

NOTICE OF DECISION

FILE NO. **SDAB 2026-002**

APPLICATION No.: **2025-DP-00399**

DEVELOPMENT: **Accessory Building – Sea-can**

LAND USE DESIGNATION: **C3 – Community Commercial District**

LEGAL DESCRIPTION: **Lot 2A, Block 32, Plan 8520960**

CIVIC ADDRESS: **380 Silin Forest 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, April 29, 2026 via Microsoft Teams.

BETWEEN:

Jackie He, represented by Timothy Bell (“the Appellant”)

-and-

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

BEFORE:

T. Salisbury (Chair)
T. Morris
S. Schaffer
L. Yayechnick

Administration:

H. Fredeen, Clerk for the Subdivision and Development Appeal Board

[1] 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.

MERIT HEARING**Preliminary Matters**

[2] No preliminary matters were raised.

Summary of Hearing*Submission of the Respondent*

- [3] The Development Officer began the proceedings with a verbal summary of their written report, highlighting specific points and facts within the report and outlining the planning considerations for which the decision was based.
- [4] The appeal stems for the refusal of Development Permit No. 2025-DP-00399, an application for a Sea-can and Trailer located at 380 Silin Forest Road, Fort McMurray, Alberta.
- [5] The Development Officer provided a chronology of events as follows:
- i. On May 13, 2025, an initial site inspection was conducted of the Subject Property in response to a complaint regarding unauthorized storage and development.
 - ii. On October 15, 2025, a formal letter was issued to the registered property owner identifying observed contraventions of the Land Use Bylaw. The letter outlined the corrective actions required to achieve compliance by November 15, 2025, failing which the Municipality would proceed with further enforcement action.
 - iii. On October 29, 2025, a development permit application for a Sea-can and Trailer was received for the Subject Property.
 - iv. On November 17, 2025, the Development Officer requested additional information regarding the site plan to accompany the application in which the Applicant responded that same day indicating that the information would be provided.
 - v. Later that week, the Applicant attended the front counter at the Planning and Development Services office in which the Development Officer provided printed information detailing what was needed for the application to be deemed complete.

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- vi. As no response was received from the Applicant, the Development Officer followed up on December 12, 2025, to formally advise that the application remained incomplete. The Applicant was instructed to submit all outstanding information by 4:00 p.m. on December 15, 2025, should he wish to proceed with the Development Permit Application. This deadline was established due to the Municipality's Land Use Bylaw No. 26/001 coming into effect on January 1, 2026, which prohibits the use of Sea-cans in commercial districts within the urban service area
- vii. On January 19, 2026, the Development Authority refused the development permit for the following reasons:
- Section 1.6.1 of Land Use Bylaw No. 26/001 provides that only applications which were complete prior to the bylaw coming into effect may be processed under the former Land Use Bylaw No. 99/059. The Applicant was advised on November 17, 2025, and again on December 12, 2025, that the application was incomplete. No additional information was submitted prior to January 1, 2026; therefore, the application could not be processed under the former Land Use Bylaw and must be considered under Land Use Bylaw No. 26/001.
 - Under Section 5.1.10(a) of Land Use Bylaw No. 26/001, Sea-cans are prohibited within the urban service area except in Industrial and Institutional districts. The Subject Property is zoned C3 – Community Commercial, which is neither an Industrial nor an Institutional district.
 - Under the former Land Use Bylaw No. 99/059, there were no specific restrictions on the siting of Sea-cans. As such, had a complete application been submitted prior to January 1, 2026, and had it complied with all applicable site-specific and general regulations, the Development Authority could have approved the Sea-can, subject to standard conditions.
 - The Development Officer further noted that, notwithstanding the absence of express provisions in the former bylaw, the Development Authority historically treated Sea-cans as temporary structures, given their lack of permanent foundations and the common practice of imposing expiry dates on approvals
- [6] The Development Officer recommended that the Subdivision and Development Appeal Board uphold the decision of the Development Authority to refuse the application for a Sea-can and trailer.
- [7] Upon questioning by the Board, the Development Officer submitted the following:
- The complete application was not filed until after January 19, 2026.

- Outstanding information included details on the site plan, specifically the dimensions and setbacks of the Sea-can and trailer from the property lines, as well as parking requirements.

Submission of the Appellant

- [8] The representative for the Appellant acknowledged that the new Land Use Bylaw clearly prohibits Sea-cans in residential and commercial districts within the urban service area and indicated that there was little basis to challenge the bylaw itself. He proposed that, subject to conditions acceptable to the Board, the Sea-can be allowed to remain if the rear yard were cleaned up and visual impacts mitigated.
- [9] The representative for the Appellant noted that the Sea-can is primarily visible from an adjacent condominium property, as other surrounding uses include municipal infrastructure, a grocery store, and a restaurant. He advised that he spoke with a tenant of the condominium who expressed dissatisfaction with the unsightly view, although no formal complaint was submitted by that tenant.
- [10] To address these concerns, the representative for the Appellant proposed removing a second structure from the site, consolidating storage into the Sea-can, cleaning up the rear yard, and installing an architecturally appropriate fence to screen the Sea-can from view. He indicated that the Sea-can is used for storage of construction and restaurant-related equipment

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

- [11] There were no verbal or written submissions received in favour of the appeal.

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

- [12] There were no verbal or written submissions received in opposition to the appeal

Questions from the Board

- [13] Upon further questioning from the Board, the Development Officer submitted the following:
- The trailer and the Sea-can are accessory buildings.
 - Approval of the Sea-can would be a contravention of the general regulations of the current Land Use Bylaw 26/001.

Closing Comments from the Respondent

- [14] In closing, the Development Officer submitted that the Development Authority does not have the authority to approve the proposed development under the current Land Use Bylaw No. 26/001. However, the application was initially made under the former Land Use Bylaw No. 99/059, which did not contain specific restrictions on Sea-cans. The Development Officer stated that, had the Applicant submitted the requested outstanding information prior to the new bylaw coming into effect, the Development Authority would have been able to approve the development subject to standard conditions, consistent with approvals granted for similar applications before January 1, 2026

Closing Comments from the Appellant

- [15] In closing, the representative for the Appellant acknowledged that there was no strong justification for the failure to submit the requested information within the required timelines. He explained that he was assisting the Appellant with communications and that the Appellant was out of town near the end of the response period. As a result, the outstanding information was not finalized before the new Land Use Bylaw came into effect.
- [16] The representative for the Appellant further stated that, to his knowledge, the Appellant was not aware of the pending bylaw change and did not appreciate the urgency of completing the application before the effective date. He further noted that the Appellant was in the process of responding and subsequently pursued an appeal, but did not complete the submission in time.
- [17] The representative for the Appellant emphasized a willingness to address the Municipality's concerns by cleaning up the rear yard, removing unnecessary or unsightly items, and maintaining the site in a more orderly condition. He maintained that the primary issue was the appearance of the site rather than the presence of the Sea-can itself. He requested that consideration be given to allowing the Sea-can to remain, subject to conditions acceptable to the Municipality or the Board, including measures to improve aesthetics and site maintenance.
- [18] Upon conclusion, the Chair asked the parties present, if they felt that the hearing was conducted in a fair manner. No issues were brought to the Board's attention.

Findings Of Fact

- The Board makes the following findings of fact:
 - i. The Subject Property is located in the C3 – Community Commercial District.
 - ii. The proposed development is an Accessory Building (Sea-can).
 - iii. Sea-cans are not allowed in the Urban Service Area except in Institutional districts and in Industrial districts.

Decision

- **It is the decision of the Subdivision and Development Appeal Board to DENY the Appeal. The application for an Accessory Building (Sea-can) is DENIED.**

Reasons for The Decision

[19] The Board notes that its jurisdiction is found within Section 687(3) of the *Municipal Government Act, RSA 2000, c.M-26*. In making this decision, the Board has examined the provisions of Land Use Bylaw No. 26/001 and has considered the oral and written submissions by and on behalf of the Appellant and the Respondent.

[20] The Board reviewed the transition provisions of Land Use Bylaw No. 26/001 and acknowledges that the Development Permit Application was initially submitted on October 29, 2025. However, the application was not deemed complete until after January 19, 2026, despite multiple efforts by the Development Authority to inform the Appellant of the bylaw transition requirements. Land Use Bylaw No. 26/001 came into effect on January 1, 2026. Accordingly, the Board concludes that the application must be assessed under Land Use Bylaw No. 26/001

1.6.1 A **complete** application for a subdivision, development permit or amendment to the Land Use Bylaw which has been submitted or lawfully started prior to the effective date of this Bylaw, including any appeals associated with such applications, shall be evaluated under the provisions of the former Land Use Bylaw No. 99/059, as amended.

[21] The Board notes that Accessory Buildings are a permitted use in the C3 – Community Commercial District under section 6.10.2 of the Land Use Bylaw 26/001; however, under Land Use Bylaw No. 26/001, Part 5 of the General Regulations for Accessory Buildings, it states:

5.1.10(a) sea-cans are not allowed in the Urban Service Area except in institutional districts and industrial districts.

[22] Upon clarification from the Development Authority, the Board acknowledges that the above section constitutes a general regulation rather than a use provision. Accordingly, the Board must determine whether it is appropriate to exercise its variance power to vary the regulation under section 687(3)(d) of the *Municipal Government Act*:

687(d)...the board hearing the appeal referred to in subsection (1) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) *The proposed development would not*

(A) Unduly interfere with the amenities of the neighbourhood, or

(B) Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

[23] The evidence demonstrates that the Appellant was afforded multiple opportunities to submit the required information and complete the application prior to the January 1, 2026, deadline. Accordingly, the Board was not persuaded that granting a variance from the general regulations of Land Use Bylaw 26/001 is reasonable.

[24] The 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 13 day of _____ 2026.

CHAIR:

ATIA 20(1)

Trevor Salisbury

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

EXHIBIT NO.	ITEM	DATE FILED
	Subject Area Map	2026-01-19
1.	Notice of Appeal (3 pages)	2026-01-12
2.	Planner's Report (141 pages)	2026-03-04

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
Phyllis Agyemang	Development Officer
Shailesh Makwana	Development Authority Supervisor
Timothy Bell	Representative for the Appellant (Jackie He)