

NOTICE OF PRELIMINARY HEARING DECISION

FILE NO. **SDAB 2025-007**

APPLICATION No.: **2025-DP-00169**

DEVELOPMENT: **Permanent Liquor Store, Office and Warehouse Sales Building (with a temporary liquor store operating for up to one year while permanent building is completed)**

LEGAL DESCRIPTION: **Lot 3, Block 10, Plan 5642NY**

CIVIC ADDRESS: **193 Mackenzie Avenue, Fort Chipewyan, Alberta**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board ("the Board") pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 ("the Municipal Government Act"), the Preliminary Hearing was held via Microsoft Teams on Wednesday, November 12, 2025.

BETWEEN:

Mikisew Cree First Nation acting through 1112958 Alberta Ltd., Cree-Ations Enterprises Limited; and Mistee Seepee Development Corporation Ltd. (collectively "the Appellant")

-and-

The Regional Municipality of Wood Buffalo ("the Municipality")

BEFORE:

D. Cleaver (Chair)
A. McKenzie
K. Carruthers
T. Salisbury

Administration:

H. Fredeen, Clerk for the Subdivision and Development Appeal Board
W. Collins, Clerk for the Subdivision and Development Appeal Board
A. Reid, Legal Counsel to the Subdivision and Development Appeal Board

- [1] Following the introduction of the Board, the Chair confirmed with the participants in attendance that there were no objections to the constitution of the Board.

PRELIMINARY MATTERS

- [2] Before the hearing, Robert Homersham, legal counsel for Daniel Roy, raised a preliminary matter with regard to the scope of the appeal. He requested a preliminary hearing to address the scope of the appeal before the Board.
- [3] The Board opened the hearing on November 12, 2025. The following participants attended the hearing: the Appellant, represented by Orlagh O'Kelly; the Municipality, represented by Janice Agrios; and Mr. Roy, represented by Mr. Homersham.
- [4] The purpose of the hearing was:
- to set a date for the preliminary hearing to address the preliminary matter brought forward by Mr. Roy,
 - to set disclosure dates for the preliminary hearing,
 - to set merit hearing dates, and
 - to set disclosure dates for the merit hearing.

Preliminary Hearing

- [5] Prior to the hearing, the Clerk circulated potential hearing dates for the preliminary matter (the "preliminary hearing") and for the merits.
- [6] Ms. Agrios indicated that she was available on December 10, 11, and 15, 2025, and January 22, 28 and February 4 and 5, 2026 for the preliminary hearing.
- [7] Ms. O'Kelly indicated that she was available for the preliminary hearing on December 10, 11, and 15, 2025 and on January 21, 22, and 28, and February 4 and 5, 2026.
- [8] Mr. Homersham indicated he was available on all potential dates for the preliminary hearing. He requested that the preliminary hearing be scheduled as soon as possible.
- [9] Ms. Agrios suggested a preliminary hearing date of December 15, 2025. All the participants confirmed that they were available for this date.

- [10] The participants also provided their submissions on disclosure timelines. The participants agreed that Mr. Roy would provide his submission on the preliminary matter first; however, Mr. Homersham requested that the Municipality provide the development permit file materials, particularly the information submitted through the development permit approval process, in advance of his submissions. The Municipality agreed to provide these materials by November 24, 2025.

Merit Hearing

- [11] The Chair canvassed the participants' availability for a merit hearing date of Monday, February 2, 2026, and an overflow date of Tuesday, February 3, 2026.
- [12] Ms. O'Kelly and Ms. Agrios submitted that the dates of January 22, and 28, and February 2, 3, 4, 5, 25 and 26, and March 4 and 5, 2026 were suitable for them.
- [13] Mr. Homersham submitted that the proposed dates were suitable for him but requested that the Board schedule the merit hearing in January 2026.
- [14] The Chair canvassed disclosure timelines for the merit hearing after the hearing dates of February 2 and 3, 2026 were confirmed. Mr. Homersham, Ms. Agrios, and Ms. O'Kelly agreed to the following disclosure timelines:

January 15, 2026 Appellant Submission

January 22, 2026 Municipality Submission
Mr. Roy's Submission

DECISION

- [15] In accordance with section 686 of the *Municipal Government Act* the appeal hearings and relevant disclosure timelines are scheduled as follows:

Preliminary Hearing

Date: Monday, December 15, 2025

Format: Virtual via Microsoft Teams

Time: 6:00 p.m.

Disclosure: Municipality Disclosure: 12:00 p.m. Monday, November 24, 2025

Mr. Roy's Submission: 12:00 p.m. Monday, December 1, 2025

Appellant Submission: 12:00 p.m. Tuesday, December 9, 2025

Municipality Submission: 12:00 p.m. Tuesday, December 9, 2025

Merit Hearing

Date: Monday, February 2, 2026 (Tuesday, February 3, 2026 overflow)

Format: Virtual via Microsoft Teams

Time: 6:00 p.m.

Disclosure: Appellant Submission: 12:00 p.m. Thursday, January 15, 2026

Municipality Submission: 12:00 p.m. Thursday, January 22, 2026

Mr. Roy's Submission: 12:00 p.m. Thursday, January 22, 2026

- [16] In addition to filing the evidence with the Clerk in accordance with the above-mentioned disclosure timelines, the Board orders the participants to ensure that all evidence is duly exchanged among the other parties as well as the Board's legal counsel.
- [17] In accordance with section 686(3) of the *Municipal Government Act*, notice of the hearings will be sent out.

REASONS FOR THE DECISION

- [18] The Board is aware that it must commence a hearing within 30 days of the appeal, and therefore, the Appeal hearing for SDAB 2025-007 is hereby opened and adjourned to December 15, 2025, which preserves the Board's jurisdiction relating to this appeal.
- [19] The purpose of the hearing was to hear submissions in relation to preliminary dates, disclosure dates for the preliminary hearing, merit hearing dates, and disclosure dates related to the merit hearing. The Board noted Mr. Homersham's request to have the preliminary hearing and merit hearing scheduled in an expeditious manner.
- [20] The Board selected December 15, 2025 for the preliminary hearing, as it is the earliest date mutually available for the participants and the Board that would also allow reasonable timelines for disclosure. The Board noted the participants' consent to the date.

- [21] The disclosure dates for the preliminary hearing are set out above. The participants agreed that the disclosure dates are reasonable. As all participants are represented, the Board has provided for disclosure to be staged so that the Municipality and the Appellant can provide submissions and respond to Mr. Roy's submissions in advance of the preliminary hearing, preserving procedural fairness. There is also time to ensure that the Board can receive and review the materials in advance of the preliminary hearing.
- [22] Similarly, the Board selected February 2, 2026, for the merit hearing date as it was the earliest date mutually available for the Parties and the Board. The Board directed that February 3, 2026, be held as an overflow date. The Board considered the participants' submissions and consent to the disclosure dates set out above. The disclosure dates are similarly staggered to ensure an opportunity to respond to the Appellant's submissions.
- [23] The Board clarified during the hearing that the members sitting during this preliminary hearing on November 12, 2025 are not seized with the matter, since there were no submissions on the merits of the appeal.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 19 day
of November 2025.

CHAIR:

ATIA s. 20(1)

Dean Cleaver

APPENDIX “A”
REPRESENTATIONS

Person Appearing	Capacity
Janice Agrios	Legal Counsel, Regional Municipality of Wood Buffalo
Phyllis Agyemang	Development Officer, Regional Municipality of Wood Buffalo
Shailesh Makwana	Development Authority Supervisor, Regional Municipality of Wood Buffalo
Robert Homersham	Legal Counsel, Mr. Roy
Daniel Roy	Development Permit Applicant
Orlagh O’Kelly	Legal Counsel, Appellant