

NOTICE OF DECISION

FILE NO. **SDAB 2025-009**

APPLICATION No.: **2025-DP-00319**

DEVELOPMENT: **Group Home (5 Bedroom Adult Recovery Home)**

LAND USE DESIGNATION: **R1 -Single Detached Residential District**

LEGAL DESCRIPTION: **Lot 24, Block 10, Plan 852 1147**

CIVIC ADDRESS: **233 Bacon Place, 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, January 14, 2026 via Microsoft Teams.

BETWEEN:

Wood Buffalo Wellness Society (“the Appellant”)

-and-

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

BEFORE:

A. McKenzie (Chair)
A. de Sousa
T. Morris
T. Salisbury
L. Yayechnick

Administration:

H. Fredeen, Clerk for the Subdivision and Development Appeal Board
A. Hawkins, Clerk for the Subdivision and Development Appeal Board
J. Brown, Chief Legislative Officer

[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.

PRELIMINARY HEARING – JURISDICTIONAL MATTER*Jurisdictional Matter – December 15, 2025*

- [1] At a preliminary hearing held via Microsoft Teams on December 15, 2025, regarding File No. SDAB 2025-009, it was noted by the Clerk, that an appeal was filed on December 2, 2025, against a condition of Approval for Development Permit No. 2025-DP-00319 at the property located at 233 Bacon Place, Fort McMurray Alberta.
- [2] 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.
- [3] The Clerk advised that, considering the availability of all parties, the earliest possible date to hold the appeal hearing was Wednesday, January 14, 2026. As this date falls outside the required 30-day timeframe, the hearing was formally opened and immediately adjourned to January 14, 2026

MERIT HEARING

- [4] The Chair confirmed with the parties in attendance that there were no objections to the constitution of the Board. No objections were raised.
- [5] Board Member S. Schaffer declared a conflict of interest, citing his employment in the health care sector and through guidance from his employer, recused himself from the appeal hearing and disconnected from the hearing.

Preliminary Matters

- [6] No preliminary matters were raised.

Summary of Hearing*Submission of the Respondent*

- [7] The Development Officer began the proceedings with a verbal summary of the written report, noting that the appeal arises from a Development Permit Application for a Group Home (a five-bedroom adult recovery home), which is classified as a discretionary use within the R1 – Residential District.
- [8] Because the use is discretionary, the Development Authority must conduct a more thorough review to determine its appropriateness.

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- [9] The Development Officer reported that the application was circulated to relevant external agencies and departments for review, and no significant concerns were identified.
- [10] At the onset of the application process, the Development Authority requested the Applicant revise their application to decrease the number of bedrooms from seven to five to align with parking stall requirements for the Subject Property.
- [11] The Development Officer noted that parking requirements are based on land use standards and not individual resident behavior (i.e. residents not owning a vehicle).
- [12] Parking demands can also arise from employee shift changes, visitors, and service providers or emergency services.
- [13] The Development Officer stated that increasing the number of bedrooms from five to seven is not a minor change and would constitute a material change in use, resulting in higher overall occupancy, additional staffing requirements, and greater operational activity.
- [14] It was noted that the Development Authority must ensure that the development remains consistent with the general purpose and character of the district and surrounding neighborhood. Submissions received from the public indicate that there are concerns with these neighborhood impacts.
- [15] The Development Officer indicated that neighborhood impacts are not limited to residential vehicle ownership but include broader activity and intensification considerations.
- [16] The Development Officer recommended that the Subdivision and Development Appeal Board uphold the decision of the Development Officer and approve the Development Permit.
- [17] Upon questioning from the Board, the Development Officer submitted:
- i. The application was reviewed by the Safety Codes Branch (Exhibit 4, pgs. 81-82) and they did not have any concerns with comments from Alberta Health Services:

"The basement bedroom window sizes should be reviewed to ensure they meet the size requirements for emergency egress. All rooms used for sleeping are also required to have openable windows for ventilation." (Exhibit 4, pg. 84)
 - ii. Section 18.1 of Land Use Bylaw No. 99/059 states:

"The Municipal Planning Commission shall: if a proposed use of land or a building is not listed as a "Permitted Use", "Discretionary Use – Development Officer" or

“Discretionary Use – Planning Commission” in the Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a use listed under that land use district and may issue a development permit?”

The Land Use Bylaw No. 99/059 does not specify parking requirements for Group Homes. Given that the anticipated impact of the proposed Group Home is the same as that of a Boarding House, the Development Officer submitted that he applied the parking standards for a Boarding House to determine the requirements for the Group Home.

- iii. When asked where five parking stalls were derived from, the Development Officer indicated that the existing driveway formation had existing gravel that could accommodate an additional parking stall; therefore, a condition was placed on the Development Permit that the approved Development Permit would be subject to an approved Boulevard Crossing Permit which was approved on December 23, 2025.
- iv. The Development Officer confirmed that Condition 1 on the Development Permit states that there are five bedrooms.
- v. If Land Use Bylaw No. 26/001 were applied in reviewing the Development Permit Application, the Development Authority would have the discretion to grant variances for on-site parking standards; however, all other considerations would remain unchanged.

Submission of the Appellant

- [18] The Appellant provided an overview of the Wood Buffalo Wellness Society and the Sakihitowin Recovery Home Program indicating that the Wood Buffalo Wellness Society is a non-profit organization. The Sakihitowin Program (the “Program”) provides sober homes that operate as single households with stable residency, low turnover and structured oversight. Staff visit daily and properties are monitored with 24-hour video security. The Program is self-funded with participants contributing monthly program fees that go towards wages, utilities, travel, programming and rental fees.
- [19] The Appellant submitted that many of the people in the program do not have vehicles.
- [20] The Appellant indicated that the Wood Buffalo Wellness Society is seeking to become licensed with the Province of Alberta, meaning that they will be regulated by residential addiction treatment standards, and strictly monitored for compliance by Alberta Health Services.

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- [21] The Appellant noted that their residents are not short-term lodgers, they are people in recovery who are participating in structured living environments that are designed to support their stability and reintegration in the community.
- [22] Under the *Alberta Human Rights Act*, Addiction and Substance Use Disorder is considered a disability and is a protected ground.
- [23] The Appellant indicated that under the Land Use Bylaw, a Group Home is classified as an Institutional and Civic Use, which is defined in the Land Use Bylaw as “*a development for a public purpose*”, unlike a Boarding House. The Land Use Bylaw defines a Group Home as a residence where four or more unrelated individuals live under one roof who may require professional care, guidance, or supervision, often for rehabilitation purposes. In contrast, a Boarding House is a dwelling where lodging is provided to multiple individuals, with rooms rented separately rather than functioning as a single household.
- [24] The Appellant stated that the application for a Development Permit was prompted by the need to address non-compliance with the Land Use Bylaw
- [25] The Appellant indicated that they were told to apply for a Change of Use and Group Home status and have worked closely with the Development Authority over the past several months. As part of the application process, neighborhoods were notified and invited to three open houses that were hosted by Wood Buffalo Wellness Society at various times to dispel misinformation and have an open and honest conversation with the community. Most attendees left with their questions answered and a different point of view about the Program.
- [26] The Appellant stated that on November 12, 2025, the Wood Buffalo Wellness Society was advised by the Development Officer that its Development Permit Application would be approved if occupancy was reduced from seven to four, even though the Subject Property contains seven bedrooms. The Development Officer exercised discretion by correlating the number of bedrooms to the required parking stalls, noting that the Subject Property could accommodate four stalls, two in the attached garage and two in the driveway.
- [27] The Appellant submitted that there are no regulations that speak to the number of parking stalls required for a Group Home.
- [28] The Appellant argued that reducing occupancy to this extent would severely undermine the financial viability of the Program, which depends primarily on participant fees. Such a reduction would result in the loss of access to safe, supportive housing and essential programming for those in need. While the Development Officer acknowledged the financial implications, he noted that these considerations fall outside the scope of planning

considerations for the Development Authority. This may hold true for the Development Authority; however, it does not reflect the broader responsibilities of the Regional Municipality of Wood Buffalo, Council and the Community.

- [29] The Appellant challenged the Development Officer's assertion that parking impacts would be minimal and not a concern, questioning how a condition based on parking can be considered reasonable, relevant, and tied to actual impacts, while remaining consistent with the mandate of the *Municipal Government Act*.
- [30] Furthermore, the Appellant contended that the Development Authority's position is contradictory, citing page 56, point 21 of their submission, which states "*parking impacts associated with the subject property are expected to be very minimal and are not considered a concern.*" Despite this, the Development Officer remains bound by the Land Use Bylaw's parking requirements and lacks the authority to vary or disregard them despite the fact the Bylaw does not currently regulate parking for Group Homes.
- [31] The Appellant acknowledged that occupancy limits can be appropriate when they are linked to demonstrable land use impacts; however, the parking restrictions imposed do not relate to the proposed Group Home's use and are unsupported by any observable impacts, rendering the limitation irrelevant and unreasonable.
- [32] The Appellant questioned whether the imposed restrictions were intended to address unrelated concerns, referencing petitions and letters in the Planner's report (Exhibit 4), which primarily raise non-parking issues and appear to be influenced by bias, stigma, and discrimination, which are matters that fall outside the scope of planning considerations.
- [33] The Appellant referenced Exhibit 3, page 41, which details a Subdivision and Development Appeal from another municipality where neighborhood concerns were weighed against planning considerations. In that case, the Board determined that parking concerns were negligible and denied the appeal. The Appellant submitted that this is a classic example of "NIMBY" (Not in My Backyard).
- [34] The Appellant argued that the planning decision appears contradictory, citing parking concerns and impacts on one hand, while claiming negligible impacts on the other, yet still imposing parking-related conditions that restrict occupancy and undermine the Program's ability to operate effectively.
- [35] The Appellant asserted that the Board's role includes considering whether conditions are reasonable, appropriate and consistent with municipal purposes including inclusivity and social well-being. The Appellant argued that the condition imposed has a disproportional impact on a program that serves people with disabilities and that impact is not justified by

the planning evidence.

- [36] The Appellant requested the Board to remove or vary the condition of the permit and allow the Wood Buffalo Wellness Society to implement internal policies that restricts personal vehicle usage within the Program to available on-site parking and limit occupancy to one person per available bedroom.

Upon questioning from the Board, the Appellant submitted the following:

- i. The residence contains seven bedrooms. The Development Authority requested that the floor plan (Exhibit 3, pages 35–36) be revised to reflect the occupancy restriction, noting that the areas labeled as “Den” and “Storage” are, bedrooms. The bedrooms will be inspected by the Safety Codes Branch as part of the occupancy permit process (Exhibit 4, page 82) to ensure adherence to safety regulations including window egresses.
- ii. The Wood Buffalo Wellness Society operated the Group Home in contravention of the Land Use Bylaw because the organization previously operated on federal land. It later amalgamated with another group who rented the current Group Home. While the Regional Municipality of Wood Buffalo was aware of the Program, the Planning and Development Services department was not. The Wood Buffalo Wellness Society lacked the capacity to navigate the permitting process due to capacity issues and being underfunded.
- iii. A development permit is a requirement to obtain Alberta Health Services licensing.
- iv. Attendance at the open houses was not great (the first open house had nine attendees; the second had ten attendees; and the third had under 5 attendees). Although attendance was low, participants left being very supportive of the Program.
- v. Staff attend the Group Home daily; however, guidelines are very strict for the residents. There is no evidence to suggest that staffing or adding two more residents would increase the intensity of the Group Home or density of the neighborhood.
- vi. A seven-bedroom house used for standard residential purposes, with people coming and going, would have a similar impact to the Group Home, if not less. In fact, the Group Home would likely result in reduced parking and traffic congestion compared to a typical residential use.
- vii. Approximately 3,300 individuals have participated in the Program, including 500 in the past decade, and only six of those participants owned a vehicle.

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

[37] There were no verbal or written submissions received in favor of the appeal.

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

[38] There were no verbal or written submissions received in opposition to the appeal.

Questions from the Board

[39] Upon further questioning from the Board, the Development Officer submitted that if there were seven parking stalls available on the Subject Property, he would have approved the application for a seven-bedroom Group Home.

Closing Comments from the Respondent

[40] The Development Officer reiterated that the Development Authority's role is to apply the Land Use Bylaw consistently and fairly. Although the social benefit of the Group Home is acknowledged, the Development Authority cannot override regulatory requirements.

[41] The Development Officer requested that the Subdivision and Development Appeal Board uphold the Development Authority's decision.

Closing Comments from the Appellant

[42] The Appellant conveyed disappointment in the amount of red tape and barriers experienced throughout the process at a time when the community and the province are experiencing a state of emergency surrounding addictions.

[43] Furthermore, organizations need a consistent set of rules and guidelines and not have decisions made by authorities arbitrarily based on bias, stigma or perception; otherwise, they end up wasting time, money and resources.

[44] Upon conclusion, the Chair asked the parties present, if they felt they had a sufficient opportunity to present their information and arguments to the Board. No issues were brought to the Board's attention.

Findings Of Fact

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

- i. The Subject Property is located in the R1 – Single Detached Residential District.

- ii. The proposed development is a Group Home.
- iii. The use is a discretionary use.
- iv. The Land Use Bylaw No. 99/059 does not specify parking requirements for Group Homes.

Decision

[46] **It is the decision of the Subdivision and Development Appeal Board to UPHOLD the Appeal. The application for a Group Home is APPROVED with the following amendments and subject to the conditions set out below:**

- 1 This development is classified as a Group Home (Adult Recovery Home) with a maximum of 7 - bedrooms pursuant to Advisory Note no. 8.; and is a Discretionary Use-Planning Commission in the R1 – Single Detached Residential District.
- 2 Construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.
- 3 The building location, design and external finish shall be as indicated on the approved drawings. Any changes to the approved plans shall be submitted to the Development Officer for further approval, even if said changes are minor in nature and are consistent with the regulations applied to the site.
- 4 A minimum of five (5) on-site parking stalls shall be provided for this development. The required parking stalls shall be accessible from a public thoroughfare, and be surfaced with gravel, asphalt, concrete or a similar material.
- 5 The gravel area used for the driveway expansion must obtain an Approved Boulevard Crossing Permit prior to an Occupancy Permit.
- 6 A minimum of thirty percent (30%) of the gross lot area shall consist of soft landscaping.
- 7 The Group Home shall maintain its residential character and remain in a good state of repair, including proper upkeep and cleanliness.
- 8 The garbage and waste material shall be stored in weather-proof and animal-proof containers and shall be visually screened in a manner compatible with the design and external materials of the principal buildings on the site.
- 9 The Group Home shall be equipped with functional security cameras around the exterior of the single detached dwelling to enhance safety and security.

- 10 All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.
- 11 The existing rear Accessory Building (shed: 4.92m x 3.71m) must obtain an Approved Development Permit prior to an Occupancy Permit.
- 12 All required Safety Code permits under the Safety Code Act in the: building, mechanical, electrical, gas, plumbing and private sewage disciplines must be obtained for this development. Please contact the Regional Municipality of Wood Buffalo - Planning and Development Branch to obtain the required Safety Code permits or for information regarding these permits 780-799-8695.
- 13 The Group Home must obtain authorization, licensing, or certification from a provincial authority to operate. They must adhere strictly to all pertinent Statutes and Regulations established by the Government of Alberta within six (6) months of the issuance of this Development Permit.

[47] The approval is subject to the advisory notes set out in the Development Permit

Reasons for The Decision

- [48] The Board notes that its jurisdiction is found within Section 687(3) of the *Municipal Government Act*.
- [49] The Board notes that although the new Land Use Bylaw No. 26/001 came into effect on January 1, 2026, the Development Permit Application under appeal was approved on November 18, 2025. After reviewing the transitional provision under section 1.6.1 of Land Use Bylaw No. 26/001, the Board determined that this matter must be assessed under the provisions of the former Land Use Bylaw No. 99/059.

Land Use Bylaw No. 26/001 Section 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

- [50] In making this decision, the Board examined the provisions of the Land Use Bylaw No. 99/059 and has considered the oral and written submissions by and on behalf of the Respondent, and the Appellant as well as the written submissions from affected parties contained in Exhibit 4.

Affected Persons

- [51] The Board finds that the representatives of the Appellant, Wood Buffalo Wellness Society, are affected as they are the applicants for the Development Permit, and the Development Officer is affected as they are the individual who issued the permit.

Issues to be determined

- [52] The Appellant has appealed the decision of the Development Authority to apply boarding house parking requirements to a group home, which results in an unnecessary restriction on occupancy.
- [53] As a result of the nature of the appeal, the Board must determine:
- a. What is the nature of the use?
 - b. Is the proposed use compatible with the neighbouring uses?
 - c. If so, does the proposed use comply with the development regulations? If not, should the Board exercise its variance power under s. 687(3)(d) of the *Municipal Government Act*?

What is the nature of the use?

- [54] The Appellant argued that the definition of a Group Home is different from a Boarding House, and therefore would have different impacts, including that of parking (to be discussed below). The Development Officer's submission relied heavily on section 18.1 of the Land Use Bylaw as the basis for their decision to rely upon the Boarding House provisions of the Land Use Bylaw.
- [55] The definition of Group Home is

GROUP HOME means a development using a dwelling unit as a facility which is authorized, licensed or certified by a provincial authority to provide room and board for foster children or for physically, mentally, socially, developmentally or behaviorally challenged persons and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be maintained with the occupants living together as a single housekeeping group using shared kitchen facilities. A group home may incorporate accommodations for resident staff as an accessory use.

[56] The definition for Boarding House is

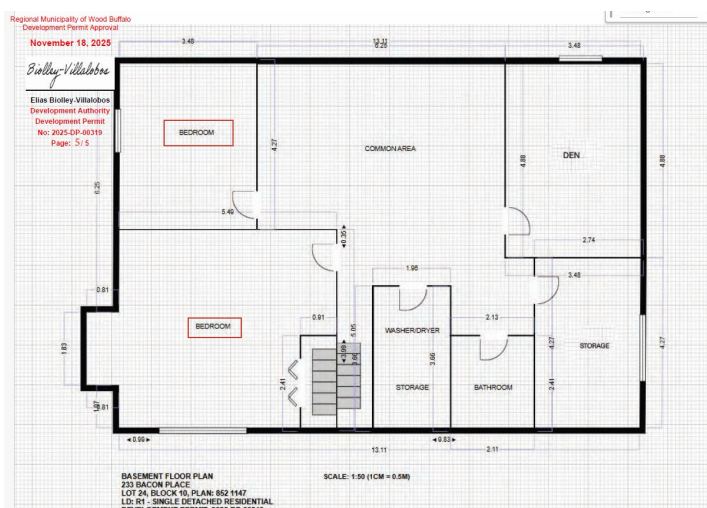
BOARDING HOUSE means development of a dwelling unit where accommodation is provided for compensation, consisting of three or more Sleeping Units without cooking facilities. (BL 04/012, BL 08/001)

[57] Having closely reviewed the Land Use Bylaw definitions of a Boarding House and a Group Home, the Board finds that a Boarding House and a Group Home are distinct land uses under Land Use Bylaw No. 99/059. A Boarding House is defined as a single detached dwelling in which three or more people pay for the right to reside in the dwelling. In contrast, a Group Home is categorized as an Institutional and Civic use intended to serve a public purpose, providing a supervised residential setting for four or more unrelated individuals who require professional care, guidance, or rehabilitation services.

[58] A Boarding House functions as a commercial accommodation use, whereas a Group Home operates as a structured, supervised, care oriented residential environment. These differences result in materially different land use characteristics, including levels of supervision, household structure, operational oversight, and typical parking demand. The Board also notes that no evidence was presented by the Development Authority to demonstrate how the two uses were comparable in terms of planning impacts.

[59] As a result, the Board is of the view that the appropriate use for the proposed development is Group Home.

[60] The Board noted that the Development Officer had limited the number of bedrooms to 5 (3 on the main floor and 2 in the basement), even though the plans (pages 35 and 36 of the Agenda) show that there could be 4 bedrooms in the basement (in the materials these 2 additional bedrooms are labelled “den” and “storage”).



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- [61] The Development Officer stated that it allowed five (5) bedrooms as a regulation of land use. However, the Development Authority did not provide any justification in the Land Use Bylaw that it had the authority to limit the number of bedrooms as part of a Group Home. The Board notes the definition of Group Home does not restrict the number of bedrooms and the only limitation is that the development must maintain its residential character. The Board was not persuaded by the Development Officer's submission that increasing the Group Home capacity from five bedrooms to seven as originally requested by the Development Permit Applicant would result in any meaningful increase in the intensity of the development.
- [62] Given the absence of any limit on the number of bedrooms in the definition of group home, and in the absence of evidence about the impact of an additional two (2) bedrooms, the Board varies the approval so that the Development Permit Applicant may use the rooms currently labelled as "den" and "storage" as bedrooms in the Group Home provided they meet Safety Code requirements to be bedrooms pursuant to Advisory Note 8 of the Development Permit. .

Is the proposed development compatible with the neighbouring uses?

- [63] The Board must evaluate the land use, not the personal attributes or social characteristics of the intended users. Accordingly, decisions must be grounded in demonstrable land-use impacts, not on who may occupy or benefit from the development.
- [64] The Board received written submissions that the Board has characterized as submissions on the question of the compatibility of the proposed development with neighbouring uses.
- [65] There are suggestions that there would be an increase in traffic and parking which would negatively affect compatibility. The Board notes the evidence of the Development Permit Applicant that the majority of the Group Home occupants will not own a vehicle. The Board is of the view that the evidence presented demonstrating low rates of vehicle ownership by occupants, in combination with the requirement for parking on the lands in question (see more below) should address this concern. As a result of the evidence demonstrating low rates of vehicle ownership by occupants, the Board is not persuaded by concerns about child safety as a result of additional traffic or the speed of that traffic from the proposed development.
- [66] The Board is not persuaded that the neighbourhood character would be affected. Given the evidence of the primarily residential character of the use and the evidence that the persons who would live in the Group Home would not have vehicles, the Board concludes that the proposed development is compatible with the neighbouring residential uses.

- [67] Although there are allegations of an impact on property value, the mere statement of an impact is not evidence before the Board, and in the absence of evidence, the Board is not persuaded about the impact on property values.

If so, does the proposed use comply with the development regulations? If not, should the Board exercise its variance power under s. 687(3)(d) of the Municipal Government Act

- [68] The Development Permit Applicant suggested that imposing a requirement for 5 parking stalls was a method to reduce the occupancy. As noted above, the Board has removed the limit on the number of bedrooms, which authorizes the Development Permit Applicant to use 7 bedrooms for the Group Home.
- [69] The next question is whether there is justification for imposing a requirement for five (5) parking stalls on the proposed development.
- [70] The Land Use Bylaw No. 99/059 is silent on parking regulations for Group Homes. However, the Board must determine an appropriate parking requirement for the development. Having reviewed the evidence before it, the Board is satisfied that providing five parking stalls for the seven-bedroom Group Home is both reasonable and appropriate for this development for the following reasons. The Board heard that the occupants of the Group Home would likely not have their own vehicles. However, the Board notes that there could be resident staff at the proposed development who would likely require a parking stall. In addition, there may be support workers attending at the house who would need to park their vehicle. Further, in light of concerns about street parking in the area from neighbours, the Board is of the view that having 5 parking stalls should address concerns of additional street parking.
- [71] 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 30th day of January 2026.

CHAIR: _____

Alex McKenzie

ATIA 20(1)

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

EXHIBIT NO.	ITEM	DATE FILED
1.	Notice of Appeal (4 pages)	2025-12-02
2.	Development Permit No. 2025-DP-00319	2025-12-02
3.	Appellant's Evidence Disclosure	2026-01-07
4.	Regional Municipality of Wood Buffalo's Evidence Disclosure	2026-01-07

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
Elias Biolley-Villalobos	Development Officer
Shailesh Makwana	Development Authority Supervisor
Nicole Lewis, Wood Buffalo Wellness Society	Representative for the Appellant
Jo-Anne Packman, Wood Buffalo Wellness Society	Representative for the Appellant
Jolene Wilson, Wood Buffalo Wellness Society	Representative for the Appellant