

NOTICE OF DECISION

FILE NO. **SDAB 2025-006**

APPLICATION No.: **Stop Order**

CONTRAVENTION: **The Lands are being used for “Special Events”, which is neither a permitted use nor a discretionary use in the SH-Small Holdings District**

LAND USE DESIGNATION: **SH – Small Holdings District**

LEGAL DESCRIPTION: **Lot 1, Block 1, Plan 2321444**

CIVIC ADDRESS: **7880 Draper Road, Fort McMurray, 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 Appeal Hearing was held on Wednesday, November 5, 2025 via Microsoft Teams.

BETWEEN:

Chris Zheng, Lansdowne Equity Ventures Ltd for Kimberley Jean (“the Appellant”)

-and-

The Regional Municipality of Wood Buffalo (“the Respondent”)

BEFORE:

D. Cleaver (Chair)
A. McKenzie
N. Mahgoub
T. Salisbury

Administration:

H. Fredeen, Clerk for the Subdivision and Development Appeal Board
K. Hurlburt, K.C, Subdivision and Development Appeal Board, Legal Counsel

PRELIMINARY MATTERS*Jurisdictional Matter – September 24, 2025*

- [1] At a preliminary hearing held via Microsoft Teams on September 24, 2025, regarding File No. SDAB 2025-006, it was noted by the Clerk, that an appeal was filed on September 4, 2025 against the issuance of a Stop Order at the property located at 7880 Draper Road, Fort McMurray Alberta. Section 682(2) of the *Municipal Government Act* requires that the Subdivision and Development Appeal Board hold an appeal hearing within 30 days after receipt of an appeal.
- [2] The Clerk advised that the earliest available date to hold a hearing on the appeal matter was Wednesday, November 5, 2025. As November 5, 2025 falls outside of the required 30 days, the Board determined that in order to preserve jurisdiction over the appeal, the hearing was formally opened and adjourned to November 5, 2025.

MERIT HEARING

- [3] Following the introduction of the Board, the Chair confirmed with the parties in attendance that there were no objections to the constitution of the Board. No objections were raised.
- [4] Board member N. Mahgoub declared a possible concern arising from the fact that the engineering firm for which he worked had done some work on the building located on the Lands (the “Building”). The Appellant had no objection to N. Mahgoub continuing to participate in this appeal. Counsel for the Respondent suggested that the hearing should proceed with the remaining three Board members as long as that constituted a quorum.
- [5] After a pause for consideration, N. Mahgoub advised that while he had no actual bias, there could be a perception that he was unable to decide this appeal impartially. N. Mahgoub recused himself and took no further part in this appeal.
- [6] The exhibits, consisting of Exhibits 1 through 11, were marked as exhibits with the consent of both parties.

Summary of Hearing*Submission of the Respondent*

- [7] Legal Counsel for the Development Authority provided an overview of the matter before the Board, a Stop Order issued under section 645 of the *Municipal Government Act*. The Stop Order required the landowners, B. Jean and K. Jean (the “Landowners”), to stop holding Special Events, as that phrase is defined in Land Use Bylaw, on the Lands (the “Site”).
- [8] Legal Counsel referred to the definition of “Special Event” in Bylaw 99/059 as amended

(the “Land Use Bylaw”). The definition is as follows:

SPECIAL EVENT means a development related to the assembly or meeting of persons for a limited period of time held for a specific purpose. Special events may include but are not limited to a gathering for community, cultural, charitable, educational, recreational, or sporting events. A special event does not include events:

- a. intrinsic and ancillary to a use that has a valid development permit; or,
- b. taking place for non-commercial and personal use on a parcel of land within an urban or rural residential district consisting of not greater than 1 person per 15m² to a maximum of 150 persons.

[9] Legal Counsel for the Development Authority reviewed the history leading up to the issuance of the Stop Order:

- a. In late May 2025, the Municipality received an inquiry about activities taking place on the Site. The inquirer asked whether a development permit had been obtained to use the Site as a bed and breakfast, and noted that the Site had been listed on AirBnB. The Municipality replied that no development permit had been issued for a bed and breakfast operation at the Site, and the Municipality did not regulate AirBnB rentals.
- b. On June 2, 2025, the Municipality received a complaint about a wedding that had been held at the Site on May 31, 2025.
- c. The Development Authority conducted an investigation and concluded that unauthorized development, including one or more Special Events, had occurred at the Site. On June 6, 2025, the Municipality issued a letter to the Landowners warning that if the Landowners did not cease conducting unauthorized Special Events on the Lands, the Municipality would be obligated to take further enforcement action, including issuing a stop order. The Stop Order was issued on August 22, 2025.

[10] Legal Counsel submitted that the Board was required to determine whether the Site was being used in a manner which contravened the Land Use Bylaw. She took the Board through the definition of Special Event in section 10 of the Land Use Bylaw. Legal Counsel noted that the Appellant’s submissions addressed the wedding held on August 2, 2025 but did not address the events held at the Site earlier in the summer of 2025. The only existing development permit for the Site was a development permit for a single family residence. Holding commercial events at the Site was a violation of the Land Use Bylaw, because Special Events were neither a permitted use nor a discretionary use in the SH – Small Holdings District. On the totality of the information the Development Authority had at the time the Stop Order was issued, the Stop Order was justified, and the additional

information provided to the Board during the appeal supported that conclusion.

[11] The Appellant asked questions of the Development Authority. The questions and answers were as follows:

- a. C. Zheng stated that the Appellant's understanding was that the Stop Order had been issued because of the wedding which was held at the Site on August 2, 2025. Legal Counsel for the Development Authority said no, the Stop Order was issued on the basis of all of the information the Development Authority had, including the complaints about the various events received before and after the warning letter was issued and the online advertising of the Site as an events centre which could be booked for a fee.
- b. K. Jean sought clarification of the distinction between a commercial event and a personal event. She asked whether a birthday party held at the Site would be a personal event as long as no more than 150 people were in attendance and there was less than 1 person per 15 square metres. Legal Counsel for the Development Authority said that would not be a Special Event. K. Jean asked if a development permit was required if someone wanted to use their residence as an AirBnB property. Legal Counsel for the Development Authority said that she could not answer that question. K. Jean asked if an AirBnB guest held a party but the Landowners did not charge a fee, was that a Special Event? Legal Counsel for the Development Authority said that if guests were present on the Site for a fee, that was a commercial event and, therefore, would likely be a Special Event.

[12] The Board asked questions of the Development Authority. The questions and answers were as follows:

- a. The Board asked why the Development Authority did not visit the Site on August 2, 2025 while the wedding was being held. The response was that a decision had been made to deal with the situation after the wedding was over, rather than sending a bylaw officer to, effectively, crash the wedding. However, officials from the Development Authority were able to observe the traffic on Draper Road while the wedding was in progress.
- b. The Board asked if there was anything in the evidence to suggest that more than 150 people attended any of the events or whether there was anything in the evidence to suggest that any of the events were commercial in nature. Legal Counsel for the Development Authority responded that for the wedding held on August 2, 2025, there was some evidence from the Appellant that this event was personal in nature, but the Municipality had relied on the totality of the information it had, including the online advertising of the Site as the "River's Edge Event Centre and Resort" and the complaints it received from other area residents.

Submission of the Appellant

- [13] C. Zheng reiterated that the Appellant's understanding was that the Stop Order had been issued because of the wedding held at the Site on August 2, 2025; this was why all of the Appellant's written submissions and documents related to this event. The invitation for that wedding was issued in the Landowners' names, and there was no evidence that any fee was charged for attendance at that wedding. The evidence provided by the Appellant clearly showed that this was a personal event, not a commercial event. C. Zheng asked the Board to revoke the Stop Order.
- [14] K. Jean said that the Building was a private residence. The Landowners were complying with the Land Use Bylaw and would not hold any commercial events or other Special Events until they had received clarification of what was, or was not, a commercial event. K. Jean said that the previous week, her 50th birthday party had been held at the Site; it was a catered event with a bartender. It would be unfortunate if residents of the Small Holdings District could not use their properties for events like birthday parties and graduation parties. In 2024, the Landowners applied for a development permit for a Resort Facility, and that application was still in progress, but the Facebook advertising identifying the Site as River's Edge Events Centre or the River's Edge Events Centre and Resort came from that time; now they always used the name "River's Edge Private Residence" for the subject property.
- [15] The Development Authority asked questions of the Appellant's representatives. The questions and answers were as follows:
- a. Legal Counsel for the Development Authority asked K. Jean if the Building was the Landowners' primary residence. K. Jean said no, the whole Building was rented to a full-time tenant. The tenant was not one of the owners of the Lands. The Building was the Landowners' secondary residence.
- [16] The Board asked questions of the Appellant's representatives. The questions and answers were as follows:
- a. The Board asked K. Jean whether she had organized any of the events held at the Site or whether she had a personal connection to any of these events. K. Jean said that before the Landowners received the warning letter, their AirBnB guests were allowed to hold events at the Site, and the Landowners had no involvement in those events. After the Landowners received the warning letter, the Landowners did understand that there was a problem with their AirBnB guests having guests of their own, and stopped allowing that.
 - b. The Board referred to the invitation for the wedding held on August 2, 2025 and asked why the invitation showed that the wedding would be held at the River's Edge Event Centre and Resort. K. Jean replied that this was a hangover from the

engagement carried out when applying for a development permit for a Resort Facility; she expected that her friends had put that wording on the wedding invitation because when someone googled the Site, the first name that popped up was River's Edge Event Centre. However, by October 2024, the Landowners had stopped using this name and instead, referred to the Site as the River's Edge Private Residence.

- c. The Board asked about the acknowledgement at page 3 of the Appellant's written materials that, "While guests may occasionally host private gatherings, and may in some cases pay a secondary fee to use the common area, such use is incidental to lawful accommodation and does not constitute a contravention." C. Zhen said that this was part of the AirBnB arrangement, and any additional fee paid would always be tied to the short-term rental. K. Jean said in the past, AirBnB guests had hosted gatherings at the site. The gist of her answer was that if an additional fee was paid, the fee was paid to AirBnB as part of the rental fee. The Site was still used for AirBnB rentals, but AirBnB guests were no longer allowed to host gatherings at the Site.

[17] There were some follow-up questions. The questions and answers were as follows:

- a. Legal Counsel for the Development Authority asked K. Jean about the statement that when she, K. Jean, asked the Development Authority about hosting a friend's wedding at the Site, she had received no response. K. Jean acknowledged that she did receive a response, but said that the response did not answer the question she has asked.
- b. The Board asked the Development Authority whether the Land Use Bylaw governs short-term rentals. Legal Counsel said no, there was no use category in the Land Use Bylaw for short-term rentals. However, a short-term rental was a different thing from someone using a residence for commercial purposes.
- c. The Board asked K. Jean to confirm that the events held in May and June 2025 were events held by AirBnB guests. K. Jean confirmed that. The Board asked K. Jean whether it would be reasonable to say that some AirBnB guests rented the Site only for the purpose of holding an event. K. Jean said no, the Landowners did not allow the Site to be rented for that purpose.

Submission(s) of Affected Persons in Favor of the Appeal

[18] No one other than the Appellant provided written or verbal submissions in favour of the appeal except for the additional written materials provided by Victor Hawes and Legal Counsel for the Development Authority, which were marked as Exhibits 10 and 11.

Submission(s) of Affected Persons in Opposition to the Appeal

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- [19] The written submissions filed prior to the appeal hearing were marked as Exhibits 3 through 6. Two people, A. Ahmed and O. Werkema, registered to speak in opposition to the appeal. Both of these people were neighbours whose properties were located near or adjacent to the site.
- [20] A. Ahmed gave three reasons for supporting the issuance of the Stop Order: excessive noise every time an event was held; the increase in traffic on Draper Road, which was narrow and contained several blind spots, when an event was held; and the potential difficulties of enforcing the Stop Order. There had been four different weddings at the Site in the summer of 2025, which was excessive and unacceptable.
- [21] O. Werkema made a number of comments. The Board has disregarded any comments which were not relevant to the issue before the Board, which is whether the Stop Order should be confirmed, revoked or varied. The relevant comments were as follows. The events caused significant disruption to the peace and quiet of her property.

Closing Comments from the Respondent

- [22] Legal Counsel for the Development Authority submitted that the Stop Order was justified having regard to the evidence from the complainants and the adjacent neighbours. The Building was clearly configured not as a private house but rather, as an event venue. While the Appellant said that the Landowners had stopped allowing AirBnB guests to hold events at the Site, the advertising evidence was not consistent with that statement.

Closing Comments from the Appellant

- [23] C. Zheng reiterated that the Stop Order was issued because of the wedding which was held on August 2, 2025. K. Jean added that this wedding was not a Special Event.
- [24] Upon conclusion, the Chair asked the parties present, if they felt that the hearing was conducted in a fair manner. Both parties agreed that they had sufficient opportunity to present their respective cases. The Chair declared that the hearing was now closed and that the Board was reserving its judgment, with a written decision to be provided within 15 days.

Findings Of Fact

[25] The Board makes the following findings of fact:

- a. The Subject Property is located in the SH – Small Holdings District.
- b. Single Detached Dwelling is a permitted use in the SH – Small Holdings District.
- c. The Landowners have constructed a building (the “Building”) on the Lands pursuant to a development permit issued by the Municipality for a Single Detached Dwelling. At this time, there are no other valid and subsisting development permits for the Lands.
- d. The Stop Order which is the subject of this appeal was issued pursuant to section 645 of the *Municipal Government Act* and section 37 of the Land Use Bylaw for holding Special Events at the Site. Special Events are neither a permitted use nor a discretionary use in the SH – Small Holdings District.

Decision

[26] **It is the decision of the Subdivision and Development Appeal Board to UPHOLD the Appeal. The Stop Order is REVOKED.**

Reasons for The Decision

[27] The Board notes that its jurisdiction is found within Section 687(3) of the *Municipal Government Act, RSA 2000, c.M-26* (the “MGA”). In making this decision, the Board has examined the provisions of the Land Use Bylaw and has considered the oral and written submissions by and on behalf of the Respondent, the Appellant as well as affected persons.

[28] The Board is satisfied that the Stop Order was issued in the appropriate manner by a designated officer in accordance with section 645 of the MGA. However, this is not a complete answer to the question of whether the Municipality was justified in issuing the Stop Order.

[29] The law regarding onus or burden of proof in stop order appeals is well-established. For example, in *Legacy Inc. v Red Deer (City)*, 2018 ABCA 393, a single Justice of the Alberta Court of Appeal held as follows at paragraph 20:

... The City of Red Deer bore the legal or persuasive burden of proof. It had to prove on a balance of probabilities that Legacy Inc. developed the land without a necessary development permit under conditions that justified a stop order under s. 2.2(1) of the *Land Use Bylaw*. Legacy Inc. bore the evidential burden to present evidence that was sufficiently cogent to prevent the Board from concluding on a balance of probabilities that

Legacy Inc. did not have the requisite development permit for the land.

- [30] Thus, in this case, the Board must decide whether the Municipality has proved, on a balance of probabilities, that the Stop Order was justified because the Landowners contravened the Land Use Bylaw by holding one or more Special Events without having a development permit which allowed them to do that. If the answer to that question is yes, the Board must then decide whether the Appellant has provided sufficient evidence to establish, on a balance of probabilities, that the Stop Order was in fact not justified.
- [31] In the opinion of the Board, the wedding held on August 2, 2025 was not a Special Event. It is unfortunate that the invitations for the wedding stated that the wedding would be held at the River's Edge Event Centre and Resort, but that is not sufficient, in and of itself, to show that this wedding was a Special Event. One of the Landowners, B. Jean, was a member of the wedding party, and both B. Jean and K. Jean were guests at the event; these are indications that this was a personal event, not a commercial event. In any event, there is no evidence that the number of attendees exceeded 150 people or 1 person per 15 square metres. The Board finds that this wedding was a personal event, not a commercial event. To be clear, the Board finds that this wedding was not a Special Event as that phrase is defined in the Land Use Bylaw.
- [32] The Board accepts the written evidence of various area residents and the oral evidence of A. Ahmed that a number of other weddings were held at the Site during the summer of 2025. The Board notes that K. Jean admitted that neither she nor her husband had any personal connection with any of these events, and that the Site had been advertised as an event centre. However, the Development Authority did not provide any evidence that the number of people in attendance at any of these events exceeded 150 people or 1 person per 15 square metres; that the attendees at any of these events paid a fee to attend the event; or that anyone paid a fee to the Landowner to host an event other than a higher rent because a larger portion of the Building was included in the Air BnB rental. Overall, the Board finds that the Municipality has not proven that one or more Special Events was held at the Site.
- [33] Because the Municipality has failed to prove that the Landowners contravened the Land Use Bylaw, the Board concludes that the Municipality was not justified in issuing the Stop Order. It follows that the Stop Order must be revoked.
- [34] In conclusion, the Board notes that its decision to revoke the Stop Order is not to be taken as permission for anyone to hold a Special Event on the Site. Further, this decision is not to be taken as prohibiting the Municipality from issuing a new stop order in the future should the Municipality have sufficient evidence to establish, on a balance of probabilities, that there has in fact been a contravention of the Land Use Bylaw.
- [35] This decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to an appeal to the Alberta Court of Appeal under section 688 of the

Municipal Government Act, RSA 2000, c. M-26, as amended.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 14 day
of November 2025.

CHAIR:

ATIA s. 20(1)

Dean Cleaver

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

EXHIBIT NO.	ITEM	DATE FILED
	Subject Area Map	2025-09-23
1.	Notice of Appeal (2 pages)	2025-09-04
2.	Stop Order 7880 Draper Road (3 pages)	2025-09-05
3.	Written Submission – Freemon and Jennifer Raiche (1 page)	2025-10-08
4.	Written Submission – Michelle and Patrick Hondl (1 page)	2025-10-28
5.	Written Submission – Miranda Harper (1 page)	2025-10-28
6.	Written Submission – Chris Harper (1 page)	2025-10-29
7.	Written Submission and Evidence Disclosure – Regional Municipality of Wood Buffalo	2025-10-29
8.	Evidence Disclosure – Appellant (10 pages)	2025-10-31
9.	Additional Evidence Disclosure – Appellant (12 pages)	2025-11-04
10.	Written Submissions – Victor Hawes (1 page)	2025-11-04
11.	Additional Written Submissions – Regional Municipality of Wood Buffalo	2025-11-05

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
C. Zheng	Appellant (Agent for the Landowners)
K. Jean	Landowner
J. Agrios, K.C.	Counsel for the Development Authority
C. Kachale	Development Authority
I. Contreras-Dogbe	Development Authority
A. Ahmed	Neighbour (speaking against the appeal)
O. Werkema	Neighbour (speaking against the appeal)