total of 22 pages of documents to the Appellants on January 6, 2023, and that the 172-page agenda package was not new material but simply the correspondence between the parties. She argued that a shorter adjournment to review the provided documents was reasonable, but a longer adjournment to obtain materials under FOIP, which could take up to two months, was not. The Development Authority's position was that a week would be reasonable given the documentation provided.

[13] Ms. Gulamhusein expressed the Development Authority's concern that the Stop Order applied to Greenhouse #1, Greenhouse #2, Greenhouse #3, Greenhouse #4, the Steel Building, Building #1 and Building #2 (all as defined in the Stop Order). She argued that the Appellants' concession that they would not use the Steel Building was inadequate as they could continue to use the other buildings subject to the Stop Order.

[14] In response to the Board's questions, Ms. Gulamhusein stated:

- a. The notice of appeal was filed on November 21, 2022, and three days later, counsel for the Development Authority and the Appellants had agreed to a January hearing date. Effectively, an adjournment had already happened. This matter has been ongoing for years, and the Development Authority is concerned that a review of over ten years of documents would further delay matters;
- b. The Development Authority is concerned about the use and safety of the buildings subject to the Stop Order as there are safety codes orders against the buildings as well;
- c. There is no information about which buildings are public or private and who owns them, but it is not relevant;
- d. The Development Authority is in charge of regulation; and
- e. Two of the greenhouses on the Lands are not compliant with their respective development permits, while the other two greenhouses do not have development permits.

[15] On January 16, 2023, having heard from both the Development Authority and the Appellants, the Board granted an adjournment to February 6, 2023.

[16] In granting an adjournment until February 6, 2023, the Board weighed the need for the Appellants to receive and review all relevant documentation against the Development Authority's concerns respecting the safety of the buildings subject to the Stop Order. The Board noted that the Appellants requested a minimum adjournment of three weeks, and the Board found that three weeks was a reasonable length of time for the Appellants to review the agenda package and the documents provided by the Development Authority on January 6,

2023. The Board also noted that the issue on appeal is whether the Stop Order was properly issued. The Stop Order alleged that the Appellants were in non-compliance with Development Permits 12-D-440 and 17-D-354 and that the Appellants breached Parkland County Land Use Bylaw 2017-18 (the "LUB") by failing to have development permits for Greenhouses #3 and #4 and Buildings #1 and #2. The Board was not persuaded that there were further relevant materials in the Development Authority's file that would assist the Board in determining whether the Appellants complied with the development permits for Greenhouses #1 and #2 and the Steel Building or whether the Appellants had development permits for Greenhouses #3 and #4 and Buildings #1 and #2. The Appellants provided no evidence as to the specific documents or information they hoped to gain from the FOIP request. The Board did not find the distinction between public and private buildings to be of relevance to the issues.

[17] The Board notes that the Appellants did not indicate their request for further disclosure until the day before their submissions were due, which was a significant amount of time after they filed their notice of appeal. The Board noted that the appeal was filed in November, 2022. The Appellants had not made their FOIP request as of January 16, 2023 (the first day of the appeal hearing). The Board notes that the Appellants could have made a FOIP request before January 16, but did not. This fact weighed against granting a longer adjournment. The Board notes that the Appellants had committed to not using the Steel Building while the appeal was ongoing; however, the Stop Order also applied to the Greenhouses and Buildings #1 and #2. The Board did not hear any commitment from the Appellants to cease using the other buildings, and this consideration weighed against granting a longer adjournment.

[18] In addition to the adjournment to February 6, 2023, the Board permitted both the Development Authority and the Appellants the opportunity to provide further submissions to the Board by January 30, 2023 at 4:00 p.m. Both the Development Authority and the Appellants would have the opportunity to respond to the other party's submissions at the hearing on February 6, 2023. Both the Development Authority and the Appellants agreed to this process.

C. February 6, 2023 Adjournment and Other Procedural Requests

[19] On January 30, 2023, Ms. Burns provided further written submissions for the Appellants, along with further documents (pages 71 to 91 of the Agenda Package for the February 6, 2023 hearing).

[20] In the evening of February 5, 2023, Ms. Burns forwarded further documents (pages 92 to 390 of the February 6, 2023 Agenda Package) to Ms. Gulamhusein and to the Board. During the hearing on February 6, 2023, she advised that she had received the documents from her FOIP request; however, she had only been able to access the PDF documents and that she had not yet been able to review all documents due to the volume of documents. As a result of the information contained in the FOIP documents, Ms. Burns requested a further adjournment to review the documents, or alternatively, an additional hearing date after February 6, 2023, to enter further evidence.

[21] Ms. Burns also requested that the County produce Vicky Beck, Garrie Caruso and Feinan Long to testify as witnesses and stated her intention to cross-examine Mr. Caruso.

[22] At the hearing on February 6, 2023, Ms. Burns reiterated her request to adjourn the hearing as the Appellants had only received the FOIP documents on February 1, 2023, and she herself had only begun reviewing them on February 3, 2023. She stated that she could only open the PDFs and would require assistance with the Word documents. Based on her initial review of the documents, Ms. Burns advised that some documents were still missing and that some documents contained inaccurate information. She noted that she would be making another FOIP request to deal with missing documents, especially in relation to the document labelled "38" (pages 207 to 215 of the February 6, 2023 Agenda Package). This document suggests that there was an existing Development Authority enforcement file as of September 27, 2021.

[23] Ms. Gulamhusein stated that, due to the volume of documents submitted by the Appellants on February 5, 2023, the Development Authority had not had time to review all the documents. Further, as the Appellants had labelled several bundles of documents with the same number, and as many of the bundles labelled by the Appellants contained several documents in each bundle, it was difficult to parse the information in the documents. Ms. Gulamhusein suggested that the documents be entered as exhibits for the time being, and she would speak to the relevancy of each document as it came up during the hearing.

[24] Because there were no objections, the Board entered the documents submitted by Ms. Burns on January 30, 2023 and February 5, 2023 as exhibits. The Board noted that Ms. Gulamhusein would speak to the relevancy of each document as it came up during the hearing.

[25] On February 6, 2023, the Development Authority wished to submit a further document as well. Ms. Burns noted that she needed time to review the document with the Appellants but did not object to entering the document as an exhibit. The Board entered the Development Authority's document as an exhibit (pages 1288 to 1289 of the February 6, 2023 Agenda Package).

[26] Ms. Burns then reiterated her request to produce Vicky Beck, Garrie Caruso and Feinan Long to testify as witnesses and to allow her to cross-examine those individuals.

[27] Ms. Gulamhusein noted that the Development Authority was present to answer any questions that Ms. Burns may have for the Development Authority, and in any event, Mr. Caruso and Ms. Long no longer work for the County.

[28] The Board advised Ms. Burns that:

- a. the process of the Board has been to allow questioning of witnesses through the Chair rather than to allow cross-examination; and
- b. the Board has no powers to compel witnesses to attend or to testify and therefore the Board could not compel the attendance of any of the individuals that Ms. Burns wished to cross examine.

[29] Ms. Burns then requested an adjournment in order to review the FOIP documents and to make a further FOIP request. She also noted that one of her witnesses, Clayton Oshvalda, was not able to attend on February 6, 2023 due to illness and that she would request Ms. Beck, Mr. Caruso, Ms. Long and other individuals with evidence to attend the hearing. She explained the

necessity of an adjournment due to the seriousness of the hearing, including the Appellants' concerns relating to what was alleged to be bias, frustration, collusion and subversion on the part of the Development Authority.

[30] Ms. Gulamhusein noted the Development Authority's concerns with the continued use of the buildings subject to the Stop Order, and therefore the Development Authority's hesitancy with respect to any adjournment. Ms. Gulamhusein also noted the Development Authority's concern that the Appellants did not seem to understand the role of the Development Authority. She noted that, although it was not clear how the documents submitted were relevant to the appeal, the Development Authority felt it could better address any issues that would arise if it had an opportunity to review the documents. Ms. Gulamhusein explained that the Development Authority would consent to a short adjournment for this purpose.

[31] Based on Ms. Burns' request and Ms. Gulamhusein's consent, and after canvassing for dates from the parties and the Board members, the Board adjourned the hearing to March 6, 2023, at 1:00 p.m. The Board advised the parties that should either of them wish to submit further documents, the Board would accept further documents from either party. However, these documents would have to be received by the Board no later than February 17, 2023, at 2:00 p.m. The Board also advised the parties that it would not accept any new evidence after this deadline. The Board requested that no later than February 17, 2023 the parties provide to the Board an estimate of the time they required for their submissions on March 6, 2023.

[32] The Board advised the parties that it would provide a new agenda package for the hearing on March 6, 2023 that would include all the documents submitted up to the submission deadline of February 17, 2023. The reason for the Board's direction was to ensure that the different sets of documents submitted at various times to the Board were adequately marked so that the efficiency of the hearing would be facilitated.

[33] The Board provided a further adjournment for reasons of procedural fairness to both the Development Authority and the Appellants. The Development Authority asked for time to review the Appellant's documents and the Board finds that this request is reasonable given that there were a couple hundred new pages provided the day before the hearing. The Appellants asked for more time to obtain documents they believe support their case. The Board finds this request is reasonable, so that the Appellants have access to the background information. As a result, the Board granted the adjournment request on the terms set out above.

D. Exhibits

[34] The Board wishes to note the complexity of the record that was before it. At the January hearing, the Board marked as exhibits the documents set out in Schedule "B" for the January 16, 2023 Agenda Package. At the outset of the February 6, 2023 hearing, the Board marked as an exhibit the 36 page Submission of the Appellant which was provided to the Board by the Appellant on January 30, 2023 (shown on Schedule "B" for the February 6, 2023 Agenda Package as Exhibit 7). The documents emailed to the Board by the Appellants on Sunday February 5, 2023 are also shown at Schedule "B". The table for the February 6, 2023 hearing also shows the document submitted by the Development Authority that the Board marked as an exhibit.

[35] On February 17, 2023, both the Appellants and the Development Authority provided further submissions to the Board. A total of 1,309 pages was submitted to the Board. In order to have the documents in a form that would be organized and allow the Board and the parties to reference the pages, the Board took the submissions of the parties and created the March 6, 2023 Agenda Package, page numbered them sequentially from page 1 to page 1,309 and distributed the March 6, 2023 Agenda Package to the parties on March 2, 2023. The list of the documents is set out in Schedule "B" for March 6, 2023.

[36] At the beginning of the hearing on March 6, 2023, the Chair asked if both parties had the hearing package prepared for the March 6, 2023 hearing and advised that the hearing package had been available for public inspection prior to the hearing.

[37] In response to a Board question about whether any of the parties had any more information they wished to submit, neither party had any additional information to submit and did not have objections to the exhibits as shown in the Agenda Package for the March 6, 2023 hearing. References in this decision to any documents will be to the documents and pages from the March 6, 2023 Agenda Package ("the Agenda Package").

[38] The Board also notes that many of the documents contained within the March 6, 2023 Agenda Package are duplicated throughout the agenda package, so the same document may exist in a number of locations in the document. The Board has referenced certain documents at a specific place in the Agenda Package. Due to the duplications, the Board does not identify each location of the document in the Agenda Package.

E. Miscellaneous

[39] At the beginning of the March 6, 2023 hearing, the Chair noted that the Board had asked both parties to provide an estimate of the time required for the parties' submissions. The Board received input only from the Development Authority which had advised that it would require 90 minutes to provide their submissions.

[40] Ms. Burns indicated that she had not received the email requiring a time estimate and advised that she would need a minimum of two hours to deliver her submissions. The Board agreed to allow both parties two hours and any affected persons five minutes to deliver their submissions.

[41] At the start of the hearing, the Board advised that any person claiming to be affected by the hearing and who wished to make submissions to the Board was required to pre-register. At the start of their submissions, the individual would be required to state their name, location and how they are affected by the appeal. The Board would make a determination as to whether it was of the opinion that the individual was affected by the appeal.

[42] There were no objections to the proposed hearing process.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[43] The Board denies the appeal. The Board varies the Stop Order (page 1224 of the Agenda Package) as specified. The Board varies Paragraphs 1, 2a, 2b, 2c and Paragraphs 3a, 3b and 3c so that the timelines are as set out below:

1. Immediately cease the use and occupancy of any buildings on the Lands which are subject to the Safety Codes Orders and which are in breach of the LUB or development permits, including but not limited to the Greenhouses (GH #1, #2, #3 & #4), Building #1, Building #2, and the Steel Building.

AND COMPLETE ALL OF PARAGRAPH 2:

2a. By **April 21, 2023**, apply for all necessary Safety Codes Permits for Greenhouses (GH#1, GH#2, GH#3 & GH#4), the Steel Building, Building #1 and Building #2.

2b. By **April 21, 2023**, submit complete development permit applications to the Development Authority for GH#3, GH#4, Buildings #1 and Building #2.

2c. If any of the applications for permits described in paragraph 2(a) or 2(b) are refused, whether upon application or on appeal, submit within **30 days** of the date of the refusal decision, a complete application for a demolition permit for the building(s) and demolish the building(s) as outlined in the demolition permit.

OR COMPLETE ALL OF PARAGRAPH 3:

3a. By **April 21, 2023**, submit a complete application for demolition permits for the Greenhouses (GH#1, GH#2, GH#3 & GH#4), the Steel Building, Building #1 and Building #2;

3b. In accordance with the demolition permits, remove the Greenhouses (GH#1, GH#2, GH#3 & GH#4), the Steel Building, and Building #1 and Building #2, including any foundations, and all demolition materials and debris from the Lands to an appropriate landfill or disposal facility; and

3c. fill, level and revegetate the Lands.

SUMMARY OF HEARING

[44] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the March 6, 2023 hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

[45] This appeal was an appeal of a Stop Order against MOJO Garden Center & Diner ("MOJO"). The Development Authority presented the Development Authority's slideshow (pages 1291 to 1309 of the Agenda Package).

Background

[46] The Lands are located at SE-21-53-2-W5M, with a municipal address 53310 HWY 43, and lie one mile north of Highway 43. The Lands are located in the AGG – Agricultural General District. The main residence is not part of the Stop Order. Before 2011, none of the buildings which are the subject of the current Stop Order existed (page 1294/1309 Agenda Package).

[47] In September 2012, the Development Authority issued Development Permit 12-D-440 ("Development Permit #1", page 92 of the Agenda Package) in relation to Greenhouse #1 and #2. Greenhouses #1 and #2 were constructed (page 1295/1309 Agenda Package), but not in compliance with Development Permit #1. Condition 5 of Development Permit #1 required the owner/developer or contractor to obtain building, electric, plumbing and gas permits required. Any changes would require a new development permit application. The Development Authority further noted that in 2012:

- a. there were no electrical permits for inside wiring for Greenhouses #1 and #2;
- b. the gas permits for Greenhouses #1 and #2 were open due to deficiencies; and
- c. there were no permits for Building #1;
- d. there were no permits for Greenhouse #4; and
- e. there was an electrical permit for a pole and a meter (page 8/1309 Agenda Package).

[48] The Development Authority issued Development Permit 13-D-293 ("Development Permit #2", page 108/1309 Agenda Package) under the approved site plan (page 111/1309 Agenda Package) in respect of "Horticultural – green house". Development Permit #2 became invalid because work did not begin within 12 months of the issue of Development Permit #2, as required by Development Permit #2.

[49] In 2015, Building #2 was constructed (page 1296/1309 Agenda Package). There were no development permits or safety codes permits issued in respect of Building #2.

[50] In 2016, the Appellants applied for Development Permit 16-D-515 for a 40'x80' building. This application was withdrawn, and the fees were returned to the Appellants.

[51] In 2017:

- a. Greenhouse #3 was constructed (page 1297/1309 Agenda Package). There were no development permits or safety codes permits issued in respect of Greenhouse #3.
- b. The Development Authority issued Development Permit 17-D-354 ("Development Permit #3", page 1250/1309 Agenda Package) in respect of a 25-seat diner for the following use: "Cottage Industry (Greenhouses, a diner and assorted fruit / vegetable sales)". Development Permit #3 became invalid because work did not begin within 12 months of the issue of Development Permit #3, as required by Development Permit #3.

[52] In 2018, Building #1 was relocated (page 1298/1309 Agenda Package). There were no development permits or safety codes permits issued in respect of the relocation of Building #1.

[53] In 2021 (page 1299/1309 Agenda Package):

- a. Greenhouse #4 was relocated. There were no development permits or safety codes permits issued in respect of the relocation of Greenhouse #4.
- b. The roofline of Building #2 was extended. There were no development permits or safety codes permits issued in respect of the extension of the roofline of Building #2.
- c. The Steel Building was constructed under Development Permit #3. Development Permit #3 was no longer valid as work had not begun within 12 months of the issue of Development Permit #3. Further, there were no safety codes permits as required by Development Permit #3, and the use of the Steel Building was not in compliance with Development Permit #3, which approved a diner.
- d. The Appellants applied for Development Permit 21-D-391 for an "Entertainment Venue". The application was deemed refused because it was incomplete.

[54] In July 2021, Parkland County issued safety codes orders in respect of fire, building, plumbing, electrical, gas and private sewage. That same month, the Oshvaldas met with Parkland County staff to discuss the orders and to have any questions answered regarding the orders. Parkland County staff provided the Oshvaldas with the steps necessary to bring the buildings into compliance with the safety codes orders and discussed the requirements for appropriate development permits for the buildings and use of the buildings.

[55] On April 6, 2022, Parkland County issued a Stop Order for non-compliance with approved development permits.

[56] On June 15, 2022, the Oshvaldas met with Parkland County staff again to discuss the non-compliance issues. Parkland County staff provided the Oshvaldas with information on what needed to be done to bring the structures and business into compliance, including applying for development permits.

[57] On November 1, 2022, the Stop Order was issued, which provided a much more detailed description of the non-compliance issues. The Development Authority summarized the non-compliance of the buildings at issue:

- a. Greenhouses #1 and #2 are non-compliant because one or more conditions imposed in Development Permit #1 have not been complied with. More specifically, condition 5 of Development Permit #1 states:
 5. Prior to construction or commencement of any development, owner/developer or contractor is responsible to obtain building, electrical, plumbing and gas permits required. Permits must be obtained from Parkland County.
- b. The Steel Building is non-compliant because one or more conditions imposed in Development Permit #3 have not been complied with. More specifically, conditions 1 and 7 of Development Permit #3 state:

1. The proposed development shall conform to the submitted plans and shall not be moved, altered or enlarged except where authorized or directed through this permit approval.
 - [...]
 7. Any proposed changes shall first be submitted for review by the Development Authority. Any changes considered substantial or inconsistent with this approval, as determined by the Development Authority may require separate development permit approval.
- c. The Lands are not in compliance as there are four buildings that do not have development permit approvals: Building #1, Building #2 (with extension), and Greenhouses #3 and #4.

[58] The Development Authority's written submissions summarize the outstanding safety codes permits:

- a. Electrical Permit 13-E0061 (page 8/1309 Agenda Package) was issued for electrical poles. It is closed compliant but is not relevant to the appeal.
- b. Private Sewage Permit 15-S0034 was issued for residential service, and the permit was closed compliant. The Appellants altered the tank to an Open Discharge System without permit approval.
- c. Electrical Permit 15-E0009 (page 25/1309 Agenda Package) was issued for residential service. The residential buildings on the Lands are not addressed in the Stop Order.
- d. Building Permit 17-B0408 (page 45/1309 Agenda Package) was issued for Greenhouses #1 and #2. There remain deficiencies that have not been corrected, and the permit remains open.
- e. Gas Permit 19-G0358 (page 48/1309 Agenda Package) was issued to install heaters in the Greenhouses and Building #2. There remain deficiencies that have not been corrected, and the permit remains open.
- f. Gas Permit 20-G0023 (page 49 of the Agenda Package) was issued to install risers in the Greenhouses and Building #2. There remain deficiencies that have not been corrected, and the permit remains open.
- g. Gas Permit 20-G0357 (page 50/1309 Agenda Package) was issued to install two outlets in the Greenhouses. This permit is closed compliant but is not relevant to the Appeal.
- h. The Private Sewage System Report issued March 2, 2022 (page 52/1309 Agenda Package) is not relevant as the work was done to comply with a decision of the Safety Codes Council, which upheld the issuance of a Safety Codes Order.

Legislative Scheme

[59] Ms. Gulamhusein set out the legislative scheme of the Stop Order:

- a. Under the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA"):
 - i. Section 645 allows a development authority to issue a Stop Order if the development authority finds that there is non-compliance with the LUB or a development permit;

- ii. Section 683 prohibits developments without development permits unless otherwise provided in the LUB;
 - iii. Section 642 allows the development authority to issue a development permit with or without conditions; and
 - iv. Section 616 defines a "development".
- b. Under the LUB:
- i. The Lands are categorized as AGG, or Agricultural General District;
 - ii. Section 1.3 prohibits any person from commencing or continuing a development without a development permit;
 - iii. Section 1.8 requires a person carrying a development permit to comply with the Alberta Safety Codes Act, RSA 2000, c S-1;
 - iv. Section 16.1(1) prohibits a development from being commenced or continued unless the development permit has not expired; and
 - v. Section 16.1(3) states that it is the applicant's responsibility to obtain safety code approvals or licenses that may be required.

[60] Section 616(b) of the MGA defines "development" as:

- (i) an excavation or stockpile and the creation of either of them,
- (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,
- (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

[61] The current development does not align with either the MGA or the LUB.

[62] The Development Authority stated that section 16.2 of the LUB did not require a development permit for the construction of an accessory building or structure less than 10.0 m² in area, excluding a deck, provided that it is not located on a registered easement or right-of-way and the accessory building complies with all applicable development regulations. The Development Authority noted that none of the buildings at issue were less than 10.0 m² in size.

[63] The Development Authority advised that, under section 645 of the MGA, if a development authority finds that a development is not in accordance with a land use bylaw or a development permit approval, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to:

- a. stop the development or use of the land or building in whole or in part as directed by the notice, or
- b. carry out any other actions required by the notice so that the development or use of the land or building complies with Part 7 of the MGA, the land use bylaw, or a development permit approval.

[64] The Development Authority concluded by stating that the SDAB's decision should be restricted to determining whether the Stop Order was issued correctly provided for by the MGA and LUB. In this case, the Stop Order:

- a. correctly describes the property;
- b. correctly identifies the land use infractions;
- c. gives a date by which to comply;
- d. was issued by the Development Authority on November 1, 2022; and
- e. was personally served on November 1, 2022.

[65] In the hundreds of pages submitted by the Appellants, there is no development permit for Buildings #1 and #2, Greenhouses #3 and 4 or the Steel Building.

[66] The Development Authority submitted that there is a breach of Part 17 of the MGA, in which case a development authority may issue a Stop Order to the owner, the person in possession of the land or building or the person responsible for the contravention. Here, the Development Authority issued a Stop Order for breaches of and lack of development permits. The Stop Order was properly issued as the developments were contrary to the LUB and the Development Permit, and the Stop Order should be upheld.

Response to Appellants' Submissions

[67] Ms. Gulamhusein discussed several themes that she believed characterized the Appellants' written submissions.

[68] First, Ms. Gulamhusein raised the Appellant's concern that the Development Authority has failed to provide the Appellants with information or provide any help or understanding. Ms. Gulamhusein refuted this allegation, stating that the Development Authority met numerous times with the Appellants to explain processes. She noted, however, that it is ultimately the Appellants' responsibility to comply. The Development Authority had suggested that the Appellants retain experts, and the Appellants have counsel to assist. It is not the role of the Development Authority to assist nor is it relevant to the issue of whether to uphold the Stop Order.

[69] Second, Ms. Gulamhusein stated that the Appellants are confused with respect to the requirements for the various permits. She stated that they confuse:

- a. the requirement for development permits with the requirement for Safety Codes permits, business permits and roadside permits;
- b. the requirement of obtaining or having permits with the requirement of complying with permits;
- c. the requirement for plumbing and private sewage permits for the residence with permits for the buildings at issue; and
- d. the jurisdiction of the Development Authority, the Safety Codes Authority, Alberta Transportation and Alberta Health Services ("AHS").

[70] The developer is responsible to obtain and comply with permits, and the Appellants have failed to obtain permits in some instances and to comply with existing permits in others. She noted that it is not enough that the Appellants have development permits, They must also comply with the development permits' conditions, such as the requirement for Safety Codes permits. As the development permits were not appealed in time, it is only the Stop Order that is at issue.

[71] She noted that many documents that the Appellants submitted, such as business licenses, awards, and AHS documents, were not relevant to the Stop Order.

[72] Third, Ms. Gulamhusein spoke to the Appellants' allegations of conspiracy and collusion between the Development Authority and AHS. Ms. Gulamhusein argued that these allegations are unwarranted as governments are able to work together. The Development Authority is limited to a planning and enforcement role under the MGA and the LUB. Other orders were not at issue during the hearing, including the AHS orders and the Safety Codes orders, which were valid and for which the appeal periods have passed.

[73] Ms. Gulamhusein noted other matters that were irrelevant to the appeal:

- a. whether the buildings had public access or whether they were private access only;
- b. whether the buildings were for sale;
- c. the outstanding safety codes issues – while Parkland County does regulate safety, this is a distinct matter already addressed by the Safety Codes Council; and
- d. the electrical permits tendered as evidence, as they were for the wrong building or not for work inside the building.

[74] Fourth, Ms. Gulamhusein spoke to the Appellants' lack of recognition of the development permits. While Greenhouses #1 and #2 had a development permit, the buildings were not in compliance with the development permit.

[75] Fifth, Ms. Gulamhusein discussed the Appellants' allegations in their written submissions of the Development Authority's failure to disclose. Ms. Gulamhusein noted that there were no previous requests by the Appellants for documentation as any requests for documentation would have triggered a FOIP request, but there had not been a FOIP request until recently.

[76] Ms. Gulamhusein concluded by explaining why the Development Authority issued the Stop Order. The Development Authority had met with the Appellants numerous times. There are serious and significant safety concerns with the buildings at issue. The buildings do not comply with the LUB, and the Appellants have continued to use the buildings despite the Stop Order. The Development Authority's job is to ensure that development proceeds in accordance with regulations.

Questions

[77] In response to Board questions, the Development Authority stated:

- a. All permits that are required are outlined on page 1289/1309 Agenda Package. For instance, in respect of Greenhouses #1 and #2:
 - i. There is an open building permit. A building permit is different from a development permit. With respect to safety codes permits, Parkland County will assess work and potentially approve the work. Once Parkland County has inspected the work and approved, it will close the permit. An open permit means that the work has not been inspected.
 - ii. An electrical permit is required for the interior.
 - iii. A plumbing permit is not required.
 - iv. A gas permit has been issued but remains open.
 - v. A private sewage permit is not required.
 - vi. Development Permit #1 remains non-compliant.
- b. The process to obtain permits is generally to apply for a development permit first. If there is a development permit, one can apply for Safety Codes permits. If there are no development permits, one will not be able to apply for Safety Codes permits. A Safety Codes officer will look at the specifications of the building and determine the cost of the Safety Codes permit. The process in this matter is confusing because the buildings are already built.
- c. The Development Authority follows the same process when a Stop Order is issued. The Development Authority will work with the individual to bring them into compliance and go through the steps. The Development Authority will give people a lot of time and opportunities to comply. If there is no cooperation, the Development Authority will use a Stop Order as a last resort.
- d. There were no variances in this case in the process used to issue a Stop Order. Although a previous Stop Order was issued against the buildings, that Stop Order was not appealed and Parkland County has not pursued that Stop Order. The same processes applied to both Stop Orders.
- e. The trigger for a Stop Order is under section 645 of the MGA: a breach of the development permit, the MGA or the LUB. It depends on each municipality how each Stop Order comes about. At law, the development authority needs to satisfy itself that the conditions of section 645 are met. In this case, there is a significant safety concern with respect to the buildings at issue. Although a municipality may issue a warning letter, it is not a legal requirement.
- f. Development Permit #2 was issued for the Steel Building and not Buildings #1 and #2.
- g. The electrical permit from Sure-Tech Inc. was for exterior work, not interior work or interior wiring. A development permit is generally not required for electrical permits in respect of exterior work.
- h. The Development Authority often uses peace officers to serve Stop Orders.

Conclusion

[78] Ms. Gulamhusein concluded the Development Authority's submissions by stating that this is a challenging matter. However, the Development Authority's role is to regulate planning and development under the MGA. Everyone is required to obtain permits and comply with the MGA.

[79] Section 640 of the MGA outlines the role of the LUB. It states that the LUB shall outline regulations and prohibitions. Section 617 of the MGA outlines the purpose of Part 17 of the

MGA, which includes to achieve orderly development. "Orderly development" means that all are treated the same with respect to use of land and change in use. Orderly development ensures that municipalities take into other considerations such as traffic, services and utilities.

[80] Safety is also important, and the municipality can also review safety. Parkland County has the authority under the *Safety Codes Act* to regulate. The outstanding Safety Codes orders in respect of the Lands raises safety concerns. The Safety Codes Council has ordered the Appellants to cease all operations until there is compliance with Parkland County standards. In addition, there are two outstanding orders from AHS. The claim by the Appellants that "everything is fine" is not correct.

[81] The Development Authority does not agree that "all roads lead to demolition" (as asserted by the Appellants). The Development Authority provided demolition as an option in the Stop Order, but the Appellants can also apply for permits. However, they need to have the correct permits in place. There is a choice. The Appellants have produced over 1,000 pages of documents but have not produced the required permits. The Appellants have admitted that some of these permits do not exist. However, they are still required.

[82] In respect of the case of *Roncarelli v Duplessis*, [1959] SCR 121, Ms. Gulamhusein agrees with Ms. Burns that the case is about abuse of process where the Attorney General acted outside of his jurisdiction. In that case, Roncarelli posted bail and Duplessis exercised his influence to have Roncarelli's liquor license revoked. That action was outside the power of the Attorney General and was not in good faith. In this case, section 645 of the MGA authorizes the Development Authority's actions: the Development Authority believed that development permits were not issued, and the Appellants were not compliant with the development permits that existed. Therefore, the Development Authority issued the Stop Order – this is what section 645 authorizes.

[83] Ms. Gulamhusein submitted that the "noise" about process is not relevant to whether the Stop Order was properly issued. The issue is whether the buildings comply with the LUB. The Stop Order was properly issued and should be upheld.

Appellants John Oshvalda and Monica Oshvalda By Their Agent Marilyn Burns

[84] The Appellants, John Oshvalda ("Mr. Oshvalda") and Monica Oshvalda ("Mrs. Oshvalda"), are the owners of the Lands and the buildings at issue.

[85] Ms. Burns stated that the Stop Order contains errors of fact and law on its face and unclear terms. The Stop Order was an abuse of power or process. The Appellants seek to have the Stop Order struck, or alternatively, varied with a clear remedy. The Appellants also seek to have the Board retain oversight and authority over this matter.

Background

[86] Ms. Burns advised the Board that she would be using the following references to refer to development permits issued by the Development Authority:

DP 12-D-440	Development Permit #1	For Greenhouse 1 and 2
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DP 13-D-293	Development Permit #2	For Building 2, sales building, and steel building
DP 17-D-354	Development Permit #3	For Greenhouse 1 and 2, diner, steel building and change in uses

[87] In 2012, the Appellants were offered the opportunity to purchase the assets of Forget-Me-Not Greenhouse. At this time, they talked to Vicky Beck of Parkland County and applied for Development Permit #1.

[88] In 2013, the Appellants started their greenhouse business. They applied for a permit for Greenhouse #1 and #2 and Building #2. Mr. Oshvalda, with help from Ms. Beck, made a drawing of a proposed 40'x80' steel building to be constructed. Ms. Beck told the Appellants to move forward with construction and come in later for more information.

[89] In May of 2015, Building #2 opened as a diner. The Parkland County Fire Chief came and gave the Appellants a piece of paper indicating the diner's seating capacity. The Appellants had Safety Code permits in place at this time, except for plumbing as they thought plumbing was included in the private sewage permit.

[90] The Appellants then entered discussions with Feinan Long of Parkland County, who explained Cottage Industry use and suggested that the Appellants reapply for a development permit. She stated that an "entertainment venue" falls under the Cottage Industry use. Mr. Oshvalda created drawings for this application with significant help from Ms. Long. The Appellants applied for "Greenhouses, Diner and Entertainment Venue" (page 39/1309 Agenda Package).

[91] On June 23, 2016, the Appellants engaged Guy W. Blood to prepare drawings regarding a proposed new diner, entertainment venue and greenhouse. On July 4, 2018, Mr. Blood advised that the drawings prepared on June 23, 2016 showing plans for a greenhouse and diner foundation are still usable (page 46/1309 Agenda Package).

[92] Until 2019, the Appellants used wood heating rather than gas heating. They then transitioned to gas heating. In June of 2019, the Appellants contacted Ste. Anne Natural Gas Co-op Ltd ("Ste. Anne") to supply gas heaters to the Greenhouses and Building #2. Ste. Anne installed the heaters incorrectly, and the Appellants did not know about this issue until 2021. Ste. Anne also installed risers (i.e., where the gas line comes out of the ground and is hooked up to gas lines) (page 49/1309 Agenda Package).

[93] In October of 2020, Roy's Plumbing & Heating Ltd. ("Roy's") put in more risers and moved the gas lines (page 50/1309 Agenda Package).

[94] On December 4, 2020, Brett Hargrave of Parkland County inspected Roy's installations and determined that the installations were acceptable, and no further site inspections were required. Mr. Hargrave did not note any other Safety Codes concerns.

[95] In May 2021, AHS issued two tickets against the Appellants in relation to the lack of strict compliance with the Office of the Chief Medical Officer of Health's COVID-19 mandates.

[96] On June 5, 2021, Ms. Thind of AHS conducted a routine AHS inspection of the diner and listed items "A" to "Z" to rectify and issued a closure order against the diner. The Appellants complied with all required rectification items. Ms. Thind returned on June 7, 2021 to re-inspect.

[97] On June 14, 2021, the Appellants and their legal counsel met with Ms. Thind and Chris Kelly, Executive Officer of AHS. Ms. Thind and Mr. Kelly provided another list of items to rectify. The Appellants complied with this list.

[98] On June 16, 2021, Parkland County Fire Chief Marshal Sean Cunningham and two peace officers held an enforcement strategy meeting respecting MOJO to discuss the AHS orders and Mr. Cunningham's plan to have the Safety Codes Authority inspect and serve orders on MOJO (page 1044/1309 Agenda Package). Some time soon after, Ms. Thind attended at the diner for another re-inspection and wrote further items to rectify on a napkin.

[99] On June 23, 2021, Parkland County conducted a Safety Codes inspection of the buildings at issue in this appeal, without notice to the Appellants. The Appellants have since rectified all deficiencies to Safety Code standards, but the County has refused to re-inspect.

[100] The Appellants did not know that Ste. Anne installed the heaters incorrectly until the June 2021 inspection. Ms. Burns reiterated that an owner is not told that a contractor has failed to obtain permits unless the contractor tells them. Ste. Anne had not told the Appellants.

[101] On June 25, 2021, Ms. Thind, Mr. Kelly and another AHS employee confirmed that the Appellants had complied with all AHS conditions in relation to the diner. That same day, Phillip Callbeck, AHS Program Manager, asked Mr. Cunningham of the County for a copy of all orders issued, including in relation to the June 23, 2021 safety codes inspection (page 411/1309 Agenda Package). Mr. Cunningham responded with an initial fire inspection report and assurances that he would forward copies of all orders to Mr. Callbeck.

[102] Ms. Burns assumes that, on June 30, 2021, Mr. Cunningham hosted a meeting with Parkland County Planning and Development staff, Safety Codes staff and Ms. Thind (page 284/1309 Agenda Package). The Appellants believe that Ms. Thind had been in contact with Parkland County throughout, probably without awareness from the Chief Administrative Officer ("CAO") or Council of Parkland County. That same day, fire, building and electrical orders were served on the Appellants.

[103] On July 15, 2021, the Appellants were issued three orders under the *Safety Codes Act*: an electrical order, a plumbing order, and a private sewage order.

[104] In August of 2021, the Appellants sought a review of the plumbing and sewage orders, which were revoked. The Appellants did not seek a review of the electrical order because they anticipated to rectify the items under the electrical order. Parkland County later reconsidered and issued two new Safety Codes orders for plumbing and sewage requiring the Appellants to obtain new permits prior to reinspection. The Appellants appealed these latter orders to the Safety Codes Council.

[105] On August 2, 2021, the Appellants submitted an application for a development permit on Parkland County's request. The Appellants were confused why they required another development permit when Development Permit #3 existed. By letters dated September 8, 2021 and November 2, 2021, Rachelle Trovato of the Development Authority advised that this application was incomplete and would not be considered.

[106] On September 27, 2021, the Development Authority emailed Planning and Development and stated, "I am asking that should anyone receive an email or phone call from John or Monica Oshvalda that you do not respond to them and forward it to me as this is an active enforcement file." Ms. Burns stated that Ms. Kormos seized authority at this time, but it was not clear whether she was reporting to AHS or the CAO.

[107] On January 11, 2022, Sure-Tech Electric Inc. ("Sure-Tech") applied for an electrical permit to "install service feeder and re-work panel on an outbuilding due west of the main pole". Parkland County issued the electrical permit on January 14, 2022, and Sure-Tech completed the work. Ms. Burns believes this permit slipped by Ms. Kormos. Sure-Tech was told by Brady Flynn of Parkland County to send photographs of Sure-Tech's work, but Sure-Tech never received an approval letter.

[108] On January 25, 2022, the Safety Codes Council issued new orders requiring the Appellants to convert their septic system to a holding tank and to apply for a plumbing permit for Building #2. The Appellants converted their rural sewage system to a holding tank only (page 52/1309 Agenda Package) as required on March 2, 2022. The man who put in the holding tank was deceased and could not testify. The Appellants contacted Roy's to obtain a plumbing permit but was told that Parkland County would not issue the permit and would not provide reasons. The Appellants do not have documentation relating to their plumbing permit application.

[109] On November 1, 2022, Ms. Kormos issued the Stop Order.

Buildings and Permits

[110] Since 2012, Greenhouses #1 and #2 have been used in relation to the Appellants' greenhouse business.

- a. Development Permits #1, #2 and #3 apply to Greenhouses #1 and #2.
- b. Building Permit 17-B0408 (page 45/1309 Agenda Package) applies to Greenhouses #1 and #2.
- c. Electrical Permit 13-E0061 (page 8/1309 Agenda Package) allowed the Appellants to add an electrical pole closer to the Greenhouses and move another pole away from the highway. On June 20, 2013, Parkland County issued an Electrical Permit Services Report indicating that the work complied with the *Safety Codes Act*. Mr. Oshvalda could not say whether there is an electrical permit for inside the Greenhouses.
- d. Gas Permits 19-G0358 (page 48/1309 Agenda Package) and 20-G0357 (page 50/1309 Agenda Package) apply to Greenhouses #1 and #2.

[111] Greenhouse #3 is the Appellants' personal greenhouse, and Greenhouse #4 is the greenhouse of Tristan Oshvalda ("Tristan"), the Appellants' son. Tristan stated that he and John Oshvalda constructed Greenhouse #4 near the main residence. In September 2018, the location of Greenhouse #4 changed because it was easier for Tristan to water that spot as it was out of the way of the parking lot. The issue of permits was never raised. Tristan grows plants for his private use in Greenhouse #4, and there is no public access to the building.

[112] Greenhouses #3 and #4 do not have development permits, because Parkland County had previously told the Appellants that development permits were not required for private greenhouses. Gas Permit 19-G0358 (page 48/1309 Agenda Package) applies to Greenhouses #3 and #4. The Appellants did not speak to whether Greenhouses #3 and #4 have building or electrical permits.

[113] Building #1 is a 24'x24' building with a 12'x24' veranda. It was formerly used as the sales building for an unknown length of time for business purposes but was converted to a private storage building over two years ago when it was relocated to its present location. Ms. Burns stated that Building #1 has never been used as a diner by the Appellants, and this is an erroneous assumption on the part of Parkland County staff, who have not done their due diligence. The Appellants are currently trying to sell Building #1. If the Appellants are unable to sell Building #1, they will apply for a demolition permit to demolish Building #1.

- a. Development Permits #2 and #3 apply to Building #1.
- b. The Appellants did not speak to whether Building #1 has building, electrical, gas, plumbing or private sewage permits.

[114] Building #2 is the diner. It is a 24'x48' building comprised of two 24'x24' buildings and an outside covered deck. Mr. Oshvalda expressed the opinion that it is possible to confuse Buildings #1 and #2.

- a. Development Permits #2 and #3 apply to Building #2. Development Permit #2 contemplated the demolition of Building #2 once the Steel Building was ready to be used as a diner.
- b. The Appellants applied for a building permit for Building #1 (page 16/1309 Agenda Package), but they never received a response from Parkland County.
- c. Electrical Permit 15-E0009 applies to Building #2.
- d. Private Sewage Permit 25-S0034 (page 17/1309 Agenda Package) applies to Building #2.
- e. The Appellants did not speak to whether Building #2 has gas or plumbing permits.

[115] The Steel Building was to be turned into a diner once it was finished. Development Permit #2 states that once the Steel Building is ready, Building #2 would be demolished. The Steel Building is not yet ready to become the diner.

- a. Development Permits #2 and #3 apply to the Steel Building. Development Permit #3 clearly includes a diner, contrary to the assertions of the Development Authority.

- b. The Appellants did not speak to whether the Steel Building has building, electrical, gas, plumbing or private sewage permits.

Stop Order

[116] Ms. Burns stated that all the statements in the Stop Order were inaccurate and that the Appellants had applied for and received three development permits:

- a. Development Permit #1, which applies to Greenhouses #1 and #2 only;
- b. Development Permit #2, which applies to Greenhouses #1 and #2, Buildings #1 and #2 and the Steel Building; and
- c. Development Permit #3, which applies to Greenhouses #1 and #2 and Building #2. Development Permit #3 contemplated the removal of Building #2 once the Steel Building was ready for use as a diner.

[117] Ms. Burns argues the Stop Order must be clear without inconsistencies. However, the Stop Order is vague, and some of its terms are not clear. For example:

- a. Condition 1 of the Stop Order refers to “any buildings on the Lands” and does not provide a description of which building. The residence should not be included in the Stop Order.
- b. Condition 2a of the Stop Order requires the Appellants to apply for all necessary Safety Codes Permits for all buildings. The Appellants have tried their best to comply and applied for all permits they thought necessary.

Abuse of Power and Process

[118] Ms. Burns argued that Parkland County’s abuse of process began in June of 2021, although it was especially apparent in September 2021. In September of 2021, Ms. Kormos emailed Planning and stated, “I am asking that should anyone receive an email or phone call from John or Monica Oshvalda that you do not respond to them and forward it to me as this is an active enforcement file.”

[119] Ms. Burns referred to the Supreme Court of Canada case of *Roncarelli v Duplessis* from Quebec, the seminal case on abuses of power and process. In *Roncarelli v Duplessis*, Roncarelli, a restaurant owner, posted bail for Jehovah’s Witnesses. In retaliation, Duplessis went through the Liquor Commission to revoke Roncarelli’s liquor license. The Supreme Court in that case found that Duplessis had gone beyond the exercise of his functions and that he could not go through the Liquor Board to personally go against Roncarelli.

[120] Ms. Burns likened *Roncarelli v Duplessis* to the current appeal, as the Development Authority is not acting separately from AHS. AHS did everything it could to put the Appellants out of business. Although the Appellants complied with AHS’ orders, AHS put increased pressure on the Appellants to obtain safety codes permits.

[121] Abuse of power can occur where there is a specific intent to harm the plaintiff. In this case, it is difficult or impossible for the Appellants to comply with the conditions of the development permits. In effect, Ms. Burns argued, “all roads lead to demolition” due to

Parkland County's frustrating the Appellants' applications for permits. The conclusion the Appellants came to is that the goal is to have their property razed. The Safety Codes actions were driven by AHS, with willing participation from Parkland County, especially Ms. Kormos.

Questions

[122] In response to Board questions, the Appellants stated:

- a. In respect of Greenhouses #1 and #2:
 - i. Mr. Oshvalda cannot recall if there are electrical permits. It is possible that there are no permits for inside electrical wiring.
 - ii. Mr. Oshvalda cannot recall if there are gas permits. The Appellants initially had a water boiler heated with wood, and the heat exchanger kept things warm. The Appellants retained Ste. Anne to put heaters in Greenhouses #1 and #2, but Mr. Hargrave told Ste. Anne that they had the wrong heater. The Appellants were unaware of this issue until recently. The Appellants have followed up with Ste. Anne but have heard nothing back. This issue still needs to be rectified.
 - iii. Mr. Oshvalda does not believe a plumbing permit is required.
- b. In respect of Greenhouses #3 and #4:
 - i. The Appellants were not aware that development permits were required for Greenhouses #3 and #4. The Appellants have a recording where Robert Green said indicated that private greenhouses do not require permits.
 - ii. The Appellants retained Ste. Anne to put heaters in Greenhouses #3 and #4, but Mr. Hargrave told Ste. Anne that they had the wrong heater. The Appellants were unaware of this issue until recently. The Appellants have followed up with Ste. Anne but have heard nothing back. This issue still needs to be rectified.
 - iii. Electrical and gas permits are in place for Greenhouse #4.
- c. In respect of Buildings #1 and #2:
 - i. Development Permit #2 applies to Buildings #1 and #2. The intent of the application for Development Permit #2 was to build a diner, as stated in the application and shown by the drawings submitted. The existing diner was to be removed when the new one was operational.
 - ii. The Development Authority's documents indicate that Building #1 is a diner. Building #1 is a sales building, not a diner. There is an error on the face of the Stop Order.
 - iii. The Appellants applied for a building permit for Building #2 (page 16/1309 Agenda Package), but there was no response.
 - iv. The Appellants retained Ste. Anne to put heaters in Building #2, but Mr. Hargrave told Ste. Anne that they had the wrong heater. The Appellants were unaware of this issue until recently. The Appellants have followed up with Ste. Anne but have heard nothing back. This issue still needs to be rectified.
 - v. Private Sewage Permit 25-S0034 applies to Building #2, as evidenced by the May 15, 2015 Site Inspection Report (page 18/1309 Agenda Package).
- d. In respect of the Steel Building:

- i. The Steel Building is not the sales building.
- ii. The Steel Building has never been moved.
- iii. Development Permit #2 was for a 40'x80' building, and that permit expired.
- iv. Development Permit #3 was for a diner and the removal of the existing diner. The work was not completed within 12 months.
- v. Mr. Oshvalda does not know if the application for Development Permit 21-D-391 was denied, but it was incomplete.
- vi. The Appellants would have to find the building permit in respect of the Steel Building.
- vii. The Appellants do not have an electrical permit in respect of the Steel Building. They have emails saying that it was issued, and an inspection was requested. There is an email from Ms. Kormos to others in Parkland County stating that the permit is missing, and the permit is not in the FOIP documents. The Appellants contacted Sure-Tech, who told them that Mr. Flynn said to just send pictures.
- viii. The Appellants have an electrical permit from when Sure-Tech installed a line from the post to the electrical panel (page 374/1309 Agenda Package). At the same time, they redid the electric box on the inside.

Conclusion

[123] Ms. Burns concluded that the question on appeal is what to do about the Stop Order as there are errors on its face. Unlike what the Development Authority has stated:

- a. Development Permits #2 and #3 include both Greenhouse #1 and #2, Buildings #1 and #2 and the entertainment center in the Steel Building.
- b. Development Permit #3 encompasses greenhouses, a diner and some fruit and vegetable sales. Construction under Development Permit #3 is in progress.
- c. The Development Authority is now asking the Appellants to apply for a building permit for Building #1, a building that they do not want to use and that they will sell or demolish.
- d. Building #2 is the only building that has been used as a diner.
- e. Greenhouses #3 and #4 have never been the subject of any order, so it is not appropriate to include them on the Stop Order.
- f. Parkland County had other documents. Ms. Burns was surprised to discover permits that she did not know existed in the FOIP documentation.

[124] The Stop Order is also vague. The Stop Order must be clear so that the Appellants know what standard they have to meet.

[125] In response to the Development Authority's concluding remarks, Ms. Burns stated that the purpose of the MGA is not only to achieve orderly development. In addition, safety is important, but the Appellants have run their business for nine years. Mr. Hargrave had no concerns about the state of the Appellants' business, but the Appellants were then issued a closure order in June 2021 by AHS.

[126] Ms. Burns agrees with Mr. Elder's submissions relating to section 3 of the MGA and good governance (below). Administrators have a duty of fairness, but Parkland County has not acted fairly. Ms. Burns believes Ms. Kormos has a personal vendetta against the Appellants. Otherwise, something would have been done prior to June 2021. According to Ms. Burns, Ms. Kormos has gatekept permits from the Appellants, has not done her due diligence, has intentionally blocked the Appellants from obtaining permits and has provided confusing instruction to the Appellants. It was inappropriate for Ms. Kormos to seize oversight of this matter in September 2021.

[127] There is collusion between AHS and Parkland County, especially Ms. Kormos and Mr. Cunningham. AHS has overreached its authority by reaching into municipal matters like in *Roncarelli v Duplessis*. Although the Appellants complied with AHS orders in 2021, the "baton was handed" to Ms. Kormos and Mr. Cunningham. Ms. Burns questioned whether the Parkland County CAO and Council were aware of what was happening.

[128] The Appellants seek to quash the Stop Order or vary the Stop Order in alignment with good governance principles, such as transparency. The Stop Order is properly under the authority of the CAO or Council, and it is a breach of the CAO's responsibility to allow overreach by Ms. Kormos who is clearly biased. The Appellants ask the Board to retain oversight over this matter.

Affected Persons

[129] Twenty-nine individuals registered to speak before the hearing started on March 6, 2023. Of those registered to speak, the below list identifies who did not appear and who did speak:

- a. Lynn Madsen (did not appear);
- b. Ken Tebow (did not appear);
- c. Henry Villeneuve;
- d. Larry Zeller (did not appear);
- e. Kathy Galliford (did not appear);
- f. Corrie Turcotte (did not appear);
- g. Owen Chad (did not appear);
- h. Robert Holyk;
- i. Rod Burpee (did not appear);
- j. Trish Oakes (did not appear);
- k. Fred Fieber (did not appear);
- l. Beryl Fieber (did not appear);
- m. Bonnie Margerison Goodwin;
- n. Gladys Rusk;
- o. Carmen Ramstead (did not appear);
- p. June Crowther;
- q. Sheldon Reuther (did not appear);
- r. Linda Fikkert (did not appear);
- s. Philip Elder;
- t. Bruce Walker (did not appear);
- u. Terry Mundle;

- v. Felice Zeller (did not appear);
- w. Don Lewis (did not appear);
- x. Barb Landals;
- y. Ken Johnson;
- z. Laurie Neilsen (did not appear);
- aa. Edward Neilsen (did not appear);
- bb. Wayne Louster (did not appear); and
- cc. Red Dog (did not appear).

[130] During the hearing, Carla Wilchuk asked to speak without registering. The Board decided that in order to maintain procedural fairness, the Board would follow the process outlined at the beginning of the hearing. The Board communicated the process at the beginning of the hearing on March 6, 2023, and no objections were made. It would not be fair to change the process well into the hearing.

Henry Villeneuve

[131] Mr. Villeneuve is a resident of Stony Plain. He is affected by the appeal because MOJO is his restaurant of choice. Mr. Villeneuve informed the Board that MOJO provides quality food and service. He questioned where he would go to eat if the Board shut MOJO down. He noted that building permits were issued to the Appellants, but no development permit, and he questioned whether that was not the Board's breach of responsibility. Mr. Villeneuve also questioned why the Appellants required a development permit "for everything they do".

Robert Holyk

[132] Mr. Holyk is a resident of Alberta Beach. Mr. Holyk asked the Board to keep in mind the seniors who frequented the church on the Lands when making their decision.

Bonnie Margerison Goodwin

[133] Ms. Goodwin is a resident of Stony Plain. Ms. Goodwin advised the Board that MOJO has the best food, and that she would miss their greenhouse in Spring. She is disappointed about the influence of AHS and hopes that the Board finds a resolution.

Gladys Rusk

[134] Ms. Rusk is a resident of Onoway. Ms. Rusk stated that MOJO has become family to her and that their presence in the community is so large. She advised that people who drive past MOJO come in because they "needed to". It is a beacon on a hill. She felt that MOJO has so much to share with the community and that they are resilient, struggling but trying their best since the start of COVID-19.

June Crowther

[135] Ms. Crowther is a resident of Spruce Grove. Ms. Crowther met the Oshvalda family last year about closing their greenhouse. Because of MOJO, she found a community who made 100 free meals and filled people with comfort. The last three years of COVID has been difficult for

everyone, but MOJO has survived. They tried to use the system, and maybe they have not completed their permits, but Ms. Crowther hopes that the Board comes to a solution reflecting MOJO's humanity so it will survive.

Philip Elder

[136] Mr. Elder lives near the border of Sturgeon County and Parkland County. Mr. Elder felt that individuals are treated like real people at MOJO. He notes that his daughter dances in the Steel Building, and that there are a lot of good things that happen in that place by "Mo and Jo".

[137] Mr. Elder cited subsection 7(a) of the MGA, which allows a council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property. Mr. Elder questioned how anyone's health was impacted and whether the Appellants have committed any infraction or injury. Mr. Elder also cited the European Union's 12 Principles of Good Governance. He felt that the County is accountable for what it does, and its behaviour with MOJO does not fall within the 12 Principles of Good Governance.

[138] Mr. Elder stated that he does not agree with the Stop Order being issued and felt that there was no harm in the Appellants' conducting their operations. He disagreed with the County's actions. He advocated for the Appellants' property rights.

Terry Mundle

[139] Mr. Mundle moved to Parkland County five years ago from a larger city. Mr. Mundle found MOJO at the tail end of COVID and has been going there for one year. There, he found fellowship and friendship. When he had been missing for a couple of weeks after he attended the church for three months, he got a call from the pastor, who told him that he was an important part of the congregation. He noted that, in big cities, people do not remember if you are missing. Mr. Mundle stated that if he needed an electrical permit, the electrician had to get the permit and he could not pull the permit.

Barb Landals

[140] Ms. Landals lives at Range Road 14 in Parkland County. She is affected by the appeal because her building is on the Appellants' property. Ms. Landals noted that her building on the Appellants' property is on skids and does not need a permit. She stated that, in 2020, her personal world "ended", and she needed a place for the building as she is a glass artist. She asked MOJO if she could put her building on their land and they agreed. She noted that her building is not in the Development Authority's photographs, and she feels like there is no moral standard with Parkland County. She asked whether it is the Board's job to hold the County accountable. Ms. Landals was saddened that many people left during the hearing to take care of their businesses and their lives, but she hopes the Board saw the support for the Oshvaldas.

[141] Ms. Landals left the February 6, 2023 hearing very upset because she did not see understanding or morals. The Appellants have been by the book and have gotten more permits than they need. The Stop Order is due to clerical errors and coercion from AHS, and Ms. Kormos is getting bullied. Ms. Landals reiterated the importance of MOJO as hundred of thousands of people pass by. To her, COVID was the easiest part of 2020 and 2021 as the

Appellants care about the people on the ground. She requested that the Board be honest in its decision and clarify the clerical errors as that is its job. She asked the Board to fight for what is right and take the Appellants' lives into consideration.

Ken Johnson

[142] Mr. Johnson lives four kilometers north of the Lands. Mr. Johnson knows the Appellants and believes their lives will be changed forever. Mr. Johnson asked that his time be relinquished to Ms. Wilchuk, and he questioned whether everyone was informed about pre-registering to speak.

FINDINGS OF FACT

[143] In addition to the specific facts set out under the Board's reasons, the Board finds the following as facts.

[144] The Lands are located at 53310 Highway 43, Parkland County and are legally described as SE-21-53-02-W5M.

[145] The Stop Order is dated November 1, 2022 and was served on the Appellants on November 1, 2022.

[146] The Stop Order correctly identifies the Lands.

[147] The Stop Order was served on the date it was issued.

[148] The Stop Order clearly identifies a date for compliance and clearly and unambiguously identifies the land use infractions.

[149] The Appellants are affected persons.

[150] The speakers who spoke in favor of the Appeal are all affected persons.

REASONS

Affected Persons

[151] The Board must determine whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board; however, the Board wishes to review this issue for completeness.

[152] The Appellants are the recipient of the Stop Order and are therefore affected.

[153] All of those persons who spoke in favor of the Appeal have a connection with the Appellants by attending at the diner or the Cowboy Church which is conducted in the Steel Building. Due to their attendance at the property, the Board finds that they are affected. However, none of those speaking in favor of the appeal had any knowledge of the status of the

permits or any knowledge in relation to any of the work required to be done in relation to those permits. Therefore, the Board gave their evidence little to no weight in the determination of the question before the Board:

Jurisdiction and Issues to be decided

[154] The Board's jurisdiction is found in section 687(3) of the MGA. The Board has the authority to confirm, vary or revoke the Stop Order or any condition attached to it.

687(3) In determining an appeal, the subdivision and development appeal board
[....]
(c) may confirm, revoke or vary the order, decision or development permit or any
condition attached to any of them or make or substitute an order, decision or permit of
its own
[...]

[155] In its decision, the Board must determine:

- A. Was the Stop Order properly issued?
- B. If so, should the Board exercise its authority under section 687(3)(c) to vary the time for compliance?

[156] In making its decision, the Board has examined the provisions of the MGA and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority and the Appellants and the witnesses who spoke on behalf of the Appellant.

A. Was the Stop Order Properly Issued?

Technical Requirements

[157] The first question the Board must address is whether the Stop Order was validly issued. The onus is on the Development Authority to establish that the Stop Order was valid.

[158] The Board first considered whether the Stop Order met the technical requirements set out in Section 645 of the MGA. The Board notes that the Appellant did not argue that there was a breach of the requirements in the MGA; however, the Board must still be satisfied that the requirements for the Stop Order were met.

[159] In order to determine whether the technical requirements for a valid Stop Order have been met, the Board must address the following questions:

- a. Did the Stop Order correctly identify the Lands?
- b. Was the Stop Order served on the date that it was issued?
- c. Did the Stop Order give a date by which to comply?

d. Did the Stop Order correctly identify the land use infractions?

a. Did the Stop Order correctly identify the Lands?

[160] The Stop Order is located at page 1224/1309 Agenda Package. In examining the Stop Order, the Board notes that it is addressed to John Oshvalda and Monica Oshvalda at 53310 Highway 43. In addition, the first paragraph of the Stop Order identifies that it has been issued in respect of property municipally described as 53310 Highway 43 which has a legal description of SE-21-53-02-W5M. The description in the Stop Order is for the Lands. The Appellants did not object or note any errors in the description (municipal or legal) of the Property. The Board finds as a fact that the Stop Order correctly identifies the Lands.

b. Was the Stop Order served on the date that it was issued?

[161] The date of the Stop Order is November 1, 2022 (page 1225/1309). The evidence of the Development Authority is that the Stop Order was personally served on November 1, 2022 (page 1280/1309). The Appellants did not contest the date of service of the Stop Order. The only evidence before the Board was that the Stop Order was served on the Appellants on the same day the Stop Order was issued. In the absence of any contrary evidence, the Board finds as a fact that the Development Authority issued the Stop Order on November 1, 2022 and served it on November 1, 2022 on the Appellants. Because the Stop Order was issued and served on the same day, this element of technical compliance has been established by the Development Authority.

c. Did the Stop Order give a date by which to comply?

[162] At page 1227/1309, Paragraph 1 of the Stop Order directs the Appellants to immediately cease the use and occupancy of the listed buildings which are the subject of the Stop Order. The Board finds as a fact that the use of the word "immediate" is a clear direction on the timing for compliance.

[163] Paragraph 2a and 2b of the Stop Order at page 1227/1309 provide that by November 22, 2022, the Appellants are to apply for all necessary Safety Code Permits for GH#1, GH#2, GH#3, and GH#4, the Steel Building, Building #1 and Building #2. This paragraph also mandates that by November 22, 2022 the Appellants must submit a complete development permit application for GH#3, GH#4, Building #1 and Building #2. Paragraph 2c of the Stop Order provides that if any of the applications are refused, within 30 days of the refusal, the Appellants must complete an application for demolition permit and demolish the building as outlined in the demolition permit.

[164] The Board finds as a fact that the date of November 22, 2022 is a clear direction on the timing for compliance. In relation to Paragraph 2c, the inclusion of the timeline for submission of an application for a demolition permit in the event the applications are refused is also a clear direction on the timing for compliance.

[165] As an alternative, the Stop Order advises that by November 22, 2022, the Appellants could choose to complete an application for demolition permits for GH#1, GH#2, GH#3, GH#4, the Steel Building, Building #1, and Building #2.

[166] Having reviewed the terms of the Stop Order, the Board finds as a fact that the Stop Order gives a specific date by which the Appellants were required to comply with the Stop Order. As a result, the Board finds that the Stop Order is valid on the basis that it specifies a date by which to comply.

[167] In light of this evidence, and noting that there was no argument or evidence to the contrary, the Board is satisfied that the Stop Order meets the requirements of the MGA.

d. Did the Stop Order correctly identify the land use infractions?

[168] To answer this question, the Board examined the Stop Order terms. At pages 1226/1309 to 1227/1309, the Stop Order outlines the breaches. Paragraph 1 at page 1226/1309 provides that there are 2 breaches of DP 12-D-440. Paragraph 2 at page 1226/1309 outlines 5 breaches of DP 17-D-354. Paragraph 3 identifies 3 breaches of the County's LUB for the failure of the Appellants to have any permits.

[169] The Board notes that the Development Authority presented evidence in relation to the breaches set out in the Stop Order. As will be explored more fully below, the Board is of the view that the Stop Order correctly identified the land use infractions.

[170] The Appellants argued that the Stop Order was unclear. The Board has examined the wording of the Stop Order to determine if there was any ambiguity about the nature of the breach or the nature of what was expected of the Appellants. As set out above, pages 1126-1127/1309 identify the specific nature of the breaches alleged by the Development Authority. The Board has also examined the Stop Order to determine if the Stop Order is clear and unambiguous about what steps the Appellants must take to remedy the infractions. Paragraph 1 at page 1227/1309 states that the Appellants must immediately cease the use and occupancy of any buildings on the Lands which are subject to the Safety Codes orders and which are in breach of the LUB or their development permit, including but not limited to the greenhouses (GH#1, GH#2, GH#3, and GH#4), Building #1, Building #2, and the Steel Building. The Board finds that the language of paragraph 1 is clear and unambiguous. The Development Authority has provided a clear direction for the Appellants to stop the use and occupancy of the identified buildings.

[171] In relation to the technical requirement for a Stop Order, the Board finds that all of the technical elements of the Stop Order have been established by the Development Authority.

Was the use of the Lands authorized?

[172] Having determined that the technical elements of the Stop Order were established by the Development Authority, the Board must determine if the Development Authority has established the alleged breaches in the Stop Order.

[173] There are seven buildings on the Lands which are the subject of the Stop Order. For ease of reference, the Board includes below the aerial photograph from page 1242/1309.

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[174] The Development Authority submitted a table at page 1289/1309 showing in summary form the status of each of the seven buildings including whether the building:

- has a development permit and
- has the required Safety Codes Act permits.

[175] The Board has modified the information set out in that table slightly so that it reflects first the status of development permits as alleged by the Development Authority and then considers the Safety Codes Act permits.

[rest of page intentionally left blank to accommodate the following table.]

Permits Required	GH#1	GH#2	GH#3	GH#4	Building #1 – Original Store/Diner	Building #2 - Diner	Steel Building – Public Event Facility
Building Construction	Erected 2012	Erected 2012	Erected 2015-2016	Erected 2012-2013 South of Main Residence. Relocated 2019-2020	Constructed 2013. Relocated 2017-2018	Constructed 2013-2014. Addition 2020	Constructed 2020
Development Permits	12-D-440 Non Compliant	12-D-440 Non Compliant	Required	Required	Required	Required	13-D-293 40x80 Commercial Building. Work not started within 12 months.
							17-D-354 Diner in Steel Building. Removal of Existing Diner. Work not started within 12 months.
							21-D-391 Entertainment Venue deemed refused for incomplete application
Safety Code Permits							
Building	Issued – Remains Open	Issued – Remains Open	Required	Required	Required	Required	Required
Electrical	Required for interior	Required for interior	Required for interior	Required for interior	Required for interior	Issued – closed compliance	Required for interior
Plumbing	Not Required	Not Required	Not Required	Not Required	Unsure of use	Required	Required if moving diner into building and adding washrooms as per approved Development Permit 17-D-354
Gas	Issued – remains open	Issued – remains open	Issued – remains open	Issued – remains open	Required	Issued – remains open	Issued – remains open
Private Sewage	Not Required	Not Required	Not Required	Not Required	Unsure of use	Issued – closed compliance	Required if moving diner into building and adding washrooms

[176] The Board will address each building in turn to identify the position of the Development Authority and the position of the Appellants. The Board will first consider whether the Development Authority has established whether there is a development permit in place for each of the buildings and then, if the Board finds that there is a development permit in place, whether the Development Authority has established that there is a breach of a condition of the development permit.

Greenhouse #1 and Greenhouse #2

[177] The Development Authority stated that GH#1 and GH#1 are subject to a development permit 12-D-440 (page 1243/1309). The Appellants agreed that GH#1 and GH#2 were approved under that development permit. Therefore, the Board finds as a fact that GH#1 and GH#2 are subject to that development permit.

[178] The Development Authority advised that condition 5 of Development Permit 12-D-440 requires the Appellants to obtain several permits under the Safety Codes Act.

5. Prior to construction or commencement of any development, Owner/Developer or Contractor is responsible to obtain Building, Electric, Plumbing and Gas permits required. Permits must be obtained from Parkland County.

[179] The position of the Development Authority is that the Appellants have applied for a building permit which was issued by Parkland County's Safety Code Officer. However, the Development Authority's position is that building permit remains "open" (page 1286-7/1309). The Gas Permit 19-G0358 (page 1287/1309) remains open. The Development Authority stated that the reason a permit stays open is that either the work has not been completed in accordance with the permit, or the final inspection of any work done has not been completed. There is no electrical permit for the interior work. Gas Permit 19-G0357 (page 1287/1309) is closed so is not an issue.

[180] The Appellants made the following submissions in relation to Greenhouses #1 and #2.

- a. Building Permit 17-B0408 (page 45 of the Agenda Package) applies to Greenhouses #1 and #2.
- b. Electrical Permit 13-E0061 (page 8 of the Agenda Package) allowed the Appellants to add an electrical pole closer to the Greenhouses and move another pole away from the highway. On June 20, 2013, Parkland County issued an Electrical Permit Services Report indicating that the work complied with the *Safety Codes Act*. Mr. Oshvalda could not say whether there is an electrical permit for inside the Greenhouses.
- c. Gas Permits 19-G0358 (page 48 of the Agenda Package) and 20-G0357 (page 50 of the Agenda Package) apply to Greenhouses #1 and #2.

[181] The Board accepts the Appellants' evidence that Building Permit 17-B0408 (page 45 of the Agenda Package) applies to Greenhouses #1 and #2. However, the Development Authority's concern was that the permit remains open. The Appellants were not able to provide

any evidence or point to any document in the evidence before the Board that addressed the Development Authority's concern. Based on the lack of evidence to establish that the building permit was "closed", the Board finds as a fact that Building Permit 17-B0408 remains open and the Development Authority has established this infraction of Condition 5 of Development Permit 12-D-440.

[182] In relation to the electrical permit, the Board acknowledges that there are electrical permits for the electrical work done outside Greenhouses #1 and #2. However, the Development Authority has alleged that there is no electrical permit for the interior work. Mr. Oshvalda candidly admitted that he was not sure if there was an electrical permit for work done inside Greenhouses #1 and #2. The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that established that they had an electrical permit for the work done inside these 2 greenhouses. Based on the lack of evidence to establish that an electrical permit for inside work was issued, the Board finds as a fact that there is no electrical permit for the inside work and the Development Authority has established this infraction of Condition 5 of Development Permit 12-D-440.

[183] The Board accepts the Appellants' evidence that Gas Permits 19-G0358 (page 48/1309) and 20-G0357 (page 50/1309) apply to Greenhouses #1 and #2. However, the Development Authority's concern was that Permit 19-G0358 remains open. The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that addressed the Development Authority's concern. Based on the lack of evidence to establish that the permit was "closed", the Board finds as a fact that Gas Permit 19-G0358 remains open and the Development Authority has established this infraction of Condition 5 of Development Permit 12-D-440.

[184] Based on the above reasons, the Board finds that the Development Authority has established the land use infractions set out in the Stop Order for Greenhouse #1 and Greenhouse #2.

Greenhouse #3 and Greenhouse #4

[185] The position of the Development Authority is that Greenhouse #3 and Greenhouse #4 do not have a development permit. They also require Safety Codes permits.

[186] The Appellants argued that Greenhouse #3 is the Appellants' personal greenhouse, and Greenhouse #4 is the greenhouse of Tristan Oshvalda ("Tristan"), the Appellants' son. They argue that they do not need development permits because they are for personal use only. In addition:

- a. Greenhouses #3 and #4 do not have development permits, because Parkland County had previously told the Appellants that development permits were not required for private greenhouses.
- b. Gas Permit 19-G0358 (page 48 of the Agenda Package) applies to Greenhouses #3 and #4.
- c. The Appellants did not speak to whether Greenhouses #3 and #4 have building or electrical permits.

[187] The Development Officer presented the Board with the definition of "development" within s. 616 of the MGA (see above at paragraph [60]). The Board finds that the construction of Greenhouse #3 and Greenhouse #4 are a development. They are clearly a "a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land" and meet the definition of "development" found in s. 616(b)(ii). The Board notes that the definition does not distinguish between private use or use offered to the public. The Board does not accept the Appellants' argument that these 2 greenhouses are exempt from the requirement for development permits found in the MGA or the LUB as referenced by the Development Authority as they are clearly a "development".

[188] The Board notes that the Appellants argued that they were told orally by Parkland County that they did not need Development Permits for these greenhouses. The Board notes that there was no corroborating documentation to support this. The Board does not accept this argument for the following reasons. The Appellants obtained development permits for Greenhouses #1 and #2 in 2012 and they were constructed in 2012. Greenhouses #3 and #4 were constructed over a period of time from 2012-2016 (see page 1293/1309). The start time for Greenhouse #3 was at or about the time of the Appellants obtaining Development Permit 12-D-440. The Board does not find it credible that the County would issue a Development Permit for Greenhouses #1 and #2, but tell the Appellants that one would not be required for Greenhouses #3 and #4.

[189] The Board also accepts that there will be a requirement for Safety Codes permits for these buildings (building and electrical).

[190] Based on the above reasons, the Board finds that the Development Authority has established the land use infractions set out in the Stop Order for Greenhouse #3 and Greenhouse #4.

Building #1

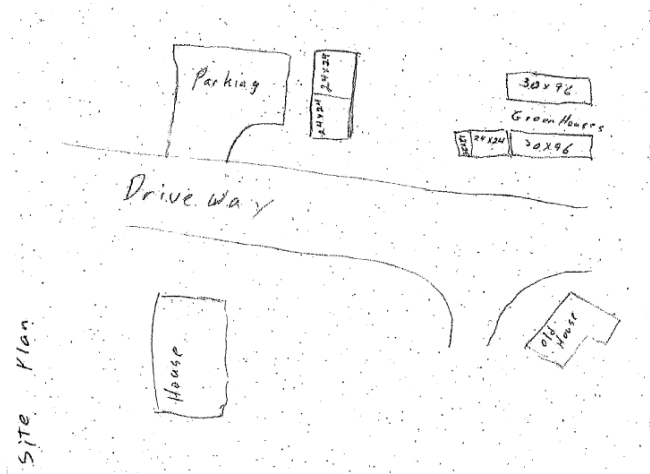
[191] The Development Authority argued that Building #1 has no development permit and will require Safety Codes permits as well. It has been relocated to the south of the main residence without a development permit or Safety Codes permits.

[192] The Appellants argued that Building #1 is the former sales building and is now a private storage building when it was relocated to its present location. Building #1 was never a diner. They argued that:

- a. Development Permits #2 and #3 apply to Building #1.
- b. The Appellants did not speak to whether Building #1 has building, electrical, gas, plumbing or private sewage permits.

[193] The site plan approved as part of Development Permit 13-D-293 appears to be at page 110/1309. Building #1 has been described as a 24'x24' building with a 12'x24' veranda. In the below diagram, that description can only match the building attached to the 30'x90' greenhouse in the right side of the diagram. However, it is not clear if the building is Building #1. Condition 3 of Development Permit 13-D-293 provides that the proposed development is to be "sited,

oriented and conform to the submitted site plan" and "shall not be moved ... except where authorized or directed through this permit approval.



[194] Even if Development Permit 13-D-293 applies to Building #1 and was initially covered by this Development Permit, the Board notes that the site plan shown at page 1293/1309 has a small building located across the driveway away from the greenhouses. In other words, Building #1 has moved from the location set out in the approved site plan as part of Development Permit 13-D-293. By the Appellants moving it, Development Permit 13-D-293 either does not apply, or the Appellants are in breach of this permit.

[195] The Board has reviewed Development Permit 17-D-354 (page 156/1309). The Appellant has not provided any site plan as part of that permit to show the siting for Building #1. Building #1 was to be removed under this permit. The Appellants acknowledge that the Building #1 is to be removed and state that they do not see the need to obtain a development permit if they are going to sell it.

[196] The Board finds that the Development Authority has established that Building #1 requires, but does not have, a development permit. If the small building shown above is Building #1, it is no longer in its original location. The re-location of Building #1 would require a development permit. The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that shows a development permit for the current location of Building #1. Based on the lack of evidence to show a development permit for the current location of Building #1, the Board finds as a fact that there is no development permit for Building #1 and the Development Authority has established this infraction.

Building #2

[197] The Development Authority argued that there is no development permit for Building #2 and Safety Codes permits are required.

[198] The Appellants argued that:

- a. Development Permits #2 and #3 apply to Building #2. Development Permit #2 contemplated the demolition of Building #2 once the Steel Building was ready to be used as a diner.
- b. The Appellants applied for a building permit for Building #1 (page 16 of the Agenda Package), but they never received a response from Parkland County.
- c. Electrical Permit 15-E0009 applies to Building #2.
- d. Private Sewage Permit 25-S0034 (page 17 of the Agenda Package) applies to Building #2.
- e. The Appellants did not speak to whether Building #2 has gas or plumbing permits.

[199] The Board has examined Development Permit 13-D-293 (page 108/1309). On its face, the permit is for "Horticultural - green house". Even if Building #2 is shown on the site plan at page 110/1309, the development permit was not for a diner. This is also evidenced at page 117/1309 where the explanation clearly indicates that the use is to add a green house to the already approved Horticultural use. In addition, the application for Development Permit 13-D-293 (page 119/1309) describes the development as "concrete flooring with 40'x80' steel building". Building #2 is 24'x48' and cannot be the same building.

[200] The Appellants argue that Development Permit 17-D-354 authorizes Building #2. The Agenda Package does not include a site plan for this development permit. However, the Administration Report for this development permit (page 1251/1309) contradicts the Appellants' assertion. In the Background Information section, the report states:

This application proposes a new 25-person diner on an existing greenhouse business site.

The greenhouse has an existing diner in a structure however this will be removed upon construction of the new diner".

[201] Development Permit 17-D-354 cannot authorize Building #2 because it acknowledges that Building #2 (the existing diner) is already in existence. Development Permit 17-D-354 references a new diner.

[202] The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that show a permit for the current location of Building #2. Based on the lack of evidence to show a development permit for Building #2, the Board finds as a fact that there is no development permit for Building #2 and the Development Authority has established this infraction.

[203] The Development Authority has also argued that a building permit and plumbing permit are required and the gas permit remains open. The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that show these Safety Codes permits exist or that the gas permit was closed. Based on the lack of evidence, the Board finds as a fact that there is no building or plumbing permit for Building #2 and the gas permit remains open and the Development Authority has established this infraction.

Steel Building

[204] The Development Authority argued that the Steel Building has no development permit and will require Safety Codes permits as well.

[205] The Appellants argued that:

- a. Development Permits #2 and #3 apply to the Steel Building. Development Permit #3 clearly includes a diner.
- b. The Appellants did not speak to whether the Steel Building has building, electrical, gas, plumbing or private sewage permits.

[206] They objected to the Development Authority's statements that Development Permit 13-D-293 and 17-D-354 did not apply because the work had not been started within 12 months of their issuance.

[207] The Board noted that the Appellants did not contradict the Development Authority's evidence that the Steel Building was constructed in 2020 and the Board finds as a fact that is when it was constructed. Development Permit 13-D-293 was issued on July 5, 2013. In light of the Board's conclusion that the Steel Building was constructed in 2020, the construction occurred approximately 7 years after the issuance of the 2013 Development Permit. The Board agrees with the Development Authority's argument that the 2013 Development Permit for this building had lapsed and could not authorize the construction of the Steel Building (see page 108/1309). The Board accepts the same argument in relation to Development Permit 17-D-354. Having concluded that the Steel Building was constructed in 2020, Development Permit 17-D-354 (issued on July 7, 2017) no longer authorized the construction of the Steel Building (see page 1251/1309).

[208] The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that show a development permit for the current location of the Steel Building. Based on the lack of evidence to show a development permit for the Steel Building, the Board finds as a fact that there is no development permit for the Steel Building and the Development Authority has established this infraction.

[209] The Development Authority has also argued that a building permit, an electrical permit and a plumbing permit are required and the gas permit remains open. The Appellants were not able to provide any evidence or point to any document in the evidence before the Board that show these Safety Codes permits or that the gas permit was closed. Based on the lack of evidence, the Board finds as a fact that there is no building, electrical or plumbing permit for the Steel Building and the gas permit remains open and the Development Authority has established this infraction.

Concerns about Abuse of Power and Process

[210] The Appellants argued that the County conducted an "abuse of process" relying upon the case of *Roncarelli v. Duplessis*. There were 2 components to this allegation:

- a. That the County was not acting separately from AHS in issuing the Stop Order. The Appellants argued that AHS was trying to put the Appellants out of business and the County was "colluding" in that effort, and without the CAO or Council's knowledge; and

- b. The Development Authority had a "personal vendetta" against the Appellants which was evidence by her conduct in stating that all communication should go through her, and blocking the issuance of permits and providing confusing instructions to the Appellants.

[211] The Development Authority argued that the Development Authority is entitled to enforce the MGA and the LUB and doing so is not improper.

[212] The Board has reviewed the documents submitted and relied upon by the Appellants as support for their argument that the Development Authority colluded with AHS (see the enforcement notes located variously in the Agenda Package at pages 213-269/1309, 276-346/1309, 353-360/1309, 995-1032/1309, 1039-1056/1309, 1093-1101/1309, 1139-1159/1309 and 1197-1200/1309). The Board notes section 645 of the MGA which authorizes the Development Authority to issue a Stop Order if the Development Authority finds that there is non-compliance with the LUB or a development permit. The Board acknowledges that the documents evidence that the County was cooperating with AHS. However, the Board does not read the documents as showing that AHS somehow directed the County to act or overtook the authority of the Development Authority to exercise independent judgment. The Board does not accept any argument of collusion. In light of the Board's findings that the Development Authority has established the land use breaches set out in the Stop Order, there is no evidence to suggest that the Development Authority was acting improperly. The evidence before the Board was that the Development Authority is empowered to enforce the MGA and the LUB and compliance with the various development permits. The Board finds that this is what occurred here. There is nothing unseemly with enforcement agencies cooperating with one another.

[213] There is no evidence that Ms. Kormos had a personal vendetta and in the Board's view, it is improper to make such allegations without any evidence in support. The Board has reviewed the terms of the Stop Order (above) and has concluded that the language in it is clear. The Board noted the Appellants' concern about Ms. Kormos asking that all communication be directed through her. The Board finds Ms. Kormos' suggestion to be the point of contact to be a reasonable one given the number of Safety Codes permits at issue and the number of County staff who might be involved. The Board is of the view that it is a reasonable and prudent course of action to provide one point of contact to minimize any miscommunications.

[214] The Board rejects the Appellants' argument that there was some form of misfeasance based upon the alleged lack of oversight by the CAO or Council. The Development Authority is authorized under s. 645 to issue Stop Orders. The Appellants have not established that there is any statutory or other requirement for the Development Authority to obtain any form of authorization from the CAO. Council also has no role in the issuance of a Stop Order. The decisions to issue Stop Orders are not political ones falling within the purview of Council. They are administrative decisions, within the role of the Development Authority in accordance with the MGA and LUB.

[215] The Board does not accept the Appellants' arguments that there has been any form of abuse of power or process. The evidence put forward by the Appellants does not support these assertions.

Remedy

b. Should The Board Exercise Its Power Under Section 687(3)(c) To Change The Time For Compliance?

[216] Having concluded that the Stop Order was properly issued, the Board now turns to the question of whether it should exercise its power under section 687(3)(c) to vary the time for compliance with the Stop Order.

[217] As set out above, the Board has found that the land use infractions alleged in the Stop Order have been established. The Stop Order was properly issued for the land use infractions on the Lands. In light of its conclusions and for the reasons set out above, the Board finds that the Stop Order was validly issued and upholds the Stop Order.

[218] Having upheld the Stop Order, the Board must assess whether it will extend the time for compliance, and if so, by how much. The Board notes that the Appellants did not ask for an extension of time to continue to use the Lands for an unauthorized use. The Stop Order specifies that the authorized use of the Lands must take place "immediately".

[219] The Appellants argued that the Stop Order should be struck or varied with a clear remedy. Given the Board's conclusions regarding the already clear terms for compliance, the Board finds that there is no need to modify the terms of the Stop Order to make it more clear.

[220] The Appellants did not argue for an extension of time to comply with the terms of the Stop Order.

[221] The Development Authority provided evidence about its safety concerns arising from the status of the buildings which do not have "closed" Safety Codes permits.

[222] In coming to its decision, the Board has weighed the concerns of safety against the reasonable time that it would take for the Appellants to make applications for development approval and to get the required Safety Codes work to be completed, have the inspections done and obtain the Safety Codes permits. The Board recognizes that this work cannot be done immediately and wishes to provide the Appellants a reasonable period of time within which to come into compliance. However, the Board does not wish to provide an extended period of time for compliance, particularly in light of the stated safety concerns. In addition, until the permits are obtained and the required work done, the Board agrees with the statement of the Development Authority in the Stop Order that there should be no use or occupancy of the buildings.

[223] In weighing these interests, the Board varies the time for compliance as set out below. The Board varies Paragraphs 1, 2a, 2b, 2c and Paragraphs 3a, 3b and 3c so that the timelines are as set out below:

1. Immediately cease the use and occupancy of any buildings on the Lands which are subject to the Safety Codes Orders and which are in breach of the LUB or development permits, including but not limited to the Greenhouses (GH #1, #2, #3 & #4), Building #1, Building #2, and the Steel Building.

AND COMPLETE ALL OF PARAGRAPH 2:

2a. By **April 21, 2023**, apply for all necessary Safety Codes Permits for Greenhouses (GH#1, GH#2, GH#3 & GH#4), the Steel Building, Building #1 and Building #2.

2b. By **April 21, 2023**, submit complete development permit applications to the Development Authority for GH#3, GH#4, Buildings #1 and Building #2.

2c. If any of the applications for permits described in paragraph 2(a) or 2(b) are refused, whether upon application or on appeal, submit within **30 days** of the date of the refusal decision, a complete application for a demolition permit for the building(s) and demolish the building(s) as outlined in the demolition permit.

OR COMPLETE ALL OF PARAGRAPH 3:

3a. By **April 21, 2023**, submit a complete application for demolition permits for the Greenhouses (GH#1, GH#2, GH#3 & GH#4), the Steel Building, Building #1 and Building #2;

3b. In accordance with the demolition permits, remove the Greenhouses (GH#1, GH#2, GH#3 & GH#4), the Steel Building, and Building #1 and Building #2, including any foundations, and all demolition materials and debris from the Lands to an appropriate landfill or disposal facility; and

3c. fill, level and revegetate the Lands.

[224] The Board is of the view that the extension of time should provide sufficient time for the Appellants to obtain the necessary permits and resolve the outstanding issues. The Development Authority's stated concerns are in regard to safety. This is a reasonable concern. The Board has balanced the need for safety with providing the Appellants with the opportunity to bring themselves into compliance and is of the view that the above extension addresses both concerns.

Conclusion

[225] For the above reasons, the Board finds that the Stop Order was validly issued and varies the time for compliance as set out above.

[226] Issued this 21st day of March, 2023 for the Parkland County Subdivision and Development Appeal Board.



B. Williams, Clerk of the SDAB, on behalf of D. Smith, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSON APPEARING

1. Alifeyah Gulamhusein, Counsel for the Development Authority
2. Karen Kormos, Manager, Development Planning & Safety Codes, Parkland County
3. Marilyn Burns, Agent for the Appellants
4. John Oshvalda, Appellant
5. Monica Oshvalda, Appellant
6. Tristan Oshvalda, Affected Person
7. Henry Villeneuve, Affected Person
8. Robert Holyk, Affected Person
9. Bonnie Margerison Goodwin, Affected Person
10. Gladys Rusk, Affected Person
11. June Crowther, Affected Person
12. Philip Elder, Affected Person
13. Terry Mundle, Affected Person
14. Barb Landals, Affected Person
15. Ken Johnson, Affected Person

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Agenda Packages			
January 16, 2023 Agenda Package			
Exhibit	Description	Date	Pages
1.	Agenda Coversheet	January 12, 2023	1
2.	Table of Contents	January 12, 2023	2
3.	Notice of Appeal	November 21, 2022	3
4.	Hearing Notification	December 12, 2022	6-7
5.	Emailed Correspondence	Various	8-86
6.	Submission of the Development Authority	January 6 & 12, 2023	87-172
February 6, 2023 Agenda Package			
7.	Submission of the Appellant	January 30, 2023	
	1	Approved Development Permit – Greenhouse 12-D-440	January 3
	2	Electrical Permit (2013)	January 3
	3	Electrical Permit Services Report (2013)	January 3

Agenda Packages			
	4	Approved Development Permit – Horticultural – Greenhouse 13-D-293	January 3
	5	Adjacent Landowner Permit Approval Notice 13-D-293	January 3
	6a	Building Permit Application – 13-D-293	January 3
	6b	Building Permit Application Checklist – 13-D-293	January 3
	6c	Building Permit Application Siteplan– 13-D-293	January 3
	6d	Building Permit Application Click Map – 13-D-293	January 3
	7	Building Permit Application – 24x24 Sales/Storage Building	January 3
	8	Private Sewage Disposal System Permit - 2015	January 3
	9	Site Inspection Report – Holding Tank – 2015	January 3
	10a	2015 Fire Code Capacity	January 3
	10b	2015 Fire Code Capacity cont.	January 3
	11	Mojo Greenhouse Business License – Parkland County 2013-D-440	January 3
	12	2015 Letter from Parkland County RE: Business Licenses moving to Development Permits	January 3
	13	Parkland County Approval to Operate 2018 – Tri-Municipal License Endorsement – 12-D-440	January 3
	14	Featured Business of the Month Certificate - 2015	January 3
	15	Electrical Permit Services Report – 2015	January 3
	16a	AB Transportation Roadside Development Application - 2016	January 3
	16b	AB Transportation Roadside Development Application – Site Plan 2016	January 3
	16c	AB Transportation Roadside Development Application – Business Description 2015	January 3
	16d	AB Transportation Roadside Development Application – Weekly Fruit Sales Traffic 2016	January 3
	16e	AB Transportation Roadside Development Application – Daily Traffic – Diner - 2016	January 3
	16f	AB Transportation Roadside Development Application – Daily Traffic – Greenhouse - 2016	January 3
	16g	AB Transportation Roadside Development Application – Weekly Traffic Breakdown – All Facilities - 2016	January 3
	16h	AB Transportation Roadside Development Application – Weekly Traffic Breakdown – All Facilities – 2016 Cont.	January 3
	16i	AB Transportation Roadside Development Application – Weekly Traffic Breakdown – All Facilities – 2016 Cont.	January 3

Agenda Packages			
	17	AB Transportation Roadside Development Application – 2016	January 3
	18a	AB Transportation Roadside Development Approval - 2016	January 3
	18b	AB Transportation Letter RE: Roadside Development Approval	January 3
	18c	AB Transportation Roadside Development Application – 2016	January 3
	19a	Cottage Industry Development Permit Application – Greenhouses, Diner and Entertainment Venue (Undated - 2nd page missing)	January 3
	19c	Site Plan - Undated	January 3
	19d	Floor Plan - Undated	January 3
	20a	Discretionary Development Permit Approval – 17-D-354 – Diner	January 3
	20b	Discretionary Development Permit Approval – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable sales) cont.	January 3
	21	Adjacent Landowner Notification Letter RE: Discretionary Development Permit Approval – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable	January 3
	22	Parkland County Building Permit – 2 Greenhouses - 2017	January 3
	23	Letter from Guy Blood, Structural Engineer RE: Drawings of foundation plans and details for a greenhouse and diner	January 3
	24a	Quote from St. Anne Natural Gas Co-op. Ltd. – Secondary lines to 4 greenhouses and one diner – 2019	January 3
	24b	Gas Permit – Install 5 unit heaters in greenhouses – 2019	January 3
	24c	Gas Permit – 6 Risers – 2020	January 3
	24d	Gas Permit – 2 outlets for greenhouse – 2020	January 3
	25	Legislative Assembly of Alberta – Rural Business Award 2020	January 3
	26	Private Sewage System Permit Services Report – 2022	January 3
	27	Letter to Monica Oshvalda from Alberta Agriculture, Forestry and Rural Economic Development – 2022	January 3
	28a	ASTM E 84 Surface Burning Characteristics of “DFS4” Vapor Barrier – 2022	January 3
	28b	ASTM E 84 Surface Burning Characteristics of “DFS4” Vapor Barrier – 2022	January 3
	28c	ASTM E 84 Surface Burning Characteristics of “DFS4” Vapor Barrier – 2022	January 3
	28d	ASTM E 84 Surface Burning Characteristics of “DFS4” Vapor Barrier – 2022	January 3

Agenda Packages			
	29a	Email RE: Greenhouse Poly Film – 2023	January 3
	29b	Horticulture product Guide	January 3
	30a	Greenhouse and Diner Foundation Plan – 2016	January 3
	30b	Greenhouse and Diner Details – 2016	January 3
	31	Safety Codes Council Order No 2021-04A – 2022	January 3
	32	Safety Codes Council Order No 2021-04B – 2022	January 3
	33	Discretionary Development Permit, Notification Letter to Adjacent Landowners and Supporting Documents – Green house business – 12-D-440 – 2012	February 6, 2023
	34	Discretionary Development Permit, Notification Letter to Adjacent Landowners and Supporting Documents – Horticultural Green House - 13-D-293 – 2013	February 6, 2023
	35	Discretionary Development Permit Approval Notification Letter to Adjacent Landowners and Supporting Documents – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable sales)	February 6, 2023
	36	Letter - Dept of Highways and Transport RE: Dwellings – 1973 Gas and Electrical Permits (Various years)	February 6, 2023
	37	Development Permit Application and Supporting Documents 16-D-515 – Withdrawn 2016 – Contains Duplicate Roadside Development Application Documents	February 6, 2023
	37(2)	Parkland County Enforcement Services Case Report 2022/02/15	February 6, 2023
	37(3)	Parkland County Enforcement Services Case Report 2022/02/15	February 6, 2023
	38-1	Parkland County Enforcement Services Case Report 2022/02/05	February 6, 2023
	38-2	Parkland County Enforcement Services Case Report 2022/02/15 -	February 6, 2023

Agenda Packages			
	38a	Parkland County Enforcement Services Case Report 2022/02/15 -	February 6, 2023
	38a	Parkland County Enforcement Services Case Report 2022/02/15 -	February 6, 2023
	38b	Parkland County Enforcement Services Case Report 2022/02/15	February 6, 2023
	39	Parkland County Order – Electrical Code	February 6, 2023
	39(2)	Parkland County Order – Electrical Code	February 6, 2023
	40	Building Permit – Accessory building for Garden Centre	February 6, 2023
	41	Electrical Permit – 2022	February 6, 2023
		Development Authority Table	February 6, 2023
March 6, 2023 Agenda Package			

1. SUBMISSION OF THE APPELLANTPAGES 7-1201
2. SUBMISSION OF THE DEVELOPMENT AUTHORITYPAGES 1202-1309

Mojo Stop Order Appeal – March 6, 2023
Document Listing

Appellant

Document #	Submission Date	Description
1	January 3, 2023	Approved Development Permit – Greenhouse 12-D-440
2	January 3, 2023	Electrical Permit (2013)
3	January 3, 2023	Electrical Permit Services Report (2013)
4	January 3, 2023	Approved Development Permit – Horticultural – Greenhouse 13-D-293
5	January 3, 2023	Adjacent Landowner Permit Approval Notice 13-D-293
6a	January 3, 2023	Building Permit Application – 13-D-293
6b	January 3, 2023	Building Permit Application Checklist – 13-D-293
6c	January 3, 2023	Building Permit Application Siteplan– 13-D-293
6d	January 3, 2023	Building Permit Application Click Map – 13-D-293
7	January 3, 2023	Building Permit Application – 24x24 Sales/Storage Building
8	January 3, 2023	Private Sewage Disposal System Permit - 2015
9	January 3, 2023	Site Inspection Report – Holding Tank – 2015
10a	January 3, 2023	2015 Fire Code Capacity
10b	January 3, 2023	2015 Fire Code Capacity cont.
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12	January 3, 2023	2015 Letter from Parkland County RE: Business Licenses moving to Development Permits
13	January 3, 2023	Parkland County Approval to Operate 2018 – Tri-Municipal License Endorsement – 12-D-440
14	January 3, 2023	Featured Business of the Month Certificate - 2015
15	January 3, 2023	Electrical Permit Services Report – 2015
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16b	January 3, 2023	AB Transportation Roadside Development Application – Site Plan - 2016
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16f	January 3, 2023	AB Transportation Roadside Development Application – Daily Traffic – Greenhouse - 2016
16g	January 3, 2023	AB Transportation Roadside Development Application – Weekly Traffic Breakdown – All Facilities - 2016
16h	January 3, 2023	AB Transportation Roadside Development Application – Weekly Traffic Breakdown – All Facilities – 2016 Cont.
16i	January 3, 2023	AB Transportation Roadside Development Application – Weekly Traffic Breakdown – All Facilities – 2016 Cont.
17	January 3, 2023	AB Transportation Roadside Development Application – 2016
18a	January 3, 2023	AB Transportation Roadside Development Approval - 2016
18b	January 3, 2023	AB Transportation Letter RE: Roadside Development Approval – 2016 – 18c Application
18c	January 3, 2023	AB Transportation Roadside Development Application – 2016

Mojo Stop Order Appeal – March 6, 2023
Document Listing

Appellant

19a	January 3, 2023	Cottage Industry Development Permit Application – Greenhouses, Diner and Entertainment Venue (Undated - 2 nd page missing)
19c	January 3, 2023	Site Plan - Undated
19d	January 3, 2023	Floor Plan - Undated
20a	January 3, 2023	Discretionary Development Permit Approval – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable sales)
20b	January 3, 2023	Discretionary Development Permit Approval – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable sales) cont.
21	January 3, 2023	Adjacent Landowner Notification Letter RE: Discretionary Development Permit Approval – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable sales)
22	January 3, 2023	Parkland County Building Permit – 2 Greenhouses - 2017
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32	January 30, 2023	Safety Codes Council Order No 2021-04B – 2022
33	February 6, 2023	Discretionary Development Permit, Notification Letter to Adjacent Landowners and Supporting Documents – Green house business – 12-D-440 – 2012

Mojo Stop Order Appeal – March 6, 2023
 Document Listing

Appellant

34	February 6, 2023	Discretionary Development Permit, Notification Letter to Adjacent Landowners and Supporting Documents – Horticultural Green House - 13-D-293 – 2013
35	February 6, 2023	Discretionary Development Permit Approval Notification Letter to Adjacent Landowners and Supporting Documents – 17-D-354 – Diner – Cottage Industry (Greenhouses, a diner and assorted fruit/vegetable sales)
36	February 6, 2023	Letter - Dept of Highways and Transport RE: Dwellings – 1973 Gas and Electrical Permits (Various years)
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37 (3)	February 6, 2023	Parkland County Enforcement Services Case Report 2022/02/15
38-1	February 6, 2023	Parkland County Enforcement Services Case Report 2022/02/05
38-2	February 6, 2023	Parkland County Enforcement Services Case Report 2022/02/15 -
38 a	February 6, 2023	Parkland County Enforcement Services Case Report 2022/02/15 -
38 a	February 6, 2023	Parkland County Enforcement Services Case Report 2022/02/15 -
38 b	February 6, 2023	Parkland County Enforcement Services Case Report 2022/02/15
39	February 6, 2023	Parkland County Order – Electrical Code
39 (2)	February 6, 2023	Parkland County Order – Electrical Code
40	February 6, 2023	Building Permit – Accessory building for Garden Centre
41	February 6, 2023	Electrical Permit – 2022
F1-F768	February 17, 2023	Appellant Submission for March 6, 2023 hearing