

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
PARKLAND COUNTY**

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DATE: May 25, 2018  
FILE NO.: 18-D-073

**Notice of Decision of Subdivision and Development Appeal Board**

**INTRODUCTION**

[1] The Development Authority of Parkland County (the "County") granted development permit No. 18-D-073 to Nicole Blackburn (the "Applicant") for a secondary suite (the "Development Permit") on SE 16-53-1-W5, Lot 3, Block 1, Plan 1221936 Leeward Estates, Municipal Address: 3, 53214 Range Road 13, Parkland County (the "Site"). Michael Volohatuke (the "Appellant") appealed the approval of the Development Permit.

**DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

[2] The Board dismisses the appeal.

[3] The hearing of this Appeal was initially set down for April 30, 2018. At the request of the Appellant, the Appeal was postponed and it was set down for May 14, 2018.

[4] The Appellant did not appear at the hearing of the Appeal on May 14, 2018.

[5] The Board Clerk advised the Board that the Appellant and adjacent landowners to the Site had been sent letters following the April 30, 2018 hearing advising of the postponement of the hearing to May 14, 2018. The Board Secretary advised that she had also sent an email to the Appellant informing him that the hearing of the Appeal had been set down for May 14, 2018. The Board Secretary further advised the Board that the Appellant did not respond to her email or otherwise correspond with her, but she did receive a delivery receipt indicating that the email had been delivered to the Appellant's email account.

[6] The Applicant and her husband, Matthew Blackburn, advised the Board that they had spoken with the Appellant in person on May 13, 2018 and that he informed them that he would not be attending the hearing of the Appeal on May 14, 2018.

[7] The Board accepts the evidence of the Board Secretary and the Applicant that the Appellant was advised of and aware of the date and time of the hearing of the Appeal. The Board is satisfied that the Appellant was aware of the date and time of the hearing.

[8] The Board is aware that it must provide procedural fairness to both parties. The Appellant requested a postponement of the hearing, which was granted. The Board accepts that the Appellant was notified of the date and time of the hearing and that the Appellant told the Applicant that he would not be coming to the hearing. In light of these facts, the Board is

of the view that the Appellant knew of the date of the hearing, but has chosen not to attend the hearing.

[9] Section 617 of the *Municipal Government Act* provides for "the orderly, economical and beneficial development, use of land and patterns of human settlement... without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest." The Board finds that, in light of this provision and the Appellant's choice not to attend the hearing, there is no procedural unfairness in denying the Appeal in the Appellant's absence. The Board will not further postpone the hearing.

[10] The only material submitted by the Appellant in support of the Appeal was the Notice of Appeal. The only information before the Board is the Appellant's statement in the Notice of Appeal that the proposed development is too close to the site septic system and that prevailing winds direct existing septic odor to his home. The statement is an allegation only and was not supported by any evidence. Based on the lack of evidence before it, the Board is not persuaded that the Development Permit should be overturned.

[11] For the above reasons, the appeal is dismissed.

Issued this 25<sup>th</sup> day of May, 2018 for the Parkland County Subdivision and Development Appeal Board



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Christine Beveridge, Board Clerk, on behalf of  
Jackie McCuaig, 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, R.S.A. 2000, c.M-26. This section requires an application for leave to be filed with the Court of Appeal of Alberta within 30 days of receipt of this decision.*

**APPENDIX "A"**  
REPRESENTATIONS

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**PERSON APPEARING**

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1. Kim Kozak, Assistant Development Officer
  2. Nicole Blackburn, Applicant
  3. Matthew Blackburn

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

Exhibit	Description	Date	Pages
April 30, 2018 Agenda Package			
1.	Table of Contents and Agenda	April 24, 2018	1
2.	Letter of Appeal	April 3, 2018	16
3.	Request for Postponement – Appellant	April 20, 2018	18
4.	Submission of the Development Authority	April 23, 2018	21-40
5.	Submission of the Applicant	April 23, 2018	41-48